

Law Enforcement and NGO Collaboration



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AGENDA

Part I: The Chicago Approach

Part II: The Illinois Safe Children's Act

Part III: Functioning Task Force

Part IV: Role of a Service Provider in Collaboration

Part V: Questions and Discussion

- Many law enforcement agencies and NGO's have undergone an evolution in their understanding of human trafficking -- (Chicago included)
- Evolution occurred in **six stages**:
 1. The Dark Ages
 2. The Identification (Pigeon Hole) Phase
 3. The Sex Crime Model
 4. The Domestic Violence Model
 5. The Organized Crime Model
 6. The OC-DV Model



**The OC-DV Model is critical to the
“Chicago Approach”**

The Organized Crime-Domestic Violence Model

“The Chicago Approach”

- The OC-DV model remains the most important component of the Chicago Approach, because it **fully engages the victim’s needs in a victim-sensitive manner, but also holds the offenders responsible for their conduct – and it does so -- without building the entire criminal case upon the victim’s shoulders (“victim-centered, not victim-built”)**
- The OC-DV model combines the advantages of conducting a full OC investigation with the insights found in DV or sex cases
- Realization of the OC-DV Model, however, requires:
 - unprecedented coordination within law enforcement
 - ability to “bridge the culture gap” between LEO and NGOs (e.g. respect for confidentiality duties on each side)
 - state-of-the-art statutory provisions

2010 Illinois Safe Children Act

- Drafted by the Cook County State's Attorney's Office
- Signed into law on August 20, 2010
- Illinois became the first state in the nation to make all children under the age of 18 immune from prosecution for prostitution under any circumstances
- Underlying Policy: Attempting to force “cooperation” from HT child victims or exploited workers through criminal charges and the threat of incarceration is rarely effective – they are abused victims, not sophisticated informants; Instead the law should adopt the OC-DV Model (especially for children)

2010 Illinois Safe Children Act (cont.)

- When law enforcement encounters a boy or girl being exploited in HT or sex-trafficking, they are allowed to take the child into temporary custody for investigation (How old? Victim, trafficker, or both?)
 - ❑ if the child is a victim under the age of 18, police must notify the Department of Child and Family Services who, in turn, must initiate a child abuse investigation w/24 hours
 - ❑ Act provides for the transfer of jurisdiction over the children from the criminal system to the child protection system, with special provisions to facilitate their placement in appropriate protective custody (if necessary)

2010 Illinois Safe Children Act (cont.)

- Any children who are victimized by human trafficking crimes or by prostitution now fall within the definition of “abused” under Illinois’ Abused and Neglected Child Reporting Act & Juvenile Court Act
- Because juveniles cannot consent to being sexually exploited, they cannot by definition be prostitutes, so the language in the criminal code now refers to the exploited children as:
 - “minors engaged in prostitution”
 - “prostituted person”
 - not “prostitutes” or “child prostitute”

2010 Illinois Safe Children Act (cont.)

- Increases penalties for HT-related offenses, and makes crimes that penalize the commercial sexual exploitation of children applicable to all minors under 18 as child victims, in conformity with Illinois' human trafficking law and federal law
- Protects minors by limiting the affirmative defense that pimps or traffickers “believed” that the prostituted child was at least 18 years old to only those who had no reasonable opportunity actually to see the victim (in accordance with federal law and due process)

2010 Illinois Safe Children Act (cont.)

- Creates new provisions regarding vehicle impoundment fees that generate funding to serve survivors of human trafficking
- Crimes that now subject a person's vehicle to impoundment:
 - Solicitation of a Sexual Act
 - Solicitation of a Sexual Act from a child under the age of 18
 - Soliciting for a Minor Engaged in Prostitution
 - Keeping a Place of Prostitution
 - Patronizing a Prostitute
 - Patronizing a Minor Engaged in Prostitution
 - and Pimping
- Fee to recover the vehicle is now \$1000
 - 50% to relevant unit of law government
 - 50% to Violent Crime Victims Assistance Fund

2010 Illinois Safe Children Act (cont.)

- **Allows investigators to use court-authorized wiretaps in Human Trafficking related cases**
- Under prior Illinois law, prosecutors could use wiretaps to go after gangs selling drugs, but not groups selling children
- Allows for routine officer safety overhears in order to conduct safe and effective undercover operations

The Chicago Approach entails five key elements:

- All relevant players (state-federal/law enforcement-NGOs) remain committed to a proactive “Organized Crime-Domestic Violence” model to fight human trafficking
- Close coordination between federal and local law enforcement through an ongoing law enforcement working group led by prosecutors
- Multi-disciplined protocol for funneling relevant information to the working group and tracking “at-risk” victim populations
- Open cooperation between state and federal prosecutors to assess cases and available legal remedies – (e.g. cross-designation)
- On-site social service providers embedded into police operations to make “real-time” referrals, network available resources, and assist victims with treatment, safety plans, and interacting with police

