



Human Trafficking

ISSUE

This **Issue Review** provides information regarding the crime of human trafficking and its presence within the State of Iowa, what is being done to address it nationally, how resources in Iowa are being used to identify perpetrators and victims, and what services are available for victims of human trafficking.

AFFECTED AGENCIES

Department of Public Safety
Department of Justice – Attorney General’s Office
Iowa Law Enforcement Academy
Department of Human Services
City and County Law Enforcement entities

CODE AUTHORITY

Iowa Code chapter [710A](#)
Iowa Code section [915.94](#)

BACKGROUND

In many ways, the extent of the problem of human trafficking in the State of Iowa is yet to be determined. Human trafficking is defined under the federal Trafficking Victims Protection Act of 2000 as the recruitment, harboring, transporting, obtaining, or maintaining of a person by means of force, fraud, or coercion, for purposes of servitude, debt bondage, slavery, or participation in the sex trade.¹ It may include, but does not require, physical movement of the victims. Human trafficking may also dovetail into other crimes such as drug trafficking, larceny, and money laundering, as traffickers are frequently involved in other illegal activities.

The Iowa Human Trafficking Act was enacted in 2006, and is contained in Iowa Code chapter [710A](#). This statute establishes the crime of human trafficking, and defines it as participating in a venture to recruit, harbor, transport, supply provisions, or obtain a person for the purposes of forced labor or service, or commercial sexual activity.² The seriousness of the offense depends on three factors: the type of activity, the age of the victim, and any injuries resulting from the activity.³ [Senate File 510](#) (FY 2016 Standing Appropriations Act) enhanced the penalty for a felony human trafficking conviction to a forcible felony by amending Iowa Code chapter [702.11\(1\)](#). An offender convicted of a forcible felony is required to be sentenced to State prison.

Human trafficking is a crime that exploits vulnerable members of society, such as runaways, homeless youth, and others. The Polaris Project (a private organization that gathers data on human trafficking in the United States) estimates that there are currently 20.9 million victims of

¹ Banks, Duren; Kycckelahn, Tracey; Characteristics of Suspected Human Trafficking Incidents, 2008-2010; U.S. Department of Justice.

² Iowa Code [chapter 710A](#).

³ Ryan, Roxann; Human Trafficking: The Iowa Perspective, Iowa Department of Public Safety, 2015.

human trafficking globally, and that forced labor and human trafficking is a \$150.0 billion industry worldwide, with trafficking for sexual purposes at least \$35.0 billion of that total.⁴ Sex trafficking is the illegal business of recruiting, harboring, transporting, obtaining, or providing a person for the purpose of sex. Of this total number of victims, it is estimated that:

- 68.0% are forced laborers.
- 26.0% are children.
- 55.0% are women and girls.

Child sex trafficking of a minor under the age of 18 does not require the use of force, fraud, or coercion, and can therefore be prosecuted as a sex crime in the United States. This is prohibited in the United States as well as most other countries. Other types of child human trafficking can involve forced child labor and the recruitment and use of child soldiers.⁵

Examples of venues for labor trafficking of youth in the United States are door-to-door sales of magazines, vacuum cleaners, and yard services. Foreign-born national minors are also trafficked in the restaurant, ethnic grocery, roofing, agriculture, and meatpacking industries.⁶ Foreign-born nationals are persons born outside of the United States who are citizens of another country, and have not become a naturalized United States citizen.

According to the National Runaway Safeline, between 1.6 and 2.8 million youth run away each year in the United States.⁷ While the vast majority of runaways are found or return quickly, runaways are one segment of the population that is especially vulnerable to human traffickers. The National Center for Missing and Exploited Children (NCMEC) estimates that 1 out of 6 endangered runaways reported to the organization were likely child sex trafficking victims, and of those, 86.0% were in the care of social services or foster care when they ran away.⁸

Social networking sites provide an opportunity for predators to develop contacts and approach targets to foster online relationships masking their true purpose. Minors with physical and emotional needs not being met may also fall victim to traffickers in public areas such as malls, public transportation, school parking lots and surrounding streets, movie theatres, and other local hangouts. Children in foster care situations can be particularly vulnerable to the grooming of predators.

