

VIRGINIA STATE CRIME COMMISSION



Sex Trafficking in Virginia

2019 ANNUAL REPORT

SEX TRAFFICKING IN VIRGINIA

BACKGROUND

During 2018, the Crime Commission conducted a comprehensive study on sex trafficking in Virginia.¹ Staff examined various trends and data and proposed numerous recommendations to combat this problem.² Crime Commission members directed staff to continue the study for an additional year to examine further areas of concern and identify potential solutions. This report provides an overview of 2019 Crime Commission activities, a summary of 2020 legislation, and an update on the 2018 study recommendations.³

2019 ACTIVITIES

Staff attended several trainings and seminars during 2019, including the Virginia Summit on Childhood Trauma & Resilience,⁴ Building Recovery: Starting a Comprehensive Residential Program for Survivors of Human Trafficking,⁵ Foster Care for Legislators,⁶ the release of the United States Advisory Council on Human Trafficking Annual Report,⁷ and the Coalition to End Sexual Exploitation Global 2019 Summit.⁸

As part of a continuing effort to promote collaboration, examine areas of concern, and identify potential solutions, staff met with numerous stakeholders, including:

- Henrico County Commonwealth's Attorney's Office;
- Joint Commission on Health Care;
- Prince William County Public Schools;
- Richmond Regional Human Trafficking Collaborative;
- Space of Her Own, Inc.;
- Virginia Center for School and Campus Safety;
- Virginia Department of Criminal Justice Services;
- Virginia Department of Education;
- Virginia Department of Juvenile Justice;
- Virginia Department of Motor Vehicles;

- Virginia Department of Social Services;
- Virginia Victims Fund (Criminal Injuries Compensation Fund); and,
- Voices for Virginia's Children.

During meetings with stakeholders, staff was informed that victims of sex trafficking were having difficulty obtaining personal identification documents. While meeting with the Virginia Department of Motor Vehicles (DMV), staff learned that DMV has an identification review unit to assist individuals who are having difficulty obtaining personal identification documents. This unit is available to assist victims of sex trafficking on a case-by-case basis. Staff provided information about the DMV identification review unit to the State Trafficking Response Coordinator for inclusion in the list of resources available to stakeholders for assisting sex trafficking victims.⁹

The Crime Commission met in October 2019 and heard presentations from the following:

- Henrico County Commonwealth's Attorney's Office;¹⁰
- Joint Commission on Health Care;¹¹
- Virginia Department of Criminal Justice Services;¹²
- Virginia Department of Social Services;¹³ and,
- Virginia Victims Fund (Criminal Injuries Compensation Fund).¹⁴

2020 LEGISLATION

The Crime Commission endorsed legislation on two topics for the Regular Session of the 2020 General Assembly to (i) expand the scope of the current sex trafficking assessment to a human trafficking assessment and, (ii) amend the definition of prostitution.

Human Trafficking Assessment

As a result of legislation from the Crime Commission during the Regular Session of the 2019 General Assembly, local departments of social services were required to begin conducting a sex trafficking assessment when a report

was received that a child was the victim of sex trafficking.¹⁵ The Department of Social Services (DSS) received feedback from the field that these assessments should be modified to a human trafficking assessment in order to encompass both sex and labor trafficking cases. Additionally, some local departments of social services were concerned that the Virginia Code did not grant the same express authority to interview a child victim without the consent of the parent or guardian when conducting a sex trafficking assessment as permitted when performing an investigation or family assessment.¹⁶

Based upon this information provided by DSS, the Crime Commission endorsed legislation to:

- expand the existing sex trafficking assessment to a human trafficking assessment; and,
- grant local departments of social services specific authority to interview a child victim without the consent of the parent or guardian when conducting a human trafficking assessment.

