



Testimony of Faith Huckel

Co-founder and Executive Director, Restore NYC

Before the City Council

Committee on Transportation and Committee on Women's Issues

Regarding:

1. The amendment of the administrative code of the city of New York to strengthen the penalties for illegally operating non-TLC licensed vehicles for hire.
2. A local law to amend the administrative code of the city of New York in relation to the unlawful use of vehicles for the purpose of promoting prostitution.

On behalf of Restore NYC, I would like to thank the Committees of Transportation and Women's Issues and Council Members Vacca and Ferreras for holding this hearing. My name is Faith Huckel and I am the Co-founder and Executive Director of Restore NYC.

Restore NYC is a nonprofit organization that restores freedom, safety and hope for foreign-born survivors of sex trafficking by providing long-term, holistic aftercare services. We partner with local and federal officials and other organizations to empower survivors and facilitate the prosecution of traffickers. We provide case management, counseling, ESL, job training, court advocacy, financial assistance and movement therapy. In October 2010, Restore opened the first long-term safehouse in the Northeast dedicated to foreign-born survivors of sex trafficking.

Our clients are trafficked from abroad, specifically South Korea, China, Indonesia, the Dominican Republic, Mexico and other countries in Central America. In 2010, we served over 100 clients: 73 percent are undocumented and ages range from 18-43 years, with an average age of 34. All of the clients come from low socio-economic backgrounds and a majority has an education level of high school or lower. By the end of 2011, Restore anticipates serving over 180 clients this year.

The women are forced to work in brothels, which are typically houses, apartments or businesses that operate as fronts for prostitution in Flushing, Jackson Heights, Corona, Jamaica, Midtown Manhattan and Chinatown. For-hire cabs often play a very crucial role in the transportation of johns and victims to and from these brothels in New York City. Our clients have disclosed that for-hire cabs can sometimes make 50 percent of the profits from the delivery of a john.

Any social service agency working on the front lines with survivors of trafficking is familiar with one of the city's best-kept secrets that for-hire cabs drive around 32nd Street in Midtown Manhattan looking for men to pick up and drive into Queens (specifically Flushing) for prostitution.

In addition, for-hire cabs are used in and around the West Queens area. The 115th precinct, which covers Jackson Heights, Corona and East Elmhurst, accounts for the largest number of prostitution-related arrests in Queens. These areas are highly utilized by for-hire cabs purposefully acting either independently or with a group of drivers for the trafficking of women. Whether or not the for-hire cab drivers have TLC licenses remains uncertain. However, based off of client reports, trafficking rings are well-organized and well-funded, often operating their own independent car services specifically for driving johns and victims to and from various locations.

Restore NYC supports both the amendment to strengthen the penalties for illegally operating non-TLC licensed vehicles for hire and a local law to amend the administrative code in relation to the unlawful use of vehicles for the purpose of promoting prostitution.

We believe that if enacted, these bills will help attack the demand for sex trafficking in NYC by increasing penalties for non-TLC licensed vehicles for hire and by increasing the awareness of sex trafficking by educating TLC-licensed vehicle drivers. Cab drivers in NYC can be first responders for victims of sex trafficking if provided with a framework to better understand the current trends and dangers in the sex trafficking industry, and with a practical guide to identifying the signs of sex trafficking and notifying the appropriate government agencies and nonprofit organizations.

Again, thank you to the Committees for hosting today's hearing. I encourage the City Council to please pass these amendments in order to decrease the demand for trafficking in our city.

Thank you.

For more information, visit www.restorenyc.org

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**THE NEW YORK CITY COUNCIL
COMMITTEE ON TRANSPORTATION**

TESTIMONY

OF THE

COALITION OF TRANSPORTATION ASSOCIATIONS (COTA)

ON THE

***PROPOSAL TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW
YORK IN RELATION TO THE UNLAWFUL USE OF VEHICLES FOR THE
PURPOSE OF PROMOTING PROSTITUTION***

December 14, 2011

Good morning Chairman Vacca and members of the Transportation Committee. My name is Gary Finiguerra, and I am affiliated with the law firm of Windels Marx Lane & Mittendorf and its Transportation Practice Group. I am appearing on behalf of the Coalition of Transportation Associations.

COTA is a coalition of all of the limousine and black car trade associations in the New York Metropolitan Area, representing thousands of black cars and limousines in the New York City metro area, and includes:

- ❖ The Luxury Base Operator's Association (LBOA);
- ❖ The Black Car Assistance Corporation (BCAC);
- ❖ The Limousine Association of New York (LANY);
- ❖ The Long Island Limousine Association (LILA); and
- ❖ The Limousine Association of New Jersey (LANJ).

Our law firm is also General Counsel to LBOA and LANJ.

The mission of COTA is to work together to support the economic integrity and sustainability of the for-hire ground transportation industry, and to promote safety, the highest quality customer service and to support and promote reasonable and sound government regulation to further those purposes.

COTA agrees that promoting prostitution is a crime that degrades the quality of life in our communities. However, we have many questions regarding the proposed legislation and see many problems arising if such legislation were to take effect. We are not aware of any studies, reports or crime statistics that demonstrate a unique problem involving prostitution in our industry that warrants this type of legislation. However, if the council wishes to be proactive in this area we believe there are better ways of achieving the goals of the proposed law.

The proposed legislation would mandate a course be taken by all drivers, which we believe is unnecessary. This would be the only course required to be taken prior to obtaining a license other than the standard defensive driving course. It is also unclear what the contents of this program would be and we have a number of questions on what the course or program would include. Would the course train drivers to question, investigate and discharge or report their passengers based upon the way they and their guests may dress or act? Other than describing the fines and penalties involving facilitating prostitution, what else could the course or program contemplated teach the drivers, vehicle and business owners in our industry? We are hoping for clarity on this issue.

The new language in Section 5 is vague and overbroad, among other concerns. The New York Penal Law covers prostitution offenses, and it is the responsibility of the Police Department and the District Attorneys' Offices – not TLC licensed drivers or businesses - to enforce such laws. All citizens, including the members of our industry, have a duty and obligation to cooperate with law enforcement where crimes of prostitution are being committed or investigated, and that is where that responsibility should end. This law would create confusion and tension between drivers and their customers. Drivers would become fearful that if they did not further probe into the activity of their passengers that they could be help responsible for significant penalties under this proposed law. For instance, are drivers and limousine owners expected to place cameras in the back of their limousines to search for an exchange of money, and to interfere or interrupt a couple's intimate moments during a special occasion? This law is currently drafted broadly enough to impute or infer that such "police work", which infringes upon the liberty of passengers, is required of drivers and business owners. It goes way beyond what we believe is the Council's desire to stop or penalize businesses that may use for-hire ground transportation vehicles as a mechanism for engaging in a criminal enterprise where the drivers and owners set out to promote and facilitate prostitution inside their vehicles. There is a big difference and the application of this law raises constitutional concerns.

The penalties under this proposed legislation are also inconsistent with the regulatory scheme of the Taxi and Limousine Commission. For example, the civil penalty of ten thousand dollars and revocation of license is egregious compared to other violations of TLC rules. This penalty is equal to that of bribing a government official or engaging in acts of fraud such as meter tampering. To hold a driver or business responsible for "knowing" all of the activities by and between their customers is not tantamount to the intentional and egregious acts contemplated by other offenses with similar fines. The requirement for a course regarding easily available rules also does not fit into the TLC regulatory scheme, and would be the first and only mandatory course for licensed drivers of the for-hire vehicle industry.

