

# Intersection of Drugs and Human Trafficking



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Investigating and Prosecuting Human Trafficking  
Lindsey Roberson

# 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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Human Trafficking



# **THE THREE MOST PROFITABLE CRIMINAL ENTERPRISES IN THE US**

**Drug Trafficking - Human Trafficking - Gun Trafficking**

# Victim-Centered Approach

*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



# Defining Trafficking

## Ohio versus Federal Law

### State Law

- ORC 2905.32
- “Compelled” - force, fear, duress or intimidation
- State must prove compulsion for minors
- Sex and labor under same statute
- Doesn't include FRAUD

### Federal Law

- Trafficking Victims Protection Act of 2000
- Force, fraud, or coercion of a minor
- All minors are victims
- Labor and sex trafficking in separate statutes, T-visas for labor trafficking victims

-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)

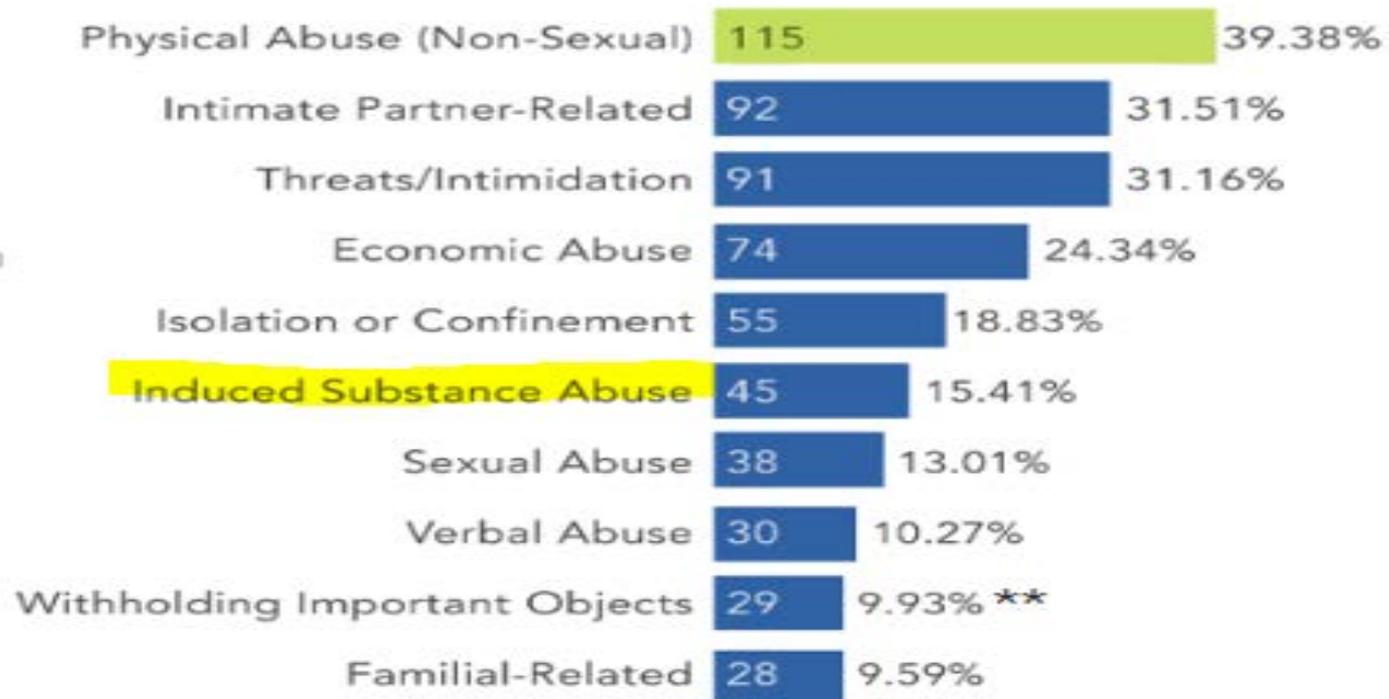
The term “**serious harm**” means –

- 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

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



# U.S. v. Fields

## Middle District of Florida 2014

- Proactive Investigation
- Fields advertised himself as a “driver” on Craigslist in 2009
- NCMEC lead from ad on Backpage.com

