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PREPARED TESTIMONY OF ATTORNEY BRAD D. SCHIMEL

Support for Assembly Bill 186
Assembly Committee on Children and Families
Thursday, October 5, 2017

Dear Chairman Kitchens and committee members,

Thank you for the opportunity to testify in support of AB 186 which provides immunity from prosecution for trafficked minors. Let me begin with a shocking statistic: one out of every three homeless teenagers are lured toward victimization by traffickers within 48 hours of leaving home. National Center for Prosecution of Child Abuse (NCPA). These youths are vulnerable to every type of exploitation. Traffickers are experts at spotting vulnerable youth.

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

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

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

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

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

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

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

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

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

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

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

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

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

AB 186 may not be a perfect solution, but it is a step in the right direction to ensuring victims understand that they are indeed victims; to perhaps instill trust in the justice system; and connect the victim with necessary services so that they may heal and escape the horrendous life as a trafficked individual.

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



JILL BILLINGS
STATE REPRESENTATIVE

Rep. Billings Testimony in Support of Sexually Exploited Children Protection Act (AB 186)

Good morning Chairperson Kitchens and members of the committee. I thank you for holding a public hearing on AB 186. This bill would move our state further in protecting sexually exploited children by treating them as child-victims, rather than criminals. AB 186 prohibits the charging of a minor with the crime of prostitution.

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

Currently, children who are forced into commercial sex practices can be prosecuted for the crime of prostitution, causing victimization and burdening a child with a criminal record. Sexually exploited children are often vulnerable to criminal charges, incarceration or detention for actions taken while under the emotional and physical control of their traffickers. AB 186 can alleviate the harm caused by criminalizing sexually exploited children by prohibiting the practice of charging minors with prostitution.

AB 186 is the next step we can now take in Wisconsin after the passage of legislation last session, authored by Rep. Loudenbeck, (2015 Act 367) that went into effect in May, which mandates a Child Protective Service (CPS) agency initiate an investigation into all cases of alleged child sex trafficking by a caregiver or non-caregiver. The law also requires law enforcement to report suspected cases of a minor to the local CPS agency. This law is a vital piece in ensuring trafficked kids are treated as victims and are provided the services they need.

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

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

(over)

AB 186 will put Wisconsin's criminal laws into alignment with both federal law, neighboring states laws and Wisconsin's own laws. By adopting AB 186, Wisconsin law will no longer conflict with the Federal Trafficking Victims Protection Act, which treats coerced children as victims, even if they have engaged in criminal prostitution activity. It also aligns our own state statutes. The 2015 Wisconsin Act 367 also included "sex trafficking" as child abuse under Wisconsin Chapter 48 (the Children's Code). Therefore, currently our statutes are misaligned by defining a child as a victim under Chapter 48, while still being considered a criminal under Chapter 944. Furthermore, the Wisconsin statutes include many laws that make it a crime to have sex with a child. It therefore stands to reason that if some Wisconsin laws treat minors as victims of sexual predation, all Wisconsin laws should treat minors as victims of prostitution, not criminals.

Each year Wisconsin does more to protect sexually exploited youth. I believe this is the next step in a process of bringing awareness and changing our approach to addressing this serious issue. I ask you to join me in protecting our vulnerable youth by supporting AB 186. Thank you.



State Senator Sheila Harsdorf

Date: October 4, 2017

To: Assembly Committee on Children and Families

Fr: Senator Sheila Harsdorf

RE: Assembly Bill 186 – Sexually Exploited Children's Protection Act

Dear Chair Kitchens and Committee Members:

Thank you for holding a public hearing on Assembly Bill 186. While I am unable to testify today, I appreciate the opportunity to share my testimony and the importance of passing this legislation.

In 2015 Wisconsin Act 367, the Legislature made strides in changing state law to recognize child prostitutes as victims by classifying child sex trafficking as abuse under the Children's Code, and providing protection and services to child trafficking victims.

Sexually exploited children tend to be vulnerable youths with troubled backgrounds. According to the U.S. Department of Justice's Anti-Human Trafficking Task Force, children who become involved in prostitution often have histories of running away, homelessness, and drug dependency. An estimated 70 to 90 percent of youth victims of sex trafficking have histories of sexual abuse. When considered in this light, we can easily see that these children are victims of sexual exploitation and should not be treated as criminals.

In an effort to continue to address the needs of victims of sex trafficking, Assembly Bill 186 takes an important step in recognizing that children who are sexually exploited are victims by removing the ability to charge a child with prostitution. By changing this statute, 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.

