



Arizona Human Trafficking Council
June 15, 2023, 9:00 AM
Hybrid Meeting

1700 West Washington Street, Phoenix, Arizona 85007
 A general meeting of the Arizona Human Trafficking Council was convened on **June 15, 2023**,
 notice having been duly given.

Members Present (12)	Members Absent (6)
Claire Sechler Merkel, Co-Chair	Rachel Mitchell
Maria Cristina Fuentes, Co-Chair	Lt. Rick Leyvas
Joseph Kelroy	Dr. Dominique Roe-Sepowitz
Conrad Lindo (proxy for Tonya Hamilton)	Nathaniel Brown
Lt. Nick Alamshaw	Councilman Jim Waring
Carlos Daniel (proxy for Brain Steele)	Sophia Philis-Ortiz
Lois Lucas	
Sarah Chung	
Dr. Angela Salomon (proxy for Dr. Sarah Beaumont)	
Doug Coleman	
Jill Rable	
Senator T.J. Shope	
Staff and Guests Present (6)	
Amy Peep, GOYFF	Sara Micflikier
	Tarah White
	Elizabeth Burton Ortiz
	Rachelle Lumpp
	Major Jennifer Pinnow

Call to Order

- **Maria Cristina Fuentes, Co-Chair**, called the Arizona Human Trafficking Council meeting to order at **09:06 AM** with 12 members and six staff/guests present. She reviewed meeting procedures, welcomed all those joining via Zoom, and thanked them for their flexibility.

Approval of Minutes

- **Maria Cristina Fuentes, Co-Chair**, requested a review of the **April 13, 2023** meeting minutes.
 - **Joseph Kelroy** moved to accept the **April 13, 2023** minutes.
 - **Doug Coleman** seconded the motion.
- The motion passed with no dissenting votes at **09:10 AM**.

Prosecuting Traffickers for Maricopa County

- **Claire Sechler Merkel, Co-Chair**, introduced **Sara Micflikier**.
- **Sara Micflikier** is a Deputy County Attorney with the Maricopa County Attorney's Office, where she has worked for approximately 17 years. She spent 14 years in the Sex Crimes Bureau, where she prosecuted

cases of sexual assault, child molestation, sexual conduct with a minor, sexual exploitation of a minor, and child sex trafficking cases.

- Ms. Micflikier is specialized in the prosecution of cases involving child sex trafficking, county civil commitments for Sexually Violent Predator (SVP), among other post-conviction and criminal trial caseloads. Ms. Micflikier's current position is the Bureau Chief of Training and Development at the Maricopa County Attorney's Office.
- **Sara Micflikier** thanked the Council for inviting her to speak on prosecuting traffickers for the [Maricopa County Attorney's Office \(MCAO\)](#). Since her last presentation to the Council in 2016, she came prepared to discuss the current caseload and the legislative updates that had occurred in the meantime.
- **Sara Micflikier** began her presentation by explaining the current caseload of her office, specifically related to trafficking cases. There are multiple attorneys assigned these cases in her office, not just herself.
 - The current caseload for prosecuting traffickers for Maricopa County is approximately 20-30 cases at any given time. These cases can last anywhere from a few months to a few years depending on factors that may or may not be directly related to the case (i.e. COVID, staffing).
 - In these cases, it is common for there to be more than one victim per case.
 - The current caseload is large for prosecuting buyers for Maricopa County.
 - MCAO works in conjunction with local agencies, partners, and police departments across the valley for the 50+ currently pending undercover operations. Prosecutors who attend the undercover operations can assist in reviewing/assigning charges.
 - These are a portion of the caseloads held by the Sex Crimes Attorneys.
- **Sara Micflikier** highlighted that MCAO has specialized victim advocates hired as support staff who are dedicated victim advocates for these cases. Their duties are to: explain victim rights, confer pleas, find therapeutic assistance/resources, assist with any restitution and/or [victim compensation](#), aid with housing resources, help navigate the behavioral health system in Maricopa County, attend hearings with victims, assist with writing victim impact statements, read victim impact statements at sentencing when it is too difficult, send hearing notifications, and schedule meet and greets and trial preparation with District County Attorney's (DCAs).
 - Funded by the Victims of Crime Act (VOCA) Grant.
 - Out of a current caseload of 128 cases, approximately 30 of them involve sex trafficking.
- **Sara Micflikier** included a notable case, the State of Arizona versus William James McElroy Jr. The details are as follows:
 - In January 2018, Victim A was recovered by the Phoenix Human Exploitation and Trafficking Unit (HEAT). The minor immediately disclosed she was a runaway and the defendant had been trafficking her for sex and having sex with himself.
 - A search warrant on the defendant's apartment located the victim's property and used condoms which were later found to have DNA consistent with the defendant and the victim.
 - While executing the search warrant, police were contacted by Victim B. She disclosed that while living with the defendant, her uncle, she was instructed to engage in prostitution for him. If she refused, he would become violent. He had also sexually assaulted her on multiple occasions.
 - This case was challenging for the prosecutors because, during the trial, the defendant worked to threaten and intimidate the victims by other individuals, not in custody. Specifically, he instructed them to post photos of the victims on the internet labeling them as "snitches" or "police informants" and provided information about their last known whereabouts.
 - During the trial, he called known associates the night before the minor victim was to testify, trying to get the associate to prevent her from participating. As a result, both victims were very reluctant to participate.
 - The jurors found him guilty of 28 crimes:
 - 11 counts of child sex trafficking
 - 6 counts of sexual conduct with a minor
 - 3 counts of receiving the earnings of a prostitute
 - 2 counts of pandering
 - 2 counts of sexual abuse

