



STATE SENATOR
LaTonya Johnson

WISCONSIN STATE SENATE

6TH DISTRICT

**Senate Committee on Judiciary and Public Safety
Testimony on 2017 Senate Bill 344
January 30, 2018**

Good morning Chairman Wanggaard and member of the committee. Thank you for the opportunity to testify on behalf of this very important proposal—SB 344—which prohibits children under the age of 18 from being prosecuted for acts of prostitution – a Class A misdemeanor. This bill is tremendously important considering that under Wisconsin law it is illegal for any child under the age of 18 to consent to sexual activity.

SB 344 brings Wisconsin law in line with federal law which treats children engaged in commercial sex acts as sexually exploited children and victims of child abuse, not criminals. This bill also aligns our state with Illinois, Minnesota, and Michigan by helping to end the practice and stigma of labeling these minors as criminals by charging child trafficking victims with prostitution. My hope is that it will make it easier for law enforcement and child welfare authorities to convince these children that they have done nothing wrong and are in no way responsible for the horrific acts they were forced into by their traffickers.

This bill does not legalize prostitution—this is illegal and will remain so. This bill only prevents our child victims from being charged with prostitution while providing them with the opportunity to get the services, counseling, and treatment they need to go on to lead healthy, productive lives as an adult.

This bill will also not encourage traffickers to seek minor victims. The average age of a child when they are first trafficked for sex is 13 years old, and between 70 and 90% of these children already have a history of abuse before falling into the hands of a human trafficker. Children are already a trafficker's prime target, and the sooner we can earn the child's trust and get their cooperation, the sooner we can put their trafficker behind bars. Treating these children like criminals for acts that they were forced into leaves them wondering who to trust, and that mistrust makes cooperating with prosecutors less, not more, likely.

Wisconsin is known as a human trafficking hub, a place where pimps and traffickers can come and steal our children off of our streets, forcing them into sexual slavery in places like Chicago, Las Vegas, and other part of the county and little to nothing can be done to rescue them.

Prosecuting our children for crimes they had no choice but to commit does nothing to help put an end to this trend. We care about our kids, and while we are all working hard



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to protect them, the children who do fall victim to this terrible criminal enterprise deserve SB 344 instead of a criminal record.

Once again, thank you to my co-authors, former-Senator Harsdorf and Senator Darling, and Representative Billings for their hard work on this bill, and thank you, committee members, for your consideration of this important proposal.



JILL BILLINGS

STATE REPRESENTATIVE

Rep. Billings Testimony in Support of Sexually Exploited Children Protection Act (SB 344)

Good morning Chairperson Wanggaard and members of the committee. This legislation has the support of Attorney General Schimel and has already passed out of the Assembly Children and Families Committee with a unanimous vote, so I thank you for holding a public hearing on SB 344 today.

This bill would move our state further in protecting sexually exploited children by treating them as child-victims, rather than criminals. SB 344 prohibits the charging of a minor with the crime of prostitution.

Sexually exploited children exist in my district and in your district – this is an urban and rural, state-wide problem. Sexually exploited children tend to be at-risk, vulnerable youths with troubled backgrounds; many are homeless or drug dependent, according to the U.S. Department of Justice’s Anti-Human Trafficking Task Force. An estimated 70 to 90 percent of youth victims of sex trafficking have histories of sexual abuse.

Currently, children who are forced into commercial sex practices can be prosecuted for the crime of prostitution, causing victimization and burdening a child with a criminal record. Sexually exploited children are often vulnerable to criminal charges, incarceration or detention for actions taken while under the emotional and physical control of their traffickers. SB 344 can alleviate the harm caused by criminalizing sexually exploited children by prohibiting the practice of charging minors with prostitution.

SB 344 is the next step we can now take in Wisconsin after the passage of legislation last session, authored by Sen. Sheila Harsdorf and Rep. Loudeneck, (2015 Act 367) that went into effect in May, which mandates a Child Protective Service (CPS) agency initiate an investigation into all cases of alleged child sex trafficking by a caregiver or non-caregiver. The law also requires law enforcement to report suspected cases of a minor to the local CPS agency. This law is a vital piece in ensuring trafficked kids are treated as victims and are provided the services they need.

Our neighboring states, including Illinois and Minnesota, have found success in passing similar “Safe Harbor” legislation. By passing this legislation we would be joining 20 other states and the District of Columbia that have adopted some type of immunity for trafficked youth, according to a 2017 National Conference of State Legislatures (NCSL) report. Other states have found that decriminalizing child prostitution along with providing services, has helped to identify and rehabilitate child sex trafficking victims, while also helping to bring the real criminals to justice. By treating children as victims, the adversarial relationship between minors and legal system intent on prosecuting them erodes. Instead it can create a reformative and therapeutic environment in which child victims speak candidly about their traffickers to law enforcement.

In Minnesota, convictions of sex traffickers have shown a dramatic increase since passing its hallmark “Safe Harbor” legislation in 2011. According to the Human Trafficking in Minnesota: A Report to the Minnesota Legislature January 2017, prior to this legislation, Minnesota had 8 people convicted of sex trafficking. After passage in 2012, that number quadrupled to 32 convicted. By 2016, 45 traffickers were convicted. Legal officials in Minnesota credit the increase in convictions to the passage of Safe Harbor. Trafficked children are one of the most vulnerable groups in our state, and it is imperative that these children see law enforcement and the court system as allies and a means of liberation from their traffickers.