Assembly Bill 186 is supported by Wisconsin Attorney General Brad Schimel.

Again, thank you for holding a public hearing on Assembly Bill 186. I appreciate your consideration and urge your support.



STATE SENATOR **LaTonya Johnson**

WISCONSIN STATE SENATE

6TH DISTRICT

**Assembly Committee on Children and Families
Testimony on 2017 Assembly Bill 186
October 4, 2017**

Good morning Chairman Kitchens and members of the committee. Thank you for the opportunity to testify on behalf of such very important legislation AB 186, which prohibits children under the age of 18 from being prosecuted for acts of prostitution – a Class A misdemeanor. This bill is tremendously important considering under Wisconsin law it is illegal for any child under the age of 18 to consent to a sexual act legally.

AB 186 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 by charging them with prostitution. My hope is that it will make it even more difficult to convince these children that they have done nothing wrong and in no way possible are responsible for the horrific acts they were forced into by their traffickers

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

This bill will not encourage traffickers to seek minor victims. The average age of a human trafficking minor is 13 years old at the onset and 70 to 90 percent of commercially sexually exploited children have a history of sexual abuse before becoming victims.

It is safe to argue that traffickers already target minors for their business as it is common knowledge younger victims are considered clean or STD-free. This legislation would help to protect these children by removing the stigma, the fear of getting into trouble with the law and encourage cooperation with law enforcement by providing much-needed information regarding her trafficker and his daily operations.

Wisconsin is known as human trafficking hub, a place where pimps and traffickers can come and steal our children off of our streets, forcing them into sexual slavery in circuits like Chicago, La Vegas and other parts of the country and little to nothing will be done.

Prosecuting our children for crimes they had no choice but to commit due to no fault of their own does nothing to help put an end to this rumor. We care about our kids, and we are working hard to protect them, our children deserve AB186.

Once again, thank you for allowing me to testify on this legislation and for your consideration of this important proposal.



**FIERCE
FREEDOM**

Testimony

To: Members of the State Assembly Committee on Children and Families
From: Fierce Freedom
Date: October 4, 2017
Re: Assembly Bill 186
Position: Support

Good Afternoon, my name is Jodi Emerson and I am the Director of Public Policy and Community Relations for Fierce Freedom. Fierce Freedom is a non-profit, based in Eau Claire that raises awareness and educates the public about domestic human trafficking.

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

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

Criminalizing children for sex trafficking sends them the message they are responsible for their victimization. We are going to retraumatize children by arresting, interrogating and prosecuting

them for a crime that was done to them, not by them. We are not talking about child prostitutes. Children cannot consent, so they cannot sell their bodies. What we are talking about is child sex trafficking, or to put it bluntly people paying to rape Wisconsin's children.

By passing AB 186, we are simply following in the footsteps of many other states. According to Shared Hope International, a leader in the anti-human trafficking movement, 22 states and the District of Columbia currently offer full protection for minors. Two other states offer protection for children 16 and under. Three of the four states that we share a border with have protections for child victims of sex trafficking that we do not have.

As someone who is from the western part of the state, we often compare ourselves to Minnesota. When we are talking about professional football, Wisconsin wins that contest no problem. But when it comes to protected exploited children, we have a lot of work to do. According to reports from the Minnesota Department of Health, which houses the Safe Harbor Program, in 2011 7 people were convicted of sex trafficking in that state. Minnesota passed its Safe Harbor program in 2011 and saw immediate dividends. In 2012, 31 people were convicted of trafficking and in 2013, 63 people were convicted. According to the FBI's Uniform Crime Report for 2016 that came out last week, Minnesota saw 235 human trafficking offenses and 191 of those were cleared. Compare that to Wisconsin, which saw 34 human trafficking offenses and 19 were cleared. That is a big difference. Talking to those in Minnesota in the past, they attribute the rise in convictions to the fact that underage victims of trafficking are no longer afraid of prosecution and are more likely to cooperate with law enforcement to help build the complex cases that result in convictions against traffickers.

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

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



Wisconsin Child Sex Trafficking and Exploitation Indicator and Response Guide



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

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

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

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

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

Please review each level of risk

At-Risk

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

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

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

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

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

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

Continue to **MONITOR** the child. REFER to the DCF Anti-Human Trafficking website: <https://dcf.wisconsin.gov/aht> or the DOJ Human Trafficking website: <https://www.doj.state.wi.us/ocvs/human-trafficking> for more information.

