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**Testimony of
The Permanent Commission on the Status of Women
Submitted to the
Judiciary Committee
March 14, 2016**

**Re: H.B. 5052, AN ACT STRENGTHENING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING
H.B. 5054, AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE
H.B. 5597, AN ACT PROTECTING DOMESTIC VIOLENCE VICTIMS SEEKING RESTRAINING ORDERS
H.B. 5605, AN ACT CONCERNING THE TERMINATION OF PARENTAL RIGHTS
H.B. 5621, AN ACT CONCERNING HUMAN TRAFFICKING
H.B. 5623, AN ACT CONCERNING VIOLENCE AGAINST WOMEN AND VICTIMS OF HUMAN TRAFFICKING**

Senators Coleman and Kissel, Representatives Tong and Rebimbas, and distinguished members of the Judiciary Committee, my name is Carolyn Treiss and I am the Executive Director of the Permanent Commission on the Status of Women (PCSW). I am joined by Jillian Gilchrest, PCSW's Senior Policy Analyst. Thank you for this opportunity to provide testimony on numerous policies proposed in the list of bills above that address violence against women.

Human Trafficking

In Connecticut, a person is guilty of trafficking in persons when such person compels or induces another person to engage in sexual contact or provide labor or services by means of force, threat of force, fraud or coercion. Anyone under the age of 18 engaged in commercial sexual exploitation is deemed a victim of domestic minor sex trafficking irrespective of the use of force, threat of force, fraud or coercion. For many people, sex and labor trafficking bring visions of foreign places and people, but this idea is false. In reality, sex and labor trafficking are happening right here in Connecticut and to U.S. born citizens.

The PCSW Chairs the Trafficking in Persons (TIP) Council, pursuant to C.S.S. §46a-170. The TIP Council consists of members from a diversity of backgrounds, including representatives from state agencies, the judicial branch, law enforcement, motor transport and community-based organizations that work with victims of sexual and domestic violence as well as immigrants and refugees, and that address the behavioral health needs of victims. In that role, the PCSW convenes stakeholders in conversations about trafficking in persons and annually the TIP Council makes recommendations to the legislature. Many of the Council's 2016 recommendations are reflected in the proposals before you.

Based on what we are learning about human trafficking at the TIP Council, from the experiences of the Department of Children and Families, Human Anti-Trafficking Response Team (HART), and

national and state-based research, the PCSW encourages Connecticut lawmakers to place a greater emphasis on reducing the demand side of human trafficking and prostitution, ensuring victims of human trafficking are treated as such, discouraging hotels and motels from permitting human trafficking and prostitution, and encouraging the prosecution of trafficking in persons under C.G.S. §53a-192a. HB 5621, An Act Concerning Human Trafficking, HB 5623, An Act Concerning Violence Against Women and Victims of Human Trafficking, and HB 5052, An Act Strengthening Protections for Victims of Human Trafficking each contain proposals that can help Connecticut move in the right direction.

The demand side of human trafficking and prostitution has all but been ignored in Connecticut. Arrests have been concentrated first on prostitutes, and secondarily on those buying sex. In fact, in the last 10 years in Connecticut, prostitutes were convicted at a rate of 7 times that of those charged with patronizing a prostitute.¹ It's a basic premise of supply and demand: if you reduce the demand, you reduce the supply, which in this case, is the purchase of women and children for sex.

Connecticut's complacency toward the demand side of trafficking and prostitution is apparent in multiple state laws. Under current law, anyone convicted for trafficking in persons, prostitution, or promoting prostitution must forfeit any monies or property used or obtained in the commission of the crime (C.G.S. §54-36p). Glaringly missing from §54-36p are those convicted for patronizing a prostitute, in other words, those buying sex. HB 5621 and 5623 seek to address this by amending the forfeiture of property statutes to include the crime of patronizing a prostitute and remove prostitution.

