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May 18, 2011

The Honorable Eugene O'Flaherty
Chairman, Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02113

The Honorable Cynthia Stone Creem
Chairwoman, Joint Committee on the Judiciary
State House, Room 405
Boston, MA 02113

RE: Support S827/H2850

Dear Chairs O'Flaherty and Creem:

On behalf of Reed Elsevier and LexisNexis, I wanted to register our company's support for Senate Bill 827 and House Bill 2850 that criminalizes the commercial exploitation of people in Massachusetts.

As you may know, LexisNexis is a division of Reed Elsevier and is recognized as a leading provider of authoritative legal, public records and business information. LexisNexis plays a vital role in supporting government, law enforcement and business customers who use our information services for important uses including: detecting and preventing identity theft and fraud, locating suspects, finding missing children and preventing and investigating criminal and terrorist activities.

LexisNexis is committed to the Rule of Law. We utilize our products and expertise to partner with governments, businesses and the social service sector to preserve, protect and defend the rights and property of individuals and corporations around the world. To advance the Rule of Law, a key focus of ours is to prevent the trafficking of human beings. Human trafficking is the second largest criminal industry in the world. With an estimated \$32 billion in profits, traffickers exploit the vulnerable in every state in the country.

Senate Bill 827 and companion legislation House Bill 2850 are an historic step for Massachusetts. With its passage, prosecutors will have the basic legislative provisions to prosecute human traffickers and coordinate efforts to identify and assist their victims. Empowering law enforcement and government agencies with tools codified by this legislation will greatly increase Massachusetts ability to combat this predatory industry.

Support MA S827/H2850
May 18, 2011
Page 2

We are especially pleased with both pieces of legislation, S827 and H2850, because Section 53 creates provisions for the state to seize the ill-gotten assets of traffickers to pay restitution for their victims. Implementation of this aspect of the legislation will elevate Massachusetts as a leader in utilizing the assets of the traffickers to fund services for their victims. Removing this financial incentive from traffickers will deter would-be predators to exploit vulnerable and at-risk youth for personal financial gain. In addition, the data collection provisions in Section 11M will greatly expand our ability to quantify the extent of the problem in the State and guide strategies for prevention.

LexisNexis has intensified its efforts to raise awareness about human trafficking, and increased our support for organizations on the front lines. We worked with the Polaris Project to design the National Human Trafficking Hotline that helps jurisdictions throughout the country identify and rescue victims. We provided funding for the production and distribution of *Redlight* and *Not My Life*, documentaries highlighting the plight of trafficking victims in the U.S. and abroad. We are also supporters of the Somaly Mam Foundation that helps victims of trafficking in Cambodia and My Sister's Place, an organization that assists survivors of trafficking and domestic abuse in New York. We also continue to work with the International and American Bar Associations, lawmakers and law enforcement to advance the Rule of Law here and abroad. Most recently we have convened a group of multi-national businesses in a coalition to begin collectively assisting government and NGOs in their efforts to end human trafficking.

LexisNexis and Reed Elsevier applaud the Attorney General and the legislature's efforts to help combat human trafficking through S827/H2850. If there is any additional information I may provide, please don't hesitate to contact me.

Sincerely,



Bethanne Cooley
Manager, State Government Affairs, Northeastern Region
Reed Elsevier Inc.

cc: Attorney General Martha Coakley
Members, Joint Committee on the Judiciary



105 Chauncy Sr. #901
Boston, MA 02111
www.miracoalition.org
Voice: 617.350.5480
Fax: 617.350.5499

MIRA Coalition Testimony in Support of S.827, S.820, H.2834

Joint Committee on the Judiciary Hearing - May 18, 2011

Honorable members of the committee:

Thank you for the opportunity to testify on such an important matter.

On behalf of the Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA), I would like to thank you for the opportunity to submit testimony in strong support of Senate Bill 827: *An Act relative to the commercial exploitation of people*, Senate Bill 820: *An Act Relating to Anti-Human Trafficking and Protection*, and House Bill 2834 *An Act Relating To Anti-Human Trafficking And Protection*. I would also like to thank Attorney General Martha Coakley, Senator Mark Montigny, Chairman Eugene O'Flaherty, Representative Kay Khan and Representative Liz Malia for being strong champions on this issue and many other issues that affect the immigrant and refugee communities of the Commonwealth. I would also like to thank the many dozens of legislative, municipal and law enforcement leaders from across the state in support of this effort.

MIRA is a statewide advocacy organization with over 140 organizational members across Massachusetts. These organizational members represent community-based groups, human service providers, faith communities, legal service providers, health care professionals, and small businesses. Together with our members, we work to promote the rights and integration of immigrants and refugees in the Commonwealth. We do this through training and technical assistance; policy analysis and advocacy; and member organizing and leadership development. A few of the numerous issues our organization works on are those related to domestic violence, sexual assault, and human trafficking.

MIRA supports these bills because they provide a comprehensive solution to a complex problem that disproportionately affects foreign-born individuals in our Commonwealth. While these bills include prosecution enhancements against trafficking perpetrators and increased flexibility and aid for trafficking victims during the legal process, including restitution, there are also strong elements of support and services to trafficking survivors. In short, these bills provide both protections and services for trafficking victims in slave-like conditions in areas such as domestic work, restaurant work, cosmetic services, construction, and sex work. In addition to receiving due compensation, any victim trafficked from outside of the country and is willing to cooperate with investigations will also be eligible for either a U-Visa or T-Visa under these proposals. These protections,



105 Chauncy St. #901
Boston, MA 02111
www.miracoalition.org
Voice: 617.350.5480
Fax: 617.350.5499

services, and incentives are critical in helping trafficking survivors to participate in investigations and more importantly, to cope and heal from their horrendous ordeals and to become self-sufficient in this country.

Currently, as a result of a variety of factors, such as increased immigration enforcement activities and raids, many foreign-born workers that have been trafficked into the U.S. are terrified to come forward with their horrific situations. Often traffickers use a multitude of threats and violence against their victims, including the threat of calling immigration services and having the victim deported back to his or her native country. Traffickers will also inform trafficking victims that the police, even if they wanted to call for help, would not help them and instead work to deport them. This threat is made more real by programs which enhance joint operations of local police and federal immigration authorities. Still, even when survivors do muster the courage to come forward, many of these victims lack the education, skills, and support to become self-sufficient. The passage of these bills would demonstrate Massachusetts' commitment to end modern day slavery and exploitation of immigrant workers.

These bills would address the barriers and challenges surrounding the issue of human trafficking by creating an Anti-Trafficking Task Force with broad representation from community, government, and professional leaders on the issue. The creation of this task force indicates an understanding of how complicated and dynamic the issue of trafficking is and how the consequences of this law and other programs need to be constantly monitored to assess how they are helping survivors. MIRA is supportive of the diversity of the task force members, which includes: trafficking survivors, human trafficking caseworkers, member of the Trafficking Victims and Outreach Services (TVOS) Network, appropriate government agencies, and other organizations focusing on immigrants and aid to victims of violence.

The charge of this task force would be to gather data about the issue of human trafficking in the Commonwealth; evaluate approaches to increasing the public's awareness about the issue; explore and examine collaborative models of public and private partnerships to ameliorate human trafficking; and to assess what services are available and what other services might be needed to effectively aid trafficking survivors in becoming self-sufficient. Particularly important is increasing the public awareness around the issue of trafficking among service providers, educators, health care professionals, and others who may serve as trusted confidantes to potential trafficking victims. The bills would also strengthen data on human trafficking in the Commonwealth by requiring state and local officials to report



105 Chauncy St. #901
Boston, MA 02111
www.miracoalition.org
Voice: 617.350.5480
Fax: 617.350.5499

suspected cases of human trafficking to law enforcement and requires the Attorney General, in consultation with the Massachusetts Office of Victims Assistance, to maintain statistics on incidents of human trafficking in the Commonwealth.

Another highlight of the bills is the establishment of a pilot program, subject to appropriation, to create a safe house for trafficking survivors, thereby enabling them to access specialized support services from trained case managers and support staff. Passage of these bills would give survivors opportunities to access services such as health and mental health care as well as education and employment training in a linguistically-appropriate and culturally-competent way. Furthermore, the bills address the different needs of adult and child survivors of human trafficking by coordinating with the most appropriate government agency in developing services. The existence of these safe houses will provide other trafficking victims, who remain with their traffickers, hope of success and safety once they escape.

These bills recognize the challenges of both enforcing human trafficking laws and supporting trafficking victims, and offer a comprehensive response to deal with a complex problem. Furthermore, the bills show an understanding of the dynamic nature of the issue and provide the legislature with flexibility in its implementation. On behalf of the MIRA Coalition, we urge you to provide a favorable report on these bills. They will bring justice for those who exploit fellow human beings, provide strong support for many men, women and children who are trafficked into or within the U.S., while helping them recover and become self-sufficient members of the Commonwealth and country.

Thank you for considering our views and concerns.

Respectfully submitted,

Eva Millona
Executive Director
MIRA Coalition

**Testimony by Stephen Joyce, Government Relations Director
New England Carpenters Labor Management Program
In Support of House Bill 2850 An Act Relative to the Commercial Exploitation of People.
May 18, 2011
Joint Committee on Judiciary**

My name is Stephen Joyce representing the New England Carpenters Labor Management Program. As the Carpenters Labor Management group we represent approximately 14,000 union carpenters and their families as well as the 1500 signatory contractors who employ them.

Our mission is to improve the construction industry and working conditions for all who work in our industry whether they are members of our union or not.

We are here today in support of House Bill 2850 *An Act Relative to the Commercial Exploitation of People*. This important legislation will create deterrence against trafficking and those who benefit from cheap labor by imposing serious penalties, including years of imprisonment for those who profit or attempt to profit or in any way benefit from forced labor.

It will not only allow law enforcement to go after those directly engaged in forced labor but also those who knowingly harbor individuals who will be subjected to forced labor. Sends a message to businesses who disregard the circumstances from which labor may be provided to the to serve their bottom line that the consequences from participating in such ventures are significant.

In the construction industry we have seen outrageous instances where immigrant labor has been housed and exploited to increase construction companies and developers bottom line with no regard for the human conditions these workers faced. Workers have been housed on job sites in dangerous conditions, gone weeks or months with no pay or means to feed themselves or their families. They have been housed in the basements of suburban homes and told that they were not to leave the premises or that the police would know they were illegal and they would be arrested.

Many workers come to this country on the promise of the American dream. When they arrive they are told that they owe their traffickers tens of thousands of dollars and that if they don't keep working of their debts their families back in their home countries will be harmed or killed.

The people engaged in these activities do so for huge profits and to drive down local wages and working conditions. They have no regard for the people who work on their projects and if anyone gets hurt and can't work any longer they are dumped onto the community to take care of.

Honest businesses cannot compete against those who cut their cost by exploiting those who have no way of fighting back. This legislation lets victims know that they will be treated as victims and not criminals. It imposes serious penalties where they belong on those engaged in the trafficking of and harboring human beings for profit.

We look forward to this legislation being moved quickly with the support of the Joint Committee on Judiciary.

Thank you for your time and attention to this important matter.



May 18, 2011

Joint Committee on the Judiciary
Massachusetts State House
Boston, MA 02108

Dear Members of the Joint Committee on Judiciary,

On behalf of SEIU Local 615 I am writing in support of Senate Bill No. 00827/House Bill No. 2850, *An Act Relative to the Commercial Exploitation of People*. SEIU Local 615, headquartered in Boston, Massachusetts represents over 18,000 property service workers in Massachusetts, New Hampshire and Rhode Island. Many of our members are immigrants and all work in an industrial sector that but for Union collective bargaining agreements, would comprised entirely of low-wage work.

There is a well-known axiom in the labor movement: "An injury to one is an injury to all." The general meaning is that when we allow exploitation and injustice in one workplace, the economic advantage inured by the disreputable employer remains a threat to employers and workers elsewhere. For this reason, Local 615 stands in support of efforts to protect the victims of labor trafficking.

Human trafficking affects individuals of all races, ages and socio-economic background and is happening in Massachusetts. Victims are often tricked, coerced or forced into forced labor or sexual exploitation by traffickers. The exploitation of human rights in this most egregious way should be a crime in Massachusetts. *An Act Relative to the Commercial Exploitation of People* provides a comprehensive approach, that not only criminalizes both forced labor and sex exploitation, but also provides for higher penalties for child victims under the age of 18, imposes mandatory sentencing for repeat offenders, and provides a mechanism for the creation of an inter-agency task force that can share intelligence and resources.

Massachusetts is one of only four states nationwide that does not have a human trafficking law. SEIU Local 615 is proud to join a diverse coalition comprised of Legislators, District Attorneys, law enforcement agencies, victim advocates and community groups in support of this bill. We ask that you protect the residents of Massachusetts against such egregious human rights violations by voting in favor of this legislation.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ingrid Nava".

Ingrid Nava, Esq.

SERVICE EMPLOYEES INTERNATIONAL UNION, CLC

26 West Street, 3rd Floor • Boston, MA 02111 • Tel: 617-523-6150 / 888-734-8615 • Fax: 617-742-4896



Massachusetts Jobs with Justice

3353 Washington St., Boston MA 02130

Tel (617) 524-8778 Fax (617) 524-8996 Email jwj@massjwj.net

May 18th, 2011

The Honorable Cynthia Stone Creem
The Honorable Eugene L. O'Flaherty
The Honorable Gale D. Canderas
The Honorable Christopher N. Speranzo

Joint Committee on the Judiciary
Statehouse, Room 136
Boston, MA 02133

Re: An Act Relative to the Commercial Exploitation of People, S. 827 and HB 2850

Dear Chairwoman Creem, Chariman O'Flaherty, Vice-Chairwoman Canderas, Vice-Chairman Speranzo, and Members of the Joint Committee on the Judiciary:

I am an immigrant workers rights organizer with Massachusetts Jobs with Justice, a coalition of over one hundred labor, community, faith, and student organizations working together in Massachusetts to build unity and support for the struggles of working people.

I am testifying on behalf of our members, in support of S. 827 and HB 2850, An Act Relative to the Commercial Exploitation of People, in light of today's public hearing of the bill.

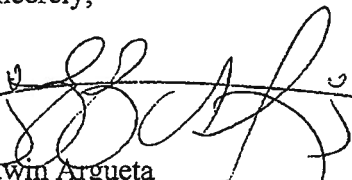
We are glad our state legislature is showing leadership on this issue that plagues communities across the Commonwealth. The general public does not realize that thousands of trafficking victims are working everyday for unscrupulous employers under terrible conditions right here in our state. This legislation, we feel, will help all workers in Massachusetts by maintaining fair labor standards and encouraging victims to come forward and expose these abuses.

Human trafficking, particularly for the purpose of forced labor is an extreme form of workplace abuse and it should not be tolerated in Massachusetts. The ability of the Attorney General and other law enforcement agencies to prosecute and convict criminals that engage in this activity lies on the ability of the victims to develop a mutual trusting relationship with our friends in law enforcement. We strongly believe that the passage of this measure will help make that happen in our state.

As advocates for working people in Massachusetts, particularly immigrant workers, we encourage our leaders to continue working to improve the quality of life for many immigrant workers that have made Massachusetts their home, as they have become an important element of our state's economy.

