

Policing “Modern Day Slavery” & Carceral Care in Rhode Island

November 2021, created by COYOTE RI

The attached article describes in depth the ways that young people engaged in survival sex have been failed by the state and non-profit systems that are intended to support them. This cover page is intended to summarize the key arguments for the Rhode Island Legislative Study Commission on Ensuring Racial Equity And Optimizing Health And Safety Laws Affecting Marginalized Individuals.

Why do young people engage in the commercial sex industry?

1. To survive conditions of poverty.

In a study of 1000 youths engaged in survival sex across six cities in the US by John Jay College in 2013, 97 percent of those surveyed reported that they did not have “pimps” or “traffickers” forcing them into the sex industry but instead relied on other young people to teach them how to find clients. Many also identified as transgender or queer, having escaped homophobic, violent family situations. Many reported that their greatest problem—and the reason for their involvement in the sex industry—was a lack of access to safe housing.

2. To escape a failing child welfare system.

Many of the young people who turn to the sex industry to survive are fleeing state care. Due to the partial privatization of the foster care system nationally and in the state of Rhode Island, children placed in foster homes frequently encounter unfit foster parents who do not provide them with necessary financial or emotional support. Children in the foster system lack stability as they are often uprooted to different households. The sex industry may represent the prospect of independence for young people; connecting to networks of youth engaged in survival sex, or finding consistent relationships with third parties can feel safer than the precarity of the system.

For the most part, youth are NOT involved in survival sex because of coercion by “pimps” and “traffickers.” Instead, they are often simply seeking to survive as a result of inadequate support in state care.

From COYOTE RI’s review of charging documents from 2016–2021, it appears **that every minor who was involved in a sex trafficking case was fleeing state custody.** However, Rhode Island’s current anti-trafficking laws and services are primarily aimed at criminalizing and locking up “traffickers” and “pimps,” rather than providing for young people failed by the state.

Under RI General Law §11-67-6, young people can be charged with trafficking if they are simply working together, for example helping each other find clients, navigating online ads, or giving each other rides. The law does not require that instances of violence or coercion have occurred for someone to be charged and convicted with trafficking, criminalizing youth engaged in survival sex. In the past five years, most of the charges of “trafficking a minor” were for driving a minor. Only one case included an act of violence, in which a young person called for help after she saw a pimp assault an adult sex worker. **The takeaway: Rhode Island must decriminalize youth engaged in survival sex who work together, and invest in material support for young people to address the crisis of youth fleeing state care.**

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On April 9, 2018—just four months after her 18th birthday—Isabel Reyes faced a sentence of up to 50 years in prison in Providence District Court for a felony charge of ‘trafficking a minor.’

Two months prior, in February, Reyes and a 15-year old girl ran away from a group home in Newport, where they had been placed by the Rhode Island Department of Children, Youth, and Families (DCYF). Fed up with their experiences in the group home and looking for extra money, Reyes called a friend Lorraine Pichardo to pick them up and help them with housing, transportation, and other things they needed to engage in survival sex work. In the few days before the girls were found, Pichardo had posted explicit ads on sites like *Escort Wiz* and *Secret Arrangements* and drove the girls to calls. According to charging documents, state child welfare officials and the Providence Police department finally tracked them to a motel in Warwick. After seizing the girls’ belongings and examining their texts, police charged Reyes with “recruitment” and Pichardo with “transportation” of a minor “for the purposes of commercial sex.”

Like many young people who are failed by Rhode Island youth services, Reyes and her companion saw the commercial sex market as an opportunity to meet their basic survival needs and were punished for it. Without access to safe housing, stable income, food, or community beyond that offered by foster care and group homes—places which may be unsafe themselves—young people without networks of support may at times resort to the sex industry to survive. This practice is best described as “survival sex,” a term that emphasizes the underlying structural problems behind youth involvement in the sex industry, as opposed to terms like “trafficking” which center on individual bad actors and erase the coercive force of poverty.

To say that youth are involved in survival sex dispels the myth peddled by the criminal-legal and child welfare system: that sex-trade involved youth are often young girls controlled by ‘pimps’ as ‘victims of child trafficking.’ In reality, the majority of youth involved in the sex trade in the United States are introduced to the industry by other networks of young people trying to survive dire situations. As in Reyes’ case, these networks of support are heavily criminalized under sex trafficking laws that seek to lock up ‘pimps’ and ‘traffickers’ where few exist. Claiming to support vulnerable youth, nonprofits and public agencies like DCYF that are part of the anti-trafficking movement emphasize individual criminals and bring policing into issues that should be structurally oriented toward providing safety and care.