DRIVER AVAILABLE FOR YOU - w4m Page 1 of 1

[tampa bay area craigslist](#) > [hillsborough co](#) > [erotic services](#) [email this posting to a friend](#)

*Please report suspected exploitation of minors to the appropriate authorities*

**DRIVER AVAILABLE FOR YOU - w4m - 48  
(TAMPA 813-516-2551 Andy)**

Reply to: [mailto:pers-tenwg-1065792377@craigslist.org?subject=DRIVER%20%20AVAILABLE%20FOR%20YOU%20-%20w4m%20-%2048%20\(TAMPA%20%20813-516-2551%20Andy\)](mailto:pers-tenwg-1065792377@craigslist.org?subject=DRIVER%20%20AVAILABLE%20FOR%20YOU%20-%20w4m%20-%2048%20(TAMPA%20%20813-516-2551%20Andy)) [Errors when replying to ads?]  
Date: 2009-03-08, 2:16PM EDT

I'm a very dependable driver. Have GPS and wireless lap top nice car. Can post adds. Call for mor info 813-516-2551 Andy 24/7. Have reference. I'm there for you if theres any problems. Call me.



• Location: TAMPA 813-516-2551 Andy  
• it's NOT ok to contact this poster with services or other commercial interests

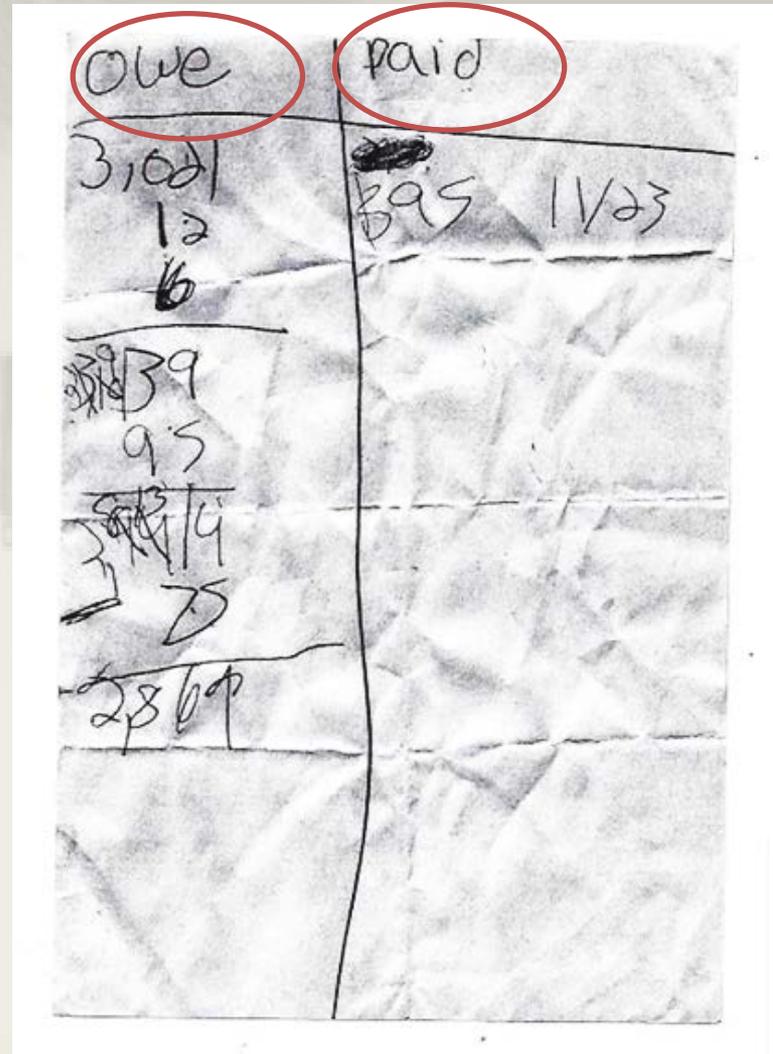
PostingID: 1065792377

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2009

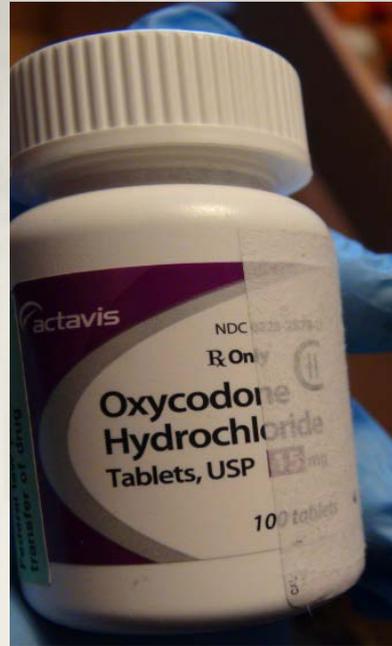
# *U.S. v. Fields* – Drugs as Coercion

- 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



# 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

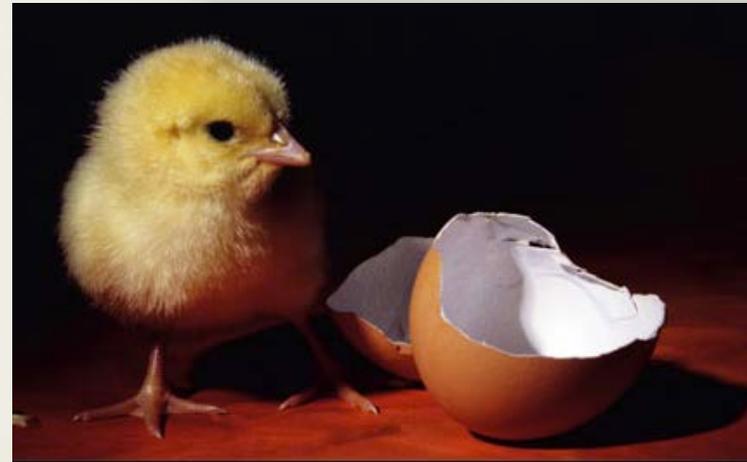
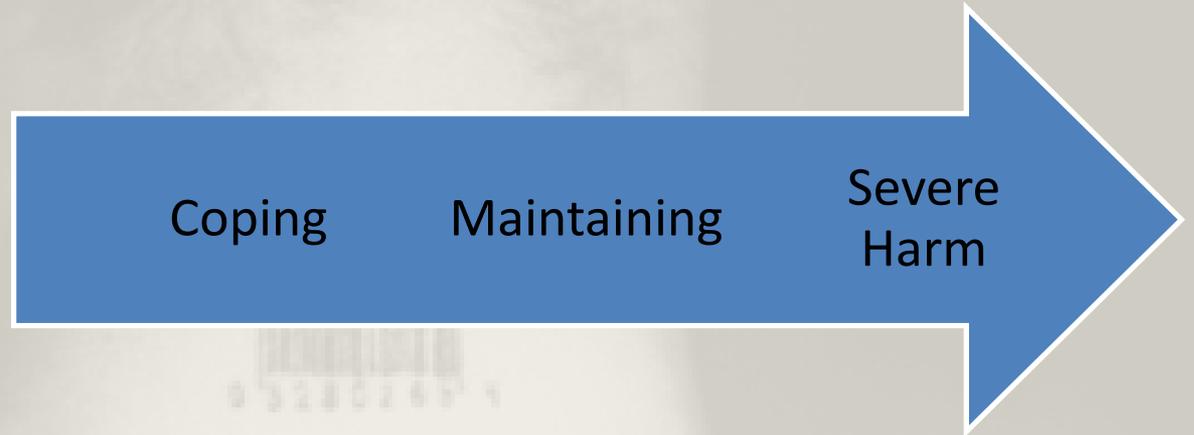
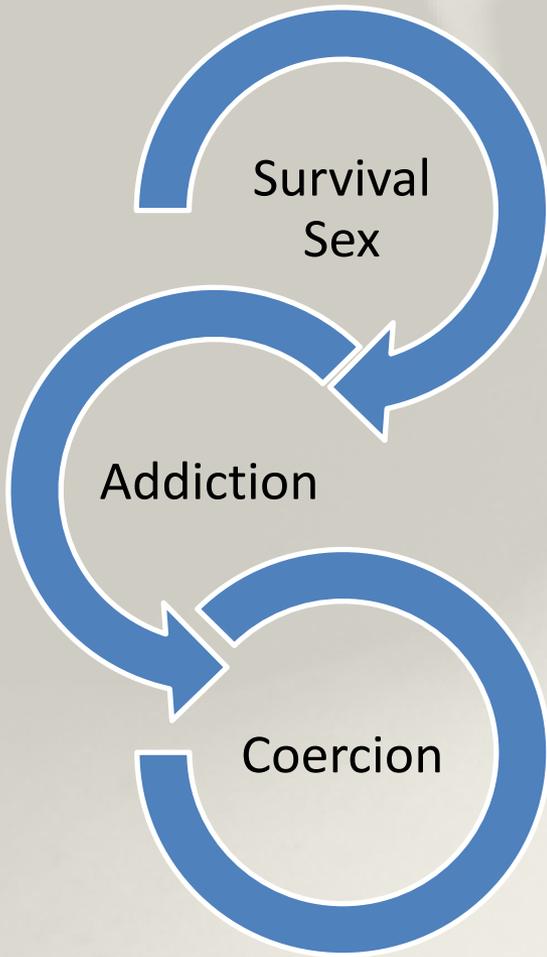
“I can’t emphasize enough how important it was to hear that **“One day at a time”** thing. That for me was everything. If I thought that I could actually achieve something by **staying sober for 24 hours**, and that **people would give me props for that**, that was everything . . . . hearing that if you can get through one day, **you’ve done well — that meant everything to me.”**

