

Iowa Department of Public Safety



Office to Combat Human Trafficking

Annual Report 2019

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Iowa Department of Public Safety



2019 Annual Report of the Office to Combat Human Trafficking

Preface

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Acknowledgements

The creation of the Office to Combat Human Trafficking could not have occurred without the leadership of former Iowa House Speaker Kraig Paulsen, Iowa Representative Zach Nunn, and Iowa Senator Kevin Kinney, and the support of other legislators in both houses of the Iowa General Assembly.

The operation of the Office to Combat Human Trafficking depends on the dedicated work of countless volunteers and professionals. Special thanks for support from Iowa Law Enforcement Director Judy Bradshaw and Steffani Simbric for their continued commitment to training law enforcement officers; and from Iowa Attorney General Tom Miller, Crime Victim Assistance Director Janelle Melhon and Human Trafficking Coordinator Gretchen Brown-Waech for their support for victim services programs; and from George Belitsos and the Board of Directors of the Iowa Network Against Human Trafficking and Slavery, and from former Assistant United States Attorney Stephen Patrick O’Meara, whose tireless support for anti-human-trafficking efforts has shaped Iowa’s response. The tireless efforts of former Iowa Senator Maggi Tinsman began and continues to expand the public’s commitment to combat trafficking.

Preface

The Office to Combat Human Trafficking was developed in order to facilitate a more effective enforcement response, to raise public awareness of the issue, and to coordinate the efforts of many dedicated professionals and volunteers who are committed to the reduction and ultimate elimination of the crime.

Any successful effort to combat criminal activity requires the engagement of many groups. Law enforcement may begin the process of holding traffickers accountable, but simply knowing what has occurred will not stop it. Even as cases proceed through the legal system, and some individual offenders are imprisoned and fined, there are many others who are willing to take their place in the trafficking arena.

Genuine efforts to address human trafficking require commitment from everyone: government officials who address child welfare and labor issues, community-based groups who raise public awareness and assist in raising funds for community programming, medical and legal professionals who encounter victims and traffickers and have opportunities to ensure that a fair and just response can occur, religious and educational groups and charitable organizations can work with their constituencies to reshape community values and expectations and to provide assistance in prevention, deterrence and broad-based community efforts to combat human trafficking.

The Department of Public Safety takes seriously the obligation to seek out the traffickers and to play a role in the coordination of resources and efforts to combat human trafficking in Iowa and elsewhere.

I. Update on Human Trafficking

Coordinated efforts by many government agencies and non-government organizations have improved awareness among members of the public and advocacy groups, and among justice system officials, health providers and other service providers. Law enforcement agencies are sharing more information with each other, which leads to more investigations, and several successful prosecutions have occurred. Systematic study of human trafficking in the academic community has increased notably, providing additional context for understanding what occurs and what responses are most likely to be effective. Of particular note in 2018 and 2019, public awareness of human trafficking issues improved considerably, and this awareness has spurred action in many different arenas.

Legal Issues

A number of human trafficking prosecutions have been brought in federal court in Iowa in the past year. The United States Attorney's Office in the Southern District of Iowa publicly reported several significant human trafficking indictments in the past year.

- Between January and March 2019, nine defendants were sentenced to significant prison terms for sex trafficking and related offenses in the United States District Court for the Southern District of Iowa. The defendants exploited their victims' vulnerabilities in order to coerce them into engaging in commercial sex acts, from which the defendants financially benefitted. These vulnerabilities included the victims' age, substance abuse issues, financial hardship, or court supervision. The defendants used physical violence, threats of violence, emotional manipulation, and other means to coerce their victims into engaging in commercial sex acts.¹
- On May 15, 2019, a federal grand jury returned an Indictment charging five defendants with sex trafficking in the Southern District of Iowa. Those indicted were involved in trafficking minors for commercial sex at hotels and other locations and used force, fraud, and coercion. Some of the defendants also provided methamphetamine and/or marijuana to their victims. The investigation was spearheaded by the Iowa City Police Department. Investigative support has been provided by the Iowa Division of Criminal Investigation, Johnson County Sheriff's Office, Coralville Police Department, and Federal Bureau of Investigation. The Johnson County Attorney's Office has assisted with the prosecution.²