In a study of 1000 youths engaged in survival sex across six cities in the US by John Jay College in 2013, 97 percent of those surveyed reported that they did not have “pimps” or “market facilitators” forcing them into the sex industry but instead relied on other young people to teach them how to find clients while avoiding police and social workers. Many also identified as transgender or queer, having escaped homophobic, violent family situations. Many reported that

their greatest problem—and the reason for their involvement in the sex industry—was a lack of access to safe housing.

In addition to these material concerns, many of the young people who turn to the sex industry to survive are fleeing inadequate, punitive child welfare systems. Due to the partial privatization of the foster care system nationally and in the state of Rhode Island, children placed in foster homes frequently encounter unfit foster parents who do not provide them with the necessary financial or emotional support. Further, children in the foster system lack stability as they are often uprooted to different households. The sex industry may represent the prospect of independence for young people while connecting to networks of youth engaged in survival sex, or finding consistent relationships with third parties that can feel safer than the precarity of the system.

The dominant narrative of the ‘evil trafficker preying on vulnerable young women’ serves to distract from state-sanctioned conditions of poverty that lead young people into the sex trade, while justifying the expansion of carceral systems of prisons, policing, and child welfare that further harm the people these systems claim to protect. Under the auspices of ending child trafficking, Rhode Island channels millions of dollars into state agencies (police, prisons, and DCYF) that regulate and disrupt black, brown Indigenous, and poor families through intrusive monitoring, the forced removal of children, and incarceration.

All the while, the public services that youth desperately need are systemically defunded in favor of these violent agencies; in 2020 alone, Governor Raimondo funded state police and DCYF at a combined budget of almost \$369 million, while providing no dedicated funding stream for affordable housing. This past summer, the RI General Assembly authorized an additional 9.4 million in the DCYF budget for the sole purpose of hiring an additional 91 frontline workers to provide the help and support that these children and families need. On October 21st, 2021 the RI General Assembly published an [op-ed](#) titled “Why is DCYF taking so long to protect our kids?” to deplore the fact that DCYF has not hired any frontline workers since the funds were allocated.

While DCYF, the carceral system, and private organizations continue to profit off of anti-trafficking narratives—prosecuting ‘traffickers’ and ‘rescuing victims’—the material needs of young people like Reyes and her companion are violently pushed aside.

The Rise of “the Anti-Trafficking Rescue Industry” in RI

At the 27th annual “Take Back the Night March” in 2005, local anti-trafficking advocate and University of Rhode Island professor Donna Hughes condemned the state of Rhode Island for its failure to address what she called “the human rights struggle of our time—the ability of men to buy women and children for sex acts.” Hughes implored protestors to “join the fight,” claiming that the “global abolitionist movement against sex trafficking is gaining momentum.” Her speech

predicted a resurgence of the anti-trafficking movement in the following decades—a movement that would draw wide support from Congress, abolitionist feminists, conservatives, liberals, evangelical Christian groups, wealthy philanthropists, and many more.

The lack of adequate public services available to youth engaged in survival sex is very much the result of the anti-trafficking movement and its focus on individual bad actors rather than structural inequity. The moral imperative of the call to end the sexual exploitation of children has produced what critical scholars such as Dr. Laura María Agustín have termed an “anti-trafficking rescue industry,” in which “social helpers”—from public agencies and non-profits to vigilante civilian saviors—aspire to save women from “sex slavery,” relegating them to the role of the passive victim. The so-called rescue industry thus seeks to control working-class sex workers, migrant women, and poor youth involved in survival sex through criminalization or protection, using the passive victim category as justification.

