



Maryland Safe Harbor Workgroup 2017 Final Report

Secretary of State, John C. Wobensmith, Chair

Submitted by:
Governor's Office of Crime Control & Prevention

Contact: Rachel Kesselman
410-697-9319 | RachelM.Kesselman@maryland.gov

MSAR #11227
December 1, 2017

Table of Contents

Acknowledgements	2
Roster of Members	3
Executive Summary	4
Introduction	6
Workgroup Observations	9
Compile Existing Information & Identify Needs of Youth Victims	9
Identify Gaps in Programs & Available Resources	10
Collect & Compile Data on the Number of Youth Victims	12
Evaluate Current State Safe Harbor Policies & Legal Protections	13
Recommendations	15
#1: Provide Prosecutorial Immunity for Youth Victims	15
#2: Establish Statewide Protocols to Address Missing/Runaway Children	16
#3: Continue to Utilize the Department of Juvenile Services’ Risk Assessment Tool	18
#4: Seek Federal Funding to Support Priorities	18
#5: Propose Changes for § 11-306 of the Criminal Law Article	19
#6: Expand Child Sex Trafficking Education Program to All Schools	20
#7: Increase Penalty for Internet Recruitment of Human Trafficking	20
#8: Analyze Pilot Program in Baltimore County and Washington County	21
#9: Replicate Minnesota’s Regional Navigators Model in Maryland	21
#10: Establish Sustainable Funding Stream for Specialized Services	21
#11: Add Felony Human Trafficking to the List of “Violent Crimes”	22

Acknowledgements

This 2017 final report of the Maryland Safe Harbor Workgroup is the result of hard work, valuable input, and dedication from numerous stakeholders. State and local law enforcement representatives, legislators, community advocates, victim's rights' representatives, state and local government representatives, and survivors. Everyone was exceptionally generous with their time and supportive feedback. Their participation in the *Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking*, as well as their feedback, suggestions, and recommendations were invaluable for the Maryland Safe Harbor Workgroup final report. The completion, timeliness, and comprehensiveness of this report would not have been possible without their active participation and support.

Roster of Members

The *Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking* was composed of 23 members, including State and local law enforcement representatives, legislators, community advocates, victim's rights representatives, state and local government representatives, survivors, and a Chairman appointed by Governor Hogan.

Secretary of State John C. Wobensmith
Chairman

Senator Susan Lee
Maryland Senate

Delegate Marice Morales
Maryland House of Delegates

Rebecca Jones Gaston
Department of Human Services

Doug Mohler
Department of Juvenile Services

Walter Sallee
Maryland State Department of Education

Christi Megna
Department of Health and Mental Hygiene

Lt. Matthew Kail
Maryland State Police

Melanie Shapiro
Office of the Public Defender, Juvenile
Division

Tianna Mays
Maryland Coalition Against Sexual Assault

Candy Edwards
Governor's Office for Children

Thomas Stack
Governor's Office of Crime Control &
Prevention (January 2017 - September 2017)

Rachel Kesselman
Governor's Office of Crime Control &
Prevention (October 2017 - present)

Lisa Smith, Esquire
Maryland State's Attorneys' Association

Detective David Blackburn
Baltimore County Police Department

Meghan McCarthy
National Center for Missing and Exploited
Children

Amanda Rodriguez
TurnAround, Inc.

Mona Long
Maryland State Education Association

Amelia Rubenstein
Maryland Human Trafficking Task Force

Cpl. Chris Heid
Maryland Human Trafficking Task Force

Christine Raino
Shared Hope International

Nicole Lee
Survivor

Tina Frundt
Survivor

Executive Summary

In response to Chapter 91 (2015), the *Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking* (Workgroup) met five times over the duration of two months to discuss and develop recommendations to restore victims and bring traffickers to justice. As a result of such discussions, the Workgroup developed ten recommendations which were submitted to the Governor and General Assembly on December 1, 2015. This report is accessible to the public and may be viewed on the Governor's Office of Crime Control & Prevention's website at: <https://goccp.maryland.gov/wp-content/uploads/safe-harbor-workgroup-final-report-2015.pdf>.

In 2016, Governor Hogan approved the sunset extension for Chapter 91 (2015) via Chapter 80 (2016). Pursuant to Chapter 80 (2016), the Workgroup was directed to continue to study legal protections and provisions of services for youth victims of human trafficking, and to report its findings and recommendations to the Governor and General Assembly by December 1, 2016. The Workgroup met five times over a five month period to continue these efforts and to report its recommendations of which three were enacted into law (*as illustrated below*):

- Expand the definition of sexual abuse to include sex trafficking regardless of the identity and role of the trafficker. [Chapter 152 \(2017\)](#) - *Child Abuse - Sex Trafficking (Protecting Victims of Sex Trafficking Act of 2017)*.
- Require human trafficking awareness training for all entry level law enforcement officers, followed up by mandated in-service training for all sworn law enforcement officers. [Chapter 645 \(2017\)](#) - *Police Training Commission - Training Requirements - Human Trafficking*.
- Amend § 19-103 of the Business Regulation Article to include adult entertainment establishments as entities required to post National Human Trafficking Resource Center Hotline information signs. [Chapter 646 \(2017\)](#) - *Adult Entertainment Establishments - National Human Trafficking Resource Center Hotline Information - Sign Posting Requirements*.