The state appellate courts in Iowa have heard very few cases involving human trafficking convictions, to date. There were no reported cases on appeal that were decided during this reporting period (November 1, 2018 to October 31, 2019). There are only a limited number of state court cases from prior years. In 2010, the Iowa Court of Appeals affirmed convictions for ongoing criminal conduct and human trafficking and pandering. *State v. Russell*, 781 N.W.2d 303 (Iowa Ct. App. 2010) (unpublished), *postconviction relief denied*, *Russell v. State*, 866 N.W.2d 106 (Iowa Ct. App. 2016) (unpublished). In 2016, a civil commitment action, based in part on allegations that the patient was the victim of human trafficking, was reversed for a lack of evidence. *In re J.K.*, 885 N.W.2d 218 (Iowa Ct. App. 2016) (unpublished). In 2012, the Court

¹ <https://www.justice.gov/usao-sdia/pr/nine-defendants-sentenced-federal-prison-sex-trafficking>

² <https://www.justice.gov/usao-sdia/pr/five-eastern-iowa-men-charged-sex-trafficking-minors>

of Appeals noted a criminal defendant was acquitted (found not guilty) of a charge of human trafficking. *State v. Miller*, 824 N.W.2d 562 (Iowa Ct. App. 2012) (unpublished). In 2017, the Court of Appeals noted that a reference to possible child abduction/human trafficking was unsupported by the evidence. *State v. Lopez-Cardenas*, 908 N.W.2d 539 (Iowa 2017) (unpublished).

Human trafficking may also be hidden by the criminal charges brought. Often, human trafficking is accompanied by other types of crimes, such as fraud, financial crime, identity theft crimes, drug offenses, and other vice offenses (e.g., pimping, pandering, prostitution). These other offenses may be prosecuted in order to hold offenders accountable, without requiring the vulnerable trafficking victims to testify. While it would be ideal to always prosecute the crime of human trafficking prosecutors and law enforcement must remain cognizant that victims who have survived the trafficking frequently struggle to regain their lives and may find that participation in the criminal process does not help their healing process. Sometimes the survivors are justifiably concerned for their own safety and the safety of their family and friends if they testify in the criminal prosecution of their trafficker. More and more, prosecutors are sensitive to the risks involved in victims' participation, and prosecutors may choose other avenues to prosecute offenders besides human trafficking charges. This approach can hold offenders accountable while protecting the interests of the crime victims.

II. Iowa Perspective

Human trafficking is a crime involving the exploitation of youth under the age of 18 for commercial sex acts; the exploitation of adults for commercial sex acts through the use of force, fraud, or coercion; and the exploitation of any individual for compelled labor.³ Human trafficking does not require the transportation of individuals across state lines, or that someone is physically restrained. Signs that a person is being trafficked can include working excessively long hours, unexplained gifts, physical injury, substance abuse issues, running away from home, isolation from others, or having a person in their life controlling them or monitoring them closely.

Anyone who suspects human trafficking is occurring, be it a minor engaged in paid sex acts, or anyone being coerced into prostitution or labor, is urged to please call the National Human Trafficking Hotline at 1-888-373-7888.

Like most crimes, human trafficking may be hidden from public view, and it is challenging to determine the incidence and prevalence of the crime.⁴ Many public and private sector agencies and individuals have made efforts to focus on public awareness, including more media attention to the issue. It appears likely these public-awareness efforts have spurred more reporting. It is difficult to conclude whether there are more cases, or whether more people recognize the signs of trafficking and feel empowered to report their observations to police.

³ Hilinski-Rosick & Lee, *Contemporary Issues in Victimology: Identifying Patterns and Trends* (Lexington Books, 2018).

