

2013

REPORT ON
HUMAN
TRAFFICKING

MICHIGAN
COMMISSION
on
HUMAN TRAFFICKING

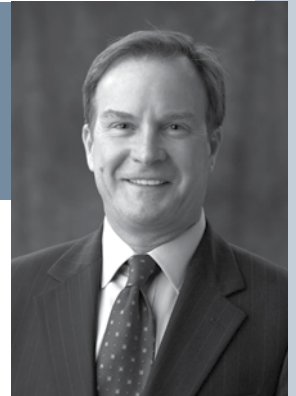




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Message from the Attorney General and Co-Chair of the Michigan Commission on Human Trafficking Bill Schuette



Dear Reader:

Every day, the horror of human trafficking is perpetrated by profit-seeking predators who exploit children, women, and men for sex and labor services. Increasingly, traffickers conduct their illicit operations in Michigan.

That's why I collaborated with the Legislature to form the Michigan Commission on Human Trafficking in March 2013. The Commission had two goals: 1) assess the threat human trafficking poses to Michigan residents and 2) develop policy recommendations to promote its exposure and prevention.

Throughout the Commission process, I have emphasized the urgent need for this report to serve as an action plan to rescue victims of trafficking, to bring traffickers to justice, and to prevent this horrible crime in the future.

Over the past six months, the Human Trafficking Commission has met with countless stakeholders in the human trafficking industry: victims, law enforcement, legislators, victim advocates and service providers, academicians and more. More than 60 meetings were held, along with countless phone calls and visits. The result is contained in the pages that follow.

We have seen victims robbed of their childhood, their dignity, their health, their families, and even their lives. We have seen the callousness of those who prey on the vulnerable to force them into providing commercial sex or exploited labor. We have brought to light the fact that this is not just a problem for the world; it is a problem for Michigan. Now the real work begins.

We must now use the findings in our fight against human trafficking right here in Michigan. To that end, I pledge to work with the members of the Human Trafficking Commission and all stakeholders to accomplish the following:

- *Introduce and pass legislation making it easier to apprehend and convict the human traffickers and to rescue and provide for the many needs of the victims.*
- *Develop a more aggressive and coordinated public awareness campaign that not only exposes this crime, but also changes public perception about human trafficking victims.*
- *Create an effective human trafficking assessment tool that assists stakeholders in better identifying and helping trafficking victims.*
- *Produce a statewide database to share human trafficking data and develop new data collection techniques and storage.*
- *Provide a single management location for future human trafficking prevention efforts in state government within the Department of Attorney General.*

Most importantly, I will work with all stakeholders to ensure that we have a **victim-centered approach** to addressing the crime of human trafficking. *Whether through legislation, training or public awareness, innocent trafficking victims must be treated as victims. They must not be re-victimized by being punished for "crimes" over which they had no control.*

I pledge the full force of the Department of Attorney General to take the lead in these efforts. We are committed to working together with all stakeholders as we move forward to eradicate Michigan of this terrible crime. As you read this report, I hope you will consider joining the fight against human trafficking.

Sincerely,



Bill Schuette

Attorney General, State of Michigan
Co-Chair, Michigan Commission on Human Trafficking



Human traffickers take advantage of technology to remain anonymous and keep their victims hidden in the shadows. Our daughters, friends, and neighbors are forced into prostitution, domestic servitude and other forced labor by traffickers who take advantage of them. The Commission on Michigan Human Trafficking has shined a light on these criminals and developed a comprehensive statewide plan to bring them to justice. We have outlined a victim-centered approach to end modern slavery in Michigan, and we look forward to putting our agenda into action.

— Attorney General Bill Schuette





Message from State Representative Kurt Heise, Co-Chair of the Michigan Commission on Human Trafficking

Kurt Heise



Dear Reader:

While it has taken far too long, the public is finally waking up to the worldwide tragedy of human trafficking. This horrific crime encompasses both sex trafficking and forced labor, and is a highly profitable form of modern day slavery, involving mostly young women and girls.

Many view this as an international problem and assume the federal government deals with it through law enforcement and immigration policies. But make no mistake, Michigan is not immune. In fact, we have become a focal point for this crime, given our international border and location along major national highways. Just this summer the Federal Bureau of Investigation (FBI) conducted a nationwide sting operation, freeing victims and arresting pimps across the country. The Detroit area ranked second in the nation in the number of arrests.

This crime is here and now and in our communities. As an attorney and Chairman of the House Criminal Justice Committee, I have a professional responsibility to fight Human Trafficking and eradicate it from our state. As the father of two teenage daughters, I have a moral obligation to ensure that no child, and no parent, ever has to be a victim to this horror. This fight is personal for me.

Michigan must be fully engaged in this fight, and the Michigan Commission on Human Trafficking has developed a plan to do just that. Personally led by Attorney General Bill Schuette, and involving elected officials, state and federal law enforcement agencies, non-profit organizations, faith-based groups, and the academic community, this plan will strengthen Michigan's fight against this terrible crime.

This has been a team effort from every area of state government: the Governor and legislature, Republicans and Democrats, and the Attorney General. It's a great example of putting aside differences, ignoring party labels and who gets credit for what, and putting children and families first. Since the spring of 2013, the Commission has studied ways to raise public awareness, train law enforcement and others, collect adequate data, protect victims, and most importantly create a comprehensive legislative approach to help eradicate this modern-day slavery.

As Chairman of the House Criminal Justice Committee, I'm committed to getting those bills moving and written into law. We want the pimps, "johns," and human trafficking criminals out of our state. We will make it clear that human trafficking will not be tolerated in Michigan: you will be caught, and you will be punished.

The Commission has worked hard to advance a comprehensive strategy to eradicate human trafficking in our state and protect the victims of it. Our children and families deserve a Michigan where they are able to live, learn, and enjoy their lives free from this terrible crime. I want to thank Attorney General Schuette and his outstanding staff for their steadfast support of this project, their expertise and advice, and their commitment to moving this plan forward.

Sincerely,

Kurt L. Heise

State Representative, 20th District
Co-Chair, Michigan Commission on Human Trafficking

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The recommendations contained in this report provide a roadmap for a comprehensive approach to Human Trafficking not presently existing in Michigan. If implemented, better intervention strategies, tools for the justice system, and protection of victims are within reach.

— Jane P. White, Director,
Michigan Human Trafficking
Task Force

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Executive Summary

Human Trafficking exploits people through compelled service. Thousands of people each year – both within the United States and abroad – fall victim to this horrific crime. In Michigan, children, women, and men are compelled into prostitution, domestic servitude, and other labor for little or no pay.

Reports indicate that human trafficking is the second-largest and fastest-growing criminal industry in the world.¹ But there are many obstacles facing policymakers and law enforcement officers who attempt to address and eradicate this abhorrent crime, including the lack of comprehensive data that reveals the true extent of this illegal and immoral activity.

In March 2013, Attorney General Bill Schuette and State Representative Kurt Heise, in cooperation with Governor Rick Snyder and the Michigan Legislature, launched the first Michigan Commission on Human Trafficking. Composed of 31 members, including state lawmakers, government officials, law enforcement personnel, academicians, and anti-trafficking activists, the Commission's mission was to develop a comprehensive statewide plan to uncover and prevent human-trafficking within Michigan. For more than six months, the Commission gathered information concerning human trafficking, creating five subcommittees to focus on key topic areas:



Data Collection – charged with reviewing strategies to collect statewide data so policymakers and law enforcement can assess progress in their efforts to tackle this growing crime.

Victim Services – charged with reviewing victim needs and determining how those needs can best be met at the local and state level, including how to coordinate private and public sector assistance.

Professional Training – charged with reviewing existing training efforts for professionals and determining how those efforts can be enhanced and expanded. “Professional” is broadly defined to include various groups who may encounter human trafficking: law enforcement, health care providers, social-service providers, hospitality providers, and those in the code enforcement and regulatory agencies.

Raising Public Awareness – charged with developing strategies to raise public consciousness and awareness of the crime of human trafficking.

Legislative and Policy – charged with reviewing Michigan's current legal framework governing human trafficking and determining whether new legislation or policy changes are required.

This is the Commission's formal report to the Governor, the Legislature, and the people of Michigan. The report contains significant findings about the crime of human trafficking and exposes the reality of the human trafficking threat in Michigan. This appalling crime, no matter how difficult to detect, cannot be tolerated. The efforts of Attorney General Schuette and the Michigan Commission on Human Trafficking are intended to protect the principles of freedom and human dignity for Michigan residents - to rescue victims of trafficking, to bring traffickers to justice, and to prevent the crime of human trafficking.

The report's key findings include the following:

- *There is a severe lack of quality Michigan-specific human trafficking data. Survey results and interview responses reveal that there are hundreds, perhaps even thousands, of victims being trafficked within our state.*
- *Significant gaps exist within the state's human trafficking victim servicing framework and substantial obstacles impede policymakers' ability to address them, including lack of funding and specialized resources .*
- *Many professionals fail to recognize indicators of human trafficking and additional training is needed to better assist them in recognizing the crime, reporting it to officials, and responding to victim needs.*
- *Many citizens are unaware that human trafficking happens in Michigan, meaning that more public awareness efforts are needed to educate residents about the crime and help them realize that it happens within local businesses, communities, and homes.*
- *Practitioners and trafficking experts recognize that there are significant gaps in Michigan's anti-trafficking laws. Michigan must strengthen its current anti-trafficking legislation and policies.*
- *Develop specialized victim-centered, trauma-informed programming and training for individuals that may interact with human trafficking victims.*
- *Establish a single state-administered human trafficking web portal and develop more extensive social media resources on human trafficking awareness. Also, implement a statewide human trafficking public awareness campaign.*
- *Pass appropriate legislation that strengthens Michigan's anti-trafficking efforts, including:*
 - (1) *passing a safe harbor law for trafficking victims,*
 - (2) *increasing the penalties for "johns",*
 - (3) *updating Michigan's Prostitution Act,*
 - (4) *changing aspects of the Omnibus Forfeiture Act to stop criminals from evading forfeiture efforts,*
 - (5) *modifying nuisance abatement laws to include human trafficking,*
 - (6) *amending the Human Trafficking Act,*
 - (7) *passing legislation to allow the vacating of victims' conviction records,*
 - (8) *requiring mandatory reporting of human trafficking by certain professionals,*
 - (9) *extending the statute of limitations for human trafficking offenses,*
 - (10) *amending the federal Communication Decency Act, and*
 - (11) *enacting a human trafficking poster law to increase awareness.*

Recommendations

The Commission also developed wide-ranging recommendations as an action-oriented agenda for policymakers. These recommendations contain certain fundamental goals that must be addressed to fully combat trafficking and assist victims. While the report contains more detailed recommendations, below is a general overview of some of the Commission's recommendations:

- *Implement a standard, comprehensive method for capturing and storing human trafficking data and take steps to increase data reporting among entities that interact with human trafficking victims.*
- *Develop a standardized human trafficking victim assessment tool for service providers that may interact with human trafficking victims.*
- *Increase dedicated housing facilities for human trafficking victims and increase availability of services – particularly basic life skills training and legal, medical, and translation services.*

This initial report is necessary to build a shared understanding of the problem of human trafficking in Michigan. The Commission's recommendations clearly illustrate that more is needed to address this crime in a comprehensive manner. Additional steps are needed to pursue traffickers and assist survivors. The members of the Commission urge more action be taken to ensure the next phase of the ongoing effort to attack and eliminate to the extent possible this reprehensible activity in our state.

Introduction

“Enslave the liberty of but one human being and the liberties of the world are put in peril” – *William Lloyd Garrison*

Human trafficking is modern-day slavery and an egregious violation of human dignity. Traffickers exploit children, women, and men regardless of age, race, ethnicity, national origin, or socioeconomic status. The exploited victims suffer both physically and psychologically. Human trafficking represents a “dark stain on our societies”² that adversely impacts our economic stability, national security, and the rule of law.

Quantifying human trafficking in Michigan is difficult due to lack of uniform data reporting and the nature of the crime itself. But we do know that it continues to be a growing problem in our state. In a recent survey, the state’s domestic violence and sexual assault programs, together with the programs focused solely on human trafficking, reported serving over 300 known human trafficking cases in the past two years. Most experts believe that this figure is on the low end and that there are likely many more trafficking victims in Michigan.

Over the last decade, criminal dockets have detailed tragic accounts of children sold for sex at truck stops, servants held in captivity and forced


to clean for free, and women forced to enter the sex industry and provide profit for their traffickers.³ From urban centers like Detroit and Grand Rapids to rural communities in the state’s Upper Peninsula, reports of trafficking have made headlines. Cases like these vividly illustrate the need for a comprehensive response to this crime.

Recognizing this problem and its impact on Michigan, Attorney General Bill Schuette, upon entering office in 2011, sought to expand the state’s anti-trafficking efforts. Attorney General Schuette launched the state’s first Human Trafficking Unit within the Attorney General’s Office to address this pernicious problem and prosecute human traffickers under state law. To date, Attorney General Schuette’s Human Trafficking Unit has secured five human trafficking convictions.

While prosecuting these cases, it became evident that the State of Michigan had to do more to address this problem. In March 2013, Attorney General Bill Schuette and State Representative Kurt Heise, in cooperation with Governor Rick Snyder and the Michigan Legislature, launched the first Michigan Commission on Human Trafficking.

The Commission’s mission was to develop a comprehensive statewide plan to uncover and prevent human trafficking within Michigan.

The following report provides an assessment of the current state of human trafficking in Michigan. Its purpose is to expose the threat these illicit operations pose and help prevent future trafficking incidents by offering recommendations to strengthen the state’s response framework.



Sedrick Leman-Isaac Mitchell, whose street name was Gruesome, was a pimp who preyed on young girls, forcing them into the sex trade. One of his victims, a 14-year-old, reported living in a house on Detroit's east side with several girls, all of whom engaged in prostitution under Gruesome's direction. He forced the girls to work the streets at night and hand over their earnings, and would physically abuse them if they did not earn enough money for him. Gruesome also recruited a 15-year-old girl and forced her to engage in prostitution. Apart from forcing these girls into the sex trade, he also raped both victims, choking the 15-year-old when she resisted him. The Southeast Michigan Crimes Against Children Task Force – comprised of agents from the FBI, Michigan State Police and local police and sheriff's agencies investigated the case. Attorney General Schuette's Human Trafficking Unit prosecuted the case. As a result, a Wayne County jury convicted Mitchell and he is currently serving 35 to 60 years in prison.

Detroit Pink was an online prostitution ring in Metro Detroit run by five local residents (ranging in age from 25 to 32, including a husband and wife). The ring pimped out at least two-dozen women over a five-year period, including a 15-year-old girl. The service posted pictures of near-naked women, offered "dates" with them for \$300 per hour. Another woman, a victim of labor trafficking, said she was forced to transport marijuana and ecstasy to Detroit from Texas against her will. Again, with the Assistance of the Southeast Michigan Crimes Against Children Task Force, Attorney General Schuette charged the perpetrators under the Michigan Human Trafficking Act and all five defendants pleaded guilty to human trafficking and were incarcerated.

The Crime of Human Trafficking

“Human Trafficking is an appalling crime and the perpetrators who commit these acts of violence will be sought out and brought to justice.”

– Colonel Kriste Kibbey Etue, Michigan State Police

An estimated 20.9 million men, women, and children are trafficked for commercial sex or forced labor worldwide.⁴ Approximately 75% of these victims are female, and 27% are children.⁵ Many victims are taken from underdeveloped areas in South-east Asia, the former Soviet Union, and Central and South America and sold in more developed regions in Asia, the Middle East, Western Europe, and North America.⁶ It is a very lucrative “business,” generating an estimated \$32 billion annually. In fact human trafficking is the second largest criminal industry in the world, and the fastest growing.⁷

Traffickers exploit people to procure two primary types of services from victims: sex and labor services. Thus, human trafficking is characterized as either sex trafficking or labor trafficking, depending on the nature of the operation.

Sex trafficking of adults involves the exploitation of a person for commercial sexual activity through force, fraud, or coercion. However, sex trafficking of a child does not require a showing of force, fraud, or coercion.⁸ Victims of sex trafficking are often forced to engage in commercial sexual activity

such as prostitution, exotic dancing, and pornography.

Labor trafficking, in contrast, entails the use of force, fraud, or coercion to exploit a person for labor services. Victims are commonly forced into domestic servitude, agricultural labor, restaurant work, or sweatshop factory service. Often, working conditions are unsafe, and compensation is minimal or nonexistent. The 2011 amendments to the Michigan Human Trafficking Act explicitly prohibit recruiting, harboring, transporting, providing, or obtaining a person for labor or services “for the purpose of holding that person in involuntary servitude or debt bondage.”⁹ The Act also prohibits facilitating or financially benefiting from forced labor.¹⁰

Although prevalent, human trafficking operations are difficult to detect. In a 2012 review of 140 closed human trafficking cases involving 379 offenders and 190 victims from across the country, the National Institute of Justice (NIJ) reported that the majority of trafficking incidents (43%) occurred in private residences,¹¹ the use of which makes it easier for traffickers to conceal their activity from police surveillance. Hotels (8%), restaurants/bars (6%), and

massage parlors (3%) were also identified as common trafficking locations.

