

NORTH CAROLINA HUMAN TRAFFICKING COMMISSION

Meeting Minutes

May 17, 2018

10 am – 1 pm

1201 Front Street

Raleigh, NC

Commission Members Present:

Libby Coles, Justice Matters

Jennifer Haigwood, NC Department of Labor

Monika Johnston Hostler, NC Coalition against Sexual Assault

Jasmine McGhee, NC Department of Justice

William M. Nichols, Ret. Major NC Highway Patrol (via telephone)

Sarah Tellis, True Justice International

Designee Lindsey Lane, ADA Cumberland County, on behalf of Mr. West

Designee Tolu Adewale, Staff Attorney, Legal Aid of North Carolina, on behalf of Ms. Ryland

Commission Members Not Present:

Pamela Cashwell, NC Department of Public Safety

Suzanne Mauney Smith, Gaston County Police

Dianne Layden, Public at Large

William “Billy” West, Cumberland County District Attorney

Caitlin Ryland, Legal Aid of North Carolina

Call to Order:

The Chair called the meeting to order and read the following State Government Ethics Act reminder:

- In accordance with the State Government Ethics Act: it is the duty of every North Carolina Human Trafficking Commission member to avoid conflicts of interest if any HTC member has any known conflict of interest in respect to any matter coming in front of the HTC they must identify the conflict and refrain from any participation in the particular matter.

Welcome and Introductions:

The Chair asked members of the Commission and members of the public to introduce themselves.

Members of the public

David Delaney, Attorney

Ashley Burke, NC SBI

Rick Hoffman, NC SBI
Corey Williford, FBI
Dade Hundertmark, Humans for Justice
Stephanie Baca-Atlas, Project No Rest
Heidi Wiseman, NC State Highway Patrol Highway
Jonathan Davis, NC State Highway Patrol Highway
Danielle Smith, student from Appalachian State/Intern with Project FIGHT
Caroline, Project FIGHT
Nicole Cole, NC DHHS
Patricia Witt, NCCAHT/PATH NC/Project No Rest
Cindy Fraga-Rizo, UNC-Chapel Hill School of Social Work
Jen Allen, Haven House
Winonah Coveney, Haven House
Linda Atack, PATH NC
Mary Williams-Stover, NC Council for Women and Youth Involvement
Gloria Stallworth, DHHS

Commission staff:

Christine Long

DOJ staff:

Aschante Pretty
Narcisa Woods

Russ Conner, 30th Judicial District DV-SA Alliance - Spotlight on Regional Response: 30th Judicial District DV-SA Alliance

- Russ Conner leads anti-trafficking work on behalf of the 30th Judicial District.
- The 30th Alliance serves the seven westernmost counties of North Carolina, which includes the Eastern band of Cherokee Indian and contains two casinos. It is a non-profit 501(c)3 victim services organization, that has put in seven million dollars to the western counties since its founding in 1999.
- The services offered are victim's advocacy, court accompaniment, financial education, mental health counseling and crisis intervention, safety and accessibility audits, risk assessment, legal assistance, victim identification, training, investigation, collaboration and referral services.
- The victim advocacy programs include human trafficking and domestic violence, sexual assault, children exposed to violence, dating violence and stalking, elder abuse and victims with disabilities, disabled military veterans.
- The human trafficking group is working under two grants currently, one from Project No Rest and the other from the Governor's Crime Commission under Project No Rest.
- Issue Dog International also contracts with the 30th Alliance to provide investigations, trainings, rescues, and recovery. They are involved in prevention,

curriculum development, youth engagement and outreach victim identification, screening and intake, data collection and evaluation.

- Under the Governor's Crime Commission, they are responsible for the Human Trafficking Rapid Response Team.
- Conner is the primary coordinator of their team. The team also consists of an advocate, Latina program director, a Youth Intervention Specialist, and a Sexual Assault Program Coordinator.
- The 30th Alliance has worked on including sex trafficking in the local casinos, cases of child sex abuse, agricultural trafficking involving drugs and sex trafficking.
- There is a need to increase the quality of training and education for law enforcement and prosecutors. There are challenges of holding defendants accountable and charging the traffickers as well as the buyers.
- They have seen an intersection between the opioid epidemic and trafficking in western North Carolina, in particular, the trafficking of methamphetamines. They collaborated with the Cherokee Police Department on sting operations within the casinos.

