Intersection of Drugs and Human Trafficking

Lindsey Roberson
Trial Attorney
Human Trafficking Prosecution Unit
Department of Justice
lindsey.Roberson@usdoj.gov
Learning Objectives

1. Recognize drug use as a coercive method in trafficking cases and detect drug use among trafficking victims.

2. Incorporate consistent communication across a multidisciplinary team when investigating human trafficking cases with a drug nexus.

3. Enhance the skills necessary to identify and support potential victims of trafficking in drug-related investigations.
Supply and Demand

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THE THREE MOST PROFITABLE CRIMINAL ENTERPRISES IN THE US

Drug Trafficking - Human Trafficking - Gun Trafficking
According to the U.S. State Department’s Trafficking in Persons Report:

- Top priority in the global movement to combat trafficking in persons is victim identification.

- The success of victim identification will often depend on who that trafficking victim first encounters.
Victim-Centered Approach

Notify Victims of their Rights

Law enforcement must ensure that victims receive these services

Safe Victim

Victims need to be safe and supported to be effective witnesses

Victims often require social services to rebuild their lives

Victims are the key to successfully prosecuting human trafficking

OVCTTAC Task Force e-Guide: https://www.ovcttac.gov/taskforceguide/eguide/5-building-strong-cases/51-victim-centered-investigations/
## Defining Trafficking

### Ohio versus Federal Law

<table>
<thead>
<tr>
<th>State Law</th>
<th>Federal Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORC 2905.32</td>
<td>Trafficking Victims Protection Act of 2000</td>
</tr>
<tr>
<td>“Compelled” - force, fear, duress or intimidation</td>
<td>Force, fraud, or coercion of a minor</td>
</tr>
<tr>
<td>State must prove compulsion for minors</td>
<td>All minors are victims</td>
</tr>
<tr>
<td>Sex and labor under same statute</td>
<td>Labor and sex trafficking in separate statutes, T-visas for labor trafficking victims</td>
</tr>
<tr>
<td>Doesn’t include FRAUD</td>
<td></td>
</tr>
</tbody>
</table>

-Comparison slide from Ohio Human Trafficking Commission, 2013
Defining Trafficking

• What is recruitment?
• What is maintaining?
• What must we prove?

Not Limited to Physical Harm

Duress, Intimidation, Force, Fear
“Compelled”
ORC 2905.32 (B)

• The element "compelled" does not require that the compulsion be openly displayed or physically exerted.

• The element "compelled" has been established if the state proves that the victim's will was overcome by force, fear, duress, or intimidation.
“Coercion”

18 U.S.C. § 1591(e)(2)

The term “coercion” means –

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of law or the legal process.
“Serious Harm”
18 U.S.C. § 1591(e)(4)

The term “serious harm” means –

• any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.
Victims Report Drugs Used as Coercion

![Figure 7: Control Methods Reported to NHTRC and BeFree Textline by Survivors; N=292](image)

The data reflects only survivors who elected to disclose this information and is not the result of a systematic survey.

<table>
<thead>
<tr>
<th>Method</th>
<th>Reported</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Abuse (Non-Sexual)</td>
<td>115</td>
<td>39.38%</td>
</tr>
<tr>
<td>Intimate Partner-Related</td>
<td>92</td>
<td>31.51%</td>
</tr>
<tr>
<td>Threats/Intimidation</td>
<td>91</td>
<td>31.16%</td>
</tr>
<tr>
<td>Economic Abuse</td>
<td>74</td>
<td>24.34%</td>
</tr>
<tr>
<td>Isolation or Confinement</td>
<td>55</td>
<td>18.83%</td>
</tr>
<tr>
<td>Induced Substance Abuse</td>
<td>45</td>
<td>15.41%</td>
</tr>
<tr>
<td>Sexual Abuse</td>
<td>38</td>
<td>13.01%</td>
</tr>
<tr>
<td>Verbal Abuse</td>
<td>30</td>
<td>10.27%</td>
</tr>
<tr>
<td>Withholding Important Objects</td>
<td>29</td>
<td>9.93%**</td>
</tr>
<tr>
<td>Familial-Related</td>
<td>28</td>
<td>9.59%</td>
</tr>
</tbody>
</table>
• Proactive Investigation
• Fields advertised himself as a “driver” on Craigslist in 2009
• NCMEC lead from ad on Backpage.com
U.S. v. Fields – Drugs as Coercion

