

**ALASKA STATE LEGISLATURE  
JOINT MEETING  
HOUSE JUDICIARY STANDING COMMITTEE  
SENATE JUDICIARY STANDING COMMITTEE**

February 20, 2013

1:33 p.m.

**MEMBERS PRESENT**

HOUSE JUDICIARY

Representative Wes Keller, Chair  
Representative Bob Lynn, Vice Chair  
Representative Neal Foster  
Representative Gabrielle LeDoux  
Representative Charisse Millett  
Representative Lance Pruitt  
Representative Max Gruenberg

SENATE JUDICIARY

Senator John Coghill, Chair  
Senator Lesil McGuire, Vice Chair  
Senator Fred Dyson  
Senator Donald Olson  
Senator Bill Wielechowski

**MEMBERS ABSENT**

HOUSE JUDICIARY

All Members Present

SENATE JUDICIARY

All Members Present

**COMMITTEE CALENDAR**

OVERVIEW(S): REPORT BY THE TASK FORCE ON THE CRIMES OF HUMAN  
TRAFFICKING, PROMOTING PROSTITUTION, AND SEX TRAFFICKING

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

MICHAEL C. GERAGHTY, Attorney General  
Department of Law (DOL)  
Juneau, Alaska

**POSITION STATEMENT:** As a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, assisted in presenting the task force's report.

JOSEPH A. MASTERS, Commissioner  
Department of Public Safety (DPS)  
Anchorage, Alaska

**POSITION STATEMENT:** As a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, assisted in presenting the task force's report.

REE SAILORS, Deputy Commissioner  
Office of the Commissioner  
Department of Health and Social Services (DHSS)  
Juneau, Alaska

**POSITION STATEMENT:** As a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, assisted in presenting the task force's report.

MICHELLE DeWITT, Executive Director  
Tundra Women's Coalition  
Bethel, Alaska

**POSITION STATEMENT:** As a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, assisted in presenting the task force's report.

GWEN ADAMS, Pastor  
Women's Ministry  
Changepoint  
Anchorage, Alaska

**POSITION STATEMENT:** As a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, assisted in presenting the task force's report.

**ACTION NARRATIVE**

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**CHAIR JOHN COGHILL** called the joint meeting of the House Judiciary Standing Committee and the Senate Judiciary Standing Committee to order at 1:33 p.m. Present at the call to order

from the House Judiciary Standing Committee were Representatives Keller, Lynn, Pruitt, and Foster; Representatives LeDoux, Millett, and Gruenberg arrived as the meeting was in progress. Present from the Senate Judiciary Standing Committee were Senators Coghill, McGuire, Dyson, Olson, and Wielechowski.

**Overview(s): Report by the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking**

[Note to the reader: legislation passed in 2012 changed the names of the crimes of promoting prostitution in the first through fourth degrees, AS 11.66.110 - AS 11.66.135, to the crimes of sex trafficking in the first through fourth degrees.]

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CHAIR COGHILL announced that the only order of business would be an overview of the "Final Report and Recommendations" written by the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking.

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MICHAEL C. GERAGHTY, Attorney General, Department of Law (DOL), as a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, explained that the task force was statutorily created in 2012 for the purposes of researching the prevalence of human trafficking, [promoting prostitution,] and sex trafficking crimes in Alaska; assessing the services currently available to victims of such crimes; and making recommendations to further assist such victims. The task force met seven times and held three public hearings - one in Anchorage, one in Bethel, and one in Hooper Bay - and received information from a variety of sources. Much like domestic violence (DV) crimes, the crimes of human trafficking, promoting prostitution, and sex trafficking have remained hidden from society, and there must be a fundamental shift towards the notion that the victims of such crimes are indeed victims, not criminals.

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JOSEPH A. MASTERS, Commissioner, Department of Public Safety (DPS), as a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, concurred, and surmised that the crimes of human trafficking, [promoting prostitution,] and sex trafficking have largely been

misunderstood, overlooked, and underestimated due to the underground and hidden nature of such crimes, which are largely unreported. Furthermore, [many] law enforcement agencies in the state are ill-equipped and untrained in recognizing and responding appropriately to such crimes, the victims often mistrust and are uncooperative with law enforcement for a variety of reasons, and the stigmata associated with such crimes can present additional barriers to providing help to such victims. The abuse, exploitation, and trafficking of Alaska's most vulnerable citizens present the state with many unique challenges, and in order to be effective, investigations into such crimes must involve proactive enforcement and strong collaboration with other agencies, victim-service providers, and the victims themselves.

