



Senator Grendell  
Chairman, Senate Criminal Justice Committee  
Ohio Senate

April 14, 2010

Re: Support for SB 235 To create the offense of Trafficking in Persons

Good morning Chairman Grendell and Honorable members of the Ohio Senate Criminal Justice Committee.

Thank you for your consideration of Senate Bill 235 and for your time and effort in preparing legislation in Ohio that addresses human trafficking, a form of modern-day slavery. Thank you as well for allowing me this opportunity to testify before you regarding my thoughts on the importance of this particular piece of legislation.

My name is Dr. Jeff Barrows and for the last 5 years I have served as a health consultant on human trafficking with the Christian Medical Association. During that time, I researched the health consequences of human trafficking and published an article in the medical literature on human trafficking.<sup>1</sup> In 2008, I founded a non-profit organization named Gracehaven that is working to open the first rehabilitative shelter in Ohio for girls under the age of 18 who have been victims of domestic minor sex trafficking (DMST). We are currently in the process of renovating a home outside of Columbus that will serve as our facility. Once open, our program will not only provide a safe place for these young victims to live, but will also allow them to continue their education and receive the counseling necessary for them to be rehabilitated toward a normal life. I also currently serve on the Ohio Trafficking in Persons Study Commission.

Gracehaven was started to deal with the most common form of human trafficking within the United States today, domestic sex trafficking of U.S. minors. A University of Pennsylvania Study estimated that approximately 300,000 children in the U.S. are at risk of commercial sexual exploitation.<sup>2</sup> A recent report released by the Ohio Trafficking in Persons Study Commission concluded that there are approximately 1078 minors who are currently victims of DMST in

Ohio, and over 6000 individuals in our state who are at risk of being trafficked.<sup>3</sup> In spite of these shocking numbers of trafficking victims, Ohio remains one of only 7 states without felony-level language for human trafficking offences. I am here testifying to emphasize the fact that human trafficking is here in Ohio and that we need specific legislation that makes human trafficking a felony to adequately prosecute and punish those involved in this horrific criminal activity. SB 235 will make that necessary change. It is an excellent first step that allows Ohio to join the majority of other states that have made human trafficking a felony offense. However, there is more legislative work that needs to be done to bring Ohio in line with federal statutes regarding human trafficking. In addition to lacking felony-level language for trafficking in persons, Ohio differs from the federal legislation contained in the Trafficking Victims Protection Act of 2000 (TVPA) by failing to adequately address the issue of the minor involved commercial sexual exploitation. The TVPA defines severe forms of trafficking in persons as:

“sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age”.<sup>4</sup>

This definition removes the need to prove force, fraud, or coercion within the federal statute when dealing with a minor, thereby making any involvement in commercial sex with a minor a severe form of trafficking. Congress passed this language having come to the conclusion that it was impossible for a minor to give proper consent to commercial sex. In addition, Congress defines a minor specifically as someone who has not attained 18 years of age. As current Ohio law stands, it is unclear whether a minor under age 18 involved in commercial sex is a victim or a criminal. This is proven by the fact that according to state data, in 2006, a 14 year old, ten 16 year olds and thirteen 17 year olds arrested for solicitation in Ohio. In 2007, two 16 year olds and five 17 year olds were arrested for solicitation in Ohio. These numbers reflect only those minors charged according to state statutes. They are very low because a large percentage of these minors are charged according to their local city statutes against soliciting and loitering with intent to solicit.

Therefore, while strongly supporting SB 235 making human trafficking a second-degree felony here in Ohio, I am aware that Ohio law still falls short of federal legislation regarding it's treatment of minors involved in commercial sex. Specifically, the TVPA maintains a clear victim-centered approach to minors found engaging in commercial sex. When an international minor is found by federal authorities to be involved in commercial sex, instead of being arrested, their life situation is investigated by the proper child protective services and efforts are made to

enroll that minor into rehabilitative services, rather than treating them as a criminal. One possible way for Ohio to address this issue within the Ohio Revised Code would be to investigate the possibility of changing statutes 2907.24 and 2907.241, statutes dealing with solicitation and loitering with intent to solicit, so that they specifically do not apply to minors under the age of 18. Language could be inserted instructing law enforcement and juvenile court officials to take a victim centered approach to these minors by referring them to the local child protective services organization for investigation and placement. I know of isolated cases in Ohio where this is already occurring. A similar law has just gone into effect in the State of New York entitled the Safe Harbor Act. As of April 1, 2010, instead of juveniles under the age of 18 who are found soliciting being adjudicated in juvenile delinquency proceedings, they are adjudicated in family court in Persons in Need of Supervision (PINS) proceedings. This approach recognizes that the vast majority of youth enter prostitution in order to meet basic needs and free themselves from abusive situations. This is supported by data showing that 85% of children involved in prostitution come from homes already involved with child welfare agencies, and 75% of children in prostitution have been placed in foster homes.

One admitted problem with this approach currently however, is the complete lack of adequate rehabilitative services that specialize in the unique needs and problems within this population in Ohio. The only organization I am aware of that is currently open, which specializes in dealing with these minors, is a safe house in Toledo operated by Second Chance. However, their facility is only a 72-hour stabilization facility. There are no long-term rehabilitative facilities within Ohio that are currently open and available for victims of domestic minor sex trafficking. The closest organizations are found in New York City and Atlanta. In Ohio, Gracehaven is the only organization that is relatively close to being open, with a goal of opening within the next 6-9 months. The major reasons for this lack of services are the need for specialized training and funding. Maintaining a rehabilitative home environment for a group of these girls requires a high level of staffing and training which is quite expensive. With over 1000 estimated victims of domestic minor sex trafficking in Ohio, the need for rehabilitative services is evident and immediate.

I urge you to vote yes on SB 235 thereby making human trafficking a felony in the State of Ohio, taking the first step toward adequately dealing with this growing modern form of human slavery.

Thank you for your time and attention to this matter.

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<sup>1</sup> Barrows J and Finger R. "Human trafficking and the healthcare professional." South Med J. 2008 May;101(5):521-4.

<sup>2</sup> Estes, R.J. and Weiner, N.A. "The Commercial Sexual Exploitation of Children In the U.S., Canada and Mexico." University of Pennsylvania, 2001. Available online at:  
[http://www.sp2.upenn.edu/~restes/CSEC\\_Files/Complete\\_CSEC\\_020220.pdf](http://www.sp2.upenn.edu/~restes/CSEC_Files/Complete_CSEC_020220.pdf)

<sup>3</sup> Research and Analysis Sub-committee of the Ohio Trafficking in Persons Study Commission. "Report on the Prevalence of Human Trafficking in Ohio". Available online at:  
<http://www.ohioattorneygeneral.gov/TraffickingReport>

<sup>4</sup> TVPA of 2000. Sec. 103:8(A).