



# Research Bulletin

Vol. 10, No. 1

November 2013

## Anti-trafficking laws and arrest trends in Illinois

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While some is known about domestic sex trafficking victims in the United States, little research is available on the prevalence of trafficking crimes. Recent legislation defines trafficking as a criminal offense, increases penalties for traffickers and those who patronize prostitutes, and aids sex trafficking victims. This Research Bulletin examines Illinois arrest trends by year and Illinois region to gauge the level of response to trafficking- and prostitution-related crimes by law enforcement between 2000 and 2011.

### Legislative overview

#### *Federal and state laws*

Human trafficking is considered a crime under federal and international law and in most states across the country. The Victims of Trafficking and Violence Protection Act (TVPA) was the first comprehensive federal law to address trafficking in terms of defining, prosecuting, and providing services [122 U.S.C. § 7101]. The Act was passed in 2000 and reauthorized in 2003 (H.R. 2620), 2005 (H.R. 972), and 2008 (H.R. 7311).

In 2003, another federal law, the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act was passed to further combat the sexual exploitation of children [Public Law 108–21]. The Act requires courts to impose mandatory sentences for sex offenders and makes it a crime to travel abroad to engage in sexual conduct with minors. The Act increased supervision of convicted sex offenders for specific felony offenses. The Act also creates standards and grant funds to expand state Amber Alert systems.

In 2013, all 50 states had sex trafficking statutes, according to the Polaris Project, an organization that works to end human trafficking and serves victims of slavery and human trafficking. Polaris ranks the states based on 10 categories of anti-trafficking laws. Illinois is one of 32 states with the highest rankings, having multiple anti-trafficking laws. South Dakota was ranked the lowest, with no human trafficking laws.

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Research Bulletins are published periodically by the Illinois Criminal Justice Information Authority. They focus on research conducted by or for the Authority on a topic of interest to Illinois criminal justice professionals and policymakers.

This project was supported by Grant #08-DJ-BX-0034 awarded to the Illinois Criminal Justice Information Authority (ICJIA) by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions contained within this document are those of the authors and do not necessarily represent the official position or policies of ICJIA or the U.S. Department of Justice.

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Published by authority of the State of Illinois,  
November 2013.

**Table 1**  
**Timeline of federal and state**  
**trafficking-related legislation**

Year	Federal legislation	Illinois legislation
2000	TVPA enacted	
2002	WA passes first state trafficking criminal statute	
2003	TVPA re-authorization	
	PROTECT Act	
2005	TVPA re-authorization	
2006		Trafficking of Persons & Involuntary Servitude Act
2007		Predator Accountability Act
		First Offender Felony Prosecution Act
2008	TVPA re-authorization	
2010		Illinois Safe Children's Act
		Law to protect prostituted minors
		Law on interception of trafficking communication
2012		Motion to vacate Prostitution Convictions Act
2013		Amendments to Trafficking Laws Act
2013		Law ends felony charge for prostitution

New laws were passed in 39 states to fight human trafficking in federal fiscal year 2013.

**Changes to Illinois law**

In Illinois, several criminal offense statutes were created or strengthened to assist victims and further punish traffickers (*Table 1*).

The Trafficking of Persons and Involuntary Servitude Act was enacted in 2006, outlining penalties for the of-

fenses of involuntary servitude, involuntary servitude of a minor, and trafficking in persons for forced labor or services [720 ILCS 5/10].

The Predator Accountability Act went into effect in 2007, allowing trafficking victims to file a civil suit against anyone who recruited them or profited from their activities [740 ILCS 128].

The First Offender Felony Prostitution Act was enacted in 2007, allowing adults being charged with felony prostitution to be placed on probation if they had no prior felony prostitution charges. The court may order the individual to undergo medical, psychological, or substance abuse treatment, and participate in programs that enhance life skills, such as vocational training. This law was later incorporated into the state's prostitution law [720 ILCS 5/11-14].

