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Legal Responses to Trafficking

Evaluability Assessments of Five Programs

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Chapter 1

Introduction

People who have experienced sex trafficking are often arrested, charged, and criminalized for prostitution (Adams 2011; Dank, Yahner, & Yu 2017; Ditmore & Thukral 2012; International Women’s Human Rights Clinic [IWHRC] 2014; Matthews 2015; White et al. 2017; Wilson & Dalton 2008). Often, these individuals are arrested as part of policing work that targets low-level misdemeanors, including prostitution and drug charges (IWHRC 2014; White et al. 2017).

Trafficking victims/survivors¹ who have experienced arrest, incarceration, and criminal charges suffer numerous short- and long-term adverse consequences (Adams 2011; Dank, Yahner, & Yu 2017; IWHRC 2014; Mueller 2012; White et al. 2017). The experience of being arrested and treated like a criminal, rather than a victim or someone in need of support, can be traumatizing and worsen already challenging situations (IWHRC 2014; White et al. 2017). Those engaged in the sex trade—many of whom have experienced trafficking (Swaner et al. 2016; White et al. 2017)—have reported traumatic interactions with law enforcement while being arrested, including verbal abuse and intimidation, propositions made by officers, arrest by an officer who had previously purchased sex from them, and ridicule or disbelief when seeking help (Dank, Yahner, & Yu 2017; IWHRC 2014; White et al. 2017).

Trafficking victim-defendants have reported being coerced into pleading guilty. Victims have also noted a lack of victim-centered legal assistance; such assistance might help victims to understand their options following arrest, as well as opportunities to address underlying issues that made them vulnerable to trafficking (Dank, Yahner, & Yu 2017; IWHRC 2014). Moreover, these individuals face additional hardships once they have a criminal record, including challenges securing employment, restrictions to obtaining housing assistance and other public benefits, and the stigma of being labeled a “criminal” (IWHRC 2014; White et al. 2017).

¹ Throughout this report, we use interchangeably “victims” and “survivors” as shorthand for “victims/survivors of human trafficking.”

Thus, traditional legal responses to sex trafficking and prostitution in the United States often result in revictimization rather than support to help heal, rebuild lives, and attain self-sufficiency (Adams 2011; IWHRC 2014). Given the unintended negative effects of most current legal responses to the sex trade, criminal justice practitioners and researchers, community-based organizations, and victim advocates have called for better law enforcement and legal approaches addressing the needs of trafficking victim-defendants identified through criminal justice responses to prostitution (Adams 2011; Dank, Yahner, & Yu 2017; Ditmore & Thukral 2012; Farrell & Pfeffer 2014; Gruber, Cohen, & Mogulescu 2016; IWHRC 2014; Matthews 2015; White et al. 2017; Wilson & Dalton 2008).

A New Criminal Justice Approach

Recent years have seen the rapid emergence of prostitution diversion programs, human trafficking courts, and other specialized criminal justice responses to the intersecting issues of prostitution and sex trafficking. Debates persist on the appropriate legal responses to potential or confirmed trafficking victims who have been charged with prostitution or other crimes (Adams 2011; Blakey, Mueller, & Richie 2017; Gruber, Cohen, & Mogulescu 2016; IWHRC 2014; Peters 2016; Serita 2013; White et al. 2017). The extent to which these models reduce sex trafficking, decrease recidivism, and ultimately help people achieve their goals is still relatively unknown. Several of these approaches have broadly documented some success at improving participant outcomes and decreasing recidivism related to prostitution (Clifasefi, Lonczak, & Collins 2016; Collins, Lonczak, & Clifasefi 2015; Mueller 2012; Rempel et al. 2018). However, one recent study (Koegler et al. 2020) of a prostitution diversion program found no significant differences in prostitution recidivism after 2.5 years.

Researchers and others have also documented the challenges and limitations of these models, raising questions about the extent to which they are truly effective and beneficial to trafficking victims (Blakey, Mueller, & Richie 2017; Cassidy 2014; Gruber, Cohen, & Mogulescu 2016; White et al. 2017), and whether criminal justice interests are antithetical to effective provision of mental health counseling and social services for marginalized and at-risk populations (Global Health Justice Partnership 2018).

Given the implications, empirical research that thoroughly examines, compares, and tests these legal approaches is desperately needed. A critical first step in conducting such research is to carry out evaluability assessments of a diverse sample of existing legal approaches to understand and document each model, assess the feasibility of conducting evaluation, and provide recommendations for thorough and rigorous evaluation that would produce usable and empirically-grounded findings.

About this Study

For any of these programs to coalesce around a coherent, feasible, and nationally replicable model, policymakers have an urgent need for credible scientific information on their efficacy. To better understand these types of initiatives and determine whether and how evaluation could shed light on what works (or does not work) and why, in 2019, the National Institute of Justice awarded a grant to the Center for Court Innovation and RTI International to conduct evaluability assessments of five programs that serve human trafficking victim-defendants at key decision-making points along the criminal justice system continuum: arrest (police), prosecution (district attorney), and sentencing (court). An evaluability assessment helps identify whether a full program evaluation is justified, feasible, and likely to provide useful information. It indicates whether programs could be meaningfully evaluated and whether the findings would help improve the programs and contribute to the field. The findings from this foundational research study serve as an important first step toward future research to assess the effectiveness of these or similar diversion programs for trafficking victims.

The Programs

This study involved five programs, chosen by the research team for their promising innovative legal approaches to respond to trafficking victim-defendants, their location within the legal process, and their geographic diversity. All programs agreed to participate in an evaluability assessment. These programs share an understanding of defendants who may have engaged in commercial sex (whether or not they were arrested on prostitution charges) as individuals who may have had severely traumatic experiences, and who may benefit from a fair and respectful court process and an offer of services rather than traditional criminal justice sanctions. All of the programs aim to provide services and supports that help participants rebuild their lives and prevent future exploitation. Underlying these trafficking-specific approaches is the presumption that those who are arrested or charged with prostitution or related charges are likely to have been trafficked or be at high risk for trafficking victimization. The five study sites are outlined below.

Queens Human Trafficking Intervention Court (Queens, NY) Formed in 2013, the Queens Human Trafficking Intervention Court (HTIC) is a once-weekly dedicated court calendar for people arrested on prostitution-related offenses in the borough of Queens in New York City. It also serves those who are identified as potential sex trafficking victims in other Queens courtrooms, who may subsequently be transferred in. The Queens HTIC is a collaborative, judiciary-led alternative-to-incarceration model, in which defendants complete

an agreed-upon number of sessions with one of the court's many social service agency partners in exchange for having their cases dismissed and sealed if they are not re-arrested on any charge within six months. The goals of the program are to reduce arrests, convictions, and incarceration for prostitution; and to mitigate danger and risk to those in the sex trade through connections to a wide variety of social and legal services.

CATCH Court (Franklin County, OH) Created in 2009 and led by the Franklin County Municipal Court, Changing Actions to Change Habits (CATCH) Court is a specialized docket in Columbus, Ohio for adult defendants with misdemeanor offenses who report having engaged in prostitution or experienced human trafficking. CATCH Court combines punitive sentences with a treatment-oriented program to address the complex needs of defendants by connecting them to the resources and support they need to remain free of drugs and alcohol, attain self-sufficiency, form healthy relationships, and prevent recidivism.

Cherished HEARTS (Davidson County, TN) Based out of the Metro Nashville-Davidson County Probation Department, the Cherished HEARTS (Healing Enslaved and Repressed Trafficking Survivors) program works to address the needs of human trafficking survivors through trauma-informed care and services. Formed in 2016, the program offers an alternative to incarceration for justice-involved individuals with a history of human trafficking victimization. Participants receive services such as housing, substance use counseling, and employment, along with the opportunity to have the relevant criminal charge dismissed and expunged after successful program completion.

Project 180 (Harris County, TX) Led by the Harris County District Attorney's Office, Project 180 is a pretrial diversion program that began in 2017 for individuals aged 18-24 who have been charged with prostitution. The program aims to reduce the harm of criminal justice intervention for young people engaged in selling sex, connect them with community-based resources, and increase the identification and prosecution of human trafficking offenders.

LEAD (King County, WA) Created in 2011, the King County Law Enforcement Assisted Diversion (LEAD) program is a police diversion program that aims to reduce recidivism among low-level drug and prostitution offenders, and connect participants with community-based social service providers who can provide intensive, individualized case management. LEAD is an alternative approach to responding to these low-level criminal offenses that brings together law enforcement, prosecutors, and community-based service provision agencies that provide individual case management and legal coordination.

Similarities and Differences

There were some notable similarities across the majority of the programs. Four of the five programs mostly served adult women (though one of these programs focused solely on younger women ages 18-24), and none required participants to meet the legal definition for sex trafficking² to receive services. They all shared the dual goals that participants would avoid a criminal record for the case that brought them into the program, and would increase their connections to needed social services. Most of the program staff felt that participants had experienced significant trauma and many believed participants needed help with substance use and addiction.

The programs also differed in significant ways. They were anchored at different criminal justice agencies (police, prosecutor, court). Some served people coming through the justice system on prostitution charges, whereas others mostly served women who had other charges (e.g., drugs). Some had concrete eligibility criteria, whereas others involved the discretion of key actors, such as the judge, to offer the program or not. The programs greatly varied in length of program commitment, ranging from one short “meaningful contact” to two years in residential treatment. Some programs combined treatment with punitive measures (e.g., jail), whereas others focused solely on treatment or keeping participants from any punitive sanction. Demographics differed as well: nearly all participants in two programs were white (despite being located in diverse cities), whereas the other programs served more racially and ethnically diverse populations. Finally, two programs had an additional focus on prosecuting traffickers, whereas that was not part of the model in the other three programs.

Methodology

To conduct the evaluability assessments, the research team made visits to each of the five program sites between August 2019 and February 2020. These visits included the following activities: a logic modeling session with key program staff and stakeholders, semi-structured interviews, program observations, and document review.

Logic Model Session Each site visit began with a two-hour interactive discussion with key stakeholders and practitioners involved in the design and everyday implementation of the program. Research team members provided an overview of logic model concepts and facilitated a discussion to pinpoint strategies and activities being implemented and the

² The Trafficking Victim Protection Act of 2008 defines sex trafficking as when force, fraud, or coercion is used to cause a person to engage in a commercial sex act; *or* the person engaged in the commercial sexual act is not yet 18 years of age.

desired short- and long-term outcomes of these activities. This discussion also helped staff make explicit the key assumptions underlying the model—i.e., why they thought the chosen activities would lead to the desired outcomes, and what implementation had to look like for the program to run as intended. After the site visit, the research team drafted logic models for each program and received feedback from program staff before finalizing each program’s model. These logic models informed the evaluation designs for each program in this report.

Stakeholder Interviews At each site visit, we interviewed stakeholders using a semi-structured interview protocol. (The number of interviewees ranged from six to twelve.) Stakeholders included: criminal justice program staff (e.g., judges, defense attorneys, probation officers, police officers, program coordinators); community-based organization partners (e.g., mental health counselors, case managers, service providers); and data managers. The interview instrument included questions about goals and objectives; program infrastructure (e.g., management, oversight, staffing); inter- and intra-agency communication and collaboration; participant recruitment and enrollment; screening and assessment; case flow (from referral to program completion); activities and approaches; challenges and successes; data tracking and availability; funding and sustainability; and local context (e.g., program genesis, political support, factors that affect implementation).

Program Observations When possible, researchers observed the criminal justice component of the program (e.g., attended court, observed status hearings). This allowed researchers to assess program components related to general approach (e.g., trauma-informed) and informal interactions (e.g., friendly demeanor, peer contact) that, while important to the program models, might not be captured through other measures.

Document Review Finally, research staff gathered and reviewed planning documents, program manuals, program monitoring reports (e.g., program enrollment numbers), previous evaluation reports, assessment forms, media coverage, and related materials from each program.

One methodological study limitation is that the research team did not engage with program participants. Learning from participants what goals they had for the program may have resulted in different or additional desired outcomes identified for the logic models.

Structure of the Report

The remainder of this report includes each of the five evaluability assessments as separate chapters. The assessments follow a uniform organization. Each one includes a brief review of

local context; a description of the program model (including eligibility criteria, activities, desired outcomes, and underlying assumptions); a summary of key evaluability domains (detailed below); suggestions for a future evaluation design; and the program logic model. We assessed the evaluability of each program in eight key areas, briefly defined as follows:

1. **Collaboration** Refers to the effective inclusion of multiple partners and agencies in the program and the way different systems and professionals come to the table to address sex trafficking in the program model. This includes collaboration with service providers, law enforcement and the courts, health and mental health professionals, and community activists.
2. **Policy Formalization** Refers to the extent to which all program model activities are specific, detailed, and formally delineated.
3. **Scale** Refers to potential sample sizes for evaluation purposes.
4. **Local Research Capacity** Refers to whether a local evaluator with research expertise is working with the program to track data, and the strength of this local capacity to assist an evaluation team.
5. **Evidence-Based and Promising Practices** Refers to whether program activities are supported by research, and whether validated assessments/curricula are used.
6. **Sustainability** Refers to the level of commitment and existence of concrete plans to continue funding the program.
7. **Data Capacity and Gaps** Refers to the availability of local data for an evaluation, including individual-level data for all cases going through the program.
8. **Generalizability** Refers to the extent to which the program is confronting problems and choosing strategies that are likely to be representative of trafficking victim-defendants and criminal justice agencies nationwide; in this way, future evaluation results can have the broadest possible relevance beyond the selected program sites.

Considerations for Future Evaluation

Each evaluability assessment outlines suggestions for a future evaluation design of the program. As noted above, several of the programs differed significantly in their most common arrest charges, length of time commitment, and requirements for successful completion—differences that would make cross-site evaluation extremely difficult. While completing these assessments, we also encountered changes in the socio-political environment that may impact future evaluation work. These issues, briefly outlined below, as well as other emergent issues, may result in programs adapting their program model mid-evaluation to address changing contexts.

Politicization of Sex Trafficking and Sex Work The conjoined issues of sex trafficking and sex work are almost unparalleled in the degree to which they engender polarization and politicization among participants, survivors, advocates, and government actors. Consequently, policy is extremely variable across localities, and highly dependent on the ideological orientation of local stakeholders, from the way these two issues are framed to the way they are encountered by government infrastructure.

Rapidly Changing Socio-Political Environment Almost immediately after all site visits concluded in February 2020, the COVID-19 pandemic hit the United States, shutting down many in-person operations in the criminal justice system and services offered at community-based organizations. Proactive prostitution enforcement across jurisdictions may have slowed down, resulting in fewer new potential program participants. Pandemic restrictions may have severely impacted program caseloads and activities—some of which rely on peer support (e.g., 12-step programs for drug and alcohol addiction) and informal, in-person interactions (e.g., meals eaten together with program staff and participants on designated status hearing days). It is still unknown how the pandemic may affect some of these programs and their participants in the short- and long-terms.

Additionally, the well-publicized murders of George Floyd, Breonna Taylor, and other Black men and women at the hands of law enforcement in the spring of 2020 led to calls across the country to “defund the police.” This too may have impacted how some programs—particularly those like LEAD that often involve the police as the point of first program contact—may have chosen to adjust their program models moving forward. Though important to understand, documenting the impact that the pandemic and racial justice protests have had on these programs was beyond the scope of this study.

Different Prostitution Laws Prostitution laws differ across states, providing criminal justice entities with differing levels of legal leverage. Typically, first offenses for prostitution are considered misdemeanors under state law, but the potential sentence options differ by state, ranging from community service to incarceration. When factoring in prior prostitution convictions, states may differ in whether they treat a new offense as a misdemeanor or felony. This variability potentially limits the generalizability of certain models for legal responses to trafficking. Moreover, given that some models in this study mostly saw cases other than prostitution, consideration must be given to the variability in laws and sentencing options for those charges when considering generalizability.

Additionally, future research should also be mindful of how these laws may change over time, and how any changes may impact programming. For example, in early 2021, the Sex Trade Survivors Justice & Equality Act was introduced in New York State. If passed, it would decriminalize prostitution and vacate and expunge past prostitution and loitering for prostitution convictions—effectively leaving the Queens HTIC with very few cases.

This and other potential future laws may impact the extent to which individuals can be considered “victim-defendants,” a complicated dual legal status. There is a hardship inherent in being subject to both exploitation and the stigma of criminalization (Boggiani 2016). It is hard to rectify the dual identity that prostitution victim-defendants face in criminal justice settings, as the criminal justice framework typically has clear delineation between considerations for offenders and victims of crime. Future laws may prioritize one identity over the other, which would impact the utility of programs such as those outlined in this report.

Finally, in some locations throughout the United States, victims of human trafficking are eligible to have their cases expunged for offenses that result from their trafficking experience—whether or not they complete a program. This may lead to a disincentive for future program involvement.

Chapter 2

The Queens Human Trafficking Intervention Court (Queens, NY)

The Queens Human Trafficking Intervention Court (HTIC) is a once-weekly dedicated court calendar for people arrested on prostitution-related offenses in the borough of Queens in New York City. It also serves those who are identified as potential sex trafficking victims in other Queens courtrooms, who may subsequently be transferred in. The Queens HTIC is a collaborative, judiciary-led alternative-to-incarceration model, in which defendants complete an agreed-upon number of sessions with one of the court’s many social service agency partners in exchange for having their cases dismissed and sealed if they are not re-arrested on any charge within six months. The court intentionally reframes prostitution within a context of sex trafficking and exploitation, and conceives of defendants as “victim-defendants.” The goals of the program are twofold: legally, to reduce arrests, convictions, and incarceration for prostitution; and socially, to mitigate danger and risk to those in the sex trade—largely from sex trafficking and gender-based violence—by helping victim-defendants connect with a wide variety of social and legal services and avoid criminal conviction.

This evaluability assessment presents a summary of the Queens HTIC and its goals, a discussion of key characteristics that would make the program ready for an evaluation, and a suggested design for a future evaluation. Data sources included interviews conducted with 11 stakeholders involved with program operations during a site visit in August 2019; a group discussion with key program actors to explicate the program theory and develop a logic model; and a review of relevant program documents and available data.

Local Context

The question of how to handle prostitution has been central to New York City’s problem-solving courts since the inception of the city’s first problem-solving community court in Manhattan in 1993. At that time, prostitution was framed primarily as a quality of life crime, one among many other low-level criminal offenses then identified as a deterrent to business and tourism in the Midtown section of Manhattan (home to Broadway and Times Square, among other things). Aiming to address this criminal activity in a meaningful way, city officials and the Center for Court Innovation designed the Midtown Community Court,

which heard cases from three police precincts and sought to find alternatives to jail such as community service and short group sessions.

Nearly ten years later, in 2001, a Queens judge decided to make a significant change to how he personally handled the prostitution cases that came before him during his bi-annual night court arraignment shifts in the Queens Criminal Court. Rather than just taking a plea and sentencing the defendant to a short jail stay, he decided to begin adjourning prostitution cases he heard during his periodic night court shifts to his regular court calendar, where he could try to help connect defendants to services. In 2004, this came to the attention of the supervising judge, who supported his efforts and eventually started a dedicated court calendar for prostitution cases. This became the first prostitution-related specialty calendar in the city located within a traditional criminal court and has since become a national model of judiciary-led diversion.

In 2013, the work being done in the dedicated calendars in Queens and at the Midtown Community Court served as the basis for the model of the New York statewide initiative to reframe prostitution in the context of sex trafficking and exploitation, through the launch of 11 human trafficking intervention courts across the state, including the Queens HTIC. These continue to run, though with significantly smaller numbers of defendants in recent years due to changes in arrest patterns and a shift in policing emphasis from sellers to buyers and traffickers.