(over)

SB 344 will put Wisconsin's criminal laws into alignment with both federal law, neighboring states laws and Wisconsin's own laws. By adopting SB 344, Wisconsin law will no longer conflict with the Federal Trafficking Victims Protection Act, which treats coerced children as victims, even if they have engaged in criminal prostitution activity. It also aligns our own state statutes. The 2015 Wisconsin Act 367 also included "sex trafficking" as child abuse under Wisconsin Chapter 48 (the Children's Code). Therefore, currently our statutes are misaligned by defining a child as a victim under Chapter 48, while still being considered a criminal under Chapter 944. Furthermore, the Wisconsin statutes include many laws that make it a crime to have sex with a child. It therefore stands to reason that if some Wisconsin laws treat minors as victims of sexual predation, all Wisconsin laws should treat minors as victims of prostitution, not criminals.

Each year Wisconsin does more to protect sexually exploited youth. I believe this is the next step in a process of bringing awareness and changing our approach to addressing this serious issue. I ask you to join me in protecting our vulnerable youth by supporting SB 344. Thank you.

Alberta Darling

Wisconsin State Senator

Co-Chair, Joint Committee on Finance

Testimony before the Senate Committee on Judiciary and Public Safety
Senate Bill 344
January 30, 2018

Thank you Chair Wanggaard and committee members for holding a public hearing on Senate Bill 344. This bill is incredibly important to protecting child victims of sex trafficking in Wisconsin.

Under current law, an individual who is under the age of 18 cannot legally consent to sexual relations. In spite of this law, minors who have been forced into having sexual relations because of trafficking can still be prosecuted for prostitution. As such, Wisconsin law currently penalizes trafficked children for a crime they cannot even legally consent to committing.

Not only have trafficked children undergone serious trauma, but Wisconsin law currently punishes them for a situation that was entirely out of their control. Senate Bill 344 makes a very simple change to statute. The bill in front of you prohibits the prosecution of a minor for prostitution.

This simple change to the law is vital to ensuring that children who have been sex trafficked are recognized as victims, not criminals. Victims of sex trafficking often have undergone incredible trauma that will affect them for the rest of their lives. The law should not also plague these victims with a Class A misdemeanor on their records. In addition to allowing victims to lead lives without a conviction on their record, by eliminating the threat of being prosecuted for the acts they committed while being trafficked, the bill will encourage children to come forward to law enforcement. Traffickers will no longer be able to use the threat of prosecution for prostitution as a way to keep children inside the cycle of abuse they undergo while being trafficked.

In addition to the coalition of bi-partisan legislators who support this bill, Attorney General Brad Schimel has also testified his support for this piece of legislation. It is crucial for Wisconsin to join other states and pass this legislation to protect our minors and ensure they have access to the services they need after being trafficked, not to a prostitution conviction.

I'd like to thank Senator Johnson and Representative Billings for their work on this bill. I hope to have your support on Senate Bill 344.

TESTIMONY

BILL NO: Senate Bill 344
TITLE: Relating to: prosecuting a person under the age of 18 with committing an act of prostitution.
COMMITTEE: Judiciary and Public Safety
DATE: January 30, 2018
POSITION: SUPPORT

Dear Committee Members:

My name is Sarah Bentsen and I am Policy Counsel for Shared Hope International, a national NGO dedicated to combating the egregious human rights violations incurred by the sex trafficking of children within the United States.

Under the Protected Innocence Challenge project, Shared Hope has outlined the minimum legal components essential for holistically and appropriately addressing the crime of sex trafficking through legislation. Since 2011, when we first released this project, we have called on states to recognize any minor engaged in commercial sex as a commercially sexually exploited child and victim of sex trafficking. This is not a new concept, but we press with renewed urgency: we must stop criminalizing our victims. We know that survivors of child sex trafficking have the best outcomes when they are met with protection, trauma-informed services and a response that is appropriate for the horrific experiences they have endured—this cannot involve shackles, coercive services, detention cells or punishment. When we criminalize a victim, we disempower a survivor.

Shared Hope International supports Senate Bill 344 because it acknowledges that children, inherently vulnerable and in need of protection, cannot be liable for the crimes committed against them. By removing criminal liability for all minors under the prostitution statute, this bill seeks to increase victim protection in an imperative way. The larger policy purposes are rooted in extensive research, field guidance, and best practices; the practical purposes are rooted in justice and protection. Amending the prostitution statute to be inapplicable to minors recognizes that children do not engage in commercial sex by choice; rather, a child engaged in commercial sex does so out of coercion, survival, force, fraud, or fear. This is not consensual sex; money does not sanitize rape and treating the child as a consensual actor not only misplaces the criminality, it also re-victimizes the child who has already endured severe sexual violence.

Oftentimes, children entangled in a life that includes commercial sexual exploitation carry years of trauma, generational vulnerabilities, and abuse on their backs. Other times, such children have trusted the wrong adult, been fed a false promise, or have fallen in “love” with a boyfriend who later sold the child to someone all too willing to pay for the chance to rape him or her. Children with abusive or unstable home environments may find the streets safer, and, resultantly, sell their bodies for something to eat or somewhere to sleep. These are not choices; children living in such circumstances, at a minimum, deserve protection, services, and care, not detention, punishment or juvenile records that carry collateral consequences far beyond their childhood years.

Children under 18 years of age cannot legally join the military, enter into a contract, vote in any local, state, or national election, purchase cigarettes, obtain a tattoo, or drink a beer. As a society, we recognize the cognitive decision-making skills that minors are equipped with and thus, actively shield children from entering into commitments and behaviors that are potentially harmful. The potential success of this bill will be imperative for closing a historical loophole in Wisconsin state law; though minors cannot legally consent to sexual intercourse, they can be held criminally liable for engaging in such acts if they are paid by another to do so. The state’s trafficking law rightfully identifies the child as a victim— it is time that the prostitution statute does so as well. Commercially sexually exploited children have already been failed by the systems designed to protect them. Arresting and prosecuting these children for their own victimization fails them twice.

