GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



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PROPOSED PROJECT 1: Updated analysis Louisiana laws addressing sexually-oriented crimes

SCOPE: The scope of this proposed project is to conduct an updated analysis of Louisiana laws addressing sexually-oriented crimes. The analysis would include explanations that exhibit intersectionality (DV, SA and HT) in laws, and how the state addresses access, civil and legal rights and how it proposes services to individuals through the laws. Qualifying language in the laws that address DV and SA versus HT will also be

OPH LPSI FINDINGS

In 2005, Louisiana joined other states in effort to reduce human trafficking by passing laws to making trafficking a crime. In Louisiana there are at least 100 reported cases of human trafficking each year. This document should serve as a manual for Louisiana service providers, law enforcement, and other individuals to serve victims and survivors of human trafficking.

EXAMS PERFORMED

"Forensic medical examination" means an examination provided to the victim of a sexually-oriented criminal offense by a health care provider for the purpose of gathering and preserving evidence of a sexual assault for use in a court of law.

"Sexual assault collection kit" means a human biological specimen or specimens collected by a health care provider during a forensic medical examination from the victim of a sexually-oriented criminal offense.

"Sexually-oriented criminal offense" includes any sexual assault offense as defined in R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.

"Untested sexual assault collection kit" means a sexual assault collection kit that has not been submitted to the Louisiana State Police Crime Laboratory or a similar qualified laboratory for either a serology or deoxyribonucleic acid (DNA) test.

STATUTE REVIEW

LA R.S. 14:46.2, Victim of Human Trafficking

LA R.S. 14:46.3, Victim of trafficking of children for sexual purposes

LA R.S. 15:541, Definitions

Act 229 (HB 835)

Relative to the treatment and billing of victims of a sexually-oriented criminal offense; to require the coroner to examine victims; to require the use of a barcode to maintain confidentiality; to provide for the transfer of evidence; to provide for the forensic medical examination; to provide for ancillary healthcare services; to require a regional sexual assault response plan; to provide for input by stakeholders; to provide procedures for the billing of services provided to a victim; to authorize certain licensure disciplinary actions for violations; to provide relative to forensic medical examinations; to provide for certain application requirements for reparations relative to victims of sexually-oriented criminal offenses; to require the Crime Victims Reparations Board to promulgate rules and regulations; to provide for related matters.

Act 207 (HB 313)

Relative to the rights of victims of criminal offenses; to provide relative to the reporting of a crime; to provide relative to the requirement to register with certain offices and agencies; to provide for access to certain reports; to provide relative to the duties of the district attorney, law enforcement, and judicial agencies with respect to victims of sexual assault; to provide for the rights of sexual assault victims; to provide relative to the admissibility of certain evidence; to provide relative to penalties and causes of action under certain circumstances; to provide for a contingent effective date; and to provide for related matters.

LA R.S. 46:1844 LA R.S. 15:260 LA R.S. 15:587.8

Greater New Orleans Human Trafficking Task Force Proposed Legal Research Project



STATE COMPARISONS

Mississippi Laws	Description
Human Trafficking Act; Aiding, Abetting, or Conspiring to Violate Anti- Trafficking Provisions § 97-3-54.3	A person who knowingly aids, abets or conspires with one or more persons to violate the Mississippi Human Trafficking Act shall be considered a principal in the offense and shall be indicted and punished as such whether the principal has been previously convicted or not.
Human Trafficking Act; Definitions § 97-3-54.4	 "Act" or "this act" means the Mississippi Human Trafficking Act. Actor" means a person who violates any of the provisions of Sections 97-3-54 through 97-3-54.4. "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through coercion.
Human Trafficking Act; Destruction, Concealment, or Confiscation of Passport or Other Immigration Document for Purpose of Preventing Person's Freedom of Movement or Ability to Travel; Penalties § 97-3-54.2	Anyone who knowingly destroys, conceals, removes, confiscates or possesses, or attempts to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person, when the person is or has been a victim of a violation set out in Section 97-3-54.1, shall be punished by commitment to the custody of the Department of Corrections for not more than five (5) years
Human Trafficking Act; Prohibited Conduct; Penalty § 97-3-54.1	House Bill 571- The law makes it a crime to promote prostitution, entice a child under 14 for prostitution, and



	exploiting children to produce sexually explicit material such as videos. • Under Mississippi's human trafficking law, aiding or abetting human trafficking is punishable by 20 years to life imprisonment and a fine from \$50,000 to \$500,000.
Arkansas Laws	Definition
Arkansas Safe Harbor Bill SB 869	An act to pro ide a safe harbor for victims of certain sex trafficking and commercial sex offenses; to provide for a fine; to provide for a study; to develop a protocol; to establish a safe harbor for sexually exploited children fund; to provide for training; and for other purposes
Prevention Training on Human Trafficking for Commercial Driver License Qualification Standards Act 922	Arkansas code § 27-23-108, concerning commercial driver license qualification standards, is amended to add an additional subsection to read as follows: (e) training. (1) a person may be issued a class a commercial driver license Only if he or she: (a) completes a human trafficking prevention course Administered by the department of Arkansas state police or by third party approved by the department of Arkansas state police to present a human trafficking prevention course under regulations promulgated as provided in this section; or (b) becomes a certified trucker against trafficking by completing the online certification course offered by truckers against Trafficking and provides evidence of completion to the department of finance



Enhanced liability of an organization	In addition to any other statutorily authorized sentence or fine, an organization convicted of an offense under this chapter is subject to any combination of the following: (1) A suspension or revocation of a license, permit, or prior approval granted to the organization by a state or local government agency; (2) A court order to dissolve or reorganize; and (3) Other relief as is equitable.
Patronizing a victim of human trafficking.	 (a) A person commits the offense of patronizing a victim of human trafficking if he or she knowingly engages in commercial sexual activity with another person knowing that the other person is a victim of human trafficking. (b) (1) Patronizing a victim of human trafficking is a Class B felony. (2) Patronizing a victim of human trafficking is a Class A felony if the victim was a minor at the time of the offense.
Trafficking of persons	 (a) A person commits the offense of trafficking of persons if he or she knowingly: (1) Recruits, harbors, transports, obtains, entices, solicits, isolates, provides, or maintains a person knowing that the person will be subjected to involuntary servitude; (2) Benefits financially or benefits by receiving anything of value from participation in a venture under subdivision (a)(1) of this section; (3) Subjects a person to involuntary servitude; or (4) Recruits, entices, solicits, isolates, harbors, transports, provides, maintains, or obtains a minor for commercial sexual activity. (b) It is not a defense to prosecution under subdivision (a)(4) of this section that the actor:



