

Recommendations for Effective Sex Trafficking Investigative Practices by Law Enforcement

Approval: Dr. Susan Hilal Date: 7/30/2018

Recommendations for Effective Sex Trafficking Investigative Practices by Law Enforcement

A Seminar Paper  
Presented to the Graduate Faculty  
University of Wisconsin – Platteville

In Partial Fulfillment of the Requirement for the Degree  
Master of Science in Criminal Justice

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2018

## **Acknowledgements**

I am extremely grateful for those who have supported and helped me in obtaining my Master's Degree. It has been difficult at times as work, kids and general life balancing often times got in the way. However, it was the push from one of my closest friends Rayford Weston that kept me going. Ray has always supported me in achieving positive goals. Thank you to my wife, Karina for her support and understanding, I know sometimes I have been hard to live with. A special thanks to my professors at UW-Platteville and my advisor, Dr. Cheryl Banachowski-Fuller. Finally, and certainly not least, thank you to Dr. Susan Hilal for her expert assistance and guidance during this process. I would not have been able to finish this project without her critical input.

## **Abstract**

Recommendations for Effective Sex Trafficking Investigative Practices by Law Enforcement

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### **Purpose of the Study**

The purpose of this research is to highlight the need for effective adult human sex trafficking investigating practices for local law enforcement that include components of victim centered approach, demand suppression, proactive investigations and education. Sex trafficking investigation practices by law enforcement have made some progress, but still needs improvement. In the past, the response to address sex trafficking typically resulted in criminal histories for the trafficking victims and minimal enforcement for the sex buyer and pimp. Internationally and domestically there have been efforts to change this by focusing the criminal justice systems on rehabilitating victims and prosecuting sex buyers and pimps. However, there needs to be a more focused effort to address the needs of sex trafficking victims during the investigative process.

### **Methodology**

The primary method of approach for this project will consist of a review of research and statistics relevant to sex trafficking and investigation practices. Information will be collected from resources specific to the laws and legal decisions regarding the human trafficking and sex trafficking policies. Further research information and statistics will be obtained from Federal Bureau of Investigation, National Institute of Justice-(NIJ), United States District Attorney's Office-(USAO). This project will also contain law enforcement practices/protocols for local,

state and federal agencies. Other literature and research will be attained from scholarly and peer-reviewed academic journals, and law enforcement publications that have published work related to this topic.

### **Summary of Key Findings**

The findings of this research highlight recommendations for the most effective techniques for law enforcement to identify victims of sex trafficking, address law enforcement interaction with victims, and partnerships with victim advocates and non-governmental agencies. This research also highlights how partnerships allow services to be provided to victims to address their physical and psychological needs. This research highlights the need for law enforcement to utilize a victim-centered approach to sex trafficking investigations. Victim-centered law enforcement investigations have a greater chance of success when effective partnerships are formed between law enforcement agencies and sex trafficking victims.

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## **Section I: Introduction**

### **Statement of the Problem**

In 2015, the National Human Trafficking Resource Center-(NHTRC) received 24,757 reports of human trafficking, which include phone calls, emails, and online tip reports. More than 75% of cases were related to sex trafficking. In 2015, the Federal Bureau of Investigation (FBI) conducted 264 investigations connected to human trafficking in 2015, resulting in 419 arrests and 108 indictments. However, only 90 people were convicted of charges regarding human trafficking. Other statistics by the National Human Trafficking Hotline-(NHTH), indicated 6,081 incidents of sex trafficking were reported in 2017. Further, they estimate that there are over 20 million victims of human trafficking world-wide (National Human Trafficking Hotline , 2017) .

Some critics argue that sex trafficking statistics do not give an accurate assessment of sex trafficking investigations in the United States because far fewer cases are reported than the estimated number of victims. For example, Brown (2017) argued that a recent report estimated more than 70,000 youths is trafficked annually in Texas, yet the state had only opened 737 human trafficking investigations, convicted just 85 suspects, and identified just 320 minors involved in prostitution in a seven-year period. Further, other operations, like Operation Cross Country, have not yielded the intended results (Brown, 2017).

Training on human trafficking for law enforcement has increased over the years, and while more and more officers are familiar with human trafficking, there are still significant gaps in knowledge, awareness, and how best to respond. Current anti-trafficking training for law

enforcement is not universal throughout federal, state, or local agencies, is not always victim - centered, and has minimal survivor input. Ensuring law enforcement officers and victim assistance staff have a comprehensive and standardized understanding of all forms of human trafficking is the first step to effectively combating this crime (The United States Advisory Council on Human Trafficking , 2016).

### **Purpose of the Study**

The purpose of this research will be to highlight the need for effective adult human sex trafficking investigating practices for local law enforcement that include components of victim centered approach, demand suppression, proactive investigations and education. Sex trafficking investigation practices by law enforcement have made some progress, but still needs improvement. In the past, law enforcement and prosecutors have tried to address sex trafficking, but it typically resulted in criminal histories for the trafficking victims and minimal enforcement for the sex buyer and pimp. Internationally and domestically there have been efforts to focus the criminal justice systems on rehabilitating victims and prosecuting sex buyers and pimps (Burke, 2015). However, there needs to be a more focused effort to address the needs of sex trafficking victims during the investigative process. Victim advocates, first responders and other front line workers are the first to recognize the nature of social problems created by human trafficking and the first to understand the shortcomings of capacity and resources in the policies intended to remedy trafficking.

The U.S. Department of Justice's (DOJ) Office of Justice Programs (OJP) in 2017 provided a comprehensive guide for investigating human trafficking. OJP suggests utilizing a victim centered approach for sex trafficking investigations. This approach is defined as the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive

delivery of services in a nonjudgmental manner (Office of Justice Programs , 2017). This study will examine the victim centered approach in accordance with the OJP guide. Based on recommendations from OJP and other secondary sources this study can serve as a guide to integrating these investigative components into local law enforcement agencies, during the training academy, field training, and in-service.

### **Significance, Implications and Anticipated Outcome of the Study**

In 2000, the United States passed the Trafficking Persons Protected Act (TPPA), which directly addressed sex trafficking. The Victims of Trafficking and Violence Prevention Act- (TVPA) has been reauthorized three times since its initial passage in 2003, 2005 and 2008 (U.S. Department of Homeland Security, 2017). Subsection 14 of TPPA stated that existing legislation and law enforcement in the United States were inadequate to deter trafficking. This project will provide recommendations for law enforcement on how to work collaboratively with community based organizations to investigate sex trafficking cases. Sex trafficking cases are challenging to investigate and require specific resources and commitments by the law enforcement community. It is anticipated that this research project will serve as an educational resource for law enforcement. This research project will also provide information regarding reactive and proactive investigations and additional information how to conduct complex trafficking investigations. Further, it provides an examination of federal and local human trafficking task forces.

### **Methodology**

The primary method of approach for this project will consist of a review of research and statistics relevant to sex trafficking and investigation practices. Information will be collected

from resources specific to the laws and legal decisions regarding the human trafficking and sex trafficking policies. Further research information and statistics will be obtained from Federal Bureau of Investigation (FBI), National Institute of Justice-(NIJ), United States District Attorney's Office-(USAO). This project will also contain law enforcement practices/protocols for local, state and federal agencies. Other literature and research will be attained from scholarly and peer-reviewed academic journals, and law enforcement publications.

### **Assumptions of the Study**

This study assumes that law enforcement agencies have some level of sex trafficking investigative procedures. This study also assumes that law enforcement agencies are aware of TPPA and have instituted policies to address sex trafficking and other forms of human trafficking.

### **Limitations of the Study**

This study recognizes that child sex trafficking is also a significant problem, but this study will primarily focus on adult sex trafficking. Child sex trafficking investigations utilize some of the same investigative techniques, but the added element of children present unique challenges that require separate examination. Further, this study will not address labor trafficking which also require special investigative techniques.

## **Section II: Literature Review**

The following literature review will be divided into three main parts. The first part will give a brief overview of the sex trafficking problem in the United States and examine sex trafficking laws and legislations. The second section will examine the role that non-governmental agencies and human trafficking advocates play in addressing sex trafficking and how they can assist law enforcement. This section will also examine trafficking task forces and how they address sex trafficking. The final section will examine law enforcements response to sex trafficking which includes proactive investigations, victim/ suspect court assistance programs and law enforcement training.