We, as an organization, strongly urge that the Joint Committee on the Judiciary report favorably on S. 827 and HB 2850, an Act Relative to the Commercial Exploitation of People. Thank you for your consideration.

Sincerely,



Edwin Argueta
Massachusetts Jobs with Justice

TESTIMONY OF COMMISSIONER EDWARD DAVIS
BOSTON POLICE DEPARTMENT

Presented to the Joint Committee on Judiciary

May 18, 2011

Good afternoon Chairman O'Flaherty, Chairwoman Creem, and members of the Committee. Chairman O'Flaherty, thank you for your continued dedication to these issues and for all of your good work in Charlestown. {I also want to recognize Rep. Carlos Henriquez, from Dorchester, who has already been a great asset to Boston in his first term. Thank you for your work on the Shannon Grant to help fund important violence prevention programs.}

I am here today to support two very important bills (Senate 827 and House 2850) An Act Relative to the Commercial Exploitation of People – as well as (Senate 55 and House 2277) An Act Relative to Safe Harbor for Exploited Children.

I would like to thank Attorney General Martha Coakley, Chairman Eugene O'Flaherty, and Senators Mark Montigny Steven Baddour for their hard work in preparing the Commercial Exploitation of People bill. I also want to thank Boston Reps. Marty Walsh and Liz Malia and Senator Thomas McGee for their leadership on the Safe Harbor bill.

At the Boston Police Department, along with our law enforcement partners, we take a zero-tolerance approach in ending the demand that keeps the cycle of human trafficking moving. We hold the buyers of sex accountable for their criminal activity. And we attack the supply by intervening on behalf of prostituted women and children and diverting them to social services.

Through means of enforcement and prosecution, we go after the distribution of prostitution by disrupting the operations of the pimps and the others who are profiting from exploiting and committing violence against women and children.

Our Human Trafficking Unit works closely with the United States' Attorney's Office, the Attorney General's Office, the Suffolk County District Attorney's Office as well as numerous local, state and federal law enforcement agencies comprising the Massachusetts Task Force to Combat Human Trafficking. And the detectives assigned to the Human Trafficking Unit are also task force members serving on the FBI's Innocence Lost Task Force – a program that targets those who prostitute children for profit.

We are committed in our efforts to combat human trafficking. Enactment of this critical legislation will help us in our goal to eradicate human trafficking. An Act Relative to the Commercial Exploitation of People will make it a crime to traffic persons for sexual servitude and make it a crime to traffic persons for forced labor...laws that to this point in Massachusetts, do not exist. This bill will also impose and

amend stiffer penalties for human trafficking offenses and tackle these crimes on all three fronts: supply, demand, and victim services.

Additionally, An Act Relative to Safe Harbor for Exploited Children ensures that adequate protections are in place for these victims. This bill presumes that a sexually exploited child is *not* committing a crime, but is a victim of exploitation and is in need of social services and may require the care and protection of the state. In Boston, we are already adhering to these principles, but I encourage the Committee to report favorably on this bill to formalize this policy statewide.

These bills reinforce our stance that in Massachusetts we do not tolerate the exploitation, violence and abuse of women and children.

Thank you for your time and I would be happy to answer any questions from the Committee.



GREATER BOSTON
LEGAL SERVICES
...and justice for all

May 18, 2011

The Honorable Cynthia Stone Creem
The Honorable Eugene L. O'Flaherty
The Honorable Gale D. Canderas
The Honorable Christopher N. Speranzo

Joint Committee on the Judiciary
Statehouse, Room 136
Boston, MA 02133

Re: An Act Relative to the Commercial Exploitation of People, S. 827 and HB 2850

Dear Chairwoman Creem, Chairman O'Flaherty, Vice-Chairwoman Canderas, Vice-Chairman Speranzo, and Members of the Joint Committee on the Judiciary:

I am a Senior Attorney in the Employment Law Unit at Greater Boston Legal Services, and I am writing to provide testimony in support of S. 827 and HB 2850, An Act Relative to the Commercial Exploitation of People, in light of today's public hearing on the bill.

I am writing on behalf of ten immigrants' and workers' rights organizations, all of which are members of the Massachusetts Fair Wage Campaign coalition. In that capacity, these organizations, most of which are community-based organizations serving various immigrant communities in the greater Boston area, work closely with the Office of the Attorney General to support her efforts to enforce the wage laws of the Commonwealth of Massachusetts. The organizations, described in greater detail in the attachment to this letter, are the Brazilian Immigrant Center, Brazilian Women's Group, Centro Presente, Chelsea Collaborative, Chinese Progressive Association, Massachusetts Coalition on Occupational Safety and Health (MassCOSH), Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA), Massachusetts Jobs with Justice, Metrowest Worker Center, and Project Voice of the American Friends Service Committee.

We feel very strongly that Massachusetts should not be one of only four states to fail to take a strong stance against human trafficking, including forced labor, through a state-level human trafficking law. Human trafficking is an absolutely egregious and extreme form of the workplace abuse that our organizations see on a daily basis among the immigrant workforce. Having a strong state-level human trafficking law will increase the ability of the Attorney General and other law enforcement agencies to take a strong stance against labor exploitation and to root out the worst abuses, many of which currently stay hidden because immigrant workers so greatly fear going to the federal government.

We thus strongly urge that the Joint Committee on the Judiciary report favorably on An Act Relative to the Commercial Exploitation of People. Thank you very much for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Audrey Richardson". The signature is written in black ink and is positioned above the typed name.

Audrey Richardson
Senior Attorney
Employment Law Unit

**ATTACHMENT:
DESCRIPTION OF ORGANIZATIONS**

The **Brazilian Immigrant Group (BIC)**, founded in Boston by immigrant workers in 1995, is a grassroots membership organization. Its mission centers on the training, advocacy, and organizing of immigrant workers to address the root causes of abuse and discrimination, defend and advance labor, civil, and human rights of immigrants, and promote their empowerment as workers and civic participants. BIC's three principal, interconnected project areas are workers' rights, domestic workers, and immigrant rights, all of which involve organizing, policy, and services that are closely connected to and support one another.

The **Brazilian Women's Group (BWG)** is a volunteer-run organization that was started in 1995 by a group of Brazilian immigrant women of various backgrounds and occupations. BWG promotes its goals through community organizing, with the goal of empowering Brazilian women to speak for themselves and to strengthen the Brazilian community. Seeing the significant need in the Brazilian community to address workers' rights violations, BWG recently created a workers' rights program with free workers' rights clinics, providing workers' rights education and encouraging workers to take leadership and ownership of their efforts to assert their rights.

Centro Presente is a member-driven, statewide Latin American immigrant organization dedicated to the self-determination and self-sufficiency of the Latin American immigrant community of Massachusetts. Through a combination of community organizing, leadership development and basic services, Centro Presente strives to give its members a voice and build community power. Each year, Centro Presente assists over 4,000 Latin American immigrants through the provision of services, including legal immigration services, workers' rights education and advocacy, and adult education. Over the past several years, Centro Presente has developed its worker center, specifically serving low-income Latino immigrant workers.

The **Chelsea Collaborative** has as its mission to empower Chelsea residents and Chelsea organizations to enhance the social, environmental and economic health of the community and its people. The Collaborative carries out its mission through community organizing, technical assistance, program development and information dissemination. Approximately 14,000 Latino immigrants live in Chelsea, the vast majority of them from Central America. Working at some of the most difficult, lowest-paying, and most hazardous jobs, they are among Chelsea's poorest residents. Since 1998, the Chelsea Latino Immigrant Committee has championed their cause and mobilized them for social justice and needed programs; its efforts include presenting workers' rights workshops, organizing workers in local workplaces, and developing and bringing wage and hour claims for legal enforcement.

The **Chinese Progressive Association (CPA)** is a grassroots community organization based in Boston's Chinatown. CPA works for full equality and empowerment of the Chinese community and to involve ordinary people in decision-making. CPA's Worker Center, established in 1987, helps immigrant workers learn about and organize for their rights on the job, including wage and hour rights. The CPA Executive Director is on the DUA Advisory Council.

The **Massachusetts Coalition for Occupational Safety and Health (MassCOSH)**, founded in 1976, is a non-profit coalition of workers, unions, community groups, health, safety

and legal professionals. MassCOSH's mission is to promote safe, secure jobs and healthy communities, with a particular focus on immigrants. In recent years, MassCOSH has received growing demands for assistance from immigrant workers with wage and hour claims. MassCOSH engages in organizing and advocacy work directly with these workers, and also refers cases to private counsel for representation on a class-wide basis.

The **Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)** is the largest organization focused on the rights and integration of immigrants and refugees in Massachusetts. MIRA serves the Commonwealth's one million foreign-born residents with policy analysis and advocacy, institutional organizing, training and leadership development, and strategic communications. MIRA's work involves an active membership of over 130 organizations, including community-based organizations, social service providers, ethnic associations, schools, refugee resettlement agencies, health centers and hospitals, religious institutions, unions, and law firms, as well as thousands of individual members, contributors, and allies. Because immigrants are especially vulnerable to violations of labor laws, MIRA works closely with members and allies to ensure that workers – both immigrant and native-born – are afforded protection of the law from abusive employers.

Massachusetts Jobs with Justice (JwJ) is a coalition of over ninety organization that represent low-wage workers in many diverse communities. JwJ does extensive organizing around issues of immigrant and other low-wage workers subjected to abusive working conditions and nonpayment of wages.

The **Metrowest Worker Center (MWC)** was established in 2007 at the initiative of Metropolitan Interfaith Congregations Acting for Hope (MICAH), the New England Regional Council of Carpenters (NERCC), and the Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA). Based in Framingham, MWC works primarily with Brazilian and Spanish-speaking immigrant workers from Latin America.

Project Voice, American Friends Service Committee, is a nationally coordinated program that works for economic and social justice for all immigrants. The program works within immigrant communities to organize low-wage workers to defend their labor, civil and human rights.



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

EDWARD F. COPPINGER
STATE REPRESENTATIVE
10TH SUFFOLK DISTRICT

Committee:
Elder Affairs
Housing
State Administration & Regulatory Oversight

May 18, 2011

STATE HOUSE, ROOM 26
TEL. (617) 722-2080 ext. 7705

The Honorable Eugene O'Flaherty
House Chair, Joint Committee on the Judiciary
Room 136, State House

The Honorable Cynthia Creem
Senate Chair, Joint Committee on the Judiciary
Room 405, State House

Dear Co-Chairs and Committee Members,

I am writing in support of H. 2850 and S. 827: An Act relative to the commercial exploitation of people. Human trafficking, though under the radar, is a serious problem throughout our Commonwealth, and this bill, written with input from a variety of district attorneys and Attorney General Martha Coakley will help increase public safety and aid victims of human trafficking.

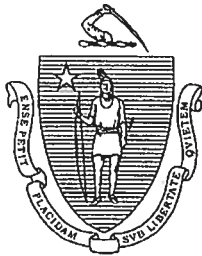
Massachusetts is alarmingly only one of four states that does not have a human trafficking law. Accordingly, this bill will create two new crimes to help prosecutors and police track down and punish human traffickers. Further, this bill creates an inter-agency task force to help federal, state and local agencies work together to fight and prevent human trafficking. Another important aspect of the bill is its focus on the perpetrators of prostitution; this addresses the demand side of human trafficking instead of focusing on prosecuting the victims.

As the father of four daughters and the uncle of many more, this problem strikes home. The victims of human trafficking have long been forgotten; this needs to change. I strongly urge the Committee on the Judiciary to favorably report that this bill ought to pass.

Thank you for your consideration of this matter and if you have any questions, please feel free to contact me at 617-722-2080 or e-mail me at Edward.Coppinger@mahouse.gov.

Sincerely,

Edward F. Coppinger
State Representative
10th Suffolk District



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

STATE HOUSE, ROOM 466, BOSTON, MA 02133

REP. JASON M. LEWIS

31ST MIDDLESEX DISTRICT
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Jason.Lewis@MAhouse.gov
www.RepJasonLewis.com

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Children, Families and Persons with Disabilities
Community Development and Small Business
State Administration and Regulatory Oversight

May 17, 2011

The Honorable Eugene O'Flaherty
House Chair
Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Dear Chairman O'Flaherty:

I am writing in advance of the Joint Committee on the Judiciary hearing on May 18, 2011.

Please note my support for the following legislation that will be heard:

House Bill 2277: An Act Relative to Safe Harbor for Exploited Children.

Thank you for your time and consideration. Should you have any questions or concerns, please feel free to contact my office.

Sincerely,

A handwritten signature in black ink that reads "Jason M. Lewis".
Jason M. Lewis



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

WILLIAM N. BROWNSBERGER
REPRESENTATIVE
24TH MIDDLESEX DISTRICT
ROOM 527A, STATE HOUSE

TEL (617) 722-2800, x 7178
William.Brownsberger@MAhouse.gov

Committees:
Public Service
Bonding, Capital Expenditures and State Assets
Global Warming and Climate Change

TO: Committee on the Judiciary
FROM: Representative William N. Brownsberger *WNB*
RE: H2277, An Act relative to safe harbor for exploited children
DATE: May 18, 2011

The Safe Harbor Act would shift the focus from prosecuting exploited teens to giving them the services they need to escape prostitution. Under this legislation, a child under 18 who engaged in prostitution, or was a victim of child sex trafficking, or was induced into prostitution, would be presumed to be a victim of exploitation and therefore presumed to be a child in need of services or subject to the care and protection of the state.

Mandated reporters of child abuse would have the duty to report such cases and the Department of Children and Families would have the authority to investigate and provide necessary services. A multi-disciplinary team would coordinate the provision of services for these children.

This approach most certainly would result in better outcomes for the teens involved and I hope that the Committee will report H2277 favorably.



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON, MA 02133-1054

KAY KHAN
REPRESENTATIVE

11TH MIDDLESEX DISTRICT (NEWTON)
ROOM 146, STATE HOUSE

TEL: (617) 722-2011
FAX: (617) 722-2238

CHAIR:
JOINT COMMITTEE ON CHILDREN, FAMILIES
AND PERSONS WITH DISABILITIES

May 17, 2011

Rep. Eugene L. O'Flaherty
Chair
The Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Sen. Cynthia S. Creem
Chair
The Joint Committee on the Judiciary
State House, Room 405
Boston, MA 02133

Dear Chair O'Flaherty and Chair Creem:

I am writing to ask for the favorable release of House Bill 2834, *An Act Relative to Anti-Human Trafficking and Protection*, to create criminal penalties for trafficking persons and to establish a state-wide task force combing the efforts of state and local law enforcement as well as human service agencies.

Human trafficking is a growing issue in the United States and has become the 2nd largest criminal enterprise in the world. Currently, 45 states including Maine, New York, Rhode Island and Connecticut have enacted laws criminalizing human trafficking. With a rapidly growing number of individuals being trafficked into this country, the number of individuals being trafficked from state to state is growing as well. Passing this bill is the only way to stop these egregious human rights violation. Protection for victims is imperative, prosecution of pimps and traffickers is critical. We must be aggressive with the buyers of sex who destroy victims' lives, place entire communities and all women and girls at-risk.

