

DEMAND ENFORCEMENT IN THE DAKOTAS



Quick Facts

3 Sting Operations



15 Buyers Arrested



- Charged under Federal Sex Trafficking Law
- Charged under State Sex Trafficking Law & Federal CSEC Law

Decoy Victim Age



Decoy Victim Gender



Operation Crossing Guard

In this sting operation law enforcement created a fictional Backpage.com advertisement that led viewers to believe that a man who was babysitting twin 14-year-old girls and their 11-year-old sister was offering them for commercial sex. Jungers traveled from Sioux City, Iowa, to the house in Sioux Falls that law enforcement officers were using for the undercover operation. Jungers confirmed he would pay to receive oral sex from the eleven-year-old girl, but indicated he was uncomfortable doing so at the house and would prefer to take the girl with him instead. Police arrested Jungers when he entered the house. When Bonestroo arrived at the house, he asked if the twins were there and he showed the undercover officer the money he brought to complete the transaction. A third defendant, using his cell phone to send emails, arranged to pay for sex with a 14 year-old girl in Sioux Falls. He was arrested by law enforcement after he arrived at the undercover location. While the third defendant pled guilty to Traveling with Intent to Engage in Illicit Sexual Contact with a Minor, Bonestroo and Jungers were convicted of sex trafficking by a

Case Summary

The four cases highlighted here reflect the confirmed ability to prosecute buyers under the federal sex trafficking law following the groundbreaking precedent set in *United States v. Jungers* which clarified that the federal sex trafficking law (18 U.S.C. § 1591) applies to buyers of sex with minors. The cases arose from sting operations conducted in South Dakota and North Dakota that are among the first operations to target buyers of sex with minors as sex trafficking offenders. After

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Operation Crossing Guard—the South Dakota sting operation that led to the precedent established in *United States v. Jungers*—a subsequent South Dakota sting targeted the Sturgis Motorcycle Rally and a North Dakota sting operation led to charges against buyers under the state human trafficking law. The state charges were later dismissed when federal prosecutors agreed to take over the prosecution. As a result, all of the highlighted cases were prosecuted federally.

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¹ See, e.g., Samantha Healy Vardaman and Christine Raino, Prosecuting Demand as a Crime of Human Trafficking: The Eighth Circuit Decision in *United States v. Jungers*, 43 U. MEM. L. REV. 917, 928-30 (2013).

federal jury. The district court granted the defendants' motions for acquittal, holding that Congress did not intend for the federal sex trafficking law to apply to the conduct of purchasers of sex from sex trafficking victims. The U.S. Attorney's Office for the District of South Dakota appealed the district court's ruling and the 8th Circuit upheld the convictions, stating that the TVPA "criminalizes a broad spectrum" of acts victimizing children and that no exception had been carved out for sex buyers. The appeals court reinstated the convictions and sent the cases back to the district court for sentencing. While Bonestroo was sentenced to the mandatory minimum of 10 years followed by 5 years of supervised release, Jungers committed suicide pending sentencing.

Post-Jungers Sting Operations in the Dakotas

Within months following the decision in *United States v. Jungers* and *United States v. Bonestroo*, federal and state law enforcement in both South Dakota—where the Jungers and Bonestroo cases originated—and North Dakota ran sting operations targeting buyers of sex with minors.

In *U.S. v. "A"* and *"B"*, which arose from the North Dakota sting operation, an advertisement was placed on backpage.com for prostitution. In both cases, the defendants answered the ad and spoke with a female police officer posing as a mother who offered her two teenage daughters—aged 15 and 17—for commercial sex. After price negotiations, the defendant in *U.S. v. "A"* agreed to pay \$300 for 30 minutes with both the teenagers and rented a hotel room for the act, where he was arrested. In *U.S. v. "B"*, the defendant agreed to pay \$200 for 45 minutes with the 17-year-old child. He was arrested with \$200 on his person and multiple condoms.

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U.S. v. "C" and *"D"* involve defendants arrested during in sting operation during the 2013 Sturgis Motorcycle Rally taking place in western South Dakota. Advertisements were placed by law enforcement on Backpage.com, including age regressed photographs of undercover officers. Police officers posing as pimps fielded the phone calls from prospective buyers and gave them the choice of two fictitious children that were 12 and 13 years of age. The defendant in *"U.S. v. "C"* called the number in the advertisement and was alerted by the undercover police officer posing as a pimp that the person he was soliciting for sex was a 14-year-old child. After making arrangements to purchase a sex act with the fictional minor, the defendant traveled from his parent's home in Iowa to the undercover location set up by law enforcement in Sioux Falls, South Dakota, where he was arrested. Defendant *"D"* negotiated

“... the defendant traveled from his parent's home in Iowa to the undercover location set up by law enforcement in Sioux Falls, South Dakota, where he was arrested.”

with the law enforcement decoy to pay \$200 for a sexual act with a 12-year-old girl. The police officer also instructed the defendant to bring a strawberry shake with gummy worms for the child. When the defendant arrived at the location he was arrested. In his possession were \$200 and a strawberry milkshake with gummy worms.

Criminal Consequences

Case Examples

In *U.S. v. "A"*, the North Dakota defendant was sentenced on an amended age-neutral charge of Coercion and Enticement to 1-year and 1-day imprisonment and 5 years of supervised release,² even though the Government had requested a sentence of 5 years imprisonment and 5 years of supervised release. In urging the court to impose its recommended sentence, the Government stated, "...there are no statutory factors that suggest that a defendant who loses more money and community stature should be treated differently. That notion is, in fact, contrary and repugnant to the American system of criminal justice. The symbolism of Lady Justice's blindness anticipates this very argument." The North Dakota case *U.S. v. "B"* culminated in a plea to the CSEC charge of Coercion and Enticement of A Minor. Sentencing is pending, but the charge carries a mandatory minimum of 120 months in prison. In the South Dakota case, *U.S. v. "C"*, the defendant pled guilty to Travel with Intent to Engage in Illicit

Sexual Conduct with a Minor and was sentenced to 46 months incarceration and 5 years of supervised release. In the South Dakota case U.S. v. “D” the defendant pled guilty to the charge of Attempted Trafficking with Respect to Involuntary Servitude and Forced Labor and was sentenced to 120 months in prison and 3 years of supervised release.

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	U.S. v. “A”	U.S. v. “B”	U.S. v. “C”	U.S. v. “D”
Date of Arrest	July 25, 2013	June 12, 2013	February 12, 2011	August 3, 2013
Arrest Charges	Attempted coercion and enticement of a minor	Attempted coercion and enticement of a minor	Sex Trafficking of a Minor	Sex Trafficking of a Minor
Maximum Penalty for Arrest Charges	Imprisonment for no less than 120 months and no more than life	Imprisonment for no less than 120 months and no more than life	Imprisonment for not less than 15 years and for not more than life	Imprisonment for not less than 15 years and for not more than life
Final Charges	Coercion and enticement	Attempted coercion and enticement of a minor (Guilty plea entered; sentencing is pending)	Travel with intent to engage in illicit sexual conduct with a minor	Attempted Trafficking with Respect to Involuntary Servitude and False Labor
Sentence	12 months and 1 day imprisonment, with credit for time served; 5 years supervised release	Pre-trial release revoked pending sentencing; defendant found to possess photos of nude females, messages pertaining to prostitution, condoms, and notes with hotel information, in violation of his release terms.	Imprisonment for 46 months; 5 years supervised release	Imprisonment for 120 months; 3 years supervised release