Victims can be lured into trafficking situations with promises of well-paying jobs, more stable lives, relationships, and other enticements that appeal to their vulnerabilities. Once a victim is under the physical control of their trafficker, an environment of psychological manipulation and abuse can make a victim feel trapped and powerless. Psychological manipulation can include the instillation of fear. That fear can be of arrest, threats of harm against family members of the victim, threats of physical harm to the victim, and feelings of shame and guilt. The victims may also be from a culture that has a fear of law enforcement. Victims can also develop a survival coping mechanism that includes sympathizing with their captor, especially if they experience alternating rewards and punishments during their captivity. This trauma bonding, sometimes referred to as Stockholm syndrome, can lead to a victim feeling that they cannot escape the situation, even if presented with an opportunity. Fear often keeps victims from seeking help. It is also important to remember that children do not always recognize that they are being abused.

⁴ The Polaris Project: polarisproject.org/facts.

⁵ Progress in Combating Trafficking in Persons: The U.S. Government Response to Modern Slavery, President's Interagency Task Force, December 2015.

⁶ Downing-Matibag, Teresa, U.S. Department of Education Releases New Guidelines on Trafficking of Youth, Network Against Human Trafficking, May 2016.

⁷ National Runaway Safeline, Third Party Statistics, www.1800runaway.org/runaway-statistics/third-party-statistics.

⁸ The National Center for Missing and Exploited Children: <https://www.missingkids.org/keyfacts>

They may have been exposed to physical and/or sexual abuse for such a long period of time that they do not recognize such behavior as abuse, but as part of their normal life.

The fact that victims very seldom seek help is a contributing factor to the inability to gather specific statistics regarding the scope of human trafficking in Iowa. Increased training of law enforcement, the clergy, and health care professionals is key to identifying the signs victims of human trafficking exhibit. Knowing how to present themselves to trafficking victims without frightening them and offering the necessary services is also important.

To encourage a victim to voluntarily leave a trafficking situation, there needs to be an immediate delivery of services. These services can include intensive case management, victim advocacy, shelter/housing, food, medical and dental care, mental health treatment, substance abuse treatment, support groups, interpretation/translation services, immigration and other legal assistance, literacy education, and employment and training services.⁹ A victim-centered approach that addresses the victim's wishes, safety, and well-being is recommended when handling human trafficking situations. This entails a compassionate and sensitive delivery of services in a nonjudgmental manner to minimize the retraumatization often associated with the criminal justice process.¹⁰

AVAILABLE STATISTICS FOR IOWA¹¹

The Criminal and Juvenile Justice Planning (CJJP) Division of the Iowa Department of Human Rights states that it is believed that human trafficking occurs at higher rates than State-level data captures, but the actual numbers of occurrence are unknown.¹² In 2015, the National Human Trafficking Resource Center (NHTRC) received 105 calls to its hotline in reference to human trafficking in Iowa, with 42 possible cases reported. Of those cases, 90.3% involved female victims, 40.5% involved children, and 33 were purported to be of sex trafficking.¹³

The CJJP is able to evaluate State crime data contained within the Iowa Justice Data Warehouse. Available data includes prison, community-based corrections, courts, and juvenile data. Courts data includes charges and convictions. The CJJP indicates that human trafficking-related convictions may include crimes of prostitution, pimping, pandering, kidnapping, child stealing, and purchase/sale of an individual. An analysis published in 2016 by the CJJP determined that:

- Between FY 2006 through FY 2014, there were 10 juvenile victims charged with prostitution in the adult system, and six in the juvenile justice system.
- During FY 2014, there were five convictions with a human trafficking component, and four actual crimes involving four offenders. One offender was convicted of prostitution and pimping.
 - All of the victims were female, all were trafficked for commercial sex acts, and one victim was a minor.
 - Two of the four victims claimed to be in romantic relationships with the offenders, and one of the four victims reported that physical force was used by the offender to gain her compliance in commercial sex acts.

⁹ Coordination Collaboration Capacity, Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017.