SB 344 strengthens Wisconsin’s commitment to ensuring offender accountability and victim protection. We commend the Committee’s dedication to this issue and encourage you to support this bill.

Sincerely,

Sarah Bendtsen, J.D.



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

**BRAD D. SCHIMEL
ATTORNEY GENERAL**

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PREPARED TESTIMONY OF ATTORNEY GENERAL BRAD D. SCHIMEL

Support for Senate Bill 344
Senate Committee on Judiciary and Public Safety
Tuesday, January 20th, 2018

Dear Chairman Wanggaard and committee members,

Thank you for the opportunity to submit testimony in support of SB 344 which provides immunity from prosecution for trafficked minors. Let me begin with a shocking statistic: one out of every three homeless teenagers are lured toward victimization by traffickers within 48 hours of leaving home. National Center for Prosecution of Child Abuse (NCPCA). These youths are vulnerable to every type of exploitation. Traffickers are experts at spotting vulnerable youth.

As awareness of this horrific crime expands, we are better able to understand this crime and see this crime in ways which we may not have recognized before. Trafficked individuals should be recognized as victims, not willful prostitutes or criminals, especially when it comes to children. A child engaged in a commercial sex act is by definition a victim of human trafficking. Youth are often lured into trafficking by someone pretending to love them and are kept in by deceit, manipulation, fear, force, and often drug abuse.

The most troubling aspect of trafficked youths is the long-term trauma suffered by the victims. Victims must recover from unimaginable abuse, but the most we are able to work with is to find a path for a healthy future. They need to finish school or receive additional training so that economic independence is possible.

The victims have health risks to overcome as drug addiction is often induced or exploited to control the victim. Traffickers not only take away a victim's freedom while they are being trafficked, but they also create physical and psychological barriers that impact the victim's freedom in the future.

Coordination between law enforcement, district attorneys, victim-witness professionals, and human services is key to ending both the supply and demand aspects

of human trafficking. Following a report to law enforcement, victims require significant advocacy and assistance.

Putting together this new understanding that a trafficked youth is not a criminal, but a victim, and the need for this victim to rebuild their lives, it is important that these minors are not treated as criminals by the criminal justice system. These victims should be provided services and an understanding that they can trust law enforcement which can lead to further cooperation and an enhanced opportunity to catch the "big fish upstream." If a victim doesn't know where their next meal will come from, or where to find shelter, or whether they will be protected from the reach of a trafficker, it is difficult for traumatized youth to come forward and trust law enforcement and/or social services.

This all may sound odd coming from a career prosecutor. I do not come to this position of support lightly. As the Anti-Human Trafficking Taskforce Co-chair I have spent a lot of time learning about, and thinking about, this issue and actually have had a change of heart on providing immunity to trafficked minors.

When a similar bill was proposed two years ago, I, too, shared concerns about law enforcement losing some ability to protect a minor and do further investigation. I was worried that the traffickers would actually use the immunity to better exploit their child victims, because they would know that law enforcement would be powerless to take them into any kind of custody, even protective custody. If a person cannot be legally prosecuted for a crime, then law enforcement would be without reasonable suspicion of criminal activity that would give them authority to detain the person against their will. If they cannot detain the child, then they are powerless to remove the child from the oversight of the trafficker. They would never get the chance to build a rapport with the trafficking victim and gain their trust so we can try to help them.

I had those concerns then, and if there had been no other changes to the law in Wisconsin, I would still be opposed to immunity legislation. However, the law in Wisconsin has changed dramatically. The somewhat recent implementation of 2015 Wisconsin Act 367 has assuaged my concerns.

As of May 29, 2017, if law enforcement has reason to believe that a child is being trafficked, they must refer the case to child welfare services. Act 367 requires law enforcement to make a referral to child welfare services when there is a reported case of child abuse in which a person who was not a caregiver of the child is suspected of permitting, encouraging, or allowing a child to engage in prostitution or trafficking for purposes of a commercial sex act. That gives the officer authority to detain and take the child into protective custody under our child protection laws, rather than the criminal code.

An officer can now remove the child from the oversight of the trafficker and detain them long enough for services to be put in place. And it will not be a criminal arrest or prosecution, which can create long-term impediments to the child trying to recover psychologically, socially, and economically. The act of commencing prosecution can be a

severe impediment to healing and restoration for that child. If we acknowledge the child is a victim of trafficking, then why would we brand them a criminal?

The Act (367) also authorizes and requires the child welfare agency to investigate such reported cases. Prior to Act 367, human services did not have the authority to intervene in non-caregiver cases. In the last session, Wisconsin went a long way toward better protecting minors in danger.

SB 344 may not be a perfect solution, but it is a step in the right direction to ensuring victims understand that they are indeed victims; to perhaps instill trust in the justice system; and connect the victim with necessary services so that they may heal and escape the horrendous life as a trafficked individual.

If we are going to be successful in building cases against traffickers, our real target, we need victims to be with us, to provide the information we need to unravel the trafficker's network, and to eventually testify in court. If we expect victims to stand with us, they need to know they can trust us to help. This bill will help move us in that direction.

If you have any questions please contact Director of Government Affairs, Lane Ruhland, at ruhlandle@doj.state.wi.us, or (608) 640-7203.



**FIERCE
FREEDOM**

Testimony

To: Members of the State Senate Committee on Judiciary and Public Safety
From: Fierce Freedom
Date: January 30, 2018
Re: Senate Bill 344
Position: Support

Thank you to Chairman ^{Wanggaard} ~~Wanggaard~~ and the committee members for listening to the testimony of myself and others today about SB 344. My name is Jodi Emerson and I am the Director of Public Policy and Community Relations for Fierce Freedom. Fierce Freedom is a non-profit, based in Eau Claire that raises awareness and educates the public about domestic human trafficking.

