CHARLOTTE

Charlotte City Council

Community Safety Committee

Meeting Summary for June 20, 2012

COMMITTEE AGENDA TOPICS

I. Subject: **Cell Phones**
Action: None

II. Subject: **Human Trafficking**
Action: None

III. Subject: **Next meeting**
Wednesday, September 19, 2012 at noon in Room 280

COMMITTEE INFORMATION

Present: Patrick Cannon, Michael Barnes, Andy Dulin, Clarie Fallon and Beth Pickering
Time: 12:05 pm – 1:15 pm

ATTACHMENTS

1. Agenda Package

DISCUSSION HIGHLIGHTS

Chairman Cannon called the meeting to order and asked everyone in the room to introduce themselves.

I. Cell Phones

Cannon: At the City Council meeting I made a referral to the Committee that we get some information on this issue and kind of see where things are. You will find that there are two attachments in your packet (copies attached) and a third communication just came out, which is the past legislation concerning bans on cell phone use while driving. As you all may or may not know, the City of Chapel Hill moved forward relative to

having an ordinance surrounding limiting cell phone use and the skin of it is while they have instituted something, it is not as strong as we would think a regulation would be on the side of enforcement. Beyond that, the court has issued a stay, I believe, which really didn't allow the ability to sort of move things forward. We can talk about that further too, but before I get too deep in that let me yield to our staff resource Assistant City Manager Eric Campbell for any more additional information.

Campbell: I think you covered it well and I don't have a lot to add. I will just say that on both of these issues I think we are doing more of an educational approach today for the Committee, just to give you some context as you begin to consider and deliberate on the issues. I will turn it over Rusty Perlungher with the Police Attorney's Office to walk us through the cell phone issue.

Mr. Perlungher read through and reviewed the "Mobile Phone Regulation" presentation.

Barnes: What has been the enforcement history by CMPD of the state law? In the scenario you gave where the person says I was talking to my wife, husband, or dad on the phone, does the officer then take the phone if he wants to and click through and find out?

Perlungher: The statute prohibits seizing the phone that is not authorized. Usually, in a criminal case where there is a criminal violation, pursuing any criminal procedure act officers are able to use that as evidence of the crime. In this case, it is not a criminal violation, it is just an infraction. There are no driver's license points, no insurance points, just the fine.

Barnes: How do I prove to you that I was talking to my wife?

Perlungher: An officer would be unable to seize the phone; the officer would really just have to take the word without any evidence to the contrary of the operator. They could ask the operator to voluntarily hand over the phone, but if they refused to do that the officer would be unable to seize it, so the enforcement issue from CMPD's perspective is to try and determine whether or not the exception applies in terms of stopping and citing any potential violations.

Barnes: The history of enforcement?

Perlungher: I would have to do a little more research on the history of enforcement. I know we've got some.

Major Jeff Estes: The reasons you've pointed out in your second question, it is limited at best because most of the time when we run across it, it is after a crash or in conjunction with some other investigation. A lot of times they are stopped at a stop light reading a text or whatever and then when they pull off in motion that is when the ordinance takes effect. We would literally have to see somebody, as we are driving, driving on the phone without meeting one of the other exceptions. It is difficult, which makes our enforcement limited at best.

Fallon: I was next to a nursery school mini-bus and she had a bunch of 3-year olds and she was driving and texting. What do you do in a case like that?

Estes: In those cases that would warrant a stop to ascertain her ability to operate the bus safely.

Fallon: Do you call 911 then?

Estes: Yes, certainly. In those cases when we get a third party call, those are much easier to enforce, there is a safety element with children in a bus, and certainly we would stop and investigate that.

Barnes: But she says I was sending my husband a text about dinner tonight, and no, you can't have my phone.

Estes: Even then we've made the stop. We've interdicted.

Barnes: I'm just talking about the use of your time.

Estes: Understood.

Cannon: This is a matter of current state law. This isn't Chapel Hill's piece so I want to point out relative to this; we see that this is under a certain age. It is something that is not for all. It only identified pretty much those that are 18 and under.

Perlungher: We had some research done and in 2010 the UNC Highway Safety Research Center pulled out texting and e-mail citations which are a different statute and exception so it doesn't have the prohibition of seizure, so the seizure would not be prohibited by the statute but it would still have to be lawful. Statewide, there were 912 violations, 96 were in Mecklenburg County. I can't limit that any further to CMPD, but it was countywide. We did some analysis of CMPD collision reports for 2010 and it totaled 25,646 reports taken and only 30 of those mentioned in the narrative texting or driving which I believe is less than a tenth of a percent.

