

NORTH CAROLINA HUMAN TRAFFICKING COMMISSION

Meeting Minutes

March 26, 2019 10:00am-1:00pm

NC State Bar Association

217 E. Edenton Street, Raleigh NC

Commission Members Present:

Libby Coles, JusticeMatters, Inc.
Jennifer Haigwood, NC Department of Labor
Jasmine McGhee, NC Department of Justice
Suzanne Mauney Smith, Gaston County Police
William "Billy" West, Cumberland County District Attorney
Caitlin Ryland, Legal Aid of North Carolina
Monika Johnson-Hostler, NC Coalition against Sexual Assault
William M. Nichols, Ret. Major NC Highway Patrol
Ryan S. Boyce, NC Administrative Office of the Courts

Commission Members Not Present:

Pamela Cashwell, NC Department of Public Safety
Judge Thomas Jarrell, NC Association of District Court Judges
Judge Claire V. Hill, North Carolina Conference of Superior Court Judges
Dianne Layden, Public at Large

Commission Staff Present:

Christine S. Long, Executive Director

Members of the Public Present:

Please see public sign-in sheet.

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 involved.
- Chair Coles informed members of the NC Ethics Commission's regular process to evaluate commissioners for potential conflicts of interest and issue letters informing of any such conflicts. While no commissioners have been noted for actual conflicts of interest, three commissioners have been notified of the potential for a conflict of interest. Chair Coles read into the minutes that

Commissioners Coles, Ryland and Tellis received such letters regarding a potential for a conflict of interest and reminded commissioners to let herself or the Director know of any additional notifications.

Welcome and Introductions:

Chair Coles asked members of the Commission to introduce themselves.

Approval of the Minutes: 1/28/19 meeting:

- A motion to approve the minutes of the January 28, 2019 phone meeting was made, seconded, and passed with no amendments.

NC HTC Chair Report:

Libby Magee Coles

Chair Coles reflected on the October 4, 2018 meeting minutes and discussed a revision requested by John Madler of the NC Sentencing and Policy Advisory Commission. Mr. Madler has requested that the minutes be edited under the summary of his presentation for the October meeting. The current minutes state, "*John Madler presented about the NC Sentencing and Policy Advisory Commission's study of the offense classifications and how those are determined. He reported that the SPAC did not see a need for increasing penalties within Article 10A and reported a very small number of state convictions within the article over the past five years.*" Mr. Madler clarified that the Sentencing Commission itself did not discuss this issue or take a position, but instead the staff provided information. Chair Coles read the proposed correction for the section as, "*John Madler presented about the NC Sentencing and Policy Advisory Commission's study of the offense classifications and how those are determined. He reported on the original classification of offenses within Article 10A and recent legislative increases, as well as the small number of state convictions within the article over the past five years.*" A motion was made by Commissioner Haigwood to adopt the corrected version and was seconded by Commissioner Johnson-Hostler. The motion was passed unanimously.

Chair Coles reported that this same correction was necessary to page 11 of the recent report issued by the commission titled North Carolina Human Trafficking Commission Report to the 2019 General Assembly. Commissioner Nichols motioned to amend that report and Commissioner West seconded the motion. The motion was passed unanimously. Director Long will make the necessary changes for the records.

Chair Coles also reflected a revision to today's agenda that the agenda date should be 2019, instead of 2018.

Chair Coles drew the Commissioner's attention to a draft letter just provided at the start of the meeting. The letter is a request to sign onto demonstrating the collateral effects of House Bill 370 for victims of domestic violence and sexual assault. Chair Coles read the letter for the audience and opened the floor for discussion. Commissioner Johnson-Hostler stated that her organization is signing onto this letter and informed the members of a Charlotte Observer article written over a year ago about this matter that did a great

job, in her opinion, of representing the survivor perspective. Chair Coles stated she would recirculate notes from Leslye Orloff's presentation last year to the Commission on this subject. Commissioner Ryland mentioned that her organization can give information related to the potential effects of such legislation on their clients, if asked through a formal, written request. Commission McGhee stated that she is concerned about the implications of the bill but is unable to take a position or action at this time and needs more time review it. Chair Coles stated that she would reach out to Legal Aid for comment and would also circulate those comments if and when they can provide those.

