

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON YOUTH SERVICES

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December 12, 2013
Start: 10:08 a.m.
Recess: 1:08 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: LEWIS A. FIDLER
Chairperson

COUNCIL MEMBERS:

Ydanis A. Rodriguez
Donavan J. Richards
Darlene Mealy
Peter A. Koo
Melissa Mark-Viverito
Jumaane D. Williams
Andy L. King

A P P E A R A N C E S (CONTINUED)

Judy Harris Kluger
Judge
New York City Criminal Court

Kimberly Affronti
Deputy Chief of the
Criminal Court Bureau
Queens County District Attorney's Office

Eliza Hook
Coordinator
Girls Education and Mentoring Services
[GEMS]

Amy Paulin
State Assemblywoman
New York State Assembly

Michael A. Corriero
Judge [Ret.]
New York Center for Juvenile Justice

Dorchen Leidholdt
Director
Center for Battered Women's
Legal Services
Sanctuary for Families

Kate Mogulescu
Supervising Attorney
Legal Aid Society

Marissa Ram
Equal Justice Works Fellow
Safe Horizon Anti-Trafficking Program

Janmarie Brown
Program Director
JCCA Gateways Program

Kristine Herman
Policy Analyst
Brooklyn Defender Services

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COMMITTEE ON YOUTH SERVICES

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CHAIRPERSON FIDLER: Good morning, everybody. We're actually going to do a small piece of business before we get to the main course. We have a resolution to be voted on today. It's Resolution 1649, recognizing October 11th as the Day of the Girl Child in New York City, and this is in response to the United Nations Resolution from 2011, creating the International Day of the Girl Child. It is sponsored by Council Member Koppell and it's very important to him. Unfortunately, he had an engagement in Washington, DC today and couldn't be here, but I'd like to call for a vote on that resolution and I urge a yes vote, and would committee counsel please call the roll?

COMMITTEE COUNSEL: Fidler.

CHAIRPERSON FIDLER: Aye.

COMMITTEE COUNSEL: Gonzalez. Palma.
Mark-Viverito. Mealy.

COUNCIL MEMBER MEALY: Aye.

COMMITTEE COUNSEL: Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Aye.

COMMITTEE COUNSEL: Cabrera. Koo.

COUNCIL MEMBER KOO: Aye.

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COMMITTEE ON YOUTH SERVICES

COMMITTEE COUNSEL: Williams. King.
Richards.

COUNCIL MEMBER RICHARDS: Aye.

COMMITTEE COUNSEL: Five in the
affirmative, zero and nothing.

CHAIRPERSON FIDLER: Alright and the
resolution carries five in the affirmative, zero in
the negative and no abstentions, and we will hold
the vote open for those members who I'm sure are
speedily on their way, and when the clerk comes,
you guys need to sign the committee report, so look
out for that, alright?

Alright, now to today's main topic. My
name is Lew Fidler. I'm the Chairperson of the
Youth Services Committee of the Council. I am
joined to my left by Council Members Ydanis
Rodriguez of Manhattan; Donavan Richards of Queens;
Darlene Mealy, the co-Chair of the Brooklyn
delegation and Peter Koo of Queens and Committee
Counsel Jen Wilcox and Policy Analyst Mike
Benjamin. I'll introduce other members of the
committee as they arrive. As most of you know,
this will be my last hearing of the Youth Services
Committee of the Council.

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2 I have been a member of this body for
3 12 years and in that time, no issue has resonated
4 more strongly with me than that of the plight of
5 runaway and homeless youth. After more than 28
6 hearings on the issues faced by runaway and
7 homeless youth, we are all familiar with the data.
8 We know that runaway and homeless youth usually
9 come from families where they suffer from physical,
10 sexual or emotional abuse. We also know that many
11 of these children will be forced to sell their
12 bodies, not to mention their souls and their
13 dignity, on the street in exchange for food or a
14 warm place to sleep. During my tenure at the
15 Council, we have come a long way in regards to the
16 treatment of runaway and homeless youth. Over the
17 last 10 years, my colleagues with the support of
18 the Speaker, here at the Council we've added
19 millions in funding for youth shelter bed programs,
20 not to mention our friends at DYCD and I want to
21 acknowledge Andrew Miller here in the front row
22 representing Commissioner Mullgrav, who's been a
23 phenomenal partner. We've increased the number of
24 shelter beds, expanded a number of OCFS certified
25 RHY providers and enforced the requirement that all

1
2 RHY providers allow LGBT youth equal access to
3 services. In our most recent victory, and this was
4 a big one, the Mayor finally decided to baseline
5 funding for runaway and homeless youth shelter
6 beds; in effect, institutionalizing the work that
7 was done over the last 12 years and setting a new
8 floor; inadequate as it may be, a new floor for
9 funding for shelter beds in the City of New York.

10 Despite all of this progress, there is
11 still a lot of work to be done. Today, we will be
12 hearing from judges, district attorneys and other
13 advocates and providers about the Human Trafficking
14 Intervention Initiative. This initiative has
15 created a statewide system of courts, which will
16 connect defendants who have been arrested for
17 prostitution to shelter and services. If the
18 defendants comply with the court mandated services
19 and programs, their charges may be dismissed or
20 reduced. We have, however, heard similar good news
21 before, only to find out that it was a mere empty
22 shell.

23 In 2008, New York State enacted the
24 Safe Harbor Act for Exploited Children to protect
25 children who have been commercially sexually

1 exploited. One portion of the Act created a
2 presumption that a young person under the age of 16
3 who had been arrested for prostitution was a victim
4 and therefore, should have their case converted to
5 a Person in Need of Supervision case or a PINS
6 case. There is no similar provision, however, for
7 16 and 17-year olds and in 2010, 63 minors under
8 the age of 18 were arrested in New York City for
9 prostitution activity and prosecuted as adults in
10 criminal court. If you'll allow me the prerogative
11 of waxing a little poetic and philosophical, since
12 this is our last hearing. Sorry, guys. I can't
13 help myself, you know? You know, we have really...
14 you look back and you say you hope that during your
15 time in office, and I know all you non-term limit
16 babies here haven't had the opportunity to reflect
17 on it yet, but you hope that you've done something
18 that makes a difference. I like to think that if
19 we did nothing else, what we did for runaway and
20 homeless youth as a council has made a difference
21 in thousands of lives and I hope that this next
22 council will continue that work because there's so
23 much more to be done. There really is... you know,
24 you know, I mean I said you all know the data;

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2 3,800 kids sleeping on the street; you know
3 hundreds of shelter beds. That means that there
4 are waiting lists. I mean I got a letter from the
5 Ali Forney Center, and you know, they're a top-rate
6 organization, telling me that they have 170 kids on
7 their waiting list right now. You know, that's 170
8 kids who are going to sleep on the subway grating
9 tonight you know, without their family, with little
10 else in the world other than what we are able to
11 provide to them. And one of the reasons, other
12 than the mere compassion, that my colleagues have
13 found for these children that we have such broad-
14 based support for these initiatives is because they
15 make sense in every way other than the compassion
16 as well. Every one of these children left to the
17 streets is more likely to become HIV positive; to
18 suffer from a mental disability; to become a burden
19 to the criminal justice system and at the end, the
20 cost of a shelter bed program is fractions of what
21 the cost of dealing with any one of those problems
22 is, so not to mention the fact that you know, the
23 young person then becomes a taxpaying adult, which
24 is another financial advantage. So it makes sense
25 financially and it makes sense compassionately.

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COMMITTEE ON YOUTH SERVICES

It's just the right thing to do and I hope that we'll continue along that path for those of you who are remaining behind, and I also want to take the opportunity to thank Commissioner Mullgrav and DYCD and Andrew and everybody who's come along the way; DYCD. I want to thank our committee staff, all the counsels that we've had starting with Laura Popa and ending here with Jen Wilcox and our policy analyst, Mike Benjamin and the providers, I mean all of you. You know, we give you money and you're the ones who do God's work, so I want to thank you all for everything that you've had to do with this over the last 12 years and everything that you're going to be doing over the next 12.

So today, back to... back from philosophical. We hope to learn more about how the Human Trafficking Intervention Courts will work and the types of services that will actually be provided and I hope a little about the funding that's being provided to make sure that the services are provided. So with no further ado, I'd like to call up our first witness, who is here representing the great Judge Jonathan Lippman, and that would be Judge Judy Kluger, who probably has

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COMMITTEE ON YOUTH SERVICES

heard... you've probably heard the Judge Judy joke more times than I get Fiddler on the Roof, so.
[background voice] Yeah, thank you, Judge, thank you. It's all yours, Judge.

[Pause]

JUDGE KLUGER: Good morning. On behalf of Chief Judge Jonathan Lippman and Chief Administrative Judge Gail Prudenti, thank you for this invitation to discuss the 11 pilot Human Trafficking Courts operating around the state, five of which are in New York City. I'd like to provide the Council with a snapshot of the Judiciary's response to the problem of human trafficking and offer an appreciation for whatever you can do to enhance the resources within the community to assist trafficking victims. The Council has a long record of recognizing the need to avert recidivism and re-arrest and reduce the costs and heartache associated with incarcerating individuals who, with appropriate services and interventions, can be diverted from the criminal justice system without risk to public safety.

This approach is nothing new to the New York State Judiciary. It is the theory behind our

1
2 successful problem-solving courts, including
3 domestic violence, drug, mental health, veterans
4 and most recently, adolescent diversion parts.
5 Today, we are applying these principles, to the
6 extent current state law allows, to the victims of
7 human sex trafficking.

8 Over the past decade, we have
9 established more than 80 courts across the state
10 that focus on domestic violence cases. As our
11 knowledge and understanding of domestic violence
12 has grown, we have come to recognize that human sex
13 trafficking is possibly its most extreme form.
14 Human trafficking is a multi-billion dollar
15 industry and one that is growing. Among criminal
16 enterprises, it is second only to drug trafficking
17 in profitability. According to a recent State
18 Department estimate, worldwide there are
19 approximately 27 million victims of human
20 trafficking. Of these, about 17,000 are brought
21 into the United States. In addition, hundreds of
22 thousands are trafficked within the U.S. each year.

23 Trafficking is as much an issue
24 domestically as it is internationally. In the
25 U.S., about 80 percent of the victims involved in

1 sex trafficking are citizens and the great majority
2 are women and children, particularly girls under
3 the age of 18 years old, and the horrifying fact is
4 that the typical age of entry into prostitution is
5 12 to 14 years old. Many of these victims end up
6 in court as defendants charged with prostitution-
7 related offenses. The sad truth is that few of the
8 buyers are ever arrested and even fewer of
9 traffickers or those who lead them into
10 prostitution are ever charged. And as you know,
11 New York is one of only two states in the nation
12 that treats 16 and 17 year olds as adults for the
13 purpose of criminal prosecution. With the
14 enactment of the Safe Harbor Act of 2008, children
15 less than 16 accused of prostitution were no longer
16 deemed criminal or delinquent. They were seen as
17 victims in need of protection and services. This
18 is a positive step towards recognizing that 16 and
19 17 year olds are children and should not be
20 prosecuted as adults and in June, our State
21 Legislature acted to include 16 and 17 year olds
22 who are now in criminal court. You'll be hearing
23 later in the hearings from Amy Paulin, Judge
24

1
2 Michael Corriero and Dorchen Leidholdt about this
3 newly enacted legislation.

4 For much of our history, individuals
5 changed with prostitution had an entirely negative
6 place in our culture. They were thought of not as
7 victims, but as criminals, addicts, delinquents,
8 incorrigible and profit-driven. Many still feel
9 that way, but we have come a long way in our
10 understanding of this complex problem. We now
11 recognize that the vast majority of children and
12 adults charged with prostitution offenses are
13 commercially exploited or at risk of exploitation.
14 All too often, they are victims of intimate partner
15 violence, unable to extricate themselves and
16 needing protection from their abusers. They may be
17 runaways, easy prey to traffickers or be in the
18 grip of an addiction that has led to their
19 exploitation. Trafficking victims are often lured
20 into prostitution through false promises of love,
21 stability and financial security. Similar to
22 victims of other forms of domestic violence,
23 trafficking victims often experience the same power
24 and control, manipulation and cyclical violence
25 that leads them to believe that their abusers love,

1 protect and provide for them. To successfully and
2 safely escape this life, trafficking victims need
3 both legal protection and assistance, as well as
4 supportive services including shelter, counseling,
5 psychological support, health care and economic
6 empowerment. Safe shelters in particular are a
7 necessary and invaluable resource for both victims
8 of domestic violence and trafficking. They provide
9 an alternative to the streets for many homeless and
10 runaway youth, the same youth who are preyed upon
11 by traffickers and they're a place for refuge for
12 victims who manage to escape.

14 As you continue to examine these
15 issues, I urge you to consider the ongoing critical
16 need for safe shelter in New York City and to
17 review the eligibility requirements and funding
18 streams to ensure that all victims, whether alone
19 with children, can find the shelter and supportive
20 services they so desperately need.

21 Over the past decade, significant
22 strides have been made to address human
23 trafficking. In New York, anti-trafficking
24 legislation was enacted that created a new crime
25 designed to punish those who profit from the sex

1 industry. New York has become the first state to
2 allow judges to vacate convictions for
3 prostitution-related crimes when they are a result
4 of a defendant having been trafficked. By enacting
5 this law, our legislature recognized the victims of
6 trafficking need a second chance and they are often
7 blocked from decent jobs and other prospects for
8 rebuilding their lives due to prostitution-related
9 convictions.
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11 Our courts have also changed the way
12 prostitution cases are handled. In September, our
13 Chief Judge, Jonathan Lippman, announced the
14 implementation of a comprehensive court response o
15 this issue with the establishment of Human
16 Trafficking Intervention Courts throughout the
17 state and in the five boroughs of New York City.
18 These courts handle almost 90 percent of the
19 prostitution-related crimes in the state. In
20 October, we conducted an intensive two-day
21 statewide training for judges, court attorneys and
22 resource coordinators who are working in these
23 courts. The Human Trafficking Intervention Courts
24 recognize that prostitution and the commercial sex
25 trade play a key role in human trafficking and are

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2 designed to provide meaningful intervention and
3 comprehensive services for individuals arrested on
4 these charges. These courts identify individuals
5 charged with prostitution and related offenses and
6 provide linkages to services that will assist them
7 in pursuing productive lives, rather than sending
8 them right back into the grip of their abusers. We
9 estimate that this program will open the door to
10 thousands of people to escape a life of abuse and
11 torture.

12 Each Human Trafficking Intervention

13 Court has a presiding judge, who is trained and
14 knowledgeable in the dynamics of sex trafficking
15 and the support services available to victims.
16 Cases are evaluated by the judge, the defense
17 attorney and the prosecutor, and if there is a
18 consensus that the case involves a victim in need
19 of services, appropriate connections are made.
20 Those who are directed to and comply with the
21 services have the opportunity to receive non-
22 criminal dispositions or dismissal of their cases.
23 Judges presiding in these newly created courts have
24 already identified a serious lack of services for
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2 victims and an overburdened delivery system,
3 especially in the area of shelter.

4 The following example will give you
5 some idea of the life these women lead and why
6 support and shelter are so crucial; a life quite
7 different from the "Pretty Woman" depiction in the
8 very popular Julia Roberts movie. Gee's story,
9 while personal to her, is in one form or another,
10 the story of many of the women who are trafficked.
11 She came to the United States on a tourist visa to
12 earn money to send back to her family in the
13 Dominican Republic. A few years later, she met and
14 married Carlos, who began physically abusing her.
15 She left him, but returned when he promised to find
16 her a job and assist with her immigration status.
17 When she returned, the abuse began again. The
18 attacks left Gee scarred and disfigured. Through
19 violence and threats against her children, he
20 forced her to prostitute herself. As the judge
21 presiding over the case described it, "He had
22 complete control over her physically and
23 psychologically." Over a five-month period, Gee
24 was arrested six times on prostitution charges.
25 Each time she was convicted. Finally, she left

1 Carlos and began to put her life back together.
2
3 However, her criminal record, which she had
4 accumulated as a result of being forced into
5 prostitution, was an obstacle. She lost her job
6 because of her criminal convictions. Eventually
7 Gee's convictions were vacated under a new law,
8 which allows a person to have her prostitution
9 record cleared if she has been trafficked.
10 Thankfully, Gee is now gainfully employed and safe
11 and living with her daughter and two grandchildren.

12 In our court system, the domestic
13 violence, integrated domestic violence and Human
14 Trafficking Intervention Courts have broken down
15 the barriers of communication and enhanced
16 community dialogue, resulting in a shared focus on
17 victim safety and offender accountability that had
18 previously been inconceivable. Our courts now have
19 the tools to adjust the problem of prostitution and
20 trafficking and can strive towards making the
21 victim whole through more effective criminal
22 justice response and connection to service
23 providers, who will be there for them beyond the
24 courtroom experience. It is our hope that by
25 stemming the collateral consequences of conviction,

1
2 reducing the likelihood of further convictions and
3 providing linkages to services, the Human
4 Trafficking Intervention Courts will prove to be an
5 effective off-ramp from the tides of sex
6 trafficking, helping survivors develop and pursue
7 productive lives.

8 On a personal note, beginning January
9 1st, I will be leaving the New York State Court
10 System to become the Executive Directress of
11 Sanctuary for Families, an organization, which I
12 know is well-known to this body. They're an
13 organization dedicated to helping victims of
14 domestic violence and trafficking, and I want to
15 take this opportunity to thank the Council, both on
16 behalf of the New York State Court System for your
17 past generosity to Sanctuary for Families and other
18 critical service organizations. The Human
19 Trafficking Intervention Courts, as well as other
20 problem solving courts, could not fulfill their
21 mission without these providers who play such a
22 critical role in the justice system. I encourage
23 the Council to continue its ongoing support of
24 these organizations that, together with the courts,
25 strive to improve the lives of these survivors. I

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COMMITTEE ON YOUTH SERVICES

hope to work together with you in my new role in the years to come. Thank you very much.

CHAIRPERSON FIDLER: Thank you, Judge, and before we go to questions, I have to take care of the administrative stuff that I talked about before. We have to ask Council Members Mark-Viverito and Council Member Williams, who joined us after the vote, if they... to cast their vote on Resolution 1649. Jen?

COMMITTEE COUNSEL: Mark-Viverito?

COUNCIL MEMBER MARK-VIVERITO: I vote aye.

COMMITTEE COUNSEL: Williams?

COUNCIL MEMBER WILLIAMS: Aye.

CHAIRPERSON FIDLER: So the vote now stands seven in favor and none in the negative, no abstentions and we'll continue to hold the vote open in case our other committee members come this morning. Okay, Judge, sounds great.

JUDGE KLUGER: Mm-hm. It's a start.

CHAIRPERSON FIDLER: It sounds great, okay, and my real concern is probably not one that you can answer, and as you testified in your last couple of sentences, you're jumping over to the

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broader community and so I'm sure this is something that you are extraordinarily sensitive to. I did notice that in your printed testimony, you were talking about the shortage of services that were available and your printed testimony used the word "severe" shortage. Your oral testimony today was "serious" shortage.