	Legislative & Regulatory Affairs
	 (1) Did not have knowledge of a victim's age; or (2) Mistakenly believed a victim was not a minor. (c) (1) Trafficking of persons is a Class A felony. (2) Trafficking of persons is a Class Y felony if a victim was a minor at the time of the offense. (d) In addition to any other sentence authorized by this section, a person who violates this section by offering to pay, agreeing to pay, or paying a fee to engage in sexual activity upon conviction shall be ordered to pay a fine of two hundred fifty dollars (\$250) to be deposited into the Safe Harbor Fund for Sexually Exploited Children.
Civil cause of action for victims of human trafficking	 (a) As used in this section, "victim of human trafficking" means the same as defined in § 5-18-102. (b) An individual who is a victim of human trafficking may bring a civil action in any appropriate state court. (c) The court may award actual damages, compensatory damages, punitive damages, injunctive relief, or any other appropriate relief. (d) A prevailing plaintiff shall also be awarded attorney's fees and costs. (e) Three (3) times actual damages shall be awarded on proof of actual damages when a defendant's acts were willful and malicious.
Texas Laws	Definitions
Trafficking of Persons § 20A.01	"Child" means a person younger than 18 years of age. (1-a) "Coercion" as defined by Section 1.07 includes: (A) destroying, concealing, confiscating, or withholding from a trafficked person, or threatening to destroy, conceal, confiscate, or withhold from a trafficked person, the person's actual or purported: (i) government records; or



	Legislative & Regulatory Affairs
	 (ii) identifying information σ documents; (B) causing a trafficked person, without the person consent, to become intoxicated, as defined by Section 49.01, to a degree that impairs the person's ability of appraise the nature of or resist engaging in any conductincluding performing or providing labor or services; or (C) withholding alcohol or a controlled substance to degree that impairs the ability of a trafficked person with chemical dependency, as defined by Section 462.00 Health and Safety Code, to appraise the nature of or resi engaging in any conduct, including performing or providing labor or services. (2) "Forced labor or services" means labor or services, other that labor or services that constitute sexual conduct, that an performed or provided by another person and obtained through an actor's use of force, fraud, or coercion.
Human Trafficking Prevention Task Force § 402.035	(a) In this section, "task force" means the human trafficking prevention task force.(b) The office of the attorney general shall establish the human trafficking prevention task force to develop policies and procedures to assist in the prevention and prosecution of human trafficking aimes.(b-1) A state of local law enforcement agency, district attorney, or count attorney that assists in the prevention of human trafficking shall at the request of the task force, cooperate and assist the task force in collecting any statistical data on the nature and extension of human trafficking in the possession of the law enforcement agency or district or county attorney.
Sexual Assault Program Fund § 420.008	 (a) The sexual assault program fund is a special account in the general revenue fund. (b) The fund consists of: (1) fees and fines collected under: (A) Article 42A.653(a), Code of Criminal Procedure;



 (B) Section 508.189, Government Code; and (C) Subchapter B, Chapter 102, Business & Commerce Code, and deposited under Section 102.054 of that code and (2) administrative penalties collected under Section 51.258
Education Code. (c) The legislature may appropriate money deposited to the credit of the fund only to: (1) the attorney general, for. (A) sexual violence awareness and prevention campaigns; (B) grants to faith-based groups, independent school districts, and community action organizations for programs for the prevention of sexual assault and programs for victims on human trafficking; (C) grants for equipment for sexual assault nurse examine programs, to support the preceptorship of future sexual assault nurse examiners, and for the continuing education of sexual assault nurse examiners; (D) grants to increase the level of sexual assault services in this state; (E) grants to support victim assistance coordinators;
a) A defendant who engages in the trafficking of persons of who intentionally or knowingly benefits from participating in a venture that traffics another person is liable to the person trafficked, as provided by this chapter, for damages arising from the trafficking of that person by the defendant of venture. (b) It is not a defense to liability under this chapter that a defendant has been acquitted or has not been prosecuted or convicted under Chapter 20A, Penal Code, or has been convicted of a different offense or of a different type or class of offense, for the conduct that is alleged to give rise to liability under this chapter.



Sex Trafficking; Compelling Prostitution § 43.05	 (a) A person commits an offense if the person knowingly: (1) traffics another person with the intent that the trafficked person engage in forced labor or services; (2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services; (3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3); (5) traffics a child with the intent that the trafficked child engage in forced labor or services; (6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services; (7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of,
Deferral of Adjudication and Dismissal of Certain Cases on Completion of Trafficked Persons Program § 54.0326	 (a) This section applies to a juvenile court or to an alternative juvenile court exercising simultaneous juisdiction over proceedings under this title and Subtitle E, Title 5, in the manner authorized by Section 51.0413. (b) A juvenile court may defer adjudication proceedings under Section 54.03 until the child's 18th birthday and require a child to participate in a program established under Section 152.0017, Human Resources Code, if the child: (1) is alleged to have engaged in delinquent conduct or conduct indicating a need for supervision and may be a

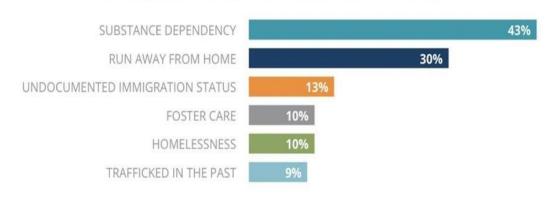


to demonstrate or set demonstrate, buildings
victim of conduct that constitutes an offense under Section 20A02, Penal Code; and (2) presents to the court an oral or written request to participate in the program. (c) Following a child's completion of the program, the court shall dismiss the case with prejudice at the time the child presents satisfactory evidence that the child successfully completed the program.