In addition, traffickers use other tactics to avoid detection. For example, trafficking often involves hiding and moving victims, rendering reactive policing strategies ineffective. The NIJ study noted that local brothels often strategically direct clients to arrive and depart during normal business hours, when most people are at work, in order to “avoid attracting any attention to the illicit operation.”¹² Furthermore, law enforcement interviewees frequently report that the methods traffickers use to move, house, and communicate with their victims “change constantly, presenting additional challenges” to their victim identification efforts.¹³

Increasingly, human traffickers also evade law enforcement detection by conducting their illegal operations online. In the NIJ study, 27% of the 140 human trafficking cases reviewed were identified through the Internet.¹⁴ Online classified advertisement and social networking sites have become especially useful tools in the trafficking trade. Human trafficking is a sophisticated criminal enterprise using many different strategies to avoid detection and prosecution.



Human Trafficking is Both a National and State Problem

Despite the rapid global growth of the human trafficking industry, many Americans tend to view it as a crime that occurs “somewhere else.”¹⁵ But illegal sex and labor trade operations maintain a strong domestic presence. The United States is a “source, transit, and destination country for men, women, and children—both U.S. citizens and foreign nationals—subjected to forced labor, debt bondage, involuntary servitude, and sex trafficking.”¹⁶ Each year, as many as 17,500 people are trafficked into the United States.¹⁷ This figure does not include those trafficked within the country.

Most domestic human trafficking is labor-based, occurring primarily in “domestic servitude, agriculture, manufacturing, janitorial, hotel, construction, health and elder care, hair and nail salon, and strip club [settings].”¹⁸ But human sex trafficking is also prevalent, and law enforcement more frequently investigates and prosecutes these offenses. Between January 1, 2008 and June 1, 2010, federally funded task forces opened 2,515 investigations of human trafficking, 82% of which were classified as sex trafficking cases.¹⁹ Of the sex trafficking cases, 83% involved U.S. citizens

and 40% involved the prostitution or sexual exploitation of a child.²⁰

In Michigan, there is a serious and growing problem with human trafficking as evidenced by actions taken by federal law enforcement agencies. For example, the FBI periodically conducts “Operation Cross Country,” a nationwide enforcement sweep of select cities to liberate victims of child sex trafficking. In July 2013, the FBI conducted its seventh Operation Cross Country sweep since 2003. Its largest and most successful sweep to date, the three-day, 76-city operation, resulted in the arrest of 150 pimps and the recovery of 105 children ages 13 through 17.²¹ According to the FBI, more pimps were arrested in metro Detroit (18) than in any other city involved in the crackdown. The FBI raids also resulted in the recovery of ten children from metro Detroit – second only to San Francisco, where 12 children were rescued.²² Law enforcement liberated victims from private homes in Romulus and Flint, as well as from hotels in Madison Heights, Farmington Hills, Southfield, and Detroit.²³

A separate investigation conducted by the Immigration and Customs Enforcement (ICE) Division of the Department of Homeland Security revealed more

incidents of human trafficking in this state. ICE special agents investigated a labor trafficking case involving Jean-Claude “Kodjo” Toviave, a native of Togo, West Africa living in Michigan. Toviave used falsified documents to bring four minors from Togo into the United States. He lied to immigration officials, telling them that the four children were his biological children. For five years, Toviave used force and threats of force to compel domestic labor from these children.

At trial, the four victims testified that Toviave regularly beat them with broomsticks, a toilet plunger, sticks, ice scrapers, and phone chargers if they failed to obey his orders to complete household labor. During trial, the victims detailed the work that they were forced to perform including: all of the cooking and cleaning in Toviave’s house, hand-washing laundry, ironing Toviave’s suits, shining his shoes, washing and vacuuming his car, babysitting the children of his friends, and cleaning his friend’s home. In addition to force and threats of force, Toviave punished the children by depriving them of food and sleep. A federal district court sentenced him to more than 11 years in federal prison.²⁴

Human Trafficking Negatively Impacts Victims and Society

“Current Michigan law does not adequately address the problem of human trafficking, which often victimizes children. The governor will support legislation that protects victims and goes after the individuals who profit from this crime.” – Governor Rick Snyder’s “Smart Justice” Plan

Victims Suffer Physical and Psychological Damage

Trafficking victims often exhibit signs of serious bodily abuse. These signs include bruises, broken bones, burns, brandings, and scarring; chronic back, visual, or hearing problems from work in agriculture, construction, or manufacturing settings; and skin or respiratory problems caused by exposure to agricultural or other chemicals. Victims may also suffer from infectious diseases like tuberculosis and hepatitis, which spread in overcrowded, unsanitary environments; untreated chronic illnesses like diabetes or cardiovascular disease; or reproductive health problems including sexually transmitted diseases (i.e. HIV/AIDS), urinary tract infections, pelvic pain, sexual-assault injuries, and forced abortions.²⁵

Some trafficking victims also exhibit mental symptoms consistent with the psychological effects of trauma. A traumatic event is one that involves “actual

or threatened death or serious injury or a threat to the physical integrity of self or others” and a “response of intense fear, helplessness, or horror.”²⁶ While not applicable to every trafficking victim, mental health professionals have identified several psychological symptoms commonly exhibited by those who have suffered traumatic experiences.

First, victims may experience “trauma bonding” with their traffickers. When a trauma bond develops, a victim actually identifies positively with his or her trafficker and believes that, despite repeated abuse, the trafficker is a loving boyfriend, spouse, or parent.²⁷

Second, trauma victims may suffer from mental disorders.²⁸ These include anxiety, mood, dissociative, and substance-related disorders. Studies involving victims of human trafficking focus largely on the diagnosis of post-traumatic stress disorder.²⁹

Third, some victims may re-experience the disturbing events to which they were formerly subjected. When

victims re-experience an event, they have recurrent, intrusive, distressing recollections and dreams about it. At times, they may even act or feel as if the event is recurring. They may also exhibit intense psychological distress or physical reactivity when exposed to internal or external cues that symbolize or resemble an aspect of the event.³⁰

Fourth, trauma victims may demonstrate persistent avoidance of stimuli associated with their traumatic events. They often avoid thoughts, feelings, conversations, people, places, and activities associated with the trauma. They may also be unable to recall important aspects of the trauma, have a markedly diminished interest or participation in significant activities, and have feelings of detachment or estrangement from others.³¹

Finally, trauma victims frequently exhibit symptoms of hyper-vigilance, irritability, and an exaggerated startle response. They may also have difficulty concentrating and falling or staying asleep.³²



Human Trafficking Adversely Impacts Our Economic Stability, National Security, and the Rule of Law.

The impact of human trafficking goes beyond the suffering of its victims. It also adversely impacts our economic stability, national security, and of the rule of law.

Human trafficking is a financial drain on the economy. Its cost incorporates

many elements, including the “value of all resources devoted to its prevention, the treatment and support of victims, and the apprehension and prosecution of offenders.”³³ It reduces tax revenue; “redirects the financial benefits of migration from migrants and their families, communities, and governments” to traffickers; and results in stable income for criminals.³⁴

Trafficking also adversely impacts our national security. Current U.S. national security officials note that “human trafficking is at the nexus of organized crime [and] is a source of funding for

transnational terrorist groups.” As such, it “fundamentally endangers” both national and international security.³⁵

Finally, trafficking violates the rule of law.³⁶ “Effective and impartial application of the... law is indispensable for sustaining a democratic society,” and the organized crime, political corruption, other ancillary illegalities associated with trafficking impede law enforcement efforts, slow economic growth, and undermine public trust in democratic and market economy institutions.³⁷

The Michigan Commission on Human Trafficking

The devastating individual and societal consequences of human trafficking demand a response from Michigan officials. While Michigan's local law enforcement agencies have won significant victories in the fight against modern-day slavery, human trafficking persists, destroying lives and destabilizing Michigan's social structures. Its persistence and growth is, in part, a function of the state's inadequate trafficking response framework. While discrete law enforcement activities contribute meaningfully to the state's prevention efforts, trafficking deterrence requires a *comprehensive* strategy—one that identifies existing obstacles and offers collaborative solutions.³⁸

To deliver such a strategy, in March 2013, Michigan Attorney General Bill Schuette and State Representative Kurt Heise, in cooperation with Governor Rick Snyder and the Michigan Legislature, launched the first Michigan Commission on Human Trafficking. Composed of 31 members, including state lawmakers, government officials, law enforcement personnel, academicians, and anti-trafficking activists, the Commission's mission was to develop a comprehensive statewide plan to uncover and prevent human-trafficking incidents within Michigan. For over six months, the Commission met and gathered information about human trafficking. Experts and other speakers gave presentations to the Commission, including:



- *"AK", a victim and survivor of human trafficking*
- *Abby Kuzma, Deputy Attorney General, Indiana Department of Attorney General*
- *Andy Soper, Founder & Coordinator, Manasseh Project*
- *Colin Parks, Manager, Child Protective Services & Family Preservation Program Office, Michigan Department of Human Services*
- *Deena Policicchio, Director of Outreach, Alternatives For Girls*
- *E. Christopher Johnson, Jr., Associate Professor, Director, Graduate Program in Corporate Law & Finance, Cooley Law School*
- *Jack Blakey, Chief, Special Prosecutions Bureau, Cook County, Illinois, State Attorney's Office*
- *Jane White, Director, Michigan Human Trafficking Task Force; Commission member and Chair, Professional Training Subcommittee*
- *Leslie King, Founder & Director, Sacred Beginnings*
- *Ralph Mason, Media Specialist & Community Liaison, Grand Rapids Police Department*
- *Rebekah Visconti, Deputy Director of Legal Affairs, Michigan Department of Human Services*
- *Scott Ballock, Supervisory Special Agent National Data Exchange Program, Federal Bureau of Investigation*
- *Stephanie Nawyn, Ph.D., Assistant Professor, Department of Sociology, Michigan State University*
- *Tom Robertson, Executive Director, Prosecuting Attorneys Association of Michigan*

Initial Findings

The Commission first considered the obstacles that pose the greatest hindrance to in-state trafficking prevention efforts. It found that Michigan's human trafficking response framework is particularly lacking in five key areas: data collection, victim services, professional training, public awareness, and legislative policy.

1. There is inadequate data on human trafficking in Michigan.

Data is an essential component of a comprehensive anti-human trafficking strategy. Without accurate data, it is impossible to measure the prevalence of Michigan-based trafficking activities or evaluate the effectiveness of programs intended to end human trafficking. As in-state agencies improve their ability to measure human trafficking incidents, Michigan will be better equipped to identify trafficking trends and patterns, develop targeted anti-trafficking programs and policies, and support funding requests by government agencies and victim service providers.

2. Significant gaps exist within the state's victim servicing framework.

The physical and psychological damage caused by human trafficking creates the need for specialized remedial services. At present, Michigan has a network of capable, compassionate providers that offer a range of services for victims, including food and shelter services. Most of these providers, however, are focused on domestic and sexual violence and abuse and have no standardized assessment tool to identify trafficking victims. Consequently, there may be more trafficking victims than those currently identified. Victims also lack a variety of services, including dedicated housing; basic life-skills training; and medical, legal, and translation assistance. Filling these gaps is complicated by significant obstacles, including a lack of funding and resources.

As Michigan works to fill the gaps in its servicing framework, in-state trafficking victims must receive the care they need to become independent and reintegrate into society.

3. Many professionals fail to recognize indicators of human trafficking.

Professionals in all walks of life often have direct contact with human trafficking victims. Unfortunately, due to lack of training, many of these professionals are unaware of basic trafficking indicators and consequently do not recognize a victim of human trafficking when they see one. In fact, no comprehensive response exists that includes training of detection, environmental factors, and working with potential victims of human trafficking.

Fortunately, most professionals are now expected to complete prescribed training requirements. As pro-

fessional organizations incorporate human trafficking training into their existing training requirements, more Michigan professionals will be better equipped to recognize the crime, report it to officials, and respond to victim needs.

4. Many citizens are unaware that human trafficking happens in Michigan.

Because human trafficking is an evasive activity conducted through secrecy and deception, many citizens are unaware that it is happening right here in Michigan. Public awareness efforts are essential to educate Michigan residents about this crime and make them aware that it occurs within local businesses, communities, and homes.

As our citizens begin to recognize the signs associated with human trafficking, they too will be able to identify its victims. That recognition, coupled with the resulting tips to law enforcement, can help rescue more victims, direct them to the appropriate service providers, and bring their traffickers to justice.

5. Michigan must adjust and strengthen its current anti-trafficking policies.

Current Michigan law includes several troubling aspects: trafficking victims are frequently viewed as criminals, not victims; "johns" are not adequately penalized for their role in driving the demand for commercial sex; and few state funds are dedicated to providing services for human trafficking victims.

As Michigan adjusts and strengthens its current anti-trafficking legislative framework, child victims will receive the services they need to escape their enslavement, recover from their exploitation, and avoid the stigma of a prostitution conviction. "Johns" will also experience harsher penalties, thereby reducing in-state demand; and more funds will be available to support services for trafficking victims.

Strategy Development, Additional Findings and Recommendations

After identifying the greatest obstacles to state trafficking prevention efforts, the Commission sought to develop collaborative solutions to address them strategically. Five subcommittees were created to address each of the five aforementioned challenges. Each subcommittee examined a number of key issues within its assigned subject area and developed recommendations for strengthening Michigan's anti-trafficking response framework. The subcommittees presented their findings and recommendations to the Commission for review and consideration. The issues, findings, and recommendations of each subcommittee that have been approved by the Commission are discussed in the sections that follow.

Data Collection

Recommendations Summary: Data Collection

- *Implement a Standard, Comprehensive Method for Capturing and Storing Human Trafficking Data*
- *Grant the Data Reporting Entity Authority to Enter Data Sharing Agreements*
- *Continue Surveying Michigan-Based Service Providers*
- *Survey Federal, State, and Local Law Enforcement Entities*
- *Survey Family Court Referees*
- *Encourage Research in our Colleges and Universities Concerning Human Trafficking*

The Commission asked the Data Collection Subcommittee to conduct a comprehensive review of available data sources that speak to the prevalence of human trafficking in Michigan. To achieve this goal, the subcommittee examined the human trafficking data collection practices of numerous local public and private-sector organizations, as well as those of other states.

The subcommittee also conducted its own data collection effort, developing two separate surveys in collaboration with the Victim Services Subcommittee. The first survey was developed for distribution to local victim service providers. For purposes of data collection, it was designed to quantify the number of victims served in the past 24 months by those surveyed. The second survey was developed for distribution to local law enforcement entities. It was generally designed to assess the extent to which surveyed entities encounter human trafficking incidents. Both surveys were developed in collaboration with Michigan State University professors to ensure validity.³⁹

To determine the prevalence of human trafficking in Michigan, the Commission reports its data review and collection efforts with a view toward addressing three key issues: (1) Obstacles to human trafficking data collection; (2) Analysis of existing human trafficking data; and (3) Lack of research information and data related to human trafficking.

Data Collection Issue #1: Obstacles to Human Trafficking Data Collection

There is currently a lack of reliable and complete Michigan-specific human trafficking data. This lack of data is largely attributable to a variety of obstacles that complicate the process of collecting trafficking-related information.

Findings

Data collection obstacles include underreporting, lack of uniform data reporting, lack of data sharing, and lack of quality data.

Underreporting

The first obstacle to the collection of human trafficking data is the general problem of underreporting. Many trafficking victims do not identify themselves as victims, let alone report the crimes their traffickers commit against them.⁴⁰ Reasons for such reluctance vary.

As described earlier in this report, trauma bonds sometimes compel victims to protect their traffickers. Moreover, victims may have been psychologically manipulated by their traffickers to view authority figures as untrustworthy. Finally, the phenomenon of victim compliance contributes to underreporting.

Frequently, human trafficking victims must acclimate to intolerable situations in order to survive, so they cope with their exploitation by habitually complying with the orders of their traffickers. As a result, victims may not cooperate with law enforcement, and their numbers may never be collected.⁴¹

The problem of underreporting is not limited to victims of human trafficking. The failure to report criminal activity has become common in our culture. Research by the U.S. Department of Justice has consistently found that the majority of crimes committed in the United States are not reported.⁴² Human trafficking data collection efforts are hindered by this social tendency, as the perpetration of such operations depends on traffickers' ability to conceal their activities from public view.

Lack of Uniform Data Reporting

A second obstacle to the collection of human trafficking data is the lack of uniform data reporting. For a variety of reasons, data kept by one organization may not be kept by another. For instance, some Michigan service providers assist the poor, homeless or mentally ill, while others assist victims of specific crimes, such as domestic violence and sexual assault. One service provider may be focused on collecting a particular data field because it is a required reporting element to receive funding while another may not because it is not a required reporting element. Additionally, a law enforcement entity, also known as a first responder, may not collect similar data because the organization's annual appropriation is not contingent on the collection of specific reporting elements.

In fact, law enforcement does not always categorize an offense as human trafficking. For example, Michigan State Police utilizes a criminal data collection system known as the Michigan Incident Crime Reporting (MICR) program. This program is a statistical database that collects data on 95 criminal offenses from all Michigan state and local law enforcement agencies. The information is then forwarded to the FBI's National Incident Based Reporting System (NIBRS). Currently, MICR only collects human trafficking crime data when an individual is arrested for a homicide resulting from "human trafficking causing death," or when an individual is arrested for a kidnapping/abduction resulting

in "human trafficking causing injury."⁴³ Consequently, Michigan State Police does not currently have data that measures the prevalence of human trafficking in Michigan.

