

Testimony for Senate Bill 13
Terri H. Foltz
Co-Chair CORRC Social
Services Committee
March 6, 2019

Chairman Eklund, Vice-Chairman Manning, Members of the Committee,

Thank you for allowing me to be here and testify regarding this very important bill. This bill will bring Ohio law parallel with the Federal law's treatment of minor victims of human trafficking.

My professional background is in law. I am a graduate of The Moritz College of Law at The Ohio State University. I know that the American Bar Association has published a resolution stating that:

- (a) (an individual) not be subjected to arrest, prosecution or punishment for crimes related to their prostitution or other non-violent crimes that are a direct result of their status as an adult or minor victim of human trafficking;

Note that this resolution recommends that neither minors nor adults be prosecuted for crimes that are a direct result of their status as a victim of human trafficking.

I commend the Ohio Legislature for early on recognizing the importance of what is referred to as the Safe Harbor Law. Ohio is one of several states that have enacted laws protecting trafficked youth. Other states have yet to provide any sort of protection for youth who are victims of human trafficking. In those states, vulnerable and sexually exploited youth are left languishing in detention or jail settings with charges pending. Happily, in Ohio for trafficked youth who are under sixteen years of age that is not the case. Unfortunately, however, only some minor victims of human trafficking, aged sixteen and seventeen are protected.

In introducing Anti-trafficking Senate Bill 1312 in the U.S. Senate, Senator Charles Grassley stated: "Victims of human trafficking are too often hidden in plain sight, in need of help, because we don't know how to identify them or address their needs."

Minor victims of human trafficking aged 16 and 17 years old are frequently hidden in Ohio because they are treated differently under Ohio's current Safe Harbor law. The current law burdens this segment of youth with the requirement of proof of fraud, coercion, or that the trafficker is in a position of authority over them. This law codifies a difference in these youth that does not exist.

I could cite Psychological studies regarding neural and cognitive development which show that children and young people have not fully developed in the portion of the brain which controls reasoning until the age of twenty-four or twenty-five. I could also cite ample documentation regarding the effect of trauma on the brain of vulnerable youth and the ensuing damage to their development. Obviously, this Body already understands these truths and has demonstrated that by enacting Safe Harbor Laws that, without condition, offer protections to minor victims of human trafficking under the age of sixteen. For minors, aged sixteen or seventeen, however, our current law requires an extra showing of proof prior to availing themselves of the protections offered under Ohio's Safe Harbor Laws.

We are here today to consider Senate Bill 13, which would remove this additional burden of proof. Some have expressed to me that it is appropriate to require older youth to provide proof of fraud etc. because as youth attain a certain age they are afforded more privileges. For example, at sixteen years of age they may get a driver's license. So, in this reasoning, it follows that they should be more responsible for their actions. After all, qualifying for Safe Harbor treatment can ultimately erase significant criminal charges. While this may seem true logically, I am here today to testify that there is absolutely no difference in the vulnerability levels of and the damage done to trafficked youth who are sixteen and seventeen relative to trafficked youth under sixteen. For me, this is not simply a recitation of credible studies that show this abstract fact is true. It is also born of years of personal experience in providing services to Ohio's youth who are victim of human trafficking.

When I think about this issue, I see faces and remember youths who at sixteen and seventeen have been victims of human trafficking. I have concrete examples of how the current Safe Harbor law adversely affected minor human trafficking victims. One of these faces is a youth I will identify by the pseudonym, Tia. She came to our attention through her mother. Tia had been arrested and was being held in a juvenile detention center in northern Ohio on several charges including prostitution.

Her mother wanted services for her but the county she was charged in declined to allow her protection under the Safe Harbor law because she was sixteen and could not provide the proof of fraud, coercion, etc. Tia was being trafficked by a man in his early thirties who lived in her neighborhood. He had threatened her mother and younger sister with harm if she did not comply. She had no proof (by the way this is often true) that he had threatened her. It was her word against his. Her court appointed attorney was making no headway with a Court that had very little exposure to the Safe Harbor Law but was standing firm on the letter of the law.

Our agency's Clinical Director and I worked with Tia's attorney to educate and advocate with the court showing that Tia did indeed qualify for protection under Safe Harbor. Finally, after months of confinement in juvenile detention, Tia came to our agency for services. Tia's needs and vulnerabilities were absolutely no different than the girls that were under sixteen whom we were serving.

Tia was angry and afraid. She was oppositional. She had night terrors. She was involved in a physical altercation. She was often agitated and unable to manage her emotions. This description could also apply to any of our clients from ages thirteen to nineteen.

We came within a hair's breadth of not being permitted to provide services to Tia because of the current state of the Safe Harbor law in Ohio. What a tragedy that would have been! Tia, after much time and a monumental battle to recover, is now in pilot training school and planning to live her very best life.

Of course, not every youth has such a dramatic turn around. But, a large majority in our program in the years I was there made significant steps toward recovery. Our internal records show a recidivism rate of less than twenty-five percent. This includes our clients who are sixteen and seventeen.

Walking with young victims of human trafficking toward their recovery is an arduous process both for them and the staff who serve them. Their path is fraught with risks of set backs and obstacles of all kinds thrown at them from traffickers, family, and the damage inflicted upon their brains.

I am here to today to urge this committee to vote for this change in the Safe Harbor law and remove an unneeded obstacle to make the path of recovery of these victimized youth just a bit smoother.

Thank you.