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INTRODUCTION

Good morning Chairman McDuffie and members of the Committee. My name is Kimberly Waller. I am a senior policy attorney at Children's Law Center¹ and a resident of the District. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year. Many of the youth that Children's Law Center works with are at an increased risk of being a victim of commercial sexual exploitation.

The commercial sexual exploitation of children (CSEC) is a devastating form of sex trafficking that impacts too many of our youth. Estimates of the number of minors who are sex trafficked vary widely, and there is little consensus on the number of CSEC-involved youth in the U.S.² State-level data is equally sparse – in 2015, DC reported 67 human trafficking cases; however, this number only reflects the number of cases reported to the National Human Trafficking Resource Center hotline.³ Fully understanding the scope of the problem is difficult – cases often go unreported, and many CSEC-involved youth do not identify as a trafficked victim. Under federal law, any minor under the age of 18 induced into commercial sex is a victim of sex trafficking – regardless of whether or not the trafficker used force, fraud, or coercion.⁴ The average

age of a child who enters into the commercial sex trade is 12 to 14 for girls and 11 to 13 for boys.⁵

Multiple risk factors are often repeatedly seen in CSEC cases, including experiences of living in foster care, homelessness, sexual abuse and domestic violence, involvement in the juvenile justice system, drug abuse, mental illness, and gang participation.⁶ A New York study found that 75 percent of CSEC victims spent time in foster care.⁷ A similar study from Los Angeles found that 59 percent of juveniles arrested for prostitution spent time in the foster care system at some point.⁸ Lack of housing, shelter, and basic necessities is a top predictor for CSEC involvement, with one expert who works with homeless youth in New York City stating that 70 to 80 percent of the youth they work with trade sex for money, food, shelter, or drugs.⁹ One in five of the 11,800 runaway youth reported to the National Center for Missing and Exploited Children in 2015 were likely CSEC-involved.¹⁰

The impact of sexual exploitation on children, both physically and emotionally, is overwhelming, complex, and long-lasting. CSEC survivors often struggle with long-term physical and mental health problems, including drug abuse, sexually transmitted diseases, depression, fear and anxiety, post-traumatic stress disorder, and traumatic bonding with the trafficker.¹¹

NEW LEGISLATION - *Sex Trafficking of Children Prevention Amendment Act of 2014*

Immunity from Arrest and Prosecution

This is the second performance oversight hearing of MPD since the *Sex Trafficking of Children Prevention Amendment Act of 2014* passed on November 18, 2014.¹²

Importantly, this legislation provides immunity from arrest and prosecution to youth who are CSEC victims and moves these minors away from the criminal and juvenile justice system. I am glad to see that progress has been made on the “safe harbor” portion of the legislation, and no youth were arrested for offenses related to sex work. However, a culture shift is still needed within MPD to treat CSEC victims as survivors. In the oversight responses, MPD states, “whenever a minor child comes into the contact of MPD and found to be at-risk of being sex trafficked, MPD will take custody of the minor.”¹³

MPD officers should not be *forced* to take custody over youth whom they suspect are CSEC-involved. The *Sex Trafficking of Children Prevention Amendment Act of 2014* does not require MPD to take these youth into custody. The new law recognizes the need for flexibility and allows MPD officers to use their judgment as to when the minor is in danger and must be taken into custody. For instance, officers may handcuff and restrain, place in the back of a squad car, or take to a police station, any youth whom they believe is CSEC-involved or at-risk of being CSEC. However, this action is not always necessary and often leads to additional trauma, while further entrenching the psychology of disempowerment and shaming that many CSEC-involved youth experience. Some cases may just require immediate referral to a service provider to

address the immediate needs of the youth. I encourage MPD to make taking CSEC-involved youth into custody an optional practice, implemented only when it is necessary to protect the minor.

Referral to Services and Capacity

As required by the new law, MPD must now “refer any child suspected of engaging in or offering to engage in a sexual act or sexual contact in return for receiving anything of value to an organization that provides treatment, housing, or services appropriate for victims of sex trafficking of children.”¹⁴ The law also requires MPD to report these cases to the Child and Family Services Agency (CFSA).

MPD’s oversight responses show inconsistent protocols when a law enforcement officer identifies a minor that is or is at-risk of being sex trafficked, first reporting that MPD will make “immediate notification” to CFSA and then, in a following question, reporting that no cases have been referred to CFSA because minor victims or those considered at-risk are only referred to Fair Girls, Courtney’s House, and Champs.¹⁵ The inconsistencies in MPD’s oversight responses makes clear the need for a standardized protocol MPD uses when officers have identified a minor that is or is at-risk of being CSEC-involved.

