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NEW YORK STATE
INTERAGENCY TASK FORCE ON HUMAN TRAFFICKING
PUBLIC HEARING

Empire State Plaza
Meeting Room 2
Albany, New York

December 11, 2007
10:00 a.m.

Reported by: Brenda J. O'Connor-Marello, Certified
Shorthand Reporter and Notary Public in and for the
State of New York

COPY

1 PANEL APPEARANCES:

2 DCJS: Commissioner Denise O'Donnell
3 Mary Kavaney
 Ken Franzblau

4 OTDA: Commissioner David Hansell
5 Tom Hart
6 Logan Joseph
 Larry Frank

7 OPDV: Johanna Sullivan
8 Amy Barasch

9 DOH: Stephen Hughes

10 OCFS: Jamie Greenberg

11 OASAS: Bill Barnette

12
13 NYS POLICE: Lt. John Durling

14 CVB: Tina Stanford

15
16 DOL: Geovanny Trivino

17 OMRDD: Sue Ann Hart

18
19 OMH: Charlene Hrachian

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1 MS. O'DONNELL: I'm going to ask the
2 commissioner and deputy commissioners and others
3 who are here to preside over the hearing to
4 identify themselves.

5 MS. SULLIVAN: I'm Johanna Sullivan. I'm
6 counsel at the New York State Office of the
7 Prevention of Domestic Violence.

8 MS. BARASCH: I'm Amy Barasch, executive
9 director of the State Office for the Prevention of
10 Domestic Violence.

11 MR. HART: My name is Tom Hart. I'm with
12 the Office of Temporary Disability Assistance,
13 Bureau of Refugee and Immigrant Assistance.

14 MS. O'DONNELL: I'm Denise O'Donnell.
15 I'm the commissioner of the Division of Criminal
16 Justice Services. We'll be joined at some point
17 with a representative of the state police.

18 MR. HUGHES: I'm Dr. Steve Hughes,
19 director of Refugee Health Program, Bureau of
20 Tuberculosis in both departments.

21 MS. O'DONNELL: Thank you very much. And
22 thank you all for being with us today.

23 We are at a historic crossroads. The
24 legislation on human trafficking signed by
25 Governor Spitzer on June 6th presents us with both

1 an enormous responsibility and an incredible
2 opportunity to really make a difference in human
3 trafficking.

4 We now have within our grasp the tools
5 that we know will transform and even save lives.
6 The statute includes innovative means to attack
7 the demand side of human trafficking and provides
8 for a new partnership between law enforcement and
9 the service provider community. Let me give you a
10 tangible example.

11 Just two weeks ago, information provided
12 by the Immigration and Customs Enforcement
13 indicated that there could be labor trafficking
14 occurring on a farm in western New York. Within
15 hours, three state agencies were involved: The
16 Department of Labor, the State Police, and DCJS.
17 The Department of Labor promptly deployed
18 investigators who went to the scene to interview
19 possible victims. Those interviews are still
20 ongoing, and we do not know how it will play out.

21 My point here is to note that prompt and
22 appropriate response is now taking place because
23 of the human trafficking law.

24 We have clearly come a long, long way,
25 but this effort and initiative is like a

1 three-legged stool. It will not stand, at least
2 not sturdily, without your support.

3 You are one of our critical sources at
4 the ground level. You will encounter victims who
5 are reluctant to come out of the shadows. You
6 will learn through your encounters things that we
7 will not learn through our investigations in law
8 enforcement. In order for this to work and to
9 work as effectively as it could and should, we
10 need you to help us identify victims and make
11 human trafficking cases. We must work
12 collaboratively.

13 We have all waited a long time for this
14 opportunity for this law. And I promise you that
15 if you do your part, we will do our part on the
16 state level.

17 Let me glve you just a brief rundown on
18 what has transpired at our end in the last couple
19 months.

20 A big part of our initial mission is to
21 educate law enforcement on the new law, what it
22 entails and how it can be used most effectively.
23 To that end, we have trained over 500 police
24 officers; provided all police departments In the
25 state, and that is more than 500, and the 62

1 district attorneys with information on the new
2 human trafficking law, including a copy of the
3 statute and a primer on the "do's and don'ts" of
4 investigating potential human trafficking cases.

5 We've made arrangements with the New York
6 State Prosecutors Training Institute to film one
7 of our training sessions, and did that last week.
8 The training video will be provided to the
9 district attorneys and anyone else who would like
10 a copy. We will also post it on our web site.

11 We created a victim referral form with
12 the Office of Temporary and Disability Assistance.
13 As you know, part of our challenge is
14 distinguishing between victims and offenders. The
15 form will help us to determine which cases meet
16 the statutory criteria. DCJS and the Office of
17 Temporary and Disability Assistance will review
18 the document and, if an individual meets the
19 definition of being a victim of trafficking, we
20 will begin the process toward providing the
21 necessary services.

22 We've established two subcommittees of
23 the Interagency Task Force on human trafficking,
24 one on criminal justice and the other on service.
25 The criminal justice subcommittee is

1 representatives from the State Police, the New
2 York City Police Department, the U.S. Attorney's
3 Offices, the Office of Children and Family
4 Services, the Department of Labor, and the
5 District Attorney's Association. It is working
6 toward creating a set of best practices for
7 pursuing human trafficking cases. These are the
8 accomplishments on the criminal justice side.

9 You will be hearing throughout the day
10 from other commissioners, including Commissioner
11 Hansell, who will speak to you about our
12 accomplishments on the services side.

13 As we go forward, **I'd** like to stress that
14 this is a team effort. That's why we have
15 high-level representatives of the Department of
16 Health, of the Office of Prevention of Domestic
17 Violence, and other state agencies participating
18 today.

19 We were all enlisted in this effort
20 because we bring our own special expertise and
21 skills to the table. Let's put our heads together
22 and make this initiative succeed. We look forward
23 to this opportunity to hear from you in the
24 community, the service providers, the advocates,
25 many of whom are responsible for the human

1 trafficking law becoming enacted and part of the
2 way we do business here in New York State.

3 So without further ado, I'd like to begin
4 to hear from representatives. We have a very busy
5 schedule today. And our first speaker will be
6 Equality Now.

7 Welcome. And I'll ask our speakers when
8 they start to please identify yourselves, and as
9 well as your agency in case we get it wrong here.
10 Good morning.

11 SPEAKER: (Antonia Kirkland)

12 Good morning. Thank you for this
13 opportunity to speak to you today. My name is
14 Antonia Kirkland, and I'm an attorney and the
15 program officer at Equality Now.

16 Equality Now is an international human
17 rights organization working for the promotion and
18 protection of the girls -- the rights of women and
19 girls all over the world. We have a membership
20 network of 30,000 in over 160 countries.

21 Issues of concern to Equality Now include
22 trafficking of women and girls and all other forms
23 of violence and discrimination.

24 Equality Now headed the steering
25 committee of the New York State Anti-Trafficking

1 Coalition, which worked for the passage of the New
2 York State law on human trafficking, a model of
3 its kind, in working with an alliance of 80
4 diverse state-wide organizations, which included
5 service providers, many of whom are here today, as
6 well as advocacy organizations such as Equality
7 Now.

8 From an advocacy perspective, my brief
9 comments will focus on the prevention of sex
10 trafficking and the necessity of increasing public
11 awareness of human trafficking for sexual
12 exploitation.

13 When Governor Spitzer signed the bill on
14 human trafficking into law in June of this year,
15 he said, quote, "We have given law enforcement the
16 ability to adequately prosecute perpetrators and
17 have provided a meaningful assistance for the
18 unfortunate victims of these egregious crimes." I
19 would like to highlight the prosecution of
20 perpetrators and the prosecution of patronizers of
21 prostitution in particular as a means of
22 preventing sex trafficking.

23 Sex trafficking flourishes because of the
24 demand for commercial sex, including prostitution.
25 To begin to address the demand and attempt to stern

1 it, the law quite rightly increases penalties for
2 patronizing a prostitute from a B misdemeanor to
3 an A misdemeanor. However, to give life to this
4 progressive change, johns, quote, unquote, or
5 patronizers must first be arrested, of course.

6 According to the DCJS statistics for
7 1999, there were 6,182 arrests for prostitution,
8 but only 1,180 arrests for patronizing. We
9 believe these numbers should be reversed. Every
10 time an officer arrests a prostitute or woman, she
11 should be -- she or he should be arresting a
12 patronizer, as well as asking whether the
13 prostitute or person is, in fact, a trafficking
14 victim. An increase in arrests must then lead to
15 an increase in prosecutions, convictions and
16 stiffer sentencing following our new law.

17 One place to find johns, pimps and
18 possibly traffickers to arrest IS at massage
19 parlors. As you have may have seen in the recent
20 MSNBC show, "Undercover: Sex Slaves in America,"
21 which aired on December 3rd, massage parlors are
22 notorious dens of prostitution and trafficking.
23 Many of the women, quote, working, unquote, in New
24 York massage parlors may, in fact, be trafficking
25 victims. And one way to prevent their being

1 trafficked in the first place would be to shut
2 these places down and arrest the customers there
3 buying sex.

4 San Francisco, as shown in the MSNBC
5 piece, is trying to deal with the problem
6 creatively by sending health inspectors into
7 massage parlors to essentially fine the owners for
8 promoting prostitution.

9 Public awareness campaigns to end
10 commercial exploitation and sex trafficking are
11 also an important component in addressing the
12 demand side of sex trafficking.

13 There are two campaigns, one In Atlanta
14 and one in Chicago, which New York may want to
15 consider in developing its own public awareness
16 campaigns at issue.

17 The "Dear John" Campaign To End The
18 Commercial Sexual Exploitation Of Children in
19 Atlanta begun in 2006 directly addresses johns In
20 a series of powerful printouts, as well as
21 award-winning public service announcements which
22 explain the impact on the victims for buying sex.
23 The campaign is sponsored by the mayor's office in
24 conjunction with the Juvenile Justice Fund and
25 other supporters, including the Atlanta police

1 chief. This is a good example of collaboration
2 between government police and civil society to say
3 that commercial sexual exploitation will not be
4 tolerated.

5 In Chicago, the police department has a
6 web site where photos of men arrested for
7 patronizing prostitutes are posted. Their
8 addresses are also posted. A spokesperson for the
9 Chicago Police Department has stated that the
10 site, which was launched in 2005, was created to
11 try to, quote, eliminate the demand side of the
12 equation, unquote.

13 I've brought printouts from both the web
14 site and copies of the printout in the Atlanta
15 campaign for your reference.

16 These are just a few of the ways the
17 demand for prostitution resulting in sex
18 trafficking in New York State could be addressed
19 to realize the full implementation of this very
20 important law.

21 Thank you very much for your attention.

22 MS. O'DONNELL: Thank you very much.

23 Very good point. Thank you.

24 Our next speaker is from the Coalition
25 Against Trafficking in Women.

1 We do have another panelist joining us.
2 And would you just identify yourself for the court
3 reporter?

4 MR. DURLING: John Durling, lieutenant in
5 the New York State Police Special Investigation
6 Unit.

7 MS. O'DONNELL: Thank you, John.

8 Good morning.

9 SPEAKER: (Dorchen Leidholdt)

10 Good morning. I'm Dorchen Leidholdt, and
11 I'm the founder and a board member of the
12 Coalition Against Trafficking in Women.

13 The Coalition Against Trafficking In
14 Women enthusiastically welcomes this occasion to
15 address the implementation of the new
16 anti-trafficking law in New York State.

17 The Coalition is an international,
18 non-governmental organization that has been
19 working since 1988 to end all forms of trafficking
20 of women and girls into prostitution and related
21 forms of commercial sexual exploitation.

22 The Coalition includes networks in Asia,
23 Latin America, Africa, Europe, North America and
24 Australia that work to prevent the sex industry's
25 exploitation and abuse of women and girls, to

1 protect its victims, and to prosecute all of those
2 involved In this brutal trade.

3 The Coalition has conducted pioneering
4 research into the trafficking of women, including
5 the first comprehensive study of sex trafficking
6 in the United States, funded by the National
7 Institute of Justice.

8 The Coalition has funded and assisted
9 trafficking prevention programs in Venezuela, the
10 Philippines, Mexico, the Republic of Georgia, and
11 has supported service programs for Nigerian and
12 Albanian sex trafficking victims in Italy.

13 The Coalition took a leadership role In
14 drafting the Trafficking Protocol to the United
15 Nations Convention Against Transnational Organized
16 Crime.

17 The Coalition was also a steering
18 committee member of the New York State
19 Anti-Trafficking Coalition and participated In
20 efforts lobbying for a strong state
21 anti-trafficking law for three years.

22 The Coalition understands sex trafficking
23 to be an acute form of violence against women that
24 often overlaps with and is sometimes coextensive
25 with other practices of gender-based violence, in

1 particular domestic violence and sexual assault.

2 In the cases that we have handled and the
3 cases that we have seen, we have seen that sex
4 traffickers and their agents often lure vulnerable
5 women and girls into situations of sex slavery by
6 establishing relationships with them, holding
7 themselves out as boyfriends and protectors.
8 Sometimes, as in **u.S. v Caretto**, the successful
9 prosecution of a family of sex traffickers from
10 Mexico, traffickers even marry their victims.

11 The modus operandi of domestic sex
12 traffickers, popularly known as pimps, is to
13 enslave vulnerable girls and women through tactics
14 that combine seduction with brainwashing and
15 terrorism. Rarely are these victims recognized
16 for what they are; acutely battered women and
17 girls.

18 One of the great strengths of New York's
19 comprehensive anti-trafficking law is that it
20 addresses the demand activities of the trafficking
21 enterprise, including by elevating the crime of
22 patronizing a prostitute from a B to an A
23 misdemeanor.

24 This is a critical component of New York
25 State's anti-trafficking effort since the demand

1 for prostitution is the engine that drives the
2 global epidemic of sex trafficking in women and
3 girls, and sometimes men and boys as well.

4 The profits that traffickers seek can
5 only be made if there are buyers willing to pay.
6 By curtailing demand, which is the traffickers'
7 major source of illicit revenue gained through the
8 payments by buyers of the women and girls who are
9 sold as sexual slaves, by curtailing demand, this
10 source of revenue is significantly reduced, thus
11 diminishing the incentive for sex trafficking in
12 the first place.

13 New York State's action to strengthen
14 penalties against demand is in step with recent
15 international efforts to deter those who create
16 the demand for sex trafficking.

17 The government of Sweden has had major
18 success curbing trafficking by adopting measures
19 targeting the demand for prostitution. In 1999,
20 the Swedish government initiated a two-prong
21 approach to deterring sex trafficking by targeting
22 demand. Not only did the law in Sweden, as ours
23 does, focus on criminalizing buyers of women and
24 prostitution, it also created a public education
25 campaign aimed at educating prostitution buyers

1 about the illegality and harm of their consumption
2 of women and children in prostitution.

3 At the same time, the government of
4 Sweden ceased arresting prostituted people,
5 recognizing them as victims and understanding that
6 the arrests really were futile in terms of
7 deterring sex trafficking.

8 As a result of its public policy and
9 legislative initiatives on sex trafficking, Sweden
10 has significantly less trafficking into
11 prostitution than its neighboring countries.

12 It is estimated today that there are only
13 approximately 105 to 130 women, both on the
14 internet and on the street, in prostitution In
15 Stockholm.

16 In Oslo, the capital of neighboring
17 Norway, there are approximately 5,000 prostituted
18 women, many the victims of sex traffickers.
19 Norway is now attempting to implement strategies
20 based on the Swedish model and this year passed
21 laws that punish prostitution buyers with criminal
22 sanctions.

23 According to the Swedish police, 400 to
24 600 women are trafficked into Sweden each year for
25 purposes of prostitution and other forms of

1 commercial sexual exploitation. In neighboring
2 Finland, which is only half the size of Sweden,
3 that number is between 10,000 and 15,000 foreign
4 women.

5 The Swedish model has been so effective
6 in curtailing sex trafficking that it has been
7 emulated by other countries, including the
8 Philippines and South Korea.

9 Crucial to the success of Sweden's effort
10 to curb sex trafficking has been its
11 implementation of an intensive public education
12 campaign about the harm of trafficking and
13 prostitution. Its campaigns directed strong
14 messages to men and boys that challenge the belief
15 that prostitution is a harmless activity between
16 consenting adults.

17 The Coalition Against Trafficking in
18 Women Asia-Pacific has made a difference in the
19 popular perception of sexual exploitation through
20 educational programs aimed at young men and boys,
21 potential sex industry consumers.

22 Our partners in Hungary and other
23 countries throughout eastern and central Europe
24 have placed creative and hard-hitting posters in
25 men's restrooms and created videos for public

1 television to teach men and boys about the role of
2 demand and the victimization of women in the sex
3 industry.

4 We urge the Task Force to recommend that
5 government grants be created to support sustained
6 and ongoing public education campaigns that
7 address the demand side of sex trafficking. For
8 instance, very few people know that patronizing
9 now has a harsher penalty in New York State. This
10 change in the law must be publicized widely,
11 accompanied by public education campaigns to
12 counteract societal trends that increase
13 acceptance for and normalize the purchase of sex,
14 such as the recent glamorization of pimping and
15 perhaps the not so recent glamorization of pimping
16 by the music industry.

17 As long as men think that they're
18 entitled to purchase and exploit the bodies of
19 vulnerable women and girls, human trafficking for
20 sexual exploitation will continue and increase.

21 Public education about the harms of
22 patronizing, however, is not enough. New York law
23 enforcement agencies must be trained and
24 encouraged to use this law as frequently and
25 widely as possible to deter the demand. For

1 example, sting operations targeting buyers of
2 prostitution should not only include street
3 prostitution, but prostitution found in massage
4 parlors, strip clubs and escort services. The
5 wider the net that is cast to catch the demand the
6 more effective our law will be in preventing sex
7 trafficking.

8 Effectively addressing human trafficking
9 also requires extensive training of the various
10 actors who come into contact with victims.
11 Existing human trafficking training for law
12 enforcement, relevant government agencies and
13 service providers unfortunately does not reflect
14 the positive advances of our new law in New York
15 State.

16 Victim identification methods currently
17 being used and taught by many trainers, with focus
18 on making swift determinations of the presence of
19 force, fraud or coercion, need to be updated.
20 These methods do not take into account the effects
21 of trauma on victims. They do not take into
22 account victims' fear of disclosure. They do not
23 take into account victims' fear that families back
24 in their home countries will be targeted. And
25 they do not take into account, as our New York

1 State law does, traffickers' often subtle
2 practices of power and control.

3 Although the crossing of international
4 borders IS not an element in the federal law, nor
5 is there a requirement that the victim be a
6 foreign national, the majority of training
7 programs on human trafficking today do not even
8 mention the pervasiveness of domestic trafficking,
9 particularly for the sex trade.

10 These trainings in effect discourage the
11 identification of and provision of assistance to a
12 large number of victims, including many children.
13 Instead of receiving assistance, they are
14 frequently revictimized by being arrested for
15 prostitution and convicted as criminals.

16 Given that New York's law similarly
17 includes and protects all victims whether they
18 have been trafficked internationally or
19 domestically, it is important that a more
20 comprehensive and victim-sensitive approach to
21 victim identification is taken. If the right
22 questions are not asked in these cases, victims
23 who come into contact with the criminal justice
24 system are usually returned right back into the
25 hands of their traffickers.

1 One of the major reasons that states like
2 New York adopted their own anti-trafficking
3 legislation is that it is often state and local
4 police officers, not federal agents, who come into
5 contact with trafficking victims during local
6 operations such as brothel raids. Federal law
7 enforcement has focused mainly on large-scale
8 trafficking networks to the exclusion of
9 small-time operators.

10 It is important for state law enforcement
11 to avoid the pitfall of ignoring traffickers with
12 small numbers of victims. Local pimps
13 prostituting a few girls and young women inflict
14 the same damage on their victims as international
15 trafficking rings and contribute significantly to
16 the growing problem of sex trafficking.

17 As the most comprehensive
18 anti-trafficking law in the country to date, New
19 York State's anti-trafficking law is already a
20 model nationally, but implementing it so that it
21 achieves its goal of significantly curtailing
22 human trafficking In New York State will take
23 energy, dedication and resources on an ongoing
24 basis.

25 We urge you to ensure that New York State

1 assumes and continues to assume national and
2 international leadership in significantly reducing
3 this modern-day human rights surge. Thank you so
4 much.

