

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON WOMEN'S ISSUES

-----X

June 11, 2012
Start: 1:11 p.m.
Recess: 2:13 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: JULISSA FERRERAS
Chairperson

COUNCIL MEMBERS:
Charles Barron
Margaret S. Chin
Annabel Palma
Ruben Wills

APPEARANCES (CONTINUED)

Nancy Fisher
Chief of Staff
New York State Assemblywoman Amy R. Paulin

Michael Vecchione
Chief of the Rackets Division
Brooklyn District Attorney's Office

Laura Neubauer
Chief of Sex Trafficking Unit
Brooklyn District Attorney's Office

Emily Amick
Sanctuary for Families

Sarah Dolan
Advocate Counselor
Sanctuary for Families

Jimmy Lee
Executive Director
Restore NYC

Sonia Ossorio
President
National Organization for Women.

CHAIRPERSON FERRERAS: Good

afternoon, and thank you for coming to today's hearing. My name is Council Member Julissa Ferreras and I am the chair of the Women's Issues Committee. I'd like to thank my colleagues Council Members Fidler, Vallone, Halloran and Gonzalez for sponsoring this resolution that we're hearing about today. Due in part to its international airports, easy access to rails and busses and its large population, New York City is a hub of trafficking activities. As a Council Member and especially as the chair of Women's Issues Committee, I have been aggressively addressing the issue of human trafficking in New York City for some time now. Along with some of my colleagues, many of us who are co-sponsoring this resolution, we have held public hearings, - - this legislation and resolutions. We have met with numerous service providers, victims, advocacy groups, law enforcement officials and actual victims of trafficking. We continue to seek ways to hold traffickers accountable and provide aid to those who are trafficked. I often note that human trafficking is one of the most horrific crimes

1
2 committed. Victims of human trafficking are
3 physical and psychologically ravaged. It destroys
4 families and communities. The crimes against
5 children are particularly inconceivable. We
6 cannot and will not stand by as these atrocities
7 are being carried out. We need to use all of our
8 tools to attack this heinous crime in all forms.
9 One such tool is this legislation. In 2007, the
10 New York State enacted sweeping anti trafficking
11 legislation in response to the realization of
12 trafficking prevalence in New York. Today we are
13 here to discuss the merits of new legislation
14 recently introduced by Assembly Member - - and
15 State Senator Saland. This legislation A 9804 and
16 S 7212 also known as the "Trafficking Victims
17 Protection and Justice Act" seeks to improve upon
18 existing state law clarifying certain portions of
19 the state law as well as address inconsistencies
20 particularly in cases involving minors. We have
21 heard from key advocates that they are concerned
22 that the bill will be watered down and no longer
23 include some of its most important provisions. We
24 will hear testimony from various advocates,
25 service providers and criminal justice officials,

1
2 who will speak to their experiences and why the
3 changes currently in this legislation are urgent.
4 Thank you and now I'd like to—I'm actually very
5 honored that we have been joined by Council Member
6 Halloran, who is back and doing a lot better, and
7 I know that he is back part time I think after his
8 surgery so I'm very happy that you are here, and
9 that you're able to speak on this legislation, so
10 now I will have Council Member Halloran, who would
11 like to share a few words.

12 COUNCIL MEMBER HALLORAN: Thank
13 you, Madam Chair. It's good to be back, and I
14 will continue to endeavor to get back to my
15 Committee hearings. As Council Member Vallone and
16 I serving on the Public Safety Committee have
17 noted, frequently we find holes in our legislation
18 in Albany with regards to some of the more trying
19 issues in criminal justice, and in this particular
20 issue, I thank you, Chairwoman, for your lead and
21 for the work you've done to bring light to this
22 issue. Two years ago, we held hearings discussing
23 this matter for the first time, and it was an eye
24 opener to many people, but for those of us who
25 served either in the police department, the

1
2 prosecutor's office, or even in the defense bar,
3 we're all too well aware of what goes on. It is
4 important for this body to continue to push Albany
5 to make sure that these issues are addressed in
6 particular this one, which has such a disparate
7 impact upon our immigrant population, who are
8 oftentimes victimized twice—once when these crimes
9 take place and twice when they attempt to navigate
10 the criminal justice system seeking justice.

11 Occasionally, even those of us on my side of the
12 aisle [phonetic] understand that these problems
13 loom large and heavy and are in need of serious
14 modernization. No one would have conceived of 100
15 years ago the things that we find ourselves facing
16 today. I encourage my colleagues to look through
17 the bills in Albany. These are all expansions and
18 I would like to thank Senator Frank Padavan, who
19 was the original author of the sex trafficking
20 legislation almost 15 years ago and the work he
21 had done to bring the issue to light. Hopefully
22 we will take the next step and enable our
23 prosecutors and police to have the keys and tools
24 they need to make some serious impacts in such a
25 terrible, terrible crime. Thank you, Madam Chair.

1
2 CHAIRPERSON FERRERAS: Thank you,
3 Council Member, and again, welcome back, and now I
4 just want to acknowledge that we've been joined by
5 Council Member Wills and Council Member Barron.
6 We will call up our first panel. Ms. Nancy Fisher
7 [phonetic] from the New York State Assemblywoman
8 Amy Paulin's office.

9 MALE VOICE: - -

10 CHAIRPERSON FERRERAS: Absolutely
11 and before you begin your testimony, Council
12 Member Barron would like to add a few words.

13 COUNCIL MEMBER BARRON: Well, first
14 of all I think this is a very, very important
15 legislation particularly for children and the
16 underage that they can no longer be using coercion
17 as a means of not seeing them as the victims that
18 they really are, and I think this is a huge step
19 in the right direction. We want to keep it strong
20 to make sure that when underage children are
21 abused that you don't use the law working against
22 them when in fact this protects their abusers when
23 we try to play with the term coercion so I really
24 think that this law or resolution that we're
25 saying to tighten up the law really helps our

1
2 young people and really gets at one of the most
3 heinous crimes I think on the planet is what
4 they're doing to our young and around this whole
5 question of prostitution. Thank you.

