

# HUMAN TRAFFICKING

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IN THE STATE OF

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## NORTH DAKOTA



2021

**Attorney General's Human Trafficking Commission**

North Dakota Office of Attorney General

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# HUMAN TRAFFICKING



## OVERVIEW

Human trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. Human trafficking affects individuals across the world, including here in the United States, and is commonly regarded as one of the most pressing human rights issues of our time. Human trafficking affects every community in the United States across age, gender, ethnicity, and socio-economic backgrounds.

As defined under North Dakota and U.S. law, victims of human trafficking can be divided into three populations:

- Children under age 18 induced into commercial sex.
- Adults aged 18 or over induced into commercial sex through force, fraud, or coercion.
- Children and adults induced to perform labor or services through force, fraud, or coercion.

## FORMS OF TRAFFICKING

**Sex trafficking** is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age (22 USC § 7102).

**Labor trafficking** is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 USC § 7102).

# HUMAN TRAFFICKING

## overview

### EXPLOITATION VS. TRAFFICKING

Exploitation can be either commercial sexual exploitation or labor exploitation.

Commercial sexual exploitation, also known as **sex trafficking**, is the crime of using **force, fraud or coercion** to induce another individual to sell sex. Both youths and adults can be victims of commercial sexual exploitation. By law, minors do not have the legal capacity for consent to sexual acts. Therefore, **one is not required to prove force, fraud or coercion in commercial sexual exploitation/sex trafficking involving minor victims.**

Anybody who exchanges a sex act for money, shelter, drugs, or anything of value, with a minor is a sex trafficker. This includes survival sex, stripping, sextortion, pornography, and numerous fields of work.

Labor exploitation occurs when employers deny workers their rights under labor law; it is a violation of the labor law code by the employer, for example, wage theft, unauthorized payroll deductions, employer retaliation, employment discrimination, etc., without the use of force, fraud or coercion against the employee.

- A youth runs away from home or is kicked out of their home, and someone offers them a “safe” place to stay in exchange for a sexual act. That is survival sex. The individual who offers such “safe” place to stay in exchange for a sexual act with a minor is a sex trafficker. There is no requirement to prove **force, fraud or coercion of sex trafficking involving minor victims.**
- An individual works for a business in exchange for shelter, which may be shared with other individuals. The individual must have endured either, **force, fraud or coercion** to work for that business in order to be determined as a labor trafficking victim. Although victims may suffer all the three elements, only one of these elements needs to be present, not all three, for the case of labor trafficking to be determined. If the individual has the option to quit or change the job, this is labor exploitation.

# HUMAN TRAFFICKING

## overview

### EXPLOITATION VS. TRAFFICKING

Trafficking is exploitation involving force, fraud or coercion, or is facilitating the exploitation of a minor victim. Trafficking can either be sex or labor trafficking, and in some cases, victims may experience both sex and labor trafficking. A party acts as a trafficker, using force, fraud or coercion to procure sex or labor acts for themselves, or a purchaser. The party profiting from the act is the trafficker.

- Parents cannot afford rent and the landlord agrees to waive rent in exchange for a sexual act from the child. **Those parents are now sex traffickers.**
- A boyfriend/girlfriend coerces a significant other to have sex with their friends in exchange for money, drugs, a new cell phone, clothing, etc. **That boy/girlfriend is their trafficker.**

One must look for **force, fraud, or coercion** when examining any incident to determine whether it could be considered labor trafficking. Only one of these elements needs to be present, not all three, for a case to be determined as labor trafficking, for both youths and adults.

- An employer forces an employee to work long hours for little/no pay, withholds payment, falsely claims that the employee owes money to the employer, and physically abuses and threatens the life of the employee, telling them that if they leave or report the exploitation, their family will be harmed. This is a form of labor trafficking. In this case there are all elements of labor trafficking – force, fraud and coercion.
- When looking for **force, fraud, or coercion**, one must look at it from the victim's perspective, or state of mind. The degree of force needed to make one person do something they don't want to do may be far greater, or far less, for any given individual.
- Physically assaulting or threatening to assault a victim in order to **force** them to perform an act of labor is an example labor trafficking through use of force. A trafficker need not actually assault the victim; simply threatening to assault the victim can constitute **force or coercion**. Also violence threatened against another, e.g., a victim's family can be considered **force or coercion**.
- If an employer offers a job they know does not, in fact, exist, or if they lie about the working conditions and salary of a job, they are using **fraud** to obtain the victim's labor or services.
- A foreign labor contractor offers a woman a job working as a domestic servant in the U.S.A and offers to pay the transportation costs, which the woman will repay through her earnings. The contractor promises the woman a certain salary and work conditions. However, when the woman arrives she finds she is forced to work more hours or for less pay than originally promised. If the woman cannot change the job or quit without consequences, this is **fraud and force** at play, and the **foreign labor contractor is the labor trafficker**.

