



Department of Commerce

# Human Trafficking Laws and Investigations

*Statewide Training for Law Enforcement, Prosecutors and Court Personnel  
Per RCW 43.280.095*

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Report to the Legislature  
Brian Bonlender, Director

## Acknowledgements

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# Executive Summary

## Overview

In 2015, the Washington State Legislature passed Substitute Senate Bill 5933,<sup>1</sup> requiring the Department of Commerce Office of Crime Victims Advocacy (OCVA) to establish a statewide training program on Washington’s human trafficking laws for criminal justice personnel, including prosecutors, law enforcement and court personnel. The bill, codified in RCW 43.280.095,<sup>2</sup> requires training to cover Washington’s anti-trafficking laws, and the investigation and adjudication of sex trafficking cases. The trainings must encourage “interdisciplinary coordination among criminal justice personnel, build cultural competency, and develop understanding of diverse victim populations, including children, youth, and adults.”

In October 2015, OCVA convened a workgroup, which included professionals with expertise prosecuting and investigating human trafficking cases, and with expertise working with survivors of human trafficking, to identify subject matter and draft curricula for law enforcement, prosecutors, and court clerks. The workgroup also contributed to the recommendations in this report.

This is the first biennial report to the Legislature on the statewide training program on human trafficking laws. This report includes background information on the human trafficking industry and relevant state laws, a description of the methodology used to measure the effectiveness of the training program, a description of next steps for the program, and recommendations. The appendices contain data tables.

## Key Findings

As of June 2017, six trainings were completed, yielding the following outcomes and findings:

- 161 individuals completed training.
- Trainings yielded substantial increases of knowledge for inexperienced trainees.
- The most effective areas of the training for law enforcement and prosecutors concerned how to work with victims.
- Pre-training evaluations demonstrated 29 percent of attendees noted they were “not at all familiar” with the investigation of sex trafficking, compared to 4 percent post training.
- Pre-training evaluations revealed that 50 percent of attendees were “not at all familiar” with the investigation of labor trafficking cases, compared to 11 percent post training.
- Court clerks and law enforcement/prosecutor trainee groups demonstrated increased knowledge from pre- to post-test in the trafficking of girls and women, lesbian, gay, bi-

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<sup>1</sup> Washington State Legislature, *SB 5933*, (2015), <http://app.leg.wa.gov/billsummary?BillNumber=5933&Year=2015>

<sup>2</sup> Washington State Legislature, *RCW 43.280.095*, (2015), <https://app.leg.wa.gov/rcw/default.aspx?cite=43.280.095>

sexual, transgender, queer, questioning, two-spirit<sup>3</sup> (LGBTQ2) individuals, boys, men, and people of color.

## **Recommendations**

Commerce will explore next steps with the workgroup, legislators, and stakeholders, to address the following legislative recommendations from the workgroup that helped develop the human trafficking training program. The legislative recommendations are discussed in more detail beginning on page 19, along with next steps Commerce will take to improve the program.

### **Continue Funding for Statewide Training**

While there are multiple activities occurring statewide to respond to human trafficking, few training opportunities are available for law enforcement, prosecutors, and court personnel. The availability of this free training program is vital to ensure law enforcement, prosecutors, and court personnel have victim-centered information about the complexities of human trafficking, including relevant laws, the investigation and adjudication of sex trafficking cases, the diverse populations impacted by this crime, and the support and assistance available to victims. Continued funding is important to continue offering these trainings.

### **Narrow the Definition of Court Personnel**

The workgroup recommends defining court personnel as judges and court clerks in RCW 43.280.095.<sup>4</sup> The current description of “court personnel” covers a wide array of staff involved in the criminal justice system. Narrowing the definition to specify judges and court clerks would help identify, develop, and implement trainings specific to the duties and responsibilities of these positions.

### **Consider Creating a Separate Training Program to Address Labor Trafficking**

Finding training and resources related to labor trafficking is challenging. There are few training opportunities available for professionals related to labor trafficking. Fifty percent of attendees noted they were “not at all familiar” with the investigation of labor trafficking cases.

The workgroup recommends that RCW 43.280.095 be amended to create a separate statewide training program on labor trafficking. Additional funding would be required to implement a labor trafficking training program. Training would include human trafficking laws, investigations, adjudication and individuals impacted. Training on labor trafficking for law enforcement and prosecutors would likely increase the identification and prosecution of labor trafficking cases.

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<sup>3</sup> S-E. Jacobs, W. Thomas, S. Lang, “Two Spirit People: Native American Gender Identity, Sexuality, and Spirituality,” (1997), page 4. Urban: University of Illinois Press.

<sup>4</sup> Washington State Legislature, *RCW 43.280.095*, (2015), <http://app.leg.wa.gov/RCW/default.aspx?cite=43.280.095>

# Background on Human Trafficking

## The Human Trafficking Industry

Human trafficking is a complex issue affecting children, youth, and adults, in communities throughout Washington. The crime of human trafficking includes labor and sex trafficking, and is well hidden. Traffickers can be male or female and may be family members, strangers, trusted adults, employers, or individuals involved in gangs. Traffickers use a variety of tactics to force, coerce, and mislead individuals into situations where they are trafficked. Tactics include force, fear, shame, physical and sexual violence, threats, and a false perception of “love.”

Human trafficking occurs in a wide variety of contexts, including in homes, hotels and motels, massage parlors, and in industries such as agriculture, manufacturing, and food service. Sex trafficking relies heavily on social media and the internet.

## Individuals Impacted by Human Trafficking

Traffickers often target individuals who are vulnerable due to poverty and who belong to marginalized groups. Gender-based discrimination and violence place women, girls, and transgender youth and adults at heightened vulnerability to trafficking. Other factors that increase an individual’s risk are age, prior experiences of physical or sexual abuse, and alienation from one’s family.<sup>5</sup>

In Washington state, children, youth, and adults at risk of being trafficked include:

- Individuals experiencing homelessness, or who have been “kicked out” of their homes.
- Youth who identify as LGBTQ2.
- Immigrants.
- Individuals seeking employment to support their families.
- Individuals who have been impacted by trauma and are seeking a trusting and “safe” relationship.
- Individuals of color.
- Individuals who have entered the country legally, are forced to work, and are unable to leave their employment.