¹⁰ Office for Victims of Crime, Office of Justice Programs, Bureau of Justice Assistance, U.S. Department of Justice, Victim-Centered Approach.

¹¹ Iowa Department of Human Rights, Criminal and Juvenile Justice Planning Division.

¹² Johnson, Sara, An Analysis of Human Trafficking in Iowa, Criminal and Juvenile Justice Planning Division, Iowa Department of Human Rights, January 2016.

¹³ National Human Trafficking Resource Center State Statistics, traffickingresourcecenter.org/state/iowa.

- Of the 83 human trafficking-related convictions in FY 2014 in the State of Iowa, five were founded as human trafficking.
- From FY 2006 through FY 2014, there were 10 independent human trafficking charges. Eight of these were dismissed or acquitted, and two resulted in a conviction (one convicted as charged).
 - The most common charges used in association with a human trafficking charge were pimping, pandering involving a minor, and prostitution.
 - The most common convictions associated with a human trafficking charge included pimping and prostitution.

The Human Trafficking Victim Surcharge and Human Trafficking Victim Fund were established in [SF 2311](#) (Sex Offenses and Human Trafficking Act) during the 2014 Legislative Session. A surcharge of \$1,000 is assessed if a person is found guilty of or has a deferred judgment for the criminal violation of prostitution by purchasing or offering to purchase another person's services as a partner in a sex act, human trafficking, pimping, or pandering. [Senate File 2311](#) took effect January 1, 2015. It usually takes at least six months for revenues from new or increased fees to be realized. This is reflected in the table below that breaks down the number of defendants charged with at least one of these qualifying offenses, and the total amount of surcharges paid into the Human Trafficking Victim Fund. This Fund is used to help provide services to victims of human trafficking and is administered by the Department of Justice (DOJ) Iowa Attorney General's (AG) Office.

Surcharges Paid to Human Trafficking Victim Fund

| | Number of Defendants | Amount of Surcharge Paid | Amount of Surcharge Expended |
|--|----------------------|--------------------------|------------------------------|
| January – June 2015 (FY 2015) | 4 | \$3,845 | \$0 |
| July 2015 – June 2016 (FY 2016) | 75 | \$52,740 | \$0 |
| July 2016 – June 2017 (FY 2017) | 51 | \$25,982 | \$38,757 |
| TOTAL | 130 | \$82,567 | \$38,757 |

Iowa does not have a system to track human trafficking crimes prosecuted or investigated at the federal level within the State. A survey of Iowa county attorneys was conducted by the CJJP, with only 24 of 99 county attorneys responding. Responses disclosed that there was only one human trafficking case between FY 2010 through FY 2014 referred for federal prosecution. That case involved online sexual solicitation. The low response rate for this survey could be an indication that additional training is needed at the county attorney level to ensure adequate and accurate data is being recorded regarding human trafficking prosecution.

IOWA EFFORTS TO IDENTIFY AND COMBAT HUMAN TRAFFICKING

The Iowa Law Enforcement Academy (ILEA) has integrated training into its basic academy courses held for new recruits and hires. During the 2016 General Assembly, [HF 2458](#) (FY 2017

Justice System Appropriations Act) required the ILEA to provide domestic abuse and human trafficking-related training throughout the State to current law enforcement officers. One additional full-time equivalent (FTE) position was added to the ILEA for this purpose, and the cost of that position is reimbursed by the Iowa DOJ as required in [HF 2458](#).

The Department of Public Safety (DPS) received \$200,000 and 2.0 FTE positions in [HF 2459](#) (FY 2017 Standing Appropriations Act) during the 2016 General Assembly to establish the Human Trafficking Office. The duties of this Office include:

- Be the point of contact for anti-human trafficking activity within the State of Iowa.
- Consult and work with other agencies and organizations having expertise in dealing with the crime of human trafficking.
- Develop a strategy to collect and maintain criminal history data on incidents related to human trafficking.
- Develop a strategy for sharing victim and offender data among governmental agencies.
- Apply for, and assist other governmental agencies to apply for, grants to combat human trafficking.
- Research and recommend training to identify and respond to human trafficking victims.
- Report by November 1, 2017, and annually thereafter, to the General Assembly regarding the Office's activities related to combatting human trafficking and the identified occurrences of human trafficking within the State.