JUDGE KLUGER: Well...

[crosstalk]

CHAIRPERSON FIDLER: I don't see the...

[crosstalk]

JUDGE KLUGER: It's severe and serious.

CHAIRPERSON FIDLER: I was about to say

I don't see the difference, but my real first question is, are there... I mean as people come through the Human Trafficking Court, is there a place for you to send them if they need shelter; if they need mental health services? You know, surely they're on the street because they've been abused 95 percent of the time by somebody. Are there drug treatment programs available for those who are on the streets because they've been addicted to something? I mean are they there and if not, what happens to them?

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2 JUDGE KLUGER: Right. I'll start with
3 drug treatment programs. We have, over the years,
4 developed a very robust array of services for drug
5 addicts and those are available. Shelter and
6 support; you'll hear from the organizations here;
7 they are stretched. They have stepped up to assist
8 us in providing services and linkages for the
9 defendants who go through the Human Trafficking
10 Intervention Courts, but there is not enough and
11 the more we try and we should be trying to divert
12 people to services, the more the pressure will grow
13 on the organizations to provide those services and
14 you'll hear from them that they are stretched.

15 CHAIRPERSON FIDLER: Oh, but what
16 happens when you want to make a referral to one of
17 those stretched organizations and they tell you,
18 "We don't have the space."

19 JUDGE KLUGER: Based on what the judges
20 who are in these courts now are saying, 'cause
21 they're relatively new, the space is found, but
22 cumulatively over the next few months and years,
23 more people will be entering these courts and these
24 programs and there may be a time where they have to
25 say, "We don't have room," or, There's a long

1
2 waiting list," and by the way, there are waiting
3 lists already for some of the services that we'd
4 like to provide.

5 CHAIRPERSON FIDLER: Now so if there's
6 a waiting list for the service, what happens to
7 that individual...

8 JUDGE KLUGER: [interposing] Well, the
9 judges...

10 [crosstalk]

11 CHAIRPERSON FIDLER: Until then?

12 [crosstalk]

13 JUDGE KLUGER: Are very understanding
14 and sensitive to the fact that there may not be
15 able to be an immediate response and they will keep
16 the case open to allow the person to get into
17 services and then if they do, then the case will
18 have a positive resolution for them.

19 CHAIRPERSON FIDLER: But in the interim
20 while they're waiting for services, they may be
21 without shelter?

22 JUDGE KLUGER: They might.

23 CHAIRPERSON FIDLER: I mean is there
24 any intervention in that regard? I mean you don't
25 say, "Sorry, come back in three weeks. The case

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will be calendared. Maybe we'll have room for you at GEMS then, but..."

[crosstalk]

JUDGE KLUGER: Well...

[crosstalk]

CHAIRPERSON FIDLER: "Meanwhile..."

[crosstalk]

JUDGE KLUGER: It's not quite...

[crosstalk]

CHAIRPERSON FIDLER: "Sleep on the street..."

[crosstalk]

JUDGE KLUGER: Said that way.

[crosstalk]

CHAIRPERSON FIDLER: "Tonight..."

[crosstalk]

JUDGE KLUGER: Chairman.

CHAIRPERSON KLUGER: "And you know, do what you can do to get your next meal."

JUDGE KLUGER: Well, I'll start by saying that there is a great understanding and no one is saying you know, "We can't do it now; come back in three months." The courts have power only up to a point and we can try and divert them and

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2 ask the service providers to provide what they can,
3 but we do not have the power or the funds to
4 provide shelter. That I think is in both your
5 ballpark and others in elective office, so we are
6 here and the providers are here to say we need this
7 and we're aware of it and we are doing our part and
8 we hope, hope that you understand that there needs
9 to be some additional funding for these things.

10 CHAIRPERSON FIDLER: Judge, the fact
11 that you're a judge tells me that you went to law
12 school, and I know that they taught me in law
13 school that you never ask a question if you don't
14 know what the answer is and I knew what the answer
15 was, and I know that you do not have the power, as
16 the Judicial Branch, to fund the services that you
17 are trying to send these people to, and believe you
18 me, the City Council has done everything you
19 possibly can to increase the funding you know, we
20 have here. Can you tell me whatever efforts are
21 being made, if you're aware, on the state level;
22 whether Judge Lippman has had a conversation with
23 the Governor and Speaker and Senate Majority about
24 increasing funds to make sure that this very, very,
25

1
2 very, very wonderful sounding initiative actually
3 has resources?

4 JUDGE KLUGER: Well, one of the things
5 Judge Lippman has done is set aside money for civil
6 legal services, which does help fund the
7 organizations that work with the trafficking
8 victims, both in terms of vacating convictions and
9 trying to link them to services, so that has been,
10 I think, a tremendous effort and one that has cost
11 the court system something 'cause it's money that
12 can't be used for other things and as you know,
13 Chairman, we have opened these courts without any
14 additional court funding. It's just the
15 recognition, as you recognize and the Council
16 recognizes that the need is there.

17 CHAIRPERSON FIDLER: Well, I mean you
18 know, it's a zero-sum game. I'm some of the court
19 clerks would probably tell you that there's not
20 enough funding in the court system, but I assume
21 that when this initiative was constructed, there
22 were conversations with the Executive and
23 Legislative Branches. Did that conversation, to
24 your knowledge, include you know, next budget
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you've got to step up the services so that you know, we have a place to send everybody?

JUDGE KLUGER: So I don't know the nature of the conversations that Judge Lippman may have had with the leaders and with the Governor, but I do know that because this initiative has been so important that I would imagine that those conversations were had and there is a recognition that there's a need, as you recognize and as I said before, the Council's been very generous and we're hoping to continue. I mean these courts have just started and we are hoping to continue the conversation as we go forward into the next budget time.

CHAIRPERSON FIDLER: And I do have a concern and it's really not on your shoulders, but that funding for these services not you know, only reach the level that they can take your referrals because it would be a horrible situation if in order to get into a program you had to get yourself arrested for...

[crosstalk]

JUDGE KLUGER: No.

[crosstalk]

1 CHAIRPERSON FIDLER: Prostitution.

2 JUDGE KLUGER: Mm-mm.

3 CHAIRPERSON FIDLER: So I... the
4 funding levels you know, are going to have to
5 significantly increase because you know, you're
6 already telling me that your pilot programs here or
7 your new program is trying to send people to places
8 that have waiting lists. You know, at a certain
9 point, if those organizations are only capable of
10 taking referrals from the court system, then people
11 who may have not sunk to the final depth will not
12 be able to get help and that would be a horrible
13 paradox. I have one or two other questions before
14 I'll go onto Council Members Mealy and then
15 Williams. Do you know what the recidivism rate is
16 for prostitution convicted or convictions?

17 JUDGE KLUGER: I know from my own
18 experiences sitting in the courts where these cases
19 would come that it's a very high recidivism rate.

20 CHAIRPERSON FIDLER: And is there any
21 data yet on what the recidivism rate is to this
22 point for people who have gone through this
23 program?

24 JUDGE KLUGER: No, it's very early.

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CHAIRPERSON FIDLER: [interposing] It's too early?

JUDGE KLUGER: So it's something that we'll continue to monitor, but it is early.

CHAIRPERSON FIDLER: Will there at some point you know, be a statistical analysis to actually show that?

JUDGE KLUGER: Well, what we're working on now is creating a database, which will be able to be accessed to see exactly what the ultimate outcomes are here.

CHAIRPERSON FIDLER: And my last question for the moment is has anyone worked with the NYPD and the various police departments across the state of New York kind of to reinforce the notion that young people who are arrested for prostitution are generally victims, at least that's what the Safe Harbor Act tells us.

JUDGE KLUGER: Right, well...

CHAIRPERSON FIDLER: [interposing] And that they be treated as such as opposed to criminals.

JUDGE KLUGER: Well, I know the NYPD works very closely with a lot of the agencies in

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this room and with the district attorneys and I will say there's been, I think, a "See Change" in how law enforcement in general views people arrested for prostitution and the change is they're viewed as victims. Now, the law is still on the books and enforcement is something that's not in anyone's hands but the enforcers and while that's the case there, police will, I think continue making arrests, but there is an understanding that many, if not most, of these men and women and children are victims.

CHAIRPERSON FIDLER: Okay, I lied. I have one more question.

JUDGE KLUGER: That's okay.

CHAIRPERSON FIDLER: Is there a requirement of persons going through this court that they cooperate with regard to prosecuting or providing information about the person who trafficked them?

JUDGE KLUGER: No, there is not.

CHAIRPERSON FIDLER: 'Kay, Council Member Mealy.

COUNCIL MEMBER MEALY: Good morning and I just want to take this opportunity to say Chair

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Fidler, you have been a champion of the Youth Committee. I mean we just only pray that we get someone else to take this Youth Services and take it where it needs to go and we appreciate you. I mean our youth are better; in a better place now just because you were the chair of this committee and we thank you for that; all your hard work. And I thank you for being here this morning. One thing our chair did ask you, did the defendant have to plead guilty in order to get into this...

JUDGE KLUGER: [interposing] No.

COUNCIL MEMBER MEALY: Program?

JUDGE KLUGER: No, they do not.

COUNCIL MEMBER MEALY: So if they do get arrested, they would check and see if they were in a trafficking situation and then put them in a program?

JUDGE KLUGER: I think and you'll have some of the defense counsel here who will testify, but I'll talk as a general rule. As opposed to some of the other problem solving in courts like drug treatment courts, generally there would not be a requirement for someone to plead guilty and if that did exist, it would be if you provide the

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2 service... if you comply with the mandated
3 services, then there would be an opportunity to
4 vacate the conviction and have a favorable
5 disposition, but there is no requirement that they
6 enter a plea of guilty. Generally, the case would
7 be adjourned; they would be directed to services.
8 And by the way, the hope is that the court may say
9 we would like you to go and have one or two
10 sessions with this particular counselor or service
11 provider, and as long as the person complies with
12 that there will be, if the DA consents and the DAs
13 have been very... I think understand that most of
14 these people are victims, then the case will be
15 either dismissed or there'll be a favorable
16 disposition, but our hope is by making that initial
17 linkage that that person will then stay with the
18 organization and try and work with them to leave
19 the life of prostitution.

20 COUNCIL MEMBER MEALY: That's good. So
21 how long this pilot program... is it in full effect
22 now?

23 JUDGE KLUGER: Yes, it's in effect now.

24 COUNCIL MEMBER MEALY: So what is the
25 recidivism rate?

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JUDGE KLUGER: It's only... really the courts have only been open since October, so it's very difficult to make a determination of that just yet.

COUNCIL MEMBER MEALY: But you do have something in place to track that.

JUDGE KLUGER: We are working on that.

[crosstalk]

COUNCIL MEMBER MEALY: Now.

JUDGE KLUGER: Yes.

COUNCIL MEMBER MEALY: Thank you so much and one other question I have to ask. Other than the shelter service, in which our chair made sure we got more beds for our runaway youth, what is in place that when they come into this program that if they were in school, how do you get our young people back in school and...

JUDGE KLUGER: I don't know the answer to that question.

COUNCIL MEMBER MEALY: Oh.

JUDGE KLUGER: And I think...

[crosstalk]

COUNCIL MEMBER MEALY: Yeah.

[crosstalk]

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2 JUDGE KLUGER: Perhaps some of the
3 people that are testifying may or may not know the
4 answer.

5 COUNCIL MEMBER MEALY: They...

6 [crosstalk]

7 JUDGE KLUGER: They certainly should be
8 in school and belong in school, but that's a
9 different kind of challenge often.

10 COUNCIL MEMBER MEALY: Okay, I would
11 just hope that maybe... maybe when they come into
12 that program, it should at least be a question
13 there that they can check that when they do go into
14 the program, they'll know that they were in a
15 school and then try to get them back... you know,
16 back into school because education is the key.

17 JUDGE KLUGER: Absolutely and you know,
18 now that you bring it up, it is a good analogy.
19 You know, our Adolescent Diversion Courts, which
20 all those kids are kids who should be in school,
21 and the judges in those courts work with the local
22 Departments of Education to try and make those
23 connections and linkages. So while not everyone in
24 the Trafficking Courts are of school age, many are
25 and that's really something that I'm glad you

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2 brought it up because that's something we will
3 bring up as we do more training and education for
4 the judges.

5 COUNCIL MEMBER MEALY: Thank you so
6 much.

7 JUDGE KLUGER: You're very welcome.

8 COUNCIL MEMBER MEALY: Thank you,
9 Chair.

10 CHAIRPERSON FIDLER: Thank you, Council
11 Member Mealy. Council Member Williams.

12 COUNCIL MEMBER WILLIAMS: Thank you
13 very much and I'll take the time also, Mr. Chair,
14 to say I know you won't be away from the public
15 life, but I do want to say I think you did a great
16 job with the Youth Services, focusing on many young
17 people who were not being penanced to runaway youth
18 and LGBT youth, so I want to say thank you for that
19 and obviously, we have a special relationship.

20 Those who don't know, Council Member was the first
21 to appoint me to the Community Board, Community
22 Board 18 and although we disagreed on some stuff,
23 he never asked me to vote any particular way and
24 I'll always remember that, so even though we
25 disagreed, the relationship has stayed and I know

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we'll continue and I want to say congratulations again.

CHAIRPERSON FIDLER: Thank you, but you're making me... I feel like Mariano Rivera.
[laughter]

COUNCIL MEMBER WILLIAMS: And thank you, Judge, for your testimony. So we've always had a kind of weird law and it's always had a weird relationship with prostitution. I remember reading "Black Robes, White Justice" by Honorable Bruce Wright. They called him...

[crosstalk]

JUDGE KLUGER: I know it very well.

[crosstalk]

COUNCIL MEMBER WILLIAMS: "Turn 'Em Loose Bruce."

[crosstalk]

JUDGE KLUGER: Absolutely.

COUNCIL MEMBER WILLIAMS: And he explained..

[crosstalk]

JUDGE KLUGER: I wouldn't call him that though.

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COUNCIL MEMBER WILLIAMS: They... that was a nickname. They called him "Turn 'Em Loose Bruce."

JUDGE KLUGER: Yeah, I know that.

COUNCIL MEMBER WILLIAMS: And he explained the oddity of having someone charged with prostitution, fining them and then sending them back out to prostitute to pay the fine, which is very odd. But I know here we're talking about a little smaller portion... not a smaller portion, but human trafficking in particular, not prostitution in general. I wanted to understand the definition that is used when you're figuring out who is trafficked and who is not.

JUDGE KLUGER: That's a great question and by and large we work under the assumption that anyone who's charged with this kind of crime is trafficked in some way. It may not be... you know, I think certainly when I started to think about this and I thought human trafficking is being trafficked from another country into the U.S. in a very organized way, and what I say now is you can be trafficked from Brooklyn to Manhattan and you can... and as a matter of fact, we have in our

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Queens court many people who were actually charged in Nassau County because they are driven in buses from Queens County to Nassau County by traffickers and forced to work there, and they're arrested in Nassau, and Nassau has a trafficking court and we recognized that it would be easier for these people to be helped in Queens, so the New York City service providers have really stepped up and said we will take these cases even though they occurred in Nassau. So it's a roundabout way of saying that we understand that there is domestic trafficking and we also understand that most of the people who are charged are in some way trafficked and it's not trafficked in the way that's necessarily depicted on the TV or in the movies. It's trafficked very locally.

COUNCIL MEMBER WILLIAMS: So I just want to understand is there a line between what for this program is considered trafficked and just prostitution or is it...

[crosstalk]

JUDGE KLUGER: Okay.

[crosstalk]

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COUNCIL MEMBER WILLIAMS: A third...
what...

JUDGE KLUGER: So trafficking is a
crime and traffickers can be charged and they have
been. It's a felony and there have been some
successful prosecutions and some prosecutions
it's... and you can talk to law enforcement people;
very difficult cases to make, but we don't make an
assessment on each person who's charged that you
were or were not trafficked.

COUNCIL MEMBER WILLIAMS: Mm-hm.

JUDGE KLUGER: Anyone who comes into
these courts services charged with prostitution or
prostitution-related offenses are able to get the
services and get the favorable resolution that we
hope will come out of this. There is no artificial
bar that says well, we don't think you were
trafficked; therefore, you cannot have the benefit
of these courts. Every case of prostitution in the
counties where we have courts goes to the Human
Trafficking Intervention Court.

COUNCIL MEMBER WILLIAMS: Is there a
cap of how many people can go into the program?

JUDGE KLUGER: No.

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COUNCIL MEMBER WILLIAMS: 'Kay.

JUDGE KLUGER: No.

COUNCIL MEMBER WILLIAMS: So anyone
who's charged with prostitution...

JUDGE KLUGER: [interposing] Goes into
the court.

COUNCIL MEMBER WILLIAMS: And what
happens if they're charged again with prostitution?

JUDGE KLUGER: Well, that... there is
not a single answer to that question; let me put it
that way. It would depend on... I think the
judges, we've learned in general in our problem-
solving courts and we use the term for drug
treatment; it doesn't apply in the same way;
relapse is part of recovery. So it's not easy to
leave the life that these people have led for many
reasons, many of which you know already, so people
get a lot of chances; let's put it that way.
Everything is on a case-by-case basis 'cause we
don't make general rules in how cases are handled,
but the judges understand the dynamics and will
allow... if there is a lapse there is often a very
merciful response, if I could put it that way.

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COUNCIL MEMBER WILLIAMS: So I just want to be clear, so anyone... this is a New York State program?

JUDGE KLUGER: It's in New York City and in another six counties. It's a New York State program. It is in the most populous places, so about 95 percent of the residents of New York or anyone arrested in New York for that charge will go into these courts, so yes, it is a statewide program.

COUNCIL MEMBER WILLIAMS: So anyone in New York City and those six counties who is arrested for prostitution can have that charge vacated if they go into this program?

JUDGE KLUGER: The... yes. As I said, each district attorney has their own policies, but I think the better way to say it is that everybody who is charged will have the benefit of going to one of these courts and have the benefit of services should they seek them.

COUNCIL MEMBER WILLIAMS: And that charge will not be on their record.

JUDGE KLUGER: Will not.

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2 COUNCIL MEMBER WILLIAMS: Is it quote
3 unquote "sealed" or is it just not filed through?

4 [crosstalk]

5 JUDGE KLUGER: Well, if it's dismissed,
6 it's then dismissed and sealed.

7 COUNCIL MEMBER WILLIAMS: Okay.

8 JUDGE KLUGER: If it's... there are
9 other kind of non-criminal dispositions that may
10 not be sealed right away.

11 COUNCIL MEMBER WILLIAMS: If I come in
12 and I'm charged with prostitution; I don't know if
13 anybody would want me, but if I'm charged with
14 prostitution and I want to go into this program,
15 will that charge disappear or am I found guilty and
16 then it's sealed?

17 JUDGE KLUGER: If you comply with what
18 the judge has ordered, in all likelihood, the case
19 will be dismissed and sealed. And I think you'll
20 talk to a... you'll have lawyers here who handled
21 each of the cases and will be able to even better
22 explain than I can what happens.