The Illinois Safe Children's Act was passed in 2010. Under the Act, a juvenile cannot be charged with the crime of prostitution [P.A. 96-1464]. Individuals under the age of 18 are immune from prosecution for prostitution [720 ILCS 5/11-14(d)] but may instead be placed in protective custody. Law enforcement also must report these incidents to the Illinois Department of Children and Family Services, which then initiates an investigation of abuse or neglect.

A 2010 amendment of the Juvenile Court Act identifies all minors forced to engage in prostitution or commercial sex by a parent, guardian, family member, or other individual living in their household as abused [705 ILCS 405/2-3]. Any individual identified as an abused minor may be taken into temporary custody by law enforcement officers [705 ILCS 405/2-5] and law enforcement must then report the abuse to the Department of Children and Family Services to initiate an investigation [705 ILCS 405/2-6].

The statute on the authorization for the interception of private communication gives law enforcement officers the right to intercept the private communication of anyone involved in the promotion or maintenance of juvenile prostitution or human trafficking [725 ILCS 5/108B-3]. In 2010, that law was changed to allow the court to authorize law enforcement to intercept private communication without permission from one of the involved parties provided the information will assist in the apprehension and conviction of the offender.

**Table 2**  
**Illinois prostitution-related criminal statutes**

Statute section	Offense classes	Sentence lengths	Fine	Sex offender registration requirement
<b>Prostitution</b>	Class A misdemeanor	<1 year jail term	Up to \$25,000	None
<b>Solicitation of a sex act</b>	Class A misdemeanor	<1 year jail term	Up to \$25,000	Yes, if solicited individual is under 18.
<b>Promoting prostitution</b>	Class 4 felony	1-3 years imprisonment	Up to \$25,000	Yes
<b>Promoting juvenile prostitution</b>	Class 1 felony	4-15 years imprisonment	Up to \$25,000, property forfeiture	Yes
<b>Patronizing a prostitute</b>	Class 4 felony	1-3 years imprisonment	Up to \$25,000	Yes, if solicited individual is under 18.
<b>Patronizing a minor engaged in prostitution</b>	Class 3 felony	2-5 years imprisonment	Up to \$25,000	Yes

*Note: Offense class and sentence length may vary depending on the specific section of the statute violated.*

The Illinois Criminal Code was rewritten in 2011, repealing many prostitution and trafficking-related criminal statutes and then incorporating them into other statutes [P.A. 96-1551]. In addition the terms “profit from prostitution” and “advance prostitution” were introduced and defined. “Profit from prostitution” occurs when someone, acting other than a prostitute, knowingly receives anything of value earned from the practice of prostitution. “Advance prostitution” means soliciting another for the purpose of prostitution, arranging a meeting of persons for prostitution, or directing another to a place for the purpose of prostitution.

In 2011, a law passed in which any vehicle used in the commission of a prostitution or trafficking offense may be towed and impounded [720 ILCS 5/36.5]. The owner of the vehicle may be fined \$1,000. Of that fine, half is given to the law enforcement agency that made the arrest and upon conviction. The remaining \$500 is put into a special fund to the Illinois Department of Human Services to make grants to provide services for victims of trafficking.

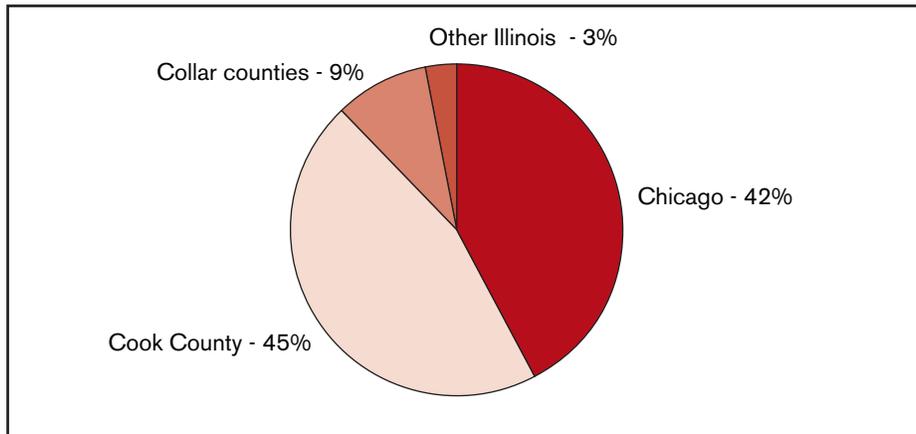
On Jan. 1, 2012, a law became effective enabling victims of sex trafficking to clear their records of prostitution convictions [P.A. 97-267]. This law allows a person to file a motion requesting to vacate prostitution convictions if the defendant’s acts were the result of having been a sex trafficking victim [725 ILCS 5/116-2.1]. If the motion is granted, the court must

