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Prosecuting Trafficking in Persons Cases: An Analysis of Local Strategies and Approaches

Final Report

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Abstract

This project examined practices and initiatives undertaken by prosecutors across the United States to address trafficking in persons (TIP) in order to learn about TIP case identification and case building; when jurisdictions prosecute utilizing their state's TIP statute or alternative charges; and how prosecutors approach victim identification, serving victims, and increasing convictions and penalties for traffickers and buyers. It also sought to draw lessons learned that other jurisdictions can use to begin this work or increase their capacity and effectiveness, regardless of size or location. This project was a partnership between the Justice Research and Statistics Association (JRSA) and the National District Attorney's Association (NDAA) and consisted of two phases. Phase I was a national survey of prosecutors and Phase II was a series of four case studies in jurisdictions undertaking anti-TIP initiatives.

The results of the survey are intended to provide a national snapshot of trends in local TIP prosecutions and the use of state-level TIP statutes by local prosecutors. It serves as a ten-year update to, and expansion of, previous research on local prosecutorial approaches to trafficking that had used data on cases prosecuted through 2008 (Bouché, Farrell, & Wittmer, 2016; Clawson, Dutch, Lopez, & Tiapula, 2008; Farrell & Fahy, 2009; Farrell et al., 2012; Farrell, Owens, & McDevitt, 2014). Results indicate that local prosecutors have made significant progress in prosecuting TIP cases, becoming educated on their states' laws, and undertaking practices to reach more victims and convict more offenders, although this progress was uneven and there are still several opportunities for improvement.

The survey results also provide context for the four case studies in Phase II. These case studies examined strategies for addressing TIP cases in four jurisdictions across the U.S. In San Diego, the formation and evolution of their countywide coalition was examined. The Miami case study focused on their digital evidence collection, forensics, and evidentiary use practices. The New York case study similarly focused on digital evidence, with special focus on its use in proactively identifying and building TIP cases. In Ramsey County/St. Paul, their preparation, coordination, and building of infrastructure to support implementation of their Safe Harbor law was studied. The development of each initiative was examined via detailed stakeholder interviews, program document review, and review of a sample of case files at each site. Lessons learned and recommendations for research and practice conclude the report.

Acknowledgements

Prosecuting Trafficking in Persons Cases: An Analysis of Local Strategies and Approaches

Executive Summary

This project examined practices and initiatives undertaken by prosecutors across the United States to address trafficking in persons (TIP). Its goals were to learn about TIP case identification and case building; when jurisdictions prosecute utilizing their state's TIP statute or use alternative charges and why; and how prosecutors approach victim identification, serving victims, and increasing convictions and penalties for traffickers and buyers. The project also sought to distill lessons learned that other jurisdictions can use to begin this work or increase their capacity and effectiveness, regardless of size or location in the United States.

This project was a partnership between the Justice Research and Statistics Association (JRSA) and the National District Attorney's Association (NDAA) and consisted of two phases. The first was a national survey of prosecutors and the second was a series of four in-depth case studies in jurisdictions undertaking anti-TIP initiatives to support prosecutions.

The results of the survey are intended to provide a snapshot of trends across the U.S. in local human trafficking prosecutions and the use of state-level human trafficking statutes by prosecutors. Specifically, it serves as an update and expansion of previous research over the years by Farrell, Clawson and colleagues on local prosecutorial approaches to human trafficking (Bouché, Farrell, & Wittmer, 2016; Clawson, Dutch, Lopez, & Tiapula, 2008; Farrell & Fahy, 2009; Farrell et al., 2012; Farrell, Owens, & McDevitt, 2014).

The survey results also provided context for the case studies. These studies examined programs or strategies to address TIP cases in four jurisdictions. In San Diego, the formation and evolution of their countywide coalition was examined. The Miami case study focused on their digital evidence collection, forensics, and evidentiary use practices. The New York case study similarly focused on digital evidence, especially its use in proactively identifying and building trafficking cases. In St. Paul, their preparation, coordination, and building of infrastructure to support the implementation of their Safe Harbor law was studied.

Methods

Survey

The survey was constructed to build upon previous prosecutor surveys covering human trafficking. It was also designed to collect information on such topics as prosecutor office demographics, numbers of dedicated TIP prosecutors and support staff, participation in human trafficking task forces, prosecutors' knowledge of their state TIP statutes, statistics on TIP case acceptance or declination, TIP case charging and prosecutorial practices, obstacles to successful prosecutions, anti-TIP support initiatives, and case prosecution and outcome statistics.

The topics subject to query in this survey are largely taken from the last U.S. prosecutors' survey on human trafficking (Clawson, Dutch, Lopez, & Tiapula, 2008), Polaris (2014) and Shared Hope International's (2016) annual state legislation ratings, and further literature input from Farrell et al. (2014) and Farrell et al. (2012). JRSA vetted the full survey with a project advisory group consisting of prosecutors from NDAA's membership and our academic consultant, Dr. Amy Farrell. Prosecutors from St. Paul, MN; Honolulu, HI; Miami-Dade, FL; Los Angeles, CA; and Boston, MA participated in the advisory group.

The prosecutors chosen to receive this survey came from NDAA's membership, which includes 2,386 prosecutors across all states and the District of Colombia. According to NDAA leadership, there are currently about 2,500 prosecutors in the U.S., so the sampling frame covered the vast majority. The survey was implemented using SurveyMonkey and ran from June 14, 2017 through August 31, 2017.

One hundred ninety-nine full and partial responses were received from prosecutors in 44 states—an eight percent response rate. Responses received were weighted to account for differences between the responding sample and the universe of 2,386 prosecutors at two stages. First, all 199 full and partial responses were weighted by jurisdiction size and region using post-stratification methods for the descriptive analyses. Responding jurisdictions ranged in population from less than 20,000 to over 3 million, representing all census regions. The 70 offices that provided case statistics had their weights re-calculated to account for any additional self-selection bias that may have derived from characteristics of offices that provided case statistics versus those offices that did not. The regression analyses used these re-calculated weights.

Case Studies

As stated, four jurisdictions were selected in which to conduct in-depth case studies following the completion of the national survey. The purpose of these case studies was to learn more about specific initiatives by jurisdictions to facilitate successful prosecutions and to improve aid to victims. The studies were also intended to glean lessons learned that could help other jurisdictions that want to begin addressing TIP cases or enhance their current capabilities. Case studies at all sites focused on sex trafficking, since few prosecutors' offices have completed prosecutions for more than a few labor trafficking cases. Fewer still have dedicated resources

focused on labor trafficking. All sites expressed a desire to expand into labor trafficking cases, but human trafficking units are still typically housed with sex crimes units.

While the specifics of each case study design were somewhat customized so that the results would be mutually useful to the participating site, as well as to this project, research designs at all sites consisted of reviews of a sample of completed case files, along with semi-structured interviews with staff from the District Attorney's (DA) office and partner agencies. A short, five-question survivor survey was also distributed via each office's victim witness advocate to a convenience sample of survivors whose cases were closed. Unfortunately, no survivors from the sites returned their survey responses. Some survivor perspective was provided by the victim advocates and social workers interviewed, however.

Results

Survey

Experience Handling Cases. Of the 199 survey respondents, 66 percent have tried at least one TIP case. Fifty-seven percent have a dedicated trafficking prosecutor, and 46 percent were members of some type of task force. Seventy percent of respondents reported that victim testimony was their primary source of evidence used to prosecute trafficking cases, although obstacles to securing or presenting victim testimony were also reported. The two most commonly reported obstacles to securing victim testimony were witness intimidation and unstable housing, followed closely by the victim not wanting to endure the trauma of a trial. Evidence used to corroborate victim testimony reported most commonly included jail mail/calls, cell phone/digital evidence, and evidence of physical harm to the victim.

Prosecution Outcomes. Seventy jurisdictions provided TIP case statistics from their offices to help create a picture of prosecutorial patterns across the United States. Of convictions reported, 80 percent included charges under the state's TIP statute and 84 percent used an alternative law, such as promoting prostitution or pimping and pandering. These charging decisions are not mutually exclusive; both charges may be levied in the same case. A plea agreement to an alternate charge was the most common outcome for a variety of reasons, from the prosecution having evidence so strong that a defendant pleads to a lower charge, to having sufficient evidence to prove an alternate violation but not the force, fraud, or coercion needed to substantiate a TIP charge in most states. A common theme that emerged throughout this research was that prosecutors are focused on protecting the victim from the trafficker before all else, regardless of which statute is used to get the conviction. Some cases are also declined, however, with the most common reasons given being that the victim's trauma, background, or case circumstances would impact believability for the judge and/or jury.

Associations between Supportive Anti-TIP Programs and Prosecution Results. Prosecutors were asked about a number of anti-TIP initiatives that their offices may undertake to support more successful prosecutions. These included investigative initiatives: using and

cultivating expert witnesses, developing model prosecution strategies, use of a victim identification tool by referring agencies, and having a dedicated TIP case management system. Victim services initiatives included the availability of secure long-term housing, the availability of health and mental health services, involvement of a case manager to coordinate victim services, having a victim services referral system, and being part of a multidisciplinary team that can coordinate responses when a TIP case is identified. The project team examined whether these programs or strategies were correlated with case acceptance, charging, and outcomes.

An initial finding was that jurisdictions that had taken on one initiative had typically taken on several. This illustrates that when jurisdictions commit to pursuing TIP cases, they typically put in place as many tools to help as they can. Therefore, high correlations were found among anti-TIP activities themselves, which led to testing the effects of interactions between programs in addition to their effects individually. Regression analyses found moderate or moderate-to-strong support for three of five hypotheses tested:

- Moderate support was found for idea that the presence or planned use of different anti-TIP initiatives was associated with more cases accepted and prosecuted (10 initiatives tested). This indicates that commitment to taking these cases on makes a difference.
- Weak support was found for the idea that the presence or planned use of anti-TIP programs was associated with reduced numbers of cases declined.
- No support was found for the idea that individual anti-TIP initiatives were associated with in increased TIP prosecutions. However, among control variables, the presence of a human trafficking unit and of Safe Harbor each had statistically significant, positive associations with numbers of cases prosecuted using the TIP statute.
- Moderate support was found for the idea that the presence or planned use of different *combinations* of anti-TIP programs was associated with increased numbers of cases accepted—particularly the interaction between the presence of a human trafficking unit and of a victim services referral system. When interaction terms are included, the independent associations of individual programs became negative in direction, indicating that the interactions may be the key correlates of increased case numbers.
- Moderate to strong support was found for the idea that the presence or planned use of combinations of anti-TIP programs was associated with increased numbers of prosecutions using the state TIP statutes. Two of five interactions tested, those between presence of a victim services referral system with model prosecutions and with Safe Harbor were significantly associated with increased prosecutions using the TIP statute, and their effects on reducing the size and negating the direction of independent program coefficients, indicate that this hypothesis is moderately to strongly supported.

It is possible that the relationships between anti-TIP programs or initiatives and case charging decisions and outcomes are indirect. Presence or planned use of various initiatives may affect prosecutorial discretion, which could then impact case outcomes rather than programs having direct effects on outcomes themselves. This survey collected information on charges

convicted, but not charges arrested. Therefore, the data was not available to examine the proposed intervening variable of prosecutorial discretion. Furthermore, causality may run in the other direction; increases in prosecutions using the TIP statute may be the impetus for increased adoption of supportive anti-TIP initiatives, or it may be that placing priority on TIP cases results both in more prosecutions and in the implementation of supportive programs. So, such hypotheses at this stage speak only of associations between programs, prosecutorial discretion, and prosecutorial outcomes. Reliable indicators of the size and scope of the TIP problem would also be needed to determine whether achievement of these intermediate process outcomes then leads to actual reductions in TIP incidence; this information cannot be captured using criminal justice data alone given the hidden nature of the crime.

Case studies

Table ES1 shows summary statistics provided on request by each of the four case study sites about their total population of TIP-related cases; there were some minor differences in what each jurisdiction was able to provide, so some fields are marked not reported. However, this

Table ES1: Jurisdictional Comparison of Case Population Statistics

Case Population Statistics	Miami	San Diego	RCAO	DANY
Years Covered	2012-2018	2010-2018	2010-2018	2010-2018
Jurisdiction Population (2018)	2,761,581	3,325,468	547,974	1,628,701
Cases accepted and filed (including cases referred in)	512	304	19	4784
Cases accepted and filed per 100,000 residents/yr. (average)	3.09	1.02	0.58	36.72
Cases investigated by Prosecutor (proactive by police or prosecutor)	410	Not reported	5	1063
# Sellers Prosecuted	Not reported	566	38	Not reported
# Buyers Prosecuted	Not reported	417	0	879
Victims Identified	538	310	39	Not reported
Cases Charged w/TIP Statute	162	80	13	Not reported
Cases Charged Alt Statutes	Not reported	170	6	2171
No Action or Declined	89	54	2	2597
# Trials Completed Without Victim	1	5	0	1
Shelter Beds Available	46	29	60	200+ (not exclusive to TIP)

table provides a snapshot of overall activity. Population statistics on the proportions of cases convicted using the TIP statute in each site were used to weight correlational analyses. Despite ranking third in population, the New York County District Attorney (DANY) is better resourced

than any of the other three counties and, as such, had a much higher level of case activity. On the other hand, the Ramsey County Attorney's Office (RCAO) has charged over 50 percent of its TIP related cases under the state statute and has won every case that went to a jury trial on trafficking charges. All jurisdictions but DANY have stopped charging trafficking victims, especially minors, with prostitution; however, DANY drops all prostitution charges when a victim agrees to and receives support services. All jurisdictions but Ramsey County have won at least one conviction without a victim available to testify.

Case sample statistics (Table ES2) show a higher average sentence for TIP charges in the San Diego District Attorney's Office (SDDA) and DANY, while sentences were similar between charge types in the Miami-Dade State's Attorney's Office (Miami-Dade SAO) and the RCAO. Ramsey County secured the highest average sentence overall, regardless of charge type, of these jurisdictions based on sample statistics. San Diego had the greatest number of victims identified in the sample statistics, while Miami holds that honor in Table ES1 (total population statistics). New York did not provide the total number of victims identified in the total population of cases.

While these sites were varied in the programs and practices undertaken, several commonalities were shared. All four jurisdictions were large enough to house full- time, TIP dedicated prosecutors and units. This makes them unique compared to most U.S. jurisdictions, though DANY also uses cross-designated ADAs which is a solution that smaller jurisdictions might also consider. As a reminder, just 57 percent of responding jurisdictions in the survey reported a dedicated full- time or part-time prosecutor for TIP cases. Even fewer had a full unit. Specialized investigators and analysts were housed in law enforcement for three of the four sites; DANY is unique in having multiple investigators in the prosecutor's office itself. All had a dedicated victim-witness specialist or social worker and at least one coordinator, policy person, or support staff whether they were dedicated full-time or shared with related units.

Proactive case identification and case building was being pursued, to one degree or another, in all jurisdictions. DANY has unique capabilities and resources to dedicate to this in-house. Miami and Ramsey County do this mostly on the law enforcement side, though Miami has had some recent struggles related to turnover of trained police officers, and police departments working with the RCAO tend to be short-staffed. San Diego engages in some proactive case identification, both in the DA's office and by law enforcement, and they have also spearheaded extensive and comprehensive training with community groups, schools, hospitals, the hotel industry, and others to increase reporting of potential cases. These variations in how proactive case identification is pursued illustrate differences in approaches to partnership building and community engagement. For example, jurisdictions with fewer resources may want to engage in more partnership building and training of others to be their eyes and ears if they do not have the in-house capacity of a jurisdiction like DANY.

All four jurisdictions reported having prosecutorial staff, law enforcement officers, social workers, and others who are trained in trauma-informed interviewing and in delivering or coordinating trauma informed services for victims. All four reported engaging in victim-centered

prosecution techniques, particularly having a victim-witness specialist to accompany the victim throughout the prosecution process, providing courtroom accommodations or having a human trafficking-specific court (Miami SAO and DANY) to hear the victim's case, and allowing the

Table ES2: Jurisdictional Comparison of Case Sample Statistics

Sample Statistics	Miami	San Diego	RCAO	DANY
# Cases in Sample	73	72	19	44
# Defendants	106	97	38	57
# Victims Identified	84	102	39	46
TIP Charges Convicted	42	10	24	20
Alt Charges Convicted	212	94	38	56
Mean Prison Sentence (Weighted, Years)	12.7	3.7	11.9	3.0
Mean Prison Sentence Trafficking (Weighted, Years)	10.4	4.1	14.7	12.1
Mean Prison Sentence Alt Chg. (Weighted, Years)	14.0	3.5	8.9	3.0

victim to make their own decisions about trial participation. Furthermore, part of the reason for emphasizing increased digital forensic capacity is to reduce reliance on victim testimony as the sole evidentiary source. All four jurisdictions continued to work to increase enforcement of trafficking laws (both selling and buying sex), and to increase the amount of dedicated trafficking beds in secure, long-term housing.

Over the years, all four sites have worked to build a wide variety of partnerships and collaborations across sectors. Many of these coalesced around training initiatives, some of which were carried out by prosecutorial staff, and others by partner agencies and service providers. Training, partnerships, and collaborations across disciplines were keys to success in helping trafficking victims and in building cases regardless of location, size, and capacity of jurisdiction.

Answers to Research Questions

This project was, as a whole, guided by five overarching research questions. Results pertaining to research questions 1-4 are addressed here and results pertaining to research question #5 are addressed under implications for practice.

Research Question #1: How is knowledge of state human trafficking statutes improving among prosecutors?

Survey respondents from prosecutorial offices in the same state did not always agree on what was present in the content of their state's TIP laws. This indicates that there are training opportunities for helping local attorneys understand the content and applications of their state

10

TIP statutes so they can better pursue prosecutions under them. Also reported somewhat frequently in the survey was that human trafficking does not happen in the respondent's jurisdiction. Lessons learned in the Ramsey County case study show that training makes a significant difference; jurisdictions that may not currently recognize trafficking may begin to identify cases. Indeed, there were survey respondents who said that given what they know now, there were cases that they could have pursued as a TIP case in hindsight. Most case statistics reported by survey respondents involved sex trafficking cases, and indeed initiatives covered in all four case studies also focused on sex trafficking. Survey respondents and case study site interviewees mentioned wanting to tackle labor trafficking more, but the resources are not yet available. The tendency for prosecutors' trafficking units to be located in or grow out of sex crimes units can perpetuates this imbalance.

Research Question #2: What strategies, approaches, and tools are local prosecutors using to address TIP cases? To what degree are local prosecutors using promising approaches identified in past research?

According to survey results, between 18 and 35 percent of the 199 jurisdictions are using or have plans to implement each of the ten strategies, approaches, and tools identified during the project team's review of past research. Importantly, 32 percent of respondents participate in multidisciplinary teams; given the clear importance of collaborations and partnerships highlighted by the case studies, and the positive effects of multidisciplinary teams on case outcomes shown in the survey analysis results, this is encouraging. Further, 96 percent of 121 respondents to the question reported using cell phone evidence to support or corroborate victim testimony, and 91 percent reported collecting and presenting other digital evidence to do the same. Given the importance of these tools shown in Miami and New York, this is encouraging because it shows these practices in use to some degree in a variety of jurisdiction types. All four case study sites, however, still lamented the scarce availability of dedicated housing options to assist trafficking survivors relative to the level of need.

Research Question #3: How effective are these promising strategies being used by local prosecutors:

> o **for increasing trafficking statute usage in prosecution?**

As mentioned before, survey results did not support the idea that the presence or planned use of individual anti-TIP initiatives were associated with more cases prosecuted using the state's TIP law, although interactions between multiple programs in place produced strong, positive correlations, as did the presence of Safe Harbor and a human trafficking unit. The case studies showed that when a prosecutor's office decides to take on TIP cases, they will develop resources and practices to support these prosecutions because they realize how necessary they are to achieving meaningful results. All four sites were clear that their first priority is victim safety and perpetrator accountability, regardless of the charge used to achieve it, but their case numbers do show a general increase in TIP statute usage over the period examined.

11

All four sites, interestingly, also showed a peak in case numbers around the 2012-2013 time frame. This may speak to the availability of resources nationally around that time, or national emphasis placed on prosecuting TIP during those years. All four sites, according to interviewees, were as dedicated to prosecuting TIP cases as ever. But, continuity in available funding for investigative task forces or other initiatives was mentioned as a struggle by all sites but New York. If there are funding lapses, case numbers regardless of charge may fluctuate.

- o **for achieving convictions of traffickers?**

The survey data showed that none of the hypothesized ten initiatives were significantly associated with increased convictions using the TIP statute, but the control variables of having a human trafficking unit and Safe Harbor were. Results also showed that the use of expert witnesses was positively associated with increased convictions using alternate statutes ($p < .05$). The interaction effects between multiple programs present and increasing the numbers of cases convicted using the TIP statutes were practically and statistically significant ($p < .01$).

Case studies across the board showed that the presence of supportive activities enabled them to complete prosecutions and achieve convictions under both types of charges, but that the majority of cases were resolved by plea agreement. Most of these convictions were achieved using promoting prostitution, pimping and pandering, or similar charges. Also common across all case studies was notion that making the commitment to addressing TIP and helping victims is the first step, and that putting initiatives in place and pursuing more investigations and prosecutions follow commitment.

- o **for providing for the recovery needs of survivors?**

Survey respondents described a number of provisions legislated for under their state TIP statute to facilitate survivor recovery. Of the ten victim provisions asked about, the most commonly reported by survey respondents included vacatur of charges resulting from activities that were part of the survivor's TIP victimization, lengthening of the statute of limitations for charging TIP, and victim-friendly protections during the trial process. Between 40 and 46 percent of respondents reported that their offices try to connect victims with long-term, secure housing, health and mental health services, and/or a case manager. Forty percent reported having a victim services referral system and 44 percent reported establishing a multidisciplinary team.

All four case study sites reported at least having a social worker and/or victim advocate to help coordinate or refer victims to services, in addition to helping victims through the prosecution process. San Diego appears to have the most robust multidisciplinary team and collaborative atmosphere via their Human Trafficking Advisory Council. Ramsey County also engaged in robust collaborations between their prosecutors, social workers, and service providers, but mentioned that once survivors are referred to a comprehensive service provider, they do not have as much capacity to follow up as the other sites have. San Diego, Miami, and New York all mentioned that some survivors remain in touch for years. All mentioned the importance and regularity of offering services to all victims and of having a victim advocate that

12

walks through the entire prosecution process with the victim. They also emphasize vertical prosecutions as often as possible so that the victim has a consistent point of contact about their case. All four sites reported focus on continuous improvement in this area.

Research Question #4: What other factors may influence prosecutorial handling of and success with TIP cases?

As mentioned above with reference to the case studies, several factors can influence the handling of TIP cases and success in their prosecutions. These include, first, commitment. Once that is made, elements for prosecutorial success emphasized included:

- training of stakeholders across disciplines;
- putting supporting initiatives, services, and programs in place;
- strengthening TIP-related laws to protect victims (i.e. Safe Harbor and vacatur provisions) and increase penalties for traffickers and buyers;
- building strong partnerships/collaborations across systems and communities; and
- increasing capacity regarding digital evidence collection and forensic analysis.

Other factors correlated with case handling and charges convicted included whether victim cooperation can be obtained throughout the prosecutorial process, whether evidence is sufficient to support proving the TIP charge or whether an alternate statute must be used, terms of a plea agreement, and resources to support the length and depth of investigation needed.

While there has been great stress on increasing local usage of state TIP statutes to convict human traffickers, both to increase penalties and to make it easier to measure TIP prevalence, decisions and success in individual local cases were influenced by this myriad of concerns. However, there was overall an increase in use of both the TIP statute and related charges, as reflected both in the case studies and the survey results. This is not necessarily a bad thing. Jurisdictions are taking on these victims and their cases regardless of the charge ultimately used; they are simply prioritizing justice over which law they need to use to secure it.

Limitations

Survey

The survey data have several limitations. First, while this survey achieved an eight percent response rate from a sampling frame that included almost all local prosecutors nationwide, only 70 of the 199 full and partial respondents provided summary case statistics. Aside from simply representing a small N, the respondents that chose to provide case statistics self-selected into doing so. While the full sample and the sub-sample that provided case statistics were weighted by jurisdiction size and region to account for self-selection bias, the final sample still cannot be assumed to be representative of all prosecutors nationwide. The inability to definitively claim representativeness combined with the small N limits the strength and generalizability of the conclusions. Second, these data are cross-sectional, reinforcing the need to

make clear that these data represent only a snapshot of what prosecutors are doing. Associations with caveats may thus be cautiously inferred from these data, but not causal effects.

Additionally, despite the depth of this survey, there is still some omitted variable bias as not all case-related causes for outcomes could be included. One particular omitted variable that should be explored in future surveys is prosecutorial discretion (see Farrell et al. 2016, among others). While this survey captured the charges that were ultimately prosecuted (TIP or alternate statutes), initial (arrest) charges were not captured. However, this project at least touches on that decision-making process via the case study interviews conducted at the four sites, even if it was not possible via the survey. Additional interaction terms may also have been tested, although the models become unwieldy when the number of interaction terms becomes too large.

Case Studies

There were also several limitations associated with the case studies. First, limited sample sizes across all four sites limited the statistical power of regression analyses. Where possible, "sandwich" regression methods were used to account for this when calculating standard errors (Tyszler, Pustejovsky, & Tipton, 2017), and all regressions were run using weights to account for the probability that a case prosecuted using the TIP statute would be included in each site's sample. Missing data on several control variables were also a problem. It would have been helpful to have survivor feedback on their experiences with the prosecutorial process in addition to the input of victim advocates and service providers interviewed, but the survivor survey did not glean any responses. While interesting descriptive statistics were gleaned from the case file samples, trend analysis and generalizability are limited across all four case studies. However, the interview data, sample case files, and the total case population statistics together have still resulted in rich descriptive case studies, from which many lessons can be learned.

The DANY case file data sample was limited in a few additional ways. First, cases sealed or in appeal were culled after the sample was drawn, rather than before, resulting in a smaller final sample. Second, DANY's Witness Aid and Services Unit was not able to participate, which means there was little to report on victim services received. DANY's regulations also required that they code the case files for the research team; despite quality control measures, there is risk of error. San Diego's case files were redacted, per their regulations, and contained mostly summaries. Availability of supporting documents, like evidence reports, was not consistent.

Implications for research

Updates to studies by Clawson, Farrell, Bouché, and Colleagues

These results provide insight into how views and practices in TIP case prosecutions have changed since some of the most recent prosecutor-related work was completed. It largely used data from cases that occurred in the 2000s. In contrast, these data reflect data from cases largely dating from 2009-2017. These are called "second generation" cases by Farrell et al. (2016) in

terms of when they occurred since states began passing their own human trafficking laws.

First, in an update to Farrell et al., 2012, more prosecutors appeared to be familiar with their state human trafficking statutes according to these samples, though they still leaned on more familiar statutes such as pimping and pandering if it appeared conviction would be more likely. However, some jurisdictions in the same state gave conflicting information on the content of their state laws, which confirms Farrell et al.'s (2012) conclusion that many jurisdictions are not aware of the specific content of their laws although their aggregate knowledge has improved significantly. They also demonstrated, overall, more experience using these laws than previously. However, assessments of the probability of conviction are just as likely to be based on whether force, fraud, or coercion was proved, or on plea bargaining practices, as on simple comfort with older statutes (Farrell et al., 2016). This was confirmed via the case studies.

Victim background characteristics still factored into prosecutorial decisions as well. Believability in front of a jury was still important, even with what we know today about the impact of trauma on victims and victims' statements, and even though more jurisdictions were endeavoring to rely less on victim testimony by supporting it with more robust corroborating evidence. This particularly included strong digital evidence that establishes patterns of activity. There was also more case law precedent to lean on, particularly of key cases that in turn led to strengthening of legislation. More jurisdictions also appeared to have dedicated human trafficking prosecutors or units than did previously, and 27 percent of respondents reported being involved in a human trafficking task force vs. 7 percent in 2008 (Clawson et al., 2008).[1]

Furthermore, general and customized trainings on numerous TIP subject areas have become more widely available as public awareness has increased about trafficking. And, as jurisdictions have gotten into this work, they realized the breadth of training needs requiring specialized approaches. While survey results showed there is still more to do from a national perspective, the case studies showed the results possible when TIP training is undertaken seriously and collaboratively across sectors, beginning with training jurisdictions to recognize the problem. Fewer jurisdictions said that TIP was not a problem in their community than previously in the states covered by the case studies, and jurisdictions were beginning to place more emphasis on proactively identifying victims and cases (see Farrell et al., 2012).

Nevertheless, there were still survey respondents who said they have never had a human trafficking case and do not see trafficking as a problem in their jurisdictions. It is important to note that not perceiving TIP as a problem may also impact the level of awareness those jurisdictions have about their state statutes, since many said they did not familiarize themselves with the details unless they had a case. Indeed, as Ramsey County undertook training of jurisdictions across Minnesota, they encountered exactly this response in many locales. In an interesting trend, a majority of jurisdictions (59 percent) reported training needed on different

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[1] The sampling frames between this survey and Clawson et al.'s are different, which precludes true one-to-one comparisons, but the general improvement is still interesting to note.

topics compared to just 27 percent in 2008—indicating that the more jurisdictions learn about human trafficking, the more they realize that they need more training. This is an important step.

Regarding knowledge of federal law, only 10 of 139 survey respondents to the question reported knowing nothing about the TVPA, and about 50 percent reported a level of confidence in their knowledge of 50 percent or higher. Far more local prosecutors reported knowing that their state had TIP statutes now (71.3 percent in 2017 vs. 24 percent in 2008), even if levels of knowledge still vary. Sixty-seven percent reported having tried a trafficking case locally in 2017 vs. only seven percent in 2008—a vast increase in a single decade, even when acknowledging the sampling differences between this survey and that of Clawson and colleagues.

Quantitative and qualitative analyses from the case studies would suggest that they may be increasing their use of alternate charging options as well. The near 50-50 split between charging methods (TIP statute and alternates) from the survey responses suggest this is true (also confirming Farrell et al., 2016). However, increased numbers of jurisdictions actively taking these cases on, regardless of charge used, is a positive trend. It indicates that the number of victims being recognized and helped is increasing. Interestingly, in Miami, sentences for TIP charges were lower in the sample files coded by the project team than they were for those where a TIP charge was not among those convicted (weighted means). Results from the case file analysis in the other three sites confirmed Bouché et al. (2016)'s analysis of state court prosecutions that found more severe penalties given on average for trafficking charges if they went to trial in state court. According to interviews, this may be because of mandatory sentencing provisions that vary from state to state.

Implications for practice

When compared with previous studies using data from 2000-2008, the survey results illustrate a number of positive developments in prosecutor awareness and in prosecution of TIP cases. Further, several training opportunities were identified not only by respondents themselves, but by the differences in responses about state trafficking law provisions by offices located in the same state (see Table 3 in Volume I). These gaps would be fruitful for training organizations, such as project partner the National District Attorneys Association, and local partners to invest in filling via occasional and ongoing trainings. Further, Shared Hope might work with these partners on an annual basis when their state report cards come out—year-to-year changes in state legislation captured and summarized by Shared Hope could also be included in these trainings.

A great deal of information on best practices for building capacity to address sex trafficking for practitioner use was produced by all four case studies that can be used by other jurisdictions wishing to begin handling TIP cases or to enhance their current capacities. These lessons learned are synthesized and briefly listed below to address research question 5:

Research Question #5: What can jurisdictions that may want to implement a more robust strategy for handling TIP cases learn from others that have tackled similar problems?

Key Recommendation #1: Build relationships and coalitions between diverse stakeholders by uniting them around a common cause. Building a coalition requires reaching out to community stakeholders in a grassroots approach. Bring in outside expertise, if needed, to facilitate bridge building and resolve conflicts.

Key Recommendation #2: Training is the key to success in all areas. Comprehensive professional training across all responders is critical. Community trainings must be inclusive.

Key Recommendation #3: Engage partners who are also willing to lobby for improved Safe Harbor and other legislation to address human trafficking. Involve partners who can begin to know the system, service, resource, stakeholder, and coordination gaps in their jurisdictions. Use this information to shape legislation that makes it easier to identify cases, promote survivor recovery, and hold traffickers sufficiently accountable.

Key Recommendation #4: Be patient in approach to trafficking prosecutions. Building and prosecuting a TIP case takes considerable time and resources; be prepared. Additionally, a victim might want nothing to do with law enforcement or prosecutors given their trauma. All sites advised patience; the victim needs to know it is safe to come back. If possible, hire a social worker trained to work with TIP survivors or work with partners to secure the services of one*.*

Key Recommendation #5: Collect as much digital evidence as is legally permissible and store everything collected. And, if a jurisdiction pursues no other enhancements in their capabilities, they should also ask for access to *TellFinder, Traffic Jam,* or *Spotlight*. Using one of these free apps, investigators can quickly search phone numbers or other parameters to see if someone they have come into contact with was advertised on the internet. This is a powerful, simple way for any size local agency to increase their investigative capacity in TIP cases.

Future research

A number of opportunities exist for future research, almost all of which should involve larger sample sizes. For example, it would be interesting to examine the indirect effects of these various initiatives on whether a case is resolved by plea, and in turn, whether resolving by plea impacts whether the charge(s) convicted involve the TIP statute vs. alternate charges. Interviews and survey results point to yes, but this question should be explored with a larger sample.

Similarly, larger samples should be used to examine the impacts of anti-TIP initiatives on prosecutorial discretion and, in turn, on case outcomes. While the survey sampling frame covered most local prosecutors in the U.S., it would be useful to find new ways to (a) increase response rates further and (b) encourage completion of the full survey. While the project team conducted extensive follow up with agencies, response rates were still lower than hoped.

Second, more research is needed on the specific services, level of services, and outcomes for victims of services provided by prosecutorial offices directly or by referral. This would involve research focused on social workers and case managers working with prosecutorial

17

offices, whereas this study focused on prosecutorial outcomes. Further exploration of the effectiveness of service provision, trauma-informed interviewing, and victim-centered prosecutions on victim and prosecution outcomes should also be conducted, perhaps involving direct observations and interviews with victims, advocates, and prosecutors since these details are not typically recorded in prosecutorial case files.

Deep, detailed case studies should also be conducted of individual trafficking prosecutions where the conviction was made without the victim. Twelve such cases were identified in this study alone. By engaging in deep, qualitative analysis of how these cases were built, proven, and convicted, determinants of success across these cases could be discovered. More detailed roadmaps could be drawn to increase the number of these in the future and to enhance trainings to equip more people to do so, with the objective of reducing victim re-traumatization in future prosecutions wherever possible.

Lastly, more research is needed on how traffickers and victims adapt to law enforcement and prosecutorial strategies and tactics. Evidence provided in this study is anecdotal; Carpenter and Gates (2016) provide more direct evidence from their interviews with convicted traffickers; this work should be expanded in other jurisdictions and regions of the country.

Conclusion

Addressing human trafficking cases, helping victims, and prosecuting offenders is a complex and mammoth endeavor. Collaboration among stakeholders with a constant, common focus on helping victims in all components of the criminal justice system, and across all other sectors and the community, is critical. No one group can do very much by themselves. By building bridges between prosecutors, law enforcement, victim service providers, child welfare, juvenile justice, nonprofit organizations, healthcare, education, academia, and technology, solutions that make a difference can be made manifest. More victims can be helped, more perpetrators can be held accountable, and more trafficking can be prevented. This study demonstrates that progress has been made since major prosecutorial data collections were done on this topic a decade ago, and that more progress is possible.

Table of Contents

List of Tables and Figures

<u>Tables</u>

VOLUME I Page

VOLUME II: CASE STUDIES

<u>*MIAMI*</u>

21

CONCLUSION

APPENDIX B: National Survey Supplementary Tables

APPENDIX D: Case Study Supplementary Tables

Figures

VOLUME I

VOLUME II

APPENDIX B: Supplementary Figures

Volume I: Introduction and National Survey

Introduction

Over the last two decades, the U.S. government has focused increased attention on combating trafficking in persons (TIP). The Trafficking Victims Protection Act (TVPA), passed in 2000 and amended and reauthorized several times since, is the centerpiece of the federal government's legislative efforts against TIP (Orchowsky, Puryear & Iwama, 2007). The TVPA highlights three pillars to the approach it endorses to reduce human trafficking: prevention, prosecution, and protection. Since then, a fourth P—partnerships—has been added. The TVPA clearly focuses on a criminal justice approach to minimize the number of individuals that suffer trafficking and to assist victims. Among other provisions, the TVPA legislated new protections for victims cooperating with law enforcement, expanded the number of crimes characterized as involuntary servitude, expanded and increased the severity of the penalties for placing people in involuntary servitude, and created new entities in the government to learn more about trafficking and to help prevent it (Dank et al., 2014). Beginning in the first decade of the 21st century and continuing through the 2010s, all 50 states have passed their own statutes criminalizing human trafficking (Farrell et al., 2012; Farrell, Owens, & McDevitt, 2014). Most of these laws are modeled on the TVPA, but there are between-state variances. Changes in these are tracked annually by Shared Hope, International (see their 2016 report, for example).

Since these laws were widely enacted, great urgency has been placed on using these laws to increase the number of local human trafficking cases prosecuted and on developing anti-TIP programs and practices to support these prosecutions (Farrell et al., 2012). Such initiatives include partnerships with health and mental health service providers, victim-friendly prosecution practices, access to secure housing, dedicated human trafficking prosecutors or units, participation in multidisciplinary teams or coalitions, developing model prosecutions, and others (Clawson, Dutch, Lopez, & Tiapula, 2008; Farrell et al., 2012; Gozdziak & Lowell, 2016).

It is important to note that there are scholars, victim service providers, and advocates that disagree about whether this criminal justice approach to reducing TIP is the correct and most healing approach for victims; many prefer a human services, social change, and/or decriminalization approach to the problem (see Aradau, 2004; Weitzer, 2010; Gallagher, 2016; Dank, Yahner, & Yu, 2017, for example). Furthermore, it has been questioned whether increasing prosecutions actually results in reduced victimization, or only fuller prisons—does the signaling effect of increased prosecutions actually shrink the market for commercial sex, and how can we measure those changes (see Albanese, 2008 and Wheaton, Schauer, & Galli, 2010 for more on markets)? These questions are beyond the scope of this study, which focuses on TIP

prosecutions and associated outcomes, but they should be kept in mind in terms of the larger goal, which is to reduce human trafficking and related suffering.

Previous research has examined why state TIP statutes were not immediately implemented after passage. It was found that, as with previous legislation addressing emerging crimes such as domestic violence, an adoption period followed during which prosecutors became familiar with the new laws, educated judges and juries, developed prosecution strategies, and learned more about how the trauma impacts victims (Clawson et al., 2008; Farrell et al., 2012; Frohmann, 1991; Sadruddin, Walter, & Hidalgo, 2005; Turkel & Tiapula, 2008). These processes are still ongoing. Furthermore, given the TVPA's focus on the 4 P's, prosecutorial agencies have increasingly recognized the need to implement supportive programs and practices such as those mentioned above in order to achieve them. Because the first wave of studies on local prosecutors' experiences prosecuting human trafficking relied primarily on data from cases prosecuted between 2000 and 2007 (Clawson et al., 2008; Farrell, DeLateur, Owens, & Fahy, 2016; Farrell et al., 2012; Farrell et al., 2014), this study attempts to capture some of the changes in statute usage and case handling by local jurisdictions that has occurred since 2009.

This study builds on others by examining anti-TIP support programs in use by jurisdictions via a national survey and in-depth case studies in select sites to understand more about prosecutions and supportive program implementation processes, successes, and lessons learned. It also examines whether the presence of supportive programs correlates with prosecutorial outcomes such as cases accepted, charging decisions, and case outcomes.

Literature and Legal Background

The U.S. federal Trafficking Victims Protection Act of 2000 (TVPA) (8 U.S.C. § 1101) provides the following legal definition of human trafficking:

> *Sex trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is younger than age 18. A commercial sex act means any sex act on account of which anything of value is given to or received by any person. Types of sex trafficking include prostitution, pornography, stripping, live sex shows, mail order brides, military prostitution, and sex tourism. Labor trafficking is… the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. Labor trafficking situations may arise in domestic servitude, restaurant work, janitorial work, sweatshop factory work, migrant agricultural work,*

26

construction, and peddling.[2]

The essence of human trafficking, further clarified using the Act-Means-Purpose (AMP) model, lies in the purpose: according to the TVPA, human trafficking consists of an *Act* (recruitment, harboring, transportation, or obtaining of a person) through *Means* (force, fraud, or coercion) for a specified *Purpose* (forced sex or labor). A trafficking victim is not free to leave his/her situation whether due to physical confinement, threats to themselves or their families, debt bondage, psychological and emotional control, or other means (Bales, Trodd, & Williamson, 2009; Kreidenweis & Hudson, 2015). The only exception to having to prove the means (force, fraud, or coercion) under federal law is relates to the sex trafficking of minors. By U.S. legal definition, a minor cannot consent to engage in commercial sex, so law enforcement may consider that person a trafficking victim under the TVPA due to age alone. Otherwise, legally proving the presence of human trafficking under federal law requires the presence of all three elements.

There is no overarching statistic available for the investigation and prosecution of human trafficking cases, but several numbers help provide a picture. In fiscal year 2017, the U.S. Department of Homeland Security (DHS) and Department of Justice (DOJ) reported opening 833 and 782 federal human trafficking investigations, respectively. These numbers represent declines from 2016 (1,034 and 802, respectively; USDOS, 2018). However, DOJ reported initiating 282 federal prosecutions, an increase of 25 over 2016, and secured convictions against 499 traffickers. These prosecutions and convictions involved predominantly sex trafficking, but also some labor trafficking cases and some that involved both (USDOS, 2018, p. 443).

Investigations are also carried out by state and local multidisciplinary human trafficking task forces funded by the Bureau of Justice Assistance under the TVPA, using the federal enhanced collaborative model (ECM). In 2014, those task forces reported a total of 1,083 investigations, the vast majority of which were in response to sex trafficking (U.S. Attorney General's Office, 2014). Data on investigations of human trafficking at the state and local levels are also available through the Uniform Crime Reporting (UCR) system, but this reporting is voluntary (USDOS, 2018). Not all state and local jurisdictions report human trafficking offenses through the UCR, and those that do may not report consistently; DOJ is working to encourage and enhance the capacity of jurisdictions that participate in the UCR to better collect and report human trafficking data (USDOS, 2018). 2017 UCR data are publicly available, but likely underrepresent total case numbers due to inconsistent reporting and because not all offenders are arrested using the human trafficking statutes. Many are arrested instead for pimping, pandering, and other alternate charges. In 2017, UCR-participating jurisdictions reported 692 human trafficking arrests—a substantial increase from 387 in 2015.

While the UCR provides information regarding arrests, there is no formal mechanism in place for the federal government to track human trafficking prosecutions at the state and local

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[2] See Pub. L. No. 108-193, 117 Stat. 2875 (2003) (codified as amended in 22 U.S.C. §§ 7101-7110 (2003)). The Trafficking Victims Protection Act has been reauthorized and amended further in 2005, 2008, 2013, and 2018.

levels (USDOS, 2018, p. 444). Case numbers collected in the survey fielded for this project, and in the case studies, suggests that the numbers are likely to be considerably higher than those reported by state and local jurisdictions to the UCR program.

Previous research indicates that after the TVPA was initially passed, trafficking suspects were primarily prosecuted in federal court. However, since Washington state enacted the first state human trafficking statute in 2002, other states moved to pass human trafficking laws and to expand the nature, scope, and severity of legislative provisions for TIP. Most states that criminalized TIP by 2012 had made trafficking a stand-alone crime with associated penalties, while others amended existing statutes on crimes such as compelling prostitution or abduction to include human trafficking (Bouché, Farrell & Wittmer, 2016). While the majority of cases are still referred out to federal prosecution in some states, more cases have been prosecuted at the state and local levels as prosecutors and the criminal justice system have become more familiar with the statutes. By 2012, identified human trafficking suspects were more likely to be prosecuted for state offenses than federal offenses (Bouché, Farrell & Wittmer, 2016).

Despite the increase in state-level prosecutions of TIP offenders, few TIP cases were prosecuted locally using the new TIP legislation and there was considerable unevenness in the utilization of state human trafficking charges across the country (Bouché, Farrell, & Wittmer, 2016; Farrell et al., 2016). TIP prosecution rates still remain low relative to publicized prevalence rates of the problem (Gallagher, 2016). According to information collected by Farrell and colleagues in 2010, prosecutors still felt more comfortable prosecuting TIP cases using long-established charges more familiar to judges and juries, or that have lower evidentiary burdens such as pandering, promoting prostitution, or for labor trafficking, civil labor violations (Farrell et al., 2012). Research suggests that prosecutors' assessments about whether to bring criminal charges are largely determined by legal factors predicting the likelihood of conviction such as the severity of the offense and the strength of the evidence (Bouché, Farrell & Wittmer, 2015). With new crimes, prosecutors are less able to assess these legal factors in decision making until some legal precedents have been established.

TIP cases are also difficult and lengthy to prosecute (Bouché, Farrell & Wittmer, 2016). One recent study found that it took an average of 257 days for a state TIP case to progress from initial charge to adjudication, compared with a national median time from charge to adjudication for felony defendants of 111 days (Bouché, Farrell & Wittmer, 2016). Challenges include difficulty identifying victims; language and cultural barriers when foreign victims are involved; ability to obtain "truthful" testimony from victims given their trauma experiences, fear of their traffickers, and lack of trust in authority figures; and threats to family domestically or abroad (Clawson et al., 2008; Turkel & Tiapula, 2008). Additional issues included that the new laws were untested with unclear legal standards, lack of guidance or training, and few model prosecutorial tools specific to the anti-trafficking statute (Farrell et al., 2012; Grona-Robb, 2016; Supreme Court of The State of New York, Appellate Division, 2011). Given these challenges, it is not surprising that relatively few suspects were ultimately convicted of a human trafficking

charge over the last 20 years although, as noted previously, they were often convicted of other related charges (Farrell, Owens, & McDevitt, 2014).

There has been relatively little research that assesses the effectiveness of countertrafficking policies and programs or of services for TIP victims affiliated with the criminal justice system, or more generally (Clawson, Dutch, Solomon, & Grace, 2009; Gibbs, Walters, Lutnick, Miller, & Kluckman, 2014; Gozdziak & Lowell, 2016; van der Laan, Smit, Busschers, & Aarten, 2011). Despite the sparseness of rigorous evaluations, a consensus is beginning to develop regarding some promising practices in dealing with survivors of human trafficking—particularly domestic minor sex trafficking victims (Gibbs et al., 2014). These include crisis intervention, case management, and social reintegration services that incorporate safety planning; collaboration across multiple agencies (Jones & Lutze, 2016; Malangalone & Martin, 2016); fostering trust and relationship building; pursuing culturally appropriate and trauma-informed programming; and involving survivors in the planning of their treatment (Clawson, Dutch, Solomon & Grace, 2009).

One of the most comprehensive studies of prosecution-related TIP strategies was recently completed by Bouché, Farrell, and Wittmer (2016). They conducted a comprehensive review of 479 TIP cases to identify factors associated with arrests and prosecutions at the state level. These factors were organized by Bouché and colleagues into three general categories. The first was the passage of legislation criminalizing TIP. The second was state investment, defined as the provision of victim assistance, the existence of human trafficking task forces, the provision of training for law enforcement personnel and prosecutors, the reporting of information on TIP arrests and prosecutions, the posting of state and federal hotline numbers, and the provision of increased investigative tools for law enforcement. The third included civil remedies, including diversion or vacating prior convictions of victims, establishing lower burdens of proof for trafficking a minor, the passage of Safe Harbor laws, restitution for victims, asset forfeiture, civil action, and affirmative defense (see also Crank, 2014; Dank, Yahner, & Yu, 2017).

The study found that more states have implemented criminalization approaches than state investment or civil remedies, and the authors recommend that state human trafficking legislation should prioritize comprehensiveness across *all three* of the above priorities rather than harshness in criminalization alone (Bouché et al., 2016). They also found that the existence of human trafficking task forces was the strongest predictor of state prosecution of human trafficking suspects for any criminal offense type, and of prosecutions for trafficking-specific offenses. Furthermore, all state investments except posting the hotline number were significantly related to increased numbers of prosecutions regardless of charge (Bouché et al., 2016).

Several other studies, largely involving interviews with prosecutors, have suggested additional factors that are important to address TIP cases and victims (CCI, n.d., Crank, 2014; Clawson et al., 2008; Farrell et al., 2012; Mapp, Hornung, D'Almeida, & Juhnke, 2016). These factors include:

29

- specialized units with special training for prosecutors,
- unified investigation and collaboration among agencies,
- a case manager/victim-witness coordinator within the prosecutor's office or law enforcement,
- sufficient resources,
- training law enforcement in human trafficking identification and investigation,
- victim testimony,
- access to interpreters and other resources, such as funding to travel to interview witnesses or collect evidence,
- expert witnesses to explain the psychological dynamics of TIP, particularly sex trafficking,
- asset forfeiture provisions in state TIP laws,
- implementing a problem-solving approach,
- proactively targeting investigations to identified areas of risk,
- enhancing existing operations in problem solving courts to address TIP, and
- the use of assessment tools to identify potential TIP victims.

In summary, there is still relatively little research evaluating strategies to improve the investigation and prosecution of TIP cases. Studies that have been conducted suggest a number of promising approaches, strategies, and tools that can be used both to investigate and prosecute TIP offenders and to ameliorate the effects of trafficking on victims. The amount of general information, research, training, and other tools for dealing with TIP cases has rapidly increased in recent years, and state and local policies and practices in this area are evolving as well. It is therefore important to continue to study how local policies and practices are changing in response to this growing body of information.

The last nationwide survey of prosecutors on human trafficking was conducted by Clawson et al. (2008). Farrell et al. (2016; 2012; 2014)'s examinations of state and local prosecutors' usage of state human trafficking statutes uses data from 2003-2007. This study, therefore, endeavors to serve as an update to some of this seminal early work and focuses on changes in case handling and outcomes since 2007. For example, now that local prosecutors have had several more years to get accustomed to using their state statutes, how have frequency and patterns of use changed? Are more jurisdictions taking on and prosecuting human trafficking cases? Are jurisdictions prosecuting larger numbers of cases? Are they getting more convictions now? Drawing on a sample of jurisdictions from across the United States via the survey, do case handling practices vary compared to what was discussed by Farrell and colleagues? Which supportive initiatives may have impacted case prosecution charging decisions and outcomes? The case studies that make up Phase II of this project examine a few of these supportive or prosecutorial strategies in depth.

Research questions

This study is thus guided by several research questions designed to obtain information about the effectiveness of various approaches to the investigation and prosecution of TIP cases.[3] These general research questions include:

- How is knowledge of state human trafficking statutes improving among prosecutors?

- What strategies, approaches, and tools are local prosecutors using to address TIP cases?

- To what degree are local prosecutors using promising approaches identified in past research?

- How effective are these promising strategies being used by local prosecutors:

    o   for increasing trafficking statute usage in prosecution?
    o   for achieving convictions of traffickers?
    o   for providing for the recovery needs of survivors?

- What other factors may influence prosecutorial success with TIP cases?

- What can jurisdictions that may want to implement a more robust strategy for handling TIP cases learn from others that have tackled similar problems?

This project consists of two distinct phases, as mentioned above. Phase I was a national survey of prosecutor's offices that asked about state laws, strategies, approaches, and tools being used to address TIP in their localities. In Phase II, we selected four counties using promising approaches to TIP investigations and prosecutions to learn about their implementations, and to assess the efficacy of those approaches in dealing with TIP cases from the viewpoints of a variety of stakeholders. The rest of this volume presents the development and results of the national survey.

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[3] This study is not designed to directly address issues related to the investigation of TIP cases. However, since prosecutors and law enforcement agencies are working collaboratively on this issue in many jurisdictions, we expect that the study will uncover a great deal of useful information about the effectiveness of investigational strategies, approaches and tools.

National Survey of Local Prosecutors

Selected Survey Highlights

This volume presents results from a 2017 prosecutor survey about handling human trafficking cases. 199 attorneys responded from across the U.S. Jurisdictions range from population <20,000 to over 3 million.

Experience Handling Cases

- 66% of respondents tried at least one TIP Case
- 57% have a trafficking prosecutor
- 46% are on some type of task force
- There are training opportunities for helping local attorneys understand the content of their state TIP statutes
- 70% reported victim testimony as the primary source of evidence (always/often)
- Other evidence used most often includes jail mail/calls, cell phone/digital evidence, and evidence of physical harm

Case Statistics

70 jurisdictions provided their TIP case statistics, including case outcomes.

- Of convictions, 80% used the state's TIP statute and 84% used an alternative law (not mutually exclusive).
- Plea using alternate law = most common outcome.

Impacts of Supportive Anti-TIP Programs on Prosecution Results

- Moderate support for hypothesis that different anti-TIP initiatives → more cases accepted &/or prosecuted using TIP law (10 initiatives tested). Interactions also significant.
- Moderate-strong support for hypothesis HT units, Safe Harbor, and interactions between activities → increased convictions using TIP statute.
- Possible that effects are indirect – programs may affect prosecutorial discretion, which then impacts case outcomes.

The results of this survey are intended to provide a national picture of trends in local human trafficking case prosecutions and use of state-level human trafficking statutes by prosecutors at the local level. It is also intended as an update to and expansion of previous research covered in the literature review. Results are also meant to provide wider context for the four local case studies that make up the second phase of this project. Each examines a different program or strategy related to addressing human trafficking cases. The San Diego case study examines the formation and evolution of their county-wide coalition. The Miami case study focuses on their digital evidence collection, forensics, and evidentiary use practices. The New York case study similarly focuses on digital evidence, with special focus on its use in proactively identifying and building trafficking cases. The Ramsey County/St. Paul case study looks at their preparation, coordination, and building of infrastructure to support the implementation their Safe Harbor law.

The rest of this portion of the report, which covers the national survey, proceeds as follows. First, the survey methods are covered, including how previous literature was used alongside practitioner input from an advisory committee to build the survey. From there, descriptive results are presented regarding respondent office demographics, knowledge of their states' TIP statutes, obstacles to prosecution, case statistics, and anti-TIP programs in place. Regression results are presented from the testing of several hypotheses related to determinants of case acceptance, declination, and charging.

Survey Methods

Survey scope

This survey was constructed to build upon the previous prosecutor surveys discussed above and to better understand local knowledge about anti-trafficking legislation, using the criteria developed for the state scorecards on anti-trafficking legislation and practices initially compiled by Polaris and now by Shared Hope. The survey was also intended to provide expanded insights on a number of additional questions. These include:

- prosecutor office demographics (jurisdiction size, location, rural/urban, median income, and so on),
- numbers of dedicated human trafficking prosecutors and support staff,
- participation in human trafficking task forces,
- prosecutors' knowledge of the details of their state human trafficking statutes (building on the state report cards to understand potential training opportunities),
- statistics on case acceptance or declination,
- charging practices.
- prosecutorial practices,
- obstacles to prosecution,
- anti-trafficking support initiatives in jurisdictions, and
- case prosecution and outcome statistics.

The full survey instrument is available in Appendix A. The intent was to collect detailed data from prosecutors across the United States to provide a descriptive snapshot of what is happening with respect to human trafficking prosecutions in different regions and jurisdiction types. It was also an opportunity to explore what factors help prosecutors increase their use of the relatively new state human trafficking statutes in charging decisions, as well as the case outcomes jurisdictions are achieving.

Survey construction and vetting process

The topics asked about in this survey were largely drawn from the last U.S. prosecutors' survey on human trafficking (Clawson et al., 2008), Polaris's (2014) and Shared Hope International's (2016) state legislation ratings, with further literature input from Farrell et al. (2014) and Farrell et al. (2012). IRB approval for the survey was secured from JRSA's Institutional Review Board on January 22, 2017.

Once revised and refined, JRSA then vetted the full survey with the project advisory group consisting of prosecutors from NDAA's membership and Dr. Amy Farrell. Prosecutors from St. Paul, MN; Honolulu, HI; Miami-Dade, FL; Los Angeles, CA; and Boston, MA participated in the Advisory Group meetings via telephone on April 14th and April 26th, 2017, alongside Dr. Farrell and members of JRSA and NDAA staff, during which time they provided

extensive feedback on final iterations of the survey instrument. Their input was valuable not only for tailoring the questions for ease of comprehension and response, but also for refining the questions to capture the information most useful to the field on each topic covered.

The final survey consisted of 65 single and multi-part questions and was designed to take the average respondent 60-90 minutes to complete once the requested human trafficking case statistics were compiled. The survey was conducted via SurveyMonkey and was set up so that respondents could enter partial responses and then return to the survey later to edit or complete their responses before submitting them to JRSA.

Sampling procedure

The prosecutors' offices chosen to receive this survey were drawn from NDAA's membership, which consists of prosecutors and other interested parties across all fifty states and the District of Colombia. To create the sample, non-prosecutor NDAA members were first removed from the sampling frame, and the potential pool of survey recipients was limited to one point of contact per jurisdiction. This main point of contact was then allowed to consult others in the office to answer the questions. This procedure served to limit the unit of analysis to the office level and avoided the possibility of receiving more than one response per office.

The total sample who received the survey invitation and link by email consisted of 2,386 prosecutors' offices.[4] According to the last census of state prosecutors conducted by the Bureau of Justice Statistics, which endeavored to count all "chief prosecutor[s], also referred to as the district attorney, county attorney, commonwealth attorney, or state's attorney[s]" in the U.S., estimated that there were 2,330 local and state prosecuting offices in the U.S. at that time (2007).[5] The National District Attorney's Association (NDAA) now estimates there are closer to 2,500 prosecuting agencies across the U.S., but this will be confirmed as NDAA begins conducting the next census of prosecutors (Bunn, N., personal communication, July 30, 2019). Regarding the 150-200 prosecuting offices that may not be members, NDAA Executive Director Nelson Bunn could not identify any systematic reason for their non-membership, so it may be reasonably inferred that the 2,386 prosecutors' offices included in the sampling frame are close to being fully representative of all 2,500 such offices in the United States.

Implementation, follow up, and response rate

The survey was administered by email, sent to potential respondents by staff at NDAA on June 14, 2017 and closed on August 31, 2017. Follow-up was carried out by NDAA staff via email on a weekly basis throughout the survey period, supplemented by follow-up phone calls to jurisdictions larger than 250,000 population during the final weeks to capture information from

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[4] This report uses the term "office" and "jurisdiction" interchangeably.
[5] https://www.bjs.gov/content/pub/pdf/psc07st.pdf

jurisdictions theoretically more likely to have carried out sustained, focused work on human trafficking cases due to their size and general resources available.

The final respondent N consisted of 199 completed and partial survey responses, which is an eight (8) percent response rate. The survey response rate was much higher for jurisdictions with a population of 100,000 or more than it was for jurisdictions with a population below 100,000; 18.26 percent of jurisdictions with larger populations responded compared to 4.87 percent of jurisdictions under 100,000 population, respectively. Some of this difference in response rates was probably due to the targeted follow up toward larger jurisdictions, and some may have been due to the level of resources that larger jurisdictions have available to spend time responding to surveys. In any case, the response rate from smaller jurisdictions is considerably lower than that from more populous jurisdictions.

Table 1: Jurisdiction Sizes by Region, Sample Respondents and Total Population[6]

	Region								Total	
	Northeast		Midwest		South		West			
Jurisdiction Size	Sample	Pop	Sample	Pop	Sample	Pop	Sample	Pop	Sample	Pop
20,000 or less	0	12	20	511	5	123	9	145	**34**	**791**
	0%	6%	32%	49%	8%	16%	21%	39%	17%	33%
20,001-50,000	2	41	16	291	6	195	4	73	**28**	**600**
	6%	19%	26%	28%	10%	26%	9%	19%	14%	25%
50,001-100,000	5	45	7	105	8	175	4	51	**24**	**376**
	14%	21%	11%	10%	14%	23%	9%	14%	12%	16%
100,001-250,000	6	54	7	84	18	172	4	50	**35**	**360**
	17%	26%	11%	8%	31%	23%	9%	13%	18%	15%
250,001-500,000	8	24	3	26	7	52	3	24	**21**	**126**
	23%	11%	5%	3%	12%	7%	7%	6%	11%	5%
500,001-1,000,000	11	24	6	15	8	29	12	20	**37**	**88**
	31%	11%	10%	1%	14%	4%	28%	5%	19%	4%
1,000,001-1,500,000	2	4	3	4	2	9	0	3	**7**	**20**
	6%	0%	5%	0%	3%	1%	0%	1%	4%	1%
1,500,001-2,000,000	0	3	0	1	2	3	3	4	**5**	**11**
	0%	1%	0%	0%	3%	0%	7%	1%	3%	0%
2,000,001-3,000,000	1	2	0	0	2	2	1	2	**4**	**6**
	3%	1%	0%	0%	3%	0%	2%	1%	2%	0%
3,000,001+	0	2	0	1	1	1	3	4	**4**	**8**
	0%	1%	0%	0%	2%	0%	7%	1%	2%	0%
Total	**35**	**211**	**62**	**1,038**	**59**	**761**	**43**	**376**	**199**	**2,386**

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[6] Percentages rounded to whole numbers for reasons of space.

Data cleaning and preparation

After the survey closed, all data were cleaned to correct typographical errors and to ensure consistency in variable formats for statistical analysis. Missing data and any resulting bias were handled by weighting, described in the next paragraph. A number of questions asked of respondents were optional; number of respondents to each question are noted when presented.

Table 1 presents the distribution of responding jurisdictions by size and region, with population proportions also shown to highlight differences in representativeness between the sample and the population for each jurisdiction size-region combination. Response data were weighted using post-stratification raking (Kolenikov 2014) to account for these differences in representation by jurisdiction size and region in two stages. The first weighting was done for all 199 jurisdictions who responded in various proportions to the parts of the survey covering office characteristics, knowledge of their state TIP statutes, supportive initiatives in practice, and so on. These weights were used for all respondents in the calculation of means in the descriptive analyses of those questions. For tables reporting frequencies or proportions of respondents, weights were not used, and it is made clear that what is presented is sample proportions or numbers of respondents to each question only.

Provision of case statistics by respondents was optional; only 70 of the 199 survey respondents collected and reported those. Analyses were conducted on several questions using these case statistics. Since the sub-sample of 70 offices that also provided case statistics may have qualitatively differed from the population in a different way than the total sample of 199 respondents, the post-stratification weighting procedure was re-calculated against the population statistics for just those 70 offices. The purpose of re-calculating the weights at this stage was to reduce any additional biases introduced by these 70 offices' self-selection into reporting their case outcomes. For these offices, the first set of weights was used in analyses of questions that included responses from the other 129 responding offices. For the correlations and regressions involving case statistics, only the second set of weights was used.

Analyses conducted

Various descriptive statistics drawn from the survey response data are presented in the next section of this report. Following that, regression analyses related to correlates of programs in practice or in planning stages, correlates of charging decisions and case outcomes, and potential interaction effects between anti-trafficking programs on case outcomes are presented. While the specific hypotheses tested with these analyses are presented in the "results" section below with each set of regression results, several general hypotheses tested regarding local prosecutions of human trafficking were examined. These are that:

- having anti-TIP support programs in place will lead to more use of TIP statutes in charging decisions,
- having anti-TIP support programs in place will lead to increased numbers of cases accepted for prosecution,
- having anti-TIP support programs in place will lead to fewer cases declined for prosecution,
- having anti-TIP support programs in place will lead to more convictions using human trafficking statutes, and
- having *combinations* of programs will lead to more charges of TIP prosecuted than individual programs in isolation.

Results

Office sample characteristics

Table 2 displays weighted means for other demographics of the 199 full and partial respondents, broken out by region. These demographic variables were coded from the 2017 American Community Survey[7] for each jurisdiction. Among the jurisdictions that responded to our survey, the total weighted average proportion of the population below the poverty level was 15.3 percent. An average of 87.7 percent of adult residents had graduated high school, and the median age was 39.7 years. An average of 19.8 percent of residents in a jurisdiction were not white and a weighted average of 57 percent of residents live in urban centers.

Table 2: Prosecutor Respondents' Jurisdiction Mean Demographics by Region (Weighted)

Region	Median Income	% Below Poverty Level	% HS Grads	Median Age	% Under 18	% Non-white	% Urban	Total
Northeast	$55,515	13.8%	87.5%	41.7	21.6%	15.0%	**55.1%**	**35**
	(s.d.) 4,023	*0.8%*	*0.7%*	*1.2*	*0.6%*	*4.3%*	*11.3%*	*18%*
Midwest	$51,959	14.0%	90.8%	39.3	23.2%	10.5%	**56.2%**	**62**
	1,303	*0.6%*	*0.4%*	*0.6*	*0.3%*	*1.3%*	*4.0%*	*31%*
South	$49,323	17.7%	83.7%	38.3	24.0%	28.7%	**55.7%**	**59**
	3,072	*1.1%*	*1.1%*	*1.0*	*0.6%*	*3.3%*	*7.1%*	*30%*
West	$55,316	15.2%	88.5%	40.0	23.2%	23.7%	**60.2%**	**43**
	3,254	*0.9%*	*1.2%*	*1.7*	*1.0%*	*4.1%*	*6.6%*	*22%*
National	**$52,833**	**15.3%**	**87.7%**	**39.7**	**23.1%**	**19.8%**	**57.0%**	**199**

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[7] https://www.census.gov/programs-surveys/acs.

Occurrence of TIP Case Prosecutions

Among 199 agency respondents, about two-thirds (66.3 percent) reported having prosecuted a "Trafficking in Persons" (TIP) case over the period of time for which records were available. This period covered cases prosecuted between 1999-2017 for one office, but for the rest, available case records began anywhere between 2004-2014 and ran through 2017. About three-quarters (74 percent) of prosecutors' offices residing in the Western portion of the U.S. reported having prosecuted a TIP case, compared to 69 percent in the Northeast region, and 63 percent each of those reporting from the Midwest and Southern regions (Figure 1).

Figure 1: Percentage of Jurisdictions that have ever Prosecuted a "Trafficking in Persons" Cases, by Region
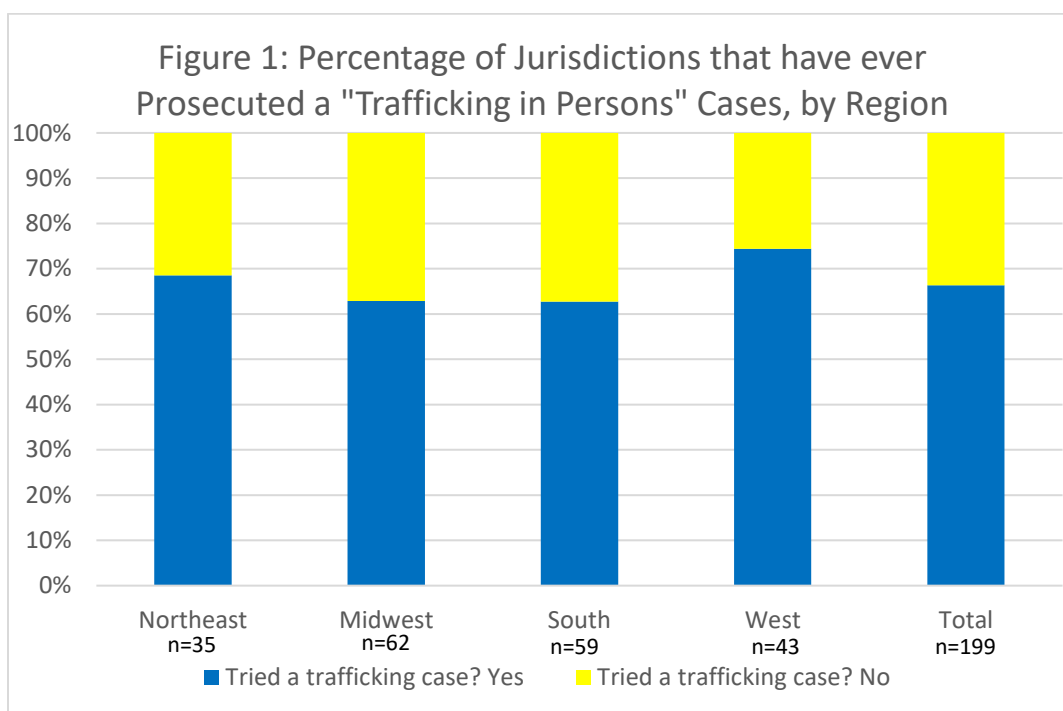
Although only slight differences were found across regions, some moderate variance was found between prosecutorial agencies in counties of differing population sizes (Table 3). In general, larger jurisdictions were associated with a greater likelihood of having prosecuted TIP cases. Eighty percent of those in jurisdictions between 250,000 and 1,500,000 population reported having prosecuted a TIP case. Fifty-five percent of respondents whose offices were in jurisdictions with less than 250,000 population reported having prosecuted a TIP case over the period of time for which records were available. Every respondent from jurisdictions with more than 1,500,000 population reported having prosecuted a TIP case, although the number of respondents from these largest jurisdictions was small (n=14).

38

Table 3: Number of Responding Jurisdictions that have Prosecuted a TIP-related Case[8]

Jurisdiction Size	# of Jurisdictions	Ever charged a TIP case?
20,000 or less	34	19 (55.8%)
20,001-50,000	28	15 (53.6%)
50,001-100,000	24	14 (58.3%)
100,001-250,000	35	19 (54.3%)
250,001-500,000	21	15 (71.4%)
500,001-1,000,000	37	32 (86.5%)
1,000,001-1,500,000	7	5 (71.4%)
1,500,001-2,000,000	5	5 (100%)
2,000,001-3,000,000	4	4 (100%)
3,000,001+	4	4 (100%)
Total	**199**	**132 (66.3%)**

Prosecutorial Staffing for Human Trafficking Cases

Among the 199 prosecutorial agencies responding to questions about their prosecution staffing, about one-third (34 percent) reported having a full-time or part-time prosecutor with responsibility for human trafficking cases (Figure 2). Regionally, reporting jurisdictions from the Northeast were most likely to have a prosecutor "dedicated to, or with responsibility for" human trafficking cases, with more than half (57 percent) reporting having prosecutors with specific responsibility for human trafficking cases. By contrast, in the Midwest, only 15 percent reported having this staffing in place. Forty-four percent of Western and 34 percent of Southern jurisdictions reported having dedicated TIP prosecutors on staff. In general, reporting jurisdictions tended to have full-time rather that part-time human trafficking prosecutors, except for the Northeast where the opposite was true.

Having a human trafficking prosecutorial *unit* was less common than simply having a specialist on staff. Among the 199 respondents, about one-quarter (27 percent) reported having a prosecutorial unit dedicated to, or with responsibility for, human trafficking cases (Figure 3). Some regional differences were found. While 43 percent of responding prosecutorial offices from the Northeast reported having such units, just 35 percent of those in the West, 27 percent of those in the South, and 13 percent of those in the Midwest had these units in place.

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[8] Jurisdictions from 44 States represented among those having charged a case.

Figure 2: Percentage of Jurisdictions with Full- or Part-Time Prosecutor with Responsibility for Human Trafficking Cases, by Region

Figure 3: Percentage of Jurisdictions having a Prosecutorial Unit with Responsibility for Human Trafficking Cases by Region
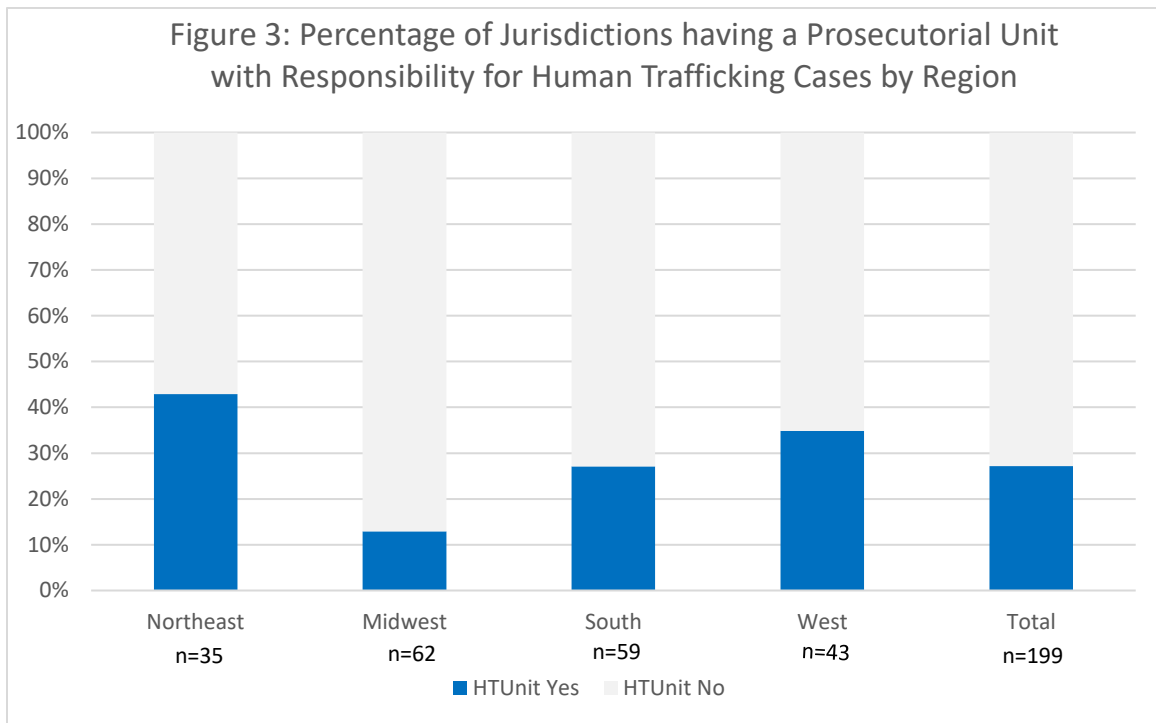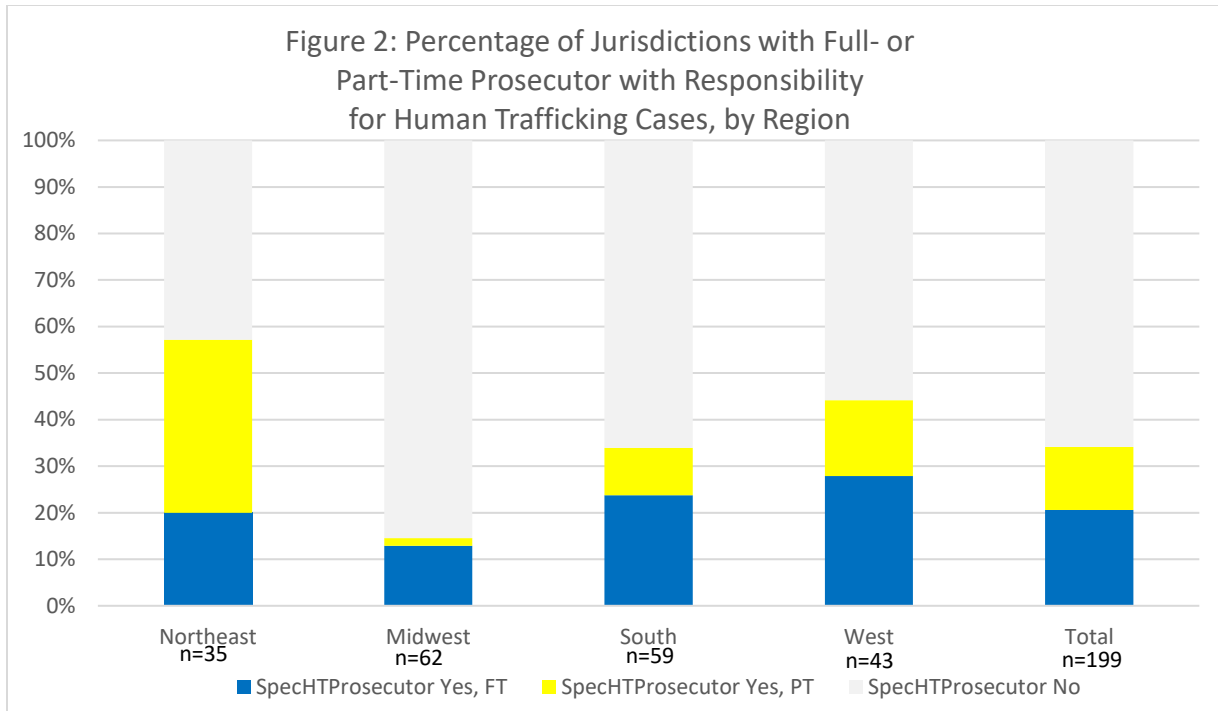
Task Force Participation

Collaboration with other investigative agencies is a common practice among respondents' agencies when approaching these complex cases. Among the 142 prosecutorial agencies responding to questions about collaborations, 46 percent indicated participation in one or more

40

human trafficking task forces (Figure 4). Participation rates were very low among agencies in responding jurisdictions under 100,000 population – about 12 percent. Participation rates in higher-population jurisdictions averaged nearly 60 percent.[9]

Figure 4: Number and Percentage of Jurisdictions Participating in a Human Trafficking Task Force, by Jurisdiction Size (N=142)
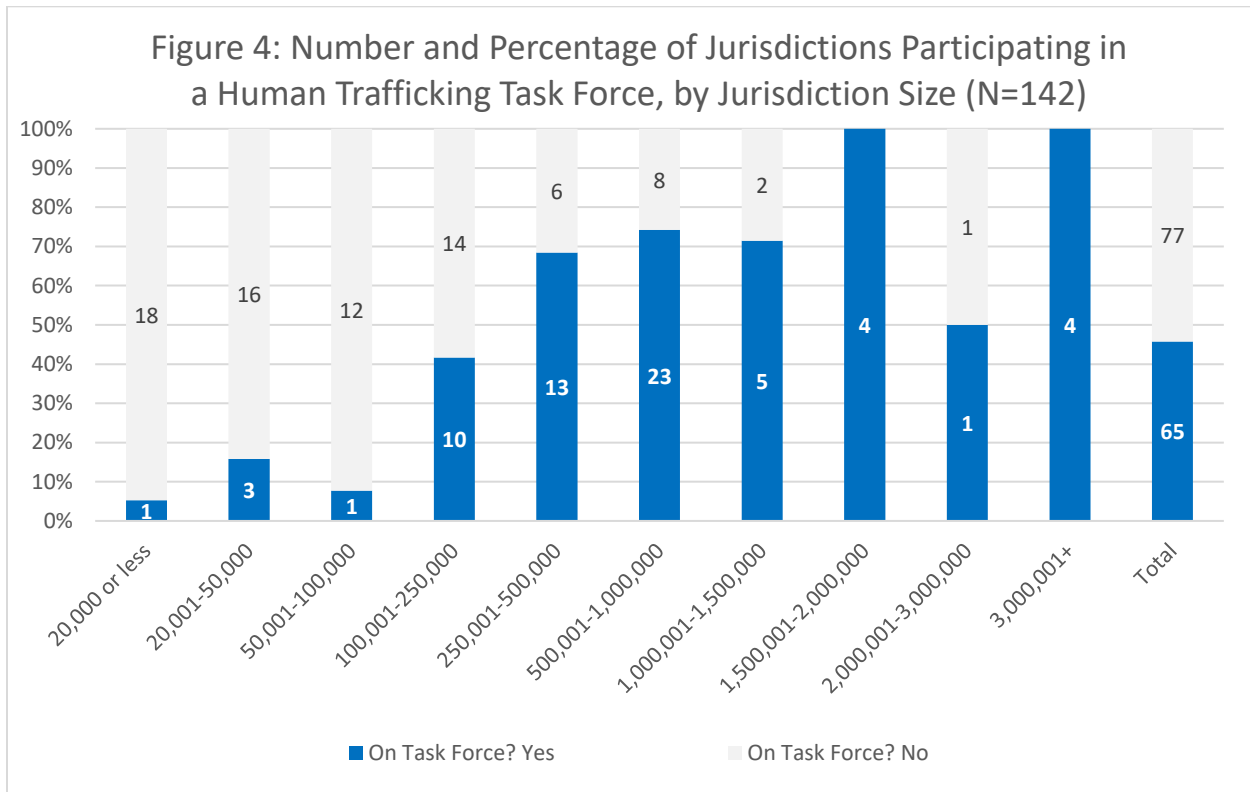
Prosecutors participating in task forces reported participating in several types. Overall, more than three-quarters of the 65 prosecutorial agencies that specified task force type(s) indicated membership in a multi-disciplinary team (MDT) that could include not only other criminal justice agencies but also victim service providers, child protection, public health workers, and others. Approximately half of the 65 respondents to this question indicated membership in a local investigative task force with other criminal agencies in the county or region. Slightly less than a third reported participation in a state task force, and less than a quarter reported participation in a federal Enhanced Collaborative Model (ECM) task force.[10]

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[9] It should be noted that these data do not indicate whether there was a task force to participate in to begin with.

[10] To address the problem of human trafficking in the United States, Congress passed the Trafficking Victims Protection Act (TVPA) of 2000 (22 U.S.C. § 7101 et. seq.), which was amended by the Trafficking Victims Protection Reauthorization Act of 2003, and amended again in 2005, 2008, 2013, and 2018. The TVPA seeks to combat "severe forms" of human trafficking by punishing traffickers, protecting victims, and mobilizing U.S. Government agencies to cooperate in a global antitrafficking campaign. Since FY 2004, BJA and OVC have worked collaboratively to utilize funds appropriated through the TVPA to implement an enhanced collaborative task force model designed to combat human trafficking by identifying, rescuing, and restoring victims (with a focus on foreign national victims); investigating and prosecuting trafficking crimes; and building awareness about trafficking in the surrounding community. The overall goals of the task forces funded under this Enhanced Collaborative Model to Combat Human Trafficking funding streams are to: 1. Conduct proactive investigations of sex trafficking and labor trafficking crimes within each task force location in coordination and collaboration with local, state, tribal, regional,

See Figure 5 for the breakdown.[11]

There were some distinctive patterns in task force participation between jurisdiction sizes. Participation in MDTs was frequently reported by prosecutors in jurisdictions with populations over 100,000, but less so in jurisdictions with under 100,000 population. This pattern was not apparent among the very largest jurisdictions of over 2,000,000; however, the number of reporting jurisdictions of this size were relatively small for this question (n=6).

Figure 5: Types of Human Trafficking Task Force Participation, by Jurisdiction Size (N=65)

Note: Numbers are not mutually exclusive. Prosecutorial jurisdictions may participate in multiple human
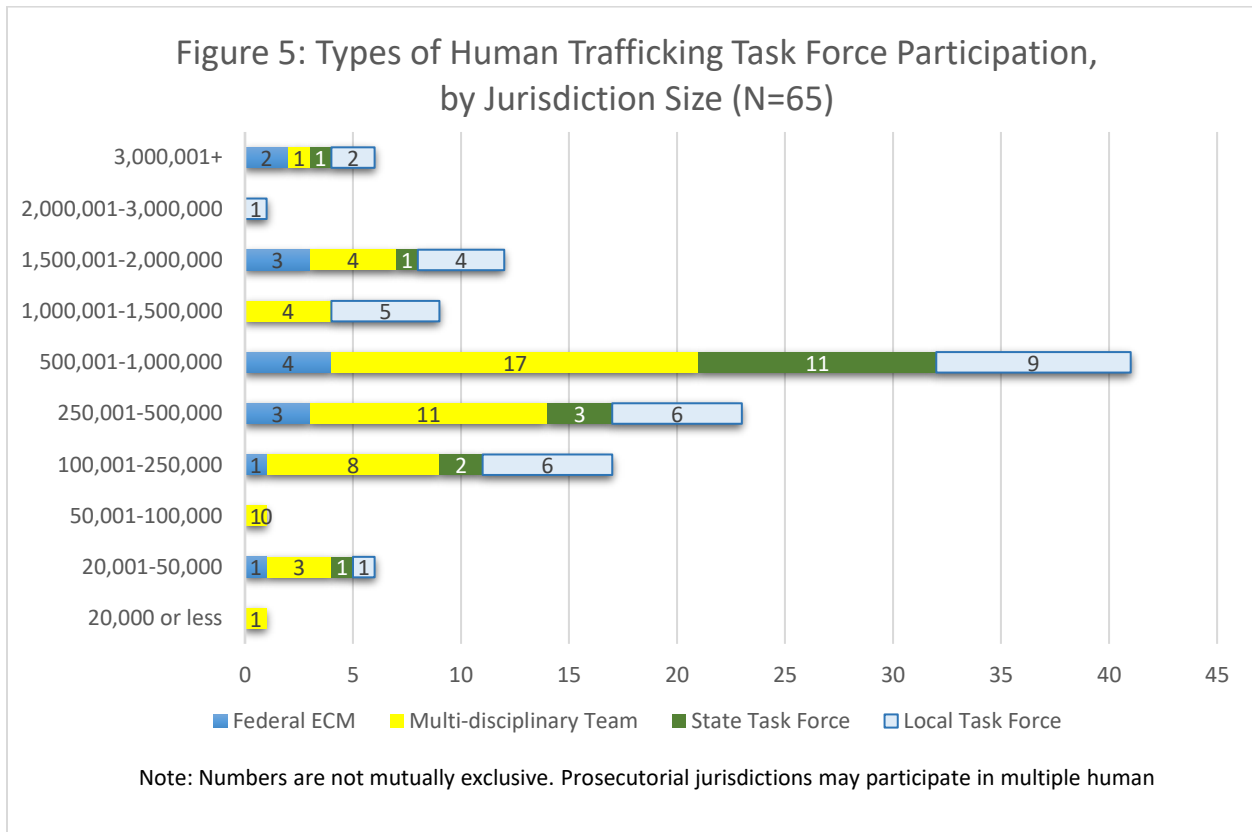
In addition to task force membership, prosecutors were asked about other collaborative relationships in place that support TIP case building and prosecution. The 101 respondents to this question cited several types of partners that they work with (see Figure B2 in Appendix B). International non-governmental organizations (INGOs) were named by nearly all agencies (97 percent). These include entities such as Human Rights Watch, Oxfam, and the International Rescue Committee. Additionally, 44 percent of respondents reported collaborations with federal public service organizations such as the U.S. Departments of Labor and Health and Human Services, or with local governmental entities. Another one-third reported collaborations with local nonprofit organizations such as homeless shelters, churches, and ethnic/ immigrant

and federal law enforcement and regulatory agencies; 2. Identify victims of all forms of human trafficking, as defined by the TVPA, within each task force location and offer a comprehensive array of restorative services to meet each victim's individualized needs; and 3. Enhance community capacity to identify and report trafficking crimes by conducting training, public awareness, and outreach activities (see https://www.bja.gov/ProgramDetails.aspx?Program_ID=51).

[11] Response options are not mutually exclusive; more than one response possible for each jurisdiction.

advocacy groups. The remaining individual collaborative partners outside of formal task forces cited were law enforcement agencies at the federal level (30 percent of respondents); state level, both in (27 percent) and outside (37 percent) their jurisdictions; and local level, both in (19 percent) and outside (30 percent) the prosecutorial jurisdiction.

Use of anti-trafficking statutes by prosecutors

By 2013,[12] all fifty states and the District of Colombia had enacted human trafficking laws. The TVPA covers only cases prosecuted at the federal level, meaning that each state needed its own legislation to prosecute at the state and local levels. Although many states modeled their statutes after the TVPA, trafficking statutes do vary across the states on a number of points. Shared Hope, International publishes annual state report cards regarding TIP statutes encompassing 41 legal components in six categories; this structure, supplemented with material from other sources, was used to construct survey questions designed to elicit information concerning the content of state statutes, as well as prosecutor knowledge and use of state statutes. As such, areas where offices in the same state disagreed about what was contained in their statutes represent opportunities for prosecutor trainings.

Charging and Prosecuting Human Trafficking vs. Alternate Charges

Among the 76 prosecutorial agencies responding to questions about types of statutes used to prosecute TIP cases, about 80 percent of offices indicated that they have prosecuted cases using their state anti-trafficking statutes (N=76) (see Table 4). A slightly greater percentage of respondents to this question, 84 percent, indicated that they have used other auxiliary or similar statutes to prosecute TIP cases, such as pimping,[13] pandering, promoting prostitution, deriving support from prostitution, or in cases of labor trafficking, charging other labor exploitation violations instead of labor trafficking. Responding prosecutors charged TIP cases using TIP statutes and other statute types with similar frequency regardless of jurisdiction size.

Table 4: Responding Offices Charging and Convicting under TIP Statutes or Auxiliary Statutes (N=76)

Statute Types Used	Percent of Offices Responding	Frequency
TIP Statutes	80%	61
Auxiliary Statutes	84%	64

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[12] http://humantraffickingsearch.org/states-with-the-weakest-human-trafficking-laws/

[13] Usage notes on pimping and other terms associated with 'the life' present in this report: "the word 'pimp' is a loaded term with many cultural meanings beyond the legal definition [used here] that simply denotes one who manages and profits from the prostitution of another... [additionally,] 'Bottoms,' or 'bottom bitches,' are female members of the network who typically fill the role of a 'lead prostitute' in charge of recruitment, training new recruits, enforcing quotas… and enforcing the 'rules...' Legally she falls into a gray area because she becomes both victim and offender)" (Lugo, 2016, footnote 4; see also Dank et al., 2014).

It is also important to note that these were not mutually exclusive choices; prosecutors frequently use both types of statutes either in separate cases, or in the same case if there are multiple charges involved. There has been emphasis in the field on encouraging states to charge more crimes under their human trafficking statutes (Farrell et al., 2014, for example). In this survey, questions were asked to learn some of the reasons behind current charging decisions in practice. Survey results showed that lack of training on or comfort with the state statutes is only one of several reasons behind charging decisions in TIP cases; this conclusion is also supported by practitioner interviews conducted as part of the case studies in Phase 2 of this project.

Prosecutors were thus asked to provide further information regarding those human trafficking cases for which they chose to use laws other than their state TIP statutes, and to identify the reason(s) for those decisions (Figure 6). Prosecutors could report multiple reasons. Of the 94 respondents to this question, the most common reasons cited for using auxiliary statutes were misperceptions that trafficking victims are the same as undocumented immigrants (86 percent of total respondents, or the top row in Figure 6) and misperceptions that trafficking victims are foreign and do not include U.S. citizens and legal residents (84 percent). Fifty-six percent of respondents cited a lack of adequate resources to investigate or prosecute TIP cases and 53 percent articulated a practice of referring TIP cases to Federal prosecution. Other reported reasons included that typical auxiliary laws were more familiar to prosecutors (45 percent), the burden of proof for the TIP statute was difficult to assemble (35 percent), and lack of corroborating evidence (32 percent).

Figure 6: Reasons for not Using Trafficking Statute to Prosecute an Identified Trafficking Case, by Jurisdiction Size
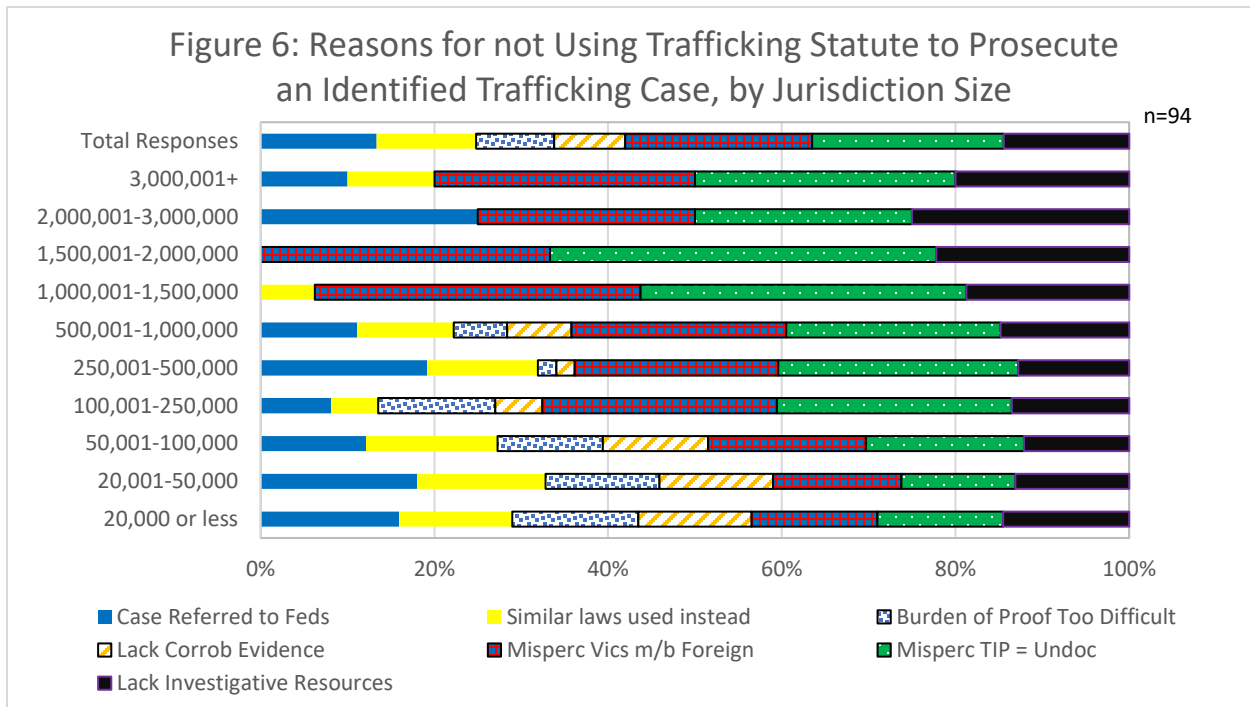
There were some distinctive differences between jurisdiction sizes (Figure 6). Jurisdictions under 1,000,000 population commonly cited cases being referred for federal

prosecution or using more familiar laws as reasons for not using their states' TIP statutes. Jurisdictions under 100,000 population most often cited the burden of proof being too difficult and lack of corroborating evidence. Lack of resources was cited by a majority of jurisdictions under 100,000 population and by about half of jurisdictions over 500,000 population, but by a smaller proportion of those in the middle—jurisdictions of 100,000 to 500,000 population (39 percent). Patterns for responding agencies by region can be found in Figure B3 in Appendix B.

Fifty-three prosecutors indicated that a reason for using a non-TIP statute to prosecute a human trafficking case was a lack of investigative resources to prove all elements of a TIP charge. These respondents were asked in follow-up questions to specify the types of resources lacking in their respective jurisdictions. These responses are summarized below.