### **Overview of Sex trafficking**

Sex trafficking is a pervasive national problem in the United States. Media reports indicate that sex trafficking occurs in both rural and urban areas with victims who are adults, of any gender, race, and sexual orientation. Due to the covert nature of sex trafficking activities, creating reliable statistics on frequency, geography, and the details of sex trafficking of sex trafficking has been difficult to develop. Researchers have a difficult time developing information regarding sex trafficking incidents because victims are reluctant to come forward when the activities is occurring and by the time some victims are discovered that have been trafficked many times. Over the past decade, the FBI has reported that they have assisted in the arrest of more than 2,000 human traffickers of both sex and labor trafficking, but sex trafficker-focused research primarily has relied on small convenience samples with limited ability to compare across time (Roe-Sepowitz, et al., 2017).

While data on the prevalence of sex trafficking in the United States are scarce, due to the covert nature of the crime, some research suggests that trafficking is widespread. In 2016, the National Human Trafficking Resource Center Hotline (National Hotline) received 26,727 reports of human trafficking in the United States, resulting in 7,621 cases referred to police agencies, a 36.7 percent increase from 2015 (National Human Trafficking Hotline, 2016). Sex trafficking represented the largest amount of cases referred to law enforcement. According to the Polaris Project (2017), 73.3 percent of the sex trafficking cases are referred to law enforcement. Sex trafficking generates large illegal profits when, combined with the perceived low risk of arrest and prosecution for offenders which, help fuel trafficking.

Bochinski (2017) estimated that sex trafficking globally generates \$99 billion dollars annually and annual profits generated for each sex trafficking victim were \$21,800. Marginalized populations which include women, girls, and the Lesbian Gay, Bisexual and Transsexual-(LGBT) community experience the highest rates of exploitation. Of the total reported cases received by the National Human Trafficking Hotline, 83.9 percent of sex trafficking victims were female, of which 31.6 percent were minors (National Human Trafficking Hotline , 2017). Further, African American women and girls represent only 7.2 percent of the U.S. population (United States Census Bureau, 2017), yet the Human Trafficking Reporting System found that 40 percent of all confirmed trafficking cases are of African American women and girls. Bocinski (2017) also argues that a large amount of the LGBT community youth (58.7 percent) are exploited by sex traffickers compared with just a little more than a third (33.4 percent) of heterosexual homeless youth.

Roe-Sepowitz et al. (2017) state that similar to perpetrators of intimate partner violence, sex traffickers often employ not only sexual and physical violence, but also psychological and

economic abuse to control victims. Like other individuals who experience traumatic events, victims of sex trafficking suffer profound psychological problems. These problems can include hyperarousal, intrusive thoughts, flashbacks, nightmares and sleep disturbances, and changes in memory and concentration (Mann, Borrello, & Pooler, 2017).

Traffickers often introduce victims to illicit substances or use existing drug or alcohol addictions to force them into exploitative circumstances. Roe-Sepowitz et al. (2017) conducted interviews with 1,416 domestic sex trafficking victims who had been arrested. The interviews revealed that 15.7 percent had been given drugs or alcohol during recruitment. Drugs and alcohol were commonly used by 28.0 percent of individual traffickers and 62.6 percent of gang organized traffickers to control victims (Roe-Sepowitz et al. 2017).

## **Sex Trafficking Laws**

Sex trafficking, defined by the Trafficking Victims Protection Act (TVPA) of 2000, is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act. For persons over the age of 18, the TVPA (2000) requires the demonstration that force, fraud, or coercion was used by the sex trafficker(s) to be considered a sex trafficking victim. Persons under the age of 18 (minors) are not required to demonstrate force, fraud, or coercion related to the commercial sex act to be considered a victim of sex trafficking (Roe-Sepowitz, et al., 2017).

While the federal TVPA is put into place as a guideline for the entire nation, individual states have individual laws to aid in combating sex trafficking. The amount of sex trafficking that occurs in each state varies, but it is important to recognize that every state is affected by sex trafficking on some level. The current state laws addressing issues of sex trafficking continue to

evolve. The priority of most states are child sex trafficking as this has been explicitly defined as a “severe form of sex trafficking” by the TVPA (Kubasek & Herrera, 2015).

Although there are forty-nine states with provisions broadly criminalizing sex trafficking, state legislation has been trying to determine ways to combat the sex trafficking of adults. State prosecutors have had a difficult time utilizing anti-trafficking legislation. These difficulties have been linked to the fact that significant time and resources must be spent on proving force, fraud, and/or coercion for trafficking cases of adults (minors do not require these elements). Instead, prosecutors rely on lesser charges such as prostitution and pandering charges, which do not require proof of these elements (Kubasek & Herrera, 2015).

Since the initial passage TVPA, Congress has reauthorized the Act several times, each time including new changes to improve TVPA’s effectiveness. For instance, in 2003 the Act was reauthorized to allow trafficking victims access to a civil remedy. The 2003 Reauthorization also added human trafficking to the list of crimes that can be charged under the Racketeering Influenced Corrupt Organizations (RICO) statute. For RICO to be applied to a sex trafficking victim’s case, the court must interpret a woman’s body as property. The court also utilizes the assumption that a woman’s body is property that creates a profit thus, her body can be recognized as property that has been injured by sex trafficking (Kubasek & Herrera, 2015).

In 2005 the TVPA was again was reauthorized to comprise pilot programs that provided shelter for minors, grant assistance to state and local law enforcement, address the prevention of sex tourism, provide the ability to treat victims abroad, and strengthen regulation of government contracts with organizations or individuals abroad. In terms of prevention, the reauthorization requires the Department of Labor and the Human Smuggling and Trafficking Center to provide comprehensive information about human trafficking. The most recent reauthorization was in

2013. This reauthorization “which was passed as an amendment to the Violence Against Women Act, establishes and strengthens programs to ensure that U.S. citizens do not purchase products made by victims of human trafficking, and to prevent child marriage” (Kubasek & Herrera, 2015).

On May 19, 2015, the Justice for Victims of Trafficking Act of 2015 was passed into law. This law included provisions for the prosecution of individuals who patronize or solicit persons for a commercial sex act, thereby making traffickers and buyers equally culpable for sex trafficking offenses, and amending the federal criminal code to impose an additional assessment until the end of fiscal year 2019 of \$5,000 on any non-indigent person or entity convicted of an offense involving trafficking in persons (The United States Department of Justice , 2017).

Since the passage of the TVPA, all 50 states have enacted legislation criminalizing human trafficking. However, there is significant variation in the degree to which these laws facilitate efforts to identify and prosecute such offenses. Aponte (2013) found that Texas made strides to address sex trafficking. On June 14, 2013, Texas introduced Senate Bill 484 (S.B. 484) that made it mandatory for counties with more than 200,000 people to have prostitution court and diversion program. Additionally, counties with populations with less than 200,000 will be able to establish programs of their own should they choose to do so.

Kansas also addressed sex trafficking by introducing House Bill 2034 (H.B. 2034) and signing it into law. This bill made sweeping changes to the manner in which the state of Kansas will be dealing with both commercial sex and human trafficking. First, H.B. 2034 authorized the Kansas Attorney General to work with other state agencies in order to coordinate training regarding human trafficking for law enforcement agencies throughout Kansas. Second, H.B. 2034 changed key statutory language. The language replaced “prostitution” with “selling sexual

relations,” “house of prostitution” with “place where sexual relations are being sold or offered for sale by a person who is 18 years of age or older,” and “prostitute” with “person selling sexual relations who is 18 years of age or older” in all of Kansas’ statutes (Aponte, 2013).

By removing the word “prostitution,” Kansas is making an attempt to de-stigmatize women in the sex industry. H.B. 2034 also substantially shifted Kansas’ commercial sex laws towards addressing demand for commercial sex by increasing the penalties for the purchase and promotion of commercial sex. H.B. 2034 added a \$2,500 fine for first time offenders and a \$5,000 fine for each additional offense. In addition, the bill substantially increases the prison time for johns and pimps (Aponte, 2013).

Some state trafficking laws addressed aggravated factors and circumstances by enhancing criminal penalties for certain types of trafficking violations. Some assigned more severe or additional penalties for trafficking when crimes were committed against vulnerable populations like children, undocumented immigrants and people with a mental illness, or are effectuated through aggravating circumstances like the use of violence, branding or drug addiction (National Conference of State Legislatures, 2018).

