



# Labor Trafficking—What Local Governments Need to Know

Margaret F. Henderson and Nancy Hagan

<b>The Basic Information About Human Trafficking</b>	2
Labor Trafficking	5
North Carolina Statistics	7
Business Models of Trafficking	9
The Twenty-Five Business Models	9
Natural Disasters and Trafficking	16
Conflating Smuggling and Trafficking	17
Foreign-Born Trafficking Victims	18
Agricultural Labor Trafficking	20
Labor and Sex Trafficking in Illicit Massage Businesses (IMBs)	22
Conclusion	24
<b>Appendix A. Indicators of Sex and Labor Trafficking</b>	26
<b>Appendix B. Screening Questions for Identifying Potential Human Trafficking</b>	28
<b>Tables</b>	
Table 1. The A-M-P Model—Action + Means + Purpose = Human Trafficking	2
Table 2. A-M-P Means Factors Involved in Human Trafficking	2
<b>Sidebars</b>	
Sidebar 1. Strategies for Strengthening the Identification, Investigation, and Prosecution of Labor Trafficking Cases	7
Sidebar 2. Words of Wisdom: Rick Hoffman	8
Sidebar 3. Trafficking at the Nail Salon: A Local Story	13
Sidebar 4. Training Suggestions for Local Government Workers	15
Sidebar 5. Ernesto’s Story	19
Sidebar 6. A Complex Regulatory System	21
Sidebar 7. Indicators of Labor Trafficking among North Carolina Migrant Farmworkers	22

[Margaret F. Henderson](#) directs the Public Intersection Project, teaches in the Master of Public Administration program at the UNC School of Government, facilitates public meetings, and provides training about human trafficking for local government audiences.

Nancy Hagan, Ph.D., is a member of the Project NO REST team at the School of Social Work, UNC-Chapel Hill. Her expertise includes coalition-building with limited English proficiency (LEP) Spanish-speaking groups, in particular, immigrants and agricultural workers, around issues of labor and sex trafficking.

This project was supported by grant no. 90CA1822-0, awarded by the U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau, and by grant no. 2015-VA-GX-0019, awarded by the U.S. Department of Justice, Office for Victims of Crime.

## The Basic Information about Human Trafficking

Human trafficking involves the use of force, fraud, or coercion by one person to compel another person to perform a profitable labor or sex act. Victims can be adults or children, foreign or domestic born. The trafficking can involve purely labor, purely commercial sex, or a blend of both.

To employ a common description, human trafficking is something that often is “hidden in plain sight” in our communities. Whereas Hollywood regularly employs imagery of physical restraints and kidnapping, the reality is that the indicators of trafficking can be much more subtle and situational. Appendix A shares some indicators that might be visible to outsiders. Given that trafficking takes many different forms, the indicators will vary depending on the situations and people involved.

When evaluating a situation to assess whether trafficking has happened, investigators use the Action-Means-Purpose (A-M-P) Model (see Table 1, below). Under this tool, the crime of trafficking occurs when a perpetrator takes any of the listed ACTIONS, then employs the MEANS of force, fraud, or coercion for the PURPOSE of compelling the victim to provide sex or labor for profit.<sup>1</sup>

**Table 1. The A-M-P Model—Action + Means + Purpose = Human Trafficking**

Action	Means	Purpose
Induce, Recruit, Harbor, Transport, Provide, or Obtain	Force, Fraud, or Coercion	Commercial Sex* or Labor/Services

\*Minors induced into commercial sex are human trafficking victims, regardless of whether force, fraud, or coercion is present.

Table 2 provides examples of how the force, fraud, or coercion elements set out in the A-M-P Model can show up in labor trafficking. Note that it is not an exhaustive list of strategies that might be employed by traffickers.

**Table 2. A-M-P Means Factors Involved in Human Trafficking**

Means	Trafficker Strategies
Force	Restricted access, restricted movement, permission required for access or contact, locks, guards, guard dogs
Fraud	Recruitment fees or charges incurred for transportation, food, or other services; “bait and switch” tactics that advertise one type of work and compel another; wage and hour violations
Coercion	Threats of deportation,* reporting to law enforcement, harm to family members, or blacklisting from future employment; sexual harassment; confiscation of passport and visa; shaming; debt bondage

\* Foreign-born trafficking victims without permanent legal status are at risk of being reported to immigration authorities.

1. Discussions about the A-M-P Model are readily available online. See, for example, the website of the National Human Trafficking Hotline at [humantraffickinghotline.org](http://humantraffickinghotline.org).

While human trafficking has existed for centuries, it is receiving new attention thanks to improvements in legislation that address associated crimes, public funding opportunities that focus attention on improved interventions and responses, and evolving cultural attitudes that display a willingness to label the illegal behaviors connected with trafficking as unacceptable.

The Trafficking Victims Protection Act (TVPA) of 2000<sup>2</sup> was the first comprehensive federal law to address human trafficking. Reauthorized several times, it addresses prevention, protection, and prosecution.

In general, human traffickers look for points of weakness to exploit. These vulnerabilities can be social, political, financial, or situational and can take many different forms. Below are some examples.

- Family conflict/instability
- Financial stress
- Social isolation
- Homelessness
- Limited English proficiency
- Addictions
- Immigration status
- Unsafe community or living conditions
- Natural disasters
- Sexual orientation/gender identity
- Rejection by family or community
- History of physical or sexual trauma
- Foster care placement; aging out of the child welfare system
- Political instability
- Cultural background

Desperation can drive risky decisions. For example, homeless people might be influenced by the promise of shelter. Runaway/throwaway teenagers might be coerced with the promise of belonging to a “family.” Impoverished parents might be fooled into taking fraudulent jobs in order to provide for their children.

Given the desperation of the victims’ lives and the elegance of the traffickers’ manipulations, victims are not likely to immediately identify themselves as having been trafficked. For that reason, initial efforts by local government officials to identify potential victims should focus on gathering information about relevant behaviors, events, or reactions rather than on labeling the situation as “trafficking.” For guidance on how to frame such inquiries, refer to the examples of screening questions set out in Appendix B.

It is important to remember that traffickers are predators who are highly skilled at recognizing and manipulating vulnerabilities, regardless of their origin, e.g., a lack of health, love, security, safety, or opportunity. The strategies traffickers employ in recruiting or manipulating victims respond to some void that each victim needs to fill. Traffickers treat others as commodities—rather than as human beings—for the purpose of generating financial gain.

Another key point to bear in mind is that traffickers are highly adaptive, shifting their strategies to minimize risk and maximize their profits. Consider the following example. The North Carolina Board of Massage and Bodywork Therapy recently clarified its requirements for obtaining a license to practice and for practicing bodywork in an attempt to cut down on illicit massage businesses (IMB). In response, traffickers shifted their tactics away from advertising

#### **LABOR TRAFFICKING “RED FLAG”**

*A building inspector notices a sign on a reflexology business saying “entrance around back” and an arrow pointing toward down an alleyway to the back of the building. The business is open 8 a.m. until midnight.*

<sup>2</sup> 22 U.S.C. §§ 7101–7114.

bodywork services and toward advertising reflexology and energetic healing services, activities that were not named under the Board's list of modalities requiring licensure.<sup>3</sup>

The business models of trafficking used in a given community are determined in large part by the environmental conditions present in that community. Considering the variance in physical and economic characteristics across North Carolina counties, it is no surprise that the types of trafficking that turn up in one place might be very different from those used in another. For that reason, local strategies to recognize and intervene in trafficking have to be customized for each community in order to be successful.

Below are examples of environmental conditions that, when present in a community, enable trafficking.

- Tourist destinations
- Large public events
- Seasonal farm work
- Online advertising opportunities<sup>4</sup>
- Interstate highways
- Truck stops
- Highway rest stops
- Military bases
- Factories
- International borders
- Colleges and universities

The presence of seasonal farm work and factories in a community primarily enable opportunities for labor trafficking, although sex trafficking might also occur when such conditions exist. Tourist venues that recruit workers from other countries via J-1 visas are primed for labor abuse. Interstate highways provide opportunities for transporting victims of both sex and labor trafficking. The other conditions primarily enable sex trafficking, either by creating situations in which customers are more available to buy sex (such as when they are away from home) or in which customers and trafficking victims make connections to meet.

The North Carolina Human Trafficking Commission recently added colleges and universities to this list of environmental conditions in acknowledgement of the fact that students can experience financial stress that makes them vulnerable to being trafficked. A recent study on the impact of food insecurity on the campus of the University of North Carolina at Chapel Hill found that “22% of students were marginally food secure, while 19% had low food security, and 3% had very low food security,” according to principal investigator Maureen

*When conducting a restaurant inspection, an environmental Health inspector notices beds in the storage room, personal toiletries in a lavatory, and clothes hanging out to dry on a dumpster.*

3. Documents pertaining to the Board's licensing and practice requirements can be found on its website: <https://www.bmbt.org/mtpages/DocumentCenter.html>.

4. Online advertising enables sex trafficking. In 2018, the U.S. Congress passed a bill known as FOSTA/SESTA (short for the combination of the House bill known as the Fight Online Sex Trafficking Act (FOSTA) and the Senate bill called the Stop Enabling Sex Traffickers Act (SESTA)), which is aimed at curbing underage sex trafficking and holds Internet service providers liable for what users might create on their platforms.