23 COUNCIL MEMBER WILLIAMS: 'Kay, is
24 there a breakdown of demographics, particularly
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LBGT, socioeconomic demographics? Is there a breakdown?

JUDGE KLUGER: I mean it exists. I mean the data exists. We have not done a breakdown, but the data does exist if someone would want to do a breakdown.

COUNCIL MEMBER WILLIAMS: And two more questions.

JUDGE KLUGER: Sure.

COUNCIL MEMBER WILLIAMS: Is there something that's different for young people; 16 and 17-year olds that are...

JUDGE KLUGER: Well, we're going have the Safe Harbor Act, which will be explained to you a little later on, which will allow a different kind of disposition. These kids will be treated differently going forward, so and of course, there are services that are targeted towards that age as opposed to older.

COUNCIL MEMBER WILLIAMS: and you mentioned in your testimony DV and IDV and what's...

[crosstalk]

JUDGE KLUGER: Yeah.

[crosstalk]

COUNCIL MEMBER WILLIAMS: IDV?

JUDGE KLUGER: Oh, Integrated Domestic Violence Courts. Those are courts that we have where there has been domestic violence in a family where the victim of domestic violence may have a case in the criminal courts, seek custody or support in the Family Court and have a divorce case, so they're all in one court now.

COUNCIL MEMBER WILLIAMS: And last question; I mean we obviously have a long way to go in dealing with people who are trafficked so they're not treated as criminals. This is a good start. Is the problem will or is it funding to... I mean I don't know how many... I know...

[crosstalk]

JUDGE KLUGER: Well...

[crosstalk]

COUNCIL MEMBER WILLIAMS: I know it will take funding to get the proper programs, but will to change it so that people aren't charged like Gee was. That seems to be more will than funding.

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2 JUDGE KLUGER: Well, there are places
3 in the world where victims who are forced into
4 prostitution are not charged.

5 COUNCIL MEMBER WILLIAMS: Mm-hm.

6 JUDGE KLUGER: That the law doesn't
7 exist. We have a law on the books. That's a whole
8 other question for our State Legislature, but there
9 are places in the world, and I'm sure some of the
10 people who you'll hear from will talk about that,
11 but it's a crime here and it's not a crime in other
12 places.

13 COUNCIL MEMBER WILLIAMS: Is there any
14 in the United States, any states?

15 JUDGE KLUGER: Not that I know of,
16 maybe Nevada. I don't know, but...

17 COUNCIL MEMBER WILLIAMS: [interposing]
18 Thank you.

19 JUDGE KLUGER: I think most states
20 have... thank you very much for your time and for
21 all your help. Yes, Chair.

22 CHAIRPERSON FIDLER: One more question.

23 JUDGE KLUGER: Sure.

24 CHAIRPERSON FIDLER: Okay and I know
25 you probably have a court bar or something.

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2 JUDGE KLUGER: I have all the time you
3 need.

4 CHAIRPERSON FIDLER: We always kind of
5 assume sitting up here that someone who's being
6 offered help wants it and you know, we've had
7 hearings on what we call "disconnected youth" and
8 refer to some of them as "militantly disconnected."
9 They are not connected and they don't want to be
10 and mind your own business. What happens when
11 someone who comes into one of these courts just
12 says, "I don't want your help. I don't want your
13 help. You know, let me go. Guilty; let me go."

14 JUDGE KLUGER: That happens. That's...

15 [crosstalk]

16 CHAIRPERSON FIDLER: And is there any
17 notion yet about how frequently that happens?

18 JUDGE KLUGER: I don't know. As I say,
19 you'll have defense attorneys here and prosecutors
20 who can probably answer that better than I can.

21 CHAIRPERSON FIDLER: Will that be
22 something that's tracked or maybe inferentially
23 tracked by the number of people who just come in to
24 find services and you know, say you know,
25 "Prosecute me, go ahead."

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2 JUDGE KLUGER: I'm not sure whether
3 it'll be tracked, but one way to determine it, we'd
4 be able to probably at the end of the year do an
5 analysis of how many pleas we have in those courts
6 and compared with the number of people arrested and
7 we can probably have a sense of how many actually
8 make use of the services.

9 CHAIRPERSON FIDLER: 'Kay, Judge, thank
10 you for testifying. I know it's somewhat unusual
11 to have a judge come to a legislative body and the
12 City Council and testify, but this topic is
13 obviously important to you and it's important to
14 us. I would ask that you gently suggest to Judge
15 Lippman that if he's ever hanging out with Andrew
16 Cuomo or Shelly Silver or whomever is in charge of
17 the Senate, that he you know, relay to them the
18 fact that well, this is a great program; we already
19 have waiting lists.

20 JUDGE KLUGER: 'Kay.

21 CHAIRPERSON FIDLER: And that quite
22 frankly you know, while we could do more here at
23 the City Council, we've done an awful lot. A few
24 years ago the state took a step backwards on some
25 of this funding. They seem to be moving a little

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bit back. I don't even think they've reached that level, but we would certainly like to have a greater partnership with the state in making sure that all of these services are provided and something tells me on January 1st when you're with Sanctuary for Families, you'll be in the frontline advocating for that as openly as anybody else. So I appreciate your testimony and thank you very much for coming.

JUDGE KLUGER: And thank you. It's a pleasure to be here and good luck to you in the next phase of your career.

CHAIRPERSON FIDLER: Whatever it may be and okay, thank you. Our next panel is Kim Affronti from the Queens DA's Office and Eliza Hook from GEMS, so if you'll come on up. Hi Amy.

[background voices]

[Pause]

[background voices]

CHAIRPERSON FIDLER: Okay, I'm sorry.

KIMBERLY AFFRONTI: Mm-hm. Good morning. My name is Kimberly Affonti. I'm from the Queens County District Attorney's Office. I've been an assistant district attorney... [background

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2 voice] I've been an assistant district attorney for
3 27 years. Today, with me is Eliza Hook from GEMS,
4 who will certainly have a lot of information that
5 I'm sure you'll all be very interested in. I'd
6 like to thank Chairman Fidler and members of the
7 Youth Services Committee for the opportunity to
8 testify today on behalf of the Queens County
9 District Attorney's Office and to speak to you
10 about the Human Trafficking Intervention Court.

11 In 2004, the part was started in Queens
12 County. We worked in collaboration with the
13 defense bar and Office of Court Administration.
14 Right now, our part meets every Friday. Judge Toko
15 Serita is the presiding judge. We have members
16 from the defense bar who were assigned to the part
17 and we also have the service providers who come in
18 to meet with individuals who are going to be
19 referred to their programs. The way the part works
20 is cases are sent to our part from arraignments.
21 Our part is called AP8 and our service providers
22 meet with defendants, work with them and do their
23 best to give them all the services they need and
24 hopefully at some point, get them out of the life.

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2 I do have a lot of statements in the
3 written copies that I've given out to all of you.
4 I don't want to really spend so much time going
5 over all of it. What's important in Queens is that
6 we have service providers who are willing and able
7 to work with our diverse population and who are
8 actually there in the part and spend time with
9 these individuals, build a rapport with them and do
10 their best to help them. Obviously, a big problem
11 is there's no funding for all the services and
12 everything that the service providers need, and I
13 know Eliza can fill you in on a lot of that because
14 she's been doing this for quite some time and knows
15 the specific problems that really need to be
16 addressed.

17 You had asked a question earlier about
18 cooperation to prosecute traffickers. That would
19 be wonderful, but in Queens County, AP8 runs
20 totally to benefit the individuals. There's no
21 rule that says if you come into AP8 to get a
22 favorable disposition on the case, you have to
23 testify against your exploiter. While we'd love to
24 have them testify against the exploiter and get
25 more exploiters off the street, that's nothing in

1
2 Queens. What we do is benefit the individuals.
3 They don't have to testify. Of course, if they
4 want to, we're more than willing to have them
5 testify and provide them with whatever services we
6 can.

7 The vast majority of the 16 to 22-year
8 old individuals in Queens, the Human Trafficking
9 Intervention part, are your typical runaway or
10 homeless youth, so while we don't have a very large
11 number; like that's not the majority of our
12 defendants, we do have a number of them in our
13 part. And their homelessness and the fact that
14 they ran away does come from being in an abusive
15 home and when they come out on the street, there
16 are numbers of places that they go and homeless
17 youth congregate in certain areas that recruiters
18 and exploiters are well aware of, and that's where
19 they'll spend time to pick up young boys and girls
20 because they know they can. When they're out on
21 the street for a while and they're tired and
22 they're hungry and they'd like a shower and they go
23 to a shelter that's overcrowded, there's nowhere
24 for them to go and someone who offers them a
25 shower, a sandwich, just a place to stay warm, they

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might go with this person and think well, you're helping me, when in the long run, they're not helping them. They're exploiting them and then once they're in, it's very, very difficult to get out.

I don't really have much more to tell you about what goes on in AP8. It's a part that's there to help individuals and we've been doing it for quite some time. It's difficult a lot because we don't have funding, but we've been trying for a number of years and I think that Eliza can give you so much more information on just exactly what happens to these homeless and runaway youth.

ELIZA HOOK: Good morning. First of all, I'd just like to thank Kimberly Affronti. I don't really many prosecutors as friends, but Kimberly Affronti is definitely my friend.

In consideration of your time and others testifying here today, I will keep my recommendations and observations brief regarding how Human Trafficking Courts address the needs of New York City's runaway and homeless youth. My name is Eliza Hook. I have been working with young women who have been commercially sexually exploited

1 and domestically trafficked since 2009. Currently,
2 I am the coordinator of the Alternative to
3 Incarceration program at Girls Educational and
4 Mentoring Services, otherwise known as GEMS. We've
5 been around for 15 years and are located in Harlem.
6 Every Friday, I spend my time in Queens criminal
7 court advocating, talking with and assessing young
8 women who will be mandated to the GEMS program so
9 that they can receive the necessary support and
10 services to safely exit a life of exploitation and
11 trafficking. I will follow by listing my top six
12 observed needs of the young women GEMS serves who
13 are currently coming through the criminal courts in
14 New York City. It should be noted that GEMS does
15 not stop support and services for young women once
16 they have completed their particular court
17 mandates. A lot of times we continue supporting
18 them as they move into the next state of their
19 intended paths.

21 My first concern and observation is the
22 need for housing and that's been said over and over
23 again here today. This includes crisis housing,
24 short-term housing and long-term sustainable
25 housing. Many times when a young woman decides she

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wants to exit, leave her exploiter and other living situation that is contributing to her exploitation, there is a good chance she will experience homelessness. While GEMS does provide 15 transitional beds, in comparison to the growing need, this number is an incredibly small fraction to meet the enormous and growing need for all types of housing in New York City, and more importantly, safe housing for victims of commercial sexual exploitation and trafficking. Housing options or lack thereof is one of the many vulnerabilities that contributes to a young woman's possibility of becoming a victim of commercial sexual exploitation and trafficking, and having no options for housing contributes to the feeling that she will have nowhere to go if she were to leave her exploiter.

My second observation is the need for identification and I really can't stress the importance of this one enough. We all know how much we need our IDs on a daily basis to get a car; to be able to get into school; to get a job. You need your birth certificate; your social security card; your driver's license and many times when a young woman is commercially sexually exploited or

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2 trafficked, they are further victimized by having
3 all forms of identification taken from them by
4 their exploiter. This is just one of the many
5 examples of their basic human rights being taken
6 away from them. When a victim of exploitation or
7 trafficking is able to regain their forms of
8 identification, it is not only a logistical
9 process, but can be an emotional process as well; a
10 step towards reclaiming their identity. It is a
11 form of taking back their power and allows them to
12 enroll in school, gain legal employment and apply
13 for sustainable housing options as well. I
14 respectfully ask you to consider ways in which to
15 make this process easier. For example, making it
16 possible for a young woman to be accompanied by her
17 specific court mandated caseworker to the DMV and
18 have a letter of verification stating their
19 circumstances and documented proof of said
20 circumstances and upon proof they are allowed to
21 begin gathering their points of identification.

22 My third point is health care services.
23 Young women in general are in need of good and
24 thorough health care services, and if needed this
25 includes access to trauma informed mental health

1 services and accessible alcohol and substance abuse
2 treatment programs. For victims of commercial
3 sexual exploitation and trafficking, this process
4 can prove more difficult both logistically and
5 emotionally. Logistically, this demographic is in
6 need of more youth focused clinics. To be clear,
7 Mount Sinai Adolescent Health Center is awesome;
8 they're great and I refer young women coming from
9 the Trafficking Diversion Courts to them on a
10 regular basis. But they are incredibly busy and
11 serve a large population of runaway and homeless
12 youth in New York City, which can lead to
13 frustration and long waiting times between
14 appointments. While there are some well-informed
15 nurses and doctors on the issue of trafficking and
16 commercial sexual exploitation, I would suggest
17 there be more access to training for nurses and
18 doctors, which would lead to a higher level of
19 sensitivity, a change in perception and language
20 use. A more pointed example of the benefits of
21 training on dealing with victims of commercial
22 sexual exploitation and domestic trafficking is it
23 will positively create more awareness during the
24 intake and assessment process; for instance, asking
25

1 questions about their history of sexual patterns,
2 history of STDs, et cetera. I acknowledge this may
3 be routine practice, but can be extremely
4 triggering and re-traumatizing for the victims they
5 are caring for. Also something that has proven to
6 be unnecessary and invasive for victims is having
7 their exploitation history in all their additional
8 charts other than just their primary physician's
9 chart. A suggestion and a way to provide an
10 incentive for doctors and nurses to receive
11 specific training on the issue of commercial sexual
12 exploitation and trafficking would be making it
13 possible for them to receive nursing contact hours
14 and continuing medical education units. This would
15 allow them to gain accredited hours for their
16 mandatory yearly trainings.

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18 My fourth point is additional funding
19 for service providers in New York City. In October
20 of this year, as we've already heard, it was
21 announced that Human Trafficking Intervention Court
22 parts would expand to all five boroughs and six
23 additional counties in New York State, although
24 we've been doing this in Queens for nine years. To
25 all those who have been on the ground advocating

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2 for years, this is thrilling news and we are
3 actively working together. However, because of the
4 new Human Trafficking Intervention Court parts,
5 there will be a major increase in the volume of
6 cases and people, GEMS will be providing support
7 and services. I feel it necessary to tell you that
8 there has been no additional funding given for this
9 expansion, and so the need for all the
10 aforementioned services is only going to increase.
11 We are already experiencing this on a daily basis.
12 We need additional funding to expand our already in
13 place services and funding to hire more individuals
14 to provide ongoing support and services. This
15 would allow for the increasing number of young
16 women coming through the Trafficking Intervention
17 Courts to continue receiving the holistic support
18 they need to lead their lives free of exploitation
19 and have the life intended for them.

20 Five, I want to cover mandatory court
21 surcharges and a gentleman earlier brought this up.
22 This is actually a major issue from a service
23 provider's point. Despite having specialized Human
24 Trafficking Intervention Court parts, judges are
25 still under a legal obligation to impose

1 surcharges. For example, if a young woman who is
2 clearly a victim, but is not ready to accept a
3 court mandate to the GEMS program, and she decides
4 she would rather plead guilty to a violation of
5 disorderly conduct, she will be told she owes the
6 court \$120. If she pleads guilty to the B
7 misdemeanor for prostitution, she'll be charged
8 \$200 plus an additional \$50 for mandatory DNA
9 testing, and these surcharges apply to each
10 individual docket. Sometimes a young woman is not
11 ready to receive support for many reasons, but most
12 times, it is because she is still under her
13 exploiter's control and does not feel she can
14 leave, so regardless of whether she decides to
15 plead guilty or not, it does not negate the fact
16 that she is still a victim. If they are not able
17 to pay the surcharge, they can ask for a civil
18 judgment and this does allow them to not have to
19 pay the surcharge, but it counts against their
20 credit, which would absolutely affect them in the
21 future. I realize this is a legislative issue and
22 the changed to these surcharges would likely have
23 to be changed on a legislative level. I would
24 suggest an explicit provision be passed that would
25

1 do away with mandatory surcharges being imposed if
2 there could be a factual finding of exploitation.
3 It is my experience that imposing surcharges is
4 contradictory. I realize that the intention of the
5 Human Trafficking Court parts is good and serves a
6 great purpose, but the impact of surcharges can
7 create circumstances for a young woman not to be
8 able to exit her life of exploitation. For
9 example, we know that the most common age of
10 entering into the life is 12 to 14 years old. By
11 the time they reach criminal court, they may be 16
12 to 24 years old and have little or no legal job
13 skills. And I gratefully acknowledge the Human
14 Trafficking Intervention Court parts support and
15 hope for these young women to exit this life, but
16 again, through my experience, if these young women
17 are able to come up with the money for these
18 surcharges, chances are they are obtaining these
19 funds in the very manner in which they consequently
20 gained the mandatory surcharge to begin with, which
21 would lead to continuing victimization and could
22 also lead to re-arrest.

24 And lastly, I want to talk about
25 perception and language use. It is critical that

1
2 everyone is on the same page with the language they
3 are using in order to create a common language and
4 to understand the reality of the commercial sexual
5 exploitation in order to support ongoing systemic
6 change. One example would be that although the
7 word prostitution is used as a formal charge, this
8 does not mean that these young women should ever be
9 identified as a prostitute by court personnel or
10 any other personnel they encounter. The term
11 prostitute implies agency of choice, whereas
12 commercial sexual exploitation recognizes that this
13 is something that has happened to them, not
14 something that they have chose to do. If we are to
15 truly impact the notion of choice, we can look at
16 the risk factors that these young women are faced
17 with as children in the systems we have created to
18 protect them and in their homes and in their
19 schools, et cetera. We are changing the language
20 away from prostitution to reframe it as
21 exploitation. Research tells us that 79 percent of
22 young women in the commercial sex industry have a
23 prior history of child sexual abuse. So if, for
24 instance, the court may be coming in contact with a
25 young woman who is 20 years old, there is a very

1 high likelihood that she has a long history of both
2 physical and sexual abuse, which should change the
3 perception the court may have of her to being a
4 victim rather than a criminal. We make the
5 comparison with domestic violence and say we would
6 never criminalize a young woman for being a victim
7 of domestic violence, yet when our young women are
8 going through a very similar situation and are
9 under the control of an exploiter and then
10 arrested, they are identified as criminals and
11 often the term prostitution or prostitute is used
12 in open court. This inappropriate language carries
13 many social stigmas, which reinforces what these
14 young women have been told for most of their lives;
15 that they are nothing more than a prostitute or
16 worthless and even unwanted. We are not only
17 changing language to help our communities see these
18 young women as victims of exploitation, but to help
19 the young women see themselves as incredible and
20 resilient young women who have been deprived of
21 their basic human rights, an experience that does
22 not define them, but is something they can move
23 past if they are provided with the opportunities
24 and resources to do so.