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



PRE-EXISTING VULNERABILITIES OF VICTIMS IN 2020 ACTIVE CRIMINAL SEX TRAFFICKING CASES



¹⁰⁷ Based on the 462 active defendants in sex trafficking cases with a verified relationship or non-relationship with at least one victim

Based on the 2020 Federal Human Trafficking Report, The top five vulnerabilities among victims in active sex trafficking cases were substance dependency (43%, 139), having run away from home (30%, 97), undocumented immigration status (13%, 43), being in the foster care system (10%, 33), homelessness (10%, 32), and having been trafficked in the past (9%, 28). Recruitment tactics also ranged from active sex trafficking cases were fraudulent job offers (135) and feigned romance (37).120 Recruiters also promised victims shelter (6), material possessions (5), transportation (5), drugs (3), gang membership (3), recovery from substance dependency (1), money (1), a tattoo (1), and education (1). For at least 11% (146) of victims in active sex trafficking cases, traffickers utilized a pre-existing relationship to recruit them into exploitation.

2020 Federal Trafficking Report

¹⁰⁸ Based on the 197 defendant-victim relationships specified in active criminal sex trafficking cases in 2020. Three defendant-victim relationships did not fit into any of these categories. These percentages do not add up to 100% because defendants may have multiple types of relationships with victims.

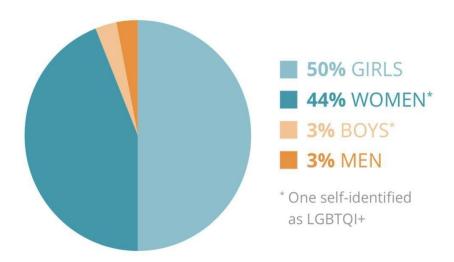
¹⁰⁹ Based on the 197 defendant-victim relationships specified in active criminal sex trafficking cases in 2020.

¹¹⁰ Based on the 24% (324) of victims in active criminal sex trafficking cases in 2020 for whom at least one pre-existing vulnerability was identified. The percentages do not add up to 100% because some victims had multiple vulnerabilities.

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VICTIM DEMOGRAPHICS IN 2020 ACTIVE CRIMINAL HUMAN TRAFFICKING CASES



- The chart above indicates what percentage of gender is affected the most in sex trafficking
- In 2020 active human trafficking cases, 13% (196) of victims were foreign nationals, including two lawful permanent residents and one asylee, and 87% (1,303) were either U.S. citizens or their nationality was unknown.
 - Eighty-five percent (62) of foreign national victims were undocumented prior to trafficking, at least 29% (21) had limited English language skills, and at least 14% (10) were in financial debt, potentially due to smuggling or recruitment fees.
 - Of foreign national victims, 8% (15) were exploited exclusively abroad and 9% (16) were exploited only after entering the United States. All of the victims exploited exclusively abroad were children, comprising 33% of child foreign national victims. The remaining 83% (149) of foreign national victims were trafficked into the United States, 58% (87) in sex trafficking cases and 42% (62) in forced labor cases. Eighty-one percent (120) of victims trafficked into the country were adults and 19% (28) were children.

2020 Federal Trafficking Report

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REFERENCES

Louisiana Legislature Website (Statute locations linked above)

Used To Find State Efforts To Alleviate Human Trafficking

 $https://www.acf.hhs.gov/sites/default/files/documents/otip/mississippi_profile_efforts_to_combat_human_trappedf$

https://law.justia.com/codes/mississippi/2018/title-97/chapter-3/section-97-3-54.3/

https://law.justia.com/codes/mississippi/2018/title-97/chapter-3/section-97-3-54.4/

https://law.justia.com/codes/mississippi/2017/title-97/chapter-3/section-97-3-54.2/

https://law.justia.com/codes/mississippi/2013/title-97/chapter-3/section-97-3-54.1

 $https://www.acf.hhs.gov/sites/default/files/documents/otip/arkansas_profile_efforts_to_combat_human_trafficking.pdf$

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https://law.justia.com/codes/arkansas/2014/title-5/subtitle-2/chapter-18/section-5-18-103

https://law.justia.com/codes/arkansas/2016/title-16/subtitle-7/chapter-118/section-16-118-109

https://www.acf.hhs.gov/sites/default/files/documents/otip/texas_profile_efforts_to_combat_human_traffic king.pdf

https://statutes.capitol.texas.gov/Docs/PE/htm/PE.20A.htm

https://www.texasattorneygeneral.gov/human-trafficking-section/texas-human-trafficking-prevention-task-force

https://statutes.capitol.texas.gov/Docs/GV/htm/GV.420.htm

https://statutes.capitol.texas.gov/Docs/CP/pdf/CP.98.pdf

https://law.justia.com/codes/texas/2021/family-code/title-3/chapter-54/section-54-0326/

2020 Federal Trafficking Report

https://traffickinginstitute.org/wp-content/uploads/2022/01/2020-Federal-Human-Trafficking-Report-Low-Res.pdf

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



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PROPOSED PROJECT 2: Analysis cases in Louisiana involving trafficking (sexually-oriented) aimes in the last five years **SCOPE:** The scope of this proposed project is to conduct a case-by-case analysis of trafficking cases in Louisiana that include:

- trafficking cases result in sexual assault exams and kits being done -
- of those, how many are sent to LSP for analysis; and
- of those, how many rape charges (sexual assault exams and kits being done), were removed from
- the case
- and compare to national standards

LPSI FINDINGS & RECOMMENDATIONS

The recommendation of **Group 2** for this manual is to include the Statutes listed below. It is important for the reader to be clear on what is classified as a forensic medical exam and how the forensic medical exams are used in data. The cases provided in the manual are important because they display the reality of abuse as it relates to being sexually exploited. It also displays how the justice system reacts to those that are sexually exploited.

