



Department of Justice

**STATEMENT OF
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U.S. DEPARTMENT OF JUSTICE**

**BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

**REGARDING
“REAUTHORIZATION OF THE TRAFFICKING VICTIMS PROTECTION ACT”**

**PRESENTED
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**Testimony of
Mary Lou Leary
Principal Deputy Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice**

**Before the
Committee on the Judiciary
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**Regarding
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Chairman Leahy, Ranking Member Grassley, and distinguished Members of the Committee, thank you for the opportunity to discuss the efforts of the Department of Justice’s Office of Justice Programs’ (OJP) to combat human trafficking and serve trafficking victims. My name is Mary Lou Leary, and I am OJP’s Principal Deputy Assistant Attorney General. In that capacity, I am pleased to address the Department’s excellent track record in the administration and management of the grant programs that contribute to the fight to end human trafficking. This fight is a high priority for President Obama, Attorney General Holder and the Department of Justice (DOJ). It has also been a top priority in my own career. I set up an anti-trafficking task force during my work as United States Attorney for the District of Columbia.

As the Committee is well aware, human trafficking is modern-day slavery. Trafficking victims are viewed as property. They exist in every corner of our society, working long hours for little or no pay. We may see them every day, but never know what’s truly going on beneath the surface. Some work in elegant restaurants and high-end hotels. Others live in the murky shadows of nondescript neighborhoods and the gloomy light of urban nightclubs.

Fighting human trafficking and serving trafficking victims are among the most difficult challenges facing law enforcement and victim services today. One of the elements of this crime that makes it so unique and challenging is that trafficking victims are often hidden from society and prevented from contacting people who might help them. Traffickers control victims through physical, psychological, emotional, familial and economic forms of coercion. Traffickers may exploit their victims' fear of deportation and use threats of reprisals against loved ones in the home country to further coerce and control their victims.

Secondly, because the coercion of the victim is often done in secret, human trafficking in the U.S. is a crime for which scant statistical data exists on such important questions as the number of victims or the number of perpetrators. The DOJ, with its federal, state, and local partners are constantly learning where and how traffickers operate. This knowledge helps guide our efforts. However, the DOJ, other federal authorities, and local service providers cannot accurately estimate or anticipate the number of victims to be assisted during a defined period of time in any geographic area, as there is insufficient data to ascertain the exact location where traffickers will focus their efforts.

Another challenge is that although trafficking is a federal, and in many cases, a state crime, it very frequently comes to the attention of federal and state authorities by way of local investigations. It is often through the efforts of local practitioners that human trafficking is brought out of the shadows and into the light.

Congress provided critical tools for combating trafficking in the landmark Trafficking Victims Protection Act (TVPA), which was passed in 2000. It did so again with the 2003, 2005 and 2008 TVPA reauthorizations. I am pleased that Congress, and this Committee in particular, is again demonstrating leadership by coming together in a bipartisan way to reauthorize the TVPA. I would like to thank the Committee for their commitment to this issue.

OJP's efforts to address human trafficking span the entire agency. The Office for Victims of Crime (OVC) and Bureau of Justice Assistance (BJA) support human trafficking task forces through funding, training, and other resources. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) dedicates much of its work to stopping child sexual exploitation. The Bureau of Justice Statistics (BJS) gathers data to help us understand the scope of the problem and to help us pinpoint identifying characteristics of victims and perpetrators. And the National Institute of Justice (NIJ) conducts research to identify the challenges presented by human trafficking and the promising programs that are out there to combat it.

OJP's emphasis has always been comprehensive, or what we call "wrap-around" services for trafficking victims. This means that the services meet victims where they are and support them in making informed decisions about the support they need to work through the impact of the crime. It means support and advocacy for victims, during their interaction with law enforcement and after the prosecution has been concluded. "Wrap-around" also entails providing both short-term and long term assistance (in coordination with the Department of Health and Human Services [HHS]) and culturally competent services that treat victims with dignity and respect.

Another key element in assisting trafficking victims is a multidisciplinary response to human trafficking that encourages close partnerships among state and local law enforcement, victim service providers, and federal law enforcement officials, including the Federal Bureau of Investigation (FBI), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection, U.S. Citizenship and Immigration Services, the Department of Labor, and federal prosecutors. Due to the complex nature of these victims' needs, most agencies cannot solely provide every service needed by minor and adult trafficking victims; so cross-agency collaboration is essential for a successful rescue. Victim service providers, law enforcement and other key community partners must work closely with one another to ensure that all victim service needs—from emergency medical assessment and treatment and long-term mental health care to appropriate housing—are met.

