

Statement of Captain Chris Marks, Los Angeles County Sheriff's Department on behalf of the Major County Sheriffs of America & the Los Angeles County Sheriff's Department Before the House Committee on the Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations; Hearing on "Gangs in Our Community."

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Chairman Sensenbrenner, Ranking Member Jackson Lee, distinguished members of the Subcommittee, on behalf of the Major County Sheriffs of America (MCSA), Los Angeles County Sheriff Jim McDonnell and all of the partners who comprise the Los Angeles Regional Human Trafficking Task Force, thank you for inviting me to testify this morning on Criminal Street Gang Members and Sex Trafficking.

I have been a member of the Los Angeles County Sheriff's Department for 30 years. I presently serve at the rank of Captain and command the department's Human Trafficking Bureau. The LASD Human Trafficking Bureau also serves as host to the Los Angeles Regional Human Trafficking Task Force. Throughout my career I have served in positions in field operations, training, investigations and administration. While serving as a supervisor in the LASD gang unit for six years, I authored the Department's policy for implementation and enforcement of gang injunctions. I have additionally served as a project manager for the test and evaluation, policy development and current procurement of body worn cameras.

In 2014, upon taking office as the newly elected leader of the largest Sheriff's Department in the nation, Sheriff Jim McDonnell focused on developing a strategy to combat the enormous challenge of Human Trafficking in all its forms.

He recognized that Human Trafficking affected individuals across the world, the nation and was extremely prevalent in Southern California, where he was elected to make a difference. Sheriff McDonnell developed a strategy which began with organizational change, new strategic partnerships, enforcement tactics and a change in the language used to describe both the perpetrators and victims of trafficking. In 2015, recognizing that juvenile victims of sex trafficking could not legally consent to commercial sex acts, Sheriff McDonnell directed the Department to stop using the term 'child prostitute' as the start of the new policing strategy and the cessation of juveniles being arrested for the charge of prostitution. This direction occurred one year before the State of California enacted legislation prohibiting the arrest of juveniles for charges related to commercial sex acts. And those who choose to have sex with minors for money were no longer prosecuted as "John's" and given a citation, but are charged as the molesters they are and accordingly charged with the more appropriate crime of rape.

Sheriff McDonnell directed the creation of a new Human Trafficking Bureau, to bolster anti-human trafficking efforts and to act as host to a regional task force. Federal, State, and local law enforcement agencies, social service agencies and non-profit groups willingly joined the task force to combat sex trafficking from a regional approach, since traffickers were not stopping at the county line, but travelling the entire region while selling human beings into the commercial sex industry.

Simultaneously, a \$1.5 million grant from the U.S. Department of Justice was awarded to the Department as we partnered with a “victim centered” service provider, the Coalition to Abolish Slavery and Trafficking (CAST). Together, we committed to investigate cases of both sex and labor trafficking, involving both juvenile and adult victims. This partnership enabled law enforcement within the Task Force to focus on the pursuit and apprehension of trafficking offenders, while our team of trauma informed service providers cared for the needs of the victims identified and rescued from lives of exploitation.

The Los Angeles Regional Human Trafficking Task Force was formed, combining the resources of local, state and federal law enforcement, with the prosecutorial authority of the District Attorney and U.S. Attorney, with a truly victim-centered approach. The combination of resources, including the Los Angeles County Department of Children and Family Services, Los Angeles County Probation Department, California Department of Corrections and Rehabilitation, and CAST, co-located at the Sherman Block Headquarters has become the largest task force of its kind in the Nation. This co-location model breaks down the previously established silos between agencies and allows partner agencies to consult on all types of cases involving trafficking.

The Los Angeles Regional Human Trafficking Task Force brings together systems and disciplines to address the victim's needs through a victim centered, trauma informed approach. The task force employs a regionalized strategy that crosses jurisdictional boundaries to identify and rescue victims while aggressively pursuing traffickers and buyers.