In terms of constitutional concerns with this proposed legislation, we have been in touch with and are consulting with the New York Civil Liberties Union on these issues. If both the NYCLU and COTA had more than just a few days notice of this proposed

legislation, we could have documented case law and conducted legal research to present to the Committee explaining why this current law could give rise to legal challenges.

There are simpler and more effective ways to achieve the goals of this legislation, without the confusion and burden being place on our regulated industry, and without raising constitutional issues. For example, prior to obtaining a license, drivers could be provided with a pamphlet or document detailing the seriousness of the crime and penalties regarding prostitution. It could also be a requirement to have business owners to provide an informational pamphlet or notice regarding the law and its criminal penalties to their drivers.

COTA supports reasonable regulations and we respect the goals of Council in this area. However, this proposed law as currently drafted is impractical, vague and overbroad. We would be happy to work with the Committee to provide any further information or to help modify this bill to address our concerns.

Thank you for the opportunity to testify today.

**Testimony of
State Senator Jose Peralta
At New York City Council Hearing
Wednesday, December 14, 2011**

Contact: Frank Sobrino
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Good morning. I am State Senator Jose Peralta. Thank you for the opportunity to address you about this important issue. And special thanks to Council Member Julissa Ferreras for her bill.

Last spring, I introduced a similar piece of legislation in the state senate. When Council Member Ferreras called a few weeks ago and said she thought there was a better chance to get it into law through the City Council than the state legislature, I embraced the idea.

Again, many thanks Julissa. And thank you also to Council Members Vacca and Crowley for their bill.

I also want to thank the advocates for victims of sex trafficking, several of whom are here today, for their tireless and selfless dedication to performing life-changing work.

I want to salute Faith Huckel, executive director of Restore NYC. My senate bill is the product of numerous discussions with Faith and her staff. Faith is the one who proposed creating a training program to raise awareness among livery and cab drivers about the extent and brutality of the sex trafficking industry.

The aim of my bill is to go after the sex trade flourishing on Roosevelt Avenue in Corona and Jackson Heights by curbing the quote, unquote, "free delivery" advertised by local pimps, and the shuttling of johns from Midtown Manhattan into my district.

Whether the johns are shuttled in by taxi, livery or private drivers who recruited them in Midtown, or they drive themselves, or arrive via one of the various means of public transportation, they descend on the stretch of Roosevelt Avenue from 69th Street to 112th Street ready for sex and willing to pay for it.

Some patronize restaurants reportedly offering packages that include dinner, drinks and a woman. Others hop into mobile brothels parked in the vicinity of Roosevelt Avenue. Those with a preferred location of their own take advantage of the many offers of "free delivery."

Earlier this year, I introduced a bill—which has since been signed into law by the Governor—prohibiting the distribution of obscene, business-card-

sized ads for prostitutes. These so-called “chica” cards, which have been handed out along Roosevelt Avenue and adjacent streets for many years, feature promises of “free delivery.”

After a press conference at which I unveiled my chica cards bill, the problem drew attention. The cards were the subject of some jokes.

And it turned out that one of the cards we enlarged and displayed at the press conference pictured an international supermodel.

The harsh reality, however, is that there is absolutely nothing funny, or glamorous, about prostitution.

The fact is, many women from around the world and across the country are brought here—to New York, to my district—and are enslaved, forced to have sex with strangers for the profit of human traffickers and pimps.

We have to dispel the dangerous notion that prostitution is a victimless crime.

And we do that with information and by raising awareness.

Someone aware of the brutal truth is less likely to participate in the continued exploitation of these women.

Someone who understands the plight of these women, who recognizes that prostitution is often not a consensual business transaction, is also more likely to say something if they see something.

And that’s the point: To raise awareness.

The overwhelming majority of taxi and livery drivers work hard to make an honest living.

To make that clear, I’m going to say it again: The overwhelming majority of taxi and livery drivers work hard to make an honest living.

And we’re certainly all painfully aware that it can be dangerous work.

But from what I've heard and seen, I believe there are some—a very small minority—who have been involved in bringing johns into Jackson Heights and Corona from Midtown Manhattan, and others who have provided the so-called “free delivery” advertised on the “chica” cards.

Again, someone who understands what these women are really going through is less likely to participate in the exploitation of these women and is more likely to say something when they see something.

The vast majority of livery and taxi drivers work hard to help sustain their families and they do so with great dignity and honesty.

Neither I nor Council Member Ferreras seek to condemn an industry so vital to our city's life and economy.

What we want is justice for trafficked women. What we want is to force the traffickers and pimps out of business by making it unprofitable to brutally exploit women.

We can begin to do that by raising awareness and by imposing penalties commensurate with the brutality inherent in sex trafficking.

That's why I support Council Member Ferreras's bill and why I urge the City Council to make it the law.

In closing, I will leave you with a statistic to contemplate, one of many I'm sure you will hear today that will be upsetting, disconcerting and, in all likelihood, hard to imagine.

There are some 27 million slaves in the world today—27 million. That is more than at any other time in human history. Most are trafficked for commercial sexual exploitation; 80 percent are female.

And make no mistake: Many of them are being abused and exploited in public and private locations in our very own communities.

We must do all that we can, as soon as we can, to put an end to it.

Again, thank you for the opportunity to address this important issue.



NYCLU

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*Read Into
Records*

By hand

December 14, 2011

Hon. James Vacca
Chair, Committee on Transportation

Hon. Julissa Ferreras
Chair, Committee on Women's Issues

New York City Council
City Hall
New York, NY 10007

Re: Int. 725, in relation to the unlawful use of vehicles for the purpose of promoting prostitution

Dear Council Members Vacca and Ferreras:

At a public hearing today the members of the City Council Committee on Transportation and the Committee on Women's Issues will take up legislation that would prohibit a driver or owner of a taxi cab or other for-hire vehicle from "knowingly allow[ing]" such a vehicle to be used for promoting prostitution. Violation of this prohibition brings a penalty of \$10,000 and suspension of the driver's license.

Notwithstanding the bill's laudable intent – to prevent harm to the victims of prostitution and trafficking – the proposed legislation will do little to deter prostitution or to prevent harm to the victims caught up in the sex trade. However enforcement of the proposed law will almost certainly lead to confusion and conflict between cab drivers and the public. And perhaps most important, this legislation diverts attention from more effective public policy and law enforcement strategies.

The NYCLU recommends that members of the committees on Transportation and Women's Issues table this legislation.

There are two reasons for this recommendation. First, the proposed law, in effect, deputizes taxi and limousine drivers, charging them with the enforcement of a law that is vague and imprecise. How is a taxi driver to determine whether an individual is in any way involved in the promotion of prostitution? Is such a determination based upon appearance or demeanor? Will the Taxi and Limousine Commission issue criteria, or a profile, for identifying persons who may be involved in promoting prostitution? Taxi drivers do not have the knowledge or judgment on which to base such a determination; what's more, it is not an appropriate role or function for a cab driver to undertake. And what if a driver should impute criminality to an innocent person and refuse the fare? In this circumstance taxi and limousine drivers could face penalties and sanctions for exercising good faith in complying with the law.

Today's *New York Times* includes an article that describes incidents in which certain taxi or livery car drivers are engaged in the criminal facilitation or conspiracy related to prostitution and trafficking. If this is the problem the City Council seeks to address, what is called for is more effective enforcement of criminal laws that already exist, not the creation of new sanctions that will do little to protect victims caught up on the sex trade.