# Early and Consistent Involvement

“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



# U.S. v. Mack

(Northern District of Ohio 2014)

19

## 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

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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



[+ View full size](#)

### SPOTLIGHT: COURT CASES

Rape Kits Investigation



Cuyahoga County in Crisis

### MOST READ



Off-duty Cleveland police officer thrown through downtown bar window after asking for

# *U.S. v. Mack*

(on appeal to 6<sup>th</sup> Circuit)

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 6<sup>th</sup> 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 nothin'g.

\* \* \*

**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 6<sup>th</sup> 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”?

# Being the “Bottom”

*Manipulation, 2:*

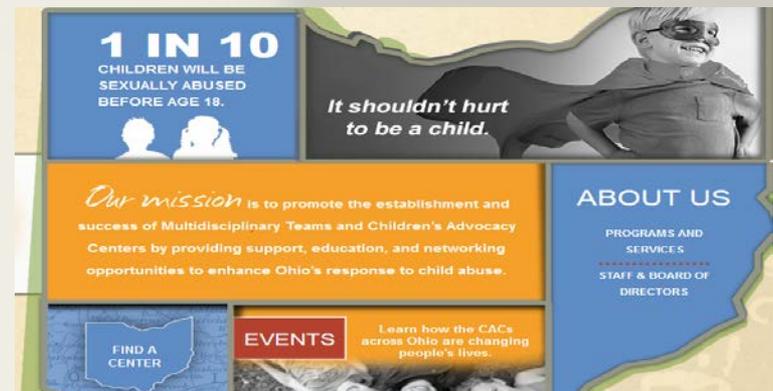
*“A bottom [] is important to a pimp’s success... Because a bottom bitch it so important to a pimp’s game, he has to watch her carefully. As soon as he sees a glimpse of her being disgruntled, he has to hand over her walking papers. So that he can replace her when the comes, it’s also important to keep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



