

Human Trafficking of Minors and Young Adults: What Local Governments Need to Know

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Introduction

Children, teens, and young adults interact with local government departments and services in a variety of ways. They voluntarily go to libraries or participate on athletic teams sponsored by recreation departments. They might go with their families or guardians to seek assistance through departments of public health or social services. Their participation could also be involuntary, through interactions with law enforcement, child protective services, or the juvenile justice system. Local and state governments oversee the schools that children between the ages of 7 and 16 must attend.¹ Young people are also well trained to call 911 when an emergency response is needed.

These are just a few examples of contact that might take place. The important point is that county and municipal staff in many departments have both spontaneous and deliberate interactions with youth. Those interactions provide local government staff opportunities to lessen the vulnerabilities that traffickers might exploit, to identify the indicators that trafficking might be taking place, and to intervene in trafficking situations when appropriate.

The natural characteristics of youth (stages of brain and physical development, social and financial dependencies, etc.) are vulnerabilities that human traffickers can exploit. The situations in which youth or their families live can include additional vulnerabilities. The connections that traffickers have with their victims can range widely. Traffickers can be family members, trusted adults, peers at school, members of gangs or organized crime, or online predators, to name a few common options.

The purpose of this bulletin is to consider and build on the unique opportunities that local governments have to prevent, identify, and/or intervene in the sex and labor trafficking of youth in our communities.

For the purposes of this bulletin, “youth” includes minors under the age of 18 and emerging adults up to age 25. This bulletin² contains foundational information that local government staff—working independently or with others—can use to (1) initiate a process of education about human trafficking and (2) strengthen work processes and/or policies to better address the problem.

1. Chapter 115C, Section 378, of the North Carolina General Statutes (hereinafter G.S.).

2. Other bulletins in this series have addressed human trafficking from the perspective of elected leaders and city/county managers, explored which local government staff are in positions to detect the indicators of twenty-five business models of human trafficking, discussed what local governments need to know about labor trafficking, and considered how property tax appraisers/assessors might identify the indicators of trafficking. See Margaret F. Henderson, *Human Trafficking in North Carolina: Strategies for Local Government Officials*, PUB. MGMT. BULL. No. 12 (UNC School of Government, 2017); Margaret F. Henderson, *Exploring the Intersections between Local Government and Human Trafficking: The Local Government Focus Group Project*, PUB. MGMT. BULL. No. 15 (UNC School of Government, 2018); Margaret F. Henderson & Nancy Hagan, *Labor Trafficking—What Local Governments Need to Know*, PUB. MGMT. BULL. No. 16 (UNC School of Government, 2019); Margaret F. Henderson & Kirk Boone, *Property Tax Officials Can Help Recognize Human-Trafficking Indicators*, PUB. MGMT. BULL. No. 17 (UNC School of Government, 2019). Additionally, see Margaret Henderson, *Forced Marriages: What Do Registers of Deeds Need to Know?* UNC School of Government, April 11, 2019), <https://www.sog.unc.edu/sites/www.sog.unc.edu/files/Forced%20Marriage%20article%20for%20Registers%20of%20Deeds%20-%20April%2012%202019.pdf>.

Part I describes the dynamics of sex and labor trafficking and offers guidance for local government staff about how they can use their professional roles to better address human trafficking.

Part II explains the North Carolina laws that relate to our youth in terms of human trafficking. For staff in some public roles, this will be legal information that they reference infrequently. For others, these laws directly impact their actions on the job. For all, mandated reporting laws to a county department of social services (DSS) and/or local law enforcement apply.

Part III provides resources for low- and/or no-cost education and training concerning human trafficking.

Human trafficking is such a complex problem that learning about it will be an iterative process for everyone. No one will gain all the necessary and relevant knowledge in a single training session. It is such a variable problem that the way one public servant or community sees it might not be similar to how it presents to staff in another department or county.

City and county staff should keep the following guidance in mind as they begin to apply this new knowledge concerning human trafficking to their work:

- Trafficking does not begin the moment a person is sold for sex or labor. Instead, the conditions and experiences that enable trafficking start earlier and involve all three components of the trafficking equation: the trafficker, the victim, and the buyer.
- The presence of one or even a few indicators of human trafficking does not prove that human trafficking is taking place. The indicators are “red flags” that suggest a closer look is warranted. Scenarios that are relevant to local government staff are presented throughout this bulletin.
- Most local government staff are not responsible for investigating situations of potential trafficking. Instead, staff should report their concerns and uncertainties to the appropriate authorities.
- Anyone, anywhere, can report or discuss their concerns about particular situations by calling or texting the National Human Trafficking Hotline (call: 1-888-373-7888; TTY: 711; text: 233733). Doing so provides the advantage of contributing information to a national database, and reports containing sufficient detailed information will be referred to the appropriate local law enforcement agencies. Those who are concerned but not sure whether a case likely involves trafficking can call and share their reasons for both suspicion and uncertainty.
- Prevention of trafficking includes strategies that work at the individual and relationship level that empower youth to identify and seek help for trafficking. It also includes community- and society-level changes that reduce vulnerabilities to exploitation. As we work to reduce vulnerabilities, such as the number of families experiencing food scarcity, we also reduce the likelihood of someone experiencing or perpetrating human trafficking.

There are specific conditions that must be met to legally categorize incidents as human trafficking. Some situations or behaviors might look similar to sex or labor trafficking and even be harmful, neglectful, or illegal without being human trafficking. For example, an employer can abuse wage and hour laws or be abusive to staff without being a trafficker. An adult sex worker who can disengage from the work at will and who keeps the profits from the transactions is not a victim of sex trafficking.

No matter who we are, as we learn about human trafficking and the behaviors that enable it, we are likely at times to become uncomfortable. We might feel the weight of guilt as we realize how our own purchasing patterns enable labor trafficking. We might be distressed to learn

that the primary buyers of sex are middle-class men and might be people we know. We might get frustrated when local traffickers are not held accountable for their actions due to wealth, position, influence, or social standing. We might be fearful as we consider how children might be susceptible to online grooming by predators.

When you hit a wall of discomfort or distress, name it for what it is. Take breaks when needed. Talk it over with others. But, please, get back in the game and keep going. All the traffickers need is for no one to act. If we look the other way, we enable the success of traffickers.

Do No Additional Harm

When considering possible interventions, the goal should be to *do no additional harm* in building awareness or strengthening community capacity to prevent or respond to human trafficking. Local government staff who come into contact with potential victims should prioritize the individual's well-being. The safety of potential human trafficking victims could be jeopardized if the trafficker notices local government staff having contact with them. Both prevention and response strategies should take this possible threat into account. Outreach materials might be most successful if left in places the victims might spend time (e.g., posters in public transportation hubs, hotels, or truck stops) or if produced as business cards that could quickly and discreetly be handed to an individual.³

Direct service providers are often in a position to create and adjust their programs in response to victims, who may or may not be the types of victims they expected to see. Moreover, targeted victims might not be the individuals who show up needing services. Relatively few service providers are able to proactively and successfully design a program to serve a particular category of trafficking survivor, confident that they hold all of the knowledge and resources that will be necessary to meet the needs of any future client. Two key elements of success for any direct service program are to integrate trauma-informed care into its practice and seek survivor input in the design of its services.⁴ Doing so helps minimize the potential for inadvertently causing harm to service recipients. Local rape crisis centers are key partners for local governments in building capacity to identify and respond to incidents of human trafficking. Sidebar 1 explains how rape crisis centers are expanding their capacity to respond to victims of human trafficking.

3. For example, local government staff could add the National Human Trafficking Hotline's contact information to their business cards. Staff who expect to see numerous victims with common characteristics, such as migrant farmworkers who speak Spanish or Asian-born women working in spas or nail salons, might create a faux business card that would not attract undue attention while still providing important contact information for those who need assistance: "Contact the National Human Trafficking Hotline by phone at 1-888-373-7888 (TTY: 711; text: 233733); visit the Hotline's website at <https://humantraffickinghotline.org>."

4. One option for learning about trauma-informed services is to explore *Resources Specific to Victims of Human Trafficking*, produced by the U.S. Department of Health and Human Services, Administration for Children and Families and available at <https://www.acf.hhs.gov/trauma-toolkit/victims-of-human-trafficking> (last visited Sept. 30, 2019). To understand the potential positive impact of survivor-informed strategies, see Office on Trafficking in Persons, *Toolkit for Building Survivor-Informed Organizations*, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES (Feb. 7, 2018), <https://www.acf.hhs.gov/otip/resource/nhttacorgtoolkit>.

Sidebar 1. Rape Crisis Centers: A Resource for Addressing Human Trafficking

North Carolina's rape crisis centers provide a variety of services to survivors of sexual violence. Sex trafficking is a form of sexual violence, and any form of sexual violence may also be part of the force or coercion experienced by victims of labor trafficking.

Support for victims. All of North Carolina's rape crisis centers offer hotlines for survivors of sexual violence to access crisis counseling and referrals to needed services. Most rape crisis centers also offer hospital, court, or law enforcement accompaniment, which means that they can provide a trained advocate to offer emotional support for the survivor and help the survivor navigate the processes of collecting medical evidence, being interviewed by law enforcement, and/or appearing in court. Many rape crisis centers offer additional services, including support or therapy groups, individual therapy, and prevention and outreach programs.

Support for educational events. If your local government is planning to host an awareness or educational event about human trafficking, ask your local rape crisis center how they can assist you in giving presentations or providing one-on-one support for audience members. It is important to remember that content presented at awareness, outreach, and prevention events can bring up strong reactions and difficult feelings for attendees. Rape crisis centers are experienced at presenting challenging information in a supportive manner. Consider inviting your local rape crisis center to cohost, participate in, or provide a guest speaker for an event. Ask if they have trained crisis volunteers or staff who can attend your event to be available for anyone who might need to process a strong reaction. Check with the rape crisis center about a follow-up protocol; at any awareness event, you may receive disclosures of violence or trafficking. Your local rape crisis center can be part of your plan for connecting any individuals who make such disclosures to needed crisis counseling and service referrals.

Support for shelter. Most of North Carolina's rape crisis centers are also "dual agencies," which means they provide services to survivors of domestic violence as well. If they do not provide shelter, they will know who does. Services may include shelter or transitional housing, which may be available to survivors of human trafficking. Some rape crisis centers have child advocacy centers as well and are equipped to provide in-house services to minor survivors of child sexual exploitation. Even rape crisis centers without in-house child advocacy centers may work with older teens. Check with your local rape crisis center to find out its guidelines.

Support through online training. In 2019, the North Carolina Coalition Against Sexual Assault (NCCASA) released the manual *Expanding Our Reach: Equipping North Carolina's Rape Crisis Centers to Serve Survivors of Human Trafficking* and developed a series of webinars. Through this manual and its accompanying trainings, the NCCASA aims to strengthen the state's rape crisis centers' ability to provide support to trafficking survivors who have experienced sexual violence. This manual is downloadable at the Human Trafficking Resources page of the NCCASA's website at <http://www.nccasa.org/cms/resources/human-trafficking>. NCCASA staff are available to provide in-person training and technical assistance to local governments.

