

FINAL REPORT

To: Eva McGann, NTTAC Coordinator

From: Jee Park, New Orleans Racial Justice Improvement Task Force (RJIP)

Date: April 21, 2014

NTTAC TTA Tracking No: 20140112-211405-LA

SUMMARY:

On March 20-21, 2014, the New Orleans Racial Justice Improvement Project (RJIP) Task Force (hereinafter “Task Force”) participated in a training by the Center for Court Innovation (CCI) and conducted a peer-to-peer site visit of the Queens Criminal Court. The following Task Force members participated in the training and the site visit:

- Shaquita Borden (Women With a Vision)
- Mark Burton (District Attorney’s Office)
- Judge Desiree Charbonnet (Chief Judge of New Orleans Municipal Court)
- Deon Haywood (Women With a Vision)
- Charlene Larche-Mason (City Attorney’s Office)
- Jacob McCarty (Orleans Public Defenders)
- Jee Park (Orleans Public Defenders)
- Sgt. Anthony Rome (New Orleans Police Department)
- Salma Safiedine (American Bar Association)¹

On Thursday, March 20, 2014, Danielle Malangone, Associate Director of Technical Assistance from CCI, and Miriam Goodman, Coordinator of Trafficking Programs from CCI, greeted the members of the Task Force and provided an overview of CCI’s work and its community court programming. Following this brief introduction, the group engaged in a discussion specifically about prostitution diversion and human trafficking programs in New York City. Through an interactive presentation, Ms. Malangone and Ms. Goodman shared information about the following: guiding principles of the community court programs; community court results; importance of understanding trauma experienced by participants of the diversion programming; importance of identifying stakeholders and how to best coordinate resources and collaborate effectively; and how to provide effective clinical interventions for participants. This presentation and discussion was complemented with a roundtable discussion with Jennifer Dolle, Assistant District Attorney for the Manhattan District Attorney’s Office and Kate Mogulescu, Supervising

¹ Salma Safiedine is not a member of the New Orleans Racial Justice Improvement Project Task Force. Ms. Safiedine is the Executive Director of ABA’s Racial Justice Improvement Project. She participated in the site visit with the Task Force for the first day only, Thursday, March 20, 2014. The Task Force did not seek funding for Ms. Safiedine’s participation.

Attorney for Legal Aid Society. They offered their respective office's approach to prostitution cases and women and men arrested for sex work.

On Friday, March 21, 2014, the Task Force met with Robyn Mazur, Director of Special Projects, and Katie Crank, Coordinator of Domestic Violence Programs, from CCI. Ms. Mazur and Ms. Crank escorted the Task Force to Queens Criminal Court. In Queens, the Task Force observed Judge Toko Serita, who presides over the Human Trafficking Intervention Court, Queens Misdemeanor Treatment Court and Queens Mental Health Recovery Court. The Task Force was able to see the different stakeholders (judge, assistant district attorney, public defender, service providers) participating in the court process, and setting expectations and coordinating services for the defendants/victims. After court, the Task Force met with Judge Serita, her court staff, different service providers who were in court with the defendants/victims, the assistant district attorney and the public defender.

A complete agenda of the two-day training and site visit is attached. Also, attached is CCI's powerpoint presentation.

LESSONS LEARNED BY THE TASK FORCE:

The Task Force is composed of different criminal justice system stakeholders representing various perspectives and approaches to criminal justice issues. Different aspects of the New York diversion and community court programming resonated with different members. Below are three points most Task Force members took away from the training and site visit:

1. **Trauma Informed Intervention:** Task Force members became sensitized to the importance of understanding the lasting adverse effects of trauma, and how women and men in sex work are exposed to trauma. Due to traumatic experiences such as sexual abuse, verbal or emotional abuse, poverty, neglect and others, many women and men in sex work appear disengaged and disconnected when they appear in court. The Task Force learned how not to pass judgment and jump to conclusions by how one behaves in court. Additionally, the Task Force learned how to identify and treat women and men arrested for sex work as victims of the sex trade and not simply as offenders deserving of prosecution and punitive plea offers and sentences. This important shift in perspective will enable the Task Force to more fully understand the dynamics of the sex trade and its exploitation of the sex worker.
2. **Defining Goals and Success:** Many diversion programs measure and define success by recidivism, i.e. did John Doe who completed the diversion program reoffend? Unfortunately, due to the nature of the sex trade, it is very difficult, if not seemingly impossible, for women and men engaged in sex work to leave the sex trade. The Task Force learned that it cannot measure success in terms of recidivism rates. It must redefine success and implement other performance measures focused on other positive outcomes

such as harm reduction, access to services, voluntary engagement of continued services, attendance in court and others.

3. **Brevity of the Diversion Programming:** Task Force learned that the prostitution diversion program in New York lasts 5 sessions. Those 5 sessions can be completed once a week or twice a week, depending on the service provider's capacity and the participant's schedule. It is a relatively short program that aims to connect women and men to services and community partners. Task Force realized that its programming requirements must be harmonized with the Task Force's goals. If a goal of the New Orleans prostitution diversion program is to reduce harm in the lives of sex workers and connect them to real services and community organizations that will engage with them in a holistic manner then the programmatic requirements can be shorter.