However, this will change to some extent in coming years. Effective January 2014, the FBI and MICR will be collecting information on three additional offenses regarding human trafficking: Purchasing Prostitution, Commercial Sex Acts, and Involuntary Servitude. To appropriately record these offenses, law enforcement will be required to determine whether a victim was injured, whether a weapon was used, and whether the incident involved hate or bias. Each new trafficking-related offense code will have a corresponding new arrest code.

Lack of Data Sharing

A third data collection obstacle is the lack of data sharing among law enforcement agencies and service providers. Given the present lack of a uniform data reporting method, a rescued human trafficking victim could appear in victim counts for all law enforcement organizations that participated in a raid. That same victim may also appear in counts kept by different service providers who encountered that victim. Consequently, it is difficult to get an accurate victim count. To avoid this problem, data supporting the successful investigation and prosecution of human trafficking cases must be shared between law enforcement partner organizations and service providers, to the extent possible.

The confidential nature of certain information sometimes limits law enforcement's ability to share it with other important agencies. It is imperative that those entities currently not sharing victim data find a way to at least provide that information to law enforcement while maintaining victim confidentiality.

Lack of Quality Data

Data quality is a fourth data collection obstacle. Data quality refers to its reliability, usability, comparability, accuracy, and relevance. Much shared human trafficking data is based on anecdotal evidence from individual law enforcement officers and victim service providers, who may not use a standardized definition of human trafficking. As such, it is not readily quantifiable or comparable.

Recommendations

Implement a Standard, Comprehensive Method for Capturing and Storing Human Trafficking Data.

The Commission recommends the implementation of a standard, comprehensive method for law enforcement and victim service providers to collect and store data related to human trafficking. This will facilitate the enactment of more effective anti-human trafficking policy.

A standard, comprehensive data collection method should include the following elements: (1) systematic and regular data collection from Michigan-based law enforcement organizations; (2) data collection from service providers; (3) information concerning the types and sources of available data; and (4) an entity responsible for reviewing and assessing the data that is collected. These elements must account for possible duplicate reports, recognize that surveys and questionnaires may produce a high number of non-responses, ensure that data is properly recorded, and review data for irregularities.

In developing an appropriate strategy for capturing and storing data, it is helpful to look to what other states have done. Minnesota, Ohio, Texas, South Carolina, and New Mexico require continuous human trafficking data reporting.

In Minnesota, the Commissioner of Public Safety is required to collect, share, compile and analyze data related to human trafficking. This data includes the number of arrests, prosecutions, and successful convictions of traffickers. Statistics on the number of victims, including demographics and recruitment methods, trafficking routes and patterns, methods of transportation, and contributing social factors are also among the data collected. This data, and any other information the Commissioner deems relevant, must be published bi-annually.⁴⁴

In Ohio, the attorney general is required to publish annual reports of statistical data relevant to violations of Ohio human trafficking legislation. The statute requires assistance in compiling the data by the Department's Bureau of Criminal Investigation.⁴⁵

In Texas, the attorney general was required to establish a human trafficking prevention task force, whose membership was to include either the attorney general or his designee. The task force is required to collect, organize, and periodically publish statistical data on the nature and extent of human trafficking in Texas. The task force

is permitted to solicit assistance from state and local governmental agencies in order to collect data. The data collected includes the number of investigations and convictions of human trafficking crimes, demographic information on those convicted for such crimes, geographic routes, means of transportation, and social and economic factors that create a demand for trafficking-related services. A bi-annual report, due by December of every even-numbered year, must be submitted to the Texas governor, lieutenant governor, and legislature.⁴⁶

In South Carolina, the attorney general is required to establish a task force for the prevention of human trafficking. The task force must coordinate the collection and sharing of trafficking data among government agencies. The attorney general is required to publish relevant data on his website "periodically."⁴⁷

In New Mexico, a task force to combat human trafficking was created, in which the membership of the attorney general or a designee is required. The task force must collect and organize data on the nature and extent of human trafficking in New Mexico. The attorney general is required to chair and staff the task force. A report is not due to the governor and legislature until July 2016, when the statute and task force will be terminated.⁴⁸

The Commission recommends further research into the data reporting efforts of these states to determine what may be useful in developing Michigan's strategies for capturing and storing data. For example, the Ohio Trafficking In Persons Study Commission's 2010 Year End Report estimated that there were nearly 3,500 foreign nationals who may be at risk for both labor and sex trafficking, nearly 800 of which are estimated to actually fall victim to being trafficked.⁴⁹ The same report estimates that nearly 3,000 American-born children in Ohio are at risk for sex trafficking and approximately 1,000 American-born children are trafficked into the Ohio sex trade over the course of a year.⁵⁰ It is alarming that thousands of children are at risk in a neighboring state – we need to identify how many Michigan children are also at risk.⁵¹ Developing dependable data collection methods will assist in this effort.

Grant the Data Reporting Entity Authority to Enter into Data Sharing Agreements.

A single data reporting entity should be identified and given authority to enter into any necessary data sharing agreements to report on the prevalence of human

trafficking in Michigan. For example, the Polaris Project is a leading organization in the global fight against human trafficking. It operates the National Human Trafficking Resource Center hotline (1-888-373-7888), conducts trainings, and provides services to victims of trafficking. It also collects data regarding human trafficking within the United States. Michigan should consider requesting that the Polaris Project provide its state-specific data to Michigan's designated reporting entity.

Data Collection Issue #2: Assessment of Existing Human Trafficking Data

Despite data collection obstacles, there is still value in examining the data that is currently gathered by both public and private entities. Minimally, the data demonstrates that human trafficking exists in Michigan, and provides at least a starting point for determining the number of Michigan victims.

Findings

Available data from sources like the National Human Trafficking Resource Center, the University of Michigan Law School Human Trafficking Clinic, and domestic violence and sexual assault programs show that human trafficking exists in Michigan. Data from the FBI and ICE confirm this is a growing crime in Michigan.

National Human Trafficking Resource Center

Operated by the Polaris Project, the National Human Trafficking Resource Center (NHTRC) is a national toll-free hotline reachable by telephone and text message 24 hours a day. The NHTRC reports trafficking-related calls for each state. In 2012, 303 calls from Michigan were received. Of these 303 calls, the NHTRC classified 30 as "High." This means that the calls contained a high level of critical information and demonstrated key indicators relevant to identifying a human trafficking situation. Of those 30 calls, 26 referenced sex trafficking, two referenced labor trafficking, and two referenced "other" situations. The NHTRC identified an additional 40 calls as "Moderate." This means the calls contained several indicators of potential trafficking situations, but lacked certain core details of force, fraud, or coercion.⁵² In total, the NHTRC reported 70 Michigan-based calls having "High" or "Moderate" levels of information about actual trafficking. Of these 70, 41 involved minors and 29 referenced adults.

While the NHTRC data is a helpful starting point for understanding Michigan-based trafficking activity, it also has significant limitations. The Polaris Project acknowledges that NHTRC data does not reflect the scope of human trafficking on a state or national level, and its statistics are subject to change.⁵³ Many of its calls do not involve actual human trafficking incidents; rather, they often relate to more general requests for information or training. Finally, the NHTRC does not confirm the accuracy of initial call classifications, remove duplicate reports from its statistics, or track incident resolution. Given these limitations, an accurate estimate of the prevalence of Michigan-based trafficking cannot be made solely based on reported NHTRC call volumes.

The Human Trafficking Clinic at the University of Michigan Law School

The Human Trafficking Clinic at the University of Michigan Law School is another source of data which helps determine the prevalence of human trafficking in Michigan. The Clinic provides a range of free legal services to victims of human trafficking, including direct representation of both U.S. citizens and foreign nationals trafficked in the United States, advocacy for trafficking victims, and community education and training. It also provides students with the opportunity to learn, practice, and improve essential advocacy skills. The Clinic collaborates with a variety of stakeholders, including survivors of human trafficking, law enforcement, government officials, and nongovernmental organizations (NGO), to identify solutions to combat human trafficking.⁵⁴

Presently, the Clinic has 50 clients, 15 to 20 of whom represent active human trafficking cases. However, not all of these cases involve individuals trafficked in Michigan; some victims were exploited in other states.

Analysis of the Clinic's client list reveals that about two-thirds (66%) of its clients are foreign nationals and one-third (33%) are U.S. citizens. Additionally, adults make up 70% of the Clinic's clients, while children comprise the remaining 30%. The Clinic assists many of these individuals with immigration issues. For example, a human trafficking victim is eligible for a special visa ("T-Visa"), as are the victim's relatives. The Clinic helps the victim and his or her family obtain, complete, and file this documentation. In addition to immigration issues,

approximately 15% of the Clinic's work involves guiding victims through a variety of legal processes. For example, when the client/victim serves as a witness in a human trafficking prosecution, a Clinic representative serves as the victim's advocate. The remainder of their work involves securing personal protection orders, serving as advocates if victims are charged with a crime, and assisting with benefit or housing applications and various other family law matters.

As with the other data sources considered, the Clinic's raw numbers reflect that human trafficking does occur in Michigan, but they do not provide a complete picture. For example, it is not known if any of the Clinic's 50 current clients are included in the NHTRC, FBI, ICE, or service provider collection figures.

Surveyed Domestic Violence and Sexual Assault Shelters

In a further effort to determine the number of Michigan victims, the Data and Victim Services Subcommittees jointly administered a victim service provider survey at the quarterly meeting of the executive directors of the Domestic Violence and Sexual Assault Programs. The subcommittees also uploaded this survey to a secure website and invited additional service providers to respond. The majority of respondents were shelter providers, though some advocates providing legal services for both sex and labor trafficking victims also responded.

Survey results were received from 46 service provider organizations. Twenty-five respondents reported having served trafficking victims in the previous two years. Twenty-one respondents reported that they had not served trafficking victims.

Three Michigan-based providers exclusively dedicated to servicing trafficking victims – the University of Michigan Human Trafficking Clinic, the Manasseh Project at Wedgwood Christian Services,⁵⁵ and Sacred Beginnings⁵⁶ – reported serving a total of 174 victims in the last two years.⁵⁷ Twenty-two other respondents reported serving a total of 138 trafficking victims.

In total, those interviewed and surveyed reported serving a total of 312 trafficking victims in the past two years. This figure does not include the ten

Michigan victims rescued in the FBI's 2013 Operation Cross Country raids, as described earlier in this report. Shelter providers most commonly recognized victims of sex trafficking. An estimated 40 to 50 victims of labor trafficking were also reported, primarily by the University of Michigan Human Trafficking Clinic.

Apart from these numbers, there was consensus among anti-trafficking advocates, law enforcement and service providers who spoke with the Commission that there are many more victims, as yet undiscovered. Unfortunately, we are unable to provide precise numbers as there is no system in place by which we can identify, and thereby quantify, trafficking victims.

As with the NHTRC figures, the survey response data also has significant limitations. First, no standardized victim identification assessment tool is presently used by everyone, and many service providers have not been trained to specifically identify trafficking victims. Consequently, many providers do not recognize trafficking victims when they see them. Second, federal grant monies are often awarded with contingencies that require funds to be used to service victims of specified offenses, such as domestic violence or sexual assault. Therefore, most shelter providers do not keep trafficking victim records, but focus on their core mission of treating domestic violence and sexual assault victims. One key service provider even acknowledged dropping "human trafficking" as a designation if elements of domestic violence or sexual assault allowed for provision of services. Third, data was gathered only for the preceding 24 months and does not reflect the number of victims on any given day. Finally, there is likely some overlap among these reported populations, as the University of Michigan Human Trafficking Clinic may have provided legal services to victims who were also served by other providers. It is unknown how many victims presented for services multiple times. Taken together, these limitations suggest that the data collected from survey respondents significantly underestimates the total number of local trafficking victims. Accordingly, it cannot serve as an accurate basis for determining the prevalence of human trafficking in Michigan.

FBI Statistics

In 2011, the FBI opened 183 human trafficking investigations, made 187 arrests, and obtained 79 convictions in the United States. In addition, 352 cases were opened by the FBI on matters related to the commercial sexual exploitation of minors – cases that may have also been related to human trafficking. In those 352 cases, the FBI obtained 196 convictions.⁵⁸

However, the FBI does not currently possess Michigan-specific data. Though Michigan is one of sixteen states considered fully compliant with all FBI Uniform Crime Reporting (UCR) requirements, detailed Michigan data will not be available until the FBI and MICR begin collecting data using the new trafficking-related arrest codes in January 2014. Even then, Michigan law enforcement will need sufficient training to properly use the arrest and offense codes for UCR purposes. The FBI's Criminal Justice Information Services (CJIS) Division anticipates a national learning curve requiring a concentrated and collaborative training effort for years to come.

ICE Statistics

The Department of Homeland Security's Immigration and Customs Enforcement (ICE) Division distinguishes between "human trafficking" and "human smuggling."⁵⁹ Human trafficking centers on exploitation, while human smuggling centers on transportation and importation of people into the U.S. in direct circumvention of immigration laws. This offense includes bringing illegal aliens into the country, as well as unlawfully transporting and harboring aliens already in the United States. ICE reports the following national statistics for 2010 and 2011 in both human trafficking and human smuggling cases: (SEE CHART BELOW)

Of the 722 human trafficking cases ICE initiated in 2011, 29 were generated in Michigan. Data for 2012 is not currently available. But the available data generally demonstrates that human trafficking is a problem in Michigan.

ICE DATA

Human Trafficking in the United States

Year	Cases	Arrests	Indictments	Convictions	Seizures
2011	722	938	444	271	\$2,054,459
2010	651	300	151	144	\$3,168,000

Human Smuggling in the United States

Year	Cases	Arrests	Indictments	Convictions	Seizures
2011	2246	2576	1458	1629	\$6,368,898
2010	2217	2554	1446	1546	\$15,327,370

Recommendations

Existing data sources strongly suggest that the current reported human trafficking statistics only reflect the “tip of the iceberg” and do not provide a complete picture of the prevalence of human trafficking in Michigan. Accordingly, the Commission offers the following recommendations to encourage continued data collection efforts:

Continue Surveying Michigan-Based Service Providers.

NGO service providers should continue to be surveyed in an effort to determine if these organizations are already providing services to victims of human trafficking. For example, homeless shelters may be appropriate survey candidates, though the potential issue of duplicative data is problematic.

Survey Federal, State, and Local Law Enforcement Entities.

The Commission recommends surveying local law enforcement entities in order to identify their interaction with human trafficking victims, including those who may not currently be captured as traditional victims (i.e., prostitutes). The survey should identify what data agencies collect, how they define victims, and how to better collect data specific to sex and labor trafficking victims.

Survey Family Court Referees/State Court Administrator’s Office.

Michigan family court referees should also be surveyed. Family court referees are involved with abuse and neglect cases in probate and family courts. It is recommended that contact be made with the State Court Administrator’s Office to request that the chief judges survey their referees to identify how many may have been involved in child sexual exploitation or forced servitude cases.

Data Collection Issue # 3: Lack of Research Providing New and Usable Information and Data Related to Human Trafficking.

There is currently a lack of research being conducted at the university level surrounding the human trafficking issue. Promoting research opportunities would be beneficial not only in the data collection area, but also in development of new approaches to human trafficking training, prosecution and providing services to trafficking victims.

Findings

To better understand the possible role of higher education, the subcommittee called upon Dr. Ed McGarrell, Director of the Michigan State University School of Criminal Justice. Dr. McGarrell noted that human trafficking spans a variety of academic disciplines, thus requiring a multi-disciplinary approach. He affirmed that the recognition and treatment of human trafficking as a joint disciplinary topic was beneficial in that it would stimulate research interest, which is key to maintaining issue awareness on campus. As an example, he pointed out the extent to which human trafficking is tied to illicit international crime networks. Thus, to fully understand the human trafficking problem, we must expand our understanding of transnational criminal networks through more research education and training.

Dr. McGarrell’s presentation centered around three key topics: Interest, Funding, and Data.

Interest

Dr. McGarrell noted that on-campus interest regarding human trafficking could be raised if the right individual or faculty group was willing to aggressively promote the issue. If a faculty group sees that the issue cuts across their respective research areas, they are more likely to incorporate the issue into their lesson plans as it takes on an increased measure of relevance.

Further, recognition and treatment of human trafficking as a joint disciplinary topic will serve to stimulate research, which is the key to the sustainability of education on any issue. To generate further faculty interest, he suggested that a summit of Michigan universities and colleges be held on the issue of human trafficking.

Funding

Dr. McGarrell pointed out that when research funding is available for a particular topic, faculty members are more likely to engage the topic. Presently, there is a lack of available research funding for the topic of human trafficking.

Data

In terms of a model for human trafficking data collection, Dr. McGarrell recommended the possible use of “Systematic Incident Reviews.” In this type of review, university researchers examine a large num-

ber of cases containing issues related to the topic being researched. Often, information is gathered from law enforcement, prosecutors, and witnesses. The researchers look for patterns in the cases and attempt to synthesize the information. Dr. McGarrell noted that this data collection model might serve the Commission's inquiry well, as it is an innovative way and a supporting method to conduct research and identify new topic areas that need to be addressed.

Recommendations

Encourage Research in our Colleges and Universities Concerning Human Trafficking.

The Commission recommends working with stakeholders to generate additional faculty interest in and research about the subject of human trafficking. One way in which this could be done would be by recommending a human trafficking educational summit. Further, faculty should be encouraged to research the issue as a joint disciplinary topic. Finally, faculty members often become interested in topics in which their students are engaged. Accordingly, generating awareness and interest about human trafficking on college campuses is another way to generate faculty interest concerning the issue.



