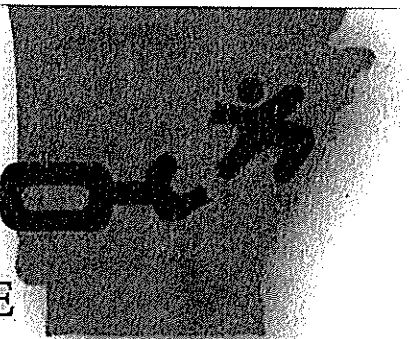


ARKANSAS
ATTORNEY GENERAL'S



STATE TASK FORCE FOR THE
PREVENTION OF HUMAN TRAFFICKING



REPORT OF
THE ARKANSAS TASK FORCE
FOR THE PREVENTION OF HUMAN
TRAFFICKING

August 2014





THE ATTORNEY GENERAL
STATE OF ARKANSAS
DUSTIN McDANIEL

I want to thank the 89th Arkansas General Assembly for their commitment to addressing human trafficking with the passage of the Human Trafficking Act of 2013. I was proud to have Acts 132 and 133 as part of my legislative package, and I was glad to work with a bipartisan coalition of lawmakers to see it passed overwhelmingly and signed into law by Governor Beebe. I'm especially appreciative of the support we received from sponsors Senators Missy Irvin, Jason Rapert and Joyce Elliott and Representatives David Meeks and Greg Leding.

An important provision of the Act was to empower the Attorney General to establish the Arkansas Task Force for the Prevention of Human Trafficking to address all aspects of human trafficking. The Task Force, made up of 40 individuals from a diverse variety of government agencies and private organizations, met for the first time in November 2013.

I warned the Task Force members that I was asking them to take on a daunting assignment: to coordinate the implementation of a plan to address human trafficking in Arkansas and to articulate a coherent strategy to address the issue. They eagerly accepted my challenge and moved forward independently to put together their findings and recommendations, which are detailed in this report.

I want to thank the entire Task Force for their hard work and dedication. I'm particularly appreciative of our co-chairs, Assistant Attorney General Will Jones and Reagan Stanford, Crime Victims Services Coordinator with Arkansas Catholic Charities. I also want to thank the members of my staff who assisted the Task Force and made this report possible: Special Investigations Division Chief Jason French, Community Relations Director Avis Lane, Assistant Attorney General Karen Wallace and law clerk LaChrisha Gray.

It's important to all of us that Arkansas is a safe haven for those seeking to escape their captors and reclaim their freedom.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dustin McDaniel".

Dustin McDaniel
Arkansas Attorney General

ARKANSAS
ATTORNEY GENERAL'S



STATE TASK FORCE FOR THE
PREVENTION OF HUMAN TRAFFICKING

A MESSAGE FROM THE CO-CHAIRS

On behalf of the Attorney General's Task Force for the Prevention of Human Trafficking, we are pleased to present the following report for your consideration. With the passage of Acts 132 and 133, the General Assembly took the first step to end human trafficking in the State of Arkansas. We believe the recommendations contained in this report are the next step.

Over the past nine months, the Task Force reviewed current laws and practices regarding human trafficking in Arkansas. The goal of the Task Force was to develop a comprehensive plan to attack the problem of human trafficking in our state from multiple angles: to help identify trafficking victims, strengthen our response to assist victims, and bring traffickers to justice. We believe we have accomplished that goal with each recommendation complimenting the others. We do recognize, however, that individual recommendations can stand alone and that implementation of any one of them would improve the plight of trafficking victims in our state.

This report is a remarkable illustration of the value of partnerships and commitment. Partnerships between law enforcement, government agencies, social services providers, survivors, faith based organizations and community groups. It would not have been possible without the countless hours devoted by members of the Task Force. The report serves as an example of what can be accomplished when individuals from different backgrounds and often vastly different experiences work together to serve others.

A handwritten signature in black ink, appearing to read "Will Jones".

Will Jones

Arkansas Attorney General's Office

A handwritten signature in black ink, appearing to read "Reagan Stanford".

Reagan Stanford

Catholic Charities of Arkansas

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A. Executive Summary

Pursuant to the Arkansas Human Trafficking Act of 2013, Arkansas Attorney General Dustin McDaniel appointed the State Task Force for the Prevention of Human Trafficking to “address all aspects of human trafficking, including sex trafficking and labor trafficking of both United States citizens and foreign nationals.” Section 6 of the Act, now codified at Ark. Code Ann. § 12-19-101 (Supp. 2013), specifically requires the Task Force to:

1. Develop a state plan.
2. Coordinate the implementation of the state plan.
3. Coordinate the collection and sharing of human trafficking data among government agencies in a manner that ensures that the privacy of victims of human trafficking is protected and that the data collection shall respect the privacy of victims of human trafficking.
4. Coordinate the sharing of information between agencies to detect individuals and groups engaged in human trafficking.
5. Explore the establishment of state polices for time limits for the issuance of law enforcement agency endorsements as described in 8 C.F.R. § 214.11(f)(1), as it existed on Jan. 1, 2013.
6. Establish policies to enable state government to work with nongovernmental organizations and other elements of the private sector to prevent human trafficking and provide assistance to victims of human trafficking who are U.S. citizens or foreign nationals.
7. Evaluate various approaches used by state and local governments to increase public awareness of human trafficking, including trafficking of U.S. citizens and foreign national victims.
8. Develop curriculum and train law enforcement agencies, prosecutors, public defenders, judges, and others involved in the criminal and juvenile justice systems on:
 - a. Offenses under the Arkansas Human Trafficking Act of 2013, § 5-18-101 et seq.;
 - b. Methods used in identifying victims of human trafficking who are U.S. citizens or foreign nationals, including preliminary interview techniques and appropriate questioning methods;
 - c. Methods for prosecuting human traffickers;
 - d. Methods of increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a human trafficking case;

- e. Methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and special needs of women and minors;
 - f. The necessity of treating victims of human trafficking as crime victims rather than criminals; and
 - g. Methods for promoting the safety of victims of human trafficking; and
9. Submit a report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

The 40-member Task Force met bimonthly over the course of 8 months. A complete list of the Task Force membership is included in Appendix I. The following four committees, organized by topics to be addressed, met monthly: (1) Coordination, Collection, and Sharing of Information Committee, (2) Establishment of Policy on Victims Committee, (3) Public Awareness Committee, and (4) Timeline and Law Enforcement Training Committee. Administrative, clerical, and legal services for the Task Force and its committees were provided by staff of the Attorney General's Office, and its records are maintained in that office.

The Task Force began its work by collaborating with the Arkansas State Fusion Center to create and conduct surveys of law enforcement agencies and social service providers. It also worked with the UALR MidSOUTH School of Social Work to conduct public focus groups for law enforcement officers and social service providers at the five MidSOUTH locations around the state. Data from the surveys and the focus groups were analyzed by Amber Brossett, a graduate student at the UALR School of Social Work, working under the supervision of E. Christopher Lloyd, PhD, and Gigi Peters, LMSW, a Task Force member. Excerpts from Ms. Brossett's report, "Human Trafficking in Arkansas: A Snapshot," are included as Appendix II.

Based upon the data from the surveys and focus groups, as well as the investigations and discussions of the Task Force and its committees, the Task Force adopted 19 recommendations as its State Plan. The recommendations are summarized below and each is discussed in detail on the following pages:

Recommendation 1: The State of Arkansas should continue to use the Polaris Project/National Human Trafficking Resource Center Hotline.

Recommendation 2: Authorize the addition of two employees at the Attorney General's Office to function as the clearinghouse for all Hotline calls to be

routed to law enforcement and to assist sheriffs and police chiefs in forming regional task forces to respond to all Hotline calls and function as a liaison for the task forces. The Attorney General's Office should be designated to keep records and statistics regarding Hotline calls routed to law enforcement and to prepare and coordinate state Hotline protocols with the Polaris Project/National Human Trafficking Resource Center Hotline.

Recommendation 3: Create the Arkansas Prevention of Human Trafficking Board, with members to be appointed by the Governor as outlined in the State Plan. The board should be served by at least one full-time employee. The board's responsibilities are outlined in the State Plan. In the alternative, the Task Force recommends that the Arkansas Commission on Child Abuse, Rape and Domestic Violence be expanded by 3 to 5 commissioners and at least one additional employee to perform the functions of the proposed board. The commission should create a subcommittee on human trafficking.

Recommendation 4: Create a new license to regulate any agency working with human trafficking victims. Licensure should be administered by the Arkansas Prevention of Human Trafficking Board (or Arkansas Commission on Child Abuse, Rape and Domestic Violence if the board is not created) as outlined in the State Plan.

Recommendation 5: Assemble multi-disciplinary teams to service adult trafficking victims, to be coordinated by the Arkansas Prevention of Human Trafficking Board (or Arkansas Commission on Child Abuse, Rape and Domestic Violence if the board is not created).

Recommendation 6: Fund the Arkansas Department of Human Services's safe harbor proposed model for delivery of services to minors, and clarify existing legislation to give the Arkansas Department of Human Services appropriation authority for use of safe harbor funds.

Recommendation 7: The Arkansas Department of Human Services should revise and update the Medical Services Policy Manual sections related to human trafficking victims and qualified aliens.

Recommendation 8: Require all medical facilities to adopt policies regarding care and services for human trafficking victims, similar to that used by the Arkansas Department of Health.

Recommendation 9: Establish a pilot program for and fund a court-approved educational course to educate those charged and/or convicted of soliciting the services of prostitute and other related offenses about the effects of prostitution course (sometimes referred to as “Johns School”) in Little Rock, and designate an appropriate administrator for the program.

Recommendation 10: Amend Ark. Code Ann. § 12-19-102(a)(1) to require rest stops, state parks, schools with grades 6-12, publically accessible campgrounds, airports, restaurants, and all hotels and motels post information about the National Human Trafficking Resource Center Hotline.

Recommendation 11: Every state, county, and city law enforcement agency in Arkansas should adopt a policy on signing Form I-914, Supplement B, for T nonimmigrant status certification and Form I-918, Supplement B, for U nonimmigrant status certification. The policy should designate who should sign the forms and require that such forms be signed no later than 30 days from receipt of the request for issuance of the certification.

Recommendation 12: The Administrative Office of the Courts should educate all prosecutors, judges, and circuit and district court clerks regarding the fines dedicated for the Safe Harbor Fund for Sexually Exploited Children as set forth in Ark. Code Ann. §§ 5-18-103(d), 5-70-102(d), and 5-70-103(d).

Recommendation 13: The Administrative Office of the Courts should take the necessary steps to ensure that the fines required by Ark. Code Ann. §§ 5-18-103(d), 5-70-102(d), and 5-70-103(d) are reflected in sentencing reports and orders.

Recommendation 14: The Task Force supports enactment of legislation proposed by the Arkansas Crime Information Center to add human trafficking convictions to those requiring registration as a sex offender pursuant to Ark. Code Ann. §§ 12-12-901 et seq.

Recommendation 15: Fund human trafficking training programs for Arkansas Department of Human Services case workers and law enforcement officers at the UALR MidSOUTH School of Social Work, the University of Arkansas System Criminal Justice Institute and the law enforcement academies.

Recommendation 16: Fund human trafficking training programs for state judges concerning the matters set forth in Ark. Code Ann. § 12-19-101(d)(8).

Recommendation 17: Fund human trafficking training programs for intake officers and appropriate staff concerning the matters set forth in Ark. Code Ann. §§ 12-18-1202 and 12-19-101(d)(8).

Recommendation 18: Fund human trafficking training programs for public defenders concerning the matters set forth in Ark. Code Ann. § 12-19-101(d)(8).

Recommendation 19: Require and fund a statewide survey of law enforcement and service providers regarding human trafficking, to be conducted every two years.

B. Legislative History

In 2013, the Arkansas General Assembly enacted identical Acts 132 and 133 as the Arkansas Human Trafficking Act of 2013 (“the Act”). In addition to creating the Task Force, the Act repealed Ark. Code Ann. § 5-11-108, regarding human trafficking, and replaced it with new offenses codified at §§ 5-18-101 et seq. (Repl. 2013). The Act created the crimes of trafficking of persons and patronizing a victim of human trafficking, both felonies, with the felony classification enhanced if the victim was a minor at the time of the offense. Sections 4 and 5 of the Act created affirmative defenses for the crimes of sexual solicitation and prostitution if the person charged performed the act as a result of being a trafficking victim. Both Acts 132 and 133 of 2013 are included in Appendix III.

Act 1157 of 2013 required certain sexually oriented businesses, bus stations, and airports to post information about the National Human Trafficking Resource Center Hotline, and it amended existing Arkansas law to add human trafficking to the list of offenses allowing forfeiture of certain conveyances upon conviction. A copy of the Act is included as Appendix IV.

Act 1257 of 2013, commonly referred to as the “Safe Harbor” Act, was the first step in addressing the care and placement of minor sex-trafficking victims. It

amended the criminal statutes regarding trafficking, prostitution, and sexual solicitation to add a fine to be deposited into the Safe Harbor Fund for Sexually Exploited Children, gave the Department of Human Services authority to administer the fund, and required the department to develop a statewide referral protocol for helping to coordinate the delivery of services to sexually exploited children. Finally, the Act provided for training of juvenile intake officers, law enforcement officials, prosecutors, and other appropriate staff concerning identifying sexually exploited children and obtaining appropriate services for them. A copy of the Act is included as Appendix V.

C. Current Efforts to Combat Human Trafficking in Arkansas

The Task Force found that state and local law enforcement agencies are investigating human trafficking crimes to the best of their abilities despite a widespread lack of training on the subject. The Arkansas State Fusion Center survey of law enforcement agencies revealed that more than half of the agencies agreed that human trafficking occurs in the State, and nearly 80% agreed that it is increasing every year. (See Appendix II, Appendix H, Tables 5 and 6.) Yet only one-third of the agencies surveyed had received any training regarding human trafficking within the past two years. (See Appendix II, Appendix H, Table 10.) Two-thirds of the agencies surveyed indicated that their personnel were not adequately trained to recognize indicators that could suggest human trafficking activity. (See Appendix II, Appendix H, Table 9.) All reported trafficking cases for the time period covered by the survey involved adult or minor females, and 95% of the prostitution-related arrests involved gang activity. (See Appendix II, Appendix H, Tables 2- 4.)

Since the passage of the Arkansas Human Trafficking Act in 2013, the Arkansas Crime Information Center has added human trafficking charge codes and National Incident-Based Reporting System (NIBRS) codes to facilitate the reporting of human trafficking offenses in the state. A copy of those codes is included as Appendix VI. Law enforcement training and the expected subsequent increase in reporting of these cases should provide a clearer picture of the extent of human trafficking in the state.

In December 2012, the FBI's Little Rock field office and the Little Rock Police Department's Vice Unit created the Denied Innocence Task Force. Its mission is to provide a rapid, proactive, and intelligence-driven investigative

response to the sexual victimization of children and other crimes against children in Arkansas; to identify and rescue child victims; to reduce the vulnerability of children to sexual exploitation and abuse; to reduce the negative impact of domestic and international parental rights disputes; and to strengthen the capabilities of the FBI and federal, state, local and international law enforcement through training, intelligence-sharing, technical support, and investigative assistance.

The following agencies now participate in the Denied Innocence Task Force:

Arkansas State Police
Benton Police Department
Conway Police Department
FBI
U.S. Department of Homeland Security
Little Rock Police Department
North Little Rock Police Department
Pulaski County Sheriff's Office
U.S. Attorney's Office, Eastern and Western districts
U.S. Marshals Service

The Denied Innocence Task Force receives tips through the National Center for Missing and Exploited Children as well as from the general public. In its first case in December 2012, the task force arrested three individuals and recovered a 17-year-old victim. All three suspects were charged with human trafficking in federal court. The case is pending and additional charges may be filed in another state.

In 2013, the Denied Innocence Task Force received and investigated 33 complaints and performed a total of 23 operations, mainly in the Little Rock area. Six individuals were arrested and charged with either state or federal charges related to human trafficking. One of the arrestees was a law enforcement officer. Two juvenile victims were recovered.

To date in 2014, the Denied Innocence Task Force has received and investigated 24 complaints and performed a total of 16 operations. Four individuals have been arrested and charged with either state or federal human trafficking related charges.

The Denied Innocence Task Force has a 100 percent conviction record in state and federal courts.

As for social service providers, the Arkansas State Fusion Center Survey showed that about 40 percent of respondents felt that the needs of trafficking victims were adequately met by the services provided. (See Appendix II, Appendix G, Table 4.) Of the providers that responded, more than 76 percent indicated that providers require training to better serve victims. (See Appendix II, Appendix G, Table 6.) The same number indicated that difficulty identifying or reaching victims was a barrier or challenge to providing services, and more than half of respondents indicated that lack of training is a barrier or challenge. (See Appendix II, Appendix G, 7.) More than 60 percent identified lack of adequate resources as a problem in providing services. (See Appendix II, Appendix G, Table 7.) More than 70 percent of the providers indicated that training and resources were needed in Arkansas to adequately address human trafficking. (See Appendix II, Appendix G, Table 8.)

In the focus groups, representatives of both law enforcement agencies and social service providers detailed numerous barriers to the investigation and prosecution of human trafficking and to providing adequate services to victims. These problems include issues hampering victim cooperation, language barriers, lack of collaboration and cooperation between agencies, and lack of public awareness of human trafficking. (See Appendix II, Appendix E.)

D. State Plan Recommendations

Recommendation 1: The State of Arkansas should continue to use the Polaris Project/National Human Trafficking Resource Center Hotline.

The Public Awareness Committee explored whether Arkansas should operate its own hotline rather than using the existing national hotline. Investigation revealed that the national hotline is funded by the U.S. Department of Health and Human Services and operates 24 hours a day, 7 days a week. It receives a variety of calls and tips, assists in crisis situations, and provides information and referrals. The hotline accepts calls from victims, law enforcement officials, social services providers, and the general public. It receives about 3,000 calls per month.

The hotline is accessible by telephone, the internet, email, and SMS text messaging. It is staffed by personnel who are fluent in Spanish, French and Bengali. The hotline subscribes to a service that makes interpreters available for more than 175 languages within 30 seconds, 24 hours a day.

The hotline employs nine managers who previously worked as call specialists for the hotline. There are 34 part-time and full-time call specialists. Each has 60 hours of training and 8 hours of shadowing another call specialist. They are trained in trafficking, related law, available services, victims and perpetrators, types of networks in trafficking, ways to talk to different types of callers, safety planning, emotional support, trauma care, technical training, and how to make appropriate referrals. A computer program tracks hotline case data and generates reports for evaluation purposes. The staff also receives advanced training quarterly, and they are given professional development sessions and programs. Supervisors are on site from 8 a.m. to midnight 7 days a week and rotating on-call supervisors are available after hours.

The hotline tracks victims by assigning each case a case number and using that number to track other calls, activities and reports. Hotline staff may also connect callers with a service provider via conference call.

Between December 2007 and November 2013, the hotline received more than 384 calls from Arkansas. Sixty of those calls referenced potential trafficking situations. In 2012, the hotline referred eight tips to Arkansas law enforcement. In 2013, out of 27 identified cases of potential trafficking, eight tips were referred to Arkansas law enforcement agencies. Of those 27 potential cases, 20 were determined to identify cases of sex trafficking, four identified labor trafficking, and three were not specified. Hotline calls classified as unspecified are often social service providers seeking legal services for victims.

For each potential trafficking case, a supervisor examines and reviews the case before sending it out to a law enforcement agency or service provider. Hotline callers include public tipsters, victims, survivors, law enforcement officials seeking assistance, and service providers.

Hotline personnel do not make formal findings of trafficking. Instead, they screen calls and make referrals to local law enforcement agencies that determine if trafficking exists in a given case.

Reports of suspected child sex trafficking are referred by the hotline to the National Center for Missing and Exploited Children (NCMEC) or state-level Innocence Lost Hotlines, depending on the protocol provided by each state. The protocol can direct the calls to state or local law enforcement as well. Of the 27 hotline calls regarding Arkansas-based cases received in 2013, 12 involved at least one minor. If a trafficking case involving a minor was not reported to a law enforcement agency, it was because an agency was already investigating it or there was not enough detail given to produce a report.

The hotline has national agreements with the U.S. Department of Homeland Security, the FBI Civil Rights Division, and the FBI Crimes Against Children Division. They also have agreements with other national hotlines—NCMEC, the National Domestic Violence Hotline, and the Runaway Hotline.

National Human Trafficking Hotline administrators have said they would like to establish a more specific protocol for calls regarding possible trafficking cases in Arkansas. The hotline is willing to forward calls to law enforcement in any way that our state directs. Currently, for calls referred to law enforcement agencies in Arkansas, the hotline notifies local 911 for emergencies and gives all email tips to the U.S. Department of Homeland Security and the FBI within 24 hours or within 2 hours if a minor is involved. Arkansas law enforcement calls currently are sent to the Little Rock FBI Field Office. The committee recommends that every 911 provider have an internal policy and an established contact person for calls referred from the hotline. For example, Little Rock 911 callers reporting suspected human trafficking are now directed to designated personnel at the Little Rock Police Department. Social services related calls are currently referred to personnel at Catholic Charities in Little Rock.

Some other states are running their own hotlines with the assistance of non-profit organizations or through the use of existing state hotlines originally intended for other purposes. However, the national hotline is free to Arkansas, and its use would allow the state to devote its financial resources to other trafficking needs, such as the establishment of regional response teams.

The Task Force believes it would be impractical for Arkansas to provide the level of services already available through the national hotline.

Moreover, the hotline and Polaris Project make available public awareness materials featuring the hotline number. Consequently, the Task Force recommends the continued use of the national hotline.

Recommendation 2: Authorize the addition of two employees at the Attorney General's Office to function as the clearinghouse for all Hotline calls to be routed to law enforcement and to assist sheriffs and police chiefs in forming regional task forces to respond to all Hotline calls and function as a liaison for the task forces. The Attorney General's Office should be designated to keep records and statistics regarding Hotline calls to be routed to law enforcement and to prepare and coordinate state Hotline protocols with the Polaris Project/National Human Trafficking Resource Center Hotline.

Because of the large number of law enforcement officers in its membership, the Timeline and Law Enforcement Training Committee took up the task of deciding how the hotline should direct calls reporting suspected human trafficking activity in Arkansas to law enforcement and social services agencies.

For six months, the committee explored the available options, including directing the hotline to refer calls to (1) appropriate local law enforcement agencies, (2) regional task forces established in different areas of the state, and (3) a central location that would then send the calls to appropriate law enforcement agencies or regional task forces.

The Arkansas State Police proposed creating a human trafficking division at that agency that would take and investigate the calls as well as perform proactive investigations.

Ultimately, the committee determined that the best model for Arkansas was one in which the Attorney General's Office took all hotline calls that required law enforcement attention and forwarded them to regional task forces or appropriate law enforcement agencies. The committee strongly believes that local law enforcement agencies must respond to such calls. The committee recognized, however, the desirability of having regional task forces comprised of officers from state, county, and local agencies who are specially trained in human trafficking to respond to the calls or to act as resources for agencies responding to such calls. The committee determined that the Attorney General's Office can best assist sheriffs and police chiefs in forming regional task forces and function as a liaison for the task forces. As the liaison, the office would be responsible for preparation

of protocols to be used by the national hotline when receiving reports of suspected trafficking activity in Arkansas.

Finally, as the entity taking all law enforcement calls from the hotline, the Attorney General's Office would be responsible for keeping records of the calls as well as statistical data regarding the calls. The Task Force agreed with the committee's assessment.

To perform these functions, the Attorney General's Office would need two additional employees and the Task Force recommends that these positions should be provided and funded.

Recommendation 3: Create the Arkansas Prevention of Human Trafficking Board. Board members should be appointed by the Governor and include representatives from all congressional districts. Board member terms should be 4 years, staggered. The board should have governmental and non-governmental agency representatives from the following:

- Arkansas Prosecuting Attorney's Association
- University of Arkansas System Criminal Justice Institute
- Arkansas Crime Information Center
- Arkansas State Police
- Arkansas Department of Health
- Arkansas Department of Human Services
- Arkansas Department of Labor
- A member of the Arkansas Chiefs of Police Association
- 3 victim services representatives
- 2 citizens at large
- A victim or survivor of sexual exploitation or labor trafficking
- A member of the Arkansas Bar Association
- A faculty member from a 4-year college or university with experience in the study of human trafficking or a closely related subject
- A member of the Arkansas Sheriffs' Association
- A law enforcement officer at large
- A representative of the State Chamber of Commerce
- A member of the juvenile justice system
- A healthcare provider experienced in the treatment of human trafficking victims

The board should be served by at least one full-time employee. The board's responsibilities would include:

- **Cooperate with other agencies to conduct statewide surveys every two years in a format similar to the survey conducted by this Task Force; maintaining the final reports from the surveys and presenting them to the Governor (See Recommendation No. 19)**
 - **Collaborate with Polaris Project/National Human Trafficking Resource Center to create and present public service announcements regarding human trafficking**
 - **Collaborate with Polaris Project/National Human Trafficking Resource Center to create uniform hotline posters for use in the state**
 - **Conduct public outreach events and special days/months to focus on human trafficking, including National Human Trafficking Awareness Day**
 - **Make available uniform victims' rights brochures for statewide use**
 - **Work to update and revive United Way's 2-1-1 system or create a similar system to provide information about service providers across the state**
-
- **Administer the licensure procedure for any agency working with human trafficking victims (See Recommendation No. 4)**
 - **Create and maintain a website**
 - **Collaborate with other agencies in the creation and operation of Johns Schools (See Recommendation No. 9)**
 - **Maintain information and statistics regarding Polaris Project/National Human Trafficking Resource Center Hotline calls routed to service providers**
 - **Cooperate with the Attorney General's Office in directing the Polaris Project/National Human Trafficking Resource Center regarding hotline protocols (See Recommendation No. 2)**
 - **Oversee and assemble adult multi-disciplinary teams as needed (See Recommendation No. 5)**

In the alternative, the Task Force recommends that the Arkansas Commission on Child Abuse, Rape and Domestic Violence be expanded by 3 to 5 commissioners and at least one additional employee to perform

the functions of the proposed board. The commission should create a subcommittee on human trafficking.

All the committees reached the conclusion that a permanent government agency needed to take over the work of the Task Force as well as to perform other needed functions to guarantee an ongoing and effective response to the problem of human trafficking in Arkansas. The Public Awareness Committee studied the issue and determined that the creation of a board dedicated to the human trafficking problem was the best solution. The committee took special care to make very specific recommendations regarding the membership of the board and its functions so as to cover many concerns discussed in the committee regarding problems such as the licensing of service providers, the creation of adult multi-disciplinary teams, the routing of Hotline calls to appropriate service providers, public awareness regarding human trafficking, and the dissemination of legal information to trafficking victims (e.g., the sample victim rights brochure provided by the Little Rock Police Department in Appendix VII). The Task Force agreed with the committee's assessment.

Of course, the creation of a board on human trafficking would require funding for an employee, for offices, and for the work of the board. If the legislature deems such an effort too expensive, the Task Force recommends that the Arkansas Commission on Child Abuse, Rape, and Domestic Violence be expanded and tasked with fulfilling the functions listed in the recommendation. The commission would need an additional employee to carry out its human trafficking duties and should create a subcommittee to address human trafficking.

Recommendation 4: Create a new license to regulate any agency working with human trafficking victims. Licensure should be administered by the Arkansas Prevention of Human Trafficking Board (or Arkansas Commission on Child Abuse, Rape and Domestic Violence if the board is not created). Minimum standards for licensure should include ethical standards, media standards, core services standards, crisis intervention services standards, sheltering for adults standards, case management/victim services standards, residential program standards, and street outreach standards.

The Establishment of Policy on Victims Committee determined that the services provided to adult trafficking victims currently is of uneven quality and that regulation of the service providers is needed. A draft of a sample policy

proposed to the committee is included in Appendix VIII for the benefit of the board or commission ultimately tasked with licensure of such agencies.

Recommendation 5: Assemble multi-disciplinary teams to service adult trafficking victims, to be coordinated by the Arkansas Prevention of Human Trafficking Board (or Arkansas Commission on Child Abuse, Rape and Domestic Violence if the board is not created).

Victims of human trafficking often have overlapping layers of trauma and victimization, and they need to interact with multiple systems. The Multi-Disciplinary Team (MDT) model encourages agency collaboration and service coordination, minimizing the duplication of efforts and the risk of re-traumatization of the victim. This model is currently being used to effectively address child abuse in the state. Identified cases of human trafficking involving minor victims should be incorporated into the existing MDTs.

Regional MDTs should be formed to respond to identified cases of human trafficking involving adult victims. Teams should meet as needed or at least quarterly to reassess agency capabilities and discuss promising practices in the field. These teams may operate in conjunction with law enforcement regional task forces investigating suspected incidents of human trafficking in the state. Teams should be coordinated and overseen by the Arkansas Prevention of Human Trafficking Board (or the Arkansas Commission on Child Abuse, Rape and Domestic Violence if the board is not created). The Arkansas Commission on Child Abuse, Rape and Domestic Violence coordinates the state's current MDTs and should be consulted for technical assistance in the formation of new MDTs for adults. All members of the MDTs for adults should be licensed to serve victims of human trafficking according to the licensure standards set out in Recommendation No. 4.

Recommendation 6: Fund the Arkansas Department of Human Services' safe harbor proposed model for delivery of services to minors, and clarify existing legislation to give the Arkansas Department of Human Services appropriation authority for use of safe harbor funds.

Section 2 of Act 1257 of 2013 expresses the legislative intent that any child engaged in prostitution or solicitation be presumed to be a victim of sex trafficking and that such children be given appropriate care and services: "in determining the need for and capacity of services that may be provided, the Department of Human Services shall recognize that sexually exploited children have separate and distinct

service needs according to gender, and every effort should be made to ensure that these children are not prosecuted or treated as juvenile delinquents, but instead are given the appropriate social services.” Section 7 of the Act amends Ark. Code Ann. § 9-27-323 to add that the department “shall develop a statewide referral protocol for helping to coordinate the delivery of services to sexually exploited children.”

