

New York sets up special courts to handle prostitution and trafficking cases

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Wed Sep 25, 2013 11:34 AM EDT

NBCNews.com

The state of New York will begin treating most alleged prostitutes as victims rather than criminals, and seek to steer them toward medical treatment, job training and other social services to break the cycle of sex trafficking.

The highest-ranking judge in the state, Jonathan Lippman, announced the initiative Wednesday and said that it was the first of its kind in the United States.

The state is establishing special courts to handle the cases and expects most of them to be set up by the end of next month. Lippman said that the program could help thousands of people entangled in sex trafficking.

“It is in every sense a form of modern-day slavery,” he said.

Under the new system, all prostitution cases that go beyond arraignment will be referred to the special trafficking court, where a judge, prosecutor and defense attorney will confer.

If they determine that the defendant is a victim in need of help, they will refer the victim to tailored services — drug treatment, education, job training, health care or immigration help, for example.

Defendants who comply with the recommended services can have their charges dropped. In that way, the sex-trafficking initiative is similar to drug diversion programs in courts across the country.

“While these prostitution cases are criminal in every sense,” Lippman said, the special courts will make sure 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.”

David Bookstaver, a spokesman for the state courts, said that there was no cost to the taxpayer — the cost is absorbed by the service organizations, who are thrilled to help, he said.

Because fewer sex-trafficking cases will tie up the courts, “We have money in the long run,” he said. “But you’re saving people’s lives.”

Lippman said that the vast majority of people charged with prostitution crimes are commercially exploited or at risk of exploitation. In sex trafficking, someone profits by forcing another into prostitution, sometimes through debt or force.

Kathleen Rice, the president of the association of New York state prosecutors, said that she hoped the program would serve as a model for the rest of the country. Pilot courts have been established in Manhattan and Queens and on Long Island.

“I think it would be fantastic to see this happening in other states,” said Kate Keisel, the director

of Polaris Project New Jersey, part of a national organization that pushes for stronger laws against human trafficking.

She said that the New York initiative was notable in that it targets all forms of prostitution, not just minors. Twelve states have passed so-called safe harbor laws, which aim to treat minors as survivors, not criminals, when they are caught in the sex-trafficking system, according to a Polaris Project report issued this summer.

Keisel said that some advocates would like to see the criminal justice system focus on other parts of the sex-trafficking system — the johns and the traffickers themselves.

“If we’re not coming down harder on the demand and the individuals profiting, we’re focusing our efforts in the wrong direction,” she said.

Criminal justice experts are increasingly focused on the exploitation of girls. The judge, in remarks to the nonprofit group Citizens Crime Commission, made note that the typical age of entry into prostitution in the United States is 12 to 14.

Moreover, he said, few of their clients, and even fewer of the people who exploit them, are ever hauled into court, and victims of exploitation can pass unnoticed through the standard courts because they are afraid to reveal their circumstances.

“They were thought of not as victims, but as criminals, addicts, delinquents, incorrigible and profit-driven,” Lippman said. “Many still feel that way, but we have come a long way in our understanding of this complex problem.”

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