



# Human Trafficking in North Carolina: Human Beings as a Commodity

Karen G. Jayson, M.S.C.J.

N.C. Governor's Crime Commission

Criminal Justice Analysis Center

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## Introduction

Human trafficking is the forced exploitation, enslavement or servitude of a person for profit or benefit (Sigmon, 2008). It can involve domestic servitude, labor, prostitution or any combination of the three. There is no question that human trafficking is a problem around the world, in the United States and in North Carolina. The question is: how severe is the problem? Researchers have come up with estimates that vary tremendously. It has been analyzed from a variety of perspectives, including the legal, governmental, sociological, economic, marketing, business and service approaches, as well as the criminal justice or law enforcement approach. Researchers tackle the morality of trafficking, the repercussions of trafficking and the root causes of trafficking. One researcher discussed trafficking as an aberration of labor migration (Chuang, 2006) and another developed a marketing model of human trafficking (Belsler, 2005). While human trafficking is a problem and an issue on each of these levels, the focus of this paper is on the awareness and extent of human trafficking in North Carolina.

## Legal Definitions and Types of Human Trafficking

The definition of human trafficking changes according to jurisdictions and individuals. In general, it is defined as holding a person in involuntary servitude (domestic, labor or sexual servitude) by force, coercion or debt bondage. Around the world, victims range from child soldiers and child brides, to housekeepers, nannies, farm laborers, prostitutes and beggars (Logan, Walker & Hunt, 2009; Skinner, 2008). It is frequently defined as sex trafficking (Feingold, 2005). However, labor and domestic trafficking are estimated to make up more than 68 percent of the population of trafficked people worldwide (International Labor Organization, 2012; United Nations Office on Drugs and Crime, 2012). Logan, Walker and Hunt (2009) state that human beings can be trafficked in several ways:

- Born into slavery or debt bondage (where children inherit the debt of the parents),
- Kidnapped, sold and/or physically forced, or
- Tricked into slavery (coercion and debt bondage)

Trafficking can involve any of the following (Logan, Walker & Hunt, 2009):

- Sex Work
- Sex Laboring

- Pornography
- Entertainment (exotic dancing, stripping, etc.)
- Personal Service
- Domestic Labor
- Agricultural/Construction/Mining labor
- Factory/Sweatshop Labor
- Restaurant/Bar Labor
- Begging/Trinket Selling
- Food Service Industry

***International: The United Nations Protocol***

The United Nations ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Article 3,’ defines human trafficking as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (United States Department of State, 2012).

***National: U.S. Anti-Human Trafficking Legislation***

In the United States, the Trafficking Victims Violence Prevention Act of 2000 (TVPA) defined and classified human trafficking in two main categories: sex trafficking and labor trafficking.

- Sex trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person forced to perform such an act is under the age of eighteen years old.
- Labor trafficking is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. Such violations might include domestic services, manufacturing, construction, migrant laboring and other services

obtained through subjection to involuntary servitude, peonage, debt bondage or slavery (United States Department of State, 2000).

### **Why is human trafficking an issue?**

Human trafficking has been an increasing issue of concern. Many in the news media focus on sex trafficking and child sex trafficking; only a few deal with labor trafficking. Labor trafficking is often overshadowed by sex trafficking and clouded by the premise of illegal immigration (Alvarez & Alessi, 2012). Trafficking can be ‘hidden in plain sight’ (Hepburn & Simon, 2010; Newton, Mulcahy & Martin, 2008). It can involve the person at the nail salon, the guy bussing tables at a restaurant, the live-in nanny down the street, the cleaning staff that comes to your office after hours, or the crew that does your yard work (Logan, Walker, & Hunt, 2009). In all cases, human trafficking is often referred to as ‘modern-day slavery’, whether it is accomplished through kidnapping, psychological manipulation, debt bondage, coercion, extortion or threats of physical harm and death. Along with drugs and weapons, it is now believed to be one of the leading sources of income for criminal organizations and gangs (Wyler & Siskin, 2011). In addition to domestic sex trafficking, American minors and adults are trafficked for forced labor. Children are preferred to adults in labor trafficking because they are considered to be easier to control, less expensive to house and maintain and not as likely to demand better working conditions or housing (Hepburn & Simon, 2010; Herzfeld, 2002). Less is known about labor trafficking into and within the United States than is known about sex trafficking (Clawson, Dutch, Salomon, & Goldblatt-Grace, 2009).

Research on human trafficking is difficult at best. The primary problem is that, as is stated in numerous research articles, the population is ‘hidden’ (Cwikel & Hoban, 2005; Hepburn & Simon, 2010; Miller, 2008). According to Heckathorn (1997), hidden populations have two attributes. First, there is no sampling frame for the population, so there is no idea or representation of how large the cohort of trafficked individuals is or what conditions define the group. Second, because the persons are involved in illegal or illicit activities, they are not typically willing to cooperate or participate in studies that would help to provide the information needed to determine how they came to be trafficked or traffickers (Heckathorn, 1997). It is difficult, if not impossible, to obtain a count of a clandestine population involved in criminal activities, whether they do so by choice, force or coercion (Cwikel & Hoban, 2005; Tyldum & Brunovskis, 2005).

Law enforcement officers focus on crimes relating to public safety and may not be actively looking for trafficking offenses, since most trafficking activities are covert (Farrell, McDevitt & Fahy, 2010). In their

survey of local law enforcement agencies, Wilson, Walsh, and Kleuber (2006) found that the majority (72%) thought that federal agencies were the best agencies to handle human trafficking cases. Of the 83 agencies responding to the survey, only seven (8%) reported receiving training on human trafficking and the average length of training was 2.5 hours (Wilson, Walsh, & Kleuber, 2006). Human trafficking is addressed in Basic Law Enforcement Training at the North Carolina Justice Academy, as a 2-3 hour segment of overall training (Ryland, 2013).

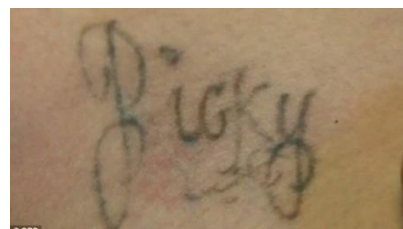
While slavery and trafficking are thought of as occurring in third-world countries, as recently as 2012 in North Carolina Shaniya Davis was allegedly 'sold' by her mother to pay off a drug debt (WRAL News, 2013). Runaways can be trafficked by the same individuals who first 'rescued' them from the streets under the premise that they 'owe' a debt to the rescuer for food, shelter or support (Estes & Weiner, 2001; U.S. Department of Justice, 2010). People may be brought into the country ostensibly to get an education or to help a friend of the family, and upon arrival be told that they owe an astronomical amount for their passage into the country and must work to pay back the debt (Bales & Lize, 2007; Skinner, 2008). Immigrants may contract with an organization to apply for a visa and obtain a job in the United States, only to find out that they owe an exorbitant debt to the agency once they have arrived in the U.S. and have had their papers confiscated by the company. In addition to owing the company for their visas and employment, they may also have to pay for their housing, the tools they use and the food they eat, all of which are provided by the organization that also controls their wages (Skinner, 2008).

