

HUMAN TRAFFICKING IN AMERICA | The desperate plight of many women

SNARES OF THE SEX TRADE

Even though the law is designed to help such women, the government often fails to reach them.

By LAURA BAUER
The Kansas City Star

Sitting in the Boone County jail, the Chinese woman didn't look like a criminal to Kelley Lucero. She looked like a middle-aged mom.

Soon, Lucero learned that the woman had indeed come to America to scout out a college for her teenage son. She had come, legally, as part of a cultural exchange program, but her life had taken an unexpected and terrifying turn here in Middle America.

Forced to work in a one-room massage parlor, she ended up being arrested for prostitution at a truck stop between Kansas City and St. Louis.

Only an experienced eye like Lucero's could see something that Boone County, Mo., deputies appeared to miss. What so many in law enforcement all over the nation still are not trained to see.

"This wasn't a prostitute," said Lucero, a sexual abuse program coordinator for a domestic violence shelter in Columbia. "She was a human trafficking victim."

And yet, the Chinese woman sat in jail for five months.

When the United States took a global stand on human trafficking in 2000, lawmakers wanted to rescue foreign-born women turned into American sex slaves. In too many cases,

though, that hasn't happened.

In its six-month investigation into America's effectiveness in the war on human trafficking, The Kansas City Star found that the system originally designed with sex trafficking in mind is often unsuccessful in reaching those victims.

Some are mistakenly identified as prostitutes and end up either lost in the criminal justice bureaucracy or back on the streets. Even when victims are identified by law enforcement, some are reluctant to go through the gantlet that accompanies the prosecution of their trafficker, too untrusting or scared to reveal the horrible things that happened to them. Critics complain that the U.S. law is inherently flawed because it connects victims' aid with their willingness to help make cases.

"No one is seeing the situation for what it is," said Karen Stauss, an attorney with Polaris Project, an anti-trafficking organization based in Washington, D.C. "It's like we're saying, 'We blame you for what you are suffering.'"

The government also has been slow to recognize an emerging class of new victims: young American girls. While millions are spent each year to combat international sex trafficking, lawmakers have yet to approve funding for domestic victims — perhaps the fastest-growing class of those trafficked in the United States.

Anti-trafficking experts say that the current federal and state laws are blunt legal instruments in trying to address the

complexity of an ever-evolving global criminal enterprise and do not account for the trauma of women forced into sexual abuse. Of all human trafficking crimes, The Star found, the ones involving sex slavery have proved to be the most difficult when it comes to catching and prosecuting the traffickers.

The Trafficking Victims Protection Act "is not creating the legal environment we worked so hard to create so we can prevent human trafficking," said Norma Ramos, of the Coalition Against Trafficking in Women. "It's a federal law that's really not that useful for what it was supposed to do — end human trafficking."

All in the approach

When the mother from China was arrested, deputies in Boone County hadn't been trained to recognize human trafficking. They didn't know what questions to ask.

Or that the crime requires a victim-centered approach, much different from what officers are traditionally schooled in.

Boone County Assistant Prosecutor Merilee Crockett said she couldn't discuss specifics of the case, but generally cases that may involve human trafficking are a "conundrum" because if victims are released they could end up back with their traffickers. And sometimes there is no safe place to keep them other than jail.

"Where is the rescue? What do we do for them? How do we protect them?" Crockett said.

Law enforcement authori-

ties also have different priorities, explained Ivy Suriyopas, staff attorney for the Asian American Legal Defense and Education Fund. "They focus on catching perpetrators, making sure the public is safe from additional crimes. That doesn't necessarily correlate with the needs of the victims."

Some police officers get it and know how to work human trafficking cases, advocates acknowledged. Yet many don't. At least not at this point.

