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CONTESTING VICTIMHOOD: A LINGUISTIC AND LEGAL ANTHROPOLOGICAL
ANALYSIS OF DEFENDANT EXPERIENCES IN NEW YORK'S HUMAN TRAFFICKING
INTERVENTION COURTS

by

MARK T. ROMIG

A master's thesis submitted to the Graduate Faculty in Linguistics in partial fulfillment of the
requirements for the degree of Master of Arts, The City University of New York

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This manuscript has been read and accepted for the Graduate Faculty in Linguistics in
satisfaction of the thesis requirement for the degree of Master of Arts

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ABSTRACT

Contesting Victimhood: A Linguistic and Legal Anthropological Analysis of Defendant Experiences in New York's Human Trafficking Intervention Courts

by

Mark T. Romig

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Human Trafficking Intervention Courts (HTICs) have been operating in New York City in an effort to connect victims of human trafficking to treatment programs. Unfortunately, the net that the courts cast was too wide and people who did not identify as victims of human trafficking were coerced into treatment programs that they did not need or want. Through textual discourse analysis and ethnographic observation, this paper explores the contestation of victimhood in HTICs by focusing on the experiences of defendants and how they are perceived by the police, judges, and other agents of the HTICs. Before entering the HTICs, defendants are perceived as criminals as shown by the justification and criteria for their arrest by the police. In the HTICs, defendants are no longer perceived as criminals, instead they are perceived as victims through the Presupposition of Victimhood. Decriminalizing perceptions of people who did not identify as victims of human trafficking was a step in the right direction, however, more work still needs to be done in order to recognize the agency of sex workers who have been caught up in the HTICs. The way that identity is created and mediated within the HTICs shows how ambiguity, inscribed in the perception of defendants as victims, operates as a barrier to the acceptance of sex worker agency. Underlying this ambiguity is an ideology of Exceptionalism which places the HTICs as the uniquely equipped saviors of defendants in need of their intervention.

TABLE OF CONTENTS

Introduction	1
Methodology	5
History of Problem-Solving Courts in the U.S.	8
History of Prostitution and Human Trafficking	10
Arrest and the Sign of a Criminal	13
Court and the Sign of a Victim	17
Identity	22
Ideology of Exceptionalism	29
Limitations and Suggestions for Further Research	36
Conclusion	38
Bibliography	39

LIST OF TABLES, CHARTS, AND FIGURES

Figure 1: Protest of Human Trafficking Intervention Court practices outside a courthouse	1
Figure 2: Indexes of Defendants' "Victim" Identities in the HTICs	27

Introduction:



Figure 1: Protest of Human Trafficking Intervention Court practices outside a courthouse.

Photo Credit: Gabrielle Jay on Twitter under #NYHTIC.

On September 25, 2013 New York State Chief Judge Jonathan Lippman announced the launch of a statewide Human Trafficking Intervention Initiative the aim of which was to “eradicate the epidemic of human trafficking” by providing a model that could be adopted later by other states. This initiative built upon the work of pilot courtroom programs in Queens, midtown Manhattan, and Nassau County, which are now called Human Trafficking Intervention Courts (HTICs). According to Lippman, the main purpose of these HTICs was to “identify appropriate defendants charged with prostitution and related offenses and provide linkages to services that will assist them in pursuing productive lives rather than sending them right back into the grip of their abusers” (2013). Unfortunately, for defendants who came before the HTICs, this often meant not being connected to services that fit their specific needs. Jenna

Torres, a previous defendant before the HTICs, spoke out saying that “the treatment programs the courts provided was not a good fit for me. I didn’t need to be treated for sex work. That isn’t an illness” (Testimony of Jenna Torres, 2015). So, instead of serving as a resource, the HTICs became an obstacle for defendants who did not fit into the narrative proposed by Lippman. The disconnects between these defendants and the HTICs, and their agents, are reflected in the discursive construction of “appropriate” identities for those who come before the HTICs. The picture above shows one such disconnect, specifically the person to the far right who holds a sign that reads “I’m a #NYHTIC Victim”. This paper traces the semiotic construction of defendants as they pass through the legal system in order to reveal the subtle, yet damaging, effects of an ideology of Exceptionalism.

This research was initially motivated after reading a report, published by the Red Umbrella Project, on the effectiveness of HTICs in New York City. The report sparked an intense year-long coverage of HTICs across various news outlets including the New York Times, NY Daily News, and Truth-Out. The Red Umbrella Project is a non-profit organization based in Brooklyn, NY the purpose of which is to give representation to the experiences of “people in the sex trades through advocacy, community organization, and storytelling” (2016). This is evidenced throughout the work that they have done¹, but especially in how the authors of the report on the HTICs assert their identities as sex workers because “it is important for us [sex workers] to turn the tables and report on the criminal justice system and its impact on our community” (Ray & Catherine, 2014, 4). Discourse around the HTICs, encouraged by the report

¹ Such as the Red Umbrella Diaries (Kornfield, 2015), a documentary about seven diverse New Yorkers who trade sex for a living, and through the publication of Prose & Lore: The RedUp Literary Journal (Ray, et. al, 2015) which gives a platform for people to share their experiences trading sex.

and ensuing media coverage, came to a head in a joint hearing on “Examining the Effectiveness of Human Trafficking Intervention Courts” (henceforth Oversight Hearing) which brought judges, attorneys, service providers, advocates, previous defendants, and many other court and city officials together (2015)². Together, these people are the most active participants in what Bourdieu has called the “juridical field”.

Traditionally, Bourdieu’s conception of the “field” locates people and their social positions within a certain setting (Bourdieu, 1993). People navigate this field by adhering to the (usually) implied rules or social norms of the setting and by using their cultural capital to interact with other people in the field. For example, when interviewing for a job (the field) it is expected that the interviewee and interviewer will shake hands as a way to formally greet one another (implied social norm). Additionally, the interviewee will tend to bring up certain experiences (cultural capital) that they think elevates their employability by the interviewer. According to Bourdieu, the juridical field is a specialized application which represents “the site of a competition for monopoly of the right to determine the law” (1987, 817). The Oversight Hearing is exemplar of the interactions found within the juridical field because it was created to address the effectiveness of jurisprudence in the HTICs. Bourdieu even anticipates that the competition found within the juridical field will stem from, and often be about, legal language which typically attempts to neutralize and universalize experience in order to show that the law is timeless, unbiased, and general. In the Queens HTIC, the judge would use impersonal phrases such as “it is the position of this court that...” or would have defendants agree to emphatically factual statements such as “admit beyond reasonable doubt that...” in order to neutralize any bias

² There were many people “live-tweeting” this event to #NYHTIC for those who could not make it.

that she may have and to universalize the defendant's experience instead of accepting nuance.

Deciding whether or not legal language is inherently neutralizing or universalizing is not the immediate concern of this paper, but the parallel between these strategies and the universalizing of victimhood in the HTICs is troubling.

