

# ENFORCING NEW DEMAND LAWS IN MASSACHUSETTS

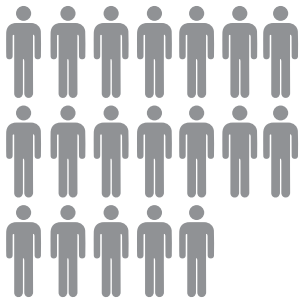


## Quick Facts

*3 Sting Operations*



*19 Buyers Arrested*



*Most Common Initial Charge*

**Felony**  
(Pay for Sexual Conduct  
with a Child Under 18)

*Most Common Final Charge*

**Misdemeanor**  
(Sexual Conduct  
for a Fee)

## Case Summary

The following case comparison (State v. “A”, “B”, “C”) includes incidents that occurred in Massachusetts between September 2012 and October 2012, and, generally, reflect how a series of cases involving sting operations conducted by police to target the demand of child sex trafficking victims concluded with minimal penalties. Each of the cases is a result of a law enforcement lead operation in which a police officer posed as 17-year-old child. The sting operation generally consisted of a fictitious backpage.com advertisement, which was linked to a phone number that was operated by the police. The caller would become aware during the conversation that the person featured on the ad was underage. A caller that wished to commercially purchase sex was then instructed to go to a location where police arrested the offender.

Comparison of these cases reflects a consistent approach during prosecution to amend a felony commercial sexual exploitation of a child charge to a misdemeanor solicitation charge, which carries a much lower possible jail sentence. The three cases in the comparison reflect similar outcomes for numerous cases that were prosecuted in Massachusetts arising from the same sting operations. In State v. “A,” the defendant was never charged with the CSEC offense although he was charged with Electronic Enticement of A Child For Prostitution. The case was pled to the age-neutral offense of Sexual Conduct for a Fee. In State v. “B,” the defendant was initially charged with Pay for Sexual Conduct with a Child Under 18. That case was ultimately pled to the lesser and age-neutral crime of Sexual Conduct for a Fee. In State v. “C,” the defendant was charged with both Pay for Sexual Conduct with a Child Under 18 and Carry Dangerous Weapon. The defendant was carrying a leather black jack when he intended to meet a child for sex. He pled guilty to the amended charge of Sexual Conduct for a Fee and was sentenced to the least sentence of the three cases – 6 months of supervised probation.

## Criminal Consequences

### *The Sting Operations*

In each case represented, police placed an ad on backpage.com that was similar to the advertisements that solicited for prostitution on the site. The defendants each contacted the police officer who was posing as a 17-year-old female and solicited the officer for commercial sex acts. The defendants were instructed by the officer to go to a physical location where they were apprehended. Although the incidents were extremely similar in nature, they occurred during different sting operations within months of each other.

## *The Prosecutions*

In all three cases, the defendants pled guilty to Sexual Conduct for a Fee. In State v. “B” and “C,” the defendants were initially charged with the CSEC offense Pay for Sexual Conduct with a Child Under 18. All of the defendants were sentenced to a probationary period ranging from 6 to 12 months. The defendant in State v. “A” had conditions as a part of the probation to watch the film “John School” and stay off of backpage.com. In State v. “B,” the defendant was ordered to complete a program. The defendant in State v. “C” was not ordered to complete any conditions as terms of his probation. None of the defendants were fined.

## *Case Highlights*

	State v. “A”	State v. “B”	State v. “C”
Date of Arrest	October 10, 2012	September 29, 2012	September 30, 2012
Arrest Charges	Sexual Conduct for a Fee; Electronic Enticement of a Child for Prostitution	Pay for Sexual Conduct with a Child Under 18	Pay for Sexual Conduct with a Child Under 18; Carry Dangerous Weapon
Maximum Penalty for Arrest Charges	Imprisonment for up to 12 months, a possible fine up to \$500, or both; Imprisonment for up to 60 months in state prison or 30 months in a house of correction, a possible fine up to \$2,500 or both	Imprisonment for 120 months in state prison or 30 months in the house of correction, a possible fine up to \$10,000 but not less than \$3,000, or both	Imprisonment for 120 months in state prison or 30 months in the house of correction, a possible fine up to \$10,000 but not less than \$3,000, or both; imprisonment for not less than 30 months nor more than 60 months in the state prison, or for not less than six months nor more than 30 months in a jail or house of correction
Date Prosecution Commenced	October 10, 2012	October 1, 2012	October 1, 2012
Date of Sentencing	January 3, 2013	September 14, 2013	February 6, 2013
Final Charges	Sexual Conduct for a Fee	Sexual Conduct for a Fee	Sexual Conduct for a Fee
Sentence	Sentenced on January 3, 2013; plead guilty to Sexual Conduct for a Fee  Sentenced to 1 year pretrial probation, ordered to watch film “John School,” and stay off of backpage.com	Sentenced on September 14, 2013; plead guilty to lesser charge of Sexual Conduct for a Fee  Sentenced to 1 year administrative supervision; ordered to complete the CANO program	Sentenced on February 6, 2013; plead guilty to lesser charge of Sexual Conduct for a Fee  Sentenced to 1 year administrative supervision; ordered to pay supervision fee