



Urban Justice Center

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Senator Berta Gardner
State Capitol Bldg., Room 417
Juneau, AK 99801

Senator Lesile McGuire
State Capitol Room 103
Juneau AK, 99801

Senator John Coghill
State Capitol Room 119
Juneau AK, 99801

Senator Click Bishop
State Capitol Room 115
Juneau AK, 99801

Senator Johnny Ellis
State Capitol Room 7
Juneau AK, 99801

Dear Senators Gardner, McGuire, Coghill, Bishop, and Ellis,

I am writing as an anti-trafficking advocate and a concerned Alaskan. Trafficking is a serious issue that deserves serious answers and I would like to commend you and your co-sponsors for crafting SB 170 in an effort to refine Alaskan law to reflect the lived experiences of trafficking survivors in Alaska. I have been working on anti-trafficking issues for some time now and have been able to see the many failed attempts and wrong turns that other states have made in their efforts to combat human trafficking. Luckily, I know that my state has never been one to follow the lead of the lower forty-eight. In the hopes of making Alaska the leader of the anti-trafficking effort in the U.S. and a model after which other states might aspire to, I offer the following suggestions to the bill.

I. Expand SB 170 to Include Human Trafficking Convictions

The introduction to SB 170 makes an apt point when it states that “anti-sex trafficking statutes may ensnare those who have been trafficked, resulting in arrests and prosecution of those who were, themselves, victims of sex trafficking.” This is absolutely true and a point that many state legislators (and the federal government) have failed to adequately recognize. Victims of trafficking are forced to commit not only prostitution, but also many other acts which fall under the definition of the crime of sex

trafficking. This is especially true as traffickers often try to insulate themselves from criminal conviction at all costs. This problem is the most acute in states like Alaska that have expanded the definition of sex trafficking by eliminating the element of “force, fraud, or coercion.” Indeed, under state law, if a sex trafficking victim is able to obtain condoms in order to afford herself some safety from STDs and forced abortions, and then she shares those condoms with a fellow victim, she would fit the definition of a human trafficker in the 3rd degree as someone who has “engage[d] in conduct that institutes, aids, or facilitates a prostitution enterprise.” She could also be guilty of human trafficking in the fourth degree. If a trafficking victim is forced to post pictures of herself and others in online ads for sex, as is very often the case, she would be guilty of human trafficking in the second degree because she has “procure[d] or solicit[ed] a patron for a prostitute.” To better serve the stated purpose of preventing the system of “re-victimization,” I humbly propose that the language of SB170 be expanded to fit the language of its introduction and to allow for the affirmative defense of trafficking to be applicable to human trafficking charges as well as prostitution charges.

II. Expand SB 170 to Apply to Victims Who Cannot Come Forward Until After Their Conviction

Expanding SB 170 to apply to victims who do not come forward with their victimization until after their conviction would not only serve the important goal of allowing victims of sex trafficking an opportunity to move on with their lives free from the stigma of a criminal record which was forced upon them, as well as help victims who are now living with forced criminal records resulting from convictions that predate this important legislation, but it also serves the goal stated in the introduction to SB 170 to “expose the extent of sex trafficking in Alaska.” If the remedy were applicable to victims post-conviction, they have an incentive to report their victimization to law enforcement – a process that can trigger PTSD symptoms in many survivors. This will provide law enforcement with the leads and the victim-cooperation necessary to capture and punish traffickers. Importantly, it will also give Alaskans a more complete picture of how trafficking has existed in Alaska throughout the years.

For many victims, the time between arrest and conviction is confusing at best, and re-traumatizing at worst. Very few victims are armed with the language of trafficking and have been conditioned to not only think that they are guilty of prostitution, but also to think that no one will believe them or care if they come forward about their abuse. That they were arrested in the first place is nearly proof of this fact for many victims. As the introduction to SB 170 rightly points out, some victims do not feel safe reporting their traffickers to law enforcement due to extreme violence and persecution that they have faced at the hands of the police. Bearing in mind all of the many hurdles a victim would have to overcome without any support or social services in the short time between arrest and conviction, combined with the important need for law enforcement to assess and combat the full extent of sex trafficking in Alaska, I believe it is in the best interest of Alaska to expand the language of SB 170 to create a remedy for victims at any stage in the criminal process.

III. SB 170 Should Include a Provision for the Proper Training of Law Enforcement as Well as the Creation of a Safety Net for Cooperating Survivors

I applaud Senator Gardner and the Co-Sponsoring Senators for pointing out the very difficult relationship that victims of trafficking have with law enforcement, and for highlighting the importance of services for survivors of trafficking. Repairing the relationship between survivors and law enforcement is the number one action that law enforcement can take to fight trafficking. The current dynamic allows for traffickers to actually insulate themselves from law enforcement, because they know that victims fear the police, and that police often fail to effectively screen people for signs of trafficking. Additionally, the lack of services to those most vulnerable to trafficking allows traffickers to exert a tremendous amount of control over their victims. Lack of shelter, drug and alcohol dependence, or mental illness can allow traffickers to maintain complete control over their victims without the use of locks and chains. In the current situation, victims maintain chained to their traffickers, and the efforts of

law enforcement to apprehend traffickers is greatly impeded. Providing effective screening training to law enforcement by actual survivors and training law enforcement to treat potential victims with dignity and respect, in combination with an effective safety net for victims who would otherwise have to choose between being without shelter in the Alaskan winter or returning to the warm home of their trafficker, would arm law enforcement with the tools and the allies that they need to fight trafficking effectively.

IV. SB 170 Should Provide Limited Immunity for People Who Report Incidents of Human Trafficking to Law Enforcement

Due to the illegal nature of trafficking, the stigma of forced prostitution, and fear of the police, it is only the rarest occasion when the victim is the person who reports the crime of trafficking to law enforcement. However, this does not mean that good Samaritans do not encounter trafficking victims. The people who are most likely to encounter a victim of forced prostitution are others who work in prostitution, and their customers. Currently, these same people could face investigation and prosecution if they come forward to the police with information about a trafficking victim. As such, it is of the gravest importance to the well-being of victims and the efforts of law enforcement that SB 170 include a provision that makes it safe for people to report trafficking when they see it.

I am so happy to see my state taking human trafficking seriously and I have no doubt that Alaskans can be the leaders this nation needs to thoughtfully and effectively eradicate human trafficking.

Sincerely,



Robin Richardson
Equal Justice Works Fellow
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