



# HOUSE BILL 1775 IMPLEMENTATION UPDATE



Washington State Department of  
**CHILDREN, YOUTH & FAMILIES**

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Washington State Department of  
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## Executive Summary

DCYF has been working on implementation of HB 1775 for the past two years. In doing so, DCYF has achieved some success toward the goals of the bill, but has also encountered some challenges. HB 1775 directs DCYF to “submit a report to the governor and legislature summarizing the implementation plan and eligibility criteria as described in (a) of this subsection, and provide any additional policy recommendations regarding receiving centers as it deems necessary.” Highlights and challenges of DCYF implementation as well as policy recommendations are included below.

Human trafficking is a crime that involves the exploitation of a person for labor, services, or commercial sex. The trafficker uses force or violence, fraud or false promises, or coercion and manipulation to lure a person and exploit them through physical, financial, or psychological means. However, if the victim is under 18 years of age, force, fraud, and coercion are not necessary elements to be considered commercial sexual exploitation, or trafficking of a minor. Human trafficking is often referred to as being “hidden in plain sight.” Trafficking affects people from all economic classes, racial and ethnic identities, gender identities, and sexual orientations. At the same time, human trafficking and the commercial sexual exploitation of children are built on a foundation of historical social hierarchies, racism, and oppression and disproportionately impact Black, Indigenous, and People of Color (BIPOC) and LGBTQIA+ communities.

[HB 1775](#), concerning commercially sexually exploited children, uses the following language in its opening proclamation: *The legislature finds that commercial sexual exploitation of children is a severe form of human trafficking and a severe human rights and public health issue, leaving children at substantial risk of physical harm, substantial physical and emotional pain, and trauma. This trauma has a long-term impact on the social, emotional, and economic future of these children. The state shall provide a victim-centered, trauma-informed response to children who are exploited in this manner rather than treating them as criminals. The state shall also hold accountable the buyers and traffickers who exploit children.*

HB 1775, which is also known as the “Safe Harbor” bill, was signed into law in 2020 to better support child victims of sex trafficking. HB 1775 decriminalized prostitution for individuals younger than 18 and directed the Department of Children, Youth, and Families (DCYF) to administer funding for two receiving center programs for commercial sexually exploited children (CSEC) on the west and east sides of the state. The CSEC receiving centers include a short-term evaluation function to assess the immediate needs of children for substance abuse and mental health treatment in a short-term behavioral health residential setting. HB 1775 also provided funding for three additional DCYF staff to engage with community-driven CSEC efforts, refine CSEC policies for DCYF, and support the coordination of the receiving centers.

## Key Successes in Implementation

**Admissions Work Group:** Beginning in September 2021, DCYF convened a cross-sector work group to establish protocols for receiving center admission that prioritize referrals from law enforcement as specified by HB 1775. The work group also established policies and procedures to ensure equitable access to the six beds for all youth at significant risk or experiencing sexual exploitation, while prioritizing law enforcement referrals. Tasks included examination of the referral process and how this would differ between the community and DCYF, statewide communication strategies to include the Missing and Exploited Youth Liaison’s outreach and participation in regional task forces, multi-disciplinary teams and child advocacy center meetings, processes for transportation, and prioritization of bed access for youth at higher risk, or who are confirmed as being commercially sexually exploited. The group was successful in mapping out responses to foreseeable

circumstances, and agreed that much would be learned in the initial months after the center opened. The group agreed to re-convene after the center had been opened for several months, likely around spring of 2023, to re-examine some of the determinations and adjust as needed.

**Cell Phone Work Group:** HB 1775 directed DCYF to convene a work group to issue recommendations regarding the impact of decriminalization of prostitution-related offenses for minors on law enforcement's efforts to access cell phone records.

*The department shall convene a work group to study, analyze, and issue recommendations regarding how decriminalizing prostitution and prostitution loitering for persons under eighteen will impact law enforcement and prosecutor efforts and ability to discover and access the victim's cell phone records to aid in prosecution of the perpetrator or abuser. HB 1775, 9 (6)*

The "Cell Phone Work Group" met monthly and brought together representatives from law enforcement, community advocacy, client services, juvenile courts, and DCYF to establish cross-sectional and balanced recommendations. Some challenges the group faced were related to lack of ongoing participation by members of law enforcement, in part due to reassignments and competing priorities within understaffed agencies. Recommendations below include recommendations as made by the cell phone work group, and Appendix A includes the law enforcement survey that was completed as part of this work group.

**East Side Receiving Center:** The request for proposals for both receiving centers was posted in November 2020, and Daybreak Youth Services Spokane location was the successful respondent for the East Side CSEC receiving center. The contract with Daybreak has been finalized and they began accepting youth in May 2022.

