

TESTIMONY

of

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Before

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“Combating Modern Slavery: Reauthorization of Anti-Trafficking Programs”

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Chairman Conyers, Ranking Member Smith, and Committee Members,

Thank you for convening this hearing on the 2007 Reauthorization of Federal anti-trafficking legislation and for inviting representatives of our field to participate in this hearing and contribute to what I hope will be the passage of a historic anti-trafficking bill this year.

My name is Bradley Myles, and I am the National Program Director of a non-governmental organization called Polaris Project headquartered here in Washington, DC. Our organization is dedicated exclusively to combating human trafficking and modern-day slavery, and my comments are based on our everyday experiences working on-the-ground identifying victims, operating hotlines, serving victims, participating on task forces with law enforcement, offering training and technical assistance on counter-trafficking strategies, fighting for stronger anti-trafficking policies, and working in collaboration with Federal government agencies and our NGO partners in the field.

In my testimony today, I will relay information about our direct experiences from the field in the hopes of providing this committee with concrete information from which to form important policy decisions that will make a difference in the lives of survivors of human trafficking. All of the information provided below is categorized by in the following areas:

#### **Human Trafficking Task Force Sustainability**

From Fall 2004 through the end of September 2007, the DC metropolitan area benefited from one of the 42 Department of Justice (DOJ) Human Trafficking Task Force grants. I played an active leadership role in the task force and can testify to the momentum and infrastructure that has been built to fight human trafficking in the nation's Capitol over the past three years. The task force grew to include participation from 20 government agencies and over 35 NGOs, and our results included providing services to over 70 victims and prosecuting approximately 30 traffickers thus far. Since the end of our grant on 9/30/07 and without renewal funding, our task force is now focused on struggling for sustainability in the face of competing organizational priorities. I know of a number of other task forces throughout the field that are experiencing similar struggles. I strongly believe in the effectiveness of the task force model in fighting trafficking, and I encourage continued investment to ensure that the organizational knowledge, infrastructure, and capacity that the field has built over three years is maintained.

#### **Technical Assistance, Training, and Coordination Efforts for the Task Forces**

After the launch of the 42 BJA-funded Human Trafficking Task Forces, it became immediately evident that the task forces demonstrated a desire for increased communication and peer-to-peer cross-learning between and among each other. Through my role on the DC Task Force, I worked with others in the field to reach out to all 42 task forces across the nation and invite everyone's participation in an informal national listserv to provide a vehicle for communication among the task force leadership in each major city. In my opinion, the enthusiastic participation that has occurred on the listserv is our clue that the task forces can benefit greatly from strategic interventions and increased support in the areas of training and technical assistance. It has been uplifting to see linkages being made and to see so many parts of the field all benefit from the value of

peer to peer learning. With increased resources in these areas, we can raise the field to a whole new level of maturity by exploring ideas such as regional multi-jurisdictional task forces, new prosecutorial strategies, an array of topical roundtables addressing cutting edge challenges, and field visits between task forces.

### **Increased Coordination Between Inter-Related Types of DOJ-Initiated Task Forces**

Coming out of the Civil Rights Division of the DOJ, and in close collaboration with the Human Trafficking Prosecution Unit (HTPU), the Bureau of Justice Assistance (BJA), and the Office for Victims of Crime (OVC), the field has benefited from the launch of 42 Human Trafficking Task Forces, which I've just described above. In addition, coming out of the Criminal Division of the DOJ, and in close collaboration with the FBI Crimes Against Children (CAC) squad, and the Child Exploitation and Obscenity Section (CEOS), the Innocence Lost Task Force Initiative has yielded important success in focusing on the sex trafficking of minors. Both of these types of task forces are working on different parts of the issue of human trafficking, and DC has been a city where the BJA-funded Human Trafficking Task Force has merged with the Innocence Lost task force to function as a seamless whole. However, in my experience working in other parts of the country, I've seen cities and States where the two types of task forces are not in close communication, are not coordinating efforts, and are not connecting the dots to identify areas of overlap. Both types of task forces have important strengths, and stronger centralized coordination of all anti-trafficking efforts within DOJ should help to increase collaboration levels.