vacate the conviction and removed prostitution convictions from their court record in the county.

These individuals may also seek to expunge or remove their state criminal records of these convictions. Individuals must prove that they were a trafficking victim as defined by the TVPA [22 U.S.C. § 7102(13)] or the Illinois Trafficking of Persons, Involuntary Servitude, and Related Offenses Act [720 ILCS 5/10-9] and explain why this information was not disclosed at the time of conviction. The victim must file this motion as soon as possible after he or she has stopped being a victim of such trafficking.

A 2013 law made several changes to existing anti-trafficking laws [P.A. 97-0897] (*Table 2*). The law amended the crime of involuntary servitude to include traffickers obtaining a victim through a scheme, plan, or pattern intended to cause the person to believe that if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint. The Act defined “serious harm” of a trafficking victim as any harm whether physical or nonphysical, including psychological, financial, or reputational, as well as removes the term “forced labor or services” from the state trafficking code. The law created a statute of limitations for prosecution of several trafficking crimes. Finally, the law allows law enforcement to collect impoundment fees even if arrests were made through a local ordinance.

**Figure 1**  
**Percent of trafficking-related arrests in Illinois by region, 2006 to 2011**



Source: Illinois State Police Criminal History Record Information System data interpreted by ICJIA.

Effective August 2013, the criminal code no longer categorized prostitution as a felony [P.A. 98-0538]. Previously, prostitution was a felony upon second or subsequent conviction for a prostitution or prostitution-related offense or if committed near a school.

### Human trafficking arrests in Illinois

Arrests for trafficking and prostitution-related offenses in Illinois were examined by Illinois region for a five-year period, from 2007 to 2011. The four regions included Chicago city limits, Cook County (excluding Chicago), Collar counties (DuPage, Kane, Lake, McHenry, and Will counties), and the rest of the state. These regions were selected based on estimates of the highest concentration of arrests in and around the Chicago area.

Data was derived from criminal history record information (CHRI) submitted by law enforcement agencies to the Illinois State Police at the time of arrest. Through a cooperative agreement with the Illinois State Police (ISP), the ICJIA has established an in-house computer linkage to certain elements of the state's Criminal History Record Information (CHRI) System, which is the central repository for offenders' arrest and conviction history. The ICJIA is able to derive statistical information on arrests for specific charges by year and location of arrest.

In general, arrest statistics collected are considered an undercount of the actual number of victims. However, this may be especially true for the crimes related to human trafficking. The secretive nature of the crime

makes it difficult for law enforcement to gather intelligence and obtain the assistance of victims. In addition, there may be a lack of familiarity of the crime and of new laws by law enforcement and prosecutors. In a national survey of law enforcement, more than half surveyed indicated that while trafficking cases were investigated, arrests were not made (Farrell, McDevitt, & Fahy, 2008).

