

Introduction

In an effort to improve the administration of justice, the Law Enforcement Subcommittee of the Illinois Human Trafficking Task Force, chaired by the Honorable Joseph G. McGraw, provides this report.

Two subcommittee meetings were held; one in Rockford, Illinois and one in Chicago, Illinois.

Attendees included law enforcement from the Cook County Sheriff's Office, Illinois State Police, Rockford Police Department and the Winnebago County Sheriff's Office. Prosecutors from the Cook County State's Attorney's Office, DuPage County State's Attorney's Office and Winnebago County State's Attorney's Office were in attendance. Juvenile probation personnel and service providers in the Chicago region were invited to attend.

The goal of each meeting was to identify law enforcement strategies that require legislative assistance, changes to existing laws, or the enhancement of resources to respond to human trafficking. Each agency was asked to identify what the agency perceived the problems to be in responding to human trafficking and why; what strategies the agency has utilized (including what worked and what did not work); and any roadblocks the agency encounters when responding to this issue.

Discussions primarily focused on responding to sex trafficking of adults and minors.

Each attendee made it clear that they are not lobbying for any particular legislation. Rather, the goal of each attendee was to provide information about their current response and what tools would be useful in an improved response.

Recommendations

- Law Enforcement Response
 - Consistency in enforcement;
 - Increase availability of services for those that are high risk,
 - Develop options for survivor-led services; and
 - Designate resources for the development of local Multidisciplinary Teams.

- Law Enforcement Response to Youth
 - Educate those in foster care;
 - Educate schools: students, resource officers, nurses, coaches, teachers, mandated reporters on the issue of sex trafficking;
 - Create specialized placement options for high-risk youth that are both secure and trauma-informed; and
 - Implement validated risk assessment tool to facilitate interagency communication.

- Court Response
 - Recognize that victims of human trafficking (confirmed and unconfirmed) will no doubt intersect the legal system;
 - Allocate resources for advocates to be available in specialized court calls - to be available for “staffing” and assist in providing case management;
 - Expansion of community-based services & residential treatment; and
 - Developing standards for service providers that engage with survivors of sex trafficking so that referrals to the proper providers can be made.

- Prosecution
 - Decriminalizing prostitution is not recommended;
 - Clarify “involuntary servitude” statute regarding whether knowledge of age is required for conviction;
 - Merge “patronizing a prostitute” and “solicitation” statutes together for clarification, if doing so matches the legislators’ intent; and
 - Accountability for all involved.

Law Enforcement Response

Law enforcement indicated that sex trafficking is both online and on the street, and both require different interventions.

Addressing the issue can be difficult, because law enforcement desires to be victim-centered and offer services. Law enforcement must also balance the desires of the public for this to not be on the street, near their homes or businesses. Public Service Announcements might aid; it is hard to educate the public on this issue.

Street interventions in Rockford include offering advocacy to women and to also try to connect sex workers with service providers. Online interventions include stings to interdict purchasers of sex.

Services available to high risk- not just those that disclose, and available beyond court-involvement, with an option of survivor-led services. The Cook County Sheriff's Department works to offer sex workers with services. The law enforcement response is victim centered; they are looking to identify *what* is causing the person to be involved in the life and to assist in getting out of the life and not pulled back in. There have not been many arrests for prostitution. Law Enforcement noted that many individuals do not realize that they are victims, and that their intervention allows for a "time out" that will allow a person a moment to begin thinking about an exit.

Advocates suggested that services should be provided in a trauma-informed, survivor-centered way.

Services should also be available to those that are at high risk of being trafficked for sex- not just those that disclose.

There are validated assessments that can show *risk level*. There are not many validated screeners available. However, validated screeners, meaning that they measure what they purport to measure, have been created by both the VERA Institute of Justice and by the DG-Family Courts. The human-trafficking screener created by VERA Institute of Justice does not have a "scoring system" and it does not *confirm* a victim. Per the screener: "The totality of the responses, and not any single answer, will help you decide if someone is a likely victim of trafficking under the law." Therefore, state trial courts, DCFS and law enforcement will need access to service providers and programs for those that are identified as being high-risk of being trafficked, and not just for the individuals that are confirmed.

Housing options for adults need to also expand. Domestic Violence shelters are a common option, but there are gaps that exist with this service as well. For some shelters, if a victim does not identify their trafficker as their "boyfriend" or a "significant other," they will not be admitted. Many times the relationship is not identified in a traditional way. It is important that housing and placement options exist for those that are at high-risk of, or otherwise identified as being trafficked.

