

Human trafficking laws and investigations



Report on statewide training for law enforcement, prosecutors and court personnel per RCW 43.280.095

**OFFICE OF CRIME VICTIMS
ADVOCACY AND PUBLIC
SAFETY**

December 2021

Report to the Legislature

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Acknowledgments

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The Office of Crime Victims Advocacy and the Department of Commerce would like to extend sincere gratitude to the members of the Statewide Training Workgroup and to the trainers who continue to travel statewide to support this effort.

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Executive summary

Overview

In 2015, the Washington State Legislature passed SSB 5933 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](#), requires:

- (1) The office of crime victims advocacy shall establish a statewide training program on Washington's human trafficking laws for criminal justice personnel.
- (2) The training shall be provided where possible by an entity that has experience in developing coalitions, training, programs, and policy on human trafficking in Washington.
- (3) The entity will provide or coordinate training for law enforcement personnel, prosecutors, and court personnel covering Washington's state antitrafficking laws, the investigation of sex trafficking cases, and the adjudication of sex trafficking cases. The training shall encourage interdisciplinary coordination among criminal justice personnel, build cultural competency, and develop understanding of diverse victim populations including children, youth, and adults.
- (4) The office shall provide a biennial report to the appropriate policy committees of the legislature on the statewide training program, with a focus on the effectiveness of the training.

This is the third biennial report to the Legislature on the statewide training program on human trafficking laws and investigations. This report includes background information on the human trafficking industry and relevant state laws, activities completed, a description of the methodology used to measure the effectiveness of the training program, a description of the next steps for the program recommendations, and a conclusion. The appendix contains data tables and figures.

Training outcomes and findings

One training was provided during the reporting period, from July 2019 to June 2021. This was due to the COVID-19 pandemic and resulting limitations on in-person gatherings, as well as pressure on law enforcement due to social justice protests and increases in violent crime. The daylong training was provided to 18 participants in Cusick, Pend Oreille County. During the previous two-year reporting period, Commerce provided four day-long trainings and two four-hour trainings for 168 individuals.

Self-reported knowledge in pre- and post-training participant evaluations indicates that the training effectively increased awareness of anti-trafficking laws, investigations, adjudication of cases, interdisciplinary coordination, and diverse populations affected.

The percent increase in evaluation scores for interdisciplinary coordination is particularly noteworthy. For law enforcement and prosecutors, the percent increase in evaluation scores for interdisciplinary coordination was more than double the score increase for the other two evaluation responses ("Role of community-based organizations" and "Services available for victims"):

There was a 143% increase in evaluation scores for the likelihood to engage in interdisciplinary coordination between the pre- and post-training evaluations.

Most effective areas of the training for law enforcement personnel:

- Prosecution of sex trafficking cases (familiarity increased by 140%)
- Prosecution of labor trafficking cases (familiarity increased by 140%)

- Adjudication of labor trafficking cases (familiarity increased by 140%)
- Likelihood of routinely engaging/will be more likely to engage in interdisciplinary coordination (familiarity increased by 143%)

Most effective areas of the training for prosecutors:

- Investigating sex trafficking cases in general (familiarity increased by 200%)
- Investigating labor trafficking cases in general (familiarity increased by 200%)
- Personal involvement with sex trafficking investigations (familiarity increased by 275%)
- Likelihood of routinely engaging/will be more likely to engage in interdisciplinary coordination (familiarity increased by 133%)

Next steps for the training program

OCVA plans to:

- Identify opportunities to provide trainings at relevant association conferences
- Identify and assess the feasibility of online and in-person training for law enforcement and prosecutors
- Identify priority training components and update training information to reflect legislation related to human trafficking laws
- Identify next steps regarding advanced training
- Identify training needs and interests of law enforcement and prosecutors related to training on human trafficking in Indian Country

Legislative recommendations

Commerce recommends that the Legislature:

- Continue funding for statewide training
- Narrow the definition of "court personnel"
- Create a separate training program to address labor trafficking

Background

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 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 physical and sexual violence, fear, shame, 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 foodservice. In addition, sex trafficking relies heavily on social media. Because of the online-focused anti-sex trafficking laws Stop Enabling Sex Traffickers (SESTA) and Fight Online Sex Trafficking (FOSTA) instituted in 2018, some urban areas are experiencing an increase in sex trafficking occurring on the street, according to members of the Human Trafficking Training workgroup.

