

Prostitution Diversion Programs

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The winner of the Peter F. Drucker Award for Non-profit Innovation, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how the justice system can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. The Center functions as the New York State court system's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions.

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Prostitution Diversion Programs

THE PROBLEM

Many communities across the country grapple with how best to respond to prostitution. Traditionally, some community members end up directing their outrage at the women and girls they see walking the streets, rather than the less visible pimps and traffickers.

In an area of the Bronx, for example, community members have been struggling for years to eradicate a hot spot of prostitution that is in clear view of an elementary school. "It hurts that we have to be going through this right in front of the school," said Tamika Salichs, a mother of two children at the school, in a *New York Times* article about the problem.

Law enforcement is often as frustrated as local residents are. "We can't pick them up for just standing on the street," said Officer Tony DiGiovanna of the NYPD. "A lot of times we bring them in, they get a slap on the wrist, and they're back on the street the next day."¹

¹ A Bronx Elementary School, Surrounded by Prostitutes. <http://www.nytimes.com/2011/01/03/nyregion/03bronx.html?scp=1&sq=a%20bronx%20>

In recent years, the problem of prostitution has only gotten more complex. In many places street prostitution has morphed into more organized, covert hotel and massage parlor operations that exploit both domestic and international trafficking victims. Advances in technology have allowed pimps and traffickers to coordinate their operations online. This has had the benefit of hiding prostitution from the community, but it comes at a cost: the further isolation of exploited women and girls.²

THE IDEA

People arrested for prostitution tend to cycle through the justice system again and again. Recognizing this, some justice practitioners are trying new approaches—rather than fines and jail time—to address the problems, such as trauma, abuse, and drug addiction, that keep many women and girls in “the life” of prostitution.

While prostituted populations are not limited to women and girls, this paper focuses on diversion programs in the New York City area that are working primarily with female populations.

“I think many still don’t realize how widespread coercion is,” said Kate Mogulescu, a Legal Aid attorney whose clients include those arrested for prostitution. “I think we’re still in a place of thinking that coercion only involves foreign-born women who are smuggled here. But there are many domestic cases of sex-trafficking as well.”

“The average age where a girl is forced into prostitution is 12 to 14,” Lauren Hersh, a prosecutor in Brooklyn, told *The New York Times*.³

elementary%20school,%20surrounded%20by%20prostitutes&st=cse

- 2 As Other Crimes Recede, Street Prostitution Keeps Its Wily Hold. http://www.nytimes.com/2012/02/13/nyregion/as-other-crimes-recede-police-crack-down-on-street-prostitution.html?_r=1&nl=nyregion&emc=ura1&pagewanted=all
- 3 How Pimps Use the Web to Sell Girls. http://www.nytimes.com/2012/01/26/opinion/how-pimps-use-the-web-to-sell-girls.html?_r=1

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domestic violence organization. “We need to recognize that arrest and prosecution only further stigmatize and punish women whose exploitation in prostitution reflects their lack of choice.”⁴

The Midtown Community Court has found that over 80 percent of the women arrested for prostitution in Manhattan report some form of past or present victimization, including childhood sexual abuse, sexual and/or physical

assault, or domestic violence. Although these women enter the criminal justice system as defendants, many frontline criminal justice practitioners have come to recognize that they suffer from chronic and complex traumatization—many were even trafficked as children.

Several courts in New York have created special programs that combine comprehensive assessments, court monitoring, and an array of supportive services. The idea is that by linking victimized women to services and support, the justice system can potentially help them build new lives. As Judge Fernando Camacho of Queens, New York, put it, “The goal is to give prostitutes an opportunity to get out of ‘the life.’”

- 4 Sarah Dolan, Advocate Counselor, Sanctuary for Families, Testimony before the New York City Council, June 27, 2011. <http://changingthecourt.blogspot.com/2011/06/stars-counseloradvocate-testifies.html>

HOW IT WORKS

Street prostitution was a significant problem in Midtown Manhattan when the Midtown Community Court opened in 1993. “It was very visible,” said Courtney Bryan, the project’s director. “The court quickly recognized that people arrested for prostitution had all kinds of social service needs, which included drug treatment, employment services, and housing.”