- *Lack of properly trained investigators and crime analysts.* One respondent cited a dearth of "fact witnesses" that can extract information from "Backpage" and other websites used to facilitate human trafficking. Others reported needing full-time computer forensic analysts or specially trained victim witness coordinators assigned to human trafficking.

- *Lack of training resources.* Several reported needing more resources to support training on human trafficking investigation methods and forensic investigation.

- *Lack of investigative funding resources.* Some respondents focused specifically on the high labor costs associated with human trafficking prosecutions, including costs associated with cross-cultural issues, digital forensic work (e.g., searching social media and cell phone data of survivors and suspects), and surveillance. Out-of-state travel for investigation was another high cost requirement for some.

- *Lack of victim support resources.* Other respondents cited a lack of resources to provide housing for victims to continue to participate in prosecution—sometimes including expenses to keep the victim in the country during and after prosecution of the case. Other victim costs mentioned included expenses related to keeping the victim safe during the investigation and prosecution, language translation, and counseling services.

Sixty-eight prosecutors indicated that a reason for using a non-TIP statute to prosecute a human trafficking case was that the burden of proof for the TIP statute can be too difficult to meet. Respondents were then asked to rank five elements of this burden of proof (act, means, purpose, trafficker knowledge of victim age, and customer knowledge of victim age) in terms of their level of difficulty in proving them.

- *1 (most difficult to prove): The Means.* TIP statutes modeled after the TVPA require that the crime be committed through the use of force, fraud, or coercion. This element is not necessary in child exploitation cases if mirroring the federal definition; some of these specifics vary by state.

45

- *2a: <u>The Act</u>.* The crime involves the recruitment, harboring, transportation, provision, or provision, or obtaining of a person.

- *2b: <u>Purpose of the Act</u>.* forced labor or commercial sex.

- *4: <u>Customer aware of Age</u>.* The customer knew the age of the victim (in child sexual exploitation cases).

- *5 (least difficult to prove): <u>Trafficker aware of age</u>.* The trafficker knew the age of the victim (in child sexual exploitation cases).

Elements of State TIP Statutes

Building on Shared Hope, International's annual rankings of the content of state TIP statutes on several criteria, this survey asked prosecutors about their knowledge of the content of their state statutes on these points and several others taken from recent research. The response data reported in this section therefore reflects *responding agencies' knowledge* of their states' TIP statutes *rather than their actual content*. This information can be used to identify potential training opportunities for local prosecutors in the U.S.

Investigative Tools. Prosecutors were asked whether, to their knowledge, their state TIP statute(s) contained provisions for certain investigative tools such as allowing wiretapping or allocation of funding to support a human trafficking task force (Figure 7). Among the 76 jurisdictions responding, more than half (54 percent) reported that their statute allocates resources for TIP cases, such as restitution funds for sex or labor trafficking victims, funds for law enforcement training, or funds to travel to other states to collect evidence or interview witnesses. Nearly 40 percent reported that community coalitions on human trafficking are budgeted for, legislated, allowed for, or mandated in their laws. These community coalitions, while they may have law enforcement members, do not have investigative authority and so are different than the investigative task forces mentioned earlier. These coalitions can include service providers, educators, medical providers, and others working on multidisciplinary, holistic solutions to TIP.

Among other investigative tools, nearly one-third of respondents reported that their statutes have: 1) provisions allowing single party consent to audiotaping permitted in law enforcement interviews and 2) resources allocated for digital forensic extraction or analysis of cell phones and other electronic devices (also called "forensic dumping") in TIP investigations. This second item is interesting since it was an area also mentioned earlier as under-resourced. About one-quarter of respondents indicated that their state racketeering and gang statutes identify TIP as a predicate act. One in five respondents reported that resources are allocated for using the internet or electronic communications to investigate buyers and traffickers. Another 17 percent indicated that wiretapping is an available tool to investigate human trafficking. Only 5 percent answered that law enforcement agencies are mandated by the state's TIP statute to promptly report missing and recovered children.

Figure 7: Percentage of Jurisdictions Where Legislation Allows for Specific Investigative Practices

n=76; Note: Numbers are not mutually exclusive. Prosecutorial jurisdictions may have legislation allowing for multiple investigative practices.
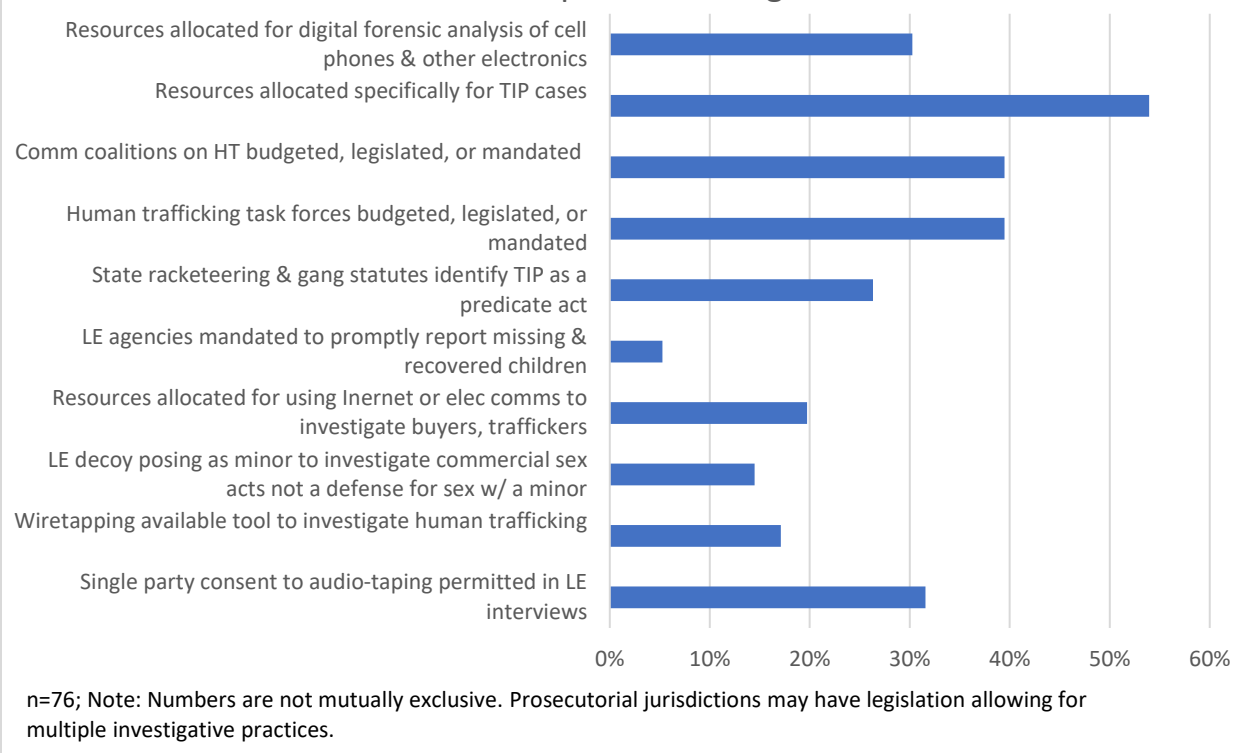
Benefits for Victims. Prosecutors were asked whether certain types of victim assistance, funded or unfunded, were allowed for in their states' TIP statutes. These included both victim services and provisions for certain legal remedies that benefit victims. This list, based again on Shared Hope, International's list, consisted primarily of assistance in navigating the legal process. Among the 83 jurisdictions responding to this question, approximately half reported that:

1. statutes of limitations for civil and criminal actions for sex or labor trafficking are eliminated or lengthened sufficiently to allow prosecutors and victims a realistic opportunity to pursue legal remedies (51 percent);
2. vacatur provisions that vacate charges for criminal acts that occurred during the course of trafficking victimization are included in legislation (51 percent); and
3. victim-friendly procedures and protections are provided in the trial process for adults (48 percent) (Figure 8). Examples of those include the presence of specially trained Victim-Witness Specialists, the ability to testify via video, and the availability of a case manager to coordinate victim services.

About one-third of respondents (35 percent) reported that victim-friendly procedures and protections are provided in the trial process for minors under 18, such as the accompaniment of a Victim-Witness Specialist experienced in working with children, the ability to testify via video if

the necessity of child victim testimony cannot be avoided, and the availability of a case manager. Less commonly reported provisions for TIP victim assistance include:

- multidisciplinary responses that involve collaboration between service providers, criminal justice, and other systems actors like child welfare (19 percent),
- victim restitution for victims of human trafficking (13 percent),
- crime victims' compensation specifically available to TIP victims (11 percent),
- expungement or sealing of juvenile delinquency records for prostitution-related offenses committed as a result of, or in the course of, the commercial sexual exploitation of a minor is available within a reasonable time after turning 18 (11 percent), and
- human trafficking victims have access to civil damages (5 percent).

Figure 8: Percentage of Jurisdictions where Legislation Allows for Specific Types of Victim Assistance

n=83; Note: Numbers are not mutually exclusive. Prosecutorial jurisdictions may have state legislation allowing for multiple types of victim assistance.
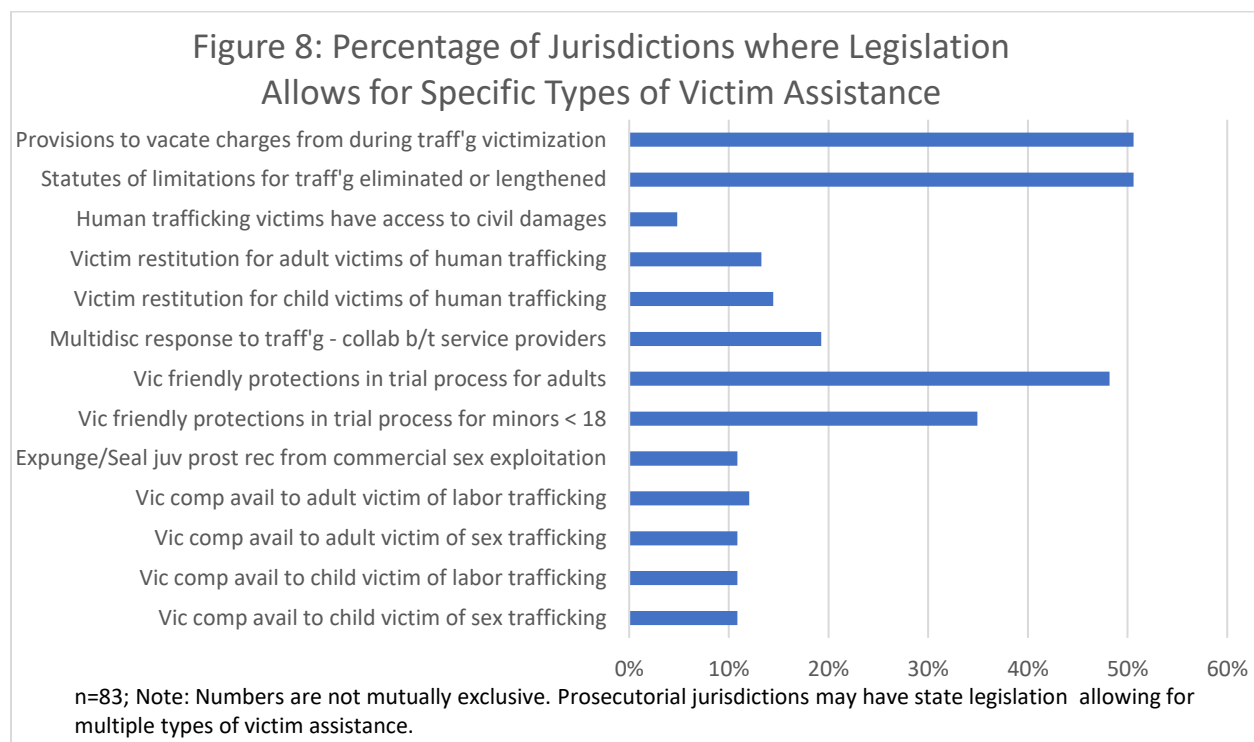
Demand. Prosecutors were asked whether certain types of provisions addressing demand for commercial sexual exploitation (i.e., targeting sex buyers) were specified in their state's statutes. Among the 51 jurisdictions responding, 59 percent indicated having base penalties for buying sex acts with any minor under 18 that are sufficiently high and not reduced for older minors (age 16-17) (Figure 9). Just under half (47 percent) reported that their sex trafficking law can be applied to buyers. About one-quarter (27 percent) indicated that no age mistake defense is permitted for a buyer of commercial sex acts with a minor. Only 16 percent reported that their solicitation laws differentiate between buying sex acts from an adult or from a minor.

Penalties for facilitators. Prosecutors were asked whether certain types of criminal provisions addressing facilitators of sex or labor trafficking were specified. Among the 20 jurisdictions responding, 10 (50 percent) indicated that financial penalties, including asset

Figure 9: Percentage of Jurisdictions with Various Demand Provisions in their Human Trafficking Laws

n=51; Note: Numbers are not mutually exclusive. Prosecutorial jurisdictions may have multiple demand provisions in their human trafficking laws.

Figure 10: Percent of Jurisdictions with Various Criminal Provisions for Facilitators of Human Trafficking

n=20; Note: Numbers are not mutually exclusive. Prosecutorial jurisdictions may have multiple criminal provisions for facilitators of human trafficking.

forfeiture laws, are in place for those who benefit financially from or aid and assist in committing labor trafficking (Figure 10). Nine (45 percent) reported having provisions that make promoting and selling child sex tourism illegal. Thirty-five percent indicated that benefitting financially from or aiding and assisting in committing labor trafficking are criminal offense. Thirty-five percent also reported that financial penalties, including asset forfeiture laws, are in

49

place for child sex trafficking offenses. Six respondents (30 percent) reported that financial penalties, including asset forfeiture laws, are in place for benefiting financially from, or aiding and assisting in adult sex trafficking, and four respondents (20 percent) reported that the acts of assisting, enabling, or financially benefitting from sex trafficking are included as criminal offenses.

Opportunities for Training

One of the most interesting results from these questions about prosecutors' knowledge of their state statutes was the differences between responses from prosecutors located in the same state. Were all prosecutors in a state well aware of their TIP statutes and the elements in them, answers from prosecutors in each state should have been identical. They were not. This indicates a need for ongoing and regular training on state level TIP statutes at the local level, especially given office turnover and updates that occur to statutes in each legislative session. Table 5 indicates the number of respondents in each state who believed their state did or did not have a sex trafficking or labor trafficking law. States whose local prosecuting agencies are regularly trained should have reported all zeroes in the "No" column for both statute types (all states now have statutes against both labor and sex trafficking). However, offices in the same state did not answer consistently on what statutes they had.

While it is outside the scope of this report for reasons of space to present the discrepancies in answers between offices in each state on each of the 41 statute elements asked about in the survey, the data are available from this survey to do so. Therefore, JRSA's project partner, the National District Attorney's Association (NDAA), will be using these data to inform their future trainings on the topic for prosecutors' offices around the United States. For the present report, it is sufficient to note two things: 1) that there are still training gaps in most states on their state TIP statutes; and 2) that the above presentation of elements reported in state statutes reflects *prosecutors' knowledge*, not the actual content of the state statutes themselves. For a good summary of the content of each state's actual statutes, see Shared Hope International's annual state report cards.[14]

Table 5: States with Opportunities for Training on TIP Statutes

State	Sex Trafficking Law?		Labor Trafficking Law?	
	No	Yes	No	Yes
AL	0	4	1	3
CT	1	2	1	1
HI	1	2	1	2
IA	1	5	1	3
IN	2	4	3	3
KS	0	5	1	4

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[14] https://sharedhope.org/what-we-do/bring-justice/reportcards/2017-reportcards/; see also https://victimlaw.org/victimlaw/.

State	Sex Trafficking Law?		Labor Trafficking Law?	
	No	Yes	No	Yes
KY	0	3	1	1
LA	1	2	2	1
MA	0	6	1	5
MD	0	2	1	1
MI	1	3	1	2
MO	0	5	1	4
NY	0	12	3	9
OH	2	5	1	6
OK	1	2	1	1
PA	1	5	1	3
TX	2	10	2	10
UT	2	0	1	1
VA	0	5	1	3
WA	1	6	1	6
Total Offices Reporting	**16**	**155**	**29**	**124**

Most effective aspects of TIP legislation according to prosecutors

Following the survey questions on knowledge of the elements of their state TIP statutes, prosecutors were asked which elements of their state laws were most useful to them in building and prosecuting TIP cases. Their responses are summarized below.

Fewer allowable defenses for traffickers. Prosecutors cited defenses previously used by traffickers that were eliminated under the newer statutes. Several reported that a previously allowable defense—that the offender was unaware of the victim's age or status as a minor—was disallowed and this made it easier to prosecute successfully. Another cited a provision that excluded a victim's sexual history as admissible evidence in defense of a trafficker.

Other evidentiary provisions. Legislative changes that reduce the number of required elements to the burden of proof were reported to facilitate successful use of TIP statutes in prosecutions. Chief among these was presence of a requirement that charges of sex trafficking do not require proof of force, fraud, coercion, or duress for juvenile victims. Those statutes read that if a minor is pimped or pandered, the suspect is guilty of human trafficking because of the minor's inability to consent to engage in commercial sex. Two respondents similarly reported that their TIP statutes no longer required them to prove that there was a completed commercial sex act to use the TIP statute, and that their laws allow the "intent that the trafficked person engage in forced labor or services" as a prosecutable offense. Another reported that removing the requirement to prove "deprivation of liberty" for minors was helpful.

51

Investigative allowance. Three prosecutors reported that key aspects of their anti-TIP statute that facilitate prosecution included newly allowable tools for gathering evidence. For example, two respondents cited the allowance of wiretaps involving conversations that substantiate promoting prostitution and sex trafficking crimes.

Enhanced penalties. Some prosecutors reported newly enhanced penalties as the component of their anti-TIP statutes that they felt best facilitates meaningful prosecutions. One may surmise that prosecutors might use these higher penalties for plea bargaining, ostensibly sending a message of deterrence. Future research should investigate whether longer sentences actually do reduce trafficking and protect victims. While five respondents cited longer sentencing options as beneficial in general, some were more specific. One reported that TIP falls under their two-prior-felony rule, which makes prison mandatory if the offender has two prior felony convictions. Another reported the passage of mandatory prison sentences for pimping, and another that the crime of patronizing a minor for commercial sex was now an indeterminate sex offense. An additional prosecutor indicated that higher sentencing ranges were in place for promoters of sexual exploitation of a minor.

Expansion and flexibility of statute. By far, the most frequently cited benefit of state anti-TIP legislation that facilitates successful prosecutions was simply that the laws were significantly broadened to criminalize additional behaviors associated with human trafficking. Besides the several who cited broadening of the TIP definition generally, others delineated a range of behaviors that were newly included in the legal framework for trafficking:

- recruiting, enticing, harboring, transporting, providing, or obtaining people by any means for the purpose of involuntary servitude or involuntary sexual servitude of a minor (making the state definition parallel to the Federal definition),
- facilitating access to a controlled dangerous substance in furtherance of human trafficking,
- receiving funds from human trafficking,
- renting a hotel room or allowing prostitution in a person's residence, and
- "advancing prostitution" (defined by respondent as "participating in the furtherance of any prostitution activity for another, and provides a broad basis for accomplice liability for a variety of participants in TIP crimes including drivers, people who act as guards or who take money, or people who rent rooms").

Several respondents also cited elements or terms that existed previously but were expanded under the TIP legislation. These included definitions of "coercion" and "advancing or profiting from prostitution." Clarification of how these definitions were expanded was not provided by the respondents.

Two respondents indicated that what they found most beneficial for prosecuting TIP cases was the power that the anti-TIP statute had when combined other existing laws. The older statutes, in combination with the new statute which tracked language from Federal anti-TIP law,

was reported to have formed "a powerful tool kit for prosecutors." Use of all these statutes together as a toolkit was expanded upon by the sites involved in the case studies that make up Phase 2 of this project.

Clarity in definitions and statutory consolidation. Respondents also frequently cited aspects of anti-TIP legislation that clarified, delineated, or specified elements of human trafficking offenses, or that consolidated separate statutes that address similar criminal trafficking behaviors.

Some respondents cited specific terms that had previously been undefined or vaguely defined. One prosecutor stated that their Aggravated Sex Trafficking provision now spells out what "force, fraud and coercion" consist of under the law. Another stated that their statute more clearly distinguished between force and no force, which translates to felony vs. misdemeanor offense classifications. One prosecutor cited language that clarifies the wide array of threats used to compel victim compliance, stating that "while the use of threats of violence provides an intuitively sound basis for bringing such charges, … compelling prostitution by requiring it be performed to repay a real or imaginary debt, that it be performed while the exploiter holds identity documents or administers narcotics or substances to impair the victim's judgment, where the exploiter threatens to expose a secret or asserted facts which would subject some person to hatred contempt or ridicule" and other items helps bring specificity to the prosecution.

In terms of consolidation, one prosecutor reported that the offense of trafficking was now articulated in multiple corresponding statutes (e.g., rape shield, statute of limitations, and child hearsay), allowing more cross-referencing and easing the ability to build a case encompassing all related offenses that may have been perpetrated against a victim.

Provisions for victim welfare. A few prosecutors noted provisions for victim health and welfare within anti-TIP legislation that make it easier to successfully prosecute cases, including conditional examinations for trafficking victims,[15] and overall language that aims to treat juvenile victims purely as victims[16] and divert them to services.

TIP legislation content and implementation that need improvement

Prosecutors were also asked to comment on which aspects of their state's anti-TIP legislation could still be improved to increase their ability to complete successful prosecutions, as well as what could be provided to assist them in using the law. Several items identified as

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[15] Conditional examinations are statements taken or questioning conducted for use in case the witness becomes unavailable to testify later (https://thelawdictionary.org/de-bene-esse/). In trafficking cases, victims often abscond or run away due to the effects of trauma or feeling threatened, so allowance of conditional examinations can help secure critical evidence to convict a trafficker in cases where this happens.
[16] Rather than as offenders for crimes they were coerced to commit in the course of their victimization.

useful by prosecutors in some states above were identified by prosecutors in other states as lacking, reflecting the diversity in statute specificity and clarity from state to state.

Assistance using the statutes. A few respondents reported needing training or assistance to understand and begin using their anti-TIP statute. One indicated that the elements were spread out in various sections of code, making them difficult to locate, and they would like assistance to makes sense of it. Others struggled with comprehending specific sections of the law. One, for example, cited a "Mini RICO Act"/criminal asset forfeiture statute that needed to be more user-friendly, and that the terms "coercion" and "debt bondage" need to be specifically defined.

Need to broaden the statute. Several prosecutors responding to the survey felt their prosecutions could be more successful if their states' anti-TIP statutes were broadened in some way. Two respondents felt that their TIP statute would benefit from adding a "sextortion" provision, defined by the respondents as forced sexual servitude for purposes of extortion. One felt that upper age limit used to classify juvenile victims should be increased from 18 to 21 years of age. Another addressed a provision proscribing the forcing or controlling of drugs on victims as too narrow in its current form, and that it should be amended to include a broader array of illegal substances commonly used to coerce sex trafficking victims. Two respondents suggested adding language that specifically permits inclusion of acts in other states, such as travel or posting of escort ads, to establish ongoing patterns of trafficking activity in a case.[17] Still another respondent thought TIP prosecutions would be improved by creating a presumption in the law that permits a finding that the accused trafficker intended to sexually traffic a minor when they post them online as an escort. They explained that this presumption could help in instances when the victim cannot be located or made available for trial.

Lack of clarity in definitions and statutory consolidation. Another prosecutor noted general vagueness in language that limited the effectiveness of their anti-TIP statute. As an example, he explained that their law criminalizes illegal trafficking activity "for labor or services (involving) any child under the age of 18…" However, their definition of services is limited to "any act committed at the behest of, under the supervision of, or for the benefit of another. The term includes, but is not limited to, forced marriage, servitude, or the removal of organs." Because of the omission of more specific language, the prosecutor must argue in court that "services" can logically include commercial sexual activity and sexual exploitation. Another prosecutor reported concern that his state's statutes are written in a manner that may be held to be unconstitutionally vague upon appellate review.

Longer statute of limitations needed. Two respondents specifically mentioned that lengthening the statute of limitations associated with TIP would improve their prosecutions. One suggested beginning the clock on the statute of limitation period for sex trafficking and/or promoting prostitution involving a minor on the date the child attains majority age.

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[17] Note that patterns of interstate activity also qualify a trafficking case to fall under federal jurisdiction as another avenue for case prosecution.

Fewer allowable defenses for traffickers. Just as a number of prosecutors had touted the effectiveness of provisions that narrowed the types of allowable defenses for human traffickers, nine other respondents mentioned this as a needed area for improvement. Removing the use of force, fraud or coercion and knowledge of a child's age as required elements of the offense were cited as changes that would improve prosecutions in cases with juvenile victims. Similarly, one respondent suggested that promoting (pimping) anyone under age 18 should be considered "per se" sex trafficking. Another wished to see similar changes for buyers who patronize minor sex trafficking victims, and still another suggested removing universal protection for persons who were victims "while acting as a prostitute" so they can have greater success prosecuting women who pimp out other women while also acting as a prostitute themselves.[18]

More prosecutorial tools. Several prosecutors identified additional prosecutorial tools that would improve their states' anti-TIP legislation. These include the use of investigative subpoenas and grand juries, immunity for victims of TIP, additional investigative and analyst resources, and provisions for intelligence sharing among local law enforcement so that trafficking evidence and patterns can be recognized and traced across cities, counties and states.

Better services for TIP victims. Some respondents cited the need for provisions that address material needs of trafficking victims, such assistance in applying for T- and U-visas for foreign victims, mandates for school systems to become involved and provide resources to juvenile sex trafficking victims, and victim restitution. One respondent summarized that the legislation would be improved with "more victim-centered benefits and budgeting of resources for the benefit of victims, with the goal being the extrication of the victim from the life."

More punitive sentencing. Some prosecutors expressed a desire for more punitive sentencing options in their states including higher penalties, mandatory minimums, and provisions for sentence enhancements. One respondent singled out buyers ("johns") as offenders whose penalties should be increased. Another singled-out parents that traffic their own minor children. One prosecutor said that most of these crimes are probation-eligible in their state, so there is not a lot to lose for traffickers that go to trial presently.

Victim testimony and obstacles to prosecution

In addition to statutory concerns, a number of other factors are important in most cases to complete a successful TIP prosecution. The first of these components is victim testimony. Prosecutors were asked how often victim testimony is the primary evidence they used to prosecute a TIP case, compared to the ability to build a strong case with enough corroborating evidence to render the victim's testimony in court unnecessary. As seen in Figure 11 below, 70

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[18] Note that this often applies to "bottoms" or "bottom bitches." These are individuals that control the activities of other sex trafficking victims or sex workers at the direction of a pimp. Bottoms are often sex trafficking victims themselves. See Lugo (2016) for more about bottoms, and for information about those who recommend the opposite: treating bottoms more as victims rather than trying to increase prosecutions against them. How to handle the case of a bottom that is both victim and perpetrator is an ongoing debate in criminal justice. This survey asks more questions about the handling of bottoms' cases later.

percent of the 139 respondents to this question indicated that victim testimony is either always or often the primary evidence. As will be further explained, prosecutors cited a number of reasons why victim testimony—the absence of it or problems with it—can introduce obstacles to the prosecution of human trafficking cases.

Figure 11: Degree to Which Victim Testimony is the Primary Evidence Used to Prosecute a TIP Case
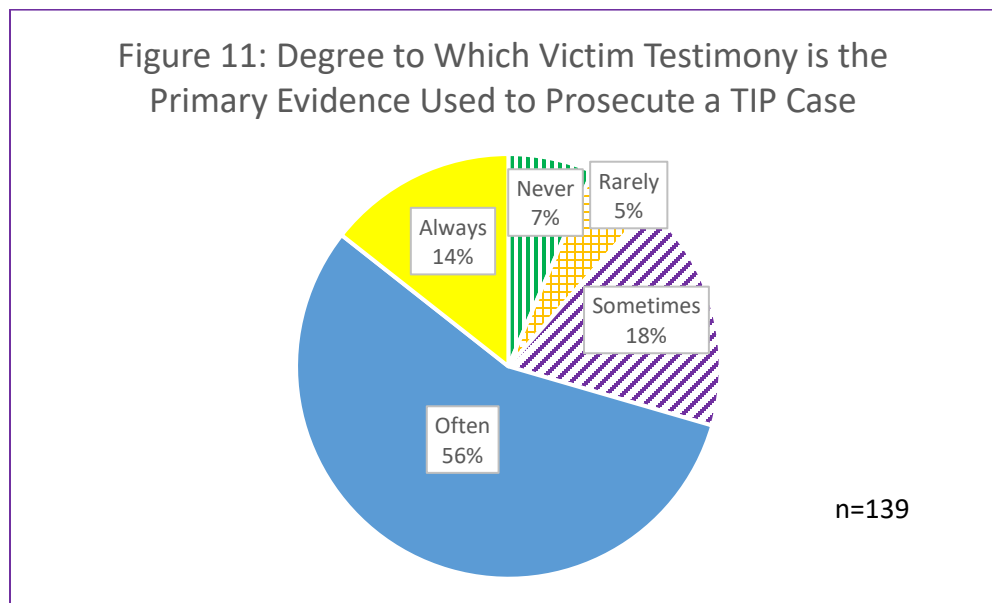
Although victim testimony is the standard and primary evidentiary source in building and prosecuting most TIP cases, many other forms of evidence are often used as well. Prosecutors were asked to identify which of several other types of evidence they rely upon to build cases. Among the 121 prosecutors' offices responding to this question, Figure 12 shows that the most commonly reported types of evidence used were cell phone records (both calls and texts, 96 percent); digital evidence (e.g., website advertisements, social media posts, 91 percent); witness testimony other than from the victim (87 percent); evidence of physical harm (e.g., photos, 84 percent), recorded jail calls (79 percent), and financial records (60 percent). Less frequently reported types of evidence used in these cases included jail mail (41 percent) and wiretap records (17 percent).

Prosecutors were also asked about other obstacles to charging a trafficking crime, including aspects of victim or witness cooperation. Of the 38 prosecutorial offices responding to this question, Figure 13 shows respondents generally citing three categories of problems: precarious housing (cited by 97 percent of respondents as sometimes, often, or always being a source of cooperation issues), threats or witness intimidation (92 percent), and victims or witnesses not wanting to deal with the trauma of a trial (79 percent). There was some variance in these numbers across different-sized jurisdictions; however, the small numbers of respondents to this question within discrete population size categories makes it difficult to draw any definitive conclusions about that variance.

56

Figure 12: Types of Evidence Used by Jurisdictions in Human Trafficking Cases besides Victim Testimony

n=121; Numbers are not mutually exclusive. Prosecutorial jurisdictions may have reported that multiple

Figure 13: Percentage of Jurisdictions Reporting that Victim-Witness Cooperation Posed an Obstacle to Charging a Trafficking Crime, by Reason

n=38; Numbers are not mutually exclusive. Prosecutorial jurisdictions may have reported multiple reasons that victim-witness cooperation posed an obstacle.

Prosecutors were further asked about issues concerning victim or witness credibility that occur even when they do cooperate. Of the 45 offices responding to this question, respondents generally cited four issues. First, human trafficking victims who stayed in their situation are seen as less credible (cited by 84 percent of respondents as sometimes, often, or always a source of

57

credibility issues). A second commonly reported issue was the victim's background (84 percent). The third was the victim's mental health status, in general or as a result of their trauma (73 percent), and the fourth commonly reported issue was that particular case circumstances impacted believability of the victim's or witness' testimony (71 percent; see Figure 14). Once again, variance across different-sized jurisdictions could not be generalized due to the small numbers of respondents.

Figure 14: Percentage of Jurisdictions Reporting that Victim-Witness Credibility Posed an Obstacle to Charging a Trafficking Crime, by Reason

n=45; Numbers are not mutually exclusive. Prosecutorial jurisdictions may have reported multiple reasons that victim-witness credibility posed an obstacle.
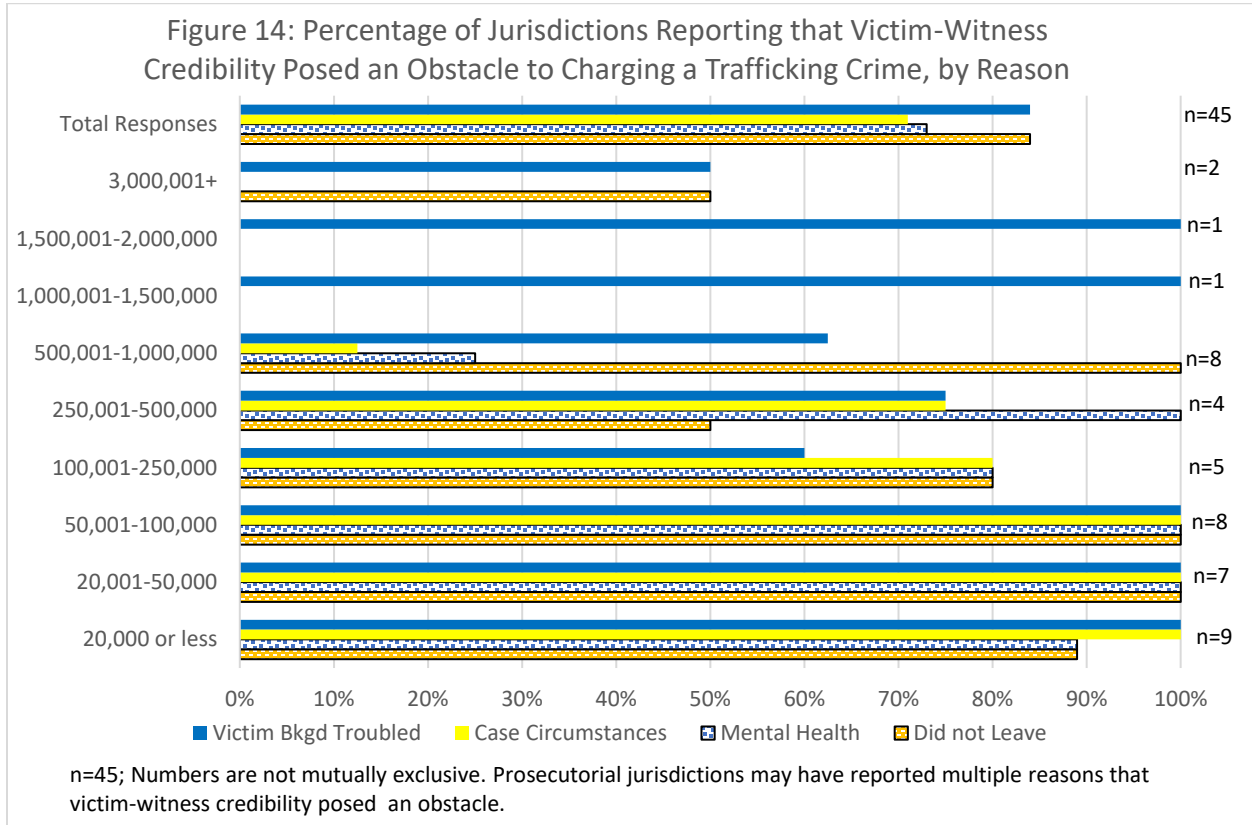
One additional category of prosecution obstacles asked about was the availability of services to support victims after removal from their trafficking situations. Of the 87 prosecutorial offices responding to this question, respondents frequently reported the following victim service types as either sometimes, often, or always *unavailable or insufficient* to stabilize a victim to cooperate with prosecution of their trafficker (See Figure 15):

- help securing U-Visas for non-legal residents who qualify (79 percent, see description below),
- help securing T-Visas for non-legal residents who qualify (79 percent, see description below),
- ability to offer amnesty/assurance that the victim will not be charged with a crime (70 percent),
- victim-witness specialists or assistance in preparing the victim for trial (66 percent),
- translation or interpretation services (66 percent),

- transportation services (55 percent),
- coordinated case management (54 percent),
- witness protection (54 percent), and
- relocation assistance (52 percent).

Figure 15: Obstacles to Building a Prosecution: Victim Services Availability, by Jurisdiction Size
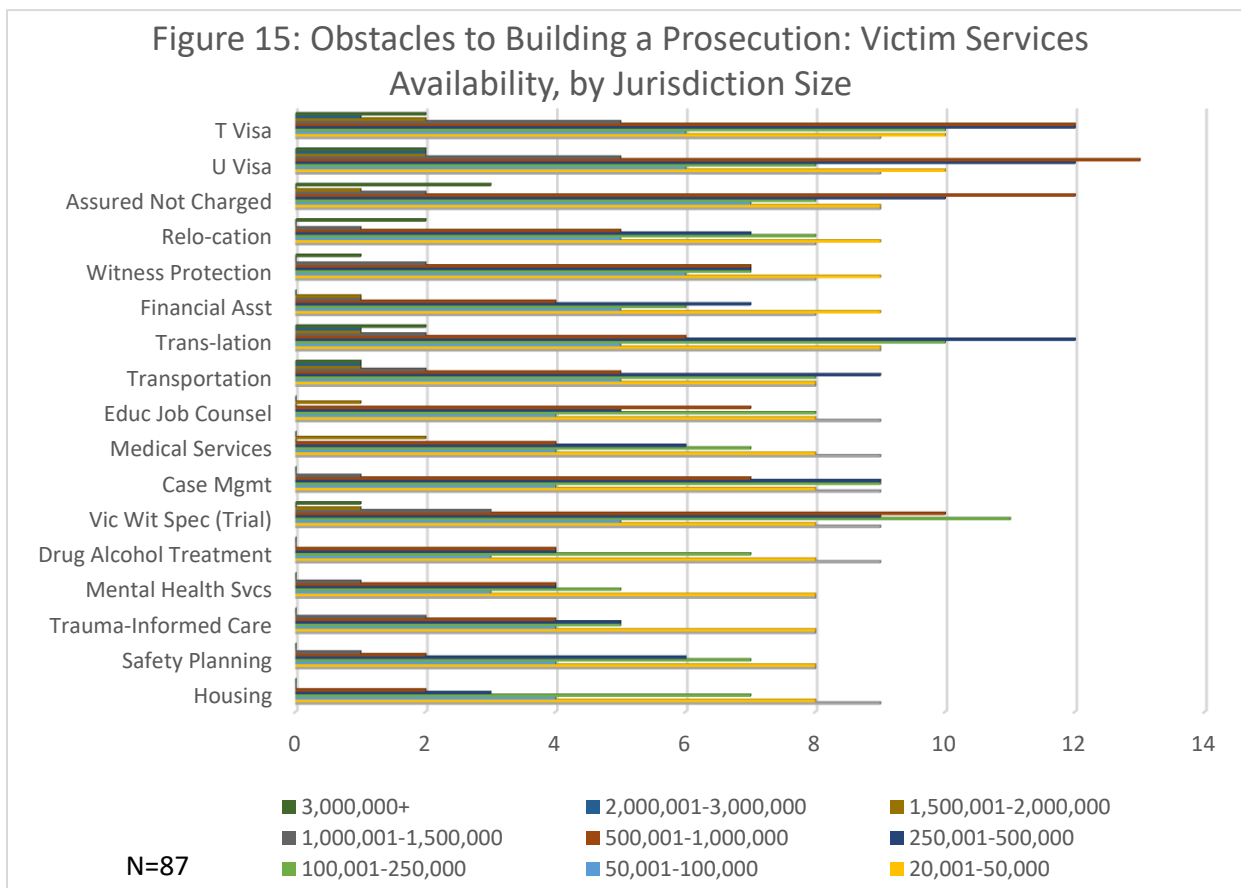
U visas and T visas, mentioned above, were both created to help victims of particular crimes to gain a visa that allows them to participate in the prosecutions of their offenders. Both U and T visas grant victims of certain serious crimes legal status to stay in the U.S. permanently if they cooperate with law enforcement. However, only certain crimes allow victims to qualify and U visas and T visas have different requirements. T visas are specific to human trafficking, but U Visas can be issued in cases of other qualifying crime types as well.

Prosecutors were asked about whether vulnerable victims and witnesses presented other problems in their pursuit of TIP prosecutions and, if so, the types of problems they encounter. Of the 94 prosecutorial offices responding to this question, only four percent reported that victims and witnesses presented no problems due to their vulnerabilities (See Figure 16). Respondents reported the following common types of vulnerabilities as presenting complications:

- victims or witnesses ran away, disappeared, or lost contact (87 percent),
- victims/witnesses loved/wanted to protect their controller (73 percent),

59

- effects of trauma impeded a victim's or witness' consistency in statements (73 percent),
- victim-witness wanted safety only and did not want to be involved in prosecution (68 percent),
- cultural or community pressure not to "snitch" (66 percent),
- victims were picked back up, threatened, or otherwise afraid of their controller (52 percent),
- victims/witnesses did not feel supported/protected by the criminal justice system (52 percent),
- effects of trauma impeded a victim's or witness' *coherence* in statements (48 percent), and
- victims faced threats of deportation (24 percent).

Figure 16: Percentage of Jurisdictions Reporting that Victim-Witness Vulnerability Posed an Obstacle to Charging a Trafficking Crime, by Reason

n=94; Numbers are not mutually exclusive. Prosecutorial jurisdictions may have reported problem types associated with vulnerable victim-witnesses.
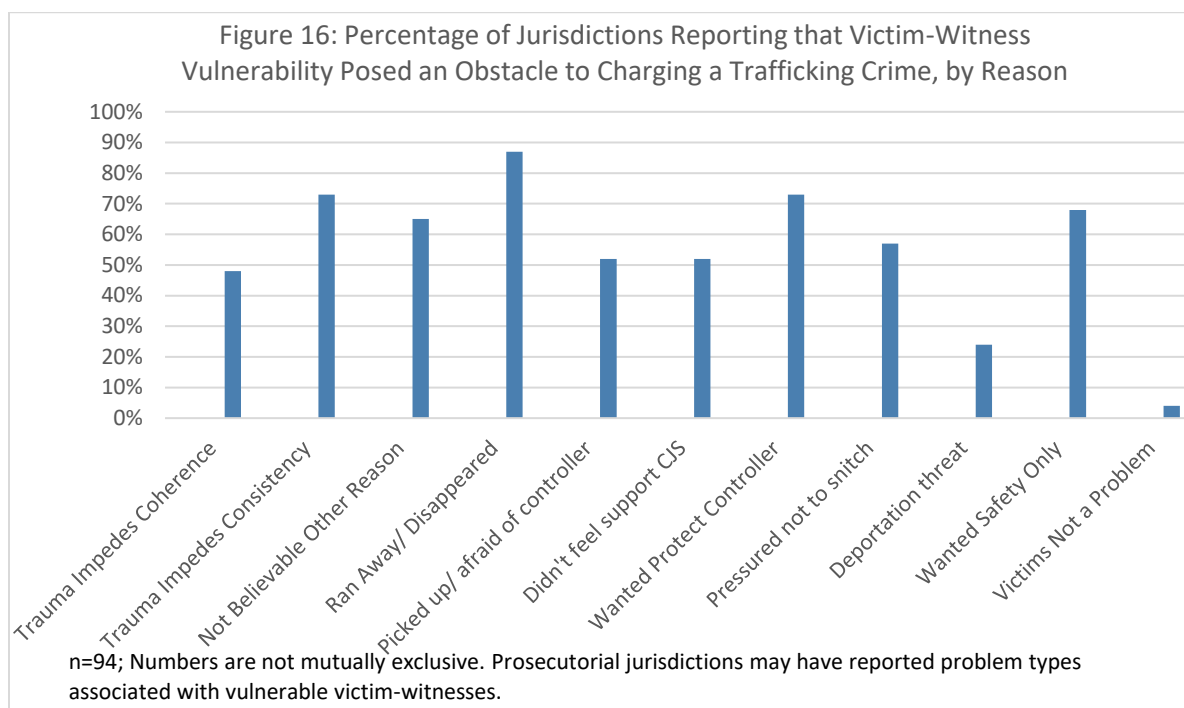
The last type of prosecutorial challenge asked about related to challenges experienced with judges in adjudicating state trafficking charges (Figure 17). For the 78 prosecutorial offices responding to this question, two obstacles were most often mentioned. The first was when judges have preexisting ideas of what a victim should look like (82 percent of the respondents).[19] Respondents indicated that they believe some judges have overt or implicit biases against victims from troubled backgrounds. The second problem, cited by 82 percent of respondents, arises when judges lack training on the effects of trafficking trauma on victim choices and decisions. This may translate to a failure by judges to understand that psychological coercion may make a victim

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[19] See Srikantiah (2007) and others on the myth of the "perfect victim," and how this image hurts prosecution of human trafficking cases, especially since many victims come from troubled backgrounds that made them vulnerable to traffickers in the first place.

afraid or unable to leave on his or her own, similar to victim of domestic violence.[20] Less frequently-cited problems included judges lacking an understanding of how the burden of proof is established under newer TIP statutes (41 percent), and judges lacking understanding of sentencing guidelines under newer statutes (15 percent).

Figure 17: Percentage of Jurisdictions Reporting Challenges Experienced with Judges in Adjudicating TIP Cases, by Challenge Type

n=78; Note: Numbers are not mutually exclusive. Prosecutorial jurisdictions may have multiple challenges with
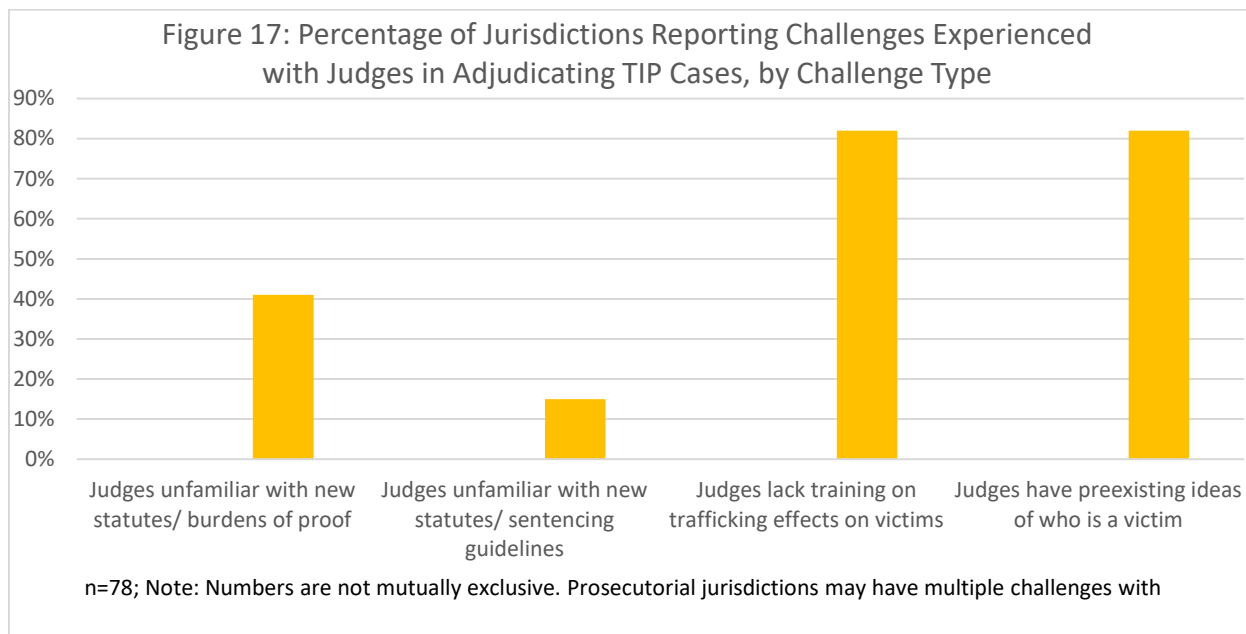
Statutes and prosecutorial challenges: Summary

Of those who answered these questions about their knowledge of their state TIP statutes, most had at least some knowledge about the content of their state laws regarding sex trafficking and labor trafficking. Importantly, knowledge about these laws varied between offices. While Table 5 illustrates one example (whether their states have laws against sex trafficking or labor trafficking) of where prosecutors in the same state differ in their knowledge, the data exist in the survey responses to break down the differences in knowledge between prosecutors in the same state on the more detailed elements of their state laws such as financial and sentencing penalties for traffickers and facilitators, investigative tools and victim services provided for, and more specific elements of behavior that are criminalized in sex trafficking and labor trafficking, and between cases involving adult or minor victims. This can be an important tool to identify training opportunities that practitioners or technical assistance providers might seek to provide for prosecutorial agencies.

Respondents also answered questions relating to obstacles faced in successfully prosecuting trafficking cases. Obstacles were cited relating to (1) victim-witness reliability,

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[20] See Arnstein (2014); Christian (2014); Cole, Sprang, Lee, and Cohen (2016); Hardy, Young, and Holmes (2009); Heffernan and Blythe (2014); and others for background on the effects of trauma on TIP victims.

credibility, and consistency; (2) inadequate resources to support victims, such as trauma-informed services and trauma-trained criminal justice actors, legal support such as victim-witness specialists, and other material victim services such as housing; (3) over-reliance on victim testimony; (4) other types of evidence that can be used to corroborate or substantiate charges, (5) areas of needed improvement in the statutes themselves, (6) additional investigative resources needed, and (7) needed training for judges on the new TIP statutes and the effects of trauma on trafficking victims.

Several jurisdictions have implemented, or planned to implement, a number of support programs to help address some of these needs. Such initiatives may have been spearheaded by or housed in the prosecutorial agency itself. Others may be run by law enforcement, child welfare agencies, or victim service providers in the jurisdiction with whom the prosecutorial agency works in partnership. The next section provides descriptive responses of common initiatives either in force or in planning stages among responding jurisdictions. Potential effects of these initiatives on improving case outcomes are examined via the regression analyses that follow.

Support initiatives undertaken to address human trafficking

Prosecutors were asked about initiatives undertaken or in planning stages in their jurisdictions that provide needed supports to improve their ability to build successful prosecutions. These initiatives may help either by enabling prosecutors to build a stronger evidence base to support a TIP charge, or by providing important services to facilitate victim stabilization and retention through the case.

Such initiatives need not necessarily have been undertaken by the prosecutor's office as the lead entity. State legislatures, medical or community agencies, local law enforcement agencies, and/or other parties may have taken the lead in implementing such initiatives. While 58 of the 139 respondents that answered this set of questions reported not having any such initiatives, a total of 81 jurisdictions reported one or more of the below investigative, prosecutorial, and/or victim services initiatives either in use or planned.

Initiatives still in planning stages were included because they illustrate buy-in from the prosecutorial agency, and that buy-in illustrates the agency's willingness to take on these complex prosecutions. Agencies who are not yet planning or running these types of initiatives may not yet believe that trafficking occurs in their jurisdictions (many respondents stated repeatedly that they have never had a TIP case), or the agency is not yet ready to invest in these cases due to lack of resources or because they refer TIP cases for federal prosecution.[21]

Investigative/Case-building Initiatives

Overall, investigative or case-building initiatives included the following (see Figure 18):

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[21] These were common comments in free-text responses.

- use of expert witnesses, such as trained police officers and psychologists, to explain dynamics of psychology and coercion involved in TIP to judges and juries (49 percent),
- establishment of a mechanism for collecting, maintaining, and reporting data on TIP cases investigated and prosecuted for research and intelligence-sharing purposes (43 percent),
- cultivation of individuals to become trained expert witnesses for TIP cases (38 percent),
- implementation and use of validated victim identification tools by agencies that can refer cases to the prosecutor's office (37 percent), and
- development of model prosecution tools specific to the state's TIP statute, such as prosecutorial techniques, handling common defense tactics, and sample jury instructions (26 percent).

There were some distinctive patterns regarding use of these investigation-support initiatives between agencies operating in different regions of the U.S. Investigative initiatives overall were planned or in use in higher proportions among respondents in the West compared to those in the other regions (Figure 18). For example, the use of expert witnesses was reported by

Figure 18: Percentage of Jurisdictions Reporting Anti-TIP Investigative/Case-building Initiatives in Use, by Program, by Region

Prosecutorial jurisdictions may have reported multiple anti-TIP programs in use. Ns refer to numbers of jurisdictions reporting one or more anti-TIP programs.
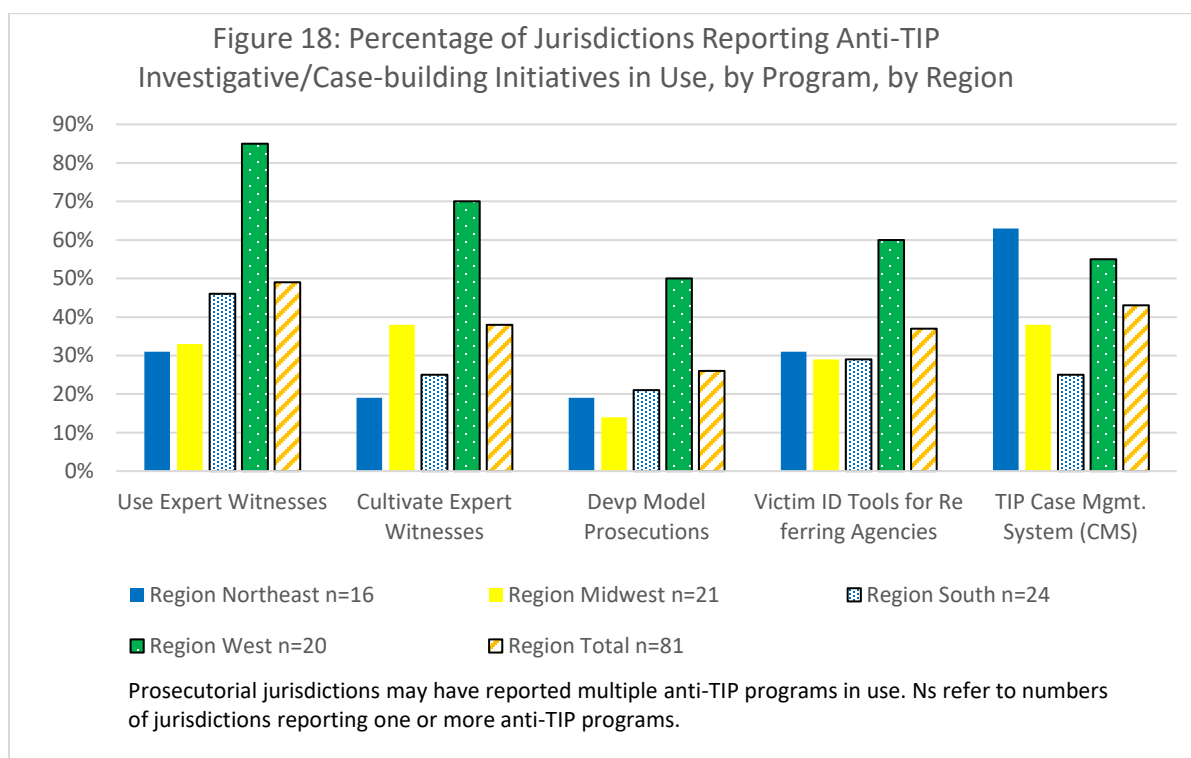
85 percent of respondents to this question in the Western region, but by fewer than half of respondents in the South and about one-third of respondents in the Northeast and Midwest regions. Similar regional differences were found for three other initiatives: cultivating individuals to become trained expert witnesses for TIP cases, the use of validated victim identification tools by referring agencies, and the development of model prosecution tools. The only exception to this pattern was that prosecutors in the Northeast reported establishing a TIP-

specific case management system (CMS) for collecting, maintaining, and reporting case data in higher proportions than the other regions, including the West.

Respondents were next asked to give descriptions of the programs they had in place for all initiative types via free-text response, and these are described in the following pages.

Expert witness initiatives. Expert witnesses are used to help educate judges and juries about the dynamics of human trafficking, what certain types of evidence mean in the trafficking context, and the nature of the relationships between traffickers and their victims. Prosecutors who reported using expert witnesses identified several types. In several instances, the individual was a local police officer or detective dedicated to investigating these types of crimes, highly trained in this area, and actively involved as a member of a human trafficking task force. Two respondents reported using an FBI agent with broad experience in this area on the federal level.

Beyond criminal justice officials, respondents reported utilizing psychologists, therapists, social workers, and academic experts that specialize in human trafficking as expert witnesses. These experts, according to respondents, explain the terminology of "the life" (in sex trafficking cases) and the dynamics between the victim and offender. They can educate jurors and grand jurors regarding the mechanisms of the commercial sex trade including the use of commercial websites such as "Backpage" or others where escort ads might be posted. One prosecutor reported retaining experts in the areas of traumatic bonding and PTSD who can explain at trial why a victim's affect may not be as one would expect, why a victim might not try to escape, or why a victim may feel a bond to her or his exploiter. Two respondents further indicated that training they had received suggested that victim/witness advocates from outside their jurisdiction should be utilized as expert witnesses rather than local experts (a reason was not given). Another stated that they use experts referred by their state prosecutors' association.

Prosecutors went on to explain that juries tend to appreciate information provided by expert witnesses that can put context to facts later presented by victims and witnesses. One prosecutor stated that they are "incredibly helpful and can greatly influence jurors' thinking." Jurors are generally receptive to being educated about factors that can affect victims' behavior such as being in thrall to an emotionally manipulative pimp or returning to a violent one despite the peril to the victim's safety. Often, the jury just needs some "common sense" principles explained to them in simple terms, and then they can interpret the victim's behavior better and have greater compassion for it.

These initiatives may not always be feasible for implementation. One prosecutor stated that judges in their jurisdiction will not allow expert witness testimony, and another expressed pessimism regarding its acceptability by their judges.

Model prosecutorial tools. Specific prosecutorial models were rarely described. One prosecutor stated that they evaluate and prosecute cases according to modern victim-centered approaches generally, and also use evidence-based prosecutions when victims are uncooperative

(relying more on corroborating evidence than on testimony). Another has a Special Victims Unit which prioritizes a vertical model of prosecution for TIP cases, stating that this model improves long term victim retention and promotes enhanced communication between investigative agencies and prosecutors. A vertical prosecution is when a single prosecutor handles a case from beginning to end rather than having a different person handle each stage of the case. Use of sample jury instructions was also frequently reported by prosecutors.

Rather than tools per se, several other respondents cited types of in-house training or mutual assistance to facilitate the prosecution of human trafficking cases, including practice sessions regarding legal motions, working through trial challenges, and reviewing charging options. Another respondent described a "train-the-trainer" approach whereby prosecutors attending national trainings return to educate other prosecutors on how to best implement trial and investigation strategies in human trafficking cases.

Similarly, a few respondents cited forums for shared discussions on the challenges associated with TIP cases. One approach described was for TIP prosecutors to regularly conference cases and discuss the strength of each case, appropriate plea offers, and whether any lessons can be extracted from the evolution of the case. One respondent described a small network of TIP prosecutors that communicate mostly by e-mail to share victories, prosecutorial techniques, and the latest in common defense tactics and jury instruction issues.

Validated assessment tools. Some prosecutors reported using validated assessment tools to identify potential TIP victims. These tools could be implemented by criminal justice agencies, including law enforcement and prosecutors' juvenile detention centers; state juvenile authorities, such as the departments of juvenile justice and child services; or by community-based service providers including child advocacy officials, educators, adult shelter staff, and medical staff. One respondent indicated that they have a "high-risk team" that consists of juvenile prosecutors, juvenile probation, law enforcement, the state department of human services, guardians ad litem, juvenile pre-trial services, and intake at their juvenile assessment center who meet monthly to discuss any minors identified by users of the assessment tool as high risk.

One prosecutor stated that the use of an assessment tool was mandated by their state department of human services. Another reported that their governor mandated that all points of entry into various agencies employ a protocol and assessment tool to identify traffickers as well as victims; the data collected is then shared among those agencies. A third prosecutor reported that their office staffs the local child advocacy center (CAC), which responds to a wide range of abuse allegations. When these allegations include claims of commercial sex work, the prosecutor sends personnel to the CAC to monitor a forensic interview of the child by a trained worker.

Several respondents reported that, rather than using validated tools, they received or provided other training for identifying victims. One prosecutor stated that they provide training to law enforcement officials, hotel/motel employees, and health care workers. Another reported that their local police work with area hotels to train them to identify potential trafficking

situations. Another stated that checklists of possible signs of trafficking are circulated to child services, hospitals, and police to raise awareness. That official, however, warned that the protocols given for following up can unintentionally thwart a potential case; for example, asking a minor point-blank, "Are you a trafficking victim?", may result in a false negative answer since victims rarely self-identify. But, the agency still uses the false answer to close out the inquiry.[22]

Mechanisms for managing TIP case data. Many jurisdictions, after realizing the complexity and length of TIP prosecutions as well as desiring to track their TIP-specific work, have decided to build electronic TIP case management systems. Several prosecutors indicated that their offices recently started to collect and maintain data on TIP cases, with varying levels of detail. One individual stated that their database, when fully implemented, will contain broad case information even for cases that get transferred for federal prosecution or that involve TIP-related conduct prosecuted under auxiliary, non-TIP statutes—meaning that they can track and report outcomes on every TIP case that comes though their office no matter how it is charged.

Respondents reported several mechanisms in place for collecting, maintaining, and reporting data on TIP cases. While a few only mentioned collecting this data informally, others mentioned customizing case management systems (CMSs) including Prosecutor and DAMION, specifically to handle TIP case information. Some respondents mentioned unnamed in-house databases or shared TIP databases with fellow task force members, individual police agencies, the FBI, or agencies that provide services to trafficking victims. Another prosecutor reported that their office is working to integrate their TIP database with other case records in their office. They are considering installing a product, PARSER, which would enable them to search their own records in furtherance of trafficking investigations. As an example, if a phone number was used in a commercial sex escort ad posting, it would be helpful to know if that same number was used by a victim in a domestic violence case or listed by a witness or a defendant as a contact number. Respondents noted that these TIP data collection mechanisms serve a variety of important purposes, including measuring the volume (and often the large scope) of investigations they are handling, as well as making sure cases do not become too old without progress being made.

At least one respondent cited participation in a statewide database as part of the legislation that created their statewide Human Trafficking Council. This data is then compiled by the state Council and reported annually to the judiciary committees of their state legislature. Additional respondents stated that their TIP case data is used to produce an annual report either to the legislature, or the state attorney general's office, via other means. Others mentioned sending data to their state sentencing commission, the state courts administrator, or the state Bureau of Investigation that collects data from local jurisdictions for investigative purposes.

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[22] See Aradau (2004); Hodge (2014); Hopper (2004); Molland (2011); Simich, Goyen, Powell, and Mallozzi (2014) and others for more about victim identification, and the consequences for victims and prosecutions from misidentification or poor response protocols.

Victim Service Initiatives

Prosecutors were next asked about victim service initiatives undertaken to combat TIP and to help stabilize TIP victims, regardless of whether their office served as the initiative's lead entity. State legislatures, medical institutions, local law enforcement agencies, community organizations and/or other parties may have taken the lead in mandating or implementing the initiative. Presented below are the proportions of the 81 respondents to the question that reported having each initiative in place or planned:

- victim service coordinators or case managers for human trafficking victims (74 percent),
- referrals to services such as employment, educational, and financial counseling (72 percent),
- multidisciplinary team collaboration in assisting human trafficking victims (67 percent),
- health and mental health services (51 percent), and
- long-term housing for victims of human trafficking (32 percent).

There was somewhat less regional variance as to the use of victim service initiatives compared to the findings for investigative initiatives, particularly for employment of a victim service coordinator or case manager (Figure 19). There were, however, some notable differences with respect to referrals to services that contribute to victim stabilization. Prosecutors in the West and South reported using these referrals in high proportions (85 percent and 88 percent of respondents, respectively), compared to prosecutors from the Northeast and Midwest (56 percent and 52 percent, respectively). The coordination of health and mental health services was reported in lower proportions by prosecutors in the Midwest compared to the other regions. Availability of secure housing was reported in higher proportions by respondents in the West and South compared to the Midwest and Northeast. Finally, the use of multidisciplinary team collaborations showed the greatest degree of inter-region variance; this practice was reported in use by 90 percent of respondents in the West, 71 percent in the Northeast, 58 percent of those in the South, and just 43 percent of those from the Midwest.

Many prosecutors' offices, particularly in larger jurisdictions, reported that their victim/witness assistance units provide a wide range of services to crime victims, including TIP victims. This most often includes access to victim advocates. In some cases, according to respondents, these are dedicated advocates assigned to human trafficking cases, while in other offices these advocates help a broader range of victims. These individuals generally conduct some level of needs assessment and then refer victims either to services provided within the prosecutor's office or to community-based service providers.

Figure 19: Percentage of Jurisdictions Reporting Anti-TIP Victim Service Initiatives in Use, by Program, by Region

Prosecutorial jurisdictions may have reported multiple anti-TIP programs in use. Ns refer to numbers of jurisdictions reporting one or more anti-TIP programs
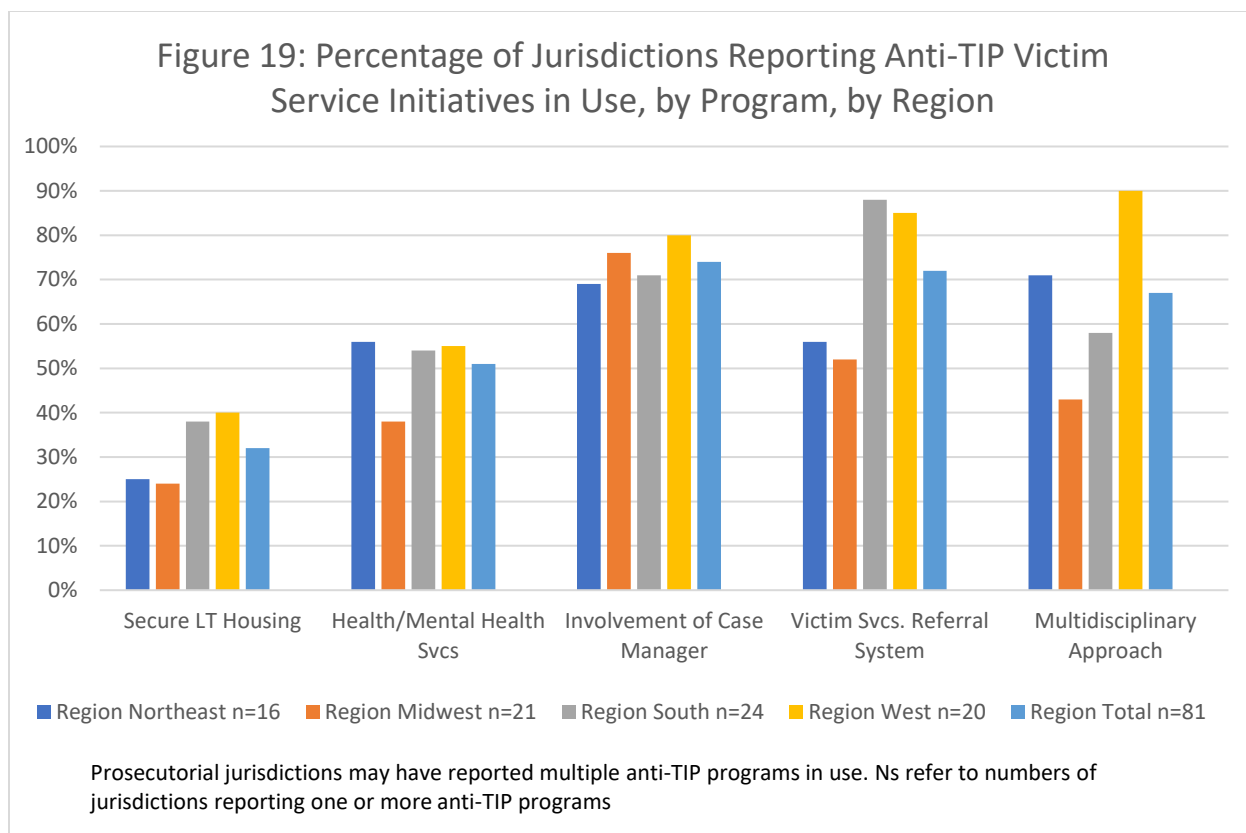
In response to open-ended follow-up questions, some respondents indicated that they work collaboratively with victim services agencies in securing services for adult and child TIP victims. Another prosecutor stated that their state department of children's services identifies and then staffs wrap around services for child human trafficking victims. Other prosecutors described using the regular meetings of their multidisciplinary teams to update participants on victims' progress and to discuss or address any specific victim issues that arise.

Another common service reported for TIP victims was shelter facilities. Some serve a range of female crime victims while others provide services specifically for TIP victims. Short-term shelter was generally described as more available than longer-term residence. One problem cited by prosecutors is that exploiters will often seek their victims out in such facilities and may attempt to lure them back into "the life." In other instances, trafficking victims will simply run away. Savvy traffickers will even find ways to make their victims recruit new victims while they are in the shelter. Finding an appropriate balance between providing TIP victims an open path to recovery while also imposing sufficient restrictions to guard against further exploitation was reported as a continuing challenge. It was also frequently reported by respondents that housing availability was often insufficient. Many expressed the wish for additional secure, long-term housing for victims, but said that resources for such were lacking in their areas.

Miscellaneous Initiatives

In addition to the ten initiatives of focus described above, several other anti-trafficking

initiatives were also reported by prosecutors responding to the open-ended questions. For example, one stated that his office realized "that you cannot arrest your way out of this problem," so they are working with other government agencies to address why so many young people run away from shelter or foster care placement in the first place.

One prosecutor described a community-based prevention approach, whereby prosecutors are being dispatched to interview trafficking complainants at the very earliest stages of the case in locations such as hospitals, in central booking, in precincts, and in hotel rooms. Jurisdictions tended to prioritize minor sex trafficking victims if there were resource constraints curtailing the number of individuals they can help. Or, as will be seen in the Ramsey County case study, jurisdictions may focus on minors first and then expand as their capacity builds. The objective of the early interviews described by this respondent is not to fully discuss the case, but rather to introduce themselves as individuals who are concerned about the victim's well-being and then to determine whether they have any immediate medical or housing needs. These officials assure victims that their goal is not to prosecute them for prostitution offenses but rather to connect them with tools to leave the life. The objective is to change victims' negative impressions of law enforcement and present a different face to gain the victim's trust and engagement in the process.

A few respondents reported having new leadership in place that champion their anti-trafficking work. One prosecutor stated that the newly elected District Attorney was a former state legislator who helped get the human trafficking statute passed in their state. That official is focused on collaborating across agencies to tackle human trafficking-related issues and has added a line item in the budget for a full-time, dedicated human trafficking prosecutor.

Some respondents described newer legislative efforts to address human trafficking. One reported that they are supporting three bills. The first would allow past convictions for human trafficking, pimping, or pandering to come into evidence at the current trial to help prove pattern, identity, or intent. The second would make it easier for victims to get restraining orders against their traffickers. The third would allow all victims of human trafficking to testify by closed circuit TV.[23] Another respondent stated they are supporting legislation that requires a defendant representing himself to use an attorney to cross examine the victim for sex crimes and TIP.

Some prosecutors reported on newer kinds of collaborative arrangements to combat human trafficking. One respondent reported that one of their attorneys was cross designated in Federal Court to provide fluid dialogue between the federal and state systems on human trafficking and child exploitation cases. Other initiatives involved enhancements to staffing at prosecutors' offices. Besides plans to hire a full-time human trafficking prosecutor, another reported adding a human trafficking analyst who reviews thousands of sex ads to identify potential victims of human trafficking, provides analytical and investigative support on human trafficking prosecutions, identifies illicit massage parlors, and assists law enforcement in

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[23] Currently, this state's law only allows victims who are 15 or younger to testify via closed circuit TV.

identifying and locating underage trafficking victims.

Prosecutors also identified public outreach initiatives. One reported that their human trafficking task force frequently provides training in the community to first responders, hospitality workers, and local schools. They also have a yearly billboard campaign. Another stated that they speak extensively in the community to increase community awareness so that potential juries are more informed as to what they may encounter in these types of trials. Another reported prevention effort that start with informational presentations to local motel/hotel businesses in the county, particularly in advance of an annual sporting event, knowing that such events may attract prostitutes and "johns."[24]

Other miscellaneous initiatives reported by jurisdictions that do not fall into the above categories included new training programs for their attorneys and human trafficking intervention courts, or "girls' courts," as one office called it. In these courts, potential trafficking victims charged with prostitution, especially minors, may be diverted to services instead of prosecution.

TIP case data: Summary case statistics

In order to understand local TIP prosecution patterns and outcomes, the survey asked prosecutors to report summary statistics on various aspects of TIP case processing, including the number of TIP cases that were referred to, and accepted for, prosecution by agencies between 2010-2017. Additional aspects included prosecutorial charging decisions between TIP and auxiliary offenses like pimping/pandering, and the numbers of cases from each office's human trafficking prosecution history that resulted in outcomes such as a conviction or dismissal. It is important to note that these statistics were reported for the entire TIP case prosecution history for each office, regardless of how long the office had been tracking the cases.

Seventy of the 199 survey respondents generously provided case statistics in response to this survey. As described earlier, the post-stratification weights that corrected for jurisdiction size and region for this sub-sample of offices were re-calibrated against the full sampling frame statistics for this stage of the analysis. The re-calibration was performed to correct for potential differences between offices that self-selected into reporting their case statistics vs. the rest of the sample that responded only to the first portion of the detailed survey.

Table 6, below, shows some of the demographic differences between the full sample and the sub-sample when compared against Table 2, presented earlier. For example, jurisdictions that elected to provide their case statistics likely to have smaller proportions of their populations

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[24] Statistics show that the size of the uptick in TIP related to sporting events, such as the Super Bowl, is really quite small (https://www.fbi.gov/video-repository/minn_trafficking_120617.mp4/view). There is a slight increase because traffickers and non-trafficked sex workers will go where the customers are, but the increase over other times of the year is not that large. However, hotels and motels are common venues for trafficking activity year-round, and so this training is a very good idea for that reason.

living in urban areas (53 percent in the sub-sample vs. 57 percent in the full sample), but there were significant variations by region. For example, 89 percent of people in Northeastern jurisdictions in the sub-sample lived in urban areas, while a mean of just 55 percent of the population lived in urban areas in the total sample. The differences were less noticeable for responding jurisdictions in the Midwest and the South, but in Western jurisdictions, 33.5 percent of people in the sub-sample were urban, versus 60 percent in the full sample.

Weighted means for the responding samples did not vary beyond a few points for the percentages of jurisdictions' populations below the poverty level, for high-school graduates, and for individuals under 18. The median age skewed slightly older for the sub-sample reporting their case statistics, as compared with those that did not. The weighted mean for median income was $503 lower in the subsample than in the total sample of respondents, but there were, again, greater differences by region. The weighted mean for median income in the Northeast was $65,558 in the subsample, but $55,515 in the total sample. For the Midwest, the median income was $56,494 in the subsample, but $51,959 in the total sample. In the South, the mean median income was $45,131 in the subsample, but $55,316 in the total sample. In the Western region, the weighted mean for median income was $48,526 in the subsample vs. $55,316 in the total sample. Variances of similar scale were also found between the mean percentage of the population that was nonwhite in the subsample vs. the total sample.

Table 6: Jurisdictional Demographics of Offices Providing Case Statistics (Proportions and Weighted Means, N=70)

Region	Median Income	%Below Poverty Level	%HS Grads	Median Age	%Under 18	% Nonwhite	% Urban	Total N
Northeast	$65,558	13.9%	87.9%	37.0	21.0%	29.7%	89.0%	**17**
	(s.d.) 3,996	*2.2%*	*1.1%*	*1.8*	*1.2%*	*5.9%*	*5.7%*	*24%*
Midwest	$56,494	13.3%	90.5%	39.0	23.9%	16.1%	60.0%	**15**
	3,418	*0.9%*	*0.7%*	*79.9*	*0.4%*	*3.8%*	*13.6%*	*21%*
South	$45,131	19.3%	81.2%	36.7	25.8%	14.9%	49.6%	**20**
	2,255	*1.7%*	*3.8%*	*2.0*	*1.3%*	*4.0%*	*13.6%*	*29%*
West	$48,526	13.9%	90.9%	41.2	25.1%	8.2%	33.5%	**18**
	3,562	*1.8%*	*1.3%*	*4.7*	*2.8%*	*3.3%*	*18.8%*	*26%*
National	**$52,330**	**15.1%**	**88.0%**	**38.8**	**24.4%**	**15.0%**	**53.1%**	**70**

Thus, recalculating the post-stratification weights for the sub-sample that reported case statistics was a necessary step before conducting the regression analyses that follow below, in order to be able to speak about those results in terms of representativeness of the total sampling frame as accurately as possible given the other limitations. It is hoped that this step helped correct for some of the self-selection bias that might be present among offices that elected to collect and report their case statistics vs. those that did not.

Case numbers: Sex trafficking cases

Across the 70 prosecutorial agencies that provided summary case statistics, the unweighted average number of sex trafficking cases accepted and prosecuted (32.3 cases) was nearly as high as the average number of these cases referred in for prosecution (34.3 cases) (see Figure 20). This section begins by reporting the raw mean case statistics from the reporting offices first, in order to give a sense of the data provided by the 70 offices, and then presents the weighted means later. When the means are weighted to be nationally representative, it will become clear that they are significantly smaller.

The unweighted statistics show that an average of 2.3 cases per office were referred to federal prosecutors. In interpreting these numbers, however, it should be noted that the case studies revealed that not all sex trafficking cases enter a prosecutor's office by referral. Some offices, particularly those in larger jurisdictions, have investigators who proactively identify and investigate some cases rather than waiting for police or others to refer all of them in. Thus, the total number of accepted and declined cases can exceed the number of referrals. It should also be noted that average case numbers may be skewed by a few sizeable, active prosecutorial agencies.
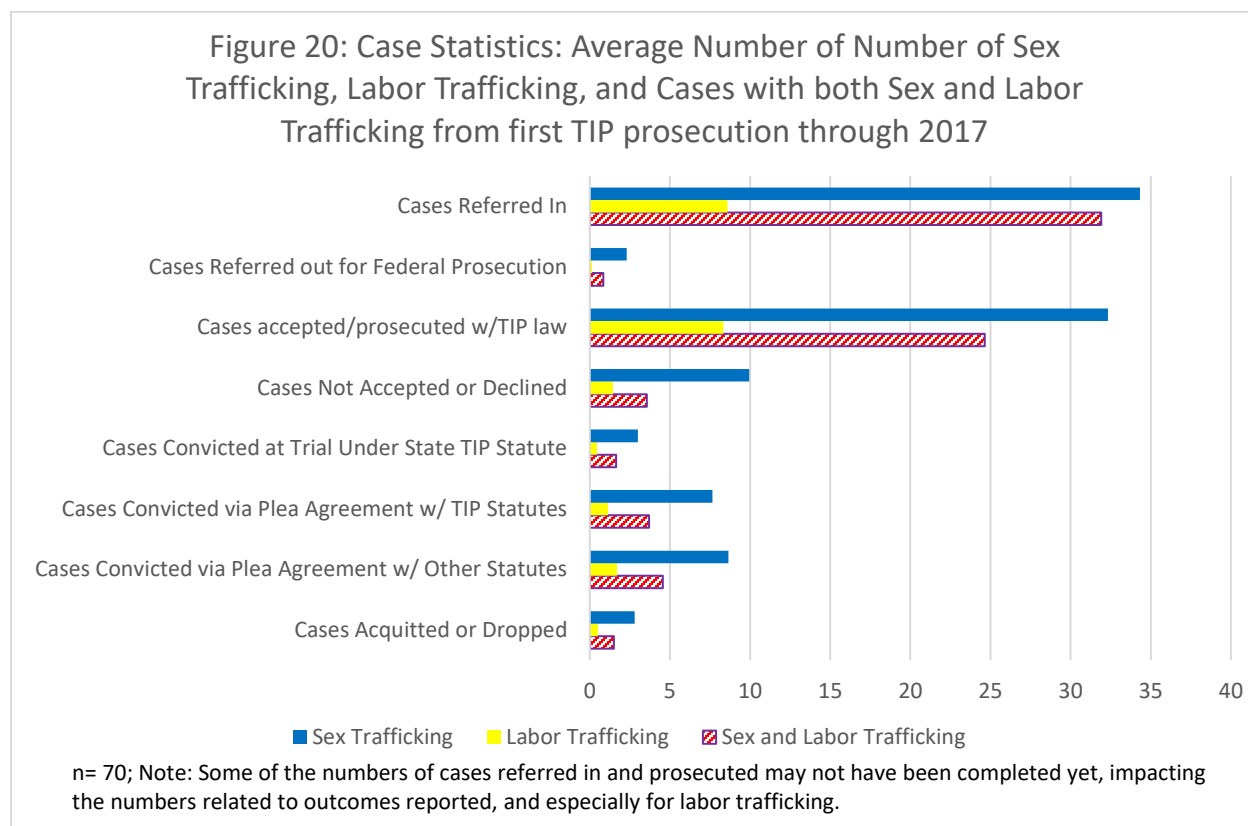
Figure 20: Case Statistics: Average Number of Number of Sex Trafficking, Labor Trafficking, and Cases with both Sex and Labor Trafficking from first TIP prosecution through 2017

n= 70; Note: Some of the numbers of cases referred in and prosecuted may not have been completed yet, impacting the numbers related to outcomes reported, and especially for labor trafficking.

For sex trafficking cases, the most frequent outcomes reported were convictions via plea agreement using auxiliary statutes (raw average = 8.7 cases per office responding), followed closely by convictions via plea agreement using the state's TIP statute (average = 7.7 cases). By comparison, convictions at trial under the state's TIP statutes (average = 3.0 cases), and cases

72

acquitted or dropped (average = 2.8 cases), were less frequently reported. It should be noted that some of the cases referred in and prosecuted may not have been completed at the time the responses were collected from prosecutors, so case outcome numbers reflect only the portions of accepted cases having dispositions.

Case numbers: Labor trafficking cases

As with sex trafficking cases, the average number of labor trafficking cases accepted and prosecuted (8.3) was nearly as high as the average number of these cases referred to the agency for prosecution (8.6, see again Figure 20 above). An average number of 0.2 labor trafficking cases were referred out for federal prosecution. Once again, it must be remembered that that not all cases enter a prosecutor's office by referral. Thus, again, the total number of accepted and declined labor trafficking cases can exceed the number of case referrals.

For labor trafficking cases, the most frequent outcomes reported were convictions via plea agreement using auxiliary labor statutes (average = 1.7), followed closely by convictions via plea agreement using the state's TIP statute (average = 1.2). Again, convictions at trial under the state's TIP statutes (average = 0.45), and cases acquitted or dropped (average = 0.5) were less frequently reported. Again, not all cases referred in and prosecuted may have been completed at the time the survey responses were collected from prosecutors.

Case numbers: Cases with sex and labor trafficking offenses

When the data for cases that involve both sex trafficking and labor trafficking are examined, the general patterns are similar to those reported for single human trafficking case types, although not to the same extent. The average number of cases accepted involving both sex trafficking and labor trafficking (24.6 cases) was a lower percentage of the cases referred in (77 percent), as compared to cases involving only one trafficking type. Ninety-four percent of referred cases for sex trafficking alone were accepted and prosecuted, and 97 percent of cases referred in for labor trafficking alone were accepted and prosecuted. An average of 0.9 cases were referred out for federal prosecution. Once again, however, not all trafficking cases accepted enter a prosecutor's office by referral. For these combination TIP cases, the total number accepted plus those declined was *less* than the number referred in. It is possible that decisions on whether to accept for prosecution may not have been reached for every combination case at the time of this survey.

For cases involving both sex and labor trafficking, the most frequent outcomes reported were case convictions via plea agreement using statutes other than the state's TIP statute (raw average = 1.7 cases per office), followed closely by case convictions via plea agreement using the state's TIP statute (average = 3.7 cases). Less frequently reported outcomes include case convictions at trial under the state's TIP statutes (average = 1.7), and cases acquitted or dropped (average = 1.5). As noted previously, not all cases referred in and prosecuted may have been

73

completed at the time the responses were collected from prosecutors.

Case numbers with Weight Adjustments

As mentioned earlier, the respondents that self-selected into providing case statistics on the survey were qualitatively different than the total 199 jurisdictions that provided full or partial responses to the survey. These differences have been discussed. Table 7, below, shows the above mean case statistics after they have been re-weighted by region and jurisdiction size to reflect the sub-sample's relationship to the characteristics of the total sampling frame. The weighted means for case statistics across the board are much lower for all trafficking types. For example, the unweighted mean number of sex trafficking cases referred in to responding agencies was 34.8 cases over the years reported by offices, while the weighted mean is just 20.35 cases per office. The weighted mean for sex trafficking cases accepted for prosecution declines to 14.55, whereas the unweighted mean was 32.3 cases, and so on. Mean numbers for labor trafficking cases and cases with both sex and labor trafficking drop to near zero when weights are applied. All correlational analyses that follow use the weights created for this sub-sample as described earlier.

Table 7: Case Statistics: Mean Numbers of Sex Trafficking, Labor Trafficking, and Cases with both Sex and Labor Trafficking per Respondent (Weighted) from First Trafficking Prosecution through 2017 [25]

Case Type	Cases Refer-red In	Cases Accep-ted	Cases Not Accep-ted/ Declined	Cases Convic-ted at Trial TIP Statute	Cases Convic-ted Plea TIP Statute	Cases Convic-ted Plea Other Statute	Cases Acquit-ted/ Drop-ped	Cases Refer-red Feder-al
Sex Trafficking	8.05	5.6	3.15	1.15	3.24	4.75	1.04	0.69
Labor Trafficking	0.86	0.61	0.4	0.3	0.49	0.7	0.27	0.15
Sex and Labor Trafficking	1.56	0.08	0.07	0.01	0.04	0.05	0.10	0
Total Respondents	70	70	70	70	70	70	70	70

Case Declination Reasons

For those TIP cases that were not accepted, dropped, or declined for prosecution, prosecutors were asked to cite the most common reasons for that decision. They were also asked to exclude from consideration those cases that were referred for federal prosecution or that were charged under alternative statutes from their state's TIP statutes, since those cases were still

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[25] Some of the numbers of cases referred in and prosecuted may not have been completed yet, impacting the numbers related to outcomes reported especially where labor trafficking was included.

taken forward in some way. For the 55 prosecutorial offices in the sub-sample that responded to this question (Figure 21), there were two reasons most often cited. The first was insufficient evidence (84 percent of respondents). The second was a victim or witness not coming forward to testify against the offender (71 percent). Less frequently cited reasons for declining to prosecute a case were:

- victim's trauma impacted their decisions or testimony, which impacted their credibility for the judge or jury (24 percent),
- case circumstances impacted credibility for the judge or jury (22 percent),
- victim's background impacted their credibility for the judge or jury (18 percent),
- exculpatory evidence was present (18 percent),
- lack of resources for pursuing the case, given existing caseloads and the amount of time needed to build a TIP case (15 percent),
- defendant's willingness to cooperate or offer information in exchange for reduced or - dropped charges (13 percent),
- key evidence ruled inadmissible (11 percent),
- charges pending in another non-federal jurisdiction (11 percent), and
- defendant's status as a first-time offender (5 percent).

Figure 21: Reasons for TIP Cases Declined, Dropped, or Not Accepted for Prosecution, % Respondents Reporting, from first TIP prosecution through 2017

n=55; Numbers are not mutually exclusive. Prosecutorial jurisdictions may have reported multiple reasons
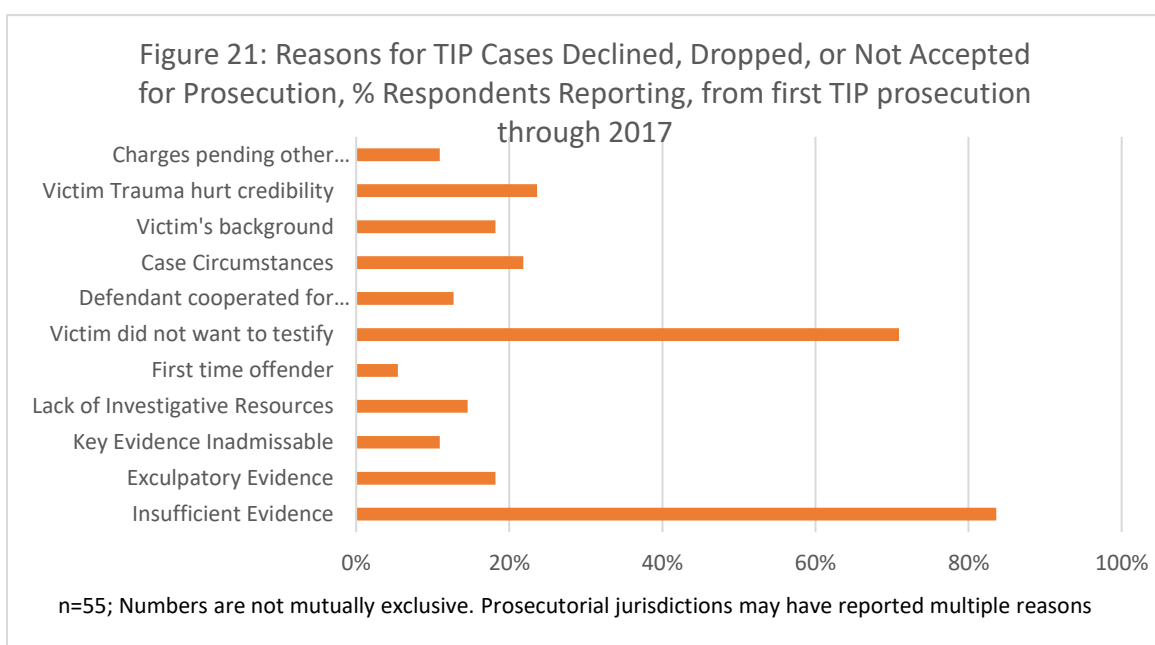
Correlations: Anti-TIP programs and jurisdictional characteristics

The purpose of this study is to examine the impacts of supportive anti-TIP initiatives on TIP case charging decisions and outcomes. The goals are to identify national trends and to serve

as a basis for updating previous research, including the last prosecutor survey research on TIP from 2008 (Clawson, Dutch, Lopez, & Tiapula, 2008) and recent research on local prosecutorial practices with TIP cases that used data from cases between 2003 and 2007 (Bouché et al., 2016; Farrell et al., 2016; Farrell et al., 2012; Farrell et al., 2014).

In preparation for later analyses looking at the impact of supportive programming initiatives on acceptances, declinations, and prosecution outcomes reported in the case data, correlational analyses were run using a Pearson's Product-Moment Correlation *r* statistic to determine whether specific jurisdictional characteristics were associated with the existence of any of the ten prosecutorial or victim service anti-TIP initiatives. The initiatives are the primary independent variables of interest and the jurisdictional characteristics comprise some of the control variables. The jurisdictional characteristics tested included jurisdiction size, geographical region (Northeast, South, Midwest, West), median income, percentage of the population living below the poverty level, percentage of adults who have graduated high school, median age of the population, percentage of the population under 18 years of age, percentage of the population that is non-white, and percentage of persons living in urban areas of the jurisdiction.

Variable Definitions

A number of correlational analyses from these cross-sectional data follow in the next several sections. These take the form of a series of regressions that examine the impacts of the support programs and practices described earlier on the reported statistics for cases accepted, cases declined, and case outcomes presented in the previous section. These models also include a number of jurisdictional demographics and other variables as controls. Before beginning the presentation of those analyses, this section describes and defines these variables.

In Table 8 below, the top half shows the proportion of agencies responding to the survey that identified the named program as "in use" or "planned," meaning they have decided to implement the initiative and are taking steps to put it in place. These are the same programs described earlier. Involvement of a case manager to coordinate all services for a victim (35 percent), a victim services referral system (34 percent), and multidisciplinary teams (32 percent) were the three most commonly reported initiatives in use or planned by jurisdictions in the sub-sample that provided case statistics. Developing model prosecutions specific to human trafficking (18 percent), having a victim identification tool in place at referring agencies (19 percent) and the availability of secure, long term housing (19 percent) were the least commonly reported initiatives in use or planned. However, the standard deviations for all initiatives were quite large, so they may not be statistically significant on their own when tested in regressions for their impacts on case outcomes.

Among the control variables used, there were a number of demographic and other potential explanatory variables for case acceptance and outcomes. Weighted means for demographic variables were described earlier and presented in Table 6. Among key control variables that might constitute alternate explanations for outcomes, 63 percent of respondents

reported having a special dedicated human trafficking prosecutor. Forty-six percent of responding agencies providing case statistics reported having a dedicated human trafficking unit, which can substantially increase the number of cases prosecuted. The existence of Safe Harbor laws was reported by 60 percent of respondents; while all states now have at least a partial Safe Harbor provision (Shared Hope International, 2016), a prosecuting agency must be aware of the provision, and use it, if it is to be effective.

Table 8: Regression Variable Descriptive Statistics (Case File Sample Only)

Program Variables	Obs	% Jurisdictions In Use or Planned	Std. Dev.	Min	Max
Use Expert Witnesses	70	0.54	0.50	0	1
Cultivate Expert Witnesses	70	0.49	0.50	0	1
Devp. Model Prosecutions	70	0.36	0.48	0	1
Victim ID Tool Ref. Agencies	70	0.4	0.49	0	1
TIP Case Management System (CMS)	70	0.59	0.50	0	1
Secure Long-Term Housing	70	0.41	0.50	0	1
Health/Mental Health Svcs.	70	0.57	0.50	0	1
Involve Case Manager	70	0.62	0.49	0	1
Vic Svcs. Referral System	70	0.61	0.49	0	1
Multidisciplinary Team	70	0.61	0.49	0	1
Control Variables	**Obs**	**Statistic/ Description**	**Std. Dev.**	**Min**	**Max**
Special HT Prosecutor? (Y/N, % reporting)	70	0.63	0.49	0	1
HT Unit? (Y/N, % reporting)	70	0.46	0.50	0	1
Safe Harbor? (Y/N. % reporting)	70	0.60	0.49	0	1
Victim Instability is an obstacle to Prosecution (Likert Scale 1-10, weighted mean)	70	5.14	2.84	0	10

A 10-point scale for Victim Instability as an obstacle to successful prosecution is included as a control variable. Victim Instability is an additive index that adds one point for each of the following victim-related obstacles to prosecution reported earlier: "victim's trauma impedes coherence, "victim's trauma impedes consistency, "victim not believable for other reason," "victim ran away or disappeared," "victim picked up by or afraid of their controller," "victim does not feel supported by the criminal justice system," "victim wants to protect their controller," "victim felt pressured not to snitch," "victim felt threat of deportation," and "victim wanted safety only." This index is intended to give an overall picture of the level of impact on prosecutions presented by victim-related issues. According to this index, offices reported a

weighted average of 5.14 victim-related issues that presented obstacles to prosecution sometimes, always, or often. This is important given the reliance on victim testimony to prosecute successfully in most cases.[26]

Correlations

It was initially believed that many jurisdictional characteristics would be significantly correlated with adoption of various anti-TIP initiatives by jurisdictions. Lower education levels, higher percentages of urban populations and of populations below poverty level, and other economically-related demographics have been hypothesized in the literature to be risk factors for human trafficking (Bales, 2004; Hannan, Martin, Caceres, & Aledort, 2017; Horning, Thomas, Henninger, & Marcus, 2013). Thus, we examined whether they were also correlated with the presence of programming to address TIP once it has occurred.