3 or more At-Risk items selected

1 or more High Risk items selected

1 or more Confirmed items selected

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

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

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

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

County	Office Hours#	After Hours#
Sheboygan	920-459-3207	920-459-3111
St. Croix Co.	715-246-8285	715-246-8285
Taylor	715-748-3332	715-748-2200
Trempealeau	715-538-2311, ext. 290	715-538-4351
Vernon	608-637-5210	608-637-2123
Vilas	715-479-3668	715-479-4441
Walworth	262-741-3200	262-741-3200
Washburn	715-468-4747	715-468-4720
Washington	262-335-4888	262-365-6565
Waukesha	262-548-7212	262-547-3388
Waupaca	715-258-6300	715-258-4466
Waushara	920-787-6550	920-787-3321
Winnebago	920-236-4600	920-233-7707
Wood	715-421-8600	715-421-8600
Tribe	Contact#	
Bad River	715-682-7127	
Forest County Potawatomi	715-478-4812	
Ho-Chunk	715-284-2622	
Lac Courte Oreilles	715-558-7435	
Lac Du Flambeau	715-588-4275	
Menominee Tribe	715-799-5161	
Oneida Nation	920-490-3701	
Red Cliff	715-779-3785	
Sokaogon	715-478-6437	
St. Croix Tribe	715-349-2671	
Stockbridge- Munsee	715-793-4580	

Testimony



To: Members of the Committee on Children and Families
Date: October 4, 2017
From: Adrienne Roach and Chase Tarrier, Public Policy Coordinator
Re: Support of AB186

End Domestic Abuse Wisconsin
1245 E. Washington Ave., Suite 150
Madison, Wisconsin 53703
Phone: (608) 255-0539 Fax: (608) 255-3560
adrienne@endabusewi.org

Chairperson Kitchens and Members of the Committee, thank you for the opportunity to provide testimony in support of AB186. My name is Adrienne Roach, and I represent End Domestic Abuse Wisconsin. I am also here with my colleague, Chase Tarrier. End Abuse is the statewide membership organization that is the voice for survivors of domestic violence and local domestic violence victim service providers. Advocates for victims of domestic violence work tirelessly to support the unique needs of victims, including human trafficking victims. We support Assembly Bill 186 and thank Representative Billings and Senator Harsdorf for their hard work on this issue.

The following story comes from a Milwaukee-area service provider, The Asha Project. The Asha Project has a long history of serving human trafficking victims. Antonia Vann, the Director of the Asha Project, asked me to share Eileen's story with you all today. Eileen, now 25 years old, has lived in fear of any police contact and subsequent arrest, or any employer's background check, for years because of the prostitution charges she acquired as a 13-year old sex trafficking victim. For Eileen, AB186 comes too late, but her experience illuminates why AB186 is such a critical piece of legislation.

We know that domestic violence is the result of an imbalance of power and control in a relationship. Victims of human trafficking experience many of those same dynamics with their trafficker. 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. But even more diabolically, traffickers prey on an individual's need to feel loved and be part of a family. Traffickers use these strategies to lure victims, manipulating and abusing them, often under the guise of a meaningful relationship. For child victims at one of the most impressionable stages of their development, their teenage years, this victimization is particularly destructive to their identity.

That's why Assembly Bill 186 is a critical component of restoring a victim's identity and dignity. AB 186 would provide the mechanism for law enforcement and service providers to treat child victims as they should – as victims of child abuse, not criminals.

We thank you all for the work you have already done on this important issue. This bill is a positive step forward to develop the framework needed to adequately serve child trafficking victims. We encourage you to keep fighting to stop and prevent human trafficking in Wisconsin. And finally, as part of that effort, we strongly urge you to pass this legislation. Thank you.



Lad Lake is in full support of Assembly Bill 186. 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 victims of sex trafficking. Lad Lake has a program dedicated to working with female victims of sex trafficking. We work with our youth to help heal the trauma they endured from being sexually exploited. This bill has the potential to positively impact victims of sex trafficking and aid in their healing process

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 victims 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 and being prostituted 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

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
- We have seen the impact in our community when working with survivors and advocates against child sex trafficking
- 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 with trained foster parents and law enforcement partners to secure the area
- Victims 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 hinders movement forward in the fight against sex trafficking

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Evangelical Lutheran Church in America
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October 4, 2017

To: The Honorable Joel Kitchens and Assembly Committee on Children and Families
Regarding: AB 186

Dear Chairman Kitchens and Committee Members,

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

We speak in favor of AB 186 because it will move us further in the direction of recognizing victims as victims, who should not be vulnerable to being re-victimized because of insufficient public policy. We say could because we know in many cases our justice system steers away from arresting and convicting young people caught in prostitution, but that is not enough. We need to guarantee that victims are not re-victimized by being labeled and treated as criminals in any way.