- 1 count of sexual assault
 - 1 count of kidnapping
 - 1 count of aggravated assault
 - 1 count of misdemeanor assault
 - The trial court sentenced him to consecutive prison terms totaling 135 years.
 - The defendant appealed due to the prosecution having an expert witness testimony that explained the dynamics of trafficking culture to the jury. They explained the reason why victims and survivors might delay leaving or delaying disclosure which is typical counterintuitive victim behavior.
 - In total, McElroy Jr. was sentenced to 141.5 years in prison with no potential for “good behavior.”
- **Sara Micflikier** provided legislation updates regarding luring, liability charge, probation, and repeat offenders.
 - Sentencing changes around luring a minor for sexual exploitation: a person who is convicted of a violation of this section is not eligible for suspension of sentence, probation, pardon, or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted.
 - “Fictitious child” was added to the Dangerous Crimes Against Children (DCAC) [A.R.S. 13-705](#). “It is not a defense to a dangerous crime against children that the minor is a person posing as a minor or is otherwise fictitious if the defendant knew or had reason to know the purported minor was under fifteen years of age.”
 - [A.R.S. 13-3212](#) was updated regarding child sex trafficking sentencing for both buyers and traffickers. Most notably, if the charge was previously probation eligible, it is now up to a lifetime available.
 - Life sentences are now available for repeat offenders who are convicted of child sex trafficking, DCAC, and a prior conviction for any DCAC in the first degree (completed offense).
- **Sara Micflikier** explained to the Council that MCAO is continually cooperating with law enforcement partners to investigate these cases to reduce demands, therefore decreasing the reason for any victim to be trafficked.
- **Sara Micflikier** explained the ongoing training presentations that they provide to local agencies, as well as participate in, such as Justice Clearinghouse webinars, Arizona State University, Prevent Child Abuse Arizona, New Life Center, and the MCAO’s Mentorship Program through Desert Vista High School.
- **Claire Sechler Merkel, Co-Chair**, mentioned how far Arizona has come as a state but there is still more work to do. She asked if there is still a reluctance to charge child sex trafficking. Is Arizona supportive of charging child sex trafficking?
 - **Sara Micflikier** answered that yes, they will charge it if that option is available to them. Overall, there has been an increase in these prosecutions. She explained that this could be due to having a better understanding of how to charge for child sex trafficking as well as educating law enforcement.
- **Claire Sechler Merkel, Co-Chair**, asked if there is anything the Council can do to help support human trafficking victims receiving victims’ compensation due to its low utilization rates.
 - **Sara Micflikier** answered that although she isn’t well versed in victim compensation, she has personally noticed that once they (the attorney and the victim) get to the point of prosecution, the victim wants the smallest amount of involvement. In other words, they want to be “done” with the system. To receive victim compensation, the victim has to be able to document economic loss, which is difficult. There are resources available that assist victims with gathering this documentation.
- To view Sara Micflikier’s presentation, click [here](#).

Prosecuting Traffickers for the State of Arizona

- **Maria Cristina Fuentes, Co-Chair**, introduced **Tarah White**.
- **Tarah White** is Unit Chief Counsel at the Arizona Attorney General’s Office in the Fraud and Special

Prosecutions Section. She prosecutes cases involving sex trafficking of minors and adults, illegal prostitution enterprises, sexual exploitation of minors, and fraud.