Cannon: Clarify for me what happens with vehicles that have the device for voice activation. That would be out of order?

Perlungher: Mobile phones are defined in the first two for under 18 and school bus drivers cover both hand held and hands free. For e-mail and texting the demand on that is statewide and it is just for hand held technology.

Barnes: With regard to what we are exploring today would it be your opinion that there is such a problem with usage of electronic devices in cars contributing to accidents that we should push this issue in the same manner that Chapel Hill has proceeded or should we simply allow, through the current chapters, to be the law of the land here as it is

everywhere else in North Carolina and enforce where possible?

Cannon: Before you answer that, we don't have any real anecdotal information to tell us where we have gotten or tracked the level of accidents occurred or any situations where we've so noted that this has occurred because of cell phone usage. Would that be correct or incorrect?

Perlungher: That would be correct.

Cannon: I framed that only to say let's make sure we have this in the proper context, that until and maybe there is something else he is looking for.

Barnes: What you just described is a situation where we are sitting in here trying to find a law to fix a problem that we don't know we have.

Cannon: No, what we did was refer this to Committee to gain additional information about what direction, if any, that we could go based upon what is currently on the books or happens not to be on the books. That is why we are here today.

Barnes: And what we do know is that at least, according to one Superior Court Judge, what Chapel Hill did should be saved. I'm assuming this will get to the Court of Appeals at some point?

Perlungher: I would think so, unless there is a settlement.

Barnes: We've heard from Captain Estes that they have a hard time enforcing it anyway, based upon the way the law is written. Also, you just said that the attorney agreed that we have no idea how many violations of this law have occurred or the extension to which use of electronic devices have contributed to accidents in the City. What I'm saying is that I don't want to bring up other ordinances that we've pushed through this Committee or passed through this Committee, but it is helpful if we have some evidence to establish that yes, here is the problem and here is the potential fix.

Cannon: I think in having some discussions with law enforcement and with staff, you've hit it on the head, in terms of what may be our potential next step if the Committee wants to go in that direction. One, I think in the way of trying to determine any data that might be out there, much like what we've had happen with other ordinances, we typically put a sunset on things or we let them go wherever they are going to go and we get some level of report back if there is some level of an emphasis that might be placed on a certain area for collecting proper data that we need in order to make a proper decision.

Perlungher: I understand from the police reports there is no way to check a box for cell phone use or texting.

Estes: The only way we track it specifically now is the major crashes. When there is a fatality or something like that, then we do go into that level of depth, but for the rank and

file, tens of thousands of wrecks we get every day and there is no box to check cell phone usage.

Barnes: I think we need to take a look at it, but the concern I have is the way the state law is written with so many holes in it, they really can't enforce it or really track it and it may be the fact that they have no real reason to because it is not going to be a law that is enforced. What I'm talking about is the increase in burden that we are putting on these guys for stuff that they really can't enforce the way they would like to. I'm sure if you pull the person over and they say I was talking to my mom and you really can't do anything about it because the law prevents you from saying, let me take a look, and you are not going to waste your time to argue about it. I just want to make sure we are looking at an ordinance that could have some teeth and could be effective. This is Raleigh's issue, not ours, but the way the state statue is written there is not a lot there unless you are dealing with some 16-year old.

Cannon: Another reason why we are sitting here today, if you go by their template, I think that if we are to pursue something like this, which typically on any ordinance, we always try to see what other best practices are going on around the country and then we tweak it to fit Charlotte. I assume that if the Police Chief would have the opportunity to go in that direction, which I think he would like to, then it may be that this is something that we pursue or we may find later that it is not, but listening to what staff has said, I believe you would have to go through the state in order to get the approval to even do something as such. Time wise, when would something like that occur? You wouldn't expect anything like that to happen until 2013 when you would even consider going to them for an ask or request for consideration for something like this because of where they are now in terms of the session.

Fallon: I hesitate to put anything more on the books that have no teeth. I'm wondering if this is handled through the insurance companies if they refuse to pay if they know somebody was doing that. That is probably the only way we are going to get it done, if they refuse to pay for an accident that they know that you were texting or on the phone.

Barnes: I would make a motion to ask staff to track Chapel Hill litigation and report back as necessary and allow us to make prudent the determinations in the future. We want to watch it, but we don't want to do anything right now.