**DCYF Capacity:** Through funding provided by HB 1775, DCYF was able to add staffing capacity to better support CSEC-involved youth. The legislated program manager position was hired in December 2020. The east side and west side liaison positions were hired in May 2021. The program manager and liaisons have engaged in community outreach and made connections within DCYF to regional designated lead staff to increase resources and connect personnel to trainings related to the specific challenges of addressing the commercial sexual exploitation of children in Washington State. The DCYF Missing and Exploited Youth Program staff have regularly conducted presentations with tribes, tribal social service providers, library districts, community health networks, education systems, juvenile courts, and DCYF regions to share information about law and policy regarding the commercial sexual exploitation of children, including risk factors and indicators, local resources, and DCYF's ongoing efforts to partner with communities.

## Implementation Barriers

COVID-19 has significantly hindered timelines for implementation of HB 1775, as it was signed into law in April 2020, at the onset of the pandemic. The statewide hiring freeze that went into effect in May 2020 delayed DCYF's ability to hire the staff responsible for HB 1775 implementation. Additionally, launching a request for proposals for new group care facilities was not ideal during COVID as many providers were grappling with pandemic realities, including staffing, distancing, and prevention. This hindered DCYF's ability to secure a contract for the west side receiving center.

Disruptions in the workforce delayed opening the Daybreak Restorative Receiving Center for several months following the finalization of the contract. Staffing shortages that are being experienced across the social

services sector delayed their ability to begin serving youth through the receiving center, and still poses challenges as COVID-19 outbreaks continue throughout communities.

While DCYF ran the RFP for the west side receiving center twice, once in November 2020 and once in February 2021, we received no bidders either time. The King County CSEC Task Force generated an informal survey to obtain feedback from stakeholders and community providers about the receiving center and found that many eligible applicants did not apply for the RFP as they believed the contract did not provide adequate funding. The provider on the east side stated that they were only able to apply for the contract due to their private funding and the difference of cost of living between the west and east sides of the state.

The survey from the King County CSEC Task Force indicated that many organizations who worked with commercially sexually exploited children were not eligible to apply for the receiving center contract as they are not licensed as a behavioral health agency through the Department of Health. Receiving licensure as a behavioral health agency can be a lengthy process.

## Recommendations

1. **Increase funding for receiving center contracts:** In 2021, the King County CSEC Task Force initiated an informal survey to community service providers regarding lack of bidders for the west side receiving center contract. Respondents of the receiving center survey indicated that the money allotted for the contract was insufficient for the economic considerations on the west side of the state. Respondents indicated that increased funding may encourage them to apply for the contract. DCYF believes that increased funding for the contract may result in more bidders and improved services for youth.
2. **Provide resources specifically for allocation of transportation funds:** Transportation has been identified as a potential barrier for equitable access to the receiving centers. Given that there will be only two receiving centers in the state, transportation can be time consuming and costly. While law enforcement is directed to transport youth that they are referring, youth who are referred through other avenues do not have dedicated transportation resources. Resources specific to transportation could be added to the contract of a receiving center in order to better coordinate getting youth to the site.
3. **Increase funding and training for law enforcement and providers specific to CSEC and Safe Harbor:** DCYF convened a work group to examine the impact of Safe Harbor's potential limitations of access to victim cell phones as part of law enforcement investigations into traffickers. The work group met monthly with the specific goal of addressing this issue and brought together representatives from community organizations, advocacy, law enforcement, and juvenile justice. Over the course of several meetings, members representing various law enforcement branches reported differing views on the practice and efficacy of seizing youth cell phones. In response to this, a sub-committee was formed by Assistant Attorney General Kyle Wood, King County Deputy Prosecutor Benjamin Gauen, and Dr. Debra Boyer who developed a survey that was distributed to law enforcement statewide. The subcommittee's report is attached to this document. The findings from the subcommittee survey suggest:
  1. CSEC investigations have decreased.
  2. Barriers to accessing cell phones are more closely related to perceived effects of changes in the laws on Probable Cause and Use of Force.

3. Law enforcement reported that establishing probable cause for a crime other than that of prostitution can provide an effective method to searching a cell phone.
4. Using a victim-centered approach and establishing trust and rapport may lead minors to voluntarily provide their phones without having to rely on arrests.
5. Need for comprehensive training on Safe Harbor and related issues.
6. Safe Harbor does appear to be working in some areas in the state, but it is not at all consistent.
7. The need for increased training and assigned personnel for law enforcement cannot be emphasized enough; it will be difficult for Safe Harbor to succeed and for youth who are commercially sexually exploited to be kept safe without them.

## Conclusion

Safe Harbor laws are relatively new to the United States, and Washington State is considered to be at the forefront in establishing a robust array of resources in response to human trafficking, specifically for youth who are commercially sexually exploited. However, due to the unprecedented COVID-19 pandemic coupled with amplified community responses to policing, there has been a shift in allocation of resources away from CSEC and trafficking in many local jurisdictions of law enforcement. Law enforcement personnel are intervening less frequently with juveniles due to an inability to arrest or use force. This indicates a need for enhanced engagement skills in interventions with juveniles due to an inability to arrest or use force, which belies the deeper issue of needed training in enhanced engagement skills and education about community advocacy and resources. In addition, staffing shortages are being experienced at every level of possible intervention in the continuum of professionals who interact with exploited youth. Lack of training negatively impacts law enforcement personnel's ability to identify common signs of trafficking in victims and leads to diminished awareness of trafficking in general.

