

Maricopa County Attorney's Office

Sex Trafficking Prosecutions



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Caseload

- ◆ Traffickers
 - Typically, 20 -30 cases at any given time
 - Often multiple victims per case

- ◆ Buyers
 - Undercover Operations, 50 plus currently pending

These are a portion of the caseloads held by our Sex Crimes Attorneys

Specialized Victim Advocate

- ◆ Funded by the VOCA (Victims of Crime Act) Grant
 - Field Response – Child Exploitation Grant.
 - All trafficking cases as well as all CSEM cases and cases in which the parents are not supportive of the minor Victim.
 - Bilingual Advocate
- ◆ Out of a current caseload of 128 cases:
 - Approximately 30 of them involve sex trafficking.

Specialized Victim Advocate

- ◆ Explain Victim rights
- ◆ Confer pleas
- ◆ Assisting Victims find therapeutic assistance/resources
- ◆ Help with restitution and Victim Compensation
- ◆ 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
- ◆ Schedule meet and greets and trial preparation with DCAs

TRIAL

State v. William James McElroy Jr.



State v. William James McElroy Jr

VICTIM A:

January of 2018

Phoenix Police HEAT Unit recovered a 16-year-old runaway near 27th Avenue and Indian School.

Observed the defendant directing the minor to engage in prostitution.

The minor immediately disclosed she was a runaway and the defendant had been trafficking her for sex and having sex with her himself.

The defendant denied involvement in sex trafficking.

A search warrant on the defendant's apartment located the victim's property as well as used condoms which were later found to have DNA consistent with defendant and the victim.

State v. William James McElroy Jr

VICTIM B:

While executing the search warrant police were contacted by the defendant's 22-year-old niece.

She disclosed that while she was living with the defendant, her uncle, he induced her to engage in prostitution for him.

If she refused, he would become violent.

He also sexually assaulted her on multiple occasions.

State v. William James McElroy Jr

This trial was challenging for several reasons:

During the pendency of the trial, the defendant worked to threaten and intimidate the victims:

- ◆ Had cellmate to send pictures of the victims to people out of custody and instructed those people to post photos of the victims on the internet labeling them as “snitches” or “police informants” and providing information about their last known whereabouts.
- ◆ During trial he called known associates the night before the minor victim was to testify, trying to get the associate to prevent her from participating.

Both victims were very reluctant to participate. DCA’s worked hard to overcome barriers and help restore the victims’ trust in the criminal justice system.

State v. William James McElroy Jr

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 count of sexual abuse
- ◆ 1 count of sexual assault
- ◆ 1 count of kidnapping
- ◆ 1 count of aggravated assault
- ◆ 1 count of misdemeanor assault

State v. William James McElroy Jr

- ◆ The trial court sentenced him to consecutive prison terms totaling 135 years.
- ◆ Affirmed on Appeal (expert use ok)
- ◆ Revoked on probation matter, consecutive

TOTAL of 141.5 years in prison



LEGISLATIVE UPDATES

Last presented in 2016. Since then...

- ◆ Luring a Minor for Sexual Exploitation sentencing
 - ◆ “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” addition to Dangerous Crimes Against Children A.R.S. 13-705
 - ◆ “S. 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.”
- ◆ Child Sex Trafficking sentencing

Updated Sentencing for ARS 13-3212B– Buyers

- Victim Under 15 (DCAC)
 - ◇ 13 – 20 - 27 years DOC
- Knows or should have known Victim 15-17
 - ◇ 7 – 10.5 - 21 years DOC
- Victim 15-17 (doesn't know age/strict liability)
 - ◇ **Class 5 felony**, 180 days jail
 - ◇ The court may suspend 90 days (if no prostitution related priors)

IF probation eligible, now up to lifetime available

Updated Sentencing for ARS 13-3212A– Traffickers

Traffickers

- Victim Under 15 (DCAC)
 - ◆ 13 – 20 - 27 years DOC

- Victim 15, 16, 17
 - ◆ **13 – 20 - 27 years DOC** (previously 10 - 13.5 - 24)

- Recruiting (13-3212(A)(9and10))
 - ◆ **13 – 20 – 27 years DOC** (previously 3 - 12.5 IF DOC, but was also probation eligible)

IF probation eligible, now up to lifetime available

UPDATED FOR REPEAT OFFENDERS

- ◆ Convicted of Child Sex Trafficking, DCAC and prior conviction for any DCAC in the first degree (completed offense)
= LIFE
- ◆ Convicted of Child Sex Trafficking (subsection A/Traffickers), and prior conviction for Child Sex Trafficking if victim was 15, 16 or 17
= LIFE

In other news...

Ongoing cooperation with law enforcement partners:

- Numerous operations and increased incoming caseload

Ongoing Training Presentations:

- ◆ Local agencies
- ◆ Justice Clearinghouse Webinars
- ◆ Arizona State University
- ◆ Children's Justice Training, Prevent Child Abuse Arizona
- ◆ New Life Center
- ◆ MCAO's Mentorship Program - Desert Vista High School

