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*Executive Director*



**TESTIMONY OF LISA SCHREIBERSDORF,  
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BROOKLYN DEFENDER SERVICES**

**Committee on Youth Services**

*Oversight – How do the Human Trafficking Intervention Courts  
address the needs of New York City’s Runaway and Homeless  
Youth Population?*

**December 12<sup>th</sup>, 2013**

My name is Lisa Schreibersdorf and I am the Executive Director of Brooklyn Defender Services (“BDS”). I am here today to testify about BDS’s experience representing runaway and homeless youth and the implications for the Human Trafficking Intervention Courts.

## **ABOUT BROOKLYN DEFENDER SERVICES**

BDS is one of the largest public defense providers in the United States. We represent approximately 40,000 clients per year in a variety of legal proceedings in New York City, primarily indigent criminal, family and immigration defense. We also provide direct legal and collateral services to our clients, including housing, benefits, educational advocacy and civil mental health advocacy for individuals and communities affected by high arrest and child removal rates.

BDS was formed in 1996 with an initial contract with the City to represent 10,000 indigent people charged with crimes each year. In the years that have followed, BDS has increased its criminal caseload to 43,000 cases per year – growing from 35 to 200 employees over the past ten years. Our family defense practice handles about 80% of the cases of parents in Brooklyn facing allegations of abuse or neglect. With the addition of immigration and other legal services, BDS has become one of the largest one-stop legal office for poor people in Brooklyn. (<http://bds.org> for a full history and description of our services).

BDS has been successful in utilizing a model of specialization in its public defense practice whereby different groups of clients who present with unique sets of challenges are represented by attorneys who are specially trained and experienced in the needs of that class of client. Our specialized attorneys understand that many of our youth who are runaways or homeless may be victims of trauma or violence, and one of the many challenges they face include barriers to stable and adequate housing. As a comprehensive legal defense organization representing thousands of clients with all of these complex backgrounds, we are experts in understanding and meeting the needs of such vulnerable populations. We provide wrap around services through our social workers, education advocates, housing advocates and specialized youth attorneys, who are knowledgeable regarding the many service needs of these clients to pursue meaningful linkages to resources and to advocate in education and housing matters where appropriate. Additionally, a significant percent of our young clients are women, many of whom are survivors of domestic violence, sexual violence, or trafficking. Our staff work with hundreds of women in these dire circumstances every year and trained social workers and advocates work with them over extended periods of time to find them appropriate support services.

## **IMPLICATIONS FOR THE HUMAN TRAFFICKING INTERVENTION COURTS**

### ***BDS' Approach to Youth***

BDS has been an integral participant since the inception of the specialized court movement, zealously representing our clients' interests in stakeholder meetings and planning processes for Brooklyn's specialized court parts. Not only are we a critical voice at the table during the crafting of these initiatives, we have embraced the intent behind specialization - providing dedicated experienced attorneys to staff these parts through an intentional process of self-selection. We understand that specialized attorneys with an interest in particular populations come to the court with a perspective and expertise that lends itself to better addressing the complex needs of specified categories of clients (i.e. mentally ill) and providing opportunities for more meaningful outcomes within the criminal justice context.

This is particularly true for BDS' vulnerable clients – youth. BDS represents more than 8,000 young people, ages 14-21, annually. In order to respond to the unique needs youth bring to the criminal justice system, BDS created the Brooklyn Adolescent Representation Team which provides specialized representation to young people implementing a multi-disciplinary approach. The division includes ten specialized criminal defense attorneys, an education attorney, youth social workers and other support staff, all of whom work to address youth's criminal cases and the related civil consequences. Through this approach, we offer comprehensive representation, redress civil consequences of criminal court involvement, and develop “case-to-cause” policy advocacy ideas to address the host of issues that initially drive young people into the criminal justice system, rather than simply focusing on their immediate legal needs. As part of this project, our youthful clients receive specialized immigration services, including DACA and SIJS applications. The adolescent immigration specialists also work with families of the young people they represent to obtain derivative or other immigration remedies.

For young people who find themselves in the Human Trafficking Intervention Part, their needs are even further complicated by the fact that they may be being sexually exploited, runaway or struggling with homelessness. In response to the creation of the Brooklyn Human Trafficking Intervention Court, BDS has dedicated an experienced attorney with a specialized background in representing young people who come to us with a multitude of service needs. Additional BDS support is provided by an assisting attorney with a background in human rights, and a full team of social workers available to provide assessments, crisis intervention, and referrals to age-appropriate services for this vulnerable population.

New York State's Safe Harbor for Exploited Children Act protects sexually exploited youth under the age of 16 from being charged with a juvenile delinquent (JD) offense - identifying young people who are arrested for prostitution-related crimes as victims and providing them with services. However, the Safe Harbor Act does not provide for young

people ages 16 and above who are arrested on prostitution-related charges to have their cases converted to a PINS case. This devastating gap in the law results in adolescents being treated in the criminal justice system as adults, with no legislative protections or requirements to provide services and support to reconnect them with stable housing, education and their families. Perhaps even more disturbing is the potential for these teens to be penalized within the criminal court context, with court mandates, criminal consequences, and further coercive control into their lives, when common sense alone dictates that young people facing these charges are in need of support, concrete services, and assistance from someone they can trust. There are serious and complicated reasons youth may find themselves on the street and at risk for sexual exploitation – including prior abuse, trauma, unsafe home environment, drugs or alcohol, mental health challenges, or a combination of several underlying causes.

When young people in these situations are identified as trafficked due to court involvement, it is no question that something or someone should be available and in place to begin the lengthy process of assisting with their needs. However, the court itself is not in the best position, nor is the prosecutor, to provide those services without running the risk of re-victimization and further trauma. BDS' experience working with youth has shown us that young people in contact with the criminal justice system bring a host of additional social needs that often require substantial trust and rapport-building in order to adequately assess and address. Additionally, the time required to assist young people with reconnecting with schools or families and secure housing is lengthy and continued court involvement is not only onerous but can be detrimental – ongoing government intrusion into the lives of traumatized youth runs the risk of penalizing them when they face challenges completing court mandates and deepens their distrust of adults and the systems designed to help and protect them. It is our position that defense attorneys representing youth are the most appropriately situated first responders to develop that rapport and build the relationships required, with the support of specialized social workers and under the protection of privilege, in order to identify existing needs.

### ***Specialization in the Human Trafficking Intervention Court***

In the short time that the Brooklyn Human Trafficking Intervention Court has been operational, our office has identified several areas where specialization could be implemented in a way that would be valuable to all clients screened and adjourned to the Court, but most importantly for youth.

Firstly, all court staff and attorneys would benefit from additional substantive training on the underlying forces at work in prostitution, trafficking and sexual exploitation of young people. True specialization requires expertise, on top of criminal procedure law, to understand the complexity of issues surrounding vulnerable populations – like young people arrested with prostitution-related charges. It is important to understand that many of these young people are also victims, and a sophisticated system response requires specialized information about the population and its complexities in order to consider appropriate resolutions to cases.

Secondly, in a specialized part such as the Human Trafficking Intervention Court, it is envisioned that something other than “business as usual” will be provided to this unique subset of the criminal justice-involved population. In fact, there are three potential categories of individuals the Court may see: those who are currently/recently trafficked, those with a history of exploitation, those who are arrested for prostitution-related offenses but do not identify with the two aforementioned categories.

For the first category, when victims of human trafficking are identified, the justice system should treat them as such by dismissing the criminal case against them and offer voluntary linkages to services providers. The defense of duress makes this category of individuals (victims) not criminally liable and their cases should be dismissed. For those in the second category and are not immediately identified as victims of trafficking but have a history of sexual exploitation, the Human Trafficking Intervention Court should provide services proportionate to the case and voluntary linkages to specialized service providers.

For those who do not fall within one of the first two categories of trafficked or prior exploitation, plea bargaining and program offers should be tailored to the identified needs of the client and assessed on an individualized basis, relying on specialized understanding of clients’ co-existing or causal issues. The Human Trafficking Intervention Court is an opportunity to explore alternative dispositions that demonstrate greater awareness of the population, balanced with proportionality to the case at hand. This arrangement, admittedly, requires more time for attorneys to meet with their clients and for conversations between defense counsel and prosecution– which should be taken into consideration as it is in many specialized court parts (i.e. mental health court).

Additionally, for all categories of people, New York’s Safe Harbor Act should be expanded to include 16 and 17 year-olds, demonstrating the understanding that these youth are sexually exploited and in need of services.

