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Judiciary Committee
December 05, 2011

[LR243]

The Committee on Judiciary met at 2:00 p.m. on Monday, December 5, 2011, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR243. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Colby Coash; Brenda Council; Burke Harr; Tyson Larson; and Amanda McGill. Senators absent: Scott Lautenbaugh.

SENATOR ASHFORD: Good afternoon. We're a little bit late but we'll get started now with LR243. And I know that Senator McGill has worked quite hard on this issue throughout the interim and prior to that. I know it's an important issue to her and, as such, it's an important issue to us so... [LR243]

SENATOR MCGILL: It better be. [LR243]

SENATOR ASHFORD: It better be. (Laughter) So Senator McGill, who's the Vice Vice Chair of this committee, will present. Do you want to present some comments and then we'll go on to the list? [LR243]

SENATOR MCGILL: Yeah. [LR243]

SENATOR ASHFORD: Okay. [LR243]

SENATOR MCGILL: Sure. Earlier this year we heard a piece of legislation from Senator Mark Christensen, who was here earlier this morning, that addressed the human trafficking issue from an escort services' perspective. I think most of us in the committee had our eyes widely opened to this problem through that hearing and really wanted to take a more comprehensive look at the problem that escort services themselves are just one small piece of the problem, what else can we be doing on a state level to curtail this behavior and this activity. And disturbingly, I've just learned more and more about how

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prevalent of a problem this truly is in Nebraska. Just this morning one of our testifiers, one of our attorneys that works in immigration came up to me after the hearing and said that she's working with a woman from Africa that saw her mother and sister killed in Africa because they wouldn't participate in sexual favors, so she went ahead and did it; was brought over to Mexico by an American man and was brought in through the Mexican border and was put into the sex trade here in America and requested coming to Nebraska because she actually knew some refugees here. And once she got to Lincoln, she was able to escape out of that situation with the supports here. But it goes to show that, I mean, there are people coming here as far away as from Africa and being traded here in Nebraska, not to mention just prostitution rings that can happen just amongst our native Nebraska citizens and young women. And so this a very worthy cause for us to investigate and try and get to the bottom of how we can be most effective in stopping this sort of behavior. So with that, Senator Ashford, I close my opening. [LR243]

SENATOR ASHFORD: Thank you, Senator McGill. Yes, good. What we're going to do, Senator McGill has put together a list of testifiers. I'm going to vary from it just a little bit because I know that Chief Hayes is here and we need to get him back to Omaha and deal with all the many issues he does handle so well, so I think we will...why don't we start...we're going to start with, is it Joy? Is that...did I say...is that your first...because I'm afraid if I say the entire name I'm going to be very...it's not going to be good. [LR243]

SENATOR MCGILL: Go ahead and come up and tell us how to say it. [LR243]

SENATOR ASHFORD: Why don't you come up and give us your name. And you did...you signed a...we do have...those of you who haven't been here before, we do have a sign-in sheet that was...at the desk behind the testifier's table, and if you fill one of those out. We'll start there, and then with Chief Hayes, and then Weysan Dun can speak, and then Corey, and then we'll move on to the other testifiers. So thank you for coming. [LR243]

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ANCHALEE PANIGABUTRA-ROBERTS: (Exhibit 1) Thank you for having me here. I had written the statement and submit the written statement as for your record. Dear Senator Ashford and members of the Judiciary Committee, my name is Anchalee Panigabutra-Roberts, spell out: A-n-c-h-a-l-e-e P-a-n-i-g-a-b-u-t-r-a-hyphen-R-o-b-e-r-t-s. I am an assistant professor of the University Libraries and Women and Gender Study at the University of Nebraska-Lincoln. I am here on the behalf of myself and not representing the university, and I live here in Lincoln. Today I will share with you the information about human trafficking in the United States with recommendations on antitrafficking actions needed in the state of Nebraska, in my support of LR243, interim study to examine the extent of human trafficking in Nebraska in connection with labor and sex trafficking. I want to give you some introduction. The U.S. has the U.N....passed the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons in the 2000. Per this convention, trafficking in persons involved in trade or use of force, coercion, abduction, of fraud, of deception, exploitation of the prostitution of others, for slavery or service, slavery, servitude, or the removal of organs; in short, it covers sex, labor, and organ trafficking. The U.S. followed suit in the same year to enact Trafficking Victims Protection Act of 2000, known as TVPA. The U.S. law covers sex and labor trafficking but not organ trafficking. This law is to provide assistance to the trafficked victims in exchange for their assistance in prosecuting the traffickers. In 2008, the William Wilberforce Trafficking Victims Protection Reauthorization Act included domestic workers, U.S. citizens and residents as trafficked victims as well. Since TVPA, many states passed similar laws and identified cases as human trafficking as defined by both the federal and state statutes. The state of Nebraska passed a similar law, LB1086, in 2006. I apologize, I'm going to submit the longer report. This is going to be a highlight because I was given only five minutes. And U.S. Department of Justice also established 40 federal-funded task forces to combat human trafficking in the U.S. states but not including Nebraska. As opposed to the high estimates publicized in campaigns and academic journals, the U.S. Attorney General's report in 2010 to the Congress indicated a lower number of human trafficking cases

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being prosecuted. In 2008, there was a publication of a national survey funded by National Institute of Justice and conducted by Farrell and others, and that's the most extensive study on law enforcement response to human trafficking. To my knowledge, there is no comprehensive studies of the statewide human trafficking on this problem in Nebraska. As for the extent and locations of human trafficking cases in the United States, clearly there is no agency that has accurate data of the extent of human trafficking in the United States. The difficulty in obtaining this data is due to the hidden nature of the crime and the uneven development of antitrafficking efforts at both state and local levels in the U.S. Overall, there has been a rise in the number of human trafficking victims in the U.S., per Farrell's study, and the U.S. state and local law enforcement agencies found that human trafficking investigation increased from 175 reported case in the year 2000 to 750 reported case in the year 2006. The latest report in 2011, published by the Bureau of Justice Statistics, found that federally funded human trafficking task forces opened 2,515 suspected incidents of human trafficking for investigation from 2008 to June 2010: 82 percent were sex trafficking; 14 percent were labor trafficking; and 7 percent were unknown trafficking type with some overlap. The number exceeds 100 percent. Importantly, federal agencies, per this report, were more likely to lead labor trafficking investigations than sex trafficking investigations. Studies also showed that emphasis on labor trafficking and sex trafficking seemed to vary by state and region. I don't have time so I would suggest that you look at the number later. For locations, Florida State and UC-Berkeley study in 2005 found labor trafficking to be prominent in California, Florida, New York, and Texas. Farrell's study in 2008 added Arizona to this list. In the past ten years, Hawaii and other U.S. territories, such as American Samoa, also witnessed large-scale labor trafficking cases. Currently, the 40 state task forces funded by the Bureau of Justice Assistance are the most well-equipped with the necessary resources for reporting data on human trafficking cases. As for type of trafficking, the most common types of labor trafficking are debt bondage, commercial agriculture, restaurant work, and the tourism and hospitality industries. In sex trafficking, victims are far more often female and underage. In labor trafficking, victims are typically male and between 18 to 24 years old. For domestic

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servitude, female adults and minors are more common among both immigrants and U.S. citizens. Perpetrators are mostly male, but we found that more females are involved in sex trafficking than in labor trafficking. Studies also found perpetrators and victims were closely matched in their nationality or ethnicity. For the human trafficking victims, the U.S. Attorney General, in 2010, reported that in the fiscal year 2009 victims were from 29 U.S. states, the District of Columbia, Saipan, and from 47 countries in the Americas, Asia, Africa, and Europe. So you can see that human trafficking does occur in the United States and the victims are not only foreign nationals and immigrants but also U.S. citizens and residents. But trafficking of children differs from that of adults in that family involvement in recruitment and facilitation is much more common, based on Gozdzia and Bump's study. With the time remaining, I do skip to some example of cases in the U.S. In Washington, D.C., you had a case of domestic workers serving foreign diplomats to the U.S. reported case of abuse, but the diplomats are protected from lawsuits due to diplomatic immunity. In Hawaii, a forced labor case involved Global Horizon, a recruiting company for farm industry in the U.S. and they were accused of abusing immigrant farm workers. In Michigan, a forced labor case of Eastern European women who were forced to work as exotic dancers in Detroit-area club. And for Native Americans a Minnesota report referred to one report that described Canadian Aboriginal and American Indian youth as being at greater risk than any other youth for sexual exploitation and trafficking. Cases involving Nebraska, I know that we have every (inaudible) age in here so I'll touch base on a few that's been publicized. There's a sex trafficking case in Omaha this year involving a 15-year-old girl who was enticed and coerced to perform sex acts with others for money. In 2007, there was a case involving Nebraskans but prosecuted under Iowa human trafficking law, involved two Nebraska runaway girls who were recruited for the purpose of commercial sexual activities, and I heard that they did come back to receive the services in Nebraska. As for the identification and prosecution of human trafficking cases, study found that law enforcement most often learned about human trafficking cases during the course of other investigations. Labor traffic victims are often discovered only after they had escaped or were found in the course of raids or joint operations. Neighbors and Good

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Samaritans have also played roles in victims' escapes, but most importantly study agreed that funding human trafficking task forces are more successful in identifying and prosecuting human trafficking cases. There are multiple barriers to successful outcomes in identifying and prosecuting the human trafficking cases. Unfortunately, I don't have time to elaborate at this hearing. I would refer you to my written statement. I want to get to the recommendation for actions for Nebraska state legislators. The first is to solve the human trafficking problems in Nebraska using the existing data suggested by the Office of Victims of Crime e-guide. Second, commission a statewide study on the nature and extent of human trafficking in Nebraska, and the UNL human trafficking research team can assist you in this study. Three, instruct and mandate state agencies and law enforcement to compile statistics related to human trafficking in Nebraska. Four, improve the existing human trafficking state law based on Polaris Project's recommendations. Five, establish a statewide task force against human trafficking by working with the newly formed Nebraska Network Against Trafficking of Humans, and I just became a member of that group recently. Six, provide training for service providers and law enforcement across the state. From my understanding that there is some training but not everyone has been trained, so I urge you to expand training. Seven, establish specialized services and shelters for victims of human trafficking. As we found (inaudible) had been a traffic victim, didn't have the specialized shelters for them. Eight, awareness raising campaign on human trafficking; and nine, to promote in Nebraska the National Human Trafficking hot line number, 1-888-373-7888. Ten, to compile a directory of services for human traffic victims. Eleven, establish an information clearinghouse on human trafficking, and I can assist you with these activities since I have done that so far. For more information on human trafficking, please refer to the additional resources section in my written testimony. And I want to close my remarks with this statement: When you are considering human trafficking laws in Nebraska, I do hope you will keep in mind the U.S. national anthem's phrase, "O're the land of the free," and consider how truthful this statement is if we are not taking actions on human trafficking in the state of Nebraska. Thank you very much for the opportunity to testify at this hearing and I can answer any question you may have. Thank you. [LR243]

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SENATOR ASHFORD: Thank you. Before we do that, I do want to introduce my colleagues. You've met Senator McGill; Senator Burke Harr is here; and next to Senator Harr is Senator Lathrop, Steve Lathrop; and Brenda Council from Omaha; LaMont Rainey is legal counsel; and Oliver VanDervoort is the committee clerk; and Tyson Larson from O'Neill to my far left is here as well. So it's a good turnout. We can open the...for questions and then what we're going to do, how many wish to testify today on this issue? What we're going to do is we're going to do a five-minute sort of rule, which means that we ask you to start summing up your...we have a light system and when the yellow light...all it is, is a light, there's no buzzer or other device, and when it turns to yellow we'd ask...it gives you a minute to sum up your comments. So with that, we'll open up questions and then we'll go to the next testifiers. Senator Council. [LR243]

SENATOR COUNCIL: Yes. Thank you, Chairman Ashford, and thank you, Professor Roberts, for very detailed testimony. But in looking at your recommended actions, on page 8, at least it appears to me that they fall into two basic categories: one is data collection and analysis, and the other is training. But in terms of the enforcement of current laws, do you have any recommendations for where there may be any gaps in utilizing current criminal statutes to address either human trafficking, labor trafficking, or organ trafficking? I mean, I guess that's where, you know, when I look at the interim study and when I've read the commentary about Nebraska not being in step in terms of human trafficking laws, even in your recommendations there's the implication that there needs to be more data analysis and training around what these issues are, first and foremost. So am I correct in my... [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: Yeah. When you look at the FBI's task...I'm sorry, the Bureau of Justice Assistance task force, that's funding, I think it came...the grant will be announced around the end of the year. So in order to apply, I'm thinking that if you don't have the data to even support for the grant to get this special funded task force then, you know, it would be hard to compete. Because right now I know that

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they used to have 42 task forces that, with a budget cut, they had to come down to 40. So for most states, before they even had a law, they did a statewide survey of law enforcement and service providers, and I supply a lot of those in the resource area. So most states, that will be the first step, to kind of get what is the situation in their state and then they would know, okay, what law has been done, what kind of case come in too. I know the police chief would be talking with the kids sometimes. You have to understand human trafficking is a new legal term; doesn't mean it never existed before. We have sweat shop labor, we have prostitution, we have prosecution. The oldest law that I have, although I'm not a legal scholar, it went back to 1904 and it had been coming back in the year 2000 and with the support of Senator Wellstone in Minnesota, that's how it came to the U.S. So if you don't have that base (inaudible) data, it's very difficult to do anything. And in the finding it says that if you have funded task force, you give the incentive to the law enforcement and especially special funding to not only incentive but also funding tools for them to do investigation and they are likely to find more cases. So it's kind of in a ripple effect, so first get the data. But in the OVC guide, that existing data that you can go in to kind of reevaluate if those are human trafficking case. It might be buried under kidnapping, sexual assault, other things. So with the new language people don't understand what it means, but it doesn't mean that service providers or law enforcement had an encounter with them before. It's just that this is a new terminology that came to the law and they didn't understand that they can prosecute, they can provide a service, because to get the service they had to be qualified as (inaudible) human traffic victims before they can get the services. [LR243]

SENATOR COUNCIL: Okay. So the laws more so now are geared toward services to the victims as opposed to more, I guess, clearly identifying the offense, because I'm looking at the Trafficking Victims Protection Act of 2000, and maybe a later testifier can tell me, you know, what kind of prosecutions have occurred in Nebraska under that federal statute, and if there's a gap that needs to be addressed by state law. I guess that's where I'm trying to... [LR243]

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ANCHALEE PANIGABUTRA-ROBERTS: Well, that's...we have been working with Polaris Project, which is a NGO looking at policy analysis and I know Senator McGill and from the human trafficking research team have talked to the policy director. So they will...because it's an NGO, they have to pick, okay, this year which state are they going to go to support in terms of legislation. And this NGO is specialized on human trafficking law so we will get the assistance from them, and that's why I make a reference to Polaris Project and they have... [LR243]