I respectfully request that you consider releasing House Bill 2834 with a favorable recommendation from the Joint Committee on the Judiciary. It is important to the Commonwealth that human trafficking crimes in this state no longer go unseen. Thank you for your time and deliberation over this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay Khan".

Representative Kay Khan



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON, MA 02133-1054

KAY KHAN
REPRESENTATIVE

11TH MIDDLESEX DISTRICT (NEWTON)
ROOM 146, STATE HOUSE

TEL: (617) 722-2011
FAX: (617) 722-2238

CHAIR:
JOINT COMMITTEE ON CHILDREN, FAMILIES
AND PERSONS WITH DISABILITIES

May 17, 2011

The Honorable Cynthia Creem
Senate Chairwoman, Joint Committee on the Judiciary
Room 405
Boston, MA 02133

The Honorable Eugene O'Flaherty
House Chairman, Joint Committee on the Judiciary
Room 136
Boston, MA 02133

Dear Chairwoman Creem, Chairman O'Flaherty & Members of the Committee:

I am writing to voice my support of *H. 2277, An Act Relative to Safe Harbor for Exploited Children*, filed by Representatives Martin Walsh and Elizabeth Malia. This bill would remove child victims of commercial sexual exploitation from the delinquency system and replace this response with needed services and protection.

Massachusetts's law currently requires juveniles arrested for prostitution to be treated as delinquents and therefore subject to penalties including secure confinement. This juvenile justice response is re-traumatizing, does not recognize the child's victimization and does not provide access to services to aid their recover. This bill would create an avenue by which a juvenile arrested for prostitution will be considered a child victim of sexual exploitation with access to services, including shelter, food, clothing, medical care and counseling.

Thank you for your consideration of this important matter. I strongly encourage the Committee to adopt a favorable report for H. 2277 as expeditiously as possible.

Sincerely,

A handwritten signature in cursive script that reads "Kay Khan".

Kay Khan
State Representative, Newton



The Commonwealth of Massachusetts

House of Representatives
State House, Boston 02133

LORI A. EHRlich
STATE REPRESENTATIVE

Room 39,, State House
TEL (617) 722-2014
lori.ehrlich@mahouse.gov

VICE CHAIR:
Joint Committee on Labor & Workforce
Development

Tuesday, May 17, 2011

The Honorable Eugene O'Flaherty
Chair, Joint Committee on the Judiciary
State House Room 136
Boston, MA 02133

Dear Chairman O'Flaherty,

I am writing in advance of the Judiciary Committee hearing on Wednesday May, 18th to indicate my strong support for a number of bills that are slated to be heard.

Please consider reporting the following legislation out favorably:

- S. 827/H. 2850 - An Act relative to the commercial exploitation of people
- H. 2834 - An Act relating to anti-human trafficking and protection

Thank you for considering my thoughts on these important pieces of legislation. Should you have any questions or concerns please feel free to contact my office.

Best,

A handwritten signature in black ink, appearing to read "Lori A. Ehrlich".

Lori A. Ehrlich
State Representative



Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON, MA 02133-1054

JENNIFER E. BENSON
REPRESENTATIVE
37TH MIDDLESEX DISTRICT

Committees:
Vice Chair
Personnel and Administration
Education
Revenue
Post Audit and Oversight

ROOM 466, STATE HOUSE
TEL: (617) 722-2017

May 18, 2011

Senator Cynthia Creem, Chair
Joint Committee on the Judiciary
State House, Room 405
Boston, MA 02133

Representative Eugene O'Flaherty, Chair
Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Dear Chairmen:

I write today in support of H2277, "An Act Relative to Safe Harbor for Exploited Children," H2850, "An Act Relative to the Commercial Exploitation of People," and H2834, "An Act Relating to Anti-Human Trafficking and Protection." These bills address the egregious issues of human trafficking and sexual exploitation.

Our laws currently punish the victims of sexual exploitation and leave them without the services and protection they need. In addition, law enforcement officials lack the tools required to address all aspects of human trafficking and exploitation. These bills help stop these heinous crimes by providing victim services as well as dealing with the issues of supply and demand. Sexual exploitation and human trafficking are real problems affecting hundreds of children and adults in Massachusetts today. It is critical that we address these issues and for these reasons, I ask you to favorably report H2277, H2850 and H2834 out of committee.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Benson".

Jennifer Benson
State Representative
37th Middlesex District



May 16, 2011

Senator Cynthia Stone Creem, Chair
Joint Committee on the Judiciary
State House Room 405
Boston, MA 02133

Representative Eugene L. O'Flaherty, Chair
Joint Committee on the Judiciary
State House Room 136
Boston, MA 02133

RE: An act relative to the sexual exploitation of people (S827/H2850) and
An act relative to the protection of children under the age of 18 who have been subject
to sexual exploitation (H2277/S55)

Dear Senator Creem, Representative O'Flaherty and Members of the Judiciary Committee:

I am writing today to ask you to favorably report out of committee and support the passage of S827/H2850, "An act relative to the sexual exploitation of people" and H2277/S55, "An act relative to the protection of children under the age of 18 who have been subject to sexual exploitation." Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence, is a social change organization committed to addressing the root causes of sexual and domestic violence, and promoting justice, safety and healing for survivors. On behalf of our membership of 60 community-based sexual assault and domestic violence programs that provide direct services to victims and survivors of sexual and domestic violence, we are proud to affirm our support for this legislation.

Jane Doe Inc. supports this legislation because it will provide criminal justice responses to traffickers and others who exploit human beings as well as services and support for victims of this violent crime. By creating trafficking felony statutes and increasing penalties for "Johns", Massachusetts takes seriously the crime of human slavery and provides prosecutors with more tools. Human trafficking exists in a market of high profits (because of high demand) with low risk. This legislation increases risks for traffickers, shifts the focus away from criminalizing victims and moves it toward decreasing the demand for and benefits of trafficking and prostitution.

Historically, incidence and prevalence of human trafficking has been historically difficult to assess. It is an under-reported crime, which relies on the tactics of force, fraud and coercion. Traffickers use power, control, violence and threats of violence to keep victims from reporting their victimization or seeking help. Victims of this crime are often vulnerable, with limited resources, which is why they are sought out by traffickers. They report high rates of assaults, rapes and other violent crimes at the hands of pimps and johns (2009 Child Welfare League of America). In addition to violence, they experience the threat of violence to themselves and their families and the very real possibility of arrest. For those who may be able to leave a trafficking situation, options may be few—to live on the streets or to go back to an unsafe home situation. The impacts of such sustained violence and devastating stress can include depression, suicide, substance use/abuse, serious physical injuries and death (2001 Inter-American Commission of Women).

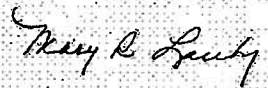
H2277/S55 acknowledges that the most vulnerable of trafficking victims are, in fact, victims and not criminals. By creating a "safe harbor" for victims in which youth are immune from prosecution as "prostitutes" and services are offered, individuals may feel safer in coming forward to report their victimization and seek help. Appropriate services to be provided must be well researched and victim-centric to address the specific needs and vulnerabilities of trafficked persons who may not adapt to traditional youth service provision.

Finally, if there is created an inter-agency task force on human trafficking, its focus should be two-fold. One, to better understand the unique aspects of trafficking across the Commonwealth, and two, to develop comprehensive, multidisciplinary, victim-centered responses and services to victims that support individuals' health and safety. This task force must include victim advocacy agencies as core members.

Jane Doe Inc. member programs across the Commonwealth are encountering victims of human trafficking seeking services. They do not always identify themselves immediately as being trafficked, but they display many of the trauma symptoms of those traumatized by sexual and domestic violence. The work of sexual and domestic violence programs to provide trauma informed care to all of those who need it can only be enhanced by increased awareness and response to human trafficking in their communities.

Together, these two bills are a first step to recognizing and valuing the lives of individuals in Massachusetts who are exploited for the commercial gain and "pleasure" of others. The Federal Trafficking Victims Protection Act has been in place since 2000 and all but 5 states have state trafficking legislation. I ask you to strongly oppose all forms of violence by giving a favorable recommendation for passage of this legislation without delay.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary R. Lauby", is written over a rectangular area of the document that has been shaded with a fine dot pattern.

Mary R. Lauby, Executive Director

eliminating racism empowering women

ywca

YWCA Central Massachusetts
www.ywcacentralmass.org

Administrative Offices
1 Salem Square, Worcester, MA 01608
T: 508.791.3181 (TTY) F: 508.754.0496

89 Parker Street, Leicester, MA 01524
T: 508.892.9814

14 Monument Square, Leominster, MA 01453
T: 978.537.2306 (TTY) F: 978.537.3502

15 Grove Street, Westborough, MA 01581
T: 508.366.8005 F: 508.389.1815

To: Attorney General Martha Coakley

RE: *AN ACT RELATIVE TO THE COMMERCIAL EXPLOITATION OF PEOPLE*

Legislative Hearing testimony 5-18-11

I represent the YWCA of Central Massachusetts in supporting this Act. Of concern to me is the amendment of penalties regarding existing statutes to address the demand side of human trafficking and other forms of commercial sexual exploitation. As the developer and coordinator of Massachusetts's only existing "John's School", I need to impress upon you the necessity of not only increasing penalties to address the problem of demand and exploitation of women and girls, but also by mandates for attendance in educational programs which serve to educate the buyers and hold them accountable in additional ways that are proven to be a deterrent as other testimonies have detailed.

The YWCA-Daybreak program currently operates the Community Approach to Reduce Demand (CARD) Program which was launched in Worcester in 2007 as the result of a community collaboration which is outlined on the following page. It is imperative to require attendance at "john schools" which educate, deter and generate income to support law enforcement and victim service providers in tackling this problem effectively. John Schools which educate the buyer are cost effective and easily replicated. Program presenters and experts are located within individual communities and are resources to utilize as well as survivors who help shape these programs and contribute an important part of the impact made during these educational programs. The object of deterring through various means that are independent to each buyer; include program costs, time attending, embarrassment and exposure and the de-objectification of the women who have been sexually exploited that occurs most often by the end of the training day. The funds that are generated by the program fees can then be distributed to support survivor services and also law enforcement efforts.

The major problems we have encountered over the past 3 ½ years of operating CARD had been a trend between 2009-2010 to focus stings primarily on the females with arrests of sex for a fee and common nightwalker, with minimal arrests of the buyers or "johns". This trend has shifted once again due to a community response in Worcester that was organized in October 2010 "Curbing Prostitution along the main South Corridor: A Community Policing Partnership and in the past two months there have been four stings and referrals are again being generated for the CARD program. This initiative also has started a wide scale distribution of information cards to residents informing them how to report prostitution activity as well as the filing of a City Council petition for an ordinance which will allow for the impoundment and seizure of motor vehicles in conjunction with



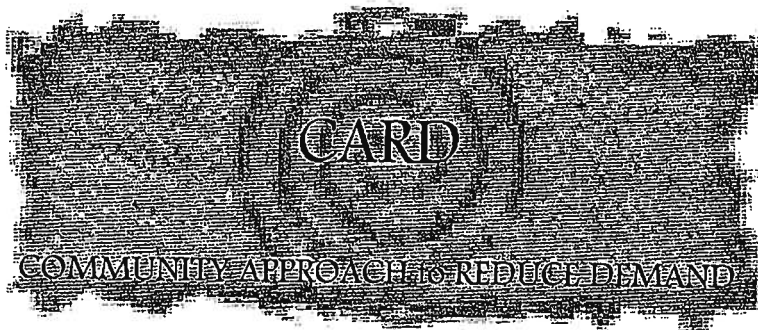
arrest of persons for solicitation of a prostitute. My understanding of one of the problems law enforcement encounters is the higher cost of reverse stings to arrest the buyers. The other problem is that once the arrest has taken place the processing of the arrested buyer and the disposing of cases is a complicated system that is not always focused on requiring the buyer to attend a John School, particularly when they may not be aware of the benefits, logistics or existence of such programs. To complicate this process, when the arrests are occasional, the defendants are sparse and the programs are unable to operate without a minimum number of referrals to schedule classes. The program can lose its credibility. In our case the courts and police were questioning if there still was a CARD Program, while all along we were patiently waiting for the occasional referral to trickle in.

To summarize; this ACT needs to be specific in mandating johns schools, including an education component with technical assistance for communities wanting to replicate the CARD or other established programs. Supporting john's schools makes sense and benefits everyone, including the buyer.

Sincerely

Cathy Boisvert MSW, LCSW

Cathy Boisvert, LCSW
CARD Program
Coordinator of Special Projects
YWCA CENTRAL MASS-Daybreak



Collaborative effort: Worcester Department of Health & Human Services, Worcester Police Department, Worcester District Court, Worcester District Attorney, YWCA of Central Massachusetts and other area agencies.

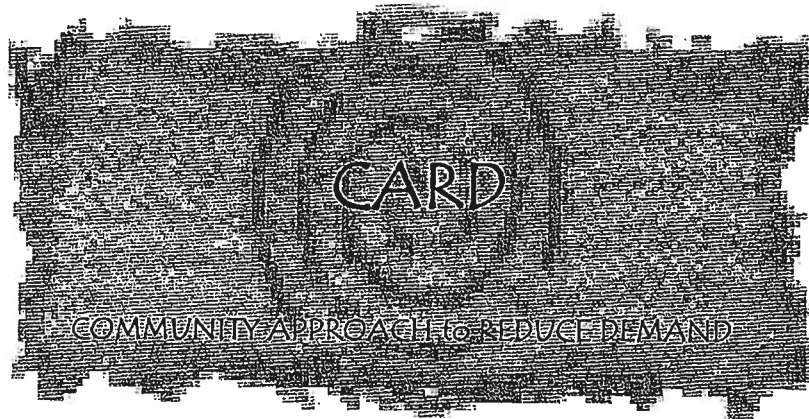
Purpose: Addressing the community problem of prostitution by educating the purchasers of sex for a fee, resulting in a reduction of recidivism of purchasers and a reduction in the demand of sex for a fee.

Program: Classes are held Saturdays, from 9:00 AM-3:00 PM at the Worcester Police Department. Participants are required to attend the court ordered program and a \$200 fee will be collected at registration, the day of class. Certified money orders or cash are the only accepted form of payment. No student will be admitted into the class without payment. All students successfully completing the class will receive a receipt and notification is given to the court contact person. Failure to report or complete a scheduled class will result in an additional \$200 fee.

Administration: YWCA of Central Massachusetts, including collection of fees and payment to presenters, administers The CARD Program. Class dates are scheduled to accommodate the volume of referrals.

Educators/Presenters: A CARD Program educator facilitates the day's activities, presents topics and assists other presenters throughout the day. Other scheduled educator/presenters are from The Worcester Police Department, Worcester Department of Health & Human Services, Community activists and survivors of the life of prostitution.

Curriculum: The curriculum is a result of national research of existing models, adapted for the Worcester community. Topics include Legal consequences, health risks, community impact, the family, domestic violence, the sex industry, sex addiction and substance abuse. Information and referrals are available to participants. Pre and post class surveys provide an assessment tool for further development of the program.



