



Sex Offender Management Board
Office of Domestic Violence & Sex Offender Management
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**White Paper Regarding Adult Females Convicted of Sex Trafficking Related Offenses of
Minor Children
Colorado Sex Offender Management Board
Approved on January 15, 2021**

Purpose:

This white paper is written to provide guidance to Colorado Sex Offender Management Board (SOMB) approved providers when evaluating and treating females who are convicted of sex trafficking related crimes in which the victim is under the age of 18.

This white paper is precipitated by requests to the SOMB to provide guidance regarding how to complete meaningful risk assessment and provide treatment responsive to the unique experiences and needs of this client group. This paper's primary focus is on females as part of a trafficking organization, regardless of the organization's level of sophistication.

Definition:

Sex trafficking is the process of one individual compelling another to engage in commercial sex acts against his or her will for the economic benefit of the trafficker.¹ Convictions for any of the following sex trafficking offenses in which the victim is a minor, requires evaluation and treatment per the Colorado Sex Offender Management Board's *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*:²

§18-7-402	Soliciting Child Prostitution
§18-7-403	Pandering of a Child
§18-7-403	Procurement of a Child
§18-7-404	Keeping a Place of Child Prostitution
§18-7-405	Pimping of a Child
§18-7-405	Inducement of Child Prostitution
§18-7-406	Patronizing a Child Prostitute
§18-3-504	Human Trafficking of a minor for Sexual Servitude

¹ In Colorado, there are two definitions involving human trafficking for sexual servitude. Regarding adult victims, the definition is as follows: A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, or obtains by any means another person for the purpose of coercing the person to engage in commercial sexual activity commits human trafficking for sexual servitude. (§18-3-504, C.R.S.). In cases in which the victim is a minor, the definition is as follows: A person who knowingly sells, recruits, harbors, transports, transfers, isolates, entices, provides, receives, obtains by any means, maintains, or makes available a minor for the purpose of commercial sexual activity commits human trafficking of a minor for sexual servitude. (§18-3-504, C.R.S).

² §16-11.7-102, C.R.S.

Discussion of the Issue:

The steady increase of female involvement in organized crime, in particular human trafficking, should not be underestimated.³ Compared with male traffickers, female traffickers were more likely to be younger, worked in groups and play bottom supporting roles in sex-trafficking rings.³ Individuals convicted of a sexual offense present with varying levels of risk and need.⁴ To effectively evaluate, treat and supervise females convicted of sex trafficking related offenses involving minors, it is essential that professionals have a solid understanding of the risk, needs and responsivity issues specific to this population.

Sex trafficking can occur in a variety of ways.⁵ Sex traffickers access their victims within the context of family systems, intimate partner relationships, social networks, and via a structured criminal organization or via global human trafficking networks.⁶

There is limited research to date, however, on demographic characteristics of sex traffickers and victims of sex trafficking. There are a few research studies that indicate that persons of a vulnerable socio-economic status and people of racial minorities backgrounds were at a higher risk to be victims of sex trafficking.⁷ Based on cases found from online media, government reports, and court documents electronically filed between 2010-2015, one published study did conclude that over 70% sex traffickers of minors (without differentiating male and female traffickers) were from racial minority groups.³ However, the research methodology and results are further undermined by the fact that half of race information was missing. Therefore, much remains unknown about the true demographic characteristics of sex traffickers.

Criminal justice research in general is subject to the inherent inequalities of the criminal justice system, and as a result, may not fully capture information about all of those involved in certain crime types. As such, any statistics in criminal justice research should not be used to generalize groups of people and the number may only reflect the racial disparities that pervade the criminal justice system.

Evaluating and treating female sex traffickers is a complex task, in part because most of these clients were victims of a sex trafficker prior to moving into a role in which they have trafficked a

³ Roe-Sepowitz, D. (2019). A six-year analysis of sex traffickers of minors: exploring characteristics and sex trafficking patterns. *Journal of Human Behavior in the Social Environment*, 29(5), 608-629.

⁴ Bonta, J., & Wormith, J. S. (2013). Applying the risk-need-responsivity principles to offender assessment. In L.A. Craig, L. Gannon, L., & T. A. Dixon (Eds.), *What works in offender rehabilitation: An evidence-based approach to assessment and treatment* (pp. 71-93).

