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

Human Trafficking Conference
University of Nebraska-Lincoln
October 10, 2014

DONNA M. HUGHES, RACHEL DUNHAM & FAITH SKODMIN (PRESENTERS)
LUCY TILLMAN & JESSICA WAINFORD (ADDITIONAL CO-AUTHORS)
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 Brandon Frails (2011)
    - 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]
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