



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

H.B. No. 5621 (RAISED) AN ACT CONCERNING HUMAN TRAFFICKING.

**H.B. No. 5623 (RAISED) AN ACT CONCERNING VIOLENCE AGAINST WOMEN
AND VICTIMS OF HUMAN TRAFFICKING**

JOINT COMMITTEE ON JUDICIARY
March 14, 2016

The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report for H.B. No. 5621, An Act Concerning Human Trafficking, and H.B. No. 5623, An Act Concerning Violence Against Women and Victims of Human Trafficking. Both of these bills – which contain several identical sections – propose valuable tools to assist in the investigation and prosecution of human trafficking cases. The Division commends the Committee for its consideration of these provisions and we recommend your strong support. However, while we support the overall intention and contents of these bills, we must oppose certain provisions and would respectfully recommend and request that the Committee delete these sections should it decide to move forward with either or both of the bills.

Section 2 of H.B. No. 5621, which is identical to Section 19 of H.B. No. 5623, would impose onerous and unnecessary reporting requirements on each of the State's Attorneys. The information requested concerning the number and nature of trafficking cases is not readily available nor could it easily be obtained. This information does not come into the State's Attorney's offices; the police do investigations and apply for warrants. If, and only if, a warrant suggests trafficking in violation of the criminal statute would we be formally alerted to something that we could keep track of. To require the Division to attempt to compile this information also detracts from our ability to discharge our core responsibilities, including the actual investigation and prosecution of trafficking or other crimes. Further, even if the Division did compile such information, the disclosure of the details of ongoing investigations is at best unwise and potentially illegal depending upon the nature of the investigation and the investigative tools that are being employed. A case in point would be an investigatory grand jury, the proceedings of which are confidential pursuant to statute.

The actual number of trafficking arrests itself also may not warrant the amount of time and effort that would be required for such reporting. According to the Judicial Branch, in the five-year period ending last December a total of 17 arrests were made over those five years for violations of Section 53a-192a, Trafficking in Persons. For the same five-year period, a total of

two arrests were made for violating Section 53a-86(a)(2), which deals with promoting prostitution of a person under age 18. The Division acknowledges that human trafficking cases are likely underreported and that greater investigative and detection efforts are in order, however, the way to achieve this is not by imposing onerous and unnecessary reporting requirements. It is through such initiatives as the Connecticut Human Trafficking Task Force, a multi-agency collaboration launched by the United States Attorney for the District of Connecticut and including the Division and other law enforcement agencies on the state, local and federal levels.

Further, the Division would submit that the goal of the reporting requirements envisioned in these bills is already being achieved through the Trafficking in Persons Council. The Division participates in the council and will continue to partner with public and private agencies on the state, local and federal levels to study and make recommendations concerning trafficking and related issues. Finally, the Division stands ready at all times to provide any information that any committee of the General Assembly requests to the extent allowed by law. For these reasons, the Division would respectfully request that the Committee delete section 2 of H.B. No. 5621 and section 19 found in H.B. No. 5623.

The Division supports Section 8 of H.B. No. 5621 and section 25 of H.B. No. 5623. These identical provisions would strengthen the ability of the criminal justice system to convict those who prey on teenage victims of sex trafficking. These sections would remove the requirement that the prosecution prove beyond a reasonable doubt as an element of the crime that the "john" "knew or reasonably should have known at the time of the offense" that the teenage prostitute was, in fact, under the age of 18 in order to convict the "john" of the class C felony (maximum ten years' incarceration).

The Division, however, must oppose the revisions to the prostitution statutes proposed in section 7 of H.B. No. 5621 and section 24 of H.B. No. 5623. These sections would no longer make it a crime for anyone under the age of 18 to engage in prostitution. While well-intentioned, this approach is misguided and contrary to the fundamental reason the juvenile justice system exists. Such a change also could well prove detrimental the very victims of teenaged sex trafficking it is intended to benefit.

Anyone under age 18 who is charged with prostitution goes to the juvenile court. The underlying purpose of the juvenile court is to provide treatment and rehabilitation. The court cannot provide treatment if it cannot get to the child. This can be particularly true in cases of teenage sex trafficking where the child victim has been "groomed" and brought under the control of the person who is victimizing the child. These young victims are among the most likely to refuse to cooperate with the authorities either to assist in the prosecution of the john or the pimp. Police must have the ability to arrest such a 16- or 17-year-old for the child's own good and to get to the real criminals.

Retaining the current law does not mean that every 16- or 17-year-old who engages in prostitution is arrested. The police still have the option of not making an arrest and the prosecutor retains the discretion not to prosecute after an arrest has been made. Both the police and the prosecutor must, however, have the ability to utilize an arrest when it is the only tool available – for the good of the child and the public safety. The teenage victim who refuses to

cooperate today only increases the chances that there will be more such victims tomorrow. For these reasons, the Division respectfully recommends the Committee delete section 7 of H.B. No. 5621 and section 24 of H.B. No. 5623.

In conclusion, the Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE as described herein should the Committee decide to move forward with either or both of these bills. The Division wishes to thank the Committee for affording this opportunity to provide input on this matter and we would be happy to provide any additional information the Committee might require.