⁵ Henderson, A., Ph.D. (2019). A view from the bottom: the victim-offender overlap in commercial sexual exploitation. Training provided to the Female Sex Trafficking Workgroup of the Colorado Sex Offender Management Board on May 10, 2019; Keinast, J., Lakner, M., & Neulet, A. (December 2014). The role of female offenders in sex trafficking organizations. Regional Academy of the United Nations.

⁶ Ibid

⁷ Butler, C. N. (2015). The racial roots of human trafficking. *UCLA L. Rev.*, 62, 1464.

victim.⁸ A few emerging research studies indicated that not all female sex traffickers were victims.⁹ Some female traffickers may be financially motivated or play major co-conspirator roles or even leadership roles.⁹

Victims in the sex trade may be subject to a position of trust relationship or may perceive themselves to be in a consensual, romantic relationship with their traffickers. Victims within sex trafficking organizations are often manipulated into substance dependency and subject to violence, coercion and threats. This abusive process is used to gain compliance and often results in trauma bonding, which occurs as a result of the ongoing cycles of abuse in which the intermittent reinforcement of reward and punishment creates powerful emotional bonds that are resistant to change.¹⁰ Trauma bonding cogently aligns with trauma reactions being disproportionately represented and criminalized for girls and women of color from low-income communities.¹¹ The term Trauma-to-Prison-Pipeline describes the fact that many girls from low-income communities and girls of color who experience sexual abuse are routed into the criminal justice system because of the behaviors they exhibit as a direct result of their victimization. In addition, the term School to Prison Pipeline is used to describe the transfer of certain youth from the public school system into the juvenile and criminal justice system. According to Baumle (2018), “Girls in the system have disproportionately experienced many kinds of trauma, including structural trauma of racism and poverty.” Thus, repeated exposure to instances of racism or race-based stress results in the same psychological effects as traditional, interpersonal trauma including intrusion, avoidance and arousal.¹² A frequent consequence with vast implications is that the sex trafficking victim does not self-identify as a victim. Moreover, research suggests the need to create a system of supportive services that directly address the trauma of abuse, poverty and racism.

Eventually, the victim may be offered a means to minimize her own victimization by recruiting and managing additional victims to be trafficked.¹³ Without intervention, she is unlikely to comprehend the magnitude of harm she causes when enticing, coercing or forcing a victim into the commercial sex trade. In fact, these clients often see themselves in a caretaking and mentorship role.¹⁴

Emerging research suggests that females convicted of sex trafficking related offenses may present with a potentially unique set of characteristics. While research to date is preliminary, common themes are emerging and indicate that adult female sex traffickers may:

⁸ Henderson (2019); Raphael, J., & Myers-Power, B. (2010). From victims to victimizers: Interviews with 25 ex-pimps in Chicago. Schiller DuCanto & Fleck Family Law Center, DePaul University Chicago, 1-9;

⁹ Wijkman, M., & Kleemans, E. (2019). Female offenders of human trafficking and sexual exploitation. *Crime, Law and Social Change*, 72(1), 53-72.

¹⁰ Carnes, P. P. (2019). *Betrayal Bond: Breaking Free of Exploitive Relationships*. Health Communications, Incorporated.

¹¹ Baumle, D (2018). Creating the Trauma-to-Prison pipeline: How the U.S. justice system criminalizes structural and interpersonal trauma experienced by girls of color. *Family Court review*, Vol 56, Oct 2018, 695-708

¹² *Ibid*

¹³ Raphael, J., & Myers-Power, B. (2010).

¹⁴ Henderson, A., Ph.D. (2019).

- Present with complex trauma (i.e. – exposure to multiple traumatic events)¹⁵
- Have high rates of previous victimization including physical, emotional, and sexual abuse¹⁶
- Have high rates of being previously recruited into sex trafficking¹⁷ or have been trafficked by family members¹⁸
- Have family members and family acquaintances involved in sex trafficking and other criminal activities¹⁹
- Have an influential co-defendants²⁰ or male partner involved in criminal activities²¹
- Have high substance abuse rates in relation to their complex trauma²²
- See themselves in the role of caretaker and mentor, and not as an offender²³.