Methodology:

The textual discourses analyzed in this paper come from various sources including: the official transcript and submitted testimony from the Oversight Hearing, a legal complaint, penal codes, news articles, press releases, investigative journalism, law review articles, and non-profit advocate reports. The contestation of victimhood in the HTICs is part of a larger struggle for power which centers the defendant in a tug-of-war between numerous court officials, advocates, and attorneys who want to help the defendant in a way that they deem appropriate. Specifically, this is a struggle for the power to control discourse which inevitably includes “the power to sustain particular discursive practices with particular ideological investments in dominance over other alternative (including oppositional) practices” (Fairclough, 1995, 2). Discourse analysis is advantageous because it isolates specific discursive practices (such as the label of “victim”), allowing for the deconstruction and interrogation of the ideologies, structures, and circumstances which support it.

By using this methodology, Atkinson and Drew (1979) concluded that turn-taking rights in a courtroom setting are pre-determined by the institutional role of each participant. Danet (1980), focusing on lexical choice in a court case where one party was charged with manslaughter for performing a late abortion, found that the defense would use terms such as “fetus” while the prosecution would use terms such as “baby” or “child” to describe the same aborted entity. This indicates that lexical choice in courtroom defense and prosecution is intended to substantiate facts (such as alive or not-alive) in a way that reflects and shapes the entire discursive event. These are only a few studies which have shown that “power and ideology influence the way that juries and judges adjudicate among conflicting narratives that emerge within the courtroom” (Erlich, 2001, 372). The textual discourse analysis used

throughout this paper follows this trend, but focuses more on how ideology shapes legal practice, policy and perceptions of defendants in the HTICs.

I also use my ethnographic observation of the Queens County HTIC to ground and reinforce the claims made through textual discourse analysis. This observation period spans a several months, during which I was able to watch hundreds of defendants as they progress through the legal system. As will become clear, the experiences of defendants in the HTICs range across police brutality, racism, sexual exploitation, economic inequality, sexism, as well as many other traumatizing discriminations and abuses. This is why some names have been shortened to their initials and why some names are actually pseudonyms, such as in some of the news reports. Where possible, I've included the full names of people to respect their decision to go public with their experiences and to acknowledge their accomplishments in sex worker rights activism. I want to emphasize, however, that the voices of defendants who are not represented in this data set are just as important as those who are, because they are oftentimes the most silenced, threatened, or abused. A similar act of silencing is reflected in the nature of the sources of data used in this paper. For example, data from court and city officials are found in press releases, major newspapers, and government websites, whereas advocate and defendant accounts are oftentimes found in non-profit community organization websites, investigative journalism newspapers, and non-profit news sites. This contrast indicates that defendant experiences are largely disseminated through less institutionally popular media sources than their court and city official counterpart.

I will first provide a brief historical background of the interconnectedness of problem-solving courts, prostitution, and human trafficking. In an effort to better represent the experiences of the defendants, I have structured my analysis to start with the initial arrest of

defendants and then follow them as they progress through the legal system. In the arrest section, I analyze the language of the law and how it is used by the police in the creation of the sign of a criminal. In the court section, I discuss the logistics of courtroom procedures and how they are used in conjunction with the Presupposition of Victimhood to create the sign of a victim. Following these two sections on how defendants are perceived, I switch my focus to how defendants perceive themselves through an analysis of identity. In the final analytical section, I place these competing perceptions within a larger ideological framework, highlighting the strategies that defendants have used to combat unwanted identifications. I end with some suggestions for further research on HTICs based on the limitations I faced throughout my study.

History of Problem-Solving Courts in the U.S.:

The HTICs significantly differ from traditional courts with respect to the level of interaction that judges have with defendants. Instead of handing down a sentence for a one-time court appearance, judges in the HTICs often develop a more intimate relationship with defendants. During my observation of the Queens HTIC, one defendant who read aloud a letter thanking the judge for encouraging her and connecting her to treatment programs. At other times, I observed the judge encourage everyone in the courtroom to join in applauding certain defendants who completed their treatments programs. This kind of interaction between the judge and defendants has been characteristic of the Problem-Solving Court (PSC) distinction. PSCs have been gaining popularity in the U.S. ever since the first one was created in 1989 (National Association of Criminal Defense Lawyers, 2009), indeed, in 2012 the Bureau of Justice Statistics' Census of Problem-Solving Courts counted 3,052 problem-solving courts in the U.S. (2016). PSCs handling prostitution-related charges only made up at most 5% of all problem-solving courts in the U.S.³, however, as discussed in the introduction in this paper, New York's HTICs were intended to serve as a pilot program for other states which could then serve as a model for the creation of other prostitution-related PSCs. There were a number of reasons for the increase in PSCs since 1989, however, the most compelling was that PSCs tended to successfully address the Revolving Door problem that many traditional courts continuously face.

The Revolving Door problem metaphorically describes the way in which criminally charged offenders often recidivate over and over due to the criminal justice system's difficulty in treating psychological problems and providing solutions to perceived deviant behavior. This

³ At most, because prostitution-related PSCs were grouped into an "Other" category in the census which included other charges such as gambling, elder abuse, parole violation, and more.

difficulty is attributed to the various “traditional tools of the criminal justice system [which] are limited to efforts at deterrence, incapacitation, and to a lesser extent punitive rehabilitation” (Wiener, 2013, 4). In contrast, PSCs offer a unique set of tools to address the psychological problems that the court has identified, namely: “ongoing judicial interactions...inter-disciplinary partnerships between the court and outside agencies...specialized team expertise...[and] evidence-based therapeutic treatment services” (Slayton, 2015, 5). In the Queens HTIC, I saw defendants connected to several outside agencies such as Sanctuary for Families, Girls Education and Mentoring Services (GEMS), Restore NYC, New York Asian Women’s Center, and more. These connections were formally made during the same court appearance that defendants are offered an adjournment for contemplation of dismissal (ACD), but representatives from each of the agencies were also regularly available for informal information sessions. In terms of specialized team expertise, it is difficult to gauge what training the court officers received, but I will note that the Queens HTIC was regularly staffed with the same court officers offering, at the very least, a sense of familiarity for defendants returning to the courtroom. The final criterion for PSCs, evidence-based therapeutic treatment services, calls into question what exactly constitutes evidence in the context of New York’s HTICs. With other PSCs, such as drug or domestic violence courts, it is much easier to physically observe and document evidence of abuse (i.e. urine sample, physical examination, etc.), than in prostitution-related PSCs. Evidence-based therapeutic treatment would require the courts to know that the defendant wants or needs that treatment. But whether or not a defendant wants or needs treatment is a central question.