There should be an increased availability of survivor-led services.

Another barrier to accessing services is that many services “dry up” at the age of 18. Though youth can be court-involved until the age of 21, specialized care is required beyond the date of court-involvement.

Resources designated to develop local Multidisciplinary Teams. National best practices indicate that a regional multidisciplinary team should be enacted to develop a collective strategy.

The Cook County Task Force was enacted in 2010. The Cook County Task Force Law Enforcement Working Group is different from traditional task force models, where one law enforcement agency is “in a command” position. Here, all agencies are collaborative partners, with no agency commanding actions of another. The state and federal prosecutors chair the meeting to assure open information sharing among partner agencies. The agencies all work together, share information, are flexible, and there is no competition. The prosecutors also ensure that service providers are part of the law enforcement and criminal justice process, because a multidisciplinary approach serves both victims and the cases which seek justice on their behalf. This model has proven to foster trust between law enforcement and service providers. It is important that the “leadership” of the task force is not a person, as people change, but rather it be institutionalized as a team of partner agencies. The coordinator at the Cook County Task Force is funded by a Federal grant.

One prosecutor noted that a strategy to move from the streets to the courts to services is needed. He noted that training for law enforcement and establishment of problem-solving courts would be impactful.

Consistency in enforcement: A major challenge that some law enforcement agencies face is staffing. Currently, law enforcement in Rockford is only able to commit to this issue on a limited basis. When resources were available to tackle this issue, they were able to secure statements from the trafficked women and were able to arrest the traffickers. As a result, the online chatter about Rockford as being a place to hire prostitutes declined significantly. Because funding has been cut, tactical efforts by law enforcement has been diminished, limiting its effectiveness.

Cook County Sheriff's Department notes that they are able to work on long-term vice operations regarding both suppression and end demand triage, and are able to look at the supply side in the sense of *who* is supplying. It was noted that many other jurisdictions are not able to look at *who* is supplying the individuals.

Educate schools: students, resource officers, nurses, coaches, teachers, mandated reporters. The FBI has indicated that the average age of entry into prostitution is between 12-14 years old. Education to youth on this topic is important. Each human trafficking victim's story starts with a relationship. There needs to be discussions about healthy and unhealthy relationships with youth, and most schools do not offer a curriculum on "healthy relationships." Education should highlight the signs, risks and issues of sex trafficking of minors. Human trafficking prevention curriculms exist, for example "Deceptions" and "I am Little Red," but gaining the school's permission to present these programs can be difficult.

The Cook County Task Force gained some access to Chicago schools through the training of fifty school nurses on this topic. However, not every school has a school nurse.

To ensure programming is implemented, sex trafficking prevention curriculms could be mandated for middle school and high school students. Mandated education for schools should be enforceable.

School Resource Officers, nurses, teachers, coaches, and mandated reporters should also receive this training. Because ACES is a big topic with educators, it might make sense to also add a point about trafficking and healthy relationships in with ACES training.

Education in schools and hospitals is needed, as well as training to assist in identifying trafficked people.

Implement validated risk assessment tool to facilitate interagency communication. Youth that are involved with juvenile probation in Cook County can be referred to Dr. Kisha Roberts-Tabb, of the Cook County Probation Department, for a commercial sexual exploitation of children (CSEC) risk measurement. Though she is not able to screen all youth, as she is the only screener, she is able to take referrals from judges, juvenile detention, juvenile probation, and prosecutors. The intake officers at the Detention Center is also trained on identifiers, and can flag a case for interview by Dr. Roberts-Tabb. She is usually able to conduct interviews within 24-48 hours.

Dr. Roberts-Tabb utilizes a screening tool adapted from one used in Denver for measurement of risk of CSEC. Denver developed their screening tool based upon an approach to "at-risk youth" developed in the Dallas Police Department. Applying the Cook County version of the screening tool, if three identifiers are present, Dr. Roberts-Tabb will indicate that that individual is at high-risk for CSEC. However, if there are less than three identifiers, but other red flags, she has the ability to indicate the youth is high-risk. A quantifiable score is not generated, but Dr. Roberts-Tabb creates a narrative based off of the interview, and will also draft service recommendations. The report is then submitted to the court.

It was noted that in Denver, the Detention Center utilizes the screener at the first point of contact, regardless of offense.