Berner.<sup>5</sup> A parallel study at North Carolina State University revealed that 14 percent of the students surveyed reported low or very low food security over the prior thirty days and 9.6 percent experienced homelessness over the last twelve months.<sup>6</sup>

Women who are labor-trafficked are also vulnerable to sexual harassment and violence, in addition to sex trafficking.

## Labor Trafficking

Previous Public Management Bulletins produced by the UNC School of Government have addressed human trafficking from the perspectives of local government leaders, staff, and community activists, respectively. This bulletin focuses on labor trafficking from the perspective of local government units, recognizing three dynamics that present unique challenges at the community level:

1. Labor trafficking does not receive as much public attention as sex trafficking—it does not often show up in headlines, plot lines of movies or TV shows, or everyday conversations—even though it may in fact be more prevalent. Further, our society tends to hold more empathy for victims of sex trafficking, particularly when those victims are children, than it does for those who suffer at the hands of labor traffickers. Community intervention and response services also tend to focus more on the victims of sex, rather than labor, trafficking.
2. While indicators of labor trafficking might be visible to local government staff, the immigration status of foreign-born victims and/or traffickers can complicate an investigation and require significant inter-jurisdictional cooperation between federal and local law enforcement agencies. Sorting out that authority can be complex and frustrating. Also, the potential trafficking charges against offenders can be overlooked when the emphasis is placed on offenses related to immigration rather than on crimes against humanity.
3. The political will to address labor trafficking at the local level can be influenced by the economic base and social networks of a given community. For example, a county with a local economy based on agriculture might not generate sufficient public support to address the trafficking of farmworkers. Also, labor traffickers (or those upstream who benefit indirectly from such trafficking) might “look more like us” than do stereotypical sex traffickers and might also be otherwise upstanding members of mainstream society. Communities are more likely to rally in support of a teenage girl who is trafficked by a gang than they are to advocate for a foreign-born adult male who was trafficked by a prominent land or business owner.

---

5. Email exchange between Maureen Berner and the author, January 11–14, 2018, and quoted in a news article, Blake Weaver, “Food Insecurity Grows for Students, and UNC Has Nothing ‘in the Works’ to Study It,” *Daily Tarheel*, Oct. 22, 2018, <https://www.dailytarheel.com/article/2018/10/food-insecurity-1009>.

6. Mary E. Haskett, Suman Majumder, Sarah Wright, and Dana Kotter-Grühn, “Food and Housing Security Among NC State Students” (Feb. 2018), <https://dasa.ncsu.edu/wp-content/uploads/2018/03/NC-State-Food-and-Housing-Insecurity-1.pdf>.

Another potential obstacle to addressing trafficking at the local level lies in the simple fact that it is uncomfortable for each of us to recognize that we have inadvertently benefitted from labor trafficking, whether from the clothes or technological devices we buy that were made in sweat shops or from the food we eat that was harvested by abused workers. We may not think about (or want to think about) our location in a supply chain or how a desire for inexpensive products may drive illicit labor practices.

Labor supply chains are complex and vary by industry. Recruiters, drivers (those who transport workers short or long distances), labor contractors, field bosses, supervisors, food service managers, landlords, and business owners interact with workers in different ways and for various reasons. The one thing all of these individuals have in common is that they have some kind of influence, power, or control over the workers. People in any of these roles can be working independently or in cooperation with others to traffic workers. Similarly, people in any of these roles can be operating with integrity or be oblivious to the abusive actions of others in the labor supply chain.

Consider the following example of illicit labor practices. In recent years, the international fishing industry has become increasingly reliant on labor abuses to cut costs. As the abundance of sea life declines across the globe, the number and productivity of catches decline as well, and boats have to fish at greater distances from their home ports, thereby increasing costs. Vessel operators might choose to reduce crew expenditures by taking actions that fail to comply with labor and safety standards or by withholding pay from workers. The natural isolation of this type of work enables trafficking.<sup>7</sup> Those inexpensive shrimp we buy at the store might have been caught by a Southeast Asian fisherman who signed up for a two-week assignment but was kept working at sea for months, only to receive a portion of the original amount of pay he was promised.

***Public safety staff managing parking and traffic flow at a large public event notice small children, dressed inappropriately for the season, trying to sell candy. It is late on a school night. When approached, the children say they are raising money for their church and that the pastor is in a nearby car keeping an eye on them.***

Readers who are curious about how personal purchasing patterns create markets for labor trafficking can complete a questionnaire at [slaveryfootprint.org](http://slaveryfootprint.org). The survey provides an individualized answer to the question, “How many slaves work for you?” While the majority of us can definitively state that we have not been complicit in sex trafficking, none of us can make the same claim about labor trafficking. The U.S. Department of Labor (USDOL) maintains a website that the public can access to see products produced by child labor worldwide.<sup>8</sup>

Each and every one of us needs to be vigilant when it comes to trafficking. Sidebar 1, below, provides strategies that emphasize the critical role local law enforcement plays in collaborating across organizational boundaries to strengthen systems of intervention in trafficking cases.

7. For a discussion of the trafficking hazards of the fishing industry, see David Tickler, Jessica J. Meeuwig, Katherine Bryant, Fiona David, John A.H. Forrest, Elise Gordon, Jacqueline Joudo Larsen, Beverly Oh, Davield Pauly, Ussif R. Sumaila, and Dirk Zeller, “Modern Slavery and the Race to Fish,” *Nature Communications* 9, article no. 4643 (Nov. 7, 2018), <https://www.nature.com/articles/s41467-018-07118-9#ref-CR38>.

8. U.S. Department of Labor, Bureau of International Affairs, “List of Goods Produced by Child Labor or Forced Labor” (current through Sept. 20, 2018), [www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods](http://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods).

### Sidebar 1. Strategies for Strengthening the Identification, Investigation, and Prosecution of Labor Trafficking Cases

Researchers\* have made the following (non-exhaustive) suggestions for strengthening interventions in order to combat labor trafficking:

- train both patrol officers and detectives on identifying the indicators of trafficking;
- train both detectives and prosecutors on building cases against traffickers;
- encourage collaboration between local law enforcement, the U.S. Department of Labor, and/or other state or local regulators;
- recognize that the interest of strict enforcement of federal immigration laws will be in tension with the interest of building cooperative relationships and trust with vulnerable immigrant populations; and
- be mindful that, since trafficking victims are unlikely to self-report, building networks of information-sharing and increasing the capacity of individuals to recognize trafficking indicators are critical to identifying potential cases.

\*Amy Farrell and Rebecca Pfeiffer, "Policing Human Trafficking: Cultural Blinders and Organizational Barriers," *Annals of the American Academy of Political and Social Science* 653, no. 1 (May 2014): 46–64.

### North Carolina Statistics

In 2017, the National Human Trafficking Hotline received a total of 228 trafficking reports in North Carolina. Fifty-two of those cases involved labor trafficking; seventeen involved both sex and labor trafficking.<sup>9</sup> Since our state's economy has a strong foundation in agriculture, it is not surprising that 21 percent (a total of eleven) of the reports were related to farmworkers. According to the most recent (2014) national reporting rate, 8.6 percent of labor trafficking cases (70 of 818 cases reported nationally) involved agriculture and animal husbandry industries.<sup>10</sup>

Detailed state-level trafficking statistics are available on the National Human Trafficking Hotline's website. To access information for our state, go to <https://humantraffickinghotline.org/>, scroll down to the box titled "Find stats from your state," and enter "North Carolina." The data show an increase in reporting in North Carolina in 2017, which might have been due, at least in part, to a major public awareness campaign conducted by Project NO REST and Capitol Broadcasting. Project NO REST is an anti-trafficking initiative operated out of the UNC School of Social Work. The organization, on top of its public outreach efforts, also supported five pilot sites across North Carolina. From October 2016–June 2018, these pilot sites served 378 individuals identified as potential or confirmed victims of trafficking. Of these cases, 6 percent involved labor trafficking and 3 percent involved both labor and sex trafficking.<sup>11</sup>

9. National Human Trafficking Hotline, "North Carolina Spotlight: 2017 National Human Trafficking Hotline Statistics" (current through July 11, 2018), <https://humantraffickinghotline.org/sites/default/files/2017%20North%20Carolina%20State%20Report.pdf>.

10. National Human Trafficking Resource Center, "National Human Trafficking Resource Center (NHTRC) Data Breakdown: Labor Trafficking in the Agricultural and Animal Husbandry Industries 1/1/2014–12/31/2014," [https://humantraffickinghotline.org/sites/default/files/Labor%20Trafficking%20in%20Agriculture%202014%20Topical%20Report\\_FINAL\\_OTIP\\_Edited\\_06-09-16.pdf](https://humantraffickinghotline.org/sites/default/files/Labor%20Trafficking%20in%20Agriculture%202014%20Topical%20Report_FINAL_OTIP_Edited_06-09-16.pdf).

11. C. Joy Stewart, "Project NO REST Human Trafficking Screening Tool (PNR-HTST); A Semi-Structured Interview Approach to Assessing Risk for Sex and Labor Trafficking" (presentation, Project NO REST 2018 Annual Conference, New Bern, N.C., Aug. 7, 2018).

