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# Sexually Exploited Youth: A View From the Bench

## by Hon. Fernando Camacho

**In the winter of 1985, during the early morning hours of the "lobster" arraignment shift at 100 Centre Street,** amid chuckles from the audience, the scantily-clad kids with the sad faces would walk out of the holding pens and face the judge. I, as the Assistant District Attorney, would recommend thirty days in jail. My friend Mike Piniero, the Legal Aid attorney, would ask for ten days. Judge Herb Adlerberg would peer down at the trembling teenagers and, as the mascara streaked down their tear-stained faces, he would offer them twenty days in jail. In a barely audible whisper they would take the plea. As they were being led back to the cells, I would avoid their gaze so as not to look into vacant eyes that reflected an innocence lost and a soul in turmoil.

Twelve years later, in Brooklyn Criminal Court, I saw the same young faces all over again as I presided over their arraignment as a Criminal Court Judge. The same script was repeated and I reluctantly played my part: "The Court's offer is twenty days in jail."

I have since come to appreciate that this approach to cases involving teenagers charged with prostitution is, to a large degree, shaped by certain misconceptions that continue to impact the criminal justice system's treatment of sexually exploited youth.

Many of us assume that the overwhelming majority of women engaged in street prostitution in New York City are mature adults. In truth, many are not. Children's advocates estimate that there are roughly five thousand youths involved in prostitution in New York City and the average age of entry into prostitution in the city is between twelve and thirteen years old.[1] New York City is home to more than two thousand sexually exploited youngsters under the age of eighteen.[2] Outreach workers report that they have come across children as young as eight years old who are forced into prostitution.[3]

Recent prosecutions of alleged pimps by the Queens District Attorney for charges including Promoting Prostitution, Kidnapping, and Endangering the Welfare of a Child included the following alleged victims: a twelve year old; another twelve year old girl who had turned twelve a mere four days earlier; thirteen and fourteen year old runaways; a thirteen year old; another thirteen year old; a fifteen year old runaway who was locked in a basement for one month; another fifteen year old kidnapped by a "Bloods" gang member, allegedly forced to have sex with strangers until she was able to escape by running naked into the street; and a twelve and seventeen year old who were allegedly forced into prostitution.

Over the last several years, I vacated numerous criminal convictions of girls who were eleven, twelve, and thirteen years old when they took adult pleas. They lied about their ages on the instructions of pimps who found it difficult to secure their release from the juvenile justice system. The ugly truth is that many of those charged with prostitution are in fact kids, not mature adults, and their decisions are far from knowing and intelligent.

In the past we have based our criminal justice policies on the false assumption that all women who enter the world of prostitution are free to leave at any time. This is rooted in a lack of understanding of who many of these women are, where they come from, and what they face once they enter the "game." In fact, many are throwaways and runaways from dysfunctional homes where they suffered physical, psychological, and sexual abuse.[4] As one survivor explained:

> We've all been molested. Over and over, and raped. We were all molested and sexually abused as children. Don't you know that? We ran to get away. . . . We were thrown out, thrown away. We've been on the streets since we were twelve, thirteen, fourteen."[5]

Young, frightened, and homeless, many find themselves in unfamiliar places — bus and train stations, homeless shelters, and group homes, where they are driven into the arms of an older male, a pimp, who promises them, sometimes for the first time in their young lives, friendship, security, and a sense of belonging to a family.

Comparisons between pimps and batterers are inescapable. Some years ago, a defendant in a domestic violence case pending in my court was the victim's pimp. The victim was sitting in the first row of the courtroom waiting to speak to the prosecutor. When the case was called the defendant calmly walked toward the bench and, as he reached the first row, stopped by the victim, cocked his fist

and knocked her unconscious. She lay motionless on the floor as dozens of court officers, attorneys, litigants, and one bewildered judge looked on. He could have done this to her on the street but instead he chose to do it in the courtroom, to send a message — ***I own you and no one can protect you from me*** — not the police, not the prosecutor, and certainly not the person in the black robe sitting under the sign that reads In God We Trust. Just like victims of domestic violence, many sexually exploited youth do not have the ability to walk away.

By its very nature, the world of street prostitution makes it difficult for a young woman to escape. She is put to work on the "track," a desolate stretch of road where on any given night she has sex with a dozen or more total strangers. Some are nice, some are not. She is told how much to charge and what the "quota" is — the amount of money she is expected to bring in every night. She is under the supervision of the "bottom bitch," a more experienced girl who trains the younger ones. Discipline is imposed by the "gorilla pimp," the enforcer who walks the "track" swinging a chain. She better meet her "quota" because, if she does not, she is "out of pocket" and subject to discipline. She is sometimes given a new name and is often tattooed. A pimp nicknamed "Worm" forced all of his girls to get a tattoo depicting an apple with a worm. On the "track" she can't look the pimps in the eye, she must look down. "Pimp's up, ho's down" is the rule: if the pimps are on the "track" she has to move down to the street level so the pimps can walk on the sidewalk. If she is guilty of a violation of the rules she is sometimes placed in a "pimp circle" where she is surrounded by a group of men who stomp on her with fists and boots. If she commits the most egregious transgression — she tries to leave — she is hunted down, brought back, and severely punished, as in a recent prosecution where a defendant's alleged torture of choice was burning with a hot iron.