The results revealed that, of the above variables, jurisdiction size was significantly correlated with the use of expert witnesses and of a victim identification tool by referring agencies at a .05 significance level (p < .05) in weighted correlational analyses. Region was significantly correlated only with the presence of a multidisciplinary team. Median income was

Table 9: Weighted Correlations between Anti-Trafficking Initiatives and Control Variables

Weighted *r* values with p <.05 or better only	Juris-diction Size	Region	Median Income	% Below Poverty Level	% HS Grads	Median Age	% Under 18	% Non-white	% Urban
Investigative Initiatives									
Use Expert Witness	-0.29			-0.33	0.38	0.25			-0.29
Cultivate Expert Witness				0.24	-0.31	-0.42	0.51		
Model Prosecutions				0.34	-0.34	-0.33	0.55		
Vic ID Tool for Referring Agencies	0.25						0.33		
TIP Case Management System (CMS)			0.35			0.25			
Victim Services Initiatives									
Secure LT Housing			0.40			-0.33	0.35	0.38	
Health MH Svcs			0.25				0.26		
Involve Case Manager						-0.27			
Vic. Svcs. Referral System						-0.33			
Multidisciplinary Team		0.43		-0.25	0.38	0.28			-0.55

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[26] Please note that this index is not included to imply that victims are at fault in any way for impeding a prosecution. The index is included to illustrate the level of need to increase and strengthen the use of other forms of evidence to make cases, thus relieving at least some of the burden carried by victims, and to better support victims in TIP cases during prosecutions of their traffickers.

significantly correlated with use of a case management system, secure long-term housing, and the availability of health and mental health services for TIP survivors. Percentage of the population that had graduated high school was significantly correlated with four of the five investigative initiatives. Median age was statistically correlated with all initiatives but three, all though directions of these relationships are mixed between positive and negative correlations. Percent of population that is under 18 was positively correlated with several initiatives, and percent of the population that is nonwhite was positively correlated with secure, long-term housing. The correlation coefficient (*r*) and p-values for each initiative correlated with each demographic are shown in Table 9.

Researchers also tested to determine whether there were any correlations between the anti-TIP initiatives themselves, which together are the independent variables of interest. The results were revealing. As seen in Table 10, there were varying strengths of these associations. Five of these associations were determined to have correlations of greater than *r*=.6. The top three were, in order of association strength:

- involvement of a victim services coordinator or case manager and a referral system for connecting TIP victims to services; *r*= .94,
- and a referral system for connecting TIP victims to services and establishment of health and mental health services tailored for TIP victims; *r*=.78,

Table 10: Correlations between Anti-Trafficking Initiatives[27]

Anti-TIP Initiative	Use of expert witness-es	Cultivate expert witness-es	Model pros tools	Use of validat-ed victim ID tools	Case Mgmt. System	Secure long-term hous-ing	Health & mental health svcs	Victim svcs coord/ case mgr	Svcs to stabilize the victim	Multi disc Team Collab
Use of expert witnesses	1									
Cultivate expert witnesses	0.46	1								
Model prosecutorial tools		0.57	1							
Use of validated victim ID tools by referral agencies	0.35	0.41	0.38	1						
Case Management System	0.35	0.44		0.62	1					
Secure long-term housing	0.35	0.40		0.35	0.54	1				
Health & mental health services	0.32	0.39		0.56	0.57	0.70	1			
Victim services coordinator/ case manager	0.33	0.41		0.44	0.38	0.50	0.73	1		
Services to stabilize the victim	0.32	0.41		0.42	0.36	0.56	0.78	0.94	1	
Multidisciplinary Team Collaboration	0.33			0.27		0.38	0.41	0.31	0.30	1

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[27] Weighted correlations, p < .05 only reported.

- health and mental health services and involvement of a victim services coordinator or case manager; $r=.73$,
- secure long-term housing and health and mental health services; $r=.70$, and
- use of a validated victim identification tool by referring agencies and establishment of a case data management system; $r=.62$

Given the variety of close correlations shown below, after initial regressions were run to test the effects of individual initiatives, several interaction effects between programs were also tested. First, joint significance tests for each possible program pair were run. Then, based on those results, interaction terms for the pairs with the strongest statistical and theoretical significance were tested in later regression models to examine the relationships between certain combinations on case outcomes, in addition to the effects of individual practices on their own.

Associations between Anti-TIP Programs and Prosecutorial Outcomes

The size of the survey response rate coupled with the availability of aggregate case statistical data provided by 70 prosecutorial offices made it possible to run regression analyses to examine the associations between various anti-TIP programs on case acceptance and case outcomes. The results of these analyses provided insight on several issues that helped to focus the case studies comprising the second part of this project, and that may also be useful in informing future research and programmatic decisions.

Presented in the following sections are the results of a series of analyses undertaken to test hypotheses related to the associations between specific programs (presence of an initiative in the "in use" or "planned" stages, which indicate the office's commitment) and case acceptance or declination, charging decisions (whether to complete prosecution under the TIP statute or a related charge; see Farrell et al., 2016), and with various case disposition outcomes captured in the descriptive summary case statistics (see Figure 20 above).

Regressions with control variables are presented throughout this section; tables for the bivariate models without controls, while referred to here in the text, are located in Appendix B. First, correlations between case acceptance were examined, followed by correlates of case declination. Next, correlates of case charging decisions are examined; these data report the case charges ultimately prosecuted and convicted, not initial charges. Finally, correlations between interaction terms for pairs of anti-TIP programs or practices are examined in relation to case acceptance statistics and charging decisions. Results and implications are then discussed.

Hypotheses tested are presented at the beginning of each discussion, but the general hypotheses tested are as follows:

H_1: Presence of Anti-TIP Programs → ↑ Numbers of Cases Accepted

H_2: Presence of Anti-TIP Programs → ↓ Numbers of Cases Declined

H$_3$: Presence of Anti-TIP Programs → ↑ Numbers of Prosecutions Completed using TIP Statutes

H$_4$: Presence of Combinations of Anti-TIP programs → ↑ Numbers of Cases Accepted

H$_5$: Presence of Combinations of Anti-TIP programs → ↑ Numbers of Prosecutions Completed using TIP Statutes

While case statistics were received from only 70 of the 199 responding prosecutorial agencies in the United States, and while the survey was cross-sectional, these exploratory regressions provided interesting results that helped shape the manner in which each of the four case studies were approached. They also have the potential to serve as a guide for future research, and to inform thinking on how the presence of anti-TIP initiatives undertaken by prosecutorial agencies might be expected to influence outcomes, as well as what their role may be in facilitating prosecutorial success.

Correlates of case referral and acceptance

For Hypothesis 1, the question explored is whether which, if any, of the ten programmatic initiatives examined resulted in increased numbers of cases referred in for prosecution to a jurisdiction and how many cases they accepted for prosecution. Again, this examines initiatives that were "in use" or "planned," in order to gauge the commitment of the office. Initiatives that were only "under consideration" were not included. Eight negative binomial models were run, using the following dependent variables: all cases referred in, all cases accepted, and then cases referred in and accepted broken down by sex trafficking, labor trafficking, and cases involving both sex and labor trafficking components. Six of these models are presented, as explained below. Negative binomial models were selected because the numbers of cases referred in and accepted are count variables and because the results of the *Countfit* test in Stata (Long & Freese, 2014) showed the negative binomial distribution to be the best fit for these data compared to Poisson, zero-inflated Poisson, and zero-inflated negative binomial distributions. The difference between expected and actual counts using the negative binomial distribution was the lowest of the four count models (UCLA, 2019).

In the naïve models (see Appendix B), when all prosecutions are grouped together, only the development of model prosecutions is statistically significant; if model prosecution strategies have been implemented or are in development, it is more likely that more cases will be referred into the office for prosecution ($p < .01$). The practice of using expert witnesses was associated with an increase in likelihood of case acceptance, regardless of trafficking type ($p < .05$). Availability of health and mental health services and the use of multidisciplinary teams were each correlated with an increased likelihood that higher numbers of sex trafficking cases were referred in and accepted. If referring agencies used a victim identification tool, it was more likely that an increased number of sex trafficking cases would be accepted (all $p < .05$), but the tool had no significant association with numbers of cases referred in. For labor trafficking cases, naïve regressions indicate that use of expert witnesses, model prosecutions, availability of health and

mental health services, and a victim identification tool were all statistically significant for increasing both numbers of cases referred in, and numbers of cases accepted. For cases involving both types of trafficking, the statistically significant correlates in the naïve regressions were the use of expert witnesses, model prosecutions, health and mental health services, a victim identification tool, and secure long-term housing. It will be seen for later analyses, however, that too few offices reported cases involving both sex and labor trafficking for those statistics to produce meaningful results regarding combination cases (N=9 offices reporting).

Table 11 shows the full, weighted models for associations of the various initiatives with cases referred in and accepted. In the full model, having a TIP CMS was also significantly, but negatively associated with increased numbers of cases referred in and accepted overall. The use of expert witnesses was significantly, but negatively associated with cases accepted. Model prosecutions and multidisciplinary teams were positively and significantly associated with increased numbers of cases accepted, as were jurisdiction size, presence of a special prosecutor, presence of Safe Harbor laws, and higher percentages of urban populations. The control variables of jurisdiction size and the presence of a special TIP prosecutor were also positively associated with more cases referred in and were statistically significant. Each increase in jurisdiction size was associated with 0.5 more cases referred in, on average, and having a special prosecutor was associated with an additional case referred in, on average (p < .01).

When sex trafficking cases are isolated, the development and use of model prosecutions and the presence of a multidisciplinary team were again positively associated with and statistically significant for increasing the number of cases accepted. Of the controls, jurisdiction size, higher percentages of urban population, and the presence of a special human trafficking prosecutor on staff were statistically significant correlates of case acceptance. Only multidisciplinary teams and jurisdiction size were statistically significantly correlated with increased numbers of sex trafficking cases referred in.

For labor trafficking cases, the smaller numbers reported began to affect the utility of the analyses. For cases referred in, having a TIP CMS and jurisdiction size were statistically significant and positively associated with increased numbers of cases referred in. For labor trafficking cases accepted, a TIP CMS and use of a victim identification tool by referring agencies were positively associated with increased numbers, while long term housing and multidisciplinary teams were negatively associated with increased numbers of labor trafficking cases referred in. Among the controls, jurisdiction size and presence of a special prosecutor were also associated with increased numbers of labor trafficking cases accepted at a statistically significant level. Safe Harbor was omitted from the list of control variables tested in these two models because it does not apply to labor trafficking.

Table 11: Associations Between Programmatic Activities and Cases Referred In and Accepted for Prosecution[28]

Weighted Negative Binomial Regression	All Cases Referred In	All Cases Accepted	ST Cases Referred In	ST Cases Accepted	LT Cases Referred In	LT Cases Accepted
Use Expert Witnesses	0.26	*-1.30	-0.24	*-1.31	3.05	0.85
Cultivate Expert Witnesses	-0.84	0.39	-0.32	0.31	-1.58	-2.25
Devp Model Prosecutions	0.52	*1.03	0.39	*0.97	-0.23	4.94
Vic ID Tool in Referring Agencies	0.43	0.28	0.71	0.69	-1.06	-0.92
TIP CMS	-1.30	*-1.87	*-1.97	*-2.15	2.51	5.15
Secure Long-Term Housing	0.02	-0.39	-0.06	-0.11	-2.83	-4.92
Health & MH Svcs.	-0.01	0.40	0.32	0.14	-1.22	-4.55
Involve Case Mgr,	-0.49	0.10	-0.45	-0.30	-1.49	1.67
Vic Svcs. Referral System	-0.72	-1.16	-1.16	-0.80	4.13	4.74
Multidisciplinary Teams	1.05	0.89	1.53	1.06	-1.98	-6.80
Region	-0.49	-0.42	-0.61	-0.62	-0.20	-0.17
Jurisdiction Size	*0.51	*0.48	*0.49	*0.46	*0.96	*1.12
Spec HT Prosecutor?	*1.06	*1.99	0.82	*1.59	1.65	*9.07
HT Unit?	0.15	-0.11	0.74	0.34	-1.83	-4.51
Training Available?	-0.01	*-0.03	-0.01	*-0.04	0.02	0.00
% Urban	0.01	*0.02	0.01	*0.01	0.05	0.05
Safe Harbor?	0.35	0.68	0.35	0.50		
Digital Forensic Capacity?	-0.01	*-0.01	0.00	-0.0*1	0.00	-0.02
_Constant	0.62	-0.45	0.70	0.53	-10.44	-16.32
N	64	63.00	64	65	66	65
Wald Chi2	317.04	309.38	228.84	253.39	145.72	193.75
Prob > Chi2	0	0.00	0	0	0	0
Pseudo R2	0.24	0.29	0.23	0.27	0.41	0.51
/lnalpha	-0.38	-0.30	-0.19	-0.12	-0.64	-0.77
alpha	0.68	0.74	0.82	0.89	0.53	0.46

Bold = p< .05   **Bold*** = p< .01

Given the smaller numbers of labor trafficking cases reported by the 70 offices, the labor trafficking models should be considered useful for exploratory purposes only. But, they do raise interesting questions. For example, are the negative correlations between secure housing, multidisciplinary teams for labor trafficking cases the result of statistical anomaly, or are they indicative of insufficient attention paid to labor trafficking? Future research should explore this question. As well, cases with both sex and labor trafficking elements were reported by merely nine offices, so separate statistical analyses of these that included control variables were not

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[28] Cases included for all regressions include those from each office's first sex trafficking prosecution through 2017.

possible with an N of that size. A future study focusing on combination cases should be conducted that might collect enough data for quantitative analyses, that can isolate effects on those complex cases.

Overall, H_1 is moderately supported in that the presence of at least some anti-TIP programs had positive and statistically significant associations with the numbers of trafficking cases referred in for prosecution and on cases accepted in this sample. Model prosecutions and multidisciplinary teams were the statistically significant correlates of increased numbers of cases accepted when all cases were combined, although having a TIP CMS and expert witnesses were negatively associated.

When case types are broken out, the presence of multidisciplinary teams had the most significant, positive association with increasing the numbers of sex trafficking cases, and the use of model prosecutions was a significant correlate of sex trafficking case acceptance. Use of a TIP CMS was a significant, but negative correlate of cases both referred in and accepted, though this seems counterintuitive. On the other hand, use of a TIP CMS was statistically significant and positive correlate of labor trafficking cases referred in and accepted. This suggests a need for a way to track complex case investigations, especially cases that may otherwise receive less attention given agency priorities, in order to keep updated and active. Presence of a victim services referral system was also positively and significantly associated with increased numbers of labor trafficking cases accepted, while long term housing and multidisciplinary teams were negatively associated with numbers of labor trafficking cases accepted in this sample.

Program combinations: Interactions associated with cases accepted

As mentioned earlier, it is presumed likely that the presence of one anti-TIP initiative in a prosecutor's office may be correlated with the presence of others. In fact, the pairwise correlation matrix earlier showed this to be so. To explore this further, joint significance tests were run on all possible pairs of programs, to identify potential interactions affecting results from the models above. Thirteen pairs or groups formed from the ten programs or practices of interest were found to be significant at the .01 level or higher. A few of these interaction terms were included in regressions below. Those included were chosen if (a) they met the statistical significance threshold in the joint significance tests; (b) they were conceptually different enough from the other interaction terms selected; and (c) there was theoretical or practical reason to believe that the chosen interaction terms would be meaningfully associated with outcomes of interest independently of each program's individual association. Interaction terms including Safe Harbor were only included for cases involving sex trafficking because Safe Harbor's provisions do not apply to labor trafficking. Again, cases involving both sex and labor trafficking were excluded because, with only nine offices reporting that case type, the N was too low for the models to run or to infer any statistical significance. The joint effects tested on cases referred in and cases accepted were as follows:

- Victim Services Referral System X Model Prosecutions

- Safe Harbor X Victim Services Referral System (sex trafficking only)
- HT Unit X Victim Services Referral System

When looking at all cases together in the weighted regressions (Table 12), the interactions between victim service referral systems with model prosecutions and with human trafficking units showed statistically significant and positive associations with increased numbers of cases referred ($p < .05$). Testing variations on these interactions, such as interacting Safe Harbor with presence of a case manager instead of the victim services referral system, did not produce different regression results in any of the models. For cases accepted, only the interaction between presence of a human trafficking unit and the presence of a victim services referral system was significant ($p < .01$), but its effect size was also significant: the presence of both of these programs was associated with an increase of 2.76 cases in the mean number of total cases accepted. When interaction terms were included, the directions for the independent associations of the various statistically significant initiatives become negative, suggesting that the interaction effects between programs may be the important correlates rather than the presence of any program in isolation.

When sex trafficking cases are examined alone, the interaction between having a human trafficking unit and a victim services referral system was a statistically significant correlate of increased numbers of cases both referred in ($p < .05$) and accepted ($p < .01$). The statistically significant associations of all initiatives except for multidisciplinary teams became negative in direction with the addition of the interaction terms. For labor trafficking, the interaction between the victim service referral system and model prosecutions had a statistically significant, but negative association with increased cases referred in, but neither of the two interaction terms tested had a statistically significant association with cases accepted. Among controls, jurisdiction size remained a statistically significant correlate of cases referred in and accepted throughout. Having a special prosecutor retained an independent association with cases accepted, as did the percentage of the population living in urban areas.

These results may again be due to the focus by offices of designing these initiatives to support sex trafficking prosecutions over labor trafficking. As a reminder, the average number of labor trafficking cases reported referred into offices was just a fraction of the average number of sex trafficking cases. When it comes to cases accepted, the numbers became very small indeed, so the labor trafficking models must be taken with extreme caution; note the very atypical chi-square value associated with the labor trafficking cases accepted model.

Table 12: Associations Between Programmatic Activities and Cases Referred in and Accepted for Prosecution: Program Interactions

Weighed Negative Binomial Regression	All Cases Referred In	All Cases Accepted	ST Cases Referred In	ST Cases Accepted	LT Cases Referred In	LT Cases Accepted
Use Expert Witnesses	0.35	*-1.14	-0.14	*-1.14	*4.39	*6.17
Cultivate Expert Witnesses	-1.13	-0.02	-0.47	-0.09	-1.65	-2.33
Devp Model Prosecutions	-0.54	0.74	-0.40	0.68	1.87	24.28
Vic ID Tool in Referring Agencies	0.52	0.33	0.90	0.59	-1.53	-0.67
TIP CMS	-1.31	*-2.19	-2.14	*-2.48	3.76	-2.07
Secure Long-Term Housing	-0.14	-0.48	-0.21	-0.26	-3.20	*-4.90
Health & MH Svcs.	0.20	0.79	0.49	0.69	-1.73	-5.60
Involve Case Mgr,	-0.12	0.57	0.13	0.27	-2.43	6.65
Vic Svcs. Referral System	-1.73	*-2.71	-2.25	-2.65	7.04	9.56
Multidisciplinary Teams	1.03	0.85	1.56	1.00	-1.96	*-12.43
Region	-0.64	-0.58	-0.77	-0.69	0.00	0.80
Jurisdiction Size	*0.61	*0.56	*0.60	*0.53	*0.93	*1.95
Spec HT Prosecutor?	0.79	*1.67	0.57	*1.27	2.15	*14.62
HT Unit?	-1.26	*-2.41	-1.06	*-2.11	-0.41	-14.96
Training Available?	-0.01	*-0.03	-0.01	*-0.03	0.02	0.03
% Urban	0.01	*0.02	0.01	*0.02	0.05	0.09
Safe Harbor?	0.01	-0.17	0.07	-0.51		
Digital Forensic Capacity?	-0.01	-0.01	0.00	-0.01	0.00	-0.01
PROGRAM INTERACTIONS						
Vic. Svcs. Referral System_x_Model Prosecutions	1.51	0.76	1.14	0.76	-3.71	-21.27
Safe Harbor_x_Vic. Svcs. Referral System	0.24	0.88	0.01	1.16		
HT Unit_x_Vic. Svcs. Referral System	1.68	*2.76	2.09	*2.91	-3.30	10.73
N	64	63	64	65	66	65
Wald Chi-square	422.12	469.56	288.48	389.92	252.66	47828.11
P > Chi-square	0	0	0	0	0	0
Pseudo R2	0.26	0.31	0.24	0.29	0.45	0.56
/lnalpha	-0.48	-0.45	-0.28	-0.27	-0.60	-18.46
alpha	0.62	0.64	0.76	0.76	0.55	0.00

Bold = p< .05   **Bold*** = p< .01

86

Correlates of case declination

While it would seem initially that declinations are simply the cases that were referred in but not accepted, this is not accurate. First, as mentioned earlier, referrals in from police or other agencies are not the only way cases are received. Several offices proactively investigate cases as well. Thus, the "cases accepted" number can actually *exceed* cases referred in for an office. The numbers of cases declined were specifically reported by offices to include cases that were filed from any source (internal or external), but the office declined to prosecute. Thus, the three numbers are not related to each other in that way, and there is a special interest in predictors of case declination and reasons for case declination.

Correlates of declination are analyzed first. In these analyses, the dependent variable was reverse coded so that an increase in its value means that fewer cases were declined, which is intuitively the desired result for trafficking prosecutions. These data were also collected in interval format; in the survey, case outcome statistics (as opposed to cases referred in and accepted) were captured in ranges where a respondent would select a range of 0, 1-5, 6-10, and so on. The intent had been to make reporting easier for respondents, but it introduced the hiccup of needing to regress the data using interval regression methods rather than a simpler count method such as Poisson or negative binomial. While using one of those methods was still possible, given that the intervals were all equal in size and could theoretically be treated as counts, interval regressions were used here as the better fit for the data (Statacorp, 2015, pp. 1128-1143). The results of these weighted interval regressions thus indicate the likelihood of increasing to the next interval (fewer cases declined) based on a one-level increase in value in the independent variable. A negative coefficient means that more cases were declined, which would be the theoretically undesirable outcome.

The table from the naïve regressions is available in Appendix B, but what they showed was that none of the ten programs of interest had statistically significant associations with numbers of case declinations. When control variables are included, Table 13 shows a slightly more mixed report card. Of the ten programs of interest, the use of expert witnesses and of multidisciplinary teams were positively and significantly associated with reduced case declinations. Use of a victim identification tool by referring agencies was surprisingly correlated with more cases being declined ($p < .05$), but that may be because agencies using the tool may be over-referring suspected cases as they become more familiar with it and receive more training. Of the controls, the presence of a human trafficking unit in the agency, jurisdiction size, and percentage of the population living in urban areas were also positive, significant correlates of reductions in case declinations, although the effect sizes of the demographic control variables were near zero.

When sex trafficking cases are broken out, the direction of association for the multidisciplinary teams becomes negative, which is surprising given the emphasis on multidisciplinary teams nationally. The effect size is small, however, and may be a statistical

anomaly. The chi-square statistics of model fit for both labor trafficking and combination case models were not statistically significant.

The small number of offices reporting overall indicates a strong need for caution in interpreting all of these results, but the findings do raise questions for future research on national trends. One speculation for the negative coefficients may be that the presence of these initiatives in offices, either planned or in use, means that more cases are being examined in the first place so that there are more cases recognized and then declined, rather than the alternative of cases not being reported or investigated at all. This would still represent an improvement in offices taking on these cases. Future research might examine that question.

Table 13: Associations Between Programmatic Activities and Cases Declined

Weighted Interval Regression	All Cases Declined	ST Cases Declined	LT Cases Declined	SLT Cases Declined
Use Expert Witnesses	**0.39**	-0.04	-0.05	-0.01
Cultivate Expert Witnesses	-0.10	0.03	-0.03	0.01
Devp Model Prosecutions	-0.22	0.04	0.01	-0.01
Vic ID Tool in Referring Agencies	**-0.44**	0.08	0.06	-0.01
TIP CMS	0.09	-0.03	-0.02	0.00
Secure Long-Term Housing	-0.22	0.06	-0.02	-0.01
Health & MH Svcs.	-0.46	0.11	0.02	0.02
Involve Case Mgr,	0.35	-0.09	0.01	0.00
Vic Svcs. Referral System	-0.09	0.01	-0.01	-0.01
Multidisciplinary Teams	***0.78**	***-0.21**	0.00	0.00
Jurisdiction Size	***0.09**	-0.01	**-0.02**	0.00
% Urban	**0.005**	**-0.001**	0.00	0.00
Special HT Prosecutor?	0.16	-0.08	0.04	-0.01
HT Unit?	***0.48**	-0.07	-0.03	0.01
Digital Forensic Capacity?	0.00	0.00	0.00	0.00
_cons	-0.65	2.37	1.44	1.94
N	66	66	67.00	67
Wald Chi2	177.8	121.53	11.57	4.21
Prob > Chi2	0	0	0.71	1.0
Pseudo R2	0.13	0.02	0.00	0.00
/lnalpha	-22.78	-20.19	-27.42	-36.83
alpha	0.00	0.00	0.00	0.00

Bold = p< .05   **Bold*** = p< .01

Correlates of charging decisions (TIP or auxiliary charges)

Table 14 presents the results of regressions examining the relationships between the presence of anti-TIP programs and practices and case charging decisions—whether to use the state's trafficking statute or an auxiliary or related statute to prosecute a case. Initial charging documents may include multiple charges and may even include both TIP and auxiliary charges simultaneously to increase the penalties available or to leave room for plea bargaining. These survey responses again represent the charges ultimately adjudicated, not the full list of charges in original charging documents. If a TIP charge is among the list of those prosecuted, the case is classified as having been charged using the TIP statute.

In the naïve regressions, the table for which is included in Appendix B, having model prosecutions was significantly and positively associated with charging cases under both types of laws. Having a victim services referral system in place was also significantly and positively associated with cases charged using the TIP law, but not for those charged under auxiliary laws. As seen earlier, from the sample of offices that answered the case statistics questions in the survey, use of TIP statutes vs. alternative statutes was fairly evenly distributed as of 2017 (when the survey was conducted). This may be an artifact of time, or of the fact that a broader sample of offices answered this set of survey questions (N=64) than participated in Farrell et al.'s earlier, more in-depth work (12 counties).

While the strength of the conclusions that can be drawn from the case declination models is limited given the small sample size and the cross-sectional nature of the survey, the results are interesting. In Table 14, among the programs of interest, involvement of a case manager significantly associated with a decreased number of cases charged using the TIP statutes (p<.05), but model prosecutions were significantly associated with reduced charging under the TIP statute when interaction terms were included. If this relationship is causal, then this may be indicative of the tendency to plead to lower charges when the case is strong. Among control variables, the reported presence of Safe Harbor was a strong and significant correlate of increased numbers of cases charged under the TIP statute, as was the presence of a human trafficking unit when the interaction terms were not included in the model (p < .01).

Of the five interaction terms tested in this set of regressions, the interactions between victim services referral systems with both model prosecutions and Safe Harbor had significant and strong positive associations with whether TIP is charged (p < .01), again indicating that it is the combination of programs or initiatives that is more important than the presence of any initiative alone. The interaction between Safe Harbor and having a case manager for the victim had a strong negative relationship with whether TIP was charged, perhaps reflecting victim preferences or reticence to take on the additional trauma of participating in a trial (p < .01).

The use of expert witnesses had a large, statistically significant association with increased use of alternate statutes, with or without the inclusion of interaction terms (p < .01). This is a positive outcome for increasing the use of TIP statutes. None of the interaction terms were

Table 14: Associations Between Programmatic Activities and Case Charging Decisions

Weighted Interval Regressions	Cases Charged TIP Statute	Cases Charged TIP Statute w/Interactions	Cases Charged Alternate Statutes	Cases Charged Alternate Statutes w/Interactions
Use Expert Witnesses	3.74	-0.98	**6.17**	**7.22**
Cultivate Expert Witnesses	-7.20	-9.57	-4.13	-5.82
Devp Model Prosecutions	4.68	**-12.29**	4.26	4.33
Vic ID Tool in Referring Agencies	3.13	-1.28	-2.05	-4.21
TIP CMS	-4.83	4.89	-1.91	-0.45
Secure Long-Term Housing	0.15	-3.05	-2.61	-4.06
Health & MH Svcs.	0.30	-1.50	4.89	6.99
Involve Case Mgr,	**-15.24**	-10.80	2.10	5.06
Vic Svcs. Referral System	9.55	3.77	-2.34	-0.99
Multidisciplinary Teams	1.98	4.01	-2.57	-3.25
Region	-0.73	-0.61	1.45	**2.16**
Jurisdiction Size	-0.57	-0.70	1.33	1.30
Spec HT Prosecutor?	4.05	5.71	0.47	-0.17
HT Unit?	**11.30**	6.71	0.90	3.76
Training Available?	-0.09	**-0.12**	-0.01	0.00
% Urban	0.03	0.04	0.01	0.03
Safe Harbor?	***6.29**	***9.789**	**2.92**	1.31
Digital Forensic Capacity?	**-0.08**	***-0.07**	**-0.04**	**-0.05**
PROGRAM INTERACTIONS				
Vic. Svcs. Referral Sys_x_Model Prosecutions		***22.38**		-0.20
Case Manager_x_Vic. Svcs. Referral Sys		1.10		-6.02
Safe Harbor_x_Vic. Svcs. Referral Sys		***31.84**		13.56
Safe Harbor_x_Case Manager		***-36.74**		-9.58
HT Unit_x_Vic. Svcs. Referral Sys		6.30		-3.65
N	65	65	65.00	65
F-test	10.62	4.71	5.22	4.95
Prob > F	0.00	0.00	0	0.00
/lnalpha	1.91	1.75	1.58	1.55
alpha	6.76	5.73	4.87	4.73

Bold = p< .05   **Bold*** = p< .01

90

significant correlates of increased charging under alternative statutes, although region of the country was an important predictor under the controls (p < .05). This may be a preliminary indication that use of multidisciplinary teams makes it more likely that cases will be charged under the state's TIP statute, though the teams were not a statistically significant correlate in that category with controls included.

An important element to emphasize here, perhaps, is that defendants may be more likely to agree to a plea deal when more or stronger evidence is presented to them. This may especially be so when RICO or gang charges are on the table; such penalty-enhancing charges may be reduced if the defendant gives information on someone else, for example. Additionally, if the resulting case does not meet the burden of proof for a trafficking conviction, prosecutors still usually want to convict the defendant of *something*. This is especially so in egregious cases characterized by violence, but where establishing force, fraud or coercion is difficult even though evidence exists for all other elements of the crime. Getting justice for a victim may take greater priority over making certain the TIP statute is used in such cases. These questions are explored more fully in the case studies that make up the second part of this project.

Conclusions

Summary of hypothesis testing

In the above regressions, several general hypotheses concerning the relationships between supportive anti-TIP initiatives and numbers of cases referred in and accepted were tested, as well as correlates of reduced case declinations and on whether the TIP statute or alternate laws were used in charging. Table 15 summarizes these results. No premises specified *which* anti-TIP programs should lead to each outcome hypothesized. Rather, the analyses examined the associations between initiatives singly and in some combinations to explore whether these efforts were related to desired case outcomes in the ways that prosecutors hope they will be.

Hypothesis 1 posits that the presence of anti-TIP programs should be associated with an increased number of cases accepted. This hypothesis is *moderately supported* in that offices that have developed model prosecutions for human trafficking and/or have multidisciplinary teams were likely to have accepted more cases. The availability of multidisciplinary teams was also associated with an increased likelihood of accepting more sex trafficking cases, but a reduced likelihood of increased numbers of labor trafficking cases accepted. Having a TIP CMS was associated with a decrease in sex trafficking cases accepted, but with an increase in labor trafficking cases accepted.

Presence of a victim services referral system was also correlated with an increase in labor trafficking cases accepted, but the availability of secure, long-term housing was associated with decreased numbers of labor trafficking cases accepted. Perhaps this is because housing currently tends to be developed for sex trafficking victims, and availability of new such housing may increase the already large emphasis placed by most jurisdictions on sex trafficking over labor

Table 15: Survey Hypothesis Test Results

H1: Presence of Anti-TIP Programs	→	↑ Numbers of Cases Accepted	Moderately supported
H2: Presence of Anti-TIP Programs	→	↓ Numbers of Cases Declined	Weakly supported
H3: Presence of Anti-TIP Programs	→	↑ Numbers of Prosecutions Completed using State TIP Statutes	Not Supported
H4: Presence of <u>Combinations</u> of Anti-TIP programs	→	↑ Numbers of Cases Accepted	Moderately Supported
H5: Presence of <u>Combinations</u> of Anti-TIP programs	→	↑ Numbers of Prosecutions Completed using State TIP Statutes	Moderately to Strongly Supported

trafficking cases at the present time. Given that, of the ten programs, just a few had significant effects when controls were held constant, this hypothesis is only moderately supported.

Hypothesis 2 proposes that the presence of anti-TIP programs should be associated with fewer trafficking cases declined. Two programs had statistically significant, positive associations with reduced case declination rates generally: the established practice of using expert witnesses and the presence of multidisciplinary teams. The use of a victim identification tool by referring agencies was associated with more cases being declined, perhaps due to training issues involved with such tools. When case types were broken out, the presence of multidisciplinary teams was associated with more sex trafficking cases being declined, while the models isolating labor trafficking and combined labor and sex trafficking cases were not statistically significant. While these relatively minor effects of initiatives on reducing declinations may appear to be less powerful than desired, it may also mean that more such cases are at least being brought in and reviewed compared to other offices that may report zero cases or that did not answer the case statistics questions to begin with. Nevertheless, only the use of expert witnesses and the presence of multidisciplinary teams were statistically significantly associated with reductions in case declinations, and only on the aggregate numbers of cases reported. The effects, which are small to begin with, disappear in the models broken out by case type. Thus, hypothesis 2 can be said, at best, to be weakly supported.

Hypothesis 3 proposed that the presence of anti-TIP programs should be correlated with increased usage of a state's anti-TIP statute in prosecutions. As a reminder, use of the anti-TIP statute and use of alternate statutes are not mutually exclusive; as such, to expect the increase of use of the TIP statute to correspond with a reduction in use of alternate statutes is not a hypothesized effect. In these weighted models, of the ten programs of interest, none of the ten initiatives had a statistically significant, positive association with increased numbers of cases charged using the TIP statutes. Involvement of a case manager to help coordinate victim services

had a statistically significant, but negative relationship. Among the controls, the presence of a human trafficking unit and of Safe Harbor had significant, positive associations with increased numbers of cases charged using the TIP statute, which is an important finding but not part of the hypothesis. Hypothesis 3 is thus not supported.

The final two hypotheses posited that *combinations* of programs might have independent correlations with case numbers, and that these interaction effects would be independent of the relationships with these programs by themselves. Hypothesis 4 proposed that these programmatic interactions would be independently associated with increased numbers of cases accepted, and Hypothesis 5 proposed that these interactions would be independently associated with increased numbers of cases prosecuted using the state's TIP statute. In both cases, significant associations between interaction terms and case outcomes were found in weighted regressions.

For total cases accepted, only the interaction between presence of a human trafficking unit and the presence of a victim services referral system was significant (p < .01), but its effect size was also practically significant: the presence of both of these programs was associated with an increase of 2.76 cases in the mean number of total cases accepted. The effect size was similar for its relationship with sex trafficking cases accepted, but no interactions were statistically significant correlates of increased acceptance of labor trafficking cases. When interaction terms are included in the models, almost all independent effects of the various programs become negative in direction, indicating that the interaction effects between multiple programs in place are the key correlates of case acceptance among this sample.

The interaction effects of combinations of anti-TIP programs on cases charged using the TIP statutes were quite large, though mixed. Three of the five interactions tested had outsized associations with whether TIP was charged. The interactions between victim services referrals systems with model prosecutions and with Safe Harbor were positively associated with increased numbers of cases charged using the TIP statute (p < .01). The interaction effect from combining a case manager with Safe Harbor was also large, but negative in direction (p < .01). It is possible that involvement of a case manager on behalf of a victim may lead to advocacy to protect the victim from the trauma of a human trafficking trial, or that support was associated with a prosecutor dedicated to building cases so strong that they went immediately to plea bargain. However, their associations with numbers of cases charged using alternate statutes were also negative, even if they were not statistically significant.

When controlling for interaction effects from combinations of initiatives, almost all coefficients for individual initiatives turn negative. Among controls, jurisdiction size remains a statistically significant correlate of cases referred in and accepted throughout. Having a special prosecutor retains an independent relationship with numbers of cases accepted, as does the percentage of the population living in urban areas. The strength and statistical significance of two of the five interactions' relationships with increased numbers of cases charged using the TIP statute, and with the size and direction of independent program correlations when included,

93

indicates that this hypothesis is moderately to strongly supported.

Limitations

These survey data have several limitations. First, while this study achieved a survey response rate of 8 percent from a sampling frame that included almost all local prosecutors nationwide, and it received full and partial responses from 199 jurisdictions, only 70 respondents provided some or all of the requested summary case statistics. Aside from simply representing a small N, those of the responding sample that chose to provide case statistics self-selected into doing so. While the full sample and the sub-sample providing case statistics were weighted to account for differences by jurisdiction size and region represented when compared to proportions in the full sampling frame, the final respondents still cannot be assumed to be representative of all prosecutors in the United States. Despite these statistical controls for bias, the inability to definitively claim representativeness combined with the small N limits the strength and generalizability of the conclusions presented above. Second, these data are also cross-sectional, reinforcing the need to make clear that these data represent only a snapshot of what prosecutors are doing across the nation with respect to human trafficking cases. Associations with caveats may thus be cautiously inferred from these data, but not causal effects.

Additionally, despite the depth of this survey, there is still some omitted variable bias inherent in these regressions as not all case-related causes for outcomes could be included. The level of case detail that this project goes into via the case file analysis in the four case studies was not feasible to ask for from survey respondents, given the burden it would impose and the potential negative effect that would have had on the response rate. It is hoped that the case studies shed more light on other potential causes for case acceptance, charging decisions, and outcomes that may not have been possible to infer via the survey data. Additional interaction terms may also have been tested, although the models become unwieldy and start failing to converge when the number of interaction terms included becomes too large.

One particular omitted variable that should be explored in future surveys is prosecutorial discretion (see Farrell et al. 2016, among others). While this survey captured the charges that were ultimately prosecuted (TIP or alternate statutes), initial (arrest) charges were not captured. It is thus not possible to see which of the arrest charges were prosecuted and which may have been dropped. Based on the above results, however, it seems plausible that the programs of interest may have more indirect effects on case outcomes. Rather than impacting case outcomes directly, it may be that the presence of certain anti-trafficking initiatives or case practices impact prosecutorial discretion, which then impacts case outcomes. Given that this survey did not measure prosecutorial discretion directly, these indirect effects could not be tested. However, this project at least touches on that decision-making process via the case study interviews conducted at the four sites, even if it was not possible via this survey.

Implications

While TIP case statistics were received from just 70 agencies for this survey, these exploratory regressions provided some interesting results that were incorporated into how case studies were approached in this project. These results can also guide future research and thinking about how the presence of anti-TIP initiatives undertaken by prosecutorial agencies might be expected to influence case outcomes, and what their role may be in facilitating prosecutorial success with TIP cases.

Updates to previous studies

First, these analyses provide insight into how views about trafficking and practices in TIP case prosecutions have changed since some of the most recent prosecutor-related work was completed using case data from the 2000s. In contrast, the data collected and analyzed in this study reflects TIP cases largely dating from 2009-2017, about 8-10 years more contemporary than those analyzed in Farrell et al., 2008, 2012, and 2016. These are called "second generation" cases by Farrell et al. (2016) because they largely occurred after states began passing their own human trafficking laws. Further, the cases included in these data cover a larger geographic spread than that earlier work (44 states). Those previous studies went much further into depth than this survey did but covered just twelve counties. That level of further detail was pursued in a select group of cases from each of the four sites in the case study portion of this project.

First, in an update to Farrell et al., 2012, more prosecutors from this sample appear to be familiar with their state human trafficking statutes, though they still lean on more familiar statutes such as pimping and pandering if it appears conviction is more likely using one of those. However, assessments of that probability of conviction are just as likely to be based on whether force, fraud, or coercion was proved via available evidence, or on plea bargaining practices, as it is on simple comfort with older statutes (Farrell et al., 2016). Thus, there is more at play in decisions of which type of charge to use than simple level of familiarity with the TIP statute; there may be interests of justice at the case level that take precedence over which statute is used to achieve them. However, it does appear that the presence of a victim services referral system in combination with the use of model prosecutions and/or Safe Harbor may increase the probability that a jurisdiction will charge more cases using the TIP statute. Usage of the TIP statute vs. alternate laws by local prosecutors is explored further in the case studies and should also be expanded upon in future research using larger samples of case data.

Victim background characteristics are still a factor in prosecutorial decisions. Believability in front of a jury is still important to prosecutors, even with what we know today about the impact of trauma on victims and victims' statements, and even with more jurisdictions endeavoring to at least rely less on victim testimony in court. Prosecutors also have more experience to lean on now, since more prosecutions have been successfully completed by increasing numbers of jurisdictions, and more jurisdictions now appear to have dedicated human

trafficking prosecutors or units than previously. Further, training is more available and widespread and public awareness has increased about trafficking.

Nevertheless, there were still survey respondents who said they have never had a human trafficking case and do not see trafficking as a problem in their jurisdictions. In both this survey and the law enforcement survey fielded by Farrell et al. 2008, respondents were more likely to report trafficking cases if they came from larger jurisdictions, This indicates a continued need for more training and awareness-raising at the local level, especially about trafficking in rural areas (Aguirre, Harris, Hilgenberg, Soper, & Bowers, 2017; Cole & Sprang, 2015; Heil, 2012). That may also impact the level of awareness those jurisdictions have about their state statutes, since many said they did not familiarize themselves with the details of the law unless they had a case where they might use it.

Only 10 of 139 respondents to the question reported knowing nothing about the federal TVPA law, and about 50 percent reported a level of confidence in their knowledge of its provisions of 50 percent or higher. In Clawson et al.'s prosecutor survey, 54 percent of their respondents reported general familiarity with the law in 2008, but even self-reported level of familiarity was not captured then.[29] Far more local prosecutors reported knowing that their state had human trafficking statutes (71.3 percent in 2017 vs. 24 percent in 2008), even if levels of knowledge about the details still varies. Sixty-seven percent of survey respondents reported having tried a trafficking case locally in 2017 vs. only seven percent in 2008—a vast increase in a single decade, even if the sampling frames for both local prosecutor surveys are not 100 percent comparable and the comparison thus limited. Previously, most local jurisdictions referred human trafficking cases for federal prosecution, and while this still happens, more local jurisdictions are taking these cases on and using their state statutes than previously.

Twenty-seven percent of local prosecutor survey respondents reported being involved in some type of human trafficking task force in this 2017 survey vs. seven percent in 2008 (Clawson et al., 2008). A majority of jurisdictions (59 percent) identified training needs on different topics in this survey compared to 27 percent in 2008, indicating that the more jurisdictions learn about human trafficking, the more they realize they need training.[30]

Implications for practice

When compared with previous studies using case and survey data from 2000-2008, these survey results illustrate a number of positive developments over the past decade in state and local prosecutor awareness and prosecution of human trafficking cases. Further, several training opportunities are identified not only by respondents themselves, but by the differences in

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[29] Clawson et al.'s sampling frame was different from the one used for this survey, so apples-to-apples statistical comparisons are not possible here, but pointing out some general changes in response patterns to key questions is still useful for thinking about what has changed over the intervening ten years.

[30] Again, the strength of these comparisons is limited, but the trends are still useful to consider with respect to research and practice.

responses about state trafficking law provisions by offices located in the same state (see Table 3 earlier). Such training needs could be met by organizations, such as project partner NDAA, combined with local partners. Further, Shared Hope might work with these partners on an annual basis to incorporate information into its state report cards reflecting changes in state legislation.

Case data analyses also provide support for the notion that it is combinations of supportive anti-TIP initiatives, rather than any initiative alone, that are most strongly associated with desired TIP case outcomes. These results also provide some support for the positive impact of Safe Harbor on charging cases under the TIP statutes when combined with other initiatives.

Implications for Phase 2/ Case Studies

The mixed results from the regression analyses used to test hypotheses related to anti-TIP programmatic associations with cases accepted/declined, and what charges are prosecuted in cases accepted, raise several questions in addition to providing cautious insights into what might impact case outcomes. This is partially due to the sample size and other limitations previously discussed. Nevertheless, the survey results point to important areas to consider via qualitative research and the in-depth case studies in Phase II of this study.

These case studies, rather than examining all ten programmatic initiatives included in the survey, each look at one major programmatic or practice focus at each site. In San Diego, partnership and coalition building via the San Diego County Regional Human Trafficking Advisory Council is examined. In New York, proactive case building process is examined with especial focus on the use of digital evidence to identify cases proactively, and their comprehensive approach to cases once they are identified. In Miami, their digital forensic process, and its level of importance in case building are examined. Interestingly, digital-evidence processing capacity did not have statistically significant results on case outcomes when included as a dichotomous control variable in the regressions, but the case studies provide more detailed information on the subject. In St. Paul, the infrastructure and processes built to support the implementation of their Safe Harbor statute are studied.

In all four case studies that comprise the second half of this report, in-depth interviews were conducted to gather the history of their program and capacity development, as well as detail on how charging decisions were made. Given the emphasis placed on increased usage of TIP statutes at the local level, it was important to understand these decision-making processes. In addition to interviews, files from a sample of closed cases (or in the case of St. Paul, files from all closed cases) were coded and analyzed from each site to understand year-over-year case trends in a variety of areas. The dual purpose of these case studies was to learn more about implementation processes, success, and lessons learned from the initiative in question at each site, and to understand the impact of these initiatives on cases. Through the case studies, some of the omitted variables potentially impacting regression results are illuminated, as well as some of the prosecutorial discretion and plea-bargaining strategies that may be behind them.

Volume II: Case Studies

Introduction

Four sites were selected in which to conduct case studies on different supportive programs or processes in place to facilitate serving TIP victims and prosecuting their traffickers. While the national survey asked jurisdictions about practices related to sex trafficking, labor trafficking, and cases involving both, these case studies addressed programmatic activities focused on sex trafficking. At the time of data collection, there were only a few programs underway in local prosecutors' offices to support labor trafficking investigations in which more than a handful of cases taken to completion via the local criminal justice system. Typically, labor exploitation cases are still referred out to the state or federal Departments of Labor or to federal law enforcement for redress.

These case studies cover the role of digital forensic evidence in sex trafficking case building in the Miami-Dade State Attorney's Office (Miami SAO); proactive case identification and case building practices, with emphasis on digital tools, in the District Attorney's Office of New York (DANY); coalition and partnership building spearheaded by the San Diego District Attorney's office (SDDA); and practices and infrastructure built to support the implementation of Safe Harbor protections for victims in Ramsey County, Minnesota, led by the Ramsey County Attorney's Office (RCAO). These initiatives were chosen during collaborative conversations with each office to select initiatives where research could (a) provide valuable information for other jurisdictions across the country that would like to enhance their response to TIP cases, and (b) fill a stated internal need by each office for information on programmatic questions.

Ramsey County/St. Paul was a later addition to the project, replacing Honolulu, Hawaii, which had only completed seven TIP prosecutions at the time of data collection and was therefore deemed not yet feasible as a research site for this type of project. Further, the inclusion of Ramsey County allowed for representation of a county that was located in the Central U.S. vs. one of the coasts, and it also provided insights into the implementation of anti-TIP programming in a smaller jurisdiction. The selections of Miami and New York allowed for high-level comparisons of practices involving digital evidence and digital forensics in different jurisdictions, while the selections of Ramsey County and San Diego allowed for the examination of approaches to coalition building and culture changes around the treatment of victims of sex trafficking in different areas of the country.

Case Study Methods

The specifics of the instruments used in each case study design were somewhat customized, so that the results would be mutually beneficial to the participating site as well as to this project. However, the research designs in the four sites generally consisted of the review of a sample of completed case files, coupled with and semi-structured interviews with District

Attorney (DA) office staff and relevant staff of partner agencies. These staff included stakeholders such as law enforcement and victim services providers that may work closely with DA staff on the area of focus. DA staff in all four sites also made themselves available to "fill in the blanks" associated with sample case files that may have been incomplete on key data points, such as case dispositions, and to answer other follow up questions.

A short, five-question survivor survey was also distributed to a convenience sample of survivors whose cases were closed. Each office's victim witness advocate selected this convenience sample and distributed a paper survey with a self-addressed stamped envelope to the selected persons. As the DA-based victim witness advocates were wary of letting us survey survivors directly even if their cases were closed (even with IRB approval), this distribution method was the one sites would approve. Unfortunately, no survivors amongst the four sites mailed in any survey responses to the research team. Interviews at each site did include at least one victim witness advocate and/or social worker who provided insights into what they have observed victims experience during the prosecution of their perpetrators. Methodological specifics for each site, including logic models developed, site-specific hypotheses, sampling, and statistical approaches, are presented with each case study in this volume.

Data collection was accomplished via one-week onsite visits conducted by staff from each partner organization (JRSA and NDAA) in 2018. JRSA staff led the case-file coding process for the sites, as well as the interview process. After training on the relevant protocols, NDAA staff conducted several of the interviews at the sites. JRSA utilized local graduate students to assist with case-file coding in San Diego and Miami. Due to their regulations on accessing case files, DANY completed coding of its case file sample for JRSA after training and quality checking by JRSA on a test file (further details can be found in the DANY case study). NDAA staff assisted JRSA with case-file coding in Ramsey County. NDAA staff supplied and edited all transcripts from their interviews to JRSA for analysis.

The project team signed and complied with non-disclosure agreements (NDAs) and other items as required by all sites to protect human subjects and confidentiality, and to comply with state laws pertaining to sharing of criminal justice data. Semi-structured interviews covered program implementation processes, successes, lessons learned, and co-occurring programs that might impact case outcomes. All site-interview instruments are located in Appendix C, along with the case-file coding forms. The survivor surveys (although no responses were returned) asked survivors about the level of satisfaction with their treatment during the prosecution. This common instrument distributed at all the sites is also in Appendix C.

After data collection was completed, qualitative analyses of the process interviews were conducted, as well as quantitative analyses of the case-file data collected. All case-file data forms were cleaned to ensure that no personally identifiable information (PII) was recorded, after which the datasets were built for each site. The quantitative datasets underwent additional cleaning to correct typographical and keying errors, and to transform some variables into usable scales or binary indicators as demanded by the research questions. Several control variables that

99

JRSA sought to include, especially on victim and perpetrator background characteristics (such as foster care involvement), rarely had much data recorded or available about them in the provided prosecutorial files. This made imputation impractical, as there were too few cases to provide a basis for it. In such instances, analyses involving the personal characteristics of individuals were limited to basic demographics, along with noting whether there were prior criminal records or incarcerations.

For statistical analysis, since each case could contain multiple victims and/or multiple perpetrators, data on individuals were exported into separate datasets, then reshaped to facilitate analyses for the sites at the level of the individual person. The rest of the case-level data were analyzed on their own for each case study. Quantitative analyses for aggregate trends in the de-identified data from all sites were conducted by JRSA using STATA (StataCorp, 2017) and Excel, with the assistance of several analysts. Case data were weighted for correlational analyses if differences were noted on key case characteristics between the sample and the universe of cases from which it was pulled. For example, probability weights were used if there were significant differences between the sample and the universe in the proportion of cases that were charged using the human trafficking statute vs. those charged using an alternate statute. All such weights used, if applicable, are described in each case study.

Interview transcripts from each site were analyzed by JRSA staff using NVIVO software (QSR International, 2018) to code for common themes between respondents on various topics. JRSA also conducted detailed, manual analyses of the transcripts for process-tracing purposes (George & Bennett, 2005) to produce thick descriptions about the history and processes involved with each initiative under examination. The objective of these qualitative analyses was to understand the inner workings of each initiative, as well as reasons behind any trends observed in the case file reviews, and to pull out lessons learned from the documented experiences. Qualitative and quantitative results for each site are woven together in the final case studies, concluding with key takeaways and advice that other jurisdictions may use. Interview quotations are attributed in this report by title only, using in-text or block quote citations, to preserve anonymity.

Volume II proceeds by presenting each of the four case studies as a standalone chapter—Miami, New York, Ramsey County/St. Paul, and San Diego. This is followed by a discussion and conclusion chapter that synthesizes the results from the survey and the four case studies, including how the four case studies relate to one another, and concludes with how this research has answered the five research questions presented at the beginning of Volume I along with implications for research and practice.

Case Study 1: Use of Digital Forensic Evidence to Build Cases in the Miami-Dade State Attorney's Office

Miami SAO Highlights

- Reliance on victim testimony alone to prove TIP charges presents difficulties.
- Strong digital evidence such as cell phone data, social media, escort ads, & financial information can corroborate victim testimony & even prove patterns of TIP without a victim.
- Uses of digital evidence: foundational, determine charges, leverage, compensate for lack of victim, jury visual aids.
- Miami has learned lessons from variances in capacity to collect & analyze digital evidence that can help others improve their casework.
- Collaborations & coalitions are key.

Experience Handling Cases

- Miami SAO has filed 512 TIP-related cases from 2010-2018 with 538 identified victims.
- 162 TIP charges prosecuted; other charges include pimping/pandering, promoting prostitution, and others.
- Miami has prosecuted one trial without the victim that resulted in conviction based on digital evidence.
- Capacity to process & analyze is important, but there are workarounds during evidence collection that can help, such as photographing texts/photos displayed on a cell phone screen.

Key Takeaways for Effectively Using Digital Evidence in TIP Cases

- Treat victims as victims, show care and concern for their needs, and build trust.
- Collect as much digital evidence as legally permissible & store, process everything collected.
- Build relationships & coalitions between diverse stakeholders by uniting around a common cause (helping victims).
- Bring in people with expertise when needed.
- Train & educate law enforcement & prosecutors first.
- Emphasize communication.

Introduction

Reliance on victim testimony to prove trafficking cases, especially the presence of force, fraud, or coercion (FFC), presents several challenges. For example, victims may be unwilling to testify against the perpetrator because they have romanticized the relationship, are afraid of retaliation, and/or they are concerned about losing their sole form of shelter and basic material support. Victims of human trafficking experience different and more complex challenges than victims of many other crimes. Therefore, service providers, members of the legal community, and law enforcement personnel must:

> *be very understanding and patient because [these victims] have been through so much. [You have] just arrested their only stability…it's [everything] they had.*
>
> – State Attorney's Office Investigator

Other inherent difficulties involved in relying on victim testimony as the primary source of evidence can include the impact of trauma on memory formation (and thus believability and consistency in victim statements), the additional trauma caused by having to recount one's story in court repeatedly, and the difficulty of convincing a jury of the trafficker's guilt if the victim comes from a troubled background. Additional difficulties are described in this case study, in the other case studies in this report, and in the national survey in Volume I.

The Miami-Dade State Attorney's Office (Miami SAO) has focused on the utility and practicality of using other types of evidence—particularly digital evidence—to convict offenders and acquire justice for victims while lessening the level of reliance on the victim to provide testimony. This, in turn, can reduce the re-traumatization of victims that comes from forcing them to relive their experiences in court. The basic model illustrating this underlying logical framework is shown below in Figure MI1; a detailed logic model follows in Figure MI2.

Figure MI1: Basic Logic Model, Miami
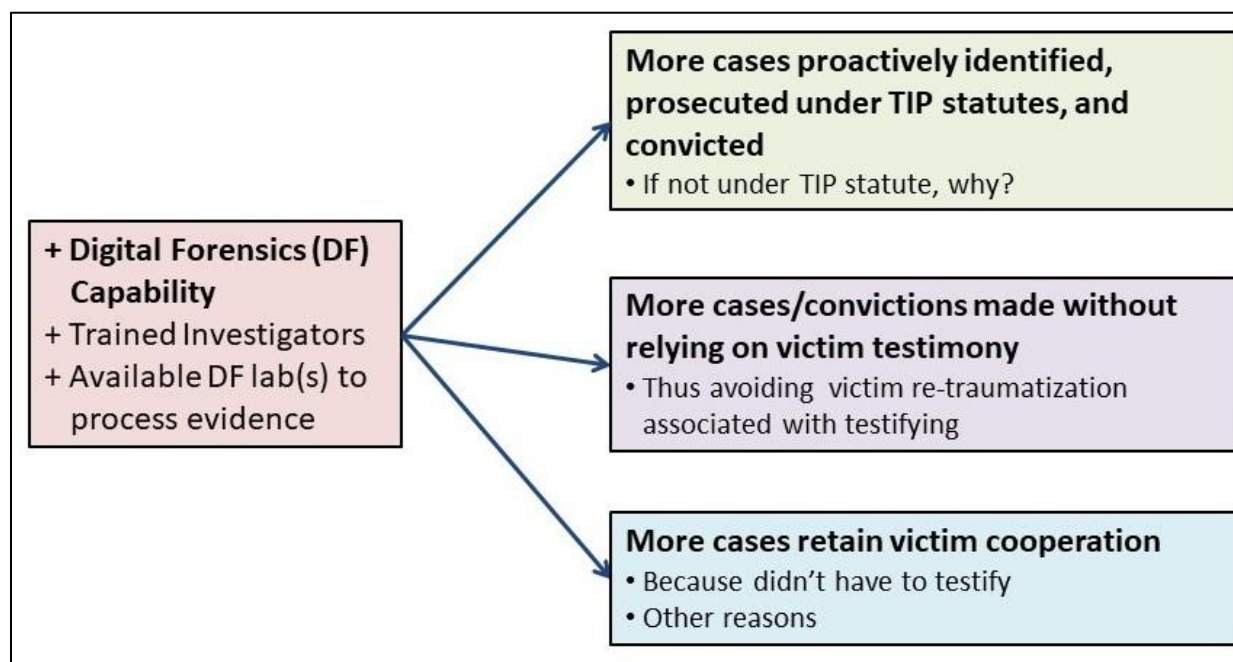
This case study discusses the role of digital forensic evidence in prosecutions, the role and impacts of availability of labs to process it, the training of investigators to collect it, and the overall process of identifying and prosecuting cases under the Florida TIP statute. The above logic model illustrates three research questions:

1. When digital evidence is collected, processed, and used in prosecution, are more cases charged and convicted under the TIP statute? If convicted under alternative statutes instead, such as promoting prostitution, what are the reasons?
2. When digital evidence is collected, processed, and used in prosecution, are more cases being made without relying on victim availability or willingness to testify?
3. When digital evidence is collected, processed, and used in prosecution, are more victims retained[31] through the prosecutorial process? For example, knowing that there is corroborating evidence may give a victim more confidence that prosecution will be successful, thus ameliorating one reason a victim might run or decline to participate.

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[31] In this report, victim retention refers to whether at least one victim willingly assisted and participated throughout the prosecutorial process.

102

The project team explored answers to these questions via qualitative and quantitative analyses of interview and case file data collected in Miami-Dade County in 2018. The purpose of this case study is to highlight Miami-Dade's successes and challenges faced in this area, to understand how challenges were overcome, and to identify lessons learned that may help Miami to continue improving its work in this area. This study is also intended to inform other jurisdictions that may want to employ more robust usage of digital forensic evidence in human trafficking cases.

Use of digital evidence in Miami: Background, methods, and sampling

Miami-Dade County is located in southern Florida and has a population of 2,761,581 people as of 2018.[32] 52 percent of its population is foreign born, 19 percent live below the poverty line, 73 percent are white, 6.7 percent are black, and 66 percent of all races have Hispanic heritage.[33] Fifty-seven law enforcement agencies operate simultaneously in the county, consisting of 29 municipal, 3 county, 1 tribal, and 5 campus departments, plus 5 state-level and 14 federal agencies.[34] The Miami-Dade SAO prosecutes violations of Florida law that occur in the county.[35] As such, cases may feed into it for prosecution from local, county, tribal, or campus departments, or from multi-agency task forces of which the SAO is a member.

Formation of the Human Trafficking Unit. After several landmark cases in 2010 and 2011, the first Human Trafficking Task Force (HTTF) in Miami launched officially in February 2012. The formal human trafficking unit in the SAO launched the following November. This HTTF is housed in the SAO but is law-enforcement driven. The HTTF works closely with the prosecutors' human trafficking unit to build cases (Human Trafficking Unit Administrator, SAO). The greatest benefits of the HTTF, per members interviewed, are:

- the facilitation of communication between agencies,
- the incorporation of participants from additional jurisdictions,
- the variety of perspectives from jurisdictions that serve different demographic and ethnic populations,
- the sense it gives victims that they have a team working on their behalf, and
- the means by which it prevents different agencies from doing duplicative work on the same cases.

One prosecutor interviewed expressed interest in seeing more local task forces in local police departments due to Miami's size; she suspects the larger HTTF is catching only the low

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[32] https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk
[33] https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk
[34] https://mdcacp.com/agencies/
[35] http://www.miamisao.com/katherine-fernandez-rundle/

hanging fruit. The SAO-based HTTF was in flux from 2016-2018 due to staff and investigator turnover in member law enforcement agencies, but this was remedied as of 2019.[36]

The SAO's human trafficking unit prosecutes cases investigated by the HTTF and other agencies. In 2012, it consisted of two prosecutors; a director; and the administrator who built the staffing plan, unit structure, and standard operating practices. The administrator came from the domestic violence unit with more than two decades' experience as a victim counselor. This work gave her particular insights that helped her structure the unit and its work to best serve victims' needs, including the presence of a victim advocate to serve as the constant, reliable contact, and calming presence, for the victim even if s/he must deal with different prosecutors and law enforcement officers.

The original victim advocates were all hired from Kristi House, a child advocacy center and leading comprehensive victim service provider in Miami.[37] This ensured that the SAO's advocates had cultural competency and knowledge about the complex needs of trafficking victims (Human Trafficking Unit Administrator), and could carry out holistic case management on behalf of victims. SAO staff interviewees confirmed that all of the SAO's present victim advocates are social workers that maintain relationships with victims for years after their cases end. Case management in the SAO consists of accompanying the victim throughout the prosecution process, as well as coordinating social and other victim services the person may need. At the time of data collection, trafficking victim assistance capacity was being expanded via the new SAO Institute for Cooperation, Advocacy and Prosecution (ICAP) building facility. This facility is operational as of 2019, and now houses the SAO's human trafficking unit and the Human Trafficking Task Force. Victims can therefore have a one-stop shop for all their needs, both victim services- and criminal justice-related. They are simply located on different floors in the same building (Miami SAO staff).

Several landmark cases from 2010-2011 that represented early successes were used to inform and justify founding the human trafficking unit in 2012, and also served as the impetus for drafting and passing stronger state human trafficking legislation. This new legislation included stronger criminal statutes and Safe Harbor provisions for victims. Another case, from 2012, is now used for training on how to incorporate digital evidence in TIP cases. It involved a savvy, generational pimp, two other defendants, and two central victims, and was proven using a long trail of cell phone texts, calls, and photos; and credit card transaction information. The SAO was able to use this type of case to train other investigators, prosecutors, and judges on using digital evidence to build cases and corroborate testimony, to the point where the digital trail proved most of the case on its own merits. This proved key in demonstrating the potential for using this avenue of investigation in trafficking cases in Miami and establishing the Miami

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[36] Data included in this case study comes from 2010-2018, and interviews were also conducted in 2018. Since data collection, the Miami SAO reports that their internal human trafficking unit and the SAO-based HTTF are now re-staffed, including returning to their optimum number of at least 10 dedicated investigators from the 28 participating municipalities in the HTTF (former Human Trafficking Policy Chief at the Miami SAO, June 2019).
[37] http://www.kristihouse.org/

SAO's human trafficking unit as a force in the community. Additionally, this case, and a similar one from 2014, also motivated the Florida governor's office to provide funds for more shelter beds dedicated to serving trafficking victims, such as those at Camillus House's Project Phoenix.[38]

On the other hand, a different 2012 case also used in training shows what happens when digital evidence is available, but investigators do *not* collect or accept it. In this case, copious cell phone and social media evidence was available but, since it was not collected when offered by the victim, the evidence was subsequently lost. The defendant was still convicted, but the evidence used to do so could have been much more robust if it had included the electronic communications, and the hotel and location information that would have corroborated the victim's testimony. This case is taught to new recruits to impart lessons learned from these mistakes.

Digital Forensic Analysis Labs: The Change in Practice. According to the former Chief of Policy for the Miami SAO Human Trafficking Unit, 2012-2015 were the "best" years for digital evidence use in case-building at the Miami SAO. Case statistics described later reflect this. During this time, the Miami-Dade Police Department's (MDPD) digital evidence lab processed and analyzed the digital evidence for all 29 of the county's local police departments that participated in the task force. As the years progressed, the amount of evidence regularly submitted for processing grew to a point where the MDPD lab developed a significant ongoing backlog that the local Secret Service lab began helping to manage.

Then, in 2016, MDPD decided they could no longer process evidence collected by other police agencies. This left 28 local departments scrambling for a solution. Some departments sent officers to learn Oxygen and Celebrite technologies so that they could process cell phone data "dumps" or extractions, but they were not trained to analyze the extracted data as well as a computer forensic examiner could. The SAO and various police departments are now working with the Secret Service to replace more of the digital forensic analysis capacity in Miami-Dade County, but this solution is neither permanent, nor fully in place, at the time of data collection.[39] During the interim, the SAO engaged some resources in other internal units, such as cybercrime, as part of a patchwork solution. Meanwhile, this affected the office's ability to continue successfully prosecuting trafficking cases—so critical is digital evidence for proving cases in court.

Occurring at the same time was a major staff turnover in task force police officers; in 2016, the more experienced detectives and investigators began getting rotated to other assignments and replaced by officers without human trafficking experience. Digital evidence

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[38] https://www.camillus.org/services/project-phoenix/#.XOWQdMhKhPY

[39] The United States Secret Service has since expanded its lab to include additional computer forensic examiner special agents. It has also trained additional local law enforcement officers as computer forensic examiners (which includes cellphones). These local law enforcement officers work with the United States Secret Service as part of its multi-agency Miami Electronic Crimes Task Force (MECTF) (Former Chief of Policy for the Miami SAO Human Trafficking Unit, June 2019).

collection problems developed following the staff turnover, compounding the effects of the processing problem; the two together have impacted the charging of cases brought since 2016. Many more cases were disposed of as "no actions" due to lack of sufficient evidence to prosecute. The SAO wanted to build this digital forensic analysis capacity internally, but funding for it was not available at the time of data collection. However, as of 2019, the newly created position of in-house SAO computer forensic examiner was approved and funded, so the staff look forward to reaping the benefits of this improved capacity (Former Chief of Policy, SAO Human Trafficking Unit, 2019[40]). In the meantime, many important lessons were learned that can be applied to improve practices both in Miami and other jurisdictions.

Qualitative Methods and Sampling. The particular techniques and strategies for collection and use of digital evidence in human trafficking cases in Miami is less of a formal program, like the Safe Harbor or County Coalition programs in Ramsey County or San Diego that have extensive documentation. Rather, they make up a practice that gets passed on by officers training officers, investigators training investigators, and leadership conveying their buy-in for the work and expectations for trafficking cases and officer attendance at formal trainings.

Table MI1. Interviewees' Affiliations/Roles

DESCRIPTION	# RESPONDENTS
State Attorney's Office (SAO) (n=9)	
Assistant State's Attorney/Prosecutor	4
Chief/Supervisor of HT Unit	2
HT Unit Administrator	1
Victim Specialist/ Social Worker	1
Investigator	1
Victims' Advocates/Service Providers (n=3)	
Kristi House (Child Advocacy Center, Leading comprehensive victim service provider in Miami)	1
Citrus Health Program (Trainer for Law Enforcement on Trauma-Informed Care and Interviewing)	1
Miami Cares (Child Welfare services coordinated response to TIP victims in foster care system)	1
Law Enforcement (n=5)	
Detective	3
Sergeant	1
Former Investigator/Current Consultant	1
G.R.A.C.E. Court (n=1)	
Judge	1
Total Respondents:	**18**

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[40] Any information gained during a follow-up interview that occurred after data collection in 2018 was completed will be noted with the year of the conversation.

Therefore, formal documentation of standard operating procedures in this area does not exist as such. The project team therefore collected information about these practices via 18 detailed, semi-structured interviews with SAO staff, judicial staff, and law enforcement officers involved with TIP cases. Victim services providers and in-house social workers were also interviewed to understand victim supports and victim experiences from other perspectives (see Table MI1 below for a full description of respondents).

Interviewees were asked a series of questions focusing on three main areas of interest: 1) digital evidence collection, processing, and usage procedures in Miami; 2) training and cross-training initiatives (overall and specifically associated with digital evidence processing) and 3) co-occurring anti-trafficking programs and practices. Interviewees were asked to describe the process for collecting, analyzing, and using digital evidence—especially in light of the 2016 processing lab changes described above. Respondents were also asked to describe training conducted within their own office or by partners on topics such as trauma-informed interviewing and the collection, preservation, and processing of evidence. The third part of the interview focused on co-occurring programs and practices, covering initiatives such as cultivating and qualifying expert witnesses, building relationships with Child Protective Services, and the development of a human trafficking-specific court. The thematic responses to these questions follow.

***Quantitative Methods and Sampling*.** Miami has prosecuted 512 human trafficking related cases since 2012. These cases may be charged under the human trafficking statute or related charges, such as promoting prostitution, or cases may include both types of charges. Table MI2 describes the universe of cases from which the sample was pulled. Cases cover closed cases from 2012-2017 (inception of the unit to the most recent closed case at the time of data collection). Only filed cases are included. "Cases investigated" includes only investigations, not inquiries, and may overlap with filed cases in instances when arrests resulted from SAO investigations. The number of victims includes only named victims in filed cases—other victims have been identified and served, or referred to services, even if they did not file a case.

Table MI2: Total Population of Trafficking-related Cases Miami 2012-2017

Year	Cases invest-igated by SAO HT Unit	Cases accepted and filed (incl. cases referred in)	Victims Identified	Cases Charged w/TIP Statute	No Action (Cases Declined)	Convicted by PLEA
2012	89	63	102	14	7	41
2013	127	100	219	20	15	62
2014	50	98	56	38	12	61
2015	30	82	39	32	10	50
2016	48	74	50	23	27	37
2017	66	95	72	35	18	39
TOTAL	**410**	**512**	**538**	**162**	**89**	**290**

From this universe of cases, a sample of 10-15 cases were randomly selected from each year. Fewer closed cases were available for 2017. Seven additional cases using the same criteria were also pulled from 2010-2011, prior to inception of the unit, if they were key cases that contributed to the formation of the unit. All 73 sample cases are included in summary descriptive statistics tables, although figures from the 2010 and 2011 cases are shown in italics for clarity. Only the 66 closed cases that were drawn randomly from the population described in Table MI2 are used in regression analyses so they could be weighted for the probability of their inclusion in the sample.

Table MI3 shows the key statistics of the 73 cases that comprise the final total sample of files coded and analyzed by the research team. Within these cases, there were 254 charges filed, split between 106 perpetrators. The total number of charges convicted, including via plea bargains that represent the majority, was 162.

Table MI3: Miami Case File Sample

Case Year	#Cases	#Perpetrators Charged	Total Charges Filed	Total Charges Convicted
*2010**	*4*	*8*	*28*	*11*
*2011**	*3*	*3*	*8*	*4*
2012	11	20	48	30
2013	12	16	27	20
2014	13	20	48	40
2015	13	18	51	36
2016	10	11	21	13
2017	7	10	23	8
Totals	**73**	**106**	**254**	**162**

*These cases occurred prior to formation of the Miami SAO human trafficking unit.

Perpetrator Demographics. As shown in Table MI4, 25 of the 106 perpetrators in the sample (24 percent) were white, 62 (58 percent) were black, seven (7 percent) were Hispanic, nine (8 percent) were of mixed race, and three (3 percent) were Asian. Sixty-nine percent of the perpetrators were male, and their average age was 31.5 years. Twenty-three held other employment at the time of arrest, and 40 had at least one previous incarceration noted in the file.

Table MI4: Perpetrator Demographics[41]

Perpetrator Demographics	n	Percent
Race/Ethnicity (N = 106)		
White	25	25.4%

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[41] Case numbers in Tables MI4 and MI5 include numbers from the sample cases that occurred prior to formation of the Miami SAO human trafficking unit.

108

Perpetrator Demographics	n	Percent
Black	62	58.5%
Hispanic	7	6.6%
Other	0	0.0%
Mixed	9	8.5%
Asian	3	2.8%
Gender (N = 106)		
Male	75	69.4%
Female	33	30.6%
Additional Employment? (N = 35)		
Yes	23	65.7
Previously Incarcerated? (N = 54)		
Yes	49	90.7
Age (N = 106)		
Avg. Age	106	31.5 yrs.
Min/Max Age		11/65

Victim Demographics. There were 84 identified victims across the 73 sample cases, including the seven cases prior to 2012. 92 percent (77) of the victims were female, with the remaining 8 percent (7) being male. Race information was available for 70 of the 84 victims. Table MI5 shows that 49 percent (34) were white, 36 percent (25) were black, 4 percent (3) were Hispanic, 7 percent (5) were of mixed race, 3 percent (2) were Asian, and one victim was listed as "other." Victim age was available for 49 victims, with the average age for those victims being 22.3 years; the oldest was 45 years old and the youngest was 13 at the time of victimization. The median age was 19. Twenty-three victims were minors at the time their victimization occurred. Six victims had other employment noted and 11 had notes about previous incarceration, but information on these two demographics was not consistently documented in the files.

Table MI5: Victim Demographics

Victim Demographics	n	Percent
Race/Ethnicity (N = 70)		
White	34	48.6%
Black	25	35.7%
Hispanic	3	4.3%
Other	1	1.4%
Mixed	5	7.1%
Asian	2	2.9%
Gender (N = 84)		
Male	7	8.3%
Female	77	91.7%

109

Victim Demographics	n	Percent
Additional Employment? (N = 13)		
Yes	6	46.2%
Previously Incarcerated? (N = 19)		
Yes	11	57.9%
Age (N = 49)		
Avg. Age	49	22.6
Min/Max Age		13/45

Table MI6 shows the documented relationships between victims and perpetrators among cases where that data was specified (N=56). Forty-two percent of perpetrators had romantic relationships with their victims, and strangers trafficking strangers occurred in 40 percent of cases. It is important to note that victims and perpetrators can have multiple relationship types—for example, a trafficker may recruit a runaway that is initially a stranger, then develop a romantic relationship with her as a means of establishing control.

Table MI6: Victim-Perpetrator Relationships[42,43]

Relationship Type	Freq.	Proportion of 56 Victims Reporting
Romantic	35	0.42
Clique/Gang	29	0.34
Just Friends	30	0.36
Strangers	34	0.40
Family	23	0.27

Detailed logic model

As stated above, these quantitative and qualitative data collections were guided by a detailed logic model created in collaboration with the Miami SAO, shown in Figure MI2. It reiterates Miami's stated goal of strengthening the collection and use of digital evidence in prosecutions to 1) reduce reliance on victim testimony, 2) improve the ability to secure justice for more victims, and 3) hold more offenders accountable for the severity of their crimes. Assumptions made when creating it included the idea that digital forensic evidence and processing capacity are essential; that the 2016 lab availability change hurt case numbers and outcomes; and that, in Miami's view, whether the TIP statute or an auxiliary charge is used to convict does not matter as long as the offender is held accountable and the victim is made safe.

This agnostic view regarding which type of charge is ultimately convicted was reflected in interviews with all four case study sites. While there has been considerable emphasis at the

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[42] Relationship types are not mutually exclusive.
[43] Case numbers in Table MI6 include numbers from the sample cases that occurred prior to formation of the Miami SAO human trafficking unit.

federal level on increasing convictions using trafficking-specific laws—partially to endow the state laws with strength, weight, and the establishment of case precedents and partially to make it easier to count TIP cases for prevalence estimation—district attorneys at the local level are more concerned with ensuring conviction regardless of charge. If, for example, there is not enough evidence to prove force, fraud, or coercion (as required in adult cases in most states), DAs still want the trafficker convicted of something in order to punish the crime, create deterrence, and make the victim safe. However, all four jurisdictions in these case studies increased the number of convictions under the TIP statute over the study period even if the decision of which law to use varied on a case-by-case basis. The existence of TIP statutes *has* increased attention to trafficking cases overall, and according to prosecutorial staff interviews in Miami and San Diego (presented separately), dedicating resources to trafficking prosecutions and making recommendations has led to the passage of increasingly robust state TIP legislation.

The logic model in Figure MI2 also shows inputs and resources, activities, outputs, and hypothesized short- and long-term desired outcomes steering Miami's work, which is aimed at the overarching goal of reducing human trafficking. Some short- and long-term outcomes were measurable via these data collections, while others were not, but this model served as the conceptual guide throughout the research process. Inputs included available labs with proper equipment and procedures, as well as trained law enforcement investigators, for example. Activities included training, evidence processing, and evidence transmission. Outputs included the number of cases identified, cases that used digital evidence, and participants trained, among others. Examples of short-term outcomes identified included increased numbers of TIP cases prosecuted and convicted using the TIP statute, and that retained victim cooperation.

Long-term outcomes hypothesized, while not empirically testable via the study sample, included increasing the criminal justice system's ability to prosecute and convict trafficking crimes, increasing the community's confidence in the SAO to hold offenders accountable, increasing the number of victims that access services legislated by the TIP statute for recognized trafficking victims, and reduced victim trauma and distress resulting from less reliance on their testimony. For perpetrators, hypothesized long-term outcomes included increased perceptions of risks associated with committing trafficking crimes, such as increased sentence lengths and higher likelihood of apprehension. However, traffickers may also adapt to digital evidence tactics used by investigators in order to evade detection. The descriptive statistics in Table MI2, above, show the dip in convictions and the increase in no actions since 2016 that correlated with the changes in available digital evidence labs and personnel. Cases investigated and filed by the SAO continued during this time, but the ability to take the same proportion of cases to completion was somewhat diminished for reasons that will be explained.

Figure MI2: Expanded Logic Model, Miami

Problem Statement

Reliance on victim testimony to prove FFC in TIP cases is problematic due to victim vulnerability and trauma. Other methods of building the case are critical especially in cases when victims can't or won't testify.

- Priorities
  - Achieve convictions with help of digital evidence
  - Justice for victim
  - Hold offender accountable
  - Convict offender of something, whether TIP or alternative chg

- Assumptions
  - Digital forensics critical. Capacity essential.
  - 2016 changes in available digital forensics labs hurt case #s & outcomes
  - Use of TIP or another statute doesn't matter as long as offender is held accountable.

Inputs (Resources)

- Evidence Checklist
  - Arrest Affidavit
  - Evidence procedures/Infrastructure in place
    - Digital/Online
    - Hotel/Motel
- Available labs
- Available lab procedures/equip
- Trained LE Investigators
  - TIP Case ID
  - Evidence
- Trained SAO Investigators
- Trained Service Providers, others can ID TIP cases
- Trained Hotline (ask right Q's for LE)

Activities

- Training/Cross-training
  - Interviewing
  - Securing and preservation of evidence
- Use of TIP case checklists
- Transmission of evidence to labs
- Processing by labs
- Transmission of results to SAO
- Use of digital evidence by SAOs

Outputs

- #TIP Cases IDd/Assigned to HT
- #Cases identified w/ digital evidence available
- #Cases w/ digital evidence that was processed
- #Cases w/ digital evidence presented & accepted by judge
- #Participants Trained
  - LE
  - SAO
- #Cases use Arrest Affidavit procedures
- #Cases use co-occurring practices

Short Term Outcomes (all by time period – trend analysis)

- ↑ Cases prosecuted TIP Statute
- ↓ Cases dropped/ no action/ acquitted
- ↑ Cases convicted
- ↑ Cases convicted due to digital evidence
- ↑ Cases Victim retained/ cooperated
- ↑ Cases Convicted on evidence/no victim testimony
- ↑ Cases victims received services

Long Term Outcomes (Not necessarily measurable)

- Impacts on CJS
  - ↑ ability to charge TIP
  - ↑ ability to convict TIP

- Impacts on Community
  - Sees SAO hold more perpetrators accountable - confidence

- Impacts for Victims
  - ↑charging TIP allow more victims access services provided w/TIP law
  - ↓reliance on victim testimony eases trauma

- Impacts for Perpetrators
  - See ↑risk engaging in TIP
  - ↑sentencing
  - Perpetrators may adapt to more widespread use of digital forensics to evade detection.

Control Variables:

Co-occurring practices and initiatives:
- DA
  - T-I Interviewing & Practices
  - VWS on Staff (currently 3)
  - Cultivating Expert Witnesses
  - HTCPR (coop w/CPS on missing kids)
  - Revitalize HT Task Force (28 agencies)

Co-occurring practices and initiatives:
- Other Agencies

Co-occurring events in area
Case Characteristics
Victim Characteristics
Perpetrator Characteristics
Victim-Perpetrator Relationship
Evidence Lab Provider Change

Digital evidence: Procedures

> *Digital evidence is important because, [among other things,] it shows the interaction between the [victim and the perpetrator], but...it really is victim testimony that makes cases... [However,] when you don't have victim cooperation, obviously electronic evidence is quite helpful – even jail calls.*

> – Miami-Dade Police Department Sergeant

Digital evidence, as defined in this case study, includes any evidence from an electronic source. This includes anything on a cellular phone, social media, computers of any kind, digital financial information, phone call recordings, metadata on the evidence to show when the picture was taken/text message sent/ad bought and by which product or phone, "trap and trace" of real-time cell phone calls to pinpoint locations, cell tower information to show where a defendant was at specific times in the past,[44] and the like. It is used to collect documented communications between parties of interest and to demonstrate recruitment patterns and solicitation of commercial sex customers for trafficking victims to serve. Following money trails can also establish patterns of trafficking activity, locations of residence, relationships between parties of interest (between perpetrators and victims, as well as between perpetrators), and patterns of movement.

One respondent stated that many investigations begin with a scouring of social media— "you gain such insight to what's going on" (Victim Advocate). However, in Miami, at this point there has been only one trial successfully completed based solely on digital evidence and other testimony, but without an available victim. Plea agreements based on digital evidence without an available victim are more common, though they may not result in a conviction using the TIP statute (former Chief of Policy, Miami SAO Human Trafficking Unit).[45] It is important to note that many jurisdictions have not successfully completed a single case without an available victim; the ability to do this is a stated goal of numerous prosecutors in our case study sites and elsewhere.

Use of digital evidence in prosecution was recorded in 62 of the 73 files coded by the research team, comprising 85 percent of cases. A summary of the digital evidence source present in each prosecution file from the sample is presented in Table MI7. Cell phones were the primary source of digital evidence in 74 percent of cases with digital evidence present (n = 46), particularly texts and call information (58 percent and 50 percent of the 62 cases, respectively), followed closely by web escort ads (34 of 62 cases, or 54.8 percent). Backpage was the most common escort ad posting site recorded (50 percent of all cases with digital evidence recorded). As noted in interviews, with the shut-down of Backpage in 2018, many ad posters have migrated

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[44] Cell site information is different than trap and trace. Cell tower or cell site information gives historical insight into where the defendant was at specific times. For trap and trace with a warrant, some cell phone service providers have begun sending investigators emails at 15 minute intervals, eliminating the need for a tracking machine.

[45] Unfortunately, victim retention is not tracked in the Miami SAO's CMS, so figures on plea convictions without an available victim from the total population of cases were not available.

to other sites—particularly websites hosted offshore. Social media and digital financial information were the next most common sources of digital evidence; this was used in about half as many cases as evidence from phones and escort ads.

 Digital evidence practices within the SAO. Overall, there exists "a variety of ways processing is done, and the process depends on the case and the type of evidence involved" (Assistant State's Attorney). This variety is reflected in the descriptions of digital evidence processing provided by different respondents. For example, the ability to access and use Celebrite technology is necessary to do a cell phone extraction or "dump," whereas scouring social media may simply require a regular computer, although it may require a search warrant for the social media site. Investigators cannot access social media content without a warrant if the suspect has privacy settings that block public viewing of material.

Table MI7: Digital Evidence Sources, Totals by Year (N = 62)**

Year	*2010**	*2011**	2012	2013	2014	2015	2016	2017	Total
Web Escort Ads	*3*	*1*	4	5	10	5	2	4	**34**
Craigslist	*2*	*0*	0	0	0	0	0	0	2
Backpage	*3*	*1*	3	5	8	5	2	4	31
Subpoena Ad Websites	*2*	*1*	3	3	4	2	1	0	**16**
Cell Phones	*2*	*2*	10	9	11	5	4	3	**46**
Texts	*2*	*1*	8	8	8	5	2	2	36
Calls/Call History	*2*	*1*	9	9	5	3	2	0	31
Pictures/Photos	*1*	*1*	8	6	5	3	1	0	25
Videos	*0*	*0*	2	4	1	4	1	0	12
Cell Phone Warrant	*0*	*0*	5	5	5	1	2	2	**20**
Cell Tower Info	*0*	*0*	0	0	1	0	0	0	**1**
Emails	*1*	*0*	0	1	3	0	0	0	**5**
Social Media	*1*	*1*	5	3	5	1	0	1	**17**
Social Media Warrants	*0*	*0*	0	1	1	0	0	0	**2**
Laptops	*1*	*0*	1	2	3	2	0	2	**11**
Digital Financial Info	*2*	*1*	3	4	4	1	1	1	**17**
TOTALS	*17*	*7*	*47*	*51*	*53*	*27*	*12*	*12*	*226*

* Counts include numbers from the sample cases that occurred prior to formation of the Miami SAO human trafficking unit.
** The other 11 sample cases did not have any digital evidence collected.

 Two interviewees noted that they previously had assigned detectives trained to extract digital evidence of various types, after which this evidence would be delivered to the MDPD or U.S. Secret Service labs for processing. Once the lab has the evidence to analyze, three interviewees noted that it is the responsibility of the lead detective on the case to coordinate and obtain the results because the lead detective/ investigator will be the one required to testify to the chain of custody. Currently, four interviewees expressed interest in finding resources to hire in-

house officers with the skills to process and extract the evidence since the MDPD lab ceased processing evidence from other departments.

After processing, the digital forensic analysis results are usually delivered by the lead detective from the lab to the SAO's office on a disk, drive, or other USB device. Two respondents discussed the importance of not sharing the reports over the Internet or by email, even in terms of delivering discovery to the defense, due to the possible presence of pornographic imagery—such as photographs in escort ads—that may be part of the evidence. The electronic transmission of such images is legally considered distributing pornography.

Anyone who wants to review evidence containing such images must therefore visit the SAO in person. All of the material attained from a cellular device or other digital source must be reviewed carefully to determine what might be legally classified as child pornography; whether there are any erotic images present that are not contraband but must be vigilantly protected to preserve victim privacy; what items should be isolated as evidence for the case; and what items the defense is entitled to see. This review process is extremely time consuming (Assistant State's Attorney). The SAO keeps the evidence reports, while the lab stores the physical evidence.

Mobile Digital Evidence Laboratory. Local law enforcement respondents described additional components in evidence collection and analysis to those provided by SAO staff. Specifically, four law enforcement respondents described the use of a computer forensic mobile lab when executing search warrants. The mobile laboratory contains all of the equipment necessary to do an on-scene preview of phones and computers. The van then returns the evidence to the secured office to conduct the full examination and create a report based on the specifics of the search warrant. This way, evidence can be gathered immediately, rather than forfeiting and impounding the phone and then waiting to get it back (Sergeant).

One respondent commented that after the mobile lab was instituted, there was a decreased willingness of victims to turn their phones over for evidence. Local law enforcement officials noted that they are attempting a new initiative wherein they provide victims with loaner phones while the original devices are processed for evidence. This initiative is designed to increase the likelihood of cooperation and decrease the discomfort of victims.

Digital evidence: Common types and uses

Cell phones. Cell phone forensics were documented as a common source of evidence in TIP cases. However, three respondents observed that data extractions were becoming increasingly difficult with the advent of increasingly complex identification and encryption technologies. Due to password protection software and biometric locks on phones and laptops, the skills required to perform a data "dump" are constantly changing. Furthermore, challenges exist in dealing with various Internet and cellular service providers. As one detective said, "They are not forthcoming and want law enforcement to jump through hoops."

However, Celebrite forensic analysis technology is also advancing. For example, it is now possible to get into iPhone 8s and 10s without a password, which was not the case in the past (Local Law Enforcement). The ease of securing this evidence also depends on whether the victim or perpetrator voluntarily consents to having their device analyzed, or whether investigators must get a search warrant to access it. Overcoming these challenges has produced success stories in which the criminal justice system is seeing more pleas, versus trials (Detective). This can happen when the evidence is so strong that the defendant wishes to avoid a trial.

Credit Cards and Financial Information. Credit card and bank account evidence have different challenges associated with collection and use, compared to other forms of evidence, because perpetrators or traffickers do not necessarily use traditional bank accounts. For example, two respondents described how a trafficker may use prepaid Visa or "vanilla" cards from a merchant such as Walgreens, rather than traditional accounts that can be traced. In these cases, rather than using credit cards as evidence alone, law enforcement must also acquire security camera footage of the individuals purchasing the cards and, hopefully, catch the perpetrator in continued possession of the card (Investigator/Assistant State's Attorney). To acquire this information, a paralegal will typically draft subpoenas to obtain the store videos.

One respondent discussed the use of a new program called E-RAD as an investigative tool. According to the interviewee:

> *This software was designed by civilians with input by the Secret Service. If the suspect puts money on debit cards, [E-RAD] can swipe the card and find out how much money is on the card. The program is free for seven days until you start official procedures.*

– Sergeant/Detective

For those who have standard bank accounts, it is more difficult to obtain information. Investigators need the account details and subpoenas to access them, which can take time. When bank accounts or credit card accounts are subpoenaed, the evidence is reviewed by a financial analyst.

Social media. Social media evidence is also collected by a variety of means. Subpoenas and "preservation of content" letters may be delivered to providers such as Facebook, Twitter, WhatsApp, and Instagram. A preservation letter is a legal request made to a party to preserve any evidence or material on a website or app for a specified account to prevent the evidence from being altered or deleted (FindLaw, n.d.). These documents are drafted and reviewed as a shared effort between the detective and the SAO. Evidence may also be collected by simply taking screen shots from these sites, especially when victims are willing to grant access to their accounts. This evidence may contain photos of individuals alone or with associates, locations such as hotel rooms, tattoos on victims or perpetrators, as well as posts with information about activities. Facebook Messenger chats may also be accessible with a warrant or permission from

116

the victim or suspect. Additionally, six interviewees noted that the use of social media accounts as evidence is extremely useful in locating and finding missing youth.

Online Escort Ads. Victims were often advertised online via websites such as Backpage and different sections of Craigslist, john-review sites (where commercial sex buyers rate and discuss different sex providers), and dating sites such as Plenty of Fish (under the cover of regular dating profiles). While some of these practices have changed since recent federal legislation curtailed online solicitation activities,[46] and Backpage was shut down by the Federal Bureau of Investigation, online advertisement has not been eliminated. Unsurprisingly, individuals are adapting to the new environment by changing websites used and ad-posting characteristics.[47] Escort ads are a prominent source of evidence used to build TIP cases—as much or more than social media. Social media tends to be used by traffickers for recruitment, while classified ad sites or review boards are typically used to solicit business. Escort ads can provide specific details on victim locations, contact information, and activities (completed or solicited). The ad's metadata can be used to connect victims to perpetrators by tracking who paid for the ad, or by matching contact information. Interview respondents in Miami reported using Traffic Jam or Thorn's Spotlight software to scrape and mine ads, metadata, and payment information.[48]

How Digital Evidence is Used to Build Cases. Obtaining electronic evidence results in stronger TIP cases that are less likely to be dismissed or result in a "no action" (*nolle prosequi*) case disposition (Assistant State's Attorney).

> *There is a difference electronic evidence makes; many cases get resolved with a plea rather than a trial… [but] when they go to trial, they get the maximum years. The prosecutor can [visually] show the worst of the worst [to the jury]… [But] lot of times the [digital] evidence is overwhelming, and the case doesn't go to trial. [Recently,] three defendants went to trial and received 100, 156, and 80 years each.*

– Detective

Digital evidence can thus be used in a variety of ways. According to four Law Enforcement and SAO interviewees, these uses include (among others):

- *Foundational* – critical evidence base for developing a case (n=1)
- *Determination of charges* – increasing the strength of evidence substantiating each violation (n=2)
- *Leverage* – Increasing strength of evidence used in plea negotiations (n=1)
- *Compensating for lack of victim* – in certain cases, digital evidence may be sufficient to prosecute (n=2)

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[46] The Fight Online Sex Traffickers Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) of 2018.

[47] It is important to note that these acts also affected non-trafficked sex workers that used the sites.

[48] https://www.thorn.org/spotlight/

117

- *Jury Visual Aids* – blowups of digital evidence (e.g., text messages establishing patterns of activity) can make the case much clearer to jurors (n=4).

Large [visual aids make] juries pay attention; seeing the language blown up… Civilians are shocked when they see all the evidence.

– Sergeant Detective

Case outcomes: Descriptive statistics and results from case file analysis

Several intriguing findings were gleaned from descriptive statistics about the general impact of digital evidence on convictions. Given the sample size and the limited number of cases per year that the project team was able to code in the time available, it is difficult to perform definitive causal analysis. Additionally, there were systemic missing data on several variables of interest, such as more detailed information on perpetrator and victim backgrounds or victim services received, simply because these data are not routinely recorded in prosecutorial files. Nevertheless, a great deal of data could be obtained about TIP cases prosecuted by the Miami SAO. This section begins with statistics on case identification method, victim retention, and counts and charges convicted. It then moves on to the impacts of digital evidence on convictions and concludes with information on sentencing patterns in Miami.

Case Identification Method. The identification method for 67.8 percent (40 of 59 cases for which this data point was available) is strictly reactive, meaning that those investigations began in response to a tip. For 28.8 percent (17 cases), investigations were strictly proactive wherein law enforcement began the investigation via a sting operation or by screening related case types such as domestic violence or sexual assault for signs of trafficking. For 3.4 percent (2 cases in the sample), there was a combination of both methods (a lead and the results of a sting came together in a single case). As additional jurisdictions seek to identify cases proactively, this pattern holds promise for improved law enforcement efforts. A further discussion about proactive case identification and case building processes is highlighted in the District Attorney of New York (DANY) case study.