For example, Florida raised the trafficking penalty for commercial sexual activity from a first degree felony to a life felony when the crime is committed against a person who has been deemed “mentally defective or mentally incapacitated”. Utah responded to severe instances of sex trafficking by raising the penalty for sex trafficking from a second degree felony to a first degree felony when it results in death or serious bodily harm, involves rape or sodomy, involves 10 or more victims, or involves a victim who is held against their will for longer than 30 days (National Conference of State Legislatures, 2018).

Safe harbor laws were developed by states to address inconsistencies with how children that are exploited for commercial sex are treated. Under federal law, a child under eighteen that is induced into providing commercial sex is considered to be a victim of trafficking and must be treated as such. State laws criminalize adults that have sex with children under statutory sexual assault laws, however these laws were not consistently applied in cases where the adult purchased sex. The result was children, recognized under both state and federal law as victims of a crime, were arrested and convicted of prostitution. Safe harbor laws are intended to provide consistent treatment of children and ensure that these victims were provided with services (Polaris Project, 2015).

Adult trafficking victims who were forced to commit crimes as part of the trafficking scheme may face current criminal charges, or have a criminal record from past arrests or convictions. Victims facing current criminal charges will need representation in those proceedings, and may be assigned a public defender if they cannot afford a private attorney. The defense attorney may need additional training or technical assistance to understand the context of the victimization to best advocate for the victim (Office for Victims of Crime, 2018).

Defense attorneys can explore sealing or expunging a victim's criminal record. A criminal record can create difficult downstream consequences whether the person was arrested, convicted, or both (Office for Victims of Crime, 2018). When victims attempt to gain employment or rent an apartment they are often asked about criminal offenses, which can lead to roadblocks in obtaining services. Victims with criminal records may face difficulty in obtaining public benefits, education, housing, or employment for the rest of their lives. Increasingly, states are adopting "safe provisions", which allow for expunging criminal records related to the

trafficking scheme. Expunging refers to the process of sealing arrest and conviction records, while vacating deletes the records as if they never existed. Every state has enacted laws that allow people to expunge or vacate arrests and conviction (Office for Victims of Crime, 2018).

At least 27 states have created procedures for survivors to expunge, vacate or seal criminal records related to being trafficked. For example, under Iowa statute §725.1 it allows those trafficked survivors who were under 18 at the time of their conviction for selling sexual services, and who have not committed a subsequent offense, to petition the court for expungement. New Mexico statute §30-52-1.2 enables trafficked survivor's record to be sealed for non-homicide crimes if their involvement was due to duress, coercion, use of force or fraud. Finally, the state of Washington statutes §9.96.060 and §9.96.070 provide survivors of sex traffickers with procedures to vacate their prostitution convictions if it resulted from certain crimes committed against them. The crimes are promoting commercial sexual abuse of a minor, promoting prostitution in the first degree or trafficking (National Conference of State Legislatures, 2018).

### **Assistance of Human Trafficking Advocates and Non-Governmental Organizations**

Survivors of sex trafficking are exposed to brutal levels of trauma when being trafficked. When a survivor escapes, the individual needs to receive an array of services to help make the transformation from victim to survivor. These services are comprehensive and focused on the whole individual, not only on their physical welfare, but also their psychological and emotional wellbeing. These include: medical, dental, vision, mental health, housing, family, job training and placement, substance abuse, and family reunification. They are also individualized and

responsive to cultural and religious beliefs of the survivor (The United States Advisory Council on Human Trafficking, 2016).

The primary role of a victim advocate is to support the victim while advocating for their rights and helping them navigate through various societal structures. Advocacy often includes efforts to identify the victim's strengths and needs, in order to explore options and identify available resources. Advocacy skills such as knowledge of confidentiality, the crisis response, victim-centered interventions, safety planning, and system navigation are necessary skills when working with trafficking victims (National Sexual Violence Resource Center, 2012). Advocates have a thorough understanding of the complex needs of people who have endured trauma. Many of the victim-centered, empowering approaches that advocates typically use to support victims of sexual and domestic violence can also be helpful when working with a victim of human trafficking: accessing options that enable her or him in the healing process (National Sexual Violence Resource Center, 2012).

Non-Governmental Organizations (NGOs) are organized to focus on addressing a particular common interest. They can perform a variety of services and functions that may include: bringing citizen concerns to governments; advocating or monitoring policies; encouraging political participation through distribution of information; and participating in a direct service provider role (Al-Khayon, Manning, Pasic, Torgensen, & Trapeznikova, 2018)

Collaborating with NGOs is essential in all facets of addressing the crime of sex trafficking. Specifically in the context of human trafficking, there are many NGOs globally that focus on different aspects of sex trafficking from fund raising to providing direct services to victims of trafficking to working closely with government officials to strengthen laws and collaborate on prosecutions. NGOs that form true partnership with law enforcement foster

relationship in which government entities and NGOs can rely upon one another by helping to eradicate or significantly lessen the flow of sex trafficking. NGOs have assisted with combating sex trafficking by helping prosecutors, protecting victims, and educating the population. They can also provide analysis and expertise, provide warning mechanisms, and help to monitor and implement laws and agreements, both internationally and domestically (Al-Khayon, Manning, Pasic, Torgensen, & Trapeznikova, 2018).

### **Victim-Centered Approach by Law Enforcement**

It is not possible to determine a situation of human trafficking based upon any single indicator; however, the following may raise questions worthy of further inquiry to determine a situation of sex trafficking: The victim has few or no personal possessions and is not in control of his/her own money, the victim is not in control of his/her own identification documents (ID or passport), the victim is not allowed or able to speak for himself, the victim appears to be malnourished or shows signs of abuse and the victim exhibits unusually fearful or anxious behavior after bringing up law enforcement (Wisconsin Department of Justice , 2018).

When law enforcement identifies a potential sex trafficking victim, he/she may not be comfortable coming forward and working with law enforcement. Victims need help to feel stable, safe, and secure. It is important to highlight that these feelings of safety and comfort can be compromised if the victim has any immediate needs that have not been met. Finding secure housing and reliable transportation can provide a base from which to build a sincere connection and confidence with a victim. Assuring that they have eaten recently, have no outstanding medical concerns, and have sufficient and comfortable clothing is of great importance, along

with ample rest prior to participating in interviews with law enforcement or criminal prosecutors (Mann, Borrello, & Pooler, 2017).

When trafficking survivors are interviewed by law enforcement or prosecutors it is important to utilize a victim-centered approach. A critical part of the victim-centered approach is the structure of the interview and how questions are posed. Forensic interviewing is designed with children in mind, yet it can be used with a wide variety of victims. Forensic interviewing utilize structured conversation meant to elicit detailed information about specific events the victim has experienced or witnessed (Mann, Borrello, & Pooler, 2017). Some of the same forensic interviewing techniques can be utilized when interviewing trafficking victims. Questions should be open-ended, allowing for a narrative response. Open-ended questions are those that require elaboration and cannot be answered with a “yes” or “no” response. The responses to these questions can be further expanded with phrases such as, “can you describe what happened next?” or, “please tell me more about that.” Allowing the victims liberty in how they answer questions can only enhance their sense of control and feelings of usefulness (Mann, Borrello, & Pooler, 2017).

The victim-centered approach to sex trafficking investigations places equal value on the identification and stabilization of victims. Victims who can tell their story and testify as a witness are important to successful sex trafficking investigations and prosecutions (U.S. Department of Homeland Security, 2018). It is suggested by the U.S. Department of Homeland Security that when law enforcement encounters a potential sex trafficking victim it is critical that they begin to develop rapport and establish trust by immediately connecting the victim to a victim specialist who can connect them to support services (Mann, Borrello, & Pooler, 2017).

It is also suggested by Department of Homeland Security that law enforcement officials emphasize that assistance is available victims regardless of the outcome of the investigation and prosecution of the offender. Law enforcement officials and prosecutors should take the time to explain who they are, answer questions victims might have, and acknowledge the fears of the victim (U.S. Department of Homeland Security, 2017).

### **Sex Trafficking Task Forces**

It is impossible for any single agency or organization to respond comprehensively to the problem of sex trafficking. Traffickers range from opportunistic individuals to complex criminal organizations, with multi-jurisdictional activity. The victimization sex trafficking survivors experience is extreme and involves a diverse population of individuals. The response to sex trafficking is most effective, through a multidisciplinary and collaborative problem-solving approach (Office for Victims of Crime, 2018).

