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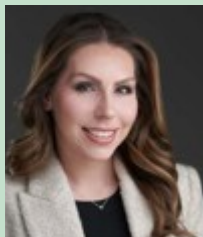
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The Travel Industry on Trial Part II:

By Marisa A. Trasatti
and Rachel A. Frost

“The hospitality industry’s willingness to embrace AI-driven trafficking detection technologies may not only strengthen victim protection efforts, but also help redefine the next generation of reasonable care in an evolving legal landscape.”



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Insurance Coverage Disputes Driving AI-Based Countermeasures and the Creation of Specialty Insurance

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Building on the original article, “The Travel Industry on Trial: The “State of the Art” of Human Trafficking Awareness and the Impact of Third-Party Civil Cases,” this overdue sequel addresses how insurance coverage disputes are spawning specialty insurance and cutting-edge AI-based technology that can spot traffickers, missing and exploited children, and other victims of horrific crimes, including terrorism.¹ In this article, we revisit the current state of the art in human trafficking awareness and the historical evolution of this crime over centuries while now examining it through the lens of the advent of artificial intelligence (“AI”) driven countermeasures to combat human

trafficking and the extent to which new technologies may become the standard of care for the hospitality industry.

The catalyst for many of these developments has been the rapid expansion of civil human trafficking litigation against hoteliers, franchisees, franchisors, transportation providers, and other travel-industry participants. As claims brought under the Trafficking Victims Protection Reauthorization Act (“TVPRA”) have proliferated, insurers and policyholders have increasingly found themselves litigating complex coverage questions involving defense obligations, indemnity, intentional-act exclusions, and the scope of liability insurance for trafficking-related claims. These disputes have exposed significant gaps in traditional insurance products and have, in turn, accelerated the development of specialty insurance

¹ Our initial article in this space, styled “The Travel Industry on Trial: The “State of the Art” of Human Trafficking Awareness and the Impact of Third-Party Civil Cases,” was published on June 11, 2021, by DRI-sister organization, the Federation of Defense and Corporate Counsel, in its now-retired publication, FDCC *Insights*.

solutions focused on trafficking-related risk. At the same time, insurers have successfully avoided coverage in numerous cases alleging civil human trafficking allegations through various policy exclusions. Those insurance coverage decisions, as well as the increase in civil liability cases, have incentivized new industry participants with proactive risk-management products, including AI-driven trafficking detection technologies and an entrance of a new insurance carrier who caters to the gap in current policies for hoteliers. As a result, developments in insurance coverage are influencing not only how trafficking claims are financed and defended, but also how emerging technologies are developed, deployed, and ultimately evaluated as potential components of the duty of care owed by travel-industry participants.²

Often referred to as “modern-day slavery,” human trafficking continues to persist both domestically and globally, notwithstanding the abolition of chattel slavery under the Thirteenth Amendment to the U.S. Constitution. While legislative and enforcement attention has increased in recent decades, the emergence of technology-driven countermeasures is also reshaping the landscape of prevention and detection. In particular, and as will be explained in depth later, AI-enabled platforms such as Hotel Shield and similar tools are increasingly being deployed within

the hospitality and travel sectors to enhance real-time identification of trafficking indicators, support staff training, and strengthen coordination with law enforcement and victim service organizations. The development and scaling of such technologies have also been supported through private-sector impact investment, including venture capital participation from funds such as Freedom Fund I and II (“Eagle”), which have backed Hotel Shield as part of its broader mission to support technology solutions addressing systemic social harms.³

Only in relatively recent history have comprehensive counter-trafficking measures become a central public policy concern. Notably, it was not until 2000 that Congress enacted the Trafficking Victims Protection Act (“TVPA”), establishing a coordinated federal framework to address both domestic and international human trafficking.⁴ Two decades later, human trafficking has gained heightened visibility in media, litigation, and regulatory discourse. Yet despite expanded enforcement efforts and civil litigation initiatives, trafficking remains a significant and adaptive criminal enterprise.

International authorities continue to emphasize that meaningful disruption requires a combination of demand reduction, improved education, and technological intervention capable of detecting patterns that traditional oversight may miss.⁵

Human trafficking—whether for sex or labor—remains an evolving and highly adaptive crime, requiring businesses, law enforcement, and policymakers to continually reassess prevention and detection strategies.⁶ Since the enactment of the Trafficking Victims Protection Act of 2000 (“TVPA”) and subsequent expansions of civil liability under the Trafficking Victims Protection Reauthorization Act (as most notably amended in 2005 and 2008) courts have increasingly scrutinized the knowledge, notice, and preventative measures of third-party businesses, particularly within the

² See 18 U.S.C. § 1595(a); *Doe v. Red Roof Inns, Inc.*, 21 F.4th 714 (11th Cir. 2021); *A.B. v. Marriott International, Inc.*, 455 F. Supp. 3d 171 (E.D. Pa. 2020); Barry R. Ostrager & Thomas R. Newman, *Handbook on Insurance Coverage Disputes* §§ 7:1–8:3 (21st ed. 2024); Kenneth S. Abraham, *Insurance Law and Regulation* 37–45 (7th ed. 2020); Tom Baker & Kyle D. Logue, *Insurance Law and Policy* 541–49 (6th ed. 2022).

³ Eagle Venture Fund is a mission-driven venture capital firm that invests in early-stage tech companies—especially those focused on human trafficking prevention, economic opportunity, and “human flourishing”—while aiming to generate both financial returns and social impact. It operates as a venture builder and investor across multiple funds, including its \$18M “Freedom Fund” dedicated specifically to anti-trafficking technology. The firm is backed by impact-oriented investors and partners, and its leadership team includes former NFL quarterback and Heisman Trophy winner Tim Tebow, who serves as a general partner in its Freedom Fund and is closely involved through his broader anti-trafficking work via the Tim Tebow Foundation.

⁴ Trafficking Victims Protection Act of 2000, Pub. L. No. 106–386, 114 Stat. 1466 (2000).

⁵ United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons* (latest ed. 2022).

⁶ Trafficking Victims Protection Act of 2000, Pub. L. No. 106–386, 114 Stat. 1464 (2000); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Nov. 15, 2000, 2237 U.N.T.S. 319; Louise Shelley, *Human Trafficking: A Global Perspective* 2–7 (2010).

Only in relatively recent history have comprehensive counter-trafficking measures become a central public policy concern.

hospitality industry.⁷ As traffickers exploit new technologies and increasingly sophisticated methods to evade detection, artificial intelligence-driven tools such as Hotel Shield have emerged as important mechanisms for identifying risk indicators, enhancing reporting protocols, and supplementing traditional employee training.⁸ These innovations reflect a broader shift toward data-driven counter-trafficking practices and are supported by growing investment in anti-trafficking technology.⁹ Given the hospitality industry's unique position at the intersection of travel and transient activity, the integration of AI-enabled detection systems is increasingly viewed as a critical component of reasonable risk management and guest safety.¹⁰ As technology continues to advance, AI-based counter-trafficking tools are poised to play an increasingly significant role in defining evolving industry standards and shaping

what constitutes reasonable care in efforts to combat human trafficking.¹¹

WHAT IS "STATE OF THE ART"?

The term "state of the art" does not have a single uniform definition across jurisdictions; rather, it functions as a contextual legal standard used to describe the boundaries of contemporary knowledge, technology, and professional practice at a given point in time.¹² Courts have most frequently applied the concept in products liability, negligence, and professional duty cases to evaluate whether a defendant acted in accordance with the reasonably available scientific, technical, and industry knowledge existing at the time of the alleged conduct.¹³ For example, Maryland courts have defined "state of the art" broadly to include "all of the available knowledge on a subject at a given time," encompassing scientific, medical, engineering, and other relevant fields of expertise.¹⁴ Other jurisdictions similarly treat the concept as an evidentiary benchmark for assessing whether conduct aligns with objectively reasonable professional and industry expectations, as informed by

then-existing knowledge and technology.¹⁵

In this sense, "state of the art" operates as a temporal limitation on the duty of care, ensuring that liability is grounded in what was knowable and reasonably achievable at the time, rather than judged through hindsight or subsequent technological developments.¹⁶ The state of knowledge about human trafficking has evolved and continues to evolve as society, technology, and governments invest more time and resources to uncover trafficking rings and develop sophisticated countermeasures.