Lack of identification and engagement results in fewer data points related to investigations and interventions, which impacts the ability to provide data points for improved funding. Human trafficking and the commercial sexual exploitation of children is often "hidden in plain sight" and interventions are most effective in the context of relationship, involving stages of change, and often a delay in disclosures. An increased emphasis needs to be placed on training and prevention to improve outcomes for youth.

## Appendices

### HB 1775 (SAFE HARBOR) – WORK GROUP

March 2022

#### Legislative Request: Impact of Decriminalization of Prostitution for Persons Under Age 18 On Access to Victims' Cell Phone Records by Law Enforcement and Prosecutors.

**Law Enforcement (LE) Interviews and Survey Results: Analysis and Recommendations**  
*Draft prepared by: Debra Boyer, PhD, Kyle Wood, Ben Gaeun, Submitted for group review 3-14-22*

#### INTRODUCTION

The HB 1775 Work Group was asked to assess the impact of decriminalization of prostitution for minors on law enforcement's access to cell phones for CSEC investigations. A subcommittee of the workgroup, Kyle Wood, Ben Gauen, and Debra Boyer, PhD, developed a 20-question survey for law enforcement, which was reviewed and approved by the full workgroup. The survey was distributed to law enforcement jurisdictions across the State of Washington via Kyle Wood, Assistant Attorney General, Washington State Office of the Attorney General, Criminal Justice Division, with the assistance of the Washington State Department of Commerce's Office of Crime Victims Advocacy and the Washington Association of Sheriffs & Police Chiefs.

This report summarizes key findings from the Survey of Law Enforcement Perspectives and remarks given to the work group by invited law enforcement representatives. The complete survey and responses are attached: Survey of Law Enforcement Perspectives, Survey and Survey Responses. The intention is to merge this report with the full report provided to the Legislature by DCYF.

We received **26 responses** to the survey from LE agencies in **13 counties**, plus responses from the Washington State Patrol, and two respondents who did not identify themselves. The list of respondents is below:

- |  |   |
|--|---|
| 1. Bellevue Police Department                        | 15. Richland Police Department,<br>Commander Darryl Judge |
| 2. Douglas County Sheriff's Office                   | 16. Seattle Police Department, Brandon<br>James           |
| 3. Edmonds PD  | 17. Skagit Co SO/Det Sgt J Sheahan                        |
| 4. Everett Police Department                         | 18. Spokane County Sheriff Office                         |
| 5. Ferndale PD                                       | 19. Steilacoom Department of Public<br>Safety             |
| 6. Kalama Police Department                          | 20. Paul Blodgett   |
| 7. Kennewick Police Department                       | 21. WSP-Lt. J.J. Gundermann                               |
| 8. Lacey Police Department                           | 22. Jim Fuda -  |
| 9. Lakewood PD                                       | 23. David McCormick -                                     |
| 10. Marysville Police Department-<br>Sergeant Maples | 24. Det. S. Trykar, Edmonds Police<br>Department          |
| 11. Milton Police Department                         | 25. Anonymous   |
| 12. Montesano Police Department                      | 26. Anonymous   |
| 13. Othello Police Department, Brent<br>McFarlane    |   |
| 14. Redmond PD                                       |   |

## ABOUT THE REPORT

The work group recognized in initial meetings that the relationship between decriminalization of prostitution for minors and the ability of law enforcement to access CSEC cell phones was not a stand-alone issue. Based on conversations with law enforcement and experts in the workgroup, we learned that jurisdictions had quite different perceptions of the challenges presented by the new Safe Harbor legislation (HB 1775).

The work group initiated the survey of law enforcement to explore the current context of law enforcement and the impact of related issues on obtaining CSEC cell phones. The group felt this was a necessary step to fully understand both the obstacles faced by law enforcement and how jurisdictions were navigating changes in the law that impacted the cell phone issue and CSEC investigations.

The survey probed the impact of HB 1775 and obtaining CSEC cell phones from 7 interrelated premises:

- A. Has the priority for CSEC investigations changed as a result of HB 1775?
- B. What are the barriers to identifying and transporting CSEC?
- C. What are the effects of changes in the law on Probable Cause and Use of Force on CSEC investigations and access to cell phones?
- D. Does Safe Harbor provide sufficient legal grounds for identifying/transporting CSEC?
- E. How has HB 1775 changed how CSEC cases are investigated?
- F. What is the current situation with respect to LE accessing CSEC cell phones?
- G. What are the training needs of LE to successfully implement HB 1775?

The key findings are presented in the next section.

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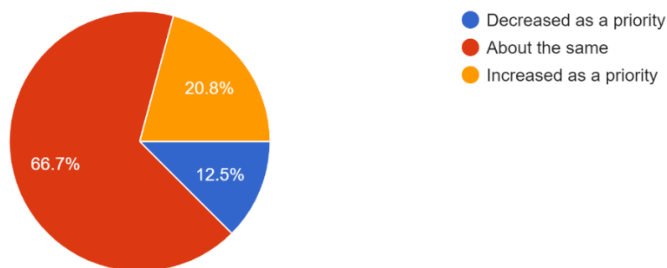
## SURVEY FINDINGS

### A. HAS THE PRIORITY FOR CSEC INVESTIGATIONS CHANGED AS A RESULT OF HB 1775?

Given the request by the Legislature, a central question of the survey was to determine if in fact, the priority for CSEC investigations across law enforcement jurisdictions had changed as a consequence of HB 1775 or other factors.

