

VIRGINIA COORDINATED
RESPONSE AGAINST
**HUMAN
TRAFFICKING**



The State of Human Trafficking in Virginia

October 2019



DCJS

Virginia Department of Criminal Justice Services

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Introduction

Human trafficking is a growing problem throughout the United States. The Commonwealth of Virginia is no exception to this. According to the U.S. Department of Health and Human Services, human trafficking is “...the second largest criminal industry in the world today, and is the fastest growing...”.¹As of March 2017, current profits from human trafficking have reached an approximate \$150.2 billion per year worldwide². According to the 2019 *Trafficking in Person Report*, approximately 77% of traffickers exploit people residing in their location of residence³. Within the Commonwealth of Virginia, we have been seeing this to be true through cases that are being prosecuted as well as through anecdotal information from service providers.

The Commonwealth of Virginia has been actively taking steps to improve its response to human trafficking. Although this process takes time, there have been significant improvements made since the federal Trafficking Victims Protection Act of 2000 was implemented. This report will highlight the key legislation implemented in Virginia since 2018. It will also provide an in-depth analysis of current efforts that are being made throughout the Commonwealth.

The report entitled *Five Year Status Report: Laying the Foundation for Virginia’s Coordinated Response to Human Trafficking* by the Virginia Department of Criminal Justice Services (DCJS) is included as Attachment A in this report. This status report details key legislation from 2014-2017 as well as the coordinated efforts of the Anti-Human Trafficking Coordinating Committee.

Throughout this report, the terms “client,” “victim,” and “survivor” will be used. The term “client” refers to a person who has been exploited and is actively receiving treatment through a qualified service provider. The term “victim” refers to a person who is currently being exploited and has not yet been identified or has not started their therapeutic journey. The term “survivor” refers to a person who has been trafficked, has made significant progress in their therapeutic journey, and is no longer being exploited.

¹ U.S. Department of Health and Human Services. (2004). *Human Trafficking Fact Sheet*. Retrieved from <https://www.hsdh.org/?view&did=23329>

² May, Channing. (2017). *Transnational Crime and the Developing World*. Global Financial Integrity. Retrieved from <https://gointegrity.org/report/transnational-crime-and-the-developing-world/>

³ United States Department of State. (2019). *Trafficking in Persons Report*. Washington, DC: United States Department of State. Retrieved from www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf

Sex Trafficking Legislation in 2018

The Virginia State Crime Commission was commissioned to conduct a study concerning sex trafficking within Virginia in 2018. According to the report, *2018 Annual Report: Sex Trafficking in Virginia*, the Virginia State Crime Commission:

- Reviewed existing Virginia and federal law;
- Examined relevant literature and reports;
- Requested and analyzed arrest, charge, and conviction data from a variety of sources;
- Conducted an informal survey of directors of Court Service Unit directors;
- Attended various conferences and trainings; and,
- Consulted with practitioners, subject-matter experts, advocates, and victims.⁴

Their findings assisted in the development of 11 recommendations to the Governor and the General Assembly about changes that could be made to improve the statewide response to human trafficking. All of these recommendations were unanimously approved and bills related to these recommendations were introduced during the Regular Session of the 2019 General Assembly. The following legislation became effective on July 1, 2019:

- Senate Bill 1661 (Senator Mark J. Peake) and House Bill 2597 (Delegate Charniele L. Herring) added *Virginia Code* § 63.2-1506.1 and amended the §§ 63.2-1508 and 63.2-1517.⁵ These amendments now allow:
 - Traffickers to be recognized as caretakers when a report is sent to the Department of Social Services (DSS);
 - DSS to take emergency custody of children who are victims of sex trafficking, as needed;
 - A sex trafficking assessment must now be conducted by DSS when a juvenile sex trafficking victim is identified, unless DSS determines that an immediate investigation or family assessment is required; and,
 - Jurisdictions of the local DSS agencies are now clarified.
- House Bill 2586 (Delegate Robert B. Bell) amended the *Virginia Code* § 18.2-357.1 to authorize charging sex traffickers for each individual act of commercial sex trafficking.⁶ This same bill also made amendments to:
 - *Virginia Code* §§ 18.2-348 and 18.2-349 to increase penalties for aiding in prostitution or using a vehicle to promote prostitution when the victim is a minor;
 - *Virginia Code* §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-513, 19.2-215.1, and 19.2-392.02 to provide consistency amongst felony commercial sex trafficking offenses in the sex offender registration, violent felony offense definition, gang offenses, racketeering offenses, multi-jurisdictional grand jury, and barrier crimes statutes.
- Senate Bill 1669 (Senator Jill Holtzman Vogel) and House Bill 2576 (Delegate Paul E. Krizek) enacted the *Virginia Code* § 9.1-116.5 to create a statewide Sex Trafficking Response Coordinator position at DCJS with statutorily defined duties and responsibilities.⁷

⁴ Virginia State Crime Commission. (2018). *2018 Annual Report: Sex Trafficking in Virginia*. Retrieved from <http://vsc.virginia.gov/2019/VSCC%202018%20Annual%20Report%20-%20Sex%20Trafficking%20in%20Virginia.pdf>

⁵ 2019 Va. Acts. ch. 381 and 687.

⁶ 2019 Va. Acts ch. 617.

⁷ 2019 Va. Acts ch. 486 and 514.

- House Bill 2651 (Delegate David E. Yancey) enacted *Virginia Code* §§ 9.1-116.4, 16.1-69.48:6, and 17.1-275.13 to create the Virginia Prevention of Sex Trafficking Fund administered by DCJS to promote training, education, and awareness related to sex trafficking.⁸ The legislation requires a person convicted of certain trafficking offenses to pay a fee of \$100 in the case of a misdemeanor and \$500 in the case of a felony with these fees being deposited into the Fund.
- House Bill 2464 (Delegate Christopher E. Collins) amended the *Virginia Code* § 18.2-67.9 to allow for the court testimony of juvenile sex trafficking victims to be conducted via two-way closed circuit television under the existing rules.⁹

The relevant Acts of Assembly enacting these changes to the *Virginia Code* are included in this report as Appendices B through K.

⁸ 2019 Va. Acts ch. 728.

⁹ 2019 Va. Acts ch. 146.

Sex Trafficking Response Coordinator

In March 2019, the General Assembly passed Senate Bill 1669 (Senator Jill Holtzman Vogel) and House Bill 2576 (Delegate Paul E. Krizek) which enacted the *Virginia Code* § 9.1-116.5 to create a statewide Sex Trafficking Response Coordinator position at DCJS. The position was effective on July 1, 2019.

This position will work collaboratively with agencies and localities throughout the Commonwealth of Virginia to develop a statewide response to human trafficking. The duties of the Sex Trafficking Response Coordinator are set forth in *Virginia Code* § 9.1-116.5, which provides as follows:

- A. There is established within the Department a Sex Trafficking Response Coordinator (the Coordinator). The Coordinator shall:
1. Create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking;
 2. Coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking;
 3. Maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions;
 4. Oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution under subsection B of § 18.2-346; and
 5. Promote strategies for the education, training, and awareness of sex trafficking and for the reduction of demand for commercial sex.
- B. The Coordinator may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party or any political subdivision thereof, cooperation and assistance in the performance of its duties. The Coordinator may also consult and exchange information with local government agencies and interested stakeholders.
- C. The Coordinator shall report annually on or before October 1 to the Governor and the General Assembly. The report shall include a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth. The Department shall ensure that such report is available to the public.

DCJS hired Angella Alvernaz as the first Sex Trafficking Response Coordinator. She began in her position on August 12, 2019. Mrs. Alvernaz earned an undergraduate degree in Elementary Education with a Computer Information Systems minor from Saint Leo College in 1999. She was hired in 2002 by the Tampa Police Department where she served as a patrol officer and specialized in street-level narcotics and prostitution investigations. From 2015–2019, after moving to Virginia, she was hired as the Human Trafficking Prevention Specialist with Prince William County Public Schools. She earned her graduate degree in 2018 from George Mason University in Curriculum and Instruction with a specialization in Instructional Design and Technology. She also earned a Graduate Certificate in e-Learning concurrently with her graduate degree.

Since beginning in her position as the Sex Trafficking Response Coordinator, Mrs. Alvernaz has been meeting with the key stakeholders and task forces throughout Virginia. It is important for her to meet in person with these parties to fully understand what the needs are in each region of Virginia and how these needs can be met. She is dedicated to maintaining open lines of communication with human trafficking service providers and organizations throughout Virginia.

Virginia Prevention of Sex Trafficking Fund

The *Virginia Code* §§ 9.1-116.4, 16.1-69.48:6, and 17.1-275.13 became effective on July 1, 2019, and established the Virginia Prevention of Sex Trafficking Fund, which is funded by fees paid by persons convicted of certain trafficking offenses. This fund is administered by DCJS to promote training, education, and awareness related to sex trafficking.

Virginia Code § 9.1-116.4 provides as follows:

- A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Prevention of Sex Trafficking Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys accruing to the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purpose of promoting prevention and awareness of sex trafficking. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.
- B. The Fund shall be administered by the Department, and the Department shall adopt guidelines to make funds available to agencies of the state and local governments for the purpose of promoting awareness of and preventative training and education related to sex trafficking.

Virginia Code § 16.1-69.48:6 provides as follows:

The court shall order any person convicted of a misdemeanor violation of subsection B of § 18.2-346 or of § 18.2-348 or § 18.2-349 to pay a \$100 fee, which shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § 9.1-116.4.

Virginia Code § 17.1-275.13 provides as follows:

In addition to the fees provided for by §§ 17.1-275.1, 17.1-275.2, 17.1-275.7, 17.1-275.10, and 17.1-275.12, any person convicted of a misdemeanor violation of subsection B of § 18.2-346 or of § 18.2-348 or 18.2-349 shall be ordered to pay a \$100 fee, and any person convicted of a violation of clause (ii), (iii), or (iv) of § 18.2-48, or of § 18.2-368, or any felony violation of the laws pertaining to commercial sex trafficking or prostitution offenses pursuant to Article 3 (§ 18.2-344 et seq.) of Chapter 8, with the exception of § 18.2-361, shall be ordered to pay a \$500 fee. All fees collected pursuant to this section shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § 9.1-116.4.

The amount of money that is being collected in the Virginia Prevention of Sex Trafficking Fund will be monitored by DCJS on a quarterly basis. As of September 6, 2019, the fund has accrued \$100.00. When the fund has accrued a substantial amount of money, DCJS will establish the guidelines for using these funds appropriately based on the needs of the Commonwealth of Virginia in regard to human trafficking at that time.

Overview of Existing Challenges

Human trafficking within the Commonwealth of Virginia is a serious and ongoing issue. The actual size of this issue is currently almost impossible to quantify. There are no central reporting mechanisms within the Commonwealth for localities to report occurrences of human trafficking. The data that we do have comes from legal cases and prosecutions; however, many cases are never reported to law-enforcement. This means that many human trafficking cases are unaccounted. Some individual agencies and service providers keep statistics; however, they are only representative of the population served by that agency.

There are limited numbers of resource and service providers appropriately working with this population. The services needed to successfully support this unique and vulnerable population is difficult to provide on the scale that is needed. Qualified providers are needed to provide appropriate services along the continuum of care to include housing programs, mental health treatment programs, medical care, and job placement services. These categories are not exhaustive, but demonstrate the need for qualified and appropriate services on a multi-disciplinary level.

Human trafficking cases and victims are also challenging to the criminal justice system. Many law-enforcement agencies do not understand the nuances of conducting trafficking investigations or have the resources to do so. When these cases go through court, the system is also limited in its response because of the lack of resources. Although Virginia now has human trafficking statutes within the *Code of Virginia*, the majority of these sections address the penalties for offenders, yet trafficking victims have needs extending beyond the court room.

Juvenile trafficking victims are an even more challenging population to work with. This is due to a variety of issues including parental consent, increased confidentiality laws, a lack of emergency housing solutions, the need for specialized mental health services, and an overall lack of understanding of how to identify and respond to a juvenile trafficking victim. In extreme cases, this may result in juveniles entering the criminal justice system as the only viable solution for safe housing and as a means to guarantee that treatment is provided.

The *2018 Annual Report: Sex Trafficking in Virginia* submitted by the Virginia State Crime Commission outlined the challenges facing Virginia communities. It explains that although anti-trafficking efforts are being made, it is difficult to determine the true scope of the problem due to a lack of comprehensive data. There is confusion within localities about what role each agency plays within a trafficking investigation and there are limited resources for victim services throughout the state. The most powerful response to human trafficking lies in an organized, multi-disciplinary response.¹⁰

¹⁰ Virginia State Crime Commission. (2018). *2018 Annual Report: Sex Trafficking in Virginia*. Richmond, VA: Virginia State Crime Commission. Retrieved from <http://vscc.virginia.gov/2019/VSCC%202018%20Annual%20Report%20-%20Sex%20Trafficking%20in%20Virginia.pdf>

Statistical Overview from 2012–2019

The statistics involving human trafficking offenses are difficult to rely upon for several reasons. A few reasons include: victims may not report what is occurring, the offender may be charged with other offenses, or the trafficking may not be detected in a timely manner. In this context, it is helpful to look at an overview of the statistics that we do have.

The following table provides an overview of arrests from 2012 through 2019 from the Virginia State Police. When comparing the numbers from 2012 and 2018, there is a significant decline in the number of arrests within each division. It is difficult to determine whether this is a natural decline in arrests such, as we see in the table between 2014 and 2015, or if this could be the result of increased prevention efforts.

Number and percentage of arrests (adults and juveniles combined) for assisting or promoting prostitution, prostitution, human trafficking offenses, and commercial sex acts by Virginia State Police division, CY 2012 through June 2019

Arrest Year	Multi-jurisdiction*	Division 1	Division 2	Division 3	Division 4	Division 5	Division 6	Division 7	Total
2012	1	234	22	10	5	271	66	217	826
2013		271	23	12	5	288	30	233	862
2014	2	334	51	19	5	186	38	335	970
2015		132	56	10	9	262	15	210	694
2016		334	31	3	30	264	9	234	905
2017	8	220	28	5	7	153	32	173	626
2018		114	14	6	1	178	5	80	398
thru June 2019	4	82	8	1	0	76	6	40	217

Arrest Year	Multi-jurisdiction*	Division 1	Division 2	Division 3	Division 4	Division 5	Division 6	Division 7	Total
2012	0.1%	28%	3%	1%	1%	33%	8%	26%	100%
2013	0.0%	31%	3%	1%	1%	33%	3%	27%	100%
2014	0.2%	34%	5%	2%	1%	19%	4%	35%	100%
2015	0.0%	19%	8%	1%	1%	38%	2%	30%	100%
2016	0.0%	37%	3%	0%	3%	29%	1%	26%	100%
2017	1.3%	35%	4%	1%	1%	24%	5%	28%	100%
2018	0.0%	29%	4%	2%	0%	45%	1%	20%	100%
thru June 2019	1.8%	38%	4%	0%	0%	35%	3%	18%	100%

*Arrests from agencies with multi-jurisdictional authority, such as VAABC PD or Metro Washington Airports Authority PD

Planning for 2019

As stated in the *Virginia Code* § 9.1-116.5, the Sex Trafficking Response Coordinator will report annually to the Governor and the General Assembly with "...a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth...".

Within the next year the Sex Trafficking Response Coordinator shall:

- Collaborate with human trafficking task forces and workgroups throughout the Commonwealth of Virginia;
- Identify existing resources that are working well and can be replicated throughout the Commonwealth;
- Continue to meet with the Anti-Human Trafficking Coordinating Committee and work toward completing the remaining recommendations listed within the *Five-Year Status Report: Laying the Foundation for Virginia's Coordinated Response to Human Trafficking*;
- Identify the service areas that do not have adequate resources;
- Develop and maintain a comprehensive list of treatment and specialized services available to victims and make this available to affected agencies;
- Develop a central data reporting system for affected agencies and service providers;
- Provide technical assistance to programs and service providers, as needed.
- Collaborate with the Virginia State Crime Commission on their second year of studying sex trafficking in Virginia, as needed.
- Research effective models of "John's Schools" to inform the development of a curriculum to be completed by persons convicted of solicitation for prostitution per state code;
- Conduct statewide trainings throughout the year for a variety of audiences;
- Monitor, analyze, and recommend changes to legislation.

Conclusion

Human trafficking is a growing problem that is complex to solve. A multi-disciplinary response must be utilized in order to slow the demand, hold offenders accountable, and serve the victims in a trauma-informed way. The Commonwealth of Virginia is actively working toward a comprehensive and collaborative response. The Sex Trafficking Response Coordinator will coalesce these anti-trafficking efforts and enable the Commonwealth of Virginia to prevent and respond to the crime of sex trafficking.

Appendices

- Appendix A *Five-Year Status Report: Laying the Foundation for Virginia's Coordinated Response to Human Trafficking*
- Appendix B Virginia Acts of Assembly Chapter 486 (House Bill 2576)
- Appendix C Virginia Acts of Assembly Chapter 514 (Senate Bill 1669)
- Appendix D Virginia Acts of Assembly Chapter 728 (House Bill 2651)
- Appendix E Virginia Acts of Assembly Chapter 687 (Senate Bill 1661)
- Appendix F Virginia Acts of Assembly Chapter 381 (House Bill 2597)
- Appendix G Virginia Acts of Assembly Chapter 146 (House Bill 2464)
- Appendix H Virginia Acts of Assembly Chapter 617 (House Bill 2586)

Appendix A
Five-Year Status Report: Laying the Foundation for
Virginia's Coordinated Response to Human Trafficking

**VIRGINIA COORDINATED
RESPONSE AGAINST
HUMAN
TRAFFICKING**



**FIVE-YEAR STATUS REPORT:
Laying the Foundation for
Virginia's Coordinated
Response to
Human Trafficking**

December 2018



DCJS

Virginia Department of Criminal Justice Services

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Introduction

Human trafficking remains one of the fastest growing criminal enterprises in the world. According to the International Labour Organization, human trafficking generates \$150 billion worldwide each year.¹ In 2016, it was estimated that up to 40.3 million people were being trafficked, including 24.9 million in forced labor and 15.4 million in forced marriage.²

Efforts to address human trafficking, both globally and locally, continue to improve, and significant progress has been made. The approach is multifaceted, including legislative remedies, enhanced investigation and prosecution strategies, and funding for prevention and intervention.

Virginia's anti-trafficking efforts span more than a decade. Within the past five years, though, human trafficking has become an issue of significant public interest. This is due, in part, to more survivors of trafficking publicly sharing their stories. Additional public safety, legislative, and media interest has also inspired much of this attention.

In October 2013, former Governor Robert F. McDonnell signed Executive Directive No. 7: *Comprehensive, Coordinated State Response to the Problem of Human Trafficking*. The full text of Executive Directive No. 7 is included as Attachment A to this report. As a result of this Directive, the Virginia Anti-Human Trafficking Coordinating Committee was formed and embarked upon its work.

In December 2013, the Virginia Department of Criminal Justice Services (DCJS) published a report, *Laying the Foundation for Virginia's Coordinated Response to Human Trafficking*. Intended as an initial framework for interagency collaboration, the report became a guide for anti-trafficking efforts during the subsequent years.

This Four-Year Status Report describes the work of the Anti-Human Trafficking Coordinating Committee, its subcommittees, and additional efforts to address human trafficking. Moving forward, agencies of the Commonwealth must continue collaborating to ensure that Virginia has a strong, deliberate, and unified approach in combatting human trafficking.

¹ "ILO says forced labour generates annual profits of US\$ 150 billion," International Labour Organization, www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang--en/index.htm, (July 12, 2018)

² "Global Estimates of Modern Slavery: Forced Labour and Forced Marriage," International Labour Organization, www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm, (July 12, 2018)

Anti-Human Trafficking Coordinating Committee

In October 2013, Virginia's Anti-Human Trafficking Coordinating Committee (A-HTCC) was formed. This state agency-level committee was tasked with completing the strategies and recommendations outlined in the 2013 report, *Laying the Foundation for Virginia's Coordinated Response to Human Trafficking*.

The A-HTCC has held nine meetings since its inception, most recently on March 1, 2018. Notable accomplishments of the A-HTCC include:

- Development and adoption of a common definition of human trafficking for Virginia;
- Support for Virginia's first trafficking-specific *Code of Virginia* section in 2015;
- Anti-trafficking mirror stickers placed in all Virginia Safety Rest Areas and Welcome Centers by the Virginia Department of Transportation;
- Grant funding provided to support trafficking-specific projects under the Victims of Crime Act New Initiative Victim Assistance Grant Program (VOCA NI) through the Virginia Department of Criminal Justice Services.
- Development of a general information presentation on human trafficking to be used by all A-HTCC member agencies;
- Design and adoption of a common anti-trafficking logo to be used by all A-HTCC member agencies; and
- Links to human trafficking resource information on all A-HTCC-member agency websites.

Current membership of the A-HTCC includes representatives from the following state agencies: the Departments of Agriculture and Consumer Services, Alcoholic Beverage Control, Behavioral Health and Developmental Services, Criminal Justice Services, Education, Health, Health Professions, Labor and Industry, Professional and Occupational Regulation, Social Services, and Transportation; the Office of the Attorney General; the Virginia Employment Commission; and the Virginia State Police. A list of A-HTCC members is included as Attachment B to this report.

Additionally, in June 2014, the A-HTCC formed six subcommittees:

1. Administrative Action and Policy
2. Health and Human Services Awareness, Outreach, and Prevention
3. Industry Awareness and Outreach
4. Prosecution and Law Enforcement
5. Statistics and Data Collection
6. Victim Support

These subcommittees furthered completion of the report's strategies and recommendations. Their membership is comprised of A-HTCC members, as well as other state and local experts in the specific subcommittee topics.

The Virginia Department of Criminal Justice Services primarily staffs and coordinates the efforts of the A-HTCC.

