

Massaging the Numbers

Was Super Bowl 50 really the human trafficking bonanza law enforcement claims?

By Jeremy Lybarger

Almost two weeks ago, what was supposedly the world's biggest human trafficking event ended with a football game. As Super Bowl 50 trudged to its lackluster finale, a meticulously choreographed FBI operation was busting pimps and rescuing trafficked sex workers across six Bay Area counties. And it was an exemplary success for law enforcement.

So says Bertram Fairries, the FBI's "special agent in charge." But much like the myth of a Super Bowl sex trafficking boom, that "success" isn't so convincing once you peek behind the numbers.

The FBI arrested 12 pimps, "made contact" with 129 prostitutes, and busted 85 johns for soliciting sex during the two weeks preceding Super Bowl Sunday. By contrast, during last year's Super Bowl in Arizona, the feds arrested 68 alleged traffickers and 360 suspected johns.

Crime statistics can be malleable — and trafficking statistics especially so. In San Francisco, for example, Mayor Ed Lee's anti-trafficking task force reported 291 known or suspected trafficking survivors in the last six months of 2014 (a figure that could contain duplicates). Meanwhile, the San Francisco Police Department reported a total of 72 trafficked survivors that year. Tracking down who was arrested where is even harder across six counties, policed by more than a dozen law

enforcement agencies.

The problem with the Super Bowl "trafficking" numbers is that not all the victims were trafficked. Fairries tells *SF Weekly* that some of the 129 prostitutes the agency "contacted" were just independent sex workers conducting business as usual. But much like the SFPD, which counts every sex worker it

encounters as trafficked, the FBI considers all prostitutes "victims."

According to FBI spokeswoman Michele Ernst, the only sex workers arrested were those who directly helped recruit or pimp other victims. Strangely, the FBI claims it doesn't know how many that was. Or, more accurately, Ernst says the FBI doesn't record such

data, although Fairries, after some hesitation, suggests the agency "may know." (Neither Fairries nor Ernst provided arrest data by press deadline.)

"It gets hairy to classify," Ernst says. "We don't break the numbers down into who was arrested and who wasn't because we want to be conservative. We don't want to inflate numbers."

At least the FBI is clear about the number of pimps arrested. Whether that dirty dozen justified the multi-county law enforcement operation, the collaboration of more than 50 local organizations, 5,000 trained volunteers, and numerous press conferences, is up for debate.

But not to the FBI. "It was definitely a success," Ernst says, noting that this year's anti-trafficking strategy will serve as a template for future Super Bowls.

Once the FBI returns to its pre-game routines, what will be the legacy of this year's efforts? According to the California Department of Justice, 441 traffickers were arrested in the state between 2007 and September 2012. Only 113 — or approximately a quarter — were convicted.

Even if pimps aren't convicted, they're probably sidetracked for a while, Fairries says, and that's "just as important as sting operations and arrests."

After all, as the Bay Area was constantly reminded, anti-trafficking is year-round. It's not about the Super Bowl.



Workers Uber Alles

Uber drivers' big Super Bowl protest fizzled, showing how hard it is to organize Silicon Valley's independent contractors.

By Chris Roberts

For Uber drivers tired of low pay, no tips, and long hours, Super Bowl Sunday was supposed to be their finest hour. After the \$60 billion company cut rates in most markets to \$1.15 per mile, some drivers — who claimed \$600 in take-home pay for 80-hour weeks — took to the streets. They descended en

masse on Uber's Potrero Hill operations center and on the company's global headquarters in Mid-Market, honking horns and blocking traffic on the two Mondays prior to Super Bowl Sunday. Momentum appeared to be on their side: On the eve of game day, there was talk that thousands of drivers would block Highway 101, preventing VIPs from accessing the game, or perhaps they would bar entry to Levi's Stadium altogether.

But on the big day, only about 20 drivers showed up at the Super Bowl, according to media reports, and those drivers were quickly shooed away by Santa Clara police after briefly blocking a road at halftime. (Later, fans leaving the game queued up for hours to get a ride home from Uber, an official "partner" of Super Bowl 50.)

Since then, there have been no demonstrations in San Francisco — that SFPD issued tickets to drivers who protested in front of City Hall on Feb. 1 didn't help — and the protests' main organizer, a driver who identified himself only as Mario, stopped returning calls from *SF Weekly*. This apparent failure to organize workers illustrates a cold, hard fact about CEO Travis Kalanick's company: Not only does Uber drastically cut back on employee costs by working only with independent contractors, but its workforce of contractors is also extremely hard to organize — almost as if by design.

For starters, it's hard to organize workers you can't find. Unlike taxi drivers, there is no central location that all Uber drivers visit — no company parking lot, no company office

for getting paid. Mario got his protests off the ground by "organizing" at San Francisco International Airport, one of the few places — aside from the bike lanes on Valencia Street on a Friday night — Uber drivers congregate. (In return, he said, he had his account briefly deactivated by the company, a claim Uber disputes.)

The way Uber drivers work also thwarts any organizing. For every driver willing to shut off the app and cause a ruckus in hopes of better pay, there are three or four willing to pick up the riders otherwise left in the lurch. High turnover — as many as two-thirds of drivers quit after a few months — also works in Uber's favor.

"Uber floods the market with so many drivers, it's hard to get a decent percentage [of protesters] to matter," says one Uber driver involved with the

protests, who asked to be identified by his Twitter handle, @Uber_Strike2016.

Organizers "just can't get enough drivers to hear about [protests]," he added.

Uber did not address the demonstrators in a statement emailed to *SF Weekly*, but the company is taking the possibility of a driver revolt seriously enough to hire Littler Mendelson, a New York law firm known for union-busting, as POLITICO first reported.

Until changed by outside forces, such as the lawsuit challenging Uber drivers' "independent contractor" status which goes to trial in June, angry drivers may have no choice but to quit, leaving someone else to take their Prius.

"Nothing's gonna change till someone buys them or courts force them," @Uber_Strike2016 says.

Scarlet Passports

A national law marking sex offenders traveling abroad is fought in California.

On Feb. 8, President Barack Obama signed the "International Megan's Law," which puts a unique identifier on convicted sex offenders' passports. It also creates a new office at Customs tasked with alerting destination countries when a sex offender travels abroad. Finally, it allows the Secretary of State to revoke sex offenders' current passports to mark them with the new identifier.

Last week, the California chapter of Reform Sex Offender Laws (RSOL) filed a federal lawsuit, arguing that HR 515 is unconstitutional and puts sex offenders at risk. (California leads the nation in sex offenders, with nearly 90,000 registered.)

"There has never been a unique identifier on American passports," says Janice Bellucci, an attorney and president of California RSOL, who filed suit in San Francisco on behalf of her clients, two of whom are local sex offenders. "For something similar, you'd have to go back decades to Nazi Germany stamping a 'J' on Jewish passports, or to Communist Russia."

The "old" Megan's Law already requires offenders to notify authorities at least 21 days before international travel. This next step could lead to them being deported from destination countries, or, in extreme scenarios, being "put before a firing squad," Bellucci warns. **JL**