

Executive Summary for the 2018 Annual Report

Louisiana Human Trafficking Prevention Commission and Advisory Board

March 14, 2019

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The 2018 Annual Report of the Louisiana Human Trafficking Commission and Advisory Board ("Annual Report") was presented to Louisiana Governor John Bel Edwards on January 9, 2019. This Executive Summary provides a summary of the comprehensive and lengthy Annual Report that addressed human trafficking ("HT") in Louisiana and a reference tool to the Annual Report. References to pages in the Annual Report will be cited as (AR 24).

Since January 9, 2019, various recommendations set forth in the Annual Report have been addressed and implemented or are in the process of implementation. The following collaborative efforts by the three branches of government will immediately set in motion a multi-disciplinary approach that coordinates services, provides desperately needed residential services, and improves the statewide anti-trafficking movement:

1. The Louisiana Governor's Office announced on January 9, 2019 that it received a \$1.2 million grant from the U.S. Dept. of Justice Office for Victims of Crime to improve outcomes for young victims of human trafficking and to provide nine (9) Regional Child and Youth Trafficking Coordinators. The 3-year project aims to improve outcomes for child and youth victims of sex and labor trafficking through a multi-disciplinary approach that will enhance collaboration and coordination of resources and improve the statewide response and delivery of services to victims. The Louisiana Children's Cabinet will serve as the state's lead agency.

2. The Louisiana Judiciary designated Angela White-Bazile, Esq. as the statewide Human Trafficking Judiciary Liaison to coordinate with the nine Regional HT Coordinators and other HT stakeholders and to provide a point of contact for the coordination of HT initiatives as they relate to the state courts.

3. The Louisiana Legislature is reviewing two capital outlay requests to assist in the funding in 2019 of two additional residences, one in New Orleans and one in Baton Rouge, that provide long-term comprehensive recovery for adult HT victims, particularly for HT victims ages 18-25, who are aging out of minor residential services. The Legislature is also being requested to provide funding for various HT initiatives including, funding for the creation of a specialized unit within the Department of Children and Family Services ("DCFS") and funding for the continual support of specialized therapeutic foster homes.

Also, funding opportunities need to be identified and pursued in a multi-disciplinary manner to increase law enforcement capacity to improve the rate of successful trafficking investigations and prosecutions and to develop additional and more effective emergency placement options, such as respite facilities, as well as long-term placement options that provide comprehensive services to meet the complex needs of trafficking victims.

The Introduction of the Annual Report found on pages 1-8 of the report also provides a summary of the Annual Report and of the 2018 activities of the Commission and Advisory Board. Specifically, the Introduction explains the prevention model for discussions and analysis used by the Commission and Advisory Board as a systematic tool that promoted a multifaceted range of initiatives for effective prevention. The Commission and Advisory Board utilized a customized "Human Trafficking Prevention Model" which focuses on broad scale changes, concentrating not just on individuals, but also on communities, to address and analyze systems,

practices, and norms that contribute to sexual violence, exploitation, abuse, child neglect, and sex and labor trafficking.

The HT Prevention Model utilized by the Commission and Advisory Board addressed prevention on four different levels: 1) **Primary Level of Prevention**, which addresses initiatives directed at the general population to prevent individuals from becoming HT victims; 2) **Secondary Level of Prevention**, which addresses initiatives directed to individuals who have risk factors for becoming a HT victim and to families, schools, demographics, and communities that have a high incidence of risk factors for HT; 3) **Tertiary Level of Prevention**, which addresses initiatives directed to individuals who have been trafficked and to reduce negative consequences and prevent its recurrence; and 4) **Human Trafficking Demand Level of Prevention**, which addresses initiatives directed to populations that have risk factors for becoming perpetrators who traffick humans and who illegally buy sex and/or labor and to the law enforcement and prosecution of perpetrators who traffick humans and who illegally buy sex and/or labor.

To efficiently and effectively comply with the statutory requirements, to conserve resources by reducing duplication, minimizing meetings, and sharing expense, and to provide for optimal collaboration, the Commission and Advisory Board created joint committees as follows:

- a. Primary and Secondary Levels of Prevention (AR 15-19)**
- b. Tertiary Level of Prevention - Sex and Labor Trafficking of Minors (AR 20-22)**
- c. Tertiary Level of Prevention - Sex Trafficking of Adults (AR 23)**
- d. Tertiary Level of Prevention - Labor Trafficking of Adults (AR 24-34)**

Section 2 of the Annual Report found on pages 15-37 provides the names of committee members, messages from committee chairs, and committee report summaries. The structure of the committees provided for a more concise and focused perspective on the HT problem in Louisiana and emerging long-term solutions. Healthcare Sub-committees (AR 35-37) for each of the four committees were created because the health system plays a vital role in identifying and treating HT victims and affords opportunities for intervention in the lives of children and adolescents who are at-risk for becoming HT victims. One of the goals of the sub-committees is to raise awareness of these opportunities for intervention so that healthcare professionals can better assist in the prevention, identification, and response to HT among the youth in their care. The Commission and Advisory Board also created four work groups as follows: Commercial Trafficking Demand, Law Enforcement, and Prosecution Work Group; Hotel, Entertainment, Services, and Transportation Industries Work Group; Immigration Work Group; and Stakeholders & Services Coordination, Funding, and Data-Collection Work Group. Section 3 of the Annual Report found on pages 38-41 provides the names of work group members and messages from work group chairs.

a. Primary and Secondary Levels of Prevention Committee

This committee, chaired by Judge Joy Cossich Lobrano, structured its research and findings around the primary and secondary levels of prevention, that is, before the occurrence of HT. The committee's findings and recommendations are found on pages 42-51. The committee

recognized the importance of early intervention before the crime of HT occurs because HT victims experience developmental, social, societal, and legal consequences that have both short and long term impacts on the child's health and well-being. The committee focused on various HT vulnerabilities, which are risk factors for sex and labor trafficking, in order to develop early intervention strategies and initiatives to build individual and community resilience and to integrate protective factors to prevent HT of minors and adults. These HT vulnerabilities include the following: Societal Risk Factors, such as sexualization of children, perceived vulnerability of children, and lack of resources; Community Risk Factors, such as gang involvement and violence in community, high concentration of poverty, and under-resourced schools, neighborhoods, and communities; Relationship Risk Factors, such as family conflict, disruption, or dysfunction, and unhealthy partner relationships; and Individual Risk Factors, such as history of child abuse, neglect, or maltreatment, homeless, runaway, or thrown-away, truancy at school, drop-outs, or disengaged, ungovernable at school, history of being systems-involved (e.g. juvenile justice, criminal justice, foster care, immigration), stigma and discrimination, and lack of adequate accessibility to healthcare, especially mental health

This committee recommended the integration of services for at risk children, adolescents, and families. These at-risk populations have multiple needs and points of entry that cut across a number of different disciplines. The development of multi-agency initiatives to offer multidisciplinary services, coordination of agencies and services, and assessment and management of care is necessary. The committee noted the importance of the development of pre-trauma, early intervention service initiatives to offer integration of services utilizing the juvenile justice system, school systems, healthcare, and non-government organizations ("NGO"). The committee also recognized the importance of focusing upon and addressing the root causes of poverty in Louisiana as a prevention measure to eradicating HT of minors.

b. Tertiary Level of Prevention - Sex and Labor Trafficking of Minors

The findings and recommendations of this committee, co-chaired by Stacie Leblanc and Kate Shipley, can be found on pages 52-62 of the Annual Report. The committee found that despite an increase in awareness and training on identifying child sex trafficking victims throughout the state there remain major gaps and limitations in the ability to respond to identified victims. Statewide barriers to effectively serving identified youth include policy and capacity issues preventing DCFS from providing services to youth when there is not parental culpability; a lack of specialized therapeutic foster homes and emergency/respite care; a lack of a rapid response protocol that utilizes trained victim advocates to provide immediate and long term advocacy to youth; a lack of inclusion of youth and family voice, and a complete lack of targeted intervention to meet the unique needs of male and LGBTQ youth. The committee found several policies and programs operating in isolated areas of the state that can be strengthened and replicated in other areas. These include training curriculums and policy requirements for educators, law enforcement, and other service providers; specialized mentorship programs; trafficking-specific multidisciplinary teams; human trafficking screening protocols; and human trafficking awareness campaigns. While the state of Louisiana will this year receive federal funding for child trafficking coordinators to be strategically placed at Children's Advocacy Centers to support or establish a regional collaborative response, their impact will be restricted if the aforementioned gaps and limitations are not addressed.

This committee's recommendations centered around strengthening the ability of DCFS to provide services for trafficked youth, supported the use of data collection and evidence-based practices, and the inclusion of youth and family voice in decision-making. Specifically, the committee recommends funding the creation of a specialized unit within DCFS for the purposes of providing services (including emergency placement and case management) to families of trafficked youth regardless of parental culpability. The committee recommends funding for the continued creation and support of specialized therapeutic foster homes along with a campaign to recruit and train foster parents for trafficked youth. The committee recommends development and implementation of policies around human trafficking training and screening protocols for educators, law enforcement and service providers with capacity to identify trafficked youth. The committee also recommends coordinated efforts to disseminate and implement evidence-based interventions, using knowledge of promising and best practices from other jurisdictions while also collecting evidence on local program effectiveness to make data-driven decisions. Finally, the committee recommends systematic efforts to include youth and family voice and empowerment in policy and program design and implementation, along with enhanced efforts to better serve male and LGBTQ youth.

c. Tertiary Level of Prevention - Sex Trafficking of Adults

The findings and recommendations of this committee, chaired by Susanne Dietzel can be found on pages 63-67 of the Annual Report. The committee's findings were that adult victims of human trafficking are still misidentified and frequently incarcerated, and that very few resources are available to assist in their identification, rescue, shelter, and recovery. Housing in particular was identified as a priority need. Other resources include, but are not limited to, social services, counseling, legal assistance, and job training. This committee's recommendations are to provide funding for at least 2 residential recovery homes in 2019 that provide comprehensive victim-centered and trauma-focused services; to educate and train service providers; to provide prevention education to at-risk populations, and to educate the general public on human trafficking and its myths.

d. Tertiary Level of Prevention - Labor Trafficking of Adults

The findings and recommendations of this committee, co-chaired by Leanne McCallum and Lisa P. Quijano, are found on pages 68-73 of the Annual Report. The committee found that there's a lack of awareness, training, and outreach related to labor trafficking which has been a barrier to improving prevention of the crime at the systemic level. Louisianans are at risk for labor trafficking due to a variety of factors including high poverty rates, high hunger and food insecurity, natural disasters, and high unemployment. These factors lead to vulnerability in the labor market, where impoverished people are at a higher risk to be coerced or tricked into dangerous labor or human trafficking. Louisiana is also the site of many of the highest risk industries for labor trafficking. Foreign nationals and immigrants are vulnerable to trafficking in Louisiana. Foreign nationals on temporary work visas are particularly vulnerable as a result of the current guest worker visa system that ties a guestworker to an employer.

This committee's recommendations centered on rising labor trafficking to the level of awareness and response of sex trafficking. Education and training of Commission and Advisory

Board members will be a critical first step to improve systemic understanding of labor trafficking and effective organizational response strategies. The Labor Trafficking Committee recommends increasing awareness about *all* forms of trafficking- including labor trafficking- throughout the state. The committee recommends that the Commission seek support to amend La. R.S. 15:541.1 to require enforcement of National Human Trafficking Hotline materials postings in all required public spaces, through either the use of civil penalties or citations to encourage compliance. The committee recommends the creation of a statewide “Natural Disaster Awareness Plan” modeled after the City of Houston’s Mayor’s Office Emergency Disaster Response Toolkit. Policy and legislation should take into consideration ways to strengthen existing laws on human trafficking and labor protections for workers. The committee recommends that existing legislation be strengthened, related to: debt bondage, forced labor, fair wages, worker protection, and state resources to investigate and respond to reports of labor violations. Specifically, the committee recommends either 1) the amendment of La. R.S. 14:46.2 to include “involuntary servitude” as defined by the TVPA, or 2) pass legislation to complement La. R.S. 14:46.2 to cover human trafficking through “involuntary servitude” as defined by the TVPA. The committee recommends that a protocol be developed for law enforcement to follow when encountering a foreign national who may be a victim of trafficking.

In addition to the utilization of the four levels of prevention and committee structures, the HT Prevention Model utilized by the committees identifies multiple levels of intervention and helps people move beyond the perception that prevention is merely education, and is a framework for a more comprehensive understanding of prevention that includes six levels for strategy development and analysis. These levels are complementary, and when used together, produce a synergy that results in greater effectiveness than would be possible by implementing any single activity or linear initiative. The following six (6) levels of discussion were used in Section 4 of the Annual Report found on pages 42-73 which set forth the 2018 Recommendations of the Committees:

1. Recommendations as to Individuals:

Strengthening Individual Resilience, Knowledge, Skills, and Early Intervention

2. Recommendations as to Communities:

Promoting Community Education, Resilience, and Empowerment

3. Recommendations as to Training:

Enhancing Education and Training for Service Providers, Schools, Justice System Stakeholders, Workforce, and Related Government Agencies and NGOs

4. Recommendations as to Partnerships and Coalitions:

Fostering Coalitions, Networks, and Community and Workforce Engagement

5. Recommendations as to Systemic and Organizational Practices

Changing Systematic and Organizational Practices

6. Recommendations as to Policies and Laws

Influencing Policy and Legislation

1. 2018 Committees' Recommendations - Individuals

Strengthening Individual Resilience, Knowledge, Skills, and Early Intervention

a. Primary and Secondary Prevention

- i. Implement mandated assessment and screening policies and tools directed at all minors vulnerable to becoming HT victims for all points of entry for early intervention, including healthcare (AR 42-43).
- ii. Implement statewide Prevention-oriented Child Sexual Abuse Programs in primary and high schools as required by Erin's Law (AR 43).
- iii. Implement statewide HT Prevention Awareness program for at-risk individuals in juvenile justice system, foster care and shelter areas (AR 43).
- iv. Research the development of one comprehensive coordinated statewide school-based education program addressing the needs of students at-risk for HT (AR 43).
- v. Identify programs that increase parental services, build family cohesion, and connect parents to resources (AR 43).
- vi. Research current protocols and the effectiveness of such protocols and/or the creation of a statewide protocol for the referral, services, and placement of youth when they return from runaway or when they are identified as high-risk or "prospective" HT victims (AR 43).
- vii. Research healthcare assessment and screening tools for youth substance use, runaway tendencies, mental health, and other HT vulnerability risk factors during pediatric well-child check-ups, visits to Emergency Departments and substance use treatment facilities and/or develop a uniform assessment protocol for health care professionals (AR 43).
- viii. Identify mentorship programs for HT at-risk youth (AR 44).
- ix. Enhance and support early intervention initiatives that strengthen individuals' self-efficacy to overcome obstacles and build individual resilience (AR 44).
- x. Development of effectiveness of surveillance of youth in unprotected areas (AR 44).
- xi. Research youth programs that are designed to teach youth to recognize and effectively respond to signs of potential exploitation and build resilience that can be implemented in schools, community organizations, child welfare systems, and juvenile justice systems (AR 43-45).

b. Tertiary Prevention - Minor HT Victims

- i. Implement mandated assessment and screening policies at all points of entry for earlier identification and response, which are designed to identify youth who are victims of human trafficking and intervene to prevent re-victimization. Points of entry include juvenile justice centers, schools, healthcare settings, etc. (AR 53).
- ii. Create regional rapid response protocol that utilizes regional coordinators and trained victim advocates to provide immediate and long term advocacy to youth who are victims of human trafficking (AR 53-54).
- iii. Conduct research on improving efforts to better serve male and LGBTQ youth (AR54).
- iv. Engage and empower caregivers of HT victims and survivors (AR 54-55).
- v. Improve efforts to include youth and family voice and empowerment in policy and program design and implementation, including the creation of a youth survivor advisory council (AR 54-55).
- vi. Coordinate efforts to disseminate and implement evidence-based interventions to address the needs of trafficked youth, using knowledge of promising and best practices from other jurisdictions while also collecting evidence on local program effectiveness to make data-driven decisions (AR 55).

c. Tertiary Prevention - Adult HT Victims of Sex Trafficking

- i. Increase Housing for Adult Victims (AR 66)
 - Provide funding and support for long-term, comprehensive residential service providers, including at least two additional residences in 2019, one in New Orleans and one in Baton Rouge that provide long-term comprehensive recovery including job training and aging out of minor residential services for HT victims ages 18-25.
 - Provide emergency housing for adults who are coming off the streets or prison.
 - Provide transitional housing for young adults (with or without children), who are aging out of homes for minors.
- ii. Improve Access to Social and Legal Services for Adult Victims (AR 66-67)
 - Build a more seamless referral system for victims and create a statewide provider directory specifically for adult victims access to social and legal services.
- ii. Improve Access to Mental Health and Healthcare Services for Adult Victims (AR 67)
 - Provide resources for survivors to access counseling on a long-term basis.
 - Create a statewide provider directory specifically for adult victims access to mental health and healthcare.
 - Provide comprehensive education programs for young adults who have already had brushes with sex trafficking.

d. Tertiary Prevention - Adult HT Victims of Labor Trafficking

- i. Identify and adopt an appropriate existing trafficking identification tool that covers all forms of trafficking including labor trafficking and debt bondage (AR 68-69).

2. 2018 Committees' Recommendations - Communities

Promoting Community Education, Resilience, and Empowerment

a. Primary and Secondary Prevention

- i. Implement HT statewide and community-based public awareness program (AR 44).
- ii. Research community theatre, music, and dance initiatives that are HT related or that reinforce positive cultural norms, portray responsible behavior, and model bystander action and identify the stakeholder(s) that can assist in the further development of such initiatives and collaborate with such stakeholders to create a Plan of Development to present to the Commission (AR 44).
- iii. Research the development of award programs to publicly recognize community leadership to prevent sexual violence and abuse (AR 44-45).
- iv. Research initiatives addressing neighborhood-level HT risk factors, such as violence, homelessness and poverty, that may mitigate HT vulnerabilities, research effectiveness of existing community programs that alleviate these risk factors and support neighborhood efforts to reduce crime, adult prostitution, and high number of transient males, and identify the stakeholder(s) that can assist in the further development of such initiatives and collaborate with such stakeholders to create a Plan of Development to present to the Commission (AR 45).
- v. Research community youth programs that are designed to teach youth to recognize and effectively respond to signs of potential exploitation and to build resilience (AR 45).

b. Tertiary Prevention - Minor HT Victims

- i. Outreach and education should be conducted at all points of contact in the community at which a victim may be identified, including families, churches, and youth-serving organizations. During regional summits, many communities discussed the need to utilize churches and other faith-based organizations to educate and engage the community. To increase public knowledge of how to identify and report cases of trafficking, cross-sector partners should collaborate to create a statewide public awareness campaign, such as one modeled after the Caddo Parish-led Not In My City (AR 56).

c. Tertiary Prevention - Adult HT Victims of Sex Trafficking

- i. Implement a state-wide HT awareness campaign that is inclusive of adult survivors and that demystifies commonly held notions about trafficking, sexual exploitation, and prostitution (AR 63-64).
- ii. Place an awareness campaign with HT hotline in workplaces. Similar to the Anti-Trafficking campaign signs that are required in gas stations around the state. Should be put next to the mandatory display of employee rights in workplaces. A visual point of reference for those in a workplace.
- iii. Establish protocols that help to connect at-risk individuals to resources, such as housing, job training, food stamps, and education, to prevent prostitution and trafficking.

d. Tertiary Prevention - Adult HT Victims of Labor Trafficking

- i. Enhance National Human Trafficking Hotline materials postings in all required public spaces (AR 69).
- ii. Create statewide "Natural Disaster Awareness Plan" (AR 69-70).

3. 2018 Committees' Recommendations - Training

Enhancing Education and Training for Service Providers, Schools, Justice System Stakeholders, Workforce Organizations, and Related Government Agencies and NGOs

a. Primary and Secondary Prevention

- i. Provide HT training to all school personnel as to HT vulnerability (AR 47).
- ii. Research existing training programs with respect to child welfare, Juvenile Court FINS, Schools Child Welfare and Attendance Supervisors, Truancy officers, TASC, and other child welfare related training and determine whether HT vulnerability training can be included and identify the stakeholder(s) that can assist in the further development of such training to include HT and collaborate with such stakeholders to create a Plan of Development to present to the Commission (AR 47).
- iii. Implement mandatory HT education and training to foster homes about risks of trafficking for youth aging out of foster care (AR47).
- iv. Implement mandatory HT education and training for those who are in re-entry stages at juvenile detention before they are released (AR47).
- v. Research training opportunities directed to teachers, religious leaders, and others who come in contact with youth who can identify adverse childhood experiences and traumatic events in order to intervene to prevent exploitation and HT (AR47).
- vi. Research training opportunities for healthcare professionals and medical students to identify patients at risk for trafficking and research the protocol for referral of those patients for further services and intervention (AR47).
- vii. Research training materials as to the effectiveness of existing training opportunities on the principles of healthy relationships, for teachers and coaches to build skills to interrupt and address inappropriate comments and behaviors, and for youth-serving organizations that cover recognizing, reporting, and reacting responsibly to child abuse (AR47).
- viii. Research the evidence-based training program provided by Darkness to Light, specifically *Stewards of Children* and *Prevent Now!* (AR47).

b. Tertiary Prevention - Minor HT Victims

- i. Implement mandated statewide policy to ensure HT training for law enforcement (AR 57).
- ii. Funding to increase law enforcement capacity to improve the rate of successful trafficking investigations and prosecutions (AR 57).
- iii. Implement mandated statewide policy requiring training on identifying and responding to human trafficking for all school, mental health and healthcare personnel (AR 57).
- iv. Implement mandated HT training for judges and prosecutors in both juvenile and criminal courts on HT (AR 57).

c. Tertiary Prevention - Adult HT Victims of Sex Trafficking

- i. Create HT training opportunities for mental health professionals (AR 64).
- ii. Provide evidence-based training for law enforcement to identify adult HT victims (AR 64).
- iii. Provide evidence-based training for other first responders – community based (clergy, etc.) and institutionally based (medical personnel, etc.) – to identify adult HT victims (AR 64).
- iv. Develop clear protocols for first responders and Adult Protection Services (AR 64).

- v. Provide mandatory education to foster homes about risks of trafficking for kids aging out of foster care (AR 64).
- vi. Provide training in re-entry programs at adult prisons (AR 64).
- vii. Provide mental health providers with mandatory training to identify at-risk populations (AR 64).
- viii. Mandatory training for Judges, DA offices, and Public Defender Offices, as well as law enforcement (AR 64).
- ix. Offer survivor co-training (AR 64).
- x. Provide generalized training for counselors and other first responders to identify adult victims (AR 67).
- xi. Provide trauma-centered training for mental health professionals throughout the state (AR 67).
- xii. Create training opportunities for mental health professionals who work with adult victims and survivors of HT (AR 67).

d. Tertiary Prevention - Adult HT Victims of Labor Trafficking

- i. Require that all state agencies HT training include materials on both sex and labor trafficking (AR 70).
- ii. Require annual training within state and local regulatory agencies such as Louisiana Workforce Commission to identify labor trafficking. Particularly, training of key personnel who visit worksites such as labor inspectors or worksite inspectors would be beneficial. This training should review best practices for responding and screening for HT in high-risk work environments, and provide cultural competency training (AR 70).
- iii. Develop a protocol for law enforcement to follow when encountering a foreign national who may be a victim of trafficking. This protocol could be adapted from the “Victim Referral Protocol” developed by the Greater New Orleans Human Trafficking Task Force (AR 70).
- iv. Identify and share training materials that highlight labor trafficking, or equally address both sex and labor, to be shared with: state agencies, service providers, law enforcement, and other relevant stakeholders. The committee suggests a review of the Attorney General Office’s HT training materials for this. The committee suggests that “labor trafficking” should include: forced labor, debt bondage, peonage, and involuntary servitude of both U.S. citizens and foreign nationals (AR 70-71).
- v. Develop or share existing prevention training materials for hotels and staff about signs of labor trafficking, such as: too many people occupying a room, traveling in vehicles that are undersized for the occupants, control over the group by handlers, etc. Existing materials include the Department of Homeland Security Blue Campaign Hospitality Toolkit, which comes in both English and Spanish language, and includes materials on sex and labor trafficking (AR 71).
- vi. The committee recommends that the Commission require training for state protective agency staff such as Adult Protective Services and DCFS to identify *all forms* of HT- including labor trafficking and debt bondage (AR 71).

4. 2018 Committees' Recommendations - Partnerships and Coalitions

Fostering Coalitions, Networks, and Community and Workforce Organization

a. Primary and Secondary Prevention

- i. Identify the needs of the Louisiana Children and Youth Planning Boards (AR 49).
- ii. Require committee member to attend Children's Cabinet Advisory Board meetings (AR 49).
- iii. Explore ways that the many Multi-Disciplinary Teams of the Children's Advocacy Centers around the state and CASA programs could be employed to coordinate intervention services for those children identified as being at-risk for trafficking and designate committee member to attend the Louisiana Children's Advocacy Center and CASA state meetings (AR 49).
- iv. Organize interagency/community collaborations so that prevention and intervention efforts are more focused and information more readily accessible, including collaborative use of data and corresponding approaches for addressing known risk factors (AR 49-50).
- v. Foster collaboration and engagement among the schools, juvenile courts, and healthcare system (AR 49-50).
- vi. Foster partnerships between researcher/academics and community providers to strengthen evaluation approaches for HT at risk students (AR 49- 50).
- vii. Engage art, theater, and music organizations to promote HT at risk community understanding and solutions (AR 50).
- viii. Engage the business sector and workforce organizations to foster workplace solutions and build support (AR 50).
- ix. Identify people and organizations interested in and dedicated to the work of violence and abuse prevention (AR 50).
- x. Continue the collaboration and participation in the Federal Administration of Children and Families' Region VI Human Trafficking Work Group (AR 50).

b. Tertiary Prevention - Minor HT Victims

- i. Coordinate with each region or parish have a coordinated two-tiered approach to serving juvenile sex trafficking victims/survivors (AR 58-59).
- ii. Develop statewide committee of all juvenile trafficking multi-disciplinary team leadership to promote sharing of information, best practices and networking between regions (AR 59).
- iii. Incorporate youth voice and engagement in the multi-disciplinary team process and community-wide coalitions (AR 59).
- iv. Establish an I-10/12, and separately, an I-49 Anti-Trafficking Teams (AR 59).

c. Tertiary Prevention - Adult HT Victims of Sex Trafficking

- i. Coordinate with all groups, task force that provide for HT of adults. (AR 65-66).

d. Tertiary Prevention - Adult HT Victims of Labor Trafficking

- i. Facilitate a statewide service provider meeting or implement a statewide assessment to identify service providers (AR 71-72).
- ii. Expand the commission membership to include representation of key stakeholders in the labor trafficking response (AR 72).
- iii. Engage members of the Labor and Industrial Relations Committees; the Administration of Criminal Justice Committee; the Commerce, Consumer Protection, and International Affairs Committee; and the Agriculture, Forestry, Aquaculture, and Rural Development Committee to provide information on the issue of labor trafficking (AR 73).

5. 2018 Committees' Recommendations - Systemic & Organizational Changes

a. Primary and Secondary Prevention

- i. Adopt the 2018 recommendations of the Louisiana Children's Cabinet Advisory Board (AR 51).
- ii. Identify and advance organizational policies and practices based in research or best practices that promote positive development and comprehensive child sexual exploitation prevention (e.g., perpetration prevention, engaging males and bystanders, reducing the number of runaways, and countering normalization, technology-facilitated exploitation, commercial exploitation, child modeling sites, prostituted children and other child sex trafficking), including practices by health insurers to provide resources and materials promoting healthy behavior (AR 51).
- iii. The committee recognizes the importance of addressing the root causes of poverty in Louisiana as a prevention measure to eradicating HT of minors. Poverty is pervasive in Louisiana (AR 51).

b. Tertiary Prevention - Minor HT Victims

- i. Creation and funding of a specialized unit within the Department of Children and Family Services for the purposes of providing services (including emergency placement and case management) to trafficked youth and their families regardless of parental culpability (AR 60).
- ii. Allocation of funding towards development of additional and more effective emergency placement options, such as respite facilities, as well as long-term placement options that provide comprehensive services to meet the complex needs of trafficking victims (AR 60).
- iii. Fund the creation and sustainment of specialized therapeutic foster homes for trafficked youth, along with a campaign to recruit and train foster parents (AR60).

c. Tertiary Prevention - Adult HT Victims of Sex Trafficking

- i. A more seamless referral system for victims, so that services can be more effectively and efficiently coordinated (AR 65-67).

d. Tertiary Prevention - Adult HT Victims of Labor Trafficking

- i. Include labor trafficking equally in all trafficking discussions of the Commission and Advisory Board (AR 72).
- ii. Host regional meetings to identify service providers and organizations across the state who are serving labor trafficking victims, and identify organizations who may be unknowingly serving them already (AR 72).
- iii. Explore the issue of vulnerability of unaccompanied foreign national minors to HT, and assess how the current system can be improved to decrease that population's vulnerability (AR 72).
- iv. Engage with regulatory agencies such as DOL, LWC, and EEOC to identify ways to improve workplace inspections and labor trafficking identification within state regulated work environments (AR 72).
- v. Assess state sponsored regional labor trafficking threat assessments to identify labor trafficking (AR 72).

- vi. Explore how labor supply chain is regulated in the State of Louisiana and identify potential regulations and improvements the state can implement to minimize use of high-risk or dirty supply chains (AR 73).
- vii. Determine whether La. R.S. 15:541.1 is enforced statewide as to the National Human Trafficking Hotline materials postings in all required public spaces, through the use of civil penalties to compel required entities to comply (AR 73).

6. 2018 Committees' Recommendations - Laws and Policies

- i. Amend La. R.S. 36:471 *et seq.*, and any other statutes and laws as necessary, to provide that the provision of services to juvenile HT victims is a purpose and function of DCFS, to create a separate office within DCFS to focus on the specialized needs of this population, to identify the roles and responsibilities of other state agencies in the provision of services, to provide services (including emergency placement and case management) to trafficked youth and their families regardless of parental culpability, and to make these provisions effective upon appropriate funding (AR 74).
- ii. Amend La. Ch. C. art. 606(A)(7) to remove exploitation and trafficking of children perpetrated "by someone other than a parent or caretaker" as a child in need of care ground (AR 74).
- iii. Amend Louisiana Administrative Code ("LAC") provide the criteria and procedures to identify a HT victim and for the provision of services (AR 74).
- iv. Amend La. R.S. 46:2166 to add the following additional members to the Commission: (18) Secretary of the Department of Revenue or designee and (19) Commissioner of the Louisiana Office of Alcohol and Tobacco Control or designee (AR 75).
- v. Amend state law to ensure that all minors are protected from criminalization for prostitution offenses (AR 62 & 75).
- vi. Amend La. Ch.C. art. 923 (Expungement of adjudications involving HT victims) to allow child sex trafficking victims to vacate delinquency adjudications and expunge related records for other offenses arising from trafficking victimization (AR 76-77).
- vii. Amend La. C. C. art. 3499 (Personal actions) to extend the time for victims of La. R. S. 14:46.3(A), (B) (Trafficking of children for sexual purposes) and Louisiana's Commercial Sexual Exploitation of Children ("CSEC") to commence civil actions against their exploiters (AR 78-79).
- viii. Amend La. C. Cr. P. art. 571.1 (Time limitation for certain sex offenses) to eliminate the statute of limitations for commencing prosecutions of La. R.S. 14:46.3(A), (B) (Trafficking of children for sexual purposes) and Louisiana's CSEC laws (AR 78-79).
- ix. Amend La. R.S. 14:46.2 to include "involuntary servitude" and La. R.S. 15:541.1 to ensure statewide enforcement of National Human Trafficking Hotline materials postings in all required public spaces (AR 73 & 79).
- x. Amend the Louisiana's mandated reporting law, La. R.S. 14:403, to mandate that mandated reporters are required to go through trafficking identification training (AR 61).
- xi. Amend Act 564 of the 2014 Louisiana Legislature to develop an annual HT Report to include an annual status update to describe statewide activity and efforts regarding multi-disciplinary teams each year to improve data collection and effectiveness measurement. Amended legislation should include a requirement for each MDT facilitator to develop an annual update and submitted it to DCFS to compile each jurisdiction's data (AR 61).