Even more alarming is Connecticut's current patronizing a prostitute statute (§53a-83), which provides a mistake of age defense for anyone who purchases sex with a minor. If you buy sex, which is illegal, and you happen to buy sex with a child, then you paid to sexually abuse a child and should be charged with the class C felony, not a misdemeanor. Allowing someone arrested for patronizing a child to argue that they didn't realize she was under age 18 or that she showed a fake ID runs counter to the work the state has done to ensure that those under the age of 18 are treated as victims of human trafficking. Both HB 5621 and 5623 remove the mistake of age defense, which we support and believe sends a strong message that Connecticut will not tolerate the purchase of sex from minors in our state.

HB 5052 does not remove the mistake of age defense, and includes it in a proposed new section to §53a-83. While we support this additional section, which creates a new class B felony crime of patronizing a trafficked minor, we oppose maintaining the mistake of age defense. It sets the wrong message and maintains Connecticut's complacency toward the demand side of trafficking and prostitution. HB 5621 and 5623 further establish Connecticut's commitment to reducing the demand for sex by requiring a monetary penalty for patronizing a prostitute, a recognized best practice. All fines collected as a result of the aforementioned changes to §53a-83 and §54-36p will be used for the purposes of investigations conducted by police on prostitution or human trafficking.

In contrast to how we treat the purchase of minors for sex, much progress has been made recently in acknowledging that children under 18 involved in sex work are considered under the law to be victims of human trafficking, rather than criminals. Last year's trafficking legislation, P.A. 15-195, supported by this committee and the entire Connecticut General Assembly, changed the existing trafficking in persons statute, §53a-192a, to ensure that anyone under the age of 18 engaged in commercial sexual exploitation is presumed to be a victim of trafficking. However, the legislature did not align that change with Connecticut's current prostitution statute, which is based on the age of 18. Both HB 5621 and 5623 raise the age at which a person can be arrested for prostitution to age 18, ensuring that if a 17-year-old is

¹ Trafficking in Persons Council 2015 Annual Report, January 2016

engaged in sexual exploitation, she will rightfully be referred to the Department of Children and Families, rather than the criminal justice system.

Additionally, both HB 5621 and 5623 raise the age in the crime of enticing a minor using an interactive computer service under §53a-90a, to age 18. HB 5052, An Act Strengthening Protections for Victims of Human Trafficking, makes a much needed correction to §53a-90a, recognizing that those who believe the individual they are attempting to entice is underage should be charged. This becomes relevant in the case of an undercover sting where the police themselves are not a minor. We believe that HB 5052 doesn't go far enough, however, because it maintains the age of 16. We support amending HB 5052 to raise the age in §53a-90a to age 18.

From what we are learning from HART and national research, more and more trafficking and prostitution are being arranged online and taking place at hotels and motels throughout Connecticut. According to the National Human Trafficking Resource Center (NHTRC), Hotels and Motels are among the top venues for sex trafficking in Connecticut. Both HB 5621 and 5623, as well as HB 5052, require hotels and motels to maintain guest transactions and receipts for at least 6 months. It seems surprising to most that a hotel or motel wouldn't already take a credit card or identification, but the TIP Council has evidence that there are motels in Connecticut who offer hourly rates for cash only. This policy change will assist the police if they need to investigate a report of human trafficking or prostitution at a hotel or motel in Connecticut.

Additionally, HB 5621 and 5623 require training, developed by the Department of Children and Families and Department of Emergency Services for hotel and motel staff, to help staff recognize potential victims of human trafficking and activities commonly associated with human trafficking. The legislation also amends current state law (§54-234a), to require rest stops and adult entertainment establishments to post information and resources about human trafficking.

