

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON TRANSPORTATION & WOMEN'S ISSUES

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December 14, 2011
Start: 10:05 a.m.
Recess: 12:55 p.m.

HELD AT: Committee Room - 14th Floor
250 Broadway

B E F O R E:

JULISSA FERRERAS
JAMES VACCA
Co-Chairpersons

COUNCIL MEMBERS:

Charles Barron
Gale A. Brewer
Leroy G. Comrie, Jr.
Elizabeth S. Crowley
Daniel Dromm
Daniel R. Garodnick
David G. Greenfield
Vincent M. Ignizio
Robert Jackson
Peter A. Koo

A P P E A R A N C E S

Council Members (cont'd)

Jessica S. Lappin
Darlene Mealy
Annabel Palma
Ydanis A. Rodriguez
Eric A. Ulrich
James G. Van Bramer
Ruben Wills

A P P E A R A N C E S (CONTINUED)

Joseph Peralta
Senator District 13
New York State Senate

David Yassky
Commissioner
New York City Taxi & Limousine Commission

Meera Joshi, Esq.
General Counsel
NYC Taxi & Limousine Commission

Ray Scanlon
Deputy Commissioner
NYC Taxi & Limousine Commission

Lori Cohen, Esq.
Senior Staff Attorney
Sanctuary for Families

Kathleen Slocum, Esq.
Senior Staff Attorney
Sanctuary for Families

Sienna Baskin, Esq.
Staff Attorney
Urban Justice Center

Audacia Ray
Founder & Director
Red Umbrella Project

Jessica Guaman
Resident of Queens
Make the Road

Jesus Agnello
LGBT Organizer
Make the Road

A P P E A R A N C E S (CONTINUED)

Maximilian Velasquez
Member of Globe LGBTQ Project
Make The Road

William Lindauer
Executive Committee Member
New York Taxi Workers Alliance

Faith Huckel
Founder and Executive Director
Restore NYC

Ethan Gerber
Executive Director
Greater New York Taxi Association

Gary J. Finiguerra
Associate
Windels Marx Lane & Mittendorf

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2 CHAIRPERSON VACCA: ... the New York
3 City Council Committee on Transportation, and I'm
4 here to my right with my colleague, Council Member
5 Julissa Ferreras from Queens, who is Chair of the
6 Women's Issues Committee of the New York City
7 Council. And if you could please first turn off
8 your cell phones and any other devices that would
9 make noise, I'd appreciate it. Okay. We're here
10 today to address the very serious issue of sex
11 trafficking in the for-hire vehicle industry, but
12 I want to commend Speaker Quinn and I want to
13 commend my colleague, Julissa Ferreras for their
14 unwavering commitment to this issue, as I believe
15 this is now the fourth hearing held at this
16 Council on the topic of sex trafficking. I also
17 want to single out and to thank Senator Jose
18 Peralta, who is here with us today, who will be
19 testifying this morning, and I want to
20 specifically recognize his efforts to address this
21 very important issue at the state level. I want
22 to thank Chairman Yassky of the Taxi & Limousine
23 Commission, and all the advocates who will be
24 testifying today. Sex work and for-hire vehicles
25 are probably not two industries that most of us

1 think of as overlapping, but out of the Council's
2 three previous hearings, and in extensive
3 conversations with advocacy groups, it has come to
4 light that the sex trafficking industry flourishes
5 on, even relies upon, the use of both legal and
6 illegal for-hire vehicles. It is my hope that the
7 legislation we are here to discuss today will
8 remedy this terrible situation. The first bill,
9 Intro 725, sponsored by Council Member Ferreras
10 and myself, would make it a violation to knowingly
11 use a TLC-licensed vehicle to promote
12 prostitution, with a \$10,000 civil penalty and
13 automatic revocation of TLC license. This bill
14 will also require an education component, similar
15 to the bill Senator Peralta has introduced in
16 Albany. It would require that all TLC-licensed
17 drivers complete an education program regarding
18 anti-trafficking and prostitution laws. One
19 important fact to note for why this bill is so
20 crucial is that under this bill individuals can
21 still face severe administrative penalties,
22 including loss of their TLC license, even if
23 prosecutors are not able, for whatever reason, to
24 successfully prosecute them criminally. The
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2 second bill, Intro 735, sponsored by myself and
3 Council Member Elizabeth Crowley of Queens, would
4 significantly raise the penalty on those who
5 operate unlicensed for-hire vehicles. Currently
6 it's only a violation to operate an unlicensed
7 for-hire vehicle, this legislation raises that to
8 a misdemeanor, significantly increases the fines,
9 and would require immediate seizure of the
10 automobile by law enforcement. In addition, it
11 would allow forfeiture of the offending vehicle if
12 the driver has been convicted of this offense two
13 times over a 36-month period, as currently three
14 violations in 36 months are required for
15 forfeiture. Whether or not they're engaged in
16 trafficking activities, these unlicensed for-hire
17 vehicles present significant dangers to the riding
18 public who may use them. For starters, these
19 drivers carry no special insurance, like TLC-
20 licensed cars do; if an unlicensed for-hire car is
21 in an accident, or if the passenger is injured or
22 assaulted, they have no recourse, there's no
23 medallion number. You can't report them. We have
24 thousands of people in this city every day who are
25 boarding cabs that are not cabs, they are boarding

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2 what they think is a cab, yet the car is nothing
3 more than a private vehicle, with no indication
4 that it is properly licensed by the Taxi &
5 Limousine Commission. Yet we have thousands of
6 these cars at train stations and other locations,
7 and people board them as they quickly get off
8 buses and trains, thinking they're cabs. This
9 could be potentially, and I think it is now, a
10 serious situation. We have no way of knowing
11 whether those individuals driving these cars are
12 licensed, do they have a driver's license, are
13 they properly insured, is the car registered, is
14 there a history of accidents? So there's no way
15 to be sure that these cars are safe, or that
16 passengers will be safe. Nobody really knows for
17 certain how many of these unlicensed cars are out
18 there today. I estimate that number runs into the
19 thousands, and to some members of the riding
20 public, it's not obvious that these cars are
21 illegal or unlicensed, as I said, and you'll see
22 them every day when you go to a subway station or
23 major transportation hubs in the city. Although
24 Intro 735 cracks down on an illegal segment of the
25 for-hire industry in general, it's also going to

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2 be useful as part of the broader sex trafficking
3 package. Under Intro 725, it must be proven that
4 the driver knowingly engages in the promotion of
5 prostitution, but if that driver is illegally
6 operating an unlicensed for-hire vehicle, it
7 ultimately doesn't matter if prostitution can be
8 definitively proved or not. Under this bill, if a
9 driver is illegally operating an unlicensed car,
10 the car will be seized on the first offense, and
11 forfeited entirely after the second offense in
12 three years. And that means, if we can get these
13 unlicensed cars off the road with stiffer
14 penalties, then they won't be around to engage in
15 trafficking at all. Sex trafficking has been an
16 illicit industry in New York for decades, probably
17 longer than any of us know. When the city cleaned
18 up Times Square, we pushed the industry out of the
19 city center and out of the view of tourists, but
20 in doing so, we pushed the sex industry into
21 neighborhoods of our city where we raise children,
22 and we see people constantly patronizing small
23 businesses and going about their daily chores. We
24 may not see tourists there, but community people
25 have told us that this situation exists. We must

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2 work just as hard in those neighborhoods to make
3 sure that the fabric of our city is protected,
4 just as we did in Times Square, the problem is no
5 less urgent. I thank you all for coming and
6 without further ado I want to introduce my co-
7 Chair Council Member Julissa Ferreras, the Chair
8 of our Women's Committee. Thank you.

9 CHAIRPERSON FERRERAS: Good
10 morning. Good morning, Council Member and Chair.
11 Good morning, I'd like to thank everyone for
12 coming to today's hearing. My name is Julissa
13 Ferreras and I am the Chair of the Women's Issues
14 Committee. I'd also like to thank Chair Vacca and
15 the staff of the two committees for their work on
16 this hearing, I'd like to also thank Senator
17 Peralta for his work and support. As Chair of the
18 Women's Issues Committee I have been very involved
19 in the issues of sex trafficking and very
20 proactive in finding ways to address it. With
21 several committees' involvement, the Women's
22 Issues Committee has already conducted three
23 hearings this year which tackle the issue of sex
24 trafficking. The first hearing, held in June,
25 examined the social services which are available

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2 to victims for sex trafficking. In the October
3 follow-up hearing, committees examined law
4 enforcement efforts through both prosecution and
5 prevention. Finally, earlier this month
6 committees explored the implementation of Safe
7 Harbor Act, a piece of the state legislation
8 enacted in 2008 which requires local social
9 services districts to provide crisis intervention
10 services and community-based programming for
11 sexually-exploited children. Through these
12 hearings, and through conversations with advocates
13 who address such issues daily, it has become
14 increasingly clear that sex trafficking of women
15 is a major issue in parts of our city. The
16 information that we have uncovered is shocking.
17 The commonplace nature of these crimes is
18 astounding. One example of the boldness of these
19 crimes that has been brought to our attention is
20 for-hire vehicles, both licensed and unlicensed,
21 are playing a significant role in furtherance of
22 this reprehensible practice. As with any major
23 issue, there is no one easy solution to be had.
24 We need to attack sex trafficking in our city
25 step-by-step. This is why I am proud that today

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2 we are going to hear about two bills which will
3 hopefully be steps in the right direction. As
4 mentioned, Council Member Vacca's Intro 735 raises
5 the penalties in a multitude of ways for driving
6 an unlicensed vehicle for-hire. Intro 725, for
7 which I am the primary sponsor, requires as a
8 requisite to licensure, all drivers undergo an
9 education program that informs the drivers about
10 anti-trafficking and prostitution laws, and
11 specifically about laws that prohibit the use of
12 vehicles for these purposes. It is our belief
13 that this educational component targeted at giving
14 drivers a framework to better understand the
15 current trends and dangers in the sex trafficking
16 industry will aid in its eradication. This
17 component will also include an overview of the
18 human rights abuse inherent in sex trafficking,
19 and a practical guide to identifying the signs of
20 sex trafficking and notifying the appropriate
21 government agencies and non-profit organizations.
22 With this, I look forward to hearing from our
23 witnesses, and again I would like to thank all of
24 you for your attendance as well as your attention
25 to this crucial issue. Thank you.

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2 CHAIRPERSON VACCA: Thank you,
3 Chair Ferreras. Now before we call our first
4 witness, I would like to acknowledge the members
5 of the Women's Issues Committee and the
6 Transportation Committee that are here with us
7 today. To my left is Council Member Peter Koo
8 from Queens, to my right, Council Member Annabel
9 Palma from the Bronx, Council Member Ydanis
10 Rodriguez from Manhattan, Council Member Eric
11 Ulrich from Queens, and as members arrive, we will
12 introduce them. I do want to call on our first
13 witness, and call upon Senator Jose Peralta to
14 please take the stand.

15 SENATOR PERALTA: Thank you, Mr.
16 Chair, and good morning to the Committee. I am
17 State Senator Jose Peralta, I want to thank you
18 for the opportunity to address you about this very
19 important issue, and special thanks to one of my
20 Council members, Julissa Ferreras, for her bill.
21 Last spring I introduced a similar piece of
22 legislation in the State Senate. When Council
23 Member Ferreras called me a few weeks ago, and she
24 thought that there would be a better chance of
25 getting this law through the City Council than the

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2 State Legislature, I embraced the idea. Again, I
3 want to thank Council Member Julissa Ferreras for
4 her activism and making sure that we protect these
5 victims that are victims of human trafficking. I
6 also want to thank Council Members Vacca and
7 Crowley for their bills. I also want to take this
8 opportunity to thank the advocates for victims of
9 sex trafficking, several of whom are here today,
10 for their tireless and selfless dedication to
11 performing life-changing work. I want to salute
12 Faith Huckel, Executive Director of Restore NYC.
13 My senate bill is the product of numerous
14 discussions with Faith and her staff. Faith is
15 the one who proposed creating a training program
16 to raise awareness among livery and cab drivers
17 about the extent and brutality of the sex
18 trafficking industry. The aim of this bill is to
19 go after the sex traffic, the sex trade
20 flourishing on Roosevelt Avenue in Corona and
21 Jackson Heights by curbing the "free delivery"
22 advertised by local pimps and the shuttling of
23 johns from midtown Manhattan into my district.
24 Whether the johns are shuttled in by taxi, livery
25 or private drivers who recruit or recruited them

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2 in midtown, or they drive themselves, or arrive
3 via the various means of public transportation,
4 they descend on a stretch of Roosevelt Avenue from
5 69th Street to 112th Street ready for sex and
6 willing to pay for it. Some patronize restaurants
7 reportedly offering packages, package deals that
8 include dinner, drinks and a woman. Others hop
9 into mobile brothels parked in the vicinity of
10 Roosevelt Avenue. Those with a preferred location
11 of their own, take advantage of the many offers of
12 free delivery. Earlier this year I introduced a
13 bill, which has since been signed into law by the
14 Governor, prohibiting the distribution of obscene,
15 business-card-sized ads for prostitutes. We call
16 them the "chica cards", which have been handed out
17 along Roosevelt Avenue and adjacent streets for
18 many, many years, featuring promises of free
19 delivery. After a press conference at which I
20 unveiled my chica cards bill, the problem due
21 attention, the cards were a subject of some jokes,
22 and it turned out that one of the cards that we
23 enlarged and displayed at the press conference,
24 pictured a well-known international supermodel.
25 The harsh reality, though, is that there is

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2 absolutely nothing funny or glamorous about
3 prostitution. The fact is, many women from around
4 the world and across the country are brought here
5 to New York, to my district, and are enslaved,
6 forced to have sex with strangers for the profit
7 of human traffickers and pimps. We have to dispel
8 the dangerous notion that prostitution is a
9 victimless crime, and we do that with information
10 and by raising awareness. Someone aware of the
11 brutal truth is less likely to participate in the
12 continuing exploitation of these women. Someone
13 who understands the plight of these women, who
14 recognizes that prostitution is often not a
15 consensual business transaction, is also more
16 likely to say something if they see something, and
17 that's the point, to raise awareness. The
18 overwhelming majority of taxi and livery drivers
19 work hard to make an honest living, and I need to
20 be clear about this, and that's why I'm going to
21 repeat this again, the overwhelming majority of
22 taxi and livery drivers work hard to make an
23 honest living, and we're certainly all painfully
24 aware that it can be dangerous work. But from
25 what I've heard and seen, I believe there are

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2 some, a very small minority, who have involved in
3 bringing johns into Jackson Heights and Corona
4 from midtown Manhattan, and others who have
5 provided the so-called "free delivery" advertised
6 on the chica cards. Again, someone who
7 understands what these women are really going
8 through is less likely to participate in the
9 exploitation of these women, and is more likely to
10 say something when they see something. The vast
11 majority of livery and taxi drivers work hard to
12 help sustain their families, and they do so with
13 great dignity and honesty. Neither I nor
14 Councilwoman Ferreras seek to condemn an industry
15 so vital to our city's life and economy. What we
16 want is justice for trafficked women, what we want
17 is to force the traffickers and pimps out of
18 business by making it unprofitable to brutally
19 exploit women. We can begin to do that by raising
20 awareness, and by imposing penalties commensurate
21 with the brutality inherent in sex trafficking.
22 That's why I support Council Member Ferreras's and
23 why I urge the City Council to make it into law.
24 In closing, I want to leave you with a statistic
25 to contemplate, one of many I am sure you will

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2 hear today that will be very upsetting,
3 disconcerting, and in all likelihood, hard to
4 imagine. There are some 27 million slaves in the
5 world today, 27 million. That is more than at any
6 other time in human history. Most are trafficked
7 for commercial sexual exploitation, 80% of them
8 are female. And make no mistake, many of them are
9 being abused and exploited in public and private
10 locations in our very own communities. We must do
11 all that we can, as soon as we can, to put an end
12 to it. Again, I want to thank you for the
13 opportunity to address this important issue today,
14 this morning, and if there are any questions, I
15 would be more than happy to answer them. Thank
16 you.

17 CHAIRPERSON VACCA: Okay, I thank
18 you. Before I have ... Council Member Ulrich has a
19 question, but I just want to introduce members who
20 have joined us, Council Member Vincent Ignizio,
21 Council Member David Greenfield, Council Member
22 Jimmy Van Bramer. Council Member?

23 COUNCIL MEMBER ULRICH: Senator
24 Peralta, thank you for your testimony, and thank
25 you, Chair Vacca and Chair Ferreras for hosting

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2 this hearing today. Senator, where is ... what is
3 the status of your bill in Albany in the State
4 Senate? Last year, and was it re-introduced now,
5 or did it not have to be re-introduced? Is it
6 just in limbo? What is the status of the bill?