CENTER
FOR
COURT
INNOVATION

SITE VISIT FOR NEW ORLEANS ABA REGIONAL JUSTICE IMPROVEMENT PROJECT

MARCH 20-21, 2014

Center for Court Innovation

520 8th Ave., 18th Fl., New York, NY 10018

Guests:

Mark Burton, Magistrate and Municipal Court Supervisor, Orleans Parish District Attorney's Office

Judge Desiree Charbonnet, Chief Judge, New Orleans Municipal Court

Sgt. Anthony Rome, Investigative Support Bureau, New Orleans Police Department

Deon Haywood, Executive Director, Women With A Vision

Charlene Larche-Mason, Chief Deputy City Attorney, City of New Orleans, Traffic and Municipal Law Department

Jacob McCarty, ABA Regional Justice Improvement Project Facilitator, HIV Liaison/Louisiana Delta Service Corps, Orleans Public Defenders

Jee Park, Special Litigation Counsel, Orleans Public Defenders

Salma Safiedine, Program Director, ABA Regional Justice Improvement Project

March 20, 2014

Hosts:

Danielle Malangone, Associate Director, Technical Assistance, Center for Court Innovation

Miriam Goodman, Coordinator, Trafficking Programs, Center for Court Innovation

- 1:00** **Arrive at the Center for Court Innovation**
520 8th Avenue (btwn 36th and 37th Streets), 18th Floor
- 1:00 – 1:30** **Overview of the Center for Court Innovation and Community Courts**
Danielle Malangone, Center for Court Innovation
- 1:30 – 2:00** **Prostitution Diversion and Human Trafficking Programming**
Miriam Goodman, Center for Court Innovation
- 2:00 – 3:00** **Roundtable Discussion with Key Stakeholders**
Jennifer Dolle, Assistant District Attorney, Manhattan District Attorney's Office
Abby Swenstein, Staff Attorney, Trafficking Victims Advocacy Program, Legal Aid Society
- 3:00 – 3:15** **Break**
- 3:15 – 3:45** **Effective Clinical Interventions for Victims**
Miriam Goodman, Center for Court Innovation
- 3:45 – 4:15** **Debrief and Next Steps**

March 21, 2014

Hosts:

Judge Toko Serita, Presiding Judge, Queens Human Trafficking Intervention Court

Robyn Mazur, Director of Special Projects, Violence Against Women, CCI, 646-528-5339 (mobile)

Katie Crank, Coordinator of Domestic Violence Programs, CCI

8:30 – 9:30 **CCI Staff Meet New Orleans Team at Penn Station and Travel to Queens Criminal Court**

9:30 – 10:00 **Overview of Site Visit/Meeting with Judge Serita**

Discuss goals and learning objectives for the trip and understand:

- The purpose and goals of the court
- Overview of court history, operations and staffing

10:00 -12:00 **Court Observation:**

Objectives:

- Identify what is critical to an efficient and effective diversion calendar
- Outline the role of stakeholders in the operations of the court

12:00 – 1:00 **Lunch and Debrief with Judge, CCI and Stakeholders**

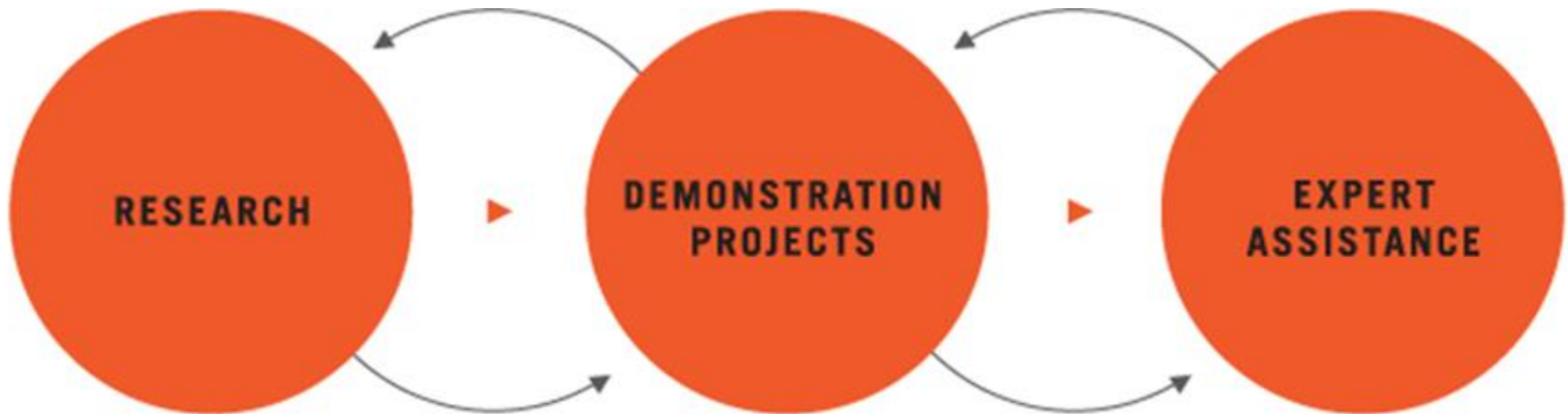
1:00 – 2:00 **Meeting with Salma Safiedine**, Program Director, ABA Regional Justice Improvement Project

Human Trafficking and the Courts

New Orleans Site Visit

March 20, 2014

The Center's Work



Human Trafficking and the State Courts Collaborative

- ▶ Human Trafficking & the State Courts Initiative
 - ▶ Funded by the State Justice Institute
 - ▶ Partnership between:
 - ▶ Center for Court Innovation
 - ▶ Center for Public Policy Studies
 - ▶ National Judicial College
 - ▶ Focus on training and technical assistance for new or existing courts addressing prostitution & trafficking
 - ▶ <http://www.htcourts.org>



What is a Community Court?