I also want to briefly highlight my concern that DC does not have adequate capacity within current service providers to serve the needs of CSEC-involved youth in the community. Many CSEC-involved youth will only be referred to a community

provider, making these service providers extremely important. For example, even if a CSEC-involved youth is referred to CFSA, CFSA will only open a case and provide services when the parent or legal guardian was responsible for trafficking the youth.¹⁶ When a youth is trafficked by a person other than a parent or legal guardian, CFSA will refer these youth to community service providers. If these organizations do not have capacity, these youth will not get services and supports. Therefore, I encourage the District to continue developing connections and relationships with community-based organizations, and fully support the current organizations, that are experienced providers of the services CSEC survivors need, including health, mental health, trauma-informed care, and housing. It is a great improvement in the law that MPD is now referring youth to Fair Girls, Courtney's House, and Champs, but I remain concerned these resources are not enough and that these three organizations do not have capacity to serve the needs of this population in DC.

Training

The *Sex Trafficking of Children Prevention Amendment Act of 2014* mandates human trafficking training for law enforcement, so they can learn best practices for identifying, assessing, and providing services to victims.¹⁷ Law enforcement officers interact and identify CSEC-involved youth, and youth at-risk of becoming CSEC, in a variety of circumstances, including while on patrol, during investigations into separate matters like domestic violence or drug offenses, planned operations at hotels, and in the

evenings in areas known for prostitution.¹⁸ As a result, it is important that law enforcement be prepared to identify CSEC-cases. CSEC-involved youth are frequently living with extreme trauma, have experienced violence and abuse, and are often triggered emotionally when they are confronted by persons in positions of authority, such as law enforcement officers. That is why trainings are needed to help law enforcement appropriately identify and respond to CSEC cases in a variety of settings.

MPD plans to hold two 8-hour seminars and a 4-hour 8-part online learning module.¹⁹ While there are plans to implement these trainings this year, no MPD officer has yet been trained. I encourage MPD to provide these trainings on a regular and ongoing basis to ensure all MPD officers learn, and continue to learn, evidence-based approaches to working with this vulnerable population.

CONCLUSION

Thank you for the opportunity to testify, and I look forward to answering any questions.

¹Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to be the voice for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 8 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² W. Adams, C. Owens, & K. Small, *Effects of Federal Legislation on the Commercial Sexual Exploitation of Children*, U.S. Department of Justice (2010), available at: <https://www.ncjrs.gov/pdffiles1/ojdp/228631.pdf>; See also: <https://www.washingtonpost.com/news/the-watch/wp/2014/03/27/lies-damned-lies-and-sex-work-statistics/>.

³ Hotline Statistics, National Human Trafficking Resource Center, available at: <https://traffickingresourcecenter.org/states>.

⁴ Victims of Trafficking and Violence Protection Act of 2000. Public Law 106-386 [H.R. 3244]. 28 October 2000. Section 103(9).

⁵ *Human Trafficking 101 for School Administrators and Staff*, Blue Campaign: One. Voice. One Mission. End Human Trafficking., available at: <https://www.dhs.gov/sites/default/files/publications/blue-campaign/Blue%20Campaign%20-%20Human%20Trafficking%20101%20for%20School%20Administrators%20and%20Staff.pdf>.

⁶ E. Hines & J. Hochman, *Sex Trafficking of Minors in New York: Increasing Prevention and Collective Action*, New York Women's Foundation (2012), available at: http://nywf.org/wp-content/uploads/2012/07/NYWF_Sex-Trafficking-of-Minors.pdf.

⁷ C. Squiers, *Foster Youth are Disappearing into Dark World of Trafficking*, Shared Justice (2015), available at: http://www.sharedjustice.org/foster_youth_are_disappearing_into_dark_world_of_trafficking.

⁸ *Id.*

⁹ *Supra* Note 6.

¹⁰ National Center for Missing and Exploited Children, <http://www.missingkids.com/home>.

¹¹ *Child Victims of Human Trafficking*, Department of Health and Human Services, available at: http://www.law.washington.edu/AsianLaw/HumanTrafficking/child_victims.pdf.

¹² *Sex Trafficking of Children Prevention Amendment Act of 2014*; Law 20-0276.

¹³ MPD FY15 Performance Oversight Responses, Q43.

¹⁴ *Sex Trafficking of Children Prevention Amendment Act of 2014*; Law 20-0276.

¹⁵ MPD FY15 Performance Oversight Responses, Q43 & Q45.

¹⁶ CFSA FY15 Performance Oversight Responses, Q43(i) Attachment.

¹⁷ *Sex Trafficking of Children Prevention Amendment Act of 2014*; Law 20-0276.

¹⁸ *Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children*, Los Angeles County, available at: <http://ceo.lacounty.gov/pdf/LA%20CountyFRP150611.pdf>.

¹⁹ MPD FY15 Performance Oversight Responses, Q41.