



POLARIS PROJECT

FORA WORLD WITHOUT SLAVERY

Senator Grendell
Criminal Justice Committee
Ohio Senate
Columbus, Ohio

March 10, 2010

RE: **Support for SB235** To Create the Offense of Trafficking in Persons

Chairman Grendell and Honorable Members of the Ohio Senate Criminal Justice Committee:

Thank you for your leadership in considering new laws to improve Ohio's strategy to combat human trafficking. I urge you to give a favorable report on SB235.

Polaris Project is a nongovernmental organization combating human trafficking in the United States. We take a holistic approach in addressing the crime—from state and federal policy advocacy, direct client services and outreach, and operating the National Human Trafficking Resource Center and Hotline. We have established relationships with federal and state agencies such as the Department of Health and Human Services and Department of Justice. Polaris Project, based in Washington, D.C., is also a member of several human trafficking taskforces such as the Washington DC Taskforce and the Maryland Human Trafficking Task Force.

In Ohio, Polaris Project has been combating human trafficking for the past five years and has trained over 1,000 Ohioans—including law enforcement, social service providers, faith-based communities, students, and general public. We have worked with the US Attorney's Office, Ohio Attorney General's Office, Ohio Peace Officers Training Academy, as well as several federal and state law enforcement entities. We are an active member of the Ohio Attorney General Trafficking in Persons Research Commission—particularly within the Legislative Subcommittee.

Human Trafficking in the U.S.

Human trafficking is not synonymous with alien smuggling. As defined under the Trafficking Victims Protection Act of 2000, it is the use of *force, fraud, or coercion* to compel a person to provide labor, services or commercial sex against his/her will. The federal government has stated that it is modern-day slavery, and it affects both foreign nationals and American citizens. The federal government has estimated that 14,500-17,500 foreign nationals are brought into the United States every year for the purpose of exploitation as human trafficking victims. The National Center for Missing and Exploited Children estimates 100,000 American children are victims of prostitution each year.

Human Trafficking in Ohio

A recent study released by the Ohio Attorney General Trafficking in Persons Research Commission estimates that there are over 783 foreign nationals human trafficking victims who are brought to Ohio for compelled labor or commercial sex. The study also estimates that over 1, 078 American children between the ages of 12-17 become human trafficking victims for the purpose of commercial sex every year.

Ohio is a transit, destination, and source state for human trafficking victims. Two recent cases highlight the fact that human trafficking exists in Ohio. In December 2009, Alan Townsend pled guilty to federal child sex trafficking charges after luring a 14 year old with promises of a modeling career. Townsend transported the minor from Ohio to Florida where he intended to prostitute her for profit. Townsend faces a mandatory minimum of 15 years to life in prison. Also in December 2009, two Ohio men, Robert Harris and Richard Johnson, pled guilty to sex trafficking by force and other prostitution-related crimes after transporting women and children, including a 13 year old victim from Ohio, to Maryland for the purpose of prostitution. The two men face a maximum term of life in prison. A third man in the case, Craig Allen Corey II—a private first class in the Army—has been indicted on similar charges. All three are residents of Ohio. I have included a press release of this case for your review.

Significant efforts to combat human trafficking in Ohio are occurring. For the past several years Ohio human trafficking coalitions throughout the state have conducted public awareness campaigns and trainings, and some have also provided services for victims identified in Ohio. Unlike many other states, Ohio also has several specialized shelters for human trafficking victims, including Second Chance of Toledo and Gracehaven. Moreover, law enforcement efforts—from trainings to investigations—have made an impact in Ohio. For example, Ohio State Patrol has conducted trainings for all its state troopers, posted the national human trafficking hotline, and conducted investigations. The Toledo FBI's Innocence Lost Initiative—one of 34 working groups around the country composed of FBI, local law enforcement, and others to address child sex trafficking—has provided training and participated in national operations to identify and rescue children in prostitution. The Ohio Peace Officers Training Academy has launched a free course on human trafficking for law enforcement and will be launching a second investigative course in the coming months. The Ohio Attorney General's Trafficking in Persons Research Commission has multiple initiatives to address human trafficking.

In order to support these efforts, Ohio needs to provide adequate legal tools to allow law enforcement to target perpetrators and service providers to assist victims.