5 MS. O'DONNELL: Thank you. I noticed Ken
6 Franzblau came in the room. Ken, do you just want
7 to stand up? I know Ken will be presiding here
8 later, but Ken is heading the human trafficking
9 office at DCJS and is putting together our
10 training programs and conducting training for law
11 enforcement, and I think has taken into
12 consideration many of the ideas that you presented
13 here because he comes from the advocacy community
14 and has been out there investigating human
15 trafficking cases. But to the extent you have
16 additional ideas or input, Ken is accessible and
17 I'm sure would be very happy to receive your ideas
18 of things that we should be doing in our training
19 program. So I appreciate your input.

20 SPEAKER: (Dorchen Leidholdt)

21 Thank you so much.

22 MS. O'DONNELL: Our next speaker is from
23 Sanctuary for Families.

24 SPEAKER: (Laurel Eisner)

25 Good morning. Laurel Eisner. I'm the

1 executive director of Sanctuary for Families. I'm
2 very honored to be testifying today and appreciate
3 the opportunity.

4 Sanctuary was one of the lead
5 organizations in the New York State
6 Anti-Trafficking Coalition which lobbied for the
7 law for over three years and played an active role
8 in urging the passage of a strong law we now have.
9 We are immensely gratified by the outcome of our
10 efforts, along with those of the government
11 officials and other non-governmental
12 community-based organizations throughout the
13 state.

14 Founded in 1983, Sanctuary is one of New
15 York State's leading providers of legal, clinical
16 and shelter services to domestic violence victims
17 and their children. In the course of our work, we
18 have discovered that there is a strong overlap
19 between domestic violence and human trafficking,
20 sometimes in the same individual, sometimes in the
21 techniques that are used. A number of the
22 domestic violence victims we have served have also
23 been subjected to human trafficking and the
24 techniques of sexual, psychological, economic
25 and/or physical power and control used by

1 traffickers and batterers are very similar, if not
2 exactly alike.

3 We have learned that many of the best
4 traffic -- best practices developed over the years
5 to assist victims of intimate partner violence are
6 directly applicable to work with human trafficking
7 victims, especially when the trafficking involves
8 gender violence as it usually does.

9 I'd like to focus today on the lessons
10 that we've learned from the domestic violence
11 movement that we think should be a guide to the
12 implementation to the new law.

13 One of the major challenges faced by the
14 domestic violence victims from the beginning was
15 the problem with police response.

16 Too often police officers called by
17 domestic violence victims ignored or denied the
18 criminal nature of the abuser's behavior, or
19 minimized its seriousness, or blamed the victim,
20 and sometimes, most disturbingly and most relevant
21 I think here, identified with the perpetrator.
22 Not surprisingly, police officers share the views
23 of the general public, including the male
24 perspective that the woman must have done
25 something wrong to provoke the abuse: She was

1 probably "out of line", too aggressive, too
2 independent, too brassy, a "bitch", whatever
3 however else you want to characterize it or think
4 what you've heard over the years.

5 Many people also thought, and some do now
6 as well, that female victims are responsible for
7 the battering because they didn't leave the
8 relationship. It took the passage of New York's
9 mandatory arrest and primary aggressor laws and
10 the designation of specialized domestic violence
11 police officers and police units, strategic
12 planning, and decades of training to measurably
13 improve police response to domestic violence.
14 It's still not perfect, but we have made progress.

15 But the imperfections that continue are
16 relevant to the issue of how things will go
17 forward with trafficking, because the same issues
18 arise; police officers tend to subscribe to
19 similar views of prostitution as the general
20 public: That it's a victimless crime; that if it
21 does involve criminal activity, the criminal is
22 the prostituted woman or girl who has chosen to
23 enter and to remain in the world's oldest
24 profession for her own economic gain; and if she
25 becomes drug addicted or injured or killed in the

1 process, **it's** her own fault for choosing this very
2 dangerous line of, quote, unquote, work, and that
3 this is what came of **it**. This view has been
4 reinforced by decades of police practice that
5 Dorchen and Equality Now described about where the
6 prostituted woman is arrested and the john is --
7 or the plmp have de facto impunity.

8 Ensuring that police officers are
9 equipped to implement the letter and spirit of the
10 new law will require a lot of thinking about this
11 subject and how to approach **it**. **It's** more subtle
12 and more complex and less obvious and more under
13 the radar, and **it** really requires a paradigm shift
14 by police officers and others in their thinking,
15 not unlike the changes that took place over the
16 last several decades in domestic violence.

17 At the core, of course, has to be the
18 understanding that women and girls in prostitution
19 are likely to be victims of gender violence and
20 various forms of abuse by those who purchase and
21 profit by their activities.

22 Children, in particular, are very
23 vulnerable to the wiles, tricks and tracks of
24 plmps and sex traffickers. We have a number of
25 young women who have come to us as domestic

1 violence victims at Sanctuary who it turned out
2 to, in fact, have been victims of sex trafficking.
3 They got here as -- they were brought here by
4 traffickers. They are particularly vulnerable if
5 they are immigrants, as many of the trafficking
6 victims are. They came perhaps because of
7 poverty. They thought this was the way to get
8 some kind of a job.

9 Given these realities, the police
10 training has to be premised on the understanding
11 that the women on the streets or in the brothel
12 raids are likely to be victims of this kind of
13 thing. They have to look for the sex trafficking.

14 Wherever possible, police officers should
15 seek the assistance of victim advocates, such as
16 domestic violence service providers like Sanctuary
17 and others testifying here today and rape crisis
18 counselors to assist with the safety planning,
19 trauma counseling, and referral to shelter and
20 other services.

21 And I do think that shelter and housing
22 options is going to be critical. Women who are in
23 a brothel because they've been trafficked here or
24 because they're under the control of a pimp and on
25 the street do not really have any place else to

1 go. And speaking from a New York City
2 perspective, the options for safe housing that
3 they can afford should they decide that they're
4 going to get away, that they're going to testify
5 are very, very slim indeed. And it's a problem
6 that we look to the state and to this task force
7 and all of its members for assistance and advice
8 on to move that issue forward.

9 In addition, of course, for immigrants is
10 going to be the issue of language. The many
11 different languages we've seen, women coming from
12 many different parts of the globe with different
13 languages, we most recently last year met a --
14 were called by a hospital for a Ukrainian victim
15 of labor trafficking, who also had a domestic
16 violence history in her and how she got here. And
17 we had to hunt around for somebody who spoke
18 Russian or Ukrainian just to communicate with her.
19 She was 21 years old and here all by herself and
20 had been trafficked.

21 And then, of course, fortunately there
22 are many good immigration remedies and access, of
23 course, to immigration lawyers so that they can be
24 assisted rather than stigmatized and deported will
25 really be essential.

1 I can't stress more the importance of
2 shelter. We run a number of domestic violence
3 shelters. We have been thinking hard about how we
4 could make those spaces available since if they
5 come without children, they will not be
6 technically eligible, for the most part, for
7 domestic violence reimbursement. And so we would
8 need another way to find to be able to accommodate
9 them, assuming that we can find space.

10 Just a little bit about the parallel in
11 the culture in thinking about domestic violence
12 and the cultural issues around sex trafficking.

13 It seems inconceivable that domestic
14 violence was once accepted as a permissible form
15 of behavior, but it absolutely was, including
16 among police officers and court and government
17 officials.

18 In 1977, in the case of Bruno v. Codd, a
19 state court judge denied a motion to dismiss a
20 lawsuit that was brought against the New York
21 Police Department, the probation department, and
22 the family court for failing to protect and assist
23 wives assaulted by their husbands. And so in
24 reading the opinion, you find things, comments
25 that we now consider impermissible and politically

1 incorrect, but reflected a deep-seated cultural
2 bias in favor of a husband's authority over his
3 wife, including through the use of force.

4 The court decision cites one police
5 officer who told a woman whose husband sprained
6 her arm, quote: "There's nothing wrong with a
7 husband hitting his wife if he doesn't use a
8 weapon." Closed quote. Another officer who told
9 the husband who had struck his wife with a knife
10 was overheard to say, "Maybe if I beat my wife,
11 she'd act right, too." And a probation officer
12 was quoted as telling a social worker trying to
13 help a domestic violence victim, quote: "A man's
14 home is his castle. He had every right to do
15 whatever he wanted in his apartment."

16 The sexist and patriarchal attitudes that
17 underlaid those comments have not disappeared from
18 our society, and they will surely permeate the
19 attitudes of many government and police officials
20 about sex trafficking victims. It will take
21 extensive training, supervision and exploration of
22 the not-so-secretly held acceptance and approval
23 of the world's oldest profession. We're really
24 going against centuries, the tide of centuries of
25 the view of this. The world's oldest profession

1 means it's always going to be here. There's
2 nothing you can do about it. It's part of human
3 nature. And it will that will really -- a
4 great deal will have to be done to motivate police
5 officers to concentrate their efforts on arresting
6 the patronizers rather than their victims.

7 The new law, of course, encourages the
8 change in this focus to target the buyers. And
9 this is of critical importance. It's key to
10 reducing the prevalence of trafficking in New York
11 State.

12 Currently it's remarkably easy for pimps
13 and purveyors of prostitution to do business in
14 New York. In urban, suburban and rural settings
15 alike, they are operating open and notorious
16 operations with impunity: Strip clubs, which
17 promote -- promoted with signs and on major
18 highways; massage parlors advertised in major
19 magazines. Look at the back of a number of major
20 magazines and newspapers, the Village Voice, New
21 York Magazine, massage parlors lined up with cars,
22 you know, bachelor parties at strip joints,
23 massage services, escort services advertised.
24 There are many laws in the books in addition to
25 this new law which could have made it more

1 clients, a domestic violence victim from Colombia,
2 was also a trafficking victim. We knew about her
3 husband, the batterer. We didn't know that he was
4 also her pimp and her trafficker. We learned it
5 only after working with her for a year. Just to
6 show the depth of the shame and the disgrace and
7 the desire not to deny **it** and not to talk about
8 **it.**

9 Building a relationship of trust with
10 victims of sex trafficking takes time and evidence
11 of force, fraud or coercion inflicted by the
12 traffickers is often not readily apparent. This
13 poses a challenge for all of us in finding the
14 victims.

15 The second problem is well-known I
16 believe by some judges, defense counsel and
17 prosecutors. Often the lawyers representing
18 individuals arrested for prostitution had been
19 hired by the pimps, brothel owners or traffickers.
20 In such cases, the defendants are encouraged to
21 plead guilty instead of turning state's evidence
22 against their exploiters, which often, of course,
23 would be in their best interest. Defense lawyers
24 In this scenario are engaged in a blatant conflict
25 of interest that violates the legal canon of

1 ethics. This is another just-below-the-radar,
2 maybe very much under-the-radar obstacle to the
3 effective implementation of our new law.

4 I watched one morning in the Midtown
5 Community Court in New York City and a series of
6 prostitutes came before the court, and they were
7 given various, you know, reduced, you know, time
8 served, various kinds of, you know, counseling, et
9 cetera. And when the women were either Korean or
10 Chinese, the same lawyer got up to represent her.
11 Women came one by one, and the same Anglo lawyer
12 got up. He was their lawyer. And, you know, I
13 asked one of the lay lawyers. I said is he -- who
14 pays him, or is he an ATB? No. It's all private
15 pay. It wasn't those street prostitutes who were
16 paying. Anyway, that's my guess.

17 In closing, we're on the brink of a new
18 era In this state where this modern-day slavery is
19 no longer acceptable. We applaud all of you on
20 the Task Force for your strong effort to breathe
21 life into this new law. We just encourage you to
22 take seriously the deeply-rooted cultural and
23 sociological attitudes toward women, male-female
24 relations, and prostitution that will likely
25 impede all of our efforts if not openly and

1 creatively addressed. Thank you.

2 MS. O'DONNELL: Thank you. And I want to
3 thank our three organizations and others on our
4 list who were so instrumental in passing the human
5 trafficking law here in New York. So thank you
6 very much. And our next speaker from Rivers in
7 the Desert Advocacy Center.

8 SPEAKER: (Susan Jeng)

9 Good morning, everyone. My name is Susan
10 Jeng, and I'm the executive director of Rivers In
11 the Desert Advocacy Center. I'm also the
12 secretary of the English Language Institute of
13 Queens College of CUNY where I work with students
14 from allover the world.

15 For the last two years, I have been
16 trying to raise awareness of human trafficking In
17 the Flushing community in Queens, New York. I
18 joined the Anti-Human Trafficking Coalition last
19 year. And I am very pleased to be here to speak
20 for the victims who don't have a voice.

21 Since human trafficking is a global
22 issue, not only do people in the United States
23 need to know about it, but we also have to educate
24 all the people who hope to immigrate to the United
25 States. So many people want to follow their

1 American dreams, but when they fall prey to the
2 human traffickers, their dreams become their worst
3 nightmares. All of us here know how horrific the
4 situation **is**. We really have to find solutions.

5 Working with the public, I realize that
6 so many people, they never heard of the term
7 "human trafficking". And once they know about
8 this modern-day slavery exists, they are shocked
9 by this human tragedy. The victims are
10 traumatized for the rest of their lives. To
11 deport them is to victimize them twice.

12 This 12-year-old Chinese girl, who was a
13 victim of human trafficking, said In an interview
14 after the Chinese and Korean brothel In Flushing
15 was raided by Immigration Office, she said she is
16 so ashamed to go home to face her family. And
17 when I heard that, I said why should she feel
18 ashamed? We should feel ashamed that this
19 happened in our country. And everyone should feel
20 ashamed if we don't solve this problem as soon as
21 possible.

22 I am working in the Flushing area to
23 build a safe haven for the victims of human
24 trafficking. I would like to give them intensive
25 mental therapy, legal advice, education and job

1 training. We need to build them up as best we can
2 before we send them back home to their countries.

3 When I worked for an immigration attorney
4 In Flushing years ago, I met two young women from
5 China. Both of them were victims of human
6 trafficking, but they were both very lucky because
7 they both married very loving husbands that knew
8 their past. However, their mental and physical
9 health were both very poor, just like all the
10 victims from different nationalities that I have
11 worked with over the years.

12 And even though the government said they
13 will give the victim a T-visa if they help
14 prosecute the perpetrator, but all these victims,
15 as you know, they are afraid to speak up because
16 the human traffickers know who are their family
17 and where they live. And they, of course,
18 threaten them for them not to talk about it and to
19 obey them, or else their family back home will be
20 harmed. And our government cannot protect all of
21 them. And I believe all government all over the
22 world cannot protect all of them. So we have to
23 think about the safety of all the victims and
24 their family.

25 We have to have more workshop and

1 conferences to educate the public concerning this
2 issue. I went to a workshop sponsored by Garden
3 of Hope New York, and I learned the victims also
4 include young American girls who ran away from
5 home.

6 We need to network and communicate. We
7 need to let the traffickers know that we are on to
8 them and they have to face the consequences. We
9 also have to make the law against sex offenders
10 tougher. Where there is demand, there is supply.
11 If we cannot cure their sexual sicknesses, we have
12 to lock them **up**. We also have to educate people
13 of the country of origin. People who want to go
14 to other countries to pursue a better life, they
15 really need to get In touch with the proper
16 immigration attorneys or agency and not fall for
17 the schemes of the human traffickers. Not only
18 does one have to pay a lot of money to the human
19 traffickers, they will not obtain legal status,
20 and most of all, they will become the victims of
21 this modern-day slavery. They will exist in the
22 living hell that few could ever imagine.

23 We need to fund information centers.
24 Exchange of information is crucial. The
25 traffickers move from country to country. They

1 will move their operation so quickly to another
2 country once they got caught. So the authorities
3 in every government should set up information
4 centers to keep in touch with one another. All
5 the offenders should be in the system of all
6 information centers.

7 We need to have newsletters to all the
8 employees of corporations that -- concerning the
9 new state law. Educating people and the
10 corporations under specifics of the law is
11 essential.

12 Providing more resources and funding to
13 the existing organizations such as my organization
14 and newly-established organizations is a must. I
15 am raising funds to build a safe haven, but the
16 process IS very slow.

17 I believe that what we are doing is
18 urgent, and we can no longer wait. We have to act
19 right now.

20 All nations have to unite together to
21 face this shameful tragedy. No one can have any
22 excuse not to help. How would you like it if your
23 daughters, nieces, sons or loved ones are the
24 victims of human trafficking? This is not a story
25 in a movie or a book. This is real. And it's

1 happening every day in every corner of the world.
2 It has been around for a long, long time, and we
3 all know only the past ten years has this issue
4 caught the attention of the authorities and the
5 media.

6 I am so thankful that so many people are
7 willing to reach out and help, but we really have
8 to put our minds and hearts together to find a
9 real solution to help. And I'm glad that we
10 passed this law. And I don't know anything about
11 the law, so I put it in your hands to implement
12 the law so that all the victims and their family
13 will be safe.

14 MS. O'DONNELL: Thank you for all the
15 work you're doing in Queens. We have a lot of
16 people here who will talk to you about the law,
17 and we would be happy to come do training at your
18 center or In Queens.

19 SPEAKER: (Susan Jeng) I would
20 appreciate that.

21 MS. O'DONNELL: I'm also very concerned
22 about language interpreters and very interested
23 throughout the state if we can set up some
24 network.

25 SPEAKER: (Susan Jeng) Thank you.

1 MS. O'DONNELL: We will have formal
2 efforts to do it, but even informal networks of
3 people that we can rely on for interpretation
4 services throughout the state, particularly in
5 some of our upstate communities, it would be very
6 helpful.

7 SPEAKER: (Susan Jeng) Thank you. I
8 also brought my business card that has my web
9 site, and I also have a binder that has my
10 fund-raiser that I have October 2007.

11 MS. O'DONNELL: Great. If you can give
12 it to them on your way out. Thank you.

13 I'm pleased to welcome Commissioner David
14 Hansell, who is available now to join us. And
15 we'll ask him, once he gets settled, to make brief
16 remarks to you as well.

17 I indicated that I was addressing what
18 has been happening on the law enforcement side.
19 Commissioner Hansell will address what is
20 happening on the victim services. And I just want
21 to say for the record that I am very pleased and
22 honored to be a co-chair with Commissioner Hansell
23 of the human trafficking effort and task force
24 here in New York. OTDA is an amazing
25 organization, and I can't say enough the

1 dedication and resources that they are putting
2 into the human trafficking effort. So welcome.

3 MR. HANSELL: Well, thank you through
4 these trying times. I will accept those comments
5 on behalf of my staff, who really have done all
6 the work to make this program happen. Thank you,
7 and it's delightful to work with you and your
8 staff as well in this partnership.

9 And I'm going to be here. I apologize
10 for missing the first few speakers, but I will
11 certainly get all the testimony. And I'm very
12 anxious to hear what others of you have to say
13 over the course of the day.

14 And I'm also delighted to be here with
15 other colleagues of mine from the Interagency Task
16 Force on Human Trafficking who have been working
17 equally hard to get this program up and running
18 and to make sure that we're in the position to
19 meet the needs of human trafficking victims around
20 the state as they emerge.

21 I want you to know that we are really
22 just beginning to implement this new law. And so
23 the observations and the information that you're
24 going to provide to us today will be very
25 important to us as we move forward with the

1 implementation process.

2 I want to take a minute just to
3 acknowledge the importance of collaboration, not
4 only among the state agencies who are here and our
5 other partners on the Interagency Task Force, but
6 also at the local level among law enforcement
7 representatives and service providers in pursuing
8 the crime of human trafficking and offering
9 protection and services to victims.

10 Through the Interaction Task Force, we
11 have ten state agencies who are actively involved
12 in developing both the criminal justice and the
13 service components of the state's response to
14 human trafficking. But as my friend Commissioner
15 O'Donnell has said earlier in opening proceedings,
16 there's no way we can do this without all of you.

17 As you may know, it's extremely difficult
18 to see a circumstance of human trafficking and
19 recognize it for what it is. It's also
20 challenging to help victims understand their
21 situation and discuss it with authorities.

22 Further, we need a sufficient detail
23 about the situation to convince the criminal
24 justice authorities and ourselves that a
25 trafficking crime is being committed and that it

1 should be referred to DCJS and to OTDA. And we're
2 counting on all of you to assist victims in taking
3 those first steps towards addressing human
4 trafficking crimes.

5 We are ready to do our part and to carry
6 out our statutory responsibilities. And let me
7 say a few things about what OTDA is doing in
8 specific.

9 We are prepared now with DCJS to receive
10 trafficking reports and to consult on whether
11 confirmation as a state human trafficking case is
12 warranted.

13 When a minor is the subject of a
14 trafficking report, we're prepared to immediately
15 notify the appropriate local Social Services
16 district throughout the state to take appropriate
17 action with respect to that minor victim.

