Pillars of Hope: Attorneys General Unite Against Human Trafficking

By Audrey Wall

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More and more frequently, state and territorial attorneys general are at the forefront of dealing with great issues of the day, from combating human trafficking to enforcing consumer protection and cyberspace laws. With each year, attorneys general face additional challenges and legal landscapes. In 2012, attorneys general are shining a light on modern day slavery, as well as continuing to fight financial fraud. Additionally, Election Day 2012 will bring at least five new state attorneys general and another five who are seeking re-election.

About the Author:
The National Association of Attorneys General, www.naag.org, was founded in 1907 to help attorneys general fulfill the responsibilities of their office and to assist in the delivery of high quality legal services to the states and territorial jurisdictions. The association provides a forum for the exchange of views and experiences on priority issues, fosters interstate cooperation on legal and law enforcement issues, conducts policy research and analysis of issues, improves the quality of legal services provided to the states and territories, and facilitates communication between its members and all levels of government. The association’s members are the attorneys general of the 50 states and Washington, D.C., and the chief legal officers of the commonwealths of Puerto Rico (secretary of justice) and the Northern Mariana Islands, and the territories of American Samoa, Guam and the U.S. Virgin Islands. This article was written by Dan Sytman, media relations manager, Washington Attorney General’s Office, and NAAG Director of Communications Marjorie Tharp.

Ending Modern Day Slavery
Human trafficking is a $32 billion global industry—the fastest-growing and second largest criminal activity in the world, tied with arms and after drug dealing. Each year, the U.S. Department of State produces the United Nations Trafficking in Persons Report. According to Secretary of State Hillary Rodham Clinton, it is estimated that between 12 million and 27 million human beings are trafficked across international borders into forced labor or sexual exploitation.

Today, international trade barriers have eased and Internet use has skyrocketed. These factors, among others, have helped make human trafficking—the forced or coerced transport and exploitation of human beings—much easier and more profitable.

“Human trafficking is the only crime I can think of where the victim is more likely to be prosecuted
than the perpetrator,” said Washington Attorney General Rob McKenna, the 2012 president of the National Association of Attorneys General, or NAAG. “It is aptly referred to as modern day slavery—the selling of another person’s body through the use of force, fear or coercion.”

In addition to the estimated 15,000–17,000 people smuggled into our country each year to work in fields, sweatshops, restaurants and the sex trade, hundreds of thousands of U.S. children are estimated to be at risk of commercial sexual exploitation. For example, police reports from around the country show that young people—many of whom are runaways or have been cast out of troubled homes—are coerced into prostitution and beaten when they have second thoughts.

Local prosecutors in Washington state charged a man in December 2011 for promising an 18-year-old woman with developmental disabilities a trip home for Thanksgiving if she agreed to prostitute herself. The man posted an advertisement on adult-services Backpage.com and then drove her to customers, taking the proceeds along the way.

Cases like these prompt law enforcement officials, including attorneys general, to seek more action in protecting victims caught in traffickers’ clutches.

That is why McKenna announced in June 2011 his one-year NAAG presidential initiative would focus on human trafficking. “Pillars of Hope: Attorneys General Unite Against Human Trafficking” has four interlocking pieces with specific goals and deliverables. Those involved in the initiative are advocating to make the case by strengthening data and analyzing state laws, to hold traffickers accountable, to mobilize care for victims and to build public awareness.

McKenna established a Leadership Council to help him fulfill the initiative tasks. The council consists of attorneys general from California, Illinois, Indiana, Maine, Massachusetts, Michigan, New Mexico, Oregon and Texas. They have established a work program based on the four initiative pillars. Lexis-Nexis, along with the Polaris Project and Microsoft, serve as initiative partners.

**Pillar No. 1: Make the Case**
Attorneys general often receive inquiries from reporters and others about the number of human trafficking cases in their states. Although data exist on trafficking cases tried by federal authorities, state-specific information is hard to find. No uniform database exists to capture an increasing number of cases being tried under state human trafficking statutes, or cases where traffickers are charged with related crimes such as pimping, kidnapping, or physical or sexual assault. The goal of the first pillar is to assess the extent of the problem in the United States and to analyze existing state laws and model criminal and civil statutes, as well as tools for evaluating the effectiveness of prevention strategies, law enforcement and victim services at the state level.

Promoting use of the National Human Trafficking Resource Center information to local authorities will help to quantify possible incidents and reporting them in a central location will assist in reaching the first pillar goal. The victim hotline, (888) 373-7888, also will be advertised to increase victims’ access to services.

