

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON COURTS & LEGAL  
SERVICES

Jointly with

COMMITTEE ON WOMEN'S ISSUES

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HELD AT: Council Chambers - City Hall

B E F O R E: Rory I. Lancman  
Chairperson

Laurie Cumbo  
Chairperson

COUNCIL MEMBERS:

Darlene Mealy  
Elizabeth S. Crowley  
Karen Koslowitz  
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Vanessa L. Gibson  
Carlos Menchaca  
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## A P P E A R A N C E S (CONTINUED)

Toko Serita  
Queens Trafficking Intervention Court Judge

Elizabeth Dank  
Assistant Commissioner of Mayor's Office to  
Combat Domestic Violence

Alanna Turco  
Associate Counsel for the Mayor's Office of  
Criminal Justice

Afua Addo  
Women's Services Coordinator at Hidden Victims  
Project at Center for Court Innovation, Queens  
Criminal Court

Kim Affronti  
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Ryan Wall  
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Kate Mullen  
Legal Aid Society

Jillian Modzeleski  
Brooklyn Defenders

Avery McNeil  
Bronx Defenders

Audacia Ray  
Red Umbrella Project

Michael Polenberg  
Safe Horizon

Lisa Rivera  
NYLAG Matrimonial and Family Law Unit

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

Jessica Peñaranda  
Sex Workers Project at Urban Justice Center

Yasmeen Hamza  
Director of Client Services at New York Asian  
Women's Center

Lorie Cohen  
Director of Anti-Trafficking Initiative at  
Sanctuary for Families

Julie Lawrence  
Chief Program Officer of GEMS

Jenna Torres  
Red Umbrella Project



3 CHAIRPERSON LANCMAN: Before we get  
4 started, let's just invite the first panel to come  
5 and sit at the witness table, Judge Toko Serita, the  
6 Mayor's Office of Criminal Justice, the Mayor's  
7 Office to Combat Domestic Violence, and the Center  
8 for Court Innovation. Alright. Good morning,  
9 everyone. I'm Councilman Rory Lancman. I chair the  
10 Committee on Courts and Legal Services. I first want  
11 to thank Council Member Laurie Cumbo who is the Chair  
12 of the Committee on Women's Issue, and of course  
13 Speaker Melissa Mark-Viverito for her strong  
14 leadership on this issue and for joining us today.  
15 Human trafficking is an unfortunate and unjust  
16 reality in our city. The FBI has identified New York  
17 City as a hub for human trafficking, and academics  
18 estimate that thousands of women are trafficked into  
19 the United States through JFK each year. New York  
20 State and New York City have made great progress in  
21 recent years in adjudicating sex trafficking cases.  
22 While in the past, people caught up in prostitution  
23 were treated as criminals, thrown in jail and then  
24 released without any assistance. We now acknowledge  
25 that many of those charged with prostitution are  
trafficked and are coerced by pimps. Instead of

3 throwing these individuals in jail, we know provide  
4 them with services that help them to transition out  
5 of a life of prostitution. The Human Trafficking  
6 Intervention Courts, which began in Queens in 2004  
7 and were expanded statewide in 2014 treat those  
8 arrested for prostitution as survivors of trafficking  
9 rather than criminals. Instead of punishing women  
10 with prison time, Trafficking Courts connect victims  
11 to counseling services and other resources to help  
12 them get back on their feet. The Trafficking Courts  
13 are collaborative environments where judges, district  
14 attorneys, public defenders, and nonprofit service  
15 providers come together to support victims. In 2014,  
16 the courts served over 2,000 women in all five  
17 boroughs. In our Committee's Budget Hearing this  
18 past spring, we recognized the extraordinary efforts  
19 of the nonprofit service providers in Trafficking  
20 Court and their chronic underfunding. To better  
21 support these providers and the mission of the court,  
22 the City Council with Speaker Mark-Viverito's  
23 enthusiastic support has committed to providing  
24 750,000 dollars in funding to support organizations  
25 working in Human Trafficking Intervention Courts.  
Today, we're here to explore the Human Trafficking

3 Courts and to gather information from all  
4 stakeholders about the court's overall operations and  
5 effectiveness as well as ways that the city can  
6 better support the courts and the nonprofit service  
7 providers. We welcome testimony from different  
8 stakeholders regarding how the Council should  
9 evaluate the effectiveness of its new funding and  
10 what might be the appropriate metrics or qualitative  
11 measures to evaluate the service providers. We're  
12 also interested to hear how 16 and 17 year olds are  
13 adjudicated particularly the intersection of Criminal  
14 and Family Court. Human Trafficking Courts can  
15 provide victims a pathway to escape trafficking. I'm  
16 proud to serve in a city with such innovative  
17 programming and of course in a City Council that is  
18 committed to helping victims of trafficking, and I  
19 look forward to hearing more about the Trafficking  
20 Courts from today's witnesses. With that, it's my  
21 pleasure to turn the mic over to Council Member  
22 Laurie Cumbo from Brooklyn who is the Chair of the  
23 Committee on Women's Issues in the Council.

24 CHAIRPERSON CUMBO: Thank you so much,  
25 Chair Lancman. Good morning. I am Council Member  
Laurie Cumbo, Chair of the Committee on Women's

3 Issues. I'd like to thank all of you for coming here  
4 today for this very, very important hearing. I  
5 really want to thank Speaker Melissa Mark-Viverito  
6 for her leadership and being a champion in terms of  
7 bringing this issue to the floor along with my co-  
8 chair Council Member Rory Lancman, members of the  
9 Women's Issues Committee, and the staffs of the  
10 committees for working on this hearing. Human  
11 trafficking is one of the most egregious ways to  
12 violate a person's basic human dignity. According to  
13 the United States Department of Justice, trafficking  
14 and persons or human trafficking crimes focus on the  
15 act of compelling or coercing a person's labor,  
16 services or commercial sex acts. Labor trafficking  
17 often occurs when an individual is forced or induced  
18 to work against their will or is recruited, enticed,  
19 harbored or transported by a trafficker. Sex  
20 trafficking occurs when an individual is forced into  
21 commercial sex for the financial benefit of the  
22 trafficker. Sex and labor trafficking are not  
23 exclusive. Some individuals are victims or a  
24 combination of both. New York City has been  
25 consistently identified as a major hub for human  
trafficking by the Federal Bureau of Investigations



3 and by the New York State anti-trafficking network.

4 That's why the work that we are doing here today in

5 New York City is so very important not only here, but

6 for the entire nation. The city's many airports

7 along with large populations and diverse types of

8 formal and informal industries make it an ideal

9 setting for this crime to occur. Although

10 trafficking often includes immigrant communities,

11 what might be surprising is that many US citizens and

12 residents are being trafficked domestically,

13 particularly in sex trades. Victims of sex

14 trafficking are often hard to identify or track

15 because of the nature of the industries in which they

16 are involved, for example, street prostitution,

17 brothels, hostess clubs, online escort services,

18 pornography, stripping, and live sex shows. Most

19 victims are invisible the public eye. Human

20 trafficking is often referred to as modern day

21 slavery. Like slavery and domestic violence

22 trafficking is an abuse of power. Make no mistake,

23 it is a brutal crime that violates its victims both

24 physically and emotionally. Many suffer multiple

25 victimizations and may seek services at local

domestic violence and sexual assault programs.

3 That's why the work that so many of you do is so  
4 critical and important. And sadly, some are re-  
5 victimized by the criminal justice system. Human  
6 Trafficking Intervention Courts were created with the  
7 intention of identifying and assisting those  
8 trafficking victims who end up in the system. Some  
9 advocates have contended there is still work to be  
10 done, and it is my hope that today's hearing will  
11 shed some light on that matter. I want to thank the  
12 witnesses who will testify today and who have given  
13 of their time so generously, particularly the  
14 survivors of human trafficking, or as I say, the  
15 warriors who choose to come forward as well as the  
16 courageous service providers who work day in and day  
17 out with very little pay in order to empower and  
18 equip survivors with the necessary tools to move  
19 forward. I am proud to be part of this body of  
20 legislators who are committed to making an impact on  
21 dismantling the human trafficking industry. Thank  
22 you again, and I will now turn the floor back to  
23 Chair Lancman.

24 CHAIRPERSON LANCMAN: Thank you, Council  
25 Member Cumbo. It's now my pleasure to invite Speaker  
Melissa Mark-Viverito to give some remarks, but

3 before she does, I just want to emphasize to everyone  
4 here that without the Speaker's personal commitment  
5 and I almost want to say intervention in the process  
6 of putting together this year's budget, we would not  
7 have this human trafficking initiative that we're all  
8 so excited about. So with that, Speaker Melissa Mark-  
9 Viverito.

10 SPEAKER MARK-VIVERITO: Well, thank you  
11 for that, Chair Lancman and Chair Cumbo as well.  
12 Thank you both for your advocacy, you know, to make  
13 sure that we put attention on this. We were able to  
14 do so in this year's budget. So, I want to thank  
15 everyone that is here and good morning to everyone  
16 that is participating in this really important  
17 hearing. The Council has many important Oversight  
18 Hearings, but the issue of human trafficking and  
19 efforts to address it are of paramount importance  
20 because of the number of people who are affected and  
21 the potentially devastating impact trafficking has on  
22 its victims. We're here today to learn how effective  
23 Human Trafficking Intervention Courts have been in  
24 addressing the needs of trafficking victims and see  
25 how we can improve efforts to address this epidemic.  
Human trafficking is a crime that inflicts harm on

the most vulnerable members of our society, including children, immigrants, the poor, and individuals who put their trust in others to help them survive. Many trafficking victims wind up in the world of prostitution and rather than being viewed as criminals should be seen as victims, victims that have been exploited for the gain of others. Many of whom have experienced long term physical and psychological abuse as a result of being trafficked and doing what they perceive they have to do to survive. In 2013, Chief Judge Lippman in addressing some of these harms announced the launch of a statewide initiative to combat human trafficking. Judge Lippman recognized and foresaw that the New York Courts could provide a template for the rest of the country by demonstrating to other jurisdictions how we manage the societal impacts of human trafficking and by being a leader in our approach, and that's exactly what happened. By funding 11 Human Trafficking Intervention Courts throughout the state, five within New York City, the way in which we utilize the criminal justice system to combat the devastating and complex issues associated with trafficking has been systemically changed. Instead of

3 subjecting these victims to the usual scorn and  
4 ridicule associated with prostitution, the  
5 Trafficking Court's attempt to connect those caught  
6 up in the fur of sex trade with life-changing legal  
7 and social services that assist them in escaping the  
8 so-called life as well as providing them the  
9 opportunity to move forward without being stigmatized  
10 by having a criminal record. Additionally, the trust  
11 and cooperation that is evident between the DA's  
12 Defense Councils and judges of the Human Trafficking  
13 Intervention Courts now provide law enforcement the  
14 ability to go after the traffickers who for years  
15 were protected by the victims who refused to speak  
16 out against the traffickers out of fear and despair.  
17 Other jurisdictions across the country have set up  
18 and are taking notice of the giant steps New York has  
19 made against human trafficking and are emulating and  
20 implementing their own similar approaches. I  
21 understand, however, that even though we are a model  
22 there is need for improvement, particularly in  
23 prosecuting traffickers, and I'm sure we'll hear  
24 about that at today's hearing. As a result of our  
25 interest and concern regarding these matters, the  
Council has provided 750,000 dollars towards services

3 for survivors of human trafficking and specialty  
4 courts for this fiscal year. I recognize and applaud  
5 the steps that Human Trafficking Intervention Courts  
6 have taken so far, and I look forward to hearing  
7 about both successes and obstacles the courts are  
8 encountering, where we are going, in what ways the  
9 Council, and what to expect from these courts as we  
10 move forward. Again, I want to thank both Council  
11 Members Lancman and Cumbo for their advocacy for  
12 bringing this important matter to a hearing today and  
13 to all the advocates and providers who work  
14 tirelessly to aid trafficking victims. Thank you as  
15 well for your efforts.

16 CHAIRPERSON LANCMAN: Thank you very  
17 much. Let me also note that we've been joined by  
18 Council Member Karen Koslowitz from Queens and  
19 Council Member Ben Kallos from Manhattan. With that,  
20 we'll swear in the witnesses and your testimony. So,  
21 if you'd raise your right hand? Do you swear or  
22 affirm that the testimony that you're about to give  
23 today is the truth, the whole truth and nothing but  
24 the truth?

25 JUDGE SERITA: I do.

3 CHAIRPERSON LANCMAN: Thank you very  
4 much. Judge, would you like to lead us off?

5 JUDGE SERITA: Sure. Good morning. My  
6 name is Toko Serita and I preside over the Queens  
7 Trafficking Intervention Court in Queens Criminal  
8 Court. I'm also the statewide Chair of the Human  
9 Trafficking Working Group, a committee composed of  
10 the Trafficking Intervention Court Judges throughout  
11 New York State in collaboration with the Office of  
12 Policy and Planning headed by Judge Sherry Klein  
13 Heitler. On behalf of the unified court system,  
14 Chief Judge Johnathan Lippman and Chief  
15 Administrative Judge Lawrence Marks, I want to thank  
16 Speaker Mark-Viverito, Chairpersons Lancman and Cumbo  
17 as well as members of the Committee on the Courts and  
18 Legal Services and on Women's Issues for the  
19 opportunity to testify on the effectiveness of the  
20 Human Trafficking Intervention Courts. The Queens  
21 Human Trafficking Intervention Court is the oldest  
22 court in the state to deal with victims of sex  
23 trafficking. It was formed in 2004 by Judge Fernando  
24 Camacho, and I have presided over the court since  
25 2008. In 2012 the court's name was changed to the  
Human Trafficking Intervention Court to recognize

3 that this was not nearly a diversion court for  
4 "wayward prostitutes," but that we were dealing with  
5 victims of sex trafficking who are nevertheless being  
6 arrested and processed through the justice system as  
7 criminal defendants. Because of its success in  
8 working with trafficking victims, this court served  
9 as a model for new initiative in 2013 when Chief  
10 Johnathan Lippman established a statewide network of  
11 Trafficking Intervention Courts adding eight new  
12 courts. In addition to the three already in  
13 existence, these courts now handle 94 percent of all  
14 the prostitution and loitering cases in New York  
15 State. The Human Trafficking Courts were formed in  
16 response to the continuing problem we face in the  
17 criminal justice system that the current laws for  
18 prostitution and loitering served to victimize  
19 defendants who are coming--who we are coming to  
20 realize more and more are already victims of human  
21 trafficking. We have a criminal justice system that  
22 continues to arrest the victims of the commercial sex  
23 trade while arresting traffickers and buyers of sex  
24 in far lower numbers. Although these courts are an  
25 imperfect solution to a problem that is beyond the  
judiciary scope, we have been able to work within the



3 constraint of the existing laws to fundamentally  
4 change the treatment of these victims in criminal  
5 court to resolve their cases with noncriminal  
6 dispositions and to connect them to a variety of  
7 services through their engagement in various programs  
8 as part of their court mandate. When I use the term  
9 victims I do so deliberately. In Queens, for  
10 example, the majority of the defendants are women of  
11 color. Some are young as in the case of black and  
12 Latino domestic victims of trafficking, and some are  
13 older Korean or Chinese women as well as a number of  
14 transgender Latina defendants. They are all poor,  
15 disenfranchised, vulnerable, and powerless,  
16 highlighting the intersection of race, class and sex  
17 and the exploitation of those forced into the  
18 commercial sex trade. About 35 percent of the  
19 defendants are black, 35 percent Asian and about 15  
20 percent Latina, comprising 85 percent of the  
21 defendants in my court. These cases involve low-  
22 level prostitution arrests from massage parlors or  
23 pimp controlled prostitution involving women on the  
24 streets from the internet. Most of them are  
25 unemployed without access to resources, education or  
family support. They are run-aways or in foster

3 homes. Often times they are victims of sexual abuse.

4 They are as a group very much disconnected from the  
5 dominant society. Because of circumstances such as  
6 poverty, homelessness, undocumented status, lack of  
7 education, language or other forms of deprivation,  
8 these women are at high risk of trafficking and are  
9 extremely vulnerable to exploitation by others.

10 Utilizing a dynamic and collaborative model, our  
11 Human Trafficking Intervention Courts work with the  
12 DA's offices, the Defense Bar and several anti-  
13 trafficking service provider organizations to connect  
14 defendants to a variety of services which are  
15 specifically geared to the population that we serve.  
16 In Queens, our success has also been due in part to  
17 the unflagging support of the Queen's DA office whose  
18 stellar leadership under ADA Kim Aponte [sp?] serves  
19 as a model for prosecutors throughout the state.

20 Many of the organizations we collaborate with are  
21 specially trained service providers with extensive  
22 experience working with trafficking victims. As a  
23 result, we are able to provide individually tailored,  
24 culturally appropriate services that are responsive  
25 to the needs of the defendants. Not only are many of  
these women traumatized by the violence and coercion

3 faced at the hands of their traffickers, but they are  
4 also victims of domestic violence, sexual assault or  
5 multi-abuse trauma often requiring counseling,  
6 medical services and mental health or substance abuse  
7 treatment. They are also in need, in serious need of  
8 housing, employment or educational opportunities.  
9 Because the needs of these women are so varied and  
10 complex, and because there is such tremendous  
11 difficulty identifying victims of trafficking, the  
12 courts provide the same services to all defendants  
13 who come before the court. Given the breadth and  
14 diversity of this great city we live in, our  
15 effectiveness draws in large part from the wide array  
16 of service providers with whom we work to address the  
17 needs of young trafficking victims, foreign born  
18 Asian and Latina defendants as well as LGBT and  
19 transgender women. Some of these organizations that  
20 work in Queens include Mount Sinai SAVY [sic]  
21 Program, Jones [sic] Restore, New York Asian Women  
22 Center, Sanctuary for Families, Community Healthcare  
23 network and the Hidden Victims Project to name a few.  
24 We continue to find new and innovative ways of  
25 approaching the problem with the human trafficking,  
and we have been fortunate to engage in partnerships

3 with governmental agencies such as the Mayor's Office  
4 to Combat Domestic Violence and the Mayor's Office on  
5 Criminal Justice. As I've stated before, the success  
6 of these Trafficking Intervention Courts rely largely  
7 on the service providers without whom we would be  
8 unable to function effectively. For this reason I'm  
9 very thankful to the City Council and to the Speaker  
10 for awarding 750,000 dollars to these organizations  
11 so that they may continue to serve victims of  
12 trafficking and those exploited in the commercial sex  
13 trade. This is only the beginning of the work that  
14 needs to be done and I look forward to the challenge  
15 of continuing to work with all of you to end the  
16 scourge of this modern day slavery. Thank you.

16 ELIZABETH DANK: Good morning, Speaker  
17 Mark-Viverito, Chairperson Lancman and Chairperson  
18 Cumbo and members of the City Council Committee on  
19 Courts and Legal Services and the Committee on  
20 Women's Issues. I'm Assistant Commissioner Elizabeth  
21 Dank of the Mayor's Office to Combat Domestic  
22 Violence. Thank you for the opportunity to join the  
23 honorable Toko Serita and my colleague at the Mayor's  
24 Office of Criminal Justice and the Center for Court  
25 Innovation to speak with you today about our

3 collaboration with the Human Trafficking Intervention  
4 Courts. The Mayor's Office to Combat Domestic  
5 Violence oversees the delivery of domestic violence-  
6 related services in New York City. Through the New  
7 York City Family Justice Centers and the Domestic  
8 Violence Response Teams, the Mayor's Office to Combat  
9 Domestic Violence administers and coordinates direct  
10 services to victims of intimate partner violence,  
11 elder abuse and sex trafficking. The borough of  
12 Queens is most commonly known as the epicenter for  
13 trafficking in New York City. In fact, the New York  
14 City Family Justice Center in Queens accounts for 56  
15 percent of the sex trafficking victims that we have  
16 seen through the four centers in New York City. One  
17 of the first Human Trafficking Intervention Courts in  
18 New York State was instituted in Queens County,  
19 recognizing that many defendants were charged with  
20 prostitution-related offenses are victims of sex  
21 trafficking and ensuring that they are connected to  
22 comprehensive services. Last year, the Mayor's  
23 Office to Combat Domestic Violence, Sanctuary for  
24 Families and the Honorable Toko Serita, Presiding  
25 Judge for the Queens County Human Trafficking  
Intervention Court, launched the Queens Trafficking

3 Intervention Pro-bono Project, a comprehensive civil  
4 legal program to connect foreign born sex trafficking  
5 victims with access to free, quality immigration  
6 legal assistance, ranging from advice to legal  
7 representation. The Queens trafficking court refers  
8 foreign born sex trafficking victims to the Queens  
9 Family Justice Center where they can meet with  
10 culturally and linguistically competent pro-bono  
11 attorneys from New York's most prestigious law firms  
12 under the supervision of experienced Sanctuary for  
13 Families Immigration Attorneys. While at the Queens  
14 FJC, individuals have access to over 35 community  
15 partners which offer risk assessment, safety  
16 planning, case management, counseling services for  
17 adults and children, civil legal assistance,  
18 immigration assistance, economic empowerment, and  
19 supportive services. The FJC's are walk-in centers  
20 that provide free and confidential services  
21 regardless of the client's language, income,  
22 immigration status, gender identity, or sexual  
23 orientation. Since the launch of the program in June  
24 of 2014, the Queens Trafficking Intervention Pro-bono  
25 Project provided 158 screenings on behalf of 155  
individuals, all women, including trans-women, 36 of

3 whom affirmatively disclosed trafficking. The vast  
4 majority of the other defendants screened shown signs  
5 of trafficking such as debt bondage, confiscation of  
6 documents for safe keeping and/or lack of freedom of  
7 movement. Most disclosed a history of gender-based  
8 violence, most frequently domestic violence. The  
9 average age of the clients screened through the  
10 Trafficking Project at the Queens FJC is 41 years old  
11 with the youngest client being 19 years old. The  
12 most common primary language is Mandarin, and the  
13 most common birth country is China. Approximately 72  
14 percent of the clients were undocumented at the time  
15 of the legal screening. This collaborative project  
16 has provided critical services to foreign-born sex  
17 trafficking victims who appear in front of the Queens  
18 Trafficking Court. I would like to take a moment to  
19 briefly tell you about one of the clients that we  
20 have seen through this program. Santa [sp?] who was  
21 born Sandro and identified by others as a boy for the  
22 first 17 years of her life fled to the United States  
23 from Mexico and met her trafficker while working at a  
24 pizzeria in Midtown. John, her trafficker was at  
25 least 20 years older than Santa and told Santa that  
she could live with him and would take--and he would

3 take care of her. However, John started bringing men  
4 to the apartment and told Santa that she had to  
5 please them sexually however they demanded. John  
6 also continuously provided Santa with various  
7 narcotics. The more men she was forced to see, the  
8 more she became dependent on drugs to numb the  
9 experience of each unwanted sexual encounter. John  
10 charged Santa for the drugs he gave her, and to pay  
11 for the drugs she was forced to prostitute more.  
12 Santa was eventually arrested by an undercover police  
13 officer and appeared before Judge Serita at the  
14 Queens Human Trafficking Intervention Court. Judge  
15 Serita strongly recommended that she participate in  
16 an immigration screening through the Queens  
17 Trafficking Intervention Pro-bono Project at the  
18 Family Justice Center. Through the services Santa  
19 received at the Queens FJC I am pleased to say she  
20 has now applied for a T-visa, enrolling in a--sorry,  
21 enrolled in a cosmetology course and is on her way to  
22 officially and legally becoming Santa and is working  
23 to rebuild her life. In closing, the Queens  
24 Trafficking Intervention Courts have revolutionized  
25 the way that the criminal justice system identifies  
and responds to victims of trafficking. Through this



3 innovative approach, defendants are recognized as  
4 victims and survivors as commercial sexual  
5 exploitation and human trafficking and are connected  
6 with broad resources and tools to empower them to  
7 rebuild their lives. We look forward to continuing  
8 to work with the city, the courts, community  
9 partners, and with the council on our shared goal of  
10 raising awareness about trafficking and enhancing  
11 resources for victims throughout New York City. Thank  
12 you.

13 ALANNA TURCO: Good morning, Chairpersons  
14 Lancman and Cumbo and members of the Committees. My  
15 name is Alana Turco, and I'm Associate Council with  
16 the Mayor's Office of Criminal Justice. The Mayor's  
17 Office of Criminal Justice, which advises the Mayor  
18 on public safety strategy and together with partners  
19 inside and outside of government develops and  
20 implements policies aimed at achieving three main  
21 goals, reducing crime, reducing unnecessary arrests  
22 and incarceration and promoting fairness. I'm  
23 grateful to you for holding this hearing and for  
24 giving us the opportunity to testify, and I'm very  
25 pleased to appear with the Honorable Toko Serita and  
Assistant Commissioner Elizabeth Dank from the

3 Mayor's Office to Combat Domestic Violence and the  
4 Center for Court Innovation to discuss with you our  
5 collective experience as working with survivors of  
6 commercial sexual exploitation and trafficking.  
7 Since 2008, the Mayor's Office of Criminal Justice  
8 has worked to provide services for survivors of sex  
9 trafficking and commercial sexual exploitation. We  
10 do so by providing funding for survivor legal  
11 services, authoring and publishing a resource  
12 directory and administering contracts for survivor  
13 service providers. We're very much looking forward  
14 to working with the Council and administering the  
15 750,000 that has been allocated for these services,  
16 and we're also looking forward to hearing input today  
17 to work more with our partners to put an end to sex  
18 trafficking. Thank you again for the opportunity to  
19 testify and I'm happy to answer any questions that  
20 you have.

