John Caher: Welcome to Amici, News and Insight from the New York Judiciary and Unified Court System. On June 16th, 2016 the Gender Fairness Committee of the Third Judicial District held an extraordinary program entitled “Human Trafficking: Upstate Perspective.” The program, which brought to light the fact that New York's robust anti-trafficking statue is almost never utilized outside of New York City, featured a rolling series of panel discussions, all moderated by Albany City Judge Rachel Kretser, chair of the Gender Fairness Committee.

In addition to an update on the law, there were panels focusing on the judicial perspective, the law enforcement perspective, and the victim perspective. For today's podcast, we present the audio portion of the judicial panel. The panel included two judges who handle these cases — Justice Fernando Camacho of Suffolk County and Judge Amy Martoche of Buffalo—as well as one, Judge Andra Ackerman of Cohoes, who recently came to the bench after a career as a sex crime prosecutor and a state-wide director of human trafficking prevention and policy.

Judge Kretser: We are now going to turn the program over to three judges. Judge Fernando Camacho of the Suffolk Supreme Court, would you be kind enough to come up now?

Judge Camacho is a national leader on the subject of human trafficking, ever since he had an “epiphany,” as he describes it. I'm sure he'll talk more about that in just a moment. And the Buffalo City Court Judge, please come up Amy Martoche. Judge Martoche presides over the Human Trafficking Intervention Court in Buffalo. Once again, Judge Ackerman. I'm going to start with you, Judge Camacho.

Justice Camacho: Hello. Thank you for having me here. I'm going to share with you this afternoon my own personal story and journey of redemption that got me to this point. It started over 30 years ago when I was with a young prosecutor at the DA's office working the early morning hours of a lobster shift about 2 in the morning. The young kids, they were kids, would walk out in daisy-chain.

Everybody in the audience would snicker and laugh and they would come out one at a time before the bench, and we would play a game called “Let's Make a Deal.” It would work like this: I, as a prosecutor would say, "Judge, she's got 10 convictions for prostitution, 30 days!” [The defense attorney] would say, "Judge come on, she's a kid! Ten days." The judge would cut it in half, "All right, 20 days in jail, take charge."

As I looked at their faces walking back toward the cell, and they were crying. Mascara running down. Those lost eyes, poor lost eyes. There was nothing, they were dead eyes. It would break my heart. My antennae would say, "It's wrong? What are you doing?" Yet, I did it again, and again, and again.

Then about 10 years later, I became a judge, a City Criminal Court Judge. Then I'm the one on the bench now. "Judge, 30 days." "No judge, 10 days she's a kid." "All right, 20 days, take charge." I did that for about three years as a judge. My moment came one night about 10 pm in a small arraignment court in Queen's County.

A young girl named Siobhan walked out. Again, we were going through the same game, and the prosecutor was saying, "Judge, 30 day." She was 16, and had about five convictions for prostitution. "Judge, 30 days!" "Judge, 10 days!"

I was about to say 20 days and I looked at her, she looked up at me with those eyes. I said, "Stop! Stop this madness, please. Now! Why is this kid here?" The guy was in the audience, giving her signs. "Take the plea, go on and take the plea." I looked at him, looked at her and said, "Come up here. Please adjourn this case back to my part when I'm not working arraignments. I want to know her story."

I did that, I learned her story a couple weeks later. Every time I worked arraignments after that, every person charged with prostitution I'm not taking the plea. Send it back to my part. One day the administrative judge said, "Hey Fernando, how come you have a lot of prostitution cases in your all purpose part? I've been meaning to talk to you about that." I got their stories and the stories were tragic, they break your heart. It's the same story over and over again.

Throw aways, run-aways, from dysfunctional homes, sexually abused, physically abused, looking for something, someone to care about them. To show them some love. To find a family. They wind up running away or just hanging out somewhere where they meet Mr. Right, who says, "Hey, you're pretty, I like you. Come on, you want to come with me? Come to my car, let's go." For the first week, they're living the high life and he's finding out everything he can about her. "Who do you love most in the world?" "My grandmother." "Where does she live? Okay great."

At the end of that week, "Okay, now I've given you so much drugs. This, that, and the other thing. You owe me. You're going to work." She gets out to work on the track. The track is a desolate, awful place where they walk

and they have sex with strangers—12 or more every night, and they don't keep a dime. They come back, if they're out-of-pocket, if they don't have enough money for that night they get beaten.

There's rules—pimps up hos down, and the pimps come on the block, the girls have to step off the sidewalk. Pimps circle, somebody does something wrong in the middle of pimps, they are beaten. They try to run away, they get brought back. "I'm going to find your grandma. I'm going to cut her fingers off." Real case: "If you don't stay, I'm going to bring your grandma's fingers in a box. You told me where she lives." "Okay, I guess I better stay."