Finally, both HB 5621 and 5623 prohibit hotels and motels from offering hourly rates. We know that most large hotel chains do not offer hourly rates but that smaller independently run motels do, including some in Connecticut. The TIP Council gathered information on several of these, which offer a variety of hourly rates, including advertised rates of \$40 cash for an hour, \$45 for 4 hours, \$45 flat rate, \$40 for 2 hours, and \$35 for 2 hours. While a handful of cities have passed ordinances prohibiting hourly rates, including Philadelphia, San Antonio, and Baltimore, no state has passed a law banning hourly rates. In discussions at the TIP Council on possible state policy to prohibit hourly rates, the Motor Transport Association of Connecticut, an appointed member to the Council, opposed this proposal because truck drivers do, on occasion, rent rooms by the hour. While we support the intent of the proposal – to reduce prostitution and trafficking at hotels and motels throughout Connecticut – we recommend modeling it on language used in current city ordinances, which we are happy to provide, to ensure that it addresses the underlying problem.

As we learn more about human trafficking, and what the crime looks like in Connecticut, we must ensure that our policies keep pace with that reality. HB 5052 amends Connecticut's trafficking in persons statute, §53a-192a, to align more closely with best practices, which recommend that for those under 18, trafficking in persons takes place when someone is compelled or induced to engage in one or more occurrences of sexual contact. Current law requires the individual to have engaged in more than one occurrence. Furthermore, HB 5052 amends Connecticut's current criminal protective order statute, §53a-40e, to add trafficking in persons (§53a-192a), to those crimes for which a court may issue a standing criminal protective order.

While the aforementioned changes are greatly needed, the fact remains that in the last 10 years that Connecticut has had a trafficking in persons felony charge (§53a-192a) there have been 10 arrests and zero convictions. During that same time, the Department of Children and Families received more than 400 referrals of individuals with high-risk indicators for human trafficking and the U.S. Attorney's Office for the District of Connecticut only prosecuted 20 child trafficking cases. What is happening to the trafficking cases that are not being handled by the U.S. Attorney's Office? Why hasn't Connecticut been able to prosecute any trafficking cases in the last 10 years? The PCSW encourages the legislature to work with the TIP Council to pursue answers to these questions.

Connecticut is not unique; there are many states that have yet to prosecute a trafficking case. In fact, according to the U.S. Department of State, as of 2011, only eighteen states had brought forward human trafficking cases under state human trafficking statutes. In an effort to gain a solid understanding of why no one has been convicted of trafficking in persons in Connecticut and how barriers to justice can be removed, both HB 5621 and 5623 include a requirement to have the Chief State's Attorney and Chiefs of Police report back to the legislature about allegations, investigations, and prosecutions of trafficking in persons.

Finally, both HB 5621 and HB 5623 include a technical fix to the membership of the TIP Council, which is expanded to include the Department of Consumer Protection, an agency whose role in liquor permits and gaming makes them a strong addition to the Council, and the Police Officer Training and Standards Council. Additionally, the Council charge is revised to remove outdated requirements that the Council identifies criteria for providing services to victims and more accurately reflect the Council's role in collecting, analyzing, and disseminating data.

Domestic Violence

Gun-related intimate partner violence is a national problem. Domestic violence involving firearms is 12 times more likely to result in death than violence involving other weapons or bodily harm. And women are disproportionately at risk for this fatal violence. Women in abusive relationships are 5 times more likely to be killed if their abuser has access to a firearm. In Connecticut, gun-related domestic violence is just as concerning as it is on the national stage. Between 2000 and 2012, 188 domestic violence victims have been killed in our state, an average of 14 such deaths each year. Thirty nine percent of domestic violence homicides have involved the use of firearms, making guns the most common method of domestic violence homicide.

When a domestic violence victim takes steps to leave or end the abusive relationship, she is most at risk for fatal violence. While Connecticut has recognized victims' heightened risk during this time – as evidenced by §46(b)-15, which allows a judge to prohibit a TRO respondent from returning home upon service of the order – an enormous and dangerous gap in victim protection still exists. Connecticut's ex parte restraining order statute currently does not include a provision to immediately disarm a dangerous abuser with firearms, who may retaliate after service of the order.