7 SENATOR PERALTA: No, it is sitting
8 in committee, and we're waiting to see what is
9 going to happen here at the city level.

10 COUNCIL MEMBER ULRICH: And who is
11 the chair, what committee is it sitting in, who is
12 the chair of that committee?

13 SENATOR PERALTA: Transportation.

14 COUNCIL MEMBER ULRICH: Who is the
15 chair of the State Senate Transportation
16 Committee?

17 SENATOR PERALTA: I believe it is-
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19 CHAIRPERSON VACCA: (Interposing)
20 Fuschillo.

21 SENATOR PERALTA: Yeah, Fuschillo.

22 COUNCIL MEMBER ULRICH: He's from
23 Long Island.

24 SENATOR PERALTA: Right, Long
25 Island.

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2 COUNCIL MEMBER ULRICH: Well, if I
3 can be helpful in any way, speaking to some of my
4 Republican friends in Albany, I'd be happy to lend
5 my support and my assistance to further your
6 legislation, as well as push this bill down here
7 in the Council, because I think it's very
8 important.

9 SENATOR PERALTA: Thank you.

10 COUNCIL MEMBER ULRICH: That we
11 take this issue very seriously, because it is
12 happening, not only in your district, but in my
13 district as well, in Woodhaven and in Ozone Park
14 and Richmond Hill, in particular. I think that
15 you see higher instances in immigrant communities,
16 because they are a more vulnerable population, but
17 that's not to say that it doesn't happen in other
18 places, so if I can be helpful to you in Albany, I
19 want you to feel free to call upon me, and I'll be
20 happy to let the majority leader and some people
21 up there know that this is important to us.

22 SENATOR PERALTA: Thank you very
23 much.

24 COUNCIL MEMBER ULRICH: It's
25 important to everybody. Thank you.

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SENATOR PERALTA: Thank you very

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much.

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CHAIRPERSON VACCA: Council Member

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Rodriguez.

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COUNCIL MEMBER RODRIGUEZ: Thank

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you, Chairman Vacca and Julissa, I think that this

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is a great initiative, this is one of the most

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important hearings that I can that I have been

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part of, because it addresses an issue that

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affects so many people citywide, especially

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working class communities, but not only working

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class, I mean, people can be in the middle upper

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class and some of them get into prostitution. And

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I cannot be here for the hearing, I have a major

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event going on in Washington Heights, but I would

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like to say also, as my colleague has said,

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anything we can do to support your initiative at

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the state level, we need to increase the penalty

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for anyone that is involved at any level of

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prostitution. So thank you, and you have our

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support.

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SENATOR PERALTA: Thank you.

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CHAIRPERSON VACCA: I thank you,

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and I'd like to recognize we've been joined by our

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colleague, Council Member Robert Jackson.

COUNCIL MEMBER JACKSON: Thank you.

CHAIRPERSON VACCA: We thank you so much, Senator, for your testimony.

SENATOR PERALTA: Thank you.

CHAIRPERSON VACCA: Council Member Ferreras and I and our Committees are committed to this issue and pursuing it. Thank you, Senator, for your work. I would now like to introduce Commissioner David Yassky of the Taxi & Limousine Commission. (crosstalk)

CHAIRPERSON FERRERAS: Before Commissioner starts, I'd like to acknowledge we've been joined by Council Member Gale Brewer, and you may begin whenever you're ready.

COMMISSIONER YASSKY: Oh, excellent, thank you. First of all, good morning, Chair, good morning Council Members and members of the Committees on Transportation and Women's Issues. Thank you very much for inviting me today, my name is David Yassky, I serve as Chairman of the Taxi & Limousine Commission. Thank you for the opportunity to speak to you today regarding Intro 735, which will increase

1 penalties for unlicensed operation of for-hire
2 vehicles in the city, and Intro 725, which will
3 implement an education program and penalties for
4 promotion of prostitution by for-hire vehicle
5 service providers. The TLC, to cut to the chase,
6 the TLC strongly agrees with the goals of both of
7 these pieces of legislation, we do seek stronger
8 awareness of the problem of sex trafficking and
9 the potential for for-hire service providers to
10 knowingly or unknowingly support that activity.
11 We also seek tougher penalties for unlicensed
12 operation. We do believe that further refinement
13 of both of these bills is necessary, we look
14 forward to working with you, and with Chair Vacca,
15 on refining the bills, so that we can support
16 their ultimate enactment. The first proposed item
17 of legislation, Intro 725, addresses promotion of
18 prostitution in the city's for-hire vehicle
19 industry. You know, I won't go on at great length
20 about, I think it goes without saying that the
21 TLC, along with the rest of the administration,
22 stands firmly against sex trafficking, human
23 trafficking, in any form, and is absolutely
24 committed to whatever is in our power and is
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2 useful to eradicate that reprehensible scourge.
3 This bill would provide for a new education
4 component for all TLC licensees, we support that
5 effort. Our concern is that without sufficient
6 external funding, the cost of an education program
7 would then necessarily be borne by drivers, and so
8 in thinking about how to shape an education
9 initiative, we would like to do it in a way that
10 does not impose costs on drivers. What we propose
11 is that the TLC develop an information pamphlet
12 that would be distributed to licensees, we could
13 distribute to all licensees at the outset, and
14 then again given to people at time of renewal or
15 initial license application. I think that would
16 be a cost effective way to achieve the goal of
17 raising awareness. Our concern about direct
18 classroom education is that then that does become
19 costly, and given that livery drivers are already
20 working extremely hard to make ends meet, we would
21 like to do this in a cost-effective way. Intro
22 735, the second bill before you today, addresses
23 the illegal operation of for-hire vehicles. As
24 you know, the TLC has worked enthusiastically with
25 you and other members of the Council to improve

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2 for-hire service throughout the five boroughs,
3 specifically again I want to thank the
4 Transportation Committee for its wisdom in
5 increasing fines for Yellow Cab service refusals.
6 We have taken very significant steps to enforce
7 those new penalties and you may have read about
8 that in the paper, I think we're getting terrific
9 results, thanks to a partnership with CUNY that is
10 enabling us to put testers out on the street. We
11 have also increased our enforcement resources and
12 efforts focused on preventing unlicensed cars from
13 operating as for-hire vehicles or in effect taxi,
14 you know, informal taxicabs, and preventing
15 licensed vehicles from accepting street hails in
16 violation of TLC rules. Just to give you a sense
17 of the magnitude of these efforts, since January,
18 our enforcement personnel have issued 5,064
19 summonses for unlicensed operation, and 9,886
20 summonses for illegal street hails. I repeat, so
21 since January, I guess that's, you know, this year
22 almost up now, 5,000 summonses, 5,000 plus
23 summonses for unlicensed operation, and that's no
24 license, and 9,800, almost 10,000, summonses for
25 licensed cars doing illegal street hails. I think

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2 that that is a very impressive effort, and I would
3 ... even more impressive is the fact that 3,100 of
4 the unlicensed operations summonses, and 5,500 of
5 the street hail summonses have been written just
6 since June of this year, so we've actually picked
7 up the pace even further in the second half of the
8 year. And that will only continue, I'm very proud
9 to say, I'm sure many of your constituents, many
10 of you have constituents among this group. Just
11 yesterday we graduated another class of 30
12 enforcement inspectors, we had a lovely ceremony,
13 and they will be hitting the streets today and
14 over the next few days, an additional 30
15 enforcement inspectors. So we will ... with that we
16 have doubled our enforcement ... the size of our
17 enforcement operation over the past year, and they
18 will be hitting the streets, again, over the next
19 week, and I think you'll see these numbers just
20 continue to climb. You know, it occurs to me,
21 Council members, I apologize for my negligence, I
22 did not at the outset introduce to you, I'm
23 accompanied today by Meera Joshi, who is the
24 general counsel of the Taxi & Limousine
25 Commission, to my right, and to my left, Deputy

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2 Commissioner Ray Scanlon, who oversees both our
3 inspection garage and our enforcement operation,
4 so ... and I won't introduce everybody else, but you
5 have a very large section of the senior team of
6 the TLC here with you because we take the issues
7 that you're raising today quite seriously. So on
8 this bill, the unlicensed operation bill, I do
9 want to make sure ... I do want to point your
10 attention to some nuances here, and make sure that
11 we're on the same page. The current statute,
12 19.506 of the administrative code, which is what
13 you are amending here, covers both ... covers two
14 types of activity. It covers totally unlicensed
15 activity, this is a car that has no TLC license,
16 out there acting like a taxi or a car service car.
17 We call those at the TLC "straight plates", and
18 I'll call them straight plates for convenience
19 here. It also covers a licensee acting outside
20 the scope of his or her license. So that would
21 include, for example, a licensed livery driver
22 driving a licensed livery car, but making an
23 illegal street hail, accepting an illegal street
24 hail. And I don't mean ... want to wander off into
25 that very complicated and, I know, controversial

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2 topic, but as you know, we are in the midst of
3 seeking authority, a bill has passed the State
4 Legislature, it's pending before the Governor,
5 that would authorize livery vehicles to accept
6 street hails. I raise that today, because the
7 bill that you have before you would increase
8 penalties quite dramatically, both for straight
9 plates and for licensed liveries that are
10 performing street hails. We can ... here
11 wholeheartedly support the effort to increase
12 penalties for straight plates, that is where the
13 real ... both of those activities are illegal under
14 current law, but the straight plate activity is
15 much more troublesome to us. Straight plates pose
16 a much greater risk to the public, their drivers
17 have not been drug-tested or undergone a criminal
18 background check, as licensed livery drivers have,
19 their vehicles have not been inspected at our
20 Woodside facility, as licensed livery vehicles
21 have, which protects both the driver's safety and
22 the passenger's safety and the safety of the other
23 ... of the pedestrians and the other drivers, and
24 since it includes an emissions components, the
25 lungs of all New Yorkers. So our ... we share your

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2 concern to get straight plates off of the streets,
3 we've been building up our person power, we think
4 increased penalties would help in that effort, and
5 we support. In terms of the specifics of what you
6 proposed, we think it's important to maintain
7 consistency among the ... in the penal law and in
8 the penal-type laws in terms of the penalties that
9 are being imposed on people. Here I would direct
10 your attention to the state penal law that has a
11 criminal penalty for hustling at the airports for
12 people who are trying to direct people off the
13 taxi ... the legitimate taxi line and into
14 illegitimate cars at the airports. That penalty
15 is, we think, comparable to the straight plate
16 activity you are talking about here, it poses the
17 same dangers. The penalties in your bill are
18 greater than those in that state penal law, we
19 would recommend making this statute consistent
20 with the state penal law, so those two activities
21 are penalized at the same level. That's a
22 suggestion to you. But we also, I think, and this
23 is, we do feel strongly about, that you
24 distinguish between straight plates, which deserve
25 this very severe penalty that you're proposing,

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2 and activity by licensed liveries performing
3 street hails. I think that before you raise
4 penalties for that, I think it would be wiser to
5 wait and see how the discussion in Albany plays
6 out. If there is going to be -- and we believe
7 there will be, and should be -- a legitimate
8 license that allows livery cars to accept street
9 hails, then sure, we want tough penalties for
10 people who do not get that license. If, you know,
11 and I hate to raise it, but if, heaven forbid,
12 we're not in that situation, then I think
13 penalizing a licensed livery driver who is trying
14 to serve the public in an area of Brooklyn and
15 Queens, or Bronx or Staten Island, where there is
16 no alternative service, penalizing that person
17 with imprisonment we would not support. So with
18 those comments, again, we support the core ideas
19 behind both of these pieces of legislation, we
20 think each of them do need some refinement. I
21 look forward to working with you, Mr. & Ms. Chair,
22 and on accomplishing those refinements so that we
23 can support ultimate passage. Thank you, I'm
24 happy to take any questions. I also, I very much
25 apologize, Ms. Chair, I know I told you at the

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2 outset, I'm going to have to excuse myself at
3 about eleven o'clock, I've been commanded to
4 appear in Albany at a meeting that the Governor
5 called, so if I can, if I, you know, if at five
6 minutes or eight minutes after eleven, but more
7 than that, that would become a problem. Thank
8 you, Mr. Chair.

9 CHAIRPERSON VACCA: Okay, thank
10 you, we'll try to accommodate you. I want to
11 introduce members who have joined us, Council
12 Member Elizabeth Crowley to my left and Council
13 Member Danny Dromm to my immediate left, Council
14 Member Charles Barron, okay, he was here. Let me
15 first clarify something. The purpose of my
16 legislation, as sponsored by myself and Council
17 Member Crowley, is relating to the strengthening
18 of penalties for illegally operating non-TLC-
19 licensed vehicles for hire. That's the title, if
20 there is an interpretation from your agency that
21 is not my interpretation, then we will work on the
22 legal wording of this, because I do not intend to
23 have this legislation apply to cars licensed by
24 the Taxi & Limousine Commission. I did not
25 discern that, and I don't, but if there are legal

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2 issues that your agency has identified, then after
3 the hearing we will talk about that. Let me go
4 into straight plates and let me go into the main
5 purpose of the legislation. You mentioned that
6 you served 5,000 summonses so far this year on
7 straight plate cars, which are non-TLC-licensed
8 vehicles for hire. Let me ask you, how many of
9 those cars were seized?

10 COMMISSIONER YASSKY: I don't have
11 that at my fingertips, I'm going to ask while I'm
12 talking, Deputy Commissioner Scanlon to come up
13 with his best ballpark estimate of that number,
14 but we certainly will get you the actual number as
15 soon as we can. I will say this, and first of
16 all, I apologize, I did not address the part of
17 your bill that talks about seizure. We do, we
18 think seizure of a vehicle is an extremely
19 important enforcement tool when we're talking
20 about the straight plates. It, first of all,
21 makes sure that we get the fines, because with our
22 licensees, our licensees pay the fine. If we
23 issue them a ticket, they pay the fine because if
24 they don't, they're going to lose their license.
25 With non-licensees we don't have that threat, so

1 if we just issue them a ticket, they disappear.
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3 And like as not, we won't get the fine, so we ...
4 that's why we think seizure, over and above that,
5 seizing a vehicle I think kind of, is kind of an
6 immediate consequence that sometimes people need
7 to get a message. So we very strongly believe in
8 seizure as a tool, we seize, I will tell you, as
9 many cars as we can, given two constraints.
10 There's a constraint about storage space, the
11 city's tow pounds are ... operate essentially at
12 capacity, on any given day they may be either near
13 capacity or at capacity, and we cannot seize a car
14 if we have no place to put it. I will tell you,
15 Ms. Chair, just to illustrate our strength of our
16 commitment to the seizure tactic, we have on a
17 handful of occasions taken cars and stored them at
18 our own Woodside facility in the park, that's not
19 a long-term solution, because we need those lanes
20 to be free for inspections, but over the weekend
21 we've done this, when we know that we'll be able
22 to clear the cars out by Monday morning, so that
23 the taxis coming in for inspection can have clear
24 lanes. We have worked with the Port Authority to
25 get some access to their parking, when we do

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2 airport enforcement. But the shortage of pound
3 space in the city is an impediment for us. To
4 address this impediment, we put out a request for
5 proposal, I am told we have made approximately
6 1,400 seizures year-to-date, so of those 5,000
7 plus summonses, we seized the car in about 1,400
8 instances. We put out an RFP, or a bid document
9 for a provider to give us storage capacity. We
10 got a couple of responses, unfortunately we're not
11 sure if we're going to be able to move forward
12 with them, because they're both, they were from
13 companies that have various issues, and we have to
14 find a contractor that can, you know, is
15 appropriate for the city to contract with. But we
16 are not going to stop until we've done that and
17 we've found a contractor that we can acquire the
18 storage space to do what we need to do. Let me
19 just say about the legislation- -

20 CHAIRPERSON VACCA: (Interposing)
21 Yeah, let me, Commissioner, if you have to leave-
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23 COMMISSIONER YASSKY: (Interposing)
24 You're right, you're absolutely right.

25 CHAIRPERSON VACCA: Your answers

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must be very abbreviated.

COMMISSIONER YASSKY: Yes, of course.

CHAIRPERSON VACCA: Because I have members who have questions and that's in all fairness what I have to ask you to do.

COMMISSIONER YASSKY: I apologize, you're right.

