

John Caher:

Welcome to Amici, news and insights from the New York Judiciary and Unified Court System. Today we feature Chief Judge Jonathan Lippman and his opening remarks at the historic National Summit on Human Trafficking in the State Courts. The Summit, which was convened October 7-9, 2015, involved state court officials from more than 45 states and territories. Judge Lippman's inspiring opening launched an extraordinary day-and-a-half summit. They examine the nature, causes, and potential remedies for modern-day slavery.

The summit was sponsored by and planned in partnership with the State Court, the State Justice Initiative, the Conference of Chief Justices, the Conference of State Court Administrators, the National Center for State Courts, the Human Trafficking and the State Courts Collaborative, the New York State Bar Association, the Women's Bar Association of the State of New York, and the New York State Office of Court Administration.

Judge Lippman:

Human trafficking is at the same time a global phenomenon and an evil that we see in our own back yards. It encompasses the sex trafficking of young girls who are runaways from group homes and foster care, victims of domestic violence who are forced into selling themselves by an abusive boyfriend or partner, the enslavement of workers brought to the U.S. to rebuild after Hurricane Katrina, and many other forms of sex and labor trafficking. As defined in the Trafficking Victims Protection Act, trafficking is the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion.

Human trafficking is a multi-billion dollar industry, and one that is growing rapidly. Among criminal enterprises, it is second only to drug trafficking in profitability. While it is difficult to measure precisely a practice that exists largely in the shadows, the estimates we do have are staggering. Across the globe there are over 20 million victims of human trafficking. Twenty million! In the United States, about 80 percent of victims in sex trafficking incidents are U.S. citizens. The great majority of the victims of sex trafficking within the United States are women and children, particularly girls under 18 years of age. In the United States, the typical age of entry into prostitution is only 12 to 14 years old.

For most of our history, trafficking victims have had an entirely negative place in our culture. They were thought of not as victims but as criminals, addicts, delinquents, irredeemable and profit-driven. While some may still feel that way, we have come a long way in our understanding of this complex problem. We have come to recognize that the vast majority of children and adults charged with prostitution offenses are commercially exploited or at great risk of exploitation. Prostitution is not a profession of choice, period. All too often, we are talking of victims of intimate partner violence, individuals who are unable to

extricate themselves and in need of protection from their abusers. These individuals may be runaways, easy prey to traffickers, or be in the grip of an addiction that has led to their exploitation.

I have no doubt that many of you have seen the devastation that human trafficking has wrought on the faces of those who have come through your courthouse doors. Specifically, many sex trafficking victims end up in court as defendants charged with prostitution-related offenses because they have been induced, misled, or forced into illegal conduct.

However, not many of their clients are arrested, and even fewer of their traffickers or those who have led them into prostitution are ever charged. Those induced into prostitution may hesitate to reveal their victimization out of fear or mistrust, and in the past so many victims have passed through our criminal justice system without ever being identified as victims of trafficking.

The problem of human trafficking is sobering and gut-wrenching. It is a form of modern-day slavery, and it is a travesty that in the year 2015 there are people who live their lives in absolute fear as they face life-threatening beatings, who are bought, sold, and traded like merchandise, and who are sold for sex anywhere from 10 to 30 times per day.

Here in New York, we saw the need for a new approach. It simply did not make sense to treat those arrested for prostitution-related offense like criminals when they often engaged in behavior that was against their will and when they were lured unsuspectingly and trapped in the industry from a young age. Now, instead of approving pleas where trafficking victims spend a few days in jail and are soon released back into the arms of their pimps, abusers and victimizers, we have pioneered a method to identify trafficking victims, refer them to services, and restore them to law-abiding lives.

By connecting trafficking victims to vital counseling, mental health services, drug treatment, housing options, job training, immigration services, and other resources, we give them the tools that will help them break away from their former life and look forward to a brighter future. The Human Trafficking Intervention Court model in New York is truly a community court, and necessitates the cooperation of many of our justice partners. The District Attorney's office, defense attorneys, and service providers who provide the essential resources are all critical players in our human trafficking courts.