Thanks in part to inaccurate images presented in the media, as well as to an underlying desire any of us might hold to be a hero and rescue victims, we might have simplistic and unrealistic ideas about what is required to move a person out of an exploitative situation. Framing one phase of the intervention as "rescue" reinforces the power imbalance that exists between the trafficker and victim, completely negating the personal authority of the victim. "Rescue" locates the power in both the trafficker and rescuer, who each purport to know what is best for the person being abused.⁵

5. For an explanation of why the concept of "rescuing" victims should be reframed, see the following blog post by Becky Owens-Bullard: *Take Off the Cape: Why Using the Word "Rescue" Is Harmful to Anti-Trafficking Efforts*, COLO. COAL. AGAINST SEXUAL ASSAULT (July 24, 2014), <https://www.casa.org/take-off-the-cape> (last visited Sept. 30, 2019).

“Removing” victims means that they are taken out of dangerous environments and presented with options for staying out. In the immediate aftermath of removal, victims will need assistance in addressing their basic needs for food, safety, shelter, clothing, substance abuse rehabilitation, or other health care. Over the long term, they will likely need assistance in establishing a stable existence, acquiring job training or education, relocating, obtaining legal assistance, or securing other services. The complexity of the recovery and reintegration processes is why the success of community response requires the collaboration of multiple organizations.

Part I: The Basics

1. Definition: Types of Manipulation

Human traffickers employ force, fraud, or coercion to manipulate others into performing labor or sex acts for the profit of a third party. Trafficking can involve labor or sex trafficking of adults or minors, who can be foreign born or domestic citizens. Regardless of the form of abuse, the consistent characteristic of the dynamic of trafficking is that traffickers exploit individuals’ vulnerabilities for their own gain. Because traffickers, as well as their customers and victims, can look like any of us, it is important to be able to identify the actual circumstances in which trafficking might be happening rather than to focus on stereotypical images of who might be involved in a trafficking situation.

The following are examples of how force, fraud, or coercion can show up in trafficking, but it is not an exhaustive list of strategies that might be employed by traffickers.

- Force:** Restricted access, restricted movement, permission required for access or communication, locks, guards, guard dogs, physical threats, sexual assault, abuse, etc.
- Fraud:** Exorbitant or new charges incurred for job placement, transportation, food, or other services; wage and hour violations; “bait and switch” tactics regarding job duties and compensation.
- Coercion:** Threats of deportation, reporting to law enforcement, harm to family members or other victims, or blacklisting from future employment; sexual harassment; confiscation of passport, visa, driver’s license, or other state identification documents; shaming; debt bondage.

Movies, TV programs, news reports, and social media frequently present the dynamics of trafficking as involving kidnapping and force. While acts of physical violence do occur, either to manipulate or sustain a victim in trafficking, force is not necessarily the strategy most commonly used to control victims.

Labor traffickers are likely to engage in “bait and switch” tactics, promising one employment experience but providing another. Two additional strategies they might employ to keep a person working are debt bondage or social/geographical isolation. Debt bondage occurs when workers accumulate charges (often for food, housing, or transportation) owed to the trafficker faster than can possibly be repaid. Social or geographical isolation takes many forms, from people employed and living on isolated farms, homes, or other workplaces, to victims manipulated into thinking anyone other than the trafficker presents some kind of risk and should be avoided.

Similarly, sex traffickers often use coercion to manipulate victims into compliance, promising them love, acceptance, community, or marriage. A 2015 survey of 115 sex trafficking victims revealed that the traffickers gained victims' trust rapidly by courting the victims with promises of romance or marriage (61 percent), promising family and belonging (73 percent), or making the victims feel loved and cared for (77 percent). The majority of these survey respondents were minors when they were first trafficked (mean age = 16, age range = 5–36) and were adults when they responded to the survey (mean age = 23, age range = 14–56).⁶

Differences in the types of trafficking employed, operational styles of the trafficker, and vulnerabilities of the victims account for variations in how recruitment, employment, or compliance take place. Traffickers might initially rely on one strategy of manipulation but then shift to others as the buyer's market changes or as victims begin to challenge the abuse or resist control.

Sidebar 2, on page 8, describes describes one scenario of recruitment, manipulation, and exploitation between a sex trafficker and victim. In this case, the trafficker was a male and the victim a younger female. The reality is that traffickers, victims, and buyers can be any combination of male, female, transgender, or non-binary, as well as minors and/or adults.

In 2018, Polaris Project reported that a common recruitment tactic for sex traffickers is to offer or advertise a job, such as modeling or dancing, with false promises or fraud to follow.⁷ The dynamics of labor trafficking are often similar, with fraudulent representation of the work opportunity likely being the initial tool of recruitment. In this way, sex trafficking and labor trafficking may be initiated by similar means, although recruitment, manipulation, and exploitation in labor trafficking may look somewhat different. A recent study reports that “recruitment [in labor trafficking] occurs largely through word of mouth, making a paper trail for law enforcement or prosecutors to build upon nearly nonexistent.”⁸

Fraudulent job offers, particularly offers of positions that advertise money and wealth, are a frequent recruitment tactic used by labor traffickers. Youth may be especially vulnerable to these types of offers, which a more seasoned worker might disregard as “too good to be true.” However, adolescents or youth with little or no legitimate job experience, those from underserved communities where there is employment scarcity, those in or emerging from foster care, or those who have recently migrated or relocated may not have the individual capacity or social supports to weigh the credibility of the offer. Needing employment to provide for their basic needs or those of their loved ones, they may be easily lured into exploitative work situations.

6. Vanessa Bouché, *A Report on the Use of Technology to Recruit, Groom, and Sell Domestic Minor Sex Trafficking Victims*, THORNE (2015), https://www.thorn.org/wp-content/uploads/2015/02/Survivor_Survey_r5.pdf.


7. *Labor Trafficking*, POLARIS PROJECT, <https://polarisproject.org/human-trafficking/labor-trafficking> (last visited Aug. 20, 2019).

8. *Immigrant Workers in US Agriculture: The Role of Labor Brokers in Vulnerability to Forced Labor*, VERITÉ (2010), https://www.verite.org/wp-content/uploads/2017/03/HELP-WANTED_A-Verite%CC%81-Report_Migrant-Workers-in-the-United-States.pdf.

Sidebar 2. What Sexual Exploitation Looks Like	
The Phase	What the Trafficker Does
Luring	<ul style="list-style-type: none"> • Assesses possibilities, looks for the right person • Tests the vulnerabilities and boundaries of potential victims • Determines whether the victim will be receptive to the relationship • Explores whether the victim is open to being courted • Collects information about the victim—hopes, dreams, living conditions, family, life experiences, etc.—to inform future strategies of manipulation • Makes the victim feel special and worthy of attention
Grooming and Gaming (Honeymoon Phase)	<ul style="list-style-type: none"> • Convinces the victim they are in love • Promises home, family, acceptance, security • Provides special treatment and buys gifts • Begins to engage in physical intimacy • Continues collecting personal information • Might introduce the victim to drugs or alcohol under the guise of loosening up and having fun
Coercion and Manipulation	<ul style="list-style-type: none"> • Starts sending mixed messages • Causes confusion by withdrawing • Reduces communication and compliments • Conveys displeasure or dissatisfaction • Behaves erratically in order to cause the victim to question the dynamic or success of their relationship • Receives the victim's efforts to please, console, or regain approval • Begins to ask for increasingly uncomfortable or unwelcome sex acts in order to desensitize the victim to these activities • Rewards sexual interaction with gifts or other benefits • Manipulates the victim's dependency on drugs or alcohol to increase sense of indebtedness
Exploitation	<ul style="list-style-type: none"> • Succeeds in breaking down the victim's self-esteem or sense of identity • Threatens the victim or loved ones to ensure compliance • Makes the victim feel personally or financially indebted for prior support • Pretends to need the victim's financial support • Manipulates the victim's sense of obligation to reciprocate prior support • Continues emotional, mental, or physical abuse to intimidate and control the victim • Isolates the victim from family and friends • Might physically restrict movement of or confine the victim
Recruiting Others	<ul style="list-style-type: none"> • Conveys elite status on the victim ("top girl") • Promotes the victim to new role with more reward and status • Engages the victim in teaching new recruits • Builds sense of power and importance of the victim • Reduces number of "clients" the victim sees • Shares more power and control with the victim • Instructs the victim to befriend and recruit new vulnerable people

Note: This content is based on a curriculum created by Carly Kalish, Victim Services of Durham, Ontario (www.victimservicesdurham.ca), and shared at the Global conference on Human Trafficking in Toronto, Ontario, on June 25, 2019.

To distinguish between wage and hour abuses and labor trafficking, see Sidebar 3.⁹

Sidebar 3. The Co-Occurrence of Labor Exploitation and Labor Trafficking	
<ul style="list-style-type: none"> • Less pay than promised • Withheld pay • Under minimum wage • Denial of pay • Illegal deductions • No written earnings statements • No safe water, toilet • Hazardous work environment • No meal breaks • Movement to work controlled • Victims live where they work • Depriving/disorienting • Threats or use of violence • Demoralizing • Diminishing resistance • Intimidation and control • Deception of consequences • Use/threats of use of law 	 <p style="text-align: center;">Labor Exploitation</p> <p style="text-align: center;">Labor Trafficking</p>

Once a victim is recruited, the trafficker typically uses coercive means, such as deception and psychological threats, including those against family members, as a form of control.

These data reaffirm the findings of a 10-city study of homeless youth aged 17–25 in Covenant House care in the U.S. and Canada between 2014 and 2016. Of the 641 homeless or runaway youth that were interviewed, 8 percent were found to have been labor trafficked, and 14 percent were sex trafficked. Of those labor trafficked, 81 percent involved forced drug dealing, which “occurred through familial and cultural coercion as well as through the violence of suppliers and gangs.”¹⁰

There are several implications of this study for local government officials, especially those who come into contact with youth on a regular basis, such as school nurses, parks and recreation staff, or social services caseworkers. Local government officials can learn to foster ongoing relationships or already-established trust, identify specific vulnerabilities within individuals, note indicators, and engage youth in seeking services. Awareness that crimes such as drug dealing or shoplifting might be occurring under duress or by force can inform the way that school and health-care personnel interview, assess, and conduct case management of youth.

9. For the full report, see Colleen Owens et al., *Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States*, THE URBAN INSTITUTE (2014), <https://urban.org/sites/default/files/publication/33821/413249-Understanding-the-Organization-Operation-and-Victimization-Process-of-Labor-Trafficking-in-the-United-States.PDF>.