During the 2017 Legislative Session, [SF 509](#) (FY 2018 Justice System Appropriations Act) lowered the FY 2017 appropriation to \$150,000 for the Human Trafficking Office, but maintained the 2.0 FTE positions.

The DPS has developed training curriculum and works with both the ILEA and the AG's Office to present a consistent message and effort to address human trafficking in Iowa. The focus from DPS is on an intelligence-led effort by gathering data at the local level and funneling it through the Law Enforcement Intelligence Network (LEIN) in Iowa to identify trafficking organizations and facilitate prosecutions of trafficking perpetrators. Gathering intelligence and data at the local level will also help to determine how widespread the problem may be, and enable those providing victim services to direct resources most effectively.

The Iowa State Patrol is also looking at the efforts of other states to identify tactics that will work best in Iowa. One successful program identified was developed by the Texas Department of Public Safety and is geared toward patrol officers. The training, Interdiction for the Protection of Children (IPC) Program, is designed to teach law enforcement to identify suspicious behaviors associated with child victimization offenses such as abuse and kidnapping. The IPC Program is based on law enforcement officer training and revising current reporting and intelligence-gathering methods. The training curriculum covers every child endangerment situation that patrol officers could encounter, including physical abuse/neglect, sexual assault, sexual molestation, Internet sexual exploitation, dangers posed by sex travelers, grooming methods, child pornography, and child trafficking.¹⁴ Incidents of missing, runaway, and "throwaway" children are urged to be documented due to their increased risk for criminal victimization and other perils. Officers undergoing this training are then better prepared to observe suspicious activity and conduct interdictions.

This Program was developed after discovering in 2008 there were 57,742 missing children reported in Texas, but no recoveries of missing children by the Texas State Troopers despite

¹⁴ Yoder, Michael, Koka, Wayne; Interdiction for the Protection of Children, Federal Bureau of Investigation.

over 2.8 million traffic stops conducted that year. During 2015 in Texas, the IPC resulted in 54 children being rescued and 33 criminal investigations including:¹⁵

- 18 cases of sexual assault of a child.
- Nine cases of possession of child pornography.
- Three instances of human trafficking.
- One case of indecency with a child.
- Two cases of potential registered sex offender noncompliance.

In Iowa, the Crime Victim Assistance Division (CVAD) of the Iowa AG's Office provided services to 41 human trafficking victims during FY 2014, and 153 human trafficking victims in FY 2015.¹⁶ These individuals are served through a service model that emphasizes safe housing, and then provides support services, advocacy, and other assistance identified for the victim to remain safe.

[Senate File 510](#) (FY 2016 Standing Appropriations Act) amended Iowa Code section [915.94](#) and permitted the CVAD to use up to \$300,000 per year from the Victim Compensation Fund to provide training to victim service providers, to professionals concerning victim service programming, and to provide training concerning homicide, domestic violence, sexual assault, stalking, harassment, and human trafficking. This was an increase from \$100,000 annually.

[Senate File 510](#) also transferred the FY 2015 ending balance of \$626,000 from the Mortgage Servicing Settlement Fund to the Human Trafficking Enforcement Fund. Funds in the Human Trafficking Enforcement Fund are appropriated to the AG's Office to train local and State justice system professionals to recognize and report incidents of human trafficking. The FY 2017 projects include:

- Twelve Train-the-Trainer sessions being held in each of six service delivery regions in Iowa that will have 25-40 participants in each session. These participants will then redeliver the training at least two times within 180 days in their local area. The CVAD estimates that using this training delivery model will train between 6,000 and 7,200 professionals.
- Providing \$100,000 toward the costs of a human trafficking instructor at the ILEA that will travel throughout the State delivering training to law enforcement personnel.
- Providing for two regional Midwest Policing Institute trainings for advanced law enforcement investigations into human trafficking.
- A two-day human trafficking summit in collaboration with the Judicial Branch and the DPS.