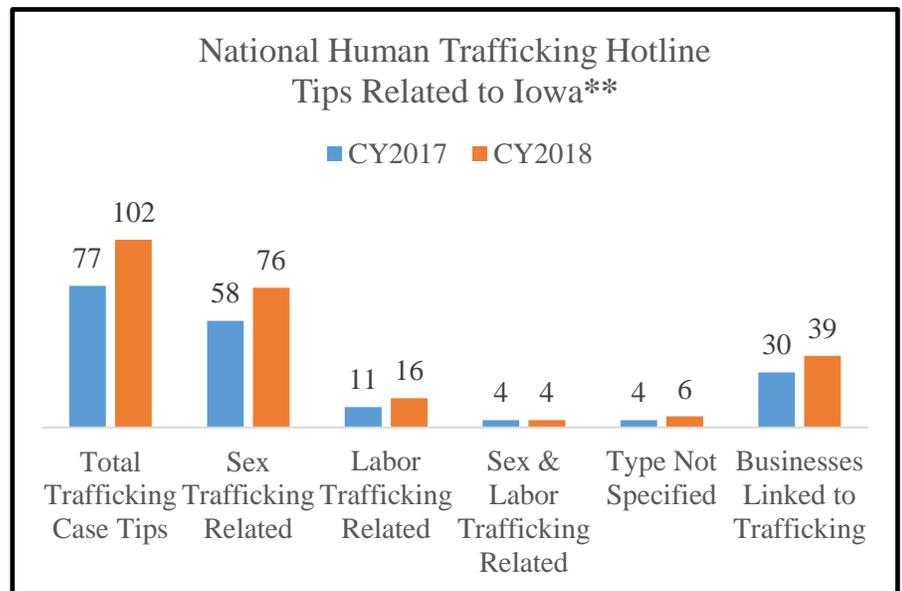
⁴ Incidence refers to how many crimes occur during a particular period of time. Prevalence measures how many people experience a particular crime during their lifetimes. National Institute of Justice, Measuring Frequency, <https://www.nij.gov/topics/crime/rape-sexual-violence/campus/Pages/measuring.aspx>

The Iowa Office to Combat Human Trafficking continues to receive reporting of human trafficking activity throughout Iowa, primarily through tips received from Polaris.⁵ In addition to Polaris tips, Iowa’s Office to Combat Human Trafficking also receives information from local, state, and federal law enforcement agencies regarding both labor and sex trafficking that may be occurring in Iowa. After a steady increase in human trafficking-related reports from 2013 to 2017 (calendar years), there was a significant decline in documented reports in CY2018.

- In CY2018, Iowa’s Office to Combat Human Trafficking received forty-seven (47) tips from Polaris, and nine (9) tips from other sources, a slight decrease in tip-reporting from that received in 2017.
 - Eighty-eight percent (88%) of reports in 2018 related in some way to suspected sex trafficking.

- The Office to Combat Human Trafficking also conducted an examination of disposed charges for human trafficking (Iowa Code 710A) in 2018 and found cases in Black Hawk, Dallas, Dubuque, Johnson, Linn, Polk, Pottawattamie, Scott, Warren, and Woodbury counties. However, there were only three disposed charges since January of 2018 in Johnson and Polk counties.⁶⁷

Based on reporting through the first half of CY2019, human trafficking-related reporting has outpaced 2018 and will likely surpass last year’s volume but fall well short of levels reported in 2017. Due to the limited volume of reporting and lack of specificity about how organized human trafficking efforts are operating within the state and how they are connected to other states, the Iowa Office to Combat Human Trafficking is unable to explain whether the general decline in reporting since 2017 is the result of less reporting or is a true decline potentially due to success of public-awareness efforts, law enforcement disruption efforts, or impact of local ordinances related to possible sex and/or labor trafficking at local businesses in Iowa.



⁵ <https://polarisproject.org/>. **The chart above is based on tips received by the National Human Trafficking Resource Center (NHTRC). As described in this report, the Iowa Office to Combat Human Trafficking does NOT receive notification on every tip that is received by the NHTRC. Annual tip totals reported by the NHTRC will be consistently greater than the actual tips shared with the Iowa Office to Combat Human Trafficking.

⁶ This is based on reports received from January 1, 2019 to June 30, 2019.

⁷ Disposed charges involve all charged offenses, including charges that resulted in a conviction, as well as charges that were ultimately dismissed, acquitted, not filed or reduced. Cases may include one or more charges, and all are included in the counts. Local ordinances are not included in this data. These are all charges reported to Criminal and Juvenile Justice Planning regardless of how they were ultimately handled, not prosecution or conviction data.