Thirdly, service providers who specialize in working with populations that intersect with the Human Trafficking Intervention Court should be present, resources allowing, on court dates in order to strengthen the linkage to much-needed services as well as provide immediate and on-site assistance with the complexity of issues that arise. Simply by having a representative in court from a program that a young person or trafficking victim may be referred (or even mandated) to increases the likelihood of follow through. This is a lesson learned several times over from the myriad of existing specialized court parts. The Human Trafficking Intervention Court is working with a highly sensitive population of youth, immigrants, transgender, and trafficking individuals – each of whom are more receptive to a program when given the opportunity to meet an actual person from that program face-to-face, lessening the intimidation and discomfort and smoothing the transition to services.

Services are a critical part of addressing the root causes for criminal justice-involved youth, and young people in the Human Trafficking Intervention Courts are perhaps

among the most vulnerable and most in need. However, because many of these young people are victims of sexual exploitation, are engaging in survival sex, or the severity of the case does not measure up to the intensity of services needed – the Court is an entry point for identifying young people in need of services but should not be mandating long-term services and maintaining a continued presence in their already complicated lives.

Runaway or homeless youth arrested on prostitution-related charges may need: social work assistance and therapy to address a history of trauma, housing and placement into appropriate shelter environments and safety planning, education advocacy to connect back into a school setting, and additional on-going supportive services to help with the process of disengaging from “the life.” In BDS’ experience, neither the Court nor the prosecutor’s office have the resources to manage these necessary services, nor is it appropriate for these voluntary social services to be crafted into a court mandate without being overwhelming, disproportionate and intrusive.

What *would* help young people in the Human Trafficking Intervention Court is:

- New York’s Safe Harbor Act should include youth up to age 18
- Service providers and social workers should be available to meet immediately with young people on-site and establish connections
- Court dispositions should reflect the philosophy behind the specialized Court (i.e. voluntary linkages to services, offers of dismissals where appropriate, vacating convictions where appropriate, etc.)
- Programs should be independent of the Court, District Attorney’s Office, Police, Probation and other law enforcement
- Individuals in the Court should not be forced to prosecute or identify their pimp/trafficker in order to receive services



AMY R. PAULIN  
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THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Energy  
COMMITTEES  
Education  
Health  
Higher Education

**Testimony of NYS Assemblywoman Amy Paulin before  
New York City Council Committee on Youth Services  
Oversight: How do the Human Trafficking Intervention Courts Address the Needs of  
New York City's Runaway and Homeless Youth Population?  
December 12, 2013**

With the enactment of the State's human trafficking law in 2007, New York put on its books one of the most comprehensive human trafficking laws in the country. The following year, the Safe Harbour for Exploited Children Act was signed into law, a groundbreaking law -- and the first state law -- to establish that commercially sexually exploited youth are crime victims, not perpetrators. The Safe Harbour Act recognized that these youth should be provided with services rather than be prosecuted for committing criminal acts.

Although current law provides a mechanism for providing specialized services to sexually exploited youth who go through the Family Court system, we do not have a mechanism to provide the same services to 16 & 17 year old trafficking victims.

Sexually exploited 16 & 17 year olds arrested on prostitution charges are tried as adults in criminal courts. These courts lack the ability to address the needs of these youth and to direct them to the same services we provide to sexually exploited youth younger than 16.

Under the leadership of Chief Judge Jonathan Lippman, we can now have these 16 & 17 year olds go to specialized criminal courts -- Human Trafficking Intervention Courts, where specially trained judges will preside over their cases and have the ability to refer the youth, with the agreement of the defense and the prosecution, to an array of services.

As Chief Judge Lippman stated, "human trafficking is a crime that inflicts terrible harm on the most vulnerable members of society," including the poor, children and runaways. Providers of services have long been concerned about the relationship between trafficking and the homeless. Traffickers look to prey upon the most vulnerable, making homeless and runaway youth among their top targets. According to a recent report released by Covenant House,<sup>1</sup> of the youth sampled who engaged in commercial sex activity, almost half (48%) responded that they did it because they did not have a place to stay. They explained that traffickers loiter in areas where homeless youth are known to gather and then tell them that the shelters are full and offer them a place to stay in lieu of sleeping on the streets.

If we are to prevent the continued exploitation and victimization of runaway and homeless youth who we gain contact with as a result of their arrest by law enforcement, we must get them essential

<sup>1</sup> Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House New York, May 2013

services. Referring these youth to Human Trafficking Intervention Courts is an invaluable tool to enable us to do just that.

It is important, however, that we also provide a statutory framework for all criminal courts to provide sexually exploited 16 & 17 year olds with the same services we make available to sexually exploited youth younger than 16. Legislation I authored, A.8071A/S.5839A, and which passed both houses last session, will allow criminal courts to convert to a PINS proceeding those cases involving sexually exploited 16 & 17 year olds arrested on prostitution charges. In this way, we will be able to provide these youth with all the specialized services available to sexually exploited children under age 16 under the Family Court Act. The bill will be sent to the Governor for his signature. (I want to mention that I have been working with various stakeholders to make sure that the bill effectively accomplishes our objective to treat these youth as victims and make sure they are not shackled with a criminal record, and provide them with the specialized services they need.)

The Human Trafficking Intervention Courts, together with the statutory framework we have developed through my legislation, will enable us to get children who have been sexually exploited the assistance they need to end their victimization and begin rebuilding their lives. I look forward to continuing our collective efforts to ensure that the promise of our safe harbour law to provide critical services to exploited youth is fulfilled.

Although we have accomplished a great deal, there is a lot more to do. Next session, I will work to pass the comprehensive Trafficking Victims Protection and Justice Act I authored that builds on our collective efforts to end human trafficking by increasing accountability for the real criminals, the buyers and traffickers, who continue to fuel the growth of this massive industry that preys on our most vulnerable members of society.

Thank you.



TESTIMONY OF  
ASSISTANT DISTRICT ATTORNEY  
KIM AFFRONTI,  
DEPUTY CHIEF, CRIMINAL COURT BUREAU  
QUEENS COUNTY DISTRICT ATTORNEY'S OFFICE  
BEFORE THE  
NEW YORK CITY COUNCIL  
COMMITTEE ON YOUTH SERVICES  
RELATING TO  
HOW HUMAN TRAFFICKING COURTS ADDRESS  
THE NEEDS OF NEW YORK CITY'S  
RUNAWAY AND HOMELESS YOUTH POPULATIONS

December 12, 2013

Good afternoon. My name is Kim Affronti. I have been a prosecutor since 1986 and currently serve as Deputy Chief of the Criminal Court Bureau in the Queens County District Attorney's Office. Here with me today is Eliza Hook from GEMS( Girls Education and Mentoring Services). On behalf of Queens County District Attorney Richard Brown, I want to thank Chairman Fidler and the members of the Youth Services Committee for the opportunity to testify today on the critically important topic of human trafficking.

In 2004, the Queens County District Attorney's Office, in collaboration with the Office of Court Administration and the defense bar, set up in our local criminal court, a Human Trafficking Intervention Part which currently meets every Friday. Judge Toko Serita is the presiding judge in the part. I serve as the prosecutor assigned to this part. There are also two dedicated defense attorneys from the Legal Aid Society and Queens Law Associates assigned to the part.

For the last 9 years, prostitution and loitering for prostitution misdemeanor cases that were not resolved at arraignment would be screened for transfer to the part. The part originally targeted young English speaking females under the age of 22 but within two years expanded to include males and females of any age charged with these offenses regardless of what language they speak. ( More than 100 languages are spoken in Queens County - the most diverse county in the nation.)

This specialized court is premised on the recognition that many of

the individuals arrested for misdemeanor prostitution offenses may, in fact, be victims of sex trafficking in need of treatment and services. The goal of the Human Trafficking Intervention Part is to provide access to a variety of such programs and services targeted to human trafficking victims. Those who successfully complete the individualized program created for them receive a favorable disposition of their case. The programs and services offered may include, among other things, psychological counseling, alcohol or substance abuse treatment, medical care, legal assistance, financial assistance, job training, education, and housing, etc. Like Drug Court, Mental Health Court and other specialized problem-solving courts, defense counsel, prosecutors and judges work collaboratively to assist the participants in getting the help they need in order to leave their exploiter and to lead productive lives.

Our experience with the court has been very positive and we were delighted to hear that the Chief Judge will be expanding these specialized court parts throughout the State. Since 2004, more than a thousand men and women have benefitted from the services provided by the Queens Human Trafficking Intervention Part.

Eligibility for participation in the Queens Human Trafficking Intervention Part is a two step process. First, as the prosecutor dedicated to this part, I do a paper screening of the case and the accused's entire criminal history to insure that those participating in the part do not pose a threat to public safety and are not themselves involved in promoting prostitution or trafficking. Those who are eligible are referred to appropriate treatment providers for screening.

