

DA Vance Delivers Closing “Call to Action” at National District Attorneys Association’s Summit on Reducing Violence & Exploitation Against Women
Remarks as Prepared for Delivery | July 18, 2017

It is the nature of our work to deal with tragedies. The NDAA and its members have, for a long time, recognized that sex and human trafficking are among the worst of them. All here have heard the call to action in the words of a survivor who said, “my husband beat me,” as you understood her real cry: “my pimp beat me.” All here have heard the call to action in the testimony of a young woman, who said she became ensnared in human trafficking simply because she needed money to pay for her senior prom. And all here have heard the call to action in the utter silence of a trafficked teenager, a child already so traumatized that even tears failed her.

And when you heard the call – from so many desperate, small voices – you showed up to fight great injustice, and to make shattered lives whole again. You did this in so many ways. You have developed new theories of prosecution, you have harnessed vast databases, and you have created systems of social and economic support, to restore the voices of those who had been silenced.

But most important of all, you have turned the law on its head, to protect victimized people who were once prosecuted as criminals. You have proven to the most vulnerable and invisible among us that you hear them, and you really see them for who they are – men and women desperately needing help, not judgment.

My first experiences with the crime of sex trafficking was early in my career. And even to me, at that time it was hiding in plain sight. It was the early 1980s, when I was a line assistant district attorney in the office that I now lead. Back then, as a rookie prosecutor, I drew my share of assignments in night arraignment court. It was in the gloom of those old, dirty courtrooms in the middle of the night that I experienced first-hand the full gamut of crime in New York City, and the limits of our criminal justice system.

Almost every night, amidst the crush of other business on the calendars of cases that ran into the hundreds, the proceedings would be interrupted by a surreal intermission – the call to arraignment of the prostitution cases. The accused would be brought out en masse, handcuffed to each other, and seated on benches lining the well of the court. Each case would be called, the defendant would step to the podium and plead guilty, and sentence would be imposed, as fast as it was possible to write down the disposition, and sometimes even faster. And what were those dispositions? That differed by judge, but typical was the judge who had a hard rule: a \$50 fine for each page of a defendant’s rap sheet.

Now, everyone in that courtroom knew how the fine would be paid. The defendant had no source of income other than committing the crime to which she

had just pled guilty. Some judges even cynically referred to their sentences not as “fines,” but as a “tax” on the prostitution industry.

Any thoughtful observer witnessing that farce would declare it a disgrace. But sadly, even I did not. And I fault myself for, at the time, being blind to the additional harm we were imposing on the prostituted men and women, and sometimes just boys and girls. For today we know that lurking behind those choreographed arraignments was an invisible, even sadder truth: most, perhaps all of those defendants were themselves victims – victims of abandonment; victims of domestic violence; victims of human trafficking.

Each one of those cases represented not only a personal tragedy, but a larger story of national and even international scope. What are those stories? We know today that the stories run the range, from a transgendered youth driven from her home, to a war refugee driven from her nation.

I honestly don't believe that even today anyone has a grasp on the full scope of the crisis. The most recent U.S. State Department report, released just last month, puts the number of identified trafficked victims in 2016 at around 67,000, and the total since they began collecting statistics at under half a million. But estimates by NGOs of the worldwide scope of human slavery, forced labor, and human trafficking start at 20 million individuals and go higher. And, it is a worldwide criminal industry, where the criminal profits are just as big as the international drug trade or arms trafficking. Bad company indeed.

No matter what figures you accept, one fact is clear. It is a dispiriting fact: despite the revolution you have wrought in fighting human trafficking, all of our efforts put together have resulted in only a miniscule fraction of human traffickers being brought to justice. Every day, internationally, wars, natural disasters, and famines disrupt mass populations, and render thousands vulnerable to exploitation. Domestically, domestic violence, racism, and homophobia isolate individuals and swell the flood of the desperate.

To fight this tidal wave, this tsunami of human degradation and misery, we rely on a process of building cases that requires infinite pains: identifying victims, restoring them to safety, gaining their trust, corroborating their testimony, and then, and only then, perhaps gaining a conviction. In short, the world's horrors and injustices create victims on a mass scale, and fuel an industry worth tens, and possibly hundreds of billions of dollars, while we fight it, one case at a time, fueled by federal allocations in the tens of millions, which in my jurisdiction are on the list of government programs to be cut.

Yet, we can't give up. I've met with many trafficking survivors. And almost each one tells a story of being lured into trafficking as children. I think it's because we

all see children, in the faces of young trafficked men and women; lost and desperate children no less human and deserving of love than are our own, but who, because of their fate in life, experienced only brutality in their childhood, neither love, nor hope. Just despair and loneliness.