6 CHAIRPERSON FERRERAS: Thank you
7 very much. You may begin your testimony.

8 NANCY FISHER: Thank you. Speaker
9 Quinn, Chairperson Ferreras, and members of the
10 Committee on Women's Issues, firstly thank you for
11 your comments so far. Thank you for holding this
12 hearing on the important issue of human
13 trafficking. My name is Nancy Fisher, chief of
14 staff to New York State Assemblywoman Amy R.
15 Paulin, chair of the Assembly standing Committee
16 on Children and Families. I submit the following
17 testimony on behalf of Assemblywoman Paulin. With
18 the passage of two landmark laws, the 2007 anti
19 human trafficking law and the safe harbor act of
20 2008, New York State criminalized sex trafficking
21 and labor trafficking and for the first time,
22 acknowledged that many individuals facing
23 prosecution for prostitution are themselves
24 victims and often sexually exploited children who
25 most need our protection. Having the benefit of a

1
2 few years' experience with these two laws, we have
3 learned that there are gaps and inconsistencies in
4 the law that we need to address to improve our
5 response to human trafficking. Working closely
6 with advocates adding and prosecutors, I authored
7 the bill, the trafficking victim's protection and
8 justice act, A 8904, S 7212, the subject of your
9 hearing today. This legislation builds on the
10 foundation we laid by ensuring that the penalties
11 fit the crimes, by providing additional tools to
12 prosecutors and law enforcement to go after and
13 hold accountable the real criminals--the buyers,
14 the traffickers and the transporters, who fuel
15 this massive, heinous industry--and by increasing
16 access of victims to social services to enable
17 them to break the vicious cycle of dependency and
18 humiliation. I want to highlight a few of the
19 important provisions.

20 The bill creates the felony sex
21 offense of aggravated patronizing a minor,
22 aligning the penalties for patronizing with those
23 of statutory rape, matches the ages of victims in
24 each degree of patronizing offense with the ages
25 and the corresponding degree of rape offense,

1
2 recognizes that livery and limousine drivers have
3 become central players in human trafficking and
4 includes them as persons who may be prosecuted for
5 permitting or promoting prostitution, clarifies
6 that providing marijuana and ecstasy to a
7 prostituted person to impair her judgment
8 constitutes sex trafficking, gives prosecutors the
9 investigative tools they need to make a case
10 against traffickers by authorizing eavesdropping
11 and video surveillance when there is probable
12 cause. Those working with the law also realize
13 that trafficking victims often children need
14 better access to social services to make a clean
15 and permanent break from the law of prostitution.
16 To address this issue, the bill authorizes the
17 providers of social and legal services often the
18 first to interact with trafficking victims and to
19 develop trusting relationships, to make referrals
20 for social services in addition to law enforcement
21 and district attorneys. In addition the
22 legislation allows cases involving 16 and 17 year
23 olds arrested for prostitution to be moved from
24 criminal court to family court, so that they can
25 be treated as PINS, persons in need of

1
2 supervision. Lastly, this law eliminates the term
3 prostitute in the penal law. Nowhere else in the
4 penal law is an individual identified by the crime
5 he or she allegedly commits; for instance,
6 murderer or robber. Realizing that the stigma
7 attached to the word prostitute applied mostly to
8 women, it was obvious that the term prostitute had
9 to be addressed as a gender issue as well as a
10 legal term. I am heartened that we are working
11 collectively to better understand the enormity of
12 human trafficking, knowing that we need to do even
13 more to end it. I am grateful that the City
14 Council and the Committee on Women's Issues are
15 taking a leading role in addressing this issue and
16 thank you for your support.

17 CHAIRPERSON FERRERAS: Thank you.
18 As a former chief of staff and thank you for—are
19 you going to be able to answer any questions or...?

20 NANCY FISHER: I would prefer that
21 you call our office.

22 MALE VOICE: Can you please come up
23 to the mic?

24 NANCY FISHER: Oh sorry. And Suzie
25 [phonetic] Rush is available. I can give you that

1
2 phone number. It's 914-723-1115, but I'm happy to
3 take any questions back, if you would like me to
4 do that.

5 CHAIRPERSON FERRERAS: In
6 particular, we'll get you the questions. We can
7 get them sent to you, and they can respond for the
8 Committee and we'll put it on the record, but in
9 particular, I wanted to know what the current
10 status of the bill is, when it will be voted on
11 and which provisions are expected to pass. And
12 we've been joined by Council Member Margaret Chin
13 of Manhattan. Okay.

14 NANCY FISHER: Okay.

15 CHAIRPERSON FERRERAS: So we have
16 some other questions, but we we'll just put that
17 in the package and you can respond. Thank you
18 very much.

19 NANCY FISHER: Thank you.

20 CHAIRPERSON FERRERAS: And now
21 we'll call up the next panel, Laura Neubauer from
22 the District Attorney's Office, Brooklyn DA
23 [phonetic], and Michael—I keep doing this—
24 Vecchione. Thank you—with a last name like
25 Ferreras, I don't like to mess up. And you may

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

begin your testimony whenever you're ready.

MICHAEL VECCHIONE: Thank you. I guess I'll start. Madam Chair and members of the Council, thank you very much for giving us the opportunity to appear before you in support of resolution 1346. On behalf of the district attorney in Brooklyn, Mr. Heinz [phonetic], he wanted me to extend his unfortunate—was not able to be here. He had a prior engagement, so I just wanted to tell you that.

In addition, I'd like to introduce Laura Neubauer, who is the new chief of our sex trafficking unit. The district attorney started the sex trafficking unit in the Rackets Division approximately two years ago, and Laura has just taken over. Laura is a 20 plus year prosecutor, has also spent five years in Bosnia working on human trafficking issues with the Justice Department, and the district attorney could not have chosen a better person to carry on this important work, so I'm going to introduce Laura Neubauer, who will have remarks regarding the resolution, and I thank you.

LAURA NEUBAUER: Thank you, Mike.

1
2 First of all, I want to thank Council member
3 Julissa Ferreras, chair of the Women's Issues
4 Committee and all the other members of the
5 Committee for this morning's opportunity to talk
6 to you about how serious sex trafficking has
7 become in New York City. Almost two years ago,
8 District Attorney Heinz created the sex
9 trafficking unit within the Rackets Division to
10 combat the growing problem of the commercial
11 sexual exploitation of girls, women and boys. To
12 date, our unit has indicted 44 defendants in
13 approximately 24 sex trafficking schemes. Of
14 those, many involve the exploitation of children
15 and child victims under the age of 18.

