



NEW JERSEY COMMISSION ON HUMAN TRAFFICKING

2015 Annual Report

The work of the New Jersey Commission on Human Trafficking is composed of examination, analysis, and recommendation.

Please consult the New Jersey statutes in order to determine the law of the State.

Please send comments concerning this report or direct any related inquiries to:

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INTRODUCTION

The New Jersey Commission on Human Trafficking was created by the Legislature in 2013, as part of its passage of the Human Trafficking Prevention, Protection, and Treatment Act (P.L. 2013, c.51; see N.J.S.A.52:17B–237). The Commission is composed of fifteen members from the fields of law enforcement, victim assistance services, health care and child advocacy, as well as members of the general public who have experience in, or who have a specialized knowledge of, human trafficking. As required by the enabling legislation, one Commissioner is a survivor of human trafficking. The Commissioners were nominated by either the Governor, or by the Governor upon the recommendation of leading members of the Legislature.

The Commission is charged with the duties of:

- a) Evaluating existing laws relating to human trafficking and making recommendations;
- b) Evaluating the enforcement of existing laws relating to human trafficking and making recommendations;
- c) Reviewing the cost, availability and organization of victim assistance services for victims of human trafficking and making recommendations;
- d) Promoting a coordinated response by public and private resources to assist victims of human trafficking;
- e) Developing mechanisms to promote public awareness of human trafficking;
- f) Reporting annually to the Governor and to the Legislature regarding the Commission's activities, findings and recommendations.

During the course of the Commission's work there is a focus on three categories as charged in the Human Trafficking Victims Prevention, Protection and Treatment Act. Each topic has a lead commission member charged with the organization of the topic material.

- I. Public Awareness
- II. Victim Services
- III. Legislative

The following report is therefore divided into three sections, each section reflecting the topics findings and recommendations listed at the end of the report.

I. Public Awareness

Catalyzed by attention surrounding the 2014 Super Bowl in New Jersey, the general message about human trafficking – that it exists here in NJ and can happen in every community in our state – appears to have reached a substantial percentage of key stakeholders in New Jersey, including law enforcement, schools, health care, social services, and child welfare organizations. The Subcommittee on Public Awareness continues to examine current efforts

to raise awareness about human trafficking and identify gaps that should be addressed. In the past year, we have begun to analyze more specific efforts tied to key sectors and stakeholder groups related to human trafficking issues. These include the following:

A. Education and Schools: The Commission has found that human trafficking can happen in every county of the state and believes it to be important to educate students statewide about the facts and risks of human trafficking. Currently, schools have been involved at varying levels, with some schools taking a lead role in educating their students or hosting events in their schools about trafficking, while others appear to be less aware or willing to acknowledge that a problem may exist. The Commission is interested in how to encourage as many middle and high schools in NJ to receive training related to human trafficking. Efforts to provide training in schools have been led by the NJ Attorney General's Office, Project Staygold in Jefferson Township, the Coalition on Human Trafficking, and Prevent Child Abuse NJ. Many other individual schools and organizations have also participated in local efforts to provide training in schools. Recently, the NJ Department of Education convened a stakeholder group to identify a strategy to reach more schools, through three regional trainings which would target school leaders, counselors, teachers, nurses and staff. The regional events would be scheduled during the 2016-2017 school year.

The Commission has also expressed interest in developing a toolkit or inventory of high quality training information that has already been developed that schools could choose from as they make their own decisions about how to address human trafficking. The Commission has discussed how best to "incentivize" schools to participate in one of the strategies or programs. This would include developing partnerships with key stakeholder groups, including the NJ DOE, the NJ School Counselors Association, the NJ Principals and Supervisors Association, NJ Association of School Boards, etc.

B. Police, Law Enforcement and Judiciary: The Commission has heard presentations from the New Jersey Attorney General's Office (AAG Philip Aronow), which described current and extensive efforts by the Attorney General to train municipal police, prosecutors' offices, and Human Trafficking liaisons. Commissioners were also briefed on training provided by the State Police by Commissioner Christopher Stafylaras. Although there has been extensive training, the Commission continues to examine two key areas: the depth of training and re-training at the municipal police level as it relates to new approaches and statutes related to investigating and enforcing human trafficking laws, and the quality of training materials developed by the Police Training Commission, especially related to potential details about juvenile victims. Finally, the Commission plans to also review the adequacy of current efforts to educate members of the judiciary about human trafficking and the new legislation.