Victim Retention. Out of 73 cases in the sample, explicit information on victim retention was available in the narratives of 41 files. All 41 of those files were dated 2012 or later. Victim cooperation was confirmed in 14 of these 41 case files (34.14 percent). Twenty-seven case files noted that the victim was *not* retained. Common reasons for a victim's unwillingness or inability to assist in prosecution included the victim running away or relocating (N=12) or that they were not believable for some reason (N=2). Twelve case files specified that the victim did not have to testify in court after giving a statement beforehand, while two others noted that the victims were assured they would not be charged with crimes committed under duress or were provided safety, respectively. Receipt of support services directly facilitated victim cooperation for five victims,

118

according to the sample files, although 68.4 percent of victims received some level of services regardless of their participation (26 of 38 victims with services data recorded).

Naïve regressions of the presence of digital evidence on victim cooperation did not produce statistically significant results, with or without weights to correct for the probability that a case prosecuted using the TIP statute, or resulted in no action or dismissal, was drawn into the sample. This may be because there was not enough information recorded about victim cooperation in sufficient files to conduct meaningful analysis on the question.

Counts and Charges Convicted: Descriptive Statistics. It can be seen in Table MI8 that use of the different TIP statutes has shifted from employing the sex trafficking specific statute in the early years to using the human trafficking charge later on. This was in response to the stronger human trafficking statute passed in Florida in 2012, at about the same time the Miami SAO human trafficking unit was also formed (former chief, Human Trafficking Unit).

Table MI8 shows the total numbers of charges convicted in the sample based on category and case year. Many cases involved multiple perpetrators convicted on the same charge if there were multiple victims and/or instances of the violation occurring. Charges falling under the category of promoting prostitution—such as deriving support from prostitution, procuring a minor for prostitution, renting space for prostitution, transporting for prostitution, forcing/

Table MI8: Total Number of Charges Convicted (N=73 cases)

Count Convicted Category	*2010**	*2011**	2012	2013	2014	2015	2016	2017	**Total**
Human Trafficking	*0*	*0*	2	3	12	8	3	4	**32**
Human Trafficking/Minor	*0*	*0*	0	1	0	1	0	0	**2**
Sex Trafficking	*3*	*1*	2	2	0	0	0	0	**8**
Sex Crimes with Minor	*1*	*1*	4	3	1	1	0	0	**11**
Promoting Prostitution	*7*	*2*	14	6	11	12	7	15	**74**
Controlled Substances	*0*	*0*	4	2	5	10	3	2	**26**
Kidnapping	*1*	*0*	1	4	2	4	1	1	**14**
RICO	*3*	*0*	2	0	8	0	1	0	**14**
Conspiracy	*2*	*0*	1	0	3	0	0	0	**6**
Robbery	*0*	*0*	3	0	0	1	1	0	**5**
Battery	*4*	*4*	3	7	1	3	4	0	**26**
Child Mistreatment	*0*	*0*	2	0	0	5	0	0	**7**
Resisting Arrest	*0*	*0*	1	0	0	0	0	1	**2**
Condition Violations	*1*	*0*	2	0	2	4	1	0	**10**
Attempted Murder	*0*	*0*	0	0	0	1	0	0	**1**
Misc.	*6*	*0*	4	0	2	0	0	0	**12**
Total	*28*	*8*	**48**	**27**	**48**	**51**	**21**	**23**	**254**

*** *Counts include numbers from the sample cases that occurred prior to formation of the Miami SAO human trafficking unit.*

coercing for prostitution, procuring/soliciting for prostitution, aiding in prostitution, maintaining a house of prostitution, or directing another to place of prostitution—were also commonly used. See supplementary Table SMI1 in Appendix D for a complete list of which charge types are grouped into each category below. The charges that are ultimately prosecuted and convicted by trial or plea agreement depend upon the level of evidence to support the burden of proof. As will be seen later, Miami's average sentence lengths are substantial.

***Digital Evidence, Charges, and Convictions*.** Data on digital evidence was consistently recorded in case files due to its usage to substantiate charges and achieve convictions, making it one of the few instances where exploratory causal analysis could be done. First, in a logistic regression weighted for the probability that cases charged using TIP or that resulted in no action would be included in the sample, and dropping the 2010 and 2011 cases that were not randomly selected from the universe of cases described in Table MI2, Table MI9 shows a marginally significant effect the presence of digital evidence on increasing the probability that a case will be charged using the TIP statute (p < .10). Proactive case identification was also a marginally significant predictor of charging under the TIP statute (p < .06). The number of different types of evidence present, however, was not statistically significant; the presence or absence of digital evidence appears to be the deciding factor. It would be interesting to see if this trend holds and increases in statistical significance with a larger case sample, as the years continue, and as Miami's SAO and law enforcement agencies sharpen their capabilities in proactive case identification.

Table MI9: Weighted Logistic Regression for the Impact of the Presence of Digital Evidence on Charging TIP

Weighted Logistic Regression				Number of obs =		52
				Wald chi2(6) =		6.96
				Prob > chi2 =		0.0733
				Pseudo R2 =		0.0929
Std. Errors adjusted for 52 clusters in Case No.						
Charge TIP	**Odds Ratio**	**Std. Err.**	**z**	**P>z**	**[95% Conf. Interval**	
Digital Evidence Present	4.49	4.05	1.66	0.10	0.76	26.35
Case Year	0.83	0.16	-0.96	0.34	0.57	1.21
Case ID Method	0.33	0.19	-1.9	0.06	0.11	1.04

In Table MI10, a weighted logistic regression shows a statistically significant, robust relationship between the presence of digital evidence and the more general dependent variable of whether the defendant was convicted of any charge, regardless of statute (p < 0.05). Table MI10 shows that a case with digital evidence present is 21 times more likely to result in conviction (any statute). Case years 2013 and 2014 were also statistically significant predictors of success, likely because the first prosecutions brought by the human trafficking unit that launched in 2012 were being completed ("best years" according to interviewees). Also interesting was the fact that the year 2017 perfectly predicted failure among sample cases; this was the year after the lab

120

change and the staff turnover, when more cases were disposed of as no action and collection of digital evidence began to wane.

Table MI10: Weighted Logistic Regression of the Presence of Digital Evidence on Case Conviction

Weighted Logistic Regression					N =	45
					Wald chi2(6) =	16.55
					Prob > chi2 =	0.0205
					Pseudo R2 =	0.2923

(Std. Errors adjusted for 45 clusters in Case No.)

Case Convicted	Odds Ratio	Std. Err.	z	P>z	[95% Conf. Interval]	
Digital Evidence (Y/N)	21.04	30.10	2.13	0.03	1.27	347.29
Case Year						
2012	1.00	(empty)				
2013	43.56	57.72	2.85	0.00	3.24	584.72
2014	26.67	32.28	2.71	0.01	2.49	285.91
2015	16.82	26.01	1.82	0.07	0.81	348.65
2016	2.32	3.32	0.59	0.56	0.14	38.18
2017	1.00	(omitted)				
Charge TIP	0.17	0.18	-1.71	0.09	0.02	1.30
Case ID Method	2.16	3.23	0.52	0.601	0.12	40.42

However, the N in this regression was still only 45 cases, and adding control variables that were not consistently available in the files dropped the N even lower, so this analysis should also be considered exploratory only. Nevertheless, it reflected an interesting trend that was also discussed in the interviews. Running the number of pieces of digital evidence, rather than simply noting their presence or absence, also did not make a statistically significance in the likelihood of conviction. It was the presence of the evidence that appeared to make the difference, but again, the sample size is small. This also made it difficult to break down the effects of different categories of digital evidence on conviction results, whether total convictions, or number of convictions using the TIP statute.

Sentencing. The weighted average number of total prison years perpetrators received as sentence during this period is 12.65 years, regardless of charge(s) convicted, with a range of zero to 32 years in the cases that made up the sample (probation may have been received instead, or the case may have been *nolle prosequi*). The weighted average for conviction under the TIP statute over the period after the human trafficking unit was launched was 10.44 years. Yearly average sentences are displayed in Table MI11, with the yearly average sentence years for those convicted of at least one trafficking charge shown in the third column. It may be observed that there is little difference in sentences achieved in this sample when the conviction includes a

charge under the trafficking statute. For several years, the average sentence was higher in cases using alternative statutes such as promoting prostitution.

Table MI11: Yearly Average Sentence Years (Total and Using Trafficking Statute)

Year	Weighted Average Sentence (Years)	Weighted Average Sentence If Convicted Under Trafficking Statute (Years)
2010*	19.0	15.0
2011*	12.85	N/A
2012	18.35	15.0
2013	10.88	7.67
2014	10.97	5.92
2015	18.91	21.45
2016	3.25	0
2017	1.56	2.0
Totals	**12.65**	**10.44**

* These averages include numbers from the sample cases that occurred prior to formation of the Miami SAO human trafficking unit and are unweighted.

Based on interviews, this may be because of the emphasis placed on holding the offender accountable regardless of the charge(s) used to do so, and sentencing recommendations are another part of that process. It may also be a reflection of the fact that 87 percent of these cases were resolved by plea agreement vs. a jury trial; the average sentence was 6.75 years if the case was resolved by plea vs. an average of 18.58 years if adjudicated at trial, regardless of charge.

Table MI12 shows the results of an exploratory weighted regression examining the impact of the number of types of digital evidence on total sentence length in sample cases (sentences of all defendants in each case added together). Each additional type of digital evidence present increases the length of sentence by 2.54 years in the sample ($p < .02$). Interestingly, the use of the TIP statute to charge the defendant was not statistically significant in determining sentence length, which was true in bivariate analyses as well. The F-statistic for the

Table MI12: Impact of Total Digital Evidence on Total Sentence in Case

Weighted Least Squares Regression				Number of obs =		33
				R-Squared =		0.2781
				Adj. R-Squared =		0.2034
				Root SME =		10.1216

Std. Errors adjusted for 36 clusters in Case No.

Total Sentence (Yrs.)	Coef.	Std. Err.	z	P>z	[95% Conf. Interval	
# Types of Dig Evidence	2.537	0.94	14.05	0.02	0.52	4.55
Charge TIP	0.584	3.26	20.16	0.86	-6.22	7.39
Case ID Method	-0.173	3.97	9.75	0.97	-9.05	8.70

122

Small Sample Corrected F-Test:	*F(3.0000,12.3759) =*	*2.66*	*Prob > F =*	*0.09*

model, when standard errors are corrected for sample size, is merely 2.66, so again these results should not be relied upon solely. They do, however, lend support to the qualitative interview responses emphasizing the importance of digital evidence to charging, convicting, and sentencing trafficking cases in Miami.

Other key components in TIP case building

Digital evidence, as a key component of building TIP cases, does not exist in a vacuum, nor do the procedures for collecting it, processing it, and employing it in prosecutions. Other key components in helping victims and building cases include multidisciplinary team responses to missing and exploited children; use of expert witnesses in prosecutions; and training and cross-training initiatives for SAO staff, law enforcement, service providers, and the community to develop awareness of human trafficking and its warning signs. Lastly, Miami also launched the specialty G.R.A.C.E. Court in 2016 to address the unique needs of human trafficking victims. Themes relating to these components resulting from the interviews are discussed now to understand the context in which TIP investigations and evidence collection are carried out.

Recovery of Missing and Exploited Children. Five interviewees explained that, within the last two years, a Multidisciplinary Team (MDT) was created to increase the frequency and urgency of coordinated responses to runaways and missing and exploited children. This team is called the Human Trafficking Child Plan and Recovery team (HT-CPR). Spearheaded by the SAO, this is a collaborative effort with a broader group that includes members of the Department of Children and Families (DCF), the SAO, Child Protective Services, Our Kids,[49] the Chance program,[50] Kristi House, local and federal law enforcement, the Department of Juvenile Justice, school representatives, foster care agencies, legal services from DCF, and the guardian ad litem program. At the HT-CPR's biweekly meetings, attendees share information on missing children and attempt to determine if each child "has a pimp and who the pimp is" (SAO Human Trafficking Unit).[51] Once a child is identified as a victim, the HT-CPR team discusses a recovery plan and services to be coordinated for the victim. Meetings of the HT-CPR may be more frequently held when a missing or runaway child is in immediate need. This meeting ensures that:

> *There is consistency [in service delivery] and no duplication of services.*

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[49] http://www.ourkids.us/Pages/Home.aspx
[50] http://www.citrushealth.org/CHANCE
[51] Essential to the success of HT-CPR has been the Miami Cares Project, which is a program that provides services to human trafficking victims under the care of Florida's Department of Children and Families. The Miami Cares Project is grant-funded by the federal Department of Health and Human Services.

123

– Victim Specialist

Collaboration with many agencies including [the] SAO…[ensures] that children who have been identified as [victims of] human trafficking or suspected of human trafficking are getting appropriate services and an appropriate placement. [We] want to be sure to provide what they need to stay safe and leave the life.

– Project Manager Miami Cares

Meanwhile, one interviewee noted certain difficulties with Child Protective Services related to trafficking cases. For example, some foster parents would not report a child missing or at risk because they want to keep receiving payment, and group homes were also being used as recruitment sites by traffickers. The respondent hopes this has improved, also noting that more resources and funding are needed to help CPS make these improvements. Another interviewee mentioned that chronic understaffing at CPD/DCF makes the number of staff available for missing youth recovery low.

Expert Witnesses. Expert witnesses play an important role in trafficking prosecutions because they can help the jury to understand the complex relationship between a victim and their trafficker. For example, an expert witness can help jury members to recognize how trauma can lead a victim to participate in commercial sex at the behest of their perpetrator, and that this form of manipulation can be considered a form of brainwashing (Warpinski, 2013).

Jurors don't understand the emotional attachment the victims have with [the] pimp. The taking is emotional versus physical. Coercion comes in different forms—[including] romanticization—it's a fantasy.

– Victim Specialist

Expert witnesses in TIP cases come from various professional backgrounds depending upon the type of expert testimony needed (i.e., victim advocacy, psychiatry, psychology, law enforcement). One interviewee recounts a case where a medical practitioner was brought in to testify about the effects of Stockholm syndrome, while another interviewee discussed the process of qualifying an FBI agent to speak about how victims are groomed for human trafficking.

This was a federal case where they flew in a doctor—where the victim had Stockholm syndrome. Very helpful—big trial—he got convicted and got a 27 year sentence. He paraded six girls into court… Judge went below the sentencing guidelines [though]. She should have given life sentences.

– Detective

Although two respondents commented that expert witnesses are invaluable in proving TIP cases, since they can explain trafficking phenomena and the salience of different types of evidence to judges and juries, others pointed out the hurdles associated with hiring and

124

qualifying them. First, two interviewees mentioned that expert witnesses are expensive and securing funding for them can be difficult.

> *If you use an expert, [they] do not work for the state. They have to be paid [as a consultant] and the State sets the amount…Funding is a big obstacle for [using] them.*

– Prosecutor

This is likely due to the fact that there are several requirements an individual must meet to be recognized as an expert in the courtroom. Experts have to be "registered, [submit a] curriculum vitae and application, and [be] sworn in" (Citrus Health Trainer).

Another respondent discussed how, in one case, the judge simply disallowed a vetted academic human trafficking expert from testifying without giving a substantive reason (Assistant State's Attorney). Since this time, there has been increased development and use of expert witnesses for TIP cases by the SAO, particularly of highly trained and experienced federal agents and local law enforcement officers. There was consensus across respondents that there exists a "growing trend in [increasing the number of] qualifying experts in [TIP] cases," and the value of their testimony is reflected in both the experience required and the cost associated with obtaining their expertise (Assistant State's Attorney).

Training and Cross-training Initiatives. Thirteen respondents across agencies discussed their experiences with training initiatives conducted and/or attended by themselves or staff in their offices. Table MI14 below describes each of their affiliations, the type of training attended, and details about each program and curriculum. Given the variety of different sessions, conferences, and academies described by respondents, it is clear that there exist many opportunities for obtaining human trafficking training by different stakeholder types in Miami-Dade County.

For example, three interviewees discussed their participation in trainings held at local universities such as St. Thomas University and the University of Miami. Two mentioned an academy run by the National Center for Missing and Exploited Children (NCMEC). Via these local universities and NCMEC's online university, access to formal and traditional classroom training is available and utilized by a number of criminal justice stakeholders to increase awareness and enhance response protocols, readiness programs, and more (NCMEC, 2019). Furthermore, many of these sessions are openly accessible to other types of practitioners, victims' advocates, and the broader community.

Separately, six respondents from the SAO's office described expanded access to TIP training provided in-house. Prosecutors, investigators, and support staff receive information on human trafficking as part of the regular general office curriculum that all staff members attend. Additionally, those with a direct connection to the SAO's Human Trafficking Unit seek out additional training on specific topics such as forensic interviewing or how to cope when a witness recants their testimony. Outside parties, such as DCF, guardians ad litem, and others

125

PROSECUTING TRAFFICKING IN PERSONS CASES: AN ANALYSIS OF LOCAL STRATEGIES AND APPROACHES

receive tailored training geared toward warning signs of TIP they can look for during their daily work, along with types of digital evidence they might see that can be helpful to turn over to law enforcement such as photographs or text messages (Citrus Health Trainer).

The SAO is also actively involved in disseminating training to other sectors such as the medical and hospitality fields. For example, two Assistant State's Attorneys discussed presenting

Table MI13. Experiences with Training Initiatives by Respondent Type (n=13)

Interviewee Affiliation	Attendees	Type of Training	Provider	Length of Training
SAO Human Trafficking Unit Assistant State's Attorneys (N=2)	Prosecutors only (in-house); Academy audience includes others	Human trafficking, Trauma-informed interviewing, United States Secret Service computer and cell phone evidence training	In-house trainings; 2 academies at St. Thomas University (see below); Shared Hope JuST conferences, NDAA	In-house trainings vary; academy at St. Thomas University and NDAA trainings are one week
SAO Prosecutors (N=2)	SAO staff, police agencies, prosecutors, some community trainings such as medical, hospitality/hotel, and sports communities	Child Abuse, Sex Abuse; multi-disciplinary training on human trafficking; evidence preservation, forensic interviewing, recantation	In-house trainings	Varies depending on audience and topic
SAO (Investigator)	Police and investigators assigned to human trafficking unit	Triage training for investigators to triage victims' needs and move away from arrest-first mentality with trafficking victims	Currently SAO investigators train other law enforcement personnel	15-minute PowerPoint for roll calls, Train-the-Trainer
SAO (Human Trafficking Victim Specialist)	Victims specialists and support staff throughout Miami, schools (students and staff), hospitals, community orgs., etc.	Trauma-informed interviews; therapeutic interviewing	Led by the respondent at various locations	Varies depending on audience and topic
Miami Police Dept/Local Law Enforcement (N=4): Detective, Retired Officer/ Current	Law enforcement, SAO, Non-governmental Organizations (NGOs), Schools	Human Trafficking Academy; cultural competency; trauma-informed interviewing; dating violence and	Short trainings in-housel. Shared Hope (videos); Academy by University of Miami, NCMEC,	In-house trainings vary: roll call or other venue; academy 2x per year at St.

126

Interviewee Affiliation	Attendees	Type of Training	Provider	Length of Training
Consultant, Detective-Sergeant, ICAC[52] Detective		internet crimes against children	& Internet Crimes Against Children	Thomas University is one week
NGO/Support Agency Staff (N=3): Citrus Health Program (Mental Health and Trauma Trainer), Kristi House Staff, and Miami Cares Project Manager	G.R.A.C.E. Court (judges, case managers, bailiffs, clerks, etc.); health care, front line/first responders, schools, CPS, foster parents, attorneys, prosecutors, guardian ad litems (anyone involved with a child in dependency system)	Trauma informed care & modalities; broad training on human trafficking; Baker Act training for mental health crisis intervention[53]	Source materials: Polaris (handouts, guides); Citrus Health conducts the training	Every other month. Length varies; for example, continuing legal education (CLE) credits for judges = 4 hours

to school nurses, hospitals, dentists, nursing groups, and other first responders—all of whom may be the first system actors with whom a victim interacts. The purpose of this outreach and training is to increase the "number of eyes on the ground" and increase identification of human trafficking cases (Assistant State's Attorney).

Building on some of the relationships with stakeholder and community groups that have resulted from the trainings, the SAO has created a policy institute where participants, including DCF and members of the SAO, meet quarterly to discuss upcoming issues and recently passed legislation. Together, this working group has crafted several legislative packages based on successes and ongoing challenges addressing trafficking in the community (HT Unit Administrator).

Overall, the variety in interview responses suggests that training initiatives vary in *form and content* (i.e., direct focus on trauma-informed care versus a broader discussion of cultural competency), *length* (short presentations to week-long academies), and *accessibility* (i.e., law enforcement personnel only versus anyone requesting the training). Since the handling of TIP cases involves individuals from the legal field, law enforcement, victims' services, foster care, schools, community groups, and more, the trainings are intentionally structured to fit their needs and purposes and to equip each group to best serve victims within their own capacities. Therefore, training initiatives in Miami are not uniform across agencies and organizations; this is a strength so long as there is access and awareness about these customized initiatives and their appropriate audiences and uses.

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[52] Internet Crimes Against Children – specialized unit
[53] https://www.myflfamilies.com/service-programs/samh/crisis-services/baker-act.shtml

G.R.A.C.E. Court. The 11[54] Judicial Circuit of Florida launched the new G.R.A.C.E. Court (Growth Renewed through Acceptance, Change and Empowerment) in 2016.[54] This court is part of the Juvenile Dependency Division of the Miami-Dade Courts System. It provides comprehensive services and support to trafficked children and their families under protections afforded by the state's human trafficking laws. This specialized court focuses on addressing the needs of youth victims of human trafficking in a trauma-informed way. As noted by two interviewees, this initiative was spearheaded by Judge Maria Sampedro-Iglesia, who had become increasingly aware of the unique difficulties faced by victims of commercial sexual exploitation and labor trafficking while their cases were processed in the regular criminal justice system.

After pursuing her own training, Judge Sampedro-Iglesia began requesting these cases be transferred to her court, which eventually led to her conception of a trauma-informed courtroom that also facilitated the provision of comprehensive services for children and their families. Highlighted by the National Human Trafficking Resource Center, "G.R.A.C.E. Court [was] the first specialized court in the nation devoted solely to human trafficking… [and it encourages] these young people and their families to start seeing themselves in a position of strength and growth" (n.p., Eleventh Judicial Circuit Court of Florida, 2016). Although few other courts have moved in this direction, there are specific ways they can pursue a similar effort if desired:

> *Make sure you obtain training for everyone—the bailiffs, clerks, etc.… Change the terminology used in court. [For example], do not say "you're dirty" when there is a positive urine test. [Instead], say that the young girls are involved in risky behaviors… [As a first step], create a steering committee in court that is multidisciplinary [include Department of Juvenile Justice, local service providers, etc.] and meet monthly… [It's] not difficult if everyone wants to do it. Everyone has worked well together.*

> – G.R.A.C.E. Court Judge

Another challenge facing trafficked youth is the fact that sometimes victims' parents will request their child to be locked up in an effort "to keep them off of the street" (Judge). However, this is not always in the best interest of the child due to the additional trauma that incarceration causes the victim. This approach has thus been hotly contested in the field even while it remains a short-term solution in the absence of adequate shelter facilities (Dank et al., 2014; Lugo, 2016). Therefore, everyone needs training and access to information—including the family—to understand that minor trafficking victims have specialized needs during and after their moments of crisis, and that incarceration is not the only answer (G.R.A.C.E. Court Judge). Furthermore, both respondents discussing G.R.A.C.E. Court point out that awareness about human trafficking and the option to divert youth to G.R.A.C.E. has spread via a recent conference on trauma-informed practices in Miami. This conference was six hours in length and judges, among other legal practitioners, received continuing legal education (CLE) credits for attendance.

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[54] https://www.ncsc.org/~/media/Microsites/Files/Trends%202018/Florida-GRACE-Court.ashx

Via formal training and informal word of mouth, Miami-Dade County courtroom actors have learned the criteria for cases to be transferred to G.R.A.C.E. Court. Not all can be transferred—each case must either suspect or definitively identify a human trafficking victim *and* be a dependency or delinquency case. Once under the purview of G.R.A.C.E., victims are provided access to therapeutic services though programs like The Chance through the Citrus Health Network. One respondent also highlighted that the G.R.A.C.E. Court judge remains actively involved in cases over time, hearing updates every couple of months, rather than simply clearing the case after verdict and sentence are rendered. This continuity of care ensures that the judge is able to "keep close track on the kids and [determine] if anything further is needed. Because [cases involve] dependency, [the judge] looks to see if the child achieves permanency with the parent or the foster care home" (Project Manager, Miami Cares). Although G.R.A.C.E. Court is relatively new, one respondent describes successful case outcomes:

> *Many kids have made it completely out of the life. They have graduated from high school and are [attending] college. [We are seeing] many kids get completely out of the life and [who are] doing well.*

> – Program Manager of Miami Cares

How Traffickers Adapt

One of the final questions respondents were asked entailed describing changes they have seen in the behaviors and practices of traffickers as a result of strides made by the Miami-Dade SAO and the Miami-Dade criminal justice system more broadly. In other words, are traffickers adapting themselves in response to changes in the processing of cases, and if so, how? Many responses reflected findings from criminological research on "criminal capital" (*see* Bayer et al., 2009; Nguyen et al., 2016), or "the stock of knowledge and skills that can facilitate the return to crime" (Nguyen et al., 2016, p. 2018). This body of literature notes that crime-specific knowledge can be accumulated from exposure to peers with experience (other traffickers), including in correctional environments. Fellow prisoners discuss their cases, including the investigations and types of evidence and strategies that were used to convict them. This is especially true for crime types (like drug crimes) that require coordination, transferring of product, and delivery from source to user (Bayer et al., 2009). This description is akin to that of trafficking in persons, which requires similar elements for the sale of commercial sex.

Essentially, twelve interviewees gave response that connect back to this theme: traffickers are adapting and learning based on changes to case investigation strategies and/or changes in technology. For example, five respondents noted that traffickers are adapting their use of technology to evade detection by switching to more personal dating applications rather than websites like Craigslist (n=3), turning off their phones to avoid tracking by cellular towers, and having "their girls password protect their phones" (Detective).

Traffickers have also begin accessing the internet to conduct activities via wireless hot spots to make it more difficult to get information from an internet service provider (ISP). If more than one person is on the internet via a hot spot at one time, the ISP will not provide any information to law enforcement (ICAC Detective). Relatedly, traffickers create fake accounts on the Wi-Fi hot spots to further stymie investigators and turn their phones off when not in use to prevent GPS tracking (ICAC Detective). However, one prosecutor noted that many traffickers simply do not care about making such adaptations, even though they know investigators follow the digital trails of their trafficking activities, because they make so much money doing it. For example, one trafficker's Instagram profile advertised his activities outright.

Since Backpage's shutdown in April 2018, four respondents noted complications with trying to identify where traffickers are now posting their advertisements (see also Porter & Reuters, 2018). Backpage was one of the main websites where users formerly posted advertisements to sell various items, notices for job openings, and more. It was most notorious for its sections listing adult services, and many critics of the site considered it a platform "to sell children for sex" (n.p. Porter & Reuters, 2018). Although many considered the shutdown of Backpage a success and a positive step in the prevention of sex trafficking, respondents noted that difficulties were created based on the traffickers' abilities to adapt to this shutdown. Others also noted that Backpage's shutdown harmed non-trafficked sex workers' ability to screen clients for safety, and that it has made law enforcement investigations more difficult: Backpage, and Craigslist when it still ran adult services advertisements, regularly assisted law enforcement in investigations.[55] Some of the ways traffickers have changed their practices include increasing the use of private parties as venues to seek out clients (a.k.a. "johns"), setting these up via private chat rooms or more personalized dating apps (Citrus Health Trainer interview), and expanding advertisements to a host of different and less well-known sites. Together, these adaptations have complicated investigations and digital evidence collection, including collection of escort ads.

Additionally, respondents described that traffickers were tailoring their practices in response to "known aggressive pursuit" of cases by the SAO (HT Unit Administrator). These include changing location of activities (hotels selected and moving locations every couple of days), more carefully considering age when targeting victims (minors versus adults), and changing the wording of advertisements to avoid detection via known key words and patterns. For example, one respondent noted that some traffickers have stopped branding their victims with tattoos that tie them to specific traffickers and are allowing their victims to keep more of the "fruits of their labor," even to the extent of splitting the proceeds on a 50-50 basis. They are instead capitalizing further on the "Romeo" method of seductive control versus violent coercion (Victim Specialist). This intuitively makes business sense for the trafficker because increasing the financial share that victims can keep may make them less likely to testify against their perpetrator if they perceive increased financial risks to doing so. The following comments highlight more of these changes:

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[55] https://www.documentcloud.org/documents/6345275-Backpage-DOJ-2012-Memo.html

Traffickers are becoming more alert as to whether victims are minors, [they] know that there is more to prove [in a case] with adults versus minors.

– Prosecutor

[Traffickers are] becoming more mobile, changing up hotel selection, [inserting] girls into clubs rather than on the street. Most changes in strategy occur with higher end and gorilla pimps.

– SAO Investigator

You see traffickers rent a couple of hotel rooms—they will usually have somebody watching to see if they are being surveilled. Sometimes they have someone else answering and screening or vetting their phone calls.

– Detective

Importantly, three respondents noted that these changes are individualized and that some traffickers are "smarter than others" (SAO Investigator). The social learning mechanisms involved are not equal across perpetrators, and some will continue to adapt while others may not. Overall, responses suggested that traffickers are "…always learning…they talk to each other…[discuss] how they got caught" (Detective-Sergeant), and accordingly, the strategies used to pursue TIP cases must continue to be proactive and adapt as well.

Limitations

As with all research, this case study had several limitations, most of which have been discussed such as the sample size that limited the statistical power possible in regression analyses, especially when adding control variables. Where possible, "sandwich" regression methods were used to account for the small sample size when calculating the standard errors (Tyszler, Pustejovsky, & Tipton, 2017), and all regressions were run using weights that accounted for the probability that a case prosecuted using the TIP statute or that resulted in a no action in the universe of cases would be included in the sample. Regressions also omitted the seven cases that were filed before the SAO human trafficking unit launched in 2012 so that all cases included would be randomly selected by year from the same universe represented in the aggregate statistics (Table MI2).

Missing data on several control variables were also a problem, but descriptive statistics were illustrative on many points, and the summary statistics on the universe of cases from which the sample was pulled helped to provide context, and much information could be gleaned on various items that impact case outcomes via the rich interviews responses. Lastly, as with the other case studies, it would have been helpful to have survivor feedback on their experiences with the prosecutorial process in addition to the input provided by victim advocates and service providers.

Impact of lab changes

A main question of interest to the Miami SAO for this case study concerned what impact the change in the availability of digital evidence processing labs has had on prosecutions since 2016. In the logistic regression of digital evidence on conviction rates, it was interesting to note that the dummy year variable of 2017 perfectly predicted failure to convict in the sample of 73 cases. This may be an artifact of the small sample N relative to the total population of over 500 cases since 2012, but another interesting finding concerns what was *not* present in the sample files from 2016 onward.

Interviewees across the SAO and law enforcement discussed the regular backlog that developed in the MDPD lab due to the volume of evidence regularly collected and submitted by the 28+ police agencies in the county relative to the lab's capacity. It became so great that the local U.S. Secret Service office's lab began picking up overflow until 2016, when the MDPD lab decided it could no longer take evidence from other police agencies. There ensued a scramble to find or create adequate digital forensic analysis capability in Miami-Dade County.

The other key factor to the change in rates of successful prosecution, however, appears to be related to the staff turnover on the HTTF in both leadership and assigned detectives and officers. Even when the MDPD lab was still serving all HTTF agencies, officers were so well trained that even when they could not get into a cell phone to do a "dump," they would take photographs of text messages, photos, call logs, and other information that could be made visible on the smartphone screen if they had permission to do so. In many pre-2016 cases, the digital evidence used in prosecution included a large number of these photographs taken by officers on the scene *before* the phone was sent to the lab. These photos could then be used in evidence without worrying about waiting for analysis that might be delayed by the backlog.

But, starting in 2016, officers were no longer taking the initiative to photograph this information off cell phones themselves. The number of such photographs in case files from this sample took a precipitous and noticeable decline after 2016. This indicates that, just as much or even more so than the lab changes, officer training and leadership priority on these cases needed some repair to return to previous levels. While the lab change is a partial explanation for the change in case results, and alleviating this backlog is a priority, the fact that officers are not as diligent or proactive in executing previously-used workarounds is another important factor to be addressed. Addressing the staffing issue to increase the number of detectives on the HTTF to previous levels will help a lot with this, and has indeed occurred since interviews were conducted (Former Chief of Policy for the Human Trafficking Unit) along with regular re-training that includes creative options to ensure that all legal evidence collection avenues are employed. It would also be worth learning whether the mobile evidence lab goes to crime scenes with investigators as often as it did previously.

Lastly, re-training of leadership in police agencies on prioritizing trafficking cases, along with best practices, may be important to ensure re-commitment and continued support of line

132

officers and detectives amid competing priorities in their departments. It will be interesting to see how the 2019 re-staffing of the HTTF mentioned earlier impacts case outcomes from 2019 and later, as well as whether additional cases with strong enough digital evidence result in more convictions when a victim is unavailable to testify.

Conclusions

As presented earlier, three research questions guided this case study in Miami. These pertained to the impact of digital evidence on cases charged and convicted using the state's TIP statute; whether strong digital evidence lessens the level of reliance on victim testimony to prosecute; and whether the collection, analysis, and use of strong digital evidence results in more victims willing to participate in and assist with TIP prosecutions. The answers to these questions based on data collected for this case study are summarized below.

Research Question 1: When digital evidence is collected, processed, and used in prosecution, are more cases charged and convicted under the TIP statute? If convicted under alternative statutes instead, such as promoting prostitution, what are the reasons?

This case study showed that charging and/or conviction of a case using the trafficking statute vs. alternative statutes is dependent on many factors. Exploratory regression analyses showed a statistically significant and positive correlation between the use of digital evidence and the likelihood of conviction. That said, the sample of coded cases for regression analysis was small and there was limited ability to test more control variables alongside the key variables of interest in a systematic way. Nevertheless, interviewees also agreed that stronger digital evidence gave them more power in negotiating plea agreements. When defendants see a large trail of digital evidence documenting their activities, they are more likely to plead than to take their chances at trial. Separately, in adult cases, it can also be more difficult to prove force, fraud, or coercion by the defendant over the victim as required by the TIP statute. This gets especially complicated if the victim has children with the perpetrator. Therefore, charging and convicting under a related statute instead, such as promoting prostitution, may be called for to ensure that a perpetrator is still held accountable for their crimes. This last finding was a common theme that emerged from all four case studies.

Research Question 2: When digital evidence is collected, processed, and used in prosecution, are more cases being made without relying on victim availability or willingness to testify?

As stated in the logic model, this is a goal of the Miami SAO and of many jurisdictions that have taken on trafficking cases. Trafficking victims have generally been through a tremendous amount of protracted trauma already and sparing them as much of the burden in carrying a prosecution as possible is a common goal—even while investigators and prosecutors still note that victim testimony is key to making most trafficking cases. Miami and others are still working to lighten this burden as much as they can. They are also prioritizing the ability to

convict traffickers, even when victims have run away, relocated, or are otherwise unavailable. At this time, Miami has secured one conviction at trial on digital evidence alone. That particular case had such an overwhelming body of digital evidence that the victim's testimony was ultimately not needed. In most cases, digital evidence is used for corroboration of victim testimony, or to achieve conviction when victim statements were already secured prior to the victim becoming unavailable.

Research Question 3: When digital evidence is collected, processed, and used in prosecution, are more victims retained through the prosecutorial process?

Out of 73 cases in the sample, explicit information on victim retention was available in 41 files. Of these, about half noted that the victim was *not* retained; common reasons included that the victim ran away or relocated or was not believable for some reason. Victims in 12 cases were retained because the victim did not have to testify in court after giving their statement beforehand, while in two other cases the victims were assured they would not be charged themselves. Naïve regressions of the presence of digital evidence on victim cooperation did not produce statistically significant results, likely because information about victim cooperation was simply not recorded in enough files. It should be noted that analysis of this question was based only on the case files that explicitly noted whether the victim was retained throughout the duration of the prosecution; assumptions were not made for cases in which victim retention was not clearly noted. A more systematic notation of this factor and the reasons for victim retention or loss across prosecutorial case files might enable stronger analysis of this question in the future. Nevertheless, one might surmise that one strong reason why a victim might be assured that they would not have to testify in court, or that they would not be charged, is because the digital supporting evidence was strong enough to make one or both actions unnecessary.

Key Takeaways for Other Jurisdictions

Through their experiences, the Miami-Dade SAO and the larger Miami-Dade criminal justice system have made tremendous strides in addressing human trafficking via their emphasis on digital evidence to support, and in some cases obviate the need for, victim testimony to prosecute these heinous crimes and secure meaningful sentences. Additionally, their extensive training programs and their unique, dedicated G.R.A.C.E. Court for a trauma-informed, victim-centered approach to trafficking prosecutions have made great strides in prosecuting traffickers and serving more victims. As in all jurisdictions that have taken on these complex, resource-intensive, and difficult cases, Miami-Dade has learned many lessons along the way. In the interviews, respondents were asked what advice they would offer to other jurisdictions based on their experiences, both from their successes and experience gained by overcoming challenges. These lessons and words of advice are organized below by thematic area.

Key Recommendation #1: Collect as much digital evidence as is legally permissible and store and process everything collected.

134

> *You don't know [at the time] what's going to be key—social media, all electronic—laptops, computer—collect and store everything.*
>
>   − MDPD Detective

> *Start with digital evidence first without them having knowledge that they are being investigated. Don't follow the suspects, track the digital—Facebook, social media, phones, etc. Then put physical eyes on them to confirm visually [what's happening] after getting the digital evidence. With human trafficking you must [prioritize] the girls—have to have patience. You must do the right thing.*
>
>   − ICAC Detective

Relatedly, detectives recommended establishing consistency across jurisdictional lines in real-life expectations for subpoena responses. One investigator expressed that if all ISPs, for example, would turn over evidence requested in the same formats and in the same time frames across the board,

> *it would help a lot. Comcast is better than Google in this regard. Google takes six months to return [an evidence subpoena] while Comcast takes two weeks—but search warrants specify 21 days across the board. No one enforces the 21 days or holds ISPs accountable for that, [which makes it very difficult to get timely compliance with subpoenas].*
>
>   − ICAC Detective

    Key Recommendation #2: Build relationships and coalitions between diverse stakeholders by uniting them around a common cause. Quite a bit of advice was given regarding developing multidisciplinary and inter-agency responses to trafficking and on starting new, unique initiatives such as G.R.A.C.E. Court. Four interviewees emphasized that all parties must share the same main goal—to help victims. It is important for stakeholders to listen to one another, to "understand what everyone's role is and allow them to do their role…You need patience and time" (SAO Prosecutor).

    Law enforcement noted the importance of command staff support because human trafficking cases are "not solved in an hour" (Detective). They take time and resources, and there are several proactive and reactive ways a case may be discovered. Staff in the SAO's human trafficking unit noted that "the world is moving," and more must be invested in developing proactive investigations and prosecutions of TIP cases (Former Chief of Policy for the Human Trafficking Unit).

    Key Recommendation #3: Just start. For jurisdictions getting started, the most commonly given advice was shockingly simple: "Just start" (Supervisor, Citrus Health Program). It takes just a few champions to find initial funding, start with community training, and "see where it goes from there" (Supervisor, Citrus Health). Using the HT-CPR example and their multidisciplinary approach to finding missing and exploited children, they started with five foster parent partners in their system of care and grew their efforts from there. On the victim advocate

135

level, having the SAO actively work with advocates and providers, sharing the information advocates need to prepare a child for trial has been incredibly helpful. Many prosecutors did not realize how necessary this is, especially with juveniles, until human trafficking initiatives made it a priority. Interviewees noted that Kristi House and SAO advocates that came from Kristi House made a substantial difference.

> *You must meet with all disciplines to change their mindsets as well. You must change their thought process from [thinking about them as] juvenile prostitutes to victims. Change the mindset… [we have] come a long way but… still have a long way to go.*

> – Detective-Consultant

It is also important to start examining related case types early on to see if, for example, there is human trafficking involved in a domestic violence case with physical and financial abuse characteristics. New York does this routinely, as described in their case study.

Key Recommendation #4: Bring in people with expertise when needed. The MDPD and SAO staff began with some knowledge about TIP, but when founding the human trafficking unit, they had to look outside of the office for people with significant talent and expertise to help them get started.

Key Recommendation #5: Educate "the troops" first and emphasize communication. "Police are generally a reactive entity. Patrol officers drive around, see a female walking street, and first thing they were trained to do was arrest for prostitution" (Detective). The SAO developed training that emphasizes talking to that person first instead of defaulting to arrest. Several TIP cases were made from this change in approach advocated for by the training; they found that by building trust first, the "girls will open up and ID themselves, talk about threatening behavior" (Detective). This is crucial to obtain "boots on ground knowledge with what's going on and equip your staff with proper questions and ways to communicate with victims because they are trauma-bound" to their traffickers (Detective-Consultant).

Further, interviewees noted that the multi-agency task force concept works very well when law enforcement, the SAO, and advocates can be located under the same roof at least part of the time. This allows them to share information efficiently, collaborate on cases and ideas, and it helps with alleviating tension. It also helps the victim to "see that they have a team on their side," working together (Detective).

Key Recommendation #6: Treat victims as victims. Show care and concern for their needs and build trust with them. Last, but certainly not least, a lot of emphasis was placed on building trust, treating victims as victims, showing care and concern, and helping provide for basic needs that have been taken from them by their traffickers, or with the arrest of their traffickers. This is the driving motivation behind building a comprehensive, multidisciplinary approach to addressing human trafficking in Miami.

136

Being very honest with the victim makes a huge impact on your credibility—don't make promises you can't keep. We had a victim who got arrested—it was a very traumatic experience [for her]. It's important to make sure first if there is anything outstanding like a warrant and help the victim work through it. You have to let [the victim] know [about these things], you must advise law enforcement.

– Kristi House

You must let the victims know you're there for the long haul. [You] must build trust. An example—if you dropped victim off at 4am, by 10 or 11 go back to the shelter to pick her up and take her to lunch just to show her you care. Take her to the SAO's clothes closet or take her to Walmart to get necessities. Huge thing. Know you will have to track them down multiple times and they will run. You must show them that you are there.

– Detective-Consultant

The purpose of building capacity in digital evidence collection and processing, as the Miami SAO has prioritized even in the face of obstacles, is not just for the purpose of increasing TIP conviction rates. It is ultimately to serve TIP victims, to alleviate the burden on victims from carrying the full weight of the prosecution via their testimony, to help them to recover both in the immediate and long term, and to deter traffickers from creating any more victims.

137

Case Study 2: The Human Trafficking Response Unit at the New York County District Attorney's Office

DANY Highlights

- HRTU founded in 2014
- 3 FT ADAs, 18 cross-designated ADAs, 5 Analysts, 2 Investigators, 1 Data Engineer, 1 Social Worker
- All prostitution & domestic violence cases screened for suspected TIP. Components:
  - Digital evidence collection and processing
  - Early Case Assessment Bureau (ECAB) System for internal case screening
  - Arrest Alert System when a person of interest is arrested
  - TellFinder tool for searching web escort ads
  - Financial searches (i.e. FinCEN, bank alliances)

Experience Handling Cases

- 1063 cases proactively investigated by the HTRU 2014-early 2018
- 4,784 TIP-related cases prosecuted office-wide
- 879 buyers prosecuted
- 15 convictions using NY State TIP statute
- 2171 prosecuted with alternate statutes
- 1 conviction at trial without available victim

Key Takeaways for Others to Begin or Enhance Proactive Victim and Case Identification

- Ask for to TellFinder, a powerful, free tool available to investigative agencies to search escort ads across the U.S.
- If possible, have a dedicated social worker in house serving this population, or network with others that can help provide this service.
- Community outreach & partnership building are key.
- Developing or securing some digital analysis capacity is important from the start.
- Allow investigators go out of jurisdiction to look for witnesses if warranted & possible.

Introduction

Human trafficking is a financially motivated crime generating billions of dollars annually in the U.S. While committing criminal acts, traffickers leave electronic and financial evidence that investigators and prosecutors can use to build cases against them. To maximize their ability to use such evidence and to more proactively identify sex trafficking cases, the New York County District Attorney's Office (DANY) developed their Human Trafficking Response Unit (HTRU) that launched in 2014.

The DANY HTRU is structured to allow a dedicated team of analysts, investigators, data scientists, social workers, and Assistant District Attorneys (ADAs) to more efficiently build these cases. TIP cases often take longer to investigate because of their reliance on assembling trails of digital and financial evidence, as well as the complex process of obtaining testimony from victims impacted by complex trauma. The launch of the HTRU has helped reduce the time it took to screen and build evidence for TIP cases, and made it easier for DANY to more actively search for potential trafficking activity among related case types also moving through DANY's systems.

The goals of the DANY HTRU are to: 1) focus efforts on long-term investigations including wiretaps, intelligence gathering, and data analytics; 2) increase the ability to identify human trafficking victims and connect them to services through case screening; 3) develop more cases against trafficking "facilitators" (i.e. johns,

sex tourism operators, landlords, business owners); 4) create a repository for investigative leads and case referrals using database technologies; and 5) identify and seize trafficking proceeds and assets.

Research Questions and Basic Logic Model

From these HTRU goals come several research questions. The first four are related to the goals themselves, and the fifth is the question this research team asked in all four case studies to understand how traffickers and victims may have responded to the initiative under examination. Figure NY1 illustrates the basic logic model based on these research questions, with a more detailed logic model presented later after a greater description of the HTRU and its activities.

1. Were cases involving proactive case building more likely to result in prosecution under TIP statutes than cases reacting to a report or tip?
2. Were victims more likely to cooperate in cases that involved digital evidence in case building?
3. Has the level of victim services provided internally or by referrals increased over the years? Is there a difference between cases identified proactively or reactively?
4. Has the number of facilitators prosecuted increased over time?
5. Do traffickers and victims adapt to the HTRU's capabilities? How so?

Figure NY1: Basic Logic Model, District Attorney's Office of New York
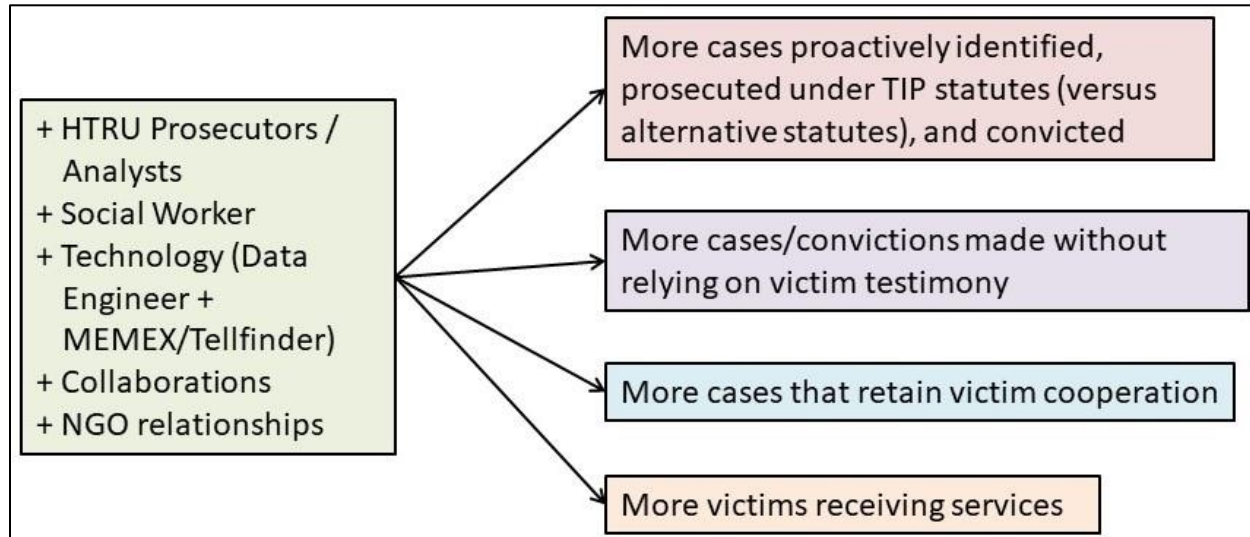
Program Background

New York City is unique in that each of its five boroughs is also its own county. New York County encompasses Manhattan, which had an estimated population of 1,628,701 in

2018.[56] Overall, New York County is quite wealthy with a median income of $79,781, though 17.3 percent of the population live below the poverty level.[57] 86.6 percent of Manhattanites have a high school education or greater.[58] It is a national and world economic center with over 315,000 companies of all sizes and industries operating within its 22.82 square miles.[59]

      History of Human Trafficking Laws in New York State. The state of New York passed anti-trafficking laws pertaining to labor trafficking[60] and sex trafficking[61] in 2007. Prior to this, trafficking-related crimes were narrowly defined to cover limited methods of inducement and control by traffickers. For example, it was typical to think of trafficking as requiring physical control and restraints as well as transportation, when in fact neither are required; often the most insidious controls are psychological, and the important element in a trafficking crime is whether the offender is forcing a victim to engage in forced labor or commercial sex, not whether the victim was transported. Because of the narrow definitions of human trafficking in use prior to 2007, it is likely many in law enforcement, prosecutor's offices, state government, and social services were not adequately trained to recognize trafficking. As a result, victims of sex trafficking were often treated as criminals, and labor trafficking victims without immigration status were subject to deportation with no inquiry into their employment circumstances (O'Donnell & Hansell, 2008).

      The 2007 legal reforms recognized that people who are trafficked are not criminals, but victims of crime. The reforms address human trafficking in three ways: 1) they "established new crimes that specify the methods of inducement and control used by traffickers to exploit their victims; 2) they provided services to human trafficking victims unable to obtain assistance elsewhere due to their immigration status; and 3) they created an interagency task force to coordinate the implementation of the new law and the State's efforts to combat human trafficking" (O'Donnell

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Figure NY2: Interagency Task Force Goals

Expand statewide training

Expand outreach and public awareness

Establish a statewide directory of service providers

Improve service delivery to victims not eligible for the full range of services

Expand safe housing options

Promote Immigration assistance

Reduce demand

Explore development of prostitution diversion courts

Source: O'Donnell, D. E., & Hansell, D. A. (2008). *New York State Interagency Task Force on Human Trafficking: A report by the Interagency Task Force Implementation of the 2007 law.* Albany, NY: New York Division of Criminal Justice Services.

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[56] https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk
[57] https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk
[58] https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk
[59] https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk
[60] New York Penal Law §135.35 https://www.nysenate.gov/legislation/laws/PEN/135.35.
[61] New York Penal Law §230.34 https://www.nysenate.gov/legislation/laws/PEN/230.34.

& Hansell, 2008, p. 7).

The state's Interagency Task Force was charged with implementing the new human trafficking law and working toward several intermediate goals that, if achieved and the effects are as they expect, should help move NYC toward the larger goal of reducing human trafficking (see Figure NY2). The HTRU adopted these goals as part of its mission. By meeting these goals, the state's task force aims to prevent human trafficking in New York, to protect and assist victims of human trafficking, and to prosecute and punish traffickers. Moreover, implementation of the new laws required establishment of the services promised to victims in the legislation, that law enforcement and service providers be adequately trained, and that victims and advocates be made aware of the protections and benefits provided by the legislation. Individual jurisdictions were responsible for building capacity and implementing activities to meet the requirements in the 2007 laws.

The Evolution of DANY HTRU. In response to the 2007 laws, DANY developed strategies to begin meeting these new legal requirements. The early iteration of the human trafficking unit did not have any full-time dedicated ADAs; in the beginning, ADAs from other prosecutorial units volunteered their time to start working TIP cases. Furthermore, early human trafficking investigations relied heavily on assistance from non-governmental organizations (NGOs) to identify victims and to help them respond to TIP incidents while the prosecutors began learning how to handle these prosecutions.

Traffickers were also less technologically sophisticated then and left less digital evidence. Social media was not in wide use yet, and the large-scale movement of much commercial sex activity away from street work to hotel venues, facilitated by the widespread use of internet advertising sites, had not yet occurred. Nevertheless, volunteer ADAs would look for other trails, such as cell phone activity or electronic financial transactions, either to corroborate victim testimony or to try to build cases when a cooperating victim was not available.

Another DANY prosecutor indicated that few trafficking cases were actually made immediately after implementation of the 2007 laws. For example, in the first year after implementation, there were just 36 confirmed human trafficking victims across the entire state of New York—eight of which were identified in the downstate region where DANY is located (O'Donnell & Hansell, 2008). Given the amount of digital and financial evidence that can be involved and the limited human resources available at the time, investigations were limited mostly to cases reported directly to law enforcement and identified as trafficking by others. As DANY's investigative capabilities advanced, however, ADAs, analysts, and investigators were able to begin identifying and building cases proactively and faster, leading to the formal establishment of the Human Trafficking Response Unit.

DANY implemented the HTRU in 2014, expanding the previous Human Trafficking Program. The present HTRU contains three full-time ADAs assigned to the unit, 18 cross-designated ADAs, five analysts, two investigators, a data engineer, and a social worker (see

Table NY1). The HTRU analysts built capabilities to proactively identify potential trafficking victims by creating processes to screen street arrest cases prosecuted by other DANY units (e.g. Domestic Violence). They screen these cases to see whether they have potential elements of trafficking present such as controlling the victims finances, withholding victims' important documents like passports and driver's licenses, forcing the victim to perform sexual activities with others, or other potential warning signs that may warrant further investigation (District Attorney of New York County, 2014).

Table NY1. DANY Human Trafficking Response Unit Structure

Role	N
Full-Time ADA	3
Cross-Designated ADAs	18
Analysts	5
Investigators	2
Data Engineer	1
Social Worker	1

Early in the HTRU's history, cases were screened manually for these signs and it could take weeks to screen a batch of cases for indicators of trafficking. In time, DANY developed automated systems that could scan for codewords and phrases, or for specific crime types like domestic or intimate partner violence or prostitution, often associated with human trafficking.

The newly automated process cut the overall screening time from weeks to hours. As a result, at first the HTRU over-flagged cases as possible trafficking and created a backlog of cases for ADAs and analysts to pursue. While the screening process identifies cases with warning signs, human investigation is required to follow up and confirm these leads. In time, DANY refined their process to help focus valuable follow up and investigative hours on those cases most likely to involve trafficking. Specifically, analysts better developed their skills in reading the case reports flagged by their internal software to determine whether the situation really warrants further inquiry. Additionally, DANY collaborated with outside technology developers to further increase their ability to scan the web for evidence of potential human trafficking—particularly online escort ads.

Methods

For this case study of DANY's HTRU and their proactive case identification practices, JRSA and NDAA conducted ten in-person, semi-structured interviews with nine personnel from DANY and a local trafficking victim service provider. The project team also reviewed a sample of 44 closed case files handled by the HTRU between 2010 and 2018 and provided to the project team by DANY. Based on collaborative discussions between the research team and DANY, DANY pulled a random sample of 70 closed cases between 2010 and the time of onsite interviews that took place in August 2018, representing about ten cases per year, after which

DANY went back and oversampled cases where New York's trafficking statute was used to charge the defendant. The cases chosen were selected from the universe of cases involving trafficking or related charges, such as permitting or promoting prostitution. After the initial sample was drawn, DANY removed all cases with appeals pending or that were sealed. The resulting final sample is 44 cases.

Every jurisdiction in which the project team conducted a case study has different rules and regulations surrounding data privacy and researcher access; in New York, the research team was not permitted to code the case files themselves. The research team trained DANY staff thoroughly on the case file coding protocol, after which DANY staff coded an initial case file for the research team to review for fidelity to the protocol as intended. Once quality control and shared understanding of research requirements were assured, DANY staff coded the remaining 43 case files and provided the deidentified case files coding forms to the research team. There were some data fields that DANY could not provide, but overall, the case file forms were filled out as completely and diligently as possible and provided a wealth of information.

The project team used qualitative analyses of interviews to identify themes related to the process of proactive case identification and case building and to answer the above research questions. Quantitative statistics from the case file review are used throughout the case study to complement the qualitative interview findings.

After providing some descriptive sample statistics, this case study proceeds by discussing the history of the HTRU before delving into the unique functions the HTRU performs, how DANY collaborates with other governmental and non-governmental entities, and the challenges of building TIP cases. The study closes with conclusions and recommendations for other jurisdictions that may want to implement similar case building approaches to combat TIP.

Sample

Qualitative Methods and Sampling. The project team conducted ten semi-structured interviews. Of the ten interviewees, nine worked either within or associated with the DANY HTRU, and one interviewee runs an anti-trafficking program in a large runaway youth shelter that has worked with DANY to serve minor TIP victims. Of the nine DANY respondents, four were ADAs, two were analysts, one was a social worker, one was an investigator, and one was a data engineer. All were selected because of their roles in human trafficking case management.

Table NY2 presents these respondents by affiliation and role. Respondents were asked about their perceptions and opinions about proactive case identification and case building procedures, DANY collaborations with other agencies and organizations, how digital evidence is used in this process, and suggestions for others that would like to enhance their trafficking case building capacity. The interview protocol is provided in Appendix C. Interviews were conducted in person and each lasted approximately one hour.

Table NY2. New York Interviewees by Affiliation and Role

Affiliation	Number of Interviewees
DANY Staff (n=9)	
Assistant District Attorney	4
Analyst	2
Social Worker	1
Investigator	1
Data Engineer	1
Outside Agencies(n=1)	
Director, Anti-Human Trafficking Initiative, Runaway Youth Shelter	1
TOTAL	**10**

Quantitative Methods and Sample Descriptive Statistics. DANY provided JRSA details from a final sample of 44 trafficking cases from 2010 through 2018. The procedure for arriving at these 44 cases was described above. Each coded case form provided information on the characteristics of the victim(s) and offender(s) in each case, the characteristics of the incident itself, the method of case identification (proactive or reactive); and the disposition associated with the case including whether the offender was arrested, charged, prosecuted and convicted. Other variables extracted included sentencing information, digital evidence collected and used in prosecution, victim services provided (if available), and whether cases were convicted using the state's trafficking statute or an alternate statute.

As one of the largest prosecutorial offices in the country, DANY has handled 4,784 human trafficking or related cases since 2010. Trafficking cases may have been charged under human trafficking statutes, or under related charges like promoting prostitution, or both. Table NY3 describes the universe of cases from which the sample was drawn for this project. Cases cover closed cases from 2010-2017; case numbers from 2018 were not provided for this table so that figures can be compared in terms of full 12-month years.

"Cases Proactively Investigated" in Table NY3 includes cases entered in the HTRU case tracker once the unit was formally established in 2014. These numbers represent cases identified proactively by DANY and those referred in by law enforcement, including sealed cases. "Total Cases Prosecuted" involves all cases DANY-wide with a prostitution, promoting, patronizing, sex trafficking, and/or unlicensed massage charge. "Total Buyers Prosecuted" includes all cases office-wide that involved a patronizing prostitution charge." Convictions for TIP Statute" includes all cases that had a final disposition charge under New York State Penal Law Section 230.34. "Cases Prosecuted with Alternate Statutes" include all cases office-wide that involved a prostitution, promoting, patronizing, and/or unlicensed massage charge; this category can include some victims that were charged with related offenses, but whose charges are routinely dropped by DANY when they receive services (see footnote below). These two categories (TIP Statute or

144

Alternate Statutes) are components of the "Total Cases Prosecuted" figures. "Total Cases Acquitted or Dropped" can include cases with any of the previously described charge categories, including the charges against victims that are routinely dismissed. "Total Cases Convicted with Guilty Plea" include pleas to all charges listed in previous categories.

Table NY3. Aggregate Case Statistics Provided by DANY

Year	Total Cases Proactively Investigated by HTRU, recorded in HTRU Case Tracker	Total Cases Prosecuted	Total Buyers Prosecuted	Convictions for TIP Statute (PL 230.34)	Cases Prosecuted w/Alternate Statutes	Total Cases Acquitted, Convicted and Acquitted, or Dropped[62]	Total Cases Convicted w/Guilty Plea
2010	N/A	659	35	0	477	182	470
2011	N/A	504	85	1	319	184	317
2012	N/A	659	225	1	390	268	385
2013	N/A	627	208	3	317	307	312
2014	71	682	92	2	210	470	205
2015	141	584	64	1	159	424	158
2016	530	564	51	3	140	421	141
2017	321	505	119	4	159	342	157
Totals	**1063**	**4784**	**879**	**15**	**2171**	**2598**	**2145**

From this universe of cases, the above described sample was selected. Fewer closed cases were available prior to 2014, before the DANY HTRU was established, than in later years, so the number of cases pulled per year varied somewhat. Table NY4 shows key information about the final sample of 44 cases. Seventy percent (n=31) of cases in the final sample are from 2014, 2015, and 2016. Within this sample of cases, there were 195 charges filed against 57 perpetrators. Of the 195 charges filed, 163 were prosecuted; and 96 charges resulted in conviction, either by trial or plea.

These charges are broken down further in Tables NY5 and NY6. Table NY5 shows the top ten arrest charges per year from the sample. Promoting prostitution was the most common charge at arrest in this sample, with 68 charges across the 44 cases, followed quickly by sex trafficking with 50 charges across the 44 cases. This is not surprising given the parameters by which the sample was pulled. These were followed by assault, rape, criminal possession of a weapon, endangering the welfare of a child, criminal sale of a controlled substance, criminal contempt, criminal sexual act (non-specific), and criminal impersonation rounding out the top ten

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[62] Includes Acquitted, Adjournment in Contemplation of Dismissal (ACD), Convicted and Acquitted, Dismissed cases. The "Convicted and Acquitted" label means there was a conviction in the case, but the defendant either pled guilty to one crime and a second one was dismissed, or the jury convicted a defendant of one crime but not the other one (DANY ADA). Please note that DANY policy is to dismiss prostitution cases after the charged individuals have received services.

arrest charges. Attempted sex trafficking was an arrest charge in two cases as well, but it did not make the top ten.

Table NY4. New York Case File Sample by Year

Year	# Cases	# Perpetrators Charged	Total Charges Filed	Total Charges Prosecuted	Total Charges Convicted
2010	1	1	8	1	1
2011	2	4	21	6	6
2012	2	3	29	17	18
2013	2	3	10	7	7
2014	7	10	49	24	18
2015	13	18	41	26	24
2016	11	12	26	13	13
2017	5	5	9	8	8
2018	1	1	2	1	1
Total	**44**	**57**	**195**	**103**	**96**

Of the 195 total charges noted in Table NY5, 103 of those were prosecuted. Table NY6 shows that the top ten charges for which there was enough evidence to pursue prosecution in the sample were promoting prostitution (48 charges), followed by sex trafficking (18 charges). Sex trafficking can be more difficult to charge than promoting prostitution in New York because force, fraud, or coercion must be established beyond a reasonable doubt. If there is insufficient

Table NY5. Arrest Charge Types by Year

Charge Type	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Promoting Prostitution	3	9	1	6	11	19	12	6	1	**68**
Sex Trafficking	3	8	7	4	15	6	5	2	0	**50**
Assault	1	3	3	0	4	1	1	0	0	**13**
Rape	0	0	2	0	2	4	0	0	0	**8**
Criminal Possession of a Weapon	0	0	6	0	1	0	1	0	0	**8**
Endangering the Welfare of a Child	0	1	1	0	2	2	0	0	0	**6**
Criminal Sale of a Controlled Substance	0	0	0	0	5	0	0	0	0	**5**
Criminal Contempt	0	0	0	0	3	1	1	0	0	**5**
Criminal Sexual Act	0	0	3	0	1	0	0	0	0	**4**
Criminal Impersonation	0	0	0	0	0	0	4	0	0	**4**
Other	1	0	6	0	5	8	2	1	1	**24**
Annual Total	**8**	**21**	**29**	**10**	**49**	**41**	**26**	**9**	**2**	**195**

evidence to substantiate the specific means of control used by the perpetrator, the promoting prostitution charge is used to ensure at least some perpetrator accountability. The remaining top ten charges from this sample of 44 cases were prosecuted at much lower frequencies.

Table NY6. Charges Prosecuted by Year

Offense Prosecuted	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Promoting Prostitution	0	4	1	6	10	18	6	3	0	**48**
Sex Trafficking	1	1	3	1	6	3	1	2	0	**18**
Criminal Possession of a Weapon	0	0	5	0	1	0	0	0	0	**6**
Endangering the Welfare of a Child	0	0	1	0	2	1	0	0	0	**4**
Criminal Contempt	0	0	0	0	3	1	0	0	0	**4**
Disorderly Conduct	0	0	0	0	0	0	3	1	0	**4**
Assault	0	0	2	0	0	0	1	0	0	**3**
Attempted Promoting Prostitution	0	0	0	0	1	0	1	1	0	**3**
Attempted Sex Trafficking	0	0	0	0	1	0	1	0	0	**2**
Permitting Prostitution	0	0	0	0	0	0	0	0	1	**1**
Other	0	1	5	0	0	3	0	1	0	**10**
Annual Total	**1**	**6**	**17**	**7**	**24**	**26**	**13**	**8**	**1**	**103**

Perpetrator Demographics. There are 57 perpetrators identified in these 44 cases. Table NY7 presents the demographic characteristics of perpetrators. Over half of all identified perpetrators (55.4 percent, n=31) were Black, 23.2 percent were Asian(n=13), 10.7 percent were Hispanic (n=6), 5.4 percent were identified as some other race (n=3), 3.6 percent were White (n=2), and 1.8 percent were of mixed races(n=1). Slightly over three-quarters of perpetrators were male (77.2 percent, n=44) while the remaining 22.8 percent were female (n=13). The average age of perpetrators in the DANY sample was 35.8 years; the youngest was 18 and oldest was 67 years old.

Table NY7. Perpetrator Demographics (Sample)

Demographics	n	Percent
Race/Ethnicity (N = 56)		
White	2	3.6%
Black	31	55.4%
Hispanic	6	10.7%
Other	3	5.4%
Mixed	1	1.8%

Demographics	n	Percent
Asian	13	23.2%
Gender (N = 57)		
Male	44	77.2%
Female	17	22.8%
Age[63] (N = 57)		
Avg. Age		35.8
Min/Max Age		18/67

Victim Demographics. There were 46 identified victims in the 44 sample cases. Table NY8 shows the distribution of victims across the year of the case. Of the 46 victims, half were in cases in the years 2015 (n=14) or 2016 (n=9), and an additional 17 percent of victims were in cases from 2014 (n=8).

Table NY8. Victims Identified per Year (Sample)

Year	# of Victims Identified	% of Victim Total
2010	1	2.2%
2011	4	8.7%
2012	2	4.3%
2013	3	6.5%
2014	8	17.4%
2015	14	30.4%
2016	9	19.6%
2017	5	10.9%
2018	0	0.0%
Total	**46**	**100.0%**

Demographic information for victims identified in DANY cases is shown in Table NY9. Of the 42 victims with known or reported race or ethnicity data, 42.9 percent were Black (n=18), 28.6 percent were Hispanic (n=12), 21.4 percent were White (n=9), 4.8 percent were Asian (n=2), and 2.4 percent were identified as mixed race (n=1). Race data was missing on the other four victims. Forty-five of the 46 total identified victims (97.8 percent) were female; the remaining victim (n=1, 2.2 percent) was identified as "other gender." The average age of the 42 victims with valid age data was 24.7 years, with a minimum victim age of 13 and maximum of 53. Eleven victims were minors at the time of their victimization.

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[63] Note that age noted in the file was sometimes age at the time of the offense, not at the time of arrest.

Table NY9. Victim Demographics (Sample)

Demographics	n	Percent
Race/Ethnicity (N = 42)		
White	9	21.4%
Black	18	42.9%
Hispanic	12	28.6%
Other	0	0.0%
Mixed	1	2.4%
Asian	2	4.8%
Gender (N = 46)		
Female	45	97.8%
Other	1	2.2%
Age (N = 44)		
Avg. Age		24.7
Min. Age		13
Max. Age		53

Table NY10 shows the various relationships between victims and perpetrators, either at the time of recruitment or afterward. Thirty-nine relationships were identified between at least one victim and at least one perpetrator. Relationship data were not available for 16 of the 44 sample cases; the remaining 28 had at least one known victim-perpetrator relationship recorded. Multiple relationships could be recorded for each case. Thirty-nine percent (n=15) of the known victim-perpetrator relationships were between strangers, 35.9 percent (n=14) were in a romantic relationship, 12.8 percent (n=5) were members of the same clique or gang, 7.7 percent (n=3) were friends, and 5.1 percent (n=2) were family members.

Table NY10. Victim-Perpetrator Relationships*

Relationship Type	n	Percent
Romantic	14	35.9%
Clique/Gang	5	12.8%
Friends	3	7.7%
Strangers	15	38.5%
Family	2	5.1%
Total	**39**	

*Categories not mutually exclusive; total may exceed 100%.

Detailed Logic Model

Figure NY3 presents the detailed logic model, developed in collaboration with DANY, that the research team used to structure data collection and approach the research questions

149

defined earlier and illustrated in Figure NY1. The problem statement under which DANY operates is that TIP victims rarely self-identify for a number of reasons, such as fear of law enforcement, lack of awareness that help is available, and being convinced by their controllers that reporting to authorities is dangerous. Consequently, proactive measures must be taken to identify and investigate potential cases rather than depend on victim disclosure or reporting.

DANY has several priorities for their work: (1) to identify more cases; (2) to build prosecutable cases with multiple types of evidence, reducing reliance on victim testimony; (3) to secure justice for victims; and (4) to hold offenders accountable. DANY also operates under several assumptions: (1) that TIP is an economically motivated crime; (2) that the web is a critical tool used by traffickers to advertise, recruit, and move money; and (3) that cases can be substantiated using digital web scraping tools, wiretaps, and other digital forensic tools.

A number of inputs or resources are deployed in pursuit of these goals, such as HTRU staff, internal electronic case screening tools such as ECAB, the MEMEX/TellFinder database and app for tracking online escort ads, budgetary resources, relationships with NGOs, and the human trafficking intervention court in New York County. All these are described below. Program activities include case screening, use of the digital tools, connecting victims to services, creating and managing internal databases and the trafficking case management system, seizing proceeds and assets used in TIP, trauma-informed and victim-centered prosecutions, victim advocacy, and collaboration.

Short-term outcomes shown in Figure NY3, many of which could be measured in this sample to gain a snapshot, include things like increased numbers of cases identified proactively or reactively, changes in various case charging and disposition outcomes, increased victim services received, increased victim cooperation, and increased numbers of cases convicted on evidence without victim testimony.

Finally, a number of long-term outcomes that may not all be measurable, but represent the aspirations the DANY HTRU has for its work and should, if achieved and producing the effects they hope for to reduce trafficking in New York City, are shown in Figure NY3. These are divided into categories somewhat similar to the other sites. First are desired impacts on the criminal justice system, such as an increase in the effectiveness of partnerships; increased ability to identify TIP cases across partners; increased ability to prove TIP charges against traffickers; and a more efficient use of resources. Desired impacts on the community include increased TIP awareness; increased confidence in DANY, the New York Police Department (NYPD), and the City to address the issue; and increased numbers of vulnerable youth and others receiving protection from exploitation wherever they may enter the system. Desired impacts for victims include increased identification, fewer repeat victims, fewer victims afraid to come forward, and

Figure NY3. Detailed Logic Model (DANY Human Trafficking Response Unit)

Problem Statement

TIP victims rarely self-identify for a number of reasons, such as fear of LE, being unaware that help exists, and effective tactics by their controllers. Proactive measures must be taken to identify potential TIP cases & investigate them.

- Priorities
  - Identify cases
  - Build prosecutable cases with multiple types of evidence, reducing reliance on victim testimony
  - Justice for victims
  - Hold offenders accountable

- Assumptions
  - TIP economically motivated.
  - The web is a critical tool used by traffickers to advertise, recruit, and move money.
  - Cases can be identified & substantiated using digital tools such as Memex, wiretaps, & digital forensics.

Inputs (Resources)

- HTRU prosecutors, investigators, analysts, data engineer & social worker (11 FT, 18 cross-designated)
- Internal case screening tools (ECAB)
- Memex/Tellfinder database and app for tracking online escort ads
- HTRU budget
- Relationships w/NGOs
- HT special court

Activities

- Screen all DV, Prostitution & other cases
  - Using digital tools
  - Connect vics to social services
- Create / manage internal databases & case file mgt sys
  - Identify cases
  - Track leads
  - Track progress
- Arrest Alert Sys.
- Seize proceeds & assets used in TIP
- T-I victim-ctrd pros
- Victim advocacy
- Collaborations

Outputs

- #Cases screened for TIP flags
- #Cases investigated
- #Victims identified
- #Victims given services
- Partnerships:
  - AML
  - Major Econ Crimes
  - NGOs
  - Other jurisdictions
    - Within state
    - Interstate/ Fed
- #Buyers pros.
- #Cases involving info sharing & among whom

Short Term Outcomes (all by time period – trend analysis)

- ↑ TIP Cases Identified
- ↓ Cases declined
- ↑ Cases Pros TIP Statute
- ↑ Cases Victims rec'd services vs. prosecution (Safe Harbor)
- ↓ Cases dropped/ no action/ acquitted
- ↑ TIP Cases convicted
- ↑ Cases Victim retained/ cooperated +why
- ↓ Repeat victims
- ↑ Cases Convicted on evidence/no victim testimony

Long Term Outcomes (Not necessarily measurable)

- Impacts on CJS/Team
  - ↑effective partnerships via information sharing and clarity of roles
  - ↑ability to identify TIP
  - ↑ability to charge TIP
  - More efficient use of resources

- Impacts on Community
  - ↑ awareness
  - ↑confidence in DA and LE/City to address issue
  - ↑ vulnerable youth and others protected from exploitation at various entry points

- Impacts for Victims
  - ↑victim ID
  - ↓ fewer repeat victims
  - ↓victims afraid to come forward
  - ↑victims access services via TIP law

- Impacts for Perpetrators
  - See ↑risk & penalty engaging in TIP
  - Perpetrators may adapt to new environment, esp. in digital sphere.
    - Plans to counteract/ anticipate?

Control Variables:

Co-occurring practices and initiatives:
- DA
  - Separate LE collaborations i.e. w/Innocence Lost?
  - Within-office TIP training
  - Focus on johns, sex tourism operators, other facilitators
  - Trainings of various groups (Pros, LE, Educ, Consulates, Industry, community)

Co-occurring practices and initiatives:
- Other Agencies

Co-occurring events in area
Case Characteristics
Victim Characteristics
Perpetrator Characteristics
Victim-Perpetrator Relationship

151

increased access to victim services. Finally, desired impacts for perpetrators include perceiving increased risks and penalties if they engage in TIP. However, it is acknowledged that perpetrators may simply adapt to increased capabilities at DANY, especially in the digital sphere.

Proactive Case Screening: Elements

Now that the research process, the research questions, the sample descriptions, and the logic models have been presented, this case study now proceeds to describe the programmatic elements that make up DANY's proactive case identification and case building process in detail. The research team combined qualitative analysis of the interview responses and the programmatic documents and reports provided by DANY with illustrative descriptive case file statistics for this section. This portion begins by describing the elements of the proactive case screening process, followed by discussion of the impact of these processes on cases including the roles of victim testimony, delivery of victim services, and other concurrent efforts also undertaken by the HTRU. After that the findings are summarized, the research questions answered, and the case study concludes with recommendations for others that wish to enhance their ability to identify and build TIP cases.

Overall Process. Human trafficking victims rarely self-report their victimization to the police. When police do discover them, many victims are unlikely to cooperate with them, which can prevent many of these cases from making it to prosecution. Victims often have valid reasons for not cooperating including previous criminal records; previous psychological, sexual, emotional, or physical trauma; fear of law enforcement; or fear of retribution from their traffickers. Other trafficking victims may seek social or medical services from private providers and prefer to disclose their victimization to them rather than to law enforcement. These factors can make it difficult for law enforcement to build strong human trafficking cases solely on victim reporting. More creativity and legwork are required.

DANY is a very large prosecutorial agency that handles over 100,000 criminal cases of all kinds every year. DANY receives leads to build trafficking cases from many sources, of which direct victim reporting is just one. DANY proactively identifies cases by searching internal databases of prostitution cases or other non-sexual exploitation crimes for indicators of trafficking, such as domestic or interpersonal violence cases (DANY Presentation, 2017). For example, DANY has gone from screening fewer than one percent of prostitution arrests for signs of trafficking to screening 62 percent (DANY Presentation, 2017).[64] The HTRU also flags trafficked victims, offenders, and other persons of interest who are arrested throughout the city. If a person of interest from a trafficking incident is arrested, regardless of whether the charge is related or not, the HTRU will receive an alert and have an opportunity to immediately speak to the victim or offender. Furthermore, DANY uses software and programs to search the web for

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[64] This percentage is up to 100 percent as of 2019 (HTRU Unit Chief).

possible human trafficking cases among commercial sex advertisements and webpages.

When asked what the basic elements of DANY's proactive case building process were, all nine respondents from DANY indicated that their digital search tools were an important starting point. Of these, seven respondents indicated that their proprietary Early Case Assessment Bureau (ECAB) software screening of non-trafficking crimes for signs of trafficking was the most important step. Two DANY respondents said that MEMEX (now called TellFinder) and other web scraping tools were important, and four cited electronic evidence gathered from phone taps and social media monitoring as essential to building trafficking cases. Such digital evidence can be used to corroborate information from interviews or in lieu of victim testimony. Another respondent emphasized that it was imperative to wait for victims to be ready to cooperate after prospective cases are discovered, regardless of whether the case is proactively identified by DANY or comes in via law enforcement. Figure NY4, below, from the DANY HTRU Introductory presentation (DANY, 2017), illustrates how this myriad of evidence culminates in targeted investigations.

Figure NY4. Targeted Investigations
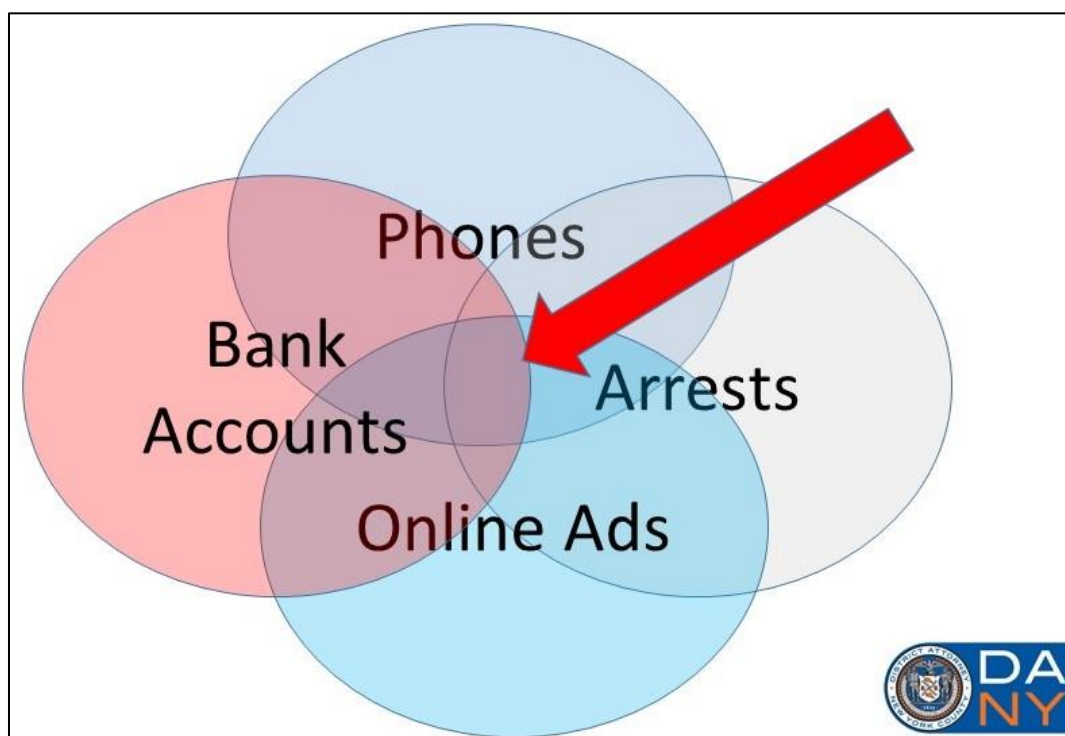
Table NY11 presents the distribution of overall case building method by year within the case file sample. The majority of cases where method of identification was specified in the file, were built reactively in response to a tip or other external report (n=17). In fact, all cases built prior to 2014 and 12 of the 21 cases with recorded identification methods from 2014 to 2018 were built in reaction to a tip or police report despite the HTRU's focus on proactive case identification.

153

Nine cases in the sample (20 percent), all occurring from 2014 to 2018, were built proactively. This is not far off of the 22.2 percent of cases built proactively during the same years in the aggregate population as reflected in Table NY3.

Table NY11. Case Identification Method by Year

Year	Proactive	Reactive	Not Specified	Total
2010	0	0	1	1
2011	0	2	0	2
2012	0	2	0	2
2013	0	1	1	2
2014	2	3	2	7
2015	1	8	4	13
2016	5	1	5	11
2017	0	0	5	5
2018	1	0	0	1
Total	**9**	**17**	**18**	**44**

Digital Evidence. A major component of DANY's case building process is collecting digital evidence from various sources that can corroborate victim testimony. Examples include evidence from cell phones, escort advertisements, wiretap recordings, and computers. A total of 318 instances of digital evidence were recorded in the sample files; see Table NY12. This total does not include the counts in the two header categories of "web ads" and "cell phones," which count number of cases with each type of evidence rather than number of subtypes present. Files were coded for whether each type of evidence was present; the number of pieces of each type of evidence was not recorded. For example, if Backpage ads were part of the evidence collected and used in the case, they were recorded as present, but the quantity of Backpage ads present was not recorded. Therefore, the numbers below count the number of cases in which each type of evidence was present.

Additionally, this binary coding also means that total of sub-types may add up to more than the main category for Web Ads and Cell Phones. For example, the main category of Web Ads is coded present or not. Since there may be ads from more than one website in the sub-categories, the sum of the sub-categories may be greater than the main category. Totals at the bottom do not include numbers in the main categories to avoid double-counting.

Table NY12 summarizes the types of digital evidence collected across cases in the DANY sample. Webpage escort advertisements (n=37, or 84 percent of cases), particularly from Backpage, were the top sources of digital evidence. Cell phones (n=35, 79.5 percent of cases) were the second most common source—primarily their call histories. Other common sources of digital evidence were emails (n=29, 65.9 percent), financial information (n=28, 63.6 percent), and social media accounts (n= 6, 13.6 percent).

Early Case Assessment Bureau (ECAB System). Victims are often reluctant to disclose

154

trafficking, but they still come into contact with the criminal justice system in a variety of ways: sometimes as victims, sometimes as defendants. Because of this, DANY proactively screens arrests for non-trafficking offenses to look for indicators of trafficking within those case reports.

Table NY12. Sources of Digital Evidence by Year[65]

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Web Escort Ads	0	2	2	2	6	12	9	4	0	**37**
Craigslist	0	0	2	1	1	7	2	1	0	**14**
Backpage	0	2	2	2	6	12	9	4	0	**37**
Subpoena Ad Websites	0	2	2	2	6	10	8	4	0	**34**
Cell Phones[66]	0	2	2	2	6	11	8	4	0	**35**
Texts	0	2	2	2	5	8	4	2	0	**25**
Call History	0	2	2	2	6	11	8	4	0	**35**
Pictures/Photos	0	1	2	1	5	7	4	1	0	**21**
Videos	0	0	1	1	5	4	2	1	0	**14**
Cell Phone Warrant	0	2	2	1	6	6	4	1	0	**22**
Cell Site Info	0	1	1	0	3	3	3	1	0	**12**
Cell Tower Info	0	0	0	0	1	0	0	1	0	**2**
Emails	0	2	1	2	6	8	6	4	0	**29**
Social Media	0	2	2	1	5	7	5	4	0	**26**
Social Media Warrants	0	0	0	0	1	1	3	0	0	**5**
Laptops	0	2	2	1	3	2	2	2	0	**14**
Digital Financial Information	0	1	2	2	5	10	6	2	0	**28**
Totals	**0**	**19**	**23**	**18**	**64**	**96**	**66**	**32**	**0**	**318**

The ECAB system screens and assigns cases to ADAs using a program developed to search through all cases that come through their office. The HTRU's analysts screen all arrests involving prostitution, promotion of prostitution, domestic violence, and purchasing sex for signs of trafficking. ECAB screens cases for key words related to trafficking or other sexual exploitation crimes. These key words include words such as pimp, bitch, or bottom, as well as language indicating financial exchange. Analysts flag cases for further investigation that have signs of TIP or that have links with other cases in the database. For example, analysts will search related cases for similar victim or offender names, phone numbers, arrest histories, or other case

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[65] Note that this sample was collected in early 2018 and included only cases that had also been closed by then; information was available for our dataset on only once case for 2018, and it did not involve digital evidence. The single available case drawn for the sample from 2010 also had no digital evidence present in the file.
[66] Note that data on forensic extractions of devices are stored in archived and highly secured drives that were not always accessible, therefore limiting visibility into that particular digital evidence type for file coding.

attributes that match information in TIP cases they are currently working.

> *Every week DANY screens for cases that come into our office and the data engineer discusses the screening results. DANY analysts decide which cases need to be examined further. DANY social worker(s) then reach out to the ADA who is in charge of the case to let the ADA know they are available to meet with the victims(s). Based on the initial contact [which is always from the social worker], the social worker then decides whether the case is a possible trafficking case. If so, they get an ADA from the HTRU to proceed.*
>
> – Assistant District Attorney, DANY

Because many traffickers are involved in other criminal activities that are related to maintaining the trafficking business, DANY screens cases that would not look to be related to trafficking on the surface for these connections. On the surface, many of these crimes may not appear related; however, these are essential for traffickers to exercise control over their victims. For example, tenant disputes can be indicative of trafficking because victims might be reliant on their traffickers for shelter while traffickers may be posing as landlords. It can also be difficult to separate human trafficking from unrelated domestic violence in the context of forced marriages or cohabitation. Traffickers also often commit other crimes, some related to maintaining trafficking activities, like kidnapping, identity theft, or money laundering.

Arrest Alert System. The Arrest Alert System is the tool that sends DANY HTRU an email alert whenever a victim, trafficker, or other person of interest comes into contact with the criminal justice system at any entry point. The Arrest Alert System offers immediate notification about flagged individuals to the HTRU, in contrast to ECAB which is used by analysts to identify new cases of interest on a weekly basis. In the event that DANY receives an email that an identified victim has come in contact with the system, they can send staff to provide services to the victim and/or an investigator to start gathering information to help build the prosecution against their trafficker.

ADAs can flag victims, offenders, or other persons of interest in the Arrest Alert System using their New York State identification or driver's license number. If the owner of that number is arrested anywhere in New York City, the HTRU receives a notification. While arrest alerts offer the opportunity to provide services and interview victims, they can also help when victims and/or offenders are uncooperative. The Arrest Alert System offers another tool for ADAs and analysts to build cases by collecting new information from non-trafficking arrests even if, in the case of victims, they do not wish to participate in an additional interview. Such arrests may still produce new electronic data that can be used to develop connections between phone numbers and email address linked to social media, advertising websites, and additional individuals.

> *It's (Arrest Alert System) a way to keep an eye on folks you want to speak to. [You] know generally when they get arrested. It keeps [you] updated on where they are in the process. [It]takes out the step of having to check periodically if a victim is arrested.*
>
> – Assistant District Attorney, DANY

MEMEX/TellFinder. Beginning in January 2014, DANY partnered with the Defense Advanced Research Projects Agency (DARPA) in the U.S. Department of Defense and IST Research to develop MEMEX, a search technology that helps law enforcement investigators find human traffickers online. MEMEX was designed to help officers and analysts search the open web and dark web, particularly websites that host online escort ads or john reviews (where buyers of commercial sex post reviews and discuss providers). MEMEX, now called TellFinder, daily scrapes these websites for new ads or postings and archives them in an extensive searchable database; this archiving is important because many ads do not remain active or accessible for more than a day or two. Most search tools available to law enforcement before MEMEX were only able to search open web sites.

Recent changes in the landscape of websites that help facilitate commercial sex solicitation, including the shutting down of Backpage, sent many traffickers and customers to sites hosted on the dark web where users can maintain greater anonymity (Pellerin, 2017), or to less well-known sites on the open web that may be hosted in other countries. DANY uses TellFinder, which quickly and thoroughly scans and organizes billions of scraped and archived advertisements and reviews, every day.[67] TellFinder is available free to any criminal justice agency in the United States that would like to apply for access to this powerful investigative tool, which can be quickly searched using a suspected phone number or other potential identifier that may return ads.

Traditional searches of open web sites may only cover approximately 5 percent of content on the web, leaving a large proportion of the web unsearched. Further complicating investigations, traffickers often change identifiers from ad to ad such as phone numbers, email address, photographs, web addresses, and names to disguise the nature of the services and the individuals involved. This can negatively impact investigations that rely only on known phone and web data of offenders and are limited only to ads that are "live" on any given day.

TellFinder technology allows DANY to quickly build out trafficking patterns and networks based on their live and archived digital footprints in the open *and* dark webs by capturing and cataloguing this content into their database daily. One analyst specified that DANY uses TellFinder to look through sex ads within jurisdictions and around the country by collecting ads connected to phone numbers of interest. This allows analysts to see how wide the geographic reach may be for a given individual's activities. Analysts also described how TellFinder searches for patterns in ad postings. While some of DANY's previous programs were able to match phone numbers or email addresses, TellFinder can also match on such ad characteristics as language used, emojis, and photos. Similarly, one ADA mentioned that TellFinder was a useful tool for proactive case screening; when a potential TIP is identified, TellFinder may immediately be searched using the phone number or other potential identifier to

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[67] https://www.manhattanda.org/manhattan-district-attorneys-office-applies-innovative-technology-scan-dark-web-fig/

157

see whether any ads are returned.

One DANY analyst indicated that TellFinder could also be especially useful for new or inexperienced human trafficking units to learn about how trafficking manifests and to get used to building cases. They said that it is especially useful to expand capacity in jurisdictions with few resources, given its vast and rapid search power and that access to it is free.

> *TellFinder helps develop cases using the advance search feature. [We] can look at specific ads… and see [who] is posting frequently. It's a good way for a novice DA's office to start [building trafficking cases].*

> – Analyst, DANY

Effect on Victims and Case Outcomes

DANY interviewees described the roles of ECAB case screening, the Arrest Alert System, TellFinder searches, and digital evidence generally in building and substantiating trafficking cases. DANY also searches public social media information, private social media information with a search warrant, the Financial Crimes Enforcement Network (FinCEN) database at the U.S. Treasury Department, and other bank records for suspicious financial transactions. They also obtain wiretaps when warranted and feasible and assist law enforcement with undercover "john" stings. All these tactics can help to build trafficking prosecutions against individuals or networks.

DANY respondents were next asked whether, in their opinions, proactively built cases were more likely to result in convictions or longer sentences than trafficking cases initiated in reaction to a tip or external report. Four DANY respondents discussed the effects of proactive case building on victim experiences, prosecutions, or case outcomes. Generally, respondents believed that proactive case building procedures produced increases in conviction rates, increased victim access to support services, and longer sentence lengths. However, respondents suggested that other aspects of the case might be negatively impacted, such as trial length.

Conviction Using the TIP Statute. However, Table NY13 shows that for the 26 cases in the sample where case identification method was specified, there is no discernable difference in ability to convict under the TIP statute versus alternative statutes when the case identification is reactive to law enforcement. When case identification is proactive, conviction under the TIP

Table NY13. Case Identification Method and Conviction under TIP Statute*

	Convict w/ TIP Statute		
Case ID Method	No	Yes	Total
Reactive	9	8	17
Proactive	7	2	9
Total	16	10	26

*18 case files did not explicitly specify Case ID method

158

statute appears less likely, but this is a very small sample. Table NY3 earlier showed that approximately 22 percent of DANY's cases prosecuted since 2010 were proactively identified. The counterintuitive pattern here, however, may reflect the pattern that all cases proactively identified in this sample ended in plea agreements, which in turn may involve reduced charges.

Regression analyses, weighted for the probability that a case resulting in a trafficking conviction in the universe of cases would appear in the sample, did not produce statistically significant results for the impact of case identification method on conviction using the trafficking statute either. With a larger sample of cases from which valid regression analyses could be run (the N was 21 when regressions were attempted with all three variables), it would be interesting to analyze the indirect effects of case identification method on use of the TIP charge. For example, what are the effects of proactive case identification on whether a case is resolved by plea agreement, and then the subsequent effect of the plea agreement on whether a defendant is convicted using the TIP statute.

Not all cases are built proactively from the beginning, however. Rather, some cases start using traditional case investigative procedures and the trafficking component is identified only later. One ADA mentioned that some non-trafficking cases hit dead-ends for the original crimes charged, but evidence of the offenders' criminal history suggests they may also be victims or perpetrators of trafficking. For example, DANY investigators may investigate a case for potential trafficking elements when an individual with a history of prostitution arrests is arrested for a serious felony. Once trafficking is suspected and there is a cooperating victim, law enforcement and DANY investigators will then proceed building the TIP case by using proactive case building methods and investigative tools.

Impacts on Conviction Generally. Two DANY respondents, one ADA and one analyst, indicated they believe that cases that are proactively built and include electronic evidence are more likely to lead to conviction than cases that do not have these two characteristics. According to one DANY ADA, electronic evidence can be used during trial to corroborate other evidence and swing a jury in favor of conviction. Indeed, in the sample shown earlier in Table NY10, digital evidence was involved in the convictions of 78 percent of cases.

> *Yes, [there is an] exponentially higher chance of conviction if we have digital evidentiary support; whether phone, ads, phone records, etc. Any way you can give the jury something to hang their hat on. The jury looks for any sort of corroboration they can.*

> – ADA, DANY

Regression analysis could not be conducted to answer this question one way or the other because all 44 sample cases resulted in some sort of conviction. However, Table NY14 illustrates the breakdown of case dispositions by year in the case file sample provided. Of the 44 cases, eight were resolved by trial (18.1 percent), 33 by plea agreement (75 percent), and 3 cases (6.8 percent) had multiple defendants, some of whom were convicted at trial and some of whom were convicted via plea agreement.