The resurgent moral panic around sex trafficking quickly took hold in Rhode Island. In 2009, the anti-trafficking lobby succeeded in recriminalizing indoor sex work, which had been decriminalized for the last 30 years after a lawsuit filed by sex workers (*COYOTE v. Roberts*, 1979) resulted in the RI legislature amending state law to decriminalize the sale and purchase of sex by consenting adults in private. By convincing legislators that consensual sex work is the same as sex trafficking (an argument that sex workers have fought long and hard to dispel), anti-trafficking activists in the state managed to reverse this entirely. Recriminalization has had horrible impacts on working-class women in the state—in the last decade, law enforcement has targeted many sex workers and massage workers, arresting and incarcerating women who are working together as “trafficking rings,” and deporting migrant workers under the guise of rescue and protection. Call Off Your Old Tired Ethics (COYOTE), the sex-worker rights organization responsible for the 1979 lawsuit, has been actively fighting to decriminalize sex work in the aftermath of 2009. Their slogan, “rights, not rescue,” challenges the passive victim category and emphasizes the lack of economic and social freedoms afforded to sex workers under new anti-trafficking policies.

The passive victim trope has also been mobilized by anti-trafficking advocates to move away from responses that solely criminalize youth engaged in survival sex, bringing many state and non-state actors into “the fight.” Where sex-industry involved youth might have only interacted with law enforcement in the past—and been viewed as ‘juvenile offenders’—now, under the banner of the anti-trafficking movement, youth interact with law enforcement, social services, non-profit victim advocates, and more—and are described as victims first and foremost. This collaboration between the police, DCYF, and non-profits has been painted as a more victim-centered approach to cases of child trafficking; still, the enmeshment of these actors creates an environment of carceral ‘care’ that traps youth under the auspices of saving them, all the while ignoring their underlying needs.

As sociologist Jennifer Musto describes in *Control and Protect: Collaboration, Carceral Protection, and Domestic Sex Trafficking in the United States* collaborative responses to youth engaged in survival sex blur the line between punishment and protection, leading to practices that she terms “carceral protectionism.” While youth may not be arrested for trading sex, Musto argues, their movements are restricted and controlled under the guise of rescue not only by the police but also child welfare and non-profit organizations.

Carceral Care in Rhode Island’s Uniform Response Protocol

In 2013, state and non-state actors in Rhode Island began work on a multi-pronged approach to ending child sex trafficking that blurs the line between systems of care and control. In that year, Day One—a nonprofit sexual assault and trauma center—assembled the RI Human Trafficking Task Force, with the ultimate goal of building avenues of collaboration between law enforcement, social service providers, and non-profit organizations. The task force convened non-profits like Sojourner House, Project Weber Renew, local, state, and federal law enforcement, DCYF, medical providers like Hasbro Children’s Hospital, and lawmakers, eventually unveiling a statewide “[uniform response protocol for the commercial sexual exploitation of children](#),” which dictated a standardized routine for each case of child trafficking in the state.

The uniform protocol introduced the multi-disciplinary team response (MDT) “to provide wrap-around services to those youth that were at risk or confirmed victims,” describe JoAnne Waite, Clinical Director at Day One. Entangling police, social services, and non-profit child advocates, the protocol conflates criminalization and care while failing to address the needs of youth engaged in survival sex. At the protocol launch in January 2016, task force members emphasized that the MDT response would have a two-fold impact: firstly, it would aid in police investigations, and secondly, it would “[ensure] victims have access to the services and treatment they need and are not treated like criminals.”

The steps laid out by the protocol present carceral activities as protection and rescue for youth. For example, the “on-site assessment” process encourages police to take cash and phones away from young people, “collect evidence” at the crime scene, and interview victims on site. “Ideally,” the protocol details, “the interviewer will not wear uniform/carry firearms,” suggesting that police are often those in the initial position of interacting with young people, despite how traumatizing that experience might be. Though the protocol requires that officers “treat children as victims; not suspects,” it still demands that police photograph the victim, arrest anyone else present at the scene, and, when necessary, use restraints on victims to transport them to Hasbro Children’s Hospital for evaluation. The paradox of “saving children” against their will without providing access to basic needs illustrates the blurring of protection and arrest in the uniform protocol.

The reality of this protocol and task force look much different on the ground. In one case, a young woman had run away from state care and was working with a pimp - Reysean Williams - who was the supervisor of a group home providing residential services to youth in state care and recruited youth from the home to work for him. Police found the minor's ad and booked a call with her, pretending to be a client. When she arrived at the apartment where police were waiting, they opened the door with their guns drawn and then tackled and handcuffed her. The youth refused to speak with police and was taken to the Rhode Island Training School, a correctional facility. The gap between police narratives of "rescuing" minors and the realities of these arrests is huge.