C. Health Care: The Commission heard a presentation from Allison Gibson, Deputy Chief of Staff, NJ Department of Health, related to the Department's compliance with statutory requirements about training in the Human Trafficking Prevention, Protection, and Treatment Act of 2013. Ms. Gibson described the development of draft rules for training of all licensed health care facilities in NJ about human trafficking. The Commission will

review the draft rules when they are published. In addition, New Jersey American Academy of Pediatrics has supported training for pediatric providers in NJ, in cooperation with New Jersey Department of Children and Families. The Commission will continue to review the adequacy and impact of these efforts and identify opportunities to strengthen critical gaps.

D. Hotels and Tourism Industry: At the April 2016 Commission Meeting, Commissioners reviewed a training video being reviewed by the NJ Department of Community Affairs for hotel owners, operators and staff. Commissioners commented that the video lacked follow-up information related to what hotel staff should do if they suspect human trafficking and the Commission plans to send a letter to NJDCA citing this. In addition, Commissioners thought the video, while covering some basic information about trafficking, could be improved by making the situations more realistic. The Commission plans to gather comments about the video and recommend that a new video be developed in the future. The Commission will continue to review the adequacy of current efforts and recommend changes to ensure hotel, motel and other stakeholders in the tourism industry are educated about human trafficking and understand steps they can take to both prevent and report it when appropriate.

E. Other key issues under consideration:

1. Requiring Poster Displays about the Human Trafficking Hotline in Certain Businesses: The Commission received a recommendation from the NJ Law Revision Commission to mandate that certain businesses (strip clubs, hospital ER rooms, urgent care centers, airports, trains stations, truck stops) must display public awareness signs about human trafficking that includes the appropriate hotline number. As many as eleven other states have already adopted these provisions. Failure to display the signs would be punishable by a civil fine. The Commission expressed support for this approach and will work out details to adapt it to current efforts in New Jersey.
2. Reaching Males and Reducing Demand: The Commission has expressed the need to examine public education campaigns focused on reducing demand and males' role in human trafficking. The Commission has heard about several approaches being used in other states and will continue to explore this topic during the next year. New Jersey Department of Children and Families also currently funds one prevention program - Empowering Young Men - targeting young males around healthy perceptions of woman and healthy relationships. Also about how their behaviors and decisions could lead them to be involved in trafficking as a pimp or "Jjohn."
3. Preventing Human Trafficking Among Vulnerable Populations: The Commission recognizes that once a girl has been recruited into human trafficking, that she has experienced significant trauma that research shows has a dramatic and harmful impact on her lifelong ability to lead a healthy and successful life. And therefore, in addition to efforts to identify, rescue and provide services to victims and survivors and to prosecute any and all criminals behind the activity, that preventing human trafficking should be an important priority in the continuum of efforts to combat human trafficking in New Jersey. Currently, New Jersey is in a leadership position

nationally by providing funding for one nationally recognized research-based program focused on preventing trafficking among girls 12-18 in New Jersey, (*My Life My Choice*) and one program focused on reaching boys and young men, Empowering Young Men. This program educates boys in group homes, detention centers and other out-of-home placements about how their behavior and attitudes could lead them to be involved in human trafficking, as a “John” or a pimp.

4. Labor Trafficking :The Commission continues to explore what efforts need to be made to educate the public and raise awareness about Labor Trafficking.

II. Victim Services

The period from the last report was a time of reorganization. Meetings ceased for three months to allow for the selection of an interim chair. This report will reflect observations, discussion, and research completed by the present subcommittee.

As reflected in the 2014 Commission report we as the victim services sub-committee have identified numerous areas in which to explore deficits in human trafficking survivor services. For the purpose of this brief report we will discuss the services in which the committee has found to have human trafficking specific funding for services in New Jersey. It is imperative to note that the commission recognizes that this list is not exhaustive and we recognize that there may be private foundations and or faith based communities offering services not mentioned in this report. The sub-committee has identified a need for further review in the next reporting period to explore non- governmental funded programing and the need to evaluate the evidence-based practices.

