



JILL BILLINGS

STATE REPRESENTATIVE

Rep. Billings Testimony in Support of Safe Harbor for Trafficked Youth (AB 48)

Hello Chairman Spiros and committee members. Thank you for holding a public hearing on AB 48. As you can see, this is a very bi-partisan bill and I thank Representative Kitchens and Senator James for continuing the work on this important issue. This bill would move our state further in protecting sexually exploited children by treating them as child-victims, rather than criminals. Quite simply, AB 48 prohibits charging a minor with the crime of prostitution.

Sexually exploited children exist in my district and in your district. The trafficking of children is happening in urban areas, rural areas, and has been reported in all 72 Wisconsin counties. 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. AB 48 can alleviate the harm caused by criminalizing sexually exploited children by prohibiting the practice of charging minors with prostitution.

Our neighboring states, including Illinois, Indiana, Michigan and Minnesota, have found success in passing similar Safe Harbor legislation. By passing this bill we would be joining more than 30 other states and the District of Columbia that have adopted some type of immunity for trafficked youth. Other states have found that decriminalizing child prostitution along with providing services, has helped to identify and rehabilitate child sex trafficking victims, while also bringing the real criminals (traffickers/buyers) to justice. By treating children as victims, the adversarial relationship between minors and the 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.

Across the river from my district, 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.



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STATE REPRESENTATIVE

AB 48 will put Wisconsin's criminal laws into alignment with both federal law, neighboring states laws and Wisconsin's own laws. By passing this bill, 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. However since 2017, 7 minors were charged with prostitution, with cases in Brown, Milwaukee, Outagamie, Sheboygan, Marinette, Calumet, and Dunn counties with children ranging from 14 years 9 months to 17 years. There is no reason that a 14 year old should be charged with prostitution in our state.

Each year our state takes additional steps to provide resources and protect these youth who are victims, AB 48 is the next step to ensure that these children are viewed as victims under the law and treated as such. I hope you'll join us in protecting our vulnerable youth by supporting AB 48. Thank you.



JOEL KITCHENS

STATE REPRESENTATIVE • 1ST ASSEMBLY DISTRICT

Testimony for the Assembly Committee on Criminal Justice and Public Safety Assembly Bill 48 - "Safe Harbor" June 1, 2023

Thank you, Chairman Spiros and members of the committee for holding this public hearing on Assembly Bill 48.

Under current law, a child under the age of 18 cannot legally consent to sex. However, minors who are victims of sex trafficking can still be prosecuted for a crime they cannot legally consent to commit.

Assembly Bill 48, known as the Safe Harbor Bill, will make sure children who are being trafficked won't be charged as prostitutes. Thirty states and the District of Columbia have passed similar bills to protect victims.

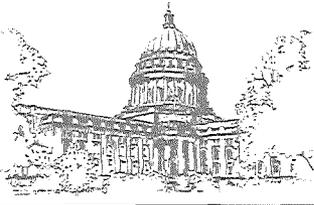
Sex trafficking continues to be a national tragedy, and it's happening here in our state. All 72 counties in our state report cases of trafficking and Milwaukee is considered a hub for the crime.

On average, children are only 13 years old when they are trafficked for the first time. Traffickers are experts at targeting vulnerable children. One out of every three homeless teenagers is lured toward victimization by traffickers within just 48 hours of leaving home. An estimated 70 to 90 percent of youth victims of sex trafficking have histories of sexual abuse.

The monsters who force children into sex trafficking will no longer be able to use the threat of prosecution for prostitution as a way to keep kids in a cycle of abuse. This simple change to the law is vital to ensuring that children who have been sex trafficked are recognized as victims, not criminals.

The victims of sex trafficking need support and counseling, not a criminal record. AB 48 will encourage victims to come forward, end the cycle of abuse, and get the help they need.

Thank you for your time. I hope you consider supporting Assembly Bill 48. I am happy to answer any questions you might have.



STATE SENATOR
LaTonya Johnson

WISCONSIN STATE SENATE

6TH DISTRICT

Assembly Committee on Criminal Justice and Public Safety
Testimony on Assembly Bill 48
June 1, 2023

Good morning Chairman Spiros and members of the committee,

Thank you for the opportunity to testify again on behalf of this very important proposal—AB 48—which prohibits children under the age of 18 from being prosecuted for acts of prostitution – a Class A misdemeanor.

Let me begin my testimony by stating two things plainly:

Sexually exploited children are victims of child abuse—they are not criminals.

Children engaged in commercial sex acts are victims of exploitation—they are not criminals.

To most people this might sound like common sense because children are not capable of consenting to sex, but the laws currently on our books can confuse this issue, and this needs to be fixed to reflect what we know about child sex trafficking.

AB 48 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—prostitution is illegal and will remain so. This bill only prevents our child victims from being charged with prostitution while providing them with the opportunities, and support they need to access services, such as counseling,

housing, medical treatment and any other resources needed for them to go on to lead healthy, productive lives as adults.

This bill will also not encourage traffickers to seek minor victims- tragically, this is already the case. 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 a trafficker's prime target, the younger they are, the more clean/pure they are considered to be.

With my testimony, I have included two articles regarding two trafficking cases that took place right here in Wisconsin. In the first article four minor victims of sex trafficking were recovered and 8 arrested as part of Operation Cross Country where they retrieved 84 minor victims of child sex trafficking and child exploitation. The average age of the victims was 15.5 years old while the youngest was just 11 years old.

The second article focuses on a Gang Member named Jovante L. Champion age 31 was sentenced to 20 years in prison, followed by five years of supervised release for sex trafficking. Including sex trafficking of a child and by force, fraud, or coercion; and transportation of a minor with the intent to engage in criminal sexual activity. At sentencing, United States Judge J.P. Stadtmueller described sex trafficking as a "horrible, pernicious activity," often committed against the most vulnerable in our community, particularly minors.

The sooner we can earn the child's trust and get their cooperation, the sooner we can put their trafficker behind bars. 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 to protect them, the children who do fall victim to this terrible criminal enterprise deserve AB 48 instead of a criminal record.

Again, thank you to my co-authors, Senator James, Representative Kitchens, and Representative Billings for their hard work on this bill, and thank you, committee members, for your consideration of this important proposal.



June 1st, 2023

Members of the Assembly Committee on Criminal Justice and Public Safety

Testimony on 2023 Assembly Bill 48

Relating to: prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution.

Chairman Spiros, Vice-Chairwoman Schutt, and other committee members thank you for having this hearing on the Safe Harbor legislation. Let me start out by sharing some facts. The U.S. Department of State website reports: with an estimated 27.6 million victims worldwide at any given time, human traffickers prey on people of all ages, backgrounds, and nationalities, exploiting them for their own profit. The Department of Homeland Security on their website states, "human traffickers are in it for the money, with estimated annual global profits of \$150 billion." 80% forced labor and 20% sex trafficking, both adults and children.

Did You Know? Each year, as many as 100,000–300,000 children are at risk of being trafficked for commercial sex in the United States. The average age a girl enters the commercial sex trade is 12–14 years old. For boys, it's even younger – just 11–13 years old. This information comes from the U.S. Department of Justice, and the National Center for Missing and Exploited Children. Traffickers are experts at spotting vulnerable kids. One out of every three homeless teenagers are lured toward victimization by traffickers within 48 hours of leaving home.

In 2015, Wisconsin took a step in the right direction by passing legislation that defines child sex trafficking as child abuse. Wisconsin Act 367 enables law enforcement officers to take the child into protective custody under our child protection laws rather than the criminal code. This law makes it clear child victims of sex trafficking should be treated as survivors of child abuse, survivors of sexual assault, and makes sure these child victims be referred to Child Protective Services. It seems to me that this conflicts with our current law because those child victims of sex trafficking can still be charged as prostitutes.

Prior to passing 2015 Wisconsin Act 367, our Attorney General Brad Schimel had opposed this legislation. After Act 367 he supported it. He said, "The implementation of 2015 WI Act 367 has assuaged my concerns and leaves me fully supportive now of enacting this legislation... 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." We have the support of the attorney general back then, and we do now. Also, agencies who would be directly involved in these types of cases, the Badger State Sheriff's Association, Wisconsin Sheriff's and Deputy Sheriff's Association, the State Bar Association, and the National Association of Social Workers support this legislation.

We have to remember the victims here are children, they are victims of child abuse, they are victims of child sexual assault, they are victims of sexual exploitation. In our state statute, under 948.01 (1) child means a person who has not attained the age of 18 years.

So I raise these questions to those of you on this committee: How many of you have children under 18? If your son or daughter was trafficked would you want to see them arrested, prosecuted, found guilty of prostitution, and have a criminal record for the rest of their life? Or would you want to see justice, by taking down these bad men and women who traffic, prey, and make a lot of money selling our children for sex?



This is an opportunity to change the narrative here in Wisconsin. What do these traffickers' say? What do they do? How do they control? They tell our children how much they care for them, they love them, and they promise to take care of them. They start out by buying them things like new clothes, new shoes, jewelry, and even cell phones.

These traffickers are tricky and they know how to play the game. They tell our children if they get arrested they will be handcuffed, thrown in the back seat of a police car, interrogated by the cops, and then taken to jail. And guess what? This is usually what happens! We have to do better. We are falling prey to the traffickers ourselves. We are feeding the narrative of the traffickers.

