



# THE NATIONAL JUDICIAL COLLEGE

EDUCATION | INNOVATION | ADVANCING JUSTICE

## HUMAN TRAFFICKING: WHAT NORTH CAROLINA JUDGES NEED TO KNOW

Professor Terry Coonan

### OBJECTIVES:

After this session, you will be able to:

1. Describe how the Trafficking Victim Protection Act of 2000 and North Carolina law have changed previous definitions of slavery; and
2. Define how force, fraud, and coercion are employed against victims in modern human trafficking cases.

### REQUIRED READING:

### PAGE

Terry Coonan, *Human Trafficking: What North Carolina Judges Need to Know*  
(Oct. 2013) [NJC PowerPoint].....1



## **Human Trafficking: What North Carolina Judges Need to Know**

Presented By:  
Professor Terry Coonan  
Florida State University

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### **What Is Human Trafficking?**

- **Forms of modern-day slavery that involve the exploitation of persons for commercial sex or forced labor**
- **Often involves crossing an international border but does not require movement**
- **Traffickers use *force, fraud, or coercion* to control their victims**

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### **A Human Rights Crisis**

- **Approximately 27 million people held in slavery worldwide**
- **Estimated 500,000 to 2 million people trafficked worldwide annually**
- **Estimated 15,000 to 18,000 trafficked annually into the United States**

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## A Global Phenomenon

International trends since late 1980s led to the rapid growth of trafficking:

- Increased ability by people to cross borders
- Increased poverty worldwide
- Result: desperately poor people immigrate to seek work

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## Origin & Destination Countries



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## The “Natasha Trade” Emerges in Eastern Europe



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**Trafficking of Asian Migrants by  
“Snakeheads” Becomes Lucrative  
International Business**



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**Children Are Routinely Enslaved in  
West African Cocoa Farms**



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**Children Are Also Exploited in  
Conflict Zones Around the  
World as Child Soldiers**



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### Women Continue to Make Up 70% of the Victims Worldwide



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### Migrant Farmworkers are Exploited Routinely



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### A Lucrative Business

- Yields an estimated **\$32 billion** in profits each year world wide
- An estimated **\$9 – \$12 billion** earned in the United States

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## Organized Crime

- After drug trafficking, human trafficking is the most lucrative business for organized crime
- Unlike drugs, humans can be resold again and again

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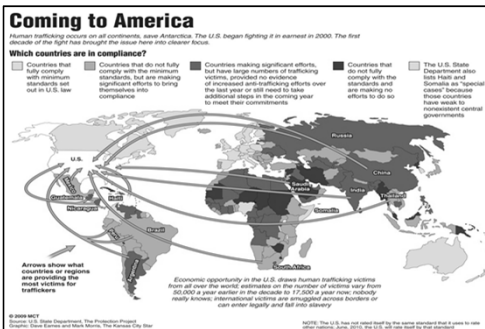
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## It's Here in the United States




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## FBI Arrest 150 in 3 Day Sex Trafficking Sweep (July 29, 2013)




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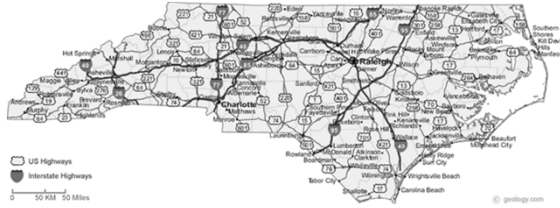
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## It's Here in North Carolina



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## U.S. & North Carolina Trafficking Trends and Cases

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## U.S. Sex Trafficking Trends

1. Agricultural brothels
2. Massage parlors
3. Internet based prostitution
4. Domestic minor sex trafficking

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### (1) Agricultural Brothels



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### (1) Agricultural Brothels

- Cater to migrant male customers (farmworkers, construction workers, etc)
- Bulk prostitution operations
- Victims often paying off smuggling debts
- Victims are moved frequently

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### The Waiting Room



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### **“The Work Station”**



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### **Tools of the Trade**



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### **Cash Intensive Operations**



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### Victim Belongings



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### (2) Massage Parlors



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### 2012 Campbell Case (Chicago)