Caught between the categories of victim and offender, some youth are detained by DCYF and medical providers under the guise of protection. Bella Robinson, sex worker rights activist and community organizer says that she attended a Day One child exploitation event in 2015 at which "someone from the Hasbro Children's Hospital publicly admitted that after they rescue a teen if they think they're going to run, they lock them down on suicide watch for a few days. What kind of care is that?" Here and throughout the process, the MDT response outsources carceral techniques to actors that purportedly care for youth. As this 'care' is punitive in nature, many teens who are brought into the child welfare system may find the sex industry to be a preferable and safer option than state care.

Altogether, the process for "on-site assessment" of children engaged in survival sex simply amounts to arrest. While the protocol tries to soften the carceral approach of police by asking that officers "make sure that children know they are not going to be arrested," it prioritizes the prosecution of the alleged "crime"—which, as in Reyes' case, was simply the act of working with a peer for increased safety—over the wellbeing of the young people involved, and ignores the fact that police do arrest youth, such as the victim of Reysean Williams.

DCYF's Failures and the Crisis of Fleeing Youth

After the point of initial contact, youth who are not funneled into the correctional system are funneled into a child welfare system that not only fails to meet their material needs but exposes them to more risk and harm. As the MDT process moves forward, young people are subjected to a series of meetings, organized by Day One, which involve DCYF agents, the prosecuting attorney on their case, an assigned social worker, health care providers, and any guardians. The focus of these meetings is to constantly assess the child's wellbeing, to make sure they cut relationships with "associates from whom the victim should be separated," to determine where they should be placed (in foster care, a group home, or with guardians), and to keep up with investigative leads. In isolating youth from people who make them feel safe, including their peers in the sex industry, the MDT process replicates abuse tactics that can be especially triggering for young people who have experienced violence in their pasts; in addition, this process disconnects young people from friends and peers who are labeled as bad influences,

instead of attending to the real reasons youth might have found themselves engaging in the sex industry in the first place—lack of safety in state care. As a result, the Day One meetings serve to surveil rather than support youth. Bella Robinson reminds us that, “Day One RI admits that they do not house any of the youth that they rescue through traumatic raids and arrests. Instead, teens are placed back into foster homes and the majority of them just run away again.”

The uniform protocol acknowledges that “involvement in the child welfare system” can “create a climate of risk in which children and teens are more susceptible to exploiters,” while ignoring the realities that youth are sexually assaulted and sex trafficked by group home workers. As an agency predicated on the removal of children based on allegations of neglect related to poverty, DCYF harms children and communities while ignoring the structural causes of their hardships. The violence of forcibly removing children from their families is only part of the Department’s failures— in recent years, DCYF has also been directly investigated for placing children in dangerous situations in both foster care and group homes after ‘rescuing’ them.

In 2019, the tragic death of 9-year-old Zha-Nae Rothgeb illustrated that DCYF fatally fails to support the safety of children. In the aftermath of the child’s death, an investigation by the RI Child Advocate demonstrated that the Department was notified several times of the child’s dangerous living conditions and repeatedly took no action. While local media represented DCYF's failure to intervene as the central problem in this case, vilifying the child’s adopted mother for neglect, this story represents how spending on this overstretched, ineffective agency could be better allocated to helping families take care of their children. As it exists, DCYF simply gives struggling people a financial motive to adopt and foster children they likely cannot take care of, and then is called back in to handle the consequences.

As a result of the tragic incident, and the [tens of deaths of youth in state care](#) over the past few years, then DCYF Director Trista Piccola was urged to resign. Since then, the Department has undergone several restructuring campaigns to improve vigilance on foster placement assessments—a doubling down on individuals, carceral responses to a structural problem. While state care situations continue to be unsafe, young people will continue to turn to the sex industry as a prospect of independence and community.

