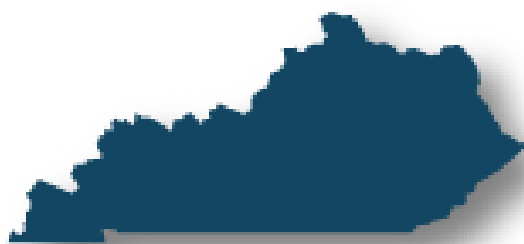


Human Trafficking in the Commonwealth of Kentucky



2007



**Compiled by the Justice & Safety Center at
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I. Introduction

Human trafficking is a global phenomenon that involves obtaining or maintaining the labor or services of another person through the use of fraud, force, or coercion. Human trafficking is widely considered the modern-day equivalent of slavery. At a time in history when slavery is universally condemned, the existence of human trafficking presents a problem that must be addressed by governments around the world.

In recent years, the United States has been a prominent international leader in combating human trafficking. Each year, the U.S. Department of State issues a *Trafficking in Persons Report* that provides an international assessment on human trafficking and details the efforts countries are making to combat the problem. The purpose of the publication goes beyond informing the public and raising awareness. It also highlights successful anti-trafficking efforts in the international community and challenges countries to do more to address the problem. Human trafficking in countries other than the United States is widely acknowledged as a significant problem; however, many people are unaware that human trafficking is also a U.S. issue. Each year, new cases of human trafficking within the United States are identified. As the ability to recognize and respond to such cases improves, more cases will likely be uncovered.

Human Trafficking in the Commonwealth of Kentucky is an effort to explore the nature and extent of the problem within Kentucky. After a brief introduction concerning the nature of human trafficking, the paper will discuss federal and state legislation pertaining to the issue, present research exploring the scope of the problem in Kentucky, and finally detail the current efforts to combat trafficking within the Commonwealth.

II. Nature of the Problem

Human trafficking not only deprives people of their human rights and freedoms, it increases global health risks and fuels the growth of organized crime (U.S. Department of State [USDOS], 2007, p. 5). It is a multi-billion dollar international industry, operating on a similar scale as narcotics or firearms trafficking. Human traffickers prey on the most vulnerable members of society: the poor, the disabled, the unemployed or underemployed, and those lacking social safety nets (U.S. Department of Labor [USDOL], 2002, p.3). Traffickers usually target children and young women, often luring victims with promises of a better life through marriage, employment, or educational opportunities (USDOS, 2007, p. 8).

It is important to differentiate between people who are smuggled into the country and people who are trafficked. While people who are smuggled travel voluntarily, victims of human trafficking do not. They are coerced in some way, either taken by force or deceived (Clawson, Layne, & Small, 2006, p.8). Unlike smuggling, human trafficking does not require that transportation occur, although transportation may be involved.

Human trafficking crosses all boundaries. Within the United States, the problem is not confined to so-called “border states.” Instead, the problem reaches deep into the heartland, having been identified in both urban and rural areas throughout the United States (Hunt, 2007b). Victims originate from a wide range of countries. For example, during fiscal year 2006, the primary sources of trafficking victims in the United States were El Salvador, Mexico, Republic of Korea, and Honduras (USDOS, 2007, p. 49).

The grim reality is that human trafficking inflicts significant damage on its victims. At the hands of their captors, victims frequently endure mental, emotional, and physical abuse. In many cases, trafficking victims “are constantly monitored and accompanied, have limited

freedom of movement, show signs of physical abuse, suffer health problems, are fearful of speaking to outsiders, and lack identity documents” (Hunt, 2006). They may be subjected to labor exploitation, sexual exploitation, or both. Specific types of exploitation include bonded labor, involuntary servitude, debt bondage, involuntary domestic servitude, forced child labor, the use of children as soldiers, sex trafficking and prostitution, the exploitation of children for commercial sex, and child sex tourism. Such crimes thrive behind closed doors in an underground world that protects the perpetuation of the crime. As a result of the covert nature of this crime, human trafficking often goes undiscovered and unreported.

Victims of trafficking are often reluctant to report the crime thereby further complicating efforts to identify and combat the problem. There are many reasons why victims of human trafficking may not report the offense. Isolation and control at the hands of traffickers often prevents victims from seeking help (Lexington Human Trafficking Task Force, 2007b). Victims are constantly threatened by their captors who instill fear in them as a means of control. Victims may fear losing their children or that harm will come to family members if they report the crime. For victims who are brought to the United States from other countries, the language barrier adds an additional layer of complexity in understanding why the crime is so drastically underreported. If victims lack English proficiency, they may be reluctant or frightened to report the crime. Many may fear authorities, especially if police and judicial corruption are prevalent in their native countries. Victims also fear deportation if they did not enter the country legally.

It is important to note that not all trafficking victims are foreign born; victims of human trafficking may also be U.S. citizens. It is estimated that more than 200,000 U.S. children are at risk for trafficking into the U.S. sex industry annually (Polaris Project, n.d.). Given the special vulnerability of these young victims it is likely that many of these offenses go unreported.

