



# An Analysis of Human Trafficking in Iowa

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Completion of this report fulfills the Division of Criminal and Juvenile Justice's Sex Offender Research Council's (SORC) legislative obligations outlined in Iowa Code section 216A.139(4)(e) providing that this council study "the efforts of Iowa and other states to prevent sex abuse-related crimes, including sex abuse".

On November 18<sup>th</sup>, 2015 Iowa's Sex Offender Research Council and Public Safety Advisory Board approved this report.

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## Executive Summary

Human trafficking has become a topic receiving much interest both in Iowa and nationally. However, estimates of human trafficking incidents and victims are difficult to derive given the underground nature of the offense.<sup>1</sup>

The purpose of this analysis is to gather data on human trafficking incidents in the state of Iowa with particular focus on the following areas of interest:

- Founded human trafficking cases,
- Human trafficking charge and conviction trends as well as other charges used in conjunction with a human trafficking charge to observe total offense data,
- Trend data for crimes often associated as potentially human trafficking related,
- And human trafficking crimes investigated and prosecuted federally.

The findings suggest that convictions at the state-level for crimes involving human trafficking are rare. However, it is difficult to know whether this finding speaks to the actual prevalence of the crime in Iowa and/or indicates barriers in the tracking of these offenses. To better explain these findings, CJJP contacted a variety of state and federal agencies as well as local task force members knowledgeable about human trafficking in Iowa. It was generally acknowledged that data which captures the true prevalence and nature of human trafficking within the state are currently unavailable. It is believed human trafficking occurs at higher rates than state-level data captures, but the extent of that rate is simply unknown.

Iowa's Sex Offender Research Council (SORC) suggests that tracking human trafficking crimes could be improved through:

- Update Iowa's Uniform Crime Reporting (UCR) system to include FBI codes for human trafficking,
- 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 SF510 passed by the Legislature in 2015 (Appendix C), 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.

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<sup>1</sup> Clawson, H. J. 2008. Identifying Victims of Human Trafficking: Inherent Challenges and Promising Strategies from the Field. Prepared for the Office of the Assistant Secretary for Planning and Evaluation (ASPE) and U.S. Department of Health & Human Services. <http://aspe.hhs.gov/hsp/07/HumanTrafficking/IdentVict/ib.htm>

## I. Introduction

The purpose of this study is to examine the prevalence and nature of human trafficking offenses in Iowa and to identify any potential barriers in the tracking of these crimes.

The National Human Trafficking Resource Center (NHTRC) states that during 2014, 24 potential human trafficking cases were reported in Iowa, 54.2% involving minors.<sup>2</sup> It is important to acknowledge that estimates of human trafficking incidents and victims are difficult to derive given the underground nature of the offense.<sup>3</sup>

Victims of both labor servitude and commercial sex may not acknowledge themselves as a victim which presents challenges for law enforcement or social service intervention. For victims that do realize their enslavement, seeking refuge can be problematic. Human traffickers may utilize various methods of behavioral control such as physical force, fear, coercion or a victim's illegal citizen status to manipulate victims into subservience. Also, language barriers may increase the dependence that a victim has on their trafficker.<sup>4</sup>

Estimating the prevalence of human trafficking is further complicated by changes in how society views this crime and who is identified as a victim. Individuals engaged in forced prostitution or survival sex are now regarded as victims, whereas previously they were considered offenders.

Iowa established Iowa Code §710A.2 in 2006 to identify and distinguish human trafficking offenses; however, few offenders are charged under this code.<sup>5</sup> It is possible that offenses with a human trafficking component may be prosecuted under other crime codes, such as kidnapping, child stealing, pimping, prostitution and/or pandering. Also, some human trafficking cases are prosecuted federally and therefore not identified within state-level data.

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<sup>2</sup> National Human Trafficking Resource Center. 2014. <http://www.traffickingresourcecenter.org/state/iowa>

<sup>3</sup> Clawson, H. J. 2008. Identifying Victims of Human Trafficking: Inherent Challenges and Promising Strategies from the Field. Prepared for the Office of the Assistant Secretary for Planning and Evaluation (ASPE) and U.S. Department of Health & Human Services. <http://aspe.hhs.gov/hsp/07/HumanTrafficking/IdentVict/ib.htm>

<sup>4</sup> Ibid.

<sup>5</sup> A copy of Iowa Code §710A.2 can be found in Appendix A of this report.

## II. Literature Review

The federal Trafficking Victim's Protection Act of 2000 (TVPA, 2000) defines human trafficking as the "recruitment, harboring, transportation, provision, or obtaining of a person for one of three purposes:

- 1) Labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- 2) A commercial sex act through the use of force, fraud, or coercion.
- 3) Any commercial sex act, if the person is under 18 years of age, regardless of whether any form of coercion is involved."<sup>6</sup>

In 2005, the Trafficking Victims Protection Reauthorization Act (TVPRA) mandated biennial reporting of human trafficking offenses. To comply with this mandate, the Bureau of Justice Assistance "provides support for state and local law enforcement to work more collaboratively with victim services organizations, federal law enforcement, U.S. Attorneys' Offices, and the Civil Rights Division of the US Department of Justice in the identification and rescue of human trafficking victims who are in the United States."<sup>7</sup> Data from these task forces are then collected through the Human Trafficking Reporting System (HTRS). According to the Bureau of Justice Statistics, the "HTRS is currently the only system that captures information on human trafficking investigations conducted by state and local law enforcement agencies in the United States."<sup>8</sup>

In 2011, the Department of Justice (DOJ) released a report utilizing HTRS data on human trafficking incidents that occurred between January 2008 and June 2010. The report noted that efforts were made to ensure data quality for reporting agencies although "despite these efforts, consistency and completeness in reporting vary across task forces."<sup>9</sup> For this reason, task forces were separated into high and low-quality task force categories.<sup>10</sup> "Task forces that were classified as having high data quality (18 of 42) regularly entered new cases into the system, provided individual-level information for at least one suspect or victim, and updated case information on a regular basis. Task forces classified as having low

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<sup>6</sup> Victims of Trafficking and Violence Protection Act of 2000. Pub. L. No. 106-386, 114 Stat. 1464.