In response, staff at the Midtown Community Court developed the Services to Access Resources and Safety (STARS) program in 2009 to address the physical, sexual, and emotional violence that many prostituted women experience. The STARS program is designed as an alternative to jail. Court-based case managers/women’s specialists screen each client, looking for histories of trafficking and underlying trauma and then connecting participants to appropriate services, including domestic violence and sexual assault services provided by on-site partners.

The program is psycho-educational, applying evidence-based interventions to help women escape exploitation and avoid re-arrest. “What we’ve done is taken a trauma-informed approach, which means meeting your clients where they are,” said Miriam Goodman, Midtown’s clinical director. “The number one thing they are taught by their pimps is not to talk to anyone, and we say ‘Talk about it.’” During the initial assessment, social workers seek to engage clients and build trust while gathering information.

Over time, the Midtown Community Court has found that many women involved in prostitution are surrounded by unsafe and antisocial relationships. Court-based social workers counsel clients individually to encourage them to make a change in their lives, whether big or small.

A centerpiece of STARS is a multi-session counseling group that covers the following topics:

- **Orientation and Stereotypes.** Group rules, purpose, and expectations are established during the first session. The session names and explores stereotypes and judgments that society has about prostitution to normalize clients’ experience, and provide an outlet for potential anxiety about being judged by participants and counselors in the group.
- **Safety.** This session focuses on defining the concept of safety within the life of prostitution. Clients are asked to explore safe/unsafe places, people, and actions in their own lives.
- **Trauma and Affect Regulation/Relaxation.** A psycho-educational overview of trauma, trauma reactions, and trauma triggers is provided to clients. The second part of the session models relaxation techniques that assist clients in learning to control their physiological trauma reactions.
- **Arts Education.** Through a partnership with a local arts and cultural institution—the Museum of Modern Art in Manhattan—clients engage in creative outlets including workshops and museum tours.
- **Feeling Identification.** Clients learn to identify different feelings and to distinguish between internal and external feelings through the creation of an “inside of me/outside of me” feeling box. This exercise allows clients to begin to discuss their feelings in a group setting safely.
- **Legal Issues.** Criminal and immigration attorneys lead educational workshops to help clients understand their legal rights and the consequences of criminal activity.
- **Financial Literacy.** A session to promote economic self-sufficiency, clients explore such topics as basic banking, budgeting, and establishing/repairing credit. Pro bono financial planners and partner agencies can assist with individual financial counseling.
- **Cognitive Restructuring.** Clients explore the connection between their thoughts, feelings, and actions, and begin to practice new ways of thinking.
- **Healthy Relationships and Setting Boundaries.** This session addresses the difficulty in establishing boundaries in relationships. Clients are able to discuss and explore the types of relationships and boundaries that exist in their lives, and how they relate to their safety.

One Case

Lizzie was sexually abused from age 2 to 12 by her stepfather and others, and physically and emotionally abused by her mother. Lizzie was 12 when Lizzie's mother kicked her out. With no money, no food, and nowhere to go, Lizzie became involved with a pimp and entered the life of prostitution. 20 years later, Lizzie was homeless, struggling with addiction, and had been arrested over 100 times.

"The social workers in the STARS program...helped me realize that I needed to make changes in my life."

—Lizzie

For many experts who work with women and girls in prostitution, Lizzie's story is typical. "The multiple experiences of sexual abuse at such a young age ingrained in her a belief that she was worth nothing; this is very common with survivors of childhood sexual abuse," said Miriam Goodman, clinical director at the Midtown Community Court. Midtown was the first court to treat Lizzie as a victim. The court linked her with mental health and career counseling and helped her get on a path to leave the life of prostitution.

"What made the Midtown Community Court different from the other courts that I've been to is that they offer individual therapy," said Lizzie. "The social workers in the STARS program...helped me realize that I needed to make changes in my life."

Lizzie got a job and moved into a reunification shelter for mothers and children. "With the help and the support that I had with Midtown Community Court, I made some wonderful steps," Lizzie said.

CHALLENGES

Because of the complex issues this population faces, prostitution diversion programs have found they need to measure success in a variety of ways, and not just through recidivism.

"You have to look at how many have orders of protection against their traffickers, how many have jobs, how many have a place to live," said Sarah Dolan of Sanctuary for Families, who added that measuring only recidivism may not provide an accurate picture of the strides these women and girls make in diversion programs.