Dulin: Second.

Cannon: I would hope that we would look at the current accident reports that we have and look for a check box that we can have some level of ability to track these types of incidents. Right now, there doesn't seem to be anything in place from what I understand. In as much we can work to prevent a major accident from occurring or even a life or lives to be lost, I think it is incumbent upon us as leaders or people who care enough about this community and the people that reside and those that visit, have a chance to not be a victim of a situation that might involve an accident due to a cell phone. I think that is the least we can do. I don't think it is going to be appropriate for us to move forward with

any additional accidents yet. Probably 2013 or a future Council to make some level of determination about the direction in which it goes. I think right now this information serves basically what it can serve as - information. We will patiently wait and see what happens in other places throughout the state.

Dulin: This is interesting information today and thank you. Ultimately, this has to do with personal responsibility and the personal responsibility of us holding young drivers, middle-age drivers and older drivers responsible for their conduct in a car.

Pickering: Just to clarify, do we have a current tracking method for cell phones involved in accidents?

Estes: We do not have a check box for a regular way to track that. On the police report there are boxes that you put numerical values in that would correspond to a situation that occurred. There is not one that says texting or use of cell phone. It would have to be introduced in a narrative.

Pickering: Could we introduce something like that?

Estes: We could. It would just take some training for the officers.

Dulin: We didn't invent the forms, it is a state form. We need to add a box. Then if our guy is at the scene and he checks the box and then the lawyer says no he didn't.

Barnes: Make a note at the bottom of the form.

Estes: We'll do.

Cannon: Okay, let's move on to the next item on the agenda.

II. <u>Human Trafficking</u>

Cannon: This issue came by way of request from Councilmember Howard who attended a Junior League meeting. The Junior League has its annual breakfast meeting and this item comes up pretty much every year at the Junior League level because it is an item that they have a concern about. We do know that entities like ICE and other special enforcement agencies are engaged in helping in this regard. I think when people think about human trafficking they are thinking that it is internationally only, but we do know that is not the case.

Captain Voorhees: I'm with special Investigations and have information that includes vice, narcotics, gang enforcement unit and firearms unit. We have officers assigned to task forces with a lot of different federal partners that we have here in Charlotte and all of us have a little bit skin in this.

Captain Voorhees read through and reviewed the "Human Trafficking 101" presentation

(copy attached).

Cannon: How bad a problem is it in the City of Charlotte in comparison to other municipalities throughout the country?

Voorhees: It is very hard to say. Statistics I don't think would uncover this to the true status that it has in this community or any other because a lot of the victims are performing for various reasons for fear, they may be undocumented and they don't want to come forward to law enforcement. They may not trust law enforcement. It is hard to say and I can't tell you how prevalent it is. I do know that it exists and that when we find it we act upon it.

Cannon: Is CMPD doing, in your opinion, everything it can to deal with this particular issue?

Voorhees: We are on behalf of the other priorities that we have within the community. There are other entities within the law enforcement community that have these things. When we get a tip that something is going on, we act upon it. We work collaboratively with the FBI and Homeland Security investigations, formerly ICE. They work with our Vice and Narcotics Unit, as well as Missing Persons. The US Attorney is on board as well as the District Attorney. Primarily, if you find somebody that is involved in this, if they are a drug dealer, engaged in human trafficking, the drug case may be the stronger and the easier case and we will go after them for that as opposed to human trafficking.

Cannon: We are actively engaged is fair to say and do we need to be doing anything beyond what we are currently doing to be engaged?

Voorhees: I think there has been some talk about forming a more defined task force with multiple entities and really going after that. It has been happening in other parts of the country. I think Darrellyn is going to mention something from the US Attorney, Anne Tompkins, who is on the Attorney General Civil Rights Task Force. If she has an issue of human trafficking it is under her watch and so there are some discussions about making that a task force effort. It is HIS, formerly ICE, the FBI and CMPD.

Cannon: When do those talks begin?

Voorhees: I think they are currently going on. I talked with the FBI last week about it and it is just a matter of getting everybody at the table.

Kiser: The US Attorney, Ann Tompkins is putting together a formal work group to address human trafficking. She has been in contact about CMPD's participation and Chief Monroe has assigned both himself and Captain Voorhees to be the CMPD representatives to that group. It will be a small group. It will be the US Attorney's office, CMPD, FBI and ICE, Homeland Security and they are getting started fairly soon is my understanding and they will probably be working out a formal plan to look at it in this area.

