



Statement of Erin Cullen  
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Before the

The Committee on the Judiciary & Public Safety  
The Honorable Charles Allen, Chairperson

Public Hearing

Bill 23-0318, the “Community Safety and Health Amendment Act of 2019”

October 17, 2019  
Time 10:00am  
Room 412  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, District of Columbia 20004

## **Introduction**

Good evening Chairman Allen, Councilmembers, staff, and residents. I am Erin Cullen, and I have the privilege of serving as Deputy Attorney General for the Family Services Division for the Office of the Attorney General (“OAG”). I am pleased to appear on behalf of Attorney General Karl A. Racine before the Committee on the Judiciary & Public Safety to testify regarding Bill 23-0318 “the Community Safety and Health Amendment.”

While we respect the position of those who advocate on behalf of adults engaging in sex work, we are concerned that this legislation will hinder the District’s ability to protect vulnerable children from commercial sexual exploitation for two primary reasons: (1) it repeals a portion of the District’s Safe Harbor Law that requires referrals for services for youth victims of sex trafficking and (2) it negatively impacts the District’s ability to use nuisance laws to address child trafficking.

## **Bill 23-0318, the “Community Safety and Health Amendment Act of 2019”**

Before I speak to the serious concerns that OAG has with Bill 23-318, I want to speak to the work that our office does to address the sexual exploitation of youth. Attorney General Racine is committed to increasing awareness in schools and the larger community around the warning signs of human trafficking. OAG has partnered with various service organizations, including Courtney’s House and FAIR Girls, to ensure that young people are aware of the risks of being victimized by sex traffickers. Since January 2019, we have reached over 1000 District students with our sex trafficking prevention programs and we are committed to expanding this critical work. As OAG continues to educate our kids, school officials, parents and concerned citizens, we are

drawing attention to the ways in which traffickers recruit victims and helping to protect our most vulnerable children from falling into the world of exploitation.

While this bill focuses on the decriminalization of sex work for those over the age of 18, it is important to note that the point of entry for commercial sex can begin at a much earlier age. Traffickers prey on the vulnerabilities that exist with youth who are part of the child welfare and juvenile justice system and they lure youth into a life of exploitation. As professionals who are intimately familiar with youth development and who work every day with vulnerable youth – including those bearing the scars of family and community trauma - we believe that the narrative that youth seek out this life voluntarily and with full knowledge of the repercussions is false.

In order to specifically address youth who are at risk for or who have already become victimized by traffickers in both the Family Services Division and the Public Safety Division of OAG, we were instrumental in leading the charge to create HOPE Court - a specialty court within the Family Division of the D.C. Superior Court. Through our work in HOPE Court, we have seen firsthand the traumatic and long-lasting impact that a life of trafficking can have on a person. There is a strong multi-disciplinary team that wraps around all HOPE court cases and we seek guidance from those who are first responders, and who themselves have been part of “the life.” In addition to the support of service providers such as Courtney’s House and FAIR Girls, we rely on the legal support of partners such as Amara Legal Services and Rights4Girls. In doing so, we have heard the concerns that they have about this bill and are here today to lend our voice to the need to educate the community about the destructiveness of trafficking.

The *Sex Trafficking of Children Prevention Amendment Act of 2014* was an important piece of legislation passed by this Council and approved by the Mayor which resulted in the immunity of prosecution for youth under the age of 18 for commercial sex related offenses. This type of

legislation is routinely referred to nationally as a Safe Harbor law. Not only does this law take an important step in acknowledging that youth under the age of 18 should not be punished for engaging in commercial sex acts, it requires additional training, mandatory reporting and referral for services. However, the bill before the Council today repeals §22-2701, which is where the Safe Harbor provisions for referral for services are codified. This is extremely problematic for OAG. It is critical to have a referral for services provision remain in the law, particularly for the population aged 18-21, based on OAG's experience with youth who are system-involved. It is highly likely that a youth involved in trafficking under the age of 18 has a significant trauma history that might include sex abuse and until that underlying trauma is treated and addressed, the youth is at an increased risk for exposure to additional victimization.

In addition, this bill repeals §22-2713(a) which, in part, addresses nuisance violations. OAG believes that removing this tool from the statute hampers the government's ability to address places where trafficking is occurring, particularly the trafficking of minors. It is important to recognize that traffickers are savvy and will modify their business practices to continue to reap as much profit as possible. And we must recognize that some of this profit comes at the expense of those under the age of 18.

The Office of the Attorney General appreciates the opportunity to testify today. It's important to note that in formulating our opinions on this bill, we sought input from various advocates, including those with differing perspectives, and we would like to specifically thank HIPS and Rights4Girls for meeting with us and sharing their perspectives. While OAG cannot support this bill as currently drafted, we stand ready to work with the Council, and all relevant stakeholders, to ensure our policies and laws are effective in protecting public safety and

promoting the public interest, particularly for our youth. I am happy to answer any questions that the members of the Committee may have.