The United States government developed a plan to strengthen services for victims of human trafficking. The Coordination, Collaboration, Capacity: Federal Strategic Action Plan on Services for Victims of Human Trafficking, 2013-2017 built on the movement that our nation has made in combating human trafficking through government action and partnerships. The most effective way to investigate human trafficking is through a collaborative, multi-agency approach with our federal, state, local, and tribal partners. The DOJ supports, leads, or participates in task forces and working groups in every state within the U.S. (The United States Department of Justice, 2017).

One such program is the FBI Human Trafficking Task Forces. The FBI's Human trafficking program has established FBI-funded human trafficking task forces in multiple field offices, with the purpose of working with state and local law enforcement agencies in combating human trafficking through proactive and collaborative practices. The ultimate goal of these task forces is to recover victims and investigate traffickers at the state and federal level (The United States Department of Justice, 2017).

Another is the Enhanced Collaborative Model Human Trafficking Program which is a multi-agency task force initiative funded through the Office for Victims of Crime (OVC) and Bureau of Justice Assistance (BJA). This program supports the development of multidisciplinary human trafficking task forces that implement collaborative approaches to combat all forms of human trafficking which includes sex trafficking of foreign nationals and U.S. citizens (of all sexes and ages) within the United States. Funding through this program is intended assist communities in developing effective and sustainable multidisciplinary task forces that will implement victim-centered and coordinated approaches to identifying victims of all types of human trafficking.

These multidisciplinary task forces include members from the U.S. Attorney's office, local prosecutor's office, federal law enforcement, state/local law enforcement, and a community service provider (The United States Department of Justice , 2017). The DOJ also supports the Anti-Trafficking Coordination Team (ACTeam). The ACTeam Initiative is a multi-agency initiative under the leadership of the Civil Rights Division's Human Trafficking Prosecution Unit. This is a collaborative effort of the DOJ, Homeland Security, and Labor and the FBI. Through this initiative, interagency teams of federal agents and federal prosecutors are convened in select Districts. The ACTeam develops high-impact human trafficking investigations and

prosecutions involving forced labor, sex trafficking of adults, and international sex trafficking. ACTeams coordinate closely with each agency's specialized anti-trafficking subject matter experts to develop and implement joint strategic enforcement plans and participate in intensive advanced human trafficking training programs (The United States Department of Justice , 2017).

At the state level, twenty states have enacted legislation requiring or encouraging the creation of a statewide task force (Polaris Project, 2015). There are many more state or local task forces that are not legislatively mandated, but operate in a similar fashion. While these non-statutorily mandated task forces serve a valuable role, they are more vulnerable to disbandment when priorities change or a convener of the task force is no longer present. A statute can create a more permanent and stable structure. The activities of state task forces vary by state, but there are some common trends. Many states establish task forces that are responsible for investigating sex trafficking and evaluating the current approach. States also use task forces to coordinate law enforcement activities and the provision of social services (Office for Victims of Crime, 2018).

Responding to the victims and conducting the criminal investigation are not mutually exclusive. Effective task force collaboration anticipates these needs and becomes a united resource for local anti-trafficking efforts. Several states create task forces through legislation. Task forces that work through initial or longstanding collaborate on challenges find it is a difficult but worthwhile endeavor. Task force with effective collaboration find partners to be the greatest strength in fighting this crime and supporting its victims, and a valued resource rather than an impediment (Office for Victims of Crime, 2018).

As stated earlier, twenty states have set up task forces to address sex trafficking in their states. For example, the Minnesota Human Trafficking Task Force (MNHTTF) was started to

address human trafficking and other forms of sexual exploitation in Minnesota. The MNHTTF addresses trafficking through a coordinated, multidisciplinary, statewide response. MNHTTF is comprised of governmental and non-governmental agencies and is an important resource for those working on the issue of human trafficking. Investigators on the frontlines work hard to identify and protect victims, but they are also obligated to protect public safety and enforce the law. Law enforcement throughout the state of Minnesota are increasing training on this trafficking and increasing capacity to rescue victims and arrest perpetrators.

Since 2005, Minnesota has been experiencing a paradigm shift, redefining the way MNHTTF approaches victims of prostitution and other forms of sexual exploitation. These methods have resulted in the decriminalization of sexually exploited women through the use of diversion, a partnered approach to sex trafficking investigation, the engagement of victims. The MNHTTF also emphasizes the investigation and successful prosecution of traffickers, and a concentrated effort to combat the demand that drives the market for sex trafficking victims. St. Paul and Minneapolis have taken the lead to develop and implement innovative strategies to combating sex trafficking (Minnesota Human Trafficking Task Force , 2014).

The State of Washington is considered a high-risk state for trafficking because it has an international border, multiple ports, areas of geographic isolation, and a demand for agricultural, domestic, and sex industry workers. However, the state is also considered a national leader in combating the crime, becoming the first state to pass an anti-trafficking law in 2003. Forty-five states have since followed suit, although there are a wide variety of laws and definitions on the books. The DOJ funds 39 anti-trafficking task forces nationwide, each consisting of federal, state and local law enforcement investigators and prosecutors, labor enforcement, and an NGO providing services to victims. Washington's task force, known as WashACT, is based in Seattle

and co-chaired by the Seattle Police Department and the U.S. Attorney's Office of the Western District of Washington. WashACT is a multi-disciplinary taskforce convened in 2004 by the U.S. Attorney's Office for the Western District of Washington (USAO-WDWA). WashACT's mission is to ensure that victims of trafficking receive all resources available to them and that human traffickers are identified, investigated and prosecuted to the full extent of the law. Since its founding, WashACT has led the fight against human trafficking in Washington State through its collaborative, victim-centered task force.

On September 13, 2017 the Wisconsin Department of Justice (WI-DOJ) established a statewide human trafficking bureau. Wisconsin law enforcement recognized that nearly every county in the state reported that human trafficking occurs in their community. In recognition of this problem, the bureau will develop a coordinated statewide strategy to identify, target, and prosecute traffickers in order to combat human trafficking and provide needed assistance to survivors. The human trafficking bureau is staffed by one special agent in charge and six special agents from the WI-DOJ, Division of Criminal Investigation (DCI), the bureau was established to promote public safety through proactive enforcement, specialized training, and community outreach (Wisconsin Department of Justice , 2017).

Local and regional task forces to fight human trafficking already exist in some parts of Wisconsin, and the bureau will work with these task forces to support victims and to provide specialized training. The bureau will also institutionalize human trafficking identification and investigation among other related investigative groups, such as narcotics, violent crime, and financial crimes. The bureau will also work with the legislature on policies that support greater law enforcement coordination and enhanced victim services to help disrupt and dismantle human trafficking operations in Wisconsin. The WI-DOJ recognized that human trafficking

investigations require a comprehensive, multi-disciplinary approach. In 2015, DOJ and the Wisconsin Department of Children and Families (DCF) implemented the Wisconsin Anti-Human Trafficking Task Force. Since its inception, the task force has been developing a cross-system, trauma-informed service and response systems for minors who have been trafficked or are at-risk of being trafficked (Wisconsin Department of Justice , 2017).

### **Proactive Investigations**

The proactive approaches to finding and investigating sex trafficking investigations is to work in a task force model, engaging partners already working on law enforcement within the commercial sex industry. These task forces regularly perform active operations targeting both sex buyers and sex sellers within the industry. Using a trauma-informed, victim-centered approach, task forces provide services and work to build rapport and identify if those in prostitution are minors, and if, or if, others are using force, fraud, or coercion to cause them to engage in commercial sex acts. Other task forces perform physical and electronic surveillance, use historical data on known traffickers involved in the commercial sex industry in their area. Agents will also perform financial investigations, and conduct outreach to groups and individuals who potentially will come in contact with sex workers or children engaged in commercial sex acts (International Association of Chiefs of Police , 2016).

The most commonly used tactic to address demand for commercial sex is usually referred to as the “reverse sting.” These police special operations feature one or more women officers serving as a decoy (or decoys), posing as a prostitute who waits to be approached by men attempting to purchase sex. Prior to changes in the treatment of trafficking victims, the majority of police attention was devoted to arresting providers of commercial sex. The most common

police tactic to combat commercial sex has been using plainclothes male officers use to elicit offers of commercial sex from individuals engaged in prostitution. These operations were known as “stings” and were widespread well into the late 1980s and 1990s. It has been proposed by many that the movement to eradicate sexual exploitation should be aimed at operations targeting johns, and not to arrests providers of commercial sex at all (Shively et al., 2012).