Research has documented that human trafficking is a growing problem in this country (Richard, 1999). In fact the United States is listed as one of the leading destinations in the world for traffickers (Hepburn & Simon, 2010). The North Carolina Coalition Against Human Trafficking (NCCAHT) (2013) Web site notes that North Carolina ranks in the top eight states in the country for factors conducive to trafficking in persons. These factors include the state's strategic location on the Eastern seaboard, the number of major interstate highways traversing the state, the large agricultural economy, the number of military installations and the number of ports located in the coastal region. These conditions make North Carolina a prime target for traffickers, whether the commodity is drugs, weapons or human beings (NCCAHT, 2013).

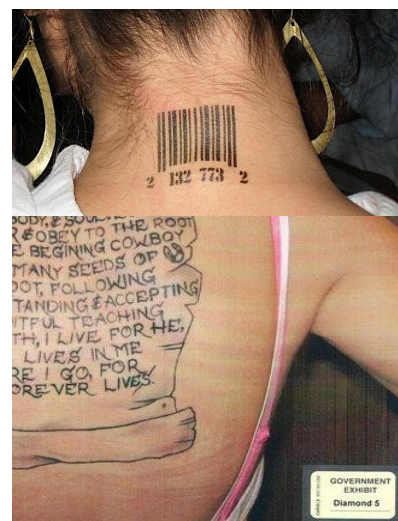
Human trafficking is now considered to be one of the top sources of income for organized crime (Richard, 1999) and more than half of street gangs are involved in trafficking (FBI, 2004). The increased pressure on drug traffickers has caused them to turn to sex trafficking as a source of finance. It is seen as more lucrative, because human beings can be sold over and over, unlike drugs which are sold and consumed. Also, in trafficking, the victims run the risk of being caught and prosecuted, not the traffickers who

control them (Lederer, 2011; Saunders & Valenzuela, 2013). Through intimidation or threats, victims are often afraid to admit to being coerced into sex or labor trafficking (Clawson et al., 2009; Newton, Mulcahy & Martin, 2008; Zhang, 2012). While the U.S. government has prosecuted hundreds of cases against street, motorcycle and prison gangs involving human trafficking in one or more forms, the offenders were actually charged with other felony offenses – such as drug trafficking, armed robbery or extortion – and not human trafficking (Lederer, 2011).

A victim of human trafficking can literally be hidden in plain sight (Hepburn & Simon, 2010; Laczko & Gozdzik, 2005; Newton, Mulcahy & Martin, 2008). When a person is arrested on a prostitution charge, the trafficking element is not obvious. Through coercion or threats, the offender may be afraid to give the name of the pimp/trafficker. A person prosecuted for molesting or sexually assaulting a child may bypass the additional charge of child trafficking because the focus is on the abuse of the child and not how that abuse occurred (i.e. the child was purchased or traded for a debt). Agricultural or factory workers or domestic servants who were either smuggled into the country or ‘blackmailed’ into labor situations due to their illegal status may simply be rounded up and deported because of their illegal status, cloaking the original crime of labor trafficking. In any of these cases, the key is that the offender/victims were intimidated by other individuals — the traffickers — into believing that worse things would happen to them if they tell anything to “the authorities” – law enforcement personnel (Clawson et al., 2009; Newton, Mulcahy & Martin, 2008). Domestic servitude or marital servitude are difficult to discover, because the trafficking takes place within individual homes and may not be obvious to outsiders, especially if it is seen as a part of the person’s native culture (Logan, Walker, & Hunt, 2009). In many cases, a trafficked person is involved in illegal or clandestine activity, whether as an illegal or undocumented worker or as a sex worker (Logan, Walker & Hunt, 2009). The involvement of the individual in criminal activity makes them both a criminal and a victim at the same time, regardless of the fact that their criminality is coerced or forced by the circumstances of trafficking.



Some victims are tattooed with the name (above) of their trafficker or a barcode (below) to indicate they are the property of the trafficker. The tattoo at the bottom was used as evidence (“Til death, I live for he”) in the trial of a trafficker who brought women into the U.S. from Eastern Europe (CBS Chicago, 2012; National Gang Intelligence Center, 2012; Richard, 1999).



Sex trafficking illustrates the two faces of this issue. A person may voluntarily enter prostitution. That person has the option of not working or deciding who their customers will be. A person who is trafficked for sex has no options. They are required to prostitute themselves, meet quotas and turn all monies received over to the trafficker (Jones, 2012). As Juana Zapata, with the nonprofit group 'Freeing American Children' stated "With drugs, you can only sell them once, but with a girl, they can be sold up to 30 times a day. And these girls don't get a day off" (Saunders & Valenzuela, 2013). Persons who don't meet quotas or who resist the pressure to perform sexually are beaten, raped, starved or threatened into submission (Federal Bureau of Investigation, 2013a; Hepburn & Simon, 2010; Jones, 2012; Pennington, Ball, Hampton & Soulakova, 2009; Saunders & Valenzuela, 2013).

The results of a 2008 survey conducted by the National Opinion Research Center indicated law enforcement officers and service providers knew little about human trafficking or had misconceptions about it. Only a small portion of the group surveyed was knowledgeable about human trafficking (Newton, Mulcahy, & Martin, 2008). It is harder to identify victims of human trafficking and more complicated to prosecute offenders, which can limit access to justice. Because they are not seen as victims first, there tends to be bias against the persons trafficked. Trafficked individuals have greater service needs, but there are fewer resources identified specifically for trafficking victims. An additional element is the fear from traffickers or the trafficking organization for their personal safety and the safety of their families (Logan, Walker, & Hunt, 2009). Frequently individuals who have been trafficked do not identify as victims of a crime, but as criminals themselves (Bales & Lize, 2007; Logan, Walker & Hunt, 2009; Newton, Mulcahy & Martin, 2008; Tyldum, 2010).

### **The Extent of Human Trafficking: Estimates and Prevalence**

Human trafficking is a largely 'clandestine' activity; as such, measuring its predominance is both difficult and complicated (Cwikel & Hoban, 2005; Farrell, McDevitt & Fahy, 2010). The 2013 *Trafficking in Persons* report 2013 estimates that more than 26 million individuals are enslaved worldwide through various forms of human trafficking (U.S. Department of State, 2013b). The same report also states that only around 40,000 victims have been identified in the past year, less than 1 percent of the total estimated number of people trafficked. There is a tremendous gap between the estimated number of people trafficked both into and within the United States, the number of victims identified as trafficking victims and the number of people arrested for the actual crime of human trafficking (Clawson, Dutch, Salomon, & Goldblatt-Grace, 2009). Under the Universal Crime Reporting program, only the most serious offense related to an incident is reported (Federal Bureau of Investigation, 2004), as in the Shaniya Davis case,



where her mother was charged with multiple offenses which included sexual servitude with a child and human trafficking, along with first degree murder, first degree rape and child abuse (WRAL News, 2013).