16 Let me give you a few examples. In
17 December of last year, the district attorney
18 announced the indictments of two defendants
19 charged with sex trafficking. While one defendant
20 viciously beat a 13 year old child victim, both
21 defendants advertised lewd photographs of this 13
22 year old child and another 16 year old child for
23 sex on the Internet. In another case in July of
24 2011, Lethaniel McCoy [phonetic] pled guilty to
25 sex trafficking. His victim was a 15 year old

1
2 child, who he sold for sex by advertising her on
3 Backpage.com. In November and December of last
4 year defendants Tanisha Sanders [phonetic] and
5 Eric Sanders [phonetic] pled guilty to sex
6 trafficking and other charges where they exploited
7 a 16 year old child on the Internet after she was
8 brought into their home directly from school by a
9 family member of the defendants. The district
10 attorney believes we are facing an epidemic of
11 commercial sexual exploitation of children. While
12 these cases usually do involve the element of
13 force or coercion as required by the current anti
14 trafficking statute to prosecute, there are
15 instances where such elements are not so easily
16 provable. In addition, public policy should
17 dictate that a child under the age of 18 cannot
18 consent to engaging in prostitution activity. The
19 need for a provision in New York State's sex
20 trafficking law consistent with the federal
21 trafficking law making it per se [phonetic] sex
22 trafficking where a child is under the age of
23 consent is not only necessary, but of the utmost
24 importance. In addition, the state rape laws
25 contain the statutory provision which explicitly

1 states that a child a child under the age of 17 is
2 not capable of consent. We need to reconcile the
3 legislation. We must send a clear message to the
4 exploiters and to the exploited and we urge the
5 City Council to pass resolution 1346 calling upon
6 the state legislature to pass and the governor to
7 enact the Trafficking Victims Protection and
8 Justice Act. The proposed legislation does many
9 things to enhance prosecution of human trafficking
10 offenders. Most importantly the provision
11 establishing the child victim's inability to
12 consent is critical. The additional protections
13 of adding crimes of aggravated patronizing of a
14 person for prostitution making it a felony to
15 patronize such person if the person is a minor as
16 well as creating the felony crime for persons who
17 patronize a person for prostitution within a
18 school zone are crucial improvements that will
19 make it significantly easier to prosecute
20 traffickers of children and now as well as the
21 clients that are creating the demand for the
22 sexual exploitation of children. These provisions
23 will bring our state laws in conformity with the
24 federal statute and international law and human
25

1
2 rights. It is imperative that these provisions be
3 enacted immediately in order to advance the
4 protection of our children. The enhancement of
5 the sex trafficking statute reclassifying it from
6 a B felony to a B violent felony will provide for
7 stricter sentences and shall properly characterize
8 the crime as a violent felony. Convicted
9 traffickers will have to register as sexually
10 violent offenders, which will result in more and
11 stricter supervision once released. Typically
12 victims of sex trafficking do not identify
13 themselves as such. Often being labeled as a
14 prostitute aggravates this problem. The
15 amendments proposed which replace the term
16 prostitute with person of prostitution removes the
17 stigma and negative connotations that attach to
18 the word prostitute. That provision will assist
19 these vulnerable victims to identify as such and
20 make it easier for prosecutors to engage these
21 victims in their prosecutions. Lastly, I'd like
22 to point out to the provision which enhances the
23 crime of labor trafficking reclassifying it from a
24 class D felony to a Class B felony. Labor
25 trafficking just like sex trafficking involves the

1
2 inhumane exploitation of individuals and therefore
3 these crimes and their penalties should be treated
4 equally. I also urge the members of the state
5 legislature to consider the addition of the
6 violent classification as well to the labor
7 traffic statute, and also to consider the same
8 under 18 exception to the requirement of coercion
9 as proposed in the sex trafficking statute. I
10 cannot stress the importance of these amendments.
11 The passage of the original legislation in 2007
12 was a landmark event for the state of New York and
13 its commitment to the victims of these heinous
14 crimes. It is imperative that we continue the
15 commitment to allow us to better protect the
16 children, the women and all victims of commercial
17 exploitation; therefore, the district attorney and
18 our office strongly endorses passage of Resolution
19 of 1346. Thank you.

20 CHAIRPERSON FERRERAS: Thank you
21 very much for your testimony and I'm sorry that
22 the District Attorney couldn't be here, but I know
23 that he is very supportive and congratulations.
24 I'm sure we're going to be doing a lot more work
25 together as we did with your predecessor. I just

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

want to know if you can speak to me, are minors arrested for prostitution typically arraigned in criminal court rather than removed by PINS?

LAURA NEUBAUER: I believe they are typically arraigned in criminal court.

CHAIRPERSON FERRERAS: And are there any special challenges unique to prosecuting traffickers of underage victims that are underage and those that are trafficking adult victims

LAURA NEUBAUER: I'm sorry. Can you repeat that?

CHAIRPERSON FERRERAS: So if in your search of identifying these victims, right, which sometimes come in as prostitution, is there a difference when you see that there is a minor when you're bringing in a minor as opposed to bringing in an adult?

LAURA NEUBAUER: A difference in...?

CHAIRPERSON FERRERAS: In how you choose to prosecute 'cause I know one of the things we're talking about is the age, so as opposed to a--this has come up in other - - we've had about seven sex trafficking hearings and you know, the fact that a child that comes in at 15 or

1
2 16 and is charged with prostitution is that
3 different than when an adult comes in under the
4 charge?

5 LAURA NEUBAUER: Well, it's
6 typical—if there's a suspicion that either the
7 minor or an adult is a trafficked victim, then our
8 office will not prosecute for prostitution.

9 CHAIRPERSON FERRERAS: Oh.

10 LAURA NEUBAUER: And actually I
11 want to correct myself. I think the minors
12 arrested for prostitution are not referred to
13 PINS. I believe they're recogged [phonetic] to
14 family court. I think it is a similar PINS
15 proceeding, but in either event, if we have any
16 indicia of sex trafficking, we will not proceed
17 with the prosecution for prostitution for either
18 the child or the adult, and obviously, with
19 respect to the child situation, ACS must be
20 brought in and counselors provided to the child as
21 soon as possible.

22 CHAIRPERSON FERRERAS: In your
23 professional estimation, can you think of a down
24 side to this proposed legislation? We just want
25 to hear your—

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

LAURA NEUBAUER: [Interposing] No.

CHAIRPERSON FERRERAS: --for the
record.

LAURA NEUBAUER: No.

CHAIRPERSON FERRERAS: None?

LAURA NEUBAUER: No.

CHAIRPERSON FERRERAS: Okay. I'm
sorry? Oh, Council Member Wills has a question
for you.

LAURA NEUBAUER: Sure.

CHAIRPERSON FERRERAS: Council
Member?

COUNCIL MEMBER WILLS: Good
afternoon. Congratulations, again. I just wanted
to ask one of the cautions or one of the issues
that I know you're going to have to deal with is
prosecuting those who use the - - for
prostitution. What obstacles do you think you're
going to have to face when proving that the person
knew that the individual was a minor because I
know in a lot of statutory rape cases or cases
where statutory rape cases often you have
obstacles in proving that the person who had sex
with a minor actually knew that they were a minor.

1
2 How do you do that in this case and do you feel
3 like that is going to present any obstacles, and
4 if so, what is going to take the obstacles out of
5 the way?

