

Announcement of New York's Human Trafficking Intervention Initiative Hon. Jonathan Lippman

I am delighted to be here at the Citizens Crime Commission's Milstein Policy Forum. I want to thank Richard Aborn and the Commission for all of your wonderful work and for inviting me to speak with you this morning. And Richard, it is an absolute pleasure to work with you on so many critical issues facing the criminal justice system. I am here today to talk about what we in the New York Judiciary are doing to eradicate the epidemic of human trafficking, which manifests itself most prominently in our state in the form of sex trafficking -- a heinous crime where someone profits from forcing a person into prostitution.

Human trafficking is a crime that inflicts terrible harm on the most vulnerable members of society: victims of abuse, the poor, children, runaways, immigrants. It is in every sense a form of modern-day slavery. We cannot tolerate this practice in a civilized society, nor can we afford to let victims of trafficking slip between the cracks of our justice system. Starting today, the New York State Court System will undertake an unprecedented statewide initiative to identify trafficking victims, refer them to services, and restore them to law-abiding lives as we confront this horrific practice head on with all of the resources at our command.

I am announcing, with the collaboration of our justice system partners, the implementation of a comprehensive response to the problem of human trafficking in New York State with the establishment of the Human Trafficking Intervention Initiative. Within the new framework that we are creating, New York will be a trail blazer, the first state in the nation to create a statewide system of courts, designed to intervene in the lives of

trafficked human beings and to help them to break the cycle of exploitation and arrest. The Human Trafficking Courts, in urban, suburban, and rural areas throughout the state, will identify appropriate defendants 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 conservatively that this new program will open the door for thousands of people to escape a life of abuse and torture.

Three pilot courts in Queens, Midtown Manhattan, and Nassau County, have spearheaded our efforts and are already up and running. By mid-October, locations in every borough of New York City will be operational, and by the end of October, Human Trafficking Courts, stretching from Long Island on the east to Buffalo in the west, will be available to serve trafficking victims - - covering close to 95% of those charged with prostitution and trafficking related offenses in our state. By so doing, we embrace an approach to human trafficking that is newly emerging among enlightened criminal justice thinkers around the country who recognize that all defendants are not the same, and that the real perpetrators of crimes are often hidden from view.

Trafficking victims need the kind of resources and services that can transform and save their lives. When these victims arrive in our courts, even as defendants in criminal cases, it gives us an opportunity - - an opportunity for judges, prosecutors, and defense lawyers to work together to link victims with the services they so desperately need. This new initiative will stop the pattern of shuffling trafficking victims through our criminal courtrooms without addressing the underlying reasons why they are there in the first place.

Each Human Trafficking Court will have a presiding judge who is trained and knowledgeable in the dynamics of sex trafficking and the support services available to victims. The courts are based on a collaboration among stakeholders working together to identify defendants who have been trafficked. In each of the court locations, we are working to establish new court protocols under the leadership of the court system's Chief of Policy and Planning, Judge Judy Harris Kluger, and her staff. All cases involving prostitution-related offenses will be identified at arraignment and, if not resolved there, be transferred to the local Human Trafficking Intervention Court. In the Trafficking Court, cases will be 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 will be made. Those who comply with the mandated services will have the opportunity to receive non-criminal dispositions or dismissal of their case. While these prostitution cases are criminal in every sense with all that attends, the Human Trafficking Courts are being established to ensure that there will be no further victimization of these defendants by a society that can be divorced from the realities of this modern day form of servitude. It is in this context that the new Trafficking Courts will directly engage the victims of human trafficking through the combined efforts of defense attorneys, prosecutors, legal service providers, law enforcement officials, social services, vocational and educational training providers, domestic violence and sexual assault service providers, and substance abuse and mental health treatment providers.

We know what we are up against. 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. While it is difficult to measure precisely a practice that exists largely in the shadows, the estimates we do have are staggering. According to a recent State Department estimate, across the globe, 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. Though human trafficking includes labor trafficking, the vast majority of the victims - nearly 80 percent - are trafficked for sex. Many more victims continue to go uncounted because they are often driven to the margins of our communities, and, as a result, these frightening numbers are almost certainly understated.

Trafficking is as much a domestic issue as it is a transnational one. Around the country, 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. Sickeningly, the typical age of entry into prostitution in the United States is only 12 to 14 years old. Many of these victims end up in court as defendants charged with prostitution-related offenses, because they have been induced into illegal conduct. The sad truth is that few of their clients are arrested and even fewer of their traffickers or those who lead them into prostitution are ever charged. They may hesitate to reveal their victimization out of fear or mistrust, and all too often, the players in the justice system are unable to develop a full picture of their circumstances. In the past, victims have easily passed through our criminal justice system without ever being identified as victims of trafficking. But not anymore!

For most of our history, trafficking victims 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 have come to 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.