"I measure success in multiple ways," added Miriam Goodman. "If a woman calls our program just to check in: success. If a woman decides she wants to get out of the life: success. I think a lot of programs are set up to remove the women from the life of prostitution as quickly as possible, and that's almost a set up for failure. It doesn't happen overnight. But over the long term this program can make a difference."

Responding to Non-Compliance

Ultimately, the goal of the diversion programs is to reduce the justice system's use of incarceration as a response to prostitution and help victimized women leave the life of prostitution.

"The goal is to give these kids an opportunity to get out of the life."

—Judge Fernando Camacho

"Prostitution is a class B misdemeanor. It's a crime. But every case is different," said Kimberly Affronti of the Queens County District Attorney's Office.

Diversion programs take into account the numerous barriers that prostituted women face that make compliance difficult. Just as addicts often suffer relapses before successfully achieving sobriety, women and girls arrested for prostitution may continue to get arrested before they achieve safety.

“Because of the complexities of these situations, it requires multiple engagements for most people,” said Courtney Bryan.

At the Midtown Community Court, staff review cases weekly, including reports from partner agencies, so that they can respond immediately if a client is non-compliant. If defendants do not comply with the mandate, the judge often uses a set of graduated sanctions to encourage compliance, such as adding services or increasing the frequency of court visits.

Meeting with staff regularly, as well as returning to court to see the judge, provides a support system that gives prostituted women an opportunity to sever ties with pimps and traffickers. “For me, being in front of the Midtown judge was a great eye opener,” said Lizzie. “He gave me another chance.”

ADAPTATIONS

Courts in Queens and the Bronx have also implemented programs to help women and girls leave the life of prostitution.

Bronx Community Solutions

Bronx Community Solutions, which offers alternatives to incarceration for misdemeanor offenders in the Bronx, worked to adapt the STARS program model.

The first step was to collaborate with the district attorney’s office to encourage consistency. “We tried to have all prostitution cases come before the same judge,” said Maria Almonte, the project director of Bronx Community Solutions. “This provides consistency for individuals with otherwise tumultuous lives, aids them in accessing services, and helps ensure accountability.” Bronx Community Solutions focuses its efforts on five police precincts in the Bronx where prostitution is most problematic. “It’s become institutionalized that these cases are referred to us,” Almonte said.

Bronx Community Solutions has partnered in this effort with Sanctuary for Families, a non-profit that works with victims of domestic violence and sex-trafficking victims and the victims’ children. A resource coordinator from Bronx Community Solutions stationed in the courtroom flags potential cases, and then a caseworker conducts an individualized needs assessment to determine which services would be most helpful. An advocate counselor from Sanctuary for Families provides follow-up counseling and links to other services.

Sarah L. Dolan, the advocate counselor, said that having an intermediary between the client and the court ensures that clients with histories of victimization do not feel further threatened by the justice system. “The clients have an advocate there seeing them throughout the entire process. That we are located right in the court is critical,” she said.

The Queens County Prostitution Diversion Court

The Queens program developed through a slightly different course than the diversion programs in Midtown and the Bronx. The Queens model developed by Judge Fernando Camacho—and now led by Judge Toko Serita—was developed before the STARS program, relying on off-site service providers such as Girls Educational & Mentoring Services, Sexual Assault and Violence Intervention Program, and the New York Asian Women’s Center.

When Judge Fernando Camacho saw the same women and girls cycling through the system and getting short stints in jail, he started looking for another way. “It became clear to me,” Judge Camacho said, “that once they were on the street, on the track, and in the life, it was not so easy, if not downright impossible for them to leave.”

Where Midtown developed specific programming in the court, Queens tapped into preexisting service providers in the community and integrated them into the process. Now all prostitution cases in Queens are handled by the same judge, Judge Toko Serita, and a dedicated prosecutor.

“The goal is to give these kids an opportunity to get out of ‘the life,’” Judge Camacho said.

TECHNICAL ASSISTANCE

Since 1996, the Center for Court Innovation has helped dozens of jurisdictions develop programs that respond to violence against women, whether domestic violence, sexual assault, or prostitution and trafficking.

The Center for Court Innovation is able to provide a variety of services, including on-site support, site visits to prostitution diversion courts, peer-to-peer contacts, and planning materials.

For more information about planning and implementing a prostitution diversion court contact the Center for Court Innovation at expertassistance@courtinnovation.org or 646.386.3100.

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