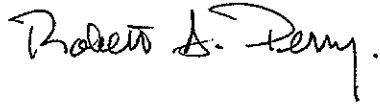
The second reason for the NYCLU's opposition to this legislation is grounded in public policy considerations. In testimony presented before the City Council this past October, the leader of a citywide coalition that advocates on behalf of the victims of prostitution and human trafficking observed that, notwithstanding landmark state legislation enacted in 2007, the city continues to focus its policing and prosecution effort on the victims of prostitution – not the perpetrators.¹ That testimony also identified the need for better training and accountability within the NYPD regarding the implementation of the 2007 legislation. I respectfully submit that these are the issues to which the City Council should be addressing its attention and resources.

I close by noting that Int. 725 was introduced on December 8, just three business days in advance of today's public hearing. This bill implicates complex issues of law and public policy. Three days does not provide reasonable or adequate notice to those who may want an

¹ See Transcript of the Minutes of the Committees on Public Safety and Women's Issues, Oct. 19, 2011, at pp. 152-153: "Have our law enforcement officials seize [sic] the opportunity that this law presents . . . [to] develop strong, innovative strategies to investigate sex traffickers and ultimately hold them accountable to their victims and our society. Have they taken bold action to eliminate the huge economic incentive of traffickers? . . . Sadly the answer to both of these questions is no. . . . In fact what we have seen . . . with some exemplary exceptions, is that law enforcement has largely ignored the clear message sent to it by our state legislature. Too often, sex traffickers and pimps have been accorded impunity. In spite of the increased penalty, prostitution buyers have too often been given a free pass. And the brunt of law enforcement resources have been directed against those most harmed by the sex trafficking industry, people in prostitution." [An excerpt from testimony presented by Dorchen Leidholdt, on behalf of Sanctuary for Families and the New York State Anti-Trafficking Coalition]

opportunity to provide analysis and commentary on such legislation. In addition to reconsidering the substantive issues raised by Int. 725, I would also suggest that the City Council reconsider its procedures for soliciting notice and comment on pending legislation.

Yours sincerely,

A handwritten signature in black ink that reads "Robert A. Perry." The signature is written in a cursive style with a prominent initial "R" and a long, sweeping underline.

Robert A. Perry
Legislative Director



**Testimony of Kathleen Slocum, Senior Staff
Attorney at Sanctuary for Families
Regarding Intro 725 and 735 of 2011
Before the New York City Council
Women's Issues Committee and
Transportation Committee
December 14, 2011**

We are honored to have this opportunity to present to the hearing on Intros 725 and 735 and the unlawful use of vehicles for purposes of prostitution before the two very distinguished committees on Women's Issues and Transportation. My name is Kathleen Slocum and I am a senior staff attorney at Sanctuary for Families. I am here with Lori Cohen, also a senior staff attorney at Sanctuary for Families.

My colleague Lori Cohen works mostly with Spanish speaking sex trafficking victims. I work primarily with victims from Asia, including women from China and Korea. As Ms. Cohen stated in her testimony, livery cab drivers and other car service drivers play a key role in the trafficking of women and girls for commercial sex in the New York's Spanish speaking immigrant community. The same holds true for traffickers in the Korean and Chinese immigrant communities, although the manner in which this plays out varies slightly. I am here to describe how car service drivers operate within the Korean and Chinese community, based on details related to me by my clients who are victims of sex trafficking.

The role of car service drivers in sex trafficking in the Korean community

Within the Korean community, most prostitution takes place in massage parlors that operate as fronts for brothels. Most Korean women who are trafficked into prostitution end up at these "massage parlors". (I do want to clarify that not all massage parlors are brothels, and that, to the best of my knowledge, most are legitimate businesses). In the Korean brothel model, the customer comes to the trafficked woman, rather than the woman being driven to the customer as in the Spanish model. But car service drivers continue to play a critical, although slightly different, role in the business network of Korean sex traffickers--so much so, that the drivers were a major focus of an investigation into sex trafficking by federal law enforcement officials in 2006. This investigation resulted in the raid of dozens of Korean brothels up and down the East Coast, and led to the arrest and conviction of a large network of Korean traffickers, including a number of drivers. (See Emily Vasquez, *31 Arrested in Human-Trafficking Case*, N.Y. Times, August 16, 2006, and Press Release, *31 Korean Nationals Arrested Throughout the Northeastern United States in federal Human Trafficking Case*, U.S. Department of Justice, August 16, 2006).

Within Korean trafficking networks, the car service drivers operate primarily as recruiters for the massage parlor/brothel system. These drivers are tightly connected to the massage parlors that are fronts for

brothels. They are aware of when openings come up at these brothels. The drivers are contacted directly by the massage parlor owners, who tell them how many women they need, and specifically what kind of women and girls they are looking for. The drivers are also well connected to the visa brokers and predatory lenders who are part of the trafficking network, both in the United States and Korea. Through their contact with visa brokers and predatory lenders in the Korean community, the drivers are aware that many undocumented immigrant women from Korea are carrying high debts, sometimes as much as thirty to forty thousand dollars. The drivers also know that the interest rate on these debts is usurious, placing the women in deep financial distress. Finally, the drivers know that the predatory lenders regularly threaten to tell the women's family members about the debt. If the women have already been coerced into prostitution, the lenders threaten to tell their family members back home.

Knowing all of this, the drivers look for women with specific vulnerabilities within the community and prey on them. They look for young women who appear distressed and isolated, and who are recent arrivals to the United States. They operate primarily in Flushing, Queens, but also have been known to solicit young women in midtown Manhattan around the 32nd street and 5th avenue area. The drivers engage the women in friendly conversation, asking about their background. The drivers probe for details that lead the young women into disclosing their problems, usually the high debt associated with coming over to the United States that they still owe the predatory lender. They pressure the young woman into revealing their contact information, such as their cell phone numbers. The drivers are experts at extracting this information from the young women. Then the drivers will offer a solution, saying they know of many jobs, particularly high paying jobs at massage parlors. They play up how easy the work is, and overstate the amount of money that can be earned. The drivers almost never mention that commercial sex is involved, and will usually deny that it is, if asked. They offer to reach out to the massage parlor owner on the young woman's behalf. Then they call and harass and threaten the young woman until she finally agrees to come with them to "meet" the massage parlor owner.

Sometimes, these massage parlors are located within New York City, but often, they are far from the city, in places like Connecticut, Rhode Island, Pennsylvania, Maryland and Washington, D.C. The drivers charge the young women a fee, sometimes as much as seven hundred dollars, to transport them to the massage parlors. Usually, the women don't have the money, so the driver credits it to them in the form of a high interest loan. When a woman arrives at the massage parlor and realizes that it is actually a brothel, she is unable to

leave, because she has to earn enough money to pay back the driver. Some may ask why these women don't just run away at this point. But the women have been brought to an unfamiliar city in another state, and usually have no idea where they are. They are unable to speak English fluently enough to ask for help. In addition, most are undocumented and have been told by the traffickers that they will be deported by immigration if they contact police for help. They have also been told that their family back home will be informed that they are prostitution, if they don't cooperate. Thus, the women have to rely on the driver, the only person who does know where they are and who is able to get them out of the brothel. They must earn enough money at the massage parlor to pay back the driver before they can actually leave.

In some cases, drivers in the Korean community are also direct owners of massage parlors. In this case, they recruit women and feed them into their own massage parlor, again using a combination of threats, blackmail and other forms of coercion.