Experience demonstrates that effective law enforcement in trafficking cases and effective victim services go hand-in-hand. Our prosecutors have found that victims are better able to cooperate when their family members are out of the reach of the trafficker. This was particularly true in a case from the Southern District of New York. A complex trafficking network smuggled young women from poor areas in Mexico to work in New York City as prostitutes. The traffickers used deception, coercion, threats, and a combination of physical and sexual violence to keep the women under their control. More than one of these young women became pregnant while working in New York and were forced to have an abortion so that they could continue working as prostitutes.

The victims' testimony was a key part of the prosecution's case, but the women were understandably afraid that their children would be harmed if they testified. The key reason the women were willing to testify is that the US government worked with the government of Mexico to provide T-Visas for the children of the victims from Mexico.

Thanks in large part to the participation of the victims, two of the traffickers pled guilty and were each sentenced to 50-year terms of imprisonment. A third trafficker also pled guilty, and received a 25-year sentence.

Victim service providers may be able to identify some victims of a particular trafficker, but they often will need effective law enforcement to reach the trafficker's other victims, who are usually very frightened and unable to come forward on their own. Law enforcement, in turn, needs victim service providers to help work with the victims to collect the critical information. In addition, victims who receive immediate physical, mental, and emotional support will be much more able and willing to participate in the investigation and prosecution of their traffickers.

Collaboration between law enforcement and victim services has been a critical part of OVC's and BJA's work in this field. OVC started awarding grants to address human trafficking in 2003. Originally, OVC focused on foreign trafficking victims. In 2004, BJA started funding Anti-Trafficking Law Enforcement Task Forces. In 2009, the work was expanded to include domestic minor victims of human trafficking. Last year, the work was broadened again to cover all victims of human trafficking: both foreign and domestic, both minors and adults.

Between the two of them, OVC and BJA are currently funding 42 Anti-Trafficking Task Forces that each includes representation from local or territorial, state, and federal law enforcement, and trafficking victim service providers. These task forces proactively investigate trafficking and support successful prosecutions of traffickers. They raise community awareness of the dangers of trafficking and the plights of its victims. And they provide critical services to these victims, including case management, food, shelter, transportation, counseling and medical care.

Outside of the task forces, additional OVC grantees provide direct services to victims in their communities without a formal partnership with law enforcement. Several of these organizations focus on assisting foreign national victims. Others specifically address the needs of domestic minor victims of human trafficking. Through a program funded by OVC in 2009, three sites support a comprehensive array of services to domestic minors while working to develop, enhance, and expand the larger community's response to these victims. OVC also funded two programs in 2009 with Recovery Act funds that support case management services for domestic minor victims.

It's worth noting that OVC funds organizations with a demonstrated history of serving human trafficking victims. As part of the grant application process, all applicants must provide detailed information on the number of human trafficking victims they have previously served through their community, state, and/or regional efforts. At a minimum, applicants must identify the total number of victims previously served with federal and non-federal funds; the types of

victims they have served (sex vs. labor trafficking victims); and the geographic service region covered. Applicants must describe how this data was compiled. Additionally, applicants must state how long (in years) they have provided services to human trafficking victims.

We have already seen the fruits of these efforts. According to BJS, the task forces investigated 2,515 suspected incidents of human trafficking between January 2008 and June 2010. Over that same period, the task forces arrested 144 suspected traffickers. Considering that one trafficker can hurt dozens or even hundreds of victims, this is a significant achievement. Collectively, these task forces have also provided training to more than 205,000 professionals.

Numbers alone cannot fully measure the impact of these grants, so let me cite some examples. A few years ago, a few victims escaped their traffickers in Florida. ICE/Homeland Security Investigations (HSI), the FBI, and the Collier County, Florida Sheriff's Department Human Trafficking Unit began a joint investigation. They uncovered a family that trafficked Mexican and Guatemalan nationals to work on their farms in Florida and the Carolinas. The family chained the workers, threatened to kill them if they tried to escape, and made examples of those who left the farm without permission, including stabbing one man. Law enforcement agencies and victim service providers had already been partnering together through the OVC and BJA-funded Collier County Coalition Against Trafficking. Because of their previous collaborations, local law enforcement immediately called the Coalition's victim service provider when the victims were discovered. The victims required medical attention and mental health services. They also needed substance abuse treatment as the traffickers supplied the workers with alcohol as a method for controlling them. The victims received the services they needed, and

then elected to assist in the successful prosecution of their traffickers. The Department's prosecutor noted that this case could not have been successfully prosecuted without the on-the-ground work and collaboration of the Coalition members.

Another grantee, the Washington Advisory Committee on Human Trafficking, coordinated a joint investigation with ICE/HSI and local law enforcement. The investigation uncovered a trafficker who operated three brothels in the Seattle, Washington area from 2005 through 2008. The trafficker fraudulently brought women into the United States from Thailand by paying American men to pose as their husbands. These women were then trapped in debt bondage to the trafficker, who charged them exorbitant amounts for bringing them into the U.S. and then forced them to work upwards of 16 hours a day, seven days a week to pay off their debt by providing sexual services. The task force's victim service professionals provided comprehensive case management and assistance to the victims, and the U.S. Attorney's Office, which led the task force, prosecuted the case. The trafficker was convicted and sentenced to 51 months in federal prison.