While the state of New York has several statutes relevant to prostitution, two separate bills have been introduced to the New York State legislature that may impact the future of the Queens HTIC. The first bill, introduced in 2019, would legalize all aspects of the sex trade. The second, introduced in 2021, would decriminalize prostitution; however, sex trafficking, managing the sale of sex (e.g., running a brothel), and buying sex would remain illegal. These competing bills are still being considered. Additionally, in the first quarter of 2021 the state passed legislation repealing loitering for the purposes of prostitution, and the Queens District Attorney asked the HTIC for, and was granted, the dismissal of hundreds of prostitution-related offenses. Taken together, the policing and prosecution patterns and potential legislation all indicate that the program is in a period of uncertainty.

Program Model

The overarching goals of the Queens HTIC are to reframe prostitution within a context of risk for sex trafficking and exploitation and to mitigate the harm people in the sex trade face by: 1) resolving all cases through a non-criminal disposition; 2) providing alternatives to jail

sentences, such as needed social and/or legal services to address underlying needs that make someone vulnerable to trafficking or exploitation; 3) changing the perception of people arrested on prostitution charges from criminals to victim-defendants; and 4) building capacity within the criminal justice system to better recognize and respond to sex trafficking.

Running the program involves the coordination of multiple legal partners, including the New York Office of Court Administration (a dedicated judge and court staff); the Queens District Attorney's Office (a dedicated prosecutor); and the Legal Aid Society of New York's Exploitation Intervention Project and Queens Law Associates (dedicated defense attorneys).

There are also a wide variety of social service agencies that play key roles in assessing participants, administering the social service mandates, and reporting back on participation compliance. Partners include Girls Empowerment and Mentoring Service (GEMS), Garden of Hope, Restore, Womankind, Sanctuary for Families, the Mount Sinai Sexual Assault and Violence Intervention Program (SAVI), and the Center for Court Innovation and STEPS to End Family Violence's Hidden Victims Project.

Eligibility

Because the program is housed in criminal court, all participants are automatically at least 18 years of age at the time of arrest.³ Eligible offenses include prostitution, loitering for the purpose of prostitution, and illegal massage. These cases are automatically adjourned to the dedicated courtroom after arraignment.

Activities

After arraignment, the case is sent to the HTIC courtroom. Between the arraignment and the first HTIC appearance, the dedicated defense attorneys reach out to the victim-defendant to get more information about the case and screen for any emergency safety needs. The court receives a list of victim-defendants before each court date. All parties work collaboratively to find services that reflect the specific needs of each individual. Service providers typically have services targeted toward specific subsets of the population (e.g., Mandarin-speaking women, transgender women, Spanish speakers, young adults). Participants are matched with service providers most able to fit their needs. They are quickly screened for safety or other red flags for trafficking by service providers. Providers talk through the services available with victim-defendants.

³ In New York State, cases for individuals 17 years of age and younger are seen in family court.

If a victim-defendant, in collaboration with their attorney, decides to move forward, they are mandated to participate in five (if a first arrest) or ten (if there are prior arrests) sessions of social services, to be completed with one of the many social service partners. If these are successfully completed, the victim-defendant is typically granted an adjournment in contemplation of dismissal; if they avoid re-arrest for six months, the case is then dismissed and sealed. Participants who are re-arrested during the pendency of their case or within the six-month period will typically receive mandates to additional service sessions, and may take a plea to disorderly conduct (a non-criminal offense in New York State). There are no sanctions for interim noncompliance (e.g., missing a service session or court date), unlike other problem-solving courts, and the court routinely gives participants multiple chances to complete their mandates.

Community-Based Activities After the first appearance in the Queens HTIC, the participants then complete their sessions with the service providers at the providers' offices, most of which are located outside of the courthouse. All service providers administer an in-depth assessment to identify participants' needs. The services they offer are trauma-informed, client-centered, and client-focused. Many are culturally-specific and are tailored to the pathways and drivers for certain subpopulations into the sex trade and/or sex trafficking. When relevant, participants are screened for immigration-related needs and connected with pro bono attorneys to assist them in immigration petitions and other filings. Some programs work with participants primarily in group settings, while others provide one-on-one services. Participants are often supported in case management around more material needs, such as obtaining lost or stolen identification documents, connecting with education or employment support services, making and attending medical appointments, exploring housing options, engaging in family unification efforts, and receiving immigration legal assistance. When participants disclose exploitation or trafficking, programs work in collaboration with the court to ensure safety by doing things like watching for traffickers in the audience; assisting the participant in finding safe, emergency housing; and filing for T visas, when applicable. In such situations, the decision to dismiss the case rests with the prosecutor. In most instances in the Queens HTIC, the defendant receives an adjournment in contemplation of dismissal, a dismissal six months from the date issued if during that time the defendant is not re-arrested. A key piece of the work for all partners is identifying participants who might qualify for the state's vacatur laws, passed in 2010, which allow for victims of sex trafficking to have prior prostitution arrests tied to victimization vacated from their legal records.

Courtroom-Based Activities By all accounts the court holds two different truths at once and sits with this tension regularly: that participants are simultaneously defendants (i.e.,

charged with criminal offenses) and victims. All stakeholders interviewed felt that, for defendants, the experience of being criminalized for something they were forced to do (if trafficked) or had to do (for survival) is inherently traumatic. The court has implemented a number of elements to try to reduce this harm. First, the court relies on something called “judicial modeling,” where the dedicated judge, through action and directions, sets clear expectations for court staff related to how participants should be engaged, procedurally and in tone.

All dedicated courtroom staff (e.g., attorneys, court officers) receive training in trauma-informed practice, as well as gender awareness, so participants’ correct gender pronouns are used. Because criminal courtrooms are open courtrooms, court officers are also trained to be aware of the dynamics that can occur with traffickers visiting the courtroom, and to keep an eye on participants’ safety in that regard. While the court cannot always control how court officers are assigned, interviewees reported that the officers in the Queens HTIC are generally receptive to and supportive of these measures.

As participants move through their social service mandates, they are scheduled to appear regularly before the judge so she can monitor their compliance. Typically, the second appearance is scheduled for six weeks out to allow sufficient time for a participant to be engaged in their individualized service plan. It is understood that some participants will struggle with consistent engagement, as many have difficult life circumstances that make such engagement challenging. The court recognizes that setbacks occur and the model allows for as much flexibility in time and support as is needed for the participants to successfully complete their mandates.

Finally, as mentioned above, for participants who successfully complete their service mandate, the court typically grants an adjournment in contemplation of dismissal and will dismiss and seal the case if there is no subsequent arrest within six months.

Desired Outcomes

In the logic modeling session, program stakeholders were asked to identify desired outcomes of the program. Accordingly, stakeholders relayed that target short-term outcomes are that participants have one or more social service or legal needs addressed; increase their knowledge of their civil and criminal legal rights; experience an increase in access to services more broadly; receive a non-criminal disposition of their immediate case(s); and if appropriate, have past prostitution arrests vacated from their records. Additionally, desired outcomes include increased respectful treatment of defendants among officers and other

court staff and greater knowledge of social service options among defense attorneys. Long-term goals include a reduction in the amount of harm participants experience as a result of their involvement in the sex trade, including as a result of sex trafficking victimization; the elimination of jail sentences for prostitution charges; and safe housing and stable employment for participants.

Program Assumptions

Several assumptions underlie the Queens HTIC program model. The first set of assumptions relates to the participants themselves: people involved in the sex trade experience high rates of sex trafficking; without legal/court contact, many participants would not have the opportunity or ability to access services; meeting underlying social service and immigration needs will reduce peoples' exposure to harm; and most participants will experience (or have experienced) gender-based violence.

The second set of assumptions relates to the legal process: a traditional criminal justice response compounds harm; mandated social services create less harm than mandated jail time; it is possible to have a trauma-informed courtroom within a larger traditional courthouse; some people will not complete the program the first time through, but they will likely return and should be given multiple chances; and program staff are properly trained and committed to working with this population.

For more details on key program model assumptions, outcomes, and activities, refer to the Queens Human Trafficking Intervention Court logic model at the end of this chapter.

Evaluability

The following section outlines the evaluability of the Queens HTIC—that is, the extent to which the program is ready for an evaluation in terms of its formalization of policies and processes, data availability, and scale, among other indicators outlined below.

Collaboration

There is a high level of collaboration among all the partners involved in the Queens HTIC. Though there are no scheduled case conferences to discuss program participants' progress, members of the full team—including criminal justice partners at the court and community-based service providers—have regular, informal conversations via email and in the courtroom on the dedicated day. All are committed to helping participants achieve success. They are grounded in the same approach to the work (e.g., participants deserve multiple chances), though their underlying assumptions do differ (e.g., not all agree on the extent of

sex trafficking among those arrested for prostitution charges). There is tension in the victim-defendant conceptualization that is further complicated by differing beliefs about participants' relative expressions of choice in their engagement in the sex trade. All partners fundamentally believe in the importance of both respecting the participant-counselor relationship and sharing information that is relevant to the court proceedings, and work together toward a common cause to reduce participants' exposure to harm.

Policy Formalization

The goals and procedures of the Queens HTIC have mostly remained consistent since the program's formalization within the broader network of state human trafficking courts in 2013. Though the court does hold as a goal the reduction in sex trafficking among participants, all people arrested on prostitution-related charges are eligible for the program and have cases adjourned to the program. All partners agree that there is not a comfortable method for ascertaining sex trafficking victimization within a courtroom setting, and most agree that it can be difficult even within the short-term engagement the social service mandates provide. Consequently, the process for ascertaining whether someone has been a victim of human trafficking remains informal—i.e., there is no uniform screening tool used by all service providers or court staff. Rather, the court relies on providers and/or defense attorneys to find out and share such information as it becomes relevant to the participants' completion of the mandate or if the participant is comfortable with the information being shared.

There is no written set of procedures or agreements, either shared among the partners or distributed to participants. All partners agree, however, that participants receive the same verbal directions from the judge about what the program is, how long it will take, and what will be required of them. From that perspective, the overall program is consistent for participants, even though their treatments are individualized. They all must meet the same requirements to receive a non-criminal disposition. Given the unique needs of any one individual, the different service providers may provide the participants with different treatment modalities, both within and across provider agencies.

Scale

There is no stated annual program size goal because referrals are entirely dependent on trends in arrests and prosecution. The year 2016 saw the height of the Queens HTIC caseload with over 1,000 cases. Numbers have been in steady decline since. In 2018, 204 new cases were enrolled in the program. As of August 2019, only 28 new cases had been enrolled since the start of the year and the court had 75 total cases regularly cycling through its calendar.

Because program staff believe in the harm inherent to criminalizing victims, they are loath to push for higher arrest numbers. As law enforcement shifts its focus increasingly to buyers and traffickers, the case numbers are likely to remain low.

Local Research Capacity

The Queens HTIC is part of the larger New York State Unified Court System, whose Office of Court Administration has researchers who can provide criminal court-related data. In the past, New York City-based Center for Court Innovation has conducted research activities on the court.

Evidence-Based and Promising Practices

Queens HTIC's trauma-informed approach is considered a best practice in treatment and healing and the court is a national leader in this model. Program partners, however, do not report using manualized or evidence-based interventions due to the short length of engagement they typically have with participants.

Sustainability

Financial sustainability of the court is fairly certain. The court is run out of the Queens County Criminal Courthouse. The Office of Court Administration funds the court staff's involvement in the program as part of their job responsibilities. The more tenuous funding exists for the service partners, who have independently raised funds to support or supplement their work with participants, generally through a patchwork of private and government funds; none of their funding comes directly from the court system. The Legal Aid Society's dedicated attorneys are provided through the Exploitation Intervention Project, which is supported by the NoVo Foundation. The Center for Court Innovation and STEPS to End Family Violence's Hidden Victims Project is funded by the Office of Violence Against Women. Other service partners draw funding from different sources.

Recent shifts to the local socio-legal landscape, however, have made the future of the court itself less certain. Intentional policy changes within the New York Police Department around arrests for prostitution-related offenses (discussed in the Scale section above) have dramatically decreased the number of prostitution-related cases appearing in the Queens arraignment courts. In February 2021, New York State repealed the charge of loitering for the purposes of prosecution (PL 240.37). A month later, the Queens District Attorney requested the dismissal of 700 outstanding cases (included bench warrants issued for non-compliance) for loitering and prostitution-related offenses, signaling her support for shifting away from prosecution of such cases. The court system is exploring ways to keep the court

open through referrals of suspected trafficking cases from other court calendars in Queens criminal and supreme courts, but those negotiations are early and ongoing.

Data Capacity and Gaps

The Queens HTIC uses the computer-based case management system that the New York State Unified Court System is implementing in all the courts: Universal Case Management System (UCMS). It tracks a variety of legal information (docket number; case type; charges at arrest, arraignment, and disposition; sentence type and length; dates of arrest, arraignment, sentencing, etc.). Demographics are recorded, though ethnicity is less reliable than race categories. UCMS also tracks the beginning and end dates of victim-defendants' involvement with the Queens HTIC.

Treatment providers keep attendance data as well as a variety of different kinds of information gathered through the assessment and counseling/case management sessions (e.g., demographics, case notes, referrals, attendance). Some but not all collect data on participants' histories and/or current experiences of sex trafficking victimization. Providers use a variety of case management software platforms, some as basic as Excel and some as complex as Apricot, but the majority keep information in text rather than numeric fields, making it more difficult to quickly pull and analyze quantitative data across programs. This information is shared with Queens HTIC intermittently, typically only if/when it impacts participants' ability to comply with court mandates or appearances. There is no standardized data collection across providers. However, given the strong collaboration between all program stakeholders, it is likely that they would be open to capturing and sharing specific indicators that the program deemed important for evaluation purposes.

Future Evaluation Design

We believe that Queens HTIC shows both strengths and challenges related to a future evaluation. Strengths include:

- There is strong collaboration, regular communication, and openness to information sharing among all program stakeholders.
- While not all partners share the larger belief that all or the majority of those processed through the court are trafficked or exploited, they do ultimately agree that the court's mission is to decrease participants' exposure to legal and social harm related to their involvement in the sex trade.
- Criminal court data are tracked for participants, which could be used as outcome data related to recidivism, mandate completion, and criminal disposition.

- Program staff have worked with researchers before and are excited about a future evaluation. They may be open to tracking additional data or allowing researchers access to participants for surveys or interviews.
- There is national interest and local political support for the program. If prostitution is not decriminalized or legalized by the New York State legislature, the court will likely continue its work.

Challenges include:

- There are two bills currently before the New York State legislature attempting to either decriminalize or fully legalize prostitution. If either of these is passed, the court will cease to have a function once all existing cases have been resolved.
- There are no written or documented procedures, though partners report that the same processes are routinely implemented week-to-week.
- Caseload/participation is dependent on policing priorities and arrest patterns, and prosecutorial policies. Other partners have little to no control over the program's volume, aside from ensuring that all prostitution-related arrests are calendared in the HTIC at arraignment. As caseloads have precipitously decreased in the last few years, scale may be an issue for any non-retrospective evaluation.

Given the above, we propose a future evaluation design for the Queens HTIC that takes these strengths and challenges into consideration. We recommend focusing on a process evaluation, but we offer potential outcome evaluation strategies that might be helpful for formative rather than summative purposes.

Process Design

We propose a process evaluation that includes multiple data collection methods to produce a rich description of the program, including dosage and reach; program infrastructure; the culturally-specific activities of the social service providers; the social, political, and legal environments that may affect program implementation or desired outcomes; and the factors impacting successful program completion. The following methods could be employed:

Quantitative Data Tracking UCMS can be used to track the number of people referred to the program, number of people who receive services through the program, number of court appearances, and time spent to case completion. Demographic data and criminal history for all individuals offered the program could be used to investigate whether there are any

differences between those who successfully complete the program (and ultimately receive a dismissal) and those who do not.

An additional, basic Excel spreadsheet could be designed for social service providers to track attendance, referrals, and connections made to various resources (e.g., housing, employment, immigration assistance).

Stakeholder Interviews Qualitative interviews with those involved in running the Queens HTIC (e.g., judge, defense attorneys, court officers, service providers) could help evaluators gain a rich understanding of the program and the nuanced details of each component, such as how participants are matched to service providers, how needs are assessed and case plans are created across providers, and what factors affect how service providers design and run their programs. Interviews could help illuminate challenges—what makes program implementation difficult (e.g., instability of participants’ lives, court-mandated services)—and facilitators—what helps facilitate program implementation (e.g., support of judiciary, police, local politicians). Stakeholder interviews could also focus on how courtroom actors view participants, to see if the judicial modeling component has had an impact on perceptions and attitudes toward people in the sex trade. Finally, interviews could help capture the social, political, and legal factors that might impact whether the program will continue to be relevant or whether prostitution will be decriminalized or legalized.

Participant and Alumni Interviews In-depth, semi-structured interviews with current and past participants would help confirm whether some of the program’s underlying assumptions—e.g., that the program will increase participants’ access to services and decrease their exposure to sex trafficking—hold. Interviews could also help illuminate the barriers for desisting from sex trade involvement, and identify participant needs beyond what the service providers they are connected to offer.

Outcome Design

An outcome evaluation meeting scientifically rigorous standards may be difficult. Random assignment is not an option and there are significant barriers to constructing a comparison group for a quasi-experimental evaluation. The Queens HTIC has been operating for many years, making a recent historical comparison group not possible. Given the reduced caseload over the last few years, creating a treatment and comparison group with sample sizes large enough for statistical power would be challenging. Additionally, given that other boroughs in New York City also have trafficking intervention courts, a city-based comparison group would not provide a sample of prostitution-related victim-defendants who did not receive a

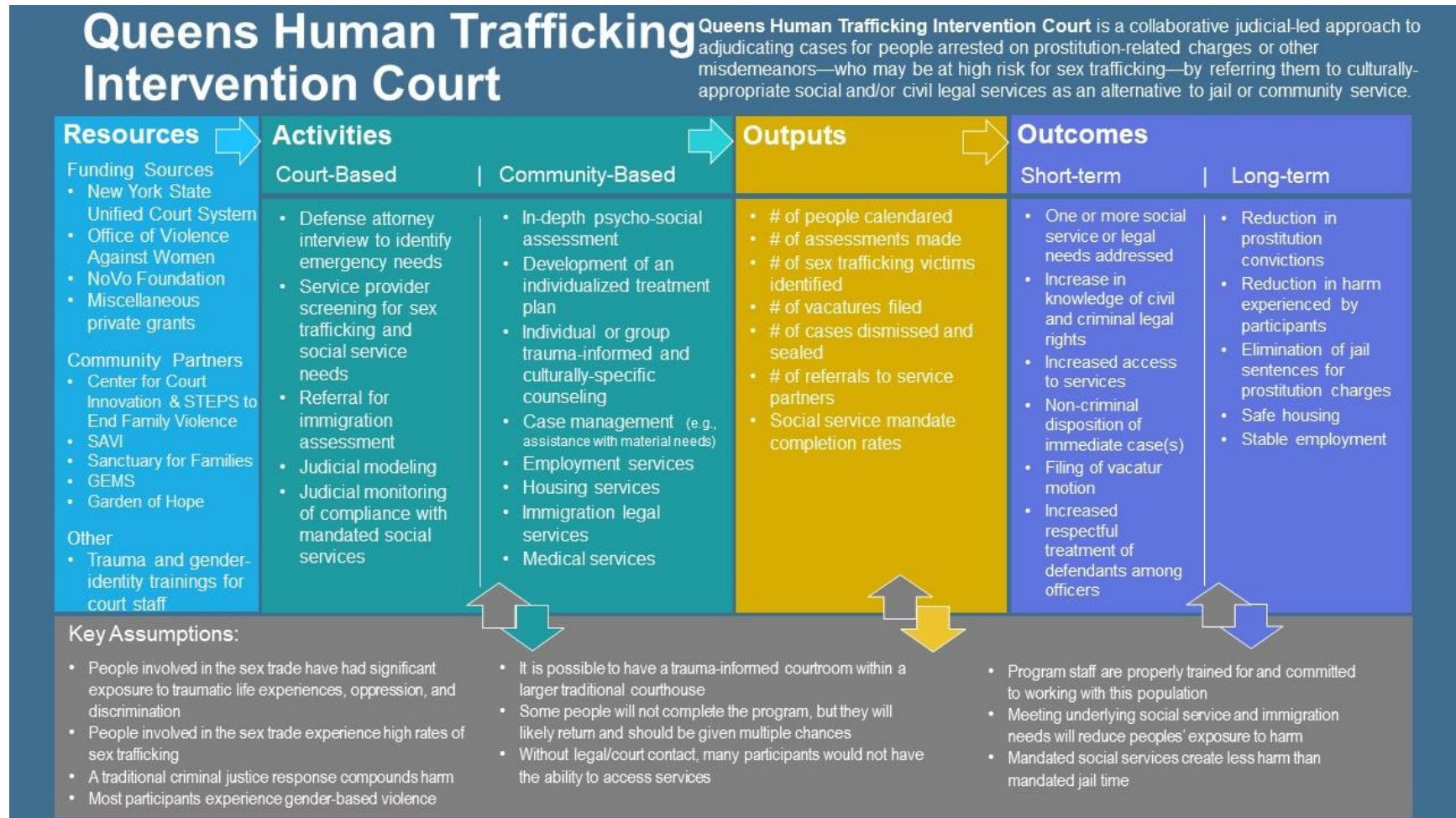
similar program. Finally, given the unique racial and ethnic diversity of the borough of Queens, it would be difficult to find a similar county in the state that could be a good match on demographics, making selection bias a significant hurdle for constructing a comparison group.