History of Prostitution and Human Trafficking

Prostitution, the exchange of sex for money, is apocryphally known to be the “oldest profession”, yet, there is a clear divide on whether or not prostitution is legitimate work. Feminists, starting in the 1960s, popularized and fell on either side of this debate which came to be known as the feminist sex wars (Wahab & Panichelli, 2013; Sloan & Wahab, 2000). One side of this debate in the feminist sex wars held that sex work (a strategic discursive shift from “prostitution”) was legitimate and able to empower those in the sex trade to liberate themselves from socio-economic stigmas and conditions. On the other side of this debate was those who viewed all kinds of sex work as exploitative, thus portraying all sex workers as victims. This debate, especially in the larger context of the feminist sex wars, is complex, but the essential factor here is the recognition of sex worker agency. The latter side would argue that sex workers are all victims, no matter their agency, merely because they engage in sex work, while the former leaves it up to the sex worker to decide whether or not they are a victim.

Human trafficking entered the worldwide political arena in 1949 with the United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution of Others. Importantly, this Convention made prostitution a punishable act regardless of whether or not consent was given from all parties involved in the transaction (Article 1). This Convention was replaced in 2000 with the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children which added a significant section on the use of terms such as “trafficking in persons” and “exploitation” (2004, Article 3). Ditmore (2005, 123) has explained that these expanded definitions were influenced by an anti-prostitution stance which was an “oversimplified and inefficient analysis that claims a moral high ground while obscuring the plight of trafficked men and women”. Specifically, the anti-prostitution

stance categorized all prostitution as exploitative and as an instance of trafficking in persons regardless of whether or not the “prostitute” in question was a sex worker operating out of choice, rather than coercion. The implications of this anti-prostitution stance were felt first by organizations that promoted or permitted sex work and then by sex workers themselves. For example, from 2003-2013⁴, the U.S. federal government required all NGOs (non-governmental organization) to sign an Anti-Prostitution Pledge to continue to receive state funds. Thus, the anti-prostitution stance, borne out of the language used in the UN Protocol of 2000 to combat trafficking in persons, began to focus on defunding organizations that were not anti-prostitution. As a result, NGOs that supported sex workers through community outreach, education on HIV and other sexually transmitted diseases and professional development courses would have to radically change or find other sources of funding. When access to such important resources is premised on a particular stance towards prostitution, critical reflection is in order.

The relationship between human trafficking and prostitution is important to keep in mind when looking at New York’s HTICs because all too often these two distinctions are collapsed. Indeed, until 2012 the Queens HTIC was called the Queens Prostitution Diversion Court and the only reason why the name changed was to “better reflect the mission of the court. The name change did not represent any changes in practice or other substantive elements of the court” (Serita, 2012, 635). This is further complicated when we consider that the court offers their services “premiered upon the understanding that many of the defendants are victims of sex trafficking” (Serita, 2012, 635), which has come to be understood as a combination of human trafficking and sexual slavery. Here again, we see the influence of anti-prostitution rhetoric.

⁴ This federal government policy was eventually challenged through a violation of First Amendment rights and struck down in the United States Supreme Court case *Agency for Int’l Development v. Alliance for Open Society Int’l*, 133 S.Ct. 2321 (2013).

Whereas with “prostitution” there is the possibility that the person in question is a sex worker, with “sexual slavery” we come to understand the person as having no agency whatsoever.

Given the interconnectedness of the histories of problem-solving courts, prostitution, and human trafficking, I have developed the following research questions to guide my analysis of defendant experiences in the HTICs:

- How do perceptions of people change with respect to their progress through the legal system after being arrested for prostitution?
- How is victimization rationalized by the HTICs and their affiliates?
- What strategies are employed by defendants, who do not identify as victims, to navigate the legal system after being arrested for prostitution?

Arrest and the Sign of a Criminal:

One of the first face-to-face interactions that defendants have with the agents of the HTICs is when they are first arrested on the streets by police officers. Many of the people who appear before the HTICs are initially arrested under the New York State Penal Law § 230.00 Prostitution, which is a class B misdemeanor, and/or § 240.37 Loitering for the purpose of engaging in a prostitution offense, which is a violation on first offense and a class B misdemeanor on subsequent arrests. It is important to look at the precise language of the law in order to see how these laws can be acted on by police officers during arrest:

§ 230.00 Prostitution

A person is guilty of prostitution when such person engages or **agrees or offers** to engage in sexual conduct with another person in return for a fee [bold mine]

§ 240.37 Loitering for the purpose of engaging in a prostitution offense

1. For the purposes of this section, ‘public place’ means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place.
2. Any person who remains or wanders about in a public place and **repeatedly beckons to, or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage passers-by in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons,** for the

purpose of prostitution, or of patronizing a prostitute as those terms are defined in article two hundred thirty of the penal law, shall be guilty of a violation and is guilty of a class B misdemeanor if such person has previously been convicted of a violation of this section or of sections 230.00 or 230.05 of the penal law. [bold mine]

The two important conclusions from these sections are that: (1) the physical act of having sex with another person in exchange for money is illegal and (2) the speech act of offering, agreeing, or attempting to offer or agree to have sex with another person in exchange for money is illegal. In these ways, a person is indexed as a criminal or a non-criminal based on their activity. I argue, however, that the sign of a criminal is more pragmatically constituted as a result of the speech act, rather than the physical act. Criminalizing the speech act allows police officers to directly participate in the arresting event without breaking the law themselves (i.e. having sex with another person in exchange for money) aka sting operations. Absent these de jure criteria, defendants from the HTIC, legal service providers, and advocate organizations have identified de facto criteria that have been used to justify arrest. Unfortunately, challenges to arrest charges are rare, and winning those cases even more so.

In September of 2016 however, §240.37 was challenged in a class action complaint filed against the City of New York and a number of other police officers. This complaint asserted that §240.37 “fails to provide adequate notice of the conduct that will be deemed criminal and gives police officers unfettered discretion to arrest individuals based on subjective determinations of an individual’s ‘purpose,’ leading to inconsistent and arbitrary enforcement” (Complaint at 2, *D.H.*, [S.D.N.Y 2016] [No. 16-CV-7698]). This complaint is essentially asserting that the law is too vague and that police officers have been taking advantage of this by making arrests based on the perceived purpose of individuals. Purpose, of course, is not something that is observable, rather

it is a conclusion that is made based on the actions of an individual. The sign of a criminal thus becomes more complex than someone who commits an illegal speech act. This complaint echoes the results of many other reports on over-criminalization in the HTICs showing that women of color, especially transgender women of color⁵ are arrested at a higher rate than white women. The complaint also notes how clothing and personal belongings are used as arrest criteria by the police as shown in the supporting depositions of people who have been arrested under §240.37. To list a few: “short skirt” (*Id.* at 7), “blonde wig, tight pants and shirt” (*Id.* at 40), “tight short black dress” (*Id.* at 43), “white jacket with blue and white jump suit, tight” (*Id.* at 46), “tight shorts [and a] tight tank top” (*Id.* at 49), “a tight low cut shirt and mini skirt” (*Id.* at 52), “10 unused condoms” (*Id.* at 60).