A couple of years ago, in putting together a presentation entitled *From Let's Make a Deal to Let's Make a Difference: Changing the Criminal Justice System's Approach to Teen Sex Trafficking,* I included the following accounts from two young survivors:

### "Cheryl":

> I was thirteen or fourteen when I was turned out to the life and he was 30, 31. When I first met him I did not know what to expect, all I knew was that he was a gorgeous man and I had to meet him. . . . He told me that I was going to make money and the way I was going to make money was to give my stuff away

> to men I didn't know . . . he took my innocence, I was supposed to be running around and playing with Barbie dolls and all that, but instead. . . . The reason they pick the girls so young is because they don't know any better, catch them around thirteen or fourteen, they are going to believe what you say, they want you to like them . . . how do I know because I've been there. . . . When I was on the track you see so many girls lined up behind cars, just sitting there and waving, and you know, it's kind of scary, because when you see a girl, standing there one minute, the next minute she is gone, sometimes they don't return back. . . . I know because I was close to losing my life in the game.

**"Stephanie":**

> I was in Covenant House and I met him in the park and he told me all about himself, making it seem like a guy who really wanted to get to know a female, and he asked me all about myself, whether I had kids, my sign, and what I wanted to do with my life. He asked me do you want to make money in the streets and I said 'yeah,' I had nowhere to go, no food, no money. I was fifteen, he was 26 or 27. . . . On the track I saw females get stabbed, get doped up, slipped mickeys by their pimps, pimps forcing drugs into their system. . . . I seen a gun pointed at a female's head, I've been in life and death situations, getting choked out, getting beat up for no reason or because you don't bring home a lot of money . . . you get really stressed out in this game, if you are not doing drugs when you come in, you leave with it . . . you don't care about yourself really, you feel there is no help and you just want to go to a suicide house.

Many of these victims turn to alcohol and drugs as a way to cope with the terror. They develop physical ailments, they contract sexually transmitted diseases, they engage in a coping mechanism called disassociation as a result of engaging in numerous intimate sex acts with total strangers. Many of them develop psychological ailments including clinical depression, schizophrenia, Post Traumatic Stress Disorder, and Stockholm Syndrome.[6] Young women, many of them "physically, mentally, emotionally, and spiritually devastated,"[7] facing unimaginable dangers on the "track" and fearing the wrath of the pimps, find it extremely difficult to leave the "life."

A number of years ago at a trafficking seminar I came across the following quote:

> More and more children are going into prostitution . . . because of a lack of will to combat it.[8]

When I first read it, I thought it referred to the children, that they lacked the will. I have now come to interpret it differently. It refers to *us,* all of *us.* In the past, we as a community lacked the will to confront the sexual exploitation of our children. We tried not to look them in the eye and shook our heads sadly as they were led off to jail. We unfairly accused their advocates of proposing the legalization of prostitution. In truth, advocates for sexually exploited youth never called for the legalization of prostitution. They asked us to find a more enlightened way to deal with these lost children. When pioneers of the drug treatment courts where clamoring for a change in our approach to addiction, were they calling for the legalization of drugs?

Several years ago, a sixteen year old walked into my courtroom in Queens County. She had been arrested more than five times for prostitution and had the same sad and vacant expression I had seen on the faces of countless teenagers over the years. Rather than sentencing her to a jail term, I adjourned her case to the following day for an assessment and to facilitate her referral to an organization that could provide her with services. That was the spark that led to the creation of a judicial diversion program in Queens County, a program dedicated to working with sexually exploited youth.

When we began, there were few resources available for this population. I was able to locate one Harlem-based program, the GEMS program, founded by a woman named Rachel Lloyd, and shortly thereafter we partnered with the Sexual Assault and Violence Intervention Program at Mount Sinai. Over the last four years, we have referred hundreds of young women charged with prostitution-related offenses to these two programs. Many have succeeded and have escaped the "life." Some have failed, including a teen named Erin who was found frozen to death in a railroad yard on a blustery winter morning, a tragic reminder that we still have much work to do.

As a result of some very courageous voices who simply refused to be silent, the tide has begun to change. Columnists for *The New York Times* are taking notice:

> The big problem out there is the teenaged girls who are battered by their pimps, who will have to meet their quotas tonight and every night, who are locked in car trunks or

> basements, who have guns shoved in their mouths if they hint of quitting . . . those innumerable girls . . . for whom selling sex isn't a choice but a nightmare.[9]

The Legislature is listening as well, as evidenced by the recent passage of the Safe Harbour for Exploited Children Act. We are now beginning to recognize two fundamental truths: (1) many of the kids charged with prostitution in New York City are *victims* and not *criminals;* and (2) the justice system's treatment of these kids needs to change. Let's not punish them, let's get them help.

As for myself, I have also come a long way from those nights in the "lobster" shift twenty-four years ago. I no longer avoid the gaze of sexually exploited youth. I now look them in the eye and what I see is not despair — I see kids, full of hopes and dreams, ready to soar if only given the chance.

## Notes

1. Mia Spangenberg, *Prostituted Youth in New York City: An Overview,* ECPAT-USA (2001).
2. Cassi Feldman, "Report Finds 2000 of State's Children Are Sexually Exploited, Many in New York City," *The New York Times* (April 24, 2007).
3. National Center for Missing and Exploited Children, *Female Juvenile Prostitution: Problem and Response* (Nov. 2002).
4. Spangenberg, *supra* note 1.
5. Melissa Farley, *Prostitution, Trafficking and Cultural Amnesia: What We Must Not Know in Order to Keep the Business of Sexual Exploitation Running Smoothly,* Yale Journal of Law and Feminism (2006).
6. Melissa Farley, *Prostitution Is Sexual Violence,* Psychiatric Times (Oct. 2004).
7. United States Department of State, Bureau of Public Affairs, *The Link Between Prostitution and Sex Trafficking* (Nov. 2004).
8. Spangenberg, *supra* note 1.
9. Nicholas Kristof, "The Pimp's Slaves," *The New York Times* (Mar. 16, 2008).