



Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking

Meeting Minutes

Joint Hearing Room, Legislative Services Building
90 State Circle, Annapolis, Maryland
Tuesday, August 7, 2018, 1:00 p.m. - 3:00 p.m.

Members in Attendance: Secretary of State John Wobensmith; Senator Susan Lee, Member of the Maryland Senate; Rebecca Jones Gaston, Maryland Department of Human Services - Social Services Administration; Amelia Rubenstein, University of Maryland, School of Social Work; Lisa Smith, Maryland State's Attorney's Association; Mona Long, Maryland State Education Association; Doug Mohler, Maryland Department of Juvenile Services; Michael Spencer, Maryland Department of Health; Melanie Shapiro, Office of the Public Defender; and Rachel Kesselman, Governor's Office of Crime Control and Prevention.

Other Guests in Attendance: Tianna Mays, Maryland Coalition Against Sexual Assault; Sara Kominers, Maryland Coalition Against Sexual Assault; Rachel Sye, TurnAround, Inc.; Brandi Stocksdales, Maryland Department of Human Services - Social Services Administration; Amanda Rodriguez, University of Maryland, Support, Advocacy, Freedom, and Empowerment (SAFE) Center for Human Trafficking Survivors; Thomas Stack, Mayor's Office of Criminal Justice; Michael Lore, Chief of Staff for Senator Lee; Nathaniel Erb, Erb and Associations; Anne Hoyer, Maryland Safe at Home Address Confidentiality Program; Brittany Luzader, Maryland Safe at Home Address Confidentiality Program; Zia Ashraf, Office of the Secretary of the State; Nadia Salazar, Delegate Morales' Office; Tiffany Maclin, Baltimore City State's Attorney's Office; Don Hogan, Governor's Office of Crime Control and Prevention; Vanessa Lyon, Governor's Office of Crime Control and Prevention; V. Glenn Fueston, Jr., Governor's Office of Crime Control and Prevention; Callia Chuang, guest of Senator Lee; Jennifer McGlothlin-Renault, Arrow Child & Family Ministries; Robert Basler, Arrow Child & Family Ministries; Joyce Lombardi, Baltimore Child Abuse Center; Amy Devadas, Maryland Department of Legislative Services; Jennifer Botts, Maryland Department of Legislative Services; Tina Dove, Maryland State Education Association; and several additional guests.

Welcome

Secretary Wobensmith called the meeting to order at 1:15 p.m. He welcomed everyone to the *Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking* (Workgroup) meeting and thanked everyone for their continual support and efforts. He mentioned the priorities of the Workgroup and the limited time to accomplish such efforts before it ends. Given this short time, Secretary Wobensmith indicated that the goal for the meeting would be to determine the recommendations of the Workgroup and to strategically plan what the Workgroup intends to do



over the next few months. He also mentioned that the next Workgroup meeting would occur in September 2018.

Introductions and Agency Updates

Secretary Wobensmith invited members of the Workgroup and members of the public to introduce themselves.

Secretary Wobensmith thanked Brittany Luzader for drafting the minutes from the November 7, 2017 meeting. He stated that the minutes were very comprehensive and well put together, and greatly captured the presentation provided by Camille Cooper. A motion was made to adopt the minutes which was seconded, and approved without any edits or additions.

Senator Lee thanked Secretary Wobensmith for being an excellent leader and chairman. She also applauded the Workgroup for their efforts and hard work. Senator Lee stated that the Workgroup has done an exemplary job in the work done which is a game changer and life changer. She also thanked everyone for their work on the report which is something everyone should be proud of.

Secretary Wobensmith invited Rachel Kesselman to provide an overview of the *(Draft) 2018 Final Report of the Maryland Safe Harbor Workgroup*. She thanked the members for providing information and mentioned that the draft report was restructured to capture all past, present, and future efforts in various sections of the report. She briefly went through the report and spoke of the changes made. Under the recommendations section, she mentioned the Victims of Crime Act (VOCA) grant funding program and its use to help improve the treatment of victims of crime. She also stated the August 16, 2018, deadline to submit an application to request such funds. In closing, she indicated that the report was in a draft form and that additional information would be included from members and once recommendations were made. Secretary Wobensmith then asked members to provide input and changes, if needed.

Determine Priorities and Plan of Action

Prosecutorial Immunity

Secretary Wobensmith stressed the need to address prosecutorial immunity for youth up to the age of 21. Amelia Rubenstein indicated the need to address this at the age of 21 because some youth end up in the criminal justice system. She also stated the injustice to youth if prosecutorial immunity does not go to age 21. Senator Lee agreed that 21 is a good age because youth are still getting arrested. She also mentioned how youth over the age of 17 are caught up in the cycle of human trafficking which is not their fault and the need to get them out of it. She welcomed member input and stated that if presented to the legislature, the Workgroup could state why 21 is needed. She also indicated that if it does not pass, then the presentation to the legislature could



serve as an educational point. Amanda Rodriguez stated that 21 years old and under would be ideal.