18 We're also prepared immediately to notify
19 the victim, upon confirmation of their status, and
20 to notify the appropriate local Social Services
21 district, if the victim is likely to be eligible
22 for public benefits and services, that the victim
23 is going to be approaching that district and that
24 they are now eligible for all of the appropriate
25 services that that district provides, or if

1 they're not eligible for public benefits, to refer
2 them to one of our regional case management
3 agencies; and that will mostly be in the case
4 where their immigration status means that they
5 don't qualify for public benefits.

6 And we are putting in place a network of
7 service providers, case management agencies that
8 are responsible for providing a comprehensive
9 package of services to victims wherever they are
10 in New York State.

11 Our case management agency will work very
12 closely with your organizations and with others in
13 the community to provide a range of support
14 services to victims and to help those, who may be
15 eligible, to start the process for federal
16 certification as a trafficking victim.

17 We've prepared two sample letters that
18 local agencies can use to smooth the way for
19 victims.

20 The first is for local service providers
21 to bring a trafficking situation to the attention
22 of law enforcement or district attorneys' offices
23 to encourage them to refer the case to both of our
24 agencies for state confirmation.

25 The second letter that we've prepared can

1 be used by a foreign-born victim to request that
2 law enforcement complete the necessary form to
3 apply for immigration status in the U.S. and
4 thereby qualify the victim for other benefits.

5 As we launch this important program, we
6 look forward to hearing your observations today
7 and in the future about how we can be of further
8 assistance In supporting local collaborations
9 among service providers and law enforcement, in
10 addition to hearing your suggestions for how we
11 can strengthen New York State's response to human
12 trafficking.

13 So thank you very much. I'm delighted to
14 be here, and I look forward to hearing further
15 testimony.

16 MS. O'DONNELL: And, David, are these
17 forms available on the web site, or will they be
18 available on our web site?

19 MR. HART: We can make them available on
20 the web site. I believe that we have them in our
21 packet.

22 MS. O'DONNELL: We have them In the
23 packets here today.

24 MR. HANSELL: And we'll certainly make
25 them available for the web site.

1 MS. O'DONNELL: Thank you very much.

2 Our next speaker this morning is from
3 Catholic Charities Community Services/Archdiocese
4 of New York. Welcome. Again, please state your
5 name for the record. As Commissioner Hansell
6 mentioned, we are preparing a transcript of
7 today's testimony that we will make available on
8 our web site going forward. So welcome.

9 SPEAKER: (Kelly Agnew-Barajas)

10 Thank you. Good morning. My name is
11 Kelly Agnew-Barajas, and I'm the associate
12 director of Refugee Resettlement at Catholic
13 Charities of the Archdiocese of New York, an
14 agency that has represented the interest of
15 thousands of vulnerable immigrants for more than
16 75 years.

17 I want to thank New York State
18 Interagency Task Force on human trafficking, as
19 well as the Office of Temporary and Disability
20 Assistance and the Bureau of Refugee and Immigrant
21 Assistance for sponsoring this hearing today on
22 the realization of the new state human trafficking
23 law. Without their diligent and expedient
24 attention to this matter, this law would not have
25 been possible.

1 The hearing today will address the law
2 and its implementation. This is an extremely
3 important subject that affects, not only the
4 survivors that are helped today, but also the way
5 in which comprehensive services are structured and
6 designed to ensure that we can continue to reach
7 out to and assist those affected by the scourge of
8 human trafficking in the future.

9 Each year Catholic Charities assists more
10 than 150,000 individuals through our various
11 programs such as employment and training services,
12 refugee resettlement, immigration legal services,
13 case management, eviction prevention, and
14 emergency food programs.

15 My department's Refugee Resettlement
16 Office serves nearly 500 refugees and exiles
17 yearly who hail from over 50 countries. Survivors
18 of human trafficking are also eligible for these
19 intensive services and now make up approximately
20 five percent of our client base.

21 Survivors of trafficking are
22 exceptionally vulnerable, having fled their
23 countries of origin seeking opportunities to
24 better their lives, instead, being faced with the
25 torturous experience of human slavery.

1 When survivors are recognized and
2 assisted to leave the trafficking situation, they
3 come to us with very extensive needs. We assist
4 them with every possible aspect of resettlement
5 and integration in the **U.S.**, from mental health
6 services to learning to use an ATM, from legal
7 services to obtaining employment. The most
8 important factor that contributes to success is
9 the flexibility we have in the way that we
10 implement our services.

11 Over the last several years, providers of
12 social services to victims of trafficking in New
13 York City have worked in the spirit of
14 collaboration to best serve the increasing numbers
15 of discovered survivors. For this reason, we ask
16 that the forthcoming response to human trafficking
17 program, which allows only one regional provider
18 in New York City, be reviewed in the future so as
19 not to compromise the progress we have made as a
20 diverse community of providers bringing a
21 comprehensive array of legal, social and
22 employment services, language capacity and
23 experience to the table.

24 Our experience with the Social Services
25 Subcommittee of the New York City Anti-Trafficking

1 Network, at which I represent Catholic Charities,
2 has been very positive. Our work serves as an
3 example of what is possible when a dedicated group
4 of front-line professionals share best practices
5 and advocate for improvements, but it would seem
6 that multiple networks, task forces, consortia and
7 coalitions are working in a parallel at times
8 rather than in a collaborative fashion.

9 What would benefit victims the most is
10 perhaps a system that brings providers and other
11 stakeholders together to effectively coordinate
12 the services and resources of agencies involved in
13 anti-trafficking work throughout New York.

14 Catholic Charities has thus far been
15 highly successful in utilizing scarce resources to
16 support victims of trafficking in our refugee
17 programs. Due to the unpredictability of
18 anticipating numbers of trafficking victims to be
19 served, gearing up staff becomes an issue. We
20 must take a leap of faith at times, hiring new
21 staff, hoping that survivors will be located and
22 brought in for services through outreach work.
23 Clearly there are many more trafficking victims
24 yet to be discovered.

25 Although our staff can perform some

1 outreach such as offering presentations to
2 parishes and front-line workers of other
3 organizations, there are some situations wherein
4 clearly only law enforcement has the appropriate
5 resources and reach to safely seek out to
6 trafficking victims.

7 Catholic Charities recommends that the
8 state take significant action to train law
9 enforcement and to perform outreach services and
10 to encourage prosecution of, not only the large
11 trafficking rings in high publicity cases, but
12 also the smaller cases where perhaps one or two
13 individuals are enslaved. The cases do not have
14 to be sensationalized by the media to be taken
15 seriously by law enforcement.

16 Catholic Charities, because of its
17 historical commitment to serving the most
18 vulnerable among us, including those new to this
19 country, is well positioned to take an active role
20 in the rescue of survivors of human trafficking.
21 However, our mission can only be accomplished
22 effectively if we work together across faiths,
23 across cultural institutions, and across
24 government sectors with the needs of each
25 individual taking priority.

1 We are pleased that New York state has
2 taken the lead in passing such a strong and
3 strong and proactive anti-trafficking law. The
4 law comprehensively outlines the manner in which
5 cases against perpetrators will be prosecuted.

6 Services to trafficking victims should be
7 made available from the point they are rescued to
8 the point that they are self-sufficient and in
9 good physical and emotional health. Social
10 service providers will need to be supported in
11 this work with expedient funding to provide safe
12 housing, legal services, basic needs such as food
13 and clothing, language training and employment.

14 Cases involving survivors of trafficking
15 are extremely intensive and long-term. Case
16 managers working with survivors are highly
17 qualified professionals. They must, at once, be
18 compassionate and knowledgeable social workers,
19 meticulous record-keepers, multilingual and
20 multicultural outreach workers, and experts in the
21 legal issues surrounding trafficking. The funding
22 dedicated to support victims must be commensurate
23 with these extraordinary client needs.

24 We would be remiss if we did not address
25 the ever-present issue of housing in a particular

1 way in which the scarcity of emergency
2 transitional and affordable long-term housing in
3 New York City affects the ability of trafficked
4 survivors to become truly free and clear of their
5 past. Housing options are often severely limited
6 and at times inappropriate.

7 Catholic Charities recommends that
8 specialized housing programs be considered and
9 developed to address the unique needs of
10 trafficking victims who need considerable housing
11 support, as well as strict confidentiality to
12 protect them from harmful traffickers.

13 We recommend strong consideration be
14 given to establishing a system of safe houses
15 reserved for survivors and end the current ad hoc
16 system where case workers and victims cobble
17 together any number of housing situations.

18 Lastly, we wish to emphasize the
19 treatment of children trafficking victims, perhaps
20 the most vulnerable group of all. We support
21 efforts to ensure the immediate security and
22 long-term stability of child victims without
23 regard to their background or type of enslavement,
24 a continuum of care in which the child experiences
25 the most stability to become the norm for child

1 referral victims.

2 In conclusion, Catholic Charities
3 supports efforts to comprehensively serve
4 trafficking survivors and to collaborate with law
5 enforcement in any way possible to punish the
6 perpetrators. We feel it is important to continue
7 the thorny and complex work of forming coalitions
8 across various agencies to collaborate, advocate
9 and share resources. We must focus, not only on
10 improving the existing services, but also on
11 creating a strong and sustainable infrastructure
12 to support anti-trafficking efforts in a
13 consistent and ongoing manner. Once again, thank
14 you.

15 MS. O'DONNELL: Thank you very much. Our
16 next speaker is from Safe Horizon. Welcome.

17 SPEAKER: (Bea Hanson)

18 Good morning. Thank you so much
19 Commissioner O'Donnell and Commissioner Hansell
20 and the rest of the task force for bringing us all
21 together to talk about this new state law and the
22 new state human trafficking law. And on behalf of
23 Safe Horizon, as well as all of our partners
24 and, Commissioner Hansell, you talked about
25 collaboration. It was really a collaborative

1 effort of social service providers from across the
2 state, as well as support from state agencies to
3 enable us to pass the legislation and pass
4 something so comprehensively that includes
5 services and training and increased penalties. So
6 I want to thank you for that.

7 I want to talk little a bit about first
8 Safe Horizon. Safe Horizon is the nation's
9 largest and leading crime victim assistance
10 organization. We serve over 350,000 people each
11 and every year who have been impacted by violence
12 in their lives. Whether responding to child
13 abuse, domestic violence or other kinds of crime
14 like human trafficking, we really help victims of
15 violence and their families to heal and rebuild
16 their lives.

17 Since 2001, our anti-trafficking program
18 has provided services to nearly 300 survivors of
19 human trafficking. We've assisted people from
20 over 50 countries, mostly from south and central
21 America. Our clients are both women and men who
22 have been forced into involuntary servitude
23 involving commercial sex acts, domestic servitude,
24 and a variety of other labor situations, including
25 factory work, restaurant work and peddling. While

1 the majority of trafficking survivors that we work
2 with are women, 20 percent of them are men.
3 Fifty percent of our cases involve labor servitude
4 while almost 40 percent involve commercial sex
5 acts. Our multilingual and highly-trained staff
6 assist survivors through an intensive case
7 management model that provides necessary services
8 and referrals for other supports.

9 I'm proud to say that the Office of
10 Temporary and Disability Assistance has recognized
11 Safe Horizon's experience in service provision by
12 choosing us to be the regional service provider
13 for its New York State Response to Human
14 Trafficking Program and to train the Program's
15 regional service providers.

16 While recognizing that client assistance
17 alone will not turn the tide on human trafficking,
18 our anti-trafficking program also offers a range
19 of services including education and training to
20 foster more systemic change.

21 Safe Horizon was designated as the
22 national training and technical assistance
23 provider for the United States Department of
24 Justice trafficked victim service provider
25 grantees. Over 1,000 professionals have been

1 trained through this endeavor. Our staff has
2 trained more than 5,000 partners on human
3 trafficking issues as a training faculty member of
4 the Family Violence Prevention Fund, Freedom
5 Network Institute on Human Trafficking, and the
6 Intergovernmental Institute on Research.

7 In fiscal year 2007, we educated over
8 2,500 federal and local law enforcement agents,
9 service providers, and community members
10 throughout the United States about the issue of
11 human trafficking. This past fall, we educated
12 nearly 250 New York City police department
13 lieutenants and sergeants on the important role
14 service providers play during an investigation of
15 human trafficking cases and the significance of
16 collaborating with service providers to protect
17 survivors of trafficking.

18 Safe Horizon works In partnership with
19 federal and local law enforcement agencies because
20 preventing human trafficking and providing
21 necessary support to victims cannot be done alone.
22 At this time, over 35 percent of our case
23 referrals are from federal and local law
24 enforcement agencies.

25 Safe Horizon actively participates on the

1 Long Island Human Trafficking Task Force and the
2 New York City Human Trafficking Task Force. Last
3 year, the United States Attorney's Office in the
4 eastern district of New York recognized our
5 contribution, as well as that of other service
6 providers working together to protect victim
7 witnesses during the successful prosecution of a
8 major human trafficking case in New York City.
9 This prosecution resulted in the sentencing of two
10 traffickers with each receiving a 50-year prison
11 term. This was before the legislation was passed
12 and the law was passed.

13 The focus of my testimony will address
14 Safe Horizon's recommendations for protecting and
15 assisting survivors of trafficking. And
16 particularly, I want to make two specific
17 recommendations or two specific thoughts.

18 First is comprehensive funding that's
19 required to adequately address the needs of
20 survivors of trafficking.

21 Services for survivors of human
22 trafficking are both very intensive and expensive.
23 However, when trained personnel deliver these
24 needed services, they are cost effective in the
25 long-term because they encourage self-sufficiency

1 and the ability to function without support. It
2 has been documented that those individuals who do
3 not receive the necessary services are more apt to
4 disappear, to return to the trafficker and become
5 vulnerable for re-exploitation and/or need public
6 assistance for a long time.

7 The services that we provide are critical
8 In helping survivors to rebuild their lives.
9 Clients eligible to receive services under the
10 OTDA's Response to Human Trafficking Program are
11 among the most vulnerable in New York. Most of
12 these clients have limited English proficiency,
13 are undocumented and are unable to work legally in
14 the United States. Additionally, these clients
15 are unable to access public benefits, putting them
16 at an even higher risk of further exploitation and
17 abuse.

18 Safe Horizon helps survivors to trust
19 again and to become productive members of society.
20 Many times we are able to help clients reunite
21 with their families, continue their education,
22 gain immigration relief, and find safe employment
23 where they're paid a fair wage and they can work
24 without fear.

25 Additionally, survivors who have been

1 provided ongoing intensive case management are
2 much more likely to participate in the prosecution
3 of their traffickers. Our clients helped to
4 convict 29 traffickers, including the second
5 highest sentence to date of any traffickers, a
6 50-year imprisonment I talked about before. Seven
7 alleged traffickers are currently under
8 investigation, and two diplomats have been removed
9 from the United States persona non grata.

10 We applaud the creation of the New York
11 State Response to Human Trafficking Program by
12 OTDA. The Program's emphasis on a coordinated
13 community-based approach and comprehensive case
14 management are good initial steps to provide
15 support to survivors of trafficking.

16 However, current barrier to service is a
17 lack of resources for service providers to give
18 the intensive case management demanded by the
19 complex needs of these survivors. Safe Horizon
20 recommends that state funds are appropriated to
21 the New York State Response to Human Trafficking
22 Program every year. At this time, funding for
23 this program is subject to continued availability,
24 and we call on the Interagency Task Force on Human
25 Trafficking to advocate for ongoing funding to

1 assist survivors of this horrific crime. And
2 we'll do everything that we can do to help you
3 with that.

4 In addition to sustained support for the
5 Program, Safe Horizon advocates for a grants-based
6 approach to sustaining the regional service
7 providers. While we are appreciative of the level
8 of funding for assistance to an individual client,
9 the current cost-reimbursement method of financial
10 support to the organization cannot sustain the
11 case management work that regional service
12 providers are expected to offer.

13 This is not so much a problem for Safe
14 Horizon, but for smaller organizations who get
15 paid when we get clients. And it's very difficult
16 to sustain these programs. It also allows us --
17 requires us to get additional private funding,
18 which we do. And I think it is very difficult
19 as difficult as it is for us, it's more difficult
20 for smaller organizations to get that private --
21 additional private funding.

22 A block grant form of funding would allow
23 the regional service providers to have more
24 flexibility and discretion in responding to
25 multifaceted client needs. In addition, it could

1 support necessary staff training, administration,
2 and planning to further develop the services
3 program.

4 The second area is the victim
5 confirmation process for easier access to
6 services.

7 We know that this process is just
8 beginning, and we're just concerned about the
9 potential barrier to services that the
10 confirmation process could require as survivors of
11 trafficking each report the crime to law
12 enforcement authorities. And then law enforcement
13 authorities need to report it to the Division of
14 Criminal Justice Services before they can be
15 referred to the regional service provider for
16 help. We want to work in partnership with city
17 agencies and state agencies to ensure that this
18 process is as streamlined as possible. Most
19 survivors of trafficking need to stabilize their
20 lives and feel safe before they can be in a
21 position to report the crime. Other survivors of
22 crime are eligible for certain state services and
23 benefits without any involvement of law
24 enforcement.

25 We recommend that the Task Force members

1 review the implementation of the current
2 confirmation process and continue -- and advocate
3 for changes to this policy if we need it as we
4 move forward.

5 We encourage the Task Force to look at
6 the California law that determines a person is a
7 victim of trafficking by using the survivor's
8 sworn statement and an additional piece of
9 evidence such as documentation from a service
10 provider. We also advise the Task Force to review
11 the Trafficking Victims Protection Act which
12 allows for access to benefits and services if the
13 survivor is willing to cooperate with law
14 enforcement.

15 Law enforcement has to prioritize time
16 and resources. Survivors should not be penalized
17 when and if a law enforcement officer doesn't have
18 the current capacity to investigate and/or
19 complete the necessary paperwork.

20 So this is something that we really like
21 to review as we move forward with the current
22 process and make sure that it's really working for
23 the victims of trafficking. And anything we can
24 do to support that process we're willing to do.

25 We're thrilled about the passage of the

1 legislation last year. The issues that I bring up
2 in this testimony are really to improve what's
3 already been in place and a really strong step in
4 the right direction. I really appreciate the
5 partnership that we've had in the development of
6 this since the law has passed and would like to
7 just provide whatever resources we can as we move
8 forward. Thank you.

9 MS. O'DONNELL: Thank you. Our speaker
10 was Bea Hanson. And don't think you

11 SPEAKER: (Bea Hanson) Did I not say
12 that?

13 MS. O'DONNELL: We skipped that part.
14 Who IS the vice president --

15 SPEAKER: (Bea Hanson) Chief program
16 officer of Safe Horizon.

17 MS. O'DONNELL: Chief program officer.
18 And I think you do know that these requirements
19 are now statutory for the victim confirmation
20 process. And I think as you said, we need some
21 experience to show whether it works or it doesn't
22 work.

23 SPEAKER: (Bea Hanson) Absolutely.

24 MS. O'DONNELL: And I can assure you
25 we've set up an expedited process. We're

1 available 24 hours a day. And we're committed to
2 try to make it work as expeditiously as possible.
3 So thank you.

4 MR. HANSELL: Thank you very much.

5 MS. O'DONNELL: Our next speaker is from
6 the New York State Judicial Committee on Women in
7 the Courts.

8 SPEAKER: (Jill Goodman)

9 Good morning. I am Jill Laurie Goodman,
10 counsel to the New York State Judicial Committee
11 on Women in the Courts. Thank you for inviting me
12 here to testify today.

13 The Committee on Women in the Courts was
14 established in 1986 in response to a task force
15 report documenting pervasive gender bias against
16 women litigants, employees and attorneys. Its
17 members are appointed by Chief Judge Judith Kaye,
18 and it is chaired by retired Judge Betty Weinberg
19 Ellerin.

20 As counsel to the Committee, I have found
21 a large part of my portfolio has been judicial
22 education and training other court personnel on
23 issues that matter to women.

24 Given my vantage point, I'm going to
25 address my remarks principally to trafficking for

1 purposes of sexual exploitation. I'm going to
2 focus on the court system, the arm of law
3 enforcement I know best, and I'm going to make a
4 plea for help from whatever quarter might lend a
5 hand in the pressing matter for education for
6 judges and non-judicial personnel alike.

7 New York's new anti-trafficking law is
8 about change. It presupposes a radical shift in
9 how we think about and how we respond to human
10 trafficking.

11 Judges and other participates in the
12 court process have established ways of thinking
13 about categories of individuals that come before
14 them, and they have routine ways of handling
15 cases. The courts do and will see trafficking
16 victims, usually as defendants in prostitution
17 cases. The courts do, and, if the law has the
18 effect we all hope it does, will see more
19 frequently and charged with more serious offenses,
20 the traffickers. The courts do see the buyers,
21 usually as defendants in patronizing cases. The
22 danger is that the courts will continue doing what
23 they are doing and what they've always done.