**Pillar No. 2: Hold Traffickers Accountable**
Not all states have adopted a comprehensive set of human trafficking laws that provide the necessary tools to police and prosecutors. In addition, only a small number of states are actually using existing laws to prosecute traffickers. In order to assist state and local law enforcement, the second pillar encourages the implementation of criminal justice strategies such as conducting investigations to help identify individuals and organizations engaged in trafficking, supports the launch of a new FBI training program for local law enforcers, and spurs state program managers responsible for criminal justice statistics to participate in the FBI’s effort to map trafficking offenses.
The hope is that this process will ensure full implementation and compliance of human trafficking statutes and drive prosecutions in all 50 states.

Once the review of existing state anti-trafficking statutes and legislative templates is complete from the first pillar, a tool kit will be offered to attorneys general for adaptation in their states as appropriate. Each attorney general will determine which model criminal or civil statutes could be replicated in his or her state.

The U.S. Department of Justice’s Bureau of Justice Assistance is addressing the lack of training for states in investigating human trafficking by funding and training 38 human trafficking task forces throughout the country. NAAG, through its training and research arm, National Attorneys General Training and Research Institute, received a sub-grant from the Upper Midwest Community Policing Institute to assist in developing curriculum to train state and local prosecutors and judges on human trafficking prevention, investigation and prosecution. This grant is a reflection of our country’s commitment to address human trafficking at every level.

In 2011, National Attorneys General Training and Research Institute worked with the Upper Midwest Community Policing Institute and the National Judicial College to hold a series of subject matter expert focus groups, develop the curriculum and present a few pilot trainings. Training courses will expand in 2012. Training state and local law enforcement, prosecutors and judges in how to tackle the largely unseen but virulent epidemic of human trafficking will create the environment in which states will be able to become full partners with their federal counterparts in combating this crime.

**Pillar No. 3: Rescue Victims**
Through no fault of their own, victims of human trafficking are on society’s fringes. They are sometimes runaways or don’t speak English. They may have been brought into the country illegally and thus don’t feel comfortable seeking out services for fear of being turned in to the police.

The objectives of third pillar include assembling a list of service provider networks in every state to ensure all identified victims of human trafficking have access to food, shelter and culturally appropriate services. It also will provide an inventory of advocacy organizations that assist with community awareness strategies at the state and local levels and will establish partnerships among service providers, victim advocates and law enforcement.

**Pillar No. 4: Reduce Demand**
While it’s difficult to imagine today, just two decades ago drunken driving was not recognized as a serious problem. Neither was the crime of domestic violence as appropriately emphasized as it is today. The fourth pillar aims to heighten public awareness and advocacy efforts to reduce the demand for human trafficking by changing public attitudes toward the commercial sex industry, its victims and those who buy and sell human beings.

Although numerous public awareness campaigns exist, few use proven metrics to demonstrate their effectiveness. Through “Pillars of Hope,” the attorneys general will use proven messaging tactics via broadcast media, print and billboards. Many attorneys general planned programs in their states in conjunction with National Slavery and Human Trafficking Prevention month in January 2012. Special emphasis was made in targeting the commercial sex industry leading up to the February Super Bowl XLVI in Indianapolis. An outline of long-term strategies to reduce demand will be developed, including the creation of anti-trafficking content for placement in cyberspace.

NAAG membership voted in March to approve a resolution in support of the initiative principles, as already adopted by the Leadership Council. Other public officials at the state and local levels will be
encouraged to sign it and act on it as well.

The attorneys general gathered for the Presidential Initiative Summit in March in Seattle. The conference convened experts representing academia, NGOs, state and federal government, and private industry to discuss progress in reaching the initiative goals and determining action for 2012 and 2013. Plans include the formation of a NAAG Committee on Human Trafficking by July 2012 to allow NAAG to continue its work on this issue in the years to come.

This heinous crime lurks in the shadows. It’s time to bring it out into the light, to bring hope and resources to victims and to bring justice to traffickers and those who buy victims from them.

Many people don’t enjoy the liberties promised by our founders. The goal of the “Pillars of Hope” initiative is to deliver on that promise by leading attorneys general across the nation in bringing hope and freedom to the victims of modern day slavery.

**Consumer Financial Protection Bureau Open for Business**

State attorneys general have been one of the few law enforcers actively investigating predatory lending practices and fraud targeted at vulnerable consumers. Their actions continue into 2012 as they develop working relationships with the federal government’s Consumer Financial Protection Bureau.

