

# HUMAN TRAFFICKING SERIES

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## SAFE Court: Results From a 2-year Evaluation of a Problem-Solving Court for Prostituted Offenders in Harris County, TX

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### Prostitution Problem-Solving Courts

There are an estimated 28 prostitution problem-solving courts across the country (Blakey, Mueller, & Richie, 2017). Like their drug court counterparts, prostitution problem-solving courts grew out of a recognition that sexually-exploited offenders are caught up in a revolving door of arrest and recidivism because traditional solutions like incarceration fail to address underlying issues that contribute to reoffending (Crank, 2014). Common problems include poverty, housing and employment instability, substance use and dependency, health-related issues, childhood sexual victimization, and trauma (Schweig, Malangone, & Goodman, 2012).

Prostitution problem-solving courts offer individuals the opportunity to have their criminal charge(s) dismissed in return for participating in social services that they may not have sought out, or had access to, in the community (Shdaimah & Bailey-Kloch, 2014). These programs consider increased engagement with service providers and program compliance key to helping clients successfully leave prostitution. Ultimately, prostitution specialty courts may save taxpayers money by reducing funding allocated to jails, prisons, and community supervision. For instance, the Texas Senate Research Center reported the cost of the average prostitution rehabilitation program at \$4,300 per person, compared to \$15,500 for jail and \$18,538 for prison (Whitmire, 2013).

In recognition of these cost-savings, the Texas legislature passed S.B. 484 in 2013 requiring counties with more than 200,000 residents to create a prostitution diversion program funded through federal and/or state grants (Hallman, 2013). Counties that did not establish a program risked losing state funding for prisons, jails, probation, and parole departments.

Survivors Acquiring Freedom and Empowerment (SAFE) Court is a judicially-monitored treatment and intensive community supervision program located in Harris County, TX. SAFE Court was established in 2015 with funding from a U.S. Department of Justice's Bureau of Justice Assistance Smart Prosecution grant. The court's purpose is to divert non-trafficked prostituted defendants, aged 17-25 and facing a misdemeanor prostitution charge, into 9-16 months of intensive, individualized treatment. This report highlights the results of both the process and outcome evaluations from the SAFE Court program's first two years of operation.

### SAFE Court: An Overview

SAFE Court operates as a program of the Harris County District Attorney's (DA's) Office, in partnership with the defense bar and probation. The courtroom work group includes Criminal Court Judge Pam Derbyshire, who presides over the court, a designated prosecutor (ADA), criminal defense attorney, case manager, SAFE Court supervisor, specialty court program manager, several treatment providers, and a research partner.

### Program Eligibility

Individuals eligible for SAFE Court are between the ages of 17-25, engaged in prostitution (as someone selling sex), facing a misdemeanor grade charge of prostitution, and lack a human trafficking defense. Individuals with a previous violent felony conviction are ineligible for SAFE Court.

### Referral and Intake Process

The referral and intake process for SAFE Court involves multiple agencies, including law enforcement, prosecution, probation, and Harris County criminal courts.

**Law Enforcement.** The identification of potential program participants begins with law enforcement. Each night, the DA's Office receives a list of everyone arrested and charged for prostitution-related offenses in Harris County that day. Individuals on the list are screened for program eligibility by the ADA.

**Prosecution.** The ADA approaches all individuals who have passed the initial screening process. If outside counsel has been appointed, the ADA requests permission to conduct an interview. During the interview, the ADA rules out the possibility of a human trafficking defense. Individuals interested in being considered for the program are referred to the Community Supervision and Corrections Department (CSCD) for assessment.

**Probation.** The CSCD Assessment Center assesses all individuals referred by the ADA for SAFE Court. The Texas Risk Assessment System (TRAS) tool calculates individuals' recidivism risk based on their criminal history and criminogenic needs. Individuals assessed as low risk are placed in a standard six-month pre-trial diversion program. Individuals assessed as moderate or high risk are scheduled to attend a SAFE

remains a problem. Defendants with a human trafficking defense are not eligible for program participation. The DA's Office screens all defendants flagged as potentially eligible for the program before assessment and, if identified as a human trafficking victim, their cases are dismissed. Despite this screening process, 10% of defendants were identified as possible human trafficking victims (4 defendants entered into SAFE Court and were later dismissed from the program because of human trafficking concerns, while 3 more were identified as possible human trafficking victims after completing SAFE Court).

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### Authors

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Court orientation session conducted by the SAFE Court program coordinator.

**Criminal Court.** Following completion of orientation, the home court coordinator resets the case to the next SAFE Court review date and transfers the case. The client and his/her attorney appear in court to review and sign a pre-trial diversion agreement. The client is introduced to the SAFE Court judge. An initial office visit with the SAFE Court case manager is also scheduled.