Due to the anticipated challenges, Amanda Rodriguez suggested additional conversation should occur regarding diversion for youth who are at-risk of the juvenile justice system. Melanie Shapiro indicated full support of the age 21 and mentioned her prior discussion for an age up to 25 or 26. She believed that the victimization most likely started at the age of 12 or 13 years old. Because of this, she indicated that services and diversion through the system should be owed to them. While it is unknown of the age in other states, Melanie Shapiro indicated that Vermont and a few other states are looking to raise the age above 18 years old as it pertains to juveniles. She also suggested the way this is characterized in juvenile statutes should read the same throughout.

Amelia Rubenstein stated that many appear to support the age of 21. Doug Mohler mentioned law enforcement and their concerns, and mentioned the benefit to take baby steps towards this as Senator Lee suggested. Secretary Wobensmith asked if anyone would like to speak to this. Lisa Smith stated that, when this was discussed last fall, the Maryland State's Attorney's Association was concerned about the lack of a comprehensive plan or services, so this is not necessarily moving away from the juvenile justice system. She indicated that the Maryland State's Attorney's Association would like to see social services involved. Lisa Smith also stated that she would like to discuss this further with the Maryland State's Attorney's Association and then report back to the Workgroup on September 12, 2018. Secretary Wobensmith asked if Senator Lee and Delegate Morales could draft a bill. Lisa Smith said this would be helpful and provide for a better discussion moving forward. Senator Lee said she and Michael Lore could work on this and speak to the age concept. Michael Lore asked what the Workgroup envisions because prosecutors say they are not prosecuting for this age. He then asked if it should be stated as prostitution charges up to the age of 21 and related charges up to the age of 18. Lisa Smith offered to take information back to the Maryland State's Attorney's Association in an attempt to get an answer on this.

Lisa Smith stated that the affirmative defense is likely underused and that the legislature may ask about this. With regards to the affirmative defense, Amanda Rodriguez mentioned her issue with the retraumatization process which is the arrest. She also stated that its process must occur in order to "assert" the defense. The other fear she mentioned is if the Workgroup does not expand immunity beyond prostitution, then the child could be charged with a "masking offense" such as drugs. Because of this, she stressed the need to find ways to reduce the trauma to kids. Secretary Wobensmith asked what has occurred in other states. Nathaniel Erb indicated that there are a number of avenues to go after. He mentioned that there are many programs available and may be used by law enforcement to help. He also suggested the need to focus on cases involving money laundering, human trafficking, etc. to make sure such data are provided to the Maryland Coordination and Analysis Center (MCAC). Nathaniel Erb stated that there are plenty of states that Maryland can rely on.



Christine mentioned the need to get victims in this field - survivors who had opportunities to services and ability to participate. She also mentioned that “masking charges” and the intent for law enforcement to take a child into custody to remove the child from a bad situation is an effort to help the child. She indicated the need to identify an approach for criminalization. With this effort, she mentioned an approach in Kentucky that removed criminalization and in California, connected the child to youth services. Lisa Smith asked if she could elaborate on the states. In response, she stated the report, [*Seeking Justice: Legal Approaches to Eliminate Criminal Liability for Child Sex Trafficking Victims*](#), was recently released and identifies several states working to remove child liability and to prohibit (this removes the age which is applicable to prosecution) arrest, detention, and prosecution for minors of prostitution. She mentioned that four states prohibit the arrest, detention, and prosecution of minors, whereas, 13 states eliminated the criminal factor.

For law enforcement and the Maryland State’s Attorney’s Association, Lisa Smith indicated that it may be beneficial to look at these models unfold. Although she did not advocate for one or the other, she suggested they could be parsed out. Lisa Smith also mentioned that the report would be beneficial if circulated to members. Secretary Wobensmith stated this could be done. Amanda Rodriguez had the report in front of her and said 11 states did not allow for an arrest. Nathaniel Erb indicated that traffickers use victims as human shields during prosecution. He mentioned anecdotal information and also offered to provide evidence-based information. Nathaniel Erb stated that the concern is well founded and the overwhelming evidence is that the criminalization of victims leaves them in a vulnerable state. Amelia Rubenstein added that nothing is lost if immunity is provided to youth. If the process were to be examined, findings would show that youth do not receive additional charges because such charges do not provide anything in addition.

Doug Mohler indicated that law enforcement interprets this a little differently. One member suggested looking at these models a little differently to identify the best interest. It was also mentioned that cases in the community are handled individually. Because the intake process for youth differs from the adult process, it is important to ensure youth are identified and connected to services. It is believed that the process is similar between child protective services and the Department of Juvenile Services.