Fallon: Is the trafficking mostly a cross over from drugs?

Voorhees: We seem to see drug investigations and prostitutions go hand-in-hand. Most prostitutes are either selling or using drugs, so when we come across human trafficking usually there is a drug instance as well.

Fallon: So you handle it from the drug side because that is easier than the prostitute side?

Voorhees: Not necessarily, if you do drugs investigations are apt to come across prostitution and if you do prostitution you are apt to come across drugs. A lot of this area if you work hotels and hotel interdiction you may see a lot of drugs and some prostitution as well. When we investigate escorts and prostitution cases, usually that is complaint based and we have changed our tactics a little bit so that we don't just go after the females, we change our tactics to see if anybody else is involved, things like a pimp.

Fallon: Do you know what countries they are coming from. For a while they were coming from European countries associated with Russia, those small countries around it. I know that was very prominent in the trafficking.

Voorhees: In terms of international trafficking, that is true. What we see mostly are African American and white females involved.

Cannon: I'm glad to see you cracking down on the labor intensive investigations and I do want to get more information about that at some point. I think it is important to report back to Council about what the Department is doing and how they are engaged and what we are experiencing here in the City, but is there anything else beyond that?

Campbell: We will get a follow-up report back to the full Council.

Dulin: Off this subject, I'd like to get a briefing of the full Council from CMPD on DNC related items. I want to make sure the community understands that we have more police presence coming in and that we will not be taking police out of their neighborhoods during this event. They will be safe too.

Campbell: I think there is going to be an effort to keep Council fully informed of all the major activities. I think that is already planned but in what kind of format I'm not sure at this point. It is the intent of staff to make sure that the Council is well informed of the community safety issues around the DNC.

III. <u>Next Meeting:</u>

The next meeting is scheduled for September 19th at 12:00 noon, same room.

Meeting adjourned at 1:15 p.m.

Community Safety Committee
Wednesday, June 20, 2012; 12:00 – 1:30 pm
Room 280

Committee Members:	Patrick Cannon, Chair Beth Pickering, Vice Chair Michael Barnes Andy Dulin Claire Fallon
Staff Resource:	Eric D. Campbell

AGENDA

I. **Cell Phones**

Staff Resource: Carolyn Johnson and Richard Perlungher

At the April 23, 2012 City Council meeting, a referral was approved for the Committee to review the issue of regulating all phone use while operating a motor vehicle in the Charlotte City limits.

Attachments: 1. Mobile Phone Regulation Memo
2. Mobile Phone Presentation

II. **Human Trafficking**

Staff Resource: Captain Coerte Voorhees

At the April 23, 2012 City Council meeting, a referral was approved for the Committee to review the issue of human trafficking and its impact on the City of Charlotte.

Attachments: 3. Human Trafficking Investigations
4. Human Trafficking 101Presentation

Next Meeting: Wednesday, September 19; 12:00 p.m., Room 280

Distribution:	Mayor/City Council Bob Hagemann Captain Willis	Curt Walton, City Manager Stephanie Kelly	Leadership Team Rodney Monroe

CITY OF CHARLOTTE
OFFICE OF THE CITY ATTORNEY
Memorandum

TO: Community Safety Committee

FROM: Carolyn D. Johnson, Senior Deputy City Attorney
Richard Perlungher, Assistant City Attorney – CMPD
Brett Holladay, Legal Intern

DATE: June 13, 2012

RE: Mobile Phone Regulation

This purpose of this memorandum is to provide some general background information in considering any City of Charlotte proposals to regulate mobile phone use.

Current State Law

North Carolina already regulates the use of mobile phones by drivers through the following three statutes.

1. N.C. Gen. Stat. § 20-137.3

- Prohibits the use of mobile phones by drivers under the age of 18. Also prohibits using a phone for "a camera, music, the Internet, or games" while driving.
- Permits the use of a phone to contact certain emergency services or to contact the driver's "parent, legal guardian or spouse."

2. N.C. Gen. Stat. § 20-137.4

- Prohibits the use of mobile phones by school bus drivers while the bus is in motion. Also prohibits the use of other features such as the Internet or music.
- Permits the use of a mobile phone in "emergency situation[s]," as defined by that statute.