Human Trafficking Summit and Forum

On October 3-4, 2013, the *Governor's Summit on Human Trafficking* was held in Richmond, Virginia. The Summit was coordinated by the Virginia Department of Criminal Justice Services and was the first large, statewide anti-trafficking event. The first day of the Summit included presentations and panel discussions from local, state, and national anti-trafficking experts. The second day was structured to facilitate collaboration and networking among attendees from the same regions of Virginia.

The agenda from the *2013 Governor's Summit on Human Trafficking* is included as Attachment C to this report.

The *2015 Virginia Forum on Human Trafficking* was held on Wednesday, October 14, 2015, in Williamsburg, Virginia. The Forum was coordinated by the Virginia Department of Criminal Justice Services and featured local, state, and national anti-trafficking experts. Topics included current trafficking trends in Virginia, and local anti-trafficking efforts were highlighted. Representatives from the Virginia Anti-Human Trafficking Coordinating Committee also presented on its work and accomplishments to-date.

The agenda from the *2015 Virginia Forum on Human Trafficking* is included as Attachment D to this report.

Victims of Crime Act Funding

The federal Crime Victims Fund (“Fund”) was established by the Victims of Crime Act (VOCA) of 1984 and is one of the major funding sources for victim services throughout the United States. The Virginia Department of Criminal Justice Services is the designated VOCA Fund administrator for Virginia. DCJS uses VOCA funding to support direct service delivery, training, and technical assistance through local child abuse service programs, domestic violence programs, sexual assault crisis centers, victim/witness programs, and other victim-serving organizations. Revenues are deposited into the Fund annually from criminal fines, forfeited appearance bonds, penalties, special forfeitures, special assessments, and gifts, donations, and bequests by private parties. Fund dollars do not come from taxpayers.

Beginning in 2000, the U.S. Congress placed a cap on funds available for distribution. These annual caps were intended to maintain the Fund as a stable source of support for future services; however, in recent years annual deposits to the Fund have soared. Due to significant unmet needs of crime victims across the country and the substantial and growing balance in the Fund, Congress adjusted the Fund cap as part of the Appropriations Act of 2015. Specifically, a provision of this Act raised the Fund cap from \$745 million to \$2.361 billion, an increase of 3.5 times. This was an unprecedented increase in the cap amount, which resulted in significant increases to state funding allocations.

In August 2015, Virginia received its federal fiscal year 2015 VOCA Fund allocation totaling \$50,330,687. This was more than four times as much as Virginia received in 2014 when the award totaled \$11,561,072. As a result of the increased funding, DCJS was able to fund approximately 60 brand new victim services projects, of which several have an anti-trafficking focus. Select projects are highlighted below. See also Strategy 3.1-1 for additional anti-trafficking projects.

Gray Haven (Greater Richmond Area)

Gray Haven provides case management and mental health services to all victims of human trafficking including: foreign national and domestic, adult and minor, male and female, and transgender victims of labor and sex trafficking. Gray Haven’s office is physically located in the City of Richmond; however, their service area includes the Greater Richmond Area. VOCA funding allowed Gray Haven to expand its service area to include cities and counties as far north as Ashland, as far west as Charlottesville, and as far south as Petersburg. The primary goal of the funded project is to increase access to, and enhance the provision of, trauma-informed, evidence-based, and culturally appropriate direct services for victims of human trafficking.

Safe Harbor (Henrico)

Safe Harbor established the Central Virginia Emergency Shelter for Human Trafficking Victims (HT Shelter). This is the first shelter of its kind in Central Virginia, and it serves as a lifesaver for adult female victims of human trafficking. Within the HT Shelter, staff provide shelter, counseling, safety planning, and case management in a single location. HT Shelter staff assists victims in addressing legal, medical, and emotional support needs. Victims receive assistance in learning life skills, gaining meaningful employment, completing their education, and securing safe affordable housing. The ultimate goal of the funded project is to help victims of trafficking to live independent and happy lives.

Samaritan House (Virginia Beach)

Through this regional project, victims of human trafficking are provided emergency shelter and comprehensive case management services. Victims are able to access additional resources from a greater number of providers working together to partner with federal and local law enforcement officials. These services are available specifically for victims that have been trafficked, without regard to the victim's age, religion, race or ethnicity, cultural or social background, sexual orientation, or gender identity. Support services are victim-centered, trauma-informed, and tailored to the individual needs of each person. Services also include accompaniment and transportation to court, legal appointments, immediate medical appointments, mental health appointments, and assistance with searches for employment and long-term housing options.

Five-Year Status Report:

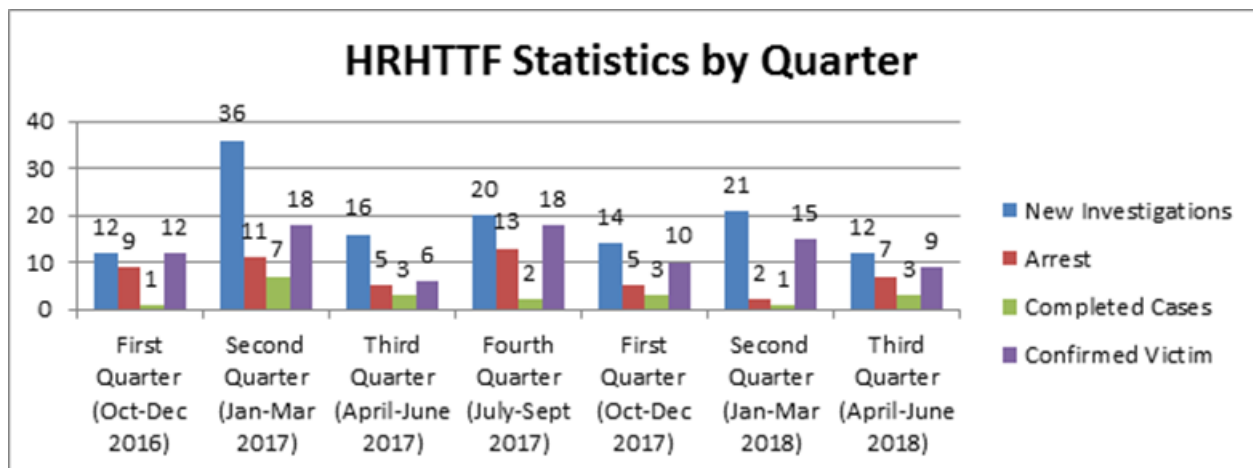
Virginia’s Anti-Trafficking Task Forces

Hampton Roads Human Trafficking Task Force

In 2016, the Office of the Attorney General of Virginia (OAG) received \$709,000 as part of a \$1.4 million federal grant, in conjunction with Samaritan House in Virginia Beach, to establish and operate a Human Trafficking Task Force in Hampton Roads. The Hampton Roads Human Trafficking Task Force works in conjunction with state, local, and federal law enforcement partners and victim support service providers. The Task Force is comprised of five local police departments and prosecutors’ offices (Chesapeake, Hampton, Newport News, Norfolk, and Virginia Beach), Virginia State Police, U.S. Homeland Security Investigations, U.S. Attorney’s Office, and Samaritan House. In 2018, the City of Portsmouth joined the Task Force.

The Task Force has created a law enforcement and prosecution committee to collaborate on investigations and review cases as needed; a victim services committee to create wrap-around services for victims of human trafficking and to identify and find solutions to gaps in victim services; an outreach committee to provide resources and awareness to the community through events, trainings, and networking; and an executive committee for Task Force decision making. The outreach committee is working with local community colleges and universities to spread awareness on campuses, and with local schools to educate school boards, parent-teacher associations, teachers, staff, and students on what human trafficking is, how to identify possible trafficking victims, and how to report it. The outreach committee also provides training and awareness for churches, community events, and law enforcement. The Task Force is also providing training on identifying human trafficking victims to airlines and Transportation Security Administration staff at the local Hampton Roads airports.

Since the grant started, Samaritan House has provided assistance to 60 victims of sex and/or labor trafficking. Law enforcement statistics for the Task Force since October 2016 are provided below.



Northern Virginia Human Trafficking Task Force

In 2014, the Northern Virginia Human Trafficking Task Force (NVTF) received federal grant funding to support anti-trafficking efforts. Leading the project was the Fairfax County Police Department. In addition to the full NVTF, the task force also had subcommittees focusing on law enforcement responses, victim services, and community outreach. Once the grant ended, the NVTF shifted to a more multidisciplinary team model. The focus remains on the law enforcement response and on victim services. The NVTF is now led by the U.S. Attorney's Office for the Eastern District of Virginia.

Richmond Regional Human Trafficking Collaborative

This collaborative effort was launched by the Chesterfield County and Henrico County Commonwealth's Attorneys, Victim Witness, and Police, as well as Safe Harbor and the Bon Secours Richmond Health System. The Human Trafficking Collaborative is a partnership of regional law enforcement, prosecuting attorneys, victim witness, forensic nurses, child advocacy center, and shelter representatives to benefit Central Virginia by addressing human trafficking. All partnering agencies gather monthly for actionable data-sharing and exchange of best practices.

The primary mission of the collaborative is to facilitate interdisciplinary education, dissemination, and community partnerships related to human trafficking. Through these activities, the collaboration aims to increase awareness and reduce the incidence of human trafficking in the region, improve the law enforcement, healthcare, and judicial system responses to trafficking and exploitation, evaluate intervention practices, and promote evidence-based prevention efforts to reduce risks for being trafficked or exploited.

Western Virginia Human Trafficking Task Force

The Western Virginia Human Trafficking Task Force (WVTF) is led by the U.S. Attorney's Office for the Western District of Virginia. The primary focus of the WVTF is awareness, outreach, and training. Several trainings have been conducted regionally on topics including services for trafficking victims and recognizing and responding to trafficking.

Human Trafficking-Related Legislative Changes 2014–2017

2014

In 2014, Senate Bill 654 modified *Code of Virginia* § 9.1-102, related to the powers and duties of the Virginia Department of Criminal Justice Services (DCJS). Specifically, the legislation directed DCJS to “publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses.”

On November 13, 2014, DCJS published the “Model Policy on Human Trafficking” for Virginia law enforcement agencies in accordance with this legislation. The Policy defines labor trafficking, sex trafficking, force, fraud, and coercion. It lists possible indicators that someone may be a victim of human trafficking, as well as incident response protocols. The Policy also includes a list of victim assistance resources.

2015

In 2015, Virginia’s first trafficking-specific legislation was passed by the Virginia General Assembly. House Bill 1964 and Senate Bill 1188 created a new *Code of Virginia* section (18.2-357.1), added new felonies for commercial sex trafficking, and modified two other Code sections on receiving money related to sex trafficking. The full *Code of Virginia* text of § 18.2-357.1 (Commercial sex trafficking; penalties) is included as Attachment E to this report.

2016

In 2016, the *Code of Virginia* definition of “abused or neglected child” was modified to include any child:

*who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.*³

As a result, the Virginia Department of Social Services (VDSS) revised Chapter C, Child Protective Services, of the VDSS Child and Family Services Manual to include this new definition. Modifications were also made to VDSS Administrative Code at:

- 22VAC40-705-10. Definitions.
*"Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act as defined in § 18.2-357.1 of the Code of Virginia.*⁴
- 22VAC40-705-30. Types of Abuse and Neglect.
*Sexual abuse occurs when the child's caretaker commits or allows to be committed any act of sexual exploitation, including sex trafficking as defined in 22VAC40-705-10, or any sexual act upon a child in violation of the law.*⁵

³ *Code of Virginia* § 63.2-100, subsection 7.

⁴ Administrative Code, 22VAC40-705-10.

⁵ Administrative Code, 22VAC40-705-30.

2017

In 2017, House Bill 2282 was passed by the Virginia General Assembly. It directed the Virginia Board of Education to “develop guidelines for training school counselors, school nurses, and other relevant school staff on the prevention of trafficking of children.” In response, a document titled *Guidelines for Training on the Prevention of Trafficking of Children* was developed.

House Bill 2217 proposed changes to Virginia’s Address Confidentiality Program (ACP). Managed by staff of the Office of the Attorney General of Virginia, the ACP is a confidential mail-forwarding service for victims who have recently relocated to a location unknown to the abusive party. The goal of the ACP is to help participants keep their new address confidential. Prior to 2017, the ACP was available only to victims of domestic violence and stalking. House Bill 2217 provided additional eligibility for the ACP to victims of sexual violence and human trafficking.

Status Report on Recommendations and Strategies

The recommendations contained within the 2013 *Laying the Foundation for Virginia's Coordinated Response to Human Trafficking* report fall under five categories as outlined below. The 11 recommendations contain an additional one to eight strategies each, for a total of 39 strategies. A status report for each strategy is provided.

Category 1: General

Recommendation 1.1: Coordinate anti-human trafficking activities occurring at the state-level.

Recommendation 1.2: Produce statistics on human trafficking in Virginia.

Category 2: Prevention

Recommendation 2.1: Increase awareness of resources available for runaways and other potential victims.

Recommendation 2.2: Reduce the risk of youth becoming involved in human trafficking by educating them on the subject and dangerous activities that can lead to victimization.

Category 3: Services to Victims of Human Trafficking

Recommendation 3.1: Increase funding and/or grant opportunities for services for victims of human trafficking.

Recommendation 3.2: Ensure that victims of human trafficking receive necessary and appropriate services.

Category 4: Policy and Law

Recommendation 4.1: Ensure that victims of human trafficking are properly identified and provided assistance.

Recommendation 4.2: Ensure that victims are treated fairly.

Category 5: Awareness and Training

Recommendation 5.1: Increase awareness of human trafficking throughout Virginia.

Recommendation 5.2: Increase the understanding of human trafficking among select professional groups and equip them to identify, investigate, and prosecute cases.

Recommendation 5.3: Increase the understanding of human trafficking among select professional groups and equip them to identify victims and serve them appropriately.

A NOTE ON THE STATUS CATEGORIES

Each strategy is categorized as one of three status updates. The three categories and their definitions are:

1. **COMPLETED**

All aspects of this strategy have been implemented and/or completed.

2. **ONGOING**

This strategy is being implemented; however, it must be periodically updated or completed on an ongoing basis. For example, a strategy that includes training may need to be provided quarterly to new staff.

3. **IN-PROGRESS**

The Anti-Human Trafficking Coordinating Committee and/or one of its subcommittees are still in the process of implementing and/or completing this strategy.

CATEGORY 1: GENERAL

Recommendation 1.1: Coordinate anti-human trafficking activities occurring at the state-level.

Strategy 1.1-1

Status: COMPLETED

Original Report Language:

<p>Strategy 1.1-1:</p> <p>Broaden the availability of information and materials related to human trafficking and anti-trafficking efforts for constituents via specific Virginia agency websites.</p> <p><i>Specific state agencies will include information on human trafficking and materials, and/or links to materials and resources relevant to the specific agency's constituents. Pages should also link to the other state agencies with web pages on the topic and include any common logo or definition. Agencies include: Dept. of Criminal Justice Services; Dept. of Education; Dept. of Social Services; Virginia State Police; Dept. of Health; Dept. of Health Professions; Dept. of Agriculture and Consumer Services; Dept. of Alcohol Beverage Control; Dept. of Labor and Industry; Dept. of Professional and Occupational Regulation; Dept. of Transportation. Other agencies, including the Office of the Attorney General, may also include links/information.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - Governor's Directive to specific state agencies - No added fiscal impact
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Status Report:

During 2014, all state agencies listed in the text of this strategy added human trafficking-specific links or resources to their websites. Many included constituent-specific materials and other relevant information. As of this publication, these website links and resources continue to be maintained.

Strategy 1.1-2

Status: COMPLETED

Original Report Language:

<p>Strategy 1.1-2:</p> <p>Adopt a common logo to be used by all state agencies on agency web pages and published materials related to human trafficking and anti-human trafficking efforts.</p> <p><i>This will provide a visible tag to make materials readily identifiable with Virginia's anti-human trafficking efforts. The use of this across agencies indicates a coordinated and state-wide approach.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - Governor's announcement at 2013 Governor's Summit on Human Trafficking - No added fiscal impact
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Status Report:

At the 2013 Governor's Summit on Human Trafficking, a new anti-trafficking logo for Virginia was revealed. Members of the Anti-Human Trafficking Coordinating Committee decided to adopt this logo and use it for all anti-trafficking efforts.



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Laying the Foundation for Virginia's Coordinated Response to Human Trafficking

In addition, the Virginia Department of Criminal Justice Services produced several other informational materials for use by members of the Anti-Human Trafficking Coordinating Committee:

- Business cards with contact information for the National Human Trafficking Hotline and the U.S. Department of Justice Trafficking in Persons and Worker Exploitation Task Force Complaint Line
- Business card-size magnets with contact information for the National Human Trafficking Hotline and the U.S. Department of Justice Trafficking in Persons and Worker Exploitation Task Force Complaint Line
- Two portable, floor-standing displays for use at conferences, trainings, and other events

Images of these materials are included as Attachment F to this report.

Strategy 1.1-3

Status: COMPLETED

Original Report Language:

<p>Strategy 1.1-3:</p> <p>Adopt a common general definition/description of human trafficking to be used by all state agencies in published materials (including web pages) and trainings as related to human trafficking and anti-human trafficking efforts. A more specific definition will be used as appropriate by state agencies for grant applications, trainings, and other efforts demanding an expanded definition. [Said definition(s) will be modified to comply with changes to state and/or federal law as needed.]</p> <p><i>A coordinated approach should be rooted in a common definition/description. As a definition/description is not stated in Virginia Code, one should be adopted that is used by all agencies/entities. Even slight variations that may be posted by agencies signal a lack of coordination and lack of agreement on the issue. Though agencies/entities may add information explaining the issue, there should be a base definition/description.</i></p> <p><i>Common general definition: Human trafficking is when people profit from the control and exploitation of others. There are two types of human trafficking: sex trafficking and labor trafficking. It occurs within and across U.S. borders, victimizing both U.S. citizens and non-citizens, both children and adults, both men and women.</i></p> <p><i>Specific definition: in development; will incorporate elements as needed to potentially comply with federal law.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - Governor’s announcement - No added fiscal impact
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Status Report:

In 2013, members of the Anti-Human Trafficking Coordinating Committee adopted the common definition/description of human trafficking as suggested in the strategy. The definition is:

Human trafficking is when people profit from the control and exploitation of others. There are two types of human trafficking: sex trafficking and labor trafficking. Human trafficking occurs within and across U.S. borders, victimizing both U.S. citizens and non-citizens, both children and adults, both men and women.

Strategy 1.1-4

Status: COMPLETED

Original Report Language:

<p>Strategy 1.1-4: Establish the Virginia Anti-Human Trafficking Coordinating Committee, under multiple Secretariats, to coordinate state-level anti-human trafficking efforts.</p> <p><i>The Virginia Anti-Human Trafficking Coordinating Committee will meet on an ongoing basis to share information, provide updates on anti-human trafficking efforts, and work on joint projects aimed at combating and responding to human trafficking in Virginia (including short and long-term strategies identified by this plan). Members will include designated points of contact from specified state agencies. Sub-committees may be used and other state or federal agencies, or non-governmental organizations, may be included as needed for specific discussions. Specified state agencies include: the Departments of Criminal Justice Services, State Police, Education, Social Services, Health, Health Professions, Agriculture and Consumer Services, Alcohol Beverage Control, Labor and Industry, Professional and Occupational Regulation, Transportation, Virginia Employment Commission, Behavioral Health and Developmental Services, and the Office of the Attorney General.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - Governor’s Directive and/or Appropriations Act language - No added fiscal impact
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Status Report:

The Virginia Anti-Human Trafficking Coordinating Committee (A-HTCC) was formed in 2013 by former Governor Robert F. McDonnell through Executive Directive No. 7: *Comprehensive, Coordinated State Response to the Problem of Human Trafficking*. Specifically related to this strategy, it directed:

The Secretary of Public Safety, in collaboration with other Cabinet Secretaries convene an Anti-Human Trafficking Coordinating Committee composed of representatives of: the Departments of Criminal Justice Services, State Police, Education, Social Services, Health, Health Professions, Agriculture and Consumer Services, Alcoholic Beverage Control, Behavioral Health and Developmental Services; Professional and Occupational Regulation; Transportation; and the Virginia Employment Commission, with an invitation extended to the Office of the Attorney General.

The Anti-Human Trafficking Coordinating Committee shall meet regularly to review and coordinate the agencies’ work to implement the recommendations in “Laying the Foundation for Virginia’s Coordinated Response to Human Trafficking,” and to identify additional actions and strategies to further strengthen the Commonwealth’s responses to human trafficking.

The first meeting of the A-HTCC was held on November 21, 2013.

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Strategy 1.1-5

Status: COMPLETED

Original Report Language:

<p>Strategy 1.1-5: Designate at least one person in specific state agencies to serve as the primary point of contact on matters related to human trafficking and to participate on the Virginia Anti-Human Trafficking Coordinating Committee.</p> <p><i>Agencies include: the Departments of Criminal Justice Services, State Police, Education, Social Services, Health, Health Professions, Agriculture and Consumer Services, Alcohol Beverage Control, Labor and Industry, Professional and Occupational Regulation, Transportation, Virginia Employment Commission, Behavioral Health and Developmental Services, and the Office of the Attorney General.</i></p>	<ul style="list-style-type: none">- Immediate implementation- Governor’s Directive and other based on determination in strategy 1.1-4- No added fiscal impact
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Status Report:

At the first meeting of the Anti-Human Trafficking Coordinating Committee, all of the agencies listed in the text of this strategy designated at least one staff member to be the primary agency contact and to participate on the Committee. Many of the same designees have remained on the Committee throughout the years.

CATEGORY 1: GENERAL

Recommendation 1.2: Produce statistics on human trafficking in Virginia.

Strategy 1.2-1

Status: IN-PROGRESS

Original Report Language:

Strategy 1.2-1: Convene a committee of state agencies (DCJS, OAG), state and local police, prosecutors, and law makers and identify a process, and any related fiscal impact, for collecting data on the number and types of human trafficking-related investigations and prosecutions in Virginia (Federal prosecutors may also be included). Priority should be given to options that can be used without significant and on-going financial commitments. Recommendations and possible longer-term implementation strategies are to be presented to the Secretary of Public Safety.	- Short term implementation (1-4 yrs) - No legislation needed for this specific strategy; use Coordinating Committee to initiate and identify lead agency; some possible fiscal impact if additional resources needed
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Statistics and Data Collection Subcommittee.