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COMMITTEE ON YOUTH SERVICES

In closing, I would encourage you to speak to me directly if you have any questions or concerns or you can contact me through my email eliza@gems-girls.org. One last thing I wanted to leave you with is this: in 2012, GEMS was able to support and serve 357 young women and so far in 2013, we are headed towards serving over 400. We know that we are not currently reaching every young woman who could benefit from specialized services for commercially sexually exploited youth, which is one of the reasons I am here speaking with you, and would implore you to consider everything that I have brought to your attention today. Thank you.

CHAIRPERSON FIDLER: Thank you both.

If you'll just wait for one second, I have to offer Council Member King the opportunity to vote on Reso 1649 and we do have questions for both of you, okay?

ELIZA HOOK: 'Kay.

COUNCIL MEMBER KING: Good morning and excuse my tardiness. I was at another committee. You know how that works; you got to shuffle the deck and get around. But before I even just ask a question, I want to...

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[crosstalk]

CHAIRPERSON FIDLER: And that's the question. I'm asking you to vote...

[crosstalk]

COUNCIL MEMBER KING: Oh, the vote. I'm sorry.

[crosstalk]

CHAIRPERSON FIDLER: Resolution 1649.

COUNCIL MEMBER KING: Yes, I am. I vote aye in the affirmative, but I did want to also just thank you for your years of service and as I understand that you'll be moving to a greener pastures.

CHAIRPERSON FIDLER: Do you know something...

[crosstalk]

COUNCIL MEMBER KING: But...

[crosstalk]

CHAIRPERSON FIDLER: I don't know? Okay.

COUNCIL MEMBER KING: But thank you for your leadership on the Youth Committee here and I thank you for your leadership and all that you've been able to help me with.

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CHAIRPERSON FIDLER: Thank you, Council Member.

COUNCIL MEMBER KING: And I vote aye.

CHAIRPERSON FIDLER: Aye, so the vote on Reso 1649 now stands at eight in the affirmative, none in the negative, no abstentions and I think we have one more member who might come, so I'll hold it open until the end of the hearing.

Okay, you're actually... the two of you are actually in a better position to answer some of the questions that I asked the judge before you, especially since your program is not quite as new in Queens. So let me start with this one and you know, you reference the issue, but I don't really know if I heard how it's dealt with. If someone walks in; they need services; you want to refer them. The programs that you want to refer them to don't have any space at the inn. They have a waiting list and in particular, if you could respond to the issue of someone who is before you because they came from an abusive home and have no other place to go and all the programs have a waiting list, what do you do?

ELIZA HOOK: Is that question for me?

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CHAIRPERSON FIDLER: It's for both of you.

ELIZA HOOK: Well, at GEMS we don't turn anyone away. Unfortunately, we only have 15 beds and a lot of those beds are funded through DYCD at our Transitional Independent Living House; nine of those beds to be exact.

CHAIRPERSON FIDLER: You don't have any crisis beds?

ELIZA HOOK: We have two crisis beds. We have an unfunded bed at the Transitional House and then we have one in our apartment upstairs, which is for like immediate crisis, so if a girl calls at 1:00 a.m. and she is in danger, a service... one of us will go get her or have someone bring her to us and we will stay the night with her there until we can find a place for her to be, even if...

[crosstalk]

CHAIRPERSON FIDLER: So...

[crosstalk]

ELIZA HOOK: That's out of state.

CHAIRPERSON FIDLER: So what happens when three girls come into the Queens court and

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they're all in a similar circumstance of having no place to go and the only place they could go would be the place where they were abused?

ELIZA HOOK: I mean it's such an individual case-by-case basis. There would be a lot of questions that I would ask them. I would ask them about their extended family and if they had family in say, Philadelphia or if they had family somewhere else. We also have connections with other organizations in Minnesota and Arizona. We've had girls that have come in saying, "My exploiter's going to kill me," and by 5:00 that day we have them on a plane to Arizona. So it just depends on the situation and extenuating circumstances and a series of questions, but we will find them a place to be and if we have to stay with them for a few days in our apartment upstairs, we will do that as well.

CHAIPERSON FIDLER: Oh, I know that kind of creates an issue sometimes for OCFS or DYCD. You're funded for a certain...

[crosstalk]

ELIZA HOOK: Mm-hm.

[crosstalk]

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CHAIRPERSON FIDLER: Number of beds and you have 30 people coming in from the cold. Maybe that's not a GEMS issue; I'm not sure, but DYCD or OCFS walks in and finds you with you know, 30 people sleeping on mattresses.

ELIZA HOOK: Well, we wouldn't do that. We... I mean DYCD can drop by anytime they want. We have an age limit...

[crosstalk]

CHAIRPERSON FIDLER: Okay, they do.

ELIZA HOOK: Yeah, they do. Yeah, I had an experience with that one time, but we have an age limit at our Transitional House, which is 21, which is a DYCD issue. So if a girl's 22 and she has nowhere to go, then that would be someone who would be staying in our upstairs apartment with a staff member staying with them until we found another crisis bed or another place for them to be.

CHAIRPERSON FIDLER: Now, I don't mean to press the point, but the...

[crosstalk]

ELIZA HOOK: That's okay.

CHAIRPERSON FIDLER: There are providers who have found...

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[crosstalk]

ELIZA HOOK: Mm-hm.

[crosstalk]

CHAIRPERSON FIDLER: Themselves in that circumstance. They don't want to turn away anybody and as a result, the conditions that they... you know, the conditions inside are better than the conditions outside, but the conditions inside are not up to regulation, either state or city.

ELIZA HOOK: We've passed...

[crosstalk]

CHAIRPERSON FIDLER: So you have that...

[crosstalk]

ELIZA HOOK: We've passed every audit so far.

[crosstalk]

CHAIRPERSON FIDLER: No, I'm not... listen, you know, I think the world of GEMS, so I... you know, I don't want to suggest that that's GEMS problem, but I just... you know, it goes back to the concern I expressed to the judge, which is as the court system continues and steps up their referral to agencies that are already taxed, what

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happens to the people that were lucky enough not to have to go through the court system before you know, they hit their bottom and look for help? And you know, it's going to be you know, an issue I mean unless funding is found. I'm sure you don't disagree with that.

ELIZA HOOK: No, I don't disagree with that. Well, GEMS... so of those 357 girls that we saw in 2012, 127 of those were through the Alternative to Incarceration program, so we serve a high number of girls who are just coming in through various ways; whether they're just walking in on their own or if they're referred from another agency or if they saw our movie, "Very Young Girls," and they're like, "Oh, this is my life," and they want to come in and get support, so we don't serve just the girls coming through the criminal courts. We serve the community of New York City.

CHAIRPERSON FIDLER: Well, let me ask the question the other way to Miss Affronti. What other agencies other than GEMS are in your courtroom?

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2 KIMBERLY AFFRONTI: We have SAVI,
3 Sexual Assault Violence Intervention; we have
4 RESTORE and New York Asian Women's Center. RESTORE
5 and New York Asian Women's Center deal with all our
6 Asian speaking cases. We also have Hidden Victims
7 Project and Hidden Victims Project that's part of
8 STEPS. Those are the other agencies. We have, on
9 occasion, dealt with Midtown Community Court, but
10 now that we have Hidden Victims Project and STEPS,
11 we pretty much stay in just our county.

12 CHAIRPERSON FIDLER: Well, what
13 happens... how many of those agencies provide
14 shelter other than GEMS?

15 KIMBERLY AFFRONTI: RESTORE and New
16 York Asian Women's Center provide shelter; SAVI;
17 STEPS and Hidden Victims Project. Providing
18 shelter is very different from having exactly what
19 they need. I don't know that we have so many cases
20 in Queens where they're looking for shelter. I
21 think cases do come up, but a lot of times we're
22 not looking for shelter. They're looking for
23 services.

24 CHAIRPERSON FIDLER: I'm a little
25 puzzled by that because I would think that if

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someone is out on the street selling their body, they don't go home and sleep with mom at night all that often, you know, in a loving and you know, caring, concerned environment, so I would be surprised that you know if they...

[crosstalk]

KIMBERLY AFFRONTI: Well, you asked me about... you were talking to Eliza about the younger defendants. I'm talking about...

[crosstalk]

CHAIRPERSON FIDLER: Uh-huh.

[crosstalk]

KIMBERLY AFFRONTI: The other just because they're...

CHAIRPERSON FIDLER: [interposing] But first of all, regardless of what the state definition is or the DYCD definition is, this Council considers the age for a young person to be at least up to 24, so...

KIMBERLY AFFRONTI: [interposing] Okay.

CHAIRPERSON FIDLER: When I ask that question it's with that in mindset, so.

KIMBERLY AFFRONTI: Okay and just because they got arrested for prostitution doesn't

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2 mean they're homeless, so a lot of our individuals
3 do have places where they live and it's not that
4 they're out on the street looking for shelter. On
5 occasion, we do have cases and I know the service
6 providers and defense attorneys try to find places
7 for them to stay, and always when we want to get
8 them out of the life that they're in or the
9 exploiter that they're with.

10 CHAIRPERSON FIDLER: And in the case
11 when they're not looking for shelter, do you have
12 drug treatment programs available for those who
13 don't require shelter, but require drug treatment
14 or mental health services available?

15 KIMBERLY AFFRONTI: Yes, the service
16 providers have that and then also AP8 is part of
17 Queens Misdemeanor Treatment Court and Queens
18 Mental Health Court, so Judge Serita can... when
19 the service provider tells us that the individual
20 needs something a little different, we have other
21 service providers and other programs because we are
22 the Drug and Mental Health Court. So our part is a
23 little different in that we can refer cases to what
24 specific treatment they need or what specific
25 program they need because a lot of times it's not

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2 just prostitution. There are a number of other
3 issues and that's part of what we do in assessing
4 what the individual needs.

5 CHAIRPERSON FIDLER: Just a few more
6 [coughs] excuse me, questions before I go to
7 Council Members Mealy and then King. You have...
8 you've been around for a lot longer than the new
9 program. Do you have any data on recidivism?

10 KIMBERLY AFRONTI: I don't. I know we
11 do have a number of individuals who've been back in
12 the part a number of times, but as far as specific
13 statistics no, I don't.

14 CHAIRPERSON FIDLER: And if there's no
15 tracking going on in your part, people who are
16 referred to particular programs and we never see
17 them again and people who refuse help and we see
18 them all the time; any of that?

19 KIMBERLY AFFRONTI: I'm sure eventually
20 now that it's expanded that will happen, but we
21 started out very small in 2004 just with working
22 with GEMS and young girls and then as our
23 population grew and changed... we started with
24 Judge Fernando Camacho and GEMS and then a couple
25 of years later, Judge Toko Serita took over and our

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2 population started to expand and that's when we
3 started to get a lot more cases and now since
4 October, all the prostitution cases come to AP8,
5 whereas before there were cases that were disposed
6 of in arraignments, as was normally done, and not
7 every case came to the part. Since 2004, we've
8 probably handled more than 1,000 cases. Obviously,
9 now that's going to change; just all the cases are
10 assigned to me. My caseload went from maybe 40
11 cases; now I'm up to over 160.

12 CHAIRPERSON FIDLER: And I'll ask this
13 question and admit that I have a son who is an ADA
14 in Brooklyn. Are you getting more help in the part
15 now that your caseload has you know, quadrupled?

16 KIMBERLY AFFRONTI: No, [laughter] but
17 that's also part of my way. By knowing all my
18 cases and doing it all myself, it makes it a lot
19 easier because I deal with the service providers, I
20 deal with the defense bar and I also deal with
21 other counties. I find out about every re-arrest
22 from another county and since the programs deal
23 with all the other counties, we can work things
24 out. I work a lot with Brooklyn. I just started
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2 working with the Bronx. It actually makes it a lot
3 easier to just have one person doing it.

4 CHAIRPERSON FIDLER: Okay well, on your
5 end, but then there's other court interactions that
6 I'm sure more support could be... would be good.
7 I'm certainly troubled by the mandatory surcharge
8 issue that you raised, Miss Hook. That is a matter
9 of state law, yes?

10 ELIZA HOOK: Yes.

11 CHAIRPERSON FIDLER: Yeah, okay well,
12 we'll ask Assemblywoman Paulin about that when she
13 gets up here. And I guess the last question I have
14 for the moment is we have recognized the problem of
15 not having ID, particularly with homeless youth
16 when someone comes through your part, and obviously
17 there is a difference in the law for children up to
18 you know, 16 and 17 and under, and those who are 18
19 and over. In the absence of ID, how do you
20 determine whether they are eligible for Safe Harbor
21 provisions or otherwise? And I'll take that answer
22 from either one of you.

23 ELIZA HOOK: In my experience, it's
24 been... it'll be intuitive. I'll feel like
25 someone's younger than they're saying they are

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because oftentimes exploiters tell them to lie about their age and so forth and it'll come out later down the line or we'll end up figuring out a way to get a copy of a birth certificate so that I can then hand it to Kim and be like, "She is actually such and such age. She says she's 21, but she's 16," and then in my experience what happens is her case is just dismissed outright at that point.

CHAIRPERSON FIDLER: Okay, Council

Member Mealy?

COUNCIL MEMBER MEALY: Yes, you've

actually answered a little bit of my questions now.

CHAIRPERSON FIDLER: Oh, well...

[crosstalk]

COUNCIL MEMBER MEALY: But I wanted

to...

[crosstalk]

CHAIRPERSON FIDLER: If you don't have

any questions, feel free not to ask them.

COUNCIL MEMBER MEALY: Just one or two.

I can... then you... you say that after they go through your program, they get their high school diploma and go to college also. Do they help

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2 them... if they've been trafficked from out of the
3 country, do you help them with their immigration
4 status?

5 KIMBERLY AFFRONTI: That is what has
6 really been very beneficial in Queens. We have a
7 relationship with Sanctuary for Families and
8 immigration issues are a very big deal because we
9 have a number of Asian defendants, who have severe
10 immigration issues, and actually we will... the
11 service providers give them immigration information
12 and also a lot of times they're referred to
13 Sanctuary for Families to get more information and
14 we do have individuals at the defense bar who do
15 pro bono work for these immigration issues because
16 that's a big problem.

17 COUNCIL MEMBER MEALY: Do you know what
18 percentage are reunited with their family back in
19 their country or...

20 KIMBERLY AFFRONTI: A lot of... I mean
21 every now and then we'll have a case where they're
22 going back home, but a lot of them are staying in
23 the States and they're looking to deal with their
24 immigration issues and not go back home.

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COMMITTEE ON YOUTH SERVICES

COUNCIL MEMBER MEALY: Okay, my last question, Mr. Chair. Is there anything really being done... I know in our Women's Issues committee we had where the taxi drivers, they were being part of the prostitution rings. Do y'all have anything in regards to that in the DA's Office where they prosecute any of the taxi drivers who take the prostitutes to their destination and wait for them; pick them up 'cause they're part of it just as well.

KIMBERLY AFFRONTI: That would be... we have a Special Proceedings Bureau that basically prosecutes the traffickers and that is a successful bureau and they've had a number of convictions. As far as taxi drivers, if they were going to be prosecuted they wouldn't come to my part. It would be they could be prosecuted in criminal court or it would be if they were arrested they would be prosecuted by another part of the office, but I'm not really aware of so many of our cases where they're...

[crosstalk]

COUNCIL MEMBER MEALY: That's...

[crosstalk]

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COMMITTEE ON YOUTH SERVICES

KIMBERLY AFFRONTI: Driven by taxi drivers to locations.

[crosstalk]

COUNCIL MEMBER MEALY: That's the high rate of trafficking with the... I guess the pimps or I don't know if there's a new name for them.

KIMBERLY AFFRONTI: Exploiters.

COUNCIL MEMBER MEALY: They hire people to take them to their destinations so making it safe, but they're still a part of the problem, so it is a case. It's some cases against some drivers going on right now and I guess we will look further more into it, but that's...

[crosstalk]

KIMBERLY AFFRONTI: I have to be honest, I'm not aware of any in Queens.

COUNCIL MEMBER MEALY: Okay, I know there are, but thank you so much.

CHAIRPERSON FIDLER: Thank you both for your testimony today and for the work that you're doing. It's really good to see such dedicated people. Our next panel is three people. So it begins with Assemblywoman Amy Paulin and Judge Michael Corriero and Donna... pronounce your name

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COMMITTEE ON YOUTH SERVICES

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for me. [background voice] Dorchen Leidholdt, I'm sorry, from Sanctuary for Families and we're going to start. I'm going to ask the panel to allow Assemblywoman Paulin to go first 'cause I understand she has someplace to be at 12:00 for those of you... in case I slip and start calling her Amy, it is frightening to say, but the Assemblywoman and I know each other for 40 years. We went to high school and college together, so I apologize if I slip a little bit. [background voices]

ASSEMBLYWOMAN PAULIN: Sorry, we're trying to get you your copies.

CHAIRPERSON FIDLER: Okay.

ASSEMBLYWOMAN PAULIN: We will get them. First, thank you and if I slip and call you Lewis, no one else probably calls you that in the world here, you'll know why. So what I've prepared...

[crosstalk]

CHAIRPERSON FIDLER: Just remember that what happens in Albany stays in Albany.

ASSEMBLYWOMAN PAULIN: That wasn't in Albany. That was in Brooklyn, Lewis. What I'm...

1
2 you know, what I thought I would do is to remind us
3 all of the statutory framework that we're working
4 in and where we're hoping to go and that's really
5 what my testimony is about, but and clearly when I
6 finish you know, we can have a more informal or you
7 know, formal, but not driven by testimony
8 conversation about funding and you know, where that
9 is. So I'm just going to read my statement and
10 then you can ask me all the questions you want that
11 you've prepared on this and then we'll jump into
12 the funding.

13 With the enactment of the State's Human
14 Trafficking Law in 2007, New York put on its books
15 one of the most comprehensive human trafficking
16 laws in the country. The following year, the Safe
17 Harbor for Exploited Children's Act was signed into
18 law, a groundbreaking law and the first state law
19 to establish that commercially sexually exploited
20 youth are crime victims, not perpetrators. The
21 Safe Harbor Act recognized that these youth should
22 be provided with services rather than be prosecuted
23 for committing criminal acts. Although current law
24 provides a mechanism for providing specialized
25 services to sexually exploited youth who go through

1
2 the Family Court system, we do not have a mechanism
3 to provide the same services to 16 and 17 year old
4 trafficking victims. Sexually exploited 16 and 17
5 year olds arrested on prostitution charges are
6 tried as adults in criminal court. These courts
7 lack the ability to address the needs of these
8 youth and to direct them to the same services we
9 provide to sexually exploited youth younger than
10 16.

11 Under the leadership of Chief Judge
12 Jonathan Lippman, we now have 16 and 17 year olds
13 that will go to specialized criminal courts; Human
14 Trafficking Intervention Courts, where specially
15 trained judges will preside over their cases and
16 have the ability to refer the youth, with the
17 agreement of the defense and the prosecution, to an
18 array of services. As Chief Judge Lippman stated,
19 "Human trafficking is a crime that inflicts
20 terrible harm on the most vulnerable members of
21 society including the poor, children and runaways."