The principles of coordination and a multidisciplinary response continued to guide our work last year, as we awarded funding to three sites – Anaheim, California; Cook County, Illinois; and Harris County, Texas – to implement the BJA/OVC Enhanced Collaborative Model. The Model is built on providing leadership, direction, and support for collaborative efforts among law enforcement and diverse victim service providers in order to respond effectively in combating all forms of human trafficking. The three sites each have a lead law enforcement agency and lead victim service organization working together. They have established

relationships and demonstrated capacity to identify, rescue, and assist victims. In addition, they all feature strong involvement of the local U.S. Attorney.

Victim service organizations around the country use a portion of their funding to conduct targeted training and outreach activities and promote public awareness. These programs are designed to reach potential victims regardless of their national, linguistic, or cultural backgrounds. OVC and BJA grantees are also using innovative training techniques to identify potential victims. Training has been expanded to groups like public transportation workers, faith based organizations, businesses and community service providers to help them identify suspected victims of trafficking, provide suspected victims information on services available to them, and report this information to appropriate authorities.

Throughout the years we have supported communities in developing the capacity to identify and serve victims. OJP has narrowed its efforts to focus on those organizations with the proven ability to do so. In Fiscal Year 2011, OJP competitively awarded almost \$6 million for six Enhanced Collaborative Model sites. The funds will be evenly split between law enforcement and victim services. The task forces will address all forms of human trafficking, and all victims, within a specific geographic area. OJP selected sites with a demonstrated history of proactively investigating and prosecuting trafficking offenses, and helping the victims.

In addition, OVC competitively awarded another \$3 million specifically for human trafficking victim services. The selected organizations demonstrated a proven track record of helping victims of trafficking. They also demonstrated the capacity to collaborate with law

enforcement, the faith-based community, and others who play a key role in improving victim services. Funding will also support efforts to increase the capacity of communities to respond to victims through the development of interagency partnerships and public outreach and awareness campaigns.

OJP has also played a key role in combating child trafficking. OJJDP supports comprehensive responses to commercial sexual exploitation of children (CSEC) that bring together law enforcement, prosecutors, human and social service agencies, and nongovernmental organizations working with victims. OJJDP has also developed and supported training for thousands of professionals to build their capacity to respond to these crimes and to assist victims. In addition, many of OJJDP's Internet Crimes Against Children Task Forces directly address CSEC and sex trafficking of domestic minors.

OJJDP also awarded a grant to the National Academy of Sciences for a study of the scope and severity of CSEC including sex trafficking of U.S. citizens or lawful permanent residents who are under the age of 18. Through a comprehensive literature search, workshops, and site visits the study will focus on many aspects of this problem, including evidence about successful prevention and intervention efforts and adequacy of current state and federal laws for addressing the CSEC including sex trafficking of domestic minors.

OJJDP will also be making awards to local law enforcement agencies interested in enhancing their response to CSEC including sex trafficking of domestic minors and to non-profit organizations to develop mentoring programs for child victims of sexual exploitation and sex

trafficking.

OJP's human trafficking efforts go beyond grant funding. A 2007 Government Accountability Office report stressed that human trafficking task forces need comprehensive technical assistance, and OJP has responded. OVC and BJA support expert training and technical assistance to all OJP-funded multidisciplinary anti-human trafficking task forces. At the core of these efforts is conveying the importance of coordination and collaboration. This year OVC and BJA expanded their efforts to include training and technical assistance to non-OJP funded task forces. This involves working closely with the community and known experts in the human trafficking field (both law enforcement and victim services) to conduct a community needs assessment, provide on-site technical assistance, facilitate a meeting of task force stakeholders, and offer follow-up support to the task force, as needed. For example, we currently provide technical assistance to the Northern Virginia Task Force to help it investigate and prosecute human trafficking cases while also supporting services to victims.

Additionally, OVC is accepting training and technical assistance requests from others in the victim services field. This will support efforts to incorporate the needs of human trafficking victims into existing victim service models.

This year OVC and BJA hosted Anti-Human Trafficking Task Force Regional Training Forums in San Jose, California; Hartford, Connecticut; and Chicago, Illinois. These forums brought together grantees, federal law enforcement, U.S. Attorneys' Offices representatives, staff from other federal agencies, and other key partners to share promising practices, promote

coordination, and strengthen local and regional efforts to combat human trafficking.