10. Laura T. Murphy, LOYOLA UNIV. NEW ORLEANS, *Labor and Sex Trafficking Among Homeless Youth: A Ten-City Study* (2016), <https://www.covenanthouse.org/sites/default/files/inline-files/Loyola%20Multi-City%20Executive%20Summary%20FINAL.pdf>.

Many local government staff will encounter vulnerable youth only occasionally, or incidentally, as they conduct their regular job duties. The following examples are situations that staff might see.

- A code enforcement officer repeatedly notices a young adolescent on a construction crew building a new home. Aware that public schools are in session, he becomes concerned when he sees the boy consistently during the day as he conducts inspections and rides by the construction site. On one inspection, he approaches and greets the boy, who is friendly and tries to converse in broken English. The boy seems healthy and appears to interact easily with the other workers, eating and drinking alongside them.
- A traveling sales crew has appeared in a municipality. A law enforcement officer notices that the crew's van is from out of state and does not advertise the name of the cleaning products the crew is selling. The crew seems to be exclusively teenage boys. Public bus drivers notice the boys walking all over town, knocking on doors to make sales. Librarians notice how the boys come inside to drink water and get out of the weather but do not stay long. A meter reader overhears a boy sounding desperate as he tries to make a sale. EMTs respond when one boy passes out on the street and note the boy does not carry his own identification papers or seem to know exactly where he is staying.
- An environmental health inspector is conducting a regular inspection in a restaurant and notices that a storage room contains bunk beds and personal items that seem as though they might belong to the two teenage girls who rapidly left the kitchen as he arrived.
- Recreation department staff become aware of teenagers who regularly come in to use the showers and who are always carrying possessions in a makeshift backpack with them. They often see the teens panhandling at a busy intersection.
- Public housing staff notice that the children in one family suddenly have new toys and clothes, and their mother has caught up on past due rent. The children are acting differently than normal, and one child seems especially withdrawn. They notice the mother's new boyfriend driving off with the children one night.
- A sanitation worker notices that a teenage girl typically brings out the trash and recycling on weekdays under the watchful eye of the homeowner. Once, he notices she is especially subdued and has bruises on her wrists. He tries to joke with her and asks why she isn't in school. The homeowner abruptly calls the girl back before she can respond.

In a trafficking situation, a third party receives most, if not all, of the financial benefit from the transaction. The profit might be direct (the trafficker receives the fees charged for services provided by the victims) or indirect (such as when the trafficker minimizes the expense of paying appropriate wages). Also, victims will experience something negative (such as physical violence, loss of pay or future employment, threats to loved ones, etc.) if they try to leave the work on their own. The traffickers use force, fraud, or coercion to lure or control the victims in doing the work.

Disparities between the reality of trafficking and multimedia portrayal of trafficking have contributed to the misinformation we hold. Stereotypes reinforced throughout society are embedded in our consciousness and might inaccurately inform our actions. We should all proceed with caution as we seek to enable positive changes because we might be acting on assumptions that are not relevant to the ways that trafficking shows up locally.

There are no accurate, all-encompassing statistics available to fully inform us about how trafficking takes place in North Carolina.¹¹ Moreover, there are no strategies of manipulation and control that are consistently used across all types of exploitation and with all victims of trafficking. While our immediate attention might go to the actions of trafficking victims, Richard Hoffman, retired detective from the Raleigh Police Department, advises that “a victim is not a victim based on what they do or don’t do. . . They are victims based on what the offender does.”¹² To better understand how traffickers groom, lure, and control their victims, please see the options for online learning that are provided in “Part III: Supportive Resources.”

2. Definition: Opportunities for Exploitation

The vulnerabilities that traffickers exploit can be social, physical, political, financial, or situational, taking many different forms. Here are some examples:

- family conflict/instability
- financial stress
- social isolation
- homelessness
- limited English proficiency
- addictions
- immigration status
- unsafe community or living conditions
- natural disasters
- sexual orientation/gender identity
- lack of transportation
- rejection by family or community
- history of emotional, physical, or sexual trauma
- foster care placement; aging out of the child welfare system
- political instability
- cultural background

Traffickers are predators that are skilled at spotting and manipulating vulnerabilities. A potential victim might have had a lifetime of family insecurity, poverty, and violence, or could be experiencing temporary job loss and homelessness after the natural disaster that happened the day before. Traffickers can exploit both chronic and situational weaknesses in a person’s life and social support network. When trafficking victims are foreign born, the threat of deportation is omnipresent, regardless of their immigration status.¹³ Some visas tie immigrants to particular employers, which gives those employers additional control in the relationship.

11. The National Human Trafficking Hotline does offer yearly summaries of the types of calls made to its hotline from North Carolina. Go to <https://humantraffickinghotline.org/states> and click on the state and year to retrieve N.C. data. These numbers do not represent all of the incidences or types of trafficking that take place.

12. Richard Hoffman, Law Enforcement’s Role in Combating Human Trafficking and Assisting Victims, presentation at the Police Executive Research Forum in Washington, D.C. (Aug. 5, 2019). (PowerPoint slides were shared with the authors).

13. For instruction on the process by which an individual may request eligibility for federally funded assistance for an undocumented noncitizen child who may have been subjected to human trafficking, go to the website for the Office on Trafficking in Persons: <https://www.acf.hhs.gov/otip/resource/18thbirthday>. The program instruction includes the threat of reporting or deportation as one

Because traffickers effectively exploit local vulnerabilities for profit, local governments might focus on specific challenges or populations to collect data and consider whether any warrant additional focused attention. There are two populations of youth that are particularly vulnerable to exploitation: children in foster care and LGBTQ youth who are not accepted in or supported by their families, schools, or communities.

Especially Vulnerable Youth—Youth in Foster Care and LGBTQ Youth

According to the National Foster Youth Institute, 60 percent of child sex trafficking victims have a history with the child welfare system, and the average age of child sex trafficking victims is 14.¹⁴ According to the calls made to the National Human Trafficking Hotline in 2017, involvement with the child welfare system and being a homeless/runaway youth were included as two of the top five risk factors for becoming a victim of human trafficking.¹⁵

The reasons that children are placed in foster care are many of the same vulnerabilities that traffickers seek to exploit in any potential victim. The Children’s Bureau produces an annual report from the Adoption and Foster Care Analysis and Reporting System (AFCARS). Data from fiscal year 2018, “Circumstances Associated with Child’s Removal,” overlap with the list of vulnerabilities, with 62 percent of children being removed due to neglect, 36 percent due to drug abuse by parent, 13 percent due to physical abuse, and 10 percent due to housing.¹⁶ More than one vulnerability can be present in any child’s situation.

Moreover, a significant number of the youth placed in foster care run away from home at least once, which presents an additional vulnerability for traffickers to exploit. In a study focusing on Florida’s child welfare system, 35.6 percent reported running away 3–10 times, and 22.2 percent reported running away 11 or more times. This study also found that the risk of human trafficking increases with both the number of runaway episodes and the number of placements.¹⁷

Another category of vulnerable youth is that of lesbian, gay, bisexual, transgender, and queer/questioning youth who are rejected or abused by their families due to their sexual orientation or identity. Christy Croft, Prevention Education Program Manager of the North Carolina Coalition Against Sexual Assault, reports that LGBTQ youth are more likely to run away from home or

form of coercion and specifies that “[a]buse or threatened abuse of the legal process” means “the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.” See also *Program Instruction: Issuance of Child Eligibility Letters on or after Applicant’s 18th Birthday if Application Received Prior to 18th Birthday*, U.S. DEP’T OF HEALTH & HUMAN SERVS., ADMIN. FOR CHILDREN & FAMILIES (May 11, 2016), <https://www.acf.hhs.gov/otip/resource/18thbirthday>.

14. NAT’L FOSTER YOUTH INST., <https://www.nfyi.org/issues/sex-trafficking/> (last visited Oct. 29, 2019).

15. The 2017 statistics are available on page 4 of *Growing Awareness. Growing Impact. 2017 Statistics from the National Human Trafficking and BeFree Textline*, POLARIS PROJECT, <http://polarisproject.org/sites/default/files/2017NHTHStats%20%281%29.pdf> (last visited Oct. 29, 2019).

16. *The AFCARS Report*, U.S. DEP’T OF HEALTH & HUMAN SERVS., ADMIN. FOR CHILDREN & FAMILIES, <https://www.acf.hhs.gov/sites/default/files/cb/afcarsreport26.pdf> (last visited Oct. 29, 2019).

17. Natasha E. Latzman, Deborah A. Gibbs, Rose Feinberg Marianne N. Kluckman, & Sue Aboul-Hosn, *Human Trafficking Victimization among Youth Who Run Away from Foster Care*, 98 CHILDREN & YOUTH SERVS. REV. 113, 124 (2019).

become homeless due to family rejection and are also more likely to be involved with the child welfare system than non-LGBTQ youth:

LGBTQ youth (even outside the foster care system) are more likely to experience physical abuse and/or family rejection than their peers, and less likely to have access to affirming services when they experience homelessness or exploitation. When faced with a foster placement, shelter, or anti-trafficking program that is not explicitly accepting of their sexual orientation or identity, LGBTQ youth and young adults may choose to return to homelessness or their trafficker rather than remain in a space where their identities are invalidated.¹⁸

Croft points out that providing supportive and accepting programs for LGBTQ foster youth between the ages of 18–24 is especially important, as these youth might be simultaneously coming out with sexual identity or orientation and aging out of services, making that age range an especially vulnerable time for marginalized youth.

Croft recommends that programs that want to evaluate the sensitivity of their services to better serve LGBTQ youth seek training from a local LGBTQ center or transgender organization like Tranzmission (located in Asheville, NC, <https://tranzmission.org>) or a national trainer like The National LGBT Health Education Center (<https://www.lgbthealtheducation.org>) or FORGE (<https://forge-forward.org>).

Ideally, any community effort to prevent human trafficking will work towards encouraging supportive families, schools, and communities for both LGBTQ and foster care youth.

Local government departments that provide services related to homelessness, food access, child welfare, health care, or substance abuse treatment should evaluate their policies and protocols with the unique vulnerabilities of LGBTQ and foster youth in mind. The same system gaps that leave those youth at increased risk for trafficking also occur in crisis response and case management dynamics for any survivor of trafficking. Collaboration with non-governmental organizations will be necessary to create an adequate system of response in the community.

Building on Existing Efforts

Communities that have existing task forces or other problem-solving groups that focus on one of the vulnerabilities that traffickers exploit could choose to direct attention to how the people affected by those vulnerabilities are exploited by traffickers. Local governments could work with those existing community efforts to collect data and consider whether additional attention is warranted.