The second step is a needs assessment conducted by the service provider. A variety of treatment providers serve the court. The treatment providers send representatives to the courtroom on Fridays who can meet with paper-eligible defendants who are interested in taking advantage of the court's services. The providers make an assessment of

the nature and scope of services needed. The various programs we work with offer a range of services which can meet the varied needs of the participants depending on their age, the language they speak, their gender or gender identity or other special needs. Among the programs we currently work with are GEMS ( from whom you will hear more in a minute), SAVI (Sexual Assault Violence Intervention), RESTORE, New York Asian Women's Center and Hidden Victims Project. A typical program may run from 5 to 20 sessions over a period of months. GEMS will discuss with you in more detail how treatment providers work with program participants and their observations about their clients and their needs.

Some participants who complete the program find it difficult to change their lives and are subsequently rearrested. Recognizing that, like drug addiction, relapse may be part of the process, the Queens Human Trafficking Intervention Program often will give such individuals another opportunity to work with and receive the support of the Part's programs and providers.

It should be noted that there is no requirement that an individual cooperate with law enforcement or assist in the prosecution of his or her exploiter in order to be eligible for the Queens Human Trafficking Intervention Part. The Part's goals are focused exclusively on providing services and support to the person who has been exploited.

Let me just make a number of brief observations based on my experience with the many hundreds of people who have passed through the court since 2004.

While many individuals have taken advantage of the Part's services, few have admitted to being the victims of human trafficking. It may take many months or even years before a victim of commercial sexual exploitation will recognize or accept his or her victimization or

reveal the true story of how he or she came to be involved in prostitution. Others never do.

The vast majority of 16 to 22 year old participants in the Queens Human Trafficking Intervention Part fall within the category of runaway or homeless youth. In addition, as the most diverse county in the nation and the home of New York City's two major airports, we see many Asian defendants over the age of 22 who are working off "debts" incurred for their travel to the United States.

For many of the runaway and homeless youth, their story began with an abusive home. They ran away and when they arrived here, found themselves without food or shelter or the skills to obtain employment. Some were befriended by a stranger who invited them to stay at their home when they were turned away from an overcrowded shelter. They were treated well at the beginning and may even have come to view their new friend as a lover. But after a brief period of time, the "friend" made clear that the food and shelter that they had been given represented a debt that would now be paid for by repeated acts of prostitution with all monies received paid to the exploiter.

Other runaway or homeless youth believed that they were going to be working as models or dancers or in other jobs, but were soon informed that they were to be performing sex acts. Leaving was not an option.

Exploiters intentionally prey on runaway and homeless youth. They wait outside of bus, train or subway stations, shelters, group homes, fast food restaurants and other known places where homeless youth are known to congregate. Traffickers send recruiters into shelters looking for vulnerable individuals and offering food, shelter, a place to shower and other amenities.

The Queens Human Trafficking Intervention Part offers these young men and women a chance to get out of “the life” and obtain the support and assistance they need to start over. Some of the graduates of the program have gone on to high school or college, others have obtained jobs. We are very proud of all that they have achieved and know what courage and determination it has taken.

One of the obstacles we face in assisting the program’s participants and making sure they have successful outcomes is that there are not enough services available to address all of their many needs. Most critical is the unavailability of short term and long term housing. As we have noted, it is the unavailability of safe, affordable housing for runaway and homeless youth that is one of the main reasons they may be vulnerable to commercial sexual exploitation in the first place. If we cannot offer them both short term crisis housing where they will be safe from their pimps and at least a path to long term affordable housing, it may be extremely difficult to enable them to turn their lives around. Funding for such housing is desperately needed.

Similarly, for many individuals, free or affordable civil legal assistance that will enable them to address immigration issues or secure basic identification documents necessary to apply for government assistance, health care, educational programs or employment opportunities are vital. Funding for civil legal assistance programs or expansion of pro bono assistance would make a tremendous difference.

Sex trafficking victims who have been subjected to compelled prostitution over a period of years have extremely serious health and mental health needs that must be addressed. Many are also in need of alcohol or substance abuse services.

There are insufficient services to provide for the individuals we are currently seeing. The welcome expansion of human trafficking

intervention parts will only increase the volume of people seeking help and therefore, the need for these services.

You should also be aware that a separate part of our office - the Special Proceedings Bureau in our Investigations Division - is actively involved in the investigation and prosecution of sex traffickers and those who advance or profit from commercial sexual exploitation. New York State's human trafficking law, which took effect in November of 2007, provides important new tools to prosecutors to bring those who exploit and enslave vulnerable victims to justice. Since the enactment of the law, Queens prosecutors have brought charges against more than 20 defendants for sex trafficking. Of the 13 completed cases, all have resulted in conviction and sentences of state prison time. Additional defendants have been convicted under other statutes including promoting prostitution, kidnapping, assault and rape.

In the sex trafficking cases which have resulted in conviction, the majority of sex trafficking victims were underage runaways as young as 13 or 14 years old. Many of them were advertised on Craigslist and Backpage.com. Some were subjected to physical violence including beatings, branding and choking as well as threats of death to compel them to engage in acts of prostitution.

In this area as well, the victims of these horrific crimes are often homeless and severely traumatized. The absence of available services on short notice to address the significant medical and psychological needs of the victims as well as their need for immediate safe housing and other services may make it difficult or impossible to secure the victim's continuing cooperation with the prosecution. Indeed, there are only a handful of beds available citywide in secure locations for trafficking victims. As a result, prosecutors currently are not able to bring as many successful human trafficking prosecutions as we would like. Additional resources and support services for trafficking victims would help greatly.

Finally, I would note that our office also seeks to address the problem of commercial sexual exploitation by working with the NYPD to use the nuisance abatement law and other civil remedies to shut down motels and other premises used for prostitution.

Thank you again for the opportunity to testify this morning. Now I would like to introduce Eliza Hook from GEMS to give you the service provider's perspective. And, of course, we will be available to answer any questions that you may have.





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Testimony of  
Good Shepherd Services

Submitted by  
Susan Singh, Esq., Director of Public Policy  
Good Shepherd Services  
New York City Council Committee on Youth Services  
December 12, 2013

**RE: Oversight: How do the Human Trafficking Intervention Courts Address the Needs of New York City's Runaway and Homeless Youth Population?**

Good Shepherd Services submits this testimony on behalf of the many young people who we serve every day who are homeless and often commercially and sexually trafficked and exploited. We thank Chair Fidler and the Youth Services Committee for holding a hearing related to human trafficking and the runaway and homeless population, and for focusing attention on this very vulnerable population of young people.

Good Shepherd Services (GSS) is a leading youth development and family service agency that serves over 26,000 program participants a year. We lead in the development of innovative programs that ensure access to the future, advocate zealously for principles necessary to empower those with whom we work, and provide quality services to individuals consistent with their dignity, and to communities consistent with their needs. Our work consists of comprehensive, integrated community and school-based prevention and intervention programs which focus on positive family and youth development, including foster care, residential, and education programs.

GSS programs serve many runaway and homeless youth (RHY) who have histories of trafficking and sexual exploitation. Our programs aim to help those who come to us already disengaged so that they can rediscover the hope and motivation to enable them to reconnect with school, family, and their community. GSS is invested in ending the cycle of homelessness, trafficking and sexual exploitation for young people. We see young people affected by these issues every day throughout our programs whether it be through our school-based, family foster care, juvenile justice, preventive or residential programs. The prevalence of young people who have been trafficked and sexually exploited is growing and becoming more common. We are not able to determine exactly how many young people whom we serve are affected, largely because many do not disclose that they are, or have been, sexually exploited for many reasons including fear, guilt, and embarrassment. Nevertheless, we suspect that many more youth in our programs have been trafficked or sexually abused than we are actually aware of. Some of the young people are prepared to disclose that they partake in sex work or have been exploited, however many are not yet ready to discuss such a sensitive subject due to the taboos it incurs, and because they are often dealing with other emotional issues and addictions.

The identification of youth who have been or are currently being sexual exploited is complicated due to the hidden nature and the stigma associated with sexual mistreatment. However, numerous studies clearly identify child abuse, homelessness, and foster care involvement as some of the highest risk factors related to sexual exploitation of youth. Therefore, court intervention is complicated. Young people are afraid to come forward and admit to being exploited because they are afraid to be legally prosecuted or face violent retaliation by their pimps.

