REPORT AND RECOMMENDATIONS REGARDING ESTABLISHMENT OF THE NEBRASKA HUMAN TRAFFICKING TASK FORCE (NHTTF)

October 6, 2015

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Attorney General
State of Nebraska

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[1] Subject to the disclaimers herein, the substantial assistance of the members of the Working Groups, described herein, and of the persons involved in "Site Visits," is gratefully acknowledged. Further subject to the disclaimers herein, the particular assistance of Meghan Malik, M.P.A.,Trafficking Response Coordinator for the Women's Fund of Omaha, and Dr. Kathryn J. Thomsen, Ph.D., Victim Specialist for the Federal Bureau of Investigation, is gratefully acknowledged. These acknowledgements do not necessarily state endorsement of the contents of the Report and Recommendations by the persons or entities acknowledged.

CAVEAT

This Report and Recommendations, with proposed Plan, is not intended to and does not create any rights, duties, obligations or liabilities by, for, or on behalf of any person or entity. It is not legal advice. It is not a full legal definition or other description of human trafficking. It is not an opinion of the Attorney General.

The author hereof is solely responsible for the contents of this Report and Recommendations. The statements of opinion and facts herein are those of the author, and are not necessarily those of the Attorney General or staff of the Nebraska Department of Justice, or any other person or entity involved in discussions regarding establishment of the Nebraska Human Trafficking Task Force.

The recommendations made herein, while intended in great part to reflect the recommendations of participants in the Working Group process described herein, are the recommendations of the author only, and do not necessarily reflect the recommendations of any person or entity involved in this process.

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Executive Summary

Background

It is respectfully reported that:

- Human trafficking is recognized as the #2 or #1 crime in the world. If second, it is second only to, and closing on, international drug trafficking, having surpassed all other crimes, including such as trafficking in firearms.
- Human trafficking can exist anywhere. Human trafficking, as sex trafficking and/or labor trafficking, has been identified at various locations throughout Nebraska, in urban areas and in lesser population areas. A case of sex trafficking involving two teenage victims was successfully prosecuted regarding a town of about 550 people in Iowa.
- Demonstrated cases of human trafficking in Nebraska have victims ranging in age from about 6 years old, to about 40 years old. The current trend is to younger victims, especially in the 14-17 year old range. Victims currently appear to be females, but males are also victimized. Identified victims tend to be both "domestic" to the United States and from other countries.
- It is necessary to demonstrate to the general community, to segments of the services community, and to segments of the law enforcement community, that human trafficking exists throughout Nebraska, that it is significant, and that resources need to be devoted to it. We must learn to look at the background of the victim, at what makes this victim especially susceptible to this human trafficking, as well as to the actions and intent of the suspected human trafficker.
    - A person under 18 years of age, especially with a dysfunctional background or engaged as a recidivist runaway; or any person demonstrating significant effects of mental, emotional or developmental disability; addiction; poverty, especially homelessness; or certain characteristics of isolation, including cultural conditioning (which could include foreign national persons, or, for example, Native Americans), a language barrier, geographic disorientation or restriction of mobility, limitation of communication, or enforced isolation, such as placement in a "juvenile" or adult corrections institution – are noted categories of probable susceptibility to victimization in human trafficking. Substantial threats against the wellbeing of loved ones of a victim are also significant in establishing victimization.
    - A person who previously, or subsequently to the focus of the current inquiry, engages in commercial sex acts, can still be a victim of sex trafficking.
    - A person may go into a situation such as human trafficking voluntarily, realize its severe consequences, wish to withdraw therefrom, but then be subject to human trafficking if compelled to remain in the circumstances without that person's continuing consent.
    - A person from a foreign country, even a person illegally in the United States, can be a victim of human trafficking.
- The significance of human trafficking, including in Nebraska, is inherent in what human trafficking is (slavery); in the very serious and lasting consequences to victims of human trafficking; in the anecdotal experience of the Omaha Child Exploitation Task Force and the experience of other locations throughout Nebraska, including the market-driven nature of

human trafficking; and in the *beginnings* of empirical research at various universities in Nebraska regarding human trafficking.

- In a survey done by the Women's Fund of Omaha in conjunction with the initiative to establish the NHTTF, preliminary results indicate that 57% of about 670 survey respondents believe that human trafficking is a problem in their community; 36% believe they have encountered human trafficking victims; but, only 21% screen for human trafficking, and 85% believe they are <u>not</u> able to meet the needs of survivors of human trafficking. The survey further preliminarily suggests that barriers to victim services include institutional lack of knowledge about the services needed and available to victims, and a lack of trust and knowledge about the availability of services by victims. Further, while there appears to be a broad range of needed or sought services, emergency shelter, mental health, and crisis intervention are the top three services sought or needed by human trafficking survivors.
- Helping a victim/survivor of human trafficking is primary. However, concomitant therewith is stopping the human trafficker. *Helping a victim without pursuing the trafficker is most likely to result in the "making" of another victim, because of the money involved in human trafficking.*
- Effectively addressing human trafficking must include *proactive efforts* to identify and rescue victims; identify and prosecute human traffickers; and identify and prosecute "consumers"(for example, in sex trafficking, "johns"[2]). Service providers and law enforcement can be of assistance to each other in *building* an environment in which victims/survivors, human traffickers, and legally culpable "consumers" will be more successfully dealt with.
    - Many victims/survivors do not "self-identify" as current or former victims. Assessment/screening in many cases may not be a single event; but, rather, a *process* which follows the victim/survivor through the services/enforcement system; and the "assessor/screener" should have a *background* of being trained in and "properly disposed to" assessing/screening potential victims/survivors of human trafficking.
    - In certain circumstances, though looked at by some as "only consumers," consumers of sex trafficking are human traffickers, and can be charged, convicted and sentenced as human traffickers. (This may, arguably, extend to certain consumers of labor trafficking.)
    - Failure to *systematically* pursue, arrest and successfully prosecute human traffickers <u>*as human traffickers*</u>,[3] may be a major contributing factor to the growth of this illegal "industry," and the projected increasing number of victims.

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[2] The term "johns" is used herein only because of the perception that the public understands this reference. Whenever the term "consumers" of human trafficking products or services is used (including consumers of commercial sex acts), it includes, but is not necessarily limited to, so-called "johns."

[3] Pursuing human traffickers as human traffickers is not necessarily limited to charging them with only violations of human trafficking statutes. Rather, it includes charging the statute most appropriate to the situation, which may include, for example, commercial sexual exploitation of children, distinct from sex trafficking of minors (or charging both). The point is not to fail to

- That sex traffickers often operate in circuits or with remote service-delivery/recruitment is deemed significant in that few, perhaps no, law enforcement agencies in Nebraska are individually staffed, trained and equipped to deal with more organized, mobile, often multi-jurisdiction, especially multi-state, multi-victim sex trafficking ventures. Similarly, it is anticipated that service providers encounter issues when dealing with victims from other states.
- Gangs may be becoming more involved in sex trafficking.
- Many victims of human trafficking require "trauma informed services" and "wraparound care" for prolonged lengths of time, including anecdotal experience in Nebraska of victims requiring continuing services of some degree or variety in excess of five years.
- Human trafficking in all of its forms must be aggressively addressed.

Abstract of the Proposed Plan

It is respectfully recommended that:

- The Attorney General should formally establish the NHTTF *forthwith.*
- The NHTTF should use a victim-oriented, statewide, systematic, integrated approach to human trafficking, in all its forms; and should address victims/survivors, human traffickers and "consumers (e.g., in sex trafficking, "johns"), regarding services, enforcement, awareness, and prevention.
- The NHTTF should be "rational/empirical evidence-informed" and based on "best practices."
- To *reduce the human trafficking market*, responsible individuals and entities must: reduce the benefit to the human trafficker and/or raise the perceived risk for the human trafficker; reduce the supply of victims available to the human trafficker; and reduce demand for the service or product provided by the human trafficker.
- The NHTTF should be built on the premises that:
  - Existing service capacity for victims/survivors should be identified, organized, and made readily accessible to those needing access; with further needed service capacity timely developed and made accessible;
  - All "sworn law enforcement officers" within Nebraska should be able to realize human trafficking could exist within the officer's bailiwick, recognize basic signs of human trafficking, and respond by at least performing "prescreening" and, as needed, "rescue" of an apparent victim of human trafficking;
  - Enforcement capacity regarding human trafficking should be developed to provide *proactive* and/or long-term investigation and prosecution throughout Nebraska;
  - Services and enforcement should be optimally "balanced" and "blended" to serve and protect victims/survivors, to aggressively prosecute human traffickers, and to reduce demand, including by pursuing legally culpable consumers. To artificially separate the services component and the enforcement component of the anti-human trafficking effort

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investigate and prosecute human traffickers as such, and not to undercharge human traffickers in criminal prosecutions.

would distort and potentially damage the effort to *build, balance, and blend* a unified, integrated anti-human trafficking system;
  - Significant people and programs already exist in Nebraska (including, but not necessarily limited to, programs such as the Child Advocacy Center system and the domestic violence intervention system) upon which, in part, to begin building the NHTTF – enhanced to address human trafficking.
- The NHTTF should meaningfully coordinate with members of the general community, specific "community partners," and, appropriate to each, the executive, judicial, and legislative branches of Nebraska government.
- The NHTTF should involve:
  - an <u>administrative component</u>, including personnel from the Attorney General's Office (including the NHTTF Coordinator) and the Salvation Army (including a Human Trafficking Victim/Survivor Services Coordinator), consistent with the applicable OVC-BJA grant; a multi-disciplinary Advisory Group; and Working Groups and Committees; and
  - an <u>operational component</u> consisting of the State Human Trafficking Response Team, Regional Human Trafficking Response Teams, and Local Human Trafficking Response Teams. The operational components should:
    - Be coordinated, multi-disciplinary teams, organized and trained to work as a hierarchy regarding acquiring expertize, and regarding response capability.
    - Be dedicated to:
      - identifying and "rescuing victims;"
      - establishing needed services for, making services accessible to, and delivering services to victims/survivors;
      - investigating and prosecuting human traffickers and legally culpable "consumers," especially to pursue *proactive* responses to human trafficking.
    - The State Human Trafficking Response Team should:
      - function as a state-wide "strike force" regarding more complex, potentially long-term investigations/prosecutions;
      - assist in referring victims/survivors for services in such cases; and
      - aid in developing training for NHTTF response teams;
      - include the NHTTF Coordinator, and the Human Trafficking Victim/Survivor Services Coordinator [state-wide];
    - The Regional Human Trafficking Response Teams should:
      - be organized in each region of Nebraska corresponding to Nebraska State Patrol (NSP) regions;
      - fill the void in situations in which some localities will not be able to form a Local Human Trafficking Response Team;
      - be led by a core group consisting of the Regional Human Trafficking Response Officer (designated, dedicated portion of duties), the Regional

Human Trafficking Victim/Survivor Services Coordinator (designated, dedicated portion of duties), the NHTTF Coordinator, and the Human Trafficking Victim/Survivor Services Coordinator [state-wide];

- organize and maintain the regional integrated (services and enforcement) human trafficking response;
- within the respective region, among other responsibilities, be responsible for training, *proactive* operations, other assistance to Local Human Trafficking Response Teams, and providing *dedicated and published* "24/7/365" enforcement and services contacts, especially in support of Local Human Trafficking Response Teams, where such Local Teams can be formed.

- The Local Human Trafficking Response Teams should:
  - be organized and maintained in each county of Nebraska capable of forming such a Team;
    - in-residence population and lack of services and/or law enforcement staffing in some counties may preclude formation of a Local Human Trafficking Response Team, in which event the Regional Team should fill this void, with attempt to designate local enforcement and response people only as points of contact regarding human trafficking;
    - a few more populous counties (especially Douglas, Sarpy and Lancaster Counties) may need an expanded version of the Local Human Trafficking Response Team;
  - be led by a core group consisting of the Local Human Trafficking Response Officer (designated, dedicated portion of duties), the Local Human Trafficking Victim/Survivor Services Coordinator (designated, dedicated portion of duties), the Regional Human Trafficking Response Officer, and the Regional Human Trafficking Victim/Survivor Services Coordinator;
  - organize and maintain the local integrated (services and enforcement) human trafficking response;
  - within the designated locality, among other responsibilities, be responsible for training, providing *dedicated and published* "24/7/365" enforcement and services contacts, immediate "pre-screening and rescue of victims, short-term investigations, and assistance with proactive or long-term investigations;

- The recommended Plan is submitted as a "best beginning point" to *help victims/survivors – stop human traffickers – reduce the human trafficking market.* As adopted, the Plan should continue to be evaluated, including at least at the conclusion of 1, 2 and 5 years, and amended by the Attorney General, as deemed advisable on consultation and advice as recommended in the Plan.

- The NHTTF should seek to establish a culture in which people *realize* that human trafficking exists throughout Nebraska; *recognize* signs of human trafficking; *respond* meaningfully to human trafficking – all according to the person's role in the community.
- It is recommended that the Principles adopted by the Working Groups, be adopted as the founding principles of the NHTTF, and hereafter guide the NHTTF, subject to review and amendment.
- Among other emphasis of the NHTTF, the NHTTF especially needs to *build, balance, and blend* to: raise public and targeted industry/profession awareness of the broad scope of the definition of human trafficking and its existence in Nebraska; identify and remove barriers to the delivery of effective services to victims and survivors; weave an integrated system of service providers and law enforcement to best help victims/survivors, while effectively and aggressively pursuing human traffickers and "consumers" for the prevention of human trafficking and protection of victims and the community; include participation by Native American groups; address labor trafficking (in addition to sex trafficking); and distinguish its approach to persons under 18 years of age, in comparison to its approach to adults, while maintaining the ability to work with situations in which minors and adults victim/survivors are present in the same case.
- It is recommended that going forward, the NHTTF should implement a strategy to provide interpreters as needed to better fulfill the purposes of the NHTTF. Similarly, substantial cultural disparities should be identified and addressed. Specific outreach should be incorporated into the Plan.
- Some significant expertize and training regarding human trafficking exist in Nebraska, especially regarding sex trafficking. This expertize should be utilized, enhanced, and shared. Training should be reviewed, "localized" to Nebraska, and made consistent.
    - In material part, the intent of the proposed Plan is to form voluntary regional and/or local collaborative multi-disciplinary human trafficking efforts which borrow significantly from and build substantially upon existing structures and programs such as "1184 teams," domestic violence response teams, or mental health teams - but with a particular emphasis upon human trafficking services and enforcement.
- All services and enforcement personnel should know precisely whom they are to contact and how to contact them in the event they encounter a victim/survivor or an incident of human trafficking.
    - Subject to factors such as population and staffing limitations, a primary response law enforcement officer and a primary response services coordinator, or designated backup, should be available in each locality and/or region on a "24/7/365 basis." The State Human Trafficking Response Team should have a designated "duty law enforcement officer" and designated "duty services coordinator" available on a "24/7/365 basis," to assist regional or local response teams, or others, as needed.
- Indicators (and, ultimately, "outcome measures") of the effectiveness of the NHTTF on each level should be developed and applied.
- A priority need for the NHTTF is to establish, between Nebraska DHHS, the Administrative Office of the Courts, NSP (i.e., the Fusion Center), the Crime Commission, and FBI,

systematic, voluntary collection of statistical data, intelligence, and case-related information. Voluntary reporting of appropriate data/information by service providers and law enforcement should be established throughout Nebraska. (Mandatory reporting, if voluntary reporting is not sufficient.)

- Various potential needs to make the NHTTF effective have been identified for further substantial, priority consideration. Among these are:
  - The identification and removal of barriers to effective identification of victims/survivors; the delivery of services to victims/survivors; and the investigation, prosecution and other intervention regarding human traffickers and "consumers;"
  - Modification of the current Nebraska victim funding and process system, including the amount of victim funding, funding of resources providing certain services to victims (e.g., hospitals), the method of accessing the system, and the method of qualification of eligibility to receive victim funding;
  - Preventing, identifying and effectively serving victims in foster care, in institutions (for "juveniles" or for adults), or who are "under 18 years of age recidivist runaways;"
  - Effectively dealing with issues regarding victim/survivor privacy, confidentiality and privileged communication, so as to serve victims/survivors, protect victim's rights, and effectively and aggressively investigate and prosecute human traffickers and "consumers;"
  - Development and delivery of effective targeted professional training/education and promotion of public awareness regarding human trafficking services and enforcement ("*Realize, Recognize, Respond*");
  - Review and amendment as necessary of the 911 system and the CPS hotline system.

Specific Progress Recommendations

- Although it is a very aggressive schedule, most of the recommendations regarding establishing the NHTTF should be accomplished by on or about March 1, 2016. This would be within the first five months of the initiation of the NHTTF, with the NHTTF developing over the next 1 to 2 years thereafter. These recommendations are consistent with the 3-year term of the OVC-BJA grant awarded to Nebraska effective October 1, 2015. Nothing prohibits these recommended deadlines from being accomplished sooner than recommended, if practical to do so.
- It is recommended that initial lists of law enforcement and service provider contact information should be compiled and distributed by on or about January 15, 2016.
- It is recommended that, in consultation with the Salvation Army Victim/Survivor Services Coordinator and the Services Working Group, further strategic human trafficking victim/survivor services identification, capacity, accessibility and delivery deadlines be provided by December 15, 2015.
- It is recommended that:
  - the State Human Trafficking Response Team be established by on or about January 1, 2016;
  - the Regional Human Trafficking Response Teams by on or about February 1, 2016;
  - the Local Human Trafficking Response Teams by on or about March 1, 2016.

- A concerted effort should be made going forward to include, by on or about November 1, 2015, representatives of entities involved in the investigation of labor crimes.
- One or more representatives of the membership of the Nebraska Justice Alliance (institutional and community corrections) should be added to Working Groups by on or about November 15, 2015.
- The Community Partners Working Group should be constituted by on or about December 1, 2015.
- A concerted effort should be made going forward to include, by on or about December 15, 2015, representatives of Native American Tribes headquartered in or significantly involved with Nebraska. It is recognized that this is more of a process than including some other entities.
- It is recommended that a Training Committee be established by on or about December 1, 2015, to assemble a training package, including among other items, training regarding the Assessment/Screening Tool(s) and any other tools, with a recommendation that multi-disciplinary, regionalized training packages be developed by on or about February 1, 2016, and be anticipated to begin presentations as soon after March 1, 2016, as the training can be scheduled. Scheduling should begin in advance of February 1, 2016.
- It is recommended that a Human Trafficking Tools Kit Committee be established by on or about November 15, 2015, with basic tools crafted and available to include in training by on or about February 1, 2016.
- It is recommended that as the basic tools kit is being built, separate tools subcommittees be established for each of the following industries/professions: health care; education; hospitality; transportation; agriculture, and faith communities – with a target date for completion of such training packages of on or about March 1, 2016.
- It is recommended that by December 1, 2015, a committee be established to address the need for a centralized data/information reporting, gathering, storage, analysis, and sharing mechanism for each/both service providers and law enforcement.