Section 6 of the Annual Report entitled "2019: Objectives, HT Prevention Model, and Schedule" is found on pages 80-91. The 2018 recommendations focused on the Tertiary Level of Prevention, which addresses initiatives directed to individuals who have been trafficked and to reduce negative consequences and prevent its recurrence. In 2019, focus will be made on addressing the other three levels of prevention: Primary Level of Prevention, which addresses initiatives directed at the general population to prevent individuals from becoming HT victims; Secondary Level of Prevention, which addresses initiatives directed to individuals who have risk factors for becoming a HT victim and to families, schools, demographics, and communities that have a high incidence of risk factors for HT; and Human Trafficking Demand Level of Prevention, which addresses initiatives directed to populations that have risk factors for becoming perpetrators who traffick humans and who illegally buy sex and/or labor and to the law enforcement and prosecution of perpetrators who traffick humans and who illegally buy sex and/or labor. Additionally, the Commission and Advisory Board will continue its efforts regarding finding and maintaining a steady funding stream to provide the needed services to help and aid human trafficking victims. The Commission and Advisory Board members will focus in 2019 on the effective and expedited implementation of the 2018 recommendations.

ANNUAL REPORT

2018

Louisiana Human Trafficking
Prevention Commission and
Advisory Board



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Introduction

This report is submitted by the Louisiana Human Trafficking Commission and its Advisory Board pursuant to Act 181 of the 2017 Regular Legislative Session ("2018 HTPC Report").

Over the past several years, the Louisiana Legislature has made the issue of human trafficking ("HT") a top priority and has vigorously worked to raise HT awareness and to combat HT in Louisiana through legislation. In fact, in 2012 and 2016, Shared Hope International, through its Protected Innocence Challenge Legislative Framework, which identifies state-by-state progress in enacting effective HT laws, ranked Louisiana's HT laws the best in the country. Since then, Louisiana has received a national ranking of an "A" HT state report card grade. Section 1 of this report and Appendices A, B, and C provide a comprehensive overview of Louisiana HT laws and Shared Hope's state-by-state legislative assessment with respect to the following six areas of law: 1) Criminalization of Domestic Minor Sex Trafficking; 2) Criminal Provisions Addressing Demand; 3) Criminal Provisions for Traffickers; 4) Criminal Provisions for Facilitators; 5) Protective Provisions for Child Victims; and 6) Criminal Justice Tools for Investigation and Prosecution.

While Louisiana has enacted some of the strongest HT laws in our nation, the 2018 HTPC Report shows that funding has not been adequately dedicated to the enforcement and implementation of these HT laws. The 2018 HTPC Report recommends that Louisiana create a viable funding stream to provide specialized shelters and/or placement and services to HT victims and to develop and implement early intervention initiatives to combat HT before it occurs. The 2018 HTPC Report emphasizes the importance of prioritizing HT funding to adequately implement the mandates required by Louisiana's HT laws and to effectively adhere to the directives to provide acceptable shelters and services for HT victims and to implement evidence-based early intervention initiatives prior to the trauma of HT. Otherwise, Louisiana simply has a collection of unfunded legislative mandates and unenforced evidence-based policies and protocols that will go nowhere.

In addition to combatting HT, many HT prevention initiatives recommended in the 2018 HTPC Report also combat other types of violence and events resulting in trauma-based disorders. These prevention strategies can decrease the risk of future violence victimization and perpetration from crimes other than HT and further prevent adverse, lifelong health issues. Whether a child or adult comes from a background of abuse, neglect, or trauma, they often share similar behavior outcomes because they share the common experience of complex developmental trauma. The Commission and Advisory Board are collaborating with stakeholders working on other trauma-based events to avoid the duplication of services and efforts and to develop cost efficient long-term solutions together.

Louisiana Human Trafficking Prevention Commission and Advisory Board

Act No. 564 of the 2014 Regular Session of the Louisiana Legislature required that an annual statistical report on HT in Louisiana be developed each year. These reports unequivocally establish that children, adolescents, and adults are being trafficked in Louisiana. Accordingly, in 2017, the Legislature and Governor John Bel Edwards resolved to address the prevention of HT. Act 181 of the 2017 Regular Legislative Session, effective on June 12, 2017, created the Louisiana Human Trafficking Prevention Commission and is modeled on Louisiana Senate Concurrent Resolution No. 58 of the 2011 Regular Session, which created the Human Trafficking of Minors Study Group, and on Louisiana Senate Concurrent Resolution No. 27 of the 2013 Regular Session, which created the Joint Human Trafficking Study Commission. Act 181 enacted Part II of Chapter 28-B of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:2165 through 2168, and entitled “Human Trafficking Prevention Commission and Advisory Board.”

The purpose of the Louisiana Human Trafficking Prevention Commission ("Commission") is to assist state and local leaders in developing and coordinating HT prevention programs and initiatives, to identify gaps in prevention and intervention services, to conduct a continuing comprehensive review of all existing public and private HT programs, to increase coordination among public and private programs to strengthen prevention and intervention services, and ultimately, to make recommendations with respect to HT prevention and intervention. The Commission consists of the President of the Louisiana Senate, the Speaker of the Louisiana House of Representatives, the Attorney General, heads of stakeholder state departments including the Secretary of the Department of Children and Family Services (“DCFS”), the Chief Justice of the Louisiana Supreme Court, a member of the Commission’s Advisory Board, the state public defender, and the executive director of the Louisiana District Attorneys Association. Each member may appoint his or her designee to serve on the Commission. A chairperson and secretary are elected by the Commission from among its membership. Additionally, the Commission is required to annually issue a report of its findings and recommendations to the governor, the speaker of the House of Representatives, and the president of the Senate no later than the first day of February each year thereafter.

The Human Trafficking Prevention Commission’s Advisory Board (“Advisory Board”) provides information and recommendations from the perspective of advocacy groups, service providers, and trafficking victims to the Commission. The Advisory Board is required to elect one of its members to serve on the Commission and to be Chair. Additionally, the Advisory Board is required to make an annual report by January thirty-first of each year to the legislature, Senate Committee on Health and Welfare, the House Committee on Health and Welfare, Select Committee on Women and Children, and any other legislative committee requesting a copy of the annual report. The 2018 HTPC Report fulfills the statutory requirements of the Commission and Advisory Board.

As required by statute, the Commission elected a chairperson and a secretary. The Honorable Joy Cossich Lobrano, Judge of the Louisiana Court of Appeal for the Fourth Circuit, who serves on the Commission as Louisiana Supreme Court Chief Justice Bernette Johnson’s designee, was nominated by Senator Ronnie Johns to serve as chairperson. DCFS Secretary

Marketa Walters seconded the nomination. No other nominations for chairperson were received, and Judge Lobrano was elected unanimously. Natalie Laborde was nominated by Judge Lobrano to serve as secretary. No other nominations for secretary were received, and Natalie Laborde was elected unanimously. Dr. Dana Hunter serves as the liaison to the Office of the Governor with respect to the providing of "such clerical, administrative, and technical assistance and support as may be necessary to enable the commission to accomplish its goals" as required by La. R.S. 46:2167(D). In further compliance with the Act, Alliece Cole was elected by the Advisory Board as Chair and to serve on the Commission.

Joint Committees and Work Groups of the Commission and Advisory Board

To efficiently and effectively comply with the statutory requirements, to conserve resources by reducing duplication, minimizing meetings, and sharing expense, and to provide for optimal collaboration, the Commission and Advisory Board decided to hold joint meetings and created joint committees as follows:

- ❖ Sex and Labor Trafficking of Minors
Primary and Secondary Levels of Prevention Committee and its Healthcare Sub-committee
- ❖ Sex and Labor Trafficking of Minors
Tertiary Level of Prevention Committee and its Healthcare Sub-committee
- ❖ Sex Trafficking of Adults Prevention Committee and its Healthcare Sub-committee
- ❖ Labor Trafficking of Adults Prevention Committee and its Healthcare Sub-committee

Section 2 of the 2018 HTPC Report provides the names of committee members, messages from committee chairs, and committee report summaries. The structure of the committees provided for a more concise and focused perspective on the HT problem in Louisiana and emerging long-term solutions. Healthcare Sub-committees were created because the health system plays a vital role in identifying and treating HT victims and affords opportunities for intervention in the lives of children and adolescents who are at-risk for becoming HT victims. One of the goals of the sub-committees is to raise awareness of these opportunities for intervention so that healthcare professionals can better assist in the prevention, identification, and response to HT among the youth in their care.

The Commission and Advisory Board also created four work groups as follows:

- ❖ Commercial Trafficking Demand, Law Enforcement, and Prosecution Work Group
- ❖ Hotel, Entertainment, Services, and Transportation Industries Work Group
- ❖ Immigration Work Group
- ❖ Stakeholders & Services Coordination, Funding, and Data-Collection Work Group

Section 3 of the 2018 HTPC Report provides the names of work group members and messages from work group chairs. Noting the importance of coordinating HT services and resources in Louisiana, the following reports have been included as follows: Louisiana HT Survivor 2018 Housing Resource Guide is attached as Appendix D and NCJTC/AMBER ALERT La. Child Sex Trafficking 2018 Project is attached as Appendix G. Noting the importance of adequate HT data collection, the following reports have been included as follows: Modern Slavery Research Reports: Trafficking and Exploitive Labor Among Homeless Youth in New Orleans 2015 Report

and A Ten-City 2016 Study, and the Louisiana DCFS 2018 Annual Report on Trafficking of Children are attached as Appendix E.

Human Trafficking Prevention Model

The committees, work groups and healthcare sub-committees utilized a prevention model for discussions and analysis to serve as a systematic tool that promoted a multifaceted range of initiatives for effective prevention. The Spectrum of Prevention Tool, originally developed by Larry Cohen while working as Director of Prevention Programs at the Contra Costa County Health Department and based on the work of Marshall Swift in treating developmental disabilities, was used as a basis of prevention discussions. This tool has been used nationally in prevention initiatives.

Commission Chair Judge Lobrano modified the Spectrum of Prevention tool to address the particular aspects of effective HT prevention in Louisiana (“HT Prevention Model”) and the HT Prevention Model was utilized by the Commission and Advisory Board. The HT Prevention Model focuses on broad scale changes, concentrating not just on individuals, but also on communities, to address and analyze systems, practices, and norms that contribute to sexual violence, exploitation, abuse, child neglect, and sex and labor trafficking.

The HT Prevention Model utilized by the Commission and Advisory Board addressed prevention on four different levels: 1) Primary Level of Prevention, which addresses initiatives directed at the general population to prevent individuals from becoming HT victims; 2) Secondary Level of Prevention, which addresses initiatives directed to individuals who have risk factors for becoming a HT victim and to families, schools, demographics, and communities that have a high incidence of risk factors for HT; 3) Tertiary Level of Prevention, which addresses initiatives directed to individuals who have been trafficked and to reduce negative consequences and prevent its recurrence; and 4) Human Trafficking Demand Level of Prevention, which addresses initiatives directed to populations that have risk factors for becoming perpetrators who traffick humans and who illegally buy sex and/or labor and to the law enforcement and prosecution of perpetrators who traffick humans and who illegally buy sex and/or labor.

The HT Prevention Model identifies multiple levels of intervention and helps people move beyond the perception that prevention is merely education, and is a framework for a more comprehensive understanding of prevention that includes six levels for strategy development and analysis as modeled after the Spectrum of Prevention Tool. These levels are complementary, and when used together, produce a synergy that results in greater effectiveness than would be possible by implementing any single activity or linear initiative.

1. Strengthening Individual Resilience, Knowledge, Skills, and Early Intervention

Strengthening individual knowledge and skills and early intervention involves transferring information to increase an individual’s resilience, resources, and capacity for the prevention of becoming a HT victim. Trusting relationships with persons with expertise or authority, however brief such relationships may be, have a lasting impact, particularly when reinforced over time or

through community norms and practices. Building individual resilience and promoting individual protective factors are necessary to prevent HT trauma from ever occurring or to reduce the negative consequences of trafficking and prevent its recurrence.

2. Promoting Community Education, Resilience, and Empowerment

A community outreach approach aims to reach groups of people with information and resources for improving community resilience and empowerment. Community education is broadly targeted at groups or the population at large. Effective community outreach not only alerts individuals to new information, but also builds a critical mass of support for awareness, healthier behavior, norms, and policy change.

3. Enhancing Education and Training for Service Providers, Schools, Justice System Stakeholders, Workforce, and Related Government Agencies and Non-government Organizations

Educating stakeholders about HT is vital. They have influence within their fields of expertise and opportunities to transmit information, skills, and motivation to patients, clients, and colleagues. It is essential, therefore, that they receive education and training to improve their own understanding of HT prevention. They can be highly effective advocates and providers for policy changes related to their job experiences. Appendix F of the 2018 HTPC Report is a HT program manual published by the National Association of Women Judges ("NAWJ") providing steps that stakeholders in state and federal jurisdictions may consider as they prepare training programs to address the complex legal problems posed when human beings are coerced and forced into modern day slavery with the following intended audiences: Judges; Law Clerks; Court Clerks; Social Workers, Drug Treatment Providers, Mental Health Providers, Law Enforcement, Probation and Parole Officers, Defense Bar, Prosecutors, Immigration Organizations, Veteran's Organizations, Clergy and Congregations, High Schools (where appropriate), Child Advocacy Groups, and Youth Groups.

4. Fostering Coalitions, Networks, and Community and Workforce Engagement

Fostering collaborative initiatives brings together the participants necessary to ensure an initiative's success. Coalitions and expanded partnerships are vital in successful HT prevention and intervention. Coalitions are useful for accomplishing a broad range of goals that reach beyond the capacity of any individual member organization. By working together, coalitions and partnerships can conserve resources by reducing duplication, sharing expenses, fostering cooperation between diverse sectors of society, and increasing the credibility and often the impact of their efforts.

5. Changing Systemic and Organizational Practices

Examining the practices of HT providers and stakeholders is vital to improve the effectiveness of HT laws. By changing its own internal regulations and norms, an organization can affect the implementation and enforcement of law and policy. The effective implementation of HT laws requires an examination of the systemic and organizational practices of all

stakeholders including funding policies and protocol effectiveness. Where laws and policies already exist that address commercial sexual exploitation, sexual abuse, and HT, an additional law, a change in policy, better enforcement, or change in an organization's practices may be necessary to ensure the law's effectiveness. Changing systemic and organizational practices usually presents the opportunity for the broadest improvement in the effectiveness of HT laws and policies. To eradicate HT, focus on the eradication of larger systemic societal problems as they directly and negatively impact individuals and communities must be addressed, including poverty, violence, inadequate housing, employment, accessibility to community-based human services and resources and comprehensive healthcare, and the lack of early intervention initiatives prior to the HT trauma.

6. Influencing Policy and Legislation

Changes in local, state, and national laws, as well as the adoption of formal policies, fall under the umbrella of policy and legislation. Influencing HT policy and funding also present the opportunity for the broadest improvement in the effectiveness of the laws.

2018 Commission and Advisory Board Meetings

Seven meetings were held in 2018. On January 23, 2018, Justin Berry with the Louisiana State Police presented a PowerPoint presentation on HT. In Louisiana, law enforcement has determined that a HT victim's profile is comprised of the following: 80% have prior sexual abuse in their background, signs of physical abuse, unstable home life, lack of parental supervision, those children in state custody, children with older boyfriends, those suffering from substance abuse and/ or gang involvement. DCFS Secretary Marketa Walters advised that the regional HT summits were being held and paid through a grant by the National Criminal Justice Training Center ("NCJTC") and Amber Alert. Chair Judge Joy Cossich Lobrano advised that Alliece Cole was elected as chair of the Advisory Board. Natalie Laborde was elected unanimously as Secretary of the Commission.

On April 24, 2018, the Commission discussed the regional trafficking summits. Children's Cabinet Executive Director, Dr. Dana Hunter, held a discussion. Funding was given to host a summit in each region of the State. Facilitators from Amber Alert and NCJTC gave specific questions to participants of each region. It was noted that Amber Alert would be providing our State with a comprehensive report, including data analysis and a compilation of feedback from the summits. Chair Judge Lobrano introduced Julie Olsen, who is the Executive Director of the Plaquemines Community C.A.R.E Center ("Counseling, Assessment/Advocacy, Resources, Early Intervention"), with a focus on early intervention and community coordination. The Community C.A.R.E. model is set up in Plaquemines Parish and St. Charles Parish. Ms. Olsen explained how the C.A.R.E. Center began and how the model functions. The Commission members discussed the 2018 Annual Report template, committee and work group structure, and the joint efforts and meetings of the Commission and Advisory Board. All members in attendance approved the template and organizational structure and joint efforts and meetings of Commission and Advisory Board.

The Commission and Advisory Board met jointly on June 19, 2018. A discussion was held on the committee structure and members and the first draft template of the 2018 Annual Report. The members present approved the structure, members and template. Judge Lobrano led a discussion on guest speaker requests. Members requested that there be a guest speaker at the meetings with respect to eradication of HT demand. One name that was recommended was Val Richey, a prosecutor in charge of the Buyer Beware program in Seattle, Washington. The floor was opened for further recommendations. No other guest speaker was recommended. Dr. Hunter advised on the progress of the Summit reports. The anticipated report date was mid-July. Dr. Hunter advised that she and Kate Shipley were looking into writing a grant to the Office of Victims of Crime to implement services and funding for HT victims. The grant could consist of implementation of victim advocate services, collaboration with university partners, and development of a database that would assist DCFS with data collection. The committees, work group, and sub-committees participated in breakout sessions and discussed their respective sections of the 2018 Annual Report and findings and recommendations.

The Commission and Advisory Board met jointly on September 18, 2018. Dr. Hunter presented two updates from the Governor's Office: 1) The comprehensive report of the assessment and feedback obtained at the Regional Summits was in its final stages; and 2) Planning for the prevention of HT among the tribal community is in its initial stages. A discussion was held as to the restructure of committees and work groups, the second draft of the 2018 Annual Report, and the revised schedule of the Commission and Advisory Board. All members in attendance approved the restructure, the second draft, and the revised schedule. The committees, work group, and sub-committees participated in breakout sessions and discussed their respective sections of the 2018 Annual Report and findings and recommendations.

The Commission and Advisory Board met jointly on October 23, 2018. Judge Lobrano presented the third draft of the 2018 Annual Report and led a discussion on the revised 2018 schedule and committee, work group, and sub-committee structure. The Commission approved the third draft, the revised schedule, and committee, work groups, and subcommittee structure. Judge Lobrano asked members to see how HT fits in with existing programs and laws, determine what stakeholders could aid in the further development of the program or law, and submit to the Commission a plan of implementation of a new program or plan of development to assist existing programs. The committees, work group, and sub-committees participated in breakout sessions and discussed their respective sections of the 2018 Annual Report and findings and recommendations.

On November 13, 2018, the committees, work group, and sub-committees participated in breakout sessions and discussed their respective sections of the 2018 Annual Report and findings and recommendations.

On December 12, 2018, the Commission and Advisory Board met jointly to vote on the approval of the 2018 Annual Report subject to edit, format, and design. The Commission did not have the required number of voting members present to vote on the Annual Report. Judge Lobrano noted that an additional Commission meeting on January 9, 2019 to approve the Annual Report could take place and that the statutorily required number of members in attendance at the January 9, 2019 meeting is needed to approve the 2018 Annual Report. The required number of

Advisory Board voting members was present and approved the 2018 Annual Report. On January 9, 2019, the Commission approved the 2018 Annual Report and presented it to Governor John Bel Edwards. Judge Lobrano discussed the further development of an executive summary for distribution to the legislators which will be approved at the February 21, 2019 meeting.

Acknowledgments

The Commission and Advisory Board are thankful for the thoughtful and diligent leadership by its Commission Chair Judge Joy Cossich Lobrano, Advisory Board Chair Alliece Cole, the Governor's Office Executive Director of the Louisiana Children's Cabinet Dr. Dana Hunter, and DCFS Secretary Marketa Walters. We are grateful to Governor John Bel Edwards and First Lady Donna Edwards for their continued commitment to the prevention of HT in Louisiana. We are also grateful to the following chairs of the 2018 Committees and Work Groups of the commission and advisory board: Judge Joy Cossich Lobrano, Alliece Cole, Stacie Leblanc, Kate Shipley, Susanne B. Dietzel, Leanne McCallum, Lisa Powell-Quijano, James R. Kelly, Taneka Harris Blacknell, Elaine Kimbrell, Graham Pritchard, and Jami M. Becnel. We are thankful for the many community stakeholders who regularly attend meetings and volunteer their time to serve as members on the Commission and Advisory Board, and committees, work groups, and healthcare sub-committees. We would also like to thank Jami M. Becnel, Stephanie Neal, Chelsea Thompson, and Meagan Westmoreland whose services and work were invaluable to the functioning of the committees, work groups, and healthcare sub-committees and in the publication of this report. Additional thanks go out to the interns, Lily Schaer, Taylor Baker, Uma Dietzel, and Elizabeth Doski, for their research and work on this report.

Additionally, our thanks go out to the many stakeholders who participated in the Louisiana Governor's Office's Regional Community Response to HT Symposiums and those who contributed to the publication of the NCJTC/AMBER ALERT La. Child Sex Trafficking 2018 Project. Acknowledgment is also made to the Spectrum of Prevention tool, originally developed by Larry Cohen and based on the work of Marshall Swift, used as a basis for the HT Prevention Model.

Commission Members of the Louisiana Human Trafficking Prevention Commission

The composition of Commission membership is set forth in La. R.S. 46:2166:

La. State Senator Ronnie Johns (designee of La. State Senate President John Alario)

La. State Representative Valerie Hodges (designee of La. Speaker of the House Taylor Barras)

Monica Taylor (designee of La. Attorney General Jeff Landry)

Kenneth Burrell (designee of Sec. of La. Workforce Commission Ava Dejoie)

G.M. Millet, Jr. (designee of La. Superintendent of Education John White)

Dr. James Bueche (Deputy Sec. of Office of Juvenile Justice Services)

Hon. Marketa Garner Walters (Secretary of La. Department of Children and Family Services)

Dr. Alexander Billioux (designee of La. Department of Health Dr. Rebekah Gee)

Natalie Laborde (designee of Sec. of La. Dept. of Public Safety & Corrections James LeBlanc)

Senior Trooper Lisa Powell-Quijano (designee of Superintendent of State Police Colonel Kevin Reeves)

Tommy Clark, Jr. (designee of President of La. Assoc. of Chiefs of Police Tom Bass)

Michael Ranatza (Exec. Director of La. Sheriff's Assoc.)

Judge Joy Cossich Lobrano, La. Court of Appeal for the Fourth Circuit (designee of La. Supreme Court Chief Justice Bernette Johnson)

Alliece Cole (Advisory Board Chair of the Commission)

Bob Wertz (designee of Exec. Director of the La. Commission on Law Enforcement and Adm. of Criminal Justice Jim Craft)

Richard Pittman (designee of State Public Defender James Dixon)

Hon. Kristine Russell (designee of Exec. Director of the La. District Attorneys Assoc. on Pete Adams)

Advisory Board Member of the Louisiana Human Trafficking Prevention Commission

The composition of the Advisory Board membership is set forth in La. R.S. 46:2168:

Richard Pittman (La. Public Defender Board)

Toni Bankston (La. Chapter, National Association of Social Workers)

Special Agent Taneka Harris Blacknell, Esq. (expertise in advocacy for adult HT victims)

Susanne B. Dietzel, Ph.D. (Exec. Director of residential program for HT victims)

Cassie Hammett (Exec. Director of a direct service program for HT victims)

Alliece Cole (Expert in advocacy for child HT victims, nominated by Exec. Director of Children's Cabinet)

Michelle Johnson (adult survivors of HT, nominated by nonprofit organizations serving victims)

Amanda Brunson (Prevent Child Abuse La.)

Homer “Ted” Cox (Juvenile Justice and Delinquency Prevention Advisory Board)

Reshonn Saul (La. Families In Need of Services Association)

Retired Judge Kathleen Stewart Richey (La. Court Appointed Special Advocates for Children)

James R. Kelly (La. Association of Nonprofit Organizations)

Reshelle Marino, Ph.D. (La. School Counselors Association)

Casey Morace (La. Association of Children and Family Agencies)

Stacie Leblanc (La. Children's Advocacy Centers)

Rafael F. Salcedo, Ph.D. (licensed psychologist/La. State Board of Examiners of Psychologists)

Rafael F. de Castro (Foundation Against Sexual Assault)

Clayton Kleinpeter, MD, FAAP (La. Chapter of the American Academy of Pediatrics)

Message from Governor John Bel Edwards

Thank you for taking a moment to read this comprehensive annual report submitted by the Human Trafficking Prevention Commission. As governor of the great state of Louisiana, I want you to know that Donna and I are very passionate about the prevention of human trafficking as this modern day form of slavery is a serious problem across our state, nation and world. We have traveled to Rome to meet with church and government officials about working together on a global scale to end human trafficking and helped open Metanoia here at home to provide a safe place for trafficking victims to heal and recover. It is the fastest growing and second largest criminal industry in the United States and in Louisiana alone, over the last several years thousands of victims have been identified as either confirmed or prospective victims of sex or labor trafficking. If we want to be successful in our prevention efforts, we have to work together. Collaboration is the mindset that has helped Louisiana emerge as a global leader in the fight to end human trafficking.



In 2016, Shared Hope International ranked Louisiana #1 in the nation for its anti-trafficking laws. While I am proud of the progress that we have made, I am yet aware of the reality that Louisiana is home to one of the worst corridors for human trafficking in the country. That is why I signed into law bipartisan legislation creating the Human Trafficking Prevention Commission and Advisory Board. The Board has and will continue to work diligently to research and enact best practices of policies and programs, increase public awareness and other efforts statewide to prevent sex and labor trafficking among children and adults.

I want to thank the leadership and members of the Human Trafficking Prevention Commission and Human Trafficking Prevention Advisory Board for their efforts in 2018. I look forward to continuing to work with the Commission in 2019. Lastly, I want to thank all of our partners and citizens who are devoted in this fight to prevent human trafficking. Together we will make a difference.

Message from Dr. Dana Hunter, Louisiana Children's Cabinet, Executive Director



I'd like to begin with a heartfelt thank you for the work and service that you provide on behalf of our children and families. When called upon to collaborate, leverage resources, or to simply share your knowledge and feedback regarding vulnerable families or victims of human trafficking, you have consistently answered the call. The teamwork and spirit of partnership that has been displayed in every region of the state is greatly appreciated and will be instrumental in our fight to prevent human trafficking.

As Executive Director of the Children's Cabinet, I have served as the state lead in several statewide efforts to better understand existing strengths, gaps, and address human sex and labor trafficking. In doing so, I have observed firsthand the passion, concerns, and dedication of state and local leaders, law enforcement, and service providers. I am deeply honored to be a part of the important work of the Human Trafficking Prevention Commission and Advisory Board to identify best practices, policies, and programs to prevent this heinous crime. With the combined efforts of our state and local leaders, the Commission, and Advisory Board, I am extremely optimistic that we will see a drastic decrease in the number of child and adult victims of human trafficking in Louisiana.

I want to express my sincere thanks to the Chairs and member of both the Human Trafficking Prevention Commission and Human Trafficking Prevention Advisory Board for their tireless efforts over the last year. I also want to say thank you to the Commission and Advisory Board on behalf of the survivors and victims of human trafficking, as well as on behalf of those vulnerable individuals whose lives were spared and prevented from victimization because of your generosity and service to the state and community. In the words of Helen Keller, alone we can do so little, but together we can do so much. Let's continue to work together in our prevention and treatment efforts. God bless you and may God continue to bless the great state of Louisiana.

**Message from Commission Chair Judge Joy Cossich Lobrano,
La. Court of Appeal for the Fourth Circuit:**



Dedicated members of the Louisiana Human Trafficking Prevention Commission and Advisory Board undertook the complex and time-consuming task in 2018 of addressing human trafficking in Louisiana. The findings, recommendations, and work product throughout this report reflect the compassion, expertise, and passion of members of the Commission, Advisory Board, committees, and work groups, and others working with the statewide anti-trafficking movement in Louisiana. These individuals reflect a diverse group of experts and community leaders from multiple disciplines committed to restoring the lives of victims of human trafficking, to improving the state's response to human trafficking, and to developing effective early intervention initiatives to combat human trafficking before it occurs. The continued success of the Commission and Advisory Board depends on their commitment and expertise. I am grateful to each of them and look forward to further collaboration in 2019 as we continue to develop creative prevention strategies and sustainable long-term solutions.

**Message from Alliece Cole,
Chair of Advisory Board of Human Trafficking Prevention Commission**



The Louisiana Human Trafficking Prevention Commission and Advisory Board is a diverse team with a single purpose: Human trafficking prevention in Louisiana. This committed group of experts in the field developed an Anti-Human Trafficking Prevention Initiative to be implemented across the state of Louisiana. Each member's contribution was invaluable. We have collaborated to produce recommendations and implementation guidelines of best practices, legislation, and new programs for prevention. I am grateful for the time, effort, knowledge, and devotion that each member has contributed to this endeavor.

Section 1

Louisiana Human Trafficking Laws

The State of Louisiana has made the issue of HT a top priority, particularly when it comes to domestic minor sex trafficking. Originally enacted in 2005, Louisiana's HT statute is codified at La. R.S. 14:46.2. Mirroring federal law, Louisiana's HT statute makes it a criminal offense to "recruit, harbor, transport, provide, solicit, obtain or maintain the use of another person through force, fraud, or coercion to provide services or labor." The Louisiana Legislature has continued to strengthen our state's HT laws. Appendix A, entitled "Articles on Louisiana Human Trafficking Laws," provides a thorough overview of the HT laws in Louisiana.

Louisiana's dedication to strengthen its laws with respect to HT, commercial sexual exploitation, and sexual abuse is demonstrated by the state's continued progress in Shared Hope's Protected Innocence Project. Since 2011, Shared Hope has published an annual report under the Protected Innocence Challenge, designed to analyze the progress made to prevent sex trafficking within each of the United States. Each State, over the last seven years, receives an annual letter grade to quantify their progress towards eradication. In 2011, Louisiana received a C grade of 70 out of 100. After seven years of legislative enactments, policy initiatives and support for victims, Louisiana has raised its overall grade from a C, to an A, with a final score of 95.5. Appendix B, entitled – Shared Hope's Louisiana Assessment; See Appendix C – Shared Hope's ToolKit.

Section 2

2018 COMMITTEES

I. SEX AND LABOR TRAFFICKING OF MINORS

Primary and Secondary Levels of Prevention Committee

Committee Members

Committee Chair Judge Joy Cossich Lobrano
Judge, La. Court of Appeal for the Fourth Circuit

Amanda Brunson
Prevent Child Abuse La., Advisory Board

Julie Olsen
Community C.A.R.E. Center Early Intervention, 25th JDC Children & Youth Planning Bd.

Kelly DiMarco
La. Dept. of Education/Recovery School District/Regional Turnaround Support Manager

Dr. Laure Rousselle
PPSB Supervisor of Child Welfare and Attendance for Schools

Kara Van de Carr
Eden House, HT Prevention Initiatives

Carrie J. Dean
Calcasieu Office of Juvenile Justice Services

Retired Judge Kathleen Stewart Richey
La. Court Appointed Special Advocates for Children

Reshonn Saul
President of FINS Association, St. James Parish FINS Officer

Karen Hallstrom
Former Deputy Judicial Admin. for Children and Families, La. Supreme Court

Judge Candace Anderson
New Orleans Juvenile Court

Message from Committee Chair Judge Joy Cossich Lobrano
Sex and Labor Trafficking of Minors
Primary and Secondary Levels of Prevention Committee

Benjamin Franklin's axiom that "an ounce of prevention is worth a pound in cure" is as relevant today as it was when Franklin made the quote in 1736. Franklin coined this timeless phrase to remind the citizens of Philadelphia that the prevention of a catastrophic citywide fire was preferable to rebuilding a burned city from scratch. Certainly, all would agree that it is better to PREVENT human trafficking from occurring than to CURE its aftermath, consequences, and devastating, lifelong effects on a child and adolescent. Nonetheless, both prevention and cure must be adequately addressed until eradication of HT is accomplished. Thus, this committee focused only on the development of strategies to PREVENT human trafficking from ever occurring in a child's life whereas the other committees addressed restorative care issues to CURE the consequences of HT on the lives of HT victims and on society as a whole.