## Sidebar 2. Words of Wisdom: Rick Hoffman\*

As a detective in the Raleigh Police Department, Rick Hoffman developed investigative responses to human trafficking cases and was active in the Rapid Response Team (RRT) that covers Wake and nearby counties. Now retired, he provides professional training intended to strengthen the investigation of, intervention in, and response to both sex and labor trafficking cases. Hoffman identifies two primary opportunities for local governments to build their capacities to address trafficking.

The first is to encourage the training of law enforcement staff at all levels. Patrol officers have the potential to recognize the indicators of trafficking in their daily work and can assist in gathering intelligence on potential cases. In addition to developing these basic identification and information-gathering skills, detectives should also be trained in building cases against traffickers. "Local LEAs [law enforcement agents] need to take an 'all crimes' approach to human trafficking," according to Hoffman. "Traffickers commit multiple crimes while in the process of exploiting individuals for benefit," he says. "By collecting evidence of ancillary crimes, we gather information that, when considered in context, demonstrates that these crimes are being committed with a greater purpose, to enable the trafficking of the victim."

The second opportunity suggested by Hoffman for tackling trafficking at the local level lies in convening regulatory and law enforcement agencies to mine the data held in their professional silos. "If we cross-trained—or at least met and built relationships—in multi-disciplinary groups," he argues, "we could learn how staff in each organization could make contributions in identifying and building cases against traffickers." Hoffman notes that without considering the bigger picture of abuse, indicators of labor trafficking can be minimized as wage disputes, then treated as civil matters to be handled only by regulatory agencies.

\*Telephone interview of Rick Hoffman by Margaret Henderson, conducted on Dec. 12, 2018.

These statistics speak to the presumed underreporting of labor trafficking across the state, as well as nationally. Labor trafficking can be ongoing and subtle. It may not be visible to outsiders due to the physical isolation of the particular worked involved, making it extremely difficult to detect or investigate. The following examples demonstrate this point.

- A person kept in domestic servitude might not be allowed to leave the house, except in limited and controlled circumstances.
- Restaurant and hospitality workers might have to stay in the facility's kitchen or back rooms.
- Professional cleaning crews might do all of their work at night, when no one else is on the premises.

Traditionally, abusive labor practices are handled by regulatory agencies, not law enforcement agencies. Regulatory agencies enforce compliance with labor laws and are not charged with addressing trafficking abuses. Unfortunately, the exchange of information between regulatory and law enforcement agencies that would enable investigation of labor trafficking cases is not systematic. Sidebar 2, above, contains advice from a seasoned detective about how to strengthen systems of intervention by building relationships across the public organizations that might intersect in labor trafficking cases.

*On pick-up days, a solid waste management worker regularly notices a person in one home taking trash and recycling to the curb under the watchful eye of the homeowner. The domestic worker does not make eye contact or respond to greetings and seems fearful of her boss.*



## Business Models of Trafficking

The Polaris Project, an organization affiliated with the National Human Trafficking Hotline, serves as the national repository of data on human trafficking in the United States. Using statistics generated from Hotline calls and BeFree line texts, Polaris identified twenty-five business models of human trafficking.<sup>12</sup> In research conducted in 2018, focus groups made up of local government workers in North Carolina reviewed those twenty-five business models to assess which ones might be most visible to them. The work of focus group participants placed them in or near homes, businesses, and public spaces on a regular basis, making twenty of those business models potentially visible to them. Of the twenty visible business models, eighteen (highlighted in red below) have the potential to involve labor trafficking.<sup>13</sup> The bullet points contained within the following numbered list identify the types of local government functions/personnel that/who might intersect with each business model of trafficking discussed.

*A resident calls law enforcement to report that a van, previously parked in the neighborhood, released a group of people who then knocked on doors, trying to sell cleaning products. When approached by a curious neighbor, the van driver calls everyone back, then loads up and leaves.*

### The Twenty-Five Business Models

1. **Escort services** is a broad term used in the commercial sex trade and refers to commercial sex acts that primarily occur at a temporary indoor location, such as a motel or residence. Traffickers deliver victims to sex buyers, transferring victims across locations to meet demand. Online advertising platforms enable the transactions.

*Potential areas of interaction:*

- state or local government personnel making hotel inspections
- first responders working on emergency calls
- water/sewer/solid waste management staff working in the community

2. **Illicit massage, health, and beauty businesses** present a façade of legitimate spa services, concealing that their primary function is the sex and labor trafficking of women trapped in the location. They appear to be single operations but often are controlled as part of larger networks.

*Potential areas of interaction:*

- state or local government personnel making new business or building inspections
- state or local government personnel responding to various types of complaints
- water/sewer/solid waste management staff working in the community

12. Polaris' full report, "The Typology of Modern Slavery: Defining Sex and Labor Trafficking in the United States" (March 2017), is available for download at <https://polarisproject.org/typology>.

13. The work of the focus groups is discussed in more detail in Margaret F. Henderson, "Exploring the Intersections between Local Government and Human Trafficking: The Local Government Focus Group Project," *Public Management Bulletin* no. 15 (UNC School of Government, June 2018), [https://www.sog.unc.edu/sites/www.sog.unc.edu/files/reports/20180336%20Henderson\\_PMB15-Exploring-Intersections\\_v5.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/reports/20180336%20Henderson_PMB15-Exploring-Intersections_v5.pdf).

*Through regular visits to a nail salon, an elected official builds a friendly relationship with an employee there, who is watched carefully by the salon manager and who sometimes has bruises on her wrists and arms. After inviting the employee to ESL classes, the elected official is told, "oh, I can't go out on my own."*

3. **Outdoor solicitation** occurs when traffickers force victims to find buyers in outdoor, public settings, such as particular city blocks or truck or rest stops along major highways.<sup>14</sup>

*Potential areas of interaction:*

- law enforcement officers working in the community
- first responders working on emergency calls

4. **Residential brothels** might be run by networks of coordinated traffickers; **private households** might be used informally for commercial sex. Advertising might be done through word of mouth or covert business cards, as well as through online advertising.

*Potential areas of interaction:*

- state or local government personnel making inspections
- state or local government personnel addressing parking violations
- state or local government personnel responding to noise complaints
- water/sewer/solid waste management staff working in the community

5. **Domestic workers** often live in their employers' households and provide services such as cooking, cleaning, and caretaking for children, the elderly, or the infirm.

*Potential areas of interaction:*

- state or local government personnel making residential care inspections
- water/sewer/solid waste management staff working in the community

6. **Bars, strip clubs, and cantinas** might be fronts for both sex and labor trafficking. There are variations in the type of trafficking linked with such operations, as well as in a given business's connection to traffickers.

*Potential areas of interaction:*

- state or local government personnel making bar checks for occupancy or pyrotechnics compliance
- state or local government personnel making environmental health inspections
- water/sewer/solid waste management staff working in the community

7. **Pornography** is a product enabled by modern technology. Its victims can be children or adults. They can be overtly controlled and trafficked or tricked into being photographed by intimate partners or caregivers.

*Potential areas of interaction:*

- reports made to law enforcement
- complaints made by library patrons to staff about others using computers to view sexually-oriented web content

14. During a training event conducted by the UNC School of Government and Project NO REST for the Triad Council of Governments in Kernersville, N.C., on November 14, 2018, parks and recreation department staff spoke of the indicators of trafficking they see on a regular basis. Vulnerable populations, such as homeless teens, use public facilities with easily accessible restrooms or showers, and traffickers are known to make contact with them there.

8. **Traveling sales crews** are moved between cities and states, going door-to-door to sell fraudulent products, such as magazine subscriptions. Young salespeople, in particular, are rarely fully compensated, work long hours, and are unable to leave the work situation.<sup>15</sup>

*Potential areas of interaction:*

- law enforcement officers working in the community
- state or local government personnel carrying out business registration functions

9. **Restaurants and food service sites** of all kinds have been documented as taking advantage of language barriers and immigration status, in particular, by individuals engaged in labor trafficking.

*Potential areas of interaction:*

- state or local government personnel making environmental health inspections
- staff working in recycling programs with ABC permits
- water/sewer/solid waste management staff working in the community

10. **Peddling and begging rings** involve traffickers who, posing as seemingly legitimate charitable or religious organizations, claim to provide trips or enrichment services to “at-risk youth.” They may sell candy or baked goods or solicit donations on streets or in shopping centers.<sup>16</sup>

*Potential areas of interaction:*

- state or local government personnel carrying out licensing and enforcement of panhandling ordinances
- law enforcement officers working in the community

11. **Agriculture and animal husbandry industries** sometimes engage trafficked victims, particularly in the more labor-intensive harvesting processes. Trafficking can happen at multiple levels along the complex labor supply chain of recruiters, managers, contractors, subcontractors, growers, and buyers.

*Potential areas of interaction:*

- N.C. Cooperative Extension staff providing on-site services
- law enforcement officers working in the community
- first responders working in the community
- state or local government environmental health inspectors carrying out inspections (checking on things like food preparation, housing for workers)

12. **Personal sexual servitude** takes various forms and encompasses many different activities and types of payment. Victims may be sold, forced to marry, or coerced to engage in sex in order to have basic needs met, such as in the case of runaway homeless youths.