The role of car service drivers in sex trafficking in the Chinese community

In the Chinese community, the model is usually closer to the outcall model found in the Spanish speaking immigrant community--the women are brought directly to the customer by the driver. In some cases the drivers are employees of the trafficker. In other cases, the driver and the trafficker are one and the same. Sometimes the women are trafficked directly from China. Other times, they fall into the hands of a trafficker who uses an employment agency as a front to lure the women into prostitution, promising them jobs doing outcall massage.

That is what happened to one of my clients, an educated woman who came to the United States from China on her own on a legitimate visa. Having fallen on hard times, and reluctant to return to China where she faced a domestic violence situation, she searched for employment. She was referred to man whom she was told owned an employment agency and had many connections in the community. When she met with this man he said that he could arrange for work for her. He said he had a business sending women out to provide a massage to customers. He said nothing about providing sex for money. On the first job he sent my client to, the customer demanded that she have sex with him. The customer raped her when she refused. My client then fled and refused to see any more customers. The owner of the business tracked her down though, drove her to a hotel and raped her. He then proceeded to force her to work in prostitution for the next year, personally driving her from one client to the next. She finally escaped from him when she called the police after the driver broke

down her door one evening, raped her and threatened to kill her family back in China. She felt she had nothing to lose at that point, even if she was deported. The police, who did not have appropriate translation available, assumed she was a domestic violence victim, and referred her to one of the Family Justice Centers, where we interviewed her, and learned that she was actually a victim of sex trafficking.

Despite the difference in tactics, all of these drivers share one thing in common--they are acting as predators on their own community and profit from the rape of women. We are here today to relate this information to the City Council, because we are concerned that this is a problem most New Yorkers are not aware of, particularly law enforcement and the regulators who oversee the car service business.

Conclusion

I would like to thank the City Council for giving us an opportunity to shine a light on this horrendous criminal enterprise that flourishes in many immigrant communities. I also want to thank the City Council for its support of legislation mandating the education of commercial drivers about sex trafficking, explicitly prohibiting the use of vehicles for purposes of prostitution, and imposing significant penalties on drivers who do so.

Thank you again for your time.



**Testimony of Lori L. Cohen, Senior Staff Attorney
at Sanctuary for Families
Regarding Intro 725 and 735 of 2011
Before the New York City Council
Women's Issues Committee and
Transportation Committee
December 14, 2011**

Good morning. I am Lori Cohen, Senior Staff Attorney at Sanctuary for Families, which is the largest non-profit agency in New York State dedicated exclusively to serving victims of domestic violence and sex trafficking. We served over 11,000 clients last year, offering a range of services including shelter; counseling for adults and children; legal advice and representation in orders of protection, family law, custody, divorce, and immigration law; and economic empowerment programs designed to help them move into living wage jobs. Among our clients, we have identified almost 300 individuals who are victims of domestic and international sex trafficking.

We are grateful to the Committees and the sponsors of Intro 725 and 735 for holding a hearing on these critical bills that draw attention to and combat sex trafficking within New York City. Over the past several years, our clients have informed us of a dramatic shift in the methods by which foreign national victims are trafficked for sex. Previously, many of our trafficked clients were forced to provide sexual services to clients in a stationery brothel, the location of which was discoverable to law enforcement and therefore susceptible to frequent raids. In response, traffickers began to arrange with for-hire vehicles for "delivery," the provision of commercial sexual services to clients who placed orders for sex via widely available, inexpensive mobile phone technology. By shuttling a woman from john to john in an unmarked for-hire vehicle, essentially a brothel on wheels, traffickers could avoid detection from police. It is an open secret that "delivery" has become a preferred method for promoting prostitution in New York City, as seen clearly in the advertisements from this morning's Spanish language newspapers that we have attached to our testimony. We applaud City Council for its courage in addressing this issue and seeking to find a meaningful way to put an end to this newest form of promoting sexual slavery.

How does “delivery” work? The model varies somewhat within different ethnic communities, so I will discuss the patterns seen among Sanctuary’s Latin American clients. Our immigrant clients, many of whom were kidnapped from Mexico by pimps and forcibly smuggled across the US border, are handed a list of the drivers, known as “chofers,” and instructed to call them to obtain business. In addition to placing ads in local newspapers, drivers, many of whom themselves are Latin American immigrants, but a number of whom our clients describe as English speaking US citizens, print up business cards with the number of a prepaid cell phone that they are using that month. As with the newspaper ads, the cards might have a picture of a scantily clad woman, but since that poses a risk if the police obtain one, they often advertise for “chocolates,” “flowers”, “clothing” – even “children’s birthday parties”. The drivers pay men and women to walk up and down busy streets and hand out these business cards to men only. Sometimes, the men throw the cards away. Other times, however, men who know what the cards are really advertising call the number, not to order clowns and cake, but to arrange for a very different kind of party. These clients, or “tickets” place their order, and the driver promises to deliver the goods—the trafficked victim-- at a set time, place and price.

Drivers organize the route to frequent as many different clients as possible in one shift, collecting the entire proceeds of each stop before proceeding to the next. The drivers travel to all five boroughs of New York City, but also to Long Island, Westchester, Connecticut and New Jersey. Favored stops include group gatherings, where a prostituted woman could be forced to have sex with multiple johns in one stop; and drunk johns, as drivers could shave time off the appointment without the buyer’s knowledge. Of course, these very stops prove to be the most

dangerous ones for the trafficking victim, and our clients have shared terrifying stories of being threatened with weapons, beaten and raped in these settings.

A driver, like a pimp, wants to squeeze as much money out of a victim as possible. While the driver arranges to split the prostitution proceeds with a pimp fifty-fifty, our clients report that drivers frequently penalize them by charging them when a john does not finish quickly enough, or simply try to steal a portion of the money. Others try to steal the trafficked woman herself, promising her that if she escapes from her pimp and lives with him, she can choose her own clients freely and share the proceeds equally with her new partner, the driver. Invariably, however, the victim who accepts this offer finds herself enslaved once again, this time to the driver, with little hope of escape.

It is my great privilege today to introduce you to one of the rare victims who did manage to escape. Sofia came to Sanctuary for Families for assistance two years ago, and is testifying today under a pseudonym and behind a screen to protect herself and her family in Mexico from retaliation by the brutal ring of traffickers who enslaved her. Sofia had been kidnapped from Mexico at the age of 20, and forced into a life of prostitution in the United States through violent beatings and threats to her life and to the life of her family. Because of the “delivery” system, Sofia was shuttled around the New York area seven days per week for over fourteen months and forced to have sex with anywhere from 10-20 clients per night. During this time, Sofia endured almost unimaginable torture, being beaten so severely by one of her traffickers that other pimps warned him he was damaging the merchandise and potentially harming his profits. One night, after suffering a particularly brutal beating from her pimp, Sofia ran out of their New York City apartment and into the street, where a Good Samaritan called the police to report domestic

violence. The trafficker was arrested, and upon being referred to Sanctuary for Families for Services, Sofia was quickly identified as a victim of human trafficking.

Unlike thousands of other trafficking victims in New York City, Sofia has obtained some measure of justice. One of her traffickers has been arrested, convicted and deported from the United States while another one has fled the country. In addition, Sofia has obtained significant legal protections as a victim of human trafficking. And yet, as Sofia will share with you, the main perpetrators of trafficking, the drivers, are still busily bringing in their profits day after day, night after night. As Sofia told the New York Times in an interview published today, these drivers are more important than the pimps because “they’re the ones who decide everything.” For her, justice will not be fully served until drivers are stopped from exploiting people in prostitution.