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## Campbell Case (Chicago)

- Chicago native Alex Campbell convicted on January 30, 2012 on sex trafficking and labor trafficking charges
- Had operated four massage parlors in the suburbs of Chicago

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## “Businessman” Alex Campbell



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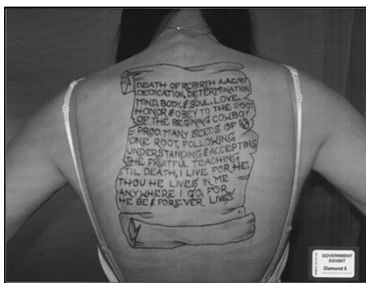
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## The “Branding” of His Victims



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### **Campbell Case**

- Case began when one victim went to local police after being beaten
- Victims had been told it would cost them \$25,000 to leave “The Family”
- One victim threatened her family in Belarus would be sent a sex tape

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### **Campbell Case (cont.)**

- Campbell given life sentence in 2013
- Judge cites the brutality of the exploitation and lifelong scars victims will bear



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### **One of the Clients**

- Defense Attorney Douglas Rathe
- Identified in court by Ukrainian victim
- Explained he had only received massages



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### (3) Internet-Based Prostitution



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### Prostitution 20 Yrs Ago: Streetwalking



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### 10 Yrs Ago: Throwing Newspapers



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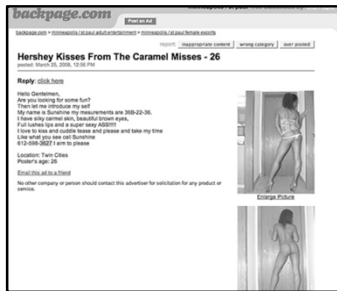
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## 2013: Internet's Virtual Streetcorner




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## 2013: Internet's Virtual Streetcorner

- Prostitution—and sex trafficking—have proliferated through websites
- Backpage allows 3<sup>rd</sup> party users to post ads for \$5-\$10 . . . Makes over \$22 million annually
- 70% of profits from “adult services” ads

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## (4) Domestic Minor Sex Trafficking




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## Domestic Minor Sex Trafficking

- Average U.S. age of entry into prostitution is now 13 years old
- Children are being groomed into prostitution



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## Runaway and Throwaway Children: *America's Newest Homeless Class*



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## Largest Number of Sex Trafficking Victims in the U.S.

- An estimated **100,000+** victims annually
- Many resort to “**survival sex**”
- 90% of female minor runaways come in contact with a pimp **within 48 hours** of leaving home

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### Domestic Recruiting Locations

- Schools
- Juvenile courts
- Shopping malls
- Bus stations



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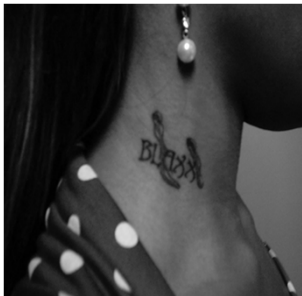
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### Tattoo Branding by Pimps



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### Tattoo Branding by Pimps



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## North Carolina Teen Runaway Investigation

- May 2013: 2 adults in stolen car arrested in Durham when found transporting 4 underage girls and a boy for alleged sex trafficking



- Men allegedly enticed the children in online chat room (children from Michigan, Maryland, Pennsylvania, & North Carolina)

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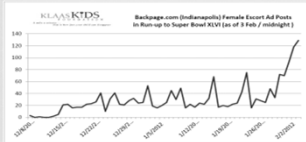
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## Sporting Events and Sex Trafficking

### Human Trafficking & Super Bowl 2012

A study conducted by KLAAS KIDS Foundation found significant increases in Backpage escort ads leading up to the 2012 Super Bowl.



Advertised on Indianapolis Backpage February 02<sup>nd</sup>.

1) KLAAS KIDS FOUNDATION FOUND SIGNIFICANT INCREASES IN BACKPAGE ESCORT ADS LEADING UP TO THE 2012 SUPER BOWL.

2) KLAAS KIDS FOUNDATION FOUND SIGNIFICANT INCREASES IN BACKPAGE ESCORT ADS LEADING UP TO THE 2012 SUPER BOWL.

