

Minnesota Nice — Not!

by Marna Anderson

A woman who had been used in prostitution as a young adult once said to me, "It doesn't matter if you've been prostituted for two years, two days, or two minutes: knowing that you can be bought and sold harms you forever."

In early June, the *Star Tribune* reported on the investigation and arrest of some members of the Minnesota Nice Guys, a "group of at least 30 well-to-do men who share a common love of expensive prostitutes." The group was made up of businessmen, lawyers, accountants, and mortgage bankers; they called themselves "nice guys" because they have "clean backgrounds and regarded themselves as trustworthy to not mistreat the women." One investigator described this group as unique, in part because of its sophisticated communications network maintained by its founder, former Assistant Hennepin County Attorney John St. Marie.

The public may also think this group unique because of the men's high socioeconomic status and lack of criminal histories. But its members are far from unique. Most johns out prowling the urban streets looking for prostitutes, going on sex tours to Asian countries, or taking part in sex acts at bachelor parties look just like them. They are middle- to upper-class men. Many have no criminal records and find women through Craig's List or other internet sites. In fact, it is precisely the average "nice guy" that makes up the demand side of the sex industry. Some may have more social power and nicer suits than others, but their commonality is the willingness to buy, sell, and traffic women for their own use.

In the same *Star Tribune* article, one of the investigators was reported saying that none of the women were "forced into prostitution, but fell into the business because they needed money." He also noted that none of the women are from the United States: they were trafficked here for the sole purpose of providing sexual services to these "nice guys."

Generally speaking, the public doesn't have much sympathy for adult women used in prostitution if they are perceived to be making a lot of money or have not been "forced" into it. The images of Julia Roberts from the 1980s movie *Pretty Woman* still influence the public's belief that prostitution is a lifestyle choice that can yield big dividends and ultimately lead to romance and adventure.

But let's get real. That's Hollywood. Here are the facts: worldwide, the average age of entry into prostitution is approximately 11 years. These children are considered victims until their 18th birthdays, when they are suddenly deemed to be criminals or a community nuisance. Further, it is estimated that just 2% of women used in prostitution service a few men for a short time and make a lot of money doing it. Nearly 40% of prostituted women are trying to escape poverty, sexual abuse/incest, or simply feed their children, and most never see a profit. This is not surprising when we recognize that the majority of women used in prostitution have been physically forced into it and are unable to escape it; in short, they are enslaved.

No matter how you slice it, prostitution and sex trafficking are not victimless crimes. Ninety-eight percent of women

used in prostitution lack real economic and educational options. The Nice Guys distinguish themselves from other johns because they are "trustworthy to not mistreat" the women, but isn't taking advantage of poor women with so few options that they come to the U.S. only to perform sex acts on demand an egregious form of mistreatment and a serious violation of human rights? And, honestly, can we really trust that these men aren't mistreating the women in other ways? One wonders what recourse these women would have had if they were being abused—reporting it to another Nice Guy?!

Thankfully, many health, human rights, and women's organizations around the world are organizing to put an end to prostitution and sex trafficking by working to pass laws that criminalize johns, pimps, and traffickers and provide services for victims.

In 2000, the federal government passed the Trafficking and Victims Protection Act to rescue women and children who are smuggled into the United States as sex slaves. The Act was reauthorized and strengthened in this last legislative session, allocating funds through 2011. Recently, the Bill for an Act to Combat Sex Trafficking in Minnesota was passed to gather and compile data on human trafficking every two years, to increase criminal penalties for promoting prostitution and trafficking, and to identify prostitution and sex trafficking as crimes of violence under state law. The changes to Minnesota law go into effect on August 1, 2009, and WATCH

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Case Summaries

WILLIAM CHARLES REHNSTRAND

William Charles Rehnstrand, 66, a school board member and retired teacher from Superior, Wisconsin, was charged with felony third degree criminal sexual conduct after admitting to police that he performed oral sex on a 17-year-old high school student while acting as his mentor on a school-sponsored trip to Eden Prairie in August 2008. Rehnstrand resigned from the school board without explanation in September, soon after he returned from the three-day trip.

In February 2009, Rehnstrand pleaded guilty as charged and during his sentencing hearing in March, a WATCH monitor heard the victim impact statement given by the student he had abused. The victim, who is gay, talked about being hurt by a mentor he trusted at a vulnerable time in his life and how he can't forget what happened. He said he gave the statement as a way to express his anger and grief before going on with his life and beginning college. He also described the feeling that being gay was held against him during the investigation by the Superior police.

Judge Philip D. Bush sentenced Rehnstrand to 36 months in prison stayed for 15 years with extensive probationary conditions, including: serve 60 of the 180 days in the workhouse and the remaining time on electronic home monitoring; supply a DNA sample; register as a predatory offender; have no contact with the victim or his family; undergo mental health evaluation/treatment and possess no weapons or pornography. Elizabeth Cutter was the prosecutor, and Robert Paule was the defense attorney.

