



Arizona Human
Trafficking Council

**Arizona Human Trafficking Council
December 1, 2020, 9:00 AM
Virtual Meeting**

1700 West Washington Street, PHOENIX, ARIZONA 85007

A general meeting of the Arizona Human Trafficking Council was convened on December 1, 2020 virtually, 1700 West Washington Street, Phoenix, Arizona 85007, notice having been duly given.

Members Present (21)	Members Absent (6)
Cindy McCain, Co-Chair	Doug Coleman
Gil Orrantia, Co-Chair	Kate Brophy McGee
Brian Steele	Lois Lucas
Cara Christ	Marsha Calhoun
David Curry	Mike Faust
Debbie Johnson	Nathaniel Brown
Dominique Roe-Sepowitz	
Heather Carter	
Heston Silbert	
Jennifer Crawford	
Jill Rable	
James Gallagher	
Jim Waring	
Joseph Kelroy	
Maria Cristina Fuentes	
Michael Wisehart	
Rachel Mitchell	
Angela Salomon (Proxy for Sarah Beaumont)	
Sarah Kent	
Sheila Polk	
Zora Manjencich	
Staff and Guests Present (11)	
Kim Brooks	Tony Mapp
Vianney Careaga	Marianne Salem
Kristin Sorensen	Kelly Tanner
Claire Merkel	Tim Chung
Joanna Jauregui	Marli Mayon
	Lisa Lucchesi

Call to Order

- **Director Gil Orrantia, Co-Chair**, called the Arizona Human Trafficking Council meeting to order at 9:00 a.m. with 21 members and 11 staff and guests present. **Director Orrantia** reviewed the procedures of how the remote meeting would be facilitated.

Roll Call

- **Director Orrantia, Co-Chair**, conducted roll call of the Council and took note of Councilmember proxies.

Approval of Minutes

- **Mrs. Cindy McCain, Co-Chair**, requested a review of the **October 21, 2020** meeting minutes.
 - **Dr. Dominique Roe-Sepowitz** moved to accept the **October 21, 2020** minutes.
 - **Rachel Mitchell** seconded the motion.
 - The motion passed with no dissenting votes at 9:04 a.m.

Mohave County Human Trafficking Taskforce

- **Director Gil Orrantia, Co-Chair**, introduced **Marianne Salem**, Chair of the Mohave County Human Trafficking & Domestic Violence Coalition, and **Kelly Tanner**, Director of Homeless Youth Services for Arizona Youth Partnership (AZYP), for their presentation. **Marianne** thanked the Council for the opportunity to present and expressed her interest in learning more about Council, including ways to collaborate further with the Council. **Kelly** began the presentation by describing how the Coalition formed in February 2020. A group of concerned citizens convened stakeholders to discuss ways to bring awareness of human trafficking in Mohave County to highlight and to discuss what services are available, or could be strengthened, to serve victims of human trafficking and domestic violence. Due to the COVID-19 Pandemic, their meetings were put on hold until September, when the group re-started its efforts with meetings online. Since then, the Coalition has been able to expand to all three major communities in Mohave County, as well as the Hualapai Nation. **Kelly** shared that the Coalition received training from the McCain Institute, Dr. Gandolfo of the Coalition Against Human Trafficking – Northern Arizona, the Department of Justice’s Office of Victims of Crime (DoJ OVC), and Project Starfish. Recently, AZYP was awarded a three-year grant from the DoJ OVC to aid in developing capacity to serve human trafficking victims and allow for training, awareness, determine existing resources, develop service plans, provide service linkages, and ultimately provide services to youth victims of human trafficking. AZYP will serve as the fiscal agent to provide technical support for the Coalition, fund a full time case manager to serve survivors, and operate a youth shelter.
- The Coalition adopted a vision and mission statement, identified officers, created Workgroups, and developed three key objectives. Some of the Workgroups include: Law Enforcement, Survivor Liaison, Youth Liaison, Community Engagement Liaisons, and Service Plan/Assessment Group. The Coalition’s three objectives are as follows: coordinate and collaborate with local partners to identify available resources and gaps in service to effectively serve victims of domestic violence and human trafficking in our communities; develop a Victim Service Plan to accurately identify and assess victims of domestic violence and domestic human trafficking; and utilize said plan to refer victims to services within our rural areas to effectively address their trauma and associated hardships; and educate and raise community awareness of domestic violence and human trafficking prevention and trends.
- **Sarah Kent** asked about how AZYP houses its youth, particularly when working with youth who identify as LGBTQ+. **Kelly** stated that AZYP’s youth shelter license requires youth placement by their birth gender. However, she noted that they do conduct sensitivity and inclusion training, and do their best to meet youth where they are at. **Kelly** also noted that this is an area that could use more work.
- **Director Orrantia** and **Mrs. McCain** thanked them for their presentation and encouraged them to take advantage of reaching out to Councilmembers and GOYFF to learn more about the Council’s work.