21 AFUA ADDO: Good morning. My name is  
22 Afua Addo, and I am the Women Services Coordinator  
23 for the Hidden Victims Project, an initiative of the  
24 Center for Court Innovation in Queens Criminal Court.  
25 I'd like to thank the Chairs and members of the  
Committee on Courts and Legal Services and the

3 Committee on Women's Issues for addressing this very  
4 important topic. The Center for Court Innovation  
5 seeks to help create a more effective and humane  
6 justice system by designing and implementing  
7 operating systems, performing original research and  
8 providing reformers around the world with the tools  
9 they need to launch new strategies. Founded as a  
10 public/private partnership between the fund for the  
11 City of New York and the New York State Unified Court  
12 System. The center creates operating programs that  
13 test new ideas and solve problems. Through the  
14 lessons learned from operating projects and  
15 independent research, the center strives to expand  
16 the use of effective alternatives to incarceration  
17 where appropriate, help victims of crime or abuse  
18 find safety, support and services, improve access to  
19 justice for those in need of help, enhance legitimacy  
20 of the justice system, and strengthen the public  
21 trust in justice, encourage the justice system to  
22 make more informed decisions in individual cases and  
23 in matters of policy, and work in collaboration with  
24 both the government and community partners to advance  
25 meaningful change. Developing an enhanced problem-  
solving approach to individuals arrested for

3 prostitution or later defenses [sic] has been part of  
4 the Center for Court Innovation's work from its very  
5 beginning. Prior to increase national awareness of  
6 trafficking, staff at the Midtown Community Court  
7 tested new ways to engage people arrested for  
8 prostitution and as a result gained a deeper  
9 understanding of the dynamics at work in these cases.  
10 The center's anti-trafficking projects, which include  
11 the Midtown Community Court, Brooklyn Justice  
12 Initiatives, Bronx Community Solutions, and the  
13 Queens Hidden Victims Project require an in-depth  
14 understanding of the particular issues these  
15 individuals face. Not all individuals involved in  
16 the commercial sex industry experience identical  
17 problems and responding appropriately demands  
18 flexibility and creativity. In some parts of the  
19 city, for example, substance use is a chronic issue,  
20 while in other areas, this is not a major factor.  
21 Regardless of the particular issues that clients  
22 bring with them, staff and each of the Center for  
23 Court Innovation programs use a trauma informed  
24 approach with defendants, offer a sense of safety and  
25 partner closely with community agencies and the  
courts to ensure that the complex needs of individual

3 clients are met. Program staff in Queens, Manhattan,  
4 the Bronx, and Brooklyn screen each participant for  
5 experiences of interpersonal and systemic violence  
6 and for experience of trafficking. The Hidden  
7 Victims Project in the Queens Criminal Court builds  
8 upon this expertise and recognizes the numerous  
9 challenges faced by individuals arrested for  
10 prostitution. Many victims of trafficking, sexual  
11 assault and intimate partner violence have multiple  
12 experiences of trauma and may struggle with drug use  
13 or other challenges. Despite overwhelming evidence  
14 that this population experiences high levels of  
15 poverty and violence from multiple sources, including  
16 family members, intimate partners, pimps, and  
17 purchases, systems may not identify this  
18 victimization or systems may have responded poorly in  
19 the past. The Hidden Victims Project seeks to address  
20 this gap by screening female and transgender  
21 defendants in drug court, mental health court and the  
22 human trafficking intervention court for experiences  
23 of trauma and victimization and offering connections  
24 to critical resources, case management, and  
25 counseling where appropriate. As the Women's  
Services Coordinator I focus on helping individuals

3 with immediate needs such as access to shelter,  
4 healthcare, child-related needs, or government  
5 benefits. Case management is often intensive due to  
6 the severe lack of shelter beds or immediate,  
7 intermediate or long-term housing options for victims  
8 of trafficking. Metro cards, too, are in short  
9 supply and can be a significant barrier to  
10 individuals seeking help in addressing their safety  
11 and well-being. I also refer some clients to longer  
12 term counseling with our partner agency, Steps to End  
13 Family Violence, an agency specializing in working  
14 with survivors of intimate partner violence that are  
15 justice system involved. Following jus--excuse me.  
16 Following Chief Judge Lippman's expansion of the  
17 Human Trafficking Intervention Court model to 11  
18 jurisdictions statewide, the Center for Court  
19 Innovation took on a coordinating role among service  
20 providers in the New York City Human Trafficking  
21 Intervention Courts by bringing together service  
22 providers from across boroughs and through the lens  
23 of problem-solving court experience. The Center for  
24 Court Innovation has helped in the effort to respond  
25 consistently to potential victims of trafficking. In  
addition to providing coordination for service

3 providers, the Center for Court Innovation's own  
4 programs have seen increased numbers of participants  
5 demonstrating a great need for continued services.  
6 In 2014, the Midtown Community Court, which receives  
7 all prostitution-related cases in Manhattan, saw 495  
8 individuals. Brooklyn Justice Initiative saw 161,  
9 and Bronx Community Solutions saw 212, all of whom  
10 were arrested for prostitution-related charges. The  
11 numbers have been similarly high. In 2015 from  
12 January to June of 2015, the Midtown Community Court  
13 saw 235 individuals. Brooklyn Justice Initiatives  
14 saw 89 individuals, and Bronx Community Solutions  
15 interfaced with 102 individuals. Program completion  
16 rates are also high. In Midtown Community Court from  
17 July 2014 to June 2015, 149 of 179 participants  
18 completed trauma-informed programing. Among these  
19 individuals, specific populations and needs arise in  
20 different boroughs. In Manhattan and Queens, for  
21 example, the percentage of Asian defendants is high.  
22 In Midtown Community Court, 36 percent of defendants  
23 from January to June 2015 were Asian, illustrating a  
24 significant need for service provision that is  
25 culturally relevant and available in Mandarin, Korean  
or other languages. In the Bronx, a significant

3 number of transgender defendants participate in  
4 programming, 11 percent in 2014 and 12 percent in the  
5 period from January to June of 2015. This too  
6 requires specific expertise on the part of Center for  
7 Court Innovation and illustrates that a one-size-  
8 fits-all model does not work for our programming.  
9 Staff at each of our projects deliver tailored  
10 services. For example, at the Midtown Community  
11 Court, staff developed a group curriculum specific to  
12 transgender individuals. Staff have also worked to  
13 strengthen partnerships with agencies that have  
14 Mandarin and Korean-speaking counseling services.  
15 Center for Court Innovation programs work to identify  
16 and achieve performance measures and metrics for our  
17 programming that are responsive to the context of the  
18 women and transgender individuals receiving  
19 counseling and support. For example, many  
20 individuals engage in counseling voluntarily  
21 following the completion of their mandate. In  
22 Midtown, 45 participants engaged in voluntary  
23 services during the period from July 2014 through  
24 June of 2015. Additionally, Center for Court  
25 Innovation staff work specifically on obstacles that  
lead to re-arrest and re-victimization for some



3 defendants. The lack of basic supports often keeps  
4 individuals in the life. These basic needs are often  
5 tied to poverty and include shelter, housing, metro  
6 cards, again, to reach appointments for government or  
7 employment related services, and information and  
8 services in their preferred language for those  
9 litigants with limited English proficiency. In  
10 addition to these barriers to stability, coercion and  
11 exploitation by an abusive partner or pimp may take  
12 autonomy away from the individual, possibly leading  
13 to recidivism and may mean the individual meets the  
14 legal definition of a trafficking victim. The best  
15 way to illustrate the complexity of the issues I've  
16 discussed is through the story of a Hidden Victim's  
17 Program client. As an adolescent she experienced  
18 extensive poverty, housing instability, lack of  
19 educational assistance for her learning needs, family  
20 dysfunction, and then the death of a parent and  
21 abandonment by another. She was then placed in a  
22 foster home and subsequently ran away and into "the  
23 life." She was soon arrested for prostitution-related  
24 charges and her case was transferred to the Human  
25 Trafficking Intervention Court. This is a common way  
that young people are often vulnerable to pimps.

Most of clients have similar backgrounds. At her first court appearance, she was a few months pregnant and had not received any prenatal care. The judge and her attorneys referred her to me at the Hidden Victims Project for case management and assessment. I provided her with one on one counseling and access to stable healthcare and prenatal care and referrals to job readiness and vocational rehabilitation training. Even with the many challenges and barriers facing her, the client was able to successfully complete her mandate and today is still receiving a continuum of care for her and her baby. This example illustrates how the Hidden Victims Project in partnership with the Human Trafficking Intervention Court is able to address trafficking survivors' complex trauma needs by providing access to comprehensive crisis intervention and longer term support services that lead to survivor empowerment. The Center for Court Innovation plans to continue to expand its role as a liaison connecting and coordinating all of the service providers working with defendants in the Human Trafficking Intervention Courts citywide. By bringing a consistent trauma-informed framework to each of the court's criminal

3 justice staff, stakeholders and allies can better  
4 respond to sexually exploited and trafficked  
5 individuals and ensure that their encounter with the  
6 courts is an opportunity for outreach and services  
7 rather than convictions and incarcerations. Thank  
8 you.

9 CHAIRPERSON LANCMAN: Terrific. Thank  
10 you very much. Let me also acknowledge that we've  
11 been joined by Council Member Elizabeth Crowley from  
12 Queens. So--oh, and there he is, Council Member  
13 Menchaca from Brooklyn who's also a member of the  
14 committee. So, I have questions along two lines of  
15 inquiry. One has to do with the involvement of the  
16 city in helping to coordinate services that the city  
17 either provides directly or that other organizations  
18 provide under the city's auspices, like the Family  
19 Justice Centers. And the second has to do with how 16  
20 and 17 year olds are adjudicated when they're charged  
21 with a prostitution offense in New York City. So,  
22 regarding the issue of the city's support in terms of  
23 not just funding, which is what the Council is trying  
24 to get the ball rolling on, but in terms of providing  
25 services to victims and defendants in the Human  
Trafficking Courts. If those of you with knowledge

3 of this issue, particularly the Mayor's Office of  
4 Domestic Violence and Judge Serita, could you know,  
5 tell us what it is that the city does, the  
6 Administration does to support the work of the  
7 Trafficking Court in terms of connecting women to  
8 services that the city might provide directly,  
9 educational services, workforce development services,  
10 etcetera, but also the Family Justice Center and  
11 anything else that the city offers.

12 ELIZABETH DANK: Sure, thank you. So,  
13 the Mayor's Office to Combat Domestic Violence which  
14 operates the New York City Family Justice Center  
15 works very closely with all of the courts in New York  
16 City including the Human Trafficking Intervention  
17 Courts.

18 CHAIRPERSON LANCMAN: Please pull the mic  
19 a little closer.

20 ELIZABETH DANK: Sure. I would say our  
21 closest collaboration is with the Queens Human  
22 Trafficking Intervention Court because of the Queens  
23 trafficking intervention pro-bono project that we  
24 have currently in Queens. Through that program and  
25 through courts and resource coordinators in courts,  
clients are referred directly to the Family Justice

3 Centers where we have on site community providers who  
4 provide services to victims of trafficking.

5 CHAIRPERSON LANCMAN: Is that project just  
6 directing defendants to the Family Justice Center, or  
7 is it something more than that?

8 ELIZABETH DANK: Sure. So, the project  
9 brings in pro-bono attorneys who are specifically  
10 there to work with the defendants in the Human  
11 Trafficking Intervention Court. So through a close  
12 connection with the trafficking court, defendants are  
13 referred directly to those pro-bono attorneys who are  
14 there to provide free legal assistance around  
15 immigration services.

16 CHAIRPERSON LANCMAN: And are those  
17 attorneys there, you know, every time the court sits?  
18 Was it on Fridays, Judge?

19 JUDGE SERITA: Yes.

20 CHAIRPERSON LANCMAN: Are attorneys there  
21 every week?

22 ELIZABETH DANK: Yes, the attorneys are  
23 there every week on Fridays, are the pro-bono  
24 attorneys. Throughout the entire week, though, we do  
25 have immigration attorneys who are on site--

3 CHAIRPERSON LANCMAN: [interposing] And  
4 how are those services different than what's provided  
5 in the Family Justice Center? Because there's also  
6 attorneys there.

7 JUDGE SERITA: The attorneys actually  
8 don't appear in court, but there's a volunteer from  
9 Sanctuary for Families who makes the connections with  
10 the defendants and thereafter set up appointments for  
11 individual consultations.

12 CHAIRPERSON LANCMAN: How's that  
13 different though than the services that are currently  
14 provided in the Family Justice Center itself, because  
15 they also provide legal assistance?

16 ELIZABETH DANK: Right. So these attorneys  
17 are solely dedicated to working with the defendants  
18 that come out of the Human Trafficking Intervention  
19 Court. They're not taking on other cases, and  
20 they're specifically trained and supported and  
21 supervised by immigration attorneys at Sanctuary for  
22 Families who are--who can provide the specific work  
23 for sex trafficking victims to meet the needs that  
24 they have.

25 CHAIRPERSON LANCMAN: Alright. So let me  
then ask about--well, let me ask first of fall, do

3 you intend to expand that project in Queens to the  
4 other four boroughs, and if so, when?

5 ELIZABETH DANK: Sure. So that's  
6 something that we have talked about. We're not  
7 currently in the process of expanding it, but it is  
8 definitely something that we are interested in  
9 continuing conversations to have around that.

10 CHAIRPERSON LANCMAN: Now, also, am I to  
11 infer from your giving the bulk of the testimony on  
12 this issue that this issue of services to the Human  
13 Trafficking Court is kind of in the Mayor's Office of  
14 Domestic Violence's portfolio as opposed to MOCJ? We  
15 were contemplating putting in a bill, which I think  
16 we decided not to do ultimately, that the  
17 Administration should designate one person or one  
18 office to liaison with the Human Trafficking Courts.  
19 Like, we don't oversee the courts in that precise  
20 way. Is the Mayor's Office of Domestic Violence the  
21 return address for all inquiries at the  
22 Administration for what's going on in Human  
23 Trafficking Courts and how they're being supported,  
24 or is it MOCJ, or what?

25 ELIZABETH DANK: I think we have two  
roles really. So, the Mayor's Office to Combat

3 Domestic Violence through our charter mandate works  
4 specifically with partners of intimate partner  
5 violence. So, whether that's intimate partner victims  
6 of sex trafficking or intimate partner victims of  
7 intimate--of violence, and so through the services  
8 that we have at our Family Justice Centers and our  
9 Domestic Violence Response teams, we are providing or  
10 coordinating direct services for victims of intimate  
11 partner sex trafficking. In terms of funding around  
12 sex trafficking programs, I'll turn it over to my  
13 colleague at the Mayor's Office of Criminal Justice  
14 to respond about what they do around that.

15 ALANNA TURCO: Thanks. So, we currently  
16 do provide funding for one service provider to  
17 provide general services for survivors of sex  
18 trafficking through the Urban Justice Center, and  
19 that's through our own initiative. And we have  
20 historically done that as well since 2008. Of  
21 course, more funding is always something that we're  
22 looking into getting and working with and perhaps  
23 from our own resources as well. Sex trafficking does  
24 intersect, of course, with intimate partner violence,  
25 but not always. So, it's not necessarily always a  
domestic violence issue, and of course, we're very



3 keen on learning more concerning labor trafficking as  
4 well, because that's something that needs--we need to  
5 shed more of a light on. So, in addition to the  
6 90,000 a year contract that we currently have, we  
7 also provide some legal services that are different  
8 from what the Mayor's Office to Combat Domestic  
9 Violence is supporting right now. And that is  
10 appeals programs to help those convicted overturn  
11 their convictions to destigmatize themselves from  
12 their criminal records. So that's an appeals process  
13 that we currently are supporting as well.

14 JUDGE SERITA: I do believe that some  
15 type of coordination would be incredibly beneficial  
16 to the Trafficking Intervention Courts as well as to  
17 the defendants that are served. One of the things  
18 that I have heard from talking with various service  
19 providers is that it is incredibly difficult for  
20 individuals to navigate through the system and to  
21 navigate through various agencies. So, if somebody  
22 has issues concerning housing, concerning, you know,  
23 the family courts, concerning education, etcetera,  
24 it's difficult for a regular person to navigate, and  
25 so you can imagine how much more challenging it would  
be for the individuals that we see. So, I do support

1 COMMITTEE ON COURTS & LEGAL SERVICES JOINTLY WITH  
2 COMMITTEE ON WOMEN'S ISSUES

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3 the idea of having some kind of city liaison, and I  
4 think that that's something that perhaps should be  
5 explored.

6 CHAIRPERSON LANCMAN: And that was the  
7 second part of my interest in the city's  
8 coordination. The direct services would direct  
9 interaction with the city, not pro-bono lawyers, not  
10 legal services providers that we fund, but people  
11 that have to go through HRA or housing or NYCHA or  
12 the Department of Education. What can we do better  
13 to, as the Judge said, like connect those direct  
14 service providers that are the city itself to these  
15 victims? I know that Council Member Menchaca who  
16 also chairs the Immigration Committee and the Speaker  
17 when they confronted the unaccompanied minors crisis  
18 I remember going to 26 Federal Plaza, and I remember  
19 in the hallway outside the Immigration Court there,  
20 there were representatives of a couple of city  
21 agencies that those individuals would, you know,  
22 might need their services. So, how do we do  
23 something like that for Trafficking Court?

24 ELIZABETH DANK: And the coordination of  
25 services that you're speaking about is exactly what  
26 we do at the Mayor's Office to Combat Domestic

3 Violence and is a main priority of ours. The Family  
4 Justice Centers are an innovative model, a one-stop  
5 location where victims can access all the services  
6 that they need, particularly the city services. Also  
7 through our Domestic Violence Response teams we're  
8 working on particularly high risk cases. We're  
9 convening meetings on a monthly basis with city  
10 agencies and community partners to help to streamline  
11 the process and make sure that access to services is  
12 easier for clients. We agree that it's often a  
13 fulltime job for clients to access all the services  
14 that are available to them on their own. And so we're  
15 here to be able to help to coordinate those services  
16 for them.

16 CHAIRPERSON LANCMAN: Right.

17 AFUA ADDO: I just want to address the  
18 difficulty for our domestic trafficking victims and  
19 survivors in that if they are born or have attended  
20 school at some point in the United States that they--  
21 and have lived a life or some amount, significant  
22 amount of time in the life, they lack a paper trail,  
23 and it's very difficult to access city services  
24 without an address, without a birth certificate and  
25 without a known social security number. So it's very

3 important that we coordinate services to address this  
4 gap and this gap in identification for individuals  
5 who have been brainwashed or convinced that they are  
6 someone else, or that they are not even worthy of  
7 accessing a certain level of care.

8 CHAIRPERSON LANCMAN: I'll follow up on  
9 the 16, 17-year-old question after my colleagues have  
10 an opportunity to go through a round of questions,  
11 but I do think, you know, we need to further explore,  
12 maybe have some meetings about how the city can have  
13 a greater presence in the courtrooms themselves in  
14 order for the defendants to be able to more easily  
15 directly access city services because we have a lot  
16 of city services for people who need them, and from  
17 what I saw in my observation of the court the times  
18 that I visited and my discussions with judges and  
19 advocates, there's like a missing connect, connection  
20 there. Anyway, with that, Council Member Cumbo, do  
21 you have any questions?

22 CHAIRPERSON CUMBO: Thank you so much for  
23 your testimony and thank you so much, Chair Lancman.  
24 I wanted to start. If a victim as part of their plea  
25 is ordered by the court to attend a mandated program,  
what happens if that person gets rearrested or fails

3 to complete the program? Are they given additional  
4 opportunities to complete the program?

5 JUDGE SERITA: Yes, they are. In many  
6 ways, the Human Trafficking Intervention Courts  
7 follow the models of Drug Treatment Courts and Mental  
8 Health Courts, but in significant respects they  
9 differ. And so we have to be very conscious of the  
10 dynamics of trafficking in these courts. And so if  
11 somebody is unable to complete the mandate,  
12 punishment or sanctions are not necessarily the  
13 appropriate response. Why is that? Well, if  
14 somebody is coerced into prostitution activity, they  
15 may not have a choice about whether or not, right, to  
16 engage in prostitution. If that is the case, they  
17 may be subject to a number of arrests, right? So, do  
18 you punish somebody for those rearrests if they're  
19 not completely under, you know, doing this  
20 voluntarily. So, that's one of the things that we  
21 have to take into account. A lot of times, if  
22 somebody is having problems of fulfilling the  
23 mandate, we want to find out what the reason is. The  
24 reason might be because they have so many things  
25 going on they are completely overwhelmed by the  
circumstances of their lives. They may have, you

3 know, children in foster care. They may be going  
4 through homelessness. They may be having problems  
5 with their exploiters, and so we want to find out  
6 information about what is going on with their current  
7 situation. If we get this information and the  
8 advocate or attorney is requesting additional time,  
9 that's something we would certainly consider.

10 CHAIRPERSON CUMBO: I wanted to follow up  
11 with that now that you touched on it. From Assistant  
12 Commissioner Dank, there was a part of your testimony  
13 where you talked about an individual by the name of  
14 Santa and the issue in terms of what was discovered  
15 there was that she found someone who said that they  
16 would take her, provide housing for her, but then the  
17 situation very quickly escalated into something that  
18 wasn't appropriate. But let me ask you this  
19 question, in a situation like that where someone is  
20 now ultimately living with their sex trafficker, what  
21 role does housing play in all of this, because are  
22 those survivors in many instances still living within  
23 the circumstances while they're completing a program  
24 like this? What is the circumstance in terms of  
25 providing housing for them during this time? Are  
there particular organizations that specifically are

3 providing housing while individuals are going through  
4 this type of program to transform their lives?

5 ELIZABETH DANK: Sure. So we work with  
6 many clients who are still currently in an abusive  
7 situation when they are accessing services at our  
8 Family Justice Center. We practice a client-centered  
9 approach. So we are really about telling the client  
10 what all of their options are that are available and  
11 letting them make informed decisions about which  
12 services they want to access. And so in terms of  
13 shelter options and housing options there's no  
14 shelter system in New York City currently that is  
15 specifically geared to sex trafficking victims.  
16 There's the domestic violence shelter system and the  
17 Department of Homeless Services shelter system, but  
18 there's no separate shelter system specifically for  
19 trafficking victims, and I'm actually going to let my  
20 colleague from the Center of Court Innovation who I  
21 know is specifically working with victims around  
22 housing issues speak a little bit more about some of  
23 the particular community based organizations that she  
24 accesses.

25 AFUA ADDO: Absolutely. For young women  
under-- up to 24 years old there are some options,

3 particularly with girls' education mentoring services  
4 that provide crisis housing, very limited crisis  
5 housing. However, for women that are over that age  
6 who have children, placement between Long Island,  
7 Suffolk County, all the way down to South Jersey up  
8 the Hudson Valley in shelter homes that we have  
9 access to which is very difficult to remove  
10 individuals from their home and from their children  
11 from their neighborhoods. However, a great deal of  
12 our clients are still actively living with their  
13 exploiter or living close to their exploiter or  
14 living with other women that are being exploited by  
15 an individual who lives someplace else. So, they  
16 live kind of in a commune situation. It can be very  
17 difficult for a lot of our women who seek crisis  
18 shelter to access DV shelter. That is because of the  
19 open case situation. If an individual has an open  
20 criminal case against them, they are not welcome into  
21 a DV shelter. This poses a particular threat to our  
22 trafficking survivors who may have been committing  
23 crimes for their exploiter, which is very li--highly  
24 likely, carrying and possession of narcotics or a  
25 weapon or carrying out other crimes for that  
individual. So, it's very important to understand



3 that there are nuances that impact the survival rate  
4 of our victims or just the crisis management of these  
5 individuals.

6 CHAIRPERSON CUMBO: What role does the  
7 trafficker or those involved in trafficking, what  
8 role do they play or how can they connect with  
9 services through the courts on human trafficking, the  
10 Intervention Courts? What role do they have there?  
11 Do they--is it possible for them to also go through  
12 any of these programs or through the court? And I  
13 apologize for my ignorance on this, but I'm very  
14 curious in terms of how they intersect with the court  
15 system.

16 JUDGE SERITA: I think that that's a very  
17 legitimate question. As far as the courts are  
18 concerned, we only deal with the victims of human  
19 trafficking and those arrested on prostitution and  
20 loitering charges. So what that means is that we  
21 don't accept any cases involving traffickers, pimps  
22 or John's, purchasers of sex. If somebody is  
23 arrested on a sex trafficking charge, that would be a  
24 felony, and so they would appear in Supreme Court,  
25 but we make a very, very clear distinction. We are  
not interested in dealing with traffickers or pimps

3 or promoters, and so sometimes that does pose an  
4 issue if a female defendant appears in court on a  
5 promoting charge. We will usually not deal with that  
6 case unless there are specific circumstances  
7 surrounding the incident, meaning, you know, she may  
8 have been charged for promoting, but she may in fact  
9 be an exploited and trafficked individual. So, this  
10 is where it is very, very important to find out the  
11 additional facts.

12 CHAIRPERSON CUMBO: How often does an  
13 individual who is being trafficked, how often when  
14 they come before the court do they actually wind up  
15 doing time for what they were brought in versus being  
16 directed towards services and programs?

17 JUDGE SERITA: I think that that is also  
18 an excellent question. One of the primary objections  
19 of the court is to recognize the status of many of  
20 the individuals, meaning that if they are not in fact  
21 victims of trafficking they are certainly at high  
22 risk and also victims of commercial sexual  
23 exploitation. So we try to resolve these cases with  
24 noncriminal dispositions, and I believe that over 80  
25 percent of the cases throughout New York City result  
in noncriminal dispositions, meaning they can't get

3 their cases dismissed and sealed after participating  
4 in a program or else they take pleas to a violation  
5 which is not a criminal convictions. It's very, very  
6 rare in Queens that we wind up sentencing somebody or  
7 taking a plea to the prostitution charge. As we have  
8 come to understand for many of the victims, having a  
9 criminal conviction is tremendously damaging.

10 CHAIRPERSON CUMBO: I want to-- I have  
11 more questions, but I want to turn it over to our  
12 Speaker for her to ask her questions in respect for  
13 her time. But my final question for this round would  
14 really be, are there cases or situations where a  
15 woman that is going to the Human Trafficking  
16 Intervention Courts, are there certain cases or  
17 reasons or just glitches in the system where a woman  
18 would not go through your court and could just go  
19 through the regular court system for whatever reason?  
20 Or is it always a hard and fast rule that a woman or  
21 a man that has been trafficked in this way would  
22 always go through that court system or their at  
23 circumstances where they would not?

24 JUDGE SERITA: Right. At arraignment  
25 most, virtually all of the prostitution/loitering  
cases are sent to the Human Trafficking Intervention

3 Court first time on, right? So that's a policy and  
4 that's a policy that exists throughout New York City.  
5 Now, once they get to the court, that's a different  
6 story. There may be a variety of reasons why  
7 somebody does not want to participate in a program.  
8 If, for example, they are represented by private  
9 counsel and the private counsel is advising this  
10 individual not to participate because who knows who  
11 is paying that private attorney. So, that's one  
12 possible scenario. Another one is if, you know, that  
13 person is told by her exploiter, "I don't want you  
14 participating." Then the case will not, you know,  
15 result in participation in a program. So, those are  
16 two possible scenarios.

17 CHAIRPERSON CUMBO: Thank you very much.

18 SPEAKER MARK-VIVERITO: Again, thank you  
19 for being here and thank you for your testimony. I  
20 have very, two very quick questions, and then  
21 obviously I know my colleague have a lot of other  
22 questions. But understanding as each of you was  
23 testifying in terms of the briefing material that we  
24 have with regards to those individuals, the victims  
25 that come before you in terms of services provided.  
The issue of culturally and linguistically sensitive

3 service, you know, providing service, is that  
4 continuing to be a challenge or is there enough  
5 support in that area? I guess that's an issue that  
6 we'd like to hear from you all since you directly  
7 engage in this issue.

8 JUDGE SERITA: Yeah, so it is a  
9 continuing challenge. One of the things that happened  
10 when the Trafficking and Intervention Courts were  
11 created was that there was no additional funding  
12 provided for the service provider organizations which  
13 is why I am personally very grateful to the City  
14 Council and specifically to the Speaker for taking  
15 this issue on, but as a result if there was not a  
16 commensurate increase in funding for these  
17 organizations, then they were facing real challenges  
18 in terms of demand and capacity. And so we've had  
19 experiences with some of the organizations working  
20 with the Queens Human Trafficking Intervention Court  
21 that provides services for Asian defendants who have  
22 been unable to meet the overwhelming demands, because  
23 you also have to keep in mind that it was not one  
24 court that they were servicing, but several. You  
25 know, all of a sudden four different courts

3 throughout the city, and so that remains a continuing  
4 challenge.

5 SPEAKER MARK-VIVERITO: If any of the  
6 others could speak to that? I mean, it sounds like  
7 that the pro-bono project in Queens was set up  
8 specifically because of that challenge, right? It  
9 sounds like it was set up the way I'm reading it, to  
10 provide victims with appropriate legal representation  
11 in a language, right?

12 ELIZABETH DANK: Yes, that's correct.  
13 So, I mean, at the Family Justice Centers we work  
14 with clients regardless of their language capacity  
15 and we specifically have staff that are on site that  
16 are culturally competent to provide services. But  
17 yes, that's correct that the pro-bono attorneys that  
18 are providing these services are both culturally and  
19 linguistically competent for the clients that they're  
20 seeing. I don't know if you wanted to--

21 SPEAKER MARK-VIVERITO: Okay. So it's--  
22 alright. I--that's obviously one of the reasons--you  
23 know, that's something that we are very concerned  
24 about and in terms of the allocation of funds that  
25 we've set aside is to help expand capacity of  
providers and hopefully this is an area that can get

3 addressed somewhat. Obviously we're not going to  
4 meet the full need, but that's something that if it  
5 continues to be a challenge that that's where some  
6 resources could be directed. My last question is  
7 with regards to, you know, November of 2014 we have  
8 statistics here that they NYPD recorded 686 arrests  
9 in Queens on prostitution-related charges, but had  
10 only 15 cases pending for accused traffickers for the  
11 year. So, obviously, that disparity of the focus of  
12 effort. So, what role do you believe that the courts  
13 have in prosecuting traffickers, right? That's one  
14 question. Or are the victims in the courts used in  
15 aiding the investigation and prosecution of  
16 traffickers? If we could speak to that?

