



Chairman Eklund, Vice-Chair Manning, Ranking Member Thomas, and members of the Judiciary Committee, I very much appreciate the opportunity to provide 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 commercial sexual exploitation for the past three years through our street outreach and drop-in center. Through developed relationships with these women, I can testify first-hand to the implications of legislation such as SB5 and how it is interpreted and carried out by law enforcement.

It's easy to think of human trafficking as a social justice problem, but we must always remember that it is first and foremost a business. Forced labor in the private economy generates \$150 billion in illegal profits per year, according to The International Labour Organization, with \$99 billion of that coming directly from commercial sexual exploitation. Like any business, trafficking relies on the law of supply and demand. While we and multiple other organizations work tirelessly to reach, rescue, and restore survivors, that's only half of it. We will never end human trafficking until we reduce the demand that's driving it in the first place. That's why we believe that legislation such as SB5 is so important, and we applaud the efforts of the bill sponsors Senator Kunze and Senator Dolan in increasing the penalty for those who would exploit and abuse the most vulnerable among us. Around the world in Norway, Canada, and in cities like Chicago, Seattle, and Salt Lake, lawmakers like you are making this important shift- to focus their efforts and limited budgets on targeting the perpetrator and providing resources to the victim. According to the National Institute of Justice, enactment of Swedish law that focused on demand has reportedly reduced street prostitution by 50% to 75%. Demand Reduction policies work, and we thank you for your efforts on this bill and for creating legislation that would enhance the penalties on traffickers and johns while protecting the victims.

In the Columbus Dispatch last March, Sergeant Mark Rapp, director of the Central Ohio Human Trafficking Task Force, spoke directly to this issue. He stated that at the heart of the human trafficking problem are the buyers — men who pay for sex and motivate prostitution. “Penalties need to be stiffer on the johns,” Rapp said. “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 support and create legislation that would end human trafficking here in Ohio, it is absolutely critical that there be no room for interpretation of language that would allow it to be used 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, making new connections in the drug world, a victim of violence, and then returned right back to the streets, but this time at an increased risk of overdose and a with a longer 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.

We believe that historical data will show that prostitution laws are disproportionately enforced against the women in prostitution and not the men who patronize prostitution. We currently have Freedom of Information Requests in for Cincinnati, Cleveland, and Columbus for the past 4 years to see if the arrest records of the past 4 years reflect that data, and it would be unwise to move forward in passing a bill without understanding the disproportionate effects it could have on victims over perpetrators.

SB5 makes no changes to the elements and the definitions related to the offense of promoting prostitution or human trafficking but does include language for purposes of adding context.

We would suggest that "adding context" would also qualify that there needs to be clarification between the trafficker and john promoting prostitution and the victim, 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. According to the International Women's Human Rights Clinic, City University of New York Law School and the Trafficking Victims Advocacy Project, Legal Aid Society of New York in a submission to the Human Rights Council in 2012, laws and most policies in the United States result in many trafficking victims, including children under 18, frequently first coming into contact with authorities when they are arrested and prosecuted for prostitution and other related crimes. Criminal arrests are traumatic experiences that reinforce fear and distrust of police and authorities instilled by traffickers. Further, criminal convictions make it more difficult for trafficking victims to obtain safe housing, education, and legal employment and continue to haunt them even 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.

We firmly believe that it is not your intention to further victimize women who have suffered under the control and manipulation of johns and traffickers, but without careful examination of the language and its possible implications, that this, unfortunately, could very well be the result of the passing of SB5 in its current state.

There are so many nuances to this issue. 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 changes that would correct the bill from adversely impacting those it is meant to protect. We believe you want to make the best decision, and suggest you consider delaying the bill until some of this Freedom of Information can come back in. Thank you, Chairman Eklund, for allowing me to testify today. I am available for any questions that you might have at this time. If I am unable to answer them, I will provide a response to the chairman's office.