*Potential areas of interaction:*

- locations used by vulnerable populations, such as public libraries
- other locations, such as register of deeds offices

---

15. While the Polaris report cited above provides data on crews targeting young people to ostensibly sell products, readers should be aware that such crews also might sell services as well, such as lawn care or roof repair. Clean-up and repair services after natural disasters are other examples of fraudulent services that might be offered by crews going door-to-door.

16. Begging rings can also involve coercive family members who are exploiting vulnerable relatives.

*Code enforcement officials receive complaints in a neighborhood that a person operating a landscape service out of his home has a group of men living in his garage. The men are seen leaving the garage in a van before dawn each day, and they return together after dark in the same van. Otherwise, they are never seen outside.*

- 13. Health and beauty services** provided in seemingly legitimate nail and hair salons or spas can be exploiting foreign-born workers who were recruited under false pretenses, live in isolation under heavy monitoring, and may have lost control of their identification papers. (See Sidebar 3, below.)

*Potential areas of interaction:*

- licensing or quality-control functions handled by employees of state agencies
- water/sewer/solid waste management staff working in the community

- 14. The construction industry** generates a complex labor supply chain that can involve trafficking through the roles of direct employers, recruiters, and contractors. Abusive actions in this sector can range from the physical (denying necessities such as water or safety equipment) to the fraudulent (misrepresenting visa contracts or working conditions; committing severe wage and hour violations.)

*Potential areas of interaction:*

- inspections carried out by state or local government personnel related to building, septic, stormwater, engineering, fire, and planning functions
- water/sewer/solid waste management staff working in the community

- 15. Hotels and hospitality industries** might employ trafficked victims who are manipulated through false recruitment, debt bondage, or other forms of economic abuse. If the trafficker is a contractor, the hotel may not be aware of the abuse.

*Potential areas of interaction:*

- various types of inspections carried out by state or local government personnel
- first responders working in the community
- water/sewer/solid waste management working in the community

- 16. Landscaping businesses that traffic foreign-born men**, primarily to work on the maintenance of public or private grounds, use strategies that range from fraudulent recruitment to misrepresented work contracts or conditions.

*Potential areas of interaction:*

- zoning activities carried out by state and local government personnel
- code enforcement duties carried out by state and local government personnel
- state and local government staff engaged in tax licensing functions
- employees working at solid waste convenience centers

- 17. Illicit activities operated by criminal syndicates in illegal industries** can exploit people for profit with the same levels of force, fraud, and coercion as in any legitimate labor industry.<sup>17</sup>

*Potential areas of interaction:*

- law enforcement officers working in the community

---

17. Examples include operations that offer illegal or unlicensed gambling or alcohol.

### Sidebar 3. Trafficking at the Nail Salon: A Local Story

WSOCTV.COM, the website for channel 9 out of Charlotte, filed a series of reports in 2018 about allegations of human trafficking, felony assault, and involuntary servitude at a nail salon in Davidson, NC. Some highlights are presented below.

**July 3, 2018:** “Warrants reveal details of human trafficking investigation at Davidson nail salon.”

**August 13, 2018:** “Police look for more victims after Davidson nail salon workers accused of human trafficking.”

**November 29, 2018:** “Davidson nail salon owners accused of human trafficking face indentured servitude allegations.”

According to allegations, the managers of the nail salon in question intimidated a victim into working at the salon by means of both financial and physical abuse.

One of the accused owners reportedly forced the victim into a debt servitude contract of \$180,000; wrote paychecks to the victim, then forced her to cash the checks and give the money back; beat the victim with a blunt metal object; and used a metal cuticle pusher to repeatedly stab the victim.

18. **Arts and entertainment functions**, such as modeling, athletics, dancing, or performance groups, may employ fraudulent recruiting, economic abuse, or psychological manipulation. In terms of exotic dancing, in particular, both labor and sex trafficking can be involved.
19. **Commercial cleaning services operated by individual business owners**, rather than by networks, can employ fraudulent recruitment or economic abuse as tools of manipulation. Exploitation can include exposure to hazardous cleaning chemicals without proper protective equipment. Employees who work at night or by themselves can be particularly vulnerable to abuse, including trafficking.
20. **Workers in factories and manufacturing operations in the food production or processing, and clothing- and shoe-making sectors** are especially vulnerable to labor abuse and trafficking, according to the Polaris report mentioned above. A wide range of manufacturers were cited for trafficking, including, in addition to the ones just listed, factories producing electronic devices and vehicles.
 

*Potential areas of interaction:*

  - first responders working in the community
  - fire code inspectors carrying out inspections
  - water/sewer/solid waste management staff working in the community<sup>18</sup>
21. **Remote interactive sexual acts** are live commercial sex acts simulated via remote contact between a buyer and trafficking victim through technologies such as webcams, text-based chats, and telephone sex lines.

18. In addition to these local government employees, federal staff who conduct inspections for the Occupational Safety and Health Administration (OSHA) have the potential to spot indicators of trafficking as well.

22. **Carnivals** have been reported for labor exploitation offenses and the trafficking of workers who operate rides, games, or food stands, as well as those who assemble and disassemble carnival equipment. The lack of sleep from working long hours can cause workplace accidents, potentially affecting both carnival staff and customers. Carnival companies may contract with state or county fairs.<sup>19</sup>

*Potential areas of interaction:*

- law enforcement officers working in the community
- staff of parks and recreation departments working in the community
- state and local government personnel carrying out engineering, fire, and environmental health inspections

23. **Forestry and logging operations**, like other businesses described above, can involve complicated labor supply chains. Management and/or crew leaders have been reported to be traffickers, who, in addition to using fraudulent recruitment and engaging in economic abuse, can exert additional control over workers due to the isolated work settings of the operations.

*Potential areas of interaction:*

- N.C. Forest Service staff working in the community
- N.C. Cooperative Extension personnel providing on-site services

24. **Health care settings**, such as nursing homes or in-home service care scenarios, might enable the trafficking and exploitation of migrant or low-wage workers through their complex work chains and often isolated work settings.

*Potential areas of interaction:*

- first responders working in the community
- state and local government personnel making fire and environmental health inspections
- staff of area agencies on aging providing services in the community
- water/sewer/solid waste management staff working in the community

25. **Recreational facilities**—such as amusement parks, summer camps, golf courses, or community swimming pools—may mislead recruits through promises of free transportation to and from work, fairly priced housing, and a living wage. Young adults on J-1 visas are particular targets of this form of trafficking.

*Potential areas of interaction:*

- state and local government personnel making environmental health inspections
- water/sewer/solid waste management staff working in the community

While men and women, adults and children, domestic, and foreign-born individuals can be victimized by any of these forms of trafficking, particular business models appear to rely on specific characteristics for exploitation.

---

19. Foreign-born workers may be particularly vulnerable to this kind of abuse through labor contracting chains that involve visa fraud. For more details on this type of trafficking, see the February 2013 report by American University's Washington College of Law and Centro de los Derechos del Migrante, Inc., titled "Taken for a Ride: Migrant Workers in the U.S. Fair and Carnival Industry," available for download on the National Human Trafficking Hotline's website: <https://humantraffickinghotline.org/resources/taken-ride-migrant-workers-fair-and-carnival-industry>.

#### Sidebar 4. Training Suggestions for Local Government Workers

Below are some examples of training options for local governments that wish to teach their employees about human trafficking and ways to detect and combat it.

##### 1. Build awareness about the indicators of sex and labor trafficking.

- Basic resources for increasing awareness are available online from the UNC School of Government at [sog.unc.edu](http://sog.unc.edu). On the School's homepage, search for the phrase "human trafficking" to find a topical resource page.
- Many community groups and members of nearby Rapid Response Teams offer training sessions on dealing with human trafficking. Similarly, various state-level organizations (e.g., N.C. Coalition Against Human Trafficking, N.C. Human Trafficking Commission, N.C. Coalition Against Sexual Assault, Project NO REST) can assist anyone interested in the subject by either providing training or making appropriate referrals.
- Some professional associations have organized resources for their constituents. HEAL Trafficking, for example, is a group of multidisciplinary public health professionals who share resources in a variety of ways.
- Some local governments offer resources online. The City of Houston, for instance, shares its strategic plan and toolkits at [humantraffickinghouston.org](http://humantraffickinghouston.org).

##### 2. Be proactive by creating departmental or organizational protocols for reporting trafficking.

- For any department or organization in the United States, the National Human Trafficking Hotline is a viable reporting option.
- Local resources for and philosophies on the reporting of human trafficking vary widely. A strategy for reporting that is successful in one community might not work in another. Therefore, it is important to understand the local landscape of response and intervention options before directing your staff to act in a particular way.
- For help with designing reporting protocols, refer to Margaret F. Henderson, "Exploring the Intersections between Local Government and Human Trafficking: The Local Government Focus Group Project," *Public Management Bulletin* no. 15 (UNC School of Government, June 2018), [https://www.sog.unc.edu/sites/www.sog.unc.edu/files/reports/20180336%20Henderson\\_PMB15-Exploring-Intersections\\_v5.pdf](https://www.sog.unc.edu/sites/www.sog.unc.edu/files/reports/20180336%20Henderson_PMB15-Exploring-Intersections_v5.pdf), especially pages 11 through 13.

