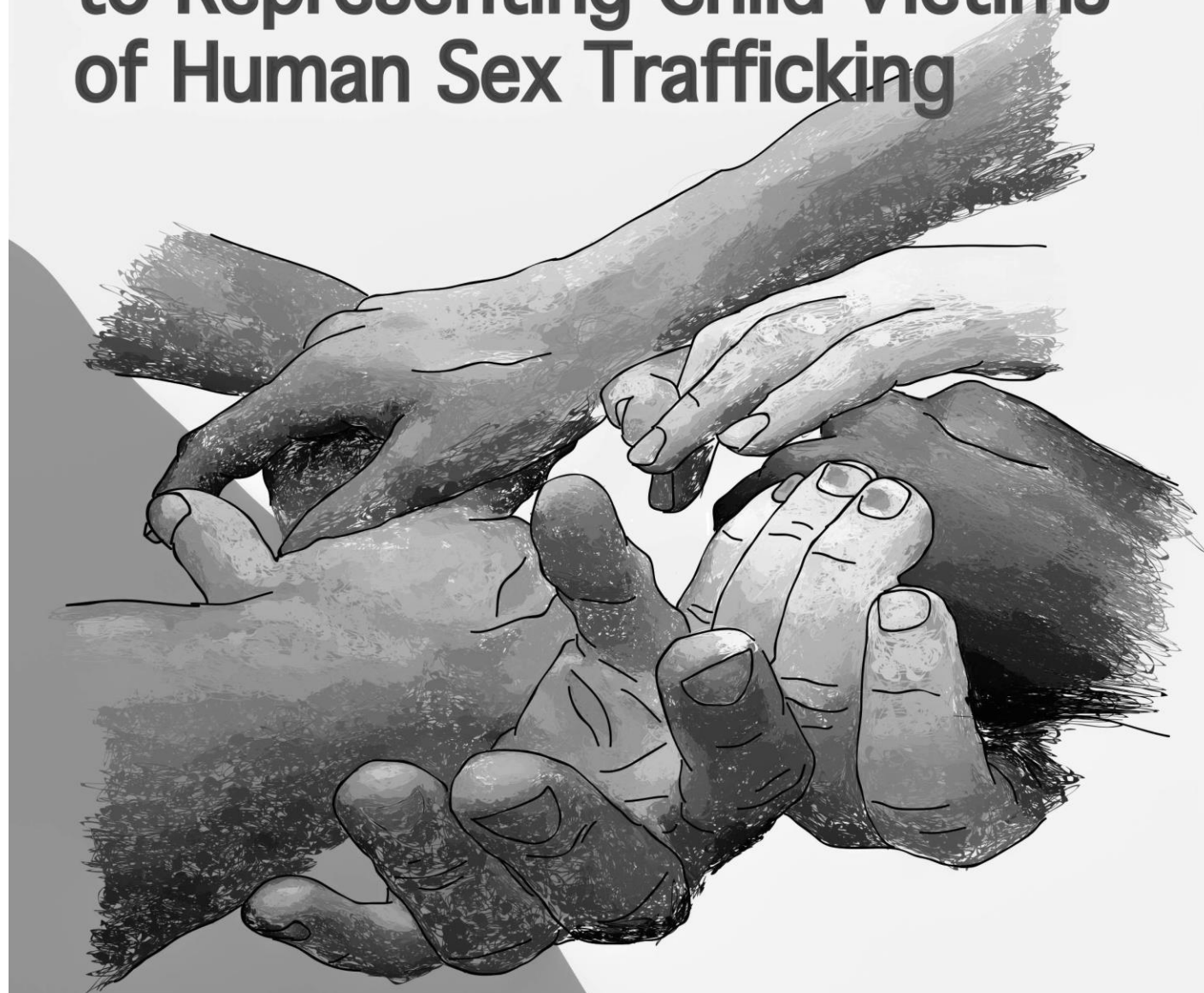


Attorney Guide to Representing Child Victims of Human Sex Trafficking



Written and compiled by Attorney Kelli Nagel

Attorney Guide to Representing Child Victims of Human Sex Trafficking

Written and Compiled by Attorney Kelli Nagel

Edited by Attorney Diane Rondini-Harness and Kelly Cavey

Cover design by Claire Tilton

Chapters

Acknowledgement	2
1. Educate Yourself and Others	3
2. Be an Advocate	16
3. Use Proper Interview Techniques	24
4. Make Collateral Contacts	27
5. Be Cautious When Involving Family and Friends	28
6. Advocate for Your Clients as Victims	29
7. Be Present for Your Clients	32
8. Protect Your Clients from Prosecution	33
9. Seek Out Support Services	34
10. Prepare Your Clients for Post-Representation	49

Acknowledgement

When this protocol was envisioned in fall of 2013, there were at least thirty-five known cases of children being trafficked in Milwaukee County. The purpose of this Protocol is to provide defense practitioners with guidance advocating for the most vulnerable children. These types of cases are unique and require extra time and patience. While many trafficked children are charged with criminal offenses or labeled as chronic runaways, the reality is that they are victims. The hope is that you will use this resource as a starting point to provide the quality representation to which these children are entitled.

Many hours of research and interviewing contributed to the quality of this report. Research, data, and law were taken from many different resources including the Polaris Project, existing trafficking protocols, and experts working in the field. Direct credit was given where possible, please refer to the footnotes; however, most of the work and data was a compilation of many resources. A thank you to all who contributed to this project, and a special thanks and consideration must also be given to Claudine O'Leary of Rethink Resources and Detective Dawn Jones of the Milwaukee Police Department. Without their special guidance and support, this endeavor would not have been possible. Thank you.

Chapter One: Educate Yourself and Others

A. What is human trafficking? Who are the victims of human trafficking? Who are the traffickers?

Human trafficking is a crime affecting all types of people and societies. It is often described as a form of modern day slavery. Generally, victims of human trafficking can be male, female, adults, children, American, and non-American. Victims come from every race, gender, age, socioeconomic class, and ethnicity. The sexual trafficking of children occurs in both rural and metropolitan areas. Child victims of trafficking are exploited for commercial sex, survival sex,¹ and labor purposes. Traffickers often use force, fraud, manipulation, and coercion to exploit their victims.

To be an effective advocate for a child victimized by sex trafficking, attorneys must take a victim-centered approach and commit themselves to understanding the process of victimization, the complexities of human trafficking, and how treating children as delinquents only furthers the process of victimization. The failure to adequately advocate for children who are victims of sexual trafficking may put these children at increased risk for criminal prosecution. Misrepresentation can also result in devastating immigration consequences for children who are not United States citizens. Other challenges to representation include the lack of available resources for child victims; services that do exist are often located only in highly urban areas, and many service providers lack the education and specialized experience to adequately meet the needs of child victims of sex trafficking.

B. Child Sex Trafficking in Wisconsin

According to the Milwaukee Homicide Commission Report, at least seventy-seven youth were trafficked in the Milwaukee area from August 1, 2010-August 1, 2012; experts agree this figure is likely a gross underestimate.² The study examined juveniles age seventeen and younger that had contact with the Milwaukee Police Department. The majority of juveniles were African American (78%) and White (18%). The majority, 79%, resided in Milwaukee, but other areas—such as Oak Creek, Racine, Janesville, Brown Deer and Chicago—were represented. The overwhelming majority, 92%, were females. Nearly 70% of the youth had been reported missing to the Milwaukee police at least once. The majority age was 16-18 (68%), but the total age range was 12-17 years of age. Twenty-nine juveniles reported sexual assaults by non-caregivers. Thirty-one juveniles (40%) had CHIPS, JIPS, or both case types at Milwaukee County Children’s Court. Some youth reported physical and mental health disorders, and some youth were involved in stripping and child pornography in addition to commercial sex acts. The study was admittedly limited, taking information only from Milwaukee police reports,³ but it gives a snapshot of the level of child sex trafficking in Milwaukee.

Another snapshot of child sex trafficking in Wisconsin is the information gathered by Polaris Project. Polaris Project is an organization committed to combating human trafficking and modern-day slavery, and strengthening the anti-trafficking movement through a comprehensive approach. In 2012, Polaris Project’s National Human Trafficking Resource Center received a total of 124 calls from Wisconsin. Thirty-three of the calls were tips, twelve of the calls were referrals, and fifteen of the calls were characterized as high risk. The majority of the calls were from Milwaukee, but calls came from around the State including Verona, Eau Claire, Green Bay, Appleton, and Kenosha. Most calls were placed by non-government organizations (NGO) or community members.⁴

C. Educational Resources

Although there are many resources available on child sex trafficking, the following are some of the most current or Wisconsin specific resources.