In New York, our laws reflect the significant strides that have been taken to address the problem of human trafficking. The New York State Anti-Trafficking statute, enacted in 2007, created the new state crime of sex trafficking designed to punish those who profit from the sex industry. In 2008, New York's Legislature enacted the Safe Harbour for Exploited Children Act, which challenged the legal framework where prostituted children were regarded as criminals. The Safe Harbour Act created a legal presumption that children charged with prostitution were victims of trafficking and mandated that trafficked children under age 16 be treated as Persons in Need of Supervision (PINS) in Family Court, instead of delinquents. Two years later, New York became the first state in the nation to enact a law allowing judges to vacate convictions for prostitution-related crimes for defendants whose participation in the offense was the result of their having been trafficked. Most recently, the Legislature passed a provision extending the Safe Harbour Act to include 16- and 17-year-old victims of trafficking. Under the amended statute, 16- and 17-year-old trafficking victims may also have their case converted to a PINS proceeding instead of being prosecuted for prostitution. New York has a proud history of

being a pioneer in this area, and the Trafficking Intervention Initiative I am announcing today ushers in another new chapter in the continued battle to end the ongoing exploitation of these vulnerable individuals.

What we recognize is that a systemic problem such as human trafficking requires a systemic response. The step we take today is comprised of much more than an effort in a limited jurisdiction or by one particular judge to address a sprawling problem, such as has been the case in scattered locales around the country. Our statewide, court-led Initiative, informed by our own experience with New York's pilot sites, will address virtually all cases involving trafficking victims in the courts of New York -- certainly among the largest and most challenging case loads in the country -- and will incorporate the joint efforts of all of the criminal justice players.

Focusing our efforts on victims of trafficking is only one piece of the larger puzzle. Legislation on the state and federal level has allowed law enforcement to begin to address the root evil that drives the market, the traffickers who exploit these victims and profit from their misery. Though these cases are difficult to investigate and prosecute, each District Attorney here, as well as others around the state, is committed to identifying, investigating and bringing charges against the traffickers who operate in their jurisdiction -- the people who have made this such a lucrative business undertaking through the exploitation and abuse of the most vulnerable among us -- as well as those who pay for sex and feed the demand. By this intense focus on identifying and punishing the real perpetrators of human trafficking and the unflagging commitment that we all pledge today to the just and compassionate resolution of the cases brought against victims, New York will lead the fight

against human trafficking.

We are committed to fundamentally changing the way that we as a system think about these cases. In order to do that, we will be providing training on trafficking to our judiciary and court staff across the board. This October, we will convene a day-long training program for judges and their staff from the new courts that will cover legal topics, best practices from experienced judges, and cultural competency and skills. In addition, we are working with the National Judicial College, the Center for Court Innovation, the Practising Law Institute, and the State Justice Institute to implement broader training to make sure that everyone has an opportunity to deepen their understanding of the tremendously complicated issues facing victims.

In New York, the courts and the justice system will provide a template for the rest of the country in dealing with the societal impact of human trafficking that ultimately ends up in our courtrooms. We in the justice system do not exist in a vacuum separate and apart from such a deep-rooted problem that poisons our communities and our people. We together must be and will be pro-active in meeting the challenges that we face from the evil of human trafficking.

I want to recognize the tremendous support of District Attorneys, the defense bar, and the service provider community. I commend them for their vision and leadership on this critical issue and thank them for their vital input and participation in this effort. I also want to recognize the many strong voices for change -- three of whom I will be introducing shortly -- including Kathleen Rice, the President of the District Attorneys Association, Steve Banks, attorney in charge of the Legal Aid Society, and Lori Cohen, the Director of

the Anti-trafficking Initiative at Sanctuary for Families, who works so closely with its terrific Director of Legal Services, Dorchen Leidholdt. I would note also the Center for Court Innovation for developing responses to trafficking and shining a light on positive innovations, the Judicial Committee on Women in the Courts and its chair Betty Weinberg Ellerin, for its ground-breaking work in this area including the creation of the invaluable Lawyer's Manual on Human Trafficking, and judicial pioneers like Fernando Camacho, Toko Serita, and so many others.

As Chief Judge, I believe that the courts must play a critical role in re-orienting the justice system to more ably serve victims, address public safety concerns, and respond to societal ills. While human trafficking is both complicated and devastating, each case presents us with an opportunity to help. As we have done so often in the past, with drug courts, mental health courts, and others, the court case can be the victim's link to rehabilitation and renewal. With this Human Trafficking Intervention Initiative, we are taking a giant leap forward towards solving this vast and critical problem. For all of us -- judges, prosecutors, defense attorneys, legislators, law enforcement, community groups, advocates, and treatment providers -- we know that by working together we can change lives, one by one, and be a truly powerful force in combating this scourge of modern society.

Thank you.