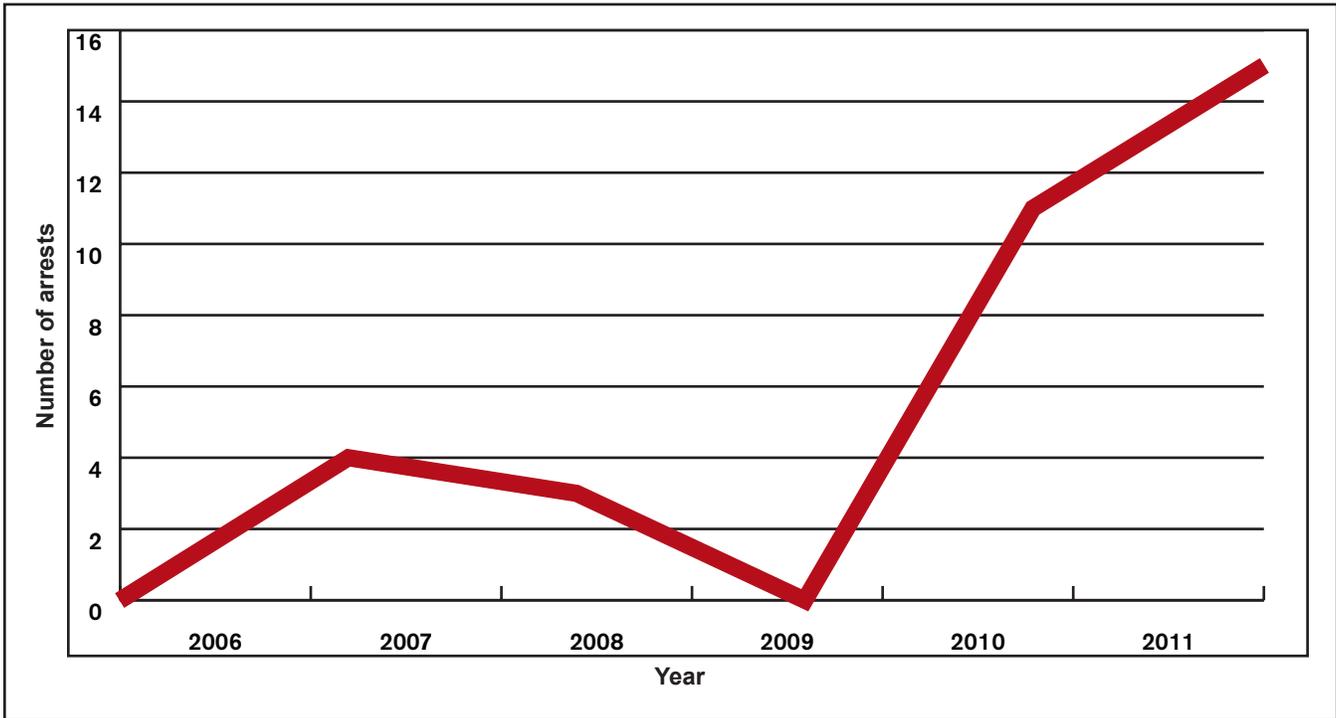
Statistics also may be more of a reflection of law enforcement agency decision-making and available resources to combat trafficking. For example, a national study found jurisdictions in states with task forces funded by the U.S. Department of Justice were more likely to find trafficking cases and to make arrests (Farrell, McDevitt, & Fahy, 2008). Since 2006, the Chicago Regional Human Trafficking Task Force—made up of local, state, county and federal law enforcement agencies, non-governmental organizations, and social service providers—has been assisting victims and investigating human trafficking.

### Trafficking-related arrests

Ten females and 23 males have been arrested under the Trafficking of Persons and Involuntary Servitude Act since its passing in 2006. The average age of offenders was 31, with ages ranging between 17 and 55 years old.

Of the four regions, Cook County (excluding Chicago) had the highest percentage of arrests in Illinois from 2006 to 2011 at 45 percent (n=15), followed by Chicago at 42 percent (n=14). Arrests in collar counties

**Figure 2**  
**Trafficking-related arrests in Illinois by year, 2006 to 2011**



Source: Illinois State Police Criminal History Record Information System data interpreted by ICJIA.

and the rest of the state made up a combined total 12 percent (n=3 and n=1, respectively). *Figure 1* shows the percent of trafficking arrests in Illinois by region from 2006 to 2011.

The number of trafficking-related arrests increased, from no arrests in 2007 to 15 arrests reported in 2011, the year the the Trafficking of Persons and Involuntary Servitude Act was passed (*Figure 2*).