In 2015, the Los Angeles County Board of Supervisors adopted the Law Enforcement First Responder Protocol for Commercially Sexually Exploited Children (CSEC). This protocol formalized procedures for law enforcement to follow when they encounter a commercially sexually exploited child. The First Responder Protocol specifies that law enforcement and other county service providers will work together to serve CSEC, from identification through the first 72 hours of contact, so as to keep victims of sexual abuse from being further traumatized. The protocol promotes a victim-centered approach. To facilitate the recovery of CSEC and aid in performing interviews, the LASD added a safe room to its co-located task force office. The safe room is used to interview trafficking victims in a warm, non-threatening environment. The safe room was designed for victim comfort, and to remove them from the potentially cold, threatening nature a police station can be to a victim, and where their abusers are eventually jailed. The victims are provided clothing, blankets and food while services respond to meet their needs.

State funding has allowed for Probation and the Department of Children and Family Services to gain additional assistance from the task force to assist in locating CSEC victims who have fled placement in foster homes and other county housing. Investigators and case workers have learned that pimps/exploiters, who are often gang members, remain in contact with the CSEC victim during temporary placement. The traffickers utilize permitted or smuggled phones to reach the CSEC victim or use another child housed in the same location to facilitate communication with them. AWOL minors often are picked up by their traffickers from outside of temporary placement and returned to a new area to continue their exploitation.

The demand for commercial sex has been studied and many statistical reports have supported the increase of this crime. For Los Angeles County, I will provide you with three recent examples demonstrative of the magnitude of this crime.

An undercover female deputy was placed on a street, known for prostitution, as a decoy in an attempt to be solicited by a sex trafficking suspect. Within forty-five minutes, a trafficking suspect, who was a gang member, approached and solicited the undercover deputy in an attempt to recruit her for sex trafficking.

An undercover add was placed onto a social media site as part of an internet sting operation by an investigator posing as a commercial sex worker. Within one hour, the investigator had exchanged over 1,200 text messages with different potential buyers and traffickers soliciting the undercover deputy for sex and/or offering to represent her as a pimp (trafficker).

Task force investigators were performing a surveillance of a trafficking suspect. During the surveillance an undercover deputy posing as an underage girl was deployed in the area of the trafficking suspect at a local sandwich shop. The trafficking suspect noticed the undercover deputy talking on the phone stating she needed money in her conversation. The trafficking suspect followed the undercover deputy while she walked on a public street. Within ten minutes of following her, the trafficking suspect approached the undercover deputy and began recruiting her for commercial sex work. The recruitment efforts continued for several weeks through online communications until his arrest. During an execution of a search warrant, more than one hundred thousand dollars in cash was located in his residence.

Today, Criminal Street gangs are more sophisticated than ever before. Gang members and criminal organizations are using social media as a means for their criminal enterprises. Gang leaders are far more mobile and network more effectively because of these technologies and the anonymity afforded by the internet.

For generations, criminal street gangs have pursued and succeeded in criminal enterprises. Beginning with the sales of illegal narcotics and stolen property, gang members adapted to new opportunities to benefit their criminal enterprises. Law enforcement saw gangs develop abilities to commit check and credit fraud, armed

robbery series, and then move into cyber fraud. However, the criminal street gangs historically operated their criminal enterprises within an established territory. Their willingness to commit crimes out of their geographical gang areas was generally limited to violence against rival gangs, robberies and property crimes.

For the past several years, gangs have moved beyond their territorial boundaries. Many travel throughout the state and beyond in teams or “crews” to commit residential burglaries and robberies. Los Angeles gangs began utilizing the “flocking” tactic. In “flocking” criminal street gang members from a single gang or from multiple gangs join together to travel to residential communities throughout Southern California and force entry into residences in overwhelming numbers and commit the theft within a matter of minutes.