- **Director Maria Cristina Fuentes** mentioned that information could be found on the GOYFF website for the upcoming Council meetings and that Vianney Careaga can also assist in connecting them to Councilmembers.

Fingerprint Clearance Card Process

- **Mrs. McCain, Co-Chair**, introduced **Col. Heston Silbert**, Director of the Arizona Department of Public Safety (DPS), and **Lt. Col. Tim Chung**, Assistant Director of the Technical Services Division, for their presentation. **Lt. Col. Chung** began the presentation by providing background on the Applicant Clearance Card Team (ACCT) within DPS. The mission of the ACCT is to protect Arizona's vulnerable population by determining the suitability of clearance card applicants to provide services to the State of Arizona and its citizens. The ACCT was established in 1998 by House Bill 2585 with the purpose of protecting Arizona's most vulnerable populations. Arizona Revised Statutes require many professions to have an active Fingerprint Clearance Card prior to, or as a condition of, licensure, certification, or employment. The ACCT receives applications and reviews criminal history records of applicants to determine their suitability to receive a Fingerprint Clearance Card and periodically updates the status of current Fingerprint Clearance Cards. State policymakers continue to expand the number of persons, providers, and agencies required to submit to the Fingerprint Clearance Card process. There are approximately 60 state statutes specific to the ACCT process.
- The Applicant Team is another unit within DPS that state agencies and non-profit organizations can submit applicants for fingerprint-based background checks. This unit differs from ACCT in two major ways: the Applicant Team obtains the criminal history of applicants and provides it to the requesting agency; the requesting agency then makes the suitability determination themselves. There are over 2,000 government agencies, schools, and nonprofit organizations that utilize this process. The Applicant Team processes approximately 150,000 applicants a year.
- There are approximately 829,300 active Fingerprint Clearance Cards in Arizona. ACCT receives approximately 160,000 new applications each year and adds approximately 40,000 new active card holders annually with the rest of the applications designated as either renewed or denied. Of the applications received annually, approximately 24,000 applicants (15% of annual applicants) have a criminal history. The ACCT denies approximately 11,000 applicants each year for having a criminal history with precluding offenses. This accounts for 46% of applicants with a criminal history and 7% of all annual applicants.
- Applicants who are required to obtain Fingerprint Clearance Cards can apply with a paper application and fingerprints or they can apply electronically through the Electronic Fingerprint Application System (EFAS). Once received and accepted by DPS, the fingerprints are submitted to the DPS fingerprint unit for checks against the Arizona and Federal repositories for criminal history records. All background checks must be fingerprint based, but there are name check exceptions. Then those without a criminal history record are issued a Fingerprint Clearance Card and those with a criminal history record are referred for review and a determination of suitability to receive a Fingerprint Clearance Card. When fingerprints return with a criminal history the application is flagged in AccTrak, which requires review. Each day, every newly flagged file is reviewed to be classified as one of the following: "No Dispo" – any entry that is missing a final disposition, "Dispo" – any entry that has the final disposition recorded, and "NP" – any entry for non-precluding offenses. Once a file is classified, it is ready to be assigned by a supervisor for research, review, and resolution. Applicants whose criminal history show they were found guilty of a precluding offense are denied a Fingerprint Clearance Card. Precluding offenses are established by ARS § 41-1758.03 for regular applicants and ARS § 41-1758.07 for Level 1 applicants. These statutes also establish the precluding offenses that are eligible for a good cause exemption (GCE) hearing for the relative applicants. Offenses are considered precluding if the person is awaiting trial on or has been convicted of committing or attempting, soliciting, facilitating, or conspiring to commit any of the listed offenses in Arizona or the same or similar offense in another state. The Arizona Attorney General's Office conducts reviews of out of state statutes to assist in determining if they equate to Arizona statutes. DUI convictions within the last 5 years require driving restrictions.
- All decisions whether to issue a card or not are objective decisions and based solely on the criminal history as it is compared to the precluding offenses listed in statute. If a guilty disposition is listed or determined,