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REE SAILORS, Deputy Commissioner, Office of the Commissioner, Department of Health and Social Services (DHSS), as a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, recommended that committee members read the transcripts of the aforementioned public hearings - contained in Appendix 3 of the task force's written report; and relayed that the DHSS sees victims and potential victims of human trafficking in a variety of its programs - potential victims in that children who experience trauma are at much higher risk of becoming victims of the crimes of human trafficking, promoting prostitution, and sex trafficking. She indicated that the DHSS has learned a lot about the crimes of human trafficking, promoting prostitution, and sex trafficking as a result of the task force's work. Victims of such crimes have a need for residential care, including therapeutic foster care when the victims are children. Alaska's child welfare system, juvenile justice system, public health system, infant/early learning programs, and public assistance programs could all be of help to the victims of such crimes, though many such victims are initially reluctant to reveal that they are indeed victims of such crimes. More research into the crimes of human trafficking, promoting prostitution, and sex trafficking, as well as into what can be done to help the victims of such crimes is therefore warranted.

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MICHELLE DeWITT, Executive Director, Tundra Women's Coalition, as a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking,

concluded that people who experience trauma have a much higher risk of becoming victims of the crimes of human trafficking, promoting prostitution, and sex trafficking, because the trauma creates vulnerabilities that perpetrators are then able to exploit. Furthermore, instances of such crimes are often masked - appearing to instead be instances of domestic violence, sexual assault, or sexual abuse of a minor crimes - and thus it can be very difficult for a service provider to initially ascertain that a particular client has indeed experienced a human trafficking, promoting prostitution, or sex trafficking crime. Serving on the task force, she relayed, has highlighted just how much Alaskans still need to be educated with regard to human trafficking, promoting prostitution, and sex trafficking crimes in order to bring such crimes and their associated issues out of the shadows.

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GWEN ADAMS, Pastor, Women's Ministry, Changepoint, as a member of the Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, indicated that her organization has been reaching out to victims of human trafficking, promoting prostitution, and sex trafficking crimes because more such victims have been coming through its doors. Offering a couple of examples involving victims that she's met and spoken with, she noted that sometimes victims don't realize that they are being victimized, and sometimes they are just too afraid to seek help. This contributes to such crimes remaining undetected. Education is key to addressing this problem: People cannot be sold and bought like property, but it's happening in Alaska right now, and it's time to make Alaska hostile territory for the perpetrators of human trafficking, promoting prostitution, and sex trafficking crimes.

CHAIR COGHILL concurred.

SENATOR MCGUIRE, referring to the recommendations outlined in the task force's report, observed that the first recommendation is to establish a permanent working group [on human and sex trafficking]; that the thirteenth recommendation is to evaluate legislation to allow expungement of prior prostitution convictions of trafficking victims; and that prior prostitution convictions are one of the big barriers such victims face when seeking housing, employment, and a life free from their perpetrators. Also, perhaps expungement could be considered for first-time offenders of the crime of being the patron of a prostitute, she ventured.

COMMISSIONER MASTERS relayed that the question the task force faced was what particular mechanism ought to be used to clear a victim's criminal record, and ventured that a permanent working group, should the first recommendation be followed, could further address that question and its associated issues.

ATTORNEY GENERAL GERAGHTY concurred, and noted that Washington State, for example, has both an expungement statute and what he referred to as a "safe harbor provision" [in law]. In response to comments, he said the crime of human trafficking is occurring in Alaska, and noted that one such case involving women from Russia was prosecuted under federal law. Again, these crimes are hidden, and a lot remains unknown about them.

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COMMISSIONER MASTERS referred to the first recommendation outlined in the task force's report - again, to establish a permanent working group on human and sex trafficking - and explained that this is warranted because the issues pertaining to such crimes are much too complex for the task force to address in the very limited amount of time it still has. Specifically, such a working group should: identify ways to improve data-sharing on runaways and homeless youth between service providers and the state; evaluate options for reducing demand, and provide recommendations for what demand-reduction measures to implement; and evaluate ways in which to promote and expand the availability of shelter for unaccompanied minors. The second recommendation outlined in the task force's report is to conduct a high-profile media campaign in order to increase awareness [of these crimes and of the ways victims could be helped] among law enforcement personnel, service providers, and the public.

MS. ADAMS referred to the third recommendation outlined in the task force's report - to develop a mechanism to allow victim advocates access to potential trafficking victims - and indicated that such a mechanism [could increase the likelihood] that victims will receive the help they need and eventually testify against their perpetrators. The fourth recommendation outlined in the task force's report is to educate Alaska's youth about human and sex trafficking, specifically about the dangers involved and the activities perpetrators engage in to groom and lure victims. Such education is of the utmost importance in advancing the state's prevention efforts because the average age of Alaskan victims when they are first brought into the world of

trafficking is between 15 and 17 years old. Alaska Natives are at special risk because they are easily identifiable, have an exotic look which is much in demand [by perpetrators], have a higher chance of already having been sexually abused/assaulted and are thus what she termed, "pre-groomed," and, when from rural Alaska, often lack the financial/physical resources to get back home to family or to find safety.

