

Iowa Department of Public Safety



Office to Combat Human Trafficking

Annual Report 2018

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2018 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 continued support of Speaker Linda Upmeyer and Senate President Jack Whitver made it possible to carry out the statutory mandates for the Office to Combat Human Trafficking.

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 for her continued commitment to training law enforcement officers; and from Iowa Attorney General Tom Miller, Crime Victim Assistance Director Janelle Melhon and Human Trafficking Coordinators Celine Vilongco and 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 Michael Ferjak of Youth Emergency Services for their commitment to non-government organization support for anti-human trafficking initiatives; 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

For centuries, human trafficking occurred worldwide, but it has been recognized only recently for its impact on individual victims and the public at large. This recent focus has led to a more organized commitment to combat trafficking.

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.

*“The first duty of society is justice.”
~ Alexander Hamilton*

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 been completed. 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, public awareness of human trafficking issues has 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 convictions based on human trafficking in the past year.

- On November 17, 2017, an Urbandale man was sentenced to life in prison for sex trafficking and drug charges, which arose from an investigation conducted by the Drug Enforcement Administration and Des Moines Police Department. The man was convicted of providing two minor victims to his drug dealer for sex acts in exchange for crack cocaine. The man was also convicted of providing crack cocaine to the three minor victims.
- On August 1, 2018, a jury convicted a man for trafficking an adult by force, fraud or coercion across several states, making repeated threats to her and controlling her movement. After an assault at an Urbandale hotel, the victim called the hotel desk to ask for help. The case was investigated by the Federal Bureau of Investigation and the Urbandale Police Department, and the case was prosecuted by the United States Attorney's Office for the Southern District of Iowa.
- On October 3, 2018, six defendants pled guilty in connection with sex trafficking three adult victims by force, fraud or coercion, and they were alleged to have used a firearm in the course of trafficking the victims. The crimes involved multi-state travel, online escort sites and Facebook communications, and the use of hotel rooms for sex trafficking, as well as the use of firearms to threaten or intimidate the victims. The investigation was conducted by the Des Moines Police Department, Vice and Narcotics Control Section, with analytical support provided by the Iowa Division of Intelligence and Fusion Center, Department of Public Safety, as well as the Mid-States Organized Crime Information Center. The Polk County Attorney's Office also assisted with this prosecution by the U.S. Attorney for the Southern District of Iowa.

The state appellate courts in Iowa have heard very few cases involving human trafficking convictions, to date. There were no reported cases on appeal in state court in 2018. There are only a limited number of state court cases in other 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 of Appeals noted that the 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 also may be hidden by the criminal charges brought. Often, the 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. Of course, it would be ideal to prosecute for the crime of human trafficking, but sometimes the victims who have survived the trafficking are struggling 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.

What Social Science Tells Us About Human Trafficking

In late July of 2018, during the investigation of the disappearance of Mollie Tibbetts in Poweshiek County, there was unwarranted speculation that missing juveniles in Iowa may have been abducted for trafficking. In fact, however, the statistics regarding missing juveniles in the state refutes such claims. As the Iowa Department of Public Safety reported, in FY 2017, there were 4,311 juveniles reported missing to the Missing Person Information Clearinghouse. This is an average of approximately 12 juveniles a day. The vast majority of juveniles are found or returned home within 24 hours. Typically these cases are runaway situations. The number of missing juveniles reported in the summer of 2018 was in line with historical numbers.

There are, of course, legitimate concerns about potential abduction as a means to traffic humans. These types of incidents appear to be rare. Force is one way to commit human trafficking, but the initial enticement of a victim may not be based on force. Once lured away, the victim may be forced or coerced into remaining under the control of the trafficker. The greatest concern for runaway juveniles is not abduction, but enticement. Runaway juveniles are vulnerable to many concerns, and commercial sex trafficking is one of those concerns. Once lured by a trafficker, a vulnerable juvenile may find it difficult and dangerous to escape.

Careful research provides a far more nuanced assessment of homeless and runaway youth experiences with human trafficking. In a study published in 2018, authors conclude that a commonly repeated assertion – that runaway and homeless youth are likely to be trafficked for sex within 72 hours of leaving home – is not supported by research.¹

¹ Murphy, Anti-Trafficking's Sensational Misinformation: The "72-hour Myth" and America's Homeless Youth, *Journal on human trafficking*, *Journal of Human Trafficking*, 4:1, 89-91 (2018).

Although the juveniles may not be immediately trafficked after leaving home, common wisdom indicates that runaway juveniles may be more vulnerable to be drawn into commercial sex trafficking at some point while they are alone, homeless, or without resources. Valid statistics about the vulnerability of juveniles being trafficked are limited,² but the social science research available indicates that the risks can be very real.

- In a convenience sample of 131 homeless youth between 12 and 25 years old, 41.2% indicated that they were victims of sex trafficking.³
- In another study of 344 homeless youth between 18 and 22 years old, 9.6% said that they had a trafficking experience.⁴

Nationwide, federal prosecution efforts have shown some success in human trafficking, with increasing numbers of investigations, prosecutions and convictions.⁵ Statistics regarding state prosecutions have not been available, in part because it is difficult to compare the varied state statutes defining human trafficking.

II. Iowa Perspective

Like most crimes, human trafficking often is hidden from public view, and it is challenging to determine the incidence and prevalence of the crime.⁶ The Iowa Office to Combat Human Trafficking has received increased reporting of human trafficking activity occurring in Iowa, but it is difficult to say whether the increased reporting is the result of more trafficking, or more reporting. Certainly, many public and private sector agencies and individuals have made efforts to focus on public awareness, including more media attention to the issue. It seems likely that these public-awareness efforts have spurred more reporting. It is difficult say whether there are more cases, or whether more people recognize the signs of trafficking and feel empowered to report their observations to police.

In CY2017, the Iowa Office to Combat Human Trafficking documented just under 100 reports of suspected criminal activity related to commercial sex trafficking (through force or coercion or of a minor(s)) or labor-related activity. Of the reporting in 2017, nearly ninety-five percent (95%) was related in some way to suspected sex trafficking, less than one in five involved suspected labor cases. Some reports involve both types of human trafficking.

² Hilinski-Rosick & Lee, *Contemporary Issues in Victimology: Identifying Patterns and Trends* (Lexington Books, 2018).

³ Middleton, Gattis, Frey & Roe-Sepowitz, "Youth Experiences Survey (YES): Exploring the Scope and Complexity of Sex Trafficking in a Sample of Youth Experiencing Homelessness," *Journal of Social Science Research* 44(2), 147-157 (2018).