22 Providers of services have long been
23 concerned about the relationship between
24 trafficking and the homeless. Traffickers look to
25 prey upon the most vulnerable, making homeless and

1 runaway youth among their top targets. According
2 to the recent report released by Covenant House, of
3 the youth sample to engage in commercial sex
4 activity, almost half; 48 percent responded that
5 they did it because they did not have a place to
6 stay. They explained that traffickers loiter in
7 areas where homeless youth are known to gather and
8 then tell them that the shelters are full and offer
9 them a place to stay in lieu of sleeping on the
10 streets. If we are to prevent the continued
11 exploitation and victimization of runaway and
12 homeless youth, who we gain contact with, a result
13 of their arrest by law enforcement, we must get
14 them essential services. Referring these youth to
15 Human Trafficking Intervention Courts is an
16 invaluable tool to enable us to do just that. It
17 is important, however, that we also provide a
18 statutory framework for all criminal courts to
19 provide sexually exploited 16 and 17 year olds with
20 the same services we make available to sexually
21 exploited youth younger than 16.

22
23 Legislation I authored, Assembly Bill
24 8071, Senate Bill 5839, and which passed both
25 Houses last session, will allow criminal courts to

1
2 convert to PINS preceding those cases involving
3 sexually exploited 16 and 17 year olds arrested on
4 prostitution charges. In this way, we will be able
5 to provide these youth with all the specialized
6 services available to sexually exploited children
7 under age 16 under the Family Court Act. The bill
8 will be sent to the Governor for his signature at
9 the end of December. We're currently working on a
10 chapter amendment. I want to mention that I've been
11 working with various stakeholders, including the
12 city, to make sure that the bill effectively
13 accomplishes our objective to treat these youth as
14 victims and make sure that they are not shackled
15 with a criminal record and provide them with the
16 specialized services they need.

17 The Human Trafficking Intervention

18 Courts, together with the statutory framework we
19 have developed through my legislation will enable
20 us to get children who have been sexually exploited
21 the assistance they need to end their victimization
22 and begin rebuilding their lives. I look forward
23 to continuing our collective efforts to ensure that
24 the promise of our Safe Harbor Law to provide
25 critical services to exploited youth is fulfilled.

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Although we have accomplished a great deal, there is a lot more to do. Next session, I'll be working to pass the comprehensive Trafficking Victims Protection and Justice Act I authored, with the help of those who you're going to hear from in a minute, that builds on our collective efforts to end human trafficking by increasing accountability for the real criminals; the buyers and the traffickers who continue to fuel the growth of this massive industry that preys on our most vulnerable members of society. Thank you.

CHAIRPERSON FIDLER: And before...

because I know you have a few minutes, I'm going to ask the other panelists to allow us to ask the assemblywoman some questions before we take their testimony. Okay, so you mentioned you know, the big word funding. Where do we stand on that? where is the state's commitment to back this? I mean you know, I opened up by telling before you walked in, the judge that it sounds great. So does the Safe Harbor Act and yet, we're going to hear from service providers; we've already heard from one that they are you know, they're busting at the gills and what is the status of funding? Do you

1
2 share a concern that all of these agencies that
3 want to do everything they can are going to be so
4 overwhelmed with referrals from the criminal
5 justice system that people who manage to avoid the
6 criminal justice system won't have a place at the
7 end?

8 ASSEMBLYWOMAN PAULIN: You know, I
9 started... the reason I have become the author of
10 the bill and one of its champions is because of my
11 work working with the advocates for domestic
12 violence, and I began that work in 1993 and at the
13 time in 1993, we were at about the same place in
14 that issue as we are with this one. We did not
15 have Integrated Domestic Violence Courts. We
16 didn't have a recognition yet by the general
17 community that this was an issue to make certain
18 exemptions, and I mention that because of the
19 surcharge; you know, same kinds of exemptions we
20 then made in our law because domestic violence is
21 unique and needed to be recognized as such in our
22 statutes; they were not made yet. We were just at
23 the cusp of making a lot of changes and that
24 includes funding and providing services. I know in
25 my own county, you know, I saw the evolution of

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2 essentially not funding one program and now we just
3 passed our county budget and there were millions of
4 devoted dollars for the purposes of advocating,
5 representing clients and so forth. So I think that
6 you know, putting the chicken before the... like I
7 don't know what comes first and I'm very pleased
8 that we're going to have these courts because we
9 are now... we just... the Governor's about to sign
10 a law that will allow us to link services to the 16
11 and 17 year old population. So the courts may have
12 been doing it in some instances anyway, but there's
13 no statute that requires them to or commands them
14 to, and it's certainly not being done perhaps
15 outside of the borough of Queens. So you know, so
16 we will be moving in a lot of directions at once,
17 and I know that doesn't answer your question
18 completely. I will say, however, that I am in the
19 process of crafting my own letter and you might
20 think of doing the same thing, to the Governor
21 advocating for him to put something in his
22 Executive Budget. I will tell you that you know,
23 at the legislative level last year you know, we
24 added, and I devoted a lot of leadership to that,
25 monies you know, for this purpose, both in runaway

1 and homeless youth. You know, it wasn't a
2 tremendous amount, I'm embarrassed to say, but it
3 was something and that was due to you know, the
4 Assembly really pushing that forward and you know,
5 and I think you know that we had a hearing; you
6 came; you know, to bring attention to the issue.
7 Unfortunately, it didn't result in millions, but it
8 resulted in something and we're going to continue
9 on that path and I'm not sure if Children and
10 Families anymore; I don't have the ability as chair
11 to push that, but as an individual member of the
12 Legislature, it's still a key issue for me. In
13 addition to the runaway and homeless youth money,
14 which is for the general population, we will be
15 asking for more than the 1.6 devoted for services
16 for the human trafficking population, especially
17 because we now recognize as the young; young to me;
18 young women from GEMS indicated you know, that we
19 need... we're going to see a greater number of
20 young women coming through the doors and we need to
21 be able to make sure that they have a place to
22 stay, a bed to sleep in, health care services and
23 this is a very troubled population and they need a
24 lot of counseling, so we're going to be advocating
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1
2 for that as well, and I can share my letter when we
3 finish it.

4 CHAIRPERSON FIDLER: You know, just to
5 be fair, this also includes young men.

6 ASSEMBLYWOMAN PAULIN: Young men.

7 CHAIRPERSON FIDLER: Well, I'm not
8 entirely sure how effective a letter with my name
9 on it to the Governor is going to be, but I do you
10 know, that you've been advocating on the state
11 level. You know, I wish you would demand it
12 instead of just ask for it. So much of this good
13 work becomes you know, less meaningful than it
14 could be and it should be if agencies don't have
15 the money and I'm glad to hear that Westchester
16 County is stepping up. For crying out loud, in
17 November Mayor Bloomberg stepped up. I mean he
18 base lined the money that we've been adding every
19 year as a council to this so that at least next
20 year we'll have a floor instead of a fight, but you
21 know, the state has the ability to do so much more.
22 And I know that on the advocate's you know, RHY,
23 have been organizing around the notion of
24 increasing the amount of money for shelter bed
25 programs by I believe a million and a half dollars

1 a year. It's a pittance. It's a pittance and
2 quite frankly, even if we you know, wanted to
3 increase it by you know, \$20 million a year, we may
4 not have qualified providers in place to spend it
5 all, so the change is always going to be
6 incremental. And I know I am preaching to the
7 choir, Assemblywoman, but you're more likely to get
8 into you know, a conversation with the Governor;
9 you know, surely more likely to get into a
10 conversation with the Assembly Speaker and I urge
11 you to push the envelope; you know, demand it,
12 don't ask for it. You know, the bills are great;
13 the law is great, but in this particular case,
14 money talks and it's not just a place for them to
15 sleep, but it's the mental health services they
16 need, the drug treatment that they need and the
17 transitional living programs that they will
18 graduate to and all of those things. And there's a
19 continuum of services that has to be funded. We
20 have and I trust that my colleagues will continue
21 to do everything they can at the city level. We
22 need that same advocacy at the state level...

24 [crosstalk]

25

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2 ASSEMBLYWOMAN PAULIN: I would just ask
3 for your help as well because you know, with only
4 having one voice, it doesn't make it as strong,
5 even within my own conference. There's about 100
6 Democrats in the Assembly and to the extent that
7 there is even one or two that you could help me
8 with and I know that there's probably a great deal
9 of influence you have with some Assembly Members.
10 You know, I'm not even being... I'm not trying to
11 even be glib back to you. I'm sincere in asking
12 that I need help within my own conference to make
13 this a priority and anybody that you think that you
14 can meet with and to express both from the runaway
15 and homeless youth monies to the devoted human
16 trafficking monies you know, would be
17 extraordinarily helpful. I need partners.

18 CHAIRPERSON FIDLER: Well, if they...
19 other than the Speaker's voice, if I had to have
20 one voice, I'd want yours and I just suggest you
21 use the same strategy I used here, which is to be
22 as obsessively obnoxious and compulsive about the
23 issue until your colleagues just didn't want to
24 hear it anymore, so.

25 ASSEMBLYWOMAN PAULIN: I will try.

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COMMITTEE ON YOUTH SERVICES

CHAIRPERSON FIDLER: You know, and I do know that the Senate Chair now is a former member of this body, who voted for increasing that money repeatedly and that's Senator Felder, so maybe we can find a way to...

[crosstalk]

ASSEMBLYWOMAN PAULIN: And I will add that Senator Lanza, who's been my partner in the legislation, is very committed and I have confidence that he's going to push on the Senate side and I'll mention that Senator Felder is probably a good partner.

CHAIRPERSON FIDLER: Okay, thank you very much. If you have to leave at any point, go ahead and...

[crosstalk]

ASSEMBLYWOMAN PAULIN: Yeah, I will.

CHAIRPERSON FIDLER: Yeah, okay.

ASSEMBLYWOMAN PAULIN: I will stay for a few minutes.

CHAIRPERSON FIDLER: Alright, Okay, Judge?

JUDGE CORRIERO: Chairman, it's good to see you again. Actually let me begin by adding my

1
2 accolades to you for the way in which you've run
3 this committee or administered it and shared it
4 with your fellow committee members, but I'm kind of
5 reminded of a memorable line from The Eagle's
6 "Hotel California" when I think of your leaving you
7 know, you can check out any time, but you can never
8 leave and I think what they meant by that is that
9 and what it means here with respect to you is that
10 your voice, your counsel and your support, as well
11 as all of your committee members are very vital to
12 the success of these initiatives. You lend moral
13 authority, as well as political clout to the
14 reasonableness of these efforts; long overdue; long
15 needed. And you started out by saying that your
16 committee was so concerned about runaway and
17 homeless children and I think this bill, this
18 legislation and this initiative by the Chief Judge
19 bring us closer to a realization of the vision that
20 you and your committee members have always had for
21 the children of New York and I'm very humbled here
22 to be between these two extraordinary women. And
23 I'm kind of a Johnny-Come-Lately to this issue,
24 frankly. You know, I was a judge for 28 years in
25 the criminal courts of the State of New York and I

1
2 believe you even visited my courtroom way back
3 when. I had the responsibility of resolving the
4 cases of all the 13, 14 and 15 year old children
5 who were being tried as adults because of the
6 serious nature of their charges and all their co-
7 defendants. So I've sentenced and adjudicated and
8 resolved the cases of thousands of adolescents, and
9 that experience led me to the conclusion that our
10 system very often works against all of the values
11 that we have for our children; all of the goals
12 that we're trying to achieve. For example, in this
13 context, in terms of 16 and 17 year old young men
14 and women who are trafficked and exploited, we
15 recognized long ago that the Safe Harbor provisions
16 are important to them, but we cut them off
17 arbitrarily at the age of 16. Why? Because New
18 York is one of only two states in the entire nation
19 that sets the age of criminal responsibility as low
20 as 16, so in other jurisdictions nationally you
21 know, these young people would be in a family court
22 or a juvenile court ordinarily, where the focus
23 would be on rehabilitation and the focus would be
24 on services, but we cut that off at 16. And not
25 long ago, Dorchen asked me to join in this fight;

1 in this cause because we were very much involved on
2 the issue of raising the age of criminal
3 responsibility in general and she asked me to see a
4 film, which I would recommend to each of you if you
5 haven't seen it, called, "Very Young Girls," and it
6 was about the work that GEMS was doing to kind of
7 help these young people overcome the physical and
8 mental abuse that they were suffering that caused
9 them to be entangled by these exploiters. I still
10 call them pimps, but I'll use the more
11 sophisticated term of exploiters, and the system
12 when we set bail, we set bail on these young 16
13 year olds that come into court every weekend either
14 in Night Court or during the week and then \$500
15 bail. Well, all we're really doing is driving them
16 deeper into the arms of these people who are
17 trafficking them. The surcharge issue; that's
18 another issue that clearly drives them deeper into
19 the arms of those exploiting them and yes, very
20 often they're not ready; they're not able to pull
21 away from these influences and that's why I think
22 the Human Trafficking Initiative is important
23 because the judges presiding over those courts will
24 receive special training by the Office of Court
25

1 Administration, especially training about the
2 sensitivity that they need; the dynamics of these
3 relationships that will help them better respond to
4 the issues that these young people present. And
5 the legislation that is being proposed is really
6 very helpful and will work hand-in-hand with these
7 Human Trafficking Courts because they'll do
8 essentially three things. Number one, they will
9 empower the judges of the adult court to access the
10 very services that are now only available through
11 the Safe Harbor provisions and the Family Court.
12 Number two, it will enable the judges to resolve
13 these cases in a non-criminal fashion. We will, in
14 effect, decriminalize under this legislation the
15 cases of 16 and 17 year olds accused of the crime
16 of prostitution, and it will be done so while
17 they're minors, so it's not once and that's the end
18 of it. It's as many times as you need it,
19 unfortunately, as long as you're under 18 years of
20 age. So they're never going to come out of the
21 system with a criminal record and I think that
22 that's important, and that's regardless of whether
23 they accept treatment or not because we recognize
24 that this is a process. Now, these two efforts in
25

1 and of themselves are not going to solve the
2 problem. I am fortunate to be here with so many
3 advocates. I'm looking out and I see some very
4 strong advocates and lawyers who will have to fight
5 each day to make sure that each child that comes
6 through the system gets the kind of services that
7 we need and that you, Chairman Fidler, so carefully
8 pointed out is that to get the money to do it.
9 Now, the legislation will help us somewhat with the
10 money because we will now make this a government
11 obligation, rather than the providers having to
12 depend upon the whims and philosophical preferences
13 of private funders. So we hope to be able to
14 institutionalize this sensitive, compassionate
15 reaction to the exploitation of these children. So
16 as I say, I know least about this issue, but I can
17 tell you that based on my experience as a judge for
18 28 years, we have never effectively nor in a
19 developmentally sensitive way or in a compassionate
20 way dealt with young people who have been accused
21 of prostitution in the adult court setting.

22
23 DORCHEN LEIDHOLDT: Thank you so much,
24 Chairman Fidler, for the opportunity to speak to
25 this committee about the new Trafficking Courts and

1
2 commercially sexually exploited youth, and please,
3 let me join Judge Corriero in thanking you for your
4 extraordinary service and leadership, which I know
5 will continue.

6 Sanctuary for Families is the largest
7 provider of dedicated services to victims of
8 domestic violence and sex trafficking in New York
9 State. We provide comprehensive services to our
10 clients and their children and through outreach,
11 education and advocacy, we strive to create a world
12 in which freedom from domestic violence, sex
13 trafficking and other forms of gender violence is a
14 basic human right. We're one of the founding
15 organizations of the New York State Anti-
16 Trafficking Coalition and we currently chair it.
17 The New York State Anti-Trafficking Coalition
18 advocates to strengthen New York State's response
19 to human trafficking.

20 Sanctuary has been deeply engaged both
21 in the effort to expand the protection of Safe
22 Harbor laws to 16 and 17 year olds, a project we
23 call Safe Harbor II, and in supporting the
24 development of the Anti-Trafficking Courts. While
25 our work on Safe Harbor started long before Judge

1 Lippman announce the formation of the new
2 Trafficking Courts, both initiatives are the result
3 of a paradigm shift in the way our laws, our
4 justice system and our society respond to
5 commercial sexual exploitation, almost invariably
6 of the most vulnerable and marginalized among us.
7 Both Safe Harbor II and the Anti-Trafficking Courts
8 reflect a new resolve by both government and civil
9 society to ensure that our criminal justice system
10 stops re-victimizing the victims of pimps, buyers
11 and other predators and instead becomes a vehicle
12 for the provision of protection and assistance, and
13 I wanted to just deviate from my prepared testimony
14 to just tell you a little bit about my own
15 experience with this issue, and I think you asked
16 Judge Kluger, as you should have, some very tough
17 questions about the new Trafficking Courts. But,
18 what I want to underscore is what she stated, and
19 that is that these courts represent a "See Change;"
20 a "See Change" in the way our justice system is
21 responding to trafficking and I have such a deep
22 appreciation of that "See Change," and from 1988 to
23 1994 I was a Legal Aid lawyer; criminal defense
24 division box and I represented hundreds and
25

1 hundreds and hundreds of people arrested for
2 prostitution and they were called the Pros cases.
3 Rarely were they even provided an interview by
4 their own lawyers and that often meant the public
5 defenders that had a strong sense of mission about
6 other cases, but these... this category of criminal
7 defendant was viewed with contempt and derision.
8 What I frequently saw were criminal defendants
9 arrested for prostitution lined up in front of the
10 judge like they were at a brothel. They were
11 encouraged to plead guilty and incurred conviction
12 after conviction after conviction. They were
13 homeless, battered and there were no services at
14 all, none. So we are coming a long way and to have
15 our Chief Judge convert the Prostitution Diversion
16 Courts into Trafficking Courts and viewed with the
17 philosophy that these are people; whether they've
18 been trafficked or not; whether they're currently
19 under the control of a pimp or not or in a
20 condition of profound oppression and deserve
21 services and support, this is an extraordinary,
22 extraordinary change. So I am very, very hopeful
23 about what this change represents and feel, as a
24 service provider, that I don't know what it takes,

1
2 but we are going to find a way to provide the
3 services that these defendants need.

4 More than a year ago, New York Times
5 columnist, Nicholas Kristof shared the story of a
6 pimp who forcibly tattooed his name on a girl with
7 a safety pin. At Sanctuary, we immediately
8 recognized this common practice of traffickers.
9 Their raison d'etre is obvious; branding is a means
10 by which pimps convey to their victims unmistakably
11 and permanently the message that they are property
12 and they will never be able to escape their pimp's
13 physical and psychological control. And as
14 horrifying as the outward manifestation of a pimp's
15 branding is, it is important to understand that it
16 reflects a deeper psychological stigmatization and
17 sadly, one that has inadvertently been reinforced
18 by the laws and practices of New York's criminal
19 justice system, at least until recently, and it has
20 driven victims of human trafficking deeper into the
21 psychological prison their pimps maintain.

