

**Written Comments of The Bronx Defenders
New York City Council
Joint Hearing of the Committee on Courts and Legal Services and the Committee on
Women's Issues
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My name is Avery McNeil and I am a staff attorney at The Bronx Defenders and I am our coordinator for the Human Traffic Intervention Court. Thank you to the committees for this opportunity to discuss the effectiveness of the intervention court in the Bronx and make recommendations for crucial reforms.

As Coordinator for our office's work in the Human Trafficking Intervention Part, I represent the majority of our clients who are charged with prostitution and loitering for purposes of prostitution. If the goals of the part are only to connect sex workers to services, to prevent them from being branded for life with stigmatizing criminal convictions, and to treat them with compassion not exhibited for our clients in other courtrooms, then the human trafficking intervention court is working. However, for all the progress we are seeing in the Bronx, this system assumes that a positive way to connect sex workers with services and break the cycle of trafficking is to arrest sex workers. This assumption is false and grossly discounts the trauma of an arrest.

Even where the current system works perfectly, all of our clients have been humiliated by the process. They've been pulled off the street in handcuffs. They've been be shoved in the back of a paddy wagon. They've been forced to ride around handcuffed for hours. When they get to the precinct, they are packed into cells and subjected to harassment, and threat of physical and sexual violence. Transgender women are trapped in cells with men. They are transported from the precinct to central bookings in the courthouse chained to other arrestees. At the precinct, they are printed, photographed and processed, and clients have reported being propositioned for sex in exchange for a Desk Appearance Ticket and the chance to go straight home.

Those who do not get a DAT are bused to central bookings, where they again wait in large holding pens with other arrestees. They endure the embarrassment of a communal toilet which is open to the cell. The wait to meet an attorney and to see a judge means that these clients have often spent at least a night in bookings away from their children, jobs, school and other responsibilities, further contributing to their trauma and destabilizing their lives. For transgender women that means a night in a holding pen with men, or if they are "lucky," a night in an isolated cage, segregated from other arrestees. One transgender client of mine told me that

she would take any offer, but she would not come back to court to fight her case if it meant being transported in a prisoner van, chained to men who heckled and pawed at her.

The humiliation for this vulnerable population continues when they are brought out before the judge. Handcuffed, they enter the courtroom to the stares and snickers of the officers and the audience. They are sized up, and subjected to not-so-whispered comments on their appearance. For transgender clients, their birth name and not their preferred name is used by the court staff.

Clients are forced to endure this is the gauntlet of humiliation, harassment, and potential exploitation to get “help.” Crucial changes should be implemented immediately in order for us to avoid being complicit in the exploitation of this vulnerable population. We propose:

- 1) The resources that are being poured into arresting, processing, and booking these clients should be reallocated to community based programming which provide counseling, job training, and affordable housing.
- 2) A pre-arraignment diversion program should be created so that clients can be connected with services before being processed through the system. Programs like this are being piloted for adolescents.
- 3) A mandatory desk appearance ticket (DAT) policy should be implemented immediately for all people charged with these offenses, regardless of criminal record or warrant history, allowing all clients to leave from the precinct and eliminate the dangers and humiliation of a night in central bookings.