It is important to note that boys and men are also impacted by sex trafficking. Several studies have found that among homeless youth, comparable numbers exist for boys and girls who

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<sup>5</sup> Washington State Department of Commerce, “Statewide Coordinating Committee on Sex Trafficking: Report on Committee Activities and Plan to Address Sex Trafficking (2014), <http://www.commerce.wa.gov/wp-content/uploads/2016/03/Commerce-Sex-Trafficking-Final-2014.pdf>

disclose sexual exploitation.<sup>6</sup> In a study completed in New York City in 2008, 249 youth under the age of 18 self-reported participating in Commercial Sexual Exploitation of Children markets. Forty-five percent of the sample were male, and 48 percent were female.<sup>7</sup>

## **Challenges in Identification of and Service Delivery to Victims of Trafficking**

Human trafficking is a complex issue affecting children, youth, and adults, and occurs throughout Washington. Identifying the crime of human trafficking requires an understanding of the nuances and sub-culture, individuals targeted, and tactics used by traffickers. It also requires an understanding of the impact of trauma and its effect on trust, behavior, and relationships. In addition, an understanding of oppression, risk factors, and potential indicators is also vital. With an increased understanding of these factors, professionals will have the skills, knowledge, and person-centered approach needed to engage effectively with victims of human trafficking, as well as individuals at risk.

Individuals impacted by human trafficking generally do not identify as “victims.” Due to the many complexities of the crime, such as the subculture of sex trafficking, the tactics used by traffickers, the history of oppression, trauma, and violence, and mistrust of “systems,” victims are often reluctant to disclose information, seek services, or report the crime to law enforcement. It is therefore vital that law enforcement, prosecutors, service providers, and other professionals receive training related to the issue of human trafficking, which can result in more effective strategies to engage with victims/survivors.

For some types of sex trafficking, a sub-culture exists related to the norms and language established and enforced by traffickers. The sub-culture creates multiple powerful barriers to identification of victims, which is often a highly dangerous environment for victims.

The public, law enforcement, and the Legislature have paid increased attention to the crime of sex trafficking, with special emphasis on the sexual exploitation of children and youth, in recent years, and Washington is considered a leader nationally in fighting it. However, it remains challenging for law enforcement and other professionals to access training and resources related to labor trafficking. While numerous activities occur statewide related to human trafficking, the majority of the activities focus on sex trafficking, including the sexual exploitation of children and youth. The availability of training related to labor trafficking for systems-based professionals and community-based organizations is rare.

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<sup>6</sup> ECPAT USA, “AND BOYS TOO,” (2013), [https://static1.squarespace.com/static/594970e91b631b3571be12e2/t/5977b2dacd0f688b2b89e6f0/1501016795183/ECPAT-USA\\_AndBoysToo.pdf](https://static1.squarespace.com/static/594970e91b631b3571be12e2/t/5977b2dacd0f688b2b89e6f0/1501016795183/ECPAT-USA_AndBoysToo.pdf)

<sup>7</sup> Curtis, Terry, Dank, Dombrowski, and Khan. “The Commercial Sexual Exploitation of Children in New York City, Volume One: The CSEC Population in New York City: Size, Characteristics, and Needs, (2008), <https://www.ncjrs.gov/pdffiles1/nij/grants/225083.pdf>

## Washington State Laws Related to Human Trafficking

In 2003, Washington became the first state to pass a law criminalizing human trafficking. In 2014, the Polaris Project published its annual *Analysis of State Human Trafficking Laws*. Washington was one of three states to receive a perfect score in the 10 categories on which the states were graded.<sup>8</sup>

The term human trafficking includes labor trafficking, sex trafficking, and commercial sexual abuse of a minor (CSAM), which Washington state law defines as:

- **Labor trafficking:** “A person is guilty of trafficking in the first degree when: Such person: recruits, harbors, transports, transfers, provides, obtains, buys, purchases or receives by any means another person knowing, in reckless disregard of the fact, that force, fraud, or coercion, as defined in RCW 9A.36.070,<sup>9</sup> will be used to cause the person to engage in forced labor or involuntary servitude.”<sup>10</sup>
- **Sex trafficking:** The recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion.<sup>11</sup> If the victim is under 18 years old, force, fraud or coercion are *not* necessary elements of the offense, and it does not matter whether the juvenile consented or appeared to consent to the sexual act.
- **Commercial sexual abuse of a minor:** A person is guilty of commercial sexual abuse of a minor if they:
  - Provide anything of value to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her.
  - Provide or agree to provide anything of value to a minor or a third person pursuant to an understanding that in return such minor will engage in sexual conduct with him or her.
  - Solicit, offer, or requests to engage in sexual conduct with a minor in return for anything of value.<sup>12</sup> Consent of a minor to the sexual conduct does not constitute a defense. “Sexual conduct” means sexual intercourse or sexual contact, both as defined in Chapter 9A.44 RCW.<sup>13</sup>

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<sup>8</sup> <https://polarisproject.org/resources/2014-state-ratings-human-trafficking-laws>

<sup>9</sup> Washington State Legislature, RCW 9A.36.070, (1975, 2011)

<https://app.leg.wa.gov/rcw/default.aspx?cite=9A.36.070>

<sup>10</sup> Washington State Legislature, RCW 9A.40.100, (2003, 2011, 2012, 2013, 2014, 2017),

<http://apps.leg.wa.gov/rcw/default.aspx?cite=9a.40.100>

<sup>11</sup> Ibid.

<sup>12</sup> Washington State Legislature, RCW 9.68A.100, (1984, 1989, 1999, 2007, 2010, 2013, 2017),

<http://app.leg.wa.gov/rcw/default.aspx?cite=9.68A.100>

<sup>13</sup> Washington State Legislature, Chapter 9A.44 RCW, <http://app.leg.wa.gov/rcw/default.aspx?cite=9a.44>

## Methodology

In October 2015, the Office of Crime Victims Advocacy (OCVA) convened a workgroup that included professionals with expertise prosecuting and investigating human trafficking cases. The workgroup also included professionals with expertise working with survivors of human trafficking. The workgroup consists of representatives from the following agencies and offices:

- Attorney General's Office
- King County Prosecuting Attorney's Office
- Office of Crime Victims Advocacy
- U.S. Attorney's Office
- Washington Anti-Trafficking Response Network (WARN)
- YouthCare

The workgroup met to discuss the governing statute (RCW 43.280.095), the intended audience, and the required components of the trainings. Due to the nature of the components covered and intended audience, the workgroup invited law enforcement from city, state, and federal jurisdictions to attend the training, as well as federal prosecutors. The workgroup discussed and identified subject matter, potential training needs, and special interests of law enforcement personnel, court personnel, and prosecutors.

### Identification of Training Needs

The workgroup identified similarities in training needs of the intended audience and differences related to specific job duties. For instance, law enforcement and prosecutors benefit from information and context about the investigation of sex trafficking and interviewing victims. They also benefit from dedicated training time to focus on specific information tailored for each discipline. Similarly, time was dedicated for prosecutors to focus on charging decisions and trial presentation.

The category of court personnel covers a wide variety of potential attendees and job duties. As a result, the workgroup determined that the best way to meet the unique needs of court personnel would be to tailor a training specific to the duties and interests of those specific professionals.