- ▶ Neighborhood Focus
- ▶ Harness Power of Justice System
- ▶ Help Community Solve Local Problems and Aid Victims



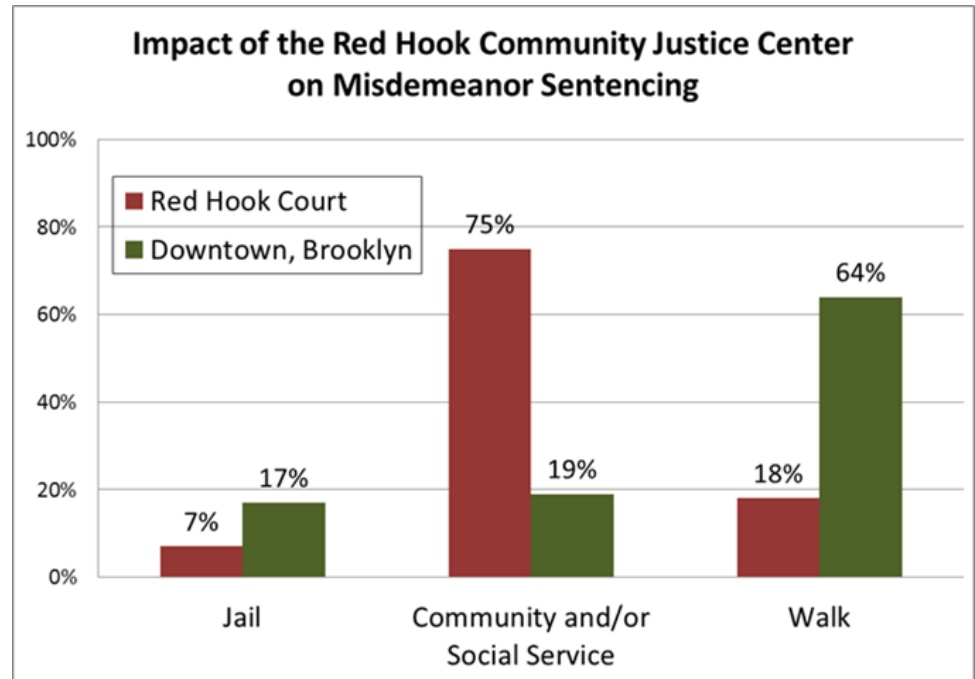
Six Guiding Principles

- ▶ Enhanced Information
- ▶ Community Engagement
- ▶ Collaboration
- ▶ Individualized Justice
- ▶ Accountability
- ▶ Outcomes



Community Court Results

- ▶ Reducing Crime
- ▶ Increasing Accountability and Repairing Disorder
- ▶ Changing Sentencing Practices
- ▶ Improving Public Trust
- ▶ Saving Money



Court-Based Responses to Human Trafficking

- ▶ New York State Human Trafficking Intervention Courts
 - ▶ The Queens Model
 - ▶ Midtown Community Court / WISE
 - ▶ A trauma-informed program that applies evidence-based interventions for women involved in prostitution



Trauma: What is it and why does it matter?

- Results from an event, series of events, or set of circumstance that is experienced by an individual as physically or emotionally harmful or threatening and that lasting adverse effects on the individual's functioning and the individual's psychological, social, emotional or spiritual well-being
- Micro (interpersonal trauma) and Macro (systemic trauma and oppression) experiences

Context of Trauma Histories





Secrecy

Shame

Examples of traumas:

- Childhood Sexual Abuse
- Childhood Physical abuse
- Verbal/Emotional Abuse
- Domestic/Sexual Violence
- Poverty
- Rape
- Neglect

Silence

What makes these cases different from other cases you may see?

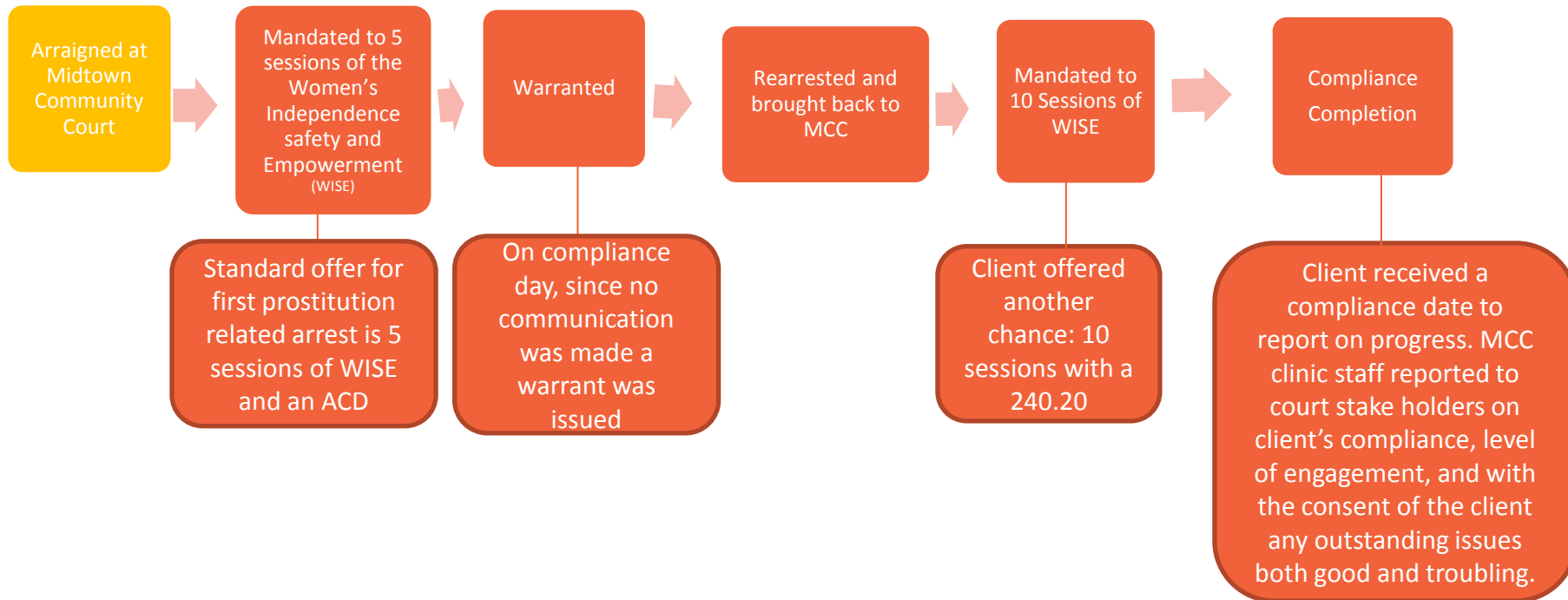
- ▶ Complex trauma
- ▶ Pimp/trafficker
 - ▶ Recreation of family
 - ▶ Creation of “the life”
 - ▶ Stigma/Judgment
- ▶ Recidivism: Victim/Defendant
 - ▶ Leaving can take time
 - ▶ Continue to commit “crime” while being trafficked