Without a comparison sample, it is not possible to measure the impact of the program. However, since its inception, the Queens HTIC has heard thousands of cases, and looking at administrative court data for such a large sample of cases could hint at the scale that the program has had in reducing the collateral consequences of a criminal record. Administrative data on case outcomes and recidivism (e.g., dismissals, re-arrest, time to re-arrest) could be tracked for each participant to demonstrate the number of people who may have not had their trauma compounded by the court. If the current legislation does not pass and the court remains active, for cases moving forward, one-year follow-up surveys with participants could track self-reported outcomes such as safe housing, continued service involvement, desistance from sex trade involvement, and support in filing relevant immigration petitions, including applications for T visas. Analyses of administrative and survey data could provide an interesting portrait of what happened to the victim-defendants who came through the Queens HTIC.

Generalizability

Findings from an evaluation of the Queens HTIC could provide lessons learned to other jurisdictions interested in implementing a legal response to prostitution nested within a sex trafficking and exploitation framework, where there is little legislative will to change the legality of selling sex. Such jurisdictions would need to have a heavy arrest rate to support a specialized docket, be willing to invest in trauma-informed training for staff, and have local social service agencies with the expertise and funding to provide services to defendants.

Queens Human Trafficking Intervention Court Logic Model



Chapter 3

CATCH Court (Franklin County, OH)

Led by the Franklin County Municipal Court, Changing Actions to Change Habits (CATCH) Court is a specialized docket in Columbus, Ohio for adult defendants with misdemeanor offenses who report having engaged in prostitution or experienced human trafficking. CATCH Court combines punitive sentences with a treatment-oriented program to address the complex needs of defendants by connecting them to the resources and support they need to remain free of drugs and alcohol, attain self-sufficiency, form healthy relationships, and prevent recidivism.

This evaluability assessment presents a summary of the CATCH Court program and its goals, a discussion of key characteristics that would make the program ready for an evaluation, and a suggested design for a future evaluation. Data sources include interviews conducted with ten stakeholders involved with the operation of the program during a site visit in November 2019; a group discussion with key program actors to explicate the program theory and develop a logic model; and a review of relevant program documents and available data.

Local Context

Over the past decade, human trafficking and the sex trade have made it onto the radar of Ohio politicians, and victims have garnered support and empathy from key power brokers, particularly in the criminal justice system. In 2012, Governor John Kasich signed an executive order creating the Ohio Human Trafficking Task Force to help the state better respond to and prevent human trafficking. That same year, the state legislature added the Ohio Revised Code 2953.38, which created an expungement process for survivors of sex trafficking who were compelled or forced to commit illegal acts.

In Franklin County (which includes the city of Columbus), CATCH Court is known for its work with trafficking survivors, taking a compassionate and trauma-informed view of participants as victims instead of criminals, and shifting away from a completely corrections-based approach. The founding judge has been able to garner a lot of support for the program and has received national and state awards for his unique approach. The program also has political support at all levels of government, as well as positive media attention (see, for

example, Pflieger 2019a; Pflieger 2019b). For many years, caseloads for the program were stable.

Then, in 2018 and 2019, local and federal corruption investigations of the Columbus Police Vice Unit—which handled prostitution arrests—led to the eventual disbanding of that unit. CATCH Court staff reported that because of the extremely problematic nature of what was being investigated,⁴ other officers shied away from making prostitution-related arrests, which led to their program case numbers significantly decreasing. Arrest numbers went back up toward the end of 2019, however, when the newly-formed Police and Community Together (PACT) Unit was formed within the Columbus Police Division to enforce prostitution laws. (PACT was developed as a replacement to the vice unit to respond to complaints and concerns related to prostitution, liquor, tobacco, gambling, and nuisance activities.)

It is within this context—in addition to the larger national conversation about prostitution and decriminalization—that the CATCH Court program is operating.

Program Model

CATCH Court was founded in 2009 by Judge Paul M. Herbert. The program is currently funded by Franklin County, the city of Columbus, the Ohio Department of Mental Health and Addiction Services, the Alcohol Drug and Mental Health Board of Franklin County, and the federal government through the Victims of Crime Act and Medicaid. The overarching goals of the program are to improve the quality of life of people who have engaged in the sex trade or who are victims of sex trafficking so that they can become drug- and alcohol-free and desist from sex work.

Operating the program involves the coordination of multiple court partners, including the judges of Franklin County Municipal Court (who make referrals), prosecutors, public defenders, probation officers, and program coordinators. It also requires the collaboration and participation of multiple community-based service providers, including Freedom à la Carte and residential treatment facilities (Amethyst, Mary Haven, Changing Habits Actions and Thoughts), as well as community volunteers. Given that all the participants seem to

⁴ As reported by the *New York Times* (Stevens 2019), charges against Columbus police department officers included one officer forcing women to have sex with him under threat of arrest and killing of a sex worker; and politically motivated arrests of sex workers, including the high-profile arrest of Stormy Daniels.

struggle with some form of drug or alcohol addiction, a core component of the program is a two-year stay in a residential treatment program.

Between 2009 and 2019, CATCH Court had approximately 375 participants. All participants have been female and had some form of substance use disorder, and most have been white. Common arrest charges have included soliciting, drug possession, and theft.

Eligibility

Defendants must meet certain legal and clinical criteria to be eligible for the CATCH Court program. Defendants must:

- Be at least 18 years of age;
- Have an open legal case in Franklin County Municipal Court for any charge as long as it can be plead as a misdemeanor;
- Be willing to plead into and participate in the program;
- Report having traded sex for something of value (drugs, money, a place to stay, etc.); and
- Present as having a behavioral or mental health issue (e.g., drug or alcohol dependency, post-traumatic stress disorder, depression).

There is no systematic screening for trafficking victimization. Defendants can be referred to CATCH Court anytime in the pre-trial process by judges, prosecutors, or defense attorneys if they suspect substance use and sex trade involvement. With the approval of their defense attorney, defendants who are referred meet with a CATCH Court coordinator to discuss the program and decide whether they would like to participate. Those who decide not to plead guilty and enter the program continue with a traditional hearing for their charge.

Activities

There are four phases to the two-year program,⁵ which is primarily focused on substance use treatment and well-being. Phase 1 is short and focuses on safety and stability. The women attend a CATCH Court 101 lecture, create a relapse prevention plan, get an identification card, and visit a doctor. During this phase, the participants do not have to be sober, but simply engage with CATCH Court staff. Phase 2, which is when the bulk of the intensive programming happens, is focused on recovery and addressing trauma. In Phase 3, the

⁵ Generally, the program takes two years to complete; however, some participants may excel and complete all requirements in less time, while other participants may experience setbacks or require additional assistance that extends the time for completion.

participants move toward full sobriety and independence—reconnecting with family and working toward goals. During Phase 4, participants graduate and reduce their contact with CATCH Court.

Activities in these phases fall into two main categories: justice system-based programming and community-based programming. The various program partners play unique roles in CATCH Court activities; however, they all work closely with each other. Weekly meetings are held, during which partners discuss the participants, review cases, share information, and coordinate activities. These meetings are attended by the assigned probation officer, service/treatment providers, defense attorneys, court staff, and the dedicated judge.

Justice System-Based Programming Once a defendant is referred and agrees to participate in the program, they are given a short jail sentence—usually anywhere from one to three months—until a partnering residential treatment facility has an open bed. (Because punitive sentencing is an essential program component, there is a required jail stay even if a treatment bed is immediately available.) During this waiting period, CATCH Court staff complete an individual assessment with the participant to help determine the best treatment options for them. CATCH Court staff also run a weekly group in the jail where they begin to develop relationships and trust with participants, discuss what will happen in the treatment programs, and teach coping skills. After a participant is moved to a residential treatment facility and throughout the remainder of their time in the program, they are required to come to court once a week for a status review hearing. Before the official court session begins, participants have lunch together with the CATCH Court staff and partners. Volunteers, who also join in for the meal, donate food. After lunch, depending on the week, participants will engage in check-ins with the judge, have peer-to-peer check-ins with other participants, listen to a guest speaker, or attend a community outing. The judge and the CATCH Court staff offer individualized incentives (e.g., program phase advancement, verbal praise, gifts or certificates) for meeting goals and remaining sober. If a participant relapses or fails to comply with program requirements (e.g., misses status hearings or treatment appointments), the judge may also give sanctions (e.g., a homework assignment, removal of privileges such as phone or home passes, community service, daily reporting, required 12-step meetings, jail time). Participants also meet at least monthly with the CATCH Court assigned probation officer, who monitors compliance (i.e., makes sure participants are completing their required treatment and administers drug tests). When a participant successfully graduates from the program, their criminal court case record is expunged.

While not a specific activity, it is important to note that a key component of the program is the culture that is created by the judge within the courtroom, which is different from a traditional criminal court model. The judge does not wear a robe, often sits in a circle with the participants, and is thoughtful about the language used. At all stages, the judge affirms participants and strives to ensure that they know they have value—e.g., “I wish you could see the amazing person I see,” “I’ve been dying to meet you, my staff say you are great!” In addition, the bailiff is a graduate of the program; her presence serves as additional encouragement to participants and a reminder of what they too can achieve. The overall feel of the courtroom is one of a judgment-free zone that works to build self-esteem.

Community-Based Programming Once participants are assigned to one of the partner residential treatment facilities, they are provided with housing, trauma counseling, healthcare, and dental services. They are required to attend weekly group therapy and sober support meetings. They are assigned a case manager, who works with them to address their specific needs. This might involve linking them to resources such as GED classes or other educational services, and child custody advocacy. Case managers also work with participants to create a dating protocol that must be followed to date. Treatment providers submit a weekly report to the court. The community-based organization Freedom à la Carte provides additional services, including connections to mentors, transportation, and assistance getting driver’s licenses reinstated. Freedom à la Carte also runs an alumni group for CATCH Court graduates, where alumni gather at the local library twice a month for unstructured and informal support.

Desired Outcomes

In the logic modeling session, CATCH Court stakeholders were asked to identify desired program outcomes. Accordingly, they stated that target short-term outcomes of the above activities are that program participants get their basic housing, health, and safety needs met; reduce their trauma symptoms; remain sober (free of drugs and alcohol); and desist from sex work. Long-term outcomes—after significant engagement with and graduation from the program—include not being rearrested, attaining self-sufficiency, being employed or enrolled in school, and having healthy intimate partnerships.

Program Assumptions

Several assumptions underlie the CATCH Court program model. The first set of assumptions relates to the participants: they are involved in criminal behavior because they have significant trauma and substance use issues that must be addressed; addiction is hard and relapse is normal, and therefore participants should be given multiple chances to succeed;

individuals for whom the program is designed do not want to trade sex but are doing so for survival needs (e.g., housing, food), and if those needs are provided for, they will be less likely to engage in sex work; and if participants stay engaged with the program long enough, they will succeed and thrive.

The second set of assumptions relates to the program staff: if staff are trained in trauma-informed practice, positively handle trauma responses, are committed to working with the target population, are consistent in their interactions, see participants as individuals with strengths, and give them multiple chances for success, participants will trust them.

For more details on key program model assumptions, outcomes, and activities, refer to the CATCH Court logic model at the end of this chapter.

Evaluability

The following section outlines the evaluability of CATCH Court—that is, the extent to which the program is ready for an evaluation in terms of its formalization of policies and processes, data availability, and scale, among other indicators outlined below.

Collaboration

There is a high level of collaboration among all the partners involved in CATCH Court. The full team—including criminal justice partners at the court and community-based service providers—meet weekly and are all committed to helping participants achieve success. They are grounded in the same assumptions and approach (e.g., participants deserve multiple chances), which enhances their desire to share information and work together toward a common cause. They each fill a unique role, without which the program would not work, so they rely on each other to bring complementary services and specialized expertise. The weekly meeting facilitates constant communication, and the team members genuinely seem to like working together and being part of this specialized program.

Policy Formalization

The main objectives and approaches to CATCH Court have mostly remained consistent since the program's inception in 2009. Inconsistencies in program referrals from judges, however, have limited the ability of the program to serve all eligible defendants who might want to enroll. Some judges have chosen not to make referrals to the program. Additionally, the process for ascertaining whether someone has engaged in the sex trade or experienced human trafficking victimization remains informal—i.e., screening is conducted by way of a

conversation between a potential participant and a CATCH Court coordinator rather than through the use of a specific screening tool.

Once a participant is referred, they receive a handbook that outlines all program requirements and community resources to which assignments may be made. Defendants all receive the same message about what the program is, how long it will take, and what will be required of them. From there, the overall program is consistent for participants, even though their treatment plans are individualized. They all must meet the same requirements (e.g., consistently attending treatment, appearing in court) to advance to the next phase of the program.

Given the unique needs of any one individual participant, different service providers may deliver different treatment modalities, both within and across residential facilities. Similarly, incentives and sanctions from the court may differ based on an individual's unique circumstances.

The Ohio legal code 2953.38 formally allows for expungement of certain crimes for victims of human trafficking. When a participant completes the program, their record for the instant case is expunged.

Scale

While there is no stated annual program size goal, CATCH Court usually serves 35-40 new clients each year. Because of the two-year duration of the program, at any given time, the program caseload may be as high as 75. Over the first ten years of the program, the program served 375 participants.

Some judges have never referred to the program; referrals from them could increase the number of participants. However, given that each participant is required to enter residential treatment, an increase in caseload could burden the program and result in new participants spending more time in jail if partner treatment providers are at capacity and cannot accept new program participants.

Local Research Capacity

CATCH Court has been contacted by numerous researchers who are interested in studying the program and its participants. One of the coordinators is research-savvy and serves as a “gatekeeper” for these requests, ensuring that any research done is approved by an Institutional Review Board and conducted by seasoned researchers. The program has

partnered with professors and researchers from local colleges and universities such as Ohio State University (Rosario 2020), Case Western University (Kendis 2019), and Franklin University (Miner-Romanoff 2015, 2017) to conduct discrete studies. A professor from Wheaton College in Illinois has also conducted research with program participants (Schultz et al. 2020).

Evidence-Based and Promising Practices

CATCH Court’s trauma-informed approach is considered best practice in treatment and healing. The different treatment facilities utilize a variety of evidence-based or promising therapeutic strategies (e.g., cognitive-behavioral therapy, 12-step programs for substance use disorder) and curricula (e.g., Beyond Anger and Violence) as part of their programmatic activities, in addition to pharmaceutical-based interventions.

Sustainability

The funding for CATCH Court remains secure. The program has been very transparent with funders about the number of participants served and continues to receive support. Additionally, the diversity of funding helps to ensure that the program is not dependent on any one source.

Data Capacity and Gaps

CATCH Court uses an Excel spreadsheet to track a significant amount of data for its participants, including demographics, zip code, child welfare involvement (as a child and as an adult), mental health hospitalization, Adverse Childhood Experiences (ACEs) score, mental health diagnosis, criminal history (including number of prior cases and days in jail), drug test results during program enrollment, and court-related indicators (including case outcomes and recidivism).

Demographic information about people who were referred to the program but chose not to participate is also collected. This information could be used to assess whether individuals who refused the program look different in any way than those who participated.

Treatment providers keep attendance data, but do not consistently share this with CATCH Court staff; they only alert CATCH Court when attendance becomes a problem for a participant. There is no standardized data collection across the multiple treatment service providers that operate independently. However, given the strong collaboration between program stakeholders, they may be open to capturing and sharing specific indicators for evaluation purposes.

Future Evaluation Design

We believe that CATCH Court shows both strengths and challenges related to a future evaluation. Strengths include:

- There is strong collaboration, shared values and goals, regular communication, and information sharing among key program stakeholders.
- Criminal court data and drug testing data are tracked for participants, which could be used as outcome data related to recidivism and sobriety.
- Program staff have worked with researchers before and are excited about a future evaluation. They may be open to tracking additional data or allowing researchers access to participants for surveys or interviews.
- There is local political support for the program, suggesting its sustainability over time.

Challenges include:

- The founding judge who worked with the program for over a decade retired in the fall of 2020. While a new judge has transitioned in, it is too soon to tell if participants will respond to her in the same positive way (including whether the judge's gender is a factor, which some program staff hypothesized), and if the program was influenced by the original judge's personality or if the outcomes of the program model are independent of him.
- Because of the lengthy time commitment required to complete the program, many eligible people decline to participate, and for those who plead in (i.e., agree to enroll), retention is low—which might make follow-up on some outcome indicators challenging. (According to program staff, about 20% of participants successfully completed the two-year program.) This challenge also presents an opportunity, as an evaluation may help better understand the barriers to program retention.
- The annual caseload is too small for an evaluation that measures program impact on outcomes such as trauma symptoms or feelings of self-esteem that require baseline surveys or interviews at the time of entry to the program. The sample size would be too small for scientific rigor, given that historical baseline data could not be collected for past participants.

Given the above, we propose a future evaluation design for CATCH Court that takes these strengths and challenges into consideration. We recommend focusing on a process evaluation, but we offer potential outcome evaluation strategies that may be helpful for

formative (i.e., providing useful feedback that can be used for making program adjustments), rather than summative (i.e., rendering judgment on program impact), purposes.

Process Design

We propose that a process evaluation include multiple data collection methods to produce a rich description of the program model; dosage and reach; program infrastructure; the social, political, and legal environment that may affect program implementation and desired outcomes; factors influencing individuals' decisions to participate or not; and factors impacting program retention. The following methods could be employed:

Quantitative Data Tracking A simple database could be set up and used to document the dosage and reach of the program. This could be a new database shared by all program actors, or an adaptation of the existing one used by the court-based program staff. Program outputs data could include such things as number of people referred to the program, number of people who plead into the program, attendance at each program component (e.g., status hearings, treatment appointments, sober support meetings), and time spent in each phase. Demographic data and criminal history for all participants offered the program could be used to investigate whether there are any differences between those who choose to become a CATCH Court participant and those who choose not to, as well as those who successfully complete the program and those who do not.