- Victims of domestic servitude tend to be women.
- Victims of agriculture-based trafficking who are in the United States on temporary visas (H-2A) tend to be adult men from Mexico.
- Undocumented farm laborers may also be from Mexico or from other Central American and Caribbean countries, such as Guatemala or Haiti.
- Health and beauty salons tend to exploit foreign-born women, particularly from China, Korea, and Southeast Asia.<sup>20</sup>

While any local government employee who works in or near homes, businesses, or public spaces might be able to notice indicators of trafficking, significant untapped potential for detecting these signs of abuse exists among those who are first responders, inspectors of any sort, utility workers, or solid waste management staff. (For local government training options, see Sidebar 4, above.)

20. Two comprehensive reports by the Polaris Project provide this type of background information on victims:

"Human Trafficking in Illicit Massage Businesses," [https://polarisproject.org/sites/default/files/Full\\_Report\\_Human\\_Trafficking\\_in\\_Illicit\\_Massage\\_Businesses.pdf](https://polarisproject.org/sites/default/files/Full_Report_Human_Trafficking_in_Illicit_Massage_Businesses.pdf) (discussing the recruitment of immigrants on pages 19 through 21).

"Human Trafficking on Temporary Work Visas: A Data Analysis 2015–2017," <https://polarisproject.org/sites/default/files/Polaris%20Temporary%20Work%20Visa%20Report.pdf> (discussing the nationalities of trafficking victims on pages 7 and 8).

For example, environmental health inspectors, per their job duties, are required to enter restaurants and any other places where food is prepared for public consumption. Jaron Herring is the Environmental Health Food and Lodging Supervisor for the Randolph County Health Department. He spoke with the author by telephone on January 9, 2019. Herring's awareness of and knowledge base about human trafficking was built up through both personal and professional connections, and he encourages conversations about it with his colleagues at work. His knowledge proved useful when he encountered two potential trafficking situations in local restaurants, one of which resulted in his placing a call to the National Human Trafficking Hotline, the other, to local law enforcement. "I've tried to better equip myself for future suspicious contact with potential victims," Herring says. "What can I have on my person to share with someone in that situation? What exactly is it about this situation that causes my unease?" (Knowing the indicators of trafficking (see Appendix A) can help an observer articulate the reasons why a

situation seems suspicious.) The contact with a potential victim can be fleeting, he notes, as the person often is under strict observation, for example, by the manager of the business in which he or she is working. Therefore, Herring always makes sure he is prepared to quickly exchange helpful information with a potential victim.

*Public health clinic staff notice that workers from a particular work site are brought into the clinic with old injuries that have worsened due to lack of treatment. The site's crew boss attempts to translate and answer questions for the workers and insists on being in the room for all exams and treatments.*

## Natural Disasters and Trafficking

The section immediately above discussed business models of trafficking that might be visible to local government staff. It is also worth noting that emergency conditions in a community might both reveal existing trafficking and generate new abuses. Local government staff who participate in disaster response services should thus be aware of the opportunities specific to such emergencies.

By way of illustration, consider the following impacts of a hurricane on a given community.

- Existing abusive situations can be exposed if traffickers and their victims seek disaster relief services together. The trafficker might in such cases insist on a group of unrelated people staying in close physical proximity in a shelter or might be in control of all the victims' identification documents.
- Loss of housing or other resources exposes vulnerabilities that traffickers can exploit by drawing new victims in. A trafficker might offer immediate food and shelter to coax a potential victim into a relationship.
- In the post-disaster rebuilding phase, traffickers might operate through construction industries, offering work that is ultimately fraudulent, isolating, or abusive.<sup>21</sup> Recruiters might promise permanent visas or extraordinarily good pay as lures.

21. See "Post-Katrina Labor Trafficking Case Studies," in the Emergency Disaster Response Toolkit, available from the City of Houston at <https://humantraffickinghouston.org/toolkits/emergency-disaster-response-toolkit/>. Examples of cases that resulted in lawsuits include fraudulent and abusive conduct involving (1) labor camps for men brought from India to repair damaged oil rigs, (2) Filipino teachers



- Guest-worker visa holders whose immigration status is tied to a specific employer may be reluctant to seek safety and shelter following a disaster if their employer prohibits them from doing so or does not provide transportation, thus restricting their movement and exploiting their vulnerabilities.

The City of Houston offers a useful toolkit for building awareness about the intersection of trafficking and natural disasters. (See [humantraffickinghouston.org](http://humantraffickinghouston.org).)

## Conflating Smuggling and Trafficking

Labor trafficking shows up in connection with both documented and undocumented immigration, but the latter process, in addition to trafficking, can also involve smuggling. A person who facilitates the movement of or actually transports others illegally across international borders is a *smuggler* and has committed a federal crime. The smuggling process involves two willing parties engaged in a financial exchange: payment for movement across a border. The relationship usually ends when the parties reach the agreed-upon destination.

Trafficking, in contrast to smuggling, is a crime against a person rather than a state. Its purpose is to exploit a victim through fraud, force, or coercion. The crime of trafficking can begin during the transporting of a victim and continue after the trafficker and victim have reached a particular destination. Although a person may agree to work for a smuggler/his or her designee until all smuggling fees are paid, the situation becomes trafficking if force, fraud, or coercion is involved.<sup>22</sup>

While legally distinct activities, smuggling and trafficking can be intertwined in some situations. As mentioned in the previous paragraph, smuggling can turn into trafficking at any phase of the transport process. Below are some examples.

- A smuggler imposes new financial charges for food, gas, or other benefits as the trip progresses, which causes victims to fall into debt bondage.
- A smuggler uses force, fraud, or coercion to sexually exploit a victim while in transit.
- A smuggler delivers victims to a destination but will not release them until additional fees are paid by their families.

Trafficking that occurs within the context of smuggling can sometimes be overlooked by local law enforcement and processed solely as an immigration violation, which is the responsibility of federal law enforcement.<sup>23</sup>

---

recruited to work in public schools, (3) South American guestworkers who took jobs in hotels, and (4) Thai workers hired to demolish flooded buildings.

22. Kelle Barrick, Pamela K. Lattimore, Wayne Pitts, and Sheldon X. Zhang, “Indicators of Labor Trafficking Among North Carolina Migrant Farmworkers” (National Institute of Justice, Aug. 2013), <https://www.ncjrs.gov/pdffiles1/nij/grants/244204.pdf>, at 25.

23. Kelle Barrick, Pamela K. Lattimore, Wayne J. Pitts, and Sheldon X. Zhang, “When Farmworkers and Advocates See Trafficking but Law Enforcement Does Not: Challenges in Identifying Labor Trafficking in North Carolina,” *Crime, Law and Social Change* 61 (March 2014): 205–14.

## Foreign-Born Trafficking Victims

There are many reasons why foreign-born victims are not likely to report that they are being trafficked. The bulleted items below discuss some of these reasons.

- Undocumented migrants might anticipate—and even expect—unfair labor practices to be part of their employment experiences. Workers who did not have access to formal educational opportunities in their home countries might not be able to read a contract, even if it is written in their native language. Those who come from countries where wages are low (e.g., Mexico, which raised its minimum DAILY wage to \$4.71/hour on December 1, 2018) might not understand U.S. pay scales and might accept wages below the designated federal minimum of \$7.25/hour.
- Individuals who experienced abuse as children or who grew up in repressive or corrupt political environments might not trust authorities and might hold the attitude that “that’s just the way things are.” If they had to pay bribes or protection money in their countries of origin, they might not realize that such abuses are not legal in the United States. Their cultural and/or historical suspicions of law enforcement may make them unlikely to identify as victims and to seek help. Equally important, they might have no means of accessing accurate, up-to-date information or legal assistance.
- Similarly, individuals who have been abused or disregarded in their home countries due to their gender or ethnic group would have no reason to think that they would be treated any differently here and might not be prepared to advocate for themselves. According to Rachel Parker, Program Manager of Anti-Human Trafficking Services for World Relief Triad, which covers Guilford and Forsyth counties, “In some Asian cultures, women may develop an internal value of suffering from cultural pressures that may see them as less valued and useful.”<sup>24</sup> As a result, they do not believe they deserve either better treatment or assistance.
- North Carolina farmworkers report knowing that they will be working long hours for no overtime pay, with limited access to food sources and food shopping opportunities, during the growing season. Some refer to field work as “the tobacco diet,” which involves attempts by the workers to gain weight in the off-season in their home countries in the knowledge that they will be working long hours with insufficient caloric intake to maintain their weight once they are in the United States. Federal regulations dictate a weekly visit to the grocery store for those guest workers who prepare their own food,<sup>25</sup> but, particularly during a harvest, laborers may be coerced or threatened into working on their days off. Sidebar 5, below, provides one example of how farm labor contractors (FLCs) can exploit workers through food provision.
- Some immigrants, such as those from China and Korea, come from cultural upbringings that emphasize the importance of the social groups to which they belong. These immigrants trust, support, and feel obligated to honor members of their respective communities. Traffickers manipulate that crucial social norm by making exaggerated claims of expected reciprocation or repayment.
- According to World Relief Triad’s Rachel Parker, “Asian cultures often highlight the importance of being in the ‘middle’ and part of the group. Advocating for oneself and

24. Telephone interview and email exchange between Rachel Parker and Margaret Henderson on Jan. 11, 2019.

25. U.S. Department of Labor, Employment and Training Administration, “Allowable Meal Charges and Reimbursements for Daily Subsistence” (effective on or after March 21, 2018), [https://www.foreign-laborcert.doleta.gov/meal\\_travel\\_subsistence.cfm](https://www.foreign-laborcert.doleta.gov/meal_travel_subsistence.cfm).