This committee's focus was on children and adolescents who exhibit risk factors for becoming HT victims. This HT vulnerable population has often experienced complex developmental trauma due to physical, emotional, or sexual abuse, neglect, or other traumatic events, including trauma associated with natural disasters and community violence and poverty. The committee's discussions focused on prevention strategies to identify this population, to properly intervene, and to enhance referrals, support, and treatment for these HT at-risk children and their families. Early trauma and stress can have a lasting effect on childhood development and cause inadequate coping behaviors, particularly when the trauma is chronic and there is a lack of intervention and nurturing. Individuals with these behaviors have difficulty in developing healthy relationships, and without intervention, their behaviors tend to continue and intensify into adolescence making this a particularly vulnerable population of youths for becoming not only HT victims but subject to other types of victimization and exploitation.

The committee focused not only on prevention strategies to strengthen individual resilience but also to build community resilience, through increased resources and coordination of stakeholders. The task became very challenging for the committee when addressing larger systemic societal problems that directly impact individual's HT vulnerability, such as poverty, violence, inadequate housing, employment, accessibility to community-based human services and resources and comprehensive healthcare, and the lack of early intervention initiatives prior to the HT trauma.

The committee and its healthcare sub-committee are composed of a diverse group of experts and community leaders from various disciplines, including education, judiciary, healthcare, and non-government organizations, and represent years of experience dealing with child welfare issues. I am extremely grateful to each of them and look forward to continuing our discussion on effective early intervention initiatives to combat HT before it occurs.

Committee Report Summary

This committee structured its research and findings around the primary and secondary levels of prevention as to HT of minors. The primary level addresses the services and initiatives that are directed to the general population. This primary level attempts to prevent the sex and labor trafficking of minors before it occurs by ensuring all members of the community have access to and may benefit from these services and activities. The secondary level addresses the services and initiatives that are directed to the minor populations that have one or more risk factors for becoming a sex and labor trafficking victim and to families, schools, communities, and demographics that have a high incidence of risk factors for sex and labor trafficking of minors.

The committee focused on the following HT vulnerabilities, which are risk factors for sex and labor trafficking, to develop early intervention strategies and initiatives to build individual and community resilience and to integrate protective factors to prevent HT of minors:

- **Societal Risk Factors**
 - Lack of awareness of commercial sexual exploitation and sex and labor trafficking
 - Sexualization of children
 - Perceived vulnerability of children especially undocumented children
 - Lack of resources
- **Community Risk Factors**
 - Peer Pressure
 - Social Norms
 - Gang Involvement and violence in community
 - High concentration of poverty
 - Under-resourced schools, neighborhoods, and communities
- **Relationship Risk Factors**
 - Family conflict, disruption, or dysfunction
 - Unhealthy partner relationships
- **Individual Risk Factors**
 - History of child abuse, neglect, or maltreatment
 - Homeless, runaway, or thrown-away
 - Truancy at school, drop-outs, or disengaged
 - Ungovernable at school
 - History of being systems-involved (e.g. juvenile justice, criminal justice, foster care, immigration)
 - Stigma and discrimination
 - Lack of adequate accessibility to healthcare, especially mental health

The committee recognized the importance of early intervention before the crime of HT of minors occurs because HT victims experience developmental, social, societal, and legal consequences that have both short and long term impacts on the child's health and well-being.

The Institute of Medicine and National Research Council 2013 Report ("IOMNRC Report") listed its findings of risk factors for HT of minors as follows:

- Child maltreatment, particularly sexual abuse, is strongly associated with sex trafficking of minors.
- Psychogenic factors such as poor self-esteem, chronic depression and external locus of control, in addition to low future orientation, may be risk factors for involvement in HT. This possible link is supported by the association between child maltreatment and these psychogenic factors.
- Off-schedule developmental phenomena such as early pubertal maturation, early sexual participation and early work initiation, have negative consequences for youth.
- While sex trafficking can affect youth across the board, some groups are at higher risk of recruitment, including those who lack stable housing because of being homeless, runaways or throw-aways.
- Substance abuse and use is a risk factor.
- The sexualization of children, particularly girls, in US society and the perception that involvement in sex after puberty is consensual contributes to trafficking of minors.
- Disability is a risk factor.
- Online and digital technologies are part of a complex social system that includes both risk factors (recruiting, grooming, and advertising victims) and protective factors (identifying, monitoring, and combatting perpetrators).
- Beyond child maltreatment, the experience of childhood adversity, such as growing up in a house with a family member with mental illness or substance abuse or having an incarcerated parent, may increase the risk for involvement in sex trafficking.
- Peer pressure and modeling can influence a youth's entry into trafficking.
- The neighborhood context – such as community norms about sexual behavior and what constitutes consent and coercion, and whether the community is characterized by poverty, crime, adult prostitution and high number of transient males – can increase risk for involvement in trafficking.

Barriers exist as to the identification of at-risk children and as to the implementation of protective factors and protocols to stop trafficking before it happens. The lack of evidence-based HT early intervention models and the difficulty in the collection of prevention data hinder the development of early intervention programs. The committee continues to research into the most efficient early intervention programs to combat HT before it occurs. These early intervention programs should be evidence-based and evaluated for their effectiveness.

The committee recommends the identification of an evidence-based model of care to be used to recognize at-risk children and adolescents and their families, and to develop a statewide protocol to assist this at-risk population in the development of identification tools, protocols for the enhancement of interagency coordination, models of care to develop skills and resilience, and early intervention programs at the individual, community and societal levels. Additional research is needed to evaluate these early intervention approaches for their efficacy in preventing HT. Another barrier is the limited funding available to develop, provide, and evaluate early intervention programs and initiatives.

The committee also recommends the integration of services for at risk children, adolescents, and families. These at-risk populations have multiple needs and points of entry that cut across a number of different disciplines. The development of multi-agency centers to offer

multidisciplinary services, coordination of agencies and services, and assessment and management of care is necessary. The development of pre-trauma, early intervention service centers to offer integration of services utilizing the juvenile justice system, school systems, and healthcare is essential.

Healthcare integration with schools and the juvenile justice system is vital because these at risk populations are associated with several public health issues of concern to local communities, including domestic violence, child abuse and neglect, HIV and other sexually transmitted infections, unwanted pregnancies, basic unmet primary preventive healthcare needs among adolescents (e.g. immunizations, TB screening), drug and alcohol abuse and addiction, and numerous other often unmet medical and mental health needs, as set forth in the IOMNRC Report. Thus, the development of a public health model of care to focus community efforts on (1) early primary prevention such as education on healthy relationships for the younger adolescent population and (2) secondary prevention to identify those at higher risk for HT and referral to local services is necessary. Telehealth and telemedicine can be useful to deliver care to at risk children in rural, underserved areas, especially the delivery of psychiatric services. Juvenile justice system integration through Family in Need of Services (“FINS”) with healthcare and schools is necessary to ensure the participation of these at risk populations in restorative care treatment and resilience building, especially parents’ restorative care participation. Importantly, schools are the primary referral source for FINS. The FINS officers’ referrals to medical professionals, local nongovernmental organizations and agencies are vital to overcome any barriers to a comprehensive response to the delivery of services to at-risk children, adolescents and families.

The committee also recommends designating committee member(s) to participate in the Louisiana Children’s Cabinet Advisory Board and the Louisiana Children and Youth Planning Boards. The committee also adopts the 2018 recommendations of the Louisiana Children’s Cabinet Advisory Board, especially the recommendations of the Sub-committee “Older Foster Care Youth and Youth Aging Out of Care” to fully fund the implementation of Act 649 of the 2018 Regular Session maintaining foster care for children turning 18 under certain circumstances, including funding to La. DCFS to sufficiently establish and maintain specialized case managers for children aging out of foster care and funding for normalcy activities for older youths to prepare for the transition out of foster care. Recommendations by the Cabinet’s “Early Childhood Mental Health/Early Childhood Experiences and “Childhood Hunger” are also adopted.

The committee recognizes the importance of focusing upon and addressing the root causes of poverty in Louisiana as a prevention measure to eradicating HT of minors. Poverty is pervasive in Louisiana. 19.8% of our population is considered impoverished, which is well above the national average of just over 13%. With the Poverty Threshold established at an annual income level of \$22,314 (or below) for a family of four, nearly one out of every five Louisiana citizens finds themselves impoverished.

II. SEX AND LABOR TRAFFICKING OF MINORS

Tertiary Level of Prevention Committee

Committee Members

Co-Chair Stacie Leblanc

Advisory Board, Dir. of N.O. Children's Advocacy Center & Audrey Hepburn Care Center

Co-Chair Kate Shipley

Interim Dir., La. Alliance of Children's Advocacy Centers & Liaison (Anti-Trafficking Initiative)

La. DCFS Secretary Marketa Garner Walters

Commission Member

Dr. James Bueche

Commission Member, Deputy Secretary of the Office of Juvenile Justice Services

Richard Pittman

Commission, La. Public Defender Board

Clay Walker

Caddo Parish Director of Juvenile Services

Laurie McGehee

Probation Department Manager-Caddo Parish Juvenile Services

Storm Ehlers

Orleans Parish Juvenile Court

Christine Raino

Shared Hope International

Samantha Sahl

RISE Program Coordinator at Orleans Parish Juvenile Court

Message from Co-Chairs Stacie Leblanc and Kate Shipley Sex Trafficking of Minors - Tertiary Level of Prevention Committee

In the past several years, there has been great progress in raising awareness around juvenile sex trafficking in Louisiana and increasing capacity for the residents of our state to recognize the signs of this human rights violation. There has been a critical shift in recognizing that youth are victims and not criminals and an emphasis placed on multi-disciplinary operations and trauma-informed care and training. However, while the number of identified victims has been on the rise, the lack of resources, funding, and specialized services and therapeutic foster homes readily available that are needed to prevent re-victimization has become abundantly clear. While in Louisiana there are strong laws to protect juvenile victims and hold offenders accountable, there is insufficient funding and inadequate training in place to maximize their effectiveness. In this report, we have provided findings and recommendations to address numerous gaps and challenges. As our state is in the early stages of structuring its response to trafficked youth, we seek to elevate the discussion around the most critical services and funding needs to create a coordinated system of care in Louisiana. We seek to expand upon the existing foundation created by Children's Advocacy Centers across Louisiana for the multi-disciplinary team response for victims of child maltreatment. Establishing this coordinated system of care as has been done in other states will better engage victims of trafficking and be able to better address their needs in a trauma-informed way to prevent recidivism.

Committee Report Summary

This committee structured its findings and recommendations around the tertiary level of prevention as to sex trafficking of minors. The tertiary level of prevention involves the identification of trafficked youth and the intervention to prevent re-victimization.

Currently, the State of Louisiana lacks a coordinated system of care with capacity to adequately respond to trafficked children. There are severe discrepancies within legislative and agency policies, as well as gaps in specialized services needed for this population. The Louisiana Children's Code lists HT as a ground for Child in Need of Care ("CINC") regardless of parental culpability; however, this conflict with language in the Children's Code that dictates Department of Children and Families ("DCFS") policy to only serve youth victims of abuse or neglect when there is parental culpability. This critical gap leaves a high number of children excluded from a system response because DCFS is unable to provide services due to discrepancies in law, limited funding, and capacity issues. In order for this discrepancy to be corrected, DCFS funding and capacity must be substantially increased prior to an expectation to provide services to all juvenile victims of trafficking in addition to updates to the law to allow DCFS to serve this population of victims with no parental culpability. Laws must be updated to reflect this as a purpose and function of DCFS and to create a separate office within DCFS to serve this additional population in a voluntary manner upon appropriate funding to do so.

Currently DCFS is facing continued challenges regarding staffing and high caseloads. The number of children served by the Department is rising, with no additional case workers

added to compensate for the increased caseloads. Increased capacity for DCFS should include specialized case managers and staff to create a new program within the Department and provide services to victims and families; necessary updates to the hotline to handle increased call volume; necessary updates to systems to capture the new population; and law and policy changes to account for the new population served; funding to train staff; funding to recruit, train, and sustain specialized therapeutic foster homes to care for trafficked and traumatized youth; and the funding necessary to obtain specialized adequate therapeutic services like Trauma Focused Cognitive Behavioral Therapy for this population. This committee strongly suggests that prior to this shift, there must also be substantial focus and work towards creating and funding more specialized placements and services so that victims can receive appropriate treatment while in care. In addition to the need for specialized placements for children in foster care, there is a desperate need for the creation of specialized emergency shelter assessment facilities and specialized respite care for youth who are not in foster care and remain in the legal custody of their parents. Feeling safe and supported in stable housing is an essential precursor to youth healing and recovery from trauma.

In addition, in order to improve state capacity to identify and respond to trafficked youth, this committee recommends a coordinated statewide system of care including regional points of contact that can be housed at and work in conjunction with local Child Advocacy Centers (“CAC”), Multi-Disciplinary Teams (“MDT”) and local Rapid Response Teams to provide immediate support to law enforcement and DCFS, as well as ongoing victim advocacy to youth. This coordinated system must start at the point of identification by state laws and policies that mandate standardized training for community members and professionals who could be points of intercept for identifying trafficked youth. For youth who are identified, the state currently faces an extreme shortage of evidence-based interventions and mentorship programs to serve youth. This committee recommends coordinated efforts to disseminate and implement evidence-based mental health services and specialized mentorship programs throughout the state. Throughout all interventions and planning, this committee strongly recommends systematic efforts to include youth voice and empowerment, involve and support non-offending caregivers, and enhance efforts to better serve male and LGBTQ victims.

III. SEX TRAFFICKING OF ADULTS PREVENTION COMMITTEE

Committee Members

Chair Susanne B. Dietzel, Ph.D.

Advisory Board, Executive Director of Eden House

Natalie LaBorde

Commission Member, La. Dept. of Public Safety and Corrections

Michelle Johnson

Advisory Board, HP Serve

Angela White-Bazile

Executive Counsel to La. Supreme Court Chief Justice Bernette Johnson

Kelly Dore

National Human Trafficking Survivor Coalition

Message from Chair Susanne B. Dietzel, Ph.D.

Sex trafficking of adults is prevalent throughout the State of Louisiana, but the problem is often overlooked and misidentified, and resources for victims remain hard to come by. Adults who are victims of human and sex trafficking have few resources available to them, and are forced back onto the streets and into trafficking. They are still misidentified as prostitutes and more regularly arrested and incarcerated rather than being referred to social service agencies that can provide them with the resources they need to recover from the compound and repeated trauma that the majority of them have experienced. Members of the commission listened closely to the voices of survivors and social service stakeholders to make recommendations that will assist in the identification and referral of victims, provide additional residential facilities or recovery assistance, offer trauma-informed training for law enforcement and counselors, and institute prevention and general education programs throughout the state.

Committee Report Summary

This committee structured its research and findings on the primary, secondary and tertiary levels of prevention. The primary level addresses services and initiatives that are directed at the general population and attempts to prevent sex trafficking of adults before it occurs whereby all members of the community have access to and may benefit from these services. The secondary level addresses the services and initiatives that are directed to the adult populations that have one or more risk factor for becoming a sex trafficking victim and to families, schools, communities, and demographics that have a high incidence of risk factors for sex trafficking of adults. The tertiary level involves addressing the services and initiatives that are focused on populations who have been trafficked and seek to reduce the negative consequences and prevent its recurrence.

IV. LABOR TRAFICKING OF ADULTS PREVENTION COMMITTEE

Committee Members

Co-Chair Leanne McCallum

Greater New Orleans Human Trafficking Task Force Coordinator

Co-Chair Senior Trooper Lisa P. Quijano

Commission, Special Victims Unit assigned to HT, La. State Police

Bob Wertz

Commission, La. Commission on Law Enforcement

Tyler Bosworth

La. Alliance of Children's Advocacy Centers Executive Director

Mary Ann Granger

Senior Special Agent, U.S. Dept. of Homeland Security

Steven Farber

Deputy Director of Admin./General Counsel at Metropolitan Human Services Dist.

Message from Co-chairs Leanne McCallum and Senior Trooper Lisa Powell-Quijano

Labor trafficking is often described as a hidden crime. It can happen in isolated places- fields and boats far away from major cities, in the back rooms of suburban homes, in the kitchens of downtown restaurants. Yet sometimes we simply do not notice victims because we are unsure what to look for- we do not realize that they are hidden in plain sight. The youth peddling trinkets and tap dancing on the streets of New Orleans, the woman busily working in the front room of the nail salon in Shreveport, the day laborer working on residential construction in Baton Rouge, and the young man desperately trying to sell magazines at a door in Houma may never catch our attention for what they really are: victims of an egregious crime.

The Labor Trafficking Committee applauds the Human Trafficking Prevention Commission and Advisory Board for including labor trafficking in its purview. This committee is an excellent starting point for the state to continue its role as a national leader in the fight against all forms of HT - including forced labor, involuntary servitude, and debt bondage. Collaboration is the key to addressing the complex crime of HT. Together, we can broaden our state's understanding of labor trafficking to prevent it from happening here in Louisiana.

Committee Report Summary and Labor Trafficking Overview

This committee structured their research and findings on the primary, secondary, tertiary levels of prevention as to Labor Trafficking. The primary level addressed the services and initiatives that are directed at the general population and attempts to prevent labor trafficking before it occurs whereby all members of the community have access to and may benefit from these services. Labor trafficking is when a victim is compelled by a trafficker via force, fraud or coercion for the purposes of providing labor services. At the federal level, the Trafficking Victims Protection Act (TVPA) defines several subsets of labor trafficking. *Labor trafficking* falls under the definition of ‘*severe forms of human trafficking*’ which is “the recruitment, harboring, transportation, 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.”¹ *Debt bondage* is defined as “the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.” *Involuntary servitude* is defined as a condition of servitude “induced by means of (A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or (B) the abuse or threatened abuse of the legal process.” The statute prohibits “compelling a person to work against his/her will by creating a climate of fear” through the use of force, the threat of force, or the threat of legal coercion which is sufficient to compel service against a person’s will.”²

In Louisiana, labor trafficking is covered under the HT statute La. R.S. 14:46.2.³ As a subset of HT, it defines debt bondage as “inducing an individual to provide any of the following: (A) Commercial sexual activity in payment toward or satisfaction of a real or purported debt. (B) Labor or services in payment toward or satisfaction of a real or purported debt if either of the following occurs: (I) the reasonable value of the labor or services provided is not applied toward the liquidation of the debt. (II) The length of the labor or services is not limited and the nature of the labor or services is not defined.”⁴ Forced child labor and child labor trafficking is also covered in the children’s code and falls under the purview of child abuse.

The secondary level focuses on the services and initiatives that are directed to the populations that have one or more risk factor for becoming a labor trafficking victim and to communities and neighborhoods that have a high incidence of risk factors for labor trafficking. The tertiary level addresses the services and initiatives that are focused on populations who have been trafficked and seek to reduce the negative consequences and prevent its recurrence. Limited

¹ *Victims of Trafficking and Violence Protection Act of 2000*, H.R. 3244 Public Law 106-386, Oct. 28 2000. <https://state.gov/jtip/laws/>

² Department of Justice Civil Rights Division, “Involuntary Servitude, Forced Labor, and Sex Trafficking Statutes Enforced,” <https://www.justice.gov/crt/involuntary-servitude-forced-labor-and-sex-trafficking-statutes-enforced>. See also *U.S. v. Calimlim*, 538 F.3d 706, 713 (7th Cir. 2008) (threat of deportation is abuse of legal process).

³ Human Trafficking, LA RS 14:46.2 (2017). <http://legis.la.gov/legis/law.aspx?d=320889>

⁴ Human Trafficking, LA RS 14:46.2 (2017). <http://legis.la.gov/legis/law.aspx?d=320889>

resources are available for victims of trafficking seeking services and or seeking support through the criminal justice system.

In Louisiana, labor trafficking is less known or understood than sex trafficking, despite the fact that statistics suggest 74% of global trafficking is for labor services.⁵ Labor trafficking can happen anywhere that jobs and work happen. This can include informal labor such as criminal activities, begging, or panhandling. No comprehensive studies have been completed in Louisiana to try to identify the scope or prevalence of labor trafficking in the state, so it is unclear what the scope of the problem may be. However, there is ample evidence that labor trafficking is occurring. From 2013-2017 the National Human Trafficking Hotline received calls for a total of 88 cases involving 110 victims of labor trafficking in Louisiana (*see Table 1*).⁶

TABLE 1: LABOR TRAFFICKING CALLS/TEXTS FROM LOUISIANA TO NATIONAL HOTLINE		
<i>Year</i>	<i>Total # of labor trafficking cases</i>	<i>Total # of labor trafficking victims identified</i>
2013	28	19
2014	14	12
2015	9	12
2016	22	40
2017	15	27
Total	88	110

SOURCE: Polaris⁷

According to the 2018 Louisiana Department of Children and Family Services (DCFS) Human Trafficking Report, in 2017 service providers reported serving 9 victims of labor trafficking and 29 victims who experienced both sex and labor trafficking.⁸ Between January 1st and June 30th, 2018 the Greater New Orleans Human Trafficking Task Force’s funded service providers served 14 labor trafficking victims and 28 victims of both sex and labor trafficking.⁹ We believe that labor trafficking is under-reported and that these numbers do not represent the extent to which labor trafficking occurs in our state due to a variety of barriers to identification on the part of victims, providers, and system issues. Trafficking victims may not come forward because of fear of harm, stigma or shame, unfamiliarity with the system, distrust of authority figures, and prior negative experiences when attempting to disclose. Providers may lack training or awareness about labor trafficking, lack screening tools to identify labor trafficking, and have high workloads that limit their ability to provide individualized services. Particularly for foreign nationals, barriers also include: language limitations, lack of cultural competency and awareness,

⁵ “IOM 2015 Counter-Trafficking Statistics”, International Organization on Migration, June 14, 2016. <https://www.iom.int/infographics/iom-2015-counter-trafficking-statistics>

⁶ Polaris: National Human Trafficking Hotline & Polaris BeFree Textline combined data. Louisiana Labor Trafficking Cases from Jan 1 2013- Dec 31, 2017. Data accessed July 5, 2018.

⁷ Polaris: National Human Trafficking Hotline & Polaris BeFree Textline data.

⁸ “2018 Human Trafficking Report”, Louisiana Department of Children and Family Services. <http://dcfs.louisiana.gov/assets/docs/searchable/Child%20Welfare/PlansReports/Human%20Trafficking%20Report%202018.pdf>

⁹ Greater New Orleans Human Trafficking Task Force, Accessed Nov. 8 2018. <http://www.nolattrafficking.org/about/>

and victim fears of deportation. System barriers include a lack of specialized services for labor trafficking victims, as well as system wide lack of knowledge about labor trafficking.

There is strong evidence that the State of Louisiana may have a relatively high rate of labor trafficking because the citizens of our state are disproportionately at risk. Risk factors and vulnerabilities that make a person more likely to experience labor trafficking include: compromised legal status, limited English proficiency, mental health issues, unemployment, physical or developmental disabilities, homelessness, LGBTQ identity,¹⁰ youth, substance abuse disorders, incarceration or history of incarceration, and underserved populations. Poverty remains a leading vulnerability for labor trafficking. In 2016 Louisiana ranked 50th out of 51 (this includes the 50 states plus Washington D.C.) for overall poverty levels, with 20.2% of the state's population- more than 915,000 people- falling below the poverty line.¹¹ Louisiana also ranked 50th in hunger and food security, with 18.3% of the population food insecure.¹² Louisiana also had one of the highest unemployment rates in the US, ranked 49th with 6.1% unemployment.¹³ These poverty factors lead to vulnerability in the labor market, where impoverished people are at a higher risk to be coerced or tricked into dangerous labor or human trafficking. Homeless and LGBTQ youth are highly vulnerable to HT, as highlighted by the reports from the Modern Slavery Research Project at Loyola University's study on homeless youth at Covenant House New Orleans.¹⁴ In 2014 Louisiana ranked 35th in the country for the extent of children experiencing homelessness, and 47th overall for risk of child homelessness.¹⁵ In 2015 Louisiana had the 3rd highest rate of disconnected youth-meaning youth ages 18-24 without high school degrees who were neither in school nor working.¹⁶ Other vulnerable populations include individuals involved in the child welfare and the adult protective system. Foreign nationals are at high risk for labor trafficking for a variety of reasons. Additionally, unaccompanied foreign national minors, also known as unaccompanied alien children (UAC), are highly vulnerable to trafficking.

Labor trafficking can often happen in informal, unregulated work. Informal labor is part of the "grey economy," which is any work that does not contribute to a country's gross domestic product or gross national product. This type of work can also be known as "under the table", "off the books", or "working for cash". Most regulatory agencies are therefore unable to hold these employers or traffickers accountable for exploitative labor or dangerous labor practices. Informal labor can include criminal activity, panhandling, begging, and commission-based sales. Formal, regulated employment may be inaccessible to some people due to limitations such as: criminal records, lack of legal status, and physical or mental disabilities. Both U.S. citizens and foreign

¹⁰ Definition- *LGBTQ*: lesbian, gay, bi-sexual, transgender, and queer

¹¹ "Louisiana 2017 Report", Talk Poverty Project, Center for American Progress, 2017. <https://talkpoverty.org/state-year-report/louisiana-2017-report/>

¹² "Louisiana 2017 Report", Talk Poverty Project, Center for American Progress, 2017.

¹³ "Louisiana 2017 Report", Talk Poverty Project, Center for American Progress, 2017.

¹⁴ Laura T. Murphy, Rae Taylor, and Christian L. Bolden, "[Trafficking and Exploitative Labor among Homeless Youth in New Orleans](#)," Modern Slavery Research Project and Loyola University New Orleans, March 2015.

¹⁵ "America's Youngest Outcasts: A Report Card on Child Homelessness", American Institutes for Research, National Center on Family Homelessness, November 2014. 41. <https://www.air.org/sites/default/files/downloads/report/Americas-Youngest-Outcasts-Child-Homelessness-Nov2014.pdf>

¹⁶ "Louisiana 2017 Report", Talk Poverty Project, Center for American Progress, 2017.

nationals can be vulnerable to this form of labor exploitation. Louisiana’s high unemployment rate- ranked a dismal 49th in the country at 6.1%,¹⁷ may also be a contributing factor to (or a result of) the presence of informal labor. Within informal work relationships, traffickers may exploit a person’s lack of worker protection or lack of accountability options. Within these informal work relationships, victims may also feel they cannot leave because of fear of criminalization by law enforcement and providers. Many community members are unaware that they are considered victims of a crime, even if they were engaged in informal or illegal work. One example of trafficking in informal labor is youth who are forced to engage in criminal activities.¹⁸ According to a study conducted by the Modern Slavery Research Project, 80% of the homeless youth studied who had experienced labor trafficking were victims of forced drug trafficking.¹⁹

Louisiana is also the site of many of the highest risk industries for labor trafficking. High risk industries for labor trafficking include: service and restaurant industry, agriculture, aquaculture, processing plants, construction, factory production, seafood and seafood processing, domestic service, commission based sales, and criminal activity. According to the National Human Trafficking Hotline (NHTH), the top venues and industries for labor trafficking in Louisiana in 2018 were: traveling sales crews, aquafarming, construction, housekeeping/cleaning services, and agriculture.²⁰ NHTH data combined with the Polaris BeFree Textline showed 5 distinct industries in Louisiana as top labor trafficking types (*see Table 2*).

TABLE 2: Top 5 Labor Trafficking Types in Louisiana, 2013-2017	
Industry/ Trafficking Type	Total # of Cases
Agriculture & Animal Husbandry	18
Traveling Sales Crews	9
Domestic Work	6
Restaurant & Food Services	5
Construction	4

SOURCE: Polaris²¹

The Polaris Typology of Trafficking Report identified 25 key industries where trafficking is occurring nationally, with 20 of those industries including labor trafficking vulnerabilities: illicit massage parlors and health, domestic work, bars strip clubs and cantinas, traveling sales crews, agriculture and animal husbandry, health and beauty services, construction, hotels and hospitality, landscaping, illicit activities, arts and entertainment, commercial cleaning services, factories and manufacturing, carnivals, forestry and logging, healthcare, and recreational facilities.²²

¹⁷ “Louisiana 2017 Report,” Talk Poverty Project, Center for American Progress, 2017.

¹⁸ Rizen, Christina M. *Are Juvenile Gang Members Victims of Labor Trafficking?*, Children’s Legal Rights Journal, 35.2 (2015) 163. <http://lawcommons.luc.edu/clrj/vol35/iss2/4>

¹⁹ Murphy, Laura T. “Labor And Sex Trafficking Among Homeless Youth: A Ten-City Study,” 2017.

²⁰ “Louisiana,” National Human Trafficking Hotline. Accessed Nov. 8 2018. <https://humantraffickinghotline.org/state/louisiana>

²¹ Polaris: National Human Trafficking Hotline & Polaris BeFree Textline combined data.

²² “The Typology of Modern Slavery,” Polaris, March 2017. <https://polarisproject.org/sites/default/files/Polaris-Typology-of-Modern-Slavery.pdf>

Foreign nationals on temporary work visas are particularly vulnerable as a result of the current guest worker visa system. Many work visas tie laborers to one employer, meaning that if they are in an exploitative or harmful work environment they risk losing their lawful status if they report conditions to government officials.²³ These guestworkers rely on their employers to sponsor them for work visas year-after-year and they additionally fear that speaking out or reporting on workplace conditions will cause their employer to blacklist them, where all employers in the industry refuse to hire a worker so they have no access to come to the United States for seasonal work.²⁴ The existence of ‘blacklists’ has also been a barrier to reporting exploitation, because the blacklist can become a tool of control. Being placed on a blacklist bars a worker from being employed by their current employer again, and potentially could block them from receiving a work visa in the future. It’s noteworthy that the NHTH report identified that nearly 1 in 5 visa holders who experienced economic control by their trafficker were threatened with being put on the blacklist.²⁵ Between 2015 and 2017, the NHTH identified 797 foreign national victims of HT in the United States who held visas while being trafficked- 96.74% of whom were labor trafficking victims.²⁶ Of these victims identified through NHTH calls, the vast majority held either H-2A or H-2B visas. Louisiana relies heavily on H-1B, H-2A, and H-2B programs to fill vacant jobs in seasonal roles (*see Table 3*).

TABLE 3: Temporary Migrant Worker Visas in Louisiana							
Visa category	Total applications processed	Total applications certified	Total position requested	Total positions certified	Percent total certified applications (nationally)	Percent total certified positions (nationally)	State rank for total certified positions
H-1B	2,137	1,898	2,930	2,674	.33%	.22%	--
H-2A	799	781	8,673	8,391	7.89%	5.94%	5
H-2B	263	222	5,552	4,434	3.74%	3.72%	4
Permanent Status	388	332	315	322	.029%	.029%	--

SOURCE: Office of Foreign Labor Certification, 2016

In 2016, Louisiana was the state with the 5th highest number of H-2A (seasonal agricultural) visas issued in the United States, and in 2017 it was the state with the 4th highest number of H-2B (seasonal non-agricultural) visas.²⁷ According to the Office of Foreign Labor Certification, in 2016 Louisiana employers used H-2A labor for sugarcane, crawfish, sweet potatoes, nursery and greenhouse workers, and rice, among other agricultural products- with sugarcane and crawfish as the top products produced through H-2A visa programs (*see Table*

²³ See generally *Leveling the Playing Field: Reforming the H-2B Program to Protect Guestworkers and U.S. Workers*, <http://www.guestworkeralliance.org/wp-content/uploads/2012/06/Leveling-the-Playing-Field-final.pdf> (discussing barriers to guestworkers reporting to government officials).

²⁴ Stole, Bryn. *Growing Demand for Foreign Guest Workers and Cap on Visas Has Landscapers and Seafood Processors Fretting About Labor*, The Advocate (Sept. 10, 2018) (discussing working conditions of guestworkers and fear of reporting because of the blacklist), https://www.theadvocate.com/article_9117e718-b2e2-11e8-918c-dbaf0290bb3b.html.