Fierce Freedom does not offer direct services such as counseling or shelter, but we do take an active role in fighting this crime by talking to members of the community and our state about what this crime is and teaching them how someone could ever end up in a situation in which they are forced or coerced into selling their body. One of the best parts of my job is when I get to meet with school-age kids. I teach them the warning signs, talk about how traffickers groom their victims and we discuss how they can safely intervene if a friend or someone they know could be in a trafficking situation. At one such presentation four years ago, I had a girl ask me a question that I didn't have an answer then and I still don't today. She asked, "If you are forced to do something, how can you be arrested for it?" That question has haunted me since. Why would she ask that? Who was forcing her to do something and what were they doing? Most importantly, how can we change this in Wisconsin?

By prosecuting children for a crime that is done to them, we are sending a mixed message as a state. Last year, Governor Walker signed Act 367 into law that made prostitution of a child, child abuse and mandates that DCF must investigate those situations. I was proud to be a part of the Wisconsin Anti-Human Trafficking Task Force that finished its work in December. One of the items we worked hard was how do we get people around the state to understand that these children are victims, and we need to get them the services they need not have them end up in the criminal justice system. I call your attention to the Indicator and Response Guide that was developed by the Task Force. It clearly states that sexual exploitation and child sex trafficking are forms of abuse and need to be treated as such. It instructs the reader to contact child protective services, it does not instruct the reader to make sure this child is locked up in jail. I challenge you to come up with any other situation in which someone is the victim of abuse and we prosecute them for the abuse that happens to them. It doesn't happen in any other form of child abuse, and it shouldn't happen with sex trafficking.

Criminalizing children for sex trafficking sends them the message they are responsible for their victimization. We are going to retraumatize children by arresting, interrogating and prosecuting them for a crime that was done to them, not by them. We are not talking about child prostitutes, that phrase needs to be stricken from everyone's vocabulary. Children cannot consent, so they cannot sell their bodies. What we are talking about is child sex trafficking, or to put it bluntly people paying to rape Wisconsin's children.

By passing SB 344, we are simply following in the footsteps of many other states. According to Shared Hope International, a leader in the anti-human trafficking movement, 22 states and the District of Columbia currently offer full protection for minors. Two other states offer protection for children 16 and under. Three of the four states that we share a border with have protections for child victims of sex trafficking that we do not have.

As someone who is from the western part of the state, we often compare ourselves to Minnesota. There are many areas where Wisconsin beats Minnesota (Go Badgers) but when it comes to protecting exploited children, we have a lot of work to do. According to reports from the Minnesota Department of Health, which houses the Safe Harbor Program, in 2011 7 people were convicted of sex trafficking in that state. Minnesota passed its Safe Harbor program in 2011 and saw immediate dividends. In 2012, 31 people were convicted of trafficking and in 2013, 63 people were convicted. According to the FBI's Uniform Crime Report for 2016, Minnesota saw 235 human trafficking offenses and 191 of those were cleared. Compare that to Wisconsin, which saw 34 human trafficking offenses and 19 were cleared. That is a big difference. I don't think Minnesota has a bigger human trafficking problem than Wisconsin, I think their laws make it easier for victims to report the crime without fear of being put in jail and so more are being reported and cleared. Talking to those in Minnesota in the past, they attribute the rise in convictions to the fact that underage victims of trafficking are no longer afraid of prosecution and are more likely to cooperate with law enforcement to help build the complex cases that result in convictions against traffickers.

I would also like to point out that the US State Department each year puts out a Trafficking in Persons (TIP) report for every country in the world, including our own. Each country is evaluated not only on the level of trafficking that happens within its borders but also the laws that are in place to protect people and serve victims. The top recommendation in 2015 for the US was to "Encourage the adoption of victim-centered policies at the state and local levels that ensure victims, including children, are not punished for crimes committed as a direct result of being subjected to trafficking." In 2016 the TIP report stated that for the US "Challenges remain.....victims should not be penalized for unlawful acts committed as a direct result of being subjected to trafficking."

I know that some people believe that with deferred prosecution and expungement, we have done enough to protect victims of human trafficking. That by putting them in jail, we keep them safe. We can best keep them safe by putting the TRAFFICKER in jail and getting the victim the help they need. That is why we made the choice last year to declare child sex trafficking, child abuse. As a state, we made a clear choice to declare that when a child is trafficked, they are abused children and they are in need of services. Two of you, Senators Risser and Senator

Waggard were sponsors of that bill. I hope you also support the fact that children who are abused should not be put in jail and that is what this bill means.

I understand that trafficking of children seems unreal, and that it can't happen in Wisconsin but I assure you it is happening every day in our state. As I talk to people around the state, I like to put this horrible crime in terms they would understand. For this bill, the best analogy I've found is: Imagine you are sitting at a stop light and a car comes barreling up behind you and rear-ends your car pushing you through the red light. You didn't want that to happen but you were forced into that situation. Are you going to be ticketed by the police for running a red light or do they understand that there are extenuating circumstances? Every year children of our state are arrested for something they didn't want to do but were forced or coerced to do. Please help us strengthen Wisconsin's laws so that this won't happen anymore. Help us protect Wisconsin's children.



Wisconsin Child Sex Trafficking and Exploitation Indicator and Response Guide



Please review each level of risk

The Wisconsin Child Sex Trafficking and Exploitation Indicator and Response

Guide should be consulted if you have concerns that a child or youth you have contact with is being sexually trafficked or exploited. Review the indicators in this guide and follow the directions for the appropriate response. This indicator and response guide also alerts the reader to indicators or potential red flags that should continue to be monitored.