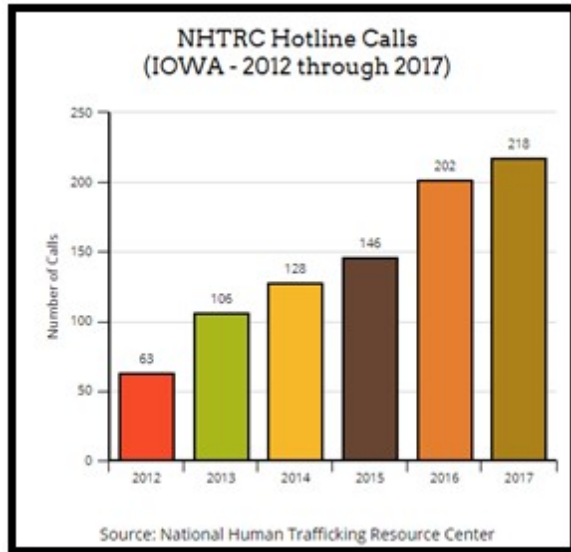
⁴ Chisolm-Straker, Sze, Einbond, White & Stoklosa, "A supportive adult may be the difference in homeless youth not being trafficked," *Children and Youth Services Review*, 91:115-120 (2018).

⁵ Hilinski-Rosick & Lee, *Contemporary Issues in Victimology: Identifying Patterns and Trends*, p. 86 (Lexington Books, 2018).

⁶ 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>

In FY2018, the Office to Combat Human Trafficking received 33 tips from Polaris, and 37 tips from other sources.

The largest portion of sex trafficking-related reporting is related to suspected illegal massage businesses, which may be associated with labor trafficking.⁷ These businesses may advertise on websites that cater to buyers looking to purchase sexual services, a practice that does not occur with legitimate massage businesses. In some cases, workers within these establishments may live on-site and their income is not reported to state workforce systems. The massage businesses are not hidden, which may generate public notice of them, and also may attract criminal investigators' attention.



Human trafficking is a crime involving the exploitation of youth under the age of 18 for commercial sex; the exploitation of adults for commercial through the use of force, fraud, or coercion; and the exploitation of any individual for compelled labor.⁸ 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 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.

Strategic Response

The Office to Combat Human Trafficking does not operate alone in the state's response to human trafficking. In fact, the most effective strategy includes all members of Iowa's communities, and all levels of government, and requires carefully coordinated efforts.

The development of a coordinated statewide strategy is our best hope for preventing, deterring, identifying, investigating and prosecuting these important cases. (The



⁷ Hilinski-Rosick & Lee, Contemporary Issues in Victimology: Identifying Patterns and Trends, p. 88 (Lexington Books, 2018).

⁸ Hilinski-Rosick & Lee, Contemporary Issues in Victimology: Identifying Patterns and Trends (Lexington Books, 2018).

complete strategy appears in Appendix B.) The ultimate goal is to ensure that no person, of any age or in any circumstance, should be subjected to trafficking or slavery, whether it is related to commercial sex trafficking or labor trafficking.

In a coordinated effort, the various partners can responsibility for implementing the various parts of the overall strategy. Progress has been made in the past year, in many ways:

Public Awareness:

Every calendar year begins with the Governor’s proclamation to recognize January as Slavery and Human Trafficking Prevention and Awareness Month. In addition to the gubernatorial proclamation, the Network Against Human Trafficking & Slavery works with many cities and counties in Iowa to issue similar proclamations in communities across the state.

Many government agencies and non-government organizations have increased public awareness of human trafficking. Examples of the various programs and organizations operating in Iowa:

- The Network Against Human Trafficking & Slavery provides an extensive website that provides information and contact information for many other agencies, organizations and individuals committed to combat human trafficking. Its board of directors represents a broad spectrum of experience and ideas. The board meets regularly to discuss issues, develop and support programming, coordinate efforts and provide information to Iowans and others who are interested in anti-trafficking efforts.
- The Iowa Network Against Human Trafficking also hosted train-the-trainer sessions in 2018, focused on training for hotel/motel employees who may be able to identify human trafficking operations in their facilities. Those trainers are available to provide training to hotels and motels across the state.
- Teens Against Human Trafficking (with support from Youth Shelter Services) is committed to increasing public awareness of trafficking focused on youth. Teen volunteers work with schools and communities to understand human trafficking, to identify youth at risk, and to provide support and programming to prevent, deter, and respond to incidents of trafficking. The group plans to engage 135 schools in 45 counties across Iowa by 2019.
- The Iowa Department of Transportation has coordinated with the Attorney General’s Crime Victim Assistance to provide public awareness about human trafficking and Iowa’s response (the website is called “End Slavery, Iowa – Change Can Happen”).⁹



⁹ End Slavery – Change Can Happen, <https://iowadot.gov/endslavery/>

- The Iowa Department of Transportation (DOT) also has become a national innovator in promoting the Truckers Against Trafficking (TAT) initiative in Iowa and elsewhere. DOT officials have provided informational materials and training at facilities across the state, and have made public-awareness materials available at commercial vehicle scales and interstate rest areas. The “Freedom Riders Project” was displayed at the Iowa State Fair in 2018, as a joint venture by Iowa DOT and TAT.
- Iowa DOT Chief David Lorenzen was appointed to the Advisory Committee on Human Trafficking, whose goal is to “craft strategies for identifying and reporting human trafficking, recommend changes to programs to combat human trafficking.”¹⁰
- The Iowa Department of Education has provided training to educators and school bus drivers, with assistance from the Iowa Department of Transportation.¹¹
- The Iowa Department of Homeland Security and Emergency Management has used its “See Something, Say Something” initiative to promote awareness of human trafficking.
- The Iowa Department of Public Health established a program for training health care professionals about human trafficking in 2015, which includes an online webinar, and the Department includes a variety of links to other websites and training focused on health professional who may encounter survivors of human trafficking.¹²



Victim Services:

For survivors of trafficking, access to programs is essential to their safe escape from traffickers. Generally, traffickers make their victims entirely dependent upon the trafficker, because it makes it far more difficult for the victim to leave, and the lack of resources will present a much higher risk for any trafficking victim to escape safely. The needs may be very different for each victim, and the needs may change over time.¹³ The impact may be profound:

Due to repeated or prolonged exposure to poor living standards, dangerous working conditions, physical, psychological and sexual abuse, and other harmful experiences, victims may suffer bodily harm, permanent physical injury, or even death. In addition, victims may develop a number of mental health disorders, such as neurobiological and characterological problems, dissociative states, depression and anxiety, post-traumatic stress disorder, substance abuse issues, and suicidal ideation. Victims also may have heightened levels of fear and guilt, difficulty understanding and regulating