²⁵ Polaris, “Human Trafficking on Temporary Work Visas: A Data Analysis 2015-2017”. <https://polarisproject.org/human-trafficking-temporary-work-visas-data-analysis-2015-2017>

²⁶ Polaris, “Human Trafficking on Temporary Work Visas”

²⁷ Office of Foreign Labor Certification, “Annual Report”, 71. https://www.foreignlaborcert.doleta.gov/pdf/OFLC_Annual_Report_FY2016.pdf

4).²⁸ In Louisiana, the top H-2B visa programs in 2016 included: landscaping and groundskeeping, meat poultry and fish cutters, hand packers and packagers, laborers and freight stock movers, and fishers and related fishing workers (*see Table 5*).²⁹

TABLE 4: Top H-2A Industries in Louisiana		
Industry	visa positions certified	Percent of total certified positions in Louisiana (of 8,301 certified positions)
Sugarcane	2,954	35.58%
Crawfish	1,436	17.29%
Sweet Potatoes	1,033	12.44%
Nursery/ Greenhouse	490	5.9%
Rice	428	5.15%
All other industries	1,960	23.61%

SOURCE: Office of Foreign Labor Certification, 2016

TABLE 5: Top H-2B Industries in Louisiana		
Industry	visa positions certified	Percent of total certified positions in Louisiana (of 4,434 certified positions)
Landscaping/groundskeeping	1,416	31.93%
Meat, poultry, fish cutters	662	14.93%
Hand packers and packagers	370	8.34%
Laborers/ freight stock movers	315	7.1%
Fishers and related fishing workers	303	6.83%
All other industries	1,368	30.85%

SOURCE: Office of Foreign Labor Certification, 2016

Advocates working with foreign national populations in Louisiana have confirmed that there are many guestworkers and undocumented people who have experienced trafficking by their employers. Major cases involving guest workers exploited in Louisiana include the C.J.'s Seafood Company case, the Signal International Case, and East Baton Rouge Public School System case.³⁰ According to the NHTH report, the most common forms of control traffickers used to maintain these visa holders were through economics, threats, fraud/misrepresentation of job, excessive work hours, and emotional abuse.³¹ 74.8% reported that their employer used economic control such as non-payment or withholding wages, and 71.3% reported threats as a means of control.³² Of those who experienced threats, 83% were threatened with deportation or report to immigration authorities. Community organizations working with foreign national populations have stated that the political climate of 2018, which includes a pervasive discourse surrounding immigration control, deportation, and anti-immigrant sentiments, has exacerbated existing fears of these communities. Reports show that the nationwide crackdown in immigration enforcement has caused widespread fear of any contact with government officials because of

²⁸Office of Foreign Labor Certification, "Annual Report"

²⁹Office of Foreign Labor Certification, "Annual Report"

³⁰ "Labor Trafficking". Greater New Orleans Human Trafficking Task Force, retrieved Nov 8 2011. <http://www.nolattrafficking.org/labor-trafficking/>

³¹ Polaris, "Human Trafficking on Temporary Work Visas"

³²Polaris, "Human Trafficking on Temporary Work Visas"

perceived collaboration with immigration enforcement officials and the threat of deportation.³³ This means that workers are increasingly isolated and deeply distrustful of law enforcement, especially those agencies that participate in immigration raids. Traffickers are emboldened and can take advantage of immigrants' feelings of vulnerabilities, knowing that immigrants feel they have nowhere to turn for help when they have been threatened with deportation and coerced to work. According to the Polaris report,

"Deportation is the most pervasive and effective threat traffickers use against victims who hold temporary work visas. This threat, which exists to some extent in all trafficking situations involving foreign nationals, becomes a precision weapon in the hands of traffickers controlling temporary work visas tied to a single employer. With a tied visa, a worker daring to leave an abusive situation is automatically, upon exiting, unprotected by legal immigration status and subject to deportation."³⁴

All of these factors mean that Louisiana may have a large number of at-risk or trafficked guestworkers who are underserved and fearful of coming forward to report their exploitation.

Louisiana is a state that is vulnerable to natural disasters such as flooding and hurricanes. In post-disaster contexts, trafficking can occur rampantly because of the demand for cheap labor and the limited capacity of regulatory agencies. Additionally, major disasters can be grounds for suspension of key labor protections such as the Davis-Beacon Act, which requires all federal contracts pay the prevailing local wages to workers in the construction industry. For example, after Hurricane Katrina hit Louisiana in 2005, labor exploitation was rampant because many communities either did not know their rights, or did not feel that they had alternatives to the exploitative labor conditions.³⁵ The Department of Labor also temporarily suspended health and job safety standards for workers doing disaster related rebuilding and affirmative action requirements for federal contracts to rebuild after the storm.³⁶ According to journalist Stephanie Hepburn, at least 3,750 people were identified as potential victims of trafficking across the Gulf Coast in the years after Hurricane Katrina.³⁷ One of the most famous labor trafficking cases in American history is the Signal International case, in which Indian workers were brought in through a guest worker visa program to repair oil rigs damaged by Hurricane Katrina and subsequently experienced labor trafficking for welding repair work.³⁸

³³ Dart, Tom. "Fearing Deportation, Undocumented Immigrants Wary of Reporting Crimes", Guardian (March 23, 2017), <https://www.theguardian.com/us-news/2017/mar/23/undocumented-immigrants-wary-report-crimes-deportation>; see also "Freezing out Justice: How Immigration Arrests at Courthouses Are Undermining the Justice System" (2018), <https://www.aclu.org/report/freezing-out-justice>.

³⁴ Polaris, "Human Trafficking on Temporary Work Visas"

³⁵ "And Injustice for All: Workers' Lives in the Reconstruction of New Orleans" (2010) (cataloging labor exploitation in the aftermath of Hurricane Katrina), <http://nowcrj.org/wp-content/uploads/2010/03/and-injustice-for-all.pdf>

³⁶ Murphy, Laura T.; Ea, Brian. "The Louisiana Human Trafficking Report," Modern Slavery Research Project at Loyola University of New Orleans, 2014.

³⁷ Hepburn, Stephanie. "Aftermath of Hurricanes Katrina and Rita: Labor Exploitation and Human Trafficking of Mexican Nationals to the Gulf Coast," in *Borderline Slavery: Mexico, United States, and the Human Trade*. Eds. Susan Tiano, and Moira Murphy-Aguilar (Burlington, VT: Ashgate Publish Company, 2012), 200.

³⁸ Speri, Alice. "Indian Guest Workers Awarded \$14 Million in Post-Katrina Trafficking Case," Vice News, Feb. 19, 2015. https://news.vice.com/en_us/article/bjaqwv/indian-workers-awarded-14m-in-post-hurricane-katrina-trafficking-case

Despite the significant risk factors in Louisiana for labor trafficking, there are no statistics on the exact number of people experiencing labor trafficking. There is no systematic records management system in place for law enforcement to keep statistics on trafficking identification across the state. Though DCFS does collect information on service provision to trafficking victims statewide, contribution to the report is voluntary and therefore not exhaustive of all victims identified and served across the state. As a result, this report relies heavily on local regional data and on national reports to create an estimation of trafficking in the state.

To date, no studies have been done to systematically identify labor trafficking prevalence or response in Louisiana, so the extent of resources used to combat labor trafficking are unknown. Overall, advocates indicate that few local and state level law enforcement agencies have the training and capacity to conduct proactive labor trafficking investigations. Local agencies have relied on the expertise and experience of federal law enforcement agencies to conduct labor trafficking investigations, particularly when the cases involve foreign nationals. Federal law enforcement agencies such as Homeland Security Investigations (HSI) and the Federal Bureau of Investigation (FBI) have been lead partners to provide assistance and resources to conduct labor trafficking investigations and rescue labor trafficking victims.

When these cases are investigated by law enforcement, labor trafficking victims are able to access support through law enforcement agencies. Some federal law enforcement agencies such as FBI and HSI have dedicated Victim Assistance Specialists to provide case management to victims of HT who are cooperating with law enforcement or who are recovered during an investigation. For victims who are foreign nationals, these agencies are able to assist by requesting Continued Presence (CP) on behalf of the victim, and also can assist in the application for other forms of immigration relief. CP is a law enforcement certified status that allows potential victims of trafficking to stay in the U.S. and work during an investigation. Nationally, anti-trafficking experts have called for increasingly victim-centered investigation practices for HT investigations.³⁹

Additionally, national law enforcement experts suggest collaborative investigations that include civil enforcement partners in the context of labor trafficking investigations. According to the OVC, “Local, state, and federal civil enforcement agencies may encounter HT cases that have not yet been identified by law enforcement or victim service providers. Such enforcement agencies also may detect trafficking during investigations of other crimes or regulation violations. Civil agencies work together with criminal enforcement agencies, providing their expertise and knowledge of employment and labor laws to investigate labor violations related to the trafficking situation and to calculate restitution more accurately.”⁴⁰ In Louisiana, partnerships to address HT with regulatory agencies to date have included: DOL, EEOC, and Louisiana Department of Revenue (LDR). DOL Wage and Hour Division investigates complaints to enforce compliance of labor standards on behalf of workers and assists in the T and U Visa

³⁹ “Building Strong Cases: Victim-centered Investigations,” Human Trafficking Task Force E-Guide. U.S. Office of Justice Programs, Office for Victims of Crime Training and Technical Assistance Center. Accessed Nov 20, 2018 <https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/51-victim-centered-investigations/>

⁴⁰ “Civil Enforcement Partners,” Human Trafficking Task Force E-Guide. U.S. Office of Justice Programs, Office for Victims of Crime Training and Technical Assistance Center. Accessed Nov 20, 2018. <https://www.ovcttac.gov/taskforceguide/eguide/3-operating-a-task-force/31-task-force-membership-and-management/members/civil-enforcement-partners/>

petition process for trafficking victims, and EEOC is responsible for enforcing federal laws barring discrimination against a job application or employee as well as active litigation cases to recover damages on behalf of trafficking survivors and exploited workers.⁴¹ One example of EEOC's success is in the aforementioned Signal International Case, in which the EEOC filed a race and national origin discrimination lawsuit against the traffickers and received a \$5 million settlement.⁴² LDR may be able to identify earned income on grey economy and informal labor. The Internal Revenue Service has specifically held that income from bribes, illegal activities (such as drugs sales or stolen property) are taxable items of income. By extension, if an item is taxable at the federal level, the item is taxable at the Louisiana level unless a specific statute provides for different treatment of the item. LDR is responsible for the collection and enforcement of the collection of all taxes due under the provisions of the Subtitle II of Title 47 (LA R.S. 47:1502). To that end, LDR may assist in HT prevention efforts by (1) ensuring income from HT is reported or otherwise discovered upon audit of a tax return; (2) ensuring the appropriate amount of tax is assessed and collected from such individuals engaging in HT; and (3) providing an additional resource to law enforcement in supporting a conviction of the crime of HT by relying on a civil tax assessment or criminal tax evasion penalty. Particularly in cases when law enforcement have exhausted all other investigative practices, or when the investigation may be without a victim to build a case with, LDR may be a new approach to hold traffickers accountable for their economic abuse of workers.

Social and legal service providers are also available to serve labor trafficking victims. Organizations such as Jewish Family Service Greater New Orleans (JFSGNO) and Catholic Charities Archdiocese of New Orleans (CCANO) have been granted federal funding to serve unaccompanied foreign national minor trafficking victims, which includes labor trafficking, through a Health and Human Services program called the Trafficking Victims Assistance Program (TVAP).⁴³ The Greater New Orleans Human Trafficking Task Force (GNOHTTF) is Department of Justice grant funded, and funds service providers to serve victims of all forms of trafficking. These organizations provide housing, case management, basic needs, mental health support, medical, legal services, and other supportive services. Other community-based immigrant rights organizations such as the New Orleans Workers Center for Racial Justice (NOWCRJ) have provided legal services and support to foreign national victims of HT. T non-immigrant status (also known as the T-Visa) is a form of immigration relief that HT survivors can apply for, regardless of whether they attempt to cooperate with law enforcement. T visas allow victims to stay in the United States for up to 4 years, and provide a pathway to permanent status in the United States. However, T Visa certification has been somewhat limited- in 2017

⁴¹ "Federal Agencies," Human Trafficking Task Force E-Guide. U.S. Office of Justice Programs, Office for Victims of Crime Training and Technical Assistance Center. Accessed Nov 20, 2018. <https://www.ovcttac.gov/taskforceguide/eguide/3-operating-a-task-force/31-task-force-membership-and-management/members/civil-enforcement-partners/federal-agencies/>

⁴² "Press Release: Signal International, LLC to Pay \$5 Million to Settle EEOC Race, National Origin Lawsuit," U.S. Equal Employment Opportunity Commission, Dec 18 2015. <https://www.eeoc.gov/eeoc/newsroom/release/12-18-15.cfm>

⁴³ "Trafficking Victim Assistance Program (TVAP) Services for Minor Victims of Human Trafficking", U.S. Office of the Administration for Children & Families, Office on Trafficking in Persons, Sept. 5 2017. <https://acf.hhs.gov/otip/resource/tvapforminors>

only 473 T-Visas were granted nationwide.⁴⁴ Victims of trafficking are entitled to mandatory restitution and other civil remedies when they successfully prosecute their trafficker per La. R.S. 15:539.3,⁴⁵ however many victims do not receive this restitution due to a lack of awareness of these options by their social and legal service providers. Victims may also be qualified for expungement or vacatur of criminal records related to their trafficking experiences, however few victims utilize this legal remedy.

⁴⁴ “Report of the Visa Office 2017 XVI(A): Classes of Nonimmigrants Issued Visas (Including Border Crossing Cards) Fiscal Years 2013-2017”, United States Department of State. <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/annual-reports/report-of-the-visa-office-2017.html>

⁴⁵ Mandatory Restitution, LA RS 15:539.3 (2014). <http://legis.la.gov/legis/law.aspx?d=859300>

V. HEALTHCARE SUB-COMMITTEES

Sex and Labor Trafficking of Minors - Primary and Secondary Levels of Prevention

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Advisory Board, American Academy of Pediatrics

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Program Director Behavioral Health, Healthy Blue

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Sex and Labor Trafficking of Minors - Tertiary Level of Prevention

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Sex Trafficking of Adults

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Labor Trafficking of Adults

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LSU Health Sciences Center

Healthcare Sub-Committees Report

Healthcare providers may be presented with a unique opportunity to interact with HT victims and with children and adolescences who are at risk for becoming HT victims. The ability to quickly recognize and provide the right care at the right time at the right place is paramount to ensuring success against this emerging public health crisis. This response requires increased education and awareness not only for the public but all healthcare providers, especially those who provide care in emergency settings, outpatient family practice settings or women's health clinics, first responders who come across such victims and the counselors and staff who provide case management.

Healthcare professional that may come into contact with a trafficked victim include:

1. *First Responders* including members of Emergency Medical System (Emergency Medical Technicians, Paramedics, etc.)
2. *Nursing professionals* including those providing care in an emergency department, primary care office, public health clinic, human services district clinic/behavioral health organization, school clinics, correctional organizations, etc.
3. *Medical Doctors/Physician Assistants/Medical Students* including those working in emergency departments, primary care and other community-based settings.
4. *Mental Health Professionals/Counselors* including those working in emergency departments, human services district clinic/behavioral health organization, community-based organizations, school clinics, or other primary care settings.

These individuals may thus be employed by state agencies, may be part of an academic institution, and may be providing direct medical care through a public or private healthcare inpatient system, urgent cares, primary clinics, rural health clinics or federally qualified health centers. The ability to identify and subsequently offer training for the variety of healthcare providers will require coordination through not only the direct healthcare systems, but through respective professional organizations and employers. It is recommended that Louisiana offer a state-based training for all healthcare professionals and partake in collaborative networking and information sharing with professional organizations both nationally and locally to identify appropriate course content and avenue for distribution of educational material. Such participants should include: the Louisiana Department of Health (LDH), Louisiana Department of Education, Louisiana Department of Corrections, Louisiana Chapters of American Pediatrics, Family Physicians, Emergency Physicians, Obstetrics and Gynecology, and Counselor's Association, Bureau of Primary Care and Rural Health with the Louisiana Office of Public Health in LDH, the Louisiana Primary Care Association, the Louisiana Hospital Association, DCFS, the Louisiana Alliance of Children's Advocacy Centers (LACAC), Louisiana State Police (LSP), HP Serve, the Human Trafficking Prevention Commission, and the respective boards for each of the professionals above from Louisiana State Board of Medical Examiners, Louisiana Board of Nursing, Louisiana Bureau of Emergency Medical Systems amongst others.

It is further recommended that there is development and implementation of appropriate training to respective healthcare providers so they can appropriately identify potential victims of HT, offer appropriate counseling, medical services to include any testing and screening, and

recommend the appropriate treatment and follow-up. The use of evidenced-based practices and guidelines to develop any curriculum will be key. The use of in-person trainings can serve as a venue for education of providers as well as families and the lay public to address this emerging public health threat. On-line training provides the basic background, ability to recognize signs and symptoms and further discussed the reporting of such victims to the appropriate entity and reaches a larger audience base. Additionally, it is recommended that healthcare professionals develop a curriculum for medical students on the complex subject of HT, in order to increase knowledge in identifying and providing services appropriate for victims, and develop protocol to accept referrals from Juvenile Court and Schools

It is critical that resource information is provided to the patient in concise and cohesive manner. Brochures may be one way to distribute this information. However, often victims do not self- identify or may not be in a situation to self-disclose safely which is why brochures do not serve as an effective approach in the medical community. Louisiana needs a statewide policy for this screening and a consistent approach among medical personnel and various departments across the state. This should include at the least basic information about the impact of HT, how to receive help, and how to ensure one's personal safety. This literature should ideally connect individuals to websites of organizations where further information can be sought. While national organizations are helpful, having local, accessible sites of care is often the most effective.

Differences in approach to the identification and care of HT victims must also be considered between minors and those who have reached the age of majority. This may include differences in reporting requirements and the need to take extra precautions to ensure the safety and well-being of a minor once he or she has left the medical office. Training providers about the subtle difference in approach to victims of HT pending their age, sexual orientation, or other stigmas faced by victims related to their previous involvement with correctional systems, country of origin, are all important factors in ensuring the most appropriate care is provided to victims of HT.

Lastly, with respect to adult HT and sexual assault victims, it is recommended that healthcare and/or other community-based organizations that examine adult victims of sexual assault and HT employ Sexual Assault Nurse Examiners (SANE). SANE nurses provide critical support to the identification, evaluation and referral for adult victims of sexual assault. Since 2016, Louisiana Department of Health Administrative Regions in coordination with the Louisiana's Attorney General's Office, and the Louisiana Department of Public Safety and Corrections, and healthcare providers in each region have been developing Regional Sexual Assault Response plans. While the primary intent of this plan was to provide timely care to victims of sexual assault and ensure such victims are not charged for this care, the stakeholders that have been gathered by respective Regional LDH Offices can also play a critical role in examining the resources available in each region for adult victims of HT and ensure appropriate mechanisms of referral exist in each community.

Section 3

2018 WORK GROUPS

I. Commercial Trafficking Demand, Law Enforcement, and Prosecution

Members

Chair James R. Kelly

Executive Director of Covenant House and Advisory Board

Hon. Kristine Russell

Commission, La. District Attorneys Association

Monica Taylor

Commission, La. Attorney General's Office

Rafael de Castro

Advisory Board and La. Foundation Against Sexual Assault

Casey Morace

Advisory Board and La. Assoc. of Children and Family Agencies

Juana Lombard

Commissioner of the La. Office of Alcohol and Tobacco Control

Luke Morris

Assistant Secretary of Legal Affairs for the La. Dept. of Revenue

Judge Trudy M. White

Judge, 19th Judicial District Court

Message from Chair James R. Kelly

In economic terms, the market of HT contains the traffickers (sellers), Buyers (consumers), and victims/ survivors (products/ commodities). Basic economics holds that demand for a product increases its supply and vitality. Without demand for services, there would be no market for the product of HT victims. Louisiana leaders in the business and financial sectors, law enforcement, federal, state and local government, school systems, medical field, and the civil and human rights community, support critical anti-human trafficking programs aimed at disrupting the business of traffickers in Louisiana. Human trafficking is modern-day slavery, and it is the fastest growing criminal enterprise in the world. Louisiana is a source, transit, and port center in the national HT business, and Louisiana leadership is critical in combating this scourge. The numbers of victims—and the profits made by exploiting them—have continued to rise over the past few years. Louisiana government, private sector, and civil society must work together to reverse this trend. While it is essential to invest in the care and rehabilitation of victims, it is just as imperative to significantly increase the legal risks to traffickers, reducing the demand and commercialization. To end the scourge of HT, we must put traffickers out of business and bring them to justice. Survivors, community service organizations, businesses and local prosecuting authorities are united in a comprehensive strategy, which engages multiple sectors of society to reduce harm to exploited persons and hold traffickers accountable, to reduce demand and facilitate exit from prostitution. Addressing demand and providing survivor services are the only proven ways to end commercial sexual exploitation and HT.

II. Hotel, Entertainment, Services, & Transportation Industries

Members

Co-chair Special Agent Taneka Harris Blacknell

Advisory Board, Federal Bureau of Investigation

Co-chair Alliece Cole

Advisory Board Chair, Director of Anti-Human Trafficking Initiative at HP Serve

Ted Cox

Advisory Board, Juvenile Justice and Delinquency Prevention Advisory Board

Toni Bankston

Advisory Board, National Association of Social Workers

Jessie Nieblas

La. Foundation Against Sexual Assault

Message from Co-chairs Special Agent Taneka Harris Blacknell, Esq. and Alliece Cole

Human trafficking, also known as modern slavery, is a global threat that touches every part of our world; not even Louisiana is immune from the HT global phenomenon. Human trafficking is an occurrence in the hospitality industry and facilitated by the transportation industry. Misconceptions of the HT industry contribute to the challenges of combating HT within the hospitality industries. Moreover, the hospitality industries are ripe with weaknesses, which include privacy and anonymity that are exploited by traffickers enabling continued exploitation via HT. Hotels and motels are especially attractive locations for all forms of trafficking, however, HT also occurs at sporting events, theme parks, airports, bus stations, cruise ships, port facilities, and a multitude of other areas. Traffickers use our country's transportation systems to move their victims from place to place as part of their horrific criminal enterprises.

The Hotel, Entertainment, Services, and Transportation industries are taking a united stand to eliminate the exploitation of victims and curtail the earnings of human traffickers. Industries are united in combating HT by working with public and private sector stakeholders, training and educating industry employees on how to recognize and report signs of trafficking, and empowering the traveling public to recognize and report possible instances of HT.

III. Immigration Work Group

Members

Co-chair Elaine Kimbrell

Immigration Attorney

Co-chair Graham Prichard

Immigration Attorney

Message from Co-Chairs Elaine Kimbrell and Graham Prichard

Understanding the impacts that U.S immigration law, status, and enforcement have on HT in Louisiana is essential to developing a robust and effective prevention strategy for our state. Non-citizens are victims of all forms of sex and labor trafficking just as U.S. citizens are. As the report of the Labor Trafficking of Adults Committee details, the trafficking of non-citizens in Louisiana includes the abuse of individuals lawfully in the United States on temporary work visas, as well of those here without legal status.

Non-citizen victims of HT are particularly vulnerable based on their immigration status. Non-citizen victims may have limited English-language ability, little understanding of American law, few if any family or social relationships in the United States, and no permission to reside in the United States. Traffickers are able to exploit these special vulnerabilities as additional methods of control and coercion. The most potent of these methods of control is the threat of deportation. For a non-citizen victim, deportation might mean permanent separation from their children, spouse, and the only home that they have; prolonged detention; and the forced return to a situation of extreme violence in their country of origin. This threat of deportation is not only a devastatingly effective method of control by traffickers; it is the greatest barrier to victims and others reporting these crimes to law enforcement. The cooperation of non-citizen victims and witnesses requires that non-citizens believe that they can trust that law enforcement will not turn them over to Immigration enforcement if they come forward. When local and state law enforcement agencies publically prioritize enforcement of federal immigration laws, non-citizen victims and witnesses will, reasonably, not trust the agencies to protect them. Tragically, this lack of trust increases the power that traffickers have to exploit no-citizen's fear of being deported. This Commission's commitment to examine the intersection of HT and immigration law is an important step towards making Louisiana a leader in the prevention of all trafficking crimes.

IV. Stakeholders & Services Coordination, Funding, and Data-Collection

Members

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Human trafficking is a dynamic and emerging crime. It is crucial to coordinate and bring together stakeholders in order to facilitate dialogue and coordinate responses. A key part of this role is effective inter-agency coordination at both the policy and operational levels in order to advocate for common standards and approaches and to share expertise, while maximizing efficiency. Both at the state and national level, many measures have been taken to ensure the rights of the victims and combat the criminal networks. Legal instruments and policies have been developed to address the different aspects and forms of HT, and to enhance governmental and non-governmental responses in terms of prevention, protection and prosecution. Yet, despite these efforts, stakeholders, comprising the different committees and work groups within the Commission, have reported insufficient human and financial resources across most, if not all, disciplines.

Stakeholders indicated that there are barriers to accessing the funding that is available, particularly as it pertains to understanding the different funding programs and their specific requirements and application processes. In addition, they noted that there is a lack of funding to support core services (e.g., victim shelter, services, and support) as the majority seems to be more project-based, duration-specific funding (e.g., for education or awareness campaigns). There are difficulties concerning statistical data collection, however, because it involves a population which is marginalized. In addition, the HT victims, because they usually find themselves in a very vulnerable situation, are often incapable of reporting the crime to which they are being subjected. The difficulties in collecting information about HT also result from the diversity of information sources, originating from public entities or from civil society, all of which have quite distinct intervention goals, such as research, the fight against this crime and the people who profit from it, and support and protection for the victims.

Currently, data is collected by DCFS annually from agencies providing services to Human Trafficking victims and summarized in a report to the Louisiana Legislature. The annual report was mandated by Act 564 of the 2014 Louisiana Legislature. 2019 is the fifth year that the report has been produced. Data is available on adult and juvenile victims and for sexual and labor trafficking. Some of the limitations of this report are that the report is dependent on agencies voluntarily providing data. As a result, there have been some agencies that have not provided data, including, most of the sexual assault and domestic violence agencies. This has resulted in underreporting of adult trafficking victims. Additionally, there has been minimal reporting from agencies that provide services to migrant and refugee populations. This has resulted in significant underreporting of labor trafficking data. Therefore, it is essential to gather data, to combine the information gathered from different agencies and offices that provide support to the victims, including state agencies, the judiciary, law enforcement, prosecution, non-governmental (NGO) and national and international organizations, which can be used as the basis for the definition of policies and enactment of protocols, in order to develop more appropriate and effective prevention and intervention practices.

Section 4

Findings and Recommendations of the Committees

I. SEX AND LABOR TRAFFICKING OF MINORS

Primary and Secondary Levels of Prevention

A. Findings and Recommendations

2. Strengthening Individual Resilience, Knowledge, Skills, and Early Intervention

a. Findings and Current Individual Initiatives:

- i. This committee adopts the finding of the Sex Trafficking of Minors-Tertiary Level of Prevention Committee found in *Section 4 II (A)(1)(a)(i)* with respect to three tools developed by DCFS, along with other agencies, to assist in the identification and response to child trafficking including a three-tiered screening tool for at-risk, high-risk and confirmed victims that is written into DCFS policy. Particularly, this committee continues to research and gather information on the HT screening tool that is used by DCFS to interview youth when they return from runaway and the Multi-Agency Identification Tool for cross-sector identification of high-risk or "prospective" victims.
- ii. Various national and international HT education programs exist including Love146, an international human rights organization working to end child trafficking and exploitation through survivor care, prevention education, professional training, and empowering movement.
- iii. R.E.A.L. Choices program is a HT training facilitated by Eden House in New Orleans, for high school-aged students who are at risk for HT.
- iv. Erin's Law is named after childhood sexual assault survivor, author, speaker and activist Erin Merryn. After Erin introduced the legislation in her home state of Illinois, the bill was named "Erin's Law" after her by legislators and it has caught on nationwide. Louisiana was the 15th state to pass Erin's Law. As of June 2018 Erin's Law has been passed in 35 states.
- v. "Erin's Law" (La. R.S. 17:81(Y)) requires that all public schools in each state implement a prevention-oriented child sexual abuse program which teaches: (1) Students in grades preK – 12th grade, age-appropriate techniques to recognize child sexual abuse and tell a trusted adult; (2) School personnel all about child sexual abuse; and (3) Parents & guardians the warning signs of child sexual abuse, plus needed assistance, referral or resource information to support sexually abused children and their families.
- vi. Various school-based programs exist that teach students general decision-making techniques and individual skill building methods and resilience, such as D.A.R.E. (Drug Abuse Resistance Education), Project L.E.A.D. (Legal Enrichment And Decision-making), and Project L.A.W. (Legal Thinking, Awareness, and Wellness of mind, body and spirit).

b. Recommendations:

- i. This committee adopts the recommendation of the Sex Trafficking of Minors-Tertiary Level of Prevention committee found in *Section 4 II (A)(1)(b)(i)*

with respect to mandated assessment and screening policies at all points of entry for earlier identification and response, as well as screening for the purposes of prevention, particularly, the HT screening tool that is used by DCFS to interview youth when they return from runaway and the Multi-Agency Identification Tool for cross-sector identification of high-risk or "prospective" victims. The committee further recommends research into current protocols and review of the effectiveness of such protocols and/or the creations of a statewide protocol for the referral, services, and placement of youth when they return from runaway or when they are identified as high-risk or "prospective" HT victims by the Multi-Agency Identification Tool for cross-sector identification, and identify the stakeholder(s) that can assist in the further development of such protocol, such as juvenile court, FINS and truancy officers, healthcare professionals, schools, law enforcement and prosecution, and collaborate with such stakeholders to create a Plan of Development to present to the Commission.

- ii. Research healthcare assessment and screening tools for youth substance use, runaway tendencies, mental health, and other HT vulnerability risk factors during pediatric well-child check-ups via a computerized questionnaire that assesses initiation and propensity to initiate HT vulnerability. Identify vulnerabilities during visits to Emergency Departments and substance use treatment facilities and develop a protocol for health care professional to follow as to referrals or mandatory reporting and identify the stakeholder(s) that can assist in the further development of such protocol and collaborate with such stakeholders to create a Plan of Development to present to the Commission.
- iii. Implement statewide Prevention-oriented Child Sexual Abuse Programs in primary and high schools as required by Erin's Law, including HT Awareness and Prevention and providing multiple session skill-building programs that teach healthy and equitable relationship skills to high school students.
- iv. Require that member(s) of Commission and/or Advisory Board attend Erin's Law Task Force meetings to determine the progress in the school systems as to the implementation of Erin's Law and ensure that any program utilized aligns with Emerging Practice standards and includes HT Awareness and Prevention.
- v. Implement statewide HT Prevention Awareness program for at-risk individuals in juvenile justice system, foster care and shelter areas, such as Eden House's R.E.A.L. Choices program as also recommended by the Sex Trafficking of Adults found in *Section 4 III (A)(1)(b)(i and ii)*.
- vi. Research the development of one comprehensive coordinated statewide school-based education program addressing the needs of students at-risk for HT, abuse, neglect, runaway, etc. and include information to parents regarding basic prevention tips, such as talking to your children about their bodies and boundaries or avoiding one-adult, one-child situations whenever possible.
- vii. Support programs that increase parental services, build family cohesion, connect parents to support or resources especially to address mental health issues, and lessen parental conflict, domestic violence and drug use.

- viii. Enhance and support mentorship programs for HT at-risk youth.
- ix. Enhance and support early intervention initiatives that strengthen individuals' self-efficacy to overcome obstacles and build individual resilience, emphasizes their goals and preferences, provides the minimum assistance needed for the shortest time possible, and maximizes community resources.
- x. Development of effectiveness of surveillance of youth in unprotected areas such as school crossings or bus stops (e.g., cameras), which could monitor and prevent recruitment efforts, especially among vulnerable youth such as those with intellectual disabilities.
- xi. Development of safety planning with youth at risk of running away, which includes an individualized, practical plan of who to call when in danger and where to go to find safety.

3. Promoting Community Education, Resilience, and Empowerment

a. Findings and Current Community Initiatives:

- i. This committee adopts the finding of the Sex Trafficking of Minors-Tertiary Level of Prevention Committee found in *Section 4 II (A)(2)(a)(i)* with respect to HT public awareness programs such as "Not in My City" in Bossier and Caddo Parishes.
- ii. Various music, dance and theatre organizations exist that use the arts as a vehicle for developing young leaders, inspiring health and wellness, and promoting individual and community resilience, such as Dancing Grounds in New Orleans and the recent performance of "The Wolves" at the Southern Rep Theatre in New Orleans.
- iii. Many short films and educational tools exist with the goal of HT awareness and prevention such as the "I Am Little Red" project, suitable for viewing by children, with a target audience of children most at-risk for sex-trafficking, e.g., foster-care, runaway, homeless, and LBGTQ. For a list of feature length films and documentaries, short videos and film and books and periodicals, see Appendix F, NAWJ Trafficking in Persons-Modern Day Slavery: A Program Manual, p. 25.
- iv. Various community and neighborhood initiatives to reduce poverty, crime and negative community factors exist, such as Neighborhood Watch programs and Night Out Against Crime.

b. Recommendations:

- i. This committee adopts the recommendation of the Sex Trafficking of Minors-Tertiary Level of Prevention Committee found in *Section 4 II (A)(2)(b)(i)* with respect to HT public awareness programs such as "Not in My City" in Bossier and Caddo Parishes and recommends funding for such public awareness campaign.
- ii. Research stage community theatre, music, and dance initiatives that are HT related or that reinforce positive cultural norms, portray responsible behavior, and model bystander action and identify the stakeholder(s) that can assist in the further development of such initiatives and collaborate with such stakeholders to create a Plan of Development to present to the Commission.
- iii. Research the development of award programs to publicly recognize responsible media coverage and community leadership to prevent sexual

violence and abuse and identify the stakeholder(s) that can assist in the further development of such initiatives and collaborate with such stakeholders to create a Plan of Development to present to the Commission.