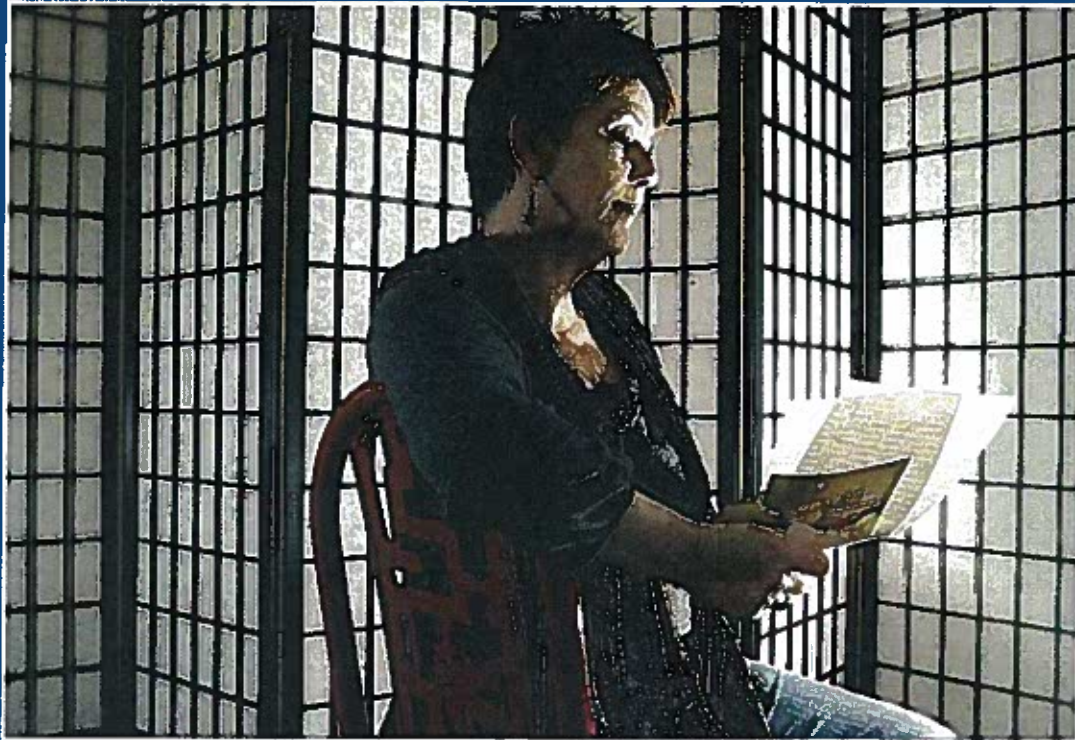
But experts say that's not surprising.

"They are being asked to take off their glasses and put on a slightly different prescription," said Bill Bernstein of Mosaic Family Services, which works with human trafficking survivors in Dallas. "They're having to view some people who we think might be victims in a slightly different light. That's beginning, but it will take time."

Further complicating anti-trafficking efforts is that Immigration and Customs Enforcement (ICE) agents are supposed to not only screen victims for possible human trafficking, but also root out illegal immigration — what some see as a conflict of interest.

At the very least, that creates an "inherent challenge," according to Kristyn Peck Williams, screening and field coordinator of the anti-trafficking services program for the U.S. Conference of Catholic Bishops.

"ICE would do the raid, but they would also be the ones in the position to identify trafficking victims," Williams said.



As a coordinator for a domestic violence shelter in Columbia, Kelley Lucero has seen many sad cases — one of the most heartrending of which involved a Chinese woman forced into prostitution at Missouri truck stops. Here Lucero reviews letters she received from the woman while she was in jail.

KEITH MYERS |
THE KANSAS CITY STAR

The initial contact with potential victims is crucial, advocates maintain. If agents use the same hard demeanor they use investigating other crimes, it can further traumatize a victim and destroy the case.

In one instance, a federal agent in the southern region of the United States interviewed a foreign-born woman picked up in a brothel raid. "So you were a prostitute?" the agent asked during the investigation.

An immigration attorney in the room told *The Star* that the woman instantly clammed up. Later, she was deported.

"I've seen a lot of women who were helped, but I see a lot of women who slipped through the cracks," said the attorney, who didn't want to be identified for fear of retribution by law enforcement.

In routine prostitution cases, officers are usually only interested in the money generated by the ring and the people involved. But human trafficking cases require more sensitivity and different questions.

"We now ask, 'Where do you live? Who do you live with?

Where did you come from? How are you paid?'" said Capt. Ken Bergman of the Independence Police Department, who works with the local anti-trafficking task force and has six "very trained" detectives who know how to identify victims.

The local task force has trained more than 2,000 officers throughout Missouri and Kansas about trafficking.

Still, that's only a fraction of the officers in both states.

"You have to know what you are looking for or you will miss it," Bergman said.

Without the right approach, a sex trafficking victim can be recycled into a lifetime of slavery.

Help us, we'll help you

From the outset, the system set up to help trafficking victims had a major flaw, advocates found. Especially when it came to helping sex trafficking victims.

The protection act concentrated on three Ps: preventing trafficking, protecting victims and prosecuting the traffickers. Some critics, however, believe

that the United States has put too much emphasis on prosecution.

Victims are required to show reasonable cooperation with law enforcement before they receive all the benefits intended for them, such as food stamps, shelter and the opportunity to stay in America.

In effect, victims are told, they may not get help from the government unless they help the government prosecute the trafficker.

"It is very wrong to have this condition," said Joy Ngozi Ezeilo, appointed last year as the United Nations' Special Rapporteur on human trafficking. "Countries must avoid that."