The collection of accurate statistics and prevalence data on human trafficking remains challenging for states and at a national level. According to Polaris, the anti-trafficking organization that operates the National Human Trafficking Hotline, there “is no official estimate of the total number of human trafficking victims in the U.S. Polaris estimates that the total number of victims nationally reaches into the hundreds of thousands when estimates of both adults and minors and sex trafficking and labor trafficking are aggregated.”⁶

A 2017 report on global estimates of trafficking states that there were 5.4 victims of human trafficking for every thousand people in the world in 2016. There were 5.9 adult victims of human trafficking for every 1,000 adults in the world and 4.4 child victims for every 1,000 children in the world.⁷

The Virginia State Police (VSP) continues to lead efforts in improving statewide data collection on the number and types of human trafficking-related investigations and prosecutions in Virginia. In 2013, the Northern Virginia Regional Intelligence Center and the Virginia Fusion Center completed a Human Trafficking Joint Assessment (report released November 20, 2013). Conducted over a three-month period, the Assessment surveyed all law enforcement agencies in Virginia through an online survey tool. Agencies were asked to provide data from the previous 24 months, and the survey received 217 responses. Of the responses, 162 reported data related to sex trafficking, and 19 reported data related to labor trafficking. Commercial sex trafficking was reported as the most prevalent activity. The highest amounts of trafficking activity were reported in the Hampton Roads, Richmond, and Northern Virginia regions. Gangs were reported to be involved primarily in sex trafficking. Reporting on labor trafficking was low, though of the data included, most involved domestic servitude.

In 2014–2015, the VSP led the Statistics and Data Collection Subcommittee of the Anti-Human Trafficking Coordinating Committee to study different avenues for reporting. The group discussed several methods, including Excel Spreadsheets, Phone and Online Surveys, Automated Intelligence Systems, and Internal Databases. In addition, the group considered use of crime reporting through the National Incident-Based Reporting System (NIBRS) to the Federal Bureau of Investigation (FBI). If NIBRS were to be used to obtain data,

⁶ Polaris. (n.d.). Retrieved from <https://polarisproject.org/human-trafficking/facts>

⁷ *Global estimates of modern slavery: Forced labour and forced marriage*. International Labour Office (ILO), Geneva, 2017

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the group anticipated that modification to the system would likely be needed, resulting in potentially significant fiscal impact.

Additional options for statistics and data collection continue to be explored.

Strategy 1.2-2

Status: IN-PROGRESS

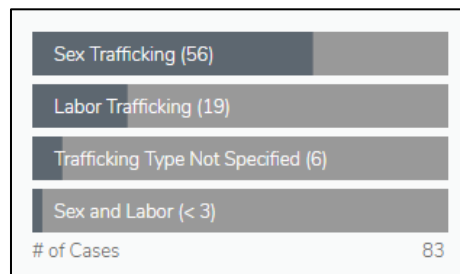
Original Report Language:

<p>Strategy 1.2-2: Explore options for documenting the number of identified human trafficking victims statewide, such as using the national human trafficking hotline, reporting by law enforcement, reporting by victim services providers, and/or using or modifying the existing Virginia Sexual and Domestic Violence Action Alliance VAdata system. Recommendations and possible longer-term implementation strategies are to be presented to the Secretary of Public Safety and the Secretary of Health and Human Services.</p>	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - No legislation needed for this specific strategy; use Coordinating Committee to initiate and identify lead agency; some possible fiscal impact if additional resources needed
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Statistics and Data Collection Subcommittee.

As previously noted, the collection of accurate statistics and data on human trafficking is an ongoing challenge. Virginia has relied on data from the National Human Trafficking Hotline (NHTH) to obtain a snapshot of trafficking occurrence in the Commonwealth. In the first six months of 2017, the NHTH received 260 calls from Virginia, with 83 human trafficking cases reported. The types of trafficking in these cases are shown in the table to the right.⁸



Anecdotal accounts from law enforcement, prosecutors, and victim advocates have also provided a snapshot of trafficking in Virginia. In one case, a 22-year-old man from Alexandria, Virginia was sentenced in federal court for his role in a gang-run juvenile prostitution ring. According to the U.S. Attorney’s Office of the Eastern District of Virginia, the defendant became involved in juvenile sex trafficking through his membership in the MS-13 gang. Once they were lured in, the girls were forced into prostitution through violence and drugs. The girls were from wealthy neighborhoods in Northern Virginia and most lived at home with their parents.⁹

In another case, an Arlington, Virginia resident pleaded guilty to Conspiracy to Commit Sex Trafficking by Force, Fraud, and Coercion. The defendant admitted that from May 2011 through July 2013, she was the leader of a venture that prostituted women, including undocumented foreign nationals, at various hotels and motels in Northern Virginia. She coerced some of the women to prostitute by claiming that she had ties to U.S. immigration agencies and that she could have the victims removed from the United States if they refused. She coerced other women by claiming that she had ties with local law enforcement agencies and that the victims would be arrested if they did not perform commercial sex acts. One victim incurred a debt to the defendant who used a form of debt bondage to induce this victim to perform sex acts. The defendant also claimed to be

⁸ National Human Trafficking Hotline. (2017). Retrieved from <https://humantraffickinghotline.org/state/virginia>

⁹ United States Attorney’s Office, Eastern District of Virginia, Press Release, March 29, 2012

affiliated with a criminal street gang and implicitly threatened victims with harm if they failed to comply with her demands.¹⁰

Additional options for statistics and data collection continue to be explored.

¹⁰ United States Attorney's Office, Eastern District of Virginia, Press Release, November 19, 2013

CATEGORY 2: PREVENTION

Recommendation 2.1: Increase awareness of resources available for runaways and other potential victims.

Strategy 2.1-1

Status: ONGOING

Original Report Language:

<p>Strategy 2.1-1: Post notices regarding the National Runaway Safeline in state parks, state-run highway rest areas and visitor centers, and DMV offices. <i>Posters are available at no cost from the National Runaway Safeline, which is a federally-supported national training and technical assistance center. If available, obtain posters in multiple languages.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - Governor’s Directive to specific state agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned portions of this strategy to the Administrative Action and Policy Subcommittee.

In 2014 and 2015, the Virginia Department of Transportation (VDOT) worked closely with the Office of the Attorney General and the Virginia Department of Criminal Justice Services to design, print, and distribute mirror stickers to be placed in all Virginia Safety Rest Areas (SRAs) and Welcome Centers (WCs). VDOT placed these stickers on approximately 150 mirrors in 41 facilities.

On an ongoing basis, VDOT continues to monitor the facilities and replace damaged or missing stickers.

The Department of Conservation and Recreation continues to explore ways to post and maintain notices in all state parks. The Department of Motor Vehicles continues to explore ways to post and maintain notices in all of their office locations.

Strategy 2.1-2

Status: ONGOING

Original Report Language:

<p>Strategy 2.1-2: Post notices regarding the National Human Trafficking Hotline in state parks, state-run highway rest areas and visitor centers, VEC offices, and DMV offices. <i>Posters are available at no cost from the National Human Trafficking Resource Center, which is a federally-supported national training and technical assistance center. If available, obtain posters in multiple languages.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - Governor’s Directive to specific state agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned portions of this strategy to the Administrative Action and Policy Subcommittee.

As noted previously, the Virginia Department of Transportation (VDOT) worked closely with the Office of the Attorney General and the Virginia Department of Criminal Justice Services to design, print, and distribute mirror stickers to be placed in all Virginia Safety Rest Areas (SRAs) and Welcome Centers (WCs). VDOT placed these

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stickers on approximately 150 mirrors in 41 facilities. On an ongoing basis, VDOT continues to monitor the facilities and replace damaged or missing stickers.

Images of the mirror stickers are included as Attachment G to this report.

The Department of Conservation and Recreation continues to explore ways to post and maintain notices in all state parks. The Department of Motor Vehicles and the Virginia Employment Commission continue to explore ways to post and maintain notices in all of their office locations.

Strategy 2.1-3

Status: COMPLETED

Original Report Language:

<p>Strategy 2.1-3: Examine areas of public access in state agencies to determine whether posting notices regarding the National Runaway Safeline and/or the National Human Trafficking Hotline would provide useful information to their subject public; and if so, post such notices.</p> <p><i>Posters are available at no cost from the National Runaway Safeline and the National Human Trafficking Resource Center, which are federally-supported national training and technical assistance centers. If available, obtain posters in multiple languages.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - Governor’s Directive to all agencies - No added fiscal impact
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Status Report:

During 2013–2014, all member agencies of the Anti-Human Trafficking Coordinating Committee examined their respective areas of public access and posted notices regarding the National Runaway Safeline and the National Human Trafficking Hotline.

Strategy 2.1-4

Status: ONGOING

Original Report Language:

<p>Strategy 2.1-4: Provide information/links to the National Runaway Safeline, the National Human Trafficking Hotline, and related free resources to relevant constituent groups as part of anti-human trafficking awareness and training efforts by state agencies.</p> <p><i>Posters are available at no cost from the National Runaway Safeline and the National Human Trafficking Resource Center, which are federally-supported national training and technical assistance centers. If available, obtain posters in multiple languages.</i></p> <p><i>Primary Targets:</i></p> <ol style="list-style-type: none"> a. Schools (k-12) b. Local park/recreation facilities [may need distribution source] c. Local social service offices d. Local health department offices e. Local libraries [may need distribution source] f. Post secondary education facilities/campuses 	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies. - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned portions of this strategy to the Administrative Action and Policy Subcommittee and the Health and Human Services Awareness, Outreach, and Prevention Subcommittee.

The general information presentation adopted by the Anti-Human Trafficking Coordinating Committee (see *strategy 5.1-1*) contains information on the National Runaway Safeline and the National Human Trafficking Hotline. In addition, the presentation can be modified to include additional resources relevant to a specific constituency or audience.

Within specific organizations, the implementation of this strategy involves multiple agencies and various approaches.

Regarding **K-12 schools**, the Virginia Department of Education (DOE) leads anti-trafficking efforts. The DOE website contains detailed information on human trafficking, as well as links to numerous resources for educators. In 2017, House Bill 2282 was passed by the Virginia General Assembly. It directed the Board of Education to “develop guidelines for training school counselors, school nurses, and other relevant school staff on the prevention of trafficking of children.”¹¹ In response, a document titled *Guidelines for Training on the Prevention of Trafficking of Children* was developed.

Regarding **local park/recreation facilities**, the Action and Policy Subcommittee explored various options for distribution sources. Contact was made with the Virginia Recreation and Park Society; however, a plan for distribution was never developed. Due to the large number of local facilities, a widespread distribution plan was deemed to be unfeasible. Instead, members of the Anti-Human Trafficking Coordinating Committee were asked to engage local park/recreation facilities as practicable when conducting outreach and public education efforts. Virginia’s Crime Prevention Specialists were also asked to provide information to local park/recreation facilities, as applicable.

Regarding **local social service offices**, the Virginia Department of Social Services (VDSS) leads anti-trafficking efforts. Notably, VDSS developed an eLearning module, *Identifying Sex Trafficking in Child Welfare (CWSE4000)*. The purpose of this training is “to inform local departments of social services staff and community partners within the Commonwealth of Virginia on the impact of human trafficking – notably commercial sex trafficking – on our vulnerable youth in foster care, runaways, and others experiencing abuse or neglect or other family dysfunction in their homes.”¹² The VDSS website and this training module contain detailed information on human trafficking, as well as links to the National Runaway Safeline, the National Human Trafficking Hotline, and numerous other resources.

Regarding **local health department offices**, the Virginia Department of Health (VDH) leads anti-trafficking efforts. In their family planning clinics, VDH staff includes questions in the health history for each family planning visit that are related to sexual, emotional, and physical abuse. If there is a positive response, health district staff refers to and follows the Polaris Project Medical Assessment and Referral Tool.

Regarding **local libraries**, the Action and Policy Subcommittee explored various options for distribution sources. As with local park/recreation facilities, there are a large number of local libraries, and a widespread distribution plan was deemed to be unfeasible. Instead, members of the Anti-Human Trafficking Coordinating Committee were asked to engage local libraries as practicable when conducting outreach and public education efforts. Virginia’s Crime Prevention Specialists were also asked to provide information to local libraries, as applicable.

¹¹ HB2282; 2017 Acts of Assembly, Chapter 514.

¹² Virginia Department of Social Services. (n.d.). Retrieved from www.dss.virginia.gov/family/fc/story.html

Regarding **post-secondary education facilities/campuses**, a variety of agencies are working to ensure that all students, staff, and faculty have access to anti-trafficking resources. Agencies involved in this effort include the Office of the Attorney General, the State Council of Higher Education for Virginia, the Virginia Department of Criminal Justice Services, and others.

As previously noted, the Action and Policy Subcommittee also sought the assistance of Virginia’s Crime Prevention Specialists to provide/distribute anti-trafficking information in places that members of the Anti-Human Trafficking Coordinating Committee may not reach. Crime Prevention Specialists are sworn and non-sworn staff of law enforcement agencies, colleges, universities, and criminal justice agencies. Their duties include sharing personal safety and security information with the community in an effort to educate, heighten awareness, and provide opportunity-reduction techniques. In addition, the Specialists serve their communities through educating both internal and external government and private groups with methods proven to reduce or prevent criminal activity. Virginia maintains over 500 Crime Prevention Specialists occupying positions at the executive through non-sworn level, and in small towns through large cities. Specialists are often the first contact when a crime trend is identified, have a quick dissemination network to share proactive information, and are more connected to the community than any other unit within the law enforcement agency.

Specifically related to this strategy, the Crime Prevention Specialists were asked to distribute posters or provide other resource information to any places frequented by youth in their communities. The Specialists were also asked to provide information to adults through Neighborhood Watch Programs, homeowners associations, and other community forums.

Strategy 2.1-5

Status: ONGOING

Original Report Language:

<p>Strategy 2.1-5: Develop and implement a plan to distribute information/links to the National Runaway Safeline and the National Human Trafficking Hotline to non-governmental entities such as RV parks/campgrounds, malls, movie theaters, public transit sites/stops, and other sites that may be frequented by youth. Include any fiscal impact if so identified.</p> <p><i>Posters are available at no cost from the National Runaway Safeline and the National Human Trafficking Resource Center, which are federally-supported national training and technical assistance centers. If available, obtain posters in multiple languages.</i></p>	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies. - No added fiscal impact
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Status Report:

As with strategy 2.1-4, members of the Anti-Human Trafficking Coordinating Committee sought the assistance of Virginia’s Crime Prevention Specialists to provide/distribute anti-trafficking information in places that members of the Committee may not reach. Crime Prevention Specialists are uniquely positioned in their communities due to their training, presence, and connections. Specifically related to this strategy, the Crime Prevention Specialists were asked to distribute posters or provide other resource information to any places frequented by youth in their communities, to include malls, RV parks/campgrounds, movie theaters, skating rinks, and other similar locations.

CATEGORY 2: PREVENTION

Recommendation 2.2: Reduce the risk of youth becoming involved in human trafficking by educating them on the subject and dangerous activities that can lead to victimization.

Strategy 2.2-1

Status: ONGOING

Original Report Language:

<p>Strategy 2.2-1:</p> <p>Provide information and materials for local school divisions to use in anti-human trafficking awareness and prevention efforts.</p> <p><i>Information and materials can include: general information/awareness presentation; resources (including posters with the Human Trafficking Hotline and those for the National Runaway Safeline); curriculums; other information or links. Information should include materials appropriate for staff, as well as materials that can be used with students. Include presentations on human trafficking at state sponsored training and conference events, and, if possible, industry-sponsored events held in Virginia.</i></p>	<ul style="list-style-type: none"> - In progress - No legislative action needed; legislation passed in 2012 directing DOE/DSS to do - No added fiscal impact on initial work; may incur for future related efforts
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Administrative Action and Policy Subcommittee.

Closely related to strategy 2.1-4, this strategy seeks to ensure that local school divisions have all resources necessary to identify and respond to trafficking situations. As previously noted, the Virginia Department of Education (DOE) website contains detailed information on human trafficking, as well as links to numerous resources for educators.

In 2017, House Bill 2282 was passed by the Virginia General Assembly. It directed the Board of Education to “develop guidelines for training school counselors, school nurses, and other relevant school staff on the prevention of trafficking of children.”¹³ In response, a document titled *Guidelines for Training on the Prevention of Trafficking of Children* was developed.

The Board of Education and the Virginia Department of Social Services (VDSS) also have responsibilities in the *Code of Virginia* to collaborate in providing awareness and training materials for local school division staff on human trafficking, including strategies for the prevention of trafficking of children. The *Code of Virginia* further directs VDSS, in consultation with experts in the field of human trafficking prevention, to provide the Board of Education resource information and materials for distribution.¹⁴

¹³ HB2282; 2017 Acts of Assembly, Chapter 514.

¹⁴ SB259 and HB1188; 2012 Acts of Assembly, Chapters 317 and 370 respectively.

Five-Year Status Report:

CATEGORY 3: SERVICES TO VICTIMS OF HUMAN TRAFFICKING

Recommendation 3.1: Increase funding and/or grant opportunities for services for victims of human trafficking.

Strategy 3.1-1

Status: COMPLETED

Original Report Language:

Strategy 3.1-1: Review existing funding programs for barriers that may prohibit human trafficking victims from accessing services and address any barriers identified; determine which services, specific to human trafficking victims, can be modified and/or implemented with existing resources and policies; make changes. The following areas shall be reviewed: a) emergency and transitional housing; b) mental health and substance abuse; c) victim advocacy/services; d) transportation assistance.	<ul style="list-style-type: none">- Immediate implementation- Governor’s Directive to specific state agencies- No fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Administrative Action and Policy Subcommittee.

Anti-Human Trafficking Coordinating Committee member agencies completed these reviews of their existing funding programs, as applicable. Notably, the Virginia Department of Criminal Justice Services awarded funding to several trafficking-specific projects under the Victims of Crime Act New Initiative Victim Assistance Grant Program (VOCA NI). Projects were awarded funding for a two-year grant cycle, beginning October 1, 2016. The VOCA NI trafficking-related projects are described below.

Ayuda, Falls Church, VA

Ayuda’s Crime Victim Assistance Program (CVAP) “will provide culturally specific social services to low income immigrant victims of domestic violence, sexual assault and human trafficking. Ayuda’s CVAP team will provide information and referrals, safety planning, crisis intervention, emotional support and trauma-informed counseling.”¹⁵

Gray Haven, Richmond, VA

Gray Haven (GH) requested funding to “enhance its case management and mental health services to all victims of human trafficking and expand its service area to include Ashland, Petersburg, Charlottesville, and the counties that lay between. GH will be physically located in an office centrally located in the City of Richmond. GH estimates that it will serve 50–75 victims per fiscal year. The primary goal of this project is to increase access to and enhance the provision of culturally appropriate direct services for victims of human trafficking in Central Virginia.”¹⁶

Help and Emergency Response, Inc., Portsmouth, VA

Help and Emergency Response, Inc. (H.E.R. Shelter) requested funding to “support the enhancement and expansion of services to victims of domestic violence, sexual assault, and human trafficking through the New Initiative Victim Assistance Grant Program. The goal of this request is to provide street outreach to victims of crime who would not normally access traditional services or use the legal system and to assist them in becoming

¹⁵ Grant Project Description as presented to the Criminal Justice Services Board, September 15, 2016.

¹⁶ *Grant Project Description, 2016.*

Five-Year Status Report:

economically stable after victimization. This request will support the new street outreach program for victims to be integrated in to services they would not have accessed previously. Furthermore, this program will provide a new focus on long term stabilization to those who are financially vulnerable and access to trauma counseling and treatment.”¹⁷

Safe Harbor, Henrico, VA

Safe Harbor’s project “will establish a Central Virginia Emergency Shelter for Human Trafficking Victims. This will be the first shelter of this kind in Central Virginia. The project will provide immediate safe housing, and shelter staff will assist adult female human trafficking victims in addressing needs including legal, medical, and emotional support as well as case management.”¹⁸

Samaritan House, Virginia Beach, VA

“Through the South Hampton Roads Anti-Trafficking Collaborative, we will expand regional resources so that a greater number of trafficked victims will be able to obtain resources such as emergency shelter and comprehensive case management.”¹⁹

Tahirih Justice Center, Falls Church, VA

The Tahirih Justice Center (Tahirih) requested funding to “provide free, holistic, trauma-informed, culturally competent, and linguistically accessible crisis/social services case management and, as needed, emergency immigration and family legal services to at least 140 underserved immigrant victims of intimate partner, sexual violence, domestic violence, human trafficking and other eligible gender-based violent crimes throughout Arlington, Fairfax, Loudon, Prince William, Frederick and Spotsylvania Counties, and the cities of Manassas, Alexandria and Falls Church each year.”²⁰

YWCA South Hampton Roads, Norfolk, VA

The YWCA’s Coordinated Crisis Response Program, “in collaboration with the Genieve Shelter, the H.E.R. Shelter and Samaritan House serves the entire South Hampton Roads region. The Coordinated Crisis Response Program provides crisis services to victims of interpersonal violence, sexual assault, human trafficking and stalking twenty-four hours a day. The Coordinated Crisis Response Program will leverage current services through one regional hotline and will expand crisis advocacy services throughout the region. It is anticipated the program will provide comprehensive trauma informed crisis services to 5,000 victims during the grant period.”²¹

¹⁷ Grant Project Description, 2016.

¹⁸ Grant Project Description, 2016.

¹⁹ Grant Project Description, 2016.

²⁰ Grant Project Description, 2016.

²¹ Grant Project Description, 2016.

CATEGORY 3: SERVICES TO VICTIMS OF HUMAN TRAFFICKING

Recommendation 3.2: Ensure that victims of human trafficking receive necessary and appropriate services.

