



MINUTES

Human Trafficking Interim Study Committee

Tuesday, November 28, 2023

MEMBERS PRESENT

Senator Dan Dawson, Co-chairperson
Senator Janet Peterson
Senator Brad Zaun

Representative Brian K. Lohse, Co-chairperson
Representative Mark I. Thompson
Representative Ross Wilburn

Public members:

Ms. Ashley Artzer
Lt. Tony Ballantini
Ms. Gretchen Brown-Waech
Ms. Teresa Davidson
Ms. Linda Dettmann
Mr. Ray Fiedler
Mr. John Gish

Ms. Meggan Guns
Ms. Tiffany Meredith
Sheriff Kevin Schneider (online)
Mr. Matt Sheeley
Chief Greg Stallman (online)
Mr. Pat Waymire

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I. Procedural Business

Call to Order and Adjournment. The Human Trafficking Interim Study Committee was called to order by temporary Co-chairperson Lohse at 10:00 a.m. on Tuesday, November 28, 2023, in Room 103 of the State Capitol. The meeting was adjourned at 1:10 p.m.

Election of Permanent Co-chairpersons. The committee elected temporary Co-chairpersons Senator Dawson and Representative Lohse as permanent co-chairpersons.

Adoption of Rules. The committee unanimously adopted the proposed rules.

Opening Remarks and Introductions. Co-chairperson Lohse welcomed members of the committee and invited each member to introduce themselves.

Committee Charge. The committee is required to review initiatives, laws, policies, and other matters relating to human trafficking, including appropriate human trafficking-related training for law enforcement officers, county attorneys, and juvenile service officers and identification of funding needs. The committee shall submit a report to the Governor and the General Assembly by December 15, 2023.

II. Overview of Current Law, Initiatives, and Services

Mr. Fiedler from the Office to Combat Human Trafficking gave a brief overview of the current law, initiatives, and services in Iowa relating to human trafficking. Under Iowa Code section 710A.2, a person engaged in human trafficking is guilty of a class “B” felony, and a person engaged in human trafficking of a minor is guilty of a class “A” felony. Mr. Fiedler noted that many human trafficking cases in Iowa are prosecuted by the federal government.

III. Depositions

Mr. Fiedler noted that Iowa is one of few states that allow depositions by the defense in human trafficking cases. He discussed the trauma that human trafficking victims face making such depositions difficult. Ms. Meredith explained human trafficking victims are not deposed in federal cases. She expanded on the trauma that human trafficking victims face during depositions, and noted that depositions are not trauma-informed.

Mr. Sheeley gave his perspective as a criminal defense attorney. He noted that he worked on a human trafficking case where depositions had been a very important part of the case, and that the issue of depositions should not be viewed too broadly as to eliminate all depositions. He explained that many human trafficking cases occur in the context of other criminal charges, such as prostitution or armed robberies, where information can be obtained during depositions.

Ms. Guns, a criminal prosecutor, noted it is important that depositions do not re-traumatize victims, and the state still has an obligation to disclose exculpatory evidence even if depositions are not used.

Co-chairperson Lohse noted a bill had passed to allow video depositions in sexual abuse cases. He asked if that could be expanded to apply to human trafficking cases so that victims do not have to directly face their abuser, or whether the law could be changed so that human trafficking victims cannot be deposed. Ms. Guns cited Iowa Code section 915.36A, which allows for closed circuit depositions of all minor witnesses, not just those involved in sexual abuse cases. She noted closed circuit depositions are still not trauma-informed interviews and do not involve open-ended questioning. She stated child advocacy centers have training for trauma-informed interviewing, and the interview techniques are different than those used for a deposition in a criminal case. Ms. Meredith noted the law for closed



circuit depositions only applies to minors, and includes a notice requirement which allows the defense attorney to file a request stating that a closed circuit deposition is insufficient. Mr. Sheeley noted the importance of balancing the interests of a victim with the rights of a defendant. Ms. Meredith stated that the standard needed for a judge to grant a closed circuit hearing is very high, requiring a showing that a minor victim will have trouble speaking because of psychological trauma, and the standard is difficult to meet.

IV. Housing and Restoration Facilities

Senator Peterson asked members of the committee to explain how minor victims are kept safe in Iowa with regard to housing facilities. Ms. Guns responded that all juvenile institutional housing is overseen by the Department of Health and Human Services (HHS), and all housing must be certified by HHS. She added that adults have other options for housing, but youth have very limited options other than juvenile delinquent housing. Ms. Artzer, from Juvenile Court Services, discussed placement options for minor victims, including shelters, or group care placements under the delinquency system. She explained minor victims often get placed in detention centers because there are no other options.

Mr. Sheeley explained the importance of freedom for victims of human trafficking and how confinement can contribute to the trauma of victims. He emphasized the importance of restoration facilities where victims are not confined, and proposed that the state of Iowa develop a network with other states through the Interstate Compact to allow victims of human trafficking to be housed in a restoration facility outside the state of Iowa to reduce the risk of victims returning to their trafficker.

Representative Wilburn asked about data regarding trafficking victims in Iowa. Ms. Brown-Waech noted that it has been difficult to keep accurate data because there are not always human trafficking charges and victims may not want to come forward independently, or the victim has been charged with another crime. Ms. Davidson responded it is difficult to keep statistics regarding the number of human trafficking victims and there are gaps in the data. She noted that the law requires a trafficker to be identified, and that makes it difficult when a victim cannot or does not want to identify their trafficker. She suggested that the National Trafficking Sheltered Alliance could be adapted to include organizations within the Interstate Compact. Ms. Guns asked about resources available to minors and whether resources are available without the Interstate Compact. Ms. Davidson replied many services in Iowa for minors have specific entrance requirements.