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

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

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

Fighting against the cruelty and injustice of sex trafficking has brought together Republicans and Democrats. We hope that will be the case for this bill. Please vote in favor of AB 186.

Sincerely,

Pastor Cindy Crane, Director

Human Sexuality: Gift and Trust Social Statement (Evangelical Lutheran Church in America) The sexual body is never to be used as an object for commercial purposes, and this church will speak against the public idolatry of pleasure, freedom, and wealth that undergirds such practices. Especially deplorable is the billion dollar global sex market and the economic systems that thrive on it, both in the United States and abroad. (pg. 34)

CHILDREN & THE LAW SECTION

To: Assembly Children and Families Committee members

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

Date: October 4, 2017

Re: Support of AB 186 – Safe Harbor

The State Bar of Wisconsin's Children & the Law Section strongly supports AB 186, Rep. Billings and Sen. Harsdorf's 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 186 as it prevents victims of a heinous crime from being prosecuted. This is especially important in trafficking cases, as these situations are hard to identify as such because they are complicated and involve coercion, manipulation, and often the use of physical force.

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

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

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

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

AB 186 is a tremendous step forward in protecting the innocent lives of Wisconsin youth who are victims of sex trafficking, and for the reasons outlined, the Children & the Law Section respectfully requests your support on this legislation.

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



STATE BAR OF WISCONSIN

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

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



WRITTEN TESTIMONY

BILL NO: Assembly Bill 186
TITLE: An Act to amend 944.30 (1m) (intro.) and 944.30 (2m) of the statutes; Relating to: prosecuting a person under the age of 18 with committing an act of prostitution.
COMMITTEE: Children and Families
DATE: May 31, 2017
POSITION: SUPPORT

Dear Committee Members:

Shared Hope International is a national non-profit organization dedicated to combating the egregious human rights violations incurred by the prevalent sex trafficking of children within the United States. By pursuing comprehensive, victim-centered approaches to combat domestic minor sex trafficking, we have found that children from all types of home environments and socioeconomic statuses are vulnerable to the manipulative approaches used by traffickers who pose as boyfriends, recruiters for modeling agencies, and the like.

Under the Protected Innocence Challenge, Shared Hope has outlined the minimum legal components essential for protecting children from sex trafficking, including ensuring that minors engaged in commercial sex acts are treated as victims, rather than delinquents.¹ Shared Hope International supports Assembly Bill 186 because it acknowledges that children, inherently vulnerable and in need of protection, cannot be liable for the crimes committed against them. AB 186 seeks to increase victim protection in one key way:

- (1) AB 186 amends Wis. Rev. § 944.30 (2m) (Prostitution) to remove criminal liability for all minors under 18 years of age.

If enacted, AB 186 would clarify that children engaged in commercial sex are victims, not perpetrators, of a crime. The larger policy purposes for removing criminal liability for minors under the prostitution statute are rooted in extensive research, field guidance, and best practices; the practical purposes are rooted in justice and protection. Amending the prostitution statute to be inapplicable to minors recognizes that children do not engage in commercial sex by choice; rather, a child engaged in commercial sex does so out of coercion, survival, force, fraud, or fear. Commercially sexually exploited children have already been failed by the systems designed to protect them. Arresting and prosecuting these children for their own victimization fails them twice.

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

Children under 18 years of age cannot legally join the military, enter into a contract, vote in any local, state, or national election, legally purchase cigarettes, obtain a tattoo, or drink a beer. As a society, we

¹ See attached; Shared Hope International's Non-Criminalization for Child Sex Trafficking Victims Issue Brief.

recognize the cognitive decision-making skills that minors are equipped with and thus, actively shield children from entering into commitments and behaviors that are potentially harmful. The potential success of AB 186 will be imperative for closing a historical loophole in Wisconsin state law; even though minors cannot legally consent to sexual intercourse, they can be held criminally liable for engaging in such acts if they are paid by an adult to do so. Further, this is not a discussion on consensual sex. Money does not sanitize rape; this not only misplaces the criminality, it also re-victimizes children who have already suffered severe sexual violence.

AB 186 strengthens Wisconsin's commitment to ensuring offender accountability and victim protection. We commend the Committee's dedication to this issue and encourage you to support AB 186.