3. N.C. Gen. Stat. § 20-137.4A

- Prohibits, for all drivers, the use of mobile phones to text or email while driving.
- Permits reading caller identification information or names or numbers stored within the phone.
- Allows emailing and texting (1) while stationary, (2) by certain emergency personnel in the furtherance of their duties, (3) through GPS devices used in "a digital dispatch system," and (4) through "voice operated technology."

Legislation Introduced in the General Assembly

Legislation is pending before the North Carolina General Assembly that, if enacted, would further regulate mobile phone use. Three bills, of several introduced in

2011, met the crossover deadline in order to be eligible for consideration in the current Short Session. While no legislation has been enacted to date, such legislation is representative of the fact that the General Assembly could exercise its legislative discretion to enact other laws with statewide applicability at any time.

1. Senate Bill 271, House Bill 652, and Senate Bill 750

- Would prohibit the use of mobile phones by drivers of certain commercial vehicles.
- Would permit the use of a mobile phone through hands-free technology.
- Senate Bill 271 has been referred to the Committee on Transportation. Senate Bill 750 has been referred to the Committee on Rules and Operations of the Senate.
- House Bill 652 has passed in different versions in the House and Senate, and has been referred to a Conference Committee.

2. Other proposed legislation (not eligible for consideration)

- Senate Bill 850 proposed to allow a judge or jury to infer that use of the mobile phone or additional technology was a proximate cause of a reportable crash, if the judge or jury found that a mobile phone or additional technology was in use by the driver at the time of the accident.
- House Bill 31, Senate Bill 36, and House Bill 44 proposed to prohibit the use of mobile phones by all drivers in the State. House Bill 44, however, proposed to permit the use of a mobile phone by drivers through hands-free technology.

Chapel Hill's Mobile Phone Ban/ State Preemption of Local Ordinances

1. Chapel Hill's Ordinance

- On March 26, 2012 Chapel Hill's Town Council enacted an ordinance that bans the use of mobile phones by drivers through both hand-held and hands-free technology.
- The ordinance states that an officer may not issue a citation for violation of the ordinance unless the officer "has cause to stop or arrest the driver" for the violation of some other law or local ordinance.
- The penalty for violation of the ordinance is $25.00, but "[n]o driver's license points, insurance surcharge, or court costs" may be assessed for a violation.

2. *George's Towing and Recovery v. Town of Chapel Hill*

- On May 2, 2012 the plaintiff brought suit against Chapel Hill alleging that the mobile phone ban would greatly harm his business as he relies largely on the use of a mobile phone in order to conduct his towing business.
- The plaintiff alleges that (1) Chapel Hill lacks authority to enact the particular ordinance and (2) that the Town's ordinance was preempted by the State laws that regulate mobile phone use.
- Superior Court Judge Orlando Hudson initially issued a Temporary Restraining Order (May 2, 2012) and then a Preliminary Injunction (May 8, 2012) that

prevents the ordinance from taking effect pending a hearing on the merits of the case.

- In granting the Preliminary Injunction, Judge Hudson concluded the plaintiff had "a very strong likelihood of success" on the merits.
- The resolution of this matter is currently pending. Chapel Hill has yet to file an answer to the complaint.

3. Attorney General's Advisory Letter

- Prior to adopting its ordinance, Chapel Hill sought guidance from the North Carolina Attorney General's Office regarding the issue of preemption. The Attorney General's Office responded, through an advisory letter, that the proposed Chapel Hill ordinance was preempted by State law.

<u>Considerations</u>

If the City chooses to consider regulating mobile phone use, it is important to keep in mind the following considerations:

1. While there has not been a final determination by the Courts on the issue of Preemption, the Attorney General and a Superior Court Judge have informally advised and preliminarily ruled that municipalities are preempted by State law from enacting local ordinances regulating mobile phone use by motorists. The City would also likely face and incur litigation costs in defending legal challenges to such an ordinance, absent further guidance from the courts or action by the General Assembly to clarify the authority of local governments to adopt mobile phone use regulation.
2. Any ordinance proposed and enacted by the City must not run contrary to the State's current regulation of mobile phone use by drivers. Those laws include: (1) regulation of drivers under the age of 18; (2) regulation pertaining to school bus drivers; and (3) the ban on texting and emailing for all drivers.
3. Enforceability can pose a problem for law enforcement officers, especially if mobile phone use regulations contain exceptions for calls to certain persons or emergency personnel, thereby making it difficult for an officer to discern whether a phone was being used for a permitted or prohibited purpose.