### Introduction of Training Components

The group assessed and identified the most effective way to introduce information related to the required components. The group considered nuances, such as when and where to incorporate information on victim-centeredness, cultural competency, and the availability of support and assistance for victims. By consensus, the group decided to include information about labor trafficking laws.

The workgroup also discussed the importance of including information about the complexities of human trafficking. These included criminal activity of victims connected to or as a result of being trafficked, the sub-culture of human trafficking, including language and norms, and the commercial sexual exploitation of a minor (CSAM). Understanding these specific issues is vital in conducting investigations and engaging individuals who are being trafficked.

The workgroup identified training methods to effectively deliver information, including case scenarios, breakout sessions for prosecutors and law enforcement, and sample cases for small groups to assess and share their findings. One common theme across disciplines was the importance of a victim-centered approach.

### **Training Plan Development for Law Enforcement and Prosecutors**

As a result of its assessment, the workgroup agreed that a large quantity of information needed to be covered to meet the requirements of the statute and to provide necessary context. The workgroup determined that while there was enough information to fill a two-day training, a one-day training would make it easier for targeted professionals to attend. It was also determined that due to the nature of information covered in training, only law enforcement and prosecutors would be allowed to attend.

Some individuals who were not law enforcement or prosecutors contacted OCVA about attending the trainings. OCVA consulted with the workgroup to determine if the training was appropriate for these individuals, and made exceptions on a case-by-case basis.

To reduce barriers and increase access to training, it was determined that two one-day trainings would be offered in western Washington and three one-day trainings would be provided in eastern Washington.

The workgroup identified and secured trainers with expertise in areas related to:

- Sub-Culture of Sex Trafficking
- Legal Landscape: Washington State and Federal Laws
- Working with Victims
- Interviewing Victims
- Victim Services
- Investigations
- Operations (law enforcement only)
- Charging Decisions (prosecutors only)
- Trial Presentation (prosecutors only)

Trainers included staff from the following organizations:

- An assistant attorney general from the Attorney General's Office
- Assistant U.S. Attorney's Office

- Commercial Sexual Exploitation Training and Policy Coordinator, YouthCare
- Detective, King County Sheriff's Office
- Detective, Seattle Police VICE/High Risk Victims Unit/ Federal Bureau of Investigation (FBI) Child Exploitation Task Force
- Detective, Washington State Patrol
- Deputy Prosecutor, King County Prosecuting Attorney's Office
- Program Manager, Office of Crime Victims Advocacy
- Special Agent, Federal Bureau of Investigation– Seattle Child Exploitation Task Force Coordinator
- Victim Specialist, Federal Bureau of Investigation
- Washington Anti-Trafficking Response Network (WARN)

Attendees of the law enforcement and prosecutors trainings completed pre- and post-training surveys to measure training effectiveness.

## **Training Plan Development for Court Personnel**

Outreach was conducted to determine the best methods for meeting the needs of court personnel.

As a result, the Washington Association of Court Clerks provided a two-hour time slot at their annual conference for training on human trafficking. OCVA consulted with the workgroup about training components. Due to the time allocated and audience, OCVA provided training and covered all components, except for the investigation and adjudication of sex trafficking cases. Court personnel received a training tailored to their needs, job duties, and professional overlap with human trafficking.

Court personnel attendees completed a post-training survey to measure training effectiveness.

## **Training Implementation**

OCVA coordinated with the workgroup and presenters to determine training dates. OCVA used Eventbrite to promote the training to law enforcement personnel and prosecutors. OCVA also collaborated with the Criminal Justice Training Commission, Washington Advisory Committee on Trafficking (WashACT), Washington Association of Prosecuting Attorney's (WAPA), Washington Association of Sheriffs and Police Chiefs (WASPC), OCVA grantees, and other partners to raise awareness of the training.

Trainings occurred in the following locations:

- Everett, April 2016
- Tumwater, May 2016
- Spokane, June 2016

- Wenatchee, November 2016
- Kennewick, December 2016
- Winthrop, June 2017, Washington Association of Court Clerks Annual Conference

## **Measuring Effectiveness**

OCVA consulted with the Department of Commerce's Research Services to develop a pre- and post-training evaluation survey to measure the effectiveness of training.

The pre- and post-evaluation forms were anonymous. Attendees were asked to indicate if they represented law enforcement or prosecutors. Attendees received the pre-training evaluation form before training. The post training evaluation was provided at the end of training.

Respondent growth at the highest level of familiarity (i.e., extremely and moderately familiar) from the pre- to post-test determined the effectiveness of trafficking trainings. The percentage difference between respondents characterizes gains in training material, while a weighted average score indicates the intensity of the training's effectiveness. The ordered responses of the survey relied on the following five-point Likert scale:

- 5 points -- Extremely familiar/aware
- 4 points -- Moderately familiar/aware
- 3 points -- Somewhat familiar/aware
- 2 points -- Slightly familiar/aware
- 1 point -- Not at all familiar/aware

N/A or blank responses did not receive consideration. Eight law enforcement personnel and one prosecutor left several answer fields blank. These responses received careful consideration, as eight of the nine blank field respondents had no experience working with trafficking victims or previous trafficking training. Many of the blank responses concerned familiarity with trafficking among diverse populations. This may have reduced the number of responses for those with the least experience with human trafficking.

## **Further Notes on Data**

Court clerks do not actively lead investigations or adjudications, so the training they received did not cover investigations or adjudication of sex trafficking cases. The clerks' training was two hours in length, while the joint law enforcement and prosecutor trainings were seven hours in length. Clerks also did not receive a follow-up post-test survey, and the survey asked different questions within a shared context to the other trainings.

The number of law enforcement personnel and prosecutors listed as attending a training is not the same number that took the pre- and post-test surveys. This is because some attendees did not fill out surveys. In addition, some trainees departed before training concluded.

The disproportionate number of law enforcement personnel in the sample may skew combined effectiveness ratings toward the areas of growth experienced by law enforcement, as well as for prosecutors. Some attendees did not complete the post-test, which may affect the data related to training effectiveness.

For these reasons, law enforcement and prosecutor trainings are compiled in aggregate, while the trainings for court clerks were analyzed separately.

## Summary of Completed Trainings

The training team completed six trainings from April 2016 through June 2017. Five trainings were for law enforcement and prosecutors, and one training was for court personnel.

A total of 161 professionals attended the statewide training for law enforcement and prosecutors. In addition to state, federal, and tribal prosecutors and law enforcement personnel, attendees included representatives from:

- Department of Corrections
- Washington State Fusion Center
- Juvenile Rehabilitation Administration
- Missing Persons Unit/Human Trafficking Coordinator, Washington State Patrol
- Wage Theft Investigator, Attorney General’s Office

Twenty-four individuals attended the two-hour training for court clerks at the Washington Association of County Clerks annual conference.

