

Not Even Safe at Home: A Critical Look at United States Human Trafficking

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Abstract

Most Americans are aware of human trafficking, but a vast majority does not know how close to home it really is. Three current cases are a strong testament to this fact. These cases assist in discovering two gaps in the U.S. law system: "How can officers separate trafficking victims from criminals?" and "What do we do with these trafficking victims once they are found?" Efforts currently being made to better the situation include: 1) Law enforcers being trained to handle trafficking cases and 2) New laws in the making, allowing victims to be sent to specialized treatment centers for aid.

Human trafficking is defined as the "illegal trade of human beings for the purposes of reproductive slavery, commercial sexual exploitation, forced labor, or a modern-day form of slavery" (All Africa, 2011). While different versions of this horrific exploitation of human rights have been present since the birth of society, only recently has human trafficking received the attention it deserves. The first official action taken against the global threat of human trafficking was in 2000 when the United Nations adopted the Trafficking Protocol as an additional part of the Convention against Transnational Organized Crime (Sun Sentinel, 2011). Meanwhile, the media has been a strong tool in aiding the fight against human trafficking by raising the awareness of the general population. Yet when asked what they know about the subject, most U.S. citizens would likely reply that they know it occurs worldwide, frequently in struggling countries; they not be aware of the vast trafficking problem within the developed world.

Estimations show that anywhere from 14,500 to 17,500 people are trafficked to the United States each year (Salett, 2006).

As the problem of human trafficking grows and evolves over time, so do the repercussions that accompany it. This can be seen in major recent cases of human trafficking in the U.S. and the secondary problems still being dealt with because of them. The cases from the past decade analyzed in this paper validate this point, and also bring to light two very new problems for law makers and law enforcers everywhere: How do we prove these individuals are actual human trafficking victims and not just prostitutes or illegal aliens seeking work illegally? And what do we do with these unique victims once they have been identified. Through a closer look at these questions the real depth of the problems can be seen, along with possible solutions for the future.

Florida is a state in the U.S. known for its beaches and theme parks, and is a very popular tourist destination. Florida's capital Tallahassee is no exception to this. Tallahassee attracts individuals from all over the globe with its historic downtown district, various government buildings, and multiple beautiful college campuses, yet it is also the scene for one of Florida's largest human trafficking cases. In early 2011 a group of terrified Guatemalan women took to the streets of Tallahassee's Killearn area searching for help (Coonan, 2011). They had just escaped from Jorge Melchor, a Columbian man who had lured several of them to America with the promise of honest work and a good living but instead forced them into prostitution. Melchor originally told the women that they could receive jobs in America as house maids and slowly pay off the debt accumulated from their safe passage to America. Upon arrival, however, the women were taken and their passports were repossessed. The price of their passage jumped up to \$15,000 and they were told that the only way to pay off their debts was prostitution (Coonan, 2011). That night they were locked in a small Killearn home that would eventually become a brothel where the women were forced to have sex with at least a dozen men each day and

night. Freedom seemed out of reach until Melchor left the house one day without locking the door and the women seized the opportunity. Once out of the house the women went door to door furiously knocking on their neighbors' doors begging for help. Melchor's story ends with an eight year sentence for his involvement in the operation, but the greater plot had just begun (Montanaro, 2011).

Meanwhile, a much grander scheme was in progress. Carlos Monsalve, the mastermind of the Guatemalan sex trafficking conspiracy and Melchor's boss, had set up sex houses exactly like the one in Tallahassee all over Florida (*U.S. v. Monsalve*, 2009) The final count of cities involved came down to Clearwater, Orlando, Jacksonville, Tampa Bay, Miami, and Tallahassee. The uncovering of this much larger operation began with the Tallahassee case. The Tallahassee women raised police suspicion; could other sex houses be out there as well? Earlier that year another Guatemalan woman in her twenties had been forced into prostitution in the Jacksonville area (Coonan, 2011). Just like the women in Tallahassee, she had been offered a job as a housekeeper in America, but when she reached her destination, the travel debt suddenly jumped to \$30,000. As a result, she provided sexual services to 25 men every night to pay off her debt (Abel, 2011) Shortly after these two cases, a task force was created in Clearwater, Florida to investigate further. Officers eventually discovered business cards Monsalve had been distributing that read "Tacos and Gorditas" with a phone number on the back. They understood it was the code for prostitution. Once investigators completely unraveled Monsalve's operation, authorities arrested him and sentenced him to 20 years in prison (*U.S. v. Monsalve*, 2009). It was a huge victory for Florida, but that didn't make the rest of the United States safe.