### Sidebar 5. Ernesto's Story\*

By law, H-2A workers (foreign nationals who are in the United States on limited visas that allow them entry to perform temporary or seasonal agricultural work) must either be (1) provided access to food storage and preparation facilities that are in compliance with N.C. Department of Labor standards or (2) offered prepared food at a federally established rate (approximately \$12/day in 2018) set by the U.S. Department of Labor (USDOL).\*\* Farm labor contractors (FLCs) can exploit this relationship by charging exorbitant fees for meals and snacks as a means of coercion.

"Ernesto" was an H-2A worker, one of fifty visa holders contracted for the tobacco season. An FLC provided the workers free housing according to North Carolina law and charged them \$10.00/day (per USDOL rates), six days/week for food, as there were no kitchen or food preparation facilities in the barracks-like housing facilities. For that amount, workers were served a small cup of coffee, beans, and three tortillas in the morning; beans, rice, and tortillas at noon, and rice and beans at the end of the work day, which was often after dark. Gatorade and soda were available for an extra fee; clean potable water was not provided at no charge in the fields, as is required by law; and a small piece of meat was provided once or twice a week. The cook was the FLC's wife. When workers complained, the FLC reacted by threatening to blacklist anyone who reported him by not renewing that person's visa the following year. No formal complaints were filed. The FLC and his wife took in \$500/day, \$3,000/week over the April–October growing season.

\* *Authors' Note:* This is a fictional account, based on various personal histories related to one of the authors.

\*\* U.S. Department of Labor, Employment & Training Administration, *Allowable Meal Charges and Reimbursements for Daily Subsistence* (effective on or after March 21, 2018), [https://www.foreignlaborcert.doleta.gov/meal\\_travel\\_subsistence.cfm](https://www.foreignlaborcert.doleta.gov/meal_travel_subsistence.cfm).

seeking help puts that person outside of the safe middle that culture reinforces. This can leave the person isolated and alone."<sup>26</sup>

- Finally, undocumented workers might be less likely to seek any kind of assistance (even vital health care) in times when or in areas where federal immigration laws are being strictly enforced.

In terms of foreign-born worker vulnerabilities most likely to be exploited, research conducted among farmworkers in 2013 found that trafficking victims' legal status was the strongest and most consistent predictor of their risk exposure.<sup>27</sup>

Gender is also a predictor of abuse in these circumstances, as it is elsewhere in our society.<sup>28</sup> Female immigrants are vulnerable to a range of sexually violent acts during both the transportation and working phases of the employment process, from harassment to trafficking. The offenders can be those working anywhere in the labor chain—recruiters, drivers, labor contractors, managers, or farmers/business owners. Foreign-born women and/or local residents may be trafficked into farm camps, often by farm labor contractors. These women can be exploited for commercial sex. Male farmworkers, even those exploited for their labor, might participate in the sexual exploitation of women as buyers of commercial sex.<sup>29</sup>

26. Interview with Rachel Parker, cited in full at note 24, above.

27. Barrick et al., *Indicators of Labor Trafficking*, cited in full at note 22, above, at 19.

28. For one discussion of sexual harassment in the agricultural industry, see Ariel Ramchandani, "There's a Sexual-Harassment Epidemic on America's Farms," *Atlantic* (Jan. 29, 2018), <https://www.theatlantic.com/business/archive/2018/01/agriculture-sexual-harassment/550109/>. Ramchandani also reports in *Atlantic* on labor trafficking in other industries, such as electronics factories, hotels, and sites employing domestic workers.

29. This statement is based on direct observations by co-author Nancy Hagan through her work with migrant farmworkers.

## Agricultural Labor Trafficking

While most agricultural employers are ethical people who do not abuse their workers, the circumstances of migrant farm work involve vulnerabilities that traffickers can exploit at any point in the labor chain. Agricultural laborers are not eligible for overtime per the Fair Labor Standards Act,<sup>30</sup> and excessive work hours, as well as wage and hour violations, are common conditions of employment for them. The work is labor-intensive and typically relies on unskilled, foreign-born labor.

The fields themselves provide geographical isolation, enabling control of the workers. Reliance on group transportation and meals are other points of vulnerability that can be exploited for profit.

Tobacco, sweet potatoes, and Christmas trees are some of the leading agricultural products in North Carolina that require manual labor to harvest. Three different types of workers, each with their own set of vulnerabilities, provide farm labor:

- A **migrant agricultural worker** is a person employed in agricultural work of a seasonal or other temporary nature who is required to be absent overnight from his or her permanent place of residence. Migrant workers may be documented or not, individuals or families. They typically follow crop cycles, moving from location to location seasonally, regionally, in a pattern known as the East Coast Stream.
- A **seasonal agricultural worker** is a person employed in agricultural work of a seasonal or other temporary nature who is not required to be absent overnight from his or her permanent place of residence. Seasonal workers can include local youth working on farms during school vacations.
- A third—and growing—group is the **temporary H-2A foreign workers**, nonimmigrant aliens authorized to work in agricultural employment in the United States for a specified time period, normally less than one year. 19,786 H-2A visa holders reportedly came to North Carolina in 2016 to work on crops such as tobacco, sweet potatoes, and Christmas trees, returning to their home countries at the end of the growing season, making it one of the states with the highest number of such temporary workers.<sup>31</sup>

From 2015 to 2017, the Polaris Project identified about 800 victims of human trafficking who held temporary visas at the time of their abuse. The organization's report, "Human Trafficking on Temporary Work Visas: A Data Analysis 2015–2017," cited in full at note 20, above, discusses H-2A workers in detail. These workers were cited in the report as the source of 332 of the 771 labor abuse–related calls that Polaris received in the years covered in the report.<sup>32</sup>

The section of the Polaris report on H-2A workers is of particular relevance to North Carolina due to the number of such workers in the state. As noted above, there was a total of nearly 20,000 H-2A positions certified in North Carolina in 2016. The top three cities offering employment to H-2A workers, counted by positions certified, were Vass (12,155 workers), which is

---

30. U.S. Department of Labor, Wage and Hour Division, Fact Sheet #12: Agricultural Employers Under the Fair Labor Standards Act (FLSA)" (revised July 2008), [www.dol.gov/whd/regs/compliance/whdfs12.pdf](http://www.dol.gov/whd/regs/compliance/whdfs12.pdf).

31. N.C. Department of Labor, Employment and Training Administration, "Office of Foreign Labor Certification Annual Report 2016," <https://www.foreignlaborcert.doleta.gov/map/2016/NC.pdf>, at Appendix A, "State Employment-Based Immigration Profiles: North Carolina."

32. *Human Trafficking on Temporary Work Visas*, at 22.

### Sidebar 6. A Complex Regulatory System

Numerous governmental agencies at the federal, state, and local levels interact to form a complex regulatory system overseeing agricultural labor.

- U.S. Customs and Immigration directs the visa process.
- The U.S. Department of Labor (USDOL) is in charge of maintaining labor standards.
- USDOL also regulates agriculture labor and certifies farm labor contractors.
- USDOL's Wage and Hour Division investigates complaints of possible labor exploitation.
- State-level departments of labor inspect and certify worker housing facilities.
- State-level departments of commerce work with employers and labor to fill job vacancies.
- Local government units inspect water, sewer, and food production sites.
- The U.S. Department of Homeland Security, along with state and/or local law agencies, investigates criminal complaints.

home to the N.C. Growers Association; Dunn (705 workers); and Faison (704 workers).<sup>33</sup> Newton Grove, Clinton, Cashiers, and Rocky Point have made this list in prior years.

H-2A visa requirements are complex and involve paperwork from multiple agencies at the local, state, and federal levels. An employer must file individual applications for each worker after demonstrating an inability to fill open positions with local employees. Farm labor contractors (FLCs) are middlemen employed by growers to contract workers, thereby relieving the grower of the complex process of applying for H-2A workers while providing the grower a steady and reliable work force. FLCs are regulated at the federal and state levels, and North Carolina requires only that FLCs meet the federal requirement of annual registration. Oversight is monitored through the U.S. Department of Labor. Sidebar 6, above, attempts to distinguish the different roles of the public agencies involved in oversight of these farmworkers.

The three types of farmworkers described in the bulleted list above are uniquely vulnerable to exploitation: migrants because they often lack legal documentation; seasonal workers due to their youth and often limited knowledge of their rights; and H-2A workers because their visa status is bound to a particular, named grower. Housing, field sanitation, access to food, and transportation to job sites are other points of vulnerability that can be exploited for profit.

