

John Caher:

Welcome to Amici, news and insight from the New York Judiciary and Unified Court System. Today we are very honored to be joined by Acting Supreme Court Justice Fernando Camacho who presides over a felony sex trafficking docket in Suffolk County.

Justice Camacho joined the bench in 1997 as a judge in the Brooklyn Criminal Court before transferring to Queens County Criminal Court, where he served as Deputy Supervising Judge and presided over the Domestic Violence Court. He was elevated to the State Court of Claims and served as an acting Supreme Court Justice in the integrated domestic violence part in Queens, where he was appointed administrative judge for criminal matters, and also presided over the Youth Division part. Prior to ascending the bench, Justice Camacho was a prosecutor in the Manhattan District Attorney's Office, where he handled a variety of felonies ranging from sex crimes to homicides.

Although Justice Camacho handles a variety of criminal matters, our focus today is on human trafficking and our discussion comes on the heels of a historic national summit on human trafficking, that chief judge, Johnathan Lippman recently convened in Manhattan. At the summit, Judge Camacho was part of a panel discussion on innovative strategies to address human trafficking by courts and communities.

Judge, thank you for being with us today. Let's start at the beginning, always a good place to start, can you just give us a brief definition of what trafficking is?

Justice Camacho:

Sure, well you know the stereotype is a foreign victim who was transported across international borders to be sold into sexual slavery, but in reality the definition is much broader than that. Under the federal Trafficking Victims Protection Act, it's defined as follows: "The recruitment or transportation of persons for the purpose of a commercial sex act which is induced by force, fraud or coercion." So, you can tell it's much broader than what we typically think it is and in reality, as my friend [New York City Criminal Court Judge] Toko Serita likes to say, we have sex trafficking going on in our own back yards, in our inner cities and our neighborhoods and our communities. Our children are being bought and sold into the ugly, ugly world of commercial sex.

John Caher:

Under that definition, it sounds like any prostitution case involving a pimp is a potential human trafficking case, is that correct?

Justice Camacho:

I would venture to say that most pimp-controlled street prostitution is in fact a human trafficking case.

John Caher: How do the traffickers control their victims, how do they coerce them and why can't the girls—and I know the vast majority of them are girls—just refuse to take part and walk away and not have anything to do with it?

Justice Camacho: Well you have to understand a couple of things. The average age of entry to prostitution is 13 or 14. They are young. Secondly, you have to understand that they are also very vulnerable. Many of them are runaways and throwaways that come from situations, dysfunctional situations, where they were sexually abused, physically abused, and they are running away. They have never had any affection and they are looking for someone to care about them and they come into these places where the pimps are waiting, the traffickers are waiting. They are going to prey on them.

They are looking for someone, *anyone*, to show them some affection and some love and what happens is it's an initial honeymoon period. "Come with me, let me give you a ride in my car to take them to these wonderful places." "I'll take you out to eat." You're my girlfriend." "I love you." And this goes on for a couple of weeks until: "You know what, I've spent enough money now. Now you've got to earn it back, now you've got to pay it back, so now you're going to go to work. You're going to go to work for me and you're going out to the track. You've got to pay me back." At that point, the honeymoon is over and reality sets in and they put them to work on the "track," which is a desolate stretch of road where they will walk up and down.

There are a number of rules, and there is a quota to make a certain amount of money on a given night. That's their quota and if they don't bring it back they are subject to discipline. There's pimp rules, there's "pimps up, hoes down," which means the pimps come on the block and the young girls have to walk and come out to the street because they can't look them in the eye. There are a number of different rules. They are not allowed to pocket any money, they have to give everything they make and earn to the trafficker. If they try to pocket five dollars here and there, oh my goodness, God protect them because they are going to get punished.

There are things such as pimp circles where a particular trafficking victim has committed some sort of violation, the pimps gather around and make a circle and they hit her and they punch her and physically and verbally abuse her and punch her and kick her. This type of continuous abuse makes the ... and if they try to leave, oh my goodness, if they try to leave. "Well, guess what if you try to leave, I'm going to go find your

grandmother, because I know exactly where she lives, because in those first two weeks you told me all about her, and I'm going to take a hammer and I'm going to break every finger in her hand, one at a time. That's what's going to happen. And I'm going to find you and I'm going to drag you back. I'm going to bring you back and put you back on the track." It happens over and over and over again.