24 A new law in itself is not enough to
25 change business as usual, nor is education on the

1 basic provisions of a new law. Change will come
2 as judges and others in the justice system alter
3 their very deepest perceptions of those they see
4 in court. For that, they need the back story, the
5 context, in short, education.

6 Like most New Yorkers, we in the courts
7 need to learn more about the harms visited on
8 victims by traffickers in the trade of human
9 beings. We need to connect the dots between
10 trafficking and prostitution. We have to arrive
11 at a point where we no longer pass off
12 prostitution as a victimless crime or locate the
13 harm in the business interests or sensibilities of
14 those in the neighborhoods where prostitution is
15 visible.

16 One of the most telling studies I've seen
17 about human trafficking was a simple survey of
18 human health problems reported by victims who had
19 escaped. The list of physical and psychological
20 symptoms was staggering, as was the frequency with
21 which they occurred. This information needs to be
22 communicated within the court system. Melissa
23 Farley, who has done ground-breaking work on
24 post-traumatic stress and victims of trafficking,
25 has been a speaker at two programs for judges and

1 other court personnel. Her research findings need
2 to reach a far wider audience.

3 We in the courts also need to learn more
4 about the prevalence of trafficking for purposes
5 of sexual exploitation. Often, when people do
6 grasp the horrors of trafficking, they assume it
7 can't be happening here. We need better
8 information about how much and where and what
9 types, but, as those who have contact with victims
10 know, trafficking is all around us, hidden in
11 plain sight, in massage parlors, on Craig's List,
12 and inside ordinary-looking suburban houses.

13 We in the courts need to learn about the
14 operation of the sex industry. We need to
15 understand that the sex industry is a
16 multi-billion dollar, global enterprise fueled by
17 nothing more than a desire for profits. We need
18 to understand the ramifications of sex trafficking
19 for developing countries and their governments who
20 rely on sex tourism for revenues. A picture needs
21 to be painted of the sophisticated bookkeeping,
22 money laundering techniques, and international
23 connections used by traffickers to make their
24 businesses run smoothly and profits to flow
25 uninterrupted. We need to recognize that the sex

1 industry has its politics and its lobbyists.

2 We need a better understanding of the
3 role of what we call "demand". The term "demand"
4 captures the economic part played by those who buy
5 bodies for sexual exploitation, but we need to
6 give a face to this very abstract concept.
7 Arrested buyers tend to be viewed as ordinary
8 Joes, not as particularly bad guys, and certainly
9 not as real criminals, yet they bear
10 responsibility for the existence of the sex trade.
11 Without them, traffickers would simply go out of
12 business.

13 Education is needed not just to help the
14 courts do better and do differently the basic
15 court functions of processing cases, making
16 decisions, and meting out sentences. Education is
17 also needed to begin to see ways that courts can
18 participate in creative solutions.

19 The court system, for example, can help
20 in identifying victims and, once they are
21 identified, making sure victims get the services
22 they need to rebuild their lives. The courts are
23 not the ideal place to screen for trafficking
24 victims, but they are an essential one. Under the
25 best of circumstances, many victims will be

1 arrested and brought to court as defendants in
2 prostitution cases. The goals of the new
3 legislation would be well-served if courts took
4 responsibility for screening all defendants
5 charged with prostitution or loitering for the
6 purposes of prostitution, if this screening were
7 done pre-arraignment, and if court resource
8 coordinators linked victims with services
9 immediately after they were identified.

10 Under the leadership of Chief Judge Kaye,
11 New York Courts have embarked on ambitious
12 experiments to solve some of the seemingly
13 intractable social problems that find their ways
14 into the courts, problems such as prostitution.
15 The Midtown Community Court, which processes
16 80 percent of Manhattan's prostitution charges,
17 does some screening of defendants and some of this
18 screening is done before defendants are arraigned.
19 The Midtown Community Court, the Queens Criminal
20 Court, and other scattered courts throughout New
21 York, as well as individual judges, have tried
22 various ways of steering defendants charged with
23 prostitution to services and alternative
24 sentencing.

25 We should inventory these experiments and

1 look for ways to build on them. We should
2 incorporate into them a sophisticated
3 understanding of the plight of victims. We should
4 recognize that victims need more than motivation,
5 education about STD's, and job training to escape
6 trafficking. They need protection from
7 traffickers, safe shelter, and access to a full
8 range of physical, mental health, and legal
9 services.

10 But education on the scale necessary to
11 transform courts' responses to sex trafficking is
12 a huge undertaking. The court system is a large,
13 sprawling operation without highly centralized
14 decision-making. We have 1,200 state-paid judges,
15 twice that many town and village justices, and
16 over 15,000 other employees, many of whom have
17 considerable influence on the way cases are
18 handled.

19 To attempt this kind of education, we
20 need help. We could use speakers, curriculum,
21 materials, and videos, but most of all, we need a
22 strong voice articulating the urgency and the
23 importance of using this new law to its fullest.
24 Thank you very much.

25 MS. O'DONNELL: Thank you. And I hope

1 you'll touch base with Ken, too, before you leave
2 so that we can coordinate with you in helping to
3 educate the courts.

4 SPEAKER: (Jill Goodman) Thank you.

5 MS. O'DONNELL: You're a great partner.
6 Thank you.

7 Our next speaker is from Safe Homes of
8 Orange County. Not here.

9 And our next speaker is from The Door.
10 Welcome.

11 SPEAKER: (Christa Stewart)

12 Good morning. Good morning, Commissioner
13 O'Donnell, Commissioner Hansell, and members of
14 the Task Force. Thank you so much for having this
15 hearing this morning on this very important
16 initiative across New York State.

17 Just to give you background on The Door,
18 we're a non-profit organization that was founded
19 in 1972 with the mission of empowering young
20 people to reach their potential by providing
21 comprehensive and integrated youth development
22 services in a caring, supportive environment. So
23 to accomplish this goal, we serve youth 12 to 21
24 In a number of program areas, most of whom are
25 referred by their peers. Last year, we served

1 over 9,000 young people who came to The Door for
2 education and career services, primary health
3 care, food and nutrition services, mental health
4 counseling, and recreation and arts programming in
5 addition to legal assistance.

6 Critical to our model of service delivery
7 is the notion that somebody can access services
8 very specific to his or her needs, but not be
9 identified as such. This puts us in an unusually
10 good position to reach trafficked youth through a
11 variety of programming. So, for example, a Door
12 member receiving legal assistance to obtain
13 services as a trafficked person can also engage in
14 counseling, to gain essential life skills, attend
15 an ESL class or a college preparation workshop,
16 meet with an employment counselor, receive health
17 care, or obtain assistance and support through a
18 variety of other programs. By providing an
19 accessible and long-term support network, The Door
20 provides disadvantaged youth with the means to
21 empower themselves to enter a productive,
22 fulfilling adulthood; and this is especially
23 critical for trafficked youth.

24 Out of all of our Door members, most are
25 from low-income and fragmented homes, or live in

1 foster care or independently. One third are
2 foreign-born, and many of these youth are recent
3 immigrants lacking English language skills.

4 We started specific programming dedicated
5 to trafficked youth in 2003. And, again, we offer
6 these services to trafficked youth within our
7 mission of providing comprehensive and integrated
8 services. To date, we have worked with about 35
9 survivors, provided technical outreach --
10 technical assistance, sorry, outreach and training
11 to over a thousand individuals, and have actually
12 organized a group of young immigrants to conduct
13 peer outreach on trafficking; and they call
14 themselves "The I Power Group". They have
15 different projects that work on workers' rights
16 and one specifically on trafficking called
17 "Slavery Still Exists".

18 Our experience with the complexities of
19 human trafficking cases and trafficked youth
20 underscores the need to have an appropriate and
21 immediate intervention with supportive services
22 for each individual case. An overwhelming
23 majority of our youth, especially the trafficked
24 youth that we work with, are in desperate need for
25 stable housing. Those who have escaped their

1 trafficking situations are overwhelmingly relying
2 on good samaritans for living arrangements. Those
3 who are under 18 and willing to avail themselves
4 of state care have been placed in ACS custody.

5 While we have worked diligently to find
6 federal placement in the URM, the Unaccompanied
7 Refugee Minor, program for some foreign-born
8 youth, this has often not been as accessible as we
9 had hoped. In cases where this placement was
10 sought, collaboration with federal law enforcement
11 was the main obstacle in that federal law
12 enforcement was not as willing to certify that the
13 young person was trafficked.

14 For our domestic survivors, we offer our
15 usual range of services, as well as advocacy with
16 the criminal justice system to ensure that their
17 traffickers are prosecuted.

18 For both the foreign-born and domestic
19 youth, I think the current agenda can be crafted
20 to really ensure that these people are not as
21 vulnerable as they should be, which would require
22 a real close examination of our education system
23 or other social service needs in New York as well.

24 We fully support these efforts to look at
25 human trafficking in New York, and, again, commend

1 you for proposing this forum. And in particular,
2 we would like to make a number of recommendations.
3 And as was and you'll probably hear some more
4 from other colleagues.

5 We would urge that comprehensive funding
6 be secured to ensure the success of the Task
7 Force's efforts, as well as to adequately address
8 the needs of trafficked persons, especially youth.
9 So to ensure for -- success for both the
10 structures that are intended to help youth and for
11 the youth themselves, we believe adequate
12 resources need to be secured.

13 We feel that the task force efforts
14 should be guided by incorporating international
15 and national efforts to protect and assist
16 trafficking victims with full respect for their
17 human rights. We believe that, as I'm sure the
18 Task Force does as well, that efforts to identify
19 victims should be treated -- should treat victims
20 as victims first and foremost. And we feel that
21 any delay in the confirmation process that would
22 enable a person to access services should be as
23 minimal as possible.

24 We believe also, based on our experience,
25 that outreach to youth and potentially trafficked

1 youth by youth in places where youth congregate is
2 critical to reaching this vulnerable population.
3 Our experience providing outreach to identify
4 trafficked youth indicates that victims are only
5 willing to come forward to trusted individuals
6 that have formed a connection with them. Enabling
7 service providers to be at the front of this
8 effort is really necessary to ensure that more
9 trafficked youths are identified.

10 Within our case load, about a quarter of
11 our youth have been in contact with the foster
12 care system, either already having been placed In
13 foster care or us trying to get them into the
14 foster care system. And we feel that the youth
15 peer-led model providing outreach, particularly
16 the congregate care organizations and settings is
17 a very helpful method to identify other trafficked
18 youth.

19 Lastly, agencies and entities charged
20 with the care and oversight of children and youth
21 should be involved in the process of
22 identification and care of trafficked youth.
23 Substantial attention to the needs of trafficked
24 youth is critical at this juncture. And we
25 believe that young persons -- young people who are

1 referred to ACS and DSS agencies should be helpful
2 in guiding the training and protocol that help to
3 best serve these youth needs. And we also would
4 encourage that youth-serving NGOs be regularly
5 consulted in an advisory capacity as protocols are
6 developed for handling trafficked youth needs.

7 Again, thank you for your attention to
8 this matter, and we welcome any questions you
9 might have.

10 MS. O'DONNELL: Could you give us your
11 name?

12 SPEAKER: (Christa Stewart) I'm sorry.

13 MS. O'DONNELL: I don't know if you
14 submitted written testimony, but if not, your
15 address or where we can reach you.

16 SPEAKER: (Christa Stewart) Sure. I
17 have plenty of copies, so I will submit my written
18 testimony. My name is Christa Stewart. I'm the
19 director of legal services at The Door.

20 MS. O'DONNELL: Okay. Thank you very
21 much. We appreciate it.

22 I do understand that the Safe Homes of
23 Orange County is held -- got held up in
24 Washington, D.C. and that they are submitting
25 written testimony. So they won't be here.

1 Next, and I think we're a little bit
2 ahead of schedule, but hopefully folks will be
3 here, are Sex Workers Project at the Urban
4 Institute. The Urban Justice Center. I'm sorry.
5 The Urban Justice Center/New York Anti-Trafficking
6 Network. These abbreviations are hard on my old
7 eyes. Welcome.

8 SPEAKER: (Juhu Thukral)

9 Thank you. The Sex Workers Project at
10 the Urban Justice Center and the New York
11 Anti-Trafficking Network, of which we are a
12 member, thank you for this opportunity to present
13 our recommendations for implementation of the New
14 York State anti-trafficking law which has just
15 become effective. The Network is a coalition of
16 diverse service providers and advocates in New
17 York dedicated to ending human trafficking and
18 coordinating resources for trafficked persons.
19 The New York Anti-Trafficking Network has provided
20 direct services to over 500 survivors of
21 trafficking and advocated on issues of trafficking
22 in persons since 2002.

23 As the first coalition in New York to
24 engage in advocacy on issues related to
25 trafficking and persons in New York, the Network

1 aims to bring together the voices of those who
2 have firsthand experience of the injustices of
3 human trafficking, who work consistently to meet
4 the needs of trafficked persons, and who advocate
5 for a more humane and responsive policy towards
6 trafficked persons. Our membership currently
7 includes over 90 organizations and individuals,
8 and we are advocating on behalf of survivors and
9 other forms of violence in addition to
10 trafficking.

11 We -- obviously we applaud the efforts of
12 New York State, and work of your agencies in
13 particular. Given that New York State is a hub
14 for the severe violation of human rights, it is
15 critical that all trafficked persons here receive
16 immediate and comprehensive services as soon as
17 they are identified. This is absolutely key both
18 in terms of moving people forward in terms of
19 being able to reintegrate into society and in
20 order to have them be ready and willing as
21 cooperating witnesses in investigations, either
22 against their own traffickers or traffickers with
23 whom they've had contact. Often, many of our
24 clients have information on traffickers of other
25 clients. So even though they may not have a lot

1 of information on the person that has put them
2 into a violent or coercive situation, they're able
3 to eventually give information to immigration
4 agents and prosecutors on other trafficking
5 situations. So it's really important to get them
6 to a place where they're ready because they have a
7 lot of information. This victim-centered approach
8 is absolutely critical to helping trafficked
9 persons achieve dignity and stability. So I just
10 want to talk a little bit about the identification
11 and confirmation process of trafficked persons.

12 The new law allows for OTDA and DCJS to
13 coordinate in terms of deciding on the eligibility
14 of victims through the confirmation process.
15 While we're pleased that the state is taking steps
16 to ensure that trafficked persons receive the
17 services that they so desperately need, we do have
18 strong concerns about these efforts.

19 The goal of the services provision and
20 the confirmation process of the new law is to fill
21 the gap between the time that a victim of human
22 trafficking is identified and the time it takes
23 for that victim to be certified as a victim under
24 the federal law, at which point the victim is then
25 eligible to receive federal benefits and federal

1 services and, perhaps, federal immigration status
2 through the federal system.

3 However, there appear to be no mechanisms
4 in place for social service providers or advocates
5 to contact OTDA and/or DCJS directly when we
6 discover and identify a victim of trafficking.

7 The reality of this confirmation process
8 is that law enforcement agents and district
9 attorneys' offices will not contact OTDA or DCJS
10 on behalf of a victim until they have a reasonable
11 belief that the person in question is a victim of
12 trafficking in persons. And that makes sense.
13 This means that law enforcement will be conducting
14 their own investigations, which can take weeks or,
15 more realistically, months. The results of this
16 process are clear: A person who has been
17 identified as trafficked will need to be in an
18 ongoing cooperative relationship with law
19 enforcement or a district attorney's office in
20 order to access services.

21 Our experiences in working with
22 well-meaning and dedicated law enforcement and
23 prosecutorial offices have taught us that relying
24 solely on government agencies to initiate the
25 process of accessing services delays necessary

1 services and benefits for months. We see this
2 over and over again. In our experience, it takes
3 police officers or agents a long time to establish
4 what they think the threshold is within their
5 office. So now we're talking about convincing,
6 not only the police officer that we've gone to
7 first or, perhaps, the line prosecutor that we
8 have gone to first, but then also convincing their
9 supervisors that it is okay to authorize
10 documentation.

11 There is, you know, a great deal of
12 bureaucracy within agencies in terms of who can
13 sign off on documents, how long that takes. And
14 what we find over and over again - and we're
15 working with very dedicated people in law
16 enforcement - is that literally, it can take up to
17 six months to get services for people.

18 So we do need a mechanism where social
19 service providers and advocates who have expertise
20 and who have worked in this area for a very long
21 time and know how to identify victims are able to
22 get that information to your agency so that we can
23 access services more quickly for victims. Because
24 really, right now, what's going to happen is we're
25 going to have this gap, and that's going to be

1 counter to the very intent of this law. And it
2 really is a great opportunity to bring people into
3 the fold in terms of getting the type of housing
4 or just case management and even, you know,
5 whatever basic benefits they can receive.

6 In addition, there appear to be no
7 mechanisms in place to protect confidentiality of
8 victims' information. Given the sensitive nature
9 of most trafficking situations, often relating
10 either to immigration status or experiences of
11 abuse that no one would want public, this is a gap
12 that must be addressed.

13 The second thing that I want to touch on
14 today is outreach and training on trafficking into
15 labor sectors.

16 We oppose human trafficking in all forms.
17 Trafficking into various labor sectors is as
18 harmful as trafficking into prostitution.
19 However, it is clear that thus far, New York State
20 is focussing its resources largely on trafficking
21 into prostitution.

22 The prevalence and criminality of labor
23 trafficking situations must be taken seriously by
24 New York State, and its importance must be made
25 clear and acknowledged in outreach efforts to

1 increase public awareness, training of law
2 enforcement prosecutors and state agencies,
3 identification of appropriate service providers,
4 data collection on the nature and extent of
5 trafficking, and also prevention efforts. Labor
6 trafficking has already been treated as a less
7 serious violation of human rights by being
8 designated two felony levels lower than
9 trafficking into prostitution in the new law.

10 In the New York Anti-Trafficking Network,
11 we see many cases of trafficking into sectors
12 other than prostitution, including domestic work,
13 retail work, and dancing or stripping. And, in
14 fact, in our project, we have always, as our
15 mandate, worked with people who were involved In
16 sex work, so whether it was prostitution or
17 dancing and that type of thing, but the need has
18 been so great in terms of the referrals that we
19 get from other partners within our network that
20 we've expanded our mandate to work also with
21 victims of labor trafficking. And so the need is
22 extremely high.

23 Our concern is that these cases will be
24 ignored if substantial resources are not focused
25 on outreach, training, identification, data

1 collection, and prevention efforts for labor
2 trafficking. Ultimately, this will result in New
3 York State ignoring the needs of a large sector of
4 trafficked persons.

5 Thank you for offering advocates such as
6 the Sex Workers Project and other members of the
7 New York Anti-Trafficking Network an opportunity
8 to share our experience and our concerns with you
9 today. And, again, I just want to emphasize that
10 it's critical to bring immediate and comprehensive
11 assistance to victims.

12 MS. O'DONNELL: Thank you. Can you give
13 us your name, too? I've been after others to say
14 it to make sure -- we want obviously names from
15 folks so that we can reach out to you and
16 follow-up. And before you leave, if you would,
17 state your name for the record so we have it.

18 SPEAKER: (Juhu Thukral)

19 Juhu Thukral, director of the Sex Workers
20 Project at the Urban Justice Center.

21 MS. O'DONNELL: Okay. And then I would
22 like to follow-up with your comments about law
23 enforcement and the referral process.

24 We at DCJS have very good relationships
25 of the law enforcement community throughout the

1 state. Ken is here, who is our human trafficking
2 coordinator and works with law enforcement on a
3 regular basis. So if you and the provider
4 community, not just you, but anyone, has
5 difficulty with law enforcement making the
6 referrals, if you would reach out to Ken. We will
7 also try to follow through to make sure that that
8 doesn't happen. As we -- as I indicated before,
9 this is part of the statute right now. So if
10 we're going to change the statute, we need to
11 identify real cases where this is a roadblock.
12 But before that happens, I think we have to do
13 everything we can to make sure that the statute
14 works right now.

15 So I would offer that, please to reach
16 out to us if you're getting resistance because
17 it's not the intent of how the statute is supposed
18 to work.

19 SPEAKER: (Juhu Thukral) Thank you.

20 MS. O'DONNELL: Okay. Thank you. And
21 we're going to have one more speaker before we
22 take a brief break, if the court reporter can
23 stick with us.

24 Our next speaker is from AALDEF. And we
25 welcome you. If you could state your name and the

1 name of your organization, I'd appreciate it.

