



WRITTEN TESTIMONY

BILL NO: N/A
TITLE: *Human Trafficking: Target it. Stop it. Prevent it.*
COMMITTEE: Senate Majority Policy Committee
DATE: January 11, 2024

Dear Chairman Laughlin and Committee Members:

Thank you for organizing this panel and hearing testimony on the plight of trafficking victims within the state. Shared Hope International (“Shared Hope”) is a non-profit organization dedicated to preventing, restoring, and bringing justice to those impacted by child and youth sex trafficking.

Shared Hope has been working in Pennsylvania, across the country, and throughout the globe for over 20 years to guide and support appropriate responses to protect survivors, hold offenders to account, and ultimately prevent the crime entirely. Thirteen years ago, we launched the [State Report Cards](#) project to assess the status of state’s laws on and drive legislative change. Our legislative framework analyzes 40 policy goals across six different issue areas. These evidence-based and survivor-centered policy goals work together to center the project on the statutory provision of critical protections and services for survivors and support for stakeholders in the field. In 2023, [Pennsylvania scored a 62 out of 100](#), receiving a ‘D’, on our State Report Cards. While Pennsylvania has made great strides in its response to child and youth sex trafficking, including the recent passage of SB 44, there is still work to be done in preventing the unjust criminalization of survivors and ensuring access to the continuum of care.

Shared Hope applauds Pennsylvania for being one of the [30 states](#)¹ that prohibits the criminalization of minors for prostitution-related offenses, recognizing that children *never* engage in commercial sex by choice; rather, a child does so out of coercion, force, fraud, fear, or survival. However, while we celebrate this progress, we also acknowledge that this limited protection often falls short of reality for trafficking survivors. Expanded legal protections for victims of human trafficking are imperative given deeply pervasive forced criminality that exists in trafficking situations. In a 2016 survey, the National Survivor Network found that 90% of trafficking survivors reported being arrested and 60% reported being arrested for crimes *other* than prostitution or drug possession.² Perhaps most significantly, the survey demonstrated that over half of all respondents believed that 100% of their criminal-legal involvement was directly related to their trafficking experience.³ These victim-offenders⁴ are retraumatized by their detention and prosecution. They are also left with a criminal record that hinders their ability to secure safe housing, employment, education, and other services. Contrary to the Trafficking Victims Protection Act’s decree that trafficking victims not be criminalized as a result of their victimization, survivors continue to

¹ Thirty states (including D.C.) have Safe Harbor laws that, at a minimum, prohibit the criminalization of child sex trafficking victims for prostitution offenses.

² National Survivor Network Member Survey: Impact of Arrest and Detention on Survivors of Human Trafficking, August 2016. <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>.

³ *Id.*

⁴ Victim-offender is used to refer to an individual who has experienced, or is currently experiencing, sex trafficking victimization and is alleged to have engaged in conduct that violates the law. *See generally* Shared Hope Int’l, Responding to Sex Trafficking: Victim-Offender Intersectionality (2020) https://sharedhope.org/wp-content/uploads/2020/01/SH_Responding-to-Sex-Trafficking-Victim-Offender-Intersectionality2020_FINAL.pdf.



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be charged with crimes related to their trafficking and states fail to provide adequate legal protections to prevent criminalization.

Sex trafficking victimization and forced criminality are intrinsically linked. Arresting and prosecuting sex trafficking victims for criminal offenses, even violent ones, is in direct conflict with a victim-centered criminal justice approach and reflects a limited understanding of the complex nature of victim-offender intersectionality. Prohibiting the criminalization of sex trafficking victims for offenses related to their victimization accounts for the nature and extent of control exerted by sex traffickers, and the influence of trauma on the decision-making process and behavior of survivors. Accordingly, states must enact non-criminalization laws, including [affirmative defense laws](#), that don't draw a "hard line" on the qualifying offenses by limiting such relief to prostitution-related offenses.

Successful implementation of this change in law and practice will require training as well as active participation from criminal justice stakeholders, including law enforcement, victim advocates, prosecutors, and judges. To improve identification of sex trafficking victim-offenders, criminal justice stakeholders should take proactive steps throughout the criminal justice process to assess whether a person that is suspected of trafficking had also experienced trafficking victimization.

Non-criminalization and [post-conviction relief laws](#) are two sides of the same coin. It is inevitable that survivors will "slip through the cracks" or go unidentified, resulting in unjust convictions. These survivors must be afforded an opportunity to vacate convictions they've received as a result of their victimization. States must not limit the types of crimes or charges for which a sex trafficking survivor can seek post-conviction relief to prostitution offenses. States, including Pennsylvania, limiting post-conviction relief to trafficking survivors who are convicted of prostitution or other sex offenses leave many sex trafficking survivors without any avenue for relief.

Removing criminal penalties for trafficked and exploited minors is not enough. To prevent unjust criminalization, removing criminal penalties must be coupled with robust [access to specialized services](#) that are informed by and responsive to the unique trauma and harms this population faces. Truly protective responses for addressing the needs of trafficked children and youth cannot be achieved through a single policy, practice, or legislative change. Effective responses for addressing the needs of impacted children and youth requires transformative culture and systems change centered on, and aspiring for, the long-term wellbeing of survivors. Identifying avenues to safety, services, and meaningful opportunities void of collateral roadblocks and obstacles is key for anti-trafficking stakeholders seeking to support sustainable success. As such, states can improve outcomes for survivors and systems by reimagining, redesigning, and reinvesting in non-punitive avenues that deliver both comprehensive safety and services.

As a final note, Shared Hope recognizes that youth, and in particular vulnerable youth, face barriers and continued vulnerability beyond the age of 18 and often into adulthood. Vulnerabilities that increase risk of initial victimization and revictimization do not disappear at 18, and, in fact, these vulnerabilities could be exacerbated by a decrease in support and protections for those over 18 years of age. Importantly, the trauma resulting from sex trafficking and commercial sexual exploitation also does not stop at age 18. As a result, supports and protections that are offered to child sex trafficking and commercially sexually exploited children in state law, including screening and identification efforts, non-criminalization



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responses, funding, non-punitive service responses, and victim protections, should be extended to youth and adults, age 18+.

We are grateful for the Committee's dedication to this issue and appreciate the opportunity to provide written testimony.

Sincerely,

A handwritten signature in black ink that reads "Sidney E. McCoy". The signature is written in a cursive, flowing style.

Sidney E. McCoy, Esq.
Director of Advocacy

For questions or additional information:
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