The report may be viewed on the Governor's Office of Crime Control & Prevention's website at: <https://goccp.maryland.gov/wp-content/uploads/safe-harbor-workgroup-final-report-2016.pdf>.

In 2017, Governor Hogan approved the sunset extension for Chapter 91 (2015) and Chapter 80 (2016) via Chapter 164 (2017). Pursuant to Chapter 164 (2017), the Workgroup was directed to continue its efforts, and to submit two supplemental reports on its findings and recommendations to the Governor and General Assembly by December 1, 2017, and by December 1, 2018. The Workgroup met three times over a five month period to continue to identify and make recommendations to restore survivors of human trafficking and bring traffickers to justice. As a

result, the Workgroup reaffirmed the majority of recommendations identified in the 2015 and 2016 reports, and developed several additional recommendations (*as illustrated below*):

1. Provide immunity for youth, age 17 and under, who are charged with prostitution or other non-violent misdemeanor charges related to their victimization, and provide immediate referral to services.
2. Establish statewide protocols for addressing missing or runaway children.
3. Expand the use of the Department of Juvenile Services' risk assessment tool to all community and detention locations within the State, provided services are available to support identified victims.
4. Continue to identify and apply for appropriate federal funding to support priorities.
5. Remove solicitation for prostitution from § 11-306 of the Criminal Law Article and make it a separate charge with same penalties consistent with § 11-306 of the Criminal Law Article, and decrease the fine for all prostitution related charges that would remain in § 11-306 of the Criminal Law Article.
6. Expand the Child Sex Trafficking Prevention & Intervention Education Program to all public school systems.
7. Increase the penalty for internet recruitment of human trafficking or prostitution in § 11-303 of the Criminal Law Article.
8. Gather data on the pilot program in Baltimore County and Washington County to identify the effectiveness of its use and implementation.
9. Examine the possible replication of Minnesota's Regional Navigators model in Maryland.
10. Establish a sustainable funding stream to create and maintain specialized services for child trafficking victims, including regional navigators/coordinators, emergency, short and long shelter placement at different levels of care, and trauma-specific therapeutic services.
11. Amend Criminal Procedure (14-101) and Correctional Services (7-101) to add felony human trafficking to the list of "violent crimes" and propose to have it added under CS 7-301 (c) which would modify to a mandatory 50% time before possibility of parole.

Introduction

According to the Polaris Project (2017), a leader in the global fight to eradicate modern slavery, “human trafficking is a form of modern slavery - a multi-billion dollar criminal industry that denies freedom to 20.9 million people around the world.”¹ Although slavery may be considered “a thing of the past, human traffickers generate hundreds of billions of dollars in profits by trapping millions of people in horrific situations around the world,” including the United States.² Under Section 1591 of Title 18 of the *United States Code - Sex Trafficking of Children or by Force, Fraud, or Coercion* - “whoever knowingly in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any person; or benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act ..., knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion ..., or any combination of such means will be used to cause the person to engage in a commercial sex act or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished ...”³

While much effort has occurred throughout the nation to address this issue, many states struggle to identify and/or provide the best service to victims of human trafficking, particularly youth victims of sex trafficking. Although countless efforts have occurred to prevent human trafficking and provide the appropriate services to youth victims, instances have also occurred in which victims entered the juvenile justice system because they were not perceived as a trafficking victim.⁴ Because of this, greater focus has been placed on “supporting law enforcement training on human trafficking, enhancing law enforcement and community partnerships, enacting safe harbor laws that prevent the prosecution of victims as offenders, establishing diversion programs for juveniles involved in commercial sex, and establishing provisions to seal or expunge records of trafficked youth’s involvement in the juvenile justice systems.”⁵ As a result, a growing number of states have taken a different approach, treating victims of human trafficking, particularly youth victims, and diverting them to services and resources in the community.

Although human trafficking is prevalent in all 50 states, greater challenges exist in states that have greater accessibility. Due to its location, between several east coast metropolitan areas, the State of Maryland is faced with this challenge. In addition, and due to the number of major

¹ Polaris Project. (2017). *Human Trafficking*. Retrieved from <https://polarisproject.org/human-trafficking>.

² Polaris Project. (2017). *The Facts*. Retrieved from <https://polarisproject.org/facts>.

³ Office of Justice Programs. *18 U.S.C. § 1591. Sex Trafficking of Children or by Force, Fraud, or Coercion*. Retrieved from https://ojp.gov/smart/pdfs/18_usc_index.pdf.

⁴ Kristin Finklea. (2014). *Juvenile Victims of Domestic Sex Trafficking: Juvenile Justice Issues*. Congressional Research Service. Retrieved from <https://fas.org/sgp/crs/misc/R43677.pdf>.

⁵ Ibid.

interstate highways throughout, Maryland is a “hot spot” for traffickers seeking to pass through, as well as those interested in residing in our State.

In 2014, the Maryland Human Trafficking Task Force’s Victim Services Committee conducted a survey “on the number of human trafficking victims who were identified and received services in Maryland.”⁶ Based on the results of this survey, the Victim Services Committee identified 396 survivors of human trafficking who were provided with services by member organizations/agencies of this committee.⁷ From this total, 124 were trafficked as children (includes labor and sex trafficking), 97 were trafficked as adults (includes labor and sex trafficking), and 175 were trafficked however no age was reported.⁸

The Maryland Human Trafficking Task Force, which is coordinated out of the United States Attorney’s Office, “is the state’s primary organization that works to prevent trafficking, protect victims by providing them with the services they need, prosecute traffickers, and partner with a variety of organizations to eradicate the scourge of human trafficking from our communities.”⁹ The goal of this task force is to combat human trafficking through prevention, protection, prosecution, and partnerships.