2 SPEAKER: (Ivy Suriyopas)

3 Good morning. My name is Ivy Suriyopas,
4 and I'm a staff attorney at the Asian American
5 Legal Defense and Education Fund, or AALDEF for
6 short.

7 AALDEF is a national organization that
8 protects and promotes the civil rights of Asian
9 Americans by combining litigation, advocacy,
10 education and organizing. We conduct litigation
11 and advocacy in the areas of immigrant rights,
12 voting rights, economic justice for workers,
13 language access to services, affirmative action,
14 youth rights and educational equity, and combat
15 anti-Asian violence, police misconduct, and, of
16 course, human trafficking. AALDEF is also a
17 member of the New York Anti-Trafficking Network.

18 We applaud the New York State Interagency
19 Task Force, Task Force for short, on Human
20 Trafficking for consulting with non-governmental
21 organizations in developing recommendations to
22 strengthen efforts to protect and assist victims
23 of human trafficking.

24 AALDEF's Anti-Trafficking Initiative
25 provides direct representation for human

1 trafficking victims, collaborates with Asian
2 American community groups to conduct education and
3 outreach efforts, and engages in advocacy on a
4 variety of levels. I have handled several
5 trafficking cases, as well as labor, secured T
6 Visas for individuals, and collaborated with case
7 management agencies in securing services for them.

8 The Task Force is an excellent
9 opportunity for government agencies, law
10 enforcement, and NGOs to effectively collaborate
11 on issues impacting victims of human trafficking.
12 The Task Force as a whole, and the various
13 regional sUbcommittees therein, should meet on a
14 regular basis to ensure that the strengths and
15 needs of each Task Force member can be adequately
16 addressed. While all members share the same goal
17 of protecting and assisting human trafficking
18 victims, each member employs a different approach.
19 And consistent communication is key to making the
20 collaboration sustainable. Thus, we recommend
21 Task Force meetings to meet regularly, especially
22 at the regional subcommittee levels, on a regular
23 basis.

24 I'm gOlng to repeat a little bit of what
25 my colleagues have suggested, fellow colleagues on

1 the New York Anti-Trafficking Network from Safe
2 Horizon, as well as the Urban Justice Center.

3 There is a need for a mechanism to be in
4 place to allow NGOs to refer trafficking victims
5 for human services. Currently, a victim of human
6 trafficking must be confirmed before she can
7 access services. There are a series of steps for
8 the confirmation process that begin with a
9 referral from a local law enforcement agency, or
10 LEA, to DCJS. DCJS, in consultation with OTDA,
11 reviews, determines and refers the trafficking
12 victim to the relevant human service agency.
13 However, there is no path or a human service
14 agency or an NGO agency that identifies a
15 trafficking victim to make a similar referral to
16 DCJS. Providing such a path for referrals will
17 substantially strengthen state and local efforts
18 to protect and assist victims of human
19 trafficking.

20 Many traumatized victims of trafficking
21 will find it difficult to cooperate with LEAs in
22 the investigation and prosecution of trafficking
23 crimes. Under the federal TVPRA, trafficking
24 victims who have been psychologically or
25 physically traumatized are exempt from cooperating

1 with LEAs. Providing a mechanism for human
2 service agencies and NGOs to refer victims to DCJS
3 would prevent additional trauma to victims and
4 allow their cases to undergo DCJS review without
5 LEA cooperation.

6 LEAs as we know have limited time and
7 resources, just as much as any of us do, and are
8 focused on the investigation and prosecution of
9 crimes. Providing a mechanism for NGOs to make
10 direct referrals to DCJS will alleviate LEAs of
11 some of the burden of making referrals for the
12 confirmation process.

13 Thus, we recommend the establishment of a
14 path for human service agencies to refer
15 trafficking victims to DCJS for confirmation.
16 This protocol for referrals from NGOs to a state
17 government agency would substantially enhance New
18 York's ability to collect data on trafficking in
19 persons. It would also increase efficiency by
20 removing a step in the confirmation process.

21 Knowing that this is statutorily not
22 possible at this point, another recommendation
23 also is that tracking -- OTDA tracking the number
24 of victims, reported victims throughout the
25 confirmation process is a valuable way to evaluate

1 the progress in protecting and assisting
2 trafficking victims. LEAs must notify OTDA and
3 DCJS of a potential trafficking victim, quote
4 unquote, as soon as practicable after first
5 encounter. However, there is currently no
6 mechanism to ensure that LEAs will follow-up the
7 identification of a victim of human trafficking by
8 referring her to DCJS in a timely manner.

9 LEAs are primarily responsible and
10 focused on the investigation and prosecution of
11 traffickers and may not consider trafficking
12 victim referrals to DCJS a high priority. The
13 tendency may be for LEAs to wait until they are
14 deep into their investigation and have collected
15 all their necessary evidence for the case before
16 they refer victims who may be eligible for
17 vitaly-needed services.

18 The purpose of the social services
19 portion of the New York Anti-Trafficking Law was
20 to provide trafficking victims with access to
21 state services expeditiously because accessing
22 services through the federal certification process
23 can take six months or sometimes longer.
24 Consequently, tracking the date an LEA first
25 encounters a victim and the date an LEA notifies

1 DCJS of the victim would be a simple way to
2 evaluate the efficiency of the state confirmation
3 process after the victim's first encounter with
4 law enforcement. It would also help the Task
5 Force to compare the number of potential victims
6 that LEAs encounter with the number of victims
7 LEAs eventually refer to DCJS.

8 Other important information that should
9 be tracked includes the age, national origin, and
10 industry such as restaurants, domestic servitude,
11 sweatshops, et cetera, of each victim. Federal
12 agencies such as USCIS, or US Citizenship and
13 Immigration Services, do not currently keep track
14 of this information. This would serve the Task
15 Force's goal of organizing data on the nature and
16 extent of trafficking in persons in the state and
17 contribute to the campaign of increasing public
18 awareness about the particular forms of
19 trafficking that exist in New York.

20 Thus, we recommend a mechanism for
21 keeping track of the number of referrals made to
22 LEAs for trafficking victims and a corresponding
23 number of referrals LEAs consequently make to
24 DCJS, also track victim demographic information
25 such as age, national origin, and industry.

1 Finally, In addition to domestic
2 trafficking, tens of thousands of migrants are
3 trafficked to the U.S. from allover the world.
4 The vast majority of these immigrants are
5 monolingual and many of them are illiterate.
6 Providing translated written materials at police
7 stations, hospitals, and other first-responder
8 agencies, and interpreted oral public service
9 announcements throughout ethnic media would assist
10 these vulnerable victims of trafficking.

11 Consequently, we recommend employing a
12 comprehensive multilingual campaign, especially In
13 regions with large concentrations of immigrants
14 such as New York City, to increase public
15 awareness about trafficking. Translate written
16 materials and make oral public serVlce
17 announcements on ethnic media. Thank you.

18 MS. O'DONNELL: Thank you. We appreciate
19 that. Okay. We're now going to take a break
20 until 1:00 when we'll resume our testimony. Thank
21 you very much.

22 (A brief recess was taken.)

23 MS. JOSEPH: Okay. We'd like to get
24 started. On behalf of the Interagency Task Force
25 on Human Trafficking, we welcome you back to the

1 second half of the public hearing.

2 We've heard some great ideas this morning
3 from the service provider and advocate community
4 about how to improve New York State's response to
5 human trafficking and comments about implementing
6 the new law, and we look forward to more
7 interesting and insightful comments this
8 afternoon.

9 We'd like to remind you to please speak
10 slowly and clearly for our court reporter. I'm
11 probably speaking too fast as it is. And if you
12 have any questions for us, you can submit those to
13 our receptionist just outside the door, and we'll
14 respond to all of your questions in writing. But
15 for now, we're just going to absorb everyone's
16 testimony and try to keep ourselves on schedule.
17 Is there anything you want to add?

18 MR. FRANZBLAU: No. The only thing is,
19 if anybody would like to speak to us about any --
20 about any trafficking-relating issue, Mary Kavaney
21 from Division of Criminal Justice Services is
22 available. That's her with that, you know, weak
23 little wave there. But that's it.

24 MS. JOSEPH: So we're ready to hear from
25 My Sister's Place.

1 SPEAKER: (Karen Cheeks-Lomax)

2 Good afternoon. My name is Karen
3 Cheeks-Lomax, and I'm the executive director at My
4 Sister's Place, which is located in Westchester
5 County, and is the largest domestic violence
6 services agency in that area.

7 For over 30 years, we've provided
8 domestic violence services to over 9,000 people
9 annually through our diverse programs, which
10 include residential shelter; legal services in the
11 area of family law; immigration; middle and high
12 school education for teens who are facing abusive
13 situations; collaborative advocacy projects with
14 the Child Protective Services agency -- child
15 protective services for victims with CPS
16 involvement; life skills; clinical services for
17 children who have been impacted by domestic
18 violence; parenting and substance abuse groups,
19 programs that work with individuals who are in
20 recovery to address the overlap between
21 interpersonal violence and substance abuse;
22 trainings for health-care providers on screening
23 patients regarding violence and making appropriate
24 referrals; and individual and group counseling.

25 Our staff in many way -- in many ways

1 mirrors the clients that we serve. We are
2 culturally diverse as evidenced by the many
3 languages that our staff speaks, including
4 English, Spanish, Urdu, Hindi, Portuguese,
5 Tagalog, Milang, Italian and Catalan.

6 The gravity of the human -- of human
7 trafficking has affected so many of us that are
8 here today. While we were elated and hopeful this
9 past June when the New York State Anti-Trafficking
10 Law was passed by Governor Eliot Spitzer with
11 new -- with substantial new and enhanced criminal
12 penalties for sex trafficking and labor
13 trafficking to felony-level crimes, we were also
14 confident that the passage of this new law would
15 create substantial social services support and
16 adequate funding that would help remedy and
17 stabilize victims brutalized by these depraved
18 acts.

19 Over the past five years, My Sister's
20 Place has averaged one to three victims,
21 trafficking victims, per year who was sex
22 trafficked into this country. Most came through
23 our emergency hot line and found their way into
24 our residential shelters, and many were able to
25 avail themselves of the other services that we

1 offered. Many sought out legal services to assist
2 them in navigating the complexities of the
3 criminal justice system, and tried desperately to
4 figure out a world they just could not comprehend.

5 We saw firsthand the devastation and
6 severe trauma that these women had endured at the
7 hands of their traffickers. The psychological and
8 medical needs were extensive and absolutely
9 overwhelming. Many of the women that we worked
10 with were stolen from their homes far from the
11 United States in Africa, South and Central
12 America, and were sold into sexual slavery, and in
13 some cases, unknowingly by their own families for
14 the financial gain of others. They shared the
15 constant threats of harm to loved ones. This made
16 their fear even more real and irrepressible as
17 they agonized over their -- over their loved ones'
18 safety. Many did not speak English and were
19 unaccustomed with our cultural environments, which
20 compounded their fears and trepidation. The
21 enormous psychological and physical toll that this
22 vile, horrific crime had taken on these victims
23 was profound.

24 Sadly, our experience has confirmed that
25 in spite of very intense case management work by

1 My Sister's Place expert staff, and coupled with
2 over 30 years of working with victims traumatized
3 by violence, counseling these victims around their
4 safety, anguish, legal services needs, status in
5 the criminal justice system have proved daunting.
6 Many women had -- many women were so afraid and
7 terrorized, the women that we saw in our shelters
8 were so afraid and terrorized by what they had
9 been through. Several of our clients had been
10 living in brothels and had been continuously raped
11 every night by several attackers over sustained
12 periods of time, so that when they came to us,
13 their psychological well-being had been shattered.

14 We found ourselves, you know, really
15 gravitating and trying to work with people as
16 quickly as we could, but many of those people just
17 could not handle it and either went back to their
18 perpetrators, went back to the traffickers or just
19 vanished in a flash. Just literally, one day they
20 were there, and the next day they were not.

21 It's not unusual to work with these
22 victims for substantial periods of time providing
23 services, ostensibly creating a bond and trust
24 when in an instant they're gone. Our experience
25 has been that almost every trafficking victim that

1 we've had in our shelters have left before her
2 time was up and quite abruptly. The need for
3 intensive case management services that are
4 spontaneous and are time-sensitive are critical to
5 the success of this new trafficking law.

6 And while, you know, this morning I
7 think the panel's a little different than the
8 panel this morning, but we heard a number of
9 scenarios that really echoed what I'm saying right
10 here. And it's clear that we need to have
11 adequate core services to help to rebuild the
12 lives of these -- of these families and women
13 while keeping them safe.

14 My Sister's Place is pleased to be a
15 direct services recipient of the recently released
16 anti-trafficking funding through the New York
17 State Office of Temporary and Disability
18 Assistance, Bureau of Refugee and Immigrant
19 Assistance.

20 However, the challenge that My Sister's
21 Place faces, and you've already heard this morning
22 from some of my other sister organization and
23 colleagues, is that the current funding levels are
24 not sufficient to meet the volume and specificity,
25 but more importantly, the expertise that is needed

1 to deal with this vulnerable population. The
2 needs are different. And while I do not want to
3 undermine the absolute critical needs for domestic
4 violence victims, when you have women who have
5 been facing -- who literally had been like
6 prisoners of war and who have been tortured and
7 traumatized, you really want to make sure that the
8 services that you're able to give are sustained
9 and are expert.

10 The present funding as I see it does not
11 support enhanced start-up costs or staffing levels
12 to work with emotionally-abused and
13 psychologically-tortured victims. At the current
14 status is, the case management reimbursable for
15 specific, you know, pots, for example, legal
16 services or health assessments. And the numbers
17 really do not reflect what the reality is going to
18 be once My Sister's Place or anyone begins to
19 service this population.

20 My recommendation -- and I understand the
21 challenges that we're facing in terms of funding,
22 but my recommendation would be to seriously
23 reevaluate those numbers and really look to see if
24 those are the kinds of services that -- if we're
25 able to, you know, provide those services with

1 those dollar amounts.

2 I think another challenge that we're
3 facing is will the availability of these
4 specialized services be available for sustained
5 periods of time? It takes a long time to work
6 with this population. And will the funding that
7 we're talking about keep pace with training and
8 outreach efforts? Because once you open the flood
9 gates and you begin to train police and you begin
10 to train people to help identify these particular
11 individuals in our communities, then you're really
12 looking at organizations like mine needing
13 additional resources to support that.

14 I think -- you know, I just think that
15 these are critical questions that I would ask the
16 agency, the Interagency Task Force to really
17 consider. And, again, one of my colleagues raised
18 this morning, looking at additional funding, block
19 grant funding that also gives us an opportunity as
20 experts doing this work to figure out what that
21 service model looks like in addition to the case
22 management model that we're currently using.

23 Just very quickly, you know, I just want
24 to address the confirmation issue that has come up
25 repeatedly. I think it's important, again, to

1 create a mechanism for agencies like My sister's
2 Place to bring it up. We see them. They come
3 through all of our doors, whether it's legal,
4 counseling. I think it's critical.

5 And lastly, I think that, you know, the
6 interagency protocols are another important issue
7 for consideration between service providers. A
8 place to start is the creation of a formalized
9 collaboration between partner agencies to build an
10 infrastructure of essential services for
11 trafficking victims designed to meet specific
12 needs.

13 Since these are very time-sensitive
14 matters and we can lose victims, you know, we've
15 seen it, based on fear and intimidation, we must
16 engage to create solid collaborations that move
17 quickly into action to respond to the victim's
18 need. There must be regular formal dialogue with
19 clear guidelines that identifies each agency's
20 strength which enables the victim to reach the
21 most beneficial result.

22 Through creation and use of interagency
23 protocols will, again, help the -- reduce the
24 overlap of services which we have experienced in
25 the past. This has met -- has led to much

1 confusion for victims which can be costly and
2 dangerous if they become frustrated and
3 disillusioned.

4 Moreover, as best we can, we should treat
5 clients to services that are holistic and minimize
6 the provision of services -- and maximize the
7 provision of services that are best suited for the
8 victim.

9 My Sister's Place is pleased to be here.
10 We're very happy that we were the recipient of
11 this benefit. And, you know, we're here to work
12 with you to ensure that this new trafficking bill
13 becomes what we think it can possibly be, which is
14 a great thing for New York State. Thank you so
15 much.

16 MS. JOSEPH: Thank you.

17 MR. FRANZBLAU: Karen, can I ask you one
18 question?

19 SPEAKER: (Karen Cheeks-Lomax) Sure.

20 MR. FRANZBLAU: Actually, it's not a
21 question. It's more of a request. If not now, if
22 you can submit to us at some point just something
23 in writing that would describe your experiences
24 with law enforcement in any of the trafficking
25 cases that My Sister's Place handled, whether the

1 agencies did something well, they did something
2 badly, or in the did something badly category
3 maybe didn't do anything at all, we'd just love to
4 hear about that so when we train, you know, we can
5 have a list of, you know, dos and don'ts that we
6 can tell, you know, law enforcement agencies, you
7 know, keep these things In mind. This is
8 something that's helpful.

9 And I guess actually, you know, if any of
10 the speakers or any of the groups here wanted to
11 let us know that, either today in their statements
12 or in writing, I think that's something we'd be
13 interested in hearing.

14 SPEAKER: (Karen Cheeks-Lomax) And I
15 know that most of our experiences, many of our
16 experiences have been with the feds, because we
17 have been working with them on different things.
18 And our experiences have been good, but we realize
19 now based on, you know, our experiences with folks
20 in our shelter and losing them that time is of the
21 essence. And so it's important to be aware of
22 that. Thank you.

23 MS. JOSEPH: Is Immigrant and Child
24 Welfare Project here?

25 SPEAKER: (Ilze Earner)

1 Good afternoon. My name is Ilze Earner.
2 I'm the director of the Immigrants and Child
3 Welfare Project of the Hunter College School of
4 Social Work where I am also an assistant
5 professor.

6 I'd like to thank, first of all, the
7 Commissioner Hansell and Commissioner O'Donnell
8 and members of the New York State Interagency Task
9 Force on Human Trafficking for inviting me and
10 providing me the opportunity to participate in
11 this joint public hearing on human trafficking.
12 And I also applaud your efforts to prevent and
13 protect the victims of modern slavery in New York
14 State and your commitment to address the tragic
15 toll that this phenomena imposes, not only on the
16 victims, but on all of us who are residents of
17 this state.

18 I'm here today representing the
19 Immigrants and Child Welfare Project, which was
20 started in 1996 to address the problems that
21 immigrant families, children and youth faced as
22 they interacted with the child welfare system.

23 And since 2001, I have helped to develop
24 and facilitate training curriculums for New York
25 City administration for children's services, case

1 workers, supervisors and managers working with
2 immigrant families, children and youth, which also
3 include a content of human trafficking.

4 And in addition, I also work as a
5 consultant with the U.S. Conference of Catholic
6 Bishops and with the National Resource Center for
7 Family-Centered Practice and Permanency Planning,
8 which is a national resource center for children's
9 bureau in Washington where I am able to provide
10 technical assistance and training to child welfare
11 organizations and states across the country.

12 These experiences combined place me I
13 think in a unique position to observe the problems
14 that confront vulnerable and at-risk children,
15 especially immigrants who are in need of
16 protection. And **it's** what brings me here today,
17 to share their case examples and also discuss
18 strategies that I would recommend be implemented
19 in New York State on identifying and assisting
20 victims of human trafficking through the child
21 welfare system.

22 When training New York City child welfare
23 case workers, I was astonished how often these
24 child welfare services providers acknowledged
25 having encountered potential victims of human

1 trafficking, but only after they were trained.
2 And I also shared their frustration that they did
3 not have these tools and this knowledge beforehand
4 when they were out in the field doing their
5 investigations. It's entirely possible that many
6 of them could have identified these victims and
7 gotten them some sort of help, but without the
8 resources and without the training, they certainly
9 were not able to do so. And they described
10 numerous instances, and certainly these are valid,
11 I think, valid cases of potential trafficking
12 victims, unrelated adolescent children living in
13 homes where they provided primarily domestic care
14 and child care or adolescent usually boys who were
15 unrelated to adult members of the household, did
16 not attend school, and they worked a lot.
17 Informed that these may have been potential
18 victims of human trafficking, again, there was
19 tremendous frustration at the inability to have
20 been able to intervene.

21 I think the child welfare system can be a
22 key potential identifier of victims of human
23 trafficking, and this includes both the public and
24 private child welfare services providers who
25 routinely come into contact with at-risk children

1 and youth. Yet remarkably, there is no consistent
2 training on this issue in the child welfare
3 services system. Likewise, there are no
4 mechanisms to provide assistance and protect child
5 victims of human trafficking once they are
6 identified and come to the attention of child
7 welfare services providers. How often have I
8 heard, oh, we deal with this on a case-by-case
9 basis. That means you don't know what you're
10 doing. And protocols, developing protocols of
11 collaboration between child welfare services
12 providers, law enforcement, school officials,
13 health-care providers, all of them identified as
14 key identifiers and respondents. These also don't
15 exist except in isolated circumstances.