17 JUDGE SERITA: Let me speak to the second  
18 question, first, and then I'll turn it over to Ms.  
19 Turco from the Mayor's Committee on Criminal Justice.  
20 Let's see. One thing about Queens, and I think that  
21 this is an important thing to keep in mind, as far as  
22 the participation of the defendants in the court, the  
23 plea offers or the dispositions that are given to the  
24 defendants are not conditioned upon a defendant's  
25 cooperation with law enforcement in terms of  
providing information about her trafficker. So, there

3 are very successful sex trafficking prosecutions  
4 taking place in the Queens DA's office by the special  
5 proceedings bureau, but they really take a hands-off  
6 approach, and I think that that's important to keep  
7 in mind so that women or defendants are not being  
8 coerced. If they do have the support and the  
9 willingness to testify on--to testify against a  
10 trafficker. We provide whatever supportive services  
11 are available to them.

12 ALANNA TURCO: I'll just sort of echo  
13 what Judge Serita was indicating about what goes on  
14 particularly in Queens in terms of the separation of  
15 the Human Trafficking Intervention Court and the  
16 actual prosecution of traffickers which tend to be  
17 very investigatory heavy cases. There is no reason  
18 that we should be strong arming victim survivors of  
19 trafficking into participating in investigations and  
20 law enforcement activity. Of course, in a perfect  
21 world, these numbers would be inverted, and that's  
22 something that we are constantly talking about and  
23 recognize as a tremendous problem and issue. But I  
24 think that--and maybe Adia Camafronti [sp?] who I  
25 believe you'll be hearing from later can speak to  
this issue with a little more expertise. But yes, we



3 recognize that those numbers are absolutely a problem  
4 and we want to work forward in addressing that, but  
5 with also understanding that there's a lot of nuance  
6 to these cases, and that there is--there will be no  
7 further victimization or coercion of survivors of  
8 trafficking to participate in the prosecution of  
9 traffickers.

10 SPEAKER MARK-VIVERITO: Do you get any  
11 push-back from law enforcement on that by chance?

12 ALANNA TURCO: Of them wanting to maybe  
13 have that be an issue or? I can't really--I can't  
14 really speak to that issue. Maybe Ms. Dank can, but  
15 you know, PD does have dedicated teams dealing with  
16 human trafficking investigations both citywide and  
17 patrol borough specific. So, those are cases that are  
18 very high interest to the Police Department. Do you  
19 want to--

20 JUDGE SERITA: That might be a question  
21 you might want to pose to the service providers in  
22 terms of their experiences with their clients in law  
23 enforcement.

24 SPEAKER MARK-VIVERITO: Definitely we  
25 will. Thank you very much for your--for being here  
and answering the questions.

3 CHAIRPERSON LANCMAN: Thank you. Let me  
4 just also acknowledge that we've been joined by  
5 Council Member Darlene Mealy from Brooklyn. Now,  
6 we'll invite Council Member Kallos to ask some  
7 questions.

8 COUNCIL MEMBER KALLOS: First, I'd just  
9 like to say thank you to our Speaker, Melissa Mark-  
10 Viverito, and Courts and Legal Services Chair Lancman  
11 for their leadership and investment of three-quarters  
12 of a million dollars in initiative funding to support  
13 services upon which the Human Trafficking  
14 Intervention Courts depend for their referrals.  
15 Thank you to Chair Cumbo for your leadership on  
16 Women's Issues. It is rare distinction to serve on  
17 both of the committees holding this hearing today.  
18 Last but not least, I would like to thank the  
19 Committee Counsels, Josh Hanshaft [sp?] and Amenta  
20 Killawan [sp?] for their exhaustive committee report  
21 upon which I'll base my questions. The Red Umbrella  
22 Project released a study that indicated that non-  
23 English speaking victims' cases take longer due to a  
24 lack of interpreters. Do you agree with this finding  
25 or are there other factors that contribute to this  
problem, and what recommendations can you suggest

3 that may solve that? And then the second part of  
4 that question is that same report indicated that  
5 while victims are in pursuit of their ACD case, their  
6 case is open, which makes them ineligible to pass a  
7 background check, to gain employment outside the sex  
8 trade, receive public assistance or may lose custody  
9 of their children. Is this true, and are there ways  
10 city agencies can mitigate this outcome especially  
11 since it has a disproportionate impact on non-English  
12 speakers?

13 JUDGE SERITA: Alright. So, let me  
14 address the interpreter issue first. It has been my  
15 experience dealing with the Korean and Mandarin-  
16 speaking population that we have not had any problems  
17 as far as interpreter staff. We always have an  
18 interpreter on board, and in fact, on Fridays because  
19 of the large number of Asian defendants who appear in  
20 my courtroom they make sure that an interpreter is  
21 available. I don't know what the experience is  
22 necessarily with the other Trafficking Intervention  
23 Courts throughout the city. As far as a response to  
24 your second question concerning the impact of having  
25 an open case. We are certainly aware of that, and  
often times an attorney, the defense attorney, may

3 make an application to the court following the  
4 defendant's completion of the mandated program to  
5 have an earlier ceiling of that ACD, the Adjournment  
6 and Contemplation of Dismissal. So, if we find that  
7 the circumstances are appropriate to do so because  
8 let's say a defendant is going to an immigration  
9 hearing or, you know, wishes to leave the country or  
10 is facing some kind of obstacle, right, as a result  
11 of the open case we will certainly take that into  
12 consideration on a case by case basis.

13 COUNCIL MEMBER KALLOS: And in terms of  
14 if the person would just like to gain employment or  
15 has applied for a job or might lose custody, are  
16 those also circumstances that would be taken into  
17 account--

18 JUDGE SERITA: [interposing] Absolutely.  
19 Absolutely. Our perspective or our approach is to do  
20 as little harm as possible, knowing that we are  
21 dealing with a very, very disadvantaged group of  
22 defendants.

23 COUNCIL MEMBER KALLOS: And with regards  
24 to the interpreter issue that's obviously a huge  
25 concern, the report study from December 2013 to  
August 2014, are you able to share the records with

3 the Council of the number of defendants that required  
4 those services and the average length of time, and  
5 just either if you have different data than the study  
6 found, then show us the differences so that we can  
7 compare the two and get to the bottom of what's  
8 happening and then just share on a proactive basis  
9 what is happening for non-English speakers in the  
10 courts?

11 JUDGE SERITA: Absolutely. I don't have  
12 the figures before me, but I would certainly, you  
13 know, try to obtain them and provide them to the  
14 Council. I do know that there are approximately 30  
15 percent of the defendants at the very least who are  
16 non-English speaking, and perhaps a little bit higher  
17 during the time period that you had mentioned. And  
18 as far as interpreter staffing, as I said, I would  
19 have to look into that a little bit more. But I do  
20 know that in Queens it has never been a problem.

21 COUNCIL MEMBER KALLOS: And I think just  
22 one other piece that was noted by our committee  
23 report was that both judges and the report I think  
24 even newspapers have noted that one of the key  
25 services that is necessary is housing. And I think  
even in the testimony that was referred to what can

2 we do or what should we all be doing together to find  
3 housing to support.

4 JUDGE SERITA: That is a brilliant  
5 question. That is perhaps the paramount and  
6 universal need expressed by anybody you talk to who  
7 works with trafficking victims, and seriously, every  
8 single person who will testify today will tell you  
9 housing is really at crisis proportions, and so  
10 whatever the City Council can do in that regard to  
11 address the housing needs really would go an  
12 incredibly long way. And certainly that would be the  
13 subject of another day of council hearings.

14 COUNCIL MEMBER KALLOS: What do you  
15 project the housing need to be just for the human  
16 trafficking victims?

17 JUDGE SERITA: In terms of numbers?

18 COUNCIL MEMBER KALLOS: Yeah, if we can  
19 wave a magic wand and build it tomorrow or lease it  
20 tomorrow.

21 JUDGE SERITA: I would say maybe for 70  
22 percent of all the defendants we see, perhaps. How  
23 many?

24 COUNCIL MEMBER KALLOS: Is that hard  
25 number?

3 JUDGE SERITA: Ninety percent. So, Ms.

4 Addo says 90 percent. And we're talking about all  
5 different types of housing. You know, emergency  
6 shelters, short term housing, mid-term housing, long  
7 term housing, I mean, it just runs the gamut. It is  
8 such an incredible need. I will tell you, a lot of  
9 people looking to the Trafficking Intervention Courts  
10 think that our primary objective is to get the person  
11 out of the life, away from the exploiter or the pimp,  
12 right? Okay, that's fine. If I have a defendant who  
13 says she is willing to leave her exploiter, then what  
14 does the court say? We don't have any place to send  
15 them, and this is a heartbreaking reality that time  
16 and time again I as a judge and everybody in the  
17 courtroom working with trafficking victims  
18 encounters. We have no place to send these  
19 individuals. So that is a critical, critical need  
20 that I would certainly urge the City Council to look  
21 into further.

22 COUNCIL MEMBER KALLOS: So, I think the--  
23 if you could get back to us with how many units you  
24 would suggest of each type of housing, we will please  
25 try to get working on that. Thank you very much to  
our Chairs.

3 CHAIRPERSON LANCMAN: Thank you. Council  
4 Member Menchaca?

5 COUNCIL MEMBER MENCHACA: Thank you.

6 Thank you, Chairs, and thank you for allowing me to

7 really kind of explore with a real sense of

8 productivity the kind of reforms for the court and

9 for all the survivors we're talking about today. I

10 want to dig in a little bit deeper on the language

11 access pieces, and I'm glad you've offered data to

12 kind of compare the Red Umbrella Project and all the

13 work they're doing to really elevate their voices in

14 this court and beyond, and it'd be great to kind of

15 compare these pieces. One drill-down really quick is

16 whether or not you have feedback on the actual

17 interpretation that's happening in real time. And so

18 for example, we're hearing too that the language

19 interpreters and the situations around the

20 interpretation are usually really short. They're not

21 translating in a kind of way that is actually getting

22 the full message across. There's a lot of confusion

23 that kind of ensues. And so while you might have

24 high scores on having interpreters there, the

25 effectiveness of these interpreters is not measured.

Do you currently measure the effectiveness and have a



3 way to measure the effectiveness with say client  
4 feedback on that?

5 JUDGE SERITA: That is a larger issue  
6 that obviously the Office of Court Innovation has  
7 been dealing with for some time in terms of the role  
8 of court interpreters in the criminal justice system  
9 or in the court system as a whole. I can only speak  
10 to what my experiences have been in Queens. I think  
11 you're certainly right, just because we have  
12 interpreters available on staff does not mean that we  
13 can guarantee the quality of interpretation in each  
14 and every instance. For the most part, I think that  
15 the interpreters do a very good job. I think every  
16 once in a while there may be an issue that arises  
17 that is brought to my attention from either the  
18 service provider or the defense attorney, and I, you  
19 know, having a second language, etcetera, also coming  
20 from an immigrant experience and you know having  
21 knowledge of that and certainly sensitive to whether  
22 or not interpreters are actually doing their jobs.  
23 And so if I see that there seems to be some kind of  
24 gap between what is being said and what I think the  
25 interpreter is doing, I will certainly--I have no  
problem stopping the proceedings and making an

3 inquiry about that. But, in general I think it's  
4 very, very important, you know, to have the training  
5 and to have the measures to ensure that the  
6 defendants are receiving quality representation. And  
7 then the other thing that I would like to add is that  
8 at off-times we have our court advocates stand in--  
9 stand at the table along with the defendant, and so  
10 they are usually Mandarin or Korean speakers who  
11 understand the level of interpretation going on. So,  
12 if there is a problem they will certainly let the  
13 court know about it.

14 COUNCIL MEMBER MENCHACA: And I don't  
15 know if there's anyone else in the Mayor's Office or  
16 others can kind of speak to that that call. The  
17 judge made a call for more of that. Is there a way  
18 that you can kind of look at a systematic or support  
19 a systematic way of measuring that competency, not  
20 just for sake of interpretation but the ability to  
21 kind of measure how effective that--

22 AFUA ADDO: The Center for Court  
23 Innovation shares a philosophy with many of the  
24 service providers that we provide client-centered  
25 trauma-informed approach. And so the Center for  
Court Innovation provides trauma, systemic trauma-

3 informed training for other agencies, front line  
4 staff, direct service providers so that we're all on  
5 the same page in terms of the approach that we have  
6 when engaging with the client whether as a translator  
7 or direct case worker or case manager.

8 COUNCIL MEMBER MENCHACA: Okay. We're  
9 going to spend time outside of the hearing to work on  
10 that. Two other questions that I just want to throw  
11 out there. Judge, just in your testimony I want to  
12 maybe expand a little bit on--there's no page number  
13 here. Well, I'll just read it. "Because the needs  
14 of these women are so varied and complex, and because  
15 there's such tremendous difficulty identifying  
16 victims of trafficking, the courts provide the same  
17 services to all defendants who come before the  
18 court." And maybe this is multiple perspectives to  
19 that question, but I think that's where there's a lot  
20 of tension. There is focus on trauma as sex work,  
21 being a thing to require therapy only and there's a  
22 lot mandate and specific requests for mandated  
23 therapy sessions. It's been said over and over again  
24 at this hearing that crisis is really at the housing  
25 and job level, and so when there's a requirement for  
therapy only and we're still struggling to get other

3 services wrap around to the clients. We're seeing a  
4 major disconnect here, and so while there's a mandate  
5 for appearing in therapy sessions, and we're  
6 struggling to find housing it really provides. And  
7 we're going to hear it in the testimony later today,  
8 but can you kind of speak to that tension and  
9 potential reforms that you can recommend?

10 JUDGE SERITA: Alright. Do you have  
11 another hour for this?

12 COUNCIL MEMBER MENCHACA: Yes, we do.

13 JUDGE SERITA: No, no, no. I certainly  
14 would like to address the issue of the tension that  
15 you speak about. From my perspective, I don't know  
16 whether or not that tension exists. And this is  
17 precisely because when you were talking about  
18 therapy, we refer individuals to counseling sessions,  
19 but it's not for the purpose of brainwashing them or  
20 telling them that what they're doing is bad or, you  
21 know, telling them that you are in fact a victim, you  
22 must get out of the life. So, you know, this  
23 discussion about sex work, I don't feel is relevant  
24 to what I encounter and what I see on a daily--on a  
25 regular basis in these courts. When we refer  
individuals to counseling sessions, the primary

3 purpose is to find out what their needs are.

4 Admittedly there are people who may be coerced into  
5 the commercial sex trade. There may be people who are  
6 doing it willingly. There may be people who are  
7 doing it for survival sex. We don't know. We don't  
8 pass judgement on anybody. It's really a matter of  
9 finding out what their particular needs are and  
10 trying to identify those needs, meeting them where  
11 they're at, and you know, empowering them in order to  
12 be able to, you know, make choices and go on with  
13 their lives. So, from that perspective, I really do  
14 not see a tension. Because we're not telling--it's a  
15 completely non-judgmental atmosphere.

16 COUNCIL MEMBER MENCHACA: Can I ask if  
17 therapy is a requirement in every case and every  
18 client?

19 JUDGE SERITA: You know, they're not  
20 therapists. They're counselors. Some of them are  
21 social workers depending on the agency that they are  
22 referred to, but for example, in GEMS [sic], they do  
23 not do therapy.

24 COUNCIL MEMBER MENCHACA: Okay. This is  
25 another kind of world that we can spend a lot of time  
in. Last final question. In Brooklyn we've heard

3 reports that the DV courts are meeting at the same  
4 time, same place as the HTIC courts. Now, you can't  
5 speak to that in Brooklyn, but if there's a way that  
6 can be addressed, or essentially--

7 JUDGE SERITA: [interposing] Like is it a  
8 good thing, or is that what you're asking?

9 COUNCIL MEMBER MENCHACA: Clearly, it's  
10 not a good thing when some of the clients, some of  
11 the survivors are interacting in the hallways with  
12 the traffickers, that's problematic. And so we want  
13 to kind of hear from anyone else if that's kind of  
14 perked up, and if this is the first time you're  
15 hearing about it, what can be done to make that--

16 JUDGE SERITA: [interposing] Not do it.

17 COUNCIL MEMBER MENCHACA: Not do it, I  
18 like that.

19 JUDGE SERITA: No, no, obviously that  
20 brings up issues. I don't know if anybody else wants  
21 to speak on that.

22 COUNCIL MEMBER MENCHACA: Thank you.  
23 Anybody? Thank you.

24 ALANNA TURCO: That's definitely a  
25 problem, and that's something that we are happy to  
look into, and we recognize that that could present a

1 COMMITTEE ON COURTS & LEGAL SERVICES JOINTLY WITH  
2 COMMITTEE ON WOMEN'S ISSUES

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3 really big concern about safety and otherwise. So,  
4 yes, we recognize that that is a problem.

5 COUNCIL MEMBER MENCHACA: I agree. Let's  
6 work together to make that change. Thank you.

7 JUDGE SERITA: The one thing I do want to  
8 add in terms of mixing populations that may not be a  
9 good thing at all, but in terms of the possible  
10 rationale for doing so, the judge presiding over DV  
11 cases may in fact have expertise or a better  
12 understanding of the dynamics of intimate partner  
13 control, right, intimate partner violence and DV  
14 cases, and so that may be one of the possible  
15 reasons. I'm just throwing that out there for  
16 consideration.

17 COUNCIL MEMBER MENCHACA: Great. Not one  
18 that would justify them being in the same place, but  
19 logic you're throwing out.

20 JUDGE SERITA: Right.

21 COUNCIL MEMBER MENCHACA: Okay, thank  
22 you.

23 CHAIRPERSON LANCMAN: Thank you. Council  
24 Member Mealy?

25 COUNCIL MEMBER MEALY: Yes, I want to  
thank our Chairs for hosting this important hearing.

3 One thing I wanted ask, could you explain the small  
4 amount from Brooklyn who's using your program?

5 JUDGE SERITA: Small amount of?

6 COUNCIL MEMBER MEALY: Yeah, it's the--  
7 you said a spike in it, and people-- Brooklyn Justice  
8 Innovation saw 161 individuals when all the rest is  
9 at least about 200, 600, 400. Is the advertisement?  
10 Not advertisement, but how are people knowing that  
11 you exist, that they can use it more?

12 AFUA ADDO: The Center for Court  
13 Innovation is placed directly in the courtroom during  
14 the Human Trafficking Intervention Court dates. The  
15 number, I believe, is smaller than other boroughs  
16 because there are--sometimes there's a difference  
17 between the loitering arrests versus the prostitution  
18 charges, prostitution arrests. So, the reporting of  
19 what women or men are being brought in for might be,  
20 that might be the imbalance there that accounts for  
21 the imbalance there as well.

22 COUNCIL MEMBER MEALY: Okay. And I just  
23 have two other questions. How far is your reach to  
24 the defendants? If they go through your court or go  
25 to the regular court in regards to if they get  
arrested? How is your tracking if their needs are



3 being met? Like, some transgenders they have medical  
4 needs. Because I thought I remember some of them was  
5 going through where their hormone pills were not  
6 being addressed. Do you y'all address those issues  
7 just as well?

8 AFUA ADDO: Absolutely.

9 COUNCIL MEMBER MEALY: Because I see you  
10 have a special unit.

11 AFUA ADDO: Absolutely. Midtown--

12 COUNCIL MEMBER MEALY: [interposing] Could  
13 you explain?

14 AFUA ADDO: Community Court has wrap-  
15 around services. All of the--

16 COUNCIL MEMBER MEALY: Hidden Victims?

17 AFUA ADDO: Absolutely. The Hidden  
18 Victims Project in Queens is wrap-around services.  
19 So we connect with local agencies that provide  
20 intensive case management in addition to the case  
21 management that we provide. So, we have access to  
22 everything from transgender hotlines and Latina  
23 transgender support services all the way down--

24 COUNCIL MEMBER MEALY: [interposing] I  
25 understand it, but I'm talking about their medical  
needs.

3 AFUA ADDO: Absolutely. So, those  
4 agencies--

5 COUNCIL MEMBER MEALY: [interposing] So  
6 how do you address that?

7 AFUA ADDO: Those agencies provide  
8 intensive case management around those issues, and  
9 what we do is we--each individual requires a  
10 different level of support. So, some individuals come  
11 into the court and they are already affiliated with,  
12 for instance, maybe an ACT team at a city, a local  
13 city hospital or a task team to address their  
14 substance abuse or use concerns. So, if they're in  
15 ongoing care and they-- most likely they would have  
16 an issue whereas their healthcare benefits are  
17 concerned or the recognition of their gender dynamics  
18 are concerns by their healthcare. We provide  
19 services. We provide referrals to services and  
20 interact and maintain ongoing communication with  
21 those support services to ensure that they're  
22 receiving the care that they deserve.

23 COUNCIL MEMBER MEALY: What I was--I said,  
24 how much is your reach? If they don't go to your  
25 program, if they going through the system, sometimes  
the system is not have a nice ear, and you say that

3 you give them counseling. Is there any way for them  
4 to call y'all back and ask y'all to--

5 AFUA ADDO: [interposing] Absolutely.

6 COUNCIL MEMBER MEALY: really advocate for  
7 them?

8 AFUA ADDO: Absolutely. Absolutely. I  
9 encourage all of the individuals who come through the  
10 court and may touch our program at some, in some  
11 capacity to always feel free to reach out to us. As  
12 long as they are requiring services we are willing  
13 and able to provide those services and support. And  
14 individual is never cut off or closed out of our  
15 programming. They're always considered a client and  
16 an ongoing member and receiver of services.

17 COUNCIL MEMBER MEALY: Okay, thank you. I  
18 just wanted to make sure that people can reach out to  
19 you still.

20 AFUA ADDO: Absolutely.

21 COUNCIL MEMBER MEALY: Even though they  
22 not in your program.

23 AFUA ADDO: Absolutely. Even after  
24 individuals' cases might be closed, they might  
25 require counseling, and this harkens back to the  
previous question about what therapy and counseling

3 looks like. Taking an individual out of a situation  
4 that they've grown accustom to, not willingly but  
5 have become accustom to, can be life altering, life  
6 changing. So we provide essential point of contact  
7 for an individual that is not law enforcement, that  
8 is not someone telling them what to do and how to do  
9 it, but just lending an ear and being supportive of  
10 the process that they are going through to gain  
11 stability and independent living.

12 COUNCIL MEMBER MEALY: I have one more  
13 question. The commercial--is anyone keeping the data  
14 on the commercial or survival sex that's going on?  
15 Is anyone really tracking that?

16 AFUA ADDO: Well, that's--Judge Serita  
17 talked earlier about the difficulty in identifying  
18 who--

19 COUNCIL MEMBER MEALY: [interposing] We  
20 don't have no organization who want to take on that  
21 task to make sure--

22 AFUA ADDO: [interposing] Oh, the Center  
23 for--

24 COUNCIL MEMBER MEALY: [interposing]  
25 Maybe you can hit them more at home if they know it's  
just survival where maybe they want to get out, don't

3 want to do this, and we can help them in different  
4 paths instead of just commercial lives.

5 AFUA ADDO: I think the difficulty, and I  
6 often talk about trafficking and multi-systemic  
7 trauma and sex trafficking, sex work. The assumption  
8 is that an individual always understands the  
9 situation that they are in, and that they are aware  
10 that they are engaged or that there might be an issue  
11 or a concern or that it's something for them to get  
12 out of.

13 COUNCIL MEMBER MEALY: I kind of got to  
14 differ from that. Everyone sometime don't know.  
15 Some young ladies--I've been reading on it so much  
16 where their boyfriend just thought that they was  
17 going to go with them, and I just read on one and  
18 spoke to one of the young ladies who went to Africa  
19 and her boyfriend, he was her boyfriend. And when  
20 she got there, they videotaped her with other women  
21 and she had to come back to America. She had to like  
22 run really and escape. So, she thought that she was  
23 going with her boyfriend. So, a lot of people don't  
24 know that they going to be trafficking to other  
25 countries. So we can't just a blank slate say that

3 everyone understand. She really didn't understand  
4 what she was getting into.

5 AFUA ADDO: Oh, no, I was explaining that  
6 most people are not aware of the situation that they  
7 are in or under. They're not aware of the potential  
8 dangers of their engagement with a partner or an  
9 individual. So, that makes it difficult to track or  
10 to identify exactly who a victim of trafficking is.  
11 Individuals might also believe that they are willing  
12 working in the sex industry. There are so many  
13 individuals in this room that can speak to the  
14 different nuances of this situation, but in our  
15 interaction in the Queens Hidden Victims Project,  
16 every story is completely different in terms of how  
17 someone understands, comes to an understanding that  
18 they are being trafficked, forced, coerced, or  
19 engaged in a fraudulent situation with someone.

20 COUNCIL MEMBER MEALY: Thank you, just  
21 keep up the work.

22 AFUA ADDO: And what's interest--what's  
23 also important to understand is that yes, people  
24 would leave or yes, people want to work a job whereby  
25 the receive benefits and an ongoing paycheck  
schedule. However, if an individual does not know

3 how to live on their own or has never done so, a good  
4 amount of our individuals come through the foster  
5 care agen--have been foster children. Understanding  
6 that they themselves are worthy of that level of  
7 access to education, healthcare and shelter can be  
8 difficult if they've been convinced otherwise for so  
9 long. So, gaining--first and foremost we need  
10 housing. We need shelter so an individual can just  
11 get out and breathe and sleep in bed for a night and  
12 clear their mind. That's where the therapy and the  
13 counseling comes in, just grounding an individual in  
14 their identity is first and foremost important before  
15 we place them in a job tomorrow or put a stack of  
16 cash in their pocket tomorrow and say go out and get  
17 situated as a citizen in this world.

18 COUNCIL MEMBER MEALY: So, thank you.

19 And I'm sorry, I have to go because I'm meeting with  
20 some people who want to build housing for aged out  
21 foster care children. So, I'm looking forward to  
22 that. That's what we need more of.

23 AFUA ADDO: Yes.

24 COUNCIL MEMBER MEALY: Thank you so much,  
25 Chair.

3 CHAIRPERSON LANCMAN: Let me acknowledge  
4 that we've been joined by Council Member Vanessa  
5 Gibson from the Bronx who also chairs the Committee  
6 on Public Safety. A couple of us have a second round  
7 of question. You're that important and interesting.  
8 I had promised to inquire into how 16 and 17 year  
9 olds are treated in criminal court, when and under  
10 what circumstances are they diverted to Family Court.  
11 Is there anything that the courts or anyone in the  
12 system, including the city can do to facilitate that  
13 if it's appropriate? Judge?