- Reverse prostitution sting with federal and local partners
- Recovery of “tally sheet” from victim’s purse
- Interview with potential victims → leads to more victims
- Building rapport/earning trust
- Separate John/interviewers
U.S. v. Fields – Drugs as Coercion

• Advocates, counselors and addiction services were contacted from beginning
• Not a typical pimp/promotion case
• Multiple Agencies/jurisdictions – specialized drug investigators utilized

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Examples of Coercion/Compulsion

- Threatening to call probation officer
- Mug shots/arrest records
- Creating a fictitious (growing) debt
- Fear of withdrawal

“It’s pretty well known among [treatment] providers that, because of that feeling of hopelessness, the anticipation of the withdrawal is oftentimes worse than the actual thing.”
U.S. v. Fields

Case of First Impression in the Middle District of Florida

• “The Court concludes that this fear of severe withdrawal symptoms meets the definition of ‘serious harm’ as defined by the Statute.

  • Not only are the symptoms of opiate withdrawal the experience of severe physical pain, but the threat of withdrawal sickness constitutes ‘psychological’ harm that is ‘sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.’” 18 U.S.C. § 1591(e)(4).

“Having met the definition of serious harm, this fact pattern, in turn, meets the definition of ‘coercion.’”
Early and Consistent Involvement

- Service Providers
- Addiction Counselors

“I can’t emphasize enough how important it was to hear that “One day at a time” thing. That for me was everything. If I thought that I could actually achieve something by staying sober for 24 hours, and that people would give me props for that, that was everything... hearing that if you can get through one day, you’ve done well — that meant everything to me.”
“It’s very good for an addict to be in a treatment setting when they’re withdrawing, because as soon as you feel physically better, the disease gets into your mind. You think: I could go for a walk and use once without all this happening again.

The withdrawal doesn’t do anything to remove the addiction. The addiction is still there. I don’t know of anyone who all of a sudden just stopped and never went back to it.”
Exercise 1: The Drug Continuum

- Survival
- Sex
- Addiction
- Coercion

Coping → Maintaining → Severe Harm
Child sex-trafficker Jeremy Mack convicted on all 9 charges in federal court in Akron

By James F. McCarty, The Plain Dealer
Email the author | Follow on Twitter
on February 18, 2014 at 2:41 PM, updated February 18, 2014 at 4:45 PM

AKRON, Ohio – Lorain County pimp Jeremy Mack was convicted Tuesday on all nine counts of sex trafficking, conspiracy, drug dealing, witness tampering and obstruction of justice.

U.S. District Court Judge Sara Lioi will sentence Mack on May 29.

One of the sex-trafficking
The evidence adduced at trial showed that defendant coerced the victims into prostituting themselves by initially supplying them with drugs under the pretense that they were free. When he suddenly cut them off and demanded payment, he exploited their addiction, which his previous supply of free drugs had cultivated. For instance, SW testified that defendant would withhold heroin until she went to prostitution sessions, thus using her addiction as an incentive to prostitute herself. Similarly, MB testified that she would get heroin from defendant only after she completed her “appointments” with “Johns.” The government also admitted text messages between defendant and CB showing that she pleaded for drugs before going to prostitution sessions on numerous occasions. One exchange is particularly illustrative:
**U.S. v. Mack**
(on appeal to 6th Circuit)

CB: I’m rly tryin for one until then. Because I’m guna have a rly hard time doing this 2 hrs [session] with nothing.

***

CB: I’ve been tryin to be on point..and be as appealing as I can.

CB: He’s about 15 mins away.

CB: Can I pleeease do shot before he gets here?? He’s getting off freeway. Please jay?

Defendant: Show this text to [Toby]. give her one of those real quick.

CB: I fuckin love you.
U.S. v. Mack
(takeaways)

- Excellent 6th Circuit precedent
- Rule 412 upheld to find prior evidence of prostitution irrelevant and inadmissible
- Coercion/severe harm elements met by exploitation of addiction
- Differences between Fields and Mack
- What about Fields’s “co-defendant”?