Estimates of the number of people around the world victimized by human traffickers range from a high of 26 million to 600,000 to 800,000 annually, with approximately 14,500 to 17,500 thought to be trafficked in the United States (Clawson, Dutch, Salomon, Goldblatt-Grace, 2009; International Labor Organization, 2005; Potocky, 2011; United Nations Office on Drugs and Crime, 2009; U.S. Department of State, 2011). However, fewer than 2,000 victims (less than 14 percent of the low estimate) have been identified in this country since 2000 (Mattar & Van Slyke, 2010). This problem creates another, in that if victims cannot be identified, neither are the offenders who are using people for their personal profit or benefit (Farrell, et al. in Mattar & Van Slyke, 2010).

Table 1.

*Variations in the Estimates of Human Trafficking.*

Source of Estimate	Estimate of Human Trafficking	Geographic Level
U.S. Department of State (2013b)	26,000,000	Worldwide
U.S. Department of State (2006)	4,000,000	Worldwide
International Labour Organization (2012)	20,900,000	Worldwide
International Labour Organization (2009)	12,300,000	Worldwide
Clawson, Dutch, Salomon, & Goldblatt-Grace (2009)	600,000-800,000	Worldwide
U.S. Department of Health and Human Services (2009 report based on 2001 data)	199,000 (Minors only)	Within the U.S.
Wilson, Walsh & Kleuber (2006)	50,000	Trafficked into the U.S.
Clawson, Layne & Small (2004)	14,500-17,500	Trafficked into the U.S.
Wyler & Siskin (2011)	17,000	Trafficked into the U.S.

Table 2.

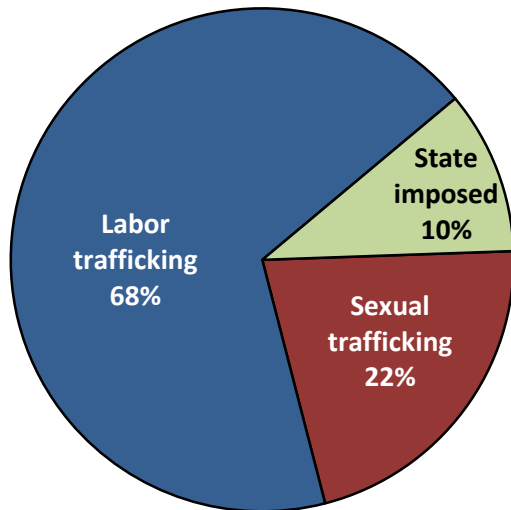
*Number of Identified Victims of Human Trafficking.*

Source	Identified Victims of Human Trafficking	Geographic Level
U.S. Department of State (2013b)	40,000	Worldwide
Mattar & Van Slyke (2010)	2,000	Within the United States
North Carolina	No estimate	Within North Carolina

Table 3.

*Reported Human Trafficking Cases (Cases may involve multiple victims).*

Agency	2012	2011
Department of Justice	753	900
Immigration and Customs Enforcement	894	722
Federal Bureau of Investigation (Adult and foreign child victims)	306	337
Federal Bureau of Investigation (Domestic child sex trafficking)	440	352
Diplomatic Security Service	95	--
Department of Defense (Cases involving military personnel)	5 (2013)	--



Source: International Labour Organization, 2012

Figure 1.

Estimate of Trafficking Worldwide, 2012.

These shifting figures call into question the reliability of estimates and have potential consequences for the availability of resources to prevent human trafficking, prosecute traffickers, and protect and serve victims of this crime (Clawson, Layne & Small, 2006). The problem is that we do not know what the extent of human trafficking in North Carolina or the United States. This is in part due to the confidentiality issues involved on the side of both the perpetrator and the person trafficked as well as the lack of knowledge about human trafficking overall (Pennington, Ball, Hampton & Soulakova, 2009; Richard, 1999; Uy, 2011). The underground nature of trafficking makes it difficult to obtain a precise

estimate of the number of people trafficked (Cwikel & Hoban, 2005). Until some of these issues are resolved, it may be impossible to determine the full extent of trafficking.

### **Human Trafficking in the United States**

While human trafficking has received more attention in this country, specific numbers and details of trafficking incidents are difficult to nail down (Logan, Walker, & Hunt, 2009). Because human trafficking is a covert activity, obtaining an accurate count of the number of victims and offenders is difficult. One study estimated that for every trafficked individual discovered by law enforcement or service agencies 10 to 20 persons go undiscovered (Cwikel & Hoban, 2005).

A number of factors contribute to the difficulty in tracking human trafficking offenses. Each agency has its own reporting standards and time periods. The FBI separates adult and foreign child trafficking from domestic minor sex trafficking (Federal Bureau of Investigation, 2005). The Department of Defense investigates those cases pertaining to military personnel only (U.S. Department of State, 2013b). The Department of State's Diplomatic Security Service reports cases in conjunction with other governments (U.S. Department of State, 2013b). Table 3 illustrates the broad variations in the number of cases investigated by each of these organizations and each case can cover from one to more than 500 victims (University of Michigan School of Law, 2013).

### **Human Trafficking in North Carolina**

The extent of human trafficking in North Carolina is not known at this point. Like much of the United States, because individuals are either working in illicit activities or may be in the country illegally, it is difficult to obtain a valid count of the number of persons affected (Uy, 2011). Victims of trafficking offenses are frequently reluctant to admit their situation or have been threatened not to reveal any information to authorities (Newton, Mulcahy, & Martin, 2008; Richard, 1999; Zhang, 2012). Law enforcement officers may be unaware of the signs of human trafficking and, as a result, arrest victims as offenders (Logan, Walker & Hunt, 2009; Richard, 1999; Stoltz, 2010; Mattar & Van Slyke, 2010). The Polaris Project's National Human Trafficking Resource Center has received 361 calls from North Carolina for information and services in the first nine month of 2012. In 2011, the agency received a total of 326 calls, up from 190 received in 2010 (National Human Trafficking Resource Center, 2013). The rapid increase in the number of calls could indicate either an increasing awareness or the increasing presence of human trafficking in the state, or both. However, because there is no dependable data on the magnitude of trafficking, there is no reliable way to determine how many victims or perpetrators are

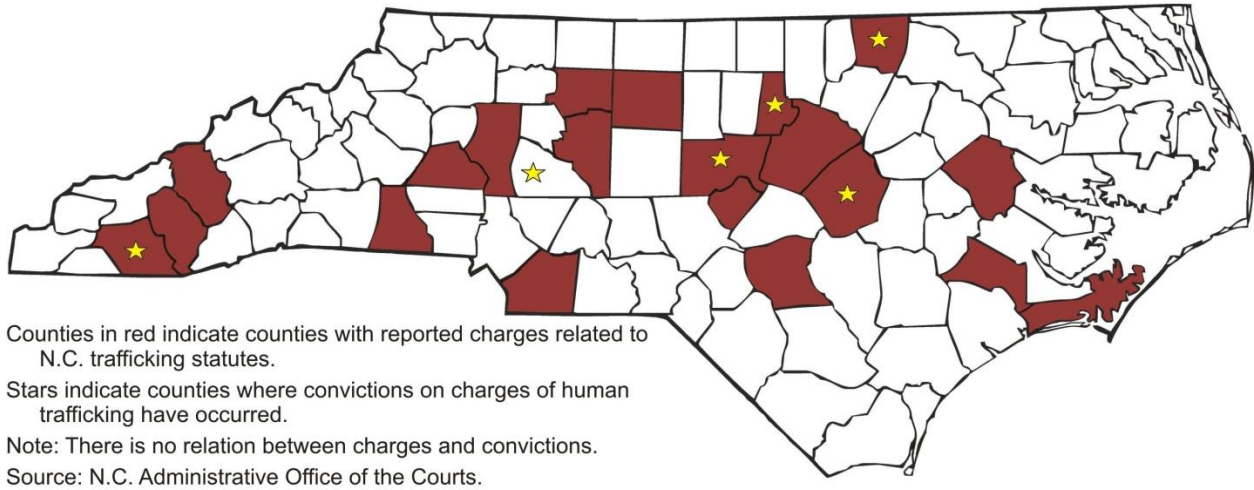
involved in trafficking (Pennington, Ball, Hampton & Soulakova, 2009). Potocky posited that estimates of the number of individuals trafficked may actually be overstated (2011). Either way, if there is no reliable estimate of the number of people affected by or involved in human trafficking, there is no way to respond to it effectively (Tyldum, 2010; Tyldum & Brunovskis, 2005).

