

Prostitution court views crime through different lens

Jon Hand, Staff writer 5:25 p.m. EDT October 3, 2013



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Jennifer Wolfley never thought she'd see the day.

The founder and director of outreach services for Paper Bag Ladies of Rochester, who privately counsels and assists prostitutes across the Rochester region, said she never thought she'd see the criminal justice system change its perspective on the women who sell sex, approaching them not as criminals but as victims.

It appears that day has come.

As of Wednesday, a portion of Rochester City Court now focuses specifically on women charged with prostitution and related charges, and deals with them as victims of human trafficking as opposed to just people breaking the law.

Instead of simply prosecuting the women — and less frequently, men — with the crime, they will be offered the services necessary to do a full “life makeover,” said Wolfley who has worked with that community for two decades.

“It's the very first time in thousands of years in our history that we've realized that a woman can be a victim and a criminal at the same time,” said Wolfley, who is also an adjunct professor at R.I.T. “When we take the prostitution out of things ... and call it human trafficking, it's a whole different ball of wax.”

City Court Judge Ellen Yacknin volunteered to administer the program — which is part of a statewide initiative by Chief Judge Jonathan Lippman — and will preside over the court, roughly scheduled to convene once a month. She estimated that between 100 and 120 individuals are charged with prostitution locally each year.

Typically, they are sent to jail on the misdemeanor charge for about 60 days, are let free, and recommit the offense. It is a frustrating cycle, Yacknin said, likening her new court with alternative drug treatment courts.

“They come in over and over and over, it's a cycle. They're out on the street, they get arrested, they're convicted, they're sent to jail and they don't get any help for the issues that they really have to address if they are really changing their lives,” she said. “And then they're back on the street again, and they come back to court and the cycle begins again.”

“These are people who have been subjected to years of abuse, both physically and emotionally, very often by pimps who have controlled their lives and had them out on the streets for the purpose of making money,” Yacknin said. “The goal is to treat them as victims to try to get them the help that they need, rather than have them come to court, be charged with a crime, be convicted and sent to jail.”

If the defendants sign a contract for the alternative program, Yacknin will coordinate with pre-trial services to connect them with resources for drug counseling, safe housing, mental illness treatment and other services. They are currently trying to find funding for a full-time case manager.

Participants are given the option: Stay with the services, try to change their lives and the charges could be dropped. Don't, and go to jail.

For the program to be successful, Yacknin acknowledged that more community resources will have to be made available, but delaying the start of the program to wait until those resources are available is not a good idea, Yacknin said.

“We're starting now and we hope to keep it going and make it better,” she said, adding that both prosecutors and defense lawyers are “on board with the program.”

“The lawyers who work in my court are definitely on board with it and if the goal is to make the community better and safer for everybody, the way it's been working up till now has not been changing the community. It's worth trying something else.”

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