#### *Prostitution-related arrests*

The following offenses were categorized as prostitution-related offenses (rather than trafficking): prostitution, solicitation of a sex act, promoting prostitution, promoting juvenile prostitution, patronizing a prostitute, and patronizing a minor engaged in prostitution. However, the way the Illinois statutes are written, the six prostitution-related offenses could be trafficking-related if compelled through force, fraud, or coercion by a third party—typically referred to as a pimp or trafficker.

At the time of arrest, it may not be evident that the offense is a prostitution-related case or a trafficking case. Victims typically do not disclose that information

to police or identify themselves as trafficking victims. Research shows victims distrust police and often protect their traffickers either out of love or fear.

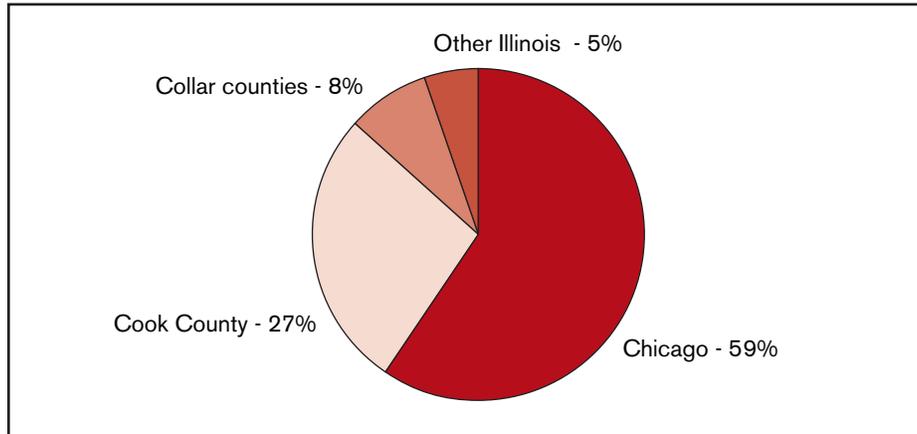
Prostitution criminalizes the exchange of sexual acts for compensation [720 ILCS 5/11-14]. In 2011, 1,871 arrests for prostitution were reported in Illinois. Of them, 1,745 females and 125 males were arrested (one unknown). The average age of offender was 33, with an age range of 16 to 64 years old.

Nearly 60 percent of the arrests for prostitution took place in Chicago (n=1,112). Many prostitution arrests were reported by Cook County (excluding Chicago) (27 percent, n=510). Few of the arrests were reported in collar counties (8 percent, n=149) or in the rest of the state (5 percent, n=100) (*Figure 3*).

*Figure 4* shows the number of prostitution arrests in Illinois by year from 2007 to 2011. While the number of prostitution arrests fluctuated annually, during the four-year period, there was an 11-percent drop overall.

