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Testimony Before the District of Columbia Council
Committee on the Judiciary
March 2, 2017

Public Hearing:
Performance Oversight Hearing
Metropolitan Police Department

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INTRODUCTION

Good morning Chairman Allen and members of the Committee. My name is Aubrey Edwards-Luce. I am a policy attorney at Children's Law Center¹. 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 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. As a legal service provide that serves children and youth in foster care, many of the Children's Law Center works clients are at an increased risk of being a victim of commercial sexual exploitation (CSEC) and the domestic minor sex trafficking.

I appreciate this opportunity to testify about the performance of the Metropolitan Police Department (MPD). When it comes to addressing CSEC, MPD has modeled for government agencies how to plan, prepare, collaborate, and respond. As I will detail in my testimony, MPD has not allowed the complex nature of CSEC to prevent it from educating its officers about the problem, implementing the *Sex Trafficking of Children Prevention Amendment Act of 2014*, or referring child victims to the District's service providers. These efforts are especially commendable in light of the multifaceted challenges that CSEC presents.

CSEC is form of child abuse and neglect that harms too many children across the country and in District. However, part of the challenge of addressing CSEC is that its

difficult ascertain exactly how many children are ensnared in this dangerous network. 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 Trends in state-level data are equally problematic to determine because the numbers only reflect the child sex trafficking cases that are reported to the National Human Trafficking Resource Center hotline and, unfortunately, cases often go unreported.³ Reportedly, the number of human trafficking cases involving DC minors has increased from 23 cases in 2015 to 35 cases in 2016.⁴

Gauging the expanse of this problem is further complicated by the fact that many CSEC-involved youth do not self-identify as a trafficking victim. 49% of sex trafficking survivors reported that their sex trafficking began when they were between the ages of 12 and 17.⁵ These vulnerable teenagers do not always have the ability to recognize how they are being exploited. Regardless of their readiness to identify as such, federal law is clear that 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.⁶

What we do know is that children in foster care are at risk of becoming CSEC-survivors, especially when they go missing. It was reported that, “1 in every 6 runaways reported to the National Center for Missing and Exploited Children in 2016 were likely sex trafficking victims” and that “86% of these likely sex trafficking victims were in the care of social services or foster care when they went missing”.⁷ In 2015,

MPD's Missing Persons Unit received 2,425 reports of missing juveniles. We know that many CSEC victims experience living in foster care, homelessness, sexual abuse and domestic violence, involvement in the juvenile justice system, drug abuse, mental illness, and gang participation.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

CSEC survivors often emerge with long-lasting, complex trauma that has compromised their physical and emotional well-being. They often struggle with long-term physical and mental health problems, including fear and anxiety, post-traumatic stress disorder, drug abuse, depression, sexually transmitted diseases, and traumatic bonding with the trafficker.¹⁰ CSEC is a very complex issue and we must take a public health in order to provide safety and security for the District's CSEC survivors.

EDUCATING OFFICERS

Law enforcement officers are a point of access to help for CSEC survivors 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.¹¹ 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.

The *Sex Trafficking of Children Prevention Amendment Act of 2014* mandates that law enforcement officers receive human trafficking training, so they can learn best practices for identifying, assessing, and providing services to victims.¹² Last year, MPD reported plans to hold two 8-hour seminars and a 4-hour 11-part online learning module.¹³ During FY2016, MPD required all sworn members of the Department to complete 4 hours of online training related to human trafficking.¹⁴ Over 80% of the members have completed the mandatory 4-hour human trafficking training, but the status of the seminars are unknown.¹⁵ However, MPD did provide seminars for DC Public Schools, DC Public Charter Schools, and school resource officers.¹⁶ CLC commends MPD for the successful implementation of part of its training plan training plans and encourages MPD to ensure all its officers learn, and continue to learn, evidence-based approaches to working with this vulnerable population.