Coordinating Resources: Key Components

- ▶ Dedicated Stakeholders: Judge, Attorneys, Providers,
 - ▶ Who's who?
- ▶ Consistency
- ▶ Flexibility
- ▶ Communication
- ▶ Collaboration
- ▶ Screening/Assessment
- ▶ Meaningful and appropriate intervention:
 - ▶ Short term – what is the crime worth?
 - ▶ How meaningful can a short term mandate be?
 - ▶ Trauma-Informed/Focused
 - ▶ Incorporate a range of providers: health, education, housing, medical, mental health, substance use

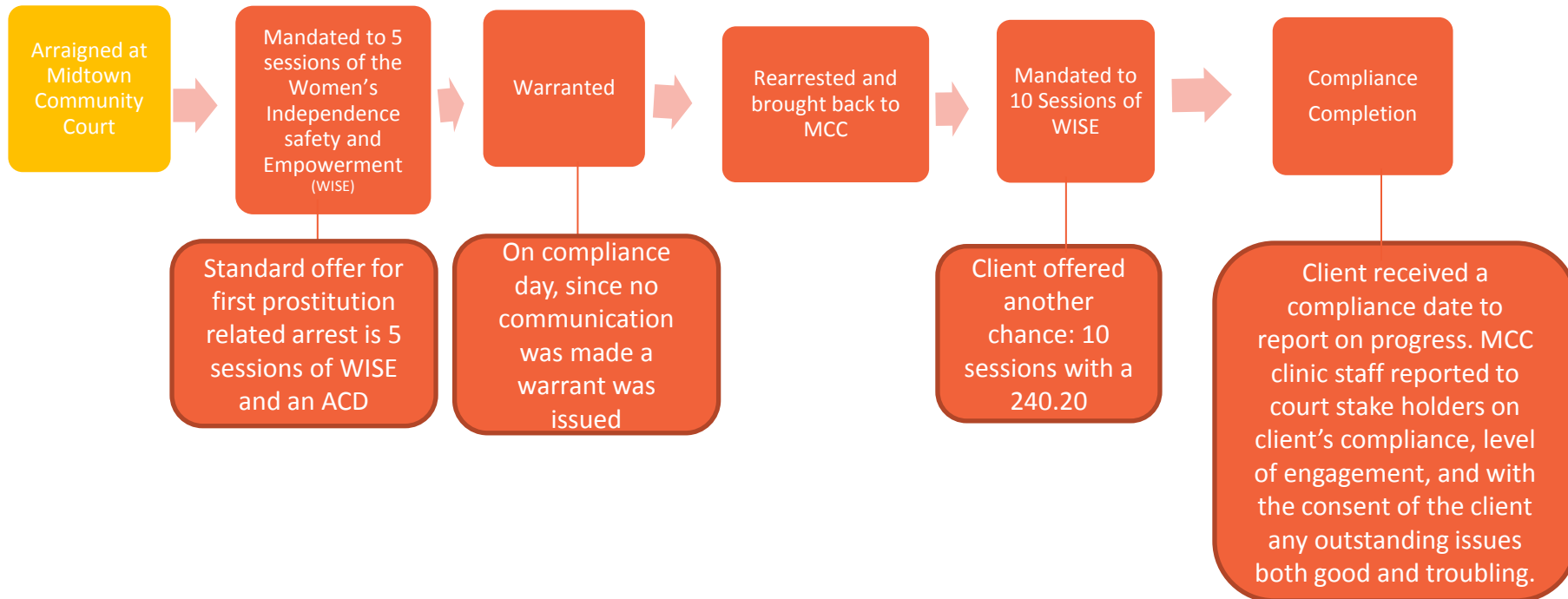
Dedicate Stakeholders: Who are your resources?