6 [background conversation]

7 LAURA NEUBAUER: With respect to
8 these statutes and this goes to the promoting
9 prostitution of a minor I believe they actually
10 also discuss this with respect to patronizing a
11 prostitute in the school zone, they are per se,
12 it's a per se statute, so the element of knowledge
13 is not necessarily—not required to be proven.
14 It's a per se presumption that the defendant has
15 knowledge of the—I'm not saying that right.

16 COUNCIL MEMBER WILLS: You're
17 saying it right. I get it. I get it.

18 LAURA NEUBAUER: Has knowledge of
19 the child's age, so it's not something that—it's
20 not on the burden of the prosecution to prove the
21 defendant's knowledge of that element.

22 COUNCIL MEMBER WILLS: Okay.

23 CHAIRPERSON FERRERAS: So I thank
24 you very much for your testimony. This really
25 helps add the voice. I think the DA has come and

1 testified in many of our sex trafficking hearings.
2 This resolution is really just a part of a package
3 of work that we've been doing, and I'm looking
4 forward to our continued work together against sex
5 trafficking in New York and to be able to send
6 this resolution to Albany so they can understand
7 that we need these measures improved. So thank
8 you very much for your testimony today.

10 LAURA NEUBAUER: We look forward to
11 it too.

12 CHAIRPERSON FERRERAS: We're going
13 to be calling up the advocates, so advocates, you
14 see the new face at the DA's office, right? Okay.
15 Emily Amick[phonetic] of Sanctuary for Families,
16 Sarah Dolan, Sanctuary for Families, Jimmy Lee
17 [phonetic] of Restore NYC and Sonia Ossorio of the
18 National Organization for Women.

19 [background noise]

20 EMILY AMICK: Okay. Thank you so
21 much for considering this resolution, and for all
22 the work you have done supporting the fight
23 against trafficking here in the city and
24 throughout the state. We really appreciate it.
25 My name is Emily Amick. I am an attorney at

1
2 Sanctuary for Families Center for Battered Women's
3 Legal Services. Since its inception in 1984,
4 Sanctuary has provided shelter, counseling,
5 economic empowerment and legal representation and
6 assistance to tens of thousands of victims of
7 domestic violence and hundreds of trafficking
8 victims. Sanctuary for Families was one of the
9 founding organizations and is currently the chair
10 of the New York State Anti Trafficking Coalition.
11 While we were pleased with the passage of a
12 comprehensive anti trafficking law in 2007, our
13 work is far from complete. As long as trafficking
14 victims are prosecuted as criminals rather than
15 protected as victims, as long as the sellers and
16 buyers of human bodies are not held accountable
17 for their vicious crimes, New York State is
18 turning its back on these victims while aiding and
19 abetting their exploiters. Sanctuary for Families
20 joins the New York State anti trafficking
21 coalition in calling for the immediate and full
22 passage of the Trafficking Victims Protection and
23 Justice Act. Currently, New York misses the
24 brutality of human trafficking. The business of
25 selling women and children traps thousands of

1
2 people and lives dominated by traffickers and
3 patronizers' [phonetic] violence. If victims
4 escape, the scars emotional and physical are huge.
5 Psychological torture and physical violence,
6 beatings and rapes are virtually universal. I'm
7 going to discuss a few of the key components of
8 the Trafficking Victims Protection and Justice
9 Act. The first is making the crime of pimping
10 minors trafficking per se. Under the federal
11 trafficking victims protection act, selling a
12 minor for sexual purposes is trafficking. There
13 is no requirement that prosecutors prove force,
14 fraud or coercion. The federal law rightly
15 reflects the reality that the selling of a child
16 for sex is an inherently coercive crime. New
17 York's law should reflect this reality as well.
18 The selling of a child for sex is a horrifically
19 exploitive crime that victimizes our most
20 vulnerable children. The victims most often girls
21 of color from poor communities urgently need the
22 protection of our state law. People who are
23 selling girls for sex are some of the worst and
24 vile offenders in our state. Our state law must
25 recognize the crime that they are committing as a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

serious crime of sex trafficking.

Next, is the crime relating to defending traffic to people from criminal prosecution. An affirmative defense to prostitution as proposed in the Trafficking Victims Protection and Justice Act will protect trafficked people from criminal prosecution, proactively combat trafficking and eliminate the need for post convicted challenges. Defense attorneys who represent the people arrested for prostitution are critically situated to identify trafficking victims. If there were an affirmative defense of sex trafficking, defense attorneys would have an ethical obligation to ask their clients about their experiences in prostitution and would begin to bring evidence of sex trafficking to the attention of prosecutors and the courts. In 2010, New York State amended its criminal procedure law to enable sex trafficking victims to vacate prostitution convictions. Although opponents expressed concerns that the new provision would "open the floodgates to false claims," nothing of the kind happened. Indeed, very few convictions have been vacated to date.

1
2 Similarly, an affirmative defense to prostitution
3 requires victims self identification and
4 substantial cooperation [phonetic] is equally
5 unlikely to open the floodgates. New York State
6 jury instructions state that the evidence that
7 supports an affirmative defense must be of such
8 convincing quality as to outweigh evidence of the
9 contrary. This significant burden required
10 defense attorneys to thoroughly investigate
11 circumstances of trafficking and provide highly
12 probative evidence of exploitation to prosecutors.
13 Consequently making trafficking an affirmative
14 defense to prostitution will assist defendants
15 only in those cases where there is substantial and
16 persuasive evidence of trafficking. Far from
17 leading to a flood of wrongfully exonerated
18 criminals, it will encourage investigation and
19 evidence gathering and ultimately lead to more
20 evidence-based prosecutions and trafficker
21 accountability.

22 Next, I'm going to address the
23 issue of raising the penalty for sex trafficking.
24 The penalty for sex trafficking should be raised
25 from a non-violent B to a violent B felony.