¹⁰ U.S. Secretary of Transportation Elaine L. Chao Announces Appointees to Advisory Committee on Human Trafficking, <https://www.transportation.gov/briefing-room/us-secretary-transportation-elaine-l-chao-announces-appointees-advisory-committee>

¹¹ “School bus drivers train to be on the lookout for human trafficking,” <https://educateiowa.gov/article/2018/08/29/school-bus-drivers-train-be-lookout-human-trafficking>

¹² Iowa Department of Public Health website: <https://idph.iowa.gov/disability-injury-violence-prevention/violence-against-women>

¹³ Barner, Okech & Camp, “One Size Does Not Fit All:” A Proposed Ecological Model for Human Trafficking, *Journal of Evidence-Informed Social Work*, 15(2), 137-150 (2017).

emotions, memory impairment, and experience reduced self-efficacy and learned helplessness impacting personal functioning and decision-making. Furthermore, victims may suffer damage to their sexual and reproductive health due to repeated abortions, miscarriages, or sexually transmitted infections. Finally, victims may suffer social consequences due to their self-isolation or stigmatization by their family, peers, or broader community, as well as legal consequences due to their forced engagement in illegal activities or because of their illegal status.¹⁴

The ability to provide appropriate and prompt services has been limited, not only by a lack of resources, but also due to the lack of experience by professionals who have not been trained or who have not addressed clients or patients who have survived human trafficking. The psychological responses, for example, are preliminary and require additional study.¹⁵ Much of the work has been preliminary, and a thorough study of a full-service response to needs has not been completed.

Mercy Medical Center in Cedar Rapids added a new staff position in July 2018 that addresses human trafficking. This is one of the first programs in the country – and the first in Iowa – to focus efforts on human trafficking issues.¹⁶ Trends nationwide indicate a greater focus on health providers and public health initiatives focused on human trafficking, because many victims being trafficked will seek treatment, especially in emergency departments. Awareness and training of health providers can assist in detecting trafficking, and may provide opportunities to connect with victims who have limited capacity to seek help outside of the trafficking network.

Victim services are an important part of an effective response to trafficking, because most human trafficking survivors have been isolated from their support systems, and have intense needs for a range of assistance in order to safely escape. They frequently have basic living needs (food, shelter, clothing), as well as physical health concerns, and acute emotional/mental health needs.

The Network Against Human Trafficking provides links to programs statewide that can provide assistance to survivors and others.¹⁷ The Iowa Attorney General’s Crime Victim Assistance Program provides funding and assists programs across the state, which meet some but not all needs of survivors.

¹⁴ Hilinski-Rosick & Lee, *Contemporary Issues in Victimology: Identifying Patterns and Trends* (Lexington Books, 2018).

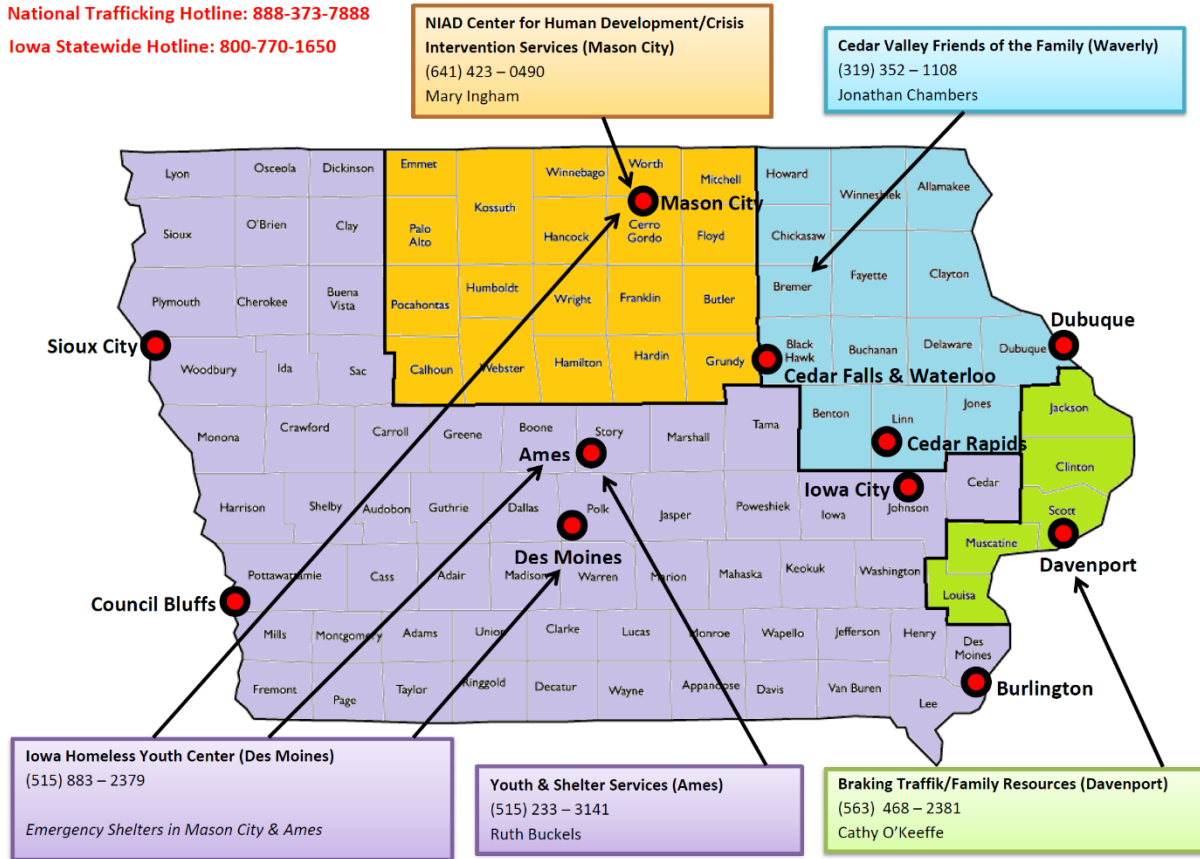
¹⁵ Salami, Gordon, Coverdale & Nguyen, “What Therapies are Favored in the Treatment of Psychological Sequelae of Trauma in Human Trafficking Victims?” *Journal of Psychiatric Practice*, 24(2), 87-96 (2018), https://journals.lww.com/practicalpsychiatry/Abstract/2018/03000/What_Therapies_are_Favored_in_the_Treatment_of_the.4.aspx

¹⁶ <https://www.mercycare.org/news/2018/mercy-is-first-iowa-hospital-to-create-anti-human-trafficking-po/>

¹⁷ Network Against Human Trafficking, Resources, <https://iowanaht.org/resources/>

Iowa Human Trafficking Resources

National Trafficking Hotline: 888-373-7888
 Iowa Statewide Hotline: 800-770-1650



Iowa Attorney General's Office, Crime Victim Assistance Division: (515) 281-5044

Investigative Services:

The Office to Combat Human Trafficking regularly partners with local, state and federal officials to bring traffickers to justice. This includes law-enforcement-focused training by and for local, state and federal partners, which goes far beyond baseline awareness and includes more detailed investigative strategies and techniques. Law enforcement officials at all levels continue to investigate on cases that affect Iowa. Sometimes criminal charges are brought in Iowa, and sometimes the charges are brought in other jurisdictions.