DARYN TROY SKROVE

Daryn Troy Skrove, 33, was charged with two felony counts of first-degree criminal sexual conduct for sexually abusing his daughter over a period of three years, beginning when she was six. Skrove had custody of his daughter and they lived together in Texas and later in Minneapolis, but he sent her to live at her mother's Minneapolis house in December 2007. After telling her mother about the abuse, the girl was interviewed at CornerHouse Interagency Child Abuse Evaluation and Training Center, where she described Skrove's ongoing sexual abuse of her, which included sexual penetration.

Skrove pleaded guilty to one felony count, and the second one was dismissed. At his sentencing hearing, the victim's mother read her daughter's victim impact statement in which the then-12 year old asked, "What is a real dad like?" She also wrote that she didn't feel safe with other men, believed he had sexually abused two other people, and wanted him to go to jail. Judge Mark Wernick listened carefully to her statement, tried to make her feel comfortable, and told her she did an excellent job. He sentenced Skrove to 120 months in prison with credit for 91 days served, a 24-month downward departure from the sentencing guidelines because Skrove

accepted responsibility for his crime. Skrove will be eligible for conditional release from prison after serving 80 months, and the conditions of his release will include supplying a DNA sample and registering as a predatory offender for 10 years. Krista Bettinger was the prosecutor, and Craig Boone was the defense attorney.

SANJEEB NMN SHRESTHA

Sanjeeb NMN Shrestha, 33, was charged with felony fourth degree criminal sexual conduct for sexually assaulting an 80-year-old woman. The victim was on pain medications at Abbott Northwestern hospital while recovering from back surgery. Believing the victim was asleep; her 63-year-old sister left her in the room under the bedcovers. When she returned a short time later, she saw the defendant, a nursing assistant, standing next to her sister's bed. The bed covers had been pulled down to her sister's knees and she could see Shrestha fondling her, so she ran to the nurse's station to get help. When hospital staff did not appear to take her concerns seriously, the woman called her niece, who called the police.

Shrestha pleaded not guilty, waived his right to a jury trial, and had a court trial before Judge Daniel Mabley in March 2009. A few days into the trial, the defendant changed his plea to guilty. At the June sentencing, the victim's advocate read the impact statement in which the victim described being afraid of ever being in a hospital again, but knowing she probably will be, since she is over 80. She said she is afraid all the time to the point where she can't leave her sister's side and hopes the defendant will not be allowed to work in the health care field again. The WATCH monitor who attended the sentencing also reported that Judge Mabley stayed the imposition of Shrestha's sentence for two years and ordered the defendant to register as a predatory offender; perform 160 hours of community service; have no contact with the victim, including not going to her residence; and pay restitution. The prosecutor was Julie Allyn, and the defense attorney was Derk Schwieger.

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monitors will be in the courtroom when cases are heard in Hennepin County.

While law enforcement was working on their investigation to hold St. Marie and other Nice Guys accountable for trafficking and selling women for sex, advocacy organizations were educating legislators and the public about sex trafficking in Minnesota. Together the legislature, criminal justice system, and nonprofit organizations are sending the message to johns, pimps, and traffickers that they are not welcome in Minnesota. Nice Guys is not Minnesota Nice.

Volunteer Notes

✓ I was shocked at the way one of the deputies in felony arraignment court today treated the defendants and their families. During a short lull in the proceedings, she sternly told some family members in the gallery to stop speaking even though they were talking quietly and others in the gallery were doing the same. At one point, she told a defendant he was supposed to sign a form and repeatedly ignored his requests to speak to his attorney before signing it. When the attorney finally approached the defendant, she stood extremely close to them making it difficult to speak in private.

✓ After the family court judge issued an order for protection today, the petitioner expressed her concern about the respondent owning a gun. But the judge did not mention the federal firearms statute or explain to the respondent that he could not possess a firearm because that would be a violation of the order.

✓ While I was waiting in the government center for the next hearing to begin, I observed some members of the gallery express confusion about what was happening. I overheard one say, "So this is how it goes? They do one and then just disappear?"

✓ The prosecutor in domestic violence court today questioned the statement made by the victim's advocate on the record to make sure she fully understood the victim's request to have the defendant released from custody. The prosecutor then respectfully stated to the court that she believed the defendant should remain in custody in light of all the evidence.

✓ One of the defendants in felony arraignment court today did not speak much English. The defense attorney said he used an interpreter in his meetings with the defendant, but the deputy commented, "Yeah, he understands," and they held the hearing without an interpreter.

✓ In felony arraignment court today, the judge was leaning back in his chair and continually interrupting the clerk. In one hearing, the defendant politely asked for clarification of

the no contact order, and the judge yelled at him, "Don't ask something stupid!"