IMPLEMENTING DC'S SAFE HARBOR LAW

At last year's oversight hearing, CLC recommended that MPD create a culture of treating CSEC survivors as victims as proscribed in the *Sex Trafficking of Children Prevention Amendment Act of 2014*.¹⁷ The Act provides immunity from arrest and prosecution to CSEC-involved youth and moves these children away from the criminal and juvenile justice system. I am pleased to testify that there are some indicators that

MPD is shifting its culture. One indicator of this culture shift is the inclusion of trafficking survivor and service provider Tina Frundt, Founder and Executive Director of Courtney' House, in its work with CSEC survivors.¹⁸ Having Ms. Frundt accompany detectives during their investigations of human trafficking communicates that MPD appreciates CSEC survivors' concrete and emotional needs.

CLC continues to urge MPD to complete its culture change by training its officer to use evidence-based, trauma-informed approaches when taking 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, but rather gives officers discretion to determine when the minor is in danger and must be taken into custody. The Act permits an officer to 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. We suspect that Ms. Frundt's expertise and the mandatory human trafficking training is helping officers distinguish between instances where a CSEC survivor needs an immediate referral to a service provider and instances where the child's safety requires that they be taken into custody. However, more is needed. MPD has not provided information sufficient for us to ascertain how frequently CSEC survivors are being arrested or taken into custody. Therefore, we encourage the committee to dig deeper into this issue by asking MPD to provide:

1. The number of youth were arrested for offenses related to sex work in FY2016.¹⁹

2. The number of youths that were taken into custody after it was determined that they were or were at risk of becoming CSEC.²⁰
3. How long youth were kept in MPD custody after it was determined that they were or were at risk of becoming CSEC.
4. What protocol are MPD officers required to follow when they identify a minor that is or is at-risk of being sex trafficked.²¹

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

REFERRING TO SERVICES PROVIDERS

The *Sex Trafficking of Children Prevention Amendment Act of 2014* requires MPD to refer suspected CSEC survivors to “to an organization that provides treatment, housing, or services appropriate for victims of sex trafficking of children.”²² The law also requires MPD to report these cases to the Child and Family Services Agency (CFSA). During FY2016 MPD, as part of the MPD-FBI Child Exploitation Human Trafficking Task Force, referred a total of 43 cases (36 Black teenage girls and seven Hispanic teenage girls) to CFSA.²³ Twenty-one (21) referrals CFSA have already been made thus far in FY2017.²⁴ MPD also reports that it provides services to CSEC survivors via collaboration with the non-profit organizations, Courtney’s House and FAIR Girls. However, the number of referrals that MPD makes to these service providers is unknown.

As a member of the DC Trafficking Task Force, I cannot overemphasize how important it is that MPD keep data as it collaborate with government and non-profit entities. CLC is very concerned that DC does not have adequate capacity within current service providers to serve the needs of CSEC-involved youth in the community, but the number of youth that need services is still a mystery. DC's CSEC-specific service provider network is extremely dedicated, but also very small. CFSA is expanding its investigation efforts of CSEC cases,²⁵ but the law only allows them to provide case management services via a family court case when the parent or legal guardian is responsible for trafficking the youth.²⁶ When a youth is trafficked by a person other than a parent or legal guardian, CFSA will refer these youth to same small-but-dedicated pool of community service providers.

Therefore, CLC urges MPD to do diligent data collection and the District to invest infrastructure, time, and resources into community service providers that have expertise in attending to the multifaceted needs of CSEC survivors. MPD is meeting its responsibility by referring youth to Fair Girls and Courtney's House, but I remain concerned that these organizations need further investment in order to serve the needs of this population in DC.

CONCLUSION

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

¹ Children’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 9 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) Retrieved from: <https://www.ncjrs.gov/pdffiles1/ojdp/228631.pdf> (estimating that as many of 300,000 children become CSEC victims each year); *In contra*, Washington Post. (March 27, 2014). *Lies, damned lies and sex work statistics*. Retrieved from <https://www.washingtonpost.com/news/the-watch/wp/2014/03/27/lies-damned-lies-and-sex-work-statistics/>.