THE EVOLUTION OF HUMAN TRAFFICKING AWARENESS, LEGAL COUNTERMEASURES, AND MODERN OPERATIONAL REALITIES

7 See Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3558 (2006); William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, § 221, 122 Stat. 5044, 5067-68 (codified at 18 U.S.C. § 1595); see also *Marriott International*, 455 F. Supp. 3d 171 (E.D. Pa. 2020); *Doe S.W. v. Lorain-Elyria Motel, Inc.*, 111 F.4th 746 (6th Cir. 2024) (addressing hospitality-industry liability and constructive knowledge under 18 U.S.C. § 1595).

8 Hotel Shield, Technology, <https://hotelshield.ai/technology> (last visited June 10, 2026); Hotel Shield, About Us, <https://hotelshield.ai/about-us> (last visited June 10, 2026).

9 Eagle Venture Fund, Eagle Venture Fund IV, <https://www.eagleventurefund.com/fund/eagle-venture-fund-iv> (last visited June 10, 2026) (describing investments in technologies focused on combating human trafficking and protecting vulnerable populations); Eagle Venture Fund, Portfolio, <https://www.eagleventurefund.com/portfolio> (last visited June 10, 2026).

10 U.S. Department of Homeland Security, Blue Campaign, Hospitality Industry Resources, <https://www.dhs.gov/blue-campaign> (last visited June 10, 2026); AHLA Foundation, No Room for Trafficking Initiative, <https://www.ahlafoundation.org/noroomfortrafficking> (last visited June 10, 2026).

11 See generally *Marriott*, 455 F. Supp. at 171; *Lorain-Elyria Motel, Inc.*, 111 F.4th 746; Hotel Shield, Technology, <https://hotelshield.ai/technology> (last visited June 10, 2026) (illustrating the increasing role of technology-assisted detection and prevention measures in hospitality settings).

12 See generally Restatement (Third) of Torts: Products Liability § 2 cmt. d (Am. L. Inst. 1998) (discussing technological feasibility and knowledge at time of conduct); see also W. Page Keeton et al., *Prosser and Keeton on the Law of Torts* § 99 (5th ed. 1984).

13 See, e.g., *Ferebee v. Chevron Chem. Co.*, 736 F.2d 1529 (D.C. Cir. 1984) (discussing knowledge available at time of conduct in failure-to-warn context); *Hagens v. Oliver Mach. Co.*, 576 F.2d 97 (5th Cir. 1978).

14 See *Owens-Illinois, Inc. v. Zenobia*, 601 A.2d 633 (Md. 1992) (discussing "state of the art" evidence in product liability and punitive damages context).

15 See, e.g., *Kent Village Assocs. Joint Venture v. Smith*, 104 Md. App. 507, 657 A.2d 330 (1995) (recognizing relevance of industry standards and knowledge to negligence analysis); *Beshada v. Johns-Manville Prods. Corp.*, 447 A.2d 539 (N.J. 1982) (discussing knowledge-based standards in strict liability context).

16 See *Trs. of Columbia Univ. v. D'Agostino Supermarkets, Inc.*, 36 N.Y.3d 69 (2020) (reaffirming negligence evaluated based on reasonable foreseeability at time of conduct); *Palsgraf v. Long Island R.R. Co.*, 248 N.Y. 339 (1928).

What once required human observation alone can now be supplemented by technology capable of identifying trafficking indicators across vast amounts of operational data.

Human trafficking has evolved from centuries-old systems of forced labor and exploitation into one of the most significant transnational criminal enterprises of the modern era.¹⁷ While early forms of trafficking existed in the context of the African slave trade and other systems of involuntary servitude, trafficking was not widely recognized as a distinct legal or human rights issue until the late nineteenth and early twentieth centuries, when public concern over sexual exploitation prompted early international agreements and domestic legislation.¹⁸ Modern anti-trafficking efforts accelerated in the late 1990s and early 2000s through the creation of multi-agency law enforcement task forces, international tourism-sector initiatives, the United Nations Palermo Protocol, and the enactment of the TVPA.¹⁹ Subsequent reauthorizations expanded victim protections, strengthened enforcement mechanisms, and, through the 2008 TVPRA, created a civil cause of action against both traffickers and third parties that knowingly benefit from trafficking ventures.²⁰ These developments, together with the efforts of organizations such as Polaris and numerous industry

stakeholders, transformed trafficking prevention into a coordinated public-private endeavor involving governments, non-governmental organizations, law enforcement, and private industry.²¹

Despite substantial legal and policy advances, public understanding of trafficking often remains shaped by media portrayals that emphasize dramatic kidnappings and overt physical coercion.²² In reality, contemporary trafficking schemes more frequently rely on psychological manipulation, coercive control, economic dependency, and prolonged grooming of vulnerable individuals.²³ Victims may appear to participate voluntarily from an outside perspective, making trafficking particularly difficult for third-party businesses operating in legitimate commercial environments to identify.²⁴ Recognizing this operational reality, regulators and enforcement agencies increasingly turned their attention to commercial intermediaries—including hotels, lodging providers, and other travel-related businesses—as potential points of intervention beginning in the early 2010s.²⁵ This shift

prompted the adoption of employee training requirements, reporting protocols, public awareness initiatives, and industry-specific compliance measures designed to improve detection and prevention.²⁶ As trafficking methods continue to evolve, effective countermeasures increasingly depend upon collaboration across sectors, with growing emphasis on data-driven technologies, proactive risk identification, and enhanced corporate responsibility within industries most likely to encounter trafficking activity.²⁷

ARTIFICIAL INTELLIGENCE, HUMAN TRAFFICKING DETECTION, AND THE EMERGING DUTY OF CARE IN HOSPITALITY

Historically, efforts to combat human trafficking within the hospitality industry focused primarily on employee training, awareness campaigns, and cooperation with law enforcement. Those measures remain important; however, the rapid development of AI, predictive analytics, and real-time intelligence platforms has fundamentally altered the landscape. What once required human observation alone can now be supplemented by technology capable of identifying

17 Human Trafficking: A Global Perspective (Cambridge University Press 2010); Disposable People: New Slavery in the Global Economy (Univ. of Cal. Press 2012).

18 International Agreement for the Suppression of the White Slave Traffic, May 18, 1904, 35 Stat. 1979; Mann Act, Pub. L. No. 61-277, 36 Stat. 825 (1910).

19 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Nov. 15, 2000, 2237 U.N.T.S. 319; Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000).

20 William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-457, § 221, 122 Stat. 5044, 5067–68 (codified at 18 U.S.C. § 1595).

21 Polaris, National Human Trafficking Hotline Data Reports; U.S. Department of State, Trafficking in Persons Report (annual editions).

22 Kimberly Mehlman-Orozco, Hidden in Plain Sight: America's Slaves of the New Millennium 13–17 (2017) (discussing misconceptions surrounding trafficking and popular narratives).

23 Human Trafficking Is a Public Health Issue (Springer 2017); Modern Slavery: A Global Perspective (Carolina Academic Press 2015).

24 U.S. Department of Homeland Security, Blue Campaign Indicator Resources; Polaris, Understanding the Power and Control Dynamics of Human Trafficking.

25 See U.S. Department of Homeland Security, Blue Campaign, Industry Engagement Initiatives; ECPAT International, The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. See also Lorain-Elyria Motel, 111 F.4th at 746 (addressing hotel liability under 18 U.S.C. § 1595 and constructive knowledge allegations arising from trafficking occurring on hotel premises);

Marriott, 455 F. Supp. at 171, *aff'd* in relevant part, 2021 WL 6102168 (3d Cir. Dec. 23, 2021), recognizing that hotels may face civil liability where plaintiffs plausibly allege that defendants knowingly benefited from participation in a trafficking venture. These cases reflect the increasing judicial focus on the role of hospitality businesses as potential points of intervention and the evolving standards governing notice, prevention, and reasonable anti-trafficking measures.

26 See, e.g., Fla. Stat. § 509.096 (hotel employee anti-trafficking training requirements); Tex. Occ. Code § 2155.003; various state lodging-industry training statutes enacted between 2019 and 2025.