Because of the heroism of Sofia and other clients like her, we come to City Council to ask that the members quickly pass Intro. No. 725, which raises awareness about the human rights abuses inherent in sex trafficking and penalizes drivers for promoting prostitution; and Intro. No. 735, which increases penalties for individuals who operate for hire vehicles without a license. Both measures seek to address deficiencies in New York State and federal anti-trafficking legislation by holding drivers directly accountable for promoting prostitution. As Sofia’s experience indicates, drivers are literally the engine that drives trafficking within New York City, and we applaud the efforts of City Council today to apply the emergency brake and remove the keys.

Thank you for permitting me to testify today. I am now honored to translate for Sanctuary for Families client, Sofia.

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VANESSA

TESTIMONY OF SOFIA

Dear City Council Members,

Thank you for allowing me to speak with you today. For so long, no one wanted to hear me, even when I was crying to be rescued. Today, I am a free woman, thanks to laws that saw me as a victim in need of protection. I want to use this new freedom to help make those laws even stronger and prevent others from being abused as I was.

When I was 20 years old, I was kidnapped by a pimp, taken from my home in Mexico and forced into prostitution in New York as part of an international trafficking ring. When business was slow, my traffickers made me call from a list of about one hundred "drivers," for whom I had first names only. When a driver agreed, he took over all the arrangements with the "tickets," buyers who called him asking for sex. They charged \$35 to Spanish callers and \$50 to American ones.

For one week at a time, the driver would pick me up and take me from location to location, based upon the schedule that he had set up for the men who were buying sex. My shift lasted either from 9 am to 7 pm or 7 pm to 3 am.

These drivers knew the exact details of each customer's likes and dislikes. Before each stop, the driver would order me: how much to charge; whether to use my own condoms and lubricant or the client's; whether to make noise or stay completely quiet during sex; even which positions the client preferred. In some cases, he would warn me, "this is a very good client, I bring him a lot of girls, so you better do whatever he wants to make him happy."

After the client was done having sex with me, I would return to the driver and give him all the money that I had received. Then he would drive me to the next buyer. The driver held onto all the money until the end of the shift, when he would keep half and give the other half to me to turn over to my pimp. I kept none of it. All I had to do was get raped up to 20 times a night.

Generally, I would have 15 minutes for each sex act, but if the buyer took too long, beat me up or refused to pay, the driver would punish me by keeping the portion of that client's money that I was supposed to turn over to my pimp. Then my pimp would beat me even worse than usual for returning to him without all the money. Some drivers assaulted me, grabbing me, kissing me hard, trying to rape me.

In the fourteen months that I was enslaved in New York, I would say at least five thousand men paid to have sex with me. During that terrible time, many noticed that I was black and blue, bleeding, crying from pain, but not a single one tried to help me. They did not want to know the truth.

After I escaped from prostitution, one of my traffickers fled back to Mexico and another was arrested, convicted and deported. To many, it would seem that my case was over. There was nothing more that could be done, right? Wrong. From the moment I first found the words to explain what had happened to me, I have asked the question, "Why are drivers allowed to profit hundreds of dollars per night driving me around to be raped by dozens of men?" They are not just drivers. They are criminal pimps themselves. If you cannot throw them in jail, at least take away their cars and put an end to "delivery". I ask that you pass this law quickly, so that victims like me are no longer treated like cheap take-out food, to be consumed and left for garbage.

Testimonio de Sofía

Estimados Miembros del Consejo Municipal,

Gracias por permitirme hablar con ustedes hoy. Por tanto tiempo, nadie me quería escuchar, aún cuando estaba en llanto por ser rescatada. Hoy soy una mujer libre, gracias a las leyes que me vieron como una víctima que necesita protección. Deseo usar esta nueva libertad para ayudar a fortalecer esas leyes y prevenir el abuso de otras personas de la forma que me pasó a mí.

Cuando tenía veinte años, fue secuestrada por un padrote, arrancada de mi hogar en México y forzada a entrar la prostitución en Nueva York como parte de un círculo de crimen organizado internacional de trata de personas. Cuando su negocio estaba lento, mis traficantes me hacían llamar de una lista de cerca a cien "choferes", de los cuales solo tenía el primer nombre. Cuando un chofer estaba de acuerdo, él se hacía cargo de todo el procedimiento con los "tickets", compradores que lo llamaban en busca de sexo. Les cobraban \$35 a los compradores que hablaban español y \$50 a los americanos.

Una semana a la vez, el chofer me recogía y me llevaba de lugar a lugar, basándose en un horario que él había establecido para los hombres que estaban comprando sexo. Mi turno duraba de 9 de la mañana a 7 de la noche, o de 7 de la noche a 3 de la mañana.

Estos choferes sabían los detalles exactos de los gustos y desagradados de los compradores. Antes de cada parada, el chofer me daba órdenes: cuanto cobrar; si debía o no usar mis propios condones y lubricante o los del cliente; si debía hacer ruido o quedarme completamente callada durante sexo; hasta las posiciones que prefería el cliente. En algunos casos, me advertía, "este es un buen cliente, yo le traigo muchas muchachas, así es que más te vale hacer lo que sea que él quiera para mantenerlo contento."

Después que el cliente había acabado de tener sexo conmigo, yo regresaba al chofer y le daba todo el dinero que había recibido. Después él me llevaba al siguiente comprador. El chofer se quedaba con todo el dinero hasta el final de mi turno, en cual momento él se quedaba con la mitad y me daba la otra mitad para que yo se la entregara a mi padrote. Yo no me quedaba con nada. Lo único que yo tenía que hacer es ser violada hasta 20 veces por noche.

Generalmente, yo tenía 15 minutos para cada acto sexual, pero si el comprador se demoraba mucho, si me golpeaba, o si se negaba a pagar, el chofer me castigaba quedándose también con la porción del dinero del cliente que yo le tenía que entregar a mi padrote. Después mi padrote me golpeaba aun peor de lo ordinario por regresar a él sin todo el dinero. Algunos choferes me agredían, agarrándome fuertemente, besándome a la fuerza, y tratando de violarme.

En los catorce meses que estuve esclavizada en Nueva York, yo diría que por lo menos cinco mil hombres pagaron para tener sexo conmigo. Durante esa época terrible, muchos se dieron cuenta que yo estaba con moretones negros y azules, sangrado, llorando por el dolor, pero ninguno trato de ayudarme. Ellos no querían saber la verdad.

Después de que yo escape la prostitución, uno de mis traficantes huyo a México y otro fue arrestado, declarado culpable, y deportado. A muchos, les parecería que mi caso se termino. ¿No hay mas que se pudo haber hecho, verdad? Se equivocan. Desde el primer momento que encontré las palabras para explicar lo que me paso, he preguntado, "¿Por qué se permite que los choferes acumulen ganancias de cientos de dólares cada noche conduciéndome para que me violen docenas de hombres?" Ellos no son solamente choferes. Ellos mismos son los padrotes criminales. Si no pueden mandarlos a la cárcel, por lo menos quítenles sus carros y pongan un fin a la "entrega de victimas". Les pido que pasen esta ley rápidamente, para que dejen de tratar a las víctimas como yo como comida chatarra, que se consume y se deja como basura.



My name is Audacia Ray, and I am the founder and director of the Red Umbrella Project. Thank you for the opportunity to testify today.