Approximately 68 percent of the trainees were law enforcement personnel, 15 percent were prosecutors, and 17 percent were court clerks. For the purposes of this report, “trainees” are people who completed the pre- and post-tests, and “attendees” are people who attended part or all of a training.

**Figure 1: Date, Location, and Attendance by Trainee**

| Training Date    | Location  | Law Enforcement | Prosecutors | Court Clerks | Total Trainees | Total Attendees |
|------------------|-----------|-----------------|-------------|--------------|----------------|-----------------|
| April 15, 2016   | Everett   | 28              | 10          | N/A          | 38             | 41              |
| May 6, 2016      | Tumwater  | 15              | 5           | N/A          | 20             | 28              |
| June 10, 2016    | Spokane   | 17              | 3           | N/A          | 20             | 27              |
| November 3, 2016 | Wenatchee | 16              | 0           | N/A          | 16             | 15              |
| December 2, 2016 | Kennewick | 21              | 3           | N/A          | 24             | 26              |
| June 27, 2017    | Winthrop  | N/A             | N/A         | 24           | 24             | 24              |
| Total            |           | 97              | 21          | 24           | 142            | 161             |

## Training Analysis

The workgroup measured the effectiveness of the trainings through an analysis of pre- and post-test surveys completed by the trainees. The growth in the number of responses at the two highest levels of awareness or familiarity (extremely and moderately familiar/aware) convey training effectiveness. The surveys measured effectiveness across five categories:

- Awareness of state and federal laws.
- Familiarity with trafficking investigations.
- Familiarity with trafficking prosecutions.
- Familiarity with trafficking adjudication.
- Familiarity with trafficking among diverse populations.

The analysis grouped together law enforcement and prosecutors. Court clerks' training was analyzed separate, as their training addressed different stakeholder needs. Some attendees could not complete the training or the post-test and did not take a survey following the training. This alone does not affect evaluation of training effectiveness. It does create a limited prosecutor post-test sample size that may produce fluctuations in results for some subjects.

Appendices A and B contain the pre- and post-test results.

### Key Survey Findings

The statewide human trafficking training program was effective in instilling new knowledge and in building on existing knowledge. Trainee experience was a key focal point in the analysis of effectiveness. As expected, testing revealed that trainees with little experience with human trafficking concepts displayed large knowledge gains, while trainees with previous experience displayed more modest gains. This supports the intent to develop a training specifically for individuals who already have some experience or knowledge of human trafficking.

Figure 2 presents trainees' experience with human trafficking victims, investigations, and previous human trafficking training. In total, about 59 percent of law enforcement and 52 percent of prosecutor trainees lacked previous human trafficking training.

**Figure 2: Law Enforcement and Prosecutor Trainee Experience with Human Trafficking Investigations**

| Trainee Pre-tests      | Do you have experience conducting human trafficking investigations? | Have you previously worked with human trafficking victims? | Have you previously attended training on human trafficking? |
|------------------------|---|--|---|
| Law Enforcement (n=97) | 23 (24%)  | 33 (34%)   | 40 (41%)  |
| Prosecutors (n=21)     | 3 (14%)   | 10 (48%)   | 10 (48%)  |

Training effectiveness was measured by analyzing the number of survey respondents who answered “extremely familiar” or “moderately familiar” with the subject matter area from pre-test to post-test. The testing showed that:

1. Cumulatively, trainees reported an increase in familiarity and awareness with each subject matter area. (See figures 3 - 5)
2. Analysis showed that the two areas that showed the largest gains in effectiveness related to Washington state human trafficking laws were the investigation of sex trafficking cases, and how to work with victims.
3. Pre- and post-test results demonstrate that trainees knew little about the trafficking of diverse populations, including LGBTQ2, boys, men, and people of color.
4. Law enforcement personnel were less familiar with the prosecution and adjudication of human trafficking cases, and their weighted average scores increased by the largest margin. Prosecutors, in contrast, were less familiar with community-based organizations and did not demonstrate knowledge gains from the training in this area.
5. Respondents without previous human trafficking training experienced large increases in familiarity across all subject matter areas. (See Figure 6).

The following graphs display the effectiveness of the trainings through percentage-based gains at the top of the awareness scale (i.e., extremely familiar and moderately familiar). In aggregate, each survey area demonstrated increased familiarity and awareness. Analysis of specific areas, such as by stakeholder type and experience level, follows. See Appendix D for the cumulative effectiveness chart that contains the information in Figures 3 - 5, in addition to weighted average score increases.

Figure 3 presents data on training effectiveness of state and federal laws and human trafficking investigations. Law enforcement personnel and prosecutors increased their familiarity with each area. The strength of knowledge gains were also high, with weighted average scores increasing by more than one-half point. Law enforcement demonstrated minor gains in the knowledge of human trafficking laws, while prosecutors showed a small reduction in the knowledge of federal human trafficking laws. (See appendices D and E).

**Figure 3: Law Enforcement and Prosecutor Training Effectiveness for Familiarity of State and Federal Laws and Trafficking Investigations**

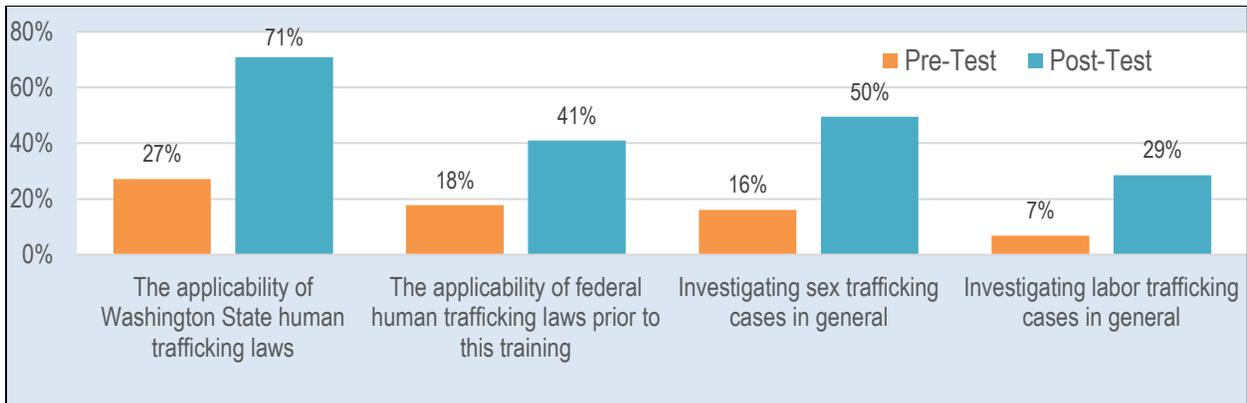


Figure 4 presents the cumulative effectiveness for the training on the prosecution and adjudication of human trafficking. Law enforcement personnel reported less effectiveness for this portion of the training. However, law enforcement officers are less likely to participate in the prosecution and adjudication of human trafficking cases. Prosecutors, moreover, demonstrated less familiarity prosecuting and adjudicating labor trafficking cases than sex trafficking cases. Overall, based on the increased in the average weighted scores, trainees demonstrated significantly greater understanding of prosecution and adjudication following the training.