27 U.S. Department of Transportation, Transportation Leaders Against Human Trafficking Initiative; U.S. Department of Homeland Security, Blue Campaign; Polaris, Human Trafficking Trends and Prevention Strategies.

trafficking indicators across vast amounts of operational data.

This evolution arrives at a time when the hospitality industry faces unprecedented scrutiny under the TVPRA. Courts increasingly permit claims against hotels, franchisors, operators, and property owners to proceed where plaintiffs allege that defendants financially benefited from trafficking ventures while ignoring—or failing to investigate—obvious warning signs.²⁸ As litigation continues to expand nationwide, the question facing courts may gradually shift from whether hotels had notice of trafficking to whether available technological tools made trafficking on premise foreseeable and whether such tools are the standard of care and would have mitigated the trafficking incidents.²⁹

FROM HUMAN OBSERVATION TO INTELLIGENCE-LED DETECTION

Traditional anti-trafficking efforts in hotels have relied heavily upon frontline employees recognizing behavioral indicators associated with trafficking. Courts evaluating TVPRA claims routinely examine allegations that hotel personnel ignored red flags such as frequent male visitors, excessive requests for linens, extended cash-paid stays, refusal of housekeeping services, visible signs of abuse, multiple electronic devices, and repeated use of “Do Not Disturb” notices.³⁰ Yet human observation

is inherently limited. Front-desk employees work rotating shifts. Housekeeping staff may encounter only isolated portions of a guest’s stay. Security personnel frequently operate with incomplete information. Human traffickers, meanwhile, have become increasingly sophisticated in concealing their activities.

AI seeks to bridge this gap by identifying patterns that may not be apparent to any single employee. Modern anti-trafficking platforms aggregate data from property-management systems, booking histories, payment patterns, occupancy records, security incidents, public-source intelligence, and law-enforcement information to identify behaviors associated with trafficking operations. Rather than relying on a single observation, AI systems can evaluate hundreds or thousands of data points simultaneously, generating risk scores and alerts for further investigation.

THE EXPANDING ROLE OF TECHNOLOGY IN TRAFFICKING INVESTIGATIONS AND ARRESTS

The growing reliance on technology is not occurring in a vacuum. Across the United States, law-enforcement agencies increasingly employ data analytics, facial recognition technologies, online-advertisement monitoring, geospatial intelligence, and AI-assisted investigative tools to identify trafficking networks and locate victims. Federal and state anti-trafficking task forces routinely utilize digital evidence obtained through hotels, online platforms, payment processors, and telecommunications providers to support arrests and prosecutions.³¹ Consequently,

trafficking enforcement has evolved from a reactive model focused on individual criminal actors into a proactive model emphasizing network disruption. Businesses are increasingly viewed not merely as passive venues where trafficking occurs but as potential sources of intelligence capable of identifying trafficking patterns before exploitation escalates.³²

This trend has direct implications for the hospitality industry. As technological capabilities expand, plaintiffs may increasingly argue that hotels possessed tools capable of identifying trafficking indicators and failed to utilize them. Although no court has yet held that hotels have an affirmative duty to deploy AI-based trafficking detection systems, evolving standards of reasonable care often follow advancements in available technology. Historically, industries ranging from transportation to healthcare have experienced similar shifts. Practices once viewed as innovative eventually became accepted standards of care. Seat belts, smoke detectors, surveillance cameras, and electronic medical records all followed a similar trajectory—from optional safeguards to widely expected risk-management measures.

THE EMERGING DUTY TO ADOPT AVAILABLE TECHNOLOGY

The legal significance of anti-trafficking technology lies not merely in its ability to detect trafficking but in its potential impact on negligence and TVPRA litigation. Under traditional negligence principles, a defendant’s conduct is

28 18 U.S.C. § 1595(a); see also Human Trafficking Liability Is No Longer Theoretical: TVPRA Exposure, Victim Remedies, and What Hotels Should Do Now, *Foley & Lardner* (Jan. 29, 2026).

29 TVPA’s Quiet Shift to Enterprise Litigation: A Corporate Primer on Human Trafficking Liabilities, *Morgan Lewis* (Feb. 13, 2026).

30 Ongoing Wave of Civil Lawsuits Targets the Hotel Industry Under the TVPRA: What the Hotel Industry Must Know, *O’Toole Scrivo, LLC*

(Nov. 19, 2025).

31 See *Foley & Lardner*, *supra* note 1 (discussing

expansion of federal anti-trafficking enforcement initiatives and coordinated investigations).

32 *Morgan Lewis*, *supra* note 2.

measured against what a reasonably prudent actor would do under similar circumstances. As technologies become more widely adopted and demonstrably effective, plaintiffs frequently argue that failure to utilize those technologies constitute evidence of unreasonable conduct.

Courts have already demonstrated a willingness to scrutinize hotel responses to trafficking indicators. Multiple recent decisions have focused on allegations that hotel personnel ignored repeated warning signs, failed to investigate suspicious conduct, or neglected to implement meaningful reporting procedures.³³ Increasingly, plaintiffs' counsel are framing these failures not simply as isolated employee mistakes but as systemic deficiencies in corporate compliance programs.³⁴ The next logical progression may involve arguments that available technological solutions rendered trafficking risks foreseeable and preventable. If a hotel possesses access to systems capable of identifying trafficking patterns but chooses not to deploy them, future plaintiffs may contend that such omissions constitute evidence of negligent supervision, negligent security, or reckless disregard under the TVPRA.

To be clear, current law does not impose a generalized duty to implement AI-driven trafficking detection. Courts continue to emphasize that liability under the TVPRA requires more than the existence of an ordinary commercial relationship.³⁵ Nevertheless, legal

standards evolve in response to changing technologies and industry practices. What is considered extraordinary today may become commonplace tomorrow.

A NEW COMPLIANCE PARADIGM

The implications extend beyond litigation defense. AI-powered trafficking detection systems offer hospitality companies the opportunity to transition from reactive compliance to proactive risk management.

Historically, anti-trafficking compliance often consisted of annual training modules and written policies. Modern intelligence platforms permit continuous monitoring, centralized reporting, data-driven investigations, and documented response protocols. Such systems may not only improve victim identification but also provide evidence demonstrating that a hotel took reasonable steps to prevent trafficking activity.

This distinction may become increasingly important as juries evaluate corporate conduct. Recent trafficking verdicts and the growing wave of TVPRA litigation demonstrate a heightened willingness to examine whether hospitality companies merely adopted anti-trafficking policies or actively implemented meaningful prevention measures.³⁶ For that reason, technologies such as Hotel Shield may represent more than innovative business ventures. They may foreshadow a broader shift in the legal expectations imposed upon hospitality operators. As AI becomes increasingly

integrated into corporate compliance programs, the line between optional innovation and reasonable care may continue to narrow.

Ultimately, the question confronting courts may not be whether AI can assist in combating human trafficking. Rather, it may be whether a reasonably prudent hospitality operator can afford to ignore technologies specifically designed to identify trafficking occurring within its own properties.

INSURANCE COVERAGE DISPUTES AS CATALYSTS FOR INNOVATION

The explosive growth of civil human trafficking litigation has generated consequences extending far beyond questions of liability under the TVPRA. As hotels, franchisors, transportation providers, and other travel-industry participants increasingly find themselves as defendants in trafficking-related litigation, a parallel wave of insurance coverage disputes has emerged concerning the scope of defense and indemnity obligations under commercial general liability, umbrella, management liability, and specialty-risk policies.³⁷

³⁷ See 18 U.S.C. § 1595(a); Doe v. Red Roof Inns, Inc., 21 F.4th 714 (11th Cir. 2021); Marriott, 455 F. Supp. at 171; Foley & Lardner LLP, Human Trafficking Liability Is No Longer Theoretical: TVPRA Exposure, Victim Remedies, and What Hotels Should Do Now (Jan. 29, 2026).

³³ See Doe v. Wyndham Hotels & Resorts, Inc., discussed in O'Toole Scrivo, *supra* note 3.

³⁴ Civil Liability for Human Trafficking: What the Hospitality Industry Needs to Know, Spencer Fane (Feb. 12, 2026).

