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## Despite Tough Law, Few Arrests for Sex Trafficking

By JOSEPH BERGER

Despite a highly trumpeted New York State law in 2007 that enacted tough penalties for sex or labor trafficking, very few people have been prosecuted since it went into effect, according to state statistics.

In New York State, there have been 18 arrests and one conviction for trafficking since the law was signed by Gov. Eliot Spitzer and took effect in November 2007, according to the New York State Division of Criminal Justice Services. There is one case pending in Manhattan, one in Queens and two in the Bronx.

The situation is not all that different in New Jersey or in roughly 30 states that have laws against human trafficking — defined as using fraud or force to exploit a person for sex or labor. A federal law passed in 2000 with lifetime prison penalties has resulted in 196 cases with convictions against 419 people, according to statistics from the United States Department of Justice.

The scale of those numbers contrasts starkly with the 14,500 to 17,500 people the State Department estimates are brought into the United States each year for forced labor or sex.

Prosecutors like Anne Milgram, the New Jersey attorney general, and Janet DiFiore, the Westchester district attorney, blame a lack of training.

Police officers, they said, do not recognize signs of exploitation and do not ask the right questions at an opportune time. Eager to move a case along, the police may arrest someone for promoting prostitution rather than bringing stiffer trafficking charges. With evidence growing stale, it can be hard to upgrade charges later on, the prosecutors said.

“It’s very reminiscent where we were 30 years ago on the domestic violence stuff,” Ms. DiFiore said. “People just don’t get it yet.”

One typical recent case involved a 22-year-old woman from Mexico who said she was lured to New York by her boyfriend with a promise of a waitress’s job. She said she wound up working for his uncle in Queens as a roving prostitute, servicing 10 men a night across the five boroughs for \$35 to \$45 a trick.

Friendless, stranded on alien streets, frightened that the police would discover she was here illegally, she felt she had no choice, said the woman, who is pregnant and asked not to be named for fear of retribution.

“I felt so bad, so bad,” she said, drying tears as she spoke softly with the help of a translator. “I didn’t know what I could do. I was alone.”

In July, the boyfriend was arrested after, she said, he beat her so brutally that she finally fled and sought out a stranger, who led her to the police. But he was charged only with a misdemeanor assault for domestic violence.

The Mexican woman said that had she been asked, she would have told the full story of how she had been intimidated into prostitution, but the police did not press her, and she did not volunteer anything because she was afraid the boyfriend might seek revenge against her family in Mexico. Her lawyers say they are now trying to get Queens prosecutors to upgrade the charges, something prosecutors say they will consider.

The police, experts say, should be asking an immigrant prostitute whether she was forced to work the streets, whether her passport was taken away, whether she was held somewhere against her will. Training sessions to focus on such questions have been held, including one Nov. 12 in Mount Kisco for 100 law enforcement officers and social service providers.

“If you’re looking at a frightened immigrant woman in a brothel, it doesn’t take a Ph.D. in political science to know what you’re dealing with,” said Dorchen Leidholdt, legal director for Sanctuary for Families, a Manhattan battered-women’s agency that is helping the Mexican woman. She runs across many police officers who do not know that a trafficking law exists, she said.

But the police often are not helped by victims, who are “taught, trained and manipulated by their exploiters not to cooperate with nor trust law enforcement,” Richard A. Brown, the district attorney of Queens, said in an e-mail message. In the case of the Mexican woman, his office said that the only information she provided was that her boyfriend had punched her; she never mentioned his forcing her into prostitution.

If the right questions are asked, trafficking charges do result. In Westchester County, a 21-year-old Hungarian immigrant told prosecutors she was deceived by her employer, Joseph Yannai, 65, author of a book profiling the world’s top chefs, into thinking she would be coming to suburban Pound Ridge to work as his personal assistant. But according to a criminal complaint, the job required her to perform sexual favors.

The woman, whose name has not been released, escaped and her testimony resulted in charges against Mr. Yannai for sexual abuse and two counts of labor trafficking — one involving the Hungarian and another a Brazilian woman at the Yannai home. Under the new law, each labor trafficking count carries a sentence of three to seven years in prison.

In their questioning, prosecutors learned, according to the complaint, that Mr. Yannai had deceived the Hungarian woman about the nature of the job, had limited her phone calls and offered her no spending money — acts that undergirded the trafficking charge. Mr.

Yannai, who is awaiting trial, said the women “were free to come and go as they wished,” according to his lawyer, John D. Pappalardo.

On Tuesday, a Queens jury convicted David Brown, 32, of St. Albans, of sex trafficking and kidnapping. The Queens district attorney said it was the first conviction for sex trafficking since the 2007 law was passed.

Prosecutors said the defendant forced the woman to work for him as a prostitute for 12 days in August 2008 by threatening to beat her and cut up her body if she left his apartment. Witnesses testified that the woman was “sold” to the defendant for \$2,000 by an ex-girlfriend.

Amy Siniscalchi, program director for My Sister’s Place in Westchester, a service agency working with seven trafficking victims, said, “Everybody in the field thinks that the crime of human trafficking is increasing.”

Jennifer Dreher, senior director of the anti-trafficking program at **Safe Horizon**, a domestic violence agency, said the world economic crisis had made desperate people more willing to believe deceptive employment schemes and had provided workers for massage parlors and brothels.

Those trafficking cases that have been brought illustrate how trafficking is different from run-of-the-mill crimes like promoting prostitution.

Last month, two Mexican immigrants — a husband and wife — were charged by federal authorities in Brooklyn with using physical violence — including cutting the victim with a knife, beating her with a brick, punching her and breaking her finger and nose — to force a young woman to work as a prostitute starting in April 2007. The husband fathered a baby with the young woman; the baby died for reasons still unknown, and his body was discovered encased in concrete.

Benton J. Campbell, the United States attorney in Brooklyn, described the case as “sex slavery.”

In August, the F.B.I. arrested the brother-and-sister owners of two bars in Lake Ronkonkoma and Farmingville on Long Island that were popular with Latino immigrants, and charged the two and a manager with sex trafficking and forced labor. The complaint said women as young as 17 were lured from Central America to work as waitresses and, if they refused to perform sex acts, were beaten, raped or threatened with deportation.

In the Queens case involving the Mexican woman, she said the police asked her only about visible bruises. Vivian Huelgo, another lawyer for Sanctuary for Families, faults them for not digging harder.

“A couple of different questions — is someone forcing you to have sex and is that sex for money — would take you down the road to a more serious crime,” she said.