Data provided by the N.C. Administrative Office of the Courts indicated that for the years 2008-2012, 86 charges related to state statutes covering human trafficking were processed; an average of 21.5 charges for each of the four years (North Carolina Administrative Office of the Courts, 2012). The charges included human trafficking, sexual servitude and involuntary servitude of both child and adult victims. The majority of the reported cases were related to the trafficking of children. The question is whether the lack of trafficking charges stems from the limited knowledge of the signs of human trafficking, the covert nature of the environment the crimes involved, the power that traffickers hold over their victims, or because, in fact, human trafficking is not a significant problem in the state. Another issue is that a single case can cover any number of victims. A search of the University of Michigan Law School’s database of federal human trafficking cases showed cases covering from 1-2 victims to a case involving more than 500 trafficked workers (University of Michigan School of Law, 2013).

Table 4.

*Human Trafficking in North Carolina.*

Agency	Calls/Charges
National Human Trafficking Resource Center, Calls Received January-September 2012	361 Calls
National Human Trafficking Resource Center, Calls Received in 2011	326 Calls
National Human Trafficking Resource Center, Calls Received in 2010	190 Calls
Administrative Office of the Courts, Human Trafficking Related Charges, 2008-2012	86 Charges



*Figure 2.*  
 Human Trafficking Charges and Convictions in North Carolina, 2008 to 2012.

Traffickers used what is termed ‘debt bondage’ to trap and control trafficked victims in both labor and sex trafficking, but especially with agricultural laborers. People are enticed by the promise of economic opportunity, but are duped into paying for the opportunity. Debts are set up so that the costs owed exceed the amount workers are ‘paid’, so they are always in arrears and in continual debt to the traffickers (Hepburn & Simpson, 2010). One case documented by Legal Aid of North Carolina reported that traffickers brought laborers to North Carolina from Florida with a promise of full time agricultural work. Upon arrival, the laborers were charged for transportation to the areas and only given part time work. The traffickers took over the kitchen of the labor camp and forced the laborers to purchase their meals (two a day) from them. The workers resorted to catching fish in a local pond and used an improvised outside fire to cook since they were denied the use of the kitchen. Laborers were charged for any incidental items and were prohibited from leaving the camp (Lainez & Rivas v. Francisco Baltazar, Sr., Francisco Baltazar, Jr., Across the Lake Farming Company, Inc., Douglas Tart, Ann Tart & Michael Tart, Defendants, 2011).

Million Express Manpower, Inc. was incorporated in North Carolina in April 2003 (North Carolina Department of the Secretary of State, 2013). According to the company Web site, the company is an employment agency that recruits Thai laborers to work around the world, including in the U.S.A. (Million Express Manpower Web site, 2013). The company used a local Thai representative to recruit people from Thailand to immigrate to North Carolina for agricultural jobs. The company assisted workers in obtaining legal visas and guaranteed employment



The Million Express Manpower company logo, from the company Web site.

in the United States for three years at \$8.24 an hour. The victims paid more than \$11,000 in fees to Million Express Manpower, Inc. to secure the jobs and travel to the U.S. Upon arrival, the company seized all visas and other documentation. The workers were informed of the debt they owned to the company for getting their work visas and travel expenses, on top of the \$11,000 they had already paid in fees. The first month of their 'employment' they worked on a farm in eastern North Carolina. When Hurricane Katrina hit the gulf coast, they were transported to New Orleans to tear down damaged structures – the same buildings they were housed in. The workers were not paid and were guarded by an armed security officer to prevent their escape (Collins, 2007; Hepburn & Simon, 2010). Million Express Manpower, Inc. is no longer in business. The company was dissolved in 2010 for failing to file mandatory annual reports to the N.C. Department of Revenue (North Carolina Department of the Secretary of State, 2013).

## **The Profit in Human Trafficking**

### ***The Transition from Drugs and Guns to Human Beings***

The United States and Mexico's cooperation in fighting cartels is "unprecedented," according to the State Department's 2013 *International Narcotics Control Strategy Report*. The report indicated that security aid provided to Mexico since 2008 has resulted in the arrest and imprisonment of cartel leaders (U.S. Department of State, 2013a). The success of the 'Merida Initiative' has had repercussions on the activities of these criminal organizations. The report goes on to state:

"That success, however, has also resulted in smaller, fractured organizations that have violently attempted to consolidate their power, and with profits from the drug trade dropping, cartels have turned to other activities, such as kidnapping, extortion and human trafficking." (Shoichet, 2013; U.S. Department of State, 2013a).

Anti-trafficking organizations report that gangs have turned to trafficking because people are seen as a renewable commodity compared to drugs or weapons (Johnson, 2011; Saunders & Valenzuela, 2013). The advantage is that a person can be sold over and over, whereas a consumable, like drugs or guns, can only be sold once – when it's sold, it's gone (Doherty & Burke, 2008; Logan, Walker & Hunt, 2009; Saunders & Valenzuela, 2013). Guns and drugs can be traced. People can be intimidated or threatened into silence – or they can be killed. Human trafficking is an international business, an undercover commercial enterprise frequently hidden under the guise of private employment or legitimate businesses (Wilson, Walsh, & Kleuber, 2006). Trafficking victims are referred to as slaves, in that traffickers view

them as a cheap, disposable commodity and their only value is the income or the services (such as domestic servitude) they bring to the trafficker (Bales in Logan, Walker & Hunt, 2009).

### ***Follow the Money***

Looking at human trafficking from an economic perspective, people are a commodity to be used to meet the demands of an 'industry' that seeks to pay the lowest price possible for labor, whether that labor is operating a sewing machine, harvesting tobacco or sweet potatoes, selling magazines door-to-door or turning tricks on the street (Wheaton, Schauer, & Galli, 2010). Patrick Belser (2005), with the International Labor Office and Cornell University, developed a formula to determine the profits generated for an organization when using trafficked labor. His formula, simply stated, says that profit is equal to the value of the product minus wages. Wages for trafficked individuals are minimal at best, which maximizes the profit to the trafficker. Human trafficking has become the third largest money-maker for organized crime, just behind drugs and weapons (Walker-Rodriguez & Hill, 2011). Internationally, profits are estimated at more than \$31.6 billion annually (in U.S. currency) according to the International Organization for Migration. Just under half (49%) of that profit is generated in industrialized countries like the U.S. (Belser, 2005). Traffickers are able to profit from both sides of the transaction by extorting outrageous fees from the individuals smuggled and by keeping trafficked individuals in continual servitude through debt bondage, whether in factories, agricultural labor camps or hustling on the street. Costs are kept at a minimum by charging outrageous fees for food and housing, or by withholding food, wages and shelter (Hyland, 2001). Million Express Manpower, Inc. marketed their workers as "so indebted that they would abide almost any working conditions" (Collins, 2007; Hepburn & Simon, 2010).