Discussion:

- County government officials, prosecutors, and law enforcement need human trafficking training.
- The importance of maintaining strong relationships and collaboration with law enforcement was highlighted.
- The human trafficking rapid response team is focused on involving all stakeholders and connecting with local organizations and CAC centers.
- There is often a reluctance to collaborate due to fear of loss of funding opportunities.
- Victims struggle with stigma of addiction or prostitution and may be struggling to find jobs.
- They are working on educating local schools on age appropriate human trafficking awareness and prevention topics, as well as using outreach to the faith-based communities to use their social media. They have done training with school leaders, counselors, nurses.
- The Commission can assist their work by providing contact with people that are highly knowledgeable to teach and train community organizations, law enforcement, and prosecutors on how to handle human trafficking.

Approval of Minutes:

- A motion to approve the minutes of the February 22, 2018 meeting was made and seconded and passed.

Christine Long - Staff report

- Evaluations from the previous symposium have been received. A few suggestions will be implemented for the next symposium in Charlotte on July 12th and 13th.
- Work is still being done on the grant goals relating to the Polaris hotline calls.
- The Commission's website is also being worked on and they will be reaching out for further information and assistance from Commission members within the next month.

Jasmine McGhee, Department of Justice:

- DOJ is working to facilitate the symposium in Charlotte.
- The DOJ continues to work on the distribution of the human trafficking signs, available for download at htc.nc.gov.
- Working on publishing signs in different languages.

Monika Johnson, Committee on Standards:

- The committee is working to formalize policies with the help of stakeholders and local agencies.

Major Marc Nichols:

- Major Nichols is working to spread awareness.
- A recommendation was made to form a committee with other Commission members.
- Ms. Coles stated that the new committee on Public Safety would be headed by Marc Nichols in order to increase the involvement of law enforcement in human trafficking issues, the motion is seconded and passes.
- It is suggested that the Justice Academy be kept in close communication with this committee as well as the Commission in general.

Vote:

A motion was made to form a new committee on Public Safety headed by Marc Nichols in order to increase the involvement of law enforcement in human trafficking issues. The motion was seconded and passed.

Sarah Tellis:

- DHHS submitted a report to the General Assembly.
- A working group is needed to work on action items recommended by the General Assembly.
- Mental health will included in the work of this committee.

Vote:

A motion was made to form a new committee on healthcare, partnered with the DHHS, with Sarah Tellis as chair. The motion is seconded and passed.

Jennifer Haigwood, Legislative Working Group:

- Ms. Haigwood stated that more help is needed to address the many legislative recommendations of the Commission.
- Ms. Haigwood suggested that more members skilled in the policy field are added to the committee.

Vote:

A motion was made to formalize the Committee on Policy and Legislation to be chaired by Jennifer Haigwood, the motion is seconded and passed.

Major Nichols:

- Truckers against Traffickers has started a new initiative focused on buses.
- The Federal Motor Coach Safety Administration is developing a training to increase awareness of human trafficking at bus stops.
- He continues to work with the DMV to add human trafficking awareness to the CDL training.

Break

The meeting was called back to order by Ms. Coles, who turned to floor over to Ms. McGhee.

Ms. McGhee stated NCDOJ is working to facilitate the Charlotte Symposium and to determine the best way to proceed in keeping with State procurement requirements. They are still working to determine how to handle the agreement with NC CASA. The options are to sole source the contract or put it out to bid.

Vote:

A motion was made to continue using NC CASA as the vendor for the Human Trafficking Symposium to be held in July. The motion was seconded.

- Monika Johnson Hostler, a member of the NC CASA organization recused herself from voting to comply with the Ethics Act, and out of an abundance of caution and transparency.
- Marc Nichols was no longer on the phone.
- The remaining members present voted in favor of the motion. (Coles, Haigwood, McGhee, and Tellis).

Leslye Orloff, Director of the National Immigrant Women’s Advocacy Project

- Ms. Orloff spoke on behalf of the National Immigrant Women’s Advocacy Project about work with immigrant survivors of domestic violence and sexual assault.
- A survey was conducted of judges, law enforcement, prosecutors, victim advocates, and attorneys nationally.
 - Focused on the effect of increasing anti-immigrant rhetoric and immigration enforcement efforts in relation to reports of crimes by immigrants and their willingness to cooperate with law enforcement in criminal cases.

