

Experts question police methods in Carmel and Zionsville prostitution sting

Written by Ryan Sabalow

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About 1 p.m. on Dec. 19, a man walked into the Dove Spa, a massage parlor in a nondescript Carmel commercial strip, and asked for the services of one of the women working there.

What the woman didn't know was the man was an undercover police officer, wearing a wire. And what the woman did next, detectives now allege, was illegal: In exchange for \$100 plus a \$35 tip, she fondled the officer's genitals.

Four more times the officer went back, according to a probable-cause affidavit released this week. During that time, over five months, the officer also visited a massage parlor in Zionsville. And each time, he allowed the women — all Chinese immigrants — to fondle him in exchange for cash, all in a fight against prostitution and human trafficking.

Officers say such methods led to a victory for Carmel and Zionsville on Wednesday, when 30 officers raided two businesses, arresting six people — four alleged prostitutes and two alleged pimps.

But the methods police say were needed to shut down a sophisticated prostitution ring were criticized Thursday by legal and law-enforcement experts and women's advocates as excessive, unnecessary and misapplied to an investigation that involved possible human trafficking.

They say that prostitutes can be arrested and charged in Indiana as soon as an agreement to pay for a sex act is made. Intimate contact was not required. Plus, some said, if the women indeed had been victims of sexual exploitation, working in the sex trade against their will, the sex acts they performed on the officer only contributed to their humiliation, exploitation and degradation.

“How do you simultaneously say you're protecting them by arresting them, but then you're victimizing them by your undercoverstuff?” said Eugene O'Donnell, a former New York police officer and prosecutor who's now a professor at John Jay College of Criminal Justice in New York. “If they're in fact exploited and ... their free will is overwhelmed by the people they're working for, then are you helping them or are they being doubly victimized? Is this official victimization by the state?”

Norma Jean Almodovar, a former Los Angeles police officer who quit her job to become a sex worker and who now advocates on behalf of sex-trade workers, took criticism of the case even further.

“Doesn't that make the taxpayer (the one) paying for sex,” she said. “Then the taxpayer is the john, right?”

Maj. Aaron Dietz, head of the Hamilton and Boone County Drug Task Force, which conducted the nine-month sting, said Thursday that detectives were sensitive to such issues, but that the sophisticated nature of the prostitution ring required officers to take more extreme measures.

Detectives began the investigation after complaints of possible human trafficking and are still trying to confirm whether it was involved. But Dietz said after detectives interviewed the defendants it doesn't

appear that the two alleged pimps forced the women to perform sex acts for money.

He said it was necessary to have the undercover policeman, a vice crimes officer on loan from the Indianapolis Metropolitan Police Department, go back to the parlors repeatedly for two reasons: First, detectives needed evidence against the alleged prostitutes. Second, they had to gather evidence to prove that their alleged pimps were running the operation.

Arrested Wednesday were Lu Wang, 55, Fishers, thought to be the owner of both spas, and Jinna Luan, 52, Carmel, the alleged madame. Wang and Luan face promoting prostitution charges, a Class C felony.

The four women — Hui Xiao, 40, Carmel; Aiqin Yu, 40, Zionsville; Min Yu, 43, Fishers; and Toby Hou, 23, Carmel — face prostitution charges, a Class A misdemeanor. Yajie Liu, another alleged prostitute, remains at large.

The nearly \$250,000 seized in the case may go back into the budget of the drug task force that conducted the nine-month sting.

Dietz said it was necessary for the officer to take the sexual activity as far as he did.

“In the criminal world of prostitution, the prostitutes themselves have become more savvy about the rules. If we were to basically say, ‘Will you do this for money,’ they know that’s a police terminology, and they’ve been schooled not to do those things,” Dietz said. “That’s where they’re trying to skirt around it, so it’s caused us to go out on a limb more, so to speak, for them to actually commit the crime.”

Dietz said the officer knew going into the parlor that the actions performed would be “very limited.” Dietz said the officer didn’t ejaculate when he was being fondled.

Plus, it wasn’t the only evidence collected in the case.

Dietz said more than seven search warrants were filed and “dozens” of subpoenas were issued in the case to track down evidence such as bank records, property ownership statements and other records that detail how the operation worked.

Collecting evidence and performing surveillance were among reasons it took investigators nearly four months after receiving complaints in August before the officer was sent to Dove Spa.

Said Dietz: “The business has changed to where we used to walk in and say, ‘How much for this,’ and they say ‘20 bucks.’ ‘OK, you’re arrested.’ That’s the world we all prefer to live in. Unfortunately, that’s not how it works these days.”

Joel Schumm, a criminal law professor at the Indiana University Robert H. McKinney School of Law in Indianapolis, said there have been plenty of recent cases in Indiana in which convictions were made based on undercover detectives merely reaching an agreement to pay for sex.

He said it’s “uncommon and unseemly” for the officer to take the sexual contact as far as he did.

“In the context that these people may have been exploited for human trafficking, that makes it all the worse,” Schumm said.

Dietz and others wanted to emphasize that it was not a pleasurable experience for the officer, but entirely necessary.

“No one, as far as a policeman or an undercover guy, really wants to go into these,” Dietz said. “That’s probably the last thing any cop wants to do. There’s a psychological side of this. That’s stuck with these officers forever. It’s something that’s ethically and morally very trying, so I’d do anything to keep guys out of there.”

He said that’s also why the undercover officer isn’t being identified. Dietz said there are concerns about the stigma the officer would have in his private life.

Charlie Fuller, executive director of the International Association of Undercover Officers, agreed.

It’s a safe bet, Fuller said, that the vice officer assigned to this investigation did not enjoy his undercover work.

“That’s the last thing the guy wanted to do. That’s disgusting,” Fuller said. “It takes a special kind of cop to work vice.”

Fuller said most police departments have policies that bar investigators from actually engaging in sex with prostitutes, but the vice officers are often forced to push the limits to make their case.

“Your department can have a policy, but the prostitutes, they set the rules,” Fuller said, noting they tend to know just how far a department lets its cops go. “They talk to each other.”

Fuller applauded the detectives in the case for spending so much time on their investigation. But some other experts, such as O’Donnell, the former New York police officer and prosecutor, question whether stings such as this are even effective at ending prostitution in a community and whether they’re an effective use of an agency’s resources.

O’Donnell said cities should first take steps to limit prostitution at massage parlors by attacking them with the city ordinance and health codes and by having social workers reach out to help the prostitutes find a different line of work.

“It would be nice if the police were last instead of the first strategy,” O’Donnell said. “It would be nice if we could get the social workers involved, because it’s the worst kind of possible solution, because you’re probably not solving the underlying issues anyway.”

Mary Anne Layden, director of the Sexual Trauma and Psychopathology Program at the University of Pennsylvania, had similar thoughts.

She said the most effective types of programs to eliminate prostitution and sex trafficking are those that go

after the demand for sex workers by aggressively targeting the people paying for sex, and even shaming them for their exploitation.

She said prostitutes should be treated as victims and provided with social services instead of jail time.

“When the police,” she said, “are doing sting operations and saying ‘We’re trying to protect these sex trafficking victims by going in,’ that is even on the most superficial level misguided.”

Dietz said Carmel has already tried to use city codes to fight prostitution, but the parlors keep popping up. He believes that an arrest also is an effective deterrent.

“If one gal decides to take a better career path,” he said, “then we’ve won.”

Star reporters Vic Ryckaert and Kristine Guerra contributed to this story.

Call Star reporter Ryan Sabalow at (317) 444-6179. Follow him at twitter.com/RyanSabalow or at [Facebook.com/ryansabalow](https://facebook.com/ryansabalow).