Individuals impacted by human trafficking

As indicated in the first biennial report,¹ traffickers often target individuals who are vulnerable due to poverty, socio-economic status, race and ethnicity, lack of caregiver and family supports, age, cognitive and intellectual challenges, being from another country, and other factors. Systemic inequities are a critical factor. Gender-based discrimination and violence put 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.²

It is important to note that boys and men are also impacted by sex trafficking. Several studies have found that comparable numbers exist for boys and girls who disclose sexual exploitation among homeless youth.³ In a study completed in New York City in 2008, 249 youth under 18 self-reported participating in commercial sexual exploitation of children markets. Forty-five percent of the sample were male, and 48 percent were female.⁴

Challenges in identification of and service delivery to victims of trafficking

Human trafficking can occur in any demographic and across Washington. Identifying the crime of human trafficking requires understanding 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 systemic inequities, risk factors and potential indicators is vital.

¹ Human Trafficking Laws and Investigations, "Statewide Training for Law Enforcement, Prosecutors and Court Personnel," (2017), <http://www.commerce.wa.gov/wp-content/uploads/2018/06/Commerce-Human-Trafficking-Training-2017.pdf>

² 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>

³ ECPAT USA, "AND BOYS TOO," (2013), https://static1.squarespace.com/static/594970e91b631b3571be12e2/t/5977b2dacd0f688b2b89e6f0/1501016795183/ECPAT-USA_AndBoysToo.pdf

⁴ 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>

With an increased understanding of these factors, professionals will have the skills, knowledge, and person-centered approach to engage effectively with victims of human trafficking and individuals at risk.

Individuals impacted by human trafficking generally do not identify as “victims.” Moreover, 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.

Washington laws related to human trafficking

In 2003, Washington became the first state to criminalize human trafficking ([RCW 9A.40.100](#)). In 2014, the Polaris Project published its annual Analysis of State Human Trafficking Laws, listing Washington as one of three states to receive a perfect score in the 10 categories on which the states were graded.⁵ The term “human trafficking” includes labor trafficking, sex trafficking and commercial sexual abuse of a minor, which are defined in RCW 9A.40.100:

Labor trafficking:

The recruitment, harboring, transportation, provision, or obtaining of a person knowing, in reckless disregard of the fact, that force, fraud, or coercion, as defined in [9A.36.070](#), will be used to cause the person to engage in forced labor [or] involuntary servitude.

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. 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:

Providing or agreeing to provide anything of value to a minor or a third person with the understanding that in return such minor will engage in sexual conduct with him or her.

Purpose of training

The primary purpose of the statewide training program is to use a person-centered approach to promote the use of existing laws to initiate sustainable and viable investigations, prosecutions, and adjudications in all jurisdictions across the state. Trainings include presentations and small group exercises on case scenarios. To achieve these ends, prosecutors, law enforcement personnel and other criminal justice personnel received training across the following subject matter areas:

- Investigation of sex trafficking cases
- Adjudication of sex trafficking cases
- Washington state human trafficking laws
- Sex trafficking
- Labor trafficking

⁵ Polaris Project, “State Ratings on Human Trafficking Laws,” (2014), <https://polarisproject.org/resources/2014-state-ratings-human-trafficking-laws>

- Diverse populations impacted by human trafficking
- Service providers/services available
- Engagement in interdisciplinary coordination

Summary of completed training

The training team completed one in-person, one-day training during the two-year reporting period (July 2019 to June 2021).

A total of 18 professionals attended the statewide training for law enforcement and prosecutors. Of those, 14 completed the training, meaning they submitted pre- and post-training evaluations. Some attendees had to leave the training early due to appointments or unexpected work responsibilities.

Table 1: Attendee information

Training date	Location	Law enforcement	Prosecutors	Other	Total trainees
Nov. 19, 2019	Cusick	4 (29%)	4 (29%)	6 (43%)	14

One-day trainings

Due to the COVID-19 pandemic and resulting restrictions on in-person gatherings, as well as added pressures on law enforcement due to social justice protests and increases in violent crime, only one training was provided during the biennium.

