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Collaborative Efforts Produce Success: Supporting Survivors and Prosecuting Traffickers

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**COLLABORATIVE EFFORTS PRODUCE SUCCESS: SUPPORTING SURVIVORS
AND PROSECUTING TRAFFICKERS**

Kelly Twedell*

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I. INTRODUCTION

Human trafficking is an issue that currently exists across the United States, but it is challenging to quantify statistics when comprehensive data and standardized reporting does not exist. Each state is acting alone—working against all facets of the crime—while proactively creating legislation, serving victims, building cases to prosecute, and promoting awareness.

North Carolina, in particular, has not been immune to the national problem of human trafficking. In 2018, the National Human Trafficking Hotline received a total of 287 human trafficking cases reported statewide.¹ In 2019, a total of 266 cases were reported in North Carolina.² In both 2018 and 2019, sex trafficking comprised the majority of reported human trafficking cases with 192 reported cases in 2018 and 172 reported cases in 2019.³ District attorney's offices across North Carolina have responded to this issue by bringing formal charges against human trafficking offenders. Statewide, there were a total of 137 cases charged in 2019 and a total of 145 cases charged in 2018.⁴ In both years, about one-third of the cases specifically related to sexual servitude or involuntary servitude.⁵

North Carolina's antitrafficking laws provide protections for and responses to minor victims of human trafficking, decriminalize prostitution-related offenses for minors, ensure the child welfare system has jurisdiction over child trafficking victims, and mandate the creation of a plan of action for law enforcement and child welfare.⁶

1. NAT'L HUMAN TRAFFICKING HOTLINE, NORTH CAROLINA SPOTLIGHT: 2018 NATIONAL HUMAN TRAFFICKING HOTLINE STATISTICS, <https://humantraffickinghotline.org/sites/default/files/NC-2018-State-Report.pdf> [<https://perma.cc/YBG7-5RJY>].

2. *North Carolina*, NAT'L HUMAN TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/state/north-carolina> [<https://perma.cc/7HM5-N63W>].

3. NAT'L HUMAN TRAFFICKING HOTLINE, *supra* note 1; *North Carolina*, *supra* note 2.

4. *State of North Carolina 2018 Human Trafficking Cases*, N.C. CTS. (2019), <https://www.nccourts.gov/services/request-a-public-record> [<https://perma.cc/D5L3-V2PJ>] (report available at the North Carolina Administrative Office of the Courts upon request); *State of North Carolina 2019 Human Trafficking Cases*, N.C. CTS. (2020), <https://www.nccourts.gov/services/request-a-public-record> [<https://perma.cc/D5L3-V2PJ>] (report available at the North Carolina Administrative Office of the Courts upon request).

5. *State of North Carolina 2018 Human Trafficking Cases*, *supra* note 4; *State of North Carolina 2019 Human Trafficking Cases*, *supra* note 4.

6. Safe Harbor/Victims of Human Trafficking Act, ch. 14, 2013 N.C. Sess. Laws 368(codified as amended at N.C. GEN. STAT. ANN. § 14-43 (West 2017)).

II. RESOURCES AVAILABLE TO VICTIMS OF HUMAN TRAFFICKING

A. *Information-Based Resources: Online and Video*

One national resource, Shared Hope International, has been proactive in devising prevention strategies as well as justice initiatives; the program has created a nation-wide web of resource for victims, service providers, law enforcement, and the justice system. Under their website's "Resources" tab, they host a plethora of research and resources like law review articles and state law surveys.⁷

The Fayetteville, North Carolina based nonprofit, 5 Sparrows, incorporated in 2012, began using Shared Hope's training material, "Chosen," to educate the community about human trafficking. The Chosen disc, which includes printed material, is tailored for prevention and awareness briefings to students or adults, featuring a twenty-two-minute documentary-style story about two teenage females, based on nonfiction victim vignettes.⁸

B. *Development of Services Offered at 5 Sparrows*

During the early years, dedicated organizations working with adult victims of human trafficking were virtually nonexistent. The local police and sheriff's offices would contact 5 Sparrows when they encountered what they initially thought were cases involving prostituted persons.⁹ Upon an initial screening and sitting down with a victim advocate from 5 Sparrows, the organization informed law enforcement whether it found that the individual was a victim of human trafficking, not a sex worker operating at will.¹⁰ After 5 Sparrows brokered trust with the victim, they had a choice to provide a

7. See *Policy Research and Resources*, SHARED HOPE INT'L, <https://sharedhope.org/resources/policy-research-resources/> [https://perma.cc/EL45-3P3F].

