



The author(s) shown below used Federal funding provided by the U.S. Department of Justice to prepare the following resource:

Document Title: Prosecuting Trafficking in Persons Cases:
An Analysis of Local Strategies and
Approaches, Executive Summary

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Document Number: 301300

Date Received: July 2021

Award Number: 2016-U-CX-0005

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

Executive Summary

Prepared for
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October 2020

This report was supported by Cooperative Agreement No. 2016-U-CX-0005, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice to the Justice Research and Statistics Association. The opinions, findings, and conclusions or recommendations expressed are those of the authors and do not necessarily represent the official positions or policies of the U.S. Department of Justice.



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 Columbia. 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 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

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 perpetuate 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:

- **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.

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.

- **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.

- **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

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

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

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.

Preferred citation:

Lugo-Graulich, Kristina A.; Myrent, Mark; Pierotte, Lisa M.; and Brick, Bradley T. (2019). *Prosecuting Trafficking in Persons Cases: An Analysis of Local Strategies and Approaches (Executive Summary)*. Washington, D.C.: Justice Research and Statistics Association. Final Report prepared for the United States Department of Justice, Office of Justice Programs, National Institute of Justice.