Christine stated that California had an approach in which they expanded their availability to specialized services for sexually exploited children. This process included a referral to specialized services in which they partner with non-governmental organizations to provide a prompt response - specialized court for delinquency court and dependency court - so no delinquent charges are made for the child to receive services. Secretary Wobensmith indicated the critical need to recognize this is a problem. He also stated that these youth are victims and in order to address them, we need to reclaim them back into our society in the right way. He continued by stating that the individual issues can be discussed as it relates to other states, however, Maryland needs to move forward. Melanie Shapiro indicated a prior move forward



with the Child in Need of Assistance (CINA) law. She believed the next step would be in the delinquency statutes to ensure youth are not criminalized, however, discussions would be needed to provide the immunity they deserve.

Lisa Smith asked if any efforts have occurred in relation to research, implementation, and trainings. Rebecca Jones Gaston indicated that efforts have occurred and then invited Amelia Rubenstein to speak to this. Amelia Rubenstein stated that Maryland already established the mechanisms through CINA and that approximately 500 reports were made to child protective services. She also mentioned that child protective services was in the process of a training for workers which will continue until each worker has been trained. Approximately 14 were trained in July 2018. Amelia Rubenstein offered to provide data for the next meeting. Secretary Wobensmith asked Senator Lee if she could move forward with this. Senator Lee asked Amelia Rubenstein if she could work with Michael Lore to work on this.

Michael Lore mentioned the idea of best practices and child advocacy centers, as well as to map this out. Secretary Wobensmith asked if anyone wanted to weigh in on this topic. Nathaniel Erb indicated that the legislative subcommittee of the Maryland Human Trafficking Task Force has worked to map this information to identify the various points of entry to services to include those federally mandated, as well as those who move into the juvenile justice system and criminal justice system. He continued by stating that the focus for the next legislative report of the task force is to engage and receive buy-in. Nathaniel Erb mentioned work that has occurred in Montgomery County and systems that could be used. In order to identify and share data for greater collaboration, a prevalence study was mentioned as a proposal, however, funding to cover this was unknown. Nathaniel Erb also mentioned that once the legislative reports of the task force are ready, he will share them with the Workgroup and others so that information can be reported back to the legislature as it relates to immunity, diversity, or both, gaps in regions, where more training is needed, etc. Secretary Wobensmith stated that once received, it is something the Workgroup should be in support of.

Housing for Youth Victims

Secretary Wobensmith mentioned the VOCA grant funding program through the Governor's Office of Crime Control and Prevention, and then turned things over to Anne Hoyer. Anne Hoyer introduced Brittany Luzader as having clarified to her that the task force itself cannot receive funding. She asked Rachel Kesselman how the funds could be used, with a specific interest in housing. Rachel Kesselman indicated the purpose of VOCA funds and identified eligible applicants. Glenn Fueston added some insight on the Governor's Office of Crime Control and Prevention and some of the funding opportunities that eligible applicants may apply for. He also stated how they are moving to identify ideas on what is needed, such as housing opportunities. He mentioned the recent partnership between the Governor's Office of Crime Control and Prevention and the Department of Housing & Community Development to provide



an opportunity for individuals and families to create a new future through stabilized, affordable housing. Through this partnership, the *New Futures Bridge Subsidy Program* provides short term rental assistance to individuals and families who are victims of domestic violence, sexual assault, as well as youth aging out of foster care who are victims of abuse and/or neglect. The program provides rental assistance and resource rich support to increase the likelihood of sustainable tenancy. Secretary Wobensmith added that the Workgroup needs to identify the need and then provide this information to the Governor's Office of Crime Control and Prevention.

Amelia Rubenstein mentioned that the Maryland Department of Health should be a part of this because they provide housing, shelter, and other services to youth. She also mentioned that training for educators should include behavioral health services. Because educators may be in contact with youth victims of human trafficking, further discussion is needed to ensure behavioral health and private child welfare providers collaborate with educators. Amanda Rodriguez added the need to look at best practices as it relates to housing, to identify a model that could be used or built to address this, and to determine if funds should cover the cost of the model. Rebecca Jones Gaston added the need to tie in training for family care because if youth victims initially enter victim services for support, it is essential that best practices be used for housing as it relates to this.

Proposed Felony Human Trafficking Act of 2019

Secretary Wobensmith mentioned that the Governor had an administrative bill regarding felony human trafficking crime which went through the Senate but not in the House. He stated that the Workgroup should support this and asked if there were any objections. The Workgroup unanimously agreed to provide support as no objections occurred.