We will be hearing testimony from Fierce Freedom, down from the Chippewa Valley where I live. This group has done a lot of training with law enforcement in our area, and there have been improvements, but there is more we can do. As law enforcement officers, we have to stop thinking these children are prostitutes. This bill doesn't promote illicit behavior for our kids. With the other states who have passed Safe Harbor I find it absurd to claim that these children in 30 other states plus Washington DC, are more promiscuous and more likely to become prostitutes. This is a claim I have heard, "by passing this legislation we are legalizing prostitution."

My response to this is now coming from me as a law enforcement officer. Just listen to this statement, this is legalizing prostitution for our children. Those under the age of 18 will come up with this fantastic business plan to sell themselves. If these children are doing this willingly, they need help and services provided by CPS as well. There are obviously reasons why these children feel the need to engage in these activities and intervention is necessary.

As a law enforcement officer we have to learn to ask the right questions and create the right environment. These kids have gone through incredible trauma. Remember 70% of these children have been sexually assaulted prior to entering this world. They have been taught to fear law enforcement. Using prosecution as an interrogation tactic to get information out of them is adding to the existing emotionally and psychological abuse they have already faced. This is a major contributing factor in the larger picture.

When Minnesota passed their Safe Harbor legislation, their arrests quadrupled in the first year as child victims came forward, provided evidence, and testified against their traffickers. Every year after Minnesota and their conviction of traffickers remains double the rate prior to passage of Safe Harbor. They combatted the narrative. I believe it is time for Wisconsin to do the same.

Thank you and I will attempt to answer any questions you may have.

Respectfully,

Senator Jesse James
23rd Senate District
Sen.James@legis.wisconsin.gov

Gang Member Sentenced to 20 Years' Imprisonment for Sex Trafficking

Thursday, November 17, 2022

Share

For Immediate Release

U.S. Attorney's Office, Eastern District of Wisconsin

Gregory J. Haanstad, United States Attorney for the Eastern District of Wisconsin, announced that on November 17, 2022, Jovante L. Champion (age: 31) of Milwaukee, Wisconsin, was sentenced to 20 years in federal prison, followed by five years of supervised release, after being convicted at trial of four felony crimes: sex trafficking by force, fraud, or coercion; interstate transportation for prostitution; sex trafficking of a child and by force, fraud, or coercion; and transportation of a minor with intent to engage in criminal sexual activity.

The evidence at trial proved that Champion was a member of a Milwaukee gang known as "Everything Business," an offshoot of a violent Chicago-based street gang known as the Black P. Stone Nation. Champion used his position within the gang and false promises of love and financial security to recruit two victims, one when she was 20, and the other after she had just turned 16. Thereafter, Champion used physical force, complex layers of coercion, his possession of a firearm, and the backing of his gang to sell his victims for commercial sex in Illinois, Tennessee, and Texas. Numerous exhibits introduced at trial included Champion's own words detailing his trafficking crimes. These exhibits included, among other things, text messages and Facebook posts and messages.

At sentencing, United States District Judge J.P. Stadtmueller emphasized the enduring impact of the trauma Champion's victims experienced, both at the time of the trafficking in 2019, as well as when the victims re-lived those events during trial. Judge Stadtmueller described sex trafficking as a "horrible, pernicious activit[y]," often committed against the most vulnerable in our community, particularly minors. He also commended the work of the Federal Bureau of Investigation (FBI) and the local agencies in Wisconsin and Texas, that worked collaboratively to hold Champion accountable.

"The evidence in this case – including his own messages and social media posts – demonstrated that Mr. Champion had no problem abusing and dehumanizing others for his own financial benefit," stated U.S. Attorney Haanstad. "This office is committed to working with our federal, state, local, and tribal partners to support and seek justice for trafficking victims like those upon whom this defendant preyed."

“Human trafficking is a devastating crime which physically and mentally scars victims for life,” said FBI Special Agent in Charge Michael E. Hensle. “Through the outstanding collaboration of our local, state, and federal partnerships, we will continue to seek justice for all victims and ensure the perpetrators of these crimes face the full consequences of their actions.”

“Human trafficking is a horrific crime, and, with this sentence, the defendant will spend a long time behind bars,” said Wisconsin Attorney General Josh Kaul. “Thank you to the outstanding agents and analysts in Wisconsin DOJ’s Division of Criminal Investigation who worked on this investigation and helped bring the defendant to justice.”

The FBI and the Wisconsin Department of Justice – Division of Criminal Investigation (DCI) investigated the case with the assistance of the Dallas Police Department and the San Antonio Police Department. Assistant United States Attorneys Erica J. Lounsberry and Katherine M. Halopka-Ivery prosecuted the case.

#

4 Wisconsin human trafficking victims recovered, 8 arrested

By FOX6 News Digital Team | Published August 17, 2022 | Crime and Public Safety | FOX6 News Milwaukee |

MILWAUKEE - Four Wisconsin human trafficking victims were recovered and eight people were arrested during "Operation Cross Country," a nationwide FBI initiative to disrupt human trafficking organizations.

The four victims recovered and eight arrested in Wisconsin were among 84 minor victims of child sex trafficking and child sexual exploitation offenses and 37 actively missing children identified and located across the country during the two-week campaign.

Additionally, 141 adult victims of human trafficking were located across the country, leading to 85 arrests.

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The FBI said the average age of victims located was 15.5, while the youngest victim was 11.

FBI Milwaukee agents partnered with multiple law enforcement agencies in Wisconsin to recover the four victims and arrest the eight individuals beginning on Aug. 4.

As part of Operation Cross Country, 391 operations were conducted in the U.S. over a two-week period.



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Assembly Committee on Criminal Justice and Public Safety
June 1, 2023
Public Hearing on Assembly Bill 48

Chairman Spiros and members,

Thank you for having this hearing on Assembly Bill (AB) 48. The State Public Defender (SPD) supports AB 48 which would make important changes to ensure that juveniles who are coerced into prostitution are not further victimized by the criminal justice system.

A practical definition of child sex trafficking is a complex pattern of behaviors related to the exploitation of youth for sexual activity for money. At times, there is a disconnect between the language we use and how we treat victims in the legal system.

A person under 18 years of age in the State of Wisconsin is presumed to be unable to give consent to engage in a sex act. In most circumstances a person under the age of 18 may not legally enter into a contract. Both are required under the legal definition of prostitution. More importantly, children engaging in sex acts for money are forced or coerced by the traffickers to engage in these acts. Treating children as delinquents/criminals only furthers the process of victimization.

AB 48 prevents a child under 18 years of age from being charged with the crime/delinquent act of prostitution. This bill, along with 2015 Wisconsin Act 367, helps a small but important number of children receive help and services when they are victims of sex trafficking without being convicted of the crime/delinquent act of prostitution.

Thank you again for this opportunity to testify in support of Assembly Bill 48.



TO: Chair Spiros, Vice-Chair Schutt, and Honorable Members of the Assembly
Committee on Criminal Justice and Public Safety

FROM: Ragen Shapiro, Legislative Advisor

DATE: June 1, 2023

SUBJECT: 2023 Assembly Bill 48

Thank you for the opportunity to provide testimony on Assembly Bill 48. The Department of Children and Families (DCF) is testifying in support of this bill.

Assembly Bill 48 is a key piece of legislation to protect and serve vulnerable youth who are survivors of sex trafficking. DCF applauds the commitment to anti-trafficking efforts demonstrated through the persistence of community partners and legislators to introduce Safe Harbor legislation in AB-48.

Protects and serves vulnerable youth. DCF supports AB-48 as a key piece of legislation that would change current state law so that a child will no longer be prosecuted for committing an act of prostitution. This bill strengthens the commitment from the state to protect youth who are survivors of sex trafficking.

In the 2019 Law Enforcement Assessment of Sex Trafficking in Wisconsin by the Wisconsin Department of Justice, there were 24 different agencies from 16 different counties across Wisconsin that reported at least one juvenile arrest for prostitution between 2014-2018 in their Uniform Crime Reporting Data. However, these agencies reported zero sex trafficking cases in the DOJ released survey for that same time period. In the same survey, 58% of police chief and sheriff respondents reported that their agencies enforce prostitution laws against juveniles and nearly 25% reported it would depend on the circumstances whether they would do so.

Sex trafficking occurs in rural, urban, and tribal communities throughout the state, involving both boys and girls across all ages. Sex trafficking in tribal communities has been directly linked to Missing and Murdered Indigenous People (MMIP). Although this has been a long-standing issue

in Indian Country, public awareness has grown in recent years. Wisconsin Attorney General, Josh Kaul, launched the Missing and Murdered Indigenous Women (MMIW) task force to address this issue in 2020. Youth who experience sex trafficking are victims of crime. This legislation acknowledges that youth survivors have experienced significant trauma and should be provided with appropriate services and support, instead of the risk of prosecution.

Changes the law to be in line with nationwide best practices. The National Clearinghouse on Human Trafficking considers it best practice to adopt “Safe Harbor” legislation as an essential part of a state’s legal system to help combat human trafficking.

The National Council for State Legislators notes that other states are at the forefront of “intergovernmental efforts to identify and implement effective procedures to combat child traffickers and pursue justice for survivors.” Currently 27 states and the District of Columbia have legislated prosecutorial immunity for trafficked youth. While these laws vary from state to state, the common thread is that they prevent children from being charged with certain crimes, such as immunity for prostitution and crimes committed that are related to being trafficked.