Victims are not given enough time for reflection or counseling, Ezeilo said, before they have to agree to cooperate. Given time to heal, some victims may be more likely to help prosecute their trafficker.

Kelly Heinrich, who has studied human trafficking and the laws addressing it, said the federal law is more witness-centered.

"It's the way it was designed

to begin with and implementation made it worse," Heinrich said.

Many victims aren't stable enough to immediately tolerate having to relive what they went through, said Judy Okawa, a licensed psychologist specializing in the evaluation and treatment of survivors of severe trauma.

One sex trafficking survivor Okawa has worked with said she relives her abuse every time the sun goes down. She told Okawa it's then — when the quality of light is at a certain level — she's reminded of the time she was forced to have sex.

Other survivors have different triggers. But the last thing they want to do is speak of the abuse. Or look into the eyes of the perpetrator.

It brings it all back, Okawa said. The fear. And the threats.

"If that trafficker is not in jail or dead, there's always a chance he or she will hurt them," Okawa said. "(The trafficker) says, 'You can run, but you can't hide from me. I will find you and I

will kill your family.'"

One trafficking victim reached out to a domestic violence advocacy program in Kansas. Her trafficker was forcing her to work long hours for little pay, stopping her from leaving the country, and frequently sexually assaulting her.

Pregnant with his baby, she wanted help.

But she was afraid to pursue a trafficking visa designed for victims because it would mean having to report her trafficker, which could put her, and her baby, in more danger.

"Although she may have had a remedy available ... she didn't feel like she could do that. She was too afraid," said Pamela Jacobs, immigration project attorney for the Kansas Coalition Against Sexual and Domestic Violence.

"Being asked to testify against a person you've been afraid of for a long time, and someone who could still hurt you, and your child, is very difficult. Just having a visa does not guarantee a victim's safety."

The woman did not see a way to escape, and advocates do not know what happened to her.

Consensual arrangement?

In the late spring of 2007, Johnson County authorities undertook the first major human trafficking investigation in the Kansas City area. Law enforcement at the time said they "rescued" 15 women from strip-mall Asian massage parlors — one called China Rose — and there could be many more victims.

Originally from China and Korea, the women worked 14 hours a day, seven days a week, performing sex acts. Sometimes they slept on the same bed where they serviced customers.

For investigators, on paper they looked like human trafficking victims.

But as time went on, and the case wound through criminal court, more information surfaced. Some women came to Kansas City knowing they would work as prostitutes. One woman, according to statements made by one of the

defendants, made about \$15,000 in a month.

Others said they had no idea they would be prostituted when they got here.

Ultimately, prosecutors didn't charge the four main defendants with human trafficking. Instead, they were charged with and pleaded guilty to coercing females to travel for prostitution.

Court testimony and other information prompted the federal judge hearing the case to dismiss the notion that there were "vulnerable victims."

"The victims were more participants than victims," said Chief U.S. District Judge Fernando Gaitan in sentencing the lead defendant, Ling Xu. "They appeared to be professionals."

Defense attorney Melanie Morgan, who represented Ling, said she believes prosecutors tried too hard to make the case into something it wasn't.

"This wasn't human trafficking," Morgan said. "This was a very consensual arrangement."

The case provided a small window into the complexity of sex trafficking investigations. Prosecutors across the country are filtering through scenarios where the water is muddy regarding what is coercion and what is consensual.

In the China Rose case, federal prosecutors said evidence supported the charges filed, and the government still contends that some of the women met the definition of a human trafficking victim.

Those women were offered trafficking visas, said Assistant U.S. Attorney Cynthia Cordes, who specializes in trafficking cases.

"But they wanted to return home to their families," Cordes explained.

Our own backyard

Ever since passage of the Trafficking Victims Protection Act nearly a decade ago, foreign-born victims have been the law's focus. They get extensive counseling, visa assistance and help with food and housing costs as they rebuild their lives.

For victims born in the United States, however, state governments were expected to take care of children prostituted by pimps or family members.

But that rarely happens, The Star found.

"You talk about frustration," said Thomas Egan of Catholic Charities in Phoenix. "We found hundreds of prostituted kids and no funding available to help them."

Kristy Childs sees it every day.

As founder and director of the nonprofit Veronica's Voice, Childs works to help Kansas City area women and girls escape the commercial sex industry.

That's what Childs did this summer when she and her staff searched the streets for a 12-year-old girl. Day after day, they heard from sources on the street, the junior-high-school girl was forced to prostitute herself.

"Every day she's out there, she's in more danger," Childs said one day as they went out to search again. "...We're trying to save the world and we can't. We can't even save the victims in our own backyard."

With American-born victims, it becomes a maddening game of catch and release.

