

To: Ohio Senate Judiciary Committee on
Criminal Justice
From: Tabitha M. Woodruff
Date: April 14, 2010
Re: Proponent Testimony for Senate Bill 235



I am a first year law student and a volunteer for both the Central Ohio Rescue and Restore Coalition (CORRC) and Gracehaven. I serve as co-chair on CORRC's legislation and lobbying committee, volunteer for our public awareness committee, and represent CORRC at speaking engagements around central Ohio. For Gracehaven I work generally as a volunteer and also provide legal research upon request.

Through my work with these abolitionist organizations, I have made two startling discoveries. First, that Ohio has been nationally recognized by the FBI as having a pervasive human trafficking problem that may be one of the worst in the country and secondly, that Ohio has weaker state human trafficking laws than at least 43 other states.¹ I am here today because I believe this is no coincidence. The U.S. Department of Justice encourages each state to develop its own human trafficking stand-alone felony, and I agree both with their suggestion and with their subsequent recommendations.² We need to pass Senate Bill 235 to create a stand-alone felony offense for trafficking in persons. The Ohio Revised Code in its current form ineffectively addresses human trafficking in three major respects: it too easily allows traffickers and their comrades to go unprosecuted, it ignores labor trafficking entirely, and it fails to properly identify many victims as human trafficking victims, which is an important step in linking them to needed services. Senate Bill 235, if passed, will allow traffickers who focus on recruitment, transportation, and security to be prosecuted as traffickers; it will cover labor trafficking; and it will make it easier to designate human trafficking crimes as human trafficking.

I remind you that when addressing human trafficking, we must remember that we are not simply fighting the most persistent egregious crime against humanity committed in our streets today. While that may be an emotionally compelling perspective to take on the issue, it is not the most practical perspective in application. What we are combating is a \$32 billion illicit industry that has been in existence since the beginning of time. Slave traders today and hundreds of years ago argued the same defense: 'It's not that we hate women and children; it's not that we're all pedophiles. It's all about the money.' A pimp typically makes between \$500 and \$1000 a night per girl. One pimp made over \$600,000 in one year off of just four women.³ Interviews with imprisoned traffickers have confirmed for us that they are not just sadistic rapists; they are sophisticated businessmen that have outsmarted law enforcement and the public at large for decades.⁴ Despite the repulsive atrocities that constitute their crimes, traffickers have somehow been more successful in their public relations campaigns than Nike or Wal-Mart. "Pimp culture" teaches us and our youth that "pimps" are cool, and "whores" are worthless. The word "pimp"

¹ <http://www.ohioattorneygeneral.gov/TraffickingReport>

² http://www.justice.gov/crt/crim/model_state_law.pdf

³ <http://www.polarisproject.org/images/docs/Ohio-Report-on-Trafficking.pdf>

⁴ http://humantrafficking.change.org/blog/view/human_trafficker_gives_rare_video_interview;
http://www.enddemandillinois.org/sex_trafficking_in_illinois.html

has even been turned into a commonly used adjective that means something good! We all buy into it, and even our laws reflect that. Legislation and law enforcement funding pays attention to drug trafficking, yet human trafficking was not even defined by the Ohio Revised Code until last year. Some traffickers began as drug dealers before soon realizing this contrast. They realized that they can sell an ounce of cocaine only once; they can sell a woman over, and over, and over and even if law enforcement notices, our laws instruct them to first and foremost place that woman under arrest. The traffickers have noticed that we have bought it, that we are well behind our peers in formulating strong human trafficking law. Traffickers, like any other group of businessmen, carefully consider the leniency of state law when designating a place of business according to the Report issued by the Ohio Attorney General Trafficking in Person Study Commission.⁵ When it is apparent that state laws are strict, they move to more permissive regions with lower penalties, fewer laws, and reduced enforcement. Ohio is currently one of only seven states that has yet to designate human trafficking as a stand-alone felony offense, and this is a red flag to traffickers that Ohio is a profitable place to come and set up shop.