### Program Components

SAFE Court is designed to assist clients in transitioning to a more prosocial lifestyle through a series of evidence-based interventions. SAFE Court is comprised of intensive probation, court review, and therapeutic interventions.

**Intensive Probation.** SAFE Court is structured as an intensive probation program that ranges in length from 9-16 months, depending on individual clients' progress. Clients report to a dedicated SAFE Court probation officer (aka case manager) from the Harris County CSCD. As part of their probation sentence, clients participate in office visits, field visits, and substance abuse testing. The case manager monitors program compliance. Requirements for reporting and court attendance become less frequent as a client progresses through the program phases.

**Court Review.** SAFE Court is held twice a month. At review hearings, the presiding judge interacts one-on-one with each client in a non-adversarial manner.

**Therapeutic Interventions.** As part of the assessment and case planning stage, the treatment team and client identify specific interventions to address the client's needs. These interventions address the criminogenic and responsivity issues associated with an increased likelihood of future recidivism. Common interventions include substance abuse treatment (outpatient and residential), individual and/or group counseling, and educational/vocational services.

### Program Phases

SAFE Court is a four-phase, highly structured, abstinence and accountability pre-trial diversion program. Each phase consists of treatment objectives, therapeutic and rehabilitative activities, and specific requirements for promotion to the next phase. Phases of the program proceed as follows:

**Phase I.** Clients have a clear treatment plan developed and their motivation to change addressed. The case manager and client identify potential barriers to success and develop personalized strategies for addressing those barriers. Clients progress through Phase I as they begin to build motivation to change and address some of the early barriers to success.

**Phase II.** Clients focus on primary treatment needs. Clients' progress in the primary treatment services is tracked by the case manager, and biweekly updates on their progress are provided to the court. Treatment team meetings are scheduled when appropriate.

**Phase III.** Clients develop personalized prosocial plans that address long-term change. Employment services are developed for clients, as well as social enterprises to help support clients' transition to a prosocial lifestyle.

**Phase IV.** This phase strives to create a successful transition from the primary services of the SAFE Court to regular supervision and, ultimately, to the successful completion of community supervi-

sion.

### Program Completion

Program termination depends upon clients' progress in the program. A client may be terminated successfully (graduated) or unsuccessfully (revoked) from SAFE Court. Clients who graduate from the program have their pending criminal case dismissed. Clients who are revoked from the program have a warrant issued for their arrest.

### Principal Evaluation Findings

As part of the BJA Smart Prosecution grant, an evaluation of SAFE Court's operation and effectiveness was conducted by the court's research partner, Lisa R. Muftić, PhD. A combination of qualitative and quantitative research methods were used. Data were collected through direct observation, surveys, program data, and official criminal histories. Two separate samples (prostituted defendants and program stakeholders) helped inform the evaluation of SAFE Court's overall effectiveness. Several types of inferential statistics (descriptive, bivariate, and multivariate) were used to analyze items pertaining to participant characteristics, program implementation, completion, and satisfaction, as well as differences between defendants who did and did not recidivate. An overview of the findings are presented below.

### SAFE Court Client Characteristics

An important component of the process evaluation was to determine whether the target population was being reached. Thus, defendant characteristics, including client demographics, risk and protective factors, and trauma histories, were collected and analyzed.

### Demographics

The average SAFE Court client was 21 years of age at time of arrest (range: 17-25), female (99%), and of minority status (52% were Black and 4% were Asian). About 1 in 4 clients (29%) self-reported as Latinx.

### Risk and Protective Factors

Multiple risk and protective factors have been associated with recidivism among sexually exploited individuals. Information was collected on factors most relevant to the population of study and available from CSCD. These included education, mental health diagnosis, employment, health insurance, and marital and parental status.

- 3 out of 5 clients (60%) possessed at least a high school diploma or GED.
- 2 out of 5 clients (40%) reported having a mental health diagnosis.
- One-third of clients (36%) were employed at the time of arrest.
- At time of intake, 6% of clients were married, 9% were pregnant, and 31% had at least one child.
- 18% of SAFE Court clients were arrested while soliciting on the streets and 66% had an online advertisement (e.g., Backpage) at the time of arrest.

The Texas Department of Public Safety Criminal Justice Information System (CJIS) provided official arrest histories.

- 57% of SAFE Court clients had a prior arrest.

### Childhood Trauma

SAFE Court defendants were assessed for adverse childhood experiences (ACEs) that had occurred before the age of 18 using the 10-item Adverse Childhood Experience questionnaire (Felitti et al., 1998). This questionnaire contains three questions about childhood abuse, five questions about household challenges experienced while

growing up, and two questions about childhood neglect. SAFE Court clients answered *yes* or *no* to indicate whether they had personally experienced any of the 10 traumatic events listed on the instrument before the age of 18.