Statement of Support

Polaris Project supports SB235, which creates the offense of trafficking in persons and defines involuntary servitude. Currently, 43 states have criminal provisions addressing human trafficking. Ohio is the only state with only a specification on human trafficking to enhance the penalty for other specified crimes committed in the furtherance of human trafficking. By passing SB235, Polaris Project believes that human trafficking will be more comprehensively addressed. The new offense of trafficking in persons would allow authorities to target third party actors who are knowingly involved in human trafficking, but may not be directly subjecting the victim to involuntary servitude or commercial sex. By defining involuntary servitude, there is clarity in the law which will prevent human trafficking from raising a defense related to the term's ambiguity.

Recommendations

Although Polaris Project supports SB235, we recommend including several amendments to comprehensively address human trafficking in Ohio. Most of our recommendations have consensus support from the Ohio Prosecuting Attorney's Association, with whom we have had exchanges via the Legislative Subcommittee of the Ohio Attorney General's Trafficking in Persons Research Commission. Our recommendations are as follows:

Kidnapping (2905.01) and Abduction (2905.02)

Under kidnapping (2905.01), we recommend moving involuntary servitude from division (B) to division (A) as it removes the requirement of "substantial serious physical harm." Often times under situations of involuntary servitude, victims are compelled into service by other means than physical harm. In many cases, they are under psychological coercion where threats are enough to keep control over the victims. We also recommend removing under division (C)(1) the exception of "if the offender releases the victim in a safe place unharmed, kidnapping is a felony of the second degree." Kidnapping for the purpose of involuntary servitude should remain a first degree felony in all instances. What if a person kidnaps an individual and compels them into a situation of involuntary servitude, and later releases that victim unharmed in a safe place after 10 years?

Under abduction (2905.02), we recommend increasing the criminal penalty for holding another in a condition of involuntary servitude to a *second degree felony*. We also recommend including abduction within the conspiracy (2923.01) statute.

Trafficking in Persons (New Offense)

Polaris Project supports creating a new offense of trafficking in persons. We further recommend incorporating this new offense within conspiracy (2923.01), engaging in a pattern of corrupt activity (2923.32), and the human trafficking specification (2929.01).

Human Trafficking Specification (2929.01)

Polaris Project recommends removing the requirement of division 2(c) to show that the offenses "are not so closely related to each other and connected in a time and place that they constitute a single event or transaction." What constitutes a single event or transaction? What if five girls are kidnapped at the same time with the intent to compel them into prostitution? Do the kidnappings constitute a single event, even though five separate kidnapping offenses have been committed? What if five girls are sold all at once from one pimp to another? Polaris Project believes this requirement lacks clarity, making it more difficult to apply the specification.

Polaris Project recommends incorporating involuntary servitude and the new offense of trafficking in persons into the human trafficking specification. Currently, the specification only covers compelling victims into situations of commercial sex—also known as sex trafficking.

Compelling Prostitution (2907.21)

In order to address sex trafficking of children and target the perpetrators, Polaris Project recommends increasing the age of a minor compelled into prostitution from 16 to 18 years under division (B). Moreover, Polaris Project recommends increasing the criminal penalty of compelling prostitution of a minor to a *first degree felony* due to the grave nature of the crime, which often involves physical and psychological violence.

The average age of entry into prostitution is 12-13 years old and often times under the control of a pimp. These children are required to fulfill a nightly quota—forcing them to have sex with up to 20 men a night where they are subjected to violence from not only the pimp, but also by paying “customers”.

Unlawful Conduct with Respect to Documents (New Offense)

Polaris Project recommends creating a new offense of “unlawful conduct with respect to documents” to target individuals who misuse or confiscate identification documents as a means to control, facilitate, and/or compel victims into involuntary servitude and/or commercial sex. Both foreign national and U.S. citizen victims often have personal documents confiscated as means of control. We recommend making this new offense a *third degree felony*.

Penalty for Failure to Pay Minimum Wage When Amount Exceeds \$2,000 (New Felony Penalty)

Polaris Project recommends enhancing the Minimum Fair Wages Standards in order to address failure to pay minimum wage that may be a result of or related to a situation of forced labor. We recommend making it a *fifth degree felony* when the aggregated amount due and not paid to an employee or laborer exceeds \$2,000. This penalty would be amended to the penalty provisions (4111.99).

