



Iowa Attorney General's Office
Human Trafficking Enforcement and Prosecution Initiative
MEMORANDUM

19 March 2015

TO: Jason Covey, Hearing Clerk, Senate Judiciary Committee

CC: Tam Ormiston, Deputy Attorney General
Scott Brown, Division Director, Area Prosecutions Division
Denise Timmins, Assistant Attorney General
Roxann Ryan, J.D., Ph.D., Commissioner Iowa Department of Public Safety
Captain Curt Henderson, Iowa State Patrol
Terry Hernandez, Executive Director, Chrysalis Foundation

FROM: Michael Ferjak, B.S., M.A.
Director- Human Trafficking Enforcement and Prosecution Initiative

RE: Questions for the Record from Ranking Member Charles E. Grassley
RE: Senate Committee on the Judiciary Hearing February 24, 2015
"Human Trafficking in the United States: Protecting the Victim"

Mr. Covey:

I am pleased to offer the following responses to the questions posed herein. I wish to make the Committee aware that these answers are the product of close collaboration and discussion between myself and the Iowa Commissioner of Public Safety, Dr. Roxann Ryan, J.D., Ph.D. The answers represent our objective and careful consideration of the questions offered in as concise a manner as possible along with additional sources of data and information.

1. What are the primary obstacles to the enforcement of human trafficking laws in Iowa and elsewhere?

Discovery of the trafficking

- Sex Trafficking
 - Online advertising, especially when designed to identify LE investigators (premium content advertising)
 - Massage parlors or other businesses that are modified in ways that allow traffickers to hide victims inside false walls, etc., if there is a raid

- Labor trafficking
 - Either not enough employees to trigger regulatory oversight, or warnings/planning to avoid regulatory discovery of problems
 - All types of trafficking
 - Language barriers for non-English-speaking trafficking victims
 - Trafficking victims do not feel safe enough to cooperate with investigators and prosecutors, because of inadequate resources for victims
2. How are law enforcement officers and social service providers being trained to better identify and understand the phenomenon of “traumatic bonding” suffered by so many trafficking victims?
- LE: Basic Academy and continuing training (so long as there are an adequate number of trainers, or adequate video/audio podcasts, etc.)
 - Social service providers: currently inadequate academic training on trauma-informed care and insufficient continuing education (for ALL social service providers)
 - Justice officials (judges, prosecutors, defense attorneys, court staff, juvenile system personnel) also need to have similar training, or their responses will be inappropriate or dangerous for victims
3. What can you tell us about those who buy sex from minors or adult trafficking victims? For example, is there research to suggest that they would be deterred from buying sex if larger fines or jail terms were imposed for their crime?
- Not likely deterred, but incarceration would incapacitate them
 - Research on “john schools” and other demand reduction
 - National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report (2012): <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>
 - PLoS One: A Large Specific Deterrent Effect of Arrest for Patronizing a Prostitute (2006): <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0000060>
 - The social construction of prostitution in Californian John Schools (2012): <http://eprints.qut.edu.au/56981/>
 - Comparison with Sweden: <http://open.wmitchell.edu/cgi/viewcontent.cgi?article=1425&context=wmlr>

4. Beyond enhancing criminal penalties for buyers of sex and forced labor, what are the ways that Congress and our society generally can help to reduce demand for human trafficking?
 - Protection Project: 100 Best Practices:
http://www.protectionproject.org/wp-content/uploads/2012/07/100-Best-Practices-in-Combating-TIP_Final-Doc1.pdf
 - Protection Project Journal: Annotated Bibliography regarding demand:
http://www.ifsnetwork.org/Portals/4/docs/TPP-J-HR-Civ-Socy_Vol-5_2012-w-cover1.pdf
 - Civil liability for online advertisers/facilitators, including injunctive relief to remove sites from use of the Web

5. Have you worked with federal law enforcement agencies on trafficking cases? How is the coordination between the state, local, and federal agencies on preventing child sex trafficking?
 - In Iowa, the coordination regarding human trafficking (and many other issues) is very good.
 - Prosecutors play a significant role in determining how well the coordination works
 - Different guidelines and procedures among LE agencies adds to the complexity, but in Iowa, those differences have been worked out by working together on a variety of cases, including HT

6. Despite the enactment of state laws that generally define child sex trafficking consistent with federal law, some child trafficking victims continue to be treated as criminal offenders. Consequently, these children may be arrested and placed in juvenile detention facilities rather than in environments where they can receive protective services. What are the best approaches for ensuring that state and local courts and law enforcement interact with children as victims rather than perpetrators?
 - Discretionary decisions are an integral part of investigation and prosecution, and juvenile court judges have a high degree of discretion in decision making. Thus, training of CJ and justice system officials is particularly important. Structuring discretion can help to make decision making more predictable and more consistent.

- Removing ALL discretion regarding criminal charges against minors is unwise, for two reasons:
 - If it is impossible to charge minors for any crimes, then traffickers will even more intentionally and specifically target minors for trafficking. If they cannot be charged with any crimes, they will reach adulthood with a clean record, and serve as the “manager” of the underage victims, with little risk for arrest or for accountability. This will NOT protect underage victims.
 - Some underage victims are very effective in recruiting other underage victims. Although they are not well equipped to make decisions at such a young age, the underage recruiters should not avoid accountability for their actions if they inflict physical harm or emotional torture on another minor.
7. The National Academies, in a recent report, recommends greater collaboration and information sharing across multiple sectors to adequately address child sex trafficking. What role should the federal government play in helping coordinate this work across various sectors, such as state and local governments, academic and research institutions, and foundations as well as nongovernmental organizations?
- Law Enforcement: intelligence sharing that includes specific information about suspected traffickers and victims, maintained by federal LE (FBI as primary) and shared via secure platforms
 - Fusion Centers: additional funding for enhanced analytical personnel to maintain data and provide meaningful analysis to LE
 - LE: additional funding for resources to ensure that NIBRS data is maintained, and that it is entered electronically so that valid information can be obtained more frequently than annual data compilation
 - Justice System: juvenile information regarding runaways should be accessible to juvenile probation officers AND law enforcement; reports of runaways should be shared with LE, including federal LE
 - Victim programs: additional funding to provide more comprehensive programming for victims (short-term and long-term); additional funding that can be accessed by NGOs to provide secure, long-term programs for victim treatment
 - Academic & research institutions: additional funding for research grants that allow for extensive empirical study (quantitative analysis and qualitative analysis) of all aspects of the justice system, including LE, courts, juvenile system, victim programming, NGO role)