22 Under current New York law, a 16 or 17
23 year arrested for prostitution is exposed to the
24 lifetime stigma of a misdemeanor criminal
25 conviction for prostitution. This record

1
2 reinforces her pimp's message that she is forever a
3 social outcast who will be unable to obtain
4 legitimate employment, and her pimp's threat will
5 likely be realized. Desperate to rebuild her life,
6 for example, a 20 year old client, Cynthia, applied
7 for a job as a home health aide, only to learn that
8 it was rejected because she had incurred two
9 prostitution convictions before she reached the age
10 of 18. In addition, current law fails to provide
11 these children with specialized services, leaving
12 them highly traumatized and at the mercy of their
13 exploiters.

14 Well, fortunately, as you heard from
15 Assemblywoman Paulin, at the end of the last
16 legislative session, both the New York State
17 Assembly and Senate passed a bill, introduced by
18 her and Senator Andrew Lanza, which mandates the
19 sealing of criminal convictions incurred by minors
20 arrested for prostitution and provides them with
21 access to specialized services. Safe Harbor II
22 ensures that no 16 or 17 year old arrested for
23 prostitution will be branded by a criminal
24 conviction for prostitution. This is a life-
25 changing victory for trafficked youth, but there is

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2 another of equal importance, and that is that
3 trafficked youth need highly sensitive and
4 knowledgeable judges who have been educated about
5 the dynamics of human trafficking, who understand
6 the psychological and physical effects of
7 victimization and who embrace our Chief Judge's
8 philosophy that people in prostitution are people
9 in conditions of profound oppression, whether they
10 have been trafficked or not, who need support and
11 services. With the advent of the new Anti-
12 Trafficking Courts, 16 and 17 year olds will now
13 enter courtrooms where they will be responded to
14 with compassion and understanding, offered a
15 connection to life-saving and life-restoring
16 programs and recognized as children with resilience
17 and potential, as victims on the path to rebuilding
18 their lives and to becoming survivors.

19 Once this bill is signed into law, and
20 we have every reason to believe that this will
21 happen, our state will, at long last, acknowledge
22 the plight of teenagers who are victims of sex
23 trafficking and will send a powerful message.
24 Instead of re-victimizing victims, New York State's
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justice system will begin, at long last, to extend a network of support. Thank you.

CHAIRPERSON FIDLER: Thank you.

Council Member King, do you have any questions?

COUNCIL MEMBER KING: I actually don't know if this is more of a question, but as I listened to your testimony and of the Assembly Member, I want to thank you for this piece of legislation and I want to thank everybody here today who has a vested interest in making sure that these children, because no matter what the courts and the system try to determine, these are still children at 16 and 17, even though they might... their bodies might look like 30 year old people, but they are still children and we need to make sure that we address it in the court system. We need to address it when they come before you, and that's what I do want to ask. How do we look at these young people when they walk into a courtroom as victims and children who are in need of help and services? Is there any gain to be able to fix this young person; to help them get on the right path or is it to criminalize them because we don't understand or because society has said the behavior

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2 that they're engaged in is definitely against the
3 law? What is the thinking process when we have
4 to... and what is the goal and the end game every
5 time a young person who's violated these laws who
6 walk in before you? What is the thought of how we
7 save them as opposed to throwing them away into
8 dungeon forever?

9 DORCHEN LEIDHOLDT: Well, you know, I
10 participated in the training of the new judges that
11 are going to be presiding over these courts and
12 extraordinary things happened during that training.
13 First of all, the judges have been carefully
14 selected, and these are people with a high level of
15 awareness to begin with, but at the training, the
16 judges listened to the voices of the victims and
17 survivors themselves talking about their own
18 experiences and that in and of itself is
19 extraordinarily revolutionary.

20 COUNCIL MEMBER KING: Mm-hm.

21 DORCHEN LEIDHOLDT: That simply has not
22 happened, and I believe as a result of who these
23 judges are and who they have been trained, it's not
24 going to be the old attitudes of judgment, derision
25 and a belief that there is a need for punishment.

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I think that we're going to see children and adults, who too often started out as commercially sexually exploited children, being responded to in a very different way. I'm quite optimistic.

COUNCIL MEMBER KING: Mm-hm.

JUDGE CORRIERO: Yeah and I would just add that this legislation will change the response; the initial reaction of a judge hearing this case called in his or her courtroom and I think as Dorchen said, she said that this was a "See Change," and indeed it is, but it is in such a way that we are going to be changing the culture of the resolution of these cases and this is very important because we're going to be changing the lens by which children are going to be viewed in the courtroom and that's very important, and that will take some time and it will take training and it will take sensitivity and it will take some patience on the part of the advocacy community with the judges, who are going to be struggling absent this legislation to find ways to do the right thing within the current law that doesn't make that easy and doesn't provide the services. So once we get the legislation, we will be able to more deeply

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2 institutionalize this "See Change" in the culture,
3 and that's why the legislation is equally important
4 to the concept of Youth Human Trafficking Court, so
5 I think there are integral parts to the same
6 solution or potential remedy to the issue.

7 COUNCIL MEMBER KING: Well, I
8 appreciate your answers 'cause it's about saving
9 lives because these 13 year old; these 14 year old;
10 these 15 year olds; these 16 year olds; these 17
11 year olds, God willing, will become 25 year olds;
12 27 year olds. What impact will they have on
13 society if we don't help them get back on the right
14 course now because these are just mistakes 'cause
15 at three years old you know, your goal is not to go
16 out and sell your body when you become 14, so
17 something happened along in your life and it's up
18 to us as the adults in the room to save our
19 children today for tomorrow, so I appreciate and I
20 thank you, Chair, again. Appreciate it, thank you.

21 CHAIRPERSON FIDLER: Thanks, Council
22 Member King. Is it just one judge being trained in
23 each county for this part?

24 DORCHEN LEIDHOLDT: Yes, there is one
25 judge that will preside over each Trafficking Court

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and one judge that's being trained and I almost anticipate your follow-up question. A lot more judge... pretty much all of the judges need to be trained and certainly every judge that presides over an arraignment court, because those judges are not... these people are not going to initially encounter the judge presiding over the Trafficking Court. They're going to be arraigned and the judges presiding over the arraignment parts need to be intensively trained as well.

CHAIRPERSON FIDLER: So why isn't the Trafficking Court and arraigning part for anyone who's going to be arraigned on a charge of prostitution...

DORCHEN LEIDHOLDT: Yeah, I really can't answer that question. I think that there are reasons that you know, people need to be arraigned within a very short time and there's a constitutional requirement I think there. So they are going to be arraigned in a general part. I mean I think the solution might be to intensively train in human trafficking all of those judges.

JUDGE CORRIERO: Yeah and frankly, I think that that will happen. I think...

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COMMITTEE ON YOUTH SERVICES

[crosstalk]

CHAIRPERSON FIDLER: What...

[crosstalk]

JUDGE CORRIERO: I think that this is just the beginning...

CHAIRPERSON FIDLER: [interposing] The training or...

JUDGE CORRIERO: The training will expand because judges sitting in the arraignment part who may not sit in the human trafficking part are going to have to know how those parts operate in order to function effectively within the structure that Judge Lippman has defined, so if I am a judge sitting in part and I know that my Chief Judge wants me to handle cases in a certain way well, that's going to have some impact on me. And I think that once we expand the training to more than those judges and frankly, the 11 or so judges now may not be in the part for more than a couple of years and they'll be rotating in, so it's going to happen. We're going to do it. It will take training and it will take leadership like Judge Lippman's to make sure that it realizes its true mission.

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COMMITTEE ON YOUTH SERVICES

CHAIRPERSON FIDLER: And the part operates one day a week in all the counties? Is that how it's set up now?

DORCHEN LEIDHOLDT: Yeah, I can really only speak to... well, there's... we've had a series of meetings because these are very new courts; a series of meetings with Judge Serita and I understand that her courtroom is the model for all of the courts, and so the Trafficking Court is in operation every Friday in Queens.

CHAIRPERSON FIDLER: And in the other boroughs do you know?

DORCHEN LEIDHOLDT: I am not sure. They just have been instituted in October, so I couldn't tell you how all of the parts. I know there are others who will be speaking and I think probably Kate Mogulescu might be best equipped to answer that question.

CHAIRPERSON FIDLER: Do you know the names of the judges in the other four counties?

DORCHEN LEIDHOLDT: I know some...

[crosstalk]

JUDGE CORRIERO: Kate does.

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COMMITTEE ON YOUTH SERVICES

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DORCHEN LEIDHOLDT: Yeah, Kate does. I know...

[crosstalk]

JUDGE CORRIERO: She does.

CHAIRPERSON FIDLER: We'll wait for Kate.

DORCHEN LEIDHOLDT: Some of them, but I couldn't... I think Kate would be best equipped to answer that.

CHAIRPERSON FIDLER: Okay well, I certainly want to thank both of you for your testimony and your passion in giving it. I recognize; I mean I really don't want anyone to misinterpret you called it tough questioning and you really don't know me that well. If you think that was tough questioning, you should ask the Mayor's Commissioners. The... you know, that I recognize how the world has changed and that it is a "See Change." I'm just trying to ride the wave a little bit here because the thing that has to come with it is the funding to make it work. So often we have great ideas and they're great and then we don't pay for them.

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2 DORCHEN LEIDHOLDT: Yeah and we're so
3 grateful to you for recognizing that. That is so
4 critically important. I also think there are
5 resources that we can tap into here in New York
6 City to really provide assistance to these courts.
7 I mean look around us; we have these large white
8 shoe law firms that are filled with resources;
9 great opportunities to provide pro bono service to
10 the defendants in these courts. We have Family
11 Justice Centers that are very service provision
12 rich. Of course, they need more resources to meet
13 this need, but I tend to be a glass half full type
14 of person, but I think funding is critically,
15 critically needed, but that we have much we can
16 draw on here to ensure that really that the promise
17 of these new Trafficking Courts is realized.

18 CHAIRPERSON FIDLER: Well, certainly
19 the bar on all levels can step up you know, to
20 provide that kind of assistance, but in order to
21 provide the services that these people are
22 necessarily going to be referred to, so that
23 they're not back in the court...

24 DORCHEN LEIDHOLDT: [interposing]
25 Right.

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2 CHAIRPERSON FIDLER: Three months;
3 three days; three years later, that's got to come
4 from government and you know, I know that many,
5 many providers make Herculean efforts to fundraise
6 in the private sector. It is never, never enough
7 and there has to be a certainty of funding stream
8 coming to each and every one of them. You can't
9 sign a lease for shelter bed space for three years
10 and hope that your, you know, fundraising will pay
11 for it. I mean there has to be a certainty and
12 that was one of the arguments that we made to the
13 Mayor in terms of baselining the funding, so there
14 was some certainty here in the city or the state.
15 It really very much needs to step up I mean instead
16 of cutting taxes by \$2 billion maybe we could make
17 it you know, \$1,009,000,000 and put some of the
18 money towards some of the stuff that truly is part
19 of the safety net, so.

20 DORCHEN LEIDHOLDT: We're so grateful
21 to you for recognizing that critically important
22 need.

23 CHAIRPERSON FIDLER: Well, if the
24 Governor ever decides to talk to me, I'll tell him.

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COMMITTEE ON YOUTH SERVICES

[laughter] I don't think he'd talk to me. Thank you both for your testimony.

JUDGE CORRIERO: Thank you...

DORCHEN LEIDHOLDT: [interposing] Thank you.

JUDGE CORRIERO: Very much.

CHAIRPERSON FIDLER: And I'm going to call the next panel. We do have two panels and I apologize to the last panel. Someone's got to be the last panel and... Kate; Kate Mogulescu from... I don't know, Kate, I can't pronounce your last name, whatever, Legal Aid Society; Marissa Ram from Safe Horizons and Janmarie? Janmarie Brown from JCAA Gateways.

KATE MOGULESCU: Good afternoon. If I sit too close to the microphone, you're going to hear my stomach growling, so I'm going to move it away a little bit, because it's getting towards lunchtime, so I'm going to make it quick. I'm Kate Mogulescu. I am a supervising attorney at the Legal Aid Society's criminal defense practice. At Legal Aid, I supervise a specific project that looks at our representation of people coming through the courts charged with prostitution

1 offenses, so I've been working on this issue for
2 quite some time, before the implementation of the
3 Chief Judge's Human Trafficking Intervention
4 Initiative and I have practiced in each of the
5 Human Trafficking Intervention Courts in the city
6 since October and I supervise four attorneys who
7 also practice in those courts, so I would be happy
8 to answer some of the more technical questions that
9 you've had throughout the morning about how these
10 courts have been implemented; what procedure or
11 protocol there is, but I can warn you that my
12 answer will likely be there really isn't very much
13 in the way of procedure or protocol. Although this
14 was an initiative that was announced by the Chief
15 Judge a couple of months ago, it was an initiative
16 that was not accompanied with any specific
17 procedure or guidance to the courts that would be
18 handling these cases all of a sudden. So what
19 we're seeing in many jurisdictions is a lot of
20 confusion as to what this mandate actually means.
21 There is no Human Trafficking Intervention program
22 that exists throughout the state. There is nothing
23 uniform available to people charged with
24 prostitution offenses throughout the state. Every
25

1 county is very different and every county has
2 encountered its own obstacles. More than that,
3 there is no, and I want this to be very clear,
4 protection or prohibition on the criminalization of
5 trafficked people throughout this state. There is
6 nothing explicit statutorily or otherwise that
7 prevents the prosecution and conviction of
8 trafficked people and there's nothing in this
9 initiative that could do that the way it's
10 constructed. So that's sort of where we are.

12 As to the other questions as to when
13 people are being arraigned; what judges are
14 presiding; what training has been offered; what
15 service providers are involved, I am happy to
16 answer those questions. My written testimony
17 focuses on what you've already explored thoroughly,
18 the lack of resources and the lack of funding for
19 this initiative, but I think it's really important
20 that when we look at this, especially in rooms like
21 this, where we have the privilege of looking sort
22 of universally at what's happening, we understand
23 what it is we're saying we're doing, okay? If we
24 are saying, and it's actually been said here this
25 morning, that we are now to assume that anyone

1 charged with a prostitution offense is a victim of
2 trafficking well, what are we doing in the
3 continued prosecution in these courts? It's a
4 troubling question and I think once you kind of
5 think about it, you realize how much cognitive
6 dissonance there really is here about what we're
7 saying here about the people that are coming
8 through the courts and then what's actually
9 happening in criminal court. My clients still walk
10 into a building every single day that is the
11 Criminal Court of the City of New York. They are
12 still named defendants in that court and when they
13 fail to comply with the mandates that we might
14 construct for them, they still have warrants issued
15 for their arrest, face incarceration and face
16 criminal records as a result of that interaction
17 with the criminal justice system. And so, I think
18 you know, this is a huge concern to me, as a
19 practitioner that represents hundreds of people
20 charged with prostitution offenses this year, and
21 supervises four attorneys that similarly will
22 represent close to 2,000 people charged with
23 prostitution offenses this year. About 3,000
24 people are charged with prostitution or loitering
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2 for prostitution each year in New York City. For
3 purposes of this committee's interest, 25 percent
4 of those people are under the age of... or between
5 16 and 21. So if you think about that, that's 750
6 young people being charged with prostitution each
7 year in our New York City courts. That number's
8 not going to change as a result of the Human
9 Trafficking Intervention Court.

10 I should say... I should actually back
11 up a little bit and say that as a public defender
12 and as a supervising attorney at the Legal Aid
13 Society, I support any court initiative that makes
14 options available to my clients and that tends to
15 recognize the complexity of their experience, but
16 we're not quite there here yet and we have a lot of
17 work to do to get us there. And so there's really
18 some troubling things in the way that we understand
19 what work we're doing and when we talk about well,
20 wait lists for shelter that exist in the city that
21 you all know too well and everyone in this room
22 knows all too well, that's actually... we're not
23 even getting to that question in criminal court; in
24 our Human Trafficking Intervention Courts because
25 shelters... we all know and acknowledge that

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2 shelter's not even an option for so many of the
3 people we serve. We would never be able to promise
4 to each of our clients coming through a court
5 shelter because we know it simply doesn't exist.
6 So for any discussion of this to talk about well,
7 yes, we're going to connect these people to
8 shelter, I think we need to deconstruct that a
9 little bit and understand how that's going to
10 happen 'cause I just don't see it at all. I'm
11 sorry to be the sort of dark cloud of cynicism...
12 [background voices] I'm sorry, I mean this is often
13 my role in these conversations and people who've
14 heard me talk before know it and they sort of knew
15 it when I was walking up here because there is a
16 tremendous amount of optimism around these courts
17 and I share optimism about specific parts of this,
18 specifically the understanding that people who are
19 coming through criminal court as defendants have
20 really complicated lives that are difficult and
21 mired in a lot of circumstances; poverty and
22 vulnerability to many things. So I support the
23 part of this discussion that acknowledges that, but
24 as to some of this other stuff, I have to be
25 realistic because I am the one in court every

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2 single day representing clients and I'm supervising
3 attorneys who are doing the same thing. And so I
4 don't want anyone to leave this thinking that we've
5 arrived somewhere that we really haven't and I just
6 you know, I might not get invited back. I often
7 don't get invited back to parties after I sort of
8 start talking about this thing, but it's...

9 CHAIRPERSON FIDLER: [interposing]

10 Well, I can promise you won't get invited back to
11 this party. This is the last party.

12 KATE MOGULESCU: This party's ending,
13 but it's important to me that we really speak about
14 what's truly happening in criminal court. Criminal
15 court is a dismal place and I don't know when the
16 last time any of you spent more than hopefully a
17 couple of seconds in it you know, just maybe be
18 passing through, but when people are interested in
19 what I do and the anti-trafficking work that we do
20 and oh, it's so innovative to do this in criminal
21 court, the first thing I do is I bring them to
22 criminal court and I let them see an arraignment
23 shift maybe at night, maybe on a weekend just to
24 see how many people are being processed through our
25 criminal justice system in this city at any given

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2 moment and against that backdrop, we begin to have
3 a little more understanding of what this discussion
4 really is about. Our courtrooms; our Human
5 Trafficking Intervention Courts are called that one
6 day a week, but the rest of the days of the week
7 they are a misdemeanor part that sees hundreds and
8 hundreds of cases in a volume that none of us can
9 actually be expected to process or do a good job
10 on, and we struggle with those same constraints in
11 the Human Trafficking Intervention Courts. If we
12 don't start looking at our arrest policies; at
13 preventive services for young people; at ways to
14 connect people to services to help them avoid the
15 criminal justice system altogether, and that's
16 something I know this committee has spent a
17 tremendous amount of time doing, so I don't want to
18 give the impression that I don't understand that,
19 but that has to be part of this discussion as well
20 because by the time they are a defendant in our
21 Human Trafficking Intervention Court, there's a lot
22 that has already gone wrong and a lot that's going
23 to continue to go wrong and court involvement for
24 this vulnerable population presents some pretty
25 specific problems. [background voice] Okay.