Reliable and comprehensive data on human trafficking is essential to combat the issue. We can't evaluate our successes, failures, or even identify appropriate resources without such information.

— *Bridgette Carr, Director,
Human Trafficking Clinic at
the University of Michigan
Law School*



Victim Services

Recommendations Summary: Victim Services

- *Develop a Standardized Human Trafficking Victim Assessment Tool*
- *Establish More Dedicated Housing Facilities for Human Trafficking Victims*
- *Increase Availability of Services – Particularly Basic Life Skills Training and Legal, Medical, and Translation Services*
- *Develop Specialized Victim-Centered, Trauma-Informed Training*
- *Enhance Communication Networks among Service Providers and First Responders*
- *Implement the DHS/CPS Human Trafficking of Children Protocol*

The Victim Services Subcommittee reviewed a wide range of human trafficking victim needs and considered how those needs can best be met at the local and state levels. The group adopted a three-pronged approach to better understand the nature of trafficking in Michigan and the array of services available to trafficking victims. This approach included: (1) distributing surveys to providers; (2) conducting on-site interviews with select providers; and (3) talking with experts and practitioners in other states to learn from their experiences and gather best practices.

With respect to survey distribution, the subcommittee collaborated with the Data Subcommittee to develop and distribute a survey to local victim service providers. Specialists at Michigan State University were also consulted to ensure the validity of the survey. In addition to its data quantification elements, the survey was also designed to determine best practices for identifying victims of trafficking; assess the level of trafficking-specific education and training of service providers and their communities; and identify what services are currently available to victims. Along with the Data Collection group, the subcommittee administered this survey at a statewide service provider meeting. Service providers who participated in on-site visits were also asked to complete the survey to allow data aggregation where feasible.

With respect to site visits, subcommittee members visited the three organizations that exclusively serve victims of trafficking (the University of Michigan Human Trafficking Clinic, the Manasseh Project, and Sacred Beginnings) and six organizations serving other victim populations that likely include trafficking victims. The subcommittee selected the nine organizations visited to represent the various regions of the state, as well as for their expertise in working with trafficking victims. The general goal of each visit was to better understand the needs of victims and the operations of each service provider.

With respect to best practices, the subcommittee met with two trauma victim experts from the Southwest Michigan Children's Trauma Assessment Center at Western Michigan University, spoke with key professionals in Connecticut, Indiana, Maryland, and Minnesota and reviewed the results to date of a committee of state practitioners working to develop a list of best practices for first responders and service providers. The subcommittee also conducted a review of available assessment tools that providers across the country have used to help identify victims. Finally, conference calls were held with key professionals in other states who had assisted state policymakers and stakeholders in formulating the development and implementation of assessment tools.⁶⁰

Based on the subcommittee's approach, the Commission examined the following five key issues: (1) Victim identification; (2) Victim needs; (3) Preferred servicing approach; (4) Increased communication; and (5) Child victimization.

Victim Services Issue #1: Victim Identification

Human trafficking victims must be accurately assessed as such before their specific needs can be addressed. Accordingly, identifying victims of human trafficking is key to providing adequate victim services.

Findings

Shelter directors almost universally noted difficulty in identifying victims of human trafficking during initial screenings. Survey, site visit, and interview respondents consistently noted that there is currently no standardized assessment tool used to assist with victim identification efforts. The lack of such a tool is a significant gap in Michigan's servicing framework. In a culture where crime is generally underreported, the development of a standardized assessment tool is a necessary step toward a more comprehensive framework in which victims are more readily identified and properly treated.

The lack of a standardized assessment tool requires each individual service provider to assess the nature of a victim's situation using its own individually developed criteria. For instance, the University of Michigan Human Trafficking Clinic accepts referrals from the federal government, local agencies, and NGOs, as well as from victims who contact the clinic directly. Assessments are conducted by law students and professionals, who interview prospective clients to determine whether a victim's experiences meet the federal definition of human trafficking as outlined in the Trafficking Victims Protection Act. In contrast, the Manasseh Project accepts victims by referral from law enforcement, the courts, and the Michigan Department of Human Services - Child Protective Services and professionally assesses victims using Child and Adolescent Functional Assessment Scale (CAFAS) scores. Sacred Beginnings was founded by a 20-year human trafficking survivor who personally assesses the victims she rescues. Apart from these three dedicated providers, assessment varies according to the training of each provider's intake manager and the follow-up interviews that case managers perform.

The problems created by the lack of an assessment tool are compounded by the tendency among trafficked individuals to fail to identify themselves as victims. All interviewees mentioned that victims commonly fail to disclose their situations or fail to realize that they are victims of human trafficking. Traffickers' threats, victims' trauma, and sometimes the emotional bonds that exist between them are common reasons why victims frequently provide misleading or incomplete information to service providers. Often, the true nature of their situations is only revealed after therapy begins and victims form bonds of trust with their providers. These bonds may take weeks or even months to develop.

A review of available assessment tools that providers across the country have used to help identify victims⁶¹ resulted in two general findings. First, assessment tool development is an evolving process and the tools that presently exist are not uniform. Second, the tools in use have some critical common features. For instance, a common element among all the tools surveyed is a training element that includes human trafficking background information. This information generally consists of two parts: a definition of human trafficking and a description of the psychological characteristics that trafficking victims commonly exhibit. In addition, most screening tools also contain materials detailing what actions interviewers can take once a trafficking victim has been identified.

The Vera Institute's assessment tool is an example of a well-crafted product. The tool was developed by twelve different stakeholders in New York City who practice in various professional fields, including refugee resettlement, youth development, domestic violence, community development, immigrant rights, victim assistance, workers' rights, and child trafficking. These service providers also serve different ethnic communities and were picked in order to create a diverse body of professionals from which to draw input.⁶² The group conducted an overview of current legal definitions of human trafficking, paying special attention to the definitions provided by the U.S. Trafficking Victims Protection Act, the U.N. Protocol on Human Trafficking, and the New York State Anti-Trafficking Statute.⁶³ By assessing these definitions, the group developed a final set of interview questions and incorporated them into a draft screening tool. Various state approaches similarly brought together a variety of experienced stakeholders; encouraged perspectives informed by ethnically diverse experiences;

and promoted consistency with state, national, and international statutes and protocols.

Recommendations

Develop a Standardized Human Trafficking Victim Assessment Tool.

Michigan should develop a standardized assessment tool for practitioners likely to interact with human trafficking victims. The development of such a tool will help collect more accurate human trafficking data and address the problems of underreporting and failure to self-identify. It will also ensure that appropriate services are offered at an earlier stage of treatment. When developing a Michigan-specific tool, the Commission recommends involving a broad cross-section of practitioners, specialists, academicians, and anti-trafficking advocates. It also recommends that the tool be field tested in a pilot program using law enforcement and providers who have experience working with trafficking victims.

Victim Services Issue #2: Victim Needs

After human trafficking victims have been identified, the appropriate providers must be able to provide them the services they need. To properly do so, it is important to understand the specific types of services that victims require.

Findings

Human trafficking victims require both emergency and long-term services to address the wide range of problems they experience. As previously described, trafficking operations are often physically abusive enterprises that leave victims in need of emergency medical services. Physical violence inflicted upon trafficking victims often requires immediate medical attention. Additionally, traffickers often use substance abuse as a control mechanism to maintain victim compliance. In such cases, substance abuse treatment is required. Finally, victims need basic food and shelter provisions before they can transition to a safe and stable environment.

In addition to emergency medical services, many victims also require a variety of other important long-term services. Mental health services and support groups are needed to assist victims who develop general feelings of helplessness, shame, guilt, and humiliation; suffer from shock and denial; or display symptoms of post-traumatic stress disorder, phobias, panic attacks, anxiety, and depression. Some victims require basic life skills train-

ing, such as literacy education and employment training, to encourage self-reliance and promote social re-acclimation.⁶⁴ Victims may also require legal advocacy and translation services.

In terms of service availability, local providers generally offer food, shelter, and clothing to victims. Some assistance is also available for obtaining government benefits, housing and employment, and advocacy within the criminal justice system. Provision of medical care often depends on whether the victim has insurance or government benefits; several providers have arranged for medical professionals to provide limited services free of charge.

Local services are particularly lacking in two areas: dedicated housing and trauma-informed programming. At present, there are only two housing shelters in Michigan specifically dedicated to trafficking victims. It was commonly asserted that this deficiency is largely the result of significant funding limitations among Michigan-based providers; federal grant monies are often contingent upon treatment of victims of specific offenses like domestic violence or sexual assault. At present, human trafficking is not included among these specified offenses.

Also, Michigan-based providers struggle to provide basic life skills and services. Trafficking victims often require skills training in basic areas like cooking, reading, and navigating public transit. Service providers often found trafficked individuals particularly ill-equipped to responsibly handle money, which significantly impedes their ability to shop, obtain housing, pay bills, and otherwise exercise financial independence. This problem is sometimes further exacerbated by the practice of "financial trafficking," which involves the use of a child's social security number to steal his or her identity and open new lines of credit. When financial traffickers later fail to pay the bills they accumulate, the child's credit is ruined, and by the time the child reaches adulthood, he or she struggles to obtain employment, housing, utilities, educational aid, and other financial tools necessary to function independently. To address this problem, one service provider collaborates with a major national bank to offer credit rehabilitation services to victims with ruined credit histories.

More medical, legal, and translation services are also needed. The vast majority of Michigan service providers do not offer on-site emergency medical services to

physically injured victims, and victims frequently cannot afford to visit a hospital. Victims often also require psychological assistance, but obtaining these services is difficult without government benefits. Likewise, victims often cannot afford a lawyer to help them navigate the complex legal system, and free legal services are limited. Finally, providers often do not possess the necessary language expertise to adequately interface with foreign trafficking victims who present for services.

Recommendations

Despite the commendable efforts of Michigan's current service providers, the Commission concludes that the state has insufficient trafficking-specific services and facilities. Accordingly, the Commission recommends the following to ensure that in-state trafficking victims are adequately served:

Establish More Dedicated Housing Facilities for Human Trafficking Victims.

The Commission recommends the establishment of more dedicated in-state housing facilities for human trafficking victims. Other states have funded similar housing developments through state legislative appropriations. For example, in 2011, the Minnesota Legislature passed legislation that mandated development of a funding and policy plan to service in-state trafficking victims.⁶⁵ Of the \$2.8 million that was appropriated, Minnesota allocated a full \$2 million to establish dedicated housing for trafficking victims.⁶⁶

Increase Availability of Services – Particularly Basic Life-Skills Training and Legal, Medical, and Translation Services.

The Commission recommends the development and implementation of more programming that offers trafficking victims basic life-skills training in areas such as cooking, reading, personal scheduling of time, navigating public transit, and handling money. Basic life-skills training is vital to encouraging independence and promoting transition back to a self-determining, productive lifestyle. In particular, more collaborative arrangements between service providers and financial institutions are needed so more victims can benefit from the credit assistance that financial institutions can provide in the face of "financial trafficking." The Commission also recommends providing more comprehensive medical, legal, and translation services for human trafficking victims. Service providers should continue to develop relationships with free

medical clinics, free attorney service organizations, and translation service providers so victims' needs can be adequately addressed.

Victim Services Issue #3: Preferred Servicing Approach

Appropriate trauma-informed programming and services for human trafficking victims needs to be developed and available to properly and adequately meet their unique needs.

Findings

Some local service providers reported lacking the resources to help victims overcome the complex psychological challenges they experience. As one interviewee stated, the most difficult task when servicing trafficked individuals is overcoming the emotional and psychological mindset of the victims.

In 2012, the President's Interagency Task Force to Monitor and Combat Trafficking in Persons brought together federal agencies and nongovernmental stakeholders to develop a Strategic Action Plan to "[provide] and [coordinate] support for [human trafficking] victims."⁶⁷ The goal of the Plan is to ensure that "every victim of human trafficking is identified and provided access to the services they need to recover and rebuild their lives in a meaningful way."⁶⁸ A draft of the Strategic Action Plan was published for public comment in April 2013, and is scheduled for release in final form in early 2014.⁶⁹ There was relatively broad national participation in the formulation of the Plan, and it is anticipated that federal direction and funding will follow its proposed framework. Accordingly, the Commission has attempted to align its findings and recommendations with the priorities of the Plan so that Michigan will be appropriately positioned to request federal grant monies dedicated to servicing victims of human trafficking, should they become available.

The federal *Strategic Action Plan* stresses the importance of adopting a "victim-centered, trauma-informed" approach to the provision of services to trafficking victims. The Plan describes this approach as follows:

The victim-centered approach seeks to minimize re-traumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering survivors as engaged participants in the process, and providing survivors an opportunity to play a role in seeing their traffickers brought to justice.

In this manner, the victim-centered approach plays a critical role in restoring the victim's rights, dignity, autonomy, and self-determination, while simultaneously advancing the government's interest ... in prosecuting traffickers. [A] trauma-informed approach includes an understanding of the physical, social, and emotional impact of trauma on the individual, as well as on the professionals helping them.⁷⁰

The victim-centered, trauma-informed approach is further endorsed and defined in the *Uniform Act on Prevention of and Remedies for Human Trafficking*, which the National Conference of Commissioners on Uniform State Laws recently approved and recommended. The Act proposes that a victim-centered approach is one that provides victim confidentiality, immunity for minor victims facing juvenile delinquency and prostitution proceedings, and an opportunity to vacate convictions stemming from victimization.⁷¹

Recommendation

Given the complex physical and psychological challenges trafficking victims face, the Commission recommends the following to effectively provide services to them:

Develop Specialized Victim-Centered, Trauma-Informed Training.

The Commission recommends that the appropriate providers and experts across the state develop a Michigan-specific victim-centered, trauma-informed approach to trafficking victim services programming. Such an approach empowers trafficking victims to engage in the process of bringing their traffickers to justice and empathizes with the traumatic experiences they have endured. Furthermore, development of, training in, and use of the programming will align Michigan providers with the servicing frameworks presented in the federal *Strategic Action Plan* and the *Uniform Act on Prevention of and Remedies for Human Trafficking*.

Michigan is unique in having expert resources available to advance a victim-centered, trauma-informed servicing approach. For the past decade, the Southwest Michigan Children's Trauma Assessment Center at Western Michigan University has been working with severely abused and neglected children and documenting the effects of trauma on adolescent development and behavior. The Center has consulted closely with staff at the Manasseh Project in developing appropriate trauma-informed programming for victims.

Victim Services Issue #4: Increased Communication

The lack of a standardized assessment tool and protocols for referring trafficking victims can lead to an information-sharing gap among service providers, as well as between service providers and first responders. Communication must be strengthened to coordinate better, more efficient services for trafficking victims.

Findings

Service providers and first responders need additional avenues for information sharing to ensure appropriate services are provided to human trafficking victims. Many first responders simply do not know what specific services are available for trafficking victims, and many service providers lack sufficient resources to increase their networking.

Given its broad presence across the state, the Michigan Human Trafficking Task Force at Michigan State University could be used as a vehicle to increase communication among providers and first responders. The Task Force is a nonprofit organization with a membership of more than 90 agencies and organizations. Its purpose is to foster collaboration by building common goals, expertise, and teamwork strategies to combat human trafficking. The range of organizations represented on the Task Force is broad; members include law enforcement, NGOs, prosecutors, faith-based groups, community members, the University of Michigan Human Trafficking Clinic, health providers, and service providers, among others.

The Task Force is committed to a victim-centered approach through public awareness efforts and a multifaceted training/education program. The group sponsors statewide conferences, works with law enforcement organizations on training and protocol building, and networks with service providers. Currently, five regional in-state task forces have been formed with assistance from the Michigan Human Trafficking Task Force. Community representatives work within each region to develop operational guidelines for responding to human trafficking issues.

Recommendations

Enhance Communication Networks among Service Providers and First Responders.

The Commission recommends the development of a plan to increase communication among the state's network of service providers, as well as between service providers and first responders. The Michigan Human Trafficking Task Force at Michigan State University could be used as a vehicle to increase communication among providers. Alternatively, Michigan could explore the creation of a new task force composed of service providers, law enforcement, and other stakeholders with a focus on implementing the recommendations of the Commission and establishing the needed communication networks. A comprehensive list of local service providers should be provided to first responders to facilitate ease of victim referral.

Victim Services Issue #5: Child Victimization

Finally, a significant number of human trafficking victims are children. Recognizing that Michigan's most vulnerable residents deserve increased protections and services, the subcommittee examined how to extend specialized services to child trafficking victims.

Findings

According to the Michigan Department of Human Services - Child Protective Services (CPS) *Human Trafficking of Children Protocol*, a victim of child sex trafficking is defined as a minor who has been recruited, enticed, harbored, transported, obtained, or maintained to engage in sexual activity, a sexually explicit performance, or the production of pornography. Similarly, a victim of child labor trafficking is defined as a minor who has been recruited, enticed, harbored, transported, or obtained for forced labor or services. Runaways and abandoned children are most vulnerable to victimization.

CPS encounters a number of challenges when attempting to serve child trafficking victims. First, identifying a child victim may be complicated by a "skill-set" of concealment that victims and/or perpetrators often employ. Victims may possess false identification documents or may not possess any identification at all. Others may exhibit extreme distrust of and animosity toward authority figures. Additionally, as described in this report, a bond may develop between victim and trafficker wherein the victim believes the trafficker is protecting him or her, and the victim does not want to expose or harm the trafficker.