As sociologist Dorothy Roberts describes, any critique of the US carceral regime must include a critique of the “family regulation system,” which she argues is a more apt name for child welfare services like DCYF that destroy families and communities. Like the movement to abolish systems of policing and incarceration, Roberts points to a small but growing movement—ignited by incarcerated mothers who have been separated from children—to dismantle agencies like DCYF and imagine new methods of caring for children and meeting families’ needs. The National Council for Incarcerated and Formerly Incarcerated Women and Girls, a coalition dedicated to ending the incarceration of women and girls, has advocated that the family regulation system should be dismantled by a national repeal of the Adoption and Safe Families

Act (ASFA). Signed into law by President Bill Clinton in 1997, ASFA provided unprecedented federal incentives for states to set up child welfare systems aimed at permanently terminating parental rights, and allocated no money towards the goal of keeping families together. Defunding DCYF would free up millions of dollars that are currently spent on separating children from families and detaining struggling youth and would allow those funds to be diverted to the families and children themselves.

Beyond lobbying the state to redirect funds away from systems of policing and the family regulation system, young people and their allies in RI have been building and imagining alternative networks of support and community. For example, Honoring Youth Power and Experience (HYPE), a program run through House of Hope, offers support to youth experiencing homelessness by connecting young people to available housing resources, with the understanding that youth in precarious situations cannot wait for the state to take their material needs seriously. COYOTE RI is also providing material support for poor young people, with the COYOTE Closet offering clothing, hygiene products, and harm reduction supplies to about one hundred people each month. In other states, organizations that respond to the material needs of young people have also created queer housing cooperatives and drop-in centers for LGBTQ+ youth. These new models of community living can provide safe communities for young people who might be considering engaging in the sex industry in order to afford housing and other basic necessities.

Instead of targeting struggling youth engaged in the sex trade with carceral ‘care,’ the state should attend to the material needs of young people who may not have access to traditional family support systems. This means creating policies that reallocate money away from carceral family regulation systems, and instead fund public services to make sure that all people, not only young people, have access to basic necessities—affordable and safe housing, medical care, quality food, and more. Beyond the bare minimum, Rhode Island should also invest in community housing initiatives that imagine new ways of caring for youth, as a means of addressing the crisis of young people fleeing unsafe and inadequate state care.

Looking Ahead — Decriminalizing Survival Sex

Finally, Rhode Island must decriminalize survival sex not only for youth but also for adult sex workers who similarly see sex work as a means of survival and independence. Arbitrarily drawing a line between ‘victim’ and ‘offender’ at 18 years of age, current anti-trafficking policies criminalize adult sex workers who similarly rely on illicit yet crucial networks of safety and support.

While the RI Human Trafficking Task Force was unveiling the uniform protocol for ending child trafficking, it was also greasing the wheels for agencies like Homeland Security, ICE, and the FBI to partner with local police and target adult sex workers and massage workers. Just as young

people are charged with trafficking for working together, coordinated efforts to arrest “traffickers” often actually result in the violent arrest of poor women who are relying on one another for support. On June 17th, 2021, Cranston Police partnered with Homeland Security to carry out coordinated raids on six Asian massage parlors, charging eleven middle-aged women with practicing massage without a license, and one woman with pandering, an ambiguous criminal charge that can encompass conduct as diverse as inducing someone into prostitution, renting to a prostitute, or permitting prostitution to occur. Although news sources heavily implied the women were victims of sex trafficking, no one was charged with trafficking—instead, the women cast as “victims” were charged with misdemeanors and felonies that will result in housing and employment discrimination for the rest of their lives, and possibly deportation.

These arrested spa workers were working together to ensure their safety and to prevent abuses from clients. Like young people involved in the industry, adult sex workers are similarly criminalized for trying to keep each other safe in precarious environments.

Taken altogether, in order to focus on building safety and community for young people engaged in the sex industry (so that they may have other avenues of independence and support), Rhode Island must seriously consider repealing anti-trafficking laws that have put young people and adult sex workers at more risk of violence and alienate them from police. These laws direct funds toward policing and incarcerating young people and women in the industry, when this money could be invested in people themselves or in making Rhode Island group homes safe for the youth who are currently fleeing them. COYOTE RI urges the Study Commission to consider the arguments laid out in this text, make real efforts to decriminalize survival sex, defund the agencies that aren’t working, and put that money back into the communities and people that need the most help.

Published by COYOTE RI- November 2021- This work was built from years of coalition work and observations with many organizations, as well as numerous surveys conducted by COYOTE RI on RI and US sex workers. Our survey data has been archived at Pembroke Center for Teaching and Research on Women.

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