1
2 Trafficking is a brutally violent crime. At
3 minimum, victims are subjected to repeated serial
4 rapes. Victims are forced to have sex with five
5 to ten buyers or more a night for years and are at
6 constant risk of violence from the men who buy
7 them. Traffickers themselves routinely rape
8 victims, beat them, and sometimes even brand them
9 as property. Making sex trafficking a Class B
10 violent as opposed to a non-violent felony would
11 ensure the penalty is commensurate with the
12 severity of this particularly brutal and predatory
13 offense. Class B non-violent crimes are generally
14 property crimes. Sex trafficking belongs with the
15 serious assaults, kidnapping and arson of Class B
16 violent felonies. Under current law, traffickers
17 face a minimum penalty of one to three years and a
18 maximum of eight and a third to 25. As a violent
19 B felony, these vicious traffickers would face a
20 minimum penalty of five and a maximum of 25 years.
21 Under federal law when a trafficker uses force,
22 fraud or coercion, there is a mandatory minimum
23 sentence of 15 years; thus, the minimum state
24 sentence for trafficking will be 1/3 that of that
25 of the federal if sex trafficking were to become a

1
2 violent B penalty raising the penalty for people
3 who buy sex from children. The Trafficking
4 Victims Protection and Justice Act creates the
5 crime of aggravated patronizing a minor where
6 buyers of sex from children who actually sexually
7 assault the child face a penalty commensurate with
8 their crime. It is critical that 17 year olds be
9 included as protected victims under this new law.
10 Under New York Safe Harbor Act, any child under 18
11 in a situation of commercial sexual exploitation
12 is considered a sexually exploited child. The
13 people who buy sex from a 17 year old should be
14 punished for the sexual abuse of an exploited
15 child. It is not excessive for people who buy sex
16 from a 17 year old child to be charged with a non-
17 violent E felony. In our state, people are
18 charged with an E felony offense when they damage
19 someone's property in excess of \$250. This means
20 that defendants face a higher penalty for damaging
21 someone's car than for raping a child currently
22 under our state law. We must send a message that
23 New York State takes the crime of buying a child
24 for sex seriously.

25 Lastly, I'd like to discuss the

1
2 issue of acknowledging that all prostituted
3 children are victims. New York State continues to
4 prosecute 16 and 17 year olds mostly girls for
5 prostitution and incarcerates them rather than
6 offering them safe housing and counseling as
7 victims. This is in spite of the fact that our
8 state law identifies all children under 18 in
9 prostitution as sexually exploited children.
10 Having been abused by a trusted adult, sexually
11 exploited youth are further abused by pimps,
12 pedophiles, and traffickers, who prey on their
13 vulnerability, especially their need for
14 caretaking and support. What these young people
15 need are shelter, counseling and services
16 specially tailored to help them escape their abuse
17 and heal, not stigmatization and revictimization
18 [phonetic] by the legal system. Instead of being
19 stigmatized and punished, sexually exploited youth
20 need counseling and health care to address the
21 psychological and physical trauma they have
22 suffered. They need short and long term housing
23 to rebuild their lives safe from what Rachel Loy
24 [phonetic] the executive director of GEMS
25 [phonetic] calls psychological and physical

1 kidnapping by pimps. Above all, they need to know
2 that society sees them not as criminals or
3 prostitutes, but as young people who with the
4 right kind of assistance can overcome past
5 hardships and realize their potential. The City
6 Council resolution is important. We need to send
7 a strong message to the legislature that the
8 Trafficking Victims Protection and Justice Act is
9 of critical importance to the protection of
10 trafficking victims in New York State and that we
11 urgently need the leadership of both the Assembly
12 and the Senate to break through the log jam
13 created by the dynamics of the two houses codes
14 committees that so often impede progress in our
15 state. Sex trafficking is a vicious crime - -
16 carried out by serial perpetrators that destroys
17 the lives of victims and detrimentally affects our
18 poorest communities. The perpetrators are
19 exploiters of the worst kind, who prey on young
20 girls and profit by selling them as sex slaves. I
21 am grateful for the leadership of New York City
22 Council in the effort to end trafficking in our
23 state and I urge the legislature to pass the
24 Trafficking Victims Protection and Justice Act.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON FERRERAS: Thank you.

SARAH DOLAN: Hi. Thank you so much for having us. My name is Sarah Dolan and with Emily I also work at Sanctuary for Families. I'm working on one of its newest projects, which is called Services to Access Resources and Safety or STARS. The STARS project acknowledges the unique needs of women who have been arrested for prostitution, many of whom are survivors of sex trafficking and seeks to provide them with trauma sensitive counseling and case management services as an alternative to incarceration. As the advocate counselor, I am based full time in the Bronx Criminal Court and work in conjunction with Bronx Community Solutions, itself a project from the Center for Court Innovation. Working with women on an individual and group basis, I conduct counseling sessions, provide safety planning and case management services, and link victims to a range of other legal, health and social services. Funded by the federal office on violence against women, the project's mandate in the broadest sense is to shift society's understanding of women arrested for prostitution from one of offender to

1
2 that of victim. Widely seen as the perpetrators
3 of the crime of prostitution, these women are in
4 fact the victims of a lifetime of racial, ethnic
5 and economic oppression, of childhoods filled with
6 sexual abuse and other trauma, of husbands,
7 boyfriends, pimps and johns who exploit their
8 vulnerability and often perpetrate acts of
9 violence against them and of the law enforcement
10 and criminal justice systems, which regularly fail
11 to identify them as trafficking victims and
12 instead, criminalize and punish them. Passage of
13 the Trafficking Victims Protection and Justice Act
14 would go far to reverse this trend of
15 criminalization and to recognize these girls and
16 women as the victims they are. In particular,
17 there are three elements of the proposed
18 legislation that would have an enormous positive
19 impact on my clients' lives. The first of these
20 is the provision that establishes trafficking as
21 an affirmative defense to prostitution. This
22 would essentially require defense counsel to
23 investigate their client's trafficking histories
24 before arraignments effectively preventing
25 innocent women from getting a damaging criminal

1
2 record and at the same time, providing prosecutors
3 with valuable information on potential sex
4 traffickers. In my counseling work, I make a
5 point to ask each of my clients what she would
6 ultimately like to do with her life. And to this
7 day, and I've been doing this job for over two
8 years now, not one single client has told me she
9 wants to be in the commercial sex industry in five
10 years' time. Most of them have dreams of being a
11 nurse, a home attendant or a sales clerk. Indeed,
12 one client, Tracy, spent months and a lot of money
13 getting her home attendant certification, only to
14 be told by the Department of Health that she was
15 ineligible for employment due to her criminal
16 history of prostitution. What the DOH didn't know
17 is that her arrests occurred when she was being
18 forced into prostitution by a brutal pimp. Had
19 the Trafficking Victims Protection Justice Act
20 been in effect her defense attorney would have
21 learned of her victimization behind the
22 prostitution charge and would have been able to
23 refer her to the services she desperately needed
24 instead of allowing her to receive the conviction
25 that further stigmatized her and later prevented

1
2 her from legal employments. The second provision
3 I'd like to speak to is a semantic one. In social
4 work, we speak of people first language an attempt
5 to destigmatize [phonetic] our clients and
6 recognize them as unique individuals rather than
7 identify them by their illness, like
8 schizophrenics or their crimes, such as
9 prostitutes. Currently, the New York State Penal
10 Law refers to women who have been sex trafficked
11 and arrested for prostitution as prostitutes the
12 only instance in our penal code in which someone
13 is identified by the crime he or she has allegedly
14 committed. Elsewhere as you have heard, the
15 criminal code refers to people as defendants
16 rather than murderers or robbers. Women who have
17 been sex trafficked internalized this demeaning
18 and stigmatizing language to such an extent that
19 one client told me recently she had essentially
20 given up on a better life saying, "the police tell
21 me I'm a ho and that that's all I'm good for, so
22 why should I even try to be anything different?"
23 After a lifetime of sexual trauma, often first at
24 the hands of a family member then later by
25 boyfriends, pimps and johns, these women have been

