

New law makes human trafficking a standalone crime in Idaho

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Earlier this month, a Treasure Valley woman who had escaped a human trafficking situation texted Paula Barthelmess and said she was going back to her old life. Barthelmess had helped her get out and start over, but now the woman was ready to return to the way things had been. Barthelmess didn't react with horror or try to shame her. She texted her back and simply said they should meet up for coffee sometime.

Nor was Barthelmess surprised.

For about five or six years, as a trauma counselor in the Treasure Valley, she's worked with human trafficking victims and survivors. Most recently, she's teamed up with the Idaho Anti-Trafficking Coalition to lead the group's crisis team — meaning she helps victims leave situations in which they're being exploited, a process she refers to as a "recovery." As of July 1, "human trafficking" in Idaho is a standalone crime, which means prosecutors can file charges against someone for that crime alone. Previously, they had to charge a person with another crime as well in order to bring human trafficking charges against them.

The law defines human trafficking as recruiting, transporting or harboring a person, by use of force or coercion, for labor, such as for household, agriculture or industrial work. The law also criminalizes trafficking for sexual activity, something advocates and police believe is more common in the Treasure Valley than other types of trafficking.

Just how common the crime is in Idaho is difficult to say, however. Victims almost never self-identify, according to Jennifer Zielinski, executive director of the Idaho Anti-Trafficking Coalition, and oftentimes traffickers are charged with other crimes, such as drug possession or child abuse, if they're charged at all.

That might start to change with the passage of the new law and increased education about the topic among police, however.

According to the Idaho State Police annual crime report, in 2018, Idaho saw zero cases of human trafficking. The U.S. Attorney's Office for the District of Idaho was unable to provide any numbers when asked how many human trafficking cases it has prosecuted recently.

Meanwhile, on the ground, Barthelmess met three new victims last week. Zielinski said the organization routinely sees as many as four a week.

WHAT IT LOOKS LIKE

Since the early 2000s, "human trafficking" has become a political buzzword, a bipartisan touchstone, and a new, sometimes sensationalized, topic for media coverage. President Barack Obama declared January 2017 "National Slavery and Human Trafficking Prevention Month," and in April 2018 President Donald Trump remarked human trafficking was "worse than it's ever been in the history of the world."

But less attention has been paid to what the crime actually looks like. In Idaho, it often starts with an online dating profile, Zielinski said.

“It’s not like a drive-by kidnapping,” she said. “That doesn’t happen in Idaho typically.” Boise Police Detective Mike Miraglia — the department’s expert on human trafficking cases — said in the Treasure Valley sex trafficking is dominant; he has yet to see a local case of labor trafficking.

A potential trafficker might claim to be younger than they are in order to talk with a potential underage or young adult victim. Or they might have same-age recruiters, Zielinski said — people who are themselves victims who help bring others into the fold. Zielinski said advocates at her agency monitor social media and dating app interactions closely to spot potential Treasure Valley victims and traffickers.

Sometimes an interaction happens in person. Runaway youth are often approached by traffickers, she said, and recruiters who are themselves juveniles or young adults can recruit victims in or around schools. In Idaho, Barthelmess said, trafficking situations can be difficult to spot because they can play out in rural settings with fewer people.

It’s not uncommon for victims to believe they’re in love with their traffickers, Zielinski said, which is one of the ways they become ensnared in a world of acts which, ultimately, are forced.

Traffickers often also offer a victim drugs, she added, in order to create an addiction. It’s something they later leverage against a victim to keep them from leaving. Often, that’s how Barthelmess hears about cases — police investigating an adjacent drug trafficking operation uncover evidence of human trafficking as well, and ask for her help.

In addition to that, Idaho victims are often trafficked by their families, Zielinski and Barthelmess said. Barthelmess estimated between 75% and 80% of the victims she works with have been trafficked by their families. She had recently worked with a victim who she said had been prostituted out of a Boise hotel room for six weeks.

“You’ll never get a victim to understand they’re a victim of trafficking if it’s being done by their family,” Zielinski said.

She also said it’s common to see wives trafficked by their husbands.

It’s not hard for a trafficker to advertise a victim’s sexual services online either. Backpage.com was so replete with ads for underage prostitution the FBI shut the page down in April 2018. Zielinski and other coalition members had kept watch on the page before that though. A month before the FBI seized it, they found more than 80 ads blatantly advertising sex with Boise-area children, she said.

The vast majority of the victims Barthelmess works with, she said, are Idaho natives. Not many are coming into or leaving the state — most of the movement is between cities or counties at hotels and motels. Those interactions are easy enough for an educated observer to spot, Zielinski said.

“You will see it happen,” Barthelmess said. “It’s in every single hotel in our Treasure Valley.”

Victims don’t self-identify though, Barthelmess said. Whether because they’re in love with their

trafficker, they're addicted to the drugs their trafficker provides or because they're afraid of retaliation, they're usually loathe to out themselves.

And she does draw a distinction between prostitution — where the person trading sex for money keeps all of it themselves — and trafficking, in which a person is forced to have sex to earn money for someone else. She's talked to people in both situations, but in her experience, trafficking is always forced.