Continues statewide collaborative efforts against human trafficking. DCF along with other state agencies, the Wisconsin legislature, and partners throughout the state have supported anti-trafficking efforts to protect and provide services to vulnerable youth.

Previous collaborations include the Wisconsin Anti-Human Trafficking Task Force, co-chaired by DCF and the Department of Justice and composed of a broad range of stakeholders, and the DCF Anti-Human Trafficking Advisory Council. These efforts strengthened cross-system collaboration; developed training for child welfare workers, professionals serving youth, and staff in the hotel industry; and supported the development of public awareness campaigns and prevention videos. They also informed initial development of the anti-human trafficking service delivery system to support counties, Tribes, and agencies serving youth who have experienced trafficking. DCF continues to collaborate with partner agencies in promoting awareness, prevention, and effective services to youth survivors of trafficking.

DCF supports the legislation proposed in AB-48, as an important step in the process of providing youth survivors of trafficking with access to effective, trauma-informed practices by eliminating

a youth's exposure to prosecution and the justice system. DCF extends our appreciation to legislators for continuing to support anti-trafficking efforts and ensuring that protections exist for our youth.

We would be glad to answer any questions from the committee. Thank you.

I was trafficked as a minor from Bloomer WI. Had this been a law back then I could have gotten help earlier and started my healing earlier. My trafficker preyed on me because I had a dysfunctional family and now at 40 years old I'm still healing from spending my late teen years and all of my 20's in trafficking had I known that someone would listen, that someone would help, I would have felt I could tell anyone. More than likely I would have gotten out earlier and received help earlier for fear of none believing me or even charging me with a crime, I at 40, am still going through some intense effects of being trafficked.

- Cassandra Marie Rose Singletary, 40 year old trafficking survivor from Bloomer WI.

My name is Jay Reinke and I am the Chair of the Policy and Legislative Committee for the Human Trafficking Task Force of Greater Milwaukee. I am here to speak in favor of AB43.

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.

The last time I was here to speak with you all about this important piece of legislation I told you about a young girl I had the privilege of hearing speak about her time as a trafficked teenager. 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 told us how 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,

she felt, only wanting to make sure she was still willing to testify. She left the hospital and went into a treatment facility for girls. She said she 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 said 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. Just like everyone else in her life. 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 eventually found the courage to testify against her trafficker, even after the beating, with her counselor at her side. She said she could not have done that without the help she received. 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.

I have heard that some people, including some legislators, believe that there are some teens who want to be in prostitution. That this life of "Modern Day Slavery," as it is described in the Federal Human Trafficking Victims Protect Act,

is something that they set as a goal for themselves, or dreamt of as a little girl or boy. Maybe it was something they saw at a school job Fair. Let's be real. That excuse is as worn out and old as the mattresses these children are forced to lay upon. Well what about the fact that so many of these young people lie to law enforcement and others about their traffickers? Yes, they will try to protect them because they have been told things about what will happen to them if they turn on their pimp. They have seen things done to others, and ,maybe experienced their traffickers wrath themselves. In trying to protect their trafficker, or pimp, they in turn protects themselves. That behavior wouldn't surprise me, or anyone else who has any experience working with, or listening to, survivors and thrivers, those people who have made it out of the life. They may say anything to law enforcement, because it has been reinforced to them, over and over again, that law enforcement personnel are not to be trusted. They are made to believe that it is only the trafficker who has their best interest at heart. That can be really hard for those of us who have never had to live in the life to believe, that someone would think their trafficker was the best option they had. Yet we know that people stay in unhealthy relationships all the time because they don't think they have any other way to live. Healthy options are just one more thing that has been ripped away from these young people.

I have had the privilege of working with young people for over 40 years in different capacities, from being a Sunday School teacher, to youth director, a Big Brother, and a theater director. I get to see what young people can do when they have the support of a family, a community. I see dreams fulfilled. That is why I got involved in this issue over 15 years ago. We have children who don't have that family, that community, to help them achieve their dreams.

Personally, I know that if any of the young people I have worked with came to me and told me they wanted to rent their body to strangers for money, my first call would not be to the police to have them arrested. I would call someone for help. I would reach out to whoever was willing to help. I would be shouting from the highest mountain top to get them the help they needed to find their true selves. I would be begging and pleading with anyone that I thought could help them. That's why I'm here. That's why I came here before. And that's why I'm hoping I won't have to come back here again. I'm begging with you, I'm pleading with you, please help our children. Please don't take the easy way out and just lock them up. Don't revictimize them again by placing them in a jail cell. Please get them the help they need to live a life we would want for our children, for ourselves. This bill would go a long way in bringing real hope back to our children. Shared Hope International, an organization dedicated to working to

eliminate Human Trafficking, has given Wisconsin an "F" in its 2022 Report Card on Child and Youth Sex Trafficking. Well, then you can guess who would give our state an "A." The Traffickers. They site the arrest of young people as one of the reasons for this grade. It's time for us to do better. It is time for us to believe the victims, the survivors, and the thrivers. A life in sex trafficking, in prostitution is not what they wanted. That's what the pimps and traffickers wanted for them. Join me, join us, in wanting more for our children.

Please join with us at the Human Trafficking Task Force of Greater Milwaukee in supporting of AB43.

Thank You.



"Working to end the cycle of human trafficking & exploitation"

Dear Member, Assembly Committee on Criminal Justice & Public Safety:

1 in 6. According to the National Center for Missing and Exploited Children, one in six of the more than 25,000 cases of runaway children reported missing in 2022, were likely *victims* of child sex trafficking.

The McCormick family of Tomah, Wisconsin, knows this experience first-hand. Lisa's son, Jeffrey, was recruited into a sex trafficking ring out of Madison and was exploited until his death on September 30, 2016, at age 17. As Lisa shared there's much more to Jeffrey's story.

Jeffrey had a loving, supportive family. He was a talented young man with a bright future. Jeffrey was a *victim* of child sex trafficking.

Should Wisconsin children and youth sex trafficking *victims* be penalized for a crime committed against them, and be involved in the juvenile or criminal justice system as a result – adding to their trauma and creating more barriers to healing? Should a child victim need to prove their victimization? It's too late for Jeffrey, but it's not too late to address the future of vulnerable children and youth in our state.

Many states have made tremendous strides to comprehensively respond to and prevent the exploitation of children and youth through legislation that funds services, protects child survivors from unjust criminalization and prioritizes victim-centered responses to impacted young people. Wisconsin is still failing our vulnerable children and youth.

As one survivor said, "What we do to children in this country is very unfortunate and they pay the price for what has happened to them. The buyers get to go home and live normal lives and continue in their marriages, in their jobs and careers, and are never affected by this. But while they're home, you have a child sitting in a jail cell. And where's the justice in that?"

Traffickers control victims so they appear to be acting independently, offering traffickers a pass of sorts to operate under the radar of law enforcement. Vulnerable kids are too easily labeled as child prostitute or teen prostitutes as opposed to victims, implying choice and fault, causing victims to be misidentified, ignored, arrested....

Words and definitions matter. Non-criminalization and access to services matter. In Wisconsin, we can do better. Let's do better. Thank you for supporting this very important legislation and protecting our children and youth, our future.

Joyce Orth, Community Engagement Specialist

"We at Fierce Freedom work to end the cycle of human trafficking and exploitation through educational programming that empowers communities and speaks to the worth and dignity of each individual."

BILL NO: Assembly Bill 48
TITLE: Prosecuting or adjudicating delinquent a person under the age of 18 for committing prostitution.
COMMITTEE: Assembly Committee on Criminal Justice and Public Safety
DATE: June 1, 2023
POSITION: SUPPORT

Dear Chairperson Spiros, Vice Chair Schutt, and Committee Members:

Thank you for hearing testimony on Assembly Bill 48, relating to the plight of child sex trafficking victims within the state. My name is Camryn Peterson, and I am the Senior Advocacy Manager and member of the Policy Team at Shared Hope International.

Shared Hope has been working in Wisconsin, across the country, and internationally for over 20 years to guide and support appropriate responses to protect survivors, hold offenders to account, and ultimately prevent the crime entirely. Since 2011, we have called on states to recognize any minor engaged in commercial sex as a victim of a sex trafficking, not a “prostitute” or “delinquent youth.” 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—such a response cannot be rooted in juvenile justice practices and systems.

Wisconsin has lagged seriously behind majority of the country in designing and prioritizing protective responses for survivors. **29 states and D.C.** have made clear that children engaged in commercial sex are victims of sex trafficking, not prostitution offenders. While Wisconsin state law clearly defines children who are bought and sold for sex as victims of sex trafficking, those same minors can be *and* are arrested and prosecuted for prostitution. Assembly Bill 48 is not only critical for remedying this legal paradox; this legislation embraces a nationally regarded promising practice for protecting children and preventing harm.

Amending the prostitution statute to be inapplicable to minors recognizes that children *never* engage in commercial sex by choice; rather, a child does so out of coercion, force, fraud, fear, or survival. Oftentimes, children involved in a life that includes commercial sex carry years of trauma, generational vulnerabilities, and abuse on their backs. Other times, children have trusted the wrong adult, been fed a false promise, or have fallen for an exploiter who later sold the child to someone all too willing to pay for the chance to rape him or her. Children with unsafe or unstable home environments may find the streets safer and sell their bodies in exchange for something to eat or someplace to sleep. These are not choices; children living in such circumstances deserve, at a minimum, specialized services and long-term care, not the traumatizing impact of an arrest, detention and prosecution, or juvenile records that carry devastating collateral consequences far beyond childhood years.