The Red Umbrella Project amplifies the voices of people who have done transactional sex, through media and storytelling projects. We believe that the full realization of human rights is only possible when people who face stigma and discrimination are able to speak about their experiences. I'm here today to offer my perspective on the negative impact that **Introduction 725** will have on the safety of people who work in the sex industry, whether they are working by choice, circumstance, or coercion.

For many years, I worked as an independent escort in New York City. It was an isolated work life. I did not have a consistent work place—I met clients at their homes or motels—and I did not have a manager or co-workers who knew my whereabouts. Because I live in Brooklyn, I often called a car service for my appointments, and over time I developed friendly relationships with some of the drivers. A few may have even guessed at my profession. These drivers were, essentially, my first line of defense. I was able to say with confidence that there was someone who knew where I was and would notice if I went missing.

I understand that the work I used to do is illegal under New York law. But no driver ever participated in my business transactions—as client, manager, or even paid security. They did *their* job as they would for any other New Yorker, not unlike the bus driver or the subway driver did when I chose those modes of transportation to meet a client, who was often located on the Upper East or Upper West Sides of Manhattan. There is a great deal of difference between a taxi or limousine driver who I call for a ride and pay the usual fare and tip to, and the driver who is part of the management structure of an illegal escorting business—but Intro. 725 can offer no distinction between the two. 'Promoting prostitution' has always been interpreted broadly.

Even if the bill *could* make such a distinction, the fact remains that punishing drivers for transporting sex workers will (as is intended) make them hesitant to transport anyone perceived to be a sex worker. And how are they to know? No one ever guessed my job: I'm white and prefer a business-casual attire. When sex workers are profiled for, let us remember that it is always people of color and transgender people who suffer, most of whom are not sex workers.

Drivers can play a key role in keeping sex workers safe, and their presence and concern was greatly appreciated when my safety was on the line. Many New Yorkers use car services or taxis, particularly late at night, and in order to be safer, as they should. Our mothers taught us to do this—out of love and concern for our well-being. And our safety should be the Council's priority too.

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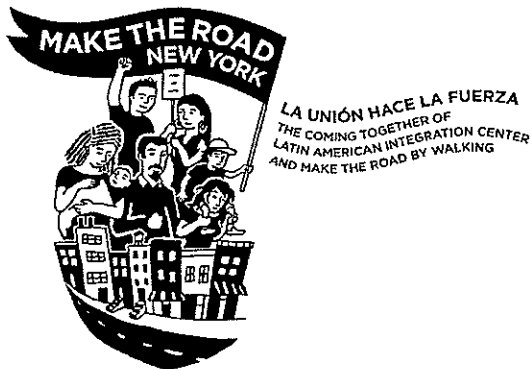
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Good morning Council Member Julissa Ferreras and other Members of the committee, as well as Community members present. Thank you for providing me with the opportunity of testifying today.

My name is Maximillion Velasquez. I am a member of Globe, one of the LGBTQ Justice Projects at Make the Road NY, and a resident of Bushwick in Brooklyn.

As a gender non conforming young gay man, and as a Latino, I understand the impact that discrimination has in my community. Many of my friends who are transgender and gender non conforming as myself, often face employment discrimination, are victims of hate crimes and bullying and face serious profiling at the hands of the police. Oftentimes this profiling leads to false arrests and accusations of "loitering for prostitution", regardless of whether this trans or gender non conforming person was doing sex work or not. I understand Council Members Ferrera's concern around victims of trafficking and share this concern. However this bill that is being proposed is going to have a negative impact in our community, instead of empowering victims to get out of their trafficking situation.

Oftentimes when I am doing safety trainings for Make the Road NY to trans and gender non conforming members, we advise folks to take a taxi cab home to avoid being victims of hate crimes and to avoid police profiling and or brutality. This bill gives taxi drivers leeway to not pick up members from the trans and gender non conforming community because of fear of being arrested or penalized by the police. It also holds taxi drivers responsible for interfering or cooperating with what is supposed to be law enforcement's responsibilities., The NYPD should be responsible for screening people they arrest for prostitution to figure out if they are victims of trafficking. Drawing from the experience that many of Make the Road NY members have had with the NYPD when being arrested or accused of "loitering for prostitution", these folks report NEVER being asked by the police about a trafficking experience, and some of them actually were victims of trafficking!

We understand and commend Council member Ferreras for her constant support on the issues that matter to our membership, but we hope that she considers a bill that will have less impact on the profiling of our trans and gender non conforming community members, and that will hold NYPD accountable for the unjust profiling of trans and gender non conforming folks, and hold them accountable on their responsibility to the screen for victims of trafficking. If the NYPD is not doing their job, we can't expect taxi drivers to do the job for them.

Thank you for the opportunity of testifying today and I hope we can keep a conversation open about how we can improve conditions for the LGBTQ community in the city and beyond.

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FOR THE RECORD

Public Testimony

Submitted to the

Committee on Transportation

December 14, 2011

Intro

(By Council Member James Vacca)

To Amend the Administrative Code, in Relation To Strengthening The Penalties For Illegally Operating Non-TLC Licensed Vehicles For Hire

By

Guy B. Palumbo
Executive Director



Mr. Chairman and members of the Committee, I am Guy B. Palumbo, Executive Director of the Livery Round Table (LRT).

Unfortunately the change of dates for this public testimony conflicts with our scheduled Board of Directors meeting. We have coordinated with our members, the TLC and Ms. Andrea Bender of CM Vacca office concerning this Intro and will be available to discuss this testimony with any Committee member to respond to any questions.

We highly commend CM Vacca for proposing this Intro to greatly strengthening the penalties for such illegal – gypsy - operations.

By raising the level of such illegal operations from merely a violation to a misdemeanor along with the fine to ten thousand dollars will greatly help in removing such illegal operations.

This activity is performed by what is properly called “gypsies” cars and has long been a sore point to the legal Livery industry. The public will be greatly served by having strong penalties to remove these vehicles and drivers from the street of New York.

We also applaud the Council for making the seizure and impounding of such vehicles not only within the ability of the TLC but further expanding it to any NYPD Police Officer.

We understand that the TLC is expanding its ability to impound more vehicles on a city wide basis by contracting with parking lots so that space is available on a 24 hour 7 day basis. This will greatly help what the LRT has been a proponent of for many years. The TLC has also graduated a new group of enforcement officers which will help implement this effect of this Intro.

There is only one concern we would like to express and that is the need to have a separate Intro that does the same for Commuter Vans. The TLC has an entire Chapter #61 which proscribes the same licensing and responsibilities for Commuter Vans along with penalties for operating without being properly licensed. We feel that no segment of the TLC licensing authority should be excluded from these new penalties.

We urge the Committee to add a companion Intro so that both can be effective at the same time and keep all segments on the same level playing field.

Thank you for allowing us to present our testimony in writing and we will gladly answer any questions the Committee may have by direct contact as you feel appropriate.

A handwritten signature in black ink that reads "Guy B. Palumbo".

Guy B. Palumbo

Executive Director

guy@liveryroundtable.org



FOR THE RECORD

Public Testimony

Submitted to the

Committee on Transportation

December 14, 2011

Intro

(By Council Member Julissa Ferreras)

In Relation To The Unlawful Use Of Vehicles

For The Purpose of Promoting Prostitution

By

Guy B. Palumbo
Executive Director



Mr. Chairman and members of the Committee, I am Guy B. Palumbo, Executive Director of the Livery Round Table (LRT).

Unfortunately the change of dates for this public testimony conflicts with our scheduled Board of Directors meeting. We have coordinated with our members, the TLC and Ms. Andrea Bender of CM Vacca office concerning this Intro and will be available to discuss this testimony with any Committee member to respond to any questions.