16 In a report on commercially sexually
17 exploited children in New York State that was
18 published in April 2007, the New York State Office
19 of Children and Families acknowledged the
20 barriers, significant barriers to providing
21 services to this population of children with
22 recommendations, including cross systems,
23 collaborations, enhanced specialized case
24 management services and training of professionals
25 who come into contact with this population. This

1 doesn't need to be talked about. It needs to be
2 done.

3 Fortunately, there are models I think
4 that we can also look at in other states that
5 might provide us with some guidelines. We don't
6 have to reinvent the wheel here. There are others
7 who are doing this work.

8 In the State of Florida, a change in the
9 Social Services Law in 2006 added an additional
10 criteria for how a child welfare case can be
11 initiated. Along with the usual categories of
12 suspected physical or sexual abuse and neglect,
13 they now have a new category, a child that is
14 known or suspected to be a victim of human
15 trafficking. And this initiates a normal child
16 abuse investigation. And currently, there are a
17 group of 20 child welfare protective services
18 providers, law enforcement officials, legal aid,
19 and others who are working together to create a
20 component on human trafficking which is to be
21 included in the mandated reporter training
22 required in the State of Florida to all
23 professionals who have contact with children.
24 This can be done in New York State as well.

25 Also, in terms of this group that is

1 working in Florida, they're also working to
2 develop protocols on how to collaborate cross
3 systems, which is often easier said than done, but
4 I think that this kind of model and these steps
5 that are taken certainly are well worth our while
6 to look at and see what we can do in the State of
7 New York as well.

8 In a discussion with the Florida State
9 Office of Refugee Assistance, foreign-born child
10 victims of suspected human trafficking would be
11 referred to the state's Unaccompanied Refugee
12 Minors Program with native-born child victims
13 referred to the state's foster care system.

14 Training is critical, is a critical part
15 of combating human trafficking. How to identify,
16 assist and protect child victims should be part
17 of child victims of human trafficking should be
18 part of all child welfare services providers
19 training. Importantly, mandated reporter training
20 should also include material on this topic. And
21 organizations such as the International
22 Organization of Adolescence and the Freedom
23 Network Training Institute have already developed
24 curriculums which have been proved to be effective
25 and can easily be modified to be more broadly made

1 available.

2 Child Welfare recognizes that many
3 children have special needs, these include
4 children who are HIV positive, those with
5 developmental disabilities, substance abusers, or
6 who are identified as lesbian, gay, bisexual or
7 transgender. Services are provided according to
8 an understanding of best practices with these
9 special-needs populations. Child victims of
10 trafficking would also benefit from being
11 identified as a special-needs population.

12 In conclusion, **I'd** like to say that Child
13 Welfare, which is where I have worked for many,
14 many years, has long been predicated on meeting
15 the best interests of the child when addressing
16 issues of abuse and neglect. It is now important
17 to expand that concept to include child victims of
18 human trafficking, one of the most vicious and
19 heinous forms of child abuse. Children identified
20 as victims of human trafficking must be provided
21 with child welfare services, not deportation or
22 incarceration. New York State can be a leader In
23 addressing this -- the needs of this most
24 vulnerable and at-risk group of children. Thank
25 you.

1 MS. JOSEPH: Thank you very much. Is
2 Farmworker Legal Services here?

3 SPEAKER: (Owen Thompson)

4 Hello, and thank you for the invitation.
5 My name is Owen Thompson. I'm a paralegal with
6 Farmworker Legal Services of New York in
7 Rochester. I focus on anti-trafficking work. My
8 office also provides free legal services for farm
9 workers across the state in the areas of civil
10 rights law, employment law, pesticide abuse, and
11 domestic violence.

12 I just wanted to say we really look
13 forward to working with everyone in this room to
14 fight human trafficking. Problems with farm
15 workers are particularly vulnerable and a problem
16 which we see as a real stain upon the State of New
17 York. So I'll be organizing my responses to a few
18 of the questions proposed in the invitation,
19 starting with in regards to in developing
20 recommendations for preventing human trafficking,
21 protecting and assisting human trafficking
22 victims, and prosecuting human traffickers.

23 First, in regards to prevention, my
24 office believes that the best way to prevent
25 trafficking, we have three recommendations in that

1 regard: First, to educate low-wage workers and
2 youths as to the risks of trafficking; to reduce
3 the social isolation of farm workers and other
4 at-risk workers, for example, domestic workers;
5 and to adequately staff those government agencies
6 tasked with oversight of the highest risk
7 industries.

8 Farm workers are vulnerable to this kind
9 of exploitation precisely because they have so few
10 connections to the communities around them. With
11 this in mind, the state government should bolster
12 any effort to integrate these workers and their
13 families and to make them feel welcome in this
14 state.

15 And in regards to adequately staffing
16 agencies, what we see time and again in our work
17 is that many of the state laws provides the farm
18 workers very well. And where the gap occurs
19 between those laws and the services is in the
20 unfortunate and inadequate staffing of state
21 agencies.

22 In regards to protection of victims, we
23 see, again, three essential components. The
24 first, victims must know what trafficking is, and
25 they must understand that they are victims of a

1 crime, that this government considers them victims
2 of a crime. This concept is still foreign to a
3 large number of farm workers.

4 Second, victims must trust that they will
5 not suffer further at the hands of the government
6 for coming forward with the details of their
7 situations, particularly if they are undocumented
8 immigrants. The likelihood of victims coming
9 forward will be less and less if the current
10 harassment and criminalization of immigrants
11 continues. And that's not necessarily harassment
12 and criminalization by state agencies, but by all
13 sectors of society in New York State.
14 Nonetheless, we feel that the state has a
15 particular responsibility to address that growing
16 problem.

17 Third, victims must believe in the power
18 of the government to protect them and to help
19 improve their economic situations. Most victims
20 are working to provide for their families and will
21 not come forward if it means the loss of income
22 for their families.

23 In regards to prosecution, victim
24 services will always be at the heart of a
25 successful prosecution. Cooperative victims will

1 always be the prosecutor's best resource, but
2 their physical, mental, emotional and economic
3 needs must be met at every stage of the process to
4 ensure that they can be relied upon to continue
5 with the potentially traumatic experience of an
6 investigation or a trial. And this means not just
7 providing for a victim when they're first
8 identified, but continuing to monitor them
9 throughout the process, to give service providers
10 access to those victims and to not forget their
11 needs as the focus tends to shift to the
12 prosecution at hand.

13 In regards to establishing interagency
14 protocols and collaboration among government
15 agencies, law enforcement and non-governmental
16 agencies, we believe it is vital to respond to
17 victims in bringing traffickers to justice that
18 agencies of all types work together.
19 Relationships of mutual trust and respect must be
20 established between NGOs and various government
21 agencies. These relationships will come about
22 much faster if both sides are willing to maximize
23 the transparency of their operations, to reach out
24 to each other, and to recognize each other's
25 essential role that they have to play in fighting

1 human trafficking.

2 In contrast, all parties concerned will
3 suffer if NGOs cannot put aside their suspicions
4 of law enforcement agencies, if law enforcement
5 agencies cannot integrate service providers as
6 equal partners in their investigations, and above
7 all, if intra and interagency bickering is allowed
8 to trump the pursuit of justice.

9 And with that in mind, we believe very
10 strongly protocols should be established as early
11 as possible, again, to maximize that transparency
12 and to make clear to all parties in this dialogue
13 and in this cooperative effort exactly what role
14 they have to play, and to minimize that conflict
15 and that bickering that comes from those roles
16 when not clear, for people have different
17 understandings of their roles.

18 A particular concern of Farmworker Legal
19 Services is the reluctance of law enforcement
20 agencies to allow service providers access to
21 potential victims under the logic that victims
22 should be certified as such by a law enforcement
23 agency prior to receiving services or even prior
24 to being interviewed by service providers.

25 Our position is that advocates should

1 have access to potential victims from the earliest
2 stage possible, not only to provide direct
3 services, but to facilitate the actual process of
4 victim identification.

5 Finally, In regards to evaluating the
6 progress of New York State and preventing human
7 trafficking, protecting and assisting human
8 trafficking victims, and prosecuting human
9 traffickers. The recent passage of the state
10 anti-trafficking law is a very hopeful sign for
11 all trafficking victim advocates and service
12 providers. It is essential that New York State
13 government agencies follow it up with strict
14 enforcement of the law and a publicly visible
15 dedication to educating government employees at
16 all levels, from the Attorney General's Office to
17 the State Troopers and everything in between, to
18 ensure that these employees can, not only
19 recognize the crime of human trafficking, but also
20 recognize the fundamental importance of
21 approaching potential victims in a manner that IS
22 open, reassuring and respectful. This must
23 include working with federal agencies to ensure
24 that a heavy-handed approach on their part does
25 not compromise the ability of the state agencies

1 to do their jobs.

2 We understand that the state cannot be
3 held accountable for the behavior of federal
4 agencies carrying out federal laws within its
5 borders. At the same time, again, we feel that
6 the state has a crucial role to play in making
7 sure that those agencies behave appropriately to
8 all the power that -- to the extent that the state
9 has the power to do so, and we believe that the
10 state should be playing a larger role in doing
11 that. Thank you very much.

12 MR. FRANZBLAU: Can I just ask you

13 SPEAKER: (Owen Thompson) Sure.

14 MR. FRANZBLAU: -- real quick? You
15 mentioned education of low-wage workers as
16 something we need to do. Do you think there's a
17 possibility that we could advance the goals of the
18 statute by also educating farmers? Is there that
19 community within, within -- that group within the
20 agricultural community who would be responsive to
21 that and helpful if they knew about the laws on
22 human trafficking?

23 SPEAKER: (Owen Thompson) As to whether
24 they would be responsive, I really can't say. I
25 think that absolutely farmers need to be educated,

1 and they need to understand their responsibility
2 for hiring contractors who may be engaging in this
3 kind of activity.

4 Very often, there's a disconnect between
5 farmers and the people doing the trafficking in
6 the agriculture study who tend to be contractors
7 or unregistered contractors. Farmers do need to
8 be much, much more aware, one, of the potential
9 problems going on in the spaces where their
10 workers are living and working, which they're
11 often not; and, two, of the consequences that they
12 will be held to if people working under their care
13 are operating those situations.

14 I think right now, there's a great
15 hinderance among farmers as to both the existence
16 of the problem of trafficking and as to their
17 responsibility. I think that's a great question.

18 MR. FRANZBLAU: Thanks.

19 SPEAKER: (Owen Thompson) Thank you very
20 much.

21 MS. JOSEPH: Thank you. We have a
22 speaker from New York State Catholic Conference?

23 SPEAKER: (Earl Eichelberger)

24 Good afternoon. I'm Earl Eichelberger,
25 director of the New York -- director for Human

1 Services at the New York State Catholic
2 Conference. I'm joined today by Carmen Maquilon,
3 director of Immigrant Services for Catholic
4 Charities in the Diocese of Rockville Centre.
5 Carmen is also a chairperson of the New York State
6 Council of Catholic Charities Director's
7 Immigration Committee.

8 Our statement today is presented on
9 behalf of the New York State Catholic Conference,
10 which represents the Roman Catholic Bishops of New
11 York State in legislative and public policy
12 matters. We are grateful for this opportunity to
13 come before you today to address this important
14 and timely issue regarding implementation of the
15 new anti-human trafficking legislation that went
16 into effect on November 1st of this year.

17 Our Catholic tradition compels us to be
18 active participants in the civic life of our
19 community in order to fashion a more just world
20 that upholds the dignity of every member of
21 society, and protects the poor and vulnerable
22 members of that society.

23 The New York State Catholic Conference
24 has long been concerned about human trafficking
25 and has closely worked with, over the past couple

1 of years, with the New York Coalition of Religious
2 Congregations to stop human trafficking of
3 persons. That coalition consists of 23
4 communities of religious women based In New York
5 State. They have been at the forefront of efforts
6 to address the evil of human trafficking and have
7 submitted written testimony to the Task Force.
8 You have also heard earlier today from Kelly
9 Agnew-Barajas of the Office of Refugee
10 Resettlement at Catholic Charities of the
11 Archdiocese of New York. We support the positions
12 put forth by both of those groups in their
13 testimony.

14 The practice of human trafficking in
15 human beings, exploiting people for cheap labor
16 and sex, IS one of the most repugnant stains on
17 our country and our state. As a civilized
18 society, we must no longer tolerate these horrific
19 abuses of human rights.

20 The New York State Catholic Conference
21 supports recently enacted state legislation to
22 augment existing federal law on human trafficking.
23 The New York State legislature, the governor, and
24 all the advocacy groups that come before you In
25 support of persons who have been so terribly

1 abused are to be commended for passage of this
2 important legislation.

3 Human trafficking must end, and until
4 such time, its victims must be protected and
5 provided necessary services and shelter.
6 Trafficking for sexual exploitation is
7 particularly devastating to the lives of victims
8 and has consequences for society as a whole.
9 Sexually exploited women and children face a life
10 of poverty. They face a myriad of mental health
11 and other serious health problems, such as HIV
12 AIDS and other communicable diseases.

13 Funding for services of trafficking
14 victims must be ensured in the coming budget. We
15 recognize that a specific budget number is
16 difficult to calculate due to the inability to
17 predict the exact number of victims who will be
18 identified in any particular year.

19 However, reasonable estimates must be
20 assumed in order to put in place a discreet
21 infrastructure to address the distinct needs of
22 this population. It is not acceptable or
23 appropriate to ask an already overburdened human
24 services system to absorb additional needs without
25 additional resources.

1 Catholic Charities agencies have
2 firsthand seen how devastating this modern-day
3 slavery can be and have provided service to its
4 victims.

5 In 2004, the federal authorities
6 identified a trafficking ring on Long Island.
7 They turned to Catholic Charities of Rockville
8 Centre to provide services to the Peruvian
9 victims. Carmen Maquilon will tell us about
10 lessons learned from their experience.

11 SPEAKER: (Carmen Maquilon)

12 Good afternoon. My name is Carmen
13 Maquilon, and I am the director of Immigrant
14 Services at Catholic Charities, Diocese of
15 Rockville Centre.

16 For the past three years, our office has
17 been working with victims of human trafficking.
18 As a matter of fact, we have worked with over 150
19 victims and their relatives, and the following is
20 just a brief list of the lessons that we have
21 learned.

22 First, human trafficking does not
23 discriminate. It is an equal opportunity crime.
24 The victims can be female or male, young or old,
25 black, white, or any color in between.

1 The traffickers can be your neighbor,
2 your friend, your employer, your boyfriend, your
3 cousin, or your aunt.

4 When servicing victims, we know that we
5 cannot do this alone. Even a service agency as
6 big as Catholic Charities cannot provide all the
7 services that sometimes might be required;
8 medical, mental health, ESL, transportation,
9 employment, food stamps, translation and
10 interpretation, but above all, shelter and
11 housing.

12 Service providers need constant training,
13 that would include police departments at all
14 levels, code enforcement officers, and case
15 managers at the Department of Social Services,
16 local health centers, and emergency room
17 personnel.

18 I just want to mention that without a
19 watchful eye of Nassau County Police, the two
20 Indonesian domestic workers, whose case is being
21 decided as we speak in federal court on Long
22 Island, might never have been detected.

23 However, we notice that the county police
24 IS aware of human trafficking and comes to the
25 trainings, but not the village police, not the

1 towns, especially on Long Island when we are
2 dealing with Montauk or South Hamptons. The
3 Hamptons, they are no longer under the
4 jurisdiction of the county police. They're
5 thinking it's the north fork. They are not under
6 the county police. They come under I guess state
7 police. So we need to encourage them to
8 participate in the trainings, the same thing with
9 the village police and the sheriff's office.

10 Department of Social Services plays a
11 crucial role since they will see the victims
12 before they have any proper immigration
13 documentation or Department of Homeland Security
14 documentation. When presented with a case, they
15 may only see it as an immigrant asking for
16 services. These front-line employees turn over
17 quickly, frequently, making it necessary for the
18 department to designate a worker who specializes
19 in services to victims of human trafficking.

20 NGOs are often the first line of contact
21 with a victim, or we might be called upon by law
22 enforcement personnel to assist in the
23 investigation of a case because a victim might be
24 too scared to talk. But what happens if that
25 person at the end of the day or the week or months

1 is not certified? There is no funding available
2 to compensate for all the work and time that was
3 invested.

4 Safe and secure housing are required
5 services to victims, but NGOs should not be
6 required to also provide security to victims. If
7 security is necessary to protect the victims from
8 traffickers, this security must be arranged by a
9 state agency or law enforcement unit.

10 Even when a victim meets all the federal
11 definitions of human trafficking, this does not
12 mean that a victim is going to be interviewed or
13 certified immediately. Cases that take six to 18
14 months to be certified are not unheard of. And
15 securing proper funding for this category of
16 victims is essential.

17 We thank you again for the opportunity to
18 present testimony to this task force. And we'll
19 be glad to answer any questions you may have for
20 us.

21 MR. FRANZBLAU: Carmen, one of the things
22 I think that we really need to hear of from
23 advocates, especially on the labor trafficking
24 side, is how to find victims, and especially when
25 the victim is trafficked for domestic work inside

1 households.

2 On the sex trafficking side, we have the
3 advantage, for lack of a better word, that the
4 underlying activity itself is illegal and
5 increases the chance that law enforcement will
6 find trafficking if they're looking at that crime.

7 It seems to me, though, and mostly
8 anecdotally, that when we -- we've had these
9 situations where we find people who have been
10 trafficked for domestic services, it seems it's
11 almost always by accident. And if you could offer
12 us suggestions prior to the time we have to make
13 our recommendations as to what we could do to
14 better identify victims, even if it seems
15 outlandish, even if it means that we have to start
16 training UPS drivers, because they're the ones who
17 are likely to knock on the door. You know, these
18 are the kinds of things I think we need to -- we
19 need to hear about, because right now, I don't
20 think we -- I don't know that there's any decent
21 model of how we find these victims.

22 SPEAKER: (Carmen Maquilon) And you have
23 the right idea basically because when it comes to
24 domestic workers, they are so isolated. Many
25 times if we -- I talk about Long Island, you know,

1 the area of the north shore, the gold coast as
2 it's known, you have these mansions. Nobody knows
3 who's there. So the only ones who might have
4 access to them might be the postman if they have the
5 mailbox close to the house, the UPS or anybody, I
6 don't know, water meter reader or basically anyone
7 who has access to the house, because as you say,
8 we are right now as we speak also investigating
9 another case of a domestic worker. Basically it
10 just happened by accident. A person has to be
11 able to get out of the house, run away from the
12 house, and be lucky enough to encounter a police
13 officer who is familiar with human trafficking.
14 Otherwise, we lose the person.

15 MR. FRANZBLAU: Thank you.

16 SPEAKER: (Earl Eichelberger) And that
17 would seem to suggest that a public information
18 campaign might be helpful, because I think there
19 are a broad range of people who might come into
20 contact with a victim who is isolated in many
21 cases, but who may see somebody at the supermarket
22 or, you know, some other work-related setting.
23 And I think many of us don't know as much as we
24 should about the extent of human trafficking. And
25 I think a public information campaign might raise

1 everybody's consciousness about this terrible
2 problem.

3 MR. FRANZBLAU: One of the things I
4 wanted to ask you was, and not to put more of a
5 burden on the Catholic Church, because I know you
6 guys have done such wonderful work on this issue,
7 but what role do you see for, not just the
8 Catholic Church, but all faiths, in educating
9 parishioners or members of the congregations
10 towards, you know, being able to identify this
11 crime when it occurs?

12 SPEAKER: (Earl Eichelberger) Well, last
13 year, this was one of the public policy issues for
14 the Catholic Conference. And we tried to make
15 every congregation throughout the state aware of
16 this problem and to gain their support for passage
17 through the legislation. We need to do more.
18 There are plans to do parish bulletins, Sunday
19 mass inserts in the bulletin. But it's an ongoing
20 problem. And it's something that we have to do
21 more of. The Congregation of Religious Women that
22 I spoke about have done a tremendous job in making
23 us aware of the extent of the problem. And I'm
24 sure they will be a big part of our effort to
25 share information with others about this terrible

1 crlme.