Conclusion

In conclusion, Polaris Project believes that SB235 is a step in the right direction to begin comprehensively addressing human trafficking in Ohio. It will provide additional tools to law enforcement to target individuals willing to exploit others for their benefit. SB235 will make it clear that modern-day slavery will not be tolerated in Ohio.

Sincerely,



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September 29, 2009

FOR IMMEDIATE RELEASE

<http://www.usdoj.gov/usao/md>

**U.S. ARMY PRIVATE AND THREE OTHER MEN INDICTED ON SEX TRAFFICKING AND
DRUG CHARGES**

**Allegedly Recruited 16 Year Old Girl to Travel from Ohio to Maryland
for Prostitution; Indictment Calls for Forfeiture of Property Used in
Criminal Activity**

Baltimore, Maryland - A federal grand jury has indicted a Millersville, Maryland man and three conspirators from Ohio on charges of running a sex trafficking business from an apartment in Millersville, announced United States Attorney for the District of Maryland Rod J. Rosenstein. The indictment was returned on September 24, 2009 and unsealed today upon the arrest of the defendants. The indictment calls for the forfeiture of all property used in the commission of the crimes, including financial proceeds and a 2006 Chrysler 300 registered in Ohio.

"This case demonstrates the Maryland Human Trafficking Task Force's policy of zero tolerance for child prostitution," said U.S. Attorney Rod J. Rosenstein. "Anyone who profits from sex with children should be on notice that law enforcement agents and prosecutors are standing by to send them to federal prison. Our goal is to prosecute the perpetrators and seize all profits generated by the criminal activity."

"Protecting our communities from the threats and vulnerabilities posed by criminal organizations engaged in human trafficking is a top priority for U.S. Immigration and Customs Enforcement (ICE)," said William Winter, Special Agent in Charge for ICE in Baltimore. "As a member of the Maryland Human Trafficking Task Force, ICE is committed to working with our law enforcement partners to investigate human trafficking, as well as working with our local non-governmental, community-based, and faith-based organizations to identify, rescue, and assist victims of trafficking."

According to the indictment, Craig Allen Corey II, age 23, a resident at Fort George G. Meade Army installation in Anne Arundel County, is a private first class with the U.S. Army. From January to April, 2009, the indictment alleges that Corey conspired with Ohio residents Robert Harris, age 21, Richard Johnson, age 22 and Jacob Tyler, age 22, to operate a prostitution business at Corey's former

Millersville, Maryland apartment. The defendants are alleged to have used online classified ads and social networking websites to recruit females for prostitution and to advertise sexual services. They allegedly arranged for the travel of females, including one girl who was 16 years old, from Ohio to Maryland to engage in prostitution. The defendants allegedly shared the cash proceeds of the prostitution and used the profits to purchase illegal drugs including ecstasy, which they then distributed to associates, prostitutes and customers.

Tyler is also alleged to have used a gun in a threatening manner against a sex customer and Harris allegedly assaulted an 18 year old female who had been brought from Ohio to Maryland to work as a prostitute.

All of the defendants face a maximum sentence of five years in prison for the prostitution conspiracy, 10 years in prison for transportation for prostitution, 20 years in prison for enticement and 20 years in prison for conspiracy to distribute ecstasy and BZP. Corey, Harris and Johnson also face a maximum sentence of life in prison for sex trafficking by force. Corey also faces a maximum sentence of life in prison for sex trafficking of a minor, 20 years in prison for distribution of child pornography and 20 years in prison for distribution of BZP. Corey is scheduled to have his initial appearance in federal court in Baltimore today at 2:00 p.m. Harris, Johnson and Tyler will have their initial appearances in federal court in Columbus, Ohio before their removal to Maryland.

The case was investigated by the Maryland Human Trafficking Task Force formed in 2007 to discover and rescue victims of human trafficking while identifying and prosecuting offenders. Members include federal, state and local law enforcement, as well as victim service providers and local community members. For more information about the Maryland Human Trafficking Task Force, please visit <http://www.usdoj.gov/usao/md/Human-Trafficking/index.html>.

United States Attorney Rod J. Rosenstein praised U.S. Immigration and Customs Enforcement, Anne Arundel County Police Department, Anne Arundel County State's Attorney's Office, U.S. Army Criminal Investigation Command and the Chillicothe, Ohio Police Department for their assistance and investigation. Mr. Rosenstein thanked Assistant U.S. Attorney Solette A. Magnelli, who is prosecuting the case.