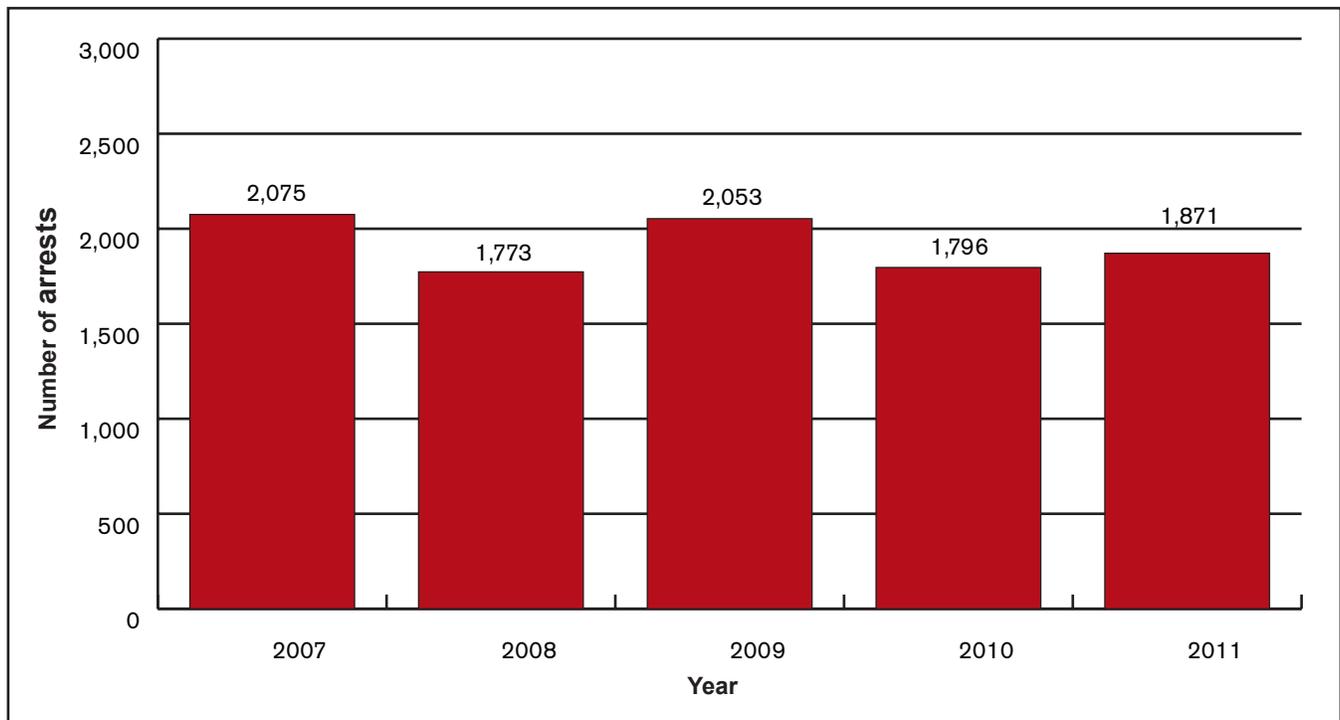
Promoting prostitution includes the acts of recruiting individuals for prostitution and arranging a situation for an individual to engage in prostitution [720 ILCS

**Figure 3**  
**Percent of prostitution arrests in Illinois by region, 2011**



Source: Illinois State Police Criminal History Record Information System data interpreted by ICJIA.

**Figure 4**  
**Prostitution arrests in Illinois by year, 2007 to 2011**



Source: Illinois State Police Criminal History Record Information System data interpreted by ICJIA.

5/11-14.3]. No arrests were recorded for promoting prostitution until 2011 when there were 23, and 17 of those arrests took place in Chicago.

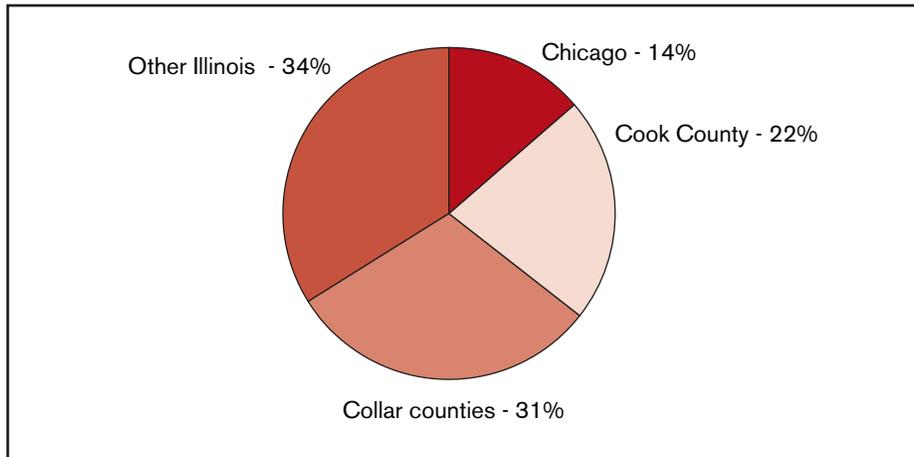
Promoting juvenile prostitution includes the act of recruiting a juvenile for prostitution, arranging for a juvenile to engage in an act of prostitution, profiting from juvenile prostitution, or confining a juvenile

for the purpose of prostitution [720 ILCS 5/11-14.4]. There were no arrests for promoting juvenile prostitution during the period examined.