CHAIRPERSON VACCA: Okay, that's okay, Commissioner. Commissioner, let me say this to you, I think you agree, but it is unacceptable in the city that we don't have enough tow pound space to get these kinds of cars off the street. These kind ... these cabs are not cabs, as you know, we don't know who's driving them, they're not licensed by your agency, yet you are aware, and you've stated, and I am aware, that we don't have tow pound space in the city, and many times that means that we can't get these cars off the street as effectively as we should. That's not acceptable, because people are taking their lives in their hands when they go into these cars. And sometimes summonses are just a ... sometimes the issuance of summonses is just a cost of doing

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2 business, because your agency doesn't have
3 jurisdiction to stop these cars, because they
4 never came to your agency in the first place.
5 Forfeiture is the only answer.

6 COMMISSIONER YASSKY: It is.

7 CHAIRPERSON VACCA: So we have to
8 find the tow space now, and not wait for proposals
9 and other types of bureaucratic processes. I
10 think that the city has got to make this a
11 priority.

12 COMMISSIONER YASSKY: I couldn't be
13 more ... I will just ... let me invite, Mr. Chairman,
14 if you would like to ask somebody on your staff to
15 join with us, and I will ask a City Hall person to
16 come and sit with us, so that we can work out, you
17 know, how we're going to get from here to there on
18 getting the storage capacity we need, with
19 yourself or your representative, TLC, City Hall,
20 you know, siting issues, as you know, are always
21 extraordinarily complex, but that's not a reason ...
22 I'm not saying we can't do it, I'm saying it
23 requires work and effort. I think your presence
24 in that would be extremely useful, so if you like
25 I will move forward to set up that discussion.

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2 CHAIRPERSON VACCA: I certainly
3 want to do that quickly.

4 COMMISSIONER YASSKY: Thank you.

5 CHAIRPERSON VACCA: Let me ask you
6 something else. Do you have a policy that if
7 someone is caught operating one of these illegal
8 for-hire vehicles, that they cannot go to the Taxi
9 & Limousine Commission and try to legitimize and
10 get a TLC license if they have been summonsed or
11 their car has been forfeited?

12 COMMISSIONER YASSKY: So anyone who
13 has a prior summons history with us is, if they
14 apply for a license, they are referred to what is
15 called a fitness hearing and they go before an
16 administrative law judge, independent, not part of
17 the TLC, and the independent law judge, the
18 administrative law judge- -

19 CHAIRPERSON VACCA: (Interposing)
20 But that is, I'm sorry, that is if they have a
21 license with you. These are individuals who have
22 never had a license with you and they have taken
23 the law into their own hands, and my question is,
24 can they then legitimize with you and go through
25 the process?

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2 COMMISSIONER YASSKY: They can try
3 it, and it's similar to what I said before, that
4 an application from somebody, a first-time
5 application for a license, we review for history,
6 both criminal history and TLC history, and for
7 that matter, DMV history, if they've had license
8 suspensions or whatnot from DMV, if there's any
9 blemish, then what the law provides is that they
10 are entitled to an individualized hearing. The
11 way that hearing ... so their case is then referred
12 to an administrative law judge who makes a
13 decision about whether their violation makes them
14 unfit. If you ... I would certainly be willing to
15 work with you, Mr. Chair, on legislation that
16 would carve out some automatic ... I think there
17 should be some automatic bars to applying and not
18 that whole individualized process in every case.

19 CHAIRPERSON VACCA: That's where
20 I'm headed with these questions.

21 COMMISSIONER YASSKY: Yes.

22 CHAIRPERSON VACCA: I think that we
23 have to look at legislation that would send a
24 clearer message that those who illegally operate
25 these for-hire vehicles have to know that they're

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2 not going to be able to get a TLC license and
3 legitimize themselves if they engage in such
4 illegal activity, because we make that a priority.
5 Okay, I'm going to come back later, I would ask
6 that you leave people here from your agency.

7 COMMISSIONER YASSKY: Absolutely.

8 CHAIRPERSON VACCA: Because of your
9 leaving early, and I would like to go to my co-
10 Chair, Council Member Ferreras.

11 CHAIRPERSON FERRERAS: Thank you,
12 Mr. Chair. I'm actually going to focus in on the
13 education component of the sex trafficking part of
14 these bills, but before I do that, I just want to
15 publicly acknowledge Speaker Quinn, who
16 unfortunately had every intention of coming here
17 today, and wanted to say that she had hoped to be
18 here, but she's stuck somewhere else, and thanks
19 to the advocates for coming on her behalf. So
20 thank you for the advocates. And I will be brief,
21 because we have several Council members that have
22 questions that they want to ask you. But I want
23 to focus in on what is required in the way of
24 education or training before a driver can become
25 TLC-licensed?

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2 COMMISSIONER YASSKY: So we have
3 two types of drivers licenses, a taxi driver
4 license, a hack license, requires training, going
5 to what we call taxi school, it's three days, full
6 days, 24 hours, three eight-hour days of training
7 and instruction, and then the driver must pass a
8 test, or two tests, really, one that shows English
9 proficiency, and the other that shows familiarity
10 with TLC rules and with New York City geography.
11 In addition, of course, the driver is
12 fingerprinted and there's a criminal background
13 check, and if there's issues, then there's that
14 process that I referred to, also must pass a drug
15 test. For a livery driver license, there is no
16 school or English proficiency component, or
17 geography test. There is the same drug test and
18 criminal background check, but not the English
19 proficiency and geography part. And the theory
20 there is that a taxi driver is serving the public,
21 there are people coming into the car that the
22 public should expect if they get into the car, to
23 be able to communicate with the driver, the driver
24 will know where they're going. Livery car, every
25 livery car is affiliated with a base, so there we

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2 feel that it's appropriate for the base to assume
3 responsibility for the quality of the drivers, and
4 they have every incentive to do that, by which I
5 mean, if I call base, and they send me a driver
6 who I can't communicate with, or who gets lost
7 trying to go fifteen blocks in Brooklyn, I'm not
8 going to call that base again. And so we don't
9 feel the need to step into the middle of that, and
10 I think in the main the bases do an excellent job
11 of making sure that drivers are of a good quality
12 to serve the public. So anyway, that's the two
13 types of license that we have, and our
14 requirements for each.

15 CHAIRPERSON FERRERAS: Are you
16 aware of incidents that have occurred or the
17 prevalence of pimps or traffickers that have used
18 for-hire services to promote sex trafficking?

19 COMMISSIONER YASSKY: So we have ...
20 and you commended, you know, the Speaker, and I
21 commend her as well for her leadership here, and I
22 know the advocates in particular, the organization
23 Sanctuary for the Family, which has done just
24 tremendous work on bringing this to light, and it
25 is, this is again one of those issues that is very

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2 often in the shadows and people don't like to talk
3 about it, and it, you know, whether it's because
4 it is, you know, kind of icky or because it's just
5 not put right in their face, and it's important
6 for things like that to be put front and center so
7 that the government can deal with it, and get it
8 stopped. And so ... I'm sorry, you asked am I
9 aware, I'm aware through our discussions with
10 Sanctuary and others of this issue. We are always
11 ready for complaints about specific providers, and
12 we will follow up on those to the extent of our
13 capacity. I don't want to kind of over-promise,
14 Ray runs a tremendously-effective shop, but we're
15 not the police department, in terms of either our
16 number of person power or the tools that are at
17 our disposal, but certainly if somebody brings a
18 complaint about this base is participating,
19 certainly if there's a criminal proceeding that
20 gives us that, we then can act on that and
21 piggyback, but if someone brings us a complaint
22 about a base that is engaging in illegal activity,
23 what our tool would be would be to call them in
24 for a fitness hearing and confront them with
25 whatever evidence there is and see if they can

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explain it. That's kind of the extent of our enforcement ability.

CHAIRPERSON FERRERAS: So you call them in for a hearing, and so after they explain, then what happens after that?

COMMISSIONER YASSKY: Well, when ... if a base can determine, you know, can prove its fitness, then it retains its license. If not, then its license would be revoked.

CHAIRPERSON FERRERAS: Now, if this is related to a specific driver that's partnered up with a pimp locally, just a specific driver, does the base get penalized in its entirety if it's one driver? Or has- -

COMMISSIONER YASSKY: (Interposing)
You know, I don't think there is a clear rule about that, because our standard is fitness, so it's a fairly broad standard, and I think there it would be up to the administrative law judge to decide if it speaks to the fitness of the base.

CHAIRPERSON FERRERAS: Are drivers offered any practical guides or any ... in your suggestion, you mentioned that you would prefer a pamphlet. Is anything else given in the form of a

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2 pamphlet?

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COMMISSIONER YASSKY: We do, certainly we do, we have all manner of guides to our rules, that's really what we mostly do. We don't, and you've prompted me to think about this more broadly, have kind of more customer service-oriented pamphlets, not what you're talking about, but customer service-oriented guidance I think would be very helpful to the bases, and to drivers, and then on this issue, I think it would be very useful for us to have some clear material that can tell drivers, this does happen, here's what to look for, you do not want to unwittingly be wrapped up in somebody else's criminal enterprise. As somebody said it best, if you see something, say something. I think a pamphlet like that would be of great value.

CHAIRPERSON FERRERAS: Okay, well I'm acknowledging the time, and I have a whole host of questions.

COMMISSIONER YASSKY: Right.

CHAIRPERSON FERRERAS: But I think we can follow up probably with the Committee and your office. I'd like to now call Council Member

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2 Koo who has questions, and we just have a few
3 other after that, and we're going to try to get
4 you to ... that will be fine, okay. Well, there
5 goes that. He's here but not here? Okay.
6 Acknowledging Council Member Wills, is Council
7 Member Koo walking in? All right.

8 COUNCIL MEMBER KOO: Commissioner,
9 thank you for coming in.

10 COMMISSIONER YASSKY: Thank you.

11 COUNCIL MEMBER KOO: My question is
12 about the prostitution using for-hire vehicles. I
13 don't know whether to direct the question to you
14 or to our Committee. A driver, we put a heavy
15 burden on the driver, on those livery cabs,
16 because if some lady is dressed like fancy and
17 gets in a car, and then should he refuse taking
18 this lady to a destination? And then what kind of
19 questions should the driver ask the lady? Are you
20 ... what kind of profession are you in, or
21 something?

22 COMMISSIONER YASSKY: Right, I
23 think that's a very important question that you've
24 raised here, because you certainly, in raising
25 awareness in the industry, you don't want to put

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2 the driver in a position where they may wind up
3 refusing service to legitimate customers, or even
4 beyond that, asking intrusive and offensive
5 questions and making women feel uncomfortable in a
6 car. I don't think that's an impossible balance
7 to strike. I do think that we can equip our
8 drivers and bases with some tools and some
9 awareness to be able to say, I think there is a
10 real issue here that I want to report to somebody
11 without having them ask everyone that gets into
12 the car an offensive question. So- -

13 CHAIRPERSON FERRERAS:

14 (Interposing) So I just- -

15 COMMISSIONER YASSKY: (Interposing)
16 But I understand the issue you're raising.

17 CHAIRPERSON FERRERAS: I just want
18 to clear Council Member Koo, this is for a driver
19 who knowingly is participating with a pimp or a
20 trafficker. Clearly, I'm the Chair of Women's
21 Issues, I'm a woman of a color, this has nothing
22 to do with how you perceive a woman before she
23 gets into your car. This is about knowingly
24 saying, I know that that's a trafficker, and I am
25 in ... I am knowingly going into contract with him

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2 so that I can deliver this one for free, and that
3 pimp is paying me. That's what this ... that's the
4 spirit of this legislation.

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COUNCIL MEMBER KOO: Chairman,
6 believe me, I'm 100% supporting the intentions of
7 this law. It's just in the logistics of working
8 out to make sure the drivers don't get penalized
9 for picking up a woman, I mean, he has no
10 intention of doing illegal activities.

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COMMISSIONER YASSKY: Well, I think
12 certainly any penalties have to be, as the Chair
13 says, restricted only for knowing conduct, for
14 sure.

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COUNCIL MEMBER KOO: But there it
16 is sometimes hard to prove that point, knowingly.

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COMMISSIONER YASSKY: Well, that's
18 ... I leave that to the lawmakers to ... that's to
19 tackle that challenge.

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COUNCIL MEMBER KOO: All right, I
21 finished my question. Thank you.

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CHAIRPERSON FERRERAS: Council
23 Member Jackson.

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COUNCIL MEMBER JACKSON: I waive my
25 time.

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2 CHAIRPERSON FERRERAS: Council
3 Member Crowley.

4 COUNCIL MEMBER CROWLEY: Good
5 morning, thank you to both our Chairs today. I'm
6 co-sponsoring Intro 735, because I believe that
7 those individuals who are driving these taxicabs,
8 or gypsy cabs, really, that are not licensed, are
9 not fit to be on the road, and that they're taking
10 the public's lives in their own hands, so it's
11 clearly a public safety issue.

12 COMMISSIONER YASSKY: It is.

13 COUNCIL MEMBER CROWLEY: The fact
14 that you've issued 5,000 plus summonses this year
15 alone, shows to me that the current fines aren't
16 strict enough.

17 COMMISSIONER YASSKY: Agreed.

18 COUNCIL MEMBER CROWLEY: And so we
19 have to work together to make sure that we pass
20 these two intros, and I'm curious to know, my
21 question is, when you say that number, 5,000, are
22 you including vans as well?

23 COMMISSIONER YASSKY: That would be
24 any vehicle that doesn't have a TLC license that
25 is performing a service that ... for which you

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2 should have a TLC license. So it could be a van,
3 although not a ... it would not include a licensed
4 commuter van that is operating in a way that it is
5 not supposed to be, but at any rate, it would
6 include any vehicle lacking a TLC license,
7 performing a service for which it is required to
8 hold a TLC license.

9 COUNCIL MEMBER CROWLEY: Now, who
10 is out there giving these summonses?

11 COMMISSIONER YASSKY: A tremendous,
12 and I say this with so ... with real passion, a
13 tremendously dedicated group of inspectors who
14 serve under Deputy Commissioner Scanlon and his
15 team. We now have some 120 inspectors? Am I
16 roughly ... 120 inspectors on the street, again,
17 that's about double than where we were.

18 COUNCIL MEMBER CROWLEY: And they
19 work for the TLC, they do not work for the Police
20 Department.

21 COMMISSIONER YASSKY: They work for
22 the Taxi & Limousine ... they work for the people of
23 the City of New York through the TLC, yes.

24 COUNCIL MEMBER CROWLEY: Now, can
25 the Police Department ... how often do you find that

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2 our police officers know how to detect whether a
3 vehicle is licensed or unlicensed?

4 COMMISSIONER YASSKY: They do, we
5 have a terrific relationship with PD, and we work
6 collaboratively with them all the time. I mean,
7 part of Ray's weekly report to me includes the
8 various joint operations that are done during that
9 week with this precinct or that precinct. Having
10 said that, we see it as our job, and if the job
11 isn't being done, it's our fault and our problem.
12 In other words, the PD has many things to do.

13 COUNCIL MEMBER CROWLEY: Right.

14 COMMISSIONER YASSKY: And in any
15 given week, you know, this or that precinct may
16 not be able to work with us, because they have
17 other demands, and we absolutely understand that.

18 COUNCIL MEMBER CROWLEY: But do
19 they ever take it on their own? Have they?

20 COMMISSIONER YASSKY: We ... our
21 joint operations are sometimes initiated by us and
22 sometimes initiated by the precincts. Right, Ray?
23 I mean, jump in if- -

24 COUNCIL MEMBER CROWLEY:

25 (Interposing) Do we know how many of the 5,000

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2 were summonsed by your inspectors and versus how
3 many were summonsed by the Police Department,
4 absent your participation?

5 COMMISSIONER YASSKY: I think the
6 5,000 number is entirely TLC, am I right? Or
7 would that include- -

8 MR. SCANLON: (Interposing) The
9 vast majority of that would be TLC.

10 COMMISSIONER YASSKY: But what I'm
11 saying, do we, would the PD numbers be in addition
12 to the 5,000 or within that?

13 MR. SCANLON: It would be within
14 that.

15 COMMISSIONER YASSKY: Oh, within
16 that, okay. So the 5,000 includes PD, I will get
17 you the breakdown of TLC and PD.

18 COUNCIL MEMBER CROWLEY: Thank you,
19 and with such a large number, you have to imagine
20 that there's a multiple amount of these vehicles
21 out there, there's got to be like 30,000 or so.

22 COMMISSIONER YASSKY: Yeah, there's
23 also a lot of repeat offenders, and this is where
24 one thing that I did not raise here, but I would
25 love for the Council to consider, is to give us

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2 increased forfeiture authority to, not just seize,
3 but forfeit a vehicle that is being ... an
4 unlicensed vehicle being used for for-hire
5 purposes. Currently, we have the authority to
6 forfeit if it is used three times by the same
7 driver for illegal ... you know, as an illegal taxi.
8 Now, we pulled this up the other day, just in a
9 year period, we had over 80 double offenders. We
10 are told, and I believe it's the case, that when
11 people get caught twice, then they switch to a
12 different car. So the three strikes and same
13 driver penalty is ... we never get there. What I
14 would love is if we could forfeit after a second
15 offense, I think that would really send a message,
16 and I would ask you to consider that.