The Internet has been a popular tool to transact commercial sex. Trafficker post ads on websites devoted to commercial sex sites (eroticreview.com, worldsexguide.com, myredbook.com) or on websites serving as a venue for a broader spectrum of transactions, such as BackPage.com, and Craigslist.com. It is widely observed that the solicitation of commercial sex throughout the United States has shifted from the streets to online. Many police departments throughout the United States have used online ads for commercial sex to their advantage. The typical police investigative procedure is to post a decoy ad, and when potential johns respond with a phone call or a text message, the officers pose as prostituted persons or pimps and arrange for a meeting. The meeting would typically occur at a hotel or an undercover apartment that has been prepared for a reverse sting. At the hotel, a female officer poses as a prostituted person, and once the john is face-to-face with the undercover officer, the john is taken into custody (Shively et al. 2012).

In April of 2018 a significant event occurred regarding Backpage.com. The DOJ announced the seizure of Backpage.com, the Internet’s leading forum for sex prostitution ads which included ads depicting the prostitution of children. Additionally, seven individuals were charged in a 93-count federal indictment with the crimes of conspiracy to facilitate prostitution using a facility in interstate or foreign commerce, facilitating prostitution using a facility in

interstate or foreign commerce, conspiracy to commit money laundering, concealment money laundering, international promotional money laundering, and transactional money laundering (U.S. Department of Justice , 2018).

According to the U.S. DOJ, Backpage.com has earned hundreds of millions of dollars from facilitating prostitution and sex trafficking, placing profits over the well-being and safety of the many thousands of women and children who were victimized by its practices. Some of the internal emails and company documents described in the indictment are shocking in their callousness. The U.S. DOJ further indicated that the website will no longer serve as a platform for human traffickers to thrive, and those who were complicit in its use to exploit human beings for monetary gain will be held accountable for their heinous actions (U.S. Department of Justice , 2018).

These operations require substantial planning, such as obtaining a phones and computers for police to use that is not detectable. It can pose challenges in acquiring hotel or apartment space, due to the expense and getting hotel or apartment management to cooperate with a police operation. A deviation on the basic model that is intended to solve some of these challenges begins with police searching real web ads for prostitution, rather than just placing their own “decoy” ads. Police respond to the real ads with undercover male officers posing as johns. They remove the woman or girl involved in prostitution or who is being trafficked, and install a police decoy who continues making appointments with johns on the survivor’s phone. Normally, a support team is stationed in an adjoining room. These operations are labor intensive and require numerous personnel (Shively et al., 2012).

### **Assistance Programs**

Specialized courts take into consideration the needs of victim-defendants and seek to address needs in a way to intervene in and prevent further trafficking exploitation. It is important to acknowledge that diversion and court-mandated services are not appropriate for all victims and that some stakeholders oppose requiring victims to receive services in order to receive lesser charges or sentences. State courts are just beginning to recognize the different types of human traffickers that may appear in state courts. Although now more often than in the recent past, traffickers are being charged with trafficking offenses under state human trafficking laws. Still, in the typical state court, traffickers are more likely to be charged for violations under long-standing state codes governing health standards, restaurants, housing, or state laws addressing prostitution, pimping, or pandering (Martin, 2013).

Courts that specialize in human trafficking take key principles from the problem-solving court model to address trafficking. Cases are first identified by case type or arrest charge. For sex trafficking, the arrest of an individual for prostitution-related charges is typically a red flag that can create an opportunity for identification (Office For Victims of Crimes , 2018) Identified victim-defendants (regardless of current trafficking status) are referred to community-based services, such as counseling, housing, legal services, and drug treatment. Depending on the nature of the case, the court can use its leverage to craft a meaningful mandate that serves to connect victims to these crucial services. Judges and courtroom staffs adopt practices that recognize the needs of victim-defendants, promote safety and procedural justice in the courtroom, and reduce criminal convictions and jail sentences. A single presiding judge to handle all the cases, working with regularly assigned prosecutors and defense attorneys, creates a consistent response. Victim-defendants have regular and frequent court appearances in front of a consistent judge who is trained in the dynamics of human trafficking and trauma and who

adheres to the principles of procedural justice. Tracking cases through to disposition and regular updates to the court and prosecutor assist in enforcing the system (Martin, 2013).

In addition, to programs directed to help victims there are also programs aimed at addressing commercial sex customers also known as “Johns” (this is a fragment). Shively et al. (2012) explained that “John school” is an education or treatment program for men arrested for soliciting illegal commercial sex. Shively et al. (2012) argued that in order for an education program to be considered a john school, it must cover a range of topics designed to persuade or deter men from buying sex. This criterion separates john schools from other kinds of court-ordered or diversion program that focus only on health education. There are several john type programs in the United States that involve education individuals arrested for trying to purchase sex. The ultimate program goal is to decrease the demand for prostitution, and consequently, reduce the amount of sexual exploitation that occurs.

A requirement for a john school program is a sufficient flow of eligible participants. This requires a proactive approach on the part of law enforcement. In order to ensure there are participants law enforcement must conduct operations to arrest men for soliciting. Some john school programs have been suspended or discontinued due to an insufficient flow of participants. This flow is determined primarily by whether police will commit the resources needed to conduct these operations. Programs whose fees are used only to support john school classes can survive with very small numbers as few as 10 to 20 per year, enough for one class per year. (Shively et al., 2012)

## **Law Enforcement Training**

Training is critical to understand and investigate human trafficking and should be addressed in a state strategy Human trafficking related training. It is available from multiple law enforcement and criminal justice entities and various NGOs and can vary in focus (Association of State Criminal Investigative Agencies, 2016).

The Association of State Criminal Investigative Agencies (2018) recommend that law enforcement agencies participate in sex trafficking training that focus on situational awareness, interdiction, investigations and analysis . Agencies may also develop training for their personnel, and it is recommended that sex trafficking training address basic training elements, which includes defining human trafficking, types of human trafficking legislation and the importance of partnering with an NGO and victim services. Several state and federal law enforcement organizations have developed human trafficking-related training, both in person and online (Association of State Criminal Investigative Agencies, 2016).

The International Associations of Police (IACP) have also made several training suggestions for law enforcement's response to sex trafficking. The IACP suggests police departments conduct department wide human trafficking training for law enforcement officers and should include police dispatchers. The IACP also recommends law enforcement agencies develop collaborative relationships before sex trafficking cases occur. It is also recommended that law enforcement agencies assess local sex industries in the community and forms it takes (e.g. street prostitution, massage parlors and strip clubs). The IACP also indicated that officers responding to prostitution offenses should document possible indicators of suspected sex trafficking. The IACP also emphasizes the importance of partnerships and recommends that law agencies identify non-profit agencies that provide victim assistance (International Association of Chiefs of Police , 2016).

### **Section III: State Sex Trafficking Policies**

Section III is divided into four parts which will discuss the sex trafficking policies in Wisconsin, Minnesota, West Virginia, and Ohio. This discussion will also include how law enforcement addresses sex trafficking in their respective states.

#### **Wisconsin Sex Trafficking Policies**

The Wisconsin Office of Justice Assistance (WOJA) is dedicated to ensuring safety for trafficking victims and to create awareness of the issue of trafficking and promote positive collaboration and a transparent process. WOJA suggested that all victims of human trafficking in Wisconsin should be identified, treated with dignity, and protected from their traffickers. WOJA also suggests that sex trafficking victims should be informed about equal treatment and protection by law enforcement and provided with access to the criminal justice system and appropriate legal referrals (The Wisconsin Office of Justice Assistance , 2012).

WOJA suggest that first responders play a critical role in locating and uncovering sex trafficking victims. WOJA suggests that certain first responders have a greater chance of encountering sex trafficking victims (The Wisconsin Office of Justice Assistance , 2012). Once a trafficking victim is identified the safety of victims should be the primary concern at each stage of the criminal justice process. The WI-DOJ (2018) indicates victims will be more likely to cooperate with officials if his/her safety needs cannot be met. It is also understood that most agencies will require partners to address all of the needs of a trafficked person which could include legal, health, emotional and basic needs such as clothing, food and housing.