**Figure 4: Law Enforcement and Prosecutor Training Effectiveness for Familiarity of Trafficking Prosecution and Adjudication**

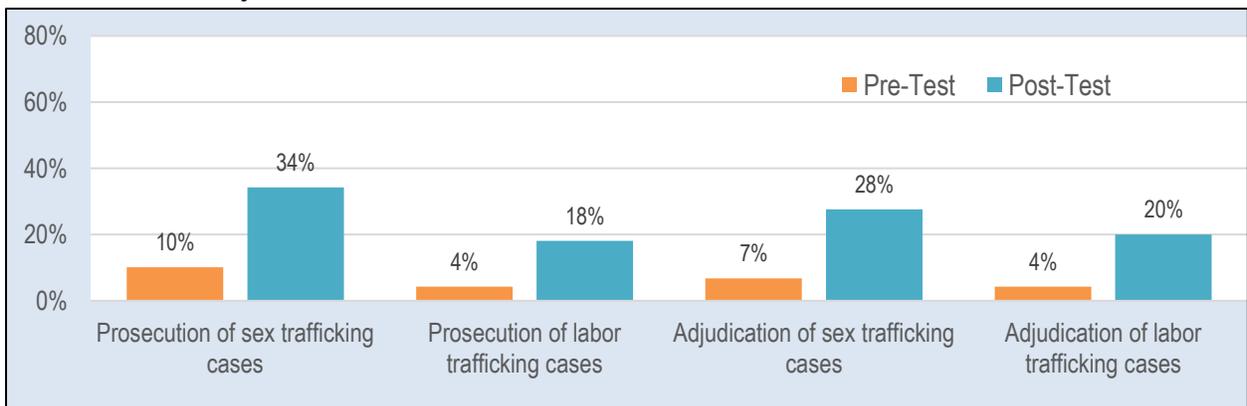
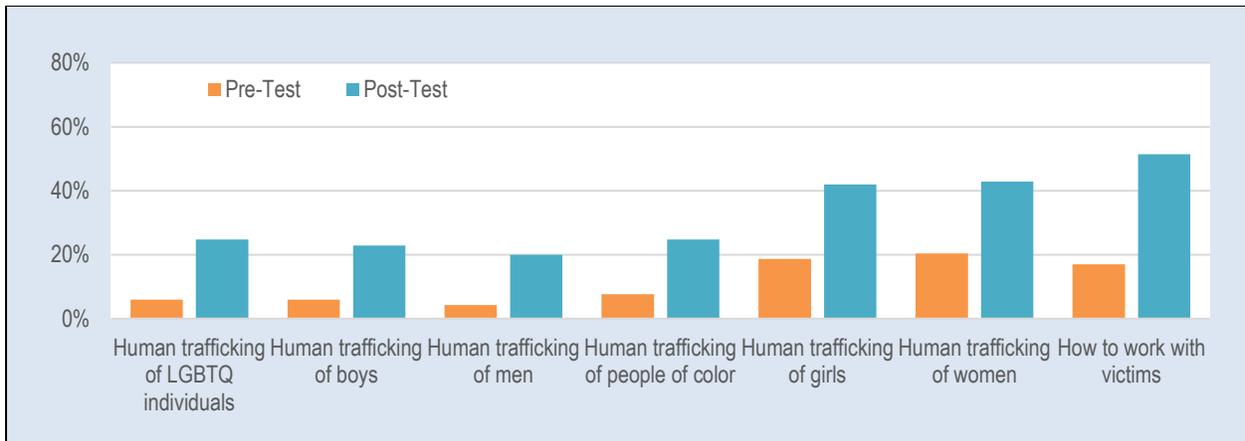


Figure 5 presents cumulative training effectiveness concerning the trafficking of diverse populations. Each trainee group demonstrated considerable knowledge gains in how to work with victims. The trainee groups also demonstrated greater knowledge pre- and post-test in the trafficking of girls and women, but much less familiarity with the trafficking of LGBTQ2 individuals, boys, men, and people of color.

**Figure 5: Law Enforcement and Prosecutor Training Effectiveness for Familiarity of Trafficking Within Diverse Populations**



### Respondents with No Prior Experience

To get a different perspective of the training’s effectiveness, the surveys from respondents with no previous training in the concepts of human trafficking received additional analysis. Training was very effective for inexperienced trainees, with many trainees moving from “no experience” to a higher level of familiarity across each subject area. The number of inexperienced trainees reporting greater understanding following the training was significantly high across most subject areas. Knowledge about the trafficking of men, with a 55 percent increase, demonstrated the smallest gains.

**Figure 6: Law Enforcement and Prosecutor Training Effectiveness for Respondents Without Previous Trafficking Training Experience**

| Training area | Training item                                   | Pre-Test* (n=66) | Post-Test* (n=56) | Percent Change |
|---------------|---|------------------|-------------------|----------------|
| Laws          | Applicability of federal human trafficking laws | 26               | 4                 | 82%            |
|               | Applicability of state human trafficking laws   | 16               | 0                 | 100%           |
| Investigation | Investigating sex trafficking cases             | 28               | 3                 | 87%            |
|               | Investigating labor trafficking cases           | 42               | 7                 | 80%            |
| Prosecution   | Prosecution of sex trafficking cases            | 46               | 6                 | 85%            |
|               | Prosecution of labor trafficking cases          | 54               | 12                | 74%            |
| Adjudication  | Adjudication of sex trafficking cases           | 49               | 11                | 74%            |
|               | Adjudication of labor trafficking cases         | 53               | 16                | 64%            |

|                            |   |    |    |     |
|----------------------------|---|----|----|-----|
| <b>Diverse Populations</b> | Human trafficking of LGBTQ2 individuals | 42 | 11 | 69% |
|                            | Human trafficking of boys               | 42 | 10 | 72% |
|                            | Human trafficking of men                | 45 | 17 | 55% |
|                            | Human trafficking of people of color    | 37 | 9  | 71% |
|                            | Human trafficking of girls              | 29 | 3  | 88% |
|                            | Human trafficking of women              | 29 | 3  | 88% |

*\*Pre- and Post-test counts reflect inexperienced respondents reporting they were 'not at all familiar' with the concept.*

### **Trainee Analysis**

In aggregate, trainings led to increased familiarity across each training area. An examination of training effectiveness by trainee type offers nuanced insight into the most and least effective training areas (see Appendices D and E for the complete set of results).

A summary of these findings is below. Percentage increases reflect changes from pre- to post-test for the trainee under review.