# TRAFFICKING IN NORTH DAKOTA



## HISTORY

In response to the presence of human trafficking in North Dakota, a Human Trafficking Commission was created by the 64th Legislative Assembly and established within the Office of Attorney General. N.D.C.C. § 54-12-33. The Commission was originally charged with developing a coordinated and comprehensive plan to provide victims with services; collecting and evaluating data on human trafficking in this state and promoting public awareness about human trafficking, victim remedies and services, and trafficking prevention. During the 65th ND Legislative Assembly, the authority and duties of the Commission were narrowed in order to focus on the collection and evaluation of data, and to promote public awareness on human trafficking and victim services. The Attorney General's office partners with the federal North Dakota Human Trafficking Task Force on these efforts.

## HUMAN TRAFFICKING: VICTIM TREATMENT AND SUPPORT SERVICES FUNDING

The 66th Legislative Assembly approved an appropriation of \$1.4 million to organizations involved in providing prevention and treatment services to human trafficking victims. The appropriated funds were awarded through an open, competitive process to organizations that demonstrated involvement in providing prevention and treatment services related to human trafficking victims, in coordination with state and local governments.

The grant award period commenced on July 1, 2019 and continued through June 30, 2021. A new award period started July 1, 2021 and ends June 2023. Additional information on the grantees can be found on the [Criminal Justice Resources](#) page of the Attorney General's website.

# NORTH DAKOTA HUMAN TRAFFICKING TASK FORCE

Since 2015, the Attorney General and the Human Trafficking Commission have been working closely with the North Dakota Human Trafficking Task Force (NDHTTF) to build a coordinated response to human trafficking in the state. The NDHTTF was founded in late 2015 through the North Dakota Office of Attorney General (NDOAG), CAWS North Dakota (CAWS ND), and the U.S. Attorney's Office in North Dakota (USAO).

## OVERVIEW OF NDHTTF

The North Dakota Human Trafficking Task Force is a collaborative team made up of law enforcement, prosecution, and service providers at federal, state, and local levels. The NDHTTF responds to victims of sex and labor trafficking, providing comprehensive services, investigating traffickers and solicitors, and prosecuting offenders. The NDHTTF is the nexus for a network of law enforcement and service providers to work in tandem to build capacity and combat human trafficking statewide.

The NDHTTF does this through the following methods: Training communities to identify exploitation and trafficking and providing points of contact upon identification, training local multidisciplinary teams to respond to victims and investigate trafficking-related crime, assisting response agencies and communities with development of response protocol, providing technical assistance to local response teams upon request, running operations and investigating trafficking related crimes, prosecuting offenders and providing victims with restitution, engaging in national anti-trafficking best practices and sharing of resources, and building networks for victims to access services and resources.

The North Dakota Human Trafficking Task Force is a statewide, multidisciplinary collaboration of law enforcement, service providers, and prosecution, established to work in a victim-centered manner to prevent, detect, disrupt, and dismantle human trafficking through coordinated, comprehensive services and efficient investigation and prosecution.

# NORTH DAKOTA HUMAN TRAFFICKING TASK FORCE

## continued

The core of the NDHTTF model involves three components: **1)** Multi-disciplinary teams (MDTs) across the state (*operating in 9 communities*) that provide immediate response to trafficked individuals; **2)** A task force Director, Grant Tech, and Operational Team coordinating the activities of the task force and providing training and technical assistance to the local MDTs; and **3)** Subcommittees that help drive progress in developing best practices, solving common problems, and facilitating cooperation across the state.

