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The United States House Committee on Oversight and Accountability
Subcommittee on Cybersecurity, Information Technology, and Government Innovation

“Using Modern Tools to Counter Human Trafficking.”

December 10, 2025

Chairwoman Mace, Ranking Member Brown, and distinguished Members of the Subcommittee, I appreciate the invitation to come before you today.

For more than two decades, my career has involved fighting human trafficking and supporting its survivors. As a federal prosecutor in Washington, DC, I helped bring one of the City’s first trafficking prosecutions and helped launch the DC Human Trafficking Task Force. Later, as a Deputy Assistant Attorney General in the Civil Rights Division, I supervised the Human Trafficking Prosecution Unit. Today, as Director of the Howard University School of Law’s Artificial Intelligence Initiative – and as a long-time board member of Polaris – I continue this work from the perspective of law, policy, and technology.

No one is more committed than I am to ensuring traffickers are identified, prosecuted, and convicted through lawful and ethical means. I hold firmly to the 1935 admonition from Supreme Court Justice George Sutherland: “But, while [a prosecutor] may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.”

While I support the use of legitimate tools to end human trafficking, I have several concerns with artificial intelligence as a tool, each rooted in experience and principle. Only with necessary guardrails - including national standards, transparency, and oversight - can we ensure that artificial intelligence doesn’t become another instrument of harm. And, we must remember that any tool that good people use to fight trafficking will be used by bad people to expand it.

Data

Artificial Intelligence systems and agents are only as sound as the data upon which they are trained. Quality data must be accurate, comprehensive, and disaggregated. They must reflect the lived realities of all communities. Too often, datasets used to detect trafficking contain incomplete or biased information. This can distort results, misdirect investigations, and perpetuate racial or gender disparities. In an area where vendors are often the tail that wags the dog, we need clear federal standards on data transparency, auditing, and accountability.

Independent review bodies should verify that models used in trafficking investigations meet both technical and ethical standards.

When I was in government, I watched as an enormous effort to use data to identify human traffickers and smugglers through a heavily-resourced, multi-year fusion center resulted in very little useful information. I am not sure that the data is significantly better today. For this reason, it is essential that Congress adequately funds the data and technology systems used by federal agencies and NGOs, ensuring they are designed and implemented in ways that do not replicate existing harms or biases. The federal bidding and grantmaking processes should also be equitable, include meaningful survivor involvement, and incorporate clear equity measures in how resources are allocated. To put it bluntly, I have concerns about what data will be collected and how that data will be used.

Surveillance

I am also deeply concerned by the proliferation of surveillance-based tools – from facial recognition to predictive algorithms – being used without sufficient safeguards. These technologies have well-documented accuracy gaps and can expand beyond their intended scope. Congress should ask: How long is human trafficking surveillance data retained? Who can access it? How is it used once a case is closed? Without strict limits, surveillance risks violating privacy while failing to deliver justice.

Privacy

Human trafficking survivors deserve not only freedom but dignity. Often minors or vulnerable adults, survivors must not be exposed through unwarranted data collection or retention that can come back to hurt them later in life. Survivor data should be encrypted, minimized, and used strictly for their protection. We must ensure that technology never retraumatizes those it aims to protect.

Deepfakes

The rapid advancement of synthetic media creates new dangers. Deepfakes are fake but so close to reality that they make people believe that they are real. Deepfakes will compromise investigations, destroy reputations, and undermine evidentiary integrity. Congress has an essential role in addressing how deepfakes can be used and promoting research on deepfake detection.

Fairness

I am concerned that the burden will be borne most by the survivors and not by those who take advantage of them. Trafficking has always been both a supply and demand issue. But the demand side rarely faces the most risk for its conduct. Will artificial intelligence just further exacerbate this inequity?

Trust

With over thirty years of legal practice experience, I have come to the conclusion that the single most important aspect of a legal system is trust.

People have to trust that the legal system will follow the rule of law and treat all individuals equally and respectfully. This becomes even more important in the most challenging victim-centered cases. And I have found that there are fewer more challenging victim-centered cases than those involving human trafficking.

The survivor of human trafficking is usually coming from an incredibly vulnerable place. They have often been misled, deceived, and/or psychologically or physically abused by someone who they trusted. This person could be a family member, another supposedly trusted adult, or it could be an entire system, like the child welfare system. When a survivor has been shown that their own ability to determine who and who not to trust is broken, the trust rebuilding process is all the more difficult.

I am concerned because of the way the current Administration has been treating immigrants. All of us are well aware that a significant amount of human trafficking involves the immigrant community - whether sex or labor trafficking in massage parlors, brothels, salons, farms, or plants. If the immigrant community does not feel comfortable going to or working with law enforcement, these cases will be even harder to successfully investigate or prosecute.

I know this, because I have seen this.

I was an Assistant United States Attorney in Washington, DC in the early 2000s when two Metropolitan Police Department officers brought evidence of trafficking to me. The reason that we were able to prosecute that case - one of the first prosecuted in DC - was because multiple survivors trusted law enforcement enough to report the pimp to them and then to remain witnesses despite feeling threatened by him. What that case, and the dozens of other cases I was involved with, required was humanity, not technology. That humanity must never be replaced.