

United States: Assistant Attorney General for the Office of Legal Policy Beth A. Williams Delivers Remarks on the Department of Justice's Efforts to Combat Human Trafficking Demand at the 2019 JuST Conference

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Body

Remarks as Prepared for Delivery

Thank you, Brittany, for that kind introduction. I'd like to thank Shared Hope International for inviting me to speak at this conference on a topic about which both the Attorney General and the Department of Justice care deeply: combating human **trafficking**. It's an honor to address all of you who are here in attendance this week, with each of you having unique and important roles in our shared mission. What makes this conference so special is even with the diversity of our roles, our experiences, and our backgrounds, we are all here for one common purpose: to stop the epidemic of human **trafficking**.

First, a bit of background. I serve as the Assistant Attorney General leading the Office of Legal Policy, or OLP. OLP is sometimes described as the think tank for the Department of Justice. Unlike almost all of the other attorneys across the Department, although we do give legal advice, we do not handle cases or even directly oversee them. Instead, we are able to take a high-level view of what is happening across the Department and to synthesize current challenges, initiatives, and other activities into coherent proposals for Department leadership on issues that are top priorities for them. That high-level view also gives us the perspective to develop new approaches-to identify new partnerships, both inside and outside of the government, that would be useful-and to propose new policy ideas that advance Departmental priorities. Another part of my role is to help get the word out about what the Department is doing. And I have found that after speaking to stakeholders outside of the DOJ, and to the public, I often go back to my office with fresh perspectives and new ideas. That is why I am grateful to be a part of this conference and to be invited to address this important matter.

Today, I'd like to address efforts the Department is making to combat human **trafficking** and to announce a new Department initiative focusing on sex **trafficking** demand reduction. This initiative will complement the Department's existing extensive efforts to fight human **trafficking**. It will also underscore the importance of deterring and punishing those who drive the market for sex from children and vulnerable persons-those most likely to be victims of human **trafficking**. The Department is not alone in this mindset. I see from reviewing today's upcoming events that addressing demand is a shared focus. I look forward to hearing from these presenters and panelists later today, and learning more from all of you.

Many have asked, why is demand reduction important? Well, there are two main reasons. First, Congress has clearly stated that buyers of commercial sex acts from sex **trafficking** victims are violating federal law. The Department has for some time prosecuted sex-**trafficking** customers, particularly individuals who have knowingly sought commercial sex with children. More than 15 years ago, the FBI carried out sting operations in Operation Turnaround to combat demand for so-called child sex tourism, i.e., travel by U.S. citizens to foreign countries for the purpose of engaging in sex with minors. Ten years ago, the U.S. Attorney's Office for the Western District of Missouri initiated Operation Guardian Angel to identify and catch individuals who attempted to purchase sex with

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children. These convictions were the first of many convictions under Section 1591 of individuals who attempted to purchase sex with children.

Congress recently reaffirmed the importance of customer-focused prosecutions in the Abolish Human **Trafficking** Act of 2017, which the President signed into law. That Act makes clear that a person who knowingly purchases a commercial sex act with a **trafficking** victim is just as culpable as the person who provides the **trafficking** victim for commercial sex.

Second, to address any type of crime problem, you must look at it holistically. **Targeting** demand is the other half of the crime - on one hand, you have traffickers who recruit and provide victims for commercial sex. On the other hand, you have people who buy sex from **trafficked** victims and minors. In the online child exploitation context, the Department not only focuses on those persons who produce images of child abuse, we also prosecute the end users: the persons who receive, distribute or possess child pornography. **Targeting** the demand, in conjunction with existing efforts to **target** the traffickers, provides the most comprehensive strategy to fight this dehumanizing and horrific crime.

Trafficking in persons is an offense against human dignity. Victims - or survivors - are treated like commodities, and are bought and sold repeatedly over a period of days to often times, years. These survivors are often denied basic human needs and more often denied their dignity and freedom and are forced to live at the mercy of their traffickers. They endure psychological, physical, and mental abuse. When survivors are recovered, some live with the physical, mental, and emotional scars of the abuse for the rest of their lives. For many, it is a lifetime burden that must be dealt with every day.