<sup>7</sup> Banks, D. and Kychelhahn, T.. April, 2011. U.S. Department of Justice. Characteristics of Suspected Human Trafficking Incidence, 2008-2010. <http://www.bjs.gov/content/pub/pdf/cshti0810.pdf>

<sup>8</sup> Ibid.

<sup>9</sup> Banks, D. and Kychelhahn, T.. April, 2011. U.S. Department of Justice. Characteristics of Suspected Human Trafficking Incidence, 2008-2010. P.10. <http://www.bjs.gov/content/pub/pdf/cshti0810.pdf>

<sup>10</sup> This study did not include an Iowa based task force.

data quality did not meet any of these three criteria.”<sup>11</sup> The following information reflects *confirmed* incidences reported by high data quality task forces.

National HTRS data revealed that confirmed trafficking incidents involved more victims than suspects (527 vs. 488). Sex trafficking victims were more likely to be female (93.9%), 17 years old and younger (53.9%), African-American (35%), and U.S. citizens or U.S. nationals (75%). Sex trafficking suspects tended to be male (76.6%), between the ages of 18 and 34 (61.0%), African-American (53.4%), and U.S. citizens or U.S. nationals (65.6%).

Labor trafficking victims tended to be female (68.2%), between the ages of 18-34 (61.9%), Hispanic (54.0%), and undocumented<sup>12</sup> or qualified<sup>13</sup> aliens (80.9%). Labor trafficking suspects tended to be male (69.2%), age 35 and older (44.9%) and Hispanic (38.5%). Information concerning citizenship was unavailable for many of these suspects (64.1%).

Another source of information on human trafficking is the National Human Trafficking Resource Center (NHTRC), operated by the Polaris Project.<sup>14</sup> “The NHTRC maintains one of the most extensive data sets on the issue of human trafficking in the United States.”<sup>15</sup> The NHTRC collects aggregate data via phone calls, emails, and online tip reports<sup>16</sup> from individuals reporting *potential* human trafficking incidence. The NHTRC indicates that in 2014 there were 128 calls and 24 human trafficking cases reported in Iowa. Of the reported human trafficking cases, 17 were identified as sex trafficking and 3 were identified as labor trafficking.<sup>17</sup> Victims were largely female (95.8%) with a greater percentage of victims who were minors rather than adults (54.2% vs. 45.8%).<sup>18</sup>

Some findings suggest labor trafficking to be more prevalent than sex trafficking. “Victim services providers in the U.S. reported assisting significantly more foreign-national labor trafficking victims than sex trafficking victims.”<sup>19</sup> Concurrently, the Department of Health and Human Services has seen a steady rise in labor trafficking victims, and nongovernmental organizations have reported increasing instances

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<sup>11</sup> Ibid. Twenty-four of the 42 task forces were considered to be low data quality task forces.

<sup>12</sup> Undocumented aliens reside in the U.S. illegally.

<sup>13</sup> Qualified aliens are legal residents in the U.S., but do not have citizenship.

<sup>14</sup> National Human Trafficking Resource Center <http://traffickingresourcecenter.org/mission>

<sup>15</sup> National Human Trafficking Resource Center. <http://traffickingresourcecenter.org/states>

<sup>16</sup> Ibid.

<sup>17</sup> Four human trafficking cases involved cases where the human trafficking type was not specified.

<sup>18</sup> National Human Trafficking Resource Center. 2014. <http://www.traffickingresourcecenter.org/state/iowa>

<sup>19</sup> U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C.: Author, 2012, p. 360.

of traveling sales crews and peddling rings using child and adult forced labor in the U.S.<sup>20</sup> The National Institute of Justice argues that labor trafficking victims may be more difficult to identify than sex trafficking victims providing that “international victims may be mistaken for smuggled immigrants” .<sup>21</sup>

There is considerable evidence that homeless youth are particularly vulnerable to human trafficking victimization. It is estimated that about “28% of street youth and 10% of youth in shelters reported selling sex to generate money for basic needs (often referred to as survival sex).”<sup>22</sup> The Trafficking Victims Protection Act indicates that survival sex is a form of human trafficking.

Research indicates that the profit to exploit children sexually has increased and the demand is steady.<sup>23</sup> Experts argue that generally, combating trafficking must address the supply as well as the demand, although “federal legislation has focused more extensively on penalizing the traffickers and has placed less emphasis on the buyers of commercial sex.”<sup>24</sup>

Combating human trafficking is arduous. The underground nature of the crime inhibits the ability of law enforcement involvement unless a victim comes forth. Some have argued that to combat this issue, individuals who work in areas where human trafficking is more prevalent should be trained in the identification and reporting of trafficking.

Truckers Against Trafficking (TAT) is one such organization. TAT’s focus is on providing truckers with information about how to spot and identify human trafficking offenders and victims. “They [truckers] continually travel the length and breadth of this country and, when trained and mobilized, can spot

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<sup>20</sup> U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C.: Author, 2012, p. 360.

<sup>21</sup> National Institute of Justice. 2013. The Prevalence of Labor Trafficking in the United States. <http://nij.gov/journals/271/pages/anti-human-trafficking-us.aspx>

<sup>22</sup> Jody M. Greene, Susan T. Ennett, and Christopher Ringwalt, “Prevalence and Correlates of Survival Sex Among Runaway and Homeless Youth,” *American Journal of Public Health*, vol. 89, no. 9 (September 1999), p. 1406. In *Sex Trafficking of Children in the United States: Overview and Issues for Congress*. 2015. Congressional Research Service. (p. 6) <http://fas.org/sgp/crs/misc/R41878.pdf>

<sup>23</sup> Meredith Dank et al., *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities*, Research Report, Urban Institute, March 2014 (hereinafter, Meredith Dank et al., *Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities*); and U.S. Department of Justice, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*, Washington DC, August 2010, pp. 32-33.

