

***Opening Statement of  
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Who will answer their call? Who will hear their cries? The voices of children neglected, abused and abandoned. So, we establish a system designed to care for them – charged to hear their cries for help and to answer their call. We establish a system designed to care for the orphan; charged to care for the most vulnerable among us. A system initiated out of an act of love with best intentions but is broken.

Some of the children placed in this system are labeled unruly, runaway, delinquent. But who will take the time to understand their backstory- where they came from and how they got to be where they are? Who will take the time to understand the trauma they suffered that brought them into care? When their trauma makes them act out in a way that causes them to be labeled unruly, runaway, delinquent – a “bad kid”, who will address the underlying trauma and the root cause so that they may heal and become productive citizens? The system that we put in place to help address the orphan is not functioning at optimal performance. At times it can be inefficient and at its worst time, add to the perpetuation of young children being sexually exploited and trafficked.

Good morning, Chairman Ossoff, Ranking Member Blackburn and members of the Subcommittee. My name is Earnelle P. Winfrey. I am the Deputy District Attorney and lead prosecutor of the Human Trafficking and Internet Child Exploitation Unit at the Office of the Fulton County District Attorney. I have been a practicing attorney for twenty-two (22) years with the last six (6) years serving as a prosecutor in the area of human trafficking and sexual abuse. As a prosecutor and expert in the field human trafficking, I have the privilege of serving and advocating for survivors of commercial sexual exploitation by giving them a voice in the courtroom and by holding their traffickers accountable.

Thank you for the opportunity to share my experiences in working with CSEC youth impacted by the foster care system.

The views I express today are my personal ones and should not be construed as a representation of the various statewide committees, multidisciplinary teams or task forces on which I have the privilege to serve.

As a human trafficking prosecutor, I am seeing that approximately 80% to 90% of the CSEC survivors we serve have been sexually abused as a child and enter the life of commercial sex with this type of adverse childhood experience which increases their vulnerability of exploitation. Approximately 40% to 50% of the CSEC survivors we serve had either been in foster care and/or had documented CPS history. I am seeing that many CSEC survivors in the foster care system present with complex trauma with no real support to facilitate healing while in DFACS care. By not addressing this complex trauma while in care, it increases their likelihood and risk of being trafficked. Sexual abuse causes the feeling of low self-worth and low self-esteem, shame and guilt. These feelings cause them to adopt the notion that selling their bodies is all they are worth because they see themselves as damaged goods. Several CSEC survivors report negative experiences while in foster care and express a lack of trust and faith in the system.

We have to dispel the myth that human trafficking involves a stranger riding around in a white van, kidnapping children off the street and selling them into a life of sexual servitude. Most of our survivors were trafficked by someone they knew, even family members.

For example, in one case, a CSEC youth was recovered during an operation targeted at recovering missing children. When she was taken in for medical care, the detective noted that she was aware of her history in the foster care system as a habitual runaway. With this knowledge, they reached out to DFACS and requested they take custody of her pursuant to SB158. This CSEC youth had nowhere to go as she had been trafficked and had history of

past sexual abuse by a family member. DFACS did not send anyone to the medical facility, nor did they begin the process of exercising their authority under SB158. In fact, because this child was known to be a runaway, the detective was advised to detain her and place her into a detention center. DFACS informed the detective that they did not have a place for this CSEC youth to go. The detective informed them that she could not detain this CSEC youth because the youth did not do anything to warrant charges and placement into a detention center. Consequently, the detective, in collaboration with a federal law enforcement partner, located an out-of-state placement facility that could take her immediately and get her the care and counseling she needed. Under these emergency circumstances, DFACS did not act in a timely manner and the out-of-state placement that was found for this CSEC youth was lost. Eventually, DFACS sent this CSEC youth back to her family. Shortly after being returned to her family, this CSEC youth ran away and was sexually exploited again. The question here is do we have a crisis in housing?

Another trend we have seen is inappropriate placements for CSEC survivors in certain group homes. There are examples of young girls running away from a placement and finding themselves in jaws of commercial sexual exploitation. When they were recovered, they disclosed the horrors of their experiences in the streets. Did the system fail them by not investigating the placement facility housing these young girls prior to their placement? Did the system ensure that the placement was proper for CSEC youth? Are they training care givers and placement facilities on the care of CSEC youth?

If the foster care youth are running away, they are running from something. Again, have we to investigate and address the root issue.

This is not to disparage case workers that work tirelessly in ensuring the safety of children in care. Case workers are in interview after interview, writing report after report, and responding to child abuse calls. But case workers are also whispering that they have a lack of personnel and are understaffed. They are constantly seeking approval from supervisors to make certain decisions about the care of the children under their watch.

We must understand that traffickers target vulnerabilities. The main vulnerability of our youth is their age and lack of life experiences. The second main vulnerability of youth is their need for belonging, love and acceptance. Traffickers hone in on these vulnerabilities and exploit them for financial gain. The area of vulnerability for CSEC foster care youth is that they are in the foster care system and do not have roots and ties to their biological family where they can feel secure and know who they are in this world. They have no safe place where they can figure it all out.

So, my question to all involved in this process is who will hear their cries? Who will respond? Who will take action? Who will look into this in a way that is fair and places the best interest of our children in the forefront? Who will have the courage to say, “if it is broken, it is broken? If it needs to be fixed, then let us fix it?” Our children do not deserve to live a life of exploitation. They do not deserve to be labeled with such negative words like unruly or delinquent if there is no evidence to substantiate it.

In my closing argument to juries, I tell them that their job is not to look for doubt, but to seek and look for the truth. It is my hope and prayer that through this investigation into the foster care system, this subcommittee will seek and look for the truth. When we honestly look for the truth, we will we find that truth. Then we will be able to fix the problems we are seeing and end the trends that we are talking about and actually hear and respond to the cries of these children.

I applaud this committee for having the courage to investigate the system that serves and works with our greatest commodity, our children

Thank you for giving me the opportunity to share the experiences I have had as a human trafficking prosecutor working with CSEC survivors in the foster care system. It is my hope and prayer that there will be real answers and real solutions to help ensure this system is functioning at optimal performance as it works to take care of the orphan because it is our responsibility.