Additionally, because of the unique, covert nature of this crime, it has proven quite difficult to quantify the volume of persons trafficked into the United States each year. In 2005, the U.S. Department of State estimated that of the 800,000 people trafficked worldwide annually, up to 17,500 of those victims are trafficked within the United States. However, recent reports have questioned such estimates and have refrained from quantifying the number of trafficking victims within the United States. In fact, the 2007 *Trafficking in Persons Report*, which is a primary source of information on this issue, does not provide any estimate of the number of persons trafficked in the United States.

Clawson et al. (2006, p.7) define several barriers to collecting and reporting data on human trafficking. The most significant barrier is that victims are unable or reluctant to report the offense to authorities. In addition, victim data from service organizations are often non-comparable and contain duplicate counts. It is also difficult to measure the scope of the crime because much of the research tends to focus on women and children and excludes trafficked males. Furthermore, there are inconsistent definitions of trafficking. Trafficking is commonly associated with organized crime; therefore, gaining access to information is difficult. Finally, Clawson et al. (2006, p.7) reports that agencies that deal with this problem (e.g., law enforcement or victim services) are often reluctant to share information.

III. Federal Anti-Trafficking Legislation

The law that guides the United States' efforts to combat human trafficking is the Trafficking Victims Protection Act of 2000 (TVPA), Pub. L. 106-386¹. Human trafficking is defined by TVPA as: (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person

¹ See Appendix A for more details on federal anti-trafficking legislation.

for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. The purpose of the law is to protect victims, prosecute traffickers, and prevent trafficking from occurring (USDOS, 2007, p.5). It was designed to strengthen existing federal civil rights laws such as the Thirteenth Amendment and subsequent laws passed to enforce the Thirteenth Amendment². The TVPA increases the penalties for human trafficking offenses, provides resources to protect and assist victims of trafficking, authorizes educational and public awareness programs to raise awareness about human trafficking, and promotes cooperation among agencies involved in anti-trafficking initiatives. In an important step towards supporting the prosecution of trafficking related offenses, TVPA criminalizes the confiscation of passports, immigration documents, or other identity documents with the intent of committing involuntary servitude, peonage, debt bondage, or slavery (U.S. Department of Justice [USDOJ], Civil Rights Division, 2006).

One of the most useful tools provided by TVPA was the creation of two new nonimmigrant visas for non-citizen victims of human trafficking crimes: the T-visa and the U-visa. Both visas are designed to provide immigration status to non-citizens who assist, or are willing to assist, authorities' investigations of trafficking crimes. The U-visa is available to non-citizens who have suffered substantial physical or mental abuse resulting from a wide range of criminal activity and who have been helpful with the investigation or prosecution of the crime. The U-visa provides eligible immigrants with authorized stay in the United States and employment authorization. Even though the U-visa was established upon the inception of TVPA, as of fiscal year 2006, no U-visas had been issued (USDOS, 2006). The U-visa could not be issued until the Department of Homeland Security issued the regulations for making the visa available. In September 2007, the long awaited regulations for the U-visa were approved and,

² The Thirteenth Amendment abolished slavery and prohibited involuntary servitude.

after seven years of receiving applications, the U.S. Citizenship and Immigration Services is now able to issue the U-visa. The T-visa is for victims of severe forms of human trafficking who assist in the investigation or prosecution of trafficking and who would suffer extreme hardship involving unusual and severe harm if they were deported. Since the inception of the T-visa, 792 visas have been issued to human trafficking survivors and an additional 645 T-visas to members of their families (USDOS, 2007, p. 49).

The Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA 2003), Pub. L. 108-193, was signed into law on December 19, 2003. It reauthorized TVPA and added new responsibilities to the U.S. Government's anti-trafficking efforts. Specifically, TVPRA 2003 (USDOJ, 2006b, p.1):

- ◆ Provides for prevention programs to combat sex tourism.
- ◆ Supports public information and awareness campaign efforts.
- ◆ Provides for the establishment and implementation of border interdiction programs in foreign countries.
- ◆ Allows for trafficking victims to file civil actions against traffickers.
- ◆ Establishes the Senior Policy Operating Group (SPOG) on Trafficking in Persons.
- ◆ Requires a yearly report from the Attorney General to Congress on the U.S. Government's activities to combat human trafficking.
- ◆ Mandates funding for research that furthers the purpose of TVPA and addresses the findings of TVPA.

On January 10, 2006, the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA 2005), Pub. L. 109-164, was signed into law. The TVPRA 2005 broadened the law by expanding anti-trafficking resources and authorizing additional funds for the investigation and prosecution of domestic trafficking within the United States. It specifically provides additional

resources intended for the Department of Labor to monitor and combat forced labor and child labor.

The United States has shown significant progress in addressing human trafficking in recent years. In fiscal year 2006, approximately \$28.5 million was allocated among several federal agencies for domestic anti-trafficking programs (USDOS, 2007, p. 49). This includes programs that work to identify and protect victims of trafficking, increase anti-trafficking law enforcement efforts, and/or, as a means of prevention, raise public awareness about trafficking. In fiscal year 2006, the Department of Justice's Civil Rights Division and U.S. Attorneys' Offices initiated 168 investigations, charged 111 defendants, and obtained 98 convictions involving human trafficking (USDOJ, 2007). Since fiscal year 2001, 276 of the 386 defendants prosecuted by the Department of Justice's Civil Rights Division and U.S. Attorneys' Offices for human trafficking-related offenses, have been charged with or pleaded guilty to violating TVPA statutes (USDOJ, 2007). In fiscal year 2005, the average sentence imposed for human trafficking was 8.5 years (USDOS, 2007, p. 49).