At this point, the sign of a criminal as seen by the police can be generally codified as a woman of color wearing tight clothing with condoms on her person. The supporting depositions also reveal that the sign of a criminal is a chronotope, meaning, tied to a specific time and place. For example, seven out of the nine plaintiffs in this complaint were arrested partially because they were somewhere “frequented by people engaged in prostitution”. In fact, some police officers would cite that they knew that “other officers have previously arrested [N.H] for prostitution-related offense(s)” (*Id.* at 40). The sign of a criminal is thus created through the conglomeration of specific attitudes towards race, gender, and style at a particular time and place. In short, a prostitute is a prostitute insofar as the police perceive them as such. This may seem trivial, or comical to some, but the sign of a criminal has serious implications. Current tensions between police officers and people of color are extremely high and defendant reports of

⁵ See Red Umbrella Project’s report and testimony of Jillian Modzeleski from Brooklyn Defender Services during the Oversight hearing.

trauma caused by arrests are regularly swept under the rug⁶. Though not the primary objective of this paper, the creation and implications of the sign of a criminal in the context of the HTICs should be taken as a call for more police officer accountability in their arresting procedures.

⁶ For detailed defendant accounts of trauma caused by police officers during arrest see Complaint.

Court and the Sign of a Victim:

During the arrest, most defendants are given a court summons for an appearance in the courtroom within the next few weeks that does not include any time incarcerated. Unfortunately, before even appearing before the judge, defendants have to navigate a number of obstacles in order to get into the courtroom. Many of these obstacles are economically based. For example, there is only one HTIC in each borough and given how large the boroughs are, it is no surprise that defendants have to pay transportation fees in order to get to court. This has become such a problem, that many attorneys will carry around pre-paid subway cards to give to their clients so that they are able to get to court. Additionally, defendants are told to come to court as soon as it opens so that they do not miss when their case is called before the judge (the order of the cases is determined much closer to the actual date). Effectively, this means that defendants must take off from work and/or school, make child care arrangements, etc. so that they can be in court from 9am-3pm (not including travel time). If they miss their court appearance, there is the possibility that a warrant for their arrest will be issued. Finally, unique to the Queens County HTIC, was an obstacle of exposure. During a few of my court visits, there was a documentary crew that was there to film the judge, but defendants were of course captured on film too. No matter the insurances given by the documentary crew about ensuring the privacy of the defendants, I still saw some defendants running down the aisle, pulling their hair or hood over their face all in order to avoid the cameras. Keep in mind that most defendants will go through at least three court appearances before they are able to return to their normal life.

When the defendant's case is called, their attorney will go up to the podium with them along with a court-appointed translator if requested. After the judge greets the defendant, the Assistant District Attorney (ADA) will offer an adjournment for contemplation of dismissal

(ACD) to the defendant. The ACD will be given upon completion of court-mandated programs which range from one-on-one trauma-based psychotherapy to yoga. Without an ACD, defendants will have a conviction on their record which can significantly and negatively impact applications to jobs, schools, credit, and more⁷.

Defendants who do not accept this offer are rare. During my observation of the Queens County HTIC, when a defendant refused the ADA's offer, the judge would always ask the defendant to reconsider and come back on a later court date. This seemingly harmless request to reconsider, when reckoned with the obstacles outlined above, becomes onerous if not coercive. If the defendant continues to refuse the offer they have a few options left to them: the defendant can plea down to a lesser charge, plead guilty, or pursue a public trial. If the defendant is able to plea down to a lesser charge the arrest will not be on their criminal record. If the defendant pleads guilty they are usually given a 30 day sentence. If the defendant pursues a public trial it is up to the jury whether or not they are found guilty. Of the approximately 300 cases that I've observed, I only saw two people refuse the first offer of an ACD. The Red Umbrella Project's report on the HTIC adds that they only observed five defendants reject all offers of an ACD, two defendants plead guilty, and one defendant pursue a public trial (Ray & Caterine, 2014) over a period of nine months. Of all the options that a defendant has then, why do defendants overwhelmingly choose to accept the offer of an ACD, even when they explicitly state that the ACD is not right for them? Simply put, it's the best option of the ones outlined above, but there are nuances in this answer that must be revealed in order to get a clearer picture. Accordingly, I now turn to how the sign of a criminal changes as defendants progress through the legal system.

⁷ Raphael has gone as far to say that a criminal record is the new Scarlet Letter with regards to future employment in the US (2014).

I argue that sometime between their arrest and their appearance in the HTIC, the sign of a criminal undergoes a transformation to the sign of a victim. I focus on the discourse of Hon. Toko Serita, Acting Supreme Court Justice in the Queens HTIC because I believe that she is an iconic figure within the HTIC community of practice and has orchestrated many of the policy changes now in place. Serita has been presiding since 2008 and has shown a passion for improving the effectiveness of the HTIC as evidenced by her landmark law article, which: (1) called for a more coordinated judicial response to local issues of human trafficking through the implementation of problem-solving courts like the HTIC and (2) conceptualized defendants as victims that needed to receive treatment (2012). Her extensive experience as a judge in these courts combined with her scholarly work point to the often overlooked fact that she has orchestrated much of New York HTICs' policies and operations.

The strategic shift from “criminal” to “victim”, endorsed by Serita, was made possible through the semiotic process of iconization which “involves a transformation of the sign relationship between linguistic features (or varieties) and the social images with which they are linked” (Irvine & Gal, 2000, 37). Iconization is readily observable in the accumulation of social categorizations attributed to a specific linguistic feature which eventually comes to be regarded as iconic representations of those same social categorizations. For example, a defendant in an HTIC, whose previous sign was that of a criminal, has become a sign of a victim through iconization. The linguistic features in question are the terms and phrases that Serita and other court officials use to specify the court’s intervention with the defendant, such as “recovery program” and “getting you [defendant] out of the life” which both imply victimhood or helplessness on the part of the defendant. In the examples mentioned, it is worthy to note that the sign of a victim or of a criminal can only be defined insofar as there is a sign of a non-victim

or a non-criminal, and vice-versa. The opposition seen here reflects the poles on an axis of differentiation that defendants are placed on by the HTICs. In her article (2013), Serita rejected the idea that defendants in the HTICs should be seen as criminals and instead capitalized on the non-criminal sign. In this way, she hoped to help everyone who came before the courts by viewing them as victims in need of treatment instead of criminals in need of punishment. Going forward, I will call this the Presupposition of Victimhood because it captures how identifications of defendants are made without their consent and interpreted as a defining characteristic.

