**Tiago County House Hearing Written Testimony**

Thank you for the opportunity to address this issue that is so important to the Commonwealth and to AG Henry. While this topic has become more talked about in recent years, it is imperative to address what human trafficking actually is. The federal law and Pennsylvania laws are similar in how they define human trafficking. The human trafficking laws in Pennsylvania address the two types of human trafficking – sex trafficking and labor trafficking.

In 2014, Act 105 extensively revised the law on human trafficking in Pennsylvania. This Act is focused on Prevention of human trafficking, Prosecution of human trafficking and Protection of human trafficking victims/survivors. The Pennsylvania Office of Attorney General has tackled this crime for over a decade with this focus in mind.

The two main statutes criminalizing human trafficking in Pennsylvania are Trafficking in Individuals and Involuntary Servitude. Both of these offenses are included under the rubric of **“human trafficking,”** to ensure that both the persons who arrange for an individual to be subjected to involuntary servitude and the persons who then maintain that individual in a state of involuntary servitude are both subject to this chapter. **Involuntary servitude** is further divided into two categories, labor servitude and sexual servitude.

18 Pa. C.S.A. §3012 defines involuntary servitude and lists the “means” by which an individual can be subjected to such. There are thirteen separate means listed in this section. They can be broken down to categories of either force, fraud or coercion. Of importance to note is that only one of these thirteen means is kidnapping.

I use both the terms “victim” and “survivor.” The use of the term victim in this context in not meant in any way to demean or diminish the individual in that role, rather it is the legal term used under Pennsylvania Law. Truly an individual subjected to human trafficking is and should be referred to as a survivor.

If the victim is a minor, then there is no need to prove any of the thirteen means listed above, *i.e* there is no need to prove threats, harm, restraint, kidnapping, abuse of the legal process, etc. in determining whether a minor has been subjected to sexual servitude. As such, any commercial sex act involving a minor counts as trafficking under Pennsylvania law. One of the most common misconceptions regarding human trafficking is that trafficking requires the movement of someone or something from country to country, state to state or county to county –when in fact the crime of human trafficking require no movement at all. The illegally moving a person from one country to another is smuggling which is a crime against a border not a crime against a human beings.

In light of her recogniiton of the seriousness of this crime and her dedication to fighting for justice for victims and survivors, this past January AG Henry formed the first statewide Human Trafficking Section in the PA Office of Attorney General. This newly formed unit will be discussed in more detail below.

Fortunately, as awareness has increased and more resources are dedicated to the cause, we have seen an increase in the investigation and prosecution of this crime in recent years.

In January of 2023, AOPC released a follow up report with similar statistics from 2017- 2021. This report is included below as this would include the statistics for the time period that the PA OAG had concurrent jurisdiction to prosecute human trafficking cases – the AOPC reported that during this time period a total of 259 human trafficking cases filed and a total of 1096 human trafficking offenses filed. It bears mentioning that most of the significant Pennsylvania human trafficking case in recent memory have been prosecuted by OAG. It is also noteworthy that these AOPC statistics tally charges (counts) as opposed to cases. That modality invariably skews the numbers to overinflate some prosecutions at the expense of minimizing others.

While the AOPC statistics did not differentiate between labor and sex trafficking; the Villanova Law Institute to Address Commercial Sexual Exploitation maintains statistics on the number of sex trafficking cases charged since 2014 and releases those statistics in an Annual Report. As of 2022, 35 counties in PA have charged at least one trafficking related case. From 2014-2022, prosecutors have charged 245 sex trafficking cases. Villanova University Charles Widger School of Law – Commercial Sexual Exploitation in Pennsylvania: 2023 Annual Report

**Significant Cases**

The OAG has been working with the state police to investigate and prosecute human trafficking cases since 2009 when we investigated and prosecuted an organization in Philadelphia which was trafficking multiple young women and forcing them to have sex with up 20 men per day. In another case, a defendant was convicted of trafficking multiple young women across the country and forcing them into sexual servitude in suburban Philadelphia. In a third case, the largest sex trafficking case ever charged in the Commonwealth, which involved the testimony of eights victim/survivors at trial against two notorious traffickers who operated in several counties in southeastern and central Pennsylvania as well as in multiple counties in southern New Jersey. These cases, as well as several others, have resulted in sentences that are essentially life sentences for these defendants.