8. See *generally Chosen: The True Story of America's Trafficked Teens*, SHARED HOPE INT'L, <https://sharedhope.org/resources/> [https://perma.cc/9QW8-S6BM] (follow "Visit Store" hyperlink under "Chosen Film Series").

9. When 5 Sparrows was incorporated in 2012, it was the only local nonprofit providing direct services to adult victims of human trafficking. Both city and county law enforcement entities recommended and referred local prostituted persons to 5 Sparrows for services, oftentimes setting appointments to drive them over to ensure their needs were met.

10. Kelly Twedell, Opinion, *Why Don't Trafficking Victims Ask for Help?*, FAYETTEVILLE OBSERVER (Jan. 12, 2019), <https://www.fayobserver.com/opinion/20190112/kelly-twedell-why-dont-trafficking-victims-ask-for-help> [https://perma.cc/5B6E-BWF4]. Answers provided by an individual during an initial screening interview determined the status of an individual—whether the individual was a victim of a crime, like sex trafficking—which determined whether it was in the individual's best interests for 5 Sparrows to provide the next level of service or to refer the individual to another agency.

victim impact statement to law enforcement before leaving for a restoration program upon being accepted.¹¹

As human trafficking incidents began to increase in Cumberland County, so did the number of educational institutions and the professional business in the community that requested education and training opportunities through 5 Sparrows.¹² These training sessions always included members from the Task Force sharing information about their role in combatting human trafficking and informing residents how to report tips.

C. Restoration Services: Transition to Long-Term Programs

Restoration programs are staffed and structured specifically to serve victims of human trafficking.¹³ Depending on a victim's state of addiction, advocates at 5 Sparrows were assigned to the victims until they completed detox, after which they were then safely transported to restoration programs. In the course of providing these services, 5 Sparrows has established relationships with numerous restoration programs across the country.¹⁴

One particular model that netted the most success was a phase two, short-term, thirty-day program in Atlanta called Out of Darkness.¹⁵ During these thirty days, the residential center provides victims with clothes, legal representation, and medical exams.¹⁶ While tending to the victims' immediate needs, the program has its residents follow a schedule that provides a daily structure with strict accountability, and case managers confer with each resident to determine appropriate long-term restoration programs for them, which typically last for twelve to eighteen months.¹⁷ During this healing phase for victims, when they ideally transition from the mentality of a victim to a survivor, the detectives work methodically on pending cases filing charges

11. Being victim centered and trauma informed, 5 Sparrows gave victims the option to include police in order to provide a victim impact statement, which triggered the start of a case file and investigation by police.

12. *See Our View: Our Growing War Against Human Trafficking*, FAYETTEVILLE OBSERVER (Jan. 21, 2018), <https://www.fayobserver.com/opinion/20180121/our-view-our-growing-war-against-human-trafficking> [<https://perma.cc/LQ8D-BT67>].

13. *See Steve DeVane, Groups Try to Remove Human Trafficking Victims from Bad Environment*, FAYETTEVILLE OBSERVER (Mar. 10, 2018), <https://www.fayobserver.com/news/20180310/groups-try-to-remove-human-trafficking-victims-from-bad-environment> [<https://perma.cc/AT25-AW2X>].

14. In particular, 5 Sparrows maintained numerous (around thirty-five) memorandums of understanding with restoration programs across the country. Many of them mandated a detox before the victim could be accepted into their program.

15. For background information on the programs and program details of Out of Darkness, see *Restore*, OUT DARKNESS, <https://outofdarkness.org/restore/> [<https://perma.cc/K9BU-GBY9>].