SENATOR COUNCIL: Okay. Okay. [LR243]

SENATOR MCGILL: Yeah, just to clarify, those are more court-related recommendations. [LR243]

SENATOR COUNCIL: The Polaris... [LR243]

SENATOR MCGILL: Polaris Project. [LR243]

SENATOR COUNCIL: Thank you. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: Yeah. And earlier that's a lot, even though I think you can have (inaudible), but I didn't submit the data that actual prosecution has been much lower than the settling of the year. So the prison term has been...I don't have the data right now but it hasn't been up to 20 years as is being set forth. So a lot of states had talk about being...passing the law (inaudible) on human...for the traffickers. And I recommend to Senator McGill to look at Washington State law as a model, and that's the first state that had been passing the law. So... [LR243]

SENATOR COUNCIL: Thank you. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: ...I hope that answers your question. [LR243]

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SENATOR COUNCIL: The Polaris, that really answers my question. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: Yes. [LR243]

SENATOR COUNCIL: Thank you. [LR243]

SENATOR ASHFORD: Do we have any other questions? Seeing none, thank you.
Thanks very much for coming. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: Thank you. [LR243]

SENATOR ASHFORD: And is there...have you given us your...do we have the written
testimony? And when is this grant application due that you talked about? [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: That's for the Department of Justice, Bureau
of Justice Assistance to establish a statewide task force. Usually they're with law
enforcement but also... [LR243]

SENATOR ASHFORD: But when is the...but when does that have to be completed or...
[LR243]

ANCHALEE PANIGABUTRA-ROBERTS: I will send that. [LR243]

SENATOR ASHFORD: Okay. And this other thing, the NGO, is a...which NGO is that?
[LR243]

ANCHALEE PANIGABUTRA-ROBERTS: The Polaris Project. The supplement written
testimony,... [LR243]

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SENATOR ASHFORD: That's Polaris, okay. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: ...I just saw that, but,... [LR243]

SENATOR ASHFORD: Okay. So that's...you're referring to Polaris,... [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: Yeah. [LR243]

SENATOR ASHFORD: ...which is an international effort. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: It's pretty much in the (inaudible) in the U.S.
but... [LR243]

SENATOR ASHFORD: So it's just the U.S. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: ...so they were specialized in the U.S. They
did some work with Japan but their focus has been policy analysis of human trafficking
law in the U.S. [LR243]

SENATOR ASHFORD: Okay. And there are also grant dollars available through them,
is that...? [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: Not through them. You have to apply to
Department of Justice for the grant. [LR243]

SENATOR ASHFORD: Okay. Okay. Thank you. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: But my last thing, I did mean to bring this up,
recently the Attorney General at the national association, the President had made
human trafficking as initiative. Unfortunately, our Attorney General hadn't signed on the

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letter to support the federal funding that's being considered in the Congress so it would be... [LR243]

SENATOR ASHFORD: Do we know how many states have signed on to...? [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: Forty-two. [LR243]

SENATOR ASHFORD: Forty-two, and so eight haven't? [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: Well, 43 have their law. There's still some state that don't have... [LR243]

SENATOR ASHFORD: Okay. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: ...the antitrafficking law so I can see why they didn't sign. But we have the state law and it would be something to bring up. [LR243]

SENATOR ASHFORD: So we're a state with the law but didn't sign on to the... [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: We didn't sign on. [LR243]

SENATOR ASHFORD: Okay. All right. Okay, gotcha. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: So that's something for Senator Benson (phonetic)... [LR243]

SENATOR ASHFORD: Okay. I just wanted to know where we were in the scheme of things. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: And I think I submit that letter to...she has the

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actual letter that the Attorney General has signed. [LR243]

SENATOR ASHFORD: Okay. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: So you have that. [LR243]

SENATOR ASHFORD: Good. Thank you. [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: Thank you. [LR243]

SENATOR ASHFORD: Chief. [LR243]

ALEXIS HAYES: Good afternoon. Thank you for inviting me down, and I promise I will get done prior to the yellow light, Brad. A few things to mention: I think one of the things that's very important to mention is probably the lack of education in the general area, not only for law enforcement but for probably the whole judicial process as a whole. And what I mean by that, a lot of these incidents, we will arrest people for pandering, soliciting prostitution, not so much the guy that's driving around the block picking up a prostitute but a person who would be known as a pimp who is actually pushing someone out into prostitution, whether that's through physical abuse, coercion, mental coercion, promise of love, jewels, goods, whatever the case may be. And you will see these people getting sentences such as probation, a small fine. You know, although it's a Class IV felony, they're back out in society to do it again. And I think in the realm of education, it would be very helpful to educate judges, prosecutors and that on really what's kind of happening to these folks as they get back out into society, also educating the people who become involved in prostitution, the prostitutes themselves, and looking at some way to get them a better course of assistance than what's available now. Most of the avenues for them to take right now are really vetted in nonprofit groups that are out to help. When money runs thin, as it is in our current environment, it becomes very hard and difficult to find placement for someone who's living out on the street and has

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been forced into a life of prostitution. To get them off the street and on the straight and narrow, back on track in life can be very difficult because there's not a lot of places for them to stay. I think the other realm, you don't hear a lot about prostitution as it relates to human trafficking and I think, therefore, people believe it's not going on in the state or it's not going on, say, in the city of Omaha. As the Omaha Police Chief, I can tell you that it does go on in our city. We have cases now that we're prosecuting people on for human trafficking. We have cases currently that we're investigating related to human trafficking. So it is always kind of a constant thing that's gone on. I've been a police officer in that city for 25 years and I can go back 25 years ago when I was a rookie and when working with a coach and I can remember picking up a runaway who was 15 at the time, had been brought home, was beat up, and had gotten mixed up with a pimp in town who had beat her pretty severely, was scared to come home, and he had her out working in the street. So it does occur, continues to occur. We address it the best we can. And typically we'll find that out through making prostitution arrest or doing reverses. Currently, with the invention of the Internet, avenues such as Craigslist that are out there, there are a lot of underground things going on with, you know, the so-called "escort services" that are really sex trades. And it's important that we recognize that and I think it would probably be a good idea to look at some kind of regulation as it related to escort services. You see it in the massage parlor industry, so to speak, where they have a legitimate business that's been turned into something else, and you...even of recent history we've made some arrests and one of them was noted recently in the World-Herald. I missed. [LR243]

SENATOR ASHFORD: No, you still have sum-up time, Chief. [LR243]

ALEXIS HAYES: The...Rick Costanzo was arrested. One of his comments to the World-Herald after his arrest and conviction, being sentenced to the jail, was that he didn't realize people underneath him were working in prostitution. Well, he's profited quite a bit by that, several houses, that kind of stuff. So it's definitely out there and it's definitely to note that it is here and anything that we could do as a police department in

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Omaha, we're here to help you as far as data or whatever the collection would be. And we definitely need to do more than we're doing. [LR243]

SENATOR ASHFORD: Thank you. Yes, Senator Council, then Senator McGill. [LR243]

SENATOR COUNCIL: Thank you. And thank you, Chief Hayes. I'm curious, the example you gave of the individual who, by force, physical abuse, verbal threats, keeps a young male or female in prostitution, and you as a police department have knowledge of that individual's conduct, what do you charge them under? [LR243]

ALEXIS HAYES: The...which individual? Are you talking about the actual... [LR243]

SENATOR COUNCIL: The pimp. [LR243]

SENATOR MCGILL: The pimp. [LR243]

ALEXIS HAYES: Well, technically speaking, they would be charged with pandering. [LR243]

SENATOR COUNCIL: Even with evidence of physical injury... [LR243]

ALEXIS HAYES: Yeah. [LR243]

SENATOR COUNCIL: ...or terroristic threats or... [LR243]

ALEXIS HAYES: Yeah. Typically, the hard part of the prosecution end, and I'll let Corey O'Brien maybe get a little more in depth into it, but it becomes difficult because you have usually a noncooperative victim. Although you have physical signs of abuse, attributing those physical signs to that individual that who you think is responsible for it, really the only way you can do that is through testimony or cooperation of the victim,

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unless you happen to have an independent witness that's there. We've stumbled upon some of them where we did get really good cooperation out of victims, get them into help, counseling, and get them back on track, and then they become really good witnesses once they're out of that lifestyle and away from it and understand kind of what they got themselves into. [LR243]

SENATOR COUNCIL: Now on the human trafficking side, I can appreciate the opportunity and the role law enforcement could play. On the labor trafficking side, again, what would the charge be? Would it be false imprisonment or what... [LR243]

ALEXIS HAYES: You could look at it as a false imprisonment side. I'd have to really look into the kidnapping side of the statutes to know more. [LR243]

SENATOR COUNCIL: Okay. Thank you, Chief Hayes. [LR243]

SENATOR ASHFORD: Senator McGill. [LR243]

SENATOR MCGILL: That was essentially my line of thought, and I can wait till Corey is up here, too, but in terms of what we can do about the men or potentially women who run these rings and if there needs to be a harsher penalty as well. But I can wait till Corey gets up here too. [LR243]

SENATOR ASHFORD: Okay. Thanks, Chief. All right, let's hear from the FBI next. [LR243]

WEYSAN DUN: (Exhibit 2) Good afternoon. I'm WeySan Dun, the special agent in charge of the Omaha field office of the FBI, and I thank the distinguished members of the Nebraska State Legislature for inviting me here this afternoon. As the special agent in charge of the FBI field office that covers all of Nebraska and Iowa, it is my pleasure to appear before you this afternoon to discuss the issue of human trafficking and, in

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particular, the trafficking of children for prostitution. I have a prepared statement which I will read into the record and then will be happy to entertain your questions. I wish to note for the record that my appearance here today is that of a fact witness to provide information about the FBI's efforts to combat human trafficking and the observations of the FBI-led, Innocence Lost Task Force in Omaha which targets the trafficking of children for prostitution. As an FBI executive, I cannot endorse or oppose proposed state legislation on behalf of the FBI and my appearance before you today should not be construed as advocacy of any position, for or against, regarding any proposed legislative matter. I plan to share with you details of some of our investigations which have been adjudicated and are, thus, a matter of public record, but I will refrain from providing details which could compromise investigative techniques or human sources and I cannot discuss ongoing investigations. Before I continue, it is important to define human trafficking as opposed to human smuggling. Human trafficking refers to the criminal activity in which human beings are the commodity and the victims are trafficked for the purposes of some form of indentured servitude or commercial sex. Human smuggling refers to the criminal activity of bringing people into our country in violation of immigration laws. People who are smuggled are not victims. Someone has paid a criminal to smuggle them into our country as a service. Sometimes, however, those who have been smuggled end up also being trafficked, but that is a separate matter. Human trafficking can involve various forms of indentured labor, ranging from work as domestic servants or nannies, to agricultural work on farms or ranches, to construction or industrial work. My remarks today are focused on human trafficking for commercial sex and prostitution and, more specifically, on the trafficking of children for sexual exploitation. It has been said that we are living in exponential times. Everything around us is moving and changing so quickly and it is often difficult to stay ahead of the curve. That is certainly the case with regard to trafficking of children for sexual exploitation. In the past decade, we have moved from lone predators with limited reach to global communities of pedophiles on the Internet. We have moved from back-alley bookstores to criminal enterprises that treat children as merely another commodity for sale in the global marketplace. We have moved from videos in plain brown packages to encrypted

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Web sites and flash drives and cell phones capable of storing thousands of images. Sexual exploitation of children has become a growth industry. The FBI is working every day to find and stop those who prey on our children. The FBI's Innocence Lost national initiative was started in 2003 to address the growing problem of children forced into prostitution. This initiative was a collaborative effort between the U.S. Department of Justice, the FBI, and the National Center for Missing and Exploited Children. There are now Innocence Lost Task Forces around the country which are focused on investigating trafficking of children for sexual exploitation. One of those task forces is based in Omaha and is known as the Great Plains Innocence Lost Task Force. This task force formally began operations in January 2010 and is staffed with investigators from the Omaha Police Department, the Council Bluffs Police Department, and the FBI. The task force works closely with the U.S. Attorney's Office and county prosecutors, and intelligence developed by the task force since its inception indicates the trafficking of juveniles for prostitution in Nebraska is an existing crime problem which is likely to be more prevalent than empirical data indicates. I will share with you a couple of examples. The first example is a case of Meredith Crane Horton, Ramon Heredia, and other co-conspirators. This investigation determined that Horton and other subjects had engaged in a prostitution criminal enterprise in Omaha for many years and, in a number of instances, used underage girls. They used coercion, manipulation, threats, and physical assault to maintain the conspiracy. Two of the victims were 15 and 13 years old and were from the Omaha area. The 15- and 13-year-old victims were runaways who initially sought refuge with Heredia, who they regarded as a friend and with whom they had previously partied with mutual friends. Heredia agreed to take them in and promised them a life of partying every night; however, almost immediately after taking them in, the girls were threatened, told they could not leave and told they were going to have sex for money. The 15-year-old was forced to pose for suggestive photographs which were posted on the Internet and then prostituted to a number of men over the course of several days. The 13-year-old was next to be prostituted when the two girls escaped. And another underage victim prostitute originally thought Heredia was her boyfriend and went to live with him only to be prostituted on the Internet as well. A total

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of three underage girls were identified as having been trafficked by this criminal enterprise. I'll skip the other two examples in the interest of time, and as I close I will note that a number of federal statutes are used to prosecute those involved in the trafficking of human beings for commercial sex. Some of those statutes focus specifically on minors and others apply to adults as well. I have provided a list of those along with my...the written copy of my statement which I'll leave with the committee. It's important to note, as I close, that every woman or girl identified by the Omaha task force as having engaged in prostitution has acknowledged that they were either coerced or forced at the beginning. None have said they intentionally and willingly sought a life of prostitution. However, after being numbed to these activities, many stay in the business because they see no other alternatives to earn a living. One 20-year-old we encountered was recruited from Arkansas over the Internet at age 17 by a pimp from Atlantic City, New Jersey, and prostituted all over the country. We encountered her during the College World Series, when her pimp brought her to Omaha to work that event. The prices charged for prostitution indicate that it can be a lucrative business; however, aside from the pimps, none of the prostitutes have any notable assets. If the girls are allowed to keep any of the money, most of them spend it on drugs, alcohol, or daily expenses. They typically have poor credit, usually have no transportation, no reliable friends, and unreliable reputations, and they are truly the victims of these criminal enterprises. Thank you for giving me the opportunity to address you today and I would be happy to take any questions that you may have. [LR243]

SENATOR ASHFORD: Any questions? Yes, Senator Harr. [LR243]

SENATOR HARR: Thank you. And thank you for coming down. You cited one instance and two others. What were the sentences handed out in those cases? Do you know? [LR243]

WEYSAN DUN: I do. The case that I described to you, let's see, resulted in Ms. Horton, Mr. Heredia, and other co-conspirators all being federally convicted. The sentences