- iv. Research initiatives addressing neighborhood-level HT risk factors, such as violence, homelessness and poverty, that may mitigate HT vulnerabilities, research effectiveness of existing community programs that alleviate these risk factors and support neighborhood efforts to reduce crime, adult prostitution, and high number of transient males, and identify the stakeholder(s) that can assist in the further development of such initiatives and collaborate with such stakeholders to create a Plan of Development to present to the Commission. Research into environmental safety measures such as adequate lighting and emergency call boxes, complemented by community education and enforcement of policies is recommended.
- v. Research youth programs that are designed to teach youth to recognize and effectively respond to signs of potential exploitation and build resilience. These can be implemented in schools, organizations (e.g., detention centers, youth homes), child welfare systems, and juvenile justice systems and identify the stakeholder(s) that can assist in the further development of such programs and collaborate with such stakeholders to create a Plan of Development to present to the Commission. Sample youth-protective policies should be drafted and posted in a publicly accessible place. Public awareness efforts should be conducted so that youth-serving organizations know about the sample policies and are encouraged to adapt them.

4. Enhancing Education and Training for Service Providers, Schools, Justice System Stakeholders, Workforce Organizations, and Related Government Agencies and NGOs

a. Findings and Current Education and Training

- i. This committee adopts the finding of the Sex Trafficking of Minors-Tertiary Level of Prevention Committee found in *Section 4 II (A)(3)(a)(iv)* with respect to HT training for all school personnel including teachers, custodians, bus drivers, cafeteria workers and administrators, principals, school resource officers, etc. every two years, such as in Bossier City.
- ii. Various trainings and conferences exist with respect to child welfare, Juvenile Court Family In Need of Services ("FINS"), Schools Child Welfare and Attendance, Truancy, Truancy Assessment And Service Center ("TASC") and other child welfare related training; however, some of these trainings do not include HT awareness to improve identification and response to at-risk students and families.
- iii. The schools, healthcare system, and juvenile court FINS and truancy offices all provide an excellent setting for identification and intervention of HT at-risk children and adolescents as follows: schools' ability to identify HT vulnerabilities involving educational challenges and substance abuse in addition to the identification of the economic and social needs of children that target fundamental vulnerabilities such as childhood abuse, family disruption, and child welfare involvement; the healthcare system's opportunities to provide care of youth at emergency care, primary care, psychiatry, dentistry,

- and obstetrics and gynecology; and juvenile courts' authority over FINS, truants, runaways, and ungovernable youth.
- iv. Children who have risk factors for HT vulnerability have often experienced complex developmental trauma due to physical, emotional, or sexual abuse, neglect, or other traumatic events including natural disasters, community violence, or long-term hospitalization. Trust-Based Relational Intervention ("TBRI") is a therapeutic model that trains caregivers to provide effective support and treatment for at-risk children. TBRI has been applied in orphanages, courts, residential treatment facilities, foster and adoptive homes, group homes, churches, and schools and is used effectively with children and youth of all ages and all risk levels. "Complex developmental trauma is a diagnosis that recognizes the global impact of trauma and is described by van der Kolk and Courtois (2005) as 'the experience of multiple, chronic, and prolonged, developmentally adverse traumatic events, most often of an interpersonal nature.'" (p. 402). Early trauma and stress can have a lasting effect on development, triggering delays in social competence (Becker-Weidman, 2009), development of dysfunctional coping behaviors, and significantly altering a child's brain chemistry, particularly when the adverse condition is chronic and there is a lack of nurturing support (Bremner, 2003; Carrion, 2006). For many adopted and foster children, these dysfunctional behaviors create barriers to the development of healthy relationships in new family environments, and without intervention, problem behaviors tend to persist and intensify into adolescence (Verhulst, 2000). The impact of trauma among children and youth who have experienced foster care or institutionalization was researched at Harvard University, and "in 2005, released data confirming that children in the U.S. foster system experienced trauma in the form of post-traumatic stress disorder ("PTSD") at a rate more than twice that of combat veterans (Pecora, White, Jackson, & Wiggins), making this a particularly vulnerable population of children and youth." Karyn B. Purivs, et al. *Trust-Based Relational Intervention (TBRI): A Systemic Approach to Complex Developmental Trauma*, 34(4) Child Youth Serv. 360, 360-386 (2013).
 - v. The evidence-based training program provided by Darkness to Light, specifically *Stewards of Children* and *Prevent Now!* are not specific to HT training but the principles of preventing child sexual abuse are relevant as noted by the program as follows: "Many victims of commercial sexual exploitation of children live at home and attend school. In the U.S., there are many children who are sexually exploited by their families or family friends for monetary gain, but still live at home. Despite the exploitation, these children still interact with educators, youth-serving professionals, and the public. Training community members, educators, and youth-serving professionals to recognize the signs and intervene in sexual abuse and exploitation will help thwart the progression of commercial exploitation for some children, and will ensure that these victims receive services."

b. Recommendations:

- i. This committee adopts the recommendation of the Sex Trafficking of Minors-Tertiary Level of Prevention Committee found in *Section 4 II (A)(3)(b)(iii)* with respect to HT training for all school personnel including teachers, custodians, bus drivers, cafeteria workers and administrators, principals, school resource officers, etc. every two years, such as in Bossier City.
- ii. Research existing training and education programs with respect to child welfare, Juvenile Court FINS, Schools Child Welfare and Attendance, Truancy, TASC, and other child welfare related training and determine whether HT vulnerability training can be included and identify the stakeholder(s) that can assist in the further development of such training to include HT and collaborate with such stakeholders to create a Plan of Development to present to the Commission.
- iii. Implement mandatory HT education and training to foster homes about risks of trafficking for kids aging out of foster care and research the current use of TBRI training in Louisiana and determine its effectiveness for HT vulnerability prevention and identify the stakeholder(s) that can assist in the further development of such training to include HT and TBRI and collaborate with such stakeholders to create a Plan of Development to present to the Commission.
- iv. Implement mandatory HT education and training for those who are in re-entry stages at juvenile detention before they are released and research current re-entry education and determine its effectiveness for HT vulnerability prevention and identify the stakeholder(s) that can assist in the further development of such training to include HT and collaborate with such stakeholders to create a Plan of Development to present to the Commission.
- v. Research training opportunities directed to teachers, religious leaders, and others who come in contact with youth who can identify adverse childhood experiences and traumatic events in order to intervene to prevent exploitation and HT and determine the effectiveness of such trainings as HT vulnerability prevention and identify the stakeholder(s) that can assist in the further development of such training to include HT and collaborate with such stakeholders to create a Plan of Development to present to the Commission. This training should include the development of policies for dealing with cases in which students disclose that they are involved in sex trafficking or commercial sexual exploitation.
- vi. Research training opportunities for healthcare professionals and medical students to identify patients at risk for trafficking and research the protocol for referral of those patients for further services and intervention and determine the effectiveness of such trainings and protocols as to HT vulnerability prevention and identify the stakeholder(s) that can assist in the further development of such training and protocols and collaborate with such stakeholders to create a Plan of Development to present to the Commission.
- vii. Research training materials as to the effectiveness of existing training opportunities for health care providers, mental health professionals, educators, foster parents and other professionals on the principles of healthy

relationships, for teachers and coaches to build skills to interrupt and address inappropriate comments and behaviors, and for youth-serving organizations that cover recognizing, reporting, and reacting responsibly to child abuse, and identify the stakeholder(s) that can assist in the further development of such training and protocols and collaborate with such stakeholders to create a Plan of Development to present to the Commission.

- viii. Research the evidence-based training program provided by Darkness to Light, specifically *Stewards of Children* and *Prevent Now!* and identify the stakeholder(s) that can assist in the further development of such training and protocols and collaborate with such stakeholders to create a Plan of Development to present to the Commission.

5. Fostering Coalitions, Networks, and Community and Workforce Organization

a. Findings and Current Coalitions:

- i. Louisiana Children and Youth Planning Boards are statutorily mandated in all judicial districts in Louisiana and are a coordinating board for the improvement of the delivery services to children and their families. The local boards provide the opportunity to educate all districts as to HT prevention and to evaluate the gaps in each district and resources available for HT at risk children, adolescents, families, and communities. The Louisiana Children's Cabinet Advisory Board is coordinating funding and programmatic services at the state and local level, related to children and their families and its mission is to achieve the most effective and efficient use of monetary, human and organizational resources to lift children and their families out of poverty. The Louisiana Children's Cabinet Advisory Board provides information and recommendations from the perspective of advocacy groups, service providers and parents on policies and programs relating to Louisiana children.
- ii. The statewide FINS and truancy programs vary from district to district. Most parishes have a Truancy office in their school system. TASCs provide prompt delivery of coordinated interventions to truant children and their families in order to prevent continued absences from school. The Louisiana legislature began 2 pilot TASC programs in 1999. Currently, TASC has 11 sites serving 18 parishes, and currently serves more than 300 Louisiana public schools and has received referrals for more than 200,000 at-risk students.
- iii. Over three thousand students across Louisiana attend virtual schools whereby it is estimated that the majority of the students have experienced trauma. Louisiana's two main virtual schools are University View Academy and Louisiana Virtual Charter Academy. At University View Academy, there are live sessions of instruction two times a week per subject, and class is held every day. Virtual school administrators work with FINS and truancy officers through the juvenile courts' FINS and truancy programs. When the faculty and administration have suspicions of trauma-based experiences at the home, they contact social workers to investigate the home situation. The teachers and faculty act as a safety net to identify those children at-risk and victims. Teachers and Administration report the incident to a social worker and FINS

for investigation. Investigations range from tier 1 to tier 3, with tier 3 being a FINS referral.

- iv. The schools, healthcare system, and juvenile court FINS and truancy offices all provide an excellent setting for identification and intervention of HT at-risk children and adolescents, and coordinating initiatives would improve the referrals and continuity of intervention among the schools, juvenile courts, and healthcare providers.
- v. Various statewide programs exist that engage workforce organizations and communities in need of employment or job training.
- vi. Various child welfare agencies, taskforces, and other child welfare organizations exist in the state, such as Louisiana Children's Cabinet Advisory Board , Louisiana Children and Youth Planning Boards, Child Abuse Multi-disciplinary Teams of the Children's Advocacy Center, and CASA.
- vii. Federal Administration of Children and Families' Region VI (Louisiana, Texas, Oklahoma, New Mexico, Arkansas) Human Trafficking Work Group is, a program by the Department of Health and Human Services Agency to combat human trafficking and modern forms of slavery by administering anti-trafficking programs through grants and contracts and collaborating with federal, state, tribal, and local government and non-government organizations. The next meeting of the Region VI Work Group will take place in New Orleans, LA on January 24-25, 2019 at the Louisiana Supreme Court. The event will be hosted by the Louisiana Supreme Court, Judge Joy Cossich Lobrano, and ACF Region VI Work Group.

b. Recommendations:

- i. Identify the needs of the Louisiana Children and Youth Planning Boards and determine the stakeholder(s) that could assist in the further development of these local coalitions and create a Plan of Development to present to the Commission. The committee also recommends designating a committee member to attend the Louisiana Children and Youth Planning Boards statewide meetings and report to Commission and Advisory Board.
- ii. The committee also recommends designating a committee member to attend the Louisiana Children's Cabinet Advisory Board meetings and report to Commission and Advisory Board.
- iii. Explore ways that the many Multi-Disciplinary Teams of the Children's Advocacy Centers around the state and CASA programs could be employed to coordinate intervention services for those children identified as being at-risk for trafficking and identify the stakeholder(s) that could assist in the further development of these local coalitions with respect to HT and create a Plan of Development to present to the Commission. The committee also recommends designating a committee member to attend the Louisiana Children's Advocacy Center and CASA state meetings and report to Commission and Advisory Board.
- iv. Foster collaboration and engagement among the schools, juvenile courts, and healthcare system and determine the stakeholder(s) that could assist in the further development of the coordination of these schools, juvenile courts'

FINS and truancy programs, and healthcare services to create a Plan of Development to present to the Commission. Specifically, because the Louisiana virtual schools interact with every FINS and truancy office in the state, identifying the needs of the virtual schools as they relate to FINS and truancy programs and healthcare providers particularly Federally Qualified Health Centers, will assist in these coordination initiatives and coordination with school faculty, administrators, and board, law enforcement, FINS, judiciary and healthcare professionals. The creation of a specific Plan of Development as to the virtual schools should be presented to the Commission.

- v. Foster partnerships between researcher/academics and community providers to strengthen evaluation approaches for HT at risk students.
- vi. Engage art, theater, and music organizations to promote HT at risk community understanding and solutions.
- vii. Engage the business sector and workforce organizations to foster workplace solutions and build support.
- viii. Identify people and organizations interested in and dedicated to the work of violence and abuse prevention.
- ix. Engage community stakeholders, groups and individuals with an interest in safe and healthy communities through the prevention of violence and abuse.
- x. Ensure there is broad representation from the community to provide a comprehensive and balanced perspective of needs and assets.
- xi. Coordinate external stakeholders and organizations such as: Law Enforcement, Health and Human Services, Schools, Churches, Local Nonprofit Agencies, Local Businesses, and Advocacy/Government Relations, so that prevention and intervention efforts are more focused and information more readily accessible.
- xii. Facilitate primary prevention efforts by supporting community stakeholders' collaborative use of data and corresponding approaches for addressing known risk factors.
- xiii. Promote rigorous evaluation of existing prevention programs through research grants and evaluation requirements for programmatic grant funding.
- xiv. Organize interagency community collaborations that work to couple supportive services with permanent housing for families and children that are at risk for HT, especially those who suffer with serious mental illness.
- xv. Continue the collaboration and participation in the Federal Administration of Children and Families' Region VI Human Trafficking Work Group.

6. Changing Systemic and Organizational Practices

a. Findings and Current Systemic and Organizational Practices:

- i. The committee discussed larger systemic societal problems that contribute to HT and increase individual and community HT vulnerability including the lack of early intervention initiatives prior to the trauma of trafficking, poverty, inadequate housing and employment, and the lack of accessibility to comprehensive healthcare and delivery of community-based human services and resources.

- ii. The committee focusing on primary and secondary levels of prevention recognizes the importance of addressing the root causes of poverty in Louisiana as a prevention measure to eradicating HT of minors. Poverty is pervasive in Louisiana. 19.8% of our population is considered impoverished, which is well above the national average of just over 13%. With the Poverty Threshold established at an annual income level of \$22,314 (or below) for a family of four, nearly one out of every five Louisiana citizens finds themselves impoverished.

b. Recommendations:

- i. The committee adopts the 2018 recommendations of the Louisiana Children's Cabinet Advisory Board, especially the recommendations of the Subcommittee "Older Foster Care Youth and Youth Aging Out of Care" to fully fund the implementation of Act 649 of the 2018 Regular Session maintaining foster care for children turning 18 under certain circumstances, including funding to La. DCFS to sufficiently establish and maintain specialized case managers for children aging out of foster care and funding for normalcy activities for older youth to prepare for transition out of foster care. Recommendations by the Cabinet's "Early Childhood Mental Health/Early Childhood Experiences and "Childhood Hunger" are also adopted.
- ii. Identify and advance organizational policies and practices based in research or best practices that promote positive development and comprehensive child sexual exploitation prevention (e.g., perpetration prevention, engaging males and bystanders, reducing the number of runaways, and countering normalization, technology-facilitated exploitation, commercial exploitation, child modeling sites, prostituted children and other child sex trafficking), including practices by insurers to provide resources and materials promoting healthy behavior.

7. Influencing Policy and Legislation

a. Findings and Current Policy and Legislation:

- i. See Appendix A.
- ii. "Erin's Law" (La. R.S. 17:81(Y)) requires that all public schools in the state implement a prevention-oriented child sexual abuse program.

b. Recommendations:

- i. Further review as to legislative and funding recommendations regarding Erin's Law (La. R.S. 17:81 (Y)) and determine the stakeholder(s) that could assist in the further development of this law and collaborate with such stakeholders to create a Plan of Development to present to the Commission.

II. SEX AND LABOR TRAFFICKING OF MINORS

Tertiary Level of Prevention

A. Findings and Recommendations

1. Strengthening Individual Knowledge, Skills, and Early Intervention

a. Findings and Current Individual Initiatives:

- i. Many service providers in our state are still unaware of the actual definition and presentation of child sex trafficking. This committee recognizes that universal screening is essential in identification and early intervention of victims. One identified point of entry in which consistent and universal screening is critical is juvenile detention and probation. Currently in Louisiana, there are only five juvenile detention and/or probation offices in the state incorporating an evidence-based screening tool, including Caddo Parish Juvenile Services and Calcasieu Parish Office of Juvenile Justice Services. The Department of Children and Family Services ("DCFS"), along with other agencies, developed three tools to assist in the identification and response to child trafficking including a three-tiered screening tool for at-risk, high-risk and confirmed victims that is written into DCFS policy; a HT screening tool that is used by DCFS policy to interview youth when they return from runaway; and a Multi-Agency Identification Tool for cross-sector identification of high-risk, or "prospective" victims and confirmed juvenile sex trafficking victims. Other agencies using this tool include local Children's Advocacy Centers, some local law enforcement, and some non-profit agencies. While this tool exists, there is currently no requirement for use, or training around use in many agencies. Additionally, while these screening tools are in use in DCFS and elsewhere, the lack of funding, specialized services and placement options, and lack of a coordinated statewide response prevents adequate intervention for the influx of identified youth.
- ii. According to a study of Health and Human Service (HHS) programs serving HT victims, having an available 24/7 case manager/victim advocate to provide ongoing support is critical for healing and post-traumatic growth. Access to victim advocates with capacity to serve the unique needs of juvenile sex trafficking victims is a major gap in many communities in Louisiana. HP Serve is one of the only agencies that provides emergency victim advocacy for trafficking victims primarily in the greater Baton Rouge area. The majority of the state lacks critical immediate and ongoing advocacy services from survivor or survivor-informed advocates specially trained to provide crisis intervention, ongoing case management, and a healthy, supportive long-term relationship for survivors.

- iii. Mentorship has been identified as a critical need for trafficked youth. Specialized mentors provide ongoing positive relationships, support and stability to prevent or minimize recidivism, and provide a reliable support person if re-exploitation occurs. There are very few agencies providing mentorship specifically to juvenile trafficking victims in the entire state. These are HP Serve in the Baton Rouge area and Volunteers of America in the Greater New Orleans Area. Purchased: Not for Sale in Caddo Parish has a recovery program for juveniles which includes mentorship for high-risk youth.
- iv. This committee recognizes that victims of HT need specialized treatment to address their trauma symptoms and needs. While certain trauma-focused treatments have been proven to be evidence-based, these specialized evidence-based practices are not available statewide. In Caddo Parish, the Juvenile Justice and mental health community have partnered to make available training in Trauma-Focused Cognitive Behavioral Therapy, Eye Movement Desensitization and Reprocessing (EMDR), as well as TARGET for complex trauma treatment. Collaborations like this are needed throughout the state to facilitate the implementation of evidence-based best practices for treating the trauma of HT. This committee recognizes the specialized nature of trauma treatment; that victims of HT need specialized treatment to address their trauma symptoms and needs. This committee also recognizes that certain trauma-focused treatments have been proven to be evidence-based. In Caddo Parish, the Juvenile Justice and mental health community have partnered to make available training in Trauma-Focused Cognitive Behavioral Therapy, Eye Movement Desensitization and Reprocessing (EMDR), as well as TARGET for complex trauma treatment.

b. Recommendations:

- i. This committee recommends mandated assessment and screening policies at all points of entry for earlier identification and response, as well as screening for the purposes of prevention. It is also recommended that, where possible, evidence-based tools which also include trauma identification are implemented. Points of entry requiring mandated screening should include the following: hospitals and clinics, law enforcement, DCFS, OJJ, juvenile detention, juvenile probation, DA's Office, Children's Advocacy Centers, schools, shelters, and mental health providers. In addition to screening tool implementation, there should be training on how to conduct a screening interview so that questions and demeanor of questioner do not appear blaming or shaming. Implementation of all screening tools should be enforced by written agency policies to ensure appropriate action, reporting and referrals are made immediately when victims are identified. Evidence-based screening tools this committee recommends for implementation include the Shared Hope Intervene Tool and the Commercial Sexual Exploitation-Identification Tool (CSE-IT) by WestCoast Children's Clinic.
- ii. This committee recommends local "Rapid Response Teams" to be established at least within each region. Lacking one coordinated central point of contact at the point of victim identification, throughout the investigation process and long-term service provision has resulted in victims falling through the cracks

and failing to receive necessary services. The regional coordinator will be immediately notified at the time of victim identification and may dispatch a specially trained victim advocate to respond to the youth. This committee recommends funding for the development and training for specialized personal advocates that are survivors or survivor-informed that is available to meet a child's needs 24/7 and specifically trained to provide crisis intervention, ongoing case management, and a healthy, supportive long-term relationship for survivors. The victim advocate will provide immediate support for the victim to allow law enforcement to focus on a successful investigation. The Regional Coordinator will work with the advocate to find safe placement for the victim/survivor, make contact with hospitals, DCFS and other needed personnel, and identify and address other emergent needs, as well as the local multidisciplinary team to ensure a long-term service plan for the youth.

- iii. This committee recommends a statewide initiative to support the enhancement of existing youth mentoring service models to include this population through specialized training and additional funding and personnel as needed. The existing trafficking-specific mentorship programs in the state should serve as models for emerging mentoring service programs in other regions to promote consistency and best practices.
- iv. Youth and survivor voice should be systematically included in all areas of program design, MDT processes, and creation of policy. A survivor advisory board should be created and consulted with on all matters relating to HT and trafficking of children. A youth advisory board should also be created with youth who have experienced HT and are in a stable place in their healing process to provide guidance and insight into helping others. SEEN Coalition is a model program that incorporates youth voice through a youth advisory board. An additional recommendation is to ensure that there is an adequate amount of support and guidance planned to coincide with the youth advisory board.
- v. Efforts should be made during screening, case management, and service provision to better identify and serve male victims, LGBTQ youth, trans-youth, and non-gender conforming youth. There is also a need for service providers fluent in other languages to better engage with ESL and non-English speaking victims and survivors.
- vi. This committee recommends efforts to better engage and empower caregivers of victims and survivors. This can include the creation of parent support and psychoeducation groups; caregiver/ parent mentorship programs; case management and needs assessment for caregivers to reduce financial and emotional vulnerability; family therapy to improve communication and the caregiver-child bond; and counseling services for caregivers to address secondary trauma as well as intergenerational trauma. This committee recognizes that entire families are affected by the trafficking of children. Currently, no known efforts across the state are being made to engage caregivers and non-offending family members of trafficked youth.

- vii. This committee recommends that evidence based complex trauma treatment is necessary to address the needs of trafficking victims. There are major gaps in Louisiana in terms of access to quality evidence-based treatments for trauma and substance use for youth. Efforts must be made improve access to evidence-based services and fidelity monitoring of evidence-based practices to ensure quality and outcomes. These efforts should include partnerships between the mental health communities, juvenile justice communities, research institutions and policymakers to facilitate the spread of evidence-based best practices across the state.

2. Promoting Community Education, Resilience, and Empowerment

a. Findings and Current Community Initiatives:

- i. Community members at large remain unaware and uninformed of the experience and realities of child trafficking victims. Organizations across the state have begun to provide critical training on the identification, response and proper reporting of child sex trafficking victims. Existing training options in some parts of the state include: a human trafficking 101 training developed and disseminated through a train-the-trainer program by the Modern Slavery Research Project, in collaboration with the Greater New Orleans Human Trafficking Task Force; a HT training facilitated by Eden House, for high school-aged individuals that teaches trafficking victim identification; and trainings created and given by local subject matter experts. The Northwest Louisiana FREE Coalition facilitated and conducted a public awareness campaign, called Not in My City in Bossier and Caddo Parish. There is a great need for a statewide public awareness campaign and coordinated efforts to increase community awareness and knowledge. One primary form of educating community members is a public awareness campaign. The Northwest Louisiana FREE Coalition facilitated and conducted a public awareness campaign, Not in My City in Bossier and Caddo Parish.

b. Recommendations:

- ii. Outreach and education should be conducted at all points of contact in the community at which a victim may be identified, including families, churches, and youth-serving organizations. During regional summits, many communities discussed the need to utilize churches and other faith-based organizations to educate and engage the community. The church was identified to be a critical and untapped entry point into the community for to spread awareness as well as pool resources. To increase public knowledge of how to identify and report cases of trafficking, cross-sector partners should collaborate to create a statewide public awareness campaign, such as one modeled after the Caddo Parish-led Not In My City campaign. The goal of a broad, statewide campaign should be to equip community members in every region of Louisiana to recognize, understand and report sex trafficking of minors.

3. Enhancing Education and Training for Service Providers, Schools, Justice System Stakeholders, Workforce Organizations, and Related Government Agencies and NGOs

a. Findings and Current Education and Training:

- i. Law enforcement training and policies to properly identify and respond to trafficked youth are greatly needed throughout the state. A lack of law enforcement training leads to the misidentification of victims and diversion to the juvenile justice system rather than needed services. The New Orleans Police Department's Child Abuse policy includes red flags and response to HT, but youth continue to be misidentified without a coordinated rapid response team response in place. The policy, as approved by the DOJ, states that no victim of trafficking shall be arrested, investigated, or even referenced using 14:42: Prostitution. In 2017, NOCAC trained all police officers on this new policy in mandatory in-service training. Law enforcement policy change and training must be prioritized throughout the state.
- ii. Child Welfare Training Academy (CWTA) has developed an online training in collaboration with agencies including DCFS, and HP Serve. The training will provide information on HT identification and will be accessible by all disciplines. Furthermore, the CWTA is also in the process of developing further in-depth training for caseworkers, supervisors, and caregivers. These trainings will act as the 2nd and 3rd level of trainings after the initial online training is completed. The CWTA is using the curriculums established by the Capacity Building Center for States and are working to edit and add to those trainings. A contract is currently in place for this work.
- iii. FREE Coalition and Caddo Parish Juvenile Services along with several area partners conduct an annual training for service providers, schools, law enforcement, juvenile justice, and other youth-serving agencies that operate in I-20 Central Corridor. This training is an initiative with the I-20 Central Corridor Anti-Trafficking Team and targets multi-disciplinary team members from Louisiana, Texas and Mississippi to increase regional awareness, coordination and collaboration. Similar efforts are needed throughout the state to bring together regional and interstate partners.

- iv. The school system is a primary point of entry in which training should be mandated for all school personnel to improve identification and response to sex trafficking of minors. Currently, Caddo, Bossier, DeSoto and Webster school districts are the only parishes that have conducted coordinated HT training in schools for all personnel including teachers, custodians, bus driver, cafeteria workers, administrators and school resource officers through partnership with FREE Coalition. Efforts like this must be replicated across the state.

b. Recommendations:

- i. This committee recommends mandated statewide policy to ensure HT training for all law enforcement. Policy should be put into place to mandate training for law enforcement that is victim-centered to compel a shift in which trafficked youth are viewed as victims and not criminals. Juvenile victims of trafficking are often arrested for charges such as running away, loitering, curfew violation, or other minor offenses that hide their exploitation from law enforcement. Additionally, successful prosecutions often rely heavily on the evidence from the scene of identification. Appropriate identification and response training for law enforcement is critical for the well-being of the victim as well as the outcome of the case.
- ii. In addition to training and policy changes, law enforcement capacity must be increased to improve the rate of successful trafficking investigations and prosecutions. This committee recommends funding allocation to regions where capacity needs to be strengthened through development of specialized detectives that handle HT investigations as these cases are time consuming and complex. Specialized detectives should have smaller caseloads to focus on HT investigations. It will also be critical to have law enforcement task force teams bringing together local, state, and federal agencies – because these cases often cross jurisdictions - and federal agencies may have the resources needed to help with a case that local agencies do not have.
- iii. This committee recommends there be statewide policy mandating HT training for all school personnel including teachers, custodians, bus drivers, cafeteria workers and administrators, principals, school resource officers etc., every two years such as the local policy in place in Bossier Parish. Additionally, this committee recommends consideration of mandated training for all other possible points of entry for juvenile trafficking to ensure cross-sector safety nets throughout the system and community. Such personnel would include first responders and professionals within the system such as emergency medical professionals, health care professionals, juvenile justice, DCFS, CACs, and shelter staff.
- iv. This committee recommends mandated training for judges and prosecutors in both juvenile and criminal courts on HT. This training is necessary to improve the prosecution of both traffickers and buyers while reducing victimization and traumatization of youth in lengthy and non-trauma-informed court proceedings. Training for juvenile judges and prosecutors will improve the identification of victims in juvenile justice settings and help to divert youth from the justice system to appropriate services.

4. Fostering Coalitions, Networks, and Community and Workforce Organization

b. Findings and Current Coalitions:

- i. Best practice in child abuse, including sex trafficking of minors, indicates a multi-disciplinary approach. Currently, there are five trafficking multi-disciplinary teams working to collaboratively create trauma-informed service plans for juvenile trafficking victims in Caddo, New Orleans, Calcasieu, Lafourche, and Baton Rouge. Other regions across the state have held training by existing trafficking MDT leadership in Louisiana to work towards developing a multi-disciplinary response for trafficked youth. However, the challenges faced by these teams in finding appropriate and specialized service and housing referrals has prevented the successful prevention of re-victimization.
- ii. Three coalitions and task forces operate in Louisiana to improve community-wide education and collaboration. Such collaborative groups include the Greater New Orleans Human Trafficking Task Force (GNOHTTF), which provides funding for law enforcement investigations as well as direct services, including: case management, housing, counseling, etc. A second group is the St. Landry Evangeline Anti-Trafficking Task Force (SLEAT). SLEAT is a taskforce of women established to compile an organized document of recommendations for the St. Landry and Evangeline communities that will provide education and awareness, identify and track occurrences, and assist with eradication of HT. The F.R.E.E. Coalition is a community-based coalition coordinated by Caddo Parish Juvenile Services and several area partners.
- iii. There are 16 Children's Advocacy Centers in LA, ensuring that every parish is served. Under Children's Code, each CAC coordinates a multi-disciplinary team and has a protocol for how to respond when a victim of child abuse is identified. This year, forensic interviewers from 12 CACs across the state received specialized training for interviewing victims of child sex trafficking. However, each CAC varies in the specialized services and programs in place for trafficked youth.

b. Recommendations:

- i. This committee recommends each region or parish have a coordinated two-tiered approach to serving juvenile sex trafficking victims/survivors. The first tier should be a trafficking-specific, or trafficking-trained, multi-disciplinary team, which is case-specific to create individually tailored service plans and improve investigation and prosecution outcomes. Each team should be built around/inclusive of the local community's unique resources, but may consist of area coalitions, nonprofits, juvenile justice, juvenile probation, DCFS, CACs, DAs, local and federal law enforcement, housing providers, advocates, schools, and other appropriate youth-serving agencies. The goal of the team should be to facilitate a continuum of care for victims that meet their complex needs for sustained recovery. The second tier should include a broad, community-based coalition which may be open to the public and brings together stakeholders to acquire resources to fill service gaps identified by

- trafficking multi-disciplinary teams. These coalitions should also fill training needs and improve community awareness.
- ii. This committee recommends the development of a statewide committee led by the Commission. The committee should be comprised of all juvenile trafficking multi-disciplinary team leadership to promote sharing of information, best practices and networking between regions.
 - iii. This committee recommends that the multi-disciplinary team process and community-wide coalitions should systematically incorporate youth voice and engagement whenever possible. Youth can be included in-person at smaller meetings with their team of support, or through a designated team member who has met with the youth and relays their needs, values, and goals to the team. Efforts should be taken to empower youth to voice their needs and to engage in decision-making conversations.
 - iv. This committee recommends an I-10/12, and separately, an I-49 Anti-Trafficking Teams should be established and modeled after the I-20 Central Corridor Anti-Trafficking Team. One particular issue for HT is the issue of crossing state and interstate jurisdictional lines, a tactic used by traffickers to evade law enforcement and isolate victims. The purpose of this team should be to improve collaboration, communication and information sharing among law enforcement and multi-disciplinary team members across the I-10/12 and I-49 interstate through a minimum of one annual training/meeting.