HB 5054 and HB 5623 serve to close this dangerous gap for victims by enabling a judge to order firearm removal upon issuance of an ex parte restraining order, when a victim indicates that her abusive partner has firearms and that those firearms pose a serious safety concern. The temporary restraining order provisions in HB 5054 and HB 5623 mirror legislation passed in 20 other states that authorize judges to order law enforcement to remove firearms once an ex parte restraining order is issued. Fatal domestic violence has been reduced by 12-13% in states that have passed such laws. It is important for victims in

Connecticut, the overwhelming majority of whom are women, to have comprehensive protection from dangerous abusers. HB 5054 and HB 5626 help to further that goal.

In an attempt to better address domestic violence victims' needs, HB 5597 seeks to amend the risk warrant statute by allowing a victim to initiate a firearm removal proceeding under Connecticut's existing "risk warrant" statute, §29-38c, simultaneously upon applying for a temporary restraining order. HB 5597 attempts to streamline these currently separate processes, allowing a victim to indicate on her temporary restraining order affidavit whether she has cause to believe her abuser poses a risk of imminent personal injury, triggering the risk warrant proceedings.

Under current law, to apply for a risk warrant, a victim must notify law enforcement about her belief that her armed abuser poses an imminent risk of harm. After an investigation and a probable cause determination, law enforcement may pursue a warrant to seize the firearms. This process could take several days. In addition to being time-consuming and confusing, the risk warrant process also makes the victim the principal actor in yet another legal process against her abuser. Both the substance of this legal process, and because it is another discrete legal process, increases a victim's risk for retaliation. Requiring victims to shoulder the burden and blame for the seizure of firearms deters victims from seeking help, narrowing victims' ability to gain comprehensive relief from the terror of domestic violence.

The risk-warrant statute was not created to address domestic violence victims' unique safety needs, and reliance on it has not served these victims. Even with the changes proposed in HB 5597, the process would still require a temporary restraining order petitioner to wait, potentially for several days, until her abuser's firearms are removed. Because the time immediately after taking steps to leave or end the relationship is the most dangerous time for victims, even a few days is too long to wait for full protection. While HB 5597 addresses some of the administrative burdens victims currently bear by enabling victims to apply for both remedies at once, it would not merge the processes on the receiving end. And as previously mentioned, initiating two separate legal processes increases the chances for retaliation. Under HB 5597, an abuser would still be served twice: once with the temporary restraining order and a few days later with a risk warrant to remove his firearms.

While this proposed legislation attempts to balance the liberty interests of gun owners with domestic violence victims' safety needs, HB 5597 does not go far enough to protect victims.

Sexual Violence

Each year, an estimated 25,000 American women will become pregnant following an act of sexual violence.² HB 5605, An Act Concerning the Termination of Parental Rights and HB 5623, An Act Concerning Violence Against Women and Victims of Human Trafficking ensure that if a woman is raped and becomes pregnant as a result of that rape, she can terminate the parental rights of the person who raped her. Both bills amend current state law to allow the Superior Court to grant a petition if it finds by clear and convincing evidence that the parent has committed a sexual assault resulting in the conception of a child, which is recognized as best practice. Current law requires that the parent be convicted of sexual assault before parental rights can be terminated. Sexual assault cases are some of the most difficult to prosecute. For many reasons, ranging from bias to resource shortages to concern about conviction rates, prosecutors weed out far too many cases because they wrongly believe they cannot win them.³ By linking

² Connecticut Alliance to End Sexual Violence, <http://endsexualviolencect.org/resources/get-the-facts/national-statistics-on-sexual-violence/>, March, 2016.

³ Jennifer G. Long, JD and Elaine Nugent-Borakove, Beyond Conviction Rates: Measuring Success in Sexual Assault Prosecutions, April 2014

termination of parental rights to a conviction, the current law significantly limits a woman's ability to parent her child and heal from sexual violence.

Thank you for the opportunity to provide testimony today and we welcome your questions.