³⁵ A.G. v. Northbrook Indus., Inc., No. 25-10816

(11th Cir. Mar. 30, 2026), discussed in Buchalter.

³⁶ Foley & Lardner, *supra* note 1; Levin Papan-tonio: Federal Judge Denies Hotel Chains' Motions for Summary Judgment in Landmark Human Trafficking Case (Sept. 26, 2025).

policies should be used as contextual evidence that helps explain how officers are trained to apply constitutional principles in the field.

Across the country, insurers and insureds have litigated questions concerning whether trafficking-related claims constitute an “occurrence,” whether bodily injury or personal injury provisions are implicated, the application of intentional-act exclusions, and whether trafficking allegations involve covered negligence as opposed to excluded intentional misconduct.³⁸ These disputes are significant because they directly affect the cost of defending and resolving increasingly complex TVPRA litigation. In many instances, the defense costs alone can be substantial, regardless of the ultimate merits of the underlying trafficking allegations.

Historically, emerging liability exposures have often given rise to new forms of specialty insurance. Environmental contamination, cybersecurity breaches, professional liability, and data privacy claims each followed a similar trajectory. Initial uncertainty regarding coverage obligations was followed by litigation, judicial interpretation, specialized underwriting, and ultimately the creation of insurance products specifically designed to address evolving risks.³⁹ Human trafficking risk now appears to be following a similar path.

As insurers increasingly evaluate trafficking-prevention measures during underwriting and claims handling, the technologies they incentivize today may become the very measures that plaintiffs and courts point to tomorrow

when assessing whether a hospitality operator acted reasonably under the circumstances. Notably, insurers are increasingly recognizing that trafficking-related exposure presents unique underwriting challenges. Unlike traditional premises liability risks, trafficking claims frequently involve allegations of systemic failures, employee training deficiencies, inadequate reporting procedures, and failures to identify behavioral indicators that may have been visible over extended periods of time. Consequently, insurers have begun exploring underwriting models that focus not merely on loss transfer but on loss prevention.

This evolution mirrors developments within the cyber-insurance market. Modern cyber insurers rarely provide coverage without requiring insureds to implement multifactor authentication, employee training, endpoint monitoring, incident-response protocols, and other preventative safeguards. What began as optional cybersecurity practices ultimately became expected risk-management measures. Human trafficking prevention technologies appear poised to follow a similar trajectory. As insurers acquire greater underwriting data regarding trafficking-related exposures, technologies capable of identifying trafficking indicators, documenting intervention efforts, and generating actionable intelligence may increasingly become relevant to underwriting decisions, premium calculations, and coverage availability.⁴⁰

The result is the emergence of a new marketplace in which

specialty insurance products and AI-enabled countermeasures operate in tandem. Rather than merely indemnifying losses after trafficking occurs, insurers increasingly possess economic incentives to support technologies capable of reducing the likelihood of trafficking-related claims altogether. In this respect, insurance coverage disputes are not merely a consequence of trafficking litigation; they are actively shaping the next generation of anti-trafficking technology and, potentially, the future standard of care itself.

The Future of Hospitality Liability: AI, Corporate Responsibility, and the Next Generation of Anti-Trafficking Compliance

As awareness of human trafficking has increased, so too has the sophistication of efforts designed to combat it. What began as a law-enforcement-centered response has evolved into a multi-sector effort involving governments, healthcare providers, financial institutions, technology companies, and increasingly, the hospitality industry. The next frontier in this evolution may be AI.⁴¹

Hospitality is in the hot seat. The hospitality industry occupies a unique position within the trafficking ecosystem. Hotels frequently serve as transient locations where trafficking activity is concealed, making them a recurring focus of criminal investigations, regulatory scrutiny, and civil litigation. Over the last decade, plaintiffs have

38 See generally Barry R. Ostrager & Thomas R. Newman, *Handbook on Insurance Coverage Disputes* §§ 7:1–8:3 (21st ed. 2024); Douglas R. Richmond, *Insurance Coverage for Intentional Torts*, 28 *Tort Trial & Ins. Prac. L.J.* 763 (1993).

39 Kenneth S. Abraham, *Insurance Law and Regulation* 37–45 (7th ed. 2020); Tom Baker & Kyle D. Logue, *Insurance Law and Policy* 541–49 (6th ed. 2022).

40 U.S. Government Accountability Office, *Cyber Insurance: Insurers and Policyholders Face Challenges in an Evolving Market* (GAO-21-477, 2021); National Institute of Standards and Technology, *Cybersecurity Framework 2.0* (2024).

41 See Thorn. As mentioned in the original article, Thorn founded in 2012 by actors Ashton Kutcher and Demi Moore, which develops technology to identify child sexual exploitation online. Thorn has developed AI- and data-driven tools used by law enforcement and online platforms to identify victims and detect trafficking activity, illustrating how private-sector technological innovation has become an increasingly important component of anti-trafficking efforts.

increasingly pursued claims under the TVPRA alleging that hotel operators, franchisors, and property owners knowingly benefited from trafficking ventures occurring on their premises.⁴²

Federal anti-trafficking policy has likewise evolved to emphasize technology, intelligence-sharing, and proactive intervention. In January 2020, President Donald J. Trump issued Executive Order 13,903, Combating Human Trafficking and Online Child Exploitation in the United States, directing federal agencies to enhance coordination among law enforcement, improve victim identification efforts, expand data collection, and strengthen initiatives aimed at detecting and preventing trafficking and online child exploitation.⁴³ The Order recognized that trafficking networks increasingly operate through sophisticated digital platforms and encouraged greater collaboration among public and private stakeholders to identify victims and disrupt criminal enterprises.⁴⁴

More recently, federal enforcement initiatives have continued to prioritize the dismantling of human-trafficking organizations and transnational criminal networks.⁴⁵ These developments have created an environment in which technology-based solutions capable of identifying trafficking indicators, generating

actionable intelligence, and facilitating intervention have become increasingly valuable. Against this backdrop, venture-backed companies developing anti-trafficking technologies have emerged as important participants in a growing counter-trafficking ecosystem, one in which public policy, law enforcement, private investment, and risk management increasingly intersect.

EAGLE VENTURE FUND AND THE RISE OF A COUNTER-TRAFFICKING TECHNOLOGY MARKET

Against this backdrop, a new category of companies has emerged: businesses whose primary purpose is the use of technology to identify, prevent, and disrupt human trafficking. Among the most notable participants in this developing market is Eagle Venture Fund, a Fort Worth-based venture capital platform that has intentionally sought to create what it describes as a “counter-human-trafficking industry.”⁴⁶ Rather than viewing trafficking solely as a criminal justice issue, Eagle’s investment thesis is premised upon the belief that scalable technology can generate both financial returns and measurable reductions in trafficking activity.⁴⁷

Eagle Venture Fund’s investment philosophy is informed not only by the technologies and companies it supports, but also by the diverse professional experiences of the individuals guiding the Fund. The backgrounds of Eagle’s

principals reflect a convergence of entrepreneurship, global business development, strategic advisory services, and mission-driven philanthropy.⁴⁸ Collectively, these experiences provide the Fund with a unique perspective on identifying emerging technologies capable of addressing complex social and public-safety challenges, including human trafficking, exploitation, and vulnerable-population protection.

Among Eagle’s most recognizable partners is Tim Tebow, whose anti-trafficking and child-protection advocacy has become a defining component of his post-athletic career.⁴⁹ Through the Tim Tebow Foundation, Tebow has supported initiatives focused on combating human trafficking and child sexual exploitation through prevention, victim identification, survivor care, and collaborative efforts with law enforcement and nonprofit partners.⁵⁰ The Foundation has publicly emphasized a three-pronged strategy of prevention, rescue, and survivor care and has supported domestic and international efforts aimed at disrupting trafficking networks and assisting victims of exploitation.⁵¹ Tebow has also

42 See 18 U.S.C. § 1595(a); see also recent hospitality-sector TVPRA litigation discussed in industry analyses.

43 See Exec. Order No. 13,903, Combating Human Trafficking and Online Child Exploitation in the United States, 85 Fed. Reg. 6721 (Jan. 31, 2020).