As a committee we would like to recognize at the time of this report being authored that the New Jersey Office of Victim Witness Advocacy presently has an open RFP for the expansion of their efforts to support human trafficking survivors in New Jersey. The committee will discuss the project in depth in its next report as the funding is awarded and services are developed and implemented.

The Commission has identified the following agencies/programs that are presently providing services for human trafficking in New Jersey. As stated previously, this list is not exhaustive but will include government funded services, whether state or federal. The funding sources listed below have properly vetted the agencies and programming for which they are funding.

A. DreamCatcher Program

Funders: State Office Victim Witness Advocacy, Division of Criminal Justice,
Department of Law & Public Safety
New Jersey Department of Children and Families
Private Donors

The DreamCatcher program is a branch of service through The Women's Center. In 2014, DreamCatcher became the New Jersey statewide service provider for human trafficking, funded by the State Office of Victim Witness Advocacy, Office of the Attorney General. DreamCatcher provides 24/7 holistic services for all forms of human trafficking that includes, but are not limited to, 24/7 crisis response, intensive care management, crisis mental health evaluations, counseling, system advocacy, protective shelter, life skills and parenting education, legal advocacy to all human trafficking survivors regardless of age, race, ethnicity, gender identity or form of trafficking. DreamCatcher works alongside law enforcement at all levels to provide immediate front line services to survivors which enhances stronger cases being brought against traffickers.

B. Prevent Child Abuse New Jersey (PCANJ)

Funder: New Jersey Department of Children and Families

PCANJ oversees a variety of efforts focused on preventing human trafficking before it ever happens. PCANJ provides two prevention programs for youth, My Life My Choice (MLMC) and Empowering Young Men (EYM). MLMC is a 10-session curriculum for girls ages 12-18 designed to change girls' perceptions of the commercial sex industry, as well as build self-esteem and personal empowerment. EYM is a 4-session program targeting boys ages 14-18 about masculinity, gender roles, and the commercial sex industry. The goal is to educate young men about the harms of the sex trade and encourage them to be allies in the fight against commercial sexual exploitation. PCANJ is the licensed state leader in NJ for both of these models. Upon request, PCANJ has lead school assemblies on the topic of Human Trafficking around the state.

C. Rescue and Restore Program

Funder: Administration for Children and Families

Rescue and Restore is a program of the Center for Family Services. Rescue and Restore aims to reduce human trafficking in Camden, Gloucester and Cumberland Counties in southern New Jersey and provides rescue and restore supports to victims. Through the Rescue & Restore program, staff at Center For Family Services work to identify foreign victims of human trafficking for referral to protective services; provide trainings to local service providers, law enforcement, and health care organizations; organize a community coalition to collaborate on anti-trafficking efforts and raise public awareness of the issue of human trafficking, how to report it, and how victims can seek help.

D. Sanar Wellness Institute

Funder: Humanity United

Sanar Wellness Institute has dedicated funding from three private foundations to specifically support survivors of all forms of human trafficking through their Resiliency Initiative. This program provides long-term, trauma-informed services through three programs which offer trauma-specific therapeutic modalities, expressive art and music therapy, and yoga and

mindfulness. All of these programs are designed to address the impacts of complex trauma and support survivors of human trafficking in building lives free of violence.

In addition, Sanar had dedicated funding to oversee the trauma-informed expansion of the Safe Shelter Collaborative, a technology-based tool specifically designed and piloted in New Jersey to secure emergency housing placement for survivors of human trafficking. Also included in the Safe Shelter Collaborative are 17 diverse service provider agencies throughout the state of New Jersey, including specialized human trafficking programs such as a DreamCatcher and Center for Family Services.

III. Legislative

As the Commission has engaged in its work for two years, it has encountered a wide range of complex legislative and statutory issues related to combatting human trafficking. It conducts its work, in part, by keeping abreast of both federal and state legislation, and is informed by national and state reports relating to this form of modern day slavery.