5. Changing Systemic and Organizational Practices

b. Findings and Current Systemic and Organizational Practices:

- i. Placement is a constant challenge and primary issue of concern when addressing sex trafficking of minors. There are very few foster families in Louisiana that will take in teenagers with trafficking histories, and only two trafficking-specific residential facilities in Louisiana for minor victims of sex trafficking: Free Indeed Home and Metanoia Manor. Free Indeed Home is a ten-bed long-term residential facility located in Covington and accessible to confirmed female juvenile trafficking victims identified statewide. However, an important discussion held at a regional summit identified that Free Indeed is often not filled to capacity. Metanoia Manor opened in 2017 and is a twelve-bed long-term residential facility located in Baton Rouge, also accessible to confirmed trafficking victims identified statewide. Metanoia is a placement option for female victims up to age 21, and also has capacity to house children of trafficking victims. Both facilities are limited to serving female survivors, and the latter facility has a more restricted screening and intake process.
- ii. An alternative model and promising practice for placement for juvenile trafficking victims is specialized therapeutic foster homes. Currently, no known therapeutic foster homes specifically for trafficked youth exist in Louisiana. However, an additional tier has been created for specialized therapeutic foster homes as a result of the collaborative work between DCFS and the Louisiana Children's Anti-Trafficking Initiative. However, despite the creation of this specialized tier, DCFS continues to face challenges in recruiting and sustaining qualified foster parents to take in youth with

significant trauma histories. Substantial funding is needed in order to recruit and train foster parents, improve compensation and support for specialized foster parents, and to staff DCFS with additional and specialized foster care workers to provide ongoing support to foster parents and trafficked youth in care.

- iii. Effective respite facilities and emergency placements are severely lacking in Louisiana. Trafficking victims may be detained in juvenile detention centers because of a lack of alternative safe placement options. In most communities in the state, the only emergency placement options are homeless or domestic violence shelters, many of which cannot take in juveniles. Covenant House in New Orleans is an example of a facility that provides specialized services for trafficking victims including respite; however, state law requires Covenant House to call DCFS if they encounter a child under the age of 18, which may result in the child being removed from the shelter. Additionally, there are no existing drop-in centers specifically for the trafficked youth population.

b. Recommendations

- i. A high number of children are excluded from a system response because DCFS is unable to be involved and provide services, due to discrepancies in state law, policy, limited funding and capacity issues, without proven parental culpability. The Louisiana Children's Code lists HT as a ground for Child in Need of Care (CINC) regardless of parental culpability, which conflicts with language in the Children's Code that dictates DCFS policy to only serve youth victims of abuse or neglect when there is parental capability. In order for this discrepancy to be corrected, DCFS funding and capacity must be substantially increased before they are expected to investigate and provide services to all victims of trafficking, regardless of parental culpability. Legislation should explore parental culpability barrier removal legislation that is supported with substantial funding and capacity increases supported by state funding. Prior to this happening, work must also be done to create and fund more specialized placements and services so that victims can receive appropriate treatment while in care.
- ii. This committee recommends allocation of funding towards development of additional and more effective emergency placement options, as well as long-term placement options that provide comprehensive services to meet the complex needs of trafficking victims. This committee recommends the emergency placement centers that are able to provide specialized assessment and services for trafficked youth. In addition, therapeutic family homes should be developed as an alternative to the group home model. These specialized foster homes can provide respite for youth on an emergency respite basis who are not in foster care, as well as provide long-term foster care for youth.

6. Influencing Policy and Legislation

a. Findings and Current Policy and Legislation:

- i. The committee has received the laws that exist in Louisiana to support identification and response to trafficked youth. The following laws and policies were reviewed:
- ii. SB42 includes a mandate to train judges on HT identification.
- iii. Louisiana RS 14:46.3 addresses commercial sexual activity involving children—defined as any sexual act performed in return for something of value—and criminalizes any person who traffics someone under 18 years old for the purpose of sex.
- iv. Chapter 20, Article 725, of the LA State Children’s Code, called the Safe Harbor for Sexually Exploited Children, declares that sexually exploited children are victims of crime and should be treated as such, in accordance with federal and international law. Article 725 states that sexually exploited children should not be prosecuted for prostitution but should instead be funneled into services outside of the justice system to meet their needs. This chapter is meant to prevent a child from being further victimized. There should be a child protective response in place for these children, rather than relying on the justice system.

b. Recommendations:

- i. SB42 should be expanded to mandate training for professionals including school personnel (counselors, teachers, and administration), hospital/healthcare personnel, and law enforcement.
- ii. Louisiana currently has a gap in its child welfare response to child sex trafficking victims due to the parent/caregiver limitation that prevents a child welfare response when the child is trafficked by a third party (see section 5(b)(i) above). This committee recommends all of the laws regarding the Department's ability to investigate and provide services for this population need further evaluation and revisions to determine appropriate changes.
- iii. This committee recommends that Louisiana's mandated reporting law, Rev Statute 14:403, should be expanded such that all mandated reporters are required to go through trafficking identification training.
- iv. This committee recommends revisiting existing and proposed legislation and funding proposals to ensure gender, language and culture responsiveness and sensitivity.

- v. This committee recommends to clearly remove criminal liability for minors under the prostitution law. This will help move the statewide response toward a protective rather than punitive response, and helps resolve conflicts that can lead to gaps in services when exploited youth are not identified as victims. Shared Hope's recent [*Seeking Justice* report](#) shows the dominant trend in non-criminalization laws is to remove criminal liability for all minors based on age rather than hinging protection from criminalization on identification as a victim. (Shared Hope).
- vi. This committee recommends amending Act 564 of the 2014 Louisiana Legislature to develop an annual HT Report to include an annual status update to describe statewide activity and efforts regarding multi-disciplinary teams each year to improve data collection and effectiveness measurement. Amended legislation should include a requirement for each MDT facilitator to develop an annual update and submitted it to DCFS to compile each jurisdiction's data.

III. SEX TRAFFICKING OF ADULTS – Primary, Secondary, and Tertiary Levels of Prevention

A. Findings and Recommendations

2. Strengthening Individual Knowledge, Skills, and Early Intervention

a. Findings and Current Individual Initiatives:

- i. Committee members emphasized that we need to educate young girls, and boys, about trafficking and the tactics traffickers use to enlist young women and men into sex work. This education is especially relevant for young girls and LGBTQ youth who are already at-risk because of prior trauma.

b. Recommendations:

- i. R.E.A.L. Choices, the Eden House prevention education program, has been providing prevention education to at-risk girls in juvenile justice, foster care, and shelters area for the last year.
- ii. Support for (mandatory) prevention education at the high school level.

3. Promoting Community Education, Resilience, and Empowerment

a. Findings and Current Community Initiatives:

- i. The public still clings to outdated notions of who can be a HT victim and fails to recognize that adults are also victimized by systems of prostitution and human and sex trafficking. Many still believe that women who engage in acts of commercial sexual exploitation are criminals rather than victims. Adult victims of HT are often relegated to a shadowy underworld of organized crime, adult entertainment, addiction, and homelessness. While we have done much to raise consciousness about minor victims of HT, we have failed to do so for adult victims. We fail to see that many women who end up in trafficking and prostitution have pre-existing vulnerabilities, such as child sexual abuse, neglect, poverty, displacement, and addiction, and have suffered repeated trauma that make them easy prey for traffickers. As with many gender-based forms of violence, women who are forced to engage in systems of prostitution are blamed for the abuse and judged for their behavior, are considered to be sex addicts rather than sex slaves, and are seen as criminals, but most certainly not as victims. Conversely, the women often blame themselves and minimize the violence committed against them. Thus, they are reluctant to disclose, identify or press charges against their trafficker, and are caught in a vicious cycle of abuse.
- ii. Child Welfare Training Academy has a recently released an Online Training Curriculum for the general public that can be offered for a certificate with the completion of a pre and post-test.

b. Recommendations:

- i. Human trafficking survivors need community – both a community of survivors and a supportive community of providers – to deal with the stigma, trauma, and isolation associated with trafficking and its aftermath. State agencies and non-profit social service providers can play pivotal roles in connecting survivors state wide.

- ii. Develop and disseminate a state-wide HT awareness campaign that is inclusive of adult survivors and that demystifies commonly held notions about trafficking, sexual exploitation, and prostitution.
- iii. Place an awareness campaign with HT hotline in workplaces. Similar to the Anti-Trafficking campaign signs that are required in gas stations around the state. Should be put next to the mandatory display of employee rights in workplaces. A visual point of reference for those in a workplace.
- iv. Establish protocols that help to connect at-risk individuals to resources, such as housing, job training, food stamps, and education, to prevent prostitution and trafficking.

4. Enhancing Education and Training for Service Providers, Schools, Justice System Stakeholders, Workforce Organizations, and Related Government Agencies and NGOs

a. Findings and Current Education and Training:

- i. Men and Women over 18 with a risk to being trafficked are those who have aged out of foster care, have a history of domestic and sexual violence, those in the LGBTQ and homeless population, women living in poverty with little access to economic, educational, and mental health resources.

b. Recommendations:

- i. Create and fund training opportunities for mental health professionals who work with victims and survivors of HT, and increased resources for survivors to access counseling long-term.
- ii. Provide evidence-based training for law enforcement to identify adult victims of HT.
- iii. Provide evidence-based training for other first responders – community based (clergy, etc.) and institutionally based (medical personnel, etc.) – to identify adult victims of HT.
- iv. Develop clear protocols for first responders.
- v. Provide mandatory education to foster homes about risks of trafficking for kids aging out of foster care.
- vi. Provide training in re-entry programs at prisons.
- vii. Mental health providers need mandatory training to catch risk factors of clients and identify at-risk populations. Mental health providers also need more funding to train counselors in trauma informed care.
- viii. Mandatory training for Judges, DA offices, and Public Defender Offices, as well as law enforcement.
- ix. Offer survivor co-training.

5. Fostering Coalitions, Networks, and Community and Workforce Organization

a. Findings and Current Coalitions: none at this time

b. Recommendations:

- i. Provide funding and support for long-term, comprehensive, and residential service providers. Louisiana needs at least two additional residences, one in New Orleans and one in Baton Rouge that provide comprehensive recovery services and emergency housing.

- ii. Establish a HT or diversion court at the state or federal level that deals with cases consisting of and related to HT.

6. Changing Systemic and Organizational Practices

a. Findings and Current Systemic and Organizational Practices:

- i. Due to the lack of understanding of the causes of prostitution -- force, fraud and coercion, but also economics and gender discrimination, the need to feed one's children, drug addiction, homelessness, and other pre-existing vulnerabilities -- and a lack of understanding of adult victims of HT and what actually constitutes HT itself, committee members expressed concern that concern that adults are not regularly identified as victims who are in need of services and resources by law enforcement, medical responders, and other first responders. Additionally, committee members noted, trafficking crimes are not always investigated as such and often treated as solicitation and loitering instead. Individuals who are arrested on those charges, who are arrested as part of sting operations, who present at emergency rooms or primary care physicians with injuries that are consistent with sexual or intimate partner violence, and who might disclose to family members, clergy, drug rehabilitation counselors or others -- to name just a few instances in which victims of HT come into contact with those who might assist them -- are not regularly identified as victims of HT or prostitution. More often than not, these women are charged with related crimes and subsequently incarcerated, released into the hands of their trafficker, or left to their own devices and are subsequently compelled to return to prostitution or trafficking. Moreover, Louisiana does not have a special court that deals with women who are victims of prostitution, HT and sexual exploitation. Rather, the legal system is all but forced to continue to see victims as criminals who are guilty of prostitution and solicitation and who therefore need to be incarcerated.
- ii. Committee members discussed that many victims are forced into prostitution by reasons outside of their control (force, fraud and coercion, but also economics, the need to feed one's children, drug addiction, homelessness, and other pre-existing vulnerabilities) and emphasized that we need to more comprehensively address the social and economic causes that lead into prostitution and trafficking.
- iii. Once victims are identified, connecting them to resources is a major challenge. There simply is not enough room or enough resources in Louisiana to provide adult victims with the services they need to recover from the complex and varied trauma associated with trafficking. Housing and residential services have consistently been identified as a priority need in the state. Survivors also need a comprehensive network of programs and resources -- ranging from counseling and trauma therapy, to legal assistance, job training, and education (to name just a few) -- to start their lives over. Mental health services, in particular, were noted as being insufficient.
- iv. Adults cannot get a record expunged while in "the life," which becomes a barrier to finding employment, housing, and education. The committee recommends that adults survivors should be granted the same legal rights as minors in having their records cleared.

b. Recommendations:

- i. The committee agreed that survivors need a minimum of resources, including but not limited to:
 - a. long-term residential care where services can be coordinated in the safety of a home-like environment (it was noted that, with the exception of Eden House New Orleans, and a safe house in Shreveport, residential care, whether long-term, short-term, or emergency was virtually absent in the state of Louisiana)
 - b. emergency and/or transitional housing for women who are being rescued or coming off the streets
 - c. access to consistent and long-term mental health services,
 - d. needs to be trauma-informed and victim-centered treatment to fully address the individual needs of HT survivors
 - e. access to job training and work experience
 - f. Legal assistance and fair treatment in court. Survivors have many legal needs, beginning with a court system that understands them and that recognizes that prostitution is often a form of HT, and legal assistance that meets their needs. Specifically, services should include: expungement of crimes committed while being trafficked; assistance with pending criminal and civil cases, including bankruptcy, identity theft, and debt; and diversion and treatment rather than incarceration
- ii. A more seamless referral system for victims, so that services can be more effectively and efficiently coordinated.

7. Influencing Policy and Legislation

a. Findings and Current Policy and Legislation: none at this time

b. Recommendations: none at this time

The committee further offers the following recommendations set forth in a different format:

Housing for Adult Victims - Tertiary Level:

1. Provide funding and support for long-term, comprehensive residential service providers.
2. Louisiana needs at least two additional residences, one in New Orleans and one in Baton Rouge that provide long-term comprehensive recovery including job training.
3. Louisiana also needs emergency housing for adults who are coming off the streets or prison; and
4. Transitional housing for young adults (with or without children), who are aging out of homes for minors.

Social and Legal Services for Victims - Tertiary Level:

1. Build a more seamless referral system for victims, so that services can be more effectively and efficiently coordinated. Using the example of the Greater New Orleans Human Trafficking Task Force, develop protocols for referral processes and inter-agency communications to better serve victims.

2. Create a statewide provider directory specifically geared at adult victims.
3. Apply same legal standards to adult victims that are now being used for minor victims.
4. Develop clear expungement and vacatur laws for adult victims.

Improved Mental Health Services:

Primary Level

1. Provide more generalized training for counselors and other first responders to identify and flag signs of trafficking in a client.
2. Provide trauma-centered training for mental health professionals throughout the state.

Secondary Level

1. Provide comprehensive education programs for young adults who have already had brushes with sex trafficking (example: R.E.A.L. Choices program at Eden House).

Tertiary Level

1. Create or identify, and fund training opportunities for mental health professionals who work with victims and survivors of HT.
2. Provide resources for survivors to access counseling on a long-term basis.

Judiciary and Law Enforcement:

1. Establish a state or federal HT or diversion court based in New Orleans or Baton Rouge, deals with cases consisting of and related to HT. Examples include the HT court in Queens, and the Columbus, OH CATCH court.
2. Educate judges on the issue of trafficking, provide CLE credits for lawyers, prosecutors, and judges.
3. Provide evidence-based training for law enforcement to identify adult victims of HT.

Education and Training:

Primary Level

1. Develop and disseminate a state-wide HT awareness campaign that is inclusive of adult survivors and that demystifies commonly held notions about trafficking, sexual exploitation, and prostitution.
2. Provide HT education to high schools, colleges, and civic organizations.
3. Support the implementation of a (mandatory) prevention education at the high school level.

Secondary Level

1. Provide evidence-based training for other first responders – community based (clergy, etc.) and institutionally based (medical personnel, etc.) – to identify adult victims of HT.
2. Mandatory training for foster homes and foster parents.
3. Provide training to those working with incarcerated women.

IV. LABOR TRAFFICKING OF ADULTS

A. Findings and Recommendations

1. Strengthening Individual Knowledge, Skills, and Early Intervention

a. Findings and Current Individual Initiatives:

- i. Many service providers are unaware of the indicators of labor trafficking, or may not be aware of the best questions to ask a client to determine if they have experienced that crime. Screening tools are a simple way to identify potential victims of trafficking during an intake process. There are several nationally recognized tools that can be used to screen for all forms of trafficking- including labor. The Vera Institute has created the Trafficking Victim Identification tool (TVIT) that has been evaluated and tested by the National Institute of Justice.⁴⁶ The National Human Trafficking Resource Center at Polaris Project has a comprehensive HT screening tool with a specific section on labor trafficking assessment.⁴⁷ The Coalition to Abolish Slavery and Trafficking (CAST) intake tool for social service providers is a user-friendly tool to conduct intake that can identify both sex and labor trafficking. The tool is created with a series of yes or no questions that determine whether a client fits the federal legal definition of trafficking. This tool also protects clients from sharing too much information or being traumatized during intake by asking excessively invasive, personal questions. Youth specific tools that cover all forms of HT also are available. Similar to the TVIT is the Human Trafficking Interview and Assessment Measure (HTIAM-14) utilized by the Modern Slavery Research Project during its assessment of trafficking among homeless youth populations in New Orleans. This tool is based on previously designed trafficking screening guidelines (including tools designed by the VERA Institute of Justice, the Department of HHS/Rescue and Restore Campaign, and Covenant House Nine Line), with additional questions created specifically to assess trafficking victimization among homeless youth experiences.⁴⁸ The Human Trafficking Screening Tool (HTST) was created to examine youth involved in juvenile justice. The Quick Youth Tool Indicator Tool⁴⁹ was designed for non-expert staff to conduct yes or no questionnaire-style screening to identify potential victims of labor trafficking.

b. Recommendations:

- i. The committee recommends that the Commission collaborate to identify and adopt an appropriate existing trafficking identification tool that covers all

⁴⁶ "Screening for Human Trafficking: Guidelines for Administering the Trafficking Victim Identification Tool," Vera Institute, June 2014. <https://www.vera.org/publications/out-of-the-shadows-identification-of-victims-of-human-trafficking>

⁴⁷ "Comprehensive Human Trafficking Assessment," National Human Trafficking Resource Center, Polaris Project, 2011. <https://humantraffickinghotline.org/sites/default/files/Comprehensive%20Trafficking%20Assessment.pdf>

⁴⁸ Murphy, Laura T. et al, "[Trafficking and Exploitative Labor among Homeless Youth in New Orleans](#)."

⁴⁹ Chisholm-Straker, Einbond, Sze, and White, "Recognizing Human Trafficking Among Homeless Youth." 2017.

forms of trafficking including labor trafficking and debt bondage (such as the Vera, CAST, or Polaris HT screening tools), and provide relevant agencies with the training to utilize the screening tool. This training should include cultural competency and explore the barriers to victim disclosure.

2. Promoting Community Education, Resilience, and Empowerment

a. Findings and Current Community Initiatives:

- i. Many immigrant service providing organizations provide community education and empowerment to at-risk foreign national populations. The NOWCRJ and CCANO are examples of organizations providing “know your rights” educational outreach to foreign national populations who may be at risk of labor exploitation. The GNOHTTF is in the process of creating awareness materials which will be posted in at least 5 languages in places where vulnerable people congregate. State and federal agencies, as well as federal law enforcement entities, provide a variety of trafficking awareness materials for workers. Louisiana Alcohol Tobacco Control (ATC) has distributed trafficking posters that include labor trafficking information in public places such as gas stops and public rest stops throughout the state of Louisiana. United States Citizenship and Immigration Services (USCIS), the Department of Homeland Security (DHS), FBI, Department of Labor (DOL), and Equal Employment Opportunity Commission (EEOC) have outreach materials for individuals at risk of labor exploitation and labor trafficking. For example, the NHTH cited the Department of State “Know Your Rights Pamphlet”, a pamphlet which is provided to all foreign nationals granted visas, as one of the top ways that callers from Louisiana identified the National Human Trafficking Hotline phone number. La. R.S. 15:541.1 requires the posting of National Human Trafficking Hotline information at several high-risk locations including massage parlors, highway truck stops and rest stops in multiple languages, and requires the inclusion of information on labor trafficking. However, it is unclear whether this has been enforced.
- ii. Louisiana does not currently have a plan for a post-disaster anti-trafficking awareness campaign to prevent vulnerable people from falling victim to traffickers. Partnership between shelter providers, disaster response agencies, and local governments to actively educate populations who are affected in a post-disaster context is a vital step to prevent trafficking. Examples of successful preventative campaigns include the City of Houston’s Mayor’s Office Emergency Disaster Response Toolkit to implement in the case of a natural disaster such as a hurricane, which they implemented after Hurricane Harvey devastated the Houston metropolitan area.

b. Recommendations:

- i. The committee recommends that the Commission seek support to amend La. R.S. 15:541.1 to require enforcement of National Human Trafficking Hotline materials postings in all required public spaces, through either the use of civil penalties or citations to encourage compliance.
- ii. The committee recommends that the Commission encourage the Governor’s Office sponsor the creation of a statewide “Natural Disaster Awareness Plan”

modeled after the City of Houston's Mayor's Office Emergency Disaster Response Toolkit. The Awareness plan would be a way to prevent labor trafficking from occurring and to make people aware of their rights as they seek jobs post-disaster, as well as educating them on common schemes and tactics traffickers may use to prey on vulnerable individuals.

3. Enhancing Education and Training for Service Providers, Schools, Justice System Stakeholders, Workforce Organizations, and Related Government Agencies and NGOs

a. Findings and Current Education and Training:

- i. Overall, providers working in Louisiana believe there is a low level of awareness about labor trafficking among providers, schools, the justice system, workforce, and related agencies. Many HT training materials available to these sectors focus exclusively on sex trafficking, or only briefly discuss labor trafficking. There are even fewer educational and training resources available which focus on labor trafficking exclusively. However, there are no training repositories for HT in Louisiana or assessments to-date about statewide training efforts, so it's unclear what the extent of labor trafficking inclusive trainings are available. In June 2018, the GNOHTTF hosted a two day Train-the-Trainer: Labor Trafficking program that focused on providing experts from different fields with the tools to train others in their respective fields about labor trafficking. As a result of this program, the GNOHTTF now provides Labor Trafficking 101 training throughout the Greater New Orleans region. Louisiana State Police's new online training platform includes an online module that addresses labor trafficking. Additionally, the Attorney General's Office possesses training materials focused on labor trafficking. Federal law enforcement agencies such as HSI and the FBI have also provided labor trafficking training to organizations requesting information on that topic.

b. Recommendations:

- i. The committee recommends that the Commission require that all state agencies HT training include materials on both sex and labor trafficking.
- ii. The committee recommends that the Commission require annual training within state and local regulatory agencies such as Louisiana Workforce Commission to identify labor trafficking. Particularly, training of key personnel who visit worksites such as labor inspectors or worksite inspectors would be beneficial. This training should review best practices for responding and screening for HT in high-risk work environments, and provide cultural competency training.
- iii. The committee recommends that the Commission develop a protocol for law enforcement to follow when encountering a foreign national who may be a victim of trafficking. This protocol could be adapted from the "Victim Referral Protocol" developed by the GNOHTTF.
- iv. The committee recommends that the Commission identify and share training materials that highlight labor trafficking, or equally address both sex and labor, to be shared with: state agencies, service providers, law enforcement,

and other relevant stakeholders. The committee suggests a review of the Attorney General Office's HT training materials for this. The committee suggests that "labor trafficking" should include: forced labor, debt bondage, peonage, and involuntary servitude of both U.S. citizens and foreign nationals.

- v. The committee recommends that the Commission develop or share existing prevention training materials for hotels and staff about signs of labor trafficking, such as: too many people occupying a room, traveling in vehicles that are undersized for the occupants, control over the group by handlers, etc. Existing materials include the DHS Blue Campaign Hospitality Toolkit,⁵⁰ which comes in both English and Spanish language, and includes materials on sex and labor trafficking.
- vi. The committee recommends that the Commission require training for state protective agency staff such as Adult Protective Services and DCFS to identify *all forms* of HT- including labor trafficking and debt bondage.

4. Fostering Coalitions, Networks, and Community and Workforce Organization

a. Findings and Current Coalitions:

- i. Within immigrant communities, there are organizations creating a network of support for at-risk individuals and people who have experienced trafficking. NOWCRJ's projects with immigrant workers, the Congress of Day Laborers (Congreso de Jornaleros), and the Seafood Workers Alliance host regular meetings in New Orleans and across the state discussing individuals' rights and labor rights.
- ii. The GNOHTTF established a specific committee in November 2017 to address labor trafficking in the Greater New Orleans community. The Labor Trafficking Committee meets bi-monthly and includes members from law enforcement, service providers, legal services, immigrant services, the juvenile justice system, and other sectors. This committee collaborates to create multi-disciplinary space to address the gaps in the current anti-labor trafficking response, and to improve collaboration among different stakeholders. In 2018 they assisted in the creation of Labor Trafficking training, and some members participated as trainers during the Task Force's Train-the-Trainer program in June 2018.
- iii. At the state and federal level there are several agencies that are actively trying to identify exploitative employers and protect workers' rights. The DOL, Louisiana Workforce Commission, EEOC, and other regulatory agencies that are reviewing workplaces in Louisiana to identify exploitative employers and workplaces as well as seek remedies for victims of labor violations.

b. Recommendations:

- i. The committee recommends that the Commission facilitate a statewide service provider meeting or implement a statewide assessment to identify service providers that are 1) already serving labor trafficking victims, or 2) are willing to serve the population, in order to increase the number of service providers

⁵⁰ "Hospitality Toolkit," U.S. Department of Homeland Security Blue Campaign. Accessed Nov. 8 2018. <https://dhs.gov/sites/default/files/publications/blue-campaign/toolkits/hospitality-toolkit-eng.pdf>

who will serve labor trafficking victims. The committee recommends that the Commission foster partnerships statewide to bring together stakeholders interested in fighting labor trafficking.

- ii. The committee recommends that the Commission expand its membership to include representation of key stakeholders In the labor trafficking response: 1) membership of an organization that primarily serves foreign national populations, in order to ensure that this population's experiences are represented during Commission meetings; and 2) membership of a civil workplace regulatory agency such as DOL or EEOC, in order to ensure state agencies protecting workers are represented during Commission meetings.

5. Changing Systemic and Organizational Practices

a. Findings and Current Systemic and Organizational Practices:

- i. As it stands, there are virtually no specialized service providers that exclusively serve labor trafficking survivors in Louisiana (whereas sex trafficking victims do have specialized services). This means that labor trafficking survivors may not have access to services that addresses all of their needs. Overall, there may be a lack of awareness, outreach, and response to labor trafficking throughout Louisiana's systemic and organizational practices. Many service providers, law enforcement agencies, state agencies, and other sectors may not actively looking for indicators of labor trafficking in the people they encounter, and as a result many labor trafficking victims may go without being recognized.

b. Recommendations:

- i. The committee recommends that the Commission include labor trafficking equally in all trafficking discussions of the Commission and Advisory Board.
- ii. The committee recommends that the Commission host regional meetings to identify service providers and organizations across the state who are serving labor trafficking victims, and identify organizations who may be unknowingly serving them already.
- iii. The committee recommends that the Commission explore the issue of vulnerability of unaccompanied foreign national minors to HT, and assess how the current system can be improved to decrease that population's vulnerability.
- iv. The committee recommends that the Commission engage with regulatory agencies such as DOL, LWC, and EEOC to identify ways to improve workplace inspections and labor trafficking identification within state regulated work environments.
- v. The committee recommends that the state sponsor regional labor trafficking threat assessments to identify labor trafficking.

6. Influencing Policy and Legislation

a. Findings and Current Policy and Legislation:

- i. The majority of anti-trafficking legislation in Louisiana focuses on commercial sexual exploitation, child sexual exploitation, and child sex tourism. In March 2018, Representative Marcus Hunter presented House Bill

630 to improve the definition of debt bondage related to coercive labor.⁵¹ There are few resources in the state to investigate workplace violations, which is how many instances of labor trafficking could be detected or prevented. One gap in the existing Louisiana definition of HT is the absence of “involuntary servitude.” Involuntary servitude, also known as domestic servitude or peonage, is not explicitly mentioned in any Louisiana legislation, which is a serious gap given that the federal TVPA recognizes it as a unique form of labor trafficking separate from the general trafficking definition.

b. Recommendations:

- i. The committee recommends that the Commission address and strengthen existing legislation related to: debt bondage, forced labor, fair wages, worker protection, and state resources to investigate and respond to reports of labor violations. Specifically, the committee recommends either 1) the amendment of La. R.S. 14:46.2 to include “involuntary servitude” as defined by the TVPA,⁵² or 2) pass legislation to complement La. R.S. 14:46.2 to cover HT through “involuntary servitude” as defined by the TVPA.
- ii. The committee recommends that the Commission engage members of the Labor and Industrial Relations Committees; the Administration of Criminal Justice Committee; the Commerce, Consumer Protection, and International Affairs Committee; and the Agriculture, Forestry, Aquaculture, and Rural Development Committee to provide information on the issue of labor trafficking.
- iii. The committee recommends that the Commission explore how labor supply chain is regulated in the state of Louisiana and identify potential regulations and improvements the state can implement to minimize use of high-risk or dirty supply chains.
- iv. The committee recommends that the Commission seek support to amend La. R.S. 15:541.1⁵³ to ensure statewide enforcement of National Human Trafficking Hotline materials postings in all required public spaces, through the use of civil penalties to compel required entities to comply.

⁵¹ Human Trafficking: Debt Bondage, LA HB 630 (2018). <https://legis.la.gov/legis/billinfo.aspx?i=234108>

⁵² Involuntary Servitude is defined in the TVPA as: a condition of servitude “induced by means of (a) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or (b) the abuse or threatened abuse of the legal process.”

⁵³ National Human Trafficking Resource Center Hotline, LA RS 15:541.1 (2018). <http://legis.la.gov/legis/law.aspx?d=814465>

Section 5

2019 Legislative Recommendations

1. **The Commission and Advisory Board find that the definition of “caregiver” or another related term in the child welfare statutes should not be a barrier to a sex trafficked child accessing the protection of child welfare.**

The definition of “caretaker” creates a barrier to a sex trafficked child accessing the services of child welfare. Although a child sex trafficking victim may be identified as a “child in need of care” regardless of the child’s relationship to the perpetrator under La. Ch.C. art. 606, La. Ch.C. art. 725.5(A) (Duties of the Department of Children and Family Services) limits DCFS's to investigate as follows:

The department shall be responsible for investigating reports of abuse or neglect where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not.

Furthermore, the Department should serve HT victims with no parental culpability under a separate office within DCFS, as the same standards to CINC do not apply to this population. Services to this population should be provided when a parent volunteers for services and the child remains in their custody.

Recommendations:

Amend La. R.S. 36:471 *et seq.*, and any other statutes and laws as necessary, to provide that the provision of services to juvenile HT victims is a purpose and function of DCFS, to create a separate office within DCFS to focus on the specialized needs of this population, to identify the roles and responsibilities of other state agencies in the provision of services, **and to make these provisions effective upon appropriate funding.**

Amend La. Ch. C. art. 606(A)(7) to remove exploitation and trafficking of children perpetrated "by someone other than a parent or caretaker" as a child in need of care ground.

Amend LAC to provide the criteria and procedures to identify a HT victim and for the provision of services.

2. The Commission and Advisory Board find that the additional members be appointed to the Commission.

The Commission and Advisory Board finds that the following additional members should be appointed to the Commission: (18) Secretary of the Department of Revenue or designee and (19) Commissioner of the Louisiana Office of Alcohol and Tobacco Control or designee. The Commission and Advisory Board recommend amending Louisiana Revised Statute 46:2166 to comply with its findings.

3. The Commission and Advisory Board adopt Shared Hope International's Protected Innocence Challenge Legislative Framework: Protective Provisions for Child Victims recommendations.

5.3 State law prohibits the criminalization of minors under 18 for prostitution offenses.

Louisiana's prostitution laws do not expressly prevent the criminalization of minors for prostitution-related offenses. However, Louisiana's laws governing delinquent acts appear to establish an affirmative defense to prostitution charges. Despite the specific exclusion in La. Ch.C. art. 804(3) and (5) of prostitution offenses from the definition of "delinquent act" and "felony grade delinquent act" for child sex trafficking victims, La. Ch.C. art. 839(D) sets out a diversion process for minors charged with a delinquent act in violation of the prostitution laws. Thus, the exclusion of prostitution offenses from the definition of delinquent act appears to act as an affirmative defense because it only applies if the child was a victim of trafficking at the time of the offense, shifting the burden to the victim to prove that status in order to avoid prosecution.