Strategy 3.2-1

Status: IN-PROGRESS

Original Report Language:

Strategy 3.2-1: Develop and disseminate a resource guide of the rights, benefits, and services available for foreign and domestic trafficking victims.	<ul style="list-style-type: none">- In progress- No action needed; OAG has a grant to do this; DCJS/DSS to assist in dissemination- No general fund fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Victim Support Subcommittee.

The Victim Support Subcommittee (VSS) proposed minor changes to the language of this strategy, and these changes were accepted by the Anti-Human Trafficking Coordinating Committee. The new strategy language is:

Strategy 3.2-1:

Develop and make available a resource guide of the rights, benefits, and services available for foreign and domestic trafficking victims.

Members of the VSS explored various options for a resource guide. Use of existing resources and tools were considered, and ideas for new materials were discussed.

VSS members consulted with staff of 2-1-1 Virginia, a service of the Virginia Department of Social Services (VDSS) that connects people with free information on available community resources. 2-1-1 Virginia maintains one of the largest databases of health and human services in Virginia, and it contains several human trafficking resources including the National Human Trafficking Hotline. The VSS continues to consult with 2-1-1 Virginia staff on ways to expand the number of anti-trafficking resources in the database and to enhance keyword search terms. VSS members are also locally collaborating with regional 2-1-1 Virginia coordinators. In the Tidewater area, one VSS member facilitated human trafficking training for 2-1-1 Virginia staff and network providers.

The VSS is also planning to develop a human trafficking website or microsite with Virginia-specific anti-trafficking information. The site will link to Virginia resources and services providers, as well as to key national resources. The site will also include information about victims' rights and benefits, to include federal law, immigration remedies/rights, the Virginia Victims Fund, and others.

Five-Year Status Report:

Strategy 3.2-2

Status: IN-PROGRESS

Original Report Language:

Status Report:

<p>Strategy 3.2-2: Speed approval of victim compensation funds to pay for medical and mental health care and extend this care beyond 8-10 months.</p>	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies; legislation may be necessary - Fiscal impact will be on the fund
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The Anti-

Human Trafficking Coordinating Committee assigned this strategy to the Victim Support Subcommittee.

The Victim Support Subcommittee (VSS) proposed changes to the language of this strategy, and these changes were accepted by the Anti-Human Trafficking Coordinating Committee. The new strategy language is:

Strategy 3.2-2:
Collaborate with the Virginia Victims Fund (VVF) to ensure access and clarity in the compensation process for victims of human trafficking.

Members of the VSS consulted with staff from the Virginia Victims Fund (VVF) regarding this strategy. In a 2016 meeting, the VVF reported awarding several claims for cases identified as human trafficking-related. The majority of these were federally-handled cases, rather than local cases. In addition, the VVF staff reported that other compensation claims may have also involved human trafficking, but were filed under different types of crime.²²

As previously noted, the VSS is planning to develop a human trafficking website or microsite with Virginia-specific anti-trafficking information. The site will include information about the VVF process, eligibility, and the compensation benefits available to trafficking victims. In addition, the site will include application and referral information to the VVF for victim service providers.

²² Meeting between Jack Ritchie, Leigh Snellings (Virginia Victims Fund) and Kristina Vadas (Virginia Department of Criminal Justice Services), January 21, 2016.

Strategy 3.2-3

Status: ONGOING

Original Report Language:

<p>Strategy 3.2-3: Request the Homeless Outcomes Coordinating Council to work with local homeless service providers and homeless coalitions to incorporate strategies to provide emergency and transitional housing services for adult victims of human trafficking into their planning documents. <i>Should the Council not continue, work with the providers and coalitions directly.</i></p>	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Victim Support Subcommittee.

The Victim Support Subcommittee (VSS) proposed changes to the language of this strategy, and these changes were accepted by the Anti-Human Trafficking Coordinating Committee. The new strategy language is:

<p>Strategy 3.2-3: Ensure human trafficking victims are connected to the homeless services system where applicable while promoting awareness among local providers.</p>

Staff from the Virginia Department of Housing and Community Development (DHCD) serves on the VSS and leads efforts around this strategy. DHCD works with Virginia’s Continuum of Care (CoC) communities to address the problems of homelessness in a coordinated, comprehensive, and strategic manner. In addition, DHCD also manages several housing grant programs, through which they are linked to numerous service providers.

In 2015, DHCD staff provided trafficking-specific information to approximately 90 Virginia Homeless Solutions Program (VHSP) grantees that comprise the 16 CoC throughout the state. On an ongoing basis, DHCD continues to provide current and relevant trafficking information to its constituents, as well as encouraging CoC to collaborate with victim service providers in their communities.

Housing for youth victims of trafficking remains an ongoing challenge in Virginia. Numerous agencies, organizations, and coordinated community response teams continue to explore options for housing this vulnerable victim population.

Strategy 3.2-4

Status: ONGOING

Original Report Language:

<p>Strategy 3.2-4: Convene representatives of various adult victim services providers to identify service gaps, duplications, barriers, and service coordination strategies. <i>This may be able to be incorporated into the Action Alliance-led State & Local Partner Regional Meetings</i></p>	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Five-Year Status Report:

Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Victim Support Subcommittee.

As noted in *Laying the Foundation for Virginia's Coordinated Response to Human Trafficking*, the Virginia Department of Criminal Justice Services conducted an online needs assessment survey on human trafficking services in 2012. Respondents included victim-witness service providers, domestic violence/sexual assault service providers, adult and juvenile state probation/parole agencies, and adult and juvenile correctional facilities throughout the Commonwealth. Most respondents felt that their organization was unable to adequately meet the needs of trafficking victims. The three most critical barriers/challenges identified by survey respondents to providing services to trafficking victims were: a lack of adequate resources, problems identifying trafficking victims, and a lack of adequate training.²³

The Victim Support Subcommittee (VSS) explored various methods for identifying additional service gaps, duplications, and barriers. One approach was to ask leaders of existing groups and projects to incorporate discussions of victim service needs into their meetings and other efforts. Examples of these include:

- Virginia's Continuum of Care (CoC):
As previously noted, Virginia's CoC are existing collaborative teams that work to address homelessness in a coordinated, comprehensive, and strategic manner.
- Virginia's Human Trafficking Task Forces:
As previously noted, service delivery coordination is a key component of the work of the Task Forces.
- Virginia Sexual and Domestic Violence Action Alliance State and Local Partner Meetings:
These meetings, held quarterly in different regions of Virginia, bring together state agency representatives and local sexual and domestic violence agency staff to enhance communication and discuss current service delivery trends.
- Vision 21 – Linking Systems of Care for Children and Youth State Demonstration Initiative:
The goal of the Vision 21 collaborative project is “to ensure that every child entering any of Virginia's child-serving systems is assessed for victimization, provided comprehensive and coordinated services to fully address their needs.”²⁴

In addition, the two statewide events, the *2013 Governor's Summit on Human Trafficking* and the *2015 Virginia Forum on Human Trafficking*, were venues at which many service providers and disciplines converged to discuss the issue of human trafficking. At the 2013 Summit, a workshop track titled “Victim Assistance” focused on addressing the complex needs of victims of human trafficking and coordinating with federal and other resources. It featured panelists from the Federal Bureau of Investigation, Gray Haven, Office of the U.S. Attorney (Eastern and Western Districts of Virginia), and the Tahirih Justice Center. At the 2015 Forum, a session titled “Local Community Role in Serving Victims of Trafficking” provided an overview of local community efforts to serve victims of human trafficking, as well as moderated discussion. It featured panelists from Gray Haven, Henrico County Victim/Witness Program, Latisha's House Foundation, Safe Harbor, and The Arbor Charlottesville. Another session, “Federal Government Role in Serving Victims of Trafficking,” featured panelists from the Federal Bureau of Investigation, Homeland Security Investigations, and the Office of the U.S. Attorney (Eastern and Western Districts of Virginia). This session provided an overview of federal efforts to serve victims of human trafficking, as well as moderated discussion.

The VSS continues to explore additional opportunities to obtain information on the needs of those who provide services to victims of human trafficking.

²³ Virginia Department of Criminal Justice Services, *Report on the Human Trafficking Services Needs Assessment Survey*, September 2012.

²⁴ Virginia Department of Social Services, Press Release, June 19, 2015.

CATEGORY 4: POLICY AND LAW

Recommendation 4.1: Ensure that victims of human trafficking are properly identified and provided assistance.

Strategy 4.1-1

Status: COMPLETE

Original Report Language:

<p>Strategy 4.1-1: Examine, and modify as needed, policies and procedures, model policies, and program guidance documents, for identifying and assisting victims of human trafficking, staff training, and planning. <i>Primary Targets:</i></p> <ul style="list-style-type: none"> a. <i>Department of Juvenile Justice</i> b. <i>Virginia State Police</i> c. <i>Department of Criminal Justice Services</i> d. <i>Virginia Employment Commission</i> e. <i>Department of Corrections</i> f. <i>Department of Social Services</i> g. <i>Department of Behavioral Health and Developmental Services</i> 	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact (though individual agencies may have some impact depending on the extent to which their efforts require modifying)
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Administrative Action and Policy Subcommittee.

Of the agencies named in this strategy, members of the Anti-Human Trafficking Coordinating Committee include the Virginia State Police, Department of Criminal Justice Services, Virginia Employment Commission, Department of Social Services, and the Department of Behavioral Health and Developmental Services. All of these agencies completed an examination of their policies, procedures, and guidance documents in accordance with this strategy.

The Department of Juvenile Justice and the Department of Corrections were asked to also complete an examination of their policies, procedures, and guidance documents. Members of the Administrative Action and Policy Subcommittee were notified that this had been completed.

Two examples of efforts related to this strategy are described below:

On November 13, 2014, the Virginia Department of Criminal Justice Services published the “Model Policy on Human Trafficking” for Virginia law enforcement agencies, in accordance with *Code of Virginia* § 9.1-102. The Policy defines labor trafficking, sex trafficking, force, fraud, and coercion. It lists possible indicators that someone may be a victim of human trafficking, as well as incident response protocols. The Policy also includes a list of victim assistance resources.

On May 31, 2016, the Department of Corrections (DOC) hosted a human trafficking training for all DOC central office staff. As part of the DOC Visiting Lecture Series, the training included basic human trafficking information, case studies of trafficking cases in Virginia, and lists of potential trafficking indicators. The training also provided numerous victim assistance resources.

Five-Year Status Report:

Strategy 4.1-2

Status: IN-PROGRESS

Original Report Language:

<p>Strategy 4.1-2:</p> <p>Encourage specific constituent groups to examine, and modify as needed, policies and procedures for identifying and assisting victims of human trafficking, staff training, and planning; encourage local agencies to do the same. Provide technical assistance as resources permit.</p> <p><i>Primary Target Constituent Groups:</i></p> <ol style="list-style-type: none"> a. <i>Local police departments</i> b. <i>Local detention centers</i> c. <i>Local jails</i> d. <i>Local pretrial/community corrections</i> e. <i>Local victim/witness programs</i> f. <i>Local domestic violence programs/shelters & sexual assault crisis centers</i> g. <i>Local social service offices</i> h. <i>Community Services Boards</i> 	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Administrative Action and Policy Subcommittee.

Regarding **local police departments**, on November 13, 2014, the Virginia Department of Criminal Justice Services published the “Model Policy on Human Trafficking” for Virginia law enforcement agencies, in accordance with *Code of Virginia* § 9.1-102. The Policy defines labor trafficking, sex trafficking, force, fraud, and coercion. It lists possible indicators that someone may be a victim of human trafficking, as well as incident response protocols. The Policy also includes a list of victim assistance resources. DCJS also provides training on human trafficking to Virginia’s law enforcement agencies.

Regarding **local victim/witness programs**, DCJS provides ongoing training on human trafficking to victim/witness program staff. Programs are encouraged to ensure that services are available and accessible to victims of human trafficking. Several victim/witness programs in Virginia have implemented their own procedures and protocols for serving trafficking victims. In addition, the Virginia Victim Assistance Network hired an anti-trafficking staff specialist and is developing anti-trafficking services, training, and programming.

Regarding **local domestic violence programs/shelter and sexual assault crisis centers**, DCJS provides ongoing training on human trafficking to staff of the programs. Programs are encouraged to ensure that services are available and accessible to victims of human trafficking. Several sexual and domestic violence agencies (SDVA) have developed specialized services for trafficking victims, such as population-specific housing, intensive case management services, and trauma-informed therapeutic services.

Regarding **local social service offices**, the Virginia Department of Social Services (VDSS) leads anti-trafficking efforts. As previously noted, VDSS developed an eLearning module, *Identifying Sex Trafficking in Child Welfare (CWSE4000)*. The purpose of this training is “to inform local departments of social services staff and community partners within the Commonwealth of Virginia on the impact of human trafficking – notably commercial sex trafficking – on our vulnerable youth in foster care, runaways, and others experiencing abuse or neglect or other family dysfunction in their homes.”²⁵ The VDSS website and this training module contain detailed information on human trafficking, as well as links to the National Runaway Safeline, the National Human Trafficking Hotline, and numerous other resources.

²⁵ Virginia Department of Social Services. (n.d.). Retrieved from www.dss.virginia.gov/family/fc/story.html

Five-Year Status Report:

Limited outreach to the other identified constituent groups has occurred. Members of the Administrative Action and Policy Subcommittee continue to explore options for outreach and offering technical assistance to these groups.

Strategy 4.1-3

Status: IN-PROGRESS

Original Report Language:

<p>Strategy 4.1-3: Review policies, procedures and Virginia laws for barriers that may delay or impede the awarding of benefits available under the Virginia Refugee Resettlement Program for eligible victims and take action to eliminate such barriers.</p>	<ul style="list-style-type: none"> - Short/long term implementation (1-4 yrs /5-10 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies; legislation may be necessary - Possible fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Victim Support Subcommittee.

The Victim Support Subcommittee (VSS) proposed changes to the language of this strategy, and these changes were accepted by the Anti-Human Trafficking Coordinating Committee. The new strategy language is:

<p>Strategy 4.1-3: Review federal, state, and local policies and procedures for barriers that may impact access to benefits and services available for foreign national victims, including those under the Office of Refugee Resettlement and the Virginia Refugee Resettlement Program. Recommend action to eliminate such barriers, if any.</p>

Staff with the Virginia Department of Social Services (DSS), Office of Newcomer Services, is leading efforts around this strategy. Initially, efforts focused on ensuring that all VSS members understood existing benefits and services available for foreign national victims.

At the federal level, these include those available from the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement and HHS Office on Trafficking in Persons, as outlined in the Trafficking Victims Protection Act. Benefits available may include time-limited cash and medical assistance, English as a Foreign Language classes, job readiness and employment services, and other case management assistance.

At the state level, the DSS Office of Newcomer Services administers several programs that provide similar assistance as federal benefits, such as employment services and cash and medical assistance. A key component is ensuring that all local Department of Social Services staff are well-trained on victim eligibility for benefits such as Medicaid and Temporary Assistance for Needy Families (TANF).

Additional options for furthering this strategy continue to be explored. Ideas include additional web-based content and training, a needs assessment of local Department of Social Services staff, and training curricula development. Training efforts may also be completed in conjunction with other VSS-assigned strategy implementation.

Five-Year Status Report:

Strategy 4.1-4

Status: IN-PROGRESS

Original Report Language:

<p>Strategy 4.1-4: Review foster care, shelter, and related policies and Virginia laws for barriers that may impede the custody, placement and immediate care of a minor who is considered a trafficking victim, and recommend action to eliminate such barriers.</p>	<ul style="list-style-type: none"> - Immediate implementation - Governor’s request to the Commission on Youth to review - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Victim Support Subcommittee.

The Victim Support Subcommittee (VSS) proposed changes to the language of this strategy, and these changes were accepted by the Anti-Human Trafficking Coordinating Committee. The new strategy language is:

<p>Strategy 4.1-4: Review child welfare guidance and regulations, youth shelter licensing regulations, related policies, and Virginia laws for barriers that may impede the identification, custody, placement and/or immediate care of a minor who is considered a trafficking victim. Recommend action to eliminate such barriers, if any.</p>
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Staff with the Virginia Department of Social Services (VDSS) is leading efforts around this strategy. A variety of options have been considered by VDSS and members of the VSS. Some of these include: “safe harbor” legislation and its pros and cons; training needs of family services specialists; training needs of those in the criminal justice system, to include judges; stakeholder forums or summits on domestic minor sex trafficking (DMST); and a study to assess the incidence of DMST in Virginia. These and other options continue to be explored.

In 2016, the *Code of Virginia* definition of “abused or neglected child” was modified to include any child:

*Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.*²⁶

As a result, VDSS revised Chapter C, Child Protective Services, of the VDSS Child and Family Services Manual to include this new definition. Modifications were also made to VDSS Administrative Code at:

- 22VAC40-705-10. Definitions.
*"Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act as defined in § 18.2-357.1 of the Code of Virginia.*²⁷
- 22VAC40-705-30. Types of Abuse and Neglect.
*Sexual abuse occurs when the child's caretaker commits or allows to be committed any act of sexual exploitation, including sex trafficking as defined in 22VAC40-705-10, or any sexual act upon a child in violation of the law.*²⁸

The VDSS-led Vision 21 project, Linking Systems of Care for Children and Youth State Demonstration Initiative, may also be a vehicle to further implement this strategy. As of the date of this report, the Vision 21 screening tool is being validated and includes a question about sex trafficking. This tool may assist service providers in accurately identifying potential victims of trafficking in order to link them to additional services and resources.

²⁶ *Code of Virginia* § 63.2-100, subsection 7.

²⁷ Administrative Code, 22VAC40-705-10.

²⁸ Administrative Code, 22VAC40-705-30.

Five-Year Status Report:

CATEGORY 4: POLICY AND LAW

Recommendation 4.2: Ensure that victims are treated fairly.

Strategy 4.2-1

Status: IN-PROGRESS

Original Report Language:

Strategy 4.2-1: Research possible diversion and disposition options for juveniles and adults violating prostitution statutes. The research is to include how other states, and possibly other countries: address prostitution without criminalizing the offense for those victimized by human traffickers; how/when criminal penalties for prostitution are considered appropriate; how to provide safe environments for those being prostituted; possible expansion of the Unaccompanied Minors Act to account for domestic juvenile cases (requires Congressional action); programmatic options for adults; and potential changes to the Code of Virginia and costs.	<ul style="list-style-type: none">- Short term implementation (1-4 yrs)- The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies- Possible fiscal impact
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Status Report:

As of the date of this report, formal research on these topics has not been completed. Informally, however, numerous diversion and disposition options have been explored by the Anti-Human Trafficking Coordinating Committee and its subcommittees. Examples of two of these options are described below. These and other options continue to be explored.

Court Diversion Programs

Diversion programs are typically established in order to limit prosecution for certain types of cases. Several courts around the country have implemented diversion or specialized docket programs for victims of human trafficking. One example is the CATCH (Changing Actions to Change Habits) Court certified specialized docket of the Franklin County Municipal Court in Columbus, Ohio. Created by Judge Paul Herbert in 2009, the goal of CATCH Court is to provide a path of rehabilitation, recovery, and support for trafficking victims arrested for prostitution crimes. According to their website, CATCH Court “exists to break the cycle of abuse for victims of human trafficking, prostitution, and sexual exploitation by providing resources, community, and accountability.”²⁹ In 2016, a research article in the Journal of Human Trafficking reported that the “success of the CATCH program to date supports its use as a model for similar courts in Ohio and nationally.”³⁰

Safe Harbor Laws

Under federal law, a child under age 18 who is induced to perform a commercial sex act is a victim of human trafficking. Safe harbor laws were developed to address inconsistencies among states with how children that are exploited for commercial sex are treated. In some cases, children found to be performing commercial sex acts were not identified as trafficking victims. In other cases, children were arrested for and/or convicted of prostitution. Safe harbor laws typically include two components: legal protections and services for victims. Legal protections generally offer diversion options or immunity from prosecution. Services generally include specialized treatment options, housing, education assistance, and legal services.³¹

²⁹ CATCH Court. Accessed February 18, 2018. www.catchcourt.org.

³⁰ Miner-Romanoff, Karen. “CATCH Court: Changing Actions to Change Habits – A Preliminary Evaluation Study.” *Journal of Human Trafficking*, 3, no. 2 (2017). Accessed February 18, 2018. doi: 10.1080/23322705.2016.1194039.

³¹ Adapted from Polaris, *Human Trafficking Issue Brief: Safe Harbor*, Fall 2015.

Five-Year Status Report:

Strategy 4.2-2

Status: ONGOING

Original Report Language:

Strategy 4.2-2: Review Virginia laws to ensure that the identity of trafficking victims is protected at the same level as other crime victims, and take action where needed to ensure that they are.	<ul style="list-style-type: none">- Short term implementation (1-4 yrs)- The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies; legislation may be possible- No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Prosecution and Law Enforcement Subcommittee.

Virginia Crime Victim and Witness Rights Act

Victims of crime in the Commonwealth are entitled to certain rights in accordance with the Virginia Crime Victim and Witness Rights Act.³² To receive these rights, a person must meet the *Code of Virginia* definition of a victim, which includes “a person who has suffered physical, psychological, or economic harm” as a direct result of the commission of a felony or certain misdemeanor crimes.³³ Prior to mid-2015, it was unclear whether victims of human trafficking would be entitled to these rights, since trafficking crimes were often charged and prosecuted as a variety of different crimes. In 2015, *Code of Virginia* § 18.2-357.1 (Commercial sex trafficking; penalties) was added, creating felony-level crimes for those who induce others to perform commercial sex acts. As a result, victims of sex trafficking now meet the definition as victims of felony crimes.

Specifically related to protecting victim identity, victims and witnesses “shall be informed that their addresses and telephone numbers may not be disclosed, pursuant to the provisions of §§ 19.2-11.2 and 19.2-269.2, except when necessary for the conduct of the criminal proceeding.”³⁴ Further, a victim’s place of employment, telephone number, and current residential or business address are protected from disclosure, with limited exceptions, under §§ 19.2-11.2 and 19.2-269.2.