WI-DOJ (2018) further advise collaboration through a multi-organizational and multi-disciplinary approach has been shown to help achieve the criminal justice system agency goals while attending to the needs of the victim. Agencies throughout the country have formed committees and task forces to establish and facilitate coordinated responses to the crime of human trafficking in their communities. Effective collaboration requires partnerships and pre-planning amongst criminal justice officials, mental and medical health care providers, housing and food assistance programs, crime victim service providers, local ethnic community leaders and legal advocates, including immigration experts (Wisconsin Department of Justice , 2018).

In Wisconsin, public and community-based service providers assist with victims' basic needs such as food, clothing, shelter, and medical and mental health services, as well as long-term rehabilitation. Many of these agencies are the first responders in cases of sex trafficking as well as partners in raising awareness related to human trafficking. In Wisconsin, service providers include public health and human service agencies, publicly assisted shelters, and community-based advocacy groups, members of the faith community (The Wisconsin Office of Justice Assistance , 2012).

The WOJA suggest that law enforcement agencies and prosecutors utilize a victim-centered approach to investigating human trafficking. A victim-centered approach to investigating human trafficking is predicated on the need to protect the victim's safety, privacy, and wellbeing while attempting to determine if a crime has been committed. The goal of this approach is to decrease re-victimization by ensuring that the victim is treated with compassion and respect. Law enforcement is uniquely positioned to demonstrate to trafficking victims that their safety and rights will be protected and that they will not be exploited during the investigation (The Wisconsin Office of Justice Assistance , 2012).

## **Minnesota Sex Trafficking Polices**

Minnesota law enforcement agencies understand that sex trafficking is a public health, public safety and human rights violation that occur around the world and in communities throughout Minnesota. The Minnesota Human Trafficking Task Force (MNHTTF) is one of the primary agencies tasked with working to address and prevent human trafficking through a coordinated, multidisciplinary, statewide response (Minnesota Human Trafficking Task Force, 2014).

Minnesota's protocol suggests a partnered approach to investigations and the engagement of victims in the investigations. Since 2008, Minnesota law enforcement agencies have implemented an investigative approach that balances their obligation to victims and the public (Minnesota Human Trafficking Task Force, 2014). One of the approaches of Minnesota law enforcement efforts is to address adult sex trafficking victims who are arrested for prostitution. It is a regrettable reality that trafficking victims who encounter law enforcement risk incurring criminal charges. The nature of sex trafficking requires that victims engage in illegal activity, primarily prostitution. Pre-court diversion enables law enforcement to intervene on a victim's behalf and divert them to community-based programs rather than referring them to the criminal justice system. Minnesota community based organizations provide services and programming to women arrested for engaging in prostitution (Minnesota Human Trafficking Task Force , 2014).

Diversion programs utilize re-education, rehabilitation, and case management. Such programs help victims avoid criminal charges and the consequences of having a criminal history. The Trafficking Task Force builds partnerships between community-based organizations, law

enforcement agencies and other stakeholders to develop a coordinated, victim-centered approach to address human trafficking (Minnesota Human Trafficking Task Force , 2014).

Another focus of the Minnesota protocol is to combat the sex trafficking demand. The trafficking task forces believe that sex trafficking customers fuel the demand in the sex industry which often time results in women being trafficked. Agencies recognize that many times the sex trafficking customers go unpunished, while sex trafficking victims often are arrested for prostitution-related arrests (Minnesota Human Trafficking Task Force, 2014).

In an ongoing effort to reduce the demand for victims of sex trafficking, the trafficking unit has conducted sting operations to arrest offenders who attempt to purchase sex. The MNHTTF also provide assistance to police departments across the state interested in conducting similar operations in their own communities, conducting trainings for agencies twice per year. In addition community partner also conduct Offenders Prostitution Program (“John School”) in the state. The MNHTTF recognizes that arresting and prosecuting offenders does not necessarily deter future illegal activity. Minnesota’s best practices suggest that enforcement and prosecution should be combined with treatment (Minnesota Human Trafficking Task Force, 2014).

The Minnesota Legislature enacted a Safe Harbor Law. The Safe Harbor Law provides services, resources, and shelter for people up to the age of 24 who have been sex trafficked. This law also increased the penalties for sex trafficking. In Minnesota sex traffickers offenders can face up to 20 years imprisonment for trafficking a child, up to 15 years for trafficking an adult. Since the enactment of the Safe Harbor Law, Minnesota law enforcement agencies have doubled the number of sex trafficking convictions. Federal authorities are also working with local Minnesota officials to curb sex trafficking (The Office of the Minnesota Attorney General , 2018).

## **West Virginia Sex Trafficking Policies**

The West Virginia Attorney's General's (WV-AG) Office recognize that sex trafficking is a large problem in the state. The WC-AG Office also understands that the state provides an environment in which sex trafficking can thrive given the need of opioid addicts to supply their habit without means of financial support, together with previously insufficient laws that address human trafficking. Many individuals in the West Virginia community also believe that individuals engaged in commercial sex, even when forced, are not the victims but mere criminals (Morrisey, 2017).

The WV-AG further suggests that awareness be raised regarding trafficking within the law enforcement community through training, cooperation and communication in order to update those law enforcement officers protecting the state along with education regarding changes in West Virginia law (Morrisey, 2017). Further, they suggest that law enforcement, social service providers and other NGOs should form partnerships to gather information regarding arrests and prosecutions, raise awareness to reduce the demand and mobilize communities to care for victims (Morrisey, 2017). In doing this they should use a victim centered approach to trafficking investigations. West Virginia agencies recognizes that trafficking victims require a multitude of services that one agency alone cannot provide. The service needs for victims could include; Housing, medical care, mental health counseling, substance abuse counseling, safety planning and education assistance (Morrisey, 2017).

It is also suggested by the WV-AG that agencies should train officers to recognize those who are forced, coerced or defrauded into prostitution for the benefit of another. Law enforcement agencies should prioritize human trafficking training for law enforcement officers

and investigators. Further, law enforcement should develop an accredited curriculum regarding human trafficking training so that officers in the field can better recognize, respond to, and investigate crimes these crimes (Morrisey, 2017).

### **Ohio Sex Trafficking Policies**

On March 29, 2012, the Ohio Governor's Office created the Ohio Human Trafficking Task Force to help trafficking victims. Since its creation, 11-state agencies have assisted in the ability to identify and rescue victims of trafficking, better equip law enforcement to investigate and prosecute crimes of human trafficking. Some of the goals of the trafficking protocol have been to work cooperatively with state agencies, partnering with law enforcement, and the general public to prevent trafficking crimes. The Ohio agencies have created an unprecedented movement in Ohio to address the sex exploitation of victims in a coordinated response (Ohio Human Trafficking Task Fore , 2017) .

Ohio's trafficking agencies have a supportive partnership with federal, state and local law enforcement which is vital to the success of Ohio's trafficking response. In addition, the governor's office trafficking subcommittee has facilitated law enforcement's sharing of information related to trafficking investigations by maintaining a contact list of trafficking investigators across the state. Sex trafficker often move victims across the city, county and state jurisdictions to follow the demand for sex. The multi-jurisdictional aspect of these investigations makes sharing information across law enforcement jurisdictions crucial (Ohio Human Trafficking Task Fore , 2017).

Ohio state law enforcement agencies strategy in preventing trafficking is to reduce demand, provide advocacy to victims and offer training, resources to law enforcement; as well

as, to empower the community to unite and make a difference by promoting awareness and prevention. Law enforcement agencies will advocate for victims by identifying and recruiting social service agencies to provide services for trafficked persons. Law agencies also provide 24/7 emergency response to victims of trafficking. The protocol for law enforcement agencies is to equip law enforcement personnel with necessary resources to stabilize trafficked persons (Ohio Attorney General's Office, 2016).

The Ohio state trafficking task forces also address trafficking through a demand suppression approach. This approach to reducing demand for commercial sex, by deterring the illicit purchase of sex is through educating purchasers, often called johns, through programs about the risks and realities of the commercial sex industry. These programs are often referred to as “john schools,” defined as education or treatment programs for men arrested for soliciting illegal commercial sex (Ohio Human Trafficking Task Force, 2015).

