

State Court Snapshot: New York State's Human Trafficking Intervention Courts

“Human trafficking is a horrific crime that inflicts terrible harm on its victims, a form of modern-day slavery that we simply cannot tolerate in a civilized society. We now recognize that the vast majority of individuals charged with prostitution offenses are commercially exploited or at risk of exploitation. By offering vital services instead of punishment to these defendants, the Human Trafficking Intervention Initiative will act to transform and save lives — and in turn, enable law enforcement to identify, investigate and punish the traffickers. Today we are taking a giant leap forward towards solving this vast and critical problem. We know that by working together we can forge better outcomes for victims, enhance the quality of life in our communities and keep New York at the forefront in the battle to eradicate human trafficking.” -- Chief Judge Jonathan Lippman

Introduction

On September 25, 2013, Chief Judge Jonathan Lippman announced the launch of the New York State Unified Court System's Human Trafficking Intervention Initiative, the nation's first statewide system of dedicated courts designed to intervene in the lives of trafficking victims. In New York, human trafficking manifests itself most prominently in the form of sex trafficking. This trailblazing initiative focuses on individuals charged with prostitution-related offenses in an effort to identify and assist sex trafficking victims, opening the door for thousands across the state to escape a life of abuse and torture.

Many domestic and foreign-born individuals who end up in New York's criminal courts on prostitution charges are recruited into the commercial sex industry by force, fraud and/or coercion. Embracing a newly emerging criminal justice approach, eleven pilot Human Trafficking Intervention Courts in the state seek to promote a just and compassionate resolution to these cases - treating defendants as victims who are often in need of critical services. With the collaborative efforts of the court system's criminal justice partners and service providers across the state, this unprecedented system of dedicated courts will work to connect these individuals with meaningful intervention and link them to resources aimed at breaking the cycle of exploitation and arrest. District attorneys across the state have also affirmed their commitment to investigating and bringing charges against traffickers and those who patronize prostitutes.

This approach is supported by both prosecutors and defense counsel. In the pilot jurisdictions, all cases with misdemeanor prostitution or related charges that continue past arraignment are transferred to a Human Trafficking Intervention Court; once transferred to that specialized court, defendants are

evaluated by on-site staff. The court connects defendants to tailored counseling and case

management services, which range from shelter and healthcare to immigration assistance, drug treatment and counseling. These counselors/social workers also screen for indicators of trafficking.

Human Trafficking Intervention Courts also link participants to education and job training programs to help prevent their return to the commercial sex industry. In the Bronx, Brooklyn, and Manhattan, for example, defendants are referred to the Women's Independence, Safety, and Empowerment (WISE) program, run by the Center for Court Innovation. WISE provides trauma-informed individual and group programming that aims to reduce the shame and isolation associated with prostitution and trafficking by creating a safe space for clients to address their underlying needs. A defendant's charges may be dismissed or reduced contingent upon compliance with these court-mandated services and programs.

Other features of Human Trafficking Courts include increased coordination and communication between the court, its criminal justice partners, local service providers and other stakeholders; a single presiding judge to handle all the cases, tracking them through to disposition; regularly assigned prosecutors and defense attorneys; on-site or conveniently located service providers to offer vital support to participants, as well as valuable updates to the court and prosecutor; and specially trained court staff who recognize the dynamics of sex trafficking and the challenges defendants must overcome to reintegrate into mainstream society.

Human Trafficking Intervention Court Case Study

Case Identification

Lilly is a 24-year-old woman who was arrested for prostitution in a midtown Manhattan hotel during a sting operation. She had one prior arrest for prostitution. She was arraigned at the Manhattan Human Trafficking Intervention Court at the Midtown Community Court. She was represented by the dedicated defense attorney and appeared before the dedicated judge; the district attorney offered the standard plea for someone in Lilly's circumstances: five sessions of trauma-informed programming and a subsequent adjournment in contemplation of dismissal. (a disposition that would leave Lilly without a criminal record) She was given a compliance date to return to court in four weeks. However, Lilly did not attend the five sessions of programming and a warrant was issued by the judge on her compliance date.

Another Chance

Several days later, Lilly was arrested again and the district attorney offered a plea of a disorderly conduct violation and an increased mandate of ten days of trauma-informed counseling. .. She was given a shorter compliance date of two weeks, as the judge wished to ensure she was attending programming. She was granted this additional chance because the court stakeholders recognized that re-arrest is a common experience for victims of trafficking and people involved in the commercial sex industry.

A counselor from an onsite domestic violence agency that partners with the court (STEPS to End Family Violence) met with her immediately to conduct a thorough assessment. Lilly attended the trauma-informed Women's Independence, Safety, and Empowerment (WISE) group and met with the social worker for individual sessions. During this time, Lilly disclosed that she had been involved in the life of prostitution at the age of 14 and had been in a coercive situation with a

pimp until she was 22. She has since been able to leave her pimp, but has no high school diploma, no formal work experience, and no social supports other than peers involved in the commercial sex industry. Lilly wants to begin exploring options such as: GED programming and meeting with her lawyer about the possibility addressing her past convictions using New York's vacatur law for prostitution-related convictions.

Compliance

At Lilly's next compliance date, the social worker provided the court with a memo describing the dates Lilly attended the WISE program, and (with Lilly's permission) the specific goals she had begun working on, such as attending a GED class. The judge offered Lilly praise and encouragement and adjourned the case for final compliance results in four weeks.

Although Lilly completed her mandate and continued to work with the social worker voluntarily, a few weeks later she was arrested for prostitution again. After Lilly's dedicated defense attorney met with her, Lilly asked to speak to the social worker with whom she had begun to form a relationship. The social worker met with Lilly pre-arraignment to learn more about what was going on her life that was leading to the recent increase in arrests. Lilly disclosed that she was in a tremendous amount of debt after her ex-pimp ran up credit card debt in her name and that she was now living with her mother. She had a traumatic history with her mother; her mother continued to be verbally and emotionally abusive, and was requiring her to pay for rent and food. Additionally, Lilly's ex-pimp was trying to contact her, which was causing her to be fearful. The combination of all of these factors was forcing Lilly to return to the streets in an attempt to make enough money to pay her debt and rent as well as save money to leave her situation.

The social worker asked Lilly's permission to share an overview of what was happening with the defense attorney, judge, and district attorney so that Lilly would be able to continue working towards her goals of change with the understanding and support of all stakeholders. Lilly agreed.

After speaking with all parties, it was agreed by the judge and attorneys that Lilly would be mandated to complete another ten sessions with the promise of an adjournment in contemplation of dismissal as opposed to having to plea to the charge.

Through all parties' understanding of what was happening in Lilly's life, she was given another chance to receive counseling services with the social worker and obtain a legal disposition that would not add a criminal conviction to her record.

Impact

Over 2,500 defendants have already appeared in New York's Human Trafficking Intervention Courts; the potential for identification of victimization and trafficking, and the opportunity to connect defendants to services, is great. As one example, during the fall of 2013 (September – December), the Human Trafficking Intervention Court within the Midtown Community Court reported that 83% of defendants with prostitution charges reported some type of present or past victimization, such as sexual assault or domestic violence, while 33% reported indicators (force, fraud and/or coercion) of sex trafficking. As the pilot trafficking courts continue to develop and expand, identifying the incidence of victimization among these defendants will be critical to breaking the cycle of re-arrest and continued trauma for trafficking victims.