The Establishment of Policy on Victims Committee worked closely with DHS officials in the development of a safe harbor proposed model for the delivery of services to sexually exploited children. DHS considered the committee’s input in developing the model and presented multiple drafts of the model to the committee for consideration and feedback during its development. With the committee’s approval, the Task Force recommends that the DHS model be funded by the legislature. A copy of the model and a proposed budget is included as Appendix IX.

As noted earlier in this report, Act 1257 amended the criminal statutes regarding trafficking, prostitution, and sexual solicitation to add a fine to be deposited into the Safe Harbor Fund for Sexually Exploited Children, gave the Department of Human Services authority to administer the fund, and required the department to develop a statewide referral protocol for helping to coordinate the delivery of services to sexually exploited children. However, DHS has not been given the appropriation authority to use the money in the fund to help finance the care it provides for sexually exploited children. Thus, the Task Force recommends that such appropriate authority be given to the Department of Human Services.

Recommendation 7: The Arkansas Department of Human Services should revise and update the Medical Services Policy Manual sections related to human trafficking victims and qualified aliens.

The Establishment of Policy on Victims Committee reviewed the Arkansas Department of Human Services’ Medical Services Policy Manual and found several instances where the manual needed to be updated or revised to reflect the current state of federal and state law related to human trafficking victims and qualified aliens. A comprehensive review and revision of these manual sections should be undertaken by the department as soon as possible to ensure the prompt delivery of appropriate medical services to these populaces, in accordance with Section 6 of the Human Trafficking Act of 2013 (Appendix III), codified at Ark. Code Ann. § 12-19-101(d)(6).

Recommendation 8: Require all medical facilities to adopt policies regarding the care and service of human trafficking victims, similar to that used by the Arkansas Department of Health.

The Establishment of Policy on Victims Committee determined that there is no uniform policy regarding human trafficking victims used by medical facilities in the state. Such a policy is desirable to assist medical professionals in identifying and treating victims of human trafficking as well as to make sure that victims are matched with appropriate social service providers. The Task Force recommends that the legislature require all medical facilities in the state to adopt a policy similar to that used by the Arkansas Department of Health, which is found in Appendix X. (See Section 6 of the Human Trafficking Act of 2013 (Appendix III), codified at Ark. Code Ann. § 12-19-101(d)(6).)

Recommendation 9: Establish a pilot program for and fund a court-approved educational course to educate those charged and/or convicted of soliciting the services of prostitutes and other related offenses about the effects of prostitution (sometimes referred to as “Johns School”) in Little Rock, and designate an appropriate administrator for the program .

According to Demand Forum.net, Resources for the Prevention of Prostitution and Sex Trafficking, <http://www.demandforum.net/john-school/> (last accessed July 7, 2014), a “Johns School” can be structured as a sentencing option and combined with other criminal sanctions, or as a diversion program, resulting in dismissed charges.” They can be “one-day classes or designed as multiple-session counseling programs.” “The programs are financed by the fees or fines that the [arrestees] must pay (typically, about \$400) . . . , [and] [t]he fees or fines usually cover all program costs, and often produce excess revenue used to fund survivor recovery programs.” The programs “are currently located in over 50 cities in the U.S., and serve over 100 cities and counties (Johns Schools also operate in at least 50 locations in England, Canada, and South Korea).” Additional information about the typical curriculum and variations on the one-time classroom model can be found at <http://www.demandforum.net/john-school/>.

Little Rock Criminal Court Judge Alice Lightle has expressed her willingness to host a pilot program in her court. A copy of the Polaris Project Model Legislation creating a court-approved educational program on the effects of prostitution is included as Appendix XI.

Recommendation 10: Amend Ark. Code Ann. § 12-19-102(a)(1) to require rest stops, state parks, schools with grades 6-12, publically accessible campgrounds, airports, restaurants, and all hotels and motels post information about the National Human Trafficking Resource Center Hotline.

At present, posters promoting the hotline are required to be posted at:

- Hotels, motels, or other establishments that have been cited as public nuisances for prostitution;
- Strip clubs and other sexually oriented businesses;
- Private clubs that have liquor permits for on-premises consumption that do not hold themselves out to be food service establishments;
- Airports;
- Train stations that serve passengers;
- Bus stations;
- Privately owned and operated facilities that provide food, fuel, shower, or other sanitary facilities and overnight parking.

The Task Force recommends that this list be broadened to include other places where trafficking victims are very likely to be found. As research shows that sex trafficking victims often are recruited at a young age, it is particularly important that posters be placed in schools.

Recommendation 11: Every state, county, and city law enforcement agency in Arkansas should adopt a policy on signing Form I-914, Supplement B, for T nonimmigrant status certification and Form I-918, Supplement B, for U nonimmigrant status certification. The policy should designate who should sign the forms and require that such forms be signed no later than 30 days from receipt of the request for issuance of the certification.

The T and U Visa certifications are crucial to enabling law enforcement officers to work with foreign nationals who are victims of human trafficking and whose cooperation is needed to prosecute crimes. The Timeline and Law Enforcement Training Committee determined that every law enforcement agency should have a clear policy on signing the certification forms and that such a form should be signed no later than 30 days from receipt of the request for issuance. The Task Force recommends that law enforcement agencies adopt policies similar to the sample included as Appendix XII. (See Section 6 of the Human Trafficking Act of 2013 (Appendix III), codified at Ark. Code Ann. § 12-19-101(d)(5).)

Recommendation 12: The Administrative Office of the Courts should educate all prosecutors, judges, and circuit and district court clerks regarding the fines dedicated for the Safe Harbor Fund for Sexually Exploited Children as set forth in Ark. Code Ann. §§ 5-18-103(d), 5-70-102(d), and 5-70-103(d).

The Establishment of Policy on Victims Committee determined that more education is needed to ensure that the fines dedicated for the Safe Harbor Fund are charged and collected. It appears that the Administrative Office of the Courts is the proper entity to uniformly educate prosecutors, judges, and clerks about the fines. (See Act 1257 of 2013, Appendix V.)

Recommendation 13: The Administrative Office of the Courts should take the necessary steps to ensure that the fines required by Ark. Code Ann. §§ 5-18-103(d), 5-70-102(d), and 5-70-103(d) are reflected in sentencing reports and orders.

As noted in Recommendation 12 above, additional steps must be taken to ensure that fines to be directed to the Safe Harbor Fund are collected in appropriate cases. The Administrative Office of the Courts should do whatever is necessary to ensure the charging and collection of those fines. (See Act 1257 of 2013, Appendix V.)

Recommendation 14: The Task Force supports enactment of proposed legislation by the Arkansas Crime Information Center adding human trafficking convictions to those requiring registration as a sex offender pursuant to Ark. Code Ann. §§ 12-12-901 et seq.

The Arkansas Crime Information Center plans to propose legislation for the 2015 Regular session to make sex-related convictions under Ark. Code Ann. §§ 5-18-103 and 104 crimes requiring registration as a sex offender. The Task Force recommends the enactment of such legislation.

Recommendation 15: Fund human trafficking training programs for Arkansas Department of Human Services case workers and law enforcement officers at the UALR MidSOUTH School of Social Work, the University of Arkansas System Criminal Justice Institute, and the law enforcement academies.

The Timeline and Law Enforcement Training Committee recommended to the Task Force that funding should be provided for the training specified in The Human Trafficking Act of 2013 and codified at Ark. Code Ann. § 12-19-101(d)(8). UALR MidSOUTH School of Social Work, the University of Arkansas System Criminal Justice Institute, and the Arkansas Law Enforcement Training Academy have presented funding estimates, which are included as Appendix XIII.

Section 12-19-101(d)(8) also requires training for “prosecutors, public defenders, judges, and others involved in the criminal and juvenile justice systems.” The Prosecutor Coordinator’s Office has already provided extensive training for prosecutors in its last two semi-annual trainings, and additional funding is not needed for training prosecutors at this time. Recommendations 16 through 18 below address training for judges, juvenile justice workers, and public defenders.

Recommendation 16: Fund human trafficking training programs for state judges concerning the matters set forth in Ark. Code Ann. § 12-19-101(d)(8).

The Timeline and Law Enforcement Training Committee recommended to the Task Force that funding should be provided to the Arkansas Judicial Council to provide the training specified in The Human Trafficking Act of 2013 and codified at Ark. Code Ann. § 12-19-101(d)(8). It is important that judges are aware of the changes in the trafficking law, the required Safe Harbor fines in appropriate cases, and the affirmative defense of being a trafficking victim in appropriate cases when defendants are charged with the crimes of sexual solicitation and prostitution. (See sections 4 and 5 of the Human Trafficking Act of 2013, included as Appendix III; see also Act 1257, included as Appendix V.)

Recommendation 17: Fund human trafficking training programs for intake officers and appropriate staff concerning the matters set forth in Ark. Code Ann. §§ 12-18-1202 and 12-19-101(d)(8).

Section 8 of Act 1257 of 2013 (Appendix V) provided for training for juvenile intake officers, law enforcement, prosecutors, and other appropriate staff concerning identifying sexually exploited children and obtaining appropriate services for them. This provision was codified at Ark. Code Ann. § 12-18-1201 et seq. (Supp. 2013).

The Timeline and Law Enforcement Training Committee recommended to the Task Force that funding should be provided to the Arkansas Juvenile Officers Association to provide the training allowed by this statute in addition to the training specified in the Human Trafficking Act of 2013, codified at Ark. Code Ann. § 12-19-101(d)(8).

Recommendation 18: Fund human trafficking training programs for public defenders concerning the matters set forth in Ark. Code Ann. § 12-19-101(d)(8).

The Timeline and Law Enforcement Training Committee recommended to the Task Force that funding should be provided to the Arkansas Public Defender Commission to provide the training for the training specified in The Human Trafficking Act of 2013 and codified at Ark. Code Ann. § 12-19-101(d)(8). It is important that public defenders be aware of the trafficking phenomenon and that they be prepared to assert the affirmative defense of being a trafficking victim in appropriate cases when clients are charged with the crimes of sexual solicitation and prostitution. See sections 4 and 5 of the Human Trafficking Act of 2013, included as Appendix III. Also, public defenders will be representing minor human trafficking victims if the Department of Human Services safe harbor proposed model for delivery of services to minors in Appendix IX is adopted by the legislature.

Recommendation 19: Require and fund a statewide survey of law enforcement agencies and service providers regarding human trafficking, to be conducted every two years. The Task Force recommends the continued use of the Arkansas State Fusion Center to perform the survey and UALR MidSOUTH School of Social Work to perform the data analysis report.

All the committees worked extensively with the Arkansas State Fusion Center and UALR MidSOUTH School of Social Work to create the surveys used to collect the data included in the report as Appendix II. A review of the data collected in the surveys shows that additional training, education, and funding related for human trafficking prevention are sorely needed and that the providing of such services will be an ongoing process. It also is significant that the law enforcement survey was performed using the definition of human trafficking found in the old statute rather than the Human Trafficking Act of 2013, as the data gathered was for a period when the previous statute was in effect. Thus, to gauge

the effectiveness of the Human Trafficking Act of 2013 as well as Acts 1157 and 1257 of 2013, additional surveys should be conducted at two-year intervals to provide future legislators with the information needed to continue to effectively respond to the problem of human trafficking in Arkansas.

Members of the Task Force were quite pleased with the work done by the Arkansas State Fusion Center and the UALR MidSOUTH School of Social Work in drafting and conducting these surveys and in analyzing and reporting the results. Thus, the Task Force recommends the continued use of these entities in the survey effort. Polaris Project model legislation regarding the periodic collection and dissemination of data is found in Appendix XIV.

E. Appendices

- I. Arkansas State Task Force for the Prevention of Human Trafficking—Members and Committees
- II. Excerpts from “Human Trafficking in Arkansas: A Snapshot”—Amber Brossett, UALR School of Social Work, May 20, 2014
- III. Acts 132 and 133 of 2013 (Human Trafficking Act of 2013)
- IV. Act 1157 of 2013
- V. Act 1257 of 2013
- VI. Arkansas Crime Information Center Codes for Human Trafficking Crimes
- VII. Little Rock Police Department Victims’ Rights Brochure
- VIII. Working Draft of Service Provider Licensure Model
- IX. DHS Safe Harbor Request for Proposal and Budget
- X. Medical Facility Policy Used by the Arkansas Department of Health
- XI. Polaris Project Model Legislation re Court-Approved Educational Course on the Effects of Prostitution
- XII. Sample U Visa Certification Policy
- XIII. Funding Requests for Training: ALETA, CJI, UALR MidSOUTH School of Social Work
- XIV. Polaris Project Model Legislation re Periodic Data Collection and Dissemination

APPENDIX I

Arkansas State Task Force for the Prevention of Human Trafficking—Members and Committees

Arkansas State Task Force for the Prevention of Human Trafficking

Will Jones, Assistant Attorney General, co-chair
Reagan Stanford, Catholic Charities of Arkansas, co-chair
Louise Allison, Executive Director of Partners Against Trafficking Humans
Ronnie Baldwin, Executive Director of the Arkansas Sheriffs Association
Capt. Jeff Basancon, Benton Police Department
Sheriff Marty Boyd, Craighead County Sheriff
Capt. Steven Coppinger, Assistant Division Commander, CID, Arkansas State Police,
liaison to the Arkansas State Fusion Center Steering Committee
Lamar Davis, Deputy Chief of Staff for the Arkansas Governor's Office
Conner Eldridge, U.S. Attorney for the Western District of Arkansas
Dr. Karen Farst, Arkansas Children's House
Daniel K. Faulkner, Arkansas Department of Labor
Sgt. Allen Hamby, Little Rock Police Department
Chief Bob Harrison, Texarkana Police Department
Kandi Hause, Little Rock Police Department
Sheriff Doc Holladay, Pulaski County Sheriff
Det. Jennifer Hurd, Little Rock Police Department
Charlene James, North Little Rock Police Department
Stephanie Jira, Little Rock Regional Director of the Not For Sale Campaign
Ken Jones, Director, Arkansas Commission on Law Enforcement Standards and Training
Josh Kaplan, U.S. Marshals Service
Avis Lane, Director of the Attorney General's Community Relations Division
Brian T. Marr, Special Agent-in-Charge, U.S. Secret Service Little Rock Office
Dr. Cheryl P. May, Director of the Criminal Justice Institute
Marc McCune, 21st Judicial District Prosecuting Attorney
Angela McGraw, Executive Director of Women and Children First Arkansas
Bob McMahan, Arkansas Prosecutor Coordinator
Nicholas Nelson, Resident Agent-in-Charge, Immigration & Customs Enforcement,
Little Rock
Gigi Peters, LMSW, Executive Director of the UALR MidSOUTH Center
Lt. Jim Potter, Pulaski County Sheriff's Office
Joyce Raynor, Executive Director of the Center for Healing Hearts and Spirits
Montie Sims, President of the Arkansas Association of Chiefs of Police
Gerald Spurgers, Supervisory Special Agent of the Federal Bureau of Investigation, Little
Rock
Dr. Nathaniel Smith, Director of the Arkansas Department of Health
Christopher Thyer, U.S. Attorney for the Eastern District of Arkansas
David M. Tusson, Resident Agent-in-Charge, U.S. Dept. of Homeland Security, Little
Rock
Edgardo Briones Velazquez, Deputy Consul of the Mexican Consulate of Little Rock
Mark White, Arkansas Department of Human Services
Jay Winters, Director of the Arkansas Crime Information Center
Col. Stan Witt, Director of the Arkansas State Police
Lisette Yang, Children's Protection Center

Arkansas State Task Force for the Prevention of Human Trafficking—Committee List

Cordination, Collection & Sharing Information – Arkansas Code Annotated 12-19-101(d)(3)-(4)

| | | |
|---------------------------------|------------------------------------|--------------|
| <i>Captain Steven Coppinger</i> | <i>Arkansas Fusion Center</i> | <i>CHAIR</i> |
| Jay Winters | ACIC | |
| Dr. Nathaniel Smith | Arkansas Department of Health | |
| Gerald Spurgers | FBI | |
| David M. Tusson | US Department of Homeland Security | |
| Nicholas Nelson | US ICE | |

Establishment of Policy on Victims— Arkansas Code Annotated 12-19-101(d)(6)

| | | |
|---------------------------|---|--------------|
| <i>Chief Montie Sims</i> | <i>Arkansas Association of Chiefs of Police</i> | <i>CHAIR</i> |
| Dr. Karen Farst | Arkansas Children's House | |
| Mark White | Arkansas Department of Human Services | |
| Daniel K. Faulkner | Arkansas Department of Labor | |
| Joyce Raynor | Center for Healing Hearts and Spirits | |
| Lisette Yang | Children's Protection Center | |
| Edgardo Briones Velazquez | Consulate of Mexico in Little Rock | |
| Det. Jennifer Hurd | LRPD | |
| Kandi Hause | LRPD | |
| Charlene James | NLRPD | |
| Sheriff Doc Holliday | Pulaski County Sheriff's Office | |
| Angela McGraw | Women & Children First Arkansas | |

Public Awareness – Arkansas Code Annotated 12-19-101(d)(7)

| | | |
|--------------------|--|--------------|
| <i>Lamar Davis</i> | <i>Arkansas Governor's Office, Deputy Chief of Staff</i> | <i>CHAIR</i> |
| Avis Lane | Arkansas Attorney General's Office | |
| Ronnie Baldwin | Arkansas Sheriff's Association | |
| Colonel Stan Witt | Arkansas State Police | |
| Stephanie Jira | Not for Sale Campaign | |
| Louise Allison | Partners Against Trafficking Humans (PATH) | |

Timeline & Law Enforcement Training— Arkansas Code Annotated 12-19-101(d)(5) & (8)

| | | |
|---------------------------|--|--------------|
| <i>Chief Bob Harrison</i> | <i>Texarkana Police Department</i> | <i>CHAIR</i> |
| Ken Jones | Arkansas Commission of Law Enforcement Standards | |
| Capt. Jeff Basancon | Benton Police Department | |
| Dr. Cheryl May | CJI | |
| Sgt. Allen Hamby | LRPD | |
| Chief Mike Davis | NLRPD | |
| Bob McMahan | Office of the Prosecutor Coordinator | |
| Marc McCune | Prosecuting Attorney's Association | |
| Lt. Jim Potter | Pulaski County Sheriff's Office | |
| U.S. Atty Conner Eldridge | US Attorney's Office (Western District) | |
| U.S. Atty Chris R. Thyer | US Attorney's Office (Eastern District) | |
| Josh Kaplan | US Marshals Service | |
| Brian T. Marr | US Secret Service | |
| Gigi Peters | UALR MidSOUTH School of Social Work | |
| Sheriff Marty Boyd | Craighead County Sheriff's Office | |

APPENDIX II

Excerpts from “Human Trafficking in Arkansas: A Snapshot”—Amber Brossett, UALR School of Social Work, May 20, 2014

Excerpts from:

Human Trafficking in Arkansas: A Snapshot

Amber Brossett

UALR School of Social Work

May 20, 2014

Executive Summary

The extent of human trafficking in the state of Arkansas is unknown, at this time. With the small increase in recent victim identification in the past couple of years, the need for victim services and training for those who interact with the victims has become apparent. In 2000, when the Trafficking Victims Protection Act was signed into law, there was an estimate of 700,000 people being trafficked globally, and 50,000 of those being trafficked in the United States. Since then, numbers have only shown to have increased.

This past year, the Arkansas Attorney General's Office created a Human Trafficking Task Force with one of its purposes, to gather information from law enforcement and social service providers regarding issues surrounding human trafficking. This 40-person task force was divided into four sub-committees, one of them tasked with the responsibility to collect data about human trafficking in the state of Arkansas. The information was collected by voluntary focus groups and surveys of law enforcement and social services providers. Both quantitative and qualitative data was collected to create a preliminary "snapshot" human trafficking in Arkansas.

The data made clear that additional services, trainings, and collaborations were among the highest needs for victims, law enforcement, and social services. For those cases that were identified as human trafficking cases, sex trafficking was identified most frequently, and women and female children were the most likely to be victimized. This pattern is global as well.

...

Method

Participants

Participants in this study are law enforcement and social service providers throughout the state of Arkansas. MidSOUTH¹ conducted 10 focus groups within five different regions of the state. Each focus group consisted of two gatherings, one for providers and one for law enforcement. Responses were obtained from 168-175 total participants. The difference in number of respondents reflects some individuals arrive late to the focus groups and missing initial questions. The focus groups were conducted on Thursdays between January 9, 2014 and February 13, 2014.

The Arkansas State Fusion Center (ASFC) also conducted internet-based survey questionnaires for law enforcement and providers on human trafficking. The total responses received were from 105 social service agencies and 91 law enforcement departments. The final survey data from the ASFC was completed and collected on February 12, 2014.

Procedures

A purposive sampling method was used. With help of the Arkansas' Attorney General's Office (AGO) Human Trafficking Task Force, providers and law enforcement representatives throughout the state of Arkansas were identified and asked to attend focus groups related to human trafficking. The focus groups were conducted by MidSOUTH at all MidSOUTH locations.

The ASFC also created surveys that were posted on the Arkansas AGO website. The surveys were completed by law enforcement and social service agencies and had the parallel goal of collecting quantitative data. The AGO, MidSOUTH, and the ASFC conducted a

¹ MidSOUTH is a community service arm of the UALR School of Social Work

comprehensive, statewide assessment with the intent of measuring the extent and effects of human trafficking within Arkansas.

Results

Focus Groups

The purpose of the focus groups was to collect qualitative data from the law enforcement and provider participants. Participants were asked to respond to a series of open and close-ended questions relating to issues of human trafficking. Questions asked pertained to participants' opinions, training specific to human trafficking, encounters with potential victims of human trafficking, and needs and barriers encountered when responding to possible human trafficking events and victims. A short informed consent was provided that explained the purpose of the survey and provided contact information. All participants were informed that information provided would be collected and reported in aggregate. No identifying information was used.

Table 1

| Survey questions | | | | | |
|---|------------|-----------|----------|-------|-------|
| What do you think of when you hear the words human trafficking? | | | | | |
| | % Response | | | | |
| | Total | Providers | Law Enf. | Rural | Urban |
| Sex-related | 18.4 | 13.8 | 24.4 | 20.9 | 16.9 |
| General labor | 10.5 | 7.6 | 14.2 | 18.6 | 5.6 |
| Immigration | 9.6 | 10.7 | 8.1 | 4.6 | 12.6 |
| Child related | 10.5 | 10.7 | 10.2 | 11.6 | 9.9 |
| Slavery | 18.4 | 18.4 | 18.3 | 11.6 | 22.5 |
| Themes | 32.4 | 38.4 | 24.4 | 32.5 | 32.4 |

*Rural areas are identified as Arkadelphia and Monticello, AR

* Urban areas are identified as Little Rock, Fayetteville, and Jonesboro, AR

Table 2

| Survey questions | | | | | |
|--|------------|-----------|----------|-------|-------|
| Have you had any training on HT? | | | | | |
| | % Response | | | | |
| | Total | Providers | Law Enf. | Rural | Urban |
| Yes | 41 | 57 | 30 | 27 | 49 |
| No | 59 | | | | |
| Have you ever encountered a HT victim? | | | | | |
| Yes | 21 | 34 | 11 | 16 | 23 |
| Themes | 79 | | | | |

All results were collected between January 9, 2014 and February 13, 2014. Responses came from five sites: Arkadelphia, Fayetteville, Jonesboro, Little Rock, and Monticello. Of these locations, Arkadelphia and Monticello were classified as the rural locations and represented 33% of the participants in the focus groups. The remaining 3 areas were classified as urban and represented the remaining 67% of participants. Law enforcement represented 57-58% of all respondents and social service providers, 42-43%.

As indicated in Table 1, when asked the question, “What do you think of when you hear the words human trafficking”, many participants responded with theme-related answers, 32.4%. Among these theme-related answers, some included locations (countries, truck stops/interstate, container ships, restaurants, internet, bigger cities), places for increased victimizations (sweat shops, the super bowl, mail order brides, Hurricane Katrina), state and international borders, and involvement with drugs or gangs. Sex-related (prostitution, sex trafficking) and slavery were mentioned equally, at 18.4%, as well as general labor and child related (kidnapping, runaways, foster children) at 10.5%. Collectively, immigration had the smallest response rate with 9.6%.

When this question is broken down into providers and law enforcement, providers still have a marked focus on themes, with 38.4%. Law enforcement themes and sex-related human trafficking are even at 24.4%. This may be due to law enforcements increased involvement with

prostitution. As a result, law enforcements sex-related numbers are almost double that of providers at 13.8%. Law enforcement numbers also double providers' within the general labor category at 14.2%, law enforcement, and providers, 7.6%.

Interestingly, when broken down between urban and rural areas, three categories differ significantly: slavery, immigration, and general labor. In urban populations, there is an increased response rate of slavery twice that of the rural population with 22.5% versus 11.6% and urban participants responded with immigration three times that of rural participants with 12.6% versus 4.6%. General labor also had a response rate of three times more, but in the rural populations over the urban areas with a rate of 18.6% to 5.6%. This difference may reflect the increased need for general labor for agriculture in Arkansas's rural areas.

Table 2 shows the two close-ended questions that were asked to law enforcement and providers. 41% of all participants responded they had received some form of training on human trafficking. Of those, 57% were providers and 30% were law enforcement; 27% of those located in the rural areas stated they had received training (48% providers / 12% law enforcement) and 49% located in the urban areas stated that they had received training (61% providers / 40% law enforcement). The respondents that had received trainings were asked to further identify those trainings. The information collected was categorized into different foundations, trainings conducted within the state of Arkansas, and other trainings conducted outside the state of Arkansas. A detailed list is given in *Appendix A*.

The second close-ended question yielded a response rate of 21% of participants who had encountered a human trafficking victim. Of those, 34% were providers and 11% were law enforcement. The rural communities had an encounter rate at 16% (26% providers / 10% law enforcement) and the urban communities had an encounter rate at 23% (38% providers / 12%

law enforcement). Again, participants who had encountered victims were asked to expand on their encounters. A total of 30 stories were collected at this time. Stories included (but were not limited to) involvement with children during forensic interviews, immigration, and mail order brides. Several participants were uncertain if they had encountered human trafficking cases but thought maybe they had, based on the information they were receiving from the focus groups.

Some questions were unique to law enforcement or social service providers. Law enforcement were asked if they had seen an increase in human trafficking in the past two years, what resources are currently in place to help them investigate human trafficking cases, and elements that may alert them to human trafficking. They responded there has been more awareness of human trafficking in the past two years but they are unsure if there had been an increase in cases. In part because the Arkansas Crime Information Center (ACIC) is often underutilized for tracking charges of human trafficking, they are unable to advise if investigations have increased. Law enforcement personnel stated they will often charge an individual with prostitution but not investigate possible connections with human trafficking. Some law enforcement personnel within the state recognize there is an increase in human-trafficking related probation, trainings, and work with federal agencies, such as the federal Denied Innocence Task Force.

Law enforcement personnel believe there are resource barriers to identifying human trafficking cases. Some identified foundations and collaborations have been recognized as resources that help in human trafficking investigations. Foundations such as the ASFC, National Center for Missing and Exploited Children (NCMEC), Children Advocacy Centers (CAC), Department of Human Services (DHS), and non-profits are discussed as helpful. Collaborations between these, as well as victim witness coordinators, immigration services, and use of the

national hotline are also beneficial. Independent internet research and required monthly intelligence reports were also mentioned. Law enforcement personnel were very responsive to identifying elements that may alert them to human trafficking cases. Those elements are listed in *Appendix B*.

Law enforcement and social service providers were asked to identify services and support needs that should be in place to serve victims of human trafficking. A detailed list is given in *Appendix C* but collectively, participants in all focus groups identified specific agencies and services that would benefit victims, marketing campaigns to address the public and victims, and further trainings and education. *Appendix D* details local, state, and federal collaborations that would be beneficial to building this system of supports.

Law enforcement and providers were asked to identify barriers in building a system of support and investigating and prosecuting human trafficking cases. *Appendix E* provides a thorough list of the barriers identified during the focus groups. Issues related to victims, agencies, and the public were categorized. Examples include language barriers and lack of funding, stigma, and long-term services for victims.

The final question addressed in the focus groups was to all participants and asked what specific things Arkansas needed to do to address the issues of human trafficking. Training, collaborations, and a state protocol were the most mutually agreed upon need for Arkansas and these are expanded on in *Appendix F*.

ASFC surveys

Quantitative data collected from the ASFC was collected until February 12, 2014. The survey gathered information from all agencies as to services provided and quantities of possible

human trafficking interactions. The questions related to a 12-month time period of July 1, 2012 through June 30, 2013.

Providers

Of the 105 social service provider agencies that responded to the survey, 68% of the agencies were located within urban counties. A majority of the agencies were state agencies or a unit of government and most of the respondents were in the public health sector. The provider agencies were asked to rate their agencies knowledge of human trafficking and 70% stated they had some knowledge, while 29% felt they had received a lot. Compared to the 57% of providers who had received training in the focus groups, 87% of reporting agencies said that they have received training. The survey presented five concept definitions of human trafficking, relating to the population that the agencies work with; of those five definitions provided, 72% felt none of the definitions fit their clients. The concept definitions are provided in *Appendix G, Table 3*.

During the 12-month data collection period, providers reported assisting 63 human trafficking victims. Table 3 listed below shows the breakdown of victims assisted. Of these victims, 38% of service providers felt they had adequately met the victims needs, while 60% felt that they met some, had difficulty, or did not meet at all.

Table 3

| | Sex trafficking #'s | | Labor trafficking #'s | |
|-------------|----------------------------|--------|------------------------------|--------|
| | Minors | Adults | Minors | Adults |
| Males | 3 | 2 | 3 | 4 |
| Females | 39 | 28 | 6 | 5 |
| Transgender | 1 | 1 | 1 | 1 |
| Disabled | 5 | 5 | 1 | 2 |
| Total | 48 | 36 | 11 | 12 |

Law enforcement

Of the 91 law enforcement agencies that responded to the survey, 48% of the agencies were located within urban counties. Law enforcement was asked to provide more case related

information for the 12-month time period of July 1, 2012 through June 30, 2013. They identified 44 sexually related human trafficking cases - 32 minor females and 12 adult females - and 11 labor related human trafficking cases – 4 minor males, 3 adult males, and 4 adult females. Prostitution offenses totaled to 94. Of the identified prostitution cases, 17 involved illegal or undocumented immigrants, 16 had evidence of intimidation or control, and 2 involved gang activity. When asked if minors should not be charged with prostitution, 46% of law enforcement agencies responded they disagreed – see *Appendix H, Table 7*. The percentage of law enforcement agencies that felt human trafficking occurs throughout Arkansas was 43%, and 35% felt it was extremely rare; however, 79% agreed it was increasing every year.