- The findings included reports of 22% seeing a decline in police reports from immigrant survivors, 21% reported declines in willingness of immigrant victims to participate in crime scene investigations, 20% reported declines in willingness to assist in post-crime scene investigations between 2016 and 2017.
- A significant proportion of law enforcement agencies did not know whether their agencies were certified in U-visa certification and only 16% said they were signing these certifications. Only 18% said they were seeking continued presence and 69% said they did not even know what continued presence was.
- Attorneys reported that 67% of human trafficking clients had in some point of the case had either not called the police for help or had no followed up on their case in both years.
- The reasons that victims did not cooperate with law enforcement by crime, 51% of trafficking victims told police that it was because of fear of deportation that they were not going to cooperate and then 42% said it was because of explicitly received threats or attempts by the perpetrator to call DPS to turn in victims.
- Ms. Orloff discussed a tool that was developed by the Department of Homeland Security that provides information on the reforms of immigration relief available for crime victims.
 - Great option to share with victims and to educate law enforcement, prosecutors, judges, advocates, and attorneys.
- She argues that many trafficking victims that get identified through U-visas and agencies should certify U-visas as well as T-visas. A guide has been published by the DHS further detailing and instructing these certifications.
- North Carolina is currently the state where U-visa certification by judges are the least common and need to be increased. The current issue is an ethics opinion issued based on dated judicial ethics rules that have since changed that advises judges not to sign U-visa certifications, this ethics opinion should be updated, according to Orloff's suggestion.

Discussion:

- Ms. Orloff stated that the Commission could assist immigrant crime victims in North Carolina by encouraging police department's, sheriff's offices, and adult and child protective services to:
 - Sign U-visa certifications, sign T-visa endorsements, develop programs and use those programs as a part of their community policing efforts, outreach to immigrant communities to help build trust for people coming forward.
- Ms. Orloff offered a model policy that has been developed in consultation with several police departments nationally that could be adopted by agencies within the state.
- One place to start would be to have the sheriff or the prosecutor either sign those themselves or designate a supervisor to be a signer for the agency.

- Ms. Orloff responds suggested that a prosecutor and four law enforcement officials who have been training on the issue nationally would provide training in North Carolina free of charge.
- Ms. Orloff stated that policies should be victim centered. The best protocols are legally consistent with the statements by DHS.
- The survey did not have a large enough data pool to report a statistically significant difference between 287(g) counties and non 287(g) counties.
- U-visa regulations provide that a next friend of an abused child can provide evidence on behalf of that child victim of sex abuse. The regulations don't require that it be a legal guardian.

Ryan Boyce, the Senior Counsel for Policy at the North Carolina Administrative Office of the Courts

- Mr. Boyce drafted a bill titled "Human Trafficking Restorative Justice".
- The goal of the bill is to find holes in the justice system where trafficking victims could be let down or left behind and to find easy changes in policies that are non-controversial, in order to make it through the coming short legislative session.
- Mr. Boyce reviewed each section of the draft bill.
- Section I: Moves the existing victim definition statute up to apply to all parts of the article to broaden the definition.
- Section II: Creates an affirmative defense for individuals charged with trafficking offenses who are also victims of trafficking. It would apply only to offenses that are listed in the human trafficking section to address a defendant/victim who may have engaged in trafficking activity but only because they're a victim as well.
- Section III: Contains a review of confidentiality statutes in order to prevent release of information which could lead to further victimization and may prevent a trafficking victim from testifying or otherwise getting involved.
 - Exceptions would apply where the information is used in a law enforcement investigation, a prosecution or to ensure medical care, housing or other services, upon request by the victim. It also includes a "catch-all" for all required by state and federal law enforcement agencies or by court order.
- Section IV-Restitution:
 - Section A: Allows for restitution orders to include not only lost wages or income, but also cost of medical care, psychological treatment, housing, transportation and other services as needed, as decided by the judge.
 - Section B: Gives victims two years to collect. If they don't collect it will go to the Victim's Compensation Fund
- Section 5: Amends Rule 412 of the Rules of Evidence, referred to as the "Rape Shield Rule".
 - Adds sexual servitude to the list of offenses where it applies.
 - A trafficking victim would only be questioned on the specific incidences of the sexual servitude offense and will not be questioned on their sexual history.