Mobile Phone Regulation

Community Safety Committee
June 20, 2012

POLICE
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Current State Law

- North Carolina already regulates the use of mobile phones by drivers through the following three statutes:
  - Unlawful use of a mobile phone by persons under 18 years of age - N.C.G.S. § 20-137.3
    - Prohibits the use of mobile phones by drivers under the age of 18 while the vehicle is in motion. Also prohibits using a phone for "a camera, music, the Internet, or games" while driving.
    - Permits the use of a phone to communicate with certain emergency services or to communicate with the driver's "parent, legal guardian or spouse."

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Current State Law

- Unlawful use of a mobile phone - N.C.G.S. § 20-137.4
  - Prohibits the use of mobile phones by school bus drivers while the bus is in motion. Also prohibits the use of other features such as the Internet or music.
  - Permits the use of a mobile phone in "emergency situation[s]," as defined by that statute.

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Current State Law

- Unlawful use of mobile telephone for text messaging or electronic mail - N.C.G.S. § 20-137.4A
  - Prohibits all drivers from using mobile phones to text or e-mail and from reading texts or e-mails while driving.
  - Permits reading caller identification information or names or numbers stored within the phone.
  - Prohibitions do not apply: (1) while vehicle is stationary; (2) to police officers and certain emergency service personnel while in the performance of their professional duties; (3) to the use of GPS devices used in "a digital dispatch system;" or, (4) to the use of "voice operated technology."

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Chapel Hill Mobile Phone Ban – State Preemption of Local Ordinances

- Chapel Hill's Ordinance
  - On March 26, 2012, the Chapel Hill Town Council enacted an ordinance that bans the use of hand-held and hands-free mobile phones by drivers 18 years of age and older.
- *George's Towing and Recovery v. Town of Chapel Hill*
  - On May 2, 2012, the plaintiff brought suit against Chapel Hill alleging that the mobile phone ban would greatly harm his business as he relies heavily on the use of a mobile phone in order to conduct his towing business.

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CITY OF CHARLOTTE

State Preemption of Local Ordinances

- *George's Towing and Recovery v. Town of Chapel Hill* (cont.)
  - The plaintiff alleges that: (1) Chapel Hill lacks authority to enact the particular ordinance; and, (2) that Chapel Hill's ordinance was preempted by State law.
  - Superior Court Judge Orlando Hudson has issued a Preliminary Injunction (May 8, 2012) that prevents the ordinance from taking effect pending a hearing on the merits of the case.
  - In granting the Preliminary Injunction, Judge Hudson concluded the plaintiff had "a very strong likelihood of success" on the merits.
  - The resolution of this matter is currently pending. Chapel Hill has yet to file an answer to the complaint.

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CITY OF CHARLOTTE

State Preemption of Local Ordinances

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  - The Attorney General's Office responded, through an advisory letter, that the proposed Chapel Hill ordinance was preempted by State law.

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Considerations

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- Enforceability can pose a problem for law enforcement officers, especially if mobile phone use regulations contain exceptions for calls to certain persons or emergency personnel, thereby making it difficult for an officer to discern whether a phone was being used for a permitted or prohibited purpose.

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Questions

Questions

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Human Trafficking Investigations in Charlotte -Mecklenburg

The Charlotte-Mecklenburg Police Department (CMPD) is currently conducting several types of human trafficking investigations. The Vice and Narcotics and Missing Persons Units have taken the lead in these investigations and have educated their detectives on the issues related to human trafficking. Federal law enforcement agencies are key partners in this work.

What is Human Trafficking?

Human trafficking is akin to modern day slavery. Its victims can be US citizens or foreign nationals and include men, women, and children. The two most common forms of human trafficking are labor trafficking and sex trafficking.

In labor trafficking, the victim is treated as forced labor. He is paid nothing or below minimum wage and is sometimes forced to live and work in dangerous situations. Foreign nationals may be illegally smuggled into the country and then forced into indentured servitude to repay smuggling debts that never actually go away.

Common examples of places where labor trafficking may be present include: hair/nail salons, restaurants, sweatshop factories, agriculture, domestic services such as nannies and housekeepers, hotels and panhandling.