Most welfare programs require recipients to be at least 18 to receive benefits. Since many young domestic trafficking victims are considered unaccompanied minors, they don't qualify.

Critics said this is another area where the law is deeply flawed.

"They (lawmakers) messed up," said Theresa Flores, who was sex trafficked as a teenager growing up in Michigan and now works as a victim advocate. "They didn't include Americans, and they should have."

Four years ago, Childs and other advocates lobbied U.S. legislators to make it clear that domestic victims should be protected under the act. They specifically wanted American-born girls under the age of 18 who are sex trafficked to be considered victims entitled to

services and benefits.

Lawmakers included that provision in the 2005 reauthorization of the protection act.

But they didn't fund services for domestic victims, leaving thousands of young girls vulnerable to further abuse.

"We're going to point the finger at other countries for how they deal with their domestic trafficking, but then we're not doing enough for our own citizens?" asked Colette Bercu of Tennessee's Free for Life International, a nonprofit organization that supports trafficking survivors. "We've got a problem."

At a national symposium in July, social workers and health care experts pointed out that resources available to help domestic victims don't come close to what's available for foreign-born victims.

Near the top of the list is housing. Police and community organizations are having a tough time finding somewhere to take domestic victims lucky enough to have escaped their pimps.

"As a result, many domestic minor victims are housed in juvenile detention centers, which often do not recognize or treat these youth as victims of a crime, but rather as perpetrators," a symposium report said.

Cordes said she prosecutes domestic sex trafficking cases with the same fervor as cases with international victims but it can be challenging.

"We have a duty to protect our own citizens and children," she said. "Because the domestic victims are ineligible for funding under the (protection act) each case demands extra effort and creativity to obtain services."

More than 1,800 Las Vegas youths under the age of 18 were in juvenile lockup on prostitution-related charges between 1996 and 2007, according to a study released this year by Shared Hope International, which rescues victims of sex trafficking. In Dallas, 165 youths were in police custody on prostitution-related charges in 2007 alone. Shared Hope of-

ficials believe all of these kids were victims and should not have been thrown in jail.

"We have to stop criminalizing, arresting the kids," said Shared Hope founder Linda Smith.

For the 12-year-old in Kansas City, police were more understanding. Especially after Childs called them when her search came up empty.

Within a day, law enforcement had found her. But only after two officers spent a night doing nothing but looking for her. She was taken to a local hospital and examined.

Authorities tried to connect her with Veronica's Voice and Childs, to get her the counseling she needed. But somehow she slipped away.

Now, Childs worries she's back on the streets.

A long way home

With foreign-born human trafficking victims, the line between victim and criminal isn't always clear, either.

Consider the Chinese woman

Lucero met in jail.

The woman paid \$13,000 — her family's life savings — to enroll in what she thought was a cultural exchange program that would bring her to the United States. Her teenage son planned to go to college in America, and someone in their family had to come in advance to get a job and earn money.

She made the trip on a six-month visa, Lucero said. But when she got off the plane in Los Angeles, she was taken to a Chinese restaurant where she went to work washing dishes.

Next, she thought she'd get a job as a nanny for a wealthy family. But then she met a man who said he was from her province in China. He told her about the massage business, how she could get a license and make good money.

She believed him. With what the woman thought was a legitimate license in hand, she traveled with several other women to the Midwest.

Twelve of them worked 12 hours a day inside cramped

parlors set up inside truck stops across Middle America.

"They gave her half of what she was making," Lucero said, noting that she still knows very little about the traffickers.

The woman ended up with a couple of hundred dollars a week. Most she'd send to family back in China.

Then police got a tip about a one-room massage parlor operated out of a Boone County truck stop along Interstate 70. The night she was arrested, police didn't have a translator and she couldn't tell her story.

The Chinese woman never told Lucero all she was forced to do. She even denied having sex.

"It would be too humiliating," Lucero explained.

The woman spent Christmas 2007 behind bars.

"My parents are old and sick," she later wrote Lucero. "My mother knows I'm in jail and she's had a heart attack and is in the hospital. My husband (still in China) ... can't work because of my situation."

Eventually, charges were dismissed. The woman went to California and got her temporary visa extended. Then she headed east to work, she said, in a market.

But before she left the Midwest, she wrote Lucero about missing her homeland.

"The only thing I wish for is to leave America and go to my loved ones," she said. "I feel like America is a place where they talk a lot about human rights, and I know I have the right to go back to China. Can you please help me?"

For almost a year, Lucero didn't hear from her and wasn't sure where she ended up.

Then last week, Lucero received an e-mail. The woman is on the East Coast waiting for her green card.

"She just wanted to say Merry Christmas to me and tell me that she loves me," Lucero said. "And that we have a special connection."