Senator Mark D. Obenshain (Senate Bill 706) and Delegate Charniele L. Herring (House Bill 1006) introduced identical bills during the Regular Session of the 2020 General Assembly to address these matters. Both bills were passed by the General Assembly and signed into law by the Governor.¹⁷

Manual Stimulation

The Crime Commission endorsed legislation to prohibit the touching of another person's intimate parts with the intent to sexually gratify in exchange for money or some other item of value. The primary purpose of this legislation was to include the manual stimulation of another's genitals (e.g., acts of prostitution involving sexual touching but not penetration) in the definition of prostitution.¹⁸

This legislation was necessary because the Virginia Code limited the definition of prostitution only to sex acts that involved penetration.¹⁹ Staff heard from numerous stakeholders that this posed a challenge to law enforcement when attempting to address illicit massage parlors, as the operators of these parlors

could not be prosecuted for serious felony offenses, such as commercial sex trafficking, racketeering, or money laundering.²⁰ By amending the definition of prostitution, law enforcement will be better able to prosecute the operators of these illicit parlors and recover victims from these locations.

Delegate Karrie K. Delaney introduced House Bill 1524 during the Regular Session of the 2020 General Assembly to address this issue. The bill was amended through the legislative process to prohibit the touching of the unclothed genitals or anus of another person with the intent to sexually gratify in exchange for money or some other item of value. The bill was passed by the General Assembly and signed into law by the Governor.²¹

2018 STUDY RECOMMENDATIONS UPDATE

The Crime Commission endorsed 11 staff recommendations relating to sex trafficking at its December 2018 meeting.²² Many of these recommendations either directed or requested that other entities adopt measures to address sex trafficking in Virginia. The following is a summary of the actions taken in 2019 by these entities:

*Virginia Department of Criminal Justice Services (DCJS)*²³

As a result of Crime Commission legislation from the Regular Session of the 2019 General Assembly, DCJS hired Virginia's first State Trafficking Response Coordinator in August 2019.²⁴ The State Trafficking Response Coordinator works collaboratively with agencies and localities to develop a coordinated statewide response to human trafficking.²⁵ In October 2019, DCJS published a report on *The State of Human Trafficking in Virginia* that outlined the planned activities for the State Trafficking Response Coordinator in the coming year.²⁶ In addition, DCJS will monitor the newly created Virginia Prevention of Sex Trafficking Fund on a quarterly basis and will establish guidelines for using the Fund based on needs related to human trafficking.²⁷

Virginia Department of Social Services (DSS)²⁸

Crime Commission legislation enacted during the Regular Session of the 2019 General Assembly authorized local departments of social services to intervene in situations where a sex trafficker was not the child victim's parent or other caretaker, allowed departments to take emergency custody of child victims, and required departments to complete a newly created sex trafficking assessment when child victims were identified.²⁹ DSS reported that between July 1, 2019, and October 15, 2019, local departments of social services conducted six sex trafficking assessments and one sex trafficking investigation.³⁰ During the year, DSS implemented trainings and program guidance for each of the 120 local departments of social services regarding these legislative changes, made enhancements to the Child Welfare Information System, conducted training webinars, and convened a child trafficking workgroup.³¹

Virginia Victims Fund (VVF)³²

The Crime Commission sent a letter to VVF in the spring of 2019 requesting that the agency collaborate with stakeholders to develop informational materials, increase outreach, and support training efforts related to claims filed with the Fund by victims of sex trafficking. In-service training for VVF staff was provided by Safe Harbor's Human Trafficking Training and Outreach Coordinator in an effort to increase access and decrease barriers to resources for victims of sex trafficking.³³ Additionally, VVF staff conducted trainings for forensic nurses and healthcare providers and participated in a healthcare panel and round table to raise awareness of agency resources for sex trafficking victims.³⁴ Lastly, VVF designated a staff member as its law enforcement liaison to educate law enforcement officers on properly identifying individuals as victims of sex trafficking in their investigative reports.³⁵

ACKNOWLEDGMENTS

The Virginia State Crime Commission extends its appreciation to the following agencies and entities for their assistance and cooperation on this continued study:

Henrico County Commonwealth's Attorney's Office

Joint Commission on Health Care

Prince William County Public Schools

Richmond Regional Human Trafficking Collaborative

Space of Her Own, Inc.