For this reason, human **trafficking** is a top priority of the Department of Justice and for the Administration. The Department fights **trafficking** through our law enforcement capabilities, our prosecutors, our partnerships with non-governmental organizations and private industry, and through our courts. The Department could not do such important work without these relationships and strong partnerships with private industry and NGOs. The FBI is on the frontlines with our state and local partners in law enforcement. Through the implementation of Innocence Lost human **trafficking** task forces and specialized Anti-**Trafficking** Coordination Teams, or ACTeams, in select Districts, the FBI works side by side with our federal, state, tribal, and local partners to identify victims and bring to justice traffickers, customers, coconspirators, and facilitators who are involved in this horrific crime. Department prosecutors work hand in hand with law enforcement to bring justice for the victims while holding traffickers accountable. Our prosecutors in the field are comprised of the Assistant United States Attorneys, or AUSAs, in each of the 94 United States Attorney's Offices. Each office has a designated human **trafficking** coordinator and a Project Safe Childhood Coordinator to facilitate, coordinate, and supervise the investigation and prosecution of human **trafficking** cases. The Department of Justice created a specialized Human **Trafficking** Prosecution Unit (HTPU) within its Civil Rights Division in 2007 to consolidate human **trafficking** prosecution experience. HTPU provides subject matter expertise on forced labor, transnational sex **trafficking**, and sex **trafficking** of adults. The Criminal Division's Child Exploitation and Obscenity Section (CEOS), created in 1987, provides subject matter expertise on the sexual exploitation of minors in any form, including foreign and domestic child sex **trafficking**, technology-facilitated child sex **trafficking**, and child sex tourism. These experienced trial attorneys from HTPU and CEOS partner on the investigation and prosecution of cases all over the country, providing training, outreach, and guidance.

These prosecutors are busy. In Fiscal Year 2018 alone, the Department brought 230 human **trafficking** prosecutions, charged 386 defendants and secured convictions against 526 defendants. The vast majority of those cases were for sex **trafficking** of minors and adults by force, fraud, or coercion.

Before I move on with my comments, I'd like to address recent reports of the declining numbers of human **trafficking** cases brought by the Department. While it is true that the number of cases and the number of defendants charged were down from FY2017, crucially, the number of sex and labor **trafficking** convictions was up. In FY2018, the Department had 526 convictions for **trafficking** offenses, compared to 499 in FY2017. More of

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the guilty were brought to justice. Additionally, the Department has increased the number of defendants charged with child sex trafficking from 857 charged in FY2016 to 952 in FY2018. That is more than a 10% increase.

Some other context to the recent figures is important. First, federal cases typically take 2-3 years to prosecute, so longer (and, likely, more significant) cases would not be counted as new prosecutions when they are carried over from year to year. Prosecutors must continue to work diligently on these larger and more significant cases, but that work is not necessarily reflected in the statistics. Moreover, in a positive turn, state statutes on human trafficking have gotten stronger over the past several years, which means more cases are likely being prosecuted by our state counterparts with stronger penalties than the states previously had. Having our state counterparts armed with stronger state laws and penalties for human trafficking similar to our federal laws provides another forum for law enforcement to bring cases. It is an important complement to our federal commitment.

We have not limited our focus to just prosecution of these important cases. In FY2018, the Office of Justice Programs (OJP) granted more than \$67 million to fight trafficking at the national, state, local, and tribal levels. Included in these efforts are Office of Victims of Crime (OVC) programs, which support services to survivors of human trafficking. The Department is funding these important programs at record levels. Additionally, the Department has made approximately \$30 million dollars available over the last two years to support Internet Crimes Against Children (ICAC) Task Force investigations, operations, equipment, training, and technical assistance. Next year's budget requests an additional \$5 million dollars to that investment so that ICAC task forces can continue to do their important work, which often gives us crucial leads to recovering human trafficking victims.

In addition, the Department has hosted significant training programs and has literally written a book on how to best investigate and prosecute these cases. The Executive Office for United States Attorneys (EOUSA), in collaboration with the Human Trafficking Prosecution Unit and the Child Exploitation and Obscenity Section, published an issue of the U.S. Attorneys' Bulletin dedicated to human trafficking in November 2017. The 185-page issue featured 17 articles on such topics as securing mandatory restitution for victims, proactive case identification strategies, child sex trafficking among children missing from foster care, financial crimes in human trafficking cases, and forced labor in supply chains, among others. Each June for the last several years, the Department has hosted the National Law Enforcement Training on Child Exploitation in Atlanta, Georgia. This past June, over 1400 federal, state, and local investigators, prosecutors, computer forensics and victim/witness specialists, and other professionals attended this three-day training conference where subject matter experts provided free training on cutting edge issues related to child sexual exploitation and child sex trafficking. In a few weeks, the Department is hosting a three-day seminar for all Department prosecutors around the country who work on human trafficking to provide cutting-edge training and education on this topic.