The value of this coordinated effort is shown by the fact that, in 2018, more tips about trafficking come from our own law enforcement officials in Iowa than through the national hotline. In addition, the Office to Combat Human Trafficking has been able to use resources developed by Iowa native Ashton Kutcher's organization (Thorn) to investigate human trafficking cases affecting Iowa. The Office also follows up on tips provided through the national hotline operated by the Polaris Project.

Justice System Response:

Iowa Code Chapter 9E establishes a program designed to protect the confidentiality of home addresses of survivors of human trafficking. The program is operated by the Iowa Secretary of State, and provides opportunities for survivors of human trafficking (and other crimes) to maintain a confidential address and a mail forwarding service.¹⁸

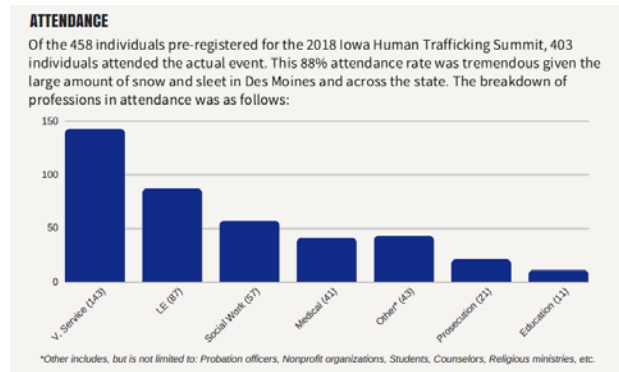


Training is an important prerequisite to developing a better justice system response. The Iowa Law Enforcement Academy sets training standards related to human trafficking.¹⁹ A full-time instructor focuses on the topic of human trafficking, and the Iowa Law Enforcement Academy provided training to 1,286 people the first year that the instructor was hired.²⁰



Both government agencies and non-government organizations have provided training for justice system professionals.

- The Iowa Law Enforcement Academy and the Iowa Attorney General’s Crime Victim Assistance Division have provided training programs focused on general awareness of human trafficking issues. The two agencies have adopted the Blue Campaign, developed by the United States Department of Homeland Security, as the primary training model.²¹ The Blue Campaign was developed to provide training to law enforcement prosecution, government, non-government and private organizations.
- The Iowa Law Enforcement Academy also provides other training specific to law enforcement officers and others in the justice system, in the Basic Academy for sworn officers, in the training for communications dispatchers, in training for active sworn officers, and in training for others working in the justice system.
- The Iowa Attorney General has hosted a number of training programs.
 - The Iowa Attorney General and the Department of Public Safety co-hosted the Human Trafficking Symposium in April 2018, which drew more than 400 attendees.



¹⁸ Iowa Secretary of State, Safe at Home, <https://safeathome.iowa.gov/>

¹⁹ Iowa Code § 80B.11 (2018).

²⁰ Iowa Law Enforcement Academy, Annual Report FY2017, <https://www.legis.iowa.gov/docs/publications/DF/916723.pdf>

²¹ Blue Campaign, <https://www.dhs.gov/blue-campaign>

- The Iowa Attorney General hosted the Victim Justice Symposium in September 2018, which featured a workshop on human trafficking issues.
- Legal organizations have provided training for attorneys related to human trafficking:
 - Linn County sponsored a training in July 2018 that provided an overview of human trafficking.
 - Kossuth County Attorney sponsored a program in May 2018 regarding human trafficking awareness.
 - The Polk County Attorney sponsored a program in May 2018 regarding prevention of human trafficking.
 - The International Association of Defense Counsel sponsored a program in May 2018 regarding the legal and regulatory pitfalls for corporations with regard to human trafficking.
 - The Federal Bar Association sponsored a session in September 2018 regarding sex trafficking and street gangs.
- In 2018, in his Condition of the Judiciary Address, Iowa Supreme Court Chief Justice Mark Cady included references to human trafficking, and particularly the impact of trafficking as it relates to child welfare.²² The Iowa Judicial Branch has established the Children’s Justice Initiative, which includes robust training and certification requirements for attorneys engaged in representing children and parents.

Legislative Response:

In April 2018, the Stop Enabling Sex Trafficking Act/Fight Online Sex Trafficking Act (SESTA/FOSTA) was signed into law. This law can hold online platforms liable if they facilitate sex trafficking. As a result, several platforms have gone offline. Prior to the legislation being signed, one of the more popular sites, Craigslist.com, willingly removed their “personals” section. On April 6, 2018, just days later, the U.S. Government seized backpage.com and it is not in operation at this time. It is possible that passage of this legislation is contributing to a decrease in reporting for 2018, although this is expected to be temporary as online traffic has moved to other sites/platforms that may be more difficult for law enforcement to access.



Funding:

The Iowa Attorney General’s Crime Victim Assistance Program provides funding for many programs across the state that may be called upon to assist victims of crime, including those who survive human trafficking.²³

²² Chief Justice Mark S. Cady, “2018 State of the Judiciary” https://www.iowacourts.gov/media/cms/Final_2018_speech_with_cover_B650B18F74A4B.pdf

²³ Iowa Attorney General, Victim Services Support Program, <https://www.iowaattorneygeneral.gov/for-crime-victims/victim-services-support-program>

- **Federal Victims of Crime Act (VOCA) Victim Assistance** funds are awarded by the U.S. Department of Justice, Office for Victims of Crime. The funds come entirely from fines and penalties assessed against convicted federal criminals.
- **Violence Against Women Act (VAWA or VW)** funds are awarded by the U.S. Department of Justice, Office on Violence Against Women. Congress appropriates the funds annually.
- **Federal Family Violence Prevention & Services Act Grant (FVP&SA)** funds are awarded by the U.S. Department of Health and Human Services, Office of Community Services, Administration for Children and Families. Congress appropriates the funds annually.
- **Federal Sexual Abuse Services Program (SASP)** funds are awarded by the U.S. Department of Justice, Office on Violence Against Women. Congress appropriates the funds annually.
- **Iowa's Domestic Abuse (DA) and Sexual Abuse (SA)** funds are appropriated by the Iowa General Assembly annually.