Limitations

The focus groups and collected survey data provided significant qualitative and quantitative information, respectively. Unfortunately, quantitative and qualitative data are not readily comparable. So while these data provide a useful picture of the state of human trafficking, and responses to human trafficking, in Arkansas, it should be regarded as preliminary and incomplete. In particular, it is not known how many individuals that provided survey responses were the same individuals that came to the focus groups and provided the same information.

As is almost always the case when administering focus groups and surveys, some data are incomplete. The survey data collected also had some discrepancies with unanswered questions and incomplete information.

As noted above, the focus groups and surveys reflect a pilot effort to begin analyzing human trafficking in Arkansas. The surveys did not collect information pertaining to needs of victims, providers, and law enforcement, nor did it ask questions regarding barriers that need to be addressed to conduct better investigations and provide victim services. A more comprehensive study, using the lessons learned from the existing data discussed here, would provide more comprehensive information.

...

Appendix A

Education & Trainings received by law enforcement and Providers:
MUTUAL

- **FOUNDATIONS**
 - Shared Hope International
 - Catholic Charities
- **OTHER STATE TRAININGS**
 - Los Angeles, CA Training
- **OTHER**
 - School / University classes
 - Awareness from working in/with other countries
 - Military Training
 - Churches
 - Self-research

PROVIDERS

- **FOUNDATIONS**
 - ACASA (Arkansas Coalition Against Sexual Assault)
 - ALETA (Arkansas Law Enforcement Training Academy)
 - AVAA (Arkansas Victim Assistance Academy)
 - PATH (Partners Against Trafficking Humans)
 - USCRI (US Committee for Refugees and Immigrants)
 - International Justice Mission
 - Catalyst Foundation
 - Irish International
- **SPECIFIED TRAININGS (ARKANSAS)**
 - Health department video training
 - MidSouth summer training
 - Wade Knox CAC (Children's Advocacy Center)
- **STATE INVOLVEMENT (OTHER)**
 - Indiana Human Trafficking Task Force
 - Mississippi – 3 day training
 - Tyson Elliott – Clearwater, FL
 - Maryland's Crime Victim Services
 - Mexican Consulate foreign affairs trainings
- **OTHER**
 - FBI victim advocates
 - Forensic interview trainings
 - Violence against women trainings
 - Visa Trainings
 - Annual trainings for public health nurses

(CONTINUED ON NEXT PAGE)

LAW ENFORCEMENT

- **FOUNDATIONS**
 - NCMEC (National Center for Missing and Exploited Children)

- **SPECIFIC TRAININGS**
(ARKANSAS)
 - AR Attorney General law enforcement Summit Training
 - Arkadelphia – prevention training for incoming juvenile females
 - Choctaw Nation trainings

- **STATE INVOLVEMENT**
(OTHER)
 - Dallas, TX CAC
 - Texas sex offender conferences
 - The Kentucky Attorney General's office

- **OTHER**
 - Military training
 - Navy
 - Air Force
 - Unidentified computer trainings
 - Interpol

Appendix B

Elements that may alert law enforcement to Human Trafficking

- Complaints
- Information sharing
- Victim alluding to other victims
- Eyewitness testimonies
- Non-community member arrests increase
 - May be evidence of out of state gang crime sprees
- Sex assaults and refusal of victim cooperation
- Flight patterns at airports
- Massage parlors
- Nightclubs with high incidence rates (underage drinking, prostitution, fighting)
- Internet sites
- Street criminals looking to one person for answers
- Out of the ordinary cases
 - Young children, foreign, shoplifting
- Hidden cell phones
- Hidden computers
- Unreported businesses or buildings
 - Paying under the table
- Noticeable drop-off/pick-up locations
- Not wanting home visits
- Youth arrested for prostitution
- Victims apprehensive or uncooperative
- Distrust of law enforcement
- ID documents being held
- People with no money or support
- Abuse/neglect cases through school
- Repeat juveniles who seem to gain things (clothes, phones, nails, money, etc)
- Truant or runaways
- Similar tattoos
- Job status low but income seemingly high
- Forced prostitution
- Drugs and alcohol
- Unknown homeowners
- Lots of movement in locations
- Child abductions
- Phone #'s posted while soliciting
- Young girls with older men
- Behavior changes
- High violent and victim crime areas
- Illegal gambling houses
- Multiple mattresses
- Injured prostitutes
- No ID's
- Large number of people at a home in a neglect case
- High number of laborers in a community
- Fearful passengers in a truck stop
- Certain sexual offenses
- Crimes against children

Appendix C

Services and supports needed to serve victims:

P – What services/supports do you think have to be in place to serve trafficking victims?

LE – What do you foresee the most pressing needs for victims of human trafficking?

MUTUAL

- **AGENCY SUPPORTS**
 - CAC's (Children Advocacy Center)

- **TRAININGS/EDUCATION**
 - Victims
 - Law enforcement

- **SERVICES FOR VICTIMS**
 - Safety
 - Housing/Shelters
 - Mental Health
 - Language interpreters
 - Food stamps
 - Financial support
 - Immigration assistance
 - Clothing
 - AA/NA
 - Re-entry into society help (possibly mentors)

- **OTHER**
 - Hotline
 - Build trust with law enforcement and providers
 - Build rapport
 - Victims need to identify that they are victims
 - Collaboration
 - Other agencies

(CONTINUED ON NEXT PAGE)

PROVIDERS

- **AGENCY SUPPORTS**

- ALETA (Arkansas Law Enforcement Training Academy)
- PATH (Partners Against Human Trafficking)
- USCRI (US Committee for Refugees and Immigrants)
- Catholic Charities
- Health Department
- Non-profits
- Churches and other faith based organizations

- **TRAININGS/EDUCATION**

- Other front line and first responders
- Providers
- Judicial and court personnel
- Medical Personnel
- Prosecutors
- Public
- Kids in schools
 - Pre-K through college
- Understanding of T & U visa laws
- Internet safety

- **SERVICES FOR VICTIMS**

- Transitional living
- Housing / Shelters (must be able to keep families together)
 - Designated housing for HT victims
- Legal Services
 - Visas

- Ability to receive ID's & passports in a quicker turnaround time
- Transportation (especially in rural areas)
- Medical services
- Workforce training
- Better interview techniques

- **OTHER**

- Funding
- Connection with bordering states
- Community involvement
- Marketing campaign
 - Billboards
 - Media (non-exploitive)
 - Social Media
 - Internet safety
- Build a state protocol
- Strong laws
- Supportive laws
- Make victims aware of help & resources
- Task Force Unit specific to HT and victims
- Collaboration
 - With county, city, state, and federal
 - Professions
 - Law enforcement
 - Providers
 - Judicial
 - Prosecution
 - Health Department

(CONTINUED ON NEXT PAGE)

LAW ENFORCEMENT

- **AGENCY SUPPORTS**
 - ACASA (Arkansas Coalition Against Sexual Assault)
 - HSI (Homeland Security Investigations)
 - Highway police
 - Consulates

- **SERVICES FOR VICTIMS**
 - Change of Identity
 - Connect with families
 - Be cautious – issues may be with or because of families
 - Get victims back home
 - Get out of the community they are in
 - Gain freedom

- **OTHER**
 - Do more investigations and prosecutions
 - Enforce border
 - Deal with cultural differences and concerns

Appendix D

Collaboration of services and agencies to build a system of support: law enforcement and providers

MUTUAL

AGENCIES

- CAC (Children Advocacy Centers)
- DHS (Department of Homeland Security)
- DHS (Department of Human Services)
- INS (Immigration and Naturalization Services)
- Universities/Schools
- Catholic Charities
- State juvenile court systems
- Attorney General and other prosecuting offices
- Churches and other faith based organizations
- Immigrant support groups
- Consulates/Embassies
- Non-profits

SERVICES

- Law enforcement
- Mental health
- Medical services
- Hospitals and health services and staff
- Housing
- Shelters for women and children
- Safe places

OTHER

- Involvement at local, state, and federal level and with State and U.S. Attorney offices
- Funding

(CONTINUED ON NEXT PAGE)

PROVIDERS

- **AGENCIES**
 - ADAP (AIDS Drug Assistance Program)
 - ADE (Arkansas Department of Education)
 - ADH (Arkansas Department of Health)
 - Public health offices
 - Advocacy Centers
 - Phoenix Family Services
 - PATH (Partners Against Trafficking Humans)
 - Centers for Youth and Family
 - Youth and family services
 - Agencies that serve the elderly
 - Domestic violence centers
 - Rape crisis centers
 - Cultural Community Centers
 - Human rights organizations
 - Media (non-exploitive)

- **SERVICES**
 - Language
 - Providers
 - Hotline
 - Workforce training
 - AA/NA
 - Legal aid
 - Mentoring services for reintegration
 - Legislation
 - Ministerial alliance

- **OTHER**
 - Build a HT agency
 - Law enforcement
 - Providers
 - Victim advocates
 - Immigration
 - Victims themselves
 - CASA
 - Make services specialized instead of all agencies trying to do everything

LAW ENFORCEMENT

- **AGENCIES**
 - ACASA (Arkansas Coalition Against Sexual Assault)
 - CASA (Court Appointed Special Advocates)
 - DCFS (Division of Children and Family Services)
 - Fusion Center
 - Government agencies

- **SERVICES**
 - Phone companies
 - Hotel/Motels

- **OTHER**
 - Make services in a central location

Appendix E

Barriers:

P – What barriers do you foresee in Arkansas addressing the issue and building a system of supports?

LE – What barriers do you foresee in Arkansas in investigation and prosecuting Human Trafficking?

MUTUAL

VICTIM ISSUES

- Housing/Shelters for HT victims
 - Victims may think their current lifestyle is better
 - Lack of resources
 - Victims don't want to cooperate
 - Victim fear
 - Not aware they are being victimized
 - Can't ID immigrant victims, if found
 - Victims are scared to be deported
 - Victims are scared to be arrested
- Churches
 - Non-profits
 - Lack of resources
 - High caseloads
 - Need more manpower

PUBLIC ISSUES

- Myths/Stigma
 - It doesn't happen in Arkansas
- Lack of public support and involvement

AGENCY ISSUES

- Funding
- Language
- Hidden
- Unaware
 - HT Laws
 - How do we ID HT?
 - How do we find the victims?
 - What do we do with them when we identify them?
 - Need identified plan
- Agencies are at capacity
- Lack of communication
- Lack of inner and outer-agency cooperation
- Must be able to present good case to prosecution for success at trial
- Lack of training
 - Rural and local levels
 - Law enforcement
 - Providers
 - Judicial and court personnel
 - Prosecutors

(CONTINUED ON NEXT PAGE)

PROVIDERS

- **VICTIM ISSUES**

- Prejudice toward immigrants
- Systemic Barriers
- Presuming guilt over innocence
- Blaming of the victim
- People don't want to get others in trouble
- Victims aren't asking for help
- Juveniles are charged as adults
- Solutions are only short-term
- Rural transportation costs
- Cost to transport victims
- Visa limits
- Shelters require ID unless domestic violence
- Law enforcement doesn't believe victims

- **AGENCY ISSUES**

- Lack of information sharing
- Trainings are not offered in rural parts of the state
- Law enforcement doesn't want to sign off on T & U visas
- Rural locations
- County judges need help covering docket to attend training
- Trainings aren't mandatory
- All trainers come from out of state. Develop in-state trainers that can bring training to agencies

- **PUBLIC ISSUES**

- Political pushback on immigration
- People don't see cases being prosecuted
- Consumer purchases contribute to HT abroad
- Laws may not be strict enough
- Sentencing may not be strict enough
- Getting timely appointments

(CONTINUE ON NEXT PAGE)

LAW ENFORCEMENT

- **VICTIM ISSUES**

- Witnesses who come forward aren't legal so they are fearful
- Victims may have Stockholm Syndrome
- Cyclical
- Distrust of law enforcement
- Need new interview styles specific to HT
- Lack of education for victims
- Hard to believe victims
- Immigration
- Different cultures (even rural/urban)
- Hotline

- **AGENCY ISSUES**

- Used to looking for narcotics instead
- CID cases are only worked 8-5, not all hours of night and weekends
- Need more resources
 - Equipment
 - Communicating tools with other law enforcement
- Information is being lost
- What do you charge with?
- No Task Force shows up
- False reporting
- Cases aren't taken seriously
- DCFS won't take the children
- Non-aggressive prosecution
- Traffickers are better trained on human trafficking
- Unavailable for training
- "These are going to be late night, weekend, proactive investigations [which is] contrary to the way a lot of investigations are done."

Appendix F

What needs to be done to address issues of human trafficking? Law enforcement and providers respond

MUTUAL

- Training for everyone
 - Providers
 - Hospital staff
 - Law enforcement
 - Overall training for all – specialized training for supervisors and detectives
 - Other first responders
 - Firemen
 - EMS workers
 - Schools
 - Address bullying and self-esteem in schools
 - DHS
 - Public
 - Chamber of Commerce
 - Code Enforcement
 - Government officials who inspect
 - Judicial and court personnel
 - Prosecutors
 - Faith based organizations
 - Cultural community centers
 - Private sector employees
 - Prosecution
 - Homeless shelters
 - Rural areas
- Collaborate
 - Other states
 - Inter-agency
 - Inter-profession
- Create a protocol
 - How to ID the type of HT
 - How to find and ID victims
 - Who to call
 - Where to take victims
 - ID outcomes we want
- Increase manpower
 - Agencies
 - Law enforcement
 - Prosecutors
- Campaign for public awareness
- Be aware of what the laws are and what they entail
- Create a hotline
- Make certain professions mandated to report
- Expand non-profit services
- Language services
- Know what resources are available
- Create resource guides for those who may come in contact with victims
- Funding
- Learn about other cultures and make a connection
- ID indicators
- Create a task force
- Create a vice squad

(CONTINUED ON NEXT PAGE)

PROVIDERS

- Campaign to the victim
- Community outreach to victims
- ID source, not just mules and johns (both people and places)
- Get state agency to address HT
- Create a state human trafficking coalition
- Cybercrime safety training
- Network on a national level
- Be educated on federal laws
- Be educated on T & U visas
- Get victim advocates
- Work with Revenue office to help aid in getting ID's
- Ensure services are not provided on basis of reporting to law enforcement
- Change the social norm (i.e. farm labor trafficking)
- ID future offenders
- Create MDT meetings for HT victims
- Create and awareness day/month
- Create HT shelters
- Create joint training for law enforcement and providers to get information at the same time
- Train non-profits, which will help take off burden of funding needs

LAW ENFORCEMENT

- Figure out how to work with victims scared to get out of situation
- Let victims advocate for themselves
- Start actually using HT laws and prosecutions
- Dig into all investigations (drugs, gangs, prostitution, magazine sales, etc.)
- Involve code enforcement (Quality of Life)
- Make stricter immigration laws
- ABC Training
- Polaris
- Make victims feel safe – build rapport
- Create a central resource location
- Strict consequences for offenders

Appendix G

Arkansas State Fusion Center Survey Data: Highlights

Social Services Survey – 105 responses (1/24/2014 – 2/12/2014)

Table 1

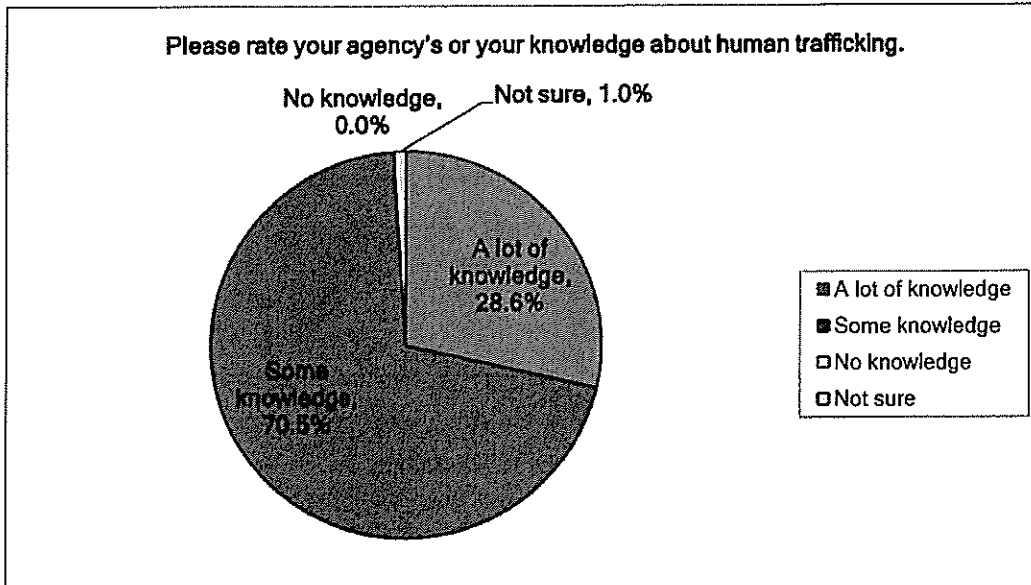


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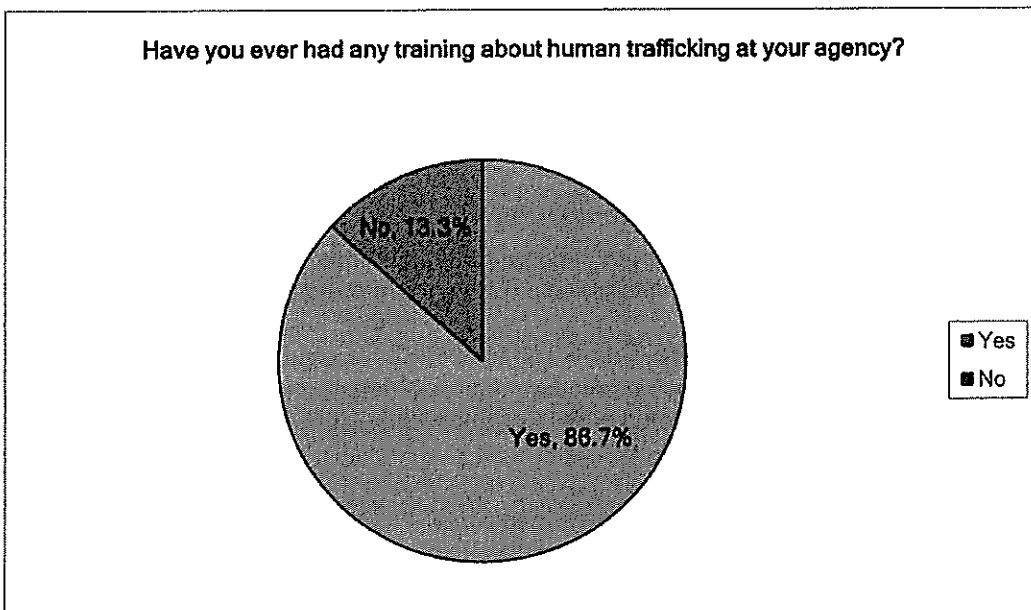
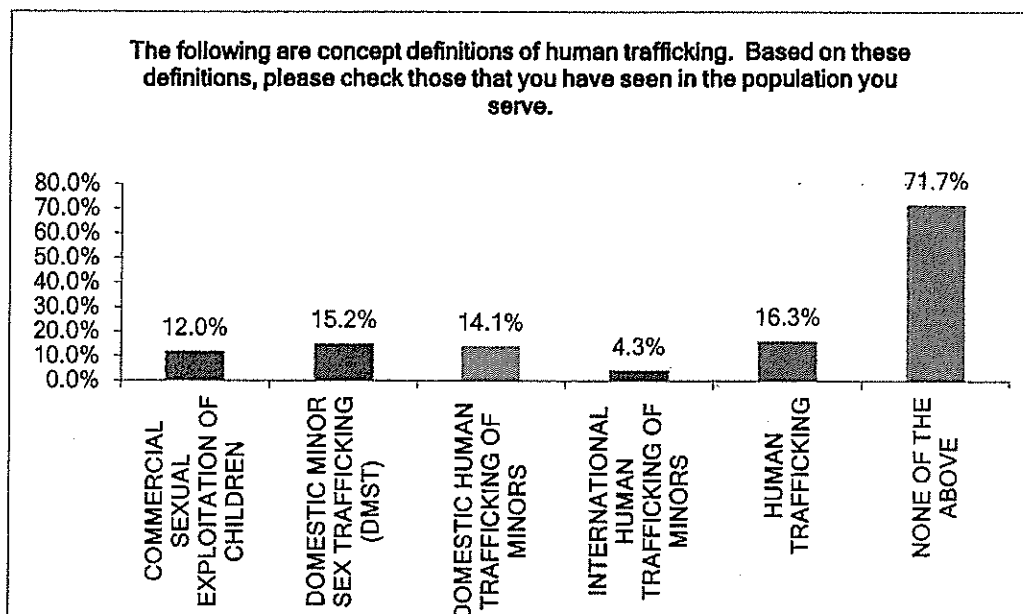


Table 3



COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

The sexual exploitation of children entirely, or at least primarily, for financial or other economic reasons. The economic exchanges involved may be either monetary or nonmonetary (i.e., for food, shelter, drugs) but, in every case, involves maximum benefits to the exploiter and an abrogation of the basic rights, dignity, autonomy, and physical and mental wellbeing of the children involved.

DOMESTIC MINOR SEX TRAFFICKING (DMST)

A term coined by Shared Hope International to identify the form of commercial sexual exploitation of children, namely prostitution, for victims under 18 years of age who are U.S. citizens or lawful, permanent residents. The term DMST seeks to clarify that the victim is a child or adolescent.

DOMESTIC HUMAN TRAFFICKING OF MINORS

The recruitment, transportation or receipt of children through deception or coercion for the purpose of prostitution, other sexual exploitation or forced labor only within their own country.

INTERNATIONAL HUMAN TRAFFICKING OF MINORS

The recruitment, transportation or receipt of children through deception or coercion for the purpose of prostitution, other sexual exploitation or forced labor across international boundaries.

HUMAN TRAFFICKING

The transport, harboring, or sale of persons within national or across international borders through coercion, force, kidnapping, deception or fraud, for purposes of placing persons

Table 4

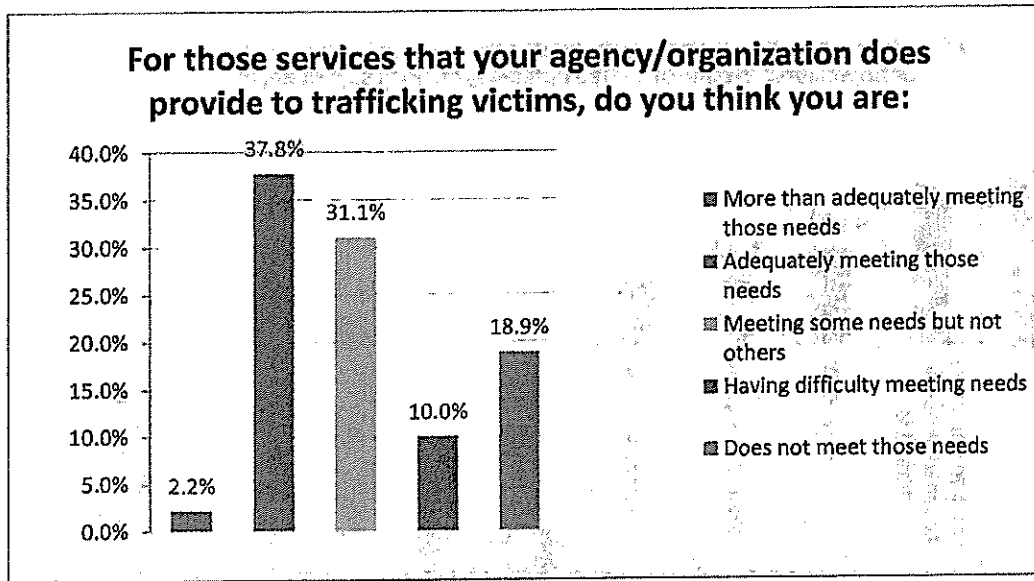


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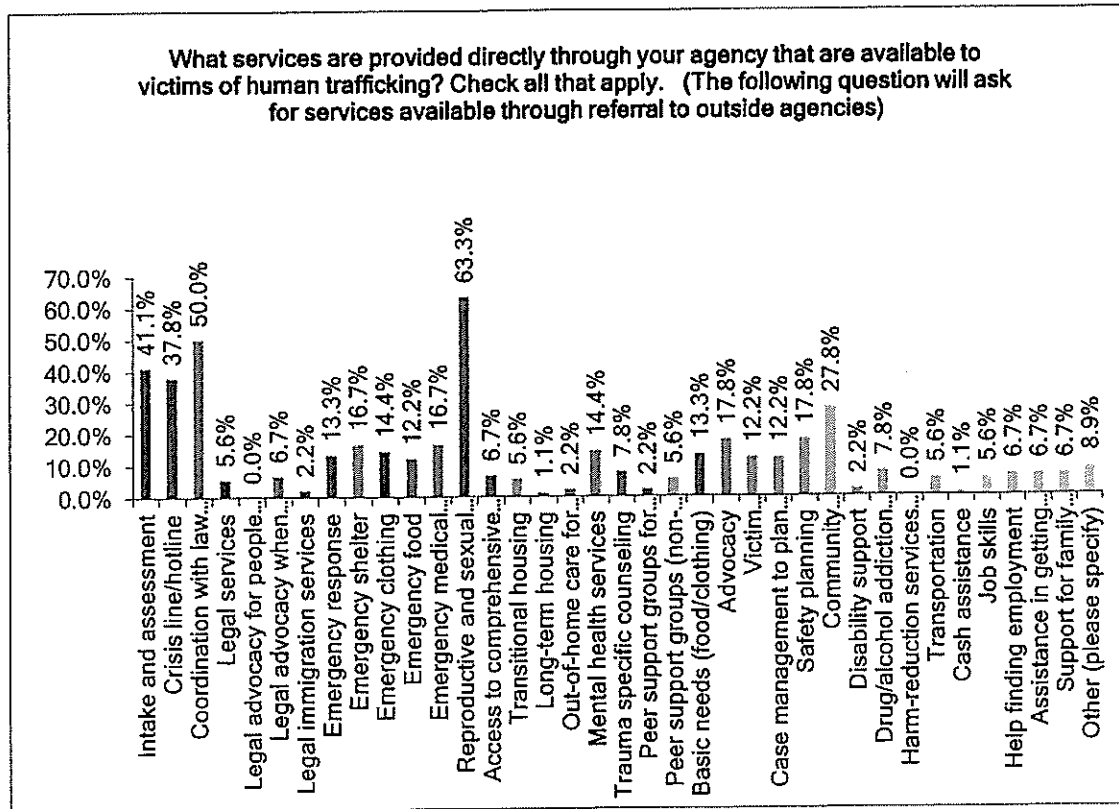


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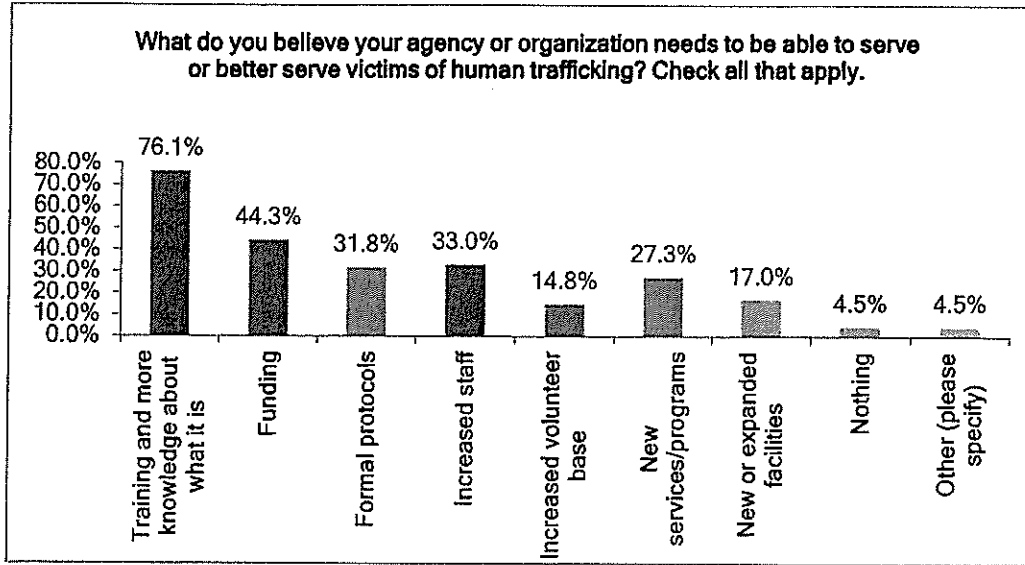