Second, determining a parent's or guardian's role in a situation may be challenging. According to the Child Protection Law the "person responsible for the child's health or welfare" means a parent, legal guardian, person 18 years of age or older who resides for any length of time in the same home in which the child resides, or, in certain circumstances, a nonparent adult. MCL 722.622(u). If the trafficker is the nonparent adult, depending upon the facts of the case, CPS may find that a trafficker has committed child abuse/neglect. The parents' or guardians' role in the situation, however, may be unclear. If the parents or guardians had knowledge of the abuse/neglect and failed to take preventative measures, their actions may also constitute child abuse or child neglect. See MCL 722.622(f) and MCL 722.622(j)

Finally, the negative physical and psychological consequences of human trafficking of children pose challenges. Trafficked children may exhibit extreme paranoia and severe apathy; they also commonly suffer physical difficulties like sexually transmitted diseases and malnutrition.

Fortunately, the Michigan Department of Human Services (DHS) is taking significant steps to overcome these challenges. DHS has developed a *Human Trafficking of Children Protocol* that adopts a victim-centered approach, with the overriding philosophy of protecting the best interests of the child and maintaining their safety in the community. The protocol provides for a coordinated investigative team approach while minimizing additional trauma to the child victim. It also allows for the delivery of specialized services to the child victim and appropriate family members. In addition, it requires cross-professional training to promote a better understanding of the unique nature and challenges of cases involving child sex and labor trafficking. Finally, it provides alternatives for handling the case after the child has been identified as a victim of human trafficking.

Recommendations

Implement the DHS/CPS Human Trafficking of Children Protocol.

The Commission commends DHS for the development of its new *Human Trafficking of Children Protocol* and recommends its full implementation as soon as practicable so CPS social workers and other department personnel can approach child trafficking cases in a manner that is more informed and effective.

Professional Training

Recommendations Summary: Professional Training

- *Adopt a Victim-Centered Training Approach*
- *Incorporate Human Trafficking Trainings into Existing Training Programs Rather than Develop New Programs*
- *Adopt a Multi-Disciplinary and Collaborative Approach to Human Trafficking Training*
- *Develop Online Technology to Facilitate Easy Access and Cut Costs*
- *Law Enforcement Should Receive Advanced Human Trafficking Training*
- *Law Enforcement Should Adopt a “Cross-Professional” Approach to Human Trafficking Training*
- *Require Human Trafficking Investigative Training within Mandated Basic Police Curriculum*
- *Social Workers and Victim Service Providers Should Receive Advanced Human Trafficking Training*
- *Support DHS in its Human Trafficking of Children Protocol Implementation and Training.*
- *Medical Professionals Should Receive Basic Human Trafficking Training*
- *Investigators, Code Enforcement Personnel, and Licensing Agency Employees Should Receive Basic Human Trafficking Training*
- *K-12 Employees Should Receive Basic Human Trafficking Training*
- *Hospitality Employees Should Receive Basic Human Trafficking Training*

“Rescuing the victims of human trafficking is a crucial step. It is just as important to have services in place so that victims receive the support they need to heal and recover from their experiences.”

– *State Senator Tonya Schuitmaker*

The Commission charged the Professional Training Subcommittee with reviewing existing human trafficking training efforts and determining how they can be enhanced and expanded. To achieve this goal, the subcommittee heard 15 separate presentations from individuals representing various Michigan professions on the subject of human trafficking training.

The group organized its research issues according to the various professions it identified as being in need of human trafficking training. For each profession, the subcommittee first determined whether “basic” or “advanced” training was required. This determination was based on the profession’s potential involvement with human trafficking victims or with the investigation and prosecution of trafficking cases. The criteria for each type of training are as follows:

- *Basic Training Criteria: covers fundamental topics, including common trafficking circumstances, common trafficking indicators, and reporting guidance.*
- *Advanced Training Criteria: covers the basic training topics, as well as a number of others, including: victim characteristics, victim needs, a review of applicable state and federal laws, and investigation and prosecution guidance (especially related to gathering evidence).*

After determining whether basic or advanced training was appropriate, the subcommittee then identified profession-specific topics that should be administered to members of each profession, as applicable. These topics were again based on the nature of each profession’s potential involvement with human trafficking.

The subcommittee examined the following six key issues: (1) Law enforcement training, (2) Social worker/victim service provider training, (3) Medical professional training, (4) Investigators/code enforcement personnel/licensing agency training, (5) K-12 Education training, and (6) Hospitality industry training.

Professional Training Issue #1: General Training Principles Applicable to All Professions

Findings

Several overarching principles are important regardless of the training audience. First, human trafficking training must be victim-centered. Much like existing domestic violence training models, training about the crime of human trafficking must include information about the victim’s mindset and needs.

Second, whenever possible, existing professional training programs should be expanded to include a human trafficking segment, as opposed to developing new, stand-alone human trafficking training programs. Given the training infrastructure already in place, adding these requirements could likely be accomplished at little or no cost.

Third, human trafficking training should be addressed from a multi-disciplinary and collaborative approach, similar to that utilized in domestic violence training.

Finally, technology should be employed whenever possible to deploy training modules to reach as many people as possible, while keeping costs down. Online courses and webinars allow people to access training at any time, while avoiding transportation and hotel costs. Both law enforcement agencies and NGOs have limited resources for off-site training. The availability of online training is especially important to these groups.

Recommendations

Based on the aforementioned general training principles, the Commission recommends the following to ensure that training is administered efficiently and effectively:

- Adopt a Victim-Centered Training Approach
- Incorporate Human Trafficking Trainings into Existing Training Programs, Rather than Develop New Programs
- Adopt a Multi-Disciplinary Approach to Human Trafficking Training
- Use Online Technology Whenever Possible to Facilitate Easy Access and Cut Costs

Professional Training Issue #2: Law Enforcement Training

For purposes of this report, the law enforcement category includes the following professionals: police and sheriff departments, prosecutors, judges, and court personnel.

Findings

At present, human trafficking training within Michigan's law enforcement community is limited and inconsistent. This is not due to a lack of training programs. Rather, the lack of training is at least partially attributable to the fact that human trafficking is not included among the mandatory training requirements for law enforcement recruits.

The Michigan Human Trafficking Task Force provides comprehensive training at two police academies in four-hour increments, as well as in-service programs throughout the state. This training includes a team approach of legal experts and victim service providers and covers both federal and state law, investigative techniques, indicators and available resources. The Task Force has also offered several "train the trainer" classes to police and victim service providers allowing instructors to return to their departments and agencies to train officers and agency personnel.

At the end of 2011, the National Attorneys General Training and Research Institute (NAGTRI) came to Michigan at the request of Attorney General Schuette and conducted a training program on prosecuting human trafficking.⁷² More than 50 prosecutors and members of law enforcement attended this day-long seminar. NAGTRI could be called upon to repeat this training in the future.

Additional law enforcement training on human trafficking is also occurring elsewhere across the state. For instance, limited training is available to prosecutors through the Prosecuting Attorneys Association of Michigan (PAAM). In addition, PAAM victim service providers have been training county workers on human trafficking issues. In Ingham County, the sheriff's department is developing a training module with the needs of the street cop in mind – to help officers on patrol recognize a human trafficking situation and take the appropriate initial steps to resolve the incident. Unfortunately, there is currently no Michigan-specific human trafficking training available for Michigan judges or court personnel through the Michigan Judicial Institute.

Recommendations

Law Enforcement Should Receive Advanced Human Trafficking Training.

Law enforcement should receive advanced-level human trafficking training. In addition, the profession-specific topics that should be incorporated into law enforcement training include: a review of applicable state and federal laws; investigation and prosecution guidance, especially as it pertains to evidence gathering; the necessity of collaboration with victim service providers; interviewing skills for assessing victims; building trust between law enforcement and victims; and overcoming language barriers that commonly stand between victims and law enforcement.

Law Enforcement Should Adopt a "Cross-Professional" Approach to Human Trafficking Training.

The Commission also recommends the adoption of a "cross-professional" advanced approach to law enforcement training. Such an approach is *institutionalized* (include human trafficking protocols within official training policies and procedures); *constant* (require multiple trainings to fulfill requirements); and *regional* (allow for smaller, regionalized teams that can work together more easily after training). Such an approach is ultimately focused on increasing the ability to identify, investigate, and prosecute human trafficking cases.

Require Human Trafficking Training within Police Academies.

Human trafficking investigative training should be included in the mandated basic curriculum of Michigan Police Academies. Police departments should be encouraged to offer in-service training in this area.

Professional Training Issue #3: Social Worker/Victim Service Provider Training

For purposes of this report, the Social Worker/Victim Service Provider category includes the following professionals: Michigan DHS workers, including Child Protective Services (CPS), Migrant Affairs, and county intake workers; NGOs, community organizations, churches, and faith-based groups; institutional and healthcare social workers, shelter workers (especially domestic violence shelters), PAAM victim service providers; and the Michigan Crime Victim Services Commission.

Findings

Social workers and victim service providers are on the front lines of the fight against human trafficking. Not only are they uniquely positioned to witness examples of human trafficking, but they are also frequently called upon to provide immediate and ongoing support to human trafficking victims. Yet, there is little Michigan-specific human trafficking training being performed on an institutionalized and consistent basis for social workers and victim services providers. One subcommittee presenter described Michigan human trafficking information as being “too piecemeal” in nature.⁷³

Recommendations

Social Workers and Victim Service Providers Should Receive Advanced Human Trafficking Training.

The need for human trafficking training for social workers and victim service providers is urgent. The Commission recommends that social workers and victim service providers receive advanced-level human trafficking training. In addition to the advanced-level criteria listed above, the profession-specific topics that should be incorporated into social worker/victim service provider training should include interviewing skills for assessing victims and the necessity of collaboration with law enforcement.

Urge DHS to Train Employees on Human Trafficking

The Commission recommends that DHS personnel be well-trained in the area of human trafficking. With more than 10,000 employees, DHS touches the most vulnerable residents in every county in the state. The Department’s development of its new *Human Trafficking of*

Children Protocol was a significant step. Training on this protocol must now be performed throughout DHS to ensure that personnel in areas such as CPS, foster care, and adoption are able to recognize the signs of human trafficking and handle such cases appropriately. It is recommended that this training also be done at the level of county intake offices. It is further recommended that DHS consider the possibility of adding human trafficking indicator questions on intake forms. Finally, specific training should be made available to the DHS Migrant Affairs Office.

Professional Training Issue #4: Medical Professional Training

For purposes of this report, the Medical Professional category includes the following professionals: doctors, nurses, EMTs, mental health providers, hospital staff and first responders including dispatch and intake personnel.

Findings

Most medical professionals in Michigan are required to take continuing education courses on an annual basis to maintain their respective licenses. Further, the federal government has mandatory training in place with accompanying reporting requirements for hospitals. The completion of these training programs is tied with the federal funding and/or reimbursement that hospitals receive. Every hospital thus has an incentive to encourage employees to complete their trainings and then report their completion. This reality can be used to encourage the completion of human trafficking training as well.

In her presentation to the subcommittee, Dr. Shelly Knowles from Wayne State University College of Medicine stated that 93% of surveyed doctors said they had never treated a human trafficking victim.⁷⁴ Dr. Knowles strongly suggested that this is due to the fact that doctors do not recognize human trafficking victims. Currently, human trafficking training is not included in medical school curriculum. As to current training in the field, Dr. Knowles noted that several members of the Southeast Region of the Michigan Human Trafficking Task Force (including nurses, University of Michigan Human Trafficking Clinic representatives, and members of law enforcement) provide human trafficking training to emergency room personnel, ambulance drivers, first responders, and EMTs.

She further stated that unless training is mandatory, she does not believe that medical personnel will be inclined to participate.

Recommendation

Medical Professionals Should Receive Basic Human Trafficking Training.

The Commission recommends that all medical professionals receive at least basic-level human trafficking training. This training will assist medical professionals in recognizing human trafficking and to appropriately respond to victim needs.

Professional Training Issue #5: Investigators/Code Enforcement Personnel/Licensing Agency Training

For purposes of this report, the Investigators/Code Enforcement Personnel/Licensing Agency Training category includes the following professionals: Department of Labor personnel involved in wage and hour concerns (including the Unemployment Insurance Agency); Department of Agriculture personnel involved with migrant camps; Licensing & Regulation personnel who deal with massage parlor and adult entertainment licensing; and other state licensing agencies dealing with child welfare.

Findings

Across the country, there have been numerous documented instances of sex trafficking occurring in massage parlors and adult entertainment establishments, as well as labor trafficking in migrant camps, businesses, and even private homes. Despite these incidents, there is currently no human trafficking training offered to the professionals who would most commonly interact with these establishments – investigators, code enforcement personnel, and licensing agency employees.

Recommendation

Investigators, Code Enforcement Personnel, and Licensing Agency Employees Should Receive Basic Human Trafficking Training.

The Commission recommends that investigators, code enforcement personnel, and licensing agency employees receive at least basic-level human trafficking training. This training will assist professionals who most commonly interact with migrant camps, businesses, and private homes in recognizing and responding to human trafficking incidents.

Professional Training Issue #6: K-12 Education Training

For purposes of this report, the K-12 Education category includes the following professionals: administrators, teachers, nurses, and counselors – for both public and private schools.

Findings

Some trafficking victims regularly attend K-12 level schools in Michigan. The Commission heard testimony from a minor boy who was labor trafficked by Jean-Claude “Kodjo” Toviave, as described earlier in this report.⁷⁵ After Toviave brought this victim to the United States from Africa, he enrolled the child victim in school and the child attended school full-time. In discussing his situation, the child victim said that if a teacher had not fortuitously identified his situation, he likely would not have been rescued.

Some states offer human trafficking training at the K-12 level. For example, Ohio’s Safety and Violence Prevention Training for school personnel was updated to include the topic of human trafficking in June 2013. Ohio requires nurses, teachers, counselors, school psychologists, and administrators at public elementary, middle, and high schools to attend such training.⁷⁶ No comparable training requirement for school personnel presently exists in Michigan.

Recommendations

K-12 Employees Should Receive Basic Human Trafficking Training.

The Commission recommends that K-12 employees receive at least basic-level human trafficking training. Additionally, information on human trafficking should be integrated into the Michigan Department of Education's Checklist for Preventing and Responding to School Violence. The recommendation seeks to ensure that professionals at the K-12 educational level are trained to recognize human trafficking situations and respond appropriately.

Professional Training Issue #7: Hospitality Industry Training

For purposes of this report, the Hospitality Industry category includes hotel management, room attendants; front desk staff, restaurant staff, kitchen staff, concierge staff, and bell staff and other related hotel and lodging staff.

Findings

Labor trafficking victims may be found working against their will in places of lodging, including hotels and motels, for little or no pay. According to the Polaris Project:

They may work as room attendants; front desk, kitchen, restaurant, server, or bell staff; in marketing; in casinos; or in any other service offered by a hotel. The trafficker may be the hotel management or a labor recruiter/labor broker which subcontracts with the hotel to provide a labor supply. If the trafficker is a contractor, the hotel may or may not be aware of the abuse.⁷⁷

In addition, hotels frequently serve as rendezvous locations for sex trafficking victims and "johns." Human trafficking (or child prostitution) is so prevalent in hotel, that ECPAT (End Child Prostitution and Trafficking) has developed a "Promote the Tourism Child Protection Code."⁷⁸ This Code, signed by more than 1,000 hotel chains and travel companies, promotes awareness about human trafficking and sets a standard of responsible business practices that effectively deter child sexual exploitation.

Despite the fact that hotels are known as a focal point for human trafficking, there is currently no evidence of Michigan-based training taking place for those in the hospitality industry. Steve Yencich, President and CEO of the Michigan Lodging & Tourism Association (MLTA), presented information to the subcommittee. He noted that the Association could educate its 1,200 members on the issue through e-mail blasts and breakout sessions at its annual conference. He also noted that a team-based training model is customary within the hotel industry.⁷⁹

Significantly, this model is offered comprehensively to entire organizations – from the general manager to the housekeepers. However, Mr. Yencich stated that reliable trafficking prevalence data is needed to justify sending out communications concerning the issue. Should such data become available, the MLTA could also make a grant request for funds to be spent on human trafficking training.

Recommendations

Hospitality Employees Should Receive Basic Human Trafficking Training.

The subcommittee recommends that hospitality employees receive at least basic-level human trafficking training.

Public Awareness

Recommendations Summary: Public Awareness

- *Establish a Single State-Administered Human Trafficking Web Portal*
- *Encourage the Development of Social Media Resources on Human Trafficking Awareness*
- *Create a Citizen's Guide to Fighting Human Trafficking in Michigan*
- *Identify Existing Federal and Private-Sector Trafficking Awareness Resources*
- *Implement a Statewide Human Trafficking Public Awareness Campaign*
- *Collaborate to Provide Public Service Announcements and Training Events*
- *Establish a State Human Trafficking Awareness Day*
- *Host an Annual Lansing-Based Human Trafficking Awareness Fundraiser or Advocacy Day*
- *Implement a State Employee Education/Training Opportunity*
- *Designate State Department Human Trafficking Liaisons*
- *Familiarize the Michigan 2-1-1 Program personnel with the National Human Trafficking Resource Center (NHTRC) Hotline*
- *Increase Public Awareness and Outreach Efforts Surrounding Special Events*

“Sadly, this crime occurs everyday in America. We encourage anyone who suspects that human trafficking or forced labor is occurring in their community to report it to authorities immediately”

– *William Hayes, Agent in Charge, Department of Homeland Security, Detroit, Michigan*

The Commission tasked the Public Awareness Subcommittee to develop strategies for raising awareness of the crime of human trafficking in Michigan. The group undertook an extensive review of research and data related to public awareness strategies and methods nationwide.