1. **Introduction**

a. Respect for Law Enforcement and Service Providers

The author hereof has been involved with law enforcement personnel and the providers of services to victim of serious crimes throughout his forty two year career. In submitting this Report and Recommendations with proposed Plan, the author states his genuine respect for people sincerely engaged in helping victims/survivors and protecting the community through law enforcement and the provision of services to victims/survivors of violent and degrading crimes. It is difficult to deal with serious issues such as human trafficking, especially with limited resources. All of the recommendations made herein are made in good faith, on the best available current information, through a collaborative process, and with deep respect for those who earnestly trying to help victims, stop such victimization, and bring perpetrators, including legally culpable "consumers," to justice.

b. OVC-BJA Grant

On September 27, 2015, through the Nebraska Crime Commission, the Nebraska Attorney General and the Salvation Army received notice that they had been awarded a $1.5 million OVC-BJA grant, to extend over a three year period commencing October 1, 2015, for the purpose of enhancing collaborative human trafficking victim services and law enforcement efforts through establishment of the Nebraska Human Trafficking Task Force. The Salvation Army is awarded $900,000.00 (victim/survivor services coordination), and the Attorney General $600,000.00 (law enforcement) over the three year period. *This grant is in substantial part premised on the recognition of the need to integrate services and enforcement in order to best address human trafficking within a jurisdiction.*

Through the Attorney General-led initiative described below, work to establish the Nebraska Human Trafficking Task Force (NHTTF) began in or about May of 2015. While the NHTTF process was initiated independently of the grant process, the grant will be used during the three years beginning October 1, 2015, to assist in establishing the NHTTF. To this extent, the NHTTF will, during the term of the grant, be based in substantial part upon the grant.

c. Nebraska History

As reported to or experienced by the author hereof, and while this is not an all-inclusive description, the following efforts have led to the current growing and generally united effort to serve victims of human trafficking, stop human traffickers, and reduce the market for human trafficking through establishment of the Nebraska Human Trafficking Task Force (NHTTF). In **2000**, the United States Congress passed the Trafficking Victims Protection Act (TVPA), substantially modifying our definition of what constituted human trafficking. That same year, the United Nations took similar international action.

Beginning in or about **2006**, the Nebraska Family Alliance, by Al Riskowski (subsequently also a member of the "Governor's Human Trafficking Task Force"), and the University of Nebraska Students Against Modern Day Slavery, with Dr. Sriyani Tidball, Ph.D., initiated organized efforts to raise awareness against human trafficking in Nebraska. Thereafter, especially through the efforts of Drs. Ron Hampton and Duane Ball of the University of Nebraska-Lincoln (UNL), the first UNL conference against human trafficking was held in or about 2009. Dr. Anna Shavers, UNL, Law School, has also been instrumental in these efforts.

In January of **2010**, through the significant efforts of Special Agent Anna Brewer of the FBI, and with the approval and encouragement of then Special Agent in Charge Weysan Dun (Ret.), what is now referred to as the Omaha Child Exploitation Task Force was established,[4] seeking enforcement against child exploitation and human trafficking.

In or about **2011**, a group of concerned people from the University of Nebraska, the Domestic Violence/Sexual Assault Council, the United States Attorney's Office for the District of Nebraska, the Nebraska State Patrol, The Family Research Council, and The Salvation Army [by Dr. Linda Burkle, Ph.D., LMPH, CSWM (also a member of the "Governor's Task Force Against Human Trafficking")] convened the Nebraska Network Against the Trafficking of Humans (NNATH), to raise awareness and encourage training of law enforcement and others. Subsequent thereto, Sen. Amanda McGill (Ret.) became a champion of legislation against human trafficking in Nebraska. In or about **2012**, the Nebraska Legislature passed the first Nebraska anti-human trafficking legislation, which has subsequently been modified and strengthened, especially with the passage of LB 294 in 2015, proposed by Sen. Jim Scheer, and co-sponsored by Sen. Patty Pansing-Brooks. As a result of early legislation and at the direction of the Legislature, the "Governor's Task Force Against Human Trafficking" was established in or about 2012, leading, in 2015, to the first significant published study of sex trafficking against minors in Nebraska.[5] Through the particular efforts of its members, Darrell Fisher, Director of the Nebraska Crime Commission, and Weysan Dun, former FBI Special Agent in Charge (Iowa and Nebraska), the "Governor's Task Force" initiated efforts in 2015 to provide an "interview tool" regarding human trafficking to Nebraska law enforcement (which effort has now been joined with the NHTTF).

In or about **2012**, the Human Trafficking Initiative (HTI) was launched with the goal to empirically study human trafficking. The HTI's research subsequently became known to the

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[4] The original members of this Task Force were the FBI, the Omaha PD, the Council Bluffs PD, the Douglas County Sheriff's Department, and the United States Attorney's Office for the Southern District of Iowa (Council Bluffs Branch Office). The La Vista PD and the United States Attorney's Office for the District of Nebraska have subsequently joined. Other agencies participate on an *ad hoc* basis.

[5] Drs. Ron Hampton and Dwayne Ball (May 2015), "On the Estimation of Sex Trafficking Victims in Nebraska," University of Nebraska-Lincoln.

Women's Fund of Omaha, which now sponsors the Initiative. The HTI, through the Women's Fund of Omaha, now also works in part with the groups seeking to establish the Nebraska Human Trafficking Task Force. The HTI is making significant progress in initiating its efforts to bring empirical data to bear on describing sex trafficking in Nebraska.

Beginning a few years ago, Leticia Bonifas founded and continues to operate Central Nebraska Human Trafficking & Immigration Outreach in Lexington, which has dealt with both sex trafficking and labor trafficking victims across Nebraska. In about 2013, Project Harmony hosted a number of meetings of anti-human trafficking "stakeholders," in Omaha, to attempt to take practical steps to deal with human trafficking. In 2014, in Omaha, the Leadership Conference of Women Religious - Nebraska[6] established the Coalition On Human Trafficking,[7] which in 2015, with the significant support of Tim Darby of the Greater Omaha Metro Hospitality Association, initiated its "hotel-motel project," to enhance identification of victims of human trafficking and reduce demand for sex trafficking through preventative education of hospitality staffs. Also in 2014, as an off-shoot of the" Price of Life" movement, brought to Omaha in significant part by Christ Community Church,[8] Nebraska Against Human Trafficking was established[9] essentially as an information sharing platform regarding anti-human trafficking efforts. Rachel Pointer, who also works with some of the other coalitions and is a tireless advocate against human trafficking, has served as the movement liaison for "Free the People Movement," to promote awareness regarding human trafficking. "I Am For Freedom" was previously established in and about Norfolk, Nebraska. In 2014, LoveCB, while not organized in Nebraska, but in Council Bluffs, Iowa, as part of the Omaha Metro Area, and in conjunction with people in Nebraska, began to direct its attention to human trafficking, including presenting human trafficking documentarian Benjamin Nolot at various venues. In 2014, the Siouxland Coalition Against Human Trafficking, including members from South Sioux City, Nebraska, began to organize in and about Sioux City, Iowa, being incorporated in 2015.

As a part of the operation of the Omaha Child Exploitation Task Force, and as a part of this process to establish the NHTTF, it is recognized that various service providers have, prior to 2015 and thereafter, and often without acknowledgement, provided services to victims of human trafficking. While not limited hereto, this includes Heartland Family Service, the Women's

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[6] Essentially, the religious Sisters of Notre Dame, Servants of Mary ("Servites"), and Sisters of Mercy -- especially through the efforts of, among others, Sr. Rosalee Burke, Sr. Margaret Stratman, Sr. Celeste Wobeter, and Sr. Mary Alice Ostry.

[7] This Coalition now also includes Project Harmony, Douglas County Sheriff Tim Dunning (also a member of the "Governor's Human Trafficking Task Force"), Catholic Charities, this author, and others.

[8] Especially Pastor Tim Perry.

[9] Among the original conveners of this group were Julie Shrader ("Rejuvenating Women"/ "Bound No More"), Andrew Kerr, and Dr. Rebecca Buller, Ph.D. (UNL).

Center for Advancement (Omaha), Lutheran Family Services, Catholic Charities, SASA (Hastings), The Bay (Lincoln), the Salvation Army, and Justice For Our Neighbors.

In or about February of **2015,** the Women's Fund of Omaha hired Meghan Malik, with substantial prior experience in serving minor children, to serve as its full-time Trafficking Response Coordinator, and committed to a state-wide program to enhance services to victims of human trafficking and raise public awareness with regard thereto. Ms. Malik and the Women's Fund of Omaha have been working diligently since Ms. Malik's hiring to identify and enhance human trafficking victim/survivor services and to promote public awareness regarding human trafficking in Nebraska.

On May 11, **2015**, toward fulfilling Attorney General Douglas J. Peterson's commitment to enforcement seeking protection of the most vulnerable persons in our society, among them victims of human trafficking, this author[10] was hired onto the Attorney General's staff in substantial part to initiate the process of establishing the Nebraska Human Trafficking Task Force (NHTTF). The NHTTF Coordinator's primary mission since joining the staff has been to gather information regarding human trafficking services, enforcement and awareness in Nebraska, and, from there, by on or about October 1, 2015, to report and make recommendations to the Attorney General regarding establishing the NHTTF. This Report and Recommendations is submitted in fulfillment of this initial mission. Hereafter, subject to the further action of the Attorney General to establish the Nebraska Human Trafficking Task Force, the NHTTF Coordinator's mission will be to coordinate the actual establishment and operation of the NHTTF, in conjunction with the Human Trafficking Victim/Survivor Services Coordinator to be hired by the Salvation Army, pursuant to the OVC-BJA grant.

As noted above, on September 27, **2015**, the Attorney General and the Salvation Army were awarded a three year, federal OVC-BJA grant, regarding collaborative human trafficking victim services and law enforcement efforts, which grant will be used to assist in the establishment of the Nebraska Human Trafficking Task Force.

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[10] Stephen Patrick O'Meara has 42 years of experience practicing law, including 25 years as an Assistant United States Attorney in Iowa and Nebraska, the last 7 of which he served as a human trafficking enforcement coordinator, including from January of 2010, to July of 2014, serving as a primary prosecutor for the Omaha Child Exploitation Task Force. He has worked for about the last 4 years with various anti-human trafficking groups in Nebraska and Iowa, including the Iowa Attorney General's human trafficking initiative. Throughout his career, he also has substantial experience in the organization and operation of task forces, in dealing with child abuse and neglect enforcement and services, and in dealing with issues regarding the mental health services system.

d. Purpose of the NHTTF: "Help Victims – Stop Traffickers – Reduce the Market"

- "Best Beginning Point"

The purpose of this Report and Recommendations is to give the Attorney General and associated entities the best beginning point for the establishment of the NHTTF. It is recommended that the formal initiation of the NHTTF begin a process by which a meaningful task force will be established. It is estimated that it will take one to five years to establish a baseline for services and enforcement, and to best organize and train the NHTTF to accomplish its mission.

- Initiate NHTTF forthwith: victims now

It is, however, strongly recommended that, rather than further studying the establishment of the NHTTF before its initiation, the NHTTF should be established forthwith. While we do not know the full extent of human trafficking in Nebraska, there is sufficient "evidence" from the experience of the Omaha Child Exploitation Task Force since January of 2010, the recent successful prosecution of a sex trafficking case in 2015 under state statute in Platte County, and experience of NGOs (non-government organizations) such as the Women's Center for Advancement in Omaha, and Central Nebraska Human Trafficking & Immigration Outreach in Lexington, and collateral experience in states attendant to Nebraska, that human trafficking exists; that it exists in and about Nebraska; that it exists in Nebraska outside of the Omaha Metro Area; and that it exists here in its various forms, including sex trafficking and labor trafficking.

- Need to "develop"

  - Labor Trafficking

While there is some knowledge regarding labor trafficking in the State of Nebraska, at this time there does not appear to be sufficient expertize to fully implement the NHTTF regarding labor trafficking. However, the NHTTF should, from its beginning, seek to address labor trafficking, while making a concerted effort to enhance what expertize exists (for example, with the United States Department of Homeland Security and certain NGOs with limited experience with victims of labor trafficking), and to build that expertize into the system being developed.

  - Language and Culture

As identified below, isolation is one key to the vulnerability leading to victimization in human trafficking. For example, certain groups of people are segmented or marginalized from the general community by an inability to speak or otherwise meaningfully communicate in the English language, or by specific cultural differences from the general community. It is recommended that going forward, the NHTTF should implement a strategy to provide interpreters as needed to better fulfill the purposes of the NHTTF. Similarly, substantial cultural

disparities should be identified and dealt with. Specific outreach should be incorporated into the Plan.

- "Build, Balance, Blend"

It is recommended that the most effective manner for addressing human trafficking is to "*build, balance and blend*" a systematic, multi-disciplinary response to human trafficking in Nebraska, which deals with services to victims/survivors, enforcement against human traffickers, reduction of the human trafficking market, and public and targeted awareness. As noted above, integration of services and enforcement is a substantial premise of the OVC-BJA grant awarded to the Attorney General and the Salvation Army in Nebraska.

It is respectfully recommended that it is necessary to *build an environment* in which:

- needed services for victims/survivors are *available, identified and accessible*;
- victims/survivors of human trafficking are *aware of* and *will access* available services, and, as appropriate, *will cooperate* with law enforcement;
- law enforcement aggressively pursues not only reactive intervention, but, also, *proactive* and, in appropriate cases, *long-term investigation*;
- service providers and law enforcement work together to help victims/survivors - stop traffickers – reduce the market;
- service providers, law enforcement, and "community partners" work together to *prevent* human trafficking.

Building such an environment requires *balance*. For example, there must be a *balance* between the primary responsibility of protecting and serving the victim/survivor, and the concomitant responsibility of protecting potential future victims and the general community by pursuing the human trafficker. In this sense, there must be a *balance* between the needs and rights of the victim/survivor, and the needs/rights of the community. There must be a *balance* between the fundamental functions of the service provider and law enforcement. This *balance* must be sought within each the services community and the enforcement community in achieving the *blend* of services and enforcement recommended herein. *To artificially separate the services component and the enforcement component of the anti-human trafficking effort would distort and potentially damage the effort to build, blend and balance a unified, integrated anti-human trafficking system.*[11]

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[11] The Urban Institute report, often referred to herein, states as a specific recommendation:

> Cities and counties should address sex trafficking as a complex problem that *requires a systemwide response*, and schools, *law enforcement and social service agencies must work collaboratively to combat sex trafficking in their communities.* (emphasis added)

It is further recommended that to *build* such a system depends in significant part upon establishing a "genuine trust relationship." This genuine trust relationship needs to be established between a victim and a service provider and/or law enforcement, and between component parts of the anti-human trafficking system, especially between service providers and law enforcement. In some situations establishing this "genuine trust relationship" requires a concerted effort.

When encountering a part of the services-enforcement system, victims/survivors of human trafficking very often suffer from the vulnerabilities which made them susceptible to human trafficking and/or the consequences from the serious trauma experienced during their subjugation to human trafficking. Victims/survivors often simply do not trust anyone. *Sincerely* garnering their trust is essential to meaningful intervention through services or by law enforcement.

It is also respectfully recommended that building such a system requires that system to *blend services and enforcement*. While recognizing the distinctions between services and enforcement, substantial and significant efforts of services and enforcement can and should be *woven* together. *The point will be made throughout this Report and Recommendations that serving a victim (which is absolutely necessary), without stopping that victim's human trafficker, almost certainly results in "making" another victim.*

It has been reported to the author that since the beginning of this initiative to establish the NHTTF, referrals of victims/survivors to law enforcement have risen in some situations. Given the purposes of the NHTTF, as established in the recommended Principles, this is received as encouraging news. It is respectfully suggested that to deny law enforcement the opportunity to establish a genuine trust relationship with a victim or survivor in any given case significantly increases the probability that a victim/survivor will not cooperate with law enforcement, with the resulting likelihood in "victim cases" that the human trafficker will simply find another victim to replace this one. A high priority of the proposed NHTTF is to avoid this result.

For law enforcement to legitimately have the opportunity to establish a genuine trust relationship with a victim/survivor of human trafficking, law enforcement must accept the responsibility to build, within each agency, an enhanced capacity and disposition to see subjects of human trafficking as potential victims, and treat them accordingly.[12] Concomitantly, service providers, especially those dealing with adult victims/survivors of human trafficking, should examine the philosophy and protocols under which they counsel victims/survivors regarding cooperation with law enforcement. Members of this building human trafficking services-enforcement system share mutual responsibility to be very careful not to seriously re-victimize a

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(Dank, Merredith, Bilal, Khan, P. Mitchel Downey, Cybele Kotonias, Deborah Mayer, Colleen Owens, Laura Pacifici, and Lilly Yu (2014),"Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities," at 4, The Urban Institute.)

[12] The Omaha Child Exploitation Task Force is specifically recommended as a model in this regard.

victim/survivor. However, neither service providers, nor law enforcement solely hold the responsibility or ability to deal with victims/survivors, or to protect potential future victims and the community from human traffickers. There is some responsibility for both services and enforcement regarding victims, current or future, and the community.

Each victim/survivor should be dealt with according to the current ability of that victim/survivor to tolerate or to not tolerate, even if inconvenient, the relationship with law enforcement to investigate, and then to prosecute, a human trafficker, realizing that in terms of the anticipated affect upon the victim/survivor, investigation and prosecution may well create different demands upon the victim/survivor.[13] Similarly, victims/survivors should have access to meaningful services promptly, and as long as they need such services.