Has the priority for CSEC cases changed in the past year?

24 responses





Two-thirds of the respondents (n=16) reported “No Change” in the CSEC priority, 20.8% (n=5) reported “Increased as a priority;” and 12.5% (n=3) reported “Decreased as a priority”. This question likely reflects “official” policy. The narrative statements from the respondents revealed both commitment to CSEC investigations and challenges facing law enforcement to maintain a priority for CSEC investigations.

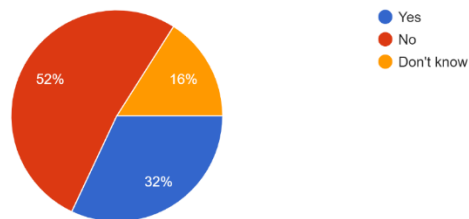
Responses to the open-ended question fell into five categories, with some overlap. The issue of access to cell phones was not referenced in any of the categories for this question.

| <b>NO CHANGE<br/>(2)</b>  | <b>NO CASES<br/>(5)</b>  | <b>DECREASED STAFFING<br/>(6)</b>   | <b>ACTIVELY INVESTIGATE<br/>(5)</b>   | <b>LEGAL OBSTACLES<br/>(1)</b>  |
|---|--|---|---|---|
| <p>No changes were made to patrol operations.</p> <p>No change. Recovery of juveniles is a consistent priority.</p> | <p>No change in priority. Kalama has not seen any of these types of cases in the last 5 + years.</p> <p>Only 1 case in 5yr</p> <p>We have had zero cases.</p> <p>No change in priority</p> <p>We've had no CSEC investigations</p> <p>We do not have any active CSEC cases at this time.</p> | <p>Our OPS unit was closed and I'm the only one investigating prostitution cases</p> <p>Due to low staffing, we are not able to proactively prioritize CSEC cases over other cases generated by patrol or CPS</p> <p>Lack of Investigative Resources</p> <p>We do not have the capability to conduct these types of investigations for multiple reasons, one being restrictions IS has put on our computers.</p> <p>We do not currently have the resources to specifically target these crimes. If these cases come up in our normal course of business, we</p> | <p>Since 2019, We have worked with other agencies within our local law enforcement community to help identify possible victims, even when they don't identify as a victim.</p> <p>We have primarily been investigating cyber tips and agency referrals. The COVID pandemic has restricted our ability to run large scale proactive operations .</p> <p>This is something we are addressing and implementing within our county at this time. Currently, the Montesano Police Department is part of a multi-agency and department implementation committee in</p> | <p>With the PC requirement to detain for prostitution, the cases are no longer encountered.</p> <p>Also, there is a significant decrease in working misdemeanor cases like prostitution.</p> <p>Also, our staffing does not allow for us to work these cases.</p> |

|  |  |  |  |  |
|--|--|--|--|--|
|  |  | <p>place a high priority on them and investigate them to the best of our ability.</p> <p>Priority is the same. Our challenge is retirements, forced vaccination terminations have decreased the staff for this area by 50% in the past 5 months.</p> | <p>drafting CSEC responses and responsibilities.</p> <p>We as an agency up our Detectives from 1 to 3 and are taking a more proactive approach</p> <p><b>A new county wide Internet Crimes Against Children (ICAC) team has been formed due to the increasing amount of cases.</b></p> |  |
|--|--|--|--|--|

Following the question on priority for CSEC cases, respondents were asked if the number of investigations had changed from 2019 -2021. There were 25 responses to this question; 52% (n=13) responded “No”; 32% (n=8) responded “Yes”; and 16% (n=4) “Don’t Know”.

Has the number of investigations changed from 2019 through the end of 2021?  
25 responses



The narrative responses for those who said “Yes,” indicated there were fewer investigations even though the official “priority” may not have changed. The reasons included:

**Lack of resources and funding**

- *Lower, not enough personnel to investigate*
- *Fewer proactive operations, less personnel*
- *Due to decreasing funds and resources over the past few years.*

**Uncertainty about how to do operations with legal changes**

- *The change of the use of force laws that caused a lot of uncertainty in operations.*