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Being the “Bottom”

Manipulation, 2:
“A bottom [] is important to a pimp’s success...
Because a bottom bitch it so important to a pimp’s game, he has to watch her carefully. As soon as he sees a glimpse of her being disgruntled, he has to hand over her walking papers. So that he can replace her when the comes, it’s also important to keep a bottom []-in-waiting”

• Age 25
• History of sexual abuse
• Heroin addict
• Was working on Backpage when introduced to minor
• Supplies minor with heroin and a hotel room
• Charged with promotion of prostitution of a minor, profiting and advancing
Drugs as Facilitator Payment

• Ohio Statistics
  • Familial trafficking of very young victims common
  • Three out of five children trafficked under six were trafficked by one or both parents for drugs, rent, goods, or money.
  • Early MDT involvement

Source: (Ohio Network of Children’s Advocacy Centers 2014).
Mother pleads guilty in Shaniya Davis' death

Posted October 18, 2013

Fayetteville man guilty of killing Shaniya Davis, not of raping her

Posted May 23, 2013

FAYETTEVILLE, N.C. — A jury on Thursday convicted a Fayetteville man of kidnapping and killing a 5-year-old girl more than three years ago, but he was acquitted of raping her.

The eight-man, four-woman jury deliberated for about 7½ hours over two days before finding Mario Andrette McNeill, 33, guilty of first-degree murder, first-degree kidnapping, sexual offense of a child, indecent liberties with a child, human trafficking and sexual servitude in the death of Shaniya Davis.

MORE ON THIS

WRAL.com archive: Shaniya Davis case

Dad: Shaniya's Mom Trafficked Her to Settle Drug Debt

By SARAH NETTER • Nov 20, 2009

The father of 5-year-old Shaniya Davis told Oprah Winfrey today that the girl's mother trafficked the child to pay off a drug debt.

The allegation by Bradley Lockhart came a day after Mario Andrette O'Neill was charged with the rape and murder of Shaniya. O'Neill is the man police say is shown on a Sanford, N.C., hotel surveillance camera carrying Shaniya into a hotel room shortly after she was reported missing. He is being held without bond.

The girl's mother, Antoinette Davis, has been arrested and charged with child prostitution. Raleigh's ABC affiliate WTVD confirmed this week that Davis is again pregnant.
Domestic Minor Sex Trafficking

Domestic Minor Sex Trafficking (DMST) occurs when US Citizen minors engage in commercial sex acts of any form—pornography, stripping, prostitution, or personal sexual servitude.

Definitions Differ for Minors
Drugs as Payment

“Commercial sex act,” “performance for hire” or “sexual activity for hire” includes any sex act on account of which anything of value is given to or received by any person.

Examples?
Statistics: US Citizen Minors

- Average age of first commercial sex act: 15 years old
- 84% use drugs or alcohol
- Over 50% have encountered social services
  - Only 11% for addiction or health services
- 62% have tried to leave the life

*Jasmine’s Story*

Youth Involvement in the Sex Trade: A National Study, June 2016
(Center for Court Innovation)
Risk Factors for Sex Trafficking

- Runaway and homeless youth are among the most vulnerable populations for DMST.
- Other risk factors include, single parent homes, previous sexual abuse, foster care, one parent in prison.
Background to Market Entry

• 73% had left home under the age of 18,
  – The average age having left home was 15.0 years old.

• 32% had their first sex experience under the age of 13.
  – 30% of cis females reported that their first sex experience was nonconsensual.

• 73% report illegal drug use
  – Marijuana (66%), cocaine/crack (13%), heroin (7%), other (pills/methamphetamine 20%)
Market Exit: More than Prosecution

Multidisciplinary Help

• Victim Service Providers and practitioners need to be involved AND informed by survivors
• Service Providers Need to be both trauma- and practice-informed
• Phenomena of “constant contact” and keeping promises
  • You can’t take something away unless you’re willing and able to replace it with something else
• What does that look like for
  • Prosecutors
  • Investigators
  • Service Providers
Market Exit: More than Prosecution

**Multidisciplinary Help**

<table>
<thead>
<tr>
<th>First thing you buy when paid?</th>
<th>39%</th>
<th>32%</th>
<th>26%</th>
<th>19%</th>
<th>7%</th>
<th>11%</th>
<th>35%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clothes or shoes</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Food</td>
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<td>Rent or other bills</td>
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<tr>
<td>Drugs/Alcohol</td>
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<tr>
<td>Cigarettes</td>
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<tr>
<td>Items for children</td>
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</tr>
<tr>
<td>Other</td>
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</tbody>
</table>