The trafficking john schools tend to follow the same model with content and curriculums based on early successful programs. The key components of john school are motivated by the overall goal to decrease demand for prostitution and fund services for victims. Program goals are met through increased levels of knowledge, specific deterrence programs, program sustainment and restorative justice. The goal of the john schools are intended to decrease the demand for prostitution, and therefore, reduce the amount of human trafficking and sexual exploitation that occurs. The john school curriculum includes discussions around the health and legal consequences of engaging in commercial sex, the negative impact of prostitution on prostituted women, and discussions about healthy relationships. The john school also addresses sexual addiction, pimping and pandering, human trafficking, and the johns’ vulnerability to criminal victimization while engaging in commercial sex (Ohio Human Trafficking Task Force, 2015).

The john classes serve as diversion program, where meeting all of the requirements results in a case dismissal. Although there are limitations to the evidence-based nature of the programs' curriculums preliminary studies have shown support that these program models decrease recidivism. In addition to the benefits to participants, excess revenue also supports services for victims of sex trafficking. If these programs are accurate representations of a wider cause-and-effect model for john schools, then they present a lesson for Ohio's own programs (Ohio Human Trafficking Task Force, 2015).

The Ohio state Attorney General Office actively trains local law enforcement to identify and investigate cases of human trafficking in Ohio. In Ohio part of the Safe Harbor Law contained a mandatory training requirement for law enforcement on human trafficking. According to the Attorney General's Office this training has been woven into the basic training that all peace officers are required to complete in Ohio. This training will ensure that all law enforcement officers are will have awareness about trafficking and knowledge on how to investigate these crimes (Ohio Office of Attorney General, 2014).

The Ohio State Attorney General's Office has also focused on training the legal community about current Ohio laws against human trafficking. The Attorney General's staff partnered with the Ohio State Bar Association to provide legal training to attorneys statewide, and the Columbus Bar Association. The Ohio Attorney General's office believe that greater awareness of trafficking in the legal community is critical to ensuring that victims are properly identified and well represented in the justice system (Ohio Office of Attorney General, 2014) .

## **Section IV: Recommendations/Conclusion**

In order to be effective in addressing sex trafficking law enforcement agencies should address three key areas which include law enforcement training, victim identification and victim advocate referral. These areas are vital in forming an effective strategy in combating sex trafficking.

### **Recommendations for Law Enforcement Training**

Training is critical to understand and investigate sex trafficking and many jurisdictions have addressed training in a state strategy. It is recommended that law enforcement organizations ensure that officers and investigators receive the resources necessary to identify human trafficking incidents and victims in addition to resources for the investigation of these types of crimes. It is recommended that law enforcement organizations ensure that officers and investigators receive the resources necessary to identify human trafficking incidents and victims in addition to resources for the investigation of these types of crimes.

Trafficking perpetrators and victims are often involved in traditional crimes or illegal activities. Traditional law enforcement training recognizes them as prostitutes, pimps, and kidnapers. Training law enforcement to look beneath the surface is the key to uncover the darker side of these criminal activities. Local police are often the first responders to potential trafficking victims and perpetrators. Training law enforcement to communicate effectively with victims and detect potential perpetrators will help make successful trafficking cases (Washington State Attorney General Office , 2018).

Sex trafficking related training is available from multiple law enforcement, criminal justice entities and various NGOs that can vary in focus (International Association of Chiefs of

Police , 2016). The International Association of Chief of Police (2016) suggests training courses for agency personnel address: Defining human trafficking, Types of human trafficking legislation and the importance of partnering with an NGO victim service agency. It also recommended that personnel can receive training both in person and online. The International Association of Chief Police (2016) also recognize that first responding officers are a key part in identifying traffic victims so it is also recommends that roll call training videos be introduced to officers (International Association of Chiefs of Police , 2016).

The California Commission on Peace Officer Standards and Training (POST) has also developed extensive guideline for law enforcement conducting human trafficking investigations. POST encourages information sharing with all law enforcement personnel who may serve as liaisons between trafficking victims and the criminal justice system. The POST guidelines covers a variety of topics which include: Trafficking laws, the dynamics of trafficking victims, identifying, assessing and communicating with trafficking victims, law enforcement interviewing techniques and community resources.

In January of 2007 POST implemented requirements for all law enforcement personnel to participate in courses of instruction for the training of law enforcement officers in the handling of trafficking complaints. POST also recommended the development of guidelines for law enforcement response to trafficking incidents. Post recommended the guidelines contain information on the dynamics and manifestations of trafficking, identifying and communicating with victims, providing documentation that satisfies the Law Enforcement Agency (LEA) endorsement required by federal law, collaboration with federal law enforcement officials, therapeutically appropriate investigative techniques, and protection for victims (California Commission on Peace Officers Standards and Training , 2014).

In addition, POST recommends that trafficking training should include instruction from experts in the field with experience in the delivery of direct services to victims of human trafficking. Completion of the course may be satisfied by telecommunication, video training, tape, or other instruction. In November 2012, the state of California passed Proposition 35 which required a minimum of two hours of training in handling complaints of trafficking for every law enforcement officer assigned to field or investigative duties to be completed by (California Commission on Peace Officers Standards and Training , 2014). In conclusion, POST is considered to be good policy for all investigators to follow. Agencies should examine their current sex trafficking policy and considered adopting similar guidelines to address sex trafficking in their jurisdictions.

### **Recommendations on Identifying Sex Trafficking Victims**

The WOJA understands that first responders play a critical role in uncovering sex trafficking victims and that it is important that agencies adopt their suggested guidelines. The WOJA recommends that first responders and others who encounter victims receive training on how to identify trafficking victims, and then how to engage and assist them. It is possible for anyone to encounter a victim of sex trafficking but certain professionals, have greater access to potential victims and have a better chance of uncovering this crime. These first responders include emergency room personnel, health care providers, law enforcement, emergency rescue personnel, domestic violence and sexual assault advocates, homeless and shelter agencies, and clergy (The Wisconsin Office of Justice Assistance , 2012).

The WJOA recommend that trafficking agencies be aware of several clues to identify victims. Several visual cues and behaviors may reveal victim of sex trafficking. Some of the

victim clues may include; Malnourishment, victim avoids direct eye contact, visible injuries, the victim is extremely nervous, and evidence of sexual assault. The WOJA also indicate that certain victim behavioral clues may be linked to sex trafficking. The WOJA victims may be, shy and submissive, have a lack of concentration while speaking, observable psychological disorder, appears afraid to speak, and may present as defiant and combative (The Wisconsin Office of Justice Assistance , 2012).

POST also recommend that agencies should understand victim dynamics and effectively respond to victims from varying life circumstances. POST also recommends that when attempting locate potential victims agencies need to show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport. POST recommend that potentials recommend that agencies should express sympathy to potential victims and be interested in the victim's well-being (California Commission on Peace Officers Standards and Training , 2014).

Agencies who discover a victim of sex trafficking have an obligation to take action to ensure the victim's safety. The coordinated efforts of service providers, local and federal law enforcement, local advocates, victim service providers, religious organizations, and others are needed to combat trafficking. It is equally applicable for first responders who encounter victims of sex trafficking (The Wisconsin Office of Justice Assistance , 2012).

### **Referral to Victim Advocates**

Advocacy is one of the roles that nonprofits organizations may fill to bring victims, agencies and prosecutors together who share a common concern for social justice. It is crucial for trafficking victims who endure violence to form partnerships with trained advocates to

provide victim services. Highly trained advocates are equipped to provide culturally-sensitive services and empower trafficking victims to reach personal goals (Jaclyn D. Houston, Odahl-Ruan, Charlynn, & Shattell, 2015).

Milan, Borello and Pooler (2017) suggest that victim advocates and NGO's can assist in effectively guiding victims through their interaction with law enforcement and prosecutors utilizing trauma-informed techniques. It is important to restore feelings of self-efficacy and control to the victims by providing trafficking victims with opportunities for choice and consistency. Victim advocates can provide direct services and make referrals, these services can include housing, emotional support, case management, and documentation.

Milan, Borello and Pooler (2017) states victim advocates, unlike the law enforcement officers, have confidentiality agreements with victims. This agreement allows victims to fully disclose the extent of their needs to advocate. This information helps advocates determine the emotional and mental health services that they might not otherwise be willing to use if their conditions could be shared during a prosecution.

The community-based advocate is generally prohibited from disclosing confidential information without the permission of the victim. Victim advocates also engage with the victim(s) regardless of whether they are participating in the investigation or prosecution of a case. The role of the victim advocate is to maintain an ongoing relationship with victim, to provide stability and support, and to interact with them on their terms (Milan, Borrello, & Pooler, 2017).