PROGRAM STATISTICS: NOVEMBER 2007- MAY 2011

• **9 CLASSES COMPLETED**

1. 11-3-07 (3)*
2. 1-12-08 (4)
3. 3-22-08 (5)
4. 8-9-08 (7)
5. 9-27-08 (9)
6. 12-6-08 (10)
7. 3-07-09 (7)
8. 5-30-09 (10)
9. 7-25-09 (18)

• **73 MEN* COMPLETED PROGRAM**

• **81 MEN REFERRED TO CARD PROGRAM BETWEEN 9/07 & 7/09**

CARD PROGRAM REFERRALS FROM AUGUST 2009-PRESENT:

1-15-10 (1)*
3-08-10 (1)
3-23-10 (1)
3-25-10 (1) = 4

4-6-11 (2)
4-17-11 (1)
5-9-11 (2) = 5 RECENTLY REFERRED
(CLASS SCHEDULED FOR 6-4-11)



華人前進會

Chinese Progressive Association

28 Ash Street, Boston, MA 02111

Tel. (617) 357-4499 Fax (617) 357-9611 www.cpaboston.org

May 18, 2011

The Honorable Cynthia Stone Creem
The Honorable Eugene L. O'Flaherty
Chairs of the Joint Committee on the Judiciary
Massachusetts State House, Room 136
Boston, MA 02133

Re: An Act Relative to the Commercial Exploitation of People, S. 827 and HB 2850

Dear Chairwoman Creem and Chairman O'Flaherty:

I am submitting this testimony on behalf of the Chinese Progressive Association in support of S. 827 and HB 2850, An Act Relative to the Commercial Exploitation of People.

We are a 34 year-old grassroots organization which serves about 3,000 people per year in the Greater Boston/Eastern Massachusetts region. We operate a Workers Center to help Chinese immigrant workers learn about and take action for their rights.

Immigrant workers routinely suffer from wage theft, injuries on the job, and other forms of workplace abuse. In recent years, we have been alarmed to see what appears to be a growing number of cases in which immigrant workers are increasingly vulnerable to various forms of abuse, recruited by their employer and living in employer-owned housing. We have enjoyed a close working relationship with the Attorney General's office in order to strengthen enforcement of state labor laws, but know that many other abuses go unnoticed.

Forced labor and sexual servitude are human rights violations that should be specific crimes under state law. As the cradle of the nation's democracy, it is important for Massachusetts to take a strong stance against human trafficking through passage of this legislation. Having a strong state-level human trafficking law will increase the ability of the Attorney General and other law enforcement agencies to root out the worst abuses.

We urge that the Joint Committee on the Judiciary to favorably report on An Act Relative to the Commercial Exploitation of People.

Sincerely,

Lydia M. Lowe
Executive Director



The Commonwealth of Massachusetts

DISTRICT ATTORNEY OF SUFFOLK COUNTY
DANIEL F. CONLEY

One Bulfinch Place, Suite 300
Boston, MA 02114-2921

Telephone: (617) 619-4000
Fax: (617) 619-4210

May 18, 2011

The Honorable Cynthia Stone Creem, Senate Chair
Joint Committee on the Judiciary
State House, Room 416-B
Boston, MA 02133

The Honorable Eugene L. O'Flaherty, House Chair
Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Dear Chairwoman Creem, Chairman O'Flaherty, and Members of the Judiciary Committee:

Thank you for the opportunity to discuss what we know about this serious problem in Massachusetts and what we've undertaken to address it in Boston and Suffolk County.

Just last week, a prominent businessman was charged with rape of a child and other offenses for allegedly engaging in sex for a fee with a child under 16. That case, arraigned one week ago yesterday in Quincy, joins a terrible litany of others prosecuted by my office, by Attorney General Coakley, and by DAs across Massachusetts, New England, and the nation.

The sale of underage girls is finally being seen for what it is, and for what the US Department of Justice called it almost 10 years ago – an epidemic. An industry that once thrived in the shadows is finally coming to light and I urge you to take action on it.

More than five years ago, my office and the Children's Advocacy Center of Suffolk County launched a project to assist the victims of commercial sexual exploitation called the Teen Prostitution Prevention Program.

The creation of that program went hand in hand with a policy decision I've never regretted – the decision to terminate criminal charges against underage defendants arrested in sex-for-fee cases and, instead, treat them as victims, not offenders. Our policy in Boston and Suffolk County is to divert those exploited youth towards service providers



who can help get them out of that dangerous life while we focus our law enforcement efforts on the pimps and johns who buy and sell their bodies.

Today, the Teen Prostitution Prevention Project is known as SEEN, or Support to End Exploitation Now. It's still a partnership with almost three dozen law enforcement agencies, social service providers, medical and mental health clinicians, and other partner organizations. And it's twice been named one of the Top 50 Innovative Government Programs by a Harvard University think tank.

But we changed the name because one thing became abundantly clear in our efforts and research: these teens weren't prostituting themselves. They were being groomed, recruited, turned out, and terrorized by grown men. They were being sold on the street, in the pages of the Boston Phoenix, and on web sites like Craigslist by people who knew that you can sell a drug only once, but you can sell a teenage girl over and over again.

In the years before we launched the SEEN program, we'd received only a handful of referrals from mandated reporters about concerns that a young person was a victim of commercial sexual exploitation or at risk of being exploited. But in the five years since then, the number exploded to more than 400. The number of prostituted youth in our jurisdiction didn't skyrocket overnight – but our way of looking at them did. And as we learned more about those youth, we saw that most of them were runaways. Almost all of them had a history of childhood sexual abuse. And the majority were just 15 or 16 at the time of referral, many of them having been recruited into prostitution as young as 12 years old.

These numbers support a statewide sea change in the way we tackle human trafficking and commercial sexual exploitation. Children of this age can't legally consent to sexual conduct, much less engage voluntarily in sex for a fee. But there's another factor we need to remember.

The rise of the Internet and the use of social networking sites has made it easier to prey upon and lure young people. From the relative anonymity the Internet, those who would exploit kids can pretend to be friends who understand them; they can groom them, condition them, and so forth.

These same on-line arenas make the commercial rewards of exploitation much greater because, just as the Internet provides a wider fishing net to lure and exploit kids, it also opens up a much bigger market for buyers. That's where the face of the problem is also changing. It's tens of thousands of people, predominantly adult men, who can enjoy the anonymity of the Internet to engage in activities that they would never dare consider in conventional settings.

To give you an example of how low some of these men can go, my office resolved a case a few years ago that involved a man who met a 16-year-old girl online. She was not only a minor – she also suffered from a neurological disorder that reduced her motor control functions. This man told her that prostitution was a way to make some money without

getting in trouble. After providing her with tips to avoid being arrested, he turned her out.

Fortunately, an undercover officer did arrest her on the very first day she was put to work. That arrest triggered a multidisciplinary response that included an investigation by our office and social service providers. The pimp was identified, indicted, and ultimately sentenced to the maximum state prison terms for inducing a minor into prostitution and deriving support from prostitution.

Importantly, the girl was treated as a victim. She received a wide array of services that helped return her to normal life. She went on to graduate from high school and is now a young woman with no ties to the life that could have swallowed her up.

In another case, we prosecuted a pimp who we found employed a teenage girl. In the course of our investigation, we found that this girl had been kidnapped and prostituted in several cities around Boston. But we also developed evidence that the pimp's main associate in prostituting her was another teenage girl he'd lured into prostitution at the age of 16. He not only sold her body, he demonstrated his control over it by having his street name tattooed into her skin. The key witness was a 19-year-old female whom he'd also recruited into prostitution, also as a minor.

This case ended with a conviction as well, but what sentence could possibly be appropriate to these facts?

Prevention and intervention have to be the priorities if we're going to make a difference in the trafficking and exploitation of young girls. I believe that the policy we've undertaken voluntarily in Suffolk County should be strengthened by similar policies statewide. And I'm very grateful to Senator McGee and Representatives Malia and Walsh for their leadership in sponsoring the Senate and House bills that would accomplish this increasingly important goal.

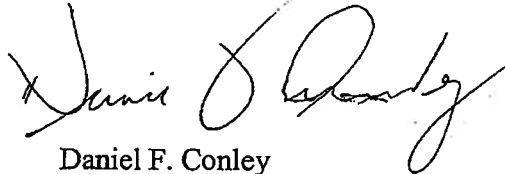
The legislation I've filed would codify this approach and treat exploited children as victims, just as they are in other states. It would provide training so that mandated reporters can recognize exploitation. It would ensure that the Department of Children and Families acts statewide as it does here in the Boston region and screen these cases appropriately for referral to the District Attorney's Office and local police. And most importantly, it would ensure that child victims of sexual exploitation are diverted to the child welfare system for placement in an appropriate setting with appropriate services.

The complexity of the problem as a whole, and the complex array of issues that can surround just one child victim, demands a coordinated, multi-disciplinary response. It can't be done by law enforcement alone, and opening it up to compassionate experts in a variety of fields is one short-term response to a problem that will continue to grow in the years to come.

Our long-term commitment, however, must be to redefine the problem of commercial sexual exploitation for the general public. We need to address the sale of underage girls and boys – as well as adults – and we need to lift the veil of anonymity that protects the pimps and johns. We need to protect the true victims and hold the true offenders accountable.

Prostitution is not a victimless crime. It's not liberating or glamorous. It goes hand-in-hand with rape, violence, addiction, and lifelong trauma. We cannot, in good conscience, allow its victims to be further victimized by prosecuting them for their own exploitation. I urge you to take a stand for girls and boys who have been cast aside to live in life's margins.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel F. Conley". The signature is written in a cursive style with a large, prominent initial "D".

Daniel F. Conley
Suffolk County District Attorney



**THE COMMONWEALTH OF MASSACHUSETTS
HOUSE OF REPRESENTATIVES**

REPRESENTATIVE LIZ MALIA

11th SUFFOLK DISTRICT - BOSTON
STATE HOUSE, ROOM 33
BOSTON, MA 02133-1054
TEL. (617) 722-2060
FAX (617) 722-2849
E-MAIL Liz.Malia@mahouse.gov

COMMITTEES:
MENTAL HEALTH & SUBSTANCE ABUSE
(CHAIR)
STAFF:
ROSIE HUNTER – Staff Director
ROBERT TORRES – Legislative Aide

May 18, 2011

Joint Committee on the Judiciary
Room 136
State House
Boston, MA 02133

Dear Chairman O’Flaherty, Chairman Creem, and Honorable Members of the Committee:

Thank you for accepting this testimony in support of House bill 2277, An Act Relative to Safe Harbor for Exploited Children. It is hard to comprehend, hard to believe, but across Massachusetts there are children being forced, lured, manipulated into prostitution. Yet currently we have an upside down system that prosecutes such youth, who are often as young as 12, 13, 14 years old, for being the victims of these atrocious acts.

We need to adjust our criminal justice system to recognize that these children are victims of atrocious acts, not perpetrators who need to be prosecuted.

The Safe Harbor for Exploited Children Act would change this, putting us on the path to doing right by these children. Under this legislation:

- The presumption would be that a child under age 18 who engages in conduct of sex for a fee or prostitution, or is a victim of sex trafficking, or is induced into prostitution, is a victim of exploitation and is presumed to be a child in need of services or subject to the care and protection of the state.
- The Court, after a hearing, would have the discretion to proceed with a CHINS or care and protection proceeding, rather than a delinquency or criminal complaint, so long as the youth cooperates with the provision of services.
- Mandated child abuse reporters would be required to report these cases for investigation. The Department of Children and Families would be given the authority to investigate and provide services.
- The District Attorney would be informed when such investigations are sustained.
- A multidisciplinary team would review and monitor the service plans for these children.

Prosecuting these children further traumatizes them. On the other hand, reaching out to them with appropriate services makes it more likely that they will get out of “the life.” Programs like Roxbury Youthworks and My Life My Choice have demonstrated this.

Various other states, including New York, have already enacted Safe Harbor laws. Now is the time for Massachusetts to do so.

I look forward to working with the Judiciary Committee to move this important legislation forward. If you have any questions or would like any further information please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink that reads "Liz Malia". The signature is written in a cursive, flowing style.

LIZ MALIA
11TH SUFFOLK DISTRICT



m·s·p·c·c

massachusetts society for the prevention of cruelty to children

To: Chairwoman Cynthia Creem
Chairman Eugene O' Flaherty and
Members of the Joint Committee on the Judiciary

From: Marylou Sudders, President and CEO

Re: Testimony in Support of H. 2277/S.55 *An Act Relative to Safe Harbor for Exploited Children* and S. 827/H. 2850 *An Act Relative to the Commercial Exploitation of People*

Date: May 17, 2011

As President and CEO of MSPCC, of one of the oldest child serving agencies the Commonwealth, I am pleased to add our voice in support of H. 2277/S.55 *An Act Relative to Safe Harbor for Exploited Children* and S. 827/H. 2850 *An Act Relative to the Commercial Exploitation of People*. Together these bills will greatly improve our ability as a community to provide services and support to victims of human trafficking and commercial sexual exploitation and to bring those who perpetrate these crimes to justice.

S. 827/H. 2850 *An Act Relative to the Commercial Exploitation of People* takes the long overdue step of specifically criminalizing these horrific acts and provides for appropriately higher penalties when the victim of the crime is a child. Clearly the primary purpose for creation of these criminal statutes is to facilitate prosecution. However, legally recognizing them as unique criminal acts also serves to inform the public at large that trafficking and commercial sexual exploitation are serious crimes which will be met with equally serious consequences and sends a message to victims that the community stands ready to assist them to heal and to hold those who harmed them accountable.

H. 2277 and S55 *An Act Relative to Safe Harbor for Exploited Children* makes clear that a children who are sexually exploited are not voluntary participants in the horror of the kidnapping, rape, assault and other forms of violence perpetrated against them, they are victims of crime. They therefore should not be subject to prosecution but should instead receive assistance.

Accordingly, the bill requires a multi disciplinary team response to assess the needs of the child and create a service plan. This approach, which is employed by Children's Advocacy Centers (CACs) throughout the Commonwealth, has proven effective in providing services and supports which reduce the stress experienced by child victims of abuse and their non-offending family members throughout the investigation and intervention process while also improving the quality of evidence that is gathered.

definition of Child in Need of Services (CHINS) and adds sexual exploitation to the list of circumstances which mandate a report to the Department of Children and Families by certain professionals. These provisions create avenues for victims to obtain the services and supports they need to recover and to gain the skills they will need to be successful adults.

Clearly placing these children in the CHINS system, even in its current form, is an improvement over the current response. However, our ability to meet their needs will be much improved upon passage of Senate Bill 66/ House Bill 1294 An Act Regarding Families and Children and Engaged in Services. This reform of the CHINS system establishes a community based door to accessing services, (currently the only door is the front door to juvenile court), and better integrates community based services with juvenile justice interventions. For this group of youth in particular, the option of accessing non-criminal justice based supports will be pivotal to their ability to open up and fully engage in services.

These are difficult times, money is tight and resources are stretched to the maximum, everyone is making sacrifices and many priorities are on hold. But these bills cannot wait because the children they seek to assist cannot wait. The abuse they are suffering is happening now- and we must act now. I urge you to report these bills out favorably at the earliest possible date and to advocate for their swift passage.

Thank you for your consideration.