ACCT must base its determination on the offense the person was convicted of, not for which they were accused of or arrested for. If a finding of guilt is set aside ACCT still considers the disposition as guilty, as the set aside is equal to a restoration of rights, not a “not guilty” finding. If a finding of guilt is expunged, the state in which the offense was committed will determine how ACCT will process the offense. ACCT determines whether an applicant is eligible for a GCE hearing based solely on the statutes. The fingerprints for ALL active Fingerprint Clearance Card holders are checked against fingerprints obtained related to new charges and/or arrests.

- **Lt. Col. Chung** also described the function of the Board of Fingerprinting as laid out in ARS § 41-619. The Board was established to determine if an applicant denied a Fingerprint Clearance Card is eligible for a GCE to the statutes precluding the issuance of the card. The Board is composed of six members, representatives of and appointed by the relative agency director of the following: Supreme Court, Department of Economic Security, Department of Education, Department of Health Services, Department of Juvenile Corrections, and Department of Child Safety. It is important to note that the GCE Hearing is not an appeal of the DPS decision, rather a hearing to determine if an applicant is “successfully rehabilitated and is not a recidivist.” To make this determination, the Board shall consider all of the following: extent of the criminal record, elapsed time since the offense, nature of the offense, any applicable mitigating circumstances, degree of participation in the offense, and extent of the applicant’s rehabilitation. The Board can also refer the matter to an administrative hearing, which is presided over by an administrative judge, for a recommendation before making a final determination. The full presentation can be found at <https://goyff.az.gov/meeting/htc/2020/12/01-0>.
- **Sheila Polk** commented on the “No Dispo” file designation in the AccTrak system and that it dealt a lot with prosecutors not ending the dispositions into the record and cross-system reporting. She noted that the Arizona Criminal Justice Commission was recently appropriated funding to help update disposition reporting, which will help address this issue. **Sheila** also commented on how great of a partner DPS has been during this process.
- **Rachel Mitchell** inquired about the status of the lawsuit between DPS and the Board of Fingerprinting. **Col. Silbert** was unable to provide specifics on the suit as it was ongoing but reiterated his position that the individual involved should not have received a Fingerprint Clearance Card due to the nature of the offense committed by the individual. **Rachel** also noted her concern and inquired if it would be helpful if the Board of Fingerprinting was offered training on recidivism with a focus on sex offenders to mitigate the issuance of a Fingerprint Clearance Card under similar circumstances in the future. **Col. Silbert** believes that such training would be helpful and added that the training should occur annually for new members of the Board. **Dr. Dominique Roe-Sepowitz** also added that the training could include an aspect on forced criminality. **Mrs. McCain**, on behalf of the McCain Institute, **Rachel**, and other members of the Council offered their assistance with the training.

