



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

Author(s): Kristina Lugo-Graulich, Mark Myrent, Lisa
M. Pierotte, Bradley T. Brick

Document Number: 301300

Date Received: July 2021

Award Number: 2016-U-CX-0005

This resource has not been published by the U.S. Department of Justice. This resource is being made publically available through the Office of Justice Programs' National Criminal Justice Reference Service.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

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