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

CORY ATKINS

STATE REPRESENTATIVE
14TH MIDDLESEX DISTRICT
ACTON, CONCORD,
CARLISLE, CHELMSFORD

Vice Chair:
House Committee on Rules

ROOM 166, STATE HOUSE
TEL (617) 722-2692
FAX (617) 722-2822
Rep.CoryAtkins@hou.state.ma.us

TESTIMONY
Hearing May 18, 2011

To: Members of the Joint Committee on the Judiciary
From: Representative Cory Atkins
Date: May 17, 2011
Re: H. 2277, An Act Relative to Safe Harbor for Exploited Children

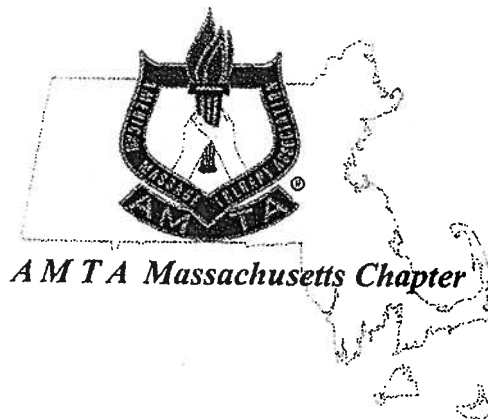
I write today in support of H.2277, *An Act relative to Safe Harbor for Exploited Children*, which would provide services to children who have been sexually exploited.

Many young girls and boys are coerced around the ages of 10-15 into prostitution from their homes, school, or off the street. Pimps prey on young girls who have a hard home life and make them feel loved and wanted. Pimps then physically, emotionally, and sexually abuse young girls and make the girls earn money for them from "johns."

Most of the nation has laws that ^{have} ~~are~~ child victims of commercial sexual exploitation from the juvenile system to programs which provide a safe environment. Massachusetts is one of four states that does not have any safe harbor laws. Under current Massachusetts law children are considered prostitutes and face unwarranted legal consequences.

This bill would create an opportunity for children to escape their lives of commercial sexual exploitation by creating an avenue by which a juvenile arrested for prostitution will be considered a child victim of sexual exploitation with access to services, including shelter, food, clothing, medical care, and counseling. Finally, this piece of legislation would guarantee that cases of commercial sexual exploitation will be referred to an investigation by law enforcement and the district attorney.

I want to thank the committee for its time and consideration of the matter. I urge you to report this bill favorably out of committee in a timely and efficient manner.



May 16, 2011

Honorable Eugene O'Flaherty, House Chairman
Honorable Cynthia Creem, Senate Chairman
Joint Committee on the Judiciary
State House, Room 236
Boston, Massachusetts 02133

Dear Chairman O'Flaherty, Chairwoman Creem and Members of the Committee:

On behalf of the 3,100 members of the Massachusetts Chapter of the American Massage Therapy Association (AMTA-MA), I am writing in strong support of House Bill 2850 / Senate Bill 827, An Act Relative to the Commercial Exploitation of People. This legislation will not only help save innocent lives throughout the Commonwealth, it will have a profound impact on preventing certain individuals from using legitimate professions, such as massage therapy, as a subterfuge for illicit activities.

As you know, Massachusetts is one of five (Hawaii, South Dakota, West Virginia, and Wyoming) states that does not have a human trafficking law. Despite being a national leader in protecting victims of labor and sex crimes in other areas, the Commonwealth has not yet addressed the issue of human trafficking. Accordingly, HB 2850 / SB 827 seeks to provide law enforcement officials with the tools necessary to combat the use of human beings as forced labor for the sex trade or other illicit purposes.

In particular, this legislation will finally create the crime of trafficking of persons for sexual servitude or forced labor, which will carry penalties of no more than 20 and 15 years in state prison, respectively. Moreover, the proposed legislation will impose strict penalties for second or subsequent offenses in addition to stronger penalties for those who seek to exploit children under the age of 18. The legislation provides for use of forfeited funds as restitution to attempt small redress at the irreparable harm caused to victims. The legislation also creates an inter-agency task force to identify and address human trafficking within the Commonwealth.

According to the Polaris Project, human trafficking in the sex trade is often hidden by individuals who attempt to hide the true nature of their illicit activities under the auspices of running a legitimate massage therapy establishment. These locations, often known as Asian Massage Parlors, or Korean Massage Parlors (AMPs or KMPs), operate as commercial-front brothels that claim to offer legitimate services such as massage, but they actually primarily provide commercial sex. *See Asian Massage Parlors*, Polaris Project, www.polarisproject.org/human-trafficking/sex-trafficking-in-the-us/massage-parlors (accessed May 16, 2011). The victims are most often Asian women, both documented and undocumented. *Id.* Illicit parlors of this type frequently operate in strip malls, office buildings, and sometimes, residential homes, in urban, suburban and rural areas in almost all 50 U.S. states. *Id.*

Since the passage of a statewide licensing law governing massage therapists under Chapter 135 of the Acts of 2006, the Commonwealth has strengthened its oversight of the massage therapy industry as a

PO BOX 1044, Worcester, MA 01613 ~ 888-833-3206
info@massamta.org ~ www.massamta.org

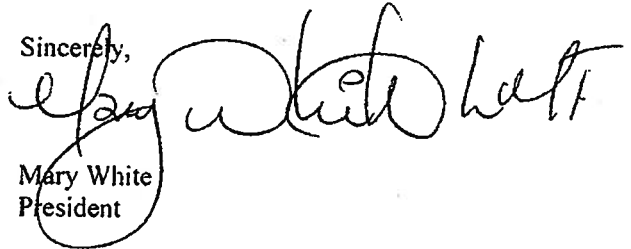
whole. Our state's practitioners are better trained, our establishments meet higher standards and the practice of unlicensed massage therapy is punished appropriately. Through the tireless efforts of the professional investigators and prosecutors at the Massachusetts Division of Professional Licensure (DPL) working in conjunction with the Massachusetts Board of Registration of Massage Therapy, the Commonwealth has begun to disrupt the use of the legitimate massage industry as a hiding spot for illicit activities. However, the existing laws only go so far.

As a result, this legislation, while strengthening the penalties against those who provide these illicit services, goes an important step further. It penalizes those who would seek illicit services – thereby eliminating the demand for these illicit activities. By striking at the “demand” side of the illicit activities, the Commonwealth can reduce the need for “supply” or the trafficking of those who would otherwise be forced to provide these services. From the AMTA-MA’s perspective, this welcome addition of stringent penalties against “johns” will be a strong deterrent against those who hold antiquated views about the massage therapy industry. Today, licensed massage therapists are professionals who provide health care services and therapeutic massage to thousands of Massachusetts residents. Moreover, licensed massage therapists now work in hospitals, nursing homes, community health centers and private practice in conjunction with the Commonwealth’s other licensed health care providers. Human trafficking and prostitution has no place in the field of massage therapy.

As a final thought in further considering this legislation, the AMTA-MA respectfully requests the Committee release this legislation in a timely manner with one key amendment. In creating the proposed anti-human trafficking, inter-agency task force within Section 2, it would be unfortunate to exclude a representative of the DPL. The DPL has acquired an expertise in the massage industry, specifically, and the use of legitimate licensed professions as a shield for illicit activity, generally, through its daily work. Accordingly, the Commonwealth would be better served if a representative of the DPL was included on this inter-agency task force.

Thank you for your consideration of this important matter. On behalf of our 3,100 massage therapists, the AMTA-MA applauds Attorney General Martha Coakley, Chairman O’Flaherty and Senator Mark Montigny for their efforts in advancing this legislation. If you have any questions or concerns, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary White", written in a cursive style.

Mary White
President



COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON, MA 02133-1007

SENATOR
BARRY R. FINEGOLD
SECOND ESSEX AND MIDDLESEX DISTRICT

May 18, 2011

Chairwoman Cynthia Stone Creem
State House
Room 405
Boston, MA 02133

Dear Chairwoman Creem:

I submit this testimony to express my support for Senate bill 827 and House bill 2850, *An Act relative to the commercial exploitation of people*. Human trafficking is an egregious crime, and a Massachusetts law on the subject is overdue. The Commonwealth is one of only 4 states that does not have a human trafficking law on the books. We must cut off the supply and demand for the trafficking of persons, particularly children – I feel that this legislation would help us do just that.

Thank you for your consideration and I hope you will not hesitate to contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Barry".

Senator Barry R. Finegold
Second Essex and Middlesex District

Room 416B
TEL (617) 722-1612
FAX (617) 722-1058

BARRY.FINEGOLD@MASENATE.GOV
WWW.MASENATE.GOV

JOINT COMMITTEE ON
ELECTION LAWS,
CHAIR

JOINT COMMITTEE ON
HOUSING,
VICE CHAIR

JOINT COMMITTEE ON
EDUCATION

JOINT COMMITTEE ON
HEALTH CARE FINANCING

JOINT COMMITTEE ON
LABOR AND WORKFORCE
DEVELOPMENT

SPECIAL JOINT COMMITTEE ON
REDISTRICTING

May 18, 2011

Joint Committee on the Judiciary
Room 136
State House
Boston, Ma. 02133

Dear Chairman O'Flaherty, Chairman Creem, and Honorable Members of the Committee,

As the Commander of the Boston Police Human Trafficking Unit, I write in support of two very important bills (Senate 827 and House 2850) An Act Relative to the Commercial Exploitation of People as well as - (Senate 55 and House 2277) An Act Relative to Safe Harbor for Exploited Children. As a disclosure, I refer to girls and young women because we have had very few referrals/cases involving young boys and men. However, we acknowledge that we are only scratching the surface.

In Suffolk County we treat victims of commercial sexual exploitation of children as victims because they are! Many are runaways. If a girl were struck by a drunk driver or robbed while on the run, we wouldn't charge her with a crime. So too, when raped and forced to sell her body for money for her pimp, or for food and shelter, a child should not be charged as a criminal.

We are fortunate in Boston to work with the SEEN Coalition (Support to End Exploitation Now), the FBI's Innocence Lost Task Force and the Mass Task to Combat Human Trafficking. We partner with other law enforcement, service providers as well as groups like school nurses and DCF workers, because we realize no one agency can win this fight alone.

As a young police officer I remember responding to cases of domestic violence. At that time many viewed the issue solely from the perspective that a man's home was his castle and that what went on behind closed doors was no one else's business. After many newsworthy reports about domestic violence and murder, law enforcement, legislators and society in general decided that domestic violence would not be tolerated. So too today, we must change law enforcement's response and society's view that commercial sexual exploitation and prostitution are victimless crimes. Spin off crimes like rape, robbery and murder are common. Many teens caught in this life suffer from STD's, Post Traumatic Stress and eventually substance abuse. Many become young mothers and without support and a way out, the majority of their kids end up in the social service systems, perpetuating the cycle of intergenerational violence and the increase in the state's social service budget allotments for prisons, foster care, healthcare, and public housing.

In Boston, the overwhelming majority of cases we investigate are cases of commercial sexual exploitation of children and young adults, many who have aged out of the social service systems. Most work in hotels and apartments throughout the neighborhoods and their services are advertized on line. Many are groomed by savvy pimps that are experts at finding vulnerable victims. There are books and movies that glamorize the pimping business. Chapters in one such book include: "prey on the weak,

plan your work and work your plan, get into a ho's head" and so on. Not all our victims are from the city. Many are from the suburbs with middle class backgrounds yet they also become prey to pimps.

What we've learned in Boston and in other cities across the country, is that pimping and sex trafficking is big business. Most pimps have criminal histories of domestic violence, drugs and firearms. With stricter laws regarding these convictions, thugs have turned to exploiting and brutalizing teens and young women. It is low risk with a high return for profits and a reusable product - the girl. Some youth are recruited by family, at school, through girlfriends and at group homes. One such case we investigated involved a fourteen year old girl from Boston we recovered in a sting. We first became involved with her when she just was twelve years old and taken to the Emergency Room for treatment for an STD. Many involved in her case believe her mother was well aware of her exploitation and benefitted from it. She is currently in a treatment facility and will hopefully get the helps she needs to recover from years of abuse.

Yet, pimps are not the only ones benefitting from commercial sexual exploitation. Several businesses are flourishing due to this criminal enterprise. Whether unknowingly or to maximize profits, the hotel/motel and car rental industries are making huge profits by doing business with pimps. With the ease of a button, a pimp can rent a room on line for short money about - \$79. Often no one is asked for an ID upon check in. Yet, a 15 year old girl is then holed up in a room just waiting to earn money for her pimp by being repeatedly raped by johns. Car rental companies are also doing a booming business. Often vehicles are traded in several times a week for no other reason than to make investigations more difficult for law enforcement.

Massage parlors are also venues for illicit sex and organized crime. We work closely with inspectors at the Massachusetts Division of Public Licensure. During inspections and undercover stings we have found many are actually brothels. Many young women speak little English and don't even know what town they are in. As a result, parlor owners have found loop holes through exemptions in the law and as a result these venues are now off limits for inspections. These exemptions include therapies such as "bodywork, polarity therapy and reflexology", all that take place behind closed doors. In cities and affluent towns throughout the Commonwealth, many women who came to this country in search of a better life or to escape a violent one, are being trafficked by members of organized crime groups. One woman we came in contact with during a sting was forced to have an abortion in her country for violating the one child policy. Fearing reprisal and possible imprisonment, she fled to the United States to work in a restaurant. Eventually she was forced to become a "masseur". She was trafficked through several states, brutalized by her traffickers and her dates. She was not able to obtain any medical care and as a result has lingering illnesses. She is now living in a domestic violence shelter, as there is no dedicated safe house in Massachusetts for women trying to get out of the life and away from violent pimps. She is working a legitimate job and grateful to the law enforcement officers who rescued her.

Yet, if it wasn't for the demand for illicit sex, pimps and these aforementioned businesses wouldn't be so successful. "Johns" as the men who buy sex are called, are also complicit. For those who believe that prostitution is the "oldest profession" and therefore a victimless crime and a choice if one is over eighteen, I assure you the young women we encounter are not doing this because they want to. It is

usually due to poverty and/or a violent pimp. No one succeeds out of this business. Pretty woman doesn't exist. Those involved in street level prostitution did not begin on the street. It is after multiple assaults, robberies and beatings that many start to use alcohol and drugs to get through the night. Eventually they become hooked. Those are the women you see on the street.

In closing, I am happy to report that in Massachusetts there exists a strong team and commitment from leaders in law enforcement like my boss, Commissioner Ed Davis, District Attorney Dan Conley, Attorney General Martha Coakley and the United States Attorney for this District, Carmen Ortiz, to prosecute violent pimps and their criminal enterprises. There are also many dedicated people, many who are present here today, like our partner agencies at the Family Justice Center in Boston, non- governmental organizations, victim service agencies, mentors and members of both the City and State Departments of Public Health, that assist us in this fight. Through pooling our resources with State and Federal law enforcement, we are making great strides in addressing the demand for illicit sex as well as prosecuting violent pimps that benefit through violence and abuse.

