



Attorney General's
Executive Summary
of the
South Carolina State Plan
to Address
Human Trafficking



The South Carolina State Plan to Address Human Trafficking was released on June 12, 2014. The plan is the work of the mandated statewide task force, and is a comprehensive document discussing human trafficking and SC's anticipated response to this crime. This executive summary is meant to serve as a brief overview of that plan. The comprehensive plan includes many examples and explanations that are omitted here, for brevity.

Introduction of the Law

- **Federal Law**

- The Trafficking Victims Protection Act of 2000 (TVPA) was the first federal law dedicated to the problem of human trafficking on both national and international levels. It was last reauthorized in 2013.

- **South Carolina Law**

- South Carolina's human trafficking law, S.C. Code Ann. §§ 16-3-2010 *et seq.* (2012) became effective on December 15, 2012.
- Among other provisions, the law mandated an interagency task force to be established to develop and implement a state plan regarding trafficking in persons in South Carolina. The Attorney General is the chair of the task force, and numerous other agencies were required to participate. One of the duties given to the task force was to create the state plan within eighteen months of the effective date of the law.

- **South Carolina Task Force and Plan**

- There are five main topics, or focus areas, in the plan. Under each topic are *findings*, or identified issues, that the task force determined South Carolina needs to focus on in order to successfully improve our state's response to human trafficking. The task force has formulated and listed *recommendations* on how to most effectively address the selected findings.
- Following the release of the state plan is the implementation phase of the plan, to be coordinated among the task force members and its constituent agencies. In the implementation phase of the state plan, the recommendations will be the guiding points to initiate action.

Human Trafficking Information

- **Sex Trafficking Definitions**

- *Federal:* Found under "Severe Forms of Trafficking in Persons," sex trafficking occurs when "a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age."
- *South Carolina:* Statute renders unlawful "the recruitment, harboring, transportation, provision, or obtaining of a person for [a sex act] when it is induced by force, fraud, or coercion or the person forced to perform the act is under the age of eighteen years and anything of value is given, promised to, or received, directly or indirectly, by another person."
- It is extraordinarily important to note here that both statutes include a provision for minors under the age of 18 specifically providing that no force, fraud, or coercion needs to be shown in order to prove sex trafficking.

- **Labor Trafficking Definitions**

- *Federal*: Also found under “Severe Forms of Trafficking in Persons,” labor trafficking is “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”
- *South Carolina*: Our law separately defines debt bondage, involuntary servitude, and forced labor or services and includes all three under the general definition of “trafficking in persons.”
 - *Debt bondage* is present when a person pledges either personal services or the services of someone under his control as security for a debt.
 - *Involuntary servitude* and *forced labor* are both forms of labor trafficking created by coercion.
 - “Trafficking in persons” is defined as subjecting a victim or attempting to subject a victim to “sex trafficking, forced labor or services, involuntary servitude, or debt bondage” by using any of the following: force or physical restraint, taking away a victim’s identification documents (like a passport or driver’s license), extortion or blackmail, threatening the victim with financial harm, controlling a victim’s access to drugs, or coercion.
- Force, fraud, or coercion is required in any labor trafficking case and in any sex trafficking case where the victim is over the age of eighteen.
 - **Force** includes physical restraint, beatings, rape, and various forms of confinement of a victim.
 - **Fraud** can consist of false offers of employment, a better life, marriage, or other similar types of deceptions.
 - **Coercion** can manifest as threats to a victim’s family or friends or psychological abuse.
- The crime of human trafficking does not require transportation of the victim, even if the victim was in fact transported from another state or country.
 - Often, the crimes of smuggling and trafficking are conflated and can cause confusion.
 - Smuggling is a crime that is committed against a country, where human trafficking is a crime against a person that creates a state of involuntary servitude for the victim.