For example, in 2019, members of the Triad Labor Trafficking Task Force, a coalition that is coordinated by World Relief Triad's Anti-Human Trafficking Program, surveyed individuals experiencing homelessness who are receiving services through area programs and asked questions related to human trafficking. According to Elise Riveness, Anti-Human Trafficking Program developer at World Relief Triad, the questions on the anonymous, confidential survey inquired about specific means of force, fraud, and coercion, such as debt, promises of

18. In providing technical assistance to rape crisis and human trafficking centers in North Carolina over a fifteen-month period, Croft responded to more than a dozen requests for assistance in securing shelter/housing placements for young transgender survivors of human trafficking. In most cases, lack of access to or lack of safety within shelter placements led these survivors to return to traffickers, unsheltered homelessness, or the small communities in which they had been initially trafficked.

education and/or employment, and threats. While the research is not complete at the time of this writing, the preliminary results are that a significant percentage of the homeless population has experienced work that was fraudulent, dangerous, or abusive. Communities interested in replicating this research should contact Rachel Parker, the Anti-Human Trafficking Program manager through <https://worldrelieftriad.org>.

The good news is that governmental departments that offer direct services are likely already taking steps to strengthen the resilience of youth and their families, which, in turn, helps prevent the incidence of trafficking. These preventive strategies come in many forms but have the ultimate goal of increasing safety and stability, encouraging social connectedness and belonging, achieving success in educational or personal goals, and providing access to necessary life resources.¹⁹

Governmental departments can develop strategies that are aimed at (1) building awareness among youth, as well as members of the public, about grooming strategies; (2) identifying youth who are being groomed for or actively engaged in trafficking as victims or traffickers; (3) offering intervention or response services to current or former victims or traffickers; or (4) strengthening the resilience of all youth.

The following are some simple ideas for local government staff to conduct anti-trafficking outreach and education for people using governmental resources:

- People come to the library to use computers to apply for jobs. The library creates a poster about job offers that are “too good to be true” and that could be lures for sex or labor trafficking.
- Public housing staff make a point to call youth by their names and inquire about their lives. In the laundry room of the apartment complex, there is a poster with the warning signs of coercive and controlling relationships, with tear-off tabs that indicate a phone number to call for information and assistance.
- Public schools provide information to both students and parents about recognizing online grooming.
- The business cards of first responders and inspectors include the number for the National Human Trafficking Hotline.
- Social workers incorporate screening questions that relate to jobs or relationships that were not what was promised, turned out to be harmful, or generated threats to self or loved ones.
- Because traffickers might try to accompany victims into health exams, public health clinics include instructions on containers to be used for urine samples, such as “Put a red dot on this cup if you do not feel safe.”
- Clinic staff develop protocols and a safety plan for separating patients from accompanying adults when indicators of potential trafficking are present.
- Posters go up in the restrooms of transportation facilities, providing options for “If you need help . . .” in several languages.

19. The FullFrame Initiative (FFI) has identified a “set of five interconnected and universal needs and experiences [referred to as the Five Domains of Wellbeing] that are essential, in combination, for health and hope.” *What Is Wellbeing*, FULLFRAMEINITIATIVE.ORG, <https://fullframeinitiative.org/what-is-wellbeing>. FFI offers print and video resources about “The Five Domains of Wellbeing.” These domains include safety, stability, social connectedness, mastery, and meaningful access to mainstream resources. These resources could be used to stimulate staff discussions about departmental contributions to building youth resilience. For more information about FFI and its resources, visit fullframeinitiative.org.

- Law enforcement agencies assess situations for the potential of human trafficking when they are investigating any criminal network.

Be aware, too, that local government staff can inadvertently harm victims of trafficking or other abuse. The following are examples of how re-traumatization can be triggered:

- Victims feel a lack of control—Wait time in the clinic is much longer than anticipated.
- Victims experience unexpected change—Processes do not happen in the way they were initially described, and no explanation is provided.
- Victims feel threatened or attacked—Staff use phrases such as “If you don’t do X . . .,” offer judgment without compassion, or unknowingly echo the manipulation the trafficker used.
- Victims feel vulnerable or frightened—The victim is left alone while waiting to submit to a physical exam.
- Victims feel shame—Through words or body language, staff convey skepticism or criticism of what victims or their families did to cause the trafficking or how long they stayed in the situation.
- Victims feel a lack of trust—Staff over-promise and under-deliver.

These examples illustrate how important it is for local government services to be provided in a trauma-informed manner, at a minimum, and preferably in a survivor-informed manner as well.

Suggestion Box: Take time in a staff meeting to consider whether or how these vulnerabilities show up in the populations you serve, among youth, their families, or their friends and neighbors.

- Have you seen any signs that sex or labor trafficking might be taking place?
- Are there opportunities for education, outreach, or prevention activities that relate specifically to trafficking?
- Do you have readily available resources for screening or referring victims of trafficking?
- Is there anything different you can be doing to minimize or counteract the impact of these vulnerabilities?

Suggestion Box: If your community has task forces or other focused problem-solving groups that address any of the vulnerabilities that traffickers commonly exploit, spend time exploring how or whether that population might be being exploited. Consider asking service recipients screening questions or holding focus groups to learn more about whether and how they might have been manipulated into sex or labor trafficking.

Suggestion Box: Go to the website for [The Advocates for Human Rights](https://www.theadvocatesforhumanrights.org) to download the “Labor Trafficking Self-Assessment Card,” which is offered in ten languages.²⁰ The screening questions are as follows:

- Is someone holding your personal documents for you?
- Does someone else control the decisions you make about your life?
- Do you owe money to your boss, the person who hired you, or the person who helped you find the job?
- Are you receiving all of your pay?
- Are you afraid something bad will happen to you or someone else if you leave your work?

20. *Labor Trafficking Self-Assessment Card*, THE ADVOCATES FOR HUMAN RIGHTS, https://www.theadvocatesforhumanrights.org/labor_trafficking_self-assessment_card (last visited Oct. 29, 2019).

Discuss when and how staff should ask these questions of anyone they might encounter through their work. Clarify the next steps to take if staff receive responses that indicate labor trafficking might be taking place.

3. Definition: Environmental Conditions That Enable Trafficking

The question to ask is not “Does human trafficking happen in this community?” but “What kind of human trafficking happens in this community?” Trafficking is that common.

Traffickers are attracted to particular opportunities and need specific types of infrastructure to conduct their business by recruiting, transporting, or marketing their victims, including the following:

- tourist destinations
- large public events
- seasonal farm work
- online advertising opportunities
- interstate highways
- truck stops
- highway rest stops
- military bases
- factories
- international borders
- colleges and universities

These environmental conditions may enable traffickers to recruit, transport, or market victims. An initial step any local government can take is to assess which of these conditions are present in their area. The type of condition present will begin to inform which public staff are most likely to intersect with the illicit activity. For example, because North Carolina has a robust system of interstate highways, informing highway patrol officers on how to identify indicators of human trafficking when they make traffic stops makes sense. Other parallel examples exist at the local government level. Law enforcement might need to focus on the ebb and flow of sex trafficking that correlates with major commercial markets, public events, or conferences. Inspectors might benefit from having training that relates to the specific types of labor trafficking that are associated with local businesses, particularly those that employ unskilled labor.

If a community sees signs that one of these local environmental conditions might be generating trafficking, one option is to bring a multidisciplinary team together to assess what they know, gather existing data, and figure out how to intervene. If the county public health department tracks a high rate of sexually transmitted diseases to a particular motel or truck stop, for example, then paying focused attention to that environmental feature would be useful. Which local government staff has reason to inspect that facility? What kinds of information do the departments hold about ownership, physical assets, staffing, customers, or the financial flow within the business? For any multidisciplinary team, when children and youth who are victims of or are vulnerable to becoming victims of human trafficking are part of the discussion, representatives of the county child welfare agency (DSS) should be included as members. DSS

social workers must receive “training in identifying, assessing, and providing comprehensive services for children who are sex trafficking victims.”²¹

Similarly, the type of environmental condition that traffickers exploit might determine if youth are moved in and out of the community for exploitation or if youth who are community residents are the targets. Agricultural workers change communities as they follow the crops. Tourist destinations might employ teens seasonally. Sex trafficking victims might be rotated across cities, following the markets created by events such as conferences or sporting events. They might also be moved to provide a “fresh” selection for sex buyers in a stable market, such as near military bases. Other youth might be trafficked by their family members and lead otherwise stable lives in their neighborhoods. Young adults in colleges and universities can be vulnerable to exploitation due to the financial stress under which they may live.

Suggestion Box: The specific business model and market of each form of sex and labor trafficking determines which victims are targeted, how they are used, where or how long they stay in a community, and which governmental departments might encounter the trafficking victims. Some public departments might encounter and have the opportunity to intervene in only a narrow frame of trafficking, while others might encounter multiple forms of trafficking or types of victims. Focus on identifying your department’s specific target of opportunity and developing resources for that purpose. No single governmental department is likely to intersect with all victims or all forms of trafficking.

4. The Indicators of Trafficking (Red Flags)

The presence of the following indicators does not immediately prove that human trafficking is taking place but does warrant additional attention. Investigations should only be conducted by law enforcement and/or adult or child protective services staff. Even so, by becoming familiar with these indicators of trafficking, other local government staff can learn how to design tools for identification or prevention efforts or to document their concerns about suspicious situations. Anyone who is concerned or confused about a situation can call the National Human Trafficking Hotline, in addition to calling local law enforcement or social services.

The behaviors and physical characteristics of trafficking victims include the following:

- fearful, timid, or submissive actions; avoid eye contact
- appear to lie about or provides a scripted history of their age, identity, or relationship with others
- matching tattoos; reluctance to talk about tattoos; minors with tattoos
- bruises indicating abuse or restraint
- malnourishment; extreme fatigue; poor dental conditions
- drug use
- have injuries that should have been treated earlier
- are not allowed adequate food or sleep
- repeated pregnancies or sexually transmitted diseases
- are not allowed control of their own finances or identification documents
- are not allowed to contact friends or family

21. 42 U.S.C. §§ 5106a(b)(2)(B)(xxiv), (xxv).