Stakeholder Interviews Qualitative interviews with individuals who operate CATCH Court (e.g., judge, coordinators, probation officer, treatment providers, defense attorneys, volunteers, mentors) could help evaluators gain a rich understanding of the program and the nuanced details of each component, such as how a participant is matched with a treatment provider, how needs are assessed and case plans are created across providers, how incentives and sanctions are selected, what motivates people to become mentors, etc. Interviews could help illuminate challenges—what makes program implementation difficult (e.g., eligible participants not wanting to make a two-year commitment, treatment beds not available)—and what helps facilitate program implementation (e.g., support of local politicians). Stakeholder interviews could also focus on program infrastructure such as the necessary resources (e.g., money, transportation, staff) needed to administer the program. Finally, interviews could help capture the relevant contextual factors that might impact how the program is run, or how participants receive it.

Participant and Alumni Interviews Given the length of the program and the relatively low graduation rate, in-depth, qualitative interviews with current and past participants

(including those who did not successfully complete program requirements) could help confirm whether some of the program’s underlying assumptions hold (e.g., if they have their underlying housing and safety needs met, participants will be able to stabilize, stay sober, and desist from sex work). Interviews could also help illuminate the barriers to maintaining participation, what motivates participants to keep working with the program, and what they like and do not like about the program.

Media Scan Given that there have already been high profile events (e.g., the federal investigation into the Columbus Police Vice Squad and its subsequent dissolution) that have led to a decreased caseload, we recommend that any process evaluation include a media scan to document external events that could impact the program (e.g., participation numbers).

Outcome Design

An outcome evaluation meeting scientifically rigorous standards may be difficult and any potential design would be vulnerable to selection and attrition bias. Random assignment is not an option and there are significant barriers to constructing a comparison group for a quasi-experimental evaluation. Because of the program’s lengthy time commitment, many eligible defendants choose not to participate. This makes them different than those who choose to participate, most importantly with regard to readiness for and motivation regarding life change—something that could not likely be captured in existing data from any potential comparison group sample. Additionally, it would be difficult to ascertain whether similar defendants (based on arrest charge) who were not referred to the program by judges who have historically not referred have had sex trade involvement. Finally, given the low caseload numbers (~35 per year), sample size would be too low for analyses to have sufficient statistical power.

However, select outcome measures could be tracked to facilitate program knowledge and improvement. The following are suggested outcome measures:

Measure #1: Recidivism Between 2009 and 2019, CATCH Court engaged approximately 375 participants. Administrative data on case outcomes and recidivism (re-arrest, time to re-arrest, jail time, expungement) could be tracked for each participant. Process evaluation data related to program dosage could be linked to the administrative data to determine if those with more program exposure had more positive outcomes.

Measure #2: Well-Being A one-group design could look at change over time in different measures of well-being such as trauma symptoms (e.g., using the Trauma-Symptom

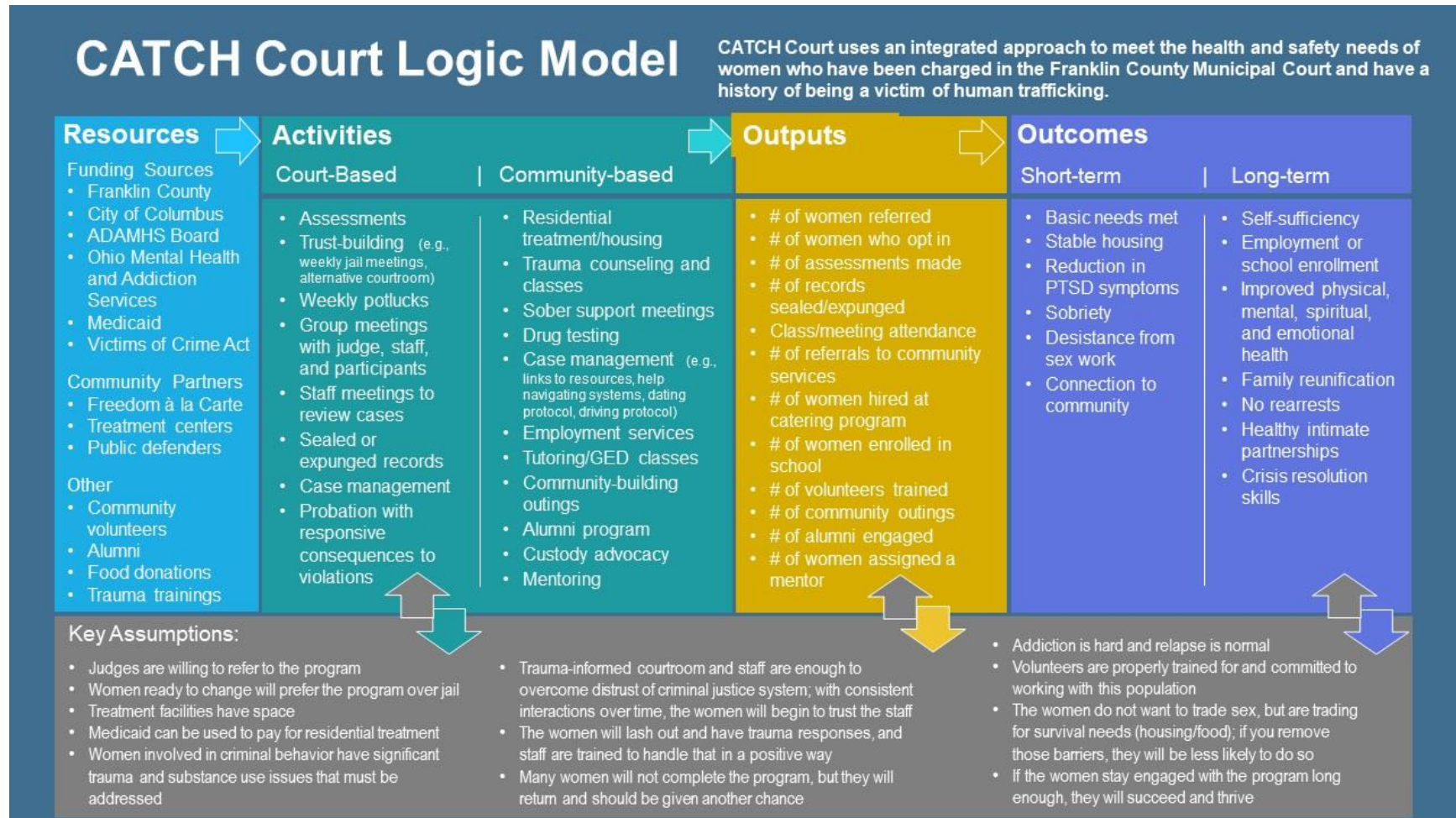
Inventory scale), self-esteem (e.g., using Rosenberg’s Self-Esteem scale), well-being (e.g., using the mental health continuum short form), and housing stability. These measures could be captured via a survey administered the day a participant is assigned to the program (baseline) and at multiple follow-up time points (e.g., biannually or annually) over three years. This would produce a sample size of approximately 100 program women. Process evaluation data related to program dosage could be linked to survey data to determine if those with more program exposure have more positive outcomes. Process evaluation data related to baseline characteristics (e.g., demographics, ACEs score) could be used to explore whether the program seems to work better for certain groups of people, though subgroups may be too small given the low N.

Measure #3: Sobriety Given that CATCH Court has the results of regular drug and alcohol testing for participants, a one-group design could be implemented to look at the 6-month and one-year sobriety rates for those who participate in the program between 2021 and 2023. This would produce a sample size of approximately 100 women. A secondary, self-reported days sober measure could be captured through participant surveys at regular intervals. Process evaluation data related to program dosage could be linked to survey data to determine if those with more program exposure have more positive outcomes.

Generalizability

Findings from an evaluation of CATCH Court could provide lessons learned for other jurisdictions seeking to implement a “heavy touch” diversion program that combines punitive and treatment-oriented approaches for women arrested on misdemeanor charges who have drug or alcohol addiction (i.e., jurisdictions seeking to replicate would not have to focus on human trafficking). Because almost all of the CATCH Court participants have been white, more racially and ethnically diverse jurisdictions may need to make programmatic adjustments that are culturally responsive. However, as debates about decriminalizing prostitution have become more prevalent, many jurisdictions may see the two-year time commitment for program completion as not adhering to the principle of parsimony (i.e., it is a long involvement with the court for a relatively low-level crime) and may opt for shorter interventions.

CATCH Court Logic Model



Chapter 4

Cherished HEARTS (Davidson County, TN)

Based out of the Metro Nashville-Davidson County Probation Department, the Cherished HEARTS (Healing Enslaved and Repressed Trafficking Survivors) program in Davidson County, Tennessee, was created in 2016 to address the needs of human trafficking survivors through trauma-informed care and services, and to create opportunities to better identify and prosecute human traffickers.⁶ The program offers an alternative to incarceration for justice-involved individuals with a history of human trafficking victimization. Participants receive services such as housing, substance use counseling, employment, and the opportunity to dismiss and expunge the relevant criminal charge after successfully completing the program.

This evaluability assessment presents a summary of the Cherished HEARTS program and its goals, a discussion of key characteristics that would make the program ready for an evaluation, and a suggested design for a future evaluation. Data sources include interviews conducted with 12 stakeholders involved with the operation of the program during a site visit in January 2020; a group discussion with key program actors to explicate the program theory and develop a logic model; and a review of relevant program documents (e.g., participant handbook, assessments, referral form) and available data.

Local Context

In 2010, Tennessee’s state legislature commissioned the Tennessee Bureau of Investigation (TBI) and Vanderbilt University to assess the extent of the sex trafficking of minors across the state.⁷ This mixed-methods study identified minor sex trafficking in 72% of counties. Davidson County—which includes the city of Nashville—was one of four counties that had reported more than 100 cases of human trafficking (Quin et al. 2011).

The number of identified cases of sex trafficking in Tennessee has steadily increased between 2012 and the present. A report summarizing human trafficking incidents submitted to the National Human Trafficking Hotline indicated that between 2012 and 2016 there had

⁶ At the time of the Cherished HEARTS site visit in January 2020, there had been no prosecutions of traffickers as a result of the Cherished HEARTS program.

⁷ 2010 Tenn. Pub. Act 1023

been 360 cases of trafficking reported (Administration for Children and Families 2017). TBI reported that in fiscal year 2019-2020, agency investigators received 829 tips regarding potential sex trafficking cases (Tennessee Bureau of Investigation 2020), and in a 2020 news report, TBI staff confirmed that sex trafficking occurred in all counties within the state (Perhne 2020).

The goal of identifying, intervening, and providing services to human trafficking victims has been a priority of the Davidson County District Attorney's (DA's) Office for many years. In 2015, the DA's office developed Grace Empowered, a mandatory one-time, four-hour course that individuals who have been arrested and charged with misdemeanor prostitution attend; after successful completion, their charges may be dismissed. However, recognizing a need to offer more robust and long-term trauma-informed services for individuals who are trafficking victims and have criminal charges that would result in more than a year in jail, Cherished HEARTS was established in January 2016.

Program Model

The Cherished HEARTS program offers a rehabilitative-focused alternative to incarceration aimed at helping participants address substance use disorders, gain life skills, and develop financial independence. The program aims to prevent human trafficking victims from entering or returning to the criminal justice system, and to support them in being productive, law-abiding members of society. The program includes several key elements, including case identification and assessment, trauma-informed courtroom protocols,⁸ links to services, and judicial compliance monitoring. The program offers individualized case management, long-term wrap-around services, and the opportunity to avoid prosecution by successfully completing the program. Housing, mental health therapy, substance use counseling, and other social services are offered throughout the 24-month program. The program functions as a type of probation, but with an emphasis on rehabilitation.

Cherished HEARTS is based out of the Metro Nashville-Davidson County Probation Department. A multi-agency team works together to deliver the program; the team includes a dedicated prosecutor from the Davidson County District Attorney's Office, a dedicated public defender from the Nashville Public Defenders Office, the presiding judge, the Cherished HEARTS program manager, an inmate and trafficking coordinator and two case

⁸ Cherished HEARTS defines "trauma-informed courtroom protocols" as "practices that recognize the needs of victim-defendants, promote safety and procedural justice in the courtroom, and reduce criminal convictions and jail sentences."

managers from the Metropolitan Nashville-Davidson County Office of Family Safety (OFS),⁹ case managers from End Slavery Tennessee, staff from the Mental Health Cooperative, and additional community-based service providers (who assist with providing housing, employment, and counseling).

As of October 2020, the program had about 15 to 20 active participants and had served a total of 68 participants since 2016—15 of whom had graduated. Interviewees reported that the majority of participants were between 25 and 34 years old, white, and cis female.

Eligibility

Defendants must meet the following criteria to be eligible for the Cherished HEARTS program:

- Identified as a victim of human trafficking based on a screening assessment;
- Presently charged with crimes that carry a jail or prison sentence of at least 12 months, or have violated a condition of probation resulting in at least 12 months of jail or prison;
- Not be registered as a sex offender;
- Not be a confirmed gang member;
- Not have pending charges of violent crimes, gun-related crimes, or arson;
- Not have pending criminal charges in other counties or jurisdictions;
- Be a female-identified adult;
- Speak and understand the English language; and
- Agree to comply with the conditions of the program.

The target population of the Cherished HEARTS program is not low-level or first-time offenders. Individuals who are eligible for the program are facing criminal charges that are more serious than a misdemeanor charge of prostitution (the maximum sentence of which is six months in jail). Most Cherished HEARTS participants have not been charged with prostitution or illicit sex work;¹⁰ rather, participants commonly have been charged with other types of criminal offenses, such as driving under the influence of drugs or grand auto theft.

⁹ OFS is a governmental office that aims to “increase victim safety and offender accountability by providing vital crisis intervention services to victims of domestic violence, child and elder abuse, sexual assault, and human trafficking” (Metro Nashville Office of Family Safety n.d.).

¹⁰ Individuals with these charges may be referred to the shorter Grace Empowered program.

Referrals Individuals may be identified and flagged for potential referral to the program through any of the following mechanisms: 1) initial interview with law enforcement officer or public defender as part of an arrest or in connection with a crime; 2) screening by OFS staff while being held in custody; or 3) another stakeholder, such as a prosecutor.

Screening and Assessment The OFS Inmate and Trafficking Coordinator is actively involved in identifying and screening women detained in jail prior to trial to determine program eligibility, functioning as a liaison between the women’s jail and the program. The Cherished HEARTS program manager or the probation officer may also conduct the screening. The screening process typically lasts about one hour and is designed to elicit a comprehensive overview of the individual’s history, current situation, and trafficking experiences.¹¹ The screening for trafficking includes a modified version of the Vera Institute’s Trafficking Victim Identification Tool.¹² Participants are eligible for the program if they screen for current or past trafficking victimization. Additionally, the initial screening assesses the potential participant’s criminal history; education, employment, and financial situation; physical and mental health; social support; neighborhood; substance use history; treatment history; peer associations; safety and social services; and criminal attitudes and behavioral patterns. During their initial screening assessment with potential participants, the Cherished HEARTS program manager or probation officer describes the specific requirements and expectations of the program, intentionally emphasizing that the program is a lot of work and intended for individuals who want to change their lives.

After eligibility is confirmed, the potential program participant is placed on the program’s court docket for the next available time slot. During this court appearance, the eligible individual has the opportunity to have a conversation with the presiding judge to determine if it is a good fit. If the individual elects to enter the program, their case is formally transferred to the Cherished HEARTS Human Trafficking Intervention Court, and they are put in touch with a case manager.

Enrollment, Graduation, and Termination

Individuals who elect to enter the program usually plead guilty to the underlying offenses they have been charged with, agree to a two-year probation sentence, and file a motion to be

¹¹ While the Cherished HEARTS program generally focuses on sex trafficking victimization, the initial screening questions include indicators of labor and sex trafficking.

¹² For more information on the Vera Institute tool, see <https://www.vera.org/downloads/publications/human-trafficking-identification-tool-and-user-guidelines.pdf>.

accepted into the Cherished HEARTS program. There are circumstances in which a participant's case may be kept open without a formal guilty plea or disposition; in those cases, the successful matriculation and completion of the Cherished HEARTS program is considered to be a condition of bond. In both instances, a participant's underlying criminal charges are dismissed when they successfully complete the program. If the individual elects to participate, they sign agreements to the Cherished HEARTS court and bond conditions, a statement documenting that they understand the program and are voluntarily enrolling in the program, and a release of information form.

Fewer participants have been enrolled in and completed the program than originally anticipated. The program is voluntary, but the agreements that participants sign at the onset of their participation include penalties for failure to meet program conditions, such as probation violation warrants being issued. Likewise, consequences for non-compliant or "negative behavior" can result in sanctions, which can include increased probation supervision (e.g., more frequent check-ins with the assigned probation officer), community service, and jail. Causes for termination from the program include re-arrest or a new conviction for a misdemeanor or felony offense, refusal to comply with case management or treatment plans, violent behavior, or repeated dishonesty. Graduation requirements include completion of all Cherished HEARTS program conditions, drug and alcohol treatment, mental health treatment, sobriety for 90 days, financial independence for 90 days, and creation of a plan for maintaining independence.

Activities

At their first meeting with program participants, case managers conduct an in-depth intake assessment. The intake includes questions about participants' trafficking experiences, a domestic violence screening tool, an assessment of adverse childhood experiences, items to assess trauma (Trauma Symptom Checklist), and the Hope Scale. Case managers reassess trauma every 30 days and the Hope Scale every 90 days for the duration of the client's program involvement.

The program is divided into five phases, the first four of which last at least 90 days, and the final phase of which lasts at least 30 days. Each phase is intended to build on the work and accomplishments of the previous phase with the focus of helping participants achieve self-sufficiency and sobriety. Throughout the 24-month program, the requirements and restrictions lessen over time. If a client is struggling with meeting the requirements of a particular phase, they may stay in the phase longer or return to a previous phase. Sometimes clients are terminated or drop out of the program.

Throughout all phases, program participants must attend court appearances (status hearings) and counseling or therapy sessions, comply with biweekly drug tests, and meet other requirements of the program. Phase 1 (Acute Stabilization) initiates services for participants, including an intensive outpatient program (IOP). They are provided financial support and urged to not seek employment during this phase. After three months, if they comply with the program's Phase 1 requirements, including maintaining 14 days of sobriety, participants move to Phase 2. Phase 2 (Clinical Stabilization) is focused on maintaining their newly-established healthy behaviors and environment. Phase 3 (Pro-Social Habilitation) is focused on the participant's ability to engage in healthy social behaviors. Phase 4 (Adoptive Habilitation) is focused on continuation of building healthy coping skills, social networks, and stabilization of medical and mental health. Phase 5 (Continuing Care) is the final phase of the program and focuses on achievement and maintenance of self-sufficiency and abstinence from substance use.

Activities in these phases fall into two main categories: justice-system-based programming and community-based programming, described below. Dedicated case managers from OFS and community-based programs maintain ongoing and regular support with the participants throughout their time in the program. They have frequent contact with participants through scheduled check-ins and in-person visits, keep track of drug test results, and monitor and address any tardiness or absence from required appointments such as therapy sessions. Participants are also paired with a peer for peer-to-peer support.

Justice System-Based Programming Cherished HEARTS requires in-person court hearings throughout the program. Each phase has different requirements related to how often participants need to be present for these hearings. During hearings, participants appear in court and answer questions from the judge, prosecutor, public defender, and other staff who are in attendance. Participants can provide updates on any challenges they are facing or successes they would like to share. Participants are also routinely drug tested by program staff. All court staff are trained in topics to help them meet the unique needs of participants—e.g., trauma-informed care, LGBTQIA+ issues.