Additionally, Iowa AG Tom Miller has developed a task force to focus on policymaking regarding the issue. This task force includes the Iowa Police Chiefs Association, the Iowa State Sheriffs' and Deputies' Association, local and State law enforcement personnel, the DHS, the Department of Public Health, the Department of Labor, the Judicial Branch, the Federal Bureau of Investigation, the southern district U.S. Attorney General's Office, the ILEA, and the DPS.

NATIONAL EFFORTS TO IDENTIFY AND COMBAT HUMAN TRAFFICKING

In 2000, the Trafficking Victims Protection Act was enacted at the federal level.¹⁷ This enactment directed national efforts toward prosecuting traffickers, protecting victims, and preventing the crime of human trafficking. The President's Interagency Task Force to Monitor

¹⁵ Texas Department of Public Safety News Release February 2016, dps.texas.gov/director_staff/media_and_communications/pr/2016/0209a.

¹⁶ Iowa Attorney General's Crime Victim Assistance Division Annual Reports, State Fiscal Year 2014, 2015, and 2016.

¹⁷ Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386, (22 U.S.C. §7102).

and Combat Trafficking in Persons was also created in the Trafficking Victims Protection Act of 2000. It has 10 strategic objectives:¹⁸

- Investigate and prosecute traffickers and dismantle the criminal networks that perpetrate trafficking in persons.
- Enhance victim identification and the provision of relief and services for all victims of trafficking.
- Enhance training of stakeholders, including civil society, law enforcement, and government officials, to increase identification of victims.
- Encourage foreign governments to combat trafficking through international diplomacy and engagement.
- Forge and strengthen partnerships and other forms of collaboration to combat trafficking in persons.
- Fund domestic and international anti-trafficking programs focusing on victim identification, prevention, and outreach.
- Integrate anti-trafficking components into relevant government programs.
- Promote public awareness about modern slavery.
- Spur innovation and improve capacity to combat modern slavery through data collection and research.
- Gather and synthesize actionable intelligence to increase the number of domestic and international trafficking prosecutions.

National training efforts include law enforcement agencies, national park staff, teachers and other school staff, faith-based organizations, immigrant service providers, community-based organizations, medical and health care providers, the airline industry, and the trucking industry.

The FBI has investigators involved with task forces and working groups in every state. In 2011, the Departments of Justice, Homeland Security, and Labor launched the Human Trafficking Enhanced Enforcement Initiative to streamline federal criminal investigation and prosecution of human trafficking offenses.¹⁹ As a part of this initiative, specialized Anti-Trafficking Coordination Teams (ACTeam) were set up across the country to enhance coordination among federal prosecutors and federal agents. The 12 FBI field offices participating in this initiative are in: Atlanta, Boston, Cleveland, El Paso, Kansas City, Los Angeles, Memphis, Miami, Minneapolis, Newark, Portland, and Sacramento.

Cases with the FBI are worked under the Civil Rights Program and the Violent Crimes Against Children Program. More than 2,000 traffickers have been arrested over the last 10 years through FBI human trafficking investigations, as well as many victims recovered.²⁰ The FBI also has an Office for Victim Assistance at its national headquarters and employs victim specialists across the nation. In a study of suspected human trafficking incidents from January 2008 through June 2010, the DOJ identified that 83.0% of the victims in confirmed sex trafficking incidents were U.S. citizens.²¹

¹⁸ Progress in Combating Trafficking in Persons: The U.S. Government Response to Modern Slavery, President's Interagency Task Force, December 2015.

¹⁹ United States Department of Justice, www.justice.gov/opa/pr/department-justice-announces-launch-human-trafficking-enhanced-enforcement-initiative.

²⁰ United States Department of Justice, Federal Bureau of Investigation, www.fbi.gov/investigate/civil-rights/human-trafficking.

²¹ Banks, Duren; Kyselhahn, Tracey; Characteristics of Suspected Human Trafficking Incidents, 2008-2010; United States Department of Justice, April 2011.