### **Law Enforcement**

The most effective areas of the training for law enforcement personnel concerned:

- How to work with victims: familiarity increased by 35 percent.
- The role of community-based agencies/organizations in addressing human trafficking in their area: familiarity increased by 34 percent.

The area with the least effective training for law enforcement personnel concerned the applicability of Washington state human trafficking laws: familiarity increased by 9 percent.

According to pre- and post-test familiarity figures, law enforcement personnel may benefit from additional training regarding diverse populations. Scoring was particularly low concerning the trafficking of LGBTQ2 individuals, boys, men, and people of color. In comparison, law enforcement personnel were much more familiar with the human trafficking of girls and women.

### **Prosecutors**

The most effective areas of the training for prosecutors concerned:

- How to work with victims: familiarity increased by 36 percent.
- The applicability of Washington state human trafficking laws: familiarity increased by 34 percent.

The areas with the least effective training for prosecutors concerned:

- The applicability of federal human trafficking laws: familiarity decreased by 11 percent.
- Services available for victims from community based organizations in my area: familiarity decreased by 11 percent.

According to pre- and post-test familiarity figures, prosecutors may benefit from additional training regarding diverse populations. Scoring was low concerning the trafficking of LGBTQ2 individuals, boys, men, and people of color. In comparison, prosecutors were much more familiar with the human trafficking of girls and women.

### Court Clerks

Court clerks received training similar to law enforcement and prosecutors. However, clerks did not receive training on the investigation and adjudication of sex trafficking cases, and received a smaller amount of labor trafficking information. In addition, the clerks’ training was two hours, while the joint law enforcement and prosecutor trainings were seven hours. Court clerks did not receive a follow-up post-test survey, and the survey, as administered, asked different survey questions within a shared context to the other trainings.

Figure 7 shows that few court clerks reported prior training related to sex-trafficking, and minimal substantive experience working with human trafficking victims prior to the training.

**Figure 7: Survey of Court Clerks: Experience (n=24\*)**

| Have you:                                  | Yes | No | Percent Experienced |
|--|-----|----|---------------------|
| Worked with human trafficking victims?     | 0   | 23 | 0%                  |
| Attended training on labor trafficking?    | 2   | 21 | 8%                  |
| Attended training on sex trafficking?      | 2   | 21 | 8%                  |
| Attended training on trauma-informed care? | 1   | 22 | 4%                  |

*\*One respondent selected N/A for each question.*

Figure 8 shows that after the trainings, clerks reported substantial increases in awareness of human trafficking laws, concepts relevant to addressing human trafficking, and applicable knowledge for working with victims and survivors.

**Figure 8: Court Clerks’ Training Effectiveness (n=24)**

| <b>The training increased my awareness of:</b>                                       | <b>Strongly Agree</b> | <b>Agree</b> | <b>Neutral</b> | <b>Disagree</b> | <b>Strongly Disagree</b> | <b>Percent in Agreement</b> |
|--|-----------------------|--------------|----------------|-----------------|--------------------------|-----------------------------|
| State human trafficking laws   | 10<br>(42%)           | 14<br>(58%)  | 0<br>(0%)      | 0<br>(0%)       | 0<br>(0%)                | <b>100%</b>                 |
| The role of community-based agencies/orgs in addressing human trafficking in my area | 7<br>(29%)            | 15<br>(63%)  | 2<br>(8%)      | 0<br>(0%)       | 0<br>(0%)                | <b>92%</b>                  |
| Services available for victims from community based orgs in my area                  | 7<br>(29%)            | 13<br>(54%)  | 4<br>(17%)     | 0<br>(0%)       | 0<br>(0%)                | <b>83%</b>                  |
| Interdisciplinary coordination   | 6<br>(25%)            | 11<br>(46%)  | 5<br>(21%)     | 2<br>(8%)       | 0<br>(0%)                | <b>71%</b>                  |
| Human trafficking of LGBTQ2 individuals  | 8<br>(33%)            | 13<br>(54%)  | 2<br>(8%)      | 1<br>(4%)       | 0<br>(0%)                | <b>88%</b>                  |
| Human trafficking of boys and young men  | 9<br>(38%)            | 13<br>(54%)  | 1<br>(4%)      | 1<br>(4%)       | 0<br>(0%)                | <b>92%</b>                  |
| Human trafficking of people of color   | 8<br>(33%)            | 12<br>(50%)  | 3<br>(13%)     | 1<br>(4%)       | 0<br>(0%)                | <b>83%</b>                  |
| Human trafficking of girls/women   | 8<br>(33%)            | 13<br>(54%)  | 2<br>(8%)      | 1<br>(4%)       | 0<br>(0%)                | <b>87%</b>                  |
| How to work with victims/survivors   | 9<br>(38%)            | 12<br>(50%)  | 2<br>(8%)      | 1<br>(4%)       | 0<br>(0%)                | <b>88%</b>                  |

## Next Steps and Recommendations

### Next Steps

Commerce, with input from the workgroup that helped design the training program and curriculum, identified and will act on the following to improve trainings for law enforcement, prosecutors, and court personnel across the state.

#### **Establish a Second, More In-Depth Training**

The workgroup identified that a one-day human trafficking “102” training on procedures and more in-depth information about the investigations and adjudication of cases would people who attended the first training. The workgroup will identify the training components to be used.

#### **Provide Trainings at Relevant Association Conferences**

The workgroup suggested working with associations such as the Washington Association of Prosecuting Attorneys, Washington Association of Court Clerks and the Washington State Superior Court Judges’ Association to determine if training could be provided at their annual conferences as an effective way to increase access to training. The Office of Crime Victims Advocacy (OCVA) contacted the Washington Association of Prosecuting Attorneys to assess training opportunities, and will reach out to additional associations for further identification of training opportunities.

#### **Improve Data Collection Instruments**

OCVA, with the assistance of Commerce’s Research Services, will refine the pre- and post-training survey form to clarify language, and allow space for comments and questions.

### Recommendations

Commerce will explore next steps with stakeholders to address the following legislative recommendations from the workgroup.

#### **Continue Funding for Statewide Training**

While there are multiple activities occurring statewide to respond to human trafficking, few training opportunities are available for law enforcement, prosecutors, and court personnel. The availability of this free training program is vital to ensure law enforcement, prosecutor and court personnel have victim-centered information about the complexities of human trafficking, including relevant laws, the investigation and adjudication of sex trafficking cases, the diverse populations impacted by this crime, and the support and assistance available to victims.

This program was funded through an operating budget proviso through June 2019. Continued funding is important to continue offering these trainings.

### **Narrow the Definition of Court Personnel**

“Court personnel” covers a wide array of staff, such as court clerks, judges, county commissioners, bailiffs, and other staff involved in the criminal justice system. The workgroup recommends defining court personnel as judges and court clerks in RCW 43.280.095.<sup>14</sup>

Judges and court clerks would benefit from increased information related to human trafficking laws, working with victims, diverse populations targeted, and assessing criminal penalty fees. Narrowing the definition would help identify and implement training specific to the duties and responsibilities of these positions.