1. HUMAN TRAFFICKING COMMITTEE, WIS. OFFICE OF JUSTICE ASSISTANCE, HIDDEN IN PLAIN SITE; A BASELINE SURVEY OF HUMAN TRAFFICKING IN WISCONSIN (2008), *available at* <http://www.doj.state.wi.us/sites/default/files/ocvs/vawa/human-trafficking-report-final-2.pdf>.
2. OFFICE OF THE ATTORNEY GENERAL, WIS. DEP'T OF JUSTICE, HUMAN TRAFFICKING: A GUIDE FOR CRIMINAL JUSTICE PROFESSIONALS (2012), *available at* <http://www.doj.state.wi.us/sites/all/themes/wi-doj-ag/ocvs/files/specialized/doj-ht-guide-cj-professionals.pdf>
3. HUMAN TRAFFICKING COMMITTEE, WIS. OFFICE OF JUSTICE ASSISTANCE & WI COALITION AGAINST SEXUAL ASSAULT, WISCONSIN HUMAN TRAFFICKING PROTOCOL AND RESOURCE MANUAL (2012), *available at* <http://wcadv.org/sites/default/files/resources/Wisconsin%20Human%20Trafficking%20Protocol%20and%20Resource%20Manual.pdf>.
4. INSTITUTE OF MEDICINE OF THE NATIONAL ACADEMIES & NATIONAL RESEARCH COUNCIL, CONFRONTING COMMERCIAL SEXUAL EXPLOITATION AND SEX TRAFFICKING OF MINORS IN THE UNITED STATES (2013), *available at* <http://www.iom.edu/Reports/2013/Confronting-Commercial-Sexual-Exploitation-and-Sex-Trafficking-of-Minors-in-the-United-States.aspx>.

D. The Law

To be effective advocates, attorneys must become familiar with federal law, state law, and “pimp” law. Attorneys must also be prepared to inform prosecutors and courts about affirmative defenses, and alternatives to delinquency. Many practitioners and youth care workers may not be educated on the current status of federal and state law for child sex trafficking. Thus, it is vital, +as an advocate of child victims that you keep abreast of the changes in both the state and federal law.

1. Wisconsin Law

a. Wisconsin Statutes

§ 940.302 Human Trafficking

(1) In this section:

(a) "Commercial sex act" means sexual contact for which anything of value is given to, promised, or received, directly or indirectly, by any person.

(b) "Debt bondage" means the condition of a debtor arising from the debtor's pledge of services as a security for debt if the reasonable value of those services is not applied toward repaying the debt or if the length and nature of the services are not defined.

(c) "Services" means activities performed by one individual at the request, under the supervision, or for the benefit of another person.

(d) "Trafficking" means recruiting, enticing, harboring, transporting, providing, or obtaining, or attempting to recruit, entice, harbor, transport, provide, or obtain, an individual without consent of the individual.

§ 948.051 Trafficking of a Child

(1) Whoever knowingly recruits, entices, provides, obtains, or harbors, or knowingly attempts to recruit, entice, provide, obtain, or harbor, any child for the purpose of commercial sex acts, as defined in s. 940.302(1)(a), or sexually explicit performance is guilty of a Class C felony.

(2) Whoever benefits in any manner from a violation of sub. (1) is guilty of a Class C felony if the person knows that the benefits come from an act described in sub. (1).

(3) Any person who incurs an injury or death as a result of a violation of sub. (1) or (2) may bring a civil action against the person who committed the violation. In addition to actual damages, the court may award punitive damages to the injured party, not to exceed treble the amount of damages incurred, and reasonable attorney fees.

§ 940.302 Civil Remedy Human Trafficking

(3) Any person who incurs an injury or death as a result of a violation of sub. (2) may bring a civil action against the person who committed the violation. In addition to actual damages, the court may award punitive damages to the injured party, not to exceed treble the amount of actual damages incurred, and reasonable attorney fees.

b. Affirmative Defense

§ 939.46 Coercion

(1) A threat by a person other than the actor's coconspirator which causes the actor reasonably to believe that his or her act is the only means of preventing imminent death or great bodily harm to the actor or another and which causes him or her so to act is a defense to a prosecution for any crime based on that act, except that if the prosecution is for first-degree intentional homicide, the degree of the crime is reduced to 2nd-degree intentional homicide.

(1m) A victim of a violation of s. 940.302(2) or 948.051 has an affirmative defense for any offense committed as a direct result of the violation of s. 940.302(2) or 948.051 without regard to whether anyone was prosecuted or convicted for the violation of s. 940.302(2) or 948.051.

(2) This is not the language that the statute uses; the statute states: "It is no defense to a prosecution of a married person that the alleged crime was committed by command of the spouse nor is there any presumption of coercion when a crime is committed by a married person in the presence of the spouse.

c. Other Wisconsin Statutes that may be helpful include:

- § 944.30 Prostitution
- § 946.31 Perjury
- § 946.32 False Statement Under Oath
- § 946.41 Obstructing an Officer
- § 946.65 Obstructing Justice
- § 948.02(1)(d) First Degree Sexual Assault of a Child
- § 948.02(2) Second Degree Sexual Assault of a Child
- § 948.03 Physical Abuse of a Child

- § 948.05 Sexual Exploitation of a Child
- § 948.08 Soliciting a Child for Prostitution
- § 948.09 Sexual Intercourse with a Child Age 16 or Older
- §48.13 Jurisdiction over children alleged to be in need of protection or services
- §938.13 Jurisdiction over juveniles alleged to be in need of protection or services
- §969.01(3) Bail for Witnesses
- Chapter 785 Contempt of Court

2. Federal Law

- 8 U.S.C. § 1328 Importing Aliens for Immoral Purposes
- 18 U.S.C. § 1591 Sex Trafficking of Children by Force Fraud or Coercion
- 18 U.S.C. 2421 Transportation Generally
- 18 U.S.C. § 2422 Coercion and Enticement
- 18 U.S.C. § 2423(a) Transportation of Minors
- 18 U.S.C. § 314 Material Witness Hold
- 18 U.S.C. § 1621 Perjury
- 18 U.S.C. § 1510 Obstructing
- 22 U.S.C. Chapter 78—Trafficking Victims Protection (§§ 7101–7113)
- FED. R. CRIM. P. 6 (Grand Jury)
- FED. R. CRIM. P. 42 (Criminal Contempt)

3. Immigration Law

If a juvenile client is not a United States citizen, immigration relief is provided for victims of human trafficking under the Victims of Trafficking and Violence Protection Act.⁵ Remedies for child victims include:

a. Continued Presence

28 C.F.R. § 1100.35

Continued Presence allows victims, who lack legal status and are assisting law enforcement as potential witnesses, to remain in the country for the course of criminal investigation. It is granted for the duration of one year, but it can be renewed. Victims can apply for T or U nonimmigrant visa after receipt of Continued Presence, or independent of it.

b. T Nonimmigrant Status (T visa)

INA § 214(o); 8 U.S.C.A. §1184(a)(15)(T)

Victims may remain in the United States up to four years, T nonimmigrant status is available to victims of a “severe” form of trafficking who have complied with law enforcement; however, minors under the age of eighteen do not have to meet such requirements to be eligible. Victims must be in the United States or a port of entry to be eligible for such status and must demonstrate that he or she would suffer extreme hardship upon being removed from the United States. If granted T nonimmigrant status the recipient may also apply for family members to receive status. Juvenile victims may apply for the parents and siblings under the age of eighteen.

c. U Nonimmigrant Status (U visa)

INA § 214(p); 8 U.S.C.A. § 1101(a) (15) (U)

U Nonimmigrant status may be available to victims of crime who have cooperated with police or law enforcement. To be eligible the victim must establish that the crime occurred in the United States or under U.S. law, and they must agree to assist in the investigation of the crime. Moreover, a law enforcement official must certify that the victim has assisted in the investigation or prosecution or will do so in the future. If granted U nonimmigrant status the recipient may also apply for family members to receive status. Juvenile victims may apply for parents and siblings under the age of eighteen.

d. Resources

Juvenile defense practitioners should refer clients to an experienced immigration attorney due to the intricacies of the immigration system. Helpful resources include:

University of Wisconsin Immigrant Justice Clinic

Director: Stacy Taeuber
Phone: 608-890-3753
E-mail: srtaeuber@wisc.edu

Catholic Charities Legal Services for Immigrants

Managing Attorney: Barbara Graham
731 West Washington Street
Milwaukee, WI 53204-2311
Phone: 414-643-8570
Fax: 414-643-6726

National Immigrant Justice Center

Contact: Rocio Alcantar
208 S. LaSalle St., Suite 1818
Chicago IL 60604
Phone: 312-660-1322
E-mail: ralcantar@heartlandalliance.org

This organization provides legal services for foreign born victims of human trafficking. It helps those who are undocumented or who might be out of legal status. National Immigration Justice Center is able to help anyone capable of commuting to its Chicago office.

Northern Tier Anti-Trafficking Consortium

Contact: Darci Jenkins
Northern Tier Anti-Trafficking Consortium at
Heartland Human Care Services
33 W. Grand Ave., Suite 500
Chicago, IL 60657
Phone: 312-662-6185 x 2425
E-mail: djenkins@heartlandalliance.org

The Northern Tier Anti-Trafficking Consortium serves foreign-born individuals who have been identified as victims of human trafficking. This program also serves derivative family members. NATC recruits service providers to offer comprehensive case management to victims. It also provides training and technical assistance to service providers. The overall goal of NATC is to create a network of professionals and community members to help identify and properly serve victims of human trafficking.

4. Pimp Law⁶

a. Overview

Pimp law is a code that pimps utilize to control victims. In addition, pimps give recognition to other pimps that honor pimp law. If you abide by “pimp law” your fellow pimps will assist you when you need it. It is also a means of maintaining control over victims.