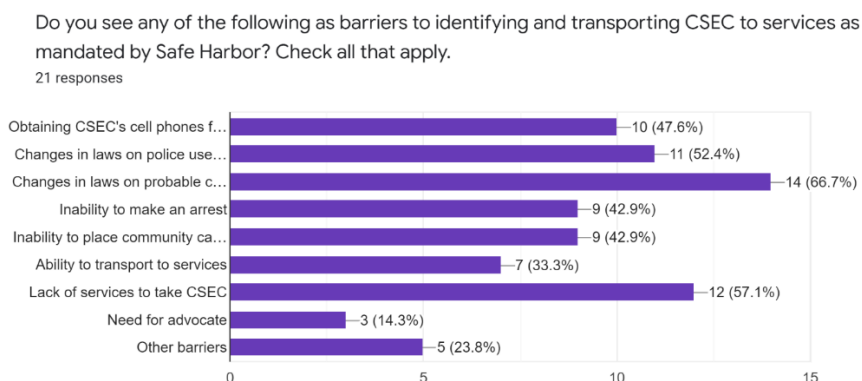
**Need for Continuing CSEC Investigations**

The responses to this question also showed there is an ongoing need for CSEC investigations:

- *We used to work prostitution cases. We no longer work them. They often turned up leads to larger CSEC cases.*
- *In December 2019 we ran a multi-day operation which recovered 3 juveniles*
- *Finding more cases as other investigations branch outward*
- *Increasing underage girls being forced into this line of work.*

## B. WHAT ARE THE BARRIERS TO IDENTIFYING AND TRANSPORTING CSEC?

The next questions in the survey explored barriers to implementation of Safe Harbor. Respondents were asked about barriers to finding and transporting CSEC. The categories with the most frequent responses were: 1. Changes in the law on probable cause; (66.7% (n=14), 2. Lack of services to transport CSEC to; (57% (n=12), 3. Changes in laws on police use of force; (52.4% n=11) and 4. **Obtaining CSEC's cell phones**; (47.9% n=10).



The results from this question show multiple and intersecting barriers for investigating CSEC cases. It may not be that obtaining cell phones is fourth on the list, but that other barriers must be navigated before officers are faced with obtaining cell phones.

The narrative responses describe how the items in the chart above are barriers. Importantly, there are responses describing how some jurisdictions are successfully navigating the landscape and succeeding under the Safe Harbor legislation because they are part of a community response system.

### Barrier: Changes in the law on Probable Cause and Use of Force

- *A lot of the new laws have been restrictive for investigations.*
- *The new laws with Use of Force have changed. Makes it harder to do the job with these kids of crime. and doing warrants on houses.*
- *Current laws on questioning juveniles make this difficult.*
- *Staffing issues, Laws around SW in our jurisdiction, and IS restrictions.*
- *LE/Courts unable to keep up with changing technology*
- *Staffing. We only have so many resources. We don't want to put our officers' careers at risk when the legislature does not want us working low level cases. If we encounter a CSEC case, we work it aggressively, but they are not encountered like other traditional cases.*
- *New legislation and department policy which restricts use of force specific to juveniles*

- *Newly changed laws here for Washington State concerning juveniles*
- *Another respondent anticipated problems and misunderstood requirement for an attorney present: If we had cases such as this not being able to detain a subject while investigating may potentially hinder the investigation. Also not being able to investigate a juvenile crime without an attorney present may hinder the speediness and timeliness of an investigation. \*\* (Note - this is incorrect and shows need for training.)*

#### **Barrier: Limited Services**

- *There are very limited services available in rural areas and with short staffing issues it would be difficult to transport CSEC.*

#### **Successful Navigation of Cases**

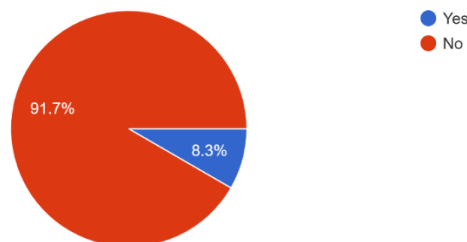
- *I do not see any barriers as we are working with the courts, prosecutors, social services, mental health and medical to build our model of CSEC Response and MDT.*
- *None experienced.*
- *So far, our investigations have all been based on reasonable suspicion.*
- *Cooperation of the victim and willingness to accept the support services provided.*

### **C. WHAT ARE THE EFFECTS OF CHANGES IN THE LAW ON PROBABLE CAUSE AND USE OF FORCE ON CSEC INVESTIGATIONS AND ACCESS TO CELL PHONES?**

Recent changes in Washington State law related to Probable Cause and Use of Force were referenced in the earlier questions as causes for decreased investigations and as barriers to investigations of CSEC cases. To better understand the impact of these changes on cell phone issues, the following question was asked: “Have you had a case within the past 24 months where you had to rely exclusively on probable cause for the crime of Prostitution in order to seize and/or search a minor’s cellphone in the course of a CSEC investigation (e.g. obtain a warrant, make an arrest, etc.)?”

Of the 24 respondents, 91.7% (n=22) said “No”; suggesting changes in the law may not be barriers in practice.