To build on the efforts made by the Maryland Human Trafficking Task Force, Governor Hogan signed Chapter 91 (2015) into law which established the *Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking*. In 2016, Chapter 80 (2016) was enacted to extend the sunset of the Workgroup until June 30, 2017. In 2017, Chapter 164 (2017) was enacted to continue these efforts and to extend the sunset of the Workgroup until June 30, 2019. This legislation directed the Workgroup to continue to study legal protections and provisions of services for youth victims of human trafficking, and to report its findings and recommendations to the Governor and General Assembly by December 1, 2017, and December 1, 2018. Pursuant to Chapter 91 (2015), Chapter 80 (2016), and Chapter 164 (2017), the Workgroup is directed to:

1. Compile existing information on and identify the needs of youth victims of human trafficking and identify the public and private sector programs and resources currently available to meet those needs;

⁶ Maryland Human Trafficking Task Force. (2014). *Maryland Human Trafficking Victim Identification and Services Survey*. Retrieved from <http://www.mdhumantrafficking.org/reports/>.

⁷ Member organizations/agencies identified include the following: Board of Childcare; Catholic Charities; FairGirls; FBI, Victim Specialist; Maryland Department of Human Services, Maryland Department of Juvenile Services; Prince George’s County, Department of Social Services; Tahirih Justice Center; The Salvation Army of Central Maryland; TurnAround, Inc.; and Women’s Law Center. Information retrieved from <http://www.mdhumantrafficking.org/reports/>.

⁸ Maryland Human Trafficking Task Force. (2014). *Maryland Human Trafficking Victim Identification and Services Survey*. Retrieved from <http://www.mdhumantrafficking.org/reports/>.

⁹ Maryland Human Trafficking Task Force. *Identify | Restore | Prosecute*. Retrieved from <http://www.mdhumantrafficking.org/>.

2. Identify gaps in public and private sector programs and resources currently available to meet the needs of youth victims of human trafficking;
3. Collect and compile data on the number of youth victims of human trafficking in the State, including the number of youth victims in each jurisdiction of the State;
4. Evaluate current State safe harbor policies and legal protections for youth victims of human trafficking; and
5. Make recommendations regarding:
 - a. Legislation and policy initiatives to address the provision of services and legal protections for youth victims of human trafficking in the State;
 - b. The collection of data to identify youth victims of human trafficking in the State;
 - c. Funding requirements and budgetary priorities to address the needs of youth victims of human trafficking in the State; and
 - d. Any relevant issues or considerations identified by the Workgroup.

Workgroup Observations

In 2017, the Workgroup met three times over five-months to continue the efforts made to date to accomplish its goals. For each meeting, in-depth discussions occurred in reference to the recommendations made in the prior reports, as well as proposed recommendations to include in the current report. Each meeting was open to the public to allow community members to provide expertise and offer suggestions, as needed. Secretary Wobensmith, Chairman of the Workgroup, also invited various experts from law enforcement and prosecutors to two of the meetings to share their experiences with youth victims of human trafficking. Through testimony, research, and discussion, members of the Workgroup examined the specific areas that were outlined in Chapter 91 (2015), Chapter 80 (2016), and Chapter 164 (2017) (*as illustrated below*).

Compile Existing Information & Identify Needs of Youth Victims

Children traumatized by sex trafficking need and deserve a prompt and streamlined response that provides informed, culturally-appropriate and trauma-informed crisis assistance, and emergency response. They also deserve immediate coverage of basic needs, and assessment for placement into care.

The provision of specialized services for survivors of child sex trafficking is limited to a handful of metropolitan areas across the State. This causes fragmented services and revictimization for survivors. Promising practices in Maryland reveal that aligning a victim service advocate with the child immediately upon identification can assist with long-term success. This includes reduction of flight risk, increased rapport, more successful investigations and prosecutions, and appropriate access to services for victims. Where possible, these practices should be replicated.

In Maryland, non-governmental organizations currently serve child victims of sex trafficking in Baltimore City, Baltimore County, Howard County, and Prince George's County. There is an organization located in Washington, D.C. that also serves children from Montgomery County. The Department of Human Services identified two providers (Arrow Project and The Children's Home) which are equipped to provide diagnostic placement services for youth who are referred as trafficking victims.

- Arrow Project: Offers diagnostic services in Baltimore County which serve as a “short-term (90-day) residential program with a structured, home-like environment where males and females between the ages of 12 through 18 receive therapy, treatment, planning, psychiatric and psychological services, and accredited academic instruction.”¹⁰

¹⁰ Arrow Child & Family Ministries: Helping Kids-Strengthening Families. (2017). *Diagnostic Services (MD)*. Retrieved from <http://www.arrow.org/services-programs/residential-services/diagnostic-services/>.