Director Orrantia, Co-Chair, entertained a motion to recommend training to the Board of Fingerprinting. **Rachel Mitchell** moved that the Arizona Human Trafficking Council formally recommend to the Board of Fingerprinting that a training take place to help inform Board members on recidivism, specific to sex offenders, and that the training reoccur on an annual basis. **Joseph Kelroy** seconded the motion. The motion passed with no dissenting votes at 10:08 a.m.

Rights Restoration for Sex Trafficking Survivors

- **Director Gil Orrantia, Co-Chair**, introduced **Marli Mayon** of the Arizona Secretary of State’s Office. **Marli** began her presentation by providing an update on the Road to Rights program. The Road to Rights program was designed to serve Arizona human trafficking survivors and increase service provider knowledge of Arizona’s vacatur law. The program’s funding did not continue and will be absorbed by the Address Confidentiality Program as they work to continue to ensure that the restoration of rights work remains a priority for Arizona’s survivors. The Arizona Secretary of State’s website language will also be updated and a collaborative Restoration of Rights fact sheet will be featured on the Arizona Coalition to End Sexual and Domestic Violence (ACESDV) website.

- Arizona is one of the 41 states in the country to have a vacatur law. Criminal record relief legislation can take many different forms: set aside, expungement, sealing of records, and vacatur of records, among others. Vacatur of records refers to nullifying a previous conviction from one's record. Vacatur laws allow individuals with criminal charges to have their case reviewed before a judge and, if successful, have their charges removed from their records entirely, restoring their citizen rights, in addition to removing any negative impacts of a criminal charge, such as limitations in accessing housing or employment. Arizona's vacatur law, ARS § 13-909, allows individuals to apply for vacatur who have been convicted of prostitution before July 24th, 2014 in the state of Arizona and can prove their charge was a result of sex trafficking. There are two forms that need to be completed in order to vacate a conviction and restore rights. The first is the *Application to Vacate Conviction for a Prior Offense*. When submitted, there is also the option to attach additional information supporting the claim that the prostitution conviction was a result of sex trafficking. This is a state-wide form, so no matter the county where the conviction occurred, this is the form that would be used if the conviction occurred in the state of Arizona. If the case is successful and the conviction is vacated, the second form that will need to be completed is the *Rights Restoration application*. Rights Restoration applications are designated by each county. It is important to also remember that this law does have limitations, namely that any criminal charge within the last 5 years has the potential to hinder the vacatur process and the July 24th, 2014 date presents a significant barrier in terms of who can access AZ's vacatur law. Because of the limited eligibility requirements, service providers should be aware of these requirements before presenting the opportunity for vacatur to a survivor in order to mitigate re-traumatization.
- **Marli** also described the affirmative defense as outlined in ARS § 13-905. The statute allows for victims or survivors of sex trafficking to assert an affirmative defense to prosecution for the crime of prostitution. An affirmative defense allows the defendant, or the person charged with the crime, to assert that there is additional information needed to make a judgement on a particular prior case. The additional information, within the context of vacatur law in Arizona, would include documentation proving that one was an actual a victim or survivor of sex trafficking. The full presentation and frequently asked questions can be found at <https://goyff.az.gov/meeting/htc/2020/12/01-0>.