1
2 MARISSA RAM: Okay, thank you, Chairman
3 Fidler and members of the committee for the
4 opportunity to testify before you today about the
5 role of the Human Trafficking Intervention Courts
6 in addressing the needs of New York city's runaway
7 and homeless youth populations. My name is Marissa
8 Ram and I'm a lawyer with Safe Horizon Anti-
9 Trafficking Program. Safe Horizon is the nation's
10 leading victim assistance organization and it's
11 also New York City's largest provider of services
12 to victims of crime and abuse, as well as to the
13 victim's families and communities. Safe Horizon
14 creates hope and opportunities for hundreds of
15 thousands of New Yorkers each year whose lives are
16 touched by violence.

17 So as many service providers have said
18 before today, there have been some incredible
19 strides in the anti-trafficking advocacy in the
20 past decade on the federal level, on the state
21 level and on local levels and as an organization
22 with an extensive history of providing services to
23 homeless youth and victims of human trafficking, we
24 work with men and women; we work with domestic and
25 foreign born survivors; individuals who have

1 experienced labor trafficking as well as sex
2 trafficking. We work with adults and we work with
3 youth and we do welcome the increased attention on
4 domestic trafficking and youth populations. But
5 unfortunately, the reality is that the current
6 practices still result in far too many youth being
7 arrested before they're offered services, and a
8 criminal justice record can further decrease what
9 are already fairly limited opportunities for many
10 of these youth to find legitimate employment. So
11 even if they're able to have their convictions
12 vacated, they may have still been put through an
13 incredibly traumatic experience, which rarely
14 addresses their underlying needs. In our
15 experience at Safe Horizon, we have found that
16 prevention and voluntary services such as youth
17 appropriate temporary housing, employment,
18 counseling and permanent housing are effective at
19 reducing opportunities for sexual exploitation and
20 trafficking. That being said, we are optimistic
21 that the creation of the new Human Trafficking
22 Intervention Courts, the first statewide system in
23 the nation to specifically address human
24 trafficking, will ensure that women, men, girls and
25

1 boys who experience this crime are properly
2 recognized as victims rather than criminals. We
3 also believe the courts will be most effective if
4 they adequately recognize both the diversity of who
5 is trafficked in New York and the services that are
6 best suited to provide the desperately needed
7 assistance that these populations need. And above
8 all, we remain grateful to Chief Judge Jonathan
9 Lippman for many ongoing efforts to improve and
10 strengthen our state's justice system for all
11 litigants.
12

13 Safe Horizon Anti-Trafficking Program
14 is the largest such program in the country. We
15 provide intensive case management, legal services
16 and advocacy to survivors of trafficking, as well
17 as comprehensive training to our partners in
18 government, law enforcement, medical care and
19 social services. We also participate in several
20 local and national task forces that help shape
21 public policy in this area. Safe Horizon
22 Streetwork Project is the oldest existing program
23 working with street youth in New York City. Since
24 1984, Streetwork has provided direct services for
25 homeless youth. We make over 19,000 contacts with

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2 homeless youth every year. Streetwork clients
3 include children, teens and young adults up to the
4 age of 24. Homeless youth are provided or
5 connected with free legal services, case
6 management, advocacy, emergency housing and help in
7 obtaining Medicaid and other benefits. And in the
8 decades that we've been working with sexually
9 exploited and trafficked youth, as well as victims
10 of labor trafficking, we have found that it takes
11 time to build a trusting relationship and that
12 youth typically do not disclose their exploitation
13 for many months or even years in some cases. And
14 when they do disclose, it's usually in the context
15 of desperate need for services such as emergency
16 shelter, long-term housing, immigration assistance,
17 health care, drug treatment, job training and
18 employment opportunities. Homeless youth who
19 cannot meet their basic needs or access crucial
20 services are extremely vulnerable to exploitation,
21 which is something that traffickers understand very
22 well, and we're grateful for the opportunity to
23 share some lessons learned from our experiences
24 working with these populations.

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2 It is very important to note the
3 diversity of the youth involved in the commercial
4 sex trade so that supportive services and
5 alternatives to incarceration are made available
6 and tailored to all youth populations. We know
7 from our decades of work with homeless youth that
8 victims of trafficking include boys, girls and
9 transgender youth of all sexual orientations,
10 races, ethnicities, immigration statuses, ages and
11 family backgrounds. Some of our youth face
12 challenges of developmental delays and they
13 struggle with depression and other mental
14 illnesses. Many of our youth lack resources and
15 family support. They face heavy policing and
16 institutional barriers in schools, in their
17 families, in child welfare systems and in other
18 systems that are designed to protect youth from
19 exploitation. And in our previous testimony before
20 this committee in July, we stated that between 87
21 to 95 percent of our Streetwork clients have
22 engaged in survival sex at least once and according
23 to John Jay's 2008 study, "The Commercial Sexual
24 Exploitation of Youth in New York City," about
25 4,000 youth aged 18 or younger are commercially

1 sexually exploited in this city and of these youth,
2 45 percent were found to be boys. And that same
3 study notes that each of these 4,000 young people
4 met the federal definition of a trafficking victim.
5 We do know that nearly 40 percent, and we believe
6 this is a low estimate, of homeless youth identify
7 as lesbian, gay, transgender... lesbian gay by
8 sexual transgender and that they're three times
9 more likely to engage in survival sex than their
10 heterosexual peers, and transgender youth remain at
11 the highest risk for violence.
12

13 The Human Trafficking Intervention

14 Courts are intended to direct victim of trafficking
15 to services rather than jail, and in this
16 arrangement, the criminal justice system is the
17 conduit for the court mandated services. This
18 means, however, that trafficking victims are, as
19 Kate pointed out, still arraigned. They're
20 arrested and detained by law enforcement, which is
21 many times a very traumatic and at other times
22 abusive experience, which can result in victims
23 further shutting down, especially if they have a
24 prior criminal record or negative experiences with
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1
2 law enforcement, as so many of our domestic minor
3 victims of trafficking do.

4 It's inevitable that some homeless and
5 runaway youth will risk further traumatization
6 through arrest, detention and invasive questioning
7 where they're expected to prove that they fit the
8 definition of a trafficking victim in order to
9 avoid criminal charges. Arresting runaway and
10 homeless youth may make it even more difficult for
11 them to develop trusting relationships and disclose
12 their exploitation and victimization to those in a
13 position to help them, and it's already pretty
14 hard. And approximately 95 percent of sexually
15 exploited youth, as defined by Safe Harbor Act, are
16 16 and 17 years old and are currently arraigned in
17 the criminal court. The young people that we see
18 who have this experience do report having a
19 negative... having had negative and traumatic
20 experiences with the criminal justice process. And
21 there may be no legislative body that recognizes as
22 clearly as New York City Council that investing in
23 shelter, drop-in centers, street outreach and other
24 critical services does provide safe and supportive
25 alternatives to exploitation and violence. The

1 programs that Safe Horizon and our colleagues
2 operate offer such alternatives. With City
3 Council's support, Safe Horizon's 24-hour bed
4 overnight shelter in Harlem is filled every single
5 evening with young people who are receiving support
6 and building trust with our staff and with their
7 peers. Our drop-in centers in Harlem and the Lower
8 East Side provide a wide variety of short and long-
9 term services for youth who have nowhere else to
10 turn. Our overnight street outreach programs
11 canvass the city each night to engage young people
12 who are at a significant risk for violence and
13 abuse and we refer them when possible to safer
14 settings.
15

16 By directing over \$7 million in the
17 2014 Fiscal Year to these and other programs, the
18 City Council is helping hundreds of young people
19 avoid the terrible choices that they are otherwise
20 so often forced to make. Mayor Bloomberg's recent
21 and most welcome pledge to baseline this funding
22 means we can look forward to working with the new
23 administration and the newly elected City Council
24 members to build on this investment in the years
25 ahead. But until a bed is available for each young

1 person who needs it, the risk of exploitation will
2 sadly continue to exist. We thank you and your
3 colleagues on the City Council for advocating so
4 passionately and effectively around this issue for
5 many years. Funding for adequate shelter and basic
6 resources for youth in need is our first line of
7 defense in the prevention of trafficking in the
8 homeless youth and runaway youth populations.

9 These youth need food, they need shelter and they
10 need to feel safe in order to embark on a path out
11 of trafficking and toward self-sufficiency.

12 Treating the root of the problem by focusing on
13 providing preventative services to homeless and
14 runaway youth to stop trafficking before it starts
15 is at least as important as creating thoughtful
16 alternatives for vulnerable populations after they
17 have already been victimized. And we thank you
18 again for inviting us to testify and we hope that
19 together we can work to build tangible solutions to
20 prevent human trafficking in the homeless and
21 runaway youth population.

22
23 JANMARIE BROWN: Good afternoon. My
24 name is Janmarie Brown and I'm the Program Director
25 of the Gateways Program with the Jewish Child Care

1
2 Association. I welcome the opportunity to address
3 the New York City Council Youth Services Committee
4 on how the new Human Trafficking Courts address the
5 needs of runaway and homeless youth. I want to
6 thank Chairman Fidler for allowing me the
7 opportunity to testify.

8 In 2009, the Jewish Child Care
9 Association opened the Gateways Program, a 13-bed
10 residential treatment center for sexually exploited
11 girls between the ages of 12 and 16. Last year, we
12 expanded this program to include a six-bed non-
13 secure placement for treating youth who have been
14 sexually exploited between the ages of 12 to 17.
15 These 19 beds represent about 20 percent of the
16 fewer than 100 treatment residential beds
17 nationwide for commercially sexually exploited
18 children, and ours is the only program of its kind
19 in New York State. In addition, the Jewish Child
20 Care Association was recently awarded funding from
21 the New York City Administration for Children's
22 Services to develop and operate specialized foster
23 home placements for young men and women who have
24 experienced commercial sexual exploitation.

1
2 Today, I will address issues relating
3 to 16 and 17 year olds who are not yet covered
4 under the Safe Harbor Act who are coming before the
5 special Trafficking Courts, as well as the role of
6 intensive treatment for this population. But let
7 me start first by stating a fact. Commercial
8 sexual exploitation of youth is in many ways run as
9 a business. The exploiters count on the fact that
10 young people will be viewed as runaways and that
11 they will be treated accordingly. This is often
12 planned in order to avoid detection by families and
13 institutions. In our experience with youth
14 ultimately admitted to the Gateways Program, youth
15 who are labeled as runaways were already involved
16 in commercial sexual exploitation and being
17 manipulated by their exploiters to ensure their
18 continued availability.

19 16 and 17 year olds need statutory Safe
20 Harbor protections. As older youth, they are often
21 viewed as having chosen this lifestyle. In
22 actuality, they are just as and perhaps even more
23 vulnerable than the younger youth that are
24 commercially sexually exploited because they have
25 been recruited when young and thus, may be

1 entrenched in the cycle of abuse and exploitation.
2
3 16 and 17 year old' struggle to leave the life is
4 misunderstood by well-meaning professionals who try
5 to assist them. Like victims of battery, who stay
6 with their abusers for years, these girls suffer
7 from what is known in psychology as the "Stockholm
8 Syndrome," a real paradox in psychological
9 phenomenon, wherein victims express empathy and
10 have positive feelings towards their abusers,
11 sometimes to the point of defending them. These
12 feelings are generally considered irrational in
13 light of the danger or risk endured by the victims,
14 who essentially mistake a lack of abuse from their
15 captors as an act of kindness. Many commercial
16 sexual exploitation victims do not have the
17 information they need to accurately describe the
18 dynamics involved in the bonding process that
19 occurs with abuse and trauma and therefore,
20 identify their intense feelings as love. Remember,
21 these are adolescents. They should be at this time
22 going to proms and applying to colleges.

23 While the new Trafficking Courts have
24 the ability to refer victims of exploitation for
25 assistance, the mechanism to transfer young victims

1 to Family Court does not yet exist. We urge that
2 the mechanism for this transfer be developed in a
3 way that will smoothly and seamlessly achieve the
4 desired results of getting young people the help
5 they deserve. We also want to reiterate our belief
6 in the need for intensive treatment for this
7 population. We've recently increased our age of
8 admission to the Gateways program from 15 years and
9 nine months to 17 years based on need. Our
10 experience has shown us that in designing a program
11 for sexually exploited girls, one of the great
12 challenges is to break the pull of the streets,
13 especially that of the pimps, in order to provide
14 the girls with opportunities for healing and
15 positive growth. The girls also need to be kept
16 safe from their pimps and others who prey on them.
17 Professionals working with this population have
18 long recommended that residential programs be
19 developed that are removed from the communities in
20 which the girls are exploited. These girls require
21 intensive targeted services that specifically
22 address issues of abuse and violation and begin to
23 build trust and positive relationships. The trauma
24 of the experience is extensive. Many girls become
25

1
2 so depersonalized that without specialized
3 extensive treatment, they cannot successfully
4 integrate into the community.

5 The Gateways program for commercially
6 sexually exploited girls provides assessment and
7 treatment services so that young women who have
8 been sexually exploited and abused can achieve
9 healthy relationships supported by family and other
10 positive peer and adult influences. The program is
11 currently located 35 miles from New York City,
12 removing the girls from the exploitive environments
13 and giving them treatment in a secure, secluded
14 location. It provides a sanctuary for the young
15 women where they feel safe and secure, and within
16 which healing begins. As noted, all of these girls
17 have been traumatized and our work is continually
18 framed within the context of addressing this
19 trauma.

20 The Gateways program engages these
21 young women who typically are very resistant to
22 services and immerses them in supportive, ego-
23 strengthening activities including individual and
24 family therapy, recreational therapy and
25 independent living skills building, art therapy,

1
2 drama therapy, peer counseling and other group
3 services, substance abuse treatment, youth
4 development training, psychotropic medication
5 monitoring if necessary, medical care and on-site
6 educational services through a Special Act School
7 on grounds.

8 The Jewish Child Care Association
9 considers this program literally to serve as a
10 gateway for these girls; a gateway to healthy and
11 productive futures. The program provides services
12 to each girl for approximately one year based on
13 individual needs and progress. Girls are
14 discharged when it is determined that they can
15 resist both the pull of the street and that they
16 have developed sufficient internal strengths and
17 life skills that will allow them to be discharged
18 successfully to other settings. If further
19 treatment is required, participants are stepped
20 down to a lower level of care. JCCA's six month to
21 one year model program has been incredibly
22 successful to date. Since July of 2012, we've had
23 21 girls graduate from the program, with 15
24 returning back to their families of origin and
25 three stepping down to family foster care. The

1
2 girls feel supported and safe because of the
3 bonding that has occurred with program staff and
4 with girls who are farther along in the treatment
5 process. Participants have become goal oriented
6 because they understand that there is a start, a
7 middle and an end to the program. Staff and fellow
8 residents support one another in the process of
9 standing witness against pimps. One pimp received
10 an eight year sentence and due to support they
11 received, an increasing number of girls are willing
12 to cooperate with the District Attorney to
13 prosecute.

14 The Jewish Child Care Association is
15 participating in the Council of Family and Child
16 Caring Agencies Task Force on commercial sexual
17 exploitation of youth from the Child Welfare
18 perspective. The Task Force has made
19 recommendations to the Governor to fund a full
20 continuum of prevention and treatment services for
21 young men and women in the state budget. This
22 continuum includes a prevention campaign, street
23 outreach, community-based outpatient and
24 residential services. We urge the Council to
25 support this request and demonstrate our societal

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commitment to ending the commercial sexual exploitation of children.

CHAIRPERSON FIDLER: Thank you for your testimony, all of you. So let me ask the question now that we've heard kind of like some of the other side of it. What happens in the limited experience we have with the new court part; what happens when someone presents themselves living with their exploiter; they come into the part and you don't have an immediate answer for where you can send them other than back to the shelter provided by their exploiter?

This has come up several times already.

KATE MOGULESCU: This has come up several times already. Even though the initiative that the Chief Judge announced began in eight of the counties in October, there were three counties that have had Prostitution Diversion Courts for many years. Queens was one of them, you heard from Eliza Hook and Kim Affronti earlier and Manhattan has also a Diversion Court for many years. Nassau began its court a year ago. This comes up a lot. If it's someone who has been working with the services providers that work with the court,

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2 everyone sort of puts heads together to try to come
3 up with an option. There are sometimes where there
4 isn't an option. We often take clients back to our
5 office to simply make phone calls to domestic
6 violence shelters to see if there are any beds
7 available that night. We don't have any special
8 beds available or any access to beds that magically
9 appear if we say we're from the Human Trafficking
10 Intervention Court. We deal with the same shortage
11 and so what happens often is we try really hard to
12 encourage people to go through the city's basic
13 homeless shelter system; to go PATH; to go and seek
14 services. That can be a brutalizing system for
15 many, especially for young people, and we don't...
16 we face some complicated situations where we're not
17 able to get people the services that they
18 acknowledge that they need.

19 CHAIRPERSON FIDLER: If you're sending
20 a 17 year old to the adult shelter system...

21 KATE MOGULESCU: [interposing] Right.

22 CHAIRPERSON FIDLER: You're just
23 looking for a new exploiter.

24 KATE MOGULESCU: And we understand that
25 very well. Unfortunately, with the resources that

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the Legal Aid Society has, we don't... I mean we have no beds at the Legal Aid Society and I think that's probably good, but we only have access to what everyone else and every other service provider in the city has access to and that's a finite number.

CHAIRPERSON FIDLER: And I know actually this question is really directed to you, Kate.

KATE MOGULESCU: Yeah.

CHAIRPERSON FIDLER: There are no uniform rules. Is there one person supervising all of this?

KATE MOGULESCU: From?

CHAIRPERSON FIDLER: The court system?

KATE MOGULESCU: No.

CHAIRPERSON FIDLER: And how are... well, we understand that Queens operates a part one day a week on Fridays. How are...

[crosstalk]

KATE MOGULESCU: Yes.

[crosstalk]

CHAIRPERSON FIDLER: The other boroughs?

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COMMITTEE ON YOUTH SERVICES

KATE MOGULESCU: The other... so Staten Island actually only has two pending prostitution case right now, so there isn't need for a calendar that meets on a regular basis, but Monday afternoon has been designated as the time that cases will be heard in Staten Island. The other boroughs we have spread out among the remaining days of the week, so Manhattan has been meeting on a Tuesday calendar for many years now. The Brooklyn calendar is heard on Wednesday afternoons and the Bronx calendar is heard on Thursdays.

CHAIRPERSON FIDLER: And are you aware of who the judges are who have been assigned?

KATE MOGULESCU: I am. Do you want me to name names?

CHAIRPERSON FIDLER: Yeah, yeah.

KATE MOGULESCU: Wow, this just became really intense. As you know, in Queens it's Judge Toko Serita; Manhattan it's the Midtown Community Corp, presiding Judge Felicia Mennin; in the Bronx it's Judge Alvin Yearwood; in Brooklyn it's Judge John Hecht.

CHAIRPERSON FIDLER: Who? I'm sorry, John...

1 KATE MOGULESCU: John Hecht.

2 CHAIRPERSON FIDLER: Hecht.

3 KATE MOGULESCU: And in Staten Island I
4 am blanking on the name right now, but he is the
5 Administrative Judge in Staten Island Criminal
6 Court who handles all of their diversion parts; the
7 Drug Treatment Court and the Mental Health Court.