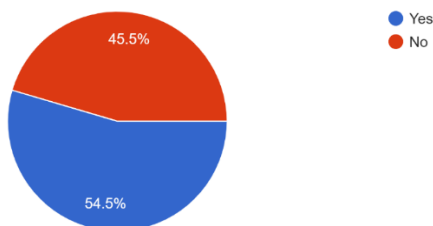
Have you had a case within the past 24 months where you had to rely exclusively on probable cause for the crime of Prostitution in order to seiz...gation (e.g. obtain a warrant, make an arrest, etc)?  
24 responses



### **D. DOES SAFE HARBOR PROVIDE SUFFICIENT LEGAL GROUNDS FOR IDENTIFYING/TRANSPORTING CSEC?**

Respondents were asked if the Safe Harbor law (HB 1775) provided sufficient legal grounds to take a CSEC into protective custody. Of the 20 respondents, 55% (n=11) said “Yes”; however, 45% (n=9) said “No”. The open-ended questions help find what issues exist for those who responded “No.”

Are there services to which you transport CSEC youth?  
22 responses



### Need for More Services

- *The ability to initially make contact with the CSEC for prostitution crime, identify them as a CSEC and then transition into providing available services.*
- *Advocates, additional law enforcement staffing*
- *Mainly housing for children*

### Perceived Lack of Legal Authority

- *Current legislation prohibits police from using any force to take persons into protective custody. Therefore, a CSEC youth who declines to be removed will be unable to be physically taken into protective custody.*
- *More legal authority from Legislature*
- *(We need) the ability to still charge for promoting prostitution or human trafficking, an enhancement for anyone promoting CSEC, trafficker...Johns...*

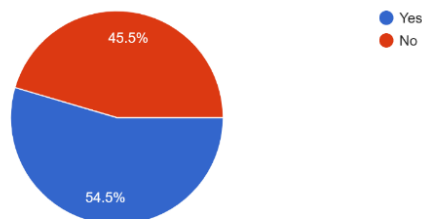
### Training Needs

- *Hospital SANE RN's, Prosecutors, DCYF Social Workers, CST MDT initial response, training for law enforcement to recognize what CSEC is.*

*The question, of what or when an officer can use force drives every decision. If an officer cannot use force, they are not going to intervene, especially by using force. They could face charges and be de-certified.*

Respondents were then asked if there were services CSEC could be transported to when taken into custody. Of the 22 responses, 54.5% (n=12) reported “Yes”, but nearly half, 45.5% (n= 10), reported “No”.

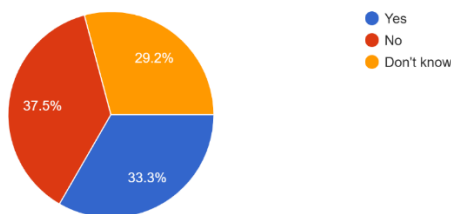
Are there services to which you transport CSEC youth?  
22 responses



## E. HOW HAS HB 1775 CHANGED HOW CSEC CASES ARE INVESTIGATED?

Respondents were asked if they expected any changes to CSEC investigations when decriminalization of prostitution for minors takes effect under HB 1775 on January 1, 2024. The responses were split fairly evenly between “Yes,” 33%/ “No”, 37.5%/ and “Don’t Know”, 29%.

Do you anticipate any changes in how you investigate CSEC cases when prostitution is decriminalized in January 2024 for people under the age of 18?  
24 responses



The open-ended responses referred to potential consequences for victims and for investigations:

### Consequences for Victims

- *Since the potential victims do not face a consequence, they potentially could further be exploited since they cannot be held.*
- *I think the traffickers will use this to their advantage and recruit more people under 18 to work for them as Prostitutes'.*
- *I don't think anyone under 18 should ever be charged with prostitution I think decriminalizing it will make it easier for the trafficked.*
- *Fewer arrest of the pimps*

### Consequences for Investigations

- *Is probable cause is not established, the ability to briefly detain the CSEC becomes more challenging as often times, CSEC's are reluctant to comply with receiving services.*
- *If a minor is discovered to be in a CSEC/prostitution situation, they cannot be arrested, and there is no legal guideline or recourse if the minor flees or otherwise resists custody*
- *Clarity will likely be needed regarding promotion of a crime which will not exist.*
- *We won't be working these cases unless we come across them from a report from a traditional standpoint. If we focus on the John, we can build a case. But cell phones are where most of*

*the data is going to reside. by not being able to work the case from a victim's end, we lose most of our leads.*

- *With current laws, I foresee number of cases decreasing slightly due to inability to speak with children under 18 without counsel*

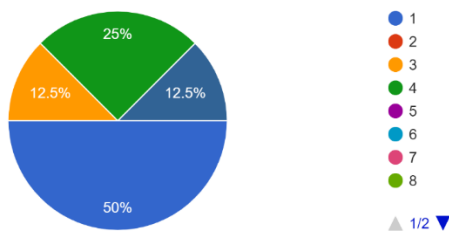
Respondents were confused regarding Probable Cause and arrests under the new law even though the finding above showed LE was not relying on Probable Cause to access cell phones:

- *If probable cause to arrest for prostitution is needed to arrest for promoting prostitution, then we may need to reconsider how we go about this investigation. Especially if PC is needed to get search warrants for phones, vehicles, and residences.*
- *If there is not probable cause for the juvenile's arrest, can we even detain them in order to investigate the promoting aspect (or to find them advocacy services) with the current use of force laws?*

**F. WHAT IS THE CURRENT SITUATION WITH RESPECT TO LE ACCESSING CSEC CELL PHONE?**

Respondents were asked questions specific to accessing cell phones in CSEC investigations. There were only 8 responses to these questions, which brings up the issue of the number of investigations being done. But, among those 8 respondents, half reported minors giving voluntary consent more than one time.