The NDHTTF also developed a Human Trafficking Fund that is accessible to agencies across the state to support victims of sex and labor trafficking. Funding is accessed by completing a request form outlining the type of trafficking, basic demographic information, and a brief description of the client's need related to trafficking. This funding provides services to victims throughout their recovery process, from the moment someone is recovered through their steps toward self-sufficiency. **These services fall into one of the following categories:**

### Immediate Response/Relief



basic needs items,  
emergency food  
assistance, medical  
care, emergency  
shelter

### Recovery



therapeutic/mental  
health services,  
transitional housing,  
legal services

### Resilience



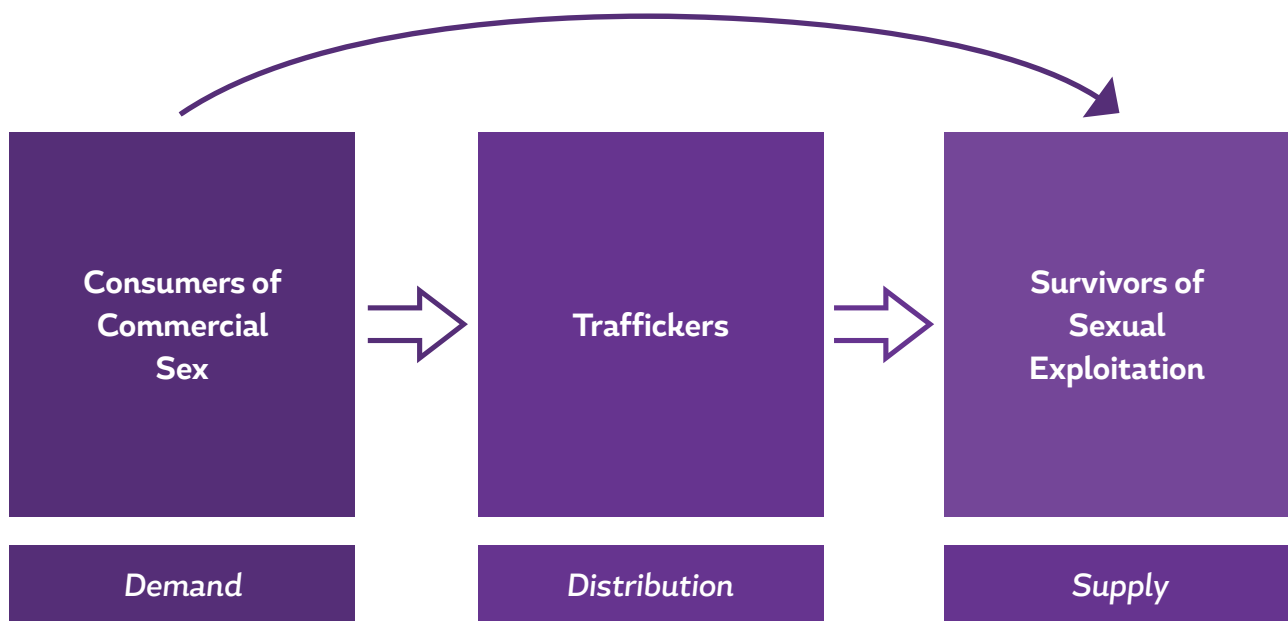
education, job  
training, life-skill  
building (*finances,  
self-care, etc.*)



# DEMAND REDUCTION PROGRAM

Demand Reduction Programs (DRPs), sometimes referred to as “John Schools”, are targeted at reducing recidivism rates for participants. These programs target the buyers of sex instead of targeting the seller. DRPs educate participants on the impact of prostitution and sex trafficking on communities, survivors, spouses, and children.

## *A Flow Model of Commercial Sex Markets*



Source: Michael Shively, P. K. (2012). A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report. Cambridge, MA: Abt Associates. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>

**“ I hope this education can continue to be a mainstream program in our community. ”**

- Demand Reduction Program Participant

The Human Trafficking Commission’s Demand Reduction Committee worked with the University of Mary to create a comprehensive intermediate sentencing, diversion, and education option for ND offenders charged with purchasing prostitution. The program was rolled out in July of 2017 and is now run by 31:8 Project in partnership with the University of Mary. The educational courses are offered quarterly, and are held in the following communities, as need dictates: Fargo, Bismarck, Grand Forks, Watford City, or Minot. Since the inception of the program, twenty-seven offenders have completed the program. Attendees ranged in age from 20-67 years old. Demand Reduction Programs (DRPs), sometimes referred to as “John Schools”, are targeted at reducing recidivism rates for participants.