³ National Human Trafficking Resource Center. *Hotline Statistics*. Retrieved from <https://traffickingresourcecenter.org/states>.

⁴ National Human Trafficking Hotline. *District of Columbia*. Retrieved from <https://humantraffickinghotline.org/state/district-columbia>.

⁵ Polaris (January 2017). *More Assistance. More Action*. Retrieved from <http://polarisproject.org/sites/default/files/2016-Statistics.pdf>.

⁶ Victims of Trafficking and Violence Protection Act of 2000. Public Law 106-386 [H.R. 3244]. 28 October 2000. Section 103(9).

⁷ National Center for Missing and Exploited Children. *Child Sex Trafficking*. Retrieved from <http://www.missingkids.org/lin6>; It is important to note that MPD is not required to report cases to the National Center for Missing and Exploited children until the child has been missing for 30 days. B20-0714 - Sex Trafficking of Children Prevention Amendment Act of 2014. Retrieved from <http://vsconfronts.org/workspace/attachments/dc-fact-sheet-final-version-5.15.15-.pdf>.

⁸ 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.

⁹ 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.

¹⁰ Department of Health and Human Services, Administration for Children, Youth, and Families. *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States*. Retrieved from https://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf.

¹¹ Polaris (January 2017). *More Assistance. More Action*. Retrieved from <http://polarisproject.org/sites/default/files/2016-Statistics.pdf>; See also, *Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children*, Los Angeles County, available at: <http://ceo.lacounty.gov/pdf/LA%20CountyFRP150611.pdf>.

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

¹³ MPD FY15 Performance Oversight Responses, Q41.

¹⁴ MPD FY16 Performance Oversight Responses, Q53.

¹⁵ MPD FY16 Performance Oversight Responses, Q53.

¹⁶ MPD FY16 Performance Oversight Responses, Q55 & Q56.

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

¹⁸ MPD FY16 Performance Oversight Responses, Q58.

¹⁹ Last year's two biannual reports of juvenile arrests indicated that no youth were arrested for sex work-related offenses. See, Metropolitan Police Department. (April 25, 2016). Juvenile Arrest Report: July-December 2015. Retrieved from <https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/Biannual%20Juv%20Arrest%20Report%20Jul%20Dec%202015%20FINAL%20032216.pdf>; See also, Metropolitan Police Department. (April 25, 2016). Juvenile Arrest Report: January-June 2015. Retrieved from <https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/Biannual%20Juv%20Arrest%20Report%20Jan%20Jun%202015%20FINAL%20032216.pdf>.

²⁰ MPD's report does provide the number of children that MPD referred to the Child and Family Services Agency because they were identified as or at risk of being sex trafficked, but does not provide the number of youth in this populations that were arrested or taken into custody. MPD FY16 Performance Oversight Responses, Q57.

²¹ Last year's MPD's oversight responses showed inconsistent protocols when a law enforcement officer, 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. MPD FY15 Performance Oversight Responses, Q43 & Q45.

²² *Sex Trafficking of Children Prevention Amendment Act of 2014*; Law 20-0276.

²³ MPD FY16 Performance Oversight Responses, Q57.

²⁴ MPD FY16 Performance Oversight Responses, Q57.

²⁵ The most recent Administrative Issuance regarding CSEC, instructs CFSA social workers to refer CSEC-involved youth whose parent or legal guardian is not the alleged perpetrator... "to designated community resources specializing in commercial sexual exploitation/sex trafficking assessment and intervention, runaway and homeless youth programs, and other identified resources and services." CFSA. (Jan. 9, 2017). *Administrative Issuance CFSA-17-1*. Retrieved from [https://cfsa.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/AI%20-%20Sex%20Trafficking%20Identification%20and%20Response%20\(final%202017\).docx.pdf](https://cfsa.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/AI%20-%20Sex%20Trafficking%20Identification%20and%20Response%20(final%202017).docx.pdf).

²⁶ CFSA FY15 Performance Oversight Responses, Q43(i) Attachment.