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ranged from a high of 17 1/2 years for one subject to a low of 3 years for one of the other subjects. In addition, in that particular investigation, which was the one involving the 13- and 15-year-old, two of the johns identified were convicted on Nebraska state charges for having sexual contact with underage girls. [LR243]

SENATOR HARR: And do you know what their sentence was? [LR243]

WEYSAN DUN: No, I don't. [LR243]

SENATOR HARR: Okay. [LR243]

WEYSAN DUN: Those were state prosecutions. There were two other cases that I was going to mention and I'll just summarize for you the sentencing on one of them. [LR243]

SENATOR HARR: Thank you. [LR243]

WEYSAN DUN: One of them resulted in a 12-year prison sentence for the ring leader and one of the prostitutes, who cooperated with us but was also a co-conspirator, received 2 years as a result of prosecute...her cooperation, rather, and one of the other co-conspirators received a 3-year federal sentence. [LR243]

SENATOR HARR: And do you know what the maximum is for the crime under federal statute? [LR243]

WEYSAN DUN: It depends on the actual statute charged. There are five primary statutes we use and, depending on the severity of the crime, the ranges of sentencing range from ten years to life. [LR243]

SENATOR HARR: Okay. Thank you very much. I appreciate it. [LR243]

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SENATOR ASHFORD: Senator Council. [LR243]

SENATOR COUNCIL: Yes, thank you. And just to follow up on Senator Harr, because we don't have your copy of your testimony yet, and I was just wondering if you could just briefly...the five federal acts under which most of these prosecutions (inaudible), is TVPA one of them? Is RICO one of them, if you would? [LR243]

WEYSAN DUN: RICO can be used. RICO is one of these umbrella statutes that requires other predicate offenses. The five statutes that we primarily focus on with regard to trafficking of juveniles, which is what my testimony is focused on, are Title 18, U.S. Code 1591, which is sex trafficking of minors; and then 18 U.S.C. 2423, which is trafficking of minors for prostitution; 18, 2423(b), travel with the intent to engage in a sexual act with a minor; 18, 2241 and 2243, which is sexual abuse of minors; and 18, 2421 and 2422, which is the Mann Act, which is also sometimes referred to, the white slavery act, and that applies to both adults and juveniles and it's a mandatory ten-year sentence if a juvenile is involved. [LR243]

SENATOR COUNCIL: Okay. Thank you. [LR243]

SENATOR ASHFORD: Corey is going to come up and I will ask him to comment on what we passed on the...sort of the "RICO-izing" the gang activity statute as it might apply. I can't recall whether we talked about that when we passed that particular bill out of committee but we do have...we did address some of that in state law. But thanks, Weysan, for your comments. I'm sorry, Senator Lathrop. [LR243]

SENATOR LATHROP: Can I just ask a quick question, that is the activities that we're here to talk about today, this human trafficking, is it always going to be a federal offense? [LR243]

WEYSAN DUN: The answer to that, sir, is it depends. There is a federal offense if

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certain elements are met. Usually there needs to be some type of either interstate travel or use of an interstate facility. By virtue of the way it operates, the Internet is almost always deemed an interstate facility, which is one reason why when these crimes involve the prostituting of women and the advertising of the services on the Internet, that automatically conveys federal jurisdiction. [LR243]

SENATOR LATHROP: So as a practical matter, there should be available for almost all of these situations, given that the Internet is used or these people are bringing women from one state to the next, it will almost always be a federal crime? [LR243]

WEYSAN DUN: Well, that is probably an overstatement because you have to have some type of organized criminal enterprise and you have to be able to show that the intent was clearly for the commercial sex and you also, depending on which statute you use, have to show some element of coercion. But, yes, if you have an element of coercion, you have the use of an interstate facility, and the purpose was for either commercial sex or indentured servitude, those would satisfy as a federal crime. [LR243]

SENATOR LATHROP: Okay. So maybe you can answer this question and maybe you can't, because you're probably focused on the federal statutes, being that you're the FBI. But where is the hole in our laws? Is there something we need to do, legislate, at the state level to help get to this or is most of it already addressed federally and all we're doing is overlapping? [LR243]

WEYSAN DUN: I definitely do not think there would be an overlap. First of all, again, I'm not in a position to recommend or pose any specific state legislation. However, what I can say is that state laws that provide additional tools for local county and state authorities to charge these sorts of crimes can only be of benefit to law enforcement as a whole, the reason is, even though there are federal statutes, the federal statutes typically are only applied when we have identified an actual criminal organization that is engaged in a pattern of activity, and it is often very difficult to get to that point where you

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can articulate that. Many of these sorts of crimes initially are very difficult to prove and the first things you can prove are that individuals are involved as opposed to necessarily a criminal enterprise. So state laws that would provide additional tools for our state and local partners could only assist us in better defining and articulating when an enterprise exists. [LR243]

SENATOR LATHROP: Generally, and this is just for my own understanding of the problem, is this generally one hoodlum that forces a couple of women to...into this sort of activity or is it some organized crime generally when it's (inaudible)? [LR243]

WEYSAN DUN: Well, generally there is an enterprise. There are at least two or three individuals involved. It is rare that it is one single individual. And the reason I say that is even if it starts out with one individual, with one pimp, the way most of these operations involve is that the prostitutes themselves, as the pimp gains greater control over them, eventually one or more of them become co-conspirators and one or more of them then assist the primary ring leader both with recruiting of new individuals as well as with the coercion and the threats and the other types of activities necessary to maintain the enterprise. [LR243]

SENATOR LATHROP: Okay. Thank you. [LR243]

SENATOR ASHFORD: Thanks, Weysan. [LR243]

WEYSAN DUN: Okay. Who should I leave the a... [LR243]

SENATOR MCGILL: Thank you. [LR243]

SENATOR ASHFORD: Sure. [LR243]

SENATOR MCGILL: Yeah, if we could make copies of that. [LR243]

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SENATOR ASHFORD: Corey, do you want to...go ahead, Corey, and then Tom, and then we'll go to the other...actually, what we're going to do after Corey is...Tom Barber after Corey, and then Tom Casady after that. Go ahead. [LR243]

COREY O'BRIEN: Mr. Chairman and members of the Judiciary Committee, my name is Corey O'Brien, O'-B-r-i-e-n, and I'm chief of the prosecutorial section of the Nebraska Attorney General's Office. The Nebraska Attorney General's Office has always been and will remain committed to the protection of children. Over the past several years, we have worked very hard and very effectively with this committee and the entire Unicameral to increase awareness about, promote legislation, and prosecute child sexual exploitation offenses, such as child enticement, Internet enticement of children, sexual assault of children, and child pornography, all of which are fantastic tools currently available to law enforcement and prosecutors thanks to our hard efforts. You may know that attorneys general across the nation have been focusing on the issue of human trafficking. In fact, I think it was referenced I think it was referenced by our first speaker, the current president of the National Association of Attorneys General, Rob McKenna of Washington State, has chosen to address the issue of human trafficking through his presidential initiative this year. As I talk with my peers who work in other jurisdictions as federal or state prosecutors and, in fact, just this past week I had that opportunity by going to training in Carroll, Iowa, it was a training for...put on by the National College of District Attorneys for CACs and multidisciplinary teams, as well as prosecutors and law enforcement, and it focused in on, among other things, child sex trafficking. It was kind of an eye-opening experience for me, as I haven't done a great deal in that area. But I can tell you that in those discussions I've had with my peers that Nebraska ranks very high when it comes to the way it is...in the way that it has and continues to address sexual exploitation of children. With that said, the Attorney General's Office recognizes and believes that we as a state can do much better in this regard and in particular in the area of commercial sex trafficking of children. From personal experience, I can tell you that I prosecuted a case prior to the implementation

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of the state law on human trafficking. It was a felony pandering case out of Omaha. It was in about 2001-2002, I think when Senator Harr was in the office, he may even remember this, but it involved three juveniles who were transported from Minneapolis to Omaha for the purpose of being forced into prostitution. They were age 15. They were brought here by a group of three or four men. They were lured on the prospect of...they met at a mall in Minneapolis and they were brought here on the prospect of come to Omaha, we're going to make you models. They got here and they realized that their modeling career had been transformed into a forced life of prostitution. They would take these three girls and buy them expensive clothing. They would teach them how to prostitute. And with a couple of them, they actually got them enhancements via cosmetic surgery. But what I can tell you from that experience is that, based upon that limited experience, that this can be a particularly tough and challenging area to prosecute, to investigate, and to legislate because of the unique and varying problems and circumstances that can arise in each of these cases. Today, however, I appear before you as a representative of the Attorney General's Office simply to offer our help as you move forward addressing this very important issue. As we have learned time and time again, through such things as child Internet exploitation and the scourge of methamphetamine, now is the time to gear up and prepare for such a threat rather than wait and react and become inundated once it begins to permeate our communities even further. Thank you for the opportunity to speak and appear before you today. I look forward to any questions you may have and offering our services in any way possible to this committee. [LR243]

SENATOR ASHFORD: Thanks, Corey. Senator Council, then Senator Harr. [LR243]

SENATOR COUNCIL: Yes. And, Mr. O'Brien, I'm going to direct it to you and probably my colleague Senator Harr can answer it, but this is the first I've heard of a charge called felony pandering. Tell me what is the difference between pandering, which I assume is a misdemeanor, and felony pandering. [LR243]

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COREY O'BRIEN: Well, I think all pandering is felony, but felony pandering is essentially prostituting. It's what we generally bring for pimps. I can tell you, in my experiences as a prosecutor, I've heard maybe about a handful of cases in 15 years in which we brought such a charge of felony pandering. It just isn't something that comes up across our desk every day. It's a Class IV felony, carries zero to five years. That was the only occasion I've ever had, the case I mentioned in 2001-2002, to even witness somebody being prosecuted for felony pandering. I say felony pandering because I don't know that there is a misdemeanor pandering, but the felony pandering is essentially prostituting or promoting the sexual exploitation of young girls or women for purposes of money. [LR243]

SENATOR COUNCIL: Okay. And I think it kind of follows up a question that Senator Lathrop had, because when I'm looking at this, Senator Lathrop's question was in part the question I was asking Dr. Professor Roberts earlier. I mean where are the gaps? And when I read the pandering section, any person who entices another person to become a prostitute, that's pretty broad and that's a Class IV felony. Anyone who procures or harbors therein an inmate for a house of prostitution or for any place where prostitution is practiced or allowed. This is a good one: inveigles. What's that word, Senator Harr? [LR243]

SENATOR HARR: Hmm, Latin. [LR243]

SENATOR COUNCIL: Huh? [LR243]

SENATOR HARR: It's Latin. (Laughter) [LR243]

SENATOR ASHFORD: What was that, Senator Harr? [LR243]

SENATOR LATHROP: Ask somebody that went to a Jesuit school. [LR243]

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SENATOR COUNCIL: I-n-... [LR243]

SENATOR HARR: (Inaudible) Jesuit (inaudible). [LR243]

SENATOR COUNCIL: That's why I asked him. I-n-v-e-i-g-l-e-s. [LR243]

SENATOR HARR: Uh-huh. [LR243]

SENATOR COUNCIL: And what's inveigles? Come on the...all the...where are the crossword-people people? (Laughter) [LR243]

SENATOR MCGILL: Crossword. [LR243]

SENATOR COUNCIL: I mean this...I... [LR243]

SENATOR ASHFORD: Well, maybe we just need to clean some of these statutes up. [LR243]

SENATOR COUNCIL: Okay. I mean there are a few words... [LR243]

SENATOR LATHROP: Yeah. [LR243]

SENATOR COUNCIL: ...there are a few words that I can admit to not ever having seen in my life and this is one of them. But I'm just looking at this and I'm just...my question is why aren't we utilizing this statute to address this issue? I mean is it the evidence? I see the chief over there shaking his head. But then when I read the evidence, it says you shall be a competent witness in any prosecution, including if you've had a conversation with the accused or by the accused with a third person. I guess even the marriage exception is waived: "notwithstanding having married the accused either before or after." I mean it seems to be pretty...a pretty strong tool, and I guess I'm just wondering

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why it's not being utilized to the...maybe to the extent that it should be. But that's just a Class IV felony. And then getting back to what my colleague, the good Chairman, I mean we "RICO-ized" gang membership; why can't we "RICO-ize" this? Thank you. [LR243]

SENATOR ASHFORD: Uh-huh. And that, I suppose, is logical. [LR243]

COREY O'BRIEN: And I think RICO fits. [LR243]

SENATOR ASHFORD: Yeah, because it would be a group endeavor and each person has a certain aspect or a certain... [LR243]

SENATOR COUNCIL: (Inaudible) [LR243]

COREY O'BRIEN: I think anything that is a ring, such as a prostitution ring, a gambling ring, they all fit within RICO. Again, I think these aren't the easiest cases in the world, as Chief Hayes alluded to, simply for the fact of, one, they hide in shadows but, two, continuing cooperation to the extent necessary for us to obtain convictions can be difficult. And just to reiterate what Mr. Dun mentioned, you know, there is some overlap. When I say that these cases don't come across my desk, a lot of times they're either referred by prosecutors such as myself to the federal government, because their statutes carry a lot more bite, and the other thing that, you know, even as Mr. Dun mentioned, a lot of these cases they have either interstate or international ties that make it much more conducive for federal authorities to obtain witnesses, to investigate, whereas our local resources maybe can't cross interstate lines or international lines to the same extent to the FBI or Immigration or ICE. [LR243]

SENATOR ASHFORD: Yes, Burke, Senator Harr. [LR243]

SENATOR HARR: Thank you, Senator Ashford, and thank you for calling this hearing to

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shine a light on this, and it is important. Corey, Mr. O'Brien, you really took the lead on writing our meth laws and we are, I think, one of the leading states on writing meth laws. My question is, are you and your office willing...well, the Attorney General's Office willing to take steps to update our statute to the current situation, and if so, have you thought of legislation, and if you have, what is it? So a three-point question, three-part. [LR243]

COREY O'BRIEN: I don't know if I can remember all those parts. As I... [LR243]

SENATOR HARR: Basically, do you guys know anything? Is there anything you guys can do? [LR243]

COREY O'BRIEN: As I stated, you know, honestly, I'd have to get back to you. As I mentioned, I went to training last week and it was kind of an eye-opening experience to me. It's not something, again, that you know, when you were a county attorney, that would pop every day. I mean there's more and more of this, I think, as I hear anecdotally, and maybe it was a surprise to me how prevalent the issue was. So I guess I'm not prepared to say exactly what thoughts I have because I haven't really thought them through, but as I mentioned in my statement, we're willing to be a resource in any way necessary to help consider through those issues and to help this committee maybe come up with some of those gap fillers, if in fact they are necessary. [LR243]

SENATOR HARR: Thank you. [LR243]

SENATOR ASHFORD: Senator McGill. [LR243]

