

September 19, 2017: Proponent Testimony on SB 4



Good Afternoon Chairman Manning and Members of the Criminal Justice Committee:

We at the Central Ohio Rescue and Restore Coalition (CORRC) are so encouraged by your dedication to passing a bill this year to help survivors of the worst kinds of violence reclaim and restore their lives. CORRC is a central Ohio network of organizations fighting human trafficking in different roles and sectors. Our mission is to provide a collaborative, comprehensive community response to human trafficking in central Ohio through education, services, advocacy, and prosecution. (You can find out more about our work at www.centralohiorescueandrestore.org.)

I am a family law attorney by trade, and represent survivors of domestic violence and human trafficking against their abusers in divorce, custody, and civil protection order cases in Franklin and Madison counties. I have had the honor of serving on a volunteer basis as the Legislative Advocacy Chair for CORRC since 2009. I worked with Judge Paul Herbert in 2010 to help him shape the development of his CATCH Program in its initial stages; I served as director of Freedom a la Cart in 2013, a social enterprise founded to employ human trafficking survivors; and I continue to aid with emergency response and social services on a contract basis with the Salvation Army Anti-Human Trafficking Program.

Through this work, I have served hundreds of survivors of both sex trafficking and labor trafficking across Ohio in the past eight years. The human trafficking survivors I have served were often forced to commit a number of different crimes by their traffickers, including prostitution, drug trafficking, theft, and more. Under current Ohio law, sex trafficking survivors can expunge criminal records regarding prostitution charges but are unable to expunge other criminal records. Expunging your solicitation conviction does little good if you still have assault and drug possession convictions on your record. Even after survivors have done the hard work of getting free from their trafficker and overcoming their mental health and substance abuse issues, this persistent reminder of their past keeps them from enrolling in college, getting jobs, and renting apartments. With no way to restore their lives, this is when even the most promising survivors regress and succumb to relapse and mental breakdown.

Senate Bill 4 would address this issue, by allowing human trafficking survivors to move beyond prostitution charges and expunge other common criminal records. Unfortunately, while it may help some, there are many human trafficking survivors that it will never help. Allow me to explain.

In Judge Herbert's CATCH Program, we found that a number of women trapped in sex trafficking were never convicted prostitution. Whether a prostituted person is charged with prostitution or with promoting prostitution is up to the whim of the law enforcement officer. Whether that charge is plead down to a different charge like disorderly conduct is entirely up to the prosecutor. Because of this, some prostituted persons have charges for disorderly conduct or drug possession but are never actually convicted of prostitution. Judge Herbert has modified his program to allow women into his program that don't have prostitution charges at all because of this reality.

Last week, on Thursday night, my Legislative Advocacy Committee met as it does every month. A woman, D.H., attended the meeting. She had heard about Senate Bill 4, and she came to the meeting to hear more about it. She initially introduced herself as a Columbus State Community College student. I know her professor, and her professor recommended she attend my meeting. When I explained that you've written Senate Bill 4 to require that a human trafficking victim have first been convicted of prostitution before they can ask to have other criminal charges expunged, she was heartbroken. It was then that she revealed that she is a human trafficking survivor. She's free now, and she's taking college classes and working to restore her life. When she was arrested, the police officer didn't charge her with solicitation. He charged her with assault, because she and the man trying to buy sex from her, had just gotten into a fight. This assault charge has made it difficult for her to get jobs and to get her own apartment. I had to break the news to her Thursday, that although Senate Bill 4 will make our human trafficking expungement statute much better, it will not help her. It will not help her or many other human trafficking survivors out there who were never actually convicted of prostitution.

I am eager to see Senate Bill 4 pass, and I and my coalition of advocates, CORRC, are happy to do whatever we can to make that a reality. I only ask that you consider amending the bill to remove the requirement for the predicate offense of prostitution, and instead only requiring that the applicant provide evidence that they have been a victim of human trafficking as defined by ORC 2905.32.

Please do not hesitate to contact me directly to let me know what we can do to aid in the successful passage of Senate Bill 4 or how we can help improve its language so that it serves as many human trafficking survivors as possible.

Thank you for your work on this critical piece of legislation.

In Solidarity,

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Legislative Advocacy Co-Chair

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