The initial opposition between criminals and victims created through iconization is necessary for the next semiotic process, fractal recursivity, to take place. Generally, this semiotic process “involves the projection of an opposition, salient on some level of relationship, onto some other level” (Irvine & Gal, 2000, 38). For example, the opposition between criminals and victims has been projected onto the relationship between victims and sex workers. The power of this semiotic process lies in its ability to proliferate difference, which are then used as criteria for the creation of social categories. Both relationships act as axes of differentiation with the dominant social category on one end and the category of alterity on the other end. This ultimately led to the third semiotic transformation, erasure, which “is the process in which ideology [as reflected in the Presupposition of Victimhood], in simplifying the sociolinguistic field, renders some persons [non-victim] or activities (or sociolinguistic phenomenon) invisible” (Irvine & Gal, 2000, 38). I want to emphasize that the Presupposition of Victimhood in the HTICs *did* help many people escape abusive situations, however, not all defendants considered themselves victims. Indeed, the effects of erasure can be seen by looking at how the Presupposition of Victimhood, whose intent was to de-criminalize trafficked people and connect them to meaningful services, ended up erasing sex worker identities.

In many ways, the shift from criminal to victim was a step in the right direction for sex workers. Now, they could continue making a living, and, instead of being incarcerated or facing other legal obstacles, attend court-mandated programs (albeit reluctantly). As mentioned above, however, these programs ended up being an obstacle for sex workers, instead of a resource. A simple iconization from the sign of a victim to the sign of a sex worker should be able to address these concerns. Why has it not happened? I argue that there is an ambiguity inscribed in the sign of a victim that complicates the semiotic construction of the sign of a sex worker in a way that was not a problem for the semiotic construction of the sign of a victim from the sign of a criminal. This ambiguity is captured in the question, “victim of what?” This was not a problem for the sign of a criminal because criminality is always connected to acts which are illegal. I now turn to Bucholtz and Hall’s (2005) conceptual framework as a point of departure to show the various ways in which the sign of a victim is mediated by identity.

Identity:

As mentioned before, sometime after arrest, but before entering the HTIC, defendants are identified as victims, yet, outside of the court, defendants proudly identify as college students, mothers, writers, poets, and cooks, just to name a few, who engage in sex work. A defendant's identity as a victim emerges in linguistic interactions in the courtroom where such a transformation or alignment is presupposed and encouraged. Revisiting Jenna Torres' experience with the HTIC we see how it was the court's intervention which imposed the identity of "victim" on her:

"The treatment program the courts provided was not a good fit for me. I didn't need to be treated for sex work. That isn't an illness. All the sessions did were occupy my time in ways that weren't at all useful. I really needed that time for more important tasks. The sessions hampered my ability to create a better environment for myself and my children so I wouldn't have to rely on sex work" (Testimony of Jenna Torres, 2015)

From this we see that Jenna's identity is "an emergent product rather than the pre-existing source of linguistic and other semiotic practices" (Bucholtz & Hall, 2005, 588). In other words, Jenna's identity of "victim" is not the result of some inherent trait, rather, it is linguistically and socio-culturally created given the context, namely the courtroom.

Jenna's identity emerges as a result of indexical process which create links that "point to" some state of affairs. As they pertain to linguistic interactions, indexical processes create links between linguistic forms and socio-cultural meanings. Possibly one of the most accessible ways to observe the creation of identity in linguistic interactions is through "overt mention of identity categories and labels" (Bucholtz & Hall, 2015, 594). Lauren, a previous defendant in the HTICs, talks about the explicit labelling of "victim":

“I do not need counseling for sex work, I need it now for the trauma caused by my arrest. If I am a victim of anything, it’s the courts. I am not forced to do anything I do not wish to do, except be arrested and attend coercive counseling services” (Testimony of Audacia Ray, 2015)

The Presupposition of Victimhood thus correlates with another way that identities emerge as a result of indexical processes: through “implicatures and presuppositions regarding one’s own or others’ identity position” (Bucholtz & Hall, 2015, 594). Not only does Lauren invoke “victim” as a specific identity category, she employs it to re-contextualize the Presupposition of Victimhood as a way to prove multiple points. First, she reclaims her agency by defining her identity in her own terms. Second, she asserts her legitimacy as a sex worker by positioning the HTICs and their agents as coercive forces. Finally, she accepts the “victim” identity but only insofar as it was at the hands of the HTICs and their agents.

Jenna continues describing her experience regarding her time in court-mandated programs which she was required to go to in order to be granted an ACD:

“Oftentimes I had to lie and say that everything was fine when it really wasn’t, just so I could return as quickly as possible to sorting things out on my own, as I usually did. If I didn’t lie, it could’ve extended my sessions-more time I didn’t need to waste” (Testimony of Jenna Torres, 2015)

Here, Jenna consciously and deliberately utilizes an identity (where “everything was fine”) that will best enable her to regain her agency⁸. Jenna’s identity is thus positional in how it enacts

⁸ A striking similarity is found in Summerson Carr’s *Scripting Addiction: The Politics of Therapeutic Talk and American Sobriety*. In it, she finds that patients in an addiction treatment

“temporary and interactionally specific stances and participant roles” (Bucholtz & Hall, 2005, 592) in order to advance her own personal goals and partial in that it is “constantly shifting both as interaction unfolds and across discourse contexts” (Bucholtz & Hall, 2005, 606). In this example, Jenna is adopting the identity of someone who does not need help from the court, but still recognizes that going to these court-mandated sessions will grant her an ACD. Thus, Jenna’s identity ranges across broadly defined demographic categories such as victim based on contextually transient interactional stances.

So far, we have seen how defendants’ identities emerge in specific positions within a given linguistic interaction through a series of indexical processes. Implicit in this analysis, is the understanding that identity production is a relational phenomenon. Jenna’s identity of “victim”, for example, emerged because of the Presupposition of Victimhood which does not recognize that she was engaging in sex work of her own free will. The Presupposition of Victimhood erases the “sex worker” identity through omission, however, there are other agents of the HTIC that explicitly erase the “sex worker” identity. Judy Harris Kluger, a former New York City Judge and contributor to the HTICs (Kluger, 2016), for example, writes that “anyone who thinks that prostitution is a victimless crime or a chosen ‘profession’ needs a history lesson” (Ludwig, 2014). Even more troubling is the rhetoric of an HTIC judge who wished to remain anonymous:

“I don’t believe anyone’s open to prostitution unless you’ve been traumatized or abused. You’d beg, you’d go on welfare, you’d shoplift, for goodness’ sake. These people need to be treated as victims. They have already lost their dignity” (Ungarsargon, 2015)

program “flip the script” on their therapists by using discourse that reflects rehabilitation whether the patients believe in the effectiveness of the program or not.

Not only do Kluger and this HTIC judge deny that engaging in sex work could be of someone's free will, but they assert that anyone who does believe that must be poorly educated or without dignity (which bites of discriminatory undertones).