1. Respect the pimp
2. Do not look at the pimp when being disciplined
3. Do not walk in front of the pimp
4. Bottom girl is always on the right side of the pimp
5. Bottom girl is always in the passenger seat if pimp is driving
6. Up and under girl (second most trusted girl) always to the left of the pimp
7. Up and under girl sits behind pimp in the car
8. Must drop your head when walking with the pimp
9. Do not date by yourself
10. Do not date with other pimps girls
11. Communicate with your wife in laws
12. No boyfriends
13. No talking to other pimps
14. Always answer your phone when the pimp calls, even if you are on a date
15. Get permission from pimp to eat, leave, talk with family etc.
16. Know what to say to police if arrested
17. Call pimp “Daddy”
18. All the money goes to the pimp
19. Pimp decides pimp rules and they can change at any time
20. If a pimp doesn’t follow the laws of the game he is considered a “punk” or “outlaw” because he is disrespecting the game

b. Bottom’s Responsibilities

A bottom girl is typically the girl that the trafficker has been exploiting the longest. She has the highest authority among the trafficker’s victims, and may assist the trafficker in watching over and controlling the other victims. However, as a consequence “bottom girls” are often the most victimized, abused, manipulated, and exploited by the trafficker. They may act as his main girl, but they often times also receive the most abuse. The duties of the bottom girl include:

1. Collect money when the stable is working
2. Make sure all the girls are working
3. Befriend the newest girls
4. Make sure the girls are not talking to another pimp
5. Make sure the girls go to the doctor
6. Check the girls phones

7. Make sure the girls are using condoms

c. Vocabulary⁷

Many traffickers and victims of human trafficking are familiar with a specific set of vocabulary that is used by the industry. One indicator that a child has been trafficked may be her familiarity with the vocabulary listed below. However, it is important to remember that trafficking can range from the formalized industry to survival sex. Thus not all victims may be familiar with the vocabulary, and not all traffickers utilize the same terms.

1. General Street Terms

Mark, also a vic – Someone who will give up money easily for very little drugs, sex or other items, someone you can steal from or doing crimes against more easily

On paper – Be on probation or parole

Rainbow Party– A group of girls will wear differing colored lipsticks and the boy with the most colors on his genitals wins

2. Street and Youth Terms Surrounding the Sex Trade

304 – Spells out “hoe” if you turn the numbers upside down.

Coupe – A term used by gay male and transgender female youth to describe a man who is willing to pay for sex or be a sugar daddy. “Going coupin” is looking for those adults.

Sugar Daddy/Sugar Mama – An older man or woman who often doesn't expect you to have sex with them, at least not at first, but who helps a youth out by buying gifts, drugs, or hotel rooms in exchange for spending time with them.

3. Terms of the Sex Industry

Agency – A business that advertises and coordinates off-street prostitution services.

GFE – Girl Friend Experience; the definition varies but often involves a type of session where the sex worker provides more than just sex including others aspects of being with a girlfriend like kissing, hugging, talking.

Call girl – Makes appointments over the phone, also known as an **Escort**

Independent/Indie– A term used to describe sex workers who do not work for anyone. They do their own advertising, screening, and maintain their own in-call spaces to see clients.

Trick – Can refer to an act of prostitution as a noun (turn a trick) or a verb (tricking off), a person who pays for sex or a person who sells sex (he's a trick or that girl is a trick).

Pay for play – A term people use on dating sites, chat lines and other places to distinguish themselves from people just looking to date or hook-up

Sex worker– A person who exchanges their own sexual labor or sexual performance for compensation, such as an escort/prostitute, porn actor, stripper, dominatrix, phone sex operator, sensual masseuse, or web cam performer.

4. Trafficking Terms

Automatic – When a pimp is out of town or in jail, and his prostitute is "working" while he is gone, she is said to be on automatic. This means that she "automatically" goes out to prostitute and make her pimp money, without being ordered to do so.

Backpage.com– A website routinely used to traffic juveniles and adults in the sex industry.

Bottom bitch – A pimp's "main ho," the one that rides in the front seat. A prostitute who has been with pimp the longest or who is the most trusted. She is usually a recruiter for the pimp and has the task of training the new girls. She supervises the other girls, reports any rule violations and often helps the pimp inflict punishment on the violators. Also known as a "bottom".

Break a bitch – When the pimp, or someone acting for the pimp, takes the money that has been earned. A pimp may take a victim's money many times during a day.

Bumpin' – Taking another pimp's ho. This is also known as Knockin' or Peelin'.

Catcher – Someone who watches prostitutes on "the track" to make sure they are following the pimp's orders.

Choosing up– When a person goes from one pimp to another. This can be done as simply as accidentally looking another pimp in the eyes.

Circuit/ Blade/ Track – All of the "tracks," or areas of prostitution in the country. When a prostitute works the circuit, her pimp takes her from city to city, or "track to track"; the female will work a certain track until she stops making money, or the "heat is turned up" (police begin to pay too much attention to that prostitute or that area).

Cuff – Getting someone drug addicted to commit to prostituting and doing other illegal acts for you.

Daddy – What most pimps require their prostitutes call them. The pimp may often refer to himself as a Pimp Daddy.

Family – All persons within one pimp's stable (group of prostitutes). If a pimp has three girls working for him, each of the girls is considered family to each other. Also known as your folk or your team.

Folks– Pimp or others in the family.

Game – The game is the pimp and prostitution subculture. Anyone involved in prostitution is said to be “in the game.” Also used in the narcotic trade to refer to the “dope game.”

Gorilla pimp – A pimp who controls someone involved in prostitution through violence. He resorts to serious brutality to keep someone working for him.

Hit the yellow line – When a victim runs to the middle of the street to get away from danger.

In pocket– When a prostitute is behaving and doing what the pimp wants.

In-call– The meeting takes place in the escort's home or in a hotel room arranged by the escort

John– Customer

New to town- Often a term used in an ad to reference someone underage.

Out-call– The meeting takes place at the customer's place or residence or in a hotel room that the customer purchased.

Out of pocket – When a prostitute looks at another pimp, argues, tries to run off another girl in the house, or does something wrong she is deemed out of pocket. She is now subject to the "choosing" rules, as described earlier. It may also refer to the prostitute violating the pimp's rules.

Passion pimp– A pimp that uses emotions to control a victim. He controls her through her heart not fear.

PI – Pimp

Pimp party – This is when several pimps get together (unite) for the purpose of abusing a prostitute for being disrespectful, trying to leave the game, or reporting the pimp to the police. The pimps usually gang rape the prostitute, beating her, and other forms of abuse.

Preaching – When someone involved in prostituting tries to convince other girls to think about leaving or to square up.

Square – This is a person who is not involved in the game of "pimpin' and ho'ing" and who leads a normal life.

Stable – The amount of prostitutes working for a particular pimp. If a pimp has six girls working for him, he has a stable of six.

Stashing– Hiding money.

Tennis shoe pimp– Usually younger pimps that live for the moment. They do not follow pimp law and do whatever they want to get what they want. Often referred to as punks or outlaws.

The life – What people inside the pimp and prostitution game call the experience, for example, "when I was in the life." Also can be used by some to refer to being LGBT.

Turn-out – Brand new prostitute; used both to describe being forced into prostitution and a person newly involved in prostitution.

Turn out party– A girl or child is raped many times to get her "used" to the idea.

Wife in law – Sometimes what each prostitute in a pimp's "stable" call each other. A prostitute can only be a wife-in-law to another prostitute when they have the same pimp.

Chapter Two: Be an Advocate

A. Nonjudgmental Approach

Advocacy is the most important role for an attorney representing a child who has been victimized by sex trafficking. As an advocate, it is paramount that you approach these cases with an open mind and a nonjudgmental attitude.

Many of these children have had negative experiences with law enforcement, attorneys, and social workers. They may be timid or reluctant to trust any type of authority figure. Victims will be expecting attorneys to fail. They have been groomed by their trafficker and by past experiences to not trust authority figures. Further, traffickers instill fear of police and other professionals in victims as a means of control.

It is important not to criticize the victim or the trafficker. Many children may have strong feelings or emotions tying them to their trafficker. You may hear a child say that she loves the person exploiting her or that together they are a family. Demonstrate understanding, compassion, and respect for these feelings. It can take months for some children to realize the extent that they have been victimized.

B. Right to Counsel: Represent the Wishes of the Child

As an attorney, it is your job to represent the expressed wishes of the child. Under Wisconsin Statutes § 48.23, Right to Counsel, the word counsel is defined as “an attorney acting as adversary counsel who shall advance and protect the legal rights of the party represented, and who may not act as a guardian ad litem or court-appointed special advocate for any party in the same proceeding.” Under Wisconsin Statutes § 938.23, “counsel means an attorney acting as adversary counsel.” The duties of counsel are to “advance and protect the legal rights of the party represented. Counsel may not act as guardian ad litem for any party in the same proceeding.”

C. Red Flags for Attorneys to Consider in Child Sex Trafficking⁸

Many children enter the juvenile justice system because they are placed in protective custody or they are charged with varying criminal offenses. As an advocate, it is your responsibility to understand not only the legal challenges your client faces, but also any underlying issues. Many children who are victims of sex trafficking are not easily identifiable and may not be recognized by social workers, probation officers, or prosecutors. Thus, it is your responsibility to screen, identify, and offer legal assistance if you believe they may be a victims of child sex trafficking.