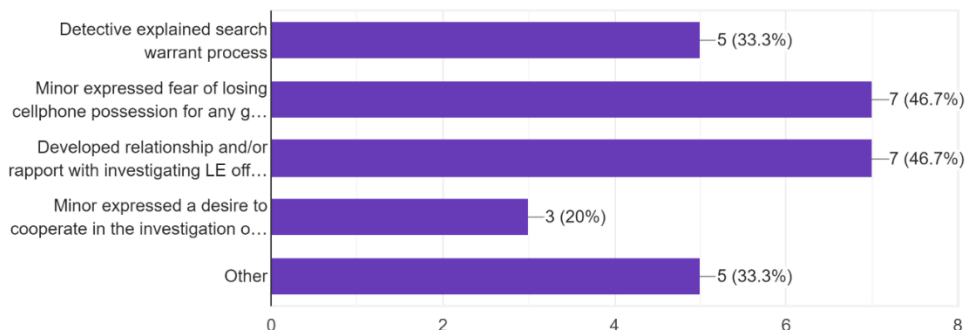
Within the past 24 months, how frequently did a minor voluntarily consent to providing their cellphone to LE for any type of search? How many times?  
8 responses



The respondents were asked how LE were able to obtain consent from the minor. A summary of the responses is in the graph below.

Within these occasions, why do you believe the minor provided voluntary consent? (select all that apply)

15 responses



The survey findings suggest law enforcement is split regarding their understanding of how to obtain CSEC cell phones. Some respondents took the position that they could not investigate a CSEC case without a cell phone and, further, could not get a cell phone without an arrest of the CSEC. As seen in the results shown above, other representative of LE were able to get cell phones by using a victim centered approach: building trust and explaining the process.

These findings underscore the need for communication between jurisdictions and training with common components to standardize CSEC investigations.

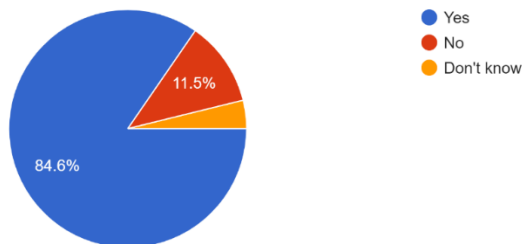
**G. WHAT ARE THE TRAINING NEEDS OF LE TO SUCCESSFULLY IMPLEMENT HB 1775?**

The respondents agreed their agencies would benefit from training on investigative techniques once prostitution was no longer a crime for minors (84.6%) and training on implementation of the Safe Harbor law related to taking minors into custody (96%).

*Clarity will likely be needed regarding promotion of a crime which will not exist.*

Do you believe you and/or your LE agency could benefit from more training on how to implement investigative techniques once Prostitution is no longer a crime for minors?

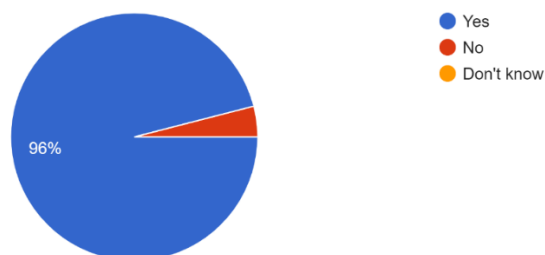
26 responses





Do you believe you and/or your LE agency could benefit from more training on how to implement Safe Harbor laws regarding taking a minor into protective custody?

25 responses



## WHAT ELSE SHOULD WE KNOW

The respondents were given an opportunity at the end of the survey to add comments. The comments emphasized the importance of keeping in mind the needs of rural areas with service needs and those with lower frequency of cases. Other areas of comment included alternative approaches, the burdens on police departments, and anticipated problems with the Safe Harbor law.

### ACCESS TO TRAINING

- *We, as a county, are in the beginning process of learning to identify CSEC crimes and then how to respond. We are building that program at the present time. Once built, we will have more of specific identified issues that we may need to work through.*
- *With relatively low crime volume and low frequency of any of the aforementioned violations, smaller agencies like our would benefit from more information and training on these topics.*

### ALTERNATIVE MECHANISMS

- *I think the state, and federal government should allow part time task force officers to combat this crime*
- *Please advise your LE Agencies that Crime Stoppers allows citizens to report crimes such as this anonymously. I feel this would benefit LE with added info/data/tips to aid in investigations that involve children*

### LEGAL CONSEQUENCES

- *The reality is we only have so many police resources and are at a critical level with not too many people applying.*
- *If you legalize prostitution, we won't investigate it.*
- *With the burden for force being at PC, we are not going to contact people unless we have it.*
- *Often times, the victims of prostitution are highly uncooperative and violent upon contact with LE.*