The positional and indexical nature of identity production are a bit more straightforward to explain in the context of the HTICs. In order to position oneself, one must move from a previous position to another one. For example, Jenna would position herself away from the identity of someone who engages with sex work of their own free will, to the identity of someone who benefits from "treatment" when in contexts where doing so would allow her to regain long-term agency at the expense of short-term, useless (to Jenna) time commitments (e.g. HTIC courtroom, court-mandated sessions). Similarly, in order for linguistic form to create a link to socio-cultural meanings (or vice-versa) through indexicality, there must be a socio-cultural meaning that does not link to the same linguistic form (or vice-versa). For example, according to Toko Serita, Acting Supreme Court Justice in the Queens HTIC, the word "victim" has a very specific and important meaning:

"When I use the term victims, I do so deliberately...they[defendants in the HTIC] are all poor, disenfranchised, vulnerable and powerless...they are also victims of domestic violence, sexual assault, or multi-abuse trauma, often requiring counseling, medical services and mental health or substance abuse trauma" (Testimony of Toko Serita, 2015).

The lexical item, "victim", is thus indexically linked to numerous socio-cultural meanings (i.e. "poor", "vulnerable", "requiring [court-mandated] services", etc.) and *not* linked to other services such as job assistance or community organization and empowerment.

It is not the case that lexical items are inherently linked to specific socio-cultural meanings, rather, these links are informed by the ideology of the speaker. For example, Lauren's account above shows a different indexicalization of "victim" where it comes to be understood not as an index of someone who needs help from the courts, but of someone who needs help *because of the courts*. In general, Serita is trying to justify her usage of the term "victim" to an HTIC Oversight Committee and Lauren is trying to justify why that specific usage is not appropriate to an investigative journalist. The important commonality between these two justifications is that identity production is taking place, relationally, between a speaker and their respective audiences.

The relational principle helps frame motivations behind identity production by focusing on the tactics of intersubjectivity. Although Bucholtz & Hall (2003) have listed and explored many of these tactics (though not all as they admit), I focus on authorization and illegitimation because they better represent the complexity of victim identifications. For them, authorization asserts a specific identity motivated by the authorizer's institutional power. The effects of the Presupposition of Victimhood is a strong example of authorization where the HTICs, and their agents, assert the "victim" identity onto defendants. Illegitimation is the fall-out of authorization, where identities are silenced or ignored. Jenna and Lauren are just two defendants' whose identities have been ignored by the Presupposition of Victimhood. The following accounts from defendants show how powerful authorization can be:

Stacy, a Black cisgender woman: "[Court-mandated sessions] were an invasion of my life and time, especially considering I was not offered job training, financial aid application/tuition/grant assistance for college, housing assistance, or any other meaningful services" (Testimony of Audacia Ray, 2015)

Allysa, a Black transgender woman: “Then the courts offered me a program to talk about my ‘issues’. Retraumatized me and then sent me back out into the world, like they had helped me. It’s violence. It’s violence against me and other trans women” (*Id.*)

Sasha, a white transgender woman: “Oftentimes, trans women are profiled to be sex workers even when they have never engaged in sex work. Here in New York City, the police harassed me based on what I was wearing” (*Id.*)

Love: “Drug dealers, prostitutes, illegals...we are an easy paycheck for [the police]. We look good for them. That’s what we are to them” (Crabapple, 2015)

Skylar: They need to do a better job of identifying [defendants] needs...definitely there is a dire need for services, but definitely not through the courts” (Hogan, 2015)

Thus, “victim” has come to be an index of much more than originally proposed. In order to supplement these qualitative accounts, I have detailed some of the most re-occurring and salient indexes of defendants’ “victim” identities in Figure 1.1:

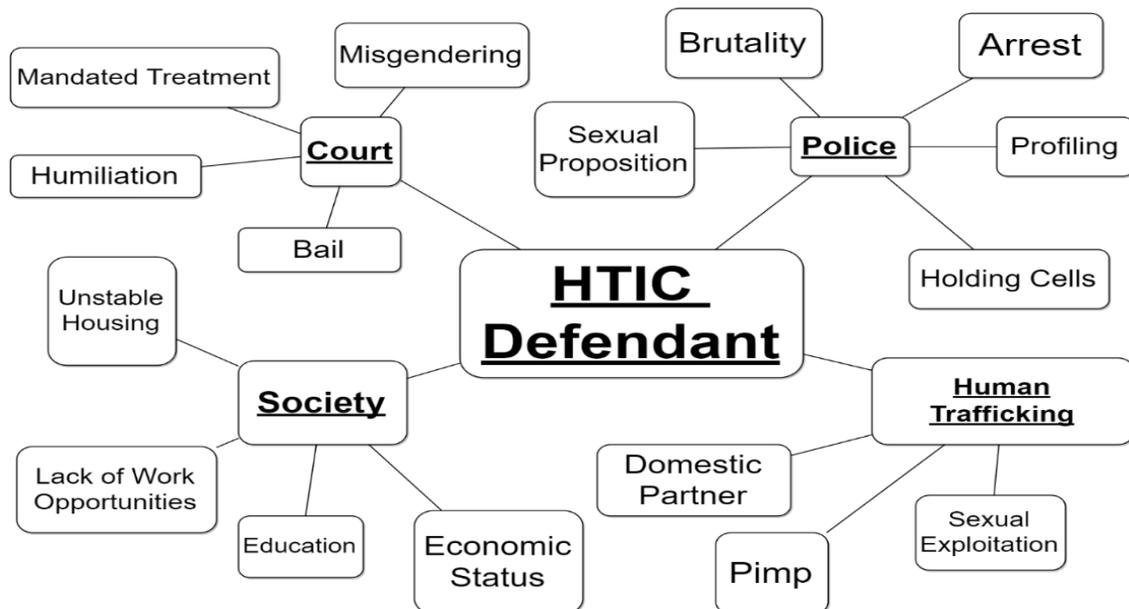


Figure 2: Indexes of Defendants’ “Victim” Identities in the HTICs

As you recall, the ambiguity inscribed in the sign of a victim problematized the iconization of the sign of a sex worker. Figure 1.1 attempts to resolve some of that ambiguity by showing how the positional, indexical, and relational nature of identity mediates and propagates the semiotic construction of the sign of a victim. When reading Figure 1.1, keep in mind that HTIC defendants rarely self-identify as a victim of just one category. It is much more common that a defendant will say that they turned to sex work in lieu of other work opportunities and that during their arrest they felt physically or coercively threatened by a police officer who misgendered them and placed them in a mole holding cell. Nevertheless, the shift from the sign of a criminal to the sign of a victim was a relatively easy semiotic transformation because it targeted every defendant in the HTICs. The shift from the sign of a victim to the sign of a sex worker is a more difficult semiotic transformation because it exclusively targets sex workers. As my analysis of identity has shown, this is further complicated by the fluid nature of identity that causes positional shifts based on context. Furthermore, there are institutionalized ideological motivations for blocking the semiotic transformation of the sign of a victim to the sign of a sex worker.