The OAG also has several labor trafficking cases currently under investigation. Many of the cases involve foreign undocumented workers who came to Pennsylvania in hopes of gaining employment to better their lives and the lives of their families. In some cases, the workers were hoping to send money back to family members in their native country who were living in poverty. Instead, their trafficker-employers used their vulnerabilities to force them into working unreasonably long hours in impossible conditions. The victims suffer physical and mental abuse all in an effort to keep them working for the traffickers. Some were forced to live in small apartments, sleeping on the floor with other exploited co-workers. Oftentimes, the trafficker held the debt that the worker owed for getting them into Pennsylvania over the worker’s head to keep them working in these deplorable conditions. Documentation necessary to prove their legal status in Pennsylvania is often withheld from them by the traffickers in an effort to keep victims from reporting these abuses to law enforcement. The Human Trafficking Section also works closely with the OAG Fair Labor Section on cases in which severe cases of labor exploitation rise to the level of criminal labor trafficking.

The crime of human trafficking is committed by people with utter disregard for humanity at even the most basic level, making them one the highest dangers to our society. The traffickers’ belief that the sale of other human’s bodies is a valid professional trade is appalling and indicates a callousness and cruelty that is almost unimaginable.

**Newly formed unit**

AG Henry recently formed the first statewide human trafficking Section at the Office of the Attorney General. The unit is in the process of formulating an internal protocol for what practices to employ when a human trafficking tip or complaint comes into our office. This would ensure that the information regarding human trafficking tips, lead and/or complaints reaches the individuals trained and experienced in the area and also ensure the information is handled with expertise and in a trauma informed approach. This new unit will develop a Best Practices Protocol to systemically address Human Trafficking throughout the Commonwealth using the multidisciplinary approach.

Furthermore, the new Human Trafficking Section unit will continue to work with the Pennsylvania State Police Organized Crime Unit, HSI, as well as other federal, state and local law enforcement agencies. We will also continue to work with specialized sections/units already in existence within the OAG with their own areas of expertise – Child Predator, Organized Crime, Fair Labor, Asset Forfeiture and Money Laundering Sections.

**Education and Outreach**

The prosecutors and investigators already working human trafficking cases at the OAG have used their experiences to engage in education and outreach on the topic. We have been invited to and participated in dozens of conferences, symposiums and conferences. The OAG has also been asked to and has participated in the presentation of case studies highlighting successful prosecutions of large scale national sex trafficking organizations at international conferences. These cases are often worked with the Pennsylvania State Police, Homeland Security Investigations and local police departments.

Our goal is to increase this education both externally and internally within our office. Perhaps the most important aspect of this training would be to focus on recognizing and spotting a human trafficking incident when one occurs, and what the best practices should be in addressing a human trafficking situation once it has been properly identified. The Human Trafficking Section will offer regular internal trainings to attorneys and agents so that they are regularly kept abreast of the best practices in this field and the developments in investigative techniques relevant to human trafficking. The OAG will continue to build relationships with established partners in this field, but the Section would also forge new alliances with persons and organizations dedicated to combatting the problem of Human Trafficking including local District Attorney’s Offices.

Human Trafficking is popular topic of discussion, but also one of the most overly misinformed subjects. Human Trafficking is not what we see in the movies such as Taken. It is also not the social media post about an overly priced armoire named after a missing child. Human Trafficking is modern day slavery in which the traffickers use force, fraud, or coercion in order to maintain control and manipulation over their victims to subject them to either labor and/or sexual servitude. It is estimated there are 50 million people held in slavery today worldwide.