- The Children’s Home: The Diagnostic Center “provides statewide emergency placement and crisis intervention services to adolescent girls ages 13-19, with the median age 14-16. Typically teen girls admitted are influenced by the effects of long-term abuse, abandonment, and/or neglect affecting their ability to function emotionally, cognitively, and socially. Initial assessments indicate common behaviors ranging from depression, high anxiety, self-destruction, oppositional behavior, inappropriate sexual behaviors, suicidal thoughts, and decrease interest in academic achievement.”¹¹ The Diagnostic Center provides “Cognitive Behavioral Interventions with a focus on holistic healing and strength-based interventions.”¹²

There are also several child advocacy centers in Maryland that work with child protective services to provide short-term care and refer individuals to service providers.

Because recovery is a lengthy process, long-term care options, although costly, must be available for victims of sex trafficking and their families. To ensure resources are available, the Victim Services Subcommittee of the Maryland Human Trafficking Task Force compiled a resource directory (*2016 Resource Directory*) to assist state agencies providers, and members of the public in serving victims of trafficking. This directory lists the organizations and agencies actively involved in either victim services or public awareness activities to address human trafficking in Maryland.¹³

Identify Gaps in Programs & Available Resources

Within the State of Maryland, most services available to youth victims of human trafficking have predominantly been located in the Baltimore and Washington Metropolitan Areas, and only a few available on the Eastern Shore, Southern Maryland, Northern Maryland, and Western Maryland. To increase the services available, and in an effort to create a single point of entry for services for youth victims of human trafficking, the Workgroup identified several service recommendations, to include the following:

1. Identify a single point of access to interagency services to assist Navigators in locating local services.
2. Utilize the Interagency Placement Committee to identify and coordinate resource development needs.
3. Establish Therapeutic Foster Care homes for youth survivors of human trafficking.
4. Establish and implement a credentialing process for direct care providers and programs approved to treat survivors of sex trafficking.

¹¹ The Children’s Home. *Diagnostic Program*. Retrieved from <http://thechildrenshome.net/diagnostic/>.

¹² Ibid.

¹³ For more information regarding, please visit the [2016 Resource Directory](#).

5. Establish regional navigators in multiple areas of the State to ensure victims receive the proper short- and long-term services.
6. Establish a statewide human trafficking position to oversee regional navigators, coordinate statewide training efforts, implement policies related to human trafficking, and coordinate with the Maryland Human Trafficking Task Force.

The Maryland Children's Cabinet has established an Interagency Placement Committee to annually examine and address gaps in interagency resources for children and families. In addition, the Children's Cabinet has provided funding to support a Local Care Team in every county to support children and youth with intensive needs. The county Local Care Teams are made up of representatives from across the system of human services and they are tasked with coordinating case planning and access to necessary community based services. The Workgroup will build on this existing system by linking it with the proposed statewide human trafficking navigator system. Navigators will engage with the Local Care Teams to access services and help identify gaps in available services. The Interagency Placement Committee will be tasked with reporting annually on gaps in services, including those needed to address the minor victims of commercial sex trafficking.

Addressing the third provision, the Maryland Coalition Against Sexual Assault (MCASA) coordinates a statewide initiative with rape crisis centers, referred to as the Coordinated Action Against Sex Trafficking (CAAST). This program addresses a lack of adequate services by building statewide capacity to best serve sex trafficking survivors across Maryland. In collaboration with this initiative, the Sexual Assault Legal Institute (SALI), a program of MCASA, provides legal services to survivors of sex trafficking.

Rape crisis centers are ideal hosts for this initiative because they have expertise in sexual assault, trauma-informed care, empowering survivors, and navigating multiple government agencies and the criminal justice system. Therefore, the Governor's Office of Crime Control & Prevention funded the CAAST Initiative in Fall 2016.

CAAST is a regional network of the following six rape crisis centers:

1. Allegany County: Family Crisis Resource Center, Inc.
2. Baltimore City and Baltimore County: TurnAround, Inc.
3. Caroline, Dorchester, Kent, Queen Anne's, and Talbot Counties: Four All Seasons, Inc.
4. Frederick County: Heartly House, Inc.
5. Howard County: HopeWorks
6. Prince George's County: Domestic Violence and Sexual Assault Center

These organizations have in-house human trafficking coordinators (Regional Navigators) who assist survivors in accessing the services they need to help rebuild their lives.

Rape crisis centers provide essential services including 24 hour crisis hotlines, individual and group counseling, hospital and court accompaniment, case management, and community education. Some of these organizations also provide mobile crisis support, emergency housing, emergency food assistance, forensic exams, transportation, legal services, transitional housing, long-term housing assistance, job and education assistance, financial literacy, parenting programs, and children's programs.

Through the CAAST program, Regional Navigators are expanding these services and increasing the capacity of these rape crisis centers to address the needs of sex trafficking survivors. They are ensuring that their organizations' protocols are appropriate for trafficking survivors. Staff are trained in how to identify survivors and help them access the unique resources they may need.

Regional Navigators are also building collaborative relationships with health care facilities, law enforcement, policy-makers, and other victim service organizations in their local communities to provide high quality trauma-informed victim-centered services to sex trafficking survivors. They participate in local human trafficking task forces as well as the Maryland Human Trafficking Task Force, connecting them with essential resources, trainings, and colleagues statewide.

Rape crisis centers, law enforcement, and social services across the state refer to members of the CAAST regional network, which is helping build statewide capacity to provide quality services to sex trafficking survivors. MCASA also has a gubernatorial appointed seat on the *Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking*.

