



March 3, 2023

The Honorable Chuck Schumer
Senate Majority Leader
322 Hart Senate Office Bldg.
Washington, D.C. 20510

The Honorable Mitch McConnell
Senate Minority Leader
317 Russell Senate Office Bldg.
Washington, D.C. 20510

The Honorable Kevin McCarthy
Speaker of the House
2468 Rayburn House Office Bldg.
Washington, D.C. 20515

The Honorable Hakeem Jeffries
House Minority Leader
2433 Rayburn House Office Bldg.
Washington, D.C. 20515

Re: National Human Trafficking Hotline reports

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker McCarthy, and Minority Leader Jeffries,

We are survivors of human trafficking joining together to **oppose any changes that require the National Human Trafficking Hotline to hand victims' information over to law enforcement without their consent**, except in the cases where the victim themselves is unable to seek help.

In recent months, several criminal legal system actors have advocated for universal reporting to law enforcement. In fact, a recent **short-sighted and ill-informed letter signed by 36 state Attorneys General** is asking for congressional mandates requiring that the hotline report all tips regarding human trafficking to law enforcement, regardless of the victim's consent. **This law enforcement-centered approach would be detrimental to the very survivors these Attorneys General claim to want to protect**, and would lead to significant disparate impacts on the most marginalized survivors and communities.

Fear of nonconsensual law enforcement will stop people from reporting.

A key reason many victims of trafficking do not report what is happening to them is fear of law enforcement. In anti-trafficking conversations, this is often attributed to their traffickers having conditioned them to be fearful of law enforcement, and in some cases this is true. Many trafficking survivors have experienced disproportionate rates of police violence, and in some cases, law enforcement officers are human traffickers who have operated with impunity because of their powerful roles. **Many fears of law enforcement are entirely reasonable.**

- A 2020 report in California Law Review outlined the “epidemic of police sexual violence,” and includes prevalence information including details of its disproportionate impact on women of color.¹ Andrea Ritchie has documented the significant and harmful impacts of police sexual violence against women of color and transgender individuals.² In cases in which law enforcement officers are human traffickers, indiscriminately handing over all information from the hotline to law enforcement could directly risk endangering or result in violent retaliation and the deaths of people who are being trafficked by local law enforcement officers.³
- “The ‘Prioritizing Safety for Sex Workers Policy’: A sex worker rights and anti-trafficking initiative” is one of many journal articles and research documents highlighting the ways sexual violence is routinely enacted by law enforcement against people in commercial sex.⁴ This impacts both victims and sex workers when law enforcement extorts sex in exchange in order to avoid arrest, or when fraudulent sexual contact with potential victims is a routine investigatory practice in “anti-trafficking” proactive operations. In fact, **we strongly advocated during this year’s reauthorization of the TVPA for a rule disallowing police sexual contact with potential victims while acting under the color of law, and this was somehow deemed too controversial** and did not make it into the final package. Anecdotally, it is not uncommon for our members – all survivors of trafficking – to note that **almost every survivor of sex trafficking that they know has had law enforcement, politicians, and judges among their “clients,” traffickers, and abusers.** While it may be argued to be a small percentage of law enforcement, **most survivors of sex trafficking have experienced exploitation or abuse by law enforcement.**

Automatic engagement of law enforcement without survivor consent will disproportionately impact the communities at the highest risk of human trafficking, thus increasing vulnerability.