Not just the size of the problem, but its long history, impel us to action. The first international convention addressing human trafficking was enacted in 1904. Even then, a few idealists across the globe heard their call to action. I am reminded of an heroic crusader against human trafficking from a century ago named Karen Jeppe, a schoolteacher, who in the days before and after World War I repeatedly left her home in Denmark and traveled through the remnants of the Ottoman Empire rescuing thousands of young women and children from sexual slavery.

She appeared before the League of Nations to appeal for a modest grant to allow her to continue her work. But some diplomats ridiculed her, saying that the funds she sought would make no difference in the face of the enormous scourge of human trafficking she was fighting. And others doubted that what she described could be true.

In response, Karen Jeppe delivered what is said to be the shortest speech in the history of the League of Nations. Her speech, in its entirety, consisted of these few words: “it is only a little light, but the night is so long.”

Today, facing the long night of human trafficking, I want to discuss ways – new ways – in which we, too, might shine a light. And it begins with tackling the crime that is so often comorbid with the crime of human trafficking: the crime of rape. Indeed, I could define sex trafficking as no less than rape repeated continuously, and on a mass scale.

You know that only a small fraction of rapes are reported to police. And there have been many reasons for this, among them the sense of futility that reporting the crime would produce any result. For even when the crime was reported, in only a small percentage of those cases was there ever an arrest; and even if there was an arrest, the likelihood of conviction was always uncertain.

With the advent of DNA testing, and then with the construction of enormous DNA databases of profiles of convicted offenders, hopes were raised that this injustice would end. Women would understand that if they reported a rape and consented to preservation of biological evidence in a rape kit, the offender could be identified, and an ironclad case built for trial.

And so, many courageous women came forward, reported the crime, and consented to examination. A painful, probing, humiliating examination in the immediate, traumatic aftermath of a sexual assault.

And then came perhaps the cruelest injustice of all – in too many jurisdictions, the rape kits went untested. They were literally left stockpiled on shelves, while the perpetrator remained at large – for years, and sometimes for decades. The failure to test the biological materials contained in these rape kits is an outrage. It is to me, immoral. And it speaks to me of a reality few want to admit: even today, sex crimes, typically involving women as the victims, are not viewed with equal importance as other crimes of violence. In every case where a gun is recovered, we test the gun for operability. In every drug case, the drugs are tested to determine if they are controlled substances. But for some reason, or no reason, when the crime is rape, the best evidence is too often untested, left instead to gather dust on a warehouse shelf.

There is no excuse for this. The message it sends to the survivor is “you don’t matter.” And to the perpetrators, the message is “what you did doesn’t matter.”

The principal reason for this outrage is simple: money. In jurisdictions all across the country, states, counties, and municipalities didn’t have the funds to test the kits. And so we found them the money. Because my office is located in the financial capital of the world, and pursuant to a complicated formula, my office is allowed to retain a portion of the funds forfeited by the financial institutions we prosecute. Utilizing some of those forfeited funds, I committed \$38 million dollars to help 32 jurisdictions in 20 states eliminate their rape kit backlogs. The U.S. Department of Justice later committed \$41 million more. At last count, nearly 40,000 rape kits have been submitted for testing through my Office’s grant program, and more than 4,000 newly developed DNA profiles have been entered into CODIS.

It is still early going, but the early results are remarkable. Of the DNA profiles we’ve uploaded, 48 percent resulted in a CODIS hit – meaning they matched a profile in the database. And in what is perhaps the most disturbing finding of all, in nearly one-quarter of the DNA hits matched a profile associated with another sexual assault case – indicating potential serial rapists.

My hope is that this investment will not only solve rape cases, but that it will serve as a reminder: that we must never shrink from an injustice because we fear it is too complex, or too expensive, to solve.

Yet our rape kit initiative establishes another precedent as well: that we partner with the federal government whenever we can, but we must be prepared to forge our own path when federal priorities change. You all know about T visas, which protect an immigrant from removal if she agrees to cooperate with law enforcement in the prosecution of her human trafficking case. You also know that in the current political climate, a T visa application often presents a terrible dilemma for an undocumented immigrant.

If the visa is applied for, and granted, then all may be well. But if the visa is applied for, and not granted, then the immigrant feels exposed, far worse off than if she had done nothing. The result is that a program that allocated up to 5,000 visas a year has issued only a tiny fraction of that number. Even worse, as rhetoric in Washington has recently turned sharply anti-immigrant, applications for T visas have declined.