Good Shepherd Services supports the decriminalization of juveniles under the age of 18 who have been victimized by their circumstance. This past June, a provision extending the Safe Harbour Act, State Assembly Bill A05258, to include 16 and 17-year old victims of trafficking, passed in the NY State legislature, however has not been signed by Governor Cuomo. We urge to City Council to encourage the governor to sign this vital provision. It not only raises the age of prosecution for prostitution related offenses, but would mandate mental health and counseling services for commercially and sexually exploited child (CSEC) victims. New York State would vastly enhance its support for CSEC if it established a mandate for multiple social service systems to participate in the prevention of CSEC and the provision of treatment and other services to survivors.

The child welfare, mental health, juvenile justice, and runaway and homeless youth systems should all be involved and working together to support these efforts. Each of these systems differs in legal parameters as to length of service, the extent to which family engagement is permissible as a part of service, and level of outreach in the community. Each of these systems should be responsible for providing resources and programming for homeless and CSEC youth, and (where appropriate), their families. We would also suggest that all of the systems that interact with homeless and CSEC, have efforts in this area coordinated (as required by the Safe Harbour Act) through the Mayor's office.

We would like to mention that lack of housing is a significant factor affecting CSEC that impedes their ability to succeed. A recent study by Covenant House and Fordham University demonstrates the close relationship between sex trafficking and homeless youth's need for housing. Of the runaway/homeless youth surveyed who reported engaging in commercial sex activity, 48% indicated that a lack of a safe place to sleep was a main reason for their initial entry into prostitution or other commercial sex. Thirteen thousand young New Yorkers require RHY services each year, but thousands are not served. We need to provide these youth with the necessary housing services they require to help avoid involvement in, and resignation to, the sex trade.

Finally, we would like to take this opportunity to mention our great appreciation to you, Chair Fidler, for your commitment to youth related issues and your dedication to leading efforts to help young people through your leadership on this committee. Good Shepherd Services is grateful for all that you and the Youth Services Committee members do to help preserve and augment services for vulnerable youth in New York.

TESTIMONY  
HONORABLE JUDY HARRIS KLUGER  
CHIEF OF POLICY AND PLANNING  
NEW YORK STATE UNIFIED COURT SYSTEM

COMMITTEE ON YOUTH SERVICES  
NEW YORK CITY COUNCIL

December 12, 2013  
10:00 AM

Chairman Fidler:

Good morning, my name is Judge Judy Harris Kluger, and I serve as Chief of Policy and Planning for the New York State Courts. On behalf of Chief Judge Lippman and Chief Administrative Judge Prudenti, thank you for this invitation to discuss the 11 pilot Human Trafficking Intervention Parts operating around the state, five of which are in the New York City Criminal Court.

I want to provide the Council with a snapshot of the Judiciary's response to the problem of human sex trafficking, and offer an appreciation for whatever you can do to enhance resources within the community to assist trafficking victims.

The Council has a long record of recognizing the need to avert recidivism and re-arrest, and reduce the costs and heartache associated with incarcerating individuals who, with appropriate services and interventions, can be diverted from the criminal justice system without risk to public safety.

This approach is nothing new to the New York State Judiciary. It is the theory behind our successful problem-solving courts including domestic violence, drug, mental health, veterans and, most recently, adolescent diversion parts. Today, we are applying these principles, to the extent current state laws allow, to victims of human sex trafficking.

Over the past decade, we have established more than 80 courts across the state that focus on domestic violence cases. As our knowledge and understanding of domestic violence has grown, we have come to recognize that human sex trafficking is possibly its most extreme form.

Human trafficking is a multi-billion dollar industry and one that is growing. Among criminal enterprises, it is second only to drug trafficking in

profitability. According to a recent State Department estimate, worldwide, there are approximately 27 million victims of human trafficking. Of these, as many as 17,500 are brought into the United States. In addition, hundreds of thousands are trafficked within the United States each year.

Trafficking is as much a domestic issue, as it is an international one. In the United States, about 80 percent of victims involved in sex trafficking are citizens. The great majority of victims are women and children, particularly girls under 18 years of age and the horrifying fact is that the typical age of entry into prostitution is 12 to 14 years old. Many of these victims end up in court as defendants charged with prostitution-related offenses. The sad truth is that few of the buyers are arrested and even fewer of their traffickers or those who lead them into prostitution are ever charged.

As you know, New York is one of only two states in the nation that treats 16 and 17 year olds as adults for the purposes of criminal responsibility. With the enactment of the Safe Harbor Act in 2008, children less than 16, accused of prostitution, were no longer deemed criminal or

delinquent. They were seen as victims in need of protection and services. This is a positive step towards recognizing that 16 and 17 year olds are children and should not be prosecuted as adults. In June, the Legislature acted to include 16 and 17 year olds who are in the criminal court. Later, you will hear more about this from Amy Paulin, Michael Corriero and Dorchen Leidholdt.

For much of our history, individuals charged with prostitution had an entirely negative place in our culture. They were thought of not as victims, but as criminals, addicts, delinquents, incorrigible and profit-driven. Many still feel that way, but we have come a long way in our understanding of this complex problem. We now recognize that the vast majority of children and adults charged with prostitution offenses are commercially exploited or at risk of exploitation. All too often, they are victims of intimate partner violence, unable to extricate themselves and needing protection from their abusers. They may be runaways - easy prey to traffickers - or be in the grip of an addiction that has led to their exploitation.

Trafficking victims are often lured into prostitution through false promises of love, stability and financial security. Similar to victims of other forms of domestic violence, trafficking victims often experience the same power and control, manipulation and cyclical violence that leads them to believe that their abusers love, protect and provide for them.

To successfully and safely escape this life, trafficking victims need both legal protection and assistance, as well as supportive services, including shelters, counseling and psychological support, health care and economic empowerment.

Safe shelters, in particular, are a necessary and invaluable resource for both victims of domestic violence and trafficking, who may or may not have children. They provide an alternative to the streets for many homeless and runaway youth, the same youth who are preyed upon by traffickers, and a place of refuge for victims who manage to escape. As you continue to examine these issues, I urge you to consider the ongoing, critical need for safe shelters in New York City, and to review the eligibility requirements and funding streams to ensure that all victims - whether

alone or with children - can find the shelter and supportive services they so desperately need.

Over the past decade, significant strides have been made to address human trafficking. In New York, anti-trafficking legislation was enacted that created a new crime designed to punish those who profit from the sex industry. New York also became the first state to allow judges to vacate convictions for prostitution-related crimes when they were the result of a defendant having been trafficked. By enacting this law, our legislature recognized that victims of trafficking need a second chance, and that they are often blocked from decent jobs and other prospects for rebuilding their lives due to prostitution-related criminal convictions.

Our courts have also changed the way prostitution cases are handled. In September, our Chief Judge, Jonathan Lippman, announced the implementation of a comprehensive court response to this issue with the establishment of the Human Trafficking Intervention Courts throughout the state and in each of the five boroughs of New York City. These courts handle almost 95% of the prostitution-related crimes in the state. In



October, we hosted an intensive, two-day, statewide training program for judges, court attorneys and resource coordinators working in these parts.

The Human Trafficking Intervention Courts recognize that prostitution and the commercial sex trade play a key role in human trafficking, and are designed to provide meaningful intervention and comprehensive services for individuals arrested on such charges.

These courts identify individuals charged with prostitution and related offenses, and provide linkages to services that will assist them in pursuing productive lives, rather than sending them right back into the grip of their abusers. We estimate that this program will open the door for thousands of people to escape a life of abuse and torture.

Each Human Trafficking Intervention Court has a presiding judge who is trained and knowledgeable in the dynamics of sex trafficking and the support services available to victims. Cases are evaluated by the judge, the defense attorney and the prosecutor and, if there is consensus

that the case involves a victim in need of services, appropriate connections are made. Those who are directed to, and comply with the mandated services, have the opportunity to receive non-criminal dispositions or dismissal of their case. Judges presiding in these newly created courts have already identified a severe lack of services for these victims and an overburdened service delivery system, especially in the area of shelter services.

The following example will give you some idea of the life these women lead and why support and shelters are crucial. A life quite different from the “pretty woman” depiction in the very popular Julia Roberts movie.

“Gee’s” story, while personal to her, is in one form or another, the story of many of the women who are trafficked. She came to the United States on a tourist visa to earn money to send back to her family in the Dominican Republic. A few years later, she met and married “Carlos” who began physically abusing her. She left him but returned when he promised to help her find a job and assist her with her immigration status. When she returned, the abuse began again. The attacks left Gee scarred

and disfigured. Through violence and threats against her children, he forced her to prostitute herself. As the judge presiding over the case described it, he had "complete control over her, physically and psychologically."

