



TRAFFICKING VICTIMS LEGAL DEFENSE AND ADVOCACY PROJECT

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The Trafficking Victims Legal Defense & Advocacy Project (“TVLDAP”) at the Legal Aid Society (“LAS”), supported by the NoVo Foundation, was formed to better identify and advocate for victims of trafficking and exploitation caught in the criminal justice system. In large part due to New York City’s zero-tolerance policing strategy, many trafficking victims face repeated arrest and prosecution, an experience that serves only to reinforce their marginalization. TVLDAP works to change the way prostitution-related arrests are handled in criminal courts, to raise awareness among criminal justice stakeholders on issues of trafficking, and to advocate for survivors in various capacities. TVLDAP is the first effort by a public defender program to address the systemic criminalization of victims of trafficking and sexual exploitation, and the project’s work has been featured in the *New York Times*, the *New York Daily News* and on websites such as Salon.com.

In its first year, TVLDAP’s core team of attorney and social worker handled close to 200 cases involving clients facing prostitution related charges in Manhattan Criminal Court as part of its pilot project. Of these, more than 60 clients were identified as victims of trafficking under federal and New York law, with an additional 37 designated as high risk. TVLDAP works closely with survivor-centered service providers including: GEMS (Girls Education and Mentoring Services), Safe Horizon, Sanctuary for Families, Women’s Independence Safety and Empowerment Program, New York Asian Women’s Center, Project Restore, My Sister’s Place, and others. TVLDAP also seeks post-conviction relief for survivors under New York’s innovative Vacating Convictions law. In November 2011, TVLDAP won vacatur for the first U.S. citizen to seek relief under the law, and continues to work to clear criminal records for survivors of trafficking.

Model

The project uses an inter-disciplinary team model that includes a designated attorney, a clinical social worker and legal interns. The team’s specific expertise, direct legal representation and supportive social services are available in cases involving Penal Law §§ 230.00 & 240.37 and Education Law § 110-6512 on which LAS is assigned counsel.

Project Goals

- Provide specialized legal advocacy and representation on eligible offenses;
- Offer social work services to address the individualized needs of clients by linking them to necessary services (educational, medical, immigration, etc.) and providing community support;
- Assess eligibility for, and coordinate efforts to obtain, post-conviction relief for survivors of trafficking to mitigate the devastating collateral consequences of prior convictions;
- Build collaborative relationships with prosecutor’s offices, law enforcement agencies, and other criminal justice stakeholders to increase awareness about the needs and circumstances of the trafficked population;
- Advocate for policy change to address the systemic gaps and issues which present as obstacles to truly treating those who are trafficked as victims rather than criminals;
- Provide expert consultation and training on best practices in representing those who are victims of trafficking in the criminal justice system.

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