Ideology of Exceptionalism:

There are many different variations on exceptionalism, after all, at its most basic, it means that something is novel or unique with respect to some other thing. Ethnocentrism, a buzzword for anthropologists, ties exceptionalism to one's own culture thereby justifying the moral measurement of other cultures using one's own as the standard. Manifest Destiny, the 19th century doctrine that declared US expansion throughout (and for some, beyond) the Americas not only justified, but inevitable, tied exceptionalism to US nationalism effectively creating the term "American exceptionalism". Puar (2007, 8) points out that the current conception of American exceptionalism now "posits America as the arbiter of appropriate ethics, human rights, and democratic behavior while exempting itself without hesitation from such universalizing mandates". I propose that the exceptionalism lurking within New York's HTICs is closest to the American exceptionalism that Puar has identified. Specifically, exceptionalism in the HTICs holds that their continued jurisprudence is justified largely due to their unique ability to judge and "save" defendants from the life they are living.

To consider the full impact of exceptionalism, it is important to think of it as an ideology. Broadly, ideology refers to a system of belief for an individual or group, and, for many, this may seem like a synonym for religion. I adopt one of Woolard's proposed definitions of ideology that describes it as "ideas, discourse, or signifying practices in the service of the struggle to acquire or maintain power" (1998, 7). This departs from other conceptions which hold that ideology is a reflection or a result of specific historical contexts. For example, viewing the ideology of Exceptionalism as a neutral phenomenon would disregard any defendant who did not identify as a victim who needed to be saved or rescued through court intervention and treatment programs. The critical view of ideology holds that power (especially institutional) is a mediating

force in the development of contrasting ideologies which accounts for the tensions between sex workers and the HTICs, and its agents. In the Bahktinian dialogic tradition and with an eye towards Raymond Williams classification of ideology as a “keyword”, I argue that viewing ideology as neutral is dangerous because it ignores the historical and semantic trajectory of words and phrases across time and space.

Locating ideology in ethnographic work is difficult because it is, after all, a cognitive construct. Silverstein has advised that ideology is most easily located in institutionalized and interaction rituals (1998). The HTICs (indeed many U.S. criminal courts) meet these criteria continually as shown by: the power of the judge to sentence, enforced formal turn-taking strategies, dress code, differentiated and restricted access to spaces and topics, etc. Thus, I locate the ideology of Exceptionalism in the discourse of the HTICs, and its agents, not the discourse of the defendants.

The ideology of Exceptionalism in the context of the HTICs generally positions the HTIC, and its agents, as saviors and positions defendants as victims. There are two major trends in the application of the ideology of Exceptionalism. The first can be found in Kluger’s discourse above, where she asserts that defendants “need to be treated as victims”, which positions them as such, no matter the context. Kluger’s assertion also implicitly mentions sex workers who “would be open to prostitution” which positions herself as a savior by denying their agency, questioning their dignity, and asserting that they need to receive treatment which can only be given by court-mandated services. Queens County ADA Kim Affronti similarly questions the agency of defendants and their ability to self-identify saying that:

“While many individuals have taken advantage of the APA [court-mandated] services, few have admitted to being victims of human trafficking. Sometimes it takes months or years before they’ll realize that they’ve been the victim of exploitation. Sometimes they never realize” (Statement of Kim Affronti)

A Press Release from the New York City Mayor’s Office echoes Kluger’s assertion above stating that “individuals arrested on prostitution charges should be treated not as criminals, but as victims and survivors of commercial sexual exploitation and human trafficking” (2014). These instances of wholesale denial of sex worker experiences stand in contrast to Serita’s application of the ideology of Exceptionalism.

As we saw earlier, Serita believes that defendants in the HTICs are victims of a wide range of abuses and that they should all receive treatment for these abuses. Serita positions herself as a savior by denying their agency and asserting that they need to receive treatment which can only be given by court-mandated services. Notice that Serita does not deny the sex worker experience. In fact, she recognizes exactly that when questioned about the tensions between sex workers and the HTICs during the Oversight Committee:

“There may be people who are doing it willingly. There may be people who are doing it for survival sex...it’s really a matter of finding out what their particular needs are and trying to identify those needs, meet them where they’re at, and you know, empowering them in order to be able to, you know, make choices and go on with their lives”

(Statement of Toko Serita, 68)

Instead of the wholesale denial of sex worker experiences, Serita subordinates sex worker experiences to the experiences of victims. For her, even though sex workers may not identify as victims, they can still benefit from the court-mandated services. These trends represent a strong and a weak position on the anti-prostitution stance made popular in United Nations discourse about human trafficking. Kluger and Affronti take the strong position with the wholesale denial of agency in sex work, while Serita takes a weaker position which subordinates agency in sex work to her discerning experience. The nuances between these two trends in the enactment of an ideology of Exceptionalism do not make much of a difference for how defendants are treated in the HTICs now because of the institution in which this ideology operates. After all, defendants will still be labeled as victims as soon as they enter the HTIC and they are still required to attend court-mandated treatment programs to be given an ACD. The ideology of Exceptionalism persists in the HTICs precisely because it provides justification for continued state intervention and action. This apparent tautology can be explained with Heller and Duchêne's framework for analyzing how language operates in late capitalism.

For them, there are two salient tropes found in the language of late capitalism that represent the two axes of differentiation upon which discourse is interpreted as legitimizing the nation-state, namely Pride and Profit. The addition of the Profit trope is crucial to this framework because, previous to late capitalism, discourse strongly focused on legitimating the speaker as a citizen of the nation (i.e. the Pride trope). Globalization necessitated the need for the addition of the Profit trope because it required capital (both symbolic and material) to reach new markets in different, yet unique, ways. The shift to late capitalism thus shows that the Pride trope "no longer works as well as the sole trope of nation-state legitimization; rather, the state's ability to facilitate the growth of the new economy depends on its ability to legitimize the

discourse of ‘profit’” (Heller & Duchêne, 2012, 10). Although the HTICs are only an extension of the state, they have a significant stake in being recognized as legitimate because they are serving as a pilot-program for courts around the country. We can recognize the Pride trope in the Presupposition of Victimhood which calls the defendant into being, not as a criminal (with limited freedoms and opportunities), but as a victim. The Profit trope is found throughout the process of obtaining an ACD which is dependent on court-mandated program attendance.