The Iowa Legislature also has provided funding to the Iowa Department of Public Safety to fund one full-time employee and pay expenses for the Office to Combat Human Trafficking. The Department of Public Safety also has committed resources in the form of Special Agents and Troopers to investigate cases, provide training, and assist other organizations in anti-trafficking efforts.

Private funding organizations have grown up, with a focus on grants for non-profit/non-government organizations. Some foundations are focused on state or local initiatives, and some focus on international trafficking. Some of the broader grant programs include:

- Brokell Foundation has given grants for legal representation related to sex trafficking.²⁴
- Change a Path has funded human trafficking initiatives.²⁵
- Google.org is the philanthropic arm of Google, and offers grant funding for anti-trafficking programs, including Polaris Project, Liberty Asia and La Strada International.²⁶
- Humanity United provides funding focused on supply chains and labor migration.²⁷
- The Iowa Women's Foundation has supported Dorothy's House, a program designed for long-term services for survivors of trafficking.²⁸
- N2Gives is the philanthropic arm of N2 Publishing. It will re-open grant applications in 2019.²⁹
- Women Like Us Foundation includes grant funding for human trafficking initiatives.³⁰

²⁴ Brokell Foundation, Grant Awards, <http://fdnweb.org/brokell/awards/>

²⁵ Change a Path, <https://changeapath.org/>

²⁶ Google.org, Fighting Human Trafficking, <https://www.blog.google/outreach-initiatives/google-org/fighting-human-trafficking/>

²⁷ Humanity United, Forced Labor & Human Trafficking, <https://humanityunited.org/portfolios/human-trafficking-in-labor-migration/>

²⁸ Iowa Women's Foundation, Life after Human Trafficking, <https://iawf.org/life-after-human-trafficking/>

²⁹ #N2GIVES2, <http://www.n2gives.com/n2gives2/>

³⁰ Women Like Us, <https://www.womenlikeusfoundation.org/sex-trafficking/>

III. Emerging Issues

As the depth of understanding about human trafficking continues to improve, many leaders are beginning to discuss other issues that are likely to be addressed in the coming years.³¹

Demand Reduction

When crimes are hidden, it is difficult to address the problem directly, and when victims are left without resources, the challenges in providing an effective response grow larger. More and more, the focus on demand reduction appears to offer a promising approach.³² The hidden nature of the crime, and the need for deployment of resources makes the focus on demand reduction more positive. Reducing the commitment to purchasing commercial sex, and reducing the demand for cheap labor, is likely to occur only when community values are modified.

Several states built on public awareness efforts by developing anti-demand initiatives:

- Indiana: “Don’t Buy the Lie.”³³
- Arizona: “Arizona’s Not Buying It.”³⁴
- Kansas: “Demand an End.”³⁵
- Georgia: “Not Buying It.”³⁶

A program begun by Ashton Kutcher in 2011 features a series of actors holding a sign that reads, “Real Men Don’t Buy Girls.” Kutcher later developed a website, WeAreThorn,³⁷ focused on human trafficking related technology that can facilitate criminal investigations and victim assistance. The technology programs include some deterrence efforts that are designed to reduce demand. The Iowa Office to Combat Human Trafficking has used these resources.



Labor Trafficking

Labor trafficking issues have been relatively rare in the criminal arena. Regulatory actions are more likely to occur, but criminal prosecutions often are less common. Some studies have

³¹ Russell, Human Trafficking: A Research Synthesis on Human-Trafficking Literature in Academic Journals from 2000-2014, *Journal of Human Trafficking*, 4:2, 114-136 (2018).

³² Diaz, “Demanding Reduction: An Exploration of County-Level Characteristics Associated with Area of Human Trafficking in Florida,” Dissertation, University of Central Florida, <http://stars.library.ucf.edu/etd/5849/>

³³ <https://www.in.gov/attorneygeneral/3072.htm>

³⁴ <https://www.azag.gov/criminal/trafficking>

³⁵ <https://ag.ks.gov/public-safety/human-trafficking/demand-an-end>

³⁶ <https://law.georgia.gov/press-releases/2014-10-29/attorney-general-sam-olens-continues-fight-against-human-trafficking>

³⁷ <https://www.wearethorn.org/>

shown racial and ethnic disparity in labor trafficking, especially international labor trafficking.³⁸ A recent trend among businesses has focused on development of policies that are designed to address the use of labor trafficking – especially the trafficking of children – in supply chains used by American businesses. The American Bar Association has developed some model language that can provide a starting point for businesses to use in their supply-chain contracts.³⁹

Perceptions of Justice

In a study of criminal justice stakeholders, researchers found that the definition of success is quite different for various stakeholders. Survivors focused on preventing traffickers from doing more harm to others, rather than focusing on punishment or incarceration of the traffickers, and felt that training of justice officials was important, so that their compassion for survivors might be enhanced. Criminal justice stakeholders (law enforcement, prosecution, attorneys and judges) were more inclined to focus on successful criminal prosecution of traffickers.⁴⁰

Technology Challenges

Although efforts to prevent the use of some websites to match buyers with trafficking victims, the difficulty that grew out of those efforts is that other websites, which are far more difficult for law enforcement investigators to access, have sprung up to meet the demand from the buyers. In addition to the barriers to access a particular website, investigators and prosecutors also face additional hurdles when the website is hosted in another country that may be outside of the reach of American courts.⁴¹

IV. Summary

Iowa's response to human trafficking has made progress in 2018. The broad-based focus on public awareness has spurred support and action to improve the resources that survivors of human trafficking need as they navigate a safe escape from their traffickers. These efforts are valued because the survivors' dire need for resources often presents the greatest barrier to safe escape. Trafficking survivors must be able to access both short-term and long-term resources, and often need intensive therapy and mental-health treatment as they move through a lengthy recovery process. Raising public awareness spurs support for these programs, by increasing donations and fundraising, and also by providing community support for programs that benefit survivors.

³⁸ Fish, Extraterritorial Human Trafficking Prosecutions: Eliminating Zone of Impunity Within the Limits of International Law and Due Process, 91 St. John's Law Review 529 (2018).

³⁹ Snyder & Maslow, Human Rights Protections in International Supply Chains – Protecting Workers and Managing Company Risk, 73 Business Lawyer 1093 (2018).

⁴⁰ Love, Husseman, Yu, McCoy & Owens, Comparing Narratives of Justice, Justice Policy Center, https://www.urban.org/sites/default/files/publication/97346/comparing_narratives_of_justice_0.pdf

⁴¹ Barney, Trafficking Technology: A Look at Different Approaches to Ending Technology-Facilitated Human Trafficking, 45 Pepperdine Law Review 747 (2018); Halverson, Ending Immunity of Internet-Facilitated Commercial Sexual Exploitation through Amending the Communications Decency Act," 21 Journal of Internet Law 3 (2018).