Update on Cumberland County Efforts:

District Attorney William West

Commissioner West gave a case summary of the recent conviction in his district of Robin T. Applewhite for human trafficking and other charges. Applewhite was sentenced on March 5, 2019 to at least 230 years in prison and was also ordered to pay \$608,000 in restitution for his crimes. Commissioner West reported that the trial lasted thirteen days and involved multiple victims within and outside of North Carolina. The Commissioner explained the role of illicit substances in the process to recruit and intimidate the women. One area Commissioner West felt was instrumental in the case was in the closing arguments where the prosecutor took time to detail how the on-line solicitations, transportation of victims and treatment of victims occurred, as well as an in-depth look at the North Carolina Human Trafficking statutes.

Staff Report and Action Item:

Christine S. Long

Director Long gave a summary of the February HTC Symposium in Charlotte and thanked the seven commissioners that attended and those that helped. She drew attention to the NC Fact Sheet and other material created that can now be used throughout other training and can be found on the website. Director Long reported that the training and technical assistance grant from the Governor's Crime Commission should help cover part of the cost of the event. The grant is currently still waiting the formal award to open the grant, but all modifications were completed prior to the Symposium.

The Director then notified the commission that since 2019, the Commission has trained over 1075 individuals and has been represented at sixteen events. The Director is looking for a Commission to help with a LINKS event on April 10th if there is a Commissioner able to follow-up and speak at that event.

Director Long informed the commission that will be seeing through email the draft of a new awareness poster in the following weeks, with the hope to vote on such poster at the next meeting.

Other items reported on by the Director were in reference to the grants issued to direct service agencies. The Director reported that she is currently working on a quarterly report for the grantees and on scheduling visits or calls with each agency.

Break

The meeting was called back to order by Ms. Coles.

Public Comment:

Pam Strickland declined to speak for her time slot. Rachel Parker with World Relief mentioned that she attended the recent Freedom Network Conference and learned about a group called United We Dream, which is an immigration platform that puts out some data and information related to immigration policies and willingness to report. Ms. Parker went on to say, in regards to the case study shared by D.A. West, that not all cases have an addiction component and she hopes to see more successful prosecutions of other types of cases as well.

Committee Reports and Action Items:

Committee on Policy and Legislation: Jennifer Haigwood
Committee Chair Haigwood stated that the annual report or study report was issued to the General Assembly. Commissioner Haigwood then reported that Representative Ted Davis, and others, have sponsored HB198, which is now awaiting hearing in the Rules Committee. Commissioner Haigwood mentioned that Representative Davis has a proposed amendment in the bill that deals with expunction for juveniles and states that she wants to bring it to the Commission for discussion and potential support. Chair Coles reports that she reached out to Legal Aid for their feedback on how this amendment would affect their clients. Chair Coles then shares that feedback stated there is a provision included that would bar people from getting an expunction under the statute if they had a subsequent juvenile adjudication or adult conviction. Commissioner Boyce specified that this is in existing law and Chair Coles concurred. Chair Coles asks Commissioners to consider recommending as part of the amendment discussion to strike that language from the current draft amendment with regards to victims of human trafficking. A motion was made to adopt the amendment, with the recommendation that the bar regarding subsequent juvenile adjudication or adult conviction be struck. The motion was seconded and passed with Commissioner Ryland abstaining from the vote.

Commissioner McGhee flagged for the Commission a couple of bills NC DOJ is working on that are relevant to the Commission. Commissioner McGhee then gave a summary of The Safe Child Act and The Survivor Act. Commissioner McGhee welcomes people to reach out to her if they have further questions or comments.

Chair Coles brings the Commission's attention to a handout from The Polaris Project which gives a report card to states on their criminal record relief laws as they pertain to survivors of human trafficking. Chair Coles points out that our state currently has a failing grade and she believes HB198 will address some of their concerns listed within the report.

Committee on Public Safety: Marc Nichols

Committee Chair Nichols reflects on the growth of the Commission efforts, as well as the State Bureau of Investigations and NC Highway Patrol. Commissioner Nichols informs the Commission that there are law enforcement operations in planning stages to address human trafficking, educate others, build the network and organize future data. Special Agent Carl Wall welcomes others to reach out if training or law enforcement presence is needed. Commissioner Nichols states the importance of funding and advocating for these purposes.

Committee on Public Health:

Chair Coles reports that it is her understanding that the Governor's Office is finalizing the appointment to the Health Care Representative seat on the Commission, which will be the first step in getting the committee up and running. The first priority will be to work on the NC DHHS report recommendation to the Commission.

Chair Coles recognizes and introduces Robin Colbert in the audience as the newly elected Chair of the Board of Directors for the North Carolina Coalition Against Human Trafficking. Chair Coles also thanks Ms. Colbert, Monika and NCCASA, as well as the other planning committee members for their assistance with the Symposium.