159

Table NY14. Case Disposition by Year (Sample)

Year	Trial	Plea	Trial and Plea*	Annual Total
2010	0	1	0	**1**
2011	0	1	1	**2**
2012	1	0	1	**2**
2013	1	1	0	**2**
2014	3	3	1	**7**
2015	2	11	0	**13**
2016	1	10	0	**11**
2017	0	5	0	**5**
2018	0	1	0	**1**
Total	**8**	**33**	**3**	**44**

* Cases in Trial and Plea category represent cases with multiple perpetrators where some perpetrators went to trial and others pleaded.

Impacts on Sentencing. Table NY15 shows average sentence lengths per year from the 44 sample cases. While 2012 was an outlier year in many respects (numbers of cases and numbers of buyers prosecuted in the aggregate statistics), it also appears to be an outlier in sentencing with an average sentence of 18 years in this sample. Mostly, sentences range between 3-5 years' prison, 3-5 years' probation, or some combination. This makes sense since it was far more common for prosecutions to go forward for promoting prostitution over a trafficking charge (see earlier discussion).

Table NY15. Sentencing Averages by Year

Year	Sentenced (#Cases)	Wtd Avg. Sentence (#Years All Defend-ants)	Probation (#Cases)	Wtd Avg Probation (#Years All Defend-ants)	Conditional Discharge (#Cases)	Time Served (#Cases)	Community Service (#Cases)
2010	1	3.00	0	N/A	0	0	0
2011	3	19.72	2	1.97	0	1	0
2012	4	13.75	0	N/A	0	0	0
2013	3	6.63	1	0.98	0	0	0
2014	13	2.83	0	N/A	0	0	0
2015	10	2.20	4	0.36	4	1	0
2016	8	1.65	0	N/A	1	0	4
2017	2	1.28	1	0.25	1	1	2
2018	0	1.00[68]	1	1.00	0	1	0
Total	**44**	**3.04**	**9**	**0.29**	**6**	**3**	**6**

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[68] This 1 year was "Time Served."

160

Table NY16. Average Sentence for TIP vs. Other Sex or Prostitution Related Crimes

	Trafficking Crimes*				Other Sex Crimes**			
	Defend-ants Charged	Defend-ants Convicted	% Convicted	Wtd Avg. Sentence Length (Years)	Defend-ants Charged	Defend-ants Convicted	% Convicted	Wtd Avg. Sentence Length (Years)
2010	3	1	33.3%	3.0	4	1	25.0%	0.0
2011	8	1	12.5%	3.0	9	5	55.6%	20
2012	7	3	42.9%	59.0	8	4	50.0%	13
2013	4	1	25.0%	8.4	6	6	100.0%	6.6
2014	16	7	43.8%	10.3	14	11	78.6%	2.67
2015	6	3	50.0%	9.7	23	18	78.3%	2.18
2016	5	2	40.0%	7	12	7	58.3%	1.63
2017	2	2	100.0%	9.4	6	4	66.7%	1.25
2018	0	0	0.0%	--	2	1	50.0%	1
Total	**51**	**20**	**39.2%**	**6.9**	**84**	**56**	**66.7%**	**2.97**

*Offenses include sex trafficking and attempted sex trafficking.
**Offenses include promoting prostitution, attempted promoting prostitution, permitting prostitution, rape, sexual abuse, and criminal sexual act.

When broken down between trafficking crimes and other sex crimes, however, the average sentence was steeper for a trafficking conviction vs. promoting prostitution or other related offenses. While average sentences were still very high in 2012 in this sample as compared to other years, the mean sentence for a trafficking crime was 6.9 years vs. 3.65 years for other sex or prostitution-related crimes. Exploratory regressions that employed weights for the probability that a case would be charged using the TIP statute in the universe of cases did not produce statistically significant results, even when using sandwich estimators to account for the small sample size (Tyszler, Pustejovsky, & Tipton, 2017). This is not surprising, given that just 15 of the thousands of cases that DANY has prosecuted were convicted using the TIP statute.

On the other hand, while the mean sentence was longer when trafficking was charged, Table NY16 shows that just 39.2 percent of trafficking charges prosecuted were convicted vs. 66.7 percent of other sex or prostitution-related crimes. This may reflect the challenges associated with collecting the level of evidence required to convict a trafficking charge as well as, perhaps, the need for more judge and jury education on trafficking.

Victim Testimony and DANY's Social Work Services

When a potential trafficking victim comes to DANY's attention, social workers often make the first contact rather than an ADA or investigator. The social worker offers help first, if the victim desires it. If the victim also wishes to pursue prosecution, then they also provide a safe space to discuss case details while providing victim services. If the potential victim is not

interested, the social worker simply provides their phone number in case the potential victim changes his/her mind. A DANY social worker interviewee also noted that securing victim cooperation is more successful when victims make contact with the DA's office for a different crime or victimization and the details of trafficking come out during that process than when DANY approaches them about trafficking first.

Victims are usually relied upon to testify in TIP cases, and DANY's approach is to provide support through the prosecution, and they use digital evidence to support, not replace, their testimony. However, due to their commitment to victims, DANY social workers continue to work with the victims even if they do not pursue an active prosecution. When human trafficking investigations proceed, DANY social workers provide trauma-informed counseling and accompaniment, and they also either coordinate services for the victims or provide referrals to outside service organizations. DANY offers these services to help break down barriers between victims and legal actors, and to let victims know they can trust DANY to help no matter how they decide to proceed. Plus, if victims receive quality services and remain in contact with DANY, it leaves open the possibility of later cooperation even if they do not decide to do so until several months later. Because of this, multiple respondents stated that the social worker plays the most important role in DANY's trafficking cases.

Table NY17. Reasons for Victim Cooperation (N=24)

		Reason for Cooperation					
Year	Victim Cooperated	Didn't have to Testify	Victim not Prosecuted	Provided Support Svcs.	Provided Safety	Other	Victim did NOT Cooperate
2010	0	0	0	0	0	0	0
2011	2	0	0	1	1	0	0
2012	2	0	0	1	1	0	0
2013	2	0	0	0	0	0	0
2014	3	0	0	2	2	0	2
2015	6	0	1	2	3	0	1
2016	3	0	0	1	1	0	3
2017	0	0	0	0	0	0	0
2018	0	0	0	0	0	0	0
Total	**18**	**0**	**1**	**7**	**8**	**0**	**6**

As victims receive the support they need from DANY, and more outside agencies become aware of the support DANY provides, more victims may be encouraged to work with the DA's office and the number of trafficking cases brought to a grand jury will hopefully increase. Table NY17 shows the reported reasons victims cooperated in their prosecutions. Among victims identified in the sample, 18 victims cooperated, six did not, and the other 22 did not have notes

in their case files about whether they cooperated. The most common reason noted for victim cooperation was that the victim was offered protection for their safety (n=8), followed closely by receiving support services (n=7). One victim's file noted that cooperation was given because they would not be prosecuted; however, while DANY notes that victims are charged in some cases, by policy all prostitution charges are dropped when the victim opts to accept victim recovery services and/or help in leaving the life.

Past research illustrates that victims who trust legal actors; feel comfortable in the courtroom setting; and whose emotional, social, and legal needs are being met are more likely to serve as witnesses in trials (Konradi, 2010; Menaker & Cramer, 2012). Six of the nine DANY interviewees said it was important to have victim testimony for the prosecution. Four respondents indicated that victim testimony was most effective when it could be used to corroborate other evidence presented to the grand jury. One ADA also noted that having victims take the stand and detail what the trafficker did to them is very beneficial to proving the case, a sentiment heard across all four case studies.

Because trafficking victims can receive victim services facilitated by the DANY social worker, victims can often become stabilized enough to eventually share their experiences at trial. One ADA indicated they believe DANY's victim-centered approach and emphasis on finding as much corroborating evidence as possible helps take the pressure off of victims and makes their cooperation more likely. The same ADA believed that traffickers are more likely to plead guilty in cases where victims cooperate. An exploratory weighted regression (Table NY18) shows that both case identification method (proactive vs. reactive) and larger numbers of digital evidence types available to support testimony impacted the likelihood that victims would agree to participate in the prosecution at a statistically significant level. Proactive case identification increased the probability that a victim would cooperate with the prosecution by 31 percent, but having increased amounts of digital evidence showed a negative effect in this sample. The N is only 23, so no conclusions should be drawn from these results. However, they do imply that the question is worthy of further research.

Table NY18: Weighted Logistic Regression: Impact of Case ID Method and Digital Evidence on Victim Cooperation

Weighted Logistic Regression					Number of Obs =	23
					Wald chi2(5) =	10.17
					Prob > chi2 =	0.0377
(Std. Err. Adjusted for 23 clusters in Case Number)					Pseudo R2 =	0.5672
Victim Cooperation	Odds Ratio	Std. Err.	z	P>z	[95% Conf. Interval]	
Case ID Method	1.31	0.59	2.2	0.03	0.15	2.47
Total Types Digital Evidence	-0.53	0.28	-1.92	0.05	-1.08	0.01
Prosecuted TIP?	3.39	2.18	1.56	0.12	-0.88	7.65
Case Year	-1.92	0.92	-2.08	0.04	-3.73	-0.11

One DANY data engineer provided details of how a victim's testimony in a particularly contentious trial helped to corroborate the digital evidence they gathered and convinced the jury to convict.

> *[There was a case with a] victim that did testify and was bullied by the defense, battering the witness. But she was willing to testify, and digital evidence was very strong. Recordings from the wire were bone chilling. Photos of injuries won the jury and the case had been identified during a prior case.*

> − Data Engineer, DANY

Throughout this research, the tension between needing victim testimony to convict in most cases, and wanting to better marshal digital and other corroborating testimony to avoid causing additional trauma for the victim, is noted as a constant struggle. This is part of the purpose of proactively involving a social worker that supports the victim throughout the prosecutorial process. According to follow-up communications with DANY, while almost all cases pursued by DANY have involved victim testimony, six cases out of the *aggregate* numbers (see Table NY3) were convicted without victim testimony: 2 in 2014, 2 in 2015, and 2 in 2016. Of the six, two resulted in conviction through wiretap evidence (one trial in 2014, one plea in 2016) and the other four pleaded guilty prior to trial.

Victim Services

A wide variety of services are provided to trafficking victims, either directly through HTRU social workers such as trial preparation and accompaniment, or by referral to specialized providers. While only eleven case files recorded which services were provided to victims—these records are usually kept separately and were not available for analysis—Table NY19 illustrates the breadth of services offered to trafficking victims who wanted them. Of these 11 victims, seven received safety planning, trauma informed services, and transportation. The next most commonly provided service was medical/psychological care, followed by housing, victim-witness trial preparation, drug treatment, case management (services coordination), and educational or employment counseling (n=4 each), financial assistance (n=3), and T-visas (n=2). If the information from these 11 victims is representative, DANY's HTRU provides or coordinates a wide variety of services for trafficking victims.

Table NY19: Victim Services Recorded in Case Files (N=11)

	2010	2011	2012	2013	2014	2015	2016	2017	Totals
Housing	0	1	1	0	2	0	0	0	**4**
Safety Planning	0	1	1	0	3	2	0	0	**7**
Trauma-Informed Services	0	1	1	0	3	2	0	0	**7**
Trial Prep	0	1	1	0	1	1	0	0	**4**
Drug Treatment	0	0	1	0	2	1	0	0	**4**
Case Mgmt.	0	1	1	0	1	1	0	0	**4**

	2010	2011	2012	2013	2014	2015	2016	2017	Totals
Medical/Psych Help	0	0	1	0	3	0	0	1	**5**
Educational/ Employment Counseling	0	1	0	0	3	0	0	0	**4**
Transportation	0	1	1	0	3	2	0	0	**7**
Translation	0	0	0	0	0	0	0	0	**0**
Financial Asst	0	1	0	0	1	1	0	0	**3**
Witness Protection	0	0	0	0	0	0	0	0	**0**
Relocation	0	0	0	0	0	0	0	0	**0**
U Visa	0	0	0	0	0	0	0	0	**0**
T Visa	0	1	0	0	1	0	0	0	**2**
Totals	**0**	**9**	**8**	**0**	**23**	**10**	**0**	**1**	**51**

Concurrent Efforts in Manhattan: Collaborations with Other Agencies

Respondents indicated that DANY has close working relationships with many public and private agencies, as well as other criminal justice agencies in New York City and surrounding areas. Nearly all DANY interviewees discussed some degree of collaboration with outside agencies to build human trafficking cases. Five of ten respondents provided details about collaborations with the NYPD and other local police. Two discussed participation and cooperation with the human trafficking task force in Brooklyn, and seven discussed collaboration with private agencies. In all instances, the goals of the collaboration with other agencies are to serve victims and to build successful trafficking cases by gathering relevant information about victims and traffickers.

Collaboration with Police. DANY works with the NYPD locally and with other police agencies across the country to locate victims and traffickers and share information on persons of interest. One respondent claimed that NYPD and DANY are still learning how to develop human trafficking cases in collaborative fashion. The NYPD created a human trafficking team before DANY had their own investigators, so DANY relied heavily on NYPD investigators in the beginning to assist them. They still work very closely and share information but are now learning to share the work a little differently since DANY's investigative capacity has increased. If individuals of interest in active trafficking cases come into contact with the NYPD, this information is now shared with DANY via the Arrest Alert System so they can send an investigator or social worker to meet with the person.

One ADA also cites the NYPD's trained human trafficking unit as an important aspect of their successful collaboration. For each trafficking case DANY builds with the NYPD, the DA's office typically works with the same investigator for the entire length of the case. This is essential to maintaining continuity in complex cases.

165

The NYPD, in fact, is also developing close relationships with a variety of organizations. An interviewee who runs the human trafficking program at a large runaway youth shelter discussed the evolution of their relationship with the NYPD. When shelter staff suspect that traffickers are recruiting in their facility, they have built enough trust over the years to share that information with local police. Previously, any shelter resident that had engaged in sex work voluntarily or under duress would simply be arrested for prostitution; now, the NYPD receives training on TIP and the shelter has developed relationships with specific, trained officers they now call for help when needed. Further fostering this relationship, NYPD officers volunteer as youth mentors at the shelter, sharing information with residents about the signs of trafficking and how to avoid potential recruiters if they arrive at the shelter. This cooperative relationship built between the shelter, the NYPD, and DANY led to successfully prosecuting a successful case against a trafficker running a prostitution ring from the shelter itself.

Brooklyn Task Force. Representatives from DANY participate in the bimonthly human trafficking task force meetings in Brooklyn. The meetings bring together victim service providers, law enforcement, district attorneys, and defense attorneys involved in human trafficking cases from all five boroughs. The purpose of the meetings is for attendees to discuss anti-trafficking strategies, listen to speakers on special topics, and share available resources for victims in each borough. According to two DANY respondents, the bimonthly meetings help foster and strengthen collaborative working relationships across the city, which is particularly important when cases cross jurisdictional lines. A DANY investigator stated that DA's offices across the city do not work closely on a regular basis, so the meetings are an opportunity to talk.

Nonprofits and Other Government Agencies. As mentioned, DANY maintains working relationships with many New York area non-profit and private social and victim services agencies. DANY builds relationships with these agencies to ensure that victims can receive services, and to build trust between DANY and victim services organizations to increase the likelihood that service agencies will encourage victims to report to the police. This is important because, as noted in the other case studies, victim service providers and law enforcement can disagree strongly on how to serve trafficking victims. If social service agencies have faith that DANY and law enforcement have victims' best interests in mind and can ensure their safety, these agencies may be more likely to refer victims to report trafficking.

To this end, DANY works especially hard to build bridges with agencies that provide services to underserved and at-risk communities that often feel marginalized by the legal community. DANY provides trainings to private agencies, keeping them abreast of trafficking laws and practices in their office, in hopes that service agencies will refer victims to law enforcement or the DA's office. One ADA gave an example of how the process was successful and led to the prosecution of a trafficker:

> *[DANY] has relationships with NGOs, offering to do trainings on the laws, etc., building trust. [There] is one [I'm thinking of] that has referred victims that want to report to DANY. One referral led to prosecuting a trafficker that had three other victims. We*

166

learned together how to do these cases.

− *ADA, DANY*

DANY also works with legal service agencies that can represent victims, protecting their rights in the legal process, and that can help them with concurrent legal needs such as family law, immigration, and other civil matters. In cases where trafficking victims have been arrested for prostitution, DANY will work with legal aid agencies to handle vacaturs of prostitution charges from their records. The same ADA mentioned that DANY's relationships with these legal service agencies continually deepen with each victim served.

Financial Systems Representatives. While the work with social and legal service agencies is important for building trust with victims and between system actors, there are other types of relationships DANY has built to investigate and compile different types of electronic evidence. Since trafficking involves the exchange of money between clients and traffickers, there are trails of financial activities investigators can follow in addition to simple tracking of credit card transactions to develop trafficking cases. DANY works with the U.S. Bank Alliance, run by the Thomson Reuters Foundation, to identify financial red flags of trafficking of which banks should be aware.

The relationship started informally, with a few financial institutions that collaborated with DANY to identify which financial records would be candidates for subpoena. Thomson Reuters became involved in 2013, and they developed a white paper on human trafficking financial patterns for bankers to look out for, including large numbers of hotel charges, payments to Backpage and other advertising sites, airfare purchases, or patterns of structured money transactions and transfers. Since the development of the U.S. Bank Alliance, participation has increased to include more financial institutions, law enforcement, Homeland Security, FinCEN, and non-profit social service agencies. These relationships may lead to more actionable financial evidence that can help build trafficking cases.

Other Technology Initiatives. As discussed above, DANY worked with the Department of Defense DARPA to develop MEMEX (now TellFinder), a program to search the open and dark webs for potential human trafficking advertisements. DANY has also worked with other technology firms and academic institutions to develop programs and phone apps to assist in combating human trafficking in New York. Two DANY respondents discussed how these collaborations led to promising tools to assist in building TIP cases. In one instance, college students interning at tech startups took part in a "hacking" competition to develop a phone app to access and assess online trafficking ads. DANY also worked with developers to create a phone app that searches TellFinder from the convenience of an officer's cell phone, allowing an investigator to check a phone number immediately and facilitate an intervention on behalf of a potential trafficked victim on the spot.

Lastly, DANY recently collaborated with academics on a project studying the use of specific language on social media for human trafficking recruitment. Two DANY interviewees

mentioned traffickers use social media to recruit their victims; understanding the language traffickers use to recruit will help DANY to be more proactive in cases involving social media.

Trafficker Adaptation

As a result of the innovations used by DANY to proactively build human trafficking cases, and the shuttering of prostitution advertising services nationally due to the passage of SESTA and FOSTA, traffickers have adjusted how they conduct their activities. Five DANY respondents discussed ways traffickers have adapted their activities as a result of proactive case building, mostly in how they use technology.

The most commonly cited technological change that interviewees have seen traffickers make was the shift in communication to encrypted or password-protected cell phone apps that are more difficult to trace. Communications previously handled by regular phone calls, text messages, or email is now carried out using apps like WhatsApp, Facebook Messenger, and encrypted texting apps. A DANY analyst discussed how they learn the ways traffickers use these apps to communicate:

> *In response to this, we are now looking at this by downloading an app and practicing using it with our coworkers to really understand each program, and then we have a better handle on how they use it [and then think about what we might do].*

> – Analyst, DANY

Communication apps are part of a general trend for traffickers seeking anonymity in the digital space. Another growing strategy used to maintain anonymity is increased reliance on "burner" phones, or pre-paid disposable cell phones with unique phone numbers. Because the phone numbers on "burner" phones are not transferable from phone to phone, wire taps do not produce as much usable evidence as they did in years past. One ADA mentioned that the number of successful wire taps decreased noticeably between 2014 and 2016, in part because of "burner" phones. In addition, traffickers are also equipping victims with "burner" phones to make tracing calls more difficult and using two-call systems[69] to screen for undercover officers during the course of business.

In addition to changes in how traffickers communicate with clients, respondents also discussed how payments for financial transactions have shifted toward digital currencies and away from cash exchanges. Buyers may pay for sexual services by transferring Bitcoin or another cryptocurrency to accounts set up by traffickers. Such transactions allow traffickers and buyers to remain anonymous to each other. Furthermore, users can create multiple accounts under pseudonyms to make it more difficult for investigators to link seemingly unrelated accounts to a single user. In a further attempt to remain anonymous, traffickers use prepaid debit

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[69] Two-call systems are strategies employed by traffickers where buyers call the trafficker or victim for a general location, like a hotel, and a second call is placed to the buyer giving the exact room number at the time the transaction is scheduled to occur.

cards to buy ads online and make other purchases. This is a tactic seen commonly around the country. Investigators cannot trace prepaid cards as easily as traditional credit cards, making it more difficult to link traffickers to transactions. As mentioned in the Miami case study, one has to get footage of the defendant purchasing the prepaid debit card in order to substantiate its use in a trafficking crime. Furthermore, traffickers are purchasing their advertising on websites hosted in foreign countries, complicating investigators abilities to compile evidence, especially after the passage of SESTA and FOSTA.

While all five DANY respondents to this question discussed technological adaptations to proactive investigation techniques, one suggested that traffickers may also be making more low-tech adaptations. This ADA believed that many traffickers know each other and communicate via "word-of-mouth" about what they experience. For example, this ADA noticed that traffickers were not using hotels in Manhattan after law enforcement cracked down on trafficking in them but moved to other venue types. The same ADA also mentioned that it was more difficult for undercover officers to gain access to brothels as brothel operators started checking whether prospective clients are law enforcement officers prior to allowing them into the establishment.

Limitations

As with all research, this case study has limitations. The first has to do with small sample sizes for both interviews and case files. Given the highly specific focus on the innerworkings DANY's internal case identification, investigation, and case building processes, interviews were necessarily focused on DANY HTRU staff.

The DANY case file data sample was limited in a few ways in comparison to the other case studies. First, cases sealed or in appeal were culled after the random sample was drawn, rather than before, resulting in a smaller number of files in the final sample. Additionally, information about individuals arrested for prostitution alongside promoting charges often have their cases sealed, which means that information on their identification as victims is also left out of these data. Second, DANY's Witness Aid and Services Unit that provides services to victims was not able to participate, which means there was little detail to report on services received related to the case file sample. Third, despite the great care and diligence of DANY staff in coding the case files, there is still a risk of mis-coding some variables.

However, there was good quality control at the outset of the coding process via examination of the test file submitted by DANY for fidelity to the coding instrument and of the final set of case file coding forms received, thus reducing potential statistical bias or error. DANY also provided a series of aggregate statistics about the total population of cases from which the sample was drawn to provide necessary context for the sample case files. Based on these aggregate statistics, wherever possible, regressions were conducted using weights to account for the probability that a case prosecuted using the TIP statute would be included in the sample whether statistically significant results were found or not. Least squares regressions were also run using sandwich estimators to correct the standard errors for low sample sizes in all

cases. Nevertheless, despite these statistical corrections, the regression results should still be considered exploratory and not relied on to draw firm conclusions by themselves.

Additionally, similar to the other case studies, while the DANY HTRU social worker agreed to distribute our short survey to survivors with closed cases with instructions to mail back their responses, none were received. However, our interview with the trafficking program manager at the runaway youth shelter provided at least some insights into what she sees among victims outside the criminal justice system. The mixed method design adds strength to the research overall, allowing for an illuminating case study despite the limitations.

Summary of Findings

As presented in the beginning of this case study, this research on DANY's Human Trafficking Response Unit and its proactive case identification and case building process sought to answer or inform several research questions. Below is a summary of those results.

Research Question 1: Were victims more likely to cooperate in cases that involved digital evidence in case building?

In the 23 cases where victim cooperation was reported either way, 18 cooperated in cases that also had digital evidence and five victims did not cooperate. However, only one case in this sample had no digital evidence, so there was not enough variation in that variable to isolate a trend or causal relationship. The N on victim cooperation was also too small. However, six cases from the universe of cases from which the sample was drawn were made without a victim present to testify, including one completed at trial. This indicates that strong digital and other evidence can contribute to the ability to convict a trafficker even without victim participation, which is a theme that runs through all four of these case studies.

Research Question 2: Were cases involving proactive case building more likely to result in prosecution under TIP statutes than cases that were reactive to a report or tip?

Case identification method (proactive vs. reactive) was noted in 26 of the 44 cases in the sample. Proactive case building was negatively correlated with conviction using the TIP statute ($r=-0.24$), but the correlation was not statistically significant ($p=0.23$). Reactive case building in response to a tip or a case brought by law enforcement was equally distributed between charge conviction types (eight cases prosecuted using the TIP charge and nine cases using an alternate charge), while just two of the nine cases with proactive case identification methods reported were convicted using the TIP statute. With a larger sample of cases that could produce valid regression results ($n=21$ here when all three variables are included), it would be interesting to analyze the indirect effects of case identification method on plea agreement, and then of disposition by plea agreement on conviction using the TIP statute. Strength of the evidence, particularly digital, should also be included in a model with the much larger case sample.

There was a statistically significant relationship found between prosecution using the TIP statute and sentence length, but the impact of case identification method was not statistically

significant in that model either.

Research Question 3: Has the level of victim services provided, internally or by referrals, increased over the years? Is there a difference between cases identified proactively or reactively?

While DANY's HTRU social worker makes special effort to connect all victims to services who want them regardless of whether they move forward with a prosecution, these data are not always present in the prosecution file. Victim services provided to the victim were reported in just eleven of the 44 coded case file forms. The trends in average numbers of services provided to victims over the years cannot be meaningfully discussed from just eleven cases, but a wide variety of services provided either internally or by referral is illustrative. There was no discernable difference from this sample regarding whether case identification method has an impact on levels of service provision but given the approach DANY and the HTRU social worker take to assisting TIP victims, a difference would not necessarily be expected.

Research Question 4: Has the number of facilitators prosecuted increased over the years?

The number of buyers prosecuted was provided in the aggregate statistics. The HTRU also includes people like hotel managers, sex tourism operators, landlords, and other business owners in the definition of "facilitator," but data from the aggregate statistics and the coded case file forms provided for this case study was only available on buyers. The number of buyers prosecuted and reported in the aggregate statistics have fluctuated over the years, from 35 in 2010 to 225 in 2012, down to 51 in 2016 and back up to 119 in 2017. This can vary based on shifts in law enforcement priorities from year to year or any number of other circumstances. No discernable trend in one direction can be discerned from these data except to say that there was a peak in buyer prosecutions in 2012 and 2013.

Research Question 5: Do traffickers and victims adapt to the HTRU's capabilities? How so?

Interviewees provided a great deal of insight into the trafficker adaptations they are seeing. Technology adaptations include moving communications to encrypted or password-protected cell phone apps, increased reliance on burner phones that limit traceability and the effectiveness of wiretaps, using two-call systems to set up "dates" between buyers and victims, shifting forms of payments for transactions to cryptocurrency like Bitcoin or to prepaid debit cards, and moving online advertising to websites hosted in foreign countries. Low-tech adaptations include moving trafficking activities away from hotels or venues known to be under surveillance and brothel keepers checking potential customers to make sure they are not police.

Words of Advice/Key Takeaways

DANY is a very large prosecutorial office that also has more human and financial

resources than most jurisdictions in the United States. Given their unique access to high levels of resources, the project team encouraged interviewees to think about smaller jurisdictions that are strapped for resources. What should they do? The project team asked interviewees, if they were in such a jurisdiction but still wanted to take a more proactive approach to identifying and building trafficking cases, what two things would be most effective start doing? Between all ten interviewees, five recommendations emerged.

Key Takeaway #1: Ask for and get access to TellFinder, a very powerful tool that is made available to investigative agencies completely free of cost. A user applies for access, is given a log-in to the web-based tool along with training and support, and they are ready to begin using it. DANY can help agencies with the process of getting access. Furthermore, investigators can use the TellFinder app developed for their cell phones; with this app, they can plug in a phone number from wherever they are, and the app will return any online escort advertisements in which that phone number may appear. From the police station, the prosecutor's office, or on the desktop app, they can also search photographs and several other search parameters to see if someone they have come into contact with might be advertised on the internet, all the locations where they have been advertised, and on what dates. This is a powerful, simple, and free way for any size local agency to immediately increase their investigative capacity in TIP cases.

Key Takeaway #2: If possible, have a dedicated social worker in every law enforcement agency serving this population. Small jurisdictions that do not have enough resources to bring on an in-house social worker should network with other organizations that can collaborate and provide this service, perhaps as part of a multidisciplinary team. But, it is really beneficial to have at least one in-house even if they handle all kinds of cases in addition to TIP. It is important to realize how important the social work emphasis and collaborations in general are on the front end for trafficking prosecutions to be successful, whether that function can be provided in-house or via a collaboration.

Key Takeaway #3: Do outreach in the community to build relationships and partnerships. This is true for all jurisdictions, but even more so for smaller agencies that may not have the resources to do everything themselves.

Key Takeaway #4: Developing or securing some sort of analysis capacity is important from the beginning. At DANY, the ADA who shepherded the establishment of the HTRU saw the importance of having analytic capability from the start, and fostered a collaborative, flat hierarchy work structure in order to facilitate innovation. In smaller jurisdictions that cannot afford an analyst, recommendations included engaging the services of talented and vetted volunteers or interns, or the analytic capabilities of a partner jurisdiction, so that not all analytic responsibilities fall on investigators themselves.

Key Takeaway #5: Allow investigators to go out of jurisdiction to look for witnesses if the case warrants it and it is possible. If it is not, for personnel or resource reasons, investigators

should not be shy about asking officers and investigators in the other jurisdiction to help them—especially if the local investigator in the other jurisdiction is also trained on human trafficking.

> *Always ask. People will help each other whenever they can on a trafficking case.*

<div align="right">− DANY Investigator</div>

Case Study 3: Ramsey County, Minnesota's Infrastructure Built to Support Safe Harbor

Ramsey County/St. Paul Highlights

- MN Safe Harbor passed 2011, took effect 2014.
- Minnesota undertook a 3-year planning phase to assess needs & build infrastructure to support victims.
- Ramsey County led training for all of MN.
- Built on existing structure serving runaway youth, established regional navigators to help with training & TIP victim response.
- RCAO participates in multidisciplinary team.
- MN has strengthened Safe Harbor legislation further to include older youth to age 24.

Experience Handling Cases

- Ramsey County stopped prosecuting minors for prostitution in 2011.
- 19 cases and 38 defendants with completed prosecutions since 2011.
- 17 of 19 cases resulted in conviction.
- All 7 TIP trials resulted in conviction.
- Average sentence is 32 months longer when convicted using TIP statute vs. other charges.

Key Takeaways for Establishing Safe Harbor

- Integrate prosecutors into law enforcement/ criminal justice trainings from the beginning.
- All stakeholders must be brought to a common mindset that sexually exploited individuals need services & are not criminals. Training is the key.
- Developing protocols & training is intense & iterative, requiring flexibility & commitment.
- Design protocols & training to meet the needs of the individual localities & stakeholders while certain basic information common to all.
- Engage partners also willing to lobby for improved TIP legislation.

Introduction

In 2011, the Minnesota legislature passed the "Safe Harbor for Sexually Exploited Youth" law (hereafter "Safe Harbor") to meet the needs of sexually exploited youth in the state.[70] The 2011 statute legislated a formal definition of sex trafficking, removed sexually exploited youth from the definition of the term "delinquent child," and recognized that sexually exploited youth under the age of 16 were victims in need of services. Diversion programs were put in place for first-time 17- and 18-year-old prostitution arrestees, and the 2011 changes to previous laws that addressed sexually exploited youth by increasing punishments for traffickers and buyers of commercial sex from minors.[71,72]

Changes brought on by the 2011 Safe Harbor law represented a shift in practice toward a victim-centered approach that recognizes the trauma experienced by victims of human trafficking and focuses on providing victims with needed services (WATCH, 2016). Indeed, no minor has been prosecuted for prostitution in Ramsey County since 2011. The Safe Harbor law additionally directed the State Commissioner of Public Safety to create a statewide victim-centered response network and protocol for responding to sexually exploited youth in crisis. In 2014, Minnesota expanded the 2011 Safe Harbor provisions to apply to all sex trafficked youth under age 18.

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[70] Minnesota Statute §145.4716; https://www.revisor.mn.gov/statutes/cite/145.4716.
[71] Minnesota Statute §609.322; https://www.revisor.mn.gov/statutes/cite/609.322
[72] Minnesota Statute §609.324; https://www.revisor.mn.gov/statutes/cite/609.324

174

This case study examines the implementation of the victim-centered response infrastructure built in Ramsey County, MN to support Safe Harbor. It blends findings from interviews conducted with stakeholders in the Ramsey County Attorney's Office (RCAO), the St. Paul Police Department, and social service providers, along with data from program documentation, previous Safe Harbor program reports compiled by the county and outside researchers, and quantitative analysis from case file data collected onsite in St. Paul in August of 2018.

To guide this research, a logic model was developed in collaboration with the RCAO that specifies the hypothesized impacts of Safe Harbor for trafficked youth in Minnesota. A basic conceptual model is presented here to illustrate the research questions this case study seeks to address, while a detailed logic model follows later in this report. The left-hand side of Figure SP1 shows the basic components of Safe Harbor in Minnesota. These include both preparatory activities undertaken between 2011 and 2014, and the funded and mandated activities that commenced when the legislation went into effect in 2014. More description of this history follows.

The right-hand side of Figure SP1 displays the hypothesized impacts expected from Safe Harbor. These include (a) more cases proactively identified and defendants convicted, and more trafficking victims receiving needed services, (b) fewer victims prosecuted for prostitution or other charges related to activities that were part of their victimization, (c) more professionals and community members trained on trafficking and use that knowledge to better serve victims, and (d) more victims retained (deciding to participate) to facilitate prosecutions.

Given the prosecutorial focus of this case study, information obtained from the interviews and case files provided a basis for examining some, but not all, of these expected impacts—primarily because data concerning victim services was not available in the provided files. This is because prosecutors in Ramsey County refer victims out for services, but they do not necessarily keep records of outcomes post-referral. Additionally, many victims seek services on their own while declining to either press charges or participate in a prosecution for various reasons.

The following research questions were examined in this case study:

1. Do Safe Harbor practices lead to an increase in cases proactively identified, prosecuted under TIP statutes, and disposed via conviction?
2. Do Safe Harbor's victim-centered practices enable collection and assembly of stronger supporting evidence in case building, thus reducing the reliance on victim testimony, vs. what occurred before Safe Harbor infrastructure/coordination was established?
3. Are more individuals/groups in the community retaining/using knowledge from TIP training?
4. Are traffickers and victims adapting themselves to criminal justice system capabilities that result from MN's implementation of Safe Harbor?

5. What are the key takeaways for others wanting to build effective, victim-centered Safe Harbor practices in their jurisdiction?

Figure SP1: Basic Conceptual Model for Safe Harbor in Ramsey County, Minnesota
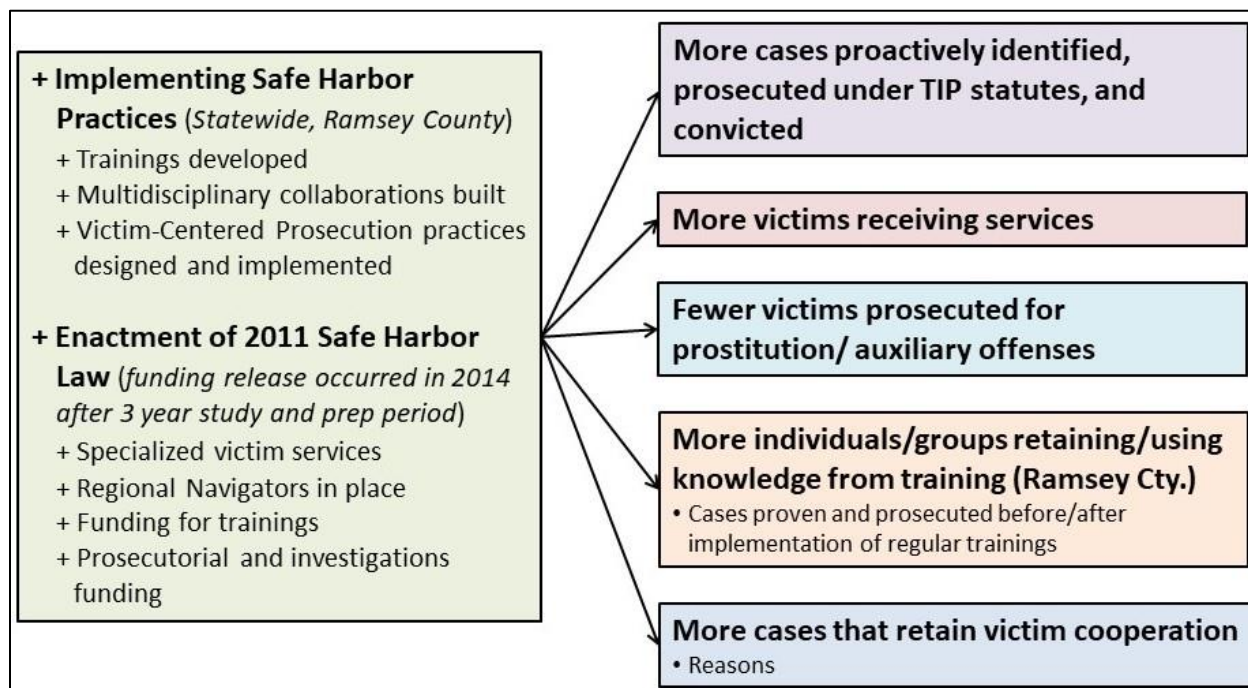
Overview of Safe Harbor, Methods, and Sampling

To answer the research questions presented, JRSA and NDAA staff conducted in-person, semi-structured interviews, with telephone follow-ups when necessary, between April and August of 2018 with eight representatives of the RCAO, three members of law enforcement, and four representatives of local social service providers. Additionally, closed sex trafficking case files in Ramsey County from 2011-2018 were reviewed and included in several analyses. The total case numbers in Ramsey County were small due to the size of the jurisdiction (population 547,974 in 2017[73]); from 2011-2018, 19 sex trafficking related cases were prosecuted involving 38 defendants.[74] Given these smaller case numbers, all closed cases from that period were included in these analyses,[75] thus representing the entire population of closed sexual exploitation cases in Ramsey County at the time of data collection. Information obtained from program documents and reports was used to supplement both the quantitative case data and the interview response data collected and analyzed for the case study.

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[73] https://www.census.gov/quickfacts/ramseycountyminnesota
[74] In the WATCH report of 2016, the prosecution of each defendant was counted as a separate case. In the approach taken here, each case is counted only once even if it contained multiple defendants, in order to be methodologically consistent with data collection protocols undertaken in the other three case study sites.
[75] Last available closed case at the time of data collection was dated 2016; more recent cases were still in progress and thus their files unavailable for research.

176

The remainder of this case study is organized in the following manner. First, a brief overview of the development of Safe Harbor legislation is provided, followed by a discussion of the historical implementation of Safe Harbor support infrastructure in Ramsey County. Next, opportunities for collaboration across social services, the RCAO, and law enforcement provided by Safe Harbor are reviewed, followed by a discussion of how Safe Harbor helps stakeholders identify and address victims' needs and identify cases for prosecution. The processes involved with investigation and prosecution of Safe Harbor cases in Ramsey County are then described. Analytical results concerning the impact of Safe Harbor on human trafficking in Ramsey County are presented, with statistics from the case file analyses interspersed throughout the narrative. Finally, conclusions are offered, and recommendations made for other jurisdictions that may want to implement similar victim-centered responses for sexually exploited youth.

Overview of Safe Harbor

In 2009, when Safe Harbor laws were began being passed in several states, ECPAT-USA[76] approached the nonprofit Advocates for Human Rights to inquire about Minnesota's interest and readiness to enact Safe Harbor provisions, and to evaluate what would be required to pass and implement legislation in the state. ECPAT-USA and advocates traveled around the state to ask stakeholders these questions; they concluded that Minnesota was ready to take on this important aspect in victim protection and support. A coalition was formed with several nonprofits to conduct background work on what would be required to form TIP-specific victim support services and to write, lobby for, and pass appropriate Safe Harbor legislation. An especially strategic alliance was forged with The Family Partnership,[77] a nonprofit that supports a wide range of initiatives focusing on children.

Together with other local partners, the coalition commenced a lobbying effort that contributed to passing Safe Harbor legislation in 2011. A key piece of this legislation was the inclusion of sexually exploited children as a category of children in need of protective services, thus moving them under the purview of Minnesota's Child Protection agencies. Previously these agencies had been unable to assist these children.

The Minnesota Department of Public Safety, in consultation with the state Departments of Health and Human Services along with private stakeholders across the state, initially implemented infrastructure to support Safe Harbor via the "No Wrong Door" model.[78] This group developed 11 recommendations meant to ensure a victim-centered implementation of Safe Harbor when it became effective in 2014. The recommendations were to:

1) Create a statewide director position (achieved in 2013);
2) Create six regional navigator positions to serve as first points of contact in bringing a

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[76] https://www.ecpatusa.org/
[77] https://www.thefamilypartnership.org/programsservices/advocacy/pride/ "For nearly 40 years, The Family Partnership PRIDE (Promoting Recovery, Independence, Dignity, and Equality) program has provided support services to sexually exploited women, teens, and their families."
[78] http://www.theadvocatesforhumanrights.org/uploads/2013_ojp_no_wrong_door_report.pdf.

177

coordinated, victim-centered emergency response to victims in their region, and in implementing the objectives below;

3) Provide comprehensive training on juvenile sexual exploitation;
4) Ensure effective outreach to youth;
5) Support coordinated law enforcement investigations across Minnesota;
6) Provide appropriate, effective diversion opportunities[79] to youths aged 16 and 17;
7) Modify the Juvenile Protection Hold Statute to meet the needs of sexually exploited youth;
8) Ensure access to safe and supportive housing;
9) Provide appropriate and accessible supportive services to sexually exploited youth;
10) Support efforts to prevent sexual exploitation of youth; and
11) Conduct a comprehensive evaluation to ensure the No Wrong Door model is an effective model of intervention.

No Wrong Door built on Minnesota's existing network of homeless service providers, crime-victim service providers, and other social services to meet the unique needs of sexually exploited youth in Minnesota (Atella, Schauben, & Connell, 2015). The expansion of existing law enforcement protocols to address sex trafficking increased the degree to which police could hold traffickers and buyers accountable. Finally, it improved the possibilities for trafficked youth to be treated as victims and receive the services to which they are entitled. The No Wrong Door model for Safe Harbor implementation was presented to the Minnesota Legislature in January 2013; however, by 2017, the name "No Wrong Door" was no longer used by Ramsey County. This infrastructure, like the statute, is now referred to simply as "Safe Harbor."

While interviewees described many successes in the implementation process, they also experienced difficulties, as is common in the implementation of new initiatives. Ramsey County is in the process of revising their approach to Safe Harbor to meet some of these challenges and to improve survivor services; these improvements will be discussed in this study. Minnesota's Department of Health has also issued a new Strategic Plan to continue improvement and expansion of support programs and practices for Safe Harbor statewide.[80]

Sample Descriptions

Stakeholder Interviews. Qualitative, semi-structured stakeholder interviews were conducted on a number of topics relating to the history and current status of Safe Harbor in Minnesota: its initial formation; its implementation, successes, and remaining challenges; and recommendations for improvement from a variety of perspectives. Interviewees included eight representatives of the RCAO covering five different roles; three members of law enforcement (investigators and an analyst), and four representatives of local social service providers that interact and work with the RCAO. The full breakdown is provided in Table SP1. For

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[79] Diversion opportunities to help victims leave the commercial sex industry.
[80] https://www.health.state.mn.us/communities/safeharbor/documents/mdhSH4ALLreport.pdf

178

preservation of anonymity with regard to specific responses, affiliations are provided only when attributing quotes.

Table SP1. Stakeholder Interviewees' Affiliations and Roles

DESCRIPTION	NO. OF RESPONDENTS
County Attorney's Office (n=8)	
Assistant County Attorney/Prosecutor	3
County Attorney	1
Strategic Initiatives/ Community Relations	1
Victim/Witness Manager	2
Associate Director, Criminal Division	1
Victims' Advocates/Service Providers (n=4)	
Runaway Intervention Program	1
Youth Empowerment Program (YEP)	1
Midwest Children's Resource Center	1
The Link: Housing and Services	1
Law Enforcement (n=3)	
Investigator	2
Fusion Center Analyst	1
Total Respondents:	**15**

Case File Analysis. The total number of closed cases available for quantitative analysis was 19, which was the entire population of closed sexual exploitation cases between 2011 and 2016 in Ramsey County at the time of data collection. Several of these cases contained multiple defendants and/or multiple victims; there were 38 identified perpetrators and 39 identified victims within these cases. The most common offender and victim demographics available were age, sex, race, previous criminal record (yes/no), and previously incarcerated (yes/no). Table SP2 shows the summary demographics for offenders in these closed cases, and Table SP3 shows the same summary demographics for the identified victims. Several cases referred to the existence of other potential victims who may not have been identified in the prosecutorial files; these were not included in Table SP3 because little to no information was documented for them.

Among the closed case files available for analysis in Ramsey County, African Americans made up the largest portions of offenders prosecuted (27) and victims identified (13), followed by white offenders (11), with smaller numbers of Hispanic and Asian individuals noted in cases that went to prosecution. Seventy-one percent of defendants were male, and 29 percent were female, while 100 percent of identified victims in these cases were female. Mean age for offenders was 28 while the mean age for victims was 20. Level of education was not noted for many offenders and was recorded for only one victim. Fifty-three percent of defendants had been previously incarcerated, but previous incarceration for any reason was not noted for the identified victims.

179

Table SP2. Offender Demographics from Closed Case files, 2011 - 2016

DEMOGRAPHIC	N	PERCENT OF TOTAL (N=38)
Race (N=34 reported)		
Black	27	71.1 %
White	5	13.2 %
Hispanic	1	2.6 %
Asian	1	2.6 %
Unknown	4	10.5%
Gender		
Female	11	29.0 %
Male	27	71.1 %
Age	Mean = 28	Range was 18-55
Education (N=6 reported)		
Some High school	2	5.3 %
High School	2	5.3 %
Some College	2	5.3 %
Unknown	32	84.1%
Other Employment Noted (N=2 reported)[81]	2	5.3 %
Unknown	36	94.7%
Criminal Record	28	73.7 %
Prior Incarceration	20	52.6 %

Table SP3. Victim Demographics from Closed Case files, 2011-2016

VICTIM DEMOGRAPHICS	N	PERCENT OF TOTAL (N=39)
Race		
Black	13	33.3 %
White	11	28.2 %
Hispanic	1	2.6 %
Asian	3	7.7 %
Other	2	5.1 %
Mixed	1	2.6 %
Gender		
Female	39	100.0 %
Male	0	0.0 %
Age	Mean = 20	Range was 15-32
Education		
Some High School	1	2.6 %
High School	-	-
Some College	-	-
Not Reported	27	97.4 %

In the 19 closed cases, a number of offense groupings were used to summarize the nature

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[81] One perpetrator was employed as a stripper. The other was employed as "Walmart, Candy store, Self-employed."

180

of the criminal charges prosecuted and/or convicted in each case. More than half of the cases (10/19) had more than one perpetrator, which accounts for some of the multiple charges. The recode variables were created both in a binary format—to capture whether the type of offense occurred at all—and in a categorical format by charge. The "Offense Against Minor" category, shown in italics, overlaps with the other offense groups and indicates whether there was a minor victim involved in any charge. While there were only 19 cases, more than two-thirds (13/19) involved prosecution for multiple charges. The charge categories are shown in Table SP4, and the full breakdown of charges can be found in Table SSD1 in Appendix D. For clarity, a list briefly describing the types of charges included in each category is presented below the table.

Table SP4. Charges Prosecuted by Category[82]

CHARGES PROSECUTED	YES	PERCENT OF CASES
Offense Against Minor	*9*	*47.4 %*
Violent Offense	5	26.3 %
Trafficking Offenses	13	68.4 %
Prostitution-related Offenses	11	57.9 %
Child Pornography	2	10.5 %
Conspiracy Charge(s) (added penalty)	3	15.8 %
Total Charge Types:	**39**	**Total Cases: 19**

1. *Offense Against Minor* – Did any of the charges involve a minor child?
2. *Violent Offense* – Did any of the charges involve a crime of violence?
3. *Trafficking Offenses* – Did any of the charges involve the trafficking statute?
4. *Prostitution-related Offenses* – Did any of the charges involve promoting prostitution?
5. *Child Pornography* – Did any of the charges involve child pornography?
6. *Conspiracy Charge(s)* – Did any of the charges involve a conspiracy or liability of crimes of another?

Development of Safe Harbor in Ramsey County

Ramsey County is located in Southeastern Minnesota on the opposite side of the Mississippi River from Minneapolis. The county's area is 170 square miles—the smallest county by area in Minnesota though it contains the state capitol, St. Paul. Top employers include Medtronic, the University of Minnesota, the State of Minnesota, 3M Company, and Land O'Lakes.[83] Its median household income is $60,301 and 14 percent of the population lives below the poverty line.[84]

Prior to the implementation of Safe Harbor, law enforcement in Ramsey County

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[82] These categories are not mutually exclusive. Multiple charges from each category may be prosecuted in the same case; hence, there are more charge types noted than cases and the percentages sum to over 100 percent.
[83] https://www.ramseycounty.us/your-government/about-ramsey-county/community-profile
[84] https://www.census.gov/quickfacts/ramseycountyminnesota

responded to sexual exploitation of children in a variety of ways that differed greatly from practices developed since the establishment of Safe Harbor. First, they treated the crime of engaging in prostitution by a minor as a serious crime by the juvenile. Moreover, law enforcement could not easily distinguish between sex workers-by-choice and sexually exploited youth, and some perceived sex work by exploited minors as a free-will choice to break the law. As a result, these youth might have been viewed by law enforcement variously as victims of sex trafficking, children in need of services, maltreated minors—or simply as juvenile delinquents.

Initial changes to state sex trafficking statutes thus led to confusion among law enforcement about what actions should be taken when encountering different categories of exploited youth. Age restrictions in Safe Harbor 2011 called for sexually exploited youth under the age of 16 to be treated as victims, while trafficked youth aged 17 or 18 were treated differently based on their histories with sex work. Furthermore, early Safe Harbor legislation resulted in confusion about the role definition of law enforcement vs. other service providers when responding to sexually exploited youth, indicating needs for a formal response protocol and for building trust between service providers and law enforcement (Atella et al., 2015).[85]

Prior to the implementation of Safe Harbor, the Minnesota legislature had formally removed sexually exploited youth from the legal definition of "delinquent child" and classified them instead as "children in need of protection or services."[86] Previously, these cases had often been handled exclusively by the juvenile justice system since sex trafficking fell outside of the purview of Child Protective Services (CPS); this change allowed CPS to begin playing a valuable role in supporting these youth.

When Safe Harbor was first passed, law enforcement's initial concern was that it should continue to prioritize arrests for prostitution rather than facilitating the provision of services for victims of human trafficking. Prior to the implementation of Safe Harbor and the training programs developed with it, police were ill equipped to distinguish between trafficked youth and voluntary sex workers. Officers began evolving their response by shifting from arresting sexually exploited youth, to referring them to private support services that worked to help individuals leave prostitution or sex trafficking. If trafficked youth completed the diversion program, prosecutors would drop the charges of prostitution.

Law enforcement was not alone in trying to navigate the issues surrounding how to assist minor victims of sex trafficking under the new legal structure. The RCAO made efforts to build relationships with social service agencies that could be contacted for help while working with sex trafficking victims. Indeed, even prior to the implementation of Safe Harbor, the RCAO had already begun moving away from criminalizing sexually exploited youth, and toward informally collaborating with service providers to address runaway youth at risk of exploitation. These relationships later developed into formal working groups to develop plans to address sex

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[85] See also https://www.theadvocatesforhumanrights.org/uploads/sh_2013_final_full_rept.pdf.
[86] Minnesota Statute §260C.007
https://www.revisor.mn.gov/statutes/2011/cite/260C.007?keyword_type=all&keyword=260C.007

182

trafficking in Ramsey County and in the state under the Safe Harbor umbrella.

> *Social services and the juvenile division of the prosecutor's office around 1998 noticed that young girls in the Hmong community were being "sexed into gangs." This eventually led to the formation of a working group in 2003 to talk about kids with co-occurring risks. The local newspaper ran an article on the Hmong girls, which brought a lot of attention to the problem. In 2005, they wrote a grant to start the runaway intervention program, with the rationale that these girls were at high risk of sexual exploitation. Through the grant, they created screening processes and developed an intensive services component for high-risk girls. The first human trafficking task force in Minnesota developed from this early work.*

<div align="right">– RCAO Staff</div>

Early Efforts at Victim Identification. These early collaborations by the RCAO and social service providers led to greater identification of minors at risk of sexual exploitation in Minnesota, to media coverage of an emerging social problem, and to the formation of a state TIP task force that preceded passage of the Safe Harbor legislation and the implementation of the infrastructure and partnerships to support it. While these early developments led to increased awareness about trafficking in Minnesota, few cases of sex trafficking made it to actual court calendars prior to 2012. Prosecutions increased after the introduction of Safe Harbor legislation.[87] In Ramsey County, there was only one sex trafficking-related prosecution completed in 2011, but three to five completed prosecutions per year from 2012 through 2018.[88] Across the Mississippi in Hennepin County, there were four cases of sex trafficking prosecuted in 2011, but 31 in 2012 and 14 in 2013 (WATCH, 2016).[89] The greater number of trafficking cases brought to trial in Hennepin and Ramsey Counties may have been indicative of prosecutors' perceptions that the changes institutionalized via Safe Harbor made successful prosecutions of trafficking cases more likely.

The election of John Choi as County Attorney in 2010 was especially instrumental in changing how sexually exploited youth were treated by the justice system in Ramsey County. The attitude in the County Attorney's Office shifted to treating trafficked youth as victims in need of services. This change of approach in the RCAO, particularly the decision not to pursue charges of prostitution against minors, occurred prior to 2011, and may have helped lay the foundation for a statewide legislation and response.

This shift in RCAO practice began informally; there was no formal written policy instructing prosecutors to treat sexually exploited youth as victims per se. Other county attorneys in Minnesota still claimed that human trafficking was not a problem in their jurisdictions, but supported the change in the treatment of trafficked youth and a statewide adjustment in the

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[87] https://watchmn.org/wp-content/uploads/2016/12/Sex-Trafficking-Report-Final-2.pdf.
[88] Again, some of Ramsey County's cases included multiple defendants.
[89] The WATCH report counted each defendant as a separate case.

183

approach to human trafficking cases. Safe Harbor built on this changing attitude, and it was signed into state law in 2011, with full implementation on August 1, 2014. This three-year period was provided in order to build and implement the necessary victim support infrastructure and to secure legislatively-appropriated funding to support it; if sex trafficking victims were to receive a coordinated response and be referred to specialized services, the response and services needed to first be in place and operational. This formal course change sent a clear message that gave trafficked minors "permission to come forward" and "eliminate[d] traffickers' ability to threaten the victim with prosecution or jail time" as a means of control or coercion (RCAO Staff).

Detailed Logic Model. During this study, the research team collaborated with the RCAO to develop a detailed logic model (Figure SP2) of the changes that were expected to happen as a result of Safe Harbor in Minnesota, and that should eventually lead to a reduction in trafficking if their effects are as hypothesized. It illustrates the hypothesized flow from activities to short-term Outcomes, as well as desired long-term impacts that came out of examinations of earlier program documents and reports, along with planning calls with the RCAO.

Safe Harbor operates under the assumptions that sex trafficking victims should not be prosecuted for offenses committed as part of their victimization, that collaborative partners share the common goals of victim protection and perpetrator accountability, and that victims should be able to access help no matter which agency they enter the system. Safe Harbor in Minnesota was developed because legislative support and building a multidisciplinary coalition were determined necessary to support these goals. Priorities associated with Safe Harbor included securing accountability for traffickers and needed services for victims, ending the practice of prosecuting victims, holding traffickers accountable, and reducing TIP in Ramsey County. These also characterize the items listed in short-term outcomes. All partners (law enforcement, prosecutors, social services of all kinds, child welfare, nonprofit service providers, etc.) should be equipped to begin facilitating a response when a trafficking victim is identified.

Activities under the Safe Harbor umbrella include a variety of training programs facilitated by the RCAO and others in the county and state, thoughtful and comprehensive partnership building that capitalizes on existing systems and sharing of best practices among partners. Desired long-term outcomes include several types of impact. First, desired impacts on the criminal justice system include increasing effective partnerships and clarifying roles in victim response; increasing the ability to successfully charge, convict, and sentence using the TIP statute; more efficient use of prosecutorial resources in TIP cases; and implementation of TIP knowledge gained via training in actual practice across disciplines.

Desired impacts on the public and various communities include an increased awareness of sex trafficking in Ramsey County, increased confidence in the RCAO and law enforcement to address the issue, and an increase in vulnerable youth and others protected from exploitation no matter where they enter the system. For victims, desired long-term impacts included increases in victim identification, access to services, increased ability to prevent trafficking, and reduced fear among victims to come forward. Lastly, it is desired that traffickers will see increased risks and

184

Figure SP2: Detailed Logic Model of Safe Harbor in Ramsey County, Minnesota

Problem Statement

Identifying, investigating, prosecuting, and preventing TIP cases requires legislative support & a coalition of stakeholders working together. "Safe Harbor" laws and subsequent infrastructure needed to support victim ID/services & ability to convict traffickers.

- Priorities
  - Justice for victims
  - Services for victims
  - Not prosecuting victims
  - Hold offenders accountable
  - ↓ TIP in Ramsey Cty
    - Prevention
    - Protection
    - Prosecution

- Assumptions
  - ST Victims should not be prosecuted for offenses committed as part of victimization
  - Partners have same goals – vic protection, perp accountability
  - Victim should be able to get help wherever they enter the system – all partners are equipped

Inputs (Resources)

- Safe Harbor Law
- Funding (2015)
  - Vic Services
  - Housing ($1.3M)
  - Enforcement ($800K)
  - Investigation
  - Prosecution
  - Homeless youth progs ($2M)
- Partners
  - DA Office
  - LE Agencies
    - Local/Sheriff
    - State/Fed
  - Survivors
  - Regional Navigators
  - Child Welfare
  - Schools
  - Universities
  - Community orgs
  - Advocacy orgs
  - Svc Providers

Activities

- St. Paul DA-facilitated Training (Ramsey Cty)
  - Case ID
  - Case Handling
  - Trauma-Informed procedures
  - TIP laws
  - Nature of TIP
  - Prevention
- Cooperation & Info sharing
- Share best practices
- Coord. Vic Svcs
- Expand housing
- T-I interviews/svcs
- MOU development
- Strengthen TIP (& demand) laws
- Education curricula
- Research

Outputs

- #Trainings given (all kinds, dates)
- #Trn Participants #Trainings devp.
- #Curricula devp.
- #MOUs, protocols est.
- #Data collection/maintenance initiatives completed (any?)
- #Best Practices implemented
- #Vic Svc. Coordinators (wherever housed)?
- #Beds (ST, LT)
- #revs. to TIP law
- #Studies completed

Short Term Outcomes (all by time period – trend analysis)

- ↑ TIP Cases ID'd
- ↑ Cases pros. TIP
- ↑ Cases pros. Alt Chgs.
- ↓ Cases dropped/ no action/ acquitted
- ↑ Cases Victim retained/ cooperated
- ↑ Cases victims rec'd services rather than arrest
- ↓ Repeat victims
- ↑ Cases involving info sharing bet. agencies
- ↑ Trn recipients rpt. ↑knowledge
- Protocols changed (if needed) due to research results (i.e. WATCH, needs assessments)

Long Term Outcomes (Not necessarily measurable)

- Impacts on CJS/Team
  - ↑effective partnerships via info sharing, role clarity
  - ↑ability to charge TIP
  - ↑ability to convict TIP
  - ↑ability to sentence TIP
  - More efficient use of resources
  - Trn. Knowledge implemented

- Impacts on Community
  - ↑ awareness
  - ↑confidence in DA and LE to address issue
  - ↑ vulnerable youth and others protected from exploitation at various entry points

- Impacts for Victims
  - ↑victim ID
  - ↑victims access services via TIP law
  - ↑victims receive services
  - ↓victims afraid to come forward
  - ↑Prevention

- Impacts for Perpetrators
  - See ↑risk & penalty for engaging in TIP
  - Perpetrators may adapt to new environment for good or ill

Control Variables:
Co-occurring practices and initiatives:
- DA
  - Internal HT Unit
  - Tech/ Digital evidence procedures/capacity
  - Increased TIP staffing
- Other Agencies

- Co-occurring events in area
- Case Characteristics
- Victim Characteristics
- Perpetrator Characteristics
- Victim-Perpetrator Relationship

185

penalties for engaging in trafficking and thus be deterred; however, traffickers may simply adapt to the new environment for good or ill. These adaptations must be proactively monitored for continued effective responses.

Elements of Safe Harbor

Training

While law enforcement's response to sexually exploited youth incorporated aspects of good victim service, such as ensuring basic victim needs and immediate safety are met, police still lacked the formal training to participate fully in coordinated, victim-centered interventions. The RCAO took the lead in filling that training gap in 2014 after receiving a grant to develop and deliver half-day trainings to almost 2,000 law enforcement officers in 50 locations in Ramsey County and across Minnesota. This training program also included production of pocket-sized resource guides that officers could carry and a set of three videos that could be presented at roll call. New recruits also now receive two hours of training on sexual exploitation at the academy. A series of statewide conferences were held that reached about 200-300 investigators, with the local regional navigator and a local investigator presenting. Regional navigators also held regional conferences with other stakeholders after an initial statewide conference co-hosted with the Minnesota Coalition of Counties, as well as a tribal summit led by the tribal navigator. Additional stakeholders trained included 911 emergency operators, judges, probation officers, social services, and more, for a total of roughly 1,500 – 2,000 additional individuals trained.

Distinctions were not made between minors and adults in these trainings unless necessary; rather, they focused on sexual exploitation in general. The first part of the training was the same regardless of audience and involved convincing participants that sex trafficking is happening in their localities, as well as why they should devote resources to tackling the problem. Five interviewees said that post-training feedback was mostly positive, and at least one interviewee mentioned that the trainings had led to increased attention on trafficking cases when attendees went home; this interviewee reported that these trainees continued to seek more information from them about how to identify sex trafficking cases.

Collaborations in Implementation and Delivery

Minnesota's Safe Harbor approach draws on a public health model of addressing victimization that involves cooperative engagement between stakeholders from prosecution, law enforcement, health care, and advocacy communities to meet victims' needs while also improving capacity to investigate and prosecute traffickers.

> *A multidisciplinary approach to dealing with this problem is required. In Ramsey County there is a partnership among Safe Harbor [service providers and trainers], law enforcement, the runaway project, and the human trafficking task force.*

> – RCAO Staff

186

The statewide implementation of Safe Harbor built on an existing positive history of certain agencies helping victims of sex trafficking, especially social service agencies whose primary mission is serving homeless and runaway youth.

Previous interviews with Minnesota service providers conducted by Wilder Research (2016)[90] indicated that a majority of informants felt the state had a strong general victim-oriented services infrastructure in place before implementing Safe Harbor. Several social service providers mentioned that other victim service agencies already provided similar services to at-risk youth prior to the passage of Safe Harbor in 2011, such as domestic violence programs, homeless youth organizations, child protection services, and social workers (Atella, Schauben, & Connell, 2015[91]).

Respondents in Ramsey County echoed these sentiments, indicating in our interviews that these agencies had strong existing relationships with criminal justice agencies that Safe Harbor implementation efforts could capitalize on. Effective collaborations are necessary to identify more cases of sex trafficking, as some victims may enter the system via agencies that do not deal directly with sex trafficking or sex crimes. For example, victims may be receiving services to help with homelessness, mental health, or substance abuse, and the presence of sex trafficking comes to light during service provision for these other issues.

When agencies that are tangentially related to sex trafficking have close administrative working relationships with law enforcement and providers of directly related services, they are able to refer victims to specialized services and legal assistance quickly and confidently. The RCAO also employs victim-witness advocates who can refer victims to specialized mental health, physical health, housing, or other essential services while the prosecutor's office is developing cases for prosecution.

Indeed, respondents indicated that the successful collaboration across social service and law enforcement sectors was a strength of the roll out of Safe Harbor. They indicated that the capacity provided via these collaborations helps stakeholders to better identify possible cases of sex trafficking, to improve information sharing, to enable better provision of specialized, comprehensive care to trafficking victims, and to better allow agencies to monitor trafficking cases as they proceed though the justice system. Ramsey County law enforcement, juvenile justice, and social service communities thus formed the task force and working groups that meet regularly to discuss current sex trafficking cases in the county and coordinate how they might help one another address victims' needs. Interviewees stated that this allows for more proactive involvement in the beginning stages of a prospective trafficking case by allowing prosecutors the

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[90] In 2014, the Minnesota Department of Health contracted Wilder Research to evaluate the implementation of Safe Harbor and the no Wrong Door implementation model. Interviews were conducted with advocacy, child protection, corrections, education health care, criminal justice, and youth victim services experts about their experiences and perceptions of Safe Harbor. Social service and housing providers supplied quantitative data for client demographics and types of services offered.

[91] This report was conducted and published by Wilder Research and is sometimes referenced as the Wilder Report in this publication.

opportunity to gain a more complete picture of the victim's experiences and develop a strategy before charging the case. Previously, the RCAO would not get involved with the victim until charges were filed, but Minnesota's Bureau of Criminal Apprehension runs a state-level interagency, investigative task force now that brings the county attorney's office in much earlier.

While the RCAO takes proactive action when alerted to a case, it still learns about most of its cases by responding to a tip or other agency's report versus proactively identifying a case itself. However, it is notable that cases referred in by law enforcement agencies were proactively identified by law enforcement in five of the 19 cases with completed prosecutions as of 2017, rather than law enforcement reacting to tips alone (Table SP5). This speaks to learning and responses by law enforcement agencies to training in addition to the increased use of sting operations to uncover potential cases of sex trafficking.

Likewise, collaborations developed through Safe Harbor have resulted in Ramsey County law enforcement taking a broader role in cases after they are identified. In addition to traditional law enforcement roles, police also perform some victim advocacy tasks. As part of the implementation of Safe Harbor, police officers were trained to recognize and provide victim-centered responses to sexually exploited youth. Adequate victim-centered training for law enforcement officers is important since law enforcement are often the first responders to victims of sex trafficking. Therefore, they have a unique opportunity to build positive relationships with victims. While sexually exploited youth are often leery of law enforcement, they may feel a better rapport with officers and be more likely to cooperate with the investigation if they feel their basic needs are met from the outset. Law enforcement thus collaborates with social service agencies from the beginning to obtain relevant information about the victim's immediate and

Table SP5. Case Identification Method, by Year

YEAR	PROACTIVE	REACTIVE	TOTAL
2011	0	1	1
2012	1	4	5
2013	0	3	3
2014	2	3	5
2015	1	2	3
2016	1	1	2
Total Cases:	**5**	**14**	**19**

long term needs, and to assist with coordination of services as well as possible.[92]

While the level of cooperation between community-based social service agencies and law enforcement has improved since the implementation of Safe Harbor, several respondents saw

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[92] The project team attempted to conduct a small survivor survey by distributing a short, five-question, mail-in survey to willing respondents via the RCAO's victim advocates, but no responses were received. Had some victims elected to respond, a different perspective may have been available here with regard to the presence of increased trust and positive relationship with police.

188

more room for improvement. Three stakeholders argued that cooperative relationships should be formalized via memoranda of understanding (MOUs) so that all agree on who is responsible for each part of the protocol. The different systems that victims must navigate each have unique constraints that can hamper coordinated, victim-centered case management; therefore, MOUs outlining each agency's roles and responsibilities would help to standardize and streamline victim response across systems.

Needs of Minor Sex Trafficking Victims

Social service agency and RCAO representatives indicated that service provision for sexually exploited youth is a challenge given the variation in needs and complex personal situations of victims. Many minor victims have some combination of mental health issues, substance use, histories of abuse, homelessness, and/or learning disabilities. Nearly all interviewees also noted that sex trafficking cases were more time consuming than other types of cases, partially because of these issues.[93] Moreover, no single agency has the capacity or expertise to address all of a victim's needs,[94] which makes strong partnerships across agencies more critical. The working relationships developed through Safe Harbor allow social services and criminal justice agencies to focus their individual attentions on the victim needs each can best address, while coordinating total services with one another.

When funding was legislatively secured for Safe Harbor in 2014, $3 million in grants went to community service providers to serve victims regardless of whether they participated in prosecution. These service providers served all at-risk youth and did light screening for signs of sexual exploitation of youth during the intake process that consisted of asking a few questions if they saw potential indicators of exploitation. Community organizations view their charge as providing voluntary services, so after screening, they ask what the youth wants to do and provide services accordingly. The services provided are therefore youth-driven. They accompany the minor whether prosecution is involved or not, and engage a victim witness specialist and community advocate if the survivor wants to have their trafficker prosecuted.

This coordination is successful some of the time. County and community-based organizations do not always contact each other, leading to minor victims at times getting "lost." This disconnect became very apparent when Safe Harbor was implemented, even though the tension between systems and community organizations was always there. The county also has difficulty when a community organization serves someone who is still in "the life" (victim or defendant). This tension can create silos of service that come from stakeholders' not taking the time to understand each other's roles, goals, and objectives. The state funding that became

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[93] Other contributors to the length of time to investigate these cases include meeting the burden of proof, and the time and capacity to collect enough corroborating evidence to establish patterns of activity.

[94] Trafficking victims' needs are many and complex, but the most pressing ones mentioned by interviewees were healthcare, mental healthcare, and short- and long-term housing. Others may include financial and economic assistance, safety planning, relocation, and immigration status help (if foreign victim,). (Davy, 2015; Gozdziak & Lowell, 2016).

189

available in 2014 to train and develop multidisciplinary teams was a key to developing a solution to this problem, but personnel are critical as well—the teams must include both system professionals and community organizations (RCAO Staff).

This funding initially supported the Sexual Violence Justice Institute at the Minnesota Coalition Against Sexual Assault (MNCASA) to help develop a response protocol for trafficking cases, and they provided guidance along with the RCAO to anyone in the state interested in forming a multidisciplinary team and/or implementing a protocol for when victims are identified.[95] Five such teams were initially funded: the Ramsey County Sexually Exploited Youth (SEY) Leadership Team, The Link in Hennepin County, the Hope Coalition based in Goodhue County, the Wright County Area Protocol Development Team, and the Southwest Crisis Center serving Brown, Blue Earth, and Nicollet Counties.[96] The experience of going through this process also highlighted tensions between disciplines and led to development of guidance on how to start conversations and begin building bridges. For sustainability's sake, Minnesota formulated response protocols that built on existing systems and relationships, expanding them to meet the challenges of dealing with sex trafficked youth.

In Ramsey County, as mentioned, law enforcement officers often act as the initial victim's advocate, providing whatever victim service referrals they are able. The RCAO's Victim, Witness, and Community Service Division also provides comprehensive advocacy services as cases progress through the courts; however, these victim accompaniment services end once the trial or prosecution over. The RCAO therefore often refers survivors to Breaking Free,[97] or another comprehensive provider, to coordinate and provide a range of social services. Private or non-criminal justice-affiliated social service agencies can offer targeted services tailored for trafficking victims at all stages of the investigation and prosecution that continue through recovery after the prosecution ends. Again, services provided by private, community organizations use a victim-led approach, and this is recommended in the protocol.

However, a Child Protection interviewee noted that if sex trafficking is a mandated report crime, a victim receiving services may have less choice about participating in a prosecution than it appears, or a service provider that is supposed to report may not do so for fear of losing the victim (RCAO staff). Being victim-driven has also made case handling less uniform because different victims articulate different needs and preferences, and forcing victims to receive specific services against their stated wishes would be counter-productive. "Victims must be met where they are" (RCAO staff).

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[95] The protocol developed was published in 2017 and is available at https://www.mncasa.org/wp-content/uploads/2018/07/Safe_Harbor_Protocol_Guidelines.pdf. It was designed to be victim-centered, trauma-informed, youth-centered, strengths-based, and culturally-responsive. It includes eight foundational chapters to establish a knowledge base, dedicated chapters for 15 different disciplines that may be part of a response, and chapters detailing recommendations for the elements of effective responses and successful collaborations.
[96] https://groups.google.com/forum/#!topic/mn-stpn/lfwlUc4C6As; https://www.mncasa.org/sexual-exploitation-trafficking/trafficking-tools-resources/
[97] http://www.breakingfree.net/

190

There was less information available than hoped in the prosecutorial case files about whether identified victims in the 19 available cases received services, and what types; the interviews were much more informative on these matters. Within case files, six of the 19 files had notes from prosecutors or victim advocates about whether services were received, with smaller amounts of information noted about what types of services these were. According to interviews, service provision and referrals were far more regular than might be noted in a prosecution file. We did not have access to additional files kept by Victim-Witness Advocates, social workers, or community organizations, and full surveys or evaluations of services provided outside the RCAO were beyond the scope of this case study. However, Wilder Research's 2015 and 2017 evaluations covering this area are available.[98] Table SP6, below, details only the services explicitly noted in the case files provided for this prosecution-focused research.

Table SP6. Victim Services Provided, per Case File Notes (n=6 cases)

SERVICE	2011 (n=0)	2012 (n=2)	2013 (n=1)	2014 (n=2)	2015 (n=1)	2016 (n=0)	TOTAL SERVICES RECORDED
Amnesty from Prosecution			1				**1**
Drug Treatment		1					**1**
Housing				1			**1**
Medical/Psychological Treatment		1	1				**2**
Coordinate Case Management		1	1	1	1		**4**
Victim Witness Specialist		1	1				**2**
Total by Year:	**0**	**4**	**4**	**2**	**1**	**0**	**11**

The full 2015 and 2017 Safe Harbor evaluations (Wilder Research, 2015; 2017) examine activities and results from all Safe Harbor grantees, including advocacy, child protection, corrections, education, health, justice, law enforcement, prosecution, and youth victim services. They also conducted survivor surveys and focus groups to assess their feelings about service provision and treatment by the system (Wilder Research, 2017). Additionally, in 2017, Wilder analyzed the Apricot database, which is the client tracking system used by Safe Harbor grantees. The client data represented in their 2017 report reflect the 1,360 survivors served and reported in the Apricot database by grantees between 2015 and 2017 and broke down services received between Regional Navigator, Housing, and Supportive Services categories. Referrals received were also tracked by community organization grantees; 19 percent of organizations received victims referred by the criminal justice system, while 48 percent of incoming referrals came from other community organizations (Wilder Research, 2017).

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[98] See https://www.wilder.org/wilder-research/research-library/safe-harbor for the 2015 and 2017 evaluation reports.

191

As mentioned earlier, Safe Harbor established Regional Navigators to serve as first points of contact for sexually exploited youth, law enforcement, and social service providers. Minnesota is a county-led state in terms of providing services, so the initial idea was to break Minnesota into eight county-based regions and two tribal territory regions. Regional Navigators were to be called immediately when a sexually exploited youth was identified, and they were responsible for connecting these minors with services in their local communities. The challenge arose that it could often take a Regional Navigator several hours to reach a victim in crisis depending on location in the region. Further, the original legislative funding covered the local community service providers, but not the Regional Navigators' services (RCAO staff).

These positions have thus evolved to focus more on the training and technical assistance, which was the second portion of their charge, and to equip local providers to participate more in first response as well as later case management and service provision. The collaborative relationships established to support Safe Harbor have thus contributed to a process where law enforcement, the RCAO, and social service providers can locally coordinate a victim's services among one another to ensure that as many victims' needs as possible are fulfilled, even if these collaborative relationships are still in the process of being more formalized.

Separately, tribal navigators have had their own challenges since each tribe has its own sovereign government, rules, and structure. It has since been realized that each tribe really needs its own navigator. The state is now working to see how the navigator structure might be redesigned to meet those needs, given the funds available. Partners are working to improve this coordination as they gain experience with these cases over the years and as they continue to build their relationships and overcome barriers. As stated above, additional formal MOUs would help with this improvement process. The role of the regional navigator continues to be refined in response to these challenges.

Challenges in Meeting Survivors' Needs. Local service providers are often working with victims who either feel strong ties to their traffickers or are afraid of retaliation from them. In many cases, traffickers compel victims into commercial sex in exchange for housing, safety, and other essential needs. Furthermore, some youth perceive their traffickers as their boyfriends or as people looking out for their best interests. Two of four social service providers interviewed, and one interviewee from the RCAO, indicated that the trafficking victims they serve were often dependent upon their traffickers to meet basic physical needs, and that many feared losing that provision. Figure SP3, below, shows that 24 percent of the 22 relationships identified in the 19 closed cases from Ramsey County involved perpetrator-relationships that were romantic, 24 percent were familial, and 14 percent involved friends.[99] Therefore, it is relatively common for victims to have personal or intimate relationships with their traffickers.

Law enforcement, prosecutors, and service providers working with victims who are dependent on their traffickers must therefore address victims' perceived barriers to leaving first.

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[99] Multiple relationships were noted in some cases depending on the number of perpetrators and victims involved.

192

Victims may feel great uncertainty when they are separated from their traffickers. For victims who are runaways or who have substance abuse or health issues, it can be even more difficult to break ties. Social service providers thus reported the importance of meeting the needs for which victims fear losing provision at the same time that prosecutors may be compiling their case against the trafficker.[100]

Figure SP3. Victim-Perpetrator Relationships in RCAO Closed Cases, 2011- 2018 (n=22)
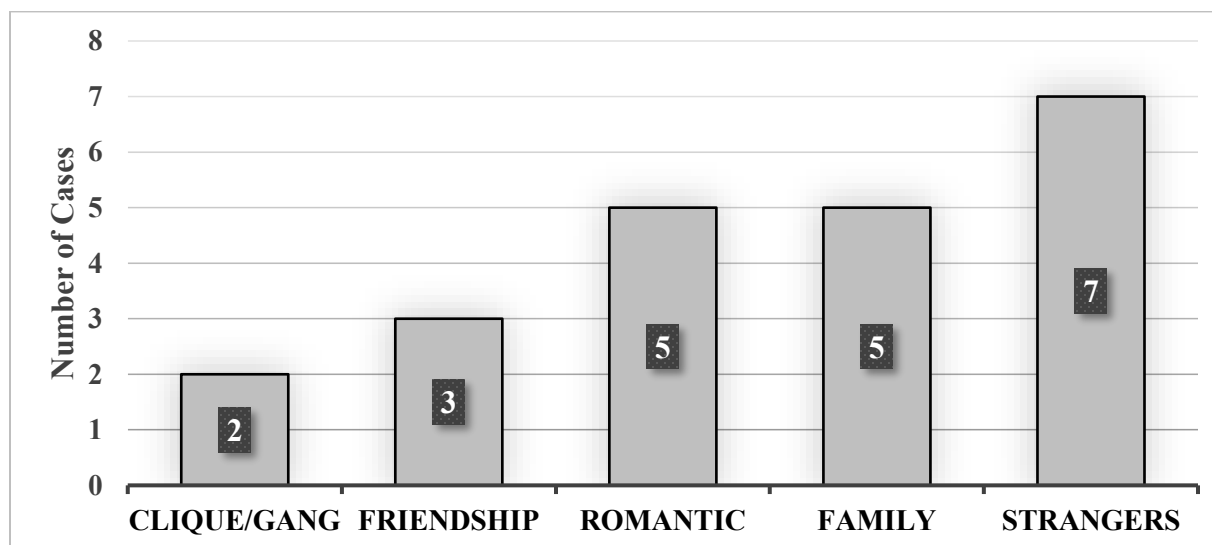
Respondents from all social services and county agencies interviewed identified housing as one of victims' greatest needs. Since many victims relied upon their traffickers for housing, victims often had no stable shelter once charges were brought against their traffickers. Temporary and long-term housing options were not always readily available, and suitable options were often limited by other victim circumstances such as substance abuse disorders, risk of retaliation, family stability, and medical needs. Service providers could place some victims in medical settings for 72 hours in situations where the victim was an immediate threat to themselves or others, but otherwise housing largely depends upon availability.

Respondents noted that housing is more easily available to victims under the age of 18 because they qualify as children in need of protective services. Social service agencies have more legal tools to find temporary placements for minor victims than for adults. However, some interviewees noted housing was either in short supply overall, or was inconvenient for victim placement. Many of the available shelters are unlocked and some survivors run shortly after arriving.

One of the big problems is that there are not enough shelter beds. They don't have a way

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[100] It is important to note many victims still want nothing to do with law enforcement or prosecution due to fear, lack of trust, or not wanting the additional trauma that can come from participating in a criminal prosecution against their trafficker. Among social service agencies, cooperation with law enforcement is not a condition for receiving services.

> *to keep kids in the shelter: they get dropped off and then they run. Kids will run because they are worried about retribution from a trafficker. They can put kids on a psychiatric hold for up to 72 hours. This is done through the Midwest Children's Resource Center.*
>
> – RCAO Staff

> *There are not enough shelter beds available. There are only 18 beds in the Twin Cities metro area (most in Link programs[101]), and probably fewer than 40 in the entire state.*
>
> – Social Service Provider

Currently, there are approximately 65 dedicated beds for sex trafficking victims in the state of Minnesota;[102] some are short-term (up to 60 days) and some are in transitional housing. Some provide other services; one is located on a farm that provides horse therapy. One service provider respondent noted that having services co-located in the shelter is important; victims need a "sticking point" to entice them to stay in shelter housing.

One RCAO respondent said that shelters supported by Safe Harbor funds and/or training experience fewer attempted recruitment efforts by traffickers[103] than those without trained employees, thus preventing use of the shelter as a trafficker recruitment site, compared to other facilities. However, it was a process to achieve this level of recruitment prevention; when No Wrong Door first launched, shelters were not well prepared for the complexity of caring for trafficking survivors. For example, one facility closed for a week to reorganize and put support measures in place before serving more victims. Through these experiences, some shelters' staff realized they needed to confiscate cell phones and limit Internet access to prevent victims from being contacted by their traffickers (or others) who might threaten them. Although this interferes with self-determination and autonomy for victims, the personnel involved deemed this approach to be a necessary and protective procedure (RCAO staff).

Some interviewees reported that they continue to believe that currently available shelters do not provide the kind of housing that trafficking victims need. Given that many trafficking survivors also experience mental health, substance use, and physical health issues, some interviewees said that an inpatient treatment setting may be better suited for some victims, at least until they are stabilized. However, others thought that the housing currently offered was of good quality and that it often led to better care for longer periods.

> *Youth can stay up to 90 days in the shelter; the average length of stay is 34 days. This*

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[101] See https://cascw.umn.edu/community-engagement-2/minn-link/. Per the website, Minnesota Link programs "provide researchers, practitioners, educators, administrators, and policymakers a rare opportunity to understand the experiences of children and families who are served by multiple systems. Minn-LInK projects are developed and carried out with a cross-system perspective in mind."

[102] https://www.wfmn.org/mn-girls-are-not-for-sale/

[103] Trafficker use of shelters as recruitment site is a common phenomenon in many jurisdictions. For example, a victim might be told she can go to the shelter for a time, so long as she comes out with three recruits for him (Dank et al., 2014; Lugo, 2016). Shelters serving trafficking victims must be prepared to meet this challenge.

194

> *proves that youth don't run away if given the proper environment. Programs can apply for a waiver for youth to stay longer than the 90 days, or transition youth to more permanent housing, to foster care or, more rarely, they can be reunited with family.*
>
> – Social Service Provider

Ultimately, interviewees across fields agreed that access to housing in medical and psychological treatment settings must be improved to meet the current needs of some sex trafficking victims. They stated that providing housing in secure treatment settings can offer care for co-occurring issues in a safe setting and may provide a level of security absent from other types of victim housing for victims that need this level of care. These respondents believed that if victims feel secure and their immediate needs are met in a treatment setting, they might be more likely to complete treatment.

Identifying Safe Harbor Eligible Cases

Sex trafficking cases come to law enforcement's attention through many avenues. Minnesota advocacy organization WATCH reviewed cases of sex trafficking involving 36 defendants in Ramsey County between 2012 and 2016 (23 juvenile and 13 adult prosecutions).[104] They found that friends, family members, and victims themselves were the primary sources for law enforcement tips about trafficking cases. Undercover law enforcement operations (stings) were also important ways to identify sex trafficking victims: in these operations, undercover officers respond to online escort ads and stage operations to identify suspected victims. According to WATCH, reports made by the community members and the hospitality industry in Ramsey county were less common, revealing opportunities for more training on how to identify sex trafficking in common venues for such activity and an opportunity to strengthen collaborations and public awareness (WATCH 2016). These results from WATCH's report exemplify the difficulty that individuals and members of institutions have in recognizing sex trafficking when they are not trained to look for the signs.

Prior to the implementation of Safe Harbor, minor sex trafficking victims were not as frequently identified as they are now. Sex trafficking victims may have been passing through systems, but they were not often recognized. Six interviewees noted that sex trafficking victims often appear first in child protection and runaway cases files. Prior to the implementation of Safe Harbor, many members of these agencies did not know how to recognize the signs, so these cases were often processed without being recommended to law enforcement. However, increased collaboration, information sharing, and training among stakeholders has helped different social service agencies to better identify trafficking victims, and to refer these cases to those best equipped to address victims' needs.

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[104] See https://watchmn.org/. Please note that, for comparative purposes, WATCH counted each individual defendant prosecuted as a separate case, which is in line with how they are counted in Ramsey County. To maintain consistency with the other sites in this study, however, cases with multiple defendants were still counted as single cases in our statistics. This resulted in 19 cases using this study's method, vs. the 36 cases counted by WATCH.

> *[Prosecutors] are now more intentional in identifying trafficking cases; before they would stumble upon these cases by accident. They are "hidden in plain sight:" in child protection caseloads; in delinquency petitions, etc. It's all about vulnerability: these victims are young, they are runaways, they have emotional/mental health issues, chemical addiction issues, and past abuse. This is not like "Pretty Woman" or "Taken." These girls are being tricked or coerced. Safe Harbor required looking for ways to treat sexually exploited youth in the child protection system.*

<div align="right">

– RCAO Staff

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To address these gaps in case identification abilities, a research team working with the RCAO and the St. Paul Police Department developed the St. Paul Missing Persons/Runaway Questionnaire tool to screen for sexual exploitation in runaway case files. The questionnaire was developed because of a case file review project funded by the Women's Foundation of Minnesota and undertaken by the RCAO and the St. Paul Police department to examine previous case files for alleged exploitation cases involving minor girls aged 11-18 (Choi, Gainey, & Pinto, 2013). This project also led to the discovery of a sex trafficking ring, the prosecution of which involved conspiracy charges and resulted in long sentences for the offenders, bringing greater awareness to sex trafficking in the St. Paul area (RCAO staff). That project and the resulting investigation led to a grant for the RCAO to conduct the statewide trainings on human trafficking described above, and to develop the initial protocol to handle cases identified. This grant ran through 2016.

While the original questionnaire was an improvement over past identification methods, gaps remained. The questionnaire was only provided to runaways found by police, the questionnaires were stored in hard copy rather than electronically, and questionnaires that were linked to the original runaway file number were not always followed up on. While sting operations to uncover trafficking activity do occur, and other leads identified via identification of perpetrator and victim friends involved in trafficking, there is a dearth of resources to pursue additional proactive identification strategies such as regular examination of domestic violence, child abuse, and other similar cases. One RCAO staff member has authored grants to secure funding for more proactive investigations such as the one that funds the Bureau of Criminal Apprehension (BCA) task force, of which at least one human trafficking prosecutor is a member.

As Safe Harbor implementation matured, the runaway questionnaire was revamped to include additional relevant questions, and administrators expanded the target population to whom it was delivered. The second iteration of the questionnaire was administered by school resource officers, runaway caseworkers, and law enforcement. Furthermore, the questionnaires were retained in electronic form, allowing for easier case searches. The refined questionnaire and electronic retention allowed caseworkers to look across social support systems to find possible

victims in need of assistance, or those who may help build trafficking cases.[105] Once youth are identified, Ramsey County can now also flag them as trafficking victims across these systems.

The refined Missing Persons/Runaway Questionnaire is one way the RCAO and local law enforcement identify potential human trafficking cases (Choi et al., 2013). In addition, interviewees mentioned that the Youth Engagement Program (YEP) in the Ramsey County Social Services Department[106] is key to identifying sexually exploited youth. YEP processes about 30 to 40 runaway youth per week that entered the system through local law enforcement, the RCAO, or the local juvenile center hotline (Service provider interview). All youth processed through YEP are screened for sexual exploitation, and YEP refers suspected cases to Child Protective Services. YEP of Ramsey County also now support victims while their cases progress through the justice system, although they formerly tried to prevent runaway cases from going to court when these minors were still classified as juvenile delinquents prior to Safe Harbor.

Development of the case identification and management protocol, of which the Runaway Questionnaire was a part, was an "aggressively iterative process" that involved continually revising plans to reflect current best thinking on how to deal with sexually exploited youth. The initial protocol was formulated as a set of guidelines that local communities could use to develop their own responses, rather than a systematic set of instructions for uniform implementation statewide. Ramsey County and MNCASA convened hundreds of professionals from different disciplines to ensure a variety of input during its development. That process allowed them to work through issues, such as tensions between law enforcement and victim advocates, in a collaborative fashion (RCAO Staff).

Investigating and Prosecuting Human Trafficking Cases

This section covers several issues that Ramsey County has faced in prosecuting human trafficking cases and how they approached dealing with them. These issues include the reliance on victim testimony to prove guilt, improving the use of digital evidence to corroborate victim testimony and to prove guilt independently, and handling of cases involving "bottoms."[107]

Victim Testimony. Investigators and prosecutors consider victim testimony to be an

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[105] The Ramsey Count Attorney's Office and the St. Paul Police Department received grants from the Women's Foundation of Minnesota to conduct a systems audit to determine whether practices and policies ensured victim safety, intervention, and offender accountability. Other purposes were to transform police and prosecution practices addressing juvenile sexual exploitation, develop a database of exploitation cases, and improve cross-departmental referral protocols.

[106] https://www.ramseycounty.us/your-government/departments/health-and-wellness/social-services

[107] "Bottoms," or "bottom bitches," are female members of the network who typically fill the role of a "lead prostitute" in charge of recruitment, training new recruits, enforcing quotas for how much money each worker must bring in daily, and enforcing the "rules of the game." Bottoms were often also given the task of carrying out violence on behalf of the pimp so that he can mitigate risk and also keep being seen as a "good guy." A bottom typically starts as a regular sex worker that later moves up in rank. This position usually results in some perks and some relief from being the recipient of violence herself. Legally she falls into a gray area because she becomes both victim and offender (Dank et al., 2014; Petrunov, 2011; Lugo, 2016).

essential component in proving trafficking and convincing juries in nearly all cases. Most interviewees indicated that it was important for victims to take the stand. Several interviewees in social service and criminal justice positions recognized the perceived impact of victim testimony on juries even while it is very difficult for victims. Despite the emotional and psychological stress of testifying, juries want to hear from those who were directly harmed. A respondent from the Ramsey County Attorney's Office posits that compelling victim testimony is necessary to counteract jury members' perceived mistrust of the justice system.

> *It depends on the case, but mostly you need the victim to testify. If you have a cooperative victim, that is really moving for a jury. Juries seem to have a need for more proof these days, possibly because of increased mistrust of the criminal justice system.*

– RCAO Staff

Yet, victim testimony can be difficult to obtain. Many victims' medical, emotional, mental health, or substance abuse issues, or the tendency to run away, may make securing their testimony less likely or present credibility issues to a jury that might not be familiar with how trauma impacts sex trafficking victims' memories and testimony (Farrell et al., 2012; 2016). Interviewees further noted that victim testimony could be counterproductive to victim healing because repeatedly recounting their experiences during trials can lead to revictimization.

The RCAO approaches obtaining victim testimony in the Safe Harbor era from a victim services' perspective, in which meeting the basic needs of victims first may increase the chances of securing their testimony later, as well as reduce some of the victim distress that can accompany that experience. They also do their best to bolster their case with as much corroborating evidence as possible to lighten the burden on the victim, as do the prosecutors in the other three case study sites in this project. Addressing victim needs for comprehensive services and treatment before trial, and preparing victims for the stresses that come from sharing traumatic experiences on the stand, may empower victims to testify.

Information on the ability to retain at least one victim willing to testify was available in 17 of the 19 case files (see Table SP7). Of these 17, at least one victim was retained in 14 (82 percent) of them. Charges in the other two cases were dropped, so they were not included in this table. In two of the 17 prosecuted cases in Table SP7, no evidence of victim retention such as a witness statement was observed. These were coded to reflect "victim not retained," although that information may have simply been absent from the files. In the third case where no victim retention was noted, a reason was documented (Table SP8).

In case files where the ability to secure a victim's testimony was noted, reasons for the ability to do so were available in 14 files (Table SP8). The provision of both safety and survivor support were the most commonly reported reasons for being able to retain at least one victim. In the 2011 case, no reason was discernable for why the victim cooperated; the file did not specify whether the victim had to testify, was assured of non-prosecution, was offered survivor services, was provided safety, or any other reason for cooperation.

Table SP7. Victim Retention, All Cases Prosecuted

YEAR	RETAINED	NOT RETAINED	TOTAL
2011	1	0	1
2012	3	1	4
2013	2	1	3
2014	4	1	5
2015	3	0	3
2016	1	0	1
Total:	**14**	**3**	**17**

Table SP8. Of Victims Retained, Reason for Retention

YEAR	NO. CASES VICTIM RETAINED	REASON RETAINED	NO. CASES VICTIM NOT RETAINED	REASON NOT RETAINED
2011	1	None noted		
2012	3	Provided safety; Offered survivor support		
2013	2	Provided safety; Offered survivor support		
2014	4	Provided safety; Offered survivor support	1	Loved or wanted to protect controller
2015	3	Provided safety; Offered survivor support		
2016	1	Provided safety		
Total:	**13**	**-**	**1**	

Digital Evidence. While many in the RCAO perceive victim testimony as essential in trafficking cases, some interviewees thought victim testimony was less important than other types of evidence. Absent victim testimony, expert witnesses can testify at trials about the nature of trafficking and the effects of trafficking on victims, such as the tendency to run or the tendency for stories to change as time goes on due to trauma effects or threats from the trafficker or other acquaintances. Most traffickers conduct much of their business electronically using a variety of electronic media, thus leaving a digital trail of evidence that investigators and prosecutors can put together independently of victim testimony.