LOUISIANA STATUTES

LA R. S. 15:622, Sexual assault collection kits

LA R. S. 15:623, Submission of sexual assault collection kits

LA R.S. 15:624, Sexually-oriented aiminal offense data; reporting LA R.S.

15:624, Sexually-oriented criminal offense data; reporting LA R.S. 15:625,

Material witness warrant data; reporting

CASES REVIEWED

LOUISIANA

State v. Adam Littleton

In State v. Adam Littleton, the victim, Jasalis Wright was so desperate to escape her pimp that she jumped out of a moving vehicle trying to escape her pimp, Littleton, as he kidnapped Wright and was attempting to traffic Wright across state lines from Louisiana to Texas. The victim died.

Trial testimony revealed that Wright knew Littleton for less than a month. He traveled to New Orleans from Texas with another prostitute he worked with. The defendant met the victim through her work as a dancer at the infamous strip dub on Bourbon Street, Stiletto's. Within days of meeting the victim, the two left New Orleans and the victim told her family that she was going to Texas to dance with other girls for work. After leaving New Orleans, the defendant and victim stayed in hotels in multiple aties including Ft. Worth, Dallas, Austin, and Grand Prairie, Texas.

Upon returning to New Orleans, the victim appeared to have lost weight and expressed how she did not want to leave New Orleans or her son ever again. The victim's family believed the defendant was her boyfirend. She returned to work at Stilletto's and the defendant stayed with her family. The victim's family became concerned when they did not hear from her. The defendant made calls and confessed that the victim jumped out of the moving vehicle that he was driving.

Cell phone records indicated that Littleton continued to drive west to Dallas. Texas after Wright jumped out of the moving vehicle. Later that night, he made it to his brother's apartment in Dallas where his brother and brother's girlfriend resided.

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The brother's girlfriend communicated with Louisiana State Police (LSP) that she heard Littleton confess and express details of the fatalincident.

She overheard Littleton telling his brother that he could not call the police because he was scared that he was responsible, stating he had forced. Wright into the car and told her the only way she was going to get out was if she jumped, and that he saw, in his rearview mirror, two cars run over the wright and that he stopped at the next exit to throw her belongings out of the car. LSP went to Dallas, searched the vehicle, and interviewed the two siblings. The vehicle revealed Littleton's bank statements and paperwork from Texas Health Resources center for a <u>cervical sprain</u>.

The coroner, Dr. Marianne Eserman, determined that the cause of the victim's death was multiple blunt force injuries, and based on law enforcement reports, the manner of death was homicide.

Trial evidence and witness testimony revealed detailed information on Littleton's and Wright's relationship. Evidence supported the statement that Wright was indeed a victim of sex trafficking. Phone records, Instagram accounts, email accounts, and bankrecords revealed Wright was sold and advertised on Backpage.com. Email accounts were owned by Littleton, and he boasted about being a pimp on social media. Witnesses testified of Littleton being Wright's pimp who controlled the money, arranged dates, and solicited Wright.

Adam Littleton was found guilty of second-degree murder and sentenced to life in prison without benefit of probation, parole, or suspension of sentence.
285 So.3d 1181, 18-354 (La.App. 5 Cir. 12/4/19)

State v. Anthony

In Statev. Willard Anthony, Willard Anthony, was convicted by a jury of aggravated rape, human trafficking, second degree battery, aggravated battery, sexual battery, and felon in possession of a firearm. Anthony was sentenced to life imprisonment at hard labor without the benefit of probation, parole, or suspension of sentence for each count.

The victim of this case testified that she was addicted to drugs and was working as a prostitute in Flaida, where she met Anthony at a motel in Pensacola. After being invited to Anthony's room, the victim went to Anthony's room and partied with three other prostitutes and then fell asleep. Upon waking up, she realized she was in a car not knowing how she got there. When she questioned Anthony, he pointed a gun at her and told her that she was "part of his family now." When they arrived at a hotel in New Orleans, the victims were immediately solicited by having their images, taken by co-defendant Pierre Braddy, posted online to get clients. Shortly after, the victim got her first client who she asked to help her escape from Anthony, who was waiting outside in the parking lot. After escaping with the client, Anthony caught up with the two in a vehicle and intimidated the client and victim with a gun. The victim jumped out of the vehicle and ran, but Anthony again caught up with her and pulled her into the vehicle he was driving. He then instructed the other women, who worked for him, to hit her. He followed by beating her with a belt and strangling her until she lost consciousness.

When they returned to the hotel Anthony continued to beat, verbally antagonize her, and hit her with various objects, including his gun. She further testified that at the request of Anthony, who was armed with a gun, Braddy urinated on her, put his penis in her mouth, and made her swallow the urine. After a while, Anthony directed Braddy and the other girls to go to Walmart to buy makeup so the victim could continue to make money. The victim further testified that while she and Anthony were alone in the hotel room, he told her various things that would happen to her if she ever tried to run again. Then, he "forced himself" on her and also inserted his gun into her vagina.

The victim later had another client, who was an undercover detective, who took her to the hospital. The detective testified that he worked sex crimes undercover and set up a "date" with a prostitute. When he arrived, her encountered the other two other prostitutes and the victim on who "was sitting on her knees and she was beat." He testified that he had "never seen some body beat like this," so he knew "there was a pimp involved." He elaborated that her entire face was swallen, with one eye completely shut and a large laceration over her left eye, and she was "black and blue from head to toe." After the detective exchanged money with one of the prostitutes, he said the code word and the covering officers shortly responded. He then brought the victim to the hospital due to her significant injuries. She disclosed to him how she received her injuries, and based on that, he felt the need to investigate crimes other than prostitution, namely aggravated rape, human trafficking, aggravated battery, and second-degree battery. On witness testimony, one of the other prostitutes revealed how she met Anthony and detailed the incidents that occurred with the victims. The victim and witness testimonies coincided.

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At trial, Anthony testified that the victim came to New Orleans willingly in order to make more money as a prostitute. He denied being the victim and other prostitutes' pimp. He denied hitting the victim and "doing anything" with the victim. He did admit to having consensual sex with the victim, that the victim had multiple opportunities to leave, and that the victim was not forced or coerced into staying with them.