In Hawaii, law enforcers are facing a different sort of human trafficking dilemma. In the summer of 2011, two Hawaiian farmers were charged with human trafficking crimes and faced a 20 year sentence with no chance of parole (Zimmerman, 2011). Alec and Mike Sou's story begins a lot like Monsalve's. The two Hawaii farmers started out by offering native Thai immigrants jobs in America.

They claimed that upon arrival the immigrants would receive jobs on their farm working six days a week at \$9.60 an hour with visas good for three years of work, in order to pay off their passage. Once in America, that story changed yet again. The 44 workers brought over from Thailand quickly found themselves in the position of modern indentured servants. The workers discovered that their wages would be significantly less than originally offered, that their visas were only good for a few months, and finally that their recruitment fee was now \$20,000 each (Zimmerman, 2011). To further their control over the immigrant, the Sous told the workers that if they complained about the work or wages they would be promptly deported back to Thailand, a clever intimidation tactic often used by human traffickers in international cases. Back in Thailand the workers would have no means to pay off the debt they incurred coming to America, and would be forced to suffer consequences in Thailand. Ultimately convicted for slavery, the Sous' defense was simple: There was no slavery (Zimmerman, 2011). They claimed that the workers could have quit whenever they wanted; they had simply stated that if the workers didn't perform their jobs they would be fired just like any other job (Zimmerman, 2011). That defense was unacceptable to authorities, especially taking into consideration that during the Sou investigation an extremely similar case was being examined in Los Angeles. What was the defining difference between the two cases? In Los Angeles 600 workers were involved versus the 44 in Hawaii. Prosecutors already have begun calling it the largest trafficking case in United States history (Zimmerman, 2011). The Sou case demonstrates how trafficking can be used as more than just a sex tool.

Another form of human trafficking, which is perhaps even more sinister than those already outlined, has become an issue in Ohio. It is estimated that nearly 1,000 American children are forced into prostitution in the state (CBS News, 2010). Upon first glance that seems extremely peculiar, considering Ohio is not close to any water and is not a highly populated state. Looking closer, however, we see the leading cause of this rise of trafficking in Ohio as the state's weak trafficking laws and lack of

trained officers. In the state of Ohio there is no set standard “human trafficking law”. Instead human trafficking specifications can be attached to a normal charge to add more prison time, just like how other states add “use of a firearm” penalties to common crimes such as robbery in order to extend an inmate’s sentence (CBS News, 2010). Meanwhile, in other states such as New York and New Mexico a convicted human trafficker can serve up to 100 years in jail (CBS News, 2010). Committing the crime in Ohio is thus far more appealing because punishment if discovered is far less severe when compared to the rest of America. In addition, many Ohio police officers are not properly trained to respond to potential trafficking threats. More often than not the child victim found will be arrested for prostitution instead of being viewed as a sex trafficking victim (Coonan, 2011). So while Ohio may not be the ideal location for sex houses because of its lack of a large moving population creating demand for prostitution, it is perfect for recruiting because of its lack of proper human trafficking laws. One young woman confirmed this theory when she explained how her pimp recruited her in Ohio at the age of 12 (HumanTrafficking.org, 2008).

Often pimps and traffickers take advantage of weak individuals who can be easily controlled and manipulated. In the Florida-Guatemala cases, they used young women who knew nothing about America and could not speak English. Now in Ohio, American children (often runaways) are being manipulated into sex trafficking. Estimations show that as many as one in three children will be recruited into prostitution the first 48 hours they are on the street, with most of them being between the ages of 12 to 14 (HumanTrafficking.org, 2008). Pimps manipulate these children into prostitution through promises of money, gifts, adventure, and excitement, but mostly love. More often than not these children are on the streets because they have been neglected by their own parents. When a trafficker comes along and shows them the affection and love they have been craving they easily fall into the trap of becoming a trafficking victim. One young woman explained to researchers: "The things that he said were things I've never felt before. I actually felt like I was loved by somebody for the first

time." (HumanTrafficking.org, 2008). Even though Ohio is a common recruiting area, the child's journey does not end there. From Ohio they are moved all over the United States to different sex houses and street corners. While most U.S. kids are trying to figure out where they want to attend college or are getting ready for their first date, the trafficked children have already been all over America working the streets for years.