Address Confidentiality Program

Virginia’s Address Confidentiality Program (ACP) is a voluntary, confidential, mail-forwarding service for victims of certain crimes who have recently moved to a location unknown to the perpetrators of the crimes against them. Managed by the Office of the Attorney General of Virginia (OAG), the program permits a participant to use a “substitute” mailing address in lieu of their actual home address in an effort to keep the participant’s physical location confidential. The substitute address is a post office box, maintained by the OAG in Richmond, with no relation to the participant’s actual address.³⁵

Originally established to assist victims of domestic violence, the ACP first expanded to include victims of stalking. In 2017, legislation was introduced to further expand the program to include victims of sexual violence and human trafficking. This legislation was passed by the Virginia General Assembly and became law on July 1, 2017.

³² *Code of Virginia*, Title 19.2, Chapter 1.1.

³³ *Code of Virginia* § 19.2-11.01, subsection B.

³⁴ *Code of Virginia* § 19.2-11.01, subsection A(5)(a).

³⁵ Office of the Attorney General of Virginia. *2017 Annual Report: Domestic and Sexual Violence in Virginia*. Richmond, VA, 2018. 26.

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CATEGORY 5: AWARENESS AND TRAINING

Recommendation 5.1: Increase awareness of human trafficking throughout Virginia.

Strategy 5.1-1

Status: COMPLETED

Original Report Language:

<p>Strategy 5.1-1:</p> <p>Develop a general information presentation that can be accessed and used with multiple groups.</p> <p><i>This document would be available on all agency websites with HT information and can be sent to various groups to help raise awareness among staff and community groups. It may be necessary to develop two such presentations – one for adult audiences and one for youth audiences. To be available in both English and Spanish. DCJS will lead the development of this with assistance from the OAG, DSS, DOLI, and DOE.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - DCJS to develop w/assistance from OAG, DSS, DOE, DOLI - No added fiscal impact
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Status Report:

The Virginia Department of Criminal Justice Services led the effort to develop the general information presentation with assistance from staff of the Virginia Department of Social Services and the Office of the Attorney General of Virginia. The decision was made to develop one presentation that provides flexibility in content modification for various audiences. The presentation includes the following information:

- Definition of human trafficking
- Definitions of sex trafficking and labor trafficking
- Definitions of force, fraud, coercion
- Venues where trafficking frequently occurs
- Targeted vulnerable groups
- Common types of traffickers
- Common recruitment methods used by traffickers
- Possible trafficking indicators
- Data from the National Human Trafficking Hotline, International Labour Organization, National Center for Missing and Exploited Children
- Virginia case examples
- Resources

The presentation was approved by the Anti-Human Trafficking Coordinating Committee (A-HTCC) in 2014. All A-HTCC members have a copy of the presentation to modify and use with their constituent groups and stakeholders.

Strategy 5.1-2

Status: COMPLETED

Original Report Language:

<p>Strategy 5.1-2: Develop a display for use at state, local, and community trainings, conferences, and events around the state.</p> <p><i>We may be able to develop up to 5 which can be housed as specific agencies; funding is being explored for this. DCJS will lead the development of this with assistance from the OAG, DSS, DOLI, and DOE.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - DCJS to develop w/assistance from OAG, DSS, DOE, DOLI - No fiscal impact
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Status Report:

The Virginia Department of Criminal Justice Services led the effort to develop the display, with assistance from members of the Anti-Human Trafficking Coordinating Committee (A-HTCC). Upon approval of the design by the A-HTCC, two portable floor-standing displays were produced. All A-HTCC members have access to the displays for use at conferences, trainings, and other events. An image of the display is included as Attachment F to this report.

Strategy 5.1-3

Status: COMPLETED

Original Report Language:

<p>Strategy 5.1-3: Develop a trainer/speaker resource list that can be easily accessed by any potential user and that includes information on recommended providers, audiences that the provider is appropriate for, and whether the provider is recommended for “training” or “awareness” events.</p> <p><i>As with any hot topic, as awareness is raised, there will be groups interested in having individuals address their audience or provide training. Unfortunately, inaccurate information can be transmitted. This resource list will help provide useful contact information, as well as a tool that groups can use to help ensure they are getting the best fit for their need. This may become less necessary in the future. The list will need to be maintained and updated by a designated agency. This should be made available on individual agency web pages or on a common website.</i></p>	<ul style="list-style-type: none"> - Immediate implementation - DCJS to develop w/assistance from OAG - No added fiscal impact
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Status Report:

A version of a trainer/speaker resource list was developed in 2013–2014 by the Virginia Department of Criminal Justice Services . Maintaining this list over time was challenging, as providers changed and the needs of audiences shifted. As the original strategy predicted, a general resource list has become much “less necessary in the future.”

Although there continue to be occasional requests for general human trafficking information and awareness presentations, the current need is for specialized training for specific disciplines. Examples include advanced trafficking investigations for law enforcement officers, building strong trafficking cases for prosecutors, and working with victims with complex trauma for service providers. Many of these training needs are addressed in Recommendations 5.2 and 5.3 of this report.

Five-Year Status Report:

Strategy 5.1-4

Status: COMPLETED

Original Report Language:

<p>Strategy 5.1-4:</p> <p>Launch a general public awareness campaign blitz on human trafficking (both sex and labor) throughout Virginia.</p> <p><i>This would necessitate contracting with a professional marketing or public relations firm for the development and placement of posters, billboards, and PSAs and ensuring that messages are appropriately placed and understood by an area’s general public (e.g. using focus groups, test markets, etc.). Messages should include what human trafficking is, specify that it does occur locally, and what to do if suspected.</i></p> <p><i>Target venues include:</i></p> <ol style="list-style-type: none"> a. Bus stops/shelters b. Buses c. Billboards d. Airports e. Train stations f. Radio g. Television h. Newspapers <p><i>NOTE: The OAG has announced their intention to develop such a campaign in 2013. Their success will impact the necessity of this strategy in the future.</i></p>	<ul style="list-style-type: none"> - Long term implementation (5-10 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - Fiscal impact
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Status Report:

The Office of the Attorney General of Virginia (OAG) leads efforts around this strategy. Beginning in 2014, the OAG launched a multi-pronged public awareness campaign. Initial efforts included five billboards on interstates I-64, I-664, I-81, and I-95, with the message “Human Trafficking Exists in Virginia. Look Around You” and the number for the National Human Trafficking Hotline. These billboards were estimated to be seen by more than one million motorists each week.³⁶

The OAG also partnered with the Virginia Department of Transportation (VDOT) to place mirror stickers in all 41 Virginia Safety Rest Areas and Welcome Centers. These facilities serve 32 million motorists annually.³⁷ Images of the mirror stickers are included as Attachment G to this report.

In 2015, the OAG launched a web-based component of the public awareness campaign. This online component included ads providing information on trafficking warning signs and support resources. Ads were available in English, Spanish, Korean, and Vietnamese, and were “geo-fenced to appear on mobile devices within a quarter-mile of rest areas on major interstate highways,” and to “appear on websites where the services of human trafficking victims are often purchased for prostitution or domestic work.”³⁸ About the campaign, Attorney General Mark R. Herring stated that this “will be a unique, data-driven online campaign that is pretty groundbreaking for the Commonwealth and it’s on the cutting edge nationally because it targets the message directly at those involved in human trafficking.” He also said that the “ads can be a lifeline to victims who are

³⁶ Office of the Attorney General of Virginia. Press Release: *Herring Launches Statewide Human Trafficking Awareness Campaign*. Richmond, VA. December 18, 2014.

³⁷ Press Release, December 2014.

³⁸ Office of the Attorney General of Virginia. Press Release: *Herring Launches Online Component to Anti-Human Trafficking Campaign*. Richmond, VA. December 14, 2015.

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being held and exploited. The ads will also put traffickers and those who pay for these services on notice that Virginia will not tolerate human trafficking.”³⁹ The online ads were created by Richmond, Virginia-based marketing firm Madison + Main.

According to project reports in January 2016, the online campaign was meeting targets and seeing results. The campaign was pacing very well, cumulatively posting 2,450,719 impressions and a 0.14% click-through-rate (CTR). When comparing Polaris/National Human Trafficking Hotline website data between November 19, 2014–January 20, 2015 and November 19, 2015–January 20, 2016, Polaris reported:

- Virginia is the third state driving traffic to the site behind California and Texas
- Sessions on the site originating from Virginia increased 173.82% year over year going from 1,459 to 3,995
- New users from Virginia increased 182.35%, going from 952 to 2,688 users

On May 18, 2016, the online campaign was recognized with the prestigious Commonwealth Award for Public Service at the 69th Virginia Public Relations Awards. Presented by the Richmond Chapter of the Public Relations Society of America, “the Commonwealth Award for Public Service recognizes exceptional public relations programs or campaigns that advance public understanding of societal issues, problems, or concerns.”⁴⁰

Strategy 5.1-5

Status: ONGOING

Original Report Language:

<p>Strategy 5.1-5:</p> <p>Provide general information to select professional groups throughout Virginia.</p> <p><i>Information and materials can include: articles; general information/ awareness presentation; resources (including posters/materials with the Human Trafficking Hotline, the National Runaway Safeline, and the Crime Victim Assistance INFO-LINE); other information or links; as applicable to the target groups. Information should be made available via websites, newsletters, notices and other readily available sources. Primary state agencies are encouraged to work with local industry representatives for message broadcasting.</i></p> <p>Targets:</p> <ol style="list-style-type: none"> Hospitality industry Construction industry Food processing industry Restaurant/bar industry Spa/salon industry Colleges and universities Others as identified by lead agencies 	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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³⁹ Press Release, December 2015.

⁴⁰ Office of the Attorney General of Virginia. Press Release: *Attorney General Herring’s Innovative Anti-Human Trafficking Campaign Honored at Virginia PRSA Awards*. Richmond, VA. May 19, 2016.

Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Industry Awareness and Outreach Subcommittee.

The Industry Awareness and Outreach Subcommittee (IAOS) proposed changes to the language of this strategy, and these changes were accepted by the Anti-Human Trafficking Coordinating Committee. The new strategy language is:

Strategy 5.1-5:

Make information available on the Virginia Department of Agriculture and Consumer Services (DACS) and the Virginia Department of Professional and Occupational Regulation (DPOR) websites for constituent industries.

Information and materials can include general information, as well as what may be available for specific industries: articles; general information/awareness presentation; resources (including posters/materials with the Human Trafficking Hotline, the National Runaway Safeline, and the Crime Victim Assistance INFO-LINE); other information or links; as applicable to the target groups. Information should be made available via websites, newsletters, notices and other readily available sources. Primary state agencies are encouraged to work with local industry representatives for message broadcasting.

Targets:

- a. Hospitality industry*
- b. Construction industry*
- c. Food processing industry*
- d. Restaurant/bar industry*
- e. Spa/salon industry*
- f. Others as identified by lead agencies*

The **Virginia Department of Agriculture and Consumer Services (DACS)** provides agricultural-specific anti-human trafficking training online for all DACS employees through the Virginia Learning Center. This training includes:

- Definition of human trafficking
- Explanation of the Action-Means-Purpose (AMP) Model, which is a device used to illustrate and articulate the federal definition of a “victim of severe forms of trafficking in persons”
- Difference between smuggling and trafficking
- Agricultural trafficking statistics and case law
- Scenarios to assist in identifying human trafficking
- Additional resources

Additional information is also provided on the DACS website under *About VDACS/Human Trafficking*. The Virginia anti-trafficking logo and the Polaris Project link are available on the main page of the site. Anti-trafficking posters and information are posted in the break-rooms of the central DACS office and in DACS branch offices.⁴¹

Specific to the **Virginia Department of Professional and Occupational Regulation (DPOR)**, which regulates the licensing of multiple industries, the following efforts were completed:⁴²

- Investigative staff new to DPOR receives training and resource materials regarding the identification of human trafficking indicators. Investigative staff has been instructed to contact the National Human

⁴¹ Email communication between Joel Maddux (Virginia Department of Agriculture and Consumer Services) and Kristina Vadas (Virginia Department of Criminal Justice Services), March 23, 2018.

⁴² Email communication between Johnathan Darden (Virginia Department of Professional and Occupational Regulation) and Kristina Vadas (Virginia Department of Criminal Justice Services), October 23, 2017.

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Trafficking Hotline and/or law enforcement given the severity of the situation when conducting DPOR business and identifying trafficking indicators. Training includes the following:

- Defining human trafficking
 - Identifying basic indicators of human trafficking
 - National Human Trafficking Hotline awareness
 - Focus on labor trafficking, to include victim statistics and industry occurrence, given DPOR's regulation of professional practices
 - Reporting of potential human trafficking indicators
 - Identification of local resources for victims of human trafficking
- Refresher training for existing investigative staff occurred in 2016 and 2017
 - A reporting and tracking system was established should investigative staff identify indicators of human trafficking and report them to law enforcement or the National Human Trafficking Hotline
 - Investigative staff is equipped with trafficking indicator brochures for public dissemination when conducting DPOR business
 - In 2017, DPOR's exam vendor for the Board for Barbers and Cosmetology agreed to display human trafficking awareness posters in a prominent area in each of its five exam center locations
 - Links to human trafficking information are available through the DPOR website home page
 - National Human Trafficking Hotline poster is prominently displayed in DPOR's customer service center, which is open to the general public

CATEGORY 5: AWARENESS AND TRAINING

Recommendation 5.2: Increase the understanding of human trafficking among select professional groups and equip them to identify, investigate, and prosecute cases.

Strategy 5.2-1

Status: ONGOING

Original Report Language:

<p>Strategy 5.2-1:</p> <p>Provide training, information, and materials to law enforcement throughout Virginia.</p> <p><i>Information and materials to include: general information/awareness presentation; indicators of human trafficking; links to resources for information; speaker/trainer resource list. Training to include: laws; investigating human trafficking cases; victim identification and referral; federal and state issues. Law enforcement for these purposes includes local and state police officers, Sheriff's deputies, and ABC law enforcement agents. DCJS to consider possible inclusion of private security and SCOPs.</i></p>	<p>- In progress</p> <p>- No legislative action needed; legislation passed in 2011 directing DCJS/OAG to do</p> <p>- No fiscal impact was identified for initial work; may incur for future related efforts</p>
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Prosecution and Law Enforcement Subcommittee.

As a member of the Prosecution and Law Enforcement Subcommittee, the Virginia Department of Criminal Justice Services has led efforts around this strategy. Numerous trainings for law enforcement have been held, and future events are planned. Training topics have focused on basic human trafficking awareness, investigating human trafficking, and advanced investigations into sex trafficking. Some examples include:

- Human Trafficking for Investigators
- Introduction to Human Trafficking: Red Flags for Patrol Officers
- Critical Role of Educators and School Personnel in Combating the Trafficking of Children
- Advanced Investigations into Sex Trafficking

Since 2011, DCJS has also partnered with the Office of the Attorney General of Virginia (OAG) to train prosecutors, law enforcement, and victim/witness program staff on how to investigate and prosecute human trafficking under Virginia law. In 2018, DCJS and the OAG will develop a series of two-day regional trainings. Titled *Human Trafficking Red Flags and Investigations for Law Enforcement and Prosecutors*, day one of the training will focus on the basics of human trafficking, and day two will focus on investigations for human trafficking cases. The training will include a victim services component as well. Potential training locations include the areas of Hampton Roads, Northern Virginia, Richmond/Central Virginia, and Roanoke.

The OAG also received federal grant funding to provide training on human trafficking to members of the anti-trafficking Task Force in Hampton Roads. In partnership with the U.S. Department of Homeland Security, the training will be available to detectives, federal agents, Virginia State Police agents, and local and federal prosecutors in this region.

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Original Report Language:

<p>Strategy 5.2-2:</p> <p>Provide training, information, and materials to prosecutors throughout Virginia.</p> <p><i>Information and materials to include: general information/awareness presentation; indicators of human trafficking; links to resources for information; speaker/trainer resource list. Training to include: laws; investigating human trafficking cases; victim identification and referral; federal and state issues.</i></p>	<ul style="list-style-type: none"> - In progress - No legislative action needed; legislation passed in 2011 directing DCJS/OAG to do - No fiscal impact was identified for initial work; may incur for future related efforts
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Prosecution and Law Enforcement Subcommittee.

As a member of the Prosecution and Law Enforcement Subcommittee, the Office of the Attorney General of Virginia (OAG) has led efforts around this strategy. Staff from the OAG has worked extensively with regional task forces and local communities to identify and address human trafficking. Prior to Virginia’s first trafficking-specific law in 2015, the OAG identified other statutes under which trafficking could be prosecuted through their *Virginia Law Targeting Sex and Labor Trafficking* document. In 2014, the OAG hosted more than 100 prosecutors, law enforcement personnel, victim advocates, and service providers from across the state for a multi-day human trafficking training conference in Richmond.⁴³

Since 2011, the OAG has also partnered with the Virginia Department of Criminal Justice Services to train prosecutors, law enforcement, and victim/witness program staff on how to investigate and prosecute human trafficking under Virginia law. As previously noted, in 2018, DCJS and the OAG will develop a series of two-day regional trainings. Titled *Human Trafficking Red Flags and Investigations for Law Enforcement and Prosecutors*, day one of the training will focus on the basics of human trafficking, and day two will focus on investigations for human trafficking cases. The training will include a victim services component as well. Potential training locations include the areas of Hampton Roads, Northern Virginia, Richmond/Central Virginia, and Roanoke.

As previously noted, the OAG also received federal grant funding to provide training on human trafficking to members of the anti-trafficking Task Force in Hampton Roads. In partnership with the U.S. Department of Homeland Security, the training will be available to detectives, federal agents, Virginia State Police agents, and local and federal prosecutors in this region.

⁴³ Office of the Attorney General of Virginia. Press Release: *Herring Launches Statewide Human Trafficking Awareness Campaign*. Richmond, VA. December 18, 2014.

CATEGORY 5: AWARENESS AND TRAINING

Recommendation 5.3: Increase the understanding of human trafficking by select professional groups and equip them to identify victims and serve them appropriately.

Strategy 5.3-1

Status: IN-PROGRESS

Original Report Language:

<p>Strategy 5.3-1:</p> <p>Provide information and access to training materials to medical professionals throughout Virginia.</p> <p><i>Information and materials to include: general information/awareness presentation; Toolkit for Health Care Providers [Polaris Project]; links to resources for brochures and posters; speaker/trainer resource list; victim services resource list. Include presentations on human trafficking at state sponsored training and conference events, and, if possible, industry-sponsored events held in Virginia.</i></p> <p><i>Targets:</i></p> <ol style="list-style-type: none"> a. General practitioners b. Emergency room staff c. Free clinic/health ministry staff d. Rescue squad/EMS staff e. Crisis Pregnancy Centers/similar staff f. Planned Parenthood staff g. HIV/AIDs/STD service providers h. College-based medical facilities i. Local health departments 	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Health and Human Services Awareness, Outreach, and Prevention Subcommittee.

As part of the Health and Human Services Awareness, Outreach, and Prevention Subcommittee, the Virginia Department of Health (VDH) and the Virginia Department of Health Professions (DHP) lead efforts around this strategy. Significant progress towards reaching many of these professional groups has been made, considering the large numbers of providers throughout Virginia. Examples of these efforts include:

- Resource information available on the VDH and DHP websites
- Relevant organizations and groups identified for consultation and assistance
- Contacts made with family planning, school health, refugee health, and HIV/AIDS providers

In local health department family planning clinics, VDH staff includes questions in the health history for each family planning visit that are related to sexual, emotional, and physical abuse (to include human trafficking). If there is a positive response, health district staff refers to and follows the Polaris Project Medical Assessment and Referral Tool.

Staff from VDH and DHP continues to explore additional options for outreach to these groups.

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Strategy 5.3-2

Status: IN-PROGRESS

Original Report Language:

<p>Strategy 5.3-2:</p> <p>Provide information and access to training materials to counselors and counseling services throughout Virginia.</p> <p><i>Information and materials to include: general information/awareness presentation; indicators of human trafficking; links to resources for brochures and posters; information on ICE Human Trafficking Victim Assistance Program and special visas; speaker/trainer resource list; victim services resource list. Include presentations on human trafficking at state sponsored training and conference events, and, if possible, industry-sponsored events held in Virginia.</i></p> <p>Targets:</p> <ol style="list-style-type: none"> a. Community services boards b. Ministry/faith-based services c. Licensed counselors d. 211 call staff 	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Health and Human Services Awareness, Outreach, and Prevention Subcommittee.

As part of the Health and Human Services Awareness, Outreach, and Prevention Subcommittee, the Virginia Department of Health Professions (DHP) leads efforts around this strategy. As noted in strategy 5.3-1, significant progress towards reaching many of these professional groups has been made, considering the large numbers of providers throughout Virginia. Examples of these efforts include:

- Resource information available on the DHP website
- Relevant organizations and groups identified for consultation and assistance
- Collaboration with members of the Victim Support Workgroup to engage staff of 2-1-1 Virginia

Members of the Health and Human Services Awareness, Outreach, and Prevention Subcommittee continue to explore additional options for outreach to these groups.

Strategy 5.3-3

Status: ONGOING

Original Report Language:

<p>Strategy 5.3-3:</p> <p>Provide information and access to training materials to shelters throughout Virginia.</p> <p><i>Information and materials to include: general information/awareness presentation; indicators of human trafficking; links to resources for brochures and posters; information on ICE Human Trafficking Victim Assistance Program and special visas; speaker/trainer resource list; victim services resource list. Include presentations on human trafficking at state sponsored training and conference events, and, if possible, industry-sponsored events held in Virginia.</i></p> <p>Targets:</p> <ul style="list-style-type: none"> a. Domestic and sexual violence shelters b. Homeless shelters c. Runaway shelters d. Group homes (adults/youth) 	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Victim Support Subcommittee.

The Victim Support Subcommittee (VSS) proposed minor changes to the language of this strategy, and these changes were accepted by the Anti-Human Trafficking Coordinating Committee. The new strategy language is:

Strategy 5.3-3:
Provide needed training, information, and materials to shelters throughout Virginia.