### **Prosecution Strategies Related to Sex Trafficking**

In the Washington, DC area, the DC Human Trafficking Task Force/FBI Innocence Lost Task Force has placed a particular emphasis on the sex trafficking of U.S. citizens. In our efforts, we have encountered significant numbers of sex traffickers who are inducing minors into commercial sex acts and inducing women ages 18 or over into commercial sex acts using violence, deception, lies, and threats. Based on the Federal definition outlined in the TVPA of 2000, all of these U.S. citizen sex traffickers have committed acts that meet the definition of severe forms of trafficking in persons. However, of the more than 30 sex traffickers that our Task Force has prosecuted, only a small minority of them have involved Federal cases using U.S.C 1591, the Federal severe forms of sex trafficking statute created in the TVPA of 2000. Instead, the majority of the cases have involved the use of local DC statutes related to pandering and pimping a minor. These cases have involved less Federal resources, have tended to occur quickly, and have generally been less taxing on the limited resources of the task force. Our task force is currently exploring other ways to use similar local statutes to give prosecutors more tools to crack down on sex traffickers while still avoiding resource intensive Federal cases that often require victims to take the stand to prove that elements of force, fraud, or coercion were present. The overall goal is to foster increased numbers of prosecutions of sex traffickers in the most efficient and least resource-intensive ways that place minimal risks of retraumatization on the victims. Based on the experience of our task force, we encourage the exploration and replication of these strategies for use in other cities and for consideration in model statutes related to prosecution of sex trafficking.

### **Persistent Myths and Misconceptions about Definitions of Human Trafficking**

In my experience discussing the issue of human trafficking with a wide variety of audiences over the past five years, it is quite apparent that the prevailing image of human trafficking in most people's minds involves border crossing and the movement of people *into* a country. Trafficking victims are conceptualized as a group very similar to refugees, and the structures, systems, statistics, counting mechanisms, and dialogue about victims tends to mirror discussions about refugees. In actuality, based on the Federal definition outlined in the Trafficking Victims Protection Act (TVPA) of 2000, victims of human trafficking do not have to be from other countries and do not have to cross national borders. "Domestic" or "internal" trafficking that happens to citizens of a country, within their own country, warrants increased attention, research, and understanding. Moreover, our national response to the issue of human trafficking must take domestic or internal trafficking into account at all levels. What are the estimates of total numbers of U.S. citizen victims of trafficking? How are U.S. citizen victims targeted by traffickers, and what types of exploitation do they experience? Do training and awareness materials about human trafficking adequately address U.S. citizen victims? What government systems and services are U.S. citizen trafficking victims encountering, and how are those systems meeting their unique needs? It is these types of questions that I encourage the field to ask and answer to more adequately understand the full spectrum of ways that the issue of human trafficking affects our country. We need to engage in dialogues that are inclusive of all victims, that do not pit types of victims against each other, and that do not divide the field based on the nationality of victims.

### **Estimating the Full Scope and Prevalence of Human Trafficking in the U.S.**

As an NGO working on the ground on this issue, I can testify to our recent experience of having the scope and prevalence of this issue being increasingly questioned by skeptics who draw their conclusions about low victim numbers based largely on the number of "certified" victims. As reflected in the Attorney General's Annual Report to Congress on US Government Activities to Combat Trafficking in Persons Fiscal Year 2006, 1076 total certification letters have been issued to victims of trafficking in the first six fiscal years in which the certification program has operated. Whether or not it was originally intended to be viewed as such, it seems the "certification" process is now being used by various sources as an indication of an "official count" of trafficking victims in the U.S. Those of us in the field who have a more detailed understanding of the certification process know that it does not include victims who are unwilling to be known to or cooperate with law enforcement, it does not include victims for whom Federal law enforcement agents were not willing to sign a Law Enforcement Authorization (LEA) form, it does not include pools of victims who are seeking other immigration remedies outside of the T-visa, and it does not include any U.S. citizen victims because as currently designed, certification is a process reserved only for foreign national victims. Therefore, judging the prevalence of the issue of human trafficking based on the certification process is clearly not the most inclusive indicator of the total numbers of individuals experiencing the crime of human trafficking in the U.S. each year. We need better, more accurate, and more exhaustive counting mechanisms for all victims to help provide a more true picture of the full scope of human trafficking occurring within the United States that includes transnational trafficking of foreign nationals into the U.S., as well as the internal trafficking of U.S.

