

Testimony for Senate Bill 431  
Sarah K. Brown, J.D.  
Columbus local anti-human trafficking advocate since 2008  
The Freeman Project  
November 18, 2020

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee my name is Sarah Brown, and I am a volunteer with the Freeman Project.

Thank you for allowing me to be here and testify regarding this very important bill.

The Freeman Project was founded in 2012 by Barbara Freeman, a survivor of sex-trafficking in Columbus, Ohio. Barbara was among the first to graduate CATCH court, and has maintained her sobriety these past 11 years. She has dedicated her life to serving victims of sex-trafficking and to educating the public about sex-trafficking.

I joined up with Barb in 2015. After two years of working one-on-one with survivors in recovery, I began law school, in an effort to better advocate for our client's needs. In March of 2018, the Freeman Project opened its first sober home for trafficked women in Columbus, Ohio. The Freeman Project home has 4 bedrooms and a survivor typically stays 1 - 9 months.

We, at the Freeman Project, strongly support, and want to thank Sen. Teresa Fedor for all that she has done to advocate for the passage of Senate Bill 13. She is a fierce advocate, but she cannot do it alone - and it is a tragedy that SB 13 has sat in committees for nearly 2 years. Notably, we are the last state in the nation to address this very simple and necessary legal change.

We oppose the lack of guidance given to law enforcement, who are potentially, under this statute, arresting people who are being sexually exploited.

We also oppose funding and mandating a pilot database that ignores the needs of the entire anti-human trafficking community.

#### TWO PROPOSALS:

1. Ohio lawmakers should include statewide provisions that focus on the safety of victims during an arrest for prostitution or solicitation.
2. Build a pilot database operated by the attorney general that assists the entire anti-human trafficking community in ending human trafficking in Ohio.

**I. Ohio lawmakers should amend the solicitation statute with provisions that focus on the safety of the all parties to the arrest, especially those who are potentially vulnerable sex-trafficking victims.**

Ohio lawmakers have given Ohio's law enforcement personnel very little direction for how to approach the crimes of prostitution and solicitation. Currently, the only direction given to local law enforcement by Ohio's current statute is that solicitation for sex is a criminal offense, for anyone including minors. How the officers respond to reports of solicitation and conduct undercover operations, is left entirely at their discretion.

Attorney General Yost has [said](#), "Where once we regarded prostitutes as lawbreakers responsible for their crimes, we now understand that, overwhelmingly, they are victims." It is time for Ohio's laws to catch up.

Two years ago the Columbus Police Vice Department was allowed under Ohio law to have solo officers in plain clothes effectuate arrests of sex workers. This local policy decision resulted in [allegations](#) of rapes and sexual assaults of Columbus sex workers by police. Notably, this lax local policy led to the death of precious daughter and mom, [Donna Castleberry](#). The arrest of [the officer](#) who allegedly trapped and murdered Ms. Castleberry was demanded with [public protests](#).

This summer, the Black Lives Matter protests and the social media content that resulted, exposed the massive disparity in policing for people of color and people in economically-disadvantaged areas. The national dialogue asked whether it is necessary to bring someone carrying a firearm who is trained to kill to every criminal arrest. As a result states and localities have begun to publicly discuss and [propose new legislation](#) to set clear expectations for police use of force.

We are asking today, for Ohio's lawmakers to set clear procedure and [proper use of force](#) guidelines for police who arrest for solicitation and prostitution, especially considering:

- that this is historically a morals offense and
- officers are very likely to arrest someone who is experiencing a victim of sexual exploitation.

Proposed additions to the statute:

- Prohibit solo plain-clothes officers from detaining and transporting arrestees of the crime of solicitation.
- Allow only uniformed police officers to transport suspects of solicitation in marked police vehicles.
- Require plain-clothes officers to coordinate, prior to detainment of suspects, with uniformed officers in a marked vehicle in close proximity.
- Require social services to promptly be provided
- Require a distribution of information that could lead to intervention:
  - A peace officer who:

(a) Detains, but does not arrest or issue a citation to a person for a violation of solicitation shall, before releasing the person, provide information regarding and opportunities for connecting with social service agencies that may provide assistance to the person. The Department of Health and Human Services shall assist law enforcement agencies in providing information regarding and opportunities for connecting with such social service agencies pursuant to this paragraph.

(b) Arrests or issues a citation to a person for a violation of solicitation shall, before the person is released from custody or cited:

(1) Inform the person that he or she may be eligible for assignment to a pre-prosecution diversion program; and

(2) Provide the information regarding and opportunities for connecting with social service agencies described in paragraph (a).

As an advocate that has personally worked with many survivors of sex trafficking here in Columbus, please know that this proposal is one tailored to fit within the current framework that criminalizes adults and minors for solicitation and prostitution. It is our firm hope that future iterations of this law will decriminalize the offenses of solicitation and take a more victim-centered, trauma-informed approach.

## **II. Build a permissive pilot database operated by the attorney general that assists the entire anti-human trafficking community in ending human trafficking in Ohio.**

Attorney General Yost wants to have a database of all the people convicted of sexual exploitation crimes. He claims that it will help end trafficking, and it can - the same way it is possible to build a house by only using a hammer - but that will be one ugly house. Mr. Yost's proposal has obvious privacy concerns, and it does not offer to collect the data we, advocates, actually need to offer evidence-based services to our ever-growing client lists.

What should a database aiming to end human trafficking in Ohio include?

Our state's many highways, major cities, secluded rural areas, and small towns make ending human trafficking a uniquely difficult challenge for our state. If Ohioians tax dollars are spent in starting up and maintaining a database, it should be one that truly aids the fight to end human trafficking in Ohio. We know that ending human trafficking in Ohio will take the cooperation of the entire anti-trafficking community; law enforcement, advocates, researchers, legal experts, and survivors. We are all in this fight together, thus we should all have significant input into the creation and oversight of the database.

Advocates need access to data that detects patterns among victims, informs future encounters, and guides the care victims are given:

- Prior to being trafficked

- How many interactions has the victim had with government agencies, law enforcement, and hospitals?
- What personal and societal factors led to the victim's exploitation?
- While being trafficked
  - How many interactions has the victim had with government agencies, law enforcement, and hospitals
  - Did victims encounter outreach efforts?
  - What outreach efforts were most effective?
- What initial encounters are victims most likely to be receptive to
  - Should law enforcement always be present?
  - What social services should be offered immediately?
- After being trafficked
  - How many victims received trauma-informed care from police, hospitals, social service agencies?
  - How many were offered pre-prosecution diversion programs?
  - What are outcomes for victims served in probation programs versus non-criminalized community based programs?
- How often are labor & sex trafficking linked and how often are they completely separate?

The Attorney General's proposed database may be an important step in ending human trafficking in Ohio, but there are no quick fixes and this database does not enjoy broad support among anti-human trafficking advocates and survivors. We cannot arrest or shame our way out of this problem. We hope that future legislative proposals begin with advocate and survivor input.