- **The Crime of Human Trafficking in SC**

- An individual who “recruits, entices, solicits, isolates, harbors, transports, provides, obtains, or so attempts,” a victim, while *knowing* that victim will be used for sex trafficking or labor trafficking, is guilty of human trafficking.
- Anyone who *benefits financially or receives anything of value* from participating in what they *know* to be a human trafficking venture is guilty of trafficking in persons. This person may be involved more indirectly, making money or otherwise benefiting from the trafficking operation.
- Any person who “recruits, entices, solicits, isolates, harbors, transports, provides, obtains, or so attempts,” a victim *for the purposes of sex or labor trafficking*, or who benefits in this manner, is also guilty of human trafficking.
- The crime is a felony, and the statute provides various penalty enhancements, including for those with prior convictions and for those whose victims are minors.
- All participants, including conspirators, are prosecuted as principals for the crime of human trafficking.

- **The Traffickers**

- No one type of person is more likely to engage in trafficking, and the operation organizations also vary widely.
- An individual charged with human trafficking cannot use as a defense in court the victim’s sexual history or past sexual conduct, the victim’s connection by blood or marriage to the trafficker, implied or express consent of a victim, or mistake about the victim’s age (even if reasonable).
- The most popular way for traffickers to advertise and recruit is through the Internet.

- **The Victims**

- Victims can be of any race, age, gender, national origin, immigration status, educational background, culture, or religion.
- Traffickers tend to prey on victims who exhibit vulnerabilities.
- Because victims may not be in a position to seek help, it is imperative to look for red flags and indicators that an individual could be a victim of human trafficking. These red flags may manifest psychologically or physically.

South Carolina State Plan: an Overview

Determining the Magnitude of Human Trafficking in South Carolina

Finding: There is not abundant or comprehensive data about human trafficking as it is happening in South Carolina.

◆ Recommendations:

1. Collect more data about human trafficking across involved disciplines.
 - a. Establish a data compilation method for agencies (whether governmental or nongovernmental) to report human trafficking statistics.
 - b. Create a statewide database/uniform repository to store current and forthcoming information and data on human trafficking in South Carolina.
2. Share data about convictions, pleas, arrests, and other statistical information on non-active, closed cases between state and federal law enforcement and prosecutors.
3. Continue to utilize and publish relevant data from national organizations and hotlines.
4. Explore the idea of creating a South Carolina-specific human trafficking hotline. Identify other ways South Carolina citizens could report human trafficking, and consider how those sources would compile information about those calls.
5. Create a website specifically for human trafficking in South Carolina, and update information periodically for the public to access.

Protecting, Supporting, and Serving Victims of Human Trafficking

Finding 1: First responders, medical professionals, labor agencies, and victim advocacy groups must be able to recognize the signs of human trafficking.

◆ Recommendations:

1. Provide education to first responders, medical professionals, labor, and victim advocacy agencies, and organizations involved in anti-trafficking efforts about the connections between human trafficking and prostitution, and human trafficking and domestic violence.
 - a. Provide education on the links between prostitution and human trafficking.
 - b. Provide education on the connections between domestic violence and sexual assault.
 - c. Consider expanding education on connections between human trafficking and child abuse, worker exploitation, and other similar types of crimes.
2. Ensure that medical professionals who handle sexual assault cases (or varying types of abuse cases) receive training for early recognition and indicators of human trafficking. A protocol

- should be developed to address a potential human trafficking situation for emergency rooms, public health clinics, community based centers, and forensic nurse examiners.
3. Provide training for law enforcement, firefighters, emergency medical service providers, and other first responders on identifying human trafficking when responding to an emergency. Include training on situations where human trafficking might unexpectedly arise while on a call for a seemingly unrelated incident.
 4. Provide training for victim advocacy groups and social service providers (including DSS and Guardians ad Litem) on how to recognize human trafficking, how to assist with an investigation, and how best to support and help with reluctant victims.
 5. Provide information and training to labor agencies about how to recognize potential labor trafficking situations and how to oversee businesses so that labor exploitation does not happen. Create a protocol for labor agencies in the event there is a potential human trafficking situation.
 6. Educate child protective services case workers and investigators on how to recognize human trafficking, and create a protocol on whom to call when dealing with children who might be potential human trafficking victims (including foster children and runaways).
 7. Raise awareness of human trafficking with economic services case managers at the Department of Social Services (DSS), who conduct interviews and determine eligibility for Supplemental Nutrition Assistance Program (SNAP) benefits, family independence, and other forms of assistance. Human trafficking victims may apply for economic and monetary benefits from DSS, so caseworkers should be educated about human trafficking.