Mandated Reporters are required to report suspected abuse or neglect of any child, including those that you may learn about through discussions with the child of concern (s.48.981(2) Wis. Stat.).

Sex trafficking and sexual exploitation are both forms of child abuse, even if the perpetrator is unrelated to the child. Although sex trafficking and sexual exploitation share similar elements, they have distinct differences, as noted below:

Sex Trafficking of a Child involves another person benefiting from forcing, defrauding, or coercing a child into a commercial sex act with another person (s.948.051 Wis. Stat.).

Sexual Exploitation of a Child involves forcing, defrauding, or coercing a child to engage in a sexually explicit way for the purposes of recording, displaying, and/or distributing the recording (s.948.05 Wis. Stat.).

At-Risk

- Travel out of the area/somewhere out of the ordinary or unusual for the child without caregiver permission and/or knowledge
- Child has a history of school truancy
- Child has a history of physical or sexual abuse
- Child has family/friends who have been or are currently involved in the commercial sex industry (e.g., sex worker, exotic dancing, pornography)
- Reports by child or adults that the child has a history of multiple sexual partners (known or unknown)
- Child has possession of money, electronics, or other material items that are unexplained, unusual, or out of the ordinary for that child (e.g., nails, hair, clothing, shoes)
- Child has sexually explicit pictures of themselves that may or may not be on the internet
- Child has an older boyfriend/girlfriend/partner, or is unwilling to provide information about the sex partner
- Child has a history of sexually transmitted infections and/or pregnancies
- Gang affiliation is reported, confirmed, or suspected

Fewer than 3 At-Risk items selected AND no High Risk or Confirmed items selected

3 or more At-Risk items selected

High Risk if you have checked YES to one or more of the following:

- Three or more of the "At-Risk" factors have been checked
- Child has a history of being missing/runaway/kicked out 2 or more times within the last 6 months (caregiver doesn't know where/who child is with)
- Confirmed or reported use of hotels for parties or sexual encounters
- Child has unexplained injuries
- Child has unusual, unexplained, or out of the ordinary tattoos

1 or more High Risk items selected

Confirmed if you have checked YES to one or more of the following:

- Child reported "consensual" participation in a sexual act in exchange for food, shelter, transportation, drugs, alcohol, money, status, or other items of value
- Child reported being forced or coerced into sexual activity for the monetary benefit of another person
- Law enforcement confirmed through an investigation that the child has been trafficked or engaged in any commercial, sexually-exploitative activity

1 or more Confirmed items selected

Continue to **MONITOR** the child.

REFER to the DCF Anti-Human Trafficking website: <https://dcf.wisconsin.gov/ahit> or the DOJ Human Trafficking website: <https://www.doj.state.wi.us/gcs/ahu-mantrafficking> for more information

REPORT to the local Child Protective Services Agency or Local Law Enforcement if you have 3 or more At-Risk items OR 1 or more boxes checked in the High Risk or Confirmed sections. The agency will determine next steps. You can find contact information for the local agency on the backside of this page or at <https://dcf.wisconsin.gov/reportabuse>

The Wisconsin Sex Trafficking and Exploitation Indicator and Response Guide was adapted from the 2015 Minnesota Safe Harbor Sexual Exploitation/Trafficking Flowchart. Questions about this tool can be sent to DCFAHT@wisconsin.gov

Effective May 2017

To report suspected sex trafficking of a child or sexual exploitation of a child, please contact the appropriate County or Tribe.

County	Office Hours #	After Hours #
Adams	608-339-4505	608-339-3304
Ashland	715-628-7004	715-682-7023
Barron	715-537-5691	715-537-3106
Bayfield	715-373-6144	715-373-6120
Brown	920-448-6035	920-448-3200
Buffalo	608-685-4412	608-685-4433
Burnett	715-349-7600	715-349-2128
Calumet	920-849-9317	920-849-9317/ 920-832-4646
Chippewa	715-726-7788	715-726-7788
Clark	715-743-5233	715-743-3157
Columbia	608-742-9227	608-742-9227
Crawford	608-326-0248	608-326-0241
Dane	608-261-5437	608-255-6067
Dodge	920-386-3750	920-386-6713
Door	920-746-7155	920-746-2400
Douglas	715-395-1304	715-395-1375
Dunn	715-232-1116	715-232-1348
Eau Claire	715-839-2300	
Florence	715-528-3296	715-528-3346
Fond du Lac	920-929-3400	920-906-5555
Forest	715-478-3351	715-478-3331
Grant	608-723-2136	608-723-2157
Green	608-328-9393	608-328-9393
Green Lake	920-294-4070	920-294-4000
Iowa	608-930-9801	608-935-3314
Iron	715-561-3636	715-561-3800
Jackson	715-284-4301	715-284-5357
Jefferson	920-674-3105	920-674-3105
Juneau	608-847-2400	608-847-6161

County	Office Hours #	After Hours #
Kenosha	262-605-6582	262-657-7188
Kewaunee	920-388-7030	920-388-3108
La Crosse	608-784-4357	608-784-4357
Lafayette	608-776-4902	608-776-4848
Langlade	715-627-6500	715-627-6411
Lincoln	715-536-6200	715-536-6272
Manitowoc	920-683-4230	888-552-6642
Marathon	715-261-7500	715-261-1200
Marinette	715-732-7700	715-732-7600
Marquette	608-297-3124	608-297-2115
Menominee Co.	715-799-3861	715-799-3881
Milwaukee	414-220-7233	414-220-7233
Monroe	608-269-8600	911
Oconto	920-834-7000	920-834-6900
Oneida Co.	715-362-5695	715-361-5100
Outagamie	920-832-5161	920-832-4646
Ozaukee	262-238-8200	262-238-8436
Pepin	715-672-8941	715-672-5944
Pierce	715-273-6766	715-273-5051
Polk	715-485-8400	715-485-8300
Portage	715-345-5350	715-345-5350
Price	715-339-2158	715-339-3011
Racine	262-638-6646	262-638-7720
Richland	608-647-8821	608-647-2106
Rock	608-757-5401	608-757-2244
Rusk	715-532-2299	715-532-2200
Sauk	608-355-4200	800-533-5692
Sawyer	715-634-4806	715-634-4858
Shawano	715-526-4700	715-526-3111