Physical abuse, sexual abuse, psychological abuse and the trauma. They are drugged and kept in isolation. There is truly for many of them no chance to leave. Many of them are branded. There's a tattoo. One particular pimp pattern was called "worm," with a tattoo of an apple with a worm coming out of it, on each of those young trafficking victims, and he would give them different names. "This is your new name, your new street name." Again, it's all about physical, emotional and psychological abuse to keep them there, to keep them unable to leave and walk away.

John Caher: Sounds like they are rather expert at manipulation.

Justice Camacho: They absolutely are, absolutely. They become very good at it.

John Caher: You mentioned a quota, what do you mean?

Justice Camacho: Well, you're told for example—I'm just throwing a number out there—you have to bring back \$300, you have to bring back \$300 tonight and if you don't you're going to be out of pocket. If it's one dollar less you are going to be disciplined. Hopefully, it's just verbal abuse, but if she's really cut short out of pocket, then it would be more than that. There is a certain amount of money that she has to bring back every single night and she cannot keep a single dime.

John Caher: Do you have any sense of how prevalent this crime is? What does the volume look like, or do we know?

Justice Camacho: In 2014, there were close to 2,500 arrests for prostitution and loitering for prostitution in New York City and I would say that most of those involve street level prostitution. Someone has estimated that there are about 5,000 young women in New York City who are trafficking victims and engaged in street level prostitution, so I think it is quite prevalent.

John Caher: When you started, you mentioned the stereotypical case being the foreigner or the immigrant, but in these cases, we're not necessarily talking immigrants or foreigners at all?

Justice Camacho: We are talking about our children in our back yards. These are our kids. These are runaways, they are throwaways that we have basically thrown in the garbage and we have given up on them and they're vulnerable, they're looking for something or someone to hold on to and to cling to and to have a family, to belong to something and they are just perfect victims for traffickers.

John Caher: I know in 2007 there was legislation enacted that criminalizes sex trafficking, but I understand that prosecution under that statute remains pretty low. Is that case, and if so, why do you think that's the case?

Justice Camacho: You need to understand that prior to 2007 there was no mechanism to prosecute traffickers in New York State. So, prior to 2007, you really could not prosecute a trafficker for a serious felony offense. Now, there were not that many prosecutions initially. I think the reason for that, you have to understand there is an inherent lack of trust with law enforcement and prosecutors on one side and the trafficking victims and the advocates and the defense on the other. They just didn't trust each other, and that's because the advocates and the defense part didn't think that law enforcement was capable of keeping their client safe from these traffickers.

On the other hand, the prosecutors didn't really think that they could ever, ever, put a person that was engaged in prostitution on the witness stand and really sell their credibility. They didn't think jurors would believe them. I think that's turning around. I think the more we talk about it the more we educate people. I think prosecutors are starting to realize more and more that jurors or citizens are capable of listening to a young person testify about having to engage in prostitution over a number of years and to still say, "You know what, it still rings true, I still believe her." I think advocates and defense attorneys are coming around to understanding and appreciating that there are common interests and that they can trust law enforcement, they can trust prosecutors to keep their clients safe from the trafficker, should they agree to cooperate.

John Caher: It sounds like there's an educational component here in a couple of ways—one, getting police and prosecutors to view what at first blush might seem a garden variety prostitution case, if there is such a thing, as something much more sinister and two, getting the victims to realize that there is help available and that law enforcement is on their side.

Justice Camacho: You know, I think it goes beyond just police and prosecutors. I think it's just society wide. I think that traditionally, again, we have viewed trafficking victims as these foreign born people who are locked away in

cages and transported across borders and sold into sexual slavery. We traditionally viewed our domestic victims of sex trafficking, our young kids, as just miscreants and just bad girls who enjoy what they're doing and making good money, that it's just what they want to do and they're making an intelligent decision to do this and that they are just miscreants and they are just bad kids.

I think that we have started to chip away at that notion, that these are bad kids, miscreants. We want to get everybody, police included, to understand that they need to look beyond this poor little girl and this ridiculous looking outfit with this miniskirt and these silly looking shoes and this low top and this crazy mascara running down her face when she's crying. You need to look beyond your traditional perception that these are bad kids who deserve everything they get. They're not. They're children. They are vulnerable, innocent, poor lost souls and we need to chip away at that and we need to do better.

John Caher: Now the court system's response, or one of the court system responses, has been the Human Trafficking Intervention Court, which I believe Chief Judge Lippman set up a year or two ago. Can you tell me what they are and why they were established and why they are necessary?