8 CHAIRPERSON FIDLER: And have the
9 district attorneys signed you know, specific
10 ADAs...
11

12 KATE MOGULESCU: [interposing] Yeah.

13 CHAIRPERSON FIDLER: You know, to those
14 parts on a regular basis or...

15 KATE MOGULESCU: Right now it's being
16 handled at pretty high levels in each district
17 attorney's office until we sort of understand
18 what's going on and what the protocol is going to
19 be moving forward, so there is an equivalent of
20 Miss Affronti in each of the boroughs. Each
21 borough, as I said, is handling this very
22 differently, so each local prosecutor's office is
23 housing this in a different place in their office.
24 In some, it's in sex crimes; in some, it's in
25 Criminal Court. It really varies, so but there is

1
2 yes, a designated point person for each local DA's
3 office.

4 CHAIRPERSON FIDLER: Okay.

5 KATE MOGULESCU: What there isn't is
6 the sort of general rules that... you know, Judge
7 Kluger this morning said as a general rule, people
8 will not be criminalized; people would be offered
9 non-criminal dispositions; people will... and
10 that's not a rule actually.

11 CHAIRPERSON FIDLER: But what's...
12 well, but you know, the practice becomes the rule.
13 What's happening in the arraignment parts?

14 KATE MOGULESCU: In the arraignment
15 parts, we're seeing... we're still seeing a lot of
16 arrests and so we're still seeing a lot of
17 arraignments. We're seeing people being detained
18 on bail. We then... what happens if the case is
19 not resolved at arraignments is the case is sent to
20 all further proceedings in the Human Trafficking
21 Intervention Court. There is no prohibition on
22 misdemeanor convictions or guilty pleas. There
23 is... and it hasn't even been worked out in every
24 borough that even engagement with services will

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necessarily result in a more favorable disposition.
We're just not there.

CHAIRPERSON FIDLER: So there's no
practice that says that if you were come into an
arraignment part; charges are read; you can't stand
up and say, "guilty."

KATE MOGULESCU: Right.

[crosstalk]

CHAIRPERSON FIDLER: I mean...

[crosstalk]

KATE MOGULESCU: There is...

[crosstalk]

CHAIRPERSON FIDLER: No matter what
your age is, you... you know, you're free to be
stupid.

KATE MOGULESCU: Some arraigning judges
have interpreted this new intervention as a
restriction on their ability to hear a guilty plea
at arraignments. Unfortunately, what that usually
translates into though is people being incarcerated
and detained and you know, each case we try to get
it to the right part and try to get it to the point
person in the district attorney's office who's

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2 handling it and the point person in my office, but
3 it's a huge system with a lot of moving parts.

4 CHAIRPERSON FIDLER: Yeah, I
5 understand.

6 KATE MOGULESCU: And so when you have
7 cases coming in at the rate that they are and being
8 arraigned at the rate that they are, it's
9 inevitable that we're you know, we're going to
10 struggle with this.

11 CHAIRPERSON FIDLER: Now, in addition
12 to the funding issue that you know, is obviously
13 not... I mean not in your bailiwick, it strikes me
14 that there ought to be somebody supervising this
15 effort and maybe not even just in the city; maybe
16 the entire statewide effort so that there is... I
17 mean there's obviously more work to be done. I
18 mean they've thrown a good idea out there and now
19 they have to have someone you know, run it.

20 KATE MOGULESCU: And just so you know,
21 I mean there is a tremendous of work being done by
22 the defenders; by the service providers; by the
23 prosecutors. It's difficult because we meet a lot
24 of issues with resources and we're not given
25 tremendous guidance, but there is a lot of

1 collaboration happening already and that will
2 continue to happen, and the New York State
3 Defenders Association convened a meeting of all the
4 defenders that are going to be working in these 11
5 county courtrooms for us to speak about some of the
6 issues that we anticipate. Similarly, I know the
7 service providers are very organized at
8 collaborating around this as well. The parts in
9 the counties where this has worked is because of
10 the collaboration between the prosecutor's office
11 and the defense bar and we'll see if we can get
12 there statewide here.

14 CHAIRPERSON FIDLER: And I... you know,
15 I really do believe that someone needs to be
16 coordinating the effort and I'm actually sitting
17 here thinking that I know just the perfect person
18 with a tremendous amount of experience with the
19 criminal justice system and a tremendous amount of
20 experience with alternatives to incarceration and
21 diversion programs and he's going to be looking for
22 something to do on January 1st, and that was Joe
23 Hynes. I mean I think he would be... I think he
24 would just be fabulous for something like this, but
25 that's... if anyone's listening out there, I think

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that would be a great person to step in. I mean he created the Family Justice Center; the first Domestic Violence Bureau. He had all these alternatives to the incarceration program.

KATE MOGULESCU: Mm-hm.

CHAIRPERSON FIDLER: And you know, we'd like to think he has some credibility in the court system, so. Thank you all for your testimony and let me call up the last panel and again, I apologize to the last panel that someone always has to be last. Lisa Schreibersdorf from Brooklyn Defenders and also from Brooklyn Defenders, Kristine Herman.

KRISTINE HERMAN: It's just me.

Lisa...

[crosstalk]

CHAIRPERSON FIDLER: Just you?

KRISTINE HERMAN: Right.

CHAIRPERSON FIDLER: Panel of one.

KRISTINE HERMAN: Good afternoon.

Saving the best for last, huh? My name is Kristine Herman and I'm here representing Brooklyn Defender Services. Thank you for the opportunity to speak

1
2 on this important issue that affects many of our
3 clients in Brooklyn.

4 BDS is a large public defense provider
5 in Brooklyn. We represent about 40,000 people a
6 year in a variety of legal proceedings, primarily
7 indigent criminal, family and immigration defense.
8 As a comprehensive legal defense organization
9 representing thousands of clients with complex
10 backgrounds, we are sort of experts in
11 understanding and meeting the needs of vulnerable
12 populations. We provide wraparound services
13 through our social workers, our education
14 advocates, our housing advocates and our
15 specialized youth attorneys, who are knowledgeable
16 regarding the many service needs of our young
17 clients, and pursue meaningful linkages to
18 resources and advocating and education and housing
19 matters where appropriate. Additionally, a
20 significant percentage of our young women, men and
21 transgender clients are survivors of domestic
22 violence, sexual violence and trafficking. Our
23 staff works with hundreds of youth every year and
24 our trained social workers and advocates work with

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2 them over extended periods of time to provide them
3 with appropriate support services.

4 BDS represents more than 8,000 young
5 people between the ages of 14 and 21 annually. In
6 order to respond to the unique needs these young
7 people bring to the criminal justice system, we
8 created the Brooklyn Adolescent Representation Team
9 and we provide specialized representation to young
10 people, implementing a multi-disciplinary approach.
11 Our adolescent team includes 10 specialized
12 criminal defense attorneys, an education attorney,
13 youth social workers and other support staff, all
14 of whom work to address youth criminal cases and
15 the related civil consequences.

16 In response to the creation of the
17 Human Trafficking Intervention Court, we have a
18 dedicated, experienced attorney with a specialized
19 background in representing young people, and we
20 provide additional support by an assisting attorney
21 who has a background in human rights and a full
22 team of social workers who are able to provide
23 assessments, crisis intervention or referrals to
24 age appropriate services for this vulnerable
25 population.

1
2 Several people have already mentioned
3 the huge gap that the Safe Harbor Act is not
4 providing for young people above the age of... or
5 16 and above who have been arrested on
6 prostitution-related charges, and we do hope the
7 proposed bill that was mentioned earlier could
8 remedy this. This devastating gap in current law
9 though results in adolescents being treated in the
10 criminal justice system as adults with no
11 legislative protections or requirements to provide
12 services and support to reconnect them with stable
13 housing, education and families. But perhaps more
14 disturbing is the potential for these teens to be
15 penalized within a criminal court context with
16 court mandates, criminal consequences and further
17 coercive control in their lives, when common sense
18 dictates that the young people facing these charges
19 are in need of support, concrete services and
20 assistance from someone they can trust.

21 There are serious and complicated
22 reasons young people may find themselves on the
23 street and at risk for exploitation including prior
24 abuse, trauma, unsafe home environment, drugs or
25 alcohol, mental health challenges or a combination

1 of several underlying causes. When youth in these
2 situations are identified as trafficked due to
3 court involvement, there's no question that
4 something or someone should be available and in
5 place to begin the lengthy process of assisting
6 with their needs. Our experience working with
7 youth has shown us that young people in contact
8 with the criminal justice system bring a host of
9 additional social needs that often require
10 substantial trust and rapport building in order to
11 adequately assess and address those needs.
12 Additionally, the time required to assist young
13 people with reconnecting with schools and families
14 and secure housing is lengthy, so continued court
15 involvement is not only onerous, but could actually
16 be detrimental. Ongoing government intrusion into
17 the lives of traumatized youth actually runs the
18 risk of penalizing them when they face challenges
19 completing court mandates and deepens their
20 distrust of adults in systems that are designed to
21 help and protect them. It's our position that once
22 they've entered the system via an arrest, that
23 defense attorneys representing youth are the most
24 appropriately situated to develop the rapport and
25

1 build the relationships required with the support
2 of specialized social workers and under the
3 protection of privilege in order to identify their
4 existing needs. However, there are whole
5 categories of people that could be identified prior
6 to arrest and prior to court involvement, and those
7 folks can and should be directly referred to
8 service providers. These cases don't actually have
9 to result in arrest and discretion could be
10 exercised. For those who are arrested, in the
11 short time that the Human Trafficking Intervention
12 Court has been operational, our office has
13 identified areas where specialization could be
14 implemented in a way that would be valuable to all
15 clients screened and adjourned to the court, but
16 most importantly for the youth. Firstly, all court
17 staff and attorneys would benefit from additional
18 substantive training on the underlying forces at
19 work in prostitution, trafficking and sexual
20 exploitation of young people, and we know that some
21 of that training has occurred, but there's a
22 greater need. In fact, many of these young people
23 we know are victims, and a sophisticated system
24 response requires specialized information about the
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2 population and its complexities in order to
3 consider truly appropriate resolutions to these
4 cases.

5 Secondly, in a specialized part, it was
6 envisioned that something other than business as
7 usual would be provided to the subset of the
8 criminal justice population, but the question was
9 asked earlier sort of what was the distinction
10 between people arrested for prostitution and who
11 was identified as trafficked and it does seem, in
12 our experience, that this is an area where there's
13 still a lot to be figured out and there are a lot
14 of gray areas. You know, as my colleague from
15 Legal Aid mentioned earlier, if everyone arrested
16 for prostitution were actually truly viewed and
17 treated as victims of trafficking, then other cases
18 should be dismissed and they should be declined to
19 prosecuted, so that is not, in fact, of course
20 what's happening and instead, what we are seeing is
21 sort of three sort of potential striations of
22 categories of individuals who are coming into the
23 court. And just to kind of illuminate that a
24 little bit, those striations seem to be people who
25 are identified as potentially currently or recently

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2 being trafficked. There are people who are being
3 identified as perhaps having a history of
4 exploitation, and then there are people who are
5 arrested for prostitution-related offenses coming
6 into the part who don't currently identify as being
7 part of the two aforementioned categories.

8 So for the first category when victims
9 of trafficking are identified, the justice system
10 should be treating them as such by dismissing the
11 cases against them and offering voluntary linkages
12 to services. The defense of duress makes this
13 category of individuals victims and not criminally
14 liable. Their cases should be dismissed, but we're
15 not seeing that happen in these parts.

16 For those in the second category with a
17 history of exploitation, the court should be
18 providing services proportionate to the case and
19 voluntary linkages to specialized service
20 providers.

21 For those who do not fall immediately
22 within one of the two categories in identifying and
23 self-identifying as trafficked or exploited, plea
24 bargaining and program offers should be tailored to
25 the identified needs of these clients and assessed

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2 on an individualized basis, relying on a
3 specialized understanding of these clients' co-
4 existing or causal issues.

5 There's a lot of room for improvement
6 in this area and in this court, and our experience
7 at BDS has been slightly different from Judge
8 Kluger's description of the Human Trafficking
9 Intervention parts. For example, the more
10 prostitution arrests someone has that we represent,
11 the less sympathy the court seems to have or the
12 district attorney's office seems to have and the
13 less likely they're being treated and approached as
14 a victim. However, repeated arrests could, in
15 fact, be indicative of someone who may be under the
16 coercive control of a trafficker or an exploiter,
17 so we're seeing some problems with the
18 implementation there.

19 Thirdly, service providers who
20 specialize in working with populations that
21 intersect with the Trafficking Court should be
22 present, resources allowing, on court dates in
23 order to strengthen the linkage to much needed
24 services, as well as provide immediate and on-site
25 assistance with the complexity of issues that

1 arise. In some places this is happening.
2 Unfortunately, it's not happening in the borough
3 that we work. Simply by having a representative in
4 court from a program that a young person may be
5 referred or even mandated to increases the
6 likelihood of follow-through. The Human
7 Trafficking Intervention Court is working with the
8 highly sensitive population of youth, immigrants,
9 transgender and trafficked and exploited
10 individuals, each of whom are more receptive to a
11 program when given the opportunity to meet an
12 actual person from that program face-to-face,
13 lessening the intimidation and discomfort and
14 smoothing the transition to services. Services are
15 a critical part of addressing the root causes for
16 criminal justice involved youth, and young people
17 in the courts are perhaps among the most vulnerable
18 and the most in need. However, because many of
19 these young people are victims of exploitation or
20 engaging in survival sex or the severity of their
21 case does not measure up to the intensity of the
22 services needed, the court is an entry point for
23 identifying young people, but it should not be
24 mandating long-term services and maintaining a
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2 continued presence in their already complicated
3 lives.

4 Runaway or homeless youth arrested on
5 prostitution-related charges may need social work
6 assistance and therapy to address trauma, housing
7 and placement into shelter and safety planning,
8 educational advocacy to connect back into school
9 settings and ongoing supportive services with the
10 process of disengaging from the life. In BDS's
11 experience, neither the court nor the prosecutor's
12 offices have the resources to manage these
13 services, nor is it appropriate for voluntary
14 social services to be crafted into court mandates
15 without that becoming overwhelming,
16 disproportionate and intrusive.

17 So sort of to sum up and in conclusion,
18 what we see would help young people that find
19 themselves in the Human Trafficking Intervention
20 Court are the following recommendations: the New
21 York Safe Harbor Act, of course, should be expanded
22 to include youth up to the age of 18. Service
23 providers and social workers should be available to
24 meet immediately with young people on-site and
25 establish connections. Of course, this is only

1
2 going to be possible if funding is available to
3 those service providers so that they can actually
4 meet the needs of these parts. Court disposition
5 should reflect the philosophy behind the
6 specialized court, which includes voluntary
7 linkages to services, offers of dismissals when
8 appropriate and vacating convictions. Programs
9 should be, of course, independent of the court,
10 district attorney's office, police, probation and
11 other law enforcement and individuals before the
12 court should not be forced in any way to prosecute
13 or identify their exploiter or trafficker in order
14 to receive services. Thank you.

15 CHAIRPERSON FIDLER: Let me play the
16 devil's advocate with you a second here, Miss
17 Herman. You seem to put a great deal of emphasis
18 on the fact that... on the notion that someone in
19 the courtroom should be voluntarily seeking
20 services that are being offered and you know, I
21 discussed this with other witnesses earlier.
22 People sometimes are you know, disconnected from
23 the rest of the world.

24 KRISTINE HERMAN: Mm-hm.
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2 CHAIRPERSON FIDLER: And just
3 absolutely don't want your help and in fact, we've
4 had testimony and we all know that it takes time to
5 build a trusting relationship, even with someone
6 who's offering a hand.

7 KRISTINE HERMAN: Mm-hm.

8 CHAIRPERSON FIDLER: You know, why
9 should I trust you? Every adult I've dealt with in
10 my life has abused me. The Drug Treatment
11 Alternative to Prison Program requires a guilty
12 plea and a sentence I guess that is held in
13 abeyance to compel you to complete the program and
14 maybe you know, shake off the stuff that has made
15 you so unwilling to get help.

16 KRISTINE HERMAN: Mm-hm.

17 CHAIRPERSON FIDLER: What's the problem
18 with requiring people to get help as a condition of
19 going through the system?

20 KRISTINE HERMAN: Oh, well, for one, I
21 think it counters the entire philosophy behind the
22 creation of these courts, which is to treat
23 individuals who we know are under the control of an
24 exploiter or a trafficker as victims, not
25 perpetrators. so when we use the power of the

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court to force people into services, we're actually continuing to re-victimize them, so that would be my primary reason.

CHAIRPERSON FIDLER: I don't know that I agree with that so fully; that you'd continue to victimize them. Sometimes you have to compel people to help themselves. Certainly that's the philosophy of the Bloomberg Administration. I think it's a delicate balancing act. I'm not saying that I don't agree; disagree with you completely, but I think there may be some people who come into this part, who having been perhaps offered help two or three times and of course, many of these parts are new so that hasn't happened yet.

KRISTINE HERMAN: Mm-hm.

CHAIRPERSON FIDLER: And declined it and gone back to doing the same destructive behavior; self-destructive behavior that they're engaged in, might need the incentive of listen, you know, you've got to stop this. You need to get help that you know, the criminal justice system can provide. So I think it's a very delicate balance and I don't think it's all of one or all of the other and I think that you know, perhaps courts

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2 should have the option of doing that. I certainly
3 agree with most of your other recommendations
4 wholeheartedly and recognize that funding is the
5 issue for most of them. I have no question in my
6 mind that not having necessarily the providers in
7 the courtroom, but having them next door, okay,
8 ready to help and perhaps not having the part in
9 the courthouse. I mean I certainly hear the
10 contradiction that was testified to earlier, that
11 you know, in order to get this help you walk into
12 the criminal court building.

13 KRISTINE HERMAN: Mm-hm.

14 CHAIRPERSON FIDLER: I certainly hear
15 that and a little of some and a little of the other
16 perhaps is necessary, so thank you for your
17 testimony and I appreciate it. I guess that
18 concludes our hearing. Obviously, there's a lot...
19 a lot more work to be done in every way, not just
20 funding. That's... you know, that's an issue for
21 the government. We need to do a better job of that
22 and you know, no matter how much progress we've
23 made over the past number of years; no matter how
24 much progress the state has made in recognizing
25 that we're not treating everybody in the way that

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2 they should be, if we don't put our money where
3 their mouth is, it won't do a whole heck of a lot.
4 And the phrase penny-wise and pound-foolish always
5 strikes me when we have these hearings. I promised
6 my colleagues in the past at the extent that the
7 laws allow me to I will be back to haunt them here
8 to make sure that the Council does its job. I will
9 haunt my friend, Assemblywoman Paulin, to make sure
10 the state does its job, and I know all of you will
11 continue to haunt all of us to make sure that we do
12 our job. So let me just conclude by saying thank
13 you to all of you for the help, the support, the
14 guidance that you've given this committee and to me
15 and certainly for the work that you do on the
16 frontlines to the most vulnerable of the
17 vulnerable. [gavel] We're adjourned.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Date: 01/04/2014