14 JUDGE SERITA: Alright. I think a lot of  
15 legislation concerning 16 and 17 year olds were  
16 passed in the past two years to address the fact that  
17 the provisions of the Safe Harbor Act for Exploited  
18 Children did not make it to the criminal side. And so  
19 what happened was that there was this contradiction  
20 between the acknowledgement, you know, by the  
21 legislature that 16 and-- that children under the age  
22 of 18 arrested on prostitution charges were  
23 considered victims of sex trafficking and were  
24 considered sexual exploited youth, but were still  
25 never the less criminally prosecuted as adults, and  
16 and 17 year olds-- criminally prosecuted as adults



3 if they were 16 or 17 years old and sent to criminal  
4 court. And so the new legislation allowing for their  
5 cases to be sent to Family Court through a Pins [sic]  
6 petition, etcetera, was an attempt to address that  
7 issue. Now, with the creation of the Trafficking  
8 Intervention Courts that remedy does not seem to be  
9 necessary. I mean, as far as we're concerned in  
10 Queens for those cases involving 16 and 17 year olds,  
11 we resolve them by referring them to the GEMS Program  
12 and eventually having their cases dismissed. Right  
13 now, because of additional legislation that was  
14 passed, and there are a series of protections now  
15 available for arrested, those 16 and 17 year olds  
16 arrested on prostitution charges, whether or not, you  
17 know, their cases are--whether or not they are deemed  
18 to be youthful offenders, if they do have a  
19 conviction for a B misdemeanor prostitution charge,  
20 whether or not they get their cases eventually  
21 dismissed. There is one statute, I think, CPL 17030  
22 subdivision four that allows for the court to dismiss  
23 a case in the interest of justice if the defendant  
24 has participated in a program. Now, we just come  
25 back to the issue of why are 16 and 17 year olds  
being criminalized, right? Why are there laws on the

3 books making this a criminal offense? So, I think  
4 that this is a very creative way for the legislature  
5 to deal with that contradiction. I don't know right  
6 now if it is having the intended effect of resolving  
7 these cases favorably. However, with the Human  
8 Trafficking Intervention Courts, you know, this is  
9 now another way of dealing with the criminalization  
10 of these minors in criminal court, which obviously is  
11 something that is of profound concern to many of us  
12 including the City Council. Whether or not these  
13 cases should be sent to Family Court is a big  
14 question. I mean, the provisions and, you know, the  
15 procedures are in fact very complicated and I don't  
16 know that judges would necessarily avail themselves  
17 of that option, whether or not it's a better option  
18 when these cases can be resolved with non-criminal  
19 dispositions.

20 CHAIRPERSON LANCMAN: Are you satisfied  
21 that at least in Queens and your court that the  
22 spirit of the Safe Harbor Act is being realized and  
23 that whatever gaps there might be in terms of the  
24 strict letter of the law as you said that the law  
25 never really made it to the criminal court side of

3 the equation, that at least the spirit of the Act is  
4 being realized?

5 JUDGE SERITA: Through the Trafficking  
6 Intervention Courts?

7 CHAIRPERSON LANCMAN: Yes.

8 JUDGE SERITA: I would so. Otherwise,  
9 we're not doing our job.

10 CHAIRPERSON LANCMAN: No, I--you're doing  
11 your job. You're doing a good job.

12 JUDGE SERITA: No, no, no.

13 CHAIRPERSON LANCMAN: And that's official  
14 City Council--

15 JUDGE SERITA: Okay, thank you. Thank  
16 you very much.

17 CHAIRPERSON LANCMAN: But I'm--what we're  
18 interested in is whether or not we need to prod the  
19 legislature or OCA or any of the actors in the  
20 criminal justice system to either improve the Safe  
21 Harbor Act to, you know, realize what it was set out  
22 to do, or through a different administration of the  
23 court system, get these cases into a different form.  
24 But if you're telling me that at least in Queens the  
25 intent of the Safe Harbor Act was to decriminalize

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3 prostitution charges against people, what is it, 18  
4 and under?

5 JUDGE SERITA: Uh-hm.

6 CHAIRPERSON LANCMAN: Or at least--

7 JUDGE SERITA: [interposing] 16 and 17  
8 year olds.

9 CHAIRPERSON LANCMAN: Sixteen and 17 year  
10 olds, it'll decriminalize with a lowercase "d"  
11 because obviously they didn't [sic], you know, remove  
12 the criminal penalties. If that's being realized for  
13 all intents and purposes through the Human  
14 Trafficking Court then I'm less concerned that we've  
15 got to go out and fix the Safe Harbor Act and make it  
16 the way it should be had all the details been thought  
17 through. That's what I mean.

18 JUDGE SERITA: Okay. I don't know how  
19 much more fixing there can be with the Safe Harbor  
20 Act, because we do get back to the question of  
21 whether or not 16 and 17 year olds should be arrested  
22 on prostitution charges. I mean, that's really what  
23 it comes down to, you know, the issue of  
24 decriminalization. I think part of the tension, and  
25 I'm being honest about this because I don't know what  
the correct answer is, part of the tension is that if

3 these individuals are not brought before the court,  
4 then they are not being given the opportunity for  
5 services, right? So, that's an important thing to  
6 keep in mind. However, is it necessary to do so  
7 through the criminal process, right? Is it  
8 necessary? Because as we have begun to understand in  
9 terms of the traumatization and criminalization of  
10 defendants, of these trafficking victims, that cannot  
11 be underestimated, right? So is there-- and that  
12 becomes then a real challenge, not just for the  
13 criminal justice system, not for law enforcement, but  
14 for everybody else in terms of securing, you know,  
15 the services and doing the outreach necessary to  
16 reach these individuals so that we don't have to rely  
17 on the courts.

18 CHAIRPERSON LANCMAN: Alright. I know  
19 Council Member Cumbo had some additional question,  
20 and I think Council Member Menchaca does as well.

21 CHAIRPERSON CUMBO: Because so many  
22 individuals come through your doors in so many  
23 different ways, what percentage or how likely or  
24 common is it that you find that those that are  
25 victims of sex trafficking are also noted as being  
missing or being kidnapped, or are you finding--

3 particularly I would be curious as victims are coming  
4 from other countries. Is that you're finding that  
5 these individuals are kidnapped, their families don't  
6 know where they are, they're not aware of the  
7 circumstances that they found themselves in? How  
8 often do you find that in this particular world that  
9 people are kidnapped or missing?

10 JUDGE SERITA: I think that other service  
11 providers who deal with the immigrant clients would  
12 probably be in a better position to speak on this  
13 issue, but rather than being kidnapped, I think one  
14 of the things that we have seen is that a lot of  
15 individuals suffer from debt bondage because they  
16 have really--they have come to the United States  
17 borrowing a lot of money in order to do so, and they  
18 are coming here a lot of times on a fraudulent basis,  
19 meaning they come thinking that they're going to get  
20 legitimate employment. They're made those  
21 representations, you know, by an exploiter or other  
22 individuals who are working in an organized fashion,  
23 and then once they get here they realize no, it's not  
24 legitimate work. It is in fact, you know,  
25 participating in prostitution activity in a lot of  
these massage parlors, etcetera. Now, once that

3 happens, especially if these exploiters have contacts  
4 with these individuals' families in their home  
5 countries, they can exert a lot of pressure. They  
6 can use intimidation, threats of physical violence  
7 and other means in order to secure their continued  
8 participation. So that's what we've seen, and not as  
9 much in terms of kidnapping, but in terms of the  
10 methods by which a lot of these women are overseas,  
11 are brought into this country, and then what happens  
12 to them after they're here.

13 CHAIRPERSON CUMBO: And to piggyback on  
14 that, how do you find that most cases come to your  
15 court? Is it because of an investigation that was  
16 ongoing? Is it because of a disturbance? Is it  
17 because someone reported it? Is it because someone  
18 comes forward? How do the majority, because there  
19 was discussion in the testimonies of how difficult it  
20 is to recognize sex trafficking, so how do the  
21 majority of the cases actually come to your courts?

22 JUDGE SERITA: We deal, in Queens we deal  
23 with virtually all of the prostitution cases. So,  
24 for example, in 2014 we had about 600 cases that were  
25 in the Trafficking Intervention Court. That does not  
mean to say that there are not other instances of

3 agencies or individuals identifying victims of human  
4 trafficking who do not have criminal cases, who do  
5 not have prostitution arrests. We understand that,  
6 for example, you know, somebody might go to the  
7 Family Justice Center as a DV victim, but then during  
8 the interview may disclose trafficking, you know, a  
9 trafficking history, etcetera. Hospital emergency  
10 rooms are another area, you know, where somebody  
11 might be identified as a victim of human trafficking.  
12 So, it can happen in, you know, all different  
13 spheres, and what I would certainly encourage the  
14 City Council to think about is really to develop  
15 training, you know, for the various agencies so that  
16 everybody can understand what the signs are, right,  
17 of human trafficking and then make the appropriate  
18 contacts.

19 CHAIRPERSON CUMBO: And wanted to follow  
20 up with that as well because we discussed the housing  
21 issue and we discussed that so often because there is  
22 no housing that's available individuals still have to  
23 live in the same circumstances or situations. What  
24 happens in all of this in terms of the role that ACS  
25 plays in this? So if there are children involved in  
the circumstance they understand that a woman or a



3 man in certain instances still have to live within  
4 the same environment, but that this understood that  
5 this is the environment. What then role does ACS  
6 play? Are they alerted in some sort of way? Are  
7 they put into the equation in a way, and could it  
8 mean a force removal of children from a household or  
9 a family or with guardian?

10 JUDGE SERITA: I would respectfully defer  
11 that question to some of the other speakers who are  
12 going to be speaking today, particularly Julie  
13 Lawrence [sp?] and Kate Mullen [sp?] who all work  
14 extensively with trafficked youth.

15 CHAIRPERSON CUMBO: Thank you. And two  
16 more questions. In November 2014, the NYPD recorded  
17 686 arrests in Queens on prostitution-related  
18 charges, but had only 15 cases pending for accused  
19 traffickers for the year. What role if any do the  
20 HTIC have in prosecuting traffickers or the victims  
21 that HTIC's used in aiding the investigation and  
22 prosecution of their promoters? So really trying to  
23 understand why there are so few arrests or cases  
24 pending against traffickers in this particular  
25 dynamic.

3 JUDGE SERITA: That might be a good--that  
4 might be a question that ADA Kim Affronti might wish  
5 to explore. I think that sex trafficking  
6 prosecutions are difficult, and if they're not--those  
7 numbers are probably based on the offense of sex  
8 trafficking, but at the same time, sex traffickers  
9 could be charged with kidnapping, with unlawful  
10 imprisonment, with promoting prostitution, etcetera,  
11 etcetera. So, I think you would have to look at, you  
12 know, all of the various charges and then the choices  
13 that prosecutors are making in terms of how they want  
14 to proceed with the case.

15 CHAIRPERSON CUMBO: And the final one  
16 goes in terms of the work that you all are doing, the  
17 discrepancy that law enforcement has. So, the  
18 discrepancy here would be that law enforcement are  
19 making these arrests. And so trying to understand  
20 how does law enforcement then feel about programs  
21 such as this that allow those victims of sex  
22 trafficking to be involved in a program versus  
23 perhaps the original attention of the arrest in the  
24 first place. How do they feel that that impacts  
25 their work?

3 ELIZABETH DANK: I think that the police  
4 department is very interested in the successes that  
5 we're seeing in the Human Trafficking Intervention  
6 Courts. You know, I can't speak to the individual  
7 level of the patrol cops that are making the arrests  
8 or vice engaged in these arrests, but I do think on a  
9 high level the Police Department, which you know,  
10 they would better--they're better equipped to answer  
11 this question, are very, very interested in the  
12 complex situation that we're tackling here and are  
13 constantly in conversations with service providers  
14 and other stakeholders to address this problem.

15 CHAIRPERSON CUMBO: Thank you.

16 COUNCIL MEMBER MENCHACA: Thank you. And  
17 what I want to focus on in my single question is  
18 really allow each of you to help create more  
19 meaningful ability for constituents, clients like sex  
20 workers to have an impact in the kind of services  
21 that are offered. There's a model out there in San  
22 Francisco for example that really allows for an  
23 oversight committee of some sort, and what I'd like  
24 if you're familiar with it, and even if you're not  
25 familiar with it, I think this entire session has  
kind of revealed the need for connecting and bridging

3 the gap of experience so that at every level you're  
4 hearing about the actual impacts that these services  
5 are having, especially since we're using so many  
6 public dollars, and the Council's incredibly  
7 committed to maintaining that level. Can each of you  
8 speak to your role in making that happen and what you  
9 can do to make that a reality?

10 JUDGE SERITA: To make what happen?

11 COUNCIL MEMBER MENCHACA: To create an  
12 oversight committee essentially for--and I know this  
13 is incredibly complicated and I want to thank Chair  
14 Lancman who really understands and is really  
15 consistently kind of talking to me about how the  
16 courts work, but from your perspective, what can you  
17 do? And talk to us today, to the public, about  
18 making that happen and creating an oversight  
19 committee with models like San Francisco so that we  
20 really create meaningful connection to the clients  
21 and their experiences like sex workers to determine  
22 what actual services are needed to create a new set  
23 of mandatory ability for courts to mandate so that  
24 we're not creating those tensions. And so if each of  
25 you can kind of talk about what your role could be in  
developing that.

3 JUDGE SERITA: I think that that's a very  
4 exciting concept. I don't know very much about the  
5 San Francisco oversight committee, but I think that  
6 some type of oversight committee or interagency  
7 committee would be very, very beneficial in starting  
8 to address all of the myriad issues facing the work  
9 that we do. We collectively meaning, you know, all  
10 of the individuals who are working around the issues  
11 of human trafficking. And so if that would involve  
12 let's say having agency representatives as well as  
13 service providers and other professionals, legal  
14 professionals at a table having a conversation about  
15 how to improve the system, how to improve the  
16 services that are currently available or not  
17 available or creating such services, I think that  
18 that would be a great idea.

19 ALANNA TURCO: I would just add that  
20 we're very excited to be working with the Council  
21 with the allocation of the 750,000 dollars for  
22 services, and we're happy in conjunction with our  
23 internal data and research team to institute  
24 reporting requirements for the future contracts that  
25 do exist, that will go into existence with service

3 providers to see where we are seeing successes and  
4 failures for more accountability.

5 CHAIRPERSON LANCMAN: And that--oh, I'm  
6 sorry, I didn't mean to interrupt.

7 ELIZABETH DANK: That's okay. The  
8 Mayor's Office to Combat Domestic Violence works very  
9 closely with all of my fellow panelists here today,  
10 and we feel strongly about coordinated models of  
11 service delivery and are always enthusiastic about  
12 collaborative approaches to that.

13 AFUA ADDO: Pretty similar to my  
14 colleagues here. The wrap-around service approach is  
15 most important, a trauma-informed approach, but also  
16 to ensure that individuals who identify as victims  
17 receive the support and care they need to move  
18 forward and individuals who require justice support  
19 who make the decision to engage in sex work and move  
20 forward can also have access to the same level of  
21 services in terms of employment and housing. It is  
22 absolutely essential that we equip ourselves with the  
23 resources and ongoing engagement and liaisons with  
24 community based organizations throughout the city and  
25 the state to ensure that we support everyone equally  
and fairly and adequately. Thank you.

3 CHAIRPERSON LANCMAN: Thank you. I know,  
4 you know, that's an excellent point, especially now  
5 that the Council's got some skin in the game. You  
6 know, it might make sense a couple times a year to  
7 convene some kind of agency level meeting just to--  
8 I've wanted to get on the same page and hear what  
9 different perspectives might be in terms of needs and  
10 as well as the Council to be able to, going forward,  
11 you know, guide us in how we can be helpful and  
12 supportive. So, after--I think that after the 750 is  
13 distributed, which we are optimistic will happen at  
14 the Council's next meeting in September, fingers  
15 crossed, and let the dust settle on that a little  
16 bit. We can have some conversations about who would  
17 be appropriate to invite to be a part of that  
18 conversation going forward. Council Member Kallos?

19 COUNCIL MEMBER KALLOS: Just want to  
20 thank the Chair for your commitment to this. As a  
21 fellow Committee Chair what I found is most of the  
22 work the committees even often happen outside the  
23 hearings where we meet with the agencies,  
24 constituencies on a weekly, daily, hourly basis,  
25 trying to make sure that the--we maintain our  
oversight responsibilities and keep the core [sic]

3 steering in the right direction. I just want to  
4 thank the panelist and our Chair for such a positive  
5 conversation and such openness to addressing some of  
6 the problems and really just taking it head on. And  
7 I think just following along with the Council Member  
8 Menchaca's questions and some of the other pieces, it  
9 seems like the initial first step has been to focus  
10 on psychosocial issues and those types of supports,  
11 but it also seems fair [sic] and unequivocal that the  
12 need are wrap-around and focus around the survival  
13 needs, the economic needs. So many people come to  
14 our offices every single day saying, "Thanks for  
15 fixing the pothole, but what I really need is a home,  
16 a job." What kind of services can we get in terms of  
17 job training, job placement, even just jobs from  
18 existing nonprofit partners? Are there other  
19 nonprofit partners that can assist when you're  
20 dealing with victims and defendants who have open  
21 cases? Do we have clear identified partners who will  
22 provide employments to somebody with an open case, or  
23 if they were involved with our system prior to  
24 intervention, people who may have criminal records,  
25 so that we can get them their jobs. And so I guess  
the--forgive the meandering, but so we know what the



3 problems are. Folks have criminal records or they  
4 have open case or they have ACD's. They have an  
5 additions to psychosocial needs, the survival needs.  
6 What can we do? What do we need to do and who are  
7 our partners, and what type of money will we need  
8 once we are--as we look into the next budget cycle?

9 ALANNA TURCO: I just want to speak about  
10 the services that we do have in place at the Family  
11 Justice Centers around economic empowerment. We have  
12 a robust self-sufficiency program with self-  
13 sufficiency coordinators at every center who work  
14 with clients who are connected to the Family Justice  
15 Center and provide connections to services that are  
16 often on site at the center around economic  
17 empowerment, financial counseling, financial  
18 coaching, literacy classes, Spanish literacy classes,  
19 family literacy classes, job training programs,  
20 computer skills classes. So we are working with  
21 clients in this capacity currently with our nonprofit  
22 partners.

23 AFUA ADDO: We have some partnerships with  
24 commercial industries, commercial food, culinary  
25 industries here in the city that provide employment  
and job training to individuals who do have open

3 cases, who also may not have legal status in the  
4 United States. We only have two liaisons right now  
5 that we work with. And so increasing the ability for  
6 certain agencies to take in individuals who don't  
7 have access to paperwork or education ongoing would  
8 be incredibly helpful. In addition to State  
9 Education Department on vocational rehabilitation,  
10 formally known as VESID [sic], now known as Access  
11 VR, has been working with us to increase their  
12 bandwidth in terms of the individuals that they  
13 receive. Prior to this summer, they were receiving  
14 referrals of individuals who only had a diagnosis and  
15 were diagnosed as intellectually or developmentally  
16 challenged or disabled, and they are moving toward an  
17 understanding of the impact of trauma on the  
18 development of an individual so that trauma can  
19 become an indicator and those individuals would be  
20 received into ongoing education training and job  
21 placement programming through the State Education  
22 Department. It's an ongoing conversation.

23 COUNCIL MEMBER KALLOS: So, I guess, how  
24 do we expand that? How do we support it? I took a  
25 ride, Chair, on the way down here. Of course, my  
constituent recognized me and spent the entire ride

3 pitching me on exactly this, and they're actually  
4 tell me that at the nonprofit they work at they have  
5 somebody and they will literally--they have a list of  
6 dozens if not hundreds of employers, and they will  
7 personally call and advocate strongly to make sure  
8 that employers will bring their clients. So, I  
9 guess, how can we support that and make sure that  
10 people do have access to other employment and  
11 housing? What does that look like? Which nonprofit?  
12 How much? Or if you're not able to get that to me  
13 right now, can you give that back to us?

14 AFUA ADDO: Yes.

15 JUDGE SERITA: Yes.

16 ELIZABETH DANK: Yes.

17 COUNCIL MEMBER KALLOS: Thank you.

18 CHAIRPERSON LANCMAN: Thank you very  
19 much. That was a quite a marathon panel, but a lot  
20 of good information. So, thank you for your  
21 testimony today, and as you know, we'll be working  
22 with you in the weeks and months and hopefully years  
23 to come. Thank you very much. Our next panel is  
24 going to be the Queens District Attorney's Office,  
25 the Legal Aid Society, Brooklyn Defender Services,  
and the Bronx Defenders. We don't want you to feel

3 like its Thanksgiving and you're at the kid's table.

4 Alright, let's swear in the witnesses and hear some

5 good testimony. So, if you all would raise your right

6 hand? Do you swear or affirm that the testimony that

7 you're about to give is the truth, the whole truth

8 and nothing but the truth? Thank you very much.

9 Maybe we can start with the Queens DA Office?

10 KIM AFFRONTI: Excellent. Sorry about

11 that. Good morning. My name is Kim Affronti. I've

12 been a prosecutor since 1986. I'm currently Deputy

13 Chief of the Criminal Court Bureau in Queens County

14 District Attorney's Office. On behalf of Queens DA

15 Richard Brown, I want to thank Chairpersons Lancman

16 and Cumbo, Speaker Mark-Viverito, as well as the

17 members of the Committees on Courts and Legal

18 Services and on Women's Issues for the opportunity to

19 testify today on the critically important topic of

20 human trafficking. In 2004, the Queens County

21 District Attorney's Office in collaboration with

22 Judge Fernando Camacho established--

23 CHAIRPERSON LANCMAN: [interposing] Kim,

24 excuse me. I'm sorry. Just--I apologize. But we're

25 going to do a five minute timer on the testimony.

So, when the bells ring, want to try to wrap it up.

3 KIM AFFRONTI: Perfect.

4 CHAIRPERSON LANCMAN: Thank you.

5 KIM AFFRONTI: In 2004, Queens County  
6 District Attorney's Office in collaboration with  
7 Judge Fernando Camacho established in a local  
8 criminal court a part [sic] to deal with underage sex  
9 trafficking cases. This court, as you know, is  
10 presently presided over by Judge Toko Serita. I've  
11 been the prosecutor there since 2004. Originally the  
12 part targeted young American-speaking, English-  
13 speaking females under the age of 22, but within two  
14 years the part expanded to include males and females  
15 of any age charged with these offenses regardless of  
16 the language spoken. Queens is one of the most  
17 diverse counties in the nation and we have over 100  
18 languages spoken. Over the past few years our  
19 population has grown just in amazing numbers. Thank  
20 you. Okay. The Human Trafficking Intervention Court  
21 is premised on the recognition that many individuals  
22 arrested for prostitution, misdemeanor prostitution  
23 offenses may in fact be victims of sex trafficking in  
24 need of treatment and services. The goal of Human  
25 Trafficking Intervention Court in Queens County as  
well as throughout New York State is to provide

3 access to a variety of such programs and services.

4 The programs and services may include among other  
5 things psychological counseling, alcohol or substance  
6 abuse treatment, medical care, legal assistance, job  
7 training, education and housing. In the Human  
8 Trafficking Intervention Courts defense counsels,  
9 prosecutors, judges, and service providers all work  
10 collaboratively to assist participants in getting the  
11 specific help they need in order to leave their  
12 exploiter, put themselves first, realize their lives  
13 matter and learn how to lead productive lives. Our  
14 experience in Queens with the Human Trafficking  
15 Intervention Court also called part APA has been very  
16 positive and we've learned a great deal over the past  
17 more than 11 years. We were delighted when the Chief  
18 Judge using the Queens' program as a model expanded  
19 these specialized court parts throughout New York  
20 State. Since 2004, I estimate close to 5,000  
21 individuals have benefitted from the services  
22 provided by the Human Trafficking Intervention Court  
23 in Queens County. Every Friday we have at least  
24 eight programs represented by at least one service  
25 provider appearing in our courtroom, GEMS, Mount  
Sinai, SAVY [sic], Restore, Garden of Hope, New York

3 Asian Women's Center, Hidden Victims Project,  
4 Community Healthcare Network, as well as the pro-bono  
5 project launched in July of 2014 by the Mayor's  
6 Office to Combat Domestic Violence, and Sanctuary for  
7 Families as well as Judge Serita. This initiative  
8 provides foreign-born individuals in APA with pro-  
9 bono legal representation on immigration law matters  
10 including but not limited to applying for T-visas.  
11 Now, we also sometimes refer individuals to programs  
12 that aren't actually present in the court on Friday.  
13 For example, if an individual has a case pending in  
14 Kings County and they're working with Brooklyn  
15 Justice Initiative, we might refer them to that  
16 program just because we've learned over the years  
17 that it's much easier to work with one program,  
18 especially when that program is closer to home, and  
19 individuals who complete their mandate, success is  
20 really what we strive for in Human Trafficking  
21 Intervention Court. The parts goals are exclusively  
22 on providing services and support to the person who's  
23 been exploited, and as Judge Serita told you, there's  
24 no mandate that you must cooperate and testify  
25 against your exploiter. Okay. While many  
individuals have taken advantage of the APA [sic]

3 services, few have admitted to being victims of human  
4 trafficking. Sometimes it takes months or years  
5 before they'll realize that they've been the victim  
6 of exploitation. Sometimes they never realize.  
7 That's one of the issues. The vast majority of  
8 individuals under the age of 22 in the Queens Human  
9 Trafficking Intervention Court fall within the  
10 category of runaway or homeless youth, and in  
11 addition we have the two major airports in New York  
12 City, and many of the Asian defendants over the age  
13 of 22 are coming into Queens and working off debts  
14 incurred for their travel to the United States, and  
15 they also have a homeless issue because they could be  
16 living where they're working because they have  
17 nowhere else to go and they have to work to get  
18 money to survive. We are extremely grateful to the  
19 Speaker and City Council for the recent 750,000 in  
20 City Council funding for the service providers and  
21 Human Trafficking Intervention Court New York City,  
22 and we are sure that every dollar of this funding  
23 will be put to good use. Over the years we found the  
24 main obstacle to the successful completion of the  
25 programs has been services--the lack of services that  
could be provided. We appreciate the prompt and



3 generous response of the City Council to help ensure  
4 that those in need of these services will receive  
5 them. We also hope that city agencies, New York  
6 State and private sector services can be encouraged  
7 to coordinate their efforts and enhance and  
8 supplement the expanded services which the City  
9 Council will fund in areas of particular need. Most  
10 critical is increased availability of short-term and  
11 long-term housing. The unavailability of safe and  
12 affordable housing is one of the main reasons  
13 individuals especially runaway and homeless youth are  
14 vulnerable to commercial sexual exploitation. If we  
15 can offer them short-term crisis housing where they  
16 would be safe from their exploiters and long-term  
17 affordable housing that will empower them and  
18 eventually enable them to turn their lives around.  
19 The welcome expansion of Human Trafficking  
20 Intervention Courts will only increase the volume of  
21 people seeking help, thereby increasing the need for  
22 these services. Since 2013, specifically in Queens,  
23 that volume has increased substantially, particularly  
24 in the Asian-American female population, more than 30  
25 percent between 2012 and 2013 as well as substantial  
increase in the transgender population. In light of

3 these changes in the coming years, we may need  
4 increased access to programs that can address the  
5 needs of these populations, both for language  
6 appropriate and culturally sensitive services. Thank  
7 you again for the opportunity to testify.