16. *See id.*

17. *See id.*

with the support of assistant district attorneys at the Cumberland County District Attorney's office.¹⁸

III. THE CASE OF ROBIN APPLEWHITE

A. *Process of Victimization*

In mid-February 2019, the state's biggest win started with notorious trafficker Robin Applewhite being charged in the Cumberland County's Superior Court and facing 230 years in prison. Applewhite, who was previously arrested in 2013 on human trafficking charges in Onslow County, was ordered to pay \$608,000 in restitution to four of his former victims.¹⁹

Opioid addiction fueled the need for each of the women to advertise sexual services on the now-defunct, classified online platform, Backpage.²⁰ Applewhite had met these women through Backpage and arranged "dates" with them at local hotels, where Applewhite recruited them to work for him in exchange for more money, a steady flow of pills, and a safe place to live.²¹ It was during their time with Applewhite that he subtly led them to be addicted to heroin,²² a cheaper habit for him to supply.²³ The women later testified that they also would set up dates with Applewhite's clients to earn money, which the victims would then exchange for their drug supply.²⁴ Dates usually ranged from \$100 for thirty minutes to \$250 for an hour, and they would have to turn over all the money to Applewhite, often incurring a beating if he thought they were hiding or withholding money from him.²⁵

18. This is the process and timeline during the one year where police and justice system (i.e., the assistant district attorneys) are collaborating on the case to determine if there is sufficient evidence to go to trial, which often includes having consent from a healthy victim.

19. Paul Woolverton, *Cumberland Sex Trafficker Gets 230 Years, Ordered to Pay \$608,000 Restitution*, FAYETTEVILLE OBSERVER (Mar. 5, 2019), <https://www.fayobserver.com/news/20190305/cumberland-sex-trafficker-gets-230-years-ordered-to-pay-608000-restitution> [<https://perma.cc/8NCP-6JZY>].

20. *Id.*

21. *See id.*

22. *See generally* Laura J. Lederer & Christopher A. Wetzel, *The Health Consequences of Sex Trafficking and Their Implications for Identifying Victims in Healthcare Facilities*, 23 ANNALS HEALTH L. 61 (2014) (discussing a study on the consequences of human trafficking where 84% of participants reported that they continued to suffer from addiction after having been trafficked).

23. *Id.*

24. *See id.*

25. *Id.*

B. Applewhite's Scaling of Operations

Seeking to increase the reach of his operations, Applewhite did not shy away from crowded venues, but rather, he trafficked his victims at large events, such as taking them to Charlotte for well-attended tournaments, in order to further his profits.²⁶ At these events, businessmen contacted Applewhite, typically through Backpage, and rented hotel rooms where they would meet Applewhite with the women accompanying him. After leaving the women at these hotel rooms, however, Applewhite was known to distance himself and stayed in a separate, nearby hotel until the scheduled date ended. As part of the agreement, Applewhite frequently charged \$2,000 per hour. Through court records and trial testimony, it was revealed that one survivor had brought Applewhite \$40,000 in a single month. Due to amount of money she generated, Applewhite housed her separately from his other victims and charged clients higher fees for her dates.²⁷

C. Complications at Trial and Involvement of 5 Sparrows

Although the court appointed attorney Allen Rogers to represent Applewhite at trial, Applewhite expressed a desire to represent himself.²⁸ After multiple counsel hearings, he insisted on firing his attorney and continuing trial pro se, which the court eventually permitted.²⁹ Applewhite's decision to become a pro se litigant and his failure to adhere to procedural formalities forced the trial judge to go through great lengths to preserve the integrity of the trial. For example, when Applewhite would make improper attempts to enter evidence into the record, the trial judge needed to excuse the jury, instruct Applewhite on admissibility rules, and then continue trial.³⁰

Then, on March 4, 2019, the jury found Applewhite guilty for thirty-six of the forty-six charges brought against him, and his 230-year minimum sentence was rendered the following day.³¹ Of the ten charges for which the jury found Applewhite not guilty, two of the victims in such charges were unavailable to testify at trial. One of the victims was unable to testify at trial because she was neither located in the state at the time nor prepared to confront Applewhite on the stand; the other victim was deceased.³² After trial, members of the jury inquired into the lack of this victim's testimony, to which

26. Telephone Interview with Lindsey W. Lane, Assistant Dist. Attorney, Cumberland Cty., 12th Prosecutorial Dist. of N.C. (Feb. 17, 2020).