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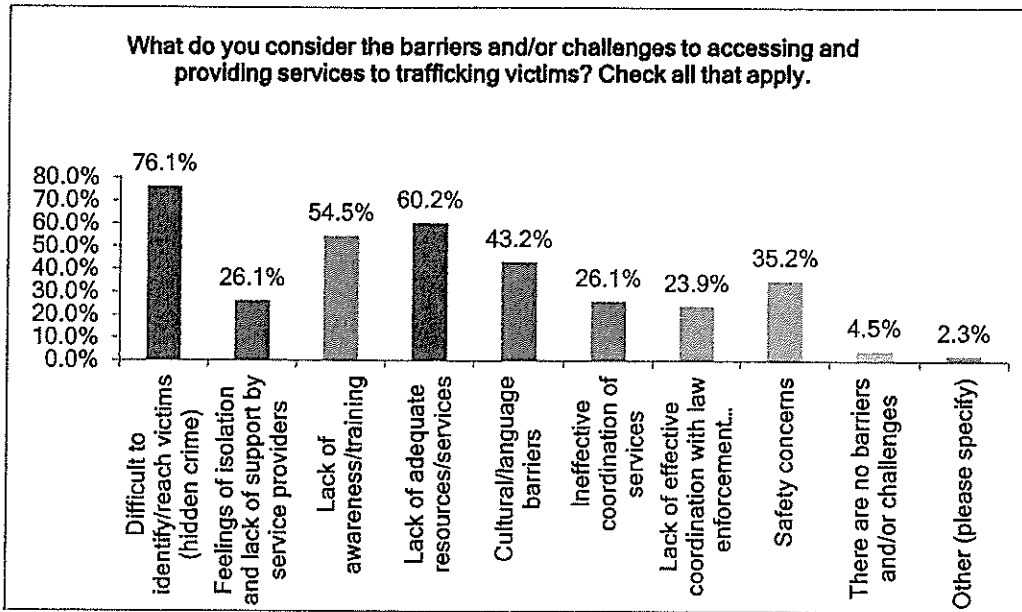
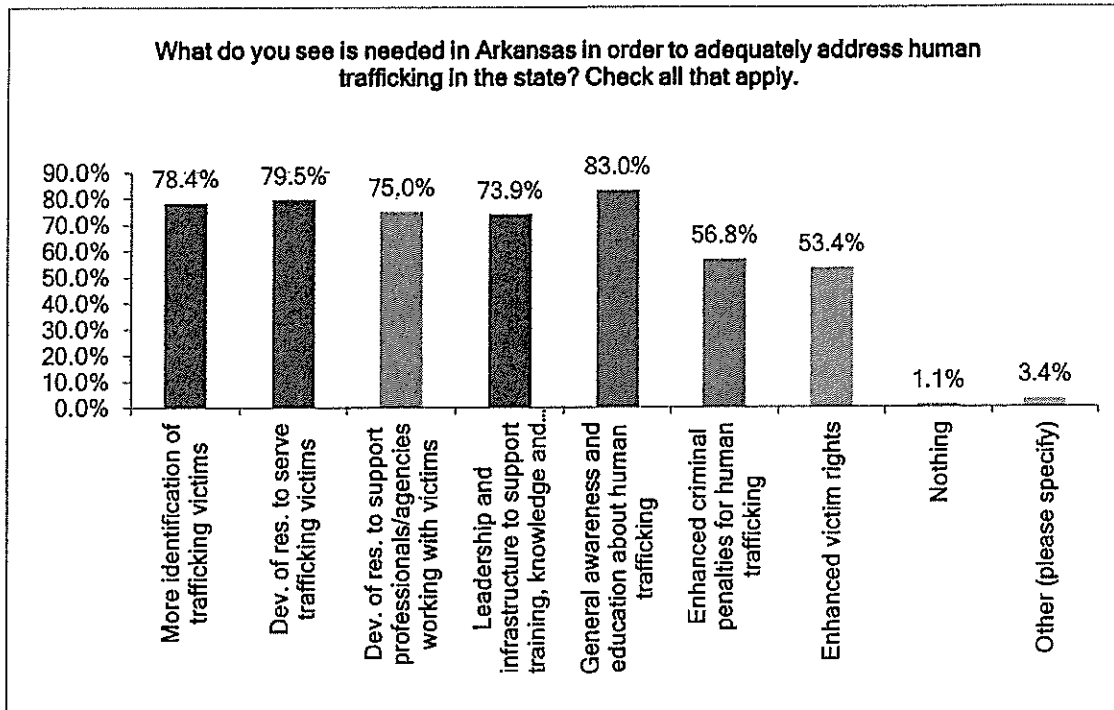


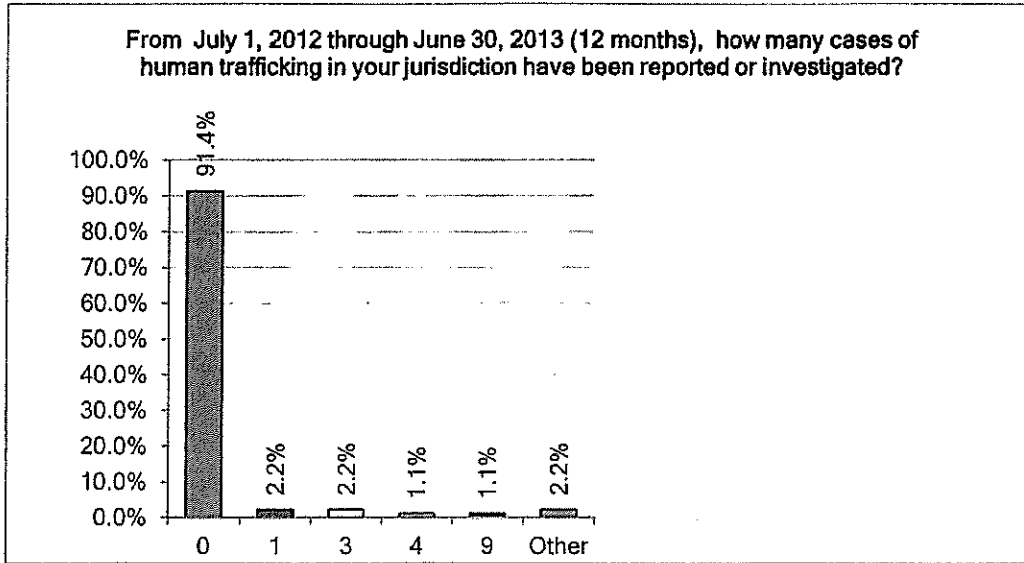
Table 8



Appendix H

Law Enforcement Survey – 91 responses (12/27/2013 – 2/12/2014)

Table 1



Total # of cases = 21

Table 2

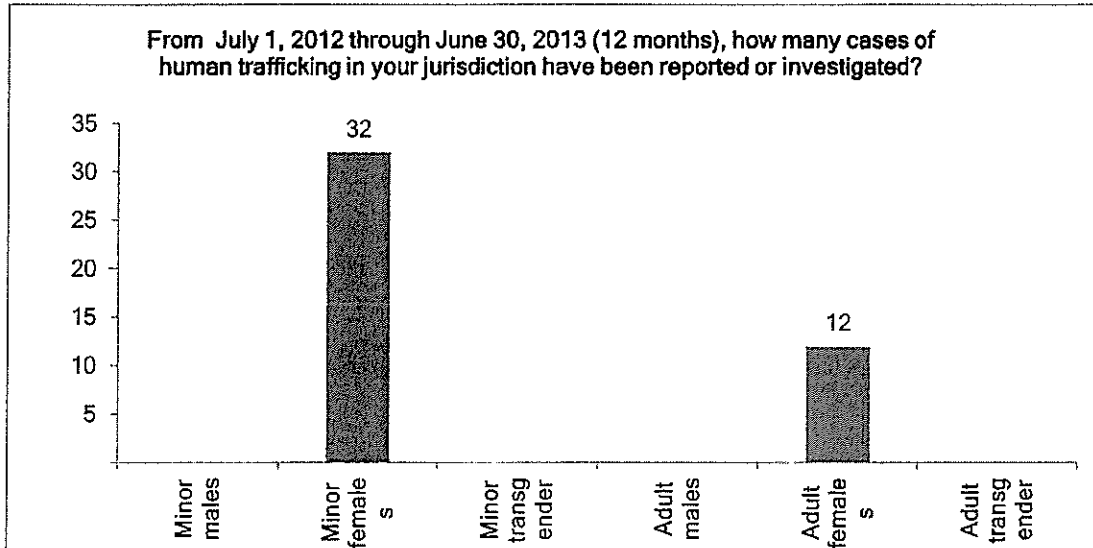


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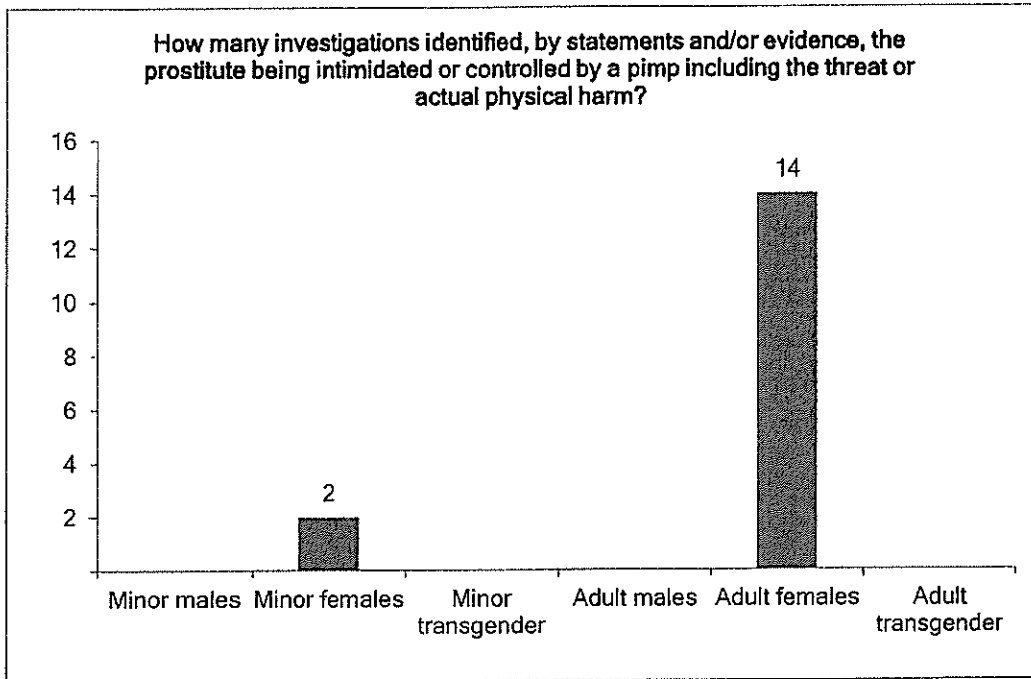


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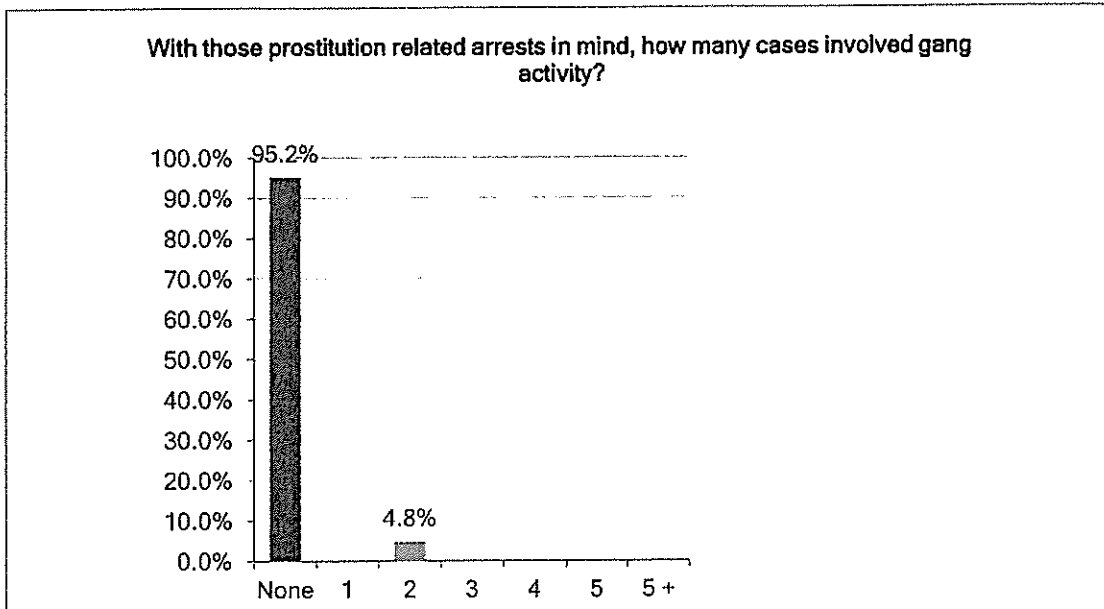


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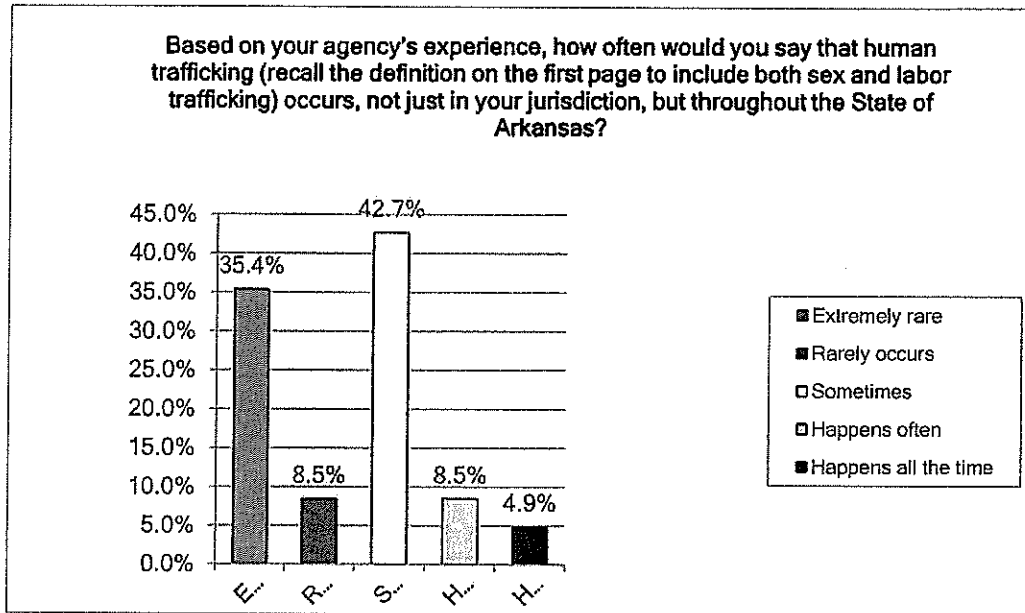


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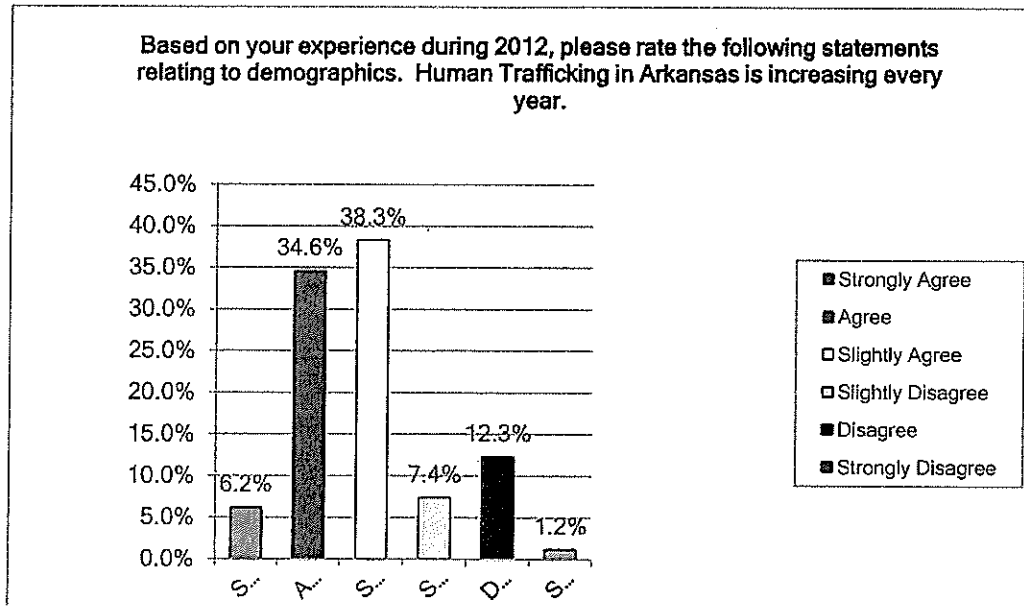


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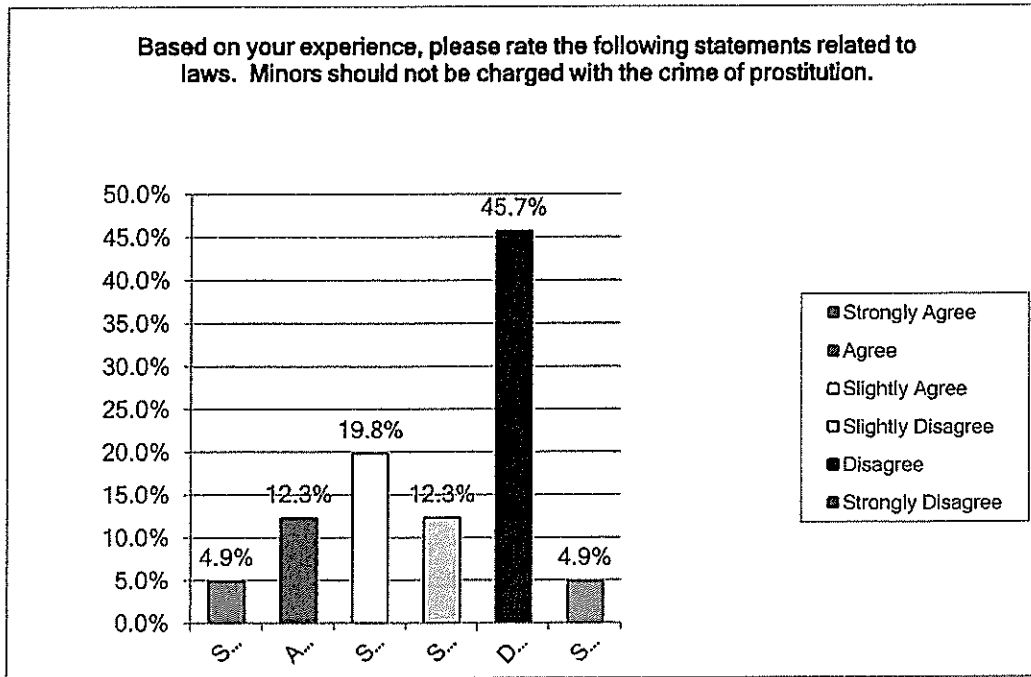


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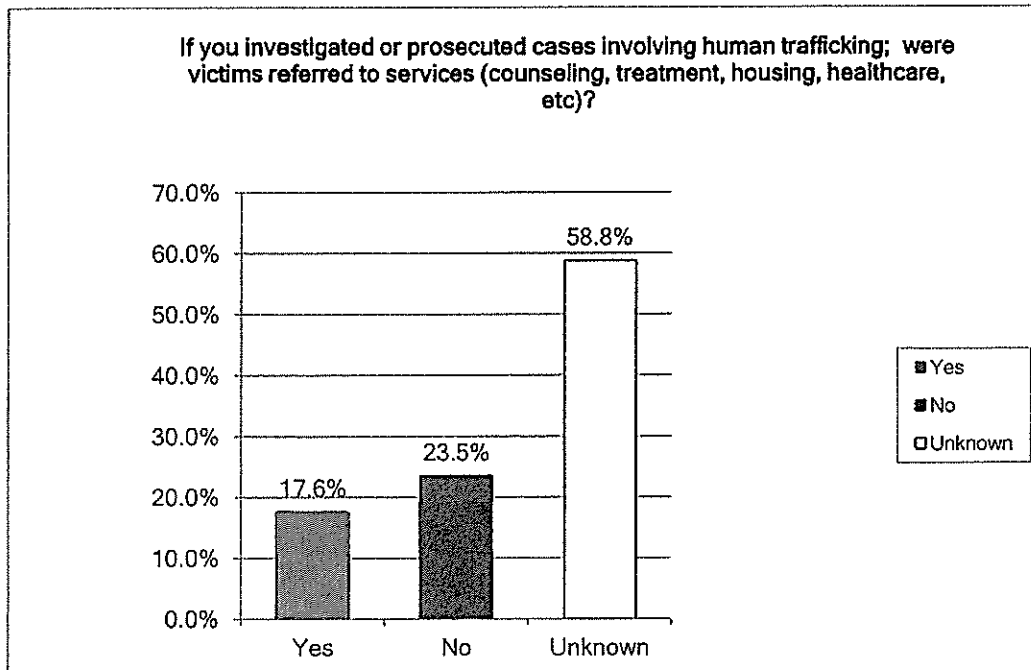


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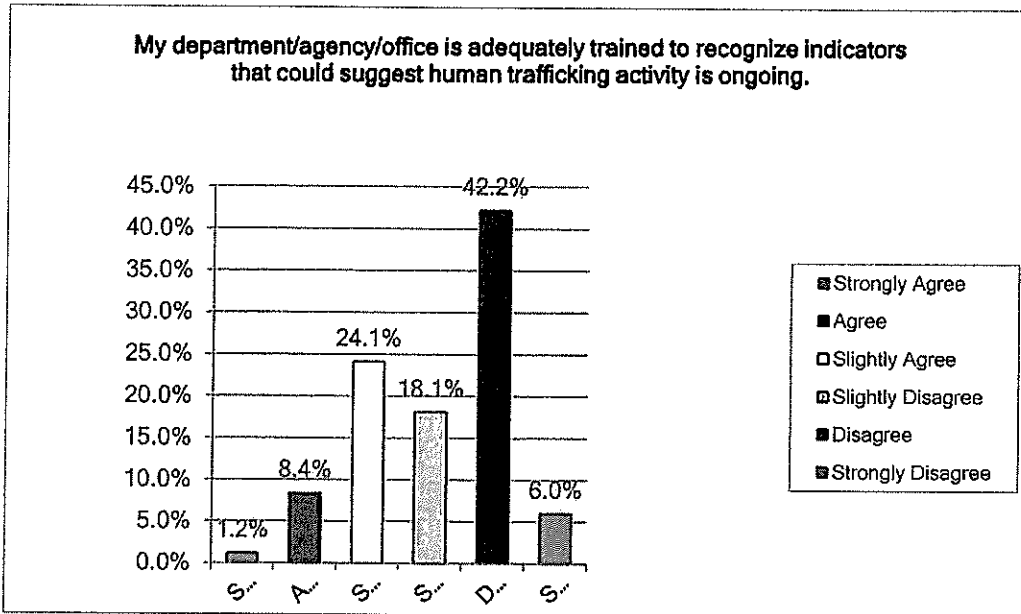


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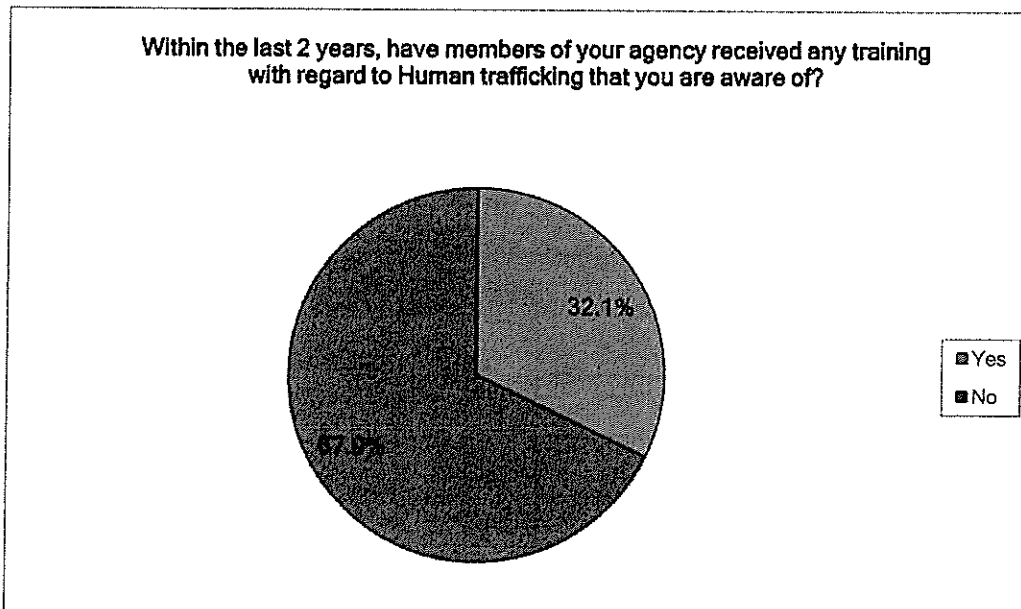
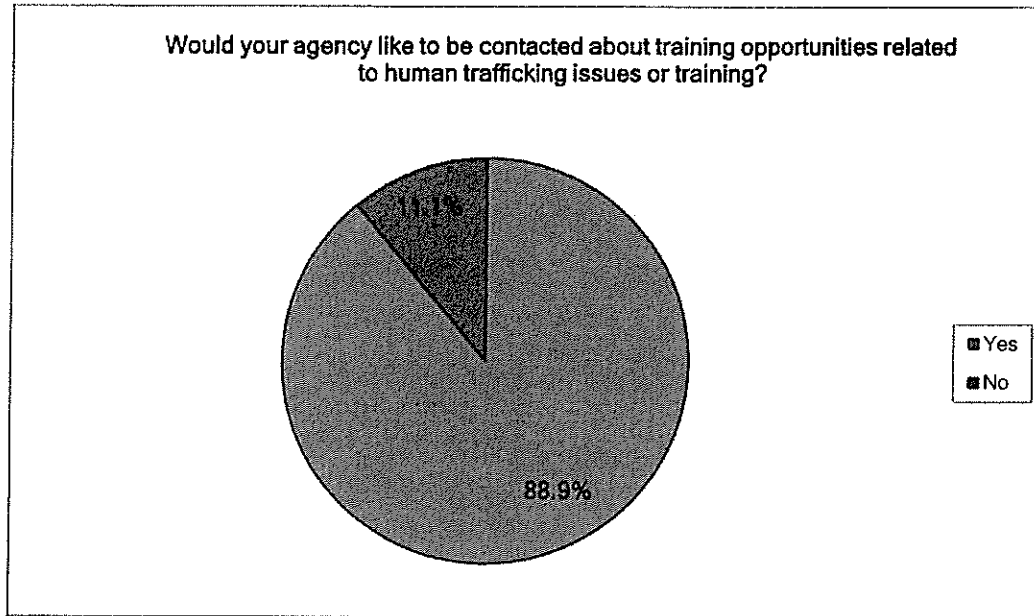


Table 11



APPENDIX III

Acts 132 and 133 of 2013 (Human Trafficking Act of 2013)

Stricken language would be deleted from and underlined language would be added to present law.
Act 132 of the Regular Session

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 242

4
5 By: Senators Irvin, Rapert, Elliott
6 By: Representatives D. Meeks, Leding

For An Act To Be Entitled

7
8
9 AN ACT ESTABLISHING THE HUMAN TRAFFICKING ACT OF
10 2013; CONCERNING THE OFFENSE OF HUMAN TRAFFICKING;
11 AND FOR OTHER PURPOSES.

Subtitle

12
13
14 ESTABLISHING THE HUMAN TRAFFICKING ACT OF
15 2013; CONCERNING THE OFFENSE OF HUMAN
16 TRAFFICKING.
17

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. DO NOT CODIFY. Title.

23 This act shall be cited as the "Arkansas Human Trafficking Act of
24 2013".

25
26 SECTION 2. Arkansas Code § 5-11-108 is repealed.

27 ~~5-11-108. Trafficking of persons.~~

28 ~~(a) As used in this section:~~

29 ~~(1) "Debt bondage" means the status or condition of a debtor~~
30 ~~arising from a pledge by the debtor of his or her personal services or of the~~
31 ~~personal services of a person under his or her control as a security for~~
32 ~~debt, if:~~

33 ~~(A) The value of the debtor's personal services or of the~~
34 ~~personal services of a person under his or her control as reasonably assessed~~
35 ~~is not applied toward the liquidation of the debt; or~~

36 ~~(B) The length and nature of the debtor's personal~~



02-04-2013 14:19:53 BPG167

1 ~~services or of the personal services of a person under his or her control are~~
 2 ~~not respectively limited and defined;~~

3 ~~(2) "Involuntary servitude" means a condition of servitude~~
 4 ~~induced by means of:~~

5 ~~(A) Any scheme, plan, or pattern of behavior intended to~~
 6 ~~cause a person to believe that if he or she does not enter into or continue~~
 7 ~~the servitude, he or she or another person will suffer serious physical~~
 8 ~~injury or physical restraint; or~~

9 ~~(B) The abuse or threatened abuse of the legal process;~~

10 ~~(3) "Peonage" means holding a person against his or her will to~~
 11 ~~pay off a debt; and~~

12 ~~(4) "Sexual conduct" means the same as defined in § 5-27-401.~~

13 ~~(b) A person commits the offense of trafficking of persons if he or~~
 14 ~~she:~~

15 ~~(1) Recruits, harbors, transports, or obtains a person for labor~~
 16 ~~or services through the use of force, fraud, or coercion for the purpose of~~
 17 ~~subjecting the person to:~~

18 ~~(A) Involuntary servitude;~~

19 ~~(B) Peonage;~~

20 ~~(C) Debt bondage;~~

21 ~~(D) Slavery;~~

22 ~~(E) Marriage;~~

23 ~~(F) Adoption; or~~

24 ~~(G) Sexual conduct; or~~

25 ~~(2) Benefits financially or benefits by receiving anything of~~
 26 ~~value from participation in a venture under subdivision (b)(1) of this~~
 27 ~~section.~~

28 ~~(c) Trafficking of persons is a Class A felony.~~

29

30 SECTION 3. Arkansas Code Title 5 is amended to add a new chapter to
 31 read as follows:

32

33

Chapter 18

34

The Human Trafficking Act of 2013

35

36

5-18-101. Title.

1 This chapter shall be known as and may be cited as the "Human
2 Trafficking Act of 2013".

3
4 5-18-102. Definitions.