44 *Id.*

45 See Exec. Order No. 14,165, Securing Our Borders (Jan. 20, 2025); U.S. Dep’t of Justice & U.S. Dep’t of Homeland Security, National Human Trafficking Prevention Month Statement (Jan. 2026).

46 Eagle Freedom Fund I, Market Analysis Report (2024) (describing Eagle’s objective to “seed and grow” a counter-human-trafficking industry).

47 Eagle Venture Fund, Backing the Bold, Forging Human Flourishing (describing Eagle’s direct-impact investment thesis), <https://www.eagleventurefund.com/> (last visited June 9, 2026).

48 Eagle Venture Fund, The Team, <https://www.eagleventurefund.com/fund-team> (last visited June 10, 2026); Eagle Venture Fund, Portfolio, <https://www.eagleventurefund.com/portfolio> (last visited June 10, 2026). See also Eagle Venture Fund, Eagle Venture Fund IV, <https://www.eagleventurefund.com/fund/eagle-venture-fund-iv> (last visited June 10, 2026) (describing the Fund’s investment focus on combating human trafficking, health innovation, and human flourishing).

49 Tim Tebow Foundation, About Us, <https://timtebowfoundation.org/about> (last visited June 10, 2026).

50 Tim Tebow Foundation, Anti-Human Trafficking & Child Exploitation, <https://timtebowfoundation.org/ministries/anti-human-trafficking-1> (last visited June 10, 2026).

51 Tim Tebow Foundation, Global Impact: Anti-Human Trafficking & Child Exploitation Ministry (Nov. 17, 2023), <https://timtebowfoundation.org/stories/global-impact-anti-hu>

used his public platform to advocate for stronger anti-trafficking measures, including congressional testimony and national awareness campaigns focused on child exploitation and trafficking.⁵² His involvement reflects a broader recognition that effective anti-trafficking efforts require collaboration among government agencies, non-profit organizations, private-sector actors, and emerging technologies capable of identifying patterns of exploitation that might otherwise remain undetected. This commitment closely aligns with Eagle Venture Fund's investment thesis of supporting scalable technologies designed to improve public safety outcomes and disrupt trafficking activity.⁵³

The remaining Eagle partners contribute complementary expertise that strengthens the Fund's ability to evaluate, support, and scale mission-driven enterprises. Wes Lyons, Wade Myers, Raimund Buhr, Raffaele Carmine, and Carl Thong collectively bring backgrounds spanning entrepreneurship, international business development, venture investing, strategic growth initiatives, and

cross-border partnerships.⁵⁴ Their combined experience provides Eagle with a multidisciplinary approach to identifying emerging technologies and fostering collaborations capable of addressing complex societal challenges. Taken together, the backgrounds of Eagle's principals illustrate why the Fund occupies a distinctive position within the emerging anti-trafficking and social-impact investment landscape. Their collective experiences extend beyond traditional venture capital and encompass public advocacy, strategic leadership, philanthropy, and operational expertise, allowing Eagle to function not merely as a source of capital but

as a catalyst for innovation and technology-driven solutions aimed at combating exploitation and strengthening public safety.

Through its Eagle Freedom Fund, the firm has invested in a portfolio of technology companies focused on trafficking prevention, victim identification, law-enforcement intelligence, healthcare intervention, and digital child protection. Eagle reports that portfolio companies have contributed to the training of thousands of healthcare professionals, the protection of tens of thousands of children from online exploitation, the identification of trafficking victims, and the arrest of traffickers.⁵⁵ Importantly,

54 Eagle Venture Fund, The Team, <https://www.eagleventurefund.com/fund-team> (last visited June 10, 2026).

55 Eagle Venture Fund Launches \$50M Freedom Fund II to Invest in Tech Solutions Against Human Trafficking (Business Wire, Sept. 2025)

man-trafficking-and-child-exploitation-ministry (last visited June 10, 2026); Tim Tebow Foundation, Anti-Human Trafficking & Child Exploitation Stories, <https://timtebowfoundation.org/stories/anti-human-trafficking> (last visited June 10, 2026).

52 Tim Tebow Testifies Before House Judiciary Committee on Behalf of Child Sexual Abuse Victims, YouTube (Mar. 21, 2023), <https://www.youtube.com/watch?v=5So3vRGTab8> (last visited June 10, 2026).

53 Eagle Venture Fund, Tim Tebow, <https://www.eagleventurefund.com/team/tim-tebow> (last visited June 10, 2026); Eagle Venture Fund, The Team, <https://www.eagleventurefund.com/fund-team> (last visited June 10, 2026). Tim Tebow serves as a General Partner of Eagle Freedom Fund and helps lead Eagle's investment strategy focused on technology solutions designed to protect vulnerable populations and combat human trafficking.

Vertical	Core focus	Representative companies	Count
Decimation of Human Trafficking & Exploitation	Prevent, detect, and dismantle trafficking systems	Altus, Hotel Shield, DejaVu AI, True Path Vision, DarkWatch, Implicit Good	6
Health, Reintegration & Vulnerable Population Care	Support survivors and underserved populations	Patient Sortal, Enhanced Fertility, Wise Medicine, Samaritan, LivFul	5
Workforce Development, Education & Economic Mobility	Increase earning power through training and access	VeroSkills, Immerse, GAGE, UpFrom, Gracelyn University	5
Enterprise AI, Data Infrastructure & Operational Intelligence	Improve automation, analytics, and decision-making	Deep Cognition, Evidencity, Profit Inc, AudiencePoint, Symmatrics, Zive AI	6
Fintech, Insurance & Economic Systems Infrastructure	Rebuild financial and transactional systems	CRE Inc, EPIC, SALT, ECOO, Capital Works	5
Venture Studio & Ecosystem Platforms	Launch and scale startups and platforms	Eagle Venture Studio, Eagle Venture Studio Asia, Pro-Forma, FreightPOP	4

Ex. 1. Summary of Eagle Venture Fund's vertical portfolio of companies.

Eagle's model reflects a broader trend toward utilizing AI and data analytics not merely to respond to trafficking after it occurs, but to identify patterns of exploitation before victims suffer additional harm.

HOTEL SHIELD AND THE EMERGENCE OF AN INTEGRATED TRAFFICKING-RISK ECOSYSTEM

Hotel Shield, a venture developed through Eagle Venture Studio and specifically designed for the hospitality industry. Hotel Shield is best understood not as a stand-alone software platform, but as part of a broader counter-trafficking ecosystem emerging from Eagle Venture Fund's portfolio. The Fund's trafficking-prevention vertical includes companies such as DejaVu AI, Dark Watch, True Path Vision, Altus, and Implicit Good, each utilizing artificial intelligence, predictive analytics, image recognition, intelligence gathering, investigative support, or pattern-detection technologies to identify trafficking victims, locate exploitative networks, support law-enforcement investigations, and improve intervention outcomes. Collectively, these technologies represent a transition from reactive trafficking response toward proactive intelligence-driven prevention.⁵⁶

(Eagle reports portfolio companies have assisted in victim identification, trafficker arrests, and child-protection initiatives), <https://fortworthinc.com/news/eagle-venture-fund-launches-50m-freedom-fund-ii-to-fight-hum/> (last visited June 9, 2026).

56 Eagle Venture Fund, Portfolio, <https://www.eagleventurefund.com/portfolio> (last visited June 10, 2026); Eagle Venture Fund, Eagle Venture Fund IV, <https://www.eagleventurefund.com/fund/eagle-venture-fund-iv> (last visited June 10, 2026); Eagle Freedom Fund I, Market Analysis Report (2024) (on file with author) (describing investments in DejaVu AI, Dark Watch, True Path Vision, Altus, Implicit Good, and other technologies focused on victim identification, investigative intelligence, exploitation

The significance of this ecosystem extends beyond public safety. Specialty insurers increasingly seek objective evidence that insureds have implemented meaningful risk-mitigation measures capable of reducing trafficking-related exposure. Platforms such as Hotel Shield provide the type of documented compliance infrastructure, investigative support, and risk-assessment capabilities that insurers historically have favored when underwriting emerging risks.⁵⁷ Much as cybersecurity tools became intertwined with cyber-insurance underwriting, anti-trafficking intelligence platforms increasingly become intertwined with trafficking-risk underwriting.⁵⁸

Importantly, Eagle Venture Fund's thesis aligns with a broader shift occurring within the insurance industry.⁵⁹ Eagle's portfolio

detection, and trafficking prevention).