The examining nurse at the hospital testified and the victim's medical records showed that the victim made statements that she had been vaginally penetrated with a "penis and a gun," and that she had significant bruising to her face.

An expert in the field of interpretation of DNA mixtures and their matched statistics, testified that the DNA mixture from a swab taken from the interior of the gun recovered in this case. He was able to conclude that neither the victim, nor Anthony, nor Braddy could be excluded as contributors. He further concluded that a match between the swab of the gun and victim was 1.17million times "more probable than a coincidental match" to an unrelated Caucasian person; that the match between the firearm and defendant was 1.59 thousand times "more probable than a coincidental match to an unrelated African American person"; and that a match between the firearm and Braddy was 63.2 trillion times "more probable than a coincidental match to an unrelated African American person."

In State v. Littleton, no sexual assault exam was taken on the victim being that she was dead and there had been no disclosure of sexual abuse by the victim. In State v. Anthony, there was clear disclosure by the victim when taken to the hospital. Forensic evidence was there to support the findings that corroborated the victim's testimony. The forensic evidence helped to secure a conviction for the defendant. 309 So.3d 912, 17-372 (La.App. 5 Cir. 12/30/20)

CALIFORNIA

People v. Brown

In People v. Brown, Michael Brown was found guilty of one count of forcible oral copulation. He was sentenced to eight years in prison.

Jane Doe,18 years old, and who worked as a sex worker, placed an advertisement online. Brown responded to the advertisement and exchanged text and calls with Doe. The two then arranged to meet in a parking lot and Doe told Brown that she was 23 years old. Doe arrived with two friends and based on her conversations and text messages with defendant, Doe believed she and defendant would have a "car date" and she would provide defendant a "suck and fuck," which Doe explained involves oral copulation and intercourse, with a condom. Doe testified that she never performed sex acts for customers without a condom, due to her fear of STDs.

Doe met Brown, got into his car and they drove to the parking lot of a commercial brick building in Oakland. After they were parked, Doe and Brown moved to the back seat of the car. Brown then asked Doe how much the hour would cost him, and she told him it was \$200. Brown asked if they previously agreed to \$160. Doe told him no but said she would look through her phone for text messages confirming their agreement. She began scrolling through her text messages and did not find anything. She then thought they must have discussed the cost during a phone call. When Doe was about to propose that they split the cost difference, Brown began to hit Doe and struck Doe five or six times in the face, head, and arms with his open hand and fist. Proceeding by calling her names like "punk" and "bitch." Doe was shocked and scared. She tried to reach for her stungun inside her fanny pack, but Brown moved her fanny pack out of her reach in the front seat. She then tried to use her phone to make an emergency call to the police, but Brown took her phone before she could call them.

Doe further testifies that she feared Brown would further hurt her, so she complied with his demands. Over the next three hours, Brown forced Doe to orally copulate his partially erect penis without a condom. Brown told Doe how he wanted her to use her tongue on his penis. Doe told Brown her mouth was too dry to continue. Defendant told Doe to "suck the spit off his tongue and spit on his dick while he is jacking himself off." This cycle, of Doe orally copulating, her mouth getting dry, and Doe sucking the spittle from defendant's tongue while he masturbated himself, went on "numerous times." Defendant smoked methamphetamine during the assault. Each time he took a "hit" from the pipe, he wanted Doe to "call him daddy and suck his dick."

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



Doe believed Brown was trying to be her pimp because he told her that he knew she was with two female friends and that he wanted to "watch over" them while they "walk the blade." At one point, approximately an hour and a half into the assault, Doe told Brown she needed to use the bathroom to see if he would let her out of the car. However, he told her to urinate in a cup he had in his car, which she did. He told Doe to remove her top; she did so, and Brown sucked on her nipples. Brown did not touch her vagina, but he did touch her buttocks. Doe estimated that she orally copulated Brown more than five times. At no point did she consent to these acts. She estimated that Brown threatened to hurt her four or five times during the assault and Brown never ejaculated.

Early in the morning Brown told Doe he had work and that they were "done." As they drove back to the parking lot, Brown told Doe to continue orally copulating him, and she did so. She was scared Brown might not take her back to the Jack in the Box, so she kept assuring him that she would not "tell anybody." When they got back to the Jack in the Box parking lot, Brown her belongings, and she got out of the car and memorized Brown's license plate number. Brown never paid Doe.

Doe's friends were waiting for her and she told them what happened. They testified as fresh complaint witnesses and described Doe as "crying" and "upset" and having said she had been raped and hit. Doe called 911, after her phone recharged, which was about 10 to 15 minutes after defendant dropped her off. She met the police back in the parking lot, and she was taken to the hospital.

The 911 call recording was played back for the jury. Doe told police she had been "raped orally" and kidnapped for three hours by a Black man in his 40's. She reported that she had been "hit, punched, and slapped" in the back of the man's car; the man was "smoking aystal"; and he told her that if he saw her "out here again he's going to beat my ass." Officer Elliot Diaz testified she appeared upset. He transported her to the hospital and took a statement from her at the hospital.

Doe underwent a sexual assault forensic examination and testified that she had pain and soreness on the roof of her mouth and throat after being with Brown. Physician Assistant Hung-Wen Sun, designated as an expert in sexual assault exams, examined Doe. The exam showed signs of petechiae, or popped blood vessels, on the roof of Doe's mouth. Sun testified that petechiae were consistent with forced oral copulation. DNA swabs taken from Doe's left breast contained a single sperm. Brown could not be eliminated as the sperm's donor. Brown continued to contact Doe asking if she was okay, apologizing to the victim, and offering her to give the same treatment.

Not Reported in Cal.Rptr., 2021 WL 3486109

People v. Greeter

In People v. Greeter, in July 2014, the defendant, Greeter, was found guilty of multiple counts of commercial sex trafficking, forcible rape and oral copulation, and pimping and pandering of two minors, aged 14 and 16.