17 COUNCIL MEMBER CROWLEY: Okay, no
18 further questions, thank you, Chair.

19 CHAIRPERSON VACCA: Thank you. I
20 think this issue of seizing cars that are not in
21 any way licensed by TLC, which you call straight
22 plates, is the reason why the legislation before
23 us today is being heard. But would I be wrong in
24 saying that the Police Department and the Taxi &
25 Limousine Commission may have issued summonses

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2 against these vehicles rather than seize them
3 because there was not an ability to identify tow
4 pound space where the operation took place?

5 COMMISSIONER YASSKY: So I'm sorry,
6 and before, when I was getting long-winded, I said
7 there were two constraints on our ability to
8 seize. One is pound space, and that is a
9 constraint from time to time, all the time. And
10 then the other though is kind of person power, or
11 what makes sense on a given day, and sometimes the
12 captain in the field, and I would think that the
13 captain should have this ability, says, all right,
14 today we just want to do as many summonses as we
15 can. If we seize a car, that ends up taking four
16 people out of the field for, it could be a couple
17 of hours, it could be a few hours, because they
18 have to bring the car to the tow pound, do the
19 paperwork, get back to where they were working,
20 and sometimes the captain says, look, there's just
21 a lot of cars out here today, let's make sure that
22 they know we're here, and we're going to issue as
23 many summonses as we can, and not ... because a
24 seizure definitely takes away from time that would
25 be spent issuing other summonses. So I think I

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2 would like to preserve that flexibility for our
3 captains in the field. There's part of the bill
4 that says, it would make it mandatory to seize,
5 and while I want as much ability to seize as we
6 can, I'm hesitant to take that ability away from
7 our captains in the field, that discretion. But
8 having said that, it is our goal- -

9 CHAIRPERSON VACCA: (Interposing)

10 Well then, having said that, Commissioner, then I
11 want an action plan from your agency, because if
12 you're telling me that the police may not have the
13 resources, then I think it's incumbent upon your
14 agency to have the resources, because- -

15 COMMISSIONER YASSKY: (Interposing)

16 Yes.

17 CHAIRPERSON VACCA: ... one way or
18 another, I want these cars off the street.

19 COMMISSIONER YASSKY: We will get
20 you an action plan within a week, Mr. Chair.

21 CHAIRPERSON VACCA: Okay. And I
22 don't accept that summonses are issued because
23 there is a lack of tow pound space. I mean, the
24 summons is not as strong a penalty in any way as
25 the forfeiture, and I'm insisting, based on this

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2 legislation, that we're going to address this
3 problem. Now, if you have other legislation to
4 offer, please let my staff know.

5 COMMISSIONER YASSKY: Great.

6 CHAIRPERSON VACCA: I'm open to
7 doing other legislation as well.

8 COMMISSIONER YASSKY: Thank you.

9 CHAIRPERSON VACCA: Council Member
10 Dromm.

11 COUNCIL MEMBER DROMM: Thank you
12 very much, Mr. Chair, and Madam Chair as well. I
13 wanted to make sure that I came to this hearing
14 today because I'm very interested in Intro 725 in
15 relation to the use of vehicles for the purpose of
16 promoting prostitution. And let me just say out
17 front that I have some deep civil liberties
18 concerns about this piece of legislation, and I
19 wanted to kind of follow up on a trend that my
20 colleague from Flushing, Council Member Koo,
21 started with, to say and maybe to ask you, what
22 does a prostitute look like?

23 COMMISSIONER YASSKY: Are you
24 asking me that question?

25 COUNCIL MEMBER DROMM: I'm asking

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you.

COMMISSIONER YASSKY: I think, and I said to Council Member Koo, recognizing the concern, absolutely, I think that there would be some value to helping our licensees be sensitive to the facts and reality of human trafficking and sex trafficking, such that they could, in an appropriate time and in an appropriate way, assist law enforcement. You ... do you want to profile? Of course not. Do you want to have ... go anywhere close to raising the possibility that what somebody would see as too short of a skirt could get some kind of comment from somebody? Of course not. At the same time, this is a phenomenon that's out there, and it is a reprehensible abuse of- -

COUNCIL MEMBER DROMM:

(Interposing) Aren't there laws on the books already, Commissioner, that deal with people who are involved in the promotion of prostitution?

COMMISSIONER YASSKY: Of course.

COUNCIL MEMBER DROMM: And pimping, etc., that would be able to address this issue as well?

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2 COMMISSIONER YASSKY: Of course
3 there are, and indeed, a knowing- -

4 COUNCIL MEMBER DROMM:
5 (Interposing) In some ways this wasn't
6 duplicitous, of what ... of existing law and- -

7 COMMISSIONER YASSKY: (Interposing)
8 By not duplicitous, but you mean duplicative.

9 COUNCIL MEMBER DROMM: My mistake.

10 COMMISSIONER YASSKY: And I would
11 say that the, you know, indeed a driver who
12 knowingly is assisting a pimp or a procurer or a
13 prostitute, you're right, would be covered as an
14 accomplice under criminal law. So I take your
15 point, I ... nonetheless, I do think that we as the
16 city government want to do, you know, everything
17 within our power and that makes sense, to assist
18 in the effort against sex trafficking.

19 COUNCIL MEMBER DROMM: And I notice
20 in the legislation that it seems to me that
21 there's some confusion between promoting
22 prostitution and sex trafficking, so I was just
23 wondering if you are ... if you could maybe describe
24 for us as the Commissioner, the difference between
25 sex trafficking and prostitution. Are we now

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2 calling those who are in sex trafficking, who have
3 been enslaved in this, prostitutes?

4 COMMISSIONER YASSKY: Right, so,
5 Council Member, my testimony here today is that
6 the TLC supports the goal of Chair Ferreras and
7 Speaker Quinn and the other co-sponsors of this
8 legislation in seeking to enlist the TLC in
9 informing the livery industry about the reality of
10 sex trafficking and giving them guidance that
11 would enable them to be of assistance to law
12 enforcement. We do ... I think that is a worthy
13 goal, I do think it's something that we could
14 accomplish. I am not here to say I have a fully-
15 developed plan or- -

16 COUNCIL MEMBER DROMM:

17 (Interposing) What about the- -

18 COMMISSIONER YASSKY: (Interposing)
19 ... module, but I do- -

20 COUNCIL MEMBER DROMM: ...

21 (Interposing) idea of fining a taxi driver \$10,000
22 and taking their license away, the revocation of
23 their license? That goes way beyond just that
24 education piece that you're talking about.

25 COMMISSIONER YASSKY: Well it does,

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2 I share your concern about duplicating criminal
3 provisions in the TLC code. Look, we could have,
4 you know, a TLC rule that says a livery driver who
5 would knowingly assist in an armed robbery is
6 guilty of such, or knowingly assists in a murder
7 is guilty of such, and probably it's not ... it's
8 probably not worth going down that road of
9 duplicating the criminal law in the TLC rules or
10 in the administrative code. Having said that, you
11 know, I do think that there's a distinct public
12 policy issue here of sex trafficking, and a
13 response from the government is appropriate, we
14 are not just ready, but eager, to work with Chair
15 Ferreras and the Council in crafting a useful
16 response from the TLC.

17 COUNCIL MEMBER DROMM: Well, I'm
18 willing to work with them also, but that's why- -

19 COMMISSIONER YASSKY: (Interposing)
20 And yourself.

21 COUNCIL MEMBER DROMM: ... I'm
22 raising these concerns, because to me it is very
23 egregious to take away someone's license and to
24 fine them \$10,000, and I have seen these laws
25 used, false prostitution charges used, against

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2 many in the community, particularly in the
3 lesbian, gay, bisexual and transgender
4 communities, where just recently a gay man was
5 falsely charged with prostitution, and this has
6 constantly been a vehicle of discrimination
7 against LGBT community members, and we are facing
8 right now on Roosevelt Avenue in Queens a
9 tremendous issue of discrimination against
10 transgendered women, who by virtue of their
11 appearance, and that's why I was asking the
12 questions in the way in which I was, are being
13 arrested for prostitution, when in fact they have
14 no idea, or any intention, of engaging in
15 prostitution at all, and this only seems to me to
16 give the police another opportunity to harass
17 these women.

18 COMMISSIONER YASSKY: There's no
19 question there's a very ugly history of abuse of
20 prostitution laws in service of anti-gay bigotry,
21 and whatever efforts we make along these lines has
22 to understand that history and make sure that we
23 learn from it and not repeat it.

24 COUNCIL MEMBER DROMM: Okay, and I
25 guess basically the way I feel about this is that

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2 we're asking, or we're attempting to penalize
3 drivers for the actions of others, and they don't
4 have any control over the actions of those other
5 people. So I would really urge that we reconsider
6 this bill and its intended purpose, and remove
7 penalties and just go along with the education
8 piece, and I think that would much better serve
9 our communities, thank you.

10 CHAIRPERSON VACCA: Thank you,
11 Council Member Dromm. There are no further
12 questions, Commissioner, so I think you're going
13 to make it to Albany.

14 COMMISSIONER YASSKY: Thank you,
15 that's- -

16 CHAIRPERSON VACCA: (Interposing)
17 Commissioner- -

18 COMMISSIONER YASSKY: (Interposing)
19 That's because you've never seen me drive.

20 CHAIRPERSON VACCA: Commissioner,
21 we thank you and we thank your staff. I thank you
22 for leaving staff behind.

23 COMMISSIONER YASSKY: Thank you.

24 CHAIRPERSON VACCA: We want to work
25 with you on legislation, and we want to work with

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other Council members where there are issues.

COMMISSIONER YASSKY: Very good.

CHAIRPERSON VACCA: And- -

COMMISSIONER YASSKY: (Interposing)

I do think there is room to figure out something in the future to do.

CHAIRPERSON VACCA: We have to figure it out, you know.

COMMISSIONER YASSKY: On both of these problems.

CHAIRPERSON VACCA: At the end of the day, Council Member Ferreras and I cannot accept a bill that just produces a pamphlet. I want something done, and we want to protect everybody's rights, but we want- -

COMMISSIONER YASSKY: (Interposing)

Well, we can- -

CHAIRPERSON VACCA: (Interposing) ...

something, we want something effective. I'm sure the administration feels the same way, so we should work together.

COMMISSIONER YASSKY: No question, we want something effective, and we will work with you on that.

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2 CHAIRPERSON VACCA: Thank you,
3 Commissioner. Thank you.

4 COMMISSIONER YASSKY: Thank you.

5 CHAIRPERSON FERRERAS: Okay.

6 (crosstalk) Our next panel will be Sanctuary and
7 Kathleen Slocum. I want to first ask any press
8 that's present, someone, a victim is going to be
9 testifying, we're going to be protecting her
10 image, so I ask that you not take pictures of her,
11 or video of her, and for those of you who are in
12 the room, clearly we are doing this, this is very
13 delicate and a very delicate process, that we've
14 done on several occasions here in the Women's
15 Issues Committee, and it's to protect the identity
16 of our ... of the young woman who is going to be
17 testifying today. So I would like to call up the
18 next panel. Is she here?

19 MS. COHEN: She'll be here as well.

20 CHAIRPERSON FERRERAS: Okay.

21 MS. COHEN: She is on the floor,
22 she is with our client right now. Right.

23 CHAIRPERSON FERRERAS: Do you have
24 written testimony?

25 MS. COHEN: Yes I do. (crosstalk)

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2 CHAIRPERSON FERRERAS: Hello and
3 thank you, you may begin your testimony.

4 MS. COHEN: Good morning, I am Lori
5 Cohen, Senior Staff Attorney at Sanctuary for
6 Families, which is the largest nonprofit agency in
7 New York State dedicated exclusively to serving
8 victims of domestic violence and sex trafficking.
9 We served over 11,000 clients last year, offering
10 a range of services, including shelter, counseling
11 for adults and children, legal advice, and
12 representation in orders of protection, family
13 law, custody, divorce and immigration law, and
14 economic empowerment programs designed to help
15 them move into living-wage jobs. Among our
16 clients, we have identified almost 300 individuals
17 who are victims of domestic and international sex
18 trafficking. We are grateful to the committees
19 and the sponsors of Intro 725 and 735, for holding
20 a hearing on these critical bills that draw
21 attention to and combat sex trafficking within New
22 York City. Over the past several years, our
23 clients have informed us of a dramatic shift in
24 the methods by which foreign national victims are
25 trafficked for sex. Previously, many of our

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2 traffic clients were forced to provide sexual
3 services to clients in a stationary brothel, the
4 location of which was discoverable to law
5 enforcement, and therefore susceptible to frequent
6 raids. In response, traffickers began to arrange
7 with for-hire vehicles for delivery, the provision
8 of sexual services to clients who placed orders
9 for sex via widely-available, inexpensive mobile
10 phone technology. By shuttling a woman from john
11 to john in an unmarked for-hire vehicle,
12 essentially a brothel on wheels, traffickers could
13 avoid detection from police. It is an open secret
14 that delivery has become a preferred method for
15 promoting prostitution in New York City, as seen
16 clearly in the advertisements from this morning's
17 Spanish-language newspapers that we have attached
18 to this testimony, and to assist you, we have
19 highlighted those ads that indicate delivery. We
20 applaud City Council for its courage in addressing
21 this issue, and seek to find a meaningful way to
22 put an end to this newest form of promoting sexual
23 slavery. In the interest of time I will submit my
24 full written testimony to you here, and introduce
25 to you one of the rare victims who did manage to

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2 escape. Sophia came to Sanctuary for Families for
3 assistance two years ago, and is testifying today
4 under a pseudonym and behind a screen to protect
5 herself and her family in Mexico from retaliation
6 by the brutal ring of traffickers who enslaved
7 her. Sophia had been kidnapped from Mexico at the
8 age of 20, and forced into a life of prostitution
9 in the United States through violent beatings, and
10 threats to her life, and to the life of her
11 family. Because of the delivery system, Sophia
12 was shuttled around the New York area seven days
13 per week for over fourteen months, and forced to
14 have sex with anywhere from ten to 20 clients per
15 night. During this time, Sophia endured almost
16 unimaginable torture, being beaten so severely by
17 one of her traffickers that other pimps warned him
18 he was damaging the merchandise and potentially
19 harming his profits. One night, after suffering a
20 particularly brutal beating from her pimp, Sophia
21 ran out of their New York City apartment and into
22 the street, where a Good Samaritan called the
23 police to report domestic violence. The
24 trafficker was arrested, and upon being referred
25 to Sanctuary for Families for services, Sophia was

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2 quickly identified as a victim of human
3 trafficking. Unlike thousands of other
4 trafficking victims in New York City, Sophia has
5 obtained some measure of justice. One of her
6 traffickers has been arrested, convicted and
7 deported from the United States, while another one
8 has fled the country. In addition, Sophia has
9 obtained significant legal protections as a victim
10 of human trafficking. And yet, as Sophia will
11 share with you, the main perpetrators of
12 trafficking, the drivers, are still busily
13 bringing in their profits day after day, night
14 after night. As Sophia told the New York Times in
15 an interview published today, these drivers are
16 more important than the pimps, because "they're
17 the ones who decide everything", we're not talking
18 about scantily-clad women hailing from curbside.
19 For her, justice will not be fully served until
20 drivers are stopped from exploiting people in
21 prostitution. Because of the heroism of Sophia
22 and other clients like her, we come to City
23 Council to ask that the members quickly pass Intro
24 725, which raises awareness about the human rights
25 abuses inherent in sex trafficking, and penalizes

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2 drivers for promoting prostitution, and Intro 735,
3 which increases penalties for individuals who
4 operate for-hire vehicles without a license. Both
5 measures seek to address deficiencies in New York
6 State and Federal anti-trafficking legislation by
7 holding drivers directly accountable for promoting
8 prostitution. As Sophia's experience indicates,
9 drivers are literally the engine that drives
10 trafficking within New York City, and we applaud
11 the efforts of City Council today to apply the
12 emergency brake and remove the keys. Thank you
13 for permitting me to testify today, I am now
14 honored to translate for Sanctuary for Families
15 client, Sophia.