In January 2011, OVC and BJA released the *Anti-Human Trafficking Task Force Strategy and Operations e-Guide* (<https://www.ovcttac.gov/TaskForceGuide/EGuide>). Based on input from the field, the e-guide provides critical guidance for starting new trafficking task forces and strengthening existing ones. It also features creative tools, examples and best practices, as well as links to tools, trainings, and other resources.

In August 2010, OVC hosted a focus group on Human Trafficking of American Indian and Alaska Native Women and Children. Participants discussed how human trafficking is affecting American Indian and Alaska Native women and children, looked at who is being trafficked and for what purposes, identified gaps in services and research, and discussed promising practices and cultural considerations in providing services -- information which will help inform DOJ's response to human trafficking in Indian Country. OJJDP works with the National Center for Missing and Exploited Children to address commercial sexual exploitation of children and child sex trafficking through education, training, and raising public awareness.

Research on human trafficking plays a vital role in our understanding of the nature of this crime and the impact it has on victims and on our society as a whole. NIJ's research portfolio contains over ten years of studies that have provided crucial human trafficking information to DOJ and partners at the federal, state and local levels on a range of issues. For example, NIJ has evaluated the most promising practices to reduce demand for sex trafficking, studied how labor trafficking operates in U.S. communities, deconstructed different types of trafficking

organizations, and worked closely with state and local investigators and prosecutors to best understand and meet their information needs.

In April, BJS released a Special Report, *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*, which describes the characteristics of human trafficking investigations, suspects and victims among cases opened by federally funded task forces between January 2008 and June 2010.

OJP is aware that the Committee wants to make sure that funds are being used wisely, and that we are avoiding overlapping efforts. DOJ shares this priority and is determined to use resources prudently and effectively.

This priority is reflected in the creation and expansion of the Senior Policy Operating Group (SPOG), which coordinates the work of multiple cabinet agencies to ensure that each agency brings its strengths to bear while not duplicating efforts. Before OJP awards any human trafficking grant, we submit it to the SPOG for review to avoid overlap with existing projects. NIJ and the State Department's Office to Monitor and Combat Trafficking in Persons co-chair a SPOG committee on data and research, ensuring that every dollar invested in these areas is not mirrored in other agencies.

As I noted earlier, the DOJ works closely with HHS. OVC and the HHS's Office of Refugee Resettlement coordinate their program strategies to avoid overlapping work. For example, OVC grantees who assist foreign national victims primarily help those who are "pre-

certified” (those not yet issued a certification or eligibility letter by HHS) while HHS’ contractor may provide support to pre-certified (and certified) victims utilizing HHS funding only if OVC funding is unavailable.

Internally, OJP bureaus meet regularly to discuss our work on human trafficking and find ways to leverage that work across bureaus. I have already highlighted the close coordination between OVC and BJA. In addition, BJS is working with BJA and OVC to ensure that the task forces provide useful data on their cases, perpetrators and victims of trafficking. NIJ is evaluating our model program to provide services to domestic minor victims of human trafficking.

Along with coordination, strong oversight is an important part of our work to ensure that our human trafficking funds are being used wisely. OJP thoroughly reviews all of our grantees’ budgets to ensure costs are reasonable and strategically sound. If there are areas of concern, we act accordingly. For example, OVC has consistently required grantees to deduct amounts for salaries and overhead and redirect this funding to direct services.

OJP also provides formal policy guidance to grantees on critical areas such as client eligibility standards, permissible activities and documentation requirements. We recently established a new grantee reporting tool, the Trafficking Information Management System 2.0. The system provides for better documenting of resources needed to provide key services. In addition, we conduct frequent monitoring, including monthly technical assistance calls to our grantees and site visits to assess our grantees’ progress first hand.

It's also worth noting that DOJ's Office of the Inspector General (OIG) has recently determined that OJP has made remarkable improvements in grant oversight. This was spotlighted in the OIG's recent *Semiannual Report to Congress: October 1, 2010 - March 31, 2011*, which took special note of OJP's Office of Audit, Assessment and Management (OAAM). The report highlights many of the significant improvements in OJP's monitoring and oversight of grants and acknowledges the collaborative relationship that has developed between OJP and the OIG in addressing grant management challenges. I am submitting a copy of the full report for the record with this testimony.

We would welcome any discussion of how our efforts can be improved and look forward to our continued dialogue and partnership with Members of Congress.

I would like to again thank this Committee for its commitment to combat human trafficking and to help the victims of this abominable crime. As Attorney General Holder said at the DOJ 2010 National Conference on Human Trafficking, "Those of us here today are bound together by an unrelenting commitment to eradicate the scourge of human suffering and involuntary servitude. And we are united in the recognition that there isn't a second to lose. We must seize the opportunity to be a leader in the global fight against human trafficking, and to ensure that the nation we love remains a beacon of freedom for all humankind."

This concludes my statement, Mr. Chairman. Thank you for the opportunity to testify today and I would be glad to answer any questions you or the Committee may have.