

June 20, 2017

Representative Tarah Toohil  
B-14 Main Capitol  
PO Box 202116  
Harrisburg, PA 17120-2116

**RE: Support of Senate Bill 554 – Safe Harbor Legislation**

Dear Representative Toohil,

On behalf of the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness, we are writing in support of Senate Bill 554. As you may know, human trafficking is one of the fastest growing criminal industries in the world. Our Commission has made it a top priority to bring awareness to this growing problem in Pennsylvania.<sup>1</sup>

Our Commission began its efforts to eradicate human trafficking in Pennsylvania as a part of our work in addressing the treatment of victims of domestic violence and sexual assault in the court system.<sup>2</sup> We have conducted many educational presentations for the legal community and are now hosting a series of anti-human trafficking stakeholders' meetings with law enforcement, judges, service providers, prosecutors, social workers, and advocates. The goal is to establish standardized protocols for victims to be evaluated and placed in a safe environment outside the juvenile delinquency or criminal justice system, where they can recover from their trauma. Through our work and research, we have concluded that child victims of sex trafficking need laws to ensure that they are not penalized for crimes committed against them or for crimes they are coerced by their traffickers into committing.

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<sup>1</sup> Human trafficking was a top priority of our Commission's 2010/2011 Annual Report, presented at our annual public meeting in Philadelphia on September 15, 2011. The Report is available on our website at [www.pa-interbranchcommission.com](http://www.pa-interbranchcommission.com).

<sup>2</sup> Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System ("Racial and Gender Bias Report"), at Chapters 10 and 11, available at [www.pa-interbranchcommission.com](http://www.pa-interbranchcommission.com).

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Human trafficking continues to be a real problem in Pennsylvania. Our Commonwealth is regularly ranked in the top 15 states from which the National Human Trafficking Resource Center Hotline receives calls. The hotline has received 3,198 calls from Pennsylvania since 2007, including 575 calls in 2016 alone. This represents a marked increase in calls since 2012, when the Center received 376 calls from Pennsylvania.<sup>3</sup> The Center emphasizes that the calls received represent only a small fraction of total instances of human trafficking.

Pennsylvania made great strides in the fight against human trafficking by passing Act 105 in 2014, which allows for state-level prosecutions of traffickers. Sadly, this legislation did little to protect juvenile trafficking victims within our criminal justice system: under Pennsylvania's current statutory scheme, juvenile victims can be charged with prostitution and other offenses that they are forced to engage in by their traffickers. Senate Bill 554 would immunize juvenile victims from criminal prosecution for prostitution, and divert them from the criminal justice system to more appropriate human service providers, who offer safe, long-term housing, education, life-skills training, and counseling. Not only is this the right thing to do for these vulnerable and exploited children, it is also the best way to help law enforcement target and successfully prosecute traffickers.

During the course of our more recent research, we discovered commonalities between human trafficking and domestic violence/sexual assault. Both are traumatic crimes, premised upon the power, control, abuse, and exploitation of another human being. Often, victims have experienced repeated attacks of violence throughout their lifetime and suffer from severe trauma as a result. Where the offenses of domestic violence and sexual assault differ from human trafficking, however, is the manner in which these traumatized victims are treated by the justice system. In domestic violence cases, law enforcement rarely prosecutes the victim; and in sexual assault cases, never. In contrast, victims of human trafficking are regularly charged with prostitution and other offenses, with some prosecutors arguing that criminal charges are necessary to remove the victim from the trafficker. This practice of charging the trafficked victim is particularly egregious in cases in which juveniles are involved, as criminal charges compound the trauma

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<sup>3</sup> These statistics are available online through the National Human Trafficking Resource Center at <https://humantraffickinghotline.org/state/pennsylvania>

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experienced by juvenile victims, and reduce their ability to recover from their ordeal by denying them the same types of services given to other victims of sexual abuse. Moreover, the collateral consequences of being charged with crimes are significant: it negatively impacts a juvenile's school attendance, access to public housing, ability to obtain employment, acquire licenses for certain professions, and obtain financial aid for higher education.

We hope that you will vote in favor of this important legislation that will help the child victims of human trafficking to recover from their trauma outside of a locked jail cell or juvenile facility, thereby enabling them to provide the critical evidence needed to prosecute the real criminals in these cases.

Thank you for your time and consideration.

Respectfully,

Lucille Marsh, Esquire  
Chair, Domestic Violence and  
Sexual Assault Victims Committee

Lisette M. McCormick, Esquire  
Executive Director