Very truly yours,

Donna M. Gavin
Sergeant Detective Boston Police
Human Trafficking Unit
Family Justice Division
989 Commonwealth Ave.
Boston, Ma. 02115



The Commonwealth of Massachusetts
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

WILLIAM N. BROWNSBERGER
REPRESENTATIVE
24TH MIDDLESEX DISTRICT
ROOM 527A, STATE HOUSE

TEL. (617) 722-2800, x 7178
William.Brownsberger@MAhouse.gov

Committees:
Public Service
Bonding, Capital Expenditures and State Assets
Global Warming and Climate Change

TO: Committee on the Judiciary
FROM: Representative William N. Brownsberger
RE: H2850 and H3287
DATE: May 18, 2011

W.N.B.

I am writing in support of H2850, An Act relative to the commercial exploitation of people, and in support of H3287, An Act to prohibit human trafficking and assisting victims.

The problem of human trafficking is one that has exposed countless juveniles to the horrors of commercial sex exploitation. Protecting these young victims by ensuring them quality services and care will be a critical step to ending the trauma that so many are faced with. Furthermore these bills provide law enforcement officials with the tools they need to effectively pursue those who are responsible for this problem.

I hope the committee will report both H2850 and H3287 favorably.



m·s·p·c·c

massachusetts society for the prevention of cruelty to children

To: Chairwoman Cynthia Creem
Chairman Eugene O' Flaherty and
Members of the Joint Committee on the Judiciary

From: Marylou Sudders, President and CEO

Re: Testimony in Support of H. 2277/S.55 *An Act Relative to Safe Harbor for Exploited Children* and S. 827/H. 2850 *An Act Relative to the Commercial Exploitation of People*

Date: May 17, 2011

As President and CEO of MSPCC, of one of the oldest child serving agencies the Commonwealth, I am pleased to add our voice in support of H. 2277/S.55 *An Act Relative to Safe Harbor for Exploited Children* and S. 827/H. 2850 *An Act Relative to the Commercial Exploitation of People*. Together these bills will greatly improve our ability as a community to provide services and support to victims of human trafficking and commercial sexual exploitation and to bring those who perpetrate these crimes to justice.

S. 827/H. 2850 *An Act Relative to the Commercial Exploitation of People* takes the long overdue step of specifically criminalizing these horrific acts and provides for appropriately higher penalties when the victim of the crime is a child. Clearly the primary purpose for creation of these criminal statutes is to facilitate prosecution. However, legally recognizing them as unique criminal acts also serves to inform the public at large that trafficking and commercial sexual exploitation are serious crimes which will be met with equally serious consequences and sends a message to victims that the community stands ready to assist them to heal and to hold those who harmed them accountable.

H. 2277 and S55 *An Act Relative to Safe Harbor for Exploited Children* makes clear that a children who are sexually exploited are not voluntary participants in the horror of the kidnapping, rape, assault and other forms of violence perpetrated against them, they are victims of crime. They therefore should not be subject to prosecution but should instead receive assistance.

Accordingly, the bill requires a multi disciplinary team response to assess the needs of the child and create a service plan. This approach, which is employed by Children's Advocacy Centers (CACs) throughout the Commonwealth, has proven effective in providing services and supports which reduce the stress experienced by child victims of abuse and their non-offending family members throughout the investigation and intervention process while also improving the quality of evidence that is gathered.

definition of Child in Need of Services (CHINS) and adds sexual exploitation to the list of circumstances which mandate a report to the Department of Children and Families by certain professionals. These provisions create avenues for victims to obtain the services and supports they need to recover and to gain the skills they will need to be successful adults.

Clearly placing these children in the CHINS system, even in its current form, is an improvement over the current response. However, our ability to meet their needs will be much improved upon passage of Senate Bill 66/ House Bill 1294 An Act Regarding Families and Children and Engaged in Services. This reform of the CHINS system establishes a community based door to accessing services, (currently the only door is the front door to juvenile court), and better integrates community based services with juvenile justice interventions. For this group of youth in particular, the option of accessing non-criminal justice based supports will be pivotal to their ability to open up and fully engage in services.

These are difficult times, money is tight and resources are stretched to the maximum, everyone is making sacrifices and many priorities are on hold. But these bills cannot wait because the children they seek to assist cannot wait. The abuse they are suffering is happening now- and we must act now. I urge you to report these bills out favorably at the earliest possible date and to advocate for their swift passage.

Thank you for your consideration.



THE NOT FOR SALE CAMPAIGN
MASSACHUSETTS CHAPTER
WWW.NOTFORSALECAMPAIGN.ORG

May 18, 2011

Members of the Committee:

My name is Audrey McIntosh, Massachusetts Co-Director of the Not For Sale Campaign. Thank you for allowing us to submit testimony regarding the human trafficking bills being reviewed today.

The Massachusetts chapter of the Not For Sale Campaign works with hundreds of community abolitionists throughout the Commonwealth fighting to end modern-day slavery around the world and in our own backyards.

Historically, our state has been a leader in human rights issues, especially abolishing slavery. In 1783, Chief Justice William Cushing of the Supreme Judicial Court of Massachusetts, wrote "*I think the Idea of Slavery is inconsistent with our own conduct and Constitution.*" Today, forced labor and coerced sexual exploitation is inconsistent with the values and Constitution of our Commonwealth. However, this legislature has the opportunity to bring the Commonwealth back into a leadership position in our fight against slavery.

The Not For Sale Campaign's 800 state-wide community abolitionists *commend* your efforts to pass a comprehensive law against human trafficking. We particularly support the following two bills:

First:

Legislation Relative to the Commercial Exploitation of People

(Senate Bill S00827 / House Bill H02850)

This bill provides a comprehensive solution to the problem of sex and labor trafficking. It gives state law enforcement officials the authority to arrest and prosecute traffickers and provides for a significant increase in fines and prison terms for perpetrators. And importantly, it will enable agencies to better help victims! A multi-disciplinary task force will also be put into place to coordinate the network of organizations and agencies that will be combating this issue encouraging community-wide solutions.

Second:

Legislation Relative to the Safe Harbor for Exploited Children Act

(Senate Bill S00055 / House Bill H02277)

This bill ensures that victims under 18 are classified as children in need of services and therefore, increases their access to shelter, counseling, education, and other necessary services. The Safe Harbor bill would also provide support to trafficking victims who testify against their pimps and traffickers.

If both of these bills do not pass, victims of trafficking will continue to suffer in a system that punishes them for crimes they were forced to commit through force, fraud and coercion. It is our duty to make sure this state's laws *stop* treating them as criminals and *start* treating them as victims who need services.

Until we teach the traffickers that they are not allowed to sell people and that law-enforcement and prosecutors will come after them and *not the victims*, they will continue to make money- *selling* humans. They will come back again and again committing more and more crimes, hurting more and more of our children, our sisters, our mothers, and our brothers. By passing these laws this session, you will show the citizens of this state and this country that Massachusetts is *still* a leader in the fight against slavery by helping victims of trafficking build a better future for themselves while making Massachusetts safer.

Thank you.

Audrey Burrell McIntosh
Not For Sale Campaign
Co-Director, Massachusetts

c 415.254.9682

e audrey@notforsalecampaign.org

The Not For Sale Campaign equips and mobilizes Smart Activists to deploy innovative solutions to re-abolish slavery in their own backyards and across the globe. Together, we can end slavery in our lifetime.

www.notforsalecampaign.org



CHILDREN'S ADVOCACY CENTER
of suffolk county

Joint Committee on the Judiciary
Room 136
State House
Boston, MA 02133

May 18, 2011

Dear Chairman O'Flaherty, Chairman Creem, and Honorable Members of the Committee,

Thank you for the opportunity to provide testimony regarding commercial sexual exploitation of children (CSEC) and the need for **An Act to Relative to Safe Harbor for Exploited Children (House bill 2277)** in Massachusetts.

My name is Susan Goldfarb. I am the executive director of the Children's Advocacy Center of Suffolk County (CAC), a Boston-based organization dedicated to healing and justice for child and teen victims of exploitation and abuse. I am writing on behalf of the Support to End Exploitation Now (SEEN) Coalition. And, I am writing on behalf of a once-invisible population: child victims of commercial sexual exploitation.

As the director of the Children's Advocacy Center and as a professional working in the field of child abuse for almost 25 years, I cannot overstate the need to address the commercial sexual exploitation of children.

Children's Advocacy Centers provide a comprehensive, multidisciplinary response for child victims of sexual abuse and serious physical abuse. CACs unite social workers, prosecutors, police, victim advocates, medical and mental health professionals to ensure that child victims are afforded safety and services – and that the adults who hurt them are held accountable. But today, across Massachusetts child victims of commercial sexual exploitation are not afforded this type of safety net or comprehensive approach. They are, instead, unseen. When identified, they are blamed for their own victimization.

Local data illustrates this: From 2001 to 2004, the child abuse unit of the Suffolk County District Attorney's Office received a total of only 18 referrals regarding child victims of commercial sexual exploitation (CSEC).

Other agencies, including the Department of Children and Families and the police, had comparably small numbers. Anecdotal information from law enforcement, youth programs, and advocates, however, indicated a far larger number of exploited youth.

In 2005, the SEEN or Support to End Exploitation Now Coalition (a network of more than 35 public and community-based programs) was formed to develop an improved response to exploited youth. Since its establishment over 5 years ago, SEEN has increased awareness of CSEC in Suffolk County and developed specialized programming to serve this vulnerable population. We have established a database to better understand the scope and nature of this problem.

From 2005 to May 2011 (a 6 year period) this heightened awareness and increased identification has led to referral of over 400 commercially sexually exploited and high risk youth (age 18 or younger) to SEEN.

What do we know about these children? Of the 408 youth referred:

- 54% were 15 or younger at the time of referral,
- 47% were known to be exploited, 30% were at high risk of exploitation (repeated running away, repeated sexual assaults),
- 68% had a history of running away from home, and
- an overwhelming percentage of the children had documented histories of physical and/or sexual abuse.

These 408 children represent ONLY the youth who were identified and referred in a single county: and it is most certainly an undercount. Nationally, an estimated 100,000 - 300,000 children are at risk for commercial sexual exploitation each year (Estes & Weiner, 2001).

Commercial sexual exploitation of children has no boundaries. It is, by its nature, multi-jurisdictional. It impacts children and youth from every community in the Commonwealth. There is no statewide estimate of commercial sexual exploitation in Massachusetts because, to date, there has been no comprehensive effort to recognize and respond to these youth.

Together with colleagues around the state and across the country, SEEN Partners are committed to affording child victims of commercial sexual exploitation the opportunity to feel supported and safe and to be protected from further abuse.

We strive to empower youth to make choices and regain control of their life by partnering with them in their own recovery. We are committed to always seeking the outcome that is in the best interest of the child. We believe in multidisciplinary collaboration, communication, a safety-net of services and offender accountability.

The SEEN Coalition supports **An Act to Provide Safe Harbor for Exploited Youth (House Bill 2277)** in Massachusetts to ensure that:

- **Commercial sexual exploitation of children (CSEC) in Massachusetts is recognized as child abuse;**
- **Mandated reporters across disciplines, and throughout the Commonwealth, recognize suspected commercial sexual exploitation and report it to the Department of Children and Families (DCF);**

- **CSEC cases are referred by DCF to the district attorneys and law enforcement to hold those who exploit children accountable.**
- **Child victims of exploitation across the Commonwealth are treated as victims – not criminals;**
- **Child victims of exploitation have access to the spectrum of specialized, trauma-informed services that they need and deserve, and**
- **exploited children in Massachusetts have the benefit of a coordinated, multidisciplinary response.**

We urge you to pass this bill to provide child victims of commercial sexual exploitation with the safety net and opportunity for recovery that they deserve.

Respectfully,

Susan Goldfarb, MSW, LICSW
Executive Director

Chair, Support to End Exploitation Now (SEEN) Coalition

THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)

- ▣ The commercial sexual exploitation of children (CSEC) is sexual abuse of a minor for economic gain (U.S. Department of Justice, National Institute of Justice. December 2007)
CSEC is child abuse and a form of violence against children.
 - ▣ An estimated 100,000–300,000 children are at risk for commercial sexual exploitation each year in the United States (Estes & Weiner, 2001).
 - ▣ 70–90% of commercially sexually exploited children have a history of child sexual abuse (Murphy, 1993).
 - ▣ The most frequent age of entry into the commercial sex industry is 12-15 years old.
 - ▣ The vast majority of girls who enter the commercial sex industry are recruited by a pimp. Pimps prey on the vulnerabilities of marginalized girls.
 - ▣ Child victims of the commercial sexual exploitation experience violence and degradation as a day to day reality.
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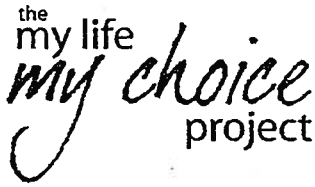
The Support to End Exploitation Now (SEEN) Coalition is a Suffolk County partnership among more than 35 public and private agencies dedicated to a multidisciplinary response to commercial sexual exploitation of youth. SEEN strives to increase awareness and identification of CSEC victims, to increase access to safety and needed services, and to hold accountable the adults who exploit youth.

Since its establishment in 2005, SEEN has received over 408 referrals of exploited and high risk youth (18 years and younger)*:

- ▣ 96% of the children referred were female
- ▣ 51% were 15-16 years of age at the time of referral
- ▣ 26% were white; 40% black; 23% hispanic/latino
- ▣ 47% were known to be victims of CSEC; 30% were at high risk of exploitation
- ▣ 68% had a history of running away from home
- ▣ In only 59% of these cases, had a mandated reporter filed a report of suspected child abuse (51A) filed on the youth's behalf.

***Exploited youth have been identified throughout the Commonwealth. However, to date, there has been no comprehensive effort to identify these youth and document the scope of this victimization.**

SEEN supports *An Act Relative to Safe Harbor for Exploited Children* to ensure that child victims of commercial sexual exploitation throughout Massachusetts are identified and afforded the services and safety that they deserve.



WWW.JRI.ORG/MYLIFE
A PROGRAM OF THE JUSTICE RESOURCE INSTITUTE
989 COMMONWEALTH AVENUE, BOSTON, MA 02215
PHONE: 617-779-2179 • FAX: 617-779-2196

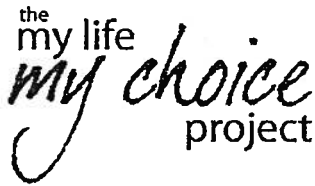
May 18, 2011

Joint Committee on the Judiciary
Room 136
State House
Boston, MA 02133

Dear Chairman O'Flaherty, Chairman Creem, and Honorable Members of the Committee:

Can you imagine a 14-year-old made up with make-up and heels, walking up and down the street looking for her next way to survive? A car pulls up; inside is a 45 year old man wanting to have sex with her. She gets in and that night she is raped, beaten and robbed of all the money she has made that night. Do you think she stopped? NO, she cleans herself up and waits for her next trick to come.