101 Reactions



**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

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542  
SHARES

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*

# 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*

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

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

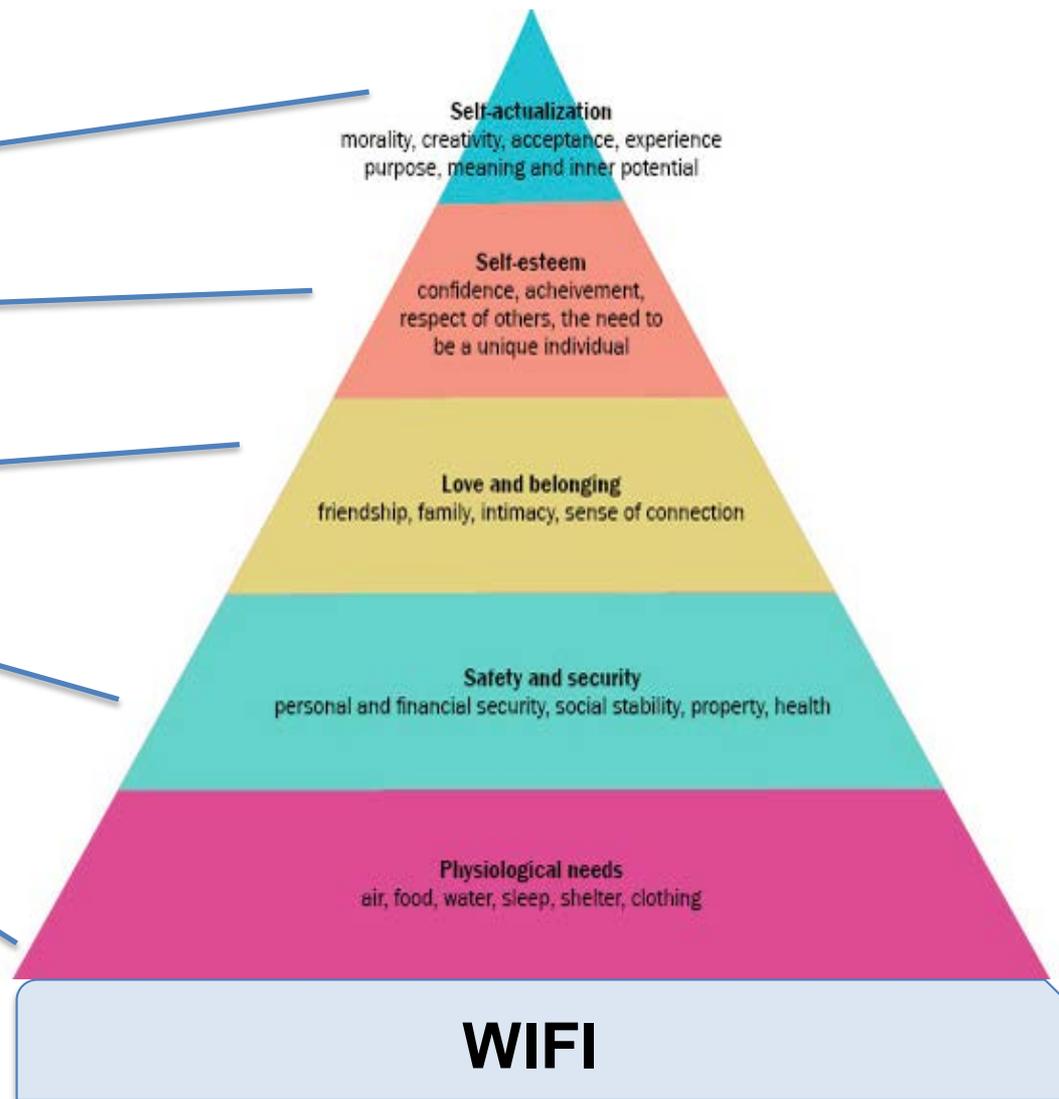
Self-actualization

Self-esteem

Love and belonging

Safety and security

Physiological needs



## Using the Hierarchy of Needs to Achieve Coercion

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# U Can Stop Traffick PSA



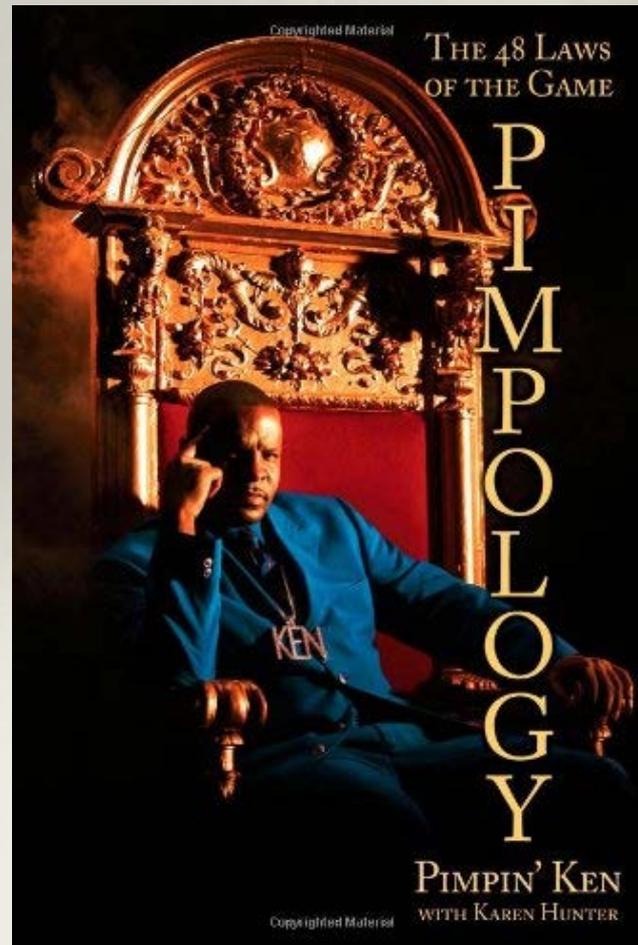
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# The “Bystander Boyfriend”