"Experienced traffickers are skilled marketers. They know how to find, lure and deceive victims; they know the value of each victim in the marketplace, how to transport victims across borders under the noses of (or by suborning) government officials, how to keep them in bondage to reap the value of their labor, and when and where to sell or discard them. The nature of this entire marketing system has yet to be fully explored." (Pennington, Ball, Hampton & Soulakova, 2009).

A person trafficked into prostitution will usually earn the trafficker 8 to 10 times more than a non-trafficked prostitute. The trafficked prostitute can be required to take on more customers and perform sex acts which demand a higher price. Trafficked prostitutes are considered to be property. As property, they receive little or no pay and can be traded or sold to another trafficker or brothel at any time (Kelly & Regan as cited in Pennington, Ball, Hampton & Soulakova, 2009). In the notes of one investigation, the Federal Bureau of Investigation reported that the victims of a certain trafficking organization were forced to work as prostitutes seven days a week, 15 hours a day. All monies received were turned over to the

traffickers. They were beaten if they attempted to communicate with customers or each other or if they broke the rules established by their ‘handlers’ (U.S. Department of Justice, 2013). A conservative estimate was that if each worker engaged in one sex act an hour for \$20, at that rate would generate \$2,100 each week.

More agencies are making the connection between local crime groups and human trafficking. Local criminal elements are engaging in trafficking women – through duplicity, coercion or kidnapping – into prostitution to replace income from drug and/or weapons distribution and sales (Farrell, McDevitt & Fahy, 2010; Shoichet, 2013). It is now a leading source of profits for organized crime syndicates, together with drugs and weapons, generating billions of dollars annually (Hepburn & Simon, 2010; Wylter & Siskin, 2011). For traffickers, the profits and benefits are much greater than the cost (Belser, 2005; Wheaton, Schauer, & Galli, 2010). Hepburn and Simon (2010) noted that when considering the costs and benefits of trafficking, the profits for the trafficker are high, while the risks of being caught are fairly low. The risk is on the person who is trafficked.

Agricultural workers can be recruited to do farm work, as in the Lainez & Rivas case cited earlier (Lainez et al. v. Baltazar et al., 2011). Traffickers recruit workers promising steady work at a certain rate, and only later disclose transportation costs, housing costs and other incidental items to put the workers into debt bondage (Hepburn & Simpson, 2010). Any money made from the transaction goes to the traffickers (Collins, 2007). The profit in sex trafficking can be estimated based on the number of sexual encounters a person is required to perform and the ‘value’ of those services to the customer. If a person is forced into prostitution and ordered to service eight customers a day at \$20 each, five days a week, she/he generates \$160 each night or \$800 a week. If the same person services 20 people a night at \$20 each, five days a week, she/he generates \$2,800 for the trafficker each week. From the money, which is turned over to the trafficker/pimp, she/he is charged for housing, food, clothing or other items. The rest purportedly goes to pay off what they owe to the trafficker that trapped them, if they were brought into the country – or it goes to guarantee that they won’t be beaten, starved or killed (Skinner, 2008).

Sex traffickers often rotate their victims from one location to another to avoid detection by local law enforcement agencies and to keep trafficked individuals disoriented geographically (Newton, Mulcahy, & Martin, 2008). Traffickers capitalize on the poverty, isolation and vulnerability of victims to exploit them. Runaways or abused individuals are particularly susceptible (Logan, Walker, & Hunt, 2009). Trafficked people are kept isolated, both socially and geographically, and are usually confined. Fear of physical abuse or death and the isolation, along with language and cultural barriers contribute to the control traffickers maintain (Bales & Lize, 2007; Logan, Walker, & Hunt, 2009; Skinner, 2008).



Domestic servitude is another aspect of trafficking. In many cases, people are brought into the country ostensibly for educational purposes or to ‘help out’ a relative or a friend of the family. Once they arrive, their papers and passports are confiscated and they become enslaved (Skinner, 2008). Monetarily, if someone would pay a nanny \$8.52 an hour for a 40-hour work week, they would pay out approximately \$17,720 annually. For a maid, the average wage is \$8.87 (N.C. Occupational Employment Statistics Wage Survey). The average annual earnings would be approximately \$18,450. In the case of domestic servitude, the worker receives no pay, but the trafficker receives the equivalent value in their labor (Belser, 2005). Many victims of domestic trafficking also experience physical and sexual abuse (Bales & Liles, 2007).

Another investigative challenge is that many law enforcement officials do not hear about trafficking cases or receive lead information. Having been threatened by the traffickers, many trafficking victims either are unable to or fearful of coming forward (Logan, Walker, & Hunt, 2009). Additionally, traffickers have usually supplied the women with answers and statements they should tell law enforcement if they are caught. Victims often distrust law enforcement as the traffickers have played upon their concerns of law enforcement in their own countries. Furthermore, victims almost always fear deportation. These same anxieties sometimes make victims reluctant to testify in a trial. Despite being victimized, they feel ashamed and overwhelmed by the lengthy ordeal of a trial. At times, conflicting statements from victims makes law enforcement’s job of building a case more challenging (Richard, 1999). In some cases, the juvenile status of the offender may also play a role, in that law enforcement agencies prosecute individuals for loitering, vagrancy or on status offenses, rather than prostitution (Wilson & Dalton, 2008).

## **Actions Taken Against Human Trafficking**

### ***National Incident-Based Reporting System Definition***

The National Incident Based Reporting System (NIBRS) User Manual, updated in January of this year, now includes human trafficking as a Group A offense (U.S. Department of Justice, 2013). It states:

- **64A – 64B Human Trafficking Offenses**
- The inducement of a person to perform a commercial sex act, or labor, or services, through force, fraud, or coercion.
- Human trafficking has also occurred if a person under 18 years of age has been induced, or enticed, regardless of force, fraud, or coercion, to perform a commercial sex act.

- *64A Human Trafficking, Commercial Sex Act*: Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.
- *64B Human Trafficking, Involuntary Servitude*: The obtaining of a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

### ***North Carolina General Statute on Trafficking***

North Carolina is listed as a Tier 1 state, meaning it has passed legislation addressing human trafficking as a crime. It is one of 21 states that have enacted significant laws against trafficking (Polaris Project, 2013). N.C. General Statutes define human trafficking as ‘knowingly or in reckless disregard of the consequences of the action recruits, entices, harbors, transports, provides or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or willfully or in reckless disregard of the consequences of the action causes a minor to be held in involuntary servitude or sexual servitude’ (N.C. General Statutes, amended July 29, 2013). The statute includes language covering the coercion or deception of persons to hold them in involuntary or sexual servitude. Human trafficking of an adult is classified as a Class F felony, while the trafficking of a minor is punishable as a Class C felony. Effective December 1, 2013, a person convicted of human trafficking will be required to register as a sex offender if the offense is committed against a minor or against an adult subjected to sexual servitude (N.C. General Statutes, 2012).