The Commission examined the following three key issues, offering recommendations for each: (1) Existing resources, (2) Statewide campaigns, and (3) Collaborative approaches. In addition, the subcommittee examined various state poster laws and provided a recommendation regarding the enactment of a new statute. This recommendation will be discussed in the Legislative Policy section of the report.

Public Awareness Issue #1: Existing Resources

To address the needs in the area of public awareness it is important to know what trafficking awareness resources presently exist and how those resources can be more effectively promoted.

Findings

The Department of Attorney General is currently the only Michigan state department to offer public awareness materials regarding human trafficking. The Department of Attorney General publishes a brochure entitled, “Human Trafficking: Break the Chains of Modern-Day Slavery.” This brochure includes a clear definition of human trafficking, facts and figures demonstrating its prevalence, at-risk victim information, and common warning signs. The brochure also lists the National Human Trafficking Resource Center (NHTRC) hotline, as well as additional state and federal human trafficking resources. While there are other non-state entities that create and distribute public awareness materials, information may not get routinely distributed to key state entities that interact with human trafficking victims.

The Department of Attorney General also hosts an informative website that discusses human trafficking and the efforts of the Department to combat the crime (www.michigan.gov/humantrafficking). The site lists a wide variety of resources for the public, including downloadable brochures, fact sheets, and slide presentations. The website also includes educational info graphics that can be shared on social media sites.

Recommendations

Establish a Single State-Administered Human Trafficking Web Portal.

The Commission recommends the establishment of a single human trafficking web portal for information about human trafficking. This will provide state entities and Michigan citizens with a single source of information from state government.

The site should be hosted by the Department of Attorney General, which currently hosts and maintains a comprehensive human trafficking educational website. Features on the site should include educational materials; downloadable brochures and posters; training materials; an interactive calendar listing human trafficking-related events across Michigan; a directory of service providers for human trafficking victims; and a directory of local, state, and national anti-trafficking organizations. State agencies and departments with a role in human trafficking – including, for example the Department of Human Services, the Department of Community Health, and the Michigan State Police – should submit information to the Department of Attorney General for inclusion on the site, or provide appropriate links to their own sites.

Encourage the Development of Social Media Resources on Human Trafficking Awareness.

The Commission recommends the development of social media resources to educate the public about human trafficking. These resources should include web videos and infographics that can be shared on social media sites such as Facebook. They could be developed as part of a comprehensive public education campaign or as independent projects.

Create a *Citizen’s Guide to Fighting Human Trafficking in Michigan*.

The Commission recommends adding a new publication to the list of official booklets printed by the Legislative Service Bureau and distributed by state legislators to constituents. It should also be available electronically. The guide should include information on how to identify human trafficking, where to report it, and how to access additional resources.

Identify Existing Federal and Private-Sector Trafficking Awareness Resources.

The Commission recommends the identification of existing federal and private-sector trafficking awareness resources that can be printed and distributed by law enforcement, community groups, trade associations, faith-based organizations, and individuals.

Public Awareness Issue #2: Statewide Campaigns

Findings

Efforts by New Mexico Attorney General Gary King provide a useful example of how effective and comprehensive public awareness campaigns can lead to real results for victims and justice for their traffickers. Attorney General King's Border Violence Division coordinates a statewide public information campaign to educate citizens on human trafficking. In 2011, this campaign featured billboards, radio interviews, newspaper articles, website publications, and television advertisements. Its most prominent feature was the display of bus advertisements. Human trafficking bus advertisements displayed pictures of men, women, and children next to the words, "Stop Slavery" and "We are not for sale." Additionally, the advertisements prominently displayed the NHTRC hotline. Following the campaign, 24 new human trafficking investigations were opened.⁸⁰

Recommendations

Implement a Statewide Human Trafficking Public Awareness Campaign.

The Commission recommends implementing a statewide human trafficking public awareness campaign. A state department should be identified to lead the implementation of this campaign, which should include public service announcements, billboards, bus advertisements (both on buses and in transportation depots), opinion/editorial articles, letters-to-the-editor, and earned media.

Collaborate to Provide Public Service Announcements and Training Events.

The Commission recommends that legislators, local law enforcement officials, and anti-trafficking advocates collaborate to provide local public service announcements and citizen training events on human trafficking.

Establish a State Human Trafficking Awareness Day.

The Commission recommends the establishment of a state Human Trafficking Awareness Day. This could be accomplished by legislative resolution or by executive order.

Host an Annual Lansing-Based Human Trafficking Awareness Fundraiser or Advocacy Day.

The Commission recommends that an agency or non-profit organization host an annual fundraiser in Lansing to engage policymakers and state government leaders on the issue of human trafficking. Alternatively, the group could host an annual advocacy day in Lansing to engage the public and policymakers on the issue.

Implement a State Employee Education/Training Opportunity.

The Commission recommends implementing a public education and training opportunity for state employees that may interact with victims on how to identify and report human trafficking.

Public Awareness Issue #3: Collaborative Approaches

Findings

A critical component of increasing public awareness is greater collaboration between public and private-sector players. Fostering such collaboration will ensure that available resources are utilized as effectively as possible.

Recommendations

Designate State Department Human Trafficking Liaisons.

The Commission recommends that state departments with roles in the fight against human trafficking designate human trafficking liaisons to serve as points of contact for the public within their respective departments. Departments would not need to hire an additional full-time employee to handle human trafficking issues. Rather, public inquiries concerning human trafficking would be directed to an existing employee designated by his or her department to respond to trafficking issues as they arise.

Designated liaisons should be listed on the official state human trafficking website. Similar points of contact should also be identified at federal agencies and

listed on the state human trafficking website. Designated human trafficking liaisons should communicate regularly to strengthen opportunities for collaboration and ensure that agencies are aware of each other's efforts. Liaisons should also regularly communicate with private anti-trafficking advocates and victim service providers.

Familiarize the Michigan 2-1-1 Hotline personnel with the National Human Trafficking Resource Center (NHTRC) Hotline.

2-1-1 is an easy-to-remember telephone number that connects people with important community services and volunteer opportunities. In 2012, 2-1-1 services in the United States answered more than 15.8 million calls. The implementation of 2-1-1 is spearheaded by United Way chapters and information and referral agencies in states and local communities. The Commission recommends that 2-1-1 operators be informed of the NHTRC hotline as a potential referral source for human trafficking calls.

Increase Public Awareness and Outreach Efforts Surrounding Special Events.

The Commission recommends coordinated trafficking awareness and outreach efforts surrounding significant special events that occur within the state. Often, such special events attract human trafficking perpetrators and victims. Public-sector groups, private-sector stakeholders, NGOs, and victim services providers should all be engaged.



If we hope to eradicate Human Trafficking within Michigan, we must raise awareness of what trafficking looks like and educate our citizens on how to recognize its signs. Every Michigan resident can make a difference, and it starts with awareness.

— *State Senator Judy Emmons*

We must provide shelter, resources, and hope to victims of human trafficking, so they may heal from the past and find their way forward to meaningful lives full of new possibilities.

— *State Representative Eileen Kowall*



Legislative Policy

Recommendations Summary: Legislative Policy

- *Pass a Safe Harbor Law*
- *Reduce demand by increasing penalties for “johns” who solicit sex from children by passing Senate Bills 205/206 and House Bills 4209/4210.*
- *Remove Gender-Specific References and Archaic Language from Prostitution Act*
- *Extend the Filing Deadline under the Omnibus Forfeiture Act*
- *Prohibit Fraudulent Transfers under the Omnibus Forfeiture Act*
- *Prohibit “Willfully Blind” Owners under the Omnibus Forfeiture Act*
- *Expand Property Coverage for Trafficking under the Omnibus Forfeiture Act*
- *Include Human Trafficking as a Condition to Support a Nuisance Complaint*
- *Direct Portion of Funds from Sale of Forfeited Property to Trafficking Victims*
- *Increase Maximum Penalty for Violating Nuisance Abatement Order*
- *Expand the Filing Period, Allow Recovery of Litigation Costs, and Insert Gender-Neutral Language under the Nuisance Statute*
- *Merge the 2006 and 2010 Versions of the Human Trafficking Act*
- *Remove “Involuntary Servitude” Language from the Human Trafficking Act*
- *Use and Define “Commercial Sexual Activity” Language within the Human Trafficking Act*
- *Allow Trafficking Victims to Vacate Prostitution Offenses*
- *Make Human Trafficking a Mandatory Reportable Offense by DHS*
- *Extend the Statute of Limitations for Human Trafficking Offenses to Ten Years*
- *Seek a Resolution from the Michigan Legislature Urging Congress to Amend the Federal Communications Decency Act*
- *Enact a Human Trafficking Awareness Poster Law*

The Commission organized the Legislative Policy Subcommittee to examine Michigan's existing anti-trafficking legislative framework, identify gaps that may exist, and offer legislative and policy recommendations to better combat trafficking and assist victims. The subcommittee consulted extensively with state and federal law enforcement officials, state legislators, victim services providers, anti-trafficking advocates, trafficking victims, Child Protective Services (CPS), and other stakeholders. In general, the subcommittee determined that trafficking victims are frequently viewed as criminals; that few state funds are dedicated to providing services for trafficking victims; and that professional training, increased penalties, and victim services are key features of providing a more comprehensive approach to human trafficking prevention.

To strengthen Michigan's anti-trafficking legislation, the Commission considered the following ten key issues and offers recommendations for each: (1) Safe Harbor law, (2) Increased penalties for "johns," (3) Updating Michigan's Prostitution Act, (4) Civil forfeiture, (5) Nuisance abatement, (6) Amending the Human Trafficking Act, (7) Vacating conviction records, (8) Mandatory reporting, (9) Extending the statute of limitations for human trafficking offenses, and (10) Amending the federal Communications Decency Act.

Legislative Policy Issue #1: Safe Harbor

Police who encounter minors involved in prostitution sometimes view them as offenders rather than victims. They often feel constrained to arrest due to a lack of effective tools available to get the child off the streets and into a secure location. Other times, law enforcement personnel mistakenly view minors as willingly engaging in commercial sex.

Most human trafficking victim advocates believe that current anti-prostitution practices infringe on the rights of victims, create further emotional trauma, and exacerbate mistrust of authority figures. The first priority, they assert, should be delivery of necessary social services for stability, safety, and recovery that will help victims escape from traffickers and recover from lives of prostitution. States confronting this problem have tried to balance these considerations through "safe harbor" laws that shield victims from criminal prosecution for committing crimes (most often prostitution) they were forced by their traffickers to commit. This protection has most often been limited to minors.

Findings

Children sold for sex are victims, not criminals. They are often runaways and homeless youth; victims of trauma and abuse; and marginalized individuals who frequently have substance abuse problems.⁸¹ "Pimps" or human traffickers exploit these vulnerabilities, using physical harm, lies, threats, and manipulation to exert control over them. Coercion is often so pervasive that child victims are told to lie to parents, police, and social workers about the pimp's existence. In fact, so total is the control by the trafficker that the child frequently sees their trafficker as a friend and supporter, someone who "loves" them unconditionally. Because of this misplaced trust and "friendship," child victims sometimes return to their traffickers, despite interventions from law enforcement or social services. The cycle of re-trafficking continues.⁸²

States grappling with the criminalization of sex trafficking of minors favor "safe harbor" laws. Such laws shield victims from criminal prosecution for committing crimes they were forced by their traffickers to commit. States have taken different approaches to safe harbor laws. Some provide blanket immunity barring prosecution of human trafficking victims.⁸³ Most often, this blanket immunity is afforded only to minors.⁸⁴ Others provide an affirmative defense to a criminal prostitution charge.⁸⁵ Still others provide a rebuttable presumption that the child committed the crime under either coercion or duress.⁸⁶

Recommendations

The Commission offers the following recommendation to protect victims from being punished for crimes they were forced by their traffickers to commit:

Pass a Safe Harbor Law.

The Commission recommends that the Michigan Legislature pass a safe harbor law. After examining safe harbor laws from across the nation and discussing the issue with various stakeholders, it is recommended that the legislation provide the following four items: (1) a victim-centered approach for minors that favors service provision over criminal prosecution; (2) a mandatory referral to DHS any time law enforcement suspects a minor is engaging in commercial sex; (3) necessary services through DHS and the courts to assist the child and stop the cycle of re-victimization; and (4) a presumption that a minor found engaging in prostitution is a victim in need of services. This presumption should exist so long as the minor cooperates and substantially complies with court-ordered services.

Legislative Policy Issue #2: Increased Penalties for “Johns”

Next, the Commission examined how to reduce local demand for commercial sex.

Findings

Under current Michigan law, “johns” face up to 93 days in jail and a fine of up to \$500 for soliciting a person for sex. These penalties are the same regardless of whether a “john” propositions a minor or an adult. Penalties increase only for repeat offenders: a one-year misdemeanor for second-time offenders and a two-year felony for third-time offenders. Potential fines also increase accordingly.

Recommendation

The Commission offers the following recommendation to help reduce the demand for commercial sex in Michigan:

Pass Senate Bills 205 and 206 and House Bills 4209 and 4210.

The Commission recommends that the Michigan Legislature pass Senate Bills 205 and 206 and House Bills 4209 and 4210. Senate Bill 205 and House Bill 4209 increase penalties for “johns” soliciting 16 or 17 year-old children for sex. The bills make this crime a felony, punishable by up to five years imprisonment and/or up to a \$10,000 fine. Senate Bill 206 and House Bill 4210 would similarly amend the sentencing guidelines to reflect the changes made under House Bill 4209.

Illegal sexual exploitation is unacceptable at any age and forcing a child into prostitution is particularly disturbing. Again, our most vulnerable citizens residents deserve heightened protections. These bills will make Michigan a less hospitable environment for the “johns” who drive in-state demand for commercial sexual services.

Legislative Policy Issue #3: Updating Michigan’s Prostitution Act

The third potential legislative fix to address human trafficking is to update Michigan’s Prostitution Act. Michigan Compiled Law 750.448 et seq. criminalizes prostitution, the acceptance of money in exchange for sex acts. It also criminalizes solicitation, the propositioning of another individual to exchange sex for money.

Findings

Michigan’s prostitution laws were written in the 1930s and still reflect the very different circumstances of that decade. These laws uses gender-specific references, such as referring to all prostitutes as females. Rather than stereotyping “females” as the “sellers” of sex and “males” as the “buyers” of sex, the language of Michigan’s Prostitution Act should be gender-neutral.

Additionally, the Act criminalizes archaic conduct, such as mandating a 20 year felony for a husband who places or leaves his wife in a house of prostitution.⁸⁷ Such archaic language should likewise be removed.

Recommendations

Remove Gender-Specific References and Archaic Language from Prostitution Act.

The Commission recommends updating certain portions of Michigan’s Prostitution Act. The Commission recommends that gender-specific references be eliminated from the Act. The Commission also recommends replacing the Act’s archaic language with more modern usage.

Legislative Policy Issue #4: Civil Forfeiture

Federal anti-trafficking efforts have historically focused on trafficking of foreign nationals into the United States, and federal funding tends to be directed to foreign national trafficking victims.⁸⁸ States and NGOs have become the primary service providers for U.S. citizen and permanent resident trafficking victims. Considering victims’ physical, psychological, residential, and social needs, the costs can be considerable. One way to legislatively defray these costs is to frustrate traffickers’ ability to retain the profits of their illicit operations. Civil forfeiture is a common tool used to hit criminals in their pocketbooks.

Findings

The illegal sex and labor trade does not exist solely because people are vulnerable to exploitation. Human trafficking is also “fueled by a demand for cheap labor and commercial sex acts.”⁸⁹ Traffickers victimize others in order to profit from this existing demand.

Demand for cheap labor and commercial sex is driven by a calculus of low risk and high profit. In many places, public awareness concerning human trafficking is low, laws do not adequately address the issue, law enforce-

ment officials are not trained to detect it, and investigations and prosecutions are rarely performed.⁹⁰ Consequently, “traffickers perceive little risk or deterrence to affect their criminal operations,” and buyers commonly avoid arrest.⁹¹ Trafficking’s low-risk/high-profit calculus is a strong incentive for traffickers to exploit more and more victims. Targeting traffickers’ ability to profit from their enterprise can be an effective way to deter exploitation and break the cycle of re-victimization.

City attorneys and prosecutors often use civil forfeiture to quickly freeze assets that are shown to be the proceeds or instruments of a crime. Assets can ultimately be forfeited after a criminal conviction. In Michigan, most forfeitures are limited to specific offenses, such as illegal firearms, gambling, and controlled substances. Michigan’s forfeiture tool for human trafficking cases is a generic, catch-all forfeiture act known as the Omnibus Forfeiture Act (OFA).⁹² In 2009, the OFA was amended to allow city attorneys and prosecutors to use it to pursue illegal proceeds from traffickers. Under the Act, forfeited proceeds are allocated to pay for victim restitution. Given the lucrative nature of many trafficking operations, these proceeds may sometimes be quite sizable.

Unfortunately, certain provisions of the OFA have limited its usefulness against traffickers. Unlike other forfeiture statutes in Michigan, the OFA sets forth specific notice requirements and charging deadlines that, according to city attorneys and prosecutors, are nearly impossible to meet.⁹³ Another common complaint is that criminals are often able to insulate their illegal assets from forfeiture by having co-conspirators make false and unsupported claims of an ownership interest in property. Unlike the federal forfeiture procedures, there is no requirement that a person attest that his or her claim to a contested asset is honest and truthful.⁹⁴ These weaknesses help explain why the OFA is rarely used. Consequently, the Act should be amended to provide much-needed funding for victims and enhance enforcement against traffickers.