Community-Based Programming Cherished HEARTS requires treatment and case management, which are provided by community-based organizations. A key component of the program is its residential treatment, into which other services may be incorporated. Community-based victim service providers offer safe and stable housing, mental health and

substance use counseling and treatment, employment opportunities,¹³ and additional services to meet participants' needs. The program primarily works with two non-profit organizations that provide residential housing and trauma-informed, wrap-around services: End Slavery Tennessee and Thistle Farms. These local non-profit organizations offer specialized training in working with human trafficking victims and may also provide transportation to mandatory appointments. The program also works with other non-profit organizations such as Mending Hearts and Renewal House (for pregnant or parenting mothers in recovery), which can provide housing and other services. Mental Health Cooperative provides medication management and therapeutic services to address mental health needs. Support groups are run by a local sexual assault center.

Cherished HEARTS participants' case managers are either from OFS or End Slavery Tennessee.¹⁴ Depending on the phase, case managers meet with their clients multiple times a week to once monthly. Case managers help participants develop and review progress toward their goals, work with participants on life skills, fill out court sheets, and attend weekly staff meetings to provide updates and progress to the Cherished HEARTS team. Case managers reported using trauma-informed and individualized approaches.

Desired Outcomes

In the logic modeling session, program stakeholders were asked to identify desired outcomes of the program. They identified the following short-term outcomes of the above activities for participants: basic needs met (including housing, food, clothing); sobriety; increased positive coping, life, and social skills; increased knowledge of community services; employment or school enrollment; and increased connection to community. Long-term outcomes—after graduation from the program—include not being rearrested or reincarcerated; self-sufficiency; improved physical, mental, spiritual, and emotional health; sobriety or decreased substance use; family reunification; and individual goal attainment.

More broadly, stakeholders indicated that they expected the program would increase public safety in Nashville, increase the number of justice-engaged trafficking victims identified and served, reduce vulnerabilities of individuals at risk of being trafficked, and increase prosecution of traffickers.

¹³ The program has established strong partnerships with local employers to help secure jobs for participants in such industries as hospitality, food service, and cleaning.

¹⁴ Individuals residing at Thistle Farms, Mending Hearts, or Renewal House have a Cherished HEARTS case manager from OFS.

Program Assumptions

There are several assumptions fundamental to the Cherished HEARTS program. It is built on the premise that women who have been trafficked and engaged in criminal activity have complex issues that make them vulnerable to trafficking and/or are outcomes of their trafficking experiences. These include addiction, substance use disorders, poverty and homelessness, lack of life skills, and lack of healthy social networks. Thus, the program assumes that traditional criminal justice approaches do not work for women who have been trafficked and typically reengage with the justice system multiple times. Instead, the program assumes that a criminal justice response that includes both court-based requirements (e.g., probation, court appearances) and services and support will help women break the cycle of the criminal justice system through addressing participants' underlying issues. The program assumes that court-based requirements will motivate women to stay on track, while services will help heal, empower, and support them to ultimately be self-sufficient. Likewise, the program assumes that eligible individuals who are ready to change will benefit from this program, and completion of all program requirements is achievable. Furthermore, Cherished HEARTS assumes that recovery from trafficking, trauma, and addiction is very hard and relapses will happen; thus, the program includes multiple chances to succeed.

The program also assumes that a multi-disciplinary and collaborative approach with court stakeholders, community-based programs, and mental and behavioral health providers is required to oversee participant cases and support participants. The program believes that its impact goes beyond individual participants: that by decreasing participants' vulnerabilities (and thereby reducing "supply" for traffickers) and potentially engaging participants in trafficking prosecutions, they will reduce trafficking overall in the Nashville metro area.

For further information about the primary assumptions underlying this program, please see the Cherished HEARTS logic model at the end of this chapter.

Evaluability

The following section outlines the evaluability of the program—that is, the extent to which it is ready for an evaluation—in terms of its formalization of policies and processes, data availability, scale, and other indicators outlined below.

Collaboration

There is a high level of collaboration among all the partners involved in Cherished HEARTS. The full team—including criminal justice partners at the court and community-based service providers—meets weekly to review cases and participate in court group status hearings. All

program staff indicated a strong commitment to helping participants achieve success. They are grounded in many similar assumptions and approaches (e.g., participants need long-term and ongoing services and support), which enhance their desire to share information and work together. They each fill specific roles, without which the program would not work, so they rely on each other to bring complementary services and specialized expertise. They identify as a team and appear to enjoy working together. In addition to the Cherished HEARTS team, the program relies on housing services provided by local non-profit organizations.

Policy Formalization

The program staff have formalized and documented various internal staff and participant processes. There is a participant handbook that outlines the requirements and expectations of the program. The referral form is the same for all partners and is available on paper or online. The initial screening and agreement forms have been formalized. The program uses a modified version of the Vera Institute's Trafficking Victim Identification Tool as part of the initial screening process to identify individuals who have experienced trafficking. Program staff drafted memoranda of understanding with the member agencies, as well as with additional local organizations to formalize service agreements and outline roles and responsibilities. The program staff created documentation to guide communication protocols among the stakeholders and program staff. In addition, the program developed protocols on the use of specific incentives and sanctions, after staff expressed a lack of clarity around this.

Scale

The program has about 15 to 20 active participants at any given time. There is strong interest among program staff and other stakeholders in Davidson County to expand the scale and capacity of this program to be able to serve more participants. To expand the program, Cherished HEARTS would need to determine how to change their process of identifying potential participants, reexamine eligibility requirements, and ensure they had partners who could offer sufficient services, particularly related to residential housing (there are waitlists for certain residential programming). The program has worked on expanding services to pregnant and parenting mothers with babies and young children, and to transgender women.

Local Research Capacity

Ms. Lauren Allard of Allard Consulting, LLC of Huntsville, Alabama, recently conducted an independent evaluation of the Cherished HEARTS program. The evaluation, supported by the Bureau of Justice Assistance Innovative Prosecution Solutions grant for which Ms. Allard served as a research partner, included both process and outcome components. The

main purpose of the evaluation was to document progress made by the program in achieving its programmatic requirements.

Evidence-Based and Promising Practices

Cherished HEARTS staff have integrated some promising practices into the program. Program participants obtain substance use disorder treatment services through residential programs, which have shown moderate effectiveness (de Andrade et al. 2019; Reif et al. 2014). In addition, the program utilizes a peer-based recovery support approach through their group court status hearings and peer-to-peer support. Research has shown that recipients of peer-based recovery support may experience improved outcomes, including reduced relapse rates, increased treatment retention, increased satisfaction with services, and improved relationships with providers and social supports (Reif et al. 2014; Substance Abuse and Mental Health Services Administration 2017).

The Cherished HEARTS approach to have a case manager assigned to each participant can be categorized as a promising practice. Trafficking services research has underscored the value of the case manager for an individual exiting from their trafficking situation; research has indicated that for many trafficking survivors, an assigned case manager is the most valuable service provided to the individual (Clawson & Dutch 2008; Davy 2015).

Sustainability

Ensuring the long-term sustainability of Cherished HEARTS is uncertain. The program was largely supported through a grant from the Bureau of Justice Assistance (BJA) that ended in September 2020, following a 12-month no-cost extension. Starting in September 2020, the primary case manager and inmate and trafficking coordinator, who work closely with the participants, continue to be supported through the county's Office of Family Safety. The presiding judge and program manager remain in place; neither were primarily supported through this BJA grant. The program is considering the possibility of going through the state's certification process to become formally recognized as a recovery court in Tennessee. That status would make the Cherished HEARTS program eligible for other funding sources, as well as formal support from the state. Program partners continue to actively explore longer-term funding sources.

Data Capacity and Gaps

Participant demographic information is entered into the probation and state-level data management system, Tennessee Web-based Information Technology System (TN-WITS). TN-WITS is a technology system used, in part, to collect data on recovery court participants

in Tennessee, but includes Cherished HEARTS participants as well. Cherished HEARTS program staff, the dedicated prosecutor, and the independent evaluator have been regularly collecting and maintaining data such as participant demographics, trafficking experiences, program participation, and attrition. They also track education and employment (full- and part-time); living situation (homeless, independent, and dependent); case management interactions; court information; drug use; drug testing results; client satisfaction; attendance at therapy; and discharge information. End Slavery Tennessee case managers also collect and track data in an Excel spreadsheet. These data include information on adverse childhood experiences, safety, trauma symptoms, the Hope Scale, and referrals. OFS case managers collect similar information. These data could potentially be requested to use for an evaluation.

Future Evaluation Design

The Cherished HEARTS program shows both strengths and challenges related to future evaluation. Strengths include:

- There is a dedicated and committed team of service providers who support and reinforce the program model.
- The eligibility criteria and target population are well defined. The requirements of the program are clearly defined and communicated, and strongly reinforced by the court.
- Program staff have worked closely with an independent evaluator on a process and a limited outcome evaluation. The evaluator has been instrumental in creating monitoring and assessment tools that can be utilized in a full evaluation. The evaluator has developed data collection protocols for baseline and follow-up staff surveys to assess and measure challenges and successes.
- There is interest and local political support for the program. The program has received positive feedback from staff, other actors in the criminal justice system, and the larger Nashville community.

Challenges include the following:

- Fewer participants than originally anticipated have enrolled in and completed the program. The 24-month length of the program may contribute to low enrollment and retention numbers.
- Given a lack of universal screening (i.e., only individuals who are determined to be eligible for a human trafficking screening ultimately are offered the opportunity to enroll) and no training for law enforcement on how to screen individuals for

trafficking, it is possible that a number of eligible participants are not being identified.

- There are high attrition rates. The program requirements are extensive and include up to two years of adherence to regular meetings (with the court, probation officer, and case manager) and completion of other program activities to graduate. These requirements, in addition to the challenges of substance use disorder recovery and trauma, can be daunting and are not attainable by all participants.
- The annual caseload is too small for a rigorous outcome evaluation that captures the change in measures such as physical, mental, and spiritual well-being that require baseline surveys or interviews at the time of entry to the program. The overall sample size since the program began is too small for any statistical power on other outcomes.
- A steady source of long-term funding has not yet been identified, thus the long-term sustainability of the program is unknown. The program is not certified as a formal specialty court with the state of Tennessee's Department of Mental Health and Substance Abuse, limiting the program's ability to access state funding.

Given the above, we propose a future evaluation design for Cherished HEARTS that takes these strengths and challenges into consideration. We recommend focusing on a process evaluation that builds on the preliminary findings from the 24-month BJA grant evaluation. Findings from the process evaluation reflect the dynamic growth and evolution of the program, as over time it formalized certain protocols, clarified staff roles, and gained more experience providing specific services and resources. The process evaluation would delve deeper into the program activities, including screening processes, participants' experiences, and short-term outcomes.

Process Design

We propose conducting a process evaluation that would build on existing process evaluation findings and involve assessing barriers to implementing certain aspects of the program; dosage and reach; program infrastructure; and the social, political, and legal factors that may affect program implementation or desired outcomes. These data could be collected through multiple primary data collection methods, including a quantitative data tracker, semi-structured interviews with program staff and stakeholders, interviews with current and former Cherished HEARTS participants, and a document review.

Quantitative Data Tracking A database could track detailed information on participant demographics; trafficking history; and rates of attrition, completion, and termination. This database could build on the tool developed by Ms. Allard in her initial process evaluation. Potential additional program outputs could include: number of people eligible for the program (based on age and criminal charge), number of people offered the program, time in

each program phase, drug and alcohol test results, details about attrition and the circumstances surrounding participants' attrition, the number of people who chose the program over the traditional criminal justice response, "case outcome" (i.e., number who completed program requirements and had their charges dismissed), and the number of cases that flag for potential trafficking. Demographic data could be collected for all eligible participants to investigate whether there are any differences between those who choose to enter into the Cherished HEARTS program and those who do not, as well as those who successfully completed the program and those who do not.

Stakeholder Interviews Semi-structured interviews could be conducted with program staff that operate and support the Cherished HEARTS program. This could include the presiding judge, program manager, case managers, trauma specialist, public defender, dedicated prosecutor, and key victim service providers. These interviews could help identify how the program is functioning and where additional clarity in the process or other types of support for staff or participants is needed, document staff perceptions on how the Cherished HEARTS program is serving the participants, and record ideas about how the program might scale up or offer more targeted services and resources. These interviews could also reveal any challenges in carrying out specific aspects of the program, and provide feedback on whether specific strategies are perceived to have a positive impact. These interviews could help identify other contributing factors that may shape or influence how the program is being implemented, such as staff turnover, support (or lack of support) from the county or city, and other contextual factors.

Participant and Alumni Interviews To more fully understand "what works" for participants, the process evaluation could also include qualitative interviews with participants who are currently in the program, those who have graduated, and those who ended participation without successful completion. These data could provide an in-depth understanding of the participant experience, including why and how the program works for some, but not others. These findings could be immediately relevant to program improvement and could inform what aspects of the program should continue to be replicated.

Affidavit Reviews If they could be accessed, a process evaluation could include a qualitative review of the affidavits sworn to by participants, to identify common characteristics of participants' trafficking history. This assessment could reveal commonalities in participants' experiences and needs, and additionally inform the types of training and/or resources staff may need.

Outcome Design

An outcome evaluation rigorous enough to provide causal evidence does not appear to be an option at this time given the small number of individuals who have participated in the Cherished HEARTS program, no option for random assignment, and significant barriers for constructing a comparison group for a quasi-experimental evaluation. Furthermore, the program is long (up to 24 months) and has high attrition rates. Yet, select outcome measures could be tracked to facilitate program knowledge and improvement.

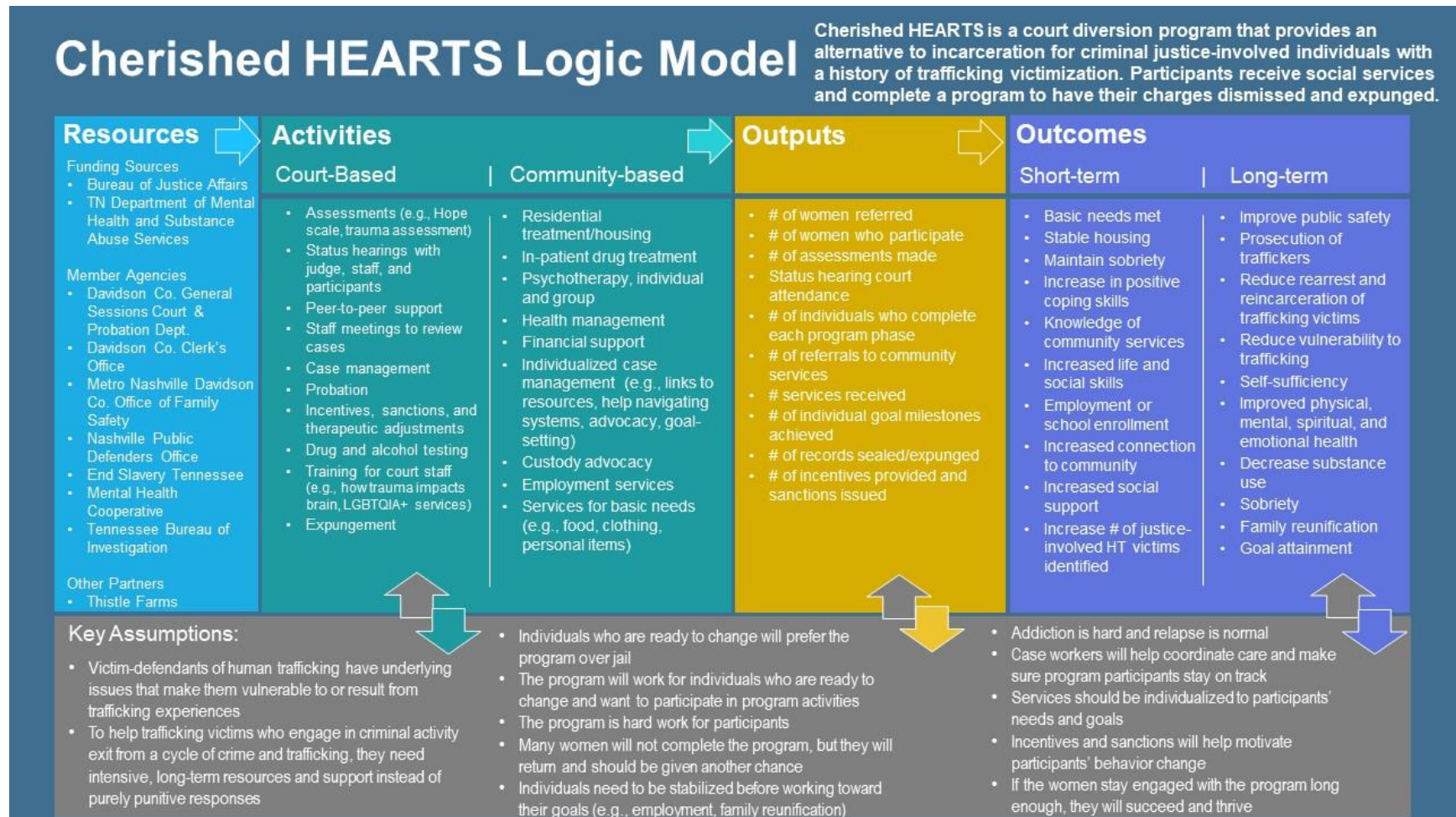
Measure #1: Participant Well-Being A one-group, repeated measures design could be implemented to track changes in participant well-being. Well-being could be captured through an assessment such as the Outcomes for Human Trafficking Survivors tool (Cutbush, Gibbs, & Charm 2020) administered the day a participant is assigned to the program (baseline) and every six months across three years. The tool captures outcomes such as behavioral health, physical health, safety, life skills, and resource management. Process evaluation data related to program dosage could be linked to this assessment data to determine if those with more program exposure have more positive outcomes. Process evaluation data related to baseline characteristics (e.g., demographics) could be used to explore whether the program seems to work better for certain groups of people. To measure outcomes related to recovery from substance dependence, data could be collected using common instruments such as the Severity of Alcohol Dependence Questionnaire (Stockwell et al. 1979) and the Substance Dependence Severity Scale (Miele et al. 2000), as well as using the results from in-program drug tests.

Measure #2: Recidivism Administrative data on case outcomes and recidivism (re-arrest, time to re-arrest, jail time, expungement) could be tracked for each Cherished HEARTS participant after termination or graduation from the program. Process evaluation data related to program dosage could be linked to the administrative data to determine if those with more program exposure have more positive outcomes.

Generalizability

Findings from an evaluation of Cherished HEARTS could provide lessons learned for other jurisdictions seeking to implement an intensive diversion program for justice-involved women who have experienced trafficking and who are facing at least a year in jail or prison. Most Cherished HEARTS participants have been white and cisgender female. Thus, more diverse jurisdictions may need to make programmatic adjustments that are culturally responsive. The commitment of up to 24 months for a program may also be seen as overly excessive for those who are eligible.

Cherished HEARTS Logic Model



Chapter 5

Project 180 (Harris County, TX)

Led by the Harris County District Attorney’s Office (HCDAO), Project 180 is a pretrial diversion program for individuals aged 18-24 who have been charged with prostitution in Harris County, Texas. The program has three primary goals: 1) to reduce the harm of criminal justice intervention for young people engaged in selling sex, 2) to connect young people in the sex trade with community-based resources, and 3) to increase the identification and prosecution of human trafficking offenders. To accomplish these goals, Project 180 brings together law enforcement, prosecutors, and victim service providers. The program has engaged 571 participants between 2017-2021, 93% of whom completed and had their prostitution charge successfully dismissed.