8 RYAN WALL: Hi.

9 CHAIRPERSON LANCMAN: We'll just go down  
10 the row.

11 RYAN WALL: Thank you for having me here.  
12 My name is Ryan Wall, and I'm an attorney with the  
13 Legal Aid Society's Criminal Defense Practice. I'm  
14 here with Kate Mullen from our Juvenile Rights  
15 Practice. I work in a specialized unit in the  
16 Criminal Practice called the Exploitation  
17 Intervention Project and we're dedicated to  
18 identifying and advocating for victims of human  
19 trafficking caught in the criminal justice system.  
20 To date, EIP, the Exploitation Intervention Project,  
21 has represented thousands of individuals charged with  
22 prostitution-related offenses in New York City  
23 courts. Likewise, our Juvenile Rights practice has  
24 been a national leader in representing young  
25 trafficking victims and runaway and homeless youth  
and was the leading legal advocate for the enactment

3 of New York's Safe Harbor Act to protect the children  
4 we represent from abuse and exploitation by  
5 traffickers. We have struggled over the last two  
6 years to build a practice in these courts, the Human  
7 Trafficking Intervention Courts, that approximates  
8 their promise and have made significant achievements.  
9 Together, with the outstanding service provider  
10 community committed to working with Human Trafficking  
11 Intervention Court clients and each local district  
12 attorney's office, we have moved a long way towards  
13 better service provision and case outcomes for those  
14 prosecuted in the Human Trafficking Intervention  
15 Courts. However, there are several issues which much  
16 be addressed when evaluating the effectiveness of the  
17 Human Trafficking Intervention Courts. In  
18 particular, unchanged arrest practices, the impact of  
19 bail and pre-trial detention, the continued lack of  
20 resources, and the need to improve procedures for  
21 minors prosecuted in the courts warrant further  
22 consideration and response. Addressing bail and pre-  
23 trial detention, imposition of cash bail often works  
24 to impede the Human Trafficking Intervention Courts  
25 problem-solving goals. Arraigning judges continue to  
set small amounts of cash bail on individuals

3 arrested for prostitution charges. Unable to post  
4 even these small amounts, clients remain incarcerated  
5 as they wait their appearance in the Human  
6 Trafficking Intervention Courts. As recently as last  
7 month, our team saw clients detained post arraignment  
8 on as little as 50 dollars bail. Thankfully, most  
9 clients are released once they appear in the Human  
10 Trafficking Intervention Courts, but the day's  
11 incarcerated awaiting appearance should be of primary  
12 concern. Additionally, individuals arrested for  
13 prostitution-related and other offenses in New York  
14 City have extensive needs that remain unmet. We are  
15 grateful to the council for recognizing the need and  
16 for significantly enhancing the reach of the service  
17 providers that work in the Human Trafficking  
18 Intervention Courts with this new funding. However,  
19 not to beat a dead horse, a lack of appropriate  
20 supportive housing remains one of the biggest  
21 barriers to providing services to survivors of  
22 trafficking. The need for both emergency crisis  
23 housing and dedicated long-term supportive housing is  
24 clear and well understood by all who serve this  
25 population. The Human Trafficking Intervention  
Courts have not and cannot offer a solution to this

3 problem. A court initiative cannot mandate or even  
4 contemplate the creation of any additional beds or  
5 shelter options for trafficking survivors or lessen  
6 the bureaucratic executive agency obstacles that  
7 impede our ability to provide housing to this  
8 population. This must come from efforts outside the  
9 judicial system and it is a critical need. And  
10 finally, the question of how 16 and 17 year olds  
11 arrested for prostitution offenses should be handled  
12 in the Human Trafficking Intervention Courts and in  
13 criminal courts generally has been the subject of  
14 extensive debate and examination. New York State and  
15 Federal Law identified this group as sexually  
16 exploited youth or victims of a severe form of sex  
17 trafficking. The logical extension is that these  
18 young people should not be prosecuted in criminal  
19 court. However, because the age of criminal  
20 responsibility in New York State has not been raised  
21 yet, their prosecution as adults continues. As a  
22 result, the New York State Legislature has attempted  
23 to rectify the problem via the passage of additional  
24 criminal procedure sections. In practice, the Human  
25 Trafficking Intervention Courts have struggled to  
implement and interpret these new provisions. While

3 the law is a step in the right direction, the process  
4 for providing services to young people arrested for  
5 prostitution offenses needs to be simplified and  
6 streamlined. It must be made clear, for example,  
7 that when a young person with a Human Trafficking  
8 Intervention Court case is involved in a  
9 contemporaneous Family Court proceeding that will  
10 allow them to access Safe Harbor services, the  
11 dismissal provision of the new law is automatically  
12 applied. Our experience representing clients in the  
13 newly created Human Trafficking Intervention Courts  
14 over the last two years leads us to conclude that  
15 many clients--30 seconds--achieve better case  
16 outcomes and a connection to committed service  
17 providers when their cases are referred to the  
18 courts. However, before declaring the court an  
19 unbridled success, there are still significant short  
20 comings with respect to an ongoing high volume of  
21 arrest and over-reliance on cash bail and pre-trial  
22 detention, a lack of resources and a lack of simple  
23 procedure to handle young people who have overlapping  
24 Human Trafficking Intervention Court and Family Court  
25 cases. These issues must be addressed and remain

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3 part of our discussion of the issue of human  
4 trafficking as we move forward. Thank you very much.

5 UNIDENTIFIED: Just here to answer  
6 questions if you have them about Family Court.

7 CHAIRPERSON LANCMAN: Got it.

8 JILLIAN MODZELESKI: Good afternoon to  
9 everyone. My name is Jillian Modzeleski and I have  
10 been a dedicated Human Trafficking Intervention Court  
11 Trial Attorney with Brooklyn Defender Services since  
12 the court opened in Brooklyn two years ago. I'd like  
13 to thank Council Committees on Courts and Legal  
14 Services and Women's Issues and Chairs Lancman and  
15 Cumbo for inviting us to testify. In my written  
16 testimony I go into extensive detail about Brooklyn's  
17 HTIC, which is the Human Trafficking Intervention  
18 Court, what works, what doesn't work and what can be  
19 improved, but today I'll focus on two main concerns.  
20 I should also say up front that I share the concerns  
21 mentioned by my fellow public defenders on the panel  
22 today. The first concern I've observed in my two  
23 years working in the HTIC is over-criminalization.  
24 While the case dispositions in HTIC's may be an  
25 improvement over traditional criminal court, clients  
charged with eligible offenses would be best served

3 by not being arrested in the first place. The arrest  
4 remains a part of the person's record in both  
5 government-run and private for profit databases for  
6 the rest of their life. Incarceration in city jails  
7 like Rikers Island, whether in pre-trial detention or  
8 for a post-conviction sentence is extremely dangerous  
9 and traumatic, especially for the populations most  
10 commonly served by HTIC's, namely women and  
11 transgender individuals, both of whom are at  
12 extremely high risk of violent and sexual assault.  
13 Among the most common charges that are handled by  
14 HTIC's is loitering for the purposes of prostitution,  
15 which should not be a crime. The statute refers to  
16 wandering about in a public place and repeatedly  
17 attempting to engage passersby in conversation for  
18 the purposes of prostitution. Enforcement of the  
19 law, if not the law itself is patently sexist and  
20 racist. Of the BDS clients charged with this offense  
21 in the last three years, 76 percent were black and 87  
22 percent were identified on their rap sheets as women.  
23 The latter figure is complicated by police officer's  
24 inconsistent approach to recording gender identities  
25 and expressions as many of our clients are  
transgender. The law is also likely



3 unconstitutional. In 2012, New York City settled a  
4 15 million dollar lawsuit for enforcing laws  
5 prohibiting loitering to panhandle or search for a  
6 sex partner after they were struck down by state and  
7 federal courts. Loitering charges clog the system,  
8 stretch the resources of service providers whose  
9 focus would be better served on sexually exploited  
10 people who truly need them and distract from the real  
11 work of identifying human traffickers and assisting  
12 victims. While the City Council cannot rewrite state  
13 law, it can certainly pressure the New York City  
14 Police Department and local district attorney's  
15 offices to stop enforcing unconstitutional  
16 counterproductive statutes. The second, HTIC's can  
17 be a critical tool to protect trafficking victims  
18 from many of the devastating consequences of  
19 involvement with New York's criminal justice system.  
20 My second concern, however, is some of the actions or  
21 rather the lack thereof by district attorneys and  
22 judges in the HTIC's. District attorneys use the  
23 specter of punishment to try to persuade defendants  
24 who have been identified as potentially trafficked to  
25 inform on traffickers, but in my experience, this  
rarely works. If the prosecution or the court deems

3 one of my clients a victim of human trafficking,  
4 coerced into sex work as the mission of the court  
5 suggests, the criminal justice system should  
6 immediately cease treating that person as the  
7 defendant. That said, we all know that many  
8 trafficking victims and sex workers would continue be  
9 ensnared in our criminal justice system, even without  
10 our state's outdated prostitution statutes. To that  
11 end, one critical improvement to HTIC's would be to  
12 open them up to handling more than just prostitution-  
13 related charges. Furthermore, cases which may not  
14 involve sexual exploitation but involve another form  
15 of trafficking such as labor trafficking could be  
16 identified and better addressed through HTIC's. It  
17 is long past time that we as a society confront the  
18 scourge of human trafficking without subjecting its  
19 victims to additional incarceration, collateral  
20 consequences and further trauma and abuse. We owe it  
21 to this vulnerable population to do better, and the  
22 HTIC's have the potential to do this. Thank you.

23 CHAIRPERSON LANCMAN: Thank you.

24 [applause]  
25

3 CHAIRPERSON LANCMAN: People get very  
4 excited when a speaker stays within her timeline.  
5 Next?

6 AVERY MCNEIL: My name is Avery McNeil.  
7 I'm a Staff Attorney at the Bronx Defenders and our  
8 Coordinator for the Human Trafficking Intervention  
9 Court. I want to thank the Committees for this  
10 opportunity to discuss the effectiveness of the  
11 Intervention Court in the Bronx and to make  
12 recommendations for crucial reforms. As coordinator  
13 for our office's work in the Human Trafficking  
14 Intervention part, I recommend the majority of our  
15 clients who are charged with prostitution and  
16 loitering for the purposes of prostitution. If the  
17 goals of the part are only to connect sex workers  
18 with services to prevent them from being branded for  
19 life with stigmatizing criminal convictions and to  
20 treat them with the compassion not exhibited for our  
21 office's clients in other court rooms, then the  
22 Intervention Courts are working. However for all the  
23 progress we're seeing in the Bronx, this system  
24 assumes that a positive way to connect sex workers  
25 with services and break the cycle of trafficking is  
to arrest sex workers, and that assumption is false

3 and grossly discounts the trauma of an arrest. Even  
4 when the current system works perfectly, all of our  
5 clients have been humiliated by the process. They've  
6 been pulled off the street in handcuffs. They've  
7 been shoved in the back of a paddy wagon. They've  
8 been forced to ride around handcuffed for hours.  
9 When they get to the precinct they're packed into  
10 cells and subjected to harassment and the threat of  
11 physical and sexual violence. Transgender women are  
12 trapped in cells with men. They're transported from  
13 the precinct to central bookings in the courthouse,  
14 chained to other arrestees, and at the precinct  
15 they're printed, photographed and processed and  
16 clients have reported being propositioned by officers  
17 for sex in exchange for desk appearance tickets and  
18 the chance to go straight home. Those who do not get  
19 a desk appearance ticket are bussed to central  
20 bookings where they again wait in large holding pens  
21 with other arrestees. They endure the embarrassment  
22 of a communal toilet which is open to the cell. The  
23 wait to meet an attorney and to see a judge means  
24 that these clients have often spent at least a night  
25 in central bookings away from their children, their  
jobs, school, and other responsibilities, further

3 contributing to the trauma and destabilizing their  
4 lives. For a transgender woman, that means a night  
5 in a holding pen with men, or if they're lucky, a  
6 night in an isolated cage segregated from other  
7 arrestees. One transgender client of mine told me  
8 that she would take any offer, but she would not come  
9 back to fight her case because if it meant being  
10 transported in another prisoner van chained to men  
11 who heckled and pawed at her. The humiliation for  
12 this vulnerable population continues when they're  
13 brought out before the judge. Handcuffed, they enter  
14 the courtroom to the stares and snickers of officers  
15 and the audience. They are sized up and subjected to  
16 not-so-whispered comments about their appearance.  
17 For transgender clients, their birth names and not  
18 their preferred names are used by the court staff.  
19 Clients are forced to endure this gauntlet of  
20 humiliation, harassment and potential exploitation to  
21 get help. Crucial changes should be implemented  
22 immediately in order for us to avoid being complicit  
23 in the exploitation of this vulnerable population.  
24 My office proposes that one, the resources that are  
25 being poured into arresting, processing and booking  
these clients should be reallocated to community

3 based programs which provide counseling, job  
4 training, and again, affordable housing. Two, a pre-  
5 arraignment diversion program should be created so  
6 that clients can be connected to services before  
7 being processed through this system. Programs like  
8 that are being piloted for adolescents. And three, a  
9 mandatory desk appearance ticket policy should be  
10 implemented immediately for all people charged with  
11 those offenses regardless of criminal record or  
12 warrant history, allowing all clients to leave from  
13 the precinct and eliminate the dangers and  
14 humiliations of a night in central bookings. Thank  
15 you.

16 [applause]

17 CHAIRPERSON LANCMAN: Well, thank you very  
18 much. Definitely some-- a lot of food for thought in  
19 what's been said. Let me focus on some of the things  
20 that we came to this hearing interested in focusing  
21 on and then maybe asking a couple questions about  
22 some of the other issues that you raised. And let me  
23 start with the Queen's DA's office, but I'd like to  
24 hear from all of you who are representing defendants  
25 in Human Trafficking Court. You know, you're in this  
court. It's not there to prosecute and punish, it's

3 there to get services and try to divert the  
4 defendants. I've got this. I can talk for however  
5 long I want. Into or out of, be able to get them out  
6 of a life of prostitution. Let's just accept that  
7 for what it is at the moment, which from my own  
8 perspective is pretty darn good. The presence of the  
9 city or the lack of presence of the city in terms of  
10 city agencies or coordination of services that the  
11 city already provides, is that something that you see  
12 and feel in the court as you have these defendants  
13 either on the side of the District Attorney's Office  
14 or on the side of representing the defendants and  
15 trying to look at the menu of services that are  
16 available to them? I imagine the city's not having  
17 much of a presence in our courts in that way is very  
18 limiting in terms of, you know, what can be offered  
19 to people. Is that something that you experience  
20 when you're in the courts?

21 KIM AFFRONTI: I know the service  
22 providers do their best to get involved with every  
23 type of city agency they can, depending on the needs  
24 of their specific client. I know as you heard  
25 earlier, the ability to get identification is such a  
problem. It's so time consuming and it really is a

3 big issue for the service providers, and definitely  
4 having a liaison with a city agency that could  
5 streamline, that would be incredible because that is  
6 the beginning. So many times their identification is  
7 taken away and there's nothing they can do to get it  
8 back. And if they're away from their exploiter,  
9 which is what our goal is in all these parts, they  
10 can't get anything so they have to start from  
11 scratch, and the service providers, that's one of  
12 their main concerns, and having that done quicker  
13 would really make a big difference.

14 JILLIAN MODZELESKI: I think--

15 CHAIRPERSON LANCMAN: [interposing] Any of  
16 you who represent defendants find that having a  
17 greater city presence in the courtroom for services  
18 or navigating through bureaucracy would be helpful?

19 JILLIAN MODZELESKI: I think it could be  
20 helpful. Ms. Wall and I who both work in Brooklyn's  
21 Human Trafficking Intervention part are often  
22 ourselves trying to reach out to service providers to  
23 get them to come in and offer services to our  
24 clients, which is a lot of work. I think having  
25 someone from the city in the court would be able to  
see where the need lies and reach out to the



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3 providers and bring them into the court for Ryan and

4 I. We've often talked about-- we have stakeholder  
5 meetings in Brooklyn and we often talk about a city  
6 representative or a liaison to work between all of  
7 the players in HTIC. So, I think it would be  
8 helpful.

9 RYAN WALL: I'm just curious if I could  
10 turn the question back on you a little bit and ask  
11 you what city services would you think would, we  
12 would be able to connect our clients to in a more  
13 efficient manner with having that liaison there?

14 CHAIRPERSON LANCMAN: Off the top of my  
15 head I could imagine Department of Education.

16 RYAN WALL: Uh-huh.

17 CHAIRPERSON LANCMAN: I can imagine  
18 Housing Authority. HRA provides array of social  
19 services including many that relate to housing if not  
20 a direct, you know, we've got--you know, we've got a  
21 separate housing development for people in Human  
22 Trafficking Court. The Office of Immigrant Affairs,  
23 Office of Domestic Violence, I mean, they all provide  
24 services or connect you to--connect someone to  
25 services that are provided somewhere in the city, and  
I'm not in the Human Trafficking Court except as an

3 occasional observer, but one thing that the Council  
4 is interest in in addition to providing money to the  
5 existing nonprofit service providers is to get the  
6 city to and so far as its appropriate be in the  
7 courts so that defendants can avail themselves of  
8 services that the city is already providing.

9 RYAN WALL: I think that sounds really  
10 interesting and exciting potentially. I just would  
11 want it to be really thought out that person, and I  
12 guess their--I don't know if they would be one person  
13 that would move around the city because you know the  
14 days are staggered, but just for it to be somebody  
15 who either has the authority to actually, you know,  
16 do something more than just maybe hand somebody a  
17 flyer and be like, "Oh, you're interested in school.  
18 Here's a flyer from the Department of Education."  
19 But somebody that really could then, you know, make  
20 an appointment, follow up on an appointment and take  
21 more affirmative steps to make sure that the  
22 connection is truly taking place.

23 CHAIRPERSON LANCMAN: Conceivably it  
24 wouldn't even necessarily need to be a person showing  
25 up at each court session, but someone that, you know,  
has issues and needs arise is got that portfolio and

3 they work at MOCJ and they work the Mayor's Office of  
4 Domestic Violence or they work at the new Office of  
5 Civil Justice that we created or somewhere where when  
6 the court or the defense attorney or prosecutor calls  
7 up and say, "Okay, here's, you know, we just finished  
8 court today and the following four people need the  
9 following services. You know, we need you to make it  
10 happen." All of us, each agency has an  
11 intergovernmental person that, you know, when we've  
12 got an issue in my office we call that person and  
13 they take care of it. And it'd be good if there-- it  
14 might be good if there was a similar person, not  
15 necessarily at each agency but maybe again housed in  
16 one place that was responsible for taking those calls  
17 from the court and delivering this person needs to  
18 get into a GED program. This person needs to get,  
19 you know, applied for Section 8 housing, etcetera.

20 RYAN WALL: I'm curious what the other  
21 defense attorneys think, but I just-- sometimes our  
22 clients can be difficult to follow up with once they  
23 leave court. Cell phones are frequently seized and  
24 held as property. If they're, you know, kind of  
25 between multiple addresses, it can really be  
difficult to get follow up information to them. So,

3 that just would be something to have in mind when  
4 outlining this persons' role and how it work to  
5 shorten that.

6 CHAIRPERSON LANCMAN: So when we convene  
7 the Councilman Menchaca Taskforce and we talk about  
8 these issues, you'll be at the table and the  
9 logistics of realizing more city involvement and  
10 support for the courts is something that, you know,  
11 we can try to work through. Again, now that the City  
12 Council's providing money to some of these service  
13 providers, that gives us a little responsibility for  
14 oversight. Are you satisfied with the services that  
15 are being provided by the nonprofit service  
16 providers? How would you recommend that we evaluate  
17 whether or not our money is being well spent?

18 KIM AFFFRONTI: I can certainly tell you  
19 that in Queens I am amazed at the amount of time that  
20 the service providers spend on all of their clients.  
21 We are constantly in contact about everything that's  
22 going on, not just on Fridays when we meet, but all  
23 throughout the week, and anything that goes on in a  
24 client's life that, you know, is something that may  
25 come up and may have an effect on their ability to  
complete the sessions, they'll be in touch with

3 Defense Council. They'll be in touch with me. They  
4 spend an amazing of time on every case. I think to  
5 see what they do is just incredible, and the service  
6 providers are what make the part successful. I think-  
7 -I can only speak for Queens. I don't know what goes  
8 on in other counties, but in Queens they do an  
9 amazing job, and the fact that they're in court and  
10 they build a report every Friday when they meet new  
11 clients, it really says a lot about what they do, and  
12 they desperately need the funding just because  
13 there's an amazing increase in the case load. So,  
14 this is just one of the best things that could  
15 happen.

16 CHAIRPERSON LANCMAN: And from those of  
17 you who represent the clients, I mean, are you  
18 satisfied that the services that are being provided  
19 are actually meaningful and helpful, and any  
20 suggestions for the Council as we go forward as to  
21 the kind of questions we should be asking the service  
22 providers, you know, to make sure that the money is  
23 well spent?

24 AVERY MCNEIL: In the Bronx we work with  
25 Bronx Community Solutions, and they seem to be  
playing the role that you were describing as a hub of

3 information for clients. They're present in court  
4 every Thursday in the Bronx. APA is on Thursdays.  
5 And there are both counselors and connecting clients  
6 to community based providers in the Bronx close to  
7 their homes but can be more long term treatment  
8 options. And we have, Bronx Community Systems [sic]  
9 has been great in the Bronx. They have been really  
10 helpful to our clients in providing services and  
11 coordinating and exactly what you were describing  
12 where they're in touch with us before court dates and  
13 flexible about finding creative ways for our clients to  
14 complete their mandates within, you know, the  
15 constraints of their real lives, right?

16 CHAIRPERSON LANCMAN: Let me ask one last  
17 topic before I turn it over, and then I might have  
18 questions afterwards. The issue of diverting some of  
19 these individuals out of the criminal court entirely  
20 and to Family Court, is that something that you--  
21 that happens in Queens? Is that something that  
22 happens in the other boroughs, and should it, and are  
23 there any obstacle if it should? And, you know,  
24 Judge Serita, you know, raised some questions about  
25 whether it would be in the interest of the defendant  
to move to Family Court. You know, are there

3 obstacles that prevent that from happening?

4 Intuitively, I think it's better for someone to be in  
5 Family Court than in criminal court and certainly the  
6 Safe Harbor Act contemplated the maximum, you know,  
7 decriminalization that exists in statute otherwise.  
8 But we're interested in whether or not that's a right  
9 direction if that's happening?

10 KIM AFFRONTI: In Queens, I don't really  
11 have a large population of 16 and 17 year olds. In  
12 the past I have, but we have not diverted anybody to  
13 Family Court that I'm aware of. And, the way it  
14 works in Queens, GEMS is an amazing service provider  
15 and anyone who is 16 or 17 definitely benefits from  
16 being an APA in Queens. So, as Judge Serita said, we  
17 do want the Se Harbor Act, and it does work in  
18 Queens.

19 KATE MULLEN: If I could speak to that?  
20 There are many young people who have cases in both  
21 courts. They're subject children of neglect  
22 proceedings. They are subject children of PENS [sic]  
23 proceedings. They've been arrested and then they are  
24 16 and 17 and they end up in criminal court. I think  
25 that there is no need to have cases in both courts.  
So, the Trafficking Intervention Courts do provide

3 the level of service that these young people need,  
4 and there's no need to have that case then  
5 transferred to Family Court. The thing that's not  
6 happening is that when there are young people who  
7 have cases in family court, those criminal cases  
8 should be dismissed and the services provided in  
9 Family Court. There are a full panoply of services  
10 that sexually exploited youth can access in family  
11 court. From my perspective, what's not happening is  
12 that every young person in Family Court has an  
13 attorney, as the subject child of whatever proceeding  
14 they are. There needs to be outreach from the  
15 criminal defense bar to that attorney and then  
16 confirmation that that case exists in Family Court,  
17 and then the criminal case should just be dismissed.  
18 The law exists to allow that to happen, and there's  
19 no need to have both courts. What's problematic is  
20 trying to have this young person accountable to two  
21 different court systems. So they have services that  
22 are being provided or directed in Family Court and  
23 they also have to try and comply with services in  
24 criminal court, and that becomes onerous and  
25 difficult. So, I think that the services and the  
dismissal that's available in the Trafficking Courts



3 means that there's no need to then transfer that  
4 whole proceeding to Family Court, but what is not  
5 happening--

6 CHAIRPERSON LANCMAN: [interposing]  
7 Assuming that there's not a--in cases where there's  
8 not any pending Family Court proceeding?

9 KATE MULLEN: Correct, correct. And  
10 that's the piece that's not happening. When there's a  
11 pending Family Court proceeding that is--

12 CHAIRPERSON LANCMAN: [interposing] Well,  
13 how often is that situation occurring where there's a  
14 pending Family Court proceeding and they find  
15 themselves arrested and they're in Human Trafficking  
16 Court?

17 KATE MULLEN: It's very often.

18 RYAN WALL: It happens.

19 CHAIRPERSON LANCMAN: It happens?

20 RYAN WALL: Yeah.

21 KATE MULLEN: And you look at the  
22 statistics of who becomes most vulnerable to  
23 trafficking and its people who've been in foster care  
24 or who are currently in foster care. So, it's, you  
25 know, reasonable to think that they are--

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3 CHAIRPERSON LANCMAN: [interposing] Well,  
4 this is going to be the subject of follow-up  
5 conversations, but sitting here, I mean, is there  
6 any, and I don't want to put you on the spot, but is  
7 there any reason that you could think where you'd  
8 want to keep that Criminal Court proceeding rather  
9 than defer to what's going on in Family Court? Is  
10 there any institutional reason?

11 KIM AFFRONTI: No. So, if we were made  
12 aware of it, we would work it out. And if Defense  
13 Council or the service, most likely Defense Council  
14 tells us that their client has something in Family  
15 Court, we evaluate and would dismiss the case. I  
16 mean, we're not--what we try to avoid doing is having  
17 these individuals appear in different courtrooms. I  
18 mean, well, when they have criminal cases in  
19 different counties that's a different story, but we  
20 won't put them in different programs if they're  
21 working with a program in Bronx County and they get  
22 arrested in Queens County, we're going to defer to  
23 Bronx and leave them in that program. I mean, we try  
24 to make it easy as possible so we would dismiss the  
25 case in Criminal Court if they're working in Family

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3 Court and, you know, dealing with programs and  
4 services in Family Court.

5 CHAIRPERSON LANCMAN: Okay.

6 RYAN WALL: I'm not sure if that  
7 positions held by all the district attorney's offices  
8 in the city, but it's great to hear to it today.

9 CHAIRPERSON LEVIN: Well, we're very  
10 forward thinking in Queens.

11 KIM AFFRONTI: Yes.

12 CHAIRPERSON LANCMAN: Dick Brown is ahead  
13 of the curve.

14 KIM AFFRONTI: We've just been doing it  
15 for so long.

16 CHAIRPERSON LANCMAN: Thanks. Council  
17 Member Cumbo.

18 CHAIRPERSON CUMBO: Thank you. I just  
19 want to say I was really very inspired by all of your  
20 testimony, and you not only provide thought provoking  
21 testimony but you also provided some solutions that  
22 we certainly can look into and to the City Council.  
23 So I appreciate that you've brought the challenges,  
24 but that you've also brought the solutions as well.  
25 Wanted to focus really on a question that I had asked  
previously in terms of ACS's role and what you've

3 experienced or seen as it pertains to that. How do  
4 we, as you so eloquently talked about, when an  
5 individual who has been brought into our criminal  
6 justice system, has been detained, is at Rikers  
7 Island, how does that all play out for those  
8 individuals that do have children, and what role does  
9 ACS play in that?

10 JILLIAN MODZELESKI: At Brooklyn Defender  
11 Services we also have the Family Defense Project.  
12 So, we have attorneys that represent parents whose  
13 children have been removed and they are the subject  
14 of neglect proceedings. So, often times if a parent  
15 is a mother is arrested and they do have children at  
16 home, it's my experience that at arraignment the  
17 District Attorney arraigning the case will put on the  
18 record that ACS has been notified and the children  
19 have been taken into care. From there they can go  
20 into foster care. They can go into kinship foster  
21 care with a family member. If my client is  
22 incarcerated, the child remains in foster care, and  
23 there's neglect proceeding put into place, and that  
24 is another--they have to be defended against that.  
25 They have to take steps to get their children back in

3 their care, and that often requires completing  
4 services as well.

5 AVERY MCNEIL: And like the 16 and 17  
6 year olds that we were discussing, those mothers are  
7 now accountable to two sets of program providers to--

8 CHAIRPERSON CUMBO: [interposing] Right.

9 AVERY MCNEIL: to two court houses, to--  
10 you know, if they had--if they are not in custody,  
11 but their children are removed as a result of their  
12 arrest, they are fighting a neglect proceeding and  
13 this is another destabilizing effect of the fact that  
14 this is a criminal case, even if it's being treated  
15 differently from other criminal cases. These are  
16 mothers charged with crimes and they're being treated  
17 as such in Family Court.