The Department is also committed to tackling obstacles that stand in our way of preventing and uncovering these crimes. Last week, the Attorney General hosted a summit in Washington, DC on the lawful access to electronic devices as it relates to child exploitation and trafficking. Lawful access means that when law enforcement has established probable cause that a crime has been committed, and gets a warrant from a court to search for evidence, they can actually access the electronic devices and media at issue. In many cases, law enforcement officials are unable to access data due to general privacy and security measures (e.g., encryption) despite the issuance of legal process (e.g., subpoenas and search warrants). In human trafficking investigations, this obstacle prevents the identification of current and historical victims and of potential victims a trafficker may be recruiting and exploiting online; prevents identification of co-conspirators; prevents collection of evidence that may be helpful in bringing traffickers to justice; and may prevent the removal of harmful online data or images of the victims, which causes revictimization to exploited and trafficked persons by allowing harmful data to remain online and be viewed in perpetuity.

At the summit, we heard about a case from December 2018, where the National Center for Missing and Exploited Children, or NCMEC, received a cyber-tip from an electronic service provider concerning an infant being sexually abused by an adult male. After running the images and videos through their databases, NCMEC realized this was new material, meaning the images had not been seen before, which only meant one thing: the infant was in imminent danger. NCMEC traced an IP address for the sexually explicit material to a possible location in San Jose,

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California, and quickly dispatched that lead to law enforcement. Within 3 hours, police located the five month old child, arrested the adult male and rescued 11 other children from the home. The Department recognizes the importance of responsible encryption, but if end-to-end encryption is implemented with no exception for detecting sexual exploitation, the abuse of this five month old child and countless others would remain hidden. And those who impose harm like this on children and vulnerable victims would never be brought to justice for these heinous crimes. The Director of the FBI has called this a dream come true for child predators. We need the help of technology companies to fix this.

I was fortunate to moderate a panel presentation discussing why lawful access is necessary to identify and prosecute child predators and exploiters. John Clark, the CEO of the National Center for Missing and Exploited Children, Lianna McDonald, Executive Director of the Canadian Centre for Child Protection, and a parent of an exploited victim each provided first-hand accounts on why having lawful access is critical in our fight against human **trafficking** and exploitation. Mr. Clark said that without lawful access to this criminal evidence, it's not just a game changer, its game over. Specifically in relation to child exploitation cases, the panel expressed that the preclusion of lawful access has made the choice plain - children don't matter... and we are not going to protect them. It's that simple. The Department will continue its efforts to proactively engage the private sector to join us in the fight against human **trafficking** and exploitation and educate the public on our ongoing efforts.

To complement the extraordinary efforts made by Department prosecutors to prosecute the demand, in 2015, Congress clarified that buyers could, and should, be charged with sex **trafficking** under federal law. Congress amended Section 1591 to add patronizes and solicits to the list of acts criminalized in the statute, when other required elements are met. It noted that the amendment was intended to make it clear that criminals who purchase sexual acts from human **trafficking** victims may be arrested, prosecuted, and convicted as sex **trafficking** offenders when this is merited by the facts of a particular case.

For the last several years, the Department has initiated other high-profile sting operations designed to **target** adults seeking commercial sex with children. In several cases prosecuted in the Central District of California, for example, defendants responded to fake online advertisements offering commercial sex acts with minor girls. In a notorious case in Arizona, law enforcement conducted a sting using a bogus sex-slave auction. More than 100 individuals contacted an undercover website created and operated by the FBI, and four eventually travelled from their homes to a facility in Phoenix where they expected to obtain sex slaves. All four pleaded guilty and were sentenced to prison terms from seven to nine years.

Some may think prosecuting buyers in sex-**trafficking** cases is straightforward. In many cases, law enforcement finds and disrupts a customer interacting with a victim or encounters the buyer in an undercover operation. But these cases are not simple. Often times a victim does not think of him or herself as a victim. They are often fearful or wary of law enforcement. Victims may sympathize with their trafficker or with a buyer. They may feel shame or take blame for their victimization. All of these reasons, and many more that I have not listed, make the prosecution of these cases far from simple.

Prosecutions involving children under the age of 18 can be easier to prosecute because the governing statute does not require proof that the buyer knew the victim was a minor, if the person had a reasonable opportunity to observe the minor victim. Indeed, some offenders will respond to an ad for commercial sex with a minor, whereas very few, if any, will answer an ad for an adult being forced into commercial sex.