U.S. Citizenship and Immigration Services (USCIS) offers immigration relief to foreign-born victims and survivors of human trafficking through the provision of T visas to those who assist law enforcement in the investigation or prosecution of human trafficking cases. U visas are another possible form of relief for foreign-born victims of trafficking. These visas may be provided to victims of crimes who have suffered serious mental or physical abuse as a result of the crime. Holders of both T and U visas may legally remain in the United States to assist in the investigation and prosecution of the crimes underlying their visas.

Sidebar 7, below, sums up key lessons gleaned from other research related to the experiences of migrant farmworkers.

33. *Office of Foreign Labor Certification Annual Report 2016*, at 90.

### Sidebar 7. Indicators of Labor Trafficking among North Carolina Migrant Farmworkers\*

The major findings of a 2013 study on human trafficking among the ranks of North Carolina farmworkers include the following:

- A worker's lack of legal status was the strongest and most consistent predictor of falling prey to trafficking and other abuses.
- The most common types of exploitation reported were abusive labor practices (34 percent of incidents), followed by deception and lies (21 percent), restriction and deprivation (15 percent), and threats to physical integrity (12 percent).
- About one-quarter of farmworker respondents reported experiencing a situation that may rise to the level of trafficking, and 39 percent reported other abuse.
- Whereas law enforcement respondents who participated in the study were insistent that farmworkers were treated well, outreach workers, who have more direct contact with farmworkers, reported that they were frequently abused and exploited.

*\*Authors' Note:* The information in this sidebar is from Kelle Barrick, Pamela K. Lattimore, Wayne Pitts, and Sheldon X. Zhang, "Indicators of Labor Trafficking Among North Carolina Migrant Farmworkers" (National Institute of Justice, Aug. 2013), <https://www.ncjrs.gov/pdffiles1/nij/grants/244204.pdf>.

### Labor and Sex Trafficking in Illicit Massage Businesses (IMBs)<sup>34</sup>

Illicit massage businesses exploit workers, typically foreign-born women, many from China or Korea, in an organized manner for sexual and labor exploitation. Through force, fraud, or coercion, workers are made to perform sex acts as well as massages for clients. Often controlled through debt bondage, fear of deportation, social and physical isolation, and cultural shame, workers are shunted from location to location along interstate routes. IMBs are tantamount to organized crime and are not to be confused with legitimate therapeutic massage operations.

According to research conducted by the Polaris Project, there are more than 9,000 illicit massage parlors currently open for business in America, and they can be found in every state. To provide a sense of the numbers, according to Restore NYC, an organization dedicated to fighting human trafficking, for every Starbucks in New York City, there are four times more illicit massage businesses.<sup>35</sup>

In 2017, it was estimated that hundreds of IMBs were operating in shopping centers, strip malls, and storefronts across North Carolina, many carrying on in plain sight.<sup>36</sup> These enter-

34. For a comprehensive discussion of this form of trafficking, refer to the Polaris Project's report "Human Trafficking in Illicit Massage Businesses," cited in full at note 20, above.

35. Restore NYC, "Sex Trafficking, The Problem: Sexual Slavery and Exploitation," <http://restorenyc.org/sex-trafficking/>.

36. Michael Longmire is a private investigator who was hired by the N.C. Board of Massage and Bodywork Therapy to assess the number and operational features of IMBs in North Carolina in 2017. By his estimate, approximately 500 IMBs were in operation across the state at that time. That figure was widely shared, as new legislative standards for the massage and bodywork industry were considered in 2017. Longmire's methodology for calculating his figures and other results is not available. In an interview posted on January 21, 2018, Longmire discusses his work with Lance Olive, who currently serves as the mayor of Apex, NC. Go to Olive's podcast, at <http://redxpodcast.libsyn.com/rxp005-pi-michael-longmire-roller-skating-abraham-lincoln-new-years>, to listen to Longmire's thoughts and opinions. The interview begins twenty minutes into the podcast.

prises thrive in the gaps left uncovered by local ordinances and state and federal legislation. Many of the women trafficked through North Carolina enter the United States via Flushing, NY, unwitting victims of visa fraud and debt bondage perpetrated by traffickers. Others respond to social media ads for what they believe to be legitimate work, only to then be coerced into sexual and labor exploitation. Ever-increasing debt, in combination with cultural forces such as shame, fear of deportation, and limited English proficiency, are leveraged by traffickers to control the workers.

IMBs are likely to be sites of both sex and labor trafficking, according to the Polaris Project’s report. Workers may be coerced into performing commercial acts without pay, or without adequate pay. They may work long hours in establishments that rarely close, and they may be forced to sleep on massage tables or on mattresses on the floor in back rooms. Some are charged for this housing. The workers may not be free to come and go, and their phone calls, if permitted, may be monitored. They may be told by traffickers that this is how all businesses operate in the United States, and they may be isolated from any experiences that show them otherwise.

***First responders are called to a factory to treat a person having a heart attack. While there, they notice that the workers, who appear anxious and subservient to the owner, are abruptly hustled out of sight.***

Federal regulations governing massage businesses are broad, and states vary widely in the details and extent of legislation enacted in this area. In its 2017 session, the General Assembly of North Carolina passed Senate Bill 548, Session Law 2017-151, specifically to address the operation of IMBs.<sup>37</sup> Since passage of that bill, some traffickers have demonstrated their ability to readily adapt to new restrictions by adjusting their advertisements, which previously touted massage services, to offer reflexology or Reiki treatments instead.

That sort of adaptability is one reason why creating ordinances that will directly target businesses that serve as fronts for trafficking operations has historically been a challenge for local governments.<sup>38</sup> But this should not deter their efforts. Local governments can and should join state governments in focusing attention “on regulating businesses (not solely employees), closing loopholes that traffickers exploit, and categorizing massage venues appropriately as health or beauty businesses as opposed to sexually-oriented establishments,” as recommended in the Polaris report on IMBs.<sup>39</sup> Also, local governments should not underestimate the benefits of using the inspection and enforcement processes of standard regulations related to cleanliness, fire codes, etc., as a tool for identifying and reporting suspected human trafficking.

37. See <https://www.ncleg.net/EnactedLegislation/SessionLaws/HTML/2017-2018/SL2017-151.html>.

38. See Trey Allen, “Ordinance Enforcement Basics,” *Community and Economic Development in North Carolina and Beyond* (UNC School of Government blog, March 13, 2018), <https://ced.sog.unc.edu/ordinance-enforcement-basics/>. See also, for a discussion of the classic challenges inherent in developing zoning ordinances related to sexually oriented businesses, David W. Owens, *Regulating Sexually Oriented Businesses*, (UNC School of Government legal summary, January 1997), <https://www.sog.unc.edu/resources/legal-summaries/regulating-sexually-oriented-businesses>.

39. “Human Trafficking in Illicit Massage Businesses,” cited in full at note 21, above, at 47.

## Conclusion

“Wicked” problems are defined as those that are (1) *unstructured*, in that there are multiple causes and effects for a given problem, (2) *cross-cutting*, in that a problem of this sort affects multiple stakeholders in both the private and the public sector, and (3) *relentless*, in that a wicked problem requires long-term, consistent strategies of prevention and intervention to generate positive change. Human trafficking not only meets this definition, it also becomes easily intertwined with other wicked problems, such as food scarcity, addictions, illiteracy, etc.

Just as with other wicked problems, human trafficking can be an overwhelming topic to consider in terms of the conduct it involves, how destructive it is, how frequently it happens, or what is required to make a positive difference in combatting it. Nevertheless, local government staff can—and indeed should—strengthen their capacity to recognize and intervene in labor trafficking situations. It makes sense for such efforts to begin with the staff of law enforcement agencies and local departments of social services, and for these staff members to work in alignment with the judicial system to build awareness and to strengthen response networks. Sidebars 1 and 4, above, provide suggestions for jump-starting this work.

But the work must not end there. It will take a broad array of public and private organizations to generate a sustained, effective response to human trafficking. Consider the following list of potential service needs for trafficked young adults.<sup>40</sup> Note that the list has a long-term focus and does not emphasize immediate critical needs, such as treatment of physical injuries or substance abuse.

- Clothing assistance
- Employment assistance
- English-as-a-Second-Language (ESL) classes
- Family reunification
- Food assistance
- Housing
- Legal aid
- Legal status/documentation
- Medical assistance
- Parenting classes
- Psychological support
- Spiritual or religious support

It is vitally important that this list be shared to convey the fact that, as well as the extent that, solutions to human trafficking will depend on many more organizations other than law enforcement agencies and departments of social services. While a few agencies might be involved at the initial intervention stage, more will be needed for long-term success.

This necessary diversity of resources will bring with it varying perspectives about the goals that should receive focus and the strategies that should be employed. There are inherent challenges, inconsistencies, and potential frustrations involved in navigating the systems of intervention and response around human trafficking. Similarly, evolving local and national policies and attitudes related to human trafficking provide shifting ground on which to stand. Nevertheless, any community that chooses to ignore trafficking is one that enables its existence, and no community wants that.

---

40. Makini Chisolm-Straker, Jeremy Sze, Julia Einbond, James White, and Hanni Stoklosa, “Screening for Human Trafficking Among Homeless Young Adults,” *Children and Youth Services Review* 98 (March 2019): 74.