In July of 2013, the North Carolina General Assembly expanded human trafficking legislation. Statutes addressing prostitution were modified under the bill to criminalize the solicitation of a person for prostitution or the patronizing of a prostitute (North Carolina General Statues, 2013). Additional provisions of the legislation address domestic minor sex trafficking.

The Criminal Justice Analysis Center is working with a local law enforcement agency to obtain access to the Human Trafficking Reporting System (HTRS) maintained by Northeastern University. If an agreement can be met, the system will allow information on human trafficking incidents to be recorded in the system for tracking and analysis. If fully utilized, the system could help link trafficking incidents that occur in multiple counties and – potentially – across state borders. Newton, Mulcahy & Martin (2008) noted that more accurate databases are needed to obtain a more accurate assessment of the extent of trafficking. Access to the HTRS system would allow agencies to connect with an established and tested system to document human trafficking activities and investigations occurring across the state.

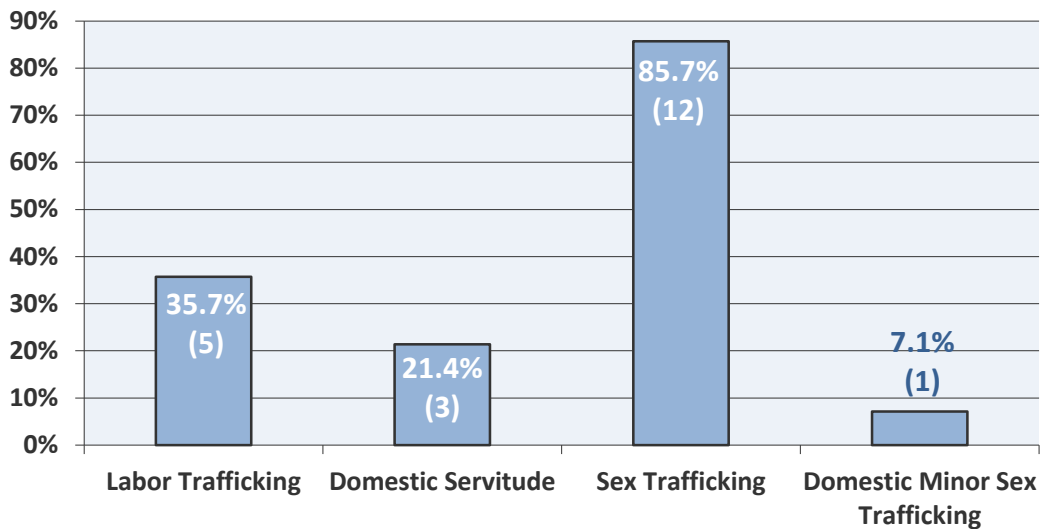
## **Survey of Law Enforcement Agencies on Human Trafficking in Local Jurisdictions**

In order to obtain a more accurate representation of human trafficking in the state, the Criminal Justice Analysis Center of the Governor's Crime Commission conducted a statewide survey of law enforcement agencies to determine the extent of their knowledge and awareness of all aspects of human trafficking. Those agencies that have been involved in human trafficking cases were surveyed to determine how cases of human trafficking were identified and the full range of investigative and support services that were used to prosecute the offenders and provide assistance to victims. The goal of the survey was to obtain an accurate image of trafficking in the state as experienced by law enforcement personnel and what knowledge or training officers have in human trafficking.

### ***Survey Responses***

The survey was sent out to 393 sheriff's offices and police departments across North Carolina in spring 2013. Responses were received from 121 agencies for an overall response rate of 30.1 percent. Survey questions concentrated on the occurrence of human trafficking in each jurisdiction, protocols, investigations training and support services. Of those agencies responding, 24.8 percent were sheriff's offices and 75.2 percent were police departments. Responses were geographically dispersed across the state and represented 54 counties out of the 100 counties. (Note: throughout this report offices or departments will refer to all responding agencies as a whole, whether they were sheriff's offices or police departments.)

Those agencies responding to the survey indicated that they had encountered cases of sex trafficking (85.7%, N=12) most often. Labor trafficking was reported by 35.7 percent (N=5) of agencies and 21.4 percent (N=3) reported cases of domestic servitude. Domestic minor sex trafficking was reported by 7.1 percent (N=1) of the law enforcement agencies.

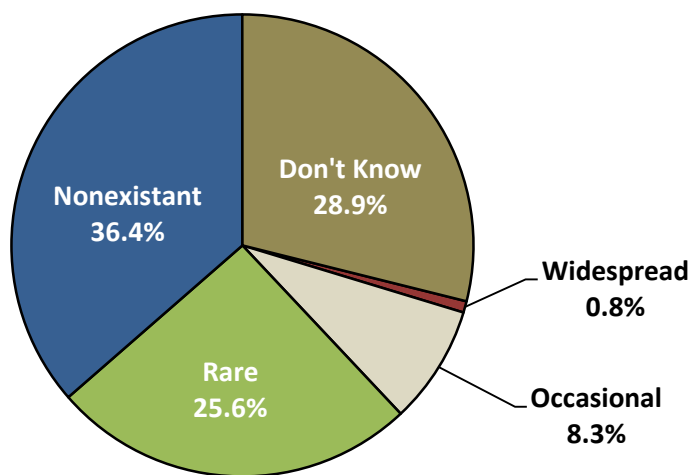


Note: Numbers will total more than 100% due to multiple answers from each agency.

Figure 3.

Types of Human Trafficking Encountered by Responding Law Enforcement Agencies.

Only one agency responded that human trafficking was widespread in their jurisdiction. Most agencies indicated that trafficking was nonexistent (36.4 %) or that they did not know the extent of trafficking in their area (28.9 %). Just over one-fourth (25.6 %) stated that it was rare, while 8.3 percent said they occasionally encountered human trafficking. Of the agencies reporting, only three (2.5 %) indicated that they had a unit specifically dedicated to investigate human trafficking.



*Figure 4.*

Responses on the Perceived Extent of Human Trafficking in Local Jurisdictions.

More than half of the law enforcement agencies (55.4 %; N=61) reported receiving training in how to identify individuals being trafficked. Fifty-four agencies (44.6%) indicated they had not received any training concerning human trafficking. Five agencies indicated that all officers had received some training in human trafficking and five were unsure how many officers had received any trafficking-related training. Between one and five officers received training in 19 of the reporting agencies, while 29 responded that more than five officers were trained.