Virginia Center for School and Campus Safety

Virginia Department of Criminal Justice Services

Virginia Department of Education

Virginia Department of Juvenile Justice

Virginia Department of Motor Vehicles

Virginia Department of Social Services

Virginia Victims Fund (Criminal Injuries Compensation Fund)

Voices for Virginia's Children

APPENDIX A

Crime Commission 2018 Sex Trafficking Recommendations

Recommendation 1: Amend Virginia Code §§ 63.2-1506, 63.2-1508, and 63.2-1517 to:

- (i) clarify that sex traffickers do not need to be a victim's parent or other caretaker in order to initiate Department of Social Services (DSS) involvement;
- (ii) allow DSS to take emergency custody of children who are victims of sex trafficking;
- (iii) require DSS to conduct a family assessment when a juvenile sex trafficking victim is identified; and,
- (iv) clarify the jurisdiction of local DSS agencies.

A new sex trafficking assessment to be conducted by local departments of social services was enacted as a result of this recommendation (Va. Code § 1506.1).

Recommendation 2: Amend Virginia Code § 18.2-357.1 to authorize charging sex traffickers for each individual act of commercial sex trafficking.

Recommendation 3: Amend 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. Additionally, amend 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.

Recommendation 4: Amend Virginia Code §§ 18.2-346, 18.2-348, and 18.2-356 to prohibit manual stimulation of another's genitals (e.g., acts of prostitution involving sexual touching but not penetration).

Recommendation 5: Enact Virginia Code § 9.1-116.5 to create a statewide Sex Trafficking Response Coordinator position at the Virginia Department of Criminal Justice Services (DCJS) with statutorily defined duties and responsibilities.

Recommendation 6: Amend Virginia Code § 19.2-368.3 to require the Criminal Injuries Compensation Fund (Virginia Victims Fund) to develop policies for the investigation and consideration of claims by sex trafficking victims for reimbursement of medical care and other expenses. This recommendation was addressed by sending a letter request.

Recommendation 7: Enact Virginia Code §§ 9.1-116.4, 16.1-69.48:6 and 17.1-275.13 to create a Virginia Prevention of Sex Trafficking Fund administered by DCJS to promote training, education, and awareness related to sex trafficking.

Recommendation 8: Amend Virginia Code § 18.2-67.9 to allow certain juvenile sex trafficking victims and witnesses to testify via two-way closed-circuit television under existing rules.

Recommendation 9: Request that DCJS Committee on Training establish compulsory minimum entry-level, in-service, and advanced training standards for law enforcement officers on the awareness and identification of sex trafficking.

Recommendation 10: Request that DCJS continue to allocate a portion of the Victims of Crime Act (VOCA) funding for treatment and services for victims of sex trafficking.

Recommendation 11: Direct Crime Commission staff to continue work on this study for an additional year to consult with stakeholders, examine further areas of concern, and identify potential solutions