Collect & Compile Data on the Number of Youth Victims

Between July 2013 and October 2017, over 350 child maltreatment reports of suspected child sex trafficking cases were screened in by Maryland's 24 Local Department of Social Services agencies, involving over 290 individual suspected minor victims. The number of suspected child sex trafficking cases screened in increased nearly 150% between state fiscal year 2014 and 2017. The majority of suspected child sex trafficking cases were reported by law enforcement and involved Maryland residents, although youth from New York, Pennsylvania, California, Virginia, and Delaware were also trafficked in Maryland. Approximately 90% of suspected child sex trafficking victims were female, with the remainder of suspected victims split between male youth and transgender female youth. The majority of suspected child sex trafficking victims were between the ages of 14 and 17 years old.

Child sex trafficking data are collected and analyzed through a partnership between the Child Sex Trafficking Victims Initiative (CSTVI) at the University of Maryland, School of Social Work, and the Maryland Department of Human Services. CSTVI is a five-year project funded by the Administration for Children and Families: Children's Bureau to address child trafficking within the child welfare system. Research for this report involved collection and analysis of all

child maltreatment reports of suspected child sex trafficking cases screened in by Maryland's 24 Local Department of Social Services agencies. These reports were those marked a sexual abuse – human trafficking during screening. Child sex trafficking reports are defined as those child maltreatment reports of youth under age 18 suspected of involvement in commercial sex, either forced or “voluntary.” Commercial sex acts, for example prostitution, stripping, or pornography, are those performed in exchange for anything of value. Examples of items of value include money, shelter, food, clothing, or transportation. Child sex trafficking reports were made by local, state, and federal law enforcement, child welfare and juvenile justice workers, mental health professionals, private citizens, educators, family members, non-profit organizations, and medical providers. The total number of child sex trafficking reports (n = 350+) remains larger than the total number of individual potential trafficking victims (n = 290+) as some reports proved to be forms of maltreatment other than trafficking and duplicate child sex trafficking reports were sometimes made for one youth. The information above does not purport to reflect the full scope of child trafficking but is instead an initial review of cases which have touched Maryland's law enforcement and social service systems thus far.

Evaluate Current State Safe Harbor Policies & Legal Protections

Within the State of Maryland, there is no legal immunity for youth found to be involved in prostitution or prostitution-related activities. Although an individual, under the age of 18, who has been induced to perform a commercial sex act is a victim of a severe form of human trafficking under federal law, they can still be arrested and entered into the criminal justice system by Maryland authorities.

Maryland Chapter 357 of 2015 provides that, in a prosecution for a charge relating to prostitution under § 11-306 of the Criminal Law Article, it is an affirmative defense of duress if the defendant committed the act as a result of being a victim of an act of another who was charged with violating the prohibition against human trafficking under § 11-303 of the Criminal Law Article or under federal law. A defendant may not assert the affirmative defense unless the defendant notifies the state's attorney of the defendant's intention to assert the defense at least 10 days prior to trial.

Chapter 516 of 2016 (Alicia's Law) established the Internet Crimes Against Children Task Force Fund to pay for training, salaries, and equipment to be used for the investigation and prosecution of internet crimes against children. Alicia's Law was one of the 10 recommendations made by the Workgroup in 2015.

The Governor's Office of Crime Control & Prevention has awarded a total of \$1,242,145 in Internet Crimes Against Children grants to assist child advocacy centers and law enforcement agencies in developing an effective response to online child sexual exploitation. This support

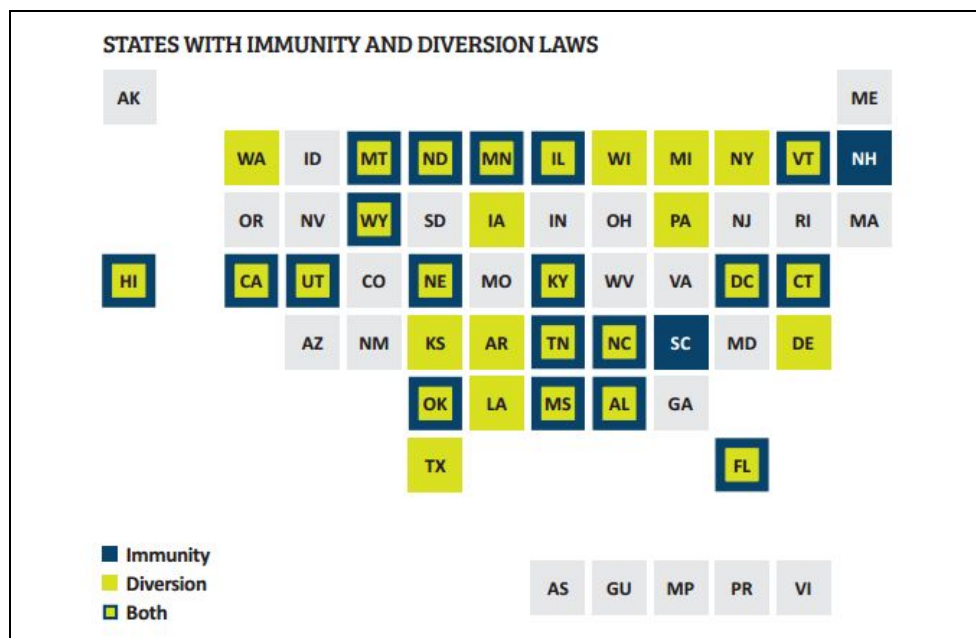
encompasses forensic and investigative components, training and technical assistance, victim services, prevention, and community education. The funding provides agencies with the tools to prevent internet crimes against children by supporting education of law enforcement and encouraging multi-jurisdictional cooperation. Funding from the 2018 fiscal year was distributed to eligible applicants, which includes child advocacy centers, local law enforcement, and the Maryland State Police. The award period runs from July 1, 2017 until June 30, 2018.