16 CHAIRPERSON FERRERAS: I'm sorry,
17 just before Sophia begins, I want to again
18 acknowledge, and I thank her very much for having
19 the strength and coming here to testify. I know
20 we have been joined by press since I last made my
21 statement, we are going to be protecting Sophia's
22 identity, so I ask that you take no image of her
23 or pictures, and I would greatly appreciate it.
24 Thank you, and Sophia may begin her testimony.

25 SOPHIA: (through a translator)

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2 Dear City Council members, thank you for allowing
3 me to speak with you today. For so long no one
4 wanted to hear me, even when I was crying to be
5 rescued. Today I am a free woman, thanks to laws
6 that saw me as a victim in need of protection. I
7 want to use this new freedom to help make those
8 laws even stronger, and prevent others from being
9 abused as I was. When I was 20 years old, I was
10 kidnapped by a pimp, taken from my home in Mexico,
11 and forced into prostitution in New York, as part
12 of an international trafficking ring. When
13 business was slow, traffickers made me call from a
14 list of about 100 drivers, for whom I had first
15 names only. When a driver agreed, he took over
16 all the arrangements with the "tickets", buyers
17 who called him asking for sex. They charged \$35
18 to Spanish callers and \$50 to American ones. For
19 one week at a time, the driver would pick me up
20 and take me from location to location, based upon
21 the schedule that he had set up for the men who
22 were buying sex. My shift lasted either from 9:00
23 a.m. to 7:00 p.m., or 7:00 p.m. to 3:00 a.m. The
24 drivers knew the exact details of each customer's
25 likes and dislikes. Before each stop, the driver

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2 would order me how much to charge, whether to use
3 my own condoms and lubricants or the clients,
4 whether to make noise, or stay completely quiet
5 during sex, even which positions the client
6 preferred. In some cases he would warn me, "This
7 is a very good client, I bring him a lot of girls,
8 so you better do whatever he wants to make him
9 happy." After the client was done having sex with
10 me, I would return to the driver and give him all
11 the money that I had received. Then he would
12 drive me to the next buyer. The driver held on to
13 all the money until the end of the shift, when he
14 would keep half, and give the other half to me to
15 turn over to my pimp. I kept none of it, all I
16 had to do was get raped up to 20 times a night.
17 Generally, I would have fifteen minutes for each
18 sex act, but if the buyer took too long, beat me
19 up or refused to pay, the driver would punish me
20 by keeping the portion of that client's money that
21 I was supposed to turn over to my pimp. Then my
22 pimp would beat me even worse than usual for
23 returning to him without all the money. Some
24 drivers assaulted me, grabbing me, kissing me
25 hard, trying to rape me. In the fourteen months

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2 that I was enslaved in New York, I would say at
3 least 5,000 men paid to have sex with me. During
4 that terrible time, many noticed that I was black
5 and blue, bleeding, crying from pain, but not a
6 single one tried to help me. They did not want to
7 know the truth. After I escaped from
8 prostitution, one of my traffickers fled back to
9 Mexico, and another was arrested, convicted and
10 deported. To many it would seem that my case was
11 over. There was nothing more that could be done,
12 right? Wrong. From the moment I first found the
13 words to explain what had happened to me, I have
14 asked the question, why are drivers allowed to
15 profit hundreds of dollars per night, driving me
16 around to be raped by dozens of men? They are not
17 just drivers. They are criminal pimps themselves.
18 If you cannot throw them in jail, at least take
19 away their cars and put an end to delivery. I ask
20 that you pass this law quickly, so that victims
21 like me are no longer treated like cheap take-out
22 food, to be consumed and left for garbage. Thank
23 you.

24 CHAIRPERSON FERRERAS: Thank you,
25 Sophia. Because I know that there is someone else

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2 who is going to be testifying, if we could ask,
3 you know, walk Sophia out, so that you can join
4 the table and we can continue this testimony, I
5 would greatly appreciate it. The sergeant-at-arms
6 will be assisting you. (speaks to Sophia in
7 Spanish.)

8 SOPHIA: (Replies in Spanish).

9 MS. SLOCUM: Good morning, I would
10 like to thank the Council for allowing us to come
11 here to shed light on this horrific crime that is
12 occurring throughout New York City and to perhaps
13 come to a solution on how we can address this most
14 effectively, it's a very difficult issue, and I
15 appreciate your having us here to talk about it.
16 My name is Kathleen Slocum, and I am a Senior
17 Staff Attorney at Sanctuary for Families, like
18 Lori Cohen. My colleague, Lori Cohen, spoke to
19 you primarily about her work with trafficking
20 victims who are Hispanic or from the Latino
21 community. I work primarily with trafficking
22 victims who are from Asia, and so I want to come
23 here today to shed some light on the role that
24 drivers play in sex trafficking in both the Korean
25 community and in the Chinese community. As with

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2 Lori, the role of the driver is very key in the
3 trafficking of Korean women and of Chinese women
4 who are here, but it's the manner in which it
5 plays out very slightly. So first let me talk to
6 you about the role of car service drivers in the
7 Korean community. But first, before I do that, I
8 just want to clarify that I'm not talking about
9 the vast majority of licensed drivers, whether
10 they're livery service drivers or cab drivers, I
11 have the utmost respect for the job that they do,
12 and I know that they work very hard to support
13 their family, and this is not what we are talking
14 about. We're not talking about street hails from
15 the curb, we're talking about drivers who are very
16 much in the role of promoting, and we are also not
17 focusing, to address Council Member Dromm's point,
18 we are not focusing on the victim, we aren't
19 focusing on those who are engaging in sex for
20 money, the vast majority of whom, I believe, are
21 not there willingly, or that it's not their first
22 choice, to be in that situation. And I agree with
23 you, the focus needs to be taken off those people
24 in order to solve this problem. The focus needs
25 to be on the facilitators and on the promoters and

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2 on those who are purchasing women and men as
3 commodities. But I thank you for raising that
4 point. So within the Korean community most
5 prostitution takes place in massage parlors that
6 operate as fronts for brothels, and most Korean
7 women who are trafficked into prostitution end up
8 at these massage parlors. And again I want to
9 clarify that not all massage parlors are brothels,
10 and to the best of my knowledge, the licensed ones
11 are mostly legitimate businesses. But in the
12 Korean brothel model, the customer comes to the
13 trafficked, rather than the women being driven to
14 the customer, as you see in the model that's used
15 in the Spanish-speaking community. But the car
16 service drivers continue to play a critical role
17 in the business of Korean sex traffickers, so much
18 so that these drivers were a major focus of an
19 investigation into sex trafficking by Federal law
20 enforcement officials in 2006. This investigation
21 resulted in a raid of dozens of Korean brothels up
22 and down the East coast, and led to the arrest and
23 conviction of a large network of Korean
24 traffickers, including a number of drivers.
25 Within the Korean trafficking network, the car

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2 service drivers operate primarily as recruiters
3 for the massage parlor and brothel system. These
4 drivers are tightly connected to the massage
5 parlors that are fronts for brothels. They are
6 aware of when openings come up at these brothels.
7 The drivers are contacted directly by the massage
8 parlor owners, who tell them how many women they
9 need, and specifically what kind of women and
10 girls they are looking for. The drivers are also
11 well-connected to the Korean visa brokers and
12 predatory lenders who are part of this Korean
13 trafficking network, both in the United States and
14 in Korea. Through their contacts with the visa
15 brokers and the predatory lenders, these drivers
16 are aware that many undocumented immigrant women
17 from Korea are carrying high debts, sometimes as
18 much as \$30,000 to \$40,000. The drivers also know
19 that the interest rates on these debts is
20 incredibly high, placing the women in deep
21 financial distress that they essentially will
22 never be able to climb out of. And finally, the
23 drivers know that the predatory lenders who
24 regularly threaten to tell the women's family
25 members about the debt, and that if the women have

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2 already been coerced into prostitution, these
3 lenders also threaten to tell their family members
4 back home, causing them great shame and resulting
5 in ostracism from their family. Knowing all of
6 this, the drivers look for women with specific
7 vulnerabilities within the community and prey on
8 them. They look for young women who appear
9 distressed and isolated, and who are recent
10 arrivals to the United States. They operate
11 primarily in Flushing Queens, but they have also
12 been known to solicit young women in midtown
13 Manhattan in the area of 32nd Street and Fifth
14 Avenue. The drivers engage women in friendly
15 conversation, asking about their background, they
16 probe for details that lead the young women to
17 disclose their problems, which usually is the high
18 debt associated with coming to the United States
19 that they still owe the predatory lender. They
20 pressure the young women into revealing their
21 contact information, such as their cell phone
22 numbers. These drivers are experts at extracting
23 this information from the young women. And then
24 the driver will suddenly offer a solution, saying
25 they know of many jobs, particularly high-paying

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2 jobs at massage parlors. They play up how easy
3 the work is, and overstate the amount of money
4 that can be earned. The drivers also never
5 mention that commercial sex is involved, but if
6 asked, they will deny it. They offer to reach out
7 to the massage parlor owner on the young woman's
8 behalf, and then they call and harass and threaten
9 the young woman until she finally agrees to meet
10 with the massage parlor owner, so as you can see
11 this is not about random street hails from the
12 corner. Sometimes these massage parlors are
13 located within New York City, but often they are
14 far from city, in places like Connecticut, Rhode
15 Island, Pennsylvania, Maryland and Washington,
16 D.C. The drivers then charge the young women a
17 fee, sometimes as much as \$700, to transport them
18 to massage parlors, thus adding to their debt.
19 Usually the women don't have the money, so the
20 driver credits it to them in the form of another
21 high-interest loan. When the woman arrives at the
22 massage parlor and realizes that it's actually a
23 brothel, she is unable to leave because she has to
24 earn enough money to pay back the driver. Some
25 may ask why these women don't just run away at

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2 this point, but if you think about it, these women
3 have been brought to an unfamiliar city in another
4 state, and usually have no idea where they are.
5 They are unable to speak English fluently enough
6 to ask for help. In addition, most are
7 undocumented, and have been told by both the
8 driver and the predatory lender that they will be
9 deported by Immigration if they contact police for
10 help. They have also been told that their family
11 back home will be informed that they are in
12 prostitution if they don't cooperate. Thus the
13 women have to rely on the driver, the only person
14 who does know where they are, and who is able to
15 get them out of this brothel. They must earn
16 enough money at the massage parlor to pay back the
17 driver before they can actually leave. And also
18 in some cases these drivers in the Korean
19 community are also direct owners of some of these
20 massage parlors, I've seen that with some of my
21 clients who I have worked with. And in this case,
22 they recruit women and feed them directly into
23 their own massage parlor, again using a
24 combination of threats, blackmail, and other forms
25 of coercion.

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CHAIRPERSON VACCA: Can I interrupt? I apologize, there's too much noise here. We have a witness who's testifying, if you wish to speak, go outside and speak, but I'd like to give our undivided attention to our speaker. Thank you.

MS. SLOCUM: So now I would like to talk about the role of car service drivers in sex trafficking in the Chinese community. And here it is more similar to the model that you see in the Spanish-speaking community. So it's a model out-call, where the women are brought directly to the customer by the driver, and in some cases the drivers are employees of the trafficker, in other cases, the driver and the trafficker are one and the same. Sometimes women are trafficked directly from China, other times they are recent immigrants who have fallen into the hands of a trafficker once they arrive here in the United States, when they use an employment agency that turns out to be a front that lures women into prostitution, promising them jobs doing out-call massage. This is what happened to one of my clients, an educated woman who came to the United States from China on

1
2 her own on a legitimate visa. Having fallen on
3 hard times, and reluctant to return to China,
4 where she faced a domestic violence situation, she
5 searched for employment to support herself. She
6 was referred to a man who she was told owned an
7 employment agency and had many connections in the
8 community. When she met with this man, he said
9 that he could arrange for work for her. He said
10 he had a business sending women out to provide
11 massage to customers and that it was very easy
12 work and paid well. He said nothing about
13 providing sex for money. On the first job he sent
14 my client to, the customer though demanded that
15 she have sex with him. The customer raped her
16 when she refused. My client then fled and refused
17 to see any more customers, but the owner of the
18 business had her contact information, tracked her
19 down and drove her to a hotel where he raped her.
20 He then proceeded to force her to work in
21 prostitution for the next year, personally driving
22 her from one client to the next. She finally
23 escaped from him when she called the police, after
24 the driver broke down her door when he raped her
25 again, and then threatened to kill her family back

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2 in China. Because of the threats to her family,
3 she felt she had nothing to lose at that point,
4 even if she was deported, so she did the police.
5 The police, who did not have appropriate
6 translation available, assumed she was a domestic
7 violence victim and referred her to one of the
8 family justice centers where we at Sanctuary
9 interviewed her closely and learned that she was
10 actually a victim of sex trafficking. Despite the
11 difference in tactics, all of these drivers share
12 one thing in common, they're acting as predators
13 on their own community, and they're profiting from
14 the rape of women. We are here today to relate
15 this information to City Council and the public,
16 because we are concerned that this is a problem
17 that most New Yorkers are not aware of,
18 particularly law enforcement and the regulators
19 who oversee the car service business.

20 CHAIRPERSON FERRERAS: Thank you
21 very much for your testimony, and you mentioned
22 something in the beginning of your testimony that
23 I think is very important, and that is that the
24 drivers in New York City this is not necessarily
25 something that happens in all of our bases,

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clearly.

MS. SLOCUM: Absolutely.

CHAIRPERSON FERRERAS: It's a very, very small percentage, but within that small percentage, the impact is huge, the impact on women. So it's also bringing awareness of what is actually happening behind a lot of the curtains, as we can say, or in the gray areas of our communities, unfortunately. I actually have questions, and where do you see these drivers fit in the sex trafficking nexus? Like where do they fit in, what is their role, if you could just testify to that?

MS. SLOCUM: Again, as I mentioned, it depends on the community that they're coming out of, but I do see them as recruiters, and sometimes directly as the traffickers themselves.

MS. COHEN: In the case of the Latina clients with whom I work, the traffickers don't directly speak with the drivers, which I think has been one of the difficulties of using the existing anti-trafficking legislation, and I think it's why it's so important that City Council is directly dealing with drivers, rather than

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2 talking about trafficking in the larger context.
3 The pimps give to our clients a list of names, the
4 list, and essentially every one of my clients
5 comes in with one of these lists. It's a list of
6 first names of drivers, about 30 names, the list
7 changes every month, because the drivers are all
8 using aliases, and they have these cell phones,
9 they have prepaid phones that can't be traced, and
10 so they dispose of them each month and get new
11 phones. So it's an ever-evolving list. So the
12 pimps give the clients the list, and tell the
13 clients that they need to initiate the phone calls
14 with the drivers. So they are ... the drivers are
15 the linchpin, I have spoken with Sophia about
16 this, in terms of how she saw the role of the
17 drivers, and she said, "Look, the pimps would not
18 be able to pimp me out if there weren't drivers."
19 The pimps can't be the ones, the pimps are
20 managing a number of women at once. The pimps are
21 concerned that if they themselves are caught
22 driving the women, that they might be arrested for
23 trafficking, and so they turn the business over to
24 this third party, the drivers, who then are just
25 reaping enormous profits, taking women around from

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location to location.

CHAIRPERSON FERRERAS: In your experience, how is a driver given the information that he can provide the service, or, you know, is it just a random list? How do these women get these phone numbers? I know they get them from the pimp.

MS. COHEN: Right.

CHAIRPERSON FERRERAS: But do you know where ... there has to be some coordinated effort, so I'm trying to see where that comes.

MS. COHEN: I mean, I think there's a ... there seems to be, from what we understand from our clients, there's a very well-established but informal network among the drivers and among victims, as the numbers change, if they're driving women around, they give her the new number, they tell her that the cell phone has changed, this is my new number. That information then gets shared with other trafficked individuals, where they're given new numbers. And you have to remember, the victims themselves are under a lot of pressure from the pimps to make sure that they have a job lined up with a trafficker, I mean, with a driver.

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2 So the women are being given a lot of pressure to
3 get information from the drivers, and then use
4 that information to make sure that they're lined
5 up for subsequent jobs. But it's clear that
6 there's also a lot of communication among the
7 drivers themselves. So, you know, my sense is
8 that it's not the model of a base station, where
9 you have, you know, somebody who is making the
10 calls to a variety of drivers, the drivers are
11 talking among themselves, and assisting each
12 other. So, you know, some of the ads that we gave
13 you, they'll say, you know, (in Spanish) ay
14 rubias, right? But most of my clients are not- -

15 CHAIRPERSON FERRERAS:

16 (Interposing) Blond.

17 MS. COHEN: We want blonds, you
18 know, most of my clients are not blonds, so I
19 said, where do you get the blond from if somebody
20 calls and says, "I want a blond"? The drivers
21 call each other and share information until they
22 get the merchandise that they want to be
23 transporting around, which is, in that case, the
24 blond. But that's ... there's a lot of information-
25 sharing going on in an informal way.