Notes

- ¹ See Virginia State Crime Commission. *2018 Annual Report: Sex Trafficking in Virginia*. Retrieved from <https://rga.lis.virginia.gov/Published/2019/RD247/PDF>.
- ² *Id.*
- ³ See Appendix A for a summary of the Crime Commission 2018 sex trafficking recommendations.
- ⁴ This summit was hosted by Voices for Virginia's Children on April 25, 2019. Information about the summit is available at <https://vakids.org/join-us/events/virginia-summit-on-childhood-trauma-and-resilience>.
- ⁵ This conference was hosted by Safe Harbor on April 26, 2019. Information about this conference is available at <https://safeharborshelter.com/2019/02/18/human-trafficking-conference/>.
- ⁶ This seminar was hosted by the Virginia Commission on Youth on May 6, 2019. Information about the seminar is available at <http://vcoy.virginia.gov/meetings.asp>.
- ⁷ See United States Advisory Council on Human Trafficking. (2019, May 8). *United States Advisory Council on Human Trafficking Annual Report 2019*. Retrieved from <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2019/>.
- ⁸ This summit was hosted by the National Center on Sexual Exploitation from June 12-15, 2019. Information about the summit is available at <https://endsexualexploitation.org/cesesummit2019/>.
- ⁹ Virginia Department of Criminal Justice Services, email correspondence, October 17, 2019. See also VA. CODE § 9.1-116.5(A)(3) (2019). The DMV identification review unit can be reached at (804) 367-6774.
- ¹⁰ The presentation by the Henrico County Commonwealth's Attorney's Office is available at <http://vscc.virginia.gov/2019/October/Henrico.pdf>.
- ¹¹ The presentation by the Joint Commission on Health Care is available at <http://vscc.virginia.gov/2019/October/ICHHC.pdf>.
- ¹² The presentation by the Virginia Department of Criminal Justice Services is available at <http://vscc.virginia.gov/2019/October/DCJSPowerPoint.pdf>.
- ¹³ The presentation by the Virginia Department of Social Services is available at <http://vscc.virginia.gov/2019/October/DSSPowerPoint.pdf>.
- ¹⁴ The presentation by the Virginia Victims Fund (Criminal Injuries Compensation Fund) is available at <http://vscc.virginia.gov/2019/October/VVFPowerPoint.pdf>.
- ¹⁵ See VA. CODE § 63.2-1506.1 (2019).
- ¹⁶ See VA. CODE § 63.2-1518 (2019).
- ¹⁷ 2020 Va. Acts ch. 6, 234.
- ¹⁸ See Appendix A, Recommendation 4.
- ¹⁹ See VA. CODE § 18.2-346 (2019).

²⁰ Operators of these illicit establishments could be prosecuted for keeping a bawdy place in violation of Virginia Code § 18.2-347 or under a local ordinance prohibiting illegal massages; however, these are misdemeanor offenses.

²¹ 2020 Va. Acts ch. 595.

²² See Appendix A for a summary of the Crime Commission 2018 sex trafficking recommendations.

²³ See Appendix A, Recommendations 5 and 7.

²⁴ See Appendix A, Recommendation 5. See also VA. CODE § 9.1-116.5 (2019). See also Virginia Department of Criminal Justice Services Employee Directory. Retrieved from <https://www.dcjs.virginia.gov/users/angellaalvernaz>. See also McCloskey, S. (2019, Oct. 24). *First State Trafficking Response Coordinator begins work throughout Virginia*. ABC 8 News. Retrieved from <https://www.wric.com/news/politics/capitol-connection/first-state-trafficking-response-coordinator-begins-work-throughout-virginia/>.

²⁵ See Virginia Department of Criminal Justice Services. (October 2019). *The State of Human Trafficking in Virginia*. Retrieved from <https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/victimims/state-human-trafficking-virginia.pdf>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ See Appendix A, Recommendation 1.

²⁹ See VA. CODE §§ 63.2-1506.1, 63.2-1508, and 63.2-1517 (2019).

³⁰ See *supra* note 13, slide 8.

³¹ See *supra* note 13, slide 6. During this presentation, DSS stated that the child trafficking work group was comprised of numerous stakeholders, including Bon Secours, Court Improvement Program, DCJS, FACT, Families Forward, Greater Richmond SCAN, Homeland Security, Office of the Attorney General, Richmond Justice Initiative, Trauma and Hope, VCU Health, Virginia Beach Justice Initiative, and the Virginia Department of Education. This work group eventually became a subcommittee of the Virginia Anti-Trafficking Coordinating Committee, which is facilitated by DCJS. See also Virginia Department of Social Services webinar. *CWSE4000: Identifying Sex Trafficking in Child Welfare*. Retrieved from <https://www.dss.virginia.gov/family/trafficking/index.cgi>.

³² See Appendix A, Recommendation 6.

³³ See *supra* note 14, slide 7. See also Information on Safe Harbor's Human Trafficking Community Outreach & Education program is available at <https://safeharborshelter.com/issues-we-support/#human-trafficking>.

³⁴ See *supra* note 14, slide 8.

³⁵ See *supra* note 14, slide 9.