- Hopefully this would encourage more victims to testify against the defendant knowing that the questions will be limited.
- Section 6: Adds three ex officio seats to the Commission
 - A member from AOC;
 - A member from Superior Court; and
 - A member from District Court Association.
 - The idea is to get the courts more engaged and include their perspective without changing the voting makeup of the commission.
 - Section 7: This tasks the Commission along with the Conference of District Attorneys and the IDS with providing additional recommendations for the long session.
- Ms. Haigwood recommended that the Commission approve the “Human Trafficking Restorative Justice” draft bill with the caveat that the Commission will have the opportunity to make minor technical adjustments.
- Mr. Adewale stated for the record that Legal Aid funding prevents them voting on legislation and recused himself from voting on the pending legislation. He added that the restrictions do not prohibit them from communicating information on the impact of actual or potential the pending legislation may have on Legal Aid’s client community.
- It was requested that the final draft bill be shared with the Commission before being sent to the General Assembly. It was suggested that a committee be formed to deal specifically with technical aspects of the draft bill.

Vote:

- A motion was made to approve the draft legislative.
- The motion was seconded.
- Marc Nichols was no longer on the phone.
- The remaining members present voted in favor of the motion. (Coles, Haigwood, Johnson Hostler, McGhee, and Tellis).

Vote:

Ms. Haigwood recommended that a request be submitted to the General Assembly seeking permanent state funding for three positions currently being funded by short-term grants.

- NCDOJ has written a fiscal note.

Vote:

- A motion was made to approve seeking permanent funding from the legislature for three staff positions that are currently being funded by GCC grants in the Department of Justice.
- The motion was seconded.
- Marc Nichols was no longer on the phone.
- The remaining members present voted in favor of the motion. (Coles, Haigwood, Johnson Hostler, McGhee, and Tellis).

- Several points of order were raised.
 - It was suggested that all motions should be made by the Chair.
 - It was suggested that clarification was needed to determine whether a quorum was present.
 - It was suggested that clarification was needed to determine the effect of recusals on the numbers needed for a quorum.
 - A suggestion was made for the Chair to contact the Ethics Commission.
 - The Chair suggested that a vote be taken and they would later clarify whether the motion passed and reschedule the vote, if necessary.

Vote:

- The Chair raised all previous motions made during the meeting and made a motion to approve them.
- The motion was seconded.
- Marc Nichols was no longer on the phone.
- The remaining members present voted in favor of the motion. (Coles, Haigwood, Johnson Hostler, McGhee, and Tellis).
- Ryan Boyce announced that AOC received a grant from the State Justice Institute, and they will hire a full-time training coordinator and curriculum development staff to begin in October 2018.
- Ms. Haigwood stated for the record that the Commission did not take a stance on the massage parlor portion of bill 548 and that they were not involved in that part of the legislation.
 - Information given to Commission members on potential policies for issues of human trafficking massage parlors from Polaris.
- Ms. McGhee stated for the record that if funding is appropriated, it would go to DOJ and they would manage those positions.

Director Bob Schurmeier, NC State Bureau of Investigation:

- Director Schurmeier highlighted the work of Rick Hoffman and Ashley Burke, and discusses human trafficking prevention efforts in the law enforcement arena.
- Mr. Hoffman discussed:
 - Improving communication and data collecting on human trafficking crimes and enforcement to see strengths, weaknesses, and strategies, take existing programs and connecting them, combining information and skills to focus on human trafficking and meet full potential for combating human trafficking.
 - Having a unified data collection system will be a main goal of his position, as well as providing this database publicly.
 - Mr. Hoffman will develop a plan on how SBI and DPS will work together
 - A Commission member suggested working with and using the insights of nonprofits.

Public Comment

Wrap up and Next Steps

- The meeting was adjourned by the Chair. The next meeting will be held on Thursday June 28th at 10 am at the Governor's Crime Commission, 1201 Front Street, Raleigh, NC.