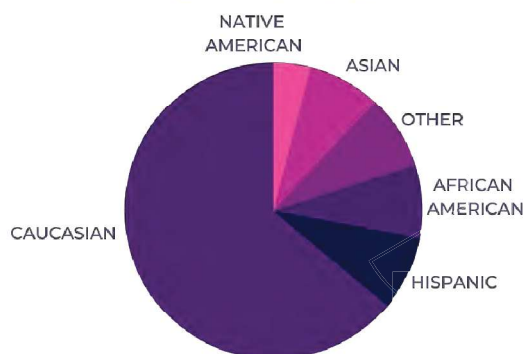
# DEMAND REDUCTION PROGRAM

*continued*

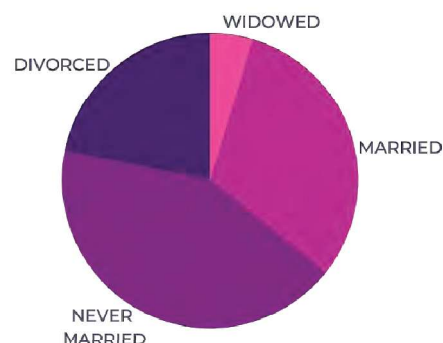
These programs target the buyers of sexual acts instead of targeting the seller. DRPs educate participants on the impact of prostitution and sex trafficking on communities, survivors, spouses, and children. To increase awareness about the program among judges, attorneys, and law enforcement officers, the Demand Reduction Program Coordinator conducts outreach and education to individuals around the state, reaching over 800 people in 2021. As a result, there has been an increase in referrals to the program through law enforcement, probation officers, and prosecutors recommending the DRP as a sentencing option for judges. This program also incorporates input from survivors of human trafficking.

## 2021 DRP DEMOGRAPHICS

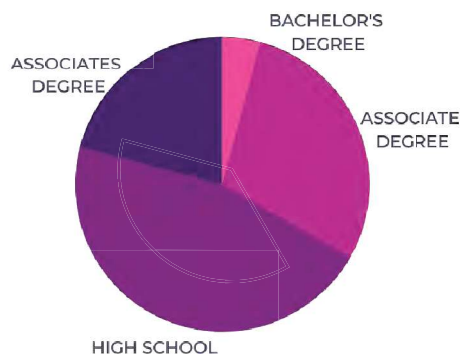
### BY RACE



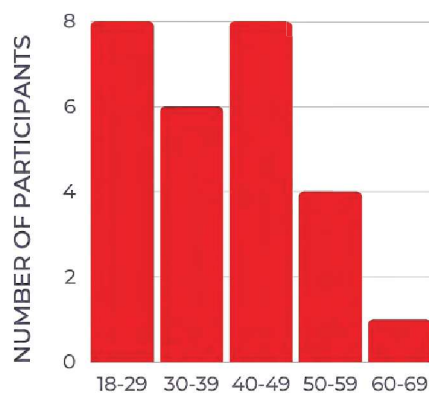
### MARITAL STATUS



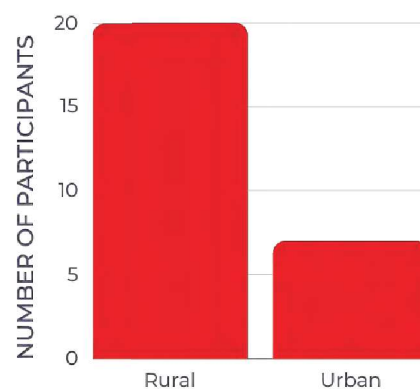
### BY EDUCATION



### BY AGE



### RURAL VS URBAN



DRP demographics reflect sample size of 24 offenders within the state of North Dakota, who have been charged with purchasing prostitution and sex trafficking related misdemeanors.

# NORTH DAKOTA BY THE NUMBERS

Since its inception in 2015, the NDHTTF has trained communities to identify signs of trafficking, provided response and advocacy for victims, and investigated and prosecuted crimes related to trafficking.

## IN 2021, THE NDHTTF

- Served 86 victims of human trafficking—51 adults, and 35 children; 76 were North Dakota residents
- Continued services to 109 victims from 2016
- Investigated 40 cases of human sex trafficking, resulting in 6 victims being identified
- Arrested 1 individual
- Trained 2,370 professionals on human trafficking identification
- Held 83 community-based response meetings to combat human trafficking