However, respondents noted that piecing together this electronic evidence can be a time consuming, labor-intensive process. To assist, the RCAO has dedicated analysts that can parse the digital evidence to establish links between traffickers and victims through emails, text messages, call logs, social media posts and messages, credit cards, photos, hotel room receipts,

escort ads and ad payment records, phone cards, prepaid cell phones, and more. Prosecutors in RCAO can then use the resulting body of evidence to establish patterns of activity and rebut testimony from traffickers. Furthermore, electronic evidence can be used as a means to illustrate trafficker-victim relationships independently of victim testimony in cases where victims are hesitant to testify. This evidence can also be utilized to develop timelines of trafficking activities and enterprises. Combined with expert testimony to help explain it, complex webs of electronic evidence can provide ample evidence to build trafficking cases when victims are unwilling, unable, or unavailable to testify.

Digital evidence was utilized in all 19 closed cases in Ramsey County. Table SP9 illustrates the frequency with which each type of evidence appeared in the cases. In each case, the presence of the evidence type was coded as "0" or "1;" the number of pieces of each type of evidence within the same case was not counted. The most common types of digital evidence used to build prosecutions were escort ads (18 of 19 cases), subpoenas to escort ad websites (13 cases), cell phone data of all kinds (15 cases), and credit card information (12 cases). The most rarely used evidence type was cell tower data (capturing pings off cell towers to establish physical locations at a specific time; this was only used once), review site postings (where customers post reviews of various sex providers), and laptops. Based on the information recorded in the case files, it cannot be determined if certain types of evidence were used more or less frequently because they did not exist, because obtaining certain types of digital evidence is more difficult (e.g., collecting cell tower data versus printing copies of escort ads from a website), or for other reasons. In sum, a total of 95 instances of digital evidence were noted, which translates to an average of five types of digital evidence used in each prosecution.

The case files provided additional details about the types of digital evidence recorded in Table SP9. First, all cases except one involved escort ads posted on Backpage. However, Backpage was shut down in 2018 shutdown, and traffickers are branching out to other websites. Five other cases reported ads in evidence from a litany of other websites, including eros.com, theeroticreview.com, tagged.com, myproviderguide.com, escortdater.com, escortsopolis.com, findhotescorts.com, escortexam.com, localescorts.com, bestxxpic.com, CITYPAGES, and Live Links. Although these websites are recorded far less frequently in the closed case files, they may serve as a starting point for future investigations since Backpage is no longer operational. Second, Table SP9 reports that 15 cases involved the use of cell phone evidence, including texts, calls, pictures, and video recordings. Out of the cases utilizing cell phone forensics, call logs were used most frequently as corroborating evidence (15 cases), followed by text messages (14 cases), and then stored digital images (11 cases). Cell phone videos were rarely used (two cases). Typically, cell phone evidence can be obtained either through a warrant for a perpetrator's phone (or that of an uncooperative victim), or through searches allowed by cooperative victims. Just six of these 19 of prosecutions using cell phone evidence necessitated a warrant to obtain it.

As described, seven cases incorporated social media evidence (from Facebook.com or an unspecified website); nearly all used a warrant to obtain that information. Interestingly, a greater

200

proportion of social media evidence required warrants relative to the proportion of cell phone evidence. This may be because information may need to be retrieved from the host site (like

Table SP9. Digital Evidence Recorded in Files from Completed Cases

DIGITAL EVIDENCE TYPE	NUMBER OF CASES PRESENT						Total
	2011	2012	2013	2014	2015	2016	
Web/Escort Ad	1	5	3	5	2	2	**18**
Subpoena for Web Ads/Escort Site(s)	1	2	3	3	2	2	**13**
Review site postings	0	0	0	0	2	2	**4**
Cell Phone	1	5	3	3	2	1	**15**
Phone Warrant	0	0	3	2	2	0	**7**
Cell Tower	0	1	0	0	0	0	**1**
Social Media	0	0	2	2	2	1	**7**
Social Media Warrant	0	0	1	1	3	1	**6**
Email	0	1	2	0	3	1	**7**
Credit Cards	1	2	3	4	2	0	**12**
Laptop	1	0	1	1	2	0	**5**
Total Cases:	**1**	**5**	**3**	**5**	**3**	**2**	**19**
Total Digital Evidence Types:	**5**	**16**	**21**	**21**	**22**	**10**	**95**

Facebook) rather than from a local device. Overall, social media serves as another potential area where traffickers may expand their practices in the future due to the closure of Backpage. Already, in other locations demonstrated by this study and in other research (i.e., Carpenter & Gates, 2016), social media is a common recruitment and advertising tool.

The presence of multiple types of digital evidence was also associated with whether trafficking charges were prosecuted, versus reliance on alternative charges such as promoting prostitution alone. According to interviews with RCAO staff, the two statutes are almost

Table SP10. Weight of Digital Evidence on whether Trafficking was Charged

# TYPES OF DIGITAL EVIDENCE PRESENT	# CASES CHARGED WITH TRAFFICKING	# CASES NON-TRAFFICKING CHARGE	TOTAL CASES
2	1	2	3
3	2	0	2
4	1	0	1
5	4	4	8
6	1	0	1
7	1	0	1
8	2	0	2
10	1	0	1
Total:	**13**	**6**	**19**

identical in content in Minnesota state code (neither MN statute requires proving force fraud, or coercion as the TVPA does), but promoting prostitution can be easier to communicate to juries in some cases, and the end goal is to get the conviction regardless of statute used. Table SP10 shows that cases with higher numbers of digital evidence types appear to be more likely to be charged with trafficking, though the number of cases was too small to run correlational analyses on this question. However, it can be seen that no cases were charged using alternative statutes alone once the number of digital evidence types reached six or greater.

Bottoms. Interviewees across sectors noted that trafficking cases tend to be more complex and time consuming to investigate and prosecute than other case types. Trafficking cases may involve complex networks of victims and traffickers, electronic evidence, and extensive police–victim interactions. Additionally, interviewees in law enforcement spoke about the difficulty in differentiating some trafficking victims from those exploiting them because traffickers often use "historical victims" or "bottoms" to recruit and control other victims.

Bottoms are challenging to handle in prosecutions because, while they may be involved in facilitating trafficking activities, they are often themselves past or current victims and are treated as such by support services. However, law enforcement may view them as exploiters who recruit and control victims once they have moved into a bottom role (RCAO & Sexual Violence Justice Institute, 2017). Indeed, determining at which point a bottom becomes responsible for her actions (i.e., is making decisions to commit the crime independently of the trafficker's influence) is a continuing, thorny question in trafficking prosecutions, and approaches have varied between jurisdictions (Lugo, 2016).

Further complicating investigations, some traffickers compel their victims to arrange their own dates with clients, which can make it more difficult to determine whether they are coerced by a pimp or engaging in independent sex work. In the cases analyzed for this study, two bottoms were explicitly identified. These individuals rented hotel rooms for other victims and did other tasks that facilitated sex trafficking activity, like keeping the other victims groomed, encouraged, and working. In both cases, the bottoms also had children with their traffickers, and performing the activities of a bottom meant that they did not have to work as hard as other victims did. They could also act unsupervised, and their perpetrators bought things for their children. Charges were dismissed against both bottoms due to their cooperation with the prosecution and the determinations that both were more victim than perpetrator. This straddling of the victim-perpetrator divide that is endemic for bottoms remains a challenge in many jurisdictions when it comes to charging and prosecutions (Dank et al., 2014; Lugo, 2016).

Impacts of Safe Harbor

The passage and implementation of infrastructure to support Safe Harbor helped raise awareness of the presence and nature of human trafficking across Minnesota. While state programs had recognized sexually exploited youth previously, Safe Harbor was a way to provide a consistent, statewide message and protocol for handling human trafficking cases across

systems. The implementation of Safe Harbor directed sex trafficked youth into child welfare and social services rather than the justice system. Moreover, Safe Harbor provided funds to local social service and county attorney's offices to train stakeholders that encounter sex trafficking victims and survivors.

> *Safe Harbor had a huge impact on service delivery. Prior to Safe Harbor, there weren't specialized services for sexually exploited youth, and child protective services would not necessarily get involved... Sexually exploited youth used to be put in detention facilities. [By ceasing prosecution of children for prostitution], these kids were supported the best they could be with the existing programs prior to Safe Harbor… Instead of juvenile detention, youth would go through the child welfare system and then get put into a program for shelter, support and housing. After Safe Harbor, the county began to contract with private providers for services... Safe Harbor[also] resulted in sexually exploited youth-dedicated social workers in some of the counties.*

– Executive Director, The Link

Because this progress in developing and coordinating supportive victim services under Safe Harbor, the RCAO intensified their attention on prosecuting buyers and traffickers. Interviewees in the RCAO claimed the cases they were working were stronger because investigators and law enforcement are now more focused.

However, some investigators countered that Safe Harbor has not made it easier to identify trafficking cases, nor do they believe it has made the investigation process easier. Victims and service providers may remain skeptical about law enforcement involvement in minor sex trafficking cases, even though local police have received training. While investigators and law enforcement have not seen a decrease in case numbers, prosecutors point out that the evidence

Table SP11. Case Charging Decisions and Use of State Human Trafficking Law

YEAR	# CASES INCLUDING TRAFFICKING CHARGES	# CASES WITH NO TRAFFICKING CHARGES	TOTAL CASES
2011	0	1	1
2012	3	2	5
2013	3	0	3
2014	3	2	5
2015	3	0	3
2016	1	1	2
Total:	**13**	**6**	**19**

provided by police for cases brought to court is stronger and makes for stronger cases. Greater awareness is known to result in an increase in case numbers anyway, since increased awareness leads to increased reporting (Dank et al., 2014). These conflicting views may illustrate that one impact of Safe Harbor is improved quality of evidence collection and investigation that results in stronger cases built by law enforcement and then charged by prosecutors.

Indeed, of the 19 prosecutions completed since the passage of Safe Harbor, 13 cases involved strong enough evidence to support human trafficking charges (see Table SP11). This is a higher proportion than in the other three case study sites that, while they had a larger number of cases, typically reflected a 50/50 split between use of the trafficking charges and alternative statutes. However, the other three states require proof of force, fraud, or coercion in adult cases which Minnesota does not. But, while the content of the human trafficking and promoting prostitution statutes are nearly the same in Minnesota, the ability of prosecutors to convince judges and juries that sex trafficking charges have been proved indicates the presence of strong

Table SP12. Numbers of Defendants and Charge Category, by Year

CHARGE CATEGORY	2011	2012	2013	2014	2015	2016	TOTAL
Offense Involved Minor	2	4	3	1	2	1	13
Violent Offense	1	1	1	0	2	1	6
Trafficking Offense	0	5	8	4	9	1	27
Promoting Prostitution	2	5	0	6	3	1	17
Child Pornography	1	0	1	0	0	0	2
Conspiracy	1	0	0	1	4	0	6
Number of Cases:	**1**	**5**	**3**	**5**	**3**	**2**	**19**
Total Defendants:	**2**	**8**	**8**	**8**	**10**	**2**	**38**
Total Charges:	**8**	**20**	**8**	**18**	**13**	**4**	**71**

evidence collection and case-building practices, as well as awareness among actors in the system of the importance of using the human trafficking statute that has occurred since the passage of Safe Harbor. A full breakdown of these charges by year is shown in Table SP12; theses differ from the charges convicted in wing tables SP13 and SP14.

Of the cases charged and prosecuted to completion (17 of 19 cases above), nine of those cases resulted in convictions at trial for human trafficking charges (see Table SP13). The other eight cases had the following conviction results:

    2011: Promoting prostitution
    2012: 1 case dismissed, 1 case convicted of promoting prostitution, 1 case convicted of
        prostituting a minor

Table SP13. Convictions Using Trafficking Statutes

YEAR	TRAFFICKING CONVICTIONS	NO TRAFFICKING CONVICTIONS	TOTAL CASES
2011	0	1	1
2012	1	3	4
2013	3	0	3
2014	2	3	5
2015	3	0	3
2016	0	1	1
Total:	**9**	**8**	**17**

204

2014: 1 case convicted of prostituting a minor and aiding/abetting solicitation of a minor,
2 cases convicted for deriving profit from prostitution and promoting prostitution
2016: Referred for federal prosecution instead

All charges convicted are further broken down in Table SP14 by category. These are the same categories described in Table SP4. The most common alternative charge used was promoting prostitution, since it describes similar activity to sex trafficking, and is nearly identical in content in Minnesota. According to interviewees, the wording between them has only slight differences, but the differences can be enough to confuse juries and may influence the decision to choose one charge over the other at plea agreement or trial.

Table SP14. Charges Convicted by Category and Year

YEAR	2011	2012	2013	2014	2015	2016	TOTAL
Offense Involved Minor	1	2	2	1	0	1	7
Violent Offense	0	1	0	0	0	0	1
Trafficking Offense	0	1	3	2	3	0	9
Promoting Prostitution	1	3	0	3	1	1	9
Child Pornography	0	0	1	0	0	0	1
Conspiracy	1	0	0	1	1	0	3
Total Convictions:	**1**	**4**	**3**	**5**	**3**	**1**	**17**
Total Cases:	**1**	**5**	**3**	**5**	**3**	**2**	**19**

Table SP15. Mean Sentence by Year

YEAR	AVERAGE SENTENCE (YEARS)	CASES
2011	6.67	**1**
2012	14.27	**4**
2013	19.37	**3**
2014	7.29	**5**
2015	11.56	**3**
2016	9.75	**1**
Total:	**11.93**	**17**

The RCAO has nonetheless taken trafficking prosecutions very seriously, and this is reflected in the sentences they have secured against offenders. Table SP15 shows the average sentence by year in both cases convicted under the trafficking statute or under alternative statutes; since 2011, mean sentences have ranged between 6.67 and 19.37 years. These are further broken down in Table SP16 whether the conviction included a TIP charge**.** Here, while it can be seen that convicting an offender under the TIP statute instead of promoting prostitution or another offense nets an average sentence increase of 5.82 years. This difference in sentencing is a noticeable change that has occurred since Safe Harbor passed in 2011.

Table SP16. Average Sentence by Crime Category

YEAR	AVERAGE SENTENCE TIP CONVICTED (YEARS)	AVERAGE SENTENCE NO TIP CONVICTION (YEARS)	TOTAL CASES
2011	0	6.67	1
2012	21.58	11.83	4
2013	19.37	0.00	3
2014	8.86	6.25	5
2015	11.56	0.00	3
2016	0	9.75	1
TOTALS	**14.68**	**8.86**	**17**

Safe Harbor: Remaining Challenges

While the implementation of Safe Harbor has resulted in the increased use of the human trafficking statute, several successful TIP convictions at trial, and substantial prison sentences for traffickers, challenges remain. One of these is the need to improve coordination of victim services among multiple providers between and within regions. This has begun to be addressed by the calls for increased formal MOUs with role definition between service providers and criminal justice actors, and by shifting the role of the regional navigators away from first response toward more training and technical assistance to develop capacity among local municipal, county, and tribal providers.

Unfortunately, the first Safe Harbor funding facilitating some of the training and service provision work expired in 2016. However, a new strategic plan for expanding Safe Harbor to cover not only minors and individuals up to age 24, but survivors of all ages, was just commissioned, completed, and published in January 2019 by the Minnesota Department of Health (MDH).[108] It calls for renewed funding and makes several other recommendations:

> *robust public health, public safety, and human services strategies, expanded supportive services, focused prevention planning, increased training and accountability for all professionals, culturally responsive and equitable approaches, removal of stigma, and ongoing evaluation of progress. This new process, which must center victim/survivors and other persons with lived experience in the planning, could be similar to the three-year process that led to the development of the [original] No Wrong Door Model… which in turn informed the current statewide Safe Harbor system (Minnesota Department of Health, 2019, p. 2).*

The state of Minnesota remains committed to improving Safe Harbor in its applicability,

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[108] https://www.health.state.mn.us/communities/safeharbor/documents/mdhSH4ALLreport.pdf

eventually, to all victims; to improving criminal justice and service responses and coordination; and to solving other challenges that Ramsey County and others have seen at the local level. It is especially encouraging to see evaluation continue to be built into the plan as well; while this case study is an examination of Safe Harbor in Ramsey County thus far, it is descriptive in nature. It focuses on the history and case outcomes to date, but does not constitute an outcome evaluation.[109] This case study is also focused on prosecutorial outcomes related to Safe Harbor and not on Safe Harbor as a whole, despite the intertwined nature of its services and program components. MDH's new strategic plan is to be presented to the state legislature for passage into law. Securing renewed funding to continue services and trainings, and to support continued improvements to Minnesota's Safe Harbor-related activities, is critical for Ramsey County and others to help more sexually exploited youth in St. Paul and beyond.

Limitations

This case study has several limitations. First, while the quantitative analysis included the complete universe of cases at the time of data collection in Ramsey County, the N remains small. Thus, there was not enough statistical power to make any causal claims. Nevertheless, there was still rich and detailed information in the cases that have been prosecuted so far that was very useful. Second, despite best efforts, no responses to the survivor survey were returned from the convenience sample of individuals with closed cases to whom the RCAO victim advocate distributed it. Thus, while perspectives were gained from a wide variety of stakeholders interviewed about Safe Harbor in Ramsey County, the survivor voice is missing. Third, because this study is prosecutor-focused, there are other data sources from other agencies such as child protective services, nonprofit victim service organizations, and other Safe Harbor stakeholders that might have supplemented the case files. Since the larger study is focused on the impacts of initiatives on prosecutions, the decision was made to use the same data types across all four case studies. As mentioned above, Wilder Research has evaluated Safe Harbor in Minnesota every two years per legislative mandate; see footnote on this page for a link to these evaluations using a broader swath of data types and outcomes than covered in this case study.

Conclusions

As outlined earlier in this report, this research on the RCAO's work with Safe Harbor legislation and infrastructure to address sex trafficking cases was guided by five research questions. This section will summarize the lessons learned from the interviews and case file analyses in relation to these questions.

Research Question 1: Do Safe Harbor practices lead to more cases proactively identified, prosecuted under TIP statutes, and disposed via conviction?

While case numbers are still small, conviction rates in Ramsey County are high.

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[109] The bi-annual legislatively-mandated evaluations of Safe Harbor in Minnesota have been conducted by Wilder Research and are available at https://www.wilder.org/wilder-research/research-library/safe-harbor.

Conviction at trial or by plea agreement was achieved in 17 of 19 closed cases. All cases that went to trial ended in conviction, per RCAO Staff, and use of the human trafficking statute in prosecution was correlated with an average sentence 5.82 years longer than when promoting prostitution or another charge was used.

Research Question 2: Do Safe Harbor's victim-centered practices enable collection and assembly of stronger supporting evidence in case building, allowing less reliance on victim testimony, than occurred before Safe Harbor infrastructure/coordination was established?

Higher numbers of digital evidence types collected to support prosecutions were correlated with convictions using the human trafficking statute, with the most common type of digital evidence used being online escort ads followed by data on cell phones such as text messages, call logs, photos, and/or videos. This is consistent with patterns seen in other jurisdictions. Fourteen cases were initiated in response to tips, while the remaining cases completed to date in Ramsey County were proactively generated because of sting operations. At least one victim was retained to testify in 14 cases, with the most commonly recorded reasons for retention being assurance of safety and provision of survivor support services.

Further, among stakeholders interviewed, choosing not to make a distinction between juveniles and adults for Safe Harbor in Ramsey County and in Minnesota has been considered another major success. More survivors receive services now, per RCAO and service provider respondents, and victims are no longer prosecuted for any offense committed during the course of their victimization. The RCAO views this as critically important to the success of Safe Harbor; they believe that Safe Harbor changed the mindset in the community about how they view individuals forced to engage in commercial sex.

Research Question 3: Are more individuals/groups in the community retaining/using knowledge from TIP training?

A critical contributor to the success of Safe Harbor, as identified by interviewees, was the three-year period built in between passage of the Safe Harbor legislation in 2011 and its implementation in 2014. This period was used to do needs assessments; build response protocols, relationships, and infrastructure; and to secure the needed legislative funding to support Safe Harbor activities (RCAO staff). The process of developing protocols and the multidisciplinary teams has gotten local actors of all kinds talking to one another and building partnerships. Most interviewees within and from outside the RCAO emphasized that its training efforts were one of the keys to this success. Additionally, once leadership in the three state agencies (Bureau of Criminal Apprehension, Child Protection, and Department of Health) put positions in place to support the regional navigators and local multidisciplinary teams, it was easier to get the work started. Now, if local stakeholders have trouble, they can call the State Director of Safe Harbor who has point people in different agencies that can help fix problems. More recently, the State Bureau of Criminal Apprehension has also stepped up to do all law enforcement training, alleviating some of the statewide training burden for the RCAO (RCAO staff).

The process of developing the infrastructure to support trafficking victims via Safe Harbor has been highly collaborative and multidisciplinary. There has been a convergence in values, led in no small part by RCAO's leadership in TIP training across sectors, in that Ramsey County stakeholders involved are now in agreement on viewing these youth as children in need of services, and more recently, extending victim-centered treatment to adult victims (RCAO staff). However, there is work remaining to achieve agreement about roles and responsibilities between different actors, which is where the addition of more formalized MOUs and more specific response protocols can help. A position was approved in 2017 in the Minnesota Department of Health to assist with bolstering the child protection response (RCAO Staff). The most recent legislation has also raised the eligibility for services to age 24, and the 2019 strategic plan report recommends that all sexually exploited people should be eligible for Safe Harbor protections (MN DHS, 2019).

Research Question 4: Are traffickers and victims adapting themselves to criminal justice system capabilities that result from MN's implementation of Safe Harbor?

The RCAO faces some challenges that may be a direct result of how traffickers have altered their business practices and strategies since the implementation of Safe Harbor. For example, from prior to Safe Harbor until 2018, many traffickers conducted their business using Backpage and other websites with sections for classified advertisements for prostitution. However, investigators and prosecutors began to focus more attention on digital evidence from such webpages with the arrival of Safe Harbor and its accompanying emphasis on proactive case identification and investigation, causing some traffickers to change their tactics. This has further been complicated by the Federal Bureau of Investigation's shutdown of Backpage and the recent passage of SESTA and FOSTA laws[110] that penalize websites for hosting ads that can be tools to exploit trafficking victims. Essentially, traffickers continually respond to changes in legislation and investigative and prosecutorial practices, and this may require continual adjustments to the investigation and prosecution of these cases.

For example, interviewees mentioned that traffickers have recently moved toward more frequently using Facebook, WhatsApp, and other social media platforms where content can be easily created and deleted such as Snapchat. Alternatively, they may use online advertising platforms based in other countries to conduct business. Even on Facebook, many are becoming more strategic about using privacy settings to avoid detection, though such savviness is not universal. These changes in behavior have made traffickers more difficult to track online.

Traffickers also convince victims to place ads and rent rooms in their own names more often, since prosecutors will view exploited youth as victims, and because the transactions are less easily tied to the traffickers. Lastly, traffickers do not concentrate their efforts in a single jurisdiction; rather, they move activities around to different areas of the state more frequently

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[110] Allow States and Victims to Fight Online Sex Trafficking Act of 2017, Pub. L. No. 115-164, § 132 Stat. 1253 (2018).

than they used to, and they use more throwaway phones with local numbers to make it more difficult for investigators to follow their tracks. Staying on top of these changes in order to keep identifying more victims and perpetrators; for updating trainings, investigative tactics, and prosecutorial strategies; and for providing informed victim services is critical.

Key Takeaways for Other Jurisdictions

St. Paul's interviewees had several recommendations for improving their own Safe Harbor support infrastructure and for other jurisdictions that may wish to implement similar practices. These responses were synthesized to answer Research Question 5.

Research Question 5: What are the key takeaways for anyone wanting to build effective, victim-centered Safe Harbor practices in their jurisdiction?

Key Takeaway #1: **Integrate prosecutors into law enforcement and criminal justice trainings from the beginning.** This was not always done in Minnesota, and some found themselves playing catch up. The goal of Safe Harbor and its associated trainings is to create the mindset that the issue of commercial sexual exploitation is real, and it matters, as well as to ensure that all stakeholders understand its basic dynamics and manifestations. "It looks so different than anybody thinks" (RCAO Staff). Further, there should have been more emphasis in the trainings on how long and difficult the investigations would be; criminal justice actors found themselves unprepared for this fact.

Key Takeaway #2: **Work to bring all stakeholders to a common mindset on how they think about victims: that sexually exploited people are not criminals, but individuals in need of services**. As described earlier, trafficking cases can involve most complex circumstances. Some victims evolve into perpetrators (i.e., bottoms); family members, friends, and romantic partners may manipulate intimate relationships with the victim to exploit them; comorbidity of mental, physical, and emotional health issues victims often face may be present; and ongoing legislative and technological changes affect how responders can help. Case investigation, prosecution, and victim services delivery thus require use of a trauma-informed, interdisciplinary approach to address these complexities. Cultivating a shared mindset and a common commitment to serving victims is key; this was found in San Diego as well.

Key Takeaway #3: **The development of procedures, protocols, and training is an intense, iterative process that requires flexibility on the part of all involved, along with commitment to seeing this iterative process all the way through.** When agencies and institutions start out in silos, coming together to work as a holistic unit will be difficult. Creating avenues for consistent, regular communication between partners is critical for making this work. "If [stakeholders] are fighting each other, that's a waste of energy" (RCAO Staff). Especially in the beginning, having a few champions in the jurisdiction to help build these bridges and facilitate knocking down barriers between stakeholders is critical. These individuals can help build the needed commitment and willingness among partners to listen to each other and to be flexible when needs demand it. As time progresses, shared commitment among partners should

210

be nurtured so that it will mature, and so that continuation of partnerships and activities eventually becomes less reliant on the presence of specific individuals and more self-sustaining.

Key Takeaway #4: **Design protocols and trainings to meet the needs of the individual place/locality and their particular issues, as well as each stakeholder group being trained, while covering certain basic information common to all.** For example, it is important to have a good overall introduction to the issue that everyone who receives training hears. This should include convincing trainees that sex trafficking is happening in their local community, explaining the dynamics of the issue, and convincing them of its urgency. Culturally- and stakeholder-specific components can be added to trainings and protocols from there. Localities tackling this issue must develop a sense of urgency, and clearly and collaboratively develop protocols for a coordinated response that outline roles and responsibilities for each actor.

Key Takeaway #5: **Engage partners that are willing to lobby for improving Safe Harbor laws and other legislation to address human trafficking.** Involve partners working on active cases, who can begin to know the system, service, resource, stakeholder, and coordination gaps that exist in their jurisdictions, as well as the unmet needs of victims. These individuals can help to shape informed, responsive legislation that makes it easier to identify cases, promote survivor recovery, and hold traffickers and buyers sufficiently accountable for their actions.

Case Study 4: The San Diego County Regional Human Trafficking Advisory Council

San Diego Highlights

- San Diego County Regional Human Trafficking and Commercial Sexual Exploitation of Children Advisory Council formed in 2011.
- Spearheaded by the San Diego DA, there are 9 sub-committees: Community, Education, Law Enforcement, Prosecution, Research, Victim Services, Child Welfare, Survivor Voices, and Healthcare (new).
- COPS Office helped provide assessment and recommendations in 2014 that laid a foundation for the Council's maturation.

Experience Handling Cases

- The SDDA prosecuted 304 trafficking-related cases between 2010 and May 2018.
- During this time, 310 victims were identified, 566 sellers were prosecuted, and 417 buyers were prosecuted.
- 80 cases were prosecuted using the state's TIP statute.
- 170 were prosecuted using alternate statutes, like pimping and pandering or promoting prostitution.
- Convictions have been achieved without an available victim to testify at 5 jury trials.

Key Takeaways for Establishing a County Coalition to Address TIP:

- Building a coalition to address trafficking in your community starts small and grassroots.
- Training is key to success and growth in all areas.
- Invite experts in to help with logistics and direction.
- Be patient in approach with victims and with trafficking prosecutions.
- Plan for the fact that this partnership development and alliance-building effort will take extensive time, patience, and commitment.

Introduction

In 2011, San Diego County established the San Diego County Regional Human Trafficking and Commercial Sexual Exploitation of Children Advisory Council (hereafter the Advisory Council or the Council), as an effort to respond proactively to human trafficking and as a way to coordinate the various activities and responses in the County. San Diego County is invested in taking an active role in the prevention and identification of trafficking, especially sex trafficking, and the Advisory Council was created to complement the efforts of local criminal justice and law enforcement agencies, victims' service providers, and other community-based groups (CSEC Report, 2014).

The structure of the Advisory Council includes several sub-committees tasked with different goals to support trafficking survivors. There were originally seven sub-committees: Community, Education, Law Enforcement, Prosecution, Research, Victim Services, and Child Welfare. Two more have since been added: Survivor Voices and the nascent healthcare sub-committee. Members of the Advisory Council make up each sub-committee and come from various backgrounds, such as social work, victims' services, child protection, all components of criminal justice, education, academia, community and political advocacy, and hospitality. These sub-committees work together and pool resources to address a number of needs in San Diego County related to trafficking/CSEC responses and prevention.

This case study examines the history and

212

impacts of the San Diego County Regional Human Trafficking Advisory Council on sex trafficking cases in the area. Data collection included a series of qualitative interviews with a variety of stakeholders across systems and an analysis of a sample of prosecutorial files for trafficking and related cases in the San Diego District Attorney's Office (SDDA). It focuses on the process of Council formation, including important areas like collaboration, bridge-building, and overcoming differences in pursuit of a common goal—very like the process of building the infrastructure to support Safe Harbor in Minnesota. The case file analysis shows patterns in prosecution and case outcomes in San Diego County to support and expand upon the insights gained from the qualitative interviews.

This case study begins with a presentation of the basic logic model, research questions, methods, and a description of the interview and case file samples. It then moves into a detailed logic model, themes about the council-building process and lessons learned, other important initiatives occurring simultaneously, and a discussion of statistics from the case file sample. It concludes with lessons learned and important takeaways for other jurisdictions that may be interested in building stronger collaborations and multidisciplinary responses to TIP.

Basic Logic Model

Figure SD1 shows the basic logic model created in collaboration with the SDDA; the SDDA spearheaded the process of starting the County Advisory Council and getting it operational. The detailed logic model is shown later in Figure SD5.

Figure SD1: Basic Logic Model, San Diego County Human Trafficking Advisory Council
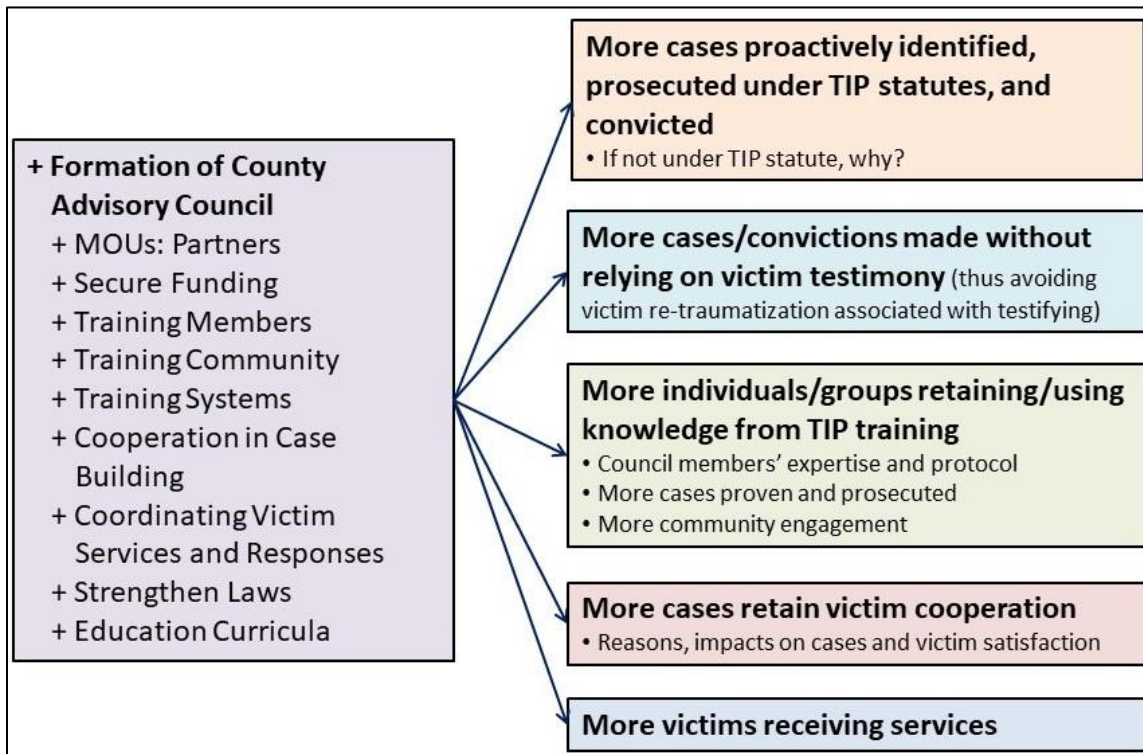
On the left side in Figure SD1, several activities are listed under the formation of the Advisory Council: securing Memoranda of Understanding (MOUs) between various partners and funding to support activities; training of council members, community members, and systems; cooperation between partners in case building and coordinating victim responses and services; strengthening trafficking laws; and developing educational curricula—to name a few. These are intended to produce a number of effects: increased numbers of cases that are identified proactively, prosecuted, and convicted using the state's TIP statute; increased cases and convictions achieved without relying so exclusively on victim testimony; increased knowledge about TIP across stakeholders; increased numbers of cases where the victim is retained[111] throughout the prosecution; and increased numbers victims receiving services.

While it is widely known and understood in the field that trafficking victims often do not want to engage with the criminal justice system, and indeed are not required to in order to receive many support services, it is hoped that a robust and effective victim response will make victims feel supported enough to assist during the prosecution of their trafficker. It is also hoped that well-coordinated investigation and victim response protocols will regularly produce additional corroborating evidence, thus reducing the pressure on the victim to provide testimony at multiple hearings.

Research Questions

This logic model illustrates, and leads to, several research questions explored via the case study:

1. Do effective partnerships lead to more cases proactively identified, prosecuted under TIP statutes, and convicted?
2. Do partnerships enable collection and assembly of stronger supporting evidence in case building, thus permitting lessened reliance on victim testimony, than occurred before the Council was established?
   a. Are there any cases that have been successfully prosecuted without victim testimony?
   b. Are there greater victim retention rates when pressure to make the case is not solely on them?
3. Are more individuals and groups retaining and using knowledge from TIP training? How does this differ between groups?
   a. SDDA, law enforcement, and coalition partners' knowledge
   b. # Cases proven and prosecuted year over year
   c. Community and industry awareness/engagement
4. Do you see traffickers and/or victims adapting themselves to your capabilities? How do you respond?

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[111] As a reminder, victim retention in this report refers to the voluntary participation and assistance of victims during the prosecution of their traffickers.

5. What are the key takeaways for anyone wanting to build this type of coalition in their jurisdiction?

The methods used for collecting data and exploring these research questions with the San Diego District Attorney's office are described in the following section.

Research Methods

Qualitative Methods and Sampling. The project team conducted 17 semi-structured interviews in San Diego County in May 2018. All interviewees were involved with the Advisory Council in some fashion, such as a leadership role chairing a sub-committee or general committee and council membership. Given the focus of this project on prosecutors, although there were seven sub-committees, the interview instrument focused mainly on the prosecution sub-committee and how others were involved with investigation and prosecution, multidisciplinary responses, and victims' services goals. The purpose of these interviews was to learn about the formation of the Advisory Council, the process of establishing partnerships, what difficulties were encountered and how they were overcome, and how the Advisory Council assisted with actual cases of trafficking in this jurisdiction.

To provide a comprehensive view of these components of Council history, the results described below include responses from interviewees with many different perspectives. The 17 respondents that participated in these interviews are affiliated with law enforcement agencies, academic institutions, prosecutorial offices, victims' services, and non-profit organizations. To provide a better understanding of their background, expertise, and involvement in anti-trafficking programs, Table SD1, "Descriptions of Affiliations," describes each respondent's affiliation after removing potential identifying details. Table SD2, "Advisory Council and Sub-Committee Membership," describes their Council sub-committee affiliations. Many interviewees were chairs or co-chairs of their committees either presently or in the past, but this was not noted to protect anonymity. Interviewees were purposively selected to cover as wide a range of roles as possible over sub-committee assignments; representatives from seven of the nine sub-committees were available for interview.

Table SD1. Description of Affiliations (n=17)

Description	Total
Prosecutorial office staff (District Attorneys, City Attorneys, Prosecutors)	n=5
Human Trafficking Task Force (HTTF) Investigator/Law Enforcement	n=3
Non-profit organization members (Directors, Supervisors, etc.)	n=4
Non-profit organization members (CEO/Survivor)	n=1
University affiliates (Professors, Directors of Research)	n=2
Child welfare	n=1
Probation	n=1
Total Respondents:	**n=17**

The only sub-committees that did not have a member available for interview when requested were the Healthcare and Education sub-committees. The Healthcare sub-committee was still in formation at the time of data collection, and was thus not ready to be interviewed, and topics related to the activities of the Education sub-committee were still described by the Research, Victim Services, Prosecution, and other sub-committees.

Table SD2: Advisory Council and Sub-Committee Memberships

Committee Memberships and Roles	Total
Community sub-committee	n=2
Child welfare sub-committee	n=1
Law enforcement sub-committee	n=3
Law enforcement non-member council attendee	n=1
Prosecution sub-committee	n=2
Prosecution non-member council attendee	n=3
Research sub-committee	n=2
Victim services sub-committee	n=2
Survivor voices sub-committee	n=1
Total Role Descriptions:	**n=17**

Quantitative Methods and Sampling. Seventy-two closed case files were sampled from the universe of 304 human trafficking, pimping, and/or pandering cases submitted to the SDDA for processing between January 1, 2010 and May 31, 2018. There is one case that originated in 2009 and is noted as belonging to that year, but it did not enter the SDDA's office until 2010. Closed cases were selected to protect any proceedings that may still be ongoing or in appeals; researchers can be called as witnesses if they have viewed the file for a case that is still active.

For a breakdown of the number of charges prosecuted in trafficking and related cases per year in the sample, refer to Table SD3. As in Miami, the targeted sample number was ten cases per year, given the amount of time available and the resources available within the office to prepare the paper files for the research team to code on location, in person. Within each year, of the closed cases with files available, the selection of cases to include was random. There was some variation between years in the number of cases available that were not in appeal from which to randomly select files. Files approved for sharing by the SDDA included case summary information with names and personal identifying information (PII) redacted; files typically included at least the police report and the indictment. Other supporting documents and evidence reports were approved for sharing in many cases, but not all, which resulted in a certain amount of missing data.[112] Nevertheless, many of the case summaries shared contained significant levels of detail, and had copies of at least some evidence reports with the appropriate PII redactions.

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[112] It is important to note that prosecutors in every jurisdiction and state have different rules about what portions of files may be shared with researchers under different circumstances, and they require differing levels of security or background check clearance. This variance in levels of data access permission between jurisdictions carries across the file materials available for coding in the four case studies in this project as well.

The final sample of 72 individual case files coded included a total of 256 charges arrested, 212 charges prosecuted, and 101 charges convicted across 97 defendants.

Table SD3: Case File Sample Summary

Year	N (Case Files in Sample)	Total Arrest Charges	Total Charges Prosecuted	Total Charges Convicted
2009	1	11	4	4
2010	4	11	5	5
2011	6	25	12	10
2012	11	47	31	14
2013	11	46	41	14
2014	10	36	44	12
2015	11	30	36	19
2016	9	22	15	10
2017	9	28	24	16
TOTALS	**72**	**256**	**212**	**104**

Case Population Statistics. In order to provide some context, Tables SD4 and SD5 provide a number of aggregate statistics about the universe of cases from which the project sample was pulled. Table SD4 covers a number of general descriptive statistics while Table SD5 focuses on the distribution of case dispositions. These summary statistics were provided by the SDDA from their case management database. In the yearly breakdowns shown these tables, it is important to remember that the 2018 numbers reflect only the first five months of the year. However, none of the 2018 cases were included in the sample pulled for coding by the research team so that all year-over-year comparisons presented in descriptive tables would be based on 12-month years.

In Table SD4, the first column (after Year) shows the total number of cases submitted by police to the SDDA related to human trafficking, pimping, and pandering. There was a spike in cases submitted beginning in 2012, the year after the Advisory Council was formed. The number of cases decreased afterward, but the SDDA is not the only prosecutorial agency handling TIP cases in San Diego; the San Diego City Attorney handles some misdemeanor cases, and the bigger cases with larger numbers of defendants or activities that cross state lines often go to the U.S. Attorney's Office (USAO) located in San Diego.

Three hundred and four (304) human trafficking or related cases were filed with the SDDA during the date range represented. During this same period, 310 victims were identified within these prosecutions; 566 sellers, or traffickers, were prosecuted along with 417 buyers; and 54 cases were declined for various reasons, such as lack of evidence. Importantly, five trials were completed for TIP or related charges based on the strength of the evidence even though a victim was not available to testify. There was one such case in Miami the same period; while rare, the ability to prosecute cases even when the victim is not available is growing, largely due to

217

increased capacity to collect, analyze and present digital evidence to judge and jury.

Eighty cases were prosecuted using the state's TIP statute, while 170 cases were prosecuted using pimping, pandering, or another related charge. It should be noted that a far higher proportion of convictions in the universe of cases shown in Table SD4 were achieved using the TIP statute than occur in the sample; this is indicative of potential statistical bias in the sample. This limitation is described in further detail later and is noted throughout this case study, which focuses more on using descriptive statistics from the case files in relation to the population case numbers to support the qualitative analysis than on causal analysis using statistics alone.

Table SD4: Aggregate Number from TIP Case Population, 1/1/2010 - 5/31/2018

Year	Total Cases Submitted by Police with TIP/Pimping/Pandering	# Victims Identified	# Sellers Prosecuted	# Buyers Prosecuted	# Cases Declined	# Cases Prosecuted TIP statute (CA 236.1)	# Cases Prosecuted Alt Statute	# Jury Trials Without Victim
2010	29	40	142	48	6	4	19	0
2011	33	28	72	45	8	9	16	1
2012	58	56	63	55	5	5	48	0
2013	52	46	108	94	4	15	33	0
2014	30	31	83	65	2	12	18	1
2015	37	35	42	16	9	9	19	2
2016	22	27	30	8	8	6	6	1
2017	33	39	21	46	11	15	7	0
2018	10	8	5	40	1	5	4	0
Totals	**304**	**310**	**566**	**417**	**54**	**80**	**170**	**5**

Table SD5 summarizes case dispositions for the universe of cases from which the file sample was drawn. 298 cases had dispositions available. The largest majority of cases, as in the other case studies, were settled by plea agreement: 252 pled to a felony charge and 11 to a misdemeanor. Most pleas were to pimping and/or pandering, plus related charges depending on the incident, but 30 were guilty pleas to the state's TIP statute. Eleven cases were dismissed; typical reasons included lack of evidence, a plea agreement for an unrelated case, or inability to locate the victim. Twenty-five jury trials were completed; convictions were mostly secured for pimping and pandering charges, two TIP charge convictions, and assorted other charges such as attempted murder that may have also been part of a given case.

Table SD5: Case Dispositions from the Full Case Population[113]

Year	Pled Guilty to Felony	Pled Guilty to Misdemeanor	Dismissed	Jury Trials	Totals
2010	21 4 to TIP, 17 to pimping, pandering and attempts	1	2 1 pled to a non-TIP-related case, 1 victim not located	4 All pimping and pandering	28
2011	27 4 to TIP, 19 to pimping, pandering, kidnapping and attempts	2	2 Both discharged at prelim for not enough evidence-judicial decision	0	31
2012	37 3 to TIP, 34 to pimping, pandering, child endangerment, false imprisonment, and attempts	0	0	9 All pimping and pandering and attempts and robbery, sexual assault	46
2013	47 3 to TIP, 44 to pimping, pandering, attempts, false imprisonment, assault, drug offenses	6	0	0	53
2014	32 3 to TIP, 29 to pimping, pandering, attempts, attempted murder, robbery	0	0	4 No TIP, pimping, pandering, robbery, attempt murder	36
2015	29 8 to TIP, 21 to pimping and pandering and attempts	1	1 Unable to locate victim	4 All pimping charges	35

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[113] These dates are organized by disposition date, regardless of the case filing date noted in Table SD4. Therefore, case dates between the two tables may differ a bit and will not be in perfect alignment.

Year	Pled Guilty to Felony	Pled Guilty to Misdemeanor	Dismissed	Jury Trials	Totals
2016	23 3 TIP, 20 pimping, pandering and attempts	0	1 Unable to locate victim	3 2 TIP, 1 pimping	27
2017	27 2 to TIP, 25 to pimping, pandering, attempts, statutory rape	0	2 1 discharged by the court, 1 refiled as a victim	1 Found not guilty	30
2018	9 All pimping, pandering, child pornography	1 Statutory rape	2 1 dismissed for prosecutor's scheduling, 1 dismissed as court found not enough evidence	0	12
Total	252	11	10	25	298

It is notable that more guilty verdicts for charges that include the TIP statute occur via plea agreement; often due to the strength of the evidence. It may also be illustrative of patterns in training judges about human trafficking and developing better jury instructions; the two TIP convictions achieved by the SDDA at jury trials occurred in 2016. That year also comes after several high-profile TIP convictions achieved by the USAO in San Diego, such as U.S. v. King, et al. (Tycoons case, 2014), U.S. v. Pittman et al. (the "Black Mob/Skanless" case, 2014), and U.S. v. Traylor, et al. (Oceanside Crips case, 2011) (Carpenter & Gates, 2016; Lugo, 2016). These federal prosecutions brought racketeering charges against large gang trafficking rings based in the county, but covering several states, and helped with raising tremendous awareness of TIP in San Diego County. These types of prosecutions, combined with the sustained community and educational awareness programs conducted by the Advisory Council discussed below, may have increased juries' awareness of trafficking by the time of the two 2016 trials.

However, one complication hinders greater use of the trafficking statute without a pimping or pandering charge to accompany it: as it currently stands, a conviction under California's human trafficking statute (California Criminal Code 236.1) alone does not come with a mandatory prison sentence. According to follow up conversations with two interviewees, a sex trafficking conviction under current law in California can result in a sentence as low as probation only. If the prosecutor wants to ensure that a sex trafficker receives a prison sentence, they will often seek a conviction for pimping or pandering rather than pursuing the trafficking charge because pimping and pandering offenses both have minimum prison sentences.

Defendant and Victim Sample Demographics. A total of 97 defendants (See Table SD9

220

later for breakdown by year) were included in the 72 cases that make up the sample dataset, although only 84 had demographic data available in the provided files. Demographic proportions shown in Table SD6 reflect the percentage of perpetrators[114] for whom data was available in each category. As shown, 61 (75.3 percent) of perpetrators identified in the sample were black, 12 (14.8 percent) were white, six (7.4 percent) were Hispanic, and two (2.5 percent) were

Table SD6: Perpetrator Demographics

Perpetrator Demographics	Freq.	Percent	Cum.
Perpetrator Race			
White	12	14.8	14.8
Black	61	75.3	90.1
Hispanic	6	7.4	97.5
Asian	2	2.5	100
Perpetrator Gender			
Female	13	15.9	15.9
Male	69	84.2	100
Mean Age	27.3	Min=17	Max=68
Previously Incarcerated	19	19.6	
Previous Criminal Record	25	25.8	
Perp Education (N=4)	**Freq.**	**Percent**	**Cum.**
Some High School	1	25	25
High School Diploma/GED	1	25	50
Some College	1	25	75
Bachelor's Degree	1	25	100
Perpetrator Had Other Employment	9	9.3	
Perpetrator Living Situation (N=19)			
Lived with Daughter	1	5.3	5.3
Lived with Mother	7	36.8	42.1
Lived with Grandparents	1	5.3	47.4
Lived with Father	1	5.3	52.6
Lived with Mother/Aunt/Uncle	1	5.3	57.9
Lived with Mother/Father	1	5.3	63.2
Lived with Mother/Father/Grandparents/Aunt/ Uncle	2	10.5	73.7
Lived with Mother/Father/Siblings	1	5.3	78.9
Lived with Mother/Grandparents	2	10.5	89.5
Lived with Mother/Grandparents/Aunt/Uncle	1	5.3	94.7
Lived with Spouse/Child	1	5.3	100.0

Sample N=84 perpetrators that had data recorded in files

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[114] This report uses the terms "perpetrator" and "defendant" interchangeably.

Asian. Male perpetrators were much more commonly represented than females (84.2 percent vs 15.8 percent). Perpetrator age ranged from 17 to 68 with a mean of 27.3 years. Nineteen defendants in the sample had been previously incarcerated and 25 had a previous criminal record. Education level was only noted for four defendants. Nine were noted as having other jobs in addition to gaining income from trafficking. A variety of living situations were noted, with the largest number reported to be living with their mothers, or their mothers and other family members (15 of 19 with that information recorded in the file).

Of the 102 victims identified in the sample cases, 97 had at least some demographic information available in the redacted files. For race (N=86), 32 (37.2 percent) were black, 24 (27.9 percent) were white, 20 (23.3 percent) were Hispanic, five (5.8 percent) identified as other, four (4.7 percent) were Asian, and one (1.2 percent) was noted of mixed racial background. For gender, 99.0 percent of victims were female, and 1.0 percent were male (N=97). Ages available ranged from 14 to 50, with a mean of 20.6 years (N=61). Nine victims

Table SD7: Victim Demographics

Victim Demographics	Freq.	Percent	Cum.
Victim Race (N=86)			
Black	32	37.2	37.2
White	24	27.9	65.1
Hispanic	20	23.3	88.4
Other	5	5.8	94.2
Asian	4	4.7	98.8
Mixed	1	1.2	100
Victim Gender (N=97)			
Female	96	98.7	98.7
Male	1	1.03	100
Mean Age (N=61)	**20.6**	**Min=14**	**Max=50**
Previously Incarcerated (N=9)	**9**	**8.8**	
Victim Education (N=18)	**Freq.**	**Percent**	**Cum.**
Some High School	12	66.7	66.7
High School Diploma/GED	2	11.1	77.8
Some College	4	22.2	100
Victim Living Situation (N=38)			
Lived with Mother	12	31.6	31.6
Lived with Father	5	13.2	44.7
Lived with Grandparents	2	5.3	50
Lived with Siblings	1	2.6	52.6
Lived on own/Roommates	1	2.6	55.3
Multiple/Transient	17	44.7	100

Sample N=102 victims identified

222

had been previously incarcerated. Education data was largely absent, although it was clustered around people with a high school diploma or less (14 of 18 where the information was noted in the case file). Thirty-eight victims had data recorded on their living situations, with 44.7 percent listed as transient or moving from one living situation to another; housing instability is a known risk factor for trafficking (McMahon-Howard & Reimers, 2013). See Table SD7 for victim demographics in this sample; percentages reflect percentage of victims for whom data was available in each category.

Sixty-eight perpetrator-victim relationships were recorded within the 51 case files that explicitly described that information. In most cases, perpetrators recruit victims via a variety of existing relationships, or they form certain relationships (such as romantic) during the victimization process to exert and maintain control over the victims. In this sample, 34 perpetrator-victim pairs were romantically linked, ten shared a gang or clique affiliation, nine were strangers, seven were friends, and three were family (see Table SD8). These are not mutually exclusive; for example, a single victim-perpetrator pair may share a romantic relationship *and* a gang affiliation. Alternatively, a case involving multiple people may have had relationships between multiple perpetrator-victim pairs recorded. Of the 51 case files with relationships described, seven had information on two different relationships, and one case file had information about three different relationships.

Table SD8: Victim-Perpetrator Relationships

Victim-Perpetrator Relationships	Freq.	Percent
Romantic Relationship	34	50.0%
Have children together	5	7.4%
Clique/Gang Affiliation	10	14.7%
Friends	7	9.7%
Strangers	9	13.2%
Family	3	4.4%
Total Identified relationships	**68**	**100.0%**
Out of N=51 Case Files		

Now that the sample case files have been described, along with notation of at least one potential source of statistical bias that is accounted for in later analyses (the human trafficking statute was prosecuted less frequently in the sample cases than in the total population), this case study moves next into the program background and qualitative interview results.

Program Background

San Diego County has a population of approximately three million people, 1.3 million of whom live in the City of San Diego.[115] Its economy is driven by tourism, the military and

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[115] See also http://www.census.gov/quickfacts/table/AGE275210/06073.

biotechnology (Carpenter & Gates, 2016). As a tourist, military, university, and border region, San Diego County has a high proportion of transient populations and visitors (Carpenter & Gates, 2016). Sex trafficking is tightly intertwined with the hospitality industry given the close proximity of hotels to a consistently high number of potential buyers and to other sexual services, such as strip clubs and massage parlors (Carpenter & Gates, 2016, p. 43; Lugo, 2016).

Carpenter and Gates estimated the size of the economic impact from commercial sex in San Diego County to be to second only to that of drugs, and about the same size as that of the San Diego Padres (p. 109). Prostitution activity appeared to be evenly split between undirected activity and activity directed by a pimp (Carpenter & Gates, 2016, pp. 11-12). Based on arrests and extrapolations from their interview data and area nonprofit records, Carpenter and Gates (2016) estimated the number of victims/survivors in San Diego County to be between 3,417 and 8,108 annually. Of these victims, only 70 were treated by victim services agencies, and only 29 dedicated beds were available in the county for sex trafficking survivors at that time. No beds were available for men; Lesbian, Gay, Bisexual, Transgender and/or Queer (LGBTQ) individuals; or children. Ninety percent of confirmed commercial sexual exploitation (CSEC) victims were recruited in school. Survivors identified by Carpenter and Gates were 25 percent white, 28 percent black, 25 percent mixed race, 14 percent Latino/a, and 8 percent "other race." Seventy-nine percent were born in the United States. Sex trafficking can now be a heavily penalized crime in San Diego County, for which convictions can result in fines up to $1.5 million dollars and as much as ten years (adult victim) or 15 years (child victim) in prison (Carpenter & Gates, 2016). But, as mentioned earlier, interviewees for this project clarified that the 236.1 statute can also result in a sentence as low as probation only.

In 2005, San Diego District Attorney Bonnie Dumanis directed federal funding to the North County Anti-Trafficking Taskforce, which was operated out of the County Sheriff's Vista Sub-station in partnership with North County Lifeline, a wrap-around social services agency (California Department of Justice, cited in Carpenter & Gates). This task force consisted of law enforcement officials working on their overtime, in addition to their regular jobs; the task force instead saved the grant money they received to fund expenses associated with larger investigations. Other collaborations that began during the period included the interdisciplinary Bilateral Safety Corridor Coalition, the FBI's Innocence Lost task force, the San Diego Regional Anti-Trafficking Task Force, and community-based partnerships such as Churches Against Trafficking (CSEC, 2014).

Social workers, clergy, citizens, and researchers began to join the North County Task Force meetings to offer support to operations (Carpenter & Gates, 2016). Collaborative relations developed but capacity was limited by the scant resources available at the time. However, the relationships developed as a result of this task force laid the foundation for greater attention to human trafficking, and prosecution numbers by the District Attorney's office rose from nine cases in 2009 to 46 in 2013 (Carpenter & Gates, 2016).

Funding for the North County Taskforce temporarily ran out in 2010, but the synergy and

commitment between sectors to fight human trafficking and serve victims continued. County Supervisor Dianne Jacob collaborated with Sheriff Bill Gore and District Attorney Bonnie Dumanis in 2011 to encourage the group to continue meeting as a working group, and to advise the County on broader matters associated with human trafficking (Carpenter & Gates, 2016). This led to the forming of the San Diego County Regional Advisory Council on Human Trafficking and the Commercial Exploitation of Children (CSEC) that is the subject of this case study.[116]

The Advisory Council was formally established in 2011 to "complement the work of existing agencies and collaborative groups, [and] to serve as a catalyst toward comprehensive, systemic change addressing human trafficking and CSEC at a county-wide, interdisciplinary level" (CSEC, 2014, p. 7). As mentioned, it was initially comprised of seven sub-committees representing the various sectors that work with survivors of trafficking: Community, Education, Law Enforcement, Prosecution, Research, Victim Services, and Child Welfare. Subcommittees meet monthly and are open to the respective sector. All sub-committee chairs meet monthly to coordinate with one another and the Council's Executive Committee, which in turn reports to the County Board of Supervisors, the District Attorney, and the Sheriff (CSEC, 2014).

A Community Oriented Policing Services (COPS) Office grant from the Department of Justice awarded to Strategic Applications International (SAI) enabled the Advisory Council to hire a coordinator and to fund the 2014 summit entitled "Combating Human Trafficking—Best Practices for Today and Tomorrow: A summit coordinated by the San Diego County Regional Human Trafficking and Commercial Sexual Exploitation of Children Advisory Council." This summit brought together all anti-trafficking stakeholders in San Diego County to identify best practices and to create recommendations for countywide policy, in compliance with the Advisory Council's mandate (compiled in the report cited as CSEC, 2014 throughout this case study). These detailed recommendations have been a primary driver of Council direction and activities ever since.

Advisory Council Goals and Evolution

Advisory Council Goals. The Advisory Council's mission statement presents several principles and goals. Interviewees across sub-committees were asked whether their understanding and their assessment of the council's activities in practice adhered to the original mission statement, or whether they believed affairs had changed since 2014. The mission statement of the San Diego County Regional Human Trafficking Advisory Council is as follows:

The goal of the Advisory Council is to implement a holistic, countywide approach integrating the Four P's model of the U.S. Department of Justice: Prevention, Protection, Prosecution, Partnerships. It will focus on identifying best practices and promising trends, addressing the root causes of trafficking and exploitation, advance public policy,

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[116] Drs. Carpenter and Gates were both participants in and witnesses to this process (Carpenter & Gates, 2016).

standardize training protocols, and enhance victims' services by creating an optimized, seamless service delivery system (CSEC, 2014).

A majority of interviewees (n=15) explicitly agreed that the mission statement was still accurate, and eleven respondents stated that they would not amend the mission in any way from its original wording. This agreement among Council members was important because it highlighted the fact that members, regardless of their role or affiliation, agreed on the same objectives for participating in the Council.

It is a common professional experience that setting clear objectives and ensuring they are understood and agreed upon by all parties can be challenging in practice, particularly in large groups, and when certain stakeholders may disagree with each other on how to handle different issues. and when certain stakeholders may disagree with each other on how to handle different issues. Furthermore, several respondents went beyond the scope of the question to say that they think the Advisory Council is a vital addition to San Diego County's anti-TIP efforts and they are happy to be a part of it (n=11). The following statements exemplify the general sentiment regarding the Council's execution on the mission statement:

> *The institutional knowledge of [members] of the [Advisory Council] is invaluable.*
>
> – San Diego District Attorney's Office

> *Being able to work with [Advisory Council members] complements Victim Services. [We now] have a wider view of what's happening in the county regarding human trafficking.*
>
> – Nonprofit Service Provider

This collective commentary constitutes a glowing assessment of the Advisory Council from its members and affiliated task force participants, but it is important to note that its creation and development was not without hurdles. Some of these hurdles remain challenging. For example, seamless delivery of services to victims may require at least three different sectors to cooperate—law enforcement, attorneys, and victims' services. Building these relationships took a great deal of time and work.

Fostering an environment in which each group could openly state their concerns *and* feel heard by the others was key to breaking down barriers. Cooperation began to improve once each set of stakeholders began to understand one another's points of view, constraints, and capabilities, including learning one another's triggers. This required much work over a significant period of time by the stakeholders, assisted by Council members trained in conflict resolution. As put by one facilitator:

> *Social service agencies and law enforcement didn't get along at first. Even communicating in each other's languages was difficult. People were speaking past each other in technical terms or jargon. Learning these languages and how to respect others' contributions was key. Trust is key. Teaching people not to speak in code. Having a common purpose is unifying – this process is ongoing. Took a couple years to get over*

226

[the] first hurdle. Some people left, but others decided to stay.

– Research and Data Committee

Achieving agreement on the idea that all parties shared the common goal of helping victims was the key to productive dialogue and cooperation, according to several interviewees. The ability to work in tandem continues to improve as the Advisory Council increases its tenure. As noted by one respondent since the COPS-funded 2014 CSEC report:

[The] seamless provision of services is [hard] and can be difficult… Everyone has had a hand in doing this and [things] are better [now] than in 2014.

– San Diego City Attorney's Office

None of the goals provided in the Advisory Council's mission statement are easily achievable; they are only manageable with collective effort from stakeholders across disciplines. In another example, several respondents mentioned that the number of beds available to survivors of human trafficking has increased since the Carpenter and Gates project and reiterated that this success is the result of the Council's performance and cooperation. Another interviewee stated that she has worked in the field for nearly two decades and the Advisory Council is:

…doing what [I] used to pray for…agencies didn't speak to each other. They all play nice now in the same sandbox. [This benefits the victims because] they don't have to retell their stories and be re-victimized. If each agency [does] different things, a holistic effort [between them gets victims] from point A to B.

– San Diego City Attorney's Office

Council Evolution. Respondents were next asked to describe the evolution of the particular sub-committee they participated in from the Council's beginning until the time of the interview. Since each sub-committee had a unique genesis process, the following process models (Figures SD2-SD4) were created to summarize three general origin processes commonly described among all sub-committees (again, Community, Education, Law Enforcement, Prosecution, Research, Victim Services, Child Welfare, and now Survivor Voices and Health Care), starting with the initial catalysts.

Figures SD2-SD4 demonstrate the ability for sub-committees to emerge in very different ways, and this flexibility serves as a strength of the Advisory Committee. Whether the justification for creating a new sub-committee is to solve a particular problem or to address a need that requires focused attention, sub-committees can be organized with key stakeholders to produce real outcomes. Once created, sub-committees work in the following way: 1) sub-committee chairs and co-chairs are voted on and serve a specified term; 2) volunteers within each sub-committee may take on a greater role and lead their own initiatives if they choose to; and 3) stakeholders in each community (i.e., law enforcement or child welfare) may attend the corresponding sub-committee meeting even if they are not official members.

227

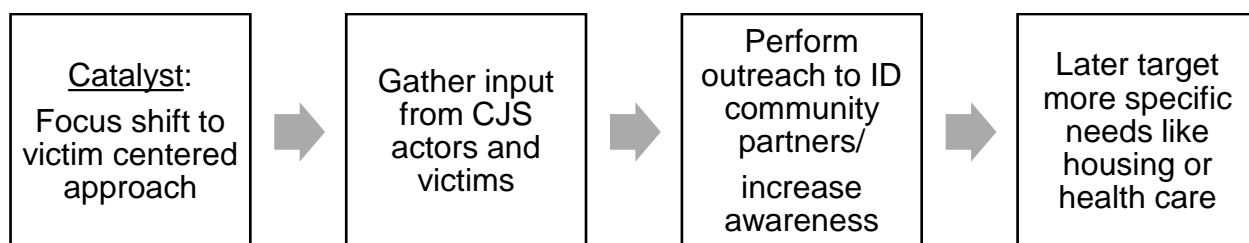**Figure SD2. Sub-Committee Formed to Address a New Issue or Change in Focus**

| Catalyst:\nFocus shift to victim centered approach | → | Gather input from CJS actors and victims | → | Perform outreach to ID community partners/\nincrease awareness | → | Later target more specific needs like housing or health care |

Figure SD3. Sub-Committee Formed to Resolve Concerns and Build Cooperation

| Catalyst:\nOngoing turf wars | → | Create sub-committee to serve as informal response | → | Focus on communication between agencies/\nprograms/\npeople | → | Unification efforts are still ongoing |
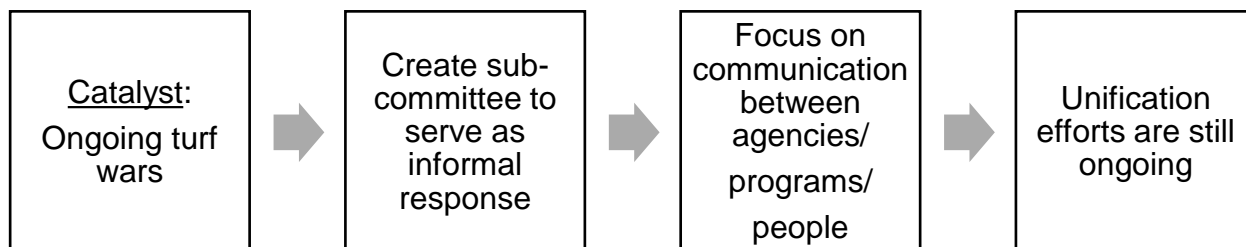
Figure SD4. Sub-Committee Evolution Resulting from a Change in Leadership

| Catalyst:\nNew Chair | → | New Chair implements new mentality | → | Sub-committee's goals are broadened |

Detailed Logic Model

Figure SD5 presents the detailed logic model showing the problem the Council was formed to address, the assumptions on which its work is based, the inputs or resources and activities, and the short- and long-term outcomes theorized to result from the Council's activities and produce an ultimate reduction in trafficking, if successful. Given the focus of the present project on prosecutors, the model is necessarily focused on how the Council and its activities are theorized to affect prosecutorial processes and outcomes.

The problem is that identifying, investigating, prosecuting, and preventing TIP cases is only possible when a coalition of multiple stakeholders works together, and that problems with cooperation between stakeholders can hinder these efforts. Priorities include securing justice for victims, holding offenders accountable, and reducing TIP in the community by focusing on the Four P's of the TVPA. Important assumptions are that differences between partners can be worked through, that partners share the goals of victim protection and perpetrator accountability, and that results are possible through Council activities even though larger variables that contribute to vulnerability for trafficking, such as the needs for more economic opportunity and culture change around trafficking, must also be addressed.

Figure SD5: Detailed Logic Model, San Diego County Advisory Council

229
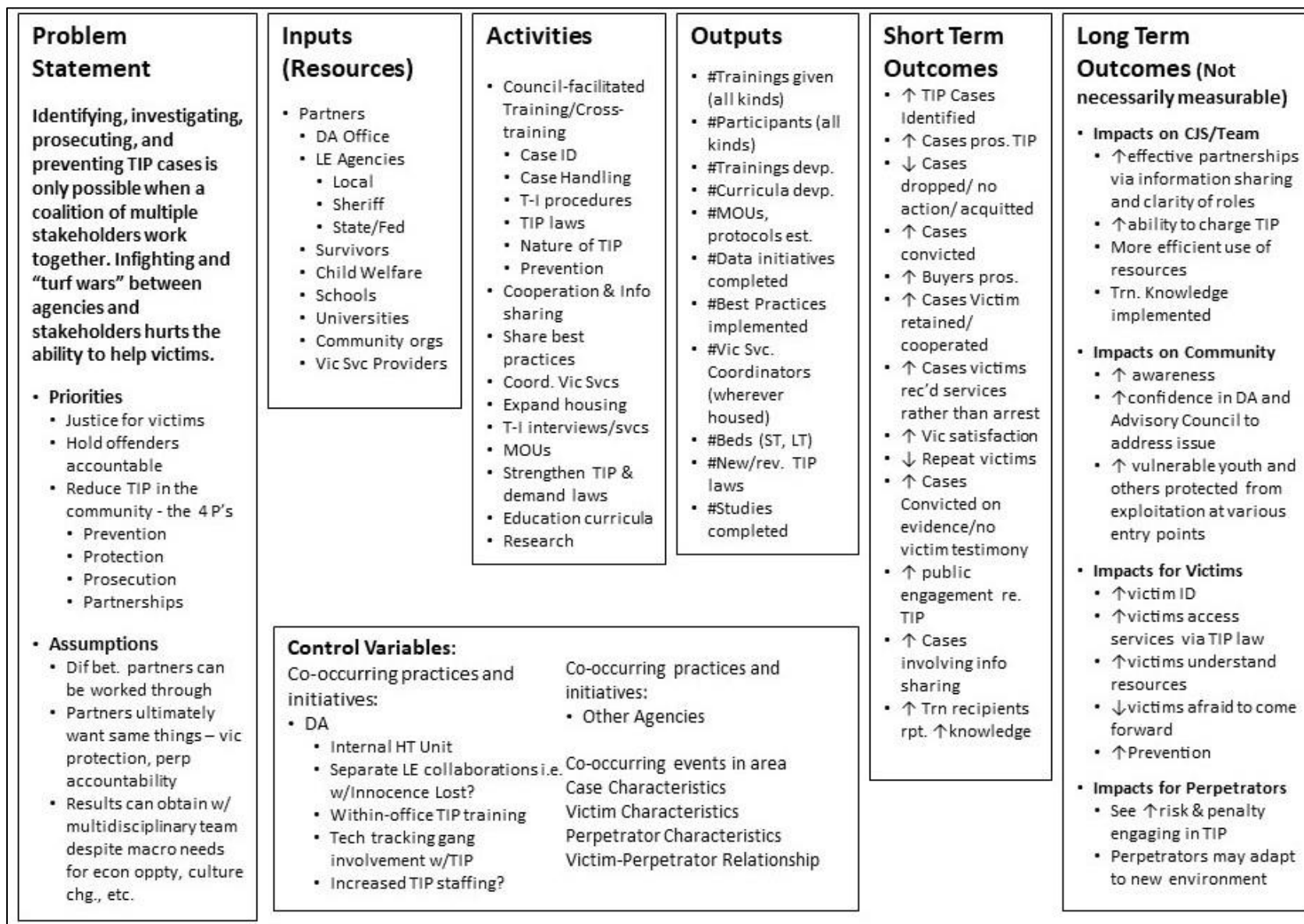
Important inputs include the various partners and funding. Activities include Council-facilitated training in a multitude of areas, such as the nature of traffic, TIP laws, case identification, case handling, trauma-informed procedures, and prevention. Activities also include cooperation and information sharing, sharing best practices, coordinating victim responses and services, expanding victim housing options, facilitating MOUs between partners, building education curricula, and strengthening TIP laws—including laws addressing demand.

Outputs include counts of each of these activities. Theorized short-term outcomes include increased numbers of cases identified, prosecuted, convicted, and sentenced; increased numbers of victims receiving services, and increased numbers of people who retain and use knowledge learned from training. Long-term outcomes, which were not measurable for this case study, but which guide the motivation of the Council and its sub-committees, include impacts on the criminal justice system such as increases in effective partnerships and ability to charge cases using the TIP statute, more efficient uses of resources (due to elimination of double work between partners), and training knowledge being implemented in practice. Long-term impacts desired for the community are increased awareness of TIP, increased confidence in the justice system to respond to TIP, and an increase in vulnerable youth and potential victims who are protected from TIP. Desired impacts for victims include increases in identification, access to services, understanding of resources, and victimization prevention, along with decreased fear of reporting. Long-term impacts for perpetrators desired include increased perception of penalties if they engage in trafficking, though they do share information with one another and may adapt to the changing environment.

This case study was able to measure some of these short-term outcomes via the quantitative case file analysis; while it was not possible to tie such outcomes to specific Council activities, trends over time are presented from 2010-2017. Some insights on progress toward the desired long-term outcomes could also be gleaned from the qualitative interviews. The following sections thus present qualitative interview findings on the following areas of Council and sub-committee activities: relationship and partnership building, training, research, advocacy, and community initiatives.

Relationship and Partnership Building Process

Overall Council

The majority of interviewees (n=11) emphasized that the relationships developed in pursuit of Council objectives did not materialize out of thin air. They consider the development and growth of these partnerships and collaborations between stakeholders and sub-committees to be the most important way that the Advisory Council has strengthened San Diego County's response to trafficking. At least four respondents stated that the breadth of the Advisory Council's membership has also expanded over time to include other sectors. For example, four respondents mentioned the addition of the Survivor's Voices sub-committee, and two respondents discussed the increased level of community involvement in all sub-committees. For

example, a Research sub-committee respondent indicated that at least 15-20 additional people attend their meetings every month compared to when it was founded.

Lastly, three interviewees stated at the time of interviews that there was a ninth sub-committee in formation— medical/mental and behavioral healthcare. A need for special focus in this area was identified due to various health impacts that trafficking has on victims, and because medical providers—especially hospital emergency departments—may be the first system actors to interact with a victim. Since these interviews, the sub-committee officially launched, and one of their first charges is to develop protocols to identify and assist TIP victims that come into their practices. It is clear that the Council works to fill gaps as they are identified, and these cross-sector partnerships are thought to create an environment that fosters new ideas (n=5).

When asked for general examples of how the Advisory Council complements the ongoing work of existing agencies, a stated purpose of the Council's creation, many respondents (n=14) stated that sharing information across agencies has led to better informed training materials and program initiatives across the board. A few examples include the San Diego Courts' needs assessment that now uses a trauma informed lens; better general knowledge about the resources and services available to trafficked victims across the county; a probation officer that runs a girls' facility who now accesses needed resources and training through Council relationships; and education programs in schools that have launched, such as the Girls Only Campaign (since followed by a Boys Only Campaign).[117] Several of these initiatives and more Council accomplishments are discussed in the following sections, beginning with the formal launch of the San Diego County Regional Trafficking Task Force (HTTF), with an eye toward understanding the processes and challenges involved in launching each.

Human Trafficking Task Force (HTTF)

A key achievement resulting in part from Council efforts is the formalization of the S3an Diego County Regional Human Trafficking Task Force (hereafter the HTTF) in 2015. The HTTF unifies the different task forces that operated on and off in the county previously. The SDDA facilitated the discussions with law enforcement agencies, formed a governing Executive Council, and laid out parameters for the HTTF's operation. The District Attorney was also instrumental in securing commitment from the Sheriff's office and the California Department of Justice (CalDOJ). The SDDA guaranteed two investigators and a prosecutor from their staff to be co-located in HTTF offices—interviewees mentioned that this was unheard of with other task forces in California.

HTTF members also include the San Diego Police Department, California Highway Patrol, California Parole, San Diego County Probation, and the FBI. Interviewees said that various law enforcement agencies drop in and out of the HTTF, while a core group remains constant. The task force has member agencies that provide dedicated investigators who come

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[117] Since data collection was completed for this case study, the Girls Only/Boys Only trainings were re-branded in 2019 as "Project Roots."

into HTTF offices daily for work, while other agencies provide services or investigators as needed, such as the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), U.S. Customs and Border Patrol (CBP), San Diego Schools Police Department, and other municipal police departments.

All members of the HTTF meet every month. They respond to cases and plan proactive operations like sex buyer stings for which they put together arrest teams, interviewer teams, victim response teams, and so on. The task force concept was originally sold to all the chiefs by explaining that "everyone gives one body to the task force, and if you have an operation [or case] in your city, you will have the task force to help… You give one body and get sixteen" (Law Enforcement respondent). This model was based on the gang task force in Riverside, CA and the federally-funded High Intensity Drug Trafficking (HIDT) task forces, as well as other task forces in San Diego such as the Regional Auto Theft Task Force, the Violent Crimes Task Force, gang task forces, and the JUDGE task force (Jurisdictions United for Drug and Gang Enforcement). Respondents advised that there are MOUs in place regarding use and provision of office space, equipment, and funding.

The SDDA participates on the HTTF regarding legal questions, sometimes observes undercover operations to target sex buyers and/or identify victims and participates in the monthly open briefings. Respondents noted that this interagency information sharing is critical not only for individual cases, but to understand larger trends. The HTTF also trains others in local police departments, other prosecutors, and community stakeholders. These trainings are described in greater detail later.

One prosecutor discussed how enlightening attending the monthly task force meeting was for her. She had not realized how many simultaneous investigations were going on and how much work and time was required before cases even get to her office. She mentioned gaining a new perspective upon realizing that many investigations never make it to issuance. Sometimes it takes multiple attempts before victims are ready to leave; "the number and quality of contacts the task force members have with the victims is important in victims' eventual decision to get out of the life" (Prosecutor). These lessons learned and regular investigation updates help prosecutors to be more effective.

RISE Court

San Diego also launched the trafficking-specific RISE court in 2018 after Council members, led by Juvenile Justice leaders, visited similar courts in Los Angeles and Alameda Counties. Like Miami's G.R.A.C.E. Court, a dedicated judge spearheads those activities with help from law enforcement, prosecution, public defenders, health and human services, and child welfare. Together they are working out processes and procedures such as victim screening measures, placement for victims (particularly if the family home is unsupportive), operational structures, and victim-centered court procedures. The RISE court was made possible by relationships built and facilitated through the Council.

Multidisciplinary Team (MDT) and the CSEC Rapid Response Protocol

A major goal for the Council at its formation was to facilitate implementation of a multidisciplinary response team (MDT) and a 90-minute rapid response protocol specific to CSEC victims. This goal was accomplished by the SDDA, the HTTF, and other law enforcement in tandem with Child Welfare, Victim Services, the Juvenile Justice system, and Probation as part of a holistic case response; these stakeholders comprise the MDT.

The California state mandate to develop the CSEC Interagency Protocol came through SB855 in 2015 following the passage of federal bill HR4980 in 2014. The mandate called for an interagency agreement between child welfare, probation, juvenile court, behavioral health, and public health services. Since the HTTF and the MDT were already in place as a result of Council efforts, creation of the formal protocol was a natural continuation of existing work. As a result, drafting the 50-page protocol for team use was surprisingly smooth. It was signed in within only two months.

One challenge they had to implementation was getting child sex trafficking designated as a crime that was within Child Welfare's jurisdiction to investigate. Ramsey County had to overcome a similar hurdle. This legal change did not happen in California until 2016. When the change was made, training others to understand their newly mandated reporting/cross-reporting responsibilities to child welfare was a challenge, but these were characterized by interviewees as typical implementation difficulties. The protocol is now in its third year of use and interviewees report that coordination of rapid responses is much improved.

The CSEC rapid response protocol works in the following way. All calls for a formalized, 90-minute rapid response come through the 24-hour child abuse hotline housed at Child Welfare. Law enforcement normally makes this call, though community members can also call the same hotline via a separate incoming number. The RISE court for girls is also contacted when the multidisciplinary team is planning an extraction. The on-call social worker screens these incoming calls to determine the appropriateness of a rapid response deployment, although normally the call is from a law enforcement officer with a victim already in hand. Another emergency response team is run by North County Lifeline, but their hotline number is exclusive to law enforcement.

One perennial challenge when coordinating an extraction is finding available emergency shelter for the victim. Prior to forming the MDT and developing the rapid response protocol, law enforcement would often be in the position of making a long series of phone calls to try and secure a bed. Since the time of these interviews, San Diego has partnered with the REACH coalition[118] that gives the MDT the ability to call one central phone number and then REACH members contact partners to find available emergency beds. This further streamlines the response because this can be going on while law enforcement and child welfare are freed up to

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[118] https://www.nclifeline.org/project-life-goal-five

provide more comprehensive immediate victim response.

Having a multidisciplinary team and response protocol in place, with clear definitions of roles and responsibilities, makes it much easier for the HTTF to quickly provide comprehensive, trauma-informed assistance to a victim in crisis than previously, when police officers struggled to coordinate ad-hoc emergency responses. "That's beyond the cop's job" (Prosecutor). A Child Welfare interviewee has recommended, as realized during a recent large operation, that a victim assistance center should be created that can mobilize quickly and function like disaster response unit that arrives to a victim in crisis in tandem with law enforcement. She said that the council is working on this. Coordination between MDT members to provide such resources is ongoing; lessons learned from every rapid response undertaken are applied to improving the next one. While it was acknowledged that turf wars and differences of opinion still exist, several respondents (n=6) noted that this level of information sharing, trust, and coordination between sectors did not occur before formation of the Council.

Service Providers

To answer the charge in the 2014 COPS report to expand services for survivors, including housing options, partnerships have been a crucial element even if the process has been a little rocky. Interview respondents noted that there has indeed been expansion in available services. Children of the Immaculate Heart is developing a residential program for minors, though at the time of interviews they were still "jumping through the hoops to get licensed and start the work" (Service Provider). Another organization was opening a recovery program through which survivors could move into transitional services that would guide them toward independence. Catholic Charities had opened a 20-bed emergency facility where women, women with children, and transgender survivors could stay for about four months, but they have since closed their facility. The Salvation Army has also opened a shelter facility.

Several interviewees described the ability to gain needed connections and support coming from relationships built via Council activities. However, not all interview respondents were sure how large a role the Advisory Council has played in these services expansions. One respondent credited individual private sector initiatives instead. While she acknowledged the need for collaborations, which are recognized and promoted by the Advisory Council, she felt that the process of building those relationships has been "touch and go." She was not sure what the Council could materially do to expand services since they are not a funding agency.

Service providers also expressed differences of opinion regarding service delivery approaches, such as maintaining a small, intimate, controlled residential environment for survivor recovery versus centralizing service delivery in a one-stop shop. One service provider did not think centralization was a great idea. She mentioned that research shows that placement in smaller environments is more effective for survivor healing. She said that some centralized providers are so huge that victims have to "run the gauntlet" to find their provider and that this

can trigger a trauma response. Another service provider was in favor of co-locating services if they could work through financial barriers, logistics, and figuring out where it will be housed.

It also appeared that neither of those interviewees were aware that the recently launched $1 million contract that Child Welfare has through the County with San Diego Youth Services (SDYS) includes launching a one-stop shop for co-located services as part of its mandate. Through this contract, SDYS started the iCare program to serve present CSEC victims and at-risk minors. iCare opened its doors in 2017 and is part of the 90-minute rapid response protocol. Thirty-two of California's 58 counties have so far opted into the state's available funding to develop similar capacities. iCare has a drop-in center, outpatient mental health clinic with case management services, mental and behavioral health services, group and individual counseling, employment and education counseling, crisis intervention, after care services up to age 21, a caregiver/family component, and help for achieving resilience. Foster parents can also receive services to help them support a survivor in their care. Furthermore, as of January 2019, the Family Justice Center in San Diego is now screening and providing resources for victims of trafficking that present to their facility as domestic violence victims.

So, services and housing options are expanding even if it happens in fits and starts. Building the necessary relationships and organizational capacity sometimes requires a lot of listening by stakeholders to each other's concerns, along with commitment to working through trial and error in response implementation. It also appears that there are still some communication gaps with respect to different stakeholders knowing what others are doing to expand and improve victim services in San Diego County.

Child Welfare and Foster Care

Part of the service response to sex trafficked minors often includes finding appropriate foster care placements for CSEC survivors that are unable to return home for various reasons. This is still a challenge; there is stigma around trafficking victims because of former involvement in sex work even though understanding about TIP has improved. Seven interviewees also noted that they have seen an increased need for multiple-child placements. Respondents said that San Diego County is improving in understanding these minors' tendency to run away as a coping mechanism, and the resulting need for a harm reduction approach vs. the punitive approach of law enforcement, as well as the level of effort it takes to serve those youth. Social workers play a critical role in training law enforcement to understand it. San Diego Child Welfare is also part of a state-level working group to train others on the needs of trafficked youth as a special population served by Child Welfare and Probation. It is hoped that the influx of per-child funding to care for these children in a variety of settings (congregate care or home-based) will allow for more focus on quality of care and victim stabilization.

However, it is important to understand that peer recruitment into trafficking is also a risk in certain foster care placements. Staff is being trained to prevent this. In the cases of very vulnerable children, or a child that gets labeled as a recruiter, single-child home placements can

be more effective. They are also providing age-appropriate training to youth they come into care, to empowers children to resist recruitment themselves or for friends. Child Welfare believes that this type of empowerment is the longest sustainable prevention measure. They are also learning—and teaching—that providing a loving response every single time a survivor returns after "AWOL-ing" communicates to the child that they always have a safe place to go.

Fourteen interviewees across disciplines stated that the Child Welfare sub-committee compliments their operations in a critical way because systems for minors can be very difficult to navigate. They agreed that this requires specialized expertise across *all* youth systems, including juvenile courts, juvenile probation, the County Office of Education, and others. Right now, there seems to be one key individual mentioned by many that supports and enforces the specific procedures for handling the trafficking of minors within the juvenile division of San Diego County, including execution on the formal protocol developed for CSEC victims. Spreading the responsibility across more individuals for executing this protocol competently and in a trauma-informed manner might alleviate the burden that largely rests right now on a single, though very talented and dedicated, individual in Child Welfare.

Training

When the Council was beginning, training was the first priority. All disciplines represented on the Council and NGOs were trained first. Trainings then branched out to schools, which are one of the most common recruitment sites for minor victims (Carpenter & Gates, 2016). Including survivor-presenters in some of these trainings was reported by interviewees to be extremely effective. One survivor in particular advised prosecutors on how to relate to victims who have experienced this type of trauma—how to sit, interact, what to wear, and things to avoid that would intimidate victims. For example, she said "Don't look like a lawyer, like, don't bring files and don't wear suits. [We are also] more comfortable with females, more comfortable with a female than a large male" (Prosecutor, directly quoting survivor presentation). Since the Council launched, a variety of trainings have been built, delivered, refined, and expanded upon.

Trainings by and for Criminal Justice and First Responders

Law enforcement and prosecutors across the board receive an extensive training on TIP every two years. Prosecutor members also conduct training, together with law enforcement and other Council members, to other local police departments and other professionals, and they participate in community education campaigns with stakeholders from a variety of disciplines.

Who they train. Trainings provided by HTTF and Council members include police lineup/roll call trainings; more extensive trainings for detectives; and trainings for federal agency personnel including supervisors at the Naval Criminal Investigative Service (NCIS), lawyers from the state bar, judges, Harbor Patrol, fire fighters (including a representative that can train others in firehouses), the hotel industry, parent groups, churches, synagogues, mosques, and

others in the faith community.

The HTTF never turns down a training request, and they "get slammed; the number of requests seems to increase every month" (Law Enforcement respondent). However, per several interviewees, the Council does not yet formally track the number of these requests because there is no single point of contact that receives them. HTTF and SDDA-provided trainings cover a variety of topics such as victim identification, trafficking dynamics, trauma associated with trafficking, and best practices for various responders across disciplines.

Victim identification. Most interview respondents emphasized that training has been absolutely key in increasing victim identification in San Diego County, and that many more cases are now identified and referred in by all manner of stakeholders (schools, nonprofit organizations, law enforcement, and more) because they now know what signs to look for.

> *Other divisions and judges are starting to spot it now in other cases and ask for help when they notice it. It's breaking down barriers with public that it's OK to call the hotline; people were afraid to call before if they might be wrong. Explaining importance of [looking at] runaway juvenile reports has also been important.*

> – SDDA Prosecutor

Training the community on the reality that TIP is not a purely international problem presents an ongoing challenge. These community trainings thus constitute extensive prevention work by widening people's understanding as to who can be a victim. One law enforcement interviewee noted that the involvement of NGOs that can identify victims that police are unaware of has been a boon. This officer also mentioned the critical role of the Carpenter and Gates study in providing data on local victim demographics that they now use in training. He discussed the trend in recruitment of girls in high school by their classmates, but he also stressed the need to train boys: "They have learned that this [pimping] is a cool thing and it's not." While he did not have exact numbers, he revealed seeing more trafficking victims identified during investigations of other case types than were identified previously, and he thinks it is because of this training.

While comments on the various trainings were generally positive, several respondents referenced a need for more frequent training of criminal justice actors due to regular legislative changes and agency staffing changes (n=14). Most of these respondents stated that the ever-changing natures of policy and law also require additional training for Council members as it expands. Furthermore, proponents of continuing education suggest that such training extend past Council membership to include additional local police departments, employees at important trafficking venues and entry points (e.g., hotels[119] and casinos), law schools, healthcare professionals, and even the creation of a free online course for others that may be interested.

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[119] Nine respondents mentioned consensus that hotels and motels are an important outlet for outreach campaigns (e.g., training, certification as 'safe' hotels, sharing handouts, etc.). This follows from California's SB 970 requiring hotel training for all staff members who encounter the public.

For Schools

Providing education on TIP in schools, to staff and to students, is now legally mandated per California's AB-1127.[120] Four respondents described the state-wide "Protect Her" training as excellent, as well as the interactive "kNOw More" training that uses drama techniques in churches, schools, and probation facilities. Several respondents also mentioned the "Girls Only" training described earlier, now known as "Project Roots." One interviewee emphasized the importance of teaching resilience across all trainings, especially for kids with military parents that are deployed and may thus not be present in the home. Training in schools began first with administrators, then principals, and then teachers. As a result, when curricula are presented to students, teachers are ready to respond if a student discloses victim status.

Relatedly, there was emphasis in the COPS 2014 report on promoting information sharing between school districts and victim services case managers or other local coalitions in cases where trafficking was suspected. Of the other education and school-focused training, awareness, and mandated reporter goals recommended in that report, this goal was considered impossible despite agreement among sub-committee members on its necessity to protect vulnerable youth. There were also legal issues around information sharing and protection of privacy that presented challenges to accomplishing this (Assistant District Attorney). However, an information sharing agreement was finally drafted and signed that passed legal muster; information on the Global Oversight Analysis Linking Systems (G.O.A.L.S) Memorandum of Understanding (MOU) is available via the link in the footnote at the bottom of this page.[121] Its objective is to "provide children and families with a comprehensive safety support system by reducing systemic barriers, focusing on a common goal, and promoting systems change" by facilitating sharing of information. Once the legal issues were solved, the educational system in San Diego began sharing relevant information to serve students at risk or in need.

One law enforcement investigator noted that there is increased victim identification occurring in schools as a result of trainings provided—at least five or six cases a month are now referred to police from the school system. He also talked about increased training requests received from schools; he estimated having done 15-20 such trainings during just the first five months of 2018. The newly formed San Diego Trafficking Prevention Collective[122] presently coordinates a great number of these trainings since its launch later that year. According to a follow up interview, early indications are also present that the G.O.A.L.S. MOU is leading to increased victim identification as well (Assistant District Attorney).

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[120] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB1127.
[121] https://www.sdcoe.net/student-services/student-support/Pages/Cross-System-Collaboration-and-Information-Sharing.aspx
[122] www.SanDiegoTPC.org.

Research

HT-RADAR research collective. HT-RADAR is a research collective housed at Point Loma Nazarene University that serves as a clearinghouse for human trafficking-related research in the San Diego/Tijuana region. It also facilitates or conducts a significant number of applied and academic trafficking research in San Diego County. The NIJ-funded gangs project in San Diego (Carpenter & Gates, 2016) was instrumental in getting HR-RADAR established and putting it "on the map" as an entity engaged in innovative and useful work.

HT-RADAR is working with the sub-committees on using the findings from the gang study to support the legitimacy of their work. The Public Safety Group (law enforcement and the SDDA), under County auspices, has decided to fund HT-RADAR's work with a five-year contract. The DA's office also funds a new annual research conference that began in 2017 and attracts attendees and presenters from across the county and the country. New trafficking research is already being designed with the San Diego Unified School District and other interested stakeholders as a result of relationships made at this conference.

A number of initiatives have developed as a result of HT-RADAR's work, which includes hosting the quarterly meetings of the Research and Data sub-committee of the Council. For example, law enforcement created a survey for use in its stings to get more data on sex buyers. Social service providers including Generate Hope, the Alabaster Jar Project, and others participated in a project with researchers that they used as an opportunity to standardize their intake forms. Stakeholders in all groups, especially victim services, want their outcomes measured now and many new research and evaluation projects are in development.

Law enforcement evaluations. The COPS 2014 report especially encouraged law enforcement to begin evaluating its efforts to combat sex trafficking. Investigators interviewed mentioned that they had just started counting the number of victim recoveries. The HT-RADAR research collective, formed under the aegis of the Council's Research and Data subcommittee, is conducting a project to analyze how useful law enforcement's new intake forms are for collecting actionable information. One respondent noted that they should also start counting cases where one police department assists another—this work is not currently counted.

Past these initiatives, law enforcement respondents struggled to see how evaluation was possible in practical terms, given that human trafficking is a largely hidden crime. For example, what does one use as a basis from which to measure reduction in prevalence if one does not have solid information about the starting point? Calculating TIP prevalence rates comes with a host of difficulties, as has been discussed extensively in previous research (Hopper, 2004; Dank et al., 2014; USDOS, 2018; Weitzer, 2013, 2014).

Law enforcement did mention a study conducted by members of the HT-RADAR research group that attempted to measure effectiveness of the HTTF. They looked at investigative case records and found that case numbers and the strength of case evidence have progressively increased every year. Raising awareness leads to higher case numbers, since more

victims are identified and reported (a positive), but law enforcement felt this was an unusual measurement for gauging success. They agreed that it was difficult to measure success of the human trafficking task force with traditional methods. One method they tried as a pilot test was to have the "Bunch of Guys" group, described in more detail below under community volunteer mobilization, post decoy sex ads the day after a sting operation and see whether there was a significant drop in buyers attempting to purchase sex after the sting. Efforts to find other ways to effectively evaluate HTTF activities continue.

Advocacy: Reducing Demand

Strengthening laws to combat demand for commercial sex, a Council goal, has proven challenging. While advocacy has not yet resulted in changes to demand laws such as increasing incarceration penalties for buying commercial sex, existing laws are now better enforced. For example, buyers can no longer plead to reduced charges such as disturbing the peace. Other types of penalties have been somewhat increased so that buyers must now go to a 9-10 week class and learn the real cost of purchasing sex, including attending a survivors' night, and can no longer simply pay a fine and attend a one-night class. The most common statement prosecutorial respondents mentioned hearing from john school attendees is that buyers do not think about trafficking when they are purchasing sex. Separately, a study by the CEASE Network that surveyed 8,000 men in 12 cities, including 500 from San Diego, found that most respondents were more concerned with consequences to their personal lives if caught purchasing sex than whether their provider might be a trafficking victim. However, one interviewee stated that those who attend the longer "john" schools now manifest a recidivism rate of less than ten percent, suggesting that the longer programs may be changing some minds.

An additional complication to strengthening demand laws at present, one that demand laws hold in common with drug possession laws, is the pattern of reducing several crime classifications to misdemeanors to relieve prison overcrowding in California. Toughening demand laws is thus a lower priority for the California legislature. There has also been talk reported of increasing fines and using those for a trafficking victims' fund, but this has not been passed into legislation yet.

One officer respondent believes that if demand is reduced, supply will also reduce, but opinions on this issue vary widely in the legislature and among the advocacy community. For example, the national sex workers' rights movement advocates for the decriminalization of consensual sex work. They argue that decriminalization would provide more safety for sex workers as a whole and reduce harm to non-trafficked workers that are swept up in trafficking sting operations. By its nature, this movement advocates for safer working conditions rather than reducing demand. Thus, these legal challenges and differences in perspective mean that achieving this recommendation has not progressed as quickly as many have hoped.