While law enforcement and victim advocates positions differ in focus and responsibilities, the combined resources and experience they offer victims often provide the best possible scenario for victim to successfully leave their trafficker and recover from the abuse.

Milan, Borrello, and Pooler (2017) recommend law enforcement and prosecutors would be well served to seek, and form positive working relationships with law enforcement victim specialists and their NGO victim advocates.

## **Conclusion**

As previously mentioned sex trafficking cases are complex and difficult investigations. Trafficking investigations require law enforcement to take a multi-system approach with several agencies. Preventing, identifying, and serving victims of trafficking require coordinated efforts within and across local, tribal, state, and federal levels. To effectively and comprehensively combat this growing crime trend, agencies should develop strategies that articulate how investigators will prepare for and respond to sex trafficking activity within their respective agencies.

In addition, to traditional reactive strategies to identify cases of sex trafficking which include; victims to coming forward and report their victimization or relying on non-governmental agencies and other law enforcement agencies to provide tips. Law enforcement also utilizes traditional sting operation to generate sex trafficking victims. Law enforcement can utilize other creative techniques to address trafficking such as Racketeer Influenced and Corrupt Organizations Act-(RICO) investigations, wiretaps and financial investigations.

A coordinated effort to combat sex trafficking should include partnerships with victim advocates and NGO's. Partnerships between law enforcement agencies and NGO's create victim-centered approaches which create a stronger possibility of overall success. Since most sex trafficking can take a long time to prosecute corresponding long-term victim support plan should be implemented to increase the number of successful prosecutions.

Law enforcement and prosecutors need should participate training which include case law and legal strategies that have been effective in securing prosecutions. The training should also provide law enforcement with the best practices for acquiring , utilizing and corroborating evidence in sex trafficking cases. Training should also contain information about the impact of trauma and violence on victim behavior.

## References Cited

- Al-Khayon, A. A.-K., Manning, J., Pasic, S., Torgensen, K., & Trapeznikova, O. (2018). Value of non-governmental organizations in countering human trafficking. *National Association of Attorney Generals*.
- Aponte, C. (2013). Diversion and deterrence: A practical and cost effective to addressing the demand for commercial sex, sex trafficking and the sexual exploitation of women. *UMKC Law Review*, 747-768.
- Association of State Criminal Investigative Agencies. (2016, August). Human trafficking information and investigations strategy toolkit. Association of State Criminal Investigative Agencies.
- Bocinski, S. G. (2017). *The economics drivers and consequences of sex trafficking in the United States*. Washington D.C.: The Institute for Women's Policy Research.
- Brown, E. (2017). American sex police. *Reason*, 17-26.
- International Association of Chiefs of Police . (2016, August ). The crime of human trafficking:A law enforcement guide to identification and investigation. Alexandria , Virginia , USA: International Chiefs of Police .
- Kubasek, N., & Herrera, K. (2015). Combating domestic sex trafficking: Time for a new approach. *Texas Law Journal*, 167-193.
- Mann, M., Borrello, N., & Pooler, J. (2017). The survivor centered, trauma-informed approach. *The United States Attorney Bulletin*, 39-43.
- Martin, J. A. (2013). Addressing human trafficking in the state courts: Background and approach. *Center for School Policy*, 1-32.
- Minnesota Human Trafficking Task Force . (2014). *Minnesota Human Trafficking Task Force* . Retrieved from <http://mnhttf.org/human-trafficking/law-enforcement/>
- Minnesota Human Trafficking Task Force. (2014). *Minnesota Human Trafficking Task Force* . Retrieved from Minnesota Human Trafficking Task Force : <http://mnhttf.org/educationtraining/fact-sheets/>
- Morrisey, P. (2017, June 22). *Office of the WV Attorney General* . Retrieved from [ago.wv.gov/Documents/2017.06.22](http://ago.wv.gov/Documents/2017.06.22)

National Conference of State Legislatures . (2018, June 26). *National Conference of state Legislatures* . Retrieved from <http://www.ncsl.org/research/civil-and-criminal-justice/human-trafficking-laws.aspx>

National Human Trafficking Hotline . (2017). *National Human Trafficking Hotline* . Retrieved from <https://humantraffickinghotline.org/mission>

National Sexual Violence Resource Center. (2012). Assisting trafficking victims: A guide for victim advocates. Pennsylvania, Pennsylvania, United States of America: National Sexual Violence Resource Center and Pennsylvania Coalition Against Rape.

Office for Victims of Crime. (2018). *Office of Justice Programs*. Retrieved from <https://www.ovcttac.gov/taskforceguide/eguide/>

Office of Justice Programs . (2017). *Office of Justice programs* . Retrieved from <https://www.ovcttac.gov/taskforceguide/eguide/>

Ohio Attorney General's Office. (2016). *Ohio Attorney General's Office Human Trafficking 2016 Report* . Columbus : Ohio Attorney General's Office .

Ohio Human Trafficking Task Force. (2015, November). *Ohio Human Trafficking Task Force*. Retrieved from <http://humantrafficking.ohio.gov/data-reports.html>

Ohio Human Trafficking Task Fore . (2017). *Governor's Ohio Human Trafficking Task Force Report*. Columbus: Ohio Human Trafficking Task Force .

Ohio Office of Attorney General. (2014). *Ohio Attorney General's Office Human Trafficking 2013 Annual Report*. Columbus: Ohio Attorney General Office .

Polaris Project. (2015). *Polaris*. Retrieved from <https://polarisproject.org/sites/default/files/2015%20Safe%20Harbor%20Issue%20Brief.pdf>

Roe-Sepowitz, D., Gallagher, J., Hogan, K., Ward, T., Bracy, K., & Denecour, N. (2017). A six-year analysis of sex traffickers of minors: Exploring characteristics and sex trafficking patterns. *Arizona State University Office of Sex Trafficking Intervention Research*, 1-4.

Shively, M., Kliorys, K., Wheeler, K., & Hunt, D. (2012). *A National overview of prostitution and sex trafficking demand reduction efforts, final report*. Washington D.C.: National Institute for Justice.

The Office of the Minnesota Attorney General . (2018). *The Office of the Minnesota Attorney General* . Retrieved from <https://www.ag.state.mn.us/Consumer/Publications/SexTrafficking.asp>

The United States Advisory Council on Human Trafficking . (2016). *The United States Advisory Council on Human Trafficking Annual Report 2016* . Washington D.C. : United States Department of State.

The United States Department of Justice . (2017, May 26). *The U.S Department of Justice* . Retrieved from <https://www.justice.gov/humantrafficking/special-initiatives>

- The Wisconsin Office of Justice Assistance . (2012, May ). Wisconsin Human Trafficking Protocol and Resource Manual. Madison , WI, Dane : Wisconsin Office of Justice Assistance . Retrieved from [https://www.wcasa.org/file\\_open.php?id=336](https://www.wcasa.org/file_open.php?id=336)
- U.S. Department of Homeland Security. (2017, April 19). *U.S. Department of Homeland Security*. Retrieved from <https://www.dhs.gov/human-trafficking-laws-regulations>
- U.S. Department of Homeland Security. (2018, June 18). *U.S. Department of Homeland Security* . Retrieved from <https://www.dhs.gov/blue-campaign/victim-centered-approach>
- U.S. Department of Justice . (2018, April 9). *U.S. Department of Justice* . Retrieved from <https://www.justice.gov/opa/pr/justice-department-leads-effort-seize-backpage-com-internet-s-leading-forum-prostitution-ads>
- U.S. Department of State. (2017). *Trafficking in person*. Washington D.C.: U.S. Department of State.
- U.S. Department of State. (2018, March 18). *U.S. Department of State*. Retrieved from <https://www.state.gov/documents/organization/10492.pdf>
- United States Census Bureau. (2017, December 5). *United States Census Bureau*. Retrieved from <https://www.census.gov/quickfacts/fact/table/US#viewtop>
- Wisconsin Department of Justice . (2017, September 13). *Wisconsin Department of Justice* . Retrieved from <https://www.doj.state.wi.us/>
- Wisconsin Department of Justice . (2018, February ). Human Trafficking: A guide for criminal justice professionals. Madison , Wisconsin , United States of America : Wisconsin Department of Justice .