In sex trafficking, an adult victim is forced, coerced, or defrauded into working in the commercial sex industry by a human trafficker who receives benefits, financial or otherwise, from the victim's act. In the case of a minor (someone who has not yet reached their 18th birthday), federal law and North Carolina laws regarding sex trafficking state that the element of force, fraud, or coercion does not have to be present. Any person who benefits in some way from furthering a minor to work in the commercial sex industry, knowing the person is under 18, may possibly be prosecuted for sex trafficking.

Common examples of places where sex trafficking may be present include: online escort/massage services, massage parlors, residential and mobile brothels, adult exotic dance clubs and bars/cantinas.

Victims of sex trafficking are overwhelmingly women and female minors although there are some urban areas in the United States where the victimization of men is a trend.

Recruitment of foreign national victims often occurs in their native countries. The victim is lured into being smuggled into the United States with a promise that she can work off her smuggling debt at a restaurant or other establishment or through an alleged boyfriend claiming to love her when he is, in reality, a recruiter for a trafficking organization.

Statistics show that most recruitment of United States citizens occurs while they are still minors. According to the U.S. Department of Health and Human Services, runaway youth in the U.S. have a 100% chance of being approached by a trafficker or "pimp" within their first year on the streets. Other recruitment methods seen in Charlotte are potential traffickers scouting at local high schools and via Internet social media like Facebook. Traffickers sometime say they work in the music, entertainment, or exotic dance industry as a ruse to gain the interest of young females.

CMPD Human Trafficking Investigations Began in 2006

In late 2006, CMPD detectives received information from a confidential informant that some of the women being investigated for prostitution activity were actually engaged in those activities to pay off the debt they owe to the organizations that facilitated their illegal transfers to the United States. This information presented the possibility that these women, who had traditionally been investigated as violators, might be potential victims. After receiving informative training on human trafficking from the FBI, detectives began questioning these women as victims. Their initial investigations revealed that some of the women were victims of human trafficking but more of the women engaging in prostitution were involved for simple financial gain.

Several years ago, the state of North Carolina acknowledged the human trafficking problem by creating state statutes that, for the most part, mirror federal law. The District Attorney's Office has expressed their willingness to prosecute these cases and works with the U.S. Attorney's Office to determine if cases should be prosecuted in state or federal court.

CMPD Missing Persons Unit

The CMPD Missing Persons Unit makes an effort to determine if any of their victims are involved in human trafficking. A forensic interviewer with Pat's Place works with detectives to interview repeat runaways to identify any possible involvement in human trafficking. If any cases of juvenile prostitution are identified, they are forwarded to Vice and Narcotics for possible enforcement action. The unit gathers intelligence on human trafficking in Charlotte and has identified at least two groups that have been involved in juvenile prostitution. The Transit Center has been identified as the hub of those operations. The Missing Persons Unit also works with the FBI Innocence Lost Task Force which addresses the domestic sex trafficking of children in the United States.

Vice and Narcotics Unit

The Vice and Narcotics Unit uses confidential information sources and enforcement operations to identify victims of human trafficking. Detectives use varied information sources, including web sites, to locate an individual operating as a prostitute. Efforts are made to determine if the individual advertising is an adult or a juvenile and the individual is then contacted to arrange a meeting. During the meeting the detective, depending on the age of the apparent prostitute,

will have a conversation to determine if charges are appropriate. If so, the suspect is detained and interviewed to learn about any possible involvement in human trafficking, including whether the suspect is really a victim. Detectives also monitor the area around the meeting location to try and determine if the subjects that drive the alleged prostitute to that location are possibly forcing them into prostitution related activity. Vice and Narcotics also works closely with the Missing Persons Unit and any other CMPD units if they have cases possibly involving human trafficking.

Locations of Prostitution Activity

There are several areas in the City where prostitution activities are concentrated. The locations remain consistent with temporary variations that are dependent upon the level of enforcement activity going on in the area. The vast majority of these activities are going on in hotels and motels around Woodlawn Road/I-77, Billy Graham Parkway/I-85, Tyvola Road/I-77, and East W.T Harris Boulevard/ North Tryon Street.

ICE-Homeland Security Investigations

Vice also provides one detective to work with Homeland Security Investigations on an as needed basis to assist in their human trafficking investigations. Homeland Security Investigations (HSI) is the investigative division of Immigration and Customs Enforcement (ICE) and is the principal investigative arm of the U. S. Department of Homeland Security. HSI Special Agents are responsible for investigating a wide range of domestic and international activities arising from the illegal movement of people and goods into, within, and out of the United States. HIS Special Agents investigate immigration crime, child exploitation, human smuggling and trafficking, narcotics trafficking, counter proliferation of weapons and other contraband, financial crimes, cyber crimes, and export enforcement issues. HIS is a lead contributor of resources to Joint Terrorism Task Forces throughout the United States and operates offices in 47 countries including 6 combat commands.