2 MR. FRANZBLAU: Great. Thank you.

3 MS. JOSEPH: Thank you for your insights.

4 Legal Momentum.

5 SPEAKER: (Kavitha Sreeharsha)

6 Good afternoon. My name is Kavitha
7 Sreeharsha. I'm a staff attorney for Legal
8 Momentum. And I want to thank the New York State
9 Interagency Task Force on Human Trafficking for
10 inviting us to participate today.

11 Legal Momentum is the nation's oldest
12 legal advocacy organization dedicated to advancing
13 the rights of women and girls. It is also the
14 home to the Immigrant Women Program, IWP, where
15 our advocacy through legislation, administrative
16 implementation, national technical assistance and
17 training improves safety and access for immigrant
18 women and children. In particular, IWP
19 prioritizes the most vulnerable immigrant women,
20 including victims of domestic violence, sexual
21 assault, stalking, and human trafficking. As a
22 co-chair of the National Network to End Violence
23 Against Immigrant Women, we work very closely with
24 a membership of over 500 practitioners, many of
25 whom work with trafficking victims.

1 Prior to my joining Legal Momentum, I was
2 working at a community-based agency where I
3 represented human trafficking victims for over
4 eight years. I also helped draft language that
5 became part of California's first anti-trafficking
6 statute and helped implement that statute as well.
7 So this issue is very personal to me. And Legal
8 Momentum takes very seriously the role that
9 practitioners play in giving input to our national
10 advocacy work.

11 The State of New York is at a critical
12 point in the fight against human trafficking.
13 Home to one of the largest ports of entry into the
14 United States, New York may serve as a model state
15 in implementing its anti-trafficking statute to
16 effectively reduce human trafficking. My comments
17 today on behalf of IWP will assist New York with
18 the implementation of the law on a very
19 complicated issue.

20 Around the world, women continue to be
21 economically vulnerable. Patriarchy and
22 traditional gender roles often prevent women from
23 being economically self-sufficient. Women are
24 still used as weapons of war. One out of three
25 women will experience domestic violence in her

1 lifetime. As globalization continues to benefit
2 the privileged, it perpetuates the vulnerability
3 of women around the world.

4 Given the circumstances of women and the
5 allure of a better economic opportunity in the
6 United States, it is no surprise that women are
7 easily recruited into the United States labor
8 force. The demand for cheap goods and services
9 creates an opportunity for the exploitation of
10 such workers. People are trafficked into a wide
11 variety of labor sectors including agriculture,
12 restaurant work, factories, schools, domestic
13 care, healthcare industries, hotels and
14 hospitality, and virtually any type of labor that
15 exists in the United States.

16 The media, the television and movie
17 industry, and even law enforcement, often confuse
18 and conflate the issue of sex trafficking and
19 labor trafficking. While labor trafficking is
20 more prevalent in the United States, the emphasis
21 remains on sex trafficking. As the public
22 continues to learn information about sex
23 trafficking, those being exploited in labor are
24 left out of the dialogue. Sex trafficking clearly
25 violates human rights. However, it is society's

1 emphasis on sex trafficking that may prevent
2 victims of labor trafficking from accessing
3 services, and thus perpetuate labor trafficking in
4 the United States.

5 Human trafficking victims are isolated
6 from the protections created by this state law, as
7 well as federal laws. They are physically
8 prevented from accessing such protection, but are
9 also psychologically exploited such that these
10 protections are invisible or appear implausible to
11 victims. Making victims aware of such resources
12 requires a paramount effort that is comprehensive,
13 victim sensitive, and nuance. Victims will almost
14 never self-identify as the term "human
15 trafficking" is largely unfamiliar to them. Many
16 victims would not assume that services and
17 resources are available to them.

18 Trafficking victims, therefore, rely on
19 good samaritans, social service providers, health
20 practitioners and law enforcement. A victim's
21 first encounter may be his or her only opportunity
22 to develop a trusting relationship. If that
23 individual is unfamiliar with labor trafficking,
24 this unique opportunity for a victim to access
25 services and safety is lost. We must make efforts

1 to improve awareness and outreach about labor
2 trafficking to the extent that the residents of
3 New York, whether they be law enforcement, service
4 providers, or even good samaritans, understand
5 that human trafficking encompasses both labor and
6 sex trafficking.

7 New York's anti-trafficking statute could
8 also lead to more confusion. Included in the
9 statute are anti-prostitution measures that do not
10 fall under the scope of human trafficking. The
11 sex trafficking provisions also have stronger
12 penalties, thus creating an assumption that the
13 victims of labor trafficking are somehow less
14 exploited. To create improved awareness and
15 accuracy of information, the state of New York has
16 a unique opportunity to implement the statute in a
17 way that shifts public and government perception
18 away from the misguided notion that human
19 trafficking encompasses only sex trafficking.

20 The new law provides several components
21 that if properly implemented will provide improved
22 access to services and safety, and ultimately
23 reduce human trafficking. It includes potential
24 funding for services, and encourages outreach
25 strategies, data collection, and law enforcement

1 protocols. The state should look to experienced
2 non-governmental organizations, NGOs, service
3 providers to best implement these provisions.

4 Following the passage of the U.S.
5 Trafficking Victims Protection Act, service
6 providers struggled to develop an infrastructure
7 for working with trafficking victims, create
8 protocols with law enforcement, and effectively
9 outreach. These programs evolved as the first
10 cases were prosecuted and their efforts were
11 evaluated. These programs adopted culturally and
12 linguistically appropriate services to improve
13 relationships between victims and service
14 providers. In a state as diverse as New York,
15 many service agencies excel at reflecting and
16 serving the diverse needs of trafficking victims
17 in New York.

18 As the State of New York funds various
19 anti-trafficking programs, the state should
20 consider the agencies that have a demonstrated
21 commitment as service providers to trafficking
22 victims. The agencies currently funded by the
23 federal government to provide services to
24 international trafficking victims are starting to
25 turn down or provide fewer services to victims

1 because federal funding is steadily decreasing.

2 Any New York State funding streams that
3 are created out of the legislation must focus on
4 international trafficking victims who face the
5 same vulnerabilities as domestic trafficking
6 victims, but in addition, experience language
7 barriers, cultural barriers, and heightened fears,
8 including deportation and lack of law enforcement
9 protection and services in their home countries.

10 New York should also look to these
11 organizations as it develops protocols to help
12 identify, provide protections and serve victims of
13 human trafficking. As an example, the most
14 effective collaborations between law enforcement
15 and NGOs are protocols that give NGOs early access
16 to potential victims.

17 Victims are constantly reinforced with
18 the notion that law enforcement will harm, deport
19 or imprison them. Most victims are unaware that
20 they are protected under United States laws. The
21 law enforcement agencies that work closely with
22 NGO service providers are most effective at
23 developing trust with victims by first allowing
24 them to access NGO services. NGO service
25 providers can then start developing relationships

1 and ultimately ascertain if an individual is a
2 trafficking victim. Because the federal law
3 connects immigration benefits and services with
4 law enforcement cooperation, a victim can then
5 weigh concerns and fears with the services needed
6 and make an effective decision as to whether or
7 not he or she feels comfortable working with law
8 enforcement.

9 NGOs are therefore ideally situated also
10 to train law enforcement about protocols. Many
11 service providers in New York have also already
12 developed these protocols and training
13 curriculums.

14 In order to effectively collect data, the
15 research should distinguish between prosecutions
16 and victims identified by service providers. Most
17 trafficking victims face an extreme fear of law
18 enforcement. Many choose not to cooperate with
19 law enforcement from trauma or shame or out of
20 fear to themselves or family members overseas.

21 Human trafficking data will never be
22 completely accurate. However, if one is to
23 calculate the extent of trafficking in New York,
24 it should be counted, not based on law enforcement
25 estimates, but NGO service provider estimates.

1 Data should track the types of labor and/or sex
2 trafficking and demographic information, including
3 age, gender, country of origin, and other
4 pertinent information. This data will, not only
5 help dispel stereotypes, but also recognize
6 effectively low numbers when they should be higher
7 such that outreach efforts can be more narrowly
8 tailored.

9 Human trafficking is a very complicated
10 issue, and reducing its prevalence will be
11 challenging. However, acknowledging the
12 complexities of this issue and working with
13 experienced NGOs will assist the State of New York
14 with accomplishing this goal. Thank you.

15 MS. JOSEPH: Thank you for your comments
16 and suggestions. We're going to take a quick
17 five-minute break, and we'll return at about 2:00
18 or shortly thereafter.

19 (A brief recess was taken.)

20 MR. FRANK: My name is Larry Frank. I'm
21 with OTDA. And first of all, I want to thank
22 everyone for, actually, on behalf of the
23 timekeeper, because everybody's been so
24 cooperative and we've been able to move along at a
25 very good pace. And we're going to be ending on

1 time.

2 The other thing I wanted to let people
3 know is that there are two additional speakers who
4 we couldn't put on the podium this afternoon who
5 will be speaking at the end, but I think we'll
6 still be able to finish by roughly 3:30.

7 So why don't we introduce the final panel
8 here. I also want to thank all of the Task Force
9 members, every Task Force agency that participated
10 in the panel today. I want to thank them. So why
11 don't we just introduce ourself quickly.

12 MS. HART: Sue Ann Hart, OMRDD.

13 MR. FRANZBLAU: Ken Franzblau, Division
14 of Criminal Justice Services.

15 MR. TRIVINO: Geovanny Trivino, Bureau of
16 Immigrant Workers, Department of Labor.

17 MS. STANFORD: Tina Stanford, Crime
18 Victims Board.

19 MR. FRANK: And I know that Charlene will
20 be here shortly, I believe. Come on down. And
21 just introduce yourself, and we'll get started.

22 MS. HRACHIAN: Charlene Hrachian from
23 OMH.

24 MR. FRANK: And do you know who our next
25 speaker will be?

1 MR. FRANZBLAU: We're up to National
2 Organization for Women in New York City.

3 MR. FRANK: National Organization for
4 Women In New York City. Is there a speaker for
5 them? See, I told you we were going to finish
6 early. We'll make sure that we give folks some
7 additional opportunity as we see people come in,
8 see if they're available.

9 Next I know is here Nassau County Police
10 Department. Want to come forward and state your
11 name and title and agency, please, sir?

12 SPEAKER: (John Birbiglia)

13 Detective John Birbiglia from Nassau
14 County Police Department. That's
15 B-I-R-B-I-G-L-I-A. I'm just going to quickly do
16 an overview, and then explain exactly what Nassau
17 County Police Department has been doing.

18 Nassau County is located in the southeast
19 corner of New York State of Long Island and
20 immediately bordering New York City to its west.
21 And we consist of over 1.3 million people living
22 in an area of 298 square miles.

23 Brookings Institution declared Nassau and
24 Suffolk Counties, which is our county bordering to
25 the east, that make up Long Island a major

1 immigrant gateway with a foreign-born population
2 of 397,000, 18th largest in the country. There
3 are an estimated 100,000 undocumented persons
4 living on Long Island presently.

5 The Task Force consists of Nassau County,
6 Suffolk County, Suffolk County District Attorney's
7 Office, Nassau County District Attorney's Office,
8 U.S. Attorney's Office, ICE, State and Federal
9 Labor, and NGO service providers, Safe Horizons
10 and Catholic Charities. We hold regular meetings
11 whenever we can, which means basically once every
12 two to three months, and we go over everything
13 that's going on in regards to new investigations,
14 recent legislation developments, and we also
15 discuss ideas and issues.

16 When we first started this In 2005 with
17 our meetings, we had a problem that we couldn't
18 get federal agencies on board. We went to Peter
19 King, congressman out on Long Island. I explained
20 the problem that we didn't have any federal
21 agencies assisting us in our investigations.
22 Within 24 to 48 hours, we had ICE on board. So my
23 kudos go to Congressman King. He stepped up to
24 the plate and got us all the help, which brings me
25 to where we're going to discuss is the Muttontown

1 case. Without Peter King's cooperation getting
2 ICE on board, we wouldn't have been as lucky and
3 as fortunate as we are with this particular
4 investigation.

5 Before we walked In, we were notified by
6 Deputy Commanding Officer Lieutenant Donny from
7 narcotics vice, we were just told that the judge
8 IS going to be charging the jury starting 2:00 as
9 to what the charge is in going forth as far as
10 harboring, as far as labor problems, peonage,
11 which is basically work off -- you know, this IS a
12 slavery case. And it's going to be the first one
13 of all of our mounting process.

14 Nassau County had the proper distinction
15 way back when when we first started this in 2005
16 where we had a young lady that was in the Asian
17 massage parlors, and she was basically
18 prostituting herself. We arrested her In February
19 of 2004 and once again In 2005. Through our
20 investigation and cooperation with her, we were
21 able to put three or four people away. We see
22 several thousands of dollars, cars and businesses.
23 Through Safe Horizons helping us and assisting us,
24 we managed to get her her visa, which she is
25 presently going to be a citizen of the United

1 States.

2 Under the federal statutes with the
3 Muttontown case, our young ladies, I'll call her
4 Jane Doe 1 and Jane Doe 2, they will be afforded
5 the same thing once the investigation and
6 everything is concluded. Hopefully we'll get a
7 positive result from the jury, because everything
8 is going to be up to the jury, not up to us. And
9 that's presently where we stand.

10 I see I have a cohort, Carmen. Carmen
11 was very helpful with us with the Muttontown case.
12 Catholic Charities has really gone way overboard.
13 And my heart goes out to them, because they really
14 were super with us.

15 What the bottom line is, this whole
16 thing, this whole task force cannot be a success
17 unless law enforcement, NGOs, all the service
18 providers, the attorneys and everyone, as I heard
19 her say, play well in that sandbox. If we all
20 didn't play well in the sandbox, we wouldn't have
21 a successful case with Fay, and probably will have
22 a successful case with the Muttontown case. We've
23 all been together five or six months together
24 doing this whole thing and not one has argued, not
25 one has pointed fingers. Everyone just said we

1 have a job to do, let's do it, and we went out and
2 did it. And as a result, like I said, we do have
3 one successful case in Nassau County, and we're
4 working on two more. And without cooperation and
5 helping each other, this can't be done.

6 Furthermore, what Nassau County Police
7 Department has done is our education through
8 recruits, as well as recruiting supervisors
9 teaching. We have, like, 15, 20 minute discs for
10 our officers, detectives, patrol supervisors what
11 to look for concerning human trafficking.

12 We also have handouts that we've made.
13 One side is in English and one side is in Asian
14 language, Mandarin. One side is in English, and
15 one side is in Spanish. We're presently working
16 on English and Russian.

17 Years ago, our attitude was you make the
18 arrest, you put them in the system and that's it,
19 but through ourself being educated by the
20 Department of Justice and the Human Trafficking
21 Task Force, we realized that there's a problem
22 with human trafficking, as well as human
23 smuggling. And that's why we put these courses
24 together. That's why the Long Island Human
25 Trafficking Task Force has their meetings, to see

1 where we can better ourselves, as well as through
2 the trial that's going on. We learned a lot where
3 we made mistakes. And we're going to better
4 ourselves and come out and do a better job than
5 what we're doing now. That's basically it. Thank
6 you.

7 MR. FRANZBLAU: Detective, does the task
8 force have written protocols or a memorandum of
9 understanding, or is it just basically guys that
10 have been -- have good working relationships and
11 communications are flowing freely at this point?

12 SPEAKER: (John Birbiglia) There's
13 nothing written down. We just have a good group
14 of people that got together and we decided this IS
15 where we're going. And with the meetings, we
16 update ourselves. And it's basically word of
17 mouth. I mean, everyone is just working magically
18 and fantastically together, which is surprising
19 for a group, especially when you're dealing with
20 state, local, feds, NGOs.

21 We also have Department of Labor, who's
22 also been assisting me in my investigations and
23 stuff, going after extra monies to get back to
24 hand these victims where they don't realize that
25 they're entitled to overtime, they're entitled to

1 days off, they're entitled to all sorts of
2 benefits under the state labor law acts. So they
3 have been working hand in hand with all of us.

4 So like I say, I can say for Long Island,
5 we're very, very fortunate to have a great task
6 force. We're very fortunate.

7 MR. FRANZBLAU: Thank you.

8 MR. FRANK: (John Birbiglia) Thank you.

9 MS. STANFORD: Thank you.

10 MR. FRANK: Our next speaker IS from
11 GEMS. Okay. Next we have -- we'll go back to
12 GEMS if they come.

13 New York State Coalition Against Sexual
14 Assault. Just state your name and title and
15 organization.

16 SPEAKER: (Adam Williams)

17 Adam Williams, the outreach project
18 director for NYSCASA, the New York State Coalition
19 Against Sexual Assault.

20 In terms of age, sex, race, legal status,
21 human trafficking IS a crime that preys upon most
22 vulnerable populations. While the impact of human
23 trafficking falls more heavily on those that are
24 vulnerable, its effect reverberates throughout New
25 York State. New York State, by implementing the

1 human trafficking law, will become a safer place
2 for us all.

3 We at NYSCASA are committed to ending
4 sexual assault and violence. We do this through
5 our support of Rape Crisis programs throughout the
6 state. Eminently, we provide technical
7 assistance, cultural competency training, and
8 sexual violence primary prevention to the
9 increasingly diverse populations throughout New
10 York State. NYSCASA also advocates for positive
11 legislative change regarding sexual violence and
12 prevention and service provision.

13 It bears mentioning that this new law
14 addresses the most horrendous components of human
15 trafficking, including sexual exploitation and
16 slavery. It provides essential services to
17 victims of human trafficking and tougher penalties
18 for those perpetuating the crime itself. Our work
19 regarding human trafficking, however, is far from
20 done. We must take the necessary steps to
21 guarantee that victims receive the best possible
22 and most appropriate service tailored specifically
23 to victims of human trafficking.

24 NYSCASA is honored to participate with
25 the New York State Interagency Task Force on Human

1 Trafficking. And we congratulate our
2 representatives for having done well in taking a
3 stand against this horrific crime, and urge them
4 to continue to ensure that our state's essential
5 Rape Crisis programs are better able to offer the
6 best services possible to the survivors of this
7 crime and any sexual assault.

8 MR. FRANK: Thank you.

9 Okay. The next scheduled speaker is from
10 Catholic Charities Housing Office, Catholic
11 Charities of Albany.

12 SPEAKER: (Mokaya Bosire)

13 My name is Mokaya Bosire. I've been the
14 leader, case manager with the anti-trafficking
15 project with Catholic Charities in Albany.
16 Catholic Charities Housing is an agency of
17 Catholic Charities in Albany.

18 Just as an aside, I'm just going to ask
19 that maybe at the end of this meeting that we can
20 get the contacts of all of the panelists and all
21 the participants here today, just for the
22 collaboration that I'm going to talk about. We
23 really need **it**.

24 Catholic Charities Housing Office has
25 been involved with human trafficking in dealing

1 with trafficking cases for the past three years,
2 and we have learned quite a lot in that time.

3 What we do basically as a core business
4 is we're in housing, emergency housing. We have
5 two shelters here in Albany. We have single-room
6 occupancies. We provide housing for seniors. And
7 in that capacity, we also provide a comprehensive
8 case management program that addresses all that we
9 serve, mostly in crisis.

10 Since we started working with victims of
11 trafficking since 2004, we have learned a lot in
12 terms of who this kind of population are and the
13 horror of this crime. We have been -- we've dealt
14 with a few cases since then. And what we have
15 seen is that a lot of people just read about human
16 trafficking.

17 Human trafficking is a legal, technical
18 term. I think that we probably need another term
19 to bring the horror of this crime to the
20 consciousness of people, ordinary people in the
21 street. I think that the term "slavery", "modern
22 slavery" without even using "modern day", just say
23 "modern slavery" would be something that describes
24 this crime.

25 I am very glad that there is the task

1 force. I'm very glad that the New York State has
2 passed legislation to deal with this. I feel
3 very -- I feel better that, you know, the locals
4 police forces, the local police force, police
5 department, police department in Albany and all
6 the sheriff's departments, all the law enforcement
7 agencies in the state can get involved in this and
8 can get to know what trafficking is and how we can
9 deal with **it**.

10 We've been dealing -- In the past three
11 years, we basically dealt with the feds. And so
12 our understanding is that a lot of cases that
13 could have been identified by the local law
14 enforcement agencies were not, or if they were,
15 they were prosecuted as different cases. There
16 are different remedies in the system. I think
17 that some of those cases just went -- they were
18 prosecuted as not as human trafficking cases, but
19 as different cases. And so now we bring, you
20 know, feelings of gratitude that there's going to
21 be the state resource there.