I realize that immigration is a flashpoint political issue, and no doubt even within this room there are competing views about how to enforce sound immigration policies. But one thing I hope we can all agree on is that we will never be able to strike a telling blow against human trafficking until we can provide real assurances of safety to the victims. It borders on insanity that a U.S. Attorney can grant transactional immunity to a contract killer in a mob case, but we often cannot grant any assurance of freedom from removal to a victimized immigrant who wants only to bring her pimp to justice.

I cannot also help but be sensitive to the international implications of the work we do in our communities and offices every day. Those global implications might be most obvious in fighting cybercrime. For instance, our office routinely obtains convictions in cyber-enabled fraud cases in which defendants steal hundreds of thousands of sets of personal identifying information and credit card numbers to sell over the internet. The perpetrators may operate in an apartment or in Ukraine. Or it could be accomplished in a coffee shop in any city, facilitated by a simple laptop computer. The conspirators span the globe from the Czech Republic to California to Brooklyn.

Yet today, crimes of that scope seem almost naïve compared to cybercrime plots that make today's headlines, conspiracies that are aimed not just at stealing money, but at disrupting international corporations, whole industries, and even governments. And so, to prevent and prosecute the next generation of cybercrime, my office has expanded its reach globally, partnering with law enforcement agencies abroad like the City of London Police and, more recently, the Procureur de la République de Paris and Singapore Attorney General, to share intelligence and to conduct joint investigations. You can no longer defend Manhattan by deploying your resources only in Manhattan. Whether it involves terrorism or cybercrime, sex trafficking or drug trafficking, we need to set our defensive perimeter in countries far away, and forge partnerships with international law enforcement to defend those perimeters successfully.

I believe that similar international partnerships will be essential if we are to make greater strides in fighting human trafficking. Quite simply, trafficking extends across borders, and so must our alliances. As always, any help we can get from the federal government is welcome, but we must likewise be prepared to act on our own

initiative, and form the global partnerships necessary to combat global conspiracies. It is ironic to me that today, New York City may have more in common interest with the city of London or Paris than America has today with Great Britain or France. Our office is, in every sense, an ally to our law enforcement partners in those cities. We don't need treaties, we don't operate through diplomats. The common, unspoken bond to protect our communities from harm binds us in common purpose more powerfully than any treaty could.

Yet understand that when I speak of the international implications of your work, I do not just refer to the fact that trafficking operates across borders, and that international cooperation is essential to eradicate it. No, when I speak of global implications, I also mean that the work you do every day has an impact far beyond our shores, beyond the individuals you help, beyond the cases you try, even beyond the conspiracies you dismantle.

Because throughout the world, freedom and democracy are not the common experience of the human race. Around the globe, dictators and fanatics, plutocrats and kleptocrats, subjugate people with the lie that along with democracy and civil rights comes nothing but chaos and disorder. And so the world looks to us – the world looks to you – for proof of the seemingly absurd proposition that a system that protects as inviolate the rights of the individual, and limits the power of the state, can produce both widespread security and justice for all.

When refugees disappear into a hidden economy; when they are exploited and brutalized and enslaved; then the most fundamental ideals of our nation are tarnished, and our ability to serve as an example for all the world is tragically undermined. But every time you take up the case of an exploited person; every time you gain the trust of someone who has known little in life but abuse and betrayal; every time you demonstrate that the most powerless among us can bring the most brutal of offenders before the bar of justice – then you have proven that the institutions of democracy work. It is those efforts that will make others hunger for democracy. It is your successes that will convince women around the world that subjugation is the aberration, and equality their natural birthright.

And what will be your legacy, our legacy? You may remember that Danish schoolteacher I told you about, Karen Jeppe. Her legacy was a generation of young women rescued from sexual slavery. She eventually settled in Aleppo, Syria, among those she had saved, who revered her. And the story goes that in 1927, a terrible earthquake shook the region, but Aleppo was spared. The local residents said they knew the reason: God had spared Aleppo because Karen Jeppe lived there.

True, like Karen Jeppe, we still face today a long night filled with human tragedy, with so little light to find our way. But you, through your work, have kindled a light that will continue to shine through the darkness. It is our promise, our

mission, to protect that light, and the hope it symbolizes, in defense of all those who cannot protect themselves. And through our work, to brighten that light until it is a steady beacon that causes all the darkness to melt away.

What a marvelous promise we have all made. I am proud of the work we do as prosecutors. You are amazing warriors, who have committed to defend the defenseless. What an important and fulfilling mission we embrace. And for that, I salute you, and I thank you.

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