Study Report: Maricopa County Juvenile Sex Trafficking Collaborative

- **Mrs. McCain, Co-Chair**, introduced **Dr. Dominique Roe-Sepowitz**, Director of the Office of Sex Trafficking Intervention Research at ASU, and **Lisa Lucchesi**, Human Trafficking Coordinator at Mercy Care. **Dr. Roe-Sepowitz** acknowledged Mercy Care and the Phoenix Police Department HEAT Unit for their help on the report. **Lisa** then provided an overview of the Maricopa County Juvenile Sex Trafficking Collaborative (The Collaborative). The Collaborative provides streamlined services and support to trafficked youth in Maricopa County. The Collaborative utilizes a centralized coordinator to provide case oversight and to help determine youth placement using input from The Collaborative Team. Additionally, law enforcement helps provide transportation for youth, who have been identified as potential victims of sex trafficking, so that they may access The Collaborative's services. These services include: short term stabilization at a crisis psychiatric unit, targeted placements, STRENGTH Court, and an adult survivor mentor. These series of interventions have also decreased the flight-risk of runaway youth as they move through The Collaborative services. **Dr. Roe-Sepowitz** then proceeded to describe the pathways youth have to get into The Collaborative.
- The purpose of the report is to explore child sex trafficking cases that have been referred to The Collaborative over the course of three years from September 2017 to October 2020. Of the 291 cases that have been referred to The Collaborative, only four (1.4%) of child sex trafficking victims were from out of state. The age range of these victims is from five to 17 years old, with the average age at 15.7 years old. 281 (96.6%) victims identified as female, seven (2.4%) identified as male, and three (1%) identified as transgender. 93 (32%) victims identified as African American, 83 (28.5%) identified as Caucasian, 81 (27.8%) identified as Hispanic, 20 (6.9%) identified as mixed or other, and nine (3.1%) identified as Native American. In regards to the guardianship of the victims, 208 (71.4%) were in Arizona Department of Child Safety (DCS) guardianship including nine in the ICWA Unit, 76 (26.1%) were in parent guardianship, six

(2.1%) had a legal guardian, and one was in the guardianship of another state's child welfare agency. **Dr. Roe-Sepowitz** emphasized the importance guardianship is to the access of services youth are provided.

- 80 (27.5%) of the 291 child sex trafficking victims reported a history of childhood sexual abuse. Common online applications that have been used to traffic youth include: OnlyFans, Discord, Plenty of Fish, MocoSpace, Meet Me, Whatsapp, Grindr, Tiktok, Snapchat, Calculator%, Kik, and Whisper. The Collaborative has also seen a comparison-increase in cases of 29% during the COVID-19 Pandemic. Some possible reasons that can account for this increase in victims include: children are online more due to virtual school, which can increase vulnerability and new access routes for sex traffickers to identify, groom, and sexually exploit the victims; some children are being supervised less and in some cases, this has been due to parents needing to work inside or outside the home; children are more accessible online due to increased use of gaming applications during COVID-19 including games and gaming systems like Fortnite, Call of Duty, and Discord; and due to limited social interactions, some children are craving social activity and have been convinced by sex traffickers that they really want to be their boyfriends and they feel wanted and needed.
- Based on the report's findings, the following are recommendations that can help address those issues: target prevention efforts at lower ages beginning in seventh grade; continue training efforts to account for the high turnover in Collaborative partners and to decrease knowledge loss; hire more survivor mentors; create a county-wide standardized child sex trafficking screening tool that can be used by all Collaborative partners; and as more child sex trafficking victims have their parents as guardians, there is a need to develop and provide services to the parent/family of child sex trafficking victims. The full presentation can be found at <https://goyff.az.gov/meeting/htc/2020/12/01-0>.

Workgroup Updates

- **Director Gil Orrantia, Co-Chair**, forwent the Workgroup Updates due to the limited time left in the Council meeting.

Upcoming Meeting

- **Director Gil Orrantia, Co-Chair**, reminded Councilmembers to mark their calendars for the next Council meeting on February 17, 2021

Adjournment

- **Director Gil Orrantia, Co-Chair**, thanked everyone for being part of the meeting and asked for a motion to adjourn the meeting.
 - **Director Maria Cristina Fuentes** moved to adjourn.
 - **Jennifer Crawford**, seconded the motion.
 - The motion passed with no dissenting votes and the meeting adjourned at 10:54 a.m.

Dated 1 of December 2020
Arizona Human Trafficking Council
Respectfully Submitted By:
Vianney M. Careaga
GOYFF