

May 9, 2019: Interested Party Testimony on SB 5



Good Morning Chairman Lang and Members of the Criminal Committee:

Thank you for the opportunity to provide testimony on SB 5.

I graduated from the Ohio State University Moritz College of Law in 2012 and have been in Columbus ever. I currently practice family law and focus my practice on low-income survivors of violence. On a volunteer basis, I serve as the Legislative Advocacy Co-Chair for the Central Ohio Rescue and Restore Coalition (CORRC). I have held this volunteer position for ten years. CORRC is a central Ohio network of organizations fighting human trafficking in different roles and different sectors. Our members include social service agencies that provide services directly to human trafficking survivors; local law enforcement agencies that investigate and prosecute traffickers; and community organizations and churches striving to raise awareness about this devastating crime. 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.)

Through my work over the past decade with CORRC and its members, I have had the honor of serving and working side-by-side with dozens of human trafficking survivors here in Columbus. A lot has changed during that time. When I started this work, traffickers themselves rarely ran into trouble with the law. Meanwhile, the victims had long rap sheets. One woman I worked with when I interned with Judge Paul Herbert's CATCH Court program had sixty prostitution-related convictions. Fortunately, we now have prosecutors in Franklin, Cuyahoga, and a few other counties around the state actively prosecuting traffickers. Out of Ohio's 88 counties, we do not have nearly enough prosecutors actively looking into this issue. Still, have made a great deal of progress from where we started. There are detectives here in Columbus assigned to hunt down traffickers full-time. Among Ohio's 800+ law enforcement agencies, that is incredibly rare.

I note this to highlight that prosecuting human trafficking is a comparatively new realm for Ohio's prosecutors and law enforcement agents. We are only at the beginning of discovering best practices for effectively taking down Ohio's human traffickers.

Here in Columbus, the police department has a full-time licensed social worker in their office serving as a human trafficking victim advocate through a partnership with the Salvation Army. Best practices show that the best way to convince a victim of human trafficking to cooperate in the criminal investigation and prosecution of their trafficker is to offer them safety and support; to make sure their basic needs like shelter and food are addressed; and to build trust with the victim. I am sorry to say that most prosecutors and law enforcement across the United States have not yet figured this out, and traffickers go free because of it.

The traditional approach is to treat the victim like a co-conspirator and threaten the victim with whatever prostitution-related offenses carry the heaviest penalty unless they agree to testify. As you might imagine, this coercion mirrors the abuse that the human trafficking victim suffered from their trafficker and does not help build trust. Victims are much more afraid of their traffickers than they are of jail time. This

approach drives a wedge between the prosecution and their key witness. Without the victim's testimony, traffickers go free.

A member of my Legislative Advocacy Committee is Jessica Lyles, a veteran and a store manager with AT&T. Chairman Lang, Jess truly appreciated the time you took last month to speak with her about her experiences. She wanted to be here today, but she is stuck at work. Jess works about seventy hours each week and this month she was the second top seller in the company and her store came in fourth place. Jessica is a human trafficking survivor and because of her trafficker, she ended up in prison for a felony. She was just released last year in July. When she was arrested, she was threatened with a whole list of felonies in order to coerce her into testifying against the man she feared the most, the man who threatened to hurt her family if she refused to sell her body. One of those felonies was Promoting Prostitution.

Like many sex trafficking victims, Jessica was made to engage in prostitution alongside other sex trafficking victims. Traffickers purposely distance themselves from the actual act of prostitution and coerce the more experienced victims to supervise the newer recruits. This is what Jessica's trafficker made her do. She could have been charged with Promoting Prostitution. Ultimately, she was charged with different felonies.

I am currently working with Jess to begin the process for expunging her criminal record under the human trafficking expungement statute. The issue is that if she is still on probation, we will not be able to apply for expungement until probation ends. Jess is homeless right now and has been since July. She has somewhere to stay temporarily, but if the landlord that owns that place finds out that she is staying there, they could all be evicted. She does not like the deception, but she does not have a lot of options right now. It is very difficult for human trafficking survivors to have apartment applications and job applications rejected over and over and over while they try to find someone willing to look past their criminal record.

The intent behind Senate Bill 5 is to fight human trafficking. The original purpose was to raise penalties for traffickers and empower prosecutors to go after traffickers. The state of Ohio has been slowly moving away from criminalizing victims. Unless this bill is amended, it takes us back a step. CORRC cannot endorse a bill that increases criminal penalties on human trafficking victims.

In Minnesota, this language was added to similar prostitution statutes: "This section does not apply to anyone acting as a prostitute." If this language was added to SB 5, it would focus these heightened penalties on traffickers without causing harm to sex trafficking survivors. This would allow SB 5 to better achieve its true intent.

Thank you for your work on this important issue. It is complex, and we are all learning as we go. We appreciate your support and I would be happy to answer any questions you might have.

In Solidarity,

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