Over a five month period, Gee was arrested six times on prostitution charges. Each time, she was convicted. Finally, Gee left Carlos and began to put her life back together. However, her criminal record, which she had accumulated as a result of being forced into prostitution, was an obstacle. She lost her job because of her past criminal convictions.

Eventually, Gee's convictions were vacated under a new law which allows a person to have her prostitution record cleared if she has been trafficked. Thankfully, Gee is now gainfully employed and lives with her daughter and two grandchildren.

In our court system, the DV, IDV and now Human Trafficking Intervention Courts, have broken down the barriers of communication and

enhanced community dialogue, resulting in a shared focus on victim safety and offender accountability that had previously been inconceivable. Our courts now have tools to address the problem of prostitution and trafficking, and can strive toward making the victim whole through a more effective criminal justice response and the connection to service providers who will be there for them beyond the courtroom experience.

It is our hope that by stemming the collateral consequences of conviction, reducing the likelihood of future convictions and providing linkages to services, Human Trafficking Intervention Courts will prove to be an effective off-ramp from the ties of sex trafficking, helping survivors develop and pursue productive life goals.

Beginning in January, I will be leaving the New York State Court System to become the Executive Director of Sanctuary for Families, a nonprofit agency in New York State dedicated to helping victims of domestic violence and human trafficking. I wish to take this opportunity to thank the Council on behalf of the New York State Court System for your

past generosity to Sanctuary for Families and other critical service providers. The Human Trafficking Intervention Courts, as well as other problem-solving courts, could not fulfill their mission without these providers who play such a critical role in the justice system. I encourage the Council to continue its ongoing support of these organizations that, together with the courts, strive to improve the lives of these survivors.

Thank you.

**Testimony of**  
**Michael Polenberg, Vice President, Government Affairs**  
**Safe Horizon**

**Oversight - How do the Human Trafficking Intervention Courts address the needs of New York City's Runaway and Homeless Youth Population?**

**Youth Services Committee**  
**Hon. Lewis Fidler, Chairman**

**December 12, 2013**  
**City Hall**

## **Introduction**

Thank you, Chairman Fidler and members of the Committee, for the opportunity to testify before you today about the role of Human Trafficking Intervention Courts in addressing the needs of New York City's runaway and homeless youth population. My name is Michael Polenberg, and I am the Vice President of Government Affairs for Safe Horizon. Safe Horizon is the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime and abuse, as well as these victims' families and communities. Safe Horizon creates hope and opportunities for hundreds of thousands of New Yorkers each year whose lives are touched by violence.

There have been incredible strides in anti-trafficking advocacy in the past decade on the federal, state and local levels. As an organization with an extensive history of providing services to homeless youth and victims of human trafficking – men and women, domestic and foreign-born, labor and sex, adults and children -- we welcome the increased attention on domestic trafficking and youth populations.

But unfortunately, current practice results in far too many youth still being arrested before being offered services. A criminal justice record can further decrease what are already fairly limited opportunities to find legitimate employment. Even if they are able to have their convictions vacated, they have been put through a traumatic experience which rarely addresses their underlying needs. In our experience, we have found that prevention and voluntary services such as youth-appropriate temporary housing, employment, counseling and permanent housing are effective at reducing opportunities for sexual exploitation and trafficking.

That being said, we are optimistic that the creation of the new Human Trafficking Intervention Courts, the first statewide system in the nation to specifically address human trafficking, will ensure that the women, men, girls and boys who experience this crime are properly recognized as victims rather than criminals. We believe these courts will be most effective if they adequately recognize the both the diversity of who is trafficked in New York and the services that are best suited to provide desperately needed assistance. Above all, we remain grateful to Chief Judge Jonathan Lippman for his many ongoing efforts to improve and strengthen our State's justice system for all litigants.

#### **Safe Horizon's Anti-Trafficking Program (ATP) and Streetwork Project**

Safe Horizon's Anti-Trafficking Program (ATP) is the largest such program in the country. It provides intensive case management, legal services and advocacy to survivors of trafficking, and comprehensive training to our partners in government, law enforcement, medical care and social services. We also participate in several local and national task forces that help shape public policy in this area.

Safe Horizon's Streetwork Project is the oldest existing program working with street youth in New York City. Since 1984, Streetwork has provided direct services for homeless youth, making more than 19,000 contacts with homeless youth every year. Streetwork clients include children, teens and young adults up to age 24. Homeless youth are provided or connected with free legal services, case management, advocacy, emergency housing, and help in obtaining Medicaid and other benefits.



In the decades that we have been working with sexually exploited and trafficked youth, as well as victims of labor trafficking, we have found that it takes time to build a trusting relationship, and that youth typically do not disclose their exploitation for many months or even years. When they do disclose, it is usually in the context of their desperate need of services such as emergency shelter, long-term housing, immigration assistance, health care, drug treatment, and job training and employment opportunities. Homeless youth who cannot meet their basic needs or access crucial services are extremely vulnerable to exploitation, which is something that traffickers understand very well. We are grateful for the opportunity to share some lessons learned from our experience working with this population.

### **Diversity of NYC's trafficked population**

It is important to note the diversity of youth involved in the commercial sex trade so that supportive services and alternatives to incarceration are made available and tailored to all youth populations. We know from our decades of work with homeless youth that victims of trafficking include boys, girls and transgender youth of all sexual orientations, races, ethnicities, immigration statuses, ages, and family backgrounds. Some of our youth face the challenges of developmental delays and struggle with depression and other mental illnesses. Many of our youth lack resources and family support; they face heavy policing and institutional barriers in our schools, families, child welfare and other systems that are designed to protect our youth from exploitation.

In previous testimony before this Committee in July, we stated that between 87 to 95% of our Streetwork clients have engaged in survival sex at least once. According to John Jay's 2008 study, "The Commercial Sexual Exploitation of Children in New York City," about 4,000 youth aged 18 or younger are commercially sexually exploited in this city; of these youth, 45 percent were found to be boys. The same study notes that each of these 4,000 young people met the federal definition of a trafficking victim. We do know that nearly 40 percent (and this is a low estimate) of homeless youth identify as LGBT (Lesbian, Gay, Bisexual, or Transgender), and they are three times more likely to engage in survival sex than their heterosexual peers, with transgender youth at the highest risk of violence.

### **The Criminal Justice System Experience**

The Human Trafficking Intervention Courts are intended to direct victims of trafficking to services rather than jail. In this arrangement, the criminal justice system is the conduit for the court-mandated services. This means, however, that trafficking victims are arrested and detained by law enforcement – a traumatic and at times abusive experience which can result in victims further shutting down, especially if they have a prior criminal record or negative experiences with law enforcement, as so many of our domestic minor victims of trafficking do. It is inevitable that some homeless and runaway youth will risk further traumatization through arrest, detention, and invasive questioning where they are expected to "prove" they fit the definition of a trafficking victim in order to avoid criminal charges. Arresting runaway homeless youth may make it even more difficult for them to form trusting relationships and disclose their exploitation and victimization to those in a position to help them. Approximately 95% of "sexually exploited youth" as defined by the Safe Harbor Act are 16-17 years old and currently arraigned in Criminal

Court. The young people we see who have had this experience report a very negative and traumatic experience with the criminal justice process.

### **Preventive Services**

There may be no legislative body in the country that recognizes as clearly as the New York City Council that investing in shelter, drop-in centers, street outreach and other critical services provides a safe and supportive alternative to exploitation and violence. The programs that Safe Horizon and our colleagues operate offer such alternatives. With City Council support, Safe Horizon's 24-bed overnight shelter in Harlem is filled every evening with young people who are receiving support and building trust with our staff and with their peers. Our drop-in centers in Harlem and the Lower East Side provide a wide array of short- and long-term services for youth who have nowhere else to turn. Our overnight street outreach programs canvass the city each night to engage young people who are at significant risk for violence and abuse and refer them when possible to safer settings.

By directing over \$7 million in FY14 to these and other programs, the City Council is helping hundreds of young people avoid the terrible choices that they are otherwise so often forced to make. Mayor Bloomberg's recent and most welcome pledge to baseline this funding means we can look to working with the new Administration and the newly elected City Council Members to build on this investment in the years ahead. Until a bed is available for each young person who needs it, the risk of exploitation will sadly continue to exist. We thank you and your colleagues on the City Council for advocating so passionately and effectively around this issue for so many years.

## Conclusion

Funding for adequate shelter and basic resources for all youth in need is our first line of defense in the prevention of trafficking in the homeless and runaway youth populations. These youth need food, shelter, and must feel safe in order to embark on a path out of trafficking and toward self-sufficiency. Treating the root of the problem by focusing on providing preventative services to homeless and runaway youth to stop trafficking *before* it starts is at least as important as creating thoughtful alternatives for vulnerable populations *after* they have already been victimized.