| If there were an agency that existed just to meet your needs, what would they offer? | 56%** | 44% | 63% | 49% | 45%* | 47% | 75% | 47% | 34% | 37% | 31% | 36% | 12%* | 19% | 6% | 16% | 9% | 12% | 13% | 11% | 5% | 5% | 3% | 5% |
|-----------------------------------------------------------------------------------|-------|----|-----|----|------|----|-----|----|-----|----|-----|----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Employment/Education               |       |    |     |    |      |    |     |    |     |    |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Housing/Utilities                 |       |    |     |    |      |    |     |    |     |    |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Food/Money                        |       |    |     |    |      |    |     |    |     |    |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Counseling/Advice                 |       |    |     |    |      |    |     |    |     |    |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Addiction Services/Healthcare/Sex Ed |       |    |     |    |      |    |     |    |     |    |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Other (Transportation, Drugs, Clothing, Etc.) |       |    |     |    |      |    |     |    |     |    |     |    |      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

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Using the Hierarchy of Needs to Achieve Coercion

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U Can Stop Traffick PSA

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The “Bystander Boyfriend”

• Heroin addict who followed his dean’s list girlfriend to Wilmington for treatment.
• Would provide protection for girlfriend and eat the food she bought and use her drugs, sleep in hotel paid for by prostitution.
• Charged with profiting from prostitution.
• Led Detectives to “Boris.”
“Real Pimpin’” = 100% PIMP CONTROL

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Pimp Talk

“You’ll start to dress her, think for her, own her. If you and your victim are sexually active, slow it down. After sex, take her shopping for one item. Hair and/or nails is fine. She’ll develop a feeling of accomplishment. The shopping after a month will be replaced with cash. The love making turns into raw sex. She’ll start to crave the intimacy and be willing to get back into your good graces. After you have broken her spirit, she has no sense of self value. Now pimp, put a price tag on the item you have manufactured.”
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Pimp Culture – When Drugs as Payment Becomes and Drugs as Control
Wilmington man sentenced to 11 years in prison for human trafficking charges

Posted: Sep 10, 2014 11:46 AM EDT
Updated: Sep 14, 2014 11:46 AM EDT
By: WECT Staff - email

WILMINGTON, NC (WECT) - A Wilmington man pleaded guilty Wednesday morning to human trafficking and first-degree sexual exploitation of a minor charges in New Hanover County Superior Court.

Drequan Dugar, 20, will serve two consecutive sentences of 77-154 months (6-12 years) and 60-132 months (5-11 years). He will serve a minimum of 11 years in prison.

Dugar's conviction is the first of its kind under the Safe Harbor Act for Victims of Sex Trafficking which took effect in October. The act stiffened penalties for traffickers and pimps in North Carolina.

Dugar, a validated gang member, will have to register as a sex offender for a minimum of 30 years once he's out of prison.

New Hanover County officials received a tip in February from “A Safe Place,” a local hotline that helps identify and prevent sexual exploitation of victims, that a minor was listed on a website advertising "adult services."

After a four day investigation, authorities found the hotel where the victim was being held and arrested Dugar. He was charged with four felonies including human trafficking.

Lindsey Roberson, an Assistant District Attorney, helped put Dugar behind bars. The attorney said that sex trafficking is on the rise in the United States.

“We’re seeing it become more common,” Roberson explained. “Obviously the Department of State and of Justice have said this is a huge priority for them. We’re seeing it surpass gun trafficking and coming behind drug trafficking.”

Roberson encourages anyone who knows about a sex trafficking crime to visit the Centre of Redempt and report the incident: http://www.centreofredemption.com/
Creative Approaches

• What other crimes can be charged?
  – Money laundering
  – Identity theft
  – Child Pornography
  – Drug trafficking/Possession with intent to sell or deliver (“PWISD”)
  – Delivering a controlled substance to a minor
  – Collaboration = Success
  – Know your strengths . . . and weaknesses

• Return to Pro and Con List
Collaboration

Group Exercise

What Does Collaboration Really Mean

…and why does it matter?

State v. Williams*

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Redefining Success

• Catch and release
  – *Sometimes a conviction isn’t the best endgame.*

• Referrals
  – *Circle of trust isn’t just for Meet the Parents.*

• Building file
  – *Finding corroboration in unlikely places.*

• Local Human Trafficking Coalitions
HT Resources

• OVC-funded programs in Ohio for Comprehensive Services for Victims of Human Trafficking
  – The Salvation Army of Central Ohio
  – The Salvation Army – Cincinnati

• Additional Resources:
  – Central Ohio Rescue and Restore Coalition
  – National Human Trafficking Resource Center (NHTRC): 888-373-7888