1
2 taught that their value lies exclusively in their
3 bodies. When law enforcement and the criminal
4 justice system by referring to them as prostitutes
5 essentially tells them the same, there is very
6 little incentive for these women to view
7 themselves as anything different. Changing the
8 terminology in the penal law to reflect the
9 individuality of these women is the first step in
10 helping them recognize their own worth and
11 potential. Lastly, I'd like to discuss the
12 provision that increases the penalty from sex
13 trafficking from a Class B non-violent felony to a
14 Class B violent felony. It's true that some of
15 the tactics used by sex traffickers and pimps to
16 coerce their victims are not on the outside
17 blatantly violent. Initially, they may utilize
18 subtle and manipulating grooming techniques, like
19 promising their victims love and security—
20 something few of my clients have experienced
21 elsewhere in their lives. Some traffickers then
22 coerce these women into the commercial sex trade
23 by convincing them of an imagined debt or by
24 threatening to bring shame to their families. The
25 real violence happens on the streets and in the

1
2 cars and in the hotels where traffickers force
3 their victims to sell their bodies each night, and
4 where the women experience truly unimaginable
5 sexual and physical trauma. Traffickers often do
6 use physical violence to scare their victims into
7 submission, but even when they do not, the
8 inherent violence of the multiple rapes they
9 inflict upon their victims by selling them over
10 and over again night after night merits a charge,
11 a Class B violent felony worthy of their violent
12 crime. I therefore urge City Council to pass this
13 resolution calling for passage of the Trafficking
14 Victims Protection and Justice Act. It is clearly
15 the next logical step for New York State to take
16 and assuring that women and girls forced into the
17 commercial sex industry are recognized and treated
18 as the victims they truly are. Thank you.

19 CHAIRPERSON FERRERAS: Thank you.

20 JIMMY LEE: Thank you for this
21 opportunity to share. I just came back from a
22 meeting at John Jay College about sex trafficking,
23 and some of the speakers were Manhattan DA Sarah
24 Fan [phonetic], Deputy Mayor Robles Roman
25 [phonetic], and it's just so good to see so many

1
2 New York City leaders as leaders on this issue, so
3 thank you. I'm the executive director of Restore
4 NYC, and our mission is to end sex trafficking in
5 New York and bring complete care and hope to every
6 foreign [phonetic] born survivor. We have met
7 with approximately 100 exploited women each year
8 over the past three years. We have partnerships
9 with the Queens Criminal Court and Midtown
10 Community Court and collaborate with other service
11 providers as well as government agencies such as
12 the Department of Homeland Security, FBI and the
13 District Attorney's Office of Manhattan and
14 Queens. Restore operates the region's only long
15 term safe house for foreign national survivors of
16 sex trafficking, and we will open a second safe
17 house later this year. Our vision for our safe
18 houses are that will not be a shelter; it will be
19 a home for these women that they need and that
20 they deserve. We urge the Council to pass this
21 resolution. Each year as you know, thousands of
22 girls and women are tricked, coerced and
23 manipulated into coming to our great state and our
24 great city and then sexually exploited. The
25 Trafficking Victims Protection and Justice Act is

1
2 a non-partisan common sense legislation that will
3 not only increase accountability for buyers and
4 traffickers, but strategically improve the
5 protection of victims and prevent revictimization
6 [phonetic]. It should be passed with all the
7 current provisions.

8 Let me just highlight a provision
9 that is juts very smart that will actually make a
10 real difference in deterrence. For many of the
11 exploited women we work with, they were driven
12 around in livery cars and limos by drivers who are
13 aware of what was happening. This bill amends the
14 penal law so that a driver who engages in a
15 business or enterprise of transporting people for
16 prostitution can be prosecuted. It makes complete
17 sense. Most livery car drivers are actually hard
18 working immigrants who have legitimate jobs. A
19 message to them that they would be prosecuted for
20 this can easily tip them into deciding not to take
21 part in trafficking; thus, making it more
22 difficult for traffickers to transport victims.
23 We have seen too many girls and women suffer way
24 too much and too many predators get away with way
25 too much. This legislation is a part of the

1
2 solution to bring justice, provide services, hope
3 and again, show the nation that New York is a
4 leader in combating modern day slavery. Thank
5 you.

6 CHAIRPERSON FERRERAS: Thank you.

7 SONIA OSSORIO: I don't think I
8 gave you guys my testimony. Thanks so much for
9 having the hearings today and for all of your work
10 in this area. I'm Sonia Ossorio. I'm the
11 president of the National Organization for Women
12 here in New York City. We've been actively
13 working on advocating for human trafficking
14 victims for the past six years. We've learned a
15 lot in the last five years from the time that we
16 passed the first bill, which was basically
17 recognizing human trafficking as a crime and
18 making it a crime. We've learned how to
19 investigate these crimes and what prosecutors need
20 to be able to take these pimps and traffickers out
21 of the game, and this bill does exactly that. I'm
22 not going to go through everything because since
23 I've been here, you've heard it once or twice—all
24 the provisions and I think you have a very good
25 understanding, but you know, we need the higher

1
2 penalties as Sarah pointed out, and we need it on
3 the labor trafficking side as well. It's a D
4 felony now. You take a metro card and you bend it
5 so that it will trick the turn style, that's also
6 a D felony. So that's what our elected officials
7 are saying to the citizens who elect them that
8 that's how much we care about mostly the
9 immigrants in this country who are coming here and
10 who are being exploited on farms, from Buffalo to
11 New York City or nail salons here in New York
12 City. So that's also - - . We need to see those
13 penalties go up. We've got to give these
14 prosecutors the incentive to go after these cases.
15 They take time. They take resources. They are
16 tricky cases. If they're pled down all the time
17 down to misdemeanors, it's not always worth their
18 time. We have to support them better with
19 stronger penalties that reflect the violence that
20 is there for the sex trafficking. We need the
21 ability to use wire taps. I know everybody here
22 is familiar about the case that was busted here in
23 Manhattan just recently. It was really a
24 phenomenal example of great work and how far our
25 city and our elected officials and our law