So why exactly is Ohio law so friendly to labor and sex traffickers by comparison? First, it forgets to mention huge subsets of traffickers entirely. There are many different crimes that may be involved in human trafficking, as the enactment of Ohio Revised Code §2941.1422 suggested. §2941.1422 is a human trafficking specification (sentencing enhancement) that can be added to any two of the following felony convictions: kidnapping, abduction, promoting prostitution, compelling prostitution, endangering children, engaging in a pattern of corrupt activity, and illegal use of a minor in nudity-oriented material or performance. However, this human trafficking sentencing enhancement fails to address other criminal activity commonly involved in human trafficking. Primarily three categories of persons who would be criminally charged as traffickers under federal law go unnoticed under Ohio human trafficking law. Some traffickers focus specifically on recruiting trafficking victims, who are then transferred to their partners or sold to the trafficker with the highest bid for the next stage in the process. The TIP Commission's Report explains that these victims are not typically recruited through kidnapping or abduction as our current human trafficking law suggests.⁶ Recruiters often entice victims through fraud: promising paid work as a model, in a restaurant, or on a farm. Others find emotional manipulation to be much more effective, particularly with children. "Grooming" involves first earning the trust of the victim, convincing them that you love and care for them, and then initiating a horrifying sequence of physical, sexual, and emotional abuse that paralyzes the victim in fear. Other traffickers work primarily to transport sex trafficking victims from city to city. This constant relocation of victims serves three purposes: it prevents victims from reaching out for help or escaping; it makes it more difficult for law enforcement to identify and find victims; and it supplies johns in various cities with a constant variety of girls to choose from. For these reasons, sex traffickers often trade their victims and employ transportation to facilitate such transactions. Lastly, Ohio human trafficking law does not address the traffickers who are charged merely with watching the victims. These traffickers are often called watchers, bouncers, or security guards.⁷ While these traffickers may actually restrain victims with brute force, often they simply provide a substitute presence for the primary trafficker to reinforce a victim's fear. This can be just as effective as the use of brute force if the victim has been

⁵ <http://www.ohioattorneygeneral.gov/TraffickingReport>

⁶ Id.

⁷ Id.

effectively groomed. Senate Bill 235, if passed, will properly designate these traffickers as felons alongside other types of traffickers already covered by the Revised Code.

Secondly, current Ohio law allows various types of trafficking situations to slip through the cracks. R.C. §2929.01(AAA) defines human trafficking to only include sex trafficking. While sex trafficking is the more offensive and troubling side of human trafficking, labor trafficking is estimated by the International Labor Organization to constitute at least 32% of all human trafficking.⁸ Men, women, and children are forced to work in restaurants, nail salons, factories, homes, and on farms right here in Ohio. The TIP Commission Report shared the plight of a young man from Miamisburg, Ohio, who was trafficked for six months across ten states and forced to work selling magazine for 10 to 14 hours per day. He was then dropped off 1000 miles from home with \$17. The Report also confirmed that at least three other labor trafficking situations were identified right here in Columbus, Ohio in the past two years.⁹ This must not be dealt with as a mere labor dispute or failure to pay deserved wages. This is slavery, and Senate Bill 235 will recognize involuntary servitude as human trafficking.

Finally, identifying these criminals as traffickers and these situations as human trafficking is necessary to properly identify the victims of these crimes as human trafficking victims. CORRC and other abolitionist groups believe it is important to identify human trafficking as human trafficking for fundamental and symbolic reasons. However, it is also important when working under the umbrella of federal funding and aid that human trafficking victims be identified as such so that we as service providers may link them to federally funded services reserved for trafficking victims including housing, education, health care, and job training.¹⁰ Under the current human trafficking specification, unfortunately, there is little incentive for prosecutors to take the extra steps necessary to label an arrested criminal as a trafficker even though this would identify the crime victim as a trafficking victim. Ohio's human trafficking specification requires the prosecutor to carry not only the burden of proving all the elements of human trafficking listed in R.C. §2929.01 (AAA), but also the burden of proving every element of at least two separate felonies beyond a reasonable doubt before a crime is officially recognized as human trafficking. At that point, all the prosecutor has accomplished on the prosecution end through this extra labor is to have the defendant sentenced to mandatory prison time, which may be as little as 12 months. Without accomplishing these steps, the prosecutor cannot have the criminal officially recognized as a trafficker under Ohio law. It is no wonder that no person has ever been prosecuted in the state of Ohio under our human trafficking specification.

Senate Bill 235 will remedy all of these concerns. It will pave the way for a development of a comprehensive anti-human trafficking policy in Ohio by first addressing the most fundamental branch of such a policy: prosecution. It condenses and simplifies the process for prosecuting labor and sex traffickers under state law. I am proud to see this committee working to give law enforcement the tools necessary to bring labor and sex traffickers to justice, the first important step toward eradicating slavery in Ohio.

⁸ <http://www.ilo.org/public/english/region/asro/manila/downloads/flstats.pdf>

⁹ <http://www.ohioattorneygeneral.gov/TraffickingReport>

¹⁰ http://www.acf.hhs.gov/trafficking/about/TVPA_2000.pdf ;
<http://www.dss.cahwnet.gov/refugeeprogram/PG1268.htm>