This interpretation of the Children's Code also appears consistent with the protections provided under the criminal code. La. R.S. 14:46.3(E) (Trafficking of children for sexual purposes) states, "No victim of trafficking as defined by the provisions of this Section shall be prosecuted for unlawful acts committed as a direct result of being trafficked." However, Louisiana's prostitution offenses, La. R.S. 14:82(G)(1) (Prostitution; definition; penalties; enhancement), La. R.S. 14:83.3(D)(1) (Prostitution by massage), and La. R.S. 14:83.4(C)(1) (Massage; sexual conduct prohibited), provide an affirmative defense from prosecution for prostitution offenses if "during the time of the alleged commission of the offense, the defendant was a victim of trafficking of children for sexual purposes," and further provide that "[a]ny child determined to be a victim pursuant to the provisions of this Paragraph shall be eligible for specialized services for sexually exploited children." Consequently, the prohibition on prosecution in La. R.S. 14:46.3 when read together with the prostitution statutes also appears to establish an affirmative defense if a juvenile sex trafficking victim is charged with prostitution.

Recommendation:

Amend state law to ensure that all minors are protected from criminalization for prostitution offenses.

5.9 Child sex trafficking victims may vacate delinquency adjudications and expunge related records for prostitution and other offenses arising from trafficking victimization, without a waiting period.

Louisiana law allows child sex trafficking victims to petition for vacatur of adjudications without a waiting period and makes expungement automatic upon granting vacatur; however, relief extends only to adjudications for prostitution-related offenses. Specifically, La. Ch. C. art. 923 (Expungement and sealing of adjudications involving HT victims) provides,

A. A motion to set aside an adjudication pursuant to the provisions of this Article, may be filed and served upon the district attorney at any time following an adjudication of delinquency and completion of the disposition relating thereto involving the offenses of prostitution pursuant to R.S. 14:82, prostitution by massage pursuant to R.S. 14:83.3 or 83.4, or crime against nature by solicitation pursuant to R.S. 14:89.2 when the child's participation in the offense was a result of having been a victim of human trafficking under R.S. 14:46.2 or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.).

....

D. The court shall grant the motion if the court finds by a preponderance of the evidence that the violation was a result of the child having been a victim of human trafficking. Documentation of a child's status as a victim of human trafficking provided by a federal, state, or local government agency shall create a presumption that the child's adjudication was obtained as a result of having been a victim of human trafficking. However, such documentation shall not be required to grant a motion under this Article.

E. If the motion is granted, the court shall order the expungement and sealing of the record and report of the juvenile proceedings including all records and files related to the child's arrest, citation, investigation, charge, delinquency proceedings, adjudication, and probation for the offense.

Accordingly, adjudication may be set aside or vacated immediately and related records are expunged automatically. However, La. Ch. C. art. 923 applies specifically to adjudications for prostitution-related offenses, foreclosing the law's applicability to other offenses related to trafficking victimization.

Records for other offenses related to trafficking victimization may be expunged and sealed in accordance with La. Ch. C. art. 918 (Grounds), which states,

A. Records and reports of a delinquency matter that did not result in adjudication and records concerning delinquency adjudications for R.S. 14:82 [Prostitution; definition; penalties; enhancement], 83.3 [Prostitution by massage], 83.4 [Massage; sexual conduct prohibited],

89 [Crime against nature], 89.2 [Crime against nature by solicitation] may be expunged and sealed at any time.

B. Records and reports of a matter that resulted in a finding of Families in Need of Services or an adjudication for any charge other than murder, manslaughter, an offense requiring registration as a sex offender under R.S. 15:542, kidnapping, or armed robbery shall be expunged and sealed only if the court exercising juvenile jurisdiction has ceased to exercise jurisdiction in accordance with Article 313.

C. Records concerning conduct or conditions that resulted in a delinquency adjudication may be expunged and sealed only if all of the following circumstances exist:

(1) The person seeking expungement and sealing has no criminal court felony convictions and no criminal court convictions for misdemeanors against a person involving a firearm.

(2) The person seeking expungement and sealing has no pending indictment or bill of information.

D. If the adjudication was for murder, manslaughter, a sex offense requiring registration under R.S. 15:542, kidnapping, or armed robbery, the child may petition the court for an expungement of his juvenile record when the court has ceased to exercise jurisdiction in accordance with Article 313 and all of the following conditions are met:

(1) Five or more years have elapsed since the person seeking expungement and sealing satisfied the most recent judgment against him.

(2) The person seeking expungement and sealing has no criminal court felony convictions and no criminal court convictions for misdemeanors against a person involving a firearm.

(3) The person seeking expungement and sealing has no pending indictment or bill of information.

According to La. Ch. C. art. 922(A) (Expungement and sealing order; effect), Except for the limited purposes stated in Articles 920 [Order of expungement and sealing; court records] and 921 [Order of expungement and sealing; agency records], upon an order of expungement and sealing, the records and reports expunged and sealed and the underlying conduct and conditions are considered nonexistent and shall not be made available to any person. No person who juvenile records and reports have been expunged and sealed shall be required to disclose to any person that he was arrested or adjudicated or that the records and reports of arrest or adjudication have been expunged and sealed.

Recommendation:

Amend La. Ch.C. art. 923 (Expungement of adjudications involving HT victims) to allow child sex trafficking victims to vacate delinquency adjudications and expunge related records for other offenses arising from trafficking victimization.

5.11 Statutes of limitations for civil and criminal actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated or lengthened to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Although the criminal statutes of limitations for prosecuting child sex trafficking and certain CSEC crimes are lengthened, the statutes of limitations for related civil actions are not. Pursuant to La. C. Cr. P. art. 571.1 (Time limitation for certain sexual offenses), the criminal statutes of limitations for HT and several CSEC offenses are extended to 30 years. For various sexual offenses, La. C. Cr. P. art. 571.1 (Time limitation for certain sex offenses) states,

Except as provided by Article 572 of this Chapter, the time within which to institute prosecution of the following sex offenses, regardless of whether the crime involves force, serious physical injury, death, or is punishable by imprisonment at hard labor shall be thirty years: attempted first degree rape, also formerly titled aggravated rape (R.S. 14:28, R.S. 14:42), attempted second degree rape, also formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1, sexual battery (R.S. 14:43.1), second degree sexual battery (R.S. 14:43.2), oral sexual battery (R.S. 14:43.3), human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3), felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles (R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), molestation of a juvenile . . . (R.S. 14:81.2), prostitution of persons under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), crime against nature by solicitation (R.S. 14:89.2(B)(3)), incest (R.S. 14:78) [repealed], or aggravated incest (R.S. 14:78.1) [repealed] which involves a victim under seventeen years of age. This thirty-year period begins to run when the victim attains the age of eighteen.

For noncapital offenses, La. Code Crim. Proc. Ann. art. 572 (Limitation of prosecution of noncapital offenses) sets out the time frames for commencing criminal prosecutions. La. Code Crim. Proc. Ann. art. 572(A) states,

Except as provided in Articles 571 and 571.1, no person shall be prosecuted, tried, or punished for an offense not punishable by death or life imprisonment, unless the prosecution is instituted within the following periods of time after the offense has been committed:

(1) Six years, for a felony necessarily punishable by imprisonment at hard labor. (2) Four years, for a felony not necessarily punishable by imprisonment at hard labor. (3) Two years, for a misdemeanor punishable by a fine, or imprisonment, or both. (4) Six months, for a misdemeanor punishable only by a fine or forfeiture.

No general tolling applies to offenses against minors; however, La. C. Cr. P. art. 573 (Running of time limitations; exception) specifies that the time limitations found in La. C. Cr. P. art. 572 will not start to run “until the relationship or status involved has ceased to exist when: . . . [t]he offense charged is aggravated battery (R.S. 14:34) and the victim is under seventeen years of age.”

The statute of limitations for commencing civil actions is provided for under La. C. C. art. 3499 (Personal actions), which states, “[u]nless otherwise provided by legislation, a personal action is subject to a liberative prescription of ten years.”

Recommendations:

Amend La. C. C. art. 3499 (Personal actions) to extend the time for victims of La. R. S. 14:46.3(A), (B) (Trafficking of children for sexual purposes) and Louisiana’s CSEC laws to commence civil actions against their exploiters.

Amend La. C. Cr. P. art. 571.1 (Time limitation for certain sex offenses) to eliminate the statute of limitations for commencing prosecutions of La. R.S. 14:46.3(A), (B) (Trafficking of children for sexual purposes) and Louisiana’s CSEC laws.

4. The Commission and Advisory Board find that La. R.S. 14:46.2 and 15:541.1 should be amended.

It is recommended that either: 1) La. R.S. 14:46.2 is amended to include “involuntary servitude” as defined by the TVPA, (Involuntary Servitude is defined in the TVPA as: a condition of servitude “induced by means of (a) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or (b) the abuse or threatened abuse of the legal process.”) or 2) legislation passed to complement La. R.S. 14:46.2 to cover human trafficking through “involuntary servitude” as defined by the TVPA.

Additionally, it is recommended that the Commission seek support to amend La. R.S. 15:541.1 to ensure statewide enforcement of National Human Trafficking Hotline materials postings in all required public spaces, through the use of civil penalties to compel required entities to comply. National Human Trafficking Resource Center Hotline, LA RS 15:541.1 (2018). <http://legis.la.gov/legis/law.aspx?d=814465>

Section 6

2019: Objectives, HT Prevention Model, and Schedule

The 2019 objectives of the Commission and Advisory Board are to continue to: 1) conduct a continuing comprehensive review of all existing public and private HT programs to identify gaps in prevention and intervention services; 2) increase coordination among public and private programs to strengthen prevention and intervention services; 3) make further recommendations with respect to HT prevention and intervention; 4) review the statutory response to HT, analyze the impact and effectiveness of strategies contained in Louisiana HT laws, and make recommendations on legislation to further HT prevention efforts; and 5) continue to achieve the purposes for which the Commission is created. Also, upon approval of the Commission and Advisory Board, the chairs of the committees and various members of the Commission and Advisory Board will oversee the response, feedback, implementation, and effectiveness of the 2018 recommendations and will report to the chair of the Stakeholders & Services Coordination, Funding, and Data-Collection Work Group who will then provide updates to the Commission and Advisory Board on the progress of the 2018 recommendations, including any necessary revisions of the 2018 recommendations and 2018 HTPC Report.

In 2018, the Commission and Advisory Board's recommendations heavily focused on the Tertiary Level of Prevention, which addresses initiatives directed to individuals who have been trafficked and to reduce negative consequences and prevent its recurrence. In 2019, upon approval of the Commission and Advisory Board, continued focus will be made on addressing the other three levels of prevention: Primary Level of Prevention, which addresses initiatives directed at the general population to prevent individuals from becoming HT victims; Secondary Level of Prevention, which addresses initiatives directed to individuals who have risk factors for becoming a HT victim and to families, schools, demographics, and communities that have a high incidence of risk factors for HT; and Human Trafficking Demand Level of Prevention, which addresses initiatives directed to populations that have risk factors for becoming perpetrators who traffick humans and who illegally buy sex and/or labor and to the law enforcement and prosecution of perpetrators who traffick humans and who illegally buy sex and/or labor.

The following discussions were held by various committees and work groups with respect to the Human Trafficking Demand Level of Prevention and will continue in 2019:

- *Prevention efforts to target young men in order to prevent them from becoming buyers of trafficked sex and to recognize the harms of commercial sex;*
- *Research Prevention-oriented programs for at risk minors with Problematic Sexual Behaviors who are at risk for buying sex;*
- *Freedom Signal package of technology tools within the Seattle Against Slavery services to rapidly reduce sex trafficking on the city, parish, and state level by disrupting buyers of trafficked sex, including the customization of Intercept bots, deterrence messaging, and demand reduction website;*
- *Awareness and prevention initiatives led by men and directed to men as the primary buyers in commercial sex markets, such as Shared Hope International's project The*

Defenders USA, which educates men on the realities and harms of the commercial sex industry and its specific links to sex trafficking;

- *Prevention efforts directed to businesses and consumers to consult The Slavery Footprint group (<http://slaveryfootprint.org/30> and www.responsiblesourcingtool.org), that works to build awareness among individuals and businesses and create action against exploitation. This includes increasing their understanding of how they connect to modern-day slavery, encouraging companies to monitor and address slavery in their supply chains, and reward those companies with their purchase power. The Responsible Sourcing Tool introduces users to the issues and risks associated with HT in supply chains and encourage users to explore the issues in more depth. For example, it contains a model compliance plan with downloadable templates to help companies combat trafficking in their global supply chains;*
- *Innovative investigative techniques, technology, and protocols to deter demand through law enforcement;*
- *Sex trafficking and sex tourism as both local and international issues whereby often crimes perpetrated by local buyers against local victims are not as widely recognized as those perpetrated internationally;*
- *Tourist agencies and other businesses related to tourism, such as hotel chains and transportation outlets, remaining vigilant against facilitating sex trafficking and sex tourism and signing the ECPAT Code of Conduct commitment to identify and report potential abusers and remaining vigilant against facilitating labor tourism;*
- *Marriot and Hilton models requiring mandatory sex and labor trafficking training in all hotels and hospitality venues;*
- *The Louisiana Board of Massage Therapy ("LBMT") assigning a partner law enforcement agency and/or agencies: District Attorney's Office Investigators, Constable's Offices, or State Police;*
- *Mandatory inspection cycle for massage parlors by LBMT board members or law enforcement, or in collaboration;*
- *Restriction on when massage parlors can operate, i.e. 9am to 6pm;*
- *Further review of laws to prosecute buyers of illegal commercial sex, prosecution of buyers of commercial sex, and Offender Programs and School, such as Buyer Beware, including whether the offender school is a diversion program or a sentencing condition, whether the payment of a fee to enroll, which frequently covers the cost of the program and sometimes contributes to programs to aid HT victims or community anti-trafficking projects, and whether District Attorney creates offender program and is in charge of its maintenance and operation;*
- *The further disclosure of buyers of commercial sex from HT victims;*
- *Inter-agency and multi-disciplinary task forces to more effectively gather information on the markets and the trafficking actors for increased law enforcement and assistance to rescued victims;*
- *Cooperation and coordination between service providers and law enforcement to provide victims with the necessary protection and services to assist in the pursuit of cases against their traffickers;*
- *Mandatory jail time for all individuals arrested for soliciting and/or engaging in commercial sex acts with massage therapists, prostitutes, and/or victims of human trafficking;*

- Prosecutors having the ability to move forward against traffickers in the absence of the victims, such as the principles utilized by Prosecutors in Domestic Violence cases when victims recant despite irrefutable evidence;
- Adoption of laws that explicitly target hotels and motels akin to the ordinances adopted by Jefferson and East Baton Rouge parishes;
- Statutorily required assignment of at least one member of the Louisiana Board of Massage Therapy to an anti-human trafficking task force or working group;
- Anti-trafficking laws containing provisions addressing the criminality of demand and authorizing funding for demand prevention activities;
- State, parish, city, and municipal law enforcement agencies having enforcement authority of anti-trafficking laws.
- No retaliation policy for hotel/motel employees that report violations;
- Laws allowing for confiscation of assets from those who purchase sex from victims of trafficking where not already in place, and used in all cases;
- Stronger legislation is another way to combat demand for commercial sex;
- National and local anti-trafficking laws should be in place in all locations and regular monitoring and evaluating instituted to ensure accountability, honesty, and adherence to the laws;
- Internet regulations to help prevent facilitation through technology should be implemented, including stricter regulations on unsolicited pornographic advertising; and
- The following amendments to La. R.S. 14: 82.2, La. R.S. 14: 83, and La. R.S. 15: 243:

a. La. R.S. 14:82.2

§ 82.2. Purchase of commercial sexual activity; penalties

A. It shall be unlawful for any person to knowingly give, agree to give, or offer to give anything of value to another in order to engage in sexual intercourse with a person who receives or agrees to receive anything of value as compensation for such activity.

B. For purposes of this Section:

(1) “sexual intercourse” means anal, oral, or vaginal intercourse or any other sexual activity constituting a crime pursuant to the laws of this state.

(2) “Court-monitored Buyer Beware intervention program” means a program, comprised of a minimum of ten in-person sessions occurring over a minimum of ten weeks, that follows the Buyer Beware program or another model designed specifically for perpetrators of commercial sexual activity. The program shall include, but not be limited to, the education of the perpetrator with respect to the harms, exploitation, and negative effects of prostitution, sexual addiction and other problematic sexual behaviors, and methods of emotional and attitude rehabilitation. The offender's progress in the program shall be monitored by the court. The provider of the program shall have all of the following:

(a) Experience in working directly with perpetrators.

(b) Experience in facilitating intervention programs for perpetrators.

(c) Training in the causes and dynamics of commercial sexual activity and characteristics of perpetrators of commercial sexual activity.

C. (1)

C. On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than five hundred dollars nor more than one thousand dollars and shall be imprisoned for not less than thirty days nor more than six months and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:

(1) The offender is placed on probation with a minimum condition that he serve four days in jail and complete a court-monitored Buyer Beware intervention program.

(2) The offender is placed on probation with a minimum condition that he perform eight, eight-hour days of court-approved community service activities and complete a court-monitored Buyer Beware intervention program.

~~(2) On a second conviction, the offender shall be fined not less than one thousand five hundred dollars nor more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both, and one-half of the fines collected shall be distributed in accordance with [R.S. 15:539.4](#).~~

D. On a conviction of a second offense, notwithstanding any other provision of law to the contrary, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than one thousand dollars nor more than two thousand dollars and shall be imprisoned with or without hard labor for not less than sixty days nor more than one year. At least fourteen days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence, and the offender shall be required to complete a court-monitored Buyer Beware intervention program. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:

(1) The offender is placed on probation with a minimum condition that he serve thirty days in jail and complete a court-monitored Buyer Beware intervention program. (2) The offender is placed on probation with a minimum condition that he perform thirty eight-hour days of court-approved community service activities and complete a court-monitored Buyer Beware intervention program.

~~E. (3) On a third and subsequent conviction, the offender shall be imprisoned, with or without hard labor, for not less than two nor more than four years and shall be fined not less than two thousand five hundred dollars nor more than four thousand dollars and one-half of the fines collected shall be distributed in accordance with [R.S. 15:539.4](#). notwithstanding any other provision of law to the contrary and regardless of whether the offense occurred before or after an earlier conviction, the offender shall be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined two thousand dollars and one-half of the fines collected shall be distributed in accordance with [R.S. 15:539.4](#). The~~

first year of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.

F. (1) For purposes of determining whether an offender has a prior conviction for violation of this Section, a conviction under this Section shall constitute a prior conviction.

(2) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section if the date of completion of sentence, probation, parole, or suspension of sentence is more than ten years prior to the commission of the crime with which the offender is charged, and such conviction shall not be considered in the assessment of penalties hereunder. However, periods of time during which the offender was incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period.

G. An offender ordered to complete a court-monitored Buyer Beware intervention program required by the provisions of this Section shall pay the cost incurred in participation in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.

H. (4) Whoever violates the provisions of this Section with a person the offender knows to be under the age of eighteen years, or with a person the offender knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking of children for sexual purposes as defined by R.S. 14:46.3, shall be fined not less than three thousand nor more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

I. (5) Whoever violates the provisions of this Section with a person the offender knows to be under the age of fourteen years shall be fined not less than five thousand and not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.

D. In addition to the penalties provided for in Subsection C of this Section, the court shall order the offender to complete the Buyer Beware Program, as provided for in R.S. 15:243, to educate the offender about the harms, exploitation, and negative effects of prostitution. The court shall impose additional court costs in the amount of two hundred dollars to defer the costs of the program.

J. E. (1) Any child under the age of eighteen determined to be a victim of this offense shall be eligible for specialized services for sexually exploited children.

(2) Any person, eighteen years of age or older, determined to be a victim of this offense shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.

K. F. It shall not be a defense to prosecution for a violation of this Section that the person who receives or agrees to receive anything of value is actually a law enforcement officer or peace officer acting within the official scope of his duties.

b. La. R.S. 14:83

§ 83. Soliciting for prostitutes

- A. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

B. For purposes of this Section:

(1) “sexual intercourse” means anal, oral, or vaginal intercourse or any other sexual activity constituting a crime pursuant to the laws of this state.

(2) “Court-monitored Buyer Beware intervention program” means a program, comprised of a minimum of ten in-person sessions occurring over a minimum of ten weeks, that follows the Buyer Beware program or another model designed specifically for perpetrators of commercial sexual activity. The program shall include, but not be limited to, the education of the perpetrator with respect to the harms, exploitation, and negative effects of prostitution, sexual addiction and other problematic sexual behaviors, and methods of emotional and attitude rehabilitation. The offender's progress in the program shall be monitored by the court. The provider of the program shall have all of the following:

(a) Experience in working directly with perpetrators.

(b) Experience in facilitating intervention programs for perpetrators.

(c) Training in the causes and dynamics of commercial sexual activity and characteristics of perpetrators of commercial sexual activity.

C. On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than five hundred dollars nor more than one thousand dollars and shall be imprisoned for not less than thirty days nor more than six months and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:

(1) The offender is placed on probation with a minimum condition that he serve four days in jail and complete a court-monitored Buyer Beware intervention program.

(2) The offender is placed on probation with a minimum condition that he perform eight, eight-hour days of court-approved community service activities and complete a court-monitored Buyer Beware intervention program.

D. On a conviction of a second offense, notwithstanding any other provision of law to the contrary, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than one thousand dollars nor more than two thousand dollars and shall be imprisoned with or without hard labor for not less than sixty days nor more than one year. At least fourteen days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence, and the offender shall be required to complete a court-monitored Buyer Beware intervention program. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:

(1) The offender is placed on probation with a minimum condition that he serve thirty days in jail and complete a court-monitored Buyer Beware intervention program. (2) The offender is placed on probation with a minimum condition that he perform thirty eight-hour days of court-approved community service activities and complete a court-monitored Buyer Beware intervention program.

E.-(3) On a third and subsequent conviction, notwithstanding any other provision of law to the contrary and regardless of whether the offense occurred before or after an earlier conviction, the offender shall be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined two thousand dollars and one-half of the fines collected shall be distributed in accordance with [R.S. 15:539.4](#). The first year of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.

B. (1)(a) Whoever commits the crime of soliciting for prostitutes shall be fined not more than seven hundred fifty dollars, imprisoned for not more than six months, or both, and one-half of the fines collected shall be distributed in accordance with [R.S. 15:539.4](#).

(b) Whoever commits a second or subsequent offense for the crime of soliciting for prostitutes shall be fined not less than one thousand five hundred dollars nor more than two thousand dollars, imprisoned for not more than one year, or both, and one-half of the fines collected shall be distributed in accordance with [R.S. 15:539.4](#).

F. (1) For purposes of determining whether an offender has a prior conviction for violation of this Section, a conviction under this Section shall constitute a prior conviction.

(2) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section if the date of completion of sentence, probation, parole, or suspension of sentence is more than ten years prior to the commission of the crime with which the offender is charged, and such conviction shall not be considered in the assessment of penalties hereunder. However, periods of time during which the offender was incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period.

G. An offender ordered to complete a court-monitored Buyer Beware intervention program required by the provisions of this Section shall pay the cost incurred in participation in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.

H.-(2) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of eighteen years shall be fined not less than three thousand dollars nor more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with [R.S. 15:539.4](#).

I. (3) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of fourteen years shall be fined not less than five thousand dollars nor more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor

more than fifty years, or both, and one-half of the fines collected shall be distributed in accordance with [R.S. 15:539.4](#).

~~.(4) In addition to the penalties provided for in this Subsection, the court shall order the offender to complete the Buyer Beware Program, as provided for in [R.S. 15:243](#), to educate the offender about the harms, exploitation, and negative effects of prostitution. In furtherance of the administration of justice in the judicial district and to prevent future recidivism, the court shall impose additional court costs in the amount of two hundred dollars to defer the costs of the program, with the proceeds of the fine being paid to the operator of the Buyer Beware Program as provided for in [R.S. 15:243](#).~~

J.~~(5)~~ (a) In addition, the court shall order that the personal property used in the commission of the offense, or the proceeds of any such conduct, shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney, or otherwise distributed or disposed of, in accordance with [R.S. 15:539.1](#).

(b) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

c. La. R.S. 15:243

§ 243. Buyer Beware Program; post-conviction program for offenders; pre-trial diversion program for defendants; individuals engaged in the purchase of sexual activity and solicitation of prostitutes
La. R.S. 15:243 is hereby deleted in its entirety.

~~A. (1) The district attorney for each judicial district, alone or in conjunction with the district attorney of an adjacent judicial district, may create and administer a program for defendants charged, or offenders convicted, with an offense in which the defendant engaged in the purchase of sexual activity, including those charged or convicted pursuant to [R.S. 14:82.2](#) or 83. The program shall educate the defendants or offenders about the harms, exploitation, and negative effects of prostitution. The district attorney, at his discretion, may choose to be the operator of the program using his own office personnel or may choose a vendor as the operator of the program.~~

~~(2) The program may be offered, at the discretion of the district attorney, to an offender as part of a pre-trial diversion program unless the offense involves the purchase of sexual activity from a minor.~~

~~B. At the discretion of the district attorney, after any costs associated with the administration of the program are paid, a portion of all monies collected pursuant to the provisions of this Section may be distributed to entities within their judicial district, or within the judicial districts participating in the program, that provide rehabilitative services and treatment to victims of offenses involving human trafficking and trafficking of children for sexual purposes.~~

~~C. If the district attorney fails to develop a program, alone or in conjunction with the district attorney of an adjacent judicial district, the court shall order that the offender, who is sentenced pursuant to the provisions of [R.S. 14:82.2](#) or 83, attend a certain number of meetings for sexual addiction recovery with a local recovery group.~~

~~D. If the district attorney fails to develop a program, alone or in conjunction with the district attorney of an adjacent judicial district and there is no local recovery group for sexual addiction within the judicial district or within a fifty mile radius of the offender's home, the court shall order the offender, who is sentenced pursuant to the provisions of [R.S. 14:82.2](#) or 83, to complete an online course which educates the offenders about the harms, exploitation, and negative effects of prostitution.~~

In 2019, upon approval of the Commission and Advisory Board, the following HT Prevention Model will again be utilized for further discussions and collaboration in the development of creative HT prevention strategies and sustainable long-term HT solutions:

1. Strengthening Individual Resilience, Knowledge, Skills, & Early Intervention

Primary Level of Prevention

(Initiatives directed at the general population to prevent individuals from becoming HT victims)

Secondary Level of Prevention

(initiatives directed to individuals who have risk factors for becoming a HT victim and to families, schools, demographics, and communities that have a high incidence of risk factors for HT)

Tertiary Level of Prevention

(initiatives directed to individuals who have been trafficked and to reduce negative consequences and prevent its recurrence)

Sex and Labor Trafficking of Minors:

Sex Trafficking of Adults:

Labor Trafficking of Adults:

Human Trafficking Demand Level of Prevention

(initiatives directed to populations that have risk factors for becoming perpetrators who traffick humans and who illegally buy sex and/or labor and to the law enforcement and prosecution of perpetrators who traffick humans and who illegally buy sex and/or labor)

2. Promoting Community Education, Resilience, and Empowerment

Primary Level of Prevention

Secondary Level of Prevention

Tertiary Level of Prevention

Sex and Labor Trafficking of Minors:

Sex Trafficking of Adults:

Labor Trafficking of Adults:

Human Trafficking Demand Level of Prevention

3. Enhancing Education and Training for Service Providers, Schools, Justice System Stakeholders, Workforce, and Related Government Agencies and Non-government Organizations

Primary Level of Prevention

Secondary Level of Prevention

Tertiary Level of Prevention

Sex and Labor Trafficking of Minors:

Sex Trafficking of Adults:

Labor Trafficking of Adults:

Human Trafficking Demand Level of Prevention

4. Fostering Coalitions, Networks, and Community and Workforce Engagement

Primary Level of Prevention

Secondary Level of Prevention

Tertiary Level of Prevention

Sex and Labor Trafficking of Minors:

Sex Trafficking of Adults:

Labor Trafficking of Adults:
Human Trafficking Demand Level of Prevention

5. Changing Systemic and Organizational Practices

Primary Level of Prevention

Secondary Level of Prevention

Tertiary Level of Prevention

Sex and Labor Trafficking of Minors:

Sex Trafficking of Adults:

Labor Trafficking of Adults:

Human Trafficking Demand Level of Prevention

6. Influencing Policy and Legislation

Primary Level of Prevention

Secondary Level of Prevention

Tertiary Level of Prevention

Sex and Labor Trafficking of Minors:

Sex Trafficking of Adults:

Labor Trafficking of Adults:

Human Trafficking Demand Level of Prevention

2019 Schedule of Louisiana Human Trafficking Prevention Commission and Advisory Board

The 2019 schedule, upon approval of the Commission and Advisory Board, is as follows:

January 9	Commission Meeting Presentation of 2018 Annual Report to Governor and Legislature
February 21	Commission & Advisory Board Meeting Committees, Work Groups, & Healthcare Sub-committees Meeting
April 25	Committees, Work Groups, & Healthcare Sub-committees Meeting
June 7	Deadline for Committees, Work Groups, & Healthcare Sub-committees Recommendations for 2019 Annual Report
June 20	Commission & Advisory Board Meeting
July 18	Deadline for Commission and Advisory Board Recommendations for 2019 Annual Report
August 15	Deadline for Draft #1 of 2019 Annual Report
Sept. 19	Committees, Work Groups, & Healthcare Sub-committees Meeting
October 7	Deadline for Draft #2 of 2019 Annual Report Deadline
Oct. 17	Commission & Advisory Board Meeting (Approval Draft #2)
November 14	Deadline for Draft #3 of 2019 Annual Report
Nov. 21	Commission & Advisory Board Meeting (Approval Draft #3)
December 6	Deadline for Final Draft of 2019 Annual Report
Dec. 12	Commission & Advisory Board Meeting (Approval Final Report)
January 10, 2020	Presentation of 2019 Annual Report to the Governor and Legislature

Louisiana Human Trafficking Prevention Commission and Advisory Board

Annual Report 2018 APPENDICES

Appendix A - Articles on Louisiana Human Trafficking Laws

Appendix B - Shared Hope International's Louisiana 2018 Assessment

Appendix C - Shared Hope International's United States 2018 Assessment

Appendix D - La. HT Survivor 2018 Housing Resource Guide

*Appendix E - Modern Slavery Research Reports (Trafficking and Exploitive
Labor Among Homeless Youth in New Orleans 2015 Report
and A Ten-City 2016 Study) and La. DCFS: Trafficking of
Children 2018 Annual Report*

*Appendix F - NAWJ Trafficking in Persons-Modern Day Slavery: A
Program Manual*

*Appendix G - NCJTC/AMBER ALERT La. Child Sex Trafficking 2018
Project*

Appendix A

Articles on Louisiana Human Trafficking Laws

Article 1

People for \$ale: An Overview of Human Trafficking through 2013

**Katherine Green, Esq., *People for \$ale: An Overview of Human Trafficking*,
2013 B.R.B.A. Rep. 282**

In this day and age, most people have heard something about human trafficking, or what is more commonly referred to as “modern day slavery.”¹ The Department of State estimated that as many as 27 million people around the world are human trafficking victims.² Perhaps this should not be surprising considering human trafficking is also the fastest growing crime in the world. In fact, behind the illegal drug trade, human trafficking is tied with arms dealing as the second largest criminal industry in the world.³ But, unlike guns and drugs which can only be sold once, people—the human trafficker’s product—can be sold over and over again making this a highly lucrative business. And, while some may believe that human trafficking is a problem that only occurs overseas as depicted in movies such as *Taken* or *Slumdog Millionaire*, this crime knows no boundaries, affecting every population including the United States. However, on both the federal and state level, there are tough laws in place to deter and punish those engaged in this 9.8 billion dollar industry, and to assist their victims in reclaiming their lives.

What is Human Trafficking?