Concerns have previously been raised that, without the ability to arrest child sex trafficking victims, law enforcement are limited in their ability to keep vulnerable youth safe. We wholeheartedly share the desire to ensure survivor safety; however, arrest is not the only and certainly not the appropriate mechanism for doing so. Alternatively, many states that have enacted and successfully implemented Safe Harbor responses have abandoned the use of arrest and adopted more child-friendly and appropriate tools for taking children into custody, including the use of temporary protective custody provisions. Fortunately, Wisconsin has already developed this mechanism under Wisconsin Statute 48.19, subsection d, 5.

Assembly Bill 48 not only aligns with promising and child-centered responses to sex trafficking but amplifies survivors’ calls for justice. Our decades of research and collaborative work with trafficking survivors has illuminated the harms of punitive responses to victims; survivors continue to reiterate the additional trauma and harm that is caused during arrest, detention, and prosecution, even if such responses are well-intended and designed break the cycle of exploitation, including Wisconsin’s current diversion response to child sex trafficking victims. Conversely, responses *outside* of punitive systems are proven to be more effective, cost-efficient, and impactful in addressing survivors’ comprehensive needs and goals, and preventing the predictable cycle of vulnerabilities, exploitation, criminalization, and increased vulnerabilities to re-exploitation.

We commend the Sponsors’ leadership on this issue and are grateful for the Committee’s interest in supporting an alternative, more survivor-centered and justice-oriented response. We respectfully ask for a Do Pass.

Thank you for your time,
Camryn Peterson
Camryn@sharedhope.org

Safe Harbor for Commercially Exploited Youth

MYTH versus FACT

MYTH	FACT
"Safe Harbor will hinder law enforcement's ability to prosecute trafficking offenders."	Law enforcement is able to investigate, arrest, and prosecute buyers, traffickers and facilitators without arresting & criminalizing the victim. LE do this for all other crimes. In fact, prosecutors and LE in states that have successfully enacted Safe Harbor have strengthened their ability to prosecute offenders since providing services, not handcuffs, facilitates a trusted LE-victim relationship and victims are more likely to cooperate with that in place.
"Without the ability to arrest and detain kids, there is no way to ensure they will be safe."	Arrest and detention do not equal safety. Not only does arresting and detaining a child sex trafficking victim compound their trauma, it also <u>does not protect them from harm</u> . While arrest may briefly separate a child from their trafficker, service providers and law enforcement cannot build the needed rapport to ensure the child's long-term safety. Instead, safety for child sex trafficking victims can be achieved through less restrictive, protective responses that are not punitive and can still ensure the safety of child victims, such as collaborative relationships with NGOs, law enforcement referral protocols, and where appropriate, temporary protective custody and child welfare responses.
"If Safe Harbor is enacted, traffickers will be incentivized to exploit minors since it's no longer a crime to buy & sell sex with children."	Safe Harbor does not legalize commercial sex with minors. Conversely, Safe Harbor puts the criminal emphasis on the actual offenders--traffickers, buyers, and facilitators--ensuring that law enforcement is investigating and prosecuting the actual criminals, not victims.
"Safe Harbor laws will encourage kids to sell themselves for sex."	Any minor bought or sold for sex is a victim of sex trafficking. Minors are not willing participants in their own victimization. One of the best ways to understand the harmfulness of this myth is to read <u>survivor accounts</u> depicting the realities of their involvement in commercial sex.

<p>"Safe Harbor will radically change the state's response to the crime. If we make this change before we are ready, we will be causing harm."</p>	<p>Continuing to arrest kids is already doing harm. Charging victims with prostitution can also have a negative impact collectively on the overall fight against sex trafficking. The <u>emotional toll of re-traumatizing victims</u> through criminal justice or juvenile justice processes risks undermining relationships with those who seek to help and protect survivors, such as law enforcement, prosecutors, child welfare, and even service providers. Many traffickers align themselves alongside their victims against law enforcement as a control tactic; thus, criminalizing victims can strengthen the trauma bond and render victims less trustful of justice systems. The best way to address this concern is to ensure that safe harbor legislation prioritizes services alongside non-criminalization protections, including investment in funded access to services.</p>
<p>"Without the ability to arrest kids, LE cannot obtain minors' cell phones & critical evidence to investigate and build a case against the trafficker or buyer."</p>	<p>Evidence of sex trafficking lives in many other places besides the child's phone. <u>29 other states</u> and D.C. are successfully responding to human trafficking without arresting the child victim for the purpose of collecting evidence. Law enforcement does not arrest other victims of crimes (e.g., domestic violence victims) to collect evidence. In the rare event that critical evidence exists solely on the victim's phone, law enforcement can obtain a warrant to obtain evidence. This is simply a victim-centered change in process, not a barrier to evidence collection.</p>





Lad Lake is in full support of Assembly Bill 48. Eliminating the option for persons under the age of 18 to be prosecuted for an act of prostitution reinforces that persons involved are, in fact, victims and not perpetrators of a crime. This aligns with the work that Lad Lake and many other organizations are doing to support survivors of sex trafficking. Lad Lake has been working with female survivors of sex trafficking for over 10 years. Our programs are dedicated to helping youth heal from the trauma they endured from being sexually exploited.

Trauma

- Criminalizing youth who have been sexually exploited can add to the trauma they have already suffered
- Treating trauma is a complex issue and avoiding re-traumatization is essential to any victim's recovery

Law Enforcement Interaction

- By eliminating the possibility of prosecution, the dynamic of law enforcement and exploited youth will shift
- Currently, traffickers are able to brand law enforcement an enemy of the victim
- Law enforcement should be a known resource to help youth get out of a trafficking situation
- With this bill, law enforcement will be in a position to help and advocate for the victims instead of having to put them through the criminal system

Labeling

- One of the many challenges we face in treating survivors of sex trafficking is the unfortunate societal label of prostitute and criminal that has been placed upon them
- Labeling these victims as prostitutes implies that they made a choice
 - The legal age of consent in Wisconsin is 18 years of age. If youth are not able to legally consent to sexual contact, how can we prosecute them for acts of prostitution?
- Exploitation is not a choice
- Traffickers use this label as a tactic and aid in their grooming and efforts to manipulate the youth and negatively impact their self-worth and mental health

Lasting Impact

- We work very hard to help our youth understand that the exploitation happened to them and it was not their fault
 - At the same time, they continue to have legal implications that gives them the opposite message
- These charges and the label of prostitute will continue with them after they are out of our care and can impact their ability to move forward in their lives
 - Having to go through the process of eliminating these charges can be a long process and cause a young person to give up on their future goals such as graduating high school and career aspirations.
- Due to the prosecution of prostitution, many of the survivors have criminal backgrounds, which negatively impacts and can cause barriers to them becoming employed by social service agencies

Safety Concerns/Additional Needs

- There is a need for safe secure locations for our exploited youth to be placed
 - Although it is arguable that detention/jail provides this safe and secure location, we believe we can do better and there are other solutions that could be put into place to ensure that the youth have a safe place to go without having to be put through the criminal justice system
 - Continuum of safe locations could be developed depending on risk
 - A safe home with a family member out of the community
 - Safe homes in unidentified locations where foster parents are trained and law enforcement is a partner in securing the area
- Survivors should not be criminalized and put into detention/jail- This only reinforces what perpetrator's messaging
- Law enforcement and all other organizations need to be working in the same direction. Criminalizing the youth is the opposite direction and hinders movement forward in the fight against sex trafficking

This bill has the potential to positively impact survivors of sex trafficking and aid in their healing process. This bill also helps to educate and send a message that these persons are victims and that our state is at the forefront of supporting them and taking necessary steps to stop sex trafficking.



Donelle Hauser
W350 S1401
Waterville Rd
Dousman, WI 53118
(262)965-9402

Subject: Testimony in Support of Assembly Bill 48

Honorable Members of the Assembly Committee on Criminal Justice and Public Safety:

I am writing to express my strong support for the 2023 Assembly Bill 48 which aims to provide crucial protection and support for victims of human trafficking. As a concerned citizen, provider of services in a non-profit and advocate for human rights, I firmly believe that this bill is a significant step forward in addressing the complexities surrounding underage involvement in prostitution and ensuring appropriate care and support for affected individuals.

I have had the privilege of directly hearing from under aged young women who have faced criminal charges. Their firsthand accounts shed light on their experiences, revealing that they not only endure a sense of being re-victimized by the justice system but also encounter significant obstacles when striving to progress in life due to their legal entanglements.

Currently, under existing law, individuals under the age of 18 can be prosecuted or adjudicated delinquent for committing an act of prostitution, even though they are victims themselves. AB 48 seeks to rectify this issue by ensuring that individuals under the age of 18 who engage in prostitution are not treated as criminals, but rather as victims in need of assistance, support, and rehabilitation.

This bill would prevent the prosecution or adjudication of individuals under the age of 18 for acts of prostitution, recognizing that they are often coerced, manipulated, or forced into these situations. By reframing the approach to address the underlying victimization rather than perpetuating a cycle of punishment, we can help these young individuals escape the exploitative environment and provide them with the necessary tools and support to rebuild their lives.