The following list includes key indicators that a child may be a victim of sexual trafficking.

- Is a runaway
- Is not free to leave or come and go as she wishes
- Is in the commercial sex industry and has a pimp / manager
- Was recruited through false promises concerning the nature and conditions of her work
- Is highly disciplined or guarded at home or place of living
- Is fearful, anxious, depressed, submissive, tense, or nervous/paranoid
- Exhibits unusually fearful or anxious behavior after bringing up law enforcement
- Avoids eye contact
- Lacks health care
- Appears malnourished
- Shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture
- Has few or no personal possessions
- Has cell phone or other possessions but no money to pay for them
- Is a school truant or not attending school
- Does not have own form of identification

- If the child is not a U.S. citizen, the child does not have own identity documents (passport, etc.)
- Is not allowed or able to speak for herself (a third party may insist on being present and/or translating)
- Is accompanied everywhere by someone who speaks for her
- Is unable to freely contact friends or family
- Is just visiting and has an inability to clarify where she is staying/address
- Lack of knowledge of whereabouts and/or do not know what city she is in
- Has a loss as to a sense of time
- Show signs of trauma, including anti-social, hostile, or self-destructive behavior
- Has tattoos that reference the trafficker or the sex trade
- Has traveled out of state. Some traffickers will move victims to different parts of the country to work or to avoid detection.
- Has knowledge of trafficking vocabulary involved in the sex trade

D. Behavioral Characteristics of Victims of Sex Trafficking

It is common for a victim to deny that he or she is a victim of sexual trafficking. Victims may feel ashamed and reluctant to talk because of fear of judgment. Children may feel they have an obligation to repay their trafficker due to quotas or other agreements. Many children victimized by sexual trafficking have numerous inconsistencies in their stories. Victims, especially those experiencing trauma, may not be able to talk about their experiences in a logical, rational, or linear manner. It may take time to piece details together. Many have complex relationships with their traffickers that involve psychological conditioning or “grooming” by the trafficker. They may have feelings of both fear and love for the traffickers.

Traffickers often manipulate children so they will not reach out for help. Many child victims have a fear of the criminal justice system and attorneys because of past experiences or due to criminal acts they have been forced to perform. It may be difficult to establish trust. Traffickers will use threats against a child’s family or friends as a means of control. Child victims may try to protect the trafficker because they believe doing so will keep their family safe. Victims may be more likely to cooperate after receiving services and an opportunity to establish trust with providers. Therefore, it is critical as the attorney to reassure the child of your role as advocate and of your obligation to confidentiality, and to take the time necessary to build trust with the child client.

E. Forms of Recruitment and Control

Traffickers utilize many methods to recruit and control victims. Some victims are recruited through the internet and social media sites such as Twitter, Facebook, or Instagram. Traffickers utilize social media to recruit vulnerable victims. Traffickers also recruit victims through acquaintances, friends, family members, and classmates. Some victims are recruited at malls or other teen social spots. Other locations of recruitment include bus stations, youth shelters, group homes, and juvenile detention centers. Traffickers utilize a variety of methods including love and coercion to recruit and keep girls “in the life.” It is important to remember that no one case may look the same and a pimp might use a combination of methods to control a victim.

1. Love

Traffickers will use small indulgences to create an emotional attachment with the victim. Indulgences may include buying the victim clothes or a cell phone, taking the victim to get her nails done, or simply buying the victim her favorite snacks. Traffickers use intense manipulation to create a sense of belonging in the victim. Emotional abuse and extreme isolation can keep victims from leaving their pimp and the industry. Traffickers create a sense of dependency in victims and instill a fear of independence. Some traffickers have physical relationships with their victims, which may cause the victims to believe that they are in a relationship or that their trafficker has a romantic attachment to them. Deceitful, enticing, and affectionate behavior leaves many girls vulnerable.

2. Coercion

Traffickers use coercion through threats of serious harm or restraint to a victim’s friends and family. Girls often are intimidated and humiliated because pimps will create a climate of fear. Girls will face punishment or retaliation for failure to meet trivial demands. Some traffickers will charge girls for basic daily necessities such as food, shelter, and clothing. Some girls have to pay fines or face punishment if they do not meet “quotas” of the specific amount of money they are expected to earn on the street. Traffickers will use psychological tactics to create a false sense of dependency similar to that seen in kidnapping victims or victims of domestic abuse. Traffickers may coerce a victim into committing illegal acts, and then threaten to report the victim and have her sent to jail. Often traffickers falsify a relationship with police or law enforcement to convince the victim that she will not be helped by law enforcement. As a result, victims are left feeling like help does not exist, and there is no one to trust.

3. Force

Traffickers will threaten the use of violence to control victims. Some victims experience persistent or occasional physical and/or sexual abuse. Some traffickers will rape or molest the girls or boys they traffic. Traffickers will also commit acts of violence against other children or the bottom girl in front of victims to instill a climate of fear.

4. Business Proposition

Some traffickers recruit victims through the form of a business proposition. Traffickers may entice children by telling them they have a way the child could earn some extra money. The trafficker may approach victims at schools, malls, or parks. Some children are initially lured by traffickers posed as modeling or dance agents. Children think they are being recruited for music videos or show business when in the end they are sexually exploited.

5. Females Recruiting Females

Male traffickers will use females to recruit other females. In addition, some females operate as traffickers themselves. Girls are sometimes recruited by other girls during stays in juvenile detention, group homes, or the foster care system

6. Family

Some family members sell their children into prostitution. In addition, some family members may prostitute daughters, nieces, cousins, or other children from their own family for profit. Victims may feel an obligation to prostitute themselves in order to help pay bills or contribute to the family financially.

F. Example Screening Questions for Attorneys to Consider When Interviewing a Child Suspected to Be a Victim of Sex Trafficking

When evaluating whether a child is a victim of sex trafficking there are certain key indicators that may help attorneys screen whether a child has been trafficked. It is important to remember that no two trafficking cases look the same. The questions listed below may be indicative of a child that has been trafficked. They are not meant to be in depth interview questions, but rather a screening tool to ascertain whether a child may be a past or present victim of sexual exploitation. Proper interview techniques will be covered in the next chapter.

- Where have you traveled recently? Many traffickers move victims to different states.
- Do you have any tattoos? What do the tattoos mean? Traffickers often like to “brand” their victims.
- Have you been attending school? If not why not?
- Where do you live? Who do you live with? Where do you eat and sleep?
- Who takes care of you?
- Describe the place where you live.
- Are you allowed to leave if you want to?
- Has anyone tried to hurt you or have you been threatened? If so, by who?
- How do you get around from place to place?
- How do you pay for things? Cell phone, food, etc.

Chapter Three: Use Proper Interview Techniques

A. Tips for Positive Interviews

Establishing trust is essential to the representation of any juvenile client. Build trust by remaining calm, and assuring the client that everything they say will be kept confidential. Remember that many clients may not see themselves as victims and hold an attachment to their traffickers. **Avoid making derogatory or judgmental comments about their traffickers or the nature of the sex trade.** It is important to explain to your client that you are there to advocate for them and their needs. Clearly explain to your client his or her rights and the legal process. Take time to explore neglect and abuse issues. Helpful suggestions to remember include:

- Use vocabulary reflective of the client's words, be careful with terminology, and be specific in your descriptions.
- Allow the client to frame the situation of the trafficker positively.
- Understand that the line between victim and trafficker can be gray, and some victims are forced to "collaborate" to survive.
- Understand trauma, the effects of trauma, and familiarize yourself with resources to assist victims.
- Be compassionate, understanding, and do not pass judgment.
- Conduct interviews in a private setting.
- Don't ask, "Are you a victim of human trafficking?" or "Do you know what human trafficking is?"
- Occasionally it may be easier for a victim to first describe what happened to a friend or counterpart rather than beginning with their own experience.
- Expect that multiple interviews may be necessary to establish rapport with the victim or client.
- Expect to invest more time than typically spent with a client who is not a victim of trafficking.
- Be patient and willing to allow the client to relay their story over multiple interviews.
- If you your client you will do something or find out information, follow through on that promise

B. Consider Teen Brain Development

In 2011, the U.S. Department of Justice estimated between 200,000 and 300,000 children were being forced into prostitution at any given point, and that the average age of a new child “prostitute” was 13.⁹

Because a teenager’s brain, including his or her cognitive abilities and psychosocial maturation are not fully developed, he or she is more likely to engage in risk taking behavior, more susceptible to peer influences, and more likely to have unrealistic thinking. In fact the U.S. Supreme Court stressed that:

First, as any parent knows and as the scientific and sociological studies. . . tend to confirm, “[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions.” . . .

The second area of difference is that juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure. . . .

The third broad difference is that the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.

Roper v. Simmons, 543 U.S. 551, 569-70 (2005) (quoting *Johnson v. Texas*, 509 U.S. 350, 367 (1993)).

Keeping this in mind as you represent a child victim of sex trafficking will not only help you to understand her behavior but will help you explain her behavior to the court.