- Before working at the Arizona Attorney General's Office, Tarah worked in the Family Violence Bureau at the Maricopa County Attorney's Office where she prosecuted child abuse, domestic assaults, strangulation, and domestic homicides. Ms. White also serves on the Arizona Civil Rights Advisory Board.
- **Tarah White** began her presentation by explaining that the [Arizona Attorney General's Office \(AG\)](#) receives difficult cases from counties but has limited jurisdiction over what cases they can prosecute. There are approximately 15 ongoing sex trafficking cases at the Phoenix office.
 - [A.R.S. § 21-422](#) details what the AG's Office can prosecute. Specifically, limited to organized crime, fraud, and terrorism.
 - The AG's Office can prosecute prostitution if it occurs in more than one county or affects the residents of another county.
 - The AG's Office can prosecute sexual exploitation of children if it occurs in more than one county or affects the residents of another county.
- **Tarah White** explained that there are typically three categories of these cases: (1) traffickers/trafficking criminal enterprise; (2) buyers; and (3) illicit massage businesses (IMBs).
 - To prosecute traffickers, the AG's Office relies on the illegal control of an enterprise. Within that, there are three types: (1) control over an illegal enterprise; (2) employed/associated with an illegal enterprise and conducting the illegal enterprise's affairs through racketeering; and (3) participating directly or indirectly knowing the enterprise is engaging in racketeering.
 - The AG's Office can also prosecute for money laundering.
 - Proving a criminal enterprise is circumstantial. Investigators utilize social media searches, trash pulls, surveillance, flipping co-defendants, etc.
 - To prosecute buyers, sting operations are utilized. The defendant believed they talked to a child and arranged to pay for a sexual encounter or the defendant believed they spoke with a parent willing to sell a sexual encounter with a child.
 - IMBs have the appearance of a legitimate massage business when in reality, it offers sexual services in exchange for money.
 - The key indicators of IMBs: prices for massages are significantly below market, serve primarily or only male clientele, lock the front door, windows are covered, and women appear to be living in the establishment.
 - To prosecute, the AG's Office utilizes surveillance, bank records, and undercover operations. As a result, they are charged with conspiracy, illegal control of an enterprise, money laundering, maintaining a prostitution enterprise, and receiving the earnings of a prostitute.
 - The goal is to dismantle the network and ensure that the defendant is not able to direct, oversee, manage, hold a business license, or have any interest in any massage-related business.
- To view Tarah White's presentation, click [here](#).

Human Trafficking Prosecution Training

- **Claire Sechler Merkel, Co-Chair**, introduced **Elizabeth Burton Ortiz**.
- In 2009, **Elizabeth Burton Ortiz** joined the [Arizona Prosecuting Attorneys' Advisory Council \(APAAC\)](#) as the Senior Staff Attorney and was subsequently named Executive Director. In addition to her APAAC duties, Ms. Ortiz is a sworn Special Prosecutor in several Arizona counties and continues to carry a criminal caseload. Ms. Ortiz is co-chair of the Governor's Commission to Prevent Violence Against Women in Arizona, chair of the State Bar of Arizona Public Lawyers Executive Council, and chair of the State Bar of Arizona Criminal Justice Executive Council.
 - She serves as a board member for the National Association of Prosecutor Coordinators (NAPC), the National District Attorneys Association (NDAA), the Arizona Forensic Science Academy, the Arizona Supreme Court Commission on Victims in Court (COVIC), the State Bar of Arizona Board

of Legal Specialization, and the State Bar of Arizona Professionalism Advisory Council.