VSS members from the Virginia Department of Criminal Justice Services and the Virginia Department of Social Services (VDSS) lead efforts around this strategy.

DCJS provides resource materials on human trafficking by-request and at trainings, conferences, and other events. Materials include those from the Anti-Human Trafficking Coordinating Committee, including business cards and magnets, as well as those from Polaris and the U.S. Department of Homeland Security Blue Campaign. The Blue Campaign is the “unified voice for the U.S. Department of Homeland Security’s (DHS) efforts to combat human trafficking. Working in collaboration with law enforcement, government, non-governmental, and private organizations, the Blue Campaign strives to protect the basic right of freedom and to bring those who exploit human lives to justice.”⁴⁴

In addition, DCJS coordinated two trafficking-specific training events to which shelter providers were invited: the 2013 Governor's Summit on Human Trafficking and the 2015 Virginia Forum on Human Trafficking. The agendas from these events are included as Attachment C and Attachment D to this report. DCJS has also included anti-human trafficking topics in other conferences, such as the 2015 Advanced Victim Assistance Academy, the 2017 Intersections of Violence: Domestic Violence, Sexual Assault, and Child Abuse Conference, and the 2018 2nd Annual Intersections of Violence: Domestic Violence, Sexual Assault, and Child Abuse Conference. Audiences for these events included victim service providers and other DSS family services specialists.

⁴⁴ “About the Blue Campaign.” U.S. Department of Homeland Security Blue Campaign. Accessed February 20, 2018. www.dhs.gov/blue-campaign/about-blue-campaign.

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Though somewhat harder to reach, staff at youth shelters and group homes can access resource information on the DCJS and VDSS websites.

Members of the VSS continue to explore additional options for outreach to these groups. Ideas for 2018 and beyond include:

- Anti-trafficking discussion topics during Virginia Sexual and Domestic Violence Action Alliance (Action Alliance) State and Local Partner Meetings (see additional information under strategy 3.2-4)
- On-site agency training through the Action Alliance Training Institute
- Inclusion of shelter-specific information on the to-be-developed human trafficking website or microsite

Strategy 5.3-4

Status: IN-PROGRESS

Original Report Language:

<p>Strategy 5.3-4:</p> <p>Provide training, information, and materials, which are specific to young victims, to juvenile justice professionals throughout Virginia.</p> <p><i>Information and materials may include: general information/awareness presentation; indicators of human trafficking; links to resources for brochures; assessment resources; information on ICE Human Trafficking Victim Assistance Program and special visas; speaker/trainer resource list; victim services resource list; trauma. Include presentations on human trafficking at state sponsored training and conference events, and, if possible, industry-sponsored events held in Virginia.</i></p> <p><i>Targets:</i></p> <ol style="list-style-type: none"> <i>Probation/parole officers/intake staff</i> <i>Detention center staff</i> 	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Administration Action and Policy Subcommittee.

Members of the Administration Action and Policy Subcommittee (AAPS) have consulted periodically with staff from the Virginia Department of Juvenile Justice (DJJ) regarding this strategy. Specifically, the DJJ Division of Community Programs’ Regional Program Manager and the Juvenile Detention Alternatives Initiative (JDAI) Coordinator are leading anti-trafficking efforts within DJJ. In 2017, DJJ applied for funding under the Office for Victims of Crime grant program, *Improving Outcomes for Child and Youth Victims of Human Trafficking: A Jurisdiction-Wide Approach*. Although funding was not awarded, DJJ staff and AAPS members continue to collaborate and explore options for implementing this strategy.

Strategy 5.3-5

Status: ONGOING

Original Report Language:

<p>Strategy 5.3-5:</p> <p>Provide training, information, and materials to victim service providers throughout Virginia.</p> <p><i>Victim service providers include victim/witness; sexual assault; domestic violence; and, when appropriate, human trafficking specific. Information and materials to include: general information/awareness presentation; indicators of human trafficking; assessment resources; links to resources for brochures and posters; information on ICE Human Trafficking Victim Assistance Program and special visas; speaker/trainer resource list. Training to include: assessments; special needs/issues of human trafficking victims; resources for victims who are refugees or undocumented immigrants; referral processes for special services (attorneys; shelter; social services); trauma. Include presentations on human trafficking at state sponsored training and conference events, and, if possible, industry-sponsored events held in Virginia.</i></p>	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Victim Support Subcommittee.

The Victim Support Subcommittee (VSS) proposed minor changes to the language of this strategy, and these changes were accepted by the Anti-Human Trafficking Coordinating Committee. The new strategy language is:

Strategy 5.3-5:

Provide needed training, information, and materials to victim service providers and other DSS human services workers throughout Virginia.

VSS members from the Virginia Department of Criminal Justice Services and the Virginia Department of Social Services (VDSS) lead efforts around this strategy. Many activities similar to those under strategy 5.3-3 have been, or are being, implemented.

As previously noted, DCJS provides resource materials on human trafficking by-request and at trainings, conferences, and other events. Materials include those from the Anti-Human Trafficking Coordinating Committee, including business cards and magnets, as well as those from Polaris and the U.S. Department of Homeland Security Blue Campaign. In addition, DCJS coordinated two trafficking-specific training events to which victim service providers were invited: the *2013 Governor's Summit on Human Trafficking* and the *2015 Virginia Forum on Human Trafficking*. The agendas from these events are included as Attachment C and Attachment D to this report. DCJS has also included anti-human trafficking topics in other conferences, such as the *2015 Advanced Victim Assistance Academy*, the *2017 Intersections of Violence: Domestic Violence, Sexual Assault, and Child Abuse Conference*, and the *2018 2nd Annual Intersections of Violence: Domestic Violence, Sexual Assault, and Child Abuse Conference*. Audiences for these events included victim service providers and other DSS family services specialists.

To reach DSS family services specialists, VDSS developed an eLearning module, *Identifying Sex Trafficking in Child Welfare (CWSE4000)*. The purpose of this training is “to inform local departments of social services staff and community partners within the Commonwealth of Virginia on the impact of human trafficking – notably commercial sex trafficking – on our vulnerable youth in foster care, runaways, and others experiencing abuse or

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neglect or other family dysfunction in their homes.”⁴⁵ The VDSS website and this training module contain detailed information on human trafficking, as well as links to the National Runaway Safeline, the National Human Trafficking Hotline, and numerous other resources.

Members of the VSS continue to explore additional options for outreach to victim service providers and other DSS family services specialists.

Strategy 5.3-6

Status: IN-PROGRESS

Original Report Language:

<p>Strategy 5.3-6: Provide training, information, and materials to local pretrial and community corrections/probation staff throughout Virginia.</p> <p><i>Information and materials to include: general information/awareness presentation; indicators of human trafficking; assessment resources; links to resources for brochures and posters; information on ICE Human Trafficking Victim Assistance Program and special visas; speaker/trainer resource list. Training to include: assessments; special needs/issues of human trafficking victims; resources for victims who are refugees or undocumented immigrants; referral processes for special services (attorneys; shelter; social services) Include presentations on human trafficking at state sponsored training and conference events, and, if possible, industry-sponsored events held in Virginia.</i></p>	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Administration Action and Policy Subcommittee.

Limited progress has been made toward implementation of this strategy. An action plan for reaching local pretrial and community corrections/probation staff is being developed and will be implemented by the end of 2018.

⁴⁵ Virginia Department of Social Services. (n.d.). Retrieved from www.dss.virginia.gov/family/fc/story.html

Strategy 5.3-7

Status: Not Applicable

Original Report Language:

<p>Strategy 5.3-7: Provide training, information, and materials to social services workers throughout Virginia.</p> <p><i>Information and materials to include: general information/awareness presentation; indicators of human trafficking; links to resources for brochures and posters; information on ICE Human Trafficking Victim Assistance Program and special visas; speaker/trainer resource list. Training to include: assessments; special needs/issues of human trafficking victims; resources for victims who are refugees or undocumented immigrants; referral processes for special services; eligibility for Medicaid, TANF, SNAP. Include presentations on human trafficking at state sponsored training and conference events, and, if possible, industry-sponsored events held in Virginia.</i></p>	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
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Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Health and Human Services Awareness, Outreach, and Prevention Subcommittee.

Because this strategy is so similar to strategies 5.3-3 and 5.3-5, it was eliminated. The Victim Support Subcommittee is incorporating the intention of this strategy into its ongoing efforts.

Strategy 5.3-8

Status: IN-PROGRESS

Original Report Language:

<p>Strategy 5.3-8: Provide information and materials to defense attorneys throughout Virginia.</p> <p><i>Information and materials to include: general information/awareness presentation; indicators of human trafficking; links to resources for brochures and posters; information on ICE Human Trafficking Victim Assistance Program and special visas; speaker/trainer resource list; assessments; special needs/issues of human trafficking victims; resources for victims who are refugees or undocumented immigrants. Include presentations on human trafficking at state sponsored training and conference events, and, if possible, industry-sponsored events held in Virginia. Work with Virginia Bar Association.</i></p>	<ul style="list-style-type: none"> - Short term implementation (1-4 yrs) - The Virginia Coordinating Committee will determine implementation strategies and recommend lead agencies - No added fiscal impact
--	---

Status Report:

The Anti-Human Trafficking Coordinating Committee assigned this strategy to the Victim Support Subcommittee.

The Victim Support Subcommittee (VSS) proposed minor changes to the language of this strategy, and these changes were accepted by the Anti-Human Trafficking Coordinating Committee. The new strategy language is:

Strategy 5.3-8:
 Provide needed training, information, and materials to defense attorneys throughout Virginia.

VSS members from the Virginia Beach Justice Initiative (VBJI) and the Virginia Sexual and Domestic Violence Action Alliance (Action Alliance) lead efforts around this strategy. Staff with the Action Alliance has membership

Five-Year Status Report:

in the Virginia Indigent Defense Commission (VIDC) and is working with the VIDC to outreach to defense attorneys. The VIDC oversees 25 public defender offices and four capital defender offices across Virginia, with the goal of protecting and defending the rights and dignity of clients through high-quality legal advocacy.⁴⁶

Additionally, the Action Alliance's Project for the Empowerment of Survivors (PES) is an initiative offering trauma-informed legal services and advocacy to callers on the Action Alliance's Statewide Hotline who have experienced domestic violence, sexual assault, hate crimes, and human trafficking. One component of the PES is a network of trained community-based attorneys who can provide direct legal representation.⁴⁷ Through this network, human trafficking training, information, and materials are provided to attorneys.

VSS members are also planning to contact the Virginia State Bar to explore partnership and training opportunities for reaching additional attorneys.

⁴⁶ "About Us." *Virginia Indigent Defense Commission*. Accessed February 20, 2018. www.vadefenders.org/about-us.

⁴⁷ "Project for the Empowerment of Survivors." *Virginia Sexual and Domestic Violence Action Alliance*. Accessed February 20, 2018. www.vsdvalliance.org/resources-helpayuda/legal-help/?view=mobile.

Attachments

Attachment A *Executive Directive No. 7: Comprehensive, Coordinated State Response to the Problem of Human Trafficking*

Attachment B Anti-Human Trafficking Coordinating Committee Members

Attachment C *Agenda from the 2013 Governor's Summit on Human Trafficking*

Attachment D *Agenda from the 2015 Virginia Forum on Human Trafficking*

Attachment E *Code of Virginia § 18.2-357.1. Commercial sex trafficking; penalties.*

Attachment F Anti-Human Trafficking Coordinating Committee Informational Materials

Attachment G Mirror Stickers in Virginia Safety Rest Areas and Welcome Centers

Attachment A

Executive Directive No. 7: *Comprehensive, Coordinated State Response to the Problem of Human Trafficking*

COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR

Executive Directive No. 7 (2013)

Comprehensive, Coordinated State Response to the Problem of Human Trafficking

As the chief executive officer for the Commonwealth of Virginia, I hereby issue this Executive Directive to the Executive Branch Cabinet members, agency heads, managers, supervisors, and employees in order to provide a comprehensive, coordinated state response to the problem of human trafficking in Virginia. Nothing in this Executive Directive should be construed as imposing an unfunded mandate on any Independent or non-Executive branch agency of the Commonwealth of Virginia.

Human trafficking is a serious problem with often tragic consequences for its victims. It is one of the fastest growing criminal enterprises in the world and there are estimates that as many as 27 million people worldwide, many of them children, are trapped in what amounts to slavery. As many as 25,000 people are estimated to be living in slavery in the United States, and the U.S. Justice Department reports that trafficking has occurred in almost every state, including Virginia. The National Human Trafficking Resource Center reports a 61% increase in calls to its Human Trafficking Hotline between 2010 and 2011. Sex trafficking accounts for the majority of the calls from Virginia.

In recent years, Virginia has made great progress in creating a legal framework for investigating human trafficking and prosecuting those engaged in it. This has been augmented by the creation earlier this year of the Human Trafficking Workgroup under the direction of the Secretary of Public Safety. That group, consisting of representatives of the state agencies with statutory responsibilities related to combating human trafficking, has developed both short and long-term recommendations and strategies for coordinating and strengthening the Commonwealth's response to human trafficking. These are stated in the report, "Laying the Foundation for Virginia's Coordinated Response to Human Trafficking."

Maintaining the Commonwealth's focus on human trafficking and coordination of state agencies' efforts to implement the Workgroup's recommendations, while identifying additional responses to the problem, are of great importance to Virginia.

Accordingly, I direct that:

1. The Secretary of Public Safety, in collaboration with other Cabinet Secretaries convene an Anti-Human Trafficking Coordinating Committee composed of representatives of: the Departments of Criminal Justice Services, State Police, Education, Social Services, Health, Health Professions, Agriculture and Consumer Services, Alcoholic Beverage Control, Behavioral Health and Developmental Services; Professional and Occupational Regulation; Transportation; and the Virginia Employment Commission, with an invitation extended to the Office of the Attorney General.
The Anti-Human Trafficking Coordinating Committee shall meet regularly to review and coordinate the agencies' work to implement the recommendations in "Laying the Foundation for Virginia's Coordinated Response to Human Trafficking," and to identify additional actions and strategies to further strengthen the Commonwealth's responses to human trafficking.
2. The Departments of Criminal Justice Services, State Police, Education, Social Services, Health, Health Professions., Agriculture and Consumer Services, Alcoholic Beverage Control, Labor and Industry, Professional and Occupational Regulation, Transportation, Behavioral Health and Developmental Services, and the Virginia Employment Commission take steps to broaden the availability of information and materials related to human trafficking via their websites.
3. The Departments of Criminal Justice Services, State Police, Education, Social Services, Health, Health Professions., Agriculture and Consumer Services, Alcoholic Beverage Control, Labor and Industry, Professional and Occupational Regulation, Transportation, Behavioral Health and Developmental Services, and the Virginia Employment Commission each designate at least one person be the primary point of contact on matters related to human trafficking and to serve on the Anti-Human Trafficking Coordinating Committee.
4. Notices regarding the National Runaway Safeline and National Human Trafficking Hotline be posted in state parks, state-run highway rest areas and visitor centers, and Virginia Department of Motor Vehicles offices.
5. All agencies should examine areas of public access to determine whether posting notices regarding the National Runaway Safeline and the National Human Trafficking Hotline would provide useful information to the public, and if so, to post such notices.
6. Agencies should review existing funding programs for barriers that may prohibit human trafficking victims from accessing services, and seek potential solutions to any such barriers. The following areas will be reviewed: a) emergency and transitional housing; b) mental health and substance abuse; c) victim advocacy and services; and d) transportation assistance.

Robert F. McDonnell, Governor

Janet V. Kelly, Secretary of the Commonwealth

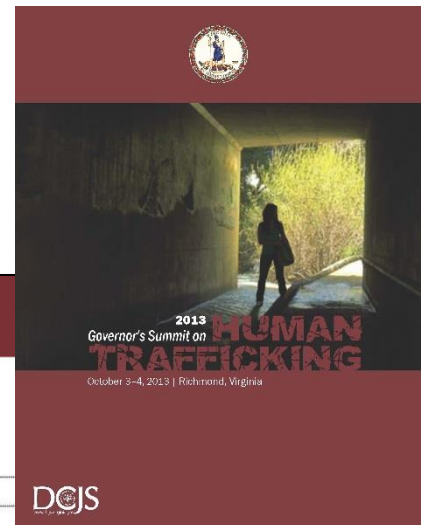
Attachment B

Anti-Human Trafficking Coordinating Committee Members
(as of September 2018)

Name	Agency
Allison Balmes	Virginia Department of Health
Mary Broz-Vaughan	Virginia Department of Professional and Occupational Regulation
Thomas Fitzpatrick	Virginia Department of Criminal Justice Services
Nancy Fowler	Virginia Department of Social Services
Katharine Hunter	Virginia Department of Behavioral Health and Developmental Services
Wendy Inge	Virginia Department of Labor and Industry
Anthony Jimenez	Virginia Department of Alcoholic Beverage Control
Bobby Kipper	Virginia Department of Education
Martin Krebs	Virginia Department of Transportation
Jennifer Lang	Virginia Department of Health Professions
Lt. Col. Timothy Lyon	Virginia State Police
Joel Maddux	Virginia Department of Agriculture and Consumer Services
Mike McKee	Virginia Department of Alcoholic Beverage Control
Melissa McMenemy	Office of the Attorney General
Dave Scoven	Virginia Employment Commission
Support Staff	
Michelle Miles	Virginia Department of Criminal Justice Services
Kristina Vadas	Virginia Department of Criminal Justice Services

Attachment C

Agenda from the 2013 Governor's Summit on Human Trafficking



AGENDA AT A GLANCE

THURSDAY, OCTOBER 3, 2013

7:45 am–8:30 am	REGISTRATION AND COFFEE	
8:30 am–9:15 am	OPENING	SALON C/D
9:15 am–10:15 am	GENERAL SESSION PANEL DISCUSSION	SALON C/D
10:15 am–10:30 am	<i>Break</i>	
10:30 am–12:00 pm	NATIONAL EXPERT PRESENTATIONS	SALON C/D
	"Pimps, Dope Boys and Shooting Galleries: Modern Day Human Trafficking"	
	"Identifying Child Sex Trafficking Victims in Missing Child Cases"	
12:15 pm–1:45 pm	LUNCH WITH SPEAKER AND OPENING REMARKS	SALON C/D
2:00 pm–3:15 pm	NATIONAL EXPERT PRESENTATIONS	SALON C/D
	"Educating and Empowering Young Men to End Sexual Exploitation"	
	"Building a Crisis Response for Human Trafficking"	
3:15 pm–3:30 pm	<i>Break</i>	
3:30 pm–5:00 pm	WORKGROUP TRACKS	
	Victim Identification	SALON A
	Victim Assistance	SALON C/D
	Public Outreach and Education	SALON B
5:00 pm	CLOSING REMARKS	

FRIDAY, OCTOBER 4, 2013

8:00 am–8:30 am	REGISTRATION AND COFFEE	
8:30 am–10:15 am	REGIONAL BREAKOUTS FOR FACILITATED DISCUSSION	
	Central	SALON A
	Northern	SALON B
	Tidewater/Eastern	POTOMAC E
	Western District	POTOMAC G
10:15 am–10:30 am	<i>Break</i>	
10:30 am–11:00 am	HIGHLIGHTS FROM REGIONAL BREAKOUTS	
11:00 am–11:15 am	CLOSING REMARKS	SALON C/D

Attachment D

Agenda from the 2015 Virginia Forum on Human Trafficking



2015
Virginia
Forum on
Human
Trafficking

October 14, 2015
Williamsburg, Virginia




www.dcls.virginia.gov

AGENDA AT A GLANCE

9:00am	Opening Remarks	<i>Adams & Taylor Presidents Ballroom</i>
9:30am	Human Trafficking: A National Perspective	<i>Adams & Taylor Presidents Ballroom</i>
10:15am	Break	
10:30am	Human Trafficking Cases in Virginia	<i>Adams & Taylor Presidents Ballroom</i>
11:45am	Break	
12:15pm	Lunch with Presentation	<i>Harrison Presidents Ballroom</i>
1:15pm	BREAKOUT SESSIONS: Addressing Human Trafficking in Virginia SESSION A— Local Community Role in Serving Victims of Trafficking SESSION B— Federal Government Role in Serving Victims of Trafficking SESSION C— Law Enforcement Response to Trafficking SESSION D— State and Federal Justice System Responses	<i>Conference Center, Second Floor</i> <i>Room 17</i> <i>Room H</i> <i>Room 16</i> <i>Room 15</i>
2:30pm	Break	
2:45pm	BREAKOUT SESSIONS Repeated: Addressing Human Trafficking in Virginia SESSION A— Local Community Role in Serving Victims of Trafficking SESSION B— Federal Government Role in Serving Victims of Trafficking SESSION C— Law Enforcement Response to Trafficking SESSION D— State and Federal Justice System Responses	<i>Conference Center, Second Floor</i> <i>Room 17</i> <i>Room H</i> <i>Room 16</i> <i>Room 15</i>
4:00pm	Closing	

Attachment E

Code of Virginia § 18.2-357.1. Commercial sex trafficking; penalties.

§ 18.2-357.1. Commercial sex trafficking; penalties.

