



**The New York City Council
Committee on Transportation**

Hearing RE: Int. No. 725 - In relation to the unlawful use of vehicles for the purpose of promoting prostitution; and Int. No. 735 - In relation to strengthening the penalties for illegally operating non-TLC licensed vehicles for hire.

**Testimony of Sienna Baskin, Esq.
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250 Broadway, 16th FL, New York, NY 10007

Good morning, Council Member Ferreras, Council Member Vaca and members of the **Committee on Transportation**.

The Sex Workers Project at the Urban Justice Center very much appreciates the opportunity to offer comment on these proposed changes to administrative law. My name is Sienna Baskin and I am an attorney and Co-Director of the Sex Workers Project. I offer legal representation to sex workers and victims of human trafficking on criminal, civil, and immigration matters. The Sex Workers Project also provides therapeutic counseling and case management to our clients. We are recognized experts on the profound human rights abuses victims of trafficking and sex workers face, and perform research and documentation on these abuses, with a focus on New York City.

Over the past 10 years, we have served many sex workers and survivors of trafficking whose experience involved vehicles. Thus, we have expertise to share on how the Bill introduced by Council Member Ferreras may affect our clients.

It is our understanding that this bill is intended to combat human trafficking. However, we have concerns that it will have little impact on human trafficking, and in fact may have a negative effect on trafficking victims and on vulnerable sex workers.

The bill requires education on the penalties and definition of “promoting prostitution,” as it applies to drivers of for-hire vehicles and taxis. The problem is that “promoting prostitution” has a very vague definition. It could include anyone who knowingly aids another person to commit prostitution and anyone who receives money from someone else, knowing it came from prostitution. We are concerned that the proposed education will be understood by drivers to mean that any time they give a sex worker a ride, they are committing “promoting prostitution.”

In our experience, vehicles are used in human trafficking and prostitution in a few ways.

First, sex workers frequently use yellow cabs and for-hire cars to get to out-call locations or get home from out-call locations safely. Escort services may employ yellow cabs or for-hire cars for the same purpose. The drivers of these vehicles may or may not know that their passenger was engaging in prostitution. Without taxi cabs or for-hire vehicles, these sex workers could face considerably greater dangers in going to and from their workplace. Additionally, a driver who knows that their passenger is engaging in prostitution can help or report information to the police should the sex worker disappear or if she is the victim of a crime. For this category of driver, we are concerned that the provision requiring extra education on “promoting prostitution” may make drivers fearful to give rides to sex workers, offer aid to a sex worker in trouble, or report crimes against sex workers to the police. We are also concerned that the penalties on for-hire vehicle drivers for engaging in this activity may discourage them from offering a ride or help to a sex worker. For-hire cars, which serve more remote neighborhoods, are an especially important safety resource for lower income and vulnerable sex workers. As we documented in our studies, “Revolving Door” and “Behind Closed Doors,” people working in the sex industries experience assault, rape, robbery, and other violent crimes at significantly higher levels than others. We are concerned first and foremost with the safety of our community members, no matter their occupation. We know that access to a vehicle to exit a potentially dangerous situation is very important to meet that #1 priority of safety.

Second, some trafficking operations employ vehicles to transport their victims from a residence to a brothel or to a customer’s house. In some cases, trafficking operations use vehicles as spaces for the sexual conduct to take place. We have only heard of situations where these vehicles were privately owned by members of the trafficking ring. The driver does not usually just get a fee just for the ride, but shares in the proceeds of the trafficking generally. This appears to be the category of driver that the law is intending to reach, but these are not licensed for-hire vehicles and therefore, would not be affected at all by this law. They would not attend the required education, would not learn about or be deterred by the “promoting prostitution” penalties, and in fact would not be subject to these penalties. We are aware that Council Member Vaca’s bill addresses drivers operating unlicensed for-hire cars, which may reach this kind of driver, and imposes additional penalties un-related to prostitution or

trafficking. Not being expert on how this kind of law would function, we cannot comment on Council Member Vaca's bill. However, as a point of information, sometimes even these drivers are potential resources to victims of trafficking. They are often low-level employees of the trafficking ring and may have sympathy for the victims. For example, our client "Amy" was trafficked at the young age of 16 and forced to engage in commercial sex. During this time she only had access to her trafficker, drivers who were employed by the trafficker and customers. On two occasions she requested help from a driver to help her leave the trafficker. On both occasions, the drivers did try to help her and take her to another location. Unfortunately, the trafficker found her and took her back into custody. Even these drivers should be encouraged to report trafficking and come to the aid of victims.

Finally, it is possible that some trafficking operations may hire vehicles or taxi cabs to transport their victims to different locations. Victims of trafficking who have a bit more freedom of movement may hire a taxi or for-hire car themselves. In our experience, these drivers are not involved in the trafficking scheme, and may or may not know that their passenger is doing prostitution. However, this category of driver is an incredibly important potential resource to victims of trafficking. They may be the only people the trafficking victim sees besides her customers and her abusers. They may be able to act as a good Samaritan and offer the victim an escape route: a ride to a friend or family member's house, a referral to a service provider, a ride to a shelter, a hospital, or a police station. We are concerned that the proposed bill could actually dissuade these drivers from offering help or rides to victims of trafficking for the already-mentioned reasons.

We do agree with the recently added amendment, which could support driver's potential as resources or escape routes for victims of trafficking, and not punish or discourage them from driving sex workers. Education on how to identify a victim of trafficking and what resources are available for victims of trafficking could be very useful to drivers. Drivers having this information could be potentially life-saving for victims they encounter. However, this education would have to be delivered by an expert on human trafficking. And, trying to educate drivers on human trafficking, while simultaneously raising concerns that even giving a sex worker a ride could get them in trouble for promoting prostitution, has the potential to confuse drivers and leave them unsure how they should interact with potential victims.

We thank you for your attention to this important issue, and for your desire to help victims of trafficking.