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December 3, 2009

FOR IMMEDIATE RELEASE

<http://www.usdoj.gov/usao/md>

OHIO MAN PLEADS GUILTY TO SEX AND DRUG TRAFFICKING

**Used Craigslist, MySpace, YouTube and Other Social Networking Sites
to Recruit Prostitutes and Sell Sexual Services**

Baltimore, Maryland - Richard Johnson, age 22, of Chillicothe, Ohio, pleaded guilty today to charges related to running a sex and drug trafficking business from an apartment in Millersville, announced United States Attorney for the District of Maryland Rod J. Rosenstein.

According to Johnson's plea, from January to April, 2009, he participated in a conspiracy to conduct a prostitution business from an apartment in Millersville, Maryland. Specifically, Johnson admits that he and his co-conspirators transported, and enticed to travel, at least 12 individuals from two different states to Maryland, in order to engage in prostitution. Johnson directly and successfully recruited two of those individuals, and attempted to recruit additional females. Johnson and his co-conspirators shared in the prostitution earnings of girls who worked for them. Johnson spent his earnings on illegal narcotics, jewelry and expensive watches. Johnson and his co-conspirators often boasted of the money they were earning in Maryland by filming videos displaying their items of wealth and posting them on the internet.

Johnson and his co-conspirators used Craigslist, MySpace, YouTube, and other web-based social networking and classified advertising services, as well as cellular telephones, to recruit females to serve as prostitutes, to promote their prostitution business, and to advertise sexual services. Johnson and his co-conspirators used prepaid debit cards and aliases when posting Craigslist ads for sexual services in order to conceal their unlawful activities. Johnson also assisted in photographing females in various states of undress to accompany advertisements of sexual services on Craigslist. Johnson and some co-conspirators also provided protection for the prostitutes working at the apartment in Millersville, even brandishing a gun during a dispute. Johnson also handled numerous firearms during the conspiracy and discharged a weapon in the apartment.

Also according to the plea agreement, from at least January 2009

through September 2009, Johnson and his conspirators distributed illegal narcotics to associates, prostitutes, sex and drug customers and others, both inside and outside of Maryland. Johnson admits that he is responsible for between 50 and 200 grams of MDMA, also known as Ecstasy, and N-Benzylpiperazine, also known as BZP. Johnson often came to Maryland to utilize the Millersville apartment to establish a drug business in Baltimore. On at least three occasions, Johnson went to Detroit, Michigan with a co-conspirator to purchase illegal narcotics, later distributing these drugs in Ohio and Maryland. Upon his release from Maryland state custody in August 2009, Johnson returned to Ohio and continued to negotiate drug sales with a co-conspirator located in Maryland. Until his federal arrest in September 2009, Johnson also contacted a number of potential witnesses in this matter to provide warnings that law enforcement was still investigating.

Johnson faces a maximum sentence of: life in prison for sex trafficking by force; five years in prison for the prostitution conspiracy; 10 years in prison for transportation for prostitution; 20 years in prison for enticement; and 20 years in prison for conspiracy to distribute Ecstasy and BZP. U.S. District Judge J. Frederick Motz scheduled his sentencing for February 12, 2010 at 10:00 a.m.

The case was investigated by the Maryland Human Trafficking Task Force formed in 2007 to discover and rescue victims of human trafficking while identifying and prosecuting offenders. Members include federal, state and local law enforcement, as well as victim service providers and local community members. For more information about the Maryland Human Trafficking Task Force, please visit <http://www.usdoj.gov/usao/md/Human-Trafficking/index.html>.

United States Attorney Rod J. Rosenstein praised U.S. Immigration and Customs Enforcement, Anne Arundel County Police Department, Anne Arundel County State's Attorney's Office, U.S. Army Criminal Investigation Command and the Chillicothe, Ohio Police Department for their assistance and investigation. Mr. Rosenstein thanked Assistant U.S. Attorney Solette A. Magnelli, who is prosecuting the case.