Recommendations

In 2015, 2016, and 2017, the Workgroup was tasked to make recommendations regarding (1) legislation and policy initiatives to address the provision of services and legal protections for youth victims of human trafficking in the State; (2) the collection of data to identify youth victims of human trafficking in the State; (3) funding requirements and budgetary priorities to address the needs of youth victims of human trafficking in the State; and (4) any other relevant issues or considerations identified by the Workgroup. In an effort to strengthen the recommendations captured in the prior reports, the Workgroup meticulously examined each in the *2017 Maryland Safe Harbor Workgroup Final Report*, and also added several additional recommendations.

#1: Provide Prosecutorial Immunity for Youth Victims

According to the National Conference of State Legislatures, states have enacted laws to provide prosecutorial immunity for certain crimes as well as opportunities for diversion to survivor services to prevent child survivors of trafficking from entering the criminal justice system. “Proponents of immunity and diversion policies contend that they keep youth from continued trauma in the justice system and prevent them from compiling criminal records that can make it difficult to pursue future housing, employment, and education opportunities.”¹⁴



¹⁴ National Conference of State Legislatures (NCSL). (2017). *Safe Harbor: State Efforts to Combat Child Trafficking*. Retrieved from http://www.ncsl.org/Portals/1/Documents/cj/SafeHarbor_v06.pdf.

Based on the illustration above, “twenty states and the District of Columbia have legislated prosecutorial immunity for trafficked youth, meaning children cannot be charged with certain statutorily specified crimes.”¹⁵ Although the laws differ amongst states, most that provide criminal immunity “do so for prostitution, but some laws also extend immunity to other crimes as a result of being trafficked.”¹⁶

Because the State of Maryland has no legal immunity for youth found to be involved in prostitution or prostitution-related activities, the Workgroup held several discussions geared around this for youth, age 17 and under, who have been charged with prostitution or other nonviolent misdemeanor relating to their victimization, as well as to provide immediate referral to services.

- Most members supported immunity for youth, age 17 and under, charged with prostitution or other nonviolent misdemeanor charges relating to their victimization.
- Some members, and law enforcement invited to provide input, opposed any type of immunity and indicated concern of a revolving door if no consequences are imposed for repeat offenders.
- Several members advocated for immunity up to the age of 25 or 26 and cited research on brain development and that some children do not age out of foster care until age 21.

As a result, the Workgroup agreed that immunity cannot take place until there are statutory provisions authorizing services, which could be enacted prior to or simultaneously with a non-criminalization statute. Because of this, further discussions will occur as it relates to the enactment of a non-criminalization statute which is part of a larger, long-term effort to implement appropriate services and non-criminal responses to juvenile sex trafficking victims that will require ongoing legislative efforts to develop a comprehensive, coordinated response.

In addition, and with regards to the provision for immediate referral to services, an overwhelming majority of members agreed that all children must be referred to services upon identification.

#2: Establish Statewide Protocols to Address Missing/Runaway Children

In 2016, one in six endangered runaways reported as missing to the National Center for Missing & Exploited Children (NCMEC) were likely victims of child sex trafficking. Of those, 86 percent were in the care of social services when they went missing.¹⁷ Children who are under the

¹⁵ National Center of State Legislatures (NCSL). (2017). *Safe Harbor: State Efforts to Combat Child Trafficking*. Retrieved from http://www.ncsl.org/Portals/1/Documents/cj/SafeHarbor_v06.pdf.

¹⁶ Ibid. Some states provide criminal immunity to persons under 18 and some require proof that the child is a trafficking survivor.

¹⁷ National Center for Missing & Exploited Children. (2017). *Child Sex Trafficking*. Retrieved from <http://www.missingkids.org/cstt>.

care of child welfare are particularly vulnerable to traffickers who target and take advantage of their emotional and physical needs.¹⁸ Traffickers target and lure vulnerable youth into sex trafficking through the use of physical and psychological manipulation, and sometimes violence. They often create a seemingly loving or caring relationship with their victim to establish trust and allegiance, and to ensure loyalty to the exploiter even in the face of severe victimization.¹⁹

The Maryland Center for Missing and Unidentified Persons (MCMUP) collects data on children reported as missing, as well as those repeatedly reported as missing (e.g., repeat runaways).²⁰ Between July 1, 2017 and September 30, 2017, 1,404 children were reported as missing of which 170 (female = 103, male = 67) consisted of repeat runaways. The 170 children identified as repeat runaways were reported as missing between two and nine times each, which resulted in a total of 443 incidents. The age of these children ranged between nine and 17 years old.

Approximately 12,000 children are reported as missing each year within the State of Maryland. Due to the proportion of children who are identified as repeat runaways, and the correlation between runaways and sex trafficking, the State of Maryland should focus on repeat runaways who could potentially lead to the identification of additional youth victims of human trafficking.