<sup>24</sup> *Sex Trafficking of Children in the United States: Overview and Issues for Congress*. 2015. Congressional Research Service. (p. 3) <http://fas.org/sgp/crs/misc/R41878.pdf>



human trafficking situations.”<sup>25</sup> In 2014, the NHTRC reported that nationally, 230 calls related to trafficking were reported by individuals identifying as truckers. These calls resulted in the identification of nearly 350 potential human trafficking cases; 60% of which were reported to law enforcement.<sup>26</sup> The NHTRC indicates that there were 128 calls received within Iowa, but it is unclear how many callers were identified as truckers.<sup>27</sup>

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<sup>25</sup> Truckers Against Trafficking. 2014. Annual Report. <http://www.truckersagainsttrafficking.org/2014-annual-report>

<sup>26</sup> National Human Trafficking Resource Center (NHTRC) Annual Report. CY2014. [http://www.traffickingresourcecenter.org/sites/default/files/2014%20NHTRC%20Annual%20Report\\_Final.pdf](http://www.traffickingresourcecenter.org/sites/default/files/2014%20NHTRC%20Annual%20Report_Final.pdf)

<sup>27</sup> Ibid.

### III. Methodology

The purpose of this evaluation is to assess the prevalence and nature of human trafficking. To examine these figures, four analyses were conducted:

- Analysis 1 includes data on instances of founded human trafficking.
- Analysis 2 examines human trafficking charge and conviction data. Also examined are other charges assessed in conjunction with a human trafficking charge, providing examination of total offense data.
- Analysis 3 observes trend data for crimes regularly identified as *potentially* human trafficking related.
- Analysis 4 examines the nature and extent that human trafficking crimes are investigated and prosecuted federally.

Data are largely examined from FY2006-FY2014, due to the fact that the Iowa human trafficking statute was established in FY2006.

#### **Analysis 1: Founded Human Trafficking**

The initial portion of the report focuses on founded human trafficking victims and offenses. Founded cases are defined as:

##### **1) Minors charged with Prostitution**

Founded human trafficking charges of prostitution involving minors under the age of 18 are reported in the first section of this report. Data were extracted from the Iowa Justice Data Warehouse (JDW); a central repository of key Iowa criminal and juvenile justice information managed by the Iowa Division of Criminal and Juvenile Justice Planning (CJJP). The JDW contains administrative data from the Department of Public Safety's (DPS) Iowa Computerized Criminal History (CCH) database, the Judicial Branch's Iowa Court Information System (ICIS), and the Iowa Department of Correction's Iowa Correctional Offender Network (ICON). Data were extracted and analyzed for prostitution convictions disposed in FY2006-FY2014 for offenders under the age of 18 at the time of the offense.

##### **2) Human trafficking victims served by the Victim Services Support Program (VSS)**

Information was also provided by the Iowa Attorney General's office identifying the number of human trafficking victims served by the Victim Services Support Program (VSS). The data identified in this report

include the number of victims served through victim services agencies funded by the VSS program<sup>28</sup> by the type of victimization.

### 3) Manual coding of arrest records of crimes which may involve a human trafficking component

Another source of founded human trafficking data was gathered by observing arrest records of crimes which *may* involve a human trafficking component but were not specifically identified by criminal code as human trafficking. In 2015, the Iowa Legislature identified several crimes which *may* involve a human trafficking component. These offenses include: Child Stealing (710.5), Purchase or Sale of an Individual (710.11), Prostitution (725.1), Pimping (725.2), Pandering (725.3), Kidnapping 1<sup>st</sup> Degree (710.2), Kidnapping 2<sup>nd</sup> Degree (710.3), and Kidnapping 3<sup>rd</sup> Degree (710.4). Data were collected on potentially human trafficking related convictions disposed in FY2014. ICON records, presentence investigation reports (PSI), prison reception reports and offender attachments were then manually coded to identify whether or not the convictions involved human trafficking and the type of trafficking involved.

The following definitions, provided by the Federal Bureau of Investigation (FBI) through the Uniform Crime Report Program (UCR) were used to determine if human trafficking had occurred and the nature of the trafficking offense:

“Human Trafficking - Commercial Sex Acts: Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

Human Trafficking – Involuntary Servitude: The obtaining of a person through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).”<sup>29</sup>

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<sup>28</sup> Includes Victim Witness Coordinators through local prosecutor offices and survivors of homicide programs.

<sup>29</sup> The Federal Bureau of Investigation May. 2013. UCR Program Adds Human Trafficking Offenses to Data Collection, Includes More Specific Prostitution Offenses. <http://www.fbi.gov/about-us/cjis/cjis-link/may-2013/ucr-program-adds-human-trafficking-offenses-to-data-collection-includes-more-specific-prostitution-offenses>

### **Analysis 2: Human Trafficking Charge, Conviction and Total Offense Data**

The second analysis examined charge and conviction data for offenses specific to the human trafficking crime code (710A.2) disposed between FY2006-FY2014. Additionally, information on the complete offense was examined, observing the disposed charges used in conjunction with a human trafficking charge and the resulting conviction of those charges. The primary purpose of this analysis was to examine how human trafficking cases were resolved and the nature of a complete human traffic offense by observing all of the charges associated with a particular human trafficking charge or conviction.

### **Analysis 3: Potentially ‘Related’ Human Trafficking Charge and Conviction Data**

The third portion of this analysis provides trend data on the number of charges and convictions for crimes which were regularly associated as being ‘potentially’ human trafficking related. The charge and conviction counts for Prostitution, Pimping, and Pandering disposed between FY2006-FY2014 were identified using the JDW.

