

Mark Keller
Westbrook

Testimony supporting LD 1592 An Act to An Act To Decriminalize Engaging in Prostitution, Strengthen the Laws against Commercial Sexual Exploitation and Allow a Person Convicted of Engaging in Prostitution To Petition the Court To Expunge the Record of Conviction

Senator Deschambault, Representative Warren, and members of the Criminal Justice and Public Safety Committee, my name is Mark Keller and I am a resident of the City of Westbrook and formerly a resident of the City of Portland. I am a Portland Police Officer and served in the Portland Police Crime Reduction Unit and as a Task Force Officer with Homeland Security. I served as the co-chair of the Greater Portland Coalition Against Sex Trafficking and Exploitation which is collaborative effort between Non Governmental Organizations (NGO's) service providers and local, county, state, and federal law enforcement to address sex trafficking and exploitation. Today I come to you as a citizen of the State of Maine and I am not making a statement to positions of the City of Portland, Portland Police Department, or Homeland Security.

Sex trafficking victims and prostituted people are one and the same. However the laws of every state in the union view them as different. Most prostituted people come from a childhood upbringing of experiencing physical violence, sexual violence, neglect, and exposure to substance use. While it is important for us to recognize that not all people who have suffered from this condition become prostituted people, most prostituted people have a trauma background. Prostitution is a continuation of violence which began during childhood and continues through adulthood. Prostitution's roots and perpetuation stem from inequality and poverty.

Based on my knowledge and experience it is apparent prostituted people are often the victims of serious crimes to include murder, sexual assault, aggravated assault, assault, robbery and theft. Prostituted people suffer more from crime than the average citizen.

Prostituted people are a population that rarely reports these instances to police because the occurrence is when they are engaging in the act of prostitution. My research and experience has also shown me there is an adverse relationship between law enforcement and prostituted people due to the nature of the law.

Engaging in prostitution is a crime of high recidivism due to many factors to include poverty and homelessness, substance use disorder, the nature of trauma based experiences, and lack of services.

Regardless of the condition of sex trafficking or prostitution the mere act of engaging in prostitution is an act of survival and for many a time without options. The problem is not the prostituted person: the problem lies in the hands of the exploiters. It is now apparent that the traditional response to dealing with prostitution is the re-traumatizing of the victim at best. It is the rarest of cases that law enforcement intervention using a post arrest strategy has led to the prostituted person's exit from the life of being trafficked and / or prostituted.

Law enforcement activity focused against the prostituted people ultimately puts them at a disadvantage. Decriminalization empowers the prostituted person by giving them options to seek their own justice. It gives them access to the system that formerly created difficulty in their lives. They have gained a civil right to live without fear from law enforcement and the ability to regain dignity. They are a community scorned by civil society but will now have access to the justice system in a non adverse circumstance.

As it stands the current law allows for disparity, relying on the discretion of law enforcement and prosecutors to act in what each individual feels the best course of action is for the person charged. All too often the charge of engaging in prostitution is used a tool entice victims to inform on others. The law provides an affirmative defence to those who report or inform prosecutors being trafficked but what of the victims who have no one to inform on or are not being trafficked at the time of being

charged with the crime. What if the trafficking case is so bad that the victim can't talk due fear of retribution which is so often the case of trafficking. What happens to victims who are made to come from out of state to Maine and are charged and then leave the state. Usually a warrant sent out but is usually not acted upon by out of state agencies. Warrants often stay in the system until cleared by arrest or dismissal. In my experience I have know women to carry engaging in prostitution warrants from other states several years after the initial arrest.

If the law is enacted, I fully expect to see more prostituted people seeking treatment and care resulting in an overall appearance of safety in our community. Maine's most vulnerable will see LD 1592 as a mandate from the people of the State of Maine to its law enforcement community to focus our efforts on the individuals who create and perpetuate prostitution and sexual exploitation. These people are buying and selling human beings. Engaging in Prostitution has always been a crime against the prostituted person. Prostitution is a symptom of circumstance which should be treated with open arms and never with handcuffs. In closing I wish to make one last point by asking a simple question, is Maine a state that will continue to treat the victims of these crimes as criminals or are we a state willing to take a leap of faith and change a law that has continually revictimized these people in our criminal justice system.

I wish to thank Senator Deschambault, Representative Warren, and the members of the Criminal Justice and Public Safety Committee for your care on this issue.

Mark Keller
164 Longfellow Street
Westbrook, Maine 04092