IV. Kentucky Anti-Trafficking Legislation

Since the inception of TVPA, many states have enacted their own laws pertaining to human trafficking in order to allow for provisions where the federal law is insufficient (see Figure 1 below). State laws serve as an additional tool for prosecuting human traffickers, allowing cases to be prosecuted that are not being pursued at the federal level. Federal authorities do not have the resources to investigate and prosecute every case; therefore they often choose to focus their efforts on larger-scale cases. Without a state law, there is little that can be done if federal authorities are unable to pursue the case (Office of Kentucky Legal Services Programs, n.d.). State legislation may also include stipulations for funds and resources to

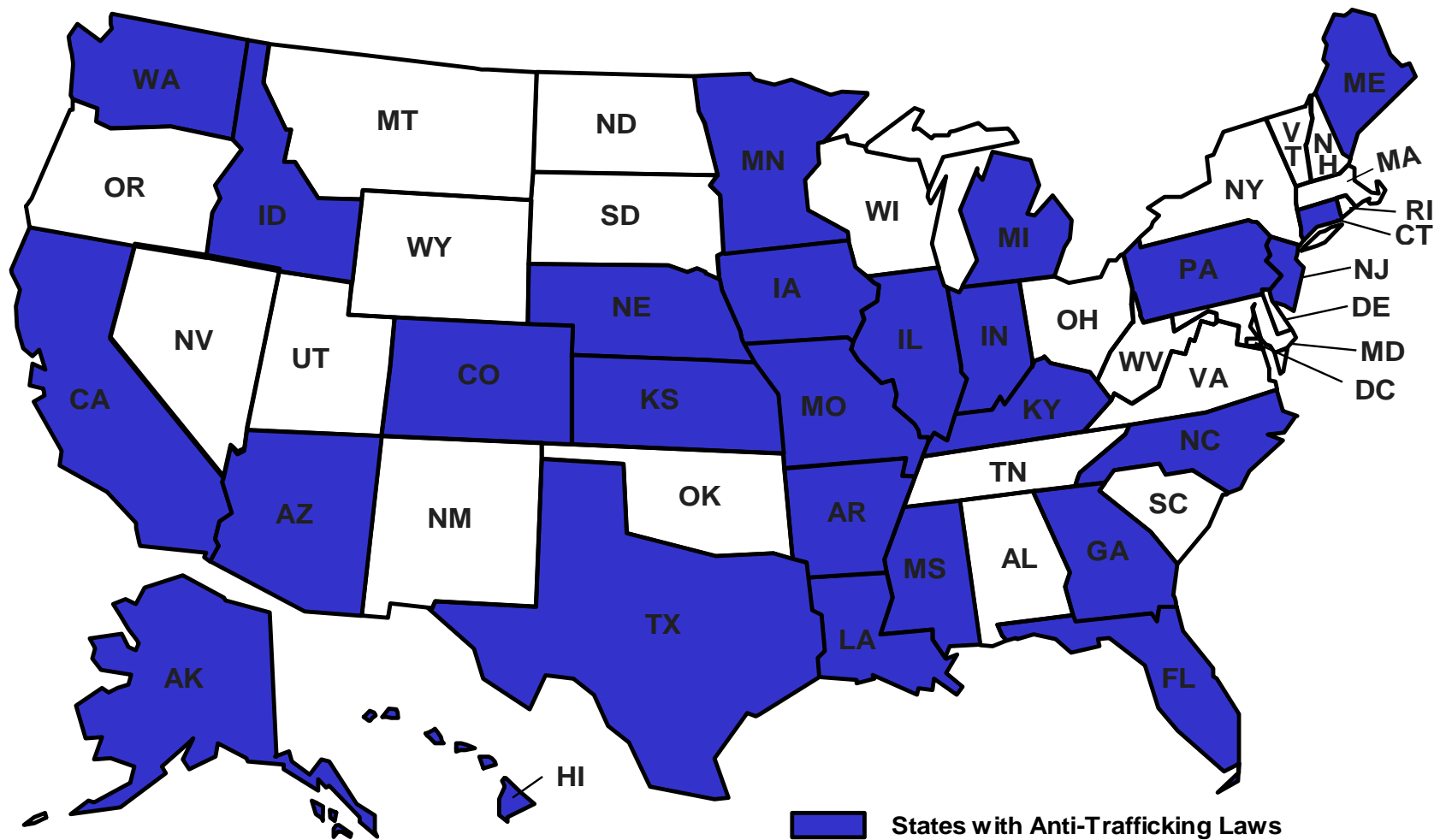
support victim services, law enforcement training, public awareness campaigns, and other important initiatives.

Kentucky's commitment to combating human trafficking within the Commonwealth is evidenced by the recent legislative mandate addressing the issue. In 2006, Senator David Boswell, D-Owensboro, introduced Kentucky's first human trafficking bill. Senator Boswell was inspired to pursue the legislation at the urging of the Ursuline Sisters of Mount Saint Joseph based on their experiences as missionaries in Central and South America (Covington, 2007). The bill passed the Senate but later died after the House attached an unrelated amendment dealing with identity theft (Associated Press, 2007). Senator Boswell revised and reintroduced the legislation, Senate Bill 43, in 2007. Many groups backed the bill, including the Catholic Conference of Kentucky, the Kentucky Office of Legal Services, and the Kentucky Domestic Violence Association.