### **Analysis 4: Human Trafficking Crimes Referred to Federal Court**

Finally, this analysis was an attempt to acquire information on the number and nature of human trafficking cases referred for federal prosecution. It was anticipated that human trafficking cases, especially those involving victims trafficked across state lines may be more likely to be prosecuted federally because the offenses are timely to investigate and there are more federal resources allocated to investigate and apprehend trafficking offenders. Because Iowa does not currently have a system which monitors crimes prosecuted or investigated at the federal level, CJP surveyed Iowa’s 99 county attorneys (CA) to determine the number of human trafficking cases over the last five years (FY2010-FY2014) referred for federal prosecution.

County Attorneys were invited to participate in an online survey and asked to identify:

- the number of state court convictions exclusively under Iowa’s human trafficking statute (710A),
- the number of offenders convicted in state court under an alternative statute whose crime involved a trafficking component,
- how many human trafficking cases were referred for federal prosecution within their county,
- and lastly how many human trafficking investigations were active within a particular county.

County Attorneys were also asked to briefly comment on whether they believed human trafficking was a problem in Iowa. A copy of this survey can be found in Appendix B.

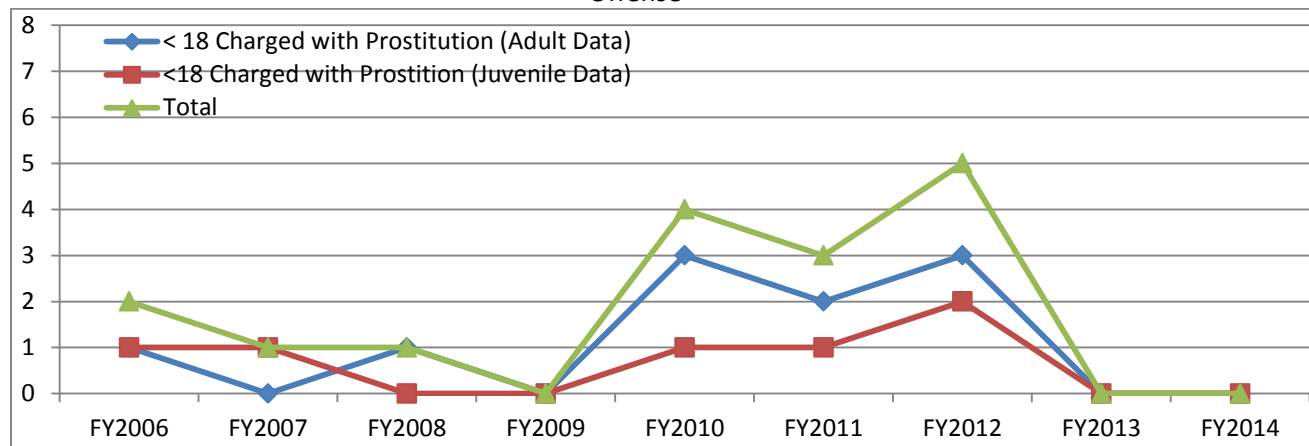
## IV. Findings

### Analysis 1: Founded Human Trafficking Cases

#### Minors Charged with Prostitution

One definition of human trafficking involves the prostitution of individuals under age 18 (coercion need not be present). Between FY2006-FY2014, there were ten juvenile victims charged with prostitution in the adult system, and six in the juvenile justice system. Charge data provides the greatest insight into potential human trafficking cases of minors. Some minors who are charged with prostitution are not convicted as law enforcement tends to seek alternative resources for these individuals. Also, law enforcement may choose to not charge a minor with prostitution and may immediately divert them to alternative resources. Since 2006 there have been a total of 16 offenders who were under the age of 18 at the time of the offense, who were charged with prostitution.

Figure 1: FY2006-FY2015 Offenders Charged with Prostitution Who Were Under 18 at the Time of the Offense



Source: Iowa Justice Data Warehouse

#### Human trafficking victims served by the Victim Services Support Program (VSS)

Another data source on human trafficking is the VSS. "VSS is able to fund a variety of nonprofit and governmental agencies that provide a cadre of services to crime victims and the local community. Funds support various programs focused on providing direct services, support and advocacy to victims of violent crime, improving or providing investigative services, increasing and improving prosecution, as

well as the medical and courts response to violence against women victims.”<sup>30</sup> During SFY2014 the Crime Victim Assistance Division (CVAD) served 41 human trafficking victims.<sup>31</sup>

Manual coding of arrest records of crimes which may involve a human trafficking component

The legislature described the following crimes as potentially relating to human trafficking; Child Stealing (710.5), Purchase or Sale of an Individual (710.11), Prostitution (725.1), Pimping (725.2), Pandering (725.3), Kidnapping 1<sup>st</sup> Degree (710.2), Kidnapping 2<sup>nd</sup> Degree (710.3), and Kidnapping 3<sup>rd</sup> Degree (710.4). In FY2014, there were 83 convictions for human trafficking ‘related’ crimes including Prostitution, Pimping, Kidnapping, and Child Stealing.<sup>32</sup> There was no evidence to suggest that Kidnapping and Child Stealing convictions in FY2014 involved a human trafficking component.

Arrest records for these offenses were manually coded to determine the existence of human trafficking and the nature of the crime. There were five convictions in FY2014 which were found to involve human trafficking and four actual crimes, involving four offenders (one offender was convicted of prostitution and pimping for the same human trafficking offense). The four offenses found to contain human trafficking involved a pimping conviction. All offenders were male, two were Caucasian and two were African-American. Victim information was limited but revealed that each offense involved the pimping of one victim. All 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. One of the four victims reported that physical force was used by the offender to acquire her compliance in commercial sex acts.