5 As used in this chapter:

6 (1) "Commercial sexual activity" means a sexual act or sexually
7 explicit performance for which anything of value is given, promised, or
8 received, directly or indirectly, by a person;

9 (2) "Debt bondage" means the status or condition of a debtor
10 arising from a pledge by the debtor of his or her personal services or of the
11 personal services of a person under his or her control as a security for
12 debt, if:

13 (A) The value of the debtor's personal services or of the
14 personal services of a person under his or her control as reasonably assessed
15 is not applied toward the liquidation of the debt;

16 (B) The length and nature of the debtor's personal
17 services or of the personal services of a person under his or her control are
18 not respectively limited and defined; or

19 (C) The principal amount of the debt does not reasonably
20 reflect the value of the items or services for which the debt was incurred;

21 (3) "Extortion" means the obtaining of property, labor, a
22 service, credit, a commercial sexually activity, or a sexually explicit
23 performance from another person or of an official act of a public officer
24 through a wrongful use of force or fear or under color of official right;

25 (4) "Financial harm" means extortion of credit, criminal
26 violation of the usury laws, or employment contracts that violate the
27 statutes of frauds, § 4-59-101;

28 (5) "Involuntary servitude" means the inducement or compulsion
29 of a person to engage in labor, services, or commercial sexual activity by
30 means of:

31 (A) A scheme, plan, or pattern of behavior with a purpose
32 to cause a person to believe that if he or she does not engage in labor,
33 services, or commercial sexual activity, he or she or another person will
34 suffer serious physical injury or physical restraint;

35 (B) Abuse or threatened abuse of the legal process;

36 (C) The causing of or the threat to cause serious harm to

- 1 a person;
- 2 (D) Physically restraining or threatening to physically
 3 restrain another person;
- 4 (E) The kidnapping of or threat to kidnap a person;
- 5 (F) The taking of another person's personal property or
 6 real property;
- 7 (G) The knowing destruction, concealment, removal,
 8 confiscation, or possession of an actual or purported passport, other
 9 immigration document, or other actual or purported government identification
 10 document of another person;
- 11 (H) Extortion or blackmail;
- 12 (I) Deception or fraud;
- 13 (J) Coercion, duress, or menace;
- 14 (K) Debt bondage;
- 15 (L) Peonage; or
- 16 (M) The facilitation or control of a victim's access to an
 17 addictive controlled substance;
- 18 (6) "Labor" means work of economic or financial value;
- 19 (7) "Menace" means a possible danger or threat;
- 20 (8) "Minor" means a person less than eighteen (18) years of age;
- 21 (9) "Organization" means the same as defined in § 5-2-501;
- 22 (10) "Peonage" means holding a person against his or her will to
 23 pay off a debt;
- 24 (11) "Serious harm" means any harm, whether physical or
 25 nonphysical, including without limitation psychological, financial, or
 26 reputational harm, that is sufficiently serious, under all the surrounding
 27 circumstances, to compel a reasonable person of the same background and in
 28 the same circumstances as the victim to perform or to continue performing
 29 labor or service, a commercial sex act, or a sexually explicit performance in
 30 order to avoid incurring that harm;
- 31 (12) "Service" means an act committed at the behest of, under
 32 the supervision of, or for the benefit of another person;
- 33 (13)(A) "Sex act" means any touching of the sexual or other
 34 intimate parts of another person for the purpose of gratifying the sexual
 35 desire of a person.
- 36 (B) "Sex act" includes without limitation the touching of

1 the person as well as touching by the person, whether directly or through
2 clothing;

3 (14)(A) "Sexually explicit performance" means an act or show,
4 whether public or private, live, photographed, recorded, or videotaped with a
5 purpose to:

6 (i) Either:

7 (a) Appeal to the prurient interest; or

8 (b) Depict, in a patently offensive way, a sex
9 act; and

10 (ii) Do so in a way that lacks literary, artistic,
11 political, or scientific value.

12 (B) "Sexually explicit performance" includes without
13 limitation any performance that depicts a sex act by a minor or that would
14 create criminal liability under § 5-27-303 or § 5-27-304; and

15 (15) "Victim of human trafficking" means a person who has been
16 subjected to trafficking of persons, § 5-18-103.

17
18 5-18-103. Trafficking of persons.

19 (a) A person commits the offense of trafficking of persons if he or
20 she knowingly:

21 (1) Recruits, harbors, transports, obtains, entices, solicits,
22 isolates, provides, or maintains a person knowing that the person will be
23 subjected to involuntary servitude;

24 (2) Benefits financially or benefits by receiving anything of
25 value from participation in a venture under subdivision (a)(1) of this
26 section;

27 (3) Subjects a person to involuntary servitude; or

28 (4) Recruits, entices, solicits, isolates, harbors, transports,
29 provides, maintains, or obtains a minor for commercial sexual activity.

30 (b) It is not a defense to prosecution under subdivision (a)(4) of
31 this section that the actor:

32 (1) Did not have knowledge of a victim's age; or

33 (2) Mistakenly believed a victim was not a minor.

34 (c)(1) Trafficking of persons is a Class A felony.

35 (2) Trafficking of persons is a Class Y felony if a victim was a
36 minor at the time of the offense.

1

2

3 5-18-104. Patronizing a victim of human trafficking.4 (a) A person commits the offense of patronizing a victim of human
5 trafficking if he or she knowingly engages in commercial sexual activity with
6 another person knowing that the other person is a victim of human
7 trafficking.8 (b)(1) Patronizing a victim of human trafficking is a Class B felony.9 (2) Patronizing a victim of human trafficking is a Class A
10 felony if the victim was a minor at the time of the offense.

11

12 5-18-105. Enhanced liability of an organization.13 In addition to any other statutorily authorized sentence or fine, an
14 organization convicted of an offense under this chapter is subject to any
15 combination of the following:16 (1) A suspension or revocation of a license, permit, or prior
17 approval granted to the organization by a state or local government agency;18 (2) A court order to dissolve or reorganize; and19 (3) Other relief as is equitable.

20

21 SECTION 4. Arkansas Code § 5-70-102 is amended to read as follows:

22 5-70-102. Prostitution.

23 (a) A person commits prostitution if in return for or in expectation
24 of a fee he or she engages in or agrees or offers to engage in sexual
25 activity with any other person.

26 (b) Prostitution is a:

27 (1) Class B misdemeanor for the first offense; and

28 (2) Class A misdemeanor for ~~second and subsequent offenses a~~
29 second or subsequent offense under this section.30 (c) It is an affirmative defense to prosecution that the person
31 engaged in an act of prostitution as a result of being a victim of
32 trafficking of persons, § 5-18-103.

33

34 SECTION 5. Arkansas Code § 5-70-103 is amended to read as follows:

35 5-70-103. Sexual solicitation.

36 (a) A person commits the offense of sexual solicitation if he or she:

1 (1) Offers to pay a fee to a person to engage in sexual activity
2 with him or her or another person; or

3 (2) Solicits or requests a person to engage in sexual activity
4 with him or her in return for a fee.

5 (b) Sexual solicitation is a:

6 (1) Class B misdemeanor for the first offense; and

7 (2) Class A misdemeanor for ~~the second and subsequent offenses a~~
8 second or subsequent offense.

9 (c) It is an affirmative defense to prosecution under this section
10 that the person engaged in an act of sexual solicitation as a result of being
11 a victim of trafficking of persons, § 5-18-103.
12

13 SECTION 6. Arkansas Code Title 12 is amended to add a new chapter to
14 read as follows:

15
16 Chapter 19

17 Human Trafficking – Prevention and Law Enforcement
18

19 12-19-101. State Task Force for the Prevention of Human Trafficking.

20 (a)(1) The Attorney General may establish a State Task Force for the
21 Prevention of Human Trafficking.

22 (2) The task force shall address all aspects of human
23 trafficking, including sex trafficking and labor trafficking of both United
24 States citizens and foreign nationals.

25 (b) If established, representatives on the task force shall be
26 appointed by the Attorney General and may include representatives from:

27 (1) The office of the Attorney General;

28 (2) The office of the Governor;

29 (3) The Department of Labor;

30 (4) The Department of Health;

31 (5) The Department of Human Services;

32 (6) The Arkansas Association of Chiefs of Police;

33 (7) The Arkansas Sheriffs' Association;

34 (8) The Department of Arkansas State Police;

35 (9) The Arkansas Prosecuting Attorneys Association;

36 (10) Local law enforcement; and

- 1 (11) Nongovernmental organizations such as:
2 (A) Those specializing in the problems of human
3 trafficking;
4 (B) Those representing diverse communities
5 disproportionally affected by human trafficking;
6 (C) Agencies devoted to child services and runaway
7 services; and
8 (D) Academic researchers dedicated to the subject of human
9 trafficking.
- 10 (c) If the task force is created by the Attorney General, he or she
11 may invite federal agencies that operate in the state to be members of the
12 task force, including without limitation:
- 13 (1) The Federal Bureau of Investigation;
14 (2) United States Immigration and Customs Enforcement; and
15 (3) The United States Department of Labor.
- 16 (d) If the task force is created by the Attorney General, the task
17 force shall:
- 18 (1) Develop a state plan;
19 (2) Coordinate the implementation of the state plan;
20 (3) Coordinate the collection and sharing of human trafficking
21 data among government agencies in a manner that ensures that the privacy of
22 victims of human trafficking is protected and that the data collection shall
23 respect the privacy of victims of human trafficking;
24 (4) Coordinate the sharing of information between agencies to
25 detect individuals and groups engaged in human trafficking;
26 (5) Explore the establishment of state policies for time limits
27 for the issuance of law enforcement agency endorsements as described in 8
28 C.F.R. § 214.11(f)(1), as it existed on January 1, 2013;
29 (6) Establish policies to enable state government to work with
30 nongovernmental organizations and other elements of the private sector to
31 prevent human trafficking and provide assistance to victims of human
32 trafficking who are United States citizens or foreign nationals;
33 (7) Evaluate various approaches used by state and local
34 governments to increase public awareness of human trafficking, including
35 trafficking of United States citizens and foreign national victims;
36 (8) Develop curriculum and train law enforcement agencies,

1 prosecutors, public defenders, judges, and others involved in the criminal
 2 and juvenile justice systems on:

3 (A) Offenses under the Arkansas Human Trafficking Act of
 4 2013, § 5-18-101 et seq.;

5 (B) Methods used in identifying victims of human
 6 trafficking who are United States citizens or foreign nationals, including
 7 preliminary interview techniques and appropriate questioning methods;

8 (C) Methods for prosecuting human traffickers;

9 (D) Methods of increasing effective collaboration with
 10 nongovernmental organizations and other relevant social service organizations
 11 in the course of investigating and prosecuting a human trafficking case;

12 (E) Methods for protecting the rights of victims of human
 13 trafficking, taking into account the need to consider human rights and
 14 special needs of women and minors;

15 (F) The necessity of treating victims of human trafficking
 16 as crime victims rather than criminals; and

17 (G) Methods for promoting the safety of victims of human
 18 trafficking; and

19 (9) Submit a report of its findings and recommendations to the
 20 Governor, the Speaker of the House of Representatives, and the President Pro
 21 Tempore of the Senate.

22

23 SECTION 7. Arkansas Code § 16-93-618(a)(1), concerning sentencing for
 24 certain Class Y felonies, is amended to read as follows:

25 (a)(1) Notwithstanding any law allowing the award of meritorious good
 26 time or any other law to the contrary, ~~any~~ a person who is found guilty of or
 27 pleads guilty or nolo contendere to subdivisions (a)(1)(A) ~~-(H)-(I)~~ of this
 28 section shall not be eligible for parole or community ~~punishment~~ correction
 29 transfer, except as provided in subdivision (a)(3) or subsection (c) of this
 30 section, until the person serves seventy percent (70%) of the term of
 31 imprisonment to which the person is sentenced, including a sentence
 32 prescribed under § 5-4-501:

33 (A) Murder in the first degree, § 5-10-102;

34 (B) Kidnapping, Class Y felony, § 5-11-102;

35 (C) Aggravated robbery, § 5-12-103;

36 (D) Rape, § 5-14-103;

1 (E) Trafficking of persons, Class Y felony, § 5-18-103;
2 ~~(E)(F)~~ Causing a catastrophe, § 5-38-202(a);
3 ~~(F)(G)~~ Manufacturing methamphetamine, § 5-64-423(a) or the
4 former § 5-64-401;
5 ~~(G)(H)~~ Trafficking methamphetamine, § 5-64-440(b)(1); or
6 ~~(H)(I)~~ Possession of drug paraphernalia with the purpose
7 to manufacture methamphetamine, the former § 5-64-403(c)(5).
8

9 SECTION 8. Arkansas Code Title 16, Chapter 118, is amended to add a
10 section to read as follows:

11 16-118-109. Civil cause of action for victims of human trafficking.

12 (a) As used in this section, "victim of human trafficking" means the
13 same as defined in § 5-18-102.

14 (b) An individual who is a victim of human trafficking may bring a
15 civil action in any appropriate state court.

16 (c) The court may award actual damages; compensatory damages, punitive
17 damages, injunctive relief, or any other appropriate relief.

18 (d) A prevailing plaintiff shall also be awarded attorney's fees and
19 costs.

20 (e) Three (3) times actual damages shall be awarded on proof of actual
21 damages when a defendant's acts were willful and malicious.

22 (f)(1) A statute of limitation period imposed for the filing of a
23 civil action under this section will not begin to run until the plaintiff
24 discovers that the human trafficking incident occurred and that the defendant
25 caused, was responsible for, or profited from the human trafficking incident.

26 (2) If the plaintiff is a minor, the limitation period will not
27 begin until he or she is eighteen (18) years of age.

28 (3) If the plaintiff is under a disability at the time the cause
29 of action accrues so that it is impossible or impracticable for him or her to
30 bring an action, the time of the disability will not be part of the time
31 limited for the commencement of the action.

32 (4) If the plaintiff is subject to threats, intimidation,
33 manipulation, or fraud perpetrated by the defendant or by any person acting
34 in the interest of the defendant, the time period during which the threats,
35 intimidation, manipulation, or fraud occurred will not be part of the statute
36 of limitations for the commencement of this action.

1 (5) A defendant is estopped to assert a defense of the statute
2 of limitations when the expiration of the statute of limitations is due to
3 conduct by the defendant that induced the plaintiff to delay the filing of
4 the action or placed the plaintiff under duress.

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APPROVED: 02/19/2013

Stricken language would be deleted from and underlined language would be added to present law.
Act 133 of the Regular Session

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Enrolled: H2/6/13

A Bill

HOUSE BILL 1203

5 By: Representatives D. Meeks, *Leding, D. Altes, Carnine, Deffenbaugh, C. Douglas, D. Douglas, Fite,*
6 *Harris, Hobbs, House, S. Meeks, Scott*
7

For An Act To Be Entitled

8
9 AN ACT ESTABLISHING THE HUMAN TRAFFICKING ACT OF
10 2013; CONCERNING THE OFFENSE OF HUMAN TRAFFICKING;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 ESTABLISHING THE HUMAN TRAFFICKING ACT OF
15 2013; CONCERNING THE OFFENSE OF HUMAN
16 TRAFFICKING.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 *SECTION 1. DO NOT CODIFY. Title.*

23 *This act shall be cited as the "Arkansas Human Trafficking Act of*
24 *2013".*
25

26 *SECTION 2. Arkansas Code § 5-11-108 is repealed.*

27 ~~*5-11-108. Trafficking of persons.*~~

28 ~~*(a) As used in this section:*~~

29 ~~*(1) "Debt bondage" means the status or condition of a debtor*~~
30 ~~*arising from a pledge by the debtor of his or her personal services or of the*~~
31 ~~*personal services of a person under his or her control as a security for*~~
32 ~~*debt, if:*~~

33 ~~*(A) The value of the debtor's personal services or of the*~~
34 ~~*personal services of a person under his or her control as reasonably assessed*~~
35 ~~*is not applied toward the liquidation of the debt; or*~~

36 ~~*(B) The length and nature of the debtor's personal*~~



1 ~~services or of the personal services of a person under his or her control are~~
2 ~~not respectively limited and defined;~~

3 ~~(2) "Involuntary servitude" means a condition of servitude~~
4 ~~induced by means of:~~

5 ~~(A) Any scheme, plan, or pattern of behavior intended to~~
6 ~~cause a person to believe that if he or she does not enter into or continue~~
7 ~~the servitude, he or she or another person will suffer serious physical~~
8 ~~injury or physical restraint; or~~

9 ~~(B) The abuse or threatened abuse of the legal process;~~

10 ~~(3) "Peonage" means holding a person against his or her will to~~
11 ~~pay off a debt; and~~

12 ~~(4) "Sexual conduct" means the same as defined in § 5-27-401.~~

13 ~~(b) A person commits the offense of trafficking of persons if he or~~
14 ~~she:~~

15 ~~(1) Recruits, harbors, transports, or obtains a person for labor~~
16 ~~or services through the use of force, fraud, or coercion for the purpose of~~
17 ~~subjecting the person to:~~

18 ~~(A) Involuntary servitude;~~

19 ~~(B) Peonage;~~

20 ~~(C) Debt bondage;~~

21 ~~(D) Slavery;~~

22 ~~(E) Marriage;~~

23 ~~(F) Adoption; or~~

24 ~~(G) Sexual conduct; or~~

25 ~~(2) Benefits financially or benefits by receiving anything of~~
26 ~~value from participation in a venture under subdivision (b)(1) of this~~
27 ~~section.~~

28 ~~(c) Trafficking of persons is a Class A felony.~~

29
30 SECTION 3. Arkansas Code Title 5 is amended to add a new chapter to
31 read as follows:

32
33 Chapter 18

34 The Human Trafficking Act of 2013

35
36 5-18-101. Title.

1 This chapter shall be known as and may be cited as the "Human
2 Trafficking Act of 2013".

3
4 5-18-102. Definitions.

5 As used in this chapter:

6 (1) "Commercial sexual activity" means a sexual act or sexually
7 explicit performance for which anything of value is given, promised, or
8 received, directly or indirectly, by a person;

9 (2) "Debt bondage" means the status or condition of a debtor
10 arising from a pledge by the debtor of his or her personal services or of the
11 personal services of a person under his or her control as a security for
12 debt, if:

13 (A) The value of the debtor's personal services or of the
14 personal services of a person under his or her control as reasonably assessed
15 is not applied toward the liquidation of the debt;

16 (B) The length and nature of the debtor's personal
17 services or of the personal services of a person under his or her control are
18 not respectively limited and defined; or

19 (C) The principal amount of the debt does not reasonably
20 reflect the value of the items or services for which the debt was incurred;

21 (3) "Extortion" means the obtaining of property, labor, a
22 service, credit, a commercial sexually activity, or a sexually explicit
23 performance from another person or of an official act of a public officer
24 through a wrongful use of force or fear or under color of official right;

25 (4) "Financial harm" means extortion of credit, criminal
26 violation of the usury laws, or employment contracts that violate the
27 statutes of frauds, § 4-59-101;

28 (5) "Involuntary servitude" means the inducement or compulsion
29 of a person to engage in labor, services, or commercial sexual activity by
30 means of:

31 (A) A scheme, plan, or pattern of behavior with a purpose
32 to cause a person to believe that if he or she does not engage in labor,
33 services, or commercial sexual activity, he or she or another person will
34 suffer serious physical injury or physical restraint;

35 (B) Abuse or threatened abuse of the legal process;

36 (C) The causing of or the threat to cause serious harm to

1 a person;

2 (D) Physically restraining or threatening to physically
3 restrain another person;

4 (E) The kidnapping of or threat to kidnap a person;

5 (F) The taking of another person's personal property or
6 real property;

7 (G) The knowing destruction, concealment, removal,
8 confiscation, or possession of an actual or purported passport, other
9 immigration document, or other actual or purported government identification
10 document of another person;

11 (H) Extortion or blackmail;

12 (I) Deception or fraud;

13 (J) Coercion, duress, or menace;

14 (K) Debt bondage;

15 (L) Peonage; or

16 (M) The facilitation or control of a victim's access to an
17 addictive controlled substance;

18 (6) "Labor" means work of economic or financial value;

19 (7) "Menace" means a possible danger or threat;

20 (8) "Minor" means a person less than eighteen (18) years of age;

21 (9) "Organization" means the same as defined in § 5-2-501;

22 (10) "Peonage" means holding a person against his or her will to
23 pay off a debt;

24 (11) "Serious harm" means any harm, whether physical or
25 nonphysical, including without limitation psychological, financial, or
26 reputational harm, that is sufficiently serious, under all the surrounding
27 circumstances, to compel a reasonable person of the same background and in
28 the same circumstances as the victim to perform or to continue performing
29 labor or service, a commercial sex act, or a sexually explicit performance in
30 order to avoid incurring that harm;

31 (12) "Service" means an act committed at the behest of, under
32 the supervision of, or for the benefit of another person;

33 (13)(A) "Sex act" means any touching of the sexual or other
34 intimate parts of another person for the purpose of gratifying the sexual
35 desire of a person.

36 (B) "Sex act" includes without limitation the touching of

1 the person as well as touching by the person, whether directly or through
2 clothing;

3 (14)(A) "Sexually explicit performance" means an act or show,
4 whether public or private, live, photographed, recorded, or videotaped with a
5 purpose to:

6 (i) Either:

7 (a) Appeal to the prurient interest; or

8 (b) Depict, in a patently offensive way, a sex
9 act; and

10 (ii) Do so in a way that lacks literary, artistic,
11 political, or scientific value.

12 (B) "Sexually explicit performance" includes without
13 limitation any performance that depicts a sex act by a minor or that would
14 create criminal liability under § 5-27-303 or § 5-27-304; and

15 (15) "Victim of human trafficking" means a person who has been
16 subjected to trafficking of persons, § 5-18-103.

17

18 5-18-103. Trafficking of persons.

19 (a) A person commits the offense of trafficking of persons if he or
20 she knowingly:

21 (1) Recruits, harbors, transports, obtains, entices, solicits,
22 isolates, provides, or maintains a person knowing that the person will be
23 subjected to involuntary servitude;

24 (2) Benefits financially or benefits by receiving anything of
25 value from participation in a venture under subdivision (a)(1) of this
26 section;

27 (3) Subjects a person to involuntary servitude; or

28 (4) Recruits, entices, solicits, isolates, harbors, transports,
29 provides, maintains, or obtains a minor for commercial sexual activity.

30 (b) It is not a defense to prosecution under subdivision (a)(4) of
31 this section that the actor:

32 (1) Did not have knowledge of a victim's age; or

33 (2) Mistakenly believed a victim was not a minor.

34 (c)(1) Trafficking of persons is a Class A felony.

35 (2) Trafficking of persons is a Class Y felony if a victim was a
36 minor at the time of the offense.

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5-18-104. Patronizing a victim of human trafficking.

(a) A person commits the offense of patronizing a victim of human trafficking if he or she knowingly engages in commercial sexual activity with another person knowing that the other person is a victim of human trafficking.

(b)(1) Patronizing a victim of human trafficking is a Class B felony.

(2) Patronizing a victim of human trafficking is a Class A felony if the victim was a minor at the time of the offense.

5-18-105. Enhanced liability of an organization.

In addition to any other statutorily authorized sentence or fine, an organization convicted of an offense under this chapter is subject to any combination of the following:

(1) A suspension or revocation of a license, permit, or prior approval granted to the organization by a state or local government agency;

(2) A court order to dissolve or reorganize; and

(3) Other relief as is equitable.

SECTION 4. Arkansas Code § 5-70-102 is amended to read as follows:

5-70-102. Prostitution.

(a) A person commits prostitution if in return for or in expectation of a fee he or she engages in or agrees or offers to engage in sexual activity with any other person.

(b) Prostitution is a:

(1) Class B misdemeanor for the first offense; and

(2) Class A misdemeanor for ~~second and subsequent offenses~~ a second or subsequent offense under this section.

(c) It is an affirmative defense to prosecution that the person engaged in an act of prostitution as a result of being a victim of trafficking of persons, § 5-18-103.

SECTION 5. Arkansas Code § 5-70-103 is amended to read as follows:

5-70-103. Sexual solicitation.

(a) A person commits the offense of sexual solicitation if he or she:

(1) Offers to pay a fee to a person to engage in sexual activity

1 with him or her or another person; or

2 (2) Solicits or requests a person to engage in sexual activity
3 with him or her in return for a fee.

4 (b) Sexual solicitation is a:

5 (1) Class B misdemeanor for the first offense; and

6 (2) Class A misdemeanor for ~~the second and subsequent offenses~~ a
7 second or subsequent offense.

8 (c) It is an affirmative defense to prosecution under this section
9 that the person engaged in an act of sexual solicitation as a result of being
10 a victim of trafficking of persons, § 5-18-103.

11

12 SECTION 6. Arkansas Code Title 12 is amended to add a new chapter to
13 read as follows:

14

15

Chapter 19

16

Human Trafficking – Prevention and Law Enforcement

17

18 12-19-101. State Task Force for the Prevention of Human Trafficking.

19 (a)(1) The Attorney General may establish a State Task Force for the
20 Prevention of Human Trafficking.

21

22 (2) The task force shall address all aspects of human
23 trafficking, including sex trafficking and labor trafficking of both United
24 States citizens and foreign nationals.

25

26 (b) If established, representatives on the task force shall be
27 appointed by the Attorney General and may include representatives from:

28

(1) The office of the Attorney General;

29

(2) The office of the Governor;

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(3) The Department of Labor;

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(4) The Department of Health;

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(5) The Department of Human Services;

33

(6) The Arkansas Association of Chiefs of Police;

34

(7) The Arkansas Sheriffs' Association;

35

(8) The Department of Arkansas State Police;

36

(9) The Arkansas Prosecuting Attorneys Association;

(10) Local law enforcement; and

(11) Nongovernmental organizations such as:

1 (A) Those specializing in the problems of human
2 trafficking;

3 (B) Those representing diverse communities
4 disproportionally affected by human trafficking;

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6 services; and

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8 trafficking.

9 (c) If the task force is created by the Attorney General, he or she
10 may invite federal agencies that operate in the state to be members of the
11 task force, including without limitation:

12 (1) The Federal Bureau of Investigation;

13 (2) United States Immigration and Customs Enforcement; and

14 (3) The United States Department of Labor.

15 (d) If the task force is created by the Attorney General, the task
16 force shall:

17 (1) Develop a state plan;

18 (2) Coordinate the implementation of the state plan;

19 (3) Coordinate the collection and sharing of human trafficking
20 data among government agencies in a manner that ensures that the privacy of
21 victims of human trafficking is protected and that the data collection shall
22 respect the privacy of victims of human trafficking;

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24 detect individuals and groups engaged in human trafficking;

25 (5) Explore the establishment of state policies for time limits
26 for the issuance of law enforcement agency endorsements as described in 8
27 C.F.R. § 214.11(f)(1), as it existed on January 1, 2013;

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29 nongovernmental organizations and other elements of the private sector to
30 prevent human trafficking and provide assistance to victims of human
31 trafficking who are United States citizens or foreign nationals;

32 (7) Evaluate various approaches used by state and local
33 governments to increase public awareness of human trafficking, including
34 trafficking of United States citizens and foreign national victims;

35 (8) Develop curriculum and train law enforcement agencies,
36 prosecutors, public defenders, judges, and others involved in the criminal

1 and juvenile justice systems on:

2 (A) Offenses under the Arkansas Human Trafficking Act of
3 2013, § 5-18-101 et seq.;

4 (B) Methods used in identifying victims of human
5 trafficking who are United States citizens or foreign nationals, including
6 preliminary interview techniques and appropriate questioning methods;

7 (C) Methods for prosecuting human traffickers;

8 (D) Methods of increasing effective collaboration with
9 nongovernmental organizations and other relevant social service organizations
10 in the course of investigating and prosecuting a human trafficking case;

11 (E) Methods for protecting the rights of victims of human
12 trafficking, taking into account the need to consider human rights and
13 special needs of women and minors;

14 (F) The necessity of treating victims of human trafficking
15 as crime victims rather than criminals; and

16 (G) Methods for promoting the safety of victims of human
17 trafficking; and

18 (9) Submit a report of its findings and recommendations to the
19 Governor, the Speaker of the House of Representatives, and the President Pro
20 Tempore of the Senate.

21

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26 pleads guilty or nolo contendere to subdivisions (a)(1)(A)-~~(H)~~(I) of this
27 section shall not be eligible for parole or community ~~punishment~~ correction
28 transfer, except as provided in subdivision (a)(3) or subsection (c) of this
29 section, until the person serves seventy percent (70%) of the term of
30 imprisonment to which the person is sentenced, including a sentence
31 prescribed under § 5-4-501:

32 (A) Murder in the first degree, § 5-10-102;

33 (B) Kidnapping, Class Y felony, § 5-11-102;

34 (C) Aggravated robbery, § 5-12-103;

35 (D) Rape, § 5-14-103;

36 (E) Trafficking of persons, Class Y felony, § 5-18-103;

- 1 ~~(E)~~(F) *Causing a catastrophe, § 5-38-202(a);*
- 2 ~~(F)~~(G) *Manufacturing methamphetamine, § 5-64-423(a) or the*
- 3 *former § 5-64-401;*
- 4 ~~(G)~~(H) *Trafficking methamphetamine, § 5-64-440(b)(1); or*
- 5 ~~(H)~~(I) *Possession of drug paraphernalia with the purpose*
- 6 *to manufacture methamphetamine, the former § 5-64-403(c)(5).*

7

8 SECTION 8. Arkansas Code Title 16, Chapter 118, is amended to add a

9 section to read as follows:

10 16-118-109. Civil cause of action for victims of human trafficking.

11 (a) As used in this section, "victim of human trafficking" means the

12 same as defined in § 5-18-102.

13 (b) An individual who is a victim of human trafficking may bring a

14 civil action in any appropriate state court.

15 (c) The court may award actual damages, compensatory damages, punitive

16 damages, injunctive relief, or any other appropriate relief.

17 (d) A prevailing plaintiff shall also be awarded attorney's fees and

18 costs.

19 (e) Three (3) times actual damages shall be awarded on proof of actual

20 damages when a defendant's acts were willful and malicious.

21 (f)(1) A statute of limitation period imposed for the filing of a

22 civil action under this section will not begin to run until the plaintiff

23 discovers that the human trafficking incident occurred and that the defendant

24 caused, was responsible for, or profited from the human trafficking incident.