The recommendations of the 2016 *Criminal Penalty Fees* legislative report<sup>15</sup> supports this recommendation. Due to the uneven levying and collection of criminal penalty fees associated with sex trafficking, “education is needed for both judges and prosecutors, in both superior courts and courts of limited jurisdiction, about the statutory requirements to levy the fees covered by this report.”

### **Consider Creating a Separate Training Program to Address Labor Trafficking**

Finding training and resources related to labor trafficking is challenging. There are few training opportunities available for professionals related to labor trafficking. Fifty percent of attendees noted they were “not at all familiar” with the investigation of labor trafficking cases.

The workgroup recommends that RCW 43.280.095 be amended to create a separate statewide training program on labor trafficking. Additional funding would be required to implement a labor trafficking training program. Training would include human trafficking laws, investigations, adjudication and individuals impacted. Training on labor trafficking for law enforcement and prosecutors would likely increase the identification and prosecution of labor trafficking cases.

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<sup>14</sup> Washington State Legislature, *RCW 43.280.095*, (2015), <http://app.leg.wa.gov/RCW/default.aspx?cite=43.280.095>

<sup>15</sup> Washington State Department of Commerce, “Criminal Penalty Fees Related to Prostitution and Commercial Sexual Abuse of Minors (Chapter 121, Laws of 2013), (2016), <http://www.commerce.wa.gov/wp-content/uploads/2015/12/Commerce-Criminal-Penalty-Fines-2016-FINAL.pdf>

## Appendix A: Pre-Test Results

| Training area       | The training increased my familiarity with:   | Extremely familiar | Moderately familiar | Slightly familiar | Somewhat familiar | Not at all familiar | Total (n) | % Familiarity* |
|---------------------|---|--------------------|---------------------|-------------------|-------------------|---------------------|-----------|----------------|
| Laws                | The applicability of Washington State human trafficking laws                              | 5                  | 27                  | 38                | 30                | 18                  | 118       | 27%            |
|                     | The applicability of federal human trafficking laws prior to this training                | 3                  | 18                  | 39                | 25                | 33                  | 118       | 18%            |
|                     | Investigating sex trafficking cases in general  | 7                  | 12                  | 40                | 25                | 34                  | 118       | 16%            |
| Investigation       | Investigating labor trafficking cases in general  | 3                  | 5                   | 30                | 21                | 59                  | 118       | 7%             |
|                     | Personal involvement with sex trafficking investigations                                  | 7                  | 7                   | 41                | 13                | 50                  | 118       | 12%            |
| Prosecution         | Prosecution of sex trafficking cases  | 3                  | 9                   | 30                | 15                | 60                  | 117       | 10%            |
|                     | Prosecution of labor trafficking cases  | 3                  | 2                   | 20                | 8                 | 82                  | 115       | 4%             |
|                     | Adjudication of sex trafficking cases   | 5                  | 3                   | 27                | 11                | 64                  | 110       | 7%             |
| Adjudication        | Adjudication of labor trafficking cases   | 3                  | 2                   | 18                | 10                | 77                  | 110       | 5%             |
| Miscellaneous       | Role of community-based agencies/organizations in addressing human trafficking in my area | 4                  | 14                  | 37                | 23                | 35                  | 113       | 16%            |
|                     | Services available for victims from community based organizations in my area              | 5                  | 16                  | 37                | 24                | 31                  | 113       | 19%            |
|                     | Human trafficking of LGBTQ individuals  | 1                  | 6                   | 34                | 8                 | 62                  | 111       | 6%             |
| Diverse Populations | Human trafficking of boys   | 1                  | 6                   | 31                | 12                | 61                  | 111       | 6%             |
|                     | Human trafficking of men  | 1                  | 4                   | 31                | 9                 | 66                  | 111       | 5%             |
|                     | Human trafficking of people of color  | 1                  | 8                   | 33                | 17                | 52                  | 111       | 8%             |
|                     | Human trafficking of girls  | 9                  | 13                  | 32                | 21                | 36                  | 111       | 20%            |
|                     | Human trafficking of women  | 7                  | 17                  | 34                | 19                | 34                  | 111       | 22%            |
|                     | How to work with victims  | 8                  | 12                  | 37                | 22                | 32                  | 111       | 18%            |
|                     |   |                    |                     |                   |                   |                     |           |                |

\* % familiarity includes extremely familiar and moderately familiar

## Appendix B: Post-Test Results

| Training area       | The training increased my familiarity with:   | Extremely familiar | Moderately familiar | Slightly familiar | Somewhat familiar | Not at all familiar | Total (n) | % Familiarity* |
|---------------------|---|--------------------|---------------------|-------------------|-------------------|---------------------|-----------|----------------|
| Laws                | The applicability of Washington State human trafficking laws                              | 10                 | 63                  | 5                 | 25                | 0                   | 103       | 71%            |
|                     | The applicability of federal human trafficking laws prior to this training                | 4                  | 39                  | 26                | 25                | 8                   | 102       | 42%            |
| Investigation       | Investigating sex trafficking cases in general  | 6                  | 46                  | 10                | 39                | 4                   | 105       | 50%            |
|                     | Investigating labor trafficking cases in general  | 3                  | 27                  | 25                | 38                | 12                  | 105       | 29%            |
|                     | Personal involvement with sex trafficking investigations                                  | 4                  | 26                  | 20                | 22                | 31                  | 103       | 29%            |
| Prosecution         | Prosecution of sex trafficking cases  | 2                  | 34                  | 20                | 36                | 10                  | 102       | 35%            |
|                     | Prosecution of labor trafficking cases  | 1                  | 18                  | 29                | 32                | 24                  | 104       | 18%            |
| Adjudication        | Adjudication of sex trafficking cases   | 2                  | 27                  | 24                | 34                | 16                  | 103       | 28%            |
|                     | Adjudication of labor trafficking cases   | 1                  | 20                  | 29                | 21                | 30                  | 101       | 21%            |
| Miscellaneous       | Role of community-based agencies/organizations in addressing human trafficking in my area | 6                  | 39                  | 11                | 43                | 4                   | 103       | 44%            |
|                     | Services available for victims from community based organizations in my area              | 9                  | 35                  | 12                | 44                | 3                   | 103       | 43%            |
| Diverse Populations | Human trafficking of LGBTQ individuals  | 4                  | 22                  | 33                | 29                | 15                  | 103       | 25%            |
|                     | Human trafficking of boys   | 3                  | 21                  | 31                | 33                | 15                  | 103       | 23%            |
|                     | Human trafficking of men  | 3                  | 18                  | 27                | 30                | 25                  | 103       | 20%            |
|                     | Human trafficking of people of color  | 3                  | 23                  | 26                | 37                | 13                  | 102       | 25%            |
|                     | Human trafficking of girls  | 10                 | 34                  | 17                | 37                | 5                   | 103       | 43%            |
|                     | Human trafficking of women  | 8                  | 37                  | 16                | 38                | 4                   | 103       | 44%            |
|                     | How to work with victims  | 9                  | 45                  | 10                | 34                | 4                   | 102       | 53%            |