County	Office Hours #	After Hours #
Sheboygan	920-459-3207	920-459-3111
St. Croix Co.	715-246-8285	715-246-8285
Taylor	715-748-3332	715-748-2200
Trempealeau	715-538-2311, ext. 290	715-538-4351
Vernon	608-637-5210	608-637-2123
Vilas	715-479-3668	715-479-4441
Walworth	262-741-3200	262-741-3200
Washburn	715-468-4747	715-468-4720
Washington	262-335-4888	262-365-6565
Waukesha	262-548-7212	262-547-3388
Waupaca	715-258-6300	715-258-4466
Waushara	920-787-6550	920-787-3321
Winnebago	920-236-4600	920-233-7707
Wood	715-421-8600	715-421-8600
Tribe	Contact #	
Bad River	715-682-7127	
Forest County Potawatomi	715-478-4812	
Ho-Chunk	715-284-2622	
Lac Courte Oreilles	715-558-7435	
Lac Du Flambeau	715-588-4275	
Menominee Tribe	715-799-5161	
Oneida Nation	920-490-3701	
Red Cliff	715-799-3785	
Sokaogon	715-478-6437	
St. Croix Tribe	715-349-2671	
Stockbridge- Munsee	715-793-4580	

CHILDREN & THE LAW SECTION

To: Senate Judiciary and Public Safety Committee members

From: Children & the Law Section, State Bar of Wisconsin

Date: January 30, 2018

Re: Support of SB 344 – Safe Harbor

The State Bar of Wisconsin's Children & the Law Section strongly supports SB 344, Safe Harbor legislation, which removes the ability to charge a child with prostitution. **A child under the age of 18 cannot consent to sexual behavior and should not be considered a criminal, but rather a victim and survivor of sexual exploitation.**

Children are victims of a crime when they are being sex trafficked. They are being forced to have sex and possibly engage in other illegal activities. The Children & the Law Section supports SB 344 as it prevents victims of a heinous crime from being prosecuted. This is especially important in trafficking cases, as these situations are hard to identify as such because they are complicated and involve coercion, manipulation, and often the use of physical force.

WI attorneys have seen an increase in the number of children that are victims of sex trafficking over the last several years. According to the Milwaukee Homicide Review Commission Report of April 15, 2013, at least 77 youth were trafficked in the Milwaukee area from August 2010-August 2012. Thirty one youth (40%) had a CHIPS case, JIPS case or both at Milwaukee County Children's Court. The majority of the youth were 16-17 years old (52%) and almost a third of the youth were 12-15 years old (32%). Experts in the field believe this is a gross underestimation of the number of children sexually exploited in the Milwaukee area.

This is not an issue exclusive to Milwaukee. The sexual trafficking of children occurs in both rural and metropolitan areas. According to the National Human Trafficking Resource Center, data collected from a 2012 study indicates that after Milwaukee, its hotline received the second highest number of calls from Verona, WI, a population of less than 11,000.

Victims come from every race, gender, age, socioeconomic class, and ethnicity. Child victims of trafficking are exploited for commercial sex, survival sex, and labor purposes. Traffickers often use force, fraud, manipulation, and coercion to exploit their victims.

In addition to the trauma induced from sex trafficking, arrest and prosecution for prostitution can further traumatize victims, as well as leave him or her with a profound distrust of law enforcement, often preventing victims from seeking assistance. Furthermore, the criminal record that results from being an arrest can act as a barrier to future employment and other opportunities.

SB 344 is a tremendous step forward in protecting the innocent lives of Wisconsin youth who are victims of sex trafficking, and for the reasons outlined, the Children & the Law Section respectfully requests your support on this legislation.

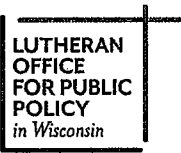
For more information, please do not hesitate to contact our Government Relations Coordinator, Lynne Davis, ldavis@wisbar.org or 608.852.3603.



STATE BAR OF WISCONSIN

The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only.

The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.



Evangelical Lutheran Church in America
God's work. Our hands.

January 30, 2018

To: Senate Committee on Judiciary and Public Safety
Regarding: SB 344

Dear Senator Wanggaard and Committee Members,

I am representing the Lutheran Office for Public Policy in Wisconsin, a statewide advocacy ministry of the Evangelical Lutheran Church in America (ELCA). We advocate for just policies, especially related to hunger and poverty based on our social statements and Christian scripture.

We speak in favor of SB 344 because it will move us further in the direction of recognizing victims as victims, who should not be vulnerable to being re-victimized because of insufficient public policy. We say "could" because we know in many cases our justice system steers away from arresting and convicting young people caught in prostitution, but that is not enough. We need to guarantee that victims are not re-victimized by being labeled and treated as criminals in any way.

At another public hearing, I was struck by Judge Ramona Gonzalez's testimony about how significant it would be to decriminalizing youth victims of sex trafficking via a change in policy. She said there is a lot of good will among judges when working with young people caught in prostitution, but that still charges such as "lewd and lascivious behavior" will sometimes go into a youth's record in place of prostitution. She had a list of examples.