While the prospect of addressing human trafficking can seem overwhelming at times, the good news is this: Many of the strategies that would generate positive changes in the fight against human trafficking also address other wicked problems and might well already be in place in your community. So, even though it might not seem related to other community issues, local leaders should keep up the good work they've been doing on things such as ensuring students' success in schools, enabling good mental and physical health for citizens, strengthening family and community networks, and providing opportunities for financial solvency and prosperity for all. Perhaps without realizing it, with those supportive strategies in place, the community is also working to prevent human trafficking.

In addition to continuing these useful strategies, which are relevant to all of our lives, local governments should take three more steps. First, they should build awareness about trafficking across their organizations. Second, they must initiate discussions to assess which forms of trafficking are happening locally and which populations/groups are affected by it. Third, community leaders should engage in planning efforts to strengthen their systems of prevention, intervention, and response, working across organizational and geographical boundaries as needed.

Through their work, local government staff know their communities intimately. This knowledge is often enhanced through volunteer work undertaken by such staff, and it is likewise informed by their personal activities and interests. As a result, our local organizations are well-positioned to lead their communities in building awareness, identifying vulnerable populations, and convening multi-disciplinary problem-solving groups to design strategies for preventing and intervening in human trafficking.

## Appendix A. Indicators of Sex and Labor Trafficking

This list of “red flags” is illustrative rather than exhaustive. Different forms of trafficking produce variations in the indicators that might be visible to outsiders. The presence of any single indicator is not necessarily proof of human trafficking. However, the presence of several indicators should generate attention and lead to reporting to the National Human Trafficking Hotline, law enforcement, or a community’s local Rapid Response Team (see the map below, which shows the locations of these teams across the state).

### Behaviors and physical characteristics of trafficking victims:

- Fearful, timid, or submissive actions; avoid eye contact
- Appear to lie about their age, identity, or relationship with others
- Matching tattoos
- Bruises indicating abuse or restraint
- Malnourishment; extreme fatigue
- Drug use
- Have injuries that should have been treated earlier
- Are not allowed adequate food or sleep
- Repeated pregnancies or sexually transmitted diseases
- Are not allowed control of their own finances or identification documents
- Are not allowed to contact friends or family
- Are not allowed to come and go as desired
- Have a large debt that cannot be repaid
- Claim to be “just visiting” or are unable to clarify where they live or where they are when questioned
- Might not know exactly where they are, how long they have been there, or what the date/day is
- Appear to be living at their worksites
- Have little personal property

### Behaviors and physical characteristics of a trafficker:

- Lies about identification, relationships, purpose of travel, nature of work, hours worked
- Tries to stay with the victims and speak for them
- Tries to distract observers away from work sites, the indicators of trafficking, or the victims
- Verbally or physically intimidates, manipulates, or controls the victims
- Keeps control of the victims’ identification documents
- Keeps the victims isolated from friends or family

### Property in the setting where victims are observed:

- Multiple cell phones; numerous hotel key cards; stashes of condoms, pornography, sex toys, sexy costumes
- False identification cards
- Handcuffs or other forms of restraint
- Tools of intimidation, such as a rod for beating
- Beds, food, personal items that indicate people are living on the business premises
- Guard dogs or dogs in pens in between work sites and exit doors or highways

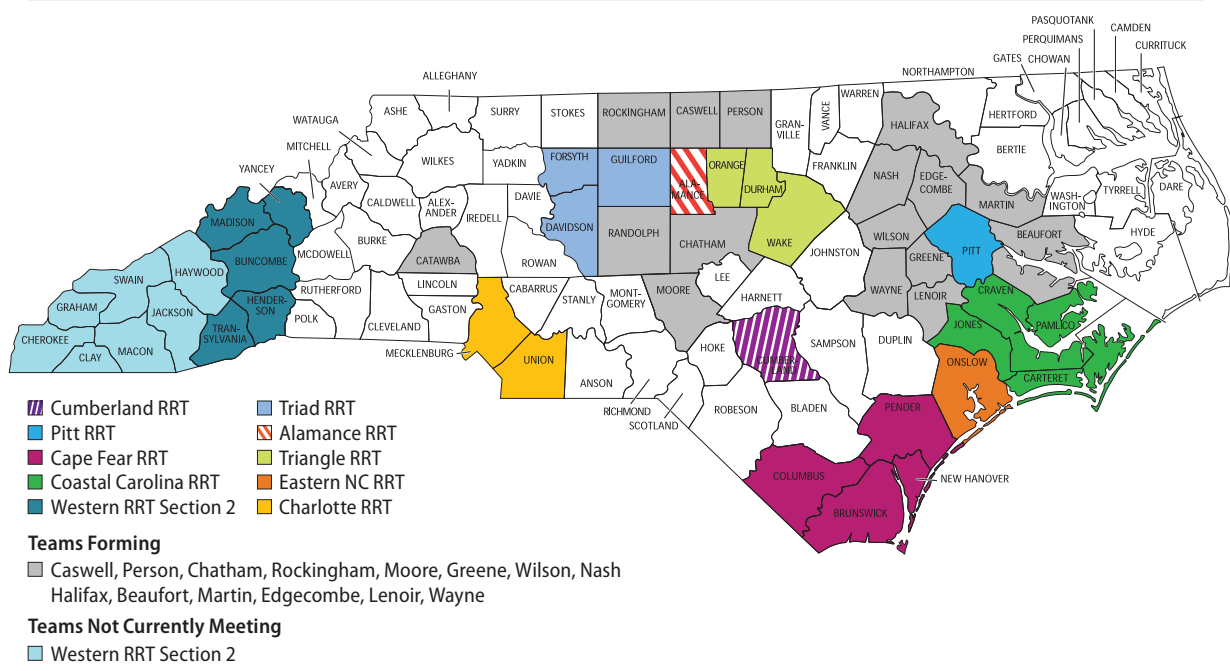
**Characteristics of vehicles in/around which victims are observed:**

- Multiple unrelated people traveling together, especially an older driver carrying passengers who are minors
- Passengers dressed inappropriately or inadequately for the weather
- Passengers unsure of where they are or where they are going when questioned
- Conflicting accounts from driver and/or passengers as to the purpose of the travel or nature of the group
- Overcrowded or unsafe conditions for passengers, hidden compartments

**Situational characteristics:**

- Locks on the wrong side of doors to confine people, buckets in locked rooms to be used for body waste
- Numerous cameras, particularly on exits
- Windows that are covered or barred
- Massage parlors/nail salons/spas that are open late hours and where personnel change regularly
- Customers are provided tokens that are collected by employees in order to prove they have provided services
- Personnel rarely leave the work premises or only leave under the supervision of a manager
- Personnel report exorbitant fees associated with holding the job or with regular living expenses
- Tips must be handed to management, not the employees
- Lack of paychecks, personnel records, identification documents
- Ownership and/or licensing of the business is vague or not documented
- The business advertises on commercial sex websites

**North Carolina Rapid Response Teams**



Source: N.C. Coalition Against Human Trafficking (Jan. 30, 2018).

## Appendix B. Screening Questions for Identifying Potential Human Trafficking

Screening questions tend to be more successful if indirectly phrased because few individuals will initially identify themselves as having been trafficked and many survivors have been inculcated with a sense of loyalty or obligation to the trafficker(s). Below are two sample sets of screening questions; each is to be used with different populations and in different settings.

### Screening Questions for Homeless Young Adults\*

1. It is not uncommon for people to stay in work situations that are risky or even dangerous, simply because they have no other options. Have you ever worked, or done other things, in a place that made you feel scared or unsafe?
2. In thinking back over your past experiences, have you ever been tricked or forced into doing any kind of work that you did not want to do?
3. Sometimes people are prevented from leaving an unfair or unsafe work situation by their employers. Have you ever been afraid to leave or have you quit a work situation due to fears of violence or threats of harm to yourself or your family?
4. Some employers think that in exchange for the work their employees do, they can pay them in other ways even though they've never gotten the workers' permission to do so. Has someone you worked for ever controlled the money you earned or kept money you earned in exchange for transportation, food, or rent without your consent?
5. Sometimes young people who are homeless or who are having difficulties with their families have very few options for surviving or fulfilling basic needs such as food and shelter. Have you ever received anything in exchange for sex (e.g., a place to stay, gifts, or food)?

---

\*Source: Makini Chisolm-Straker, Jeremy Sze, Julia Einbond, James White, and Hanni Stoklosa, "Screening for Human Trafficking Among Homeless Young Adults," *Children and Youth Services Review* 98 (March 2019): 72–79.

**Screening Questions for Healthcare Settings\*\***

1. Are you in the presence of someone who purposely intimidates you for their benefit?
2. Does someone require you to pay part of your earnings to them?
3. Is somebody holding your passport or ID?
4. Where do you sleep or eat?
5. Are you able to talk to your family or friends?
6. Have you ever had to provide sex for money, food, shelter, or other needs?
7. Has anyone ever threatened you or your family?
8. Is your job/pay different from what you were promised?
9. What are your working or living conditions like?
10. What type of work do you do?
11. Can you leave your job if you want to?
12. Do you owe your employer money?

---

**\*\*Source:** Margaret Chambeshi and Amanda Eckhardt, “Healthcare Access for Foreign-National Survivors of Trafficking” (Jan. 11, 2019) (Restore NYC, 2019).