This evaluability assessment presents a summary of Project 180 and its goals, a discussion of key characteristics that would make the program ready for an evaluation, and a suggested design for a future evaluation. Data sources include interviews conducted with 12 stakeholders involved with the operation of Project 180 during a site visit in February 2020; a group discussion with key program actors to explicate the program theory and develop a logic model; and a review of relevant program documents and available data.

Local Context

Sex Trafficking and Prostitution in Harris County, TX

Harris County is a rapidly growing metropolis and its county seat, Houston, is the fourth largest city in the United States (City of Houston 2019). Among the country’s most diverse cities, almost one-third of Houston’s residents are foreign-born and nearly half speak a language other than English at home (U.S. Census Bureau 2020). Harris County’s diversity undoubtedly strengthens the cultural capital of the region but also poses unique challenges in terms of assisting those in the sex trade.

Prostitution in the county occurs in a broad range of venues—some catering to specific demographics of buyers, and some involving narrow demographics of sex workers and potential trafficking victims. This results in the need for culturally responsive prevention and enforcement strategies. For example, Houston has several documented cases of sex trafficking occurring in cantinas—commercial-front bars that largely cater to a Latinx

clientele. At some of these cantinas, women and girls are seen flirting with men, encouraging the men to buy alcohol and to accompany them to on-site annexes or nearby hotels where the men can purchase sex. A 2016 report by Polaris dubbed this pattern the “Houston model,” identifying modes of force, fraud, and coercion that compel the women into these roles.

Along with cantinas, known human trafficking cases in Houston have occurred in illicit massage parlors (Bouche & Crotty 2017), strip clubs, and in hotels and residences, often facilitated by the Internet. Street-level prostitution cases remain a problem as well. Of particular concern is a small area, less than half a mile across, notoriously known as “the Track,” from which the Houston Police Department received 3,800 reports of crime from the beginning of 2016 through August 2018; a quarter of these reports were prostitution-related (Asgarian 2019).

Because of Harris County’s large size, there are multiple law enforcement agencies with jurisdiction in the county, and each has its own approach to addressing prostitution. Despite this, all prostitution and human trafficking cases filed locally come through the HCDAO, making it an important agency for coordinating an approach to the identification of potential human trafficking victims, no matter which law enforcement agency files initial charges.

Community Strengths and Challenges

Houston has a long-established history of interagency collaboration around anti-human trafficking efforts. The Human Trafficking Rescue Alliance, a federally-funded task force, was first established in 2004 and continues to bring together law enforcement and victim service partners. It is currently led by the Houston Police Department but involves the collaboration of multiple state and local law enforcement agencies. The YMCA International of Greater Houston has received funding from the U.S. Department of Justice’s Office for Victims of Crime to lead victim service provision efforts for the task force. In theory, the Human Trafficking Rescue Alliance focuses on both sex and labor trafficking; in practice, attention has been concentrated on sex trafficking identification.

In addition to the task force, in 2014 the city of Houston created a full-time position in city hall—the special advisor to the mayor on human trafficking—who coordinates municipal-level anti-trafficking efforts. There are multiple regional anti-trafficking coalitions, including the Houston Rescue and Restore Coalition, a collaborative effort of anti-trafficking advocates, local victim service providers, and faith-based organizations. These organizations provide a broad range of support to identified trafficking victims, including pro-bono legal support, assistance, health services, and more.

While these local collaborations exist, they are not without challenges. The services available from some key agencies are limited due to organizational mission (e.g., a solitary focus on sex trafficking) or funding restrictions (e.g., monies are only to be used for non-immigrant victim service provision). However, due to the collaborative nature of area providers, it is generally possible to meet the needs of a wide range of identified human trafficking victims, through specialized services and placements that take into consideration type of trafficking victimization, gender identity, age, immigration status, and individual needs.

Program Model

In 2017, with funding from the Texas Office of the Governor, the HCDAO developed the Project 180 program to divert some of the prostitution cases that were coming through their office. The overarching objectives of the program are to: 1) reduce the harm and stigma of criminal justice involvement for young people engaged in prostitution, 2) connect these young people to community-based resources that may be able to help them to disengage from prostitution, and 3) examine their prostitution cases for indicators of trafficking to build criminal cases against any potential traffickers.

Running such a program involves the coordination of multiple law enforcement agencies, including the Houston Police Department, the Harris County Sheriff's Office, Harris County Constable's Office Precinct 1, and investigators from the HCDAO. It also relies on the collaboration and participation of multiple community-based victim service providers, including the Greater Houston YMCA, the Houston Area Women's Center, Baptist Child and Family Services Houston, the Landing, and Unbound Houston.

The current iteration of Project 180 is set to end in March 2021. Under the framework of the current grant funding, the HCDAO and each of the participating victim service providers applied separately for funding from the Texas Office of the Governor to support their efforts. A private donor has provided additional funding to support a Mandarin-speaking advocate, who provides services for Mandarin-speaking Project 180 participants on a contractual basis.

Eligibility

Individuals between the ages of 18 and 24 who are arrested on prostitution charges in Harris County are screened for eligibility for Project 180. Generally, eligible victim-defendants have been arrested for a misdemeanor-level prostitution charge without any co-occurring felony charges (such as drug possession), although there is some flexibility exercised when applying these criteria. Those with a substantial history of prior prostitution arrests may not

be deemed eligible but could be referred to Project Second Chance, a more traditional prostitution diversion program offered by the HCDAO.

Assistant district attorneys contact the defense attorney of each eligible individual before or during the initial court setting. Defense attorneys discuss the program process with their clients, who are ultimately able to decide whether they would like to participate in the program. Those who decide not to pursue the program continue with a traditional hearing for their prostitution charge. Those who decide to join the program have their court date reset for 60 days to give them time to complete their “meaningful contact” appointment with their assigned victim service provider. Though the program requires significant coordination between agencies, the actual commitment from any potential program participant is minimal: attend one one-hour session with a service provider.

Activities

Program activities are carried out by three main groups: 1) law enforcement personnel; 2) staff from the district attorney’s office, including prosecutors, specialized human trafficking intelligence analysts, and investigators; and 3) community-based victim service providers. Each of these partners plays an important role in program activities; however, they operate largely independently of each other.

Law Enforcement Law enforcement partners have two main roles. First, they make initial prostitution arrests. By and large, officers have received training to assess prostitution cases for indicators of human trafficking while still on scene, but the degree to which this is carried out depends on the individual officer, the agency they represent, and the policies and trainings available through their department. The second law enforcement activity happens when intelligence analysts at the HCDAO determine that a Project 180 case likely had a human trafficking component; the HCDAO may turn the case back over to specialized human trafficking investigators to gather the evidence necessary to pursue charges against the trafficker. Even though this intelligence-gathering effort is an important element of the program, program participants are not required to participate in any part of the prosecutorial process as a condition of successful program completion. Relatedly, program participants do not have to give active consent for analysts to examine their cases or to pursue charges against traffickers discovered as a result of this investigatory effort.

District Attorney’s Office The HCDAO is where Project 180 begins. Activities include screening all prostitution arrestees for program eligibility. Eligible victim-defendants are offered entry into the program in consultation with their defense attorneys. As described

above, if a victim-defendant chooses to enter the diversion program, their court date is reset for 60 days. The victim-defendant is assigned to one of the partnering community-based victim service provider agencies for follow-up services (described below), based on various characteristics and determination of best fit (e.g., language needs, geographic proximity, existing relationship with a service provider).

Using multiple investigatory methods and databases, HCDAO intelligence analysts then begin investigating the cases carefully for any potential indicators of human trafficking that may not have been evident at the time of initial law enforcement contact. In cases where there is evidence of human trafficking, investigators build criminal cases against the traffickers and then turn back to law enforcement partners with explicit instructions about the evidence necessary to arrest suspected traffickers and pursue criminal charges against these individuals. There are investigators from the county's two largest law enforcement agencies—the Harris County Sheriff's Office and the Houston Police Department—who are designated at least part-time to assist with these investigations that originate with HCDAO investigative staff. If all the necessary evidence is gathered against the identified traffickers, the HCDAO files charges against them. A final activity of the district attorney's office is to dismiss charges against victim-defendants once they have met the terms of their Project 180 contract, which is to meet once with a victim service provider.

Victim Service Providers When a Project 180 participant has been assigned to one of the participating community-based service providers, the service provider agency is notified via email and given the individual's name and contact information. A victim service provider from the agency reaches out and sets up a “meaningful contact” appointment. There is no standardization across partner victim service providers in terms of what constitutes meaningful contact; however, generally these meetings last about an hour and involve an assessment of participant's needs and delivery of information regarding available community resources that they can access at their discretion. Afterward, the service provider notifies the HCDAO that the meeting has been completed, at which point, the victim-defendant is eligible to have their prostitution charge dismissed.

Desired Outcomes

In the logic modeling session, Project 180 stakeholders were asked to identify desired outcomes of the program. Accordingly, they stated that for program participants, the most concrete outcome of the above activities is that their criminal charge for prostitution is dismissed. This also allows participants to avoid the legal and social repercussions and stigma associated with a prostitution arrest. Another desired outcome is future voluntary

engagement with community-based services such as employment assistance, physical and mental health services, food pantry access, violence prevention education, and short- and long-term shelter assistance. Ideally, engagement in services would eventually lead to desistance from sex work.

This program may also lead to the identification of perpetrators of human trafficking who may not have been identified through traditional prostitution arrest responses. Ideally, these perpetrators would be held criminally responsible and charged and sanctioned accordingly.

Program Assumptions

Several assumptions underlie the Project 180 program model. First, since opting in to the program is voluntary, there is an assumption that participants will prefer this program rather than traditional criminal justice processing and, potentially, sanctioning. As program eligibility is focused on younger persons with few, if any, prior prostitution arrests, there is an assumption that those who have not had extensive experience with the criminal justice system will be more willing to access non-mandated services and more eager to avoid the stigma of a criminal conviction. The program model overall assumes that program requirements should be proportionate to the arrest charge and not overly burdensome.

In terms of victim service provision, there is an assumption that participants will be honest about their needs and that the provider is effective in drawing those needs out, and that participants will benefit from the community-based services being offered (e.g., that they want to access services, that they are eligible for the suggested services, that the services are relevant to their needs, etc.). There is also an assumption that there is some level of consistency across providers in terms of services offered.

Regarding benefit to the district attorney's office, there is an assumption that there may be unidentified elements of trafficking present in these prostitution cases, and that investigative analysts will be able to identify human trafficking victimization even without the cooperation of participants. The model also relies on continued support by law enforcement partners even after the point of arrest and pursuing charges; therefore, another assumption is that investigators will be willing to revisit cases that have been further built out by HCDAO intelligence staff. Finally, it is assumed that enough evidence can be gathered in cases initiated by intelligence personnel that traffickers can be identified, charged, and prosecuted.

For more details on key program model assumptions, please refer to the Project 180 logic model at the end of this chapter.

Evaluability

The following section outlines the evaluability of Project 180—that is, the extent to which the program is ready for an evaluation—in terms of its formalization of policies and processes, data availability, scale, and other indicators outlined below.

Collaboration

The collaboration among partners for this program is couched in previous collaborative structures. Because of existing relationships, partners are willing to come together to support this program for the district attorney’s office. Even when there are disagreements between partners about the theory behind core programmatic components—e.g., not everyone agrees that dismissing prostitution charges for Project 180 participants is a good idea, or that there should be a focus on investigating cases for human trafficking indicators even without a participant’s explicit consent—support among all players remains consistent in the interest of maintaining positive working relationships with district attorney and victim service provider personnel.

The interagency collaboration for this initiative also rests on the differential outcomes of interest to the various partners. Law enforcement partners are eager to see if this program ultimately results in reduced recidivism for participants but understand that short-term recidivism outcomes are not a reliable indicator of long-term desistance from sex work. District attorney stakeholders hope to see an increase in the identification and prosecution of human traffickers. Victim service providers hope to engage Project 180 participants beyond the hour of “meaningful contact” required for successful completion of the program. The fact that none of these goals can be met without the collaboration of all program partners seems to be understood across stakeholders.

Policy Formalization

The main objectives of Project 180 have remained consistent since the program’s conception in 2017. However, elements of the program’s processes, partners, and specifications around program eligibility have fluctuated somewhat over time, which indicates limited policy formalization within the program. Some of this is due to the absence of formalized policy, while other changes—specifically those related to program processes such as the timeframe in which meetings should occur or the feasibility of in-person meetings between participants and service providers—have been impacted by events such as Hurricane Harvey and the COVID-19 pandemic.

When Project 180 began in 2017, there was one victim service partner: the Houston Area Women’s Center. However, it became evident that flexibility around providers was important due to the diversity and varied needs of Project 180 participants. For example, some participants were from other Texas cities or other states and were better served by providers in their home communities. Some participants needed language and cultural competency skills better provided by more specialized providers. Others already had established relationships with certain area service providers and preferred to receive their “meaningful contact” through that known provider. As of May 2020, there were several victim service provider partners with formally established roles in the program; however, there is room in the program process for assignment of participants to outside agencies when there is compelling reason to do so. There is no standardization of what constitutes “meaningful contact” across service providers.

The target population for this program is specific (people aged 18-24 arrested for prostitution-selling without co-occurring felony charges or numerous prior prostitution arrests) and well understood by relevant program stakeholders. However, prosecutors are given discretion in terms of offering the program and adjusting the conditions of program completion. Sometimes participants are asked to complete measures beyond the “meaningful contact” with a victim service provider, such as also engaging in drug treatment. This discretion is not formalized in written program policy or procedures. Moreover, these decisions are made on an individualized basis without the guidance of an assessment tool. Additionally, at times, individuals outside of the target program age range are offered entry into the program; the qualifications for entry might be better considered guidelines rather than formalized procedure.

Lastly, it is written in the program’s original grant proposal that a goal is to dismiss criminal charges within 60 days if a participant successfully completes their “meaningful contact” with a service provider. However, there is documented variance of zero to 132 days between the “meaningful contact” date and when charges are ultimately dismissed (Pfeffer 2019).

Scale

There is no stated program size goal for any specific period. There were 571 participants in Project 180 between when the program started in Fall 2017 and February 2021. As prostitution continues to be a priority of local law enforcement in the county and as requirements for program entry remain somewhat fluid, the program size is likely to remain sufficient for program evaluation. Additionally, there have been 82 human trafficking

defendants charged to date based on investigations stemming from Project 180 cases, the majority of which are still pending.

Local Research Capacity

As required by the funding agency, the HCDAO is working with Houston-based researcher Dr. Rebecca Pfeffer to evaluate the program. Dr. Pfeffer has extensive experience working with local partners in Harris County on various projects related to prostitution and human trafficking. As a result of this work and the relationships the evaluator has built, multiple criminal justice partners, including the HCDAO and the Houston Police Department, have been comfortable providing data to her. At the end of the first round of state funding for Project 180, she produced an initial process evaluation report that provided descriptive information about program participants and processes and included analysis of how Project 180 participants compared to the general population of those arrested for prostitution during the same period, in terms of demographics and case outcomes (Pfeffer 2019).

Evidence-Based and Promising Practices

A harm reduction philosophy guided the initial creation of the Project 180 program, but the actual program components are not rooted in known, empirically-guided best practices. Individual service providers may offer empirically-based services, such as trauma-informed care or the use of validated screening tools, but none of this is formalized in program policy nor systematically recorded. Finally, when the victim service providers assess participant needs during their “meaningful contact” session, they do not use a validated assessment tool.

Sustainability

Project 180 is currently funded through a state grant that will expire in March 2021. The HCDAO has applied for additional grant funding through the Texas Office of the Governor that would continue to support Project 180. It is unclear whether the partner victim service providers have applied for or received additional funding to continue providing services to Project 180 participants beyond the life of the current grant. At this point, there are no concrete plans for long-term program funding.

Data Capacity and Gaps

A substantial amount of data is collected by the HCDAO for all prostitution arrestees (whether they were a Project 180 participant or not), including demographic information; case-level information, including date of arrest, charges, date of court setting(s), case outcome, sanction, attorney, prosecutor, and judge; and any associated co-defendants from

the case and their information. HCDAO is also able to provide recidivism data including any subsequent prostitution arrests within the county.

Additionally, the HCDAO intelligence staff create and maintain a supplemental file with information about each case they determine should be further investigated for indicators of human trafficking. Information in this database includes what they gather from supplemental sources including child protective services records, phone records, social media, online advertisements, and evidence gathered from laptops. This database includes cases with trafficking indicators, cases in which a trafficker is identified, and the case status if a trafficker is criminally charged. Finally, data is available from the local process evaluation of Project 180, which included an exit survey for participants to assess their program experiences.

There is no data available indicating why seemingly eligible individuals who were arrested for prostitution did not enter the program. This would be important supplemental information to understand if individuals are systematically excluded from program participation, or if they individually chose not to participate for various reasons. This information would also be helpful in terms of informing an outcome evaluation, as we might understand how Project 180 participants are or are not representative of all potential program participants.

The only information that all partner victim service provider agencies share back with HCDAO is the date that a participant attends their “meaningful contact” appointment, thus fulfilling the conditions of their Project 180 contract. This is data that the district attorney’s office would be able to provide for evaluation purposes.

As this program involves contracting with multiple victim service providers that operate independently, there is no standardized data collection across service providers. However, if victim service providers would work together to standardize the intake/risk assessment that they utilize during the “meaningful contact” period, this would be a helpful step in standardizing data collection across the program and, if they were to use a validated tool, could help establish an empirically-based data collection procedure.

Future Evaluation Design

We believe that Project 180 shows both strengths and challenges related to a future evaluation. Strengths include:

- Program partners collaborate well and share information; they have made themselves

available to researchers.

- There are enough participants to generate a sufficient sample size for evaluation.
- The target population is specific.
- Program eligibility criteria and goals are clearly identified.
- The short-term goals are achievable and relevant to the limited program activities.
- Data on short-term goals (e.g., criminal records, connections to resources, and prosecution of traffickers) are currently being tracked.
- There is a local researcher to help facilitate access to data from stakeholders.

Challenges include:

- There is a lack of consistency and no use of evidence-based practices in how service providers assess participant needs; different practices may be necessary given the demographic diversity of the population.
- There may be fidelity issues in terms of offering the program to everyone eligible—i.e., it is unknown why some eligible participants do not receive the program, or how prosecutors use discretion to determine additional requirements for program completion other than the one “meaningful contact” session.
- The sustainability of program funding is uncertain.
- Given the limited scope of the project and contact with participants, the longer-term goals (e.g., desistance from sex work) may not be realistic or achievable.
- While data can be tracked for some longer-term goals (e.g., reduced recidivism), other goals (e.g., future engagement with services) would be more difficult to obtain.

Given the above, we propose a future evaluation design for Project 180 that includes both process and outcome evaluation that takes these strengths and challenges into consideration.

Process Design

We propose a process evaluation¹⁵ that includes multiple data collection methods to produce a rich description of the program including fidelity to the model; obstacles and facilitators to implementation; dosage and reach; program infrastructure; and the social, political, and legal context that may affect program implementation or desired outcomes. The following methods could be employed:

¹⁵ The program model has changed since the last process evaluation, and even since the researchers conducted a site visit for this study in early 2020. For instance, the program has incorporated a pre-arrest diversion option for sellers.

Quantitative Data Tracking A simple database could be set up to document the dosage and reach of the program. Program outputs could include such things as number of people eligible for the program (based on age and criminal charge), number of people actually offered the program, number of people who chose the program over the traditional criminal justice response, case outcome (i.e., number who completed their “meaningful contact” and had their legal case dismissed), and the number of cases that are flagged for potential trafficking. To help document fidelity to the model, the length of time between arrest and case resolution could be tracked to determine how many successfully get their case dismissed within 60 days. Demographic data could be collected for all individuals eligible for the program to investigate whether there are any differences between those who choose to become a Project 180 participant and those who do not, as well as those who successfully complete the program and those who do not.