Appendix A

Iowa Code Chapter 710A: Human Trafficking

710A.1 Definitions.

As used in this chapter:

1. “*Commercial sexual activity*” means any sex act or sexually explicit performance for which anything of value is given, promised to, or received by any person and includes, but is not limited to, prostitution, participation in the production of pornography, and performance in strip clubs.
2. “*Debt bondage*” means the status or condition of a debtor arising from a pledge of the debtor’s personal services or a person under the control of a debtor’s personal services as a security for debt if the reasonable value of such services is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.
3. “*Forced labor or services*” means labor or services that are performed or provided by another person and that are obtained or maintained through any of the following:
 - a. Causing or threatening to cause serious physical injury to any person.
 - b. Physically restraining or threatening to physically restrain another person.
 - c. Abusing or threatening to abuse the law or legal process.
 - d. Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.
4. a. “*Human trafficking*” means participating in a venture to recruit, harbor, transport, supply provisions, or obtain a person for any of the following purposes:
 - (1) Forced labor or service that results in involuntary servitude, peonage, debt bondage, or slavery.
 - (2) Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen, the commercial sexual activity need not involve force, fraud, or coercion.
- b. “*Human trafficking*” also means knowingly purchasing or attempting to purchase services involving commercial sexual activity from a victim or another person engaged in human trafficking.
5. “*Involuntary servitude*” means a condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint or the threatened abuse of legal process.
6. “*Labor*” means work of economic or financial value.
7. “*Maintain*” means, in relation to labor and services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type of services.
8. “*Obtain*” means, in relation to labor or services, to secure performance thereof.
9. “*Peonage*” means a status or condition of involuntary servitude based upon real or alleged indebtedness.
10. “*Services*” means an ongoing relationship between a

person and the actor in which the person performs activities under the supervision of or for the benefit of the actor, including commercial sexual activity and sexually explicit performances.

11. “*Sexually explicit performance*” means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interest of patrons.

12. “*Venture*” means any group of two or more persons associated in fact, whether or not a legal entity.

13. “*Victim*” means a person subjected to human trafficking.

2006 Acts, ch 1074, §2; 2009 Acts, ch 19, §1; 2012 Acts, ch 1057, §2

Referred to in §80.45, §232.68, §915.51, §915.87

710A.2 Human trafficking.

1. A person who knowingly engages in human trafficking is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
2. A person who knowingly engages in human trafficking by causing or threatening to cause serious physical injury to another person is guilty of a class “C” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “B” felony.
3. A person who knowingly engages in human trafficking by physically restraining or threatening to physically restrain another person is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
4. A person who knowingly engages in human trafficking by soliciting services or benefiting from the services of a victim is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
5. A person who knowingly engages in human trafficking by abusing or threatening to abuse the law or legal process is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
6. A person who knowingly engages in human trafficking by knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of a victim is guilty of a class “D” felony, except that if that other person is under the age of eighteen, the person is guilty of a class “C” felony.
7. A person who benefits financially or by receiving anything of value from knowing participation in human trafficking is guilty of a class “D” felony, except that if the victim is under the age of eighteen, the person is guilty of a class “C” felony.
8. A person’s ignorance of the age of the victim or a belief that the victim was older is not a defense to a violation of this section.

2006 Acts, ch 1074, §3; 2012 Acts, ch 1057, §3; 2013 Acts, ch 90, §187

Referred to in §9E.2, §272.2, §692A.102, §710A.3, §710A.5, §802.2D, §911.2A, §911.2B, §915.94, §915.95

710A.2A Solicitation of commercial sexual activity.

A person shall not entice, coerce, or recruit, or attempt to entice, coerce, or recruit, either a person who is under the age of eighteen or a law enforcement officer or agent who is representing that the officer or agent is under the age of eighteen, to engage in a commercial sexual activity. A person who violates this section commits a class “D” felony.

2012 Acts, ch 1057, §4; 2013 Acts, ch 90, §188

Referred to in §692A.102

710A.3 Affirmative defense.