Implications for the Sex Offense-Specific Evaluation

In order to best assess the risk and needs of females convicted of sex trafficking related offenses, the evaluation team will need to reach beyond the probable cause affidavit. It is incumbent upon the evaluator to obtain additional collateral information, such as police reports that will detail victim interviews and co-defendant statements. Oftentimes, additional investigation outcomes will be revealed (e.g., forensic searches of electronic devices and collateral witness interviews) after the original referral packet is received by the evaluator. Therefore, it is important to contact the referral source and prosecuting attorney to further ascertain additional investigative findings that will contribute to the evaluation conclusions and recommendations. Evaluators should seek to obtain any of the following, if available:

- Additional statements by the defendant not contained in the original probable cause affidavit.
- New co-defendant information, or new statements/information from existing co-defendants.
- Forensic searches of electronic devices or financial accounts with pertinent results.

¹⁵ Cortoni, F. A. (2018). *Women who sexually abuse: Assessment, treatment & management*. Brandon, VT: Safer Society Press; Cortoni, F., Ph.D.(Producer). (2017). *Women who Sexually Offend: Assessment, Treatment and Management* [webinar]. Available from <https://vimeo.com/247395529/21afd92f26>.

¹⁶ Raphael, J., Myers-Power, B. (2010).

¹⁷ Gotch, K. (2016). Preliminary data on a sample of perpetrators of domestic trafficking for sexual exploitation: Suggestions for research and practice. *Journal of Human Trafficking*, (2) 99-109.

¹⁸ Raphael, J., Myers-Power, B. (2010).

¹⁹ Keinast, J., Lakner, M., & Neulet, A. (2014). The role of female offenders in sex trafficking organizations. *Regional Academy of the United Nations*.

²⁰ Cortoni, F. A. (2018); Cortoni, F., Ph.D.(Producer) (2017).

²¹ Keinast, J. et al. (2014).

²² Cortoni, F. A. (2018); Cortoni, F., Ph.D.(Producer) (2017).

²³Henderson, A., Ph.D. (2019).

- Newly identified victims or new statements/information from previously identified victims.
- Additional charges.
- County Department of Human Services records, if available.^{24,25, 26}

When documenting social history and familial experiences, along with attachment considerations, these clients also may have dependency issues. Other areas that should be considered are non-traditional homes, multiple home placements, lack of stable living environment, homelessness, and unpredictable or unreliable parental figures. It is of the utmost importance to consider the client’s history and why turning to sex trafficking was a viable option.

A challenge in evaluating the needs of this population includes the lack of normed actuarial risk assessment tools for females convicted of sexual offenses. Evaluators are encouraged to verify that screening and assessment instruments are trauma informed and gender specific (e.g. – The Women’s Risk Needs Assessment²⁷). When tools are not trauma-informed or validated for females, this should be articulated when drawing observations and conclusions. When evaluating this population, the evaluator is encouraged to reference Appendix M: Female Sex Offender Risk Assessment. Additionally, in order to better capture the risk and needs of females convicted of sex trafficking related crimes, current sex offense-specific evaluation protocols should be supplemented with additional procedures and tools.

While research is limited specific to females convicted of sex trafficking related crimes, experience of subject matter experts crafting this paper identified several commonly exhibited risk and need factors that may require additional assessment within the SOSE. These may include:

- History of involvement within the commercial sex industry
- History of complex trauma (i.e. – exposure to multiple traumatic events)
- Maladaptive coping strategies, such as addictive behaviors, unhealthy relationships, dependency issues and using sex as a coping strategy
- Existing personality disorders
- Attachment styles and history with parental figures
- Life skills (education level, parental skills if applicable, financial literacy, job skills, etc.)

Existing research indicates that the parent-child relationship may serve as a protective factor for

²⁴ Additionally, many of the traffickers (and their victims) have extensive victimization histories (including physical, sexual and emotional abuse/neglect) as well as prior involvement in juvenile justice and/or child welfare systems.

²⁵ DHS records can be accessed via a Release of Information signed by the client. When a release is not signed, a Court Order must be obtained in order for DHS to release records. Additional information regarding records requests is available via the following link: <https://www.colorado.gov/pacific/archives/request>.