C. Competency of the Child

An attorney must make sure a child understands the court proceeding and can participate in her own defense. It is important to keep in mind that children who are under stress or experiencing fear, who have learning difficulties or a mental health disorders, or who have been previously victimized may have a more difficult time understanding the court process and helping in their defense.¹⁰ Further, the average age of a new child victim is 13 years old, but anecdotally there have been reports of children as young as ten involved in sex trafficking. Wisconsin Statutes § 938.30(5) outlines the procedure that must be followed when there is probable cause to doubt the child's competency to proceed. *See also State v. Johnson*, 133 Wis. 2d 207, 395 N.W.2d 176 (1986).

Chapter Four: Make Collateral Contacts

Law Enforcement and Other Juvenile Justice Professionals

Be sure to advise the police, the FBI, state and federal prosecutors, probation officers and social workers that you are the child's legal representative. This is important for a variety of reasons. First, it is important to put law enforcement and prosecutors on notice that the child is represented so the interviews of the child cease unless you are present. It is always important for an attorney to advise children of both their 5th and 6th amendment rights to remain silent and to have an attorney present during questioning. A sample invocation of rights form can be found in the appendix. Police and prosecutors should inform you if and when your client is subpoenaed to preliminary hearings, grand juries or jury trials. A sample proffer letters may be found in appendix.

Maintain good relationships with probation officers and social workers. Probation officers and social workers may be informed when police or prosecutors are involved before you or your clients. Further, social workers and probation officers will be making placement recommendations to the court. Providing them with information on any relatives or other possible placements may speed up the process of releasing your client from custody. As always, be sure to educate and advocate for your client as a victim with other juvenile justice professionals. Occasionally, law enforcement and others may need to be reminded that the child is a victim. Share information and provide guidance as to alternative placements and referrals for therapy and other services as often there are services that may be accessible prior to case disposition. Engaging in services early may help you client's case at disposition.

Often children involved in human sex trafficking have other mental health needs, including post-traumatic stress disorder, depression, and anxiety disorders. Familiarize yourself with psychologists in your area that will quickly and accurately provide evaluations. See Wisconsin Statutes § 48.295 or § 938.295 to request court ordered psychological evaluations. If you are considering a private evaluation, please review the Wisconsin State Public Defender website¹¹ for information on how to hire a psychologist or other expert.

Chapter Five: Be Cautious When Involving Family and Friends

Family and Friends

Be cautious when involving a child's family and friends. A child's family or friends may be the people exploiting her, may be connected to the trafficker, or may be receiving a financial benefit from the trafficker. Confirm the identity of any extended family or friends, as it would not be unusual for the trafficker to appear at the court hearing or send people to appear on the trafficker's behalf alleging they are the family. Remember that when you ask your client who her family is, she may be programmed to identify the trafficker as her "daddy" or others involved in trafficking as members of her family. In addition, victims of child sex trafficking may be reluctant to provide information on their legal family because the trafficker has denied them access to that family, has persuaded them that they have a new family, or has threatened to harm that family.

Remind the family that the court proceedings are confidential. Wisconsin Statutes §§ 48.396, 48.78, 938.396, and 938.78 outline the proper procedure that must be followed for release of confidential information. Be prepared for a *Bellows* motion from the accused trafficker to obtain the court or social services file. *See State v. Bellows*, 218 Wis. 2d 614, 582 N.W.2d 53 (Ct. App. 1998); *see also Courtney F. v. Ramiro M.C.*, 2004 WI App 36, 269 Wis. 2d 709, 676 N.W.2d 545.

In the event that the family is supportive, you may want to refer them to support services including organizations that offer case management and family therapy. Suggestions for such resources are provided in Chapter 9 of this protocol.

Chapter Six: Advocate for Your Client as a Victim

A. Child as Victim

A child that has been sexually trafficked is potentially a victim of multiple criminal offenses at both the federal and state level. Such victimization can provide the basis for Child in Need of Protection or Services (CHIPS) jurisdiction under Wisconsin Statutes § 48.13. Such jurisdiction would allow the child to become eligible for numerous supportive services. (A list of potential services is provided in Chapter 9.) As the attorney, you have the ability to file either a CHIPS or a Juvenile in Need of Protection or Services (JIPS) petition. *See* Wisconsin Statutes § 938.13. Filing a petition may be necessary to avoid delinquency adjudication.

If a child is the victim of the crimes of Human Trafficking or Trafficking of a Child under Wisconsin Statutes §§ 940.302 & 948.051, there is an affirmative defense under Wisconsin Statutes § 939.46(1m), to any offense committed as a direct result of the human trafficking or trafficking of a child, without regard to whether anyone was prosecuted or convicted for the offenses of human trafficking or trafficking of a child. This affirmative defense must be used when a child is charged with prostitution, but also any other offense related to the child sex trafficking.

In *In re: B.W.*, 313 S.W.3d 818 (Tex.2010), the Texas Supreme Court held that a thirteen year old child could not be prosecuted for the crime of prostitution considering that a child under fourteen years of age is legally incapable of consenting to sex with an adult. The court went on to state that “[c]hildren are the victims, not the perpetrators, of prostitution.” *Id.* at 826. In addition, the Texas Supreme Court was one of the first to recognize the vulnerability of exploited children. The court said, “Most of these children are controlled by their pimps through a combination of emotional and financial security mixed with violence and drugs, and are unaware that the treatment they are receiving is against the law.” *Id.* at 824-825. Moreover, the court recognized that runaway and abused children are some of the most vulnerable to being exploited. *Id.* at 821.

B. Detention and Release Arguments

1. Not a Victimless Crime

There is a common misconception that prostitution is a victimless crime; however, in child sex trafficking situations, children are the victims. Many children that are sexually exploited are placed in juvenile detention because well-meaning law enforcement, prosecutors, probation officers, social workers, and judges, feel there is no safe alternative. However, incarcerating children that have been sexually exploited only re-victimizes them. The National Survey of Youth in Custody from June 2008-April 2009 found that 12% that youth who were incarcerated had been victims of sexual abuse by detention center staff or other youth.¹² Moreover, the Office of Juvenile Justice and Delinquency Prevention found that low level offenders are often housed with violent offenders including sex offenders and those convicted of murder.¹³ In fact, 28% of children surveyed had been subject to physical restraints and 35% had spent time in solitary confinement. **Therefore, it is critical for a defense attorney to frame a release argument taking into account not only Wisconsin Statutes §§48.208 and 938.208 but also the research and policy on detaining victims of child sex trafficking.**

2. Detention is Not for Victims

Since most of the victims of child sex trafficking are girls it is important to make the argument that detention has negative consequences for all children who are victims of sexual exploitation, but the system may be most difficult for girls.¹⁴ Girls placed in detention are subject to a juvenile detention system that was designed for boys. Seventy-three percent of girls involved in the juvenile justice system have been sexually or physically abused and sometimes both.¹⁵ Girls are sometimes placed in solitary confinement and subject to restraints including shackling, restraint chairs, and pepper spray. Such treatment can have long term psychological consequences for all children and specifically girls that have been victims of sexual abuse and trauma.

3. Recruitment in Detention

There is concrete evidence that many children are recruited for the trafficking industry while they are in detention.¹⁶ In fact, studies show that time spent in detention increases the likelihood that a child will engage in criminal activity because the child is likely to form negative peer connections.¹⁷

4. Runaways

Often running away from court ordered placements may be the basis for a court to hold a child victim in detention. However, running away may be seen as part of recovery, just as relapse is for an addict or returning to an abusive situation is for a domestic violence victim. Pimps will always welcome a child victim back to “the life” with open arms. **The justice system must also provide “open arms” for a victim to return to supportive services.**

5. CHIPS, JIPS and Delinquency

Children under CHIPS, JIPS and delinquency orders may only be held in detention under very limited circumstances. Those circumstances are outlined in Wisconsin Statutes §§ 48.208, 938.208 for pre-disposition and Wisconsin Statutes §§ 938.34(3) (f), 938.355(6), (6d), (6g) for post-disposition, or under Chapter 785 for contempt of court. Any child held in detention post disposition is entitled to a five day review. *State ex rel Harris v. Larson*, 64 Wis. 2d 521, 219 N.W.2d 335 (1974).

Chapter Seven: Be Present for Your Clients

As an advocate, it is imperative that you attend all meetings and interviews involving your client. Such meetings include plan of care meetings, intake interviews, and police and prosecutor interviews. If your client is called to testify, attend all meetings preparing her testimony, preliminary hearings, jury trials, and grand juries.

Often times law enforcement, prosecutors, and other personnel will not inform you about interviews or meetings. Thus, it is crucial to establish relationships with all providers and law enforcement in contact with your client. If you have an established relationship with your client and the service providers you will more likely be invited to attend. Once police and prosecutors know that your client has representation, they should either cease interviews or schedule them with you.

If your client is called to testify in a state or federal proceeding, do not depend on police, prosecutors, or victim-witness advocates to prepare your client's testimony. As her advocate, only you can exercise attorney-client privilege. Thus, if you prepare her testimony no reports or inconsistent statements will be available. As your client's advocate, you should know her story and be in the best position to help clear up any confusion or inconsistencies. Also, consider small but very important details such as make sure your client has proper clothing to wear if she is called to testify.