In addition, the Commission received input from several entities in 2015, including Susan Thatch, Esq., Counsel for the New Jersey Law Revision Commission; Assistant Attorney General Philip Aronow; Carlos Morales, U.S. Department of Homeland Security; Georges de Pompignan, Assistant Prosecutor, Hunterdon County Prosecutor's Office; and members of the Law Enforcement Committee of the NJ Human Trafficking Task Force. The issues considered by the Legislative sub-committee for this reporting term are described below.

A. Providing specific statutory immunity for human trafficking victims, especially minors

The Commission on Human Trafficking has found that with regard to minors, New Jersey law enforcement and prosecutors understand that these youth are victims, and have been acting in concert with the intent of New Jersey human trafficking law. At this time the Commission does not see a need for a legislative change of this nature. However, this does not preclude the need for this issue to be reconsidered should circumstances change. The Commission has no recommendation regarding immunity for adult victims at this time.

B. Human Trafficking Diversion Courts

The Commission on Human Trafficking is of the position that consideration of this issue falls under the purview of the Administrative Office of the Courts, and thus has no recommendation on this issue.

C. Public Notification/Awareness Signage

A recommendation was received regarding having mandated public-awareness signs about trafficking laws posted at various business entities in the State, and a fine assessed (similar to those for other workplace rules) if the entity does not comply. The Commission's Public Awareness Sub-Committee has been asked to further explore this recommendation for potential

replication in New Jersey. It should be noted that the Commission was provided with information by the Law Revision Commission (LRC) that 11 states have legislation of this nature. The Commission also learned that the National Resource Center on Human Trafficking has templates that may be adapted, should a decision be made to pursue this. The Commission also discussed that if this is enacted, fines for non-compliance with the law should be assessed, and those fines should be deposited directly and fully into the Human Trafficking Survivor's Assistance Fund.

D. Business Entity Liability

The Law Revision Commission (LRC) has provided an analysis of New Jersey's statutes with regard to business entity liability. This is a complex area, especially as it relates to supply chain issues. The Legislative Sub-Committee understands the LRC plans additional analysis, with a focus on whether additional legal clarity is needed on corporate liability, as opposed to individual liability. The Commission on Human Trafficking will further consider this matter upon receiving the LRC's recommendations. This Commission favors actions, legislative or otherwise, which act as incentives that encourage business entities to implement training and compliance programs regarding human trafficking. There are some corporate entities who have already taken steps on this voluntarily, and they are to be recognized for their role in the fight against trafficking. The nature of business entity liability is such that it may involve several departments of New Jersey government. Thus, the Commission intends to learn about any initiatives undertaken by, or feedback from, the New Jersey Department of Labor, Department of Community Affairs, and/or Department of Treasury.

E. Criminalizing Forced or Compelled Sexually Explicit Performances

N.J.S. 2C:24-4 includes language specifically prohibiting minors from being sexually exploited through sexually explicit performances. With regard to adults, the law is less explicit and the Law Revision Commission has noted that New Jersey's statutes could be strengthened by expressly prohibiting forced or coerced sexual performances for all individuals. The Commission agrees with this, and has asked the LRC for suggested statutory language.

F. Funding of the Human Trafficking Survivor's Assistance Fund

New Jersey's statute links the behavior of the buyers of sex to the harm suffered by survivors of sex trafficking by requiring buyers to attend a Prostitution Offender Program, and a portion of the fee for that course being dedicated to the Human Trafficking Survivor's Assistance Fund. As of 2015, the data available to the Commission indicated that few buyers of sex were being arrested or convicted in New Jersey (additional comments on this are in the section below). Thus central tenets of the law in terms of prosecutions providing funding for survivor services had not yet materialized. The Commission intends to continue to examine this issue, with the optimistic belief that we may see change in this area in 2016.

G. Arrests of Buyers of Prostitution

Data provided to the Commission by the Division of Criminal Justice shows that police officers are incorrectly charging a person who offers sexual services in New Jersey under N.J.S. 2C:34-1(b)(1). The correct statute is N.J.S. 2C:34-1(b)(8). The revisions to Human Trafficking Prevention, Protection & Treatment Act created separate provision for charging a purchaser of

sex and the provider of the sex. Accurate charging of both defendants is critical since there are enhanced penalties for those convicted as purchasers of sex pursuant to N.J.S. 2C:34-1(b)(1), including, but not limited to, being obligated to participate in the Prostitution Offender Program. Thus, the information available to the Commission indicates that further education of law enforcement, prosecutors and municipal court judges regarding the correct charge to be lodged is needed. In addition, the Commission plans to review arrest and conviction data annually.