It is respectfully suggested that within some components of law enforcement, there may need to be a re-examination and emphasis upon: (1) differentiating between victims and perpetrators in prostitution, and (2) exercising an appropriate *balance* between the criminal investigation and arrest function of the exercise of the police power, and the community care-taking function of the exercise of the police power.[14] Dealing with victims of human trafficking

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[13] It appears there may need to be differentiation between adult and minor victims/survivors of human trafficking, and between the specific role in investigation v. prosecution a victim/survivor, whether adult or minor, is asked to accept. Adults may fare better in the legal system than minors. However, minors may also fare well in the legal system. See, for example, Jodi A. Quas, University of California, Irvine, and Gail S. Goodman, University of California, Davis, "Consequences of Criminal Court Involvement For Child Victims," Psychology, Public Policy and Law, 2012, Vol. 18, No. 3, 392-414, part of the conclusion of which, referring to human trafficking cases, is:

> Ideally, psychologists and legal professionals can work together to help ensure that children avoid traumatic legal situations. Fortunately, with adequate support and intervention, negative consequences can be avoided or at least reduced. Children can be active participants in the pursuit of justice, and their participation need not cause long-term harm, despite their experiences during what are, in all too many cases, tragic circumstances. Such children are in need of our science and our help.

The plan proposed herein seeks to protect minors within the ambit of the established Nebraska system by making use of the existing Child Advocacy Center system. However, this is not necessarily controlling in federal cases, under which federal standards and process tend to prevail pursuant to the Supremacy Clause of the U. S. Constitution. Again, the Omaha Child Exploitation Task Force is respectfully recommended as a model regarding dealing with victims/survivors of human trafficking, especially if the case is pursued federally. (Federal process actually provides some potentially beneficial protections for victims/survivors, adult or minor, including generally no depositions.)

[14] What is at stake here is the manner in which law enforcement should deal with a victim of human trafficking, and the urgency of law enforcement making a determination of "victimization" v. "voluntariness." This is of constitutional significance. Balancing of the competing interests between the individual's ["potential victim's"] rights and the need for

is an exercise of the *community care-taking function*. Dealing with culpable prostitutes, or human traffickers and legally culpable consumers of human trafficking is an exercise of the *criminal investigation/arrest function* of the police power. Both functions may exist in a single human trafficking case. There must be a *balance* between the exercise of either in every human trafficking case. The federal statutes, after which the Nebraska statutes follow, are in part built on this premise.

While multi-disciplinary efforts to combat various crimes exist in Nebraska (for example, the child abuse and neglect system, and the domestic violence system), some experiences during current efforts toward establishing the NHTTF indicate that the relationship between the service community and the law enforcement community may in some situations need be strengthened. This includes establishing a genuine trust relationship between various entities within the system sought to be established under the NHTTF. It is recommended this includes successfully addressing the issues of mutual service-law enforcement access to victims/survivors and the sharing of information regarding victims/survivors.

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government intrusion, is the "key principle of the Fourth Amendment." *Tennessee v. Garner*, 471 U.S. 1, 7-8, 105 S.Ct. 1694, 1699-1700, 85 L.Ed.2d 1 (1985). This requires balancing the *nature and quality of the intrusion* on the individual's interests, against the governmental interest at stake. *McKenney v. Harrison*, 635 F.3d 354, 359 (8th Cir.2011); *Mann v. Yarnell*, 497 F.3d 822, 825 (8th Cir.2007); *Harris v. Coweta County, Ga.*, 433 F.3d 807, 818, FN 13 (11th Cir.2005). The "Principles" set forth below, drawn from the law and experiences of service providers and of the Omaha Child Exploitation Task Force, suggest material considerations in determining that a person who appears to be, for example, "prostituting" herself/himself, is actually a victim of sex trafficking. For example, a person under 18 years of age is always a victim of sex trafficking, if that person is "working" for a pimp. It is respectfully submitted that the community care-taking function of the police power is a high constitutional responsibility under which law enforcement should reasonably, under all of the circumstances and considering the background of the person, seek to determine at first contactor or as soon thereafter as is possible, if a person suspected of engaging in prostitution is actually a victim. (It is recognized that the person resisting arrest or failing to truthfully cooperate with law enforcement tends to prolong or frustrate this process.) This does not mean that arrest, charging, incarceration, or even conviction and sentencing of an adult *voluntarily* engaged in prostitution may not occur. It is argued, however, that this does mean, *given the prevalence of victimization in "prostitution,"* that a *bona fide* attempt to determine victimization v. voluntariness needs to be made as soon as is reasonably possible. Any person subject to "force, threat of force, fraud or coercion, *as those terms are defined under the law*, is a victim, not "a prostitute" (as that term connotes "voluntariness"). If a person is a victim, that person is *entitled* to be dealt with under the community care-taking function of the police power, not the criminal investigation/arrest function. Again, the apparent prevalence of victimization in "prostitution" should be considered. It is respectfully recommended that to achieve this, a "culture of community care-taking" must be a real, *balanced* part of policing, part of which is that law enforcement personnel must be trained and supervised to *recognize* human trafficking and *respond* accordingly.

- "Realize; Recognize; Respond"

The ultimate purpose of the NHTTF is to *build* a victim-oriented, statewide, systematic, integrated, approach to human trafficking, in all its forms, in which people across the state, according to people's role in the community relative to human trafficking:

- *Realize* that human trafficking exists across Nebraska;
- *Recognize* the signs of human trafficking and its victimization of people; and
- *Respond* appropriately to human trafficking.

It is anticipated that this "realization, recognition, and response" will necessarily vary depending on whether a person is a member of a service entity encountering victims of human trafficking, or law enforcement, or a member of a particularized profession or industry which is more likely than the general public to encounter human trafficking or its victims (for example, health care), or a member of the general community. It is recommended that there is a strong need to continue to educate the general public regarding human trafficking, and to more specifically train and provide tools to deal with human trafficking to persons providing services to persons who are victims/survivors of human trafficking, law enforcement, and persons in those particularized professions or industries who are more likely than the general public to encounter incidents of human trafficking or the victims/survivors thereof.

- Market-Driven

Part of preparing people to recognize and respond to human trafficking is to realize that human trafficking is a market-driven phenomenon. "*No market – No trafficking*." It is respectfully suggested that to successfully address human trafficking, responsible individuals and entities must reduce the human trafficking market. It is further suggested that to *reduce the market*, responsible individuals and entities must:

- reduce the benefit to the human trafficker; or
- raise the perceived risk for the human trafficker;[15]

[15] Regarding human trafficker "benefit-risk analysis," see, for example, Footnote # 50, p. 32, below, and associated content, citing the Urban Institute report (Dank, et al, at 149, and other references). Also note projects such as the Coalition On Human Trafficking (Omaha) "hotel-motel project," which seeks to impact a significant part of the environment in which sex trafficking is carried out – making the market more difficult/costly/risky for the human trafficker (and enhancing the opportunity to identify and rescue victims).

- reduce the supply of victims available to the human trafficker;[16] and

- reduce demand for the service or product provided by the human trafficker.

e. "Conceptualization" of the NHTTF

While not necessarily an exhaustive list, it is respectfully recommended that the NHTTF should be *built* on the "Principles" stated below, and the premises that:

- Human trafficking in Nebraska will best be addressed by a concerted, cooperative, integrated, systematic effort between service providers, law enforcement, and community partners. Service providers and law enforcement should not be artificially separated in their efforts to help victims, stop traffickers, reduce demand, and protect the community.

- All victims of human trafficking should be helped. A victim in rural Nebraska is as valuable as a victim in urban Nebraska, even if it is anticipated there may be more victims in urban Nebraska.

- All service providers and all sworn law enforcement officers in Nebraska should realize the expanded scope of human trafficking, recognize basic signs of human trafficking, and be able and motivated to effect a rudimentary rescue of a victim, including providing for the immediate protection of the victim and acute services for the victim as needed.

- There should be an ascending, multi-disciplinary supported law enforcement capability to successfully deal with reactive responses to human trafficking, engage in proactive operations, and pursue even complex, long-term human trafficking cases.

- All services and enforcement personnel should know precisely whom they are to contact and how to contact them in the event they encounter a victim/survivor or an incident of human trafficking.

[16] See the discussion of "victim vulnerabilities," below, regarding the definition of human trafficking. See also the discussion of "targeted" industries and professions," including health care, education, hospitality, transportation, etc.

2. Human Trafficking

a. Definition

It is respectfully suggested that one of the reasons some people do not *realize* that human trafficking exists throughout Nebraska is that they do not fully understand the definition of "human trafficking." Further, the process to date to move toward establishment of the NHTTF demonstrates that even people who accept that human trafficking exists in Nebraska do not always understand the definition of human trafficking, and that understanding the definition would aid in *serving victims -- stopping human traffickers – reducing the market.*

In 2000, the United States Congress substantially expanded the definition of human trafficking.[17] Prior to 2000, following a 1988 United Supreme Court decision,[18] human trafficking was limited to the compulsion of an individual to act against her/his will as a result of physical punishment or restraint, or false use or threat of abuse of legal process. The Federal Trafficking Victim Protection Act of 2000 substantially expanded this restricted definition to include: (1) both physical and *non-physical* punishment or restraint (i.e., "force, *fraud, coercion, [or any means]*"[19]); and (2) the ability to look at the background of the victim which makes that victim particularly susceptible to human trafficking (along with looking at the acts and intent of the human trafficker).[20]

Human trafficking is slavery in which the victim, *without the legal consent of the victim*, is compelled to engage in[21] a commercial sex act, or labor or services. Human trafficking is generally divided into labor trafficking (forced labor) and sex trafficking.[22] In order to have either form of human trafficking, three elements must be established[23]:

(1) The suspected human trafficker engaged in[24] one or more of various *prohibited acts*, that is, the suspected trafficker *recruited, enticed, harbored, transported, provided, or obtained* a person; and

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[17] In 2000, the United Nations similarly expanded the international definition of human trafficking.
[18] *United States v. Kozminski,* 487 U.S. 931, 951 (1988).
[19] Federal law also includes abuse of legal process, especially involving documents, such as immigration documents (Title 18, United States Code, Section 1593).
[20] *United States v. Johnelle Lewis Bell,* 761 F.3d 800 (8th Cir.2014) – a case by the Omaha Child Exploitation Task Force.
[21] Or there is an attempt, or conspiracy, or aiding and abetting . . . to engage in . . .
[22] Nebraska Revised Statute (NRS), Sections 28-830/831; Title 18, United States Code, Sections 1589 (forced labor), 1591 (sex trafficking).
[23] For example, *United States v. Bell*, 761 F.3d 800 (8th Cir.2014) ; and NRS 28-28-830(13)
[24] Or "attempted to engage in, or conspired to engage in, or aided and abetted engaging in" . . .

(2) The suspected human trafficker engaged in a prohibited act knowing or with reckless disregard[25] that the victim was under 18 years of age,[26] or that compulsion ("force fraud or coercion, or by any means") would be used to cause the victim to engage in labor or services, or a *commercial*[27] sex act.[28]

- **Victims under 18 years of age are essentially *per se* victims. That is, a person under 18 years of age cannot consent to being the subject of human trafficking (for example, to engaging in a commercial sex act).**

- Although some now suggest that these inhere in the federal statute, *the Nebraska sex trafficking statute expressly includes:*
  - *Production of pornography, and*
  - *Sexually explicit performance.*

- Although the victim often may be compelled, without the legal consent of the victim, to engage in an "ultimate act," to have human trafficking, *the victim need not have actually engaged in labor or services, or a commercial sex act.* It is sufficient if a human

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[25] In *United States v. Bell,* 761 F.3d 800 (8th Cir.2014), the Eighth Circuit Court of Appeals described "reckless disregard" as

> "Defendant deliberately closed his eyes to what would have otherwise been obvious to him."

Another term for "reckless disregard" might be "willful blindness."

[26] Under both state and federal law, it is *per se* human trafficking to so victimize a person under 18 years of age. *Under Nebraska law, this may be more akin to "strict culpability."* (At least one Federal Circuit Court interprets the federal law regarding "reckless disregard" in the situation involving a minor victim, as "strict culpability," if the defendant has had a reasonable opportunity to see the victim. This might tend to distinguish "reckless disregard" concerning human trafficking under federal law to an interpretation more strict regarding a minor victim, than perhaps an adult victim.) The physical appearance of the minor victim is not controlling, i.e., does not constitute an "affirmative defense."

If the victim is *18 years of age or older*, the circumstances of the intended lack of consent (e.g., force, fraud or coercion under the federal statute) must be shown.

[27] To have sex trafficking, there must be a *commercial* sex act (or an attempt, conspiracy, etc. to have a commercial sex act). That is, something of value must be given or exchanged to offer, request, or obtain the sex act. The "something of value" may be, but need not be money or credit. "In kind," such as offering, requesting or giving controlled substances is sufficient. "Sex act" is defined in the statute of jurisdiction's law generally.

[28] The federal statute, unlike the Nebraska statute, requires that *interstate nexus* be established. This can be done in a number of ways, including, but not limited to, the *use of facilities of interstate commerce such as the telephone/cell phone or the internet.* Given the substantial breadth of "interstate commerce," it is likely interstate nexus can be established in most cases.

trafficker has engaged in a prohibited act[29] with the intent that the victim engage in labor or services, or a commercial sex act.

- It is also sufficient to establish human trafficking if the suspected *human trafficker only* ***"benefitted financially"*** *from a human trafficking venture*. The suspected trafficker must have known or had reckless disregard that the venture would cause a person to engage in services or labor, or commercial sex acts, without the legal consent of that person.

- Regardless of the suggestion by use of the term "trafficking," there is *no requirement that the victim be moved.*

- There is *no requirement that a victim or trafficker cross a national border.* While "alien smuggling" may be related to instances of human trafficking, "alien smuggling" is not human trafficking. A foreign national person need not be involved as a victim or a trafficker; that is, a "domestic" victim and/or trafficker is sufficient to establish human trafficking.

However, to have human trafficking, it must be demonstrated that the trafficker intended to cause a victim to act involuntarily, that is, without consent, whether by physical or non-physical prompts from the trafficker. Human trafficking is based on lack of voluntariness by the victim. It is "non-consensual." (Again, this is why the trafficking of a victim under 18 years of age is *per* se culpability. The minor victim cannot consent.) Human trafficking is ultimately, modern-day SLAVERY in violation of the Thirteenth Amendment to the Constitution of the United States of America.

A few comparative examples may assist in understanding human trafficking. "Sex trafficking," which constitutes an estimated 80-85% of human trafficking, is used for these examples.

Example 1: A parent has a child under 18 years of age, who lives with the parent. The parent is addicted to methamphetamine. To aid the parent in obtaining methamphetamine, the parent advises a number of people that the parent will provide the minor child to engage in sex acts in exchange for a set amount of money. This is *per se* sex trafficking because a child under age 18 years cannot by law consent to engaging in sex acts for money.[30]

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[29] Or "attempted to engage in, or conspired to engage in, or aided and abetted/caused engaging in . . ." Prohibited acts include such as, recruiting, obtaining, maintaining, providing, harboring, or transporting a person [to engage in labor or services, or a commercial sex act, without that person's consent].

[30] A case investigated by the Nebraska State Patrol in or about central Nebraska could form the factual underpinning for various of these examples.

Example 2: A parent has a child under 18 years of age, who lives with the parent. The parent is addicted to methamphetamine. To aid the parent in obtaining methamphetamine, the parent advises a number of people that the parent will provide the minor child to engage in sex acts in exchange for a set amount of methamphetamine. This is *per se* sex trafficking because a child under age 18 years cannot by law consent to engaging in sex acts, and because methamphetamine has a value. A *commercial* sex act need not be for money. Anything of value exchanged (or to be exchanged) for a sex act is sufficient to constitute *"commercial"* with regard to the sex act.[31]

Example 3: A parent has a child under 18 years of age, who lives with the parent. The parent is addicted to methamphetamine. The parent has a "significant-other-partner." The "significant-other-partner" provides methamphetamine, which both the parent and the "significant-other-partner" use. The parent knows the "significant-other-partner" wants to engage in sex acts with the minor child. The parent allows the "significant-other-partner" to so engage in sex acts with the minor child. This may or may not be sex trafficking. If it is established that the parent allows the sex acts with the child either to obtain the methamphetamine, or to obtain whatever else the parent depends on the "significant-other-partner" to provide (e.g., housing, transportation, food, clothing = something of value), the child is engaging in *commercial* sex acts, which the parent intends.

Example 4: A parent has a child under 18 years of age, who lives with the parent. The parent is addicted to methamphetamine. The parent often has other adults over to the living space shared with the child, for the purpose of "partying." The other adults often share methamphetamine with each other, and with the parent. One or more of the other adults engage in sex acts with the minor child. This may or may not be sex trafficking. More information is needed. IF the parent knows that the other adult(s) engage in sex acts with the minor child, and the parent allows this to get the methamphetamine, this is arguably sex trafficking, particularly if it can be shown that the parent in some manner "makes the child available" to the other adult.[32]

A further example demonstrates the breadth of the sex trafficking statute, whether state or federal.

Example 5: A 21 year old female has been in and out of psychiatric treatment for some years, and is described by many people as having "the mind of a child." Reference to her

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[31] In certain circumstances, the exchange of something of value does not even need to be for participation in a commercial sex act itself, but can be *in regard to the sex act*, such as paying to watch a video of the sex act. *U. S. v. Marcus,* 487 F. Supp. 289 (E.D NY 2008), [note further 2nd Cir. and U.S. Supreme Court citations].