Recent cases include the successful prosecution of a 71-year-old San Diego realtor who had engaged in commercial sex with two minors beginning when they were 11 and 13 years old. They also include the successful prosecution of a Washington, D.C. HIV-positive man who established contact with a girl online and began paying her for sex. There are many other examples of cases prosecuted by the Department against customers with minor victims.

With these challenges, the Department will not shy away from combating, disrupting and preventing human **trafficking**. Following the momentum of this work, I'm pleased to announce today that the Department is launching

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a Demand Reduction Initiative to **target** those who purchase sex from minors and from victims of **trafficking** by force, fraud or coercion. As I mentioned, this initiative is intended to complement the Department's existing efforts to combat human **trafficking** and to emphasize the importance of punishing the demand for commercial sex from children and vulnerable victims, in conjunction with our state, tribal, and local partners.

The Department's Demand Reduction Initiative has five related priority actions. I'd like to provide a brief overview of each.

First, the Department will continue to dismantle and disrupt the online marketplace for sex **trafficking**. **Targeting** the online marketplace that feeds sex **trafficking** has the potential to drive down demand by removing one of the most frequently-used channels for obtaining victims. Indeed, the Department's takedown and prosecution of Backpage.com—once the dominant website for advertisements that facilitated sex **trafficking**—appears to have significantly disrupted the online marketplace. The Department will, where appropriate, pursue investigation of other websites to which advertisements may have moved and initiate appropriate prosecutions of them.

Second, the Department will look to launch the next phase of Anti-**Trafficking** Coordination Teams, or ACTeams. The ACTeam Initiative is a multi-agency initiative launched eight years ago under the leadership of the Civil Rights Division's Human **Trafficking** Prosecution Unit. The Initiative is a collaborative effort of the Departments of Justice, Homeland Security, and Labor as well as the Federal Bureau of Investigation. Through this initiative, interagency teams of federal agents and federal prosecutors are convened in select Districts, designated through a competitive, nationwide, interagency selection process, to develop high-impact human **trafficking** investigations and prosecutions involving forced labor, sex **trafficking** of adults, and international sex **trafficking**.

The ACTeams are highly regarded for their demonstrated success. During Phase I, from 2012-2013, cases filed increased 119%, the number of defendants charged increased 114%, and the number of defendants convicted increased by 86% in ACTeam districts compared to the two previous years. While ACTeam districts constituted less than 7% of districts, they accounted for 58% of the national increase in cases filed during those two years.

During Phase II, in 2018, ACTeams saw increases of 10 percent in cases filed, 75 percent increase in defendants charged, and 106 percent increase in defendants convicted compared to a 1% increase in the number of defendants charged and a 36% increase in defendants convicted nationwide during the same period. As part of a deployment of additional ACTeams, the Department may incorporate training to federal investigators and prosecutors on the investigation and prosecution of buyers, including as a method to create accountability for larger sex **trafficking** networks.

Third, the Department will issue new Sex Offender Registration and Notification Act, or SORNA, regulations to facilitate prosecution and deter child sex tourism. My office has prepared proposed regulations that provide a clear and comprehensive articulation of the registration obligations of sex offenders under SORNA. Publication of this proposed rule, and finalization following public comment, will improve compliance with and enforcement of sex offender registration requirements. Specific benefits related to **trafficking** demand reduction include (i) strengthening compliance and enforcement with respect to sex offenders, and (ii) enabling the U.S. Attorney's Offices to prosecute sex offenders who fail to report international travel, an important provision enacted by International Megan's Law to combat child sex tourism.

Fourth, the Department will **target** key locations where we suspect human **trafficking** occurs—especially places with vulnerable populations, like Tribal women and girls.

Fifth, the Department will focus on the international border and its equivalent for international cases. These operations will work with our federal partners at the border to identify potential buyers of **trafficked** sex.

I am proud to work for an Attorney General and a Department of Justice that care so much about this fight. I look forward to working with Department components to implement this Demand Reduction Initiative over the next year and will provide whatever support and resources on a policy level to address this heinous crime. Stopping human **trafficking** is a very big goal—and it's one that the Department of Justice takes seriously. We plan to continue to do

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this work-to continue to find ways to be ever more effective, efficient, and creative in building cases, convicting traffickers, buyers, and facilitators, and doing our part to help victims recover-until we have won the fight against this profoundly dehumanizing crime. We are mindful of and grateful for the work that many others at this Conference are doing to combat human **trafficking** as well. Again, I thank Shared Hope for inviting me to come speak, and for hosting this conference on this very timely and critical topic. I very much look forward to hearing the presentations today. Thank you.

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