Training workgroup

The work of the Human Trafficking Training Program is guided by a workgroup of professionals from the anti-trafficking and criminal justice fields. The statewide training workgroup met in September 2020 to discuss the challenges resulting from the COVID-19 pandemic and potential training. Workgroup attendees said there has been an increase in victimization via online recruiting. The trainers for this project are from King County and are dealing with various high priorities and pandemic-related challenges. Some jurisdictions might be dealing with increased violent crime and staffing impacts. For these reasons and other effects of the pandemic, including demonstrations in response to the death of George Floyd and staffing challenges for law enforcement, the workgroup decided that online trainings might not be feasible. The King County Prosecutor's Office provided a recorded online training on the Safe Harbor law to law enforcement and prosecutors only. The recorded training was forwarded to all attendees of prior statewide trainings.

Key findings for one-day trainings

Trainee analysis

In aggregate, respondents demonstrated a sound transfer of knowledge with increased familiarity across each training area. In addition, an examination of training effectiveness by trainee type offers nuanced insight into the most- and least-effective training areas. A summary of these findings is below. Increases in familiarity are represented by the percent increase in score for that topic for all members of a trainee type.

Law enforcement

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

- Prosecution of sex trafficking cases (familiarity increased by 140%)
- Prosecution of labor trafficking cases (familiarity increased by 140%)
- Adjudication of labor trafficking cases (familiarity increased by 140%)
- Likelihood of routinely engaging/will be more likely to engage in interdisciplinary coordination (familiarity increased by 143%)

The area with the least effective training for law enforcement personnel concerned:

- How to work with victims (familiarity increased by 45%)

Prosecutors

The most effective areas of the training for prosecutors concerned:

- Investigating sex trafficking cases in general (familiarity increased by 200%)
- Investigating labor trafficking cases in general (familiarity increased by 200%)
- Personal involvement with sex trafficking investigations (familiarity increased by 275%)
- Likelihood of routinely engaging/will be more likely to engage in interdisciplinary coordination (familiarity increased by 133%)

The area with the least effective training for prosecutors concerned:

- How to work with victims (familiarity increased by 4%)

Program next steps

- **Identify opportunities to provide training at relevant association conferences:** Opportunities may include training judges and court clerks. As discussed in further detail below, the current description of "court personnel" covers a broad array of staff involved in the criminal justice system.
- **Identify and assess the feasibility of online and in-person training for law enforcement and prosecutors:** Day-long trainings might not be feasible due to the pandemic and limited availability of law enforcement and prosecutors.
- **Identify priority training components and update training information to reflect new legislation related to human trafficking laws:** Adapt training to best meet the needs of law enforcement and prosecutors, and include an update on new legislation related to human trafficking laws.
- **Identify next steps regarding advanced training for law enforcement and prosecutors:** The advanced training would be available for law enforcement and prosecutors who have received basic training on human trafficking laws and investigations. The training workgroup would identify the next steps and the feasibility of implementing an advanced training.
- **Identify training needs and interests of law enforcement and prosecutors related to human trafficking in Indian Country:** Human trafficking occurs in Indian Country. However, there are limited training opportunities for law enforcement and prosecutors related to this issue. There are also complexities related to law enforcement jurisdiction, tribal code, state and federal laws, government and tribal jurisdiction regarding where the crime occurred and involved parties, and more.

Legislative recommendations

Continue funding for statewide training

While multiple activities are 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" specifically as judges and court clerks in [RCW 43.280.095](#). The current description of "court personnel" covers a broad 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.

Create 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.

The workgroup recommends that [RCW 43.280.095](#) be amended to create a separate statewide training program on labor trafficking. A separate labor trafficking training program would require additional funding. 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.