[32] Of course, analysis, both for services for the child and potential prosecution of the parent (and/or services for the parent), would not end with consideration of sex trafficking. Other forms of child exploitation, or child abuse or neglect would also be considered.

medical/psychiatric history (obtained by court order or grand jury subpoenas) and factual confirmation by her mother, establishes that the main event in the 21 year old female's life contributing to her psychiatric condition was her father, on whom she "doted," abandoning her mother and her when the 21 year old was a pre-teen. A 25 year old adult male "courts" her, professes to "love her," and tells her they will have children together, IF she will only do as he requests – make some money "for them" by engaging in sex acts for pay. The 25 year old male has a wife and child in another state. The 25 year old male also uses the same approach on at least two other young adult females in about a six month period. This is sex trafficking because the 25 year old male engaged in *fraud* to entice the 21 year old female into *commercial* sex acts. The 25 year old male has especially preyed upon the vulnerability of the 21 year old female regarding love, which is exacerbated by her psychiatric condition. She is extremely *vulnerable* to his false declarations and promises, which specifically entice her into working as a prostitute for him.[33]

While not necessarily an exhaustive list, the anecdotal experience of the Omaha Child Exploitation Task Force,[34] backed by some literature, establishes five general categories of *victim vulnerability* which tend to make victims more susceptible to human traffickers. If one or more of these factors appear to be active in the situation concerning the suspected victim, it is recommended further assessment of human trafficking should be made. These factors include:

- **Age** –especially under age 18 years, with a dysfunctional personal or family history, and especially youth previously subject to sexual abuse, and recidivist runaway or throwaway youth, or youth "in the system;"
- **Mental or developmental disability**
- **Addiction** – including, but not limited to, substance abuse
- **Poverty** – especially as expressed in homelessness

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[33] *United States v. Bell,* 761 F.3d 800 (8th Cir.2014)

[34] The Omaha Child Exploitation Task Force is actually two FBI-led task forces, operating out of Omaha, Nebraska. In pertinent part, one of the task forces deals with child exploitation, including sex trafficking. (The other portion of the task force deals with internet crimes against children, especially pornography.) This dual task force is a successor to the former Innocence Lost Task Force and the Innocent Images Task Force. The portion of the task force dealing with sex trafficking (and very limited experience with labor trafficking) was established in January of 2010, as the initiative of Special Agent Anna Brewer. At its initiation, the task force included FBI, Omaha PD, Council Bluffs PD, the Douglas County Sheriff's Department, and the United States Attorney's Office for the Southern District of Iowa (Council Bluffs). The La Vista PD and the United States Attorney's Office for the District of Nebraska have joined the task force. As requested, various other agencies also work with the task force, including, for example, the Douglas County Attorney's Office, the South West Iowa Narcotics Task Force, the Pottawattamie County Attorney's Office, the Nebraska State Patrol, and the Iowa Division of Criminal Investigation.

- **General isolating factors** – such as language; cultural disparity; communication, mobility or geographically limiting factors

There may be a general perception that a potential victim who has, prior to the events at issue, engaged in "prostitution," cannot be a victim of sex trafficking in the instant situation. It is recommended that part of *realizing* human trafficking exists throughout Nebraska, is to understand that a person who has *even voluntarily* engaged in "prostitution" before, after, or both, in relation to the circumstances under consideration, may be a victim of human trafficking.[35] This is a part of the general proposition that even if a situation involving sex acts (or services or labor) begins voluntarily, it can become involuntary in the course of the relationship.[36]

Similarly, it should be realized that a person from a foreign country, illegally in the United States, can be a victim of human trafficking. Certain provisions of the federal statute are especially aimed at assisting foreign national persons illegally within the United States, who are victims of human trafficking.

It is also recommended that any training also include brief discussion of "climate of fear" and "duty to escape." These related topics also tend to define the broad scope of the definition of human trafficking, and dispel confusion about how someone can be a victim if that person did not try to escape.

b. Significance: the need for the NHTTF, that is, to *help victims – stop traffickers – reduce the market* in Nebraska

I respectfully suggest that five responses establish the significance of human trafficking in Nebraska, that is, the need for the NHTTF: (1) the nature of human trafficking, (2) the consequences to victims, (3) anecdotal experiences in Nebraska, (4) studies suggesting conditions contributing to an anticipated sex trafficking market, and (5) the beginnings of empirical research regarding human trafficking in Nebraska.

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[35] As stated in *United States v. Bell,* 761 F.3d 800 (8th Cir.2014):

> However, the evidence shows that by the spring of 2011,
> these women did not want to be *his* prostitutes.

See also, *United States v. Chang Da Liu*, 538 F.2d 1078, 1085-86 (9th Cir. 2008).

[36] *United States v. Marcus*, 487 F. Supp. 289, 293-97, 304 (E.D NY 2008); note full appellate history *** 2nd Cir. – U.S. S.Ct.

- Nature of human trafficking

Human trafficking is slavery. It is one person selling another person, that is, demeaning and reducing another person to a mere object (i.e., not a human being), even more, to a commodity, strictly to gain something of value for the first person. As such it is *abhorred* in our society as a fundamental and intimate violation of what it means to be a human being, of what we so highly value as the freedom and dignity of all individual human beings. Human trafficking, as stated by consensus in the Principles referenced below, is an *abomination* against all people, and repugnant to all civilized people. The repugnance of this abomination is clearly addressed in our Declaration of Independence, and enshrined, as a part of the fabric of who we are as a people, in the Thirteenth Amendment to the Constitution of the United States of America. Human trafficking, because of its very nature, is deserving of substantial and significant attention, including intervention and prevention.

- Consequences to victims

The consequences to victims of human trafficking include, but are not limited to: severe, even desolate isolation; serious substance abuse; serious mental disability, including among others, serious Post-Traumatic Stress Disorder (including dissociation), depression, and anxiety; physical injury or disease; and, at times, death. The consequence to a human trafficking victim tends to depend on the makeup of the person victimized, and the length and severity of the victimization. Victims are often seriously physically, psychologically and/or emotionally abused. It is common for human traffickers to threaten loved ones of the primary victim with serious harm, even death. This is especially common when the victim is a young mother.

Anecdotal experiences of the Omaha Child Exploitation Task Force include cases in which one 19 year old woman, who was rescued by law enforcement, was found huddled over a wastebasket, vomiting uncontrollably, after just three days of being kidnapped and forced into prostitution.[37] In another Omaha Child Exploitation Task Force case, an approximately 20 year old single mother kidnapping victim was, at her rescue by law enforcement, observed to be in a fetal position in the back of a car, shaking and crying uncontrollably because the trafficker had threatened to kill a member of her family, beginning with her toddler child, for every day the trafficker spent in jail.[38]

During a human trafficking victim treatment training at the University of Nebraska Medical Center in 2015, the trainer, Keisha Hatfield, Director of Restorative Services at Exodus Cry,[39] in

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[37] *United States v. Parish Jason Casebier*

[38] *United States v. Johnelle Lewis Bell*

[39] Exodus Cry is a facility for the treatment and restoration of human trafficking victims established by Benjamin Nolot in Kansas City. Benjamin Nolot is a notable documentarian, who has done documentaries throughout the world and domestically regarding human trafficking (including "Nefarious").

Kansas City, described the isolation experienced by victims of human trafficking, which can lead to serious cases of Post-Traumatic Stress Disorder (PTSD), as:

> A profound sense of being cut off from: sense of self, personal relationships, all of humanity, even the presence of God.

- Anecdotal experience in Nebraska

From January of 2010, to January of 2015, the Omaha Child Exploitation Task Force dealt with at least 100 primary victims and over 100 secondary victims.[40] The primary victims were all females,[41] and ranged in age from 13 years, to 40 years of age. The average age of a victim at that time was estimated to be between 17 and 22 years old. It appears that the average age might have dropped some since, with a trend in the last year or so to victims tending to be between 14 and 17 years of age. It is respectfully suggested this is a substantial number of victims for a relatively small task force. In addition to confirming the existence of sex trafficking of minor and adult females in Nebraska, the experience of OCETF confirms that many victims require "trauma informed services" and "wraparound care," and that the term of anticipated, needed intervention regarding victim services is at least five years, and perhaps longer, in some cases. It is anticipated that involvement of needed services with some victims/survivors will exceed five years.

- Conditions anticipating sex trafficking/Other Nebraska experiences

There are few studies dealing with conditions which lead to establishing human trafficking markets, and these tend to concentrate on sex trafficking. One such study is an Urban Institute Study published in March of 2014.[42] From this and a few other studies, certain factors common to anticipating a sex trafficking market can be gleaned. These factors include, among others:

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[40] A "primary victim" is a person who is, against their will, caused to engage in services or labor, or a commercial sex act. A "secondary victim" is a person other than the person so directly compelled, but who is closely associated with the compulsion. For example, the first victim encountered by OCETF in January of 2010, was a 19 year old homeless, single mother of an infant child. The 19 year old mother was coerced, against her will, to engage in prostitution. At the time the 19 year old mother was encountered, law enforcement also rescued her 9 week old baby from the backseat of the vehicle driven by two of the traffickers, who had the baby there to exert control over the 19 year old mother. The 9 week old baby was a secondary victim.

[41] In one OCETF "child sexual exploitation case," OCETF historically identified at least two minor male victims. This was, however, not a sex trafficking case.

[42] Dank, Merredith, Bilal, Khan, P. Mitchel Downey, Cybele Kotonias, Deborah Mayer, Colleen Owens, Laura Pacifici, and Lilly Yu (2014),"Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities," The Urban Institute.

- Existence of a "general" prostitution market
- Major traffic ways[43]
- Situations in which males congregate (e.g., military base; major construction sites;[44] meat packing plants;[45] major events[46])
- "At-risk" victim populations[47]

The Urban Institute report includes findings that:[48]

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[43] The *Bell* and *Casebier* OCETF cases routinely involved major traffic ways, as did other OCETF cases.

[44] *United States v. Adrian Cole*, an OCETF case, in part involved a construction worker from Missouri, who was working at a major construction site in or about Council Bluffs, Iowa, and "ordered up" what turned out to be a fourteen year old female, whom the human trafficker took out of an Omaha middle school to take to appointments for commercial sex acts.

[45] The now infamous forced labor case of the "Lost Boys," in the small town of Atalissa, Iowa, (between Iowa City and Davenport) in which several young developmentally disabled ("mentally retarded") males were taken from Texas, to Iowa, and forced to work in a poultry plant, in extremely poor living conditions and for extremely sub-standard remuneration (eventually, virtually no remuneration). While all local, state and federal government agencies and the local population failed to address this situation, it eventually came to light through a civil law suit brought by a private attorney.

[46] *United States v. Johnelle Lewis Bell*, described more fully elsewhere herein, was a multi-state case arising from an OCETF operation run during the College World Series. There is an empirical debate regarding whether or not major events actually cause significant upswings in the sex trafficking market. Preliminary study by the HTI data science group, referred to elsewhere herein, suggests that there is an upswing in the sex trafficking market (author's term) relating to the College World Series, and that upswing might impact not only Omaha, but also cities and towns in Nebraska and Iowa, especially along the I-80 corridor, leading to and away from Omaha. Reported anecdotal experience in areas of Nebraska other than Omaha, suggests that on a "population-adjusted basis" what are "major events" for that locale, especially if on or near some major traffic-way, tend to increase occurrences of sex trafficking at or about the time of the event.

[47] For example, a study of Native American females in Minnesota concludes that Native American females may be strongly at risk to be victimized in sex trafficking. Melissa Farley, Nicole Matthews, Sarah Deer, Guadalupe Lopez, Christine Stark, Eileen Hudon (2011), "Garden of Truth: The Prostitution and Trafficking of Native American Women in Minnesota," Minnesota Indian Women's Sexual Assault Coalition and Prostitution Research & Education. Anecdotal experience of the Omaha Child Exploitation Task Force tends to confirm this finding.

[48] The Urban Institute report also looks at the correlation between the underground sex industry and pornography, even appearing to sound a warning that because of increasing severity and frequency of violence in pornography, there is fear of increasing severity and frequency of violence against victims of sex trafficking (author's term). This is noted in part because the Nebraska statute expressly includes the "production of pornography" in the definition of sex trafficking.

- Sex traffickers sometimes chose sex trafficking over drug trafficking (or other crimes) because sex trafficking is seen as a lower risk, but with as high a profit margin. In part this is due to a much lesser commitment to enforcement regarding sex trafficking, than with regard to drug trafficking. [Author's note: It would appear this might be extrapolated even further regarding sex trafficking of adults v. minors, and regarding labor trafficking.]

  Based on anecdotal experience with the Omaha Child Exploitation Task Force, the author of this Report and Recommendations offers the opinion that the failure to systematically pursue arrest and successful prosecution of human traffickers, as human traffickers,[49] *may be a significant contributing factor to the growth of this illegal "industry," and the projected increasing number of victims.* Based on the anecdotal experience of the Omaha Child Exploitation Task Force, this author argues that arrest and prosecution of "pimps" on local "pimping" charges is not a deterrent to sex trafficking, especially in cases involving only adult victims, or if the minor status of a victim is not included in charge selection; but, rather, contributes to the perception that the community does not care about sex trafficking, further contributing to the growth of victimization through sex trafficking.[50]

- Human trafficking, including sex trafficking, is a market-driven "industry." Where there is a market (i.e., "consumers who will pay"), there is sex trafficking. Human traffickers often move in regional, even national circuits, to reduce risk of detection and increase

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[49] Pursuing human traffickers as human traffickers is not necessarily limited to charging them with only violations of human trafficking statutes. Rather, it includes charging the statute most appropriate to the situation, which may include, for example, commercial sexual exploitation of children, distinct from sex trafficking of minors (or charging both). The point is not to fail to investigate and prosecute human traffickers as such, and not to undercharge human traffickers in criminal prosecutions.

[50] In the Urban Institute report referred to herein (Dank, et al.2014), the authors reference arrest as a major concern of about 21% of the pimps interviewed in eight major U. S. cities, including Kansas City. Yet, they also demonstrate that many pimps do not fear major penalties, perhaps in part (this author's words, not Dank, et al) because they do not appreciate the distinction between local "pimping charges" and federal sex trafficking charges, or simply do not see "pimping" as wrong. "Despite the risks, some pimps still felt it was possible to work within the underground sex market with impunity." "For respondents who admitted to pimping or sex trafficking, the perceived benefits presumably outweighed the understood risks." (Dank, et al, at 149.) The same study reports that about 25% of the responding "pimps" transitioned from drug dealing to "pimping," and that in part they did so because of the threat of high sentences for drug dealing [ostensibly in comparison to the lack of threat of high sentences for "pimping"]. (Dank, et al, at 137, 142.) "Multiple offenders expressed the sentiment that 'no one actually gets locked up for pimping.'" (Dank, et al, at 3, "Main Findings # 10. See also # 7.)

financial benefit.[51] They also provide services "remotely," that is, they may have a local base of operation, but provide services routinely, although not on a circuit, to other locations, often, but not always, within 1.5-2.0 hours of the base operation. Virtually no location is safe from the potential for sex trafficking.

Examples of these phenomenon are seen in circumstances such as the following:

- Lincoln and Omaha being virtually the same sex trafficking market, with the HTI project, described elsewhere herein, suggesting that 44% of "sex workers" (their term) in Lincoln are also advertising on "Backpage" in Omaha. Anecdotal experience of OCETF supports the conclusion that Lincoln and Omaha are virtually the same sex trafficking market.

- Similarly, there appear to be close sex trafficking ties between Omaha and Des Moines, Iowa; and Omaha and Sioux City, Iowa; and perhaps between Lincoln, Sioux City and Omaha.

- Platte County (Columbus) had a recent state prosecution of a sex trafficking case in March of 2015.[52] In this case, a sex trafficker from Texas went to Omaha, and took a teenage girl from Omaha, to Columbus, to engage in commercial sex acts.[53]

- In one Omaha Child Exploitation Task Force case, the trafficker delivered "services" from Omaha to Auburn, and recruited a victim from Hastings and Grand Island.[54]

- In the first sex trafficking case prosecuted in Iowa, two adults (a male and a female) took two teenage females who had run away, from Omaha, to Denison,

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[51] *United States v. Johnelle Lewis Bell*, is an OCETF case often referred to in this Report. The case arose from an OCETF operation run during the College World Series. The case involved a sex trafficking venture operating in at least twenty states, in which victims of sex trafficking were rescued in Omaha, having just been in Des Moines, Iowa. See also, the Urban Institute report (Dank, et al, at 2, "Main Finding # 3".)

[52] *State v. Erick Mills* (Platte County, NE.2015)

[53] Again recognizing that before the Platte County case, the Nebraska State Patrol handled a more egregious case in central Nebraska involving a mother offering her child in commercial sex acts.

[54] *United States v. Parish Jason Casebier*

Iowa (population approximately 6,700) to work in a strip club and from there to engage in commercial sex acts in other locations.[55]

- A "sting operation" run in Hills, Iowa, a town of approximately 550 people, located within an hour or so of Iowa City and Cedar Rapids, resulted in the arrest and conviction of a 30s year old male from Milwaukee, Wisconsin, for bringing two teenage girls from Milwaukee, to Hills, to engage in commercial sex acts.

Both the existence of circuits and remote service-delivery/recruitment are deemed significant in that few, perhaps no, law enforcement agencies in Nebraska are staffed, trained and equipped to deal alone with more organized, mobile, often multi-jurisdiction, especially multi-state, or multi-victim sex trafficking ventures. This suggests the need for "force multipliers," and more complex levels of training to be able to successfully address these more complex cases. The "hierarchical regional approach" suggested below is intended in part to address this need. Similarly, it is anticipated that service providers encounter issues when dealing with victims from other states. Again, it is strongly recommended that enhancing, not diminishing, the relationship between law enforcement and service providers is key to establishing a successful anti-human trafficking system.

- Gangs are becoming more involved in sex trafficking. This also has implications for the organization of sex trafficking enforcement, and perhaps victim services, in Nebraska. Anecdotal experience of the Omaha Child Exploitation Task Force gives reason to suspect gang involvement in sex trafficking in Nebraska, and that it may be particularly violent.[56]

Reviewing these factors regarding Nebraska finds that all of these factors exist. While it is anticipated that the "prostitution" market in Omaha is "alive and well," it is anticipated that the "prostitution" market exists virtually everywhere across Nebraska, adjusted for population. Similarly, a number of the other described factors also apply outside of the Omaha Metro Area – including major traffic ways, local major events, and perception of much less risk of being arrested and prosecuted. Human trafficking exists throughout Nebraska.

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[55] *State of Iowa v. Russell* (2009) – noting that the Nebraska statute, as Iowa's statute (Code of Iowa, Chapter 710A), expressly recognizes a connection between "sexually explicit performance" and sex trafficking. (The Iowa statute expressly refers to strip clubs.)

[56] See also, the Urban Institute report (Dank, et al (March 2014), at 2, "Main Finding # 2).