57 Eagle Venture Studio, Hotel Shield, <https://eagleventurestudio.com/hotel-shield/> (last visited June 10, 2026); Hotel Shield, Technology, <https://hotelshield.ai/technology> (last visited June 10, 2026) (describing the platform's use of property-management data, open-source intelligence, risk analytics, and investigative tools to identify trafficking-related indicators and support intervention efforts).

58 Kenneth S. Abraham, Insurance Law and Regulation 37–45 (7th ed. 2020) (discussing the development of specialty insurance products and insurer-driven risk-mitigation requirements); Tom Baker & Kyle D. Logue, Insurance Law and Policy 541–49 (6th ed. 2022) (explaining how underwriting incentives influence the adoption of preventative technologies and organizational risk-management practices); U.S. Government Accountability Office, Cyber Insurance: Insurers and Policyholders Face Challenges in an Evolving Market, GAO-21-477 (May 2021), <https://www.gao.gov/products/gao-21-477> (last visited June 10, 2026) (describing how cyber insurers incentivize technological controls through underwriting standards, pricing mechanisms, and coverage conditions, illustrating how insurers can transform emerging technologies from optional safeguards into expected components of prudent risk management).

59 Eagle Freedom Fund I, Market Analysis Report (2024) (on file with author); Eagle Venture Fund, Backing the Bold, Forging Human Flourishing, <https://www.eagleventurefund.com/>

reflects the growing recognition that human trafficking prevention is no longer solely a law-enforcement or social-services issue; it is increasingly an enterprise-risk issue carrying significant litigation, regulatory, reputational, and insurance consequences. As insurers seek objective methods to evaluate trafficking-related risk, technologies capable of generating measurable prevention outcomes become increasingly valuable. Eagle's portfolio companies therefore occupy a unique position at the intersection of risk management, insurance underwriting, regulatory compliance, and victim protection.

Particularly noteworthy is the emergence of specialty insurance products designed specifically to address trafficking-related exposures. These insurers increasingly recognize that underwriting decisions are strengthened when insureds can demonstrate robust anti-trafficking controls, documented compliance efforts, employee training, intelligence gathering, and technological safeguards.⁶⁰ This creates a feedback loop in which insurance products incentivize technology adoption, technology adoption generates measurable risk-reduction data,

(last visited June 10, 2026); Kenneth S. Abraham, Insurance Law and Regulation 37–45 (7th ed. 2020) (discussing the role of insurance markets in driving adoption of risk-mitigation technologies).

60 Kenneth S. Abraham, Insurance Law and Regulation 37–45 (7th ed. 2020) (discussing the historical development of specialty insurance products in response to emerging liability exposures and evolving underwriting risks); Tom Baker & Kyle D. Logue, Insurance Law and Policy 541–49 (6th ed. 2022) (explaining how insurers assess organizational controls and risk-management practices when underwriting novel risks); Sharon Tennyson, Insurance Experience and Behavioral Incentives, in Handbook of Insurance 613, 620–28 (Georges Dionne ed., 2d ed. 2013) (describing the role of insurance markets in influencing organizational behavior and loss-prevention efforts).

and that data further informs underwriting decisions. The result is a developing ecosystem in which insurers and anti-trafficking technology providers operate as complementary participants in the same risk-management framework.⁶¹

For example, Hotel Shield describes itself as an intelligence platform designed to assist hotels in identifying and responding to trafficking-related risks through the integration of property-management data, open-source intelligence, dark-web monitoring, and real-time risk assessment.⁶² Essentially, Hotel Shield utilizes AI, guest data, open-source intelligence, operational information, and other data sources to identify indicators of human trafficking and related criminal activity within hotels.⁶³ The platform's stated objective is not merely detection, but coordinated intervention—allowing hotel operators to recognize potential trafficking activity, document investigative efforts,

and communicate concerns to law enforcement.⁶⁴ The platform's development and pilot testing in the Dallas–Fort Worth region reflect a growing recognition that trafficking detection increasingly depends upon technology-enabled intelligence rather than employee intuition alone.⁶⁵

INSURANCE, ARTIFICIAL INTELLIGENCE, AND THE EMERGING STANDARD OF CARE

The significance of Hotel Shield extends beyond its commercial application. Legally, it raises an important question: at what point does the availability of technology influence what constitutes reasonable care? Historically, anti-trafficking compliance programs within hotels centered upon employee training and reporting protocols. Front desk personnel, housekeeping staff, and security teams were taught to identify behavioral indicators commonly associated with trafficking. These indicators included excessive foot traffic to a room, cash payments, refusal of housekeeping services, visible signs of abuse, or repeated requests for fresh linens.⁶⁶ While such training remains essential, it is inherently dependent upon human observation.

AI fundamentally alters that paradigm. Unlike individual employees, AI systems can analyze large volumes of information simultaneously, identify patterns across multiple data sources, and recognize correlations that

may otherwise remain unnoticed. Hotel Shield's publicly described capabilities illustrate this shift. By analyzing guest interactions, operational records, sensors, and open-source intelligence, the platform seeks to identify trafficking indicators that may not be apparent to any single employee.⁶⁷

This technological evolution mirrors developments in other industries. Healthcare providers increasingly rely upon predictive analytics to identify high-risk patients. Financial institutions employ machine learning to detect fraud and money laundering. Cybersecurity systems utilize AI to recognize malicious activity before a breach occurs. As these technologies matured, courts and regulators gradually incorporated them into expectations regarding reasonable risk management. The same progression may ultimately occur within the hospitality sector.

No court has yet held that hotels possess an affirmative duty to implement AI-based trafficking detection systems. However, negligence law has long recognized that the standard of care evolves alongside available knowledge and technology. As anti-trafficking technologies become more prevalent and demonstrably effective, plaintiffs may increasingly argue that failure to adopt available detection systems constitutes evidence of unreasonable conduct.

Indeed, Eagle Venture Fund itself has expressly linked the growth of the counter-trafficking technology market to increasing regulatory pressure, political scrutiny,

61 U.S. Government Accountability Office, *Cyber Insurance: Insurers and Policyholders Face Challenges in an Evolving Market*, GAO-21-477 (May 2021), <https://www.gao.gov/products/gao-21-477> (last visited June 10, 2026) (describing how cyber insurers incentivize adoption of technological safeguards through underwriting requirements, pricing structures, and coverage conditions); Daniel W. Woods & Tyler Moore, *Does Insurance Have a Future in Governing Cybersecurity?*, 24 *Security J.* 1, 3–8 (2021) (examining how insurers promote technological risk controls through underwriting and market incentives); Kenneth S. Abraham, *Insurance Law and Regulation* 42–45 (7th ed. 2020) (noting that insurers frequently encourage adoption of preventative technologies to reduce claim frequency and severity).

62 Eagle Venture Studio, *Hotel Shield: Anti-Human Trafficking Intelligence Platform*, <https://eagleventurestudio.com/hotel-shield/> (last visited June 9, 2026) (describing Hotel Shield as an intelligence platform designed to assist hotels in identifying and responding to human trafficking risks).

63 Eagle Venture Fund IV, *Portfolio Description of Hotel Shield*, <https://www.eagleventurefund.com/fund/eagle-venture-fund-iv> (last visited June 9, 2026).

64 Eagle Venture Studio Portfolio, *Hotel Shield company profile*, <https://eagleventurestudio.com/hotel-shield/> (last visited June 9, 2026).

65 *Id.*

66 See generally hospitality anti-trafficking training protocols and TVPRA litigation discussing “red flag” indicators.

67 Eagle Venture Fund IV, *Hotel Shield*, Eagle Venture Fund, <https://www.eagleventurefund.com/fund/eagle-venture-fund-iv> (last visited June 9, 2026) (describing Hotel Shield as leveraging AI to detect human trafficking and other illicit activity within the hospitality industry).

and strategic litigation.⁶⁸ The firm's investment materials compare the sector's potential growth trajectory to that of cybersecurity, noting that legal and regulatory forces often accelerate adoption of protective technologies.⁶⁹ This observation is particularly relevant to the hospitality industry, where TVPRA litigation has become a significant source of operational risk.