Finding 2: There is a lack of sufficient funding for, access to, and availability of resources for groups that provide services to victims of human trafficking.

◆ Recommendations:

1. Create a South Carolina human trafficking website or resource guide that provides quick reference to available resources for victims that may be used by law enforcement, prosecutors, service providers, or other agencies that encounter victims in the state.
2. Attempt to obtain new funding to address specific needs for both national and foreign national victims.
3. Utilize federal agencies to obtain additional funds for use by state divisions and nongovernmental organizations.
4. Consider tapping into federal refugee medical assistance, which allows foreign national human trafficking victims to qualify for free medical coverage if they are categorized as low income. Recruit more nongovernmental organizations to enroll in the Health and Human Services National Human Trafficking Victim Assistance Program so that they may obtain funding needed to provide case management for foreign national victims.
5. Utilize extra-governmental sources of funding to assist victims of human trafficking.
 - a. Partner with the private sector.
 - b. Develop strategies to increase financial support for nongovernmental organizations and community advocacy groups already involved or willing to partner with and provide services in anti-trafficking efforts.
6. Address issues that may arise with foster agencies, group homes, and similar organizations that may house youth vulnerable to trafficking.
7. Address the need for human trafficking victims to have easy, ready access to comprehensive legal services to ensure their safety, obtain access to social services, protect their rights as victims of crimes, and pursue any remedies or other legal assistance that may be available to them.

Finding 3: South Carolina does not have adequate shelter space to meet the needs of human trafficking victims.

◆ Recommendations:

1. Provide access to emergency shelters for both male and female victims of human trafficking. The emergency shelter options should include separate shelter space for minors and staff with specialized training on the needs of human trafficking victims.

2. Place shelters or available bed space at various locations around the state, so that access and transport is not an issue in getting a victim to a shelter.
3. Identify, support, and compile a list of nongovernmental organizations that are willing to provide shelter, and specify what types of victims these groups are able to assist.
4. Utilize and work alongside out-of-state shelters that may be able to house human trafficking victims from South Carolina or that would be able to otherwise assist South Carolina in developing available shelters for victims.
5. Support development of a variety of shelter and housing options in South Carolina. Increase access to transitional housing after emergency shelter stays for both male and female victims.
6. Increase training and capacity of agencies and service providers that work with vulnerable youth, including child protective service providers, DSS contractors, and foster parents.

Finding 4: There is a lack of understanding and awareness of the various immigration benefits for non-citizen victims of human trafficking, which are essential to victim safety and prosecution.

◆ Recommendations:

1. Develop protocols for requesting assistance from federal law enforcement agencies in the submission of Continued Presence applications.
2. Develop protocols for law enforcement, prosecutors, judges, the Department of Social Services, the Department of Labor, Licensing and Regulation, and other qualifying agencies when signing certifications for T and U visas for potential trafficking victims.
3. Educate victim service providers who might be assisting victims in immigration filings that only officials who have first-hand knowledge of the case are capable of signing certifications.
4. Establish one point of contact specializing in human trafficking in each agency to handle Continued Presence and U and T visa procedures.

Finding 5: Civil relief options for a trafficked victim are not well known or communicated.

◆ Recommendations:

1. Ensure that victim service providers, nongovernmental organizations, and other able entities educate victims about their right to civil relief and the types of relief to which they may be entitled.
2. Ensure that victim service providers, nongovernmental organizations, and other able entities communicate to victims of labor trafficking that any lost wages due to them prior to prosecution (and separate from civil relief) should be reported to the U.S. Department of Labor (DOL) and/or the South Carolina Department of Labor, Licensing, and Regulation (LLR).
 - a. Ensure victims know to report minimum wage and overtime issues under the Federal Fair Labor Standards Act to the DOL.
 - b. Ensure victims know to report to LLR anything promised by their employer in the form of wages or any other terms of employment. This may include benefits that fall outside of the scope of what is handled by the DOL.
 - c. Consider making all of this information about reporting available on the LLR website. Also look at updating forms on the LLR and DOL sites to help educate the public about human trafficking.
3. House a listserv of lawyers at the South Carolina Bar who are willing to provide assistance to human trafficking victims either on a pro bono basis or for a contingency fee (to be collected from the trafficker post-conviction).
 - a. Consider recruitment and training for these pro bono or contingency fee attorneys. Explore contacting The Human Trafficking Pro Bono Legal Center for assistance.
 - b. Consider involving law schools around the state to assist in civil recovery efforts.
4. Provide additional resources to existing nonprofit legal service providers already serving human trafficking victims.

