CHARLOTTE

City Council
Follow-Up Report

June 27, 2012

June 20, 2012 – Community Safety Committee Meeting

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At their June 20 meeting, Council's Community Safety Committee received presentations on mobile phone regulation and human trafficking, topics that had been referred to the Committee on April 23. The Committee requested that the information be sent to the full City Council in this Follow-Up Report format.

Cell Phone Regulation

The Committee explored the option of crafting a local ordinance that would regulate the use of cell phones, both hand-held and hands-free, while operating a motor vehicle. The state currently regulates cell phone use for drivers under the age of eighteen and school bus drivers and prohibits all drivers from sending and reading text messages or e-mails while driving.

There are currently no local ordinances regulating cell phone use in North Carolina as they are preempted by state law. On May 2, 2012, Chapel Hill passed an ordinance that prohibits the use of all mobile phones by drivers 18 years and over. That ordinance has been challenged and a Superior Court judge has issued a preliminary injunction prohibiting the ordinance from taking effect. The State Attorney General has also issued an advisory letter stating that the Chapel Hill ordinance is preempted by state law.

Given the current issues regarding local ordinances regulating cell phones, the Committee voted unanimously to have staff track the Chapel Hill litigation and report back to the Committee. They also requested that CMPD find a way to track the involvement of cell phone use in traffic accidents they investigate as there is currently no statistical data on the extent of the problem at the local level.

Human Trafficking

Human Trafficking is defined as the use of force, fraud or coercion to compel a person to perform labor, services or a commercial sex act. The two most common types are labor trafficking and sex trafficking.

Labor trafficking victims are forced to work for minimal pay or no payment at all. They are usually subjected to harsh and dangerous work environments. Some foreign nationals may be smuggled into the United States illegally and must work to pay off their debts. Examples of labor trafficking include nail/hair salons, sweatshop factories, panhandling, domestic service and agriculture.

Sex trafficking victims can be forced or coerced into working in the sex industry by a trafficker who receives some type of benefit from the victim's act. Examples of sex trafficking include online escort services, massage parlors, exotic dance clubs, and bars and cantinas. Most of the victims of sex trafficking are female minors.

Human trafficking can be difficult for police officers to identify and quantify. Human trafficking investigations can be lengthy and labor intensive because the activities often either have the appearance of legitimacy or are often masked by other criminal activity such as prostitution, drugs, or immigration violations. Victims of human trafficking are often isolated by language and cultural barriers and/or restrictions on their movements. Many victims also distrust law enforcement officers and fear arrest and/or deportation.

CMPD actively investigates activity that appears to be human trafficking. After training provided by the FBI, officers in Vice and Narcotics and Missing Persons began looking at their cases differently in an attempt to identify any elements of human trafficking. Vice and Narcotics officers began investigating individuals arrested for prostitution as potential victims as well as suspects.

CMPD partners with a number of agencies in the investigation of human trafficking. They include Homeland Security Investigations (a branch of ICE (Immigration and Customs Enforcement); the FBI, Pat's Place Child Advocacy Center, the District Attorney's Office, and the U.S. Attorney's Office. CMPD will be participating in a workgroup that is being formed by the U.S. Attorney's Office to formulate a strategy for human trafficking investigations and prosecutions. Other participants will include the FBI and Homeland Security Investigations.

The Committee received the Human Trafficking presentation as information and asked to be updated on subsequent developments in human trafficking investigations.