

Statement of Nicholas A. Sensley

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Mr. Chairman and members of the Committee, thank you for holding this hearing and for inviting me to give testimony on sex trafficking within our own borders of children citizens of the United States. This crime, having been referred to as “Domestic Minor Sex Trafficking,” is reasonably suspected to be a very pervasive crime in our country is worthy of your attention and response.

I have been a California law enforcement officer for nearly 23 years and during the last nine years of my career I have devoted significant effort to the fight against human trafficking as it manifests in the United States and abroad. My experiences in helping to develop effective responses to this crime have included key locations in the United States such as New York City, Dallas, San Francisco, Oakland and Sacramento. Notwithstanding the evidences of the horror attached to this crime as it is perpetrated against any of its victims in its various forms, it is most abhorrent when it is carried out against children. Often my findings are that among those of our citizens who happen to be aware of this crime, there is consistent perception that this crime is a problem for the children of other nations and is less of a concern here at home. There is sufficient evidence that this is not the case and it is to the hope of those who suffer under this crime that you should consider how we might better combat the sex trafficking of children of the United States.

I am not a statistician nor strictly devoted to the research attached to this problem. Though I am aware am greatly appreciative of such outputs, I am focused ultimately on solutions that affect the efforts at the street level of discovering the crime and appropriately responding to it in a victim-centered and comprehensive manner that leads to rescue of the children and prosecution of the perpetrators. Herein is the special problem as it relates to the Domestic Minor Sex Trafficking. That is, the impact of discovery of the crime, appropriate identification and classification of the victim, and prosecution of the perpetrators has thus far been disproportionate to the pervasiveness of the crime and not deterring to the criminals.

Among the barriers to successful responses to this crime is education among law enforcement officers, the availability of resources that allow for investment in discovering this easily masked crime, and most unfortunately, a widespread belief that the victims are complicit profit seeking criminals. My experiences do not allow me to draw a blanket conclusion that all minors involved in this crime are without measures of culpability. Often, their circumstances do not neatly satisfy the evidences that would point to them as victims. Nevertheless, there need be a required duty on the part of the justice system to fully presume, until clear evidence shows otherwise, that a minor has not been forced or coerced into the crime.

The evaluations to determine if a minor is a victim of trafficking must be done in a manner and under conditions conducive to a minor's ability to disclose free from the psychological manipulations, coaching, and false hope often created in them by their traffickers. This minimally demands a custodial environment that gives hope of the restoration of a fundamental human need to be cared for and loved, to have basic survival and safety needs intact, and a diminished sense of hopelessness and elevated sense of human value. Without such circumstances and environments, minor victims of sex trafficking are readily poised to carry out the strategic coaching of their traffickers, believe in the false hope they have been given, and flee and return to their own demise at first opportunity. Creating an effective custodial environment for these victims are not resources and skill sets among our average police departments. In practice, attempts at creating such environments within enforcement facilities often result in an apparent façade designed only to elicit cooperation for the enforcement goals. These safe custody environments can be, and should be among the resources and skills of non-enforcement service provider partners.

The ability to discover and appropriately respond to domestic sex trafficking of minors is time and resource consuming for enforcement officers and their departments. Efforts to discover and respond to trafficking of minors are counterproductive to statistics driven policing operations wherein officers are required to produce numbers, bodies, and turnkey investigations. This crime remains unconventional to the degree that it is not a crime discovered through traditional "Vice and Prostitution Stings" and other operations that do not rely upon careful and systematic evaluation of intelligence, patient follow through on investigative leads, and strategic analysis of circumstances and the persons involved. Notwithstanding the false understanding given to the use of the term "trafficking", this is a crime that does not respect borders and jurisdictions. A nationwide reporting system is desperately needed to provide resource information and long-term tracking of intelligence related to this crime.

In an economy of budget cuts to local police departments, redistribution of resources, and widespread beliefs that domestic sex trafficking of minors is a politically correct and contemporary label for prostitution involving delinquent juveniles, there will be rare efforts to give the requisite attention to this crime in the absence of additional support and incentive. H.R.5575, the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010 is an essential Act to increase education, awareness, and the capacity to combat domestic minors sex trafficking.