\* % familiarity includes extremely familiar and moderately familiar

## Appendix C: Cumulative Training Effectiveness

| Subject area        | “The training increased my familiarity with...”   | Pre-Test | Post-Test | Increase in familiarity | Weighted Average Score Increase |
|---------------------|---|----------|-----------|-------------------------|---------------------------------|
| Laws                | The applicability of Washington State human trafficking laws                              | 27%      | 71%       | 44%                     | 0.74                            |
|                     | The applicability of federal human trafficking laws prior to this training                | 18%      | 41%       | 23%                     | 0.57                            |
| Investigation       | Investigating sex trafficking cases in general  | 16%      | 50%       | 33%                     | 0.67                            |
|                     | Investigating labor trafficking cases in general  | 7%       | 29%       | 22%                     | 0.81                            |
|                     | Personal involvement with sex trafficking investigations                                  | 12%      | 29%       | 17%                     | 0.27                            |
| Prosecution         | Prosecution of sex trafficking cases  | 10%      | 34%       | 24%                     | 0.81                            |
|                     | Prosecution of labor trafficking cases  | 4%       | 18%       | 14%                     | 0.85                            |
| Adjudication        | Adjudication of sex trafficking cases   | 7%       | 28%       | 21%                     | 0.83                            |
|                     | Adjudication of labor trafficking cases   | 4%       | 20%       | 16%                     | 0.82                            |
| Miscellaneous       | Role of community-based agencies/organizations in addressing human trafficking in my area | 15%      | 43%       | 28%                     | 0.27                            |
|                     | Services available for victims from community based organizations in my area              | 18%      | 42%       | 24%                     | 0.58                            |
| Diverse Populations | Human trafficking of LGBTQ2 individuals   | 6%       | 25%       | 19%                     | 0.86                            |
|                     | Human trafficking of boys   | 6%       | 23%       | 17%                     | 0.81                            |
|                     | Human trafficking of men  | 4%       | 20%       | 16%                     | 0.69                            |
|                     | Human trafficking of people of color  | 8%       | 25%       | 17%                     | 0.68                            |
|                     | Human trafficking of girls  | 19%      | 42%       | 23%                     | 0.67                            |
|                     | Human trafficking of women  | 20%      | 43%       | 23%                     | 0.62                            |
|                     | How to work with victims  | 17%      | 51%       | 34%                     | 0.75                            |

## Appendix D: Law Enforcement Training Effectiveness Results

| Subject area        | “The training increased my familiarity with...”   | Law Enforcement |           |                         |
|---------------------|---|-----------------|-----------|-------------------------|
|                     |   | Pre-Test        | Post-Test | Increase in familiarity |
| Laws                | The applicability of Washington State human trafficking laws                              | 22%             | 31%       | 9%                      |
|                     | The applicability of federal human trafficking laws prior to this training                | 13%             | 34%       | 20%                     |
| Investigation       | Investigating sex trafficking cases in general  | 18%             | 51%       | 33%                     |
|                     | Investigating labor trafficking cases in general  | 8%              | 31%       | 23%                     |
|                     | Personal involvement with sex trafficking investigations                                  | 12%             | 32%       | 20%                     |
| Prosecution         | Prosecution of sex trafficking cases  | 8%              | 31%       | 23%                     |
|                     | Prosecution of labor trafficking cases  | 4%              | 20%       | 16%                     |
| Adjudication        | Adjudication of sex trafficking cases   | 6%              | 26%       | 21%                     |
|                     | Adjudication of labor trafficking cases   | 4%              | 22%       | 18%                     |
| Miscellaneous       | Role of community-based agencies/organizations in addressing human trafficking in my area | 14%             | 48%       | 34%                     |
|                     | Services available for victims from community based organizations in my area              | 16%             | 47%       | 31%                     |
| Diverse Populations | Human trafficking of LGBTQ2 individuals   | 5%              | 29%       | 23%                     |
|                     | Human trafficking of boys   | 5%              | 26%       | 21%                     |
|                     | Human trafficking of men  | 3%              | 22%       | 19%                     |
|                     | Human trafficking of people of color  | 7%              | 28%       | 21%                     |
|                     | Human trafficking of girls  | 16%             | 41%       | 25%                     |
|                     | Human trafficking of women  | 19%             | 43%       | 24%                     |
|                     | How to work with victims  | 18%             | 52%       | 35%                     |

## Appendix E: Prosecutor Training Effectiveness

| Subject area        | The training increased my familiarity with:   | Prosecutors |           |                         |
|---------------------|---|-------------|-----------|-------------------------|
|                     |   | Pre-Test    | Post-Test | Increase in familiarity |
| Laws                | The applicability of Washington State human trafficking laws                              | 52%         | 87%       | 34%                     |
|                     | The applicability of federal human trafficking laws prior to this training                | 38%         | 27%       | -11%                    |
| Investigation       | Investigating sex trafficking cases in general  | 10%         | 44%       | 34%                     |
|                     | Investigating labor trafficking cases in general  | 0%          | 13%       | 13%                     |
|                     | Personal involvement with sex trafficking investigations                                  | 10%         | 13%       | 3%                      |
| Prosecution         | Prosecution of sex trafficking cases  | 19%         | 56%       | 37%                     |
|                     | Prosecution of labor trafficking cases  | 5%          | 6%        | 1%                      |
| Adjudication        | Adjudication of sex trafficking cases   | 15%         | 38%       | 23%                     |
|                     | Adjudication of labor trafficking cases   | 5%          | 13%       | 8%                      |
| Miscellaneous       | Role of community-based agencies/organizations in addressing human trafficking in my area | 25%         | 19%       | -6%                     |
|                     | Services available for victims from community based organizations in my area              | 30%         | 19%       | -11%                    |
| Diverse Populations | Human trafficking of LGBTQ2 individuals   | 10%         | 6%        | -4%                     |
|                     | Human trafficking of boys   | 10%         | 6%        | -4%                     |
|                     | Human trafficking of men  | 10%         | 6%        | -4%                     |
|                     | Human trafficking of people of color  | 15%         | 13%       | -3%                     |
|                     | Human trafficking of girls  | 35%         | 50%       | 15%                     |
|                     | Human trafficking of women  | 35%         | 50%       | 15%                     |
|                     | How to work with victims  | 20%         | 56%       | 36%                     |