In the past year, the law enforcement and prosecution community have made progress in improving the response to human trafficking, through successful investigations and prosecutions. Perhaps even more importantly, the law enforcement and prosecution efforts have been accompanied by efforts of partners in the private sector, including non-government organizations, who are able to raise awareness of the issue, and can support the Crime Victim Assistance Division's efforts to provide meaningful resources that must be available to the survivors of human trafficking as they are able to escape their captors.

Law enforcement and prosecution focus on the crime of Human Trafficking is essential in the effort to hold offenders accountable for their actions. Input from survivors, however, indicates that their focus is less on retribution and more on deterrence of future victimization. That approach requires coordination among many facets of society, beyond the criminal justice system.

Laws addressing human trafficking have been passed in all 50 U.S. states as well as at the federal level. Although laws serve an important function in establishing social norms against a behavior, they can also create a belief that it is the responsibility of law enforcement to curb that behavior. Law enforcement and other actors in the criminal justice system have a critical role to play in addressing the problem of human trafficking, but this is not a problem that they can solve alone. A multipronged strategy engaging the fields of public health, medicine, social work, and criminal justice as well as the general public would be more effective in successfully identifying and responding to instances of human trafficking. Implications of the misperception that human trafficking is a criminal justice issue are discussed.⁴²

Social science researchers have found deficits in our understanding of the lived experience of human trafficking, and shortcomings in the development of appropriate programming based on systematic study.⁴³

In looking to the future, it is important to consider new ways to enhance a multi-pronged approach, based on a solid foundation of knowledge about the entire spectrum of human trafficking. The justice system is an important piece of the puzzle, but broader commitments from multiple sectors, with a focus on deterrence and prevention, will be most likely to have a genuine impact in reducing human trafficking in the years to come. Looking forward, the anti-trafficking efforts must move toward more effective deterrence and prevention efforts.

⁴² Rebecca Pfeffer, Reframing Human Trafficking: From a Criminal Justice Problem to a Social Justice Problem, *Journal of Family Strengths*, 18(1), art. 6 (2018).

⁴³ Okech, Choi, Elkins & Burn, Seventeen years of human trafficking research in social work: A review of the literature, *Journal of Evidence-Informed Social Work*, 15:2, 103-122 (2018).

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

Strategy to Combat Human Trafficking

The Office to Combat Human Trafficking has developed a multi-disciplinary anti-trafficking strategy.

Goal:

The goal is to provide a comprehensive and coordinated response to labor and sex trafficking in Iowa. If trafficking is often undetected by the public, then a comprehensive network is the only effective way to detect trafficking, to respond to it, and to prevent and deter trafficking at the outset.

All aspects of the plan should be coordinated, with leaders identified and goals and objectives set. The plan should include more than the justice system response and should actively involve communities. The plan should include awareness and prevention efforts, as well as response initiatives.

Areas of Focus

- Public Awareness
- Victim Services
- Investigative Services
- Justice System Response
- Legislative Response
- Funding

For each area of focus, several factors should be determined:

Leadership

Who leads the effort?

How many should lead the effort, and who are the key players?

What will leaders be expected to do?

How will leaders coordinate the effort?

Is there an existing structure, or will it be necessary to establish a new structure?

How will competing interests be accommodated?

Development of a plan

Who develops the plan?

How will it be coordinated?

What is the plan for prevention efforts?

What is the plan for responses to trafficking?

What proactive initiatives are available?

How will competing interests be accommodated?

Training

What training is needed?

What audiences need training?

Who develops the curriculum?

How will related curricula be coordinated?

Who provides the training?

How will the training be coordinated with other groups?

How will training be evaluated?

How often should training occur?

Implementation of the Plan

How will the plan for this area of focus be implemented?

What resources are currently available and what other resources are needed?

Who will set goals and objectives for each area of focus, and how will they be communicated?

Who will track the progress, and how will it be tracked?

How will competing interests be accommodated?



Assessment of Progress & Re-Evaluation

Are the goals and objectives coordinated effectively with other areas?

What criteria will be used for assessment?

Who will collect data to measure progress?

How often will assessments of progress be made?

To whom will the assessments be communicated?

How often will the goals and objectives be reviewed, and by whom?

The groups focused on public awareness include:

- Media and Social Media
- Businesses
- Non-Government Organizations (NGOs)
- Schools
- Religious Communities
- General Public

Although these groups may play a role in leading the effort, government agencies also share in the desire to increase public awareness. Their resources may be devoted to other matters, but they are likely to be a contributing partner in the public awareness effort.

A coordinated campaign to improve public awareness should include all of these groups. Accurate information must be made available to all of the groups, so that a clear message is communicated, regardless of the source of the information.

Leaders should set clear objectives. Is the goal simply awareness, or is it designed to increase reporting, motivate prevention efforts, spur fundraising for particular initiatives, recruit volunteers or professionals to assist with existing or planned programming, or generate support for legislative initiatives or funding? What type of messaging will be used, and how will it be coordinated with justice system actors and victim resource agencies?

Several themes have been used, in Iowa and elsewhere, to raise public awareness, including:

- Human trafficking is modern day slavery
- Is that worker free to leave at the end of the shift?
- What can you do? Speak. Speak for those who cannot speak
- What can you do? Contribute. Give your money and your time to the organizations that help those who are trafficked.
- Buying sex promotes human trafficking
- Does she ask to be beaten and raped? Only when you pay for sex.

What themes will be adopted, who determines the theme, and how are the themes coordinated among the various areas of focus?

Public Awareness

- What is the goal to be achieved?
- Who sets the message?
- What is the message?
- Is the message coordinated with others?
- What local resources are available – for victim resources and for system resources?
- What training is needed for those providing public awareness?

The themes and messages will be most effective when they are coordinated with other initiatives, either locally or statewide or nationwide. The key to an effective strategy is coordination of the message among a variety of groups. Raising awareness is very valuable, but if system resources cannot adequately address human trafficking, then public awareness may only frustrate the effort, because the perception will be that there is a serious problem and no solution; or that there must not be a problem, because there is no official response.

On the other hand, if system resources are available for an initiative, public awareness can increase the effectiveness of the coordinated initiative.

Victim Services

Victims come from a wide age range, so victim services must be available for juveniles and adults, and resources must be able to accommodate single-gender and mixed-gender residential locations and services. Often, this includes young children, either as direct victims or as dependents of adult or juvenile victims.

Victim service needs are extensive and require coordinated efforts and comprehensive resources. Trafficked persons have very high needs. Often, they escape without any resources, and in the short term, they need food, clothing, and shelter. This may include single-gender or mixed-gender facilities, and also may require accommodations of victims of all ages. They also are likely to need medical treatment, trauma-informed mental health care and counseling, and legal services, in both the short term and the longer term. They are likely to need education/training and job opportunities in the long term.