- **Elizabeth Burton Ortiz** explained that APAAC began as the Arizona County Attorneys' Association in 1973, and in 1977, Arizona Legislature created APAAC. The primary mission of APAAC is to coordinate and provide training and education to prosecutors throughout Arizona. APAAC currently serves approximately 885 full-time state, county, and municipal prosecutors.
 - APAAC is composed of 26 members, including the Attorney General, the 15 elected County Attorneys, seven municipal prosecutors, a municipal prosecutor appointed by the Governor, a representative of the Arizona Supreme Court, and the dean of one of the state's law schools.
- **Elizabeth Burton Ortiz** commented APAAC provides an opportunity for agencies to come together and make connections, increasing communications across sectors.
- **Elizabeth Burton Ortiz** explained that the [APAAC Across Arizona Podcast](#) builds community bridges by discussing criminal justice-related topics impacting all Arizonans. The views expressed on the podcast do not necessarily reflect the position of the APAAC or individual members.
 - The podcast, although useful to prosecutors, was made primarily for the greater community.
 - They have had guest speakers from all different areas come and speak (Supreme Court Justice, medical examiners, etc.).
 - Anti-human trafficking related episodes:
 - 1/4/23 - Human Trafficking: Beyond the Super Bowl
 - 12/7/22 - Child Rescue Coalition: Tools to Combat Child Sexual Exploitation
 - 10/19/22 - New Life Center: Support & Resources for Domestic Violence & Sexual Violence Survivors
 - 8/31/22 - Human Trafficking in Arizona: Labor & Sex Trafficking in Your Backyard
 - 5/25/22 - Intimate Relationship Safety Planning: Using Technology for Safety with myPlan
 - 4/6/22 - Sexual Assault Examinations: Medical Care & Preserving Potential Evidence
 - 2/23/22 - Sexual Assault in Arizona: Addressing the Rape Kit Backlog & Proposed Rights for Sexual Assault Survivors
 - 2/10/22 - Human Trafficking: Impacting Vulnerable Populations Across Arizona
 - 12/1/21 - Arizona Child & Family Advocacy Centers: Multidisciplinary Approach to Intervening & Investigating Violent Crimes
 - 9/22/21 - Brave House: Providing Support to Survivors of Gender-Based Violence
 - 11/18/20 - Yuma's Family Advocacy Center: Amberly's Place
- **Elizabeth Burton Ortiz** mentioned APAAC is able to achieve their mission of empowering prosecutors through training and advocacy to serve as Ministers of Justice, as they strive to build criminal justice bridges with the greater community. They offer both in-person and virtual training.
 - The 2024 Anti-Human Trafficking Conference will be from April 28th - May 1st.
 - Plenary and Breakout Sessions aimed around Law Enforcement, Prosecutors, Criminal Justice Agency Victim Advocates, and Forensic Nurse Examiners.
 - The conference will have state and national subject-matter experts present.
- **Elizabeth Burton Ortiz** stated APPAC facilitates the [What You Do Matters: Lessons From the Holocaust](#) training developed by the United States Holocaust Memorial Museum. She explained that both sex and labor trafficking can be identified as additional crimes of the holocaust. The curriculum utilizes history to facilitate discussions regarding roles in a community and acknowledges that people are responsible for the choice to act, or to not act.
- **Elizabeth Burton Ortiz** explained that human trafficking cases are challenging and complex by nature. The need for collaboration is high for both law enforcement and prosecution.
 - Collaborative partners:
 - McCain Institute
 - Rocky Mountain Information Network (RMIN)/Regional Information Sharing Systems (RISS)

- Arizona County Attorney Offices
- Arizona Attorney General's Office
- Arizona Coalition to End Sexual and Domestic Violence (ACESDV)
- Governor's Office of Youth, Faith and Family (GOYFF)
- National engagement:
 - National District Attorneys Association (NDAA)
 - National Association of Prosecutor Coordinators (NAPC)
- **Joseph Kelroy** asked if there is a way to elevate the training and events put on by APAAC?
 - **Elizabeth Burton Ortiz** answered that their social media is up to date regarding their event calendar.
- **Jill Rable** commented that she enjoyed the presentation and will be reaching out to **Elizabeth Burton Ortiz** to coordinate training.
- To view Elizabeth Burton Ortiz's presentation, click [here](#).

Workgroup Updates

- **Maria Cristina Fuentes, Co-Chair**, mentioned that she and **Claire Sechler Merkel, Co-Chair**, have been reflecting on the achievements of the workgroups, and will be looking to revise them. She stated that Council members should reach out if they have any recommendations.
- **Claire Sechler Merkel, Co-Chair**, commented that restructuring may take time due to the pending Council member appointments. They will reorganize based on the new members.
- **Maria Cristina Fuentes, Co-Chair**, introduced the Victim Services Workgroup Co-Chair, **Dr. Angela Saloman**, to share any updates with the Council.
 - **Dr. Angela Saloman** stated the workgroup will meet on Thursday, July 13th, 2023, at 1:00 PM. She mentioned they are currently assessing goals and objectives.

Upcoming Meeting

- **Claire Sechler Merkel, Co-Chair**, reminded members to mark their calendars for the next meeting on **September 20, 2023**, at **09:00 AM**. The meeting will be in-person at the Executive Tower and in a hybrid format for Council Members and the public to join virtually.

Adjournment

- **Claire Sechler Merkel, Co-Chair**, thanked everyone for being part of the meeting and asked for a motion to adjourn.
 - **Joe Kelroy** moved to accept the motion.
 - **Doug Coleman** seconded the motion.
- The motion passed with no dissenting votes at **10:35 AM**.

Dated 16 of June 2023
Arizona Human Trafficking Council
Respectfully Submitted By:
Amy Peep
GOYFF