Finding 6: Delivery of and access to victim services need to be better coordinated.

◆ Recommendations:

1. Address the lack of funding sources for victim services.
2. Compile interagency protocols to designate preferred contacts in each involved organization, including labor regulation agencies and other regulatory agencies.
 - a. Make sure law enforcement and other first responders have access to a list of individuals to call in case of the need for an interpreter, social service provider, housing, or any other type of specialized assistance arises.
 - b. Recommend that social service providers collaborate to create a database or information-sharing system so that victims can access all services themselves, or so that social service providers know who to contact on behalf of the victims.
3. Coordinate and exchange contact information among federal, state, and local organizations that are dedicated to or involved in the fight against human trafficking so that, in the event either needs assistance in a specific case, there is a designated representative to contact.

Investigating and Prosecuting Human Traffickers

Finding 1: The lack of resources available to law enforcement, prosecutors, and judges frustrates opportunities to arrest, prosecute, and sentence human traffickers.

◆ Recommendations:

1. Identify interpreters who are available to assist with human trafficking cases.
 - a. Ensure investigators have access to interpreters (who are qualified for interviews and court proceedings) to address language barriers that may arise while working with victims.
 - b. Compile a resource list of investigators in South Carolina with foreign language skills.
2. Aim to have at least one specific person in each agency “specialize” in human trafficking investigations. This individual would act as a point person or contact for other organizations for all future investigations or leads.
3. Provide funding for protective services or relocation services for human trafficking victims and witnesses who are essential in a human trafficking case.
4. Pinpoint areas in South Carolina where human trafficking may be more prevalent or more likely to occur so that more resources can be allocated to those areas.
5. Create a protocol to distribute to prosecutors and/or law enforcement with up-to-date information on human trafficking, South Carolina law, legal strategies, and common legal obstacles in trafficking cases. Ideally, sample motions and jury instructions should be included, as well as contact information for local prosecutors with experience in prosecuting human trafficking cases.
6. Encourage agencies to coordinate with each other so that when specialized investigators, shelters, interpreters, or advocates are lacking for one agency, other agencies can help fill the void.

Finding 2: The lack of information-sharing among law enforcement officers and prosecuting offices hinders opportunities to arrest, prosecute, and sentence human traffickers.

◆ Recommendations:

1. Utilize the South Carolina Information and Intelligence Center (SCIIC), commonly known as the Fusion Center, for distribution of information, such as intelligence bulletins, BOLOs (“be on the lookout” notices), and other pertinent information about potential human trafficking cases.
2. Encourage communication between law enforcement agencies and prosecutors’ offices about information gathered during human trafficking investigations.

3. Create a comprehensive contact list and information resource guide for human trafficking cases. Have contacts and information for all aspects of a human trafficking case. Consider including this in a multiagency protocol.
4. Develop a tracking system for traffickers, trafficking activities, and even locations of victims, especially to keep track of “hot spots” and places where trafficking is more likely to happen.
5. Create a website where information about human trafficking can be easily shared, accessed, and discussed among law enforcement, prosecutors, and victim services providers.

Finding 3: The lack of trained law enforcement officers, prosecutors, and judges prevents opportunities to arrest, prosecute, and sentence human traffickers.