Justice Camacho: Beginning about 12 or 13 years ago, we started to understand. I speak all over the place about trafficking and prostitution, and I wouldn't say it out loud for the first three or four years and finally one day in a conference I almost whispered, "They're victims. They're not criminals." I waited for the glares and the stares and ever since then I've been saying, "These are *victims*, they are *not* criminals. Our court systems were re-victimizing them again. After they were victimized on the street by their traffickers, brutally, our court systems were re-victimizing them by treating them as criminals and putting them in jail. I think the purpose of these human trafficking diversion courts, the reason they came into existence, is we have come to understand and to appreciate, under Judge Lippman's leadership, that in fact they are victims and they need to be treated as victims, just like we treat *victims* of domestic violence, just like we treat *victims* of sexual assault. They need to be treated differently and that's what these human trafficking diversion courts do.

John Caher: How did you as a judge get involved in this sort of sub-specialty and why?

Justice Camacho: It's weird. I've been in this business now for over 30 years and I began as a prosecutor in the Manhattan DA's office in 1985 and we used to have a lobster shift. About 2 a.m., the young girls would come out of the bull pen, and they looked ridiculous in these outfits, with the mascara running

down their faces, and everybody in the audience would chuckle and we would play a game called “let's make a deal,” and it would work like this:

I, the prosecutor would say, “Judge, she's got five prior convictions for prostitution, I recommend 30 days in jail.” The defense attorney would say, “Come on, she's a kid, give her 10 days.” And we'd just cut it down the middle. “All right, 20 days.” And they would be taken back and they would be crying and the pimp would be in the audience giving her a high five or whatever, “I'll see you in 20 days, you can make me more money.” We all knew what was going on.

I don't know if I was actually able to admit it myself, but I knew this was a travesty, this was not something that we should be doing, but we did it and that's how we treated these kids in the criminal justice system for many, many years— “let's make a deal.” Then I became a judge in 1997 and here I am in Brooklyn Criminal Court playing “let's make a deal” all over again. The prosecutor says, “Judge, 30 days.” Defense says, “Ten days.” All right, 20 days.

At some point I finally I followed my conscience and I said this cannot continue, we can't play “let's make a deal.” They are innocent, lost, vulnerable children. We need to do the right thing and that's how I came to be involved. I started talking to people, the advocates and experts that know about this population. I started talking to them and I learned the ugly truth, and I haven't played “let's make a deal” since.

John Caher:

That's quite a story. At the summit also, you spoke of an epiphany of sorts that occurred in an encounter involving, I think, a 16-year-old defendant. Can you relay that story for the listeners of Amici?

Justice Camacho:

Sure, “let's make a deal” ended for me one night in Queens Criminal Court. I was doing night arraignments and this was in 2002, after I had been a judge for about five years, and continued to play the old game.

There was a young 16-year-old runaway and she was charged with prostitution. I was about to give her 15 days, or whatever, and I looked in her eyes and she looked at me and I said, “Stop. Counsel, come up to the bench. I'm not giving her 15 days. When my arraignment shift ends at the end of this week, I want to see her in my courtroom next week, I want to find out why she's here, why's that kid here.” She did come back to my court the following week and I got her story. The story is like what I told you, it's about the “track” and it's about physical abuse, it about trauma, it's about vulnerability, it's about emotional abuse, it's about escalation. I

heard that story over and over and over again from so many other victims.

Siobhan spent about two years coming back to my court because she did pick up another case or two because, again, you can't leave just because you say, "Ok, I want to leave now." It's not that easy. So, she had stuff around my court for a couple of years and then she seemed to be okay because I didn't see her for a while. I lost touch with her.

Then, she started coming back every once in a while, just popped her head in to say, "Hello judge, I got my first apartment." "Judge, I got my first computer." "Judge, I'm getting my driver's license." Then I lost track of her again when I stopped presiding over the part and it was taken over by another judge. I lost touch with her for a few years, but I thought about her quite often.

One day, I'm in a big meeting, because now I'm the administrative judge in Queens County, and I'm at this big meeting and my secretary says there's a woman outside says she really needs to see you. I thought, I'll get around to it. By the time I came out, she was gone, but she had left a note and the note was simple. It was talking about what she had been doing. It was from Siobhan.