Community Engagement

Outreach campaigns

Community-facing outreach campaigns and trainings include various curricula presented by Council members from all sub-committees. The Council has carefully vetted and put several of these curricula out to the public via the new Education Collective, described earlier, with private funding from UBS, a Swiss financial company. They strive to train 300,000-400,000 youth in the county by 2021. There is also a public awareness poster campaign targeted to youth called "Disrupting Trafficking" and several others organized around special events, like the one focused on San Diego Comic Con called "The Ugly Truth" that included trolley stop signage, radio spots, flyers, and billboards. These multimedia programs targeted demand and were spearheaded and paid for by the SDDA and Child Welfare Services, supported by volunteers and the Community sub-committee. The CEASE Network used Google Analytics to track Internet search terms after "The Ugly Truth" and measured a drop in online purchase intent of 30 percent during that time. Thirty-three million views of the campaign were recorded, and there was a significant increase in hotline calls during that campaign as well. The Council plans to continue this type of work with the incorporation of more comprehensive outreach to Camp Pendleton and other military installations in San Diego.

The Community sub-committee has also now expanded from public outreach to include business outreach, including massage parlors and hotels. They have created a speaker's bureau through which they are trying to coordinate efforts to ensure presentations are kept accurate and current. Topics covered in community and industry trainings include, among others, state requirements for posting the hotline number in public locations such as massage parlors, hotels, and other establishments, and state requirements for all new hotel staff that encounter the public to be trained on TIP. Since these interviews, a hotel/motel working group has been formed, led by the Advisory Council, to organize training and information/hotline posting within the hospitality industry in San Diego County.

Community sub-committee facilitated training also covers the results of locally focused research, such as Carpenter and Gates's 2016 gang study, indicators of TIP, risk factors for victimization, and how to report suspected cases of trafficking in San Diego. They also cover red flags for parents, community members, and educators to look out for, and they talk about what members of the public should *not* to do if they a case of suspected trafficking—some actions can cause more harm than good if not taken with proper support. Prevention is also covered, along with gender-based violence dynamics generally, and why victims do not often self-identify.

Volunteer Mobilization

An important focus the Community sub-committee is to go beyond providing information to the public, but to give people something to do as a result. The Community sub-committee has created volunteer database to mobilize community members to help with a variety of initiatives—particularly in outreach. As the Council has matured, interviewees said that they

have also been marginally successful in having volunteers take over some initiatives from the sub-committee chairs. Volunteers serve as lead coordinators for a variety of initiatives, such as mobilizing street volunteers to pass out the flyers at Comic Con, and collecting, assembling, and providing first response "We Care" kits with some basic necessities for law enforcement to give recovered victims. Volunteers also decorated an interview room at HTTF headquarters to make survivors more comfortable. While the sub-committee's volunteer database contains about 500 members, a core of about 50-60 people cover most volunteer requests. These numbers represent growth over previous years.

Volunteer community associations have also facilitated access to job training programs, education opportunities, scholarships, internships, and employment fairs. They held a workshop for victim service providers in November of 2017 with representatives from apprenticeships and college programs, and service providers were able to gain information on opportunities they might offer to their clients. Another event was scheduled for June 2018 called "Thriving Towards the Future" with representatives from businesses, trade centers, and culinary and art programs coming to talk about opportunities with interested survivors. One victim service provider, however, thought that more expertise was needed in putting such things as employment fairs together. She argued that "traumatized survivors can't necessarily do 40 hours a week yet, and some jobs offered, like construction jobs, are a poor fit for individuals that still need help with basic skills first." She was not sure how much her concerns about this were heard at the time. However, the sub-committees on the Council continue to work together to learn from such experiences and to continually improve the initiatives they take on.

Three interviewees (two in law enforcement and one on the Community sub-committee) also talked about a group of volunteers called "Bunch of Guys," which was mentioned above. This group gets together once a month, notifies law enforcement to coordinate, places decoy sex ads on websites such as the former Backpage (now on SWitter, or Twitter for sex work), and then uses a script to talk to buyers that respond. Their script is vetted by lawyers to be sure it does not qualify as entrapment. They receive repeat callers even on that single night per month.

The big challenge faced, by the Community sub-committee especially, is that the sub-committee members are all volunteers themselves. There is no budget or paid volunteer coordination staff. Funding and manpower are two big challenges; respondents said it would be helpful to have someone whose paid job is to assist any of the sub-committees.

Ongoing Hurdles

Several ongoing hurdles that cut across the different sub-committees were identified by interviewees. The Council continues to work on addressing these challenges.

Data banks. There was a recommendation in the COPS-funded 2014 Council assessment to create a centralized data bank that documents perpetrators of human trafficking and its related

crimes. This project proved impossible at the time. The purpose of the data bank was to track traffickers and potentially identify members of their networks (e.g., establish known associates) and then these data were to be used to review the effectiveness of law enforcement efforts against them. However, collecting these data into a centralized location falls under federal regulations on the handling of intelligence, which must be verified with multiple sources and destroyed after five years. California had in place a similar project for gangs (CalGang), but detectives noted that CalGang came under criticism for containing bad and/or old information and including people who did not belong in it. Maintaining privacy for victims and perpetrators also presented a problem. In San Diego, there is a local law enforcement system named ARGIS that local law enforcement uses for all crimes. They can enter pimping or pandering as search terms, and names will be retrieved.

Relatedly, the ability to share data was also among the recommendations made or implied in the 2014 report for the victim services and education sub-committees. Creating this capacity is implied in the recommendation for Victim Services to centralize case management for survivors; one can surmise that one of the objectives for doing that is to make victim service provision more efficient than if a survivor has to keep contact with multiple agencies that may not know what the others are doing. For the education committee, the purpose of the data sharing recommendation was to enable schools to keep track of at-risk children; many schools have signed on to the Global Oversight Analysis Linking Systems (GOALS)[123] MOU described earlier. In both of these cases, as with law enforcement, the ability to share information to effectively assist trafficking victims and prevent future ones is balanced against data privacy laws and concerns, particularly involving minors. Navigating this balance is an ongoing concern.

Funding. Similar to most efforts to extend human trafficking work or any type of victims' services, securing increased funding is an area of concern. Four respondents from different sub-committees stated that the Advisory Council could not directly raise funding for the purposes outlined in the mission statement. Two reasons were given: 1) the lack of systems in place to do so and 2) a fear of appearing biased in terms of funding allocation. Two respondents attributed the serious difficulty San Diego County experiences in providing housing for victims to this lack of funding. Lastly, two interviewees discussed how funding, especially grant funding, can be detrimental to programming if that is its *sole* funding stream; based on their experience, when a grant ends, the program ends as well.

Business Buy-In. Although community buy-in was described by many as improving since the creation of the Advisory Council, business buy-in is still below optimal levels. It is unclear from the responses if this need is unmet because of a lack of outreach and awareness (i.e., in the hands of the Advisory Council) or an unwillingness to participate (in the hands of business owners). Two respondents discussed the potential untapped resource in these local business alliances by first describing their possible influence on policy. For example, if local hotel owners and operators are brought into the folds of the Advisory Council, they may be able

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[123] http://sdcoe.net/student-services/studentsupport/Documents/pupil%20services/20130917-goals-mou.pdf.

to provide information on their business routines that could inform policy change and best practices (e.g., what to look for when checking the identification of lodging guests).

Furthermore, local businesses and business owners can provide the opportunity to receive mentorship and on-the-job training to trafficking survivors seeking other work. Potentially, they might contribute space for training and educational events. Since these interviews were conducted, a business alliance called Employers Ending Exploitation has launched. As of this writing, the group was working through the earliest stages of determining its structure and composition, as well as how employers would benefit from membership.

Laws and Law Enforcement Tools. In terms of the Prevention and Protection aspects of the "Four P's" model, respondents were asked about the strength of laws and tools available to address the demand side of human trafficking in San Diego County. All five respondents across sub-committees that commented believed that the laws addressing sex buyers are *insufficiently* severe. There was agreement that a misdemeanor charge (or pleading to a misdemeanor) is insufficient to deter future sex purchases. Furthermore, eleven interviewees brought up punishing buyers regardless of whether the provider is a trafficking victim or an independent worker; otherwise, there is little incentive for traffickers to stop their profitable activities since they see themselves as filling a market demand (Carpenter & Gates, 2016). Per interviewees:

> *A bunch of drug codes were reduced to misdemeanors recently, making buying sex an even lower priority… the offense (buying) should be a felony. Reduce demand, then reduce supply… All of the same players are involved as before—they used to deal drugs and are instead selling people for sex now. They just write a ticket now…*
>
> -- San Diego City Attorney's Office

> *The drug dealers have decided that in their minds these victims are a reusable commodity…[we] are lucky to put them [sex buyers] in jail for the night…*
>
> -- San Diego City Attorney's Office

Thus, respondents across the Council commenting on this issue view strengthening demand laws and associated penalties as a priority for the Council, regardless of current challenges with misdemeanor crime classification in the California legislature.

Rapid-response Protocol. In their discussions about programming and policy, five respondents across sub-committees mentioned the 90-minute interagency rapid-response protocol for cases that involve minors, the development and implementation of which is considered a success. For adults, there is an adult-focused hotline that people can call to request help, but the immediate response presently involves only law enforcement. Additional help can be coordinated for adult survivors after the extraction, but there is not a multidisciplinary response put into action immediately as there is with minors. While use of the rapid response protocols for minors is increasing and successes are reported, more people across sectors need to be made aware of its existence and what it involves. Interviews indicate that all do not share a

complete understanding of what the protocol provides. That such a thing exists might also be more widely publicized to the public. While the hotline number accepts calls from private citizens, and there is mandated hotline-number posting in many venues, continuing and broadening these publicity campaigns is very important, particularly in a city with a sizeable transient population.

Diversion and Housing Options. Diversion programming and the specialized RISE court were described by two interviewees. The challenge identified is that there are inadequate support systems for cases in which a CSEC victim is diverted from prosecution for a prostitution offense (Safe Harbor) but is then sent home to their family without preparation. Therefore, parents, foster parents, or other legal guardians do not necessarily receive trauma-informed training to assist their children, and they may remain unaware of potential resources available to them. Furthermore, some family members may have their own issues (drug, criminal, etc.) that make returning home an unsafe option. While the number of beds in safe housing options is increasing, there are still well under 100 in San Diego County for the estimated 3,400–8,100 annual victims (Carpenter & Gates, 2016).

One interview respondent would like to see the Victim Services sub-committee merge with the Bilateral Safety Corridor Coalition to grapple effectively with this challenge, and in providing centralized victim services, but there are turf wars that prevent the merger at present. In addition, the National Human Trafficking Hotline calls the Bilateral Safety Corridor Coalition when they receive a tip, and the BSCC will not place a victim with any other agency. Child Welfare and Victim Services sub-committees are leading the Council in exploring solutions to these ongoing problems.

Training and Education. A majority of respondents (n=15) highlighted the importance of training of all kinds, especially in schools. However, as practitioners, academics, and policymakers are aware, minors are considered especially vulnerable to trafficking if they have risk factors like homelessness, experiences of trauma, and increased use of social media. As such, events should occur beyond the schools, in other places that youth frequent. Focusing solely on grade schools and high schools creates the potential to miss minors arguably more vulnerable to crossing paths with traffickers (i.e., runaways and other youth without a strong support network). Respondents identified potential locations for these events such as sporting events, group homes, large conventions, and other community-based events (n=8).

Furthermore, advertisements for these events should be posted in a wider variety of locations, like billboards and bus stops, to increase the likelihood of attendance. Efforts to do this have begun but should be expanded. Lastly, promoting community awareness about TIP has the ability to reduce potential barriers or unwillingness to report or contact the hotline[124] (n=12).

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[124] The information provided regarding the policies for hotlines was mixed. Respondents were asked to review policies for human trafficking and all three (3) interviewees responded differently: 1) made reference to a

Adaptations

One law enforcement respondent mentioned adaptations he has observed occurring in response to the development of San Diego County's anti-TIP work. However, rather than seeing the traffickers adapt their business patterns significantly, he spoke about seeing victims and non-trafficked sex workers adapting to a greater extent. Non-victims particularly have become savvier and have learned what to say either to get into services, or to avoid being charged and get back to work. It has made it difficult to tell who is having a difficult time leaving the life, versus those gaming the system. This officer prefers to err on the side that all are victims, rather than not connect someone to services. Critically, these interviews occurred in May 2018, which was prior to the takedown of Backpage.com and the passage of SESTA and FOSTA.[125] These significant developments vastly changed the landscape for how traffickers and non-trafficked sex workers advertise and solicit business by taking away the main advertising outlets that had been used over the last several years.

Quantitative Case Analysis

In addition to conducting the rich descriptive interviews about the history of the Council, the nature and structure of its activities, and progress made against the Council's goals, the project team also analyzed a sample of 72 trafficking-related cases out of the 303 related closed cases prosecuted by the SDDA from 2010 through the first five months of 2018. Basic demographics from those case files have already been presented. Below are presented a number of statistics regarding case characteristics, charge information, investigative techniques, evidence used, and outcomes seen in San Diego over the same period. While the various Council activities cannot be directly tied to outcomes of specific cases, presenting both types of information provide a more complete picture of anti-trafficking activities and prosecutions in San Diego County.

Table SD3, near the beginning of this case study, illustrated some basic statistics from the sample of cases, which showed a general increase in charges arrested, prosecuted, and convicted up through 2015 and then a slight leveling off. These were then matched against basic statistics from the total case population in Table SD4, which showed similar patterns in case numbers, though the number of buyers prosecuted and cases prosecuted using the TIP statute rose again after a low in 2016. 2017 also had a larger number of cases declined (11) than previous years. Five jury trials were completed without victim retention in the full population, but none of those cases were drawn into the random sample for these analyses. Perpetrator and victim demographics from the sample were also presented in the earlier tables, as well as a breakdown of different perpetrator-victim relationship types. As a reminder, for the sample, closed cases

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nationwide hotline, 2) another stated that these policies were in place (e.g., call 211), and 3) the last identified hotline protocols as a need/gap that is currently in the process of being addressed. Due to the lack of consensus, it appears that the latter respondent's statement is in fact true.

[125] The Fight Online Sex Traffickers Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) of 2018.

were pulled from 2010–2017 only so that year-over-year comparisons would be based on full twelve-month years.

Charges Arrested. The following tables break several of these statistics down into detail. Table SD9 begins with a tabulation of the top ten arrest charge types by year. Of the 256 arrest charges counted in Table SD3, 212 of them fell into the below top ten categories. Of these, pimping and pandering were the most common arrest charges across this sample of 72 sex trafficking and sex trafficking-related cases (64.6 percent of the top ten charges and 53.5 percent of all arrest charges). At least one of the state's human trafficking statutes was charged in 19 of the 72 cases (9.0 percent of the top ten charges and 7.4 percent of all charges arrested), with sex trafficking against a minor charged in 14 more cases than straight human trafficking. Sexual abuse of a minor rounds out the top five arrest charges in this sample.

Table SD9. Top Ten Arrest Charge Types by Year

Arrest Charge	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Pimping	1	4	6	13	14	9	10	6	6	69
Pandering	1	2	4	17	12	8	8	6	10	68
Human Trafficking	1	2	3	5	2	2	4	0	0	19
Sexual Abuse of a Minor	1	0	1	1	0	6	2	2	4	17
Trafficking a Minor	0	0	0	1	1	4	2	1	5	14
Drug Offense	0	0	1	1	2	2	0	3	0	9
Conspiracy	0	0	2	3	2	1	0	0	0	8
Misc.	1	0	1	0	4	0	0	0	0	6
Parole Violation	0	0	2	0	1	0	1	0	0	4
Threats	1	1	0	1	0	0	0	0	1	4
Totals (Top 10 Arrest Chgs.)	**6**	**9**	**20**	**42**	**38**	**32**	**27**	**18**	**26**	**218**

In 2012, California's Proposition 35 went into effect that revised California Criminal Code 236.1 to offer stiffer penalties for trafficking minors than previously, and it also redefined "duress" to be framed from the victim's point of view. With this shift, prosecutors began shifting to specifically charging trafficking *of a minor* for applicable cases. This shift is reflected in the data shown in Table SD9. As can be seen, a myriad of other charges attached to cases were also specified, with the next five top charges including drug offenses, conspiracy, parole violation, issuing criminal threats, and miscellaneous.[126] Other charges seen with far less frequency in the

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[126] How the different charges in California Code were grouped into these categories for analysis is shown in Appendix D, Table SSD1.

sample included robbery, sexual assault, committing prostitution, spousal abuse, child pornography, assault, and kidnapping.

Defendants. Table SD10 shows how these charges were distributed across the 97 defendants in the 72 sample cases. Each defendant can be charged with multiple crimes, so the totals in the right-hand column add up to more than 97. Again, pimping and pandering are the most common charges used in this sample, followed by the trafficking statutes. Alternative statutes were prosecuted more often in the full universe of cases as well: 80 cases involved a 236.1 charge, while 170 were prosecuted using an alternate like pimping or pandering without also including 236.1.

Table SD10. Number of Defendants Charged with Each Crime Type, by Year (Top 10)

Charge	2009	2010	2011	2012	2013	2014	2015	2016	2017	Totals
Pandering	1	4	6	10	9	7	8	6	7	**58**
Pimping	1	3	4	10	10	9	9	6	6	**58**
Human Trafficking	1	1	3	5	2	2	1	0	0	**15**
Trafficking a Minor	0	0	0	1	1	4	2	1	5	**14**
Sexual Abuse of a Minor	1	0	1	1	0	2	1	1	2	**9**
Conspiracy	0	0	2	2	1	0	1	0	0	**6**
Drug Offense	0	0	1	1	1	1	1	0	0	**5**
Misc.	1	0	1	0	3	0	0	0	0	**5**
Parole Violation	0	0	2	0	1	0	1	0	0	**4**
Threats	1	1	0	1	0	0	0	0	1	**4**
N=97 Defendants, charges not mutually exclusive										

Convictions. One hundred and one charges were convicted over the 97 defendants in this sample of cases. See Table SD11 for a list of charge convictions by year. This table shows *all* charges convicted, not just the top ten. Again, a single defendant can be convicted of multiple crimes, so the totals add up to more than 97 defendants as well, and again, pimping and pandering are the most common charges convicted. Ten convictions under the human trafficking statute were achieved in the cases pulled for this sample (13.9 percent of the 72 cases), which is 12.1 percent lower than the 26.0 percent of the 308 cases with convictions for human trafficking in the universe of cases—suggesting that the random sample of closed cases pulled underrepresents the number of convictions under the trafficking statute achieved by the SDDA during the study period by slightly less than half. The exploratory regressions presented later are weighted to correct for this source of statistical bias.

Table SD11. Convictions by Year by Charge Type

Charge Convicted	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Pimping	1	4	5	7	5	5	6	5	4	**42**
Pandering	1	1	0	7	3	2	3	3	3	**23**
Sexual Abuse of a Minor	0	0	0	0	1	0	0	1	5	**7**
Trafficking a Minor	0	0	0	0	0	3	1	0	2	**6**
Drug Offense	0	0	0	0	0	2	0	1	1	**4**
Parole Violation	0	0	2	0	1	0	1	0	0	**4**
Miscellaneous	1	0	0	0	1	0	2	0		**4**
Human Trafficking	1	0	1	0	0	0	1	0	0	**3**
Prostitution	0	0	0	0	2	0	1	0	0	**3**
Money Laundering	0	0	0	0	0	0	2	0	0	**2**
Robbery	0	0	0	0	1	0	1	0	0	**2**
Kidnapping for Prostitution	0	0	1	0	0	0	0	0	0	**1**
Sexual Assault	0	0	1	0	0	0	0	0	0	**1**
Sex Trafficking	0	0	0	0	0	0	1	0	0	**1**
Threats	0	0	0	0	0	0	0	0	1	**1**
N=97 defendants; charges are not mutually exclusive										

During interviews, one prosecutor mentioned that another important piece of progress on enhancing prosecution efforts is that judges are becoming educated on the dynamics of how trafficking manifests. She said that judges have taken a long time to grasp the concept of the "Romeo" model of recruitment and victim control, where the pimp makes the victim fall in love with him, and then uses that as a means to control her. While the Romeo method is probably one of the most common means of control—some pimps have said that if one has to resort to violence, they are not doing it right (Raphael & Myers-Powell, 2010)—convincing the courts of this has taken a lot of time and persistence. However, judge participation rates in continuing education training on human trafficking are increasing, and "slowly the judges are getting the message" (SDDA Prosecutor). The respondent also described the difficulty she had in one particular case convincing the judge that that a female can be a perpetrator.

In any case, with pimping and pandering, the burden of proof does not necessarily involve demonstrating force, fraud, or coercion. So, since the goal is to hold the perpetrator accountable and make the victim safe, prosecutors will prosecute and convict on whatever they can prove, as demonstrated in the other case studies. Also as described earlier, conviction for a

trafficking offense under 236.1 does not guarantee prison time, while pimping and pandering carry mandatory prison terms. Meanwhile, San Diego has achieved five TIP convictions without victim participation in the prosecution, so progress is being made in multiple areas in securing convictions of traffickers regardless of statute used.

Sentencing. While a trafficking conviction under 236.1 alone does not come with *mandatory* prison time, trafficking convictions in California *can* garner up to ten years in prison for an adult victim and 15 years for trafficking a child. For SDDA convictions, the weighted average amount of prison time received for all charges in this sample was 3.7 years, with a total range of 0 to 16 years. Table SD12 displays weighted average sentences by year for all charges, and when a trafficking charge is one of the charges convicted. So far, average sentences for trafficking are still quite low. The two columns to the right show that, in five out of the nine years captured in the sample, being convicted of trafficking does result in a greater average sentence than if a conviction does include California Criminal Code 236.1 as one of the charges.

Table SD12: Mean Sentences: Prison Terms and Probation Periods, by Year (Weighted)

Year	Cases in Sample (N=72)	Mean Prison Term All Charges (Years)	Mean Prison Term if TIP Charge (Years, N=23)	Mean Prison Term if NO TIP Charge (Years, N=49)
2009	1	5.0	5.0	0.0
2010	4	3.5	0.0	3.5
2011	6	1.3	1.0	2.0
2012	11	3.1	1.4	4.3
2013	11	2.2	4.8	1.2
2014	10	3.6	1.5	5.0
2015	11	6.6	10.3	5.5
2016	9	2.1	5.4	1.6
2017	9	4.0	4.5	2.3
Totals	**72**	**3.7**	**4.1**	**3.5**

Over the total period, conviction under the trafficking statute results in a 17.8 percent greater average sentence in this sample than conviction without a trafficking charge (weighted average 4.1 years vs. a weighted average of 3.5 years without a TIP charge). However, exploratory regressions of the impact of prosecuting the TIP charge on sentence length did not yield statistically significant results, even when employing small-sample regression methods and weighting to correct for charging decision proportions in the population. As a reminder, most convictions are by plea agreement, and most convictions are for pimping and pandering since those charges have minimum sentences in California; hence, the trend for average sentences to cluster in the low end of the range in each category.

Victims. Of the 102 victims, 12 were prosecuted for one charge or another—usually a prostitution charge or related offense. See Table SD13 for breakdown by year. Receipt of victim

support services was reported in the provided case file documents for seventeen victims, but again, these documents were redacted to protect victim confidentiality. The SDDA noted in interviews that all victims are offered connection to support services; detailed records of specific services offered were likely contained either in support documents not included in the redacted case summaries provided to researchers, or in case files belonging to a social worker or victim advocate kept separately altogether and not available.

Table SD13: Victims Identified and Recorded in Sample

Year	Number of Identified Victims per Year in Sample	Number of Victims Reported Received Services	Number of Victims Prosecuted for Any Crime
2009	3	0	0
2010	4	1	1
2011	8	0	0
2012	19	2	2
2013	16	2	1
2014	16	3	3
2015	11	2	3
2016	11	3	1
2017	14	4	1
Totals	**102**	**17**	**12**

Case Identification. In addition to examining victim services and charging, conviction, and sentencing patterns, the research team looked at patterns in case identification and use of digital evidence to build cases. Overall, case identification among sample cases was proactive (35 cases, or 57.38 percent) more frequently than reactive (26 cases, or 42.62 percent). See Table SD14 for case identification methods by year. Logistic and regression models found neither a statistically significant relationship between case identification method and case year, nor between case identification method and probability of conviction, sentence length, or whether or

Table SD14. Case Identification Method by Year

Year	Reactive	Proactive	Total
2010	2	2	4
2011	3	3	6
2012	3	4	7
2013	2	8	10
2014	2	7	9
2015	5	5	10
2016	2	6	8
2017	7	0	7
Total	**26**	**35**	**61**

not charges were brought against a victim. Nevertheless, this pattern shows that investigators in San Diego do not only react to tips but take a proactive role in identifying cases. The most common way this happens is through stings where law enforcement contacts escort ads to identify potential victims, or when the "Bunch of Guys" group places decoy ads to identify potential buyers in coordination with law enforcement.

Digital Evidence. A total of 234 instances of digital evidence were recorded in the sample files (Table SD15). This total does not include the counts in the two header categories of "web ads" and "cell phones," which count number of cases with each type of evidence rather than number of subtypes present. Files were coded for whether each type of evidence was present; the number of pieces of each type of evidence was not recorded. For example, if Backpage ads were part of the evidence collected and used in the case, they were recorded as present, but the quantity of Backpage ads present was not recorded. Therefore, the numbers below count the number of cases in which each type of evidence was present.

Additionally, this binary coding also means that total of sub-types may add up to more than the main category for Web Ads and Cell Phones. For example, the main category of Web

Table SD15. Instances of Digital Evidence Types Present by Year (N=72 cases)

	2009	2010	2011	2012	2013	2014	2015	2016	2017	Totals (L→R)
Web Ads (Cases)	1	2	4	11	9	8	10	7	7	59
Craigslist	0	1	1	1	0	1	3	2	4	13
Backpage	1	2	3	11	8	7	8	6	6	53
Ad Website Subpoena	0	1	2	1	2	1	3	1	1	13
Cell Phone (Cases)	1	3	4	11	10	8	10	8	7	65
Text Messages	1	1	3	7	9	7	9	7	4	49
Calls	1	2	1	1	3	1	2	2	0	13
Photos	0	1	2	5	2	5	4	3	2	24
Videos	0	0	0	2	1	1	1	0	0	5
Audio Files	0	0	0	0	1	2	1	0	0	4
Trap and Trace	0	1	0	0	0	0	0	0	0	1
Emails	0	0	0	0	1	2	3	0	0	6
Social Media	1	0	2	5	4	5	6	7	3	33
Credit Card/ Financial Records	0	2	0	6	3	3	2	0	1	17
Laptop Computers	1	3	1	4	3	4	2	0	0	18
Totals	5	13	14	42	37	38	41	26	17	233

Ads is coded present or not. Since there may be ads from more than one website in the sub-categories, the sum of the sub-categories may be greater than the main category. Totals at the bottom do not include numbers in the main categories to avoid double-counting.

As shown, web ads (especially Backpage), texts and photos on cell phones, and social media posts and profiles make up the largest share of digital evidence used to build cases in this sample, which runs through 2017. These are quickly followed by cell phone calls, laptops, and credit card or financial records. As mentioned earlier, SESTA and FOSTA have affected the way the commercial sex market advertises online since the passage of these laws in 2018, but the market is adapting by using other, better-masked sites or moving back into street work. One of the authors, Dr. Lugo, is working on another NIJ-funded study that partially examines these changes as part of an exploration of the use of online escort ads in sex trafficking; the SDDA will be a participating site on that study as well.

Nevertheless, as evident especially in Miami and New York, using digital evidence is a key component of trafficking case building because it allows investigators to piece together patterns of activity via records of communications and by following the money. Exploratory logistic regressions did not show a statistically significant relationship between the number of digital evidence types in evidence and whether the defendant(s) charged with trafficking, nor with the number of charges convicted within a case, but digital evidence did have a statistically significant effect on sentence length among cases in the sample. Table SD16 shows that each additional type of digital evidence resulted in a mean of 0.97 years added to the perpetrator's sentence among sample cases. This result was significant at the 0.01 level. Being convicted of TIP also resulted in an increased sentence with a mean of 4.52 years added, but that result was only marginally significant ($p < 06$).

Table SD16: Weighted Linear Regression: Total Digital Evidence Types Present on Length of Sentence (Any Charge)

Weighted Linear Regression				Number of obs =		61
				F(3, 60) =		9.94
				Prob > F =		0.000
				R-squared =		0.499
				Root MSE =		3.3528
(Std. Err. adjusted for 61 clusters in Case Number)						
Total Sentence	Robust Coef.	Std. Error	t	P>|t|	[95% Conf. Interval]	
Case ID Method	-1.20	1.46	10.02	0.43	-4.46	2.05
Total Digital Evidence	*0.97	0.24	6.31	0.01	0.38	1.55
Convicted TIP	4.52	1.99	6.26	0.06	-0.30	9.34

Table SD17 shows a statistically significant effect of digital evidence on whether conviction is achieved on any charge in cases included in the sample. In this weighted logistic regression, each additional type of digital evidence increased the likelihood of conviction on any

charge by an average of 33 percent, and this result was statistically significant at the .05 level. While the chi-square test for the model is not statistically significant, the weighted regression performed better than the unweighted model (P > Chi-square in the unweighted model was .16).

Table SD17: Logistic Regression: Number of Digital Evidence Types Present on Likelihood of Conviction (Any Charge)*

Weighted Logistic regression					Number of Obs =	72
					Wald Chi2(2) =	4
					Prob > Chi2 =	0.1354
					Pseudo R2 =	0.0603
(Std. Err. Adjusted for 72 clusters in Case Number)						
Convicted	Odds Ratio	Std. Error	z	P>z	[95% Conf. Interval]	
Total Digital Evidence	1.33	0.19	2	0.05	1.01	1.76
Charged TIP	0.93	0.94	-0.07	0.95	0.13	6.66
_cons	1.32	1.16	0.31	0.76	0.23	7.42

* Weighted to correct for differences in representation of the proportion of cases with trafficking convictions between the sample and the universe from which it was pulled.

In both of these regressions, however, it should be noted that due to missing data on many desired control variables, it was difficult to add many of them without the observations in the analysis decreasing to an impractically small number. Additionally, despite weighting procedures undertaken, potential sample biases described above also make it difficult to state much confidence in the results beyond use for identifying future research questions of interest. The sample size also remains too small to make any causal claims. Nevertheless, Dr. Lugo especially looks forward to further exploring the impact of digital evidence on cases with the San Diego District Attorney's office on the *Indicators of Sex Trafficking in Online Escort Ads* study currently underway.

Victim Retention. Victim retention, or whether the victim agrees to participate throughout the prosecution, was not found in exploratory regressions to be significantly related to convictions or whether a defendant was charged under the trafficking statute, but information on whether victim was retained was explicitly noted in very few of the sample case files (n=13). It is believed that the victim was retained in most cases that went through prosecution, but the research team took a conservative approach and only noted this if it was explicitly stated in the case file. Regardless, victim retention did have a significant, positive correlation with sentence length ($r_s = .653$, $p = .0155$). Victim cooperation was noted in just eight cases out of 13 that explicitly recorded information on this one way or the other.

Fewer cases included the reasons for retention; see Table SD18. In sample case files that included this information, a variety of reasons for victim retention were noted, including offering

services and/or safety and assuring the victim they would not be prosecuted, but in three cases, file notes say that the victim was detained for their safety. It has been noted by others that, in some cases, a victim might be put into a detention facility for a short period of time if emergency housing is not available, but this practice is controversial as it tends to traumatize the victim anew and may create more problems in the long run (Lugo, 2016). It was unclear whether the detention in these cases was short-term or long-term.

Table SD18: Reasons for Victim Retention or Loss

Reasons for victim cooperation	Freq.	Percent	Cum
Assured no prosecution; other, afraid	1	9%	9%
No prosecute, support services offered	1	9%	18%
Services offered	1	9%	27%
Services offered, provided safety	1	9%	36%
Other - detained	1	9%	45%
Other - was in juvenile hall	2	18%	64%
Reasons Victim Not Retained			
Other - victim not available	1	9%	73%
Ran Away	2	18%	91%
Trauma affected consistency of statements	1	9%	100%
Total	**11**		

Limitations

All research has limitations, and this case study is no exception. First, while the project team interviewed a breadth of representatives across sub-committees, the sample size was still small and did not include members of the education committee. Second, the case files we were able to analyze in San Diego were redacted, containing mostly summaries, indictments, and police reports. Availability of additional supporting documents, like evidence reports or records on victim services provided, was not consistent across cases. This led to missing data on a number of variables of interest, which limited the ability to do regression analysis. For the sake of accuracy, the project team erred on the side of only recording data when the information was explicitly stated in the files provided. The case file sample size was also limited due to time and office capacity, but the project team was given a significant level of statistics on the universe of cases from which the sample was pulled that provided a great deal of context for the results of the sample analysis. Part of this information resulted in the ability to identify potential biases in the sample, such as the underrepresentation of cases prosecuted under the human trafficking statute, thus allowing for some correction. Consequently, while useful and interesting descriptive statistics were gleaned from the case file sample, trend analysis and generalizability are limited.

The ability to measure the impact of specific coalition elements or committees on individual cases is also, by its nature, not possible to pull out of individual case files. However,

the qualitative interviews were extremely rich and detailed, providing great insight into how the Council's activities impact agency and community capacity to respond to trafficking cases, and to prevent vulnerability to trafficking where possible. The interview data, the sample case files, and the total case population statistics together have still resulted in a rich descriptive case study, from which many lessons can be learned.

Future Research

Future research should be conducted on Council activities in San Diego, not only of impacts on case outcomes, but on any number of other outcomes to reduce human trafficking both inside and outside the realm of prosecution. For example, full evaluations of several of the various training initiatives and campaigns should be conducted to assess their impacts on things like case identification and increases in communication across stakeholders. An evaluation of the rapid response protocol for minors should be conducted, perhaps using another jurisdiction that has not implemented one yet as a comparison group. Should the California 236.1 human trafficking statute become amended to include mandatory prison time when convicted, the impact of such a change on prosecutorial discretion and convictions should be evaluated. While this case study provides useful information on the origins and evolution of the Council as a whole, many of the Council's numerous activities would be worthy of receiving individual full program evaluations, especially if such could be designed with a randomized control trial element, or at least with a comparison group to tease out individual program effects. The Research and Data subcommittee and the HT-RADAR research collective are continually seeking out opportunities to do just this.

Conclusions

This case study of the San Diego County Regional Human Trafficking and Commercial Sexual Exploitation of Children Advisory Council, and impacts on TIP prosecutions by the SDDA, sought to answer several research questions. The answers to those research questions gleaned via these qualitative and quantitative analyses are presented below.

Research Question 1: Do effective partnerships lead to more cases proactively identified, prosecuted under TIP statutes, and convicted?

Qualitative interview responses point to yes. Nine interviewees indicated a rise in the ability to identify cases as a result of trainings across sector types. They note case referrals now coming in from schools, victim service providers, child welfare, some businesses, and community members. Law enforcement are identifying more cases not only while investigating prostitution, but other crimes like domestic violence or sexual assault, and university students are taking on improving the ability to identify trafficking victims in their thesis projects.

Prosecution numbers, as seen in the tables with case statistics from all 304 TIP-related cases the SDDA has processed, have gone up and down over the years. Case numbers peaked around 2012-2013, with 58 and 52 cases per year, respectively. Fifty-four of the 304 cases were

declined, with the high number of 11 cases declined occurring in 2017. Declinations usually occur if the case is prosecuted in another jurisdiction or federally, or if the evidence is not strong enough to go forward. This increase in declinations in 2017, while initially a little alarming, may actually be a sign that training is successful—even if a case might not ultimately prove to be trafficking, it may be that more people are starting to identify and report suspected TIP cases. One Assistant District Attorney confirmed this hunch in a follow-up interview, considering this trend a success resulting from training on believing the victim. This is a positive. It would be interesting to see how case numbers progress over the next few years as these other stakeholder groups mature in their ability to recognize trafficking and report accurately.

Effective partnerships also resulted in the launch of the Multidisciplinary Team and the CSEC Rapid Response Protocol, led by Child Welfare alongside the SDDA, law enforcement, and the HTTF. Interviewees across the board emphasized repeatedly that the painstaking team and coalition building process undertaken and facilitated by the Council over several years were critical for making this happen, even when financial resources were not always available, and despite turf wars remaining. The Council is strong and has had time to mature, so that the relationships and commitment are in place to continue this process.

Research Question 2: Do partnerships enable collection and assembly of stronger supporting evidence in case building, allowing less reliance on victim testimony, than occurred before the Council was established?

First, as mentioned, San Diego has successfully prosecuted five trials involving trafficking related charges without a victim present. In comparison, Miami and New York have each completed one so far, and Ramsey County has yet to prosecute their first TIP case without a victim. Nevertheless, increasing the ability to do this to avoid retraumatizing the victim, or at least to reduce the burden on the victim, is a common objective of all four sites. It was not possible from these data, however, to determine whether the presence of stronger supporting evidence resulted in greater victim retention since retention was not explicitly noted in many of the sample files.

Table SD19 below shows the mean number of types of digital evidence amassed per case by year. It can be seen that the averages go up and down over the years along with case numbers, but a prosecuted case generally includes a weighted average of five different types of corroborating digital evidence presented on top or in lieu of victim testimony. Peak digital evidence collection appears to have taken place in 2012 and 2015, but of course digital evidence

Table SD19: Mean Number of Digital Evidence Types Per Case (Weighted)

	2010	2011	2012	2013	2014	2015	2016	2017	Totals
# Cases	4	6	11	11	10	11	9	9	72
Types Digital Evidence	13	13	42	35	38	41	27	20	229
Mean #DigEv/Case (Weighted)	**4.5**	**3.9**	**5.6**	**4.9**	**5.4**	**6.3**	**3.9**	**3.6**	**5.0**

is not the only kind of evidence collected and presented. Qualitative interviews suggest, however, that investigators are increasing in diligence around case investigation and evidence collection as a result of their regular training.

Research Question 3: Are more individuals/groups retaining/using knowledge from TIP training? How does this differ between groups?

As discussed under the first two research questions, numerous kinds of TIP training sponsored, given, and/or received by the SDDA and law enforcement throughout San Diego County have had tremendous positive effects. Effects on victim identification were also discussed in relation to those research questions—in both cases, training was identified by interviewees as the key component in achieving results. Training has also resulted in several stakeholder groups stepping up to take on their own roles in San Diego's anti-TIP response. The Community sub-committee and the volunteers it mobilizes undertake a great deal of advocacy and awareness work. The medical, mental, and behavioral health communities are now forming their own sub-committee to address special issues. The school system in San Diego County signed the GOALS MOU to facilitate ongoing training with staff and students as well as enhance their own victim identification and reporting protocols, and so on. Numerous stakeholders are not only receiving training but putting it into action with material benefits observed.

Council members interviewed would like to see more engagement, however, from industry and business on this issue—particularly hotels, the hospitality industry, and the military. Many from these groups are receiving training and putting it into action, but interviewees say they want to reach more businesses and industries.

Research Question 4: Do you see traffickers and victims adapting themselves to your capabilities? How do you respond?

While there was not a lot of feedback given to this question, it was noted that victims and non-trafficked sex workers seem to be adapting their behavior in response to Safe Harbor practices in that they will say what is necessary to get diverted to services and away from prosecution. Respondents err on the side of assuming someone is a victim rather than risk denying services to someone in need. Since these interviews were conducted, traffickers have made more changes in how they solicit business largely in response to SESTA, FOSTA, and the shutdown of Backpage rather than in response to Council activities.

Key Takeaways for Other Jurisdictions

A great deal of advice was provided by interviewees that could be useful for other jurisdictions that want to start building a council or coalition to address TIP in their communities. The following comes from the detailed interviews with Council members in response to Research Question 5.

Research Question 5: What are the key takeaways for anyone wanting to build this type of

coalition in their jurisdiction?

The first piece of advice for others, in the beginning, is to reach out to everyone that might be interested in exploring a coalition.

> *Reach out to your counterparts in the field…Get folks together…Make those connections and then begin to reach out to other areas in the county and community. Get involved with other similar task forces…Start speaking at churches, rotary clubs, write an article or op-ed for a newspaper.*
>
> – Nonprofit Service Provider

Key Takeaway #1: Building a coalition to address trafficking in your community starts grassroots. Interviewees recommended beginning by making immediate connections first, and then reaching out across the County and the community. Inviting and involving as wide a variety of stakeholders as possible will serve as an important resource, because each will bring different resources and perspectives to the table.

Key stakeholders to recruit include law enforcement personnel from as many entities as possible, the district attorney—particularly a prosecutor with knowledge of trafficking cases, if possible—defense attorneys, probation, as many NGOs and victim service providers as possible, and schools. This will take time and it will start small. During this process, look for multi-sector opportunities to collaborate with front line responders who encounter victims and survivors first, such as hospital emergency departments, child welfare, social work, and anywhere that individuals interact with high-risk individuals. One interviewee put it this way:

> *Most people are not knowledgeable about how to do it in the beginning, and for the most part when they find out what it is, they are shocked and want to help. Encourage people to know that pulling together this type of group is invigorating and helpful, so no one has to feel they are out there alone.*
>
> – Service Provider

Key Takeaway #2: Training of all kinds is key to success in all areas. Be sure law enforcement, prosecutors, and stakeholders across sectors are trained and know what to look for. Shop around for NGOs that are willing to work together and create a partnership. Professional training across all responders is critical and should be comprehensive; it is a prerequisite to success in all areas.

Community-facing trainings need to take a wide approach. There should also be more focus on boys and the LGBTQ community to be more inclusive of the variety of victims. Trainings men and boys as to the appropriate treatment of women is critical— end the image that pimping is "cool." In schools, one respondent commented on seeing a greater awareness about TIP among middle and high school students than among college students. She hears of the recruitment of college students but does not know its prevalence. As a training program is developed, work to include as many people as possible.

259

Key Takeaway #3: Invite experts and others doing this work in to help. Get involved with other coalitions and task forces. Do your homework and understand your landscape first. Sometime after the Council was formed in 2011, the COPS office came out to help guide San Diego with ideas of how to build the Council into an effective entity. The Council and the COPS office worked toward the 2014 summit where the Council gathered stakeholders together and generated a comprehensive list of recommendations and goals. This process provided the Council a foundation and direction for their work.

Key Takeaway #4: Be patient in approach to trafficking prosecutions. Building and prosecuting a trafficking case takes a considerable amount of time. A victim also might want nothing to do with law enforcement or prosecutors, especially if they did not initiate the contact. During the prosecution, victims may also agree to assist, then refuse to cooperate, then come back or disappear entirely. When the victim returns after an absence, be patient. Furthermore, some cases can be made without the victim's participation if there is enough other evidence.

Investigators and prosecutors that want to work trafficking cases should be in it for the long haul. It is important to build individual relationships with the victims and for that, they need longevity. Other tips to a successful prosecution include enlisting victim advocates to accompany victims and facilitate access to services and developing follow up from the investigators or task force with victims. Lastly, treat victims as human begins, not as criminals: "change your way of thinking about them. Don't immediately threaten jail" (Detective).

Key Takeaway #5: Plan for the fact that this partnership development and alliance-building effort will take extensive time and may require recruiting some assistance. Collaboration is the key to prevention, serving victims, prosecution, and reducing demand. Building trust between stakeholders is critical to effective information sharing and multi-disciplinary responses. However, the coalition relationships necessary for that work will not be forged without continued effort over time. Seven interviewees noted that it requires the cultivation of dependable relationships between individuals with different backgrounds that view human trafficking through very different lenses. For example, a judge's approach may look very different from a service provider's or law enforcement officer's approach, and this can be a source of conflict. Therefore, San Diego County's approach of involving individuals trained in conflict resolution can facilitate the listening environment necessary to help stakeholders galvanize around common objectives. Also required are:

Holistic buy-in, real champions who have access, real vision to understand strategy…
[and most importantly], trust and dedicated commitment.

– Non-Profit Service Provider

[You] need to develop authentic relationships...[and] must have buy-in from champions
with access, commitment, and vision so [the Council] will survive any individual leaving.

– San Diego District Attorney's Office

Conclusions and Recommendations for Research and Practice

Summary of results

This project examined practices and initiatives undertaken by prosecutors across the United States to address trafficking in persons (TIP). Its goals were to learn about TIP case identification and case building; when jurisdictions prosecute using their state's TIP statute or alternative charges and why; and how prosecutors approach victim identification, serving victims, and increasing convictions and penalties for traffickers and buyers. The project team aimed to draw lessons learned that other jurisdictions can use to take up this work or to increase their capacity and effectiveness, regardless of size or location in the United States.

The results of the survey were intended to provide a national picture of trends in local human trafficking case prosecutions and the use of state-level human trafficking statutes for charging at the local level. Specifically, it serves as an update and expansion of previous research over the years by Farrell, Clawson, and colleagues on local prosecutorial approaches to human trafficking. That research used data on cases prosecuted through 2008 (Bouché, Farrell, & Wittmer, 2016; Clawson, Dutch, Lopez, & Tiapula, 2008; Farrell & Fahy, 2009; Farrell et al., 2012; Farrell, Owens, & McDevitt, 2014).

The survey results also provided a national context for the four case studies. These case studies examined programs or strategies related to addressing human trafficking cases in four jurisdictions in the United States. In San Diego, the formation and evolution of their county-wide coalition was examined. The Miami case study focused on their digital evidence collection, forensics, and evidentiary use practices. The New York case study similarly focused on digital evidence, with a special focus on its use in proactively identifying and building trafficking cases. In St. Paul, their preparation, coordination, and building of infrastructure to support implementation of their Safe Harbor law was studied. This section summarizes lessons learned from the national survey, then synthesizes the results from the four case studies, and finally moves into implications for research and practice.

Survey

This section summarizes the results from the 2017 national prosecutor survey on the handling of human trafficking cases. In partnership with the National District Attorney's Association, the project team electronically distributed this comprehensive survey to a sample of 2,386 prosecutors' offices in all U.S. states and the District of Columbia; these offices represent the majority of the estimated 2,500 prosecutorial offices in the United States (Bunn, N., personal communication, July 30, 2019). One hundred ninety-nine prosecutorial offices from 44 states

representing all census regions of the U.S., provided full or partial responses to the survey—a response rate of approximately eight percent. Jurisdictions responding ranged in population from less than 20,000 to over three million. Seventy of these offices also provided their case statistics related to TIP prosecutions that their offices had completed.

Experience Handling Cases. Of the 199 survey respondents, 66 percent reported having tried at least one TIP case. Fifty-seven percent had a dedicated trafficking prosecutor, and 46 percent were members of some type of task force. Seventy percent of respondents to the question reported that victim testimony was their primary source of evidence used to prosecute trafficking cases, although there were certain obstacles to securing victim testimony. The two most commonly reported were witness intimidation and unstable housing, followed closely by the victim's antipathy toward the trauma of a trial. Other evidence used to corroborate testimony reported by respondents included jail mail/calls, cell phone/digital evidence, and evidence of physical harm to the victim.

Prosecution Outcomes. Seventy jurisdictions provided TIP case statistics from their offices to assist in creating a picture of prosecutorial patterns across the United States. Of convictions reported by these offices, 80 percent included charges under the state's TIP statute and 84 percent used an alternative law, such as promoting prostitution, pimping and pandering, or a labor violation. These charging decisions are not mutually exclusive—both charge types may be levied in the same case. A plea agreement to an alternate charge was the most common outcome reported. Reasons for this ranged from the prosecution having evidence compelling enough that a defendant pleads to a lower charge, to lack of sufficient evidence of force, fraud, or coercion to substantiate the TIP charge while still having enough evidence to prove an alternate violation. A common theme that emerged throughout the survey and case studies was that prosecutors focused first on protecting the victim from the trafficker by getting a conviction for *something*, regardless of statute used. Some cases are also declined by prosecutors, with the most common reasons given being that the victim's trauma, background, or case circumstances would impact credibility for the judge and/or jury.

Associations of Supportive Anti-TIP Programs with Prosecution Results. Prosecutors were asked about a number of anti-TIP initiatives that their offices might undertake to support successful prosecutions, or alternative responses to TIP. These included investigative initiatives such as using and cultivating expert witnesses, developing model prosecution strategies, use of a victim identification tool by referring agencies, and having a dedicated TIP case management system. Victim service initiatives examined included the availability of secure long-term housing, the availability of health and mental health services, involvement of a case manager who can coordinate victim services, having a victim services referral system in place, and being part of a multidisciplinary team that can execute a coordinated response when a trafficking case is identified. This is especially so if the case first requires extracting victims from their situation. The project team examined whether these programs or strategies, or combinations of strategies, were associated with case referral, acceptance, charging, and outcomes.

An initial finding was that jurisdictions taking on one initiative had typically taken on several. This illustrates the fact that when jurisdictions commit to pursuing TIP cases, they typically put in place as many tools to help as possible. Therefore, high correlations were reported amongst the anti-TIP activities themselves. Regression analyses found moderate or moderate-to-strong support for three of five hypotheses tested:

- Moderate support was found for the idea that the presence or planned use of different anti-TIP initiatives result in an increased number of cases accepted and prosecuted (10 initiatives tested). This indicates that commitment to taking these cases makes a difference.
- Weak support was found for the idea that the presence or planned use of anti-TIP programs results in reduced a number of cases declined.
- No support was found for the idea that individual anti-TIP initiatives resulted in increased numbers of prosecutions using the state's TIP statute. However, among control variables, the presence of a human trafficking unit, and of Safe Harbor, each had statistically significant, positive effects on the number of cases prosecuted using the TIP statute.
- Moderate support was found for the idea that the presence or planned use of different *combinations* of anti-TIP programs results in increased numbers of cases accepted, particularly the interaction between a human trafficking unit and a victim services referral system. Other interactions were not statistically significant. When interaction terms are included, the independent effects of individual programs become negative in direction, indicating that interactions between programs may be the key determinant of increased case-acceptance numbers. However, among control variables, jurisdiction size retained a statistically significant and positive effect on numbers of cases referred in and accepted. Having a special prosecutor and the percentage of the population living in urban areas retained independent effects on increased numbers of cases accepted when interactions were included.
- Moderate to strong support was found for the idea that the presence or planned use of different *combinations* of anti-TIP programs results in increased numbers of prosecutions completed using the state TIP statutes. Furthermore, when interaction terms were included, almost all coefficients for the independent effects of individual initiatives became negative and statistically insignificant. The effect sizes and statistical significance of two of the five interactions on increasing the number of cases charged using the TIP statute (interactions between the presence of a victim services referral system with both model prosecutions and with Safe Harbor), and their impacts on the size and direction of independent program effects, indicate that this hypothesis is moderately to strongly supported.

It is also possible that the effects of anti-TIP programs or initiatives on case charging decisions and outcomes are indirect. The presence or planned use of various initiatives may affect prosecutorial discretion, which then affects case outcomes, rather than programs having

direct effects on outcomes themselves. This survey collected information on charges convicted, but not charges arrested. Therefore, the data were unavailable to examine the proposed intervening variable of prosecutorial discretion.

Case studies

Volume II of this report presented the findings from case studies in four prosecutorial offices in the United States: the San Diego District Attorney's Office (SDDA, California), the Miami-Dade County State's Attorney's Office (Miami SAO, Florida), the Ramsey County Attorney's Office (RCAO, Minnesota), and the District Attorney's Office of New York County (DANY, New York). Table C1 shows summary statistics provided on request by each jurisdiction about their total populations of TIP-related cases. There were minor differences in what each jurisdiction was able to provide, so some fields are marked as "Not reported." However, this table provides a snapshot of overall activity.

Despite ranking third in population, DANY is better resourced than the other three counties and, as such, has a much higher level of activity and staffing (Table 3). On the other hand, the RCAO has charged over 50 percent of its TIP related cases under the state statute and has won every case that went to a jury trial on trafficking charges. All jurisdictions but DANY have stopped charging trafficking victims, especially minors, with prostitution. All jurisdictions but Ramsey County have won at least one trial conviction without a victim available to testify.

Table C1: Jurisdictional Comparison of Case Population Statistics

Case Population Statistics	Miami	San Diego	RCAO	DANY
Years Covered	2012-2018	2010-2018	2010-2018	2010-2018
Jurisdiction Population (2018)	2,761,581	3,325,468	547,974	1,628,701
Cases accepted and filed (including cases referred in)	512	304	19	4784
Cases accepted and filed per 100,000 residents/yr. (average)	3.09	1.02	0.58	36.72
Cases investigated by Prosecutor (proactive by police or prosecutor)	410	Not reported	5	1063
# Sellers Prosecuted	Not reported	566	38	Not reported
# Buyers Prosecuted	Not reported	417	0	879
Victims Identified	538	310	39	Not reported
Cases Charged w/TIP Statute	162	80	13	Not reported
Cases Charged Alt Statutes	Not reported	170	6	2171
No Action or Declined	89	54	2	2597
# *Trials* Completed Without Victim	1	5	0	1
Shelter Beds Available	46	29	60	200+ (not exclusive to TIP)

Case sample statistics (Table C2) showed a higher average sentence for TIP charges in all sites except Miami (weighted averages). Ramsey County secured the highest average sentence overall, regardless of charge type, of these jurisdictions based on sample statistics. San Diego had the greatest number of victims identified in the sample statistics, while Miami had the greatest number in total, as shown in Table C1 (total population statistics). New York did not provide the total number of victims identified in the total population of cases.

Table C2: Jurisdictional Comparison of Case Sample Statistics

Sample Statistics	Miami	San Diego	RCAO	DANY
# Cases in Sample	73	72	19	44
# Defendants	106	97	38	57
# Victims Identified	84	102	39	46
TIP Charges Convicted per Defendant	42	10	27	18
Alt Charges Convicted per Defendant	212	94	44	85
Mean Prison Sentence per Defendant (Years)	12.7	3.7	11.9	3.0
Mean Prison Sentence Trafficking per Defendant (Years)	10.4	4.1	14.7	12.1
Mean Prison Sentence Alt per Defendant (Years)	14.0	3.5	8.9	3.0

While these sites were varied in the programs and practices they undertook, several commonalities were also shared. All four jurisdictions were of sufficient size to house full-time, human trafficking-dedicated prosecutors and units. This makes them unique in comparison to most U.S. jurisdictions, though DANY also used cross-designated ADAs. This is a solution that smaller jurisdictions might also consider. As a reminder, just 57 percent of responding jurisdictions in the survey had a dedicated full- time or part-time prosecutor for TIP cases. Even fewer had a full unit. Specialized investigators and analysts were housed in law enforcement for three of the four sites; DANY is unique in having multiple investigators in the prosecutor's office. All had a dedicated victim-witness specialist or social worker, and all had at least one coordinator, policy person, or support staff whether they were dedicated full-time or shared with sex crimes or other related units.

Proactive case identification and case building was being pursued, to one degree or another, in all jurisdictions. DANY had unique capabilities and resources to dedicate to this in-house. Miami and Ramsey County did this mostly on the law enforcement side, though Miami has had some recent struggles related to turnover of trained police officers. Police departments working with the RCAO also tended to be short-staffed. San Diego engaged in some proactive case identification both in the DA's office and by law enforcement, and they have also engaged in extensive, comprehensive training with community groups, schools, hospitals, and the hotel industry to increase reporting of potential cases. These variations in how proactive case identification was pursued reflect differences in approaches to partnership building and

Table C3: Site Commonalities

Program Component	SDDA	Miami SAO	RCAO	DANY
Staffing				
Human Trafficking Prosecutors	5 FT	6 FT	3 FT	5 FT, 18 cross-designated ADAs
Specialized Investigators/ Analysts	3 (LE-based)	2 (1 LE-based)	3 (LE-based)	5 Crime Analysts, 1 Data Engineer, 1 Financial Analyst, 2 FT Investigators (DANY-based)
Victim-Witness Specialists/Social Workers	1	1	2	1
Coordinator/Policy/Other Support	2+	2+	2+	2+
Initiatives in Practice				
↑ Proactive case identification (Law Enforcement or Prosecutor-initiated)	Both	Mostly Law Enforcement-initiated	Mostly Law Enforcement-initiated	Both, but case study focuses on prosecutor-initiated
Trained in Trauma-Informed Care/ Interviewing	X	X	X	X
Victim-Centered Prosecution Techniques	X	X	X	X
Use of TIP screening tool (formal or informal, Prosecutor or Partners)	X	X	X	X
Increasing enforcement or penalties (traffickers or buyers)	X	X	X	X
Increasing Secure Housing	X	X	X	X
Collaborations with community partners				
Task Force	X	X	X	X
Legislative	X	X	X	X
Advocacy	X	X	X	X
Victim Services	X	X	X	X
Education sector	X	X	X	X
Health sector	X	X	X	X
Private industry (Hospitality, Sports, other)	X	X	X	X
Community awareness	X	X	X	X
Professional Training	X	X	X	X
Conferences	X	X	X	X
Hotline	X	X	X	X

266

community engagement. For example, jurisdictions with fewer resources may want to engage in more partnerships and training of others to be their eyes and ears if they do not have the in-house capacity of a jurisdiction like DANY.

All four jurisdictions had prosecutorial staff, law enforcement officers, social workers, and others who are trained in trauma-informed interviewing and delivering or coordinating trauma-informed services for victims. All four engaged in victim-centered prosecution techniques. They particularly focused on having a victim-witness specialist to accompany the victim throughout the prosecution process, providing courtroom accommodations or having a human trafficking-specific court (Miami SAO and DANY) to hear their case, and allowing the victim to make their own decisions about trial participation. This is also part of the reason for increasing digital forensic capacity—to reduce reliance on victim testimony as the sole evidentiary source and thus lightening their burden in participating in a prosecution. All four jurisdictions were also working to increase enforcement of trafficking laws related to selling and buying sex, and to increase the amount of long-term secure housing—even if the numbers of dedicated trafficking beds in each jurisdiction are still far fewer than needed.

All four sites have also worked to build a wide variety of partnerships and collaborations across sectors. Many of these coalesced around training initiatives, some of which were carried out by prosecutorial staff or by partner agencies and service providers. Investigating trafficking networks and designing solutions to help victims survive and recover are complex endeavors. Solutions to problems must address a wide variety of inter-connected needs. Training, partnerships, and collaborations across disciplines are keys to success in building cases and helping trafficking victims, regardless of a jurisdiction's location, size, or capacity.

Answers to Project Research Questions

While each case study was guided by research questions developed in collaboration with each site, in order to generate findings of mutual benefit to sites and to the field at large, this project was guided by a series of five overarching research questions. These were presented in Volume I. Results pertaining to research questions 1-4 are addressed here, and results pertaining to research question 5 are addressed under implications for practice.

Research Question #1: How is knowledge of state human trafficking statutes improving among prosecutors?

Survey respondents from prosecutorial offices in the same state did not always agree on what was present in the content of their state's TIP laws. This indicates that there are training opportunities for helping local attorneys understand the content and applications of their state TIP statutes so they can better pursue prosecutions under them. Also reported somewhat frequently in the survey was that human trafficking does not happen in the respondent's jurisdiction. Lessons learned in the Ramsey County case study show that training makes a significant difference; jurisdictions that may not realize what they are looking at begin to be able

to identify cases. Indeed, there were survey respondents who said that given what they know now, in hindsight, there were cases that they could have pursued as a TIP case. Most case statistics reported by survey respondents were sex trafficking cases, and indeed initiatives covered in all four case studies also focused on sex trafficking. Survey respondents and case study site interviewees mentioned wanting to tackle labor trafficking more, but the resources are not yet there. The tendency for prosecutors' trafficking units to be located in, or to grow out of, sex crimes units also perpetuates this imbalance.

Research Question #2: What strategies, approaches, and tools are local prosecutors using now to address TIP cases? To what degree are local prosecutors using promising approaches identified in past research?

According to survey results, between 18 and 35 percent of the 199 jurisdictions are using or have plans to implement each of the ten strategies, approaches, and tools identified during the project team's review of past research and described earlier. Importantly, 32 percent of respondents participate in multidisciplinary teams; given the clear importance of collaborations and partnerships highlighted by the case studies and the positive effects of multidisciplinary teams on case outcomes shown in the survey analysis results, this is encouraging. Further, 96 percent of the 121 respondents to the question reported using cell phone evidence to support or corroborate victim testimony, and 91 percent of the same respondents reported collecting and presenting other forms of digital evidence to do the same. Given the importance of these tools shown in the Miami and New York case studies, this is encouraging because it shows these practices in use, at least to some degree, in a variety of jurisdiction types. All four case study sites, however, still lament the scarce availability of dedicated housing options to assist trafficking survivors relative to the level of need.

Research Question #3: How effective are these promising strategies being used by local prosecutors:

> o   **for increasing trafficking statute usage in prosecution?**

As mentioned before, survey results did not support the idea that the presence or planned use of individual anti-TIP initiatives resulted in more cases prosecuted using the state's TIP law, although interactions between multiple programs in place produced strong, positive effects, as did the presence of Safe Harbor and a human trafficking unit. The case studies showed that when a prosecutor's office decides to take on TIP cases, they will develop resources and practices to support these prosecutions because they realize how necessary they are to achieving meaningful results. All four sites were clear that their first priority is victim safety and perpetrator accountability, regardless of the charge used to achieve it, but their case numbers do show a general increase in TIP statute usage over the period examined.

All four sites, interestingly, also showed a peak in case numbers around the 2012-2013 time frame. This may speak to the availability of resources nationally around that time, or national emphasis placed on prosecuting TIP during those years. All four sites, according to

interviewees, were as dedicated to prosecuting TIP cases as ever. But, continuity in available funding for investigative task forces or other initiatives was mentioned as a struggle by all sites but New York. If there are funding lapses, case numbers regardless of charge may fluctuate.

o **for achieving convictions of traffickers?**

The survey data showed that none of the hypothesized ten initiatives significantly increased the number of convictions using the TIP statute, but the control variables of having a human trafficking unit and Safe Harbor did. Results also showed that the use of expert witnesses was positively associated with increased convictions using alternate statutes ($p < .05$). The interaction effects between multiple programs present on increasing the numbers of cases convicted using the TIP statutes were practically and statistically significant ($p < .01$).

Case studies across the board showed that the presence of supportive activities enabled them to complete prosecutions and achieve convictions under both types of charges, but that the majority of cases are resolved by plea agreement. Most of these convictions are achieved using promoting prostitution, pimping and pandering, or similar charges. Also common across all case studies was notion that making the commitment to addressing TIP and helping victims is the first step, and that putting initiatives in place and pursuing more investigations and prosecutions follow commitment.

o **for providing for the recovery needs of survivors?**

Survey respondents described a number of provisions legislated for under their state TIP statute to facilitate survivor recovery, regardless of whether their office was directly involved in meeting those needs. Of the ten victim provisions asked about, the most commonly reported by survey respondents included vacatur of charges resulting from activities that were part of the survivor's TIP victimization, lengthening of the statute of limitations for charging TIP, and victim-friendly protections during the trial process. Between 40 and 46 percent of respondents to the question reported that their offices try to connect victims with long-term, secure housing, health and mental health services, and/or a case manager to coordinate services. Forty percent reported having a victim services referral system and 44 percent reported establishing a multidisciplinary team.

All four case study sites reported at least having a social worker and/or victim advocate to help coordinate or refer victims to services, in addition to helping victims through the prosecution process. San Diego appears to have the most robust multidisciplinary team and collaborative atmosphere via their Human Trafficking Advisory Council. Ramsey County also engages in robust collaborations between their prosecutors, social workers, and service providers, but mentioned that once survivors are referred to a comprehensive service provider, they do not have as much capacity to follow up as the other sites have. San Diego, Miami, and New York all mentioned that some survivors remain in touch for years. All mentioned the importance and regularity of offering services to all victims and of having a victim advocate that walks through the entire prosecution process with the victim. They also emphasize vertical

269

prosecutions as often as possible so that the victim has a consistent point of contact about their case. All four sites focus on continuous improvement in this area.

Research Question #4: What other factors may influence prosecutorial handling of and success with TIP cases?

As mentioned above with reference to the case studies, several factors can influence the handling of TIP cases and success in their prosecutions. These include, first, commitment. Once that is made, elements for prosecutorial success emphasized included:

- training of stakeholders across disciplines;
- putting supporting initiatives, services, and programs in place;
- strengthening TIP-related laws to protect victims (i.e. Safe Harbor and vacatur provisions) and increase penalties for traffickers and buyers;
- building strong partnerships and collaborations across systems and communities; and
- increasing capacity regarding digital evidence collection and forensic analysis.

Other factors associated with case handling and charges convicted can include whether victim cooperation can be obtained throughout the prosecutorial process, whether the evidence is sufficient to support proving the trafficking charge or whether an alternate statute must be used, terms of a plea agreement, and resources available to support the length and depth of investigation needed.

While there has been great stress on increasing local usage of state TIP statutes to convict human traffickers, both to increase penalties and to make it easier to measure TIP prevalence, decisions and success in individual local cases are influenced by this myriad of concerns. However, there is overall an increase in use of both the TIP statute and related charges, as reflected both in the case studies and the survey results. This is not necessarily a bad thing. Jurisdictions are taking on these victims and their cases regardless of the charge ultimately used; they are simply prioritizing justice over which law they need to use to secure it.

Implications for Research

Updates to Studies by Clawson, Farrell, Bouché, and Colleagues

These results provide insight into how views and practices in TIP case prosecutions have changed since some of the most recent prosecutor-related work was completed that largely used data from cases that occurred in the 2000s. In contrast, these data reflect data from cases largely dating from 2010-2018, thus covering cases occurring about 8-10 years after those analyzed in Farrell et al., 2008, 2012, and 2016. These are called "second generation" cases by Farrell et al. (2016) in terms of when they occurred since states began passing their own human trafficking laws. Further, the cases included in the survey data cover a larger geographic spread than the

earlier work (44 states). Farrell et al.'s previous studies went much further into depth than this survey but covered just twelve counties. This level detail was pursued in the present study via a select group of cases from each of the four case study sites.

First, in an update to Farrell et al., 2012, more prosecutors appear to be familiar with their state human trafficking statutes according to these study samples, though they still lean on more familiar statutes such as pimping and pandering if it appears conviction is more likely using one of those. However, survey results where jurisdictions in the same state gave conflicting information on the content of their state laws confirms Farrell et al.'s conclusion that many jurisdictions are not aware of all the specific details in these laws. They do demonstrate, overall, more experience using the laws now than previously. However, assessments of the probability of conviction are just as likely to be based on whether force, fraud, or coercion was proved via available evidence, or on plea bargaining practices, as on simple comfort with older statutes (Farrell et al., 2016), which was also confirmed via the four case studies. Thus, there is more at play in decisions of which type of charge to use than simple level of familiarity with the TIP statute. The case studies confirm that there may be interests of justice at the individual case level that take precedence over which statute is used to achieve them.

Victim background characteristics still factor into prosecutorial decisions as well. Believability in front of a jury is still important, even with what we know today about the impact of trauma on victims and victims' statements, and even though more jurisdictions are endeavoring to rely less on victim testimony by supporting it with more robust corroborating evidence. This particularly includes strong digital evidence that establishes patterns of activity. There is also more case law precedent to lean on, particularly of key cases that in turn lead to strengthening of legislation. More jurisdictions also now appear to have dedicated human trafficking prosecutors or units than did previously, and 27 percent of respondents reported being involved in a human trafficking task force vs. 7 percent in 2008 (Clawson et al., 2008).[127]

Furthermore, both general and customized trainings on numerous TIP subject areas have become more widely available as public awareness has increased about trafficking, and as jurisdictions such as those profiled in the case studies realize the breadth of training needs across sectors and audiences that require specialized approaches. While survey results showed there is still more to do from a national perspective as far as reaching more jurisdictions in a regular and comprehensive way, and with training of sufficiently high quality, the four case studies show the kinds of results that are possible when TIP training programs are undertaken seriously and collaboratively across sectors, beginning with training jurisdictions to recognize the problem. Fewer jurisdictions are saying that human trafficking is not a problem in their community than previously, per the survey results, and it is clear from the case studies that jurisdictions are beginning to place more emphasis on proactively identifying TIP victims and cases (see Farrell

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[127] The sampling frames between this survey and Clawson et al.'s are different, which precludes true one-to-one comparisons, but the general improvement is still interesting to note.

et al., 2012).

Nevertheless, there were still survey respondents that said they have never had a human trafficking case and do not see trafficking as a problem in their jurisdictions. In both this survey and the law enforcement survey fielded by Farrell et al. 2008, respondents were more likely to report trafficking cases if they came from larger jurisdictions. It is also important to note that not perceiving TIP as a problem may also impact the level of awareness those jurisdictions have about their state statutes, since many said they did not familiarize themselves with the details unless they had a case where they might use it. Indeed, as Ramsey County undertook training of jurisdictions across Minnesota, they encountered exactly this response in many locations. Training worked to change this. These findings indicate that there is still more training and awareness-raising needed at the local level, especially about trafficking in rural areas (Aguirre, Harris, Hilgenberg, Soper, & Bowers, 2017; Cole & Sprang, 2015; Heil, 2012). In an interesting trend, a majority of jurisdictions (59 percent) reported training needed on different topics compared to just 27 percent saying so in 2008—indicating that the more jurisdictions learn about human trafficking, the more they realize that they need more training. This is an important step.

Regarding knowledge of federal law, only 10 of 139 survey respondents to the question reported knowing nothing at all about the TVPA, and about 50 percent reported a level of confidence in their knowledge of 50 percent or higher. In Clawson et al.'s 2008 prosecutor survey, only 54 percent of respondents reported general familiarity with the TVPA. Far more local prosecutors reported knowing that their state had human trafficking statutes now (71.3 percent in 2017 vs. 24 percent in 2008), even if levels of knowledge about the details still vary.[128] Sixty-seven percent reported having tried a trafficking case locally in 2017 vs. only seven percent in 2008—a vast increase in a single decade. Previously, most local jurisdictions referred human trafficking cases for federal prosecution and while this still happens, more jurisdictions are now taking these cases on locally and using their state statutes.

Quantitative and qualitative analyses from the case studies would suggest that they may be increasing their use of alternate charging options as well. The near 50-50 split between charging methods (TIP statute and alternates) from the survey responses suggest this is true (also confirming Farrell et al., 2016). However, the fact that increased numbers of reporting jurisdictions are actively taking these cases on, regardless of charge used, is a positive trend. It indicates that the numbers of victims being recognized and helped is increasing. But, as Bouché et al. (2016) also noted, both human trafficking and alternate violations are often charged together in the same case, and most cases plead to a lesser charge prior to trial. Interestingly, in Miami, sentences for TIP charges were lower in the sample files coded by the project team than they were for those where a TIP charge was not among those convicted (weighted means). Results from the case file analysis in the other three sites confirmed Bouché et al. (2016)'s

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[128] Again, the sampling frames between this survey and Clawson et al.'s are different, so these are not quite "apples to apples" comparisons of results, and in both cases there are limits to generalizability of the results. However, the general trends are still interesting to note.

analysis of state court prosecutions that found more severe penalties given on average for trafficking charges if they went to trial in state court. According to interviews, this may be because of mandatory sentencing provisions that vary from state to state.

Implications for Practice

When compared with previous studies using case and survey data from 2000-2008, the survey results illustrate a number of positive developments over the past decade in prosecutor awareness and in prosecution of human trafficking cases. Further, several training opportunities were identified not only by respondents themselves, but by the differences in responses about state trafficking law provisions by offices located in the same state (see Table 3 in Volume I). These gaps would be fruitful for training organizations, such as project partner the National District Attorneys Association, and local partners to invest in filling via occasional and ongoing trainings. Further, Shared Hope might work with these partners on an annual basis when their state report cards come out—year-to-year changes in state legislation captured and summarized by Shared Hope could also be included in these trainings.

A great deal of information on best practices for building capacity to address sex trafficking for prosecutor and practitioner use was produced by all four case studies. In each county studied, several lessons were learned through hard experience. Distilling these for use by other jurisdictions wishing to learn about and either begin handling human trafficking cases, or to enhance their current capacities, was one of the major goals of this project. These lessons learned are synthesized and briefly listed below to address research question 5:

Research Question #5: What can jurisdictions that may want to implement a more robust strategy for handling TIP cases learn from others that have tackled similar problems?

Key Recommendation #1: Build relationships and coalitions between diverse stakeholders by uniting them around a common cause. This recommendation was covered in depth by all four case study sites, and several sub-recommendations were made within this category. Sub-recommendation #1 was to *begin to build a coalition requires reaching out to other stakeholders in the community in a grassroots approach* (Ramsey County). As one interviewee in Miami put it, "Just start!" This is key for all jurisdictions, but even more so for smaller agencies that may not have many resources. Another Miami interviewee noted that it just takes a few champions to find initial funding, begin community training, and then see where it goes. Interviewees in San Diego recommend beginning by making immediate connections first and then reaching out across the County to bring as wide a variety of stakeholders and perspectives as possible to the table. Key stakeholders to recruit, according all four sites, include law enforcement personnel from as many different entities as possible, the district attorney— particularly a prosecutor with knowledge of trafficking cases if possible—defense attorneys, probation, as many NGOs and victim service providers as possible, and schools. During this process, look for multi-sector opportunities to collaborate—particularly those on the front lines who encounter victims and survivors first such as hospital emergency departments, child welfare,

social work, and anywhere that individuals interact with people who are high-risk.

Sub-recommendation #2 was that *to cultivate a common mindset when bringing potential stakeholders together*—particularly around the idea that juveniles in trafficking situations are victims in need of services, not criminals. Training is an enormous part of this, but in collaborative discussions, galvanizing around this idea is just as important because it changes how system actors treat these individuals in fundamental ways. A Miami detective notes that they have come a long way, but there is still a long way to go; this sentiment was echoed in Ramsey County and the other sites as well.

Trafficking cases exhibit complex phenomena, like victims evolving into later perpetrators (i.e., bottoms); family members, friends, and romantic partners manipulating their intimate relationships; ongoing legislative and technological changes; and the comorbidity of mental, physical, and emotional health issues faced by victims—often all at the same time. These are some of the hardest cases that the criminal justice system and community/social services organizations deal with, so case investigation and prosecution and victim services delivery require a trauma-informed, interdisciplinary approach to address these complexities. This begins by changing mindsets and rallying stakeholders across disciplines around a common cause.

To this end, both Miami and San Diego recommend bringing in outside expertise when needed. This can be related to training, below, but it can also relate to bridge-building between stakeholders that can disagree on what is best for victims, such as victim service providers and law enforcement. San Diego brought in local professionals trained in conflict resolution to help with this. San Diego also brought in outside expertise to help them launch and configure the Council in the first place. Both Miami and San Diego brought in experts in various topics about which they realized they did not yet have the knowledge needed to begin.

Sub-recommendation #3 is to *make sure all stakeholders understand that, just like building trafficking cases, building coalitions is a painstaking process that takes time and patience*. San Diego recommends planning for this. Collaboration is the key to TIP prevention, serving victims, prosecuting offenders, and reducing demand. Building trust between stakeholders is critical to building effective information sharing and multi-disciplinary responses. However, the invaluable coalition relationships necessary for that work will not be forged without continued effort over time.

Key Recommendation #2: Training is the key to success in all areas. Be sure law enforcement, prosecutors, and stakeholders across sectors are trained and know what to look for. Shop around for NGO's that are willing to work together and create partnerships around training. Professional training across all responders is critical and should be comprehensive. Community-facing trainings also need to be inclusive, not just directed at a few people or stakeholder groups. There should also be more focus on boys and the LGBTQ community to be more inclusive of the variety of victims of trafficking. Trainings of men and boys on views of and appropriate treatment of women is also important; end the image among boys that pimping is "cool."

Protocols and training should also be designed to meet the needs of the individual place/locality and their particular issues, as well as each stakeholder group being trained, while covering basic information common to all. For example, Ramsey County mentioned that it is important to have a good overall introduction to the issue that everyone who receives the training hears. This should include demonstrating trainees that sex trafficking is really happening in their local community, explaining the dynamics of the issue, and convincing them of the need to do something about it. Culturally- and stakeholder-specific components can be added to trainings and protocols from there.

Localities tackling this issue need a sense of urgency and clear, collaboratively developed plans and protocols for coordinated responses that outline the specific roles and responsibilities of each actor. Securing funding to support such activities is key, but even if that is not immediately forthcoming, commitment to a common cause and dedication to help sexually exploited children with the resources that are available is most important and this can be achieved via well-designed and executed training.

Both Ramsey County and Miami-Dade mentioned that law enforcement and prosecutors must be included in trainings from the beginning of launching any new or increased emphasis on trafficking in persons. Ramsey County interviewees indicated that this was not always done in Minnesota, and some (whether in Ramsey County or elsewhere) found themselves playing catch up. Further, interviewees felt there should have been more emphasis in the trainings on how long and difficult the investigations would be; criminal justice actors found themselves unprepared for this fact. Miami echoed this, particularly including law enforcement in training from the beginning since police are generally a reactive entity.

Key Recommendation #3: Engage partners that are also willing to lobby for improved Safe Harbor and other legislation to address human trafficking. Involve partners working on active cases who can begin to know the system, service, resource, stakeholder, and coordination gaps that exist in their jurisdictions, as well as unmet needs of victims. Use this information to help to shape responsive legislation that makes it easier to identify cases, promote survivor recovery, and hold traffickers and buyers sufficiently accountable for their actions.

Key Recommendation #4: Be patient in approach to trafficking prosecutions. All sites noted that building and prosecuting a trafficking case takes considerable amounts of time and resources, given the complexity of the crime and the level of evidence required to prove it. Be prepared for it. Additionally, a victim might want nothing to do with law enforcement or prosecutors, especially if they did not initiate the contact. All sites discussed how, during the prosecution, victims may cooperate in the beginning, then refuse to cooperate, then come back, or disappear entirely. All four sites advised patience; the victim needs to know that it is safe to come back. San Diego recommended that investigators and prosecutors that want to work trafficking cases be in it for the long haul so they can build individual relationships with the victims. For that, they need longevity. Showing care and concern for the victim's needs and practicing total honesty also build trust.

Miami and New York further recommended having, if possible, a dedicated social worker trained to work with TIP survivors or collaborating with others to secure the services of one. Small jurisdictions that do not have enough resources to hire an in-house social worker should network with other organizations that can collaborate and provide this service, perhaps as part of a multidisciplinary team. The social work emphasis is critical on the front end for trafficking prosecutions to be successful.

Key Recommendation #5: Collect as much digital evidence as is legally permissible and store everything collected. Miami mentioned that, at the time of evidence collection, an investigator does not know which piece of evidence (social media, cell phones, laptops, web ads) will be the key to making the case. Internal consistency in collecting and processing digital forensic and other evidence, plus consistency in the ability to receive evidence timely in response to subpoenas, would accelerate timely and robust prosecutions of TIP cases. The purpose of building capacity in digital evidence collection and processing is not just to increase TIP conviction rates. It is ultimately to serve TIP victims, help them to recover both in the immediate and long term by lessening the burden on them during prosecutions, and to deter traffickers from creating more victims. All three of the other sites agreed strongly on this recommendation.

DANY also recommended, if a jurisdiction does not have the resources to pursue any other enhancements in their capabilities to utilize digital evidence, that they ask for and get access to *TellFinder*—a very powerful tool available to investigative agencies without cost. A user applies for access, is given a log-in to the web-based tool along with training and support, and they are ready to begin using it. DANY can help agencies with the process of getting access. Further, investigators can use the TellFinder app developed for their cell phones. Using the app, they can plug in a phone number from wherever they are, and the app will return any online escort advertisements in which that phone number may appear. Using the desktop app from the police station or the prosecutor's office, investigators can also search photographs and several other search parameters to see if someone they have come into contact with might be advertised on the internet, and all the locations where they have been advertised and on what dates. This is a powerful, simple, and free way for any size local agency to increase their investigative capacity in TIP cases. Other similar tools that jurisdictions may explore are *Traffic Jam* and *Spotlight*.

Future Research

A number of opportunities exist for future research, almost all of which should involve larger sample sizes both of survey respondents and of coded case files from case study sites for quantitative analysis. Some research opportunities would also require more systematic recording of certain data points in case files by agencies. For example, it would be interesting to examine the indirect effects of these various initiatives on whether a case is resolved by plea, and in turn, whether resolving by plea impacts whether the charge(s) convicted involve the TIP statute vs. alternate charges. Interviews and survey results point to yes, but this question should be explored with larger samples for greater generalizability of results. Similarly, larger samples should be

used to examine the impacts of anti-TIP initiatives on prosecutorial discretion, and in turn, on case outcomes. While the sampling frame from who we solicited responses covered most local prosecutors in the United States, it would be useful to find new ways to (a) increase response rates and (b) encourage completion of the full survey by respondents. While the project team conducted extensive follow up with agencies, survey response rates were still lower than hoped.

To increase the numbers of case files possible to code at project sites for analysis on particular questions, future research should focus on longer periods of fieldwork with each site, presuming they have the capacity to host researchers for longer periods and to allow the collection of additional types of data, such as that provided by service providers. This, coupled with determining a means to obtain survivor input on prosecutorial practices (since the survivor survey did not work), might facilitate full program evaluations as were originally proposed for this project, rather than the case studies which were what was possible, given the resources and time available.

Second, more research is needed on the specific services, level of services, and outcomes for victims of services provided by prosecutorial offices either directly or by referral. This would involve research focused on social workers and case managers working with prosecutorial offices, whereas this study focused on prosecutorial case outcomes. Full evaluations of the effectiveness of service provision, trauma-informed interviewing, and victim-centered prosecutions on victim and prosecution outcomes should also be conducted. These might involve direct observations and interviews with victims, victim advocates, and prosecutors as primary methods. More consistent notation in prosecutors' files of whether victims are retained throughout the prosecution would also be helpful.

Third, deep, detailed case studies should also be conducted of individual trafficking prosecutions where the conviction was made without the victim. Twelve such cases were identified in this study alone. By engaging in thorough qualitative analysis of how these cases were built, proven, and convicted, determinants of success across these cases could be determined. More detailed roadmaps could be drawn to increase the number of these convictions in the future, and to enhance trainings equipping more people to achieve them, with the objective of reducing victim re-traumatization in future prosecutions wherever possible.

Fourth, TIP research as it is currently undertaken has a practical divide between criminal justice approaches and sociological, political, social work, and other approaches to the problem that reflects a similar "siloed" character seen in practice. Future research should work to bridge this divide by expanding the policy framework beyond the criminal justice solutions which currently dominate public policy, which will involve not just a broadening of research approaches and framing, but also continued trust building across sectors—as illustrated so ably at the local level by the council in San Diego County. Furthermore, the field must continue its development of reliable indicators about the scale of TIP in order to determine whether prosecutorial and other strategies are resulting in a true reduction of TIP, or just more successful prosecutions with no attendant reduction in market size.

Lastly, more research is needed on how traffickers and victims adapt to law enforcement and prosecutorial strategies and tactics. Evidence provided in this study is anecdotal. Carpenter and Gates (2016) provide more direct evidence from their interviews with convicted traffickers; this work should be expanded in other jurisdictions and regions of the country.

Conclusion

Addressing human trafficking cases, helping victims, and prosecuting offenders is a hugely complex endeavor. Collaboration amongst stakeholders with a constant, shared focus on helping victims in all components of the criminal justice system, and across all other sectors and the community, is critical. No one group can accomplish much on its own. By building bridges between prosecutors, law enforcement, victim service providers, child welfare, juvenile justice, nonprofit organizations, healthcare, education, academia, and technology, solutions that make a difference can be made manifest. More victims can be helped, more perpetrators can be held accountable, and more trafficking can be prevented. This study demonstrates that progress has been made since major prosecutorial data collections were completed on this topic a decade ago, and that more progress is possible.

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Appendix A: Survey Instrument

<u>**Understanding How Trafficking in Persons Cases are Prosecuted**</u>

A study conducted by the **Justice Research and Statistics Association** in partnership with the **National District Attorney's Association**

Funded by the National Institute of Justice

Prosecutor's Office Survey

Over the past ten years, states have passed new legislation criminalizing human trafficking and promoting the prosecution of human trafficking perpetrators under state laws. There is great variation among the laws and their implementation. We are now at a stage where it is important to understand how state laws are being used and the challenges still faced in prosecuting these cases.

The purpose of this nation-wide survey of Prosecutor's Offices is to gain an understanding of state and local approaches to human trafficking, which occurs in all 50 U.S. states and the District of Colombia. The National Institute of Justice (NIJ), the research arm of the Office of Justice Programs, has contracted with Justice Research and Statistics Association (JRSA) and the National District Attorneys Association to assess the effects of Trafficking in Persons (**TIP**) legislation from the perspective of prosecutors, and to identify critical challenges and barriers to successfully prosecuting these cases. The information you provide will contribute to lessons learned and best practices for criminal justice policymakers and practitioners. Additionally, the study will provide recommendations for amending state legislation to better facilitate the utilization of human trafficking laws and the provision of important tools that prosecutors need to hold offenders accountable.

The questions that follow may be answered by the **Chief Prosecutor or his/her designee(s) that handle these cases within each office**. There are three main areas of inquiry: the existence and use of various state statutes addressing TIP, available data on TIP cases investigated and prosecuted, and initiatives undertaken to reduce the incidence of TIP.

The survey should take about 60-75 minutes to complete, once case statistics are compiled to answer questions in Part VI (Questions 56-64). These questions ask about numbers of sex and labor trafficking cases prosecuted, their outcomes, and challenges associated with their prosecution. <u>**We recommend printing the PDF version of this survey to read those questions in advance and gather the data before beginning the survey online.**</u>

<u>**You will also be able to save your work and come back to the survey at a later time if you want to complete it in more than one session as long as you use the email link that was sent to you**</u>*. Additionally, if you wish to delegate certain sections of the survey to others in the office, please use this process to facilitate collection of those answers from those individuals in advance of entry into the online survey tool.*

We greatly appreciate your support and ask that you complete the survey by <u>July 15, 2017</u>. Thank you for your cooperation.

Your participation in this study is voluntary. The information that you report will be held in confidence by the research team. All information will only be reported in the aggregate to ensure confidentiality. We understand that your answers to the survey reflect your opinions and/or experiences only. With the exception of research staff, no one will have access to your individual responses.

1. **Please help us log response rates for this survey by providing the following information:**
   (for internal purposes only--identifying information will not be released)
   Name of Jurisdiction:
   Name of Chief Prosecutor:
   State:
   County:

2. **I have read the above information and I**:
   □ Agree to participate
   □ Decline to participate

I. *BACKGROUND INFORMATION (AGENCY AND JURISDICTION)*

3. Name of Respondent(s):
    (For internal purposes only, such as following up to clarify responses if needed--identifying information will not be released)

4. Title of Respondent(s):
    (For internal purposes only--identifying information will not be released)

5. How many full-time staff does your office employ in each category?

	0-5	6-10	11-15	16+
Prosecutors	○	○	○	○
Investigators	○	○	○	○
Victim/Witness Staff	○	○	○	○
Other Support Staff	○	○	○	○

6. Does your office have a special prosecutor dedicated to, or with responsibility for, human trafficking cases?
    a. Yes, full-time
    b. Yes, part-time
    c. No

7. A. Does your office have a unit dedicated to, or with responsibility for, human trafficking cases?

287

○ Yes
○ No

B. If yes, please indicate the number of staff assigned to the unit:

Prosecutors	[number]
Investigators	[number]
Victim/Witness Staff	[number]
Other Support Staff	[number]

8. A. If needed, may we contact the person with responsibility for trafficking cases, or a member of his/her staff to follow up on your knowledge and experiences with TIP cases?
   ○ Yes
   ○ No
   B. If yes, please provide the individual's name, title, contact number, and email address. If same as respondent, please enter "self":

Free Text Response

II.   TRAINING AVAILABLE TO YOUR OFFICE/IN YOUR STATE

This section asks about training available and utilized by your office related to your state's TIP statutes and their application in your jurisdiction.

9. Is training provided/made available to your office on human trafficking statutes?
   a. Yes, it was once
   b. Yes, ongoing/at regular intervals
   c. No
   d. Don't know [**SKIP LOGIC: If a or b, go to Question 10. If c or d, skip to Question 12**]

10. Who provided the training?

[Free Text Response]

11. How useful was the training?
    a. Not useful
    b. Slightly useful
    c. Neutral
    d. Useful
    e. Very useful

    f.   Why did you choose the rating you selected?

> [Free Text Response]

12. In which of the following areas, if any, do you feel **prosecutors** in your jurisdiction need more training in order to successfully **prosecute** TIP cases? Select all that apply.
    - ○ Identification of cases that may involve TIP
    - ○ Knowledge of anti-TIP legislation
    - ○ Evidence gathering
    - ○ Interviewing victims/witnesses of TIP (trauma-informed interview techniques and the like)
    - ○ Ensuring victim/witness cooperation with the prosecution process
    - ○ Comprehensive training on state anti-trafficking statutes
    - ○ Model prosecution strategies
    - ○ Anticipation of common defense strategies
    - ○ Sample jury instructions
    - ○ How and when to use expert witnesses
    - ○ How to cultivate/train law enforcement and others as expert witnesses
    - ○ Other (please describe) [FREE TEXT RESPONSE]

13. In which of the following areas, if any, do you feel **law enforcement officers** in your jurisdiction need more training in order to successfully **investigate** TIP cases? Select all that apply.
    - ○ Identification of cases that may involve TIP
    - ○ Knowledge of anti-TIP legislation
    - ○ Evidence gathering
    - ○ Interviewing victims/witnesses of TIP (trauma-informed interview techniques and the like)
    - ○ Ensuring victim/witness cooperation with the prosecution process
    - ○ Comprehensive training on state anti-trafficking statutes
    - ○ Model investigative strategies
    - ○ Other (please describe) [FREE TEXT RESPONSE]

III. *EXISTENCE AND USE OF VARIOUS STATUTES ADDRESSING TIP.*

This section asks for detailed information about your state's statutes to gauge your office's level of familiarity with them, and to understand how your office uses them when making charging decisions. This section should be answered by someone involved during charging decisions, whether that be the prosecutor him-/herself or a clerk or paralegal. <u>You do not need to do research on the statutes; the questions are intended to gauge your current level of knowledge about your state's statutes</u>. These questions should be answered whether or not your office has had the opportunity to prosecute a TIP case yet.

General

14. How familiar are you with the Federal anti-trafficking provision, the 2000 Victims of Trafficking and Violence Protection Act (TVPA) and its subsequent amendments, on which many state statutes are modeled?

Not familiar at all　　　　　　　　Somewhat Familiar　　　　　Very Familiar

15. Has your state enacted any new anti-trafficking statutes or modified existing legislation to aid in the prevention and prosecution of trafficking in persons since the TVPA was enacted in 2000?
   a. New statutes
   b. Modified legislation
   c. Both new statutes and modified legislation
   d. No new or modified legislation
   e. Unsure [**SKIP LOGIC: If a, b, or c, go to Question 16. If d or e, skip to Question 18.**]

16. If you answered a, b, or c to Question 15, please list the new/modified anti-trafficking statute(s) and the year(s) passed:

Statute Name and Number	Year Passed	Modified/New	If modified, what was modified?
[Free Text Response]	[DropDown]	[DropDown]	[Free Text]
[Free Text Response]	[DropDown]	[DropDown]	[Free Text]

[Add more rows – up to 5 total]

17. To the best of your knowledge, which of your state's human trafficking statutes identified in Question 16 has your office used most often to prosecute TIP cases?

[Free Text Response]

18. How has the number of TIP cases brought to your attention by local law enforcement changed since the enactment of your state's first legislation to criminalize human trafficking?
   a. Decreased significantly

    b. Decreased slightly
    c. No change
    d. Increased slightly
    e. Increased significantly
    f. Unsure

19. To the best of your knowledge, do your state's statutes line up with the Federal Trafficking Victims Protection Act (TVPA 2000 and subsequent amendments, 8 U.S.C. § 1101) definition of human trafficking and related terms, which is:

<u>TVPA Trafficking in Persons Definition:</u>
SEVERE FORMS OF TRAFFICKING IN PERSONS
—The term "severe forms of trafficking in persons" means—
    (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
    (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

<u>Related terms in above definition</u>:
S EX TRAFFICKING
—The term "sex trafficking" means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
C OMMERCIAL SEX ACT
—The term "commercial sex act" means any sex act on account of which anything of value is given to or received by any person.
INVOLUNTARY SERVITUDE
—The term "involuntary servitude" includes a condition of servitude induced by means of—
(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or
-(B) the abuse or threatened abuse of the legal process.

    ○ **Yes**
    ○ **No**

If no, please list the elements of the above **(bolded)** definition of trafficking are different in your state statute's definition.

[Free Text Response]

Sex Trafficking

20. A. Does your state have a specific **sex trafficking provision**?
    ○ Yes
    ○ No **[If no, skip to question 28]**

B. If Yes, please indicate whether each element is present in your state's sex trafficking provision(s). If you a-re not sure whether a given element is present, select "unsure."

Element	Yes	No	Unsure
Child sex trafficking: Your state human trafficking law clearly defines a child sex trafficking victim as any minor under the age of 18 used in a commercial sex act without requiring use of force, fraud, or coercion (FFC). This is separate from adult sex trafficking, which requires proof of FFC.	○	○	○
Transportation is not a required element of the crime	○	○	○
The law recognizes that U.S. citizens and legal residents may also be trafficked for sex	○	○	○
Child sex trafficking and sex trafficking of adults are separate and distinct from general sexual offenses that may be used concurrently to prosecute those who commit commercial sex offenses against minors and/or adults	○	○	○
Statute requires posting of a human trafficking hotline where potential victims can see it in common venues such as truck stops, bars and restaurants, airports, and other areas	○	○	○
Prostitution statutes refer to the sex trafficking statute to acknowledge the intersection of prostitution with trafficking victimization	○	○	○
Minimum penalties for trafficking a child or adult for sexual exploitation are the same as federal penalties	○	○	○
Financial penalties for traffickers, including asset forfeiture, are the same as federal penalties	○	○	○
The state sex trafficking statute expressly prohibits a defendant from asserting a defense based on the willingness of a minor under 18 to engage in the commercial sex act	○	○	○
Convicted sex traffickers are required to register as sex offenders	○	○	○
Child sex trafficking is identified as a type of abuse and neglect within child protection statutes	○	○	○

21. Questions about Bottoms

a. Please describe your standard practice for deciding whether to charge bottoms or divert them to services. "Bottoms" are individuals who help sex traffickers manage and exploit their victims but are often trafficking victims themselves.

[Free Text Response]

292

  b. What about your practice works well to assist in deciding whether to charge bottoms or divert to services?

> [Free Text Response]

  c. What are your remaining challenges regarding decisions about charging bottoms or diverting to services?