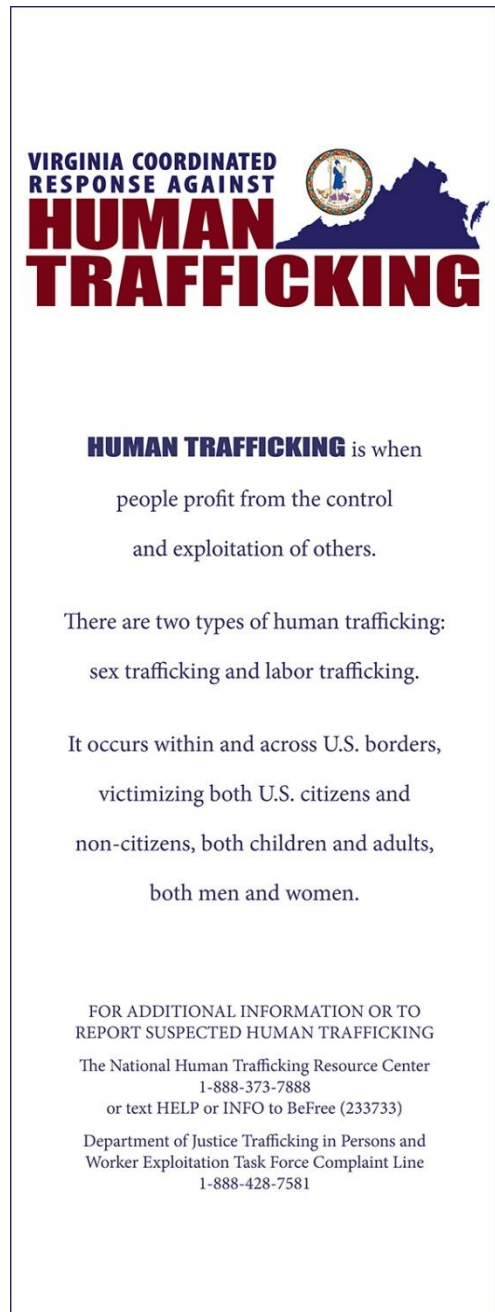
- A. Any person who, with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of a person from prostitution or unlawful sexual intercourse in violation of subsection A of § 18.2-346, solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to violate subsection A of § 18.2-346 is guilty of a Class 5 felony.*
- B. Any person who violates subsection A through the use of force, intimidation, or deception is guilty of a Class 4 felony.*
- C. Any adult who violates subsection A with a person under the age of 18 is guilty of a Class 3 felony.*

2015, cc. 690, 691.

Attachment F

Anti-Human Trafficking Coordinating Committee Informational Materials

Standing Floor Display



**VIRGINIA COORDINATED
RESPONSE AGAINST
HUMAN
TRAFFICKING**

HUMAN TRAFFICKING is when
people profit from the control
and exploitation of others.

There are two types of human trafficking:
sex trafficking and labor trafficking.

It occurs within and across U.S. borders,
victimizing both U.S. citizens and
non-citizens, both children and adults,
both men and women.

FOR ADDITIONAL INFORMATION OR TO
REPORT SUSPECTED HUMAN TRAFFICKING
The National Human Trafficking Resource Center
1-888-373-7888
or text **HELP** or **INFO to BeFree** (233733)
Department of Justice Trafficking in Persons and
Worker Exploitation Task Force Complaint Line
1-888-428-7581

Business Cards



**VIRGINIA COORDINATED
RESPONSE AGAINST
HUMAN
TRAFFICKING**

FOR ADDITIONAL INFORMATION OR TO REPORT SUSPECTED HUMAN TRAFFICKING
The National Human Trafficking Resource Center
1-888-373-7888 or text **HELP** or **INFO to BeFree** (233733)
Department of Justice Trafficking in Persons and
Worker Exploitation Task Force Complaint Line 1-888-428-7581

Magnets



**VIRGINIA COORDINATED
RESPONSE AGAINST
HUMAN
TRAFFICKING**

FOR ADDITIONAL INFORMATION OR
TO REPORT SUSPECTED
HUMAN TRAFFICKING

The National Human Trafficking
Resource Center
1-888-373-7888 or
text **HELP** or **INFO to BeFree**
(233733)

Department of Justice Trafficking
in Persons and Worker Exploitation
Task Force Complaint Line
1-888-428-7581

Attachment G

Mirror Stickers in Virginia Safety Rest Areas and Welcome Centers



**HUMAN TRAFFICKING
EXISTS IN VIRGINIA.**

LOOK AROUND YOU.

24/7 toll-free national hotline
1-888-373-7888

Text "HELP" or "INFO" to
"BeFree" (233733)



www.ag.virginia.gov



**HUMAN TRAFFICKING
EXISTS IN VIRGINIA.**

LOOK AROUND YOU.

24/7 toll-free national hotline
1-888-373-7888

Text "HELP" or "INFO" to
"BeFree" (233733)



www.ag.virginia.gov



**HUMAN TRAFFICKING
EXISTS IN VIRGINIA.**

LOOK AROUND YOU.

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**HUMAN TRAFFICKING
EXISTS IN VIRGINIA.**

LOOK AROUND YOU.

24/7 toll-free national hotline
1-888-373-7888

Text "HELP" or "INFO" to
"BeFree" (233733)



www.ag.virginia.gov

Appendix B
Virginia Acts of Assembly Chapter 486 (House Bill 2576)

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 486

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.4, relating to Sex Trafficking Response Coordinator; duties; report.

[H 2576]

Approved March 18, 2019

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.4 as follows:

§ 9.1-116.4. Sex Trafficking Response Coordinator; duties; report.

A. There is established within the Department a Sex Trafficking Response Coordinator (the Coordinator). The Coordinator shall:

1. Create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking;

2. Coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking;

3. Maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions;

4. Oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution under subsection B of § 18.2-346; and

5. Promote strategies for the education, training, and awareness of sex trafficking and for the reduction of demand for commercial sex.

B. The Coordinator may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party or any political subdivision thereof, cooperation and assistance in the performance of its duties. The Coordinator may also consult and exchange information with local government agencies and interested stakeholders.

C. The Coordinator shall report annually on or before October 1 to the Governor and the General Assembly. The report shall include a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth. The Department shall ensure that such report is available to the public.

Appendix C
Virginia Acts of Assembly Chapter 514 (Senate Bill 1669)

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 514

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.4, relating to Sex Trafficking Response Coordinator; duties; report.

[S 1669]

Approved March 18, 2019

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.4 as follows:

§ 9.1-116.4. Sex Trafficking Response Coordinator; duties; report.

A. There is established within the Department a Sex Trafficking Response Coordinator (the Coordinator). The Coordinator shall:

1. Create a statewide plan for local and state agencies to identify and respond to victims of sex trafficking;

2. Coordinate the development of standards and guidelines for treatment programs for victims of sex trafficking;

3. Maintain a list of programs that provide treatment or specialized services to victims of sex trafficking and make such list available to law-enforcement agencies, attorneys for the Commonwealth, crime victim and witness assistance programs, the Department of Juvenile Justice, the Department of Social Services, the Department of Education, and school divisions;

4. Oversee the development of a curriculum to be completed by persons convicted of solicitation of prostitution under subsection B of § 18.2-346; and

5. Promote strategies for the education, training, and awareness of sex trafficking and for the reduction of demand for commercial sex.

B. The Coordinator may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party or any political subdivision thereof, cooperation and assistance in the performance of its duties. The Coordinator may also consult and exchange information with local government agencies and interested stakeholders.

C. The Coordinator shall report annually on or before October 1 to the Governor and the General Assembly. The report shall include a summary of activities for the year and any recommendations to address sex trafficking within the Commonwealth. The Department shall ensure that such report is available to the public.

Appendix D
Virginia Acts of Assembly Chapter 728 (House Bill 2651)

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 728

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.4 and by adding sections numbered 16.1-69.48:6 and 17.1-275.13, relating to Virginia Prevention of Sex Trafficking Fund; fees for offenses related to sex trafficking.

[H 2651]

Approved March 21, 2019

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.4 and by adding sections numbered 16.1-69.48:6 and 17.1-275.13 as follows:

§ 9.1-116.4. Virginia Prevention of Sex Trafficking Fund; purpose; guidelines.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Prevention of Sex Trafficking Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys accruing to the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purpose of promoting prevention and awareness of sex trafficking. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department.

B. The Fund shall be administered by the Department, and the Department shall adopt guidelines to make funds available to agencies of the state and local governments for the purpose of promoting awareness of and preventative training and education related to sex trafficking.

§ 16.1-69.48:6. Fees for offenses related to sex trafficking.

The court shall order any person convicted of a misdemeanor violation of subsection B of § 18.2-346 or of § 18.2-348 or 18.2-349 to pay a \$100 fee, which shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § 9.1-116.4.

§ 17.1-275.13. Additional fee for offenses related to sex trafficking.

In addition to the fees provided for by §§ 17.1-275.1, 17.1-275.2, 17.1-275.7, 17.1-275.10, and 17.1-275.12, any person convicted of a misdemeanor violation of subsection B of § 18.2-346 or of § 18.2-348 or 18.2-349 shall be ordered to pay a \$100 fee, and any person convicted of a violation of clause (ii), (iii), or (iv) of § 18.2-48, or of § 18.2-368, or any felony violation of the laws pertaining to commercial sex trafficking or prostitution offenses pursuant to Article 3 (§ 18.2-344 et seq.) of Chapter 8, with the exception of § 18.2-361, shall be ordered to pay a \$500 fee. All fees collected pursuant to this section shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § 9.1-116.4.

Appendix E
Virginia Acts of Assembly Chapter 687 (Senate Bill 1661)

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 687

An Act to amend and reenact §§ 63.2-1508 and 63.2-1517 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-1506.1, relating to child abuse and neglect; report or complaint; victims of sex trafficking; taking child victim into custody.

[S 1661]

Approved March 21, 2019

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1508 and 63.2-1517 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-1506.1 as follows:

§ 63.2-1506.1. Sex trafficking assessments by local departments.

A. If a report or complaint is based upon information and allegations that a child is a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22), the local department shall conduct a sex trafficking assessment, unless at any time during the sex trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

B. A sex trafficking assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and the child's family that will deter abuse and neglect; and

3. Risk of future harm to the child.

C. When a local department responds to the report or complaint by conducting a sex trafficking assessment, the local department may:

1. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and the child's family;

2. Petition the court for services deemed necessary; or

3. Commence an immediate investigation or family assessment, if at any time during the sex trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

D. In the event that the parents or guardians of the child reside in a jurisdiction other than that in which the report or complaint was received, the local department that received the report or complaint and the local department where the child resides with his parents or guardians shall work jointly to complete the sex trafficking assessment.

E. Reports or complaints for which a sex trafficking assessment is completed shall not be entered into the central registry contained in § 63.2-1515.

F. The local department or departments shall notify the Child Protective Services Unit within the Department in writing whenever such a sex trafficking assessment is conducted.

§ 63.2-1508. Valid report or complaint.

A. A valid report or complaint means the local department has evaluated the information and allegations of the report or complaint and determined that the local department shall conduct an investigation or family assessment because the following elements are present:

1. The alleged victim child or children are under ~~the age of eighteen~~ 18 years of age at the time of the complaint or report;

2. The alleged abuser is the alleged victim child's parent or other caretaker;

3. The local department receiving the complaint or report has jurisdiction; and

4. The circumstances described allege suspected child abuse or neglect.

B. A valid report or complaint regarding a child who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) may be established if the alleged abuser is the alleged victim child's parent, other caretaker, or any other person suspected to have caused such abuse or neglect.

C. Nothing in this section shall relieve any person specified in § 63.2-1509 from making a report required by that section, regardless of the identity of the person suspected to have caused such abuse or neglect.

§ 63.2-1517. Authority to take child into custody.

A. A physician or child-protective services worker of a local department or law-enforcement official investigating a report or complaint of abuse and neglect may take a child into custody for up to 72 hours without prior approval of parents or guardians provided:

1. The circumstances of the child are such that continuing in his place of residence or in the care or custody of the parent, guardian, custodian or other person responsible for the child's care, presents an imminent danger to the child's life or health to the extent that severe or irreparable injury would be likely to result or if evidence of abuse is perishable or subject to deterioration before a hearing can be held;

2. A court order is not immediately obtainable;

3. The court has set up procedures for placing such children;

4. Following taking the child into custody, the parents or guardians are notified as soon as practicable. Every effort shall be made to provide such notice in person;

5. A report is made to the local department; and

6. The court is notified and the person or agency taking custody of such child obtains, as soon as possible, but in no event later than 72 hours, an emergency removal order pursuant to § 16.1-251; however, if a preliminary removal order is issued after a hearing held in accordance with § 16.1-252 within 72 hours of the removal of the child, an emergency removal order shall not be necessary. Any person or agency petitioning for an emergency removal order after four hours have elapsed following taking custody of the child shall state the reasons therefor pursuant to § 16.1-251.

B. If the 72-hour period for holding a child in custody and for obtaining a preliminary or emergency removal order expires on a Saturday, Sunday, or legal holiday or day on which the court is lawfully closed, the 72 hours shall be extended to the next day that is not a Saturday, Sunday, or legal holiday or day on which the court is lawfully closed.

C. A child-protective services worker of a local department responding to a complaint or report of abuse and neglect for purposes of sex trafficking or severe forms of trafficking may take a child into custody and the local department may maintain custody of the child for up to 72 hours without prior approval of a parent or guardian, provided that the alleged victim child or children have been identified as a victim or victims of sex trafficking or a victim or victims of severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7101 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22). After taking the child into custody, the local department shall notify the parent or guardian of such child as soon as practicable. Every effort shall be made to provide such notice in person. The local department shall also notify the Child-Protective Services Unit within the Department whenever a child is taken into custody.

D. When a child is taken into custody by a child-protective services worker of a local department pursuant to subsection C, that child shall be returned as soon as practicable to the custody of his parent or guardian. However, the local department shall not be required to return the child to his parent or guardian if the circumstances are such that continuing in his place of residence or in the care or custody of such parent or guardian, or custodian or other person responsible for the child's care, presents an imminent danger to the child's life or health to the extent that severe or irreparable injury would be likely to result or if the evidence of abuse is perishable or subject to deterioration before a hearing can be held. If the local department cannot return the child to the custody of his parents or guardians within 72 hours, the local department shall obtain an emergency removal order pursuant to § 16.1-251.

Appendix F
Virginia Acts of Assembly Chapter 381 (House Bill 2597)

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 381

An Act to amend and reenact §§ 63.2-1508 and 63.2-1517 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-1506.1, relating to child abuse and neglect; report or complaint; victims of sex trafficking; taking child victim into custody.

[H 2597]

Approved March 14, 2019

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1508 and 63.2-1517 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-1506.1 as follows:

§ 63.2-1506.1. Sex trafficking assessments by local departments.

A. If a report or complaint is based upon information and allegations that a child is a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22), the local department shall conduct a sex trafficking assessment, unless at any time during the sex trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

B. A sex trafficking assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;
2. The protective and rehabilitative services needs of the child and the child's family that will deter abuse and neglect; and

3. Risk of future harm to the child.

C. When a local department responds to the report or complaint by conducting a sex trafficking assessment, the local department may:

1. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and the child's family;

2. Petition the court for services deemed necessary; or

3. Commence an immediate investigation or family assessment, if at any time during the sex trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

D. In the event that the parents or guardians of the child reside in a jurisdiction other than that in which the report or complaint was received, the local department that received the report or complaint and the local department where the child resides with his parents or guardians shall work jointly to complete the sex trafficking assessment.

E. Reports or complaints for which a sex trafficking assessment is completed shall not be entered into the central registry contained in § 63.2-1515.

F. The local department or departments shall notify the Child Protective Services Unit within the Department in writing whenever such a sex trafficking assessment is conducted.

§ 63.2-1508. Valid report or complaint.

A. A valid report or complaint means the local department has evaluated the information and allegations of the report or complaint and determined that the local department shall conduct an investigation or family assessment because the following elements are present:

1. The alleged victim child or children are under ~~the age of eighteen~~ 18 years of age at the time of the complaint or report;

2. The alleged abuser is the alleged victim child's parent or other caretaker;

3. The local department receiving the complaint or report has jurisdiction; and

4. The circumstances described allege suspected child abuse or neglect.

B. A valid report or complaint regarding a child who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) may be established if the alleged abuser is the alleged victim child's parent, other caretaker, or any other person suspected to have caused such abuse or neglect.

C. Nothing in this section shall relieve any person specified in § 63.2-1509 from making a report required by that section, regardless of the identity of the person suspected to have caused such abuse or neglect.

§ 63.2-1517. Authority to take child into custody.

A. A physician or child-protective services worker of a local department or law-enforcement official investigating a report or complaint of abuse and neglect may take a child into custody for up to 72 hours without prior approval of parents or guardians provided:

1. The circumstances of the child are such that continuing in his place of residence or in the care or custody of the parent, guardian, custodian or other person responsible for the child's care, presents an imminent danger to the child's life or health to the extent that severe or irreparable injury would be likely to result or if evidence of abuse is perishable or subject to deterioration before a hearing can be held;

2. A court order is not immediately obtainable;

3. The court has set up procedures for placing such children;

4. Following taking the child into custody, the parents or guardians are notified as soon as practicable. Every effort shall be made to provide such notice in person;

5. A report is made to the local department; and

6. The court is notified and the person or agency taking custody of such child obtains, as soon as possible, but in no event later than 72 hours, an emergency removal order pursuant to § 16.1-251; however, if a preliminary removal order is issued after a hearing held in accordance with § 16.1-252 within 72 hours of the removal of the child, an emergency removal order shall not be necessary. Any person or agency petitioning for an emergency removal order after four hours have elapsed following taking custody of the child shall state the reasons therefor pursuant to § 16.1-251.

B. If the 72-hour period for holding a child in custody and for obtaining a preliminary or emergency removal order expires on a Saturday, Sunday, or legal holiday or day on which the court is lawfully closed, the 72 hours shall be extended to the next day that is not a Saturday, Sunday, or legal holiday or day on which the court is lawfully closed.

C. A child-protective services worker of a local department responding to a complaint or report of abuse and neglect for purposes of sex trafficking or severe forms of trafficking may take a child into custody and the local department may maintain custody of the child for up to 72 hours without prior approval of a parent or guardian, provided that the alleged victim child or children have been identified as a victim or victims of sex trafficking or a victim or victims of severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7101 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22). After taking the child into custody, the local department shall notify the parent or guardian of such child as soon as practicable. Every effort shall be made to provide such notice in person. The local department shall also notify the Child-Protective Services Unit within the Department whenever a child is taken into custody.

D. When a child is taken into custody by a child-protective services worker of a local department pursuant to subsection C, that child shall be returned as soon as practicable to the custody of his parent or guardian. However, the local department shall not be required to return the child to his parent or guardian if the circumstances are such that continuing in his place of residence or in the care or custody of such parent or guardian, or custodian or other person responsible for the child's care, presents an imminent danger to the child's life or health to the extent that severe or irreparable injury would be likely to result or if the evidence of abuse is perishable or subject to deterioration before a hearing can be held. If the local department cannot return the child to the custody of his parents or guardians within 72 hours, the local department shall obtain an emergency removal order pursuant to § 16.1-251.

Appendix G
Virginia Acts of Assembly Chapter 146 (House Bill 2464)

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 146

An Act to amend and reenact § 18.2-67.9 of the Code of Virginia, relating to testimony by child victims and witnesses using two-way closed-circuit television; commercial sex trafficking and prostitution offenses.

[H 2464]

Approved February 22, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-67.9 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-67.9. Testimony by child victims and witnesses using two-way closed-circuit television.

A. The provisions of this section shall apply to an alleged victim who was ~~fourteen~~ 14 years of age or ~~under younger~~ at the time of the alleged offense and is ~~sixteen~~ 16 years of age or ~~under younger~~ at the time of the trial and to a witness who is ~~fourteen~~ 14 years of age or ~~under younger~~ at the time of the trial.

In any criminal proceeding, including preliminary hearings, involving an alleged offense against a child, relating to a violation of the laws pertaining to kidnapping *pursuant to Article 3* (§ 18.2-47 et seq.) of Chapter 4, criminal sexual assault *pursuant to Article 7* (§ 18.2-61 et seq.) of Chapter 4, commercial sex trafficking or prostitution offenses *pursuant to Article 3* (§ 18.2-344 et seq.) of Chapter 8, or family offenses *pursuant to Article 4* (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2, or involving an alleged murder of a person of any age, the attorney for the Commonwealth or the defendant may apply for an order from the court that the testimony of the alleged victim or a child witness be taken in a room outside the courtroom and be televised by two-way closed-circuit television. The party seeking such order shall apply for the order at least seven days before the trial date or at least seven days before such other preliminary proceeding to which the order is to apply.

B. The court may order that the testimony of the child be taken by closed-circuit television as provided in subsection A if it finds that the child is unavailable to testify in open court in the presence of the defendant, the jury, the judge, and the public, for any of the following reasons:

1. The child's persistent refusal to testify despite judicial requests to do so;
2. The child's substantial inability to communicate about the offense; or
3. The substantial likelihood, based upon expert opinion testimony, that the child will suffer severe emotional trauma from so testifying.

Any ruling on the child's unavailability under this subsection shall be supported by the court with findings on the record or with written findings in a court not of record.

C. In any proceeding in which closed-circuit television is used to receive testimony, the attorney for the Commonwealth and the defendant's attorney shall be present in the room with the child, and the child shall be subject to direct and cross-examination. The only other persons allowed to be present in the room with the child during his testimony shall be those persons necessary to operate the closed-circuit equipment, and any other person whose presence is determined by the court to be necessary to the welfare and well-being of the child.

D. The child's testimony shall be transmitted by closed-circuit television into the courtroom for the defendant, jury, judge, and public to view. The defendant shall be provided with a means of private, contemporaneous communication with his attorney during the testimony.

E. Notwithstanding any other provision of law, none of the cost of the two-way closed-circuit television shall be assessed against the defendant.

Appendix H
Virginia Acts of Assembly Chapter 617 (House Bill 2586)

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 617

An Act to amend and reenact §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-347 through 18.2-350, 18.2-357.1, 18.2-513, 19.2-215.1, and 19.2-392.02, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to prostitution and sex trafficking; offenses involving a minor; penalties.

[H 2586]

Approved March 19, 2019

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-902, 17.1-805, 18.2-46.1, 18.2-347 through 18.2-350, 18.2-357.1, 18.2-513, 19.2-215.1, and 19.2-392.02, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 9.1-902. Offenses requiring registration.

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, *or* the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63 unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; any violation of subsection C of § 18.2-357.1; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

4. If the offense was committed on or after July 1, 2016, and where the perpetrator is 18 years of age or older and the victim is under the age of 13, any violation of § 18.2-51.2.

5. If the offense was committed on or after July 1, 2016, any violation of § 18.2-356 punishable as a Class 3 felony or any violation of § 18.2-357 punishable as a Class 3 felony.