On June 26, 2007, Kentucky became the 28th state to approve a ban on human trafficking. Under Senate Bill 43, participation in human trafficking is classified as a felony offense³. Both the Senate and the House voted unanimously in favor of the Bill's passage. The Bill makes it a felony to force anyone into labor, domestic work, or the sex trade. As a Class C felony, human trafficking is punishable by up to 10 years in prison with an even more severe penalty if the victim is seriously injured or under the age of 18. Not only does the legislation provide severe criminal penalties for human trafficking, it guarantees protections for victims of human trafficking such as freedom from incarceration, right to victims counseling, and the right to an interpreter.

³ See Appendix B for more details on Kentucky's anti-trafficking legislation.

Figure 1: States with Anti-Trafficking Laws



V. Measuring Human Trafficking in Kentucky

Assessing the extent of human trafficking is a difficult task. The crime itself is underreported, difficult to identify, and challenging to prosecute. For these and many other reasons, the ability to quantify the number of human trafficking cases in Kentucky is problematic. Nonetheless, measures of human trafficking activity do exist and can be used to provide examples of how human trafficking has manifested itself within the borders of the Commonwealth. Information indicates that Kentucky is a source, a route of transit, and a destination state for human trafficking (Office of Kentucky Legal Services Programs, n.d.). It has been documented that both U-visas and T-visas have been issued in Kentucky, however information is not available on the exact number of visas issued (Hunt, 2007a). Evidence does show that in 2004, an attorney from Legal Aid of the Bluegrass assisted a client in obtaining one of the first T-Visas issued in Kentucky (Hunt, 2007a).

The media is an important source for finding evidence of human trafficking in the Commonwealth. The following anecdotal evidence of possible cases of human trafficking was compiled from local media sources by Gretchen Hunt, a leading expert on human trafficking efforts in Kentucky and co-chair of the Lexington Human Trafficking Task Force.

Human Trafficking Cases in the Media

- **Crescent Springs, KY (2007):** Federal, state and local authorities arrested several employees on immigration charges at a Chinese restaurant in Crescent Springs as part of an investigation into a possible labor and human trafficking operation. The restaurant was closed following the raid, and authorities declined to release any other information about the arrests or their investigation (Gettys, 2007).

- **Fort Thomas, KY (2007):** A business executive and her husband were discovered to have falsely imprisoned a housekeeper they helped bring from the Philippines. The victim signed a contract to work 40 hours per week for a monthly stipend that equated to \$1.25 an hour. In addition to the 40 hours per week, the victim worked an estimated 5,000 hours of unpaid overtime. She was isolated, confined, abused, and threatened by her captors. Neighbors were ultimately responsible for alerting the authorities and rescuing the victim (*The Paducah Sun*, 2007).
- **Lexington, KY (2006):** In a case of sex trafficking involving a minor, a 23-year-old man persuaded a 13-year-old girl to solicit her friends to have sex with him. In exchange, she was allowed to use his home to have sex with her boyfriend. The girl asked approximately six friends to have sex with the relative. The man is facing charges, and the girl could also face charges (Kirby, 2006).
- **Louisville, KY (2004):** A city-wide crackdown was conducted on massage parlors that are fronts for prostitution. Cases likely involved domestic servitude, forced drug use, and lack of freedom of movement. Virtually all of the massage parlors cited by police have Asian ownership and employees, creating language and culture barriers that made investigating them a challenge for local police. Only 24 of over 120 arrested women identified themselves to police as full-time Kentucky residents. Defendants in 65 of the 127 cases gave police out-of-state addresses suggesting that these women are perhaps being moved by managers and owners (Adams & Riley, 2004).
- **Lexington, KY (2000):** Federal investigators looked into a smuggling ring that brought Eastern European immigrants to Kentucky and other states to work at hotels using fake documents. Hotels in Lexington, Fort Mitchell, and Louisville were targeted. Many workers disappeared after raids by immigration agents. Hotel workers became very concerned about the workers who they have not seen or heard from since the raids. At four of the hotels, the workers had not been paid for at least a month by the contracting agency (Honeycutt, 2000).

While these incidents do not provide definitive answers to the questions regarding the nature and scope of human trafficking in Kentucky, they do clearly indicate that the problem does exist in the Commonwealth. They also suggest that offenders are engaging in both labor and sexual exploitation of their victims.

Perhaps the most important step towards understanding the extent and nature of human trafficking in Kentucky was recently taken by University of Kentucky's Dr. TK Logan. In 2006, Logan developed and conducted a statewide needs assessment on human trafficking in

Kentucky. In July 2007, Logan released the findings of this research, thus providing the Commonwealth with one of the first quantitative measures of human trafficking in Kentucky⁴. The research addressed three main areas: awareness and knowledge of human trafficking, training needs, and characteristics of human trafficking cases in Kentucky. Participants in the survey included key informants (i.e., individuals across the Commonwealth known to have interest, knowledge, and/or actual experience with human trafficking cases in Kentucky); service agencies (i.e., directors of domestic violence shelters, rape crisis centers, and homeless shelters that served women); and referrals by each of the above two groups of other individuals in the Commonwealth that were perceived to have interest, knowledge, or experience with human trafficking cases in Kentucky. Of the 162 potential participants, 140 completed phone interviews, an 86% response rate. Just under half of the respondents (45.7%) reported they had experience with human trafficking cases in Kentucky.