Collaborative Model to Combat Human Trafficking Task Force – Funding and Designed Structure

- The Enhanced Collaborative Model to Combat Human Trafficking Task Force (funded by OVC/BJA) allowed for a new partnership with The Salvation Army Trafficking Outreach Program and Intervention Techniques (TSA STOP-IT) and a subcontract with the International Organization for Adolescents (IOFA) (to serve as a strategic resource for both lead applicants)

Collaborative Model to Combat Human Trafficking Task Force – Funding and Designed Structure

- The Cook County HT Task Force includes:
 - In-house, embedded social service providers
 - Team of prosecutors and dedicated investigators
 - Tracking systems and protocols for HT matters and victims
 - Task Force housed within the SAO's Organized Crime Unit
 - Task Force co – led by the SAO/USAO
 - Regular human trafficking meetings with at-large stakeholders
 - Comprehensive service network for victims
 - Information gathering protocols (e.g.: hotlines, non-HT case leads)
 - Coordinated training for project partners and community

Collaborative Model to Combat Human Trafficking Task Force – Law Enforcement Working Group

- The Cook County HT Task Force also includes direct involvement with the HT Law Enforcement Working Group
- The Working Group conducts deconfliction, coordination, and triage for all HT matters within the greater Chicago metropolitan area, the Northern District of Illinois, and beyond

Law Enforcement Working Group

- Origination of meetings
- Attendees / Rotating location
- Purpose and format (state-federal, interstate, international)
- Structure (prosecutor -led with cross designation)
- Outcomes and case tracking

Challenges Faced When Investigating Trafficking Cases

- Hidden crime
- Difficult to corroborate victim
- Victim testimony is crucial but victim reluctant to speak to law enforcement
- Sometimes evidence is in another country
- It is a combination of violent crimes, sex crime, organized crime, financial crime, alien smuggling, and labor exploitation

A Recurring Dilemma



Corroborating the Victim

- The victim's testimony is the most important piece of evidence, but alone it is usually not enough
- You must corroborate the victim, if you can
- It is difficult to corroborate the worst conduct
- The focus is on corroborating the surrounding circumstances as much as possible
- Investigators are always looking for “unimpeachable” sources of corroboration, e.g., audio or video recordings, computer records, phone records, etc.

Conducting a Take Down

Determine in advance:

- How many potential victims at location?
- How will potential victims be separated from the traffickers?
- Where will the victims be housed?
- **What services will the victims need?**
- What are the movement patterns of the victims and others at the location?
- What type of security is present? Are there weapons?
Potential informants
- **Embedded service provision**

Role of Service Provider in Collaboration

NGOs are indispensable partners in this process.

Among other things, they:

- Identify victims and witnesses
- Provide and obtain an array of essential services and advocacy for victims and family members
- Bridge the cultural, social, and linguistic divide between law enforcement and trafficking victims, both foreign-born and U.S. citizens
- Aid in getting a full picture of the situation

Role of Service Provider in Collaboration

- Spending the time to prepare the victim before bringing him/her to law enforcement
- Ensuring the process moves at the victim's pace in order to avoid negative consequences
- Help law enforcement understand trauma bonding
- Exploring the difficult topics that the victim may not, at least initially, feel comfortable discussing with law enforcement

Role of Service Provider in Collaboration

- Understanding physical, documentary, and medical evidence to corroborate the victim, identify traffickers, or establish traffickers' involvement
- Dispelling inaccurate, misleading, or false information
- Advising investigators of any issues or needs of the victims or witnesses that are not being properly addressed, especially potential threats or risks of harm

Role of Service Provider in Collaboration

NGOs frequently are called upon to proactively assist with law enforcement's investigation, including:

- Embedded response when appropriate
- Offering services at the first point of contact
- Talking to victim family members
- Reviewing documents, records, photographs, or other physical evidence with the victim
- Be creative while recognizing separate roles!

Potential Challenges...

- There will be times when roles of law enforcement and NGOs conflict. That is to be expected, acknowledged, and managed
- Communication is essential to the relationship
- Confidentiality limitations
- Building trust
- Clients not identifying as victims
- Clients not interested in services

Things to Consider....

Sources of tension and friction include:

- Law enforcement does not believe that the conduct amounts to trafficking
- The victim's credibility is challenged or doubted
- Demands are placed upon the victim to provide assistance that the NGO deems unreasonable
- NGOs request that all communication with the victim go through his/her NGO attorney or case manager
- Timing and the need for law enforcement to take immediate action that requires the victim's assistance
- NGOs and/or victim's dissatisfaction with results of the investigation or case

Questions?