Appendix A: Daylong training data

Table 1: Trainee scores

Training increased my familiarity with:	Pre-average	Post-average	Change	Percent
The applicability of Washington human trafficking laws	2.86	3.93	1.07	38%
The applicability of federal human trafficking laws before this training	2.79	3.79	1.00	36%
Investigating sex trafficking cases in general	2.21	3.79	1.57	71%
Investigating labor trafficking cases in general	1.79	3.50	1.71	96%
Personal involvement with sex trafficking investigations	1.79	3.43	1.64	92%
Prosecution of sex trafficking cases	1.86	3.36	1.50	81%
Prosecution of labor trafficking cases	1.64	3.21	1.57	96%
Adjudication of sex trafficking cases	1.86	3.29	1.43	77%
Adjudication of labor trafficking cases	1.64	3.21	1.57	96%
Role of community-based agencies/organizations in addressing human trafficking in my area	2.14	3.57	1.43	67%
Services available for victims from community-based organizations in my area	2.36	3.64	1.29	55%
Likelihood of routinely engaging/will be more likely to engage in interdisciplinary coordination.	1.64	4.00	2.36	143%
Human trafficking of LGBTQ individuals	1.50	3.43	1.93	129%
Human trafficking of boys	1.50	3.50	2.00	133%
Human trafficking of men	1.50	3.50	2.00	133%
Human trafficking of people of color	1.50	3.43	1.93	129%
Human trafficking of girls	2.07	3.64	1.57	76%
Human trafficking of women	2.07	3.64	1.57	76%
How to work with victims	2.86	3.64	0.79	28%

Table 2: Law Enforcement scores

Training increased my familiarity with:	Pre-average	Post-average	Change	Percent
The applicability of Washington human trafficking laws	2.5	4	1.5	60%
The applicability of federal human trafficking laws before this training	2	3.5	1.5	75%
Investigating sex trafficking cases in general	2.5	4	1.5	60%
Investigating labor trafficking cases in general	2	3	1	50%
Personal involvement with sex trafficking investigations	2	3.25	1.25	63%
Prosecution of sex trafficking cases	1.25	3	1.75	140%
Prosecution of labor trafficking cases	1.25	3	1.75	140%
Adjudication of sex trafficking cases	1.25	2.75	1.5	120%
Adjudication of labor trafficking cases	1.25	3	1.75	140%
Role of community-based agencies/organizations in addressing human trafficking in my area	2.5	3.5	1	40%
Services available for victims from community-based organizations in my area	2.25	3.75	1.5	67%
Likelihood of routinely engaging/will be more likely to engage in interdisciplinary coordination.	1.75	4.25	2.5	143%
Human trafficking of LGBTQ individuals	1.75	3.75	2	114%
Human trafficking of boys	1.75	3.75	2	114%
Human trafficking of men	1.75	3.75	2	114%
Human trafficking of people of color	1.75	3.75	2	114%
Human trafficking of girls	2.25	4	1.75	78%
Human trafficking of women	2.25	4	1.75	78%
How to work with victims	2.75	4	1.25	45%

Table 3: Prosecutors scores

Training increased my familiarity with:	Pre-average	Post-average	Change	Percent
The applicability of Washington human trafficking laws	3.25	4	0.75	23%
The applicability of federal human trafficking laws before this training	3.5	4	0.50	14%
Investigating sex trafficking cases in general	1.25	3.75	2.50	200%
Investigating labor trafficking cases in general	1.25	3.75	2.50	200%
Personal involvement with sex trafficking investigations	1	3.75	2.75	275%
Prosecution of sex trafficking cases	2.25	3.5	1.25	56%
Prosecution of labor trafficking cases	1.75	3.25	1.50	86%
Adjudication of sex trafficking cases	2.25	3.5	1.25	56%
Adjudication of labor trafficking cases	1.75	3.25	1.50	86%
Role of community-based agencies/organizations in addressing human trafficking in my area	2.5	3.5	1.00	40%
Services available for victims from community-based organizations in my area	3.25	3.25	0.00	0%
Likelihood of routinely engaging/will be more likely to engage in interdisciplinary coordination.	1.5	3.5	2.00	133%
Human trafficking of LGBTQ individuals	1.75	3	1.25	71%
Human trafficking of boys	1.75	3	1.25	71%
Human trafficking of men	2	3	1.00	50%
Human trafficking of people of color	2	3	1.00	50%
Human trafficking of girls	2.75	3.25	0.50	18%
Human trafficking of women	2.75	3.25	0.50	18%
How to work with victims	3.25	3.5	0.32	4%