Victim service providers also may require specialized training to address the specific needs of human trafficking victims. Many types of victim resources are available in Iowa, though the demand often exceeds the available services, and the complexity of the array of services often means that victim advocates must be well-trained in order to match the correct services with each victim needing services. Trauma-informed care has become more common, and is essential in providing an appropriate counseling response. Most victim advocacy agencies provide well-trained counselors who understand trauma-informed care. That is not always true for private providers.

Lawyers who provide assistance to victims need information about human trafficking, as well as knowledge about civil and criminal issues related to the trafficking.

Medical professionals should understand human trafficking so that they can recognize signs of trafficking and have the ability to make referrals to victim services. Trauma-informed care also is a new concept that has not yet permeated the

Victim Resources

- What resources are available for juveniles and adults?
- What training is required for counselors and others providing services?
- Are service providers proficient in trauma-informed care?
- What legal services are available?
- What medical services are available?
- What other community services are available?

medical community, but it can have an impact on a victim’s decision to rely on resources outside of the trafficking organization.

Training for victim service providers can assist in identifying client needs and appropriate resources, reinforce the trend toward trauma-informed care, and help the victims to navigate various systems to obtain the medical, mental health, and other resources that can help them to recover.

Victim service providers also must consider how to address issues regarding the victim’s independent decision making. Many advocates point out that it is unhelpful for a victim to move from one person who controls their existence to another person (or organization) that controls their existence.

Investigative Resources

The goal in developing effective investigative resources is to ensure that all law enforcement agencies can work together, coordinate efforts, train with each other and with non-law-enforcement partners, identify victim services and resources, and hold traffickers accountable.

Intelligence-Led Policing

The goals can be accomplished by establishing intelligence-led policing efforts focused on human trafficking, which can help law enforcement executives to deploy resources as necessary. Traffickers are well organized, which means that an effective law enforcement response requires similar coordination of resources. Intelligence-led policing efforts can help law enforcement officials to make connections among traffickers, in order to focus investigative efforts on the linked methods of trafficking.

Training

The investigative effort begins with training, so that law enforcement officers have a deeper understanding of labor and sex trafficking in general, and can identify the signs of trafficking in their own jurisdictions. The training must include patrol officers who may encounter trafficking on the road and in their communities; investigative officers who discover trafficking while investigating other offenses or who follow up on suspected trafficking incidents; jailers who may encounter both traffickers and their victims who are incarcerated; and pretrial supervision officials who may identify traffickers and victims who continue the criminal activity while awaiting trial. When every officer can recognize the common signs of trafficking, it increases the likelihood that appropriate resources can be provided to trafficking victims, that traffickers can be held accountable for their actions, and that trafficking organizations can be identified and dismantled.

Investigative Resources

- What intelligence resources are available?
- Is there a task force to address human trafficking?
- What actions are expected for each law enforcement agency in the jurisdiction?
- What training is needed for investigators, for patrol, investigations, jailers and correctional personnel?

Evidence Collection

The collection of relevant evidence is essential to proving the case, and the evidence required for human trafficking prosecutions differs in important ways from other types of criminal activity. Understanding the common methods of trafficking can help officers to identify what evidence may be relevant to trafficking that is not as significant in other types of crimes.

Improved evidence collection can ease the burden on trafficking victims who often have legitimate concerns for safety for themselves or for their loved ones who have been threatened. Many trafficking victims cannot see a way out, because their lives are completely controlled by the trafficker and the victims feel powerless to begin a new life with no resources and no family or community support systems in place. Some trafficking victims are extorted into cooperating with traffickers because the victim's family members have been threatened with injury or death if the trafficking victim escapes.

Interview and Interrogation

Interview and interrogation techniques may be different for trafficking cases, for both the traffickers and the victims. The terminology used in trafficking may be misleading or unusual. Interrogators must know the language of trafficking in order to ask the right questions and in order to understand the answers provided. Victims who feel powerless may feel unable to speak freely. Often, traffickers provide only limited information to trafficking victims, so that victims are unable to provide useful information to interrogators. Traffickers often are skillfully manipulative in their communication and their actions. Traffickers often attempt to mislead authorities about the nature of the crime. Many trafficking organizations also engage in drug trafficking – often a relatively low-level trafficking – which may mean that traffickers will admit to less-serious drug offenses in order to avoid charges for more-serious trafficking offenses.

The investigative efforts can include on-the-street encounters that may reveal indicators of trafficking; intervention efforts that uncover trafficking; thorough investigations that make it unnecessary for victims to testify; and pro-active investigative efforts that target suspected trafficking. When an array of investigative efforts occur simultaneously, the chances of success increase.

Task Forces

Cooperative efforts among multiple jurisdictions can increase the chances of success. By its nature, trafficking frequently involves multiple jurisdictions, because traffickers move rather quickly from one venue to another. Human trafficking cases tend to be time-intensive and resource-intensive, especially when the focus is on dismantling a network. Thus, task force approaches to human trafficking can be the most effective and efficient use of resources.

Justice System Response

In addition to the work of law enforcement officials, other members of the justice system also will be called upon to understand human trafficking and to respond to the crimes that occur in their jurisdiction. This includes both juvenile court actions (Child in Need of Assistance and Juvenile Delinquency) and adult court actions (criminal, civil and administrative). It may have implications for bond-setting, pretrial release decisions, protective orders, probation, sentencing and parole.

Training

Unless justice system officials understand the nature of human trafficking, its impact on victims, the connections among traffickers, and the resources involved, the justice system may not be effective in addressing human trafficking.

System Resources & Demands

Traffickers are largely profit-driven in their activities, and they obtain large amounts of cash through their illicit trafficking business. In a criminal case, this means that pretrial bond can easily be posted, for the trafficker or for the victim. It also means that low-level fines are more likely to be considered a nuisance than a deterrent.

In civil actions, it means that traffickers can afford to pay lawyers involved in lengthy litigation. If victims are on the other side – such as child custody and child support – they cannot match the assets of the trafficker.

Juvenile Actions

Many traffickers target vulnerable victims. This means that many victims have been involved in the juvenile court system as a Child in Need of Assistance, or as a Juvenile Delinquent.