The severe abuse children experience at the hands of their captors is beyond what most of us can imagine. And a high percentage of adults working in the sex industry were forced into it at an early age, so we are extremely pleased with the great legislation that was passed to change the meaning of the word consent a few years ago. But now let's take another step to help the youth.

Since 2014, I have spoken to experts on anti-sex trafficking, both from the arenas of direct services and public policy across the state. The consensus I've found via the Wisconsin Anti-Human Trafficking Consortium, the Human Trafficking Task Force of Greater Milwaukee, and individual conversations with longtime experts is that our current system isn't doing enough for trafficked youth. We applaud the state for budgeting money to build a statewide task force and provide more services, which we need more of. This is bill passed into law will create another significant movement forward.

In the midst of partisan debates, the problem of sex trafficking has brought Republicans and Democrats together. We hope that will be the case with SB 344. Please vote in favor of this bill.

Sincerely,

Pastor Cindy Crane, Director

Human Sexuality: Gift and Trust Social Statement (Evangelical Lutheran Church in America) "The sexual body is never to be used as an object for commercial purposes, and this church will speak against the public idolatry of pleasure, freedom, and wealth that undergirds such practices. Especially deplorable is the billion dollar global sex market and the economic systems that thrive on it, both in the United States and abroad"

January 30, 2018

Committee on Judiciary and Public Safety
Public Hearing

Claudine O'Leary
117 W. Walker St. #310
Milwaukee WI 53204

Regarding Senate Bill 344: Sexually Exploited Child Protection Act

My name is Claudine O'Leary. I am the director of Represent, a grassroots organization building the leadership of teens with real life experience in the sex trades. I'm also an independent consultant providing training and technical assistance to nonprofits and public agencies and a resident of the city of Milwaukee. I'm speaking in support of Senate Bill 344 that ensures we would not prosecute children under 18 for their own sexual exploitation under Wisconsin statute 944.30.

I wanted to share with you some perspective from my life. Years ago, as a teenager, grown men constantly solicited me for sex and offered money and gifts in exchange. They sensed from my lack of supervision, lack of money and lack of attention in my life that I was a good target.

And when they convinced me to take them up on their offer, I was told to keep it a secret because "we" were doing something wrong. In an empty parking lot in the middle of the night with a man twice my age, I was told to be silent about what was going on because, you know, what "we're" doing is illegal. But there is no "we" in exploitation.

Yet I knew I could get arrested for what I did for the money in my pocket even though I was under 18. Yes, the adults taking advantage of youth can get arrested but why should youth be held criminally responsible for their own exploitation?

For well over twenty years now I've worked with teens who've been commercially sexually exploited and trafficked. And even those teens who haven't been arrested get the clear message from our state that they were partly responsible. That it's just because they didn't get caught that they weren't charged. We need to be consistently clear to our children. That exploitation is never their fault.

Some people have expressed concern that children may not accept help or that we won't be able to provide help without a criminal charge. This has not been my experience at all. When we as a community offer meaningful options and solutions, youth will show up. My program and many other programs get contacted all the time by teens who've been sexually exploited who voluntarily, without any court requirements, contact us for assistance in finding jobs, advocacy, healing options and much more.

I ask you to support Senate Bill 344 to make sure children in Wisconsin get the clear message that only the perpetrators of sexual violence are held responsible for their actions and that children who are victimized don't have to fear being punished for their own survival and being sexually abused. Thank you for the opportunity to offer my comments.

Claudine O'Leary



CHILD ABUSE & NEGLECT
Prevention Board



DATE: January 30, 2018
TO: Senate Committee on Judiciary and Public Safety
FROM: Wisconsin Child Abuse and Neglect Prevention Board
RE: Written Testimony in Support of SB 344

The Wisconsin Child Abuse and Neglect Prevention Board (Prevention Board) submits this written testimony in support of SB 344, prohibiting charging a minor with prostitution.

The mission of the Prevention Board is to mobilize research and practices to prevent child abuse and neglect in Wisconsin. Board members represent offices of the Governor, Attorney General, State Superintendent of Public Instruction; Secretaries from the Department of Children and Families, Department of Health Services, Department of Corrections; two state senators and two state assembly representatives appointed by the majority and minority leaders; and ten public members appointed by the Governor for staggered three-year terms.

This legislation advances the Prevention Board's efforts to support effective and efficient public policies, processes, programs, and practices addressing child abuse and neglect.

Specifically, the bill protects children who are victims of sexual exploitation from the further trauma that results from being charged with and possibly convicted of a crime. Current Wisconsin law (2015 Wis. Act 367) recognizes that children who engage in prostitution are victims by classifying child sex trafficking as abuse and providing protection and services to them. SB 344 strengthens the existing law by protecting these children from criminal prosecution. Victims of child abuse belong in the child welfare system where they can be protected and provided with services, not in the criminal or juvenile justice systems where they are further punished.

Thank you for the opportunity to comment on this important legislation.

My name is Jay Reinke and I am the Co-Chair of the Policy and Legislative Committee of the Human Trafficking Task Force of Greater Milwaukee. I am here to speak in favor of SB344.

The Human Trafficking Task Force of Greater Milwaukee is the community response to eradicating Human Trafficking through coordinated services, education and awareness, and informed policy change. Our members come from direct service agencies, religious organizations, labor groups, and the community at large.

Our direct service members have told us time and time again how important it is for young people to receive services when they have are victims of human trafficking. Their clients have spoken quite emphatically about the importance of someone stepping in and taking action on their behalf and getting them away from their trafficker and being someplace safe. Young survivors have talked to the judges in Milwaukee County and expressed their gratitude to the judges for making sure they were put into a treatment program and not into the criminal justice system. They told the judges, as well as prosecutors and defenders, that when they are arrested and brought into court and promise to not do that type of behavior again they are just telling the judge what they think she or he wants to hear. They are also trying their best to not upset their trafficker so as not be punished too severely when they are back on the street.