6. *If the offense was committed on or after July 1, 2019, any felony violation of § 18.2-348 or 18.2-349.*

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63

where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, § 18.2-370.1, or § 18.2-374.1; ~~or~~

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof; *or* the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat, or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

H. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment, warrant, or information does not allege that the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. When such a determination is required, the court shall advise the defendant of its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. Failure to make such determination or so advise the defendant does not otherwise invalidate the underlying conviction.

§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.

A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which shall become effective on January 1, 1995. The initial recommended sentencing range for each felony offense shall be determined first, by computing the actual time-served distribution for similarly situated offenders, in terms of their conviction offense and prior criminal history, released from incarceration during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended sentencing range shall be the median time served for the middle two quartiles and subject to the following additional enhancements:

1. The midpoint of the initial recommended sentencing range for first degree murder, second degree murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated sexual battery; shall be further increased by (i) 125 percent in cases in which the defendant has no previous conviction of a violent felony offense; (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years;

or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of 40 years or more, except that the recommended sentence for a defendant convicted of first degree murder who has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be imprisonment for life;

2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery, aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any statutory burglary committed while armed with a deadly weapon shall be further increased by (i) 100 percent in cases in which the defendant has no previous conviction of a violent felony offense, (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of less than 40 years, or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more;

3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving, or distributing, or possessing with the intent to manufacture, sell, give, or distribute a Schedule I or II controlled substance, shall be increased by (i) 200 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more; and

4. The midpoint of the initial recommended sentencing range for felony offenses not specified in subdivision 1, 2, or 3 shall be increased by 100 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years; and by 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more.

B. For purposes of this chapter, previous convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, or the United States or its territories.

C. For purposes of this chapter, violent felony offenses shall include any felony violation of § 16.1-253.2; solicitation to commit murder under § 18.2-29; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, or 18.2-35; any violation of subsection B of § 18.2-36.1; any violation of § 18.2-40 or 18.2-41; any violation of clause (c) (i) or (ii) of subsection B of § 18.2-46.3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any Class 5 felony violation of § 18.2-47; any felony violation of § 18.2-48, 18.2-48.1, or 18.2-49; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, or 18.2-55; any violation of subsection B of § 18.2-57; any felony violation of § 18.2-57.2; any violation of § 18.2-58 or 18.2-58.1; any felony violation of § 18.2-60.1, 18.2-60.3, or 18.2-60.4; any violation of § 18.2-61, 18.2-64.1, 18.2-67.1, 18.2-67.2, former § 18.2-67.2:1, 18.2-67.3, 18.2-67.5, or 18.2-67.5:1 involving a third conviction of either sexual battery in violation of § 18.2-67.4 or attempted sexual battery in violation of subsection C of § 18.2-67.5; any Class 4 felony violation of § 18.2-63; any violation of subsection A of § 18.2-67.4:1; any violation of subsection A of § 18.2-77; any Class 3 felony violation of § 18.2-79; any Class 3 felony violation of § 18.2-80; any violation of § 18.2-85, 18.2-89, 18.2-90, 18.2-91, 18.2-92, or 18.2-93; any felony violation of § 18.2-152.7; any Class 4 felony violation of § 18.2-153; any Class 4 felony violation of § 18.2-154; any Class 4 felony violation of § 18.2-155; any felony violation of § 18.2-162; any violation of § 18.2-279 involving an occupied dwelling; any felony violation of subsection A or B of § 18.2-280; any violation of § 18.2-281; any felony violation of subsection A of § 18.2-282; any felony violation of § 18.2-282.1; any violation of § 18.2-286.1, 18.2-287.2, 18.2-289, or 18.2-290; any violation of subsection A of § 18.2-300; any felony violation of subsection C of § 18.2-308.1 or 18.2-308.2; any violation of § 18.2-308.2:1 or subsection M or N of § 18.2-308.2:2; any violation of § 18.2-308.3 or 18.2-312; any felony violation of § 18.2-346, 18.2-348, or 18.2-349; any violation of subdivision (2) or (3) of § 18.2-355; any violation of § 18.2-356, 18.2-357, or 18.2-357.1; any violation of former § 18.2-358; any violation of subsection B of § 18.2-361; any violation of subsection B of § 18.2-366; any violation of § 18.2-368, 18.2-370, or 18.2-370.1; any violation of subsection A of § 18.2-371.1; any felony violation of § 18.2-369 resulting in serious bodily injury or disease; any violation of § 18.2-374.1; any felony violation of § 18.2-374.1:1; any violation of § 18.2-374.3 or 18.2-374.4; any second or subsequent offense under §§ 18.2-379 and 18.2-381; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; any felony violation of § 18.2-460, 18.2-474.1, or 18.2-477.1; any violation of § 18.2-477, 18.2-478, 18.2-480, 18.2-481, or 18.2-485; any violation of § 37.2-917; any violation of § 52-48; any violation of § 53.1-203; or any conspiracy or attempt to commit any offense specified in this subsection, and or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories.

§ 18.2-46.1. Definitions.

As used in this article unless the context requires otherwise or it is otherwise provided:

"Act of violence" means those felony offenses described in subsection A of § 19.2-297.1.

"Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction.

"Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-31, 18.2-42, 18.2-46.3, 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-55, 18.2-56.1, 18.2-57, 18.2-57.2, 18.2-59, 18.2-83, 18.2-89, 18.2-90, 18.2-95, 18.2-108.1, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-248.01, 18.2-248.03, 18.2-255, 18.2-255.2, 18.2-279, 18.2-282.1, 18.2-286.1, 18.2-287.4, 18.2-289, 18.2-300, 18.2-308.1, 18.2-308.2, 18.2-308.2:01, 18.2-308.4, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; (iii) a felony violation of § 18.2-60.3, 18.2-346, 18.2-348, or 18.2-349; (iv) a felony violation of § 18.2-248 or of 18.2-248.1 or a conspiracy to commit a felony violation of § 18.2-248 or 18.2-248.1; (v) any violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States.

§ 18.2-347. Keeping, residing in, or frequenting a bawdy place; "bawdy place" defined; penalty.

It ~~shall be~~ *is* unlawful for any person to keep any bawdy place, or to reside in or at or visit, for immoral purposes, any such bawdy place. Each ~~and every~~ day such bawdy place ~~shall be~~ *is* kept, resided in, or visited, shall constitute a separate offense. In a prosecution under this section, the general reputation of the *bawdy* place may be proved. *A violation of this section is a Class 1 misdemeanor.*

As used in this Code, "bawdy place" ~~shall mean~~ *means* any place within or ~~without~~ *outside* any building or structure ~~which~~ *that* is used or is to be used for lewdness, assignation, or prostitution.

§ 18.2-348. Aiding prostitution or illicit sexual intercourse, etc.; penalty.

It is unlawful for any person or any officer, employee, or agent of any firm, association, or corporation, with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or transport or assist in taking or transporting, or offer to take or transport on foot or in any way, any person to a place, whether within or ~~without~~ *outside* any building or structure, used or to be used for the purpose of lewdness, assignation, or prostitution within the Commonwealth, or to procure or assist in procuring for the purpose of illicit sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act violative of § 18.2-361, or to give any information or direction to any person with intent to enable such person to commit an act of prostitution. *A violation of this section is a Class 1 misdemeanor. However, any adult who violates this section with a person under the age of 18 is guilty of a Class 6 felony.*

§ 18.2-349. Using vehicles to promote prostitution or unlawful sexual intercourse; penalty.

It ~~shall be~~ *is* unlawful for any owner or chauffeur of any vehicle, with knowledge or reason to believe the same is to be used for such purpose, to use the same or to allow the same to be used for the purpose of prostitution or unlawful sexual intercourse, or to aid or promote such prostitution or unlawful sexual intercourse by the use of any such vehicle. *A violation of this section is a Class 1 misdemeanor. However, any adult who violates this section by using a vehicle or allowing a vehicle to be used for or to aid or promote prostitution or unlawful sexual intercourse with a person under the age of 18 is guilty of a Class 6 felony.*

§ 18.2-350. Confinement of convicted prostitutes and persons violating §§ 18.2-347 through 18.2-349.

Every person convicted of being a prostitute and every person convicted of violating any of the provisions of §§ ~~18.2-347 through 18.2-349~~ shall be guilty of a Class 1 misdemeanor; provided, ~~however, that in~~ *In* any case in which a person is convicted of a violation of subsection A of § 18.2-346 or of a misdemeanor violation of § 18.2-347, 18.2-348, or 18.2-349 and where a city or county farm or hospital is available for the confinement of persons so convicted, confinement may be in such farm or hospital, in the discretion of the court or judge.

§ 18.2-357.1. Commercial sex trafficking; penalties.

A. Any person who, with the intent to receive money or other valuable thing or to assist another in receiving money or other valuable thing from the earnings of a person from prostitution or unlawful sexual intercourse in violation of subsection A of § 18.2-346, solicits, invites, recruits, encourages, or otherwise causes or attempts to cause a person to violate subsection A of § 18.2-346 is guilty of a Class 5 felony.

B. Any person who violates subsection A through the use of force, intimidation, or deception is guilty of a Class 4 felony.

C. Any adult who violates subsection A with a person under ~~the age of~~ *18 years of age* is guilty of a Class 3 felony.

D. *Each violation of this section constitutes a separate and distinct felony.*

§ 18.2-513. Definitions.

As used in this chapter, ~~the term:~~

"Criminal street gang" ~~shall be~~ *means the same as that term is defined in § 18.2-46.1.*

"Enterprise" includes any of the following: sole proprietorship, partnership, corporation, business trust, criminal street gang, or other group of three or more individuals associated for the purpose of criminal activity.

"Proceeds" ~~shall be~~ *means the same as that term is defined in § 18.2-246.2.*

"Racketeering activity" means to commit, attempt to commit, *or* conspire to commit, or to solicit, coerce, or intimidate another person to commit two or more of the following offenses: Article 2.1 (§ 18.2-46.1 et seq.) of Chapter 4 of this title, § 18.2-460; a felony offense of §§ § 3.2-4212, 3.2-4219, 10.1-1455, 18.2-31, 18.2-32, 18.2-32.1, 18.2-33, *or* 18.2-35, Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of this title, §§ § 18.2-47, 18.2-48, 18.2-48.1, 18.2-49, 18.2-51, 18.2-51.2, 18.2-52, 18.2-53, 18.2-55, 18.2-58, 18.2-59, 18.2-77, 18.2-79, 18.2-80, 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, *or* 18.2-95, Article 4 (§ 18.2-111 et seq.) of Chapter 5 of this title, Article 1 (§ 18.2-168 et seq.) of Chapter 6 of this title, §§ § 18.2-178; *or* 18.2-186, Article 6 (§ 18.2-191 et seq.) of Chapter 6 of this title, Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of this title, § 18.2-246.13, Article 1 (§ 18.2-247 et seq.) of Chapter 7 of this title, §§ § 18.2-279, 18.2-286.1, 18.2-289, 18.2-300, 18.2-308.2, 18.2-308.2:1, 18.2-328, 18.2-346, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, 18.2-368, 18.2-369, *or* 18.2-374.1, Article 8 (§ 18.2-433.1 et seq.) of Chapter 9 of this title, Article 1 (§ 18.2-434 et seq.) of Chapter 10 of this title, Article 2 (§ 18.2-438 et seq.) of Chapter 10 of this title, Article 3 (§ 18.2-446 et seq.) of Chapter 10 of this title, Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of this title, § 3.2-6571, 18.2-516, 32.1-314, 58.1-1008.2, 58.1-1017, or 58.1-1017.1; or any substantially similar offenses under the laws of any other state, the District of Columbia, *or* the United States or its territories.

§ 19.2-215.1. Functions of a multi-jurisdiction grand jury.

The functions of a ~~multi-jurisdiction~~ *multi-jurisdiction* grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:
 - a. Title 10.1 for which punishment as a felony is authorized;
 - b. § 13.1-520;
 - c. §§ 18.2-47 and 18.2-48;
 - d. §§ 18.2-111 and 18.2-112;
 - e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;
 - f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;
 - g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;
 - h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;
 - i. § 18.2-434, when violations occur before a ~~multi-jurisdiction~~ *multi-jurisdiction* grand jury;
 - j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;
 - k. § 18.2-460 for which punishment as a felony is authorized;
 - l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;
 - m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;
 - n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;
 - o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;
 - p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
 - q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;
 - r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;
 - s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;
 - t. § 18.2-178 where the violation involves insurance fraud;
 - u. § 18.2-346, 18.2-348, *or* 18.2-349 for which punishment as a felony is authorized or § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1;
 - v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;
 - w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;
 - x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
 - y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;
 - z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
 - aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;
 - ~~bb.~~ *ab.* Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;
 - ~~ee.~~ *ac.* § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1; and
 - ~~dd.~~ *ad.* Any other provision of law when such condition is discovered in the course of an investigation that a ~~multi-jurisdiction~~ *multi-jurisdiction* grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation or conspiracy to violate the laws enumerated in this section.

2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or investigated, or to the chief law-enforcement officer of any jurisdiction where such offense could be prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when appropriate, to the Attorney General.

3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a ~~multijurisdiction~~ *multi-jurisdiction* grand jury.

4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.

§ 19.2-392.02. (Effective until July 1, 2019) National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children or the elderly or disabled.

A. For purposes of this section:

"Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, 18.2-35, 18.2-36, 18.2-36.1, 18.2-36.2, 18.2-41, or 18.2-42; any felony violation of § 18.2-46.2, 18.2-46.3, 18.2-46.3:1, or 18.2-46.3:3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any violation of subsection A or B of § 18.2-47; any violation of § 18.2-48, 18.2-49, or 18.2-50.3; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.5, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, 18.2-55, 18.2-55.1, 18.2-56, 18.2-56.1, 18.2-56.2, 18.2-57, 18.2-57.01, 18.2-57.02, 18.2-57.2, 18.2-58, 18.2-58.1, 18.2-59, 18.2-60, or 18.2-60.1; any felony violation of § 18.2-60.3 or 18.2-60.4; any violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-67.5:1, 18.2-67.5:2, 18.2-67.5:3, 18.2-77, 18.2-79, 18.2-80, 18.2-81, 18.2-82, 18.2-83, 18.2-84, 18.2-85, 18.2-86, 18.2-87, 18.2-87.1, or 18.2-88; any felony violation of § 18.2-279, 18.2-280, 18.2-281, 18.2-282, 18.2-282.1, 18.2-286.1, or 18.2-287.2; any violation of § 18.2-289, 18.2-290, 18.2-300, 18.2-308.4, or 18.2-314; any felony violation of § 18.2-346, 18.2-348, or 18.2-349; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-370.2, 18.2-370.3, 18.2-370.4, 18.2-370.5, 18.2-370.6, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-374.4, 18.2-379, 18.2-386.1, or 18.2-386.2; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, 18.2-433.2, 18.2-472.1, 18.2-474.1, 18.2-477, 18.2-477.1, 18.2-477.2, 18.2-478, 18.2-479, 18.2-480, 18.2-481, 18.2-484, 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction; (ii) any violation of § 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, or 18.2-94 or any substantially similar offense under the laws of another jurisdiction; (iii) any felony violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2 or any substantially similar offense under the laws of another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi) any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of the conviction.

"Barrier crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that may be useful in identifying persons arrested for or convicted of a barrier crime.

"Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children or the elderly or disabled.

"Department" means the Department of State Police.

"Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.

"Identification document" means a document made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental

organization that, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

"Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care; (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

"Qualified entity" means a business or organization that provides care to children or the elderly or disabled, whether governmental, private, for profit, nonprofit or voluntary, except organizations exempt pursuant to subdivision A 10 of § 63.2-1715.

B. A qualified entity may request the Department of State Police to conduct a national criminal background check on any provider who is employed by such entity. No qualified entity may request a national criminal background check on a provider until such provider has:

1. Been fingerprinted; and
2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has ever been convicted of or is the subject of pending charges for a criminal offense within or outside the Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv) a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any information contained in any such report, and to obtain a prompt determination as to the validity of such challenge before a final determination is made by the Department; and (v) a notice to the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified entity provides care.

C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii) the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the Department shall make a determination whether the provider has been convicted of or is the subject of charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information, the Department shall access the national criminal history background check system, which is maintained by the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall access the Central Criminal Records Exchange maintained by the Department. If the Department receives a background report lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable efforts to respond to a qualified entity's inquiry within 15 business days.

D. Any background check conducted pursuant to this section for a provider employed by a private entity shall be screened by the Department of State Police. If the provider has been convicted of or is under indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

E. Any background check conducted pursuant to this section for a provider employed by a governmental entity shall be provided to that entity.

F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national criminal background check, the Department and the Federal Bureau of Investigation may each charge the provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the fingerprints.

G. The failure to request a criminal background check pursuant to subsection B shall not be considered negligence per se in any civil action.

H. (Expires July 1, 2020) Notwithstanding any provisions in this section to the contrary, a spouse of a birth parent or parent by adoption who is not the birth parent of a child and has filed a petition for adoption of such child in circuit court may request the Department of State Police to conduct a national criminal background check on such prospective adoptive parent at his cost for purposes of § 63.2-1242. Such background checks shall otherwise be conducted in accordance with the provisions of this section.

§ 19.2-392.02. (Effective July 1, 2019) National criminal background checks by businesses and organizations regarding employees or volunteers providing care to children or the elderly or disabled.

A. For purposes of this section:

"Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32, 18.2-32.1, 18.2-32.2, 18.2-33, 18.2-35, 18.2-36, 18.2-36.1, 18.2-36.2, 18.2-41, or 18.2-42; any felony violation of § 18.2-46.2, 18.2-46.3, 18.2-46.3:1, or 18.2-46.3:3; any violation of § 18.2-46.5, 18.2-46.6, or 18.2-46.7; any violation of subsection A or B of § 18.2-47; any violation of § 18.2-48, 18.2-49, or 18.2-50.3; any violation of § 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.4, 18.2-51.5, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2, 18.2-55, 18.2-55.1, 18.2-56, 18.2-56.1,

18.2-56.2, 18.2-57, 18.2-57.01, 18.2-57.02, 18.2-57.2, 18.2-58, 18.2-58.1, 18.2-59, 18.2-60, or 18.2-60.1; any felony violation of § 18.2-60.3 or 18.2-60.4; any violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-64.2, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-67.5:1, 18.2-67.5:2, 18.2-67.5:3, 18.2-77, 18.2-79, 18.2-80, 18.2-81, 18.2-82, 18.2-83, 18.2-84, 18.2-85, 18.2-86, 18.2-87, 18.2-87.1, or 18.2-88; any felony violation of § 18.2-279, 18.2-280, 18.2-281, 18.2-282, 18.2-282.1, 18.2-286.1, or 18.2-287.2; any violation of § 18.2-289, 18.2-290, 18.2-300, 18.2-308.4, or 18.2-314; any felony violation of § 18.2-346, 18.2-348, or 18.2-349; any violation of § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; any violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1, 18.2-370.2, 18.2-370.3, 18.2-370.4, 18.2-370.5, 18.2-370.6, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, 18.2-374.4, 18.2-379, 18.2-386.1, or 18.2-386.2; any felony violation of § 18.2-405 or 18.2-406; any violation of § 18.2-408, 18.2-413, 18.2-414, 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, 18.2-433.2, 18.2-472.1, 18.2-474.1, 18.2-477, 18.2-477.1, 18.2-477.2, 18.2-478, 18.2-479, 18.2-480, 18.2-481, 18.2-484, 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction; (ii) any violation of § 18.2-89, 18.2-90, 18.2-91, 18.2-92, 18.2-93, or 18.2-94 or any substantially similar offense under the laws of another jurisdiction; (iii) any felony violation of § 18.2-248, 18.2-248.01, 18.2-248.02, 18.2-248.03, 18.2-248.1, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, or 18.2-258.2 or any substantially similar offense under the laws of another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi) any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date of the conviction.

"Barrier crime information" means the following facts concerning a person who has been arrested for, or has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of the charge, and any other information that may be useful in identifying persons arrested for or convicted of a barrier crime.

"Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children or the elderly or disabled.

"Department" means the Department of State Police.

"Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks to volunteer for a qualified entity.

"Identification document" means a document made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization that, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

"Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care; (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

"Qualified entity" means a business or organization that provides care to children or the elderly or disabled, whether governmental, private, for profit, nonprofit, or voluntary, except organizations exempt pursuant to subdivision A 7 of § 63.2-1715.

B. A qualified entity may request the Department of State Police to conduct a national criminal background check on any provider who is employed by such entity. No qualified entity may request a national criminal background check on a provider until such provider has:

1. Been fingerprinted; and
2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has ever been convicted of or is the subject of pending charges for a criminal offense within or outside the Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv) a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the accuracy and completeness of any information contained in any such report, and to obtain a prompt determination as to the validity of such challenge before a final

determination is made by the Department; and (v) a notice to the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified entity provides care.

C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii) the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the Department shall make a determination whether the provider has been convicted of or is the subject of charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information, the Department shall access the national criminal history background check system, which is maintained by the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall access the Central Criminal Records Exchange maintained by the Department. If the Department receives a background report lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable efforts to respond to a qualified entity's inquiry within 15 business days.

D. Any background check conducted pursuant to this section for a provider employed by a private entity shall be screened by the Department of State Police. If the provider has been convicted of or is under indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

E. Any background check conducted pursuant to this section for a provider employed by a governmental entity shall be provided to that entity.

F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national criminal background check, the Department and the Federal Bureau of Investigation may each charge the provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the fingerprints.

G. The failure to request a criminal background check pursuant to subsection B shall not be considered negligence per se in any civil action.

H. (Expires July 1, 2020) Notwithstanding any provisions in this section to the contrary, a spouse of a birth parent or parent by adoption who is not the birth parent of a child and has filed a petition for adoption of such child in circuit court may request the Department of State Police to conduct a national criminal background check on such prospective adoptive parent at his cost for purposes of § 63.2-1242. Such background checks shall otherwise be conducted in accordance with the provisions of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2018, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.