- are not allowed to come and go as desired
- have a large debt that cannot be repaid
- claim to be “just visiting” or are unable to clarify where they live or where they are
- might not know exactly where they are, how long they have been there, or what the date/day is
- appear to be living at their work site
- have little personal property
- do not have control of their identification papers or phones
- victims might only know each other by nicknames, not their real names
- chronic truancy or school problems

The behaviors and physical characteristics of the trafficker include the following:

- lies about identification, relationships, purpose of travel, nature of work, hours worked
- tries to stay with the victims and speak for them
- tries to distract observers away from the work site, the indicators, or the victims
- verbally or physically intimidates, manipulates, or controls the victims
- keeps control of the victims’ identification documents
- accompanies the victims to health-care visits and speaks for them but does not know their medical histories

Property items in the trafficking setting include the following:

- multiple cell phones, numerous hotel key cards, condoms, pornography, sex toys, sexy costumes
- hidden cameras, cameras or video equipment, audio recording devices
- false identification cards
- business cards lacking addresses
- handcuffs or other forms of restraint
- tools of intimidation, such as firearms or a rod for beating
- beds, food, personal items that indicate people are living on the premises
- lack of normal furniture or household items
- food delivery, storage, and preparation that appears to feed more than the average household
- unusual content or volume of trash generated by the household
- guard dogs or dogs in pens in between the work site and the exit door or highway

Vehicle and passenger characteristics include the following:

- multiple unrelated people traveling together
- passengers unsure of where they are or where they are going
- conflicting accounts of the purpose of the travel or nature of the group
- overcrowded or unsafe conditions for passengers; hidden compartments

Situational characteristics include the following:

- locks on the wrong side of doors to confine people; buckets in locked rooms for body waste
- multiple cameras, particularly on exits
- windows are covered or barred
- massage parlors/nail salons/spas open extended and late hours; personnel change regularly
- in advertisements, access to a particular person is marketed, rather than the service being provided

- customers are provided tokens that the employees collect in order to prove they have provided services
- personnel rarely leave the premises or only leave under the supervision of a manager
- personnel report exorbitant fees associated with holding the job or with regular living expenses
- tips must be handed to management, not the employee
- lack of paychecks, personnel records, identification documents
- ownership and/or licensing of the business are vague or not documented
- the business advertises on commercial sex websites

To employ a common description, human trafficking is often “hidden in plain sight” in our communities. As mentioned earlier, whereas Hollywood regularly employs imagery of physical restraints and kidnapping, the reality is that the indicators of trafficking can be much more subtle and situational.

The list of the “red flags” of human trafficking is illustrative rather than exhaustive. Different forms of trafficking generate variations in the indicators that might be visible to outsiders. The presence of any single indicator is not necessarily proof of human trafficking. However, the presence of several indicators should generate attention and reports to the National Human Trafficking Hotline (call: 1-888-373-7888; TTY: 711; text: 233733), law enforcement, or the local Rapid Response Team. The National Human Trafficking Hotline is designed to answer inquiries, provide information, and direct callers to local resources. It is a particularly useful resource if the caller is uncertain about whether the situation witnessed is actually trafficking or if the caller is not informed of local resources. Here is what to expect when calling this hotline:

Trained Anti-Trafficking Hotline Advocates and supervisory staff provide assistance to victims in crisis through safety planning, emotional support and/or immediate connections to emergency services through our network of trained service provider and law enforcement partners. The staff is focused on supporting victims and survivors and is unfortunately not available to assist in research or respond to general questions about human trafficking.

The process begins with a careful trafficking assessment to determine possible next steps. These might include but are not necessarily limited to:

- Follow-up call with the caller for additional information or to coordinate next steps (with caller’s consent);
- Report to our designated law enforcement partners for investigation;
- Coordinate with law enforcement and/or service provider partners for emergency assistance; and/or
- Referral or live transfer to our service provider partners to ensure victim service needs are met.

The National Hotline supports victims’ right to choose what those next steps might be, including whether or not to access services or report information to law enforcement. Except in situations involving potential abuse of a minor or if we believe a person is in imminent danger, the National Hotline will not take action without the consent of the person in the situation.

Frequently requested service referrals include case management, shelter, transportation, legal services, mental health and counseling services, and much more. Referrals and assistance are available to all survivors of human trafficking regardless of whether or not the need is urgent.

In addition to Hotline support, survivors and others working to support them can find services and assistance through the National Human Trafficking Referral Directory.

Decisions to report tips to law enforcement are handled on a case-by-case basis with priority on safety and the consent of the individual involved.²²

Local government staff are in homes, businesses, and public spaces every day during the course of their work and might notice characteristics about individuals or the environment that raise red flags of concern. The nature of staff persons' jobs will likely determine whether or not they will have time to have a conversation with the young person who might be being trafficked. A fire marshal who is conducting a safety inspection might only have time to slip a resource card to the possible victim. An emergency medical technician, public housing staff, or social worker might have more opportunity for interaction with the potential victims, ranging from asking a few key questions to having an extended conversation.²³

School employees (e.g., teacher, nurse, counselor, coach, maintenance worker) will potentially have the opportunity, and possibly also unrestricted and private access, to build trust and elicit information about the student's situation.

Directly asking young people if they are being trafficked for sex or labor is likely to result in denial. They might be protecting themselves or someone else from harm. They might believe their traffickers love them and are worthy of protecting. They might not understand what "trafficking" means or apply the term to their own experiences. They might also fear the legal repercussions of disclosure, especially if their immigration status is uncertain or if they have been committing crimes (such as shoplifting, selling drugs, engaging in sex work) under the trafficker's direction.

Instead, first ask indirect questions that approach the youth's sense of safety and wellbeing. See Sidebar 4 for examples.

22. *When You Reach Us*, NATIONAL HUMAN TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/about-us/when-your-reach-us> (last visited Oct. 1, 2019).

23. For a more extensive discussion about assessing potential victims of human trafficking, see National Human Trafficking Resource Center and the Polaris Project, *Comprehensive Human Trafficking Assessment*, NATIONAL HUMAN TRAFFICKING HOTLINE (2011). Other assessment tools for specific professions can be located through an online search.

Sidebar 4. Suggestions for Talking to Young Potential Victims of Trafficking

- What is a typical day like for you here? (Assess freedom, safety, control.)
- What do you like to do or see in this community? (Assess freedom of movement.)
- Tell me about your boyfriend/girlfriend. How did you meet? What do you like about this relationship? What would you like to change? (Assess age differences, potential grooming.)
- What have you had to eat over the last few days? (Assess adequate food.)
- How much have you slept the last few nights? (Assess adequate rest.)
- How do you stay in touch with your friends and family? (Assess isolation.)
- How did you decide to live in this community? (Assess control by others.)
- How do you use drugs or alcohol for recreation or distraction? (Assess drug/alcohol use.)
- What kinds of decisions do you make for yourself? Which decisions are made by others? (Assess control by others.)
- How has the job you took turned out to be the same or different than you expected? (Assess abusive practices.)
- What do you do to relax when you get a break at work? (Assess working conditions.)
- How safe do you feel where you sleep or stay? (Assess physical safety.)
- Have you ever felt unsafe at home or work? (Assess physical safety.)
- What would happen if you left your job? (Assess threats.)
- Where do you keep your personal valuables and identification papers? (Assess access to ID.)
- Tell me about a time when you were successful in speaking up for yourself or others. (Assess freedom of expression, control by others.)
- How has anyone recently threatened you or treated you disrespectfully? (Assess safety.)
- What is your financial health like? Do you owe anyone money? (Assess debt bondage.)
- How did you manage the expense of moving here? (Assess debt bondage.)
- How did you arrange for travel and immigration documents? (Assess assistance provided to foreign-born victims.)

Part II: The Law

1. The Law

There are several federal and state laws²⁴ that seek to prevent human trafficking and protect victims of human trafficking. Federal law recognizes human trafficking as a modern-day form of slavery that occurs both domestically and internationally, with runaway and homeless children in the U.S. being highly susceptible to domestic trafficking, especially in the commercial sex industry.²⁵ The federal law defines

- **sex trafficking** as “the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act,”²⁶ which is “any sex act on account of which anything of value is given or received by any person”²⁷ and
- **labor trafficking** as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”²⁸

North Carolina, through its criminal laws, has adopted substantially similar definitions.²⁹

Federal law also recognizes a **severe form of human trafficking**. This definition specifically addresses minors under the age of 18. Sex trafficking of minors does not require force, fraud, or coercion.³⁰ The minor’s age alone is sufficient. In other words, there is no such thing as a minor prostitute or sex worker; the minor is a victim of human trafficking.

The federal legal definition of human trafficking describes three facets of the crime: an action, a means, and a purpose. This is commonly called the A-M-P Model.

Action

Recruiting:	Involves targeting someone with a vulnerability and grooming them by drawing them into a personal, intimate relationship
Harboring:	Includes isolation, confinement, or monitoring
Transporting:	Includes movement and arranging travel
Providing:	Giving the victim to other individuals for their use
Obtaining:	Taking or exchanging a person
Soliciting:	Offering something of value (applies only to sex trafficking)
Patronizing:	Receiving something of value (applies only to sex trafficking)

24. The laws discussed here do not identify all the federal and North Carolina laws that address human trafficking. The explanations of the laws that are included in this section are not comprehensive. Instead, the explanations are tailored to the purpose and audience of this bulletin.

25. 22 U.S.C. §§ 7101(a), (b); Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164.

26. 22 U.S.C. § 7102(12).

27. 22 U.S.C. § 7102(4).

28. 22 U.S.C. § 7102(11)(B).

29. See G.S. 14-43.10 (“definitions,” including “involuntary servitude,” “sexual servitude,” and “minor”); 14-43.11 (“human trafficking”); 14-43.12 (“involuntary servitude”); 14-43.13 (“sexual servitude”).

30. 22 U.S.C. § 7102(11)(A).

Means (does not need to be present in a situation of sex trafficking of minors)

- Force: Physical restraint or harm, sexual assault, beatings
Monitoring and confinement as a means of control
- Fraud: False promises about employment, working conditions, wages, love, marriage, debt agreements, or a better life; the unexpected changes might be immediate or gradual
- Coercion: Includes threats of harm to the victim or their friends or family; psychological manipulation; confiscation of documents; threats to share information or pictures with others, report to authorities, expose shame

Purpose

Sex trafficking: In a commercial sex act, a sex act is exchanged for anything of value

Labor trafficking: Work or services that are forced

- Involuntary servitude is a situation in which a person is manipulated into believing that any change or resistance to the work would cause harm, shame, or risk to the individual or to a loved one.
- Debt bondage refers to situations in which individuals accrue debt faster than it can be paid back. These charges might be for food, shelter, transportation, or medical care, as well as interest, fines, or other charges.
- Peonage is a status or condition of involuntary servitude based on real or alleged indebtedness.
- Slavery is the state of being under the ownership or control of someone so that one person is forced to work for another.

As mentioned earlier, an important distinction regarding sex trafficking and labor trafficking as it relates to minors is that sex trafficking *does not* require coercion or deception. The minor's age alone is sufficient. In contrast, labor trafficking of minors *does* require the use of deception, coercion, or intimidation.³¹

Abuse and Neglect of Minors

Federal law not only recognizes that minors are human trafficking victims, but it also classifies these children and youth as abused and neglected. A 2018 amendment to the federal Child Abuse Prevention Treatment Act (CAPTA) expanded the definitions of both "abuse" and "neglect" to include a minor victim of human trafficking.³² North Carolina has incorporated this expanded definition into its laws pertaining to victims of human trafficking and abused and neglected juveniles.