In FY 2015, there were 297 convictions of human traffickers.²² Of those, 291 involved predominantly sex trafficking (98.0%), and six involved predominantly labor trafficking (2.0%). It should be noted that those convictions do not involve child trafficking cases that are charged and prosecuted under nontrafficking statutes. In FY 2015, the FBI Violent Crimes Against Children Section opened 700 new child sex trafficking investigations that resulted in the conviction of 351 perpetrators and made over 2,000 arrests.²³

The United States Department of Homeland Security (Department) has developed the Blue Campaign to raise public awareness about human trafficking and offer training to increase detection and investigation of human trafficking, protect victims, and arrest suspected traffickers.²⁴ The Department works with many government and private organizations in its efforts to combat human trafficking and advocates a victim-centered approach. This approach connects the victim to a victim specialist that can identify and provide support services as needed, address the victim's questions and fears, address cultural differences including language barriers, and conduct interviews only after the victim's needs have been assessed and met.

In 2015, there was \$28.0 million available from the DOJ and U.S. Department of Health and Human Services for direct services for victims of human trafficking in the U.S.²⁵ However, eligibility for victim services is limited to victims of a "severe form of trafficking in persons."²⁶

SUMMARY

Human trafficking occurs in Iowa, but until better data is available, the extent will remain unknown. In October 2016, 42 people were arrested in the Omaha-Council Bluffs metro area in a nationwide human trafficking operation. The intelligence-led initiative by DPS to document data at the local level may result in useful information to identify both victims and traffickers in the future.

A great deal of progress has been made in the coordination of training efforts between the ILEA, DPS, and the DOJ. Now that a State plan and the FTE positions to implement the plan are in place, the training of law enforcement and county attorneys across the State of Iowa should be accomplished.

There are victim services resources available at the federal level that can be accessed through the Iowa DOJ. Efforts are being made to identify the needs of identified human trafficking victims and meet those needs through already-established service delivery systems.

The framework and the funding have been established, and it will take time for the results to be available for analysis.

There are some items that the Iowa Sex Offender Research Council recommended in January 2016 to improve the tracking of human trafficking crimes:²⁷

- Update Iowa's Uniform Crime Reporting (UCR) system to include FBI codes for human trafficking.

²² Progress in Combating Trafficking in Persons: The U.S. Government Response to Modern Slavery, President's Interagency Task Force, October 2016.

²³ Id.

²⁴ U.S. Department of Homeland Security, www.dhs.gov/blue-campaign.

²⁵ Fact Sheet: President's Interagency Task Force to Combat Trafficking in Persons, January 2016.

²⁶ Coordination, Collaboration, Capacity; Federal Strategic Action Plan of Services for Victims of Human Trafficking in the United States 2013-2017.

²⁷ Johnson, Sara, An Analysis of Human Trafficking in Iowa, Criminal and Juvenile Justice Planning Division, Iowa Department of Human Rights, January 2016.

- Update the Iowa Code to distinguish human trafficking crimes by labor, sex, and minors engaged in survival sex.
- Create a uniform process to collect human trafficking data from county attorneys.
- Implement the training for law enforcement and county attorneys, as specified in [SF 510](#), as well as for community providers.
- Develop best-practice strategies for the prosecution of human trafficking cases.
- Develop a best-practice model to identify victims of human trafficking to help assist them in the acquisition of services.

A review of literature for this *Issue Review* identified other suggestions that could be implemented. Some of those include:

- Posting the NHTRC Hotline (1-888-373-7888) in public places and continuing efforts to educate the public regarding the crime of human trafficking. This includes addressing the labor trafficking segment of the issue, as most of the media and public attention has been placed on the sex trafficking aspect of human trafficking.
- Addressing the demand for sex trafficking by increasing punishments for customers.
- Providing immunity from prosecution for minors charged with prostitution, and pretrial diversion for certain prostitution offenses.

The [Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States](#) lays out the areas of improvement that are needed, including enhanced coordination and improved guidance, expanded data collection and research efforts, enhanced understanding and awareness, and overcoming resource constraints and limitations in access to services.²⁸

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²⁸ Coordination Collaboration Capacity, Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States 2013-2017.