This was me and this is what our children are going through every day. Our children shouldn't have to go through what I have gone through. My life has been a whirlwind of pain and abuse from my family, who never loved me, multiple foster homes. The feelings of loneliness and abandonment they caused made me so vulnerable. It hurts to go foster home to foster home hoping a family will love you enough to call you their own and then you are sent away to another. I always felt unwanted. So when the first pimp approached me, through all the words he said all I ever heard was "I'll be there for you". He came up to me with this confidence I had never seen before; every girl wanted him, but he wanted me. We dated as boyfriend and girlfriend for a while, but not long before he started to treat me worse than my family ever did. The first night I went out on the track, he punched me so hard, that I couldn't breathe and he told me I was going to make his money. And he put me on the corner and I turned my first trick. I was stuck, and he was not letting me go. I stayed in prostitution for 4 years. Through all the rapes, beatings, guns put to my head, crooked cops and face to face look at death, I never left. I was addicted to the one thing DCF couldn't provide: "LOVE". I needed it and I couldn't stop. It took me a long time before I got out.



WWW.JRI.ORG/MYLIFE
A PROGRAM OF THE JUSTICE RESOURCE INSTITUTE
989 COMMONWEALTH AVENUE, BOSTON, MA 02215
PHONE: 617-779-2179 • FAX: 617-779-2196

I was gang raped in 2007 and it took this for me to see I needed to get out. If it wasn't for the support that I later got from service providers who stepped up, I might still be out there. They showed me there is a life after this pain, and that there are actual people who believe and care about me. Have you ever needed to just talk to someone who would listen, has it ever been 3 o'clock in the morning and you just need someone to listen to your pain. That's what we need too. Our kids don't need a nine to five person, they need a "gonna be there whenever" type of person--what they haven't had in so long. It feels good to know that if it's 3 o'clock in the morning and I'm feeling like I can't live anymore, I'm not gonna get an answering machine. That's all our kids have ever heard is an automated message telling them someone will get back to them. Well guess what, too late--that pimp got there first. Maybe next time that number comes up and you're warm under your blankets while she is cold and scared, you'll answer it.

This is all our kids need today: support and someone to believe in them, even when they don't believe in themselves. Someone who isn't going to give up when it gets hard and someone who knows they can change. As I was writing this I thought it was crazy that I have to write this. Why do I have to tell you that our children need to be protected from being sexually exploited? Shouldn't we be doing this already? Shouldn't our kids not have to feel like prostitution is what they have to do? It is sad that our world needs to be convinced to pass a law about protecting our kids from being the next dead body on the news. I am asking that you don't turn your back on these kids, like so many did me. Let them know there are some good people in this world who believe they deserve better. For so long I lost my voice and couldn't call for help. Now I'm going to be the voice for these children who need you.

Sincerely,

Tanee Hobson

My Life My Choice Survivor Mentor

**Testimony on behalf of House Bill 2850 / Senate Bill 827:
An act relative to commercial exploitation of people**

Marcy Goldstein-Gelb, executive director, Mass. Coalition for Occupational Safety and Health (MassCOSH)

Chairwoman Creem and Chairman O'Flaherty, members of the Committee,

Thank you for the opportunity to testify in support of HB2850/SB827. My name is Marcy Goldstein-Gelb and I am executive director of the Mass. Coalition for Occupational Safety and Health (MassCOSH).

Our organization serves as a life line for many low wage workers who have suffered from a host of labor violations. We're often able to provide them with support and link them with legal resources to ensure that they obtain the wages they are owed, address unsafe conditions or obtain medical treatment for an injury.

What I never dreamed was that our organization would also be called upon to free workers from servitude. If it sounds like I'm exaggerating - allow me to share the story of Frieda, a 16 year old who came to our office, telling of how she was driven from Florida with several other men and women to work for a network of restaurants. Frieda said: "I have worked at the restaurant for three months with no pay. They gave me a small room to live in with my boyfriend but would not pay me. They made me work excessive hours with no breaks." By definition, that's slavery. Her co-workers worked 12 hours per day, six days per week, and reported being owed tens of thousands of dollars. That's servitude. Isolated incidents?

We have heard countless stories of workers being driven from other states expecting to find a decent job to support their family only to find themselves locked into a dangerous work situation with no place to go. While most receive some pay, rarely do they receive all their hard-earned wages, most endure dangerous conditions and all experience great fear of speaking up and being tossed out of their lodging far from their home.

That's something you might expect to find in another state - or more likely another country. But it's unacceptable in any country - and there's something we can do about it here.

We are grateful that the state Attorney General is asking for more tools to end human trafficking. The interagency task force that she and the lead sponsors are calling for has a strong precedent of success in our state - which created a task force that has taken important steps to tackle the underground economy. We also know that penalties, such as those called for in the bill, will be a deterrence to employers - just as we have seen in the reduction of deaths and injuries since OSHA and the Child Labor Laws were instituted.

Massachusetts has a proud history of leaders in the abolition movement in the 18th and early 19th centuries. I hope this legislature will be a model for the leadership we need to end human trafficking in the 21st Century. Thank you very much.



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

May 18, 2011

Cynthia Creem, Chair
Joint Committee on the Judiciary
State House, Room 405
Boston, MA 02133

Eugene O'Flaherty, Chair
Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Dear Chairwoman Creem and Chairman O'Flaherty,

I write to you to ask for your support in releasing *Senate 820, An Act relating to anti-human trafficking and protection*, from the Joint Committee on the Judiciary to the Senate for immediate consideration.

As I have said before, this legislature will not deal with a more important issue or piece of legislation than this comprehensive anti-human trafficking bill, which is currently before your committee. We cannot allow ourselves to continue pretending that we are truly stewards of public trust if we fail to protect those who are vulnerable to this hideous crime in our commonwealth.

Human trafficking is comprised of prostitution, organized crime, rape, and slavery, in their most extreme and unthinkable forms. In the majority of cases, human trafficking victims are women and children. While it might be convenient to think that instances in Massachusetts are few and far between, even the data that is available indicates there are thousands of cases in Massachusetts that go unreported and unprosecuted every year.

Federal authorities do not have the manpower or ability to uncover and prosecute offenders on a case by case basis. Further, unlike over 40 other states, we do not have a uniform law that enables law enforcement officials to target and eradicate human traffickers. It is unacceptable for us to allow one more day to go by without enacting the strongest, most comprehensive, and trailblazing human trafficking laws in the nation. Lives are at stake.

I filed the first anti-human trafficking bill six years ago. Last year it passed the Senate unanimously before stalling in the House. This legislation has now been carefully constructed, vetted and debated the past three sessions by human rights advocates, law enforcement officials, and legislative leaders. Victims need and deserve a bill that will put safeguards in place to protect, support, and defend them once perpetrators of this crime are caught. Senate 820 is the only bill that makes human trafficking a criminal offense, establishes a trust fund for the victims,

makes appropriate services available to child victims, and creates an anti-human trafficking commission to oversee the indefinite assistance of those who are wronged.

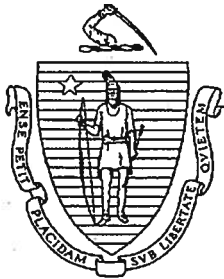
Human trafficking is not just a crime against the individual, it is truly a crime against humanity. I ask you to take a stand and help me lead the charge in making Massachusetts a national leader in combating these horrible crimes by reporting the bill favorably from your committee and supporting its swift passage into law. The time for talk, debate, and delay is over, we must act now.

I am available to discuss any questions or concerns you might have. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Montigny', written in a cursive style.

Mark Montigny
SENATOR



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

Testimony of Attorney General Martha Coakley on
S. 827/H. 2850, *An Act Relative to the Commercial Exploitation of People*
Wednesday, May 18, 2011
State House, Gardner Auditorium

Good afternoon Chairman O’Flaherty, Chairwoman Creem and members of the Committee. Thank you for the opportunity to testify before you today as we seek to address the problem of human trafficking in the Commonwealth. Our office, along with lead sponsors Judiciary Chairman Eugene O’Flaherty and Senator Mark Montigny, as well as our partners in law enforcement, victim advocates, and labor have filed a bill entitled “*An Act Relative to the Commercial Exploitation of People.*” I want to particularly thank Chairman O’Flaherty and Senator Montigny for his leadership and partnership on this important issue.

This bill sends a clear message that this fundamental issue of exploitation of some of our youngest and most vulnerable population is unacceptable in Massachusetts, and gives law enforcement the tools to address it. Let there be no doubt—people of every background are being exploited for sexual servitude and labor across the world, across this country, and right in our own backyard. The growth of the Internet has only made this kind of exploitation more extensive by taking it off the streets and out of our sight.

Today there are still those who say that human trafficking is not a problem in this Commonwealth, or who think that it is simply an issue of consensual sex among adults. We know, however, that human trafficking is the second largest—and the fastest growing—criminal

enterprise in the world. While the nature of the crime and the isolation of its victims makes statistical research difficult, experts estimate that 27 million people are trafficked internationally and domestically, bringing in \$32 billion dollars per year. The average age of entry into the sex trade is children between the ages of 12-14 years old. These children are brought into "the life" at that young age. They are then forced through violence, rape, abuse, threats, and other means, to stay there.

I saw many of these young women first-hand when I served as head of the Child Abuse Unit in Middlesex County in the 1990s. In these cases, we could often get to the young women who were in "the life," but we were unable to get after those who were exploiting them and trafficking them for profit. Yesterday, I attended a forum held by Representatives Walsh and Malia where we heard from a young victim from Boston who had been brought into "the life" at age 12, and then brutally raped, beaten, and sexually abused by her pimp, who forced her to stay working for him on the streets, selling her body to Johns for years. Of course, the victims of human trafficking are not just young girls, but also include adult women and men being exploited for sex, as well as labor.

As we sit here today, Massachusetts is one of only four states remaining that does not have human trafficking as a crime. We believe it is time to change that. We know the best way to stop human trafficking is by addressing all three fronts of the problem. We need to go after the supply, address the demand that feeds this industry, and support its victims.

In order to address the continued supply of victims, this bill creates the crime of trafficking of persons for sexual servitude, with a penalty of up to 20 years in state prison. In addition, it creates the crime of trafficking of persons for forced labor, with a penalty of up to 15 years in state prison, and imposes minimum mandatory sentences for subsequent offenses, and higher penalties when the victims are children under 18 years.

To stem the demand side, the bill increases penalties for current "John" crimes. Simply put, if no one were buying sex, traffickers and pimps wouldn't be supplying an endless stream of victims.

Finally, to address the needs of the trafficked, the bill forms a task force to bring all major stakeholders together to collect additional data to further study the problem, recommend information sharing techniques to hold offenders accountable, and suggest further solutions to improve services for victims.

Our office is committed to a comprehensive approach to addressing human trafficking. In addition to the legislation before the Committee, we have created a cross-division strike force to increase prosecutions, educate the general public and private sectors about the problem, help train local law enforcement, and better provide victims with the help they need.

In addition to S. 827 and H. 2850, I also want to express my support for H. 2277, *An Act Relative to Safe Harbor for Exploited Children*, which was filed by Representatives Walsh and Malia and District Attorney Dan Conley. This bill provides additional strategies to recognize exploited children as victims and develop the services necessary to support them. I am happy to stand in support of this legislation today with my friend and colleague, District Attorney Conley.

There is one last point that I would like to make that underscores the need to address this issue now. Currently, we have the crimes of drug trafficking and gun trafficking in our Commonwealth, but we do not have the crime of human trafficking through which some of our most vulnerable young people are being brutally exploited. You know the difference between a drug trafficker and a human trafficker? The drug trafficker sells the drugs, and then has to go get more drugs to sell. The human trafficker sells a young girl, and then sells that same young girl the next day, and the next, and the next. It is a cycle that has to stop, and the way to stop it is to go after the person doing the selling. It is time to end this cycle and send a clear message that this kind of exploitation is unacceptable in Massachusetts in the 21st century.

I urge the committee to vote this bill out favorably. Thank you.

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State Police Association of Massachusetts

REPRESENTING SERGEANTS AND TROOPERS
OF THE MASSACHUSETTS STATE POLICE

2 MOUNT ROYAL AVENUE • SUITE 300 • MARLBORO, MASSACHUSETTS 01752
TEL: 508-485-3800 • FAX: 508-485-3835
EMAIL: trooper388@aol.com

RICHARD R. BROWN
PRESIDENT
TIMOTHY G. BABBIN
VICE PRESIDENT
DANA A. PULLMAN
TREASURER
EDWARD F. HUNTER
SECRETARY

May 17, 2011

Honorable Eugene O'Flaherty, House Chairman
Honorable Cynthia Creem, Senate Chairman
Joint Committee on the Judiciary
State House, Room 236
Boston, Massachusetts 02133

Dear Chairman O'Flaherty, Chairwoman Creem and Members of the Committee:

On behalf of the 2,000 men and women of the State Police Association of Massachusetts, I am writing to support House Bill 2850 / Senate Bill 827, An Act Relative to the Commercial Exploitation of People. Not only will this legislation provide prosecutors and law enforcement personnel with additional tools to combat human trafficking; it will likely mean the critical distinction between whether or not a victim of human trafficking receives justice.

Although an often repeated fact, it is important to emphasize this simple fact until it is changed: Massachusetts is only one of five states without a human trafficking law. This is unconscionable. While the Commonwealth has some of the Nation's best trained law enforcement personnel and prosecutors, we have been forced to combat human trafficking with limited resources. As written, HB 2850 / SB 827 will create the crime of trafficking of persons for sexual servitude or forced labor, which will carry penalties of no more than 20 and 15 years in state prison, respectively. While imposing strict penalties for subsequent offenses, the legislation provides a small, but measurable means of mitigating the harm caused to victims through the use of forfeited funds as restitution. While creating stronger penalties for those who seek to exploit children under the age of 18, the legislation also establishes a necessary framework for tackling the issue of human trafficking directly by creating an inter-agency task force to identify and address human trafficking within the Commonwealth.


As you know, the Commonwealth created the Massachusetts Task Force to Combat Human Trafficking in December 2004, as one of 18 Department of Justice (DOJ) funded task forces around the Nation charged with establishing comprehensive and collaborative victim-centered strategies and procedures for combating human trafficking. Although this group originally started by targeting human trafficking in the greater Boston metropolitan area, it quickly became apparent that the issue impacts the entire Commonwealth. The Massachusetts Department of State Police has proudly participated in this effort to address the crime of human trafficking – whether related to the illicit sex trade or illegal, forced labor in a number of legitimate industries. Despite all the work each law enforcement agency and advocacy group has contributed to this effort, much more work needs to be done. The passage of this legislation will make our collective work easier, but not complete until it becomes clear that human trafficking has no place within our state.

The true meaning of this legislation does not come without an identity. While we are troubled that this crime occurs to any individual; it is all the more troubling to realize it could happen to any of our own children. As with any crime, human trafficking is often a crime of opportunity – preying on the needs of a less powerful individual or one with an inability to speak against the injustice. To that end, the State Police Association appreciates the actions of Attorney General Martha Coakley and the legislation's sponsors, Chairman O'Flaherty and Senator Mark Montigny, in standing up for those victims. The 2,000

men and women of the State Police Association of Massachusetts join with them in urging the Massachusetts Legislature to pass this measure soon.

I appreciate your consideration of this important matter. If you have any questions or concerns, please do not hesitate to let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Brown".