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²⁷ The Women’s Risk/Needs Assessment (WRNA), which assesses both gender-neutral and gender-responsive factors and affords separate forms for probation, prison, and pre-release; and 2) the Women’s Risk/Needs Assessment - Trailer (WRNA-T) which is designed to supplement existing risk/needs assessments such as the Level of Service Inventory.

mothers that are incarcerated.²⁸ When considering contact issues, there should be careful consideration given to whether such contact can be done safely and in the best interest of the child (for more information, see the Adult Standards and Guidelines Section 5.700). Due to the high prevalence of trauma with this population, evaluation teams should consider using gender specific research supported instruments that target trauma.²⁹ Evaluation teams are encouraged to strengthen current protocols with the following additional assessment tools:

Gender-Specific Risk Needs Assessment:

- The Women’s Risk Needs Assessment³⁰
- LSI – Level of Service Inventory-Revised³¹

Relational Domain:

- Attachment Assessment tools (Adult Attachment Interview, The Attachment Style Questionnaire, Bartholomew Attachment Inventory, Adult Attachment Scale)
- Personality Inventories (e.g. – PAI, MMPI and MCMI)
- The Experiences in Close Relationships – Revised Questionnaire³²

Self-Management:

- Trauma Symptom Inventory 2 (TSI-2)³³
- Adverse Childhood Experiences (ACE) Questionnaire³⁴
- Personality Inventories (e.g. – PAI, MMPI and MCMI)
- Structured Assessment of Protective Factors for Violence Risk (SAPROF)³⁵

Please note that the assessment tools listed above may require additional credentialing and instrument-specific training. Evaluation teams should also be well-versed in the application of such tools specific to the person being evaluated.

²⁸Mignon, S. I., & Ransford, P. (2012). Mothers in prison: maintaining Connections with Children. *Social Work in Public Health*, 27(1-2), 69-88. doi:10.1080/19371918.2012.630965; Tasca, M. (2015). The Gatekeepers of Contact. *Criminal Justice and Behavior*, 43(6), 739-758. doi:10.1177/0093854815613528.

²⁹Id.; Burt, G., Olver, M.E. & Wong, S.C.P. (2016). Investigating characteristics of the non-recidivating psychopathic. *Criminal Justice and Behavior*, 43(12), 1741–1760.

³⁰ The Women’s Risk/Needs Assessment (WRNA), which assesses both gender-neutral and gender-responsive factors and affords separate forms for probation, prison, and pre-release; and 2) the Women’s Risk/Needs Assessment - Trailer (WRNA-T) which is designed to supplement existing risk/needs assessments such as the Level of Service Inventory.

³¹ The Level of Service Inventory–Revised™ (LSI-R™) is a quantitative survey of offender attributes and their situations relevant to level of supervision and treatment decisions. Designed for ages 16 and older, the LSI-R helps predict parole outcome, success in correctional halfway houses, institutional misconducts, and recidivism. The 54 items are based on legal requirements and include relevant factors needed for making decisions about risk and treatment. The LSI-R Manual explains the use of the LSI-R and summarizes research studies on its reliability and validity.

³² The ECR-R measures individuals on two subscales of attachment: Avoidance and Anxiety. In general Avoidant individuals find discomfort with intimacy and seek independence, whereas Anxious individuals tend to fear rejection and abandonment.

³³A broadband measure, the TSI-2 is designed to evaluate posttraumatic stress and other psychological sequelae of traumatic events, including the effects of sexual and physical assault, intimate partner violence, combat, torture, motor vehicle accidents, mass casualty events, medical trauma, traumatic losses, and childhood abuse or neglect.

³⁴The term Adverse Childhood Experiences (ACEs) refers to a range of events that a child can experience, which leads to stress and can result in trauma and chronic stress responses.

³⁵The SAPROF contains 17 protective factors organized into three scales. 15 of the factors are dynamic, making the factors valuable treatment targets and treatment evaluation measures.