Table 1: FY2014 Human Trafficking Related Convictions

	N Convictions	Founded Human Traffic
Prostitution	61	1*
Pimping	4	4
Pandering	0	0
Kidnapping (1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> Degree)	13	0
Child Stealing	5	0
Purchase/Sale of Individual	0	0
<b>Total Convictions</b>	<b>83</b>	<b>5</b>

Source: Iowa Justice Data Warehouse

\*Significant portions of data were unavailable for many of the cases. This particular charge involved enough detail to indicate that human trafficking was founded particularly because it was used in conjunction with a pimping charge.

<sup>30</sup> Melohon, Janelle. Iowa Attorney General’s Crime Victim Assistance Division Annual Report. 2014. [https://www.iowaattorneygeneral.gov/media/cms/Crime\\_Victims\\_Assistance\\_Division\\_F\\_4CF8017F0B773.pdf](https://www.iowaattorneygeneral.gov/media/cms/Crime_Victims_Assistance_Division_F_4CF8017F0B773.pdf)

<sup>31</sup> Ibid.

<sup>32</sup> No offenders were convicted of Pandering or Purchase/Sale of an Individual during FY2014.

**Analysis 2: Human Trafficking Charge, Conviction and Total Offense Data**

Human Trafficking Charges and Convictions

From FY2006-FY2014, there were 10 human trafficking charges; each of which were independent human trafficking offenses. In other words, no human trafficking offense received more than one human trafficking charge. Eight of the charges were dismissed or acquitted and two charges resulted in a conviction one of which was a conviction as charged case.

Table 2: FY2006-FY2014 Disposed Charges and Convictions for 710A.2 Offenses

Charge Code	Charge Class	Charge Description	Disposed N	Dism/Acquitted N	Convicted N	Conv.as Charged N
710A.2(2)	FELB	Human Trafficking <18 – Serious Injury	4	3	1	1
710A.2(4)	FELC	Human Trafficking <18 - Solicitation	5	4	1	
710A.2A	FELD	Solicit Commercial Sexual Activity	1	1		
<b>Total</b>			<b>10</b>	<b>8</b>	<b>2</b>	<b>1</b>

Source: Iowa Justice Data Warehouse

Offenders charged with human trafficking tended to be African-American (n= 7 or 70%), 40% (n = 4) were women, 50% were men (n=5), and 60% (n=6) were between the ages of 20-30 at the time of their offense. The demographic data for race, gender and age for one offender was unavailable.

Table 3: Offender Demographics for Human Trafficking Charges FY2006-FY2014

	N Offenders	% Offenders
<b>Race</b>		
Caucasian	2	20%
African-American	7	70%
Unknown	1	10%
<b>Sex</b>		
Male	5	50%
Female	4	40%
Unknown	1	10%
<b>Age</b>		
20-30	6	60%
31-40	3	30%
41+	1	10%
<b>Total</b>	<b>10</b>	<b>100%</b>

Source: Iowa Justice Data Warehouse

Victim and offense information was available for five of the ten human trafficking charges. Four of these offenses involved the alleged sex trafficking of female victims. Of these four offenses two involved minor victims, two involved more than one victim and two involved physical punishment for failure to participate in sex trafficking events. One offense involved an adult male victim being trafficked for labor. Specific information on victim age and race was largely unavailable.

### Human Trafficking Charges and Additional Charges and Convictions

The data in Table 4, describes the types of additional charges offenders received in conjunction with their human trafficking charge. There were two offenders who were charged solely with human trafficking, meaning that they were not charged with another crime (these offenders are not represented in the chart below because they did not have an additional charge tied to their offense). The charges for these two offenders both resulted in a dismissal or acquittal. The remaining eight offenders were charged with an additional crime tied to the human trafficking offense. The most common charges assessed in association with a human trafficking charge were Pimping (n=4), Pandering Involving a Minor (N=3), and Prostitution (n=3). Pimping and Prostitution were two of the most common offenses to also result in a conviction as charged.

Table 4: FY2006-FY2014 Disposed Charges and Convictions for 710A.2 Associated Offenses

Charge Code	Charge Class	Other Charged Description	Disp. Chrg	Dism /Acq	Conv. of Othr	Conv.as Chrgd
710.2	FELA	Kidnapping 1 <sup>st</sup> Degree	2	1	1	
708A.2(4)	FELB	Ongoing Criminal Conduct – Unlawful Activity	1	1		
725.3(2)	FELC	Pandering, Involving a Minor	3	2		1
709A.6(2)	FELC	Using a Juvenile to Commit an Indictable	1	1		
706B.2(1)(a)	FELC	Money Laundering – Transfer of Proceeds from Illegal Activity	1			1
719.7(4)(A)	FELC	Possession of Contraband in Correctional Facility - Weapon	1			1
725.3	FELD	Pandering	1	1		
725.2	FELD	Pimping	4	1		3
705.1(A)	FELD	Solicitation to Commit Felony	1			1
705.1(C)	AGMS	Solicitation to Commit AGMS	1			1
706.3(C)	FELD	Conspiracy/Commit Felony (Property)	1	1		
719.8	FELD	Furn. Cont. Substance/Intoxicants to Inmates	1	1		
719.7(4)(B)	FELD	Possession of Contraband in Correctional Facility	1	1		
725.1	AGMS	Prostitution	3	1		2
<b>Total Charges</b>			<b>22</b>	<b>11</b>	<b>1</b>	<b>10</b>

Source: Iowa Justice Data Warehouse

It is also noteworthy that four of the ten human trafficking offenses involved the complete dismissal of all charges associated with an alleged crime.<sup>33</sup> The remaining six cases involved the conviction of some type of offense. The most common convictions associated with a human trafficking charge included Pimping (n=3) and Prostitution (n=2).

### **Analysis 3: Potentially ‘Related’ Human Trafficking Charge and Conviction Data**

This analysis provides trend data on the number of charges and convictions for crimes which are regularly associated as being ‘potentially’ human trafficking related since the human trafficking statute

<sup>33</sup> There were no distinguishable differences between offenders whose cases were entirely dismissed compared to those whose case resulted in a conviction.

