

# HUMAN TRAFFICKING

IN THE STATE OF

## NORTH DAKOTA



2023

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 67th Legislative Assembly approved an appropriation of \$1.1 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, 2021 and continued through June 30, 2023. The 68th Legislative Assembly approved an appropriation of \$1.1 million. This new award period started July 1, 2023 and ends June 2025. Additional information on the grantees can be requested from the Attorney General Office.



# NORTH DAKOTA HUMAN TRAFFICKING TASK FORCE

Since 2015, the Attorney General and the Human Trafficking Commission have collaborated with the North Dakota Human Trafficking Task Force (NDHTTF) to establish a coordinated statewide response to human trafficking. Created through the North Dakota Office of Attorney General (NDOAG) in late 2015, the NDHTTF has partnered with CAWS North Dakota (CAWS, 2015-2021), and now works in partnership with Prevent Child Abuse (PCAND, 2021-Present) along with 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.*)

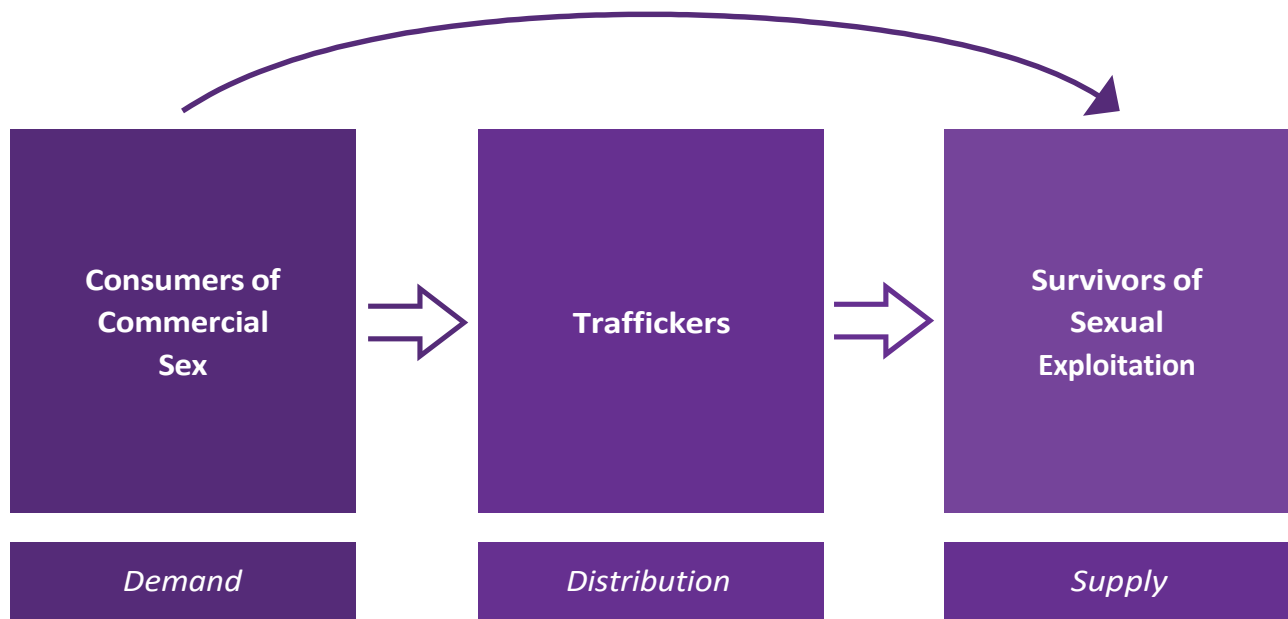




# DEMAND REDUCTION PROGRAM

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*

One of the major concerns with combating the impact of human trafficking in our state is the demand for hiring another individual with the intention of engaging in sexual activity. The Human Trafficking Commission’s Demand Reduction Committee worked with partner organizations to create a comprehensive intermediate sentencing, diversion, and education option for offenders charged with or convicted of solicitation. The program was rolled out in July of 2017 and is now run by 31:8 Project in partnership with the University of Mary and the Attorney General’s Office. While some work is being conducted with survivors, this program is the only program in the state that focuses on reducing the demand for prostitution. The underlying idea is that many of the individuals who are purchasing prostitution do not know the full impact of their behavior.