- The beginnings of empirical research regarding Nebraska

Assessment of the significance of human trafficking, that is, the need to establish the NHTTF, to *help victims – stop traffickers – reduce the market*, is difficult to establish from only an empirical viewpoint. There has been little data accumulated on this subject in Nebraska. It is strongly recommended that a priority need for the NHTTF is to establish voluntary reporting[57] of statistical data and case-related intelligence/information. It is also likely, and certainly so hoped, that the number of cases or victims of human trafficking in Nebraska will not statistically equate with other major social evils such as child abuse and neglect, or domestic violence. However, of course, that is not the end of the inquiry. While statistical analysis is relevant, it is neither controlling, nor alone compelling.[58] The growing statistical relevance of human trafficking, but even more, the other factors suggested above, all support substantial efforts against human trafficking in Nebraska.

On May 12, 2015, Dr.s Ron Hampton and Dwayne Ball of the University of Nebraska published a "Feasibility Study Report" regarding sex trafficking of minor females in Nebraska.[59] The study was commissioned by the "Governor's Human Trafficking Task Force." Pertinent conclusions of the Report are:[60]

- The known number of *Nebraska school girls*[61] who become victims of sex trafficking is at least 47 per year.

- The true number is probably double this or greater.

- [S]ince it was infeasible to try to estimate the number of adults, males, and non-Nebraskans who are sex trafficking victims [in Nebraska], the *total number of sex trafficking victims in the state is certainly much higher.*

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[57] **Mandatory reporting, if voluntary reporting is not successful.**

[58] The Urban Institute report concludes that "Findings suggest that the cases of pimping and sex trafficking investigated in the United States represent only a small fraction of the [underground commercial sex economy]," that is, that the underground commercial sex economy, including sex trafficking, is much larger than can currently be investigated. (Dank, et al, at 3, "Main Finding # 10.) Based on the process to date to establish the NHTTF, this conclusion applies to Nebraska.

[59] "On the Estimation of Sex Trafficking Victims in Nebraska."

[60] The Report also catalogues problems in trying to make reliable estimates of sex trafficking in Nebraska [or elsewhere]. This also is worth reading.

[61] "[Y]oung women, ages 18-22, who had been attending a Nebraska high school" . . . with "the unit of analysis" being "the cohort of students in a particular Nebraska high school senior graduating class."

The HTI, referenced above, has been engaged in the empirical study of sex trafficking for two to three years. HTI originally concentrated on establishing a model regarding international movement of victims of sex trafficking. More recently, HTI began studying domestic sex trafficking, with some emphasis on Nebraska.[62] Although the findings are preliminary, the findings tend to demonstrate the probability of sex trafficking existing throughout Nebraska, including especially along the I-80 corridor, from Omaha, to Scottsbluff. Some of the preliminary findings suggest a strong sex trafficking relationship between Omaha, Lincoln, and Sioux City. Some preliminary findings strongly suggest the trafficking of minor females in Nebraska, and that sex traffickers tend to operate in circuits, traveling regionally, even over much of the United States, into Nebraska. This significant project continues.

In late August of 2015, the Women's Fund of Omaha, in conjunction with the Attorney General's initiative to establish the Nebraska Human Trafficking Task Force, led the authoring and state-wide distribution of an initial survey of the need for services for human trafficking victims/survivors. The results from the approximately 670 responses to the survey are being compiled and analyzed by the Women's Fund of Omaha. Preliminary findings suggest that:

- 57% of survey respondents believe that human trafficking is a problem in their community;
- 36% believe they have encountered human trafficking victims; but
- Only 20% provide services to human trafficking victims/survivors; and
- Only 18% believe they have the capacity to respond to such victims/survivors; and
- Only 21% screen for human trafficking; and
- Only 13% track the human trafficking victims they encounter; and
- 85% believe they are <u>not</u> able to meet the needs of survivors of human trafficking.[63]

The survey further preliminarily suggests that barriers to victim services include institutional lack of knowledge about the services needed and available to victims, and a lack of trust and knowledge about the availability of services by victims. Further, while there appears to be a broad range of needed or desired services, emergency shelter, mental health, and crisis intervention are the top three services desired for, or needed by human trafficking survivors.

This survey is anticipated to provide a solid beginning point for seeking further information regarding the provision of services to victims and survivors of human trafficking in Nebraska.

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[62] Beginning at a point in 2015, the Women's Fund of Omaha, a member of the "core group" working to establish the Nebraska Human Trafficking Task Force under the Attorney General, began funding this project, and sharing some of the data with the Attorney General's initiative to establish the Nebraska Human Trafficking Task Force. (Regarding "core group," see "Process," below.)

[63] These preliminary findings have been reported publically by the Women's Fund of Omaha.

3. "Process employed

To begin the process of establishing the NHTTF, an initial, informal "partnership" was formed in June of 2015, between the representatives from Nebraska in attendance at a "national convening" regarding sex trafficking concerning minor children, which was held in Washington, D.C. The representatives from Nebraska attending this "convening" became "the core group" for the process which has followed, and continues. This core group included personnel from the Nebraska Department of Health and Human Services, the Administrative Office of the Nebraska Supreme Court, the Omaha Child Exploitation Task Force, the Nebraska Attorney General's Office, and the Women's Fund of Omaha.[64]

a. Working Groups

Upon their return to Nebraska, following the design proposed by the Attorney General's Office based generally on the format contained in the OVC-BJA grant application, the core group began bringing together various people into three working groups. These working groups, established or being established by the core group, are the Services Working Group, the Enforcement Working Group, and the Community Partners Working Group. These working groups currently function or are being formed to share information and ideas, and make recommendations to the NHTTF Coordinator toward the establishment of the NHTTF. Membership on a working group can be fluid, with persons added to enhance the role of the working group, including, among other reasons, to enhance expertize, or to enhance geographic representation.

- The Services Working Group

The Services Working Group is composed of people from entities providing services to victims/survivors of human trafficking and people in certain entities which are in critical positions for referring victims/survivors to such services. The Services Working Group currently includes the core group, a human trafficking survivor-advocate, plus representatives of the Juvenile Court, the Nebraska Alliance of Child Advocacy Centers, the Nebraska Coalition To End Sexual And Domestic Violence, Catholic Charities, Lutheran Family Services, Heartland Family Service, the Salvation Army,[65] Methodist Women's Hospital-SANE/SART (Omaha),[66]

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[64] In or about February of 2015, the Women's Fund of Omaha hired Meghan Malik to be its fulltime Trafficking Response Coordinator. Ms. Malik has a Master's Degree in Public Administration and substantial prior experience with the care of minor children.

[65] Dr. Linda Burkle, Ph.D., Divisional Social Services Director for the Salvation Army, also serves on the "Governor's Human Trafficking Task Force."

[66] At Methodist Hospital, these are the forensic nurses, who also work at times with the Omaha Child Exploitation Task Force.

the Women's Center for Advancement, Central Nebraska Human Trafficking Immigration & Outreach, Justice For Our Neighbors, and additional subject-matter specific representation from Nebraska DHHS and the Nebraska Attorney General's Office. (This group is being expanded, in part to address labor trafficking.)

- The Enforcement Working Group

The Enforcement Working Group is composed of people engaged in the investigation and prosecution of criminal cases, including some involving human trafficking, and persons associated with this function, including victim specialists. The Enforcement Working Group includes the core group and representatives from the Attorney General's Office[67] (including victim services specialist), the Douglas County Sheriff's Office,[68] the Nebraska Crime Commission,[69] the Nebraska State Patrol,[70] the Federal Bureau of Investigation/Omaha Child Exploitation Task Force (both investigators and victim services specialist), the Omaha PD, the Lincoln PD,[71] the Platte County Attorney's Office, the Norfolk PD, the Dawson County Attorney's Office (both prosecutors and victim services specialist), Methodist Women's Hospital-SANE/SART (Omaha), the Lexington PD, the Kearney PD, the Scottsbluff PD, the Dawson County Sheriff's Office, the United States Department of Homeland Security, and the United States Attorney's Office. This group is also being expanded.

On September 15, the author participated in a training program presented to the Nebraska Justice Alliance, at its first annual conference. This Alliance includes members from adult and juvenile corrections institutions and other groups affiliated with juvenile services, and adult law enforcement and corrections. As a result of this program, significant contacts were made with professionals engaged in these areas. As a result, one or more representatives from these groups should be added to Working Groups by on or about November 15, 2015.

A concerted effort should be made going forward to include, by on or about November 1, 2015, representatives of entities involved in the investigation of labor crimes.

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[67] A representative of the Attorney General's Office also serves on the "Governor's Human Trafficking Task Force." That person is currently this author.
[68] Douglas County Sheriff Tim Dunning also serves on the "Governor's Human Trafficking Task Force."
[69] Darrell Fisher, Director of the Crime Commission, also serves on the "Governor's Human Trafficking Task Force."
[70] A representative of the Nebraska State Patrol also serves on the "Governor's Human Trafficking Task Force." That person is currently Colonel Rice.
[71] Chief Jim Peschong of the Lincoln PD serves on the "Governor's Human Trafficking Task Force."

- The Community Partners Working Group

The Community Partners Working Group is just being constituted. It will consist of representatives of entities more likely than the general public to encounter incidents of human trafficking or victims/survivors of human trafficking, or having particular opportunity to promote awareness or intervention/prevention regarding human trafficking. This includes representatives of industries or professions regarding health care,[72] education,[73] hospitality, transportation, agriculture, and faith communities. The Community Partners Working Group should be constituted by on or about December 1, 2015. (In early October, this author participated in the annual meeting of the Emergency Nurses Association of Nebraska. Again, an emergency nurse (other than from Methodist Women's Hospital, represented as referenced above), should be considered for addition to the Community Partners Working Group.)

- Native American Representation

Efforts have begun to include representatives of Native American Tribes in the Working Groups. Meetings have been held with various tribal representatives involved in response to child abuse and neglect, and to domestic violence. A concerted effort should be made going forward to include, by on or about December 15, 2015, representatives of Native American Tribes headquartered in or significantly involved with Nebraska. In recognition of the separate sovereignty regarding each of the Tribes, a strong suggestion has been made through the current Working Groups to begin with a separate Working Group for the Tribes, and then integrate them regarding the other Working Groups.

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[72] In a significant study, 87.3% of identified human trafficking survivors stated that they saw a health care professional at least once during the period of their victimization. As noted in the report:

> Health care providers can play a critical role in the trafficking rescue process by identifying possible victims and following up on those suspicions with careful, strategic questions, and actions that catalyze rescues or help create exit strategies.

Laura J. Lederer and Christopher A. Wetzel, "The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities," Annals of Health Law, V. 23, Issue 1, Winter 2014, Beazley Institute for Health Law and Policy, Loyola University Chicago School of Law.

[73] The Urban Institute report, often referred to herein, states as a specific recommendation:

> Cities and counties should address sex trafficking as a complex problem that *requires a systemwide response*, and *schools,* law enforcement and social service agencies *must work collaboratively to combat sex trafficking in their communities.* (emphasis added)

(Dank, et al, at 4, The Urban Institute.).

b. Committees

Under any one or more of the Working Groups, committees are being formed to carry out particularized missions for the anticipated NHTTF. For example, under the Services and Enforcement Working Groups, the Assessment/Screening Tools Committee has been formed (with a first meeting on September 30, 2015). The mission of this Committee is to form and recommend to the Working Groups one or more tools to be used by a potential variety of positions to prescreen, screen, and assess[74] situations to determine whether or not human trafficking is suspected, the person being addressed is a victim/survivor of human trafficking, and what further intervention is appropriate. The effort is multi-disciplinary, involving people from current Working Groups and other people with certain expertize. This Committee is to address an assessment/screening tool(s), potential training regarding assessment/screening, the most appropriate background to be held by persons engaged in this screening/assessment, and issues regarding screening/assessment which need to be further addressed. Based on the consensus of current Working Groups (especially the Services Working Group) and the experience of the Omaha Child Exploitation Task Force, this Committee is working from certain understandings that include:

- Many victims/survivors do not "self-identify," and, therefore, the "screener/assessor" must, in addition to or at times in apposition to an "interview" for assessment/screening, rely on *observations independent of the interview*; and
- Whether service-oriented or enforcement-oriented, dealing with a victim (even survivor) of human trafficking rests on establishing rapport, that is, a *genuine* trust relationship with the victim/survivor, and
- Assessment/screening in many cases may not be a single event; but, rather, a *process* which follows the victim/survivor through the services/enforcement system; and
- The "assessor/screener" should have a *background* which indicates that this person is trained in and "has a disposition amenable to" assessing/screening potential victims/survivors of human trafficking.

Additional committees are anticipated to include, among any needed to be formed:

- Training Committee.

It is recommended that a Training Committee be established by on or about December 1, 2015, to assemble a training package, including among other items, training regarding the Assessment/Screening Tool(s) and any other tools, with a recommendation that multi-

[74] "Assessment" may be more of a services function, than a law enforcement function; whereas, "prescreening" and "screening" may apply to a variety of disciplines, including, but not limited to those involving service providers and law enforcement.

disciplinary, regionalized training packages be developed by on or about February 1, 2016, and be anticipated to begin presentations as soon after February 1, 2016, as the training can be scheduled.[75]

It is also recommended that as the basic tools kit is being built, separate training subcommittees be established for each industry/profession, and begin work developing, with a March 1, 2016, target date for completion, a basic awareness/training presentation aimed at each of the health industry/professions; education (teaching staff, security, students, parents – for high school, and perhaps for certain levels of middle school); hospitality; transportation; agriculture, and faith communities. Some work has been done in all of these areas.

- Tools Committee:

Various packages of tools are available on-line. However, these tools do not necessarily encompass the breadth of tools which appear desirable regarding human trafficking, especially enforcement, but emphasizing in part, victim-orientation. In addition to the assessment/screening tool, for which a separate committee has been formed, as described above, various other tools, are desired. These include, for example, among other tools, tools regarding obtaining "real-time" or stored electronic data or communications, physical or mental health and associated records, education records, agreements with victims/survivors (e.g., a particularized "limited use immunity agreement"); and court applications/motions seeking protection of victims/survivors/other witnesses. Discussions regarding such a tools kit have been held with various prosecutors, investigators, and victim specialists from Nebraska, Iowa and western Illinois (i.e., the Quad Cities area). There is interest with all of these individuals in pursuing such a joint tools kit. It is recommended that a Tools Committee be formed with representatives from Nebraska, Iowa, and western Illinois by November 15, 2015, targeting February 1, 2016, to have a tools kit assembled and incorporated into proposed training.

- Data and Information Committee:

It is recommended that by December 1, 2015, a committee be established to address the need for a centralized data/information reporting/gathering, storage, analysis, and sharing mechanism for each/both service providers and law enforcement. This will include Addressing legal and philosophical issues regarding confidentiality/privacy/and privileged communications.

Some preliminary discussions have been held within established Working Groups, and also, separately, with the Nebraska State Patrol, the Crime Commission, DHHS, and the

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[75] The preference is to delay trainings from October of 2015, to after February 1, 2016, to allow the Attorney General's anticipated formal initiation of the NHTTF, and to include progress made by NHTTF to that date.

Administrative Office of the Courts. It appears some coordinated effort must be made between these entities, and involving the Services and Enforcement Working Groups, to address statistical data, generalized "case intelligence," and particularized "case information." Whether or not the OVC-BJA grant is awarded to Nebraska, establishing, "base-lines," "best practices," case tracking, and other data/information will require such a mechanism.

4. Principles

Beginning with the process at the human trafficking convening in Washington, D.C., in June of 2015 (referred to above), and continuing through the establishment of the Services Working Group and the Enforcement Working Group, by the consensus of those joining in the Attorney General's initiative to form the NHTTF, each person joining a Working Group, for that person's represented agency, received, reviewed, and had an opportunity for in-put regarding the Principles which the Working Groups developed separately, but as what has become the recommended unified Principles for the NHTTF. These Principles were adopted by both current Working Groups in July of 2015, and form the basic understanding of and commitment to the process to establish the NHTTF. It is recommended that these Principles be adopted as the founding principles of the NHTTF, and hereafter guide the NHTTF, subject to review and amendment.

The Principles as adopted by the Working Groups, are set forth below.

NEBRASKA HUMAN TRAFFICKING TASK FORCE
ANNOTATED PRINCIPLES

The Nebraska Human Trafficking Task Force (NHTTF) is intended to be a statewide, strategic, systematic, and integrated task force addressing human trafficking based on the following principles, within the ambit of applicable law, for the purposes of causing the public and targeted individuals and entities: (1) to *realize* that human trafficking exists in Nebraska, (2) to *recognize* signs of human trafficking, and (3) to *respond* appropriately according to the person's or entity's role in the community.

1. **Human trafficking, which is modern-day slavery in violation of the Constitution of the United States of America, is an abomination, and must be substantively addressed in Nebraska.**

2. **The NHTTF shall be victim-oriented.**
    a. Once a minor child is determined to be under 18 years of age[76], the person must be appropriately treated as a victim.
    b. A person determined to be 18 years of age or older must be treated as a victim as soon as it reasonably appears that the person is not a "trafficker," and it reasonably appears the person has been compelled against the person's will to engage in labor or services, or commercial sex acts, by force, fraud, or coercion.
    c. A person determined to be 18 years of age or older should be treated as a victim as soon as it reasonably appears that the person is not a "trafficker," and it reasonably appears the person, during the period of victimization, suffered from defined vulnerabilities which would reasonably be anticipated

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[76] Age 18 years appears to be the age of automatic victim status under Nebraska's human trafficking law. Neb. Rev. Stat., Sec. 28-830(10) expressly defines a minor for purposes of human trafficking as "younger than 18 years of age." This is consistent with Sec. 28-830(13), which in part defines sex trafficking (of an adult) as compelling a sexually explicit performance by a person 18 years of age or older. This is a controlling refinement of general Nebraska law, wherein Neb. Rev. Stat., Sec. 43-245(2) defines the age of majority as 19 years of age. (But note Neb. Rev. Stat., Sec. 43-245(10), defining "juvenile" as a person under 18 years of age.) Section 28-830(10) is also consistent with Neb. Rev. Stat., Sec. 28-801(5), providing immunity from prosecution for prostitution for persons under 18 years of age, and the reporting to the Department of Health and Human Services of persons under 18 years of age found engaged in prostitution. This is also consistent with Title 18, United States Code, Section 1591, sex trafficking of children, upon which the Nebraska law is in part based. (See also Neb. Rev. Stat., Sec. 28-807(8), defining "minor" as an unmarried person under 18 years of age, for purposes of state obscenity-pornography law.) Consideration shall also be given, as appropriate, to the Nebraska Indian Child Welfare Act. Looking primarily at age 18 years regarding "strict culpability" concerning human trafficking victimization is not to say that otherwise consistent with "the spirit" of Nebraska law, a person who is 18 years of age should not be given some deference in considering victim status.

to make a person of similar background unusually susceptible to being subjected to engaging in labor or services, or commercial sex acts against the will of that person.

d. A person 18 years of age or older may lose a tentative designation by law enforcement as a victim by engaging in acts which would otherwise constitute a crime exposing that person to imprisonment for a term in excess of one year, or which would constitute engaging in or causing another person to be the victim of human trafficking, or soliciting a person to obtain the fruits of human trafficking.

e. To ensure their voices being heard and having meaningful input, two or more representatives of "Victims-Survivors-Thrivers" of human trafficking should be actively engaged in appropriate roles in the formation and implementation of the NHTTF. The selection of such representative(s) should consider the background of Victims-Survivors-Thrivers encountered in Nebraska.

f. The NHTTF shall respond to all victims of human trafficking.