citizens within the U.S. If the certification process will continue to be viewed as the national official “count” of victims, revisions to the process should be considered such as including US citizen victims, and enabling more sources beyond Federal law enforcement to initiate the certification process so that a victim’s cooperation with Federal law enforcement is not so strongly linked to the victim’s ability to be counted and provided with services.

### **The Need for Specialized Services for U.S. Citizen Victims of Human Trafficking**

As stated in the aforementioned May 2007 Attorney General’s Annual Report to Congress, the section on benefits and services for victims clearly states that “the funds provided under the TVPA by the federal government for direct services to victims are dedicated to assist non-U.S. citizen victims and may not currently be used to assist U.S. citizen victims;”. Because Polaris Project is a service provider for victims of trafficking working with both populations of U.S. citizen victims and foreign national victims, we are very well aware of the service landscape for both types of victims, not only in Washington, DC, but also on a national scale. OVC grants to NGOs for case management services to victims of trafficking have been restricted exclusively to foreign national victims, and HHS anti-trafficking services and benefits have also been restricted to non-citizen victims because of HHS’ statutory authority that is linked to certification, which again is a process reserved only for foreign national victims. The result of these two Federal funding streams is that while all trafficking victims need specialized case management services, U.S. citizen trafficking victims have been particularly underserved with Federal anti-trafficking dollars over the past seven years. To date, little to no Federal anti-trafficking funds for specialized services to victims through the TVPA or its reauthorizations have been made available to work with victims who are U.S. citizens, thereby making nationality, not the nature of victimization, the determining variable of whether a trafficking victims receives specialized case management services or not. Moreover, although both foreign national and U.S. citizen trafficking victims are encountering other government service systems and government-funded programs in various ways, both populations demonstrate an array of comprehensive and specialized service needs that are best met by comprehensive and specialized anti-trafficking service providers. In my opinion, it is important for Federal anti-trafficking policies and funding streams to enable specialized providers in the field to work with all types of trafficking victims, not to restrict them to one population or another, and to provide a sustainable continuum of care that will benefit all victims, regardless of nationality.

### **The Role of Demand Reduction in Fighting Sex Trafficking**

With specific regard to sex trafficking, through our local knowledge of trafficking networks and trends, we’re seeing sex traffickers responding directly to spikes and dips in demand for commercial sex. As a market-based issue that operates on principles of supply and demand, this direct correlation is a natural and predictable phenomenon. As an example, we’re seeing domestic sex traffickers raising nightly quotas on the women under their control when they know demand for commercial sex is high and more money can be made. These clear linkages help us to realize the importance of associating demand for commercial sex with the growth and proliferation of sex trafficking. Sex traffickers are in the business of making profits, and the demand-based presence of cash

flows provides the incentive to operate. Moreover, because of the direct correlation, we know that demand reduction strategies are an important part of the fight against sex trafficking. These may include both law enforcement strategies, as well as community-based, faith-based, and other social strategies. Based on our experiences in the communities where we work, we can testify to the importance of many of the provisions in Title II of the Trafficking Victims Protection Reauthorization Act of 2005 that relate to demand reduction.