The survey was designed to capture the respondent's awareness and knowledge of human trafficking and information about specific experiences with human trafficking cases in Kentucky. Respondents were asked how serious they felt the problem of human trafficking was within the United States, within Kentucky, and within their community. The majority of respondents (89.8%) felt that human trafficking was a fairly or extremely serious problem within the United States. The majority of respondents (67.4%) also acknowledged that human trafficking was a fairly or extremely serious problem within the Commonwealth. Slightly less than half of the respondents (43.5%) felt that human trafficking was a fairly or extremely serious problem within their community.

⁴ For more detailed findings, including a breakdown between expert and non-expert respondent rates, please see Dr. TK Logan's full report at <http://cdar.uky.edu/VAW/docs/Human%20Trafficking%20in%20Kentucky.pdf>.

All respondents were asked what they thought was the most likely type of exploitation for human trafficking victims in Kentucky. The most likely type of exploitation identified by respondents was sexual exploitation, either through prostitution, sexual assault, or sexual slavery (82.1%). Forced labor was the next largest category (59.3%). Respondents referred to forced labor involving farm, factory, construction, or coal mining labor. Domestic labor, which includes household and childcare labor, was the third largest category (17.1%). Other types of exploitation that were suggested included drug and other crime related exploitation (15.7%), restaurant service (11.4%), and mail order bride or bride-related exploitation (7.9%).

Responses to several open-ended questions allowed Logan to identify four factors that make someone vulnerable to human trafficking: poverty-related circumstances; situational characteristics; personal characteristics; and being forced or sold into the trafficking situation. Respondents were specifically asked questions that explored the factors which would make the respondent suspect that a case may involve human trafficking (Table 1 below). Situational characteristics (52.9%), evidence of control or force (42.1%), and victim characteristics (38.6%) were most likely to lead respondents to suspect human trafficking.

Table 1: Reasons Respondents Would Flag or Suspect a Case

	% of Respondents
N= 140	
Situational characteristics	52.9 %
No pay, little pay, some work reference	22.9
How they got to the United States	16.4
No English or foreign born	15.7
Isolation	13.6
Living circumstances	12.9
No access to legal papers	12.9
Fraud or misled	11.4
Debt	9.3
Transient	5.0
Mail order bride	4.3
Family extortion	0.7
No access to health care or needs health care	0.7
Control/force	42.1 %
Control, threats, confinement	35.0
Never left alone	7.9
Was sold	4.3
Victim characteristics	38.6 %
Sexual assault, exploitation, rape	20.7
Victim won't talk or is very fearful	24.3
Emotional or mental health problems	2.1
Self-identification	23.6 %

Source:

Logan, TK. (2007). *Human Trafficking in Kentucky*. Retrieved September 1, 2007, from the University of Kentucky, Center on Drug and Alcohol Research Web site:

<http://cdar.uky.edu/VAW/docs/Human%20Trafficking%20in%20Kentucky.pdf>

In addition to the more general questions about the nature of human trafficking, respondents were asked specifically to provide information on cases in Kentucky with which they were familiar (Table 2 below). More than half of respondents (62.6%) had heard of a human trafficking case in Kentucky. In fact, of those respondents, 22.5% were familiar with one case of human trafficking in Kentucky, 45.0% were familiar with two to five cases, and 32.5% were familiar with six or more cases. Victims included both adults (82.8%) and children (32.8%)

and the majority of cases involved females (93.8%). Analysis of the survey responses revealed that there appeared to be 69 different cases described by respondents⁵. This number, however, is not representative of the total number of human trafficking cases respondents reported working with. The 69 cases reviewed by Logan involved the following types of exploitation: prostitution (23.2%), personal service (23.2%), general labor (14.5%), domestic labor (8.7%), and restaurant labor (7.3%). While the type of exploitation was unknown in 23.2% of cases, 37.5% of those unknown cases involved sexual assault.

Table 2: Human Trafficking in Kentucky

Human Trafficking in Kentucky	% of Respondents
Ever heard of a HT case in Kentucky? (n=139)	62.6 %**
How many cases? (n=80)*	
1 case	22.5 %
2-5 cases	45.0
6 or more cases	32.5
Did cases involve (N=64):	
Males	23.4 %
Females	93.8
Child(ren)	32.8
Adults	82.8
Type of exploitation mentioned (N=64):	
Prostitution	23.2 %
Personal service	23.2
General labor	14.5
Domestic labor	8.7
Restaurant labor	7.3
Unknown	23.2

*p<.05

**p<.01

Source:

Logan, TK. (2007). *Human Trafficking in Kentucky*. Retrieved September 1, 2007, from the University of Kentucky, Center on Drug and Alcohol Research Web site:
<http://cdar.uky.edu/VAW/docs/Human%20Trafficking%20in%20Kentucky.pdf>

⁵ For detailed information on the cases mentioned by respondents please see Dr. TK Logan's full report at <http://cdar.uky.edu/VAW/docs/Human%20Trafficking%20in%20Kentucky.pdf>.