- In general, Black, Indigenous, and other People of Color (BIPOC) communities are less likely to trust that law enforcement will treat them fairly.⁵ The NAACP has outlined **disproportionate arrest and incarceration of BIPOC individuals.**⁶ Recent research has found that while first-generation immigrants may trust the American police more than U.S.-born white Americans, BIPOC immigrants and **second-generation immigrants who have had more experience with the American criminal legal system are less likely than**

¹ Purvis and Blanco, “Police Sexual Violence: Police Brutality, #MeToo, and Masculinities” in *California Law Review*, vol. 108 issue 5, 2020, pp. 1487-1529. DOI: <https://doi.org/10.15779/Z38XD0QZ2V>

² See: *Invisible No More*. <http://invisiblenomorebook.com/>

³ See: [Disney Worker, School Coach, Law Officer Arrested in Trafficking Sting](#) (Newsweek), [Former Oro Valley police, school resource officer caught up in child sex sting](#) (Arizona’s Family), [Civilian Army leader led child porn ring, risked US security](#) (AP News), and [Former Honolulu Police Officer Indicted and Arrested for Child Sex Offenses](#) (US Attorney’s Office, Hawaii).

⁴ A Lutnick, “The ‘Prioritizing Safety for Sex Workers Policy’: A sex worker rights and anti-trafficking initiative,” *Anti-Trafficking Review*, issue 12, 2019, pp. 140-154, www.antitraffickingreview.org.

⁵ See: [Two-thirds of black Americans don’t trust the police to treat them equally. Most white Americans do.](#) (PBS News)

⁶ <https://naacp.org/resources/criminal-justice-fact-sheet>

white Americans to trust the police.⁷ Survivors may fear that they themselves will be treated unfairly by police, and those who know their traffickers may also worry about racialized discrimination against their family and community members as well.

- A 2022 report, *Access Denied: Barriers to Legal Protection for Immigrant Survivors of Human Trafficking*, found that **almost half of all migrant survivors who applied for immigration relief had their visas denied.**⁸ For those who are denied, deportation may be swift. Many migrant survivors may choose to work toward building their ability to leave on their own timeline rather than risk getting wrapped up in this system.
- A protocol that reports all hotline calls to law enforcement could spur an increase in fake calls as a form of racialized or gendered doxxing or harassment, or as a tool of control and retaliation for domestic violence perpetrators. **BIPOC and transgender communities are currently experiencing a rash of “swatting,” in which false reports to law enforcement are used to generate swift and immediate (and sometimes fatal) police responses in an attempt to terrorize or traumatize the targets.**⁹ Given the power of human trafficking accusations to generate panicked responses, we must be cautious to automatically involve law enforcement. This is especially important given that proactive operations actually investigating trafficking have themselves had fatal consequences for vulnerable individuals.¹⁰

A hotline can either be for survivors or to increase policing and prosecution, but trying to be for both is a conflict of interest.

Given the amount of abuse many survivors have experienced at the hands of the criminal legal system, reporting their experiences to law enforcement without their consent may put them at increased risk of violence, deportation, or credible threats against their families. Even among law enforcement who are truly committed to a victim-centered approach, **the goals of the criminal legal system (identification and successful prosecution of crime) are often at odds with the goals and safety of victims of human trafficking.**

- Survivors of human trafficking deserve autonomy over what kind of help they would like, and if, how, and when they reach out for it. Human trafficking removes their choices over what they need; our “solutions” should not replicate the behavior of traffickers by taking away their choice of whether or not to report.
- In genuinely survivor-centered movements,¹¹ such as domestic violence and sexual violence, **a hotline’s primary purpose is to support survivors of violence in accessing emotional processing, resources, referrals, and safety planning that addresses their needs.** This often involves helping a survivor think through options for exiting a coercive situation, determining whether or not to report, and planning ahead for what the process of

⁷ Ali, Murphy, and Sargeant, “Advancing our understanding of immigrants’ trust in police: the role of ethnicity, immigrant generational status and measurement,” *Policing and Society*, 2021. <https://doi.org/10.1080/10439463.2022.2085267>

⁸ See: https://www.bu.edu/law/files/2022/12/AccessDenied_Final_120422.pdf

⁹ See: [Kansas gamer pleads guilty for role in fatal ‘swatting’ case \(AP News\)](#)

¹⁰ See: [Family, Former Attorney Of Queens Woman Who Fell To Her Death In Vice Sting Say She Was Sexually Assaulted, Pressured To Become An Informant \(The Appeal\)](#)

¹¹ See: <https://nationalsurvivornetwork.org/definitions/#movement-vs-sector>

reporting might involve. This is in contrast to a crime tip line, whose primary purpose is to inform law enforcement of criminal activity in their communities.