25 (2) If the plaintiff is a minor, the limitation period will not

26 begin until he or she is eighteen (18) years of age.

27 (3) If the plaintiff is under a disability at the time the cause

28 of action accrues so that it is impossible or impracticable for him or her to

29 bring an action, the time of the disability will not be part of the time

30 limited for the commencement of the action.

31 (4) If the plaintiff is subject to threats, intimidation,

32 manipulation, or fraud perpetrated by the defendant or by any person acting

33 in the interest of the defendant, the time period during which the threats,

34 intimidation, manipulation, or fraud occurred will not be part of the statute

35 of limitations for the commencement of this action.

36 (5) A defendant is estopped to assert a defense of the statute

1 of limitations when the expiration of the statute of limitations is due to
2 conduct by the defendant that induced the plaintiff to delay the filing of
3 the action or placed the plaintiff under duress.

4
5
6 /s/D. Meeks

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9 APPROVED: 02/19/2013

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12 APPROVED: 02/19/2013

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APPENDIX IV

Act 1157 of 2013

Stricken language would be deleted from and underlined language would be added to present law.
Act 1157 of the Regular Session

1 State of Arkansas *As Engrossed: H3/8/13 H3/20/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

HOUSE BILL 1581

4
5 By: Representatives Leding, D. Meeks

6 By: Senators Rapert, Elliott, Irvin

7

8 **For An Act To Be Entitled**

9 AN ACT CONCERNING VICTIMS OF THE OFFENSE OF HUMAN
10 TRAFFICKING; CONCERNING POSTING A NOTICE OF THE
11 NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE;
12 TO PROVIDE FOR THE EXPUNGEMENT OF CERTAIN CRIMINAL
13 CONVICTIONS; AND FOR OTHER PURPOSES.

14

15

16

Subtitle

17

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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26

27

SECTION 1. Arkansas Code Title 3, Chapter 9, Subchapter 2, is amended
28 to add a new section to read as follows:

29

30

3-9-241. Private clubs - Posting information about the National Human
31 Trafficking Resource Center Hotline.

32

33

An entity governed by this subchapter shall post information about the
34 National Human Trafficking Resource Center Hotline as required under § 12-19-
35 102.

36

SECTION 2. Arkansas Code § 5-5-201(a), concerning crimes for which the
36 state may forfeit certain conveyances, is amended to read as follows:



1 (a) Upon conviction, any conveyance, including an aircraft, motor
2 vehicle, or vessel, ~~that is subject to forfeiture under this subchapter if it~~
3 ~~is used in the commission or attempt of: a burglary, robbery, theft, or~~
4 ~~arson, or an attempt to commit a burglary, robbery, theft, or arson, is~~
5 ~~subject subject to forfeiture as provided in this subchapter.~~

6 (1) A burglary;

7 (2) A robbery;

8 (3) A theft;

9 (4) An arson; or

10 (5) Trafficking of persons, § 5-18-103.

11
12 SECTION 3. Arkansas Code § 5-5-202(b)(2), concerning the seizure of
13 conveyances, is amended to read as follows:

14 (2) Any law enforcement agent has probable cause to believe that the
15 conveyance was used in the commission or attempt of ~~a burglary, robbery,~~
16 ~~theft, or arson, or an attempt to commit a burglary, robbery, theft, or~~
17 ~~arson-;~~

18 (A) A burglary;

19 (B) A robbery;

20 (C) A theft;

21 (D) An arson; or

22 (E) Trafficking of persons, § 5-18-103.

23
24 SECTION 4. Arkansas Code § 5-70-103(a)(1), concerning the elements of
25 the criminal offense of sexual solicitation, is amended to read as follows:

26 (1) Offers or agrees to pay a fee to a person to engage in
27 sexual activity with him or her or another person; or

28
29 SECTION 5. Arkansas Code Title 12, Chapter 19, as amended by Acts
30 2013, No. 132, is amended to add two new sections to read as follows:

31 12-19-102. Posting information about the National Human Trafficking
32 Resource Center Hotline.

33 (a) The following establishments shall post in a conspicuous place
34 near the entrance of the establishment, or where posters and notices of this
35 type customarily are posted, a poster described in subsection (b) of this
36 section measuring at least eight and one-half inches by eleven inches (8 1/2"

1 x 11") in size:

2 (1) A hotel, motel, or other establishment that has been cited
3 as a public nuisance for prostitution under § 20-27-401;

4 (2) A strip club or other sexually oriented business;

5 (3) A private club that has a liquor permit for on-premises
6 consumption and does not hold itself out to be a food service establishment;

7 (4) An airport;

8 (5) A train station that serves passengers;

9 (6) A bus station; and

10 (7) A privately owned and operated facility that provides food,
11 fuel, shower or other sanitary facilities, and overnight parking.

12 (b)(1) The poster shall read:

13 "If you or someone you know is being forced to engage in any activity
14 and cannot leave -- whether it is commercial sex, housework, farm work, or any
15 other activity -- call the National Human Trafficking Resource Center Hotline
16 at 1-888-373-7888 to access help and services. Victims of human trafficking
17 are protected under United States and Arkansas state law.

18 The Hotline is:

- 19 • Available 24 hours a day, 7 days a week
- 20 • Toll-free
- 21 • Operated by a non-profit, non-governmental organization
- 22 • Anonymous and confidential
- 23 • Accessible in 170 languages
- 24 • Able to provide help, referral to services, training, and general
25 information"

26 (2) The poster shall be printed in English, Spanish, and any
27 other language mandated by the Voting Rights Act of 1965, 42 U.S.C. § 1973,
28 as it existed on January 1, 2013, in the county where the poster will be
29 posted.

30 (c) The poster shall be available on the websites of all of the
31 following:

32 (1) The Alcoholic Beverage Control Board where documents
33 associated with obtaining a liquor license or alcoholic beverage license are
34 customarily located;

35 (2) The Department of Labor; and

36 (3) The Arkansas State Highway and Transportation Department.

1 (d)(1) To obtain a copy of the poster required to be posted under this
2 section, the owners or operators of an establishment required to post the
3 notice under this section shall:

4 (A) Print the poster from any of the Internet websites in
5 subsection (c) of this section; or

6 (B) Request that the poster be mailed for the cost of
7 printing and first-class postage.

8 (2) The owner or operator shall post the sign in compliance with
9 subsection (a) of this section.

10 (e)(1) If the regulatory agency that licenses or permits an
11 establishment under this section finds that the establishment has failed to
12 post the information required under this section, the owner or operator shall
13 receive:

14 (A) For a first violation, a warning; and

15 (B) For a second or subsequent violation, a fine not to
16 exceed five hundred dollars (\$500).

17 (2) The violation of or noncompliance with this section, and
18 each day's continuance thereof, shall constitute a separate and distinct
19 violation.

20 (f) The civil fines in subsection (e) of this section do not apply to
21 establishments that are owned or operated by the State of Arkansas.

22
23 12-19-103. Development of a state plan.

24 The Department of Human Services shall develop a state protocol for
25 assisting victims of human trafficking with applying for federal and state
26 benefits and services to which they may be entitled.

27
28 SECTION 6. Arkansas Code Title 14, Chapter 1, Subchapter 3, is amended
29 to add a new section to read as follows:

30 14-1-308. Posting information about the National Human Trafficking
31 Resource Center Hotline.

32 An entity governed by this subchapter shall post information about the
33 National Human Trafficking Resource Center Hotline as required under § 12-19-
34 102.

35
36 SECTION 7. Arkansas Code Title 16, Chapter 90, Subchapter 1, is

1 amended to add a new section to read as follows:

2 16-90-123. Sealing certain convictions.

3 (a) As used in this section, "victim of human trafficking" means a
4 person who has been subjected to trafficking of persons, § 5-18-103, or any
5 former law of this state, law of another state, or federal law that is
6 substantially similiar.

7 (b)(1) A person convicted of prostitution, § 5-70-102, may file a
8 petition to seal the conviction under this section if it was obtained as a
9 result of the person having been a victim of human trafficking.

10 (2) A petition under this section may be filed at any time and
11 may be filed for a conviction imposed before, on, or after the effective date
12 of this act.

13 (3)(A) The court shall hold a hearing on the petition under this
14 section as provided in § 16-90-904.

15 (B) The court may dismiss the petition without a hearing
16 if the court finds that the petition fails to assert a claim for which relief
17 may be granted.

18 (4) The court shall grant the petition under this section if it
19 finds by a preponderance of the evidence that:

20 (A) The petitioner was convicted of prostitution, § 5-70-
21 102; and

22 (B) The conviction was obtained as a result of the
23 petitioner's having been a victim of human trafficking.

24 (5) If the petition under this section is granted, the court
25 shall:

26 (A) Issue an order to seal the conviction; and

27 (B) With respect to the conviction for prostitution, § 5-
28 70-102, redact the petitioner's name from all records and files related to
29 the petitioner's:

30 (i) Arrest;

31 (ii) Citation;

32 (iii) Criminal investigation;

33 (iv) Criminal charge;

34 (v) Adjudication of guilt;

35 (vi) Criminal proceedings; and

36 (vii) Probation for the offense.

1 (6)(A) Official documentation by a federal, state, or local
2 government agency verifying that at the time of the conviction for
3 prostitution, § 5-70-102, the petitioner was a victim of human trafficking
4 creates a presumption under this section that the person's prostitution
5 conviction was obtained as a result of having been a victim of human
6 trafficking.

7 (B) Documentation under this subdivision (b)(6) is not
8 required to grant a petition under this section.

9 (C) Documentation under this subdivision (b)(6) may
10 include without limitation:

11 (i) Certified records of federal or state court
12 proceedings that demonstrate that the defendant was a victim of a trafficker
13 charged with a trafficking offense under state law or the Victims of
14 Trafficking and Violence Protection Act of 2000, 22 U.S.C. § 7101 et seq., as
15 it existed on January 1, 2013; or

16 (ii) Certified records of "approval notices" or "law
17 enforcement certifications" generated from federal immigration proceedings
18 available to victims of human trafficking.

19
20 SECTION 8. Arkansas Code Title 20, Chapter 26, Subchapter 2, is
21 amended to add a new section to read as follows:

22 20-26-207. Posting information about the National Human Trafficking
23 Resource Center Hotline.

24 An entity governed by this subchapter shall post information about the
25 National Human Trafficking Resource Center Hotline as required under § 12-19-
26 102.

27
28 SECTION 9. Arkansas Code Title 23, Chapter 12, Subchapter 6, is
29 amended to add a new section to read as follows:

30 23-12-614. Posting information regarding National Human Trafficking
31 Resource Center Hotline.

32 A passenger train station governed by this subchapter shall post
33 information about the National Human Trafficking Resource Center Hotline as
34 required under § 12-19-102.

35
36 SECTION 10. Arkansas Code § 27-115-108(a), concerning the duties of

1 the Arkansas Department of Aeronautics, is amended to add a new subdivision
2 to read as follows:

3 (14) Establish posting requirements for compliance with § 12-19-
4 102, concerning the posting of information about the National Human
5 Trafficking Resource Center Hotline.

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/s/Leding

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APPROVED: 04/11/2013

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APPENDIX V

Act 1257 of 2013

Stricken language would be deleted from and underlined language would be added to present law.
Act 1257 of the Regular Session

1 State of Arkansas *As Engrossed: S3/25/13 S4/1/13 H4/6/13*
2 89th General Assembly **A Bill**
3 Regular Session, 2013

SENATE BILL 869

4
5 By: Senators Elliott, *Irvin, Rapert*
6 By: Representatives Leding, *D. Meeks*

7
8 **For An Act To Be Entitled**

9 AN ACT TO PROVIDE A SAFE HARBOR FOR VICTIMS OF
10 CERTAIN SEX TRAFFICKING AND COMMERCIAL SEX OFFENSES;
11 TO PROVIDE FOR A FINE; TO PROVIDE FOR A STUDY; TO
12 DEVELOP A PROTOCOL; TO ESTABLISH A SAFE HARBOR FOR
13 SEXUALLY EXPLOITED CHILDREN FUND; TO PROVIDE FOR
14 TRAINING; AND FOR OTHER PURPOSES.

15
16
17 **Subtitle**

18 TO PROVIDE A SAFE HARBOR FOR VICTIMS OF
19 CERTAIN SEX TRAFFICKING AND COMMERCIAL
20 SEX *OFFENSES*.

21
22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 *SECTION 1. DO NOT CODIFY. Legislative findings.*

26 *The General Assembly finds that:*

27 *(1) The criminal justice system is not the appropriate place for*
28 *sexually exploited children because it serves to retraumatize them and to*
29 *increase their feelings of low self-esteem;*

30 *(2) Both federal and international law recognize that sexually*
31 *exploited children are the victims of crime and should be treated as such;*

32 *(3) Sexually exploited children should, when possible, be diverted*
33 *into services that address the needs of these children outside of the justice*
34 *system; and*

35 *(4) Sexually exploited children deserve the protection of child*
36 *welfare services, including diversion, crisis intervention, counseling, and*



1 emergency housing services.

2

3 SECTION 2. DO NOT CODIFY. Legislative intent.

4 (1) The intent of this act is to protect a child from further
5 victimization after the child is discovered to be a sexually exploited child
6 by ensuring that a child protective response is in place in the state.

7 (2) This is to be accomplished by presuming that any child engaged in
8 prostitution or solicitation is a victim of sex trafficking and providing
9 these children with the appropriate care and services when possible.

10 (3) In determining the need for and capacity of services that may be
11 provided, the Department of Human Services shall recognize that sexually
12 exploited children have separate and distinct service needs according to
13 gender, and every effort should be made to ensure that these children are not
14 prosecuted or treated as juvenile delinquents, but instead are given the
15 appropriate social services.

16

17 SECTION 3. DO NOT CODIFY. Establishment of an interim study.

18 (1) The Senate Interim Committee on Children and Youth shall conduct
19 an interim study on the problem of child sex trafficking and the commercial
20 sexual exploitation of children in Arkansas.

21 (2) The committee shall:

22 (A) Invite the following entities to participate in the study:

23 (i) Members of the law enforcement community;

24 (ii) Representative of the Arkansas Prosecuting Attorneys
25 Association;

26 (iii) Representatives of the Department of Human Services;

27 (iv) Representatives of the Administrative Office of the
28 Courts; and

29 (v) Victim-service providers and advocates; and

30 (B) Make a report by July 1, 2014, to the Senate on the issue of
31 child sex trafficking and the commercial sexual exploitation of children, to
32 include the following:

33 (i) A proposed state plan for providing adequate services
34 for sexually exploited children;

35 (ii) Recommendations for changes in state law, policies
36 and procedures; and

1 (iii) Any appropriations necessary to allow the applicable
2 agencies to better serve and protect this victim population.

3
4 SECTION 4. Arkansas Code § 5-18-103, as created by Acts 2013, Nos. 132
5 and 133, concerning the offense of trafficking of persons, is amended to add
6 a new subsection to read as follows:

7 (d) In addition to any other sentence authorized by this section, a
8 person who is convicted of violating this section shall be ordered to pay a
9 fine of two hundred fifty dollars (\$250) to be deposited into the Safe Harbor
10 Fund for Sexually Exploited Children.

11
12 SECTION 5. Arkansas § 5-70-102, as amended to Acts 2013, Nos. 132 and
13 133, concerning the offense of prostitution, is amended to add a new
14 subsection to read as follows:

15 (d) In addition to any other sentence authorized by this section, a
16 person who violates this section by offering to pay, agreeing to pay, or
17 paying a fee to engage in sexual activity upon conviction shall be ordered to
18 pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe
19 Harbor Fund for Sexually Exploited Children.

20
21 SECTION 6. Arkansas Code § 5-70-103, as amended by Acts 2013, Nos. 132
22 and 133, concerning the offense of sexual solicitation, is amended to add a
23 new subsection to read as follows:

24 (d) In addition to any other sentence authorized by this section, a
25 person who violates this section by offering to pay, agreeing to pay, or
26 paying a fee to engage in sexual activity upon conviction shall be ordered to
27 pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe
28 Harbor Fund for Sexually Exploited Children.

29
30 SECTION 7. Arkansas Code § 9-27-323 is amended to add a new subsection
31 to read as follows:

32 (k)(1) The Department of Human Services shall develop a statewide
33 referral protocol for helping to coordinate the delivery of services to
34 sexually exploited children.

35 (2) As used in this section, "sexually exploited child" means a
36 person less than eighteen (18) years of age who has been subject to sexual

1 exploitation because the person:

2 (A) Is a victim of trafficking of persons under § 5-18-
3 103;

4 (B) Is a victim of child sex trafficking under 18 U.S.C. §
5 1591, as it existed on January 1, 2013; or

6 (C) Engages in an act of prostitution under § 5-70-102 or
7 sexual solicitation under § 5-70-103.

8
9 SECTION 8. Arkansas Code Title 12, Chapter 18, is amended to add a new
10 subchapter to read as follows:

11 Subchapter 12 – Training Regarding Sexually Exploited Children

12
13 12-18-1201. Definitions.

14 As used in this subchapter "sexually exploited child" means a person
15 less than eighteen (18) years of age who has been subject to sexual
16 exploitation because the person:

17 (1) Is a victim of trafficking of persons under § 5-18-103;

18 (2) Is a victim of child sex trafficking under 18 U.S.C. § 1591,
19 as it existed on January 1, 2013; or

20 (3) Engages in an act of prostitution under § 5-70-102 or sexual
21 solicitation under § 5-70-103.

22
23 12-18-1202. Training regarding sexually exploited children.

24 The Arkansas Juvenile Officers Association, Arkansas Law Enforcement
25 Training Academy, or the Prosecutor Coordinators Office may provide training
26 to intake officers, law enforcement, prosecutors, and any other appropriate
27 staff, concerning how to identify a sexually exploited child and how to
28 obtain appropriate services for a sexually exploited child.

29
30 SECTION 9. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
31 amended to add an additional section to read as follows:

32 19-5-1249. Safe Harbor Fund for Sexually Exploited Children.

33 (a) There is created on the books of the Treasurer of State, the
34 Auditor of State, and the Chief Fiscal Officer of the State a fund to be
35 known as the "Safe Harbor Fund for Sexually Exploited Children".

36 (b) The fund shall consist of fines collected under §§ 5-18-103(d), 5-

1 70-102(d), and 5-70-103(d) and any other revenues authorized by law.

2 (c)(1) The fund shall be administered by the Department of Human
3 Services.

4 (2) The department shall use the fund to provide:

5 (A) Services and treatment, such as securing residential
6 housing, health services, and social services for sexually exploited
7 children;

8 (B) Grants to service providers working with sexually
9 exploited children; and

10 (C) For the management and operation of the fund.

11 (d) As used in this section, "sexually exploited child" means a person
12 less than eighteen (18) years of age who has been subject to sexual
13 exploitation because the person:

14 (1) Is a victim of trafficking of persons under § 5-18-103;

15 (2) Is a victim of child sex trafficking under 18 U.S.C. § 1591,
16 as it existed on January 1, 2013; or

17 (3) Engages in an act of prostitution under § 5-70-102 or sexual
18 solicitation under § 5-70-103.

19

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/s/Elliott

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APPROVED: 04/16/2013

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APPENDIX VI

Arkansas Crime Information Center Codes for Human Trafficking Crimes

HUMAN TRAFFICKING CHARGE CODES AND NIBRS CODES

| AR Statute Code | Text | Type | Class | AGIC Charge Code | NIBRS Code | NIBRS Description |
|-----------------|--|------|-------|------------------|------------|--|
| 5-18-103 | <ul style="list-style-type: none"> Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person knowing that the person will be subjected to involuntary servitude. Benefits financially or benefits by receiving anything of value from participation in a venture under subdivision (a)(1) of this section. <ul style="list-style-type: none"> Subjects a person to involuntary servitude. Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a minor for commercial sexual activity. 5-18-103(c)(1). | | | | | |
| 5-18-103(c)(1) | Trafficking of persons is a Class A felony | F | A | 1562 | 64A | Human Trafficking, Commercial Sex Acts |
| 5-18-103(c)(1) | Trafficking of persons is a Class A felony | F | A | 1562 | 64B | Human Trafficking, Involuntary Servitude |
| 5-18-103(c)(2) | Trafficking of persons is a Class Y felony if a victim was a minor at the time of the offense. | F | Y | 1563 | 64A | Human Trafficking, Commercial Sex Acts |
| 5-18-103(c)(2) | Trafficking of persons is a Class Y felony if a victim was a minor at the time of the offense. | F | Y | 1563 | 64B | Human Trafficking, Involuntary Servitude |
| 5-18-104 | A person commits the offense of patronizing a victim of human trafficking if he or she knowingly engages in commercial sexual activity with another person knowing that the other person is a victim of human trafficking. | | | | | |
| 5-18-104(b)(1) | Patronizing a victim of human trafficking is a Class B felony. | F | B | 1564 | 64A | Human Trafficking, Commercial Sex Acts |
| 5-18-104(b)(2) | Patronizing a victim of human trafficking is a Class A felony if the victim was a minor at the time of the offense. | F | A | 1565 | 64A | Human Trafficking, Commercial Sex Acts |

NOTE: PLEASE ADD 5-18-103(c)(1) & (2) twice to identify Commercial Sex Acts or Involuntary Servitude.

ADD 5-18-104(b)(1) & 5-18-104(b)(2)

| NIBRS DESCRIPTIONS FOR HUMAN TRAFFICKING | |
|---|---|
| 64A – 64B Human Trafficking Offenses | The inducement of a person to perform a commercial sex act, or labor, or services, through force, fraud, or coercion. Human trafficking has also occurred if a person under 18 years of age has been induced, or enticed, regardless of force, fraud, or coercion, to perform a commercial sex act. |
| 64A Human Trafficking, Commercial Sex Acts | The inducement of a person to perform a commercial sex act, or labor, or services, through force, fraud, or coercion, inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age. |
| 64B Human Trafficking, Involuntary Servitude | The obtaining of a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into voluntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts). |

APPENDIX VII

Little Rock Police Department Victims' Rights Brochure

Police Report Information

Agency Telephone Number and Address: _____

Incident/Report Number _____

Officer _____

Employee/Badge Number _____

Report time & date _____

Incident type _____

Incident Address _____

Prosecuting Attorney Contact Number: _____

Prosecuting Attorney Address: _____

CRISIS PHONE NUMBERS

24 Hour Crisis Line
 Human Trafficking888-373-7888
 National Domestic Violence.....800-269-4668
 AR Child Abuse Hotline.....800-482-5964
 AR Adult Abuse Hotline.....800-482-8049
 Sexual Assault Support Center.....855-643-5748

Shelters in Central Arkansas:
 Women & Children First.....501-376-3219
 Dorcas House.....501-374-4022
 Compassion Center.....501-296-9114
 Our House.....501-375-2416
 Salvation Army.....501-374-9296
 ABBA House.....501-663-3596
 Gaines House.....501-374-7922
 Hoover House.....501-663-9621
 Centers Youth Emergency Shelter...501-666-8686

Healthcare Services in Central AR:
 Esperanza "Hope" Clinic.....501-240-8439
 Harmony Clinic.....501-375-4400
 Open Hands Clinic.....501-244-2121
 River City Ministry.....501-376-6694
 St. Francis House.....501-664-5036

Additional Local Services:

**YOU
 HAVE
 RIGHTS**

Victims' Rights in
 Arkansas

Arkansas Act 1262 of 1997
 provides rights to be afforded to a
 victim if they are a minor, a victim
 of a sex offense, or a victim of a
 violent crime—which includes a
 felony resulting in physical injury
 to the victim, any felony involving
 the use of a deadly weapon, ter-
 roristic threatening in the first
 degree, and stalking.

Arkansas Crime Victims Rights

The right to be present:

- A victim can be present at any proceeding where the defendant has the right to be present, unless the court determines the victim's presence will jeopardize the defendant's right to a fair trial.
- Employers may not discharge or discipline a victim for participating in the criminal justice process.

The right to be informed:

- Victims are to be notified of the availability of victim services and victim compensation.
- Victims are to be notified of critical events in the criminal justice system.
- Victims are to be notified of any pre-trial or post-trial release of the defendant.
- Victims are to be provided with information concerning a defendant's appeals or post-conviction remedies.

To ensure that the rights afforded to victims by Arkansas Act 1262 of 1997 are protected, you should:

- Designate the victim or a representative from the victim's family to be the party receiving information related to the criminal matter;
- Keep proper authorities notified of your name, address and telephone number; and
- Maintain a file of all written and verbal communications regarding the victimization and related matters

**Arkansas
 VINE Program
 1-800-510-0415
 Or
 www.Vinelink.com**

VINE stands for Victim Information and Notification Everyday. The Arkansas VINE Program is a free automated hotline that provides crime victims with vital information and notification 24 hours a day, 365 days a year. This service will allow you to obtain inmate information and to register for notification of inmate release and court dates (in felony cases).

To register with VINE all you need is basic information on the offender such as the offender's name. Live operator assistance is available.

Once an offender is located, VINE gives you the option of registering for notification. You will need to provide a phone number and/or email address where VINE should contact you with notification.

Once registered, you will receive notification of changes in custody status and court events. Notification calls are made by VINE approximately every 30 minutes for 24 hours until you enter your PIN code.

PIN Code: _____

**Crime Victims Reparations Board
 Help for Crime Victims**

An innocent victim of a violent crime (including DWI) may qualify for financial help from the Crime Victim's Reparations Board. This money may help pay for medical expenses, or other costs related to personal injuries that were caused by a violent crime.

For more information contact:
 Office of the Attorney General
 Dustin McDaniel
 Tower Building
 323 Center Street
 Little Rock, AR 72201
 501-682-1020 or 1-800-448-3014

You May Qualify for Assistance if:

- The crime was reported to law enforcement within 72 hours.
- An application for assistance is received within one year of the date of the crime.
- The victim is cooperating with the investigation.
- The victim did not contribute to the crime.
- The victim has not been convicted of a criminally injurious felony.

Property losses are NOT covered by this Program

APPENDIX VIII

Working Draft of Service Provider Licensure Model

- The administration of the certification of service providers who serve adult and/or minor victims of human trafficking shall fall under the duties of the Arkansas Child Abuse/Rape/Domestic Violence Commission (ACARDVC).
- Regarding the administration, ACARDVC or its designee, shall, to the extent funding is appropriated and available:
 1. Annually evaluate each service provider for compliance with the program standards, fiscal, and training requirements;
 2. Promulgate rules, regulations, procedures, standards and forms for the evaluation of each service provider;
 3. Adopt a uniform system of recordkeeping to ensure the proper handling of funds by service providers;
 4. Provide training and technical assistance to service providers to ensure minimum standards of service delivery;
 5. Serve as a clearinghouse for information relating to human trafficking and
 6. Provide educational programs on human trafficking for the benefit for the general public, victims, specific groups of persons and other persons as needed.
- The ACARDVC may enter into contracts with any entity to fulfill its duties.
 1. The entity must meet the following requirements:
 - The entity is organized as a statewide corporation that provides services, community education, and technical assistance to those service providers that serve victims of human trafficking in the state.

Service Provider Requirements:

This sets forth the rules, including standards and criteria, used in certifying service providers to serve adults and/or children who have been victims/survivors as a result of human trafficking. **HUMAN TRAFFICKING STATE AND FEDERAL DEFINITION.** The purpose of the standards is to encourage continuous quality improvement in trafficking-specific services, foster sharing of effective practices and ensure that trafficking survivors have access to effective services to help them heal from trauma and rebuild their lives.

**STANDARDS FOR SERVICES TO
TRAFFICKED PERSONS**

The greatest emphases on the ability to meet the basic ethical standards are necessary to providing services to victims of human trafficking. Therefore, if any service provider answers no to any of the following questions, the provider/agency will automatically receive a “does not meet” rating.

- All non-profit organizations can provide a current copy of current 501-c-3 status: ___ Yes ___ No
- Agency can demonstrate that it has expertise in providing services to trafficked persons as evidence by training and service documentation: ___ Yes ___ No
- Agency can provide a copy of policies and procedures which demonstrates an inclusiveness of all populations through the provision of services internally or in collaboration with other agencies: ___ Yes ___ No
- Adherence to appropriate code of conduct/ethics is demonstrated: ___ Yes ___ No
- Media/fundraising/public awareness standards were upheld and demonstrated by a media policy: ___ Yes ___ No
- Staff and organizations are in good standing with state licensing bodies and demonstrate ethical practices to include 3 hours of ethics training every 2 years: ___ Yes ___ No
- Background checks have been completed for staff working directly with survivors: ___ Yes ___ No
- Staff has completed a minimum of 20 hours of pre-services training: ___ Yes ___ No
- Fiscal control procedures are written policies and have been reviewed and approved by a Board of Directors: ___ Yes ___ No
- Agency can provide a copy of a grievance policy outlining how program participants can provide feedback to the provider and/or advocate for themselves in the program: ___ Yes ___ No

Definitions:

The following words or terms shall have the following defined meaning unless the context clearly indicates otherwise:

Admission means to accept a client for services or treatment.

Advocacy means the assistance provided which supports, supplements, intervenes and/or links the client and their dependents with the appropriate service components to encourage self-determination, autonomy, physical and emotional safety, and to offer information that will support independence. This can be viewed as a combination of active listening and facilitating personal problem solving along with researching options of action, safety planning, community outreach and education and include medical, dental, financial, employment, legal and housing assistance.

Advocate means a person who offers clients appropriate services.