They are secretly grateful when someone has seen their predicament and done the right thing in offering the kind of help needed to leave the life they find themselves trapped into by their traffickers. Those who have testified in court against their traffickers spoke of the importance of their treatment in getting them ready to testify and giving them the courage to face not only the trafficker, but also the other trafficking victims who will be in court to try to intimidate them, often posing as the traffickers relatives, either young "cousins" or "nieces," staring at the survivor and hoping to scare them into silence.

Some people believe that there are some teens who want to be in prostitution. I have not heard of any such young person. Yes, some may want to return to their trafficker, but what they really want, is to be with someone who says they love them, no matter what the costs. They want someone to tell them that they are pretty, that they are important, that they matter, and they want that so much that they are willing to do anything to hear those type of words, and to think that someone actually cares about them.

Personally, I know that if my teen came to me and told me they wanted to rent their body to strangers for money, I would call someone for help for my child. I would reach out to whoever was willing to help. I would not want them placed in jail.

I was privileged to hear a young survivor tell her story. She spoke of how bad things were for her at home, how she ran away and was picked out by a trafficker who groomed her to be part of his stable. She said that when she thought of leaving her trafficker, she didn't know where she could go, so she stayed. She turned to alcohol and drugs to escape her reality. She was picked up by police and turned over to the "Feds," as she called them. She eventually agreed to testify against her trafficker. She was placed in foster care and was told she would be safe. Her trafficker, while in prison, found out where she was and sent people to beat her into silence. They found her outside her "safe place" and beat her badly enough to send her to the hospital. The agents she was working with came to visit her, wanting to make sure she was still willing to testify. She left the hospital and went into a treatment facility for girls. She said that part of her fought being there, that she was pretty mean to the people at the center, and said some not so nice things to them. But, secretly, she was glad to be there. She told us how that first night when she laid her head down on her pillow, it was the first time in a very long time she felt safe, and slept through the night. She told us that the people at the center were the first people in her life who cared about just her, and not what she could do for them. She said that although law enforcement and the justice system may have appeared to want to help, they, too, wanted something from

her. They wanted her to testify. Her counselors at the treatment center didn't want something from her, they wanted things for her. This young woman found the courage to testify against her trafficker, even after the beating, with her counselor at her side. This brave young woman told her story to a room full of strangers in the hope of educating us as to how to best help victims of human trafficking.

As she was leaving the meeting, she was going home to Illinois for a visit with her family to try to repair their relationship. It had been years since she had seen her family, and now she felt strong enough to return for the weekend. She had come that far because she was with people who she knew cared about her.

It is because of this brave young survivor, and so many more like her, that we at the Human Trafficking Task Force of Greater Milwaukee support SB344.

Thank You

testimony



To: Senate Committee on Judiciary and
Public Safety
Date: January 30, 2018
From: Chase Tarrier, Public Policy Coordinator
Re: Support of SB 344

End Domestic Abuse WI
1245 E Washington Ave, Suite 150
Madison, Wisconsin 53704
Phone: (608) 237 3985 Fax: (608) 255-3560
chaset@endabusewi.org

Dear Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety,

Thank you for the opportunity to provide testimony regarding Senate Bill 344 (SB 344), the Sexually Exploited Children Protection Act. End Domestic Abuse WI (End Abuse) is the statewide voice for survivors of domestic violence and the membership organization representing local domestic violence victim service providers throughout the state. We are supportive of SB 344 and respectfully urge the Committee members to approve its passage.

At End Abuse, we recognize that gendered and interpersonal violence do not occur in a vacuum, and that while the details of a victim's experience can vary a great deal from case to case, the dynamics of power and control are always present. For this reason, the strict divisions between different types of gendered and sexual violence are often blurred in the lived experience of survivors, meaning many of our member programs throughout the state often serve human trafficking survivors. Advocates report that these individuals face complex challenges on the road to independence and recovery.

One of the main barriers faced by trafficking victims is related to their experience of the criminal justice system. Many child victims of human trafficking are unjustly charged with prostitution because of the coercion and violence they experienced, and must continue on through life with a conviction on their record, making it even more difficult for their trauma to heal. SB 344 will eliminate the prostitution penalty for a person under the age of eighteen, which will ensure that law enforcement treats these children appropriately – as victims of child abuse, not as criminals.

We know that domestic violence is the result of an imbalance of power and control in a relationship. Victims of human trafficking experience many of those same dynamics with their traffickers. Traffickers take advantage of individuals in vulnerable situations, preying on them by promising to provide for their most basic needs, such as food and shelter as well as their emotional needs like the desire to feel loved and be part of a family. By employing these strategies, traffickers are able to lure victims, manipulating and abusing them, often under the guise of a meaningful relationship. For child victims at one of the most impressionable stages of their development, their teenage years, this victimization is particularly destructive to their identity and sense of self-worth.

At End Abuse, we know that victims of crime have a better chance to heal when they have positive support from not only service providers, but their community as well. We work with community partners and law enforcement regularly to improve system responses to domestic violence and human trafficking. This bill will help our criminal justice system to recognize the value in working with law enforcement to help survivors heal in a warm and supportive community, rather than from behind the bars of a prison cell.

SB 344 is a positive step towards the development of the framework needed to adequately serve child trafficking victims in a trauma informed manner. Thank you again for the opportunity to offer testimony today. We appreciate the Committee's thoughtful consideration of our concerns, and respectfully urge you to support this proposal.

Feel free to contact me at chaset@endabusewi.org or 608.237.3985 with any further questions or concerns.