SENATOR MCGILL: And I'm just going to...I'm just going to tell you that I'm going to have my legislative aide get in touch with you because we've done some research. I have some ideas from the Polaris Project and I'd love to be working with you as we try to draft something for next year. [LR243]

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SENATOR ASHFORD: And I think to Senator Council's point and Senator Lathrop as well is that there is a lack of...clear lack of understanding on the public's part about the nature of these kinds of offenses and how many people are involved, and those who are involved, how difficult it is to bring them forward, so to say, to create a prosecution, prosecutorial environment. So it's a very, very difficult thing. [LR243]

COREY O'BRIEN: Yeah, it's been an eye-opener for me and, you know, this training I was at last week, we had a speaker from Atlanta who says that Georgia has become almost sort of a sex tourism location. [LR243]

SENATOR ASHFORD: I saw that same thing and there was something on NPR this morning that talked about some. I mean it's becoming...it's a condition, it's a circumstance that maybe the public has not been...or any of us have not been fully informed about it. So I appreciate Senator McGill working on it and... [LR243]

COREY O'BRIEN: And I'm still grappling, and I think most of us are all grappling with what exactly is encompassed in sex trafficking. [LR243]

SENATOR ASHFORD: Right, what is this... [LR243]

COREY O'BRIEN: Right. [LR243]

SENATOR ASHFORD: ...and do they...they obviously...there's some people that have no ability to defend themselves or come forward or...for whatever reason, either they're not...they're undocumented or they are...they have committed other crimes or whatever it is. So thank you. Thanks, Corey. [LR243]

SENATOR COUNCIL: Just... [LR243]

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SENATOR ASHFORD: Yes, Senator Council. [LR243]

SENATOR COUNCIL: And in the case with the three juveniles from Minnesota, were those Mann Act prosecutions? [LR243]

COREY O'BRIEN: They could have been. [LR243]

SENATOR COUNCIL: And would that have enhanced the sentencing? I mean those are...I mean in terms of what the public understands, I mean the Mann Act has been on the books for 80 years, you know,... [LR243]

COREY O'BRIEN: Exactly. [LR243]

SENATOR COUNCIL: ...and it has been used to address, you know, taking women across state lines for purposes of commercial sex. But it's just that, for whatever reason, the prosecutions aren't being pursued under those and maybe that's what the professor was talking about in terms of our need to gather this data and study and to see how cases that we have some feel are human trafficking cases, see how they are being prosecuted and then maybe we can have some direction, gain some direction from how they're being prosecuted now and how altering how they're prosecuted may have a greater impact on eliminating this scourge from our communities. [LR243]

COREY O'BRIEN: Well, we talked a little bit about the gap and whether or not, you know, is there a need to have similar state laws, and the chief and I were talking about this when the question came up. And you know, for instance, while the three individuals that I prosecuted would have been eligible for the Mann Act, one of them wouldn't have been actually because the feds do not prosecute juveniles and one of the offenders was a juvenile. So there is some necessity sometimes for that overlap, as Mr. Dun mentioned, so... [LR243]

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SENATOR COUNCIL: Okay. And for those who are concerned about the vocabulary, the word was "inveigle" and it means hoodwink. [LR243]

SENATOR ASHFORD: Inveigle? Inveigle? [LR243]

SENATOR COUNCIL: Inveigle and it means hoodwink. [LR243]

COREY O'BRIEN: And for the record, I will tell you I did not write that statute because I would have never pulled that out. (Laughter) [LR243]

SENATOR COUNCIL: Thank you. [LR243]

SENATOR ASHFORD: Corey, thanks very much,... [LR243]

COREY O'BRIEN: Thank you. [LR243]

SENATOR ASHFORD: ...as usual, for your good testimony. Okay, what we're going to do is Pastor Tom Barber and then if Chief Casady after that and go on from there. Go ahead. I'm going to... [LR243]

TOM BARBER: Thank you, guys, for letting me speak. I'm Pastor Tom Barber. I run the People's City Mission here in Lincoln, Nebraska, and we're the homeless shelter for the city and we're housing about 350 people a night and those include women and kids as well as men, and some of those folks certainly have been in abusive situations and we hear stories. Recently, we've joined with Lincoln Public Schools in a program we call Safe Place and it's a program where kids that feel in danger and trouble can go into 1 of about 50 establishments and then we'll come grab them and rescue them, and we have the fire stations involved, I think the Lincoln Journal Star, U-Stops, Hy-Vees and different places. You can see their big yellow signs. And in 2012 we're going to start a major outreach to the streets, particularly to street kids, because the schools told us

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there are over 500 homeless kids. Well, we know what numbers stay with us, but according to the schools almost 100 of these kids live on the street. So tonight, I was just out in this cold weather, I don't know about you guys, but I froze coming here two blocks, and you have almost 100 kids between 7th and 12th grade, according to the schools, that are living on the streets tonight just here in Lincoln, Nebraska. And so many of these kids will be at risk and our role in the human trafficking is more peripheral. We're interested in the prevention part of it and our goal is to try to get to some of these kids prior to them becoming victims or getting them out of the system as they start to. We're also hoping maybe as we do this, and particularly on the street outreach, getting more information from these kids, because many of them know what's going on, and be able to provide more data maybe just on the streets of what's actually happening here at least in Lincoln, Nebraska. I think what shocks us is we think the problem is bigger than most people know. Just again, it's anecdotal information. I don't have hard facts for you but just the things some of our guests say and the things we've heard, we think that certainly prostitution is a growing issue and I think that the human trafficking is something that is alive and here in Lincoln and it's starting to grow. And so we are very, very concerned, as a mission, of that and so we are here today just to be strongly for this and certainly be a proponent and to certainly offer our services and say we're going to try very hard here in the next year or so to be group partners along with everyone else in trying to see what we can do to slow it down. I've read stats that if I'm a young girl, especially a young girl but a young boy and I'm on the streets, my shelf life before I become in...go into prostitution is very small, maybe a couple days. And so these kids do what it takes to survive. And I think that one of the ways to certainly look at human trafficking is to think of it as death by a thousand cuts, and you know I've shared this in other places, but even if you make prostitution more expensive, that's something. And you know, if I'm a human trafficker and I can grab a kid off the streets of Lincoln and I'm here right in the city, that's really cheap and so I can charge low prices for prostitution. I'm getting somebody who doesn't cost me anything. If I have to go to the Ukraine, I mean obviously we don't want people coming in from the Ukraine, but that's more expensive and obviously I'm going to have to have higher prices, and higher

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prices are going to make it more expensive and fewer people are going to use it. There are things we can do at least that show it down and so I think trying to dry up the streets and hurt their supply is certainly one thing we can do to maybe make a difference. So again, we're here to be strongly for what's going on and, Senator McGill, thanks for doing it. Yeah. Take any questions. [LR243]

SENATOR LATHROP: Thank you very much, Pastor. I don't see any questions, but thanks for coming down. We appreciate hearing from you. [LR243]

TOM BARBER: You betcha. Thank you, guys, for what you're doing. [LR243]

SENATOR LATHROP: I'm not sure. I think Brad said the... [LR243]

SENATOR MCGILL: Chief. Yes. [LR243]

TOM CASADY: Senator, Mr. Riskowski has another engagement. Would it be all right for him to take my place? [LR243]

SENATOR LATHROP: Oh, okay, sure. Al, come on up if you like and... [LR243]

AL RISKOWSKI: (Exhibit 3) I very much appreciate the interim study and, Senator McGill, thank you so much for doing this. This is a five-year labor from Nebraska Family Council's point of view that we got involved with this and to see what's happening today is very satisfying to us. On the front page of this, there are four ways that we can attack it here in the state of Nebraska, and you'll be soon receiving that. The second page talks about various definitions of human trafficking. Nebraska Family Council has been involved with now the third interdisciplinary research study at the University of Nebraska and so from some of those studies through the university all of these definitions came forward, and as you can see, it can be a very complex issue when you look at all those definitions that are there. The third page is about facts on "Child Labour 2010," some

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fast facts and etcetera, information that we have even on our Web site. One interesting fact I believe is just that the human trafficking is one of the largest moneymaking schemes in the world at this point. It's somewhere equal with the drug trade and illegal arms, so it's a huge moneymaking project around the world. I included an article, how Lincoln police are struggling with escort enforcement because all across the United States, I actually spoke with police detectives from California and other states about escort services, they all connect escort services often not only with prostitution but human trafficking. And I have a picture here. This is out of the 2011 Lincoln telephone directory, Windstream. This is a full-page ad, this year's telephone directory. And so we...it's called Diamond and (sic) Midwest, and so we put some of our interns who are graduate students in the Justice Department, let's see what we can find out about Diamond and (sic) Midwest. We discovered that this couple, the next page, own it. This couple locate in Lincoln and this is a nice couple. They already have a track record of arrests for methamphetamine distribution. The husband had an interesting side occupation. He would set up a meeting with people who had gold coins and he would spray them with pepper spray and eradicate their gold coins and no money was involved. Matter of fact, that's how he got arrested in Denver, for doing that very thing. But what's interesting about Diamonds and (sic) Midwest, just by our research we discovered that not only do they advertise here in Nebraska, they also advertise outside of Nebraska. We also discovered they're called Diamonds and (sic) Midwest. They're connected to a diamond manufacturing, registered by Eric E. Franklin (phonetic), a holding corporation in Las Vegas, Nevada. They produce synthetic diamonds. Now Diamonds and (sic) Midwest say they sell their diamonds out of a house here in Lincoln. We've actually watched the house and we've seen no activity there but we've seen other things going on. We've never seen diamonds being sold there. However, this diamond company, we've discovered they seem to be connected with other escort services all around the Midwest. Their diamonds are not manufactured in the United States. Their diamonds are manufactured in another country. They are then imported into the United States and then supposedly distributed by escort services. We suspect that they're importing something more than diamonds and perhaps human beings.

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These people are very interesting. We found this out too. We did one research of Backpage advertisements. That's one Web site. We discovered that the average age is about 24. Just from our anecdotal observance, we're thinking at least 10 percent are minors that are being advertised. They have 954 local numbers that are advertised on Backpage. That is Nebraska numbers. We saw 155 Nebraska girls being advertised on Backpage, of which again we estimated about 10 percent are possibly minors. Here's one other quick little story. This is a picture of DVD, DVD. We had a girl, a mother, come to us last Christmas. Her daughter was coming home bruised and hurt. She found some Web sites in her room and those Web sites, when she went on them, she saw her daughter being advertised on the Internet. And when we questioned the daughter, the daughter said, well, she always had wanted to be in the music industry. This DVD, of which you have his record album picture here on the very front, seduced her; beat her; threatened beating...not only beating her, her family if she did not cooperate; put her on the Internet. We were...used our own money, were able to get her out of the state, get her help. She claims there are six other girls being held by this gentleman right here in Lincoln for strip clubs and prostitution. So I just go on, there's additional information, but I just feel it's important that we realize this is a Nebraska issue. Thank you. [LR243]

SENATOR LATHROP: Thank you, Al. Any questions? I don't see any. [LR243]

AL RISKOWSKI: All right. Thank you. [LR243]

SENATOR LATHROP: We appreciate the information and your work on this issue. [LR243]

TOM CASADY: (Exhibit 4) Good afternoon, Senators. I'm Tom Casady, the public safety director here in Lincoln. I came prepared to give you testimony that was intended to convince you and members of the audience that human trafficking really does occur here in Nebraska and even here in Lincoln. It seems somewhat redundant after the testimony we've already heard. My prepared testimony does have a couple of examples

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of cases from this year. I would, however, like to tell you about one of those. I'll skip the first one. This was a case of a prostitution arrest that my officers made on July 12 of this year. We arrested a 23-year-old woman. Either she or her male companion have placed an ad on a Web site, a well-known Web site, offering sex for money, and one of our officers, acting in an undercover capacity, made arrangements to meet her in a city park next to a middle school and the deal was struck there and the arrest was made. Now this woman is 23 years old. She has been the victim of four sexual abuse cases during her childhood that were investigated by our officers. She was the victim of a rape that we investigated when she was 15 years old. She's been reported as a missing person to the Lincoln Police Department on eight occasions. On five occasions, beginning at age 16, we investigated cases where she either attempted suicide or was having suicidal ideation. She's clearly a very vulnerable person. And although we can't say for sure whether her male companion participated in this enterprise and to what extent, I have my own suspicions that she was not acting alone and it's quite possible that she's being exploited due to her vulnerability. This is a pretty typical case that we experience in Lincoln where a vulnerable person is being exploited, and that is one of the elements of human trafficking. It's not just forced and threatened force. It's also people who are exploited because of a vulnerability that they have. The kinds of vulnerabilities include such things as mental illness, poverty, very commonly drug addiction, and this is just a common experience in the sex trafficking cases that we see here in Lincoln. And this story I told you is not atypical. A couple of years ago Dr. Donna Akers from UNL's history department got in touch with me. She was interested in studying human trafficking and I was explaining this phenomenon of the life experience of prostitutes here in Lincoln to her. After our visit, I did a little informal research of my own. What I did was I gathered up ten women that had been arrested by the Lincoln Police Department for prostitution and I was only looking for women that we had a history on so I only looked at people who had lived in Lincoln for at least ten years during their childhood. Here's what I discovered from these ten women. They had a combined record of 105 runaway reports; 44 child abuse investigations; a combined record of 35 sexual assaults. And all of these things occurred during their childhoods, before they turned 19

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and reached the age of majority. They are clearly very vulnerable people. Drug addiction is just rampant. Oftentimes we see women who are engaged in sex trafficking because they have no other way to support their drug habit or take care of their daily needs, and I think that kind of vulnerability constitutes sexual trafficking when someone exploits them for their own profit or pleasure, and at the bare minimum men who engage in acts of prostitution with these women are doing just that. Obviously, the pimps are doing so as well. I made a short list of things that I think we might consider as a community doing to help ameliorate this problem. First of all, I have for several years been interested in the prospects of figuring out some way to regulate the escort service business. Here's a news flash: There is no one so pitiful that they really are looking to hire someone to accompany them to their Christmas party. Escort services are fronts for exotic dancers, lap dances, erotic massages, and prostitution, and that's all they are. Here's something else we might consider. The crime of pandering is a felony but it's a Class IV felony. That's the lowest grade felony we have. Perhaps pandering should be a higher grade of felony, at least in certain circumstances, when the person with whom arrangements have been made for sex is a vulnerable adult or a minor, for example. Contributing to the delinquency of a minor, which is a common kind of arrest that law enforcement officers make in a case of a runaway who's engaging in survival sex, contributing to the delinquency of a minor is a Class I misdemeanor. Maybe we should consider the same thing, making that a higher grade crime in certain circumstances. Training was mentioned by a couple of the testifiers and I really agree that there needs to be more training, more public awareness, more training of law enforcement in human trafficking, how to recognize it and what we might do to intervene in this cycle. And finally, I don't think there are nearly enough services available for people who are indigent and in need of drug treatment, particularly if they're dual diagnosed. They both have mental health issues and drug abuse. Here in Lincoln we have facilities like St. Monica's and CenterPointe. They're woefully underfunded, given the level of need that we see out there. And frankly, for an awful lot of people that are involved in this kind of vulnerable sex trafficking, what they really need is they really need a high level of intensive inpatient care for a period of time, and I have seen people who have received