Table 4: Other criminal justice personnel scores

Training increased my familiarity with:	Pre-average	Post-average	Change	Percent
The applicability of Washington human trafficking laws	2.83	3.83	1.00	35%
The applicability of federal human trafficking laws before this training	2.83	3.83	1.00	35%
Investigating sex trafficking cases in general	2.67	3.67	1.00	38%
Investigating labor trafficking cases in general	2.00	3.67	1.67	83%
Personal involvement with sex trafficking investigations	2.17	3.33	1.17	54%
Prosecution of sex trafficking cases	2.00	3.50	1.50	75%
Prosecution of labor trafficking cases	1.83	3.33	1.50	82%
Adjudication of sex trafficking cases	2.00	3.50	1.50	75%
Adjudication of labor trafficking cases	1.83	3.33	1.50	82%
Role of community-based agencies/organizations in addressing human trafficking in my area	1.67	3.67	2.00	120%
Services available for victims from community-based organizations in my area	1.83	3.83	2.00	109%
Likelihood of routinely engaging/will be more likely to engage in interdisciplinary coordination.	1.67	4.17	2.50	150%
Human trafficking of LGBTQ individuals	1.17	3.50	2.33	200%
Human trafficking of boys	1.17	3.67	2.50	214%
Human trafficking of men	1.00	3.67	2.67	267%
Human trafficking of people of color	1.00	3.50	2.50	250%
Human trafficking of girls	1.50	3.67	2.17	144%
Human trafficking of women	1.50	3.67	2.17	144%
How to work with victims	2.67	3.50	1.94	74%

Table 5: Average change in scores

Familiarity with...	All groups		Law enforcement		Prosecutor		Other	
	Change	% Change	Change	% Change	Change	% Change	Change	% Change
The applicability of Washington human trafficking laws	1.07	38%	1.5	60%	0.75	23%	1.00	35%
The applicability of federal human trafficking laws before this training	1.00	36%	1.5	75%	0.50	14%	1.00	35%
Investigating sex trafficking cases in general	1.57	71%	1.5	60%	2.50	200%	1.00	38%
Investigating labor trafficking cases in general	1.71	96%	1	50%	2.50	200%	1.67	83%
Personal involvement with sex trafficking investigations	1.64	92%	1.25	63%	2.75	275%	1.17	54%
Prosecution of sex trafficking cases	1.50	81%	1.75	140%	1.25	56%	1.50	75%
Prosecution of labor trafficking cases	1.57	96%	1.75	140%	1.50	86%	1.50	82%
Adjudication of sex trafficking cases	1.43	77%	1.5	120%	1.25	56%	1.50	75%
Adjudication of labor trafficking cases	1.57	96%	1.75	140%	1.50	86%	1.50	82%
Role of community-based agencies/organizations in addressing human trafficking in my area	1.43	67%	1	40%	1.00	40%	2.00	120%
Services available for victims from community based organizations in my area	1.29	55%	1.5	67%	0.00	0%	2.00	109%

Familiarity with...	All groups		Law enforcement		Prosecutor		Other	
	Change	% Change	Change	% Change	Change	% Change	Change	% Change
Likelihood of routinely engaging/will be more likely to engage in interdisciplinary coordination.	2.36	143%	2.5	143%	2.00	133%	2.50	150%
Human trafficking of LGBTQ individuals	1.93	129%	2	114%	1.25	71%	2.33	200%
Human trafficking of boys	2.00	133%	2	114%	1.25	71%	2.50	214%
Human trafficking of men	2.00	133%	2	114%	1.00	50%	2.67	267%
Human trafficking of people of color	1.93	129%	2	114%	1.00	50%	2.50	250%
Human trafficking of girls	1.57	76%	1.75	78%	0.50	18%	2.17	144%
Human trafficking of women	1.57	76%	1.75	78%	0.50	18%	2.17	144%
How to work with victims	0.79	28%	1.25	45%	0.32	4%	1.94	74%