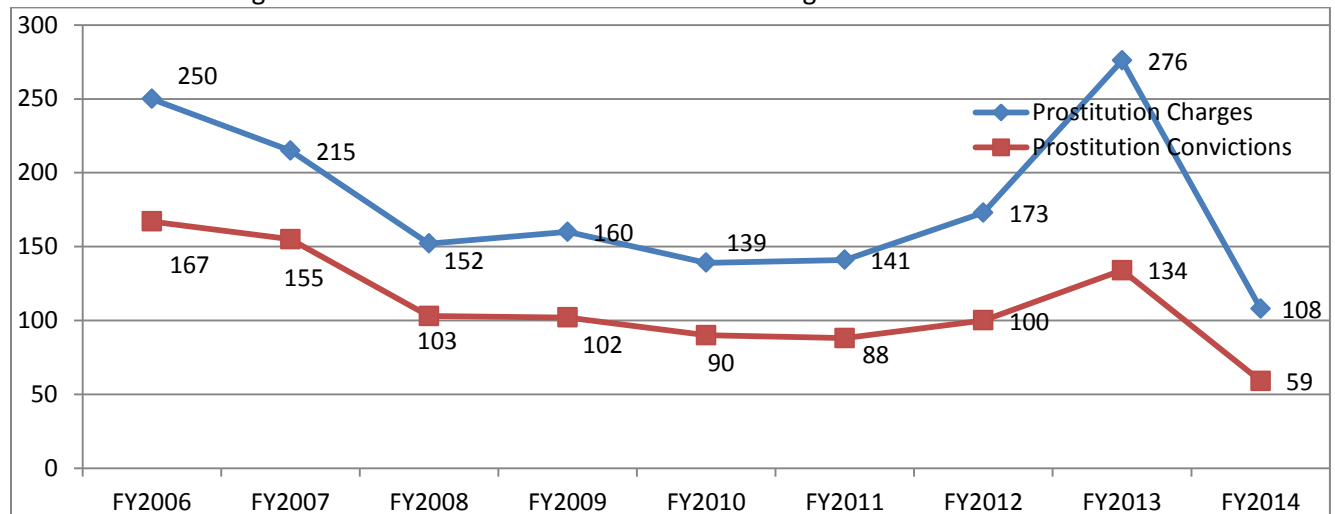


went into effect in 2006. In other words, some human trafficking offenses might be captured under these and other crimes codes. These data were extracted using the JDW and include charge and conviction counts for Prostitution, Pimping, and Pandering in the adult system which were disposed from FY2006-FY2014.

Generally, prostitution offenses are prosecuted more frequently than pimping or pandering. Caucasians are more likely to be convicted of prostitution than any other racial category; however, African-Americans are overrepresented. Charge and conviction rates for prostitution, pimping and pandering tend to follow similar patterns with spikes in data occurring in 2013; however the numbers for pimping and pandering are too low to draw conclusions.

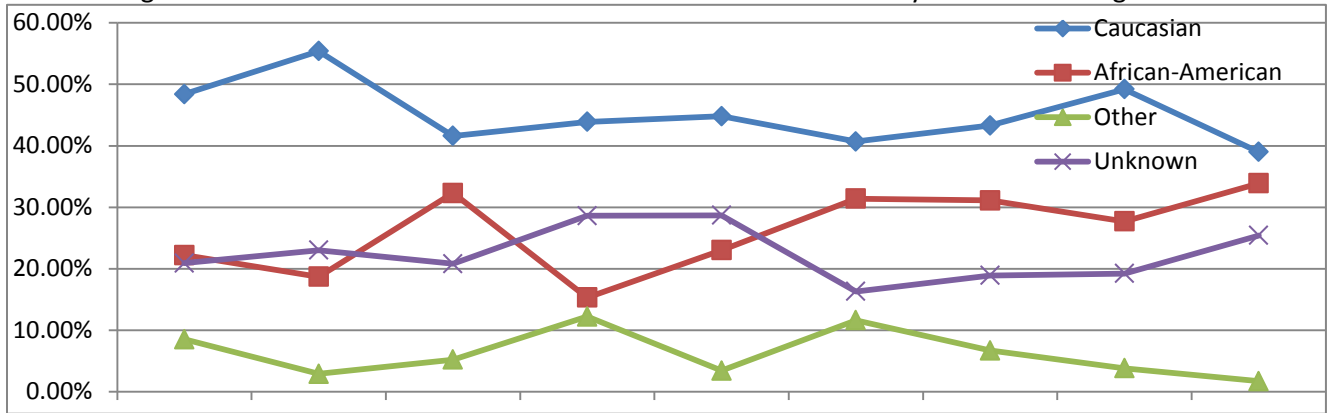
While the data provide some insight into human trafficking related crimes, it is important to remember that it is unclear how many of these cases involved human trafficking components.