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that who have actually gotten better and gotten out of the sex business, and I think anything we could do to support that would be good. Thank you. [LR243]

SENATOR ASHFORD: Thanks, Chief. Senator Coash. [LR243]

SENATOR COASH: Thank you, Chairman. Thank you...I just can't not say Chief but... [LR243]

TOM CASADY: That's all right, still works. [LR243]

SENATOR COASH: I appreciate that you came and you had some ideas because that's what these kind of hearings are about. I'm not interested really in criminalizing the victims, who I think in this case are the prostitutes. How do we go after...I mean so that kind of leaves the customers or the pimps. I mean how...what are your thoughts on being very targeted against the pimps or the johns in this case? How do we...because some of the enhanced penalties, I mean you (inaudible) pandering. That would probably be with the women or the johns. So how do we go after these predators who go...you know, victimize the women? [LR243]

TOM CASADY: I think we've got a good law to do that with pandering. I'm a little bit concerned that it's only a Class IV felony. I'd like to see it be a little higher grade. And, frankly, I'd like to see a lot of prostitution cases prosecuted as pandering rather than soliciting prostitution. I noted that we've only made one pandering arrest this year and that man was ultimately allowed to plead guilty to soliciting prostitution and fined \$350. I just don't think that's enough. We've been encouraging our officers here, when we have someone who's solicited prostitution, to make the arrest for the crime of pandering and I'd like prosecutors to prosecute those cases as pandering whenever they have sufficient evidence to do so, and I'd also like to see the penalty be a little higher for that crime so that people that are supporting the sex trafficker are being held responsible. You know the 23-year-old woman that I told the story about, she was convicted of

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prostitution, which is a misdemeanor, a city ordinance violation, and she received as her sentence 50 hours of community service. That's exactly appropriate, in my mind. But the person that helped her, if we would have been able to prove that her male accomplice had committed a crime, I would have liked to have seen him prosecuted for a serious felony. [LR243]

SENATOR COASH: I know that at least here in Lincoln you've put some resources at the police department to do undercover investigations and you've made it somewhat of a priority, from what I can see, in trying to investigate these things. Can you talk to me just a little bit about the resources you have and how much you're able to put towards this particular issue and how much it would take to have some even more significant outcomes? [LR243]

TOM CASADY: We've put quite a bit of effort into trying to drive down street-level prostitution here in our current neighborhood and I think we've been recently effective with that. I do not delude myself into thinking that we've run prostitution out of the city of Lincoln. Street-level prostitution isn't very common because it's pretty obvious when it takes place, it's easy to get arrested, and, frankly, the Internet has taken over the business. It's much easier to make more money offering your services on-line and I don't think we're even scratching the surface on that. If I had the resources to do it, I'd like to work Craigslist, Sipsap a lot more intensely and make a lot more cases on that. Chief Hayes mentioned the difficulty of getting these pandering cases, it's just pretty uncommon to get a cooperative...you can get the prostitution arrest but you have to have...you have to have a victim that's willing to cooperate with you, willing to tell you what's going on, willing to give you evidence about the arrangements that are being made by the pimp or the trafficker, and that's not quite so easy to do. I wish it were. [LR243]

SENATOR COASH: Thank you. [LR243]

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SENATOR ASHFORD: Yeah, the only...I'd make this comment again. I think this committee hears bills on topics very much like this and you've been involved in most of them. You're here, have been over the years. Again, this whole idea of how do we get...and it was mentioned in the initial comments, how do we get access to data on these people so that we can start to build a database and start to identify the risk factors--you mentioned the laundry list of issues that these young women had in their lives--then and figure out ways to intervene because...with them early in their lives, because it does lead to these things. And that's a key element and we struggle with that here as we struggle with issues of confidentiality and all of that when really what we're trying to do is find out what are the risk factors, how do we intervene as early as possible with young people on the continuum, and then provide the needed services, and it's a dilemma. We get it constantly. [LR243]

TOM CASADY: Chief Hayes was describing the same phenomenon that I've seen and we're both at the stages in our career where we've seen children who were victims of abuse, who were victims of incest, who were victims of molestations by friends and relatives, who became runaways. And then after becoming runaways, they became adults, had their own children, became perpetrators of abuse and engaged in prostitution and drug addicted. It's just incredibly depressing to see that. Unfortunately, we just don't get to see enough cases of people who have escaped that cycle. They do occur but... [LR243]

SENATOR ASHFORD: Right. But the earlier we can determine, even in the very youngest ages, elementary school and first and second grade, and we always fall back, I think to add in this committee, is there a way that we can recognize what's going on in the lives of these children at four, five, six, seven years old that could give us some kind of alert ding-ding-ding-ding, what do we do, because it's...and it's not a perfect world and I know that, but I know where we struggle with this, because where we're dealing with the aftermath here, obviously, and it's tough. Thank you. [LR243]

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SENATOR COUNCIL: Just real quick. [LR243]

SENATOR ASHFORD: Yes. [LR243]

SENATOR COUNCIL: And thank you, Chief. And we had this discussion at the human trafficking conference earlier and it just...I just want to emphasize the need for training of law enforcement, because you and I had a brief conversation about your research on these ten women. And I'm like, okay, you had 105 reported runaways, reports of runaways for these ten women. And I was asking you, I was curious to know how many of those reports that the young women had run away was filed by a parent or guardian as opposed to being filed by someone who could have been the perpetrator of human trafficking, and that being a part of, you know, the training side of it. You get a missing child report from someone who has no lawful connection, you know, no...not a parent or a guardian, that would send up red flags to somebody, well, you know, here's a possibility that we've got a human trafficking situation going on. I mean are missing persons reports filed like that where they have to identify their relation to the person? [LR243]

TOM CASADY: In my experience, the missing person reports that we investigate, we always find the parent or the legal guardian of that child to...and that's the person who normally files the report. For an awful lot of these kids, it's the state of Nebraska. It's a caseworker at Health and Human Services that is the reporting person. [LR243]

SENATOR ASHFORD: Senator McGill. [LR243]

SENATOR MCGILL: Seems like, at least hearing all the other law enforcement, that one of the big barriers to prosecution is the woman not being willing to testify or whatnot. Any thoughts on things that can be effective in getting that woman's trust, and is that part of the training that we need, is training on how to create a safe environment where they feel comfortable coming forward? [LR243]

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TOM CASADY: Yes, definitely. There's a very gifted police officer. He's a rookie cop in Aurora, Colorado. His name is Mike Bassett and he's 51 years old. He retired as a sergeant here in Lincoln last year, wasn't ready to hang up his badge and started over as a rookie in Aurora. That man is so gifted at being able to both arrest prostitutes and also to build trust with them to find out what else is going in their life and to try to help them, in the small ways that he can, get headed in a different direction. And if every police officer in Lincoln, if every police officer in Nebraska had that same level of skill and understanding that rookie Mike Bassett has in Aurora, Colorado, we'd be a lot better off. And really what needs to happen with most of the prostitutes that are involved in the sex business that I see here in Lincoln, they need to be removed from that situation and get treatment for their alcoholism and their drug dependence and their mental health issues, and it's only at that point that they are really willing to acknowledge the situation that they're in and really to come to the self-understanding that they're being exploited. Most of these women that we encounter do not understand that. They don't realize the extent to which they are being victimized. Their mom does when she calls us. Mr. Riskowski's story is one that I've been through many times talking to a parent who's suddenly discovered that her 19-year-old daughter is an exotic dancer instead of a freshman at the university. But a lot of times the women that are involved in the sex business are so...they're so vulnerable, because of their mental health and drug addiction and their alcoholism, that they really don't understand their own victimization yet. [LR243]

SENATOR MCGILL: Thank you. [LR243]

SENATOR ASHFORD: And their mental health issues are exhibited quite early in their lives, if there was a way to trigger and to identify. The other thing is, and then very quickly on the...on what we do in other sorts of issues is to...we need to know what we're talking about in numbers, who are. We need to compile enough data to know what we're talking about on a statewide basis. And then possibly, with all the work the

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Attorney General's Office has done on Internet crime, is to fold in this concept of Internet crime, human trafficking into a special office in the Attorney General's Office to work with the State Patrol. They do this work anyway and to somehow just really focus on...and then we have...and the other thing we don't do a very good job of in Nebraska, I find, until we ask, but then when we ask it works, is to get the university directly involved in helping with this research, and I was glad to see a representative here from UNL. But we need to get...we've got great assets but we need to bring them all together on this problem that's been identified and not just say...not that you're doing this but so often: it exists, whoops, well, let's go to the next issue. Well, what are we going to build around this to get at the problem, training, identification, what do you look for, you know, to get from A to B? Anyway, thanks, Chief, as always. [LR243]

TOM CASADY: Thank you. [LR243]

SENATOR ASHFORD: Let's move on to...Linda is next, I think. Hi. [LR243]

LINDA BURKLE: (Exhibit 5) Well, good afternoon, ladies and gentlemen. Thank you for the invitation. I would just ditto what you've heard so far, especially from Chief or Public Safety Director Casady. I think his title has changed. I have worked in juvenile courts. I've worked as an advocate for children and social justice for women. I'm the service provider, overseeing a whole cadre of services for various people in Omaha, as well as the three-state area--Nebraska, South Dakota, and Iowa--for the Salvation Army. One of our programs is Wellspring. We work directly and primarily with women but some men who have been trapped in prostitution, some of whom are also human trafficking victims but not all. Today I'm not going to be speaking to you as an expert, as a service provider or a social justice advocate. I'm going to share you, first person, a story that I actually...last week, just last week I interviewed a woman who has been involved with the Wellspring Program. She has a wonderful success story but had many tragic events throughout her life, and I'm just going to read. This is quite lengthy and I know I don't have time so I'm going to just touch on highlights, but you will have the entire statement,

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which is in firsthand. I tried to take very good notes and I'm going to just read parts of that now for you. I grew up in a dysfunctional home. There was always drinking and drugging. When I was 11, my mother went in the hospital to give birth and never came home. This was very difficult for me. Shortly thereafter we went to live with my grandmother, my sister and I, and there were lots of aunts and uncles, lots of drinking, drugging. When I was 11, I started drinking and using weed. At 12, I began using pills and seeking love in the wrong places, usually from older adult men. At 14, I got pregnant and delivered before my 15th birthday. Shortly thereafter a girlfriend of mine introduced me to a man that I became very infatuated with. I was deeply in love. This guy treated me special, he bought me gifts, he would pick me up, he was very attentive, he took me back and forth to school. Before long I just stopped going to school. He would take me downtown and drive me around and show me the women on the street and told me how much money they made. I was emphatic that I would never do that. When I was 17, he taught me how to suck his penis and said how good I did him and how good it felt. He said, girl, you can make a lot of money; it would be real easy and quick. He had me at 17. A month after my 18th birthday, I was sitting on the corner. He dropped me off at 33rd and...I think it's Farnam. She said in front of Mutual of Omaha. So one month after I turned 18, I caught my first trick. It only took five minutes. I earned 50 bucks. Boy, I was excited. I could earn a lot of money and, of course, I gave every penny to him because I was very much in love. Well, if the johns wanted more than just a blow job, we'd go to the Travel Lodge, which some of you from Omaha remember. It was torn down a few years ago, thankfully. That was on 40th and Dodge. When I was 19, he started taking me around to different states to perform sex. We drank and smoked. I was high a lot of the time. And then actually I'm going to abbreviate this because there's a lot I can't get through, but there were several men. But she was turned on to crack. They all beat her. She was afraid of them. The last one was the worst. He would beat her with a gun, with a hammer, with electrical cords. She was frantic to get away but he never left her side. At one time when she was working tricks she hid in an 18-wheeler and he went from semi to semi at the truck stop and banging on the door and, you know, sticking the gun in the trucker's face. Well, the guy hiding

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her obviously was afraid, and he found her and drug her out by her hair. He beat her all the way. She was trying to fight him off and...I'm sorry, I've switched to "she" versus "I." I wanted to do this in first person. And when she got back to the hotel room, she was so exhausted she laid down on the bed but he had already been warming up the iron and burned both of her legs. Well, eventually she got away. I see the gold light there. And to make...I'll try to summarize this in that she did get away from him. He threatened her daughter, had his friends threaten her daughter and her family back in Omaha. She got back home. She ended up getting away from him. She was very much addicted to drugs. As been earlier mentioned, that is a real common thing that we see, as well as mental illness. A friend of hers took her to church and that's really what she sees as her salvation. She actually, in her words, was saved and delivered. She got involved with Wellspring after numerous arrests for prostitution--our program, of course, does a lot of outreach in the jail in Douglas County--and became very much involved with Wellspring. And this, of course, was several years ago. She now is married, she's been married for several years, and has been clean and sober and not involved in prostitution. So praise God. [LR243]

SENATOR ASHFORD: Thanks, Linda. Any questions of Linda? Thanks for sharing that with us. [LR243]

LINDA BURKLE: Uh-huh. [LR243]

SENATOR ASHFORD: I think I don't see any questions. Thank you. [LR243]

LINDA BURKLE: This is her story. [LR243]

SENATOR ASHFORD: Okay. [LR243]

SENATOR LATHROP: Can I ask a question? [LR243]

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LINDA BURKLE: Yes. [LR243]

SENATOR LATHROP: Just so that I understand this whole subject matter, what percentage of these women have some guy that's threatening them all the time? [LR243]

LINDA BURKLE: The women that we're working with now, probably most of them would say that they're doing this of their own free will. Okay? That is very common. But if you start to look back in their histories, and I haven't done this recently but at one point we did a survey as far as their first sexual experience with payment or some coercion, and it was 83 percent were coerced for their first time. Almost all of them have histories of sexual abuse. They all...almost all of them have a mental health diagnosis. All of them, almost 99 percent, have some type of a substance abuse, whether it started before in they're using, you know, prostitution to support their habit or their pimp turns them on to drugs, which we also see is very common. So... [LR243]

SENATOR LATHROP: It's not that simple, is what you're saying. [LR243]

LINDA BURKE: It's not that simple, because in their mind, you see, like was mentioned earlier, she loved...she kept saying, I really loved him but I was scared to death, I wanted to get a gun and kill him. Well, it's a very sick thing because they become...this person has all the power over them. He controls all of their life so he is their savior as well as their abuser. It's very complex to explain. But when they escape that, many of them are still on the streets, like this woman, and usually we get them in Wellspring after they've been repeatedly arrested, they're sick and tired. Most of the women we get are not young. In fact, one of the victims of that big sex ring that was broken up in Omaha was brought to us in handcuffs by the police to get help and she declined it. It's a voluntary program. So often they come to us after they've already been, what I would call pretty much, you know, used and abused. They've had a pimp. Now they're working as a free agent. They say, I'm doing this of my own free will, but a lot of it is a

