



# FINAL REPORT

## Human Trafficking Interim Study Committee

Tuesday, November 28, 2023

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### MEMBERS

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

Representative Brian 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 Detterman  
Mr. Ray Fiedler  
Mr. John Gish

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

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### CONTENTS

- I. Authorization and Charge
- II. Committee Proceedings
- III. November 28, 2023, Meeting
- IV. Findings and Recommendations
- V. Materials Filed with the Legislative Services Agency



### **I. Authorization and Charge**

Pursuant to Senate File 562 (2023 Iowa Acts, chapter 113, section 30), the Legislative Council established the Human Trafficking Interim Committee to meet during the 2023 Legislative Interim. The charge of the committee was 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 to identify funding needs.

### **II. Committee Proceedings**

The Human Trafficking Interim Committee met on November 28, 2023.

### **III. November 28, 2023, Meeting**

Mr. Fiedler, Office to Combat Human Trafficking, gave a brief overview of the current law, initiatives, and services related to human trafficking in Iowa. He noted that many human trafficking cases in Iowa are prosecuted by the federal government and Iowa is one of the few states that allow defense depositions in human trafficking cases. He explained that the trauma human trafficking victims (victims) face makes such depositions difficult.

Ms. Meredith, a criminal prosecutor, explained that victims are not deposed in federal cases, and agreed with Mr. Fiedler that depositions are not trauma-informed. Mr. Sheeley, a criminal defense attorney, explained that many human trafficking cases occur in the context of other criminal charges, such as prostitution or armed robbery, and important information can be obtained by the defense during a deposition. Ms. Guns, a criminal prosecutor, responded that the state still has an obligation to disclose exculpatory evidence even if no depositions are held.

Co-chairperson Lohse asked if the law that permits depositions in sexual abuse cases could be expanded to apply to human trafficking cases, or if the law could be changed so that victims cannot be deposed. Ms. Guns replied that Iowa Code section 915.36A allows for closed circuit depositions of all



minor witnesses, not just those involved in sexual abuse cases. She explained, however, that closed circuit depositions are not trauma-informed interviews and do not involve open-ended questioning. Ms. Meredith added that the law for closed circuit depositions includes a notice requirement which allows a defense attorney to file a request stating that a closed circuit deposition is insufficient; however, the standard required for a judge to grant a closed circuit hearing is difficult to meet.

Senator Peterson asked 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. Ms. Artzer, 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 restoration facilities so that victims are not confined. He proposed that the state develop a network with other states through the Interstate Compact to allow victims 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 victims in Iowa. Ms. Brown-Waech responded that it is difficult to keep accurate data because human traffickers are not always charged, and in addition victims may not come forward independently. Ms. Davidson, Chains Interrupted, added that the law requires a trafficker to be identified and that makes it difficult if a victim is unable 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 those resources are available without the Interstate Compact. Ms. Davidson replied that many services in Iowa for minors have specific entrance requirements.



## Human Trafficking Interim Study Committee

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Mr. Fiedler stated that massage businesses are not licensed in Iowa. Mr. Gish, Attorney General's Office, explained that while massage facilities are not licensed, individual massage therapists are licensed. Members discussed the state's lack of power to inspect massage businesses 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, Altoona Police Department, stated that while a massage therapist may have their license revoked, the massage business can hire a new massage therapist and remain open.

Senator Peterson asked about the impact of the statute of limitations on human trafficking cases, and how mandatory reporting rules operate when a child comes forward at school. Ms. Guns replied that for HHS to accept a case for services, a report can come from any mandatory reporter, not just a caretaker. Ms. Meredith explained that the statute of limitations has been eliminated for minor victims; however, for adult victims it is currently three years. Ms. Meredith suggested that the statute of limitations should be extended, and also brought up the Crime Victim Compensation Fund (victim compensation). Mr. Gish explained that in most cases a victim of a crime must work with law enforcement to be eligible for the victim compensation; however, human trafficking victims are eligible for compensation without reporting the crime. He explained that victim compensation may be used to cover therapy, home security systems, emergency relocation, housing assistance, and other items and services. He explained that victim compensation is funded by the penalties paid by criminal defendants. Ms. Meredith asked about the waiver of category "B" restitution, which also funds victim compensation. Mr. Gish explained that reimbursement to the victim compensation fund can be waived as category "B" restitution, and this waiver decreases the victim compensation available to victims.

Co-chairperson Lohse asked what resources are necessary for the state to establish a juvenile restoration facility. Ms. Davidson responded that a restoration facility in Iowa closed due to funding, and other organizations are also close to shutting down. She explained that all minors do not need



restoration facilities, and that traffickers often target restoration facilities to recruit minors. Ms. Artzer stated that it is important to limit the population of restoration facilities to manageable numbers, and further stated that rural restoration facilities are sometimes preferred to avoid triggers for minors. Ms. Brown-Waech added that there are facilities for minors in the court system, but not for minors outside of the court system. She explained that Project LIVE, a program aimed at human trafficking prevention, will be coming to Des Moines.

Co-chairperson Lohse asked what barriers 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 a victim from entering the system until they have committed a crime, which may prevent a victim 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 obtain services through HHS is to move for a Child in Need of Assistance (CINA), and that may put further strain on a family.

Mr. Sheeley explained that sometimes parents traffic their own child, and children do not want to betray their family member. He noted fear of prosecution for other crimes may also deter victims from reporting their traffickers, as their status as a victim of human trafficking is not a defense to every crime committed while they are trafficked. He stated that criminalizing victimization is a barrier to reporting and some type of immunity may be necessary. Ms. Meredith responded that immunity cannot always be granted, and third-party victims of offenses committed by trafficking victims also deserve justice.

Members discussed the STAR Center, and Ms. Meredith explained that for a minor to receive a STAR interview, there has to be parental consent. She stated that this is a barrier if a parent is trafficking



## Human Trafficking Interim Study Committee

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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 allowed 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, and maybe that could be expanded to allow appointment of a guardian ad litem for a STAR interview.

Senator Peterson asked what HHS's procedure is when a victim calls the HHS help line. Ms. Dettmann, HHS, explained that services can be provided to a minor who calls the help line, and placement in a housing facility may also be an option. Ms. Guns noted that HHS is not an emergency service. Ms. Davidson stated memory loss from trauma is an additional barrier to victims reporting or accessing medical help. She explained that many states, not including Iowa, have safe harbor laws for minors. Ms. Artzer responded that it is important that there are services in place because a safe harbor law is not beneficial if other services are not available.

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 if discussions continue during the upcoming legislative session.

### **IV. Findings and Recommendations**

The committee is required to issue a report, including findings and recommendations, to the Governor and the General Assembly no later than December 15, 2023. The committee did not vote to approve any findings or recommendations.

### **V. Materials Filed with the Legislative Services Agency**

Materials were distributed at or in connection with the meeting and are filed with the Legislative Services Agency. The materials may be accessed from the "Committee Documents" link on the committee's internet site accessible at the following address:



[www.legis.iowa.gov/committees/meetings/documents?committee=39589&ga=ALL](http://www.legis.iowa.gov/committees/meetings/documents?committee=39589&ga=ALL)

1. Adopted rules of procedure
2. Senate File 562, section 30

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