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2 CHAIRPERSON FERRERAS: In your
3 experience, are there areas of the city that seem
4 to have more sex trafficking taking place than
5 others? And if so, why do you think that is?

6 MS. COHEN: In my clients, the
7 traffickers are predominantly based in Queens, but
8 also in the Bronx. They are arranging to have
9 drivers take the women all over the five boroughs,
10 so they're being driven everywhere. I would say
11 that, I mean, when I talk to my clients, I'm
12 always hearing about Roosevelt Avenue and Junction
13 Blvd. as sort of the epicenter of where, you know,
14 where the card distribution had been going on, and
15 so I, you know, I would say that those are
16 immigrant communities that the women are all being
17 told that if immigration stops them or if the
18 police stop them, they will be arrested and
19 deported. None of our clients when they come to
20 us understand that they are crime victims, and in
21 need of protection. So they all come in thinking
22 that they themselves are criminals and at risk of
23 deportation. So I think the fact that Queens is a
24 very heavily immigrant community and a community
25 in which people are still afraid of law

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2 enforcement and don't understand their rights and
3 protections, that makes them vulnerable, but they
4 are being trafficked everywhere.

5 MS. SLOCUM: Right, and we see a
6 base out of Flushing, but as I mentioned before,
7 it's a base that will go out throughout the East
8 Coast, so the predatory lenders are there, the
9 drivers are there, so there's a network there, but
10 then they take the Korean women to Washington,
11 D.C., or Rhode Island or Pennsylvania, although
12 there are some massage parlors in Flushing, but
13 it's throughout the city, it's in northern
14 Manhattan, it's even in downtown. Earlier this
15 year we received a call from a building
16 superintendent who around the area of Maiden Lane
17 had found being a locked door several Asian women
18 who appeared to be trafficked, and we had to call
19 the police about that too. And I know that when I
20 work in Midtown Community Court, in the
21 prostitution diversion program, that many of the
22 raids are done in midtown and downtown.

23 CHAIRPERSON FERRERAS: Now, Mr.
24 Yassky had mentioned earlier about preferring to
25 do a pamphlet, as opposed to an education or, you

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2 know, a training. So can you speak to that, and
3 what you think about this pamphlet?

4 MS. COHEN: I will suggest that a
5 pamphlet is probably not the optimal method to
6 teach about the dangers and risks of trafficking.
7 I think it's something likely to be shoved away in
8 a folder, or to be thrown out in the trash. I
9 think training is imperative. What is perplexing
10 to me is that if there's already an educational
11 process in place to train, so we're not talking
12 about creating a whole new model, we're talking
13 about existing training that's ongoing, why not
14 incorporate this? It seems to me it would be very
15 low-cost and highly effective, and I think there
16 was also some confusion about the role of drivers,
17 are they being obligated to report to law
18 enforcement. We're not talking about reporting,
19 we're not talking about turning in, you know,
20 potential victims, we're talking about simply
21 educating drivers that it is illegal to engage in
22 the promotion of prostitution in New York City.

23 CHAIRPERSON FERRERAS: That's quite
24 all right. thank you very much, and I'm going to
25 yield over to Council Member Dromm.

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2 COUNCIL MEMBER DROMM: Thank you
3 very much, Chair Ferreras. I was very moved by
4 the testimony of the woman behind the screen, and
5 by your testimony as well, and you know, nobody
6 can deny the horrors of trafficking, and if in any
7 way, shape or form I came across that way, I
8 didn't mean to, because I am very interested in
9 the issue. However, I do have the stated civil
10 liberties concerns that I expressed earlier. And
11 for many reasons because in particular many
12 members of my community have been targeted by the
13 police on prostitution charges. And I feel that
14 that is as well a terrible injustice to people
15 when they're wrongly targeted in that way. And so
16 my line of questioning is really more in that
17 vein, I do believe that victims of trafficking,
18 sex trafficking, people who are involved in
19 prostitution against their will, do deserve to
20 have the full support and force of the law behind
21 them, so that they don't have to live lives like
22 that. But my feeling is that laws to protect
23 people in that regard already exist, because all
24 of the testimony that I heard basically is illegal
25 already, and so what I'm hearing from you is that

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2 the police and the prosecutors are not doing their
3 job. When we hear about prostitution, we hear
4 about the arrests of women, basically street
5 hails, and by the way, I was not only talking
6 about street hails, but I can envision a situation
7 where a cab driver picks up a street hail, and
8 then is charged with promoting prostitution, and
9 that's my fear here. But the prosecution is
10 usually against the women who are involved, and
11 that is a major concern here as well, although the
12 law targets the drivers, but I have concerns about
13 that also. So and I think in the testimony of the
14 woman behind the screen, and one of you two who
15 also said that effectively these drivers are
16 acting as pimps. The promotion of prostitution is
17 already illegal, so I don't know why ... actually I
18 don't believe that law enforcement is enforcing
19 the existing structures, so to me it's more a
20 matter of enforcing the existing law, rather than
21 creating a law that could then be turned around
22 and used against drivers, and even by your own
23 words, you said that the overwhelming majority of
24 drivers do not participate in this type of
25 behavior. Those who do are criminals, and they

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2 should be treated as criminals, and I disagree
3 with the Commissioner in terms of a pamphlet,
4 because a pamphlet is not going to change a
5 criminal behavior. So that's already there, so I
6 don't understand really why we have to have a
7 separate penalty, taking away drivers'
8 livelihoods, fining them \$10,000, when laws
9 already exist on the books, and what we really
10 should be talking about is getting the district
11 attorneys, getting the police, to enforce those
12 existing laws.

13 MS. SLOCUM: First I would like to
14 absolutely agree with you about the ... getting our
15 priorities straight in addressing trafficking, and
16 you are absolutely correct that usually the wrong
17 people are targeted. Usually it's the women who
18 are victims, we've had long discussions with Ray
19 Kelly about this, we've had hearings about this,
20 and so I'm happy to hear that you're willing to
21 join us in fighting the fact that the incorrect
22 people are targeted, and in order to stop this
23 problem, we need to target the correct population.
24 with respect to laws already being on the books,
25 this issue was raised when we tried to get the New

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2 York State's anti-trafficking law passed, and
3 several people said, "Well, there's already a
4 Federal law on the book, why are you trying to do
5 this with New York State as well?" And that's
6 because it was just insufficient to have the
7 Federal law on the book, there are ... law
8 enforcement is local and there just weren't enough
9 resources for Federal to address it, and we
10 thought it needed to be addressed in a different
11 way within New York State and enforced more
12 heavily. We did get the passage of that law, but
13 as you said, it's not being enforced as it should
14 be. We are still continuing to see that the vast
15 majority of arrests are arrest of prostituted
16 women, not arrests of pimps, not arrests of
17 traffickers, and certainly not arrests of the
18 buyers who are contributing to this problem. We
19 think that ... what we see, one of the things that
20 we see to be a detriment to traffickers and to
21 promoters is to fine them, and to make this
22 business less profitable. One of the key reasons
23 that it exists is that it is incredibly
24 profitable, enormously profitable. If you take
25 away the profit, then you are able to make a dent

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2 in this problem, and this problem is so enormous
3 that I think it has to be addressed from many
4 different angles, addressing it from one point is
5 not sufficient, we've seen that it's not
6 sufficient. And so we do not want to target ... we
7 do not want to target hard-working licensed
8 drivers, we want to target those who are very much
9 knowingly contributing to this, so if there is a
10 way that we can adjust the language of the
11 legislation to make sure that that is the case,
12 then, you know, we definitely want to do that with
13 your office.

14 COUNCIL MEMBER DROMM: And that's
15 something I would like to entertain with you,
16 because we certainly want to see those drivers who
17 are doing this punished and held accountable
18 criminally. You know, this is actually not even a
19 criminal statute that we're discussing today.

20 MS. SLOCUM: Right.

21 COUNCIL MEMBER DROMM: It's a fine
22 within the Taxi & Limousine Commission, and loss
23 of license, and I'll let you speak in a minute,
24 but I just feel that it's just too far-reaching.

25 MS. COHEN: Thank you, if I could

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2 just add, I understand your interpretation of the
3 state anti-trafficking law, I wish that in fact
4 that were the case, but the New York State law as
5 it's currently drafted included the profits
6 received by drivers as part of the trafficking
7 legislation. What we have been told by state and
8 local law enforcement, that in fact drivers are
9 not anticipated in this language. So I do think
10 that there is an issue in the drafting of the
11 state legislation, we would love to eventually
12 revisit that, but what we have been told by
13 everyone is that this needs ... that City Council
14 really needs to take the initiative on this, you
15 need to set the standard, you need to show the
16 way, we need to deal with the problem that perhaps
17 is not unique in New York, but is really an
18 epidemic within New York, and ... within New York
19 City, and we really applaud City Council for
20 drafting legislation that specifically talks about
21 drivers, and the language regarding the unlicensed
22 drivers, and it's interesting, because it doesn't
23 say unlicensed drivers who are taking people for
24 the purposes of prostitution, it's saying
25 unlicensed drivers. What we appreciate about that

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2 legislation, is that unlicensed drivers in many
3 cases are the ones who are exploiting our clients,
4 and this circumvents the need to go to a criminal
5 level of indicating that someone is involved in
6 transporting a person for the purposes of
7 prostitution, and we're just focusing on the fact
8 that this is an unlicensed driver who is profiting
9 in this for-hire scheme.

10 COUNCIL MEMBER DROMM: So then my
11 response is that, let's go to the state and change
12 that state law, to make sure that that's done, but
13 to do it this way I don't think is the right way
14 to do it, I just don't feel that it is. I am very
15 nervous about giving the Police Department an
16 additional weapon to use against people who are
17 already discriminated against, and that's my
18 concern. (clapping)

19 CHAIRPERSON FERRERAS: Could you
20 keep your clapping down, please.

21 COUNCIL MEMBER DROMM: That's my
22 concern, so ... and then here's my final question, I
23 guess. If you know, and you said you know of some
24 bases out of Flushing, and you said you know of
25 other bases in other areas that are ... and you

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2 provided some ads, what work has been done to shut
3 them down? Have you gone to the Police
4 Department? Have you spoken to Ray Kelly
5 specifically about these cases that you know of?
6 Because that to me seems the better way to target
7 it, is for the groups or the advocates to say,
8 this woman who came to us who was trafficked,
9 worked out of this company, or this company was
10 assisting her in driving her around, rather than
11 to have a law that's a broad stroke against all
12 cab drivers?

13 MS. SLOCUM: Just to clarify, by
14 base I meant base of operations for the
15 traffickers, not a livery base, so- -

16 COUNCIL MEMBER DROMM:
17 (Interposing) Well, even still- -

18 MS. SLOCUM: (Interposing) But
19 still, right, we have worked with Federal law
20 enforcement on this issue, we have gone in ride-
21 alongs with our clients pointing out specific
22 areas where the drivers who are engaging in this
23 congregate.

24 COUNCIL MEMBER DROMM: See, that
25 seems to me to be the more reasonable way, in

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2 order to avoid these other issues, but you know, I
3 think we should continue to talk, we should look
4 at ways that we can address this problem, because
5 as I said, you know, I was very moved by the
6 testimony of the woman who came in here, and
7 nobody would ever want anybody to have to go
8 through that. So, thank you.

9

CHAIRPERSON FERRERAS: Thank you
10 for your testimony, I would like to acknowledge --
11 we have some more questions for you, so don't go
12 away -- I would like to acknowledge Council Member
13 Mealy and Council Member Lappin, who actually had
14 a question.

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COUNCIL MEMBER LAPPIN: Really more
16 of a comment. I wanted to thank the co-Chairs for
17 taking on this important topic. I wanted to ask
18 counsel to add my name to both of the bills, and I
19 just wanted to thank you, the panel who is here
20 today, for the work you are doing each and every
21 day to help these victims, and the drivers who are
22 engaging in this, the pimps, they are disgusting
23 people who should be behind bars, and what they do
24 to these women is just unthinkable and
25 unconscionable, and anything that I can do, and

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2 anything that the Council can do, to make your
3 work easier, I believe we should do. Thank you.

4 CHAIRPERSON FERRERAS: Thank you,
5 Council Member Lappin. And I thank you again for
6 your testimony, and all that you do, and we look
7 forward to reviewing this legislation and making
8 it as balanced and fair as possible as we move
9 forward in working with both yourself and the
10 administration and other Council colleagues, but I
11 thank you for your time and for bringing one of
12 the victims.

13 MS. COHEN: Thank you.

14 CHAIRPERSON FERRERAS: We're going
15 to be calling up the next panel, Sienna Baskin
16 from the Urban Justice Center, Audacia Ray from
17 Red Umbrella Project, Jessica Guaman, Make the
18 Road, Maximilian, Make the Road.

19 MS. BASKIN: He's here to
20 translate.

21 MALE VOICE: That's okay, don't
22 worry about it. Okay, thank you.

23 CHAIRPERSON FERRERAS: There you
24 go, okay.

25 MS. BASKIN: Okay, great. Good

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2 morning, Council Member Ferreras, Council Member
3 Vacca, he's here, and members of the Committee on
4 Transportation. The Sex Workers Project at the
5 Urban Justice Center very much appreciates the
6 opportunity to offer comment on these proposed
7 changes. My name is Sienna Baskin, I am an
8 attorney and co-director of the Sex Workers
9 Project, and I offer legal representation to sex
10 workers and victims of human trafficking on
11 criminal, civil and immigration matters. The Sex
12 Workers Project also provides therapeutic
13 counseling and case management to our clients, we
14 are recognized experts on the profound human
15 rights abuses victims of trafficking and sex
16 workers face, and do research and documentation on
17 these abuses, especially in New York City. Over
18 the past ten years we have served many sex workers
19 and survivors of trafficking whose experience
20 involved vehicles, thus we have expertise to share
21 on how the bill introduced by Council Member
22 Ferreras might affect our clients. It's our
23 understanding that this bill is intended to combat
24 human trafficking, however we have some concerns
25 that it won't have the intended impact on human

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2 trafficking, and may in fact have a negative
3 effect on trafficking victims and vulnerable sex
4 workers. The bill requires education on the
5 penalties and definition of promoting prostitution
6 as it applies to drivers of for-hire vehicles and
7 taxis. The problem is that promoting prostitution
8 has a very vague definition. It could include
9 anyone who knowingly aids another person to commit
10 prostitution and anyone who receives money from
11 someone else knowing that it came from
12 prostitution. We are concerned that the proposed
13 education would be understood by drivers to mean
14 that any time they give a sex worker a ride
15 knowingly, they might be committing promoting
16 prostitution. In our experience, vehicles are
17 used in human trafficking and prostitution in a
18 few different ways. First, sex workers frequently
19 use Yellow Cabs or for-hire cars to get to out-
20 call locations or to get home from out-call
21 locations safely. Escort services might employ
22 Yellow Cabs or for-hire cars for the same purpose.
23 The drivers of these vehicles may or may not know
24 that their passenger was engaging in prostitution.
25 Without taxicabs or for-hire vehicles, these sex

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2 workers could face considerably greater dangers in
3 going to and from their workplace. Additionally,
4 a driver who knows that the passenger is engaging
5 in prostitution could help or report information
6 to the police, should that sex worker disappear or
7 be a victim of a crime. For this category of
8 driver, we are concerned that the provision
9 requiring extra education on promoting
10 prostitution might make drivers fearful to give
11 rides to sex workers, or offer aid to a sex worker
12 in trouble, or report crime to the police. We're
13 also concerned that the penalties on for-hire
14 vehicle drivers for engaging in this activity
15 might discourage them from offering a ride or help
16 to a sex worker. For-hire cars, which serve more
17 remote neighborhoods, are an especially important
18 safety resource for lower-income and vulnerable
19 sex workers. As we documented in our studies,
20 *Revolving Door and Behind Closed Doors*, people
21 working in the sex industry experience assault,
22 rape robbery and other violent crimes at
23 significantly higher levels than others. We are
24 concerned, first and foremost, with the safety of
25 our community members, no matter their occupation.