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self-defense mechanism because they cannot deal with the reality of the way that they have been victimized, and in their mind, you know, they've just basically shut that off. And so they see themselves as been doing this of their own free will. Often that's the case. [LR243]

SENATOR LATHROP: Okay. Now I want to ask you about we...I think when John Synowiecki was still here, we established a prostitution court. [LR243]

LINDA BURKLE: Oh, yes. Yes, I was... [LR243]

SENATOR LATHROP: And then somebody vetoed the appropriations for it. [LR243]

LINDA BURKLE: Yes. In fact, I was involved with some meetings in Omaha and at that point there were a number of meetings. There was a very controversial thing that was done in Omaha, if you might recall. There was a billboard with johns' faces put on it. [LR243]

SENATOR LATHROP: Right. [LR243]

LINDA BURKLE: And the woman that initiated that in that neighborhood around Leavenworth, Park Avenue, Leavenworth received a number of threats. And I was involved in that. At one point a number of years ago we had the opportunity, through the Department of Justice, to get a community initiative grant and I did go to the local law enforcement. We had a prostitution task force with law enforcement involved. At that point, it wasn't considered an issue in Omaha. [LR243]

SENATOR LATHROP: Okay. So there's a law enforcement approach but there's also sort of the prostitution court approach. [LR243]

LINDA BURKLE: Right. [LR243]

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SENATOR LATHROP: Is that effective... [LR243]

LINDA BURKLE: You know, honestly... [LR243]

SENATOR LATHROP: ...in places where it actually gets funded? [LR243]

LINDA BURKLE: Honestly, I cannot tell you that because I don't have any experience working with the prostitution court. [LR243]

SENATOR LATHROP: Okay. Okay. [LR243]

LINDA BURKLE: Yeah, I have worked with diversion programs and I know for a while we did some work with the johns with a diversion program a number of years ago but there wasn't the funding to really sustain that. [LR243]

SENATOR LATHROP: Okay. Okay. Thank you. [LR243]

SENATOR ASHFORD: Corey, is pandering a...is that a registerable sex offense, do you know? [LR243]

COREY O'BRIEN: Pandering with a minor is. [LR243]

SENATOR ASHFORD: With a minor is. Would it... [LR243]

COREY O'BRIEN: If there's an allegation of it being a minor. [LR243]

SENATOR ASHFORD: It would have to be a minor only, is that how it works? [LR243]

COREY O'BRIEN: But it's an additional element you have to prove to the court

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before...well, it has to be presented to the State Patrol before (inaudible). [LR243]

SENATOR ASHFORD: Okay. Thank you. Thanks, Linda. I'm sorry I didn't thank you but you're... [LR243]

LINDA BURKLE: Oh, that's okay. [LR243]

SENATOR ASHFORD: Okay. Sriyani, are you... [LR243]

SENATOR MCGILL: Yes, she's here. [LR243]

SENATOR ASHFORD: She's here. There you are. How are you? Now you're from, I know, from the university. As I was saying, we need to get more university people here so I'm glad you're here. And then, Mark, if you want to testify after this. Okay. [LR243]

SRIYANI TIDBALL: (Exhibits 7-8) My name is Sriyani Tidball. I'm on the faculty in the College of Journalism. I teach advertising and PR. And for the last three to four years we have had a very strong group of people that have been working on campus, faculty and now taking it down to students, to see what our role needs to be in the fight against human trafficking. For me personally, I've been involved with it on an international scale because I, you know, was living in Sri Lanka for a time, a country where they have all forms of human trafficking. But coming here to Nebraska I have to tell you I was really surprised that it's here, in a country where we have the good life that we also have this bad life. I have been the conference chair for the human trafficking conference for the past three years and we also had this idea of having...sort of a dream idea, there's such a lack of research on this issue that everything is hearsay. One day you hear that it's such a big number, another it's not here, it's here, it's somewhere else. What is it? And there's such a lack of research not just in Nebraska but in the entire world that we see a real need for a trafficking research center. But it's way low priority for anyone to do that. [LR243]

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SENATOR ASHFORD: Well, how do you know that? I don't know of such a low priority.
(Laughter) [LR243]

SRIYANI TIDBALL: Well, somebody needs to do it. And we have a multidisciplinary group of people who are involved from so many disciplines who are so interested in making a difference. For me what's been really exciting is to see how many students really want to make a difference. I mean my classes get packed if I'm ever going to teach a class on social justice or human trafficking, and we've done some different things. Recently we did a bench art project to bring awareness that is right here in the community to remind everybody that this is an issue. But the biggest thing is for me is that I can't get people to buy into the fact there is a thing called human trafficking and it's next door. And the kids who are vulnerable is the little girl next door. It's not somebody from another country. I mean, sure, they have (inaudible) too, but till we can protect our kids in Nebraska, starting right here, you know, we really can't get any further. So I just came here to say I'm so glad that you are even allowing us to say something. [LR243]

SENATOR ASHFORD: Oh, my goodness, we're fortunate that you are saying something. [LR243]

SRIYANI TIDBALL: Oh, well, I don't know. I mean I can keep talking but... [LR243]

SENATOR ASHFORD: Well, I think you're making a great point in that this kind of behavior is similar to other behaviors that young people exhibit and then continue to exhibit as they get older. We're not aware of how ubiquitous it is. We don't know how far-reaching it is because so much of it gets put under the carpet. And there are cultural things and...involved and I just...it's the tip, as many of these things are, it's the tip of the iceberg so...for lots of other things that are going on in society, so I think it's very valuable. Any...yes. [LR243]

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SENATOR MCGILL: I was just going to tell people to go past 12th and P where the bench...the bus bench art project is. There are five benches where different student artists have done their interpretation of the human trafficking issue... [LR243]

SENATOR ASHFORD: My goodness. [LR243]

SENATOR MCGILL: ...to get the public awareness going here in Lincoln. They're beautiful. [LR243]

SENATOR ASHFORD: If you ask one...Senator Council. [LR243]

SENATOR COUNCIL: I just wanted to take this time to publicly commend you and your committee for the human trafficking conference that was held. It was my first opportunity, I know you it's your third year, but what I was most impressed by, at lunch I sat at a table with graduate students from universities across the country who indicated to me that it was not their first conference and to achieve that level of nationwide support for the effort I think illuminates this issue and the need for us to direct the appropriate attention to addressing it. And I was, again, very impressed. The students that participated, and I'm trying to think of the universities where the grad students that I sat with were from but they were from the East Coast. There were a couple from the East Coast, there were a couple from the West Coast, and for them to have such an intimate knowledge of what's going on...being spearheaded here in Nebraska through the efforts of you and your committee, I just think it needs to be publicly acknowledged. [LR243]

SRIYANI TIDBALL: Thank you. [LR243]

SENATOR MCGILL: And that even brought in people from Microsoft, which I learned,... [LR243]

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SRIYANI TIDBALL: That's right. [LR243]

SENATOR MCGILL: ...because Microsoft wants to be more involved knowing that they, you know, being computer... [LR243]

SRIYANI TIDBALL: Yeah, they are on the other end of helping people procure these people. [LR243]

SENATOR MCGILL: Uh-huh. [LR243]

SRIYANI TIDBALL: So they're saying maybe we need to be involved in... [LR243]

SENATOR ASHFORD: So we have a national center here. That's what we have to have. That's what you want to have? [LR243]

SRIYANI TIDBALL: Well, I think that, but I'd also like to challenge you for a start. We have Slave Free Nebraska. Can we say that we want to head it, we want to be the pilot, we want to be the group that says we started in our state, right in the middle of the country? [LR243]

SENATOR ASHFORD: And can you give us like the ten things we need to do to be a Slave Free Nebraska? How do we...what are the things we need to do legislatively, not right now. You can think about... [LR243]

SRIYANI TIDBALL: Yeah. [LR243]

SENATOR ASHFORD: And it could even be five things, but whatever those things are... [LR243]

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SRIYANI TIDBALL: Yeah, we can talk about it. Yeah, we can talk about it. [LR243]

SENATOR ASHFORD: I mean don't drop it. I mean this is a... [LR243]

SRIYANI TIDBALL: No, I'm not. [LR243]

SENATOR ASHFORD: No, I know you're not dropping it but don't drop the idea. No, you're not going to drop it but don't (sic) drop the idea that we won't do anything about it. I mean we... [LR243]

SRIYANI TIDBALL: No, I didn't say...I mean I'm here because I have faith in all of you. [LR243]

SENATOR ASHFORD: Okay. All right. [LR243]

SRIYANI TIDBALL: Yeah. [LR243]

SENATOR ASHFORD: Thank you. [LR243]

SRIYANI TIDBALL: Thank you. [LR243]

SENATOR ASHFORD: How many other...Mark is going to testify and how many others? Judge Lamberty, you're not going to testify? Lorraine (phonetic) or... [LR243]

SENATOR MCGILL: They're scouts. [LR243]

SENATOR ASHFORD: Ellie (phonetic), no? (Laugh) Okay. Some awfully good people here aren't testifying. Mark. [LR243]

MARK VASINA: (Exhibit 6) My name is Mark Vasina, M-a-r-k V-a-s-i-n-a. I am

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representing Nebraskans for Peace and actually thousands of Lakota women on the Pine Ridge Reservation. I'm here today to describe the sex trafficking that occurs in Whiteclay, Nebraska. Young Lakota women and girls from the poverty-stricken Pine Ridge Indian Reservation in South Dakota are transported across state lines to beer stores in Whiteclay. There they engage in sexual encounters with the store owners and their friends. The young women and girls, many addicted to alcohol in their teens, and the men who recruit and transport them are paid with beer, cigarettes, and money. The women often pose for explicit photographs; sex acts are sometimes videotaped. The coordinated operation is essentially a private sex club run to exploit young Lakota women and girls for the benefit of certain store owners. I've been visiting the Pine Ridge Reservation many times since 2003 when I began work on a documentary film about Whiteclay called The Battle for Whiteclay, which I released in 2008. I tell you that because I've heard countless stories and allegations, but it wasn't until 2009 that I spoke to people with firsthand knowledge of what's going on there. In that year a young Lakota woman from the Pine Ridge contacted me. Rose, not her real name, was then 20 years old and had already...was struggling with alcoholism. She frequented the Whiteclay stores where she often purchased beer. Rose was shocked when she inadvertently witnessed a friend engaged in sexual intercourse with the owner of a Whiteclay beer store in the back room of the store after hours. Her friend, who was broke, emerged from the store with a 12-pack of beer and a carton of cigarettes. Now the other stories that Rose had heard about sex for beer in Whiteclay became vividly real. Motivated to protect her younger relatives from sexual exploitation in Whiteclay, she hoped that if she could expose the truth about the sex trafficking there she could end it. Aware of my interest in Whiteclay, she convinced her friend to speak to me about her experience and arranged a meeting. Her friend spoke guardedly but confirmed many details of the event that Rose had witnessed. She told me that she and others have had many similar encounters. Our conversation ended abruptly, however, when her boyfriend turned up. Rose later told me that the boyfriend knew about her friend's encounters in Whiteclay and sometimes drove her there to have sex with the store owner when they had no money to buy beer. Convinced that the stories of sexual

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exploitation in Whiteclay had substance, I made another trip to Pine Ridge in early 2010 with a Nebraska attorney who has worked with abused women. Rose arranged for us to meet with the families of other victims. Arriving at her house on a Saturday morning, we found she had been raped during the night. Understandably, our meetings were cancelled. We accompanied Rose and her father to the police station to report the rape. They both believed the purpose of the rape was to keep Rose quiet. Another attempt in November 2010 to meet with families of young women sexually exploited at Whiteclay met a similar, though less-tragic, fate. Rose's father, who continued to receive requests from victims' families to do something about the Whiteclay exploitation, arranged for several families to meet with the Nebraska attorney and Dr. Kerry Beldin, assistant professor of social work at UNO. However, on the day of the meetings the families declined to meet, citing threats against their daughters. In 2010 I became acquainted with a Lakota male who had abandoned his alcohol-infused lifestyle on the Pine Ridge and moved to Lincoln with his young family. He revealed how he had worked as an enforcer for the Whiteclay beer stores, collecting debts for beer tabs and otherwise intimidating Pine Ridge residents who caused problems for store owners. He told me how he and other Lakota males would bring young Lakota women and girls to the stores for sex in exchange for beer. He also described private parties hosted by beer store owners at rural residences where Lakota men were paid to bring women for sex with the store owners and their friends. He suggested that it was at these parties that many younger girls were abused and raped. I introduced him to Dr. Beldin, who discussed these matters with him. Last year Dr. Beldin and I met with the Nebraska Domestic Violence Sexual Assault Coalition to bring this issue to their attention. Dr. Beldin regrets that a schedule conflict prevents her from testifying here today but asked me to relay the following comments. Dr. Beldin has personally spoken about this issue with social service providers in the northwest Nebraska area, as well as some that provide services to the local American Indian population. There is a general acknowledgement that sex trafficking of Lakota women is happening at Whiteclay, but there's confusion about what to do about it, particularly when victims are not readily coming forth. Finally, last week I accompanied students from Creighton Prep High School in Omaha on a visit to senior

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students are Red Cloud School, a Jesuit-run high school on the Pine Ridge. We discussed Whiteclay. When discussing sex trafficking at Whiteclay, we asked for a show of hands from all those who had knowledge of it. Nearly half of the students raised their hands. I can't pretend to tell you what you as state legislators should do about sex trafficking in Whiteclay. I only know that serious and proper investigations must be pursued by Nebraska authorities, who must persevere in the face of the intimidation of victims and their families. These young women and their families must be protected. As Whiteclay is under Nebraska jurisdiction, it falls on us Nebraskans to protect them. Thank you for letting me speak and I hope you have some questions. [LR243]

SENATOR ASHFORD: Thank you, Mark. Any questions of Mark? Seeing none, thanks for all your commitment to the Whiteclay issue. I think we have one last person, yes, two last people. Why don't we go over here on the right and then...it's just great I get to decide who gets to testify. [LR243]

LETICIA BONIFAS: Well, good afternoon. Thank you for allowing me and inviting me to come here today. My name is Leticia Bonifas and I'm from the Nebraska Domestic Violence and Sexual Assault Coalition. Our main office is here in Lincoln and our cultural services office is in Lexington and we serve a huge number amount of immigrant victims of violence. There's a lot of information that's been covered today here in trafficking as far as sex trafficking, child exploitation, prostitution, what that looks like, but I want to touch a little bit on labor trafficking and I can only speak on the individuals that I have personally helped. We have ourselves, our organization has identified close to, I would say, about 250 victims of labor trafficking. We have spoke with these individuals. We have talked with them and tried to encourage them to come forward. What is happening, unfortunately, is because what I do, the information that I could provide is confidential, I have to allow them to...when I'm making contact with the FBI, when I'm making contact with ICE I have to say can we set up this interview, rather than, well, this is what Susie said, ABC and D is happening to her. We're still working on this and we're hoping that we can come to a conclusion on this. We've also identified