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.*

31. Woolverton, *supra* note 19.

32. Interview with Lindsey W. Lane, *supra* note 26.

they were informed of the circumstances preventing the victim from testifying.

D. 5 Sparrows' Involvement: Supporting Survivors Throughout Trial

5 Sparrows was successful, however, in enabling other survivors to appear as witnesses at trial.³³ The trial was expected to end within ten days but lasted closer to three weeks.³⁴ Throughout the duration of trial, thirty-six screened and trained volunteers from 5 Sparrows served various roles to ensure the safety and wellbeing of the testifying survivors, including acting as advocates, handling transportation, and providing security.³⁵

The team of volunteers provided the survivors with private transportation from the airport to their separate, undisclosed lodgings—not hotels—in order to limit the risk of Applewhite learning their locations.³⁶ This effort was crucial because, when the state brings in witnesses to testify, it typically places them in lodging that is convenient and cost effective, such as a hotel. However, the witnesses in the Applewhite case had worked in most major hotel chains, and the victims felt uncomfortable staying in a location that triggered their past trauma.³⁷ Some of the witnesses completely avoided hotels because of their experiences with Applewhite. Accordingly, the state accommodated the unique circumstances by ordering alternative lodging, where 5 Sparrows volunteers stood outside to provide a sense of security to individuals, who had been traumatized from Applewhite's treatment of them and believe he retained enough influence to inflict harm again.³⁸

Moreover, coordinating meals inside the courthouse daily meant the need for more security because media outlets camped outside during the trial. There were also unknown, negative networks, formerly affiliated with Applewhite, that entered and left the courthouse to spectate, making the survivors even more nervous.³⁹ Additionally, Applewhite had a co-defendant who was out of custody, which increased fear among the victims.⁴⁰ The assigned advocate accompanied the survivors at all times, sequestering them to the courthouse until it was their turn to testify individually, keeping them preoccupied with activities and conversation during waiting periods, and being present when they met with lawyers between the breaks.⁴¹ The role of the trained volunteer

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

advocates and security detail, provided at no cost, were part of 5 Sparrows mission.

IV. CONCLUSION

Like most nonprofits, 5 Sparrows funded its operations through the support of private donors and monthly sustainers. From 2016 to 2018, 5 Sparrows received an annual grant from the University of North Carolina at Chapel Hill School of Social Work for \$80,000, which enabled them to hire two positions. Statistics were gathered through screening and reported back quarterly, along with quarterly site visits, and one annual conference as part of the grant requirements.

The table below represents the demographics of all 2016–2018 human trafficking victims that 5 Sparrows and its two primary law enforcement partners, Fayetteville Police Department Human Trafficking Unit and Cumberland County Sheriffs’ Office Human Trafficking Unit, collectively served. Although most of the cases involved victims of sex trafficking, the numbers include both sex and labor trafficking cases.

Expanding the efforts to record these kinds of data is an essential step to improving the fight against human trafficking. Given access to this information, both service providers and state law enforcement will have a more comprehensive understanding of what is needed to assist victims and prosecute traffickers.

Table I		
Victims Served: 5 Sparrows and Partners (2016–2018)		
Demographic	Total Number	Total Percent (%)
Total Victims	229	100
Gender		
Females	221	96.51
Males	7	3.06
Others	1	0.44
Age		
0–12	1	0.44
13–17	32	13.97
18–24	72	31.44
25–59	116	50.66
60 and Older	1	0.44
Not Tracked	5	2.18
Not Reported	2	0.87
Ethnicity		
White Non-Latino/Caucasian	131	57.21
Black/African American	49	21.40
Hispanic/Latino	17	7.42
Multiple Races	12	5.24
American Indian/Alaska Native	7	3.06
Asian	7	3.06
Native Hawaiian and Pacific Islander	1	0.44
Not reported	5	2.18