Judge
Defense Counsel
Prosecutor
Onsite clinical staff



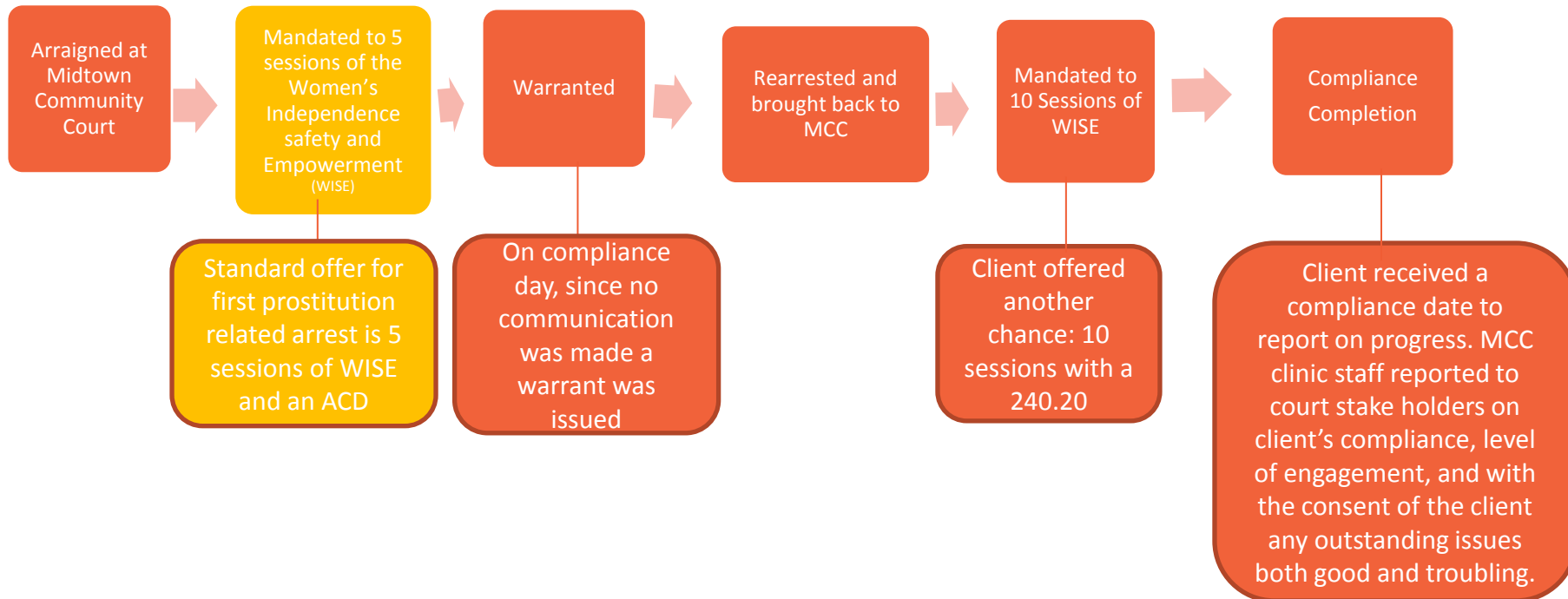
Dedicate Stakeholders, Communication, Collaboration:

- Who is responsible for what?
- What mechanisms and protocols (like case reviews, stakeholder meetings) are in place to support communication?