Richard Brown



30 Winter Street
Suite 800
Boston, MA 02108
P 617.426.1350
F 617.426.3594
www.glad.org

**Statement by Ashley Dunn
before the Joint State Committee on the Judiciary
in Support of House Bill 2277
An Act Relative to Safe Harbor for Exploited Children**

Honorable Chair and Members of the Committee:

I am grateful for the opportunity to testify in support of House Bill 2277, An Act Relative to Safe Harbor for Exploited Children ("HB 2277"). This bill will ensure that children who are victims of sexual exploitation are not prosecuted for prostitution, and, further, will allow child victims of exploitation to access social services. I am a staff attorney at Gay & Lesbian Advocates & Defenders ("GLAD"), New England's leading legal rights organization dedicated to ensuring equality for lesbian, gay, bisexual, transgender, and queer ("LGBTQ") people and those suffering from HIV/AIDS. A key component of GLAD's work has been to address the pervasive discrimination and widespread homelessness that affect the lives of LGBTQ youth. My goal today is to establish the main reasons why the legislature should enact HB 2277, which protects LGBTQ youth as well as non-LGBTQ youth:

1. Because of discrimination and abuse, LGBTQ youth are disproportionately represented amongst homeless youth, and as a result, are likewise overrepresented among victims of commercial sexual exploitation.
2. All children who engage in sex work are victims of commercial sexual exploitation and should not be criminally prosecuted.
3. HB 2277 will protect all youth, LGBTQ and non-LGBTQ alike, by providing much needed social services for at risk youth rather than criminally prosecuting victims of commercial sexual exploitation.

Issues Facing LGBTQ Youth that Lead to Commercial Sexual Exploitation

A disproportionate number of homeless youth are LGBTQ due to the pervasive discrimination and abuse they face at home, in foster care, and in schools because of their sexual orientation or gender identity. It is estimated that 30 percent of youth are physically abused by family members as a result of their sexual orientation or gender identity.¹ As a result, many LGBTQ youth run away from home or are abandoned by their families. The Department of Health and

¹ Philadelphia Lesbian and Gay Task Force, *The 1999 Study of Discrimination and Violence against Lesbian and Gay Men in Philadelphia and the Commonwealth of Pennsylvania* (2000).

Human Services estimates that 26 percent of lesbian, gay, bisexual, transgender, and queer youth are forced to leave their families because of their LGBTQ status.² This estimate may even be low – 39 percent of homeless LGBTQ youth surveyed reported being kicked out by their families because of their gender identity or sexual orientation.³

Additionally, when LGBTQ youth leave home, voluntarily or otherwise, they are more likely than their heterosexual peers to end up living on the streets rather than in a state care facility.⁴ With foster care the preferred destination, social workers try to find a temporary home for each youth, but there is typically a limited number of available foster families to begin with, and few are willing to work with young people who have emotional or behavioral problems. The discrimination LGBTQ youth face compounds this problem of placement – even fewer available foster families are interested in fostering LGBTQ youth, many of whom arrive with emotional and behavioral issues as a result of the homophobia they've endured.⁵ For those who cannot be placed in foster homes, group homes may be the next best choice, but anti-LGBTQ attitudes, discrimination, and hostility are common there as well. Often, these group homes are sufficiently damaging that youth would rather live on the streets.⁶

As a result, LGBTQ youth are overrepresented in homeless youth populations. It is estimated that of the 1.7 million homeless youth in the United States, 20-40 percent are LGBTQ.⁷ This is greatly disproportionate to the estimated percentage of LGBTQ youth in the general population which is somewhere between 4 and 10 percent.⁸

LGBTQ youth are not only overrepresented in homeless youth populations, but reports indicate that while living on the streets, LGBTQ youth are at great risk of physical and sexual exploitation. Studies have found that LGBTQ

² Paul Gibson, "Gay Male and Lesbian Youth Suicide," in *Report of the Secretary's Task Force on Youth Suicide v.3*, U.S. Department of Health and Human Services, January 1989.

³ Katayoon Majd, Jody Marksamer & Carolyn Reyes, *Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts*, at 72 (2009).

⁴ Berger, C. (2005). What becomes of at-risk gay youths? *The Gay & Lesbian Review Worldwide*.

⁵ Berger, C. (2005). p.24. See also Sullivan, R. T. (1994). Obstacles to effective child welfare service with gay and lesbian youths. *Child Welfare*, 73(4).

⁶ Berger, C. (2005). p.24.

⁷ Nicholas Ray, *Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness*, at 1 (2006).

⁸ Dempsey, Cleta L. 1994. Health and Social Issues of Gay, Lesbian, and Bisexual Adolescents. *Families in Society* 75, no. 3: 160-167.

homeless youth experience an average of 7.4 more acts of sexual violence toward them than their heterosexual peers.⁹ Additionally, once homeless, LGBTQ youth continue to face discrimination at the hands of their peers and service organizations. Homeless LGBTQ youth often can't get services because of their sexual orientation or gender identity¹⁰ and are more likely to report being asked by someone on the streets to exchange sex for money, food, drugs, shelter, and clothing than heterosexual homeless youth.¹¹ Unfortunately, many LGBTQ homeless youth resort to commercial sexual exploitation to meet their basic needs.

The prevalence of commercial sexual exploitation amongst homeless youth who are transgender is especially high. Like other LGBTQ youth, transgender youth are abandoned by their families at alarming rates for expressing who they are.¹² Once in the foster care system, transgender youth are often placed in group homes according to their biological sex, rather than their gender identity. Youth placed in single sex homes that are not consistent with their gender identity experience harassment and discrimination, leading many to flee group homes and become homeless. Further, transgender youth in foster care who are deprived of gender affirming medical treatment often choose to live on the street instead of in foster care.¹³ Once homeless, many transgender youth become victims of commercial sexual exploitation to pay for gender transition related medical treatment, like hormones, in addition to food and shelter. In a study of 276 homeless youth, transgender youth were about

⁹ Cochran, Bryan N., Stewart, Angela J., Ginzler, Joshua A., and Ana Mari Cauce. 2002. Challenges Faced by Homeless Sexual Minorities: Comparison of Gay, Lesbian, Bisexual, and Transgender Homeless Adolescents With Their Heterosexual Counterparts. *American Journal of Public Health* 92, no. 5: 773-777.

¹⁰ Majd, et al., *supra* note 3, at 71-72.

¹¹ Van Leeuwen, James M., Boyle, Susan, Salomonsen-Sautel, Stacy, Baker, D Nico, Garcia, JT, Hoffman, Allison and Christian J. Hopfer. 2006. Lesbian, Gay, and Bisexual Homeless Youth: An Eight City Public Health Perspective. *Child Welfare*, 85; no. 2: 151-170.

¹² A transgender person is someone whose gender identity does not align with his or her birth sex. The term "gender identity" refers to a person's core, internal self-identification of his or her gender, which may or may not correspond with one's assigned sex at birth. Usually, people born with the physical characteristics of males psychologically identify as men, and those with physical characteristics of females psychologically identify as women. However, for a transgender person, this is not true; the person's body and the person's gender identity do not match.

¹³ J. Lauren Turner, *From the Inside Out: Calling on States to Provide Medically Necessary Care to Transgender Youth In Foster Care*, 47 Family Court Review 552, 556 (2009).

three times more likely to be victimized in this manner than their non-transgender counterparts.¹⁴

Once prosecuted for delinquency, many LGBTQ youth are further re-traumatized by the juvenile justice system due to the discrimination, prejudice, and sexual violence they encounter in juvenile detention.¹⁵ LGBTQ youth are often harassed by other youth in detention facilities, and find little or no protection or support from detention facility supervisors.¹⁶ Transgender youth are assigned to single sex facilities according to biological sex, and once there are usually denied access to gender identity related healthcare, such as hormone therapy.¹⁷ The Equity Project reported that juvenile justice professionals “overwhelmingly agreed that LGBT youth face particularly acute abuse, harassment, isolation, and disrespect [in juvenile detention facilities] because of their sexual orientation or gender identity.”¹⁸

Children Coerced Into Prostitution are Victims of Commercial Sexual Exploitation

All youth, regardless of LGBTQ status, coerced into prostitution are victims of sexual exploitation. By understanding the confluence of factors that lead to commercial sexual exploitation, it becomes clear that criminal prosecution is not the appropriate response. Because homeless youth engage in commercial sexual exploitation as a result of desperation for resources and past emotional issues, HB 2277 correctly recognizes that it is access to services, and not punishment, that will aid in their recovery.

At the outset, it is interesting to note that under the federal Trafficking Victims Protection Act (“TVPA”), all minors engaged in commercial sex acts are considered victims of trafficking.¹⁹ This is in direct tension with the current law in Massachusetts which requires juveniles arrested for prostitution to be treated as delinquents and therefore subjected to penalties including secure confinement. If one area of the law has recognized that these youth are victims, why are they still being punished?

¹⁴ Nicholas Ray, *Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness*, 57 (2006).

¹⁵ See Majd, et al., *supra* note 3, at 101-112.

¹⁶ *Id.*

¹⁷ *Id.* at 110.

¹⁸ *Id.* at 101.

¹⁹ See Trafficking Victims Protection Reauthorization Act of 2008, 22 U.S.C.A. §§ 7101-7112 (Supp. 2009).

Youth who are involved in commercial sexual exploitation are properly considered to be victims, not delinquents. As discussed earlier, many youth engage in commercial sexual exploitation out of desperation – for basic necessities like food and shelter – in an attempt to survive while living on the streets. They are running from dysfunctional authority figures who emotionally, physically, or sexually abused them. Unfortunately, they jump out of the frying pan and into the fire. Young, frightened, with limited or no skills and unable to find shelter, these youth are easy prey. Once involved in commercial sexual exploitation, both “pimps” and customers replicate the abuse the children endured in their home-life. Indeed, a recent study found that up to 40 percent of girls and 30 percent of boys who are victims of commercial sexual exploitation have also been victims of physical or sexual abuse at home.²⁰

Looking more closely into the circumstances surrounding a child’s first involvement in commercial sexual exploitation, it becomes even more apparent that they should be treated as victims. Most youth become victims of commercial sexual exploitation through outside force or suggestion, in one of two ways.²¹ The first and most prevalent is deceit and manipulation. In essence, the pimp seduces these children – gaining their trust and then exploiting it. The pimp provides what is perceived to be comfort, affection, understanding, and protection. The pimp makes the child feel loved and, initially, asks nothing in return. Youth are purposefully separated from any remaining contact with family and friends and therefore become financially and emotionally dependent on the pimp. Having isolated the child, the pimp begins the process of lowering the child's inhibitions by showing them pornography. The child is told the pimp needs money to be able to support them both. The pimp may begin with finding the child jobs in nude modeling or topless clubs. Out of the disastrously misplaced love and affection the child has for the pimp, the child easily becomes a victim of commercial sexual exploitation. If this manipulation ceases to work, usually because the child comes to realize the pimp never had any genuine love for her, the pimp will resort to violence and fear. At this point, the child will suffer unimaginable physical and sexual brutality.

As disturbing as this first situation sounds, the second way in which youth are commonly brought into commercial sexual exploitation is even more coercive. The pimp, learning of the child's presence on the street and recognizing the vulnerability of this situation, pressures the child into commercial sexual

²⁰ Nicole Ives, Univ. of Penn. Sch. of Social Work, Background Paper for the North American Regional Consultation on the Commercial Sexual Exploitation of Children (Dec. 2001), available at http://www.sp2.upenn.edu/~restes/CSEC_Files/North_American_Regional_Report_2001.htm.

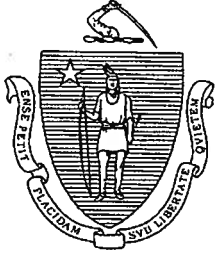
²¹ This profile is taken from Byron Fassett & Bill Walsh, “Juvenile Prostitution: An Overlooked Form of Child Sexual Abuse,” *The APSAC Advisor* 7, 1 (APSAC, 1994): 9, 10.

exploitation. Threats of physical violence or blackmail are the most prevalent means pimps use to compel the victim. Alternatively, threats may be made against the child's loved ones. The pimp makes these threats real by seizing the child's belongings, which usually contain the names and addresses of friends or family. Once in possession of that information, the pimp may also blackmail the child by threats of exposing her as a "prostitute" to people important to the child. The pimp may also threaten to alert the police to her presence on the street, thereby forcing her to return to an abusive home. Armed with this hold over the child, the pimp has now effectively trapped the child into a life of commercial sexual exploitation.

These illustrations demonstrate clearly why it is important that youth who engage in prostitution are properly considered victims, and not delinquents. Having left home to escape physical, verbal, or sexual abuse and then being thrust into the danger of living on the streets, youth arrested for commercial sexual exploitation have not had the benefit of any positive interventions on their behalf. Rather than treating these victims of commercial sexual exploitation as delinquents, the law should take this opportunity to provide assistance to youth that have found such help lacking throughout their lives.

HB 2277 Will Protect All Victims of Commercial Sexual Exploitation

HB 2277 will protect all youth who are sexually exploited, including LGBTQ youth, by ensuring that these children get much needed services rather than criminal convictions. Like many other youth who are victims of commercial sexual exploitation, LGBTQ youth become involved as a means of survival because they cannot access basic services and sustenance. By vesting the court with the discretion to determine that a care and protection proceeding is warranted, rather than a criminal prosecution, HB 2277 recognizes that these vulnerable youth are the victims, not the criminals.



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

ROBERT M. KOCZERA

REPRESENTATIVE

11TH BRISTOL DISTRICT

119 JARRY STREET

NEW BEDFORD, MA 02745

HOME: (508) 998-8041

May 18, 2011

Senator Cynthia Stone Creem, Senate Chair
Representative Eugene L. O'Flaherty, House Chair
Joint Committee on the Judiciary
State House, Room 136

Dear Senator Creem, Representative O'Flaherty and distinguished Committee members,

I am writing in support of House Bill 2850 and Senate Bill 827 "An Act Relative to the Commercial Exploitation of People."

Human trafficking is one of the most heinous human rights violations we currently see in our world. According to United State Department data, an estimated 600,000 to 820,000 men, women, and children are trafficked across international borders each year. Approximately 80% are women and girls and up to 50 percent are minors.

This legislation effectively combats the exploitation of people for profit whether it is forcing people in the sex trade or being forced to work against their will. Too many times the public views this problem as something that occurs abroad. Unfortunately, this problem has reached our shores and has affected our most vulnerable individuals. We need to educate the public that something needs to be done and to understand that the people they pass on the street might be victims of these crimes.

Massachusetts is one of only four states that does not have human trafficking law. Proposing this streamlined bill will address the three most important aspects of human trafficking: supply, demand, and victim services. Imposing higher penalties, allowing forfeiture of funds, and creating an inter-agency task force will give us the tools to address the supply and demand side of human trafficking.

Let us provide the tools needed to our law enforcement officials and communities to enforce the laws provided in this legislation to cut down on the numbers of these crimes and bring justice to the victims.

I urge the committee to give favorable consideration to this legislation.

Sincerely,

A handwritten signature in black ink that reads "Bob Koczera" with a long, sweeping underline.

Robert M. Koczera

Committees

Ways and Means

Economic Development and Emerging Technologies

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ROOM 448, STATE HOUSE

TEL (617) 722-2582

FAX (617) 722-2879

Robert.Koczera@mahouse.gov