22 Having said that, let me just say
23 something we have learned from dealing with these
24 cases of human trafficking in the last three
25 years. One of them is that we think that there's

1 a lot, a lot more trafficking cases that are going
2 on right under our noses that have not come to
3 light, because of I think one major reason, which
4 has also been brought up in the trafficking
5 persons report, the yearly report that is prepared
6 by the state department, that is the need for
7 self-identification. I think that a lot of
8 people, a lot of providers, a lot of people In the
9 state, law enforcement are expecting the victims
10 will come out and say, listen, we've been
11 trafficked. And that is not going to happen.

12 I think that we need an aggressive going
13 forward going to seek for these victims. What
14 we've learned is victims are not going to come
15 forward. For those who have come forward, there
16 are very few. And in so doing -- I mean by
17 recognizing the fact that victims are not going to
18 self-identify, we need this task force, either the
19 task force or the providers who will be the
20 providers who will be dealing with human
21 trafficking, they have to be aggressive in going
22 out to seek for the victims.

23 There was a question about how do we
24 identify victims. Victims are hiding right
25 behind -- you know, in front of our eyes. And we

1 think that the reason we don't see them is that
2 there's not been enough information. As I say,
3 human trafficking has been a technical term that
4 people don't really, you know, understand. Now,
5 if we can bring this out in chewable, ordinary
6 language, street-language terms that this human
7 trafficking is slavery, it's a crime, it's a state
8 crime, it's a federal crime, that it happens right
9 around us. And we -- and have -- and bring that
10 information to everybody. We need -- the task
11 force needs to make this clear in a lot of ways.

12 And one of the things that we can do is a
13 very aggressive information campaign. And I'm
14 looking at, for example, having billboards, things
15 that say -- small slogans that say human
16 trafficking or, you know, slavery is a crime and
17 is happening right in our neighborhoods, it's
18 happening in the communities. If you see this and
19 this, you need to call. We need to establish tip
20 lines or hotlines where people can easily access
21 them and give tips or call in and say, I saw
22 something. I haven't seen that. I need that to
23 be placed in strategic places - in hospitals, in
24 schools, in Social Services, in churches.

25 Catholic Charities through the Catholic

1 Charities Housing Office, we've been giving talks
2 in local churches that are sensitizing people
3 about human trafficking, what **it is**, how we try to
4 recognize **it**. We feel that in some of the
5 restaurants that we patronize every day, that
6 there are people being trafficked right in there.
7 We have seen people in restaurants who -- for
8 example, the food runners who don't speak to you.
9 If you've seen -- if you've seen In restaurants,
10 there's now a different category between the
11 waiters and the food runners. The food runners
12 bring the food. They put **it** right on your plate
13 and leave. They don't speak to you. You don't
14 speak to them. If you try to speak to them, they
15 call the waiter.

16 So we think that something like that
17 might be because these people either don't speak
18 English or because they are under strict
19 they're under strict orders not to speak to
20 anyone.

21 So these things need to come out in the
22 open. I think that one of the recommendations
23 that we're bringing out **is** that needs to be
24 brought out into the open.

25 The other thing that I want to talk about

1 is funding. My colleagues and a lot of other
2 presenters have talked about funding not being
3 enough for this. The kind of funding streams that
4 we have right now, we have we've been having a
5 contract with Department of Health and Human
6 Services through ORR, through u.S. Diocese, United
7 States Conference of Catholic Bishops. And my
8 question to the task force today and to all of us
9 here is to think about how the funding that is
10 being provided by New York State is going to
11 dovetail into that kind of funding stream, the
12 federal funding stream through ORR, so that they
13 don't work up -- they can work together and
14 compliment each other instead of being different
15 streams that either you cannot -- you can apply
16 for one and not the other. I need that explained
17 in some way so that, you know, the funding can --
18 those two funding streams can be used
19 concurrently.

20 The other thing that I'm looking at is
21 the fact that because trafficking is such an
22 intensive -- is such an intensive work, in other
23 words, to help victims of trafficking, it takes
24 time. In one case, it took one year for the
25 client to let us know what happened to them.

1 Sometimes clients have, you know, strongly
2 identify with their traffickers so that they don't
3 say anything, or they say please don't say
4 anything bad about that person, that is my friend,
5 and stuff like that. So I need, I need some way
6 in which funding can cover that.

7 And the last thing I want to talk about
8 funding is using the model of ORR that we have,
9 that an NGO or any provider, once you've
10 identified somebody, you can go ahead and have
11 some investigative part of working with this
12 client even before the client is certified by law
13 enforcement and becomes eligible, so that, you
14 know, you have some time that you're paid to work
15 with this client before your funding comes in.
16 Thank you very much.

17 MR. FRANK: Thank you. At the beginning,
18 you had asked about the list of agencies
19 participating today. And I think Mary mentioned
20 or Commissioner O'Donnell mentioned, we are
21 going -- this will be posted on the DCJS web site.
22 And I think we'll probably at least link to that
23 web site on OTDA's web site as well. So that
24 information will eventually be out there,
25 including the names of the organizations.

1 MS. KAVANEY: The other thing, too, we've
2 left a business card for DCJS and OTDA. If you
3 have specific questions, it should go to the task
4 force members. If you can just send your
5 inquiries to either Logan or myself, Mary Kavaney,
6 and we'll get them to the right agencies, which we
7 haven't released everybody's personal e-mails yet.
8 So we'd like to get the inquiries in through us if
9 that's all right.

10 MR. FRANK: The next scheduled speaker is
11 Multicultural Association of Medical Interpreters.
12 Told you I'd get to you.

13 SPEAKER: (Cornelia Brown)

14 Thank you. My name is Cornelia Brown,
15 and I'm the executive director of the
16 Multicultural Association of Medical Interpreters
17 of Central New York, known for short as MAMI
18 Interpreters or MAMI.

19 Thank you very much for giving us the
20 opportunity to speak about human trafficking today
21 on behalf of MAMI Interpreters. With offices in
22 Syracuse and Utica, MAMI Interpreters is a
23 non-profit language service agency dedicated to
24 providing trained language aid to ensure equal
25 access to services for people who are limited

1 English proficient, or LEP.

2 I'm also here on behalf of the victims of
3 human trafficking. MAMI recognizes that such
4 victims need a voice, a voice that speaks their
5 language. They need to be listened to and
6 understood. As New York State has recognized by
7 convening this public hearing, we now must
8 eradicate this modern form of slavery. Human
9 trafficking threatens public health by increasing
10 the incidents of AIDS and other sexually
11 transmitted diseases. It supports terror, the
12 arms trade, exploits labor, increases drug
13 addiction and repels us ethically. We will fail
14 to eradicate this menace unless we mobilize best
15 practices for addressing the language barrier,
16 which functions as a ball and chain on the
17 victims.

18 Many of the thousands of victims of human
19 trafficking in the United States are LEP. Indeed,
20 the language barrier may enable enslavers to
21 pursue their illegal activities without detection.
22 Shut off by the inability to communicate, these
23 LEP victims can neither request help or tell their
24 stories. To speak up, they'd need help from
25 someone who can facilitate their communication

1 with English speakers and could make them feel
2 safe enough to tell their stories. What's needed
3 is a competent interpreter.

4 BRIA, the Bureau of Refugees and
5 Immigrant Affairs, should immediately review its
6 program plans to ensure that they promote
7 competent language services rather than promoting
8 a cheaper but useless and maybe harmful
9 substitute, the continued use of untrained
10 bilingual employees, friends and family to
11 interpret for people who have already been
12 victimized once. It's crucial to consider the
13 competency of the person chosen to help a victim
14 speak.

15 At present, public awareness is growing
16 to the effect that an interpreter working in
17 medical, legal or social services must be trained,
18 not untrained or ad hoc. New York State had
19 recently passed legislation enforcing the use of
20 qualified interpreters in hospitals, the State
21 Department of Health Code, and is developing
22 similar legislation ensuring qualifications of
23 interpreters for Medicaid patients.

24 The State Department of Health is funding
25 a class project that's national standards for

1 culturally and linguistically appropriate services
2 for completion by March 31st, 2008 with the
3 purpose of establishing interpreter competency
4 standards for health-care interpreters.

5 OTDA's office for child and family
6 services has recently published a study stating,
7 quote, "It is important to have in-person
8 interpretation and translation services available
9 through bilingual or multilingual staff or
10 volunteers specifically trained as interpreters
11 and translators following the class guidelines."

12 BRIA-funded programs on human trafficking
13 should be reviewed immediately to reflect these
14 emerging best practices.

15 Use of trained interpreters, while always
16 important, is especially so in the fight against
17 human trafficking where the settings are varied
18 emotions and danger high and victims routinely
19 afraid to speak. In the absence of a trained
20 interpreter, who will bridge the language gap
21 allowing the victim to understand her situation
22 and tell her story? The person could be her
23 kidnapper or, In a worst case scenario, or a
24 friend of the kidnapper, a friend of the victim or
25 another victim who speaks a little bit more

1 English, an untrained case worker who's also an
2 elder in the victim's community. The list goes
3 on.

4 A trained interpreter has tested language
5 skills, keeps confidentiality, is accurate and
6 complete, declares conflicts of interest, observes
7 strict role boundaries, all of which help the LEP
8 person to speak up. Can or will untrained people
9 follow this routine?

10 First, an untrained person may violate a
11 victim's confidentiality, or at the very least
12 arouse anxiety in the victim, who then refuses to
13 speak.

14 Second, ad hoc interpreters have uneven
15 language skills and may misunderstand what's said,
16 unintentionally omitting, adding or changing the
17 victim's and the provider's words, hopelessly
18 confusing the communication.

19 Third, ad hoc interpreters often have an
20 undeclared, yet strong interest in the victim.
21 Even well-meaning friends, family, bilingual
22 employees or other community members may have
23 varied kinds of conflicts of interest related to
24 gender roles or outsider perceptions of their
25 community. Driven by their own agendas and not

1 the victim's agenda, they may purposely change the
2 words they interpret and even give advice without
3 letting the provider know. Thus, conflicts of
4 interest can lead to violations of all the other
5 ethics mentioned - confidentiality, neutrality,
6 accuracy, and completeness. The very presence of
7 an individual with a strong link to the victim may
8 lead the victim to hide her story or to change it
9 in ways that the provider cannot perceive.

10 In sum, using ad hoc interpreters
11 threatens to serve the enslavers to shut victims
12 in a black box.

13 New York State should not fund programs
14 that feed the problem they're designed to fight.
15 Here are some suggestions for expanding the
16 availability of trained interpreters to victims of
17 human trafficking and their would-be rescuers.

18 Interpreting agencies: First, we note
19 that the current BRIA RFP on human trafficking
20 requires that successful applicants offer case
21 management services. Of course, case management
22 services are needed and crucial for this effort.
23 At the same time, case management organizations
24 may not offer trained interpreter services. Under
25 the terms of this RFP, they could simply send

1 their own bilingual employees to do the
2 interpretation, which runs the risks outlined
3 above. Granted, case management organizations
4 could subcontract with language agencies under the
5 current RFP, but the tendency to keep one's
6 financial assets militates against this.

7 We believe that BRIA should accept
8 applications for this initiative directly from
9 language service agencies, ones that specialize in
10 trained oral interpreter services and qualified
11 written translations.

12 Additionally, BRIA should require that
13 state funding for interpreting support only
14 trained interpretation, and this requirement
15 should be enforced effectively with explicit
16 standards, documentation and on-site monitoring.
17 Interpreters funded under the program should be
18 trained to work in many sites - medical, mental
19 health, law enforcement, social, and victim
20 services to name a few key ones.

21 As an interesting aside, MAMI has the
22 largest trained interpreter program across central
23 New York, in the Mohawk Valley and the central
24 regions, whereas they interpret often in court and
25 domestic violence cases. To our knowledge, we've

1 never been asked to help in a human trafficking
2 case, which suggests that some victims are going
3 without interpreters.

4 Interpreting mode: We suggest that BRIA
5 contract for both for in-person and telephonic or
6 remote interpreter services. Generally, in-person
7 interpreting is preferred for situations where
8 communication is difficult and understanding
9 crucial, but telephonic services are needed for
10 backup, unusual languages and remote areas where
11 in-person interpreters aren't available.

12 BRIA should study each state region
13 separately, ensuring that interpreting in both
14 modes is available and that service providers know
15 how to contact an interpreter when needed.

16 Interagency collaboration: Responding to
17 human trafficking, the BRIA should promote and
18 monitor collaboration between case management,
19 language service organizations, and other
20 organizations responding to the RFP. An improved
21 collaboration promises to identify treatment sites
22 and coordinate the varied professional services
23 required for this initiative.

24 Interpreter dispatch systems:
25 Interpreters are useless without an effective

1 system to dispatch them. Language agencies could
2 take the lead in this part of the project. BRIA
3 should require agencies responding to the RFP,
4 especially the language agencies, to develop and
5 demonstrate across the different regions of the
6 state regional interpreter dispatch systems that
7 cover the settings where trafficking victims are
8 likely to need help.

9 Interpreters must be available in the
10 prevailing languages and also around the clock.
11 The language agencies chosen under this RFP should
12 be able to dispatch interpreters 24/7. Hotlines
13 should also be usable by speakers of languages
14 other than English.

15 Culture competency training for
16 providers: The RFP correctly requires that
17 responding organizations provide this training.
18 We also urge that cultural competency training
19 include new elements, such as education on how to
20 communicate through a trained interpreter,
21 interpreting ethics and procedures, and the
22 difference between trained and untrained
23 interpreters as far as their ability to facilitate
24 communication and understanding. Monolingual
25 providers can best work as a team of interpreters

1 when they comprehend how interpreters work and
2 why. BRIA should contract with language service
3 agencies to help provide these trainings.

4 In sum, human trafficking breeds and
5 festers in an environment where its victims do not
6 have an option to understand or to be understood.
7 Before undertaking its newest response to the
8 menace of human trafficking, BRIA should review
9 its program to implement this strong language
10 access plan. Then the silenced LEP victims of
11 human trafficking will be able to learn their
12 rights, come to trust their interlocutors, and
13 regain their VOICES. Thank you.

14 MR. FRANZBLAU: Thank you very much.

15 MR. FRANK: I understand somebody is here
16 from GEMS. State your name and title and the
17 organization.

18 SPEAKER: (Patti Binder) Sure. I'm
19 Patti Binder. I'm the deputy director of Girls
20 Educational and Mentoring Services. And if you'd
21 just bear with me a second, I don't have a paper
22 copy with me.

23 MR. FRANK: While we're waiting, IS there
24 somebody here from NOW New York City? So unless
25 someone comes from NOW, you'll be our final

1 speaker.

2 SPEAKER: (Patti Binder) Thank you for
3 having me.

4 On behalf of Girls Educational and
5 Mentoring Services, GEMS, I thank you for both the
6 invitation and opportunity to testify about New
7 York State's anti-trafficking law.

8 As a member of the New York State
9 Anti-Trafficking Coalition, GEMS is thrilled to
10 see New York State pass the strongest law In the
11 country. In order to send a message, not just to
12 the state, but also to the rest of the country, it
13 is vital that New York State ensures a full and
14 fair implementation of this law.

15 There has been great excitement among the
16 coalition members and advocates of the passage of
17 this law. Yet for some of us, there was also
18 great excitement about the passage of the 2000
19 TVPA. Unfortunately, that excitement quickly
20 diminished as the TVPA began to create a dichotomy
21 between trafficking victims and child prostitutes,
22 those born in the U.S. and those born outside, and
23 those who are eligible for services and those who
24 weren't.

25 In the 2000 TVPA, domestic victims were

1 technically covered in the letter of the law.
2 However, in the initial implementation and in the
3 spirit of the law, there was an overwhelming focus
4 on international victims while simultaneously
5 ignoring the rights and the needs of domestic
6 victims. It's our sincere hope that this will not
7 be the case with the implementation of the New
8 York State trafficking law.

9 Since 1999, Girls Educational and
10 Mentoring Services has served as the only
11 non-profit in New York State to provide
12 specialized services to commercially sexually
13 exploited youth and domestically trafficked girls
14 and women ages 12 to 21 years. Last year, GEMS
15 served 202 girls and young women, 99 percent of
16 whom were domestic trafficking victims under both
17 the federal law and the New York State law. Yet,
18 it's only been in the very recent years that the
19 girls and young women from GEMS have been
20 recognized as trafficking victims and only really
21 in the rhetoric, rarely in the practice.

22 The overwhelming majority of GEMS members
23 are **U.S.** citizens, most born and raised in New
24 York, and over 95 percent are low-income young
25 women and girls of color. These girls and young

1 women are lured into the sex industry through
2 fraud, deception, force, violence, seduction and
3 coercion. They are bought and sold. They are
4 beaten and raped. They are branded and tortured.
5 They have had their IDs taken away, their families
6 threatened, their movements restricted. The
7 average age of initial recruitment is now 12 years
8 old. Yet, these girls and young women are rarely
9 viewed as victims, and they're frequently
10 criminalized for their victimization and must rely
11 upon private, underfunded agencies to address
12 their myriad of needs.

13 There continues to remain a challenge in
14 addressing domestic children and youth as human
15 trafficking victims while also prosecuting
16 children for what is under a different part of the
17 penal code statutory rape. The Safe Harbor Act
18 would address these discrepancies in the law,
19 continues to remain stalled in the New York State
20 legislature after three years of its initial
21 introduction.

22 It's challenging to realize that agencies
23 such as GEMS and others who have presented here
24 today, who primarily serve domestic victims, are
25 shut out of funding and resources to support their

1 crucial services. There's an argument both at the
2 federal level and now, unfortunately, at the state
3 level that states that domestic victims are
4 already eligible for a variety of services and,
5 therefore, don't need additional services. This
6 is really akin to saying that domestic violence
7 victims who are **U.S.** citizens are ready, able to
8 go to law enforcement; are ready, able to receive
9 hospital treatment; are ready, able to stay in a
10 homeless shelter; and, therefore, they really
11 don't need specialized services. It would really
12 have been ludicrous if this is how we dealt with
13 it, with domestic violence. And, fortunately, we
14 haven't. However, this is ultimately the message
15 to domestic victims of sex trafficking.

16 While there's no intent on the part of
17 GEMS to diminish the very specific needs of
18 undocumented trafficking victims, it's also vital
19 that the very specific needs of domestic victims
20 of sex trafficking are acknowledged and, in turn,
21 supported.

22 As others have stated today, it will
23 require a paradigm shift and systemic change in
24 order to recognize that the prostitution of women
25 is inherently linked to gender violence and

1 frequently trafficking, and to recognize that
2 children under the age of 18 who are under the
3 control of a pimp, strip club or brothel owner are
4 not child or teen prostitutes, willing
5 participants or juvenile delinquents, but rather
6 they are victims of human trafficking, equally
7 worthy of support and services as their foreign
8 counterparts. Training for law enforcement, the
9 judicial system, and service providers that
10 addresses the need of domestic victims equal to
11 those of the foreign victims is an important first
12 step. Including domestic victims as recipients of
13 state-funded services would also do much to
14 enhance this message. Thank you.

15 MR. FRANK: Thank you very much. I'll
16 make one last call for NOW New York City. Are
17 they here?

18 I guess then I'd like to close by
19 thanking everybody for coming. I want to thank
20 all of our fellow task force members for being on
21 the panel with us all day today. I want to thank
22 all the folks who came and spoke, and particularly
23 all the folks who came to listen. Many folks
24 stayed here most of the day or the entire day to
25 pay attention. And our goal as task force members

1 IS to match your commitment in our own way. Thank
2 you very much.

3 MR. FRANZBLAU: I'd also like to thank
4 everybody on behalf of Commissioner O'Donnell for
5 speaking, their attendance, for their submission
6 of written statements. I know clearly this is not
7 just a criminal justice program, it's a problem.
8 It's a multi-disciplinary, multi-jurisdictional
9 problem. And without the assistance and the ideas
10 of agencies and groups like yourselves, we're not
11 going to be effective in fighting this. So thank
12 you very much.

13 Please also don't feel that this is the
14 only opportunity you get to talk to us. We are
15 available to you. We want to hear about your
16 ideas. We want to hear about the problems you're
17 encountering. We need you to educate us as we go
18 along. And, you know, we hope you will take that
19 seriously and take advantage of that. Thank you
20 very much.

21 (Whereupon, the proceedings concluded at
22 2:42 p.m.)

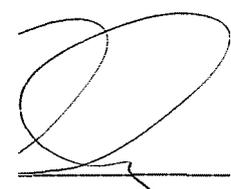
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CERTIFICATION

I, BRENDA J. O'CONNOR-MARELLO, a Certified Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of the same, to the best of my knowledge and belief.



BRENDA J. O'CONNOR-MARELLO, C.S.R.