The implications extend beyond civil liability. AI-enabled trafficking detection technologies are increasingly contributing to law-enforcement investigations and criminal prosecutions. Eagle reports that portfolio companies have helped support criminal investigations, identify illicit businesses, locate trafficking victims, and contribute to trafficker arrests.⁷⁰ For example, Eagle portfolio companies such as Dark Watch AI and DejaVuAI employ advanced analytics and image-recognition technologies to assist investigators in identifying criminal networks, locating victims, and connecting disparate pieces of intelligence that would otherwise remain fragmented.⁷¹

As these technologies mature, hospitality operators may

find themselves occupying a dual role: not merely passive property owners but active participants in trafficking prevention. Information generated within hotels increasingly has the potential to support victim recovery efforts, law-enforcement investigations, and criminal prosecutions.⁷² Consequently, the future debate may not center on whether AI is capable of identifying trafficking indicators. Rather, the debate may focus on whether reasonably prudent hotel operators should be expected to utilize technologies specifically designed for that purpose.⁷³

If that trend continues, the legal implications are substantial. Technologies initially adopted as innovative best practices may ultimately become expected components of a reasonably prudent hospitality compliance program. In that respect, insurance coverage disputes are helping drive technological innovation, technological innovation is influencing underwriting expectations, and underwriting

expectations may eventually help define the next generation of reasonable care within the hospitality industry.⁷⁴ Viewed through this lens, Eagle Venture Fund and Hotel Shield represent more than innovative business ventures. They exemplify the emergence of an entirely new counter-trafficking technology sector—one that seeks to transform trafficking detection from a reactive process dependent upon individual observations into a proactive, intelligence-driven compliance function. As courts continue to define the contours of hospitality liability under the TVPRA

68 Eagle Freedom Fund I, Market Analysis Report (2024) (describing Eagle's objective to "seed and grow" a counter-human-trafficking industry).

69 Id. (comparing growth of counter-trafficking technology to the historical development of the cybersecurity industry).

70 Eagle Venture Fund IV, Portfolio Metrics and Impact Data, Eagle Venture Fund, <https://www.eagleventurefund.com/portfolio> (last visited June 9, 2026) (reporting portfolio-company impact metrics relating to victim identification, trafficker arrests, child protection, and anti-trafficking interventions).

71 Eagle Venture Fund, Portfolio, <https://www.eagleventurefund.com/portfolio> (last visited June 9, 2026) (describing Dark Watch AI, DejaVuAI, and other portfolio companies utilizing artificial intelligence, predictive analytics, and investigative technologies to identify trafficking victims, detect criminal networks, and support anti-trafficking enforcement efforts).

72 U.S. Department of Homeland Security, Blue Campaign: Hospitality Industry Resources, <https://www.dhs.gov/blue-campaign> (last visited June 10, 2026) (encouraging hotels and lodging providers to identify, document, and report trafficking indicators to law enforcement); Polaris, Human Trafficking and the Hotel Industry: Recognition, Response, and Reporting Practices (on file with author); Eagle Venture Fund, Portfolio, <https://www.eagleventurefund.com/portfolio> (last visited June 10, 2026) (describing portfolio companies' contributions to victim identification, criminal investigations, and trafficker arrests).

73 Restatement (Third) of Torts: Liability for Physical and Emotional Harm § 13 cmt. d (Am. L. Inst. 2010) (recognizing that reasonable care evolves with advances in knowledge and available technology); Lorain-Elyria Motel, Inc., 111 F.4th at 756–61 (analyzing allegations that hotel operators knowingly benefited from trafficking activity occurring on their premises); Marriott International, 455 F. Supp. 3d at 188–95 (addressing constructive knowledge allegations against hospitality defendants); Kenneth S. Abraham, Insurance Law and Regulation 37–45 (7th ed. 2020) (discussing how evolving risk-management practices and insurance incentives influence industry conduct).

74 Kenneth S. Abraham, Insurance Law and Regulation 37–45 (7th ed. 2020) (discussing the historical role of insurance markets in shaping risk-management practices and encouraging loss-prevention measures); Tom Baker & Kyle D. Logue, Insurance Law and Policy 541–49 (6th ed. 2022) (explaining how underwriting incentives influence organizational behavior and technology adoption); U.S. Government Accountability Office, Cyber Insurance: Insurers and Policyholders Face Challenges in an Evolving Market, GAO-21-477 (May 2021), <https://www.gao.gov/products/gao-21-477> (last visited June 10, 2026) (describing how insurers incentivize cybersecurity controls through underwriting requirements and premium considerations).

The 2023 amendment to Rule 702 reinforces what courts have increasingly emphasized in recent years: expert opinions must reflect a clearly articulated methodology and a disciplined application of that methodology to the facts of the case.

and related negligence theories, technologies such as Hotel Shield may become increasingly relevant to the determination of what constitutes reasonable care in an era of AI-enabled risk management.⁷⁵

RELEVANCE OF “STATE OF THE ART” TO STATE AND FEDERAL CLAIMS IN THE CONTEXT OF AI

It is critical to assess the travel industry’s actions or inaction in any civil matter involving allegations of trafficking through the lens of the state of the art existing as the time—as ever-cunning traffickers and their sophisticated international rings target unwitting hoteliers, airlines, and others. Third-party businesses do not have more knowledge about trafficking than governmental, judicial, or law-enforcement professionals. Therefore, attempting to hold businesses liable for not spotting and eradicating trafficking on their premises essentially imposes on them a higher standard of care than on the very experts in this arena. A brief review of the state of the art helps to explain the evolution of knowledge of trafficking and elucidates the standard of care and duty applicable to third parties sued in civil cases, especially with the development of AI-enabled trafficking detection technologies.

The emergence of AI-enabled

trafficking detection technologies also raises an important evidentiary question. As these systems become increasingly integrated into hospitality risk-management practices, courts evaluating negligence and TVPRA claims will inevitably confront whether such technologies form part of the relevant “state of the art” for purposes of determining reasonable care.

“State of the art” experts are pivotal in establishing what a defendant “knew or should have known” about a particular concern at a given point in time. In litigation, such experts reconstruct historically available knowledge and professional standards to assess whether conduct comported with the applicable duty of care at the time of the alleged act or omission. The “state of the art” doctrine is particularly well developed in environmental and toxic tort litigation, such as asbestos and hazardous exposure cases, where liability often turns on whether a defendant’s conduct deviated from contemporaneous scientific, regulatory, and industry standards governing risk mitigation and safety practices.⁷⁶ In those contexts, plaintiffs frequently rely on EPA, OSHA, and NIOSH standards to establish what was reasonably knowable and preventable at the relevant time.⁷⁷

Similarly, in human trafficking litigation brought under 18 U.S.C. § 1595(a), the defendant’s actual or constructive knowledge is central to liability, particularly where plaintiffs allege that a business

“knowingly benefited” from participation in a trafficking venture.⁷⁸ In such cases, “state of the art” analysis becomes critical because it defines what trafficking indicators, training protocols, reporting mechanisms, and detection tools were reasonably available to third-party actors, such as hotels, airlines, and other hospitality entities, during the relevant period. Experts in this field therefore examine historical evidence regarding what was known or knowable to industry actors, regulators, and law enforcement, and then opine whether a defendant’s conduct met the evolving standard of reasonable care derived from that knowledge base.⁷⁹

Within this evidentiary framework, “state of the art” analysis is not static; it reflects a cumulative and evolving body of scientific, technological, regulatory, and industry-based knowledge. Courts routinely rely on expert testimony to translate this evolving record into a usable standard of care by identifying when particular risks became foreseeable, when countermeasures became feasible, and when industry practice meaningfully shifted in response to emerging threats.⁸⁰ This methodology is particularly important in contexts involving rapidly evolving risks, where the relevant standard of care may change significantly over relatively short periods of time.