Assessment means an appropriate course of assistance based on a face-to-face formal screening.

| Ethical Standards | Exceeds Standards (if applicable) | Meets Standards | Does not meet standards |
|--------------------------|---|---|---|
| Definition | Values, principles, and standards to guide professional conduct. All providers must meet ethical standards. These standards are the foundation of all services to trafficked persons. | | |
| Goal | Provide services to trafficked persons that adhere to professional codes of ethics and place participant well-being at the forefront of all interactions with participants or action taken on their behalf. | | |
| Standards | <p>Adherence to appropriate Code(s) of Conduct/Ethics as evidenced by agency records.</p> <p>Background check completed on all staff.</p> <p>20 hours of pre-service training in the following content areas: Ethics; Confidentiality; Trauma Informed Care; Safety Protocols; Human Trafficking 101 or Equivalent; Crisis Intervention; Community Resources/Partners; and Vicarious Trauma.</p> <p>Staff and volunteers sign confidentiality statements.</p> <p>Volunteers sign Memorandum of Understanding outlining the scope of their work with or on behalf of survivors and adherence to ethical standards.</p> | <p><input checked="" type="checkbox"/> Agency Records and Protocols adhere to appropriate code of conduct.</p> <p><input type="checkbox"/> Completed background check on file for 100% of staff.</p> <p><input checked="" type="checkbox"/> All staff completed 20 hours of training on required topics. Attendance forms noting required competencies are stored in personnel folders.</p> <p><input type="checkbox"/> Signed confidentiality statements are on file for 100% of staff and volunteers.</p> <p><input checked="" type="checkbox"/> Signed MOU's are on file for 100% of volunteers.</p> | <p><input type="checkbox"/> Organization makes no reference to following appropriate code of conduct.</p> <p><input type="checkbox"/> Background checks are completed for less than 100% of staff.</p> <p><input checked="" type="checkbox"/> No record of training.</p> <p><input type="checkbox"/> Signed confidentiality states are on file for less than 100% of staff and volunteers.</p> <p><input type="checkbox"/> Signed MOU's are on file for less than 100% of volunteers.</p> |

Media Standards

Definition

Goal

Guidelines to inform communications for journals, article, the internet, films and other use on the issue of human trafficking. Ensure that the identities of trafficked persons are protected and that their dignity is preserved. To avoid any potential risk of harm to participants, service providers should request participants to interact with the media only after the end of their period of services, with their full and ongoing consent and after appropriate training and counseling.

Standards

Participants should always have the opportunity to make an informed decision about involvement with the media and agency fundraising efforts. There is no pressure from the service provider to talk to media or participate in fundraising efforts.

Service providers should inform participants about the risks involved in sharing their story with the media or in other public settings while the investigation is ongoing.

Service providers should not ask participants to speak to media while their cases are active and while any investigations are open.

Service providers should encourage participants to engage in counseling before sharing their stories in media or fundraising efforts.

Exceeds Standards (if applicable)

Meets Standards

Does not meet standards

Agency has an established protocol that protects a participant's right to informed consent in media and fundraising involvement.

Participants are informed about the risk of media involvement or other publicity while their case is open and investigation is ongoing.

Agency has an established media protocol prohibiting the agency from using participant stories in the media, with or without the participant consent, while the participant's case is active and while any investigations are open.

Participants are encouraged to engage in counseling before sharing their stories in media or fundraising efforts.

Agency does not have a protocol that protects a participant's right to informed consent in media and fundraising involvement.

Participants are not informed about the risk of media involvement or other publicity while their case is open and investigation is ongoing.

Agency uses participant stories with or without consent, in the media or in fundraising while the participant's case is active or while the investigation is ongoing.

Participants are not encouraged to engage in counseling before sharing their stories in media or fundraising efforts.

| Core Services Standards | Exceeds Standards (if applicable) | Meets Standards | Does not meet standards |
|--|-----------------------------------|--|---|
| Definition Programs serving victims of human trafficking and their dependents or family members should consider special service needs when developing a plan to offer services. | | | |
| Goal To provide safe, accessible and trauma-informed services for victims of human trafficking and their dependents or non-offending family members. | | | |
| Standards The program has a philosophy of service provision based upon voluntary, trauma-informed services and individual self-determination. The written statement of the philosophy of services shall be made available to the community, staff, volunteers and clients. | | <input type="checkbox"/> Agency philosophy of service provision is based upon voluntary, trauma-informed services and individual self-determination. The written statement of the philosophy of services is available to the community, staff, volunteers and clients. | <input type="checkbox"/> The program does not have a philosophy of service provision based upon voluntary, trauma-informed services and individual self-determination. The written statement of the philosophy of services is not made available to the community, staff, volunteers and clients. |
| The program shall have policy and protocols for assessing victims of human trafficking and develop procedures to maintain facilities, staffing, and operational methods. | | <input type="checkbox"/> Agency has policy and protocols for assessing victims of human trafficking and have developed procedures to maintain facilities, staffing and operational methods. | <input type="checkbox"/> Agency has policy and protocols for assessing victims of human trafficking and have developed procedures to maintain facilities, staffing and operational methods. |

| Crisis Intervention Services | Exceeds Standards (if applicable) | Meets Standards | Does not meet standards |
|---|--|---|---|
| Definition: Goal | Services offered 24/7 for assistance related to human trafficking persons. To assist victims of human trafficking get to safety; assess the trafficked person's safety and other immediate needs; to help trafficked persons take the first steps in rebuilding their lives. | | |
| Standards | <p>Assist participant in evaluating immediate needs including, but not limited to: safety; medical treatment for physical injuries; dental care; mental health; and substance abuse.</p> | <input type="checkbox"/> Yes, as evidenced by program procedures. | <input type="checkbox"/> No evidence that this service is provided. |
| <p>Emergency housing for victim and dependent(s). Arrangement for safe shelter, food, clothing and incidentals needed by victim and any dependent(s) as soon as practical.</p> | <input type="checkbox"/> Yes, as evidenced by program procedures. <input type="checkbox"/> Yes, as evidenced by program procedures and signed agreements with shelter providers and basic need providers. | <input type="checkbox"/> Yes, as evidenced by program procedures. | <input type="checkbox"/> No evidence that this service is provided. <input type="checkbox"/> No evidence that this service is provided. <input type="checkbox"/> No evidence that this service is provided. |
| <p>Provide information verbally and in writing about available resources/services.</p> <p>Coordinate participant's safe removal from trafficking situation at request of law enforcement</p> | <input type="checkbox"/> Yes, as evidenced by program procedures and signed agreements with law enforcement. | <input type="checkbox"/> Yes, as evidenced by program procedures. | <input type="checkbox"/> No evidence that this service is provided. |
| <p>If needed, coordinate language interpretation.</p> | <input type="checkbox"/> Yes, as evidenced by program procedures and signed agreements with interpretation providers. | <input type="checkbox"/> Yes, as evidenced by program procedures and signed agreements with interpretation providers. | <input type="checkbox"/> No evidence that this service is provided. |

| | |
|---|---|
| <p>Program shall provide transportation or access to transportation for necessary or emergency services.</p> <p>Provide referral for service when specialized knowledge or expertise is needed to serve participants fully.</p> | <p><input type="checkbox"/> Yes, as evidenced by program procedures.</p> <p><input type="checkbox"/> No evidence that this service is provided.</p> |
| <p>Crisis intervention or support services, case management, advocacy and victim recovery services are provided or provision is made for services.</p> | <p><input type="checkbox"/> Yes, as evidenced by program procedures.</p> <p><input type="checkbox"/> No evidence that this service is provided.</p> |

| Sheltering for Adults Standards | Exceeds Standards (if applicable) | Meets Standards | Does not meet standards |
|--|---|--|--|
| Definition | Temporary/Emergency housing provides short-term stabilization in a non-shelter setting, such as hotels and other settings. Emergency shelter means a facility operated publicly or privately to provide housing for trafficked persons. | | |
| Goal | Provide shelter to trafficked persons. | | |
| Standards | Shelters will be staffed at all times when clients are in residence. | <input type="checkbox"/> Yes, as evidenced by program procedures. <input type="checkbox"/> No evidence that this service provided. | <input type="checkbox"/> No evidence that this service provided. |
| | Shelter will establish and maintain voluntary and involuntary exit criteria. | <input type="checkbox"/> Yes, as evidenced by program procedures. <input type="checkbox"/> No evidence that this service provided. | <input type="checkbox"/> No evidence that this service provided. |
| | Shelter shall have written procedures regarding the supervision of children. | <input type="checkbox"/> Yes, as evidenced by program procedures. <input type="checkbox"/> No evidence that this service provided. | <input type="checkbox"/> No evidence that this service provided. |
| | Shelter will complete a safety plan with every client within 48 hours of entrance to shelter. | <input type="checkbox"/> Safety plan completed with at least 75% of clients within 48 hours of being in shelter. <input type="checkbox"/> Safety plan completed with fewer than 75% of clients within 48 hours of being in shelter. | <input type="checkbox"/> Safety plan completed with fewer than 75% of clients within 48 hours of being in shelter. |
| | Shelter will meet state and local zoning and licensing requirements. | <input type="checkbox"/> Shelter meets state and local licensing requirements. <input type="checkbox"/> Shelter does not meet state and local licensing requirements. | <input type="checkbox"/> Shelter does not meet state and local licensing requirements. |

| Case Management/Victim Services | Exceeds Standards (if applicable) | Meets Standards | Does not meet standards |
|---------------------------------|--|--|---|
| Definition | Personal support and/or assistance in accessing human trafficking related services. | | |
| Goal | To ensure needed services and adequate support to enhance recovery. | | |
| Standards | <p>All activities and services are victim-centered and victim-driven.</p> <p>The program shall provide ongoing personal support, including outreach calls/visits.</p> <p>Provides comprehensive services for the needs of survivors which may include: support through legal process, mental health services, primary health services, interpreter/translation services, refugee services, housing assistance.</p> <p>A system of record keeping/documentation defined by the agency that identifies individuals who receive services and what activities were provided or referred.</p> | <p><input type="checkbox"/> Agency can describe how the services are victim-centered and victim driven.</p> <p><input type="checkbox"/> Agency can describe and demonstrate its process for providing ongoing support.</p> <p><input type="checkbox"/> Agency can describe how services are provided. MOUs with collaborative partners are established.</p> <p><input type="checkbox"/> Up to date records of referral tracking on established form.</p> | <p><input type="checkbox"/> Agency cannot describe how the services are victim-centered and victim driven.</p> <p><input type="checkbox"/> No evidence that follow up support is provided.</p> <p><input type="checkbox"/> Limited or no evidence of internal capacity or collaborative partners.</p> <p><input type="checkbox"/> No referral tracking for established.</p> |

APPENDIX IX

DHS Safe Harbor Request for Proposal and Budget



Safe Harbor Program Proposal
AR DHS – Office of Policy and Legal Services
DRAFT

Program Description

The Safe Harbor Program will provide appropriate treatment and services for children who have been sexually exploited or are victims of human trafficking. Treatment will be provided via emergency shelter, comprehensive residential treatment, and other less restrictive placements provided or contracted by the Program Contractor. The Program Contractor will be responsible for providing or contracting for all necessary services, including medical and behavioral health treatment, education, and vocational and life-skills training, as well as ancillary services such as transportation, immigration legal assistance, and translation.

For children who have been arrested or charged with a crime, the Program will operate as a pre-adjudication diversion program. The court will hold a hearing and place the child on probation, but withhold any adjudication of guilt or delinquency pending compliance with the Safe Harbor Program. The case will be transferred to a single circuit court judge (the "Safe Harbor Court") who will hold regular, intensive review hearings to ensure compliance. The Court may dismiss the criminal charges upon the client's completion of treatment. At any point during the probationary period, the Court may enter an adjudication of guilt or delinquency and proceed as otherwise provided.

For children who have not been arrested or charged with a crime, the Program will provide services in the context of a new judicial proceeding, in which the Safe Harbor Court may find a juvenile to be dependent-trafficked (as a new status, this tentative title may be revised at a later date). The Court will be empowered to order services and dispositions for the juvenile and will hold regular, intensive review hearings to ensure compliance. Dispositions by the Court may include, in addition to services provided through the Program:

- To place the juvenile on supervision terms, including without limitation requiring the juvenile to attend school or make satisfactory progress toward a general education development certificate; requiring the juvenile to work faithfully at suitable employment; requiring the juvenile to observe a curfew; requiring notice to or permission from the Court for the juvenile to travel outside of the state or country; prohibiting the juvenile from frequenting an unlawful or designated place or consorting with a designated person; and prohibiting the juvenile from possessing or using any alcohol or illegal drugs;
- To place the juvenile on residential detention with electronic monitoring in the juvenile's home or other placement;

- For a parent or guardian who is an Arkansas resident or is otherwise within the personal jurisdiction of the Court, to order the parent or guardian to attend a court-ordered parental responsibility training program or to obtain such other services as are necessary for reunification. The Safe Harbor Program may not be ordered to pay or provide services to a parent or guardian;
- To transfer custody of juvenile family members within the state to another licensed agency responsible for the care of juveniles or to a relative or other individual; and
- To grant permanent custody of the juvenile to an individual upon proof that (a) the parent or guardian has not complied with the orders of the Court and that no further services or reviews are required, or (b) the parent or guardian has abandoned the juvenile.

In accordance with the existing best practices for other cases brought under the existing Juvenile Code, a juvenile in either track will be represented by a public defender employed by the Arkansas Public Defender Commission. A trained, trauma-informed ombudsman employed by the Commission will advocate for the juveniles' best interests. The Contractor will be expected to fully cooperate with the ombudsman and comply with requests for information and access as required by law.

With the Safe Harbor Court's permission, a juvenile placed in the Safe Harbor Program may also be subject to a concurrent dependency-neglect proceeding in the Safe Harbor Court or in another juvenile court elsewhere in the state if it is in the juvenile's best interests.

Eligible Providers

Any licensed provider capable of providing these specialized services and meeting licensing requirements.

Eligible Clients

For the purpose of this document, "client" means an individual who at the time of admission is under the age of eighteen, and is (a) a victim of human trafficking, as that term is defined by the Human Trafficking Act of 2013, Ark. Code Ann. § 5-18-101 *et seq.*; or (b) a sexually exploited child, as that term is defined by Act 1257 of 2013. Eligibility is subject to requirements and exclusions as set forth below. An individual who has been adjudicated to be a violent sexual offender is not eligible for services from the Safe Harbor program.

Scope of Services

The Contractor for the Safe Harbor Program will provide Comprehensive Case Management, Emergency Services, and Comprehensive Residential Treatment for eligible clients under the supervision of the Department of Human Services Office of Policy and Legal Services ("OPLS").

Comprehensive Case Management services provide 24/7 services for eligible clients to promote quality of care and cost-effective outcomes that enhance the physical, psychological, and vocational health of

the participant. Case management includes without limitation assessing needs; defining desired outcomes; obtaining services, placements, treatments, and supports; and preventing and managing crisis. The Contractor will be expected to ensure access to a **full array of services and placement options**, including therapeutic foster care, foster homes, group homes, and other appropriate settings, by providing these services or contracting with other providers.

Emergency Shelter services provide temporary shelter while the Contractor prepares long-term placement arrangements and care plans with time-framed, measurable objectives. These clients need to have placement in an emergency shelter available to allow time for the Contractor to make an appropriate placement. Emergency Shelter is available on a 24-hour basis for up to 45 days in a six-month period, or longer with OPLS approval. OPLS may place clients in emergency shelter directly. Law enforcement officers, prosecutors, courts, hospitals, and DCFS may place clients in emergency shelter with OPLS approval or under guidelines approved by OPLS for after-hours or weekend placements.

Comprehensive Residential Treatment provides treatment for clients with an identified mental health need requiring specialized programming to address that client's specific needs. Clients may be placed only by OPLS.

Providers may receive preferential consideration during RFP scoring for:

- o Accreditation by the Joint Commission on Accreditation Healthcare Organization (JACHO), or the Commission on Accreditation of Rehabilitation Facilities (CARF); and
- o Utilization of electronic health records.

Payment

Services provided under this contract will be reimbursed based on the following method:

Emergency Services, Comprehensive Residential Services, and Case Management are independently priced according to the needs and level of care of each client in the program.

OPLS will establish a final Negotiated Daily Rate per unit of service. A cost of care plan for each client served will be required to be submitted to OPLS for approval and any adjusted or amended cost of care plans will be required to be submitted and approved. Contractor will cooperate with OPLS to seek, facilitate, and document that Medicaid or other third-party payor funds, including private health insurance, for any and all eligible services were sought for all clients. Additional services as indicated in the care plan (such as diagnostic assessment, individualized therapy, etc.) will be reimbursed at the current per unit rate established by Medicaid and transportation will be reimbursed at the current state rate. The approved negotiated daily rate for Emergency Services room and board, Comprehensive Residential Services room and board, and Case Management will be the price for the period of the initial award, to be paid monthly in advance. On an annualized basis, that price will be applicable for the life of the contract resulting from this RFP (initial contract and any extensions) if extension options are exercised.

For clients not receiving emergency shelter or comprehensive residential treatment services, case management will be reimbursed at a per-unit rate. For clients placed in other less restrictive settings outside the emergency shelter and comprehensive residential treatment facilities, reimbursement will be for actual cost, contingent on OPLS approval of the placement and cost. Emergent medical treatment for which there is no other source of payment will be reimbursed at cost. Family services provided to parents or guardians will be reimbursed at cost, contingent on OPLS approval of the service and cost.

Facility Capacity

The treatment Contractor will provide a minimum of 5 Emergency Shelter beds and 5 Residential Treatment beds within the facility for clients in the Safe Harbor Program.

Facility Licensing Requirement

100 General Requirements

500 Child Placement Agencies: Residential

600 Residential Child Care Facilities

Treatment Contractor Deliverables – *COMPREHENSIVE CASE MANAGEMENT*

- **PROGRAM DELIVERABLE 1: TO PROVIDE 24/7 COMPREHENSIVE CASE MANAGEMENT SERVICES FOR ALL SAFE HARBOR PROGRAM CLIENTS.**

Performance Indicator 1: Contractor will conduct an initial health and safety screening immediately upon each client's admission to the program. Contractor will conduct an intake assessment within 48 hours of admission to the program. This assessment will meet the requirement for an intake assessment as approved by OPLS for use with victims of human trafficking or sexual exploitation. The needs assessment should be trauma informed and include a substance abuse assessment, educational assessment, physical assessment, and complete history.

Performance Indicator 2: Contractor will develop an initial individual case plan (ICP) for each client within 3 working days of admission to the program. Contractor will update and complete the ICP, together with a budget for cost of care, and submit it to OPLS for approval within 15 working days of admission to the program. Each ICP should be regularly updated and should at a minimum address:

- Description of admitting problems/why client was admitted to the program;
- Language capabilities and plan for translation services, if necessary;
- Educational and vocational needs and recommendations ;
- Family involvement information including identification and location of parents or guardians, initial contact, visitation, involvement in treatment, and plan for family services and supports;
- Medical and mental health needs and treatment recommendations;
- Identification of and coordination with all possible treatment payors for the client and the client's family, including private health insurance, and application for Medicaid if appropriate;
- Legal problems, including immigration/refugee status issues;
- Social behavior;
- A recommendation and justification for placement and future services; and
- Any other component required by licensing standards.

Performance Indicator 3: Contractor will ensure access by eligible clients to a full array of services and placement options, including therapeutic foster care, foster homes, group homes, and other appropriate settings, by providing these services or contracting with other providers.

Performance Indicator 4: Contractor will place each client in the least restrictive setting available and appropriate for the client, subject to OPLS approval. Clients placed in facilities may be placed only in licensed facilities. If a licensed mental health professional determines at any time that a client requires a more restrictive setting, Contractor may transfer the client as necessary to protect the client's health and safety, subject to OPLS approval or, in emergency situations, with notice to OPLS no later than the following business day. A client may not be placed in the emergency shelter or comprehensive residential treatment facilities outlined below if the client is actively psychotic or has medical needs that cannot be met in that facility; Contractor must arrange for another appropriate placement for such clients.

Performance Indicator 5: Contractor will ensure the client's educational needs are met in compliance with federal and state law and Arkansas Department of Education regulations, and that the client is provided any vocational or life-skills training necessary for successful transition.

Performance Indicator 6: Contractor will provide or obtain all needed medical, dental, eye, mental, behavioral, and other health treatment, including medication, for eligible clients in compliance with a cost of care budget to be prepared by Contractor and approved by OPLS.

Performance Indicator 7: In planning for a client's transition out of the Program, Contractor will perform or contract for a home study for any parent(s), guardian(s), or other relatives considered for placement. Contractor will identify all needs that may affect the client's transition and refer the parent(s), guardian(s), or relatives for services. Other than case management, services may be provided or obtained directly for the client's family only with OPLS approval and subject to the availability of funds.

Performance Indicator 7: Contractor will provide all transportation required to serve clients, including without limitation:

- Initial retrieval from law enforcement;
- Court appearances;
- Appointments with law enforcement or probation officers;
- Scheduled visitation with approved family members or guardians;
- Appointments for medical or other treatment;
- Educational or vocational programs, to the extent transportation is not available through the school or vocational provider; and
- Return to family or guardian upon discharge.

Performance Indicator 8: Contractor will provide or obtain all ancillary services necessary to facilitate each client's treatment, including without limitation:

- Translation and ESL (English as a Second Language) services as required, together with any necessary staff training for culturally-appropriate services;
- Notification to the consulate or embassy of the client's home country, when appropriate;
- Application for available public benefits, including obtaining certification, eligibility letter, or interim assistance letter from the U.S. Department of Health and Human Services under the Trafficking Victims Protection Act of 2000 or other law;
- Assisting clients with obtaining legal services to seek Continued Presence (CP) status, a T-Visa, or other lawful immigration/refugee status from the U.S. Department of Homeland Security;
- Cooperating with the Department of Human Services for services provided to a client or to the child of a client; and
- Any other services necessary to ensure each client's health and safety.

Performance Indicator 9: Contractor will develop a transition plan for all discharged clients, including appropriate referrals for ongoing services. The plan at a minimum will contain:

- Description of admitting problems/why client was admitted to the Shelter;
- Educational services provided and recommendations post-discharge;
- Visitation with caseworker and law enforcement;

- Family involvement information including visitation, involvement in treatment, contact attempts including guardians and other natural supports;
 - Medical services provided/obtained;
 - Incidents involving death, life-threatening injury, runaway, or incidents which may be reported in the media;
 - Legal problems;
 - Social behavior;
 - Mental health services provided; frequency and intensity of treatment and recommendations for treatment post-discharge;
 - Identification of areas of concern that persist; and
 - A recommendation for placement and future services.
- **PROGRAM DELIVERABLE II: TO FULFILL ALL REPORTING REQUIREMENTS FOR SAFE HARBOR PROGRAM CLIENTS TO OPLS AND THE SAFE HARBOR COURT.**

Performance Indicator 1: Contractor will submit a weekly written progress report for each client to OPLS.

Performance Indicator 3: Contractor will prepare and submit regular court reports as required by law, or as otherwise directed by OPLS or the Safe Harbor Court.

Performance Indicator 4: Contractor will provide appropriate staff to testify in the Safe Harbor Court, or other venues as necessary, regarding the treatment recommendations, progress, and plan compliance of each client.

Performance Indicator 5: Contractor will communicate and cooperate with law enforcement agencies and prosecuting attorneys to the full extent allowed or required by law.

Treatment Contractor Deliverables - *EMERGENCY SHELTER SERVICES*

- **PROGRAM DELIVERABLE 1: TO PROVIDE A TEMPORARY 24-HOUR A DAY SHELTER FOR ELIGIBLE CLIENTS IN NEED OF IMMEDIATE SUPERVISION.**

Performance Indicator 1: Eligible clients may be accepted into a Safe Harbor funded slot only with OPLS approval, or under guidelines approved by OPLS for after-hours or weekend placements. Placement is contingent upon the availability of slots/beds within the contract period. Contractor will not refuse an OPLS referral of a client when a Safe Harbor purchased slot is available. Beds will be in private rooms; a client may not share a bedroom with another client or other individual. A client will not be denied admission into an Emergency Shelter based on prior criminal, behavioral, or emotional history. Clients demonstrating any of the following characteristics will not be placed in emergency shelter:

- A client who is actively psychotic;
- A client whose medical needs cannot be met in the emergency shelter facility; or
- A client who has been adjudicated to be a violent sexual offender.

Performance Indicator 2: Contractor will schedule a medical assessment that includes history and physical during intake. The contractor will arrange for or provide a medical exam within 24 hours.

Performance Indicator 3: Emergency Shelter services are limited to forty-five (45) days within a six-month period. Exceptions for services beyond this must be pre-approved in writing by OPLS prior to the expiration of the 45th day.

Performance Indicator 4: Discharge of a client from the facility will be planned by Contractor with OPLS approval and in compliance with all child welfare agency licensing requirements. Contractor will prepare a discharge summary, which will be submitted to OPLS prior to the discharge date. The summary at a minimum will contain:

- Description of admitting problems/why client was admitted to the Shelter;
- Educational services provided and recommendations post-discharge;
- Visitation with caseworker and law enforcement;
- Family involvement information including visitation, involvement in treatment, contact attempts including guardians and other natural supports;
- Medical services provided/obtained;
- Incidents involving death, life-threatening injury, runaway, or incidents which may be reported in the media;
- Legal problems;
- Social behavior;
- Mental health services provided; frequency and intensity of treatment and recommendations for treatment post-discharge;
- Identification of areas of concern that persist; and
- A recommendation for placement and future services.

Performance Indicator 5: Contractor is exempt from obtaining OPLS approval prior to discharge under the following emergency discharge conditions:

- Temporary transfer from facility due to emergency if client poses imminent danger to self or others; or
- A court of competent jurisdiction orders removal.

In the event of an emergency discharge, the following documentation must be provided:

- Specific documented behavior establishing that the client is a danger to himself or others; or
- A file marked copy of the court order from a court of competent jurisdiction ordering removal.

- **PROGRAM DELIVERABLE II: TREATMENT MUST BE DELIVERED IN A SAFE AND SECURE ENVIRONMENT.**

Performance Indicator 1: Contractor will maintain a current Residential Child Care Facility License, Emergency Residential Child Care Facility License, and all other licenses or certificates required to provide the services under this agreement. Contractor will ensure that all professionals, providers, and facilities providing services under this agreement are licensed and certified in accordance with Arkansas law.

Performance Indicator 2: Contractor will maintain sufficient staff on duty to provide a safe and secure facility. Contractor will demonstrate that the facility is staff-supervised for 24 hours daily, with monitored entry and exit points, and video monitoring in common areas for all clients in the Safe Harbor Program.

- **PROGRAM DELIVERABLE III: CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING FOR THE CLIENT'S HEALTH NEEDS, BOTH MENTAL AND PHYSICAL.**

Performance Indicator 1: Contractor will provide for the client's medical and mental health needs, including scheduling of doctor, dentist, mental health, or eye appointments and necessary transportation to the appointment. Contractor will be responsible for transportation to appointments occurring outside of the local area or appointments that were scheduled before the client was placed in the facility.

Performance Indicator 2: Contractor will maintain records, which reflect that needed medical treatment was delivered. The records will at a minimum reflect presenting symptoms, the name and address of physician or other health care professional to whom client was referred, their diagnosis, prognosis, and treatment plan, as well as a record of compliance with physician orders.

Performance Indicator 3: Contractor will cooperate with OPLS to seek, facilitate, and document that Medicaid or other third-party payor funds, including private health insurance, for any and all eligible services were sought for all clients.

- **PROGRAM DELIVERABLE IV: CONTRACTOR WILL ASSURE THE CLIENT'S EDUCATIONAL NEEDS ARE MET IN COMPLIANCE WITH STATE LAW AND REGULATION AND DEPARTMENT OF EDUCATION GUIDELINES.**

Performance Indicator 1: Contractor will maintain obtain and maintain any licenses and approvals necessary for the facility to qualify as an in-state residential placement under the Arkansas Department of Education Special Education and Related Services Regulations Governing Residential Placement ("ADE Regulations").

Performance Indicator 2: Contractor will provide or contract for all required education services for clients, including special education and related services.

Performance Indicator 3: Contractor will timely submit invoices to the local school district for reimbursement of allowable educational costs in accordance with ADE Regulations.

Performance Indicator 4: Contractor will maintain records that describe the client's educational plans and progress.

Performance Indicator 5: Contractor will obtain educational records from previous schools or treatment providers, with appropriate consent.

TREATMENT CONTRACTOR DELIVERABLES - *COMPREHENSIVE RESIDENTIAL TREATMENT SERVICES*

- **PROGRAM DELIVERABLE I: TO PROVIDE MEDICALLY AND PSYCHOLOGICALLY NECESSARY RESIDENTIAL TREATMENT IN ACCORDANCE WITH THE MINIMUM LICENSING STANDARDS FOR CHILD WELFARE AGENCIES, INCORPORATED HEREIN BY REFERENCE. SERVICES WILL BE PROVIDED TO SAFE HARBOR PROGRAM CLIENTS WHO HAVE BEEN ASSESSED AND DETERMINED BY A LICENSED MENTAL HEALTH PROFESSIONAL TO REQUIRE BEHAVIORAL HEALTH SERVICES AND FOR WHOM OUTPATIENT AND SHORT TERM TREATMENT IS INAPPROPRIATE. ALL SERVICES WILL BE PROVIDED BY QUALIFIED AND APPROPRIATELY LICENSED PERSONNEL.**

Performance Indicator 1: Contractor will provide services solely to clients who have been prior authorized by OPLS. Placement is contingent upon the availability of slots/beds. Beds will be in private rooms; a client may not share a bedroom with another client or other individual.

Performance Indicator 2: If a needs assessment has not been completed within the previous 60 days, Contractor will perform a psychological and medical need assessment, acceptable to OPLS, upon client admission to program. The needs assessment should be trauma informed and include a substance abuse assessment, educational assessment, physical assessment, and complete history.

Performance Indicator 3: Contractor will develop and implement a client-specific plan of care in conformity with the Minimum Licensing Standards for Child Welfare Agencies, Section 600.

Performance Indicator 4: Contractor will maintain progress reports for each client accepted for placement, and all transfers or discharges.

Performance Indicator 5: Contractor will review and update every thirty (30) days the individualized plans of care.

Performance Indicator 6: An OPLS-Safe Harbor client will not be discharged without OPLS written approval. Contractor will submit a request for discharge and provide a written discharge plan to OPLS prior to each client's discharge from the program.