Recommendations

The Commission offers the following recommendations to increase funding availability for Michigan-based trafficking victims:

Extend the Filing Deadline under the Omnibus Forfeiture Act

The Commission recommends that the OFA’s filing deadline be extended from seven days to 56 days after

seizure and arrest. This recommended deadline is still more restrictive than the 60 day federal forfeiture notice requirement. It is further recommended that claims of an interest in property require formal attestation to discourage fraud.

Prohibit Fraudulent Transfers under the Omnibus Forfeiture Act

The Commission recommends that the OFA prevent traffickers from transferring title to their property after the fact to evade forfeiture efforts. Subsequent property transfers should be void unless one is a bona-fide innocent purchaser for value.

Prohibit “Willfully Blind” Owners under the Omnibus Forfeiture Act

The Commission recommends that the OFA prohibit a “willfully blind” third party from claiming that he or she is the owner of the property and was unaware of its illegal use, if that ignorance is the result of an intentional disregard of facts that indicate criminal activity.

Expand Property Coverage for Trafficking under the Omnibus Forfeiture Act

The Commission recommends that real property be treated just like personal property under the OFA, such that if real property was used as an instrumentality of the crime, it could be forfeited. Human trafficking should be added as one of the few crimes allowing for the forfeiture of all property used to conceal the crime or the identity of those committing it.

Legislative Policy Issue #5: Nuisance Abatement

The state’s nuisance law, if amended, may also provide a potential funding source for victims. A public nuisance exists when property is used or left in a condition that significantly interferes with the public’s health and safety. Under state law, a nuisance *per se* exists when a building is used for a number of illegal activities, including prostitution, gambling, and narcotics trafficking.⁹⁵

Findings

City attorneys and county prosecutors use nuisance laws to compel property owners to improve structures, remove debris, and cease gambling or narcotics activities. If the property owner fails to abate the nuisance, the government can obtain judicial order to abate it.⁹⁶

In extreme cases, personal property may be sold and the structure may be closed for up to one year.⁹⁷

Currently, a building may be declared a nuisance only if it is used for the purpose of certain listed offenses, and human trafficking is currently not included on this list.⁹⁸ The statute should thus be expanded to include sex and labor trafficking. Additionally, at present, proceeds from the sale of forfeited property may not be directed to trafficking victims.⁹⁹ The statute should thus be amended to grant judges the discretion to direct a portion of the proceeds from such sales to fund victim servicing efforts, particularly where exploitation was the basis for the nuisance.

Recommendations

The Commission offers the following recommendations to further increase funding availability for Michigan-based human trafficking victims:

Include Human Trafficking as a Condition to Support a Nuisance Complaint.

The Commission recommends that human trafficking be included as a condition that could support a nuisance complaint.

Direct a Portion of Funds from Sale of Forfeited Property to Human Trafficking Victims.

The Commission recommends that a portion of the funds from the sale of any forfeited property be directed to victims of human trafficking, where the court has found trafficking to be the basis for the nuisance. The court should decide the extent to which a victim would be compensated for losses according to factors listed in the Crime Victim's Rights Act, including lost wages and adequate compensation for services rendered.

Increase the Maximum Penalty for Violating Nuisance Abatement Order.

The Commission recommends increasing the maximum penalty a court can impose for violating a nuisance abatement order from \$1,000 to \$25,000.

Expand the Filing Period, Allow Recovery of Litigation Costs, and Insert Gender-Neutral Language under the Nuisance Statute.

The Commission recommends several other minor changes to Michigan's nuisance statute, such as an expanded time period to file a nuisance complaint, the ability to recover litigation costs, and more gender-neutral language.

Legislative Policy Issue #6: Amending the Human Trafficking Act

A sixth issue to address is the inconsistencies within the Michigan Human Trafficking Act. Michigan has enacted two versions of the law. Both are still on the books, and the inconsistencies that exist between them have created confusion.

Findings

Michigan enacted its first anti-human trafficking legislation in 2006. Known as the Human Trafficking Act, this law allowed prosecutors to respond directly to local instances of human trafficking.¹⁰⁰ But, shortly after its passage, the Legislature recognized that the Human Trafficking Act was in need of revision. The law criminalized "forced labor or services" but did not criminalize obtaining labor or services through "force, fraud, or coercion," a much broader provision used in nearly all state and federal trafficking laws.¹⁰¹ The 2006 Act also criminalized sex trafficking of minors by making reference to "child sexually abusive activity." However, this term is not defined within the Act itself.

Rather than amend the Act, the Legislature chose to pass a second, stand-alone Human Trafficking Act in 2010. In general, this second Act was a move toward greater consistency with most other trafficking laws across the country; it adopted language prohibiting the use of force, fraud, and coercion in obtaining labor or services from another and set forth new definitions and penalties that are generally considered more consistent with model human trafficking statutes.¹⁰² Unfortunately, it contains provisions that differ from the 2006 version of the law, which is still in effect. Consequently, the inconsistency between the 2006 and the 2010 Acts has caused confusion. For instance, the Acts set forth different punishments for the exact same conduct. Thus, depending on which version of the Act is used to prosecute a trafficking perpetrator, he or she may be treated more leniently or severely. Furthermore, certain provisions in one Act, like "involuntary servitude" and "debt bondage," are already covered by "force, fraud, and coercion" and are thus considered redundant, while other provisions like "child sexually abusive activity" are not defined in either Act.¹⁰³

Recommendations

The Commission offers the following recommendations to remedy inconsistencies within Michigan's Human Trafficking Act:

Merge the 2006 and 2010 Versions of the Human Trafficking Act.

The Commission recommends merging the 2006 and 2010 versions of the Act, including the punishment provisions.

Remove “Involuntary Servitude” Language from the Human Trafficking Act.

The Commission recommends removing “involuntary servitude” language from the Act, which is unnecessary in light of the terms “force, fraud or coercion.”

Use and Define “Commercial Sexual Activity” Language within the Human Trafficking Act.

The Commission recommends using and defining “commercial sexual activity” instead of “child sexually abusive activity.” Currently, child sexually abusive activity is used but is not defined within the Act.

Legislative Policy Issue #7: Vacating Conviction Records

Victims of sex trafficking are often misidentified as criminals, arrested, prosecuted, and convicted of prostitution and other related crimes. As convicted offenders, they are saddled with criminal histories for crimes they were forced to commit. Convictions, particularly those that carry the stigma of a prostitution crime, can present considerable barriers to victims’ reintegration into society because disclosure of criminal histories is often required for employment, obtainment of student loans, and housing applications. Recognizing this, a growing number of states now offer trafficking victims a legal mechanism to render such convictions null and void. This process is known as vacating or expunging convictions and sentences.¹⁰⁴

Findings

In 2010, New York became the first state to enact legislation providing human trafficking victims with a process to vacate (nullify) convictions for prostitution-related offenses committed while the individual was being trafficked.¹⁰⁵ Since 2010, thirteen states have joined New York in allowing trafficking victims to vacate their sentences.¹⁰⁶

Vacatur approaches (the rules or process by which a conviction is nullified) vary by state. Twelve of the fourteen states limit *vacatur* to prostitution and related offenses.¹⁰⁷ Only two states have extended it to other types of convic-

tions arising out of trafficking situations.¹⁰⁸ But while state approaches vary, certain key *vacatur* elements are common in most state legislation. First, prostitution is always an offense eligible to be vacated. Second, unlike expungements, there is no required waiting period for a victim to apply for *vacatur*. Third, the victim’s conviction must have arisen out of his or her exploitation in order for him or her to be eligible to request a *vacatur*.

Recommendation

The Commission offers the following recommendation to help eliminate the stigma victims experience when convicted of prostitution offenses they were forced by their trafficker to commit:

Allow Trafficking Victims to Vacate Prostitution Convictions.

The Commission recommends that trafficking victims be provided with a path to vacate the prostitution-related offenses they were forced to commit. The Commission also supports language that would provide a presumption that the defendant victim’s participation in the offense was a result of his or her victimization if there was a prior judicial finding that he or she was a victim. The National Conference of Commissioners on Uniform State Law’s proposed “Motion to Vacate Conviction” is consistent with this proposal.¹⁰⁹

Legislative Policy Issue #8: Mandatory Reporting

The eighth key issue is premised on its concern that all trafficking allegations be reported and investigated. To address this concern, the Commission considered whether human trafficking should be added as a mandatory reportable offense by the Michigan Department of Human Services (DHS).

Findings

Michigan’s Child Protection Law requires people employed in a wide range of professions to report suspected child abuse and neglect to the DHS, both orally and in writing.¹¹⁰ For certain listed criminal violations, DHS is required to report such allegations to law enforcement in the county in which the incident occurred when the allegations indicate that the suspected child abuse or neglect was committed by an individual who is not a person responsible for the child’s health or welfare. The Department must also provide copies of the reports to

the prosecuting attorney and the probate court of the counties in which the child resides and is found.

Recommendation

The Commission offers the following recommendation to help ensure that all trafficking allegations are reported and prosecuted:

Make Human Trafficking a Mandatory Reportable Offense by DHS.

The Commission recommends adding forced labor and sex trafficking as mandatory reportable offenses by DHS to law enforcement to ensure that all allegations of human trafficking are reported and investigated. Currently, human trafficking is not among the crimes that DHS is required to report to law enforcement. The crime of human trafficking is clearly the type of offense that DHS should be reporting to the proper authorities.

Legislative Policy Issue #9: Extending the Statute of Limitations for Human Trafficking Offenses

Most crimes have a six-year statute of limitations, however, certain particularly serious crimes are considered so egregious that they justify a longer limitations period.

Findings

All life offenses, including first-degree murder and first-degree criminal sexual conduct, have no statute of limitations.¹¹¹ Other serious but lesser crimes, including criminal sexual conduct (second, third, and fourth degree), kidnapping, identity theft, and mortgage fraud, all have a ten-year statute of limitations. Human trafficking is an egregious crime that should be given a ten-year statute of limitation.

Recommendation

Extend the Statute of Limitations for Human Trafficking Offenses to Ten Years.

The Commission recommends extending the statute of limitations for non-life trafficking offenses from six to ten years. This will provide trafficking victims more emotional recovery time and allow a potentially actionable criminal case to advance.

Legislative Policy Issue #10: Amending the Federal Communications Decency Act

Recognizing the growing trend of conducting trafficking operations online, the Commission believes that action must be taken to address the problem of Internet-based human trafficking.

Findings

Trafficking through online classified advertisement sites has proven particularly evasive. Several factors complicate law enforcement efforts to screen online advertisements. First, the sheer volume of online classified postings is problematic. “The task of manually sorting through myriad advertisements is a strain on often-limited law enforcement resources, [and] without technological solutions to narrow the advertisement pool, [manual review of] these ads exceeds the limits of what investigators can reasonably expect to achieve.”¹¹²

Second, misrepresentations also complicate the detection of online trafficking advertisements. In sex trafficking ads, online postings frequently misrepresent the age of victims, sometimes using false images of older individuals to deflect police attention.¹¹³ In labor trafficking advertisements, traffickers can “advertise for legitimate-sounding jobs and subsequently engage in ‘bait and switch’ tactics” after making a hire.¹¹⁴

Finally, traffickers employ “code words” to send hidden signals to the purchasers who drive the demand for sex. These signals and terms change frequently, forcing police to detect common themes across numerous online classified ads before taking action.¹¹⁵

Federal Courts have interpreted the Communications Decency Act of 1996 (CDA) to provide criminal and civil immunity to internet content providers, even if the intention of those providers is to profit from illegal activity.¹¹⁶ As a result, state governments have had limited success in taking enforcement actions against these sites. Unless Congress amends the CDA, state efforts in this area will continue to be thwarted. Recent legislative efforts targeting online classified advertisement services for their role in facilitating online sex trafficking have failed to pass constitutional scrutiny in Washington, Tennessee, and New Jersey.¹¹⁷

In a July 2013, letter joined by a bi-partisan group of 49 attorneys general from across the country, NAAG formally urged members of Congress to amend the CDA to grant state and local governments the criminal jurisdiction needed to prosecute online classified services that profit from sex trafficking and other illegal activities.¹¹⁸ Attorney General Schuette was a signatory to this letter and has strongly endorsed amending the CDA to stop such advertising.

Recommendation

The Commission offers the following recommendation in an effort to prevent traffickers from using the Internet to further their illicit operations with impunity:

Seek a Resolution from the Michigan Legislature Urging Congress to Amend the Communications Decency Act.

The subcommittee recommends that the Michigan Legislature adopt a resolution urging Congress to amend the federal CDA to prohibit online classified advertising services from profiting from human trafficking.

Legislative Policy Issue #11: Poster Laws

Findings

The Polaris Project's National Human Trafficking Resource Center (NHTRC) hotline has established a nationwide human trafficking hotline, providing victims, witnesses, and the public with a confidential way to report suspected trafficking. Created in 2007, the hotline now receives nearly 20,000 calls annually.¹¹⁹ Its popularity is partially attributable to state legislation incentivizing or requiring the display of posters and other materials relating to the hotline at locations where victims and the public are likely to see them.

Over the last five years, 18 states have enacted legislation requiring the posting of this resource in certain public areas.¹²⁰ In some cases, states prescribe a detailed but non-exhaustive list of required locations, while others leave such determinations to the discretion of designated state departments or agencies. When specific locations are required, they often include businesses requiring state licensure for the sale or consumption of alcoholic beverages, sexually-oriented businesses (i.e. strip clubs), airports, bus and railway stations, truck stops, emergency rooms, urgent care centers, job recruitment centers, roadside rest areas, post-secondary educational institu-

tions, and businesses providing bodywork services (i.e. tattoo and massage parlors).

Most state poster laws have adopted the proposed legislative language of the Polaris Project, which operates the national hotline.¹²¹ The proposed language informs the public that the toll-free hotline is "available 24 hours a day, 7 days a week," is "anonymous and confidential," is "accessible in 170 languages," and is "able to provide help, referral to services, training, and general information."¹²²

Of the 18 states requiring notice placement, six states provide a penalty for non-compliance with the poster statute. Generally, the first "penalty" is a warning. For subsequent violations, fines range from \$50 - \$500. Two states go so far as to issue \$1,000 and \$5,000 penalties for non-compliance resulting in two or more convictions.¹²³

Recommendation

Given Michigan's lack of a human trafficking awareness poster law, the Commission offers the following recommendation:

Enact a Human Trafficking Awareness Poster Law.

The Commission recommends that the Michigan Legislature enact a human trafficking poster law. The poster should list the NHTRC hotline, (1-888-373-7888). At a minimum, posting should be required in state rest areas and welcome centers. At locations where mandatory posting is not required, the subcommittee encourages voluntary posting. The poster should be made available for download on the state human trafficking website, and a state agency should be identified to pursue public/private partnerships to make the posters more widely available and visible. If the legislation requires posters in private facilities, it should assess a nominal penalty for failure to post, with fees directed toward the state Crime Victim's Rights Fund or another fund or program that benefits human trafficking victims.

Conclusion

“If the strategies contained in this report are implemented, it will go a long way to help law enforcement as we work to rescue human trafficking victims and bring traffickers to justice.” – *Detective/Sergeant Edward Price, Southwest Michigan Crimes Against Children Task Force, Michigan State Police*

Ultimately, every member of society shares the responsibility to expose and prevent human trafficking. The evasive, widespread nature of the crime requires that all of us - private citizens, service providers, state legislators, and law enforcement officials engage in the implementation of a comprehensive deterrence strategy.

The findings and recommendations of the Michigan Commission on Human Trafficking outlined in this report constitute the comprehensive action plan that Michigan needs to fight against modern-day slavery. This plan incorporates best practices from states across the country, and ideas and recommendations of officials, experts and service providers in our own state and local communities. Together, we have produced a rational plan our state can readily adopt and use to strategically direct its efforts in fighting this abhorrent crime.

One of our highest duties as citizens is to protect the vulnerable and restore dignity to those among us who have been dehumanized. We must never waiver. We must always be vigilant. As these recommendations are implemented, Michigan will be better equipped to deter trafficking operations and empower victims to realize a new and hopeful future - a future of freedom, safety, productivity, and purpose.

MICHIGAN
COMMISSION
on
HUMAN TRAFFICKING



End Notes

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- ⁶ *Id.* at 40.
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- ⁸ MCL 750.462g.
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⁴³ Ed Price. Detective/Sergeant, Michigan State Police. Personal Interview.

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⁴⁵ Ohio Revised Code §109.66.

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⁴⁹ Ohio Trafficking in Persons Study Commission, Research and Analysis Sub-Committee, 2010, *Report on the Prevalence of Human Trafficking in Ohio*, p 4 <http://www.centralohiorescueandrestore.org/uploads/Ohio_Trafficking_in_Persons_Research_Sub-Committee_Report_2010_2-8_Final.pdf> (accessed October 21, 2013).

⁵⁰ *Id.*

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⁵³ Polaris Project, *Hotline Statistics*. <<http://www.polarisproject.org/resources/hotline-statistics>> (accessed October 21, 2013).

⁵⁴ This summary of the University of Michigan Human Trafficking Clinic was provided by Professor Bridgette Carr, the Clinic's Director and the Chair of the Data Subcommittee.