Furthermore, throughout my observation, I could not help finding parallels between obtaining an ACD and getting a loan. Like a loan, the ACD is offered by the lender (the HTIC and their many agents) under the assumption that the borrower (the defendant) will later offer recompense. Similarly, if the borrower does not make timely and regular payments towards the loan, there could be consequences for the borrower (such as additional treatment sessions for the defendant to attend). If the borrower does not pay anything at all, more severe consequences are imposed (such as a warrant for their arrest or other fines). If the borrower provides sufficient recompense to the lender, their transaction will eventually end, but there is always the possibility that the borrower will take out another loan (in the form of another ACD for defendants who are re-arrested). Without this loan, the borrower can be severely limited in their opportunities (specifically in the form of the restrictions imposed through a conviction on the defendant record). Additionally, the terms of the loan are dictated by the lender and they can be easily changed by the lender at any time (such as when the judge reduces the number of sessions a defendant is required to attend due to time constraints connected to their passport expiring). Although this analogy is helpful, I want to stress that the tensions between the HTICs, and their agents, and the defendants are much more complex and generally involve more abuses than those found in a typical debt/debtor relationship. Nevertheless, the loan/ACD analogy helps us

understand how the Profit trope is inscribed in the Pride trope by explaining why it is not enough that the HTICs presuppose victimhood on defendants, rather, they must legitimize this by connecting victimhood to court-mandated treatment programs⁹, the results of which are measured by obtaining or not obtaining an ACD. In short, obtaining an ACD is not just the goal of defendants, it is also the goal of the HTICs because it can then be used as justification for the effectiveness of the HTICs.

In response to the Pride and Profit tropes found in the ideology of Exceptionalism, defendants who identify as sex workers utilize a strategy of Accommodation in order to subvert and appropriate those same tropes so that they can benefit from them. An example of this strategy can be seen when Jenna consciously decides to lie in order to get through the treatment program. The strategy of Accommodation recognizes that even though the Pride trope, found throughout the discourse in the ideology of Exceptionalism, is not representative of sex worker experiences, it is still better than being labeled a criminal. Furthermore, by recognizing that the goal of the courts is for an ACD to be granted, sex worker defendants are able to get in and out of the HTICs as quickly as possible. For example, as soon as Jenna is no longer trying to gain the favor of the HTICs and their mandated treatment program, she went public with her experiences in order to fight against the enactment of the ideology of Exceptionalism by the HTICs, and their agents¹⁰. In this way, the strategy of Accommodation rationalizes a purposefully transient identity, while the ideology of Exceptionalism rationalizes the continued arrest and treatment of perceived victims. The ideology of Exceptionalism is thus hegemonic in

⁹ Mattson would call this a response to anxieties of globalization which requires state intervention in order to protect the legitimacy of the state as a governing agency (2016).

¹⁰ Indeed, Jenna now works for the same organization that advocated for her during her time in the HTICs, the Red Umbrella Project, as a Community Organizer for sex worker rights.

that it demands a totalizing experience of victimhood. The strategy of Accommodation contains this hegemonic notion, but re-appropriates it to serve the defendants instead of the HTICs, and its agents, thus making it counter-hegemonic. Additionally, the ideology of Exceptionalism has extensive institutionalized support in the form of the U.S. criminal justice system. Jenna, the Red Umbrella Project, and other sex worker rights activists organize in order to bring institutional support (such as the Complaint) to the counter-hegemonic strategy of Accommodation so that others can avoid being re-victimized by the HTICs, and its agents. This paper hopes to act as another resource for that growing body of institutional support.

Limitations of Suggestions for Further Research:

Many of the limitations to the research and analysis provided in this paper revolve around issues of access. This first struck me minutes after entering the Queens HTIC, when a court officer escorted me out of the courtroom and asked me a number of questions about my intent and credentials. For an anthropologist trying to observe court proceedings as emically as possible, this was a sobering experience. Later, I was told by the court officer that this was a strategy they used in order to keep pimps and traffickers out of the courtroom.¹¹ This keeps in line with the problem-solving court model which calls for specialized training for court officers. One sex worker advocate recounted a story about how court officers were trained not to look defendants in the eye because it would be seen as judgmental or overly-aggressive. For some, this had the opposite effect, instead of making them feel safe, it made them feel dehumanized, as if court officers were too ashamed to even look at them. Regardless, gaining access to training materials for court officers could shed more light on how perceptions of defendants change as they interact with different representatives of the legal system.

Access to Court Reporter created transcripts of cases were intended to be a large source of my data for discourse analysis, however, the process of obtaining these transcripts was not only costly, but intended for defendants, not for court observers. Essentially, I had to choose between recording a defendant's personal information and hoping that the transcript was useful or recording observations from their case. The supporting depositions submitted by arresting officers in the Complaint were indispensable in formulating the how the sign of a criminal is created. Through conversations with HTIC defense attorneys, I learned that these supporting

¹¹ Although, after being asked these questions almost every other court visit, by the same court officer, I came to think that there was an ulterior motive.

depositions were formatted with check boxes, meaning that arresting officers simply had to place a check mark next to a pre-determined category of dress in order to justify why they thought someone was a prostitute. Access to those supporting depositions requires a substantial amount of paperwork to be filed with the defendant and the police department, yet, I did not think it appropriate to request that kind of commitment from defendants who have gone before the HTICs. In the future, working closely with a legal team representing a defendant who has gone before the HTICs (such as in the Complaint) or submitting a Freedom of Information Law (FOIL) request to the police department could grant access to those documents.

Conclusion:

Throughout this paper, I have shown that the realities of defendants charged with prostitution-related offenses in the HTICs are not as cut and dry as criminal or victim or sex worker. The sign of a criminal, once thought to be indexed by illegal activity, is actually indexed by specific time, place, and style. The sign of a victim, once thought to be indexed by abuse from human trafficking, is actually indexed by abuse from police, the courts, etc. as evidenced in the shifting nature of identity. This ambiguity has been a significant reason why the sign of a sex worker has not been fully realized in the HTICs, yet the sign of a victim was so easily accepted. As defendants progress through the legal system their perception changes from criminal to victim to (sometimes) sex worker through various semiotic constructions. Of course, all of these semiotic constructions (as well as the Presupposition of Victimhood) are just part of a larger system, namely the ideology of Exceptionalism which denies or subordinates any existence that does not position the courts as saviors and the defendants as victims who need treatment. Furthermore, the ideology of Exceptionalism is used by the HTICs to rationalize the continued victimization of defendants. Additionally, we find that there are recurrent Pride and Profit tropes that reflect the economic and social motivations behind the enactment of this ideology. By exposing some of these structures it is my hope that they can be undone, or at least re-worked in a similar way to how sex workers utilize a strategy of Accommodation. Ultimately though, this paper hopes to show that judges, police officers, and other HTIC agents are all interpreters of the law. They can and do make mistakes. It is the job of academics and other professionals in institutional settings to provide ways to address these mistakes. It is up to the communities at risk of being targeted to decide how to fix the mistakes.

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Examining the Effectiveness of Human Trafficking Intervention Courts: Oversight

Hearing before C. Comm. on Courts and Legal Services and Comm. on Women's Issues, (2015) (statement and testimony of Kim Affronti, Assistant District Attorney).

Examining the Effectiveness of Human Trafficking Intervention Courts: Oversight

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