3. **The NHTTF shall address all forms of human trafficking recognized under the laws of the State of Nebraska and federal law, including sex trafficking, labor trafficking, production of pornography, and sexually explicit performances.**

4. **The NHTTF shall be formed and implemented as a collaborative partnership of public and private entities and individuals, under the leadership of the Nebraska Attorney General.**

   a. The NHTTF shall recognize and abide by the constitutional and legal separation of powers, responsibilities and functions of constituent members.

   b. To promote their purposes consistent with these principles, while recognizing and abiding by the legal requirements of privacy, confidentiality, and privileged communication concerning victims, NHTTF members -- and all service providers/advocates and law enforcement – encountering or serving a victim should share all pertinent information regarding that victim on a need-to-know-basis. NHTTF members -- and all service providers/advocates and law enforcement – should encourage a victim, pursuant to an informed consent, to grant a complete release of information between law enforcement and victim services/advocacy personnel and entities, regarding that victim.

   c. For implementation, the NHTTF shall require a Memorandum of Understanding (MOU) from each constituent member.

5. **The NHTTF shall earnestly pursue:**

   a. Identification; rescue by law enforcement, or other empowerment of victims to voluntarily exit the circumstances of their victimization; and protection of victims;

b. **Appropriate,[77] holistic and comprehensive assessment and acute and long-term services for victims/survivors**, including;
   i. Appropriate screening and assessment tools;
   ii. "Trauma-informed intervention;"
   iii. "Wrap-around services;"
   iv. Promotion of the least restrictive services/environment of a victim which is reasonably suited to providing the victim with the optimum opportunity to survive and thrive, including not returning to being victimized by human trafficking;
c. **Investigation and prosecution of human traffickers, including as appropriate, the use of pro-active, long-term or complex investigations**, with the term "human trafficker" including, as appropriate:
   i. Any person who commits or aids and abets the commission of any human trafficking prohibited act;
   ii. Any person who knowingly or with reckless disregard financially benefits from a human trafficking venture;
   iii. Any person who knowingly or with reckless disregard that human trafficking would be or has been employed, obtains or seeks to obtain "the fruits" of that human trafficking, that is, the goods or services so produced.

6. **To achieve its mission, the NHTTF shall address:**
   a. **Intervention;**
   b. **Prevention;**
   c. **Education**
      i. Education includes "awareness" and "training."
      ii. Proposed "HT intervention tools" should be accompanied by:
         1. Selection of personnel to implement the tool
         2. Training regarding implementation of the tool; and
         3. Supervision of personnel regarding implementation of the tool.

7. **To achieve its mission, the NHTTF should integrate an appropriate variety of disciplines, professions and industries into the formation of a "community consortium of shared responsibility" involving public and private individuals and entities**, including, but not necessarily limited to:
   a. State, federal, local and tribal law enforcement;
   b. Youth and adult victim assessment and service providers;
   c. Appropriate representatives of the courts and corrections -- especially regarding juveniles, including juvenile courts and the collaborative efforts in which they are involved;
   d. If not included above, representatives of professions and industries more likely to encounter victims of human trafficking, including, for example:

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[77] Consideration should be given to requiring appropriate certification of victim service providers.

i. Health care;
ii. Hospitality;
iii. Transportation;
iv. Agriculture; and
v. Education

e. Groups of "people of good will," including "faith communities;"
f. To promote establishment of "community consortiums of shared responsibility," the NHTTF should:
   i. Promote the establishment of standards regarding victim-survivor care, human trafficking enforcement, and education; but
   ii. Organized on a geographic and population basis:
      1. To promote timely, expert response to victims of human trafficking; and
      2. To allow reasonable "regionalized nuances" regarding education and practice within the established standards.

8. **The Omaha Child Exploitation Task Force should serve as a model for the formation of the NHTTF.**
   a. The NHTTF recognizes that the Omaha Child Exploitation Task Force (OCETF) is a "sovereign" Task Force which is organized and led by the Federal Bureau of Investigation.
   b. The NHTTF recognizes that the OCETF is a multi-agency, multi-disciplinary task force which has been in existence since January of 2010, and is the only such standing task force in Nebraska.
   c. Realizing that there might be some variances between the OCETF and other regional response teams developed under the NHTTF, the NHTTF should seek to make the Omaha Child Exploitation Task Force a model for the development of the NHTTF, and should seek to make the OCETF the task force within Nebraska which handles more complex human trafficking investigations and prosecutions.
   d. The OCETF is in part recognized by and recommended to the NHTTF because it strives to integrate victim advocacy and services from the first contact with a victim.

9. **While realizing that additional resources will be needed, to accomplish its mission the NHTTF should optimize the use of existing resources, that is, entities, programs, and people, to implement the NHTTF plan.**

The Proposed Plan for the Establishment of the Nebraska Human Trafficking Task Force

Based on the work of the Working Groups to date; on the author's experience with the Omaha Child Exploitation Task Force and general professional experience; on *non-binding* individual discussions between key entities impacting human trafficking services and enforcement, and the author of this Report and Recommendations; and in consideration of the Report and Recommendations above, it is recommended that the Nebraska Human Trafficking Task Force (NHTTF) be established as follows:

1. The Nebraska Human Trafficking Task Force (NHTTF) should forthwith be established, under the Nebraska Attorney General, in conjunction with the Salvation Army pursuant to the OVC-BJA grant, as a voluntary association of service providers, law enforcement, and "community partners.[78]

2. The NHTTF should be organized into its "administrative component," and three "levels" of operational response ("operational components"): (1) a State Human Trafficking Response Team, (2) Regional Human Trafficking Response Teams, and (3) Local Human Trafficking Response Teams.

    a. Pursuant to the OVC-BJA grant, the "administrative component" should be led by the Attorney General, in conjunction with the Salvation Army. In addition, within the administrative component should be the NHTTF Coordinator (Attorney General's Office), the Services Coordinator (Salvation Army), the Advisory Group, and the Working Groups and their Committees. The "administrative component" should "study" human trafficking and make recommendations to combat human trafficking in Nebraska, addressing awareness; intervention (services and enforcement); prevention; data and information collection, storage, analysis, and sharing; and policy (legislation or administrative/agency policy and practice) - regarding all forms of human trafficking.

    b. The "State," "Regional," and "Local" response teams are the "operational components" of the NHTTF, dealing directly with victims/survivors, human traffickers, and consumers who have legal culpability for promoting/encouraging human trafficking in Nebraska. These "operational components" should have acute and long-term missions, and should, as a minimum, be able to: (1) recognize and rescue/assist victims/survivors; and (2) engage in more proactive, complex, or long-

[78] The NHTTF is proposed as a "voluntary association," as noted in the Principles, above. Members of the Working Groups recommending establishment of the NHTTF, are committed to establishing the NHTTF and working together in a voluntary coalition under the Nebraska Attorney General. Principle #4.

term intervention and prevention.[79] These components should strive to establish *genuine trust relationship* between "the system" and the victim/survivor, and among members of "the system" – all to "help victims - stop traffickers – reduce the market."

c. As referenced below, it is recognized that some, perhaps many, localities in Nebraska may not be able to form Local Human Trafficking Response Teams. In these circumstances, the Regional Human Trafficking Response Team should fill that void. Even in such circumstances, there may still be the possibility of designating local enforcement and services response coordinators, to serve as local points of contact regarding human trafficking matters.

3. This is recommended to be a "best beginning point" plan.

4. This plan should be amenable to review and amendment at any time by the Attorney General, in conjunction with the Salvation Army pursuant to the OVC-BJA grant, especially on the recommendation of the Advisory Group or the consensus of the Working Groups recommended to the Advisory Group.[80]

5. "Administrative Component"

   a. Attorney General (and the Salvation Army)
      - As represented in the Principles set forth above (Principle #4), the head of the NHTTF is the Nebraska Attorney General, leading the NHTTF in conjunction with the Salvation Army pursuant to the OVC-BJA grant. Only the Attorney General or his official designee, acting in concert with the Salvation Army in terms of the OVC-BJA grant, has the power to bind the NHTTF.

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[79] Nothing herein prevents "regional" or "local" components from engaging in awareness, prevention, data and information considerations, or policy considerations (as well as services and enforcement). In fact, they are encouraged to, consistent with, and as much as possible, in coordination with the general purposes, standards, and movement of the NHTTF.

[80] While it is intended that there be a "reporting and recommending hierarchy," from the Working Groups, to the Advisory Group, to the Attorney General, it is further recommended that the combined Working Groups, or any Working Group could make a recommendation directly to the Attorney General, with the anticipation that the Attorney General, depending on the nature of the recommendation, might take it to the Advisory Group. Indeed, there is nothing to prevent an individual from making a suggestion to the NHTTF Coordinator, which recommendation would find its way to the Attorney General. Finally, the Attorney General appears open to meeting with concerned individuals or entities regarding issues to which he has assigned a priority, such as human trafficking. But, in the last analysis, the NHTTF is a voluntary coalition, depending on consensus and collaboration.

- As represented generally in the Principles, it is recognized that the NHTTF is a voluntary association of entities and individuals dedicated to helping human trafficking victims - stopping human traffickers – reducing the market.[81]

b. Advisory Group.[82]

- There should be an Advisory Group reporting to the Attorney General, in conjunction with the Salvation Army pursuant to the OVC-BJA grant.[83]
- The Advisory Group has no power to make or implement policy, but shall advise the Attorney General, in conjunction with the Salvation Army, in matters related to human trafficking.
- Regardless of the manner in which any member of the Advisory Group comes to serve on the Advisory Group, each member serves at the pleasure of the Attorney General, in conjunction with the Salvation Army pursuant to the OVC-BJA grant, subject to "at-will removal without cause" by the Attorney General,[84] and replacement by another person if so desired by the Attorney General.
- The Advisory Group should include:[85] a designated representative of the Nebraska Department of Health and Human Services;[86] a designated representative of the Nebraska Administrative Office of the Courts; the NHTTF Coordinator; the Salvation Army Victim/Survivor Services Coordinator; the United States Attorney (or designated representative); a County Attorney selected by the Attorney General (other than a representative of the Enforcement Working Group); a designated representative of the

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[81] As set forth in the Principles, above, the term "human traffickers" includes: (1) those who actively compel, attempt, or conspire for another person to engage in labor or services, or commercial sex acts, without that other person's consent; (2) those who financially benefit from a human trafficking venture; and (3) those whom the law can reach who consume "the fruits" of human trafficking, whether goods or services. (Principle #5.c.)

[82] Research should be done and a conclusion reached before the first meeting of the Advisory Group regarding whether or not the Advisory Group is subject to the requirements of the Nebraska Open Meetings Law. A determination has previously been made that the Working Groups are not subject to the Open Meetings Law.

[83] The OVC-BJA grant requires some form of advisory group.

[84] **Unless otherwise expressly stated herein, reference to the Attorney General regarding the administrative component of the NHTTF includes, during the term of the OVC-BJA grant, "in conjunction with the Salvation Army pursuant to the OVC-BJA grant."**

[85] The original recommendation stated herein provides for a 21-member Advisory Group. While this is a large group, consistent with the purposes of establishing the NHTTF, it provides for multi-disciplinary involvement, coverage of State agencies with mandatory federal responsibilities regarding human trafficking, and geographic coverage of the State.

[86] Further recommending that, subject to the "removal power" of the Attorney General, each agency with a designated representative to the Advisory Group, designate the representative from that agency.

Nebraska State Patrol; a designated representative of the Federal Bureau of Investigation; a designated representative from the combined Native American Tribes headquartered in Nebraska;[87] a "Survivor;" the "Trafficking Response Coordinator" from the Women's Fund of Omaha; a designated representative from each of the three Working Groups described below, who is not already serving on the Advisory Group (Services Working Group, Enforcement Working Group, Community Partners Working Group);[88] a designated representative from each of the regions recommended to be established under the NHTTF;[89] and a person selected "at large" by the Attorney General.

- The Advisory Group should meet at least quarterly, and more often as called by the Attorney General or, during the term of the OVC-BJA grant, by the Salvation Army. Any member of the Advisory Group may ask the NHTTF Coordinator to convene a meeting of the Advisory Group at any reasonable time. In consultation with the Attorney General and the Salvation Army, the NHTTF Coordinator should abide by any reasonable request to convene the Advisory Group.
- Meetings of the Advisory Group shall be chaired by the Attorney General or the Attorney General's designee, or in the absence of the Attorney General or the Attorney General's designee, by the lead person of the Salvation designated under the OVC-BJA grant. Said meetings shall proceed in an informal manner, seeking consensus. To conduct business, a quorum of a simple majority of the membership of the Advisory Group must be present in

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[87] Further recommending that this member of the Advisory Group be appointed by the Attorney General until the Native American Working Group is established and can select their representative, and that thereafter, the representative of the Native American Working Group serve for a term of two years, or until the representative's sooner resignation or removal. It is noted that the Native American Working Group is intended to include Native American Tribes both headquarter in or having substantial commerce with Nebraska. However, it is recommended that the representative to the Advisory Group come only from a Tribe headquartered in Nebraska.

[88] Further recommending that the members of each respective Working Group select the designated representative to the Advisory Group; that the Attorney General appoint a representative for the Community Partners Working Group until that Working Group is constituted and elects its representative, and that the elected representative from each Working Group serve for a term of two years, or until the representative's sooner resignation or removal.

[89] Consistent with the consensus of the Working Groups, the proposed plan recommends establishing six regions, corresponding to Nebraska State Patrol Regions. Although the recommended plan generally builds on "existing structures," it is anticipated that it will take some time to actually form the regional and local structures for the purposes of addressing human trafficking. It is recommended that the Attorney General initially appoint the representative from each region, and that the manner of thereafter selecting regional representatives be established after all of the regions are intact.

person or by audio/video link. Temporary rules of order may be adopted at any meeting by the vote of a 2/3rds majority of those present at the meeting, so long as a quorum is present. Otherwise, the intent is that the Advisory Group make recommendations by open, informal discussion arriving at a consensus.

- Minutes of the meetings of the Advisory Group should be taken by a staff person from the Attorney General's Office or the Salvation Army, and made available to the Attorney General, the Salvation Army, members of the Advisory Group, and, as directed by the Attorney General or the Attorney General's designee, in conjunction with the Salvation Army, to members of the Working Groups.

c. NHTTF Coordinator[90]

- The NHTTF Coordinator shall be an employee of the Nebraska Department of Justice, so designated for the position by the Attorney General.
- The NHTTF Coordinator, subject to the direction of the Attorney General, and, as appropriate, in consultation with the Salvation Army Victim/Survivor Services Coordinator during the term of the grant, and members of the "core group" or the Working Groups described in the Report and Recommendations, shall:
    - Maintain the plan for the implementation and operation of the NHTTF;
    - Oversee the making and maintenance of records and documents of the NHTTF in possession of the Office of the Attorney General;
    - Oversee the development of a "centralized data and information system" regarding human trafficking, as described in this Report and Recommendations;
    - Oversee the implementation of the regional and local components of the NHTTF, including, but not limited to:
        - Forming and convening the regional and local components of the NHTTF;
        - Compiling and disseminating systematic points of contact for services and enforcement under the NHTTF;
        - Participating in regional or local meetings of the NHTTF;
        - Promoting the development of an optimal working relationship between component parts of the NHTTF;

[90] This is not a "job description" for the NHTTF Coordinator; but, rather, a descriptive suggestion of functions which the NHTTF Coordinator might, at the direction of the Attorney General, carry out on behalf of the NHTTF. Currently the NHTTF Coordinator also serves as the Child Protection Training Coordinator, the duties of which are not described herein. There is no attempt herein to suggest the functions of any person not an employee of the Attorney General working in conjunction with the NHTTF.

- Oversee the organization and presentation of training under the NHTTF, including assisting in the preparation and presentation thereof;
- Serve as a coordinator for the referral of potential of cases regarding human trafficking;
- Call and participate in meetings of the Advisory Group;
- Organize and maintain the Working Groups and Committees/Subcommittees thereof;
- Call and take a leadership role in maintaining order therein, meetings of the Working Groups, or any Committees/Subcommittees on which the NHTTF Coordinator participates;
- Participate in the investigation and prosecution of human trafficking cases;
    - Serve as a resource for prosecutors and investigators engaged in suspected or active human trafficking cases;
- On behalf of the Attorney General's Office and in coordination with the Attorney General's Director of Communications, assist with public education regarding human trafficking and the NHTTF;
- Assist in the oversight of any grant awarded to the Attorney General's Office regarding human trafficking;
- Assist in the temporary or permanent supervision of any personnel of the Attorney General's Office assigned to the human trafficking effort/NHTTF;
- Other duties as assigned by the Attorney General.

d. Working Groups and Committees

- It is recommended the Working Group and Committee structure described in the Report and Recommendations, above, be kept under the NHTTF, but modified as periodically recommended by those groups.