# 88%

**Newly Identified  
Victims Served**

were North Dakota  
residents

Of Victims Served

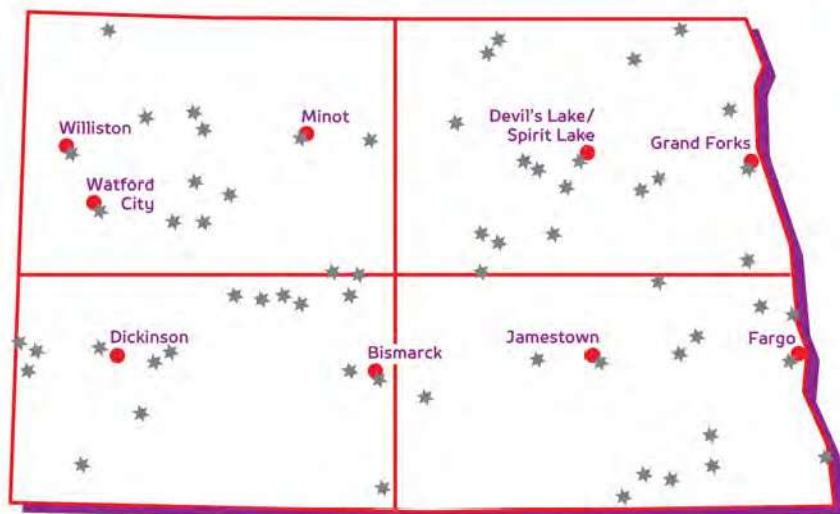
# 59%

*adults*

# 41%

*minors*

## Trafficking Cases in North Dakota



● MDT Community    ★ Communities Where Trafficking has been Identified

# NORTH DAKOTA BY THE NUMBERS

SINCE 2015, THE TASK FORCE HAS

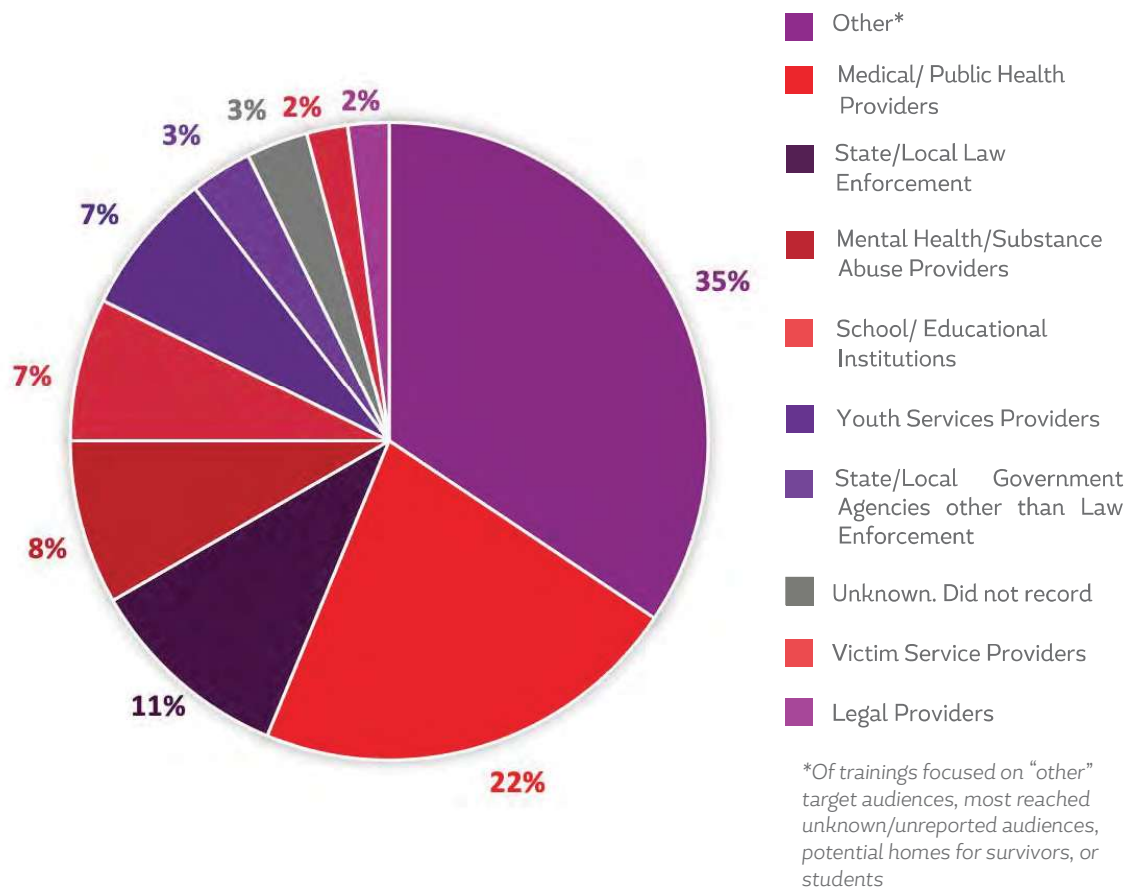
**SERVED**

**621** victims of  
human trafficking

➤ 434 adults 187 children

**TRAINED  
MORE  
THAN  
16,521  
PEOPLE**

Trainers reported the single target audience of each training and the number of people in attendance from that group. This chart displays the top 10 audiences reached by percentage.