The exploration of the characteristics of Kentucky's human trafficking cases provides important details about the cases that are being processed by agencies in the Commonwealth (Table 3 below). Logan found that the majority of cases were identified through self-identification by the victim (37.5%), while others were identified by some other means, such as by a law enforcement agency or some other service referral. Law enforcement was involved in 78.1% of the cases, primarily as a result of a response to other issues that warranted their attention. Respondents were also asked what legal protections were used in the cases; 32.8% cited the use of federal legislation and 20.3% cited the use of state statutes. Logan also found that almost half of the victims (46.9%) were not in the United States prior to being trafficked; suggesting that transportation to this country is a common feature of the offense. The majority of victims identified by respondents spoke Spanish (67.2%). Other languages identified included Chinese (17.2%), Tagalog (12.5%), Russian (9.4%), Korean (7.8%), and Indonesian (6.3%).

Table 3: Characteristics of Cases

	% of Respondents
N=64	
How identified	
Self-identification	37.5 %
Police/LE agency	14.1
Other service referrals	12.5
Others helped	12.5
Medical Care	6.3
Neighbor	4.7
Law enforcement was involved in case(s)	78.1 %
Why was law enforcement involved? (n=50)	
Law enforcement responded to other issues	44.0 %
Part of a criminal investigation	18.0
For legal protections	14.0
Tried to get law enforcement involved but was not successful	10.0
Trafficker called the police	2.0
What legal protections were used?	
Don't know	43.8 %
Federal legislation (e.g., mention of TVPA, VAWA, or visas)	32.8
State statutes	20.3
None	15.6
Any victims in the US before being trafficked?	
No	46.9 %
Yes	31.3
Don't know	20.3
Languages	
Spanish	67.2 %
Chinese	17.2
Tagalog (Philippines)	12.5
Russian	9.4
Korean	7.8
Indonesian	6.3
Arabic	1.6
Vietnamese	1.6
Cambodian	1.6

Source:

Logan, TK. (2007). *Human Trafficking in Kentucky*. Retrieved September 1, 2007, from the University of Kentucky, Center on Drug and Alcohol Research Web site:

<http://cdar.uky.edu/VAW/docs/Human%20Trafficking%20in%20Kentucky.pdf>

Respondents were asked questions about their experiences with human trafficking victims in an effort to better understand victims' needs in Kentucky. Not only did half of the respondents (53.2%) indicate that trafficking victims had needs that were not met by their agency, the majority of respondents (64.0%) indicated that, compared to other clients the agency serves, the human trafficking victim's needs are somewhat or much more severe. Respondents were also asked to identify the types of needs of human trafficking victims (Table 4 below). Basic living needs were mentioned by 87.5% of respondents. Such needs included food, shelter, clothing, counseling, referrals to other services, financial assistance, and employment help. The need for legal assistance was mentioned by 79.7% of respondents. Other needs included interpreter or language barrier-related needs (32.8%), safety needs (18.8%), and the need to get back to their country of origin (9.4%).

Table 4: Victims' Needs

	% of Respondents
What types of victims' needs were identified by respondents?	
Basic living needs	87.5 %
Food, shelter, clothing	76.6
Counseling	40.6
Referrals to other services	31.3
Financial	25.0
Employment	17.2
Legal needs	79.7 %
Interpreter/Language-related	32.8 %
Safety/family safety	18.8 %
Need to get back home	9.4 %

Source:

Logan, TK. (2007). *Human Trafficking in Kentucky*. Retrieved September 1, 2007, from the University of Kentucky, Center on Drug and Alcohol Research Web site:
<http://cdar.uky.edu/VAW/docs/Human%20Trafficking%20in%20Kentucky.pdf>

Logan’s findings also reveal areas in which service providers need assistance (Table 5 below). In order to meet the needs of human trafficking victims, respondents cited a need for additional resources (78.1%), and increased awareness and education (71.9%).

Table 5. Service Challenges

	% of Respondents
N=64	
Service providers need resources	78.1 %
Resources to identify and reach out to victims	42.2
Interpreters	39.1
Funding and staff	28.1
Service providers need increased awareness and education	71.9 %
Awareness and education of services for other service providers	42.2
Awareness and education of the general public	32.8
Better response from the legal/criminal justice system	25.0

Source:

Logan, TK. (2007). *Human Trafficking in Kentucky*. Retrieved September 1, 2007, from the University of Kentucky, Center on Drug and Alcohol Research Web site:

<http://cdar.uky.edu/VAW/docs/Human%20Trafficking%20in%20Kentucky.pdf>

This study should be viewed as a source for developing strategies to combat the problem, as well as a tool for measuring the scope of the problem in Kentucky (Hunt, 2006). The report concludes with a call for additional research to be conducted on this issue. In addition, Logan argues that more comprehensive legislation, increased support for agencies that serve trafficking victims, and increased awareness will improve efforts to combat human trafficking in Kentucky.