6. "Operational components"[91]

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[91] **With regard to "Operational Components," it is recognized that the planning and carrying out of actual criminal investigative operations will *not* include all members of the State Human Trafficking Response Team (or Regional, or Local Response Teams). However, it is further recommended that the "other than law enforcement/prosecution members" are necessary to the over-all success of the State Human Trafficking Response Team, and, as appropriate, will also add to the success of particular law enforcement operations. A "case-by-case" determination should be made regarding inclusion in law enforcement operations planning and execution. There is an emphasis on "victim advocate" access (including the law enforcement Victim Specialist) from the earliest possible contact with a victim, and on building *genuine trust relationship*, which is a *coordinated and cooperative* multi-disciplinary effort.**

a. State Human Trafficking Response Team (Establish by January 1, 2016)

- At the initiation of the NHTTF ("best beginning points"), it is recommended that the State Human Trafficking Team be the FBI-led Omaha Child Exploitation Task Force (OCETF),[92] and that, thereafter, depending on the position of the OCETF, the State Human Trafficking Response Team, as necessary, be constituted to serve in essence as a human trafficking "strike force," able and dedicated to working carefully selected human trafficking cases across Nebraska.[93]
- If the FBI-led OCETF is willing to remain as the State Human Trafficking Response Team,[94] it is recommended that the OCETF be augmented by the addition of a Nebraska State Patrol officer(s) (Trooper or other rank) and a limited number of other officers selected from other agencies, and that such additional officers be "cross-deputized" by the FBI as federal enforcement officers. If the OCETF is not willing to fill this need, the State Human Trafficking Response Team should be led by the Nebraska State Patrol (NSP), including selected federal and local enforcement officers and victim specialists, but with distinct ties to the FBI to seek augmented victim services and potentially enhanced investigative/prosecutorial analytic capability. IF NSP assumes leadership of the NHTTF, it is recommended state officers selected to serve of the State Human Trafficking Response Team be granted special state-wide deputization.
- It is recommended that the State Human Trafficking Response Team meet at least quarterly to review cases and other matters, and regularly as needed to aggressively and successfully advance its cases;

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[92] The "sovereignty" of OCETF is recognized in the Principles, above. Participation of OCETF would be instrumental to accomplishing the mission of the NHTTF, but voluntary. If the OCETF accepts this specialized role, this leaves open the question of the role of the Omaha Child Exploitation Task Force in human trafficking cases, especially sex trafficking cases, in Douglas and Sarpy Counties of Nebraska and Pottawattamie County, Iowa. It is respectfully suggested, particularly if the OCETF is augmented, OCETF can successfully fill both the role of the Regional Human Trafficking Response Team for the named counties and the State Human Trafficking Response Team. It is not anticipated that there will be a substantial spike in more complex, long-term investigations even with the inauguration of the NHTTF, in general, or the State Human Trafficking Response Team, in particular. If such a spike occurs, further evaluation is necessary ("best beginning points").

[93] While there is some variance in ideas, the author of this Report and Recommendations acknowledges the contribution of Weysan Dun, retired Special Agent in Charge of the FBI in Iowa-Nebraska (Omaha) and current member of the "Governor's Human Trafficking Task Force," toward the conceptualization of this recommendation.

[94] FBI leading the State Human Trafficking Response Team is bolstered by the distinct probability that these cases will be "federal cases."

- The State Human Trafficking Response Team should consist of:[95] the investigative leader of the Omaha Child Exploitation Task Force; an Assistant United States Attorney or Special Assistant United States Attorney; one or more State law enforcement investigators;[96] one or more State prosecutors; one or more "Law Enforcement Victim Specialists"; Federal law enforcement other than FBI;[97] a representative of the Bureau of Indian Affairs and/or tribal law enforcement;[98] the Nebraska Department of Health and Human Services (especially, but not limited to emergency youth services); Project Harmony;[99] the SANE/SART coordinator (Forensic Nursing Director) at the Methodist Women's Hospital, Omaha;[100] a representative of the Coalition To End Sexual and Domestic Violence); to the extent not included in the above, a mental health

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[95] Again, if the OCETF assumes the role of the State Human Trafficking Response Team, the "sovereignty" of OCETF is recognized. In making these recommendations, it is further recommended that local investigators, prosecutors, forensic specialists, victim specialists, victim advocates, and/or service providers can be brought into a specific case *as needed* on an *ad hoc* basis.

[96] "State law enforcement investigator" means a ("sworn") law enforcement officer, competent to investigate crimes and make arrests under the laws of the State of Nebraska, which could be either an officer employed by a "local agency," or employed by a "state agency." "State prosecutor" generally means a County Attorney or Assistant County Attorney, but could include an Assistant Nebraska Attorney General.

[97] This should include the Department of Homeland Security (DHS), especially with regard to the potential for cases involving foreign national victims or traffickers; the Bureau of Indian Affairs (BIA) and/or Tribal law enforcement in regions involving the presence of or substantial commerce with Native American Reservations; and at least pre-established access to the Department of Labor and/or the Department of Agriculture Office of the Inspector General.

[98] The NHTTF is dedicated to including in the NHTTF law enforcement and services representation for all Native American Tribes having reservations in or having substantial commerce with Nebraska. This includes the building of sustainable relations with designated individuals for each of the Tribes which could be contacted and engaged in any particular case. This is a "work in progress."

[99] It is recognized that the current makeup of the Omaha Child Exploitation Task Force (OCETF) includes substantial forensic interviewing capability, including forensic interviewing of person under 18 years of age. However, Project Harmony could augment the capability of OCETF with regard to minors, and would also add growing expert services in addition to forensic interviewing. Project Harmony also offers exceptional training opportunities which are generally relevant to human trafficking, and which could readily be expanded to be more specialized regarding human trafficking. This author also anticipates that Project Harmony would coordinate well with law enforcement and service providers across Nebraska, as needed, on a per case basis, regarding more complex, long-term cases which would be pursued by the State Human Trafficking Response Team.

[100] In the apparent absence of a state coordinator of such programs, it is the observation of this author that this person sometimes informally assists in filling that role in aid of the limited number of such programs across Nebraska.

and/or substance abuse assessment and services professional; and the NHTTF Coordinator, and the Salvation Army Victim/Survivor Services Coordinator, pursuant to the OVC-BJA grant.[101]

  - It is recommended that the Nebraska Attorney General's Victim Specialist be assigned on an "as needed basis" to work with the State Human Trafficking Response Team, if available, in concert with the FBI Victim Specialist.
  - It is recommended that certain service providers[102] be identified and brought into the State Human Trafficking Response Team to assure that needed services in anticipated instances of victimization are readily, systematically, and reliably available to victims in these more complex, potentially long-term criminal cases.
  - This does not preclude other state team members which the state team may wish to include.
  - The State Human Trafficking Response Team should initially be formed and convened by the NHTTF Coordinator, and the Salvation Army Human Trafficking Victim/Survivor Services Coordinator, pursuant to the OVC-BJA grant, and, if led by the FBI, the Supervisory Special Agent responsible for the OCETF. Otherwise a designated officer from the lead agency (e.g., Nebraska State Patrol) should work in concert with the NHTTF Coordinator.
- Participation in the State Human Trafficking Response Team is voluntary, but should be made official, reliable and sustainable by all State Human Trafficking Response Team participants entering into a Memorandum of Understanding (MOU) regarding participation in the State Human Trafficking Response Team.[103]
  - The form of the MOU(s) should be provided by the NHTTF Coordinator, in consultation with the Salvation Army Human Trafficking Victim/Survivor Services Coordinator, and the Supervisory Special Agent responsible for the OCETF, if the State Human Trafficking Response Team is led by the FBI. (Otherwise, the officer from the lead enforcement agency [e.g., NSP].)
  - The MOUs should include the name and official contact information of the designated participants, for publication and distribution.
- The State Human Trafficking Response Team should:
  - Investigate more complex, long-term human trafficking cases arising throughout Nebraska;[104]

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[101] Inclusion of various of the entities/individuals referenced above includes "Victim Advocates" other than the Law Enforcement Victim Specialists, also referred to above.

[102] Potentially among others, this would be anticipated to include Heartland Family Service, the Women's Center for Advancement, Catholic Charities, and Project Harmony.

[103] This could be in the form of one over-arching MOU, or a series of MOUs, or could include supplemental, particularized MOUs, as, for example, for law enforcement agencies regarding participation in joint operations.

[104] It is suggested that the "Nebraska model" of a more complex, long-term case is *United States v. Johnelle Lewis Bell*, often referred to in this Report and Recommendations, or something like the "spa case," investigated by the Omaha Child Exploitation Task Force. It is anticipated that

- Serve as "expert consultants" to the Regional and Local Human Trafficking Response Teams in Nebraska;
- Have a designated "duty law enforcement officer" and designated duty "services coordinator" available on a "24/7/365 basis," to assist regional or local response teams, or others, as needed.
- Assist in the development of specialized, multi-disciplinary training for the regional and local teams in Nebraska. This training should include, among other items: [105]
  - Basic recognition of the signs of human trafficking and human trafficking victimization;
  - Basic techniques for the immediate "field-assessment," rescue, protection and referral to services of victims;
  - Working successfully in multi-disciplinary teams; and
  - The use of "tools" to be developed by the NHTTF for human trafficking enforcement; and
  - Distinctions between federal and state pursuit of human trafficking cases.

b. Regional Human Trafficking Response Teams[106] (Establish by February 1, 2016)

- A Human Trafficking Response Region shall be established in each geographic region of the State of Nebraska corresponding to the existing Nebraska State Patrol Regions.[107]

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the more complex, long-term sex trafficking cases will arise predominately in the Omaha-Lincoln sex trafficking market. However, there are significant reasons to anticipate that more complex, long-term cases might also be found in and about Sioux City. It is also noted herein that a recent case in Hastings had five victims, which is very suggestive of a potentially more complex, long-term case (had law enforcement been engaged). There is insufficient information currently available to know in what locations more complex, long-term labor trafficking cases may be found, but it is anticipated such cases exist.

[105] It is recognized that good training currently exists regarding some of these topics, but generally not in the specific context of a comprehensive approach to human trafficking services and enforcement, intervention and prevention.

[106] These teams are intentionally, expressly and strongly recommended to be "multi-disciplinary" in nature, drawing substantially, but not necessarily exclusively, from existing formal or informal child abuse and domestic violence alliances within each region. While human trafficking is not identical to child abuse or domestic violence, there are sufficient similarities to draw from these existing resources, supplemented by training, organization, and operation particularized to human trafficking, in forming the regional and local human trafficking responses recommended in this Report and Recommendations.

[107] As noted elsewhere in this Report and Recommendations, this is a "best beginning points" plan. In the existing Working Groups, as also noted elsewhere herein, various other regional divisions of Nebraska were examined - all with some merit. (At least six methods of dividing Nebraska into regions were discussed.) The consensus of both current Working Groups was to

- In each Human Trafficking Response Region there shall be established a "Regional Human Trafficking Response Team" for the purpose of serving victims/survivors of human trafficking, and investigating and prosecuting human traffickers and "consumers" subject to legal culpability.
    - Some localities in Nebraska, because of lower population of people, and/or lack of services or law enforcement staffing, may not be able to form a Local Human Trafficking Response Team. In such circumstances, the Regional Human Trafficking Team shall fill this void, either directly, or by forming a multi-county Local Human Trafficking Team.
    - In such circumstances, each effected locality should, if available, designate a local response enforcement coordinator and/or a local response services coordinator, to serve as a point(s) of contact regarding human trafficking matters.[108]
- The Regional Human Trafficking Response Teams should initially be formed and convened by the NHTTF Coordinator, the Salvation Army Human Trafficking Victim/Survivor Services Coordinator, and the Regional Response Human Trafficking Officer, described below. A "Regional Response Victim/Survivor Services Coordinator" should be immediately identified in each region to take the lead in identifying service providers in or available to the region and to assist in referring victims/survivors to needed assessment/services, and with responsibilities otherwise generally paralleling, from a services perspective, those of the Regional Human Trafficking Response Officer.
- The Regional Response Human Trafficking Officer, Regional Response Victim/Survivor Services Coordinator, the NHTTF Coordinator, and the Salvation Army Human Trafficking Victim/Survivor Services Coordinator is the "Regional Core Group" for that region, to organize and maintain the Regional Human

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initially follow Nebraska State Patrol regions. One alternate suggestion was made to examine the possibility of the NHTTF regions being existing "Drug Task Forces." As these are existing voluntary associations of enforcement personnel, often drawn from units including "anti-vice" personnel, this concept has some merit. (This might also be a possibility for developing a "Local Team" of counties which would not separately support a Local Team.) As another example, it was suggested to follow existing Child Advocacy Center regions, which also has some merit. This plan is capable of amendment based on experience gained moving forward with implementation and operation of the NHTTF, through the established "hierarchy" of this plan, with the ultimate approval of the Attorney General, to best fit voluntary associations which accomplish the purposes of this plan across the State of Nebraska in its entirety.

[108] The 2012 census shows Nebraska with counties ranging in estimated population from 531,208 people (Douglas County), to 478 people (Arthur County). This census shows 38 Nebraska counties with estimated populations under 5,000 people, and an additional 38 counties with estimated populations between 5,000 and 15,000 people. Douglas, Lancaster, and Sarpy Counties are the only counties shown with estimated populations greater than 60,000 people (each being over 160,000 estimated population).

Trafficking Response Team in that region. The Regional Core Group may add such member(s) as it determines by consensus of the designated members.

- The Regional Human Trafficking Response Teams should consider encouraging establishment of a "Regional Community Partners Coalition," particularly as a regional coalition of representatives of "Local Community Partners Coalitions" (see below) within the region, to further awareness, education, identification of victims, and prevention.
- Regional Human Trafficking Response teams should meet at least quarterly to review cases, establish and review protocols, review services and enforcement contacts, review training within the region, review the establishment and maintenance of Local Human Trafficking Response Teams within the region, and other items regarding the establishment and regional influence of the NHTTF, and meet otherwise more frequently as needed for active case work.
- The Regional Human Trafficking Response Team should, as a minimum, include:[109] the Regional Response Human Trafficking Officer, the Regional Response Victim/Survivor Services Coordinator; a State prosecutor(s); a "Law Enforcement Victim Specialist" in or available to the region;[110] Federal law enforcement;[111] a representative of each Native American Tribe which has reservation land in or which has substantial commerce with that region;[112] the Nebraska Department of Health and Human Services (especially, but not limited to emergency youth services); a representative of Juvenile Probation; the Child Advocacy Center(s); the SANE/SART (or other forensic nursing) programs

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[109] It is noted that Principle #9, above, emphasizes the use of existing programs and personnel. As frequently discussed in the Working Groups, this includes appropriate representatives of the pertinent members of the "Core Group" throughout the State (e.g., DHHS, administrative functions of the Court); as well as the Child Advocacy Centers and the Coalition To End Sexual and Domestic Violence. Again, these recommendations are not exclusive of including in the Regional Human Trafficking Response Teams any person or entity which makes that Region function well as a practical matter.

[110] It has been emphasized throughout this Report and Recommendations that a Victim Specialist, or Victim Advocate, or both, should be available to a victim from as close as possible to first contact by law enforcement.

[111] This should include the Federal Bureau of Investigation (FBI), which has plenary federal criminal jurisdiction; the Department of Homeland Security (DHS), especially with regard to the potential for cases involving foreign national victims or traffickers; the Bureau of Indian Affairs (BIA) and/or Tribal law enforcement in regions involving the presence of or substantial commerce with Native American Reservations; and at least pre-established access to the Department of Labor and/or the Department of Agriculture Office of the Inspector General.

[112] The NHTTF is dedicated to including in the NHTTF law enforcement and services representation for all Native American Tribes having reservations in or having substantial commerce with Nebraska. This includes the building of sustainable relations with designated individuals for each of the Tribes, which designated individuals could be contacted and engaged in any particular case. This is a "work in progress."

available in or to the region; the domestic violence programs available in or to the region (e.g., the Coalition To End Sexual and Domestic Violence); to the extent not included in the above, mental health and substance abuse assessment and services professional(s); a Survivor, especially if one resides in or about the region; and the NHTTF Coordinator, and the Salvation Army Human Trafficking Victim/Survivor Services Coordinator [state-wide].[113]

  - This does not preclude other regional team members which the Regional Human Trafficking Response Team may wish to include.

- Participation in the Regional Human Trafficking Response Team is voluntary, but should be made official, reliable and sustainable by all Regional Human Trafficking Response Team participants entering into a Memorandum of Understanding (MOU) regarding participation in the Regional Human Trafficking Response Team.[114]
  - The form of the MOU(s) should be provided by the NHTTF Coordinator, in conjunction with the Salvation Army Human Trafficking Victim/Survivor Services Coordinator, in consultation with the Regional Teams.
  - The MOUs should include the name and official contact information of the designated participants, for publication and distribution.

- "Regional Response Human Trafficking Officer." Realizing that, as necessary, State Troopers will cross regional lines to carry out their duties, the Nebraska State Patrol should designate one or more Troopers in each of their regions to be the "Regional Response Human Trafficking Officer." This Trooper could be supplemented within any region by one or more appropriately trained local law enforcement officers whose agencies volunteer them for this task.
  - Whether a Trooper or otherwise, the Regional Response Human Trafficking Officer would be the primary officer to be contacted regarding human trafficking law enforcement matters, by anyone, including, but not limited to, law enforcement or service provider agencies within the region. To provide for the contingency when the Regional Response Human Trafficking Officer is not available, each region shall designate another appropriately trained Trooper(s) or local officer(s) as the "backup(s)" to the primary response officer, and shall respond to calls on behalf of the primary response officer. A primary response officer or designated backup should be available in each region on a "24/7/365" basis.[115]

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[113] Inclusion of various of the entities/individuals referenced above includes "Victim Advocates" other than the Law Enforcement Victim Specialists, also referred to above.

[114] This could be in the form of one over-arching MOU, or a series of MOUs, or could include supplemental, particularized MOUs, as, for example, for law enforcement agencies regarding participation in joint operations. The approach should be consistent between the Regions.