There are more people affected by trafficking and exploitation in North Dakota than current data reflects. The NDHTTF currently compiles comprehensive data around human trafficking in the state. Victims served by agencies outside of the NDHTTF may not be reflected in current data.

# LOOKING FORWARD

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In 2020, the NDHTTF conducted a survey of partner organizations and identified ten goals the task force will work towards over the next three years to advance anti-trafficking efforts. These goals are outlined below:

**Goal 1: Use funding and training to increase shelter staff's capacity for providing trauma-informed care to trafficking victims.**

**Goal 2: Design and implement a proactive public awareness plan to increase North Dakotans' understanding of both sex and labor trafficking.**

**Goal 3: Develop and nurture engagement by trafficking survivors in the work of the NDHTTF.**

**Goal 4: Improve response to labor trafficking with increased legal services, stronger case management, and improved understanding of legal options.**

**Goal 5: Provide support to strengthen navigators' roles as highly valued partners in local responses to human trafficking.**

**Goal 6: Enhance relationships among law enforcement, prosecution, and victim service providers so that Task Force members work together effectively on human trafficking investigations.**

**Goal 7: Collaborate and consult with Tribal Nations and communities in North Dakota to provide culturally responsive services to Native victims of human trafficking.**

**Goal 8: Use funding and training to increase trafficking survivors' options for aftercare for long-term independence and healing.**

**Goal 9: Facilitate training and collaboration to strengthen prosecutions of human trafficking cases.**

**Goal 10: Establish consolidation of specialized federal, state, and local law enforcement personnel and victim service specialists at a single site to enhance information sharing and cross-occupational team building and cooperation.**



## Survivor Voices

In 2021, the NDHTTF worked with a group of trafficking survivors to participate in a questionnaire. We asked questions about what they would like us to understand about their experience and how communities can support trafficking survivors. These are voices from survivors in our communities around the state.

“Not everyone in the sex work industry is there because they want to be or because they have a drug problem. Not everyone was molested as a child and not all trafficking victims are children.”

“I would want the public to know that even though North Dakota is an employee haven, where employees can choose where they want to work does not mean that labor trafficking is not happening in our community there might still be victims like us who are scared to ask for help. Our traffickers always have the ability to diminish and belittle us that is why we lost our voice to speak out and ask for help. Public awareness about labor law and contact information of VSP's (Victim Service Providers) would be a great tool to fight labor trafficking in our community.

At first I was hesitant to go out in public, I was scared and traumatized by our experience. Through the help of the organizations that supported us we were able to find courage and strength to share our experience to the public. It surely does feel good to be able to give back to the community who had given us a lot of support and love.”

“I just want them to know that I am just a normal person trying to do the next thing right in my life. I am trying to break the cycle of abuse and raise my children to have compassion and empathy for others and to always be kind. I would also want them to know that it takes time to find yourself after being put through so much trauma. The trauma may never truly go away, it may get better but there may be times that are not so good and people may backslide. I also want them to know that the survivor will never be the person they once knew before the trauma happened, it will forever change a person and just allow the survivor to be whoever they become when they find themselves again, and also that it may take years to accomplish this and that it may change from time to time. That the survivor will need to be given patience and allow for mistakes to happen give the survivor grace to make them mistakes as they may not have made choices for a very long time. I also would want them to know that it can happen to anyone of any age, race, and economic background. They should also know that a survivor will need lifelong support. It may be a rollercoaster at times and the help may come in waves at times.”

“I personally would want the public to know that even if North Dakota in general is an employee haven, our State is still vulnerable for labor trafficking. Specially for immigrants that do not know their rights.”

“...you are beyond blessed when you at least help someone else with a kind word, an ear to listen to and a heart that is forgivable.”

# CONCLUSION



The Attorney General's Office and the North Dakota Human Trafficking Task Force continue to *work together to shed light on the state of human trafficking in North Dakota*. Turning the tide on exploitation and trafficking will take the continued attention and commitment of our elected leaders, law enforcement and non-profit partners. The Attorney General's Office urges elected officials, non-profit leaders, federal partners and all law enforcement jurisdictions to remain steadfast in their commitment to working collaboratively to end human trafficking in North Dakota.