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Analysis of Human Trafficking Cases in Rhode Island, 2009-2013

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Background

- ▶ Unusual legal background in Rhode Island:
 - ▶ Decriminalized prostitution from 1980 – 2009
 - ▶ Prostitution was a private act, if conducted indoors
- ▶ Growth of the sex industry
 - ▶ Legitimate business activity
 - ▶ Culture of acceptance and impunity
- ▶ Hindered federal law enforcement from investigating sex trafficking
 - ▶ No probable cause for investigating prostitution indoors
 - ▶ No federal cases of sex trafficking from 2001-2009

Three New Laws Passed in Rhode Island in 2009

- ▶ In 2009, three laws passed aimed at reducing human trafficking
 - ▶ Prostitution recriminalized
 - ▶ Comprehensive human trafficking law, including sex trafficking and forced labor
 - ▶ Employment law banning hiring a minor for work in an adult entertainment establishment
- ▶ Enabled local, state, and federal law enforcement to investigate sex trafficking

Methods

- ▶ Primary Documents

- ▶ Police Departments

- ▶ Statements by police officers, defendants, & witnesses

- ▶ Court Documents

- ▶ U.S. District Court for the District of Rhode Island & the Superior Court of Rhode Island
 - ▶ Indictments, plea agreements, & sentencing memoranda

- ▶ Media

- ▶ Newspaper and TV new coverage of cases

- ▶ Press releases from Rhode Island Attorney General's Office & the U.S. Attorney's Office

- ▶ All public records

Seven Human Trafficking Cases, 2009-2013

- ▶ 6 cases of sex trafficking
 - ▶ 2 federal cases
 - ▶ U.S v Nathan Pope & Jan Wales (2009)
 - ▶ U.S. v Stephen Ardrey (2013)
 - ▶ 4 state cases
 - ▶ R.I. v Andy Fakhoury & Joseph DeFeis (2010)
 - ▶ R.I. v Brandon Frails (2011)
 - ▶ R.I. v Troy Footman (2014) Initially a federal case (2013)
 - ▶ R.I. v Nicole Ferreira (2013)
- ▶ 1 case of forced labor of a domestic worker
 - ▶ Federal criminal case and civil suit
 - ▶ U.S. v Arif Mohamed Saeed Mohamed Al-Ali (2011)

Perpetrators & Victims

- ▶ Sex trafficking cases
 - ▶ 8 perpetrators of sex trafficking
 - ▶ 2 cases of men acting alone
 - ▶ 1 case of a woman acting alone
 - ▶ 2 cases of teams
 - ▶ 1 case involved two men
 - ▶ 1 case involved a man & a woman
 - ▶ 10 victims of sex trafficking
 - ▶ 5 minor victims
 - ▶ 5 adult victims
 - ▶ Police indicated there were more victims in some cases

Perpetrators & Victims

- ▶ Forced labor case
 - ▶ 1 man accused
 - ▶ 1 adult victim
 - ▶ Forced domestic servitude, trafficking of a domestic worker
- ▶ Man was from the United Arab Emirates
 - ▶ Attending a training course at the Naval War College
- ▶ Victim – adult female from the Philippines
- ▶ Only case involving foreign nationals as either perpetrators or victims

Domestic Sex Trafficking

- ▶ All cases of sex trafficking were U.S. domestic sex trafficking
 - ▶ 4 cases involved inter-state transportation
 - ▶ 2 cases victims and perpetrators from Massachusetts
 - ▶ 1 case of victims and perpetrators from New York
 - ▶ 1 case of victim from Massachusetts, perpetrator from Georgia
 - ▶ 2 cases of Rhode Island domestic trafficking
 - ▶ Both traffickers and victims from Rhode Island, trafficking occurred within Rhode Island
- ▶ Before the passage of the new laws, most of the attention was on Asian massage parlors and possible foreign national victims

Victims brought to Rhode Island – Tolerance of prostitution

- ▶ Twenty-nine years of decriminalized prostitution
 - ▶ Legally and culturally tolerant environment for prostitution
 - ▶ Although pimping was illegal, law was rarely enforced
- ▶ Well known among law enforcement & service providers that pimps brought victims to Rhode Island
- ▶ 4 cases of sex trafficking, victims brought from out-of-state
 - ▶ Massachusetts, New York & Indiana
- ▶ One case: two traffickers brought victims to RI in 2008 (before laws passed)
 - ▶ Stated that they did so because prostitution was legal [RI v Fakhoury & DeFeis]

Mothers of victims involved in finding their daughters in sex trafficking cases

- ▶ Three cases, investigations were initiated by mothers
- ▶ 2 cases, mothers were in contact with daughters by phone, but unable to locate them (RI v Fakhoury & DeFeis; RI v Ferreira)
- ▶ 1 case, the mother found her daughter in prostitution advertisement (RI v Ferreira)
- ▶ 1 case, mother persistently urged police in New York to look for daughter, she was identified in a prostitution ad, police called in Rhode Island (RI v Fakhoury & DeFeis)
- ▶ 1 case, the mother appeared in a TV news report about her missing daughter and got the community involved in finding her (US v Ardrey)