Thank you again for inviting us to testify today. We are hopeful that together we can work to build tangible solutions that will both prevent human trafficking in the homeless and runaway youth population, and assist these vulnerable youth in meeting their basic needs outside the criminal justice system.

**TESTIMONY**

The New York City Council  
Committee on Youth Services

**Oversight – How do the Human Trafficking Intervention Courts  
Address the Needs of New York City’s Runaway and Homeless  
Youth Population?**

December 12, 2013  
New York, New York

The Legal Aid Society  
Criminal Defense Practice  
199 Water Street  
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Prepared and Presented by:

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My name is Kate Mogulescu, and I am a Supervising Attorney in the Legal Aid Society's Criminal Defense Practice. I run a specialized unit within that practice called the Trafficking Victims Advocacy Project, dedicated to identifying and advocating for victims of human trafficking caught in the criminal justice system. The project represented individuals charged with prostitution offenses in Criminal Court prior to the commencement of Chief Judge Lippman's Human Trafficking Intervention ("HTI") Initiative and now continues to represent these same clients in the newly created Human Trafficking Intervention Courts ("HTICs"). We applaud the Committee for continuing to tackle the important subject of the needs of runaway and homeless youth, and for exploring the experience of this group in the criminal justice system in particular.

Annually, in all five boroughs of New York City, The Legal Aid Society ("LAS") provides legal assistance in more than 300,000 individual matters for low-income families and individuals with civil, criminal, and juvenile rights legal problems. Founded in 1876, The Legal Aid Society is the nation's oldest and largest provider of legal services to indigent clients. Since 1965, we have served as the primary defender in New York City. In addition to representing many thousands of people each year in trial and appellate courts, we also pursue impact litigation and other law reform initiatives on behalf of our clients.

The Legal Aid Society's Trafficking Victims Advocacy Project ("TVAP") is the first effort in the United States by a public defender office to meaningfully address the issue of human trafficking. TVAP focuses its work on the representation of individuals charged with prostitution offenses throughout New York City and represents many victims of sex trafficking who are arrested and prosecuted for engaging in prostitution. This marginalized and underserved

population has a long history of criminalization and has frequently been cycled through the criminal justice system. Despite increased awareness about the issue of human trafficking, the criminal justice system routinely fails to identify trafficking victims among those being prosecuted in the numbers in which they truly exist. Our clients include both citizens and non-citizens, many of whom experience extreme abuse, subjugation and exploitation.

Likewise, our Juvenile Rights Practice has been a national leader in representing young trafficking victims and runaway and homeless youth and was the leading legal advocate for the enactment of New York's Safe Harbor Act to protect the children we represent from abuse and exploitation by traffickers. Our Civil Practice, which includes our Homeless Rights Project, handles more civil legal matters than any civil legal services program in New York State each year and provides expert legal assistance for victims of human trafficking as well as survivors of domestic violence. Our perspective comes from our daily contacts with clients and their families, and also from our frequent interactions with the courts, social service providers, and State and City agencies, including the various District Attorney's Offices and the New York City Police Department.

As we have testified before the Council in the past, The Legal Aid Society is deeply concerned about the availability of services for trafficked adults and children, including our City's runaway and homeless youth ("RHY") population. More specifically, our concerns often focus on the lack of appropriate services for both populations and the harmful ways in which court involvement can exacerbate the problems these vulnerable groups confront. A large percentage of the clients we serve who are charged with prostitution offenses in criminal court are young people. Almost 25% of the nearly 3,000 people arrested in New York City each year

for prostitution or loitering for the purpose of engaging in a prostitution offense are between 16 and 21 years old.

We have been representing clients in the newly established HTICs for close to three months now and recognize that much work remains to be done in order to truly address the needs of our RHY clients. Simply put, the criminal courts are not in a position to do so, have not been provided the resources to do so, and may not be the best site to address the needs of our RHY clients.

When Chief Judge Lippman announced the creation of the Human Trafficking Intervention Initiative in September of this year, The Legal Aid Society supported the initiative. Indeed, given our experience representing victims of human trafficking prosecuted as defendants in criminal court, we believed that this represented a critical step in bringing to light the complex and difficult experiences many of our clients face. Rather than simply continuing to criminalize, it is essential to connect this client group to appropriate and supportive services, and we welcome all efforts to move us closer to that important goal.

#### *A. Housing Remains Fundamental Unmet Need*

However, as we have emphasized many times in the past, the circumstances facing New York City's runaway, homeless and sexually exploited youth is nothing short of a crisis. In addition, finding appropriate supportive housing is one of the biggest barriers to providing services to survivors of trafficking.<sup>1</sup> Commonly, "housing of any type is often unavailable."<sup>2</sup>

This impacts survivors of all ages, and drastically limits service providers' ability to successfully

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<sup>1</sup> Noy Thrupkaew, *A Misguided Moral Crusade*, NEW YORK TIMES, September 23, 2012 at SR14 ("Nearly 90 percent of the minors profiled in a John Jay College study indicated they wanted to leave 'the life' — but cited access to stable housing as one of the biggest obstacles. In New York City alone, almost 4,000 homeless youths lack stable housing, yet there are barely more than 100 long-term shelter beds to serve them.); *see also* Gregory Maney, Tineka Brown, et al., *Meeting the Service Needs of Human Trafficking Survivors in the New York City Metropolitan Area*, Hofstra University (2011)(available at <http://lifewaynetwork.org/wp-content/uploads/2011/11/Hofstra-University-LifeWay-Network-Report-2011.pdf>).

<sup>2</sup> *Id.* at 14.



engage with victims of trafficking or those at high risk for being trafficked. Without stable housing, survivors are unable to gain safety or build independence.<sup>3</sup> The need for both emergency/crisis housing and dedicated long-term supportive housing is clear and well-understood by all who serve this population.

With respect to RHY in particular, despite everything we know about the specific vulnerabilities of this group, they are insufficiently served by our State and City and often face significant adversity in the systems responsible to assist them. Funds to house and support RHY have been significantly decreased by the State and City for several years now leaving youth to wait months to find shelter with one of the few RHY providers. Youth 18 years of age and older who turn to the adult shelter system are often told they are not entitled to or are not given meaningful referrals to services..

Despite studies showing that there are approximately 3,800 homeless youth on any given night in New York City, there just 250 crisis shelter beds and approximately 100 transitional housing program beds for RHY. The Runaway and Homeless Youth Act (RHYA) requires local authorities to provide shelter for up to 60 days for youth 16 to 21 years of age. In New York City, this is not happening. Youth are waiting weeks to several months for shelter with those 18 to 21 years of age waiting the longest period of time. Further, for those youth who are successful in obtaining a crisis bed, they are rarely afforded more than 30 - 45 days to set up a supportive network before being discharged from shelter. This time in a crisis shelter is crucial as this is when youth have supportive providers who assist them with obtaining vital documents, education services, job placement, and stable housing.

For commercially sexually exploited youth, essential services, such as emergency supportive housing and short term residential crisis intervention, do not exist. The lack of

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<sup>3</sup> Id.

services in New York City for these vulnerable youth is startling. Programs like Girls Educational & Mentoring Services (“GEMS”), which provides residential services for young women from the age of 16 to 24, has only 9 beds – and is almost always full to capacity. There are no residential services in New York City for trafficked transgender girls or boys, or for that matter, no non-residential programs specifically to address the needs of sexually exploited transgender girls or boys. The lack of available services remains a huge obstacle to truly addressing the needs of this at risk population.

The newly established HTICs cannot offer solutions to this problem. The HTI Initiative cannot mandate, or even contemplate, the creation of any additional beds or shelter options for RHY. The HTI Initiative cannot lessen the bureaucratic executive agency obstacles that impede our ability to address the needs of this population.

***B. Trafficked and Potentially Trafficked Individuals Still Criminalized***

Moreover, the Human Trafficking Intervention Initiative exists squarely within the criminal court system. This is by necessity, as it is the result of ongoing arrest practices that continue to expose those most vulnerable in New York City to repeated arrest and prosecution. In this case, many of those individuals are RHY, or adults who our court and social welfare systems have failed time and time again. However, this is not the best forum in which to meaningfully address the needs of trafficked or RHY populations.

It has been argued that it is important to continue to make arrests for prostitution offenses, even though, as here, those arrested are likely victims of trafficking, because these arrests may be the only point of contact for a population that is otherwise difficult to reach. However, this analysis is flawed for two reasons: (1) vulnerable populations do, in fact, come into contact with other institutions and agencies in places where intervention could occur, and (2)

once the arrest process is set in motion, it is difficult to reverse, and even more difficult to undo the overwhelming harm that can result.