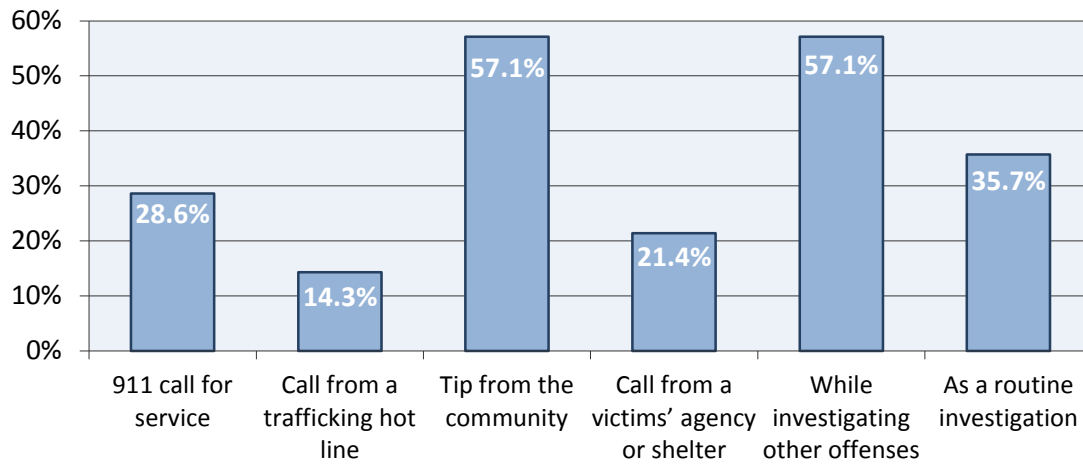
Forty agencies, or 65.6 percent, received human trafficking training during their in-service training. Only five agencies receive training through U.S. Immigration and Customs Enforcement (ICE). Over one-third (39.3%) indicated that training was obtained through extracurricular sources. The remaining agencies listed training provided by the Conference of District Attorneys, a judicial district, or advanced investigative training. Most training was conducted by law enforcement agencies (68.9%); 26.2 percent indicated that training was offered through a state or federal agency and 23.0 percent reported receiving training through a victims' service agency. Other sources of training included the local community college (2), the Conference of District Attorneys (1) and the U.S. Department of Defense (1).

Only eight (7.0%) agencies have a formal protocol or policy in place to address cases of human trafficking. The majority – 93.0 percent -- do not have any policies in place. Only one agency stated that they had a policy in place in 2006. The remaining agencies enacted policies since 2010. None of the agencies had a separate records management system for following cases of human trafficking.

Fifteen agencies (13.2%) indicated that they had encountered cases of human trafficking in their jurisdiction. Of the agencies that had experienced a human trafficking case, the majority were investigated by individual officers. Only three departments indicated that they had a unit or staff members dedicated to investigating cases of human trafficking. One agency reported referring the case to the Human Trafficking Unit. Two referred the case to a task force, while other cases were referred to an investigator or to the State Bureau of Investigation (SBI).

Most law enforcement agencies reported becoming aware of trafficking situations while investigating other offenses or by way of a tip from the community. Other units became aware of trafficking through 911 calls for service, calls from victims' agencies, from trafficking hot lines or in the process of a routine investigation. One agency reported a case resulting from a sting operation and one listed a self-reported

incident. The majority of agencies (9 out of 14 that actually had human trafficking offenses) indicated that human trafficking offenses were uncovered in the course of another investigation.

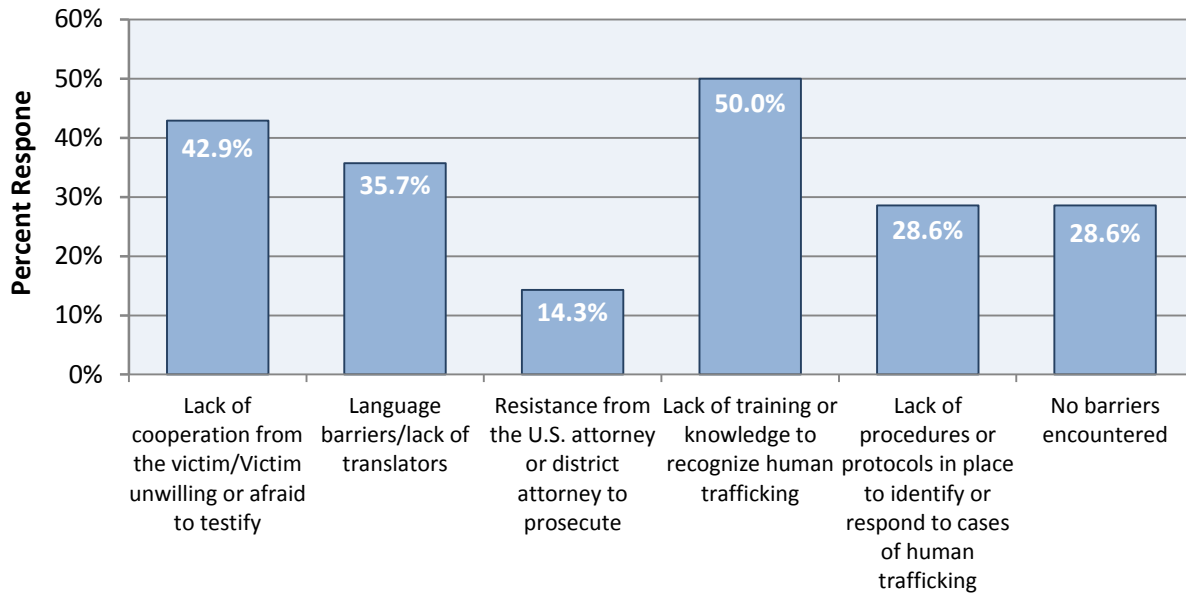


*Note: Numbers will total more than 100% due to multiple responses from each agency.*

*Figure 5.*

#### How Law Enforcement Agencies Became Aware of Trafficking Situations

The barrier to discovery and investigation of human trafficking that law enforcement officers encountered most frequently was the lack of training to recognize human trafficking (50.0 %, N=7), followed by lack of cooperation from the victim, or the victim being unwilling to testify (42.9%, N=6). Other agencies listed the absence of policies or protocols to identify trafficking (28.6%, N=4) as a limitation. Language barriers and the lack of translators (35.7%, N=5) were also listed as a problem in uncovering or investigating cases of human trafficking. Reluctance to prosecute was indicated by some offices and departments as an issue (14.3%, N=2). No barriers were encountered in 28.6 (N=4) percent of the cases reported. One agency specified that jurisdictional issues created problems in the course of the investigation. (Note: percentages will sum to more than 100% because agencies could indicate multiple barriers.) Lack of cooperation with federal agencies or victims' agencies was not indicated as a problem or barrier by any of the reporting law enforcement agencies.



*Note: One agency cited 'jurisdictional issues were encountered.' None of the agencies surveyed indicated that a lack of coordination with federal agencies was a barrier. Likewise, no agency indicated that lack of support from victims' service providers was a barrier to discovery or investigation of human trafficking incidents.*

*Figure 6.*

**Barriers Encountered by Law Enforcement Agencies in the Discovery and Investigation of Human Trafficking Cases.**

Those law enforcement agencies that identified human trafficking incidents responded that most services were available to trafficking victims. The services available to trafficked individuals included emergency shelter (92.9%), basic needs such as food and shelter (85.7%), investigative services (85.7%), referral to a victims' advocacy agency (78.6%), counseling (71.4%), interpreters or translators (64.3%), and medical examinations (50.0%).