Congress originally enacted our first federal piece of legislation on human trafficking in 2000 with the Trafficking Victims Protection Act (TVPA).⁴ The TVPA made human trafficking a criminal offense under federal law.⁵ In its simplest terms, human trafficking is the exploitation of human beings through force (e.g., torture, confinement, forced use of drugs), fraud (e.g., misrepresentation of work conditions or job), or coercion (e.g., threats of harm to family or victim; withholding travel documents; verbal and psychological abuse) to perform labor,

¹ For instance, see August 14, 2013 article from The Advocate, “2 Accused of Sex Trafficking Counts Involving Montana Teen” (<http://theadvocate.com/news/6713344-123/story.html>); see also, July 29, 2013 article from The Huffington Post, “Child Sex Trafficking Rescue: FBI Saves 105 Victims in Operation Cross Country” (http://www.huffingtonpost.com/2013/07/29/child-sex-trafficking-rescue-fbi-announcement_n_3670749.html); February 3, 2013 article from The Huffington Post, “Super Bowl is Single Largest Human Trafficking Incident in U.S. : Attorney General,” (http://www.huffingtonpost.com/2013/02/03/super-bowl-sex-trafficking_n_2607871.html); January 31, 2013 article from The Times Picayune, “In New Orleans, At Least 2 People Booked with Sex Trafficking,” (http://www.nola.com/crime/index.ssf/2013/01/in_new_orleans_at_least_2_peop.html).

² Trafficking in Persons Report, Department of State, 2012.

³ www.dhs.state.il.us/page.aspx?item=31334.

⁴ The TVPA has been reauthorized three times: 2003, 2005, and 2008.

⁵ Although the initial focus of the TVPA was on preventing HT overseas and offering those victims assistance, over the past fourteen years, Congress has shifted its focus and attention to the needs of domestic victims of HT.

commercial sex acts, or both. The TVPA divides human trafficking into labor and sex trafficking. Labor trafficking is defined as “the recruitment, harboring, transportation, provision, or obtaining of another 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.” Cases of forced labor have involved domestic servitude,⁶ forced labor in sweatshops,⁷ and in the service industry.⁸ Whereas, sex trafficking is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.” 22 U.S.C. § 7102(10). A commercial sex act is any sex act where something of value is given or received by any person. This would include stripping, pornography, and prostitution. Unlike forced labor, under federal law if a victim of sex trafficking has not attained the age of 18, then the prosecution does not need to prove force, fraud, or coercion.

Although its name suggests otherwise, movement and transportation are not necessary elements to prove a human trafficking case. Often confused, human trafficking and human smuggling are distinct crimes. Human trafficking is a crime against the person, where an individual is using force, fraud, or coercion to compel another to engage in an activity. Human trafficking victims do not consent to their situations. In contrast, smuggling is a crime against a sovereignty that requires the movement or transportation of another person across a country’s borders.⁹ Persons who are smuggled generally consent to the movement, and have paid large sums of money to their smuggler (or coyote) to move them across the country’s border.¹⁰ However, it is possible for an individual who is smuggled across a country’s borders to become a

⁶ *United States v. Calimlim*, 538 F.3d 706 (7th Cir. 2008). (Defendants, both doctors from the Philippines, were convicted of keeping a young Filipino woman in their home as a domestic servant for 19 years through various threats, forms of coercion, and isolation. Their victim was 16 years old when she was “recruited” to work for them as a maid and nanny here in the United States for \$100.00. She did not speak English and upon her arrival to the United States, the Defendants took her passport and repeatedly told her she was here illegally and subject to arrest. She worked every day of the week from 6:00am until 10:00pm cleaning the Defendants’ home and investment properties. Defendants isolated their victim, prohibiting her from answering the phone or going to see doctors and dentists for medical needs. During the entire 19 years, Defendants only allowed the victim to speak with her family in the Philippines on four (4) occasions.).

⁷ *U.S. v. Lee*, 159 F.Supp.2d 1241 (D.Haw. 2001) (Defendant received 40 years for holding 200 to 300 Chinese and Vietnamese persons in involuntary servitude, forcing them to work in his garment factory and live in the fenced and walled in, heavily guarded compound, subject to beatings and inhumane conditions).

⁸ See recent articles about mentally disabled women held along with her daughter to work as forced labor in Ohio. Available at <http://www.cnn.com/2013/06/19/justice/ohio-captive-woman> and The Huffington Post article available at http://www.huffingtonpost.com/2013/07/17/daniel-brown-plead-guilty-ohio-slave-labor_n_3612959.html. Also see 2011 article from Arizona where family that owned wedding boutique (“I Do! I Do!”) were arrested for exploiting individuals who they brought illegally from Vietnam (http://azdailysun.com/news/local/crime-and-courts/arrests-in-forced-labor-case-at-flagstaff-wedding-boutique/article_90ce7e0a-3d56-5021-b81b-14723137b338.html). See also the following article about a Chinese HT ring where the victims were forced to work in restaurants in New York. See, October 9, 2010 article, “Feds: Smugglers , Restaurants Profited from Human Trafficking,” (<http://archive.longislandpress.com/2010/10/09/feds-smugglers-profited-from-forced-restaurant-labor/>).

⁹ 8 U.S.C. Section 1324.

¹⁰ U.S. Dept. of State, Fact Sheet: Distinctions Between Human Smuggling and Human Trafficking, <http://www.state.gov/m/ds/hstcenter/90434.htm>

human trafficking victim.

Human trafficking is also distinguishable from prostitution. Unlike prostitution, which involves choice on the part of the prostitute, persons required to engage in commercial sex acts at the hands of traffickers are forced or coerced to perform such actions.

Those who traffic other human beings face steep criminal penalties under the federal laws in effect. An individual convicted of forcing another into labor faces a potential twenty (20) year sentence. An individual who is convicted of sex trafficking faces up to life imprisonment. In addition to these criminal penalties, human traffickers may also be liable in the civil law arena. For instance, human trafficking victims may seek civil remedies against their traffickers under various theories of recovery, including but not limited to the TVPRA Civil Right of Action (18 U.S.C. Section 1595), the 13th Amendment, the Fair Labor Standards Act, or Title VII. In addition, under 18 U.S.C. Section 1593, human trafficking victims are also entitled to court ordered restitution equitable to the value of the victim's services.

First Federal Conviction In Louisiana for Human Trafficking

In 2012, the United States Attorney's Office for the Eastern District of Louisiana convicted for the first individual in Louisiana under the federal human trafficking laws in *United States v. Coriolant*.¹¹ The case involved what the Polaris Project has described as one of the most common forms of domestic human trafficking in the United States—the sexual exploitation of young women and girls at the hands of what is more commonly referred to as a “pimp”.¹²

The Defendant, Benson December Coriolant (aka “Haiti”), was in his late twenties when he met R.V., then only 14 years old, in Orlando, Florida, where they both resided. After the Defendant had convinced R.V. that they had a romantic relationship and she was his girlfriend, he recruited her to work as a prostitute. Coriolant proceeded to “groom” R.V., whereby he taught her how to perform certain sex acts, how to solicit clients, how much money to charge, where to deposit all money she earned from performing commercial sex acts, and how to avoid apprehension from law enforcement. Using the internet, Coriolant posted advertisements to solicit clients interested in having sex with a minor. Thereafter, Coriolant forced R.V. to engage in numerous sexual acts in exchange for money throughout the state of Florida and to give him or one of his associates all of the money she earned. Coriolant exercised controlled over his teenage victim's behavior through the use of alcohol and mood enhancing drugs.

Ultimately, in March 2010, Coriolant brought R.V., then 15, to Louisiana for the purpose of engaging in prostitution where he once again placed internet advertisements to solicit those specifically interested in having sex with a minor. Of the thousands of dollars that R.V. made, she was forced to deposit it all into a bank account solely for Coriolant's use, and to further document all of her daily expenses, such as food costs, for trafficker's review. In April of 2010, law enforcement found R.V. and sent her back to relatives in Florida. But, as is common in these

¹¹ 3:11cr 241.

¹² “Domestic Trafficking Within the U.S.,” The Polaris Project, www.polarisproject.org/content/view/60/81, last visited 8/23/09.

cases, R.V. returned to Coriolant, who once again forced her to return to prostitution. Within a month, however, Coriolant sent R.V. back to New Orleans to engage again in prostitution. Shortly after her arrival and Coriolant's posting of internet advertisements, law enforcement arrested R.V. Ultimately, a federal jury convicted Coriolant of all four counts he was charged with including, sex trafficking of children and conspiracy to commit sex trafficking of children. In February 2012, United States District Judge Africk sentenced Coriolant to a forty year prison sentence.¹³ The conviction of Coriolant clearly sends out a message to those who think they can engage in human trafficking here in Louisiana.

Louisiana Legislature's Message to Human Traffickers: Our Children Are NOT For Sale

Like our federal counterparts, the State of Louisiana has made the issue of human trafficking a top priority, particularly when it comes to domestic minor sex trafficking. In fact, in November 2012 Shared Hope International ranked Louisiana's laws on domestic minor sex trafficking the best in the country. With additional legislation passed this fall, Louisiana continues to raise the bar on this issue.

Originally enacted in 2005, Louisiana's human trafficking statute is codified at La. R.S. 14:46.2. Mirroring federal law, Louisiana's human trafficking statute makes it a criminal offense to "recruit, harbor, transport, provide, solicit, obtain or maintain the use of another person through force, fraud, or coercion to provide services or labor."¹⁴ Force, fraud, and coercion are statutorily defined as any of the following: causing or threatening to cause serious bodily injury; physically restraining or threatening to physically restrain another person; intentionally destroying, concealing, removing, confiscating, or possessing any actual or purported passport, other immigration document, or government identification card or another person; or extortion as defined in La. R.S. 14:66. Louisiana's human trafficking statute has been amended to make it unlawful for any person to knowingly benefit or to knowingly facilitate such prohibited activities. Whoever commits this offense when the services involved commercial sex trafficking or any criminal sexual conduct shall be fined not more than \$15,000 and imprisoned at hard labor for not more than 20 years. If the victim is under the age of 18 years, then the offender shall be fined not more than \$25,000.00 and shall be imprisoned at hard labor anywhere between five (5) and twenty-five (25) years.¹⁵

On May 22, 2009, the New Orleans' District Attorney's Office convicted the first individual charged with violating Louisiana's Human Trafficking statute in *State v. Womack*.¹⁶ The Defendant, Ricky Darnell Womack, a 41 year old male, entered a guilty plea under La. R.S. 14:46.2, admitting that he forced his 15 year-old female victim from Arkansas into sex trafficking. Womack admitted that

¹³ Press Release, Benson December Coriolant Sentenced to 40 Years for Sex Trafficking A Child Into the New Orleans Area, February 7, 2013 (http://www.justice.gov/usao/lae/news/2013/2013_02_07_benson_december_coriolant_sent.html)

¹⁴ La. R.S. 14:46.2.

¹⁵ Five years shall be served without the benefit of probation, parole, or suspension of sentence.

¹⁶ At the time of his conviction, La. R.S. 14:46.2 provided that "[i]t shall be unlawful for a person to intentionally recruit, harbor, transport, provide, solicit, or obtain another person through fraud, force, or coercion to provide services or labor. (La. R.S. 14.46.2 (A)). The statutory language was changed in 2010 from "intentionally" to "knowingly."

he had forced his victim to prostitute herself on Chef Menteur Highway in New Orleans. Evidence seized from the motel room included a handwritten note or contract that stated that Womack's victim 'did solemnly swear to give Ricky Womack the next five years of [her] life. [She] promised never to chat, lie, or betray him.' Womack received an 18 year sentence for his crime.¹⁷

On the heels of Womack's guilty plea in 2009, the Louisiana Legislature enacted its first criminal statute specifically prohibiting the trafficking of children for sexual purposes. La. R.S. 14:46.3 makes it "unlawful for any person to knowingly recruit, harbor, transport, provide, sell, purchase, obtain or maintain the use of a person under 18 years of age for the purpose of engaging in a commercial sexual activity," and to knowingly benefit from, facilitate, or advertise any of the activities prohibited under this Section. It was also necessary to provide a special provision that prohibited parents, legal guardians, or custodians from knowingly permitting or consenting to a minor in their care from being trafficked for sexual purposes or engaging in any other practice per La. R.S. 14:46.3.¹⁸ Offenders convicted under La. R.S. 14:46.3 face sentences of 15 to 50 years imprisonment and up to a \$50,000.00 fine. However, if the trafficking victim is under 14 years of age, then the offender faces a sentence of 25 to 50 years of imprisonment and a monetary fine up to \$75,000. The first 25 years of the sentence must be served without parole, probation, or a suspended sentence. If the offender is a parent or guardian, he/she must serve 5 years of his/her sentence without the benefit of parole, probation, or a suspended sentence; however if the victim is under 14 years of age, time served without benefits of parole, probation, or suspended sentence increases to 10 years.

The Legislature continued to strengthen our state's human trafficking laws. During the 2012 Regular Louisiana Legislative Session there were numerous changes made to commercial sex crimes that aid law enforcement in combatting human trafficking while providing legal and service remedies for the minor victims of these crimes.¹⁹ For instance, under La. R.S. 15:1308, law enforcement may now motion the court for a wire tap in cases where the interception may provide or has provided evidence of sex trafficking of children (La. R.S. 14:46.3) or... Now a minor victim of sex trafficking as defined under La. R.S. 14:42.3 can assert an affirmative defense to prosecution if charged with the commission of certain commercial sex offenses while he/she was being trafficked. An affirmative defense may be raised to charges for the following crimes: prostitution—person under 18 years (La. R.S. 14:82), prostitution by massage (La. R.S.

¹⁷ At the time of Womack's sentencing, persons convicted of HT still qualified for good time under state law. This has since been changed and those convicted of HT are no longer eligible for such benefits.

¹⁸ See the case of parents, Kathy and Wayne Hart, who allegedly sold their two teenage daughters (then 13 and 14 years of age) for sex in exchange for money and goods in Wisconsin. *See*, Daily News March 6, 2012 article from The Richmond Register, "Human Trafficking Case Set for August 20 Trial," (<http://richmondregister.com/localnews/x241728239/Human-trafficking-case-set-for-August-20-trial>), and December 13, 2012 article from The Richmond Register, "Parents in Human Trafficking Case Face Sex Crime Charges—Investigator Uncovers New Evidence in Case Involving Teenage Girls," (<http://richmondregister.com/crime/x983027363/Parents-in-human-trafficking-case-face-sex-crime-charges>).

¹⁹ In addition to those legislative changes highlighted in the article, the following changes were also made: a defendant charged under La. R.S. 14:46.2 or 14:46.3 may not raise a defense to prosecution that the person being recruited, harbored, etc. was really a law enforcement officer action within the official scope of her duties; a defendant accused of La. R.S. 14:81.1 (Pornography involving juvenile), La. R.S. 14:81.3 (Computer aided solicitation of minor), La. R.S. 14:82.1 (Prostitution; Persons Under 18), and La. R.S. 14:89.2 (Crime against nature by solicitation) is expressly prohibited from raising the defense that the minor consented to the act.

14:83), massage—sexual conduct prohibited (La. R.S. 14:89.2), crimes against nature (La. R.S. 14:89), and solicitation for crime against nature (La. R.S. 14:89.2). Cases involving human trafficking and trafficking of children for sexual purposes may now be prosecuted thirty (30) years after the victim’s eighteenth birthday.²⁰ In some instances, a victim of minor sex trafficking may be able to have certain misdemeanor or felony offenses²¹ expunged from her record if she can show that during the time or commission of the offense she was a victim of child sex trafficking.

Changes to the Children’s Code in 2012 further exemplified the Legislature’s intention of protecting our youth from traffickers. La. Ch. C. Art. 606 now includes human trafficking and trafficking of children for sexual purposes within the definition of a child in need of care. A parent’s parental rights may also be terminated for trafficking their children for sexual purposes.²² Pursuant to La. Ch. C. art. 918, an individual who can show that he/she was a victim of child sex trafficking when he/she was charged and convicted of certain commercial sex crimes, then he/she may petition court to expunge his or her record.²³

In the 2013 legislative session, there were continued efforts to improve our human trafficking laws, by strengthening the state’s human trafficking sign posting requirement in certain businesses and rest areas,²⁴ and adding human trafficking to our State’s racketeering statute.²⁵ Moreover, Act 429 increased those services available for human trafficking victims, including the requirement that anyone who is convicted, pleads guilty to, or pleads nolo contendere to a human trafficking of children, prostitution with persons under seventeen years of age, or enticing persons into prostitution shall be required to pay a mandatory assessment to the exploited children’s special fund, and those convicted of human trafficking or trafficking of children for sexual purposes shall be required to pay mandatory restitution to the victim.²⁶ Act

²⁰ La. C.C.P. art. 571.1.

²¹ Applies to the crimes of prostitution, prostitution by massage, massage (sex conduct prohibited), crime against nature, and crime against nature by solicitation. This is only applicable if the victim has no outstanding indictments or bills of information.

²² La. Ch. C. art. 1015.

²³ Expungement is available for the following crimes: prostitution (La. R.S. 14:82), prostitution by massage (La. R.S. 14:83), massage; sexual conduct prohibited (La. R.S. 14:89.2), crimes against nature (La. R.S. 14:89), solicitation for crime against nature (La. R.S. 14:89.2). La. R.S. 14: An individual is not eligible for expungement if he/she has an outstanding indictment or bill of information.

²⁴ Act No. 430 amended La. R.S. 15:541.1 during the 2013 Regular Session to require the national HT hotline number to be posted at every fuel service facility adjacent to an interstate highway or highway rest stop. The posting is statutorily required to be no smaller than 8 ½ inches by 11 inches with the following language in bold typed font not less than 14 point font: “If you or someone you know is being forced to engage in any activity and cannot leave, whether it is commercial sex, housework, farm work, or any other activity, call the National Human Trafficking Resource Center hotline at 1-888-373-7888 to access help and services.” The State’s Office of Alcohol and Tobacco Control shall regulate the posting requirements. Failure to comply with the posting requirements will result in monetary fines ranging between \$50.00 and \$2500.00.

²⁵ Act No. 144 amended the definition of “racketeering activity” under La. R.S. 15:1352(A) to include both human trafficking under La. R.S. 14:46.2 and trafficking of children for sexual purposes under La. R.S. 14:46.3.

²⁶ Enacted La. R.S. 15:539.2 which creates the “Exploited Children’s Special Fund” and La. R.S. 15:539.3 which requires mandatory restitution, which shall include the costs of medical and psychological treatment, costs of necessary transportation and temporary housing, the greater of the value of the victim’s labor under minimum wage and overtime provisions of the Fair Labor Standards Act or the gross income or value to the defendant of the victim’s labor or services engaged in by the victim while in the HT situation, return of property (or costs of damage to property or full value of property if damaged beyond repair), and relocating expenses incurred by the victim or

429 also enacted La. R.S. 46:2161 through 46:2163, which establishes an intricate victims services plan for human trafficking victims and creates a specific civil cause of action for human trafficking victims. Additionally, this Act also created several new articles in the Children's Code that address the need to treat sexually exploited children, which includes minors who are trafficked for sex, as victims of crime and not as criminals. This Safe Harbor provision authorizes the Department of Children and Family Services to operate and contract with nongovernmental agencies to provide secure housing and specialized services for sexually exploited children. In effect, the Safe Harbor provision moved Louisiana into a positive direction by taking steps forward to ensure that these children receive the necessary victim-centered care and services they need in a safe environment without being treated as criminals.²⁷

victim's family members to move away from the defendant (requires verification by law enforcement or mental health treatment provider).

²⁷ Consistent with the purpose of treating these victims as "victims," the Safe Harbor provision also enacted La. Ch. C. art. 923 which allows a motion to be filed and served on the district attorney "at any time following an adjudication of delinquency and completion of the disposition relating thereto involving the offenses of prostitution pursuant to R.S. 14:82, prostitution by massage pursuant to R.S. 14:83.3 83.4, or crime against nature by solicitation pursuant to R.S. 14:89.2 when the child's participation in the offense was a result of having been a victim of HT under R.S. #####.

Article 2

An Overview of Louisiana Human Trafficking Laws from 2014 through 2018

By Taylor Baker, Tulane Law School '21

From 2014 to 2018, Louisiana continued to make HT a priority, with HT laws being enacted in every legislative session. The HT legislation focused on victims of HT, especially minors, and on harsher penalties for HT perpetrators.

The 2014 Regular Legislative Session increased awareness for human trafficking and paved the way to make human trafficking a bigger priority in Louisiana. For instance, the legislature increased awareness by requiring every outpatient abortion facility to post information regarding the National Human Trafficking Resource Center hotline.¹ There is also greater accountability for courts to ensure perpetrators of human trafficking will not escape penalties by excluding human trafficking offenders from waiver of minimum mandatory sentences.² Further, courts may now have a “human trafficking court” as a specialized division.³ The legislature granted greater protection of future child victims by adding “receive, isolate, [and] entice” to the definition of human trafficking of children.⁴ The legislature also ensured victims were protected by creating affirmative defenses to prosecution for any offenses committed as a result of trafficking.⁵

The 2015 and 2016 Legislative Sessions tailored laws to assist human trafficking victims in getting the services they need and created penalties for criminals involved in the trafficking of minors. There are multiagency services to human trafficking victims and other related victims, directed at enhancing victim safety, increasing offender accountability and reducing the number of times a victim is questioned, examined, and the number of places a victim must go to receive assistance.⁶ Human trafficking for minors now applies to anyone under twenty-one years old and has harsh penalties for anyone who violates it.⁷

The 2017 Legislative Session continued to provide victim protection, especially for minors, and greater victim advocacy. There is now an established network within the Governor’s

¹ Act 565 amended La R.S. 15:541.1.

² Act 364 amended La C.R.P. Art 809.1.

³ Act 554 amended La R.S. 13:587.4. The legislation allows for a majority vote of judges sitting en banc to designate the HT specialized division, but does not create the court outright. La R.S. 13:587.4.

⁴ Act 564 amended La R.S. 14:46.3.

⁵ Act 564 amended La R.S. 14:46.2.

⁶ Act 327 enacted La R.S. 46:1860-1863.

⁷ Act 269 amended La R.S. 14:46.2 to include: (A)(1)(b) For any person to knowingly recruit, harbor, transport, provide, solicit, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of twenty-one years for the purpose of engaging in commercial sexual activity regardless of whether the person was recruited, harbored, transported, provided, solicited, sold, purchased, received, isolated, entice, obtained, or maintained through fraud, force, or coercion. It shall not be a defense to prosecution for a violation of the provisions of this Subparagraph that the person did not know the age of the victim or that the victim consented to the prohibited activity. (B)(b) Whoever commits the crime of HT in violation of the provisions of Subparagraph (A)(1)(b) of this Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years, nor more than fifty years, or both.

office to advocate for the eradication of human trafficking, the Louisiana Human Trafficking Prevention Commission.⁸ Multiple articles in the Louisiana Children's Code were amended and now require shelter care facility placement when a child must be removed from their home and a list of current safe houses which are licensed to specialize in services for sexually exploited children to be maintained and made available to courts, prosecutors, and other stakeholders.⁹ This legislative session also included child victims of human trafficking as a child in need of care,¹⁰ established duties of law enforcement,¹¹ and established victim confidentiality.¹² Two other articles in the Louisiana Children's Code were amended to include human trafficking as a crime of violence¹³ and required the sealing of the record and report of juvenile proceedings of human trafficking victims.¹⁴

The 2018 Legislative Session created human trafficking legislation that focuses on generating more awareness, protecting victim's privacy, and establishing hiring guidelines for sexually oriented businesses. In addition to abortion clinics, airports, railroad stations, and bus stations are now required to post information about the National Human Trafficking Resource Center hotline.¹⁵ Sexually oriented businesses now have hiring requirements they must follow in an effort to grant greater protection against human trafficking.¹⁶ This legislative session also created the Buyer Beware Program¹⁷ and increased fines for purchase of commercial sexual activity¹⁸ and soliciting prostitutes.¹⁹ The Buyer Beware Program educates offenders about the harms of prostitution.²⁰

⁸ Act 181 enacted La R.S. 42:2165.

⁹ Act 376 amended La Ch. C. Art 725.2.

¹⁰ Act 376 amended La Ch. C. Art. 725.3.

¹¹ Act 376 amended La Ch. C. Art 725.4.

¹² Act 376 enacted La Ch. C. Art 725.6.

¹³ Act 196 amended La C. Cr. P. Art 890.3.

¹⁴ Act 362 amended La Ch. C. 923.

¹⁵ Act 361 amended La R.S. 15:541.1(A)(6) and (7).

¹⁶ Act 703 enacted La R.S. 23:1019.4: If, at any time during the application process or subsequent hiring of an employee or independent contractor, an operator of a sexually oriented business believes that the potential employee, employee, or independent contractor may be a victim of HT, he shall, as soon as possible, but within twenty-four hours, contact law enforcement or call the National Human Trafficking Resource Center Hotline to coordinate with local resources. La R.S. 23:1019.6(B) If the court finds an operator to be in violation of the provisions of this Part, the court shall issue penalties as follows: (1) For a first violation, a fine of one thousand dollars. (2) For a second violation, a fine of five thousand dollars. (3) For a third and any subsequent violation, a fine of ten thousand dollars.

¹⁷ Act 663 amended La R.S. 15:243.

¹⁸ Act 663 amended La R.S. 82.2.

¹⁹ Act 663 amended La R.S. 83.

²⁰ La R.S. 15:243.

Article 3

Labor Trafficking Overview

In Louisiana, labor trafficking is covered under the human trafficking statute La. R.S. 14:46.2.¹ As a subset of human trafficking, it defines debt bondage as “inducing an individual to provide any of the following: (a) Commercial sexual activity in payment toward or satisfaction of a real or purported debt. (b) Labor or services in payment toward or satisfaction of a real or purported debt if either of the following occurs: (i) the reasonable value of the labor or services provided is not applied toward the liquidation of the debt. (ii) The length of the labor or services is not limited and the nature of the labor or services is not defined.”² Forced child labor and child labor trafficking is also covered in the children’s code and falls under the purview of child abuse.

One of the biggest labor trafficking cases in US history- David v. Signal International

One of the most famous labor trafficking cases in American history is the Signal International case. In 2005, the American Gulf Coast was hit by Hurricane Katrina- a powerful category 5 hurricane that caused catastrophic damage worth nearly \$125 billion. In the aftermath of the storm, thousands of foreign guestworkers were brought into the United States to assist in the reconstruction process. Signal International, LLC was a marine construction firm based in Mobile, Alabama that specialized in the construction of large ocean going structures such as production platforms, offshore drilling rigs, and barges. After the storm, Signal hired scores of workers to complete repairs on damaged oil rigs throughout the Gulf Coast region. Approximately 590 workers were recruited in India by labor recruiters who promised jobs in welding, pipefitting, and fabricating for maritime construction. These skilled guestworkers were brought to the United States through the H2-B visa program. Many of these skilled workers borrowed huge sums of money in order to access the lucrative jobs their recruiter in India promised them- paying anywhere from \$10,000-25,000 each in recruitment fees. Recruiters promised the workers that they and their families would be able to become lawful permanent residents or attain green cards through their employment with Signal. The workers arrived in Pascagoula, Mississippi in 2006. According to Southern Poverty Law Center, when the workers arrived at the shipyards, “they discovered that they wouldn’t receive the green cards or permanent residency that had been promised. Signal also forced them each to pay \$1,050 a month to live in isolated, guarded labor camps where as many as 24 men shared a space the size of a double-wide trailer.”³ They were forced to live in the camp and pay the rent, despite the fact that workers of other races and nationalities were permitted to live in other housing. In addition to the conditions of debt bondage the workers faced, Signal staff members maintained the workers through threats of deportation and threats of serious bodily harm. The workers were pressured further to stay in their employment because of the structure of the visa program. H2-B programs tie a worker’s right to live and work in the United States directly to their employer. If a person quits or leaves their employer- regardless of the circumstances for that choice- they lose their immigration status and subject to deportation. The isolation of the camp, coupled with

¹ Human Trafficking, La. RS 14:46.2(C)(2) (2017). <http://legis.la.gov/legis/law.aspx?d=320889>

² Human Trafficking, La. RS 14:46.2(C)(2) (2017). <http://legis.la.gov/legis/law.aspx?d=320889>

³ Southern Poverty Law Center, “SPLC Complaint”, *David v. Signal International, LLC*. Filed Mar 3, 2008. <https://www.splcenter.org/seeking-justice/case-docket/signal-international-lawsuits>

threats of deportation or physical harm to themselves and their families, contributed to the workers' fear to leave the horrible conditions. After some time in the horrid conditions, workers began to speak to one another and meet at a local catholic church for services. The church pastor connected them to the National Guestworker Alliance, an advocacy group for migrant workers, who taught them how to organize and connected them to the Southern Poverty Law Center (SPLC). After Signal conducted a pre-dawn immigration sweep of the Pascagoula camp in March 2007, many workers were so scared of negative repercussions that it took many another full year to walk away from the camp and report the labor abuses. Estimations suggest that Signal saved nearly \$8 million by hiring H2-B workers during this time period.

The SPLC team filed a lawsuit against Signal in mid-2007 on behalf of 7 of the workers. The legal battle to seek justice for the labor trafficking victims took more than 7 years to complete. Signal, an Indian labor recruiter, and a New Orleans lawyer were found guilty of labor trafficking, fraud, racketeering, and discrimination. In July 2015 the battle ended with a federal jury in New Orleans awarding \$14 million in compensation and punitive damages to 5 of the guest workers, and later a \$20 million settlement agreement was announced to resolve 11 remaining labor trafficking lawsuits. This was the largest amount to ever be awarded by a jury in a labor trafficking case. The Equal Employment Opportunity Commission (EEOC) also filed a race and national origin discrimination lawsuit against the traffickers and received a \$5 million settlement.⁴ This caused Signal International to declare bankruptcy, and eventually issued an apology acknowledging that it failed to protect workers and give them respect and dignity of a safe workplace and adequate living conditions.

⁴ "Press Release: Signal International, LLC to Pay \$5 Million to Settle EEOC Race, National Origin Lawsuit," U.S. Equal Employment Opportunity Commission, Dec 18 2015. <https://www.eeoc.gov/eeoc/newsroom/release/12-18-15.cfm> . See also *EEOC v. Signal International, LLC*, No. 2:12-cv-0557

Appendix B

Shared Hope International's Louisiana 2018 Assessment

The Full Shared Hope's 2018 Louisiana Report card can be accessed at:

https://sharedhope.org/PICframe8/reportcards/PIC_RC_2018_LA.pdf.

Shared Hope's Louisiana 2018 Analysis and Recommendations can be accessed at:

https://sharedhope.org/PICframe8/analysis/PIC_AR_2018_LA.pdf.

Appendix C

Shared Hope International's United States 2018 Assessment

Shared Hope's 2018 ToolKit can be accessed at:

<https://sharedhope.org/wp-content/uploads/2018/11/2018ProtectedInnocenceChallengeToolkit.pdf>.

Appendix D

Louisiana Human Trafficking 2018 Housing Resource Guide

Greater New Orleans Human Trafficking Taskforce Housing Resource Guide can be accessed at:

https://issuu.com/gnohttf/docs/louisiana_human_trafficking_survivo.

Appendix E

Modern Slavery Research Reports and

La. Dept. of Children and Family Services 2018 Report

Modern Slavery Research Project: Trafficking and Exploitive Labor Among Homeless Youth in New Orleans can be accessed at:

<https://static1.squarespace.com/static/5887a2a61b631bfbbc1ad83a/t/59498effe4fcb553cd3bd5cc/1497992978429/HomelessYouthNewOrleans.pdf>.

Modern Slavery Research Project: Labor and Sex Trafficking Among Homeless Youth- A Ten-City Study can be accessed at:

<https://www.covenanthouse.org/sites/default/files/inline-files/Loyola%20Multi-City%20Executive%20Summary%20FINAL.pdf>.

Louisiana Department of Children and Families: Human Trafficking, Trafficking of Children for Sexual Purposes, and Commercial Sexual Exploitation 2018 Annual Report can be accessed at:

<http://www.dcf.louisiana.gov/assets/docs/searchable/Child%20Welfare/PlansReports/Human%20Trafficking%20Report%202018.pdf>.

Appendix F

NAWJ Trafficking in Persons-Modern Day Slavery: A Program Manual

National Association of Women Judges 2015 Trafficking in Persons-Modern Day Slavery: A Program Manual can be accessed at: <http://www.iawj.org/wp-content/uploads/2017/04/Human-Trafficking-Resources-3.pdf>

Appendix G

NCJTC/AMBER ALERT La. Child Sex Trafficking 2018 Project

National Criminal Justice Training Center/ AMBER ALERT La. Child Sex Trafficking 2018 Project can be accessed at: <http://gov.louisiana.gov/assets/docs/Issues/La-HT-Summit-Project-Report.pdf>