While waiting for a bus Z.H., the 14-year-old victim, was approached by Greeter, who introduced himself as "Terrific" and invited her to get a burito. They took a bus and train to a burito place and Greeter bought her a burito and gave her a dink containing vodka. Greeter told Z.H. he was a pimp and said he would train her to be his prostitute. He then had Z.H. get into a car with a man who asked for sex, but Z.H. said no and got out. Greeter told her she would get used to it. Z.H. was scared and angry but felt there was no way for her to get away.

Z.H.'s next memory was waking up the following morning, naked and hurting from her vagina. Defendant left Z.H. in the room for a short time, but she was nervous to leave or use the phone to call for help. Defendant returned with a prostitute whom he introduced as La La, and the three went to the clothing store Forever 21, where defendant bought Z.H. a fitted, pink dress that La La picked out. That evening, July 7, La La and Z.H. got dressed in the hotel room and took the bus with Greeter to Capp Street. Defendant told Z.H. she would get used to be a prostitute and that she had to talk sweet to the customers.

Greeter also told her to use condoms when having sex with customers, but not while having sex with him, and to use a sponge if she was on her period. Over the course of a few days, Greeter continued to pimp out Z.H. He advised her to stay away from certain types of cars that tended to be used by undercover police officers. Z.H. had vaginal sex with multiple customers and after every encounter, she turned the money over to defendant. Additionally, Z.H. had vaginal

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



sex with Greeter, even though she was on her period and experiencing cramps. She told Greeter she did not want to have sex with him, but he pinned her down by her forearms on the bed and had sex with her.

The next day, Greeter gave Z.H a cell phone stating he trusted her and that it would be used so he could contact her. She was approached by another prostitute and agreed to leave with her and work for her pimp. She worked with them for a few days and then turned the money over to the new pimp. She testified that she was afraid of the new pimp and did not feel free to leave.

While in Oakland, she contacted her mother and friends. During this time, Z.H.'s family had called the police after she did not return home. A few days later, police were contacted after Z.H. called one of her friends and said she was in Oakland. The friend called back and Z.H. answered, stating her location. Police followed up by interviewing Z.H. on the events that occurred. Greet was later arrested.

In December 2014, B.C., aged 16, took a train, with her friend Akili, from the Richmond BART station to San Francisco. They met a boy named EJ and Greeter, who introduced himself as Terrific. B.C. exchanged phone numbers with EJ. The next morning, the girls made plans to meet with EJ again. EJ came to Richmond to pick up the girls in a red Toyota driv en by Greeter.

During the drive, Greeter sent a text message to his friend, Deshawn Birden, to find a hotel room. They were eventually dropped off at a motel. While the group was talking in the motel room, Greeter and Akili left, but Greeter returned without her. B.C. was concerned that it was getting late and that the BART trains would stop running, so she called her father and a friend, but her father did not answer, and the friend would not come.

B.C. spent the night at the foot of El's bed while Greeter slept on the other bed. The next morning, Birden visited the motel room with two women who were dressed like prostitutes. B.C. called her friend Curtisa, and Greeter arranged to have Curtisa picked up. B.C., EJ, Greeter, and Curtisa met at a hotel on Polk and Ellis Streets, where they drank orange juice and alcohol, while Greeter and Curtisa also smoked marijuana. At one point, Greeter turned off the light, and he and Curtisa, who was very intoxicated, began having sex on one side of the bed.

EJ. sat next to B.C. and put his hand on her leg, but when she pushed him away, he held her arms down and raped her. Greeter then said for them to switch partners. He held B.C.'s wists and raped her while EJ had sex with Curtisa. Afterward, Greeter left the room with Curtisa, and EJ held B.C. back so she could not leave. When Greeter returned, he removed the SIM card from B.C.'s phone and told her he was her pimp, and that she would have to do as he said. The next day, on January 3, Greeter had vaginal and oral sex with B.C. twice without using a condom. He told her to use a condom with her "tricks" and gave her other instructions on how to be a prostitute.

On January 4, B.C. had sexual intercourse with Greeter three times, orally copulated him once, and engaged in commercial sex acts with two customers and gave the proceeds to defendant. On January 5, she had vaginal sex with Greeter twice. B.C. testified that on each occasion, she did not want to have sex with Greeter. Later that day, he took B.C. out to find customers, but when B.C. tried to leave, they got into an argument, and Greeter hit and choked B.C. She then called her cousin, but Greeter grabbed the phone out of her hand and hung it up. Later, B.C.'s cousins called Greeter and told him that they had EJ and demanded that helet B.C. go. Defendant took B.C. back to the hotel, told her to change back into regular clothes, and allowed her to leave.

Swabs taken from Z.H.'s cervix and vulva tested positive for semen, and a condom was found inside her vagina, but no foreign DNA was discernible on the swabs or condom. Nurse practitioner Joan Okasako testified that the optimal time for detecting genetic material is right after the sexual assault, but Z.H.'s exam was done four days after she left Greeter and after she had been menstruating, making detection less likely.

Swabs taken from B.C.'s vagina testified positive for semen, and foreign DNA was detected. Criminalist Taryn Aguilera testified that Greeter was a possible source, and the probability of an unrelated individual having a DNA profile that matched the foreign profile was 1 in 21.3 quintillion in the African-American population.

Not Reported in Cal.Rptr., 2018 WL 5095090

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



Based on my research of cases, it can be inferred that without rape kits or forensic exams, accusations by sex trafficked victims would not solidify accusations by the victims. More pimps or suspects would be held accountable if there were more collection kits that were being done and officially processed.

LOUISIANA STATISTICAL DATA

STATE: LOUISIANA

2021

Department of Children and Family Services Annual Report (January 2021)

Results:

Type of Trafficking by Age Categories

Of the number of persons reported as trafficking victims, 712 (94%) were sexual trafficking victims; 7 (<1%) were labor trafficking victims; 9 (1%) were victims of both sexual and labor trafficking; there were 31 additional trafficking victims for whom the type of trafficking was not reported. Of all reported victims, 530 (70%) were identified as juveniles. The age range of Sexual Trafficking victims was from 2 years old to 59. There were 93 sexual and/or labor trafficking victims age 12 and under.