◆ Recommendations:

1. Provide training on human trafficking through The South Carolina Commission on Prosecution Coordination for prosecutors, prosecution investigators, prosecution victim advocates, law enforcement officers, and law enforcement victim advocates in order to strengthen the possibility of successful prosecution of cases.
2. Include a two-hour segment on human trafficking at The South Carolina Criminal Justice Academy (CJA) during its basic training for all law enforcement officers. Include human trafficking segments in the CJA’s advanced/continuing education programming, and train law enforcement officers to develop good working relationships with other law enforcement agencies and prosecutors in order to strengthen the possibilities for successful human trafficking prosecutions.
3. Involve the South Carolina Court Administration in incorporating the topic of human trafficking in mandated judicial training (for all courts).
4. Develop protocols for law enforcement, prosecutors, and judges for all aspects of human trafficking, including when subpoenas (used in state courts) and material witness warrants (used in federal courts) are useful.
5. Consider appointing a dedicated human trafficking officer in each police department and sheriff’s office when economically feasible. When these officers are established, consider sharing a list of their names with prosecutors at all levels.
6. Provide training for law enforcement and prosecutorial agencies on working with vulnerable populations.

Preventing Human Trafficking in South Carolina

Finding 1: There is inadequate enforcement of existing rules and regulations in South Carolina.

◆ Recommendations:

1. Reexamine and consider the effectiveness of current laws and procedures as they relate to individuals involved in and victims of both labor trafficking and sex trafficking.
2. Make training programs on human trafficking and the consequences of being involved in human trafficking available for employers.
 - a. Consider creating an incentive for businesses to participate in these types of training programs.
 - b. Provide a pamphlet educating business owners on human trafficking, and have it available at the city business license office or other agencies where business owners may visit.
3. Provide funding and make available training for regulatory agencies.

Finding 2: Lack of awareness about human trafficking and ingrained societal perceptions aggravate this problem, resulting in lost opportunities to help victims and hold perpetrators accountable.

◆ Recommendations:

1. Implement anti-human trafficking curriculum in schools.
 - a. Create programs for students to learn about recognizing and preventing human trafficking.
 - b. Educate school personnel on how to recognize signs of trafficking and who to contact in the event they suspect trafficking is occurring.
 - c. Consider partnering with existing programs that conduct educational programs in schools about abuse and violence and work with them to incorporate human trafficking into their programs.
2. Create a public service campaign. Encourage people with knowledge of human trafficking to report it to law enforcement agencies.
 - a. Target the demand aspect of sex trafficking with public service announcements focused on “johns” who participate in solicitation.
 - b. Address labor trafficking with public service announcements targeted toward educating employers and businesses on the law and warning of penalties for engaging in labor trafficking and noncompliance.
3. Use a variety of media to reach potential victims and make them aware of human trafficking.
4. Create a website with links to resources, public service announcements, signs of human trafficking, and hotline information.
5. Consider outreach to high-risk areas or areas where human trafficking is more likely to be encountered.
6. Encourage the public to utilize Crimestoppers (state hotline for crime reporting), Polaris Project (national hotline for crime reporting), and local law enforcement for reporting human trafficking tips.
7. Consider producing educational information to be distributed at ports of entry for incoming non-citizens.

Areas for Additional Consideration and Study

- Foreign national victims
 - Consider how current immigration laws can affect victims of severe human trafficking.
- Rapid response teams (a team of individuals knowledgeable about human trafficking that could quickly assess a trafficking situation and best help a victim)
 - Consider creating teams throughout the state, have one point of contact or expert in each agency, and establish partnerships.
 - Each judicial district could develop a multiagency group to promote efforts in creating rapid response teams.
 - Create clear and concise points of contact to be used by these response teams.
- Child victims
 - Look at how South Carolina juvenile law affects victims of human trafficking, particularly those victims who might be arrested for a crime.
- Internet and technology
 - Develop strategies to more efficiently investigate tips received from Backpage or Craigslist, which currently go to the FBI and are copied to the South Carolina Attorney General’s Internet Crimes Against Children division (ICAC). Currently, the FBI and ICAC lack personnel and resources to investigate every tip received.
 - Draft a protocol for handling tips. Consider possible areas of overlap between human trafficking and ICAC.
 - Examine the different methods, specifically those relating to technology and the Internet, used in the perpetration of trafficking crimes in order to formulate better responses, develop prevention strategies, and build stronger cases for prosecution.