To address this problem, it is recommended that law enforcement should implement a procedure in which all chronic runaways (defined as three or more incidents) and children missing for more than 30 days are screened for trafficking upon their return. Additional resources may be needed to facilitate this process. This recommendation is in addition to the requirement under the *Preventing Sex Trafficking and Strengthening Families Act* (PSTSFA) that system-involved children who go missing from care be screened for trafficking by child welfare when returned to care. In light of the *Child Abuse Prevention and Treatment Act* (CAPTA) “amendments that define an abused and neglected child to include child sex trafficking victims,” and the *Justice for Victims of Trafficking Act’s* (JVTA’s) “clarification of the definition of a child sex trafficking victim as including any commercially sexually exploited child, compliance with PSTSFA requires state child welfare agencies to identify, document, report, and provide services to any child believed to be commercially sexually exploited or believed to be at risk of commercial sexual exploitation, and ‘over whom the State agency has responsibility for placement, care, or supervision.’”²¹

In addition, the Workgroup will consider the potential introduction of legislation to help bring Maryland state law into compliance with PSTSFA which requires social service agencies to

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ The Maryland Center for Missing and Unidentified Persons is a division within the Maryland State Police. Its mission is to provide assistance for the recovery of missing children and adults, and to help with the identification of those who remain unidentified. For more information, please visit <https://www.facebook.com/MD.MCMUP/>.

²¹ Shared Hope International. (2016). *State Impact: Preventing Sex Trafficking and Strengthening Families Act (PSTSFA) Justice for Victims of Trafficking Act (JVTA)*. Retrieved from <http://sharedhope.org/>.

report any children who go missing from care to both NCMEC and to law enforcement (see Section 104 of [Public Law 113-183](#)). Additional information regarding policies and procedures for reporting missing and abducted children is available through NCMEC's website:

- *Law-Enforcement Policy and Procedures for Reports of Missing and Abducted Children* (available [here](#))
- *Missing and Abducted Children: A Law Enforcement Guide to Case Investigation and Program Management* (available [here](#) and [here](#))

#3: Continue to Utilize the Department of Juvenile Services' Risk Assessment Tool

The Department of Juvenile Services implemented its human sex trafficking screening tool at the Thomas J.S. Waxter Children's Center, the Noyes Children's Center, the Charles H. Hickey School, and the Baltimore City Juvenile Justice Center.

In FY 2017, the Department of Juvenile Services received 2,193 juvenile admissions, ranging between the age of 14 and 19 years old, to the four facilities utilizing this screening tool. This total represents a decrease in juvenile admissions when compared to FY 2016 (n = 2,391), FY 2015 (n = 2,877), and FY 2014 (n = 3,246). Based on the screening that occurs for each juvenile admission, the Department of Juvenile Services identified 123 victims of sex trafficking between March 2012 and November 2, 2017. Identified victims of sex trafficking are referred to TurnAround, Inc. for individual and group services.

To ensure all possible victims are identified in the community, the Department of Juvenile Services' policy requires case management staff to screen youth supervised in the community who present a concern for possible trafficking victimization. The Department of Juvenile Services coordinates with victim service providers to account for the additional referrals as more youth are identified. In order to expand the program to other juvenile facilities, more qualified service providers must be identified.

#4: Seek Federal Funding to Support Priorities

In 2016, the University of Maryland, School of Social Work received a three-year, \$2.5 million grant from the United States Department of Justice, Office of Victims of Crime to improve statewide coordination and multidisciplinary collaboration in responding to human trafficking involving children and youth. This grant, also known as the *Maryland Human Trafficking Initiative for Children and Youth*, builds on the Child Sex Trafficking Victims Initiative (CSTVI)

that originated under a five-year grant that was awarded to the School of Social Work in 2014, by the Children’s Bureau.²²

Through this grant, the University of Maryland, School of Social Work in partnership with the Governor's Office of Crime Control & Prevention and the Maryland Human Trafficking Task Force will sponsor a statewide public awareness conference to mobilize communities and individuals in response to human trafficking. This conference, *Maryland Human Trafficking Awareness Conference: Moving from Awareness to Response*, will occur on December 4, 2017, at Towson University.

In addition, in October 2016 the Governor's Office of Crime Control & Prevention awarded over \$46 million in federal Victims of Crime Act (VOCA) funds for victims of crime across Maryland. From this total, the Governor’s Office of Crime Control & Prevention awarded over \$8.6 million for victims of human trafficking, including funding for direct services, legal assistance for post-conviction relief, and regional navigators to assist victims with accessing services.²³

Maryland agencies and nonprofits should continue to identify and apply for appropriate federal funding opportunities. Such funds may be used to support anti-human trafficking initiatives to include law enforcement training, provision of victims services, and the continued efforts of the Maryland Human Trafficking Task Force.

#5: Propose Changes for § 11-306 of the Criminal Law Article

This recommendation is to target the buyers of sex that fuel the sex trade which makes human sex trafficking possible. Although the sexual solicitation of a minor is already a felony (§ 3-324 of the Criminal Law Article; imprisonment not to exceed 10 years, or a fine not to exceed \$25,000, or both), the Workgroup recommends that more should be done to punish those buyers of sex from adults. In order to target the buyers of sex from adults, it is recommended that § 11-306 of the Criminal Law Article be rewritten to remove “procure or solicit or offer to procure or solicit for prostitution or assignation” and make it an independent charge with a penalty not to exceed one year or a fine not to exceed \$500 or both. Fines collected for these violations should be placed into a victim services fund for the provision of services to victims of human trafficking. It is recommended that the current penalties for § 11-306 of the Criminal Law Article be lowered in an effort not to punish possible victims of human trafficking.