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December 23, 2009**

FOR IMMEDIATE RELEASE

<http://www.usdoj.gov/usao/md>

SECOND OHIO MAN PLEADS GUILTY TO SEX AND DRUG TRAFFICKING**Used Craigslist, MySpace, YouTube and Other Social Networking Sites
to Recruit Prostitutes and Sell Sexual Services**

Baltimore, Maryland - Robert Harris, a/k/a "Little Rob," age 21, of Chillicothe, Ohio, pleaded guilty today to charges related to running a sex and drug trafficking business from an apartment in Millersville, announced United States Attorney for the District of Maryland Rod J. Rosenstein.

According to Harris' plea, from January to April, 2009, he participated in a conspiracy to conduct a prostitution business from an apartment in Millersville, Maryland. Harris and his co-conspirators transported, and enticed to travel, at least 12 individuals from at least two different states to Maryland. Specifically, Harris transported one girl from Ohio to Maryland to engage in prostitution. Once in Maryland, she was photographed unclothed as well as partially clothed and was given an alias. The photos and the alias were used in the Craigslist ads that offered her for sex acts. While a 202 phone number belonging to one of the co-conspirator was given in the ads for sex customers to call and make a date with the girl, Harris also provided his cellular telephone number in several ads for this purpose. Harris, co-conspirator Richard Johnson and other co-conspirators shared in the prostitution earnings of this young woman, as well as other girls who worked for them. Harris spent his earnings on illegal narcotics, jewelry, clothes and gold teeth.

Harris, Johnson and their co-conspirators used Craigslist, MySpace, YouTube, and other web-based social networking and classified advertising services, as well as cellular telephones, to recruit females to serve as prostitutes, to promote their prostitution business, and to advertise sexual services. Harris assisted his co-conspirators in obtaining prepaid debit cards to pay for ads posted on Craigslist for sexual services, in order to conceal their unlawful activities. When Harris traveled to Maryland from Ohio, he also brought an illegally obtained 9 mm Luger handgun with .380 ammunition. Harris understood that part of his role with regard to managing the brothel might entail confronting and threatening sex customers, and that this could be accomplished by brandishing his

firearm. At some point between approximately February and April 2009, a co-conspirator did, in fact, brandish Harris' firearm at a sex customer when a dispute over payment arose.

Beyond the threat and presence of firearms, the conspirators used threats and actual physical violence against female sex workers. On one occasion, Harris watched one of his co-conspirators beating a female sex worker when she refused to continue prostituting and did not intervene. On a different occasion, Harris physically assaulted the young woman he brought from Ohio when she refused to share her prostitution earnings. Harris also repeatedly threatened her over the sharing of her earnings.

Also according to the plea agreement, from at least January 2009 through September 2009, Harris, Johnson and their conspirators distributed illegal narcotics to associates, prostitutes, sex and drug customers and others, both inside and outside of Maryland. On at least one occasion, Harris went to Detroit, Michigan with a co-conspirator to purchase illegal narcotics. While in Detroit, Harris and the co-conspirator purchased and split approximately 200 Ecstasy and/or BZP pills, which they later distributed in Ohio and Maryland. After his federal incarceration in September 2009, Harris contacted and attempted to contact numerous potential witnesses, directly and through third parties, in order to influence the witnesses to change their statements.

Harris faces a maximum sentence of: life in prison and a mandatory minimum of 15 years in prison for sex trafficking by force; five years in prison for the prostitution conspiracy; 10 years in prison for transportation for prostitution; 20 years in prison for enticement; and 20 years in prison for the drug conspiracy. U.S. District Judge J. Frederick Motz scheduled his sentencing for February 16, 2010 at 9:15 a.m.

Richard Johnson, age 22, of Chillicothe, Ohio, pleaded guilty on December 3, 2009, to the same charges and is scheduled to be sentenced on February 12, 2010 at 10:00 a.m.

The case was investigated by the Maryland Human Trafficking Task Force formed in 2007 to discover and rescue victims of human trafficking while identifying and prosecuting offenders. Members include federal, state and local law enforcement, as well as victim service providers and local community members. For more information about the Maryland Human Trafficking Task Force, please visit <http://www.usdoj.gov/usao/md/Human-Trafficking/index.html>.

United States Attorney Rod J. Rosenstein praised U.S. Immigration and Customs Enforcement, Anne Arundel County Police Department, Anne Arundel County State's Attorney's Office, U.S. Army Criminal

Investigation Command and the Chillicothe, Ohio Police Department for their assistance and investigation. Mr. Rosenstein thanked Assistant U.S. Attorney Solette A. Magnelli, who is prosecuting the case.

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