HIS officers in Charlotte partnered with CMPD and the FBI to train officers on human trafficking laws, indicators and investigative methods. Over 150 officers have received this training.

Between September 2011 and January 2012, Vice and Narcotics detectives assisted the FBI and HIS in five undercover operations to identify and rescue missing minors involved in the commercial sex industry and to identify potential traffickers or “pimps” working in Charlotte. These operations identified and rescued at least four minors who were entered as missing persons in the National Crime Information Center and led to the ongoing investigation of individuals believed to be involved in sex trafficking.

Challenges in Human Trafficking Investigations

The most significant challenge in human trafficking investigations is that the females who are being exploited are unwilling to seek help because they have no other means of support, fear

retaliation and distrust law enforcement. This is especially true with Hispanic victims but has also been an issue with Asian women working in massage parlors and underage prostitutes regardless of their ethnic background.

Identifying human trafficking victims is difficult and the investigations can be lengthy and labor intensive. If a victim is willing to cooperate with police, it is difficult to find the resources to keep her in the community long enough to see the case through the investigation and prosecution.

Human Trafficking 101

Community Safety Committee
June 20, 2012

- Charlotte Mecklenburg Police Department
- Captain S.C. Voorhees, Special Investigations Bureau

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Human Trafficking
Defined

- Human Trafficking cases involve the use of force, fraud, or coercion to compel a person to perform labor, services, or a commercial sex act.
- Commonly divided into two main types: labor trafficking and sex trafficking.

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Smuggling vs. Trafficking

SMUGGLING	TRAFFICKING
Voluntary	Non Voluntary
Focus is on transporting or harboring illegal aliens	Focus is on compelled labor, service, or commercial sex acts
Must involve an undocumented migrant	Victim can be a U.S. citizen, a documented migrant, or an undocumented migrant
Individual contracts/pays to be taken across a border	Individual forced into labor, services, or commercial sex
Requires a border crossing	No physical movement required
Requires international involvement at some level	Can occur without any international involvement
Crime against a nation's sovereignty	Crime against a person

Human Trafficking

- Victims are often lured into commercial sexual exploitation or labor exploitation. This occurs in all types of settings to include: massage parlors, strip clubs, agricultural fields, tourist industry, sweatshops, construction sites, and domestic service/homes.

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Labor Trafficking

- Victims are forced to work for either minimal or no payment at all.
- They are usually subjected to harsh and dangerous work environments.
- For some foreign nationals, they may be smuggled in illegally and have to work to pay back their debts.

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Labor Trafficking

- Examples of this type of trafficking include, but are not limited to:
  - Nail/hair salons
  - Sweatshop factories
  - Panhandling
  - Domestic servants
  - Agriculture

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Sex Trafficking

- Victims of sex trafficking can be forced or coerced into working in the sex industry by a trafficker who receives some type of benefit from the victims act.

Sex Trafficking

- Examples include but are not limited to:
  - Online escort services
  - Massage parlors
  - Exotic dance clubs
  - Bars and cantinas

  * Most victims are female minors. More recently there have been male victims in urban areas.

Trafficking can be hidden or masked by:

- Other Criminal activity (prostitution, drugs, immigration violations)
- Isolated victims - language
  - culture
  - movement
- Fear of Arrest/Deportation/Corrupt LE
- Appearance of legitimacy

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CMPD Partners

- Homeland Security Investigations
- Federal Bureau of Investigation
- Pat's Place Child Advocacy Center
- United States Attorney's Office
- District Attorney's Office

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Cases within CMPD

- FBI Innocence Lost Task Force
- Recovered 4 minors listed as missing persons in NCIC in 5 months by performing undercover operations

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Challenges in Human Trafficking

- Distrust of Law Enforcement
- Victims unwilling to seek help
- Labor intensive investigations
- Hard to quantify

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DNC Charlotte

- Expect to see more publicity on this issue
- Expect to see more sex workers in Charlotte

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sources

- http://www.state.gov/j/tip/rls/tiprpt/2007/86205.htm
- http://www.state.gov/documents/organization/82902.pdf

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