



THE BROOKLYN DISTRICT ATTORNEY'S OFFICE

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Eric Gonzalez
District Attorney

DISTRICT ATTORNEY KINGS COUNTY

350 Jay Street
Brooklyn, NY 11201
(718) 250-2000
www.BROOKLYNDA.ORG

Press Office
(718) 250-2300

FOR IMMEDIATE RELEASE

Friday, January 29, 2021

Brooklyn District Attorney Eric Gonzalez Dismisses All Outstanding Prostitution-Related Warrants

*262 Warrants Connected to Offenses That are No Longer Prosecuted Dismissed in First Phase;
DA Calls on Legislature to Repeal Loitering Law and Expunge Prostitution Convictions*

Brooklyn District Attorney Eric Gonzalez today announced that he is moving to vacate open bench warrants related to prostitution and loitering for the purposes of prostitution – charges his Office no longer prosecutes. The first batch of 262 warrants dating back to 2012 were vacated this week and their underlying cases were dismissed, with older ones planned for dismissal at a future date. The District Attorney also called on legislators to repeal the loitering for the purposes of prostitution law and to expunge old prostitution-related convictions.

District Attorney Gonzalez said, "I decided to take this action for several reasons: first and most obviously, it doesn't make sense for someone to have an outstanding warrant for something we no longer prosecute. But beyond that, these warrants have powerful negative consequences for the individual, and they undermine public safety. Because someone with an open warrant is subject to arrest at any time, those engaged in the selling of sex are more likely to be driven underground and be less likely to report abuse or other crimes, which makes both them and others less safe. An outstanding warrant could show

up years after it was issued in a background check for an apartment rental or a job application, hamstringing someone's ability to move on from their past to a more stable and less dangerous way of life.

"Vacating these warrants and dismissing these cases is consistent with my view that those who engage in these activities need to be offered assistance, not criminally prosecuted. I am also calling on Albany to repeal the law that prohibits what is known as loitering for purposes of prostitution, because of the vagueness of the law, the stark racial inequalities in its enforcement, and the disproportionate harm that enforcement of the law has caused to vulnerable trans women in our community. Additionally, I am asking the legislature to expunge past prostitution convictions so they will not hold people back from opportunities for a better future."

The District Attorney said that the Brooklyn DA's Office does not prosecute those arrested for engaging in prostitution, but rather refers them to services and dismisses their cases. Starting in 2020, when the law mandated that those arrested receive Desk Appearance Tickets with a future court appearance, the Office has endeavored to connect them with service providers and dismiss the charges before they even have to appear in court.

Common services involve therapeutic counseling, medical assistance and checkups, educational services, housing assistance, mental health or substance abuse screening and therapy, and legal assistance with immigration, children's services or family court issues. Cases get dismissed whether individuals avail themselves of services or not. The Office processed fewer than 30 prostitution cases last year.

Of the 262 warrants vacated this week, 183 pertain to cases with a top count of prostitution (PL 230.00) and 79 with loitering for the purposes of prostitution (PL 240.37). Individuals subject to these warrants failed to appear in court during the pendency of their cases, making them subject to a mandatory arrest if they come into contact with law enforcement. There are about 850 additional warrants dating back from 2011 to the 1970s that are archived and cannot be currently accessed because of the COVID-19 pandemic. They will be dismissed at the earliest possible time and any arrests made on those warrants will not be prosecuted.

In addition, there are 25,575 convictions in Brooklyn for the two offenses mentioned above, dating back to 1975. Expunging them en masse is a legislative prerogative and the District Attorney called on legislators to pass a bill that would do that. A bill to repeal the loitering for purposes of prostitution law is currently pending in the Legislature and the District Attorney renewed his support for the repeal.

The District Attorney thanked the Office of Court Administration, especially Justin Barry, Chief Clerk of New York City Criminal Court, and Charles Blaha, Acting Borough Chief Clerk of Brooklyn Criminal Court, for facilitating the dismissals.

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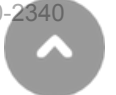
350 Jay Street
Brooklyn, NY 11201
DA's Action Center
718-250-2340

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