- Survivors who have called the National Human Trafficking Hotline to ask for help with labor trafficking issues have reported that the hotline has fewer options for referral and assistance regarding cases of labor trafficking in the U.S. Given the U.S. focus on developing resources for sex trafficking, a policy to hand over all hotline data to law enforcement risks perpetuating the sensationalization and continued prioritization of sex trafficking over labor trafficking.
- Like all other hotlines, mandatory reporting policies for child maltreatment or threat of harm to self or others are still in place. The National Human Trafficking Hotline supports victims who want support in making their reports. Additionally, when the hotline staff determines that the survivor wants assistance OR cannot reasonably report for themselves (such as in the case where they are confined and without a means of reaching out), they do report to law enforcement. Even this level of reporting has caused many anti-trafficking networks to lose trust in the hotline and recommend that survivors who do not want police involvement find alternatives to calling. Polaris's recent clarity about this part of their hotline policies in response to questions from the Attorneys General about the lack of tips is **an effort to rebuild trust with the very survivors they are funded to help.**
- Some of the Attorneys General who signed the open letter may have ulterior motives or conflicts of interest. For example, Utah's Attorney General, Sean Reyes, has served on the advisory board for an organization that is under investigation for fraud and harmful, ill-fated "rescue" operations.¹² Other Attorneys General and their law enforcement partners have been strongly criticized for mishandling of trafficking cases.¹³

Misinformation, sensationalism, and racialized bias in anti-trafficking "awareness" has led to confusion about what trafficking is, and engaging law enforcement based on every second-hand report will create racialized and gendered harassment of vulnerable communities.

Due to this misinformation, racial bias, and moral panic, second-hand reports of human trafficking cause profiling of immigrant communities, immigrant-owned businesses, BIPOC communities, people engaged in commercial sex, those experiencing poverty, and transgender communities. It benefits actual survivors when the hotline does not report fraudulent or sensationalized calls, and benefits law enforcement when valuable anti-trafficking resources are not wasted.

¹² See: [Anti-human trafficking group Operation Underground Railroad under criminal investigation by Utah prosecutor \(Fox 13\)](#), [Claims of Utah group's involvement in child exploitation investigations under scrutiny \(Standard-Examiner\)](#), [Details emerge about investigation into Operation Underground Railroad \(HJ News\)](#), and [Lawsuit: State operation to catch sex offenders entrapped innocent men to boost arrest numbers \(The Spokesman-Review\)](#)

¹³ See: [Perversion of Justice: Jeffrey Epstein \(Miami Herald\)](#), [Seattle police stopped investigating new adult sexual assaults \(Seattle Times\)](#), and [6 women accused a Seattle hip-hop artist of sex trafficking, allege police 'did virtually nothing' \(Seattle Times\)](#).

Hotline calls are an unreliable source of data about human trafficking

Hotline or tipline-based data collection methods necessarily exclude information from populations that are less likely to trust reaching out to a hotline, a variance perpetuated by the issues listed above. Inaccurate human trafficking data then impacts funding for resources. Considering how much government funding for human trafficking is earmarked for law enforcement agencies and nonprofit organizations, a policy dictating that the hotline must give all data to law enforcement could lead to unanticipated consequences for disproportionate funding or incentives to artificially inflate statistics in some regions or by some organizations.

A hotline geared towards supporting victims ultimately benefits criminal legal engagement *for those survivors who choose to report*

When victims who are afraid of police connect with hotline workers who respect their autonomy, help them to process their feelings, and help them weigh their options, they are empowered to decide if they are ready and willing to engage the criminal justice system. This benefits the survivor *and* law enforcement when the survivor who comes forward when ready is less vulnerable to being re-traumatized by the criminal legal process. No matter how much time and emotional labor police are willing to expend to make survivors comfortable, the institutional power they hold may make it impossible to prepare survivors emotionally to cooperate to the same degree.