MS. ADAMS mentioned that one mechanism for educating Alaska's youth would be to create two educational videos that could be distributed to school districts - one video [highlighting points relevant to urban youth,] and one video [highlighting points relevant to rural youth]. The fifth recommendation outlined in the task force's report is to train law enforcement, the DHSS, prosecutors, and key service providers. This training should be uniform; provide all personnel with the tools necessary to identify victims [of the crimes of human trafficking, promoting prostitution, and sex trafficking]; and eventually result in a coordinated emergency response once a victim is identified. Some such training is already occurring among law enforcement personnel, she noted.

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ATTORNEY GENERAL GERAGHTY referred to the sixth recommendation outlined in the task force's report - to amend the administrative subpoena law to encompass the trafficking statutes - and explained that such a change to AS 44.23.080 would enable law enforcement to investigate those who run web sites advertising women and children for sex. The seventh recommendation outlined in the task force's report is to establish a pretrial diversion program for persons arrested for prostitution; such a diversion program could eventually result in more victims providing law enforcement with information about their perpetrators. Again, such victims should not be treated as criminals.

MS. DeWITT referred to the eighth recommendation outlined in the task force's report - to update intake and population surveys to better identify potential trafficking victims - and explained that doing so would result in providing everyone with a better understanding of the scope of the problem in Alaska. Specifically, questions related to trafficking could be added to the Behavioral Risk Factor Surveillance System (BRFSS), the Youth Risk Behavior Surveillance System (YRBSS), law enforcement intake procedures, and the intake procedures of service organizations receiving certain grants. The ninth

recommendation outlined in the task force's report is to continue efforts on language access. Having access to translator services is important for victims whose primary language is other than English, both for purposes of understanding what the victim has endured in all its complexity, and in order to determine what services would be most appropriate to provide.

MS. DeWITT added that there should therefore be a focus on teaching [law enforcement and service providers] how to identify when such a victim may indeed need a translator, since a victim's rudimentary English skills could mask that fact. The tenth recommendation outlined in the task force's report is to encourage establishment of safe shelters, both short- and long-term. Trafficking victims have been forced to rely on their perpetrators for their food, clothing, shelter, and identification documents, and so being able to provide shelter to such victims would address at least one of their chief needs, and such shelters could be established by/via a variety of sources/efforts.

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COMMISSIONER MASTERS referred to the eleventh recommendation outlined in the task force's report - to create a mechanism to ensure housing of unaccompanied minors in emergency circumstances; indicated that this involves situations wherein obtaining parental consent is either not possible or not practical; and ventured that a permanent working group - again, should the first recommendation be followed - could further address this issue, which is an extension of the issue addressed in the tenth recommendation. The twelfth recommendation outlined in the task force's report is to develop a hotline and an emergency response for the hotline. This will ensure that when victims are ready to reach out for help, there is a mechanism in place for them to do so.

ATTORNEY GENERAL GERAGHTY, to conclude the presentation, referred to the thirteenth recommendation outlined in the task force's report - again, to evaluate legislation to allow expungement of prior prostitution convictions of trafficking victims - and indicated that he would be researching that issue further.

SENATOR DYSON referred to trafficking operations he'd learned about, one involving Asian women in Anchorage's Spenard

neighborhood, and one involving little boys "being booked electronically to service" cruise ship passengers in Juneau.

ATTORNEY GENERAL GERAGHTY and COMMISSIONER MASTERS, in response to a question, pointed out that although trafficking crimes could involve the transportation of victims, it's not required.

SENATOR DYSON recommended requiring those convicted of promoting prostitution or sex trafficking crimes to register as sex offenders.

[In response to comments and questions, members of the task force reiterated previous comments, and referenced the aforementioned recommendations and information provided in the report.]

REPRESENTATIVE GRUENBERG, noting that the statute addressing the crime of conspiracy - AS 11.31.120 - already includes the crimes of human trafficking in the first degree and sex trafficking in the first degree, asked the task force to consider whether the legislature should add the crime of sex trafficking in the second degree to AS 11.31.120.

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#### **ADJOURNMENT**

There being no further business before the committees, the joint meeting of the House Judiciary Standing Committee and the Senate Judiciary Standing Committee was adjourned at 3:01 p.m.