While the Trafficking Intervention Court model was initiated by the courts, it took the vital input and participation from other parties in order to ensure the court's effectiveness in reaching victims of trafficking. Additionally, we provided critical training on trafficking to our judiciary and court staff across the board. We convened day-long training programs for judges and their staff from the Human Trafficking Intervention Courts that covered legal topics, best practices from experienced judges, and cultural competency and skills. We also worked

with the Center for Court Innovation, the National Judicial College, and the State Justice Institute to implement broad training to ensure that our judiciary has a deep understanding of the enormously complicated issues facing victims.

After the success of this model was demonstrated at three different pilot sites, the New York State Courts implemented Human Trafficking Intervention Courts across the state in urban, suburban, and rural locations, reaching 95 percent of those charged with prostitution and trafficking-related offenses in our state. Our state-wide system of courts stands from Long Island to Buffalo intervening in the lives of trafficked human beings and opening the door for thousands of people to escape a life of brutality and abuse.

The first step towards creating a change in our court system was recognizing that not all defendants are the same, and that oftentimes the real perpetrators of crimes are hidden from our view. The second step was acknowledging that we could do better than the status quo, and that we could change our methods and our protocols to provide more effective outcomes for victims of human trafficking as well as our communities. Each step required the initiative, courage, fortitude, and leadership of court administrators, judges, service providers, prosecutors, defense attorneys, resource coordinators, and others.

The reason we have invited all of you to attend the National Summit for the next two days is because of your leadership role in your respective states. As leaders of the judiciary, of the executive branch, of state and local governments, we have a responsibility, we have the political capital and the ability to create effective change in our communities. We have the bully pulpit to spread the word on the issues that we prioritize, and we have leverage to build consensus on important matters and to create change. When a judge speaks, people listen, and we have the ability to act as a catalyst to get our partners in government to sit together at the same table.

In order to do justice in our courts and to address this terrible scourge on modern society that is so prevalent in our country and around the globe, we need strong leadership on the issue of human trafficking. While the media has drawn attention to the problem of human trafficking, we have a unique opportunity to make significant progress towards eradicating it by connecting victims to services and putting them on a crucial escape path. It is not simply a matter of policy or practice. It is a moral imperative that we cannot ignore. Ignoring this problem in our courts is indirectly facilitating the business of the sellers of human flesh who are evil, evil to their very core.

It is our job to pursue justice for the victims who have been exploited and violated beyond imagination each and every day. It is my hope that after we hear these tragic stories of individuals trapped in human trafficking rings, as well as the beautiful stories of redemption, of people who found the resources they need to break free from their traffickers, that we can take action in our own states. I hope that we can learn from each other that we can use this

opportunity to share information on what has been successful and what has proven to be a challenge in this field.

We recognize that each state and locality is at a different stage of readiness. For some of you, exercising judicial leadership will translate into convening a task force or committee to examine the problem of human trafficking in your area and to consider some ways the state courts can address the problem. For others, judicial leadership may lead you to set up a specialized trafficking court to deal with victims with drug addictions, or to connect commercially sexually exploited youth to services, or to focus attention on the need to identify, investigate, and bring charges against the traffickers who operate and prey on the most vulnerable among us. In all these areas there is still so much work to be done in each and every one of our jurisdictions.

While New York provides one example of how human trafficking is addressed in our jurisdiction, the beauty of this National Summit is that there are also many other judges and administrators here who can share what is going on in their own states. I know from my time on the State Justice Institute board that we have heard great reports from Texas, California, Georgia, Illinois, Ohio, and other areas around the country. Responding to human trafficking in the state courts in a significant and strategic way is a priority investment area for SJI, and we are fortunate to have the ongoing work of the wonderful Human Trafficking and State Courts Collaborative, who will be very much involved in the summit, to provide support to states as they address trafficking in their courts.

Already there have been so many amazing stories of trafficking survivors who have broken free from their exploiters and gone on to complete college, graduate school, and who have spoken before state legislatures and the UN about their experiences. It took courage and boldness for these individuals to extricate themselves from horrifying situations. Truly, if they can take the initiative to do something about human trafficking under the most extreme conditions, we must follow their lead. We must take action to address the heinous crime that exists in our communities and commit ourselves to getting the job done, laying the groundwork for eradicating human trafficking as we know it.

Let us no longer turn a blind eye to this terrible crisis and make it our legacy that we stood up for basic human rights, shined a light on this most vulnerable of populations, and brought hope to the hopeless. Thank you so much.

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.