The 17th Circuit Court, in Winnebago County, has also begun to use a CSEC Screener at the first point of contact, at their Juvenile Assessment Center. Winnebago County utilizes the Sex Trafficking Assessment Review (STAR), a validated tool developed by the DC Family Courts. It generates a quantifiable score which is easily communicated between agencies and departments. For example, a numerical score identifies the youth as either low, moderate or high-risk of CSEC. It will help to identify those youth that may require additional or specialized interventions.

As of May 2018, DCFS is working to track youth who have been identified as a human trafficking survivor, and are working towards developing relationships with services that can work with identified youth. DCFS is interested in utilizing a screener, and is currently looking into the STAR. It takes a few minutes, and provides a numerical scale as to risk for CSEC. It is free to use, but requires a memorandum of understanding. Victoria Davis-Jones, Human Trafficking Program Coordinator for Illinois DCFS, believed that the MOU is with their legal team for review.

Specialized placement options for high-risk youth: secure, trauma-informed placements must be made available. The Cook County Child Protection Response Unit, a division of the Cook County Sheriff's Police Department, investigates and attempts to locate children who have disappeared or run away, and gathers general information from youth that appear at the shelter. The FBI has provided a statistic that within 24-48 hours of running away, one in three youth will be approached by a pimp. The Child Protection Response Unit views their role as crucial in recovering youth.

It is important to note that when youth are "on the run," they are running from *somewhere*. Specialized placement options, apart from traditional DCFS foster care or group homes, need to be developed. If youth are running from these placements, an alternative needs to be developed. We need to secure a safe place instead of returning runaway youth to the environment which put them at risk.

The Law Enforcement Subcommittee stressed the importance of specialized placements for youth that ~~treat trauma; one that is secured and trauma-informed.~~ Placement needs to be able to ~~treat specific trauma, understand what trauma looks like, and how trauma can manifest.~~ Counseling services by counselors that understand the pathways to trafficking need to be made available. Relationship counseling is needed. Transferable skills must be taught to these youth.

Illinois DCFS asserted that in January of 2017, a work group report regarding Senate Bill 1763 was drafted. The report concluded that yes, youth require specialized services and a locked facility. Senate Bill 2461 called for specialized placement or in-home protective custody. It was noted that law enforcement can take protective custody over a youth for up to 48 hours, but that DCFS does not have a similar tool available.

Detention cannot be the default answer to placement and housing simply because we do not have a more appropriate and effective alternative.

There was discussion about what “secured” means. It does not necessarily have to mean that the doors are locked, but it should mean that the youth is not able to readily leave and get back into the same life. It could mean that the youth is removed from that neighborhood. For example, the Phoenix House New York provides drug and alcohol treatment, and it does not have any fences or bars, but is far from the city and keeps attendees “out of the environment.”

It was specifically noted that all involved should keep in mind that a rape victim will likely have a better understanding of their trauma than a trafficking victim. A trafficking victim may not understand their trauma.

Illinois DCFS noted that there are not currently any in-state placement options that will address the aforementioned needs. In order to send a child out-of-state, the court may require “rigorous justification.”

It was noted that most facilities require the individual to admit to being trafficked. However, at that early stage of recovery, the individual may not be identifying as a victim. This is a significant barrier to obtaining placement.

Court Response

Victims of human trafficking (confirmed and unconfirmed) will no doubt intersect the legal system.

State trial courts and their juvenile and adult probation departments will need access to service providers and programs for those that are high-risk of being trafficked, and not just for the individuals that are confirmed.

To assist in the administration of justice, the court system will also need safe placement options for high-risk or confirmed youth, training for foster families, and specialized homes to place youth at high-risk for CSEC.

Availability of community-based services and residential treatment, and having standards for service providers, will assist the court system in referring individuals to the proper providers. A centralized list or hub would be a useful tool. Services should be available to those that are at high-risk of, or those that are confirmed of being trafficked.

The National Trafficking Resource Center hosts a hotline, and provides names and numbers of resources in any given area. We need to strengthen communities to respond and make sure the correct agencies are listed on that Hotline.

A statewide hub, who has vetted treatment providers for victims of trafficking, would be a useful tool for court systems when they need help determining what services could be utilized for the youth or adult.

Service providers are urged to keep families in mind, as the issue affects the whole family.