Racial Composition of Victims

The racial composition for victims was 324 African American (43%), 332 White (44%), 2 Asian (less than 1%), 3 American Indian (less than 1%), 14 Multiracial (2%), 2 Native Hawaiian/Other Pacific Islander (less than 1%), 16 Other (2%), and 66 Unknown (9%).

Gender of Victims

692 (91.17%) of the victims were identified as female, 63 (8.30%) were male, and 4 (less than 1%) were not reported.

Trafficking and Rescue Location by Age Category

East Baton Rouge and Orleans are the parishes most frequently identified as the trafficking locations for both adult and juvenile victims. Caddo, Rapides, Plaquemines, and Ouachita parishes are additionally identified most frequently as the trafficking locations for juvenile victims. Out of State is additionally identified most frequently as the trafficking location for adult victims. Plaquemines and Rapides have seen increases in numbers of human trafficking victims over the past year. However, the trafficking location was not reported on a number of victims, which places some limitations on this data.

2020

Department of Children and Family Services Annual Report (February 2020)

Type of Trafficking by Age Categories

Of the number of persons reported as trafficking victims, 809 (87%) were sexual trafficking victims; 22 (2%) were labor trafficking victims; 34 (4%) were victims of both sexual and labor trafficking; there were 62 additional trafficking victims for whom the type of trafficking was not reported. Of all reported victims, 543 (59%) were identified as juveniles. The age range of sexual trafficking victims was from 2 months to 63. There were 106 sexual and/or labor trafficking victims age 12 and under.

Racial Composition of Victims

The racial composition for victims was 409 African American (44%), 384 White (41%), 10 Asian (1%), 2 American Indian (less than 1%), 28 Multiracial (3%), 6 Other (less than 1%), and 88 Unknown (10%).

Gender of Victims

811 (87.5%) of the victims were identified as female, 89 (9.6%) were male, 11 (1.2%) were identified as transgender, and 16 (1.7%) were not reported.

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



2019

Department of Children and Family Services Annual Report (February 2019)

Type of Trafficking by Age Categories

Of the number of persons reported as trafficking victims, 710 (95.43%) were sexual trafficking victims; 7 (0.94%) were labor trafficking victims; 18 (2.42%) were victims of both sexual and labor trafficking; there were 9 additional trafficking victims for whom the type of trafficking was not reported. Of all reported victims, 428 (57.53%) were identified as juveniles. The age range of Sexual Trafficking victims was from 5 months to 65. There were 42 sexual trafficking victims aged 12 and under.

Racial Composition of Victims

The racial composition for victims was 366 African American (49%), 233 White (31%), 8 Asian (1%), 25 Multiracial (3%), 58 Other (8%), and 54 Unknown (7%).

Gender of Victims

678 (91%) of the victims were identified as female, 44 (6%) were male, 13 (2%) were identified as transgender, and 9 (1%) were not reported.

2018

Department of Children and Family Services Annual Report (February 2018)

Type of Trafficking by Age Categories

Of the number of persons reported as trafficking victims, 641 (94.1%) were sexual trafficking victims; 9 (1.3%) were labor trafficking victims; 29 (4.3%) were victims of both sexual and labor trafficking; there were 2 additional trafficking victims for whom the type of trafficking was not reported. Of all reported victims, 356 (52.3%) were identified as juveniles. The age range of Sexual Trafficking victims was from 2-65. There were 72 sexual trafficking victims age 12 and under.

Racial Composition of Victims

The racial composition for victims was 271 African American (40%), 182 White (27%), 2 Asian (<1%), 16 Multiracial (2%), 3 Other (<1%), and 207 Unknown (30%).

Gender of Victims

533 (78%) of the victims were identified as female, 41 (6%) were male, 7 (1%) were identified as transgender, and 100 (15%) were not reported.

2017

Department of Children and Family Services Annual Report (February 2017)

Type of Trafficking by Age Categories

Of the number of persons reported as trafficking victims, 446 (99.8%) were sexual trafficking victims 1 additional trafficking victim for whom the type of trafficking was not reported. Of all reported victims, 201 (45%) were identified as juveniles. The age range of Sexual Trafficking victims was from 2-55. There were 20 sexual trafficking age 12 and under.

Racial Composition of Victims

The racial composition for victims was 284 African American (64%), 115 White (26%), 1 Asian (<1%), 8 Multiracial (2%), 9 Other (2%), and 30 Unknown (7%).

Gender of Victims

401 (90%) of the victims were identified as female, 38 (8%) were male, 9 (2%) were identified as transgender, and 2 (<1%) were not reported.

Sexual Assault Exam Reports: Backlog

In 2020, Louisiana legislators introduced HB744. The bill would have mandated kit-handling timelines, a tracking system, and victims' rights to notice about the status of their kits. This bill failed to pass.

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



STATE COMPARISONS STATISTICAL DATA

STATE: MISSISSIPPI

National Human Trafficking Hotline (NHTH)

The statistics below are based on the contacts -- phone calls, texts, online chats, emails, and webforms -- received by the NHTH that reference Mississippi. To protect the identity of the people we serve, the NHTH does not disclose exact statistics related to venues, industries, or caller information when referenced fewer than three times.

These statistics are non-cumulative. Cases may involve multiple victims and include males and females, foreign nationals and U.S. citizens, adults and minors. In some cases, callers do not provide demographic information.

No reports of any exams or kits conducted in statistical reports

2020

Contacts this year: 710 Human Trafficking Cases: 187

Victims and Survivors Identified Indications: High 91, Moderate 172

Calls From Victims/Survivors: 363

2019

Contacts this year: 364 Human Trafficking Cases: 148

Victims and Survivors Identified Indications: High 126, Moderate 115

Calls From Victims/Survivors: 49

2018

Contacts this year: 204 Human Trafficking Cases: 86

Victims and Survivors Identified Indications: High 158, Moderate 102,

Calls From Victims/Survivors: 32

2017

Contacts this year: 107 Human Trafficking Cases: 42

Victims and Survivors Identified Indications: High 52, Moderate 43,

Calls From Victims/Survivors: 16

HB 672 requires medical facilities to notify law enforcement agencies within 24 hours; law enforcement to submit the kit to a crime lab within 7 days; the lab to test kits within 15 days and upload DNA profile into CODIS within 60 days. After passing both houses, this bill failed in the conference committee.