While very different in nature, all three cases had the same effect: they woke America up. Great strides have been made in the fight against human trafficking and slavery on an international level. This can be seen from the aforementioned United Nations Trafficking Protocol, and the Trafficking in Persons (TIP) Report, which is used to rate how effective countries have been in handling human trafficking threats domestically (HumanTrafficking.org, 2008). Even though these actions have been taken to combat trafficking, human trafficking and slavery rates have never been higher in the world history's than they are today. And when America was finally included in the TIP Report in 2010, the U.S. was forced to admit that human trafficking was developing into a serious problem within its borders. America is now taking action to help lessen its involvement in the global trafficking crisis. The Alliance to End Slavery and Trafficking (which includes ECPAT-USA, the Polaris Project, Safe Horizon, and other activist groups) have made multiple proposals to law makers in order to make convicting known traffickers an easier process, but it is still not enough (Alliance to End Slavery & Trafficking, 2011).

One of the main problems America struggles with is how to determine who qualifies as a trafficking victim. Large numbers of the trafficking victims in the U.S. are American citizens themselves, not immigrants. When a foreign woman is picked up on the street by police it is much easier to convince detectives that she was kidnapped and brought to America in order to be forced into prostitution, but when the woman is an American the situation becomes unclear. Often times when a street corner is broken up in cities such as New York all of the women are simply picked up and arrested for

prostitution, no questions asked. Even if asked, more often than not, the women are seen by officers not as victims but rather as willing participants in prostitution attempting to get out of prison time by pretending to be trafficking victims (Coonan, 2011). Officers frequently maintain this same viewpoint when minors are involved, despite the fact that legally a minor cannot consent to sexual intercourse. Not all blame lies on the officers though, as the human trafficking crises sets up a potential cry-wolf scenario. Once one woman escapes prostitution charges because of trafficking claims, the “I am a trafficking victim too” defense may quickly become a default for arrested prostitutes. Police officers and judges are left in a tight position where they are obligated to sort through hundreds of “trafficking” cases attempting to determine which are true and which are false (Coonan, 2011).

An even more complex problem exists when attempting to identify true victims of trafficking, and that problem lies in the population of childhood victims. Children forced into prostitution at an exceedingly young age do not recognize themselves as victims. A majority of the time they have a love for their pimps quite similar to that of an individual suffering from Stockholm syndrome. The affection and caretaking received from the pimp trains them to love and protect their pimp no matter how truly destructive the relationship is. This makes uncovering young victims and getting them the help they need a nearly impossible task. When these children are found and law enforcement identify them as victims there is not much help that can be offered. Because these victims are still minors once their charges are dropped (if they are dropped; some are not as fortunate and end up in juvenile detention), they are returned home or put into foster homes (Coonan, 2011). For most of these children, that is exactly where they began, making it easy for them to then come back into contact with their pimp.

What can be done, then, about these gaps in the U.S. legal system? There is no absolute solution yet, but there are several specific starting points where progress can be made. First and foremost, officers need training and that is exactly what they are receiving. In 2006 Florida passed state laws that

not only improved the definition of human trafficking and forced labor (slavery) in Florida, but also required that all new law enforcement recruits go through human trafficking training (Florida Coalition Against Human Trafficking, 2011). This training enables officers to successfully identify trafficking victims while patrolling the streets on duty. Thanks to these training programs, officers are now more prone to assist young trafficking victims rather than arresting them instantaneously. The training also emphasizes that turning 18 does not automatically make an individual an adult. A child forced into years of prostitution at a young age is a trafficking victim the day before his/her eighteenth birthday and is still a victim after it. In addition to officer training, judges are also being re-educated on how to handle human trafficking and child prostitution cases in the court room. Dr. Terry Coonan, currently the Executive Director of the Florida State University Center for the Advancement of Human Rights and a recommended trainer for the Florida Coalition Against Human Trafficking's Training Program, has played a main role in these improvements since his involvement in the Tallahassee Monsalve case. Dr. Coonan's most recent effort was a trip to New York City to train a group of New York judges how to properly handle human trafficking cases brought to their courtrooms (Coonan, 2011). These outstanding initiatives and others similar to them have resulted in over 13,000 law enforcement officers and other legal officials fully trained and equipped to handle the human trafficking cases to come in the future (Florida Coalition Against Human Trafficking, 2011).