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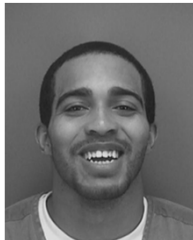
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## North Carolina/Florida DMST Case



Street Pimp Weylin Rodriguez

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## 2013 Rodriguez Case

- Domestic Minor Sex Trafficking (DMST)
- U.S. citizen minors recruited from highways and city streets and lured into prostitution from North Carolina to Florida
- “Bottom Bitches” (trusted senior prostitutes) often did the recruiting and disciplining

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## Rodriguez’s “Bottom Bitches”



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## 2013 Rodriguez Case

- Investigation reveals that Rodriguez had romanced (“cupcaked”) or kidnapped teens, forcing them into street prostitution in Tampa, Orlando, and Charlotte, NC
- Rodriguez had also tattooed many of his victims
- March 2013: Rodriguez given life sentence for child sex trafficking . . . Victims attend his sentencing

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## U.S. Labor Trafficking Cases



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## U.S. Venues for Labor Trafficking

- Private Homes
- Farm worker camps
- Sweatshops
- Industry
- Nail salons
- Strip clubs
- Hotels/Resorts
- Restaurants

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## U.S. Labor Trafficking Cases

- The largest number of trafficking cases nationwide
- The largest number of victims
- Often occur “in plain sight”
- Often involve legitimate U.S. businesses

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## Forced Agricultural Labor Florida/North Carolina *Evans Case*




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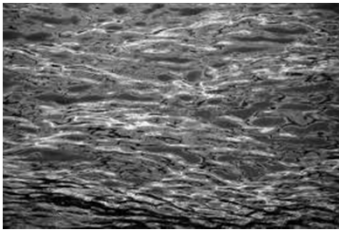
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### *Evans Case*

- Investigation begins when EPA detects high level of human feces in St. John River south of Jacksonville, Florida




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### *Evans Case*

- Homeless men and women recruited from public shelters for exploitation on remote farms in north Florida and North Carolina




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## Evans Case

- Were held on isolated farms and plied daily with crack cocaine . . . Drug costs became the source of debt servitude



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## Labor Trafficking in U.S. Hotels



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## San Destin Hilton Case (Florida)

### The Victims:

- Eastern European college students admitted on J-1 student visas
- Arrived with plane tickets that would cost \$2000+ to change



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## San Destin Hilton Case

The Traffickers – Eastern European Organized Crime Groups:

	Eurohouse (2 companies)
	Southern Amenity et al
	Sigor, Inc. ISS Inc., et al
	High Quality Services
	MVA Right Services
	EBS
	DarPol & AmPol Maint

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## Florida Panhandle Locations




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## Southeast Locations




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## Trafficking Victims Protection Act (TVPA)

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### Trafficking Victims Protection Act (TVPA)

TVPA enacted in 2000 in order to:

- **Prevent** HT overseas and within US
- **Protect** & help victims to rebuild their lives
- **Prosecute** traffickers with enhanced criminal penalties

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### TVPA Background

- Meant to counter emerging trends in human trafficking nationwide
- Meant to legislatively respond to 1988 *Kozminski* Supreme Court decision (holding that slavery cases required showing of **force** or **threat of force**).

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### TVPA = Victim-Centered Law

- Trafficking victims, even if in U.S. illegally, viewed as **crime victims**.
- Programs created to assist victims including immigration remedies.
- Benefits afforded refugees given to HT victims willing to assist in prosecution.