Now, criminal street gang members are proliferating in the illegal sex trafficking market. Gang members have realized the lucrative opportunities sex trafficking offers. Throughout Los Angeles County, the majority of sex trafficking cases investigated by the Los Angeles Regional Human Trafficking Task Force have found the trafficker is a member or an affiliate of a criminal street gang.

The crime of trafficking CSEC presents a relatively low risk of arrest for most gang members engaged in sex trafficking. Previous illegal enterprises such as selling illegal narcotics, weapons or stolen property placed the possessor in immediate threat of arrest due to the mere possession of such contraband. For sex traffickers, being in the presence of a CSEC is not a crime. To add to the complexity, the CSEC victim commonly will not cooperate with law enforcement, because of the strength of the trauma bond with the trafficker. An additional motivating factor for gangs to pursue sex trafficking is the fact that narcotics, weapons and stolen property can only be sold once. Whereas sexually exploited victims can be sold multiple times each day, every day.

In Los Angeles County, and throughout California, gang members operate sex trafficking victims both independently and for the benefit of their gang. Frequently, gang members will travel to any community to recruit sex trafficking victims. These same gang members will also travel to any community with their sex trafficking victims and sell their bodies either online, on a street or in a motel without fear of retaliation for violating another gang’s territory. However, in certain geographically claimed gang areas of Los Angeles, some gangs require sex trafficking victims to pay a fee or “tax”, to the gang in order to work in that area. This practice of “Taxing” is a common means of gaining money for the benefit of a gang and has historically been employed against businesses. The tax for sex workers has not been uniformly adapted throughout Los Angeles County or the State of California. Rather, in many cases, traffickers operate without fear of retaliation for operating a sex trafficking victim in another gangs claimed territory.

Street gang members commonly possess a high level of unique abilities that suit a person seeking to engage in trafficking. They have proven to be uniquely equipped and able to identify vulnerable populations online, at schools, or in public places. These

vulnerable people, typically young girls, have often suffered physical, sexual or psychological abuse and/or neglect throughout their lives. The estimated 70% of victims who come from the social services systems, speak loudly to the targeted victimization of those who come from a life of previous abuse. The predatory senses of a gang member engaged in trafficking easily identify this population and gang membership is used to glamorize the lifestyle and the acts of prostitution as a powerful recruitment tool. The gang member then expertly manipulates the vulnerable child using his affiliation to demonstrate their willingness and ability as criminals to be capable of committing violence to protect them. Once recruited, the gang member exerts control over the trafficking victim through physical, psychological abuse and an atmosphere of dependency.

Frequently task force investigators identify victims of sex trafficking through our First Responder Protocol, covert online investigations, or street and motel operations. Working with our social service partners, the victims are placed in housing. The victims typically resent governmental offers of assistance and desire to return to their trafficker. The victims recovered in Los Angeles County are from our county, from bordering counties, Northern California and out of state. In most cases, these victims are being exploited under the control of a gang member acting as a trafficker.

In order to effectively combat human trafficking, several areas require additional funding for development of information systems, technology tools, technology expertise and expertise in investigating human trafficking.

Information Sharing: Human Trafficking is a global issue and law enforcement is in need of a unified information sharing platform that allows for identification and tracking of victims and traffickers. For example, when a victim is exploited and then moved from Los Angeles to Las Vegas, neither law enforcement agency will know of the victim unless the officers are able to make the connection. It is quite common for traffickers to move their victims from one "blade or track" to another, often hundreds of miles away, in order to perpetuate business. Los Angeles victims have routinely been moved from Oakland to Las Vegas to San Diego and forced to work the track, notorious to the area.

The human trafficking task forces throughout southern California (Los Angeles, Riverside, San Bernardino, Orange, San Diego, Santa Barbara and Ventura counties) and Las Vegas meet quarterly to share information. During these face to face meetings, investigators frequently make these connections with their cases that would have otherwise been missed. Typically Investigators from one county will ask if anyone is familiar with a trafficking suspect or victim by name or photograph. Investigators from another county, familiar with the subject, will provide assistance in the investigation.