# DEMAND REDUCTION PROGRAM

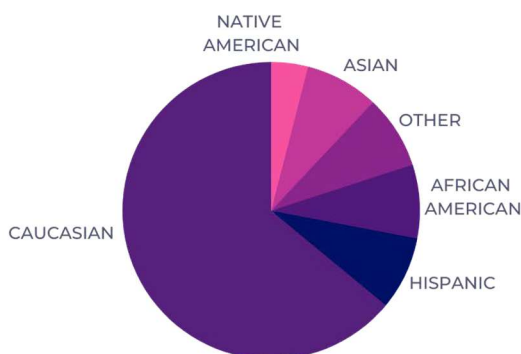
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The Demand Reduction Program is a sentencing option that can be court ordered and exposes these individuals to the continued risks and impacts of their behavior plus provides them with some tools and contacts to help improve the health of some of the relationships in their lives that may be influencing their decisions to purchase other individuals and therefore increase the risk of human trafficking in the state. This program also helps other educational organizations gain a greater understanding as to the role that the Demand Reduction Program plays in reducing the recidivism of participants through a sentence and diversion aspect that involves an education program. This understanding may lead to changes in the sentencing and correctional systems in ways that generate a broader sense of justice and healing rather than punishment. The Demand Reduction Program also has the potential to improve the health of relationships and communities in our region by educating offenders about the impacts of their action on themselves and others. This program also incorporates input from survivors of human trafficking.

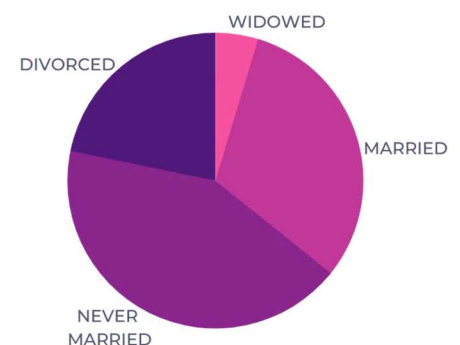
Since the inception of the program, thirty offenders have completed the program. Attendees ranged in age from 20-67 years old. To increase awareness about the program amongst judges, attorneys, and law enforcement officers, the Demand Reduction Program Coordinator conducts outreach and education to individuals around the state, reaching over 1,000 people in 2022.

## 2022 DRP DEMOGRAPHICS

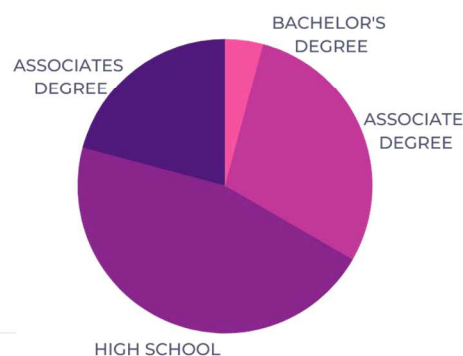
### BY RACE



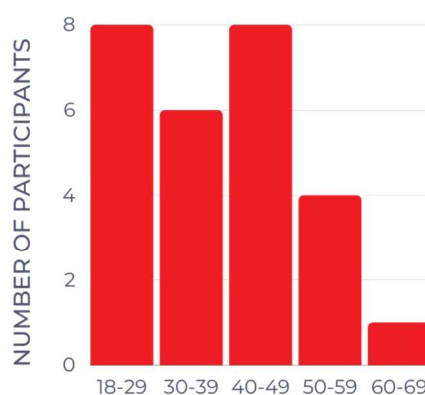
### MARITAL STATUS



### 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 2023, THE NDHTTF

- Served 325 victims of human trafficking—  
260 adults, and 65 minors
- Services provided to 131 newly identified victims
- Investigated 36 cases of human sex trafficking,  
resulting in 17 victims being identified
- 5 individuals Arrested
- Trained 129 professionals on human trafficking  
identification
- Held 50 community-based response meetings  
to combat human trafficking