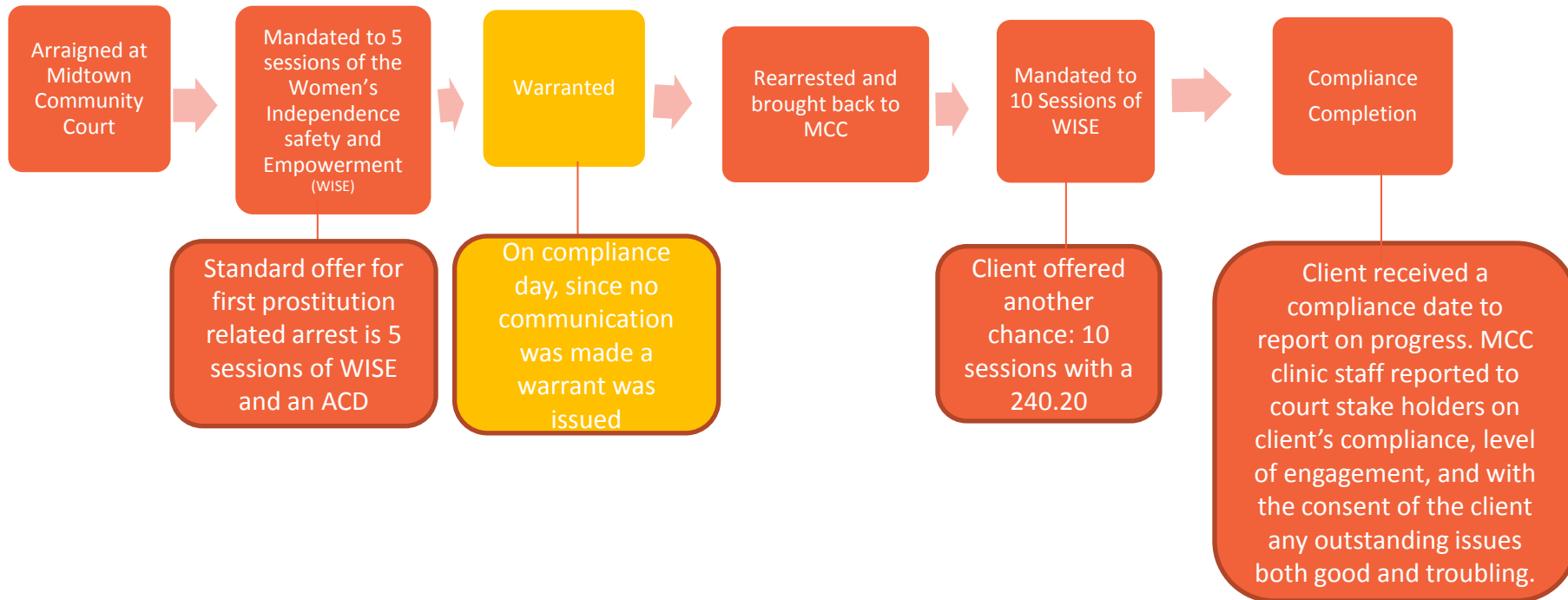
Consistency

Standard offer
All stake holders in agreement
Consistent intervention



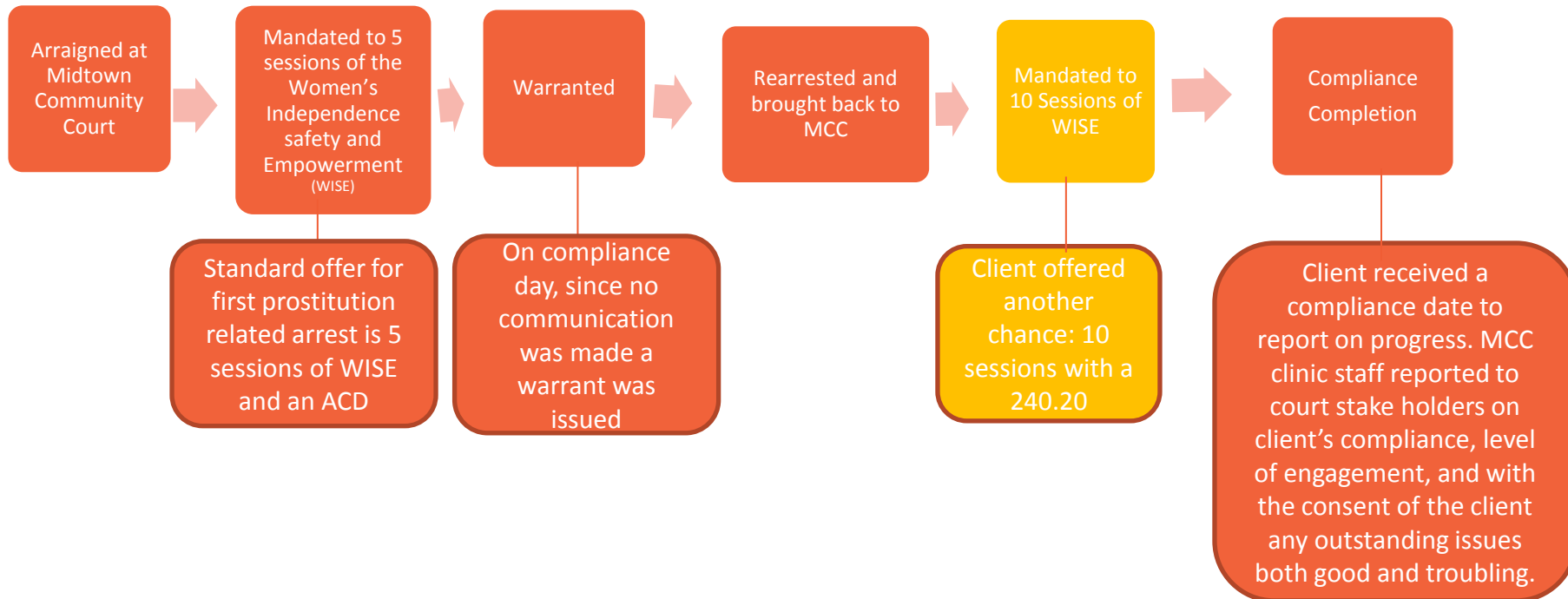
Communication

- Communication between necessary stakeholders: Do you have any information that I don't that may be helpful?
 - Phone number
 - Address
- Client's non-compliance is communicated to the court



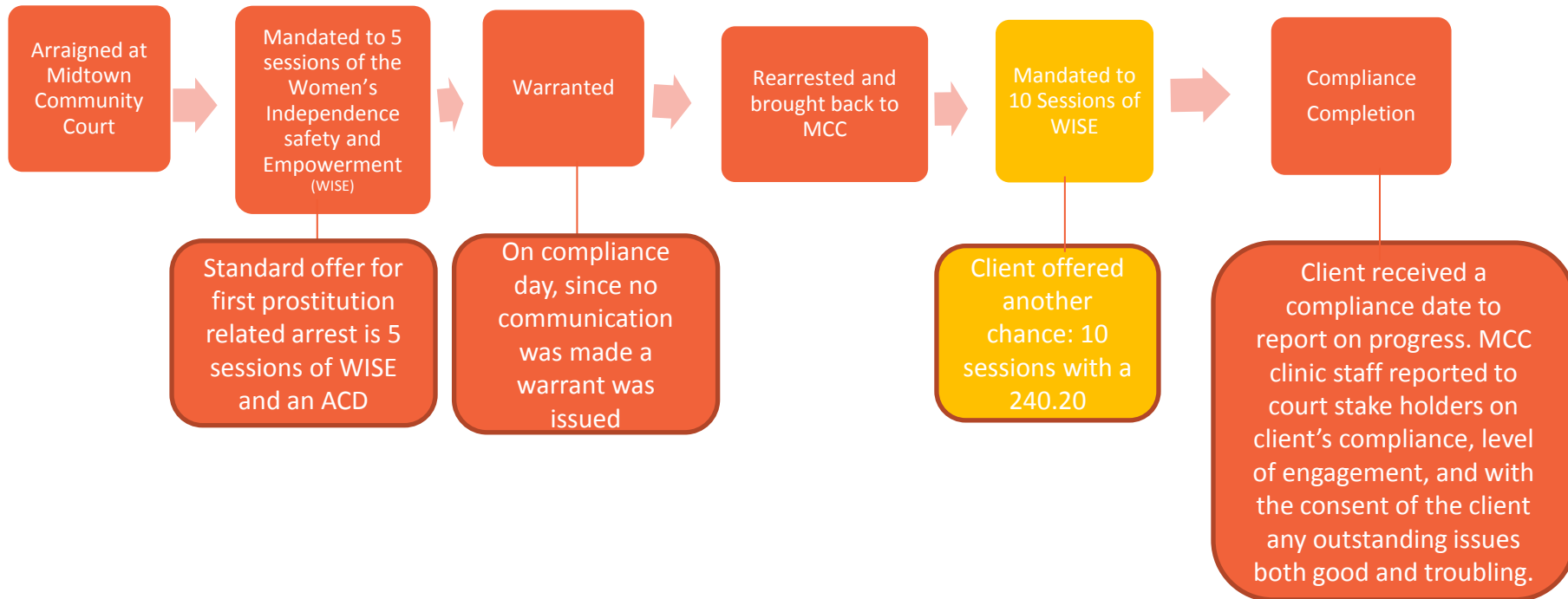
Flexibility, Communication, Collaboration