- 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



# 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 r behind drug trafficking."

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



Drequan Dugar (Source: NHCSSO)

The screenshot shows the backpage.com website interface. At the top, it says "backpage.com" and "minneapolis / st. paul, mn". There is a "Post an Ad" button and a search bar with "keyword" and "buy/ sell/ trade" options. Below the header, there are several category listings with counts:

- local places 277
  - events
  - bars/clubs
  - restaurants
  - salons/nails/spas
- community 487
  - childcare
  - classes/workshops
  - general
  - groups
  - lost & found
  - volunteers
- buy/ sell/ trade 9,791
  - antique/collectibles
  - appliances
  - boat & motorcycle
  - business
  - computer/electronics
- automotive 11,909
  - auto-truck/cv
  - auto parts
  - services
- musician 695
  - available/wanted
  - equip/instruments
  - instruction
  - services
  - plug the band
- rentals 405
  - roommates
  - apt/condo/house
  - commercial
  - vacation
  - miscellaneous
  - rentals/wanted
- jobs 23,486
  - acct/finance
  - admin/office
  - computer/technical
  - customer service
  - domestic
  - driver/deliver/courier
  - education
  - focus group/studies
  - job wanted/resume
  - mami/professional
  - medical/health
  - miscellaneous
  - part-time jobs
  - real estate
  - rest/retail/hotel
  - sales/mktg
  - salon/spa
  - show biz/audition
  - trades/labor
- dating 529
  - women > men
  - men > women
  - men > men
  - women > women
- adult
  - escorts
  - body rubs
  - strippers & strip clubs
  - dom & fetish
  - ts
  - male escorts
  - phone & websites
  - adult jobs
- services 12,745
  - biz opps
  - business
  - cleaning

On the right side, there is a "Top 20:" list of cities: atlanta, ga; boston, ma; chicago, il; dallas, tx; denver, co; houston, tx; las vegas, nv; los angeles, ca; miami, fl; minneapolis, mn; new york city; philadelphia, pa; phoenix, az; san diego, ca; san francisco.

# Creative Approaches

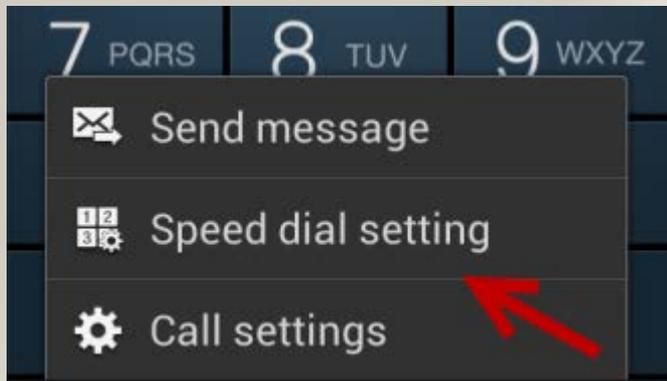
- What other crimes can be charged?
  - Money laundering
  - Identity theft
  - Child Pornography
  - Drug trafficking/Possession with intent to sell or deliver (“PWISD”)
  - Delivering a controlled substance to a minor
  - Collaboration = Success
  - Know your strengths . . . and weaknesses
- Return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

# *Collaboration*

Group

Exercise

What Does  
Collaboration  
**Really Mean**  
*...and why does it  
matter?*



State v. Williams\*

# 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
  - <http://humantrafficking.ohio.gov/coalitions.html>

# 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