Figure 2: FY2006-FY2014 Total Prostitution Charges and Convictions



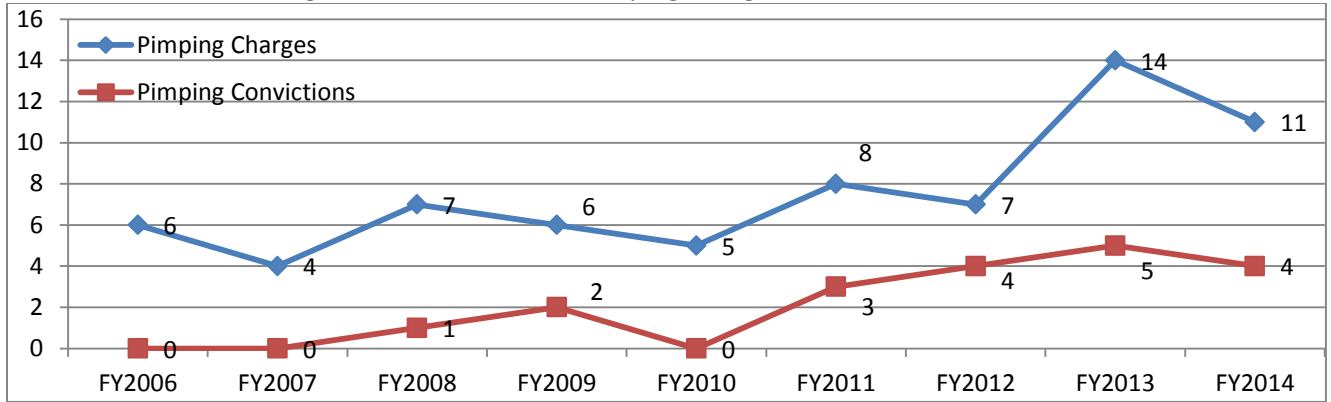
Source: Iowa Justice Data Warehouse

Figure 3: FY2006-FY2014 Prostitution Offender Based Conviction by Racial Percentage



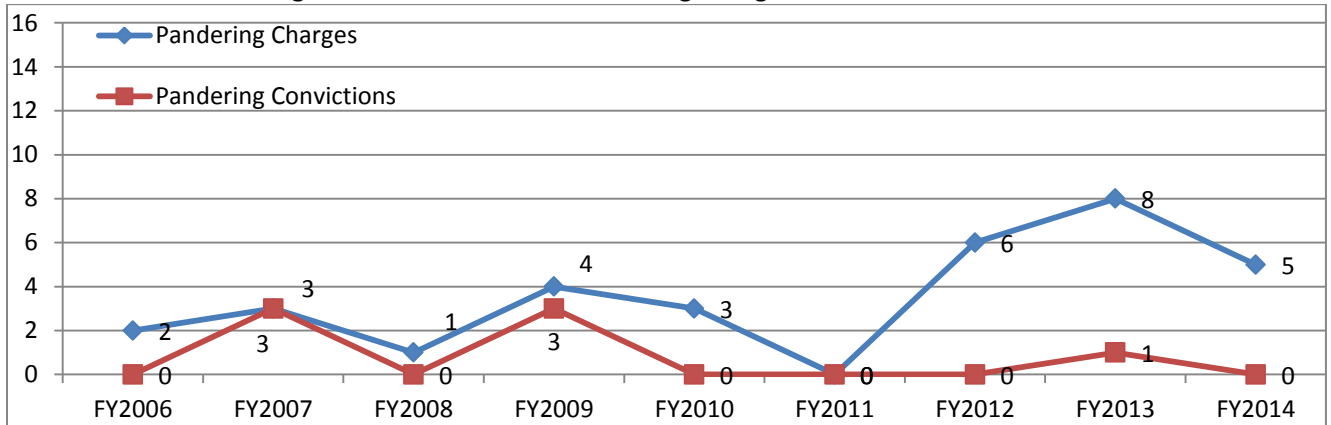
Source: Iowa Justice Data Warehouse

Figure 4: FY2006-FY2014 Pimping Charges and Convictions



Source: Iowa Justice Data Warehouse

Figure 5: FY2006-FY2014 Pandering Charges and Convictions



Source: Iowa Justice Data Warehouse

#### **Analysis 4: Human Trafficking Cases Prosecuted at the Federal Level**

Figures 2-5 provide information on crimes which are handled at the state level. However, human trafficking cases can also be prosecuted federally. Currently, Iowa does not have a system which tracks crimes prosecuted or investigated at the federal level. To arrive at this figure, CJP surveyed Iowa's county attorneys to identify the number of human trafficking cases over the last five years (FY2010-FY2014) which were referred for federal prosecution. CJP received responses from 24 of Iowa's 99 county attorneys.

The survey of Iowa's county attorneys (CA) found that, of the 24 responding counties, one human trafficking case was referred for federal prosecution from FY2010-FY2014. This case involved online sexual solicitation. Some CA's indicated that human trafficking was likely a problem in Iowa, however stated that there are barriers in the identification and prosecution of the crime. Some CA's provided that many front line responders lack training in the identification of the crime, others suggest that human trafficking may be more problematic in more populated areas but within rural counties the incidents are lower.

## V. Conclusion

This analysis found that convictions at the state-level for crimes involving human trafficking are rare, with only one conviction since the 2006 human trafficking statute went into effect. However, it is difficult to know whether this finding speaks to the actual prevalence of the crime in Iowa and/or indicates barriers in tracking these offenses. The state and federal agencies CJP contacted over the course of the project indicated that the prevalence and nature of human trafficking within the state is largely unknown, but is likely more prevalent than what state-level data captures.

Furthermore, data on human trafficking cases prosecuted federally are not available for Iowa and attempts to estimate the number through the online survey of county attorneys yielded a low response rate.

Identifying the crime and victims of human trafficking is difficult. The matter is further complicated by limitations within our crime reporting systems to track these offenses. Tracking the data through the UCR would be preferable due to the established definitions of human trafficking and the availability of victim and offense information. In 2013, the FBI established UCR codes for human trafficking, however, Iowa is not currently reporting this data due to a system upgrade needed to allow human trafficking data to be entered and extracted.

Future analysis to assess the prevalence of human trafficking should clearly differentiate between labor trafficking, sex trafficking, and minors engaging in survival sex. Also, studies may be better able to estimate human trafficking crime rates through a mixed methods approach.

Iowa's Sex Offender Research Council (SORC) recommends the following actions be taken to improve tracking of this crime in order to gain a more accurate understanding of human trafficking offenses in Iowa.

- Update Iowa's Uniform Crime Reporting (UCR) system to include FBI codes for human trafficking,
- 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 SF510, passed by the Legislature in 2015 (Appendix C), 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.