**Addressing demand**

Laws that address the demand for commercial sex acts focus on the individuals who purchase sex, often referred to as *johns* [720 ILCS 5/11-14.1] (solicitation

**Figure 5**  
**Percent of solicitation of a sex act arrests in Illinois by region, 2011**



Source: Illinois State Police Criminal History Record Information System data interpreted by ICJIA.

of a sex act) and [720 ILCS 5/11-18] (patronizing a prostitute).

Solicitation of a sex act from a person at least 18 years old is a misdemeanor offense. Patronizing a prostitute became a felony offense in 2011. In 2011, 95 arrests were recorded for solicitation of a sex act. About one-third of the arrests were in “other parts” of the state (34 percent, n=32), followed by collar counties (31 percent, n=29), Cook County outside Chicago (22 percent, n=21) and Chicago (14 percent, n=13). *Figure 5* indicates the percent of solicitation of a sex act arrests in Illinois by region in 2011.

The number of arrests for solicitation of a sex act in Illinois decreased 88 percent between 2007 and 2011, from 770 arrests in 2007 to 95 arrests in 2011 (*Figure 6*).

It is unclear why the numbers have decreased dramatically. According to Ritchie, Tsenin, and Widom, “the rise and fall of arrests for solicitation depend largely on public pressure,” and often the public thinks “consensual conduct between two adults should not be legislated or enforced and that their tax dollars should not be spent trying these cases” (2000, p. 20). In addition, some arrests may be recorded as violations of a city’s local ordinance, which are not counted in state criminal history records. Farrell, McDevitt, and Fahy stated that trafficking-related offenses can only be assessed “through regular and reliable collection of information on these crimes” (2008, p. 24).

In 2011, 41 arrests for patronizing a prostitute were recorded in Illinois [720 ICLS 5/11-18]. The majority of those arrests were in Chicago (75 percent, n=31). The rest of the state, including Cook County outside of Chicago and the collar counties, had a total of 10 arrests for patronizing a prostitute. The number of arrests fluctuated but remained at fewer than 30 annually during the period examined.

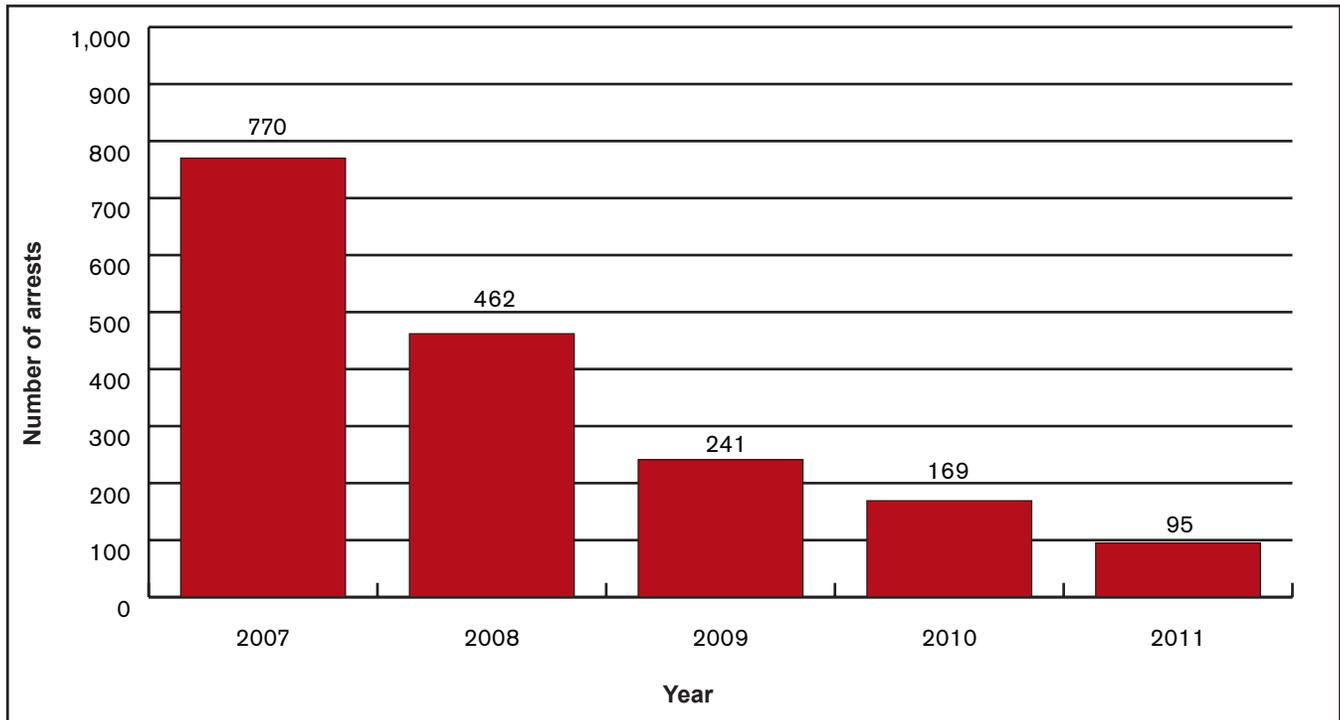
Fewer than 10 arrests were reported across all regions in 2009 and 2011 for patronizing a minor engaged in prostitution [720 ILCS 5/11-18.1] and no arrests were reported in 2007, 2008, and 2010.