[115] The significance of human trafficking victimization and cases is noted elsewhere in this Report and Recommendations. Also noted is the *necessity* of establishing *genuine trust*

- The "regional response officer(s)" shall have primary responsibility for, among other duties developed with experience:
    - Receiving more advanced training and experience regarding human trafficking.
    - Providing emergency response capability supplemental to or in the absence of response by any local officer, especially regarding identification, rescue, and first response screening regarding and assistance of victims;
    - Promoting, organizing and leading proactive operations within the region, targeting the identification and rescue of victims; and the identification, investigation and prosecution of human traffickers, and the identification, investigation and prosecution of legally culpable consumers (e.g., "johns" in sex trafficking cases);
    - Coordinating with municipalities or "unincorporated areas" within the region which cannot provide a local human trafficking response, to ensure that the entire region is covered by a human trafficking response capability.
    - Serving as a "conduit" for more complex, long-term cases to be referred to the State Human Trafficking Response Team;
    - Assisting in compiling and disseminating the lists of service providers and law enforcement officers/prosecutors designated to be available in counties or other local municipalities within the region (or beyond) to assist with human trafficking victims and cases;
    - Providing professional law enforcement advice and assistance regarding human trafficking matters;
    - Assisting in establishing an optimal working relationship between service providers and law enforcement affecting the region;
    - Helping identify training needs, and organize and present training;
    - Assisting the NHTTF Coordinator in consultation with federal law enforcement and prosecution, and local authorities, in determining which cases should be referred for State prosecution and which for Federal prosecution.[116]

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relationship between victims and this system, and among participants in this system. Someone must be available to promptly respond as needed.

[116] The earlier in the case, the better.

c. Local Human Trafficking Response Teams.[117] (Establish by March 1, 2016)

- In each county within Nebraska able to do so,[118] a Local Human Trafficking Response Team shall be established.[119]
- The Local Human Trafficking Response Teams should initially be formed and convened within each region by the "Regional Core Group," described above, and the Local Response Human Trafficking Officer, described herein. The Local Response Human Trafficking Officer should be selected in consultation with the respective County Attorney, the respective County Sheriff, Chiefs of Police within the County, and Law Enforcement Victim Specialists in or serving the County. A "Local Response Human Trafficking Victim/Survivor Services Coordinator" should be immediately identified regarding each county, and, with the Local Response Human Trafficking Officer, Regional Response Human Trafficking Officer and Regional Response Human Trafficking Victim/Survivor Services Officer, form the "core group" for that locality.
- The Local Human Trafficking Response Team should consider encouraging establishment of a local "Community Partners Coalition" to further awareness, education, identification of victims, and prevention.
- In any area within a region in which NHTTF coverage is not established, concerned people should work with the Regional Response Core Group for that region to establish NHTTF coverage.
- Local Human Trafficking Response teams should meet at least quarterly to review cases and other items regarding the establishment of the regional influence of the NHTTF, and otherwise as needed for active case work. In more active localities, the local team should meet monthly and as otherwise needed to effectively deal with active cases.

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[117] **The intent is to form voluntary local (and regional) collaborative multi-disciplinary human trafficking efforts which borrow significantly from and build substantially upon existing structures and programs such as those regarding child abuse or domestic violence, but with a particular emphasis upon human trafficking services and enforcement.** It is realized that some local service agencies and/or law enforcement agencies may not have the requisite staffing or access to multi-disciplinary resources to effectively establish a Local Human Trafficking Response Team. It is also anticipated that those circumstances are likely to occur in situations in which human trafficking may not be as prevalent as more populous areas. In those situations, the locality should work with the Regional Response Human Trafficking Core Group to establish NHTTF coverage. A victim in such an area is as valuable and entitled to help, as a victim in a major metropolitan area. A human trafficker in such an area might be as much in need of investigation and prosecution, as a human trafficker in a major metropolitan area.

[118] Further consideration is required regarding Douglas, Sarpy and Lancaster Counties, and municipalities within each of these counties.

[119] Nothing herein prevents the formation of a Human Trafficking Response Team in any municipality electing to form such a Response Team. However, this might not prove practical for many municipalities, and is not the initial recommended thrust of the NHTTF.

- Where fully established, the Local Human Trafficking Response Team should, as a minimum, include: the Local Response Human Trafficking Officer; the Local Response Human Trafficking Victim/Survivor Services Coordinator; the County Attorney/Assistant County Attorney for the respective County; a "Law Enforcement Victim Specialist" in or available to the County;[120] a representative of any Native American Tribe having a reservation which contains, is contained in, or is contiguous to the County, or which is otherwise substantially engaged in commerce with the County;[121] the Nebraska Department of Health and Human Services (especially, but not limited to emergency youth services) in or available to the County; the Child Advocacy Center in or available to the County; the SANE/SART (or other forensic nursing) program available in or to the County; the domestic violence program(s) available in or to the County (e.g., with the Coalition To End Sexual and Domestic Violence); to the extent not included in the above, mental health and substance abuse assessment and services professional(s) in or available to the County; a Survivor, especially if one resides in or about the County; and the Regional Response Human Trafficking Officer and Regional Response Human Trafficking Victim/Survivor Services Coordinator, described above.[122]
  - This does not preclude other local team members which the locality may wish to include.
  - Although not listed herein as a local team member, designated federal authorities and their contact information should be disseminated to the local authorities, to have the option of contacting said authorities as needed. The Regional Response Human Trafficking Officer could also be contacted to seek to engage federal authorities.
- Participation in the Local Human Trafficking Response Team is voluntary, but should be made official, reliable and sustainable by all Local Human Trafficking Response Team participants entering into a Memorandum of Understanding (MOU) regarding participation in the Local Human Trafficking Response Team.[123]

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[120] It has been emphasized throughout this Report and Recommendations that a Victim Specialist, or Victim Advocate, or both, should be available to a victim from as close as possible to first contact by law enforcement.

[121] The NHTTF is dedicated to including in the NHTTF law enforcement and services representation for all Native American Tribes having reservations in or having substantial commerce with Nebraska. This includes the building of sustainable relations with designated individuals for each of the Tribes which could be contacted and engaged in any particular case. This is a "work in progress."

[122] Inclusion of various of the entities/individuals referenced above includes "Victim Advocates" other than the Law Enforcement Victim Specialists, also referred to above.

[123] This could be in the form of one over-arching MOU, or a series of MOUs, or could include supplemental, particularized MOUs, as, for example, for law enforcement agencies regarding

- The form of the MOU(s) should be provided by the NHTTF Coordinator, in conjunction with the Salvation Army Human Trafficking Victim/Survivor Services Coordinator, and in consultation with the Regional Response Human Trafficking Officer, the Regional Human Trafficking Victim/Survivor Services Response Coordinator, the Local Response Human Trafficking Officer, and the Local Human Trafficking Victim/Survivor Services Response Coordinator.
- The MOUs should include the name and official contact information of the designated local participants, for publication and distribution.

- "Local Response Human Trafficking Officer."
  - Each County in which a Local Human Trafficking Response Team is fully established, should have a designated Local Response Human Trafficking Officer.[124] To provide for the contingency when the Local Response Human Trafficking Officer is not available, each locality should designate another appropriately trained officer(s) as the "backup(s)" to the primary response officer, which "backup" shall respond to calls on behalf of the primary response officer. If no "backup coverage" is available, the supervisor of the Local Response Human Trafficking Officer should make arrangements for human trafficking contacts to be referred to the Regional Response Human Trafficking Officer, or that person's designee.
  - The Local Response Human Trafficking Officer or designated backup, and the Local Response Human Trafficking Victim/Survivor Services Coordinator or designated backup, should be available in each locality on a "24/7/365" basis.[125]
  - The "local response officer(s)" shall have primary responsibility for, among other duties developed with experience:
    - Receiving basic training regarding the identification, rescue, and first response assessment and assistance of human trafficking victims, and (initiating) the investigation of a suspected human trafficker;
    - Assisting with proactive operations within the locality (and the region, as authorized by the local officer's agency) targeting the

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participation in joint operations. The approach should be consistent between localities within the region (and, as noted above, between regions).

[124] It is understood that in many, if not most situations, the locality will not designate an officer full-time to human trafficking matters; but, rather, will make a part-time designation. The importance of this recommendation is that anyone needing to reach a law enforcement officer regarding human trafficking, at any given time, will know whom to contact, and be able to do so.

[125] The significance of human trafficking victimization and cases is noted elsewhere in this Report and Recommendations. Also noted is the *necessity* of establishing *genuine trust relationship* between victims and this system, and among participants in this system. Someone must be available to promptly respond as needed.

identification and rescue of victims; and the identification, investigation and prosecution of human traffickers, and the identification, investigation and prosecution of legally culpable consumers (e.g., "johns" in sex trafficking cases);

- Promptly contacting the Regional Response Human Trafficking Officer, or that person's designee, regarding situations or cases deemed beyond the local agency;
- Assisting in disseminating and coordinating the lists of service providers and law enforcement officers/prosecutors designated to be available in or to the local municipality to assist with human trafficking victims and cases;
- Providing basic professional law enforcement advice and assistance to the local community regarding human trafficking matters;
- Assisting in establishing an optimal working relationship between service providers and law enforcement affecting the locality;
- Helping identify training needs relevant to the locality;
- Assisting the Regional Response Human Trafficking Officer and the NHTTF Coordinator in consultation with federal law enforcement and prosecution in determining which cases should be referred for State prosecution and which for Federal prosecution.[126]

7. Omaha, Lincoln, Sioux City, and Beyond

Anecdotal experience in both Omaha and Lincoln, discussions with some victim/survivor service providers in Lincoln, and preliminary research from the ongoing HTI research study demonstrate that Omaha and Lincoln constitute a single market for sex trafficking. Discussions have been held in Working Groups and separately therefrom regarding what the working relationship between law enforcement in Lincoln/Lancaster County and the Omaha Child Exploitation Task Force should be. Whether ultimately constituting one human trafficking task force or not, it is respectfully recommended that there should be a new and improved emphasis on working more closely with each other, including the preference for some joint operations. These operations should target victims and traffickers, as well as the current operations regarding "consumers." Although "consumer operations" are valuable in themselves,[127] and although leads regarding victims and/or sex traffickers might be developed from "consumer operations,"[128] proactive operations aimed at consumers do not provide the readily available opportunity to identify and rescue victims, and do not provide the ready opportunity to identify and investigate sex traffickers. Similarly, it respectfully appears there should be a closer working relationship between law enforcement and service providers in Lincoln/Lancaster County.

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[126] The earlier in the case, the better.

[127] "No 'consumers' – No sex trafficking!"

[128] If they are timely and earnestly followed by such investigation.

It is further recommended that as a "best beginning point," and adhering to the position of the Working Groups at initiation of the NHTTF, Lincoln/Lancaster County should be part of the south east Nebraska human trafficking region. This suggests some potential regional leadership responsibilities for Lincoln/Lancaster County. This alignment and the relationship of Lincoln/Lancaster County should be reviewed as the NHTTF develops.

Anecdotal experience, very limited discussion with service providers, and preliminary data from the ongoing HTI research project show that there is a distinct tie between Omaha-Lincoln-Sioux City, as a triangle of sex trafficking. It is recommended that while individual efforts in these geographic locations is established under the NHTTF, some formal ties between enforcement and service providers in these locations should be made, at least to routinely exchange data and information.

Anecdotal experience and preliminary data from the ongoing HTI research project show that there is a distinct relationship between Omaha and Nebraska in general, and other localities, especially on I-80 and I-29, in close proximity to Omaha and Nebraska in general. This also appears to be true along other significant traffic-ways, such as highway Hwy 281 in central Nebraska, and Hwy-26, in western Nebraska. (This is not to suggest that the interrelatedness of sex trafficking with areas proximate to Nebraska is limited to these other specific traffic-ways.) It is recommended that some formal relationship be established with anti-human trafficking initiatives in contiguous states and, perhaps, Minnesota, which is recognized as a regional leader in the anti-human trafficking movement, and may have other particular human trafficking connections with Nebraska, as noted above. This relationship should relate to services, enforcement, and prevention, especially regarding the discussion of human trafficking being market-driven, above.

A working relationship is being established with initiatives in Iowa, with the Iowa Attorney General's initiative,[129] with the Iowa Department of Public Safety, and with the non-profit organization, "Iowa Network Against Human Trafficking."[130] This is deemed particularly significant because of the shared population centers between Nebraska and Iowa, at Omaha and at Sioux City, and the apparent connection between these areas. In particular, it is recommended that some formal relationship be established with the human trafficking task forces in Sioux Falls, South Dakota, and the human trafficking task force in the Kansas City area (wherein there is also a regional confederation with which the United States Attorney's Office for the District of Nebraska is associated). Ultimately NHTTF should establish ties with all contiguous States, and perhaps Minnesota.

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[129] "Operation Detour: Human Trafficking and Prosecution Initiative," Iowa Attorney General's Office.

[130] The effort to connect with Iowa also includes contacts with the "Siouxland Coalition Against Human Trafficking," the "Central Iowa Services Network Against Human Trafficking," and "Braking Traffic" (Quad Cities of Iowa and Illinois).

8. Indicators

Going forward, the NHTTF should develop "indicators" and measures of "outcomes." The current Working Groups have devoted some discussion to this, and understand that this needs to be further addressed. Preliminary suggestions of "indicators" regarding the NHTTF include:

- The number and timeliness of the formation and convening of the state, regional and local human trafficking response teams, including participation by groups and disciplines recommended herein
- The development and dissemination of an effective victim/survivor assessment/screening tool, and other tools
- The content and timeliness of the development and delivery of human trafficking training (including tools)
- The development of centralized data and information collection, storage, analysis and sharing to further define the significance of human trafficking in Nebraska; to generate "cases;" and to establish "baselines" to seek "best practices" for services and enforcement, and for empirical measurement of the work of the NHTTF
- The identification and removal of barriers to effective victim/survivor services and enforcement efforts
- The number of victims/survivors encountered[131]
- The number of victims "rescued" or otherwise leaving the subjugation of human trafficking[132]
- The number of victims/survivors referred to/engaged in services
- The length of time victims/survivors remain in services
- The length of time victims remain out of subjugation to human trafficking
- The availability of needed service capacity
    - the number and significance of service programs
    - the number and significance of service personnel
    - the amount of needed funding

[131] Distinguishing throughout between "victims" and" survivors," between "adults" and "minors" (under 18 years of age), between "primary" and "secondary" victims, and between sex trafficking and labor trafficking.
[132] Defining and distinguishing between the two.

- The number of enforcement cases involving adult/minor victims
- The number of enforcement cases involving criminal activity in multiple jurisdictions
- The number of enforcement cases involving multiple human traffickers
- The number of human trafficker targets investigated/arrested/prosecuted
- The number of human trafficker convictions
- The length of human trafficker sentences
- The availability/delivery of rehabilitative services to traffickers, especially post-imprisonment
- The number of "consumers" investigated/arrested/prosecuted
- The number of "consumer" convictions
- The length of "consumer" sentences
- The availability/delivery of rehabilitative services to "consumers"

9. Needs

The Working Groups have identified certain preliminary, priority needs for substantial further attention. Among others, these include:

- The identification and removal of barriers to effective identification of victims/survivors, the delivery of services to victims/survivors, and the investigation, prosecution and other intervention regarding human traffickers and "consumers;"
- Modification of the current Nebraska victim funding system and process, including the amount of victim funding, funding of resources providing certain services to victims (e.g., hospitals), the method of accessing the system, the method of qualification of eligibility to receive victim funding;

- Preventing, identifying and effectively serving victims in foster care, institutions (for "juveniles" or adults), or who are under 18 years of age "recidivist runaways[133];"

- Effectively dealing with issues regarding victim/survivor privacy, confidentiality and privileged communication so as to serve victims/survivors, protect victim's rights, and effectively and aggressively investigate and prosecute human traffickers and "consumers;"[134]

- Development and delivery of effective targeted professional training/education and promotion of public awareness regarding human trafficking services and enforcement ("Realize, Recognize, Respond");

- Development and operation of a state-wide, integrated collection, storage, analysis and sharing system for data/intelligence/information, including reporting from victim/survivor service providers, victim advocates, and law enforcement.

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[133] The conclusion by one researcher/author regarding "child sex trafficking victims," includes:

> Working in collusion, these normative conditions of childhood and adolescence – characterized by dependency, malleability, and poor judgment – conspire against a runaway, throwaway, or deserted child by leaving them exposed and vulnerable to the deceit and manipulation of a trafficker. As indicated above, adolescence is marked by important biological and psychological development, leaving even the most "normal" adolescent susceptible to misjudgment, coercion, rash decision making, and childish naivete about relationships and the world. This almost assuredly is exacerbated among those with an abusive psychological history, frequently shared by many CSTVs [child sex trafficking victims].

Joan A. Reid and Shayne Jones, University of South Florida, "Exploited Vulnerability: Legal and Psychological Perspectives on Child Sex Trafficking Victims," Victims & Offenders, 6.21(2011): 207-231.
(This article also addresses the treatment of child sex trafficking victims by law enforcement.)

[134] It is respectfully suggested that to make the NHTTF effective, for the benefit of victims and the community, there must be a philosophical, practical, constitutional and legal balance between "victim confidentiality" and law enforcement efforts. See, Principle #4.b. IF a human trafficker is not effectively investigated and prosecuted, even if a victim of that trafficker is effectively immediately removed from subjugation, the human trafficker WILL find another victim (or later re-engage this victim), and may well act more harshly in the subsequent victimization. This topic requires further substantial legal and "best practices" examination in deference to current and "prospective" victims (and survivors) and the community in general.

Closing

Human trafficking, as sex trafficking and labor trafficking, exists in Nebraska. It is significant because it is slavery; because it often has traumatic, serious and enduring effects upon its victims/survivors, and always has that potential; because it affects minor children and adults, and females and males; because, driven by the market for it, human trafficking is experienced throughout Nebraska, from urban to rural areas; and because it appears to be increasing. Human trafficking is a serious crime and a significant social evil.

Human trafficking is a victim/survivor services and/or law enforcement issue; but, it is not only their issue. Responding to human trafficking also requires the efforts of "community partners," those more apt to encounter or be able to impact human trafficking. It also requires the efforts of the community in general. While human trafficking definitely requires intervention through services and enforcement, it also requires prevention, and cultural change – in the general community, in segmented/isolated portions of the community, and in services and enforcement.

This plan specifically addresses enforcement and services, and the essential weaving of these together. It also provides a beginning point for movement toward change to continue bringing portions of our society in line with dramatic legal changes regarding human trafficking begun in 2000 with the passage of the Federal Trafficking Victims Protection Act. The proposed Nebraska Human Trafficking Task Force (NHTTF) is intended to address victims/survivors, human traffickers, and legally culpable consumers; through services, enforcement, prevention and awareness. The NHTTF seeks to "help victims/survivors – stop traffickers – reduce the market."

As a "best beginning point," and subject to future modification, this Report and Recommendations, with the proposed Plan for the Establishment of the Nebraska Human Trafficking Task Force, is hereby submitted.

Respectfully submitted,

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