## Appendix A

### Iowa Code §710A.2: Human Trafficking

The human trafficking criminal code site was originally created in 2006. The text below includes the human trafficking code description and penalties as of FY2015.

#### **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.

## Appendix B

### Survey of Human Trafficking in Iowa- County Attorneys

Human trafficking is a national and local issue that has received growing recognition. The Division of Criminal and Juvenile Justice Planning (CJJP) has been charged with exploring the extent and nature of the offense in Iowa, as proposed by Senate File 450.

The number of trafficking victims in the US is largely unknown.<sup>34</sup> The purpose of this survey is to gather detailed data on human trafficking crimes in Iowa. Data provided from this survey will help to inform the findings of the analysis and will be organized within an annual report provided to the General Assembly. We thank you for your time and appreciate the information you are able to provide.

We recognize that there are many definitions of human trafficking. Please use the following definitions when responding to the questions in this survey:

The Trafficking Victim's Protection Act of 2000 (TVPA, 2000) defines human trafficking as the "recruitment, harboring, transportation, provision, or obtaining of a person for one of three purposes:

- 1) Labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- 2) A commercial sex act through the use of force, fraud, or coercion.
- 3) Any commercial sex act, if the person is under 18 years of age, regardless of whether any form of coercion is involved."<sup>35</sup>

The Federal Bureau of Investigation (FBI) through the Uniform Crime Report Program (UCR) uses the following definitions to determine the presence of human trafficking and the nature of the trafficking offense:

"Human Trafficking - Commercial Sex Acts: Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

Human Trafficking – Involuntary Servitude: The obtaining of a person through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts)."<sup>36</sup>

Please respond to the questions on the following page utilizing the descriptions and definitions above.

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<sup>34</sup> The Polaris Project. 2012. National Human Trafficking Resource Center. Human Trafficking Cheat Sheet.

<sup>35</sup> Victims of Trafficking and Violence Protection Act of 2000. Pub. L. No. 106-386, 114 Stat. 1464.

<sup>36</sup> The Federal Bureau of Investigation May, 2013. UCR Program Adds Human Trafficking Offenses to Data Collection, Includes More Specific Prostitution Offenses. <http://www.fbi.gov/about-us/cjis/cjis-link/may-2013/ucr-program-adds-human-trafficking-offenses-to-data-collection-includes-more-specific-prostitution-offenses>

### FOUNDED LOCAL HUMAN TRAFFICKING CONVICTIONS

- 1) How many offenders were convicted in state court exclusively under the human trafficking statute (710A) in your county from FY2010-FY2014? Please list each independent human trafficking case and provide us with the following details on each case.
  - a. Per each case, how many offenders were convicted?
  - b. Per each case, how many victims were involved?
    - i. Were any victims minors (under the age of 18)?
  - c. Per each case, what type of human trafficking was observed (labor, sex, or both)?
- 2) How many offenders were convicted in state court in your county between FY2010-FY2014 under an alternative crime code (other than human trafficking 710A) whose crimes involved a trafficking component? Please identify and provide us information on each relevant human trafficking case.
  - a. What conviction crime codes were used as an alternative to a human trafficking statute?
  - b. Per each case, how many offenders were convicted?
  - c. Per each case, how many victims were involved?
    - i. Were any victims minors (under the age of 18)?
  - d. Per each case, what type of human trafficking was observed (labor, sex, or both)?

### FEDERAL REFERRALS

- 3) How many cases involving a human trafficking component were referred federally from your jurisdiction from FY2010-FY2014? Please identify and provide us information on each relevant human trafficking case.
  - a. Per each case, how many offenders were convicted?
  - b. Per each case, how many victims were involved?
    - i. Were any victims minors (under the age of 18)?
  - c. Per each case, what type of human trafficking was observed (labor, sex, or both)?

### LOCAL ACTIVE HUMAN TRAFFICKING INVESTIGATIONS

- 4) At the end of FY2014, how many cases involving a human trafficking component were in the process of being actively investigated in your county? Please identify and provide us information on each relevant human trafficking case.
  - a. Per each case, how many offenders were convicted?
  - b. Per each case, how many victims were involved?
    - i. Were any victims minors (under the age of 18)?
  - c. Per each case, what type of human trafficking was observed (labor, sex, or both)?
- 5) In your opinion, is human trafficking a problem, in Iowa? Why or why not?
- 6) Do you have any additional thoughts concerning human trafficking in Iowa that you would like to share?

## Appendix C

### Human Trafficking Legislation

#### SF 585 Adds Human Trafficking to the List of Forcible Felonies

Sec. 137. Section 702.11, subsection 1, Code 2015, is amended to read as follows: A “forcible felony” is any felonious child endangerment assault, murder, sexual abuse, kidnapping, robbery, human trafficking, and arson in the first degree or burglary in the first degree.

#### SF 510 Mandates and Provides Funds to the Crime Victim Assistance Division (CVAD) to Provide Trainings on Human Trafficking

Sec. 138. NEW SECTION 710A.6 OUTREACH, PUBLIC AWARENESS, 66 7 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.

Sec. 139. Section 915.94, Code 2015, is amended to read as follows: 915.94 VICTIM COMPENSATION FUND. A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of section 915.41 and this subchapter. In addition, the department may use moneys from the fund for the purpose of the department’s prosecutor-based victim service coordination, including the duties defined in sections 910.3 and 910.6 and this chapter, and for the award of funds to programs that provide services and support to victims of domestic abuse or sexual assault as provided in chapter 236, to victims under section 710A.2, and for the support of an automated victim notification system established in section 915.10A. For each fiscal year, the department may also use up to three hundred thousand dollars from the fund to provide training for victim service providers, to provide training for related professionals concerning victim service programming, and to provide training concerning homicide, domestic assault, sexual assault, stalking, harassment, and human trafficking as required by section 710A.6. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.