Furthermore, the bill eliminates the option for a court to enter a consent decree or a deferred prosecution agreement for individuals under the age of 18 who have engaged in prostitution. This change is crucial in ensuring that the best interests of the affected individuals are prioritized, allowing them to receive appropriate care and support rather than facing potential harm through alternative legal processes.

By enacting Assembly Bill 48, Wisconsin would be taking a significant step towards a more compassionate and victim-centered approach to addressing underage involvement in prostitution. The bill aligns with the growing recognition that minors engaged in prostitution are victims of exploitation rather than criminals. It also ensures that resources are directed towards prevention, education, and support programs to break the cycle of victimization and empower these individuals to build a brighter future.



In conclusion, I urge you to carefully consider the merits of AB 48 and its potential to protect and support individuals under the age of 18 who have been involved in acts of prostitution. By supporting this bill, we demonstrate our commitment to safeguarding the rights and well-being of minors and providing them with the necessary care and support to overcome their traumatic experiences. We must implement effective interventions aimed at breaking the cycle of generational harm. It is crucial to prioritize initiatives that focus on decriminalizing victimization rather than perpetuating the demoralization of young people, particularly those who are disproportionately young people of color. I kindly request that you support the passage of this bill and contribute to the collective effort to create a safer and more compassionate society for our youth.

Thank you for your attention to this matter. Please feel free to reach out to me if you require any further information or if I can be of assistance in any way.

Sincerely,

Donelle Hauser
 President and CEO of Lad Lake
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Helping families and communities thrive.





TO: Assembly Committee on Criminal Justice & Public Safety
FROM: Nila Grahl, Manager, Racine & Kenosha Child Advocacy Centers, Children's Wisconsin
DATE: Thursday, June 1, 2023
RE: Support for AB 48 – Prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution

Chairman Spiros and members of the committee, thank you for the opportunity to share testimony with you today. Today, I'm here to share Children's Wisconsin's (Children's) strong support for this bipartisan legislation. On behalf of Children's, I'd like to thank the bill authors, Representatives Kitchens & Billings and Senators James and Johnson, along with members of the committee who have cosponsored this proposal.

Children's is the region's only independent health care system dedicated solely to the health and well-being of kids. As such, we offer a wide array of programs and services inside our hospital and clinic walls and out in our communities. Between our hospitals in Milwaukee and Neenah, primary, specialty and urgent care clinics and community services offices across the state – we provide kids and their families with care and services they need to promote health, safety and well-being. While today my remarks will center on care and services we provide to children who have suffered abuse, assault, neglect and trauma – I do want the committee to know that Children's also offers several upstream, prevention-focused programs and services across the state to help support parents with education and resources, abuse awareness & education for the general community and community professionals, and so much more.

Children's oversees one of the largest hospital-based networks of child advocacy centers, also called CACs, in the country. Children's operates 7 of the state's 15 child advocacy centers in Eau Claire, Kenosha, Wausau, Milwaukee, Racine, Elkhorn and Neenah. We also provide medical staff at three other CACs across the state in Waukesha, Green Bay and Saukville, and offer our Milwaukee hospital-based child advocacy consult service. CACs bring together a team of specially trained professionals who evaluate and investigate potential cases of child abuse and help children and families get the care and support they need. CACs are child-friendly spaces that are designed to help children feel safe and comfortable.

Trained providers complete comprehensive, developmentally-sensitive, trauma-informed medical assessments and care for children who are suspected of being abused. Forensic interviewers provide children with a safe space to tell their story by asking non-leading, unbiased questions that meet forensic standards. Importantly, care providers in the CAC are there to answer questions, offer guidance about next steps and provide referrals for ongoing care, counseling and other care the child and family may require. The CAC team works together to ensure that the evaluation of an abuse allegation minimizes the re-traumatization of a child. We collaborate closely with law enforcement and Child Protective Services to ensure, as often as possible, that a child only has to be seen and tell their story once. Our work helps to start the healing process for children and their caregivers. A CAC's mission is to promote and foster safety, healing and justice for children and families. Without effective therapeutic intervention, many children who have experienced trauma may suffer ongoing or long-term adverse social, emotional, developmental and health outcomes.

When there is a concern for child maltreatment for a patient at Children's Wisconsin, specially trained physicians, nurse practitioners and social workers provide consultations when there are concerns for physical abuse, medical child abuse, neglect, sexual abuse/assault and sex trafficking. Consultations to the Child Advocacy team may consist of a range of responses appropriate to the concerns, such as phone advice, review of records or images, or a comprehensive in-person evaluation. Our multidisciplinary team provides diagnostic assessments and treatment recommendations. When appropriate, we offer assistance and guidance to

children and caregivers in understanding the medical and social issues that have prompted their involvement in an investigation of suspected child maltreatment.

In 2022, nearly 6,400 kids were cared for at Children's CACs, medical satellite locations and through our hospital-based child advocacy service. Of those seen at Children's CACs in 2022, 36 youth had known experiences of trafficking – yet we know that trafficking and exploitation is often underreported. Milwaukee's Anti-Human Trafficking Coordinator, a Children's staff member, received referrals for 92 unique youth in 2022, which represent cases where community partners are seeking multidisciplinary teaming, case consultation, reporting guidance and/or support for resource referrals for a sex trafficking or exploitation concern or knowledge that trafficking or exploitation has occurred. According to the latest Department of Children & Families report, between 2019 and 2021, there were more than 1,350 allegations of child sex trafficking in Wisconsin, of which approximately 30% occurred in Milwaukee County. In this same time frame, child welfare agencies found approximately 270 substantiated allegations of sex trafficking statewide.

Child victims of sex trafficking are on average approximately 13-years-old when they experience deception by an exploiter and are sold, coerced or forced into sexual exploitation. Often times, children have a history of physical or sexual abuse or neglect prior to being trafficked. Traffickers, which may be relatives or present themselves as friends or romantic partners of youth, exploit these prior traumatic experiences and recruit or coerce them by deceiving and threatening them or their families – financially, physically with violence or abduction, and through the use power and control – leaving youth vulnerable and in a challenging situation to escape. Helping care and support children who have experienced sex trafficking requires specialized services and safety supports, along with adequate physical, mental and social care.

Last year, our team cared for a youth who traveled from out of state and was presently living in Wisconsin to attend a specific treatment program for trauma. During treatment, she disclosed to her therapist exploitative incidents by her stepfather and online boyfriend, not realizing what had happened to her in her home state was trafficking. When the therapist offered resources and information about Children's and the forensic interview process, the youth was concerned about getting in trouble for what her exploiters told her was "prostitution". While her home state has safe harbor legislation, Wisconsin (where the interview was taking place) does not. Ultimately, she decided to proceed with the interview when assured that youth victims in her home state had legal protections. With the support of her team, she also chose to cooperate in providing other supporting evidence which led to an investigation of her two traffickers. She was able to continue on in her treatment program and receive the essential support needed to process the traumas that were precursors to being trafficked as well as the trafficking itself.

Child victims of sex trafficking are indeed victims – these are minors who cannot consent to sex and have been exploited and deserve to be protected. Youth victims of sex trafficking need supportive health care, services and support – not fear of being charged with a crime. Unfortunately, sometimes the juvenile justice system is the only place youth are engaging with formal systems. Instead of prosecuting them, youth should be met with the specialized resources they need to obtain physical and mental health care treatment, legal advocacy and support healthy reintegration into society. This may help avoid scenarios where traffickers are able to reach their victims as soon as they're released from law enforcement and reduce their access to services and care. By removing the ability to charge youth with a crime, we can recognize that adults purchasing sex from minors is exploitation and abuse and the focus is on the perpetrators of the crime. This change will protect minors from being criminalized for being victimized and better align with the child sex trafficking statute. Similarly, knowing they cannot be charged with a crime may encourage youth to seek support and report their trafficker – helping to move toward healing and end the cycle of abuse for themselves and for others.

Thank you for the opportunity to share Children's Wisconsin's support for this important legislation that would better support youth victims of sex trafficking to access the care, services and safety they deserve. We encourage your support of this legislation and our team is happy to answer any questions now or in the future.

Nila Grahl
Manager, Racine & Kenosha Child Advocacy Centers
Children's Wisconsin

Jodi Bloch
Director, State & Local Government Relations
Children's Wisconsin
608-217-9508
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Children's Wisconsin (Children's) serves children and families in every county across the state. We have inpatient hospitals in Milwaukee and the Fox Valley. We care for every part of a child's health, from critical care at one of our hospitals, to routine checkups in our primary care clinics. Children's also provides specialty care, urgent care, emergency care, dental care, school health nurses, foster care and adoption services, family resource centers, child health advocacy, health education, family preservation and support, mental health services, pediatric medical research and the statewide poison hotline.

Safe Harbor Anti-Trafficking Legislation for Minors

HELP TRAFFICKED MINORS GET THE SUPPORTS THEY NEED

WISCONSIN'S CURRENT PROSTITUTION LAWS FAIL TO RECOGNIZE MINORS AS VICTIMS IN NEED OF SUPPORT

Safe Harbor laws fix a gap between federal and state trafficking laws.

Minor children who cannot legally consent to having sex are still being charged with prostitution in Wisconsin. This prevents children from coming forward to seek support and services and from testifying against their traffickers.

Children who are recognized under both state and federal law as victims of a crime should never be arrested and convicted of prostitution.