Under North Carolina law, there are very specific definitions of abused, neglected, and dependent juveniles. As of October 1, 2018, the definition of "abused juveniles" and "neglected juvenile" includes any juvenile who is under 18 years old who is found to be a minor victim of

31. Compare G.S. 14-43.10(3) (definition of "involuntary servitude") with -43.1(5) (definition of "sexual servitude").

32. Justice for Victims Trafficking Act of 2015, Pub. L. No. 114-22, § 802, *amending* the Child Abuse Prevention Treatment Act at 42 U.S.C. § 5106g(b)(1).

human trafficking.³³ Both definitions refer to a criminal law that identifies a “minor victim” as a minor who is less than 18 years old and a victim of human trafficking, involuntary servitude, or sexual servitude.³⁴ The criminal law that is incorporated in the definition of “abused juveniles” and “neglected juvenile” also states that any “minor victim” shall be alleged to be abused or neglected under North Carolina’s child welfare laws.³⁵

The relationship between the child’s circumstances and those who created the circumstances is critical in determining whether the child is abused, neglected, or dependent; the relationship focuses on whether the juvenile’s parent, guardian, custodian, or caretaker created the child’s circumstances. There is no requirement under the expanded definitions of abused and neglected juveniles that there be a relationship of parent, guardian, custodian, or caretaker between the juvenile and the trafficker (the person responsible for creating the juvenile’s circumstances). If the minor is a victim of human trafficking, they are an abused and neglected juvenile under both federal and North Carolina laws.

Depending on the circumstances, other criteria of abused and neglected juveniles may also apply to a minor victim of human trafficking. For example, an abused juvenile includes a juvenile whose parent, guardian, custodian, or caretaker

- commits, permits, or encourages certain sexual and public morality and decency crimes by, with, or upon a juvenile. This could include obscene photographs or indecent liberties with a child under the age of 16,³⁶ and
- creates or allows to be created serious emotional damage to the minor, including withdrawal, depression, or severe anxiety.³⁷

A neglected juvenile can also be one who lacks proper care, supervision, or discipline from a parent, guardian, custodian, or caretaker or one who lives in an environment injurious to the juvenile’s welfare.³⁸ Depending on the circumstances, minor victims of human trafficking may meet these additional criteria of abuse and neglect under North Carolina law. Is the parent, guardian, custodian, or caretaker aware of the trafficking but taking no action? Is the parent, guardian, custodian, or caretaker the trafficker? An affirmative response to either question may result in the juvenile’s abuse and neglect under more than one criterion.

North Carolina has what is referred to as a universal mandated reporting law for suspected child abuse, neglect, or dependency. This means that any person or institution with cause to suspect that a juvenile is abused, neglected, or dependent must make a report to the county child welfare agency (typically a county DSS) where the juvenile resides or is found.³⁹ The key phrase here is “cause to suspect.” There is no obligation on the part of the person or institution with cause to suspect abuse or neglect to investigate the child’s circumstances prior to making such a report. The assessment of the report and determination as to whether abuse, neglect, or dependency exists is the duty of the county DSS. Your duty when you suspect a minor is a victim of human trafficking is to make the report to the county DSS. Knowingly and wantonly

33. G.S. 7B-101(1)(i) (definition of “abused juveniles”), (15)(i) (definition of “neglected juvenile”).

34. *See id.*; G.S. 14-43.11 through -43.15.

35. G.S. 14-43.15.

36. G.S. 7B-101(1)(ii)d.; *see* G.S. 14-190.5; 14-202.1.

37. G.S. 7B-101(1)(ii)e.

38. G.S. 7B-101(15)(ii).

39. G.S. 7B-301(a).

failing to make such a report or preventing another from making such a report is a Class 1 misdemeanor.⁴⁰

A report can be made orally, meaning by phone or in person, or in writing.⁴¹ Report as much information as you know, including

- the juvenile’s name, age, address, and present whereabouts;
- the name of the parent, guardian, custodian, or caretaker for the juvenile;
- any conditions or injuries the juvenile has;
- names and ages of other minors in the home; and
- any other information that will be helpful in determining whether child protective services are needed.⁴²

You will be asked to share your name, address, and telephone number; however, if you do not provide that information, the DSS must still act on your report.⁴³ Expect the DSS social worker to ask questions while you are making the report. He or she will need as much information as possible to determine whether to open a case. The social worker is likely to use the statewide screening tool that is issued by the North Carolina Department of Human Services, Division of Social Services, for reports of human trafficking.⁴⁴

Even though North Carolina requires every person and institution to make a report, you should not sit back and assume a report has been made by someone else. The duty is on you—each person and institution is a mandated reporter. The DSS may be able to prioritize an assessment and intervention with a juvenile who has had multiple reports made about him or her. The DSS may also be able to identify patterns based on multiple reports received concerning one or several juveniles in the county. Remember, traffickers win when no one acts.

Once the DSS receives a report, it will determine whether the information reported meets the definition of abuse, neglect, or dependency. The DSS will use the state child welfare policy issued by the North Carolina Department of Human Services, Division of Social Services (hereinafter “N.C. child welfare policy”), to assess whether the child is a victim of human trafficking, and, therefore, abused and neglected. If the DSS determines abuse or neglect has been reported, it will screen in the report and initiate an assessment.⁴⁵

The timing of when the assessment is initiated will be based on the N.C. child welfare policy, which may require an immediate response or one that starts within twenty-four hours of receiving the report.⁴⁶ The assessment may include consulting with an agency or individual and/or issuing a written demand for information from an agency, which may include your own government agency.⁴⁷ Access and copies to your agency’s confidential information must be

40. G.S. 7B-301(b).

41. G.S. 7B-301(a).

42. *Id.*

43. *Id.*

44. See N.C. DEP’T OF HEALTH & HUMAN SERVS., DIV. OF SOC. SERVS., N.C. CHILD WELFARE MANUAL 59–60, “CPS Intake,” Attachment A, <https://policies.ncdhhs.gov/divisional/social-services/child-welfare/policy-manuals/modified-manual-1/modified-manual>, (hereinafter CHILD WELFARE MANUAL).

45. See G.S. 7B-302.

46. See CHILD WELFARE MANUAL, at “Assessments.”

47. G.S. 7B-302(e).

provided to the extent allowed by federal law.⁴⁸ The assessment will determine whether there actually is abuse and/or neglect.

In conducting the assessment, the N.C. child welfare policy includes several risk factors for the social worker to consider when determining whether the juvenile is abused and neglected. These factors include the following:⁴⁹

The child's life:

- history of running away or getting kicked out of the home
- history of homelessness or housing instability
- history of sexual abuse
- history of physical abuse
- history of sexual offense
- history of delinquent or reckless behavior (involvement with law enforcement or juvenile justice)
- history of neglect or basic needs not having been met
- history of alcohol or substance use disorder
- current or past involvement in the child welfare system
- history of depression/mood disorder
- exposure to domestic violence
- family instability
- excessive absences from school
- identifies as lesbian, gay, bisexual, or transgender (LGBT)
- has disabilities, especially intellectual disability
- immigration status
- poverty
- unemployment
- lack of transportation

Physical or behavioral indicators:

- visible signs of abuse such as unexplained bruises, cuts, marks
- fear of person accompanying them
- wearing new clothes of any style or getting hair or nails done with no financial means to do this independently
- exhibits hyper-vigilance or paranoid behavior
- a young person with a tattoo that he or she is reluctant to explain
- frequent or multiple sexually transmitted diseases, sexually transmitted infections, or pregnancies
- truancy or tardiness from school
- unaccounted-for time, vagueness concerning whereabouts, and/or defensiveness in response to questions or concerns

For foreign nationals, the DSS will examine the following:

- history of trauma, including civil unrest or prolonged community violence
- social isolation
- lack of legal status (documentation)

48. *Id.*

49. CHILD WELFARE MANUAL, at 58–59, “Assessments.”

In addition, the social worker must notify the U.S. Department of Health and Human Services Office on Trafficking in Persons (OTIP) and provide that office with the minor's name, age, location, and suspected country of origin; social worker contact information; and possibly additional information about the trafficking.⁵⁰

If the DSS determines that the juvenile is abused and/or neglected, it will provide protective services.⁵¹ Those services include casework, counseling, and possibly court intervention with the filing of a petition alleging abuse and/or neglect with the district court.⁵²

The following is a list of examples of the DSS's findings of abuse and neglect and the protective services provided:

- **Parent Unaware:** The DSS receives a report of a minor who is believed to be sex trafficked. She spends one weekend a month at a hotel. Her parent believes she has a regular sleepover at her friend's house based on what their child and friend say to the parent. The DSS's services may involve informing the parent of the actual situation and arranging for counseling services for the parent and juvenile. This may remain an in-home case, meaning no court action is required.
- **Parent Aware but Avoidant:** The juvenile is a member of a gang and is expected to follow the directives of the gang leader, including the expectation to traffic drugs and commit acts of violence to maintain the gang's dominance on the street. The parent takes no action to provide care, supervision, or discipline to the child but rather turns a blind eye to the activity that is occurring. The DSS's services may involve an in-home service plan that the family must follow and/or the filing of a court petition.
- **Parent Directed:** The parent has an untreated substance use disorder. Strapped for cash, the parent arranges for the drug supplier to have sex with the parent's 11-year-old child in exchange for the drugs. Here, the parent is the trafficker, the drug supplier is the buyer, and the child is the victim. The DSS's protective services will involve the filing of a court petition.

Importantly, children and youth who are involved with the DSS and who may even be placed in foster care continue to be at risk of human trafficking. A federal law, the Preventing Sex Trafficking and Strengthening Families Act, requires states to focus on children in foster care who may be at risk of or are victims of sex trafficking. Specifically, the Act requires states to develop policies and procedures that identify, document, and determine appropriate services for children

- who were in the state's care or supervision, which includes those children who were the subject of a child welfare assessment but had not yet been removed from their home, and
- who the state has reasonable cause to believe are or are at risk of being sex trafficking victims.⁵³

It is possible for a child in foster care to continue to be a victim of sex trafficking. The trafficking may continue while the child is in placement or the youth may run away or be abducted from the

50. CHILD WELFARE MANUAL, at "Cross Function."

51. G.S. 7B-302.

52. See G.S. 7B-300; -302.

53. 42 U.S.C. § 671(a)(9)(C)(i).

placement. If human trafficking of a youth involved with the child welfare system is suspected, a report to the county DSS should be made. Under the N.C. child welfare policy, after the DSS receives a report from the placement provider that a child is missing, responses intensify. The DSS must (1) make a report to law enforcement and to the National Center for Missing and Exploited Children, (2) make ongoing efforts to locate the child, and (3) file a motion for judicial review with the district court.⁵⁴ This judicial review allows the court (and parties in the case) to stay informed of the child's status, provide oversight of the DSS's efforts to locate the child, and enter orders that may specify particular efforts that must be made.