> [Free Text Response]

Safe Harbor Legislation

22. Does your state have "Safe Harbor" legislation that prohibits the criminalization of minors under 18 for prostitution offenses?
    a. Yes
    b. No [If no, skip to question 27]

23. Please indicate the type of Safe Harbor legislation your state has below. If your state has multiple statutes with different provisions, please select all that apply and explain in the comment box.
    a. Allows arrests, but diverts victims into services
    b. Does not allow arrests, mandates service provision
    c. Does not allow arrests, no mandate of service provision

24. Please describe which activities have been decriminalized for minors in your Safe Harbor statute.

25. What provision in your Safe Harbor statute most facilitates your ability to be victim-centered in prosecutions?

26. How would you improve your state's Safe Harbor legislation to make victim-centered prosecution approaches easier?

27. A. If your state does not have Safe Harbor legislation, does your office use similar Safe Harbor practices as a matter of formal or informal policy or operating procedure?
    a. Yes
    b. No
    c. Unsure
    d. N/A - We have Safe Harbor
    B. Please describe how your office handles Safe Harbor practices if you do not have a statute or a standard procedure for all cases.

Labor Trafficking

28. A. Does your state have a **labor trafficking provision**?
   ○ Yes
   ○ No **[If no, skip to question 29]**

   B. If Yes, please indicate whether each element is present in your state's labor trafficking provision. If you are not sure whether a given element is present, select "unsure."

Element	Yes	No	Unsure
Separate and distinct from other labor exploitation violations	○	○	○
Transportation is not a required element of the crime	○	○	○
The law recognizes that U.S. citizens and legal residents may also be trafficked for labor	○	○	○
Labor trafficking is a separate and distinct offense from human smuggling. Smuggling involves the voluntary exchange of irregular migration services and does not include force, fraud, or coercion, like labor trafficking. Force, fraud, or coercion may be introduced in the beginning, or later in the process ("bait and switch"), turning a smuggling agreement into a trafficking situation	○	○	○
Posting of a human trafficking hotline in public places and work places where vulnerable individuals and concerned citizens can see it is mandated	○	○	○
Minimum sentencing and financial penalties for trafficking a child or adult for forced labor are the same as federal penalties	○	○	○

Other Aspects of Trafficking Legislation

29. Investigative and Prosecutorial Tools: Please indicate whether each of the following investigative or prosecutorial tools is legislated for in your state's TIP statutes. If you are not sure whether a given element is present, select "unsure."

Element	Yes	No	Unsure
Single party consent to audio-taping is permitted in law enforcement interviews	○	○	○
Wiretapping is an available tool to investigate human trafficking	○	○	○
Using a law enforcement decoy posing as a minor to investigate buying or selling of commercial sex acts is not a defense to soliciting, purchasing, or sex with a minor	○	○	○

294

Resources are allocated for using the Internet or electronic communications to investigate buyers and traffickers	○	○	○
Law enforcement agencies are mandated to promptly report missing and recovered children	○	○	○
State racketeering and gang statutes identify TIP as a predicate act	○	○	○
Human trafficking investigative task forces are budgeted for, legislated, allowed for, or mandated. These would consist of law enforcement and investigative agencies that investigate cases for prosecution	○	○	○
Community coalitions on human trafficking are budgeted for, legislated, allowed for, or mandated. Community coalitions, while they may have law enforcement members, do not have investigative authority. Coalitions also include service providers, educators, medical providers, and others working on multidisciplinary, holistic solutions to trafficking	○	○	○
Resources are allocated specifically for TIP cases, such as funds to travel to other states to collect evidence or interview witnesses, restitution for sex or labor trafficking victims, funds for law enforcement training	○	○	○
Resources are allocated for digital forensic extraction/analysis of cell phones and other electronic devices, also called "forensic dumping," in TIP investigations	○	○	○

Please describe your jurisdiction's capacity for using Digital Forensic Extraction/Analysis in TIP cases

[Free text response]

30. **Provisions for Comprehensive Victim Assistance**: Human Trafficking victims have a complex set of needs requiring coordinated assistance from both the criminal justice system and various social services. Please indicate whether each of the following victim assistance provisions is legislated for in your state's TIP statutes. If you are not sure whether a given element is present, select "unsure."

Element	Yes	No	Unsure
Crime victims' compensation is specifically available to a child victim of sex trafficking or CSEC	○	○	○
Crime victims' compensation is specifically available to a child victim of labor trafficking	○	○	○

Crime victims' compensation is specifically available to adult victims of sex trafficking	○	○	○
Crime victims' compensation is specifically available to adult victims of labor trafficking	○	○	○
Expungement or sealing of juvenile delinquency records resulting from arrests or adjudications for prostitution-related offenses committed as a result of, or in the course of, the commercial sexual exploitation of a minor is available within a reasonable time after turning 18	○	○	○
Victim-friendly procedures and protections are provided in the trial process for **minors under 18.** Examples include the accompaniment of a Victim Witness Specialist experienced in working with children; ability to testify via video if the use of child victim testimony cannot be avoided; and availability of a case manager to coordinate victim services	○	○	○
Victim-friendly procedures and protections are provided in the trial process for **adults**. Examples include the presence of a specially-trained Victim Witness Specialist, the ability to testify via video, and availability of a case manager to coordinate victim services	○	○	○
Your jurisdiction takes a multidisciplinary response to trafficking that involves collaboration between service providers with the multiple criminal justice actors that may be involved in a case	○	○	○
Victim restitution for child victims of human trafficking is authorized by law	○	○	○
Victim restitution for adult victims of human trafficking is authorized by law	○	○	○
Human trafficking victims have access to civil damages authorized by law	○	○	○
Statutes of limitations for civil and criminal actions for sex or labor trafficking are eliminated or lengthened sufficiently to allow prosecutors and victims a realistic opportunity to pursue legal remedies	○	○	○
Vacatur provisions that vacate charges that occurred during the course of trafficking victimization are included in legislation	○	○	○

If you have a vacatur statute, list the crimes charged that may be vacated under its provisions [Free text response]

296

31. Criminal provisions addressing Demand for Commercial Sexual Exploitation of Minors:
Please indicate whether each of the following provisions for criminalization of demand is legislated for in your state TIP statutes. If you are not sure whether a given element is present, select "unsure."

Element	Yes	No	Unsure
The state sex trafficking law can be applied to buyers of commercial sex acts with a minor	○	○	○
Solicitation laws differentiate between buying sex acts with an adult and buying sex acts with a minor under 18	○	○	○
No age mistake defense is permitted for a buyer of commercial sex acts with any minor under 18	○	○	○
Base penalties for buying sex acts with any minor under 18 are sufficiently high and not reduced for older minors (age 16-17)	○	○	○

32. Criminal provisions for Facilitators of Human Trafficking: Please indicate whether the following provisions for facilitators of human trafficking, or those that benefit from or enable human trafficking even if they do not perpetrate it directly, are legislated for in your state TIP statutes. If you are not sure whether a given element is present, select "unsure."

Element	Yes	No	Unsure
The acts of assisting, enabling, or financially benefitting from **sex trafficking** are included as criminal offenses	○	○	○
Financial penalties, including asset forfeiture laws, are in place for those who benefit financially from or aid and assist in committing domestic or international *child* sex trafficking	○	○	○
Financial penalties, including asset forfeiture laws, are in place for those who benefit financially from or aid and assist in committing domestic or international *adult* sex trafficking	○	○	○
Promoting and selling child sex tourism is illegal	○	○	○
The acts of assisting, enabling, or financially benefitting from **labor trafficking** are included as criminal offenses	○	○	○
Financial penalties, including asset forfeiture laws, are in place for those who benefit financially from or aid and assist in committing labor trafficking (domestic or international)	○	○	○

33. What aspects of your state's anti-TIP legislation best facilitate prosecutions?

> [Free Text Response]

34. What aspects of your state's anti-TIP legislation could be improved to make your prosecutions more successful?

> [Free Text Response]

IV.   PROSECUTION PROCESSES

This section asks about prosecution processes and experiences prosecuting TIP cases in your jurisdiction. Questions seek to understand the common elements of case building and prosecution included in your practices, as well as some of the common challenges to successful prosecution your jurisdiction may face. Answers for this section may be provided by your chief prosecutor or a designee.

35. A. Is your office a member of a human trafficking task force?
- ○ Yes
- ○ No **[If no, skip to Question 36]**

B. If yes, what type of Human Trafficking Task Force do you have? [More than one selection possible]

Enhanced Collaborative Model (ECM) Task Force	○
Multidisciplinary Team	○
State Task Force	○
Local Task Force	○

36. Has your office prosecuted any TIP cases under your state's anti-trafficking statutes that you listed in Question 16? (Part 6 will include questions asking for some statistics about numbers of cases, case types, and case outcomes.)
- a. Yes
- b. No

37. A. Are there any other auxiliary or similar statutes that you have also used in prosecuting TIP cases? Examples might include charging pimping or pandering instead of sex trafficking, or charging other labor exploitation statutes instead of labor trafficking.
- ○ Yes
- ○ No

B. If yes, please describe whether you used them concurrently with or instead of a trafficking-specific statute, and if so, which statutes(s) you used in what ways. For example, other

statutes may be used to charge auxiliary crimes because the burden of proof for the human trafficking statutes was not met, or to increase available penalties.

> [Free Text Response]

38. How often do you collaborate with each of the following entities on the prosecution of TIP cases?

Reason state human trafficking statute was not used to prosecute human trafficking cases	Never	Rarely	Sometime	Often	Always
Federal law enforcement agencies	○	○	○	○	○
State law enforcement agencies in your jurisdiction	○	○	○	○	○
State law enforcement agencies outside your jurisdiction	○	○	○	○	○
Local law enforcement agencies in your jurisdiction	○	○	○	○	○
Local law enforcement agencies outside your jurisdiction	○	○	○	○	○
Local nonprofit organizations (e.g., homeless shelters, churches, ethnic/immigrant groups, etc.)	○	○	○	○	○
Public service organizations (e.g. Departments of Labor, Health and Human Services, other local government entities)	○	○	○	○	○
International NGOs (such as Human Rights Watch, Oxfam, or International Rescue Committee)	○	○	○	○	○

39. A. In cases where your office might have charged a trafficking crime, but you prosecuted the case using laws other than your state TIP statute(s), which of the following prevented their use? Please rate each one to reflect your experience. Do not include declinations/no actions here – they will be asked about separately in question 63.

Reason state human trafficking statute was not used to prosecute human trafficking cases	Never	Rarely	Sometimes	Often	Always
Case was referred for Federal prosecution	○	○	○	○	○
Other similar, more familiar statutes used instead	○	○	○	○	○
Burden of proof is difficult to assemble	○	○	○	○	○
Lack of corroborating evidence	○	○	○	○	○

Misperception that trafficking victims only come from other countries and do not include U.S. citizens and legal residents   ○ ○ ○ ○ ○

Misperception that trafficking victims are the same as undocumented immigrants   ○ ○ ○ ○ ○

Lack of adequate resources to investigate/prosecute the case   ○ ○ ○ ○ ○

> Please list any specific resources that are regularly inadequate when pursing a prosecution. [Free text response]

B. How often was **cooperation with other agencies** an obstacle to charging a trafficking crime? Please rate each of the following agency types to reflect your experience. Do not include declinations/ no actions here.

	Never	Rarely	Sometimes	Often	Always
Federal law enforcement	○	○	○	○	○
Other federal agencies	○	○	○	○	○
State/local law enforcement	○	○	○	○	○
Other state/local agencies	○	○	○	○	○

C. How often was **Victim-Witness Cooperation** an obstacle to charging a trafficking crime? Please rate each of the following reasons to reflect your experience. Do not include declinations/no actions here.

	Never	Rarely	Sometimes	Often	Always
Flight risk or withdrawal of cooperation due to precarious housing	○	○	○	○	○
Flight risk or withdrawal due to threats or witness intimidation	○	○	○	○	○
Did not want to deal with the trauma of a trial	○	○	○	○	○
Other (please describe)	○	○	○	○	○

D. How often was **Victim-Witness Credibility** an obstacle to charging a trafficking crime? Please rate each of the following reasons to reflect your experience. Do not include declinations/no actions here.

	Never	Rarely	Sometimes	Often	Always
Victim that stayed in/did not leave his/her situation seen as less credible	○	○	○	○	○
Victim mental health status (general or as result of trauma)	○	○	○	○	○
Case circumstances impacted credibility	○	○	○	○	○
Victim background impacted credibility	○	○	○	○	○

E. When **victim support services** were unavailable or insufficient to stabilize a victim to cooperate with prosecution of a trafficking crime, which service types presented the greatest obstacles? Please rate each one to reflect your experience. Do not include declinations/no actions here.

	Never	Rarely	Sometimes	Often	Always
Housing	○	○	○	○	○
Safety planning	○	○	○	○	○
Trauma-informed services	○	○	○	○	○
Mental health services	○	○	○	○	○
Victim-witness specialists/Preparing for trial	○	○	○	○	○
Drug or alcohol treatment	○	○	○	○	○
Coordinated case management	○	○	○	○	○
Medical/Psychological care	○	○	○	○	○
Educational/employment counseling	○	○	○	○	○
Transportation	○	○	○	○	○
Translation/interpretation services	○	○	○	○	○
Financial assistance	○	○	○	○	○
Witness protection	○	○	○	○	○
Relocation assistance	○	○	○	○	○
Amnesty/Assurance victim would not be charged	○	○	○	○	○
U-Visa (for non-legal resident victims)	○	○	○	○	○

301

T-Visa (for non-legal resident victims)   ○   ○   ○   ○   ○

40. If you mentioned in Question 39A that the human trafficking statutes were not used because the burden of proof was difficult to assemble, which portion of the burden of proof is consistently the most difficult for you to prove? Please rank the following with number 1 being the most consistently difficult item to prove and number 5 representing the least difficult.

Act: The recruitment, harboring, transportation, provision, or obtaining of a person

Means: Through use of force, fraud, or coercion (not necessary in child sexual exploitation cases)

Purpose of the act: forced labor or commercial sex

That the trafficker knew the age of the victim (in child sexual exploitation cases)

That the customer knew the age of the victim (in child sexual exploitation cases)

41. For your top choice in questions 40, please describe the greatest difficulty you face in proving that element of the human trafficking crime, as well as whether your state statute requires you to prove something different than what is outlined in Question 40 (i.e. if your state requires force, fraud or coercion for minors as well).

> [Free Text Response]

42. If vulnerable victim-witnesses present a problem in your pursuit of prosecutions in human trafficking cases, please select/describe the types of problems you encounter (select all that apply).
- ○ Effects of trauma impeded coherence in statements
- ○ Effects of trauma impeded consistency in statements
- ○ Victim not believable for other reason
- ○ Ran away/Disappeared/Lost Contact
- ○ Picked back up by/ threatened by/ afraid of their controller(s)
- ○ Victim-witness did not feel supported/ protected by the criminal justice system
- ○ Victim-witness loved or wanted to protect their controller (common trauma symptom)
- ○ Cultural or community pressure not to "snitch"
- ○ Threat of deportation
- ○ Victim-witness wanted safety only and did not want to be involved in the prosecution
- ○ Victim-witnesses do not present a problem in pursuing prosecutions

○　　　Other (please describe) [FREE TEXT RESPONSE]

43. How often is victim testimony the primary evidence you use to prosecute a case?
- a. Never
- b. Rarely
- c. Sometimes
- d. Often
- e. Always

44. What other types of evidence do you rely upon in addition to victim testimony? Select all that apply.
- ○ Digital evidence (i.e. website advertisements, social media posts)
- ○ Financial records
- ○ Evidence of physical harm (photos, other)
- ○ Wiretap evidence
- ○ Cell phone records (texts, calls)
- ○ Witness testimony (other than victim)
- ○ Jail calls
- ○ Jail mail
- ○ Other (please describe)

45. How do you most predominantly use this evidence when you have it?
- a. In addition to victim testimony
- b. In lieu of victim testimony

46. What impact does your evidentiary practice in Question 44 have on applications for T-visas and U-visas for non-citizen victims?

> [Free Text Response]

47. Please describe any challenges you experience with judges in adjudicating state trafficking statutes. Select as many as apply.
- ○ Judges lack understanding of the new statutes (burdens of proof)
- ○ Judges lack understanding of the new statutes (sentencing guidelines)
- ○ Judges lack training on the effects of trafficking on victim choices and decisions (e.g., psychological coercion may make a victim afraid or unable to leave on his/her own)
- ○ Judges have pre-existing ideas of who is a victim (e.g. overt or implicit bias against victims from troubled backgrounds)

      ○   Other (please describe) [FREE TEXT RESPONSE]

48. A. Are there any cases that, in hindsight, could have been prosecuted as trafficking offenses using the definitions offered in this survey?
    ○ Yes
    ○ No
   B. If yes, what leads you to believe that now vs. at the time the case was adjudicated?

[Free Text Response]

V.   ADDITIONAL INITIATIVES UNDERTAKEN TO ADDRESS TIP

This section asks about additional initiatives undertaken to combat TIP in your jurisdiction. State legislatures, medical or community agencies, local law enforcement agencies, and/or other parties may have taken the lead in implementing some of these initiatives.

49. A. Please indicate whether each of the following anti-trafficking initiatives exists in your jurisdiction, is planned for your jurisdiction, or is being considered by your jurisdiction for the future. For any in use or planned, we will ask for some detail in questions 50-55.

Anti-trafficking or trafficking prosecutorial initiative	In use	Planned	Under Consideration	NA
Use of expert witnesses, such as trained police officers and psychologists, to explain dynamics psychology and coercion involved in human trafficking	○	○	○	○
Cultivation of individuals, such as local police officers and other service providers, to become trained expert witnesses for TIP cases	○	○	○	○
Development of model prosecutorial tools specific to the state's anti-trafficking statute, such as prosecutorial techniques, how to handle common defense tactics, or sample jury instructions	○	○	○	○
Use of validated victim identification tools by agencies that can refer cases to the Prosecutor's Office	○	○	○	○
Establishment of a mechanism for collecting, maintaining, and reporting data on TIP cases investigated and prosecuted	○	○	○	○
Establishment of sufficient, specialized services for TIP victims in general and minors in particular, including:	○	○	○	○
Secure, long-term housing	○	○	○	○
Health and mental health services	○	○	○	○
Involvement of a victim services coordinator or case manager	○	○	○	○

Referrals to services that contribute to stabilization of the victim, like employment counseling, educational counseling, financial counseling, and other services	○	○	○	○
Multidisciplinary team collaboration	○	○	○	○

B. Was the answer to every item in Question 49A "NA?"
   a. Yes **[If yes, skip to Question 55.]**
   b. No

From Question 49, for each initiative type where you indicated that you have implemented or plan to implement the initiative, please use the free-text response options in Questions 50-55 to describe your initiative, whether there is any data collected, and any efforts undertaken to determine its effectiveness. If you have not implemented or planned the type of initiative listed, enter "NA" for that question.

50. ***Expert witnesses (use of or cultivation of)***, such as trained police officers and psychologists, to explain the dynamics of human trafficking and the psychology and coercion involved in human trafficking.

   > [Free Text Response]

51. ***Specialized services for TIP victims in general and minors in particular***, including secure, long-term housing, health and mental health services, and a victim services coordinator or case manager.

   > [Free Text Response]

52. ***Use of validated assessment tools to identify potential TIP victims***.

   > [Free Text Response]

53. ***Model prosecutorial tools specific to the state's anti-trafficking statute***, such as prosecutorial techniques, how to handle common defense tactics, or sample jury instructions.

   > [Free Text Response]

54. ***Mechanism for collecting, maintaining, and reporting data on TIP cases investigated and prosecuted***.

   > [Free Text Response]

55. *Are there any other anti-trafficking initiatives or prosecutorial procedures your office is undertaking that you would like to tell us about?*

[Free Text Response]

VI. DATA ON TIP CASES INVESTIGATED AND PROSECUTED

This final section asks about the type of data you track on TIP cases in your office. Questions 56-63 will also ask for some case information from your files related to TIP prosecutions. This section also asks about your willingness to potentially share some data with us in future research projects. It may be completed by your records clerk in conjunction with someone authorized to answer question 64.

56. Does your office maintain the following types of data on TIP cases? (Select all that apply)
   ○ Cases referred in (from any source)

   ○ Method/sources of referral

   ○ Cases accepted

   ○ Cases denied/declined

   ○ Reasons for case denial/declination

   ○ Alternative disposition outcomes of cases not charged under human trafficking statutes

   ○ Outcomes for cases prosecuted under trafficking statutes

   ○ N/A

   (Select N/A if your office has never prosecuted a TIP case under your human trafficking statute or any other related statute or charging mechanism.) [**IF RESPONDENT SELECTS N/A, SKIP TO END OF SURVEY**]

57. For what time period are data available? [DATE RANGE FIELD]

58. What is included in the case file data that you maintain?
   ○ Internal investigation records

   ○ Narratives/transcripts of interviews

   ○ Narratives/transcripts of judicial proceedings

   ○ Police reports

   ○ Court records

   ○ Supporting documentation such as evidence reports

306

○ Cases charged using state human trafficking statutes

○ Cases charged using related charges, e.g. pimping, pandering, sexual exploitation, labor exploitation

○ Cases later referred for Federal prosecution

59. A. In what format do you keep your data? Select one, or both if you have a mix of file types.
  ○ Paper files
  ○ Electronic
B. If electronic, in which program(s) or file format(s) are the data?

[Free Text Response]

60. How many cases were referred to your office during the time period identified in Question 57?
  a. Sex trafficking [numeric response]
  b. Labor trafficking [numeric response]
  c. Sex and Labor trafficking (both types present in same case)

61. How many of the above cases listed in Question 60 did your office accept and prosecute under state human trafficking law?
  a. Sex trafficking [numeric response]
  b. Labor trafficking [numeric response]
  c. Sex and Labor trafficking (both types present in same case) [numeric response]

62. What were the outcomes of the cases identified in Question 60?

Case Type	Number of TIP Cases Not Accepted or Declined	Number of Cases Convicted at Trial Under State TIP Statute	Number of Cases Convicted via Plea Agreement using TIP Statutes	Number of Cases Convicted via Plea Agreement using Other Statutes	Number of Cases Acquitted or Dropped	Number of Cases Referred out for Federal Prosecution
Sex Trafficking						
Labor Trafficking						
Sex and Labor Trafficking						

63. For cases that were not accepted, dropped or declined for prosecution altogether, *not including those referred for Federal prosecution or charged under alternative statutes that you replied about*

307

in Question 39, what were the most common reasons for declination, dropping a case, or a decision of no action? Select all that apply:

- ○ Insufficient evidence

- ○ Exculpatory evidence

- ○ Key evidence ruled inadmissible

- ○ Lack of resources (caseload x amount of time to build a TIP case)

- ○ First time offender

- ○ Victim/Witness does not come forward or want to testify

- ○ Defendant willingness to cooperate/offer information for reduced or dropped charges

- ○ Case circumstances may impact credibility for judge or jury

- ○ Victim's background may impact credibility for judge or jury

- ○ Victim's trauma-impacted decisions or testimony may impact credibility for judge or jury

- ○ Charges pending in another (non-Federal) jurisdiction

- ○ Other (please describe)

  [Free text response]

64. In order to assist in understanding the impact of state human trafficking statutes on reducing human trafficking in the United States, would you be willing to share these data with us for future research, such as an evaluation of promising practices or a deeper assessment of challenges that prosecutors face in prosecuting trafficking cases?
The purpose of such research would be to communicate successful evidence-based practices that can be replicated by other jurisdictions, or to identify and substantiate areas where prosecutors' offices may require additional resources.

- ○ Yes

- ○ Maybe

- ○ No

You have reached the end of the survey. Thank you for your participation!
If you have any additional comments, questions, or concerns, please contact *Candace Mosley* (cmosley@ndaajustice.org) or *Kris Lugo* (klugo@jrsa.org).

Appendix B: Supplementary Survey Tables and Figures

Bivariate or Naïve Regression Tables

Table B1: Impact of Programmatic Activities on Cases Referred in and Accepted for Prosecution - No Controls

Negative Binomials with Robust Standard Errors	All Cases Referred In	All Cases Accepted	ST Cases Referred In	ST Cases Accepted	LT Cases Referred In	LT Cases Accepted	SLT Cases Referred In	SLT Cases Accepted
Use Expert Witnesses	0.83	**1.11**	-0.01	0.16	**2.59**	***2.28**	***2.54**	**2.02**
Cultivate Expert Witnesses	-0.99	-0.20	-0.23	0.23	-1.05	1.96	-1.52	-2.81
Devp. Model Prosecutions	***1.56**	1.09	0.43	0.62	***2.54**	***2.54**	2.58	***4.37**
Vic ID Tool Ref. Agencies	-0.76	0.02	0.51	**1.06**	***-2.42**	***-2.90**	**-3.17**	**-2.02**
TIP CMS	-0.38	-0.87	-0.22	-0.63	0.51	-1.00	-2.96	-2.86
Secure Long-Term Housing	1.07	0.36	-0.23	-0.03	0.85	1.61	***5.12**	**4.26**
Health/Mental Health Svcs.	0.29	0.99	**1.44**	**1.24**	**-2.10**	***-3.73**	-2.23	-1.78
Involve Case Mgr.	0.69	0.42	0.38	-0.09	2.12	3.49	0.25	-0.01
Vic Svcs. Referral System	-0.76	-0.32	-1.19	-0.68	1.14	-0.35	1.75	2.11
Multidisciplinary Teams	0.86	0.75	**1.32**	0.67	-0.48	-0.72	0.42	-0.50
N	57.00	55.00	67.00	67.00	64.00	59.00	61.00	58.00
Pseudo R2	0.05	0.05	0.04	0.05	0.15	0.13	0.05	0.07
/lnalpha	0.88	0.88	0.62	0.64	1.64	2.33	2.50	2.38
alpha	2.40	2.42	1.86	1.90	5.15	10.23	12.23	10.81
Bold = p< .05	**Bold*** = p< .01							

Log-likelihood								
Model	-250.65	-236.66	-284.42	-260.54	-83.94	-55.39	-121.58	-104.49
Intercept-only	-262.94	-250.00	-296.71	-274.88	-98.25	-63.95	-128.48	-111.99

Chi-square								
Deviance	501.3	473.3	568.8	521.1	167.9	110.8	243.2	209.0
Wald Chi2	41.60	53.84	35.26	61.20	39.06	46.05	84.69	95.80
p-value	0	0	0	0	0	0	0	0

R2								
McFadden	0.05	0.05	0.04	0.05	0.15	0.13	0.05	0.07
McFadden (adjusted)	0.00	0.01	0.00	0.01	0.02	-0.05	-0.04	-0.04
Cox-Snell/ML	0.35	0.38	0.31	0.35	0.36	0.25	0.20	0.23
Cragg-Uhler/Nagelkerke	0.35	0.38	0.31	0.35	0.38	0.28	0.21	0.23
AIC	525.30	497.31	592.84	545.09	191.88	134.78	267.16	232.98
AIC divided by N	9.22	9.04	8.85	8.14	3.00	2.28	4.38	4.02
BIC (df=12)	549.82	521.40	619.30	571.54	217.79	159.71	292.49	257.70

Table B2: Impact of Programmatic Activities on Cases Declined - No Controls. *Likelihoods that fewer cases were declined.* **Interval Regressions.**

	All Cases Declined	ST Cases Declined	LT Cases Declined	SLT Cases Declined
Use Expert Witnesses	3.35	-2.97	-0.37	-0.27
Cultivate Expert Witnesses	0.81	0.19	-0.40	0.21
Devp. Model Prosecutions	2.10	-1.58	-1.49	-0.42
Vic ID Tool Ref. Agencies	-3.26	0.98	1.17	-0.27
TIP CMS	3.17	-0.84	-1.31	-0.38
Secure Long-Term Housing	-4.17	4.03	-0.32	0.24
Health/Mental Health Svcs.	0.46	-2.55	0.96	1.09
Involve Case Mgr.	6.75	-5.33	-1.25	-1.09
Vic Svcs. Referral System	-2.27	3.25	-0.13	-0.06
Multidisciplinary Teams	2.84	-2.52	0.88	-0.48
N	69	69	70	70
Wald chi2	11.6	11.38	**18.11**	13.63
/lnalpha	2.35	2.20	0.81	0.34
alpha	10.43	8.98	2.24	1.40

Interval Regressions with Robust Standard Errors

Bold = p< .05   **Bold*** = p< .01

Offices Reporting 1+ SLT Cases = 9 offices only.

Log-likelihood				
Model	-164.47	-154.27	-65.05	-35.49
Intercept-only	-170.02	-159.1	-70.65	-39.42
Chi-square				
Deviance (df=57)	328.94	308.53	130.10	70.97
Wald (df=10)	11.60	11.38	18.11	13.63
p-value	0.31	0.33	0.05	0.19
R2				
McFadden	0.03	0.03	0.08	0.1
McFadden (adjusted)	-0.04	-0.05	-0.09	-0.21
Cox-Snell/ML	**0.15**	**0.13**	**0.15**	**0.11**
Cragg-Uhler/Nagelkerke	0.15	0.13	0.17	0.16
IC				
AIC	352.94	332.53	154.10	94.97
AIC divided by N	5.12	4.82	2.20	1.36
BIC (df=12)	379.75	359.34	181.08	121.95
Variance of e	108.85	80.65	5.04	1.97

Table B3: Impact of Programmatic Activities on Case Charging Decisions - No Controls. Interval Regressions.

	Cases Charged TIP Statute	**Cases Charged Alternate Statutes**
Use Expert Witnesses	1.77	5.02
Cultivate Expert Witnesses	0.77	-2.53
Devp. Model Prosecutions	**12.77**	***11.00**
Vic ID Tool Ref. Agencies	-2.99	6.19
TIP CMS	-0.95	-2.81
Secure Long-Term Housing	-1.94	0.15
Health/Mental Health Svcs.	1.44	7.50
Involve Case Mgr.	-18.52	2.28
Vic Svcs. Referral System	**21.40**	-4.93
Multidisciplinary Teams	3.13	-3.74
N	70	70
Wald chi2	14.08	10.3
/lnalpha	2.81	2.68
alpha	16.55	14.54

Interval Regressions with Robust Standard Errors

Bold = p< .05   **Bold*** = p< .01

Log-likelihood		
Model	-229.39	-234.12
Intercept-only	-240.34	-242.90
Chi-square		
Deviance (df=57)	458.78	468.24
Wald (df=10)	14.08	10.30
p-value	0.17	0.41
R2		
McFadden	0.05	0.04
McFadden (adjusted)	-0.00	-0.01
Cox-Snell/ML	**0.27**	**0.22**
Cragg-Uhler/Nagelkerke	0.27	0.22
IC		
AIC	482.78	492.24
AIC divided by N	6.90	7.03
BIC (df=12)	509.76	519.22
Variance of e	274.04	211.39

311

Figure B1: Percentage of Jurisdictions that have ever Prosecuted a "Trafficking in Persons" Case, by Region

Figure B2: Percentage of Jurisdictions Reporting Collaboration on Prosecution of TIP Cases, by Collaboration Entity

Note: Numbers are not mutually exclusive. Prosecutorial jurisdictions may participate in multiple human

Figure B3: Percentage of Jurisdictions Charging a Trafficking Case Using Laws Other than State TIP Statute, by Reason, by Region

Figure B4: Percentage of Jurisdictions Reporting that Cooperation with Other Agencies Posed Obstacle to Charging a Trafficking Crime, by Agency Type

n=98; Note: Numbers are not mutually exclusive. Prosecutorial jurisdictions may have reported

313

Appendix C: Case Study Data Collection Instruments

Miami Interview Instrument

<u>**Part I: Programming Under Study**</u>

This interview will cover two main areas. In this portion of the interview, I will ask you a number of questions about the areas of programming directly under study: Training and cross training initiatives, and digital evidence processing. The second part will ask about co-occurring anti-trafficking programs.

- **Training/Cross-training**
  - **Trauma-informed Interviewing**
    - Description of training conducted in/attended by staff in your office or by partners
    - Elements covered
    - One time or ongoing?
    - Participants?
      - Law Enforcement
      - State's Attorney's Office (SAO)
      - Other
    - Usefulness/effectiveness (interviewee opinion)
    - What would improve it?
  - **Securing and preservation of evidence**
    - Description of training conducted in/attended by staff in your office or by partners
    - Elements covered
    - One time or ongoing?
    - Participants? (Interviewee may provide this list in writing)
      - Law Enforcement
      - State's Attorney's Office (SAO)
    - Usefulness/effectiveness (interviewee opinion)
    - What would improve it?
- **Digital Evidence Processing: describe process and changes over the years.** *This set of questions is to understand how the handling of digital evidence works, especially in light of lab changes.*
  - Transmission of evidence to labs: What is your office's process? (Or Law Enforcement if they do it)
  - Forensic analysis by labs

314

- General Process?
  - Differences by evidence type?
    - Website advertisements (Craigslist, Backpage, etc.)
      - Which website(s)?
    - Subpoenas to advertiser websites
    - Review site
      - Site(s)?
    - Cell phone forensic analysis
      - Texts
      - Calls (history)
      - Cell phone warrants
      - Cell site info
      - Trap and trace of real time calls
      - Cell tower dumps
    - Social media
      - Site(s)? (free text)
      - Social media warrants
        - Which sites? (free text)
    - Credit card or other digital financial information
    - Laptop/desktop computer forensic analysis
  - Which labs?
    - Do different evidence types go to different labs or is it all one lab?
    - Dates of lab service changes?
      - What evidence types were affected if there are different labs involved for different evidence types?
- Transmission of results from lab to SAO
  - How are results transmitted back to you or to Law Enforcement?
  - How would you characterize your relationship with lab?
  - Elements of that relationship that work?
  - Areas for Improvement?
- Use of digital evidence by SAOs
  - Please describe how you use the evidence in case building once it's processed. This may vary by type.
  - Please describe challenges you've had in building cases with digital evidence.
- **How would you describe the <u>implementation of practices</u> around <u>digital evidence gathering, processing, and handling</u> in trafficking cases?**
  - What was the implementation process?
    - Cut and dried or more iterative?
    - Who was involved?

315

- • Division of labor?
- • Time frame?
- Successes
- Lessons learned
- Recommendations for improving current practices?
- **How would you describe the <u>implementation of practices</u> around <u>digital evidence use in prosecutions</u> of trafficking cases?**
  - What was the implementation process?
    - • Cut and dried or more iterative?
    - • Who was involved?
    - • Division of labor?
    - • Time frame?
  - Successes
  - Lessons learned
  - Please describe your impressions of the impacts that building digital forensic capacity has had on:
    - • Investigations
    - • Case building
    - • Ability to rely less on victim testimony
    - • Use of TIP statutes vs. alternative statutes to prosecute
  - Recommendations for improving current practices?

Part II: Co-Occurring Initiatives

This second section asks about other initiatives also occurring in your office or among partners. Can you provide some background based on your experiences with the following concurrently-running initiatives with trafficking in persons cases?

- **T-I Interviewing & Practices (actual use in practice vs. the training asked about earlier)**
  - What was the implementation process?
  - Successes
  - Lessons learned
- **Cultivating Trained VWS on Staff**
  - What was the implementation process?
  - Successes
  - Lessons learned
- **Cultivating Expert Witnesses**
  - What was the implementation process?
  - Successes

- • Lessons learned
- **Human Trafficking and Child Protection and Recovery (HTCPR: cooperation w/Child Protective Services on missing kids)**
  - • What was the implementation process?
  - • Successes
  - • Lessons learned
- **Revitalize HT Task Force (28 agencies)**
  - • What was the implementation process?
  - • Successes
  - • Lessons learned
- **Other initiatives? List them, and then for each:**
  - • What was the implementation process?
  - • Successes
  - • Lessons learned
- **Can you think of any initiatives undertaken by partner agencies, such as law enforcement, victim service providers, or community groups that may also have been occurring at the same time and had impact on case outcomes? List them, and then for each:**
  - • What was the implementation process?
  - • Successes
  - • Lessons learned
  - • In what way do you think it may have impacted outcomes for one or more cases?

- **Do you see traffickers adapting themselves to your capabilities? How so? How do you respond?**

- **Can you think of anyone else we should talk to for further information on any of these questions? List names, affiliations, titles, and contact information.**

New York Interview Instrument

Part I: Programming Under Study

This interview will cover two main areas. In this portion of the interview, I will ask you a number of questions about the area of programming directly under study: Proactive case building procedures. The second part will ask about co-occurring anti-trafficking programs.

*This set of questions is to understand more detail about DANY's **proactive case identification and case building process** with regard to trafficking cases from the perspectives of a variety of people working on these cases. A number of components were identified in the HTRU presentation that DANY gave to JRSA and NDAA in August 2017:*

- How would you define proactive case building as done by DANY in trafficking cases?
- What are its most basic elements?
- How is it different from other types of case building used by DANY?
- (If with DANY or PD) When did you start using the current form of proactive case building?
    - How has this shift *helped* your cases, if at all?
        - Prosecutions
        - Victims
    - How has this shift *hurt* your cases, if at all?
        - Prosecutions
        - Victims
- (If with Legal Aid/Defense) What is your opinion of the proactive case building methods used by DANY?
    - How has this shift *helped* your clients, if at all?
        - Accused
        - Victims
    - How has this shift *hurt* your clients, if at all?
        - Accused
        - Victims
    - Are any portions of this process conducted with your cooperation, help, or advice?
        - Accused
        - Victims
    - Are any portions of this process that you wish were conducted with your cooperation, help, or advice?
        - Accused
        - Victims

Proactive Case Building (DANY and Partner Interviewees): Please describe <u>process and changes over the years</u>: with the following identified elements of proactive case building at DANY.

- Proactively screen all Domestic Violence, Prostitution, & other similar case types
    - Is there a list of all the other case types/charges routinely screened?
- Please describe your internal screening tools and how they are used.
- Please describe how Memex is used and how it fits into your larger processes.
- Please describe your internal databases & case file management system
    - How/when were they created?
    - How are they maintained and managed now to best support investigations?
    - How are they maintained and managed now to best support prosecutions?
    - In what other capacity or capacities are the data used?
    - In what way/ are they set up to be able to interface with larger case databases?
        - Within DANY?
        - Within NYC?
        - With any other jurisdictions?
    - If yes, how so?
- Please describe your case-building process through the following steps, including which staff or partners are involved in each step. What additional insights might be added to these taken from your HTRU case-building PowerPoint that can affect cases and case outcomes?
    - Identify cases
    - Track leads
    - Track progress
    - Arrest Alert System – describe more about this and how it is used
    - Seize proceeds & assets used in TIP – describe more about this, the process for how it is used/deployed, and under what circumstances
    - Trauma-informed, victim-centered prosecution practices
        - Interviewing
        - Victim procedures to reduce trauma
        - Service provision
    - Victim advocacy/ VWS services
- Collaborations
    - Can you identify relevant collaborations between yourselves and others, or between others, that are important for case outcomes?
    - Please briefly describe their history/histories.
    - Please describe how they come into play today.
    - Successes?
    - Areas for improvement?
- Digital Evidence

- Transmission of evidence to labs: What is your office's process for working with digital evidence labs? (Or Law Enforcement if they do it)
  - Differences by evidence type?
    - Website advertisements (Craigslist, Backpage, etc.)
      - Which website(s)?
    - Memex ad data
    - Subpoenas to advertiser websites
    - Review site
      - Site(s)?
    - Cell phone forensic analysis
      - Texts
      - Calls (history)
      - Cell phone warrants
      - Cell site info
      - Trap and trace of real time calls
      - Cell tower dumps
    - Social media
      - Site(s)? (free text)
      - Social media warrants
        - Which sites? (free text)
    - Credit card or other digital financial information
    - Laptop/desktop computer forensic analysis
- Use of digital evidence by DANY
  - Please describe how you use the evidence in case building once it's processed. This may vary by type.
  - Please describe challenges you've had in building cases with digital evidence.
- **How would you describe the <u>overall implementation of practices</u> around <u>proactive case-building</u> in trafficking cases?**
  - What was the implementation process?
    - Cut and dried or more iterative?
    - Who was involved?
    - Pieces involved?
      - New for trafficking cases?
      - Were already existing?
      - Adapted from existing for trafficking cases?
    - Division of labor?
    - Time frame?
  - Successes
  - Lessons learned

- Recommendations for improving current practices?
- Of all the pieces involved with proactive case building that DANY has undertaken, if you worked for an office with fewer resources or in a smaller jurisdiction, what 2-3 pieces would you prioritize to most greatly increase the ability to:
  - Accurately identify cases?
  - Prosecute cases?
  - Achieve convictions under TIP statute?
  - Achieve proportionate sentencing?

Part II: Co-Occurring Initiatives

This second section asks about other initiatives also occurring in your office or among partners.

- *DANY or Partner Interviewees: Can you provide some background based on your experiences with the following concurrently-running initiatives with trafficking in persons cases?*
- *Legal Aid/Defense Interviewees: Can you tell me what you know about the following and your opinions on the effectiveness of the efforts, as well as how they affect your job?*
  - *Ability to defend victims if facing some auxiliary charge*
  - *Ability to defend accused or get them a fair deal*
  - *Fairness of the processes*
  - *Recommendations for improvement and reasons for recommendations*

- **Separate LE collaborations i.e. w/Innocence Lost**
  - Can you list the relevant collaborations?
  - What was the implementation process?
  - Successes
  - Lessons learned
- **Within-office TIP training**
  - Description of training conducted in/attended by staff in your office or by partners
  - Elements covered
  - One time or ongoing?
  - Usefulness/effectiveness (interviewee opinion)
  - What would improve the training provided?
  - What was the implementation process for the training?
  - Successes (implementation-related)
  - Lessons learned (implementation-related)
- **Trainings of other groups (Law Enforcement, Educators, Consulates, Industry, community)**

321

- **Efforts focused on johns, sex tourism operators, other facilitators**
  - Can you describe these efforts?
  - Successes
  - Lessons learned
- **Other initiatives? List and describe them, and then for each:**
  - What was the implementation process?
  - Successes
  - Lessons learned

- **Can you think of any initiatives undertaken by partner agencies, such as law enforcement, victim service providers, or community groups that may also have been occurring at the same time and had impact on case outcomes? List and describe them, and then for each:**
  - What was the implementation process?
  - Successes
  - Lessons learned
  - In what way do you think it may have impacted outcomes for one or more cases?

- **Do you see traffickers adapting themselves to your capabilities? How so? How do you respond?**
- **Can you think of anyone else we should talk to for further information on any of these questions? List names, affiliations, titles, and contact information.**

322

San Diego Interview Instrument

Part I: Programming Under Study

This interview will cover two main areas. In this portion of the interview, I will ask you a number of questions about the area of programming directly under study: Formation and Implementation of the San Diego County Advisory Council on Human Trafficking. The second part will ask about co-occurring anti-trafficking programs.

This set of questions is to understand more detail about San Diego's County Advisory Council; how it formed; the processes involved in establishing partnerships, agreements, and cooperation; and how its work contributes to actual human trafficking cases from the perspectives of a variety of people working on these cases and in this community:

The council, as we understand it, brought together key stakeholders to identify gaps and to discuss best practices in **victim services, child welfare, community, prosecution, education, training, law enforcement, and research**. The Executive Committee reports directly to the County Board of Supervisors, the District Attorney, and the Sheriff. The six (6) sub-committees are Community, Education, Law Enforcement, Prosecution, Research, Victim Services, and Child Welfare. We will ask mostly about the Prosecution portion and will ask about the others as they play into prosecution and victim services goals.

1. **As we understand it,** "***The [stated] goal of the Advisory Council is to implement a holistic, countywide approach integrating the Four P's Model*** *of the U.S. Department of Justice: Prevention, Protection, Prosecution and Partnerships. It will focus on* ***identifying best practices and promising trends*** *addressing the root causes of trafficking and exploitation****, advance public policy****, standardize training and protocols**, and* ***enhance victim services by creating an optimized, seamless service delivery system***."
   a. Is this consistent with your understanding?
   b. If not, how would you amend this statement?
   c. Has it evolved over time, and if so, how?

2. **In the 2014 report on the council, it says that the council was created to complement the work done by existing agencies. Can you describe what parts of your work are complemented by the council and how the council fits into your operations related to:**
   a. Cases?
   b. Victim services?

Please think about your recollections of the parts of the council formation process that you may have been involved with: the building of partnerships, deciding on responsibilities of each party, the formation of the committees, the design and implementation of policies, programs, and procedures.

323

3. **Which committee are you a member of? What is your role? Can you say a little about the formation and history of that committee?**
4. **What was the process for building partnership agreements? What is their structure?**
   a. What worked well in the process?
   b. What challenges did you face? How were they overcome?
5. **What is the division of responsibilities? How was that arrangement reached?**
6. **What policies, programs, and procedures related to trafficking cases in your community came out of this process?**
   a. What was the process for formulating those?
   b. What was the implementation process? Who was responsible for which tasks?
   c. What worked well?
   d. What challenges did you face and how were they overcome?

Thinking more broadly, in the 2014 Council Report, the following recommendations were made related to <u>prosecutions</u>. Can you talk about what has been implemented so far for each item, any successes, and any challenges? Have the challenges been overcome or are they still in progress? What measures have worked to overcome the challenges? What challenges remain?

[THE BOLDED ITEMS ARE THE MAIN RECOMMENDATIONS: READ THESE TO THE INTERVIEWEE. THE SUB-BULLETS ARE SUB-RECOMMENDATIONS YOU CAN REFER TO, TO GUIDE THE CONVERSATION. USE THESE QUESTIONS AS A LOOSE GUIDE AND TAILOR WHAT YOU ASK TO THE EXPERTISE OF THE PARTICULAR INTERVIEWEE. FOR EXAMPLE, ONLY ASK THE CHILD WELFARE QUESTIONS TO INDIVIDUALS THAT WORK IN CHILD WELFARE OR WHO HAVE REASON TO INTERFACE WITH THEM DIRECTLY.]

7. **Create a San Diego County regional and centralized Human Trafficking Task Force to focus primarily on the investigation of human trafficking and related crimes in order to advance the "Prosecution" of all forms of Human Trafficking.**
   a. Task Force should seek participation from local, state, and federal law enforcement and prosecution agencies, including but not limited to: San Diego County Sheriff's Department, Probation, Deputy District Attorney(s), Deputy City Attorney(s), Assistant U.S. Attorneys, Department of Justice, San Diego Police Department, Department of Justice Bureau of Investigations, Federal Bureau of Investigations, and ICE Homeland Security.
   b. Task Force should work with qualified victim service providers consistent with the needs of the victim for counseling, shelter, relocation, court support, medical care, etc.
   c. Task Force should coordinate with the appropriate multi-disciplinary team members as appropriate for the needs of the victim and the case such as: social welfare services, probation, health, and education.

      d.   Task Force should develop protocols for interagency communication to facilitate appropriate information-sharing with agencies to include: San Diego City Attorney's Office, Probation, and Parole.

      e.   Task Force should develop protocols to effectively investigate sex and labor trafficking cases utilizing a victim-centered and trauma-informed approach.

      f.   Task Force members should be housed in a central location in order to maximize resources and intelligence sharing.

      g.   Task Force should utilize qualified analysts to enhance the use of evidence-based models for more effective law enforcement and prosecution.

      h.   Task Force should explore funding sources including but not limited to: federal and state grants and county-sustainable funding.

8. **Increase, update, and standardize comprehensive training on all aspects of human trafficking to law enforcement, first responders, prosecutors, and justice partners in order to advance the "Protection, Prosecution, Prevention, and Partnerships" to effectively combat human trafficking.**

      a.   Increase, update, and implement consistent training in all law enforcement and first responder academies with a focus on the detection of human trafficking that may be hiding in plain sight during routine law enforcement contacts.

      b.   Expand training on employing the most effective victim-centered approaches to victim and witness interviews at all stages of investigations cases or court proceedings.

      c.   Educate on the high potential for trauma and PTSD in victims of human trafficking, and how to avoid increasing it in the investigative process utilizing a trauma informed approach.

      d.   Create a process for ongoing training appropriate for all segments, experience, and leadership levels of law enforcement and other justice partners.

      e.   Create a current and user-friendly resource guide to assist law enforcement, first responders, prosecutors, and other justice partners

      f.   Expand training for vertical and specialized prosecution and DA victim services of human trafficking cases.

9. **Strengthen laws and tools to address the demand side of human trafficking, recognizing that the profit from the demand fuels the crime in order to advance the "Prevention" and "Protection" aspects.**

      a.   Encourage laws with stricter penalties for demand side perpetrators.

      b.   Support the provision of resources, tools, and laws for enforcement and prosecution of demand side perpetrators.

      c.   Utilize media campaigns and community education to change the social acceptability of the demand side culture, emphasizing sexual and labor exploitation is not a victimless crime.

    d. Implement and enforce the requirement that certain locations including but not limited to adult businesses, airports, and buses post the National Human Trafficking Resource Center hotline, and support legislative efforts to expand the requirement as appropriate to additional establishments such as hotels and motels.

10. **Implement effective strategies to increase victim identification in order to advance the "4 P's" of combating human trafficking.**

    a. Review the handling of potential victims of human trafficking who are in our court system as perpetrators of prostitution and related crimes and the viability of diversion and human trafficking courts similar to Drug Court, Veterans Court, and Behavioral Health Courts with a multi-disciplinary team approach.

    b. Expand public awareness campaigns that assist victims in self-identifying and reporting to law enforcement or seeking other services.

    c. Utilize best practices learned from the child abuse, sexual assault, and domestic violence areas that share common features with human trafficking, such as: forensic interviews of child and teen victims, Sexual Assault Response Team model, and a forensic or other medical examination as appropriate.

11. **Partner with schools and afterschool programs to provide a systematic approach to the prevention of victimization and the intervention in victimization in order to advance "Prevention," and build "Partnerships."**

    a. Support legislation or systems that will add education on human trafficking and exploitation to sex education curriculum or other curriculum at no later than Junior High School.

        i. In the absence of legislation, get buy-in from school districts to provide this prevention education as part of the curriculum.

        ii. Adopt the Grossmont model for intervention by educating teachers and schools and creating a systematic method of identifying, intervening, and interrupting victimization.

    b. Include afterschool programs as a key area of prevention and intervention, such as Boys and Girls Clubs.

    c. Include the potential of human trafficking in the truancy reporting system. d. Simplify appropriate information-sharing between partners.

    d. Create social media and other tools that include appropriate test target audience to dispel the myths about the "pimp" and victim lifestyle—use schools as an easy avenue for the distribution of the message.

    e. Provide expertise for training school medical providers, especially school nurses, to detect, report, and rescue potential victims of human trafficking. School nurses are a key professional in the life of school children and learn critical information that can lead to proper intervention in the life of a young victim.

12. **Implement a multi-disciplinary response team and protocol specific to sexually based human trafficking of minors in order to advance the "4 P's" model.**

a. Multi-disciplinary response protocols should be further implemented to effectively address sexual exploitation of minors to leverage law enforcement, social services, medical treatment, psychological treatment, education, and probation and court where indicated—this would include the utilization of forensic interviews where appropriate for the age and mental capacity of the minor, and sexual assault response team medical examination, rape kit, and examination for and treatment of sexually transmitted diseases.

b. Providing short-term safe homes and long-term residential housing and treatment for sexually exploited minors.

c. Establishing a protocol for mandatory reporting of CSEC whether it arises in the context of school, social services, police contacts, or medical contacts.

(*Note that multi-disciplinary response teams may be useful in adult sex trafficking and labor trafficking, but are more readily available and feasible in the sex trafficking of minors due to intersections with child welfare, schools, and truancy.*)

Law Enforcement Recommendations (those that were different from Prosecution Recommendations)

[THE BOLDED ITEMS ARE THE MAIN RECOMMENDATIONS: READ THESE TO THE INTERVIEWEE. THE SUB-BULLETS ARE SUB-RECOMMENDATIONS YOU CAN REFER TO, TO GUIDE THE CONVERSATION.]

13. **Create a centralized data bank that documents perpetrators and defendants of human trafficking and its related crimes.**
    a. Create a countywide centralized data bank that tracks and documents perpetrators and defendants of human trafficking and their network of associates similar to Cal Gangs.
    b. Encourage efforts for statewide implementation of the recommendation by the California Department of Justice to gather comprehensive human trafficking information including utilizing California's fusion center system.
14. **Develop methods to evaluate the effectiveness of law enforcement efforts in combating human trafficking.**
    a. Continually review statistical information from a multidisciplinary approach to evaluate the effectiveness of law enforcement's investigative methods.
    b. Utilize evidence-based research to adjust law enforcement's approach, response, and training as needed, based on the current and emerging human trafficking intelligence.

Victim Service Recommendations

[THE BOLDED ITEMS ARE THE MAIN RECOMMENDATIONS: READ THESE TO THE INTERVIEWEE. THE SUB-BULLETS ARE SUB-RECOMMENDATIONS YOU CAN REFER TO, TO GUIDE THE CONVERSATION.]

15. **Expand Services for Survivors.**
    a. Increase public and private funding and awareness to expand comprehensive services addressing human trafficking.
    b. Create comprehensive, family-centered services for survivors (e.g. case plan, parent education, and support). Necessary services include: legal, medical, dental, psychiatric, optometry, ID obtainment, counseling, education, court support, tattoo removal, child care, job readiness, case management, transportation, and transition to independence.
    c. Create a structured system and action plan for emergency, short-term, and long-term care.
    d. Develop minor-specific residential rehabilitation including non-adjudicated CSEC victims.
    e. Increase fines for "johns" and traffickers with a percentage of funds dedicated to victim services.
16. **Expand Housing for Survivors.**
17. **Develop an organizational alliance between victim services workers and law enforcement to form a countywide multi-disciplinary Human Trafficking Response Team (HTRT) to work with survivors from rescue (or arrest) through treatment.**
    a. Focus on the demand side of human trafficking.
    b. Consult other jurisdictions that have already established an HTRT, including Cook County Illinois and Tri-County Florida, along with SART San Diego.
    c. Provide a victim advocate or trained human trafficking survivor to respond with law enforcement at initial contact to improve identification and engagement of survivors.
    d. The HTRT should include survivors, court liaisons, mental health providers, addiction specialists, health services providers, caseworkers, and law enforcement.
18. **Centralize human trafficking case management in a single location (i.e. Human Trafficking Resource Center) modeled after the Family Justice Center.**
    a. Coordinate emergency housing, medical evaluation, and psychological evaluation of victims upon arrival.
    b. Provide the following services: case management, legal assistance, court support, counseling, education, job readiness and training, child care, "dress for success", and referrals for medical, dental, psychiatry, optometry, and tattoo removal.
    c. Collaboration with law enforcement, prosecutors, and public defenders.
19. **Develop partnerships with the Research and Data Sub-Committee to improve identification and implementation of best practices and create a document on the latest findings.**
20. **Create protocols and best practices that permit service providers to become subcontractors for Probation, Child Welfare Services, and the courts.**
21. **Create more transparency and accountability in victim services operations.**
22. **Review policies for human trafficking hotlines.**
23. **Develop a program design for family practitioners that includes peer-to-peer mentoring.**

Child Welfare recommendations

[THE BOLDED ITEMS ARE THE MAIN RECOMMENDATIONS: READ THESE TO THE INTERVIEWEE. THE SUB-BULLETS ARE SUB-RECOMMENDATIONS YOU CAN REFER TO, TO GUIDE THE CONVERSATION.]

24. **Develop a formal protocol for CSEC victims.**
    a. Implement a universal screening tool for service delivery, placement decisions, and identification.
    b. Identify a central point of contact to oversee and coordinate the efforts of Child Welfare Services and collaborate with other stakeholders to meet the needs of CSEC victims.
25. **Expand services and placements for CSEC victims.**
    a. Provide a letter of support to community service organizations to expand services and placement options for commercially sexually exploited youth.
    b. Create a multi-disciplinary team to provide timely and appropriate services.
26. **Expand CSEC and human trafficking awareness training.**
    a. Develop training opportunities for county departments and community partners working with CSEC and human trafficking victims.
    b. Educate the community on the importance of reporting suspected or known CSEC or human trafficking victims to the Child Abuse and Neglect Hotline.
27. **Collection and sharing of Data.**
    a. Collect Child Welfare Services data and share across systems to better understand the prevalence of CSEC victims that come to the attention of Child Welfare Services.

Community Recommendations

[THE BOLDED ITEMS ARE THE MAIN RECOMMENDATIONS: READ THESE TO THE INTERVIEWEE. THE SUB-BULLETS ARE SUB-RECOMMENDATIONS YOU CAN REFER TO, TO GUIDE THE CONVERSATION.]

28. **Assist San Diego Human Trafficking Task Force and victim service providers in obtaining increased public and private funding.**
29. **Increase community buy-in to combat trafficking.**
    a. Maintain a community-wide calendar of events on the San Diego County website.
    b. Publicize the National Human Trafficking Resource Center National Human Trafficking Resource Center (NHTRC) hotline number on the San Diego County website.
    c. Identify high profile "champions" for the cause to help build momentum and awareness.
    d. Provide a platform for survivors to be able to share their testimonies.
    e. Promote awareness and disperse hotline numbers utilizing diverse platforms, such as billboards, magazine ad campaigns, reality TV shows, and high profile events.
    f. Increase collaboration with community groups, faith leaders, and local organizations to fully engage them as stakeholders in addressing human trafficking. (*Note: As a result of our efforts to gather community leaders,*

Churches Against Trafficking was formed in 2013 with eight county churches represented. As of July 2014, over 50 churches are represented and CAT has hosted trainings and poster outreach campaigns. In addition, this model has been replicated in two other California counties.)

30. **Provide community training on human trafficking prevention and identification.**
    g. Host a public announcement campaign to raise awareness among parents and students. This campaign may include: news outlets, billboards, bus 19 signs, and school communications; on-campus student groups may promulgate the campaign as well.
    h. Host community forums, PTA meetings, and other civic meetings joining teenagers and parents to address needs leading to vulnerability. Empower teenagers to be a part of the solution through peer-to-peer education programs, and by providing safe, confidential means of reporting.
    i. Develop IT safety awareness and training to educate children, teens, parents and the broader community.
    j. Structure initiatives to encourage male involvement and peer-to-peer education to reduce sex trafficking.
    k. Provide awareness and preventative education for at-risk populations, such as foster youth, gang-vulnerable youth, and migrant and immigrant families, on their legal rights and services.
    l. Develop culturally sensitive materials for undocumented citizens and underserved populations.
31. **Create a Human Trafficking Volunteer Corps. Recruit volunteers to help build awareness initiatives, improve access to services, and develop or sustain quality recovery programs for survivors.**
    m. Host 'train the trainer' workshops for speakers, student leaders, and student groups in order to facilitate consistent and quality human trafficking presentations.
    n. Develop training and education opportunities for community-based organizations on how to advocate for services for at-risk youth.
32. **Address the demand and distribution side of commercial sexual exploitation.**
    o. Enforce current laws against purchasers and publish their names on public crimes list.
    p. Sponsor and support legislation to increase penalties for buyers of sex similar to DUI (i.e. mandatory jail time and education, increased fines, and crime publication).
    q. Explore reintegration and recidivism-prevention options for traffickers and purchasers using best evidence-informed practices. Consider models of peer-led programs.
33. **Utilize a multi-media campaign to promote more positive imagery of women to help reduce exploitation, confront the glamorization of violence, and address the demand side. This campaign may include:**
    r. Billboards and Transit Signs
    s. News Articles (in print and/or online)
    t. Social Media (recognizing positive role models and champions)
    u. Public Service Announcements.

Research Recommendations:

34. **Empower the Human Trafficking Research and Data Advisory Round Table (HT-RADAR) as a centralized clearinghouse for human trafficking related research in the San Diego/Tijuana region.**
    a. Base HT-RADAR at Point Loma Nazarene University as the leader of a regional coalition of interested universities, law enforcement, and community based researchers.
    b. Fund an administrator and/or administrative assistance to support the logistics of organizing HT-RADAR, funded perhaps as a private-public partnership.
    c. Empower HT-RADAR to set its research agenda in coordination with active Advisory Council members and partners.
    d. Provide avenues for HT-RADAR to appropriately disseminate its research and recommendations to the Advisory Council, relevant agencies, funders, and the public. HT-RADAR could offer research-based consultation (e.g. for media campaigns and human trafficking training programs among public schools).
    e. Develop a *Research Brief* to be disseminated (quarterly) regarding findings. *Research Brief* to be no more than 2 pages (sent out in PDF format) capturing kernels of the research findings and announcing new research projects.
35. **Empower and assist HT-RADAR to improve regional human trafficking-related data access and data collection methods so that results are more reliable and valid, with a goal toward more effective impacts on the community.**
36. **Support an annual Human Trafficking Research Summit focused on reporting to all interested parties the latest findings of human trafficking-related research.**
    a. While HT-RADAR will meet quarterly to engage in the purposes stated above, researchers and all engaged against human trafficking would benefit from a public annual update on the state of human trafficking related research for the San Diego/Tijuana region. Goals of the annual summit will include:
        i. Sharing progress on active research projects;
        ii. Identifying gaps in the research;
        iii. Identifying trends
        iv. Producing an annual report; and
        v. Establishing a collective body of research data (on both victims and perpetrators).
    b. Leverage funds for this summit from participating universities, participants, public funds, foundation grants, etc.
37. **Support the creation of a Human Trafficking Research Institute for undergraduate and graduate researchers to help develop the next generation to engage against trafficking.**
    a. Host the Institute at SDSU, the key Minority Serving Institution in town with the capacity to manage the programming. Other universities will collaborate.
    b. HT-RADAR will coordinate mentoring of younger scholars by experienced researchers across multiple disciplines
    c. Identify and support applications for research funding from sources such as the National Science Foundation, National Institute for Justice, Humanity United, Qualcomm Foundation, the San Diego Foundation, etc.

38. **Assist HT-RADAR to create and host a database of regional persons and institutions working against trafficking as a communal resource.**
39. **Examples of the type of research topics HT-RADAR could encourage include:**
    a. Develop an evidence-based, standardized method of collecting data, and create a standardized method of interview format (for victims, perpetrators, and consumers) based on gender and age groups.
    b. Measure the magnitude, nature, reach, and impact of the problem.
    c. Estimate the monetary cost to society of the arrest of victims versus the arrest of traffickers (e.g. the arrest of one trafficker can save 25 victims).
    d. Develop a victim profile in order to better prevent and identify victimization. Identify risk and protective factors including pathways to exploitation. Identify local and regional the contributing factors—physical conditions, social attitudes, pop culture, and community norms that either contribute to the problem or help to sustain it.
    e. Analyze the role of technology in engaging against human trafficking.
    f. Analyze the role of social media in the promotion of and engagement against human trafficking.
    g. Examine the nexus between human trafficking and the military in the San Diego/Tijuana region.
    h. Analyze the cost to society of rescuing (supportive services) versus not rescuing the victim. Cost of jail time, foster care, food stamps, crimes committed (i.e. drugs, breaking and entering, robbery), health of community, etc. (Example: to keep a person in state prison cost approx. $37,000 per year versus $17,000 to put through a drug and alcohol program, life-skills training, and job-training, so there is no need for foster care, food stamps, welfare, etc.)
    i. Analyze correlations and connections between CSEC and school performance, dropout, truancy, gangs, Internet, sexting, alcohol and drug usage, runaways, child abuse, etc.
    j. Identify effective treatment models, as well as measure the impacts of intervention and prevention strategies
    k. Develop a perpetrator profile (traffickers *and other related perpetrators*) in order to better prevent and identify perpetrators.
    l. Create a psycho-social evaluation of traffickers (in order to find a way to increase their buy-in and empathy with victims).
    m. Collect and analyze data obtained from 'john' sweeps and Prostitution Impact Panel (i.e. 'john school') to identify characteristics of consumers and predictors of recidivism.
    n. Assess the nature of indoctrination–traumatic bonding, grooming, and psychological manipulation.
    o. Research current laws and policies in place and proposed legislation.
    p. Understand binational and international factors and impacts.

Part II: Co-Occurring Initiatives

This second section asks about other initiatives also occurring in your office or among partners. Can you provide some background based on your experiences with the following concurrently-running initiatives with trafficking in persons cases?

- **Separate LE collaborations i.e. w/Innocence Lost**
  - Can you list the relevant collaborations?
  - What was the implementation process?
  - Successes
  - Lessons learned
- **Within-office TIP training**
  - Description of training conducted in/attended by staff in your office or by partners
  - Elements covered
  - One time or ongoing?
  - Usefulness/effectiveness (interviewee opinion)
  - What would improve the training provided?
  - What was the implementation process for the training?
  - Successes (implementation-related)
  - Lessons learned (implementation-related)
- **Trainings of other groups (Law Enforcement, Educators, Consulates, Industry, community)**
  - Description of trainings conducted and audiences
  - Elements covered
  - One time or ongoing?
  - Participants: Type, number, and Affiliations?
  - Usefulness/effectiveness (interviewee opinion)
  - What would improve the training provided?
  - What was the implementation process?
  - Successes
  - Lessons learned
- **Focuses on johns, sex tourism operators, other facilitators**
  - Can you describe the efforts with each of these groups?
  - What was the implementation process?
  - Successes
  - Lessons learned
- **Other initiatives? List and describe them, and then for each:**
  - What was the implementation process?
  - Successes
  - Lessons learned

- **Can you think of any initiatives undertaken by partner agencies, such as law enforcement, victim service providers, or community groups that may also have**

333

been occurring at the same time and had impact on case outcomes? List and describe them, and then for each:

- What was the implementation process?
- Successes
- Lessons learned
- In what way do you think it may have impacted outcomes for one or more cases?

- **Do you see traffickers adapting themselves to your capabilities? How so? How do you respond?**

- **Can you think of anyone else we should talk to for further information on any of these questions? List names, affiliations, titles, and contact information.**

334

Ramsey County/St. Paul Interview Instruments

Ramsey County Interview Instrument: Prosecutorial Staff/Law Enforcement

Part I: Programming Under Study

This interview will cover two main areas. In this portion of the interview, I will ask you a number of questions about the area of programming directly under study: Implementation of Safe Harbor practices in Ramsey County. The second part will ask about co-occurring anti-trafficking programs.

This set of questions is to understand more detail about St. Paul's Safe Harbor practices; how their implementation was conceived for application in Ramsey County; the processes involved in establishing partnerships, agreements, and cooperation; and how this approach contributes to actual human trafficking cases from the perspectives of a variety of people working on these cases and in this community:

- How would you define Safe Harbor Practices as employed by Ramsey County?
- Please describe their most basic elements. When was each implemented? We understand that Ramsey County was using many Safe Harbor practices before the legislative mandate was made effective for the state in 2014. It would be good to have a timeline of how all this happened.
- How is Safe Harbor different from previous approaches to human trafficking cases by Ramsey County?
- Is detail available about implementations of each part of Safe Harbor? It appears that Safe Harbor practices were a suite of initiatives implemented in stages. Can we break these out by initiative, date of implementation, and partners involved?
- How are cases that came to the attention of Ramsey County via a Safe Harbor partner flagged? Is it possible to see where/when/how each case entered the system? This is to try and isolate the impact of Safe Harbor on case outcomes.
- Can you describe the Regional Navigators' roles and how long they have been operational? What is the most common feedback you hear about them from different stakeholders?
- How many beds are now available for Safe Harbor recipients/beneficiaries?
  - Shelters are also known recruitment sites for trafficking victims. What precautions are taken to prevent this from continuing the cycle?
- When did you start using the current form of Safe Harbor practices?
  - How has this shift _helped_ your cases, if at all?
    - Prosecutions
    - Victims
  - How has this shift _hurt_ your cases, if at all?

335

- • Prosecutions
- • Victims
- • What parts of these practices do you think are most beneficial? Why?
- • What parts of these practices do you feel have room for improvement or should be changed? Why?

Safe Harbor Practices and Case Identification (Ramsey County and Partner Interviewees): Please describe <u>processes and changes over the years</u> with the following identified elements Safe Harbor Practices.

General
- • Proactive screening of cases: Domestic Violence, Prostitution, Child Abuse, & other case types
  - • Is there a list of case types/charges routinely screened?
  - • What is the screening process?
  - • Who typically does it?
  - • How were these cases/victims dealt with prior to Safe Harbor?
- • Please list and describe partners involved in this process (criminal justice, service providers, etc.) At what stage is each partner type involved? What practices, in your opinion, make them a good partner or a bad partner?
  - • Minnesota has at times called this "No Wrong Door," so that people can access help no matter where they enter the system. Can you talk about how successful partner engagement has been with this?
- • It's been mentioned that other initiatives to assist with case building and to help rely less on victim testimony include more emphasis on collecting and using digital evidence. Please describe how digital evidence is used in case building and how it fits into your larger processes.
- • It was also mentioned that Ramsey County is working on institutionalizing these practices as standard procedure so they rely less on individual champions to keep them going.
  - • Can you tell me about some of these earlier champions?
  - • Can you describe how institutionalization is being done now?

- • **Trainings**
  - • We know that Ramsey County is a lead trainer on Safe Harbor practices for the state of Minnesota. This particular section will just ask about trainings in Ramsey County first. (<u>Perhaps a list is available that can provide the first 6 bullets here</u>).
    - • Description of trainings conducted in/attended by staff in your office or by criminal justice and other partners
    - • Elements covered
    - • Source materials

336

- Provider(s)
- One time or ongoing? If ongoing, at what intervals?
- Participants? (Interviewee may provide this list in writing)
  - Usefulness/effectiveness of training (interviewee opinion)
    - What would improve the training provided?
    - What was the implementation process for the training?

- **Collaborations**
  - Can you describe relevant collaborations between yourselves and others, or between others, that are important for the success of Safe Harbor and for case outcomes?

- **Digital Evidence (Alternative explanation for case outcomes)**
  - **Processing of evidence**: What is your office's process for working with digital evidence labs? (Or Law Enforcement if they do it)
    - Are there differences by evidence type? (If so, please ask about the below)
      - Website advertisements (Craigslist, Backpage, etc.)
        - Which website(s)?
      - Subpoenas to advertiser websites
      - Review sites
      - Cell phone forensic analysis
      - Social media
      - Credit card or other digital financial information
      - Laptop/desktop computer forensic analysis
  - **Use of digital evidence** by Ramsey County
    - Please describe how you use the evidence in case building once it's processed.
    - Please describe challenges you've had in building cases with digital evidence.
    - Please describe the impact this has had in improving experiences for victims.

- Please describe your **internal databases & case file management system.**

- **How would you describe the <u>overall implementation of practices</u> of <u>Safe Harbor Practices</u> in trafficking cases?**
  - We talked about the basic elements of implementation earlier. Can you describe what was most key to Safe Harbor's success?
  - Can you describe some of these successes?
  - Can you describe the obstacles you faced and how you overcame them?
  - Recommendations for improving current practices?

337

- Of all the pieces involved with Safe Harbor practices that Ramsey County has undertaken, if you worked for an office with fewer resources or in a smaller jurisdiction, what 2-3 pieces would you prioritize to most greatly increase the ability to:
  - Accurately identify cases?
  - Serve victims?
  - Prosecute cases?
  - Achieve convictions under TIP statute?
  - Achieve proportionate sentencing?

Part II: Co-Occurring Initiatives

This second section asks about other initiatives also occurring in your office or among partners.

- *Can you provide some background based on your experiences with the following concurrently-running initiatives with trafficking in persons cases?*
  - **Separate LE collaborations i.e. w/Innocence Lost**
  - **Trainings of other groups outside Ramsey County (Other Prosecutors, Law Enforcement, Educators, Consulates, Industry, community).** *This is where respondents may talk about their statewide training efforts.*
    - Successes
    - Lessons learned
  - **Other initiatives? List and describe them, and then for each:**
    - What was the implementation process?
    - Successes
    - Lessons learned

- **Can you think of any initiatives undertaken by partner agencies, such as law enforcement, victim service providers, or community groups that may also have been occurring at the same time and had impact on case outcomes? List and describe them, and then for each:**
  - What was the implementation process?
  - Successes
  - Lessons learned
- **Do you see traffickers adapting themselves to your capabilities? How so? How do you respond?**
  - Ask about recent passage of SESTA/FOSTA here as well. People are adapting even before the law is effective.
- **Can you think of anyone else we should talk to for further information on any of these questions? List names, affiliations, titles, and contact information.**

338

Ramsey County Interview Instrument: Service Providers/Victim Advocates

Part I: Programming Under Study

This interview will cover two main areas. In this portion of the interview, I will ask you a number of questions about the area of programming directly under study: Implementation of Safe Harbor practices in Ramsey County. The second part will ask about co-occurring anti-trafficking programs.

This set of questions is to understand more detail about St. Paul's Safe Harbor practices; how their implementation was conceived for application in Ramsey County; the processes involved in establishing partnerships, agreements, and cooperation from your perspective; and how this approach contributes to recovery and wellbeing of trafficking survivors as well as their court cases:

- How would you define Safe Harbor Practices as employed by Ramsey County?
- Please describe your understanding of their most basic elements. When was each implemented?
- In your experience, how is Safe Harbor different from previous approaches to human trafficking cases by Ramsey County?
- Is detail available about implementations of each part of Safe Harbor as you know it? It appears that Safe Harbor practices were a suite of initiatives implemented in stages. Can we break these out by initiative, date of implementation, and how you or others may have been involved?
- Can you describe the Regional Navigators' roles and how long they have been operational? What is your opinion about their usefulness and effectiveness?
- How many beds are now available for Safe Harbor recipients/beneficiaries?
    - Shelters are also known recruitment sites for trafficking victims. What precautions are taken to prevent this from continuing the cycle?
- What is your opinion of the Safe Harbor approach employed by Ramsey County?
    - How has this shift _helped_ your clients, if at all?
    - How has this shift _hurt_ your clients, if at all?
    - Are any portions of this process conducted with your cooperation, help, or advice?
    - Are any portions of this process that you wish were conducted with your cooperation, help, or advice?
    - What parts of these practices do you think are most beneficial? Why?
    - What parts of these practices do you feel have room for improvement or should be changed? Why?

**Safe Harbor Practices and Case Identification (Ramsey County and Partner Interviewees):
Please describe <u>processes and changes over the years</u> with the following identified elements
Safe Harbor Practices.**

> **General**
> - Proactive screening of cases: Domestic Violence, Prostitution, Child Abuse, & other case types
>   - Do you screen clients that come in or are referred to you for human trafficking?
>   - What is the screening process?
>   - Who typically does it?
>   - How were these cases/victims dealt with prior to Safe Harbor?
> - Please list and describe partners involved in this process (criminal justice, service providers, etc.) At what stage is each partner type involved? What practices, in your opinion, make them a good partner or a bad partner?
>   - Minnesota has at times called this "No Wrong Door," so that people can access help no matter where they enter the system. Can you talk about how successful you think this has been and why?
> - It was also mentioned that Ramsey County is working on institutionalizing these practices as standard procedure so they rely less on individual champions to keep them going.
>   - Can you tell me about some of these earlier champions?
>   - Can you describe how institutionalization is being done now?
>
> - **Trainings**
>   - We know that Ramsey County is a lead trainer on Safe Harbor practices for the state of Minnesota. Can you talk about trainings within Ramsay County that you have participated in as an attendee or as a leader?
>   - Description of trainings
>   - Provider(s)
>   - Dates?
>   - One time or ongoing? If ongoing, at what intervals?
>
> - **Collaborations**
>   - Can you identify relevant collaborations between yourselves and others, or between others, that are important for the success of Safe Harbor and for case outcomes?
>   - Please briefly describe their history/histories.
>   - Please describe how they come into play today.
> - **How would you describe the <u>overall implementation of practices</u> of <u>Safe Harbor Practices</u> in trafficking cases?**

- We talked about the basic elements of implementation earlier. Can you describe what was most key to Safe Harbor's success?
- Can you describe some of these successes?
- Can you describe the obstacles you faced and how you overcame them?
    - Lessons learned?
- Recommendations for improving current practices?
- Of all the pieces involved with Safe Harbor practices that Ramsey County has undertaken, if you worked for an organization with fewer resources or in a smaller jurisdiction, what 2-3 pieces would you prioritize to most greatly increase the ability to:
    - Accurately identify cases?
    - Serve victims?

Part II: Co-Occurring Initiatives

This second section asks about other initiatives also occurring in your office or among partners.

- *Can you provide some background based on your experiences with the following concurrently-running initiatives with trafficking in persons cases, if any?*
    - **Separate collaborations i.e. w/Innocence Lost, others**
        - Can you list the relevant collaborations?
        - What was the implementation process?
        - Successes
        - Lessons learned

    - **Trainings of other groups outside Ramsey County (Other Prosecutors, Law Enforcement, Educators, Consulates, Industry, community).** *This is where service providers may talk about statewide training efforts, if they participate in any.*
        - Description of trainings conducted and audiences
        - Elements covered
        - Provider(s)
        - Dates?
            - One time or ongoing?
        - Participants: Type, number, and Affiliations?
        - Usefulness/effectiveness (interviewee opinion)
        - What would improve the training provided?
        - What was the implementation process?
        - Successes
        - Lessons learned

- **Can you think of any other initiatives undertaken by partner agencies, such as law enforcement, victim service providers, or community groups that may also have been occurring at the same time and had impact on case outcomes? List and describe them, and then for each:**
    - What was the implementation process?
    - Successes
    - Lessons learned
    - In what way do you think it may have impacted outcomes for one or more victims or cases?

- **Do you see traffickers adapting themselves to changes in practice? How so? How do you respond?**
- **Can you think of anyone else we should talk to for further information on any of these questions? List names, affiliations, titles, and contact information.**

Case File Coding Form (All Sites)

XXYEAR001

Prosecuting Trafficking in Persons (TIP) Cases: An Analysis of Local Strategies and Approaches

City Name

HT database file analysis (No PII; assign Unique ID numbers to all).

INSTRUCTIONS: Use one of these for each case. Save each as: AN####### (Two-letter City Code NY, MI, SD, or SP; 4-digit year; 3-digit sequential case file number beginning with 001). Example: SP2010001 is St. Paul, year 2010, case 001.

Code for as much information as is available in each case file; not every field noted below will be made available to us. Please be as thorough as possible with the data provided.

If there is more than one perpetrator or victim: Please copy the cells and complete the data for each person. If there are enough individuals involved that there is more than one relationship to code between different perpetrators and victims in this case, please explain in the response box.

Case number (JRSA generated)	
Case date	
Case charges	
Case outcomes	
Charges Indicted	
Charges Convicted	
At Trial	
By Plea	
Disposition Date	
Sentence	
Victim outcomes: services, wellbeing, referral, etc.	

Manual Case File Analysis (all PII will be excluded and replaced with Unique ID numbers). *Unless marked as a free-text response, all variables are check marks or yes/no. Many of these, probably about half, will be possible to gather from the indictment or similar summary document, if available.*

Case identified w/ digital evidence available (Y/N)	
Cases had digital evidence that was processed (Y/N)	

343

Case built due to digital evidence? (Y/N)	
If yes, type(s) of digital evidence? Select all that apply:	
Website advertisements	
Which website(s)?	
Craigslist	
Backpage	
Other (free text)	
Subpoenas to advertiser websites (Y/N)	
Review site postings (Y/N)	
Site(s)? (free text)	
Cell phone forensic analysis (Y/N)	
Texts	
Calls (history)	
Photos	
Video	
Cell phone warrants	
Cell site info	
Trap and trace of real time calls	
Cell tower dumps	
Social media	
Site(s)? (free text)	
Social media warrants	
Which sites? (free text)	
Emails	
Credit card or other digital financial information	
Laptop/desktop computer forensic analysis	
Case involved co-occurring practices (Y/N) Select all that apply.	
Internal HT Unit	
Separate LE collaborations i.e. w/Innocence Lost?	
Within-office TIP training	
Tech tracking gang involvement w/TIP	
Increased TIP staffing	

344

Co-occurring events in area that may have impacted case (Free text. 250 Character limit.)	
Case Characteristics (in addition to variables captured from database)	
Circumstances (free text)	
Victim Characteristics VICTIM 1	
Victim Demographic	
Race (check one)	
Black	
White	
Asian	
Hispanic	
Mixed	
Other	
Gender (Check one)	
Male	
Female	
Other	
Age (in years)	
Education (Check one)	
Some high school	
High school/GED	
Some college	
College degree (Bachelor's +)	
Other employment (Y/N)	
Occupation (free text)	
Previous Criminal Record (Y/N)	
Previously incarcerated? (Y/N)	
Charge(s)? (Free text)	
Victim Background	
Family	
Parents divorced/never married/separated (Y/N)	
If not together and victim was a minor, child lived with whom?	
Mother	
Father	
Grandparent(s)	
Aunt/Uncle	

Siblings	
Independently/on own or with roommates	
Siblings? (Y/N)	
How many?	
Parents previously incarcerated (Y/N)?	
Mother	
Father	
Parents deceased? (Y/N)	
Mother	
Father	
Mom employed? (Y/N/NA)	
Occupation?	
Dad employed? (Y/N/NA)	
Occupation?	
Involved in Foster Care? (Y/N)	
Previously	
Currently	
Perpetrator Characteristics SUSPECT 1	
Perpetrator Demographic	
Race (Check one)	
Black	
White	
Asian	
Hispanic	
Mixed	
Other	
Gender	
Male	
Female	
Other	
Age (in years)	
Education	
Some high school	
High school/GED	
Some college	
College degree (Bachelor's +)	
Other employment (Y/N)	
Occupation (free text)	
Previous Criminal Record (Y/N)?	

Previously incarcerated (Y/N)?	
Charge(s)? (free text)	
Perpetrator Background	
Family	
Parents divorced/never married/separated (Y/N)	
If not together and victim was a minor, child lived with whom?	
Mother	
Father	
Grandparent(s)	
Aunt/Uncle	
Siblings	
Independently on own or with roommates	
Siblings? (Y/N)	
How many?	
Parents previously incarcerated (Y/N)?	
Mother?	
Father?	
Parents deceased? (Y/N)	
Mother	
Father	
Mom employed? (Y/N)	
Occupation? (free text)	
Dad employed? (Y/N)	
Occupation? (free text)	
Involved in foster care? (Y/N)	
Currently?	
Previously?	
Perpetrator Characteristics SUSPECT 2	
Perpetrator Demographic	
Race (Check one)	
Black	
White	
Asian	
Hispanic	
Mixed	
Other	
Gender	
Male	

347

Female	
Other	
Age (in years)	
Education	
Some high school	
High school/GED	
Some college	
College degree (Bachelor's +)	
Other employment (Y/N)	
Occupation (free text)	
Previous Criminal Record (Y/N)?	
Previously incarcerated (Y/N)?	
Charge(s)? (free text)	
Perpetrator Background	
Family	
Parents divorced/never married/separated (Y/N)	
If not together and victim was a minor, child lived with whom?	
Mother	
Father	
Grandparent(s)	
Aunt/Uncle	
Siblings	
Independently on own or with roommates	
Siblings? (Y/N)	
How many?	
Parents previously incarcerated (Y/N)?	
Mother?	
Father?	
Parents deceased? (Y/N)	
Mother	
Father	
Mom employed? (Y/N)	
Occupation? (free text)	
Dad employed? (Y/N)	
Occupation? (free text)	
Involved in foster care? (Y/N)	
Currently?	

348

Previously?	
Victim-Perpetrator Relationship *If there are enough individuals involved that there is more than one relationship to code between different perpetrators and victims, please explain this in the box given for response.*	
Strangers (case involved stranger abduction or recruitment) (Y/N)	
Romantically involved (Y/N)	
Had children?	
If yes, how many? (number)	
Friends (significant non-romantic, non-family direct relationship) (Y/N)	
Acquaintances/Members of same social group (clique/gang) (Y/N)	
Family members (Y/N)	
Case variables/outcomes:	
Method of case identification:	
Proactive	
Reactive to a tip or referral	
If TIP statute not used in charging, reasons (select all that apply)?	
Case referred for Federal prosecution	
Other similar statutes used instead	
Burden of Proof difficult to assemble (Y/N)	
Which portion?	
Act	
Means (Force, Fraud or Coercion)	
Purpose	
Other (free text)	
Lack of corroborating evidence	
Misperception that trafficking victims do not include USCs and legal residents	

Misperception that trafficking = undocumented	
Lack of adequate resources to investigate/prosecute the case	
Victim retained/cooperated? (Y/N) If yes, check all reasons that apply:	
Because did not have to testify	
Because assured would not be prosecuted	
Because offered survivor support services	
Because provided safety	
Other reason (free text)	
Victim *not* retained? (Y/N) If yes, check all reasons that apply:	
Effects of trauma impeded coherence in statements	
Effects of trauma impeded consistency in statements	
Victim not believable for other reason	
Ran away/Disappeared/Lost contact	
Picked back up by/ threatened by/ afraid of their controller(s)	
Victim-witness did not feel supported/ protected by the criminal justice system	
Victim-witness loved or wanted to protect their controller	
Cultural or community pressure not to "snitch."	
Threat of deportation	
Victim-witness wanted safety only and not to participate in the prosecution	
Other (free text)	
Case Convicted *without* victim testimony? (Y/N) If yes,	
Description of what happened (free text)	
Reason(s) it was possible (free text)	

350

Victim(s)received services? (Y/N) If yes, check all that apply.	
Housing	
Safety planning	
Trauma-informed services	
VWS/Preparing for trial	
Drug or alcohol treatment	
Coordinated case management	
Medical or psychological care	
Educational/employment counseling	
Transportation	
Translation/interpretation services	
Financial assistance	
Witness protection	
Relocation assistance	
Amnesty/assurance victim would not be charged	
U-Visa	
T-Visa	
Other (free text)	
If no services received, did charges prosecuted or ultimately convicted (i.e. alternative charges rather than trafficking statute) affect the victim's ability to qualify for specialized trafficking victim services? (free text)	

Survivor Survey Instrument (all sites)

Prosecuting Trafficking in Persons (TIP) Cases: An Analysis of Local Strategies and Approaches

Survivor Survey (All sites, though no mailed responses were received)

1. What about your experience with the prosecutor's office did you feel was positive? What did they do well to help meet your needs during the experience?

2. What was the most important concern you had during the period you had contact with the prosecutor's office?

3. Did you feel that your concerns were adequately addressed by the individuals with the prosecutor's office who worked with you?

    □ Yes   □ No

4. What would you change about the process of involvement with the criminal justice system?

5. What would you say to another survivor who may be considering speaking with a member of the criminal justice system about his or her abuse? Why?

352

Appendix D: Case Study Supplementary Tables

Miami

Table SMI1: Charge Category Breakdown, Miami

Charge Category	Charges
Human Trafficking	Human Trafficking
Human Trafficking of Minor	Human Trafficking of Minor
Sex Trafficking	Sex Trafficking
Sex Crimes with Minor	Unlawful sex with minor, use of electronic device to solicit parent to have sex with child, Attempted CSEC of a minor, Computer CSEC believed to be a minor, Impregnating a minor, Molestation of a child, Travel to meet minor
Promoting Prostitution	Prostitution, derive support from prostitution, Procure minor for prostitution, Rent space for prostitution, Transporting for prostitution, Force/coerce for prostitution, Procure/solicit for prostitution, Aid and prostitution, Maintain a house of prostitution, Direct another to place of prostitution
Controlled Substance	Sale of controlled substance, Drug possession (any type/amount), Controlled substance to a minor
Kidnapping	Kidnapping, False imprisonment
RICO	RICO/racketeering, Money laundering
Conspiracy	Conspiracy to engage in sex trafficking, Conspiracy
Robbery	Grand theft, Armed robbery
Battery	Simple batter/battery, Battery of minor, Misdemeanor battery, Aggravated battery/bodily harm, Sexual battery
Witness Tampering	Retaliate against a witness, Tampering with victim/witness
Child Mistreatment	Interfere with custody, Child neglect, Child abuse, Contributing to delinquency/dependency of a child
Pornography	Pornography, Electronic transmission of material to a minor
Condition Violations	Massage without a license, Probation violation, Violation of sex offender registration requirements, Driving with suspended license, Prohibited use of computer service, Violation of pretrial release condition
Resisting Arrest	Resist arrest/officer
Attempted Murder	Attempted murder
Misc.	Unknown, Bomb hoax

Ramsey County

Charge Type Categories:

- *Offense Against Minor* – Did any of the charges involve a minor child? This category overlaps with many of the others but is an important distinction to make.
- *Violent Offense* – Did any of the charges involve a crime of violence?
- *Trafficking Offenses* – Did any of the charges involve trafficking?
- *Prostitution-related Offenses* – Did any of the charges involve promoting prostitution?
- *Child Pornography* – Did any of the charges involve child porn?
- *Conspiracy Charge(s)* – Did any of the charges involve a conspiracy or liability of crimes of another? This offense captures offenses that were not captured within the prior categories.

Table SRC1: Charge Categorizations for Analysis

Value	Charge description	Charge Type
0	Unknown	NA
1	Promotes prostitution of minor	Minor, Prostitution
2	Promote prostitution of an adult	Prostitution
3	Promote prostitution 2nd degree	Prostitution
4	Prostitution	Prostitution
5	Derive support from prostitution	Prostitution
6	Induce minor prostitution	Minor, Prostitution
7	Solicit minor to prostitute	Minor, Prostitution
8	Promote prostitution with liability of crimes of another	Prostitution
9	Receive profit and derive support from prostitution 2nd degree	Prostitution
10	Sex trafficking	Trafficking
11	Conspiracy to commit sex trafficking	Trafficking
12	Engage in sex trafficking of minor	Minor, Trafficking
13	Sex trafficking minor 1st degree	Minor, Trafficking
14	Sex trafficking 1st degree	Trafficking
15	Sex trafficking 2nd degree	Trafficking
16	Promote sex trafficking 2nd degree	Trafficking
17	Criminal sexual conduct 3rd degree	Minor, Violent
18	Liability of crimes of another	Conspiracy
19	Possession of child pornography	Child porn
20	Conspiracy to commit a felony	Conspiracy
21	Aggravated stalking	Violent
22	Pattern of stalking	Violent
23	Aiding/abetting solicitation of a minor	Minor, Prostitution
24	Terrorist threats	Violent
25	Possession of a firearm by ineligible person	Violent
26	Possessing/disseminating sexual materials of minors	Minor, Child porn
27	2nd degree assault with firearm	Violent
28	2ND degree assault with a knife	Violent
29	Domestic Assault by Strangulation	Violent

Table SRC2: Plea Bargain Categorizations for Analysis

Charge Type #	Plea Text	Plea Charge Type
1	Lesser Charge	Unknown
1	Promoting Prost Of Minor and Adult	Minor, Promoting Prostitution
1	Inducing Minors for Prost	Minor, Promoting Prostitution
1	Promoting Prost of Minors	Minor, Promoting Prostitution
1	Sex Trafficking, Conspiracy to Commit Sex Trafficking	Trafficking
1	Conspiracy to Commit Sex Trafficking	Trafficking
1	Sex Trafficking 2nd Degree	Trafficking
1	Receiving Profit Derived from Prost 2nd Degree	Prostitution
1	Felony Prostitution	Prostitution
2	Liability for Crimes of Another	Conspiracy
1	Aiding/Abetting Solicitation of a Minor, Aiding Abetting Solicitation of any Individual into Prost	Minor, Promoting Prostitution
1	Promoting Prostitution	Prostitution
2	Liability for Crimes of Another	Conspiracy
1	Promotion of Prost 2nd Degree	Prostitution
1	Sex Trafficking 1st Degree	Trafficking
2	Aid/ Abet - Engage in Sex Trafficking Second Degree	Trafficking
1	Conspiracy to Commit A Felony	Conspiracy

San Diego

Table SSD1: Charge Code Categories San Diego

CHARGE DESCRIPTION	NUMERICAL VALUE
32 – accessory after the fact	62
25550(a) – firearm on person/car	64
470(b) – forgery	65
664 – attempted crime	67
14601.1 – suspended license	68

Pandering

1 266i(a)/i – pandering

16 266i(a)(2) – pandering

266i(b)(2) – pandering of a minor	30

Pimping

2 266(h) – pimping

3 266h(a) – pimping

266h(b) – pimping minor	12

Drug Offense

11350(a) – possession of controlled substance	10
11370.1(a) – possession of controlled substance with loaded firearm	20
11364(a) – opium pipes/controlled paraphernalia	22
11377(a) – possession of controlled substance	32
11352 – possession of cocaine for sale	45
11360 – possession of marijuana for sale	52
11351.5 – possession of C.S. with intent to sell	58
11380 – methamphetamine	63
11551 – possession of cocaine	66

Trafficking

236.1(c)(1) – human trafficking of minor	4
236.1(b) – sex trafficking	8
236.1(a) – human trafficking	9
236.1 – human trafficking	11
182(A)(1)/236.1 – conspiracy to traffic	49

Prostitution

647(b) – prostitution	15
653.23(a)(1) – supervise prostitution	21

Parole/probation violation

3056(f) – violation of parole	27
273.6 – violation of court order 166(a)(4) – violation of court order	43
836(c)(1) – violation of domestic violence restraining order	33
1203.2(a) – probation	26
12022.1 – felony on bail	55

Conspiracy

182(a)(1) – conspiracy to commit crime	28
496(A) – receive known stolen property	50
277(a)(1) – contributing to delinquency of minor	14
186.1 – money laundering	34

Sexual abuse of minor

261.5 – sexual intercourse with minor under 16	5
311.2(a) - send/possess obscene matter to minor 288.2(a) – harmful matter sent to minor	7

357

289(1) – sexual penetration with minor	17
288a(b)(1) – oral copulation w/ minor 288a(b)(2) – oral copulation w/ minor	31
261.5 – statutory rape	24
266j – procuring minor for lewd act	35
288(c)(1) – lewd act upon a child	42
286(B)(1) – sodomy under 18 years old	54
311.11(a) – possess matter depicting a minor	41

Theft

211 – robbery	6
212.5(A) – strong arm robbery	56
484 – larceny/theft	61

Kidnapping

209(a) – kidnap for ransom	13
267 – abduction of a minor for prostitution	46
266(a) – kidnap for prostitution	47
207(a) – kidnapping	59
236 – false imprisonment	23

Misc.

186.22(a) – participate in criminal street gang	36
No numbers/misc.	0
422(a) – threat crime with intent to terrorize	18
422 – terrorist threats	38
12403.7(G) – misuse of chemical agent	57
273a(b) – child endangerment	29
12500(a) – driving without license	39
417 (a)(2) – exhibit firearm	51

529(a)(3) – personate make liable	40

Sexual Assault

261(a)(2) – sexual assault	19
266c – consent to sexual act induced by fear	37
261(a)(2) – rape by force	44
263.1(a) – nonconsensual sexual assault	60

Assault

245(a)(1) – assault with deadly weapon	25
243 – battery	48
273.5 – spousal abuse	53