A LACK OF NUMBERS

Zielinski and Barthelmess have both heard the skepticism.

"We hear a lot of people say, 'Oh, it's not here in Idaho,'" Barthelmess said. "'That's for your big cities. Show us some proof.'"

Even Zielinski said at first coalition members weren't sure how extensive human trafficking was in Idaho. They can attest to the existence of the problem now, however. But there aren't numbers to prove it. The Idaho State Police's crime report indicates there were no cases of human trafficking in the state in 2017 or 2018 — in part, likely, because the activity just became a standalone crime in Idaho last month.

A spokeswoman from the U.S. Attorney's Office for the District of Idaho said the crime is difficult to track because there are more than 10 federal statutes under which traffickers can be prosecuted. While those involved in human trafficking might have brushes with the criminal justice system, they will rarely be prosecuted on the charge.

The first human trafficking case in the District of Idaho wasn't even initiated until 2014, when police arrested Michael Wade, a Boise man who later pleaded guilty to child sex trafficking. He admitted to trafficking a 15-year-old girl, and in January 2017 was sentenced to 20 years in prison. Miraglia himself investigated the case.

It made headlines because it was unusual in that it ended in a guilty plea to trafficking.

"I just think we're not there yet, to have a grasp on how huge or not-huge it is," Miraglia said.

Advocates have complained in the past of a lack of buy-in on the issue from police. Miraglia said he didn't necessarily feel there was a lack of buy-in, just a lack of knowledge. Police culture needs to change to react better to potential trafficking situations. Every member of the Boise Police Department is trained, he said, but the shift is going to take place over time. "You'll see numbers (of cases) rise but that's going to take a while," he said.

Until this past legislative session, human trafficking itself was not a standalone crime. That changed with the passage of Senate Bill 1005, sponsored by Sen. Todd Lakey, R-Nampa. The law took effect July 1.

Another Idaho law related to human trafficking also took effect July 1. It's referred to as a "safe haven" law. It allows a person to claim they're a victim of human trafficking and use it as a defense if their crime was "committed as a direct and immediate result of being a victim of human trafficking." Other states have enacted such measures as well. That law's passage will probably make Idaho eligible for grant money it was not eligible for before, said Eric

Frederickson, who last year chaired state's subcommittee on human trafficking, an extension of the Idaho Criminal Justice Commission.

Gov. Brad Little endorsed the passage of both bills.

Zielinski thinks those laws are a good starting point.

"I personally believe that mandates promote change," she said.

Miraglia said in the seven cases he's worked where a person probably could have been charged with human trafficking, police and prosecutors often opted for another charge — procurement of a prostitute, for instance — simply because that charge was easier to prove. He's glad for the statute change though, because it solidified the definition of the crime. It also required a person trafficking juveniles to register as a sex offender, something Idaho law did not require before.

Zielinski, though, was frustrated with the Idaho Legislature's failure to pass legislation banning child marriage. Right now, there is no minimum age required for a person in Idaho to get married, and Idaho has more child marriages than any other state. Zielinski and others are concerned it makes Idaho an enclave for human traffickers of children, who can legally marry a child once within the state's borders.

"You now have an individual who owns this child they're supposedly married to," said Zielinski.

Rep. Melissa Wintrow, D-Boise is also concerned about it. This past legislative session, she introduced a bill that would've banned marriage for anyone younger than 16 years old. It also would've required the person's consent — right now juveniles don't have to consent to marriage in Idaho.

The bill died 28-39 in the House.

"The same people who voted for (the human trafficking bills) were the same people who denied the underage marriage bill," she said.

Wintrow intends to introduce the bill in this upcoming legislative session if possible, she told the Idaho Press Wednesday. Opposition for it largely hinged on court involvement in the marriage process, because the bill's opponents saw that as placing too much power in government hands, she said.

MOVING FORWARD

The Idaho Anti-Trafficking Coalition recently secured a location for Harbor House, its emergency housing facility for adults escaping trafficking situations. Once it finds a full-time residential manager, Zielinski said, the organization will begin letting victims stay there. Often, the first thing a victim needs when they're moving out of a trafficking situation is a safe place to stay.

Zielinski said her organization is also still working on Solace House, which will be a long-term safe house for children who are victims of sex trafficking.

Zielinski estimated her organization has helped 12 victims so far find housing and start over in other states, away from their old lives. Barthelmess and another coalition member have escorted each of those victims, flying out of Idaho with them. There's a network of safe houses for victims across the country, she said, but finding room for a victim can be difficult.

Moving forward, Zielinski said she would be interested in promoting legislation focused on fingerprinting and background checks for owners of massage parlors, since such businesses have shown a pattern of hiding prostitution rings across the country. She's not the only one with the idea — city councils in other states, such as Illinois, Iowa and Colorado, have passed ordinances increasing licensing requirements and scrutiny on massage parlor owners.

She's also interested in a legal mechanism allowing identified victims to exempt themselves from publicly declaring a name change.

On paper, Zielinski said, everyone wants to stop human trafficking.

"Tackling it isn't the hard sell," she said. "The hard sell is adapting for those needs."