In 2021, Mississippi legislators introduced HB670, which would have required medical facilities to send kits to crime laboratories within 30 days, and the labs to test kits within 120 days. The bill also would have granted survivors the right to be notified of kit results, and before destruction of a kit. This bill died in the House Judiciary Committee.

In 2020, Mississippi representatives introduced HB1385, a bipartisan bill that would have mandated kit testing and submission timelines, granted survivors the right to notification on the status of their kits, and extended kit retention time to 20 years. The bill failed in the House Judiciary Committee.

STATE: NEW YORK

The statistics below are based on the contacts -- phone calls, texts, online chats, emails, and webforms -- received by the NHTH that reference New York. To protect the identity of the people we serve, the NHTH does not disclose exact statistics related to venues, industries, or caller information when referenced fewer than three times.

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



2020

Contacts this year: 1739 Human Trafficking Cases: 414

Victims and Survivors Identified Indications: High 171, Moderate 456,

Calls From Victims/Survivors: 628

2019

Contacts: 1193

Human Trafficking Cases: 459

Victims and Survivors Identified Indications: High 234, Moderate 814,

Calls From Victims/Survivors: 244

2018

Contacts: 976

Human Trafficking Cases: 492

Victims and Survivors Identified Indications: High 463, Moderate 648,

Calls From Victims/Survivors: 265

2017

Contacts: 1058

Human Trafficking Cases: 344

Victims and Survivors Identified Indications: High 505, Moderate 426,

Calls From Victims/Survivors: 247

Joyful Heart discovered through the 2019 rape kit inventory report that some law enforcement agencies were failing to report their untested kits to the Department of Criminal Justice as required by the statewide inventory law. New York law (SB980) clearly states that each police agency in the state shall report, on a quarterly basis, the number of all the rape kits it has received, the number of kits it submitted to a farensic laboratory for processing, the number of kits in its custody or control that have not been processed for testing, and the length of time between receipt of any rape kit and its submission to the forensic laboratory.

STATE: TEXAS

The statistics below are based on the contacts -- phone calls, texts, online chats, emails, and webforms -- received by the NHTH that reference Texas. To protect the identity of the people we serve, the NHTH does not disclose exact statistics related to venues, industries, or caller information when referenced fewer than three times.

Houston is the ground zero for this issue in Texas. As a result, it's one of the biggest cities for human trafficking in the US. There are a few reasons why Texas has such high rates of this modern slavery. Part of it is due to the size of the state.

2020

Contacts: 3559

Human Trafficking Cases: 987

Victims and Survivors Identified Indications: High 478, Moderate 1109,

Calls From Victims/Survivors: 1488

2019

Contacts: 2672

Human Trafficking Cases: 1088

Victims and Survivors Identified Indications: High 846, Moderate 1617,

Calls From Victims/Survivors: 760

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



2018

Contacts: 2296

Human Trafficking Cases: 1001

Victims and Survivors Identified Indications: High 970, Moderate 1307,

Calls from victims/survivors: 587

2017

Contacts: 2378

Human Trafficking Cases: 812

Victims and Survivors Identified Indications: High 1718, Moderate 1254,

Calls From Victims/Survivors: 375

HB 2706 strengthened the rape kit handling process by extending the time frame for kits to be collected to 120 hours instead of 96 hours under previous law.

HB 2462 ensured that law enforcement professionals cannot decline a forensic medical exam for a survivor, that kits of deceased victims are entered into the tracking system, and that annual reports from the tracking system are accessible on the Public Safety Department's website.

STATE: CALIFORNIA

The statistics below are based on the contacts -- phone calls, texts, online chats, emails, and webforms -- received by the NHTH that reference California. To protect the identity of the people we serve, the NHTH does not disclose exact statistics related to venues, industries, or caller information when referenced fewer than three times.

2020

Contacts: 4970

Human Trafficking Cases: 1334

Victims and Survivors Identified Indications: High 519, Moderate 1574,

Calls From Victims/Survivors: 1884

2019

Contacts: 4836

Human Trafficking Cases: 1520

Victims and Survivors Identified Indications: High 893, Moderate 2265,

Calls From Victims/Survivors: 1815

2018

Contacts: 4483

Human Trafficking Cases: 1655

Victims and Survivors Identified Indications: High 1127, Moderate 2176.

Calls from victims/survivors: 1494

2017

Contacts: 4661

Human Trafficking Cases: 1337

Victims and Survivors Identified Indications: High 1594, Moderate 1354,

Calls From Victims/Survivors: 1057

California introduced SB916 which would make survivors' access to the state tracking system, SAFE-T, clear in law. The bill also requires the card law enforcement must give survivors to include a statement that a court may not imprison or otherwise confine or place in custody a victim of sexual assault or domestic violence for refusing to testify.

GREATER NEW ORLEANS HUMAN TRAFFICKING TASK FORCE Proposed Legal Research Project



REFERENCES

Louisiana Department of Children and Family Service https://www.dcfs.louisiana.gov/

Human Trafficking Hotline-Mississippi humantraffickinghotline.org 1-888-373-7888

Mississippi Human Trafficking Task Force <u>Human</u>
Trafficking Case Reporting Protocol

Human Trafficking Hotline-New York https://humantraffickinghotline.org/state/new-york

Rehabilitation Center, Restore NYC (New York, NY) https://restorenyc.org

NYC Local Law 41 Annual Reports
https://www1.nyc.gov/site/acs/about/child-trafficking/data.page

Human Trafficking Hotline-Texas https://humantraffickinghotline.org/state/texas

Rehabilitation Center for Child Survivors: The Refuge (Austin, Texas) https://therefugedmst.org/dmst-statistics

Human Trafficking Facts-Texas https://upbring.org/6-truths-about-human-trafficking-in-texas/

End the Backlog
https://www.endthebacklog.org/