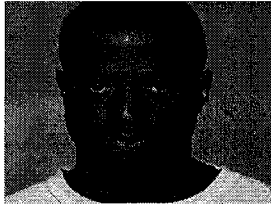
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Woman caged, forced to share food with dog while captor pimped upstairs, complaint charges

Bruce Vielmetti, Milwaukee Journal Sentinel Published 4:24 p.m. CT Sept. 27, 2017 | Updated 4:50 p.m. CT Sept. 27, 2017



(Photo: Milwaukee County Sheriff's Office)

An innocuous-looking house on Milwaukee's northwest side became a prison for a woman police say was held as a sex slave in the basement, forced to urinate in bottles and share her meager food with a pit bull, all while her captor was prostituting other women upstairs.

The disturbing details come from a 15-count criminal complaint against Benjamin Franklin Hooks, 24, accused of taking over the home from its disabled owner and using it as a "trap house" for prostitution involving girls as young as 15.

According to the complaint, a 19-year-old woman was held captive nearly six months before she escaped on Valentine's Day, when Hooks was in court to answer to a charge of beating another woman.

The victim, identified only as BB, told police she had met the owner of the home in a grocery store and agreed to move in to provide care for her and her adult son.

Soon after, BB told police, Hooks and other people began staying at the house on the 6600 block of N. 40th St. When she resisted his sexual advances and demands that she was now his (expletive), Hooks dragged her by the hair to the basement and locked her in a room with a mattress.

Over the ensuing weeks, Hooks sexually assaulted her at knifepoint, beat her repeatedly, tied and blindfolded her while others gang-raped her and made her watch him have sex with another victim, who was also beaten. At times, BB told police, Hooks made her stay in a dog cage and wear a dog collar.

In a May interview, the homeowner's adult son corroborated BB's story. He said he often heard her screaming and crying as Hooks beat her in the basement. When Hooks occasionally let BB upstairs to shower, he could see bruises. He said BB told him Hooks had tied her with ropes. The man told police he was afraid of Hooks, who was violent, carried a gun, and kept the door to the basement locked.

Meanwhile, in January police responded to a battery complaint at the house and found Hooks and another woman, referred to as SO, bloody. SO told police she was dancing for another man at the house when Hooks attacked her and beat her so badly she had to get head wounds stapled at a hospital.

RELATED: [Wisconsin sex trafficking bills target repeat patrons of prostitutes \(/story/news/crime/2017/05/28/wisconsin-sex-trafficking-bills-target-repeat-patrons-prostitutes/349214001/\)](/story/news/crime/2017/05/28/wisconsin-sex-trafficking-bills-target-repeat-patrons-prostitutes/349214001/)

RELATED: [Asha Project brings hope to domestic abuse, sex trafficking victims \(/story/news/local/milwaukee/2017/05/17/asha-project-brings-hope-domestic-abuse-sex-trafficking-victims/328951001/\)](/story/news/local/milwaukee/2017/05/17/asha-project-brings-hope-domestic-abuse-sex-trafficking-victims/328951001/)

ARCHIVE: [Finding a second chance: One woman's sex trafficking ordeal \(http://archive.jsonline.com/news/crime/hitting-bottom-one-womans-story-of-human-trafficking-b99553756z1-323245781.html\)](http://archive.jsonline.com/news/crime/hitting-bottom-one-womans-story-of-human-trafficking-b99553756z1-323245781.html)

The woman also corroborated BB's story of being held prisoner in the basement.

Another woman told police she began hanging out at the house in fall 2016 while she was in ninth grade. Sometime in early 2017, she said, Hooks sexually assaulted her while she was intoxicated. She left the house on Valentine's Day with BB, while Hooks was in court for charges in the SO beating.

A 20-year-old woman, identified only as AW, told police she was brought to the house by an apparent rival pimp of Hooks. She said the two men argued over who she would belong to, and both men beat her when she tried to stop prostituting for them.

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In March, she set up a "date" with a man via a prostitution website. But when he arrived at the house, he was robbed at gunpoint. Immediately after, he flagged down a police officer. Back at the house, they found the man's belongings and a mask like the one he said the robber wore, a gun hidden in a bag of dog food, and 20 1-liter bottles of urine in the basement.

The robbery victim identified AW as the woman who set up the sex and who met him at the door and frisked him before luring him to a back room.

AW identified Hooks as the gunman and another man who went through the victim's pockets at Hooks' direction.

Another girl who was 15 at the time told police that Hooks made her do three prostitution dates and also beat and sexually assaulted her early in the summer of 2016.

Hooks faces 15 felony counts, including human trafficking, false imprisonment, battery, sexual assault and being a felon with a gun. He has pleaded not guilty and is being held on \$200,000 bail.

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