### LACK OF SUPPORT

- *The offenders have destroyed lives and face severe consequences. \*We have had little success working prostitution cases and face tremendous pushback and little support working prostitution cases.*

*I appreciate someone addressing this issue.*

*We have had tremendous success in working ICAC cases and our community absolutely supports us in doing so*

## SUMMARY OF FINDINGS

1. The findings from this survey suggest that CSEC investigations have decreased. The reasons given for the decrease include: 1. Covid, 2. Lack of LE resources and staffing, 3. Barriers to investigation including changes in laws on probable cause and use of force, 4. Lack of services for CSEC, 5. Inability to arrest, and 6. Barriers accessing cell phones.
2. The barriers to accessing cell phones is more closely related to perceived effects of changes in the laws on Probable Cause and Use of Force than the decriminalized status of minors being sexually exploited.
3. LE reported that establishing probable cause for a crime other than that of prostitution can provide an effective method to searching a cellphone that is in a minor's possession.
4. Using a victim centered approach and establishing trust and rapport may lead minors to voluntarily provide their phones without having to rely on arresting the minor and obtaining the phone search incident to arrest.
5. Findings from the survey clearly identify the need for comprehensive training on Safe Harbor and related issues discussed above:
  - a. There is clear division on use of protective custody under Safe Harbor: Respondents were asked if the Safe Harbor law (HB 1775) **provided sufficient legal grounds to take a CSEC into protective custody**. Of the 20 respondents, 55% (n=11) said "Yes", and 45% (n=9) said "No"
  - b. There is a dissonance on what is said about the new law on Probable Cause being a barrier to CSEC investigations and actual implementation. Respondents were asked: Have you had a case within the past 24 months where you had to rely exclusively on probable cause for the crime of Prostitution in order to seize and/or search a minor's cellphone in the course of a CSEC investigation (e.g., obtain a warrant, make an arrest: Of the 24 respondents, 91.7% (n=22) said "No".
6. Some jurisdictions are continuing to focus on CSEC and working with community groups and are not impinged by these identified issues. Safe Harbor does appear to be working in some areas in the state, but it is not at all consistent.
7. The need for CSEC resources for LE cannot be emphasized enough; it will be difficult for Safe Harbor to succeed and for CSEC to be kept safe without them.
  - a. A CSEC Receiving Center has not been established on the west side of the Cascades as was directed in the legislation.
  - b. There is a clear need for services for CSEC, but also for LE training on all options for where CSEC can be taken. Respondents were asked if there were services CSEC could be transported to when taken into custody. Of the 22 responses, 54.5% (n=12) reported "Yes" and 45.5% (n= 10) reported "No".

## RECOMMENDATIONS

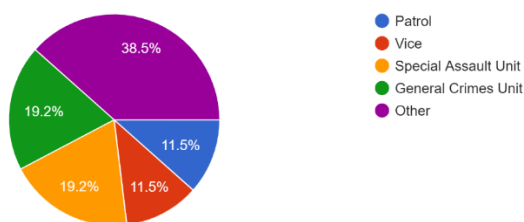
There are recurrent themes throughout the responses regarding CSEC investigations:

- Changes in the laws on Probable Cause and Use of Force, Lack of places to take CSEC, and Lack of LE staffing and resources. These issues tend to override the cell phone issue because there are fewer CSEC cases being investigated, and these issues must be navigated before LE reaches the stage in an investigation where a cell phone or cell phone data needs to be retrieved.
- The cell phone issue also needs to be understood within the context of general confusion on implementation and understanding of new laws on probable cause, use of force, as well as the Safe Harbor Law. Several statements reflect misinterpretation and misunderstanding of the new laws, such as reference to changes in use of force against juveniles, which was incorrect. Likewise, the requirement to contact a defense attorney does not apply in CSEC cases unless there is an arrest for a different charge; they are not arrested for prostitution.

Every investigation that is not done costs the long-term well-being of an exploited child. The main recommendation emerging from this survey is that every effort must be made to support law enforcement to maintain priority on CSEC cases.

1. The most critical issue emerging from the survey for the success of Safe Harbor is to provide law enforcement with training on conducting CSEC investigations in light of all of the legal changes impacting or perceived to be impacting their ability to conduct CSEC investigations and remove CSEC to a safe place.
2. Information should be communicated to all jurisdictions regarding alternative technology and legal investigative strategies to retrieve cell phone information that does not necessarily require taking the phone from the minor.
3. Training on Safe Harbor should be available across departments. The results of this survey show that officers from across departments may be involved with CSEC investigations. (See chart below).

Name of agency department respondent to which respondent is assigned:  
26 responses



4. Comprehensive training on Safe Harbor and factors presumed to affect its implementation including new laws on Use of Force and Probable Cause, investigative techniques to retrieve cell phones and/or cell phone data, and CSEC resources in local areas should be implemented statewide as soon as possible.
5. **It is imperative that a CSEC receiving center be established on the west side of the mountains for LE CSEC referrals.**
6. **LE statewide would benefit from a state resource map, and consideration should be given to providing information to LE in rural counties and underserved areas of the state.**

## LIMITATIONS