V. Massage Businesses

Mr. Fiedler stated there is not a licensing procedure for massage businesses. Mr. Gish, from the Attorney General's Office, explained that massage facilities are not certified; however, individual massage therapists are licensed. The state often does not have the power to inspect massage facilities. Members discussed the state's lack of power to inspect massage parlors and cosmetology facilities. Mr. Gish explained that an officer could go into a massage facility as a matter of course; however, the officer may only investigate if there is some indication of illegal activities. Chief Stallman noted that a licensed massage therapist can have their license revoked, but the business can hire new staff and remain open.



VI. Statute of Limitations and Victim Compensation

Senator Peterson asked what impact the statute of limitations has on human trafficking cases, and how mandatory reporting rules operate when a child comes forward at school. Ms. Guns noted that for HHS to accept a case for services, a report can come from any mandatory reporter, not just a caretaker.

Ms. Meredith stated that the statute of limitations has been eliminated for minor victims of human trafficking, but for adult victims the statute of limitations is currently three years. Ms. Meredith suggested the statute of limitations should be expanded, and also mentioned the Crime Victim Compensation Fund for victims of trafficking.

Mr. Gish replied that in most cases a victim must work with law enforcement to be eligible for the Crime Victim Compensation Program; however, there is an exception for human trafficking victims allowing them to be eligible for compensation without reporting the crime. He explained that the program may cover therapy, home security systems, emergency relocation, housing assistance, and more. He noted the fund is financed by the penalties paid by criminal defendants. Ms. Meredith asked about the waiver of category “B” restitution, which pays into the Crime Victim Compensation Fund. Mr. Gish responded that reimbursement to the Crime Victim Compensation Fund can be waived as category “B” restitution, in which case the fund does not get that money back, and this has caused the fund to shrink.

VII. Resources for Minor Victims

Co-chairperson Lohse asked what resources would be necessary for the state to establish a juvenile restoration facility. Ms. Davidson responded that a restoration home in Iowa closed due to lack of funding, and that other organizations are close to shutting down. She explained that all minors do not need restoration facilities, and that traffickers often target youth restoration housing with the goal of recruiting minors. Ms. Davidson discussed training for programs and services that are already established to help minor victims, rather than removing the minor victims and housing them in a different facility. Ms. Artzer noted the importance of limiting the restoration facilities to small numbers of children so that it is easier to manage, and that often rural facilities are preferred to avoid triggers for the children. Ms. Brown-Waech added that there are facilities for children in the court system, but not for children who are not within the system. She explained that Project LIVE will be coming to Des Moines, a program aimed toward human trafficking prevention.

Co-chairperson Lohse asked about barriers that prevent minor victims from seeking legal or medical attention. Ms. Guns replied that victims often do not see themselves as victims, and may be hesitant to identify themselves as victims of trafficking. She added that limited state resources for placement in facilities can prevent victims from entering the system until they have committed a crime, which may prevent them from speaking out. As for medical attention, Ms. Guns stated that it is important to train authorities to provide medical attention as soon as possible, and that consent laws may prevent victims from seeking medical attention. Ms. Meredith added that there are circumstances where the only way to get services through HHS is to move for a Child in Need of Assistance (CINA), and that process puts a further strain on the family.

Mr. Sheeley explained that parents sometimes traffic their own children, and children do not want to betray their family member. He noted the fear of prosecution for other crimes may deter victims from reporting their traffickers, if the victim committed other crimes while they were being trafficked. He also explained that victims may be compelled to commit other crimes by their trafficker, and their status as a victim of human trafficking is not a defense to every crime. He stated that criminalizing victimization is a



barrier to reporting and some type of immunity may help victims be more willing to report. Ms. Meredith responded that immunity cannot be granted, and third-party victims of offenses committed by trafficking victims deserve justice.

Members discussed the STAR Center. Ms. Meredith explained that to get a STAR interview, there must be parental consent to be interviewed. She further explained that this is a barrier when the parent is trafficking the child. Mr. Gish added that the STAR Center has expressed concern with the parental consent requirement. Mr. Sheeley asked why a judge is not able to appoint a guardian for a child if the parent is the perpetrator of human trafficking. Ms. Guns replied that the law allows a court to appoint a guardian ad litem for a prosecution witness, which could be expanded to allow a court to appoint a guardian ad litem for a STAR interview.

Members discussed HHS procedures. Senator Peterson asked what is the procedure for HHS when a victim calls a help line. Ms. Dettmann, from HHS, explained that services can be provided to a child who calls the help line, and placement in a housing facility may also be an option. Ms. Guns noted there is a one-hour response time in some cases and HHS is not an emergency service.

Ms. Davidson stated that an additional barrier for victims to report or to get medical help is memory loss from the trauma they have experienced. She explained that many states have safe harbor laws for children, but Iowa does not. Ms. Artzer stated that it is important that there are services in place, because a safe harbor law does not work without other services. Co-chairperson Dawson noted that many states that have safe harbor laws do not allow depositions, per the earlier discussion.

VIII. Committee Discussion

Members discussed options for continuing the discussion regarding issues raised during the committee meeting. A number of members expressed a desire to be involved in the process as discussions continue during the upcoming legislative session.