Minors who are trafficked need supportive resources to recover, such as healthcare, economic supports, mental health services, and foster care.

According to the Wisconsin Department of Children and Families' most recent report, there were 422 allegations of child sex trafficking in Wisconsin between June 1, 2017 and August 31, 2018.

Nearly 82% of allegations statewide involved a child between the ages of 14-17

According to the Polaris Project, 34 states have enacted Safe Harbor laws as of 2019. After passing Safe Harbor legislation in 2011, Minnesota saw the convictions of traffickers quadruple in 2012.



ACT NOW: Reintroduce Safe Harbor legislation to prevent minors from being charged with prostitution.

The 2023 Wisconsin Proposed Legislation (SB 55/AB 48) is directed at disrupting the cycle of human trafficking

Through a membership of community-based organizations and statewide partnerships, WAHRS supports family reunification, provides safe and stable housing and shelter options, and supports youth well-being, education, employment, and permanent connections to address and solve the underlying causes of youth homelessness. Strong **partnerships** with Department of Justice, Department of Children and Family Services, HUD Continuum of Care, Department of Public Instruction, Serve Wisconsin (AmeriCorps), and others ensure diverse, innovative, and cross-systems approaches to addressing the problems of homelessness among young people. Learn more at www.wahrs.org

*Wisconsin Association for Homeless and Runaway Services
Growing Stronger Together: 1982-2022*

40 Years of Collective Advocacy and Services: Improving the Lives of Wisconsin Youth and Families

WHAT IS SEX TRAFFICKING?

- Trafficking of a Child (Wis. Stat. § 948.051) Sex trafficking of a child involves the use of a child for commercial sex acts, whether or not any force, fraud or coercion is involved. Any involvement of a minor in sexual acts for money or anything of value, including basic survival needs, is against the law. Knowledge of the minor's age is not required to prosecute. Mistake regarding the minor's age is not a defense. See §§ 939.23 (6) and 939.43 (2).
- Sex trafficking means recruiting, enticing, harboring, transporting, providing, or obtaining, or attempting to recruit, entice, harbor, transport, provide, or obtain any child for the purpose of commercial sex acts. Commercial sex act means any of the following for which anything of value is given to, promised, or received, directly or indirectly, by any person: sexual contact; sexual intercourse; sexually explicit performance; or, any other conduct done for the purpose of sexual humiliation, degradation, arousal, or gratification. (Wisconsin statute 940.302)
- The term sex trafficking is sometimes used interchangeably with sexual exploitation, domestic minor sex trafficking (DMST), and commercial sexual exploitation of children (CSEC). Each of these terms has variations in their meaning but generally refer to the same topic.

Additional Human Trafficking Related Statutes in Wisconsin (Wisconsin Department of Justice, Office of the Attorney General, Human Trafficking, A guide for Criminal Justice Professionals, updated November 2020)

- Child sex trafficking is classified as child abuse for the purpose of county and state child protection intervention and services. Wis. Stat. § 48.02 (1) (cm)
- Law enforcement is required by statute to refer suspected trafficking of a child to the local child welfare office. Wis. Stat. § 48.981(3)(a) 2. bm.
- Patronizing a child is a Class G felony under Wis. Stat. § 948.081.
 - Third and subsequent offenses for patronizing (adults) is a Class I felony. Wis. Stat. § 944.31.
- Whoever knowingly receives compensation from the earnings of debt bondage, a person engaged in prostitution, or a commercial sex act is guilty of a Class F felony. Wis. Stat. § 940.302 (2) (c)
- A victim of trafficking for the purpose of a commercial sex act may request a court to vacate a conviction, adjudication, or finding, or to expunge the record for a violation of prostitution. Wis. Stat. § 973.015 (2m)
- In criminal proceedings alleging human trafficking, evidence of similar acts by the defendant(s) may be admissible as evidence of the person's character without regard to whether the victim of the crime is the same as the victim of the similar act. Wis. Stat. § 904.04 (2)
- A victim of human trafficking has an affirmative defense for any offense he or she committed as a direct result of the trafficking without regard to whether anyone was prosecuted or convicted for trafficking. Wis. Stat. § 939.46 (1m)



To: Members, Assembly Committee on Criminal Justice & Public Safety
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: June 1, 2023
RE: Testimony in Support of Assembly Bill 48

Chairman Spiros, and members of the committee, thank you for the opportunity to testify today. My name is Christy Knowles, and I am the Ozaukee County Sheriff. I am here today on behalf of both myself and the two organizations representing Sheriffs, deputies, and jailers. Badger State Sheriffs' Association (BSSA) is a statewide organization representing all of Wisconsin's 72 Sheriffs and Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA) is a statewide organization representing over 1,000 members, including Sheriffs, Deputies, and jail officers. BSSA and WS&DSA have a joint legislative committee and work closely on public safety issues of concern to our members.

I am here today to speak in support of Assembly Bill 48, often called the "Safe Harbor bill." While it is hard to face this fact - child trafficking occurs in Wisconsin. According to the National Human Trafficking Hotline statistics, in 2021, there were 95 cases, including 166 victims identified, of which 23 were children. This legislation is an important step to protect children who are trafficked and provide more security for them to not be fearful of prosecution.

In circumstances where a child (individual under 18) is engaged in sex trafficking, the trafficker will manipulate and utilize the risk of their prosecution to deter the child from seeking help. AB 48 will ensure the children in these unthinkable circumstances are treated as victims – not criminals – and allow law enforcement and community service providers to work together to help the victims and prosecute the traffickers.

As law enforcement, it is our focus to ensure the public safety of all Wisconsin residents – we need to protect the youth and provide the assurance that they will not be prosecuted. I urge the committee to support this legislation and ensure Wisconsin can join the 34 other states with Safe Harbor laws.

CHILDREN & THE LAW SECTION

To: Members, Assembly Criminal Justice and Public Safety Committee
From: State Bar of Wisconsin, Children & the Law Section
Date: June 1, 2023
Re: Support for AB 48 – Safe Harbor

The State Bar of Wisconsin's Children & the Law Section strongly supports AB 48, Rep. Kitchens' 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 AB 48 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.

According to the Milwaukee Homicide Review Commission Report from April 2020, at least 89 youth were trafficked in the Milwaukee area from January 2013–December 2016. This is not an issue exclusive to Milwaukee. The trafficking of children is a statewide issue, with individuals reported being trafficked in at least 30 cities outside of Milwaukee, the second most frequent location being in Green Bay. Experts in the field, however, believe these numbers are a gross underestimation of the number of children sexually exploited across the state of Wisconsin.

The number of cases are growing, too. Between 2007–2021, 3,111 reports from Wisconsin were made to the National Human Trafficking Hotline, with 390 calls in 2021 alone, the second highest number of contacts recorded in a single year since 2007. Of those calls, 95 cases of trafficking were confirmed, with 166 victims identified, and based on case demographics, over 36% were minors.

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.

AB 48 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 supports this legislation.

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

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.



STATE BAR OF WISCONSIN



WISCONSIN COALITION AGAINST SEXUAL ASSAULT

Testimony

To: Members of the Assembly Committee on Criminal Justice and Public Safety
From: Ian Henderson, Policy and Systems Director (WCASA)
Date: June 2, 2023
Re: Assembly Bill 48, Child Sex Trafficking Legislation
Position: Support

The Wisconsin Coalition Against Sexual Assault (WCASA) appreciates the opportunity to offer this written testimony for your consideration. WCASA is a hybrid organization: functioning both to support member Sexual Assault Service Providers (SASPs), while advancing the anti-sexual assault movement in the state and nationally.

WCASA thanks Committee Chair Spiros for bringing this important piece of legislation forward for a hearing today. We also thank the leading sponsors of the bill, Representatives Kitchen and Billings and Senators James and Johnson for their leadership on this legislation in both houses. Additionally, WCASA appreciates the long, bipartisan list of over 30 cosponsors of Assembly Bill 48.

The National Center for Missing and Exploited Children (NCMEC) estimates that of the more than 25,000 cases of children reported missing in 2022, one in six were likely victims of child sex trafficking.ⁱ Additionally, of the children reported missing to NCMEC in 2022 who had run away from the care of the child welfare system, 18% were likely victims of child sex trafficking.ⁱⁱ Finally, the average age of entry into prostitution is between 12 and 14.ⁱⁱⁱ This data requires a significant shift in our thinking as well as our policy.

WCASA believes we should treat sex-trafficked children as victims of sexual exploitation – not as criminals. This legislation seeks to do just that. Most victims have a prior history of abuse long before traffickers and johns abuse them.^{iv} As a result, we should focus our efforts on addressing the complex trauma histories of child sex trafficking victims by providing specialized services, rather than criminalizing them.