Chapter Eight: Protect your Clients from Prosecution

Secure letters of cooperation. These are often referred to as proffer letters or immunity letters. District attorneys and federal prosecutors should expect such a request. These letters may protect your client from further prosecution and help obtain a desired disposition. Experienced law enforcement and prosecutors will understand that victims may not always tell the complete truth out of a sense of loyalty to their trafficker or due to fear of retaliation. Refer to the examples given in the appendix for both federal and state proffer immunity letters.

Negotiate dependency options in lieu of delinquency. As indicated, file a CHIPS or a JIPS petition to secure supportive services in lieu of a delinquency finding. Consider the use of a deferred prosecution under Wisconsin Statutes § 938.21(7) or a consent decree under Wisconsin Statutes § 938.32.

Be present with your client for all investigative interviews with the district attorney, the police, and investigators. It is your responsibility to inform such stakeholders that your client is represented and that you need to be present any time your client is asked to give a statement.

If your client is asked and is willing to testify in criminal proceedings against an alleged trafficker, take a primary role in preparing your client to testify and attend any court proceedings. You should know your client's story better than anyone else. As her advocate, it is your responsibility to explain the court process and prepare her to testify; this includes the physical set up of the courtroom, that the abuser/trafficker will be in court, that a jury may be present and the consequences of perjury.

Chapter Nine: Seek Out Support Services

A. Service Providers and Placement Options

When considering appropriate service providers for a client, first take into account the child's expressed wishes. Second, consider the child's immediate and long-term needs when presenting her with options. Short term needs include ensuring the client's safety and ensuring her basic needs are met, such as shelter, transportation, and medical care. Long term needs include counseling, housing or treatment, schooling, and support through any proposed criminal prosecutions against perpetrators. Keep in mind that it might be necessary to engage multiple service providers to meet all of the client's needs. Social service providers can support a victim by establishing a rapport with your client and working to help the client become independent of the trafficker, to reduce the client's feelings of isolation, and to create a safe environment for the client to disclose her experiences.

When considering a recommendation for placement of a juvenile client, it is important to remember that some clients might benefit from returning to their home or from going to foster care. Others may need a group home or residential treatment center. There also may be other important adults in a child's life that could provide a safe and appropriate environment. Consider extended family, friends, teachers, etc. Remember to take into account the client's safety and needs. If the immediate family can offer a safe and supportive environment, it might be appropriate to recommend that the juvenile return home to her parents or guardians.

B. Referrals

The list below provides suggestions for referrals to residential treatment facilities, shelter care, counseling, and other community resources. It is by no means exhaustive of all statewide resources, and it focuses primarily on the Milwaukee area.

For a list of group homes and residential care facilities for children and youth, or to find the child placing agency in your area, please visit the Wisconsin Department of Children and Families website at:

<http://dcf.wi.gov/childrenresidential/directories/CW-Directories.HTM>

Residential Treatment

Homme Home Youth and Family Program

Contact: Char Schoening
W18105 Hemlock Rd.
Wittenberg, WI 54499
cschoeni@lsswis.org
715-253-2116

This is a nationally-known treatment program for children and adolescents dealing with issues of sexual perpetration, delinquency, victimization, alcohol and drug abuse, cognitive behavioral issues or dual diagnosis, and independent living support. The main campus rests on over 200 acres of wooded land and streams in North Central Wisconsin. Within this tranquil setting, children and families discover that they can regain control of their lives and recover from their issues. Four of Homme Home's male units are located in Wittenberg, WI. Homme Home's female treatment programs are also located in Wittenberg, WI, providing one unit to customize services based on the needs of each youth.

Lad Lake Treatment Program for Sexually Trafficked Girls and St. Rose Youth and Family Center

Contact: Debby Zwicky
3801 N. 88th St.
Milwaukee, WI 53222
DebbieZwicky@ladlake.org
414-760-8082

Lad Lake opened the first Wisconsin residential treatment center specifically for sexually trafficked girls at the Dousman campus in the fall of 2013. The facility serves sexually trafficked girls through a trauma informed intervention model. Throughout the program, girls receive counseling, group and individual therapy, schooling, and other forms of treatment. The program strives specifically to involve

families through family therapy and visits. The program's three step model focuses on first recognizing trauma, second rebuilding self, and third reconnecting to healthy and supportive community resources.

Milwaukee Academy

Contact: Dana Dorn
9501 W. Watertown Plank Rd.
Wauwatosa, WI 53226
ddorn@clinicarecorp.com
414-257-3141

Milwaukee Academy is a residential treatment facility for adolescent girls from Wisconsin, Illinois, and Minnesota. The Academy specializes in trauma informed care and helping victims of human trafficking. All placements must be court ordered

Shelters

Pathfinders

Contact: Holly Krings
4200 N. Holten St., Suite 400
Milwaukee, WI 53212
hkrings@pathfindersmke.org
414-810-1536

Offers crisis support during or after trafficking and case management for those who have been trafficked. Will assist youth with transportation, legal advocacy, public benefits, and other needs. All services are free to clients.

Walker's Point Youth and Family Center

Contact: Darlene Dyson
2030 W. National Ave.
732 S. 21st St.
Milwaukee, WI 53204
darlenedyson@sbcglobal.net
414-426-6333
414-647-8200

Operates a 24-hour crisis counseling center and temporary shelter for homeless runaway youth in crisis. Also maintains transitional and supportive housing, a nurturing program for parents, and youth street outreach.

Counselors

Child Protection Center

Contact: Mark Lyday
P.O. Box 1997, MS 746
Milwaukee, WI 53201
mlyday@chw.org
414-277-8994

Offers an emergency response when someone is located by law enforcement or is identified as a victim of human trafficking. Offers crisis support during or after trafficking, case management, and coordination of care.

Convergence Resource Center

Contact: Dr. Debbie Lassiter
3975 N. 68th St., LL1
Milwaukee, WI 53216
ceo@convergenceresource.org
414-393-1325

Offers case management and coordination of care for victims of trafficking. Helps with safety planning, emergency clothing, hygiene supplies, finding employment, job skills, and spiritual counseling. Currently serves those eighteen and older.

Family Options Counseling, LLC

3015 N. 114th Street
Wauwatosa, WI 53222
info@familyoptions.com
www.familyoptions.com
414-431-4444

Offers extensive counseling services for children and families. Types of therapy include art therapy, child and adolescent therapy, family therapy, group therapy, play therapy, and consultations.

Healing Hearts

Contact: Juana Sabatino
414-265-1339
Contact: Maria Beltan
414-699-2965

Offers a safe and confidential support group for parents and caregivers of children or family members who have been sexually exploited.

Pathfinders

Contact: Holly Krings
4200 N. Holten St., Suite 400
Milwaukee, WI 53212
hkrings@pathfindersmke.org
414-810-1536

Offers crisis support during or after trafficking and case management for those who have been trafficked. Will assist youth with transportation, legal advocacy, public benefits, and other needs. All services are free to clients.

Project Ujima

Contact: Toni Rivera-Joachin
620 S. 76th St., Suite 120
Milwaukee, WI 53214
Toni.riverajoachin@cssw.org
414-292-4006

Provides crime victim services to youth and adults, case management, crisis intervention, and resource referrals to community agencies.

Culturally Specific Resources

Asha Family Services, Inc.

Contact: Antonia A. Vann
3719 W. Center St.
Milwaukee, WI 53210
antoniadv@gmail.com
414-875-1511

Provides culturally specific crisis, case management, and support services to primarily African American populations impacted by domestic and sexual abuse, human trafficking, incarceration, HIV, and AIDS. Have been working with victims of sexual exploitation since 1990. Can serve young adults age 17 and older.

Hmong American Women's Association

Contact: Maytong Chang
7212 W. Fond Du Lac Avenue
Milwaukee, WI 53218
414-342-0858

Operates a 24-hour help line. Offers case management and coordination of care for adolescents and adults.

United Migrant Opportunities Services (UMOS)

Contact: Mariana Rodriguez
802 W. Mitchell St.
Milwaukee, WI 53204
mariana.rodriguez@umos.org
414-389-6508

Provides cultural and linguistically specific victim services to Spanish speaking victims of sexual assault and domestic violence.

Community Based Resources

Diverse and Resilient

Contact: Brenda Coley
2439 N. Holten St.
Milwaukee, WI 53212
bcoley@diverseandresilient.org
414-390-0444

Offers services for the LGBT community across all developmental stages while in a safe and supportive environment.

Exploit No More

Contact: Katie Linn
Exploit No More
PO Box 510286
Milwaukee, WI 53203
contact@exploitnomore.org

Offers emergency responses to victims of human trafficking across all age ranges. The organization is growing, and plans to open a residential treatment center for victims of human trafficking. The program is not confidential, and reports to law enforcement.

First Hope Ministries and Inner Beauty Center

Contact: Deanne Lawson
1501 W. Lincoln Ave.
Milwaukee, WI 53215
firsthopeministries@gmail.com
414-384-2334

The Inner Beauty Center is a drop in center on Tuesdays from 4-8 p.m. The program offers a meal, personal care, clothing, food, and haircuts for those on the South Side of Milwaukee. Currently the organization only serves female clients. The organization also conducts outreach on the South Side of Milwaukee and can assist with victims in a variety of ways.