VI. Current Efforts to Combat Human Trafficking in Kentucky⁶

Prior to 2000, little work had been done to combat human trafficking in Kentucky. The issue was first addressed by advocates who were alerted to the issue of human trafficking through their work with immigrant victims of domestic violence and sexual assault. In 2001,

⁶ The majority of information in this section was provided by Gretchen Hunt, staff attorney at the Cabinet for Health and Family Services Division of Child Abuse and Domestic Violence Services and co-chair of the Lexington Human Trafficking Task Force.

many of these same advocates formed the Kentucky Domestic Violence Association (KDVA)-Kentucky Association of Sexual Assault Programs (KASAP) Task Force on Behalf of Battered Immigrant Women. Since the group's inception it has served as a networking group for its members and offered guidance and support to KDVA and KASAP for the provision of advocacy services to battered immigrant and refugee women and their dependents. The group has also administered a statewide survey of services (both those that are currently provided and those that are still needed) to battered immigrants, refugees, and persons with Limited English Proficiency (LEP).

Out of these early efforts emerged a coordinated movement to establish a local task force. In May 2006, the Lexington Human Trafficking Task Force held its first meeting. The Task Force, the first of its kind in Kentucky, grew out of a training co-hosted by the Kentucky Association of Sexual Assault Programs (KASAP) and the Kentucky Domestic Violence Association (KDVA). The Task Force is led by Gretchen Hunt, staff attorney at the Cabinet for Health and Family Services, Division of Child Abuse and Domestic Violence Services, and Liz Epperson, a counselor at the Bluegrass Rape Crisis Center. It includes representatives from the following agencies:

- ◆ U.S. Attorney's Office
- ◆ U.S. Department of Labor
- ◆ Federal Bureau of Investigations
- ◆ Immigration and Customs Enforcement
- ◆ Lexington Division of Police
- ◆ Department of Criminal Justice Training
- ◆ Lexington-Fayette Urban County Government Domestic Violence Prevention Board

- ◆ Catholic Charities
- ◆ Maxwell Street Legal Clinic
- ◆ Bluegrass Rape Crisis Program
- ◆ Bluegrass Domestic Violence Program
- ◆ Legal Aid of the Bluegrass
- ◆ Kentucky Association of Sexual Assault Programs
- ◆ Kentucky Domestic Violence Association
- ◆ Office of the Attorney General.

The Lexington Human Trafficking Task Force, which typically meets every other month, focuses on building trust among the members and raising awareness. The Task Force's training efforts have reached local law enforcement, domestic violence offender treatment providers, Circuit Court Clerks, members of the Kentucky Bar Association, victim advocates, and many others. In addition to training efforts, the Task Force has developed an emergency response plan for handling cases of human trafficking and has worked with the media to disseminate information on human trafficking. In the spring of 2007, a second branch of the Task Force was established in Louisville, Kentucky.

Additional anti-trafficking efforts in Kentucky are led by non-profit organizations, especially service providers for victims of domestic violence and sexual assault. Such organizations are usually the first line of defense against human trafficking when called upon to provide refuge and services for victims of trafficking. Evidence of agencies serving the needs of trafficking victims can be found throughout the Commonwealth. For example, Catholic Charities of Louisville, Inc., has a subcontract with the United States Conference of Catholic Bishops to provide services to survivors of trafficking in areas such as housing, health care, food, case

management services, English instruction, employment assistance, and other immediate basic needs.

The Center for Women and Families has also played an integral role in increasing awareness of human trafficking in Kentucky and serving the needs of trafficking victims. The Center for Women and Families is a Louisville-based, private, non-profit agency working in fourteen counties in Kentucky and Indiana to serve women, children, and families affected by domestic violence, rape/sexual assault, and economic hardship. The Center for Women and Families has hosted and participated in several trainings on human trafficking, including a nationally recognized comprehensive practical training curriculum emphasizing a human rights approach, *Human Trafficking and Slavery: Tools for an Effective Response*, lead by the Freedom Network.

Local law enforcement in Kentucky has shown great initiative in pursuing additional training in identifying and responding to human trafficking. Local police departments are providing training for officers that introduces them to the crime of human trafficking, provides information on what to look for and how to identify human trafficking cases, and how to approach and handle victims of this crime. These and other efforts will likely increase over the coming year as a result of Kentucky's recent anti-trafficking bill, Senate Bill 43, passed in the Spring of 2007.

VII. Conclusion

By its very nature, human trafficking is difficult to identify and even more difficult to prosecute. Increased efforts to combat the problem have served to raise public awareness and improve law enforcement's ability to identify and respond to cases of human trafficking. As the federal law becomes more comprehensive and expands to meet the needs of human trafficking

victims and states continue to introduce and strengthen their human trafficking laws, the outlook on human trafficking in the United States is expected to improve. Kentucky has demonstrated a concerted effort to combat human trafficking in the Commonwealth by continuing to improve its ability to respond to the problem, prosecute offenders, and prevent human trafficking from occurring.

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Appendix A: Federal Anti-Trafficking Legislation

Trafficking Victims Protection Act of 2000, div. A of Pub. L. No. 106-386, § 108, As Amended.