We compliment the Committee and the Council Members for presenting this Intro as truthfully it is something which should never have come up as an issue using commonly accepted public morals. We do regret that the underlining need for this Intro assumes that vehicles and drivers have been in some way involved with such activities.

There are several issues that we have with this Intro pertaining to the requirement that the TLC Commission will have to develop of program explaining that such activities are illegal.

The Intro indicates that this new program "shall be a requirement for initial licensure and subsequent license renewal"

We believe that the requirement for a formal program of instruction will only add to the long delay for the initial licensing of otherwise qualified drivers. The need to have a formal program indicates that based on current timeframes, it takes about 3 -4 weeks for a new driver to be properly licensed. By adding a formal program as indicated in this Intro will only extend this process. The TLC would most likely not have a ongoing, continuous program and the scheduling of such a program will only extend the approval process.

This is important to the drivers who generally come from the lower economic scale and for the base owners who constantly need licensed drivers in a timely manner.

Next is the requirement for license renewal.

This seems to indicate that some type of repeat program will be required prior to the renewal of a driver's license which again places a burden on the drivers to have to repeat this educational program every two years.

Finally, the requirement of the new paragraph # 5, imposes on the base something which is akin to the problems involved with accepting an illegal street hail, in the wording it states that a "driver or vehicle owner of a for-hire vehicle or base station" will result in a civil penalty of ten thousand dollars and the commission shall revoke the license of such driver, owner or licensee".

This wording places an unfair and onerous burden on the base by holding it accountable for the illegal activities of a driver while the base has no control or the ability to control the driver's actions. We urge the Committee and the City Council to remove the base station and the vehicle owner from this suggested penalty.

Thank you for allowing us to present our testimony in writing and we will gladly answer any questions the Committee may have by direct contact as you feel appropriate.



Guy B. Palumbo

Executive Director

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Testimony of David Yassky
NYC Taxi & Limousine Commissioner/Chair
INTRO 735, sponsored by CM Vacca and Crowley, IN RELATION TO
STRENGTHENING THE PENALTIES FOR ILLEGALLY OPERATING NON-TLC
LICENSED VEHICLES FOR HIRE
INTRO 725, sponsored by CM Ferreras and Vacca, IN RELATION TO THE
UNLAWFUL USE OF VEHICLES FOR THE PURPOSE OF PROMOTING
PROSTITUTION

City Council Transportation and Women's Issues Committees
December 14, 2011

Good Morning, Speaker Quinn, Chairs Vacca and Ferreras, and the members of the City Council Committees on Transportation and Women's Issues, I am David Yassky, Chairman of the Taxi and Limousine Commission. Thank you for the opportunity to speak to you today regarding Intro 735 which will increase penalties for unlicensed operation of vehicles for hire in the City, and Intro 725 which will implement an education program and civil penalties for promotion of prostitution by for-hire vehicle service providers. The Taxi and Limousine Commission strongly agrees with increased penalties for unlicensed activity, as well as tough penalties for those who participate in the promotion of prostitution. However, we would also like to see further refinement of both proposals and look forward to working with you on both of these bills.

The first proposed item of legislation, Intro 725, addresses promotion of prostitution in the City's for-hire vehicle industry. The proposal sets out new civil penalties for drivers that knowingly allow a for-hire vehicle to be used in the promotion of prostitution and it also requires a new education component for all TLC licensees. While the agency supports the Council's efforts in this regard, without sufficient external funding for this initiative, the cost of this program will be borne by drivers. The agency suggests an information packet or pamphlet that could be developed and distributed to licensees at application and renewal; this solution could be provided with a low cost while meeting the goals of this legislation.

The second bill, Intro 735, addresses illegal operation of a for-hire vehicle. As you know, the Commission has eagerly worked with you and other members of the

Council to improve for-hire service throughout the five boroughs. Specifically, we have worked with the Transportation Committee to increase fines for yellow-cab service refusals, and we have increased our enforcement resources and efforts focused both on preventing unlicensed cars from operating as FHV's and on preventing licensed livery cars and black cars from accepting street hails in violation of TLC Rules. Since January 2011, our enforcement personnel have issued 5,064 summonses for unlicensed operation and 9,886 summonses for illegal street hails; 3,147 of the summonses written for unlicensed operation and 5,532 of the illegal street hail summonses were written since June of this year – evidence of the agency's commitment to reducing these illegal activities.

While these two types of violations are similar, it is important to note the differences between them. Wholly unlicensed operation by "straight plates" is a more serious offense. "Straight plates" pose a much greater risk to the public because drivers have not undergone drug testing, a background check, or any other criteria that is required for TLC licensure; similarly an unlicensed vehicle has not been inspected at our facility in Woodside either for driver and passenger safety or state emissions standards.

To the extent that this legislation seeks to increase penalties for straight plates, we fully support it. However, the proposed penalties require revision. Current law prohibits unlicensed activity, which includes picking up street hails unless you are a yellow taxi. Section 19-506 of the Administrative Code already makes street hails illegal in any of the following circumstances:

- An unlicensed driver in an unlicensed car ("straight plates" - those vehicles not bearing the TLC's "TC" plates)
- A TLC licensed driver in an unlicensed car
- An unlicensed driver in a TLC licensed car
- A licensed driver doing street hails in a TLC licensed car

This legislation – while aimed at eliminating the first type of activity, street hails by wholly-unlicensed drivers in wholly unlicensed vehicles – will have much broader effects than possibly intended. Licensed drivers operating in either a licensed or unlicensed vehicle will be liable for the increased penalties proposed under 19-506. Similarly, unlicensed drivers driving either a licensed or unlicensed vehicle will be liable for the same fines and penalties. We support clarification of this Section to create a distinction that creates stronger penalties for wholly-unlicensed operators.

Once this distinction is made, we recommend that the Council look to State law and its treatment of similar offenses. For wholly-unlicensed operation, we suggest penalties similar to those imposed on drivers offering illegal rides at the airports (“hustling”). While licensees operating outside the scope of their TLC-issued license are a smaller risk to the public, we believe that these penalties should also be increased to better deter such activity. However, these penalties should be revised in conjunction with creating a legitimate opportunity for these operators to accept street hails. Without this option, you run the risk of disrupting a necessary service for a large part of the City and acting contrary to public interest.

In addition to revising “poaching” penalties, the proposal addresses the seizure of illegally-operating vehicles. The proposed legislation would change the TLC’s ability to seize illegally-operating vehicles to an affirmative obligation to do so. While the agency aims to, and would much like to, remove all illegally-operating vehicles from City streets, our enforcement resources must be prioritized where most-needed and where they can be most efficiently employed. In the time it takes to seize 3 cars, we may find it more effective to issue a hundred summonses. If we must operate under a mandate to seize all vehicles operating illegally, our ability to enforce against other violations will be significantly reduced. Furthermore, while we’re currently working on expanding our capacity to store seized vehicles, at this time the Commission has very limited tow pound space, creating a logistical challenge.

This concludes my testimony regarding Intros 735 and 725. I would like to thank you for the opportunity to testify today about this proposed legislation. At this time, I would be happy to answer any questions you may have.



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**The New York City Council
Committee on Transportation**

Hearing RE: Int. No. - In relation to the unlawful use of vehicles for the purpose of promoting prostitution; and Int. No. - In relation to strengthening the penalties for illegally operating non-TLC licensed vehicles for hire.