Grant availability for advocates to be available in these special court calls and to be available for “staffing” and assist in providing case management. In Cook County, all misdemeanor charges of prostitution are sent to one courtroom with trained staff. At that call, service providers like Haymarket and Salvation Army’s STOP-IT program are available. Individuals are not identified as being trafficked, but do get linked to appropriate services. Case workers are present and needs are determined. There is no end date to the program unless it is clear that an individual is not interested. Goals are set by the participant in conjunction with their case worker, and can include acquiring an Identification card, a cell phone, or applying for LINK services. The program is open to an individual as many times as the individual would like. If a participant comes in on a non-court day, but has completed his or her goals, the court can be opened up to “graduate” the participant and dismiss the charge. Expungement and sealing is recommended, but does not occur in that courtroom. It was noted that this court does have a very heavy warrant call, and it is difficult to keep individuals engaged.

An intervention for adults, the PATH Court, has been created in Winnebago County. In this courtroom model, courtroom staff, including the Assistant State’s Attorney and Public Defender, engage in training to understand human trafficking. The model presents an opportunity for those charged with prostitution to engage with service providers. An advocate from Rockford Alliance Against Sexual Exploitation is present to speak to each attendee. It is a seed-planting court, so

that when the participant is ready to seek change, s/he knows where s/he can go. The hope is that one day it can be a Problem-Solving Court.

There is a need for properly trained court advocates so people do not keep cycling through the judicial system. The courts in Winnebago County have started a Pre-Trial Deferred Prosecution Program for those charged with solicitation of a prostitute, offered through the State's Attorney's Office. Each participant must admit guilt, complete a Compulsive Sex Program Assessment and any counseling recommendations from that assessment, complete a Changing Attitudes and Behavior Program, and any other recommendations as are dictated by the community panel. If all terms and conditions of the agreement are completed, the charge is dismissed.

Training of court advocates can also assist in the despair that law enforcement can sometimes feel in that the current statutes and penalties are not "working"- or that cases are continually being dismissed or negotiated to a point that it is no longer worthwhile to pursue those arrests.

Decriminalizing prostitution is not recommended.

The Law Enforcement Work Group does not recommend that prostitution be de-criminalized. The fact that commercial sex is a criminal act gives law enforcement authority to investigate in order to identify victims and prosecute traffickers; it is the criminal predicate to begin the investigation. If prostitution were legal, law enforcement would not have a lawful basis to proactively investigate without a complaint of force or knowledge that the person being prostituted was a child. Under the current law, where there is reasonable suspicion that prostitution is occurring, task force officers have a legal basis to look more closely, to see if trafficking is occurring beneath the surface. And task force officers focus their efforts on pursuing traffickers, not charging persons with prostitution. Sometimes, through the court process, individuals can also begin to find and gain access to relationships and services that will eventually lead to leaving life as a sex worker.

Merge “patronizing a prostitute” and “solicitation” statutes together for clarification, if doing so matches the legislators’ intent. Prosecutors mentioned that the *patronizing* charge requires penetration, and is difficult to prove; therefore, prosecutors are more likely to utilize “solicitation of a sexual act” charge. It was noted that the *patronizing* charge was recently strengthened by the inclusion of a \$1,500 fine and vehicle impoundment, but the *solicitation* charge did not.

Clarify “involuntary servitude” statute regarding whether knowledge of age is required for conviction. The Safe Children’s Act limited the availability of the affirmative defense of mistaken age when an individual is charged with “promoting juvenile prostitution.” However, this same limitation does not apply to those charged under the “involuntary servitude” statute. Prosecutors understand that they must prove knowledge of age beyond a reasonable doubt. The Law Enforcement Work Group is not specifically recommending a modification to the statutes, but if the legislators’ intent was to limit the affirmative defense usage in “involuntary servitude” cases, clarification would be needed.

Accountability for all involved. Advocates for trafficking victims suggested stricter penalties for purchasers; swift and severe to end demand.

Law enforcement has found that local ordinances can be a practical solution to address the issue of Demand. Law enforcement report that buyers of sex can be deterred from future purchasing when large fines are utilized. Ordinances exist in Chicago, and are utilized in Chicago, permitting up to \$2,000 in fines, with 60% of the fine funding women’s service centers and 40% of the fine funding juvenile justice. It was noted, however, that there is a need for education- to educate buyers that purchasing sex is not a victimless crime.

Some attendees noted that perhaps *all* parties involved should be accountable, including websites and innkeepers. City Councils could establish regulations for businesses to register and for there to be oversight to spas and massage parlors. It was noted that perhaps innkeepers do know what is occurring, and some will call law enforcement and some will not. There may be a need for

better regulations for innkeepers to keep records, and for websites to keep records of who is posting.