(a) Minimum standards

For purposes of this chapter, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for a significant number of victims of severe forms of trafficking are the following:

- 1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- 2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- 3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.
- 4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) Criteria

In determinations under subsection (a)(4) of this section, the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

- 1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country. After reasonable requests from the department of state for data regarding investigations, prosecutions, convictions, and sentences, a government, which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the secretary of state may disregard the presumption contained in the preceding sentence if the government has provided some data to the department of state regarding such acts and the secretary has determined that the government is making a good faith effort to collect such data.
- 2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not

inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

- 3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons.
- 4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons.
- 5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).
- 6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.
- 7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking. After reasonable requests from the department of state for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the secretary of state may disregard the presumption contained in the preceding sentence if the government has provided some data to the department of state regarding such acts and the secretary has determined that the government is making a good faith effort to collect such data.
- 8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.
- 9) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.
- 10) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.

Appendix B: Kentucky Anti-Trafficking Legislation

422.295 Confidentiality of communications between human trafficking victim and caseworker.

- 1) As used in this section:
 - a. "Confidential communication" means information transmitted between the victim and the caseworker in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the human trafficking counselor is consulted and includes all information regarding the facts and circumstances involving the trafficking;
 - b. "Holder of the privilege" means the victim when he or she has no guardian or conservator, or a guardian or conservator of the victim when the victim has a guardian or conservator; and
 - c. "Trafficking victim counselor" includes any of the following:
 - i. A counselor, as that term is defined in Rule 506 of the Kentucky Rules of Evidence;
 - ii. A psychotherapist as that term is defined in Rule 507 of the Kentucky Rules of Evidence; and
 - iii. A person employed and supervised by one (1) of the persons specified in this paragraph to render services to human trafficking victims and who has received forty (40) hours of training in the history of human trafficking; civil and criminal law as it relates to human trafficking; societal attitudes towards human trafficking; peer counseling techniques; housing, public assistance, and other financial resources available to meet the financial needs of human trafficking victims; and referral services available to human trafficking victims.
- 2) A human trafficking victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made to a trafficking victim counselor for the purpose of receiving counseling, therapy, services, information, or treatment related to human trafficking.
- 3) A human trafficking caseworker shall inform a trafficking victim of any applicable limitations on confidentiality of communications between the victim and the caseworker. This information may be given orally.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 19, sec. 1, effective June 26, 2007.

431.063 Human trafficking victim not to be incarcerated pending trial -- Exceptions.

A victim of human trafficking shall not be held in a detention center, jail, or other secure facility pending trial for an offense arising from the human trafficking situation, except where the incarceration is found to be the least restrictive alternative to securing the

appearance of that person before the court or the release of the person under any other reasonable condition would be a clear threat to public safety.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 19, sec. 2, effective June 26, 2007.

529.010 Definitions.

The following definitions apply in this chapter unless the context otherwise requires:

- 1) "Advancing prostitution" -- A person "advances prostitution" when acting other than as a prostitute or as a patron thereof, he knowingly causes or aids a person to engage in prostitution, procures or solicits patrons for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution;
- 2) "Commercial sexual activity" means prostitution, participation in the production of obscene material as set out in KRS Chapter 531, or engaging in a sexually explicit performance;
- 3) "Forced labor or services" means labor or services that are performed or provided by another person and that are obtained through force, fraud, or coercion;
- 4) "Force, fraud, or coercion" may only be accomplished by the same means and methods as a person may be restrained under KRS 509.010;
- 5) "Human trafficking" refers to criminal activity whereby one (1) or more persons are subjected to engaging in:
 - a. Forced labor or services; or
 - b. Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion;
- 6) "Labor" means work of economic or financial value;
- 7) "Profiting from prostitution" -- A person "profits from prostitution" when acting other than as a prostitute receiving compensation for personally rendered prostitution services, he knowingly accepts or receives or agrees to accept or receive money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in proceeds of prostitution activity;
- 8) "Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor;
- 9) "Sexual conduct" means sexual intercourse or any act of sexual gratification involving the sex organs; and
- 10) "Sexually explicit performance" means a performance of sexual conduct involving:
 - a. Acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse, actual or simulated;
 - b. Physical contact with, or willful or intentional exhibition of, the genitals;
 - c. Flagellation or excretion for the purpose of sexual stimulation or gratification; or
 - d. The exposure, in an obscene manner, of the unclothed or apparently unclothed human male or female genitals, pubic area, or buttocks, or the female breast, whether or not subsequently obscured by a mark placed thereon, or otherwise altered, in any resulting motion picture, photograph, or other visual

representation, exclusive of exposure portrayed in matter of a private, family nature not intended for distribution outside the family.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 19, sec. 4, effective June 26, 2007. -- Created 1974 Ky. Acts ch. 406, sec. 250, effective January 1, 1975.

529.100 Human trafficking.

- 1) A person is guilty of human trafficking when the person intentionally subjects one or more persons to human trafficking.
- 2) (a) Human trafficking is a Class C felony unless it involves serious physical injury to a trafficked person, in which case it is a Class B felony.
(b) If the victim of human trafficking is under eighteen (18) years of age, the penalty for the offense shall be one (1) level higher than the level otherwise specified in this section.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 19, sec. 5, effective June 26, 2007.

529.110 Promoting human trafficking.

- 1) A person is guilty of promoting human trafficking when the person intentionally:
 - a. Benefits financially or receives anything of value from knowing participation in human trafficking; or
 - b. Recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, knowing that the person will be subject to human trafficking.
- 2) Promoting human trafficking is a Class D felony unless a victim of the trafficking is under eighteen (18), in which case it is a Class C felony.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 19, sec. 6, effective June 26, 2007.