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2 We know that access to a vehicle to exit a
3 potentially dangerous situation is very important
4 to meet that priority of safety. Second, some
5 trafficking operations do employ vehicles to
6 transport their victims from a residence to a
7 brothel or a customer's house, in some cases
8 trafficking operations use vehicles as bases for
9 sexual conduct to take place. I think Sanctuary
10 for Families gave much detail about those kinds of
11 operations. However, in our experience we've only
12 heard of situations where these drivers ... these
13 vehicles were privately-owned by members of the
14 trafficking ring. The driver does not usually
15 just get a fee for the ride, but shares in the
16 proceeds of the trafficking generally. This
17 appears to be the category of the driver the law
18 is intending to reach, but these are not licensed
19 for-hire vehicles, and therefore if they're not
20 licensed for-hire vehicles, they wouldn't be
21 affected by this law, to our understanding. They
22 would not attend the required education, they
23 would not learn about, or be deterred by, the
24 promoting prostitution penalties, and in fact
25 would not be subject to these penalties. We are

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2 aware that Council Member Vacca's bill addresses
3 drivers operating unlicensed for-hire cars, which
4 might reach this kind of driver, and impose
5 additional penalties unrelated to prostitution or
6 trafficking. Not being an expert on how this kind
7 of law would operate, we can't comment directly on
8 that bill. However, as a point of information,
9 sometimes even these drivers are potential
10 resources for victims of trafficking. In our
11 experience, not in all experiences, but they're
12 often low-level employees of the trafficking and
13 sometimes have sympathy for the victims. For
14 example, our client, Amy, (pseudonym Amy) was
15 trafficked at the young age of 16 and forced to
16 engage in commercial sex. During this time she
17 only had access to her trafficker, drivers who
18 were employed by the trafficker, and customers.
19 On two occasions she requested help from the
20 driver to help leave the trafficker, on both
21 occasions the drivers did try to help her and take
22 her to another location. Unfortunately, the
23 trafficker found her and took her back into
24 custody. Even these kinds of drivers should be
25 encouraged to report trafficking and come to the

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2 aid of victims. Finally, it's possible that some
3 trafficking operations might hire vehicles or
4 taxicabs to transport their victims to different
5 locations, and some victims of trafficking who
6 have more freedom of movement might hire a taxi or
7 a for-hire car themselves. In our experience,
8 these drivers are not involved in the trafficking
9 scheme, and may or may not know their passenger is
10 doing prostitution. However, this category of
11 driver could be a resource also to victims of
12 trafficking. They may be the only person the
13 trafficking victim sees besides her customers and
14 her abusers, and they may be able to act as a Good
15 Samaritan and offer the victim an escape route, a
16 ride to a friend or family member's house or
17 referral to a service provider, ride to a shelter
18 or a hospital or a police station. We are
19 concerned that the proposed bill could actually
20 dissuade these drivers from offering that kind of
21 help. We do agree with the recently-added
22 amendment, which would support driver's as
23 potential resources, education on how to identify
24 a victim of trafficking and what resources are
25 available for victims of trafficking would be very

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2 useful to drivers, drivers having this information
3 could be potentially lifesaving for victims they
4 encounter. However, this education needs to be
5 delivered on an expert on human trafficking, and
6 trying to educate drivers on human trafficking
7 while simultaneously raising concerns that even
8 giving a sex worker a ride could get them in
9 trouble for promoting prostitution has the
10 potential to confuse drivers and leave them unsure
11 how they should interact with their passengers.
12 We thank you for your attention to this important
13 issue and your desire to help victims of
14 trafficking. Thank you.

15 CHAIRPERSON VACCA: Can I interrupt
16 for a second? You are against the education
17 component of the bill also?

18 MS. BASKIN: We are- -

19 CHAIRPERSON VACCA: (Interposing) I
20 have to be honest with you, I find a lot of your
21 testimony to be bizarre, and I'm speechless,
22 which, to me, is difficult for me to be
23 speechless. But I want to know, don't you
24 acknowledge that we need an education component,
25 at least? Do you acknowledge that we need an

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2 education component, or are you against that part
3 of the bill?

4

MS. BASKIN: We support the
5 education component on educating drivers about
6 human trafficking, so we do support that part.

7

CHAIRPERSON VACCA: You do?
8 Because you said before that the education
9 component could be stifling, and you made several
10 references to it which indicated to me that you
11 were not supportive.

12

MS. BASKIN: We're concerned about
13 the education component focused on promoting
14 prostitution, because we're concerned that ... we
15 think that, depending on how this education is
16 delivered, it could dissuade drivers from, or
17 confuse drivers about how they should interact
18 with sex workers that are their passengers.

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CHAIRPERSON VACCA: But education
20 is to make sure that there is clarity. I mean, we
21 on the Council cannot administer an education, we
22 can indicate that it's going to be required by
23 law, but I would want to believe that when we have
24 an education component, and it's administered by
25 the city, it would be clear, and clarity is

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2 required so that there is better communication.
3 So that's where I think we can bridge that issue.
4 But ... okay, I'm sorry, we'll go on to the next
5 person. I'm sorry.

6 MS. RAY: My name is Audacia Ray
7 and I am the founder and director of the Red
8 Umbrella Project, thank you for the opportunity to
9 testify today. The Red Umbrella Project amplifies
10 the voices of people who have done transactional
11 sex through both media and story-telling projects.
12 We believe that the full realization of human
13 rights is only possible when people who face
14 stigma and discrimination are able to speak about
15 their experiences. I'm here today to offer my
16 perspective on the negative impact that Intro 725
17 will have on the safety of people who work in the
18 sex industry, whether they're working by choice,
19 circumstance or coercion. For many years I worked
20 as an independent escort in New York City. It was
21 an isolated work life, I did not have a consistent
22 workplace. I met clients at their homes or at
23 motels, and I did not have a manager or co-workers
24 who knew my whereabouts. Because I live in
25 Brooklyn, I often called a car service for my

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2 appointments, and over time I developed friendly
3 relationships with some of the drivers, a few
4 definitely knew and guessed about my profession.
5 These drivers were essentially my first line of
6 defense. I was able to say with confidence that
7 there was someone who knew where I was, and would
8 notice if I went missing. I understand that the
9 work that I used to do is illegal under New York
10 State law, but no driver ever participated in my
11 business transactions, as client, manager or even
12 paid security. They did their job, as they would
13 for any New Yorker, not unlike the bus driver or
14 subway driver did when I chose those modes of
15 transportation to meet a client, who was often
16 located on the upper East Side or West Side of
17 Manhattan. There's a great deal of difference
18 between a taxi or limousine driver who I called
19 for a ride and paid the usual fare and tip to, and
20 the driver who is part of the management structure
21 in an illegal escorting business, but Intro 725
22 can make no distinction between the two.
23 Promoting prostitution has always been interpreted
24 broadly. Even if the bill could make such a
25 distinction, the fact remains that punishing

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2 drivers for transporting sex workers will, as
3 intended, make them hesitant to transport
4 perceived to be a sex worker. And how are they to
5 know? No one ever guessed my job, I'm white and
6 prefer business casual attire. When sex workers
7 are profiled for, let us remember that it is
8 always people of color and transgender people who
9 suffer, many of whom are not even sex workers.
10 Drivers can play a key role in keeping sex workers
11 safe, and their presence and concern was greatly
12 appreciated when my safety was on the line. Many
13 New Yorkers use car services or taxis,
14 particularly late at night, and in order to be
15 safer, as they should. Our mothers taught us to
16 do this, out of love and concern for our
17 wellbeing, and our safety should be the Council's
18 priority too. Thank you.

19 CHAIRPERSON VACCA: Thank you, next
20 speaker, please, identify yourself.

21 MR. AGNELLO: Hello, thank you for
22 allowing us to share our testimony, my name is
23 Jesus Agnello, I'm one of the LGBT Justice
24 organizers for Make the Road New York, and this is
25 Jessica. And I'm going to be translating.

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2 MS. GUAMAN: (through a translator)
3 Good morning, Council Member Ferreras, Committee
4 members and folks from the community who are
5 present, thank you so much for giving me the
6 opportunity to share my testimony. My name is
7 Jessica and I am a leader with Pride, one of the
8 LGBT Justice projects of Make the Road New York,
9 and I am a resident of Jackson Heights. I want to
10 congratulate Council Member Ferreras for all the
11 work that she has done within our community, but I
12 am here as a transgender woman to express my fear
13 for this proposal as it will affect me and other
14 transgender women. I was accused for sex, but the
15 police never asked me if I was a victim of sex
16 trafficking. It's supposed to be the job of the
17 police to make sure that people who are arrested
18 for sex work are questioned about the conditions
19 in which they are doing their job. My case is not
20 an isolated one. There are many transgender women
21 who daily suffer police brutality when they're
22 stopped and frisked. If those who are stopped are
23 found with condoms, they are immediately linked
24 with sex work. A lot of times these girls are
25 walking from home to the supermarket or out to eat

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2 something, but the police never ask what the
3 conditions are in work, even if they are being
4 accused falsely or not. If this proposed
5 legislation comes into effect, we will have to
6 stay home because of the fear of being victims of
7 hate crimes for being transgender and victims of
8 police brutality. The security the taxi provides
9 us with is vital in our lives as transgender
10 women. Going out shopping, dancing with our
11 friends or simply for us to feel safe, so that we
12 don't expose ourselves to being victims of
13 transphobia. I don't want to live in fear in my
14 house, and be afraid of being who I am. This
15 legislation will not only increase false arrests,
16 but it will also increase the false stereotypes of
17 the trans community that are linked with sex work.
18 This will also have an impact on cab drivers.
19 They will have the responsibility of the work that
20 the police should be doing. If the police are
21 interrogating people who they arrest for sex work,
22 why would we hope that the cab drivers will do
23 their work? As a trans woman, I know a lot of
24 people who are victims of sex trafficking, and I
25 understand Council Member Ferreras's worries, but

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2 the solution to this problem should be one where
3 we make the police responsible for the work they
4 should be doing, and that we make them responsible
5 for false arrests and profiling that goes towards
6 the transgender community. Thank you and this was
7 my testimony.

8 CHAIRPERSON VACCA: Thank you,
9 gracias, thank you. Sir, would you like to
10 introduce yourself and talk into the microphone,
11 please.

12 MR. VELASQUEZ: Good morning,
13 Council members, Julissa Ferreras and other
14 members of the Committee as well as community
15 members present. Thank you for providing me with
16 the opportunity to testify today. My name is
17 Maximilian Velasquez, I am a member of Globe, one
18 of the LGBTQ Justice projects at Make the Road,
19 and a resident of Bushwick in Brooklyn. As a
20 gender-nonconforming young gay man and as a
21 Latino, I understand the impact that
22 discrimination has in my community. Many of my
23 friends who are transgender and gender-
24 nonconforming are discriminated against in my
25 community. Me and my friends who are transgender

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2 ... wait, sorry ... are often faced with employment
3 discrimination, are victims of hate crimes and
4 face serious profiling in the hands of the police.
5 Oftentimes the profiling leads to false arrests
6 and accusations of loitering for prostitution,
7 regardless of whether the trans or gender-
8 nonconforming person is doing sex work or not. I
9 understand Council Member Ferreras's concern
10 around victims of trafficking and share that
11 concern. However, this bill that is being
12 proposed is going to have a negative impact in our
13 community, instead of empowering victims to get
14 out there and ... to get out of their trafficking
15 situations. Often when I'm doing safety training
16 for Make the Road for transgender and gender-
17 nonconforming members, we advise folks to take
18 cabs or taxis home to avoid being victims of hate
19 crimes and avoid police profiling and brutality.
20 This bill is giving taxi drivers leeway to not
21 pick up members from the trans and gender-
22 nonconforming community because of fear of being
23 arrested or penalized by the police. It also
24 holds taxi drivers responsible for interfering or
25 cooperating with what is supposed to be law

1 enforcement responsibility. The NYPD should be
2 responsible for screening people and the arrest of
3 prostitutes and figuring out if they are victims
4 of trafficking. Drawing from the experience that
5 many of Make the Road New York members have had
6 with the NYPD when being arrested or accused of
7 loitering for prostitution, these folks were never
8 being asked by the police about a trafficking
9 experience, or some of them actually were victims
10 of trafficking. We understand and commend Council
11 Member Ferreras for the concern she has on the
12 issues that matter to our membership, but we hope
13 that she considers a bill that will have less
14 impact on the profiling of our trans and gender-
15 nonconforming community members, and will hold
16 NYPD accountable for the unjust profiling of trans
17 and gender-nonconforming folks and hold them
18 accountable on their responsibility to their
19 screening of victims of trafficking. If NYPD is
20 not doing their job, we can't expect taxi drivers
21 to do the job for them. Thank you for the
22 opportunity to testify today and I hope we can
23 keep the conversation open about how we can
24 improve conditions for LGBTQ communities in our
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2 city and beyond.

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CHAIRPERSON VACCA: Thank you very much. And certainly we will have communications, but I thank you for that ... for summarizing that. But it's accurate. Let me ask, Council Member Dromm has a question, and then I think Council Member Brewer, okay.

COUNCIL MEMBER DROMM: In the interest of time too, I'm not going to have a question, just a comment to say to you that I respectfully disagree with my colleague, Mr. Chair, and I understand Ms. Baskin's point is made very, very well, which I think were further elaborated upon by the other members of the panel who did testify as well. And again I thank all of you for your courage in coming in to put a human face on how this can affect members of the lesbian, gay, bisexual and transgender community, as well as the impact it may have on cab drivers as well. Thank you.

CHAIRPERSON VACCA: Council Member Brewer?

COUNCIL MEMBER BREWER: I want to thank the Committee for putting together this

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2 hearing, because it's good to have differences of
3 opinions, and I know sometimes that's hard, but to
4 be honest with you, from the public's perspective,
5 thanks to the NYC Television and also just to our
6 perspective, it makes for a more comprehensive
7 discussion. So I happen to agree with you, but I
8 want to make that really clear, and I think that
9 those of us who are always taking cabs, I'm one of
10 the ones who takes all kinds of cabs, don't ask
11 me, because half of them are illegal. But the
12 issue is that the drivers are often, you know,
13 they're under a lot of challenges themselves, to
14 make money, to get back to the ... whoever is their
15 boss, to be sure that they have brought in
16 whatever the dollars are. So they're under the
17 gun a lot, so my question to you is just one quick
18 question, is whom do you call if you are calling?
19 Do you call car services, do you take Yellow Cabs,
20 do you take street hails? Just kind of how do you
21 get around? Because I do think in many situations
22 it is the only safe way, particularly because you
23 don't want to be profiled in the street too. So
24 I'm just wondering.

25 MR. VELASQUEZ: When I walk like

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2 that, to prevent ... like if I have to go a long
3 distance, to prevent like being caught in the ...
4 like various situations, I would call taxicabs too
5 for my safety, and I would call specific ones,
6 because my family knows them so well, and like I
7 feel more safe in that taxi than if I was to take
8 the train and have to sit there and have people's
9 eyes just stare at me and just like say something
10 like indirect to me. So I would take any local
11 cab service and stuff like that.

12 MS. GUAMAN: (through a translator)
13 So like there's a lot of trans-phobia within my
14 community in Queens, I feel safer calling a cab,
15 hailing a cab, it excludes me from going out into
16 the streets and being possibly a victim.

17 COUNCIL MEMBER BREWER: Thank you.

18 CHAIRPERSON VACCA: Thank you,
19 everyone, thank you. I'm going ... we have five
20 speakers left, and I'll divide them into two
21 panels, but I do want to indicate that the time is
22 running a little late, so we'll ... I'm going to
23 limit each speaker to three minutes. Mr. Bill
24 Lindauer, New York Taxi Workers Alliance, Ms.
25 Desai, New York- -

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MR. LINDAUER: (Interposing) Ms. Desai is not here.

CHAIRPERSON VACCA: Oh, she's not here? All right then I'll make one panel, because we can do four seats then, okay. Faith Huckel, Restore New York City, Ethan Gerber and Gary Finiguerra, Coalition of Transportation Associations. Can you speak in the order that I called you?

MR. LINDAUER: Okay.

CHAIRPERSON VACCA: Mr. Lindauer.