In addition, this issue brings up a conflict with the intent of New Jersey’s Human Trafficking Prevention, Protection, and Treatment Act to identify minors under the age of 18 as victims of sex trafficking, not “prostitutes.” Despite this, the charges utilized for the buyer are that of engaging in prostitution. This sends a mixed message to law enforcement and the community on the victimization of the youth, and stigmatizes the youth who may be subsequently referred to in legal proceedings as a “prostitute” with all its inherent negative connotations.

It is recommended that the further consideration of this issue as it exists in New Jersey statute be considered by the Legislature. Possible approaches may include looking at Florida (Fla. Stat. 796.01) where the law states that prosecution of adults who involve minors in prohibited behavior, including prostitution, are to be prosecuted under other laws (including human trafficking, sexual battery, abuse of children, obscenity and /or lewdness/indecent exposure/video voyeurism), specifically noting that minors are unable to consent to the prohibited behavior of commercial sexual exploitation.

Another approach has been taken by Tennessee where the statute (Tenn. Code. Ann. 39-13-514) provides that “patronizing prostitution from a person who is younger than eighteen (18) years of age or has an intellectual disability is punishable as trafficking for commercial sex acts.”

The importance of this issue, and language when dealing with victims of human trafficking, is best illustrated as follows:

LANGUAGE SHAPES PERCEPTION	
Child Prostitute	Child Sex Trafficking Victim
<ul style="list-style-type: none"> • Voluntary and conscious choice • A bad or troubled kid • A criminal or delinquent • Deserves punishment and not social services • Minimizes call for social responsibility and accountability 	<ul style="list-style-type: none"> • Not able to make a choice • Defines what happened to a child, not who the child is • Vulnerable to coercion, manipulation, and force • Deserves intensive support and services • Call for social responsibility and accountability

Source: Polaris Project

The Commission plans to undertake a more comprehensive review surrounding the issues related to the use of the term “prostitute” when involving minors, as well as the current penalties and policies related to buyers of sex, from adults or minors.

H. Registration as a Megan's Law Offender

In 2014, the Commission considered a recommendation for a convicted buyer of commercial sex with a minor needing to register as a Megan's Law Offender. The Commission again received this recommendation from an Assistant County Prosecutor in 2015. Specifically, the issue is whether it is advisable to expand the scope of New Jersey statute that defines those who are required to register as sex offenders to include the following categories that are considered prostitution under N.J.S. 2C:34-1:

- An actor who purposely or knowingly engages in prostitution with a minor as a patron of prostitution;
- An actor who knowingly compels a minor to engage in prostitution;
- An actor who enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a minor;
- An actor who knowingly or purposely solicits or requests a minor to engage in sexual activity; and
- An actor who knowingly or purposely engages in prostitution with a minor by personally offering sexual activity in exchange for something of economic value.

The Commission also discussed making registration discretionary on the part of the Prosecutor. In considering this issue, it came to the attention of the Commission that there is a pending bill in the Legislature to this effect, so at this time the Commission plans no further action. However, it does recommend that any legislation be crafted in a way that assures a comprehensive evaluation before imposing a Megan's Law Registration requirement when the conduct involves a juvenile as a perpetrator.

Respectfully submitted by members of the New Jersey Commission on Human Trafficking:

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Commission Chairperson (resigned as of July 7, 2016)
Atlantic County Prosecutor

Dawne Lomangino-DiMauro LCSW
Commission Chairperson (appointed chair July 7, 2016)
Commission Vice-Chair (prior to July 7, 2016)
Co-Chairperson of the Victim Services Subcommittee

Director of Statewide Human Trafficking Services, The Women's Center

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Chairperson of the Legislative Subcommittee (resigned as of April 7, 2016)

Director, Special Initiatives, NJ Department of Children and Families

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Co-Chairperson of the Legislative Subcommittee

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Mario Tommasi, Ph.D., ABPP (resigned as of February 2016)

Chairperson of the Victim Services Subcommittee

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