Treating sex-trafficked children as delinquents or criminals is self-defeating and harmful. The current approach increases distrust of law enforcement and child protective services, which hinders efforts to prosecute those responsible for child sex trafficking. Most importantly, the isolation of detention and the stigma of being treated as a delinquent serve only to exacerbate individuals' feelings of guilt and shame, ultimately re-traumatizing child victims.^v

This legislation is also a key component to dismantling racial disparities in the juvenile justice system. Arresting and prosecuting a child for prostitution is one of the main entry points to the juvenile justice system, also known as the sexual abuse to prison pipeline.^{vi} Girls of color also experience a higher burden of sexual violence and are more likely to be incarcerated for their responses to trauma.^{vii} Furthermore, the juvenile justice system is poorly equipped to handle the impacts of trauma on child victims, which not only compounds the harms inflicted by the underlying abuse, but also increases the risk for further sexual victimization.^{viii}

We believe this legislation is the logical next step in Wisconsin's efforts to combat child sex trafficking. While current law allows for a court to enter a consent decree or deferred prosecution agreement under the Juvenile Justice Code or adult criminal statutes, these measures are within the discretion of the court. Thus, child sex trafficking victims can still be treated as delinquents for prostitution unlike in Illinois, Minnesota, and Indiana. Treating a victim as a delinquent also conflicts with our child sexual assault laws, which provide that children under 18 cannot consent to sexual intercourse. Prosecuting them for prostitution implies a willingness and consent that is not legally sustainable. WCASA believes a clear prohibition on prosecuting a child for committing an act of prostitution is necessary for child trafficking victims.

Finally, AB 48 would help bring Wisconsin law in line with the federal Trafficking Victims Protection Act (TVPA), and we would join 27 other states and the District of Columbia who have passed similar legislation. We thank you for your attention to this matter and for your continued efforts to reduce the prevalence of human trafficking in Wisconsin. If you have any questions, you can reach me at ianh@wcasa.org.

ⁱ National Center for Missing and Exploited Children. Available at <http://www.missingkids.com/theissues/trafficking>

ⁱⁱ Ibid.

ⁱⁱⁱ Sherman. Annie E. Casey Foundation. *Detention Reform and Girls: 13 Pathways to Juvenile Detention Reform*. 2005.

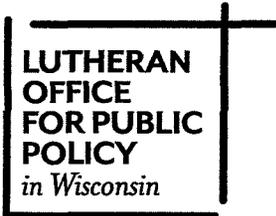
^{iv} Geist. "Finding Safe Harbor: Protection, Prosecution, and State Strategies to Address Prostituted Minors," *Legislation and Policy Brief*: Vol. 4: Iss. 2, Article 3. 2012.

^v Ibid.

^{vi} Saar, Epstein, Rosenthal, & Vafa. *The Sexual Abuse to Prison Pipeline: The Girls' Story*. Available at: https://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf

^{vii} Ibid

^{viii} Ibid.



Evangelical
Lutheran Church
in America

June 1, 2023

Regarding AB 48

Representative Spiros, Representative Schutt, and other esteemed members of the Committee on Criminal Justice and Public Safety, thank you for the opportunity to speak about this important and often hidden problem of sex trafficking of young people in Wisconsin.

The Evangelical Lutheran Church in America advocates to protect all of God's children. The severe abuse that sex-trafficked children and youth experience is beyond what most of us can imagine. Allowing for the arrest and prosecution of youth under 18 caught engaging in prostitution re-victimizes those young people by the systems that should be protecting them. This is the only circumstance in which we charge child sexual assault victims with a crime, either directly with prostitution charges or, and as is often the case, with lighter charges such as lewd and lascivious behavior. In addition, as one of three states still defaulting 17-year-old youth into adult courts, a 17-year-old would be even more severely re-traumatized. Wisconsin now must provide protective services for victims of sex trafficking. So, let's focus on offering our young people those services, and not re-victimize them by treating them as criminals in the juvenile or adult court system.

At least 30 states, both with legislatures that are predominantly Republican and ones that are predominantly Democrat have passed laws like AB 48. But we have pointed this out to you before. We have had high hopes that this bill would be written into law in the past. There are rumors about why the bill did not pass. Were there religious misunderstandings that confuse victims with criminals? Has a talk show host in Milwaukee been overly influential? Some say the bill hasn't passed because of a minority of voices in law enforcement. What about police who support this bill?

I am here again to ask that you vote this bill out of committee and encourage it to come to the floor without adding amendments that would erase the intention and benefit of the bill. We also ask for clear communication. If some of you are opposed to this bill, we respectfully ask that you please be clear about why and give the public a chance to be in further dialogue with you or those who are influencing you to vote against it.

Please search your hearts and do the right thing. Please support AB 48.

God's blessings on your work.

Pastor Cindy Crane
Director of the Lutheran Office for Public Policy in Wisconsin
www.loppw.org
cindyc@loppw.org
608-469-5836

End Domestic Abuse WI
1400 E Washington Ave., Suite 227
Madison, Wisconsin 53703
(608) 237-3985
jennag@endabusewi.org



To: Members of the Assembly Committee on
Criminal Justice and Public Safety
Date: June 1, 2023
From: Jenna Gormal, Director of Public Policy and Systems Change
Re: Support of AB 48

Thank you for the opportunity to provide testimony regarding Assembly Bill 48. End Domestic Abuse WI (End Abuse) is a 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 AB 48 and respectfully urge the Committee members to approve its passage.

At End Abuse, we recognize that violence does 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 violence are often blurred in the lived experience of survivors, meaning many of the domestic violence organizations in Wisconsin serve human trafficking survivors. Advocates who work at these organizations report that survivors face complex challenges on the road to independence and recovery due to their trafficking experience.

One of the main barriers faced by trafficking victims is related to their experience of the criminal legal system. Many child victims of human trafficking are unjustly charged with and convicted of prostitution offenses because of the coercion and violence they experienced. These survivors then must continue through life with these convictions on their record, acting as a barrier to achieving full safety and empowerment. AB48 will eliminate the risk of criminalization under prostitution statutes for a person under the age of eighteen, ensuring that law enforcement and our criminal legal system treat children appropriately – as victims of abuse, not as criminals.

For survivors of DV with prostitution convictions accrued during childhood, this criminal record makes it difficult to obtain safe housing and gainful employment, leaving them struggling to attain economic security. In this precarious situation, survivors are vulnerable to revictimization and re-trafficking. By stopping children and youth from accruing prostitution convictions due to being trafficked, AB48 also acts as a mechanism to prevent re-trafficking of vulnerable children and youth.

We know that human trafficking, much like domestic violence, is the result of an imbalance of power and control in a relationship. 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 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. Prostitution convictions accrued due to victimization serve as further reminders of the trauma that compound damage to a child's sense of self-esteem and create a sense of shame. The compounding trauma of human trafficking and a criminal record due to being trafficked can also make a survivor more vulnerable to other forms of victimization – such as domestic violence and sexual assault. Ensuring that survivors do not accrue criminal records for prostitution as children will help to support youth in remaining free from violence, victimization, and additional trauma.

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.

For many years, Wisconsin has been unable to pass this crucial legislation, and it has left many survivors without remedy to address prostitution convictions accrued due to childhood trafficking victimization. Now, you have the opportunity to pass AB 48 as a step towards developing 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 jennag@endabusewi.org or 608.237.3985 with any further questions or concerns.



May 31, 2023

Re: Assembly Bill 48

To Whom it May Concern,

I am writing this letter in support for Assembly Bill 48, which seeks to ensure that in Wisconsin minors will not be charged with prostitution in any capacity.

My name is Kasia Klaus, and I currently serve as Awaken Wisconsin's Regional Director. Awaken is a nonprofit organization located in Green Bay since June of 2022, but established in Reno, NV in 2011. Our mission is to provide education and awareness surrounding the issue of commercial sexual exploitation, as well as providing healing and restoration for survivors of this heinous crime.

Prior to taking a position with Awaken 6 years ago, I served as Assistant Prosecutor on the Menominee Reservation, and for a short period time as a Special Prosecutor at the Brown County District Attorney's Office. I have been actively involved in the fight against sex trafficking since my summer internship during law school in 2010, in which I worked for a nonprofit developing legislation for various states to combat this issue.

As a former prosecutor, I strongly believe that individuals should be held accountable for their actions; hence the development of laws to protect our society as a whole. However, I also believe that punishment very rarely addresses the underlining behavior, and that true recidivism occurs only restorative services are received. However, a law should never be used as a weapon against a victim it seeks to protect. This is what Bill 48 attempts to rectify. When a child is charged with prostitution, we are not only revictimizing that individual, but we are placing responsibility on the wrong person.

Safe Harbor legislation functions to identify minors involved in prostitution as victims of commercial sexual exploitation, and this bill would represent a crucial step towards safeguarding one of the most vulnerable populations of our society.

Earlier this year Shared Hope International released their annual report cards on child and youth sex trafficking, in which Wisconsin received an "F." The grade received is mainly based on gaps in state laws and services in regards to minors. One of the highlighted areas of concern

this reputable organization pointed out is that our state currently has a law that allows a child who is a victim of sex trafficking to be criminalized for their own victimization. Instead of prioritizing a child's safety and well-being, we are willing to charge them with a crime to avoid future risky behaviors or monitor their actions. What other criminal incidences do we charge the victim to ensure that services are received?

In addition, to consider divergent courts as an alternative for criminal prosecution for minors being charged with prostitution is neither trauma informed or victim centered. This design denotes culpability and responsibility. There is still a punitive process that occurs: a minor is arrested, charged with an offense, and provided a sentence that may be stayed while a probationary period is carried out.

Lastly, it is also imperative to acknowledge that in Wisconsin, minors cannot willingly nor consensually engage in commercial sex. Therefore, there is an inherent injustice of prosecuting children for prostitution offenses, as it implies consent.