⁵⁵ The Manasseh Project is an outreach ministry of Wedgwood Christian Services dedicated to ending the sexual exploitation of young men and women in West Michigan. Additional information about the Manasseh Project can be found at the following link: <<http://www.manassehproject.org>> (accessed October 24, 2013).

⁵⁶ Sacred Beginnings is a nonprofit residential program helping the victims of sexual exploitation in West Michigan. Additional information about Sacred Beginnings can be found at the following link: <<http://www.sbt.org>> (accessed October 24, 2013).

⁵⁷ The University of Michigan Human Trafficking Clinic serviced 60 victims. The Manasseh Project and Sacred Beginnings serviced a combined 114 victims.

⁵⁸ "Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons for Fiscal Year 2011" <<http://www.justice.gov/ag/annualreports/agreporhumantrafficking2011.pdf>> (accessed October 25, 2013)

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- ⁶¹ The subcommittee reviewed assessment tools and reports published by the Polaris Project; the U.S. Department of Health and Human Services; the Indiana Protection for Abused and Trafficked Humans Task Force, Illinois's Loyola University in collaboration with the Illinois Department of Children and Family Services; Shared Hope International in collaboration with Broward and Dade Counties in Florida; the Vera Institute and service providers in New York City; Minnesota Indian Women's Resource Center; and the Wisconsin Office of Justice.
- ⁶² Neil Weiner and Nicole Hala, *Measuring Human Trafficking: Lessons from New York City*, p 1 <<https://www.ncjrs.gov/pdffiles1/nij/grants/224391.pdf>> (accessed October 21, 2013).
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- ⁶⁴ U.S. Department of Health and Human Services: Office of Refugee Resettlement, *Fact Sheet Identifying Victims of Human Trafficking* <<http://www.acf.hhs.gov/programs/orr/resource/fact-sheet-identifying-victims-of-human-trafficking#Psychological>> (accessed October 21, 2013).
- ⁶⁵ *Minnesota Special Session Public Safety/Judiciary Bill, Article 4, Section 9a.* <<https://www.revisor.mn.gov/laws/?id=1&doctype=Chapter&year=2011&type=1>> (accessed October 21, 2013).
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- ⁶⁸ Administration for Children and Families, *About the Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States* <<https://acfstronger-together.ideascale.com/a/pages/faq>> (accessed October 21, 2013).
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- ⁷⁰ National Center on Domestic and Sexual Violence, *Coordination, Collaboration, Capacity: Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017*, p 15-16 <http://www.ncdsv.org/images/HHS-DHS-DOJ_FederalStrategicActionPlanOnServiceForVictimsOfHumanTrafficking_4-2013.pdf> (accessed October 21, 2013).
- ⁷¹ National Conference of Commissioners on Uniform State Laws, *Uniform Act on Prevention of and Remedies for Human Trafficking*, Sec. 12-18, p 9-12 <http://www.uniformlaws.org/shared/docs/Prevention%20of%20and%20Remedies%20for%20Human%20Trafficking/2013AM_UPRHT_As%20approved.pdf> (accessed October 21, 2013).
- ⁷² NAGTRI is the research and training arm of the National Association of Attorneys General (NAAG).
- ⁷³ Roberta Haney-Jones, Director, Victim Rights Program, Prosecuting Attorneys Association of Michigan (PAAM), comments at the June 4, 2013, meeting of the Professional Training Subcommittee.
- ⁷⁴ Dr. Shelly Knowles, M.D., Clinical Assistant Professor, John D. Dingell VAMC, Sleep Section, Wayne State University School of Medicine, comments at the May 21, 2013, meeting of the Professional Training Subcommittee. (Note: Dr. Knowles serves as Chairperson of the Southeastern Region of the Human Trafficking Task Force (Wayne County and nine other adjoining counties in the region).
- ⁷⁵ "AK," victim and survivor of human trafficking, comments at the April 15, 2013, meeting of the Michigan Commission on Human Trafficking.
- ⁷⁶ A Powerpoint presentation of the Ohio training can be found on the Ohio Department of Education's website at the following link: <<http://education.ohio.gov/Topics/Other-Resources/School-Safety/Safe-and-Supportive-Learning/Human-Trafficking-Prevention>> (accessed October 21, 2013).
- ⁷⁷ Polaris Project, *Hospitality Industry* <<http://www.polarisproject.org/human-trafficking/labor-trafficking-in-the-us/hospitality-industry>> (accessed October 21, 2013).
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- ⁷⁹ Steve Yencich, President and CEO, Michigan Lodging & Tourism Association, comments at the May 29, 2013, meeting of the Professional Training Subcommittee.
- ⁸⁰ The New Mexico Attorney General's Office offers additional information concerning its human trafficking cases in its Annual Reports. These reports can be viewed through the following link: <<http://www.nmag.gov/publications/nmag-annual-reports-1>> (accessed October 21, 2013).
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- ⁸⁴ See MCL 750.448-450; 725 Ill Comp Stat Ann 5/116-2.1 (effective Jan. 25, 2013); NY Fam Ct Act 311.4 (effective Apr. 1, 2010); Vt Stat Ann tit 13, 2652 (effective July 1, 2011).
- ⁸⁵ Conn Gen Stat Ann 53a-82(b); Mass Gen Laws Ann ch 265, 57; Minn Stat Ann 609.093(4) (effective Aug. 1, 2014); NJ Stat Ann 2C: 34-1(e); Ohio Rev Code Ann 2152.021 (F)(1)(b); Tenn Code Ann 39-13-513; Vt Stat Ann tit 13, 2652(c)(2).
- ⁸⁶ Fla Stat Ann 943.0583; 725 Ill Comp Stat 5/116-2.1; Minn Stat Ann 609.093 (effective Aug. 1, 2014); Ohio Rev Code Ann 2151.358(E).
- ⁸⁷ MCL 750.456.
- ⁸⁸ U.S. Department of Health and Human Services, *Human Trafficking Into and Within the United States: A Review of the Literature*, p 3 <<http://aspe.hhs.gov/hsp/07/humantrafficking/litrev/index.pdf>> (accessed October 21, 2013).

⁸⁹ Polaris Project, *Why Trafficking Exists* <<http://www.polarisproject.org/human-trafficking/overview/why-trafficking-exists>> (accessed October 21, 2013).

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Kristiina Kangaspunta, *Human Trafficking: An Overview*, p 34, 37, 41 <<http://www.ungift.org/docs/ungift/pdf/knowledge/ebook.pdf>> (accessed October 21, 2013).

⁹¹ Polaris Project, *Why Trafficking Exists* <<http://www.polarisproject.org/human-trafficking/overview/why-trafficking-exists>> (accessed October 21, 2013).

⁹² MCL 600.4702, et seq.

⁹³ Pursuant to MCL 600.4704, the OFA requires that notice of the seizure be served within seven days of seizure. A court order is required to place a lien on real property, and criminal charges must be filed within seven days or the property seized must be returned. Since service must be made in person, certified mail, or publication, these deadlines are nearly impossible to meet.

⁹⁴ 18 USC 983 and 18 USC 983(2)(A)(C).

⁹⁵ MCL 600.3801.

⁹⁶ MCL 600.3825(1).

⁹⁷ *Id.*

⁹⁸ MCL 600.3801(1)(b).

⁹⁹ Instead, the proceeds are used to pay expenses of the sale and any liens on the property. The balance goes to the state's General Fund. See MCL 600.3825(3).

¹⁰⁰ MCL 750.462a-750.462i.

¹⁰¹ MCL 750.462a(e).

¹⁰² MCL 750.462j(d), MCL 750.462j(e), MCL 750.462j(a).

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¹⁰⁴ Polaris Project, *Human Trafficking Legislative Issue Brief: Vacating Convictions*, p 1 <http://www.polarisproject.org/storage/documents/vacating_convictions_issue_brief_september_2012.pdf> (accessed October 21, 2013).

¹⁰⁵ *Id.*

¹⁰⁶ These states include the following: Connecticut, Hawaii, Illinois, Maryland, Mississippi, Montana, Maryland, New Jersey, Nevada, North Carolina, Vermont, Washington, and Wyoming.

¹⁰⁷ These states include the following: Hawaii, Illinois, Maryland, Connecticut, Illinois, Maryland, Montana, Nevada, New York, North Carolina, Vermont, and Washington.

¹⁰⁸ These states include Florida and Wyoming.

¹⁰⁹ National Conference of Commissioners on Uniform State Laws, *Uniform Act on Prevention of and Remedies for Human Trafficking*, Sec. 17, p 10-11 <http://www.uniformlaws.org/shared/docs/Prevention%20of%20and%20Remedies%20for%20Human%20Trafficking/2013AM_UPRHT_As%20approved.pdf> (accessed October 21, 2013).

¹¹⁰ MCL 722.623.

¹¹¹ MCL 767.24.

¹¹² University of Southern California Annenberg Center on Communication Leadership & Policy, *Human Trafficking Online: Cases and Patterns* <https://technologyandtrafficking.usc.edu/report/human-trafficking-online-cases-patterns/#_ftn39> (accessed October 21, 2013).

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¹¹⁴ University of Southern California Annenberg Center on Communication Leadership & Policy, *Innovation, Monitoring, and Analysis of Trafficking Online: Primary Research* <<http://technologyandtrafficking.usc.edu/report/primary-research/>> (accessed October 21, 2013).

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¹¹⁶ NAAG Backpage Executive Committee, *Letter to All Attorneys General, Chief Deputies, and Executive Assistants* <[https://www.edt.org/files/file/AG Letter Section 230.pdf](https://www.edt.org/files/file/AG%20Letter%20Section%20230.pdf)> (accessed October 21, 2013).

¹¹⁷ See *Backpage.com, LLC v. McKenna*, 881 F Supp 2d 1262 (WD Wash 2012); *Backpage.com, LLC v. Cooper*, No. 3:12-cv-00654, 2013 WL 1249063, at *2 (MD Tenn Mar. 27, 2013); *Backpage.com, LLC v. Hoffman*, No. 13-cv-3952, 2013 WL 4502097, (D NJ Aug. 20, 2013).

¹¹⁸ The NAAG letter can be viewed at the following link: <http://www.michigan.gov/documents/ag/Letter_to_Congressional_Leaders_428273_7.pdf> (accessed October 21, 2013).

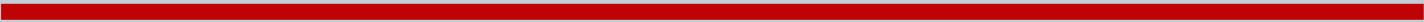
¹¹⁹ Polaris Project, *Hotline Statistics* <<http://www.polarisproject.org/resources/hotline-statistics>> (accessed October 21, 2013).

¹²⁰ Alabama (Ala Code 13A-6-170); Arkansas (Ark Code AnnACA 12-19-102); California (Cal Civ 52.6); Connecticut (Ct CTHB 5666 (2013)); Georgia (Ga HB 141 (2013)); Hawaii (Haw HB 1068 (2013)); Kansas (Kan HB 2034 (2013) Sec. 7); Louisiana (La Rev Stat AnnLRS 541.1); Maryland (Md Code Ann 15-207); Montana (Mont HB 488 (2013)); Nebraska (Neb Rev Stat 81-1430); Ohio (Ohio Rev Code Ann 5502.63); Pennsylvania (Pa HB 235 (2012)); Tennessee (Tenn Code Ann 39-13-313); Texas (Tex SUBJECT Code Ann 104.07); Vermont (Vt Stat Ann tit 13, 2661); Virginia (Va Code Ann 40.1-11.3; Va HB 2061 (2013)); and Washington (Wash Rev Code 47.38.080).

¹²¹ Alabama, Arkansas, California, Georgia, Hawaii, Kansas, Louisiana, Montana, Ohio, Tennessee, and Vermont have adopted the Polaris language.

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¹²³ California (Cal Civil Code 52.6); Georgia (Ga HB 141 (2013)).



Acknowledgments

The Attorney General wishes to acknowledge the following individuals for their valuable contributions to the Michigan Commission on Human Trafficking by willingly taking on the responsibility of chairing a subcommittee and using their own expertise and experiences to further the Commission's agenda.

Subcommittee Chairs

Data Subcommittee Chair: BRIDGETTE CARR

Professor Bridgette Carr founded and directs the Human Trafficking Clinic at the University of Michigan Law School. Her research and teaching interests focus on human trafficking, immigration, and human rights, and she is a member of the Michigan Human Trafficking Task Force. Prof. Carr oversees a \$300,000 grant from the U.S. Department of State to launch a human trafficking clinic in Mexico, and was named a top lawyer by Marie Claire magazine for 2012. In 2011, the Human Trafficking Clinic launched the nation's only comprehensive online database of human trafficking cases. Prof. Carr received her BA, cum laude, from the University of Notre Dame and earned her JD, cum laude, from the University of Michigan Law School. During law school, she was a Michigan refugee and asylum law fellow with Amnesty International. Prior to joining the Law School faculty, she was an associate clinical professor at the University of Notre Dame Law School, where she led the Immigrant Rights Project. In 2008, she was awarded a Marshall Memorial Fellowship to study human trafficking issues in Europe.

Professional Training Subcommittee Chair: JANE WHITE

Jane White is the Executive Director of the Michigan Human Trafficking Task Force, a 90-member agency representing innumerable diverse groups operating through the School of Criminal Justice, Michigan State University. She has worked extensively with in the anti-trafficking movement with victims, NGO's, law enforcement agencies, and communities across the state. She is the former Associate Director for the National Center for Community Policing at MSU and traveled extensively working with agencies on organizational change. She has worked with international, national and local government organizations, NGOs, police agencies, corrections, and private security as a consultant, trainer and researcher. She started her career as a Police Officer with the Lansing Police Department and subsequently became Director of the Criminal Justice and Law Center, Mid-Michigan Police Academy at Lansing Community College where she developed and implemented the largest law enforcement training center in the State of Michigan. She holds a Bachelor's Degree in Political Science and a Master's Degree in Administration of Higher Education from Michigan State University.

Victim Services Subcommittee Joint Chair: EILEEN KOWALL

State Representative Eileen Kowall was re-elected to a third term in the Michigan House of Representatives in November 2012, representing residents of Highland Township, White Lake Township, Springfield Township, Milford Township and part of Waterford Township. Rep. Kowall serves on the House Appropriations Committee, serving as chair of the environmental quality and joint capital outlay subcommittees. Representative Kowall attended Wayne State University from 1970 to 1972; and the University of Detroit from 1972 to 1974, where she obtained an associate degree in Dental Hygiene. She is also a graduate of the Michigan Excellence in Public Service series. She is a 2010 fellow of The Council of State Governments' Bowhay Institute for Legislative Leadership Development (BILLD), a training program that identifies and assists promising state leaders.

Victim Services Subcommittee Joint Chair: TONYA SCHUITMAKER

Senator Tonya Schuitmaker was raised on a family farm in Antwerp Township, and has been a lifelong resident of southwest Michigan. Currently, the senator serves as chair of the Senate Appropriations Subcommittee on Higher Education, vice chair of the Senate Judiciary Committee, vice chair of Senate Health Policy Committee, and as vice chair on the Senate Appropriations subcommittees on Capital Outlay, Community Colleges and Judiciary. Senator Schuitmaker also serves as a member on the vital Senate Appropriations Committee, and is President Pro Tempore of the Michigan Senate. She also served three terms in the House of Representatives. Senator Schuitmaker graduated from Mattawan Consolidated High School. She holds a B.A. in business from Michigan State University and earned her Juris Doctor and graduated cum laude from the Detroit College of Law. She is married to Steve and together they are raising their two children, Jordan and Savina.

Legislative Policy Subcommittee Chair: KURT HEISE

State Representative Kurt Heise is in his second term in the State House. His district covers Northville, Plymouth, and eastern Canton in Wayne County. He is a 22-year Michigan attorney and attended the University of Michigan and Wayne State Law School. He and his wife Catherine, also an attorney, have two teenage daughters, Katie and Claire, attending Salem High School in Canton. Heise is the Chairman of the House Criminal Justice Committee, and serves on the House Judiciary Committee and the House Elections and Ethics Committee. He has served as the Director of the Wayne County Department of Environment, a municipal attorney, mayoral deputy, a member of the State Law Revision Commission, and an adjunct professor at Wayne State University and the University of Michigan-Dearborn. He is a lifetime resident of Wayne County.

Public Awareness Subcommittee Chair: JUDY EMMONS

Senator Judy Emmons is a mid-Michigan native, fifth generation farmer, mother of three, and grandmother of three. The senator serves more than 250,000 constituents in the 33rd Senate District, which includes four counties: Clinton, Ionia, Isabella, and Montcalm. Senator Emmons has a broad-based record of community service, including three terms in the Michigan House of Representatives where she served two years as majority vice-chair of the powerful House Appropriations Committee, and two years as minority vice-chair of the Military Affairs, Veterans and Homeland Security Committee and also the Higher Education Committee. She is a mentor for women, including serving as chair of the statewide Senate GOP Women Matter training and education program. Senator Emmons and her husband Jerry have been married 40 years and they continue to take pride in and remain committed to their family history in farming, their children and grandchildren, and their community.

Subcommittee Co-Chairs

Undertaking such a large project is impossible without the support of key staff within the Department of Attorney General. The Michigan Commission on Human Trafficking wishes to acknowledge the following individuals from the Department of Attorney General for agreeing to assume Co-Chair positions.

Carol Isaacs
Chief Deputy Attorney General
Joint Co-Chair, Data Subcommittee
Project Manager, Human Trafficking Commission

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Bureau Chief, Criminal Justice Bureau
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