- **PROGRAM DELIVERABLE II: CONTRACTOR WILL BE RESPONSIBLE FOR ENSURING THE CLIENT'S SERVICE NEEDS, INCLUDING MEDICAL NEEDS, ARE MET. CONTRACTOR WILL, IN CONJUNCTION WITH OPLS, SEEK, FACILITATE, COOPERATE, CERTIFY, AND PROMOTE THE USE OF MEDICAID FUNDS FOR WHATEVER SERVICES ARE APPLICABLE.**

Performance Indicator 1: Contractor will assure that the client's service needs including routine medical needs are met on a daily basis covering immediate and preventative care (appointment and transportation), in accordance with the approved cost of care plan. Contractor will ensure that any needed medications are administered and monitored by personnel licensed by state of Arkansas to administer medicine.

Performance Indicator 2: Contractor will maintain records which document that the needed medical treatment or other care was provided and will include all presenting problems, medical symptoms,

physician identification, diagnosis, prognosis, treatment protocols, listing of all funding sources, and proof of compliance with physician orders.

Performance Indicator 3: Contractor will cooperate with OPLS to seek, facilitate, and document that Medicaid or other third-party payor funds, including private health insurance, for any and all eligible services were sought for all clients.

- **PROGRAM DELIVERABLE III: CONTRACTOR WILL ASSURE THE CLIENT'S EDUCATIONAL NEEDS ARE MET IN COMPLIANCE WITH STATE LAW AND REGULATION AND DEPARTMENT OF EDUCATION GUIDELINES.**

Performance Indicator 1: Contractor will obtain and maintain any licenses and approvals necessary for the facility to qualify as an in-state residential placement under the Arkansas Department of Education Special Education and Related Services Regulations Governing Residential Placement ("ADE Regulations").

Performance Indicator 2: Contractor will provide or contract for all required education services for clients, including special education and related services.

Performance Indicator 3: Contractor will timely submit invoices to the local school district for reimbursement of all educational costs in accordance with ADE Regulations.

Performance Indicator 4: Contractor will maintain records that describe the client's educational plans and progress.

Performance Indicator 5: Contractor will obtain educational records from previous schools or treatment providers, with appropriate consent.

- **PROGRAM DELIVERABLE IV: TO PROVIDE A SECURE ENVIRONMENT WHICH PROTECTS THE PUBLIC, THE STAFF, AND CLIENTS.**

Performance Indicator 1: Contractor will maintain sufficient staff on duty to provide a safe and secure facility. Contractor will demonstrate that the facility is staff-supervised for 24 hours daily, with monitored entry and exit points, and video monitoring in common areas for all clients in the Safe Harbor Program.

Performance Indicator 2: Contractor will maintain a current Residential Child Care Facility License and all other licenses or certificates required to provide the services under this agreement. Contractor will ensure that all professionals, providers, and facilities providing services under this agreement are licensed and certified in accordance with Arkansas law.

- **PROGRAM DELIVERABLE VI:** To provide for discharge of clients from the program.

Performance Indicator 1: Contractor will provide necessary treatment services to demonstrate clinical progress as indicated by appropriate client discharge to the least restriction treatment setting. Contractor will coordinate with OPLS to achieve family reunification, when appropriate.

Performance Indicator 2: Contractor will ensure access to a full array of services and placement options, including therapeutic foster care, foster homes, group homes, and other appropriate settings. Contractor will provide these services, if necessary licensing requirements are met, or establish sub-contracts with other providers.

Performance Indicator 3: Discharge of a client from the facility will be planned by Contractor with OPLS approval and in compliance with all child welfare agency licensing requirements. Contractor will prepare a discharge summary, which will be submitted to OPLS prior to the discharge date. The summary at a minimum will contain:

- Description of admitting problems/why client was admitted to the Shelter;
- Educational services provided and recommendations post-discharge;
- Visitation with caseworker and law enforcement;
- Family involvement information including visitation, involvement in treatment, contact attempts including guardians and other natural supports;
- Medical services provided/obtained;
- Incidents involving death, life-threatening injury, runaway, or incidents which may be reported in the media;
- Legal problems;
- Social behavior;
- Mental health services provided; frequency and intensity of treatment and recommendations for treatment post-discharge;
- Identification of areas of concern that persist; and
- A recommendation for placement and future services.

Treatment Provider Deliverables – *BILLING AND COMPLIANCE*

- **PROGRAM DELIVERABLE I: TO PROVIDE EMERGENCY SERVICES, COMPREHENSIVE RESIDENTIAL SERVICES, AND CASE MANAGEMENT AS REFERENCED IN SCOPE OF WORK BY PROVIDING AN ARRAY OF INDIVIDUALIZED SERVICES AND ACTIVITIES PROVIDED FOR CLIENTS WHO ARE IN THE SAFE HARBOR PROGRAM.**

Performance Indicator 1: Contractor will serve clients in the Safe Harbor Program, which is administered by the Department of Human Services (DHS) Office of Policy and Legal Services (OPLS).

Performance Indicator 2: Contractor shall develop within 10 working days of a client's admission to the program an individualized plan of care providing the necessary services designed to address the client's emotional, behavioral, and psychological needs. The plan of care must include the following:

1. Documentation supporting a behavioral health or other diagnosis;
2. A description of the functional level of that client;
3. A plan for ongoing care, transportation, and psychological or psychiatric treatment;
4. A plan for group, family, and individual therapy;
5. Any orders including without limitation the following:
 1. Medications;
 2. Treatments;
 3. Activities;
 4. Social services;
 5. Nutrition;
 6. Education; and
 7. Training in independent living skills; and
6. A plan for discharge

Copies of the plan of care must be submitted to OPLS within 10 working days of admission. A client specific Cost of Care plan will be completed on the automated Cost of Care Plan form and submitted and approved by OPLS upon client's admission.

Performance Indicator 3: Contractor will cooperate with OPLS to, seek, facilitate and document that Medicaid funds for any and all eligible services were sought for all OPLS clients that were Medicaid eligible.

- **PROGRAM DELIVERABLE II: ACCOUNTABILITY OF FUNDING FOR EMERGENCY SHELTER SERVICES WILL BE IN THE BEST INTEREST OF THE CLIENT AS DEFINED BY POLICIES AND PROCEDURES OF OFFICE OF POLICY AND LEGAL SERVICES-SAFE HARBOR PROGRAM.**

Performance Indicator 1: Contractor will be responsible for the return to DHS/OPLS of any Safe Harbor program payments incorrectly received for a client.

Performance Indicator 2: Monthly billing will be submitted to OPLS by the 10th day of the following month. Attached to the billing will be a monthly summary of clients served by each program and

certification of compliance. The monthly summary will identify the client by name, social security number, and Medicaid number. The billing will clearly identify the number of units for each client served by the specific program (e.g., residential treatment). The Safe Harbor Program will not be responsible for billing received outside this timeframe, but will consider each case on an individual basis.

- **PROGRAM DELIVERABLE III: CONTRACTOR WILL MAINTAIN CONTACT WITH THE OPLS SAFE HARBOR PROGRAM COORDINATOR FOR ONE HUNDRED PERCENT (100%) OF THE CLIENTS REFERRED.**

Performance Indicator 1: Contractor will provide information and court testimony upon request by OPLS.

Performance Indicator 2: Contractor will facilitate access to DHS programs and services and other community resources, as needed. Contractor will coordinate with OPLS to determine eligibility of programs and services.

- **PROGRAM DELIVERABLE IV: TREATMENT MUST BE DELIVERED IN A SAFE AND SECURE ENVIRONMENT.**

Performance Indicator 1: Contractor will maintain all licenses and certificates required by law to provide the services under this agreement, including without limitation a Foster Care Placement License and Residential Placement License. Contractor will ensure that all professionals providing services under this agreement are licensed and certified in accordance with Arkansas law.

Performance Indicator 2: Contractor will participate in the Arkansas State Vehicle Safety Program (ASVSP) incorporated herein by reference in maintaining and monitoring the driving records of all staff that transport clients. The Directive states how the records will be monitored and what actions may be taken when the employee record accrues an excess of traffic violation points.

Performance Indicator 3: Contractor will notify the Child Abuse and Neglect Hotline (1-800-482-5964) of one hundred percent (100%) of the cases of suspected abuse or neglect, as required by state law and DHS policy. Contractor will notify OPLS by the next business day of all reports of suspected abuse or neglect involving clients.

Performance Indicator 4: Contractor will adhere to the Department of Human Services Incident Reporting Policy No. 1090 and any amendments thereto and its notification requirements incorporated herein by reference.

Performance Indicator 5: For clients in a pre-adjudication probationary status, Contractor will notify OPLS and the client's probation officer within 24 hours of any delinquent or criminal act committed by a client. For other clients, Contractor and its agents will pursue all legal remedies, including reporting crimes to law enforcement, against a client who has committed any delinquent act.

- **PROGRAM DELIVERABLE V: CONTRACTOR WILL FURNISH A COPY OF THE FOLLOWING REPORTS WITHIN THE TIMEFRAMES SPECIFIED BY OPLS.**

Performance Indicator 1:

1. Annual Reports

A report detailing an independent fiscal audit, certified by a Certified Public Accountant in accordance with generally accepted accounting principles, of the program will be submitted to the Fiscal Audit Section of the Office of Quality Assurance, Department of Human Services, within 120 days at the end of the contract period.

2. Monthly Reports

Contractor will, by the **10th working day** of the month, for the preceding month, furnish to OPLA a monthly report containing the following at a minimum:

- Report of progress on objective metrics defined by OPLS for the overall objectives of the Safe Harbor Program .
- List of clients referred for placement, by source of referral noting clients accepted for placement and those not accepted with the reason why.
- Names of clients discharged from the program, including the dates of admission and discharge.
- For clients discharged from the program:
 - Date that OPLS received notice of discharge and copy of discharge summary
 - Placement that the client was discharged to (e.g. home, another residential treatment facility, OPLS facility); and
- Other information as requested by OPLS related to clinical and programmatic issues.

Safe Harbor Program Proposal – Appendix 1

EMERGENCY PLACEMENT PROTOCOLS – AFTER-HOURS PLACEMENTS

Upon approval by OPLS, eligible clients may be placed in emergency shelter by law enforcement officers, prosecutors, courts, hospitals, and DCFS. Eligible clients may be placed in emergency shelter outside of regular business hours only in accordance with the following protocols.

Who may place: Law enforcement officers, juvenile probation officers (JPOs), and hospitals may place an eligible client in emergency shelter outside of regular business hours upon notice to and approval by the Program Contractor.

Eligible clients: Any juvenile who meets all other qualifications and criteria for placement set forth in this RFP may be placed in emergency shelter outside of regular business hours, if:

- The law enforcement officer, JPO, or hospital has made a reasonable determination that the juvenile is in immediate danger and that placement is necessary to prevent serious harm from his or her surroundings;
- The juvenile's parents, guardians, or others with authority to act are unavailable or have not taken action necessary to protect the juvenile from the danger;
- The juvenile has not been arrested or taken into custody within the prior 24 hours for a violent offense; and
- The Program Contractor approves the placement. The Contractor may refuse an after-hours placement in emergency shelter only if:
 - There are no beds available and the Contractor is unable to timely secure an appropriate alternative placement;
 - The juvenile demonstrates a characteristic that precludes placement under the RFP, including one who is actively psychotic, who has been adjudicated to be a violent sexual offender, or who has medical needs that cannot be met in emergency shelter; or
 - The Contractor makes a good-faith determination that the placement would endanger other existing clients in emergency shelter.

How placement is made: As part of its comprehensive case management, the Program Contractor will operate a 24/7 hotline to accept after-hours placement requests from law enforcement officers, JPOs, and hospitals.

Required notices: A law enforcement officer or JPO making an after-hours placement will be required to immediately:

- Notify the juvenile intake officer of the court with jurisdiction over the juvenile; and
- Make every possible effort to notify, in writing, the custodial parent, guardian, or custodian of the juvenile's placement.

The Program Contractor must notify OPLS of the placement the next business day. OPLS may at that time ratify or revoke the placement. If placement is revoked, the law enforcement agency or JPO placing the juvenile will be responsible for determining the juvenile's disposition as allowed by law.

Projected Annual Budget for Safe Harbor Program

Working Draft 06-02-14

DHS Staff

| | | |
|--|-----------|-------------------|
| Program Administrator (Attorney Supervisor) - C127 | \$ | 68,032.00 |
| Licensed Certified Social Worker - C121 | \$ | 53,264.00 |
| Fringe Benefits | \$ | 41,243.00 |
| Oper. Expense | \$ | 22,844.00 |
| Total DHS Staff | \$ | 185,383.00 |

Client Treatment Costs¹

| | | | |
|--|-----------|----|------------------|
| Inpatient Rate (per diem) | \$ 409.00 | \$ | 2,208,600.00 |
| *Includes Room and Board: \$405 and Case Management \$4 (~\$110/monthly) | | | |
| Outpatient Rate - Case Management (per month) | \$ 110.00 | \$ | 19,800.00 |
| Additional Treatment Costs (i.e. medical, dental, etc.)² | | \$ | 600,000.00 |
| *Assumes \$15,000 average per client based on 40 clients | | | |
| Total Annual Treatment Costs | | \$ | 2,802,600.00 |
| Average Annual Treatment Costs Per Client³ | | \$ | 70,065.00 |

Other Program Costs

| | | |
|---|-----------|-------------------|
| Parent/Guardian Services and Treatment ⁴ | \$ | 200,000.00 |
| Transportation (Client and Family) | \$ | 50,000.00 |
| Specialized Staff Training | \$ | 5,000.00 |
| Client Supplies and Resources | \$ | 25,000.00 |
| Total Other Program Costs | \$ | 280,000.00 |

Annual Program Budget \$ **3,267,983.00**

NOTES:

| | |
|---|-----|
| ¹ Average Length of Stay (Days) | 270 |
| Average Length of Stay (Months) | 9 |
| *Assumes 9 months or 270 days average with half of clients receiving 12 months of treatment and half receiving 6 months of treatment | |
| Expected Utilization Inpatient | 20 |
| Expected Utilization Outpatient | 20 |
| ² Estimate based on current reimbursement rates for Medicaid funded services | |
| ³ Average annual costs align with national range of \$55,000-83,00 based on Department of Health and Human Services (HHS) study <i>Finding a Pathway to Recovery</i> | |
| ⁴ Estimate based on current rates for Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant | |

APPENDIX X

Medical Facility Policy used by the Arkansas Department of Health

HUMAN TRAFFICKING

Introduction

Human trafficking is a form of modern day slavery. Victims of human trafficking are young children, teenagers, men and women. They may be United States citizens, Lawful Permanent Residents (LPRs), legal immigrants or undocumented aliens. Traffickers subject victims of human trafficking to commercial sexual exploitation or labor exploitation through the use of force, fraud, or coercion. A child under the age of 18 involved who has been recruited, harbored, transported, provided, or obtained for the purpose of commercial sex is a victim of human trafficking, without regard to the presence of force, fraud, or coercion. Many victims of human trafficking are forced to work in prostitution or the sex entertainment industry. As noted in the Trafficking Victims Protection Act, 22 U.S.C. 7101(11), sex trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking also occurs in forms of labor exploitation, such as domestic servitude, often in industries such as restaurant work, janitorial work, factory work, and agricultural work. Traffickers use various techniques to instill fear in victims to keep them enslaved.

Brief Definitions

The Trafficking Victims Protection Act of 2000 (TVPA) defines “Severe Forms of Trafficking in Persons” as:

Sex Trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of 18 years.

Labor Trafficking is the recruitment, harboring, transporting, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

Policies:

Any ADH employee who suspects human trafficking can use the Screening Tool for Victims of Human Trafficking in this policy or can contact the

National Human Trafficking Resource Center at 1-888-373-7888. This hotline helps staff determine if they have encountered victims of human trafficking, identifies local resources available in the community to help victims, and helps with coordination with local social service organizations to help protect and serve victims so they can begin the process of restoring their lives. Additional information on human trafficking can also be obtained by visiting www.acf.hhs.gov/trafficking.

PAT-21b
Patient Care Services
TN #: 11-27
Effective: 9-21-11

Screening Tool for Victims of Human Trafficking:

The following screening questions can be asked when screening an individual to determine if he/she is a potential victim of human trafficking. As with domestic violence victims, if there is suspicion a person is a victim of trafficking, staff members should not begin by asking directly if the person has been beaten or held against his/her will. When available, an interpreter who speaks the person's language and understands the person's culture should be used, keeping in mind that any questioning should be done confidentially.

Staff members should screen interpreters prior to speaking with the suspected victim to ensure they do not know the victim or the traffickers and do not otherwise have a conflict of interest.

Before the suspected victim is asked any sensitive questions, every effort should be made to try to get the person alone if he/she came to the facility accompanied by someone who could be a trafficker posing as a spouse, other family member or employer. However, when requesting a confidential meeting, the staff member should do so in a manner that does not raise suspicions.

Suggested Screening Questions

- Can you leave your job or situation if you want?
- Can you come and go as you please?
- Have you been threatened if you try to leave?
- Have you been physically harmed in any way?
- What are your working or living conditions like?
- Where do you sleep and eat?
- Do you sleep in a bed, on a cot or on the floor?
- Have you ever been deprived of food, water, sleep or medical care?
- Do you have to ask permission to eat, sleep or go to the bathroom?
- Are there locks on your doors and windows so you cannot get out?

- Has anyone threatened your family?
- Has your identification or documentation been taken from you?
- Is anyone forcing you to do anything that you do not want to do?

APPENDIX XI

Polaris Project Model Legislation re Court-Approved
Educational Course on the Effects of Prostitution

**From Polaris Project Model Provisions of Comprehensive State
Legislation to Combat Human Trafficking**

[http://www.polarisproject.org/storage/documents/Final Comprehensive ModelLaw_8_2010.pdf](http://www.polarisproject.org/storage/documents/Final_Comprehensive_ModelLaw_8_2010.pdf) (last accessed July 9, 2014)

JOHN SCHOOLS: PATRONIZING PROSTITUTION

- (A) In addition to any other penalties that apply under [state solicitation offenses that apply to purchasers of sex acts], the following penalties shall also apply:
- (1) As part of the penalty, the judge shall order, as one of its conditions, that the defendant shall pay for and satisfactorily attend and complete a court-approved educational course on the effects of prostitution.
 - (2) In addition, a person who violates this section shall be assessed a civil penalty if the violation results in any judicial disposition other than acquittal or dismissal. The proceeds from penalties assessed under [state solicitation offenses that apply to purchasers of sex acts] shall be paid to the [District Attorney's office] for the sole purpose of paying the administrative costs of treatment-based prostitution programs.

APPENDIX XII

Sample U Visa Certification Policy

From the “Tool Kit for Law Enforcement Use
of the U-Visa”

http://www.vera.org/files/U-visa_toolkit_Sept-2011.pdf

(last accessed July 9, 2014)

| | |
|--|---|
| | POLICE DEPARTMENT GENERAL ORDERS, POLICIES, AND PROCEDURES |
| | Enforcement Operations |
| | Specialized Situations and Services |
| | |

| | | | |
|---|---------------|-----------------|--------|
| Police Department GENERAL ORDER | Date of Issue | Page | Number |
| Subject: CERTIFICATION OF U VISA – NON-IMMIGRANT STATUS (FORM I-918, SUPPLEMENT B) | | | |
| CALEA STANDARDS | | BY AUTHORITY OF | |

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for officers who receive requests for a U-Visa Certification (Form I-918, Supplement B). This General Order also specifies the certifying officer who will sign Form I-918, Supplement B.

II. POLICY

- A. It is the policy of this police department that “any person(s) in a supervisory role” and specifically any supervisor in the domestic violence unit, sexual assault unit, and/or investigatory units, is designated to issue U-Visa Certification on behalf of the chief of police by completing Form I-918, Supplement B.
- B. It is also the policy of this police department to assist immigrant crime victims with their U-visa applications if they cooperate with agency officials.

III. DEFINITIONS

- A. “Qualifying criminal activity” is defined by statute to be “activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law.” The statute also includes the attempt, conspiracy, or solicitation to commit any of the crimes listed below:

| | | |
|-----------------------------|---------------------------|----------------------|
| Abduction | Incest | Rape |
| Abusive sexual contact | Involuntary servitude | Sexual assault |
| Blackmail | Kidnapping | Sexual exploitation |
| Domestic violence | Manslaughter | Slave trade |
| Extortion | Murder | Torture |
| False imprisonment | Obstruction of justice | Trafficking |
| Felonious assault | Peonage | Perjury |
| Unlawful criminal restraint | Female genital mutilation | Witness tampering |
| Being held hostage | Prostitution | Other related crimes |

- B. "Any Similar Activity" refers to other criminal activity when the similarities are substantial and the nature and elements of the criminal activity are comparable.
- C. The "U-visa" is the common name for the U nonimmigrant status.

IV. PROCEDURE

Before completing a Form I-918, Supplement B (a request for a U-visa certification), the certifying official shall have verified the following:

- A. The noncitizen was or is
 - 1. a victim of a criminal activity (listed in Part III-A above) that took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law; or
 - 2. the spouse or under-21-year-old child of a victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated; or
 - 3. the parents and unmarried under-18-year-old siblings of an under-21-year-old victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated.
- B. The noncitizen has been, is being, or is likely to be helpful to the investigation. This department's policy describes the victim as being helpful when s/he
 - 1. possesses information about a qualifying criminal activity; and
 - 2. demonstrates cooperation during the detection or investigation of that criminal activity, even if the investigation is not completed.
- C. When a certification is based on a prior investigation or a criminal case that has been closed or suspended, or when a statute of limitations has passed, the certification shall be completed after the above verification has been conducted.
- D. No request for certification will be accepted unless it is made on the proper U.S. Citizenship and Immigration Services form (Form I-918, Supplement B) and has been completed by the referring legal entity (such as a private attorney, nonprofit organization, or victim).

- E. The request for certification shall be completed within 14 days from the time it was presented to this department.
- F. All requests for Form I-918, Supplement B certifications presented to this department shall be forwarded to the designated certifying officials.
- G. The certifying official may contact the VAWA Unit of the U.S. Citizenship and Immigration Services to report the U-visa applicant's failure to continue cooperating with the department only when the failure to cooperate is considered unreasonable. To determine whether failure to cooperate is unreasonable, officials should review and consider the victim's history of abuse and victimization, and any threats the victim has experienced or is experiencing.

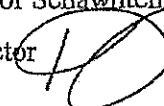
V. ADDITIONAL CONSIDERATIONS

Department policy authorizes its members to distribute to any crime victim who may be a noncitizen an informational flyer describing immigration relief and services available to immigrant crime victims.

APPENDIX XIII

Funding Requests for Training:
ALETA, CJI, UALR MidSOUTH School of Social Work

Memorandum

To: Fred Weatherspoon, Deputy Director - Training
CC: ALETA Instructor Schawntell Arberry
From: Ken Jones, Director 
Date: 5/14/2014
Re: Estimated Cost for conducting training -Human Trafficking

Based on the recommended needs to deliver training in Human Trafficking and Investigation at the Arkansas Law Enforcement Training Academy and to also deliver that course to be developed in the field to law enforcement and other training academies I have calculated the following estimate cost.

Delivery in the Basic Police Training Course at ALETA annually - \$6,000.00
(Includes training material, use of classrooms and instructors salary cost)

Delivery of six Basic Recognition and Investigation Human Trafficking Courses to Law Enforcement in the field annually \$10,000.

Delivery of two train the trainer human trafficking recognition and investigation courses annually \$5,000.00
(Training of Police Academies in Train the Trainer Course)

In order to cover the cost of providing training to law enforcement in the above described manner CLEST would require a total of \$21,000.00 annually in new funding.

Should you have any questions do not hesitate to call on me.



UNIVERSITY OF ARKANSAS SYSTEM
CRIMINAL JUSTICE INSTITUTE

Criminal Justice Institute Training Proposal
Arkansas Attorney General's State Task Force for Prevention of Human Trafficking

In order to meet the training needs identified by the Attorney General's State Task Force for the Prevention of Human Trafficking, the Criminal Justice Institute (CJI) proposes to develop and deliver courses for veteran officers that focus on the identification and recognition of human trafficking victims and the effective investigation of such cases. A human trafficking training program, specifically designed for chiefs and sheriffs, will also be developed and delivered. These programs and associated costs are presented below.

1. Identification and Recognition of Human Trafficking Cases for Veteran Officers Online

- CJI will collaborate with the Arkansas Law Enforcement Training Academy to convert the basic academy human trafficking curriculum to an online format. As an online program, this course will be made accessible to veteran law enforcement professionals 24 hours a day and 7 days a week. Online delivery can accommodate thousands of officers and deputies each year. The curriculum will also be updated annually. The cost for online conversion, update and delivery will be \$22,000.
- CJI will also regionally deliver 5 classroom-based deliveries for veteran officers and deputies. The cost for delivery of 5 regional programs will be \$11,250 (\$2,250 per class, which includes the costs of instruction, materials and staff travel). Regional deliveries will be made available to at least 50 officers and deputies at each location.

2. Investigating Human Trafficking Cases

- CJI will work with subject matter experts with experience in the investigation of human trafficking cases to develop an 8 hour human trafficking curriculum for investigators. The protocol included in the curriculum to investigate human trafficking cases will be dependent upon the investigation strategy recommended by the Attorney General's Task Force and approved by the legislature. Several different strategies such as regional investigation task forces or the formation of a unit within the Arkansas State Police have been discussed. The curriculum development cost will be \$2,500. CJI proposes to conduct 5 regional deliveries of the investigation curriculum designed for those officers and deputies who will be investigating cases of human trafficking. The cost for each regional delivery will be \$2,500 (including instructor, material, and travel costs), with a total cost of \$12,500 for all 5 regional deliveries.

3. Human Trafficking for Chiefs and Sheriffs

- A three hour curriculum for chiefs, sheriffs and senior level managers in law enforcement agencies will be developed. This curriculum will focus on the identification, recognition, and investigation of human trafficking cases from the perspective of law enforcement executives, including policies, procedures, and resources needed. This program will be made available online as well as delivered each year at the annual conferences for chiefs and sheriffs. The cost for program delivery twice a year will be \$3,000 (includes instructor fees and expenses).

Total Cost for CJI Human Trafficking Training: \$51,250 annually in new funding



MidSOUTH TRAINING PROPOSAL
Arkansas Attorney General's Task Force for Prevention of Human Trafficking

- ❖ **Training Description:** UALR / MidSOUTH will provide six (6) hours of training and education for human services and social service providers on the following; contingent upon MidSOUTH utilizing established and existing evidence-based curriculum to be determined by Attorney General Task Force to Prevent Human Trafficking in Arkansas:
 - Definition of trafficking, Federal law, Arkansas statutes
 - How to recognize and identify potential human trafficking victims and "Red Flags"
 - Victim assistance and needs of victims: Tangible vs. Intangible
 - Why victims may be reluctant to receive / accept assistance or services, Trauma Bonding, etc.
 - Reporting requirements / How to report and to whom
 - Coordination, Collaboration, Resources
- ❖ **Core of Knowledge Content Areas & Hours (6):**
 - .75 Definitions, History, Basics
 - 4.0 Curriculum Education
 - .75 Reporting, Collaboration, Resources
 - .5 Q&A, Discussion, Evaluation of Training
- ❖ **Training Modality and Logistics:**
 - Trainings will be provided at any of five (5) UALR/MidSOUTH Training Centers throughout the state: Little Rock, Fayetteville, Arkadelphia, Monticello, Jonesboro
 - Training will be interactive and experiential
 - 25-50 participants can attend any given training (to be determined by location capacity) and registration will be accepted online, via UALR / MidSOUTH website
 - All handouts / materials included
 - Minimal snacks will be provided, Lunch will be "on-your-own"

| | | | |
|----|---|-------------|--------------------|
| 6 | Train the Trainer Sessions @ \$1,000.00 | \$6,000.00 | |
| 25 | Training for DCFS New FSWs @ 1,000.00 | \$25,000.00 | |
| 10 | Training for DCFS Supervisors, Current FSWs & Support Staff | \$10,000.00 | |
| 5 | Training for Child Abuse Hotline Workers (3 hr.) | \$2,625.00 | Total: \$43,625.00 |

To provide training as outlined above, itemized training costs will be \$1,000.00 per training (at ANY of the sites listed). Six (6) hours of CEU's will be provided for each unduplicated participant: MidSOUTH applies for continuing educational approval from Arkansas Substance Abuse Certification Board, National Association of Social Workers, Arkansas Prevention Certification Board, Society for Public Health Education, and Arkansas State Board of Nursing (through NASW). The Arkansas Board of Examiners in Counseling accepts CEU's for any training offered by a State Institution of Higher Education (i.e., UALR / MidSOUTH).

Pricing per training will adjust commensurate with training requirement adjustments. Above training and pricing will be honored through June 30, 2015.

APPENDIX XIV

Polaris Project Model Legislation re Periodic Data Collection and Dissemination

**From Polaris Project Model Provisions of Comprehensive State
Legislation to Combat Human Trafficking**

http://www.polarisproject.org/storage/documents/Final_Comprehensive_ModelLaw_8_2010.pdf (last accessed July 9, 2014)

DATA COLLECTION AND DISSEMINATION

- (A) The State shall, in cooperation with other appropriate authorities, collect and periodically publish statistical data on human trafficking.
- (B) The State shall elicit the cooperation and assistance of other government agencies, non-governmental organizations, and other elements of civil society as appropriate to assist in the data collection required under paragraph (A) of this section.
- (C) The appropriate authorities in each agency that play a vital role in addressing human trafficking shall make best efforts to collect information relevant to tracking progress on human trafficking, including but not limited to:
 - (1) numbers of investigations, arrests, prosecutions, and successful convictions of human traffickers and those committing human trafficking-related crimes (pimping, pandering, procuring, maintaining a brothel, child pornography, visa fraud, document fraud, and other crimes related to human trafficking);
 - (2) the estimated number and characteristics of persons engaged in violations of [state human trafficking offenses], as well as persons who purchase or receive commercial sex acts or sexually explicit performances, or labor or services, performed by victims of human trafficking;
 - (3) statistics on the number and characteristics of victims of human trafficking, including nationality, age, method of recruitment, and city, state and country of origin;
 - (4) human trafficking routes and patterns (states or countries of origin, transit states or countries, and destination states or countries, methods of transportation), if any transportation took place; and
 - (5) social and economic factors that contribute to and foster the demand for all forms of exploitation of persons that leads to human trafficking.