- Second (and third and fourth) chances
- Communication between stakeholders:
 - Who is this client?
 - What's going on?
 - Can we try something different?



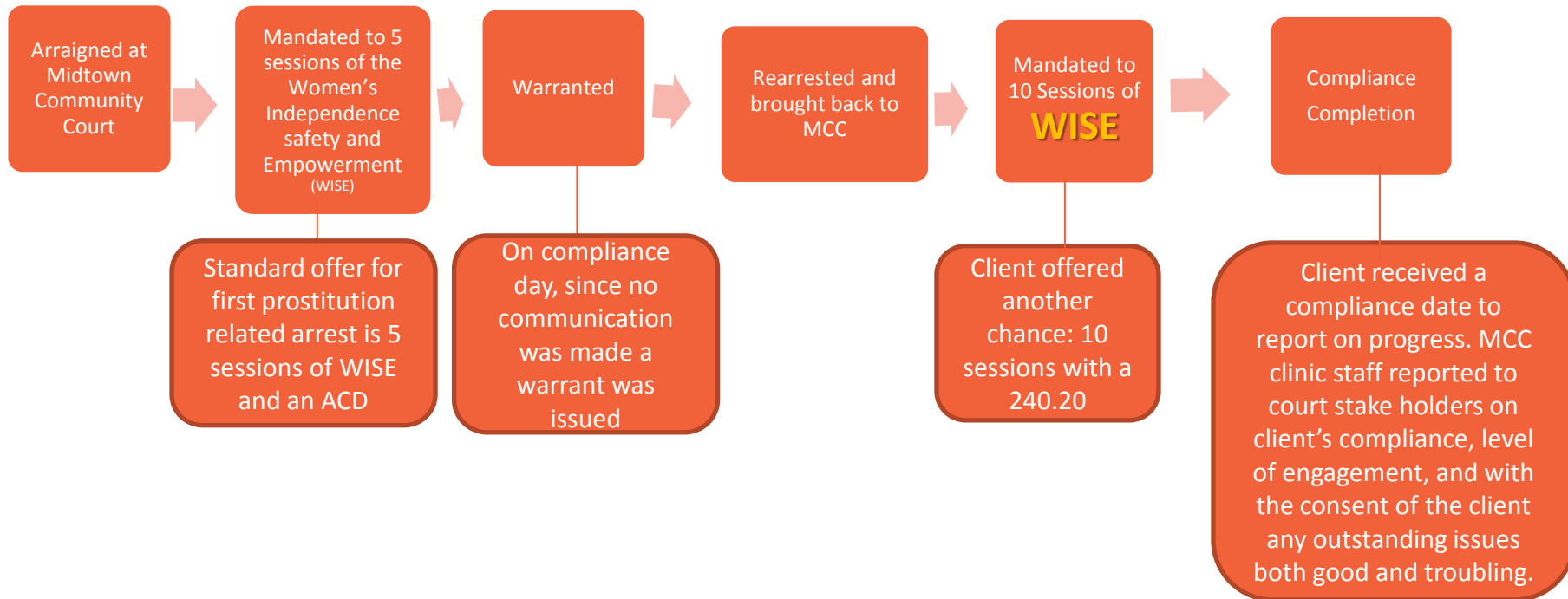
Screening and Assessment

- Screening: Brief
- Assessment: Comprehensive psychosocial



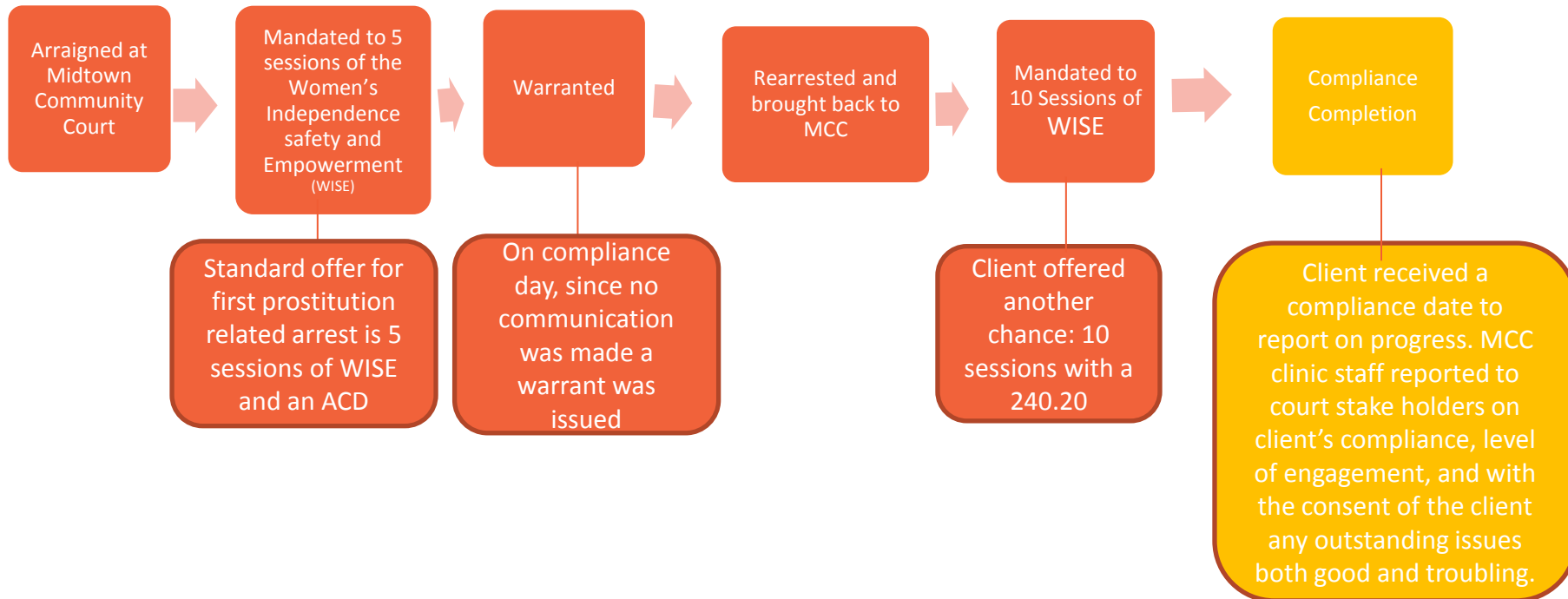
Meaningful Intervention

- Short term – Can that be meaningful?
- Trauma- Informed
- Range of providers
- Collaboration between providers



All Together

- It takes all key components working together to get to this point!



Takeaways

- ▶ Court and court stake holders can be the first place and people to begin creating safety
- ▶ Communication
- ▶ Training
- ▶ Partnerships

Effective Clinical Interventions for Victims

- ▶ Goal: engagement and support
- ▶ Trauma-informed and strengths-based
 - ▶ Remove stigma/pathology
 - ▶ Breaking silence
 - ▶ Self-determination
 - ▶ Honoring survival
- ▶ Community of services
 - ▶ Basic: food, shelter, clothing
 - ▶ Crisis
 - ▶ Drug treatment
 - ▶ Counseling
 - ▶ Education
 - ▶ Employment
 - ▶ Ongoing support – “Keep showing up”

Trauma Reactions:

A new lens to understand challenging behavior

▶ Intrusive thoughts/feelings

- ▶ The client who reports that she is unable to sleep/has racing thoughts
- ▶ The client who reports physical pain, but no doctor can offer a medical explanation

▶ Avoidance

- ▶ The client who never comes in to do their mandate
- ▶ The client who shows no affect

▶ Hyperarousal

- ▶ The client who cannot sit still
- ▶ The client who cannot focus during assessment
- ▶ The client who continuously interrupts you

▶ Reenactment

- ▶ The client who needs to talk and take control over the session

▶ Dissociation

- ▶ The client who starts talking with a different voice or attitude
- ▶ The client who completely checks out during an interview/session
- ▶ The client who shows no affect while talking about traumatic events

Women's Independence Safety and Empowerment (WISE)

- ▶ Evidence-informed programming
- ▶ A closed group that runs for 10 sessions, meeting twice a week for two months
 - ▶ 8 group sessions and 2 individual sessions
- ▶ 5 Key Components:
 - ▶ Assessment
 - ▶ Group Counseling
 - ▶ Individual Counseling
 - ▶ After Care Planning
 - ▶ Voluntary Engagement

Program Objectives:

Women's Independence Safety and Empowerment WISE Program

- ▶ Provide a safe space for women to support each other's experiences with prostitution, so that they may build relationships, create community and decrease isolation and shame
- ▶ Teach participants safe ways to cope with unsafe situations and feelings
- ▶ Facilitate psycho-education on trauma and reactions to normalize participants' personal experiences and responses
- ▶ Inform clients about their legal rights/responsibilities and explore the consequences of their actions
- ▶ Orient participants to job training services and make referrals for longer-term training
- ▶ Provide women with the opportunity to be involved in cultural and artistic experiences
- ▶ Explore obstacles that lead to re-arrest and victimization
- ▶ Identify victims of human trafficking, erode cultural acceptance of abusive and exploitative behaviors, and refer to appropriate legal and social service providers

Questions?

Danielle Malangone

(646) 386-3840

malangoned@courtinnovation.org

Miriam Goodman

(646) 386-4457

goodmanm@courtinnovation.org

www.courtinnovation.org

<http://www.htcourts.org>