One matter still remains: Now that these victims of human trafficking can finally be identified, a method to assist and protect them must be developed. As previously mentioned, many young victims are sent back to their original homes where the trafficking began, with nothing done to stop the trafficking cycle or to prevent the victim from escaping. Adult victims are also left with little to no public assistance. Common public aid is currently available nationwide for the homeless, recovering drug and alcohol addicts, and criminals newly released from prison. There is nothing designated specifically for torture victims, however, which is what trafficking victims are. They have been held against their will for

as little as months or as long as years. During that time period many victims are sexually defiled and abused repeatedly, denied simple privileges such as the ability to communicate with the outside world, and their living conditions are dismal at best. Trafficking victims are in dire need of medical, emotional, and mental rehabilitation once they escape. The best treatment facilities the United States currently has to offer are hospitals and rehabilitation centers, which can often be more hurtful than helpful. Being detained in a hospital for treatment can make the victim susceptible to the same emotions they felt while being held as a slave against their will, thus triggering panic and emotional relapses that could lead them to attempt to break out of the hospital throughout the treatment period. In an attempt to prevent this from taking place, Florida lawmakers proposed the "Safe Harbor Act" (Kristi House, 2011). The act would add an amendment to the definition of sexual exploitation to include children forced into prostitution, it would increase the severity of potential punishment for convicted pimps, and finally it would create safe houses for adolescent victims of sex trafficking (Kristi House, 2011). These facilities would be specially designed to cater to the needs of these children. There would be monitoring and security systems present to ensure no contact could be established between past pimps and the victims receiving treatment. In addition to this, the safe houses' staff members would be specifically trained to treat trafficking victims. Treatment at the house would include therapy, health care, and training in skill areas that are necessary in order to successfully re-enter the real world. Unfortunately the "Safe Harbor Act" bill was dropped this year in committee, but there is still potential for change (Kristi House, 2011). While groups in Florida continue to push the act, other states in America have made progress with different programs.

Throughout America, many states offer diversion programs for trafficking victims. These programs act as an alternative to jail time, while also providing shelter, food, clothing, and other assistance victims require in order to get back on their feet (Coonan, 2011) Some states are fighting for the decriminalization of child prostitution, making it impossible for children forced into prostitution to

even be arrested. This allows them to receive the care they need immediately, rather than spending needless time in Juvenile Hall (Kristi House, 2011). In another attempt to provide assistance for victims forced back into the system, the Alliance to End Slavery and Trafficking proposes that a provision be added to the 2000 Federal Trafficking Victims Protection Act (Alliance to End Slavery & Trafficking, 2011). This provision would require all state foster care facilities to report how they plan to deter human trafficking. The same provision would also include training all child welfare staff members to recognize warning signs of potential child prostitution/trafficking victims. Staff training would also include instruction on how to interact with those who have already become trafficking victims. The final act of the provision asks welfare associates to speak with runaway and homeless youths about the dangers of sex trafficking in an effort to deter the youths from interacting with pimps. Finally, the Alliance to End Slavery and Trafficking recommends adding a "Johns" education program. The program would consist of various methods of demonstrating how detrimental child sex trafficking is in order to encourage potential "Johns," or buyers of sexual services from child prostitutes, to stay away (Florida Coalition Against Human Trafficking, 2011). Similar programs have already been sanctioned in multiple states and have quickly proved effective in dissuading "Johns" from becoming involved in child prostitution. Because of these positive results, identical programs nationwide would be a strong aid in diminishing human trafficking. By removing the buyers of child prostitutes the market will naturally shrink, creating less of a demand for children and saving multiple young lives.

The battle against human trafficking is ongoing, and will be for quite a while, but hopefully not forever. From the beginning of history different forms of slavery existed. As society evolved and expanded so did slavery. Society is now forced to deal with the modern slavery and sex crimes brought by this evolution. The fight is still in its early stages, but there is still time for prevention. Only recently has it become exceptionally prevalent in the United States. Right now is the time to educate the population, while encouraging them to become actively involved. Many atrocities have already occurred

because of human trafficking in the United State. The three cases discussed demonstrate this, but partial solutions have already been discovered and more help is on the way. The main goal in the future is to ensure that current solutions are used to their full potential, and that additional solutions are being actively sought after. Human trafficking has been reported in all 50 states, taking along with it 14,500-17,500 victims a year (Salett, 2006). The damage has been done, but future damage can be prevented.

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