Kids Matter, Inc.

Contact: Jennifer Hastings
1850 N. Martin Luther King Dr., Suite 202
Milwaukee, WI 53212
Jennifer.hastings@kidsmatter.org
414-344-1220

Kids Matter, Inc. is a non-profit organization in Milwaukee County that serves children and teenagers who are in foster care, group homes, or being raised by relatives due to violence, abuse, or neglect. The organization advocates for children, and works to prevent abuse by promoting safe and stable environments.

Lotus Clinic

Contact: Rachel Monaco-Wilcox
Mount Mary University
2900 N. Menomonee River Parkway
Milwaukee, WI 53222
monacowr@mtmary.edu
414-793-7293

LOTUS is a legal clinic out of Mount Mary University. The clinic can help victims with legal matters that arise in relation to their status as victims of a crime. Each person's case is different, so LOTUS provides a comprehensive case by case evaluation and plan for assistance, based on the client's own goals for the short and long term.

Rethink Resources- Represent

Contact: Claudine O'Leary
PO Box 11293
Milwaukee, WI 53211
claudine@rethinkresources.net
414-212-5121

Creates opportunities for teens that have experienced the sex trade, commercial sexual exploitation or sex trafficking to express themselves, understand their experiences, help each other, and be involved in decisions that impact their lives. Runs interactive educational and supportive groups with youth on sexual exploitation, sexual violence, and the commercial sex trade for schools, youth centers, and residential treatment centers. Also provides technical assistance to community, academic, and system partners.

Sojourner Family Peace Center

Liz Marquardt and Michelle Coppens-Bunker
P.O. Box 080319
Milwaukee, WI 53208
LizM@gamilypeacecenter.org
MichelleC@familypeacecenter.org
414-276-1911 (Main Office)
414-933-2722 (24-hour hotline)

Offers supportive services for those affected by domestic abuse. Services include an emergency shelter, help with restraining orders, support around criminal cases, and support with those interacting with law enforcement. Also offers life skills training, case management, support groups, and support for families experiencing violence.

Sexual Assault Treatment Center (SATC)

Aurora Health Care
Contact: Gina Kleist, Manager
960 North 12th St., Suite 2120
Milwaukee, WI 53233
Gina.kleist@aurora.org
414-219-5555

Services provided include crisis intervention and emotional support, medical treatment, forensic exams, STD and pregnancy screening. Staff is specialized in working directly with individuals with special needs. The center screens for trafficking.

Street Beat Team

Contact: Adrienne Strelcheck and Darlene Dyson
4200 N. Holton Ave., Suite 400
Milwaukee, WI 53212
astrelcheck@pathfindersmke.org
414-852-3027

Provides basic needs for clients and case management surrounding safety, food, housing, baby needs etc. Provides a safe space for 12-24 year olds during afternoons and early evenings where there is access to basic needs such as kitchen, laundry, shower and lockers. Also provides safer sex materials and education on how to use them.

Walker's Point Youth and Family Center

Contact: Darlene Dyson

2030 W. National Ave. (administrative office)

732 S. 21st St. (shelter)

Milwaukee, WI 53204

darlenedyson@sbcglobal.net

414-426-6333 / 414-647-8200

Operates a 24 hour crisis counseling hotline, a shelter for homeless youth in crisis, transitional and supportive housing, support for parents and parental figures, and street outreach within the community. The street outreach program is very familiar with working with sexually exploited youth.

State Resources

The Wisconsin Department of Children and Families (WI DCF)

Bureau of Migrant, Refugee & Labor Services:

WI DCF Immigration Services manage and monitor contracts for programs designed to assist refugees in achieving economic self-sufficiency and social self-reliance. Services are provided by partner agencies that are responsible for comprehensive, bilingual, and bicultural employment services, as well as supportive services that may include health screening, English as a second language, and family-focused case management. Employment services may include assessment, vocational training, job application support, job referral, job retention, and job upgrading. Services are available to foreign victims of trafficking who have completed the federal certification process.

Wisconsin's Child Protective Services and the Bureau of Milwaukee Child Welfare

Wisconsin's Child Protective Services (CPS) program is state-supervised and county-administered in 71 counties, and state-administered in Milwaukee County. Reports of alleged child maltreatment are responded to by all 71 County Human/Social Services Departments and the Bureau of Milwaukee Child Welfare. Any concerned individual may report suspected abuse or neglect directly to a local child protective service agency or law enforcement agency. The focus of CPS is to assure child safety and to work with families to determine whether the child and family are in need of any services. Examples of services available to help the family and the child include counseling, in-home services, assistance regarding home and financial management, parent education, etc. If you make a referral to the BMCW be certain to identify the case as one of child sex trafficking as there are initial assessment and case managers specifically identified for these types of cases.

C. Hotlines

1. Wisconsin Victim Help Line- 1-800-446-6564
2. Wisconsin Victim Help Line Spanish 1-800-446-6564
Español sin carga y oprima "2"
3. National Human Trafficking Resource Center- 1-888-373-7888
4. National Runaway Switchboard- 1-800-RUNAWAY
5. Bureau of Milwaukee Child Welfare- 414-220-SAFE

D. Educational Resources

1. My Life My Choice, Little Wanderers (2008), *available at*
<http://www.thehome.org/site/News2?page=NewsArticle&id=7615>
2. Real Talk: Runaway Prevention Curriculum, National Runaway Safeline (2014), *available at*
<http://www.1800runaway.org/educators/curriculum/>
3. Real Talk: Runaway Prevention about Youth in the Sex Trade, Claudine O'Leary(2014), *available at*
<http://www.rethinkresources.net/>

Chapter Ten: Prepare Your Clients for Post-Representation

Victims of crime are entitled to specific protections under both federal and State law. Because exploited children are victims it is important as a child advocate to become familiar with both the federal and state protections regarding witnesses, expungement, and Fifth Amendment protections.

A. Victim/ Witness Services and Protections

The rights of victims and witnesses are addressed in both the Wisconsin Constitution and in Wisconsin Statutes Chapter 950. According to the Wisconsin Constitution victims of crimes have certain guaranteed rights. Under Victims of Crime, Section 9m, the State must treat the victim with “fairness, dignity, and respect for their privacy.”

Victims are entitled to certain privileges and protections including the timely disposition of the case. Victims are entitled to the opportunity to attend court proceedings unless the trial court finds sequestration is necessary to a fair trial for the defendant. The victim has the right to reasonable protection from the accused throughout the criminal justice process. Victims must be given notification of court proceedings. Victims must be given the opportunity to confer with the prosecution and the opportunity to make a statement to the court at disposition. Victims qualify for restitution and compensation, and have the right to be informed about the outcome of the case and the release of the accused.

B. Expungement

Despite an attorney's best efforts, a client may be found guilty of a delinquent act. When this happens, remember to ask the district attorney or the judge to agree to an expungement as part of the dispositional order, or seek expungement upon successful completion of probation, pursuant to Wisconsin Statutes §938.355(4m).

C. Constitutional Protections

The most important United States and State Constitutional protections for child victims of human trafficking include the right to due process and to not be compelled to testify against oneself. Police and prosecutors may seek information from you client once your representation has ceased; it is important to remind your clients that they have a right to remain silent and the right to request an attorney during any custodial interrogations.

D. Resources for Crime Victims

1. Wisconsin

Crime Victims' Rights Board (CVRB)

<http://www.doj.state.wi.us/ocvs/victim-rights/crime-victims-rights-board>

Wisconsin Department of Justice Victim Resource Center (VRC)

The VRC assists victims in understanding their rights as crime victims and can assist victims in navigating the criminal justice system. For more information, call 608-264-9497 (victims can call toll-free 1-800-466-6564) or go online: www.doj.state.wi.us/cvs.

LOTUS Clinic of Mount Mary University

Contact: Rachel Monaco-Wilcox

Mount Mary University

2900 N. Menomonee River Parkway

Milwaukee, WI 53222

monacowr@mtmary.edu

414-793-7293

LOTUS Legal Clinic is a program supported by the Mount Mary University Justice Department that provides assistance to clients with legal matters that arise in relation to their status as victims of crime. LOTUS provides a comprehensive case-by-case evaluation and plan for assistance, based on the client's short and long term goals. LOTUS exists to help victims evaluate their legal options in circumstances related to their victimization. LOTUS is the first clinic in Wisconsin that focuses on victims of crimes, broadly, and trafficking victims in particular.

Wisconsin Crime Victim Compensation Program

Victims of a crime may qualify to receive reimbursement for certain expenses related to their victimization. The Crime Victim Compensation Program may be able to provide limited assistance to meet needs such as mental health or medical services, if the victims meet the program criteria. For more information, call 608-264-9497 (victims can call toll-free 1-800-466-6564) or go online: www.doj.state.wi.us/cvs.