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### Human Trafficking Defined

- In U.S. law, human trafficking is now defined as criminal acts of **involuntary labor** or **commercial sexual exploitation** that are induced through **force, fraud, or coercion**
- Similar to the definition under international law (U.N. Protocol)

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### Physical Force Not Required

- Physical force is no longer required
- Showing of **fraud** or **psychological coercion** now suffices
- Prosecutors now have new tools to prove up slavery in U.S. courts

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### **TVPA – Force**

**Force:** physical violence that may take the form of beatings, rape, shootings, starvation, or physical confinement

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### **TVPA – Fraud**

**Fraud:** can include false or deceptive offers of employment, marriage, or a better life

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### **TVPA – Coercion ("Invisible Chains")**

- Threats of serious harm against the victim
- Threats against the victim's family
- Threats of deportation

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### **TVPA Victim Protections**

#### **Enable trafficking victims to:**

- Obtain medical care, witness protection, housing assistance, other social services
- Obtain civil remedies for financial losses
- Sue traffickers for punitive damages

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### **New Immigration Remedy**

- “T” trafficking visa created by Congress to give victims temporary legal status
- Victims must be willing to participate in law enforcement investigation

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### **The Collaborative Approach**

The anti-trafficking movement in the United States is made up of a unique **partnership**:

- 1) Law Enforcement & prosecutors**
- 2) Non-governmental service providers**

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## State Anti-Trafficking Statutes

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## State Anti-trafficking Statutes

- In spring 2013, Wyoming became the 50<sup>th</sup> state to enact trafficking laws
- North Carolina greatly enhanced its anti-trafficking statutes in 2013 with the enactment of Session Law 2013-368 (Senate Bill 683)

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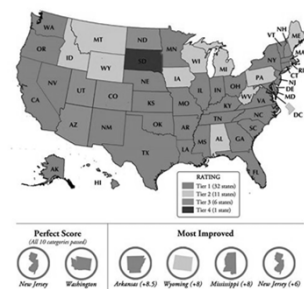
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## Polaris Project Ratings 2013




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### **North Carolina Statutes**

- 14-43.10 Definitions
- 14-43.11 Human Trafficking
- 14-43.12 Involuntary Servitude
- 14-43.13 Sexual Servitude

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### **North Carolina Statutes 14-43.11**

A person commits human trafficking when they knowingly or in reckless disregard of the consequences recruit, harbor, transport, provide or obtain . . . another person . . . for involuntary servitude or sexual servitude . . . or willfully or in reckless disregard . . . cause a minor to be held in involuntary servitude or sexual servitude

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### **North Carolina Statutes 14-43.11**

- Each violation a separate offense
- Mistake of age not a defense
- Consent of a minor not a defense
- Non-residents eligible for victim services

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**North Carolina Statutes**  
**14-43.10**

Involuntary Servitude = performance of labor, whether or not for compensation, and whether or not for the satisfaction of a debt

and

by deception, coercion, or intimidation using threat of violence or by any other means of coercion or intimidation

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**North Carolina Statutes**  
**14-43.10**

Sexual Servitude = Any sexual activity for which anything of value is directly or indirectly given, promised, or received . . .

which conduct is induced or obtained by coercion or deception or induced or obtained from a person under 18

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**North Carolina Penalties**

Involuntary Servitude (14-43.12):

- Of a minor: Class C Felony
- Of an adult: Class F Felony

Sexual Servitude (14-43.13):

- Of a minor: Class C Felony
- Of an adult: Class D Felony

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### **North Carolina Penalties**

Session Law 2013-33 (Senate Bill 122) also added new requirement that convicted sex traffickers register as sex offenders in North Carolina

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### **North Carolina Safe Harbor 14-204(c)**

Immunity from Prosecution for Minors:  
Minors suspected of or charged with prostitution shall be immune from prosecution . . . and instead shall be taken into temporary protective custody as an undisciplined juvenile

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### **North Carolina Safe Harbor 14-204(c)**

A law enforcement officer who takes a minor into custody . . . shall immediately report an allegation . . . to the director of the department of social services in the county where the minor resides or is found

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## **North Carolina Safe Harbor 15A-145.6**

**Defendants convicted of prostitution  
may have their convictions expunged  
if that person was:**

- **A victim of human trafficking, or**
- **A victim of sexual servitude, or**
- **A victim of a severe form of  
trafficking under the federal TVPA**

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## **2013 Changes to North Carolina Prostitution Statutes**

- Increased penalties for pimps and “johns”
- “Advancing Prostitution” now criminalizes  
use of internet or social media to solicit  
another for prostitution (14-203)
- Non-residents eligible for victim services

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## **Questions?**

Thank You!  
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