1 enforcement have come in fighting human
2 trafficking. There was a father and son team who
3 were bringing women here from Pennsylvania,
4 tattooing them with barcodes. That case was built
5 on the wire taps. They didn't need to rely so
6 much on putting the women out there to build this
7 case. It was there on the wire tapes—the threats
8 of violence, everything to document what was
9 happening. But those wire taps were not issued
10 because they wanted to catch a trafficker, they
11 were issued because it was a fraud case
12 originated, and they stumbled upon the trafficking
13 there. That's really the key to it. If you speak
14 to any prosecutor, which I'm sure they've told you
15 about earlier, the livery drivers, which Jimmy
16 just talked about, which is really, really
17 important, I want to just give you a quote from
18 some testimony from last October—has anybody...? I
19 don't know if you remember this, but this was a
20 young woman from Mexico who was brought here when
21 she was 20 years old when business was slow, her
22 traffickers would give her to drivers and this is
23 from her testimony. These drivers knew the exact
24 details of each customer's likes and dislikes.
25

1
2 Before each stop, the driver would order me how
3 much to charge, whether to use my own condoms,
4 lubricant for the clients, whether to make noise
5 or stay completely quiet during sex, even which
6 positions the client preferred. In some cases he
7 would warn me this is a very good client. I bring
8 him a lot of girls, so you better do whatever he
9 wants to make him happy. These guys are
10 traffickers in and of themselves and the networks
11 would not be able to operate without them. If we
12 want real results, if we want measurable results,
13 we've got to have strong and effective laws;
14 otherwise, these traffickers who operate here
15 brazenly in our neighborhood, advertise blatantly
16 in our newspapers and online—I mean, they think
17 it's a joke. So much happens just under the radar
18 screen. You know, there was a women when I
19 started this work like six years ago who on her
20 first night coming into New York from JFK, she was
21 put into a brothel. She thought she had a
22 boyfriend here waiting for her. She went to a
23 brothel where she had to service men that was \$25
24 for 15 minutes' worth of sex and there was a
25 waiting room of men waiting for their turn.

1
2 Really ugly stuff. Six years later the only thing
3 that has changed in that scenario is the price
4 'cause now it's \$35. I've met girls, teens, even
5 pre-teens put on the street by older, abusive,
6 conniving, threatening men, but when they're
7 arrested as you've heard here, they are treated as
8 criminals, not the abused kids that they are, and
9 there is such a simple answer. We just have to do
10 one simple thing, and that is we have to make New
11 York law in line with the federal law, which
12 recognizes that minors are trafficking victims.
13 We shouldn't have to prove the coercion. Yet-now,
14 here's the part you haven't heard-yet, or maybe
15 you have, but yet the merits of this provision,
16 this simple provision of saying that minors are
17 children and they should be trafficking victims
18 for being put out on the street, the merits of
19 that are being debated in Albany now. What is
20 that? This is the only civilized thing to do is
21 to change this provision. You know, the amount of
22 misery is unimaginable and unmeasured
23 unfortunately to a great degree, so I know that
24 all of you have shown real care and compassion on
25 this issue, a sense of duty to rid our city of

1 human trafficking, and I applaud all that you have
2 done, but we need your help desperately now.

3 Everyone who has come before you has expertise in
4 this. You've got women here at this table. Men
5 who have worked directly with victims day in and
6 day out, year after year. We've got law
7 enforcement who have finally stepped up to the
8 plate to do something and their hands are tied.

9 This bill was crafted by some of the best minds.

10 So we need not only this resolution, but we need
11 you to stand with us to demand this because you
12 know what? This bill speaks directly to New York
13 City. It's us. This is our lives. This is our
14 people, and we can't do it without you.

15
16 CHAIRPERSON FERRERAS: Thank you
17 very much for your testimony. Thank you for all
18 of your testimonies actually. I think that
19 everyone kind of spoke—usually, you hear advocates
20 speak and it kind of gets repetitive, but you all
21 did a phenomenal job because everyone spoke to
22 different perspective. As you know, I have been a
23 staunch supporter of being able to bring sex
24 trafficking to everybody. It should be really a
25 conversation piece at everybody's dinner table,

1
2 not just for what we're doing as elected
3 officials, but what are our young people doing
4 when they hear - - referrals? What are the
5 schools doing? There are so many layers to sex
6 trafficking 'cause I think that unfortunately when
7 we see these exploited children by the time they
8 get the precinct, there is a lot of systems that
9 have failed them way before they get there, so I
10 think that this resolution really speaks to the
11 confidence this Council has and also the Speaker
12 has and you know, I'm really excited to get it out
13 of this Committee and onto the floor and I'm also
14 equally as excited to be voting on tomorrow's
15 proposed bill through the Committee on
16 Transportation that speaks specifically to the
17 livery industry and you know, it's incredibly
18 frustrating when you hear those people that are
19 even criticizing that aspect of it, so I actually
20 applaud your efforts and understanding that we're
21 doing our work here, but also I like the call that
22 you make for people to really understand and say,
23 look, there is a conversation that is happening in
24 Albany that's completely putting pressure against
25 how we should be moving when it comes to sex

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

trafficking.

We've been joined by Council Member Annabel Palma of the Bronx. I wanted to specifically speak and this is more so in reference to a hearing that we had back in the fall, and it seems that a lot of the arrests—and this was the hearing in conjunction with the Public Safety Committee—that they're not doing very many international arrests, so I wanted to hear from your clients 'cause sometimes your clients aren't necessarily coming in from being arrested, there's clients that are calling in hotlines and doing all other ways or other ways to reach you, but how many victims primarily have been trafficked in New York from other countries, other states or from within New York? What I've heard in our testimonies is a lot of the young people from within New York, a couple from out of state, not very many international, and it seems that whenever we have the media attention to sex trafficking, it tends to focus more on the international rings, so it's one thing what's being said in the media and another thing is what is actually happening in our district attorney's

1
2 offices and our precincts, so I just wanted to
3 hear where are we failing? What is happening? Or
4 is this just a misnomer?