Created by the Dodd-Frank Wall Street Reform and Consumer Protection Act 2010 [P.L. 111-203], the bureau is independent within the Federal Reserve System and helps consumers with mortgages, credit cards and other consumer financial products and services. The Consumer Financial Protection Bureau officially launched July 2011 with President Obama nominating former Ohio Attorney General Richard Cordray to be the bureau’s director that same month.

In October 2011, the U.S. Senate Committee on Banking, Housing and Urban Affairs voted 12-10 to send the Cordray nomination to the full Senate. A NAAG letter signed by 37 attorneys general in support of Cordray was sent.

“We are Attorneys General from across the country who represent a wide range of political interests. Some of us may disagree with aspects of the Dodd-Frank legislation. But we are united in our belief that Mr. Cordray is very well qualified to carry out the responsibilities of this position,” an Oct. 18, 2011 NAAG letter to Congress reads.

President Obama appointed Cordray to the position in January 2012.

The Consumer Financial Protection Bureau supervises banks, credit unions and financial companies and enforces federal consumer financial laws. In addition, the bureau promotes consumer financial education, and also gathers and analyzes information to better understand consumers, financial services providers and consumer financial markets.

The Consumer Financial Protection Bureau published four interim final rules in a July 2011 *Federal Register* that establishes its procedures and processes governing investigations, adjudicative hearings/administrative enforcement actions, disclosure/administrative enforcement actions, disclosure of information and records to third parties, and state officials’ notification to the bureau of enforcement actions they initiate.

One of the rules set forth procedures that state attorneys general and state regulators must follow before initiating a court, administrative or regulatory proceeding to enforce any provision of Dodd-Frank or Consumer Financial Protection Bureau regulations. The rule requires state officials to provide electronic and written notice to the financial protection bureau at least 10 days before initiating a proceeding, with an exception for emergency proceedings, allowing notice to the bureau
to be delayed until up to 48 hours after the proceeding is initiated. Under the rule, the Consumer Financial Protection Bureau may intervene in a proceeding and, upon intervening, remove a state court proceeding to federal court. It also describes what information must be included in the notice to the Consumer Financial Protection Bureau, requires the bureau not to disclose the information in the notice to third parties, and provides that the notice requirements do not create a private right of action or defense.

**Joint Statement of Principles**

State attorneys general have been working closely with the Consumer Financial Protection Bureau since its launch in 2011. As part of his 2010–11 Presidential Initiative on “America’s Financial Recovery: Protecting Consumers As We Rebuild,” then-NAAG President Roy Cooper of North Carolina convened a Presidential Initiative Working Group comprised of attorneys general and assistant attorneys general from Connecticut, Illinois, Indiana, Iowa, Michigan, New York, North Carolina and Washington. Their work continues today as the NAAG-CFPB Working Group.

The working group and the Consumer Financial Protection Bureau developed a Joint Statement of Principles on Consumer Financial Protection with the purpose of establishing and enhancing a lasting and productive partnership between the bureau and state attorneys general. Under the principles, the parties will seek to work together, develop joint training programs and share information about developments in federal consumer financial law where appropriate and to the greatest extent possible; share information, data and analysis about conduct and practices in consumer financial products and services markets; engage in regular consultation to identify mutual enforcement priorities; support each other to the fullest extent possible in the enforcement of the consumer financial and consumer protection laws, including joint and coordinated investigations; pursue legal remedies to foster transparency, competition and fairness in the financial products market across state lines; and develop a consistent and enduring framework to share investigatory information. The principles also state that both parties will work together to develop protocols and processes for sharing consumer complaint information and create and support technologies to enable data sharing.

In the latest federal action, the Financial Fraud Enforcement Task Force, as established by the U.S. Department of Justice, formed a consumer protection working group in January 2012 to address such issues as payday lenders, counterfeit goods, for-profit colleges, third-party payment processors and other issues. The attorneys general from Illinois, Indiana and North Carolina serve on this working group, which is co-chaired by leaders in the DOJ, Consumer Financial Protection Bureau and the Federal Trade Commission.

**Conclusion**

Attorneys general and the Consumer Financial Protection Bureau have the greatest opportunity for collaboration around issues of enforcement. A successful partnership should have a profound impact on consumer financial markets by more effectively deterring unscrupulous lenders from deceptive practices, protecting consumers and ensuring greater compliance among lenders.

**Notes**

1 The UMCPI is one of eight regional institutes funded by the federal Community Oriented Policing Services (COPS).