Criminal Charges

As a practical matter, it may be unsafe for trafficking victims to testify against their traffickers. In addition to the sense of power and control wielded by traffickers, in many cases, victims have been isolated from family and friends and any other pro-social groups that can support the victim emotionally or financially. Victims often have been marginalized before and during the trafficking, which often translates into an assessment that the victim is “weak” or “unbelievable.” Often, victims have been drugged and cannot recall specific details about their trafficking, nor are they able to establish clear dates and times of events. In addition, the traffickers can manipulate compliance in many ways. For example, some traffickers target one victim by assaulting other victims in the presence of the targeted victim, sending the message to the victim

Justice System Resources

- What training is needed for judges, court staff, juvenile court officers, and others in the justice system?
- What pretrial issues, such as bond, may affect the accountability of traffickers or endanger the safety of victims?
- What information about missing juveniles can be shared with law enforcement, and how does this sharing occur?
- What training is needed for prosecutors?

who has escaped “punishment” from the trafficker that the targeted victim is responsible for the abuse against others. This can be a powerful incentive for victims to comply with the trafficker’s demands, in order to avoid further abuse of all of the trafficking victims.

Legislative Response

The baseline requirement for an effective response to human trafficking is the legal basis for taking action. This may include criminal law, but also may include regulatory provisions related to places of business or regulated professions, as well as civil actions that are available to the targets of trafficking.

The most effective strategy for developing a legislative response is to coordinate the actions of multiple interest groups who will be called upon for their expertise, and to coordinate the efforts of lobbyists who will work for legislative changes.

In addition, if public funding streams are part of the overall strategy, then the interest groups should consider how to most effectively collect accurate information that will be valuable to legislative decision makers.

Coordination

Legislators face a multitude of issues and challenges each legislative session, and procedures are set up to facilitate organized decision making that converts the multitude of issues into something that can be addressed effectively. A coordinated legislative effort will reduce the time required of legislators and their staffers, and can increase the likelihood of passage of legislation or the appropriation of funding that will further the overall strategy.

When too little information is available, or when inaccurate information is provided, it is more difficult for legislators to make appropriate decisions. When the information is too complex or targeted to the wrong audience, it can lead to misunderstanding, or it may be ignored as irrelevant or inaccessible.

Legislative proposals are most effective when they include specific proposals for statutory change, when they set out specific requests for appropriations based on accurate information, when they identify specific goals to be accomplished, and when they accommodate the interests of multiple interest groups.

Legislative Response

- How does the current law compare with model statutes and statutes in other states?
- What statutory provisions require change and what are the secondary consequences of such changes?
- What appropriations are justified?
- How will competing views of interested parties be reconciled?
- Who is responsible for addressing legislative changes and coordinating interested groups?
- When there is disagreement about legislative policy, how will it be resolved?

Assessment of Current Needs & Law

Before making a request for a statutory change or a legislative appropriation, it is important to provide an assessment of the current needs (of victims and justice professionals, as well as the public), and an assessment of the current law. This may be achieved by examining the actions taken in other jurisdictions, or it may be the result of careful strategic planning that includes multiple interest groups.

Proposals for Amendments and/or Appropriations

Any proposal for a statutory change or a legislative appropriation should be specific and concrete; it should be based on accurate information; it should include sufficient background information so that legislators can understand the significance of the proposal; and it should be presented in a way that meets procedural requirements.

Funding

Funding can be provided via public and/or private sources. The processes for public and private funding may be quite different, and the types of expenses that could be covered via public or private funding also may be quite different. There may be one-time costs, short-term or special-project costs, infrastructure costs, and on-going costs.

Costs

In discussing the funding strategy, it is important to identify what types of costs may be incurred, provide estimates of the costs, and identify potential funding streams for those costs. Regardless of whether the costs are one-time costs, short-term or special-project costs, infrastructure costs, or on-going costs, it is important to determine:

- Salary and benefit costs for employees
- Contractor costs for independent-contract workers
- Infrastructure costs, including physical infrastructure and technology infrastructure costs
- On-going expenses, including maintenance costs (heating, cooling, water, electricity, etc.), office or living needs (furniture, supplies, etc.)

Funding

- What are the costs for personnel and other expenses for each interest area and for each project?
- What are the projected costs in the future?
- What funding sources are possible?
- What strategy can meet the needs by providing adequate funding as it is needed?

The more accurate the summary of costs, the more effective the funding strategy can be. Hidden costs may derail good plans, and identification of costs can better aid in the identification of appropriate funding sources.

Funding Streams

An established funding stream can address on-going costs, as well as one-time expenses or infrastructure costs. From a strategic standpoint, the development of a reliable funding stream allows for greater stability for a program.

The funding streams may come from a public source – state-level appropriations, local budgeting, or government grant programs – or it may come from a private source.

In developing a funding strategy, it is important to clearly identify funding needs in the short-term and long-term plans, and to identify the risks and benefits of any potential funding streams. Both public and private funding may come at a national, state or local level. There are advantages and disadvantages to each of those types of funding streams. At a national level, the funding options may be generous, but the sustainability may be less certain. State funding options are likely to be less generous, but sustainability also may be uncertain. At a local level, the funding options may be more limited, but the local support for a specific program may generate additional support (either via monetary support, or via policy changes or public awareness, or via personal commitment to the program).

Planners may want to develop a strategic plan for funding by recognizing that, often, federal or state funding can help to establish a program by funding initial outlay costs, and local funding may help to sustain the program, once the start-up costs are covered.

Public Funding

Public funding has some restrictions regarding what can be funded, processes for documenting purchases (including public bidding processes), audit requirements, and various other restrictions.

Appropriations: General fund appropriations are made to government agencies, and can be used for a broad array of expenses. Infrastructure funding can be used for designated purposes. Generally, appropriations are provided on an annual basis, with no guarantee of renewed funding. In some circumstances, the Legislature will establish a revolving fund that is replenished via a regular funding stream, but that is the exception rather than the rule.

Grants: Congress and the Iowa Legislature can establish grant programs, with specified conditions for eligibility. The grant fund itself must be administered by or on behalf of a government agency, and the agency (or contractor) may be allowed to administer multiple grant programs. Each government-funded grant program will provide procedures for application and approval of grant funding, and will be subject to audit.

Private Funding

Private funding may have fewer restrictions than government funding. The private funder can set virtually any restrictions on the use of the funds, and can impose requirements for the use of the funds, the documentation required, and the opportunities for renewal.

Grants: Private grants can cover an array of goods and services, and may be available for a specified amount of time, and may be renewed.

Special Projects: Some private funding is allowed for special projects, or for specific geographic areas, specific areas of interest, or specific expertise.

Donations: Donations of goods and services, as well as monetary donations, can benefit the overall funding strategy. If clear standards are set for the goods and services, it is possible to identify potential donors, to solicit donations, and to provide standards for assessing the quality of the donations. Monetary donations can include special fundraisers, individual or group solicitations, online solicitations, or incidental donations. It is important to convey to potential donors any tax-exempt status, and to identify any civil liability or other legal issues that could affect the donor or the recipient.