



**Written Testimony of
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Before the United States Senate Subcommittee on Investigations

Regarding the Use of Online Prostitution Advertisements by Sex Traffickers

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I am Karen Friedman-Agnifilo, Chief Assistant District Attorney at the New York County District Attorney's Office. Thank you for the opportunity to submit testimony regarding online prostitution advertisements that can serve as a platform to traffic minors and adult victims for sex. This is a critically important issue for my Office because nearly all of the sex traffickers we have prosecuted over the past few years used online posting sites to traffic their vulnerable victims.

Take for example a few sex trafficking convictions obtained by my Office's Human Trafficking Response Unit. In *People v. Froilan Rosado*, the defendant trafficked as many as 10 teenage girls using online posting sites to post photographs of his young victims and advertise their bodies for sex.¹ Rosado kept the victims under his control by using a mix of threats of violence, physical abuse, and even offers of affection. The girls he recruited were young and

¹ See Manhattan District Attorney's Office Press Release, Sept. 15, 2015, available at <http://manhattanda.org/press-release/da-vance-froilan-rosado-sentenced-7-14-years-prostituting-teenage-girls>.

vulnerable – for example, they had run away from home, had extensive involvement with child protective services, and had been sexually abused as adolescents.

In *People v. Benjamin Gaston*, the defendant searched online advertising websites to find a vulnerable victim.² He responded to her advertisement posing as a client, then he kidnapped her, and used those same online posting websites to advertise the victim, forcing her to earn money for him through forced prostitution. After two days of being subjected to numerous sexual assaults for Gaston's profit, the victim attempted to escape from the sixth-floor window of the room where she was being held, falling more than 50 feet to the ground and breaking multiple bones.

In *People v. Leon Brown*, the defendant trafficked women by advertising on online advertising websites in order to locate potential clients.³ Brown used physical violence, threats of violence, and psychological manipulation to compel his victim to continue to work for him and turn over the money she received. He also branded the victim with his pimp name by tattooing "Sean the Don" on her body and required the victim to regularly "check in" with him to report how much money she was earning for him during the night. When the victim failed to follow the defendant's rules or meet his quota of earnings, he would assault her and strike her with a belt or stick.

In *People v. Donnell Baines*, the defendant used online posting sites to operate a sex trafficking ring out of his Manhattan apartment.⁴ Like many traffickers, Baines preyed upon vulnerable women in need of money, maintaining control through emotional manipulation and

² See Manhattan District Attorney's Office Press Release, Sept. 3, 2014, available at <http://manhattanda.org/press-release/da-vance-sex-trafficker-benjamin-gaston-sentenced-50-years-life-state-prison>.

³ See Manhattan District Attorney's Office Press Release, Aug. 27, 2013, available at <http://www.manhattanda.org/node/4146>.

⁴ See Manhattan District Attorney's Office Press Release, April 1, 2013, available at <http://manhattanda.org/press-release/da-vance-sex-trafficker-sentenced-50-years-state-prison>.

psychological abuse. He stole his victims' identifications, not only threatening to expose their private information, but to harm their families if they left him. Baines frequently beat his victims, and on one occasion used a rubber mallet for a slight infraction of his rules. He degraded the women and utilized sexual assaults to maintain his control.

In *People v. Taye Elleby*, the defendant used online posting sites to advertise commercial sexual services for his trafficking ring. The defendant controlled one of his victims, a 17-year-old girl, through physical, emotional, and psychological coercion, and demanded that she hand over nearly all of the money she made. If the victim did not follow his rules, he would physically assault her.⁵

These are just a few examples from my Office. Online trafficking and prostitution advertising is a pernicious problem that has been seen by law enforcement throughout the country.⁶ These online posting sites are enabling sex trafficking by providing a place for sex traffickers to create demand for their product – *i.e.*, sex trafficking victims – and can serve as a means to recruit or kidnap other victims. We believe that all online posting sites must recognize that they could be facilitating sex trafficking.

Online advertisers should have retention practices in place and other policies that would be helpful to law enforcement to combat sex trafficking. These include the following:

- Retain customer invoices for at least one year.
- Retain advertisements after their expiration date for at least one year.
- Retain all versions of a particular advertisement rather than only the most recent version.

⁵ See Manhattan District Attorney's Office Press Release, February 5, 2014, available at <http://manhattanda.org/press-release/da-vance-sex-trafficker-sentenced-10-%E2%85%94-32-years-prison>

⁶ See, e.g., National Association of Attorneys General Letter to Samuel Fifer, Counsel for Backpage.com, LLC, dated Aug. 31, 2011, available at <http://attorneygeneral.tn.gov/cases/backpage/backpageletter.pdf>.

- Do not “scrape” or remove Exchangeable Image File data from posted photos. If the advertisement is identified as part of a potential sex trafficking case or if the individual being advertised is a child, law enforcement would be able to trace where that photograph was taken.
- Capture full Internet Protocol (“IP”) addresses from mobile devices.
- Require users to provide their identifying information such as name and address when posting advertisements.
- Authenticate that email addresses and phone numbers provided by users are valid.
- Require identification to prove the age of the person depicted in sexually suggestive photographs in prostitution advertisements.

We believe that online posting sites have an obligation to do everything they can to prevent their sites from being used to promote child sexual exploitation and sex trafficking. Adopting the policies above would go a long way to help law enforcement better protect vulnerable victims and bring sex traffickers to justice.

Thank you again for your attention to this issue.