Cases identified by professionals & aware citizens

- ▶ 4 out of 6 cases of sex trafficking were initiated by tips to police from professionals & aware citizens
- ▶ 1 case of sex trafficking – aware citizen recognized a missing teen on the street (U.S. v Ardrey)
 - ▶ U.S. Attorney expressed gratitude for a bystander tip
- ▶ 3 cases of sex trafficking identified by professionals
 - ▶ Out-of-state police (New York & Massachusetts) notified local police in Rhode Island (RI v Fakhoury and DeFreis; RI v Footman)
 - ▶ A staff member at a group home contacted police about a missing teen being trafficked (RI v Frails)

Victims of sex trafficking were runaways or missing teens

- ▶ 2 sex trafficking cases involved runaway teens from group homes (RI vs. Frails; RI v Ferreira)
 - ▶ One perpetrator had a previous history with recruiting runaway teens into prostitution
- ▶ 3 sex trafficking cases involved missing teens—(U.S. v Ardrey; RI v Fakhoury & DeFeis; RI v Footman)
- ▶ One victim was seen on surveillance images leaving a library with the trafficker. He recruited online (US v Ardrey)

Online prostitution sites used to advertise victims

- ▶ In all 6 sex trafficking cases, traffickers used the Internet to solicit sex buyers
 - ▶ 5 cases involve Backpage.com – a site widely known for running prostitution ads
 - ▶ 1 case – no specific information about which site
- ▶ Online prostitution advertisements included:
 - ▶ Sexually explicit photographs
 - ▶ Fake names
 - ▶ False ages
 - ▶ Ages of minor victims ranged from 14-17
 - ▶ Advertisement ages ranged from 19-20

Online prostitution sites used to advertise victims

- ▶ Text of a prostitution ad using the ethnicity of a minor victim
- ▶ “Capverdian Paradise.....\$50 Special” “Hello, My name is Jessica....I am 20 years old and willing to make you night wild....hit me up if down to handle what I got.” (RI v Ferreira)
- ▶ “A pretty and petite blond, age nineteen, available all day for upscale gentlemen looking to spend some time together.” (RI v Fakhoury & DeFeis)

Sex traffickers had previous criminal records

- ▶ 6 of 8 sex traffickers had previous criminal records
 - ▶ 3 of 6 committed violent crimes
- ▶ Ardrey: Criminal record of sex violence
 - ▶ Previously convicted of pimping and soliciting sex from 17 year old
 - ▶ Received a lenient sentence of 28 days in prison & 11 months probation – in Georgia
- ▶ Footman: Extensive criminal background
 - ▶ Conspiracy to transport women for prostitution, victims were 14, 16 & 17 – in Massachusetts
 - ▶ Used extreme violence and rape to control victims
- ▶ Pope: Extensive criminal background involving use of force & intimidation
 - ▶ Convicted of three felonies, 1981-2011

Trafficking Convictions

- ▶ 6 of 8 traffickers were convicted of sex trafficking related offenses
 - ▶ 2 cases are still pending
- ▶ Forced labor case of a domestic worker
 - ▶ a criminal prosecution & a civil suit
- ▶ U.S. v Al-Ali
 - ▶ Al-Ali found not guilty in criminal trial
 - ▶ Original testimony of the victim thrown out because of translation problems
 - ▶ Judge said that the victim's testimony "doesn't have a ring of truth"
- ▶ Ballesteros v Al-Ali
 - ▶ Judge believed the victim; said she was a "highly credible witness"
 - ▶ Al-Ali ordered to pay the victim \$1.2 million

Sex Buyers & Sex Trafficking Cases

- ▶ No sex buyers were arrested in connection with sex trafficking cases
- ▶ One case involved a 14 year old girl
 - ▶ Over 30-45 day period – girl was bought 45-50 times
 - ▶ Some sex buyers were repeat buyers – “regulars”
 - ▶ Head of criminal investigations was asked whether the men were being investigated
 - ▶ “more concerned about the trafficker” ... and the trafficking operation than the actions of the men involved [R.I. v Ferreira]

Conclusion

- ▶ Recriminalizing prostitution enabled investigation of sex trafficking
- ▶ Many minor victims of sex trafficking are runaways or missing teens
- ▶ Family members, mothers in particular, often know more about minor victims being trafficking than previously known
- ▶ Sex traffickers are criminals with previous records, often for pimping and other violent offenses
- ▶ Sex traffickers use online prostitution sites to advertise victims
- ▶ More awareness and investigation of forced labor needed in Rhode Island for all sectors – service providers, law enforcement, and judges
- ▶ More awareness about the importance of focusing on “the demand” – men who buy sex