**Demand Reduction**

The focus on human trafficking is often on the traffickers themselves, but the very economy in which human traffickers thrive would not exist but for the market for the human beings they are trafficking. That market is promulgated, validated, and enhanced when individuals are allowed to seek out these victims/survivors and purchase access to their bodies. The trafficker’s crime impacts the community through the encouragement and perpetuation of prostitution and the market for human trafficking in this Commonwealth. This concept comports with the basic economic theory that supply and distribution follow demand, and therefore aids in eliminating the commercial sex trade in effective way.

One way to reduce demand would be to increase the penalties for purchasing sex. For example, in the State of Pennsylvania, a third offense for retail theft can result in the conviction of a felony regardless of the value of merchandise, but the actual process of purchasing an individual for sex only ever reaches the conviction of a misdemeanor crime regardless of how many times they are caught doing so. It is because of gaps such as this that allow the demand for sex trafficking to remain at an all-time high, and as long as the demand is there traffickers will always be able to thrive.

**Who are the traffickers**

Traffickers come from all genders, races, ethnicities and walks of life. In sex trafficking situations, they may be intimate partners or spouses of the victims, family members, friends or benefactors, business acquaintances and bosses. People in sex trafficking situations often know and even trust or love their traffickers.

Traffickers target vulnerable people who have needs that the traffickers can fill. Sometimes they offer material support – a place to live, clothing, a chance to “get rich quick.” Other times they offer love, emotional support or a sense of belonging.

**Victim/Survivor Support**

People often wonder how trafficking starts. It often begins with someone the victim/survivor knows and often trusts. Traffickers target vulnerable people with need and then fill those needs. This could look like food, shelter, clothing or even a scam to make a lot of money. Some traffickers use finesse and offer a sense of belonging, attention and claimed emotional support. Despite the myths perpetuated by Hollywood and social media, kidnapping and physical constraint and force are rarely tactics used by traffickers.

The victims of sex trafficking can be anyone with a vulnerability – whether it be mental use, drug dependency, homelessness, prior mental or physical abuse. Though they target these marginalized groups in society, that is not to say Human Trafficking can’t happen to anyone. Victims and survivors are those of every race, religion, ethnic background, socio-economic status and live in every town, suburb, city, state and country. Traffickers will do anything and target anyone to gain trust, trick, manipulate, and control their victims to force them to engage in labor and/or sexual activity.

Perhaps the most common question people have for both sex and labor trafficking situations is “why don’t they just leave?” This is a simple question with a complicated answer that includes an understanding of the mindset of both the trafficker and the victim. Traffickers “groom” their victims into believing that they making a choice to engage in this activity – whether it be sex or labor. People in trafficking situations are usually dependent upon their trafficker for survival. Traffickers also commonly use tactics to threaten their victims to stay in the situation. For example, they may threaten the victim’s family. Victims often do not identify themselves as victims. The bottom line is that you cannot make a choice if you do not have a choice. The OAG will continue to work closely with and hopefully expand our relationships with victim service organizations throughout the Commonwealth.

**Conclusion**

In conclusion, AG Henry and her office have been and will continue to respond to both sex trafficking and labor trafficking using a victim-centered, trauma-informed, multi-disciplinary and collaborative approach. The Attorney General’s Office is dedicated to not only tackling human trafficking with the seriousness it deserves, but also to be an example of how other jurisdictions can help victims of forced commercial sex and/or forced labor.

Since the announcement of the formation of the AG’s Human Trafficking Section, we have seen a significant influx of new cases through referrals. While this is certainly a good thing, it is important to note that with this increase we have not been able to “pro-actively” worked cases as we were in the past. I would like to take this opportunity to thank you for funding and the independent line item for our human trafficking section, but to also let you know that since the OAG budget otherwise fell short, we will be asking for additional funding in order to continue to build a team that is adequately equipped to fight this evil.