It shall be an affirmative defense, in addition to any other affirmative defenses for which the victim might be eligible, to a prosecution for a criminal violation directly related to the defendant’s status as a victim of a crime that is a violation of section 710A.2, that the defendant committed the violation under compulsion by another’s threat of serious injury, provided that the defendant reasonably believed that such injury was imminent.

2006 Acts, ch 1074, §4

710A.4 Restitution.

The gross income of the defendant or the value of labor or services performed by the victim to the defendant shall be considered when determining the amount of restitution.

2006 Acts, ch 1074, §5

710A.5 Certification.

A law enforcement agency investigating a crime described in section 710A.2 shall notify the attorney general in writing about the investigation. Upon request of the attorney general, such law enforcement agency shall provide copies of any investigative reports describing the immigration status and

cooperation of the victim. The attorney general shall certify in writing to the United States department of justice or other federal agency that an investigation or prosecution under this chapter has begun and that the person who is a likely victim of a crime described in section 710A.2 is willing to cooperate or is cooperating with the investigation to enable the person, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of a minor victim of a crime described in section 710A.2. This certification shall be made available to the victim and the victim’s designated legal representative.

2006 Acts, ch 1074, §6

710A.6 Outreach, public awareness, and training programs.

The crime victim assistance division of the department of justice, in cooperation with other governmental agencies and nongovernmental or community organizations, shall develop and conduct outreach, public awareness, and training programs for the general public, law enforcement agencies, first responders, potential victims, and persons conducting or regularly dealing with businesses or other ventures that have a high statistical incidence of debt bondage or forced labor or services. The programs shall train participants to recognize and report incidents of human trafficking and to suppress the demand that fosters exploitation of persons and leads to human trafficking.

2015 Acts, ch 138, §138, 161, 162

Referred to in §915.94
Establishment of human trafficking enforcement fund; 2015 Acts, ch 138, §141; 2016 Acts, ch 1137, §20

Appendix B

Human Trafficking Indicators

The following list of indicators is has been published by the Polaris Project.⁸ Please note that not all indicators will be present in all situations. The type of trafficking and the content or environment are all important to take into account.

Common Work and Living Conditions: The individual(s) in question

- Is not free to leave or come and go at will
- Is under 18 and is providing commercial sex acts
- Is in the commercial sex industry and has a pimp / manager
- Is unpaid, paid very little, or paid only through tips
- Works excessively long and/or unusual hours
- Is not allowed breaks or suffers under unusual restrictions at work
- Owes a large debt and is unable to pay it off
- Was recruited through false promises concerning the nature and conditions of his/her work
- High security measures exist in the work and/or living locations (e.g. opaque windows, boarded up windows, bars on windows, barbed wire, security cameras, etc.)
- Is living and working on site
- Experiences verbal or physical abuse by their supervisor
- Is not given proper safety equipment
- Is not paid directly
- Is forced to meet daily quotas

Poor Mental Health or Abnormal Behavior

- Is fearful, anxious, depressed, submissive, tense, or nervous/paranoid
- Exhibits unusually fearful or anxious behavior after bringing up law enforcement or immigration officials
- Shows signs of substance use or addiction

Poor Physical Health

- Shows signs of poor hygiene, malnourishment, and/or fatigue
- Shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture

⁸ <https://polarisproject.org/human-trafficking/recognize-signs>

Lack of Control

- Has few or no personal possessions
- Is frequently monitored
- Is not in control of their own money, financial records, or bank account
- Is not in control of their own identification documents (ID or passport)
- Is not allowed or able to speak for themselves (a third party may insist on being present and/or translating)

Other

- Claims of just visiting and inability to clarify where they are staying/address
- Lack of knowledge of whereabouts and/or do not know what city he/she is in
- Appear to have lost sense of time
- Shares scripted, confusing, or inconsistent stories
- Protects the person who may be hurting them or minimizes abuse

This list is not exhaustive and represents only a selection of possible indicators. The red flags in this list may not be present in all trafficking cases. Each individual indicator should be taken in context, not be considered in isolation, nor should be taken as “proof” that human trafficking is occurring. Additionally, cultural differences should also be considered.