Communications Decency Act: The development of the internet and social media sites has facilitated child sex trafficking in every manner conceivable. From on-line recruitment to sales of children, endless social media applications provide ample opportunities for sex traffickers and buyers to communicate and treat captive sex as nothing more than a commodity. While the focus of Backpage.com has deservedly

garnered extreme attention to this problem, social media sites continue to operate under the Communications Decency Act and perpetuate sex trafficking, while conveniently claiming ignorance to the content posted on their web sites, insulating themselves from liability or responsibility. Modification to this Act may compel these companies to more strictly monitor their content for indicators of sex trafficking and child exploitation, prompting immediate removal and notification to law enforcement.

Encryption: Law enforcement investigations are severely impeded when we are unable to access smart phones and defeat encryption. Every human trafficking case involves the use of communications through a phone. These phones contain valuable and incriminating information related to trafficking crimes and can assist in identifying additional victims. Law enforcement continually faces additional cyber challenges where encryption of social media chat and networking sites are employed. Human trafficking crimes commonly utilize social media of some type, but more and more social media companies are encrypting data, hence restricting law enforcements access to this data. Absent some means to overcome this data encryption password protection, human trafficking investigations are substantially limited in the ability to identify additional perpetrators and victims, exponentially increasing the anonymity of the internet as a tool for criminal enterprise.

Investigative Software: Presently we rely upon nonprofit organizations who have developed applications and software to assist in our investigations. Thorn developed Spot Light, a software program used for searching content on Backpage. Demand Abolition has developed relationships in the tech industry who assist in identifying and addressing demand reduction efforts and Polaris provides research analysis for investigations into trafficking. As the sex trafficking industry continues to gravitate from the sidewalk to the cyber world, law enforcement nationwide is in desperate need of current technology and technological expertise, to keep pace with the crime trends which continue to expand the internet as their medium.

Expand Human Trafficking Funding for Law Enforcement: Currently, a larger portion of Federal grants are dedicated toward service providers and victim centered programs. Although these programs are vitally important, additional funding is needed to better support basic law enforcement efforts, such as the detection, identification and apprehension of human traffickers. The strongest method to impact the well-being of human trafficking victims, is to apprehend and prosecute the trafficker, ensuring that they will never again victimize a human being.

Human trafficking task forces are developing expertise in identifying and investigating trafficking cases which most law enforcement agencies do not possess. Additional funding to provide incentives for law enforcement agencies to join a human trafficking task force to work with Task Force members to gain experience investigating sex trafficking cases, working with trafficking victims, working with service providers, prosecutors and understanding the colocation and collaboration, and victim-centered approach necessary for successful prosecutions and recoveries of victims. Upon completion of a year assignment, the investigator would return to their agency with an

expertise in trafficking, a point of contact for other law enforcement and social service agencies and a trainer to the personnel of their agency.

In conclusion, I have served the County of Los Angeles as a member of the Sheriff's Department for 30 years. In that time, I have never been part of any project, task, or assignment that has such a tremendous outpouring of support as does the charge of combatting sex trafficking. Beyond a unilateral belief that sex trafficking is deplorable and should not occur in our modern age, community groups, church organizations, non-profit groups and individuals go beyond the typical gesture of support and express a real desire to learn more about this subject and what they can do to help combat it. Our task force receives requests to speak at various events each week, which we gladly accommodate. Even with this effort, education and public messaging is needed to reach our youth before they fall prey to the traffickers. Educating our children on trafficking and online exploitation needs to become a nationwide priority. Social Media - Public Service Announcements which describe the realities of predators, scouring the internet looking for victims, are desperately needed to alert parents.

I want to thank the Subcommittee and its staff for all of their hard work and for affording me the opportunity to testify before you today. The MCSA and the Los Angeles County Sheriff's Department seek to be a positive source of ideas and I thank the Chairman for his commitment to collaboration and willingness to engage local law enforcement.