Average age of entering into prostitution: 12 or 13 years old. These are not mature adults who make knowing and intelligent decisions. Way back when, with very few resources, we began. [Judge] Toko Serita took over after I left the first Human Trafficking Intervention Court, where every single prostitution case came to that part and we started hearing their stories. I am proud to say I have never sentenced another person charged with prostitution to a jail sentence after that day.

The focus became let's not put them in jail. Let's get them some help. Let's find the professionals who work this population, who know the unique issues, who know how to get their trust and their confidence. Let's get them out of the life. I did that for a number of years, and we had some failures. We had young woman named Erin who was found at the age of 17, frozen to death in a railroad yard on a February morning.
Beaten to death and frozen to death.

And we had some incredible successes. We had some survivors whose will and spirit was much stronger than any fist of any trafficker, or any jail cell. Siobhan was such a survivor. Over the years, she kept coming back to see me, even after she graduated from my court. "Judge I got my first computer!" "Judge I just bought a car!" "Judge I just got my first apartment!"

She’d walk in, and I’d stop the proceedings to talk to my friend. One day, she stopped coming. I got worried, it was a year and another year and she didn't come. "Where's Siobhan? Where is Siobhan?"

I have no way to find her. I moved up a few floors in my building. Now I'm an important guy. One day I'm in the middle of a meeting and my secretary comes in, "There's a woman out there, a young woman who says she has to see you." I said, "I'll be there in a minute. Let me finish my meeting."

Half an hour later I come out and she was gone, but the court officer gives me a note. She says, "Hi Judge, it's Siobhan. Don't worry, I'm not in trouble. I was just in the neighborhood and I wanted to tell you I'm doing this, I got that. I've got my own apartment, I'm back with my mom." She's telling me whole bunch of things. At the end she says, "Mostly I just wanted to let you know that I'm good."

At that point, in front of the court officer, tears started coming down my eyes. I yelled out, "Siobhan I always knew you were good!"

The story did not end there. A few years back Judge Serita took over for me in the Human Trafficking Intervention Court and decided she's going to have a 10th anniversary of the court. She invites me out and I'm very excited. At the end of the speakers and everything else, everybody is there, it's good to see everybody. She says, "I have one more surprise for Judge Camacho."

In the courtroom walks Siobhan with her husband, her mom, and her little two-year-old boy. I stood up, we ran toward each other, I gave her the biggest hug, and we cried. Later on, I'm talking to her mom at the end she said to me, "Judge, thank you so much. You saved my daughter's life." As I thought about that and reflected upon that, who really needed saving? Who really needed redemption — A 16-year-old kid who was a throw away, who had no choice, or a 43-year-old former homicide prosecutor judge, who should have known better all along?

The bottom line is who really saved who? Thank you.

Judge Kretser: That's an incredibly powerful and moving story. Thank you so much for sharing it with us. I can tell you personally, although I haven't been doing this as long as you have, as you were speaking I was relating from the heart to what you were saying. I'll tell you, that's why I'm standing here today and that's why I'm involved in this program. I had been involved in putting it together because we all have to do something, but you're a leader, so thank you so much.

Now, Judge Amy Martoche, who is the Human Trafficking Intervention Judge for Buffalo, will speak to us. I want to say there are 11 Human Trafficking Courts throughout the state. The closest one to Albany is Syracuse, or maybe Yonkers, which are both about 150 miles away. Just saying.

All right, Judge Martoche.

Judge Martoche: Good afternoon everybody. Thank you. I'm so glad to be here with all of you

and I have to say it's a really hard act to follow Judge Camacho, because I don't know about all of you, but I was tearing up sitting next to him, and I've heard his story before. Truly, what I have done is follow Judge Camacho. I am the Human Trafficking Judge in Buffalo, and I have been lucky enough to benefit from Judge Camacho's model.

It's not often that I can say that the judiciary is out in front on an issue, but on this issue, we really are out in front. I am proud to be part of the forerunner in this. I have to say that it has been a true partnership in Buffalo.

The way that the 11 trafficking courts were created, because there was one in Manhattan, there was one in Queens, and there were some in the boroughs, but it became a state-wide pilot project under the leadership of Chief Judge Jonathan Lippman. When he created these pilot courts, as we call them, there was a great deal of skepticism in places like Buffalo, New York, and in places like Syracuse, New York.

There was this unspoken belief that while prostitution is the oldest profession in the books, it's a victim-less crime. Let me tell you that nothing can be further from the truth. It is not a victim-less crime. Once there became a partnership, a true partnership, with law enforcement, and I credit the Buffalo Police Department, the District Attorney's Office, the Erie County Sheriff's office for educating its officers and its prosecutors, and learning how to identify people who showed signs of trafficking, who were in commercial sex work.

Once those people are identified, the idea of course is to provide services to them, not so we can “save” them, but because we're not “saving” anybody, but so that they can make their own choices, so they can be empowered to make other choices and get away from a life that they don't want be living.