MR. LINDAUER: Okay, my name is Bill Lindauer, I'm a born and bred New Yorker who drove a cab for over 30 years. I'm a proud member of the New York Taxi Workers Alliance, now part of the AFL-CIO. This is a well-intended plan, but there will be terrible collateral damage, and I thank Council Member Dromm for bringing up and being the voice of reason in this thing. Don't let hysteria prevail. This appalling plan is unbelievable, unconscionable, unintelligent and unnecessary. It maliciously maligns cabdrivers and imposes outrageously heinous penalties, including deprivation of livelihood. It will open

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2 up a Pandora's box of wrongful prosecution. The
3 Bible says, "Let he who is without sin cast the
4 first stone", and my experience has taught me to
5 beware of the self-righteous person who is taking
6 the so-called moral high ground, I mention just
7 two, Jimmy Swaggart and Eliot Spitzer. The next
8 thing you'll propose is forcing drivers to hear
9 Newt Gingrich lecture on family values. This is
10 ridiculous, most importantly, it's totally
11 unnecessary, the laws already on the books
12 penalize people for promoting prostitution. Why
13 single out cab drivers? This is an off-the-wall,
14 out-of-leftfield play and not a solution. Drivers
15 are only about road traffic, not sex traffic, they
16 don't profit one penny from prostitution, and to
17 suggest so is a gross insult, like calling
18 someone's sister a hooker. Any prostitution
19 problem should be left to law enforcement and
20 social workers. Drivers are required to pick up
21 anyone who hails them, are we to discriminate
22 based on occupation? And how are we to know who's
23 a hooker and who's not? I mean, if we can refuse
24 people, I would first nominate lawyers,
25 accountants and Wall Streeters. This is a

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2 dangerous slippery slope, with the potential to
3 punish perfectly-innocent people. It smacks of a
4 sexual McCarthyism that will ruin individuals and
5 destroy families of hard-working city servants.
6 But if reason fails and this silly sinecure (sic)
7 passes, I demand the city pay for the program, not
8 drivers, penalties should be within reason, and
9 although virtually unnecessary and unenforceable,
10 should be \$100 to \$500 and a 30-day suspension
11 after three offenses. Council members are
12 conscientious public servants, but to even
13 consider this lame legislation, however well-
14 intended and however from-the-heart it is,
15 stigmatizes the whole City Council. To sum up in
16 three words, stop the madness. Thank you.

17 CHAIRPERSON VACCA: I think I know
18 how you feel.

19 MR. LINDAUER: I keep my feelings
20 inside.

21 CHAIRPERSON VACCA: Thank you.
22 Miss, would you please introduce yourself?

23 MS. HUCKEL: Hi. Sure, good
24 afternoon, my name is Faith Huckel and I am the
25 Executive Director of Restore NYC. Restore NYC is

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2 a nonprofit organization that restores freedom,
3 safety and hope to foreign-born survivors of sex
4 trafficking in New York City. We provide long-
5 term holistic after-care services, including
6 housing, and in October, 2010 we opened the first
7 long-term safe house in the northeast dedicated to
8 foreign-born survivors of sex trafficking. Our
9 clients are trafficked from abroad, specifically
10 South Korea, China, Indonesia, the Dominican
11 Republic, Mexico and other countries in Central
12 America. In 2010 we served over a 100 clients,
13 and by the end of 2011 Restore anticipates serving
14 over 180 clients this year. The women are forced
15 to work in brothels, which are typically houses,
16 apartments or businesses that operates as fronts
17 for prostitution in Flushing, Jackson Heights,
18 Corona, Jamaica, midtown Manhattan and Chinatown.
19 For-hire cabs often play a very crucial role in
20 the transportation of johns and victims to and
21 from these brothels in New York City. Our clients
22 have disclosed that for-hire cabs can sometimes
23 make 50% of the profits from the delivery of a
24 john or from a victim. Any social service agency
25 working on the frontlines with survivors of

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2 trafficking is familiar with one of the city's
3 best-kept secrets, that for-hire cabs drive around
4 32nd Street in midtown Manhattan, looking for men
5 to pick up and drive into Queens, specifically
6 Flushing, for prostitution. And we have also seen
7 what Kathleen Slocum testified about from
8 Sanctuary for Families, where the luring and
9 coercing of women into prostitution by cab drivers
10 has also been experienced, and in fact our
11 youngest client that we have served to date was
12 trafficked by a cab driver, she was here from
13 South Korea, she was a high school senior and
14 looking for summer work when she was having this
15 conversation with a cab driver and he said, "I
16 know someone who owns a restaurant. I can take
17 you to the owner's house now." He brought her to
18 the house, they locked her in a room, they beat
19 her and raped her and forced her into
20 prostitution. In addition, for-hire cabs are used
21 in and around the West Queens area. The 115th
22 Precinct, which covers Jackson Heights, Corona and
23 East Elmhurst, accounts for the largest number of
24 prostitution-related arrests in Queens. These
25 areas are highly utilized by for-hire cabs

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2 purposefully acting either independently or with a
3 group of drivers for the trafficking of women.
4 Whether or not the for-hire cab drivers have TLC
5 licenses remains uncertain. However, based off of
6 client reports, trafficking rings are well-
7 organized and well-funded, often operating their
8 own or independent car services specifically for
9 driving johns and victims to and from various
10 locations. Restore NYC supports both the
11 amendments to strengthen the penalties for
12 illegally operating non-TLC licensed vehicles for
13 hire, and a local law to amend the administrative
14 code in relation to the unlawful use of vehicles
15 for the purpose of promoting prostitution. Thank
16 you so much for hosting this hearing.

17 MR. GERBER: Thank you, my name is
18 Ethan Gerber from the New York Taxi Association.
19 I did come here to testify about Intro 735, I do
20 want to say though that my concerns on Intro 735
21 and my support of Intro 735 are tempered by my
22 knowledge that my ... all my concerns today are
23 insignificant compared to the testimony I heard
24 from Sanctuary and from Restore NYC. So I do ... I
25 don't want to dwarf or try to compete with the

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2 significance of that, and I understand that, Mr.
3 Chairman. I will point out that there is a
4 blending of these issues to one degree that I
5 picked up on here, which is that I do represent
6 the Yellow ... the members of the Yellow Cab
7 industry, and this problem that we are addressing
8 on trafficking is not a Yellow Cab issue. It is
9 strictly a for-hire vehicle dispatch issue, it has
10 never affected the Yellow Cab industry, and I
11 think that's an important distinction to be made,
12 especially going forward, since these industries
13 are ... the Mayor is actively trying to blend these
14 industries today. But right now, this is not a
15 Yellow Cab issue. As all of you are aware, the
16 Mayor last January announced his plan to provide a
17 new form of street health service to the boroughs.
18 While we agree that the goal was laudable, the
19 plan as proposed we believe would have devastating
20 consequences to the legitimate businesses already
21 providing services. The Yellow medallion
22 businesses as well as the dispatch livery
23 businesses as well as the financial institutions
24 and banks have all expressed deep concerns that
25 the Mayor's plan will have destructive effects on

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2 their businesses and to their customers who rely
3 on them. one of the principal concerns is that
4 the TLC will now flood the streets with cabs that
5 have the TLC stamp of approval on them, rooftop
6 lights and meters, and these cars will not go
7 where they are intended to go, under-served
8 neighborhoods in Brooklyn, Queens, Bronx and
9 Staten Island, but rather they will simply flood
10 the neighborhoods already amply served by the
11 Yellow industry, poaching our customers and
12 destroying our business model. This isn't mere
13 speculation, for over a decade the Taxi &
14 Limousine Commission has completely ignored
15 illegal poaching of our customers, the practice
16 continues even now, if you go outside I'm sure
17 you'll be able to hail an illegal car or a car not
18 licensed to do it. Moreover, even if the TLC
19 imposed the penalties, the penalties were so small
20 in relation to the financial benefit of poaching,
21 that they acted as no deterrence at all. If a
22 poacher was the rare unfortunate to get ticketed,
23 it was just a minor cost of doing business. The
24 bill before you starts to recognize one of the
25 flaws with the current plan, the lack of

1 enforcement. It creates several key provisions,
2 it puts penalties on the base that knowingly
3 permits people to operate illegally, it raises the
4 fine to a substantial \$10,000, it puts the onus on
5 enforcement officers to seize vehicles, rather
6 than just make it an option. My concerns,
7 although I support this bill wholeheartedly, my
8 concerns with the bill is that it does not
9 specifically spell out poaching, it rather applies
10 to cars and drivers not properly licensed in the
11 first place. It does not address the drivers of
12 cars properly licensed, but who nevertheless go
13 beyond the scope of their licenses by picking up
14 street hails where they are not permitted, for
15 example. I urge the Committee, especially if the
16 Governor signs the legislation currently before
17 him, or some modification thereof, to specifically
18 create legislation that will address the fears and
19 concerns of the thousands of hard-working people
20 in the Yellow and Dispatch businesses. Finally, I
21 want to thank the Committee and I want to thank
22 especially Chairman Vacca, Mr. Chairman, I am
23 consistently impressed by your intelligence,
24 curiosity and tenacity. You are always willing to
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2 listen to concerns of all sides and ask the hard
3 questions. I know that you do not always agree
4 with me or my members or other businesses, but I
5 know you always take the time to listen to all
6 stakeholder concerns and investigate for yourself,
7 when you reach a conclusion, it is informed and
8 intelligent and you stand by it. I can ask no
9 more from any elected officials and I thank all of
10 you for your time.

11 CHAIRPERSON VACCA: Thank you, and
12 I'm going to give you an extra five minutes at
13 this point. You had very good testimony, thank
14 you. Thank you, Mr. Gerber.

15 MR. GERBER: Thank you.

16 CHAIRPERSON VACCA: Thank you.
17 Sir, would you introduce yourself?

18 MR. FINIGUERRA: Good afternoon,
19 Chairman Vacca, Chair Ferreras, my name is Gary
20 Finiguerra, I'm affiliated with the law firm of
21 Windels Marx Lane & Mittendorf and its
22 Transportation Practice group, and I'm appearing
23 on behalf of the Coalition of Transportation
24 Associations. COTA is a coalition of all
25 limousine and black car trade associations in the

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2 New York metropolitan area, we represent thousands
3 of black cars and limousines in the metro area and
4 I've listed them for you on the prepared
5 testimony. Our law firm also acts as general
6 counsel to two of these trade organizations. The
7 mission of COTA is to work together to support the
8 economic integrity and sustainability of the for-
9 hire ground transportation industry, and to
10 promote safety, the highest quality of customer
11 service and to support and promote reasonable and
12 sound government regulation to further those
13 purposes.

14 COTA agrees that promoting prostitution is a crime
15 and it degrades the quality of life in our
16 communities. However, we have many questions
17 regarding the proposed legislation, and we see
18 many problems arising if such legislation were to
19 take effect. We are not aware of any specific
20 studies, reports or crime stats that demonstrate
21 any problem to our licensed industry involving
22 prostitution in our industry, and we don't think
23 it warrants this type of legislation, as drafted.
24 However, if the Council wishes to be proactive in
25 this area, we believe there's better ways of going

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2 about it. The proposed legislation would mandate
3 a course to be taken by all drivers, we believe
4 this is unnecessary. This would be the only
5 course to be required to be taken prior to
6 obtaining a license, other than the standard
7 defensive driving course, which is not a TLC
8 course. It is also unclear what the contents of
9 the program would be, just from what was stated.
10 Would the course train drivers to question,
11 investigate and discharge or report their
12 passengers based on the way they dress or act?
13 This has been addressed in earlier testimony. And
14 other than describing the fines and penalties
15 involving facilitating prostitution, what else
16 could the course or program contemplate ... what
17 else could the course teach to the drivers in the
18 industry? We were just hoping for clarity on the
19 issue. The new language in section five is vague
20 and over-broad, among other concerns. The New
21 York Penal law covers prostitution offenses, and
22 it is the responsibility of the Police Department
23 and the District Attorneys' offices, not TLC-
24 licensed drivers or businesses, to enforce such
25 laws. All citizens, including the members of our

1 industry, have a duty and an obligation to
2 cooperate with law enforcement where crimes of
3 prostitution are being committed or investigated,
4 and that is where that responsibility should end.
5 This law would create confusion and tension
6 between drivers and their customers, drivers would
7 become fearful that if they did not further probe
8 into the activity of their passengers, that they
9 could be held responsible for significant
10 penalties under this proposed law. For instance,
11 are drivers and limousine owners expected to
12 interfere, interrupt a couple's intimate moments?
13 This law would broadly enough to impute
14 (inaudible) for such police search to drivers.
15 (sic) The penalties under this proposed
16 legislation are also inconsistent with the
17 regulatory scheme of the TLC, we think \$10,000 is,
18 and revocation, is egregious compared to
19 violations in other TLC rules. We've also
20 partnered with the New York Civil Liberties Union
21 about the civil liberties issues that have arisen.
22 I know that they've distributed a letter today
23 addressing those concerns, I won't address them
24 here. And we just believe there's simpler and
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2 more effective ways to achieve the goals of this
3 legislation, without the confusion and burden
4 being placed on a heavily-regulated industry, and
5 without raising these constitutional issues. A
6 well-crafted pamphlet could be prepared, an
7 affidavit prior to obtaining a license, detailing
8 the crimes that are stated and the penalties
9 involved, and this could also be placed with base
10 owners as well, just as well-placed notifications,
11 something that wouldn't be a course. So, just in
12 summation, COTA supports reasonable regulation and
13 respects the goals of the Council in this area,
14 but as currently drafted, we think it's
15 impractical, vague and over-broad, and we would be
16 ... on behalf of my members, we would be happy to
17 work with the Committee to further clarify and
18 address the concerns of the Council. And thank
19 you for the opportunity.

20 CHAIRPERSON VACCA: Thank you. I
21 would suggest that all of us read today's New York
22 Times, there's a very informative article, 293
23 clients in one year went to Sanctuary for Families
24 seeking help about sex trafficking. I appreciate
25 everyone's testimony today, the hearing is coming

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2 to a close. I think all of us, despite how we
3 feel about particulars within the bill, I think
4 all of us acknowledge we have a problem. Now, how
5 do we go about best addressing it is something
6 that the Council will deliberate on, and your
7 testimony is going to be considered, and I want
8 you to know, and if you have suggestions, we want
9 to hear them, not only today, but going forward.
10 Council Member Dromm?

11 COUNCIL MEMBER DROMM: I just
12 wanted to follow up with a statement made by Ms.
13 Huckel, you said that -- page two -- "Any social
14 service agency working on the front lines with
15 survivors of trafficking is familiar with one of
16 the city's best-kept secrets", it was pretty much
17 a best-kept secret from me, that for-hire cabs
18 drive around 32nd Street in midtown Manhattan
19 looking for men to pick up and drive into Queens,
20 specifically Flushing, for prostitution. Now I am
21 the founder of the Queens Lesbian and Gay Pride
22 Parade, I am the founder of Queens Pride House, I
23 am the founder of Queens PFLAG, I am the founder
24 of many of the organizations that exist in Queens,
25 and I've never heard of this happening at all.

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Where does that information come from?

MS. HUCKEL: It comes directly from our clients, sir.

COUNCIL MEMBER DROMM: How many of your clients have reported this to you?

MS. HUCKEL: Well, we ... last year we served about 100 clients, we served primarily women from South Korea, China and- -

COUNCIL MEMBER DROMM:
(Interposing) How many are men?

MS. HUCKEL: We serve only women, and they're all- -

COUNCIL MEMBER DROMM:
(Interposing) You say men in your report.

MS. HUCKEL: Hold on, let me see here. I don't think I say men.

COUNCIL MEMBER DROMM: On the top of page two, third line.

MS. HUCKEL: Looking for men, well, men on the street, so propositioning ... I mean, because in addition to what Kathleen Slocum was talking about, how cabs will oftentimes take the women to the men, they also will suggest to men walking around the street, on 32nd Street, and it's

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2 happened fairly frequently, and you know, I
3 totally respect you and I think you have excellent
4 credentials. It was kind of a comment made
5 tongue-in-cheek, in the sense that social service
6 agencies working in the city and we're part of a
7 coalition, a coalition against trafficking in
8 women, and there's only really a few of us that
9 are kind of working on the ground, specifically
10 working with the populations that we're working
11 with. It is, it's a very well-known secret, at
12 least among us, that there has been a problem
13 where livery cab drivers will drive around 32nd
14 Street, it's happened to friends of mine, Korean
15 male friends of mine who go to K-town for lunch,
16 and will have cab drivers saying things to them
17 from the cab to try and get them to get into the
18 cab to take them out to Queens.

19 COUNCIL MEMBER DROMM: Okay, I
20 misunderstood, I thought you were talking about
21 male prostitutes.

22 MS. HUCKEL: Oh, no, no.

23 COUNCIL MEMBER DROMM: Okay.

24 MS. HUCKEL: No.

25 COUNCIL MEMBER DROMM: That they

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2 were delivering them, and I wanted clarification
3 on that.

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MS. HUCKEL: Oh, no, no.

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COUNCIL MEMBER DROMM: Not male
prostitutes.

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MS. HUCKEL: No, absolutely not.

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COUNCIL MEMBER DROMM: Okay.

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That's what I just wanted to clarify. Thank you.

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CHAIRPERSON VACCA: On behalf of

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Council Member Ferreras and myself, I would like

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to thank you all for coming to today's hearing,

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and it is now almost one o'clock, and without

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further testimony or business, this Committee is

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hereby adjourned. Both Committees.

C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date January 5, 2012