# 40%

Newly Identified  
Victims Served

Of Victims Served

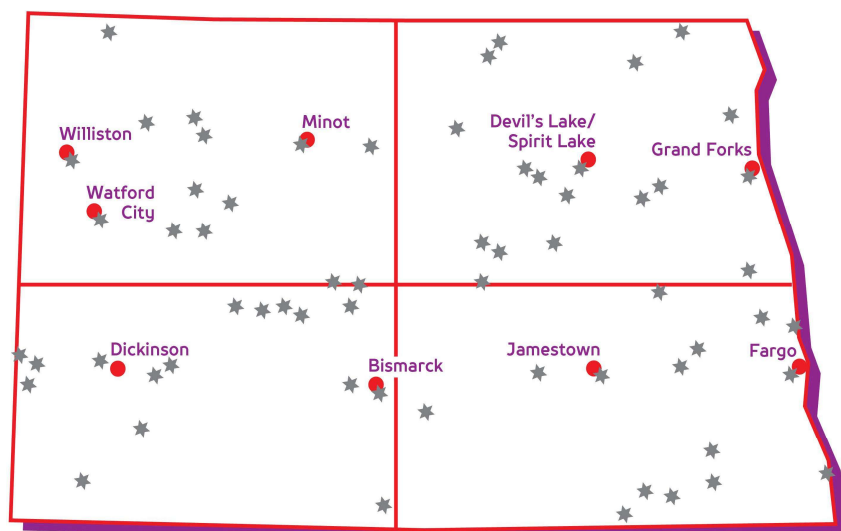
# 80%

*adults*

# 20 %

*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

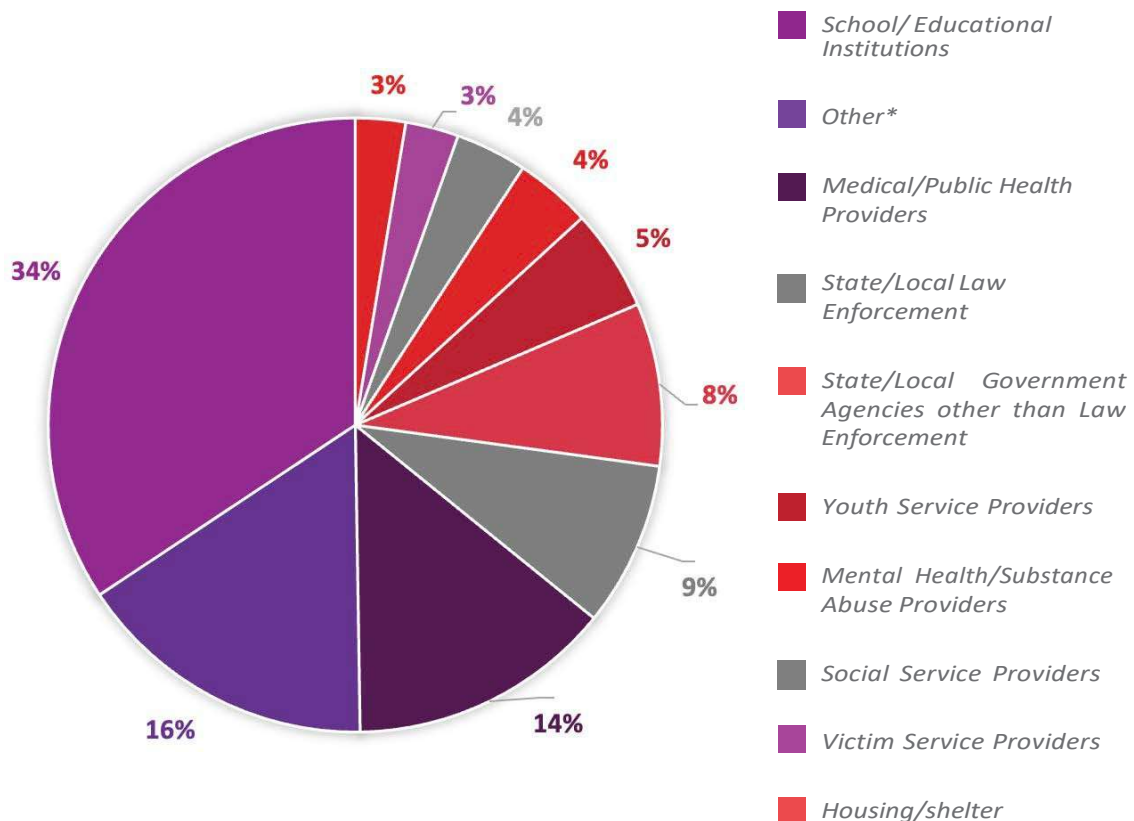
**SERVED**

**1,026** *victims of  
human trafficking*

➤ **758** *adults* **268** *minors*

**TRAINED  
MORE  
THAN  
17,630  
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.



\*Of trainings focused on "other" target audiences, most reached unknown/unreported audiences, potential homes for survivors, or students

*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.

# 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.