Stakeholder Interviews Qualitative interviews with those involved in running Project 180 (e.g., district attorney staff, law enforcement, service providers) could help evaluators gain a rich understanding of the program and the nuanced details of each component, such as how a participant is matched with a victim service provider, what constitutes a “meaningful contact,” how needs are assessed across providers, how investigators use case data to determine whether it is a potential trafficking case, and how prosecutors make a decision to add additional requirements. Interviews could help illuminate challenges—what makes program implementation difficult (e.g., not all prosecutors offering the program to eligible participants)—and facilitators to program implementation (e.g., history of successful collaboration between key players). Stakeholder interviews could also explore program infrastructure, such as the resources (e.g., money, technology, staff, translators) and staff training needed to administer the program. Finally, interviews could help capture the relevant contextual factors that might impact how the program is run and how participants receive it. This could help explain outcome evaluation findings.

Participant Surveys As mentioned above, the local researcher has conducted exit surveys with participants to capture their experiences with the program. Evaluators could review the findings from these surveys as well as administer a revised version of the survey to all new participants.

Outcome Design

Between October 2017 and February 2021, Project 180 engaged 571 participants. If the program continues to serve the same number of participants, an outcome evaluation with a large enough sample size for statistical power would be possible. We propose a quasi-

experimental design with a comparison group. Potential sources of comparison group participants could be 18- to 24-year-old individuals arrested for prostitution in a nearby county during the same period who were geographically ineligible for the program, or those arrested in Harris County in the same period who were eligible for Project 180 but for some reason were not offered the program (not those who rejected the program). More research would be needed before deciding if the latter comparison sample would be sufficiently large enough. Once a comparison group is identified, adjustment techniques could be implemented to compensate for any selection bias stemming from initial baseline differences between the Project 180 and comparison samples.

Outcome Measures The program’s three primary short-term goals include reducing criminal justice involvement, increasing connections to community-based resources, and improving the prosecution of human trafficking offenders. To determine whether these goals were met, the following measures could be analyzed and compared for the Project 180 cases and the comparison cases: percent dismissed and percent of cases in which human trafficking offenders were identified and prosecuted. These administrative data are already being captured by the district attorney’s office and law enforcement agencies. Measures of service provision (e.g., number of medical visits or counseling sessions in the past six months) would need to be created and captured through pre-post surveys.

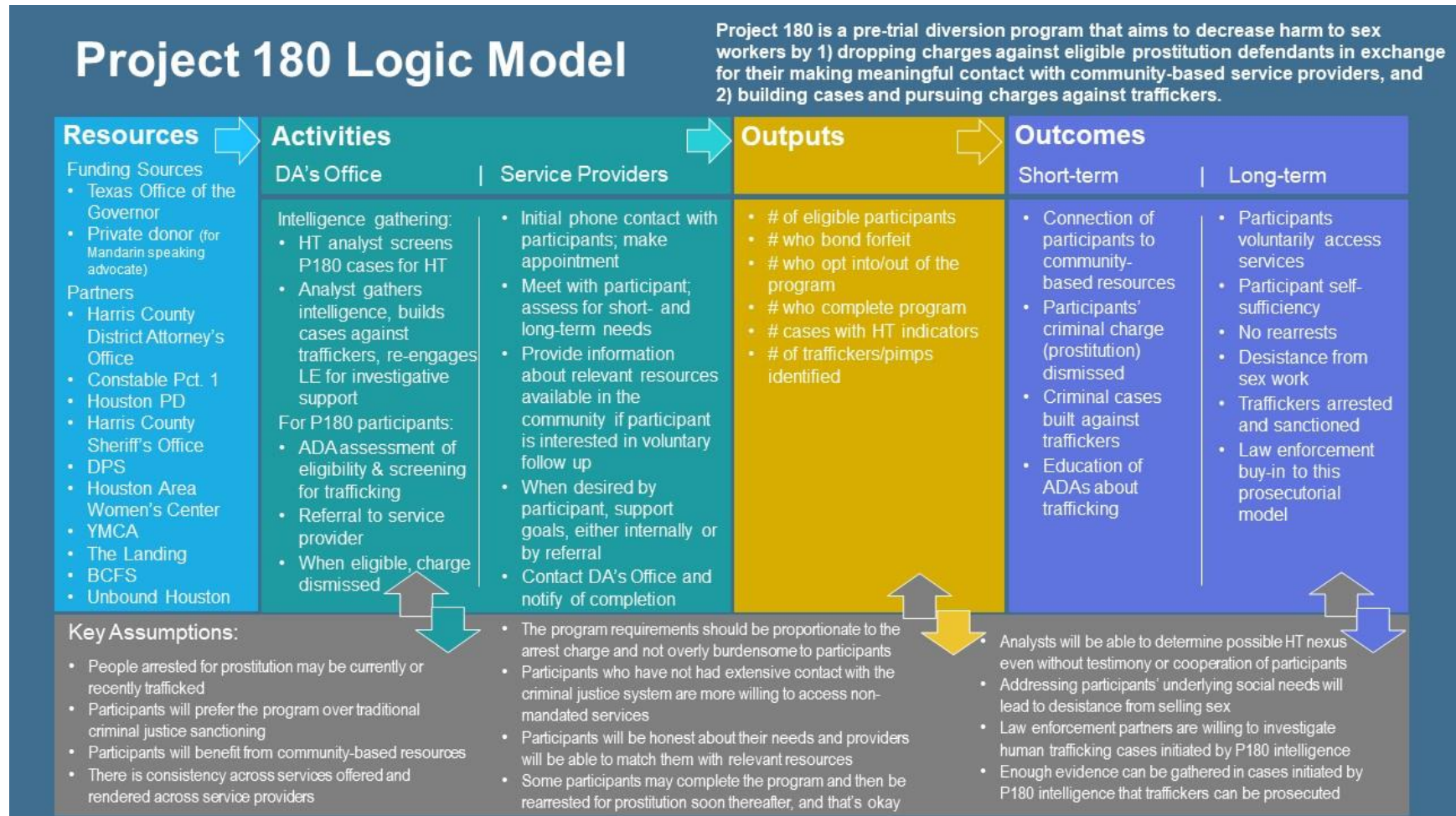
Because demographic data on Project 180 participants could be tracked in the process evaluation, evaluators could link demographic information to outcomes. The outcome evaluation could include subgroup analyses for program participants to help determine whether there are any differences in outcomes based on age or race/ethnicity.

Due to the limited scope of the program (about one hour of contact with participants) and the voluntary nature of services, we do not recommend an evaluation that focuses on longer-term outcomes such as desistance from sex work (as measured by recidivism) or self-sufficiency (as measured by housing stability or employment).

Generalizability

Findings from an evaluation of Project 180 could provide lessons learned for other jurisdictions seeking to implement a “light touch” diversion program for young people arrested for prostitution. However, Project 180 is unique in that it simultaneously takes a victim-oriented *and* case-oriented approach to addressing potential human trafficking cases. Other jurisdictions seeking to replicate the program should first consider where their partners fall on the spectrum of a victim-centered to case-centered approach.

Project 180 Logic Model



Chapter 6

Law Enforcement Assisted Diversion (LEAD) Program (King County, WA)

The Law Enforcement Assisted Diversion (LEAD)¹⁶ program was introduced in King County, Washington in 2011 with two main objectives: 1) to reduce recidivism among people arrested for low-level drug and prostitution offenses, and 2) to connect participants with community-based social service providers who can provide intensive, individualized case management. The program was initiated on the premise that an alternative to punitive criminal justice measures might better address street-level drug use and prostitution in the greater Seattle area. LEAD is an alternative approach to responding to these low-level criminal offenses that brings together law enforcement, prosecutors, and community-based service provision agencies that provide individual case management to participants.

This evaluability assessment presents a summary of the LEAD program and its goals, a discussion of key characteristics that would make the program ready for an evaluation, and a suggested design for a future evaluation. Data sources included interviews conducted with six stakeholders involved with the operation of LEAD during a site visit in October 2019; a group discussion with key program actors to explicate the program theory and develop a logic model; and a review of relevant program documents and available data.

Local Context

Sex Trafficking and Prostitution in King County, WA

Washington State has been at the forefront of the anti-trafficking movement for the better part of two decades, having been the first state to pass state-level anti-trafficking legislation in 2005. In 2006, the U.S. Attorney's Office for the Western District of Washington convened the Washington Advisory Committee on Trafficking (WashACT), an anti-trafficking task force that remains in place and has received federal funding as recently as

¹⁶ Influenced by the Movement for Black Lives, the King County LEAD program has recently adapted its name to also include the meaning Let Everyone Advance with Dignity. For more information, see <http://www.defender.org/news/lead-program-transformation-and-website-changes>.

2018. In 2019, the state ranked 8th in the number of human trafficking cases reported to the National Human Trafficking Hotline.

The city of Seattle in King County has been at the center of many of the state's efforts, largely through its approach to prosecuting those involved in the selling and buying of sex. It has enacted Stay Out of Areas of Prostitution probation policies, restricting those convicted of prostitution-related offenses from entering geographic areas identified to have high prostitution activity for a specified period. The King County Prosecuting Attorney's Office and the Seattle Police Department have embraced the "Nordic model," which involves a coordinated shift in the focus of legal efforts from sex sellers to sex buyers (Mathieson, Branam, & Noble 2015).

The development of the LEAD program fits neatly within the shift toward the Nordic model, as it focuses on connecting sex sellers with service providers outside the context of the criminal justice system. However, it is important to note that the LEAD program was not originally designed to address prostitution or potential victimization among those in the sex trade. The program was originally oriented solely toward low-level drug offenders and was later expanded to include prostitution arrestees as a way to also ensure the participation of those suffering from drug addiction or extreme poverty who may get involved in the sex trade as a survival strategy (Beckett 2014).

Community Strengths and Challenges

King County has an established history of interagency collaboration around anti-human trafficking efforts. The area's task force, WashACT, continues to bring together law enforcement and victim service partners, and is co-led by representatives from the Seattle Police Department, the U.S. Attorney's Office for the Western District of Washington, and the International Rescue Committee in Seattle. Since 2004, the Washington Anti-Trafficking Response Network of victim service providers has collaborated on the issue of human trafficking. These providers are also actively involved with WashAct.

Recent events have increased and amplified community concerns about the use of police in interacting with and serving vulnerable populations, including those who are at risk and victims of human trafficking. The murder of George Floyd and the subsequent protest response by the local and national Black Lives Matter movement during the summer of 2020 initiated a reevaluation of funding Seattle's police department and police-led programs (Redmond 2020). Issues of disproportionality and racial equity in drug law enforcement were among the original set of issues stakeholders reported as driving the program's initial design,

particularly as related to the criminalization of poverty. Nonetheless, within the context of renewed national and local criticism of policing, community and social service leaders in Seattle have recently challenged the LEAD program, noting that while police-led diversion does reduce the number of individuals charged with low-level crimes, it also means that police are the “gatekeepers” to connecting individuals with social services. Critics have noted the coercive aspect of LEAD and that any engagement with police may trigger trauma for those who most need trauma-informed services (Redmond 2020). Since our research team’s initial site visit to the program, LEAD has broadened its eligibility criteria to include referrals from community-based social services and community members (Kroman 2020). We discuss these changes further in the sustainability discussion later in this chapter.

Program Model

A policy-coordinating group with representation from the Seattle Mayor’s Office, Seattle City Council, King County Council, King County Executive Office, community advisory boards, and the American Civil Liberties Union of Washington is charged with official oversight over the LEAD program. The day-to-day coordination and implementation of the program, however, is led by the Public Defender Association (SPD), a non-profit that advocates for criminal justice reform and individual and community health.

LEAD was envisioned as a community-based, harm-reduction strategy targeting Seattle-area individuals arrested for low-level drug possession or property crime offenses due to unmet behavioral health needs or poverty, and has since expanded to include prostitution arrests. The overarching objectives of the program are 1) to reduce reoffending among participants, and 2) to connect participants with community-based social service providers who can provide intensive, individualized case management. This is accomplished by arrest diversion to social service provision rather than traditional arrest, prosecution, and incarceration or court-based monitoring. The LEAD program continues to evolve and expand. Parts of the program now operate based on a referral (rather than arrest) process, where SPD can refer participants to the program even if there is no arrest made. There is currently more demand for program services than resources available.

The LEAD program involves the collaboration of multiple stakeholders including the Seattle Police Department, King County Prosecuting Attorney’s Office, the Seattle City Attorney’s Office, King County Sheriff’s Office Public Defender Association, and the Evergreen

Treatment Services’ REACH program, an outreach and case-management program for people who are street homeless.¹⁷

Funding for the program comes from the city of Seattle, King County, and private foundations, including the Ford Foundation and Arnold Ventures. LEAD has both local community and legal support and has received national attention as a model of arrest diversion for these types of offenses. However, this support has fluctuated in recent years, following an influx in street prostitution along a well-traveled corridor in the city and a subsequent request by the mayor in early 2020 to assess the program’s purpose, functioning, and success.

The number of individuals LEAD has served has increased over the years. In 2017, the program had about 350 clients, with increases each year, peaking in 2020 at over 900 clients. About 40% of their participants are white, a third Black, and a tenth are multiracial. The average age is a little over 40 years old, and in 2020, 57% of participants were male. Stakeholders interviewed noted that most individuals referred were typically arrested on charges other than prostitution. Anecdotally from case managers, there is often a history of sex trade involvement (e.g., trading sex for drugs or money) for their female clients, but less so for the men.

Eligibility

There are three pathways into the program: at the point of the arrest, through the more common “social contact referral,” and through community referrals—the latter two of which do not require arrest or law enforcement contact.¹⁸ Though the number of LEAD participants

¹⁷ The REACH program is the specific program to which all participants are referred; the program office space, located in downtown Seattle, is specifically dedicated to the REACH program and all stakeholders routinely refer to the program as “REACH.” Therefore throughout this report we do the same, with the acknowledgement that the program is part of a wider array of services offered by Evergreen Treatment Services.

¹⁸ In the case of the social contact referral, anyone can fill out a referral form and submit to the LEAD program. Criteria include verification by law enforcement that the individual is involved with narcotics and/or prostitution within the LEAD catchment area within 24 months of the date of the referral, and the other criteria listed above. In these cases, LEAD program staff review the information provided in the social contact form and follow up with the individual. The social contact referral form is available at https://www.kingcounty.gov/~media/depts/community-human-services/behavioral-health-recovery/documents/DRS/LEAD_Social_Contact_Referral_fillable.ashx?la=en.

that enter the program as a police diversion has decreased significantly over the last year, we focus mainly on that pathway in this assessment because our study is about legal responses to trafficking. Adults arrested for violations of the Uniform Controlled Substances Act and/or prostitution¹⁹ in King County²⁰ may be eligible for LEAD and are screened for eligibility. (Individuals will not be offered the program if they meet other criteria, such as having an existing temporary restraining order or having over a certain amount of drugs in their possession.) Those who meet eligibility criteria are offered the option of participating in LEAD instead of going through the traditional criminal booking and prosecution processes. If an individual is interested, officers facilitate a “warm handoff” with a LEAD case manager from the REACH program.

Although the participant is then released from custody, the arresting officer still sends the arrest record to either the Seattle City Attorney’s Office (for misdemeanor-level offenses) or the King County Prosecutor’s Office (for felony-level offenses). However, in low-level cases, if the participant fulfills a minimum commitment—to complete both an initial screening and a full intake assessment with LEAD case managers within 30 days—booking will not take place and the charges will not be filed. Conversely, if the participant does not engage with their case manager to complete the intake assessment within 30 days, the prosecuting office may elect to pursue the original criminal charge.

Activities

For those individuals encountering the program as an arrest diversion, program activities require the participation of law enforcement personnel, county and city prosecutors, and community-based service providers. These partners carry out four main activities: 1) staff training, 2) program entry, 3) legal coordination, and 4) harm-reduction oriented case management. Those referred through the social contact or community referral forms receive harm-reduction oriented case management.

Staff Training LEAD program staff and partners are required to receive training on LEAD protocols and underlying issues facing vulnerable populations, including those dealing with homelessness, substance use disorders, severe mental health disorders, and poverty. Furthermore, to truly understand the experiences and circumstances that have led participants

¹⁹ There is no assessment done for trafficking status. Being a victim of trafficking is not a requirement for program eligibility.

²⁰ LEAD is currently offered in Seattle’s West, East, North, and South Police Precinct patrol areas, Burien, and Metro Transit zones and on Metro buses.

to the LEAD program, program staff and partners are expected to receive comprehensive harm reduction training and technical assistance about the continuum of experiences for people engaged in the sex trade. Case managers are trained in harm reduction strategies, trauma-informed care, and coordination with law enforcement.

Program Entry For those participants engaging in the program as an arrest diversion option, law enforcement personnel initiate program entry. For those meeting program eligibility criteria, police officers have the discretion to determine whether to offer pre-arrest diversion through the LEAD program or to proceed with the traditional arrest and subsequent processing through the criminal justice system. The critical nature of this decision point, based on officer discretion, should not be overlooked. The documented rationale for the wide discretion afforded to officers is that they have a uniquely deep understanding of the individuals they regularly encounter in the course of their policing duties and are therefore best situated to determine if a person will benefit from LEAD (Beckett 2014).

Participation in the program is cemented once participants undergo the initial intake by REACH staff, at which point they send a standardized email to the legal stakeholders indicating that benchmark has been reached. Once participation in the LEAD program has been established, there are two main components of program activities: legal advocacy and harm-reduction oriented case management.

Legal Coordination Ongoing legal coordination for LEAD participants is provided by the dedicated prosecutors at the King County Prosecuting Attorney's (KCPA) Office and entails coordination with the legal system to manage any preexisting or co-occurring criminal cases not eligible for diversion. All KCPA prosecutors have discretion to decide whether to file, reduce, or dismiss charges; to recommend pretrial detention or pretrial release; and to recommend incarceration in the case of conviction. (It should be noted that in two-and-a-half years, only two cases have been taken to trial.) Once the prosecutor receives the REACH notification email that intake has been completed, the client is flagged in the KCPA database as a law enforcement-assisted diversion, and the system is configured to automatically notify if there are additional arrests or violations. The prosecutor takes over all the participant's open cases, and any arrests pending filing are run by the prosecutor by the office's filing department prior for special consideration. In addition to factoring in this information, the prosecutor's legal decisions may be informed by information shared at regularly-held group meetings involving prosecutors, law enforcement officers, and case managers during which they share information about LEAD clients. Of particular relevance, LEAD prosecutors have

the discretion to not file any charges acquired after participants' enrollment in LEAD when they believe that not doing so will help enhance LEAD's efficacy for the participant.

Harm Reduction-Oriented Case Management Intensive case management begins almost immediately upon entry to the LEAD program, provided by a community-based provider through REACH. A central tenet of the harm-reduction approach utilized for LEAD participants is that abstinence from drugs or sex trading is not a condition of participation. Case managers work with participants regardless of whether they are willing, ready, or able to abstain. LEAD case management takes an individualized approach that aims to be responsive to each client's expressed needs and to connect them with the appropriate community resources that meet their needs. Goals are set through a collaborative process, driven largely by the participant. Resources and services may include food, housing, physical and mental health services, legal coordination, job training, or drug treatment services. As of 2019, there were 18 designated LEAD case managers.