To begin with, RHY already seek shelter and assistance from many agencies and organizations throughout the area. The sad fact remains that these organizations are often forced to turn vulnerable young people away because they do not have beds or other resources available in numbers large enough to meet need. It is often this same population that, after being turned away, enters the criminal justice or mental health system. If resources were redirected to better meet the needs of the RHY population, and more young people were able to access services voluntarily, fewer RHY would enter the criminal justice system. This would work to obviate the task of addressing their needs in criminal court, where they face incarceration and a criminal record rife with collateral consequences.

If the HTI Initiative is to be a success, we must recognize that utilizing our criminal courts as an intervention site also brings with it some troubling consequences and work to counteract those harms. Exposure to the criminal justice system presents specific dangers for this population, especially where an individual's ability to comply with court mandates dictates whether they may avoid incarceration or a criminal conviction on their record. If individuals, even those believed to be victims of trafficking or vulnerable or at risk of trafficking, do not comply with imposed mandates, they face prosecution, incarceration, and criminalization.

Victims of trafficking, or young people facing tremendous instability in the form of homelessness and poverty, may not be able to easily comply with conditions set by a court. For many, even a metrocard to get to a mandated service provider presents a huge obstacle. Because these are mandates imposed in criminal court, even though intended to help, non-compliance is met with traditional criminal court responses -- incarceration, a less favorable disposition, or a

warrant issued for failure to appear or comply with the court's mandate. This is so even though the reasons for non-compliance may be the precise issue the intervention court purports to address. The nature of this quandary traps those we have identified as worthy of help and intervention in an unending cycle of criminalization.

### **Conclusion**

Our experience representing clients in the newly created Human Trafficking Intervention Courts over the last several months leads us to conclude that many clients, but particularly runaway and homeless youth, appearing in these courts still lack the services that they desperately require. There is an urgent need to build and adequately fund services for youth and ensure that these services are made available to RHY outside of the criminal justice system.



Written Testimony of  
*Jewish Child Care Association*  
NYC Council Committee on Youth Services  
Regarding New Human Trafficking Courts  
December 12, 2013

Good morning. My name is Janmarie Brown and I am the Program Director for the Jewish Child Care Association's Gateways Program. I welcome the opportunity to address the New York City Council Youth Services committee on how the new human trafficking courts address the needs of runaway and homeless youth. I want to thank the Chair of the Committee, Lew Fidler, for the opportunity to testify.

At nearly 200 years old, Jewish Child Care Association (JCCA) is one of the oldest and largest child and family caring agencies in the nation, focusing on children with the greatest need, and providing non-sectarian services to over 16,000 children and family members each year throughout the greater New York City region. We offer an extensive array of child welfare, mental health, education, day care and other child and youth services.

In 2009, JCCA opened Gateways, a 13-bed residential treatment center for sexually-exploited girls ages 12-16. Last year, we expanded this program to include a 6-bed non-secure placement for treating sexually exploited girls ages 12-17. These 19 beds represent around 20% of the fewer than 100 treatment residential beds nationwide for commercially sexually exploited children, and ours is the only program of its kind in New York State. In addition, JCCA was recently awarded funding from the NYC Administration for Children's Services to develop and operate specialized foster home placements for young men and women who had experienced commercial sexual exploitation.

Today, I will address issues relating to 16 and 17 year olds who are not yet covered under the Safe Harbour Act who are coming before the special Trafficking courts as well as the role of intensive treatment for this population.

But let me first start with this important fact. Commercial sexual exploitation of youth is a business with rules like any other. The exploiters count on the fact that young people will be viewed as "runaways" and that they will be treated accordingly. This is often planned in order to avoid detection by families and institutions. In our experience with youth ultimately admitted to Gateways, youth who are labeled as runaways were already involved in commercial sexual exploitation and being manipulated by their exploiters to ensure their continued availability.

Sixteen and seventeen year olds need statutory Safe Harbour protections. As “older youth”, they are often viewed as having chosen their lifestyles. In actuality, they are just as and perhaps even more vulnerable than younger children that are commercially sexually exploited, because they may have been recruited when young and thus may be more entrenched in the cycle of abuse and exploitation.

Sixteen and seventeen year olds’ struggle to leave “the life” is misunderstood by well-meaning professionals who try to assist them. Like victims of batterers who stay with their abusers for years, these girls suffer from what is known in psychology as the Stockholm syndrome—a real, paradoxical psychological phenomenon wherein victims express empathy and have positive feelings towards their abusers, sometimes to the point of defending them. These feelings are generally considered irrational in light of the danger or risk endured by the victims, who essentially mistake a lack of abuse from their captors as an act of kindness. Many CSEC victims do not have the information they need to accurately describe the dynamics involved in the bonding process that occurs with abuse and trauma, and therefore identify their intense feelings as love. Remember, these are adolescents. This should be the time when they are going to their proms or applying to colleges.

While the new Trafficking courts have the ability to refer victims of exploitation for assistance, the mechanism to transfer young victims to Family Court does not yet exist. We urge that the mechanism for this transfer be developed in a way that will smoothly and seamlessly achieve the desired results of getting young people the help they deserve.

We also want to reiterate our belief in the need for intensive treatment for this population. We have recently increased our age for admission to Gateways from 15 years, 9 months to 17 years based on need. Our experience has shown us that in designing a program for sexually exploited girls, one of the great challenges is to break the pull of the streets in general, especially that of the pimps, in order to provide the girls with opportunities for healing and positive growth. The girls also need to be kept safe from their pimps and others who prey on them. Professionals working with this population have long recommended that residential programs be developed that are removed from the communities in which the girls are exploited. These girls require intensive, targeted services that specifically address issues of abuse and violation, and begin to build trust and positive relationships. The trauma of the experience is extensive; many girls become so depersonalized that without specialized extensive treatment they cannot successfully reintegrate into the community.

The Gateways program for CSEC girls provides assessment and treatment services so that young women who have been sexually exploited and abused can achieve healthy relationships, supported by family and other positive peer and adult influences. The program is located 35 miles from NYC, removing girls from their exploitive environments and giving them treatment in a secure, secluded location. It provides a sanctuary for the young women, where they feel safe

and secure, and within which healing begins. As noted, all of these girls have been traumatized, and our work is continually framed within the context of addressing trauma and its sequelae.

The Gateways program engages these young women, who typically are very resistant to services, and immerses them in supportive ego-strengthening activities—including individual and family therapy, recreation therapy and independent living skills building, art therapy, drama therapy, peer counseling and other group services, substance abuse treatment, youth development training, psycho-tropic medication monitoring, medical care, and onsite educational services through a Special Act school. JCCA considers this program literally to serve as a Gateway for these girls—a Gateway to healthy, productive futures. The program provides services to each girl for approximately one year, based on individual need and progress. Girls are discharged when it is determined that they can resist both the pull of the streets, and that they have developed sufficient internal strengths and life skills that will allow them to be discharged successfully to other settings. If further treatment is required, participants are “stepped down” to a lower level of care.

JCCA’s six-month to one-year model program has been incredibly successful to date. Since July 2012, we have had 21 girls graduate from the program with 15 returning back to their families of origin and 3 stepping down to family foster care. The girls feel supported and safe because of the bonding that has occurred with program staff and with girls who are farther along in the treatment process. Participants have become goal oriented because they understand that there is a start, middle, and end to the program. Staff and fellow residents support one another in the process of standing witness against pimps: one pimp received an 8-year sentence and, due to the support they receive, an increasing number of girls are willing to cooperate with the DA to prosecute their pimps.

JCCA is participating in the Council of Family and Child Caring Agencies (COFCCA) Task Force on Commercial Sexual Exploitation of Youth from the Child Welfare perspective. The Task Force has made recommendations to the Governor to fund a full continuum of prevention and treatment services for young men and women in the state budget. This continuum includes a prevention campaign, street outreach, community-based out-patient and residential services. We urge the Council to support this request and demonstrate our societal commitment to ending the commercial sexual exploitation of children.

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For more information, contact Harriet Lessel, Director of Government Contracts at [lesselh@jccany.org](mailto:lesselh@jccany.org) or 917-808-4824.