We have been really lucky in New York that the judiciary has been at the forefront. Buffalo recently has had two very successful prosecutions of traffickers. Within the past six weeks there has been a federal conviction and there has been a local conviction in county court. That hasn't happened in a while either in the local or federal systems. That's where I am, thank you.

Judge Kretser: Thank you very much Judge Martoche.

Judge Ackerman?

Judge Ackerman: Thank you. Most of my comments here are really going to be from the perspective of a former prosecutor dealing with special victim's cases, and working with sex trafficking victims, and watching the judges in the courts that handled the trials. I look back, and it's just so important for me to express this to everyone here, to what goes on through the perpetrator's mind, which gets me so fired up that I want to start prosecuting those cases again.

There's an article, there's a guy Nicholas Kristof who writes for the *New York Times*. He's fabulous. It's really worth looking him up online and reading the article. I think it was in 2008. The *New York Times* actually sent about a hundred letters out to perpetrators who were in custody for sex trafficking crimes, seeing if they would be interviewed. Some of them took them up on it because the *New York Times* wanted to know more about this interaction, how you are luring these victims.

When I read this, I was so angry. They were just very candid and said, "Look, it's a lot of money. It's little investment. You look for throw-away kids." Literally, they would say, "I look for girls with backpacks on that nobody wants to be around. She's by herself. She's hanging around the school later. She's at the mall. She’s in Internet chat sites."

They're looking for throw-away kids that, in their mind, they know nobody cares about, and then they say it's so easy to lure them in. Again, you're looking at 12, 13, 14, 15, 16, 17-year-old kids who have that feeling of not having any unconditional love. You get someone who's going to start out being really nice to them and getting their nails done, telling them that they're beautiful, becoming their boyfriend.

It usually starts with having sex with them, and then it leads to, "Well, you've got to help with the bills. Maybe could you have sex with my friend? He'll pay money." All of a sudden, there's all this manipulation, there's fear — what Judge Camacho said about threatening families. There is also an emotional tie times two, where all of a sudden they're not going to be able to be together if she's not helping with the bills. Then, all of a sudden the violence comes in.

This trafficker knows, they've said it, they know that they will make a lot of money from her because she's young and fresh, and you make more with the younger girls. When you do that to an individual over time, if she doesn't have mental health issues before she went in, she sure will have it soon.

She's going to get STDs, she's going to have other health problems, she's going to be addicted to drugs, often because they are given to her. This perpetrator knows that when all the stuff adds up, and now she's not making the money any more, he can toss her out into the street and no-one's going to believe her because he's gotten her to believe that she's committing a crime and who the hell is going to care about her?

Because nobody cared about her when she got involved, and now she's addicted to drugs, she's got STD, other health issues, she's got major mental health issues. He knows that law enforcement is not going to do anything. What broke my heart in upstate New York, when I was reading that, is knowing a lot of times that is absolutely true. It's just really failure to identify the victims and having a coordinated response.

It's just lack of knowledge.

I've got to tell you, this hits me a little bit more because, for what it's worth, I was a throw-away kid when I was younger. I was in an orphanage, I was in foster care, and I made it and I survived. I was not a victim of sex trafficking, but that sure as heck could have been me.

I know what it feels like to be a throw-away kid. I know how vulnerable they are, and it fired me up to think that you can do that to a child. Then, when you're done with her, you're not just messing with a year or two of her life —which is an ignorant thing that some people think, just lack of knowledge. "Well, you really screwed with the year or two of her life." If she's ever able to get her life back on track after what that happened to her, it's a blessing, because it takes a lot of hard work, so he's stripping her of her entire life.

I really had an extra passion for this when I was in Monroe County DA's office. I wanted all the serial rape cases. I wanted all the sex trafficking cases, and I found that the adult prostitutes, which often times are working without a pimp, we're talking thirty, forty-olds out there. They are out on the streets at two in the morning and getting raped.

When meeting with them, I always talk to them on their level.

Everybody is an equal to me, nobody is above me and nobody is below me. Having that rapport with them, because I know that could have easily been me, when they learn to trust you, they tell you so much. I never met an adult victim of a sexual assault that was not victimized as a child.

To me, they take an innocent child, destroy her, and then she becomes a

pathetic adult that nobody wants to deal with. That's sad for me because that's a beautiful life that has been stolen. That's what fired me up. That's what made me have such success in the trials. It was really hard for me to leave, because it takes special people to do this kind of work. They are not easy to deal with when they're younger, when they're teenagers, or when they get older, but they are beautiful souls.

I want to thank all you guys really for being here. Hopefully that we can increase the amount of people that are really supporting them and treating as the victims that they are.

Judge Kretser: Thank you. Thank you Judge Ackerman for sharing your knowledge. She is one of the most knowledgeable people on this subject in the state, and for sharing your personal story. That meant a lot.

John Caher: Thank you for listening to this edition of Amici. If you have a suggestion for a topic on Amici, call John Caher at 518-453-8669 or send him a note at jcaher@nycourts.gov. In the meantime, stay tuned.