### **The Need for Increased Coordination of Federal Training Initiatives on Trafficking**

Through a FY07 contract and a recently awarded additional grant, Polaris Project has functioned as a specialized training and technical assistance (T&TA) provider for the field, funded by the U.S. Department of Health and Human Services (HHS) Anti-Trafficking in Persons (ATIP) program. Moreover, being in the space of providing training and technical assistance to others has helped us to more fully understand and experience the proliferation of disparate and uncoordinated T&TA efforts occurring in the anti-trafficking field that is reflective of the silos and stove-pipes that sometimes occur within and between government departments. While all of these initiatives are important for advancing the field, a lack of coordination among providers hinders the overall effectiveness and continuity of these multi-pronged efforts. Proactive steps and concrete venues to bring these providers together will, in my opinion, help to bring the anti-trafficking field to a new level of capacity-building, coordination, and sophistication.

### **The Critical Role of Increased Research**

Being on the ground and learning how to make the most of scarce resources, NGOs in the field are constantly vigilant of the tools we have and the tools we wish for that could help make our jobs more effective. I've experienced countless examples of meetings, presentations, and trainings where audience members asked important questions that I simply didn't have the tools to fully answer. Continually refined estimates of the total numbers of victims nationwide, the size of certain economies, the estimated profits of certain trafficking networks, or the total revenue of the unlawful commercial sex trade in the U.S. could all be useful tools that would boost the effectiveness of practitioners in the field. In addition, descriptions of known slave-made goods, new trends in the behavior of traffickers, or largely unknown niches of victims, such as the scope of US citizen victims of labor trafficking, could also be incredibly useful for on the ground advocacy. Combined with the ever-present need to identify and share best and promising practices for law enforcement, victim care, and victim identification, research clearly plays an important role in helping to validate, explore, highlight, and describe different parts of the anti-trafficking field.

### **Understanding How Trafficking Victims Encounter Other Government Programs**

Beyond various anecdotal accounts and informal research efforts, very little is currently known on a formal basis about how victims of human trafficking encounter other government programs such as welfare offices, the child welfare system, victim compensation funds, or government-run shelters. Moreover, our field also does not have a complete understanding, based on formal research, of how many trafficking victims are being served by other types of service programs such as domestic violence shelters, rape

crisis centers, and runaway and homeless youth shelters, and what types of positive and negative experiences they are having within these other systems. The commencement of a study to determine the extent to which victims of trafficking are being served by other systems and programs on both a local and national scale could be quite useful for the field to more fully understand the experiences of victims as they access services from different agencies.

### **The Benefits of Inter-Disciplinary Dialogue with Other Fields and Sectors**

On the ground service organizations for victims of trafficking frequently operate in a local environment where they collaborate and form linkages with a vast array of other types of service providers, such as domestic violence shelters, legal services organizations, rape crisis centers, runaway and homeless youth programs, and health clinics. Throughout the process of collaboration, it is likely that linkages, commonalities, and points of overlap will be identified and explored. Given these inter-disciplinary linkages between fields, we feel that there is great room for rich dialogue and cross-learning to occur that will increase the cohesion of the systems of care that work with victims of crime. The creation of more formal mechanisms, vehicles, and venues for these types of inter-disciplinary dialogues to occur will, in my opinion, enhance the efforts of the anti-trafficking field as a whole.

Polaris Project implements its programs and strategies using a comprehensive approach that matches top-down system-based change and institutionalization with bottom-up community-based implementation and grassroots advocacy. We strongly believe in the importance of policy advocacy, at the Federal, State, and local levels, as an essential component of a comprehensive counter-trafficking response. As a result, we are members of numerous coalitions that participate in policy advocacy, including the Action Group to End Human Trafficking and Modern-day Slavery.

The movement to end human trafficking and modern-day slavery in the United States and around the world gains momentum and sophistication each year, and I am continually hopeful to see our field grow and improve. I am confident that the Trafficking Victims Protection Reauthorization Act of 2007 will represent a bold and historic step towards these aims, and I hope the recommendations provided in this testimony have offered policy-makers concrete tools for improving the field and services to victims.

Thank you again for this opportunity to speak before you all today.