Chief Justice Cheri Beasley:

Chair Coles welcomes the North Carolina Chief Justice for remarks to the Commission and the public. The Chief Justice expresses her appreciation and the role of the courts in combatting human trafficking. Chief Justice Beasley states that the Commission is vital in helping to educate others, as well as the court system, about human trafficking and what to look for in different settings. The Chief Justice welcomed ideas and conversation related to how to strengthen and make a difference in North Carolina. Chair Coles thanked the Chief Justice and NC AOC for supporting the Commission's purpose and for helping bring attention to the issue.

Ad Hoc Committee on Standards: Monika Johnson-Hostler

Committee Chair Johnson-Hostler gave a summary of the committee's process and purpose for creating a best practices document for standards of service in NC. Commissioner Johnson-Hostler requests support of the current document with an addendum allowing widely accepted definitions of terms. Ms. Long stated that Chair Coles also mentioned allowing an addendum of resources, since those constantly change. Chair Coles voices her recommendation to also make sure the Commission has the appropriate disclaimer language in the document and be able to conduct minor formatting editing and branding. Commissioner McGhee asks plans for promoting the

standards once the document is fully finished. Commissioner Johnson-Hostler mentions several agencies that the blue print will be shared with and that service providers will learn about the standards through those agencies. Ms. Long will make a list and help distribute. Commissioner Ryland complimented the document and questioned if page 36, section 1 is referring to the ethics standards. Commissioner Johnson-Hostler affirmed that and Commissioner Ryland requested that the committee consider adding a safety protocol for clients and staff within the outreach section of the document.

A motion was made to approve the standards document with adding the safety protocol to the outreach section and making general technical corrections. The motion was seconded and approved. Chair Coles questions if the Committee Chair would recommend the Committee remain in place and the Committee Chair recommended that it remain until grant funding ends.

Ad Hoc Committee on Appropriations:

Committee Chair Haigwood reminds the Commission of the remaining appropriations funding of \$344,704 and second grant release. Ms. Long gives commissioners a summary of the application process and reflects that the system from the previous grant cycle was kept the same, except that this cycle limited applications to only 4 of the original eight funding priorities. Ms. Long then brings attention to a handout that lists each application for the second grant cycle and also lists the scores of each project by its funding priority. All four funding priorities issued have applicants that received scores to be discussed for funding. The Committee had suggested that the Commission consider projects scoring above a 70 during the review process. Committee Chair Haigwood recommended the Commission start with the highest scoring projects for considering. Chair Coles lead the process for motions to approve projects. Motion was made to approve the highest scored project, which was in Gaston County for the youth outreach funding priority or grant number ten. Commissioner Mauney-Smith stated that she will abstain from discussion and voting since this is her county. Motion was seconded and passed with six voting support and one abstaining.

Chair Coles opened discussion for the next highest scoring project, which falls under the labor trafficking priority and is listed as number four on the handout. Commissioner Johnson-Hostler stated she will abstain from the discussion and vote regarding this project. Commissioner Ryland stated that a comment in the scoring suggested that this application does not address the work of The Salvation Army or Legal Aid and she wants to mention that Legal Aid did have a conversation to ensure that this work was complimentary and not duplicative. Motion was made to move forward with funding this project, was seconded and passed with six voting support and one abstaining.

Chair Coles directed attention to the correctional system funding priority and stated that the three projects (numbers 1, 2 and 3) were tied in a score of 75 for this section. Commissioner McGhee states that she will abstain from discussion and voting on applicant number two. A motion was made to move forward with funding project number two, if the applicant would accept less funding than requested and if they would develop a more thorough protocol for providing services to those identified within the prisons.

The motion was seconded and passed with seven members voting support and one abstaining. The motion included Commissioners identify a contingency application to be funded if project number two cannot meet the stipulations. Commissioners discussed the remaining projects in the correctional system priority and a motion was made to award applicant number three as a contingency to application number two. The motion was seconded and passed with eight supporting votes and no abstentions. If the contingency applicant is awarded, then Ms. Long will convene the committee to discuss recommendations for the Commission regarding the remaining \$18,295.

Other Business:

Commissioner Nichols shares an initiative with Delta Airlines to combat human trafficking and expresses his excited at these type of large scale training and response plans.

Adjournment

At 12:20pm the meeting was adjourned by Chair Coles. The next meeting will be held on April 25, 2019 from 10am to 1pm at the NC Judicial Center on Corporate Center Drive in Raleigh.