Abuse and Neglect of Younger Adults

In addition to the state child welfare system, North Carolina has an adult protective services (APS) system that is administered by the county DSS and supervised by the state Department of Health and Human Services.⁵⁵ The APS system serves older and disabled adults and seeks to protect them from abuse, neglect, and exploitation.⁵⁶ Because the adult must be older or disabled, APS services will not automatically apply to any adult victim of human trafficking. For younger or emerging adults, APS will respond if that young adult is disabled. A disabled adult includes any person 18 or older, or an emancipated minor,⁵⁷ who is physically or mentally incapacitated because of a physical or mental condition or consumption of substances.⁵⁸ Protective services will be provided to that disabled adult when, because of his or her mental or physical incapacity, the adult is (1) unable to perform or obtain essential services and (2) does not have an able and willing responsible person to obtain or perform such services on his or her behalf.⁵⁹ "Essential services" include medical care, hygiene, food, shelter, clothing, and protection from exploitation.⁶⁰

North Carolina has a universal mandated reporting law for disabled (and older) adults who are in need of protective services. "Any person having reasonable cause to believe that a disabled adult is in need of protective services . . ." must make a report to the director of the DSS.⁶¹ As with child welfare, it is your duty to make the report.

54. For more information about the DSS's response to a child missing from foster care, see CHILD WELFARE MANUAL, at 72–80, "Permanency Planning: Agency Plan for Abducted and Runaway Children." For more information about the federal law and the state child welfare policy, see Sara DePasquale, *Children in Foster Care and Sex Trafficking: New NC Policy to Know About*, UNC SCH. OF GOV'T: ON THE CIVIL SIDE BLOG (Jan. 29, 2016), <https://civil.sog.unc.edu/foster-care-and-sex-trafficking-new-nc-policy-to-know-about>.

55. See Article 6 of G.S. Chapter 108A.

56. G.S. 108A-100.

57. In North Carolina, a minor may be emancipated through marriage or when 16 or 17 years old by a district court order. See G.S. 7B-3500 through -3509.

58. G.S. 108A-101(d).

59. G.S. 108A-101(e).

60. G.S. 108A-101(i).

61. G.S. 108A-102(a).

When making a report about a disabled adult in need of protective services, you can do so orally or in writing. The report should include

- the name, address, and age of the disabled adult;
- the name and address of the disabled adult's caretaker;
- the nature and extent of the disabled adult's injury or condition that resulted from any abuse or neglect; and
- other relevant information.⁶²

Expect to be asked questions by the DSS social worker so that they can gather as much information as possible to determine whether the report must be screened in for an evaluation. If the report is screened in, the DSS will conduct an evaluation that must be completed within thirty days if abuse or neglect is reported and forty-five days if exploitation is reported.⁶³ The evaluation will include meeting with the adult and, possibly, reviewing records and interviewing caretakers, family, and other contacts.⁶⁴ The DSS will then determine whether the disabled adult is in need of protective services. If the DSS finds evidence that the adult is abused, neglected, or exploited, the director must notify the district attorney.⁶⁵

Protective services involve both the evaluation of the need for services and, if needed, the mobilization of essential services for that disabled adult.⁶⁶ Protective services will be provided when

- the adult has the capacity to consent to the provision of the services and consents or
- if the adult does not have the capacity to consent, APS staff seeks and obtains a court order that authorizes it to provide essential services to the adult.⁶⁷

The DSS also has the authority to obtain an emergency order to provide protective services when

- the adult lacks capacity to consent to needed protective services,
- there is an emergency, and
- a person authorized to consent for the individual is unwilling or unavailable to arrange for the protective services.⁶⁸

To provide those emergency services, the DSS must first go to court and obtain a court order.⁶⁹

It is important to note that without a court order or the adult's consent, protective services cannot be provided. Remember, your obligation is to make the report. The DSS has the duty to then act.⁷⁰

62. G.S. 108A-102(b).

63. G.S. 108A-103.

64. *Id.*

65. G.S. 108A-109.

66. G.S. 108A-101(n).

67. G.S. 108A-104; -105.

68. G.S. 108A-106.

69. *Id.*

70. For more information about protecting adults, see N.C DEP'T. OF HEALTH & HUMAN SERVS., DIV. OF AGING & ADULT SERVS., AGING & ADULT SERVICES MANUAL, <https://www.ncdhhs.gov/aging-and-adult-services-protective-services-adults-policy-and-procedures-manual>.

2. Law Enforcement Involvement

New Mandatory Reporting Law

Effective December 1, 2019, North Carolina has a new mandatory reporting law for juvenile victims of certain crimes. An Act to Protect Children from Sexual Abuse and to Strengthen and Modernize Sexual Assault Laws, S.L. 2019-245, requires that “any person 18 years of age or older who knows or should have reasonably known that a juvenile has been or is the victim of a violent offense, sexual offense, or misdemeanor child abuse under G.S. 14-318.2 shall immediately report the case of that juvenile to the appropriate local law enforcement agency in the county where the juvenile resides or is found.”⁷¹ There are some *limited* exceptions for who must report; those exempted include the following professionals who have a statutory privilege: attorneys; licensed psychologists, associates, and employees; licensed or certified social workers engaged in private social work services; licensed professional counselors;⁷² and agents of rape crisis centers and domestic violence programs.⁷³ All others are mandated to report. A person who knowingly and willfully fails to make a report or prevents another from making a report is guilty of a Class 1 misdemeanor.⁷⁴

This new reporting obligation is in addition to the duty to report to a county DSS a juvenile’s suspected abuse or neglect.⁷⁵ When applicable, two reports will be required—one to the appropriate law enforcement agency and one to the county DSS.

A *juvenile* is defined as a person younger than 18 who is not married, emancipated, or a member of the U.S. Armed Forces, and “the age of the juvenile at the time of the abuse or offense governs.”⁷⁶ This appears to apply to a victim of a designated crime that requires a report when that victim is now an adult but was a juvenile at the time the crime occurred.

The reportable crimes include the following:

- a sexual offense (note: there are some questions about which sexual crimes, including sex trafficking, apply);⁷⁷
- a violent offense that was inflicted on the juvenile, causing
 - serious bodily injury (a substantial risk of death or serious permanent disfigurement, coma or prolonged hospitalization, or a permanent or prolonged condition that causes extreme pain or loss or impact of a bodily function or organ) or
 - serious physical injury, causing great pain and suffering, including serious mental injury; and
- misdemeanor child abuse (applicable to juveniles 15 and younger).⁷⁸

71. G.S. 14-318.6(b).

72. Effective January 1, 2020, this profession has been renamed to licensed clinical mental health counselors. See S.L. 2019-240, Pt. II.

73. G.S. 14-318.6(h).

74. G.S. 14-318.6(c).

75. G.S. 14-318.6(d).

76. G.S. 14-318.6(a)(1); see G.S. 7B-101(14).

77. For a discussion of this new law, see Sara DePasquale, *Big News: S.L. 2019-245 Creates a New Universal Mandated Reporting Law for Child Victims of Crimes and Changes the Definition of Caretaker*, N.C. CRIM. L.: A UNC SCH. OF GOV’T BLOG (Nov. 13, 2019), <https://nccriminallaw.sog.unc.edu/big-news-s-l-2019-245-creates-a-new-universal-mandated-reporting-law-for-child-victims-of-crimes-and-changes-the-definition-of-caretaker>.

78. G.S. 14-318.6(b); see G.S. 14-318.6(a)(2)–(5) for definitions.

When making a report, you can do so orally or by telephone.⁷⁹ The report should include, to the extent known to you,

- your name, address, and phone number;
- the juvenile's name, age, address, and present whereabouts if not at home;
- the name and address of the juvenile's parent, guardian, custodian, or caretaker;
- the name, address, and age of the person(s) who committed the offense;
- the location of where the offense occurred;
- the nature and extent of any injury or condition that resulted from the offense;
- the names and ages of any other juveniles present or in danger; and
- any other information that might be helpful in establishing the need for law enforcement involvement.⁸⁰

Investigation and Collaboration with the DSS

Law enforcement may be involved with minor victims of human trafficking in different ways. They may be investigating a criminal case in which the minor is the victim. They may be called upon by the DSS to assist with an abused or neglected juvenile who has been trafficked. And they may be investigating and/or arrest a youth who is alleged to have committed a crime.

North Carolina laws require the DSS and local law enforcement to cooperate when addressing a minor who is or has been a victim of human trafficking. The law requires that when the DSS finds evidence that a juvenile may have been abused (e.g., human trafficked), it must immediately make an oral report to the district attorney (or designee) and local law enforcement.⁸¹ The DSS must also send a written report to those agencies within forty-eight hours.⁸² Upon receipt of that report from the DSS, law enforcement must immediately (within forty-eight hours) initiate and coordinate a criminal investigation with the DSS assessment.⁸³

If law enforcement identifies a minor victim of human trafficking, the officer, like everyone else, is a mandated reporter and must make a report to the DSS of cause to suspect abuse or neglect.⁸⁴ Under the new law requiring reports to law enforcement of certain crimes inflicted upon a juvenile, a law enforcement officer who finds evidence that the juvenile may be abused, neglected, or dependent must make an oral report to the DSS as soon as possible and make a subsequent written report (within forty-eight hours) to the DSS director.⁸⁵ The DSS must then make a prompt and thorough assessment to determine whether protective services and/or a court petition is needed.⁸⁶

When this collaboration is required between law enforcement and a DSS, there will be two cases—(1) a child welfare case and (2) a criminal case—that run on simultaneous and parallel paths. Each agency will determine whether further action is required. For a criminal case, the

79. G.S. 14-318.6(b).

80. *Id.*

81. G.S. 7B-307.

82. *Id.*

83. *Id.*

84. G.S. 7B-301; *see* G.S. 14-43.15.

85. G.S. 14-318.6(g).

86. *Id.*; G.S. 7B-302.

district attorney will determine if criminal prosecution is appropriate.⁸⁷ If so, that case will run separately from the child welfare case.

The law authorizes both the DSS and law enforcement to take a juvenile into temporary physical custody without a court order when “there are reasonable grounds to believe that the juvenile is abused [or] neglected . . . and that the juvenile would be injured or could not be taken into custody if it were first necessary to obtain a court order.”⁸⁸ This enables law enforcement to have the child in temporary custody for protection while the report to the DSS is being made. The maximum time period a juvenile may be held in temporary custody is 12 hours, unless one of those hours falls on a weekend or legal holiday, in which case the period extends to a maximum of 24 hours.⁸⁹ During the period of temporary physical custody, the DSS and/or law enforcement provide care and supervision for the juvenile.⁹⁰ The juvenile’s parent, guardian, custodian, or caretaker should be notified that the juvenile is in temporary physical custody.⁹¹ If necessary, the DSS may file a petition alleging the juvenile’s abuse or neglect in court and seek an order for nonsecure custody prior to the expiration of the temporary custody period.