5 SARAH DOLAN: I guess I'll start
6 and I think Jimmy is probably an expert on the
7 international side of things, but I will say that
8 I see almost exclusively women who have been
9 trafficked domestically. I mentioned I work in
10 the Bronx Criminal Court and the vast majority of
11 my clients were born and raised in the Bronx.
12 Unlike some other people, I actually see these
13 clients because they are getting charged with
14 prostitution rather than being identified as sex
15 trafficking victims, and it's so hard to answer
16 your question because the numbers depend on—you
17 know, they have to please guilty for example to
18 come and see me as a part of my program, and so
19 that's very much contingent upon the defense
20 counsel, whether or not they are going to allow
21 their client to plead out to a prostitution
22 charge, based on the DA's current practices of
23 only accepting kind of the - - charge of
24 prostitution rather than a lesser charge of say
25 disorderly conduct or the prostitution violation,

1
2 as well as arrest trends and policing trends in
3 the Bronx, and so it's much easier and I think
4 Jimmy can probably speak to this a little bit but,
5 it's very easy to go out to Hunt's Point
6 [phonetic] or to go to Jerome [phonetic] Avenue
7 where they know where the - - are and—I mean, I've
8 seen several clients over and over and over again,
9 and I hope I'm not getting myself or Sanctuary in
10 trouble when I say this, but I think there is
11 sometimes that I'm an unspoken quota, right? If
12 somebody hasn't necessarily gotten enough rest
13 they know where the - - are; they know where they
14 can go pick up a girl, and that's a very easy
15 arrest. It's much harder to access to women who
16 have been trafficked internationally who are
17 working in the massage parlors, who are working
18 maybe in hotels—in the higher end hotels or in the
19 brothels, it's much more hidden and it's much
20 harder to bring a case against the traffickers in
21 that particular instance, which is why I think not
22 that they don't exist, they're just kind of more
23 hidden. I think your issues of numbers versus
24 perception, we do not have numbers. We don't know
25 how many women are out there, so it's hard to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

 speak to that.

 JIMMY LEE: Just to echo I mean the data and methodology for estimating numbers, it's so early and the crime is so hidden that it's incredibly difficult getting numbers. Having said that, it's fairly clear that domestic trafficking in terms of pure numbers in the city is greater than international, but at the same time as Sarah said, getting these cases for international traffickers are very difficult. Last week I met with the Department of Homeland Security and I asked the same question you asked, and they really said that these are multi-year investigations that they plead that they're capacity constrained and they are often focused on just one region, so right now the Department of Homeland Security in our region is really focusing almost all their efforts on a region in Mexico that sends women to New York and that sometimes comes at the expense of other trafficking rings, and I think because getting survivors to cooperate is so difficult and because our law enforcement agencies are kind of either strapped for capacity and want to focus, we're just not seeing the prosecutions like you

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

said on the international side.

FEMALE VOICE: I just wanted to add, Councilwoman Ferreras, as usual your insight is right on point and the issue is what I'm talking about is about the media and the focus on immigrant victims and I think a lot of what that has to do with is deeply rooted and engrained - - historical prejudice against women who are in prostitution and I think that's one of the main things we're trying to address in this legislation both through the semantic changes as well as through the substantive ones and that's about really taking a step back and trying to see people who are victims as victims and have our justice system treat them as such and hopefully this will also start to bleed into the media and they will start to change their practices and stop referring to women who are murdered on - - Beach by the serial killer as hookers because we know for a fact that at least one of those women was a trafficking victim. Her trafficker has been indicted so why is the newspaper calling her a hooker not a person? It's dehumanizing. It's gendered and it's stigmatizing.

1
2 CHAIRPERSON FERRERAS: Thank you
3 very much, and I think that speaks specifically to
4 what I was trying to get at is about changing our
5 language and our perceptions and you all are doing
6 it for your clients. You're doing an amazing job
7 and I also want to kind of take this opportunity
8 to add that when—too often people hear the words
9 sex trafficking, they think automatically
10 international, and they're not thinking our young
11 girls from—that are coming down from Pennsylvania
12 or as far as California coming right into our Port
13 Authority and being victimized on places like
14 Backpage and a whole host of other ways that
15 they're being trafficked that this really is not
16 just an international issue. Ironically for
17 whatever reason the numbers don't reflect it, but
18 everyone thinks international first when this
19 really is as much of a domestic problem that we
20 have with our young girls often times born and
21 raised right here in New York City and it is
22 really a city-wide problem, so this is not an
23 international problem. This is all of our
24 problem. So I thank you very much for your
25 advocacy. Do you have any other questions? Can

1

2

you please expand on the provisions that are at risk of being removed from the final version of the bill?

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SONIA OSSORIO: It's almost all of them. The language change is a definite go, but again, you know, it's symbolic and it goes exactly to the point that both you and Emily were making, which is great, but it doesn't change the law in any way. It doesn't make it easier to get traffickers or get services for victims. The aggravated patronizing of a minor is a go, which is great, and maybe the livery car drivers—

EMILY AMICK: So you know, I will say that we are, you know, blessed and privileged to have two sponsors who are really dedicated to trying to achieve change in Albany, but unfortunately as so often happens, there is a log jam in the Codes Committee and in the drafting and we're really facing that and I think it's going to be an uphill battle over the next two weeks, which is the time we have left to get this passed and to see how much we can get through. There are a few key provisions that are currently on the chopping block that we really want to see some leadership

1
2 from our Assembly Members, from our Senators and
3 that we could really value City Council stepping
4 up and really trying to push them saying, "we need
5 you to do this." One of them would be removing to
6 coercion requirement for trafficking of minors. I
7 think you've heard pretty much everyone who has
8 come up here has spoken to that as one of the most
9 critical components of this bill, and I think it's
10 something that will fundamentally change the way
11 we as a state prosecute traffickers. Another key
12 important one that pretty much everyone up here
13 has talked about that is also on the chopping
14 block is extending safe harbor to 16 and 17 year
15 olds and really making sure that we're treating
16 out trafficked youth as victims instead of
17 continuing to treat them as criminals. Another
18 major one that a lot of people have discussed that
19 is also on the chopping block is the affirmative
20 defense. I'm a lawyer, so I'm a little boring,
21 and I simply see this is a logical extension of
22 the - - law. There is actually—they've already
23 made this statement that if you're a trafficking
24 victim, you shouldn't be convicted of a criminal
25 offense, but unfortunately because I think a lot

1
2 of having to do with deep seeded historical ideas
3 about who it is that's engaged in prostitution in
4 our state that they are not currently willing to
5 commit to putting the affirmative defense on the
6 books and I think that is something that would
7 really impact the lives of victims fundamentally
8 here.

9 CHAIRPERSON FERRERAS: Alright.

10 Thank you for that clarification and hopefully,
11 this reso will be sending a clear message up to
12 Albany and maybe we will have to make a visit to
13 Albany as a couple of members. What do you think,
14 Annabel?

15 COUNCIL MEMBER PALMA: I'm ready.

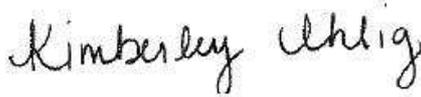
16 CHAIRPERSON FERRERAS: Alright. So
17 we will be seeing how other ways we can support.
18 Again, thank you very much for your advocacy and
19 your testimony today. And with that, we're going
20 to be calling this hearing to a close, and we will
21 be voting on this resolution very soon. Thank you
22 very much.

23 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig 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 _____

June 26, 2012