²² University of Maryland, Baltimore. (2017). *University of Maryland School of Social Work Awarded \$2.5 Grant to Address Human Trafficking*. Retrieved from <https://www.umaryland.edu/news/archived-news/october-2016/>.

²³ Office of Governor Larry Hogan. (2016). *Governor Larry Hogan Announces over \$46 Million in Federal Funding for Crime Victims*. Retrieved from <http://governor.maryland.gov/>

#6: Expand Child Sex Trafficking Education Program to All Schools

Because many children are recruited for trafficking, and are exploited, while they are in school, “educators are uniquely positioned to identify and report suspected trafficking among their student population, due to their daily interaction with many high risk populations.”²⁴

To address this, and in partnership with the Maryland State Department of Education and the Maryland Center for School Safety, the Araminta Freedom Initiative conducted a Human Trafficking Education Pilot in three local school systems, consisting of Baltimore City, Baltimore County, and Prince George’s County. During this pilot, the Araminta Freedom successfully trained 2,459 school staff in trainings geared around the following objectives:

1. Technical assistance with child abuse and neglect policies and rules to include development of reporting guidelines specific to trafficking;
2. Advanced training for identified school-based teams and all school staff; and
3. Identification, case consultation, tracking of reported incidents of suspected and known trafficking, support service referral and linkage, development of pre- and post-training assessments, and data collection.

In addition, and on October 24, 2017, the Maryland State Department of Education presented a comprehensive plan for addressing mental health issues in schools to the State Board of Education. Based upon the preliminary results of the pilot, two of the proposed actions are as follows:

1. Proposed Action: Develop a training plan to identify strategies for expanding training in human trafficking to local school systems staff.
2. Proposed Action: Include human trafficking prevention and reporting as part of annual local school staff professional development training on mandated reporting.

Moving forward, the Maryland State Department of Education intends to analyze the effectiveness of the human trafficking curriculum that was provided to students in Baltimore City, Baltimore County, and Prince George's County and develop a training plan to identify strategies for expanding training in human trafficking to local school systems and staff.

#7: Increase Penalty for Internet Recruitment of Human Trafficking

The internet has quickly become the traffickers preferred method for recruitment of victims into human trafficking and prostitution. The internet is also the number one place for advertisement of prostitution and sexual services, and allows traffickers to reach more potential victims than

²⁴ Maryland State Department of Education & Araminta Freedom Initiative. (2016). *Child Sex Trafficking Prevention & Intervention Education Program*. Retrieved from <http://marylandpublicschools.org/>.

traditional methods of in-person recruitment. This method of recruitment is also far reaching and extends outside of Maryland. The Workgroup recommends increasing the penalty for internet recruitment of human trafficking or prostitution in Maryland Code, Criminal Law, § 11-303.

#8: Analyze Pilot Program in Baltimore County and Washington County

Baltimore County and Washington County recently implemented a pilot program to help connect youth victims of human trafficking to the appropriate services and treatment. Because there is an ongoing need to identify appropriate services to address the challenges present in serving child victims of sex trafficking, the Workgroup recommends gathering and analyzing data from the pilot program to identify the effectiveness of its use and implementation. The Workgroup will work to identify the agency and/or agencies that will be responsible for gathering and analyzing pilot program data. Based on the results of the analysis, the Workgroup may seek to expand the pilot program to other parts of the State.

#9: Replicate Minnesota’s Regional Navigators Model in Maryland

Minnesota has taken the lead in the use of Regional Navigators who help to bring stakeholders together to collectively identify the best strategy for each youth victim as it relates to services. Some of the agencies that house Regional Navigators include the following:²⁵

- Midwest Children’s Resource Center (MCRC)
- Lutheran Social Services of Minnesota (LSS)
- Someplace Safe
- Program for Aid to Victims of Sexual Assault (PAVSA)
- Southwest Crisis Center
- The Link
- Support Within Reach (SWR)
- Dodge, Fillmore, and Olmsted County Victim Services

Because Regional Navigators serve as a single point of coordination of services for victims, the Workgroup recommends further discussion regarding the need for additional funding, without county-specific restrictions, to expand this model in Maryland.

#10: Establish Sustainable Funding Stream for Specialized Services

Establish a sustainable funding stream to create and maintain specialized services for child trafficking victims, including regional navigators/coordinators, emergency, short and long shelter placement at different levels of care, and trauma-specific therapeutic services. The lack of

²⁵ Minnesota Department of Health. *Regional Navigators*. Retrieved from <http://www.health.state.mn.us/injury/topic/safeharbor/navigators.html#top>.

necessary services and appropriate placement options for trafficked youth in Maryland has been well-documented and sustainable funding is necessary to address these gaps.

#11: Add Felony Human Trafficking to the List of “Violent Crimes”

Amend Criminal Procedure (14-101) and Correctional Services (7-101) to add felony human trafficking to the list of “violent crimes” and propose to have it added under CS 7-301 (c) which would modify to a mandatory 50% time before possibility of parole.