**Dorchen Leidholdt**  
**Director, Center for Battered Women's Legal Services**  
**Sanctuary for Families**  
**Testimony before the New York City Council**  
**on how the Human Trafficking Intervention Courts address the needs of New York**  
**City's Runaway and Homeless Youth Population**  
**Thursday December 12, 2013**

Thank you for the opportunity to speak to this committee about the new trafficking courts and commercially sexually exploited youth. Sanctuary for Families is the largest provider of dedicated services to victims of domestic violence and sex trafficking in New York State. Through comprehensive services for our clients and their children, and through outreach, education and advocacy, we strive to create a world in which freedom from domestic violence, sex trafficking, and other forms of gender violence is a basic human right. Sanctuary for Families was one of the founding organizations and is currently the chair organization of the New York State Anti-Trafficking Coalition and advocated vigorously for a strong law against human trafficking in New York State.

In 2007, Sanctuary established our Anti-Trafficking Initiative. Over the past six years, we have provided hundreds of sex trafficking victims with legal services, counseling, shelter, and economic empowerment. Our clients include immigrants from Latin America, Asia, and Eastern Europe, who either have been trafficked into the United States or recruited by traffickers after they arrived; U.S.-born women and girls who have been trafficked by husbands, boyfriends, and other family members, often in their own neighborhoods and a small but growing number of LGBT youth whose traffickers are often the older, affluent men who purchase their bodies.

Sanctuary has been deeply engaged both in the effort to expand the protection of Safe Harbor Laws in New York to 16- and 17-year-olds, a project we call Safe Harbor II, and in supporting the development of the new Anti-Trafficking Courts. While our work on Safe Harbor started long before Judge Lippman announced the formation of the new trafficking courts, both initiatives are the result of a paradigm shift in the way our laws, our justice system, and our society respond to commercial sexual exploitation, almost invariably of the most vulnerable and marginalized among us. Both Safe Harbor II and the anti-trafficking courts reflect a new resolve by the government and civil society to ensure that our criminal justice system stops revictimizing the victims of pimps, buyers, and other predators and instead becomes a vehicle for the provision of protection and assistance.



More than year ago, New York Times columnist Nicholas Kristof shared the story of a pimp who forcibly tattooed his name on a girl with a safety pin. At Sanctuary we immediately recognized this common practice of traffickers. Their raison d'être is obvious: branding is a means by which pimps convey to their victims, unmistakably and permanently, the message that they are property and will never be able to escape their pimp's physical and psychological control. And as horrifying as the outward manifestation of a pimp's branding is, it is important to understand that it reflects a deeper psychological stigmatization, one that has inadvertently been reinforced by the laws and practices of New York's criminal justice system and that drives victims of human trafficking deeper into the psychological prison their pimps maintain.

Under current New York law, a 16- or 17-year-old arrested for prostitution is exposed to the lifetime stigma of a misdemeanor criminal record for prostitution. This record reinforces her pimp's message that she is forever a social outcast who will be unable to obtain legitimate employment. And her pimp's threat will likely be realized. Desperate to rebuild her life, our 20-year-old client, Cynthia, applied for a job as a home health aide, only to learn that it was rejected because she had incurred two prostitution convictions before she turned 18. In addition, current law exposes 16- and 17-year olds arrested for prostitution to adult incarceration, where they are easy prey for the predators who operate in these often brutal institutional settings, and fails to provide these children with specialized services, leaving them highly traumatized and at the mercy of their exploiters.

Fortunately this dire situation is changing. In 2008, New York became the first state in the country to pass a law creating the presumption that prostituted minors are victims of sex trafficking. The Safe Harbor Act provides that children arrested for prostitution are to be treated not as "juvenile delinquents" but instead as "persons in need of supervision," entitled to services to overcome the consequences of their sexual exploitation. Sadly, the protections of the Safe Harbor Act were not extended to 16- and 17-year-olds because New York adjudicates their cases in its criminal courts.

As you heard from Assemblywoman Paulin, at the end of the last legislative session both the New York Assembly and Senate passed a bill introduced by her and Senator Andrew Lanza (A8071-2013 ) which mandates the automatic sealing of criminal convictions incurred by minors arrested for prostitution and provides them with access to specialized services. Safe Harbor II ensures that no 16- or 17- year-old arrested for prostitution will be branded by a criminal conviction for prostitution.

These are two life changing victories for trafficked youth. But there is a third, of equal importance. Trafficked youth need highly sensitive and knowledgeable judges, who

have been educated about the dynamics of human trafficking, who understand the psychological and physical effects of victimization, and who embrace the Judge Lippman's philosophy that people in prostitution are presumptively victims in need of services. With the advent of the new anti-trafficking courts, young people 16 and 17 years of age will now enter courtrooms where they will be greeted with compassion and understanding, offered a connection to life-saving and life-restoring programs, and recognized as the children with resilience and potential—as victims on the path to rebuilding their lives, to becoming survivors.

Once this bill is signed into law—and we have every reason to believe that this will take place—our state will acknowledge the plight of teenagers who are victims of sex trafficking, and are struggling to survive on our streets. It will send a powerful message: That New York will not stand silent against those who wish to prey upon its children.

Testimony  
of

**Judge Michael A. Corriero (Ret.)**  
The New York Center for Juvenile Justice

Before

The New York City Council  
Committee on Youth Services

How do the Human Trafficking Intervention Courts address the needs  
of New York City's Runaway and Homeless Youth Population?

December 12, 2013

Thank you for the opportunity to comment on the impact of the newly established Human Trafficking Courts on sexually exploited youth in our state.

My name is Michael Corriero. I was a judge for 28 years in the criminal courts of the state of New York. During the last 16 years of my tenure, I presided over Manhattan's Youth Part, a court set aside within the adult court system to deal exclusively with the cases of 13-, 14- and 15-year-olds who are charged with the most serious and violent crimes.

I am the founder and executive director of the New York Center for Juvenile Justice where, in collaboration with families, communities and diverse stakeholders in the juvenile justice system, we are promoting a model of justice for minors that treats children as children, and responds to their misconduct with strategies designed to improve their chances of becoming productive members of society. It is this mission which compels me to speak today about how we can address the needs of Sexually Exploited Youth who come into contact with the criminal justice system.

The Center salutes Chief Judge Lippman for his vision and initiative which will improve the lives of some of our most vulnerable New Yorkers—victims of commercial sexual exploitation. The Human Trafficking Courts will provide an opportunity to better coordinate services for Human Trafficking victims and ensure that their cases are presided over by judges who have been specially trained to understand the complex and coercive dynamics of modern day slavery.

As we are discussing the impact of the Human Trafficking Courts on Sexually Exploited children, it is important to note that the Human Trafficking Courts are not a feature of New York's Juvenile Justice System: They are an integral part of our adult courts. The reason, however, they have a significant impact on our youth is that New York is one of only two states in the nation, North Carolina is the other, that set the age of criminal responsibility as low as 16.

Currently, legislation is pending which could significantly enhance the operation of the Human Trafficking Courts by extending the protections and

provisions of New York's Safe Harbor Act to 16- and 17-year-olds arrested on prostitution charges. The legislation will expand the capacity of adult court judges to provide an array of interventions that will enable youth to recover from the trauma of exploitation. Furthermore, the legislation will protect them from the indelible stigma of a criminal conviction for prostitution.

By way of background, in 2008 Governor David Paterson signed the Safe Harbor Act. The act recognized that children in prostitution are victims, and authorized the Family Court to convert a delinquency petition to a Person in Need of Supervision proceeding while providing the court with access to an array of specialized services for sexually exploited children.

However, because of New York's low age of criminal responsibility, the Safe Harbor Act was not extended to children passed their 16th birthday. So if a youth at the age of 15 would be arrested for prostitution, she would benefit from the protections and services under the Safe Harbor Act, but the moment that child became 16 she would be exposed to the prospect of a lifetime criminal record and would not have the opportunity to participate in the array of services offered under the Family Court Act.

In the most recent legislative session, the New York Senate and New York Assembly passed a bill introduced by Assemblywoman Amy Paulin, who is with us today, and Senator Andrew Lanza ([A8071A-2013](#) ). The bill extends safe harbor protections to 16- and 17-year-olds and provides judges, upon the consent of a 16- or 17-year-old sexually exploited child, with the authority to convert their cases to a Person in Need of Supervision proceeding therefore providing access to the services available for sexually exploited children under the Family Court Act. Furthermore, it mandates the sealing of any criminal conviction incurred by a 16- or 17-year-old arrested for prostitution.

It is our understanding various stakeholders are discussing ways to include in the bill amendments that will facilitate its implementation before it is sent to the Governor for his signature. As these discussions continue we hope that the City Council and this committee will support the efforts to expand

Safe Harbor protections in New York to 16- and 17-year-old sexually exploited youth.

This would be a recognition that teenagers who are victims of sex trafficking urgently need services and support, not criminalization. They need to be seen and treated not according to an ill-conceived adult criminal standard, but rather, precisely for who they are: New York's Children.

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I represent: New York Center for

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