18 CHAIRPERSON CUMBO: It's such a  
19 conundrum, because it's like you are dealing with so  
20 many forces simultaneously in terms of all the  
21 different agencies, in terms of all of the different  
22 procedures, in addition to the fact that you're  
23 suffering from very traumatic experience  
24 simultaneously. It's a wonder that anyone going  
25 through that has the ability to recover. Wanted to  
ask you from your opinion in discussing this, when we

3 talked about and I asked this previously, in November  
4 2014 the NYPD recorded 686 arrests in Queens on  
5 prostitution-related charges but only had 15 cases  
6 pending for accused traffickers for the year. How  
7 would you explain that? How do you explain that so  
8 many traffickers are not being brought forward in the  
9 same way that those that are being trafficked are?  
10 So we have so many particularly women are being  
11 arrested, but we don't have the same situation as  
12 it's pertaining to those that are doing the  
13 trafficking?

14 KIM AFFRONTI: It's very rare that a  
15 trafficker and someone arrested for prostitution are  
16 arrested at the same time.

17 CHAIRPERSON CUMBO: Really?

18 KIM AFFRONTI: On any given weekend I may  
19 get 20 new prostitution cases and there's no  
20 trafficking arrests. On occasion there's arrests for  
21 promoting, and as Judge Serita indicated, they could  
22 be kidnapping charges, unlawful imprisonment charges,  
23 but arrests for trafficking, that doesn't happen as  
24 frequently as the prosti--arrest for prostitution.  
25 And while we would love to prosecute all the  
traffickers, it's--there are long term investigations

3 in order to find traffickers. If someone arrested  
4 for prostitution, a lot of times they're debriefed  
5 for human trafficking and they just do not give up  
6 any information, which is understandable, and that's  
7 why in Queens we don't say in order to be eligible  
8 for Human Trafficking Intervention Court you have to  
9 give information regarding your trafficker, you have  
10 to cooperate with NYPD, you have to cooperate with  
11 the District Attorney's Office. We don't do that  
12 because that's really not going to benefit them, and  
13 a lot of individuals arrested don't realize they're  
14 trafficked, love their trafficker, feel they owe  
15 their trafficker something, and they're not going to  
16 give them up, and then they would suffer by not being  
17 put in the Human Trafficking Intervention Court.  
18 Anytime an individuals is willing to testify or wants  
19 to give information I immediately, or Defense Council  
20 will tell me or the service providers will tell me.  
21 Anthony Comidiello [sp?] runs our Special Proceedings  
22 Bureau, and anytime I find out someone wants to give  
23 information I immediately contact him and sets up  
24 interviews. But again, that does not happen often at  
25 all.

3 CHAIRPERSON CUMBO: I want to be  
4 respectful of time because I know that Carlos,  
5 Council Member Menchaca also has questions, but just  
6 wanted to close by really focusing on the issue in  
7 terms of it's just so emotional in terms of like what  
8 so many individuals are having to deal with on a day  
9 to day basis in terms of getting their life back and  
10 being able to recover from a situation such as this.  
11 So, I'll actually close with my questions and I'll  
12 allow Council Member Menchaca to ask his questions.  
13 Thank you.

14 COUNCIL MEMBER MENCHACA: Thank you, Chair  
15 Cumbo, and again, I just want to honor the time that  
16 we're spending really digging deep into the  
17 interworkings. Both Chair Lancman and Chair Cumbo  
18 are really kind of getting to the nitty gritty, and I  
19 want to kind of help get down to some of the other  
20 pieces that would kind of help unveil some of these  
21 conundrums and the bulk of cases that are incredibly  
22 unjust, and your testimony also touched me in a real  
23 way. And so picking up on the trafficking piece,  
24 I'll ask about the kind of building the case for the  
25 trafficker and the connection to the clients that are  
in for prostitution or sex work, and back to the



3 tension, the tension that the courts are asking for,  
4 their role in building the case for the trafficker  
5 and how there's real--and sometimes we're hearing  
6 harassment from the system to force them to come in  
7 with case with--as part of the case. And the second  
8 piece to that is that even in the cases for  
9 prostitution there's layered trafficking charges for  
10 them because there was a perception of relationship  
11 between the different people within the prostitution  
12 cases that would warrant a trafficking--it's getting  
13 a little convoluted, and that's the problem here is  
14 that for us as Council Members, I think I'd love to  
15 kind of hear how you can unravel that. And the  
16 testimony that was given by Brooklyn Defender  
17 Services, Ms. Modezeleski, and really kind of  
18 rethinking the system. You've kind of offered a way  
19 to rethink the system. And so what would a world  
20 look like if officers weren't arresting and but yet  
21 we're needing to build the cases for the traffickers,  
22 and I'm really trying to understand what we're  
23 actually going to be asking the Police Department in  
24 our precincts and really trying to reform what does  
25 this actually look like. And then I have--so, then  
I'm going to add the last question to it, which is

3 the Bronx Defender Services--I cut up all my pieces  
4 of paper here. Your recommendations to really create  
5 a mandatory desk appearance ticket, you're going to  
6 need an ID for that. And so, how many of those  
7 clients are coming in without identification. And we  
8 were so proud that the Council passed legislation  
9 last year that really gave the opportunity for the  
10 city and the Mayor's agencies are taking this on and  
11 making it really product program, IDNYC, to get  
12 everyone who's a resident regardless of status, even  
13 allowing the transgender community, gender  
14 nonconforming community to have an ID with their  
15 gender expression. And so I want to hear a little  
16 bit too about that ecosystem that's evolving now with  
17 this opportunity for identification. You're going to  
18 need that with the desk appearance. So, help me  
19 really understand the world that we're actually  
20 trying to create so that we're seeking justice for  
21 the traffickers against traffickers, but not creating  
22 a tension point with the clients that are coming into  
23 the system at the same time. I don't know. Help me  
24 understand.

25 KIM AFFRONTI: Well, can you really ask  
the NYPD not to make arrest for prostitution when

3 there are community complaints? I mean, a lot of the  
4 reasons why they're in specific locations is because  
5 their community complaints. As a prosecutor I  
6 represent all residents of Queens County. So, I  
7 understand the issues of trafficking victims, because  
8 they are victims, but I also understand the problems  
9 that residents of Queens County have. So, it is an  
10 issue, it is a problem, but when you have people in  
11 the neighborhood who are upset and calling the police  
12 about prostitution going on in their neighborhood in  
13 the house next door in the apartment next door,  
14 because that's a lot of where it is. We can't say  
15 you can't make these arrests because they are in fact  
16 crimes, and that's what the Police Department has to  
17 do. So, we try to balance that.

18 COUNCIL MEMBER MENCHACA: And that's the  
19 goal here. How do we create a balance so that  
20 there's justice in the relationship with what is  
21 perceived to be a problem, but how do we, and this is  
22 the previous panel's discussion, create more  
23 opportunities for connections to services so that  
24 housing and jobs and other non-counseling therapy  
25 related services are offered, but that we're really  
creating new pathways for economic opportunity and

3 housing. So, I get that, but is anybody else--can  
4 anybody else kind of speak to that?

5 JILLIAN MODZELESKI: I mean, I think that  
6 New York City police officers can be better educated  
7 to trafficking, the signs of trafficking, questions  
8 to ask people who they are interacting with, and the  
9 officers who are very intelligent can make a decision  
10 as to whether or not there's something else going on  
11 here. Is this person potentially being forced into  
12 what they're doing, and I think the simple act of not  
13 arresting that person will change the course of that  
14 relationship and they will become, potentially become  
15 more cooperative with law enforcement in giving  
16 information. But as soon as that person is arrested  
17 and treated as a criminal and put through the system,  
18 you are starting way back. Your relationship has  
19 completely deteriorated. There is no relationship,  
20 and any potential that they might want to help is  
21 gone, and you're working from a deficit. So, I think  
22 that education of officers in looking for potential  
23 signs of trafficking is quite important.

24 AVERY MCNEIL: Just to clarify the desk  
25 appearance ticket suggestion, that is--that doesn't  
fix the problem. It's just the most immediate

3 solution to the coercion we're seeing at the precinct  
4 and a way of solving that. That doesn't change the  
5 humiliation of the arrest that came leading up to  
6 that. And just to this point that this is a  
7 community, that there's a community outcry against  
8 prostitution, the prostitution cases are police  
9 manufactured crimes. These are undercover sting  
10 operations of the type of resources that go into  
11 felony drug busts usually all to arrest, all to  
12 target sex workers specifically and arrest them on  
13 charges that ideally we want to see dismissed.  
14 That's the intention of the court that comes after  
15 that, and it just--those are not the community  
16 calling in that there are people on the corner that  
17 the police officers seeking out sex workers to arrest  
18 and manufacturing those charges.

19 [applause]

20 KIM AFFRONTI: I have to disagree with  
21 that. I see a lot of cases where I will google the  
22 location and I've seen yes, there are individuals who  
23 are arrested in motels and hotels, but I've also seen  
24 co-ops and condos where apartments on the same floor  
25 sold last year for over 500,000 dollars and their  
neighbor is dealing with, and you know it's

3 prostitution going on in that particular location. I  
4 have seen cases where, and I've spoken to Anthony  
5 Communiello from our Special Proceedings Bureau where  
6 when individuals are arrested they are debriefed  
7 about human trafficking and if they speak to the  
8 police officers there have been times when someone--  
9 we have riding programs in Queens and ADA's on call  
10 24 hours and there have been times when someone from  
11 his bureau has been called out to speak to this  
12 individual and that arrest has been voided or  
13 declined to prosecute, most of the time voided  
14 because they don't even leave the precinct because of  
15 information that they've been given. So, yes, there  
16 are arrests made, but if information is given they  
17 could not be arrested.

18 CHAIRPERSON LANCMAN: Yeah, no, I  
19 appreciate your perspective on this. We're not going  
20 to litigate whether or not prostitution or sex work  
21 should be illegal at this hearing or it should be  
22 made legal at this hearing. Speaking for myself and  
23 160,000 people that I represent, certainly I don't  
24 think they're ready or I'm ready to make that leap,  
25 but we do want to make sure that the Human  
Trafficking Courts providing the services that is was

3 set up to provide as efficiently as possible.

4 Carlos, did you have more questions?

5 COUNCIL MEMBER MENCHACA: I appreciate it.

6 I also appreciate the kind of debate, and I think

7 what we want to do is kind of bring this down to the

8 local level, and so I'm hoping that at a precinct

9 level that we could work together to figure out how

10 that role of the police officers, which is really the

11 beginning of this interaction that creates this

12 divide of a relationship and how we bridge that gap,

13 and the open question for me is are the police

14 officers the right place to make that change? And I

15 think we should try it. but are there other ways

16 that we could create a whole new way for the justice

17 system to interact with sex workers in our

18 communities and others that are at the topic at hand

19 to create--and to allow for the justice system to

20 still work, but just not with the clogging of people

21 that we are trying to dismiss at the same time. And

22 so if anyone has any kind of further thought about

23 that, I think that's the open question that I'm going

24 to leave with, and figuring out how we can work

25 together in Brooklyn in Sunset Park and Red Hook and

how to really focus on that and really come out with

3 some deliverables that change culture in the Police  
4 Department but offer new ways of avenues for the  
5 justice system to work better. So, if anybody wants  
6 any final words, I-- thank you for your testimony.

7 RYAN WALL: I feel a lot of pressure from  
8 final words. But I was just-- I don't know if I have  
9 the solution, you know, that you're searching for. I  
10 hear you searching for that and I commend you for  
11 that, but I can say from--I also, I work in Brooklyn.  
12 I run the Exploitation Intervention Project in  
13 Brooklyn, and so I--Jillian, you know, the point she  
14 made as far as educating officers and like just  
15 raising their awareness level at that first, you  
16 know, point of contact, I think that's a huge step,  
17 but even, and not that we want to see our clients get  
18 this far, but even if it were to go to the level of  
19 the case being, you know, docketed and prosecuted, I  
20 still grapple with--and we've come a long way, but I  
21 do still grapple with my interactions with the  
22 District Attorney's Office once I am aware of the  
23 situation of my client and going to them and asking  
24 for, you know, my client's status as a victim to be  
25 recognized. And we have come a long way. They're  
not here today to hear me say this, but I want that



3 to be known. But it's still really frustrating when  
4 you have somebody in front of you that is very much  
5 making out the fact that they are a trafficking  
6 victim, and to see them still being, you know,  
7 subjected to having to go through the criminal  
8 justice system as a defendant. So, we are trying in  
9 Brooklyn to, you know, breach that chasm and but  
10 there's a lot of work left to be done, and we can  
11 have more conversations about that, but I think that  
12 there are several points along that spectrum where we  
13 can make steps towards, you know, getting closer to  
14 justice or whatever we want to call this. And also,  
15 like Jillian said, really the second our clients are  
16 cuffed and put into the system, and the longer they  
17 stay in it, the more their ability to participate in  
18 a larger trafficking prosecution goes down, and they--  
19 - and its understandable when you see what's  
20 happening with them. I mean, their victimization  
21 almost by the system starts to exceed the  
22 victimization by their exploiter, and they don't want  
23 to participate. So, I think all sides have a vested  
24 interest in this and we have to, you know, find new  
25 ways--

3 COUNCIL MEMBER MENCHACA: [interposing]

4 And on that note, the concept of immunity, how often  
5 do you see that offered in cases, and can that show  
6 us a need or an opportunity--

7 RYAN WALL: But when you're talking about  
8 immunity, you're still talking about one of my  
9 clients agreeing to cooperate, right? They're still  
10 coming in. they're either coming into the District  
11 Attorney's Office or maybe they're going into the  
12 grand jury, but they're going into the office and  
13 they're being asked to kind of like, you know,  
14 cooperate with the people who are prosecuting them  
15 and who have subjected them to an enormous, you know,  
16 amount of victimization. So, that's a really  
17 difficult sell, right? And I have to go back  
18 sometimes to the Assistant District Attorneys that  
19 I'm interacting with and tell them that, you know, my  
20 client is not willing to do it because they're just  
21 so turned off and scared. And another thing I think  
22 that, you know, we all have to think about when we're  
23 understanding the complexity here is who, you know,  
24 who are--when we ask my client to do that, what are  
25 we really asking them to do? Are we asking them to,  
you know, testify against the father of their

3 children? Are we asking them to potentially put  
4 themselves at how much harm, how much risk? Are they  
5 the one place--you know, we're already sitting here,  
6 we're talking about housing and how none of them--you  
7 know, we have like this huge housing need. Maybe  
8 this person has one safe place to live. Are they  
9 going to have to forfeit that? Is my client then  
10 going to become homeless? Like, what kind of safety  
11 risks are they taking on, and you know, is-- who's  
12 really going to step up to bat to support that  
13 individuals once they've decided that they're going  
14 to like come forward and like share their story in a  
15 prosecution. So, I mean, its lot to ask of somebody.  
16 Anyway. I don't know if anybody else wants to talk.

17 COUNCIL MEMBER MENCHACA: Right.

18 Furthering the reality that the system is not only  
19 broken but offering very unjust requirements of  
20 someone that's being prosecuted at the same time, and  
21 I'd love to continue to explore how we can change  
22 that so that there's still entry for positive  
23 interaction to build a case if a case can be met, but  
24 offer services at the beginning rather than at the  
25 middle when so much has happened negatively that  
people are just not going to want to cooperate. So,

3 this is--as Council Member or Chair Cumbo said, this  
4 is where the emotional part for us comes in, and it's  
5 incredibly unjust. So, thank you so much for your  
6 testimony today.

7 CHAIRPERSON CUMBO: I just wanted to  
8 follow up on a few things. There was discussion  
9 around the financial bondage that often so many sex  
10 trafficking victims face in terms of having a  
11 financial obligation or debt to their trafficker.  
12 How is that reconciled once someone has been  
13 trafficked is part of the system now? How do you now  
14 reconcile the fact that they have this financial  
15 obligation or debt to the trafficker who has also not  
16 been arrested at that time? How do you often find  
17 that that issue gets grappled or tackled with?

18 JILLIAN MODZELESKI: I don't think it gets  
19 tackled. I think often times if our clients are  
20 arrested and their traffickers bail them out or  
21 reconnect with them once they are released, our  
22 clients don't come back to court because their  
23 trafficker doesn't allow them to come back to court.  
24 They continue to work for that person. They continue  
25 to be forced into labor for that person. So, I don't

3 think it's something that is tackled. I think it's a  
4 continuing problem.

5 CHAIRPERSON CUMBO: And the majority of  
6 the women that find themselves at Rikers Island or  
7 have been arrested, what is the number one crime that  
8 women are generally arrested for?

9 JILLIAN MODZELESKI: I don't have those  
10 numbers. I can tell you that Brooklyn Defender  
11 Services which is one of two providers in Brooklyn  
12 along with Legal Aid in the past three years there's  
13 been over 700 women arrested for either prostitution  
14 or loitering for the purposes of prostitution, and  
15 our numbers is there's only been 15 people arrested  
16 for trafficking. But I don't know what the number  
17 one arrest charge for women is in Brooklyn.

18 RYAN WALL: And your question, just so we  
19 can get back to you on it, I want to make sure I  
20 understand it, is what's the number one charge that  
21 women are arrested for who end up going to Rikers, is  
22 it for Rose M. Singer that you want to know that?

23 CHAIRPERSON CUMBO: Correct.

24 RYAN WALL: For pre-trial?

25 CHAIRPERSON CUMBO: Correct.

RYAN WALL: Just arrest?

3 CHAIRPERSON CUMBO: Uh-huh.

4 RYAN WALL: The number one charge for pre-  
5 trial detention at Rose M. Singer, I'll look into it  
6 for you.

7 CHAIRPERSON CUMBO: Because I think that  
8 would be important because, you know, trying to  
9 understand sometimes victimization is profitable in a  
10 way. So, trying to understand is this an industry  
11 that we're creating and it's difficult to dismantle  
12 because of the financial implications of it. Just  
13 trying to understand what it is that we're really  
14 talking about here in terms of if we, as you stated,  
15 talked about the arrest and detaining not being a  
16 part of it, what would then happen to so many systems  
17 that are in place if that was dismantled in that way?  
18 So, that would be helpful information to know. Thank  
19 you.

20 CHAIRPERSON LANCMAN: Thank you very  
21 much. Alright. Now we are doing our last and  
22 largest panel. We heard from the government. We  
23 heard from district attorney's offices and public  
24 defenders, and now we'd like to hear from what I  
25 broadly describe as the service providers and the  
advocates. So, Sanctuary for Families, Urban Justice

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2 Center, NYLAG, New York Asian Women's Center, GEM,  
3 Safe Horizon, the Red Umbrella. I think we need-- I  
4 think that's seven, seven organizations? Alright,  
5 good afternoon everyone. If you would raise your  
6 right hand so we can swear you in? Do you swear or  
7 affirm that the testimony that you're about to give  
8 is the truth, the whole truth and nothing but the  
9 truth? Thank you all very much. Okay. So, this  
10 five minutes is going to be a real five minutes.  
11 When the bells start ringing, start concluding.  
12 Unless there's any reason to do it otherwise, we'll  
13 just go from left to right if that's alright? You're  
14 up.

15 AUDACIA RAY: My name is Audicia Ray and  
16 I'm the Founder and Executive Director of the Red  
17 Umbrella Project. We're a five-year-old nonprofit  
18 that's based in downtown Brooklyn and we do community  
19 organizing, advocacy and peer support with people  
20 involved in and impacted by the sex trades. We're a  
21 peer led organization. So, that means that all staff  
22 and members of the organization have personal  
23 experience in the sex trades. I'd like to thank the  
24 Council and especially the Committee Chairs and  
25 Council Member Menchaca for inviting us and asking

3 great questions and making the space available. I'd  
4 also like to give a shout out to my community members  
5 who came with us today. Many of them couldn't stay  
6 the whole time, but we were wearing red. And so you  
7 know, as you know, last October we released this  
8 report. It's cited a lot in the City Council brief,  
9 and the report is an observational study of the  
10 Brooklyn and Queens Human Trafficking Intervention  
11 Courts that was conducted by community members.  
12 Since the report's release, our community organizer  
13 and member have been conducting weekly outreach and  
14 peer support for women who are going through the  
15 HTIC's in Brooklyn. We've also been gathering  
16 stories of the experiences of people in the sex  
17 trades which are included in my longer written  
18 testimony and the experiences that folks have within  
19 the criminal justice system. So my testimony is  
20 based on a report, what we've learned in this past  
21 year and also the experiences of our sister  
22 organization, Persist Health Project, which is a  
23 peer-led group that has provided people from the  
24 HTIC's with care coordination, crisis management and  
25 peer counseling. This past year we have worked  
together with Persist to build a small job assistance



3 program provided for people with experience in HTIC's  
4 and led by others in the sex trades. The ability to  
5 understand, listen and encourage these women could  
6 never be replicated in a setting without peers who  
7 have survived and thrived as leaders and mentors.  
8 Together with Persist we develop this program in  
9 response to requests from court-involved women who  
10 stated their needs clearly and shared with us that  
11 they were not getting what they needed from other  
12 service providers. We did this work with a budget of  
13 150,000 dollars for our entire organization. We did  
14 this work because it's our community members who  
15 needed it and because we were and are uniquely  
16 positioned to know the needs of sex workers and  
17 trafficking survivors because we ourselves our sex  
18 workers and trafficking survivors. While doing this  
19 work we saw women who the system was failing,  
20 particularly black women and trans women of color.  
21 Funding programming that actively supports defendants  
22 in pursuing economic stability for themselves and  
23 their families as well as stable housing is key to  
24 establishing any kind of success for defendants. It  
25 is impossible to divorce the role of police profiling  
of trans and sis [sic] women of color, especially

3 black women from any discussion of what's happening  
4 in the Human Trafficking Intervention Courts. During  
5 the period of study in 2014, in Brooklyn we observed  
6 that black women are present in the court and face  
7 prostitution-related charges at a disproportionately  
8 high rate. Black defendants in the Brooklyn Human  
9 Trafficking Intervention Court face 69 percent of all  
10 charges we observed and 94 percent of which face the  
11 charge of loitering for the purposes of prostitution.  
12 This is a really high rate of police profiling for  
13 the charge of loitering for purposes of prostitution,  
14 a charge that is based on women's race and ethnicity,  
15 gender presentation, outfit, location, and social  
16 behavior on the street. In the Queens Court, we  
17 observed that trans women, particularly trans Latinas  
18 [sic] make up 10 percent of the people in the courts,  
19 which is more than twice the rate that trans women  
20 appeared in the Brooklyn Court. So, before I  
21 continue, I need to say that black lives matter and  
22 trans lives matter. Perhaps, the most important  
23 conclusion we made in last year's report as well as  
24 our collective work is that arrest and court  
25 involvement do not end women's victimization and do  
not address economic justice. Though there is

3 significant analysis to the effect that a variety of  
4 traumas drive people into the sex trades and trauma  
5 is very much part of the experience of people that  
6 Red Umbrella Project works with, economic insecurity,  
7 which is lack of access to employment outside of the  
8 sex industry, lack of stable housing and lack of  
9 access to nonjudgmental healthcare and social  
10 services are the concrete factors that cause people  
11 to enter the sex trades. The current set of mandated  
12 services then offered do nothing to address economic  
13 concerns. Instead, as one service provider working  
14 for a service organization that provides mandated  
15 counseling told us, women who go through the HTIC's  
16 are coerced into counseling, and defendants  
17 experience this as punishment. Counseling that is  
18 not voluntary is antithetical to social work model,  
19 and yet, this is what the courts are mandating. We  
20 must provide funding and--we must prioritize funding  
21 social services that focus on economic empowerment  
22 through job assistance training and educational  
23 opportunities which include scholarships, mentoring  
24 and training and make trauma-informed therapy fully  
25 voluntary and not court mandated. The question of  
what defines success also looms over these programs.

3 So we request the creation of an oversight committee,  
4 external social service providers that is led by  
5 people who have been processed through the courts,  
6 and that 10 percent of the new funding be set aside  
7 for this work. We see that--within social services  
8 provision, communities who are being served are  
9 regularly consulted about the level of care and  
10 services that they receive. We see this amongst  
11 programs that serve HIV positive folks, homeless  
12 folks and drug users along with other populations. So  
13 why are people in the sex trades not given meaningful  
14 opportunities to speak about their needs other than  
15 with individuals' social workers? What is  
16 controversial about the notion that sex workers  
17 should be centered and involved in determining the  
18 kinds of services received and the way funding is  
19 allocated?

20 CHAIRPERSON LANCMAN: [interposing] Ms.  
21 Ray?

22 AUDACIA RAY: Yep. I think that's a good  
23 place to end.

24 [applause]

25 MICHAEL POLENBERG: Thank you, Chairman  
Lancman, Chairwoman Cumbo and Council Member Menchaca

3 for the opportunity to testify before you today on  
4 Safe Horizon's perspective on the needs of human  
5 trafficking survivors in New York City. My name is  
6 Michael Polenbergl. I'm Vice President of Government  
7 Affairs for Safe Horizon, the nation's leading victim  
8 assistance organization and New York City's largest  
9 provider of services to victims of crime, abuse and  
10 their families. After many years of instability and  
11 budget dances regarding the viability of shelter beds  
12 for homeless youth, funding for these beds has  
13 finally, finally been baselined and expanded under  
14 the new Administration. So, why do beds for homeless  
15 youth matter in a discussion about the efficacy of  
16 Human Trafficking Intervention Courts and why do we  
17 sometimes refer to the expansion of beds for homeless  
18 youth as an anti-trafficking initiative? I think  
19 Judge Serita answered this question earlier when she  
20 said, "We have no place to send people." What we  
21 repeatedly hear from the homeless youth and Safe  
22 Horizon Street Work Project which has a shelter and  
23 two drop-in centers and an outreach program is that a  
24 driving force for young people to engage in survival  
25 sex is the lack of a safe place to sleep at night.  
Estimates vary between 2,500 and 4,000 young people

3 in New York City each year engaged in these  
4 activities. One study of a large shelter in New York  
5 found that almost 50--this is a quote, "Almost 50  
6 percent of youth had traded sex because they had no  
7 place to stay and would not have done so if they had  
8 alternative options for shelter." The young people  
9 who stay in our 24 bed overnight shelter in Harlem in  
10 each night continue to struggle with poverty, racism  
11 and homophobia, not to mention substance abuse and  
12 mental health issues, but when they're in our shelter  
13 or those operated by our colleagues in the homeless  
14 youth continuum they're safe. Neither the beds they  
15 sleep in nor the meals they eat are contingent on  
16 exploitive and demeaning transactions. Instead, we  
17 offer counseling and case management. We link our  
18 clients to housing services and treatment. Our  
19 overnight shelter uses a harm reduction model and  
20 nonjudgmental approach with our clients,  
21 understanding that many have been abused, exploited  
22 and discriminated against for too long.  
23 Unfortunately with such limited stays in shelter,  
24 typically 30 days and roughly 450 crisis and  
25 transitional beds to meet the needs of some 4,000  
homeless youth, far too many young people continue to

3 feel that their only hope of finding a place to sleep  
4 or a bite to eat is through sex work. Until we take  
5 additional steps to ensure that every homeless youth  
6 has a safe and supportive place to sleep each night,  
7 far too many young people will find themselves  
8 vulnerable to exploitation. We urge the mayor to  
9 build on his early investments and continue to expand  
10 shelter capacity for homeless youth. We firmly  
11 believe such an investment will help reduce the  
12 number of individuals who are ultimately arrested on  
13 prostitution-related charges. We also strongly urge  
14 the Mayor to continue to fight for more supportive  
15 housing and other permanent housing opportunities for  
16 homeless youth to help end the cycle of homelessness  
17 and vulnerability once and for all. Thank you.