In modern negligence analysis, particularly within

75 Restatement (Third) of Torts: Liability for Physical and Emotional Harm § 13 cmt. d (Am. L. Inst. 2010) (recognizing that reasonable care may be informed by evolving knowledge, practices, and available technology); *Lorain-Elyria Motel*, 111 F.4th at 756–61 (addressing allegations that hotel operators knowingly benefited from participation in trafficking ventures under 18 U.S.C. § 1595); *Marriott*, 455 F. Supp. at 188–95 (analyzing constructive knowledge and participation allegations against hospitality defendants); *Eagle Venture Studio, Hotel Shield*, <https://eagleventurestudio.com/hotel-shield/> (last visited June 10, 2026); *Eagle Venture Fund, Portfolio*, <https://www.eagleventurefund.com/portfolio> (last visited June 10, 2026).

76 See *Ferebee v. Chevron Chem. Co.*, 736 F.2d 1529 (D.C. Cir. 1984); *Hagans v. Oliver Mach. Co.*, 576 F.2d 97 (5th Cir. 1978).

77 See *Owens-Illinois, Inc. v. Zenobia*, 601 A.2d 633 (Md. 1992); OSHA, Permissible Exposure Limits (PELs), 29 C.F.R. § 1910; EPA, Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 C.F.R. Part 61.

78 See 18 U.S.C. § 1595(a) (civil remedy provision of TVPA); see also *Ricchio v. McLean*, 853 F.3d 553 (1st Cir. 2017); *Doe v. Red Roof Inns, Inc.*, 21 F.4th 714 (11th Cir. 2021).

79 See *Beshada v. Johns-Manville Prods. Corp.*, 447 A.2d 539 (N.J. 1982); *Kent Village Assocs. Joint Venture v. Smith*, 104 Md. App. 507, 657 A.2d 330 (1995).

80 See *Trs. of Columbia Univ. v. D’Agostino Supermarkets, Inc.*, 36 N.Y.3d 69 (2020); *Palsgraf v. Long Island R.R. Co.*, 248 N.Y. 339 (1928).

industries affected by rapid technological change, the “state of the art” increasingly encompasses not only traditional professional knowledge but also the availability and feasibility of advanced technological systems, including algorithmic risk detection tools and AI applications designed to enhance situational awareness and decision-making. Courts assessing reasonableness have recognized that technological feasibility—including access to automated monitoring, predictive analytics, and machine-learning-based detection systems—may be relevant to determining what precautions were reasonable under the circumstances.⁸¹

This trend is reinforced by broader regulatory and scholarly recognition that AI systems are now embedded within risk management and compliance frameworks across multiple industries. The National Institute of Standards and Technology (“NIST”), for example, has identified AI systems as requiring structured risk governance due to their increasing role in detection, classification, and decision-support functions.⁸² Likewise, legal scholars have observed that algorithmic systems are increasingly relevant to negligence analysis insofar as they redefine what risks are reasonably detectable through commercially available technology.⁸³

Applied to human trafficking prevention and detection, the “state of the art” reflects a dynamic and evolving body of knowledge shaped by law enforcement practices, academic research, international frameworks, and increasingly, AI-driven technologies. Modern counter-trafficking systems now include machine-learning models capable of identifying behavioral anomalies, natural language processing tools that flag suspicious booking patterns, and integrated alert systems designed to assist hospitality personnel in real time. These tools are increasingly deployed within the travel and hospitality sectors to supplement human training with scalable, data-driven risk identification capabilities.

As such, AI-enabled platforms—including systems such as Hotel Shield—represent an emerging component of the contemporary “state of the art” in trafficking prevention. Their development reflects a broader trend in which private-sector innovation, often supported by venture investment and cross-sector partnerships, is reshaping baseline expectations for risk mitigation. The integration of such tools into industry practice is particularly significant because it illustrates how the “knowledge base” relevant to negligence analysis now includes not only human expertise, but also computational detection capacity that materially enhances the ability to identify trafficking indicators that may otherwise remain hidden.⁸⁴

Accordingly, in civil litigation involving allegations of human

trafficking against third-party entities—particularly within the travel and hospitality sectors—it is essential to assess conduct in light of the “state of the art” existing at the time, including the availability, maturity, and industry adoption of AI-based counter-trafficking tools. Trafficking networks are highly adaptive, transnational, and technologically sophisticated, frequently exploiting digital platforms, anonymized transactions, and online booking systems to evade detection. Third-party businesses, by contrast, are not investigative agencies and do not possess law enforcement authority or intelligence infrastructure; their obligations are therefore defined by reasonableness, not omniscience.⁸⁵

The relevance of AI in this analysis is therefore twofold. First, it informs the scope of what risks were reasonably detectable at the time through commercially available or industry-adopted technologies. Second, it bears on whether a defendant’s failure to implement or utilize widely available AI-enabled safeguards may be relevant to breach analysis under a reasonableness standard. However, this inquiry must remain grounded in contemporaneous adoption rates, technological maturity, and industry feasibility, rather than imposing retrospective expectations based on emerging or non-standardized technologies.

I m p o s i n g l i a b i l i t y without reference to the contemporaneous “state of the art”—including the actual availability and penetration of AI-driven counter-trafficking systems—risks transforming negligence doctrine

81 See Cary Coglianese & David Lehr, *Regulating by Robot: Administrative Decision Making in the Machine-Learning Era*, 105 *Geo. L.J.* 1147 (2017); *State v. Loomis*, 881 N.W.2d 749 (Wis. 2016) (recognizing algorithmic tools in decision contexts); see also RESTATEMENT (THIRD) OF TORTS: NEGLIGENCE § 3 (Am. L. Inst. 2024 draft materials discussing technological feasibility in reasonableness).

82 Nat’l Inst. of Standards & Tech. (NIST), *Artificial Intelligence Risk Management Framework* (AI RMF 1.0) (2023).

83 Cary Coglianese & Lavi M. Ben Dor, *AI in Adjudication and Administrative Decision-Making*, 72 *Duke L.J.* 201 (2022).

84 See U.S. Dep’t of Homeland Sec., *Blue Campaign, Human Trafficking Indicators for Hospitality Industry* (ongoing); Polaris Project, *Human Trafficking Data & Reporting Trends* (annual reports).

85 See *Doe v. Red Roof Inns, Inc.*, 21 F.4th 714 (11th Cir. 2021); *G.G. v. Salesforce.com, Inc.*, 76 Cal. App. 5th 554 (2022).

into a hindsight-based standard of perfection. Courts have consistently rejected such approaches, emphasizing that duty and breach must be evaluated based on what a reasonable actor could have known or implemented at the relevant time under then-existing conditions.⁸⁶ A properly grounded “state of the art” analysis therefore provides essential doctrinal discipline in ensuring that liability reflects evolving but bounded expectations of reasonable care.

Ultimately, incorporating AI systems into the “state of the art” framework clarifies that modern counter-trafficking expectations are not static. Instead, they evolve alongside technological innovation, industry adoption, and practical feasibility. This dynamic understanding is essential to accurately defining the scope of duty owed by third-party businesses in civil trafficking litigation and ensuring that legal standards evolve in step with, rather than ahead of, the realities of technological capacity.

CONCLUSION

Human trafficking remains a complex and evolving criminal enterprise, and the corresponding “state of the art” in trafficking awareness, prevention, and detection continues to advance. As this article demonstrates, the hospitality industry’s response has evolved from basic awareness initiatives to increasingly sophisticated compliance measures, including AI-driven technologies designed to identify trafficking indicators and support intervention efforts.

At the same time, courts evaluating civil trafficking claims

must remain grounded in a fundamental principle: liability should be assessed based on the knowledge, tools, and industry practices reasonably available at the time of the alleged conduct, not through hindsight. As technologies such as Hotel Shield become more widely adopted and effective, they may increasingly inform what constitutes reasonable care within the hospitality sector.

Ultimately, the intersection of evolving technology, industry practices, and legal standards will continue to shape the future of trafficking prevention and hospitality liability. A properly grounded state-of-the-art analysis ensures that courts can encourage meaningful progress in combating trafficking while maintaining fair and realistic standards of responsibility for third-party businesses.

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⁸⁶ See *Ricchio v. McLean*, 853 F.3d 553 (1st Cir. 2017); *Hagans v. Oliver Mach. Co.*, 576 F.2d 97 (5th Cir. 1978).

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