There may be instances in which evaluation findings determine that sex offense-specific treatment is not appropriate. In such instances, it is important to recommend against sex offense-specific treatment and instead suggest interventions and supervision strategies that will likely mitigate the individual's criminogenic needs. This may mean that once an individual completes the sexual behavior disclosure process, additional sex-offense specific treatment may not be warranted. Similarly, if adjunct treatment needs are acute and severe, these may need to be addressed before a client is able to benefit from sex offense-specific treatment. A gender-specific and trauma informed approach³⁶ to the sex offense-specific evaluation will likely lead to more comprehensive and individualized conclusions and recommendations.

Given the complexity of the crimes perpetrated by sex traffickers, sex offense-specific evaluations in such cases require additional information and collateral resources. Therefore, it is important that the referral source be aware of this need, so that additional time may be requested for a thorough and meaningful evaluation to be completed.

Implications for Sex Offense-Specific Treatment

Upon admission of a female convicted of a sex trafficking related offense into a sex offense-specific treatment program, it is incumbent upon the clinician to review the sex offense-specific evaluation and available collateral materials. If not acquainted with the research and dynamics presented by females convicted of sex trafficking related crimes, it is imperative that expertise and guidance be sought from a knowledgeable professional. Additionally, when possible, consideration should be given to form a separate group from women who have committed other types of sexual offenses. Doing so will allow better targeting of client risk and needs as well as insulate both groups from potential vicarious trauma and may promote client well-being.

An individualized gender specific treatment plan, consistent with the risk, needs and responsivity factors of the client should be established in collaboration with the client. Ongoing assessment via the treatment process, including the use of tools appropriate to measure the risks and needs may determine that sex offense-specific treatment will need to be augmented or replaced, in order to effectively reduce risk and meet the criminogenic needs unique to the client. Section 3.120 and 3.160(B)(6) of the *Standards and Guidelines* requires providers to refer to adjunct treatment providers when clinically indicated. Adjunct needs may include:

- Complex Trauma
- Substance Misuse and Dependency
- Parenting Skills
- Healthy Relationships
- Healthy Sexuality

³⁶ Levenson, J. S., Willis, G. M., & Prescott, D. (2018). Incorporating Principles of Trauma-Informed Care Into Evidence-Based Sex Offending Treatment. *New Frontiers in Offender Treatment*, 171-188. doi:10.1007/978-3-030-01030-0_9.

- Self-Esteem
- Conflict Resolution
- Financial Literacy
- Employment Skills Training

It is important to use gender-specific techniques that enhance motivation for change, build pro-social supports and help a client create a legal, sustainable means of financial stability. Independent and stable lifestyles supplemented with supportive pro-social networks and dependable services are critical factors for long-term successful rehabilitation of female sex traffickers.³⁷

When working with this population, it is important that the clinician be knowledgeable about the research and treatments related to the commercial sex industry, victimization and trauma recovery. Providers shall continue to identify this type of offender who may perceive themselves as helpers (e.g., helping other women to achieve financial independence), nurturers rather than perpetrators in order to formulate a risk, need responsive approach for evaluation and treatment.

Conclusion

As previously stated, research on females convicted of sex trafficking related crimes is preliminary and emerging. While not all female sex traffickers fit one specific profile, there are common themes that have been identified in the literature that may be helpful for evaluators, treatment providers, and supervision officers working with this population. It is essential that those working with this population carefully evaluate client risk and criminogenic needs, and design treatment and supervision plans that are consistent with the responsivity factors presented by the client. This may or may not include the need for sex offense-specific treatment, and regardless of whether this need exists, females convicted of a sex trafficking related crime typically present with a number of additional needs that must be addressed in supervision and treatment planning in order to achieve favorable outcomes.

Professionals with expertise in this area (i.e., trauma-informed treatment, gender-based interventions, sex trafficking, complex trauma, personality disorders, etc.) should be sought and relied upon to help direct this work, and it is incumbent upon professionals to not practice outside their scope of expertise. Providers should consider consulting with experienced practitioners when developing treatment and supervision strategies, as well as to identify possible resources that may aid in information gathering. For further guidance related to working with the sex trafficking population, contact the Adult Standards Coordinator at 303.239.4499.

³⁷Cortoni, F. A. (2018); Cortoni, F., Ph.D.(Producer). (2017).