### Illinois trafficking hotline calls

Another way to attempt to gauge the extent of trafficking in Illinois is by tracking the number of calls to trafficking hotlines. While some states are legislatively required to publicize information about human trafficking hotlines, Illinois is not.

In 2012, the National Human Trafficking Resource Center received 20,652 calls nationwide at its 888-373-7888 hotline number. In Illinois, 520 calls were received. Of those, 66 were for a crisis situation and 67 were for referrals. The remaining calls were for tips, training, information, or other reasons. By location, the majority of calls originated from the city of Chicago (n=281). By caller, 31 calls originated from suspected human trafficking victims, but most originated from a community member (n= 184). By topic, 38 referenced potential trafficking situations and by age, 39 involved a minor.

**Figure 6**  
**Arrests for solicitation of a sex act in Illinois, 2007 to 2011**



Source: Illinois State Police Criminal History Record Information System data interpreted by ICJIA.

STOP-IT, a program of the Salvation Army Chicago Metropolitan Division, operates a 24-hour hotline (877-606-3153) and provides outreach, support, and planning to victims to assist them in safely exiting from a trafficking situation.

During 2011, STOP-IT handled 70 active cases—26 of which involved minors—and had direct contact with an additional 108 individuals (46 minors) who were suspected to meet the definition of human trafficking victims. (E. Knowles, personal communication, May 9, 2012).

### Conclusion

While domestic sex trafficking is recognized as a growing issue across the United States, little is known about the extent of the problem. Recent legislation in Illinois and across the country defines trafficking as a criminal offense, increases penalties for traffickers and those who patronize prostitutes, and aids victims of sex trafficking.

Many of the 33 trafficking-related arrests were made in Chicago (42 percent). As in Illinois, other states with laws against human trafficking have low numbers of arrests and convictions for trafficking. Ac-

ording to the Minnesota Office of Justice Program, most of those involved in trafficking related offenses are never arrested, charged or convicted for trafficking or are arrested, charged or convicted of different offenses (2012). This may be due to law enforcement not recognizing or asking about signs of trafficking or making arrest for other less serious crimes to move a case along (Berger, 2009). More research is needed to explore law enforcement’s knowledge of, and enforcement of, human trafficking laws.

*Amy Sylwestrzak, ICJIA intern, and Lynne Johnson, Policy and Advocacy Director of the Chicago Alliance Against Sexual Exploitation, contributed to this report.*

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