

Written Statement by District Attorney Tony Rackauckas
Hearing: Regional Perspectives in the Global Fight Against Human Trafficking
Scheduled: November 4, 2013

Chairman Royce, Ranking Member Engel, and other distinguished members of the House Committee on Foreign Affairs:

I am Tony Rackauckas and I serve as the elected District Attorney for Orange County, the second largest county in the State. If Orange County were a state, it would be the 30th most populous state in the country. Economically, no other state even comes close to Orange County. The median family income in Orange County is \$85,000 and only Maryland comes close at \$70,000. Our office files approximately 65,000 cases a year, and our felony conviction rate is over 90 percent.

Thank you for convening this hearing on one of the most significant abuses that is plaguing us locally and globally, as a \$32 billion dollar criminal enterprise, second only to narcotics sales in profitability.

Chairman Royce, thank you for your continued leadership in this fight, including the recent introduction of the new bill – H.R. 3344, the Forte Act – The Fraudulent Overseas Recruitment and Trafficking Elimination Act of 2013.

150 years ago, President Abraham Lincoln signed the Emancipation Proclamation and declared that “all persons held as slaves ... henceforth shall be free.” Today, 150 years later, we have been given a new mandate by state and national legislation. More than two-thirds of the commercial sex victims in the U.S. are American citizens, while a third of them are trafficked from foreign countries. It is time we abolish modern-day slavery, including the commercial sexual exploitation of women and children.

Human exploitation and trafficking generally comes in two forms –forced labor, which we believe are highly unreported, and the majority in the form of commercial sexual exploitation. Unfortunately, the things that make our County so great and a tourist destination, with the mild weather and the available wealth, make our County one of the circuit stops for these sex traffickers and modern-day slave owners.

The most concerning cases are the children who are being prostituted on the streets, in strip clubs and brothels, and child pornography is that being produced and traded on the Internet around the world simply with a click of the mouse. No child grows up hoping to one day be sold for sex.

Shockingly, the average age of a child being trafficked in this country is 12 ... a little girl who has not even reached her teens. These victims are being isolated, coerced, seduced, threatened and beaten into turning out profits for individuals with absolute disregard for other human beings. One of our defendants made \$25,000 in two weeks off just one trafficked victim.

One defendant denied medical care for a young woman who was begging to see a doctor for her burning pelvic region. Another refused a shivering girl from coming inside from the cold. When one of the victims pleaded by text, “I can’t keep anything down u don’t care.” The defendant’s response? “(Expletive) eat crackers.”

Career criminals and gang members have decided that exploiting humans is cheaper and safer than trafficking drugs and guns. A typical modern-day slave owner is Berneal Holman, who was convicted of pandering a 16-year-old victim in Orange County. Before he perpetrated this crime, he had previously attempted to rape a 10-year-old girl and tried to use a 13-year-old girl to turn tricks on the 10-year-old.

Like the slaves of the past before they were emancipated, modern-day sex slaves are branded with tattoos of their owner's names. They are being bullied and beaten into selling their bodies, some over 10 times a day. For many of these victims, the slave owner is the only family they have and are forced to call these predators "daddy." Some of these victims are foreign women who are lured with the promise of earning a lot of cash to work a legitimate job and then are stripped of their passports and forced instead to work in brothels. Some of these brothels are located in luxury apartments in the upper class neighborhood of Orange County.

In order to protect these victims, the Orange County District Attorney's Office responded to the mandate of the People by formalizing our efforts and launching a new vertical prosecution unit named HEAT, which stands for Human Exploitation and Trafficking. The HEAT Unit scraped conventional and traditional ways of law enforcement and took a fresh, comprehensive approach to solve the problem using a tactical plan called PERP – Prosecution, Education, Resources, and Publicity. With the new weapons provided by Proposition 35, these defendants are going away to state prison for multiple years and even life terms. We have been educating police officers, prosecutors, students and community members. We want to produce webinars and videos to take the message directly to parents and children.

These human trafficking victims need to be rescued and we need resources to do that. They need a place to go, or they will end up back with their abusers. In Orange County, the public-private partnership made up of corporations, non-profits, faith-based groups, law enforcement, and victims' rights groups work hard to rescue these girls off the street. But sadly, we need a lot more resources.

We are also working to expose the sex purchasers in our attempt to shed light on these crimes from the shadows of the night. We are refusing to use the euphemism of "John" to describe these defendants and instead call them what they are – sex purchasers – and we are publishing their names and their mug shots. We also raised awareness through our recent "Keep Calm and Beat H.E.A.T. Rocking & Rally." We made more than 200,000 direct-citizen contacts to raise awareness and the rock concert was a huge hit.

All of the law enforcement in Orange County is united and working together closely. As a result, the HEAT Unit is batting a thousand percent in our felony conviction rate. We have sent 24 defendants to state prison, even during the post-AB 109 era, with their sentences ranging from one to eight years. We currently have over 40 active felony cases with five defendants facing life counts and many others facing a mandatory sentence minimum of five to eight years in prison. We've had six victims that were foreign nationals, and we presently have multiple cases currently under investigation in which the victims are foreign nationals.

With pride, I report to you that a defendant has been grumbling while serving time in Orange County jail, "If I was in another county, I would be out." With legislation and prosecutions all over the country, perhaps we can make all human traffickers fear and loathe our government.

Thank you again for conducting this forum so we can end modern-day slavery now. Thank you.