✓ During all but one order for protection hearing today, the judge asked detailed questions and for each person in the courtroom to identify him/herself. For the last hearing, the petitioner came into the courtroom with a man and asked that her order be dismissed. The judge granted the dismissal without asking the man to identify himself. Then he said to the petitioner, "Nobody made any threats for you to dismiss it, right?"

✓ The public defender in felony arraignments was frustrated that the judge was not agreeing with his bail arguments. He suddenly stopped making bail requests and stated, "O.K., I will reserve bail on the rest of my cases then." I understand his frustration, but where does that leave his clients?

✓ During a bail hearing at the government center, the judge was so soft spoken I could not hear his ruling. He left the bench right afterwards, leaving people in the gallery looking confused.

✓ During a plea hearing for a defendant with nine counts of fifth degree criminal sexual conduct, the attorneys were arguing about whether the defendant should be restricted from entering the university campus, where the offenses took place. The judge decided in favor of the defense, stating that he felt the defendant would just find another area or neighborhood to re-offend if he wasn't allowed to be on campus. The judge further explained his reasoning by saying that he didn't want to prevent the defendant from going to see university football games, provided the defendant "keeps his hands in his pockets." Before discussing the sentence with him and setting a date for the sentencing hearing, the judge commented, "Every time you have appeared before me, you have been a real gentleman; you have expressed genuine sorrow and remorse, and I appreciate that and I'm sure the nine women (victims) really appreciate that, too."

Thumbs up/thumbs down

👍 Thumbs up to the Minnesota Court of Appeals for upholding the district court's criminal sexual conduct conviction against former U of M football player Dominic Jones. Judge Heidi Schellhas called "weak and misplaced" the defense's argument that the woman's prior sexual history should have been admitted into evidence (Minnesota's rape shield law prohibits such disclosure in most cases). At issue, ruled the court, was not the victim's prior acts, but the defendant's sexual penetration of a physically helpless [unconscious] person. The ruling further rejected the argument that the sentence given Jones was too long and the defense's claim that the videotape of the assault should not have been taken into the jury room.

👍 Thumbs up to the Minneapolis City Attorney's office for initiating passage of legislation extending the time a law enforcement officer has to make a probable cause arrest for a domestic assault from 12 to 24 hours. This additional time should result in more arrests of defendants who in the past have successfully avoided consequences for their crimes by fleeing the scene before police arrive. WATCH, along with the advocacy community, has stressed the importance of better follow-up investigations in these cases, termed *gone on arrival* (GOA), for years. We encourage law enforcement agencies statewide to ensure that GOA no longer equates to "out of sight, out of mind."

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Thumbs up/thumbs down

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👍 Thumbs up to the Minnesota Court of Appeals for ruling in favor of domestic abuse victim Vikki Dobie in her case against the commissioner of the Minnesota Department of Human Services. The Department had permanently barred Dobie from being licensed to provide care to vulnerable adults because she had been arrested on a felony second-degree assault charge. The court ruled, "Dobie argues that the commissioner committed an error of law and acted arbitrarily and capriciously by concluding that she committed a permanently disqualifying crime despite findings of mitigating circumstances and the lack of any criminal prosecution. We agree." The mitigating circumstances included that Dobie was a battered woman who was afraid of her abuser during the incident that led to her arrest as well as that she had never been prosecuted for the assault. Dobie is now

eligible to be licensed again and should be able to return to work.

👍 Thumbs up to the Advocates for Human rights for leading a powerful coalition of groups in support of the Bill for an Act to Combat Sex Trafficking in Minnesota, HF1505/SF 1514. Representatives Michael Paymar and John Lesch and Senators Sandy Pappas and Mee Moua provided leadership in the legislature and the Human Trafficking Task Force provided the necessary support to secure passage of this important law covering prostitution and sex and labor trafficking. The law increases some criminal penalties, expands legal definitions, adds trafficking to victim's rights and firearms laws, includes an enhancement provision for repeat offenders, and requires the state to gather and compile data on these crimes.

MISSED OPPORTUNITY

WATCH volunteers have monitored a number of cases in felony arraignment court involving out-of-custody defendants. At arraignment, they learn the date of their next appearance, and the judge typically reminds them to continue to abide by the conditions of their release. Some judges go even further, and spell out the conditions again.

However, WATCH monitors sometimes observe arraignment hearings in which the judge does not mention the conditions, even in egregious cases such as those involving strangulation. Monitors express concern each time this happens, particularly when the conditions included no contact orders.

Each time a defendant appears before the court presents an opportunity for the judge to reiterate the prohibitions in place, and remind the defendant of the consequences for violating them. WATCH recommends all judges do this all the time—as one judge told us recently, "it only takes 30 seconds." We believe it is time well spent.