It is obvious that the legislative intent is to protect and serve child survivors. However, we must also acknowledge the trauma that this victimization carries, and continue to advance policies and laws that strongly consider the best interest of the child as a whole. We must continue to educate ourselves surrounding the issue of commercial sexual exploitation amongst our youth, and ensure we are not mirroring the blame and negative stigma perpetrators place on these victims.

Thank you for allowing me to speak on this issue, and I hope that thorough consideration is given to this bill as all children deserve to be protected in our state.

Collaboratively,

Kasia Klaus. Esq.
Regional Director, Awaken
kklaus@awakenwisconsin.org

BILL NO: Assembly Bill 48
TITLE: Prosecuting or adjudicating delinquent a person under the age of 18 for committing prostitution.
COMMITTEE: Assembly Committee on Criminal Justice and Public Safety
DATE: June 1, 2023
POSITION: SUPPORT

Dear Chairperson Spiros, Vice Chair Schutt, and Committee Members:

Thank you for hearing testimony on Assembly Bill 48, relating to the plight of child sex trafficking victims within the state. My name is Camryn Peterson, and I am the Senior Advocacy Manager and member of the Policy Team at Shared Hope International.

Shared Hope has been working in Wisconsin, across the country, and internationally for over 20 years to guide and support appropriate responses to protect survivors, hold offenders to account, and ultimately prevent the crime entirely. Since 2011, we have called on states to recognize any minor engaged in commercial sex as a victim of a sex trafficking, not a “prostitute” or “delinquent youth.” 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—such a response cannot be rooted in juvenile justice practices and systems.

Wisconsin has lagged seriously behind majority of the country in designing and prioritizing protective responses for survivors. **29 states and D.C.** have made clear that children engaged in commercial sex are victims of sex trafficking, not prostitution offenders. While Wisconsin state law clearly defines children who are bought and sold for sex as victims of sex trafficking, those same minors can be *and* are arrested and prosecuted for prostitution. Assembly Bill 48 is not only critical for remedying this legal paradox; this legislation embraces a nationally regarded promising practice for protecting children and preventing harm.

Amending the prostitution statute to be inapplicable to minors recognizes that children *never* engage in commercial sex by choice; rather, a child does so out of coercion, force, fraud, fear, or survival. Oftentimes, children involved in a life that includes commercial sex carry years of trauma, generational vulnerabilities, and abuse on their backs. Other times, children have trusted the wrong adult, been fed a false promise, or have fallen for an exploiter who later sold the child to someone all too willing to pay for the chance to rape him or her. Children with unsafe or unstable home environments may find the streets safer and sell their bodies in exchange for something to eat or someplace to sleep. These are not choices; children living in such circumstances deserve, at a minimum, specialized services and long-term care, not the traumatizing impact of an arrest, detention and prosecution, or juvenile records that carry devastating collateral consequences far beyond childhood years.

Concerns have previously been raised that, without the ability to arrest child sex trafficking victims, law enforcement are limited in their ability to keep vulnerable youth safe. We wholeheartedly share the desire to ensure survivor safety; however, arrest is not the only and certainly not the appropriate mechanism for doing so. Alternatively, many states that have enacted and successfully implemented Safe Harbor responses have abandoned the use of arrest and adopted more child-friendly and appropriate tools for taking children into custody, including the use of temporary protective custody provisions. Fortunately, Wisconsin has already developed this mechanism under Wisconsin Statute 48.19, subsection d, 5.

Assembly Bill 48 not only aligns with promising and child-centered responses to sex trafficking but amplifies survivors’ calls for justice. Our decades of research and collaborative work with trafficking survivors has illuminated the harms of punitive responses to victims; survivors continue to reiterate the additional trauma and harm that is caused during arrest, detention, and prosecution, even if such responses are well-intended and designed break the cycle of exploitation, including Wisconsin’s current diversion response to child sex trafficking victims. Conversely, responses *outside* of

punitive systems are proven to be more effective, cost-efficient, and impactful in addressing survivors' comprehensive needs and goals, and preventing the predictable cycle of vulnerabilities, exploitation, criminalization, and increased vulnerabilities to re-exploitation.

We commend the Sponsors' leadership on this issue and are grateful for the Committee's interest in supporting an alternative, more survivor-centered and justice-oriented response. We respectfully ask for a Do Pass.

Thank you for your time,
Camryn Peterson
Camryn@sharedhope.org



GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR

To: Members of the Wisconsin Legislature

From: Governor's Juvenile Justice Commission

Re: Assembly Bill 48/Senate Bill 55, relating to: prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution.

Date: **May 10, 2023**

The Governor's Juvenile Justice Commission (GJJC) was re-created by Executive Order #43 on September 3, 2019. The GJJC serves as the State Advisory Group (SAG) to the Governor and the Legislature on matters critical to juvenile justice, under the federal Juvenile Justice and Delinquency Prevention Act (JJDP). The GJJC is comprised of juvenile justice professionals, including law enforcement, corrections professionals, attorneys, judges, mental health practitioners, and members of non-profit organizations dedicated to improving outcomes for youth. The GJJC also includes justice involved youth members and individuals with lived experience within the juvenile justice system.

The GJJC supports Assembly Bill 48/Senate Bill 55 that relates to prosecuting or adjudicating delinquent a person under the age of 18 for committing an act of prostitution. This legislation, also known as Safe Harbor legislation, is primarily designed to steer young victims of commercial sexual exploitation and sex trafficking away from delinquency or criminal justice system involvement.

In Wisconsin, sex trafficking of a child involves the use of a child for commercial sex acts, whether or not any force, fraud or coercion is involved. Any involvement of a minor in sexual acts for money or anything of value, including basic survival needs, is against the law.¹

Children are being sex trafficked in Wisconsin. In 2019, 74.38% of Wisconsin police chiefs and sheriffs believed this to be true.² Of note, twenty-four law enforcement agencies in 16 counties reported arrests of juveniles for prostitution between 2014 and 2018 and zero human trafficking incidents for the same timeframe. Ten of 13 agencies that reported having incidents involving a minor trading sex for something of value recorded zero human trafficking incidents for the same time period. 58% of chief and sheriff respondents reported that their agencies enforce prostitution laws against juveniles. An additional 25% reported it would depend on the circumstances whether they would do so. This data raises the question of whether children are being properly identified and treated as victims of child sex trafficking.

Additional responses to this 2019 law enforcement survey related to human trafficking indicated many agencies consider factors that do not align with statutory elements when deciding whether to charge a juvenile with prostitution (such as: the exact age of the minor, the age of the sex buyer, whether the minor was forced, etc.).

¹ Wisconsin Department of Justice. 2020. [Human Trafficking A Guide for Criminal Justice Professionals](#).

² Wisconsin Department of Justice. 2020. [2019 Law Enforcement Assessment of Sex Trafficking in Wisconsin Five Key Takeaways](#).

Some agencies indicated a prostitution arrest might be used as leverage to get victims into the justice system for services.³

Current best practices recommend taking a holistic approach to working with victims of sex trafficking. This includes treating them as victims, using the same interview techniques as those used in child abuse cases, increasing access to victim sensitive and other targeted services, and focusing on more significant penalties for those who recruit, traffic, and abuse children.⁴

These bills would have Wisconsin join 30 plus states that treat victims of sex trafficking as victims and protect them from being further stigmatized and punished in the juvenile justice or criminal justice system. This change in statute would also provide clear guidance to all criminal justice partners so child sex trafficking victims are treated fairly throughout the state.

The GJJC would like to thank the group of bipartisan legislators that have introduced this bill that would eliminate the charging of minors for prostitution by clarifying children cannot legally consent to sex with an adult.

Thank you for the opportunity to provide input and recommendations on AB 48/SB55.

Sincerely,

Carl Ashley

Diane Rondini

Milwaukee County Circuit Court Judge Carl Ashley

Diane Rondini

GJJC Policy, Legislation and Compliance Co – Chairs

cc: Governor Tony Evers
Governor's Juvenile Justice Commission
Wisconsin Legislature

Attachment – GJJC Membership

Contact Information:

Matt Allord

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allordmj@doj.state.wi.us

608-419-5847

³ Wisconsin Department of Justice. 2020. [2019 Law Enforcement Assessment of Sex Trafficking in Wisconsin.](#)

⁴ Office of Juvenile Justice and Delinquency Prevention. 2002. [Protecting Our Children: Working Together to End Child Prostitution.](#)

Governor's Juvenile Justice Commission

Secretary Emilie Amundson, Department of Children and Families

Judge Carl Ashley, Milwaukee Co Circuit Court

Secretary Kevin Carr, Department of Corrections

Jennifer Ginsburg, Executive Director, Safe Harbor Child Advocacy Center

Ben Gonring, Assistant State Public Defender, Madison

Charles Greer, Children's Hospital of Wisconsin, Child Welfare Supervisor

Sharlen Moore, Youth Justice Milwaukee Director

Edjron Pearson, Superintendent, Dane County Juvenile Detention Center

Dorinthia Robinson, Youth Justice Volunteer

Diane Rondini, Former State Public Defender, Juvenile Justice Advocate

JP Rotatori, Youth Member, Youth Counselor and Student

Tweed Shuman, Sawyer Co Board Chairman, Lac Courte Oreilles Tribal Council

Charles Tubbs, Sr., Director of Dane Co Emergency Management

Marcus Williams, Youth Member

Youth Leadership Team Member, Department of Children and Families

Youth Leadership Team Member, Department of Children and Families