When victims with no intention of helping police are able to access victim services, law enforcement is spared the labor and expense of failed attempts to gather information and of the liability, bad publicity, and word-of-mouth deterrents that result each time victims are further traumatized by the criminal legal system. Additionally, the survivor who develops trust for hotline staff is likely to recommend it to loved ones in similar situations, generating much better odds of a victim willingly approaching police in the future than could ever be created by a system centering the random tips of strangers.

In closing,

It is essential that survivors of human trafficking have access to nonjudgmental advocacy hotlines where they can receive support, learn about their options, and receive referrals to needed local services to help them in their journeys, without fear of mandatory reporting to law enforcement except in the most extreme of cases – cases that are often already covered under existing mandatory reporting laws. **For law enforcement to advocate against survivors' access to this kind of survivor-centered support in the name of advancing their interests is to put the needs of the criminal legal system (a system that disproportionately arrests, incarcerates, and deports BIPOC survivors) above the needs of the victims themselves.**

We agree that public awareness efforts that misrepresent the role of the hotline as a place to send tips to law enforcement are misleading and confusing. However, **to replace the national hotline with a national or state "hotline" that automatically reports to law enforcement is equally misleading and more damaging, as it will erode trafficking victim's already-shaky trust in systems when they call for help and instead are funneled into non-consensual engagement with law enforcement.** If states want to create their own law enforcement tip lines to address

crime, or if there is a national tip line, that is a law enforcement priority. But **maintaining the integrity of victim-centered resource, referral, and crisis response for survivors of trafficking is our priority as survivors**, and is a priority that will ensure that victims have access to the information and support they need to make the decisions that can keep them safest as they navigate complex and frightening situations.

The National Human Trafficking Hotline has its flaws. Many of our members have legitimate complaints about Polaris and the National Human Trafficking Hotline, and we continue to advocate on their behalf. However, while we are clear and committed to naming harm so that we can repair it, **we remain equally committed to naming the positive steps organizations take to affirm their commitment to victim-centered care that honors survivor autonomy**. We are committed to applauding when organizations recognize the legitimate reasons a survivor may not want law enforcement involvement or may prefer to have it on their timeline.

The district attorneys ask Polaris to justify its changing approach to the hotline in light of national funding Polaris receives; **we might in the same vein ask our tax-funded criminal legal system to justify its approach to survivors, in light of assertions that the emotional and relationship-building work of directly serving their needs has nothing to do with the mission of law enforcement**. Is "success" in the eyes of the law defined in sheer numbers, in statistics describing arrests and convictions? Can it not be bigger than that? **Is justice just what police do to criminals, or does it require the effort of a whole community?**

Criminal legal system actors are right to recognize the changing relationship of Polaris to survivors as something that affects them. But while their immediate reaction has been a fear of lost opportunity, the criminal legal system has been given an opportunity in this moment. The mission of justice has always relied upon the invisible labor of many. Successful steps toward justice are built on two-way relationships, not hot tips and extracted data. Now is the time for our Attorneys General, law enforcement, and court systems to recognize the work of victim services and the autonomy of survivors as part of our shared mission.

We urge you to continue to support a national hotline **for survivors**, instead of shifting the focus to a national hotline that places the pressure of prosecution over the need to get services to the people who need it most. We are available to answer any questions you may have, and would welcome the opportunity to partner with you on accessing a diversity of survivors voices that are not typically present in "anti-trafficking" spaces.

Sincerely,

Chris Ash, Survivor Leadership Program Manager
On behalf of the National Survivor Network

Cc: The Honorable Christopher H. Smith, sponsor, H.R. 6552 (117th Congress); Catherine Chen, CEO, Polaris; National Association of Attorneys General