18 LISA RIVERA: Good afternoon. My name is  
19 Lisa Rivera. I'm the Associate Director of NYLAG's  
20 Matrimonial and Family Law Unit. Chairs Cumbo,  
21 Lancman, Council Members and staff, thank you for the  
22 opportunity to submit testimony regarding the  
23 effectiveness of the Human Trafficking Intervention  
24 Courts. NYLAG's Family Law Unit prioritizes its  
25 services for the victims of domestic violence who can  
be and often are trafficking victims. We assist

3 victims of physical, emotional and financial abuse,  
4 obtain orders of protection and custody, visitation,  
5 divorce, VALA [sic], U and T-visas, and other legal  
6 remedies to allow them to escape their abusers. It's  
7 an intersection between domestic violence and  
8 trafficking that leaves us to testify here today.  
9 NYLAG's expertise in DV is based on trauma informed  
10 approach which serves trafficking victims as well.  
11 The forms of civil/legal relief needed to address  
12 both forms of violence can be the same and are in  
13 critical need. Our goal today is to address the need  
14 for civil/legal services for trafficking victims in  
15 the HTIC and to ensure that the courts, both family  
16 and criminal are trained to see trafficking victims  
17 for what they are, victims not criminals. The HTIC is  
18 an important and innovative program that shifts the  
19 paradigm of how we view persons who are trafficked.  
20 Instead of treating persons that are trafficked as  
21 criminals, the court's goal is to bring justice and  
22 compassion to those who are forced to become part of  
23 the commercial sex trade. Specifically, they provide  
24 alternative programs and sentencing that do not  
25 result in a criminal record which allows defendants  
to avoid the crippling stigma created by a criminal



3 history. Here at NYLAG we strongly support the  
4 Council's designation of critical funding,  
5 specifically for the provision of services for  
6 victims of human trafficking in the HTIC and enjoys  
7 partnerships with the agencies that are providing the  
8 services there. Never the less, the findings that  
9 are contained in the Red Umbrella Report reveal some  
10 of the unmet needs of those it's trying to protect  
11 and serve. One such need is long-term counseling and  
12 support for those who wish to break free from the  
13 life or from their trafficker with whom in many cases  
14 they have a family. It is essential that the HTIC  
15 provide meaningful and thorough screenings and  
16 appropriate referrals for social services, but also  
17 for civil legal services that can adequately address  
18 the litigant's ongoing and practical needs so that  
19 she can remain in counseling. The court can be a  
20 place where victims are given wrap-around services  
21 that they ensure that they're not forced to go back  
22 to an abusive situation if they choose to break free.  
23 NYLAG sees cases where--NYLAG sees clients whose case  
24 have been heard in the HTIC. They have need for  
25 wrap-around services in order to sustain themselves  
outside the trafficking relationship that has trapped

3 them initially. Specifically, her trafficker might  
4 have custody of her children, threaten to take  
5 custody, have greater financial resources, and  
6 outwardly appear more stable than her. By contrast,  
7 the victim may appear less stable due to the effects  
8 of trauma, have lack of financial independence which  
9 makes it much more difficult to confront these harsh  
10 realities when they are met with other agencies such  
11 as Family Court and ACS. Furthermore, in Family  
12 Court, these victims are often viewed as criminals  
13 and not suitable caregivers for their children,  
14 despite the dynamics that have caused them to enter  
15 and remain in the commercial sex trade. Family Court  
16 personnel and judges would benefit from the same  
17 training the HTIC personnel have received to better  
18 recognize these complex issues and adopt the paradigm  
19 that we see in the HTIC courts, that many of these  
20 women are victims, in need of services and not  
21 criminals. We at NYLAG provide holistic services to  
22 assist these clients to obtain custody, access to  
23 children and economic independence by our very  
24 different referrals and systems that we have in  
25 place. One client that NYLAG has seen that came  
through the HTIC was Maria who was arrested well over

3 30 times over the course of 11 years. When she did  
4 choose to leave her trafficker, her biggest asset was  
5 her defense attorney in the HTIC courts who not only  
6 provided her with high-quality representation, but  
7 also presented her with an array of resources which  
8 included a referral to our agency. But when she  
9 decided to leave the trafficker, her abuser, the  
10 father of her son, he threatened her and took their  
11 son away. NYLAG provided a variety of legal services  
12 to her and kept her connected with much legal needed  
13 legal services and social services. She had  
14 absolutely no safety net when she decided to break  
15 free from her abuser. As a resident of Manhattan,  
16 she was sentenced to Suffolk County for shelter  
17 services, making it nearly impossible for her to meet  
18 with us, her criminal defense attorney and her  
19 counselors. It was only through our advocacy and her  
20 social worker that she was able to get transferred to  
21 Manhattan to be able to keep her ongoing contact with  
22 her son, because she did not have custody of her  
23 child at that time. NYLAG was able to successfully  
24 represent her on her cases despite the fact that  
25 Maria, when she was forced to work, that the  
trafficker was the primary caregiver of that child.

3 He presented as the more stable parent and he claimed  
4 to step away from "the life." She was viewed at  
5 every turn as a criminal in Family Court and  
6 completely and wholly ignored that she was forced  
7 into this and faced harsh physical, mental and verbal  
8 abuse from her trafficker. It took an advocate and  
9 attorney to get to a place where she could meet with  
10 the DA. It took that advocacy so that she can then  
11 inform on her trafficker, and he was arrested. It  
12 was only then that Family Court decided that she was  
13 a suitable caregiver to have custody of her son.  
14 This piece highlights--

15 CHAIRPERSON LANCMAN: [interposing] Can  
16 you just conclude?

17 LISA RIVERA: the need for coordinated  
18 services. And then we'd like to inform City Council  
19 that it was only through the combination of all these  
20 service providers that she was able to have a  
21 successful outcome. Unfortunately, these results are  
22 quite limited when there's not a coordinated,  
23 informed approach.

24 CHAIRPERSON LANCMAN: Thank you.

25 : Good afternoon. My name is--

3 CHAIRPERSON LANCMAN: [interposing] You  
4 have to hit the button.

5 JESSICA PEÑARANDA: Oh, sorry. Good  
6 afternoon. My name is Jessica Peñaranda and I'm the  
7 Special Courts Coordinator as well as Counsel  
8 Advocate at the Sex Worker's Project at the Urban  
9 Justice Center. We appreciate and thank the  
10 Committee on Women's Issue and the Committee on  
11 Courts and Legal Services and those Council Members  
12 leading this effort for this hearing today. For the  
13 past 14 years, the Sex Workers Project has been the  
14 first and longest running program in the nation  
15 dedicated to providing direct legal and social  
16 services to sex workers and survivors of human  
17 trafficking. We are committed to creating policies  
18 and programs which promote human rights and confront  
19 the conditions in which trafficking flourishes.  
20 Together, we are working to create a world that is  
21 safe for sex workers and where human trafficking does  
22 not exist. WE currently serve 120 trafficked people  
23 with direct legal and social services. While we  
24 support the basic tenants of the courts as a way to  
25 reduce the harm and risk of exploitation of sex  
workers and trafficking victims, our extensive

3 experience informs a strong believe that arresting  
4 individuals is not the most effective way.

5 Meanwhile, de-criminalization has been proven to  
6 result in better outcomes for both sex workers and  
7 survivors of human trafficking. We believe that  
8 moving the focus from penalization to the  
9 reinforcement of social safety nets will provide the  
10 most meaningful outcomes for the marginalized

11 individuals most at risk for exploitation. I'd like  
12 to tell you a little bit about the work that I have  
13 been doing over the past year with mandated  
14 individuals through our program through the Human  
15 Trafficking Courts. In all of our sessions, the  
16 constant theme that came up was the impact the arrest  
17 had on their lives. Whether it was being mistreated  
18 by officers, ridiculed, told by undercover arresting  
19 officers as a result of a raid, "If it wasn't for us  
20 finding you, you would be dead," amongst many other  
21 comments and ill treatment. One of my clients  
22 reported that she felt that this caused more harm  
23 than good to her life. While she was thankful to be  
24 receiving services instead of jail time, she  
25 struggled with finding a job when scheduled for  
sessions instead of being able to use that time to

3 schedule job interviews and job searches. Her level  
4 of stress, anxiety and hardship increased as a result  
5 of her pending case. Multiple clients reported their  
6 arrest, open case and mandated services hung over  
7 their heads as a threat that devastated their self-  
8 esteem, increased their level of stigma and shame,  
9 resulted in feeling the need to lie to their families  
10 and isolated them further from community supports and  
11 distracted them from everyday responsibilities. As  
12 such, as part of the city's council oversight  
13 overview and in this endeavor, we recommend the  
14 following, that an outside neutral organization such  
15 as a university that has experience and oversight of  
16 criminal justice systems through research and  
17 evaluation be charged with the task of assessing the  
18 impact and success metrics of the criminal justice  
19 intervention. These methods can include their  
20 overall treatment of defendants from arrest through  
21 arraignment to the end of social service mandates.  
22 We also see that given the increases arrest rates of  
23 certain immigrant communities entering the courts in  
24 all five boroughs, we recommend that funding support  
25 access to immigration attorneys that are qualified  
and have a proven record that will be made available

3 for every undocumented individual coming through the  
4 specialized courts in addition to having culturally  
5 competent and culturally humility in trauma informed  
6 trained interpretation and accessible language in all  
7 of the courts. We also recommend that the City  
8 Council fund the creation of a dedicated advisory  
9 council or a taskforce that includes survivors of  
10 human trafficking, sex workers and sex worker  
11 organizing groups, social service providers and other  
12 stakeholders that play a role in the functioning of  
13 these courts. This inclusive group can be tasked  
14 with providing recommendations, guidelines, best  
15 practices and metrics on the overall functions of the  
16 courts, in particular, the treatment, and level of  
17 engagement of those individuals directly impacted.  
18 Currently, arrested individuals are simply recipients  
19 of court intervention rather than agents in the  
20 transformation of their lives. We believe that it is  
21 always a best practice to include the voices of those  
22 that are directly impacted as they have the great  
23 insights in how to address the complexities of their  
24 experience and what interventions will be most  
25 effecting, effective in addressing them, including  
the vision and expertise of impacted communities such



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3 as trafficking survivors and sex workers would truly  
4 create a much needed road map that is committed to  
5 eradicating human trafficking and will be best able  
6 to evaluate whether the court is a tool to meet that  
7 goal. We further recommend that the City Council  
8 initiative money be earmarked for voluntary services  
9 beyond court mandated services that supports a  
10 referral system that is inclusive of the varied needs  
11 of individuals entering the court, funding for  
12 housing, educational training, employment services,  
13 long-term voluntary counseling and basic social  
14 safety needs would meet the needs of individuals that  
15 are arrested and ultimately address the root causes  
16 of vulnerability to exploitation. We are pleased to  
17 the City Council Members opening this new dialogue  
18 with an emphasis on much needed oversight of the  
19 court, and we thank you for the opportunity to bring  
20 you our comments and our recommendations, and we look  
21 forward to continuing this dialogue together.

22 CHAIRPERSON LANCMAN: Thank you. Yes?

23 YASMEEN HAMZA: Good afternoon,  
24 Chairperson Cumbo, Chairperson Lancman and the  
25 distinguished members of the committee.

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3 CHAIRPERSON LANCMAN: You're just--you're  
4 going to have to move closer.

5 YASMEEN HAMZA: Can I speak closer?

6 CHAIRPERSON LANCMAN: Yeah.

7 YASEEM HAMZA: My name is Yasmeen Hamza.

8 I'm the Director of Client Services at New York Asian  
9 Women's Center, and we want to thank you for giving

10 us the opportunity to speak today. As some of you may

11 know, New York Asian Women's Center is a Pan-Asian

12 American-focused agency providing social and legal

13 services to survivors of domestic violence, sexual

14 assault and human trafficking. We represented Asian

15 survivors throughout New York City for 33 years.

16 This year marks the 10<sup>th</sup> year NYAWC is providing

17 services to survivors of human trafficking through

18 our program called Project Free. We commend the Human

19 Trafficking Intervention Court's efforts in

20 recognizing and revising their perspective on

21 trafficked individuals as vulnerable to abuse and

22 exploitation. The shift in perspective has allowed

23 for NYAWC's Asian Women's Empowerment Program, or AWE

24 as we call it, to develop under Project Free in 2011.

25 The AWE Program was created as a safe space for

clients to build trust after their trafficking

3 experience and allows NYAWC to work with clients in a  
4 holistic way. Our counselors introduced themselves  
5 to clients in the courts, help clarify or voice  
6 concerns and provide information regarding our  
7 services. They support oftentimes traumatized  
8 clients and help them navigate the court and other  
9 systems. Social service providers serve an important  
10 part, a point of connection to not just a counselor  
11 who can speak their language, but also one who is  
12 trained in trauma-informed and culturally appropriate  
13 practices. The court allows for the beginning of a  
14 sense of community where people might have faced or  
15 are facing psychological or physical isolation. We  
16 do have some recommendations for the continued  
17 development of these courts to better address the  
18 needs of trafficked individuals. First, the large  
19 number of Mandarin-speaking women are being arrested  
20 for prostitution-related charges. In 2012, through  
21 the court referrals, we only worked with 68 clients,  
22 and in 2014 the increase was to 258. So, it's a  
23 large increase. There continues to be a  
24 disproportionate [sic] amount of Mandarin-speaking  
25 women being arrested and have gone through courts,  
especially Queens Criminal Court, and we think that

3 arrest patters should be more critically analyzed and  
4 evaluated. Because of these increase in arrests  
5 we're also seeing an increase--survivors are  
6 disclosing increased trauma and widening gap in trust  
7 and disclosure because of the arrest process. This  
8 impacts our work and being able to create safe spaces  
9 for survivors and encouraging the disclosure of any  
10 trauma. They're still traumatized by the initial  
11 arrest and that's what a lot of the work that we do  
12 with them is around, and that's due to the way in  
13 which they're treated by police officers and just the  
14 confusion of dealing with the courts and not knowing  
15 really what's transpiring because of language access,  
16 which again, you know, one of the things that we are  
17 requesting increased language access. It's not so  
18 much the number of translators that are available,  
19 because they are available, but it's actually  
20 providing them with training to produce more informed  
21 and culturally appropriate court interpreters. Our  
22 counselors have experience instances where court  
23 interpreters have made side or inappropriate comments  
24 in the midst of interpretation and have actually  
25 further triggered and traumatized the clients. We  
are also recommending streamlining or standardizing

3 the overall process that the courts are dealing with.

4 We work with different courts, Midtown and Queens and

5 every court has their own processes. It also gives

6 out different mandates for clients, and what we're

7 hoping that this can do is lead to less confusion for

8 clients and what they're to expect, especially if

9 they've been arrested in Manhattan or Queens and the

10 outcome of what they're dealing with within the

11 courts looks different. That being said, we've

12 worked very closely with the APA in Queens and we

13 find that their way of doing the work is actually

14 very beneficial. The judge allows us to walk up

15 there with the client, which allows us to kind of

16 gauge whether the interpreters are interpreting

17 correctly and develop a relationship with the clients

18 from the beginning, whereas other courts, we don't

19 see the clients until much after they've gone through

20 actually the court itself. So, NYAWC or just the New

21 York City Council--

22 CHAIRPERSON LANCMAN: [interposing] I'm

23 sorry, there's just eight of you, so I can't remember

24 every question that I'm going to have. So, let me

25 just interrupt and ask. In the other courts, you're

not brought into the picture until?

2 YASMEEN HAMZA: Later.

3 CHAIRPERSON LANCMAN: Until after the  
4 defendants appeared and been told, okay, you're going  
5 to this--

6 YASMEEN HAMZA: Yes, uh-huh.

7 CHAIRPERSON LANCMAN: Okay.

8 YASMEEN HAMZA: So, we urge the New York  
9 City Council and this Committee to consider our  
10 recommendations in order to provide clients with  
11 clarity of their circumstances, increase access to  
12 resources and tools that will begin to open the doors  
13 to other employment options, increase access to  
14 immigration legal services, and bolster evaluation  
15 capacity to continually ensure the quality and  
16 relevancy of the service provisions. We thank you  
17 for listening and calling for the Oversight Hearing  
18 today.

19 LORI COHEN: Good afternoon. I'm honored  
20 to present before the very distinguished Committees  
21 on Courts and Legal Services and on Women's Issues.  
22 My name is Lori Cohen and I am the Director of the  
23 Anti-Trafficking Initiative at Sanctuary for  
24 Families, New York's leading service provider and  
25 advocate for survivors of domestic violence, sex

3 trafficking and related forms of gender violence.

4 The critical services that Sanctuary for Families  
5 provides would not be possible without the support of  
6 the City Council. The annual funding that we receive  
7 from the Council goes directly to support free,  
8 legal, clinical, and other support services for some  
9 10,000 domestic violence survivors and their families  
10 annually throughout all five boroughs. Although she  
11 could not be here today, on behalf of our Executive  
12 Directory Judge Judy Harris Kluger, I want to thank  
13 Speaker Mark-Viverito, Chair Lancman, Chair Cumbo,  
14 and all the members of the City Council for  
15 partnering in the fight against domestic violence and  
16 sex trafficking and holding this hearing today on  
17 such an important issue. Jude Serita, Assistant  
18 Commissioner Dank and others have spoken about  
19 Sanctuary's work with pro-bono counsel at the Queens  
20 Family Justice Center and Sanctuary's written  
21 testimony contains more detailed information about  
22 the Queens Trafficking Intervention pro-bono project  
23 or QTIP. Therefore, I would like to discuss  
24 Sanctuary's more recent work with defendants in the  
25 Brooklyn Human Trafficking Intervention Court which  
builds on our experience in Queens. As in Queens,

3 three-quarters of the immigrant defendants charged  
4 with prostitution offenses are also Chinese women in  
5 massage parlors. Sanctuary hired a Mandarin-speaking  
6 case manager to assist our social worker in providing  
7 information and counseling to defendants mandated for  
8 services. Additionally, because of funding  
9 limitations, Sanctuary recruited a Mandarin-speaking  
10 attorney on a part-time temporary basis to provide  
11 legal advice. Helping this leanly staffed team is a  
12 hand-picked group of law students from Brooklyn and  
13 Columbia Law Schools. Brooklyn's screenings  
14 commenced just under one year ago and only started  
15 operating at more complete level in the past six  
16 months. However, the early outcomes are astonishing.  
17 Of the 47 defendants interviewed through Sanctuary's  
18 Brooklyn Project fully, 45 percent of them have  
19 affirmatively disclosed trafficking in the initial  
20 interviews. Almost all defendants cited the push  
21 factor of domestic violence as the cause for--as  
22 causing them to flee their home country to come to  
23 the United States, and as in Queens, we see almost  
24 all of them exhibiting indicia that indicate that  
25 they are at risk for sex trafficking. Interestingly,  
when defendants learned that Sanctuary had a



3 Mandarin-speaking attorney and case manager, they  
4 began asking to speak with our staff while still in  
5 the courtroom, and others have begun referring their  
6 friends to our Brooklyn team for assistance, Chinese  
7 women who are not even defendants but who are trapped  
8 in the erotic massage parlor industry and want help  
9 escaping their abuse. So, what is leading to such a  
10 dramatic shift in disclosures among Brooklyn  
11 defendants? The answer is clear. There is a dire  
12 need for services staffed by linguistically and  
13 culturally competent legal and social service  
14 providers. We believe that the picture emerging in  
15 Brooklyn of Asian women trapped in a cycle of debt  
16 bondage, threats and coerce of control will not only  
17 enable us to help these defendants obtain the legal  
18 protections and services they so urgently need, but  
19 also to illuminate the exploitative nature of the  
20 Asian erotic massage parlor industry throughout New  
21 York City and result in the arrest of the true  
22 criminals, the brothel and massage parlor owners and  
23 the clients who fuel the industry. At Sanctuary for  
24 Families we are fortunate to have the only dedicated  
25 Mandarin-speaking law fellow assisting with the  
significant immigration legal needs of Chinese

3 immigrant defendants in Queens, which is now  
4 supplemented with our part-time Mandarin-speaking  
5 attorney in Brooklyn. Given however that dozens of  
6 Mandarin-speaking defendants with legal needs who we  
7 meet each month and the request for assistance with  
8 Mandarin-speaking defendants in Manhattan and the  
9 Bronx, one legal fellow and one temporary part-time  
10 attorney are simply not enough. Most recently  
11 Sanctuary has been contacted by defendants who reside  
12 in New York City but were arrested elsewhere in New  
13 York State. Their relocation from Flushing to an  
14 unknown and unfamiliar area often to surrounded by  
15 non-Mandarin speakers itself a hallmark of  
16 trafficking. In addition to legal services, Chinese  
17 defendants also urgently need access to social  
18 workers who can provide trauma-informed counseling in  
19 linguistically and culturally competent manners. We  
20 thank the Council for recognizing the needs the Human  
21 Trafficking Intervention Courts have and the  
22 commitment they have made to provide additional and  
23 expanded services. We commend Speaker Mark-Viverito,  
24 Council Member Cumbo, Council Member Lancman, and the  
25 entire City Council for their commitment, and we  
thank you for your leadership, vision and support.

3 CHAIRPERSON LANCMAN: Thank you.

4 JULIE LAWRENCE: Thank you to Chairs

5 Lancman and Cumbo and the City Council for convening

6 this hearing and for recognizing the critical need

7 for services for trafficking victims in New York

8 City. My name is Julie Lawrence, and as the Chief

9 Program Officer of GEMS, Girls Educational and

10 Mentoring Services, the first organization in New

11 York State specifically created to serve girls and

12 young women who have experienced commercial sexual

13 exploitation and domestic trafficking and one of the

14 original partners and co-creators of the Queens Part

15 [sic] in 2004 I'm so glad to have this opportunity to

16 speak today on behalf of all the girls and young

17 women we serve. GEMS began its work in 1998 and has

18 consistently provided holistic survivor informed

19 comprehensive services and support to victims and

20 survivors of trafficking and commercial sexual

21 exploitation. At GEMS we believe in the value and

22 worth of each member we see. We provide around the

23 clock support and crisis response, dynamic and robust

24 daily programming, housing programs, stellar Family

25 Court and Criminal Court advocacy and provide a

loving and supportive community in which our members

3 can grow and learn and thrive. Survivor leadership  
4 and transformational relationships are the two  
5 foundational principles of all of GEMS' programs, and  
6 when members from the Trafficking Courts walk through  
7 our doors, it is often the first time that they have  
8 seen other survivors thriving after the life and the  
9 first time they don't feel so alone. In 2004, GEM  
10 served 371 girls and young women who had experienced  
11 commercial sexual exploitation and trafficking. Out  
12 of that number we served 115 girls and young women  
13 who were referred through the trafficking courts. We  
14 often talk about the practical needs that the  
15 commercially sexually exploited and trafficked youth  
16 and adults have, like shelter, food, clothing, and  
17 obviously these are very real needs, as we've heard  
18 all day. But what's often overlooked is that those  
19 needs are unlikely to present themselves if a victim  
20 isn't first connected with people they can trust and  
21 talk to. Empathetic, well-trained, committed staff  
22 are the foundation to every program, and they're the  
23 entry route for victims to be able to even begin to  
24 talk about what's happening to them and to begin to  
25 identify their needs. Contrary to the portrayal in  
movies, trafficking victims rarely cry "rescue me" to

3 the first non-exploited person they meet, and for  
4 individuals who are initially being arrested and  
5 processed through the Criminal Court justice system,  
6 the are understandably guarded, frightened, angry,  
7 and focused on simply getting through the process.

8 Our court advocates are not part of the criminal  
9 justice system may also be survivors of trafficking  
10 themselves or survivors of other forms of trauma and  
11 all are genuine allies are highly trained and  
12 knowledge about the system and resources, and operate  
13 from a strength space [sic] culturally competent and  
14 trauma-informed perspective. Their initial contact  
15 with the young woman in court and then their  
16 relationship building with them over the course of  
17 the mandate and beyond is the key to helping victims  
18 begin to take the steps towards leaving their  
19 exploiter. When young women who've exited the life  
20 talk about what a made a difference for them, they  
21 talk about people, people who cared, people who saw  
22 their dignity and worth, people who advocated for  
23 them, and people who walked alongside them on their  
24 journey even when things got really tough. We know  
25 that 70 percent of the girls and young women GEMS  
serve have been in the child welfare system at some

3 point. They've experienced family trauma and  
4 disconnection. They've been neglected and abused  
5 often for years prior to their exploitation, and they  
6 as children and young adults are desperately craving  
7 love, attention and support. Of course, pimps and  
8 traffickers play upon the need for connection and  
9 belong in creating a faux family and creating an  
10 intense relationship that seem to initially and  
11 superficially meet those needs. Leaving those  
12 relationships, therefore, takes building new ones,  
13 healthy ones with consistent supportive adults who  
14 don't ask anything from you, who don't exploit you  
15 and see you as valuable as a human being, not a  
16 commodity. Without those moments of human connection  
17 and relationships victims never get to the point of  
18 needing shelter or a job or going back to school.  
19 And what we know at GEMS after 18 years of providing  
20 services to this population and over 11 years of  
21 working with young women coming through the  
22 Trafficking Courts is that services, good services  
23 with good staff and long-term support really work.  
24 We have seen many, many stories of success and hope  
25 and incredible achievement from young women who came  
to us scared, traumatized, under the control of a

3 trafficker and believing this is their only option  
4 and future. Now, I see young women taking control of  
5 their own futures, going back to school, graduating  
6 college, mentoring other girls, and working  
7 independent lives. Many of those success stories  
8 take years, years of support and practical resources.  
9 Thank you.

10 CHAIRPERSON LANCMAN: Thank you.

11 JENNA TORRES: My name is Jenna Torres.  
12 I'm a native New Yorker and a product of its foster  
13 care system. I'm currently a community organizer for  
14 the Red Umbrella Project working to build power with  
15 sis [sic] and transwomen who are impacted deeply by  
16 the criminalization by sex work in New York City. As  
17 a child in the foster care trying to transition on my  
18 own I had the first of my three babies when I just  
19 13. My foster mother was providing clothing and such  
20 for my children with the money she got from the  
21 state, but not for me. I appealed to a foster care  
22 agency, but I was denied, forcing me to take care of  
23 myself. From the age of 15 years old, whenever I  
24 needed clothing, school uniforms or school supplies,  
25 I engaged in sex work. I engaged in sex work to keep  
my phone on as a way to reach my childcare provider.

3 I engaged in sex work to pay for the basic things  
4 like bus fare when school was out and my personal  
5 care items. Prior to my arrest in 2013, I was never  
6 in trouble with the law. In addition to being a teen  
7 mother I was going to school and working a part-time  
8 job after school, but that was only making--I was  
9 only making \$7.25 hour. When I graduated from high  
10 school things became even harder. I still didn't  
11 have basic essentials that I needed, and I wasn't  
12 able to get a job during the summer. I turned to the  
13 only thing that I knew to make ends meet, which was  
14 sex work. The day I was supposed to pick up my  
15 college schedule I was arrested for prostitution. I  
16 never agreed to the things that they charged me of.  
17 I never agreed to sexual acts. I never took any  
18 money, but they arrested me anyway. After 23 hours  
19 of being in jail I finally saw a lawyer and she  
20 prompted me to take the plea so I can get the six  
21 sessions of treatment and the adjournment for  
22 contemplating dismissal. I was 17 years old at the  
23 time and while in holdings, I was unable to use the  
24 bathroom because of the unsanitary conditions shortly  
25 after my release. I was admitted to the hospital for  
five days resulting in health issues. Later, my



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3 mandate was changed to 10 sessions and immediate ACD  
4 instead of waving the six months after completing of  
5 the sessions for to be cleared. The whole process  
6 almost ended my college journey before it ever began.  
7 I had missed my final opportunity to register for  
8 classes. I went to school and I had to beg and plead  
9 to start on time, but to get back into school I was  
10 forced to disclose my hospital record stay as well as  
11 my arrest papers. The students working in the  
12 student council building now knew that I had been  
13 arrested for prostitution. I also received a very  
14 long and uncomfortable talk about the school board of  
15 how I was going--how I got to this place and how I  
16 was going to manage school with having to attend  
17 mandated reports. I had divulged very personal,  
18 embarrassing and sensitive information in order to  
19 save my school semester. After all the trouble that  
20 endured to get myself in college I still struggled  
21 with managing everything that with these mandated  
22 sessions attend. I took what the college had  
23 available as far as classes in Staten Island which  
24 resulted in all-week class schedule, after which I  
25 would travel all the way to Harlem for sessions and  
go to court dates. I lived in Brooklyn, a mother in

3 foster care trying to make her own way out of the  
4 system without financial help. The court mandated  
5 sessions did not help me. All the sessions did was  
6 occupy the time that I really needed to make more  
7 important tasks like going to school and being with  
8 my children. They hampered my ability to create a  
9 better environment for myself and my children so I  
10 would not have to rely on sex work. I didn't need to  
11 be treated for sex work. That isn't an illness. As  
12 a teen mother we're expected to fail, and I wasn't  
13 going to be that. I was going to be educated and  
14 financially responsible for my children, but that was  
15 impossible trying to be everywhere at once. If I  
16 went to school and not do the programs, they would  
17 arrest me. They will put a warrant out for me and  
18 arrest me in front of my kids watching or my college  
19 peers watching, and if I went to the program and not  
20 school I would fail. So, I dropped out of school,  
21 well, college to be exact, and the one thing that  
22 could have helped me in the long run. All I ever  
23 wanted to do is show that everyone--all I ever wanted  
24 to do is show everyone that teen mothers can be  
25 successful. Without an alternative I made choices  
that I needed to do in order to take care of myself.