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bar girls. I'm not sure if anybody has mentioned bar girls here in Nebraska, period, but we're finding that these young girls are...they're not minors because I would have a little more power to do something, but what's happening is these girls are in these bars, they're told to sell shots of whiskey for \$6, they get \$3 of that, the company guy, the organizer, gets \$3 of that, and they have to provide services to gentlemen. Now the two girls that I spoke with in particular didn't go into detail but they did tell me that they're drinking 65 to 75 shots of whiskey a weekend. They cannot miss work. Their boss is so nice that he takes them home everyday from this job. So the labor trafficking, where we've been... [LR243]

SENATOR ASHFORD: Where does that job exist? [LR243]

LETICIA BONIFAS: All over Nebraska. [LR243]

SENATOR ASHFORD: And... [LR243]

LETICIA BONIFAS: They're called bar girls and... [LR243]

SENATOR ASHFORD: Okay, but there are establishments across the state... [LR243]

LETICIA BONIFAS: Across the state. [LR243]

SENATOR ASHFORD: ...and there are many of those. [LR243]

LETICIA BONIFAS: Yes. [LR243]

SENATOR ASHFORD: A hundred? Two hundred? [LR243]

LETICIA BONIFAS: That I can't say but we got to remember, I-80 is a corridor. It goes from... [LR243]

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SENATOR ASHFORD: No, I understand, but I'm just worried about Nebraska. So there are... [LR243]

LETICIA BONIFAS: Yes. [LR243]

SENATOR ASHFORD: Well, I'm worried about every place but right now I'm worried about Nebraska. [LR243]

LETICIA BONIFAS: You're probably going to find these, and I don't want to stereotype, but where I've come into contact with them is in the Latino...the cantinas, like the discos, whatever that...or, you know, the bars, the dance halls. That's where we're having contact with these young girls. We have identified in packing houses, you know, in the agriculture, we have sweatshops, salons, (inaudible). I got a call last week from a gal that's a maid. A lot of times because they're undocumented they're not going to come forward, but even when they're documented they're not going to say anything. This young girl, this was Friday that she called me and she said that she's been assaulted in the laundry room by her boss but can't say anything because the boss's boss will do ABC and D to them. So we've got to look at the labor trafficking as well. The sex trafficking and exploitation of children is huge, but we have to look at the labor trafficking as well. And we've got to remember that the human traffickers are like used car salesmen. That's why this is a multibillion-dollar organization. They can sell their product over and over and over, and once they get too old, per se, when they get to Wellspring, by the time they get to Wellspring they're having these individuals pimp on other children. Because they're too old they can no longer sell that service, so now they're getting them to recruit. A girl that I'm working with, that happened to her as well and she was offered...she offered a girl a ride, she was from another country, offered a girl a ride, ended up taking her to a hotel where she could stay the night and was introduced to these individuals and was forced into prostitution for four days. They did not charge it as human trafficking but they did...the gentleman was convicted of eight counts I believe

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or six counts, rather, of sexual assault. So I wanted to look at that. I want you guys to take a look at that as well. Now I'm...what I do when I do my trainings is I ask anybody to look beneath the surface. Here in Lincoln there was a 13...and I'm not saying that this had anything to do with it, but what causes a light to go off in my head is that there was a 13-year-old boy arrested here in Lincoln for selling meth. He had never ran away before, is my understanding. He was caught with a 40-year-old and a 30-year-old, don't quote me on those ages, but he was selling meth, so now we have this child that has never run away, I believe he lost both his parents, and are we asking those questions? Are we looking beneath the surface? You know, and instead of him being an uncontrollable youth selling meth, now we've got him...he's...he may be strung out now. What was happening? What happened to him on the street in that short amount of time where now he's forced to selling this drug? So I would ask that you know that. We, you know, start our trainings, if we could...if we have statewide trainings, that that's where we start, looking beneath the surface, ask those other questions, what's going on, what's happening at home. Sorry. Thank you. [LR243]

SENATOR ASHFORD: Questions? [LR243]

LETICIA BONIFAS: Any questions? [LR243]

SENATOR LATHROP: Can I just ask, you were talking about the trafficking in the context of employment. [LR243]

LETICIA BONIFAS: Yes, sir. [LR243]

SENATOR LATHROP: You are from Lexington, am I right? [LR243]

LETICIA BONIFAS: Yes, sir. [LR243]

SENATOR LATHROP: Is it happening...do we have people that are actually working?

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You said you were going to talk about it and then I didn't get a sense of what it involves.
[LR243]

LETICIA BONIFAS: Okay. [LR243]

SENATOR LATHROP: So do we have people that are forced to come to Nebraska to work in a particular industry... [LR243]

LETICIA BONIFAS: They could have. [LR243]

SENATOR LATHROP: ...that's not involving prostitution? [LR243]

LETICIA BONIFAS: Yes. They're being recruited. [LR243]

SENATOR LATHROP: Okay. How widespread is it and in what industries are we talking about? [LR243]

LETICIA BONIFAS: I could not tell you. I could not be honest on how widespread it is. The one thing I can say is that the two... [LR243]

SENATOR LATHROP: Did you tell me there were 250 cases that you were aware of? [LR243]

LETICIA BONIFAS: ...250 that they came to me about. [LR243]

SENATOR LATHROP: Okay. [LR243]

LETICIA BONIFAS: That is in... [LR243]

SENATOR LATHROP: And these are kids that are...or people that are working not in

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prostitution... [LR243]

LETICIA BONIFAS: No, sir. [LR243]

SENATOR LATHROP: ...but people that are forced to come here and work in what would otherwise be a legitimate business. [LR243]

LETICIA BONIFAS: Yes, packing houses, farms,... [LR243]

SENATOR LATHROP: What...okay, that's what I'm getting at. [LR243]

LETICIA BONIFAS: ...agriculture, yes. [LR243]

SENATOR LATHROP: What...is it mostly packing houses? [LR243]

LETICIA BONIFAS: Well, we have potato farms as well. Down by McCook we have potato farms. We've got packing houses. [LR243]

SENATOR LATHROP: So you're aware of people that are doing that work because they're being forced to? [LR243]

LETICIA BONIFAS: Yes, sir, and not...they're being slaves. [LR243]

SENATOR LATHROP: Where are they coming from or where they be... [LR243]

LETICIA BONIFAS: All over. All over. All over, outside and inside the country. [LR243]

SENATOR LATHROP: And what makes that human trafficking? Is somebody keeping their paycheck? Is somebody forcing them with intimidation or something to do this work? [LR243]

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LETICIA BONIFAS: A lot of times they're keeping their pay. When...earlier someone spoke about smuggling versus trafficking. When you smuggle a person, it's a crime against our country. There that relationship usually ends at the border and they're paid a certain amount of money. Okay, when they get here and they are forced into these sweat lodges, the...being maids, being janitors, and the farms in the bean fields, what else do we have here in Nebraska, the cornfields, whatever that looks like, for very little pay because they've already been paid to be brought here by the smuggler who pays... [LR243]

SENATOR LATHROP: Who is threatening them or who are they beholdng to? [LR243]

LETICIA BONIFAS: The actual employer. Let me share the story with the one gal, with the 250. What had happened is she is a young lesbian woman, undocumented. Once her boss found out that she was a lesbian, he had a safety meeting with the whole line, with the whole plant and said he would offer her up to the highest bidder. [LR243]

SENATOR ASHFORD: What would he do? [LR243]

LETICIA BONIFAS: He would offer her up to the highest bidder. [LR243]

SENATOR LATHROP: Which sounds awful, of course. [LR243]

LETICIA BONIFAS: Yes, and then hold her pay. [LR243]

SENATOR LATHROP: That's awful but that doesn't strike me as human trafficking. [LR243]

LETICIA BONIFAS: Well, there's so many of them that are forced to do this work with very little to no pay or not even getting their pay. [LR243]

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SENATOR LATHROP: Is that somebody just taking advantage of an undocumented worker and saying, I'm going to turn you in if you don't work for \$4 an hour? [LR243]

LETICIA BONIFAS: I guess it's a possibility, yes. [LR243]

SENATOR LATHROP: Okay. Okay. [LR243]

LETICIA BONIFAS: Anything else? [LR243]

SENATOR LATHROP: That seems to be a bad situation, right? [LR243]

LETICIA BONIFAS: Yes. [LR243]

SENATOR LATHROP: And we appreciate, because we've had hearings in here, a lot of them over the last five years, on the undocumented worker and how they are taken advantage of. That seems in some ways to be different or it seems to be an immigration issue more than a trafficking issue, but maybe I'm... [LR243]

LETICIA BONIFAS: Well,...I'm sorry. [LR243]

SENATOR MCGILL: Human trafficking is such a broad term... [LR243]

LETICIA BONIFAS: Yeah. [LR243]

SENATOR MCGILL: ...the way that many of these organizations are defining it that it does include that. [LR243]

LETICIA BONIFAS: Yeah. [LR243]

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SENATOR LATHROP: Okay. [LR243]

SENATOR MCGILL: But they are two separate (inaudible) issues. [LR243]

LETICIA BONIFAS: But I appreciate that, yes. [LR243]

SENATOR LATHROP: Okay. [LR243]

SENATOR ASHFORD: And I guess what I keep coming back to is how major a problem is this. I think that it would be very helpful to know and to be able to compile the data. I mean we just didn't...we didn't know there were 23,000 children that had missed a month of school every year until two years ago. [LR243]

LETICIA BONIFAS: Right. [LR243]

SENATOR ASHFORD: I mean, and we're just beginning to understand the implications of that, with children that don't go to school because they're on the street and no one is taking care of them. And we're beginning to understand that problem. [LR243]

LETICIA BONIFAS: Right. [LR243]

SENATOR ASHFORD: But this one, this is...it sounds just awful and horrendous, as Senator Lathrop said. I think the more data, we go back to Joy's first comments, the more data that we can obtain about...in the aggregate even about the category that Steve suggested, the category of someone who was brought here to work in the potato fields and they get \$3 an hour but the person that brings them here gets whatever it is and they get \$3, and they can't complain because they're undocumented or something else, I mean to be able to get our arms around the gravity of this problem. This thing about the shots and the 60 to 70 shots on the weekend and all of that, I mean I did not...I mean anecdotally may have heard about that but to know how widespread that is,

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I mean how many of these young women are coming to you in Lexington? I mean you're in a place where you can observe a lot of this, especially with undocumented people, going on and how big a problem is this? [LR243]

LETICIA BONIFAS: Now remember our organization serves the whole state. [LR243]

SENATOR ASHFORD: No, I know,... [LR243]

LETICIA BONIFAS: Right. [LR243]

SENATOR ASHFORD: ...but you're in a part of the state where...which is a wonderful part of the state, and I always applaud Lexington for the incredible job they've done in bringing...really reaching out to immigrants,... [LR243]

LETICIA BONIFAS: Sure. [LR243]

SENATOR ASHFORD: ...but I mean to know what's going on and how many people are we talking about, how many establishments throughout the state are conducting this activity. I think is it 20, 30, 40? I mean this could be a very major issue and it is a very major issue, but the more data we get the better it would be. And who are these people that are... [LR243]

LETICIA BONIFAS: I guess that would...we would have to... [LR243]

SENATOR ASHFORD: You have a caseload, right? You have cases that come in. [LR243]

LETICIA BONIFAS: Yes, sir. What I guess what we would have to do to even try to get those numbers is to be able to have these individuals identify as a victim, that this has actually happened. [LR243]

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SENATOR ASHFORD: Well, they come in to talk to you. You can get...never mind. I mean you get my point. [LR243]

LETICIA BONIFAS: Well, I understand. [LR243]

SENATOR ASHFORD: The more...I'm not trying to dig on you because you're reporting what you've seen... [LR243]

LETICIA BONIFAS: Yes. [LR243]

SENATOR ASHFORD: ...and that's great. I just think the real challenge is to find out the full extent of the problem, where it exists in the state and, you know,... [LR243]

LETICIA BONIFAS: And I would hope that maybe if I could even get back maybe even with Senator McGill and try to get some of those numbers, something consistent together, rather than saying, well, I would guess. But being able to have them identify that they're actually a victim of trafficking or that this is actually happening to them, other than this is my debt to society, whether they be undocumented, whether they be citizens. [LR243]

SENATOR ASHFORD: They think it's their debt to society... [LR243]

LETICIA BONIFAS: A lot, very many people do. [LR243]

SENATOR ASHFORD: ...to be victims like that? [LR243]

LETICIA BONIFAS: Well, I could...many times for the stuff that they've done wrong in the past, whether they be... [LR243]

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SENATOR ASHFORD: Like coming in, like overstaying their visa so they have to go do this work for no money? [LR243]

LETICIA BONIFAS: Not necessarily. Say, for example, we have a citizen, a child. Well, because now that I'm damaged goods so I'm out on the streets, it takes 48 to 72 hours for them to be pimped on, because they get hungry in 48 to 72 hours, so now that we go home we're not worthy. So then what happens to them is that, so until we build that self-esteem and we can help them identify with what's going on with them, they feel that a lot of times it's their debt to society,... [LR243]

SENATOR ASHFORD: Well, I... [LR243]

LETICIA BONIFAS: ...just like a victim of domestic violence. [LR243]

SENATOR ASHFORD: I think all this information could take...you know, this is so... [LR243]

LETICIA BONIFAS: Yes. [LR243]

SENATOR ASHFORD: ...incredibly helpful and every sentence you give us is new information. Now that we're talking about victims and things because of their low-esteem, everyone has offered so much. I just...we just need to know how big of a problem it is. [LR243]

LETICIA BONIFAS: Okay. [LR243]

SENATOR ASHFORD: But I really appreciate your comments. Thank you. [LR243]

LETICIA BONIFAS: Thank you for allowing me to come. [LR243]

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SENATOR ASHFORD: Yeah. Yeah. Thanks. Okay, I... [LR243]

SENATOR MCGILL: Thank you. [LR243]

SENATOR LATHROP: Well, it's making me feel, because we're thinking of this kind of in the context of the employment relationship, but so you have people that come in to you for one reason or another and say, I'm being taken advantage of because of whatever it is. And you're telling us today that that happens in the employment relationship. Right? [LR243]

LETICIA BONIFAS: Yes, sir. [LR243]

SENATOR LATHROP: So how prevalent is it that people...and I assume this is something that people...people have something on the illegal immigrant, right? Their status is undocumented... [LR243]

LETICIA BONIFAS: Sure. [LR243]