**Testimony of Sienna Baskin, Esq.
Co-Director
Sex Workers Project
Urban Justice Center**

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10 AM, December 14, 2011

250 Broadway, 16th FL, New York, NY 10007

Good morning, Council Member Ferreras, Council Member Vaca and members of the **Committee on Transportation**.

The Sex Workers Project at the Urban Justice Center very much appreciates the opportunity to offer comment on these proposed changes to administrative law. My name is Sienna Baskin and I am an attorney and Co-Director of the Sex Workers Project. I offer legal representation to sex workers and victims of human trafficking on criminal, civil, and immigration matters. The Sex Workers Project also provides therapeutic counseling and case management to our clients. We are recognized experts on the profound human rights abuses victims of trafficking and sex workers face, and perform research and documentation on these abuses, with a focus on New York City.

Over the past 10 years, we have served many sex workers and survivors of trafficking whose experience involved vehicles. Thus, we have expertise to share on how the Bill introduced by Council Member Ferreras may affect our clients.

individual rights • social change

It is our understanding that this bill is intended to combat human trafficking. However, we have concerns that it will have little impact on human trafficking, and in fact may have a negative effect on trafficking victims and on vulnerable sex workers.

The bill requires education on the penalties and definition of “promoting prostitution,” as it applies to drivers of for-hire vehicles and taxis. The problem is that “promoting prostitution” has a very vague definition. It could include anyone who knowingly aids another person to commit prostitution and anyone who receives money from someone else, knowing it came from prostitution. We are concerned that the proposed education will be understood by drivers to mean that any time they give a sex worker a ride, they are committing “promoting prostitution.”

In our experience, vehicles are used in human trafficking and prostitution in a few ways.

First, sex workers frequently use yellow cabs and for-hire cars to get to out-call locations or get home from out-call locations safely. Escort services may employ yellow cabs or for-hire cars for the same purpose. The drivers of these vehicles may or may not know that their passenger was engaging in prostitution. Without taxi cabs or for-hire vehicles, these sex workers could face considerably greater dangers in going to and from their workplace. Additionally, a driver who knows that their passenger is engaging in prostitution can help or report information to the police should the sex worker disappear or if she is the victim of a crime. For this category of driver, we are concerned that the provision requiring extra education on “promoting prostitution” may make drivers fearful to give rides to sex workers, offer aid to a sex worker in trouble, or report crimes against sex workers to the police. We are also concerned that the penalties on for-hire vehicle drivers for engaging in this activity may discourage them from offering a ride or help to a sex worker. For-hire cars, which serve more remote neighborhoods, are an especially important safety resource for lower income and vulnerable sex workers. As we documented in our studies, “Revolving Door” and “Behind Closed Doors,” people working in the sex industries experience assault, rape, robbery, and other violent crimes at significantly higher levels than others. We are concerned first and foremost with the safety of our community members, no matter their occupation. We know that access to a vehicle to exit a potentially dangerous situation is very important to meet that #1 priority of safety.

Second, some trafficking operations employ vehicles to transport their victims from a residence to a brothel or to a customer’s house. In some cases, trafficking operations use vehicles as spaces for the sexual conduct to take place. We have only heard of situations where these vehicles were privately owned by members of the trafficking ring. The driver does not usually just get a fee just for the ride, but shares in the proceeds of the trafficking generally. This appears to be the category of driver that the law is intending to reach, but these are not licensed for-hire vehicles and therefore, would not be affected at all by this law. They would not attend the required education, would not learn about or be deterred by the “promoting prostitution” penalties, and in fact would not be subject to these penalties. We are aware that Council Member Vaca’s bill addresses drivers operating unlicensed for-hire cars, which may reach this kind of driver, and imposes additional penalties un-related to prostitution or

trafficking. Not being expert on how this kind of law would function, we cannot comment on Council Member Vaca's bill. However, as a point of information, sometimes even these drivers are potential resources to victims of trafficking. They are often low-level employees of the trafficking ring and may have sympathy for the victims. For example, our client "Amy" was trafficked at the young age of 16 and forced to engage in commercial sex. During this time she only had access to her trafficker, drivers who were employed by the trafficker and customers. On two occasions she requested help from a driver to help her leave the trafficker. On both occasions, the drivers did try to help her and take her to another location. Unfortunately, the trafficker found her and took her back into custody. Even these drivers should be encouraged to report trafficking and come to the aid of victims.

Finally, it is possible that some trafficking operations may hire vehicles or taxi cabs to transport their victims to different locations. Victims of trafficking who have a bit more freedom of movement may hire a taxi or for-hire car themselves. In our experience, these drivers are not involved in the trafficking scheme, and may or may not know that their passenger is doing prostitution. However, this category of driver is an incredibly important potential resource to victims of trafficking. They may be the only people the trafficking victim sees besides her customers and her abusers. They may be able to act as a good Samaritan and offer the victim an escape route: a ride to a friend or family member's house, a referral to a service provider, a ride to a shelter, a hospital, or a police station. We are concerned that the proposed bill could actually dissuade these drivers from offering help or rides to victims of trafficking for the already-mentioned reasons.

We do agree with the recently added amendment, which could support driver's potential as resources or escape routes for victims of trafficking, and not punish or discourage them from driving sex workers. Education on how to identify a victim of trafficking and what resources are available for victims of trafficking could be very useful to drivers. Drivers having this information could be potentially life-saving for victims they encounter. However, this education would have to be delivered by an expert on human trafficking. However, trying to educate drivers on human trafficking, while simultaneously raising concerns that even giving a sex worker a ride could get them in trouble for promoting prostitution, has the potential to confuse drivers and leave them unsure how they should interact with potential victims.

We thank you for your attention to this important issue, and for your desire to help victims of trafficking.

**THE COUNCIL
THE CITY OF NEW YORK**

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Name: Lori Cohen

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I represent: Sanctuary for Families

Address: 110 Wall St. NY NY 10005

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I represent: New York Taxi Workers Alliance

Address: 250 Fifth Ave #310 NYC 10001

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Address: 92-10 Roosevelt Ave

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Name: Audacia Ray

Address: 101 West 23rd St, #351 NY, NY 10011

I represent: Red Umbrella Project

Address: 101 West 23rd St #351 NY NY 10011

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I represent: NY TAXI WORKERS ALLIANCE

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Name: Bhairavi Desai

Address: _____

I represent: NY TAXI WORKERS ALLIANCE

Address: 250 FIFTH AVE. NY NY 10001

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Name: Garry Figueroa

Address: 156 West 56th Street, New York, NY 10019

I represent: Coalition of Transportation Associations

Address: Waldens Marx Lane & Millendorf, 156 West 56th Street

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Name: ETHAN GORBER

Address: 26 COURT

I represent: GNUTA

Address: _____

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Name: Sonia Basilio / Urban Justice Center

Address: 123 William St. 16 Floor NY, NY 10038

I represent: Urban Justice Center

Address: see above

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Name: Mexicanos

Address: 92-10 Roosevelt Ave

I represent: Make the Road

Address: 301 Grand St

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Address: 410 Eastern Parkway #32

I represent: Restore NYC

Address: PO Box 1003, NY, NY 10274

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Date: _____

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Name: Kathleen Stocum

Address: 110 Wall St. 11th fl.

I represent: Sanctuary For Families

Address: ↗

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Name: State Senator Jose Peralta

Address: _____

I represent: _____

Address: _____

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Name: DAVID YASSKY, CHAIRMAN

Address: _____

I represent: TAXI-LIMOUSINE COMMISSION

Address: _____

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