**Results of the 2010 Human Trafficking Training and Services Provision Survey for North Carolina**

In 2010, The CJAC, working with the Crime Victims' Services Planning Committee of the GCC conducted a survey of 89 victims' agencies across North Carolina. Sixty-nine agencies responded to the question concerning the types of human trafficking they had encountered. Fifty-five percent (35) responded that they had not encountered trafficking victims. Twenty-three agencies had assisted one to five victims; three had provided services to five to ten victims and two worked with more than 10 victims of trafficking. Three of the 69 agencies were not assessing victims for possible human trafficking. Most

of the trafficking victims encountered were either sex or labor trafficking victims. Two agencies reported working with mail-order brides and 3 assisted domestic servitude victims.

Of the agencies that participated in the 2010 survey, only one provided long term housing to trafficking victims. They noted that domestic violence shelters and emergency shelters were not equipped to meet the long term housing and treatment needs of trafficking victims. More than half of the agencies surveyed did screen individuals for signs of human trafficking. The majority of the agencies (63 out of 69 agencies that encountered human trafficking victims) that could potentially provide services to victims of human trafficking do not receive funds specifically for that purpose.

Specific issues identified through the 2010 survey indicated a need for training in recognizing indicators of human trafficking for both service providers and law enforcement personnel especially in rural areas of the state, coordinated service or plan of action to provide services to human trafficking victims and a shortage of both funding and manpower to assist victims.

## Implications

The majority of research evaluates human trafficking from a victim's perspective in terms of providing services. Persons caught up in trafficking are literally 'caught between a rock and a hard place.' They are both a victim and an offender which increases their vulnerability (Sigmon, 2008). Some immigrants were knowingly smuggled into the country, which allowed the smugglers to become their traffickers. They are trapped in the web of their illegal status. Others may be forced or coerced into illegal activities, such as prostitution (Federal Bureau of Investigation, 2005; Johnson, 2011; Lederer, 2011). It requires specific knowledge on the part of law enforcement officers to appropriately handle the case and go after the larger target – the trafficker who requires people to perform illegal and/or criminal acts (Pennington, Ball, Hampton & Soulakova, 2009; Richard, 1999).

The term 'trafficking' brings to mind people being moved from one country to another, but the majority of trafficking takes place *within* a country (United Nations Office on Drugs and Crime, 2009). Attention is focused on trafficking at the international level, while research has shown that most trafficking is uncovered at the local level by local law enforcement agencies (Bales & Lize, 2007; Wilson & Dalton, 2008; Wilson, Walsh, & Kleuber, 2006). There is little data available on how *frequently* police encounter human trafficking and how well prepared officers are to handle these cases (Farrell, McDevitt & Fahy, 2010). A great deal of research has been conducted on various aspects of human trafficking, ranging from estimating the extent of trafficking to how to best address the issue; however, research on the role



local law enforcement agencies play in the discovery and investigation of human trafficking has been limited (Wilson, Walsh, & Kleuber, 2006).

## Recommendations

It is clear that more information is needed before the extent of human trafficking in North Carolina can be fully assessed. At this point in time, we do not know how many people are affected or how many perpetrators there are. The Federal Bureau of Investigation is implementing reporting procedures that will allow for the reporting and tracking of human trafficking offenses in data obtained from law enforcement agencies nationwide beginning in 2013 (U.S. State Department, 2013). Beginning in January 2013, NIBRS included human trafficking as a reportable Group A offense (U.S. Department of Justice, 2013). Data will not be available on states that do not currently have NIBRS reporting in place, which includes North Carolina. When NIBRS is fully implemented in North Carolina it will help to identify more trafficking offenses at the local level. Also, if implemented, the ability to document and access information on trafficking incidents in the N.C.-based Human Trafficking Reporting System will provide a database of incidents and activity to document cases, regardless of which agency reports or investigates the activity, in much the same way that NC GangNET<sup>1</sup> documents gang activity across the state. Documentation is essential to obtaining a reliable count of the incidents of human trafficking. Valid information is needed to fully analyze the nature and extent of trafficking in North Carolina (Clawson, Dutch, Salomon, & Goldblatt-Grace, 2009; Wheaton, Schauer, & Galli, 2010).

Human trafficking cases can be the most complicated and time-consuming cases law enforcement agencies can investigate (Bales & Lize, 2007; Farrell, McDevitt & Fahy, 2010). Investigations can be hampered by language barriers, cultural norms, age, gender, the trauma and abuse the victim has been subjected to, or the basic problem of where to house victims, who are also frequently the only witnesses (Wyler & Siskin, 2011). More research needs to be conducted to determine the role local law enforcement agencies play and how to develop collaborative, evidence-based models to address trafficking. Policies to provide support to law enforcement agencies, particularly smaller agencies, would also help fund the manpower needed to identify, investigate and document trafficking at the local level.

Collaboration is essential to the process. In much the same way that wrap-around services are provided to victims, wrap-around support should be available at the local level to support the diverse activities related

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<sup>1</sup> NC GangNET is a database that has a web-based capability of allowing certified users to enter and/or view information on gang suspects and members that have been validated as such utilizing standardized criteria. Detailed information on NC GangNET is available on the Governor's Crime Commission page on the DPS Web site at [www.ncdps.gov/NCGangNET](http://www.ncdps.gov/NCGangNET).

to eradicate human trafficking. By educating the public, service agencies and law enforcement personnel, implementing a reporting system (HTRS) to track human trafficking cases and working together as a team, resources can be pooled and maximized for the greatest impact.

Research states that law enforcement agencies need to take ‘ownership’ of the problem (Wilson, Walsh & Kleuber, 2006) and may not take into account the full range of responsibilities that law enforcement officers have, depending upon their situation and environment. Researchers have not even begun to determine the effect that the Internet or cell phones have had on human trafficking (Boyd, 2011; Cwikel & Hoban, 2005; Fog, 1999; Koebler, 2012; Yick & Shapira, 2010). U.S. News and World Report recently reported that traffickers have transitioned from Craigslist and Backpage.com to using prepaid cell phones to recruit, market and track workers (Koebler, 2012).

As Tyldum (2010) noted ‘an inaccurate estimate of the problem can lead to an unsuitable response.’ There is proof of some amount of human trafficking taking place in North Carolina. The general documentation is there; however, without more accurate information on the numbers of people affected and the types of trafficking involved, it is difficult, if not impossible, to respond in an effective manner (Newton, Mulcahy & Martin, 2008).

## **Conclusion**

The pertinent issues related to human trafficking concentrate around several core issues. These range from the lack of awareness of human trafficking, the lack of reported information on trafficking incidents and jurisdictional issues (local, state or federal). Clearly more information is needed to determine the extent of human trafficking in order to provide a more effective and guided response (Newton, Mulcahy & Martin, 2008; Pennington, Ball, Hampton & Soulakova, 2009; Wilson & Dalton, 2008). While the majority of research thus far has concentrated on showing that trafficking is a problem and identifying root causes and international issues, long term research needs to take a comprehensive approach to determine how well law enforcement and service agencies are responding to the issue (Laczko & Gozdzik, 2005). Without an accurate idea of how large the problem is, the effectiveness of the response cannot be gauged. Accurate numbers can guide an effective, evidence-based approach to human trafficking, founded on solid research and documentation.

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