- 52 SAFE Court clients completed the ACEs questionnaire.
- 40% of clients reported experiencing four or more ACEs before the age of 18.
- The average SAFE Court client reported an ACE score of 3.5, with clients' ACE scores ranging from 0 (no ACEs experienced) to 10 (all ACEs experienced).

### Adulthood Trauma

SAFE Court clients were assessed for traumatic experiences in adulthood via an adulthood trauma screener containing 12 items from the Posttraumatic Diagnostic Scale (PTDS; Foa et al., 1997). Two questions focused on everyday life trauma, five focused on physical and sexual abuse trauma, and the remaining five questions focused on other types of traumatic events. SAFE Court clients answered *yes* or *no* to indicate whether they had personally experienced any of the 12 traumatic events listed on the instrument.

- 63 SAFE Court clients completed the adulthood trauma screening tool.
- Almost one-third (29%) of SAFE Court clients reported experiencing four or more different traumatic experiences in adulthood.
- The average SAFE Court client reported experiencing 2.5 different traumatic events in adulthood (range: 0-9).

### Program Implementation

Evidence suggests that SAFE Court has largely been implemented as originally planned.

- The DA's Office screened misdemeanor prostitution cases filed in Harris County to find eligible young adults for SAFE Court. Over the first two program years, 349 prostituted defendants were identified as potentially eligible for SAFE Court (compared to the 190 defendants originally anticipated).
- Over the course of the first two program years, 73 defendants entered into a SAFE Court contract (compared to the 70 SAFE Court clients originally anticipated).
- SAFE Court operates with a dedicated judge and docket.
- There is a separate, pre-trial diversion track for low-risk prostituted defendants.
- When SAFE Court reaches capacity, HCDA offers pre-trial diversion to the overflow moderate/high risk population seeking admission into SAFE Court.
- SAFE Court clients spent a total of 12 months in the program (within the program benchmark of 9-16 months).

Furthermore, SAFE Court is fairly consistent with most of the 10 key components of drug courts, including the coordination of treatment services and criminal justice processing, use of a non-adversarial approach, and on-going judicial interaction with participants (NADCP, 2003).

- While in the program, the average SAFE Court client attended 9 court reviews, 10 office visits, 2 group visits, and was present during 1 field visit.
- The SAFE Court case manager made 190 referrals, including referrals for substance abuse treatment, educational and vocational services, housing, and counseling.

- 1,408 drug tests were ordered for SAFE Court clients, 16% of which tested positive.
- Clients rated both the court and court team members satisfactorily.

### Program Completion

As of October 24, 2017, almost 2 out of 3 clients (64%) had graduated or been successfully dismissed from the program. Among all SAFE Court clients, several statistically significant differences emerged as predictive of program completion.

- Non-completers were significantly more criminally involved and had experienced more ACE trauma than defendants who completed the program.
- Program completers were significantly more likely to be satisfied with SAFE Court, have completed some type of programming, and started counseling.

Over half (56%; n=24) of clients who successfully completed SAFE Court had their charge expunged from their criminal record.

### Recidivism

1 in 3 SAFE Court clients (35%) were rearrested after entering into a SAFE Court contract. Compared to other prostituted defendants, SAFE Court clients were less likely to recidivate than defendants who refused to be assessed for SAFE Court (50%), but more likely to recidivate than individuals sentenced solely to community supervision (20%).

In multivariate models, the strongest predictor of recidivism was having a prior arrest. Multivariate statistical models did not find a difference in recidivism between clients who participated in SAFE Court and individuals who refused to be assessed for SAFE Court. Additionally, program completers did not significantly differ on recidivism from non-completers.

### Recommendations

Areas that require improvement include the provision of an array of treatment services, a coordinated response strategy to non-compliance, access to continued education for court personnel, and the development of on-going partnerships with other local agencies and community organizations. While SAFE Court aspires to operate from a trauma-informed perspective, additional steps must be taken in order to fully realize this goal.

**Program Entry.** The speed of identifying, screening and admitting defendants to SAFE Court is less than desirable. Findings indicate that the time from arrest to assessment averaged 65 days (more than double the current 30 day benchmark), and the time from assessment to contract averaged 45 days (9 times as long as the current 5 day benchmark). Overall, the time from arrest to contract averaged 110 days.

**Net widening.** SAFE Court may have an unintended net-widening effect. Specifically, prostituted defendants assessed as high risk were no more likely to recidivate if they were placed on community supervision because SAFE Court was full (the less intrusive option) than if they were placed in SAFE Court (33% versus 37%, respectively). High-risk defendants who recidivated served an average of 57 days in jail if they had been in SAFE Court, but an average of only 1 day if they had been placed on a community supervision sentence only.

**Human Trafficking.** The criminalization of human trafficking victims