Amanda Rodriguez mentioned a comprehensive anti-trafficking bill that related to general trafficking in the state. Senator Lee thanked Amanda Rodriguez for mentioning this bill and added that the bill was *Senate Bill 881, Criminal Law - Human Trafficking and Prostitution Offenses*. She also mentioned the amount of work that occurred to draft this bill, to include the hard work of Michael Lore. Senator Lee indicated that the bill served as a "clean up" bill to make things more consistent. Because of this, she would like to pursue this again. Secretary Wobensmith asked Amanda Rodriguez if some background information could be provided to the group for the September meeting. Nathaniel Erb also mentioned that the Chiefs and Sheriffs Association approved the bill, and if any final changes are needed then that could occur to ensure all information is provided. Senator Lee mentioned that the bill should be reintroduced, and that she and Michael Lore will include the efforts that have occurred from individuals. The other bill, *Senate Bill 869, Criminal Procedure - Motion to Vacate Judgment - Human Trafficking*, was also mentioned. Senator Lee welcomed everyone to work with she and Michael Lore on it. Secretary Wobensmith stated that if the mentioned bills were to be brought back with support that would



be very beneficial. Melanie Shapiro indicated that, due to her position, this would not necessarily be something her office would support.

Michael Lore invited Joyce Lombardi with the Baltimore Child Abuse Center to speak. Joyce Lombardi thanked Michael Lore and then introduced herself to the Workgroup. She mentioned the need for child advocacy centers to have a role on the Workgroup, and also provided input regarding the report. While referring to the regional navigators listed in the report, Joyce Lombardi indicated that networks such as the Children's Justice Alliance already exist for child trafficking and want to continue to work together. On behalf of all child advocacy centers, she mentioned the importance of forensic interviewers to ensure the right individuals are there to work together for the benefit of the youth victim. Secretary Wobensmith thanked Joyce Lombardi and also mentioned the Workgroup's support of the regional navigators and belief that they will be very helpful in the process. It was also mentioned that the Maryland Coalition Against Sexual Assault (MCASA) currently has six rape crisis centers involved in the Coordinated Action Against Sex Trafficking (CAAST) Initiative to include the use of regional navigators and its intent for expansion. Secretary Wobensmith mentioned the great efforts of this.

Internet Crimes Against Children

Secretary Wobensmith mentioned that some areas that need to be addressed, and as discussed by Camille Cooper, is social media and the internet crimes against children. At the November meeting, the Workgroup heard about those individuals who patrol the website and game areas. Although the Workgroup may not be able to address this now, Secretary Wobensmith indicated that it would be good to address this in January.

Missing/Runaway Children

Amelia Rubenstein indicated that, and in reference to the missing/runaway children recommendation in the report, the reporting of children continues to be an issue, especially if such information is not provided to the National Crime Information Center (NCIC). Rebecca Jones Gaston indicated that the Department of Human Services recently examined missing children in comparison with runaways and AWOL. She stated the importance for parents to take calls from staff and local providers because missing and runaway children may be at-risk for human trafficking. Rebecca Jones Gaston also mentioned, and in response to Senator Lee's inquiry, that this revolves around policy. Amelia Rubenstein stated how she pulled information together from the mandatory law which captures missing versus AWOL. Rebecca Jones Gaston indicated that the issue is its implementation and how response is made. Secretary Wobensmith mentioned that it sounds like this could be solved through legislation. Amelia Rubenstein stated that she had legislation drafted and that a solution, right now, would be to get the officer's name, badge, and individuals; however, this happens across the state. Doug Mohler said it would be



interesting to see how law enforcement interprets this and the mandatory waiting period and their response. He referred to the Maryland State Police as an example, and asked how does law enforcement respond to Calvert County with six calls, etc. or a child with mental health issues. He also said that law enforcement should be able to respond to this. Secretary Wobensmith asked why they would not respond each time. Doug Mohler indicated that some circumstances may result when “Johnny’s” parents call because he went to the convenient store, 7-11, for something and if this occurs repeatedly then this captures the different level. Michael Lore asked if there is a law for parents not reporting a child as missing, and what the standard would be for that. Doug Mohler indicated that for a lot of families, the child is gone for three weeks and then the probation officer comes to the house to look for them and the parents minimize the situation. It is hard to have a statute for bad parenting. He then stated that the AWOL and missing children are very different and there are no right answers. Law enforcement may come to the Department of Juvenile Services and say something needs to be done and, while the Department of Juvenile Services searches for the child, the child is found fishing. Doug Mohler also stated that if there is a mental health component involved then this may be more. Secretary Wobensmith said that this does not sound like an easy solution. Doug Mohler then mentioned potential legislation.

Assign Subcommittees and Next Steps

Secretary Wobensmith mentioned the development of mini-groups in which members would be assigned to address specific recommendations.

Adjournment

Secretary Wobensmith thanked everyone for their attendance and continued efforts. The meeting adjourned at 2:33 p.m.