3 It shouldn't' have taken me getting arrested or  
4 physically or emotionally violated by the people in  
5 the court, by the police in the courts to hear my  
6 needs. The treatment programs the courts provided  
7 were not a good fit for me. They did not give me  
8 what I needed either. They gave me options that did  
9 not fit my situations, suggesting that stopping sex  
10 work would magically fix my life, and in reality, it  
11 would just make me broke and without resources. It  
12 wasn't until after I finished the programs the court-  
13 -and the court that the damage was really done. I had  
14 to drop out of school. I had to acquire unnecessary  
15 debt from attending trade school, and in order to  
16 meet requirements to stay enrolled in my education  
17 initiative program, and I had to postpone my journey  
18 out of foster care. I was living off of part-time  
19 work at Payless, still barely meeting my needs and my  
20 children. However, thanks to Legal Aid Society I was  
21 referred to the Red Umbrella Project, a voluntary job  
22 assistance and training. The Red Umbrella Project  
23 centers [sic] people like me and our needs in a way  
24 that other programs ignore. They--the way that Red  
25 Umbrella Project differs from most resources is that  
they offer things that, like, things that we really

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3 need like real job assistance, housing resources,  
4 leadership opportunities, and health resources.  
5 They--their attention to each member is very  
6 personalized and have a great understanding that all  
7 sizes does not fit one model, but mostly important,  
8 we take care of each other as a community and not  
9 just as a client. Thank you.

10 [applause]

11 CHAIRPERSON LANCMAN: Thank you very  
12 much. Well, I appreciate your testimony and it's  
13 very powerful, but I just want to understand. I  
14 understand that in your view attending the sessions,  
15 it was six session and then it was converted to 10  
16 sessions.

17 JENNA TORRES: Yes.

18 CHAIRPERSON LANCMAN: Interfered with the  
19 schedule that you had for school and your other  
20 obligations, but I also understand that when you  
21 connected with Red Umbrella, they had given you  
22 services and programming--

23 JENNA TORRES: [interposing] Right.

24 CHAIRPERSON LANCMAN: that you felt was  
25 beneficial.

JENNA TORRES: Yes.

3 CHAIRPERSON LANCMAN: So, is the issue  
4 that in your case that the services that were  
5 provided to you through the Trafficking Court were  
6 not really beneficial, and had you gotten the same  
7 kinds of services that you got through Red Umbrella,  
8 then those six sessions or those 10 sessions would  
9 have been worth it.

10 JENNA TORRES: I want to say, number one,  
11 I was going to school in Staten Island. I live in  
12 Brooklyn. I had a Monday through Saturday schedule,  
13 and it was an all-day schedule. The problem with the  
14 mandated sessions is that I had to complete them in a  
15 timeframe. Now, if I chose to go to school instead of  
16 the sessions, they would have put a warrant out for  
17 me because I wasn't making progress. All of this  
18 occurred right in the beginning of my school  
19 semester. Now, had after I had completed the  
20 sessions which required me to drop out of school in  
21 order to complete, I was then referred to Red  
22 Umbrella Project after--like, I constantly kept in  
23 touch with my lawyer after the fact that my court  
24 case was closed, and that was through the referral of  
25 Red Umbrella Project that I got the services that I  
need, and that would have been beneficial had I not

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3 been mandated to the services and it would have been  
4 voluntary so I can do them on my own time and my own  
5 schedule.

6 CHAIRPERSON LANCMAN: Well, if they had  
7 been maybe mandatory but the court had been willing,  
8 from what I--

9 JENNA TORRES: [interposing] They're not  
10 flexible.

11 CHAIRPERSON LANCMAN: Had they been  
12 willing to be more flexible in both the kinds of  
13 services that you're getting so they're more valuable  
14 to you, similar to what you eventually got from Red  
15 Umbrella, and that the timing of the services allowed  
16 you to fulfil your other commitments. I, you know,  
17 I'd be interested in hearing from anybody on the  
18 panel about their experience with the courts and  
19 whether or not the courts and the district attorneys  
20 and everybody else participating in the court and  
21 making decisions are flexible and take into  
22 consideration each defendant's individual  
23 circumstances so that the services being offered or  
24 being required are actually, you know, doing more  
25 good than harm.

3 LORI COHEN: Thank you for that question,  
4 and I do believe that there is some variance from  
5 court to court. We know from the experience of  
6 working with our immigrant clients in Queens that  
7 there is flexibility. In some cases we've had  
8 clients who were students who did have to go back to  
9 school and we were able to complete the sessions  
10 before they returned to school. We've had other  
11 clients who needed to travel, and there was a real,  
12 quite a legitimate concern that there would be  
13 immigration complications should the arrest--should  
14 an open arrest be on their, you know, surface as they  
15 were traveling outside the United States. And so  
16 we've had a lot of success working with the court to  
17 deal with the questions of timing.

18 YASMEEN HAMZA: I agree it's court by  
19 court. Queens is a little bit more flexible. We've  
20 worked with Midtown when some clients do need to  
21 travel. A lot of times it's the defense attorneys  
22 that do a lot of the work of kind of talking to the  
23 courts and moving up the court dates, but we have  
24 heard from clients that we work with that the  
25 mandated sessions do get difficult as far as if they  
have to work and so forth, and we definitely try to

3 work around that, but sometimes it does impact them,  
4 unfortunately.

5 JESSICA PEÑARANDA: I'd just like to  
6 comment on this as well. So, it's not so much that  
7 the courts aren't necessarily flexible. I think that  
8 in a court like Queens, for example, that has  
9 incredible coordinated services, things can be  
10 flexible. I think the issue is that when we're one  
11 on one with clients and from my experience is that  
12 individuals are feeling that this is such a pressure.  
13 So whether it could be flexible, there's a difference  
14 between what can actually practically happen versus  
15 this like feeling of anxiety and stress of I just  
16 want it to be over. Many often times clients would  
17 come and say, "How can I rush to just get it over  
18 with?" Right? But then they're finding that there's  
19 barriers to being able to meet the mandates and  
20 coming. So, it's--it can be flexible. It's also  
21 that it creates this intense pressure on individuals  
22 to want it to end, but not being able to end in a way  
23 that is practical and pragmatic for their lives.

24 CHAIRPERSON LANCMAN: My last question is  
25 Council Member Menchaca had brought it up earlier and  
I think it was in your testimony, Red Umbrella, about



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3 a San Francisco model that had some sort of Oversight  
4 Committee or Advisory Committee and if maybe you can  
5 talk about that, what something like that might look  
6 like here in New York City.

7 AUDACIA RAY: Yeah. So, since the mid  
8 90's San Francisco has had an Oversight Committee for  
9 their courts and it's a--it's actually a taskforce  
10 that is through their supervisor. And so they bring  
11 together social service providers and also academic  
12 researchers, like Jessica mentioned as a possibility,  
13 and sex workers and trafficking victims to monitor  
14 what's going on in the courts, and we can also share.  
15 There's been some documentation of how that's  
16 functioned and what the model for it is. But--

17 CHAIRPERSON LANCMAN: [interposing] Is it  
18 a monitoring oversight of the court? Because that is  
19 a particular meaning to me as a Council Member, or is  
20 it, you know, like we talked about earlier, a couple  
21 times a year or periodically we get everyone in a  
22 room and talk about what's going on and see how the  
23 concerns that are raised in that room can be  
24 addressed?

25 AUDACIA RAY: I know it's shifted. I  
mean, it's been around since 1994. So, I know that

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3 the structure of the way they run the oversight has  
4 changed over time, but we can definitely get more  
5 details about exactly how they run the meetings, and  
6 it is oversight of the court system and also the  
7 social services.

8 CHAIRPERSON LANCMAN: Well, thank you.  
9 Council Member Cumbo?

10 CHAIRPERSON CUMBO: Thank you, Chair  
11 Lancman. Just want to thank again all of you for  
12 your testimony and I just want to say to Jenna  
13 Torres, your testimony was incredible, and I really  
14 applaud your courage and your ability to come before  
15 City Council to share your story in attempts for us  
16 to be able to restructure this system so that so many  
17 other young people will not have to go through what  
18 you had to go through in this particular situation.  
19 So, I really thank you for your honesty and your  
20 clarity on this issue. Wanted to find out, one of  
21 the things that was discussed in previous panels was  
22 the fact that once someone is arrested that this is  
23 something that remains on their record permanently.  
24 Has there been discussion about once you go through  
25 the court system you've been directed towards  
programing, that something like this could be sealed

3 or it could be closed so that this wouldn't impact  
4 your record permanently once you've actually had the  
5 opportunity to have the services as well as to  
6 rehabilitate your situation in that way?

7 JENNA TORRES: As far as my knowledge  
8 prior to like August of 2013 they really weren't  
9 doing the ACD, which is what seals your record, and  
10 it was really by case by case, but now we see often.  
11 We do observation in the court. Me personally, I've  
12 been doing observation in the court for the last six  
13 or seven months in Brooklyn, and most get the offer  
14 for the ACD, but it's also like depending like prior  
15 arrest history or any of those type of things that  
16 might impact that. I personally had a ACD  
17 immediately, but normally it takes six months without  
18 re-arrest to get your ACD, and that's also causing a  
19 hindrance on people's life because you have this  
20 thing that's opened for six months and that could  
21 have been a job you could have had or an opportunity  
22 to go to school or whatever the case may be, but  
23 since it's open for the six months you can still see  
24 it, and it just--it's not useful if it's not  
25 immediate.

3 CHAIRPERSON CUMBO: Did you want to  
4 address that?

5 JESSICA PEÑARANDA: Well, I just wanted  
6 to comment that beyond the ACD, and we've had a lot  
7 of success with attorneys in the courts being able to  
8 get them sealed earlier, which has really helped in  
9 the interim time that people are looking for work and  
10 are going to interviews, and that is a big concern,  
11 but beyond that our project also does post-conviction  
12 relief, meaning that we work on seeing if someone is  
13 eligible for either a vacation, vacating--not  
14 vacation--vacating or other post-conviction relief  
15 through the law, the New York State Law that allows  
16 for individuals to, if they were victims of  
17 trafficking, to have that as a relief. So, that's  
18 some of the work that we also do long-term, and other  
19 groups also do what Legal Aid does, those as well.

20 LORI COHEN: So, I think some of this  
21 goes back to being a resource issue in that we have a  
22 number of times gotten ACD's without any delay and  
23 have gone to the court and explained that there were  
24 circumstances that required us not to have a wait,  
25 and the court has been very responsive to that. I  
think part of it is question of how quickly can the

3 services be completed and that goes to the question  
4 of resources. So, I know that we did have a  
5 defendants who we were working with where she met  
6 with our counselor and it was a Brooklyn case. She  
7 just met with the counselor for the required period  
8 of time within a week frame, and the counselor made  
9 herself available. Now, that is difficult to do when  
10 you have limited resources, but when there are  
11 circumstances that arise, you know, Sanctuary makes a  
12 point of trying to respond to the defendant's need,  
13 but you know, that's difficult to replicate on a  
14 larger scale, but I do think that flexibility and the  
15 ability to provide services is really essential  
16 provided that there's staffing available for the  
17 service providers to meet those requests.

18 LISA RIVERA: There are certainly avenues  
19 for ACD's, vacatures [sic] of the conviction, but  
20 often times when there's other points of contact with  
21 over governmental agencies, the damage could be done.  
22 And so an example that I used of our client, ACS was  
23 involved, Family Court was involved. Everyone knew  
24 she was arrested, and so despite the ultimate  
25 disposition of the criminal case, it was a fact it  
tainted the proceedings and when or if we go to

3 trial, it was ACD'd. It's not a conviction. We can  
4 have that conversation, but it does affect the way  
5 they view our clients when they walk into the system,  
6 when they walk, when they meet with a caseworker,  
7 when they meet the Family Court for the first time.

8 CHAIRPERSON CUMBO: Okay. Did you want to  
9 add? Okay.

10 JESSICA PEÑARANDA: I just wanted to  
11 comment that I think that we're talking about the  
12 importance of creating resources and the timing of  
13 that, and I think that one of the things that the  
14 court, the creation of these courts does is that it  
15 also drains our resources as social service  
16 providers. So, we have to really be committed to  
17 trying to figure out how we can meet, help that  
18 individual meet the mandate in that amount of six  
19 sessions or 10 sessions, right? And so that, we know  
20 that as social services the levels of trust and  
21 engagement take time. For many individuals it can  
22 take up to two years for someone to be screened for  
23 human trafficking. So we have to now rush, and are  
24 we really providing ethical social service provision  
25 in those six weeks? It's sort of a question and  
attention that also exists, and whether the

3 individual feels that they're actually there to  
4 receive a service or is it just finished through like  
5 a regular program. Some ind-- and also that the  
6 services are different in every borough and in every  
7 court. So, just wanted to comment on that.

8 YASMEEN HAMZA: And to also add to that,  
9 I mean, some of the service providers we're not  
10 really being funded to do the work. For our agency,  
11 for example, we were funded to actually do the AW  
12 [sic] Program, which we were able to then work with  
13 the women in the court through this program. So, the  
14 struggle that we had is being able to meet all of the  
15 women's needs as soon as possible. The funding we  
16 had I think paid for seven percent of a staff  
17 member's time. So we were depending heavily on  
18 working with social work schools and bringing in  
19 social work interns and doing more group work rather  
20 than individual work, which may not always be  
21 beneficial, but it was to also be able to meet the  
22 needs of the growing number of Asian women going  
23 through the courts and being able to provide them  
24 with access to language, but also to services that  
25 understand like the unique cultural needs.

3 CHAIRPERSON CUMBO: Well, I didn't have  
4 any further questions, but I just wanted to close  
5 again by saying, Jenna, like, just thinking about you  
6 thinking about and working on a plan to go to college  
7 in the midst of all that you are dealing with is  
8 certainly remarkable. So, continue to shine.  
9 Continue to do the great work that you're doing.  
10 Continue to speak out, because your voice is going to  
11 help so many other young people. Thank you.

12 CHAIRPERSON LANCMAN: Council Member  
13 Menchaca?

14 COUNCIL MEMBER MENCHACA: Thank you,  
15 Chair Lancman and Chair Cumbo. I also want to  
16 elevate and honor Jenna, your testimony today and  
17 thank you, and hopefully others who are hearing your  
18 testimony here today in person but also those that  
19 are watching online can kind of feel inspired to do  
20 the same. One of the common themes that I keep on  
21 hearing in the different panels is the need for  
22 enabling a more constructive conversation from the  
23 client's perspective and bringing in sex workers into  
24 the conversation, for example, that can help shape  
25 the services. And now that the Council is in, and I  
like the way that Chair Lancman said it, we have skin



3 in the game. We want to use this opportunity to push  
4 that further and ensure that these dollars are being  
5 spent wisely in the oversight capacity we have as a  
6 City Council, but also use this opportunity to offer  
7 new reforms and ask questions like mandates, are  
8 mandates the way to do this when you have a timeline  
9 that's so separate and complex per person. And those  
10 mandates are taking, and I'm glad you said that,  
11 resources out of the game when we are in a limited  
12 resources situation here. And so I hope that our  
13 involvement as Council will help push this forward,  
14 and I'm glad to hear about the immigration attorney  
15 needs that you have. As the Immigration Chair and  
16 also with these folks here too that have been pushing  
17 for more interaction, legal representation in  
18 different courts like the Federal Court Immigration  
19 Court. This is yet another court where immigration  
20 services are needed, and so we'll be taking that back  
21 from these two committees but my own as well to the  
22 Speaker to making sure that if we can fill that gap,  
23 we will do that. And I think we've been doing some  
24 really good work on some of the courts, but I hear  
25 you here as well. And then my question really is--  
and the previous panel got a little convoluted, and I

3 apologize, but really thinking about how this, the  
4 effectiveness of this court is really--this starts  
5 steps beyond or before the court interactions and  
6 really thinking about this kind of the pre-court  
7 stage or the pre-arrest or at arrest. And if anybody  
8 has any ideas after the previous panel about how we  
9 dispatch, who we dispatch in cases where a community  
10 member says, "There's prostitution down the street;  
11 do something police officers." And that's happening  
12 everywhere, and so then who do we dispatch and what  
13 in this world of finite resources can we put at the  
14 front end to make these courts actually better and/or  
15 eliminate the need for these courts, but offer a  
16 different approach? So, I'd like to hear that and  
17 then I'll close with a couple other items.

18 YASMEEN HAMZA: I'll add something that  
19 was said in the previous panel. I think when they  
20 talked about NYPD and being able to ask questions and  
21 screen, I think what we've seen is when people talk  
22 about massage parlors their main focus is sex  
23 trafficking, which in actuality what we found is some  
24 of the trafficking survivors that are coming through  
25 the courts that are trafficked, they're actually  
labor trafficked, right? So, the questions are

3 focused around the sex work versus the work  
4 conditions. And so I think doing a better job of  
5 understanding that labor trafficking is just as  
6 prevalent I think is really important, and I think  
7 just training law enforcement to be sensitive to the  
8 needs of immigrants, language access. Also, I think  
9 one of the common complaints that we hear across the  
10 board is the way in which police are responding to  
11 them, what's being said during the arrest process.  
12 We've even heard complaints of court officers talking  
13 about happy endings while they're in the court. And  
14 so it's a lot of training and sensitivity to the  
15 needs of survivors, I think.

16 MICHAEL POLENBERG: You know, some of our  
17 thoughts on this, so there's complaints from the  
18 community, and so law enforcement suspects that  
19 there's something going on at site A. And there's  
20 two ways to go about it. You can go in like gang  
21 busters and do broad arrests and haul a lot of people  
22 away in handcuffs, and some of them will be people  
23 who ultimately will be found to be victims of  
24 trafficking and some will be the folks who are  
25 operating the establishment. Or if you have a  
suspicion of that's what's happening there anyway, is

3 there a way to do outreach into that work site  
4 without law enforcement? But to have people who  
5 understand trafficking or social service providers  
6 who speak the right language, who understand the  
7 right culture and have some--you know, is it part of  
8 a criminal justice investigation? I don't know. I'm  
9 not hardly an expert on that, but I think that  
10 there's a way to outreach or in-reach, whatever you  
11 call it, into, for the example of the massage parlor,  
12 and get a better sense and then be able to identify  
13 people who are victims of trafficking and offer  
14 services while still being able to hold the person  
15 accountable who's perhaps operating that facility.

16 AUDACIA RAY: So, a couple different  
17 points. So, first, Red Umbrella Project actually  
18 does this workplace based outreach, which we do with  
19 street-base workers and folks who work in clubs, and  
20 so I think that is something that folks who have the  
21 personal experience of going through that work are  
22 best situated to do. Also, there is a study that I  
23 can share with the Council that was released actually  
24 in the UK that's about street based sex work and how  
25 it impacts neighborhoods and how neighborhood, you  
know, residents can interact with and identify folks

3 who may be victims of domestic violence or having  
4 other concerns as opposed to immediately resorting to  
5 basically sickening [sic] the police on people. And  
6 lastly, I think that there's a way in which the  
7 assumption is embedded in the system right now that  
8 arresting folks is rescue and is a way to get people  
9 into services, and actually for our members we view  
10 arrest and process through the courts as violence  
11 itself. So, there has been a lot of talk today about  
12 the violence of the sex industry and the trauma  
13 people face, but I think it's also really important  
14 to identify that. For us, experiences in the courts  
15 and experience with the police, that is trauma and  
16 violence.

17 JESSICA PEÑARANDA: This is a  
18 conversation that we've also been having in our  
19 project around sort of responses to-- criminal  
20 justice responses to the crime of prostitution, and  
21 we're a part of a pre-diversion group that is looking  
22 at sort of interventions prior to arrest, mainly  
23 focusing on low-level drug offenses, right, but  
24 prostitution is also on the table, and some of the  
25 things that are missing in the Trafficking Court  
discussion or the player that's missing is the NYPD.

3 Many of the environments and meetings that I'm at,  
4 they're never here. They're not here today.

5 COUNCIL MEMBER MENCHACA: NYPD are not at  
6 the table?

7 JESSICA PEÑARANDA: Yeah. They're--I  
8 haven't really seen them in our conversations  
9 together, whereas I'm in the pre-diversion meetings  
10 and NYPD Chiefs are there and saying, "We don't want  
11 to arrest. Why don't we create a drop-in center for  
12 individuals that are using drugs where we can use our  
13 resources elsewhere?" Right? So I think that we  
14 need, we also need them at the table, because they're  
15 the ones that are impacting the individuals that we  
16 are serving. So, I think considering pre-diversion  
17 options, I don't--I think that there's challenges  
18 with those as well, but I think it's not a loss to  
19 consider them. I can tell you from our experience 80  
20 percent of the clients that we serve come to us from  
21 the community. We have self-referrals. We have  
22 engaged in trust and conducted that outreach in a  
23 way, especially with our trans Latina community in  
24 Queens where they trust us to come and receive  
25 services from us, and that really is more meaningful  
than having to go through this very, very victimizing

3 system for many of them, despite the fact that  
4 they're thankful for services. So, I think that we  
5 can be more creative around that, and this money can  
6 actually engage longer term outreach strategies as  
7 well that include sex workers, that include human  
8 trafficking survivors. I think the other thing that  
9 we fail to see is that clients are going through the  
10 system. They are maybe getting jobs, but I had one  
11 client that went through a raid and she ended up in a  
12 nail salon in Long Island being re-trafficked after a  
13 raid for prostitution. So, you know, are we really,  
14 really getting at the root of the exploitation that's  
15 happening for low income wage workers and for  
16 immigrant and people of color in our city?

17 LORI COHEN: Thank you. So there are  
18 three points I'd just like to briefly mention. One,  
19 as we heard from Safe Horizon, looking at alternate  
20 remedies. Last month, Senator Gillibrand convened a  
21 group of members of city government, survivors and  
22 service organizations at the Queens Borough  
23 President's Office, and one of the topics that came  
24 up was the use of code enforcement and having city  
25 code inspectors available as an opportunity. That  
was a--it was a very exciting conversation that

3 started, and I would certainly urge the Council to  
4 pick up on that conversation to make sure that we do  
5 look at civil ways to investigate suspicious  
6 activities without resulting in the arrest of  
7 individuals who are in the commercial sex trade. The  
8 second option is, was mentioned briefly I believe in  
9 the previous panel, avoiding arrest at the point when  
10 there is some type of raid activity that takes place.  
11 I had the opportunity a year and a half ago in  
12 connection with the Super Bowl investigations to be  
13 called upon by a joint investigation with the  
14 Attorney General's Office and the NYPD. As a service  
15 provider, I was invited to meet with individuals who  
16 are apprehended during Asian massage parlor  
17 investigation, and to the credit of law enforcement,  
18 they were really focused on going after the brothel  
19 owners, going after the people who were creating this  
20 criminal environment, and when the women in the  
21 massage parlor were brought in they were offered the  
22 opportunity to meet with me. They were not required  
23 to meet with me. We met in a private location, and  
24 the arrests were avoided. So, in those cases,  
25 everyone was let go. There was no cooperation  
requirement, and I really applauded both the Attorney



3 General's Office and the NYPD at that time for taking  
4 that kind of action, because the outcomes were just  
5 so much better for the women involved, and really law  
6 enforcement was going after the true criminals in  
7 that. So, I would say if there is an ongoing ability  
8 to bring in service providers at that point, don't  
9 wait until the individual is already in court.

10 COUNCIL MEMBER MENCHACA: And that was  
11 between an NYPD local precinct and the DA's Office?

12 LORI COHEN: It was NYPD Vice Enforcement  
13 and the Attorney General's Office. It was a joint--

14 COUNCIL MEMBER MENCHACA: [interposing]  
15 The Attorney General's Office?

16 LORI COHEN: The Attorney General's  
17 Office. So it was a joint investigation. And then--

18 JENNA TORRES: [interposing] I would--

19 COUNCIL MEMBER MENCHACA: [interposing]  
20 And the third?

21 LORI COHEN: And then the third piece is  
22 really--you know, one of the things when we're  
23 working with all of these clients who are coming in  
24 through the massage parlors, I have no idea how the  
25 massage parlors make any money, because we never see  
buyers who are being arrested. So, you know, there

3 are no buyers, right? The massage parlors, they're  
4 only the people in prostitution are being arrested.  
5 So, I would say, you know, if we're talking about law  
6 enforcement, I would shift the focus of the  
7 enforcement and really go after the people who are  
8 creating the economic incentives for these massage  
9 parlors to exist, and stop arresting the people who  
10 are in prostitution.

11 JENNA TORRES: I would also like to add  
12 that the times I have seen, like, NYPD involved in  
13 any type of meeting it wasn't helpful. It was more  
14 victimizing to find out information about what--  
15 information they can use in order to make bigger  
16 arrests, which is also not a safe environment. So, I  
17 just want to put that out there. That's what I  
18 witnessed, and its not-- it's also like there's a  
19 reason why they aren't being in this conversation,  
20 because when they are, it's not using for the  
21 purposes that we believe it's going to be used for.  
22 It's for targeting more people.

23 COUNCIL MEMBER MENCHACA: Right. And  
24 just so I can close and give it back to the Chairs,  
25 echo that arrest does not equal rescue, and that  
arrest in these cases are trauma, and that's a pretty

3 profound kind of statement, and I kind of want to sit  
4 with that and think about that and really bring that  
5 back to the district. I represent a significantly  
6 foreign-born population, Sunset Park and Red Hook,  
7 Chinese and Latino families, and so this is something  
8 that for me has kind of really shaped how I want to  
9 think about our relationship. And we got to honor  
10 the final, for me, the kind of final take-away is  
11 really bringing everybody to the table, and it  
12 doesn't sound like in all these different  
13 conversations that are happening about making these  
14 things better, but there's always one or two missing  
15 pieces and we got to commit to solving that now and  
16 really bringing everybody to the table to shape both  
17 the funding pieces but also the kind of court  
18 mechanics. And so I'm looking forward to working  
19 with all of you and anybody else out there that wants  
20 to kind of join us in making that effort. And again,  
21 just thank you to the Chairs for bringing this  
22 conversation to light. Thank you.

23 CHAIRPERSON LANCMAN: Alright, thank you  
24 all very much for your testimony and everyone who  
25 participated in this hearing and everyone who stayed

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3 to the end. Thank you all very, very much. I think  
4 it was very, very informative. Thank you.

5 [gavel]  
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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. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 28, 2015