Desired Outcomes

In the logic modeling session, LEAD stakeholders were asked to identify desired outcomes of the program. They stated that the LEAD program is structured around the personal goals identified by participants and therefore there is no universal set of outcomes. However, they identified patterns of goals that both participants and case managers hope to see. Some of the short-term outcomes for participants include connections with the resources needed to meet their basic needs; stable and safe housing; a reduction in new arrests; reduced harm to the individual (e.g., decreased substance use); and prosocial community connections, including employment or enrollment in school or a training program.

Ideal long-term outcomes for LEAD participants include improved self-sufficiency; improved physical, mental, spiritual, and emotional health; and family connections. Some intended long-term outcomes of the program go beyond any one individual participant. Bigger picture goals include breaking down the silos between criminal justice actors, improved police/community relations, and ultimately a decrease in behavioral health, mental health, and extreme poverty-related criminal activity (including prostitution), thereby increasing public safety.

Program Assumptions

A number of assumptions undergird the LEAD program. The first set of assumptions are structural in nature: that social forces such as racial and gender inequities create an array of unmet needs and vulnerabilities among low-level drug users and those involved in the sex

trade; and that these social forces also create an inherent power imbalance between program participants, law enforcement, social services, and other institutional representatives.

The program approach and chosen activities were designed with those structural forces in mind, leading to further assumptions about the program participants: that law enforcement officers need help understanding and working with vulnerable populations; that eligible program participants would benefit more from a harm reduction approach than from going through the criminal legal system; that social services should be voluntary instead of mandated; that connections to community-based providers can be beneficial even if an individual does not initially accept services; that overcoming the challenges (e.g., addiction, poverty, homelessness) associated with their unmet needs will be hard for participants, and some of these needs and challenges make people vulnerable to sex trafficking.

Finally, the program assumes that if people do engage with treatment and services, it will lead to stability and improved well-being, which will lead participants to be less likely to get arrested and more likely to experience other positive outcomes such as family unification.

For more details on key program model assumptions, please refer to the LEAD program logic model at the end of this chapter.

Evaluability

The following section outlines the evaluability of the LEAD program—that is, the extent to which the program is ready for an evaluation—in terms of its formalization of policies and processes, data availability, scale, and other indicators outlined below.

Collaboration

LEAD program partners have worked together consistently since the program began in 2011. While some individuals have rotated in and out of relevant stakeholder positions, the agencies that work together have maintained a strong partnership since program inception. LEAD program management staff come together at least monthly for staff meetings with key operational partners, who may include community advisory representatives, the Seattle Police Department, the King County Prosecutor's Office, the City Attorney's Office, the King County Sheriff's Metro Police, the department of corrections, REACH, and the Public Defender Association. This workgroup uses these meetings to share information about both individual participants and program-wide issues such as capacity and operational efficiency.

Like many other working relationships between law enforcement and victim service providers, there is some friction when individual agencies seek to align the LEAD program model with their own organization's perspective and mandate. Even though individual partners may have differing interest in potential program outcomes, ranging from individual successes to reduced crime rates, there appears to be widespread understanding that all desired outcomes depend on program integrity and continued stakeholder collaboration and transparency, and therefore, nurturing and maintaining this working relationship is in the best interest of everyone involved.

Policy Formalization

The participating program partners have remained consistent since program conception. The program has a comprehensive program policy document, last updated in early 2021. It begins by reiterating the program mission and purpose. Next, it outlines the process by which individuals should be diverted to LEAD in lieu of jail and prosecution. This section specifies that only LEAD-trained officers should be tasked with making decisions around program entry and outlines a number of other determinations officers should consider before deciding whether to offer program entry. This document includes explicit instructions around how the diversion process should proceed and outlines any disqualifying criteria for participants. It also discusses some core philosophies of the program and provides structured guidance for each component of the program. If followed, this program policy document provides for a highly formalized program process.

One area where there may be a gap in formalization is where stakeholders can use their discretion, both for law enforcement officers making decisions about offering program entry and for prosecutors making decisions regarding any co-occurring or subsequent criminal charges participants may face. While officer and prosecutorial discretion is essential for carrying out many facets of both jobs, it makes formalizing and documenting program policy difficult. There is no discrete set of conditions under which a participant would or would not be offered entry into the LEAD program. In fact, there is emerging research that police attitudes and local police culture may impact officers' support for LEAD programs and their referral behavior (Schaible et al. 2020). There may be a need for better, empirical understanding of local law enforcement officers' attitudes toward arrest diversion through King County's LEAD program.

Additionally, as noted earlier, since our site visit in late 2019, the LEAD program in Seattle has further evolved. Some precincts have abandoned the police diversion component, such

that individuals are mostly referred to the program through community-based referrals and social contacts.

Scale

The LEAD program has grown considerably since first introduced almost ten years ago. There is more demand for services than there is space in the program for additional participants. However, as of 2020, most of the participants are coming to LEAD through social contact and community referrals, and not through arrest. In 2019, of the 484 referrals reported by LEAD, 405 (84%) were social contact referrals and 79 (16%) were arrest diversion referrals. In 2020, of the 359 referrals reported by LEAD, 272 (76%) were social contact, 76 (21%) were community contact, and only 11 (3%) were arrest diversion referrals.

Local Research Capacity

There is a local research team led by Drs. Susan Collins and Seema Clifasefi of the University of Washington – Harborview Medical Center. Both researchers have backgrounds in psychology and extensive research experience around substance use disorder and treatment, and they have researched LEAD for many years. LEAD has been the subject of several evaluative studies by these researchers and others from the University of Washington.²¹ These researchers have been able to access data from the King County Prosecuting Attorney’s Office, the REACH program, Seattle Police Department, and directly from program participants, demonstrating that organizations feel comfortable sharing data with this local research team.

Evidence-Based and Promising Practices

Harm reduction has historically included interventions, programs, and policies that aim to reduce the harmful impacts of drug use on individuals, communities, and societies (Hedrich 2010). However, harm reduction is not an “evidence-based program” per se, but more of an approach to program design and a set of strategies (Marlatt, Larimer, & Witkiewitz 2011). Harm reduction strategies have been shown to improve outcomes for illicit drug users (Ritter & Cameron 2006). While causal evidence remains to be demonstrated, use of harm reduction

²¹ The first evaluative report provided a descriptive analysis of program implementation over the first two years (Beckett 2014). Between 2014-2016, Drs. Collins and Clifasefi evaluated the LEAD program, resulting in a number of academic publications focused on the recidivism outcomes of LEAD participation (Collins et al. 2017), program effects in criminal justice system utilization and associated costs (Collins et al. 2019), and other desired program outcomes (Clifasefi et al. 2017). They also conducted a qualitative study of participants’ experiences in the program (Clifasefi & Collins 2016).

strategies has been supported by many researchers and advocates as a promising approach for those in the sex trade and/or individuals who have experienced trafficking (Cusick 2006; Pierce 2012; Reckart 2005). Harm reduction is woven into every facet of the LEAD program, from the operational protocols to the direct services. Further, LEAD stakeholders have recognized that these harms disproportionately affect people and communities of color. This program has been designed to steer such vulnerable individuals away from—and not toward—the criminal justice system (Beckett 2016). This commitment to harm reduction is a promising practice and merits further study as a program outcome.

The LEAD strategy to directly connect a potential victim of trafficking to a case manager can also be categorized as a promising practice. Trafficking services research has underscored the value of the case manager for an individual exiting from their trafficking situation; research has indicated that for many trafficking survivors, an assigned case manager is the most valuable service provided to the individual (Clawson & Dutch 2008; Davy 2015).

The King County LEAD program has been in existence for almost a decade and, as noted above, local researchers have been already engaged in both process and outcome evaluation studies during that time (Beckett 2014; Clifaseli & Collins 2016; Collins et al. 2017; Clifaseli et al. 2017; Collins et al. 2019), contributing to a growing body of evidence about program efficacy. The results of these studies are promising. In a study of recidivism, Collins and colleagues (2017) found that LEAD participants were 58% less likely to be rearrested than those in a control group. Collins et al. (2019) found that in a given year, LEAD participants had 1.4 fewer average jail bookings, spent an average of 41 fewer days in jail, and had 88% lower odds of prison incarceration than those in a comparison group.

Sustainability

Sources and contributions for LEAD funding have evolved over time, following changes in program size and scope that have increased the operational budget. The program relies mainly on funding from the city of Seattle and King County for operation. Both the city and county have increased the budgets for the program each year. For fiscal year 2020, King County set aside over \$3.7 million for the program while the city of Seattle approved over \$2.5 million from the city's budget allocated to LEAD programming. City and county spending on LEAD has increased exponentially from \$1,000,000 in 2015 to \$6,275,000 in 2019—an increase of 605% (Fong 2019). While most years LEAD has received support from the community as well as local governmental leadership, there was a delay in the 2020 funding distribution from the city of Seattle, as the Mayor's Office sought a program

assessment before distributing the money set aside in the city’s budget. Seattle’s mayor ultimately provided the funding in February 2020.

While city and county funding has remained consistent, given the rapid growth of the program, the corresponding increase in funding requirements, and an intention of LEAD program stakeholders to consider the program through a racial equity lens, there may be forthcoming changes to the program model or focus. More recently there have been calls to divert Seattle’s LEAD funding from the Seattle Police Department and to community-based groups (Kroman 2020). Starting in August 2020, the LEAD program in Seattle has ended the requirement that referrals into the program come from police and the official name of LEAD changed to “Law Enforcement Assisted Diversion/Let Everyone Advance with Dignity” (Public Defender Association 2021). While some precincts have maintained the traditional LEAD program referral pathway through the police, this change fundamentally changes LEAD from a legal response program to a community-based social support program.

Data Capacity and Gaps

Interview participants relayed that they were working with collaborators from Microsoft to create a centralized, integrated database containing LEAD participant and engagement information. LEAD staff underscored the challenges in obtaining outcome data from multiple stakeholders, including the prosecutor’s office, police, and others. Nonetheless, their efforts to develop an integrated database would aid any future evaluation efforts and indicates a commitment to data collection across LEAD stakeholders and participating agencies.

Ideally this database would be populated by agencies—including the King County Prosecuting Attorney’s Office, the Seattle Police Department, and REACH—that collect relevant information and have already made it available for past evaluative work.

Available data includes offense-level information (i.e., date of law enforcement contact, criminal charge) as well as individual-level information, including both demographics and extent of involvement with REACH services (e.g., services received, case management sessions attended, number of referrals). Interview participants relayed that prior evaluations have used administrative data to measure outcomes, including arrest data as a proxy for recidivism. They also noted that for future evaluations they would like to examine client-level data—in particular health outcomes—through available data from REACH. REACH also has a database that they use to manage client-level data, including case notes and outcomes, such as housing and behavioral health outcomes. The database includes a flag for clients who are referred through the LEAD program, allowing a future evaluation to obtain

outcome data specifically for LEAD participants. Public Defender Association also tracks LEAD participants using an Excel spreadsheet.

For an evaluation focused on responses to trafficking, it would be important to distinguish between participants diverted to LEAD due to police identification of prostitution versus other drug activity. Similarly, for the consideration of the utility of LEAD as an arrest diversion program, it is also important to distinguish between participants who have been arrested and those who enter the program as social contacts or community referrals.

Future Evaluation Design

We believe that LEAD shows both strengths and challenges related to a future evaluation. Strengths include:

- Program partners collaborate well, share information, and have made themselves available to evaluators in the past.
- There are local researchers to help facilitate access to data from stakeholders.
- The program process is well-formalized and detailed in written policy.
- The short-term goals are achievable and relevant to the program activities.
- Data on some short-term goals (e.g., criminal records, connections to resources, engagement with treatment) are currently being tracked.
- Funding for the program appears sustainable.

Challenges include:

- The program may be shifting in light of recent social movements around racial equity and the extent of law enforcement involvement in social service provision. Though the LEAD program activities may indeed be helpful for those who have experienced or are vulnerable to trafficking, if the program moves away from police referrals, it may no longer be a model for legal responses to trafficking (the scope of this study).
- In 2020, there were only 11 arrest diversion referrals, and none were for the charge of prostitution.
- In the past when there were more police referrals, there was significant officer discretion in terms of offering program entry to participants and it is unclear how the group of program participants compares to similar arrestees who are not offered or refuse program entry.
- Some short-term goals may be difficult to measure and standardize (e.g., basic needs met; short-term personal goals achieved).

- While data can be tracked for some longer-term goals even if participants are no longer engaged with the program (e.g., reduced recidivism), other goals (e.g., family reunification; improved physical, mental, emotional, and spiritual health) would be more difficult to obtain.

LEAD has been the subject of a process evaluation (Beckett 2014) and some targeted outcome evaluations (Collins et al. 2015; Clifasefi & Collins 2016; Clifasefi et al. 2017; Collins et al. 2017). However, the program has grown considerably, and sufficient time has passed that we believe it would be worthwhile to pursue new evaluation activities, especially given that the model is increasingly being replicated in other jurisdictions nationwide. However, *only if LEAD continues to serve as an arrest diversion program do we recommend the program be evaluated as a legal response to trafficking*. Working off the assumption that police will again be a primary source of referrals for the King County LEAD program, we take the above strengths and recommendations into consideration when outlining suggested future evaluation activities.

Process Design

We recommend a multi-method process evaluation, involving quantitative data tracking and semi-structured interviews with both stakeholders and program participants. This will enable a detailed descriptive analysis of the program in terms of dosage; reach; successes and challenges in program implementation; program infrastructure; and the social, political, and legal context that has been impacting program implementation. The recommended process evaluation components include:

Quantitative Data Tracking To document dosage and reach of the program, a database could keep track of the number of people eligible for the program, arrest charge, the number of people offered the program, the number of people who chose to enter the program rather than follow the typical criminal justice process, and criminal justice case outcomes for both participants and eligible nonparticipants. Additionally, the database could capture the extent of participant engagement with REACH case managers (e.g., number of meetings, number of referrals, types of referrals). Demographic data on all individuals eligible for the program would provide important context, as well as allow for examining subgroup differences in program engagement.

Stakeholder Interviews In-depth, semi-structured interviews with LEAD program stakeholders (e.g., law enforcement, prosecutors, case managers) would provide a rich description of LEAD program activities, processes and policies (e.g., how decisions are made

by prosecutors about pursuing or dismissing any co-occurring or subsequent criminal charges), barriers to implementation, successes, and program infrastructure (e.g., staffing, funding training). Given the recent prioritization of the program to respond to racial injustice, as well as the changing sociopolitical environment regarding the involvement of the police, stakeholder interviews could also help capture the relevant contextual factors that might impact how the program is run, or how participants receive it.

Participant Interviews Interviews with current and past LEAD participants could illuminate overall perceptions of the program, whether the community-based services offered are meeting their needs, and whether they have voluntarily accessed services and followed up on referrals.

Outcome Design

Given that the program scope is broader than just a legal response to trafficking, many LEAD participants—aneccdotally from case managers, most of the men, who comprise over half of the LEAD population—may not have experienced trafficking. Most of the arrest referrals are for charges other than prostitution, so that arrest charge could not serve as a proxy for potential trafficking status given the low number of participants for whom it is relevant. We recommend that in the short-term, future research first focuses on a process evaluation, while simultaneously building capacity for determining how those coming in as arrest diversions can be screened for trafficking vulnerability, and assessing whether the police referral numbers are high enough to guarantee a large enough sample size for an outcome evaluation.

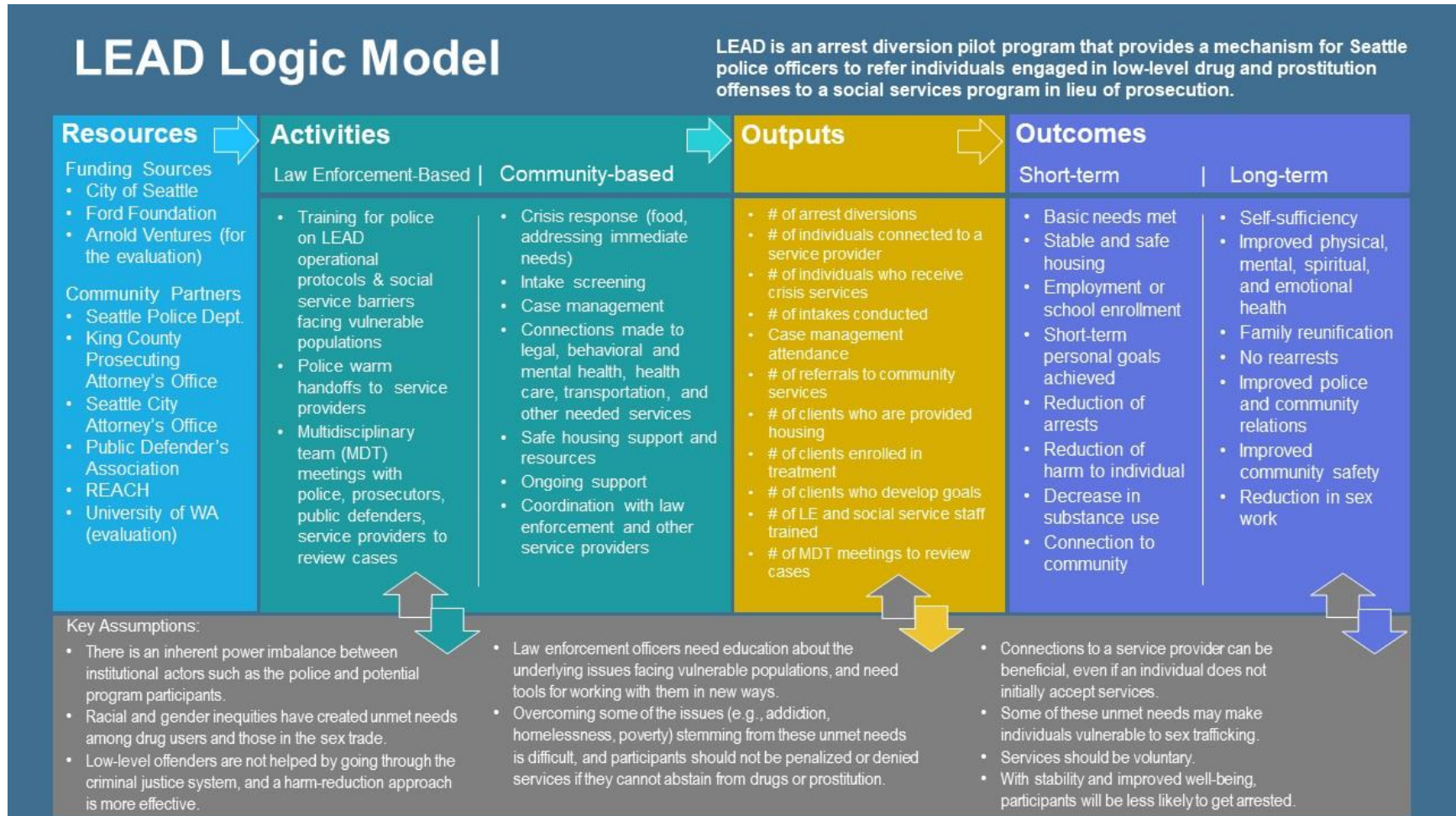
However, future outcome evaluation designs might consider the outcome measures that program staff identified as important. Administrative data on new arrests could be tracked for each participant to demonstrate the number of people who may have received the support they needed to avoid future arrest. For cases moving forward, one-year follow-up surveys with participants could track self-reported outcomes such as safe and stable housing, employment or school enrollment, and sobriety.

Generalizability

Findings from a process evaluation of the LEAD program could generate many lessons learned for other jurisdictions that have implemented LEAD programs based on King County’s model. Yet even if the program has been replicated with great fidelity to the original model, generalizability may be impacted by local social, political, and institutional

factors; local capacity for trauma-informed case management and service provision; and the number of police referrals (rather than social contacts or community referrals).

LEAD Logic Model



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