She had got a job at a dentist's office. "I've got a car. I got this, and I'm doing so well." And she ended it very simply. She simply wrote, "First of all, I just came to let you know that I was good." I sat there in the hallway with the court officers looking around and I think I screamed, "Siobhan, I *always* knew you were good!" It's just unbelievable, remarkable.

Then I left Queens County and I came out to Suffolk County and I'm no longer presiding over the trafficking court, but I was invited to go back to the anniversary of the beginning of the first trafficking part in Queens County and I go to the ceremony and it's wonderful and there's a lot of speakers and everybody's celebrating what we accomplished over 10 years and at the end they said they had a special surprise for Judge Camacho.

In through the door walked Siobhan, a mature beautiful woman with her little baby two-year-old boy, her husband and her mother, who'd she'd been estranged from for many, many years, and they're a wonderful, happy, healthy family. They both have great jobs and they are raising a beautiful two-year-old boy. It's just such a remarkable experience, a personal experience for me that I'll never forget.

John Caher: What a wonderful experience and wonderful story to have really affected somebody's life in that way. That's terrific.

Justice Camacho: Yep, and somebody said to me— I think it was her mother—she said to me, “Thank you so much for saving my daughter’s life, judge. I hope you understand and appreciate that you saved my daughter’s life.”

I'm thinking, I saved *her*? I saved this kid? I met her when she was 16 and I saved her? I thought to myself, when I first met her I was a 40-something-year-old judge who'd spent so many years in the criminal justice system, who's supposed to know better, and I'm playing, “let's make a deal,” and re-victimizing little kids, little children who were victims. Who really saved who? I think maybe we saved each other.

John Caher: That's a good way to put it. I guess human trafficking court is designed to do just that, to take a kind of a holistic view of the whole situation, correct?

Justice Camacho: I think that it's a realization of something that so many of the really courageous brave voices have been saying for years and years and years and no one would listen: We need to stop treating these children as just criminals. Until the law is actually changed and the Legislature comes around to changing the prostitution laws, I think that this is typically a court system response, they come riding to the rescue and this is the court system's response to injustice. The court system has acted as a leader in our criminal justice system.

John Caher: The summit, I thought, was extraordinary, also extraordinarily disturbing. From your perspective, what was the takeaway, not only for the judges from New York who were there, but nationwide? What's the takeaway message from that day and a half in Manhattan?

Justice Camacho: It was a great thing for me and I'll tell you why. I've been speaking about it since that day with Siobhan back in 2002. My kids used to say, “Dad's on his speaking tour again.” Everybody who would invite me to speak about trafficking, whatever college, law school, whatever organization, I would be there. For so many years, I saw the same faces, the same brave courageous advocates speaking out, talking to survivors.

For so many years, nobody was listening, *nobody* was listening. I used to bang my head against the wall. The Legislature wasn't listening, the DA's office wasn't listening, and it was five years of frustration. At some point, I don't know whether it was when Nick Kristoff that started writing about

it in the [New York] *Times* or at some other point, but people started listening.

The summit... was a remarkable collection of believers, of court leaders, prosecutors, of advocates, a collection of the people who are going to be able to make changes in the criminal justice system, and we were all talking about the same thing. We're all talking about our common interests. We're all talking about our common goals. Finally, after 13 years, people were listening, people were talking, people walked out of that room, of that conference, and they are going to go back to their states, Dakota, wherever, they were from all over the place, and they're going to start talking about the same issues that they have in their own communities. The word is getting out and we know that the court systems traditionally have been leaders and may be significant and leading the way and making significant social changes, positive changes.

I think trafficking is an example of that, and I am proud of what we have done in New York State, which Judge Lippman has been able to accomplish and what we've all been able to accomplish. We have been able to bring together law enforcement, prosecutors, the defense bar, advocates, social workers, survivors, victims and we have been able to find common interests and common goals and we have been able to work together. This is why we've never been able to accomplish anything before — because all these people were working, even though we're all on the same side, we were working at cross purposes. There was just no communication. We are now communicating. We are all working together to just end the evil that is commercial prostitution. I think with that [summit] it's going to get better and better and louder and louder and louder until we put an end to it.

John Caher: Let's hope so. I don't think anyone could come away from that summit without being moved and frankly feeling like their breath was knocked out of them. Well, thank you judge, thanks for your time and thanks for what you're doing in this field. You are making an enormous difference of course, as you mentioned with that one story, you are changing and probably saving lives.

Justice Camacho: Thank you so much, John. Thank you.

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](mailto:jcaher@nycourts.gov). In the meantime, stay tuned.