Immunity for Juvenile Victims

Regarding alleged criminal acts committed by a minor who is being trafficked, there are two laws that provide for immunity. The first involves prostitution. In 2013, North Carolina enacted a “safe harbor” law, which treats youth who are sex trafficked as victims and not criminals. Under North Carolina’s law, a minor is immune from prosecution for prostitution.⁹² If an individual is reasonably detained or arrested for prostitution and is determined to be a minor, instead of being charged, the minor is taken into temporary protective custody as an “undisciplined juvenile”⁹³ and the officer must make a report to the DSS.⁹⁴ The DSS must then initiate an assessment of abuse and neglect.⁹⁵

Although a victim of sex trafficking might be the most common image that comes to mind, a minor may also be a victim of labor trafficking. Labor trafficking may involve the minor possessing, delivering, or selling controlled substances. The North Carolina Controlled Substances Act contains specific provisions that penalize, both criminally and civilly, an adult who intentionally uses a minor to commit a drug law violation, promotes drug sales by a minor, or participates in a drug violation by a minor.⁹⁶ The Act also provides for immunity from prosecution for minors.⁹⁷ Unlike the automatic immunity for prosecution for prostitution, the minor’s immunity for prosecution related to controlled substances is discretionary. If the minor has not previously been convicted of an offense under the North Carolina Controlled Substances Act or under federal or another state’s controlled substances laws, the court may

87. G.S. 7B-307.

88. G.S. 7B-500.

89. G.S. 7B-501(b).

90. G.S. 7B-500.

91. G.S. 7B-501(a)(1).

92. G.S. 14-204(c).

93. G.S. 7B-1501(27).

94. G.S. 14-204(c); *see* G.S. 7B-301.

95. *Id.*; *see* G.S. 7B-302.

96. G.S. 90-95.4 through -95.7.

97. G.S. 90-96.1.

grant immunity to the minor upon the district attorney's recommendation.⁹⁸ The minor must disclose the identity of the person(s) from whom he or she received the controlled substance and for whom he or she is allegedly distributing.⁹⁹

Expunging or Vacating a Criminal Conviction or Delinquency Adjudication

A criminal conviction and/or adjudication of delinquency can have collateral consequences that may negatively impact an individual.¹⁰⁰ For example, employment, housing, public assistance, and financial aid applications may ask if an applicant has ever been convicted of a crime or adjudicated of a delinquent act. Because of the collateral consequences of a conviction or juvenile adjudication, it is important to know about expungements if you are working with a juvenile or adult victim of human trafficking who has a conviction or delinquency adjudication. An expungement both deletes a criminal record and restores the individual to the status they had before the arrest. In other words, the collateral consequences will no longer exist for an individual who has obtained an expungement.

There are several North Carolina laws that authorize an expungement.¹⁰¹ Some of those laws apply to individuals who were minors at the time of the offense, such as a prostitution conviction or juvenile adjudication that occurred prior to the enactment of North Carolina's safe harbor law in 2013, or convictions of gang-related offenses for persons under 18 years old at the time of the offense. Other laws apply to types of crimes, including misdemeanors, drug offenses, and offenses committed by human trafficking victims. While convictions of certain specified offenses are not eligible for expunction, in many cases it will be possible to expunge the record (a charge or conviction) under the various laws.

When an expunction is not available for whatever reason (for example, there is a subsequent felony or non-expungable conviction), a motion for appropriate relief (MAR) that vacates a qualifying conviction may provide another avenue for relief.¹⁰² In some cases, a person may become eligible for an expunction following an MAR. Effective December 1, 2019, the grounds to seek an MAR are specifically expanded to address victims of human trafficking.¹⁰³

If you identify a victim of human trafficking who has a criminal conviction and/or juvenile adjudication of delinquency, it is appropriate to refer that individual to an attorney who is familiar with both the expungement and MAR processes.

98. *Id.*

99. *Id.*

100. For more information about collateral consequences, see John Rubin et al., UNC Sch. of Gov't, *The Collateral Consequences Assessment Tool (C-CAT)*, ccat.sog.unc.edu (last visited Dec. 4, 2019).

101. See G.S. 15A-145 through -153 (criminal conviction); 7B-3200 (delinquent adjudication). For more information about expungements, see UNC Sch. of Gov't, *Relief from Criminal Conviction* (2018), <https://www.sog.unc.edu/resources/microsites/relief-criminal-conviction>.

102. G.S. 15A-1411 through -1422.

103. See S.L. 2019-158, §§ 5, 6, *amending* G.S. 15A-1415(b) & -1416.1.

Part III: Supportive Resources

1. Low- and No-Cost Options for Learning about Human Trafficking

Learning the basics about human trafficking can happen without tapping into the training budget. There are reports, discussions, training modules, and other resources available online at no charge.

Here are a few examples:

- The National Human Trafficking Hotline offers statistics by states, as well as a resource library. www.humantraffickinghotline.org.
- The National Human Trafficking Hotline offers online training; scroll down for “Child Trafficking.” <https://humantraffickinghotline.org/nhth-hhs-online-trainings>.
- The Polaris Project offers statistics and reports focused on specific types of trafficking. Some information is available in Spanish. www.polarisproject.org.
- “Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States,” Institute of Medicine and National Research Council, 2013. <https://www.ojjdp.gov/pubs/243838.pdf>.
- “Trafficking of Persons with Disabilities in the United States,” as well as other useful fact sheets, are available from the Human Trafficking Legal Center at <http://www.htlegalcenter.org>.
- The School of Government at the University of North Carolina at Chapel Hill offers print resources related to local governments and community coalitions. Search for “human trafficking” at www.sog.unc.edu.
- The N.C. Coalition Against Sexual Assault (NCCASA) offers training resources on its Human Trafficking webpage at <http://www.nccasa.org/cms/resources/human-trafficking>. NCCASA can also provide trainers for educational events and provide links to other relevant community resources.
- The N.C. Coalition Against Human Trafficking shares resources through its Facebook page.
- “This is Human Trafficking,” a WRAL.com original series, produced in partnership with Project NO REST, provides five short videos suitable for training or community education, available at <https://www.wral.com/wral-com-original-series-this-is-human-trafficking/18504230>.

Training for professional groups:

- Aequitas develops and publishes resources related to the investigation and prosecution of gender-based violence and human trafficking. <https://aequitasresource.org>.
- The Blue Campaign from Homeland Security offers basic information and support for law enforcement. www.dhs.gov/blue-campaign.
- The International Association of Chiefs of Police provides a guide, a toolkit, a training course, and other resources. www.theiacp.org.
- The Virginia Department of Criminal Justice Services provides a list of resources for law enforcement agencies and victim services providers, including a screening tool to use when interviewing victims. <https://www.dcjs.virginia.gov/victims-services/human-trafficking>.

- HEAL (Health, Education, Advocacy, Linkage) Trafficking focuses on serving public health professionals. Their “Protocol Toolkit” could be a useful reference when designing protocols for local multidisciplinary teams. www.healtrafficking.org.
- “What EMS Need to Know About Human Trafficking,” from The National Prevention Toolkit on Domestic Violence and Human Trafficking. <https://dvmedtraining.csw.fsu.edu/training/ems>.
- Human Trafficking in America’s Schools, U.S. Department of Education, 2015. <https://safesupportivelearning.ed.gov/sites/default/files/HumanTraffickinginAmericasSchools.pdf>.
- “Human Trafficking and Child Welfare: A Guide for Caseworkers,” Child Welfare Information Gateway, 2017. <https://www.childwelfare.gov/pubs/trafficking-caseworkers>.
- IPV Health Partners encourages partnerships between health centers and local sexual assault/domestic violence service providers to address all forms of interpersonal violence, including trafficking. The organization’s website provides training tools and other resources for building awareness and strengthening partnerships. <https://ipvhealthpartners.org>.
- Futures Without Violence is a national organization that works to end violence against women and children. Links to webinars about trafficking are available on the group’s website. <https://www.futureswithoutviolence.org/human-trafficking>.
- The National Runaway Safeline offers educational tools and outreach materials intended to help youth develop coping skills to avoid unsafe situations. Some resources are available in Spanish. <https://www.1800runaway.org>.
- The 15th Night in Action is a collaboration between local governments, service providers, and schools that focuses on the needs of homeless youth and operates a Rapid Access Network. www.15thnight.org.
- Point Source Youth is a national nonprofit focused on ending youth homelessness. The organization advocates for, implements, and evaluates interventions to increase housing options for youth. www.pointsourceyouth.org.

Online resources for parents and guardians:

- Google “fifteen apps parents should know about” for a descriptive list of online apps that could be used to lure, manipulate, or exploit sex trafficking victims.
- Google “ways to protect your child online.”

2. A Curriculum and Response Protocol for Public Schools

In 2015, the U.S. Department of Education released a report encouraging schools to address sex trafficking through prevention and intervention efforts. That same year, North Carolina began to require that schools teach sex trafficking prevention and awareness based on scientific research. Effective for the 2020–2021 school year, two hours of training on child sexual abuse and sex trafficking is required to be provided every even school year to school personnel who work directly with students in grades K through 12.¹⁰⁴

There is currently no “gold standard” evidence-based sex trafficking prevention program for schools, and there is limited research to inform the development of such programs. Therefore, the Teach2Reach project, an interdisciplinary collaboration between university researchers

104. G.S. 115C-375.20, *created by* S.L. 2019-245, § 4.4.

(including Drs. Cynthia Fraga Rizo, Rebecca Macy, and Sandra Martin), the North Carolina Coalition Against Sexual Assault, and other key community stakeholders, sought to address this gap by gathering the best available research and practice evidence to develop a program for educating seventh, eighth, and ninth grade students in traditional and alternative schools about sex trafficking.

The Teach2Reach curriculum and response protocol were developed using a variety of different methods, including (1) a systematic review of the literature on and the identification of educational programs targeting youth;¹⁰⁵ (2) surveys of N.C. school superintendents and principals; (3) discussion groups with key stakeholders with expertise in sex trafficking (e.g., anti-trafficking advocates, researchers, law enforcement, educators, attorneys); (4) a survey of existing programs focused on educating youth about sex trafficking; and (5) feedback and guidance from an expert advisory group, education experts, and survivors of sex trafficking. Overall, the Teach2Reach curriculum and protocol were developed and finalized through a multistage, iterative process that engaged researchers and practitioners.

The Teach2Reach curriculum consists of three modules (one for each grade level—seventh, eighth, and ninth), each with five lessons: (1) Foundations; (2) Understanding Sex Trafficking Part 1; (3) Understanding Sex Trafficking Part 2; (4) Finding Help; and (5) Being a Friend. A manual entitled *Teach2Reach Program Manual: Partnering with Schools to Educate Students about Sex Trafficking* that includes the curriculum, model response protocol, pedagogical suggestions, and implementation guidance was developed to provide step-by-step guidance for dissemination in schools.

Although Teach2Reach is not currently ready for wide dissemination, schools that might be interested in collaborating to implement and evaluate the program are invited to inquire. Explore the Teach2Reach website at <http://teach2reach.web.unc.edu> or email teach2reach@unc.edu.

105. See Cynthia Fraga Rizo et al., *Educating Youth About Commercial Sexual Exploitation of Children: A Systematic Review*, 6 GLOBAL SOC. WELFARE 29 (Mar. 2019), <https://link.springer.com/article/10.1007/s40609-018-0119-7#citeas>.