2. National

National Crime Victim Law Institute (NCVLI), Lewis & Clark Law School

http://law.lclark.edu/centers/national_crime_victim_law_institute/

U.S. DOJ Office of Justice Programs "Victim Law"

<http://www.victimlaw.org/>

U.S. DOJ Office for Victims of Crime (OVC)

<http://www.ojp.usdoj.gov/ovc/>

The National Center for Victims of Crime

<http://www.victimsofcrime.org/>

National Organization for Victim Assistance (NOVA)

<http://www.trynova.org/>

3. Federal

Crime Victims' Rights Ombudsman for Victims of Federal Crimes

<http://www.justice.gov/usao/eousa/vr/index.html>

Conclusion

After much research and collaboration, our sincere hope is that this resource will help improve the quality of legal representation for children who are victims of sexual trafficking and exploitation in the State of Wisconsin. This resource is by no means all-encompassing or a substitute for an attorney's own research and diligence. In addition, the law and resources are constantly evolving. We hope that this resource helps to educate all who are passionate about helping children. Please do not hesitate to contact us with any questions or concerns. Thank you.

Contact Information:

Kelli S. Nagel J.D.
Deputy State Public Defender
Office of the Colorado State Public Defender
610 Main St.
Alamosa, CO 81101
719-589-9615
Kelli.Nagel@coloradodefenders.us

Diane Rondini Harness J.D.
Assistant Wisconsin State Public Defender
Juvenile/ TPR Private Bar Liaison
10930 W. Potter Rd., Suite D
Wauwatosa, WI 53226
414-266-1200

SAMPLE INVOCATION OF RIGHTS FORM

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY
CHILDREN'S DIVISION

IN THE INTEREST OF

DOB: _____ CASE NO: _____
BRANCH NO: _____

A CHILD UNDER SEVENTEEN YEARS OF AGE

INVOCATION OF THE RIGHT TO COUNSEL

I, the above named juvenile, hereby declare that I do not want to be questioned by any federal or state law enforcement officer or agency or any federal or state prosecutor or any other person concerning any pending charges or any other matter without the presence and advice of an attorney. By this declaration it is my intent to invoke my right to remain silent and my right to counsel protected by the 5th, 6th and 14th amendments to the Constitution of the United States, and article 1, sections 7 and 8 of the Constitution of the State of Wisconsin. *McNeil v. Wisconsin*, 501 U.S. 171, 11 S.Ct. 2204, 115 L.Ed.2d 158 (1991), *State V. Hanson*, 136 Wis.2d 195, 401 N.W.2d 771 (1987).

This invocation of my rights is by special appearance and is made with the intent to preserve all jurisdictional objections.

Dated: _____

JUVENILE

State Public Defender
Attorneys for the Juvenile

State Bar #

State Public Defender
10930 W. Potter Road Suite D
Wauwatosa, WI 53226-3424
TEL. 414-266-1194

**SAMPLE PROFFER LETTER FROM DISTRICT ATTORNEYS
OFFICE**

_____, 20__

Atty. Jane Doe
State Public Defenders Office
10930 W Potter Rd Ste D
Wauwatosa, WI 53226-3450

Re: ***Juvenile Client (DOB **/**/**)***

Dear Attorney Doe:

You have advised me that your client, Juvenile Client, is willing to provide an interview to representatives of the Milwaukee Police Department, Human Trafficking Taskforce, regarding her knowledge of certain individuals engaged in the sex trafficking or “pimping” of minors and/or young adult women in Milwaukee County and/or surrounding areas, including specific targets currently under investigation. She has agreed to provide all known information she possesses regarding said criminal activities, including, but not limited to, identifying information and detailed information regarding the time, place and specific nature of certain criminal conduct under investigation by the Human Trafficking Taskforce. At the same time, however, you have indicated that your client wishes to preserve her privilege against self-incrimination. Understanding that concern, this letter is intended to detail the terms of the interview.

The State of Wisconsin requires a complete and truthful statement from your client. She is not to hide any information known to her, nor make up or create information that is not true. She also agrees to disclose all information including the content of any computers or cellular phones or any other documents, records, or electronic information within her care, custody, or control, or to which she has access, which are related to the subject matter of the interview.

In return, and with the exceptions listed below, the state agrees not to use Juvenile Client’s statements against her in any civil or criminal proceedings.

The state is completely free to pursue any and all investigative leads derived in any way from your client’s statement. Furthermore, if your client should subsequently testify contrary to the substance of her statement or otherwise present a position at trial or any other proceeding inconsistent with her statement, the state may use the substance of the statement to impeach her.

Because of the protections extended to her in making her statement, it is important, for your client's own sake, that she provide complete and truthful information during the interview. And, since we may use the information provided by your client to determine whether or not individuals should be charged in this or related investigations, it is crucially important that we have the most accurate information in making this determination.

This letter constitutes the entire agreement regarding Juvenile Client's anticipated interview. If you and Juvenile Client agree to the conditions set forth herein please sign this letter before the start of the interview.

Sincerely,

District Attorney

By:

Assistant District Attorney

JUVENILE CLIENT

ATTORNEY JANE DOE
Attorney for JANE DOE Juvenile Client

SAMPLE FEDERAL PROFFER LETTER

_____, 20__

ATTORNEY
Assistant State Public Defender
10930 West Potter Road
Wauwatosa, WI 53226

Re: Proffer letter for JANE DOE

Dear Ms. ATTORNEY:

As we discussed, your client, JANE DOE, has agreed to provide a statement to state and federal law enforcement officials regarding her knowledge of criminal activity in the Milwaukee area and elsewhere. The officers are interested in interviewing her. This letter details the terms of the interview.

Again, JANE is neither a subject nor a target of any federal criminal investigation. She is not under investigation. She is simply a witness. Additionally, by operation of federal law, she also is considered to be a victim of the activity about which we intend to interview her.

The government requires a completely truthful statement from her and the disclosure of all documents and other materials which relate to the subject matter of the interview. Because we may use the information she provides to decide whether other individuals should be charged in this or related investigations, it is important that JANE provide completely accurate and truthful information.

In exchange for her truthful and complete statement, the United States agrees not to use her statement, or any information derived from her statement, against her in any criminal proceedings, subject to the following conditions and exceptions.

First, if your client provides information regarding anything that could reasonably be construed as exculpatory to another whom is charged in any criminal case, the government must disclose her statement to that person or to his or her attorney. In doing so, however, we will redact all references in the written statement that identify her as the source of the information.

Second, if your client becomes a witness in any proceeding, and testifies inconsistent with her statement, the government is free to use her statements to impeach her testimony.

Third, should this office determine that your client has intentionally given false, incomplete, or misleading information, any and all of her statements may be used against

her in a prosecution for perjury, obstruction of justice, or making a false statement. Therefore, it is important, for her own sake, that she provide complete and truthful information during the interview.

No promises or agreements have been made other than those set forth in this letter. If you and your client agree to the terms set forth in this letter, please sign below before the start of the interview.

Sincerely,

FEDERAL ATTORNEY
United States Attorney

By:

FEDERAL ATTORNEY
Assistant United States Attorney

Read and agreed:

Date: _____

JANE DOE

Date: _____

ATTORNEY
Attorney for JANE DOE

¹ Survival sex occurs when an individual engages in sexual acts in exchange for receiving basic necessities such as food and shelter.

² MILWAUKEE HOMICIDE REVIEW COMM'N, ESTIMATING THE NUMBER OF SEX TRAFFICKED YOUTH USING CONTACTS WITH THE MILWAUKEE POLICE DEPARTMENT (2013), *available at* <http://media.jrn.com/documents/TraffickingReport+May3+2013.pdf>;

³ *Id.*; Ashley Luthern, *77 Youths Sexually Exploited in Milwaukee Over Two Years Report Says*, MILWAUKEE JOURNAL SENTINEL, Aug. 5, 2013, <http://www.jsonline.com/news/crime/trafficking06-b9967564z1-218438041.html>.

⁴ *Wisconsin*, POLARISPROJECT.ORG (last visited Mar. 9, 2014), <http://www.polarisproject.org/state-map/wisconsin>.

⁵ 22 U.S.C. Chapter 78 (2006).

⁶ This section was created in thanks to the knowledge of Milwaukee Detective Dawn Jones.

⁷ Contributions to this section were made by Detective Dawn Jones of the Milwaukee Police Department and Claudine O'Leary of Rethink Resources.

⁸ Section developed through resources from: WIS. OFFICE OF JUSTICE ASSISTANCE, VIOLENCE AGAINST WOMEN PROGRAM, HUMAN TRAFFICKING PROTOCOL AND RESOURCE MANUAL (2012), *available at* <http://wcadv.org/sites/default/files/resources/Wisconsin%20Human%20Trafficking%20Protocol%20and%20Resource%20Manual.pdf>; *Recognizing the Signs*, POLARISPROJECT.ORG, <http://www.polarisproject.org/human-trafficking/recognizing-the-signs> (last visited Mar. 9, 2014).

⁹ National Center for Missing and Exploited Children

¹⁰ NAT'L JUV. DEFENDER CTR. & JUV. L. CTR., *Adolescent Development: Module 1*, in MODELS FOR CHANGE, TOWARD DEVELOPMENTALLY APPROPRIATE PRACTICE: A JUVENILE COURT TRAINING CURRICULUM 19-20, 23-24 (2009).

¹¹ State of Wisconsin SPD, www.wisspd.org (last visited Apr. 9, 2014).

¹² *The Sexual Violence to Prison Pipeline*, RIGHTS4GIRLS.ORG, <http://www.rights4girls.org/#!juvenile-justice/cvj4> (last visited Apr. 9, 2014).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*