SENATOR LATHROP: ...and they can threaten to call the police or threaten to call ICE or have them deported or whatever, whatever fear they put these people in of something. So in Lexington or anywhere in the state, do we have these people that are coming into this country illegally or unlawfully who are working for less than a fair amount because somebody is threatening to expose them? [LR243]

LETICIA BONIFAS: Absolutely. [LR243]

SENATOR LATHROP: And how prevalent is that? [LR243]

LETICIA BONIFAS: Again, I couldn't put a number on it but we have huge agricultural farms here. I don't believe within the packing houses that they've really cut down on all

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of that, but we have...we have the bean farms, we have the potato farms, we have the cornfields, we have, you know...but they're not sure of their rights here, just basic human rights. They're not sure that they have basic human rights so we wouldn't even know how to start gathering those numbers. [LR243]

SENATOR LATHROP: Okay. So somebody comes into the United States, they land in a county where they have potato farms... [LR243]

LETICIA BONIFAS: Yes. [LR243]

SENATOR LATHROP: ...and they go to a farmer and say, I'd like to work for you, and the farmer says, I'll pay you \$3 an hour, and they say, yes, there's no coercion there. It may be against the law but there's no coercion there. [LR243]

LETICIA BONIFAS: Right. [LR243]

SENATOR LATHROP: Are there people who are being coerced into staying in an employment situation, not leaving and not going on to the next job or the next farm or whatever it is because someone is holding their immigration status over them? [LR243]

LETICIA BONIFAS: Yes, that is happening, because the threats and coercion can go as far back as their family, or I will call ICE, or I'll call FBI, or nobody is going to believe you. So they are being...or your family back home. [LR243]

SENATOR LATHROP: And I hate to take up... [LR243]

LETICIA BONIFAS: I'm sorry. [LR243]

SENATOR LATHROP: ...the committee's time but... [LR243]

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SENATOR ASHFORD: No, I'd like to know the answer to this because I want to know what we're talking about. [LR243]

SENATOR LATHROP: Because here's the...here's...in the sex trafficking, as I've listened today,... [LR243]

LETICIA BONIFAS: Uh-huh. [LR243]

SENATOR LATHROP: ...the women are afraid that the pimp is going to find them and beat them,... [LR243]

LETICIA BONIFAS: Right. [LR243]

SENATOR LATHROP: ...right? It's not enough just to move on, because he's going to track them down and beat them or whatever he's going to do to them, right? [LR243]

LETICIA BONIFAS: Yes. [LR243]

SENATOR LATHROP: But the undocumented worker that comes in and somebody says, I'll pay you \$3 an hour to work on the potato farm, has not been threatened. [LR243]

LETICIA BONIFAS: Right. [LR243]

SENATOR LATHROP: And that person can move on to the next farm and the first farm isn't going to turn him in. What's the threat? What's the threat that keeps them from leaving a particular potato farm or an agricultural business? [LR243]

LETICIA BONIFAS: Because no one else will hire him because they are undocumented. And the threat that I know personally, I can say myself, if I wasn't going to be able to

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send my money, my family money every other payday or every payday, that alone is a threat in itself. [LR243]

SENATOR LATHROP: Okay. That strikes me that... [LR243]

LETICIA BONIFAS: Am I making sense? I'm sorry. [LR243]

SENATOR LATHROP: Well, you are. At least I'm understanding it better. That strikes me as something completely different than the woman who's afraid the pimp is going to beat her up. That person is here unlawfully and it's hard to find work and they might be able to work for \$3 an hour, willing to work for \$3 an hour. And what keeps them there is the inability to find the next job and not a threat by the employer. [LR243]

LETICIA BONIFAS: Okay. Now let me give you this example. How about a young gal that comes here as a nanny, is documented, has every right to be here and is kept and she's forced to work 21 hours a day, although her contract states that she's supposed to work 8 hours a day; that she will get 24 hours off on the weekend, whatever that looks like, whatever that contract says, and then they falter in that, okay? So then the pay that is on paper is not something that she's actually getting. Okay? [LR243]

SENATOR LATHROP: Okay. And maybe...maybe because I'm new to trafficking,... [LR243]

LETICIA BONIFAS: Yes. [LR243]

SENATOR LATHROP: ...this is part of it, but that strikes me as a different problem, which is taking advantage of someone who is free to leave but is there because of the paycheck. That's different than someone who is, and I may be getting this wrong, but that's different than someone who you say you're coming with me and if you try to leave I'm going to hit you, beat you, shoot your family, whatever. [LR243]

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LETICIA BONIFAS: And I think that we see that in the labor, yes. [LR243]

SENATOR LATHROP: I agree it's a problem. People...it's a problem on a lot of different levels and we certainly run into it in this committee and in the Business and Labor Committee. But I don't know, and maybe I'm missing it, I don't know that that falls into the definition of trafficking, but maybe it does. [LR243]

LETICIA BONIFAS: And maybe if we were to even be able to get them interviewed, we may. [LR243]

SENATOR LATHROP: No. No, I appreciate that. [LR243]

LETICIA BONIFAS: Sure. [LR243]

SENATOR LATHROP: Thank you. [LR243]

SENATOR ASHFORD: Let me... [LR243]

LETICIA BONIFAS: Yes, sir. [LR243]

SENATOR ASHFORD: I know this...now we're now 20 minutes over our time but... [LR243]

LETICIA BONIFAS: I apologize. [LR243]

SENATOR ASHFORD: ...but I do want to understand this. This is...just one second. And the...to Senator Lathrop's point, if someone is here and is offered a job or asked for a job picking potatoes and it's \$3, they don't have to take the \$3 job. They can go to Kansas or go wherever. And, yes, maybe that employer's offer...and it is illegal because

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it's not...they're not paying minimum wage or whatever it is. But is there another element here, and that's what I...with are they here and are they working in that arena because they were either brought here, enticed to come here by not necessarily the potato farmer but by some other third party that provides them with here's where you're going to go work and you're going to make \$3 an hour. Maybe there's this middle person. My understanding always was that there is this middle person. Joy is putting... [LR243]

ANCHALEE PANIGABUTRA-ROBERTS: The Hawaiian (inaudible) labor contract (inaudible). (Inaudible) right now (inaudible). (Inaudible) it's very similar to what she's talking about. (Inaudible). [LR243]

SENATOR ASHFORD: Well, every...yeah, every case, it's very complex because everybody's circumstance is different. But your basic point is that there's an element of duress, and in some cases significant extreme duress, depending upon the circumstance that they're in, but whatever it is they're being paid very little. And there's some threat maybe. [LR243]

LETICIA BONIFAS: Well, or none. [LR243]

SENATOR ASHFORD: There's some threat to their family, there's some threat to their spouse, their children, whatever it is. Is that what you're suggesting, but that there are...every case is different? [LR243]

LETICIA BONIFAS: Right. And you know a lot of times they're recruited with...someone spoke earlier about coming to Nebraska and being models. There were three young girls for the sex trafficking. Now even in the labor, even in the labor they're promised this, you know, education and you'll be able to do this, ABC and D, and in fact that doesn't happen. [LR243]

SENATOR ASHFORD: Okay. All right. [LR243]

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LETICIA BONIFAS: Okay? [LR243]

SENATOR ASHFORD: Thank you very much. [LR243]

LETICIA BONIFAS: Thank you. [LR243]

SENATOR ASHFORD: You wanted to add something. [LR243]

SRIYANI TIDBALL: Just I think you have to understand with labor trafficking is that people very often are forced to come with a certain promise and never given the promise, or they have to be smuggled and then forced to go somewhere and work for free. So I (inaudible) those cases that she's talking about. Am I right? [LR243]

LETICIA BONIFAS: Yes, ma'am. [LR243]

SENATOR ASHFORD: And because in this country we don't have any sort of responsible work permit policy, that it allows this sort of...that's one reason why it occurs, is because you have...there is no responsible connector between an employer that needs an employee to work and someone who's coming from some other country through a work permit process that allows them to go work and go back. That only exists in a very minute number. So the demand is very much greater than the supply. [LR243]

SRIYANA TIDBALL: (Inaudible). [LR243]

SENATOR ASHFORD: Okay. All right. I think it's very complex. Thank you very much. [LR243]

LETICIA BONIFAS: Thank you. [LR243]

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SENATOR ASHFORD: Let's go to the last and then we're going to... [LR243]

LETICIA BONIFAS: Sorry. [LR243]

SENATOR ASHFORD: No, we asked you to answer. [LR243]

MAX GRAVES: (Inaudible) so we work on some of the same type of cases. (Inaudible) get right to the point and try to suggest what role we can play in providing some information and benefiting this. My name is Max Graves, executive director for Center for Legal Immigration Assistance, and as the name might suggest, we do help low-income immigrants comply with federal immigration laws and regulations. We prioritize those who have been victims of crimes in obtaining either a certain type of visa so that they can help actually find the perpetrator, and that's where I think that I would like to just take a moment to discuss what Congress has provided, the T visa. The T visa is to encourage the women who...as already been discussed, many times it's very hard for a victim to ever come forward, whether they were born in the United States or whether they're foreign born. The T visa...and then add, think of all the problems that someone that's born here has in coming forward and talking about the victimization they have and identifying the person who has abused them. You add all the problems of an undocumented person to that and the burden is even higher. So Congress realized that and so they allowed for the T visa in which a woman is allowed a temporary visa so that she doesn't have to fear her status or lack of status, as far as documentation, and would be able to have an actual work visa on a temporary basis. With that in mind the purpose again was to encourage that person to come forward to law enforcement, talk about the victimization and have a legitimate stance to do that. So that's, for example, what our office exists to do. We provide that at no charge and so we really are there, along with other organizations, as a nonprofit to help these women be encouraged to come forward and apply for this T visa. Now we have only had a handful of women come to us at this point. We've had...we have never been able to complete a T visa because, quite

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frankly, we begin the process and we lose track of the individual, and I'm assuming that's because the fear they have of the perpetrator, because they're just...they're under the control of another person and they're just moved away. And so we've had one type was a woman that was forced into labor here in Lincoln, forced to work at a restaurant and received absolutely no payment whatsoever, and she's also forced in to sexual favors of her supervisor, and so she came to us wanting to apply for the T visa. We initiated the process and we lost track of her. Another very common case seems to be those connected with "coyotes" in which they are charged \$5,000 to \$10,000 many times to enter the country illegally. They're not able to pay that money; then they're forced into either some type of prostitution or sexual favors in order to, quote, pay that debt off. The other case we had dealt with just straight-out kidnapping. The person was under the total control of another individual, moved from here to Colorado and back, and again we just lost track of her. So that's...those are just a few cases that we've seen. Again, we've only had a handful that have actually come to us. So we think the problem is out there but encouraging women to come and apply for a T visa has been somewhat of a challenge up to this point. [LR243]

SENATOR ASHFORD: Can you apply for a T visa entering the country without proper documentation? [LR243]

MAX GRAVES: Well, it needs to be connected with being forced to come into the country, without their volition. [LR243]

SENATOR ASHFORD: They have to be forced to come in here and...so it's almost like some sort of like a...it's almost like a refugee status of some kind. [LR243]

MAX GRAVES: It is, to a certain degree, but again it's to encourage so that those that are perpetrating the trafficking can be exposed. [LR243]

SENATOR ASHFORD: I guess I wasn't aware of it. How many T visas are there?

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[LR243]

MAX GRAVES: I believe there are 5,000 given out in the country? Is that correct? Think so, I believe it's 5,000. [LR243]

SENATOR ASHFORD: Do we know how many there are in Nebraska? I suppose we could find that out through ICE or something. [LR243]

MAX GRAVES: I don't know. [LR243]

SENATOR ASHFORD: Okay. That's very interesting. I didn't realize that there was such...is that a relatively...it's probably been going on for years and I didn't know it. Is that... [LR243]

SENATOR MCGILL: I think there's even a state that passed their own version of it. [LR243]

MAX GRAVES: It was actually originally passed by the Trafficking Victims Protection Act of 2000,... [LR243]

SENATOR ASHFORD: Okay. [LR243]

MAX GRAVES: ...and it was reauthorized in both 2003 and 2005. And the William Wilberforce Act also reauthorized it in 2008. So the latest regulations really were passed in 2008, statute and regulations. [LR243]

SENATOR ASHFORD: And they can stay for how much, how long a period of time? [LR243]

MAX GRAVES: The original T visa is good for three years. It can be extended to a

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fourth year if necessary. [LR243]

SENATOR ASHFORD: Okay. And they have to have an employer, obviously, to verify they're working or they don't have to be working. They just get the visa to remain here. Is that... [LR243]

MAX GRAVES: Right. Uh-huh. [LR243]

SENATOR ASHFORD: Okay, so it's for their safety and so they will come forward as part of the impetus to talk about how they got here. [LR243]

MAX GRAVES: Exactly. Uh-huh. [LR243]

SENATOR ASHFORD: Huh. Good job. [LR243]

MAX GRAVES: Okay. [LR243]

SENATOR ASHFORD: Thank you. [LR243]

MAX GRAVES: Uh-huh, thank you. [LR243]

SENATOR ASHFORD: I believe that concludes...is there anybody else here? I think back...oh, okay. [LR243]

JUDI GAIASHKIBOS: I won't take but a sec. [LR243]

SENATOR ASHFORD: Okay. [LR243]

JUDI GAIASHKIBOS: I really wasn't thinking I was going to be here to do this but I wanted to lend support to my colleagues, my dear friend Sriyana Tidball, and all the

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work that they've done with this human trafficking, and Mark Vasina as well, and I do have his testimony. And so I'm Judi gaiashkibos, the director of the Indian Commission and I am here not just for the situation at Whiteclay and Native women but for all victims of this awful travesty that is going on in Nebraska, I suspect. And oftentimes when these things happen it's women and women like myself and other vulnerable women but also vulnerable boys and girls in Nebraska. So I would just like to encourage the committee and the Legislature to be very open-minded and really look at the realities of what are happening in our state and do something to protect those and... [LR243]

SENATOR ASHFORD: Well, Senator McGill will give us pathway to how we're going to do that. [LR243]

JUDI GAIASHKIBOS: Yeah. So... [LR243]

SENATOR MCGILL: Shine a flashlight. [LR243]

JUDI GAIASHKIBOS: So on behalf of the Indian Commission and our tribes, I would like to stand on, you know, record here that I would support anything that we can do to stop the human trafficking at Whiteclay and throughout the state, and I thank you for your work and all those that are here today, and I pray for all the victims. Thank you. [LR243]

SENATOR ASHFORD: Thanks. Thank you all for staying and this concludes the hearing. And thank you, Senator McGill. Do you wish to conclude? (See also Exhibit 9) [LR243]

SENATOR MCGILL: Oh, no, I don't have anything. I'm just going to introduce some people to each other. [LR243]

SENATOR ASHFORD: Oh, okay, good. Well, thank you all. [LR243]