



Chairman George Lang
House Criminal Justice Committee
77 S. High St., 13th Floor
Columbus, OH 43215

Chairman George Lange and the House Criminal Justice Committee:

I appreciate the opportunity to provide written testimony as an interested party to Senate Bill 5. My name is Tiffany Tripp, and I am the Program Coordinator for Out of Darkness Columbus. I have worked directly with victims of prostitution and sex trafficking for the past three years through street outreach and drop-in services. Because of these relationships, I can testify first-hand to the potential damage that SB5 could cause as written and by how it may be interpreted and carried out by law enforcement by furthering criminalizing victims and creating barriers that are often impossible to overcome.

Sergeant Mark Rapp, director of the Central Ohio Human Trafficking Task Force, has stated that at the heart of the human trafficking problem are the buyers — men who pay for sex and fuel the demand for prostitution. He said, “Penalties need to be stiffer on the johns. The johns seem to just escape through the system. They’re able to commit their crime, get back in their car and leave. It’s just wrong.”

You see while we work to create and support legislation that would end human trafficking here in Ohio, it is absolutely critical that there be no room to further victimize those who are being exploited in the first place. So often, we see the purchaser walk away- back to his job, his family, his warm home and the victim face the penalty, seen only as a “prostitute”, a “community problem”, an “addict”. Columbus laws allow a fine of up to \$1,000 and 30 days in jail, but few men do any time, according to Side Effects Public Media. An analysis of 2016-2017 court records shows the average fines given to men caught soliciting was just \$72. We have personally witnessed these interactions- stings where johns walked out the door with a “Dear John” letter and the victim was arrested because of warrants associated with her exploitation. As typical, she spent a couple of weeks in jail, detoxing on her own, a victim of violence, and then sent to the streets, but this time at an increased risk of overdose and a with a longer criminal record. We’ve seen women unwilling to seek recovery programs knowing they must first face jail time or unable to go into a recovery program because of their legal issues.

SB5 needs to distinguish between the trafficker and sex buyer on one hand, and the victim on the other, including women being forced into recruiting, transporting, and otherwise participating in the management of other women under the control of her trafficker. I refer to Minnesota Statute 609.322 and New York Article 230 which distinguishes between the two by adding “while acting other than as a prostitute” to laws regarding promoting prostitution.

This important distinction protects victims from unintentionally facing the burden of felony charges as a result of their exploitation. Criminal arrests are traumatic experiences that reinforce the fear and distrust of police and authorities instilled by traffickers.

Perhaps most importantly criminal convictions make it more difficult for trafficking victims to obtain safe housing, education, and legal employment. Criminal histories are often the chains that keep women bound long after they have escaped their traffickers. According to the American Bar Association, criminal charges create high barriers to employment, safe housing, education, financial assistance, and other key components of stability and independence. In 2016, the National Survivor Network published a survey of their members that showed that 90% of respondents had criminal convictions on their record and that, as a result, 80% had faced barriers with employment and 50% with housing. Criminal records can even be used by the trafficker against the survivor; for example, in instances where they have children in common, traffickers have pointed to the survivor's record as evidence of unfit parenting in custody disputes.

Last year the passage of Senate Bill 4 was a tremendous accomplishment in undoing mistakes of the past, providing a pathway to a future for survivors. Even so, for those facing second-degree felony charges, a favorable outcome is not guaranteed. For survivors seeking expungement for first or second-degree felonies, the law specifies factors a court must consider in deciding whether to grant expungements, such as the degree of duress under which a victim acted and the length of time that has passed since the victim committed the relevant offense. The law also requires that courts find that the survivor's interest in having the records expunged are not outweighed by legitimate government needs to maintain the records.

Our personal belief is that every single one of you wants to see trafficking come to an end. I'm here to offer the perspective of survivors as they are trying to recover. We understand that the intent of the legislation is not to harm them with enhanced penalties. Therefore, we support the amendment that would correct the bill from adversely impacting those it is meant to protect and to consider the proposed amendment.

Chairman Lang, thank you for the opportunity to submit written testimony for SB 5. If you or any committee members should have questions, please do not hesitate to contact me.

Sincerely,

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