

PROPONENT TESTIMONY
SB 183, The Ohio Senate Judiciary Committee
Advocating Opportunity
October 5, 2021

Chair Manning, Vice Chair McColley, Ranking Member Thomas, and members of the committee, thank you for the opportunity to provide proponent testimony for Senate Bill 183 on behalf of Advocating Opportunity.

Advocating Opportunity is an Ohio nonprofit organization that provides holistic advocacy and free legal services to survivors of human trafficking. With offices in both Toledo and Columbus, we represent survivors in communities across the state. Our attorneys and advocates serve over 200 survivors of human trafficking a year. These survivors include people of all genders, nationalities, and ages who experienced labor trafficking, sex trafficking, and not uncommonly, both forms of victimization.

Senate Bill 183 is a triumph for anti-trafficking efforts in the state of Ohio. This law would make good on Ohio's promises by making record expungement accessible to all human trafficking survivors, regardless of the type of trafficking they experienced or where they were trafficked. This is a simple fix in the language of the statute that will have an incredible impact on the lives of survivors.

Currently, Ohio law requires a conviction for soliciting, loitering, or prostitution for an applicant to be eligible to expunge their criminal record pursuant to R.C. § 2953.28. While our office has had the pleasure of helping many survivors expunge their records under the current law, we have also been in the heartbreaking position of delivering the news that even though someone is a victim of human trafficking, and even though their record is a result of that victimization, they are not eligible for expungement simply because they do not have a soliciting, loitering, or prostitution qualifying conviction on their record.

To help the Committee better understand the expungement landscape, Advocating Opportunity represents over 200 survivors per year in 30 counties from our offices in Columbus and Toledo, Ohio. Over the last four years, Advocating Opportunity has represented 29 survivors in expunging their records in 14 counties. Presently, there are 33 survivors who qualify for expungement on our expungement waitlist. We instituted a waitlist due to the steady need for

specialized legal representation compared to a very small number of attorneys who provide these services, the many hours it takes to prepare an expungement application, and the time spent educating courts about the human trafficking expungement law. Advocating Opportunity is working with 38 Ohio survivors who we estimate would become eligible for expungement when SB183 passes.

Advocating Opportunity is grateful to the Ohio Legislature for working diligently to build the best expungement mechanism possible to alleviate the burden that criminal records place on survivors of human trafficking. We know that traffickers compel their victims to engage in a wide variety of illegal activity for the trafficker's financial benefit, with the victim often taking the blame so the trafficker can avoid liability. The most frequent crimes we seek to expunge from survivors' records are drug and theft related offenses committed at the direction of a trafficker. There is no justice in requiring survivors to carry the crimes they were forced and coerced to commit for the rest of their lives. These records place significant barriers on access to safe and stable housing, gainful employment, financial independence, higher education and professional licensing, as well as the emotional toll of living under the shadow of their trafficker(s), even while building a future for themselves.

We meet survivors without the qualifying commercial sex convictions on their record for many reasons, but most commonly they fall into three categories. Most frequently, the survivor was trafficked in a city or town where law enforcement does not regularly patrol for sex work related crimes. Despite receiving a great deal of attention, cities like Columbus with VICE units that routinely arrest human trafficking survivors for soliciting are not the norm in most of Ohio. As such, this requirement leaves out survivors who were trafficked in numerous cities and more rural parts of our state. We also meet many survivors who were not trafficked in street-based sex work, where the probability of arrest is highest. Survivors who experienced trafficking behind closed doors: in hotels, clubs, houses, or other venues where it is far less likely that an arrest will be made are similarly excluded from expungement. Finally, this law completely ignores labor trafficking survivors and leaves them entirely out of eligibility for expungement.

More recently, in the few jurisdictions that regularly patrol for sex work related crimes, we are seeing an encouraging trend toward not arresting survivors of human trafficking for crimes they are being forced to commit. We appreciate our law enforcement partners for taking new approaches that reduce the harm of arrest and incarceration on victims of human trafficking.

However, as our law enforcement partners learn and grow away from these policing practices, fewer survivors will have the qualifying offenses on their records, thus rendering them ineligible for expungement of any other trafficking-related offenses they have on their record. This cannot be the result this body intended when the original expungement law was passed.

Thank you to the Committee for taking the time to consider the great benefits of SB183 and to Senators Kunze and Fedor for being such strong advocates for survivors of human trafficking. Several survivors have submitted written proponent testimony and we hope you spend time reading and understanding their stories. We urge you move swiftly in passing this critical fix to the existing human trafficking expungement law that will ensure the opportunity for record expungement to all survivors of human trafficking.

/s/Megan Mattimoe_____

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