



**Wisconsin
Department of Justice**

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(U) A Baseline Assessment of Human Trafficking in the State of Wisconsin

Date: September 6, 2013

(U) A Baseline Assessment of Human Trafficking in the State of Wisconsin

(U) Scope

(U) The purpose of this study is to assess the extent of human trafficking in the state of Wisconsin, and identify gaps that may exist in training and resources for both first responders and victims. It aims to inform law enforcement, government agencies, non-governmental organizations, the private sector and the wider public. It will also provide a platform for comparison purposes in future assessments and help bolster our understanding of knowledge gaps. The information was collected through a voluntary survey mechanism and may not accurately reflect all possible cases or instances of human trafficking in the state of Wisconsin.

(U) Key Findings

(U) Human trafficking exists in Wisconsin. It takes the form of both sex trafficking and labor trafficking, and it is committed against both adults and minors.

(U) Most of the human trafficking cases reported occur in areas of the state that are highly populated and have a significant tourist or visitor population.

(U) Early intervention is critical for helping victims or potential victims leave or avoid a life of trafficking.

(U) There is a lack of adequate services for victims of human trafficking throughout the state. The most notable services needed are adequate housing, healthcare, and advocacy.

(U) Progress has been made in multiple areas of the state to address the lack of adequate services for victims of human trafficking.

(U) Further training on human trafficking is needed by law enforcement and other professionals who may encounter this type of activity.

(U) The lack of standardized definitions of and reporting on human trafficking make it difficult to collect accurate figures on this crime.

(U) Methodology & Source Summary Statement

(U) This study is both quantitative and qualitative. The quantitative study began with a survey of law enforcement, prosecutors, victim witness coordinators, and governmental social service providers in the state of Wisconsin.

(U) 202 responses were received in total. Eleven duplicate responses were deleted, leaving 191 completed surveys for analysis. The response rate was 24 percent for law enforcement, which included federal, state, county, and city agencies; 30 percent for

prosecutors, which included US Attorneys' Offices and District Attorneys' Offices; and 15 percent for service providers, which included victim witness coordinators and human services departments in each county. This study reflects a nonrandom sampling of individuals working to combat human trafficking in Wisconsin. The results of the survey do not cover every possible jurisdiction. As a result, the responses to this survey cannot accurately determine how many cases have been investigated or prosecuted in the state of Wisconsin as a whole, and does not preclude a possible overlap of cases reported from the investigating agency and the prosecuting agency.

(U) Subsequent to the initial survey, a volunteer sample of survey respondents was interviewed via telephone and asked several follow-up questions, which provided the narratives for this assessment. The interviewees were chosen based on their self-rated knowledge of human trafficking, comments made in the initial survey, and willingness to participate. Additionally, three non-governmental organizations (NGOs) in Wisconsin that work with issues of human trafficking were referred by the interviewees. Two of the NGOs were interviewed for this assessment. This qualitative portion of the study helps to inform the quantitative results.

(U) Assumptions and Limitations

(U) This survey was voluntary. A response was provided by at least one agency within 63 of the 72 counties in Wisconsin. Respondents include federal, city and county law enforcement, district and United States attorneys' offices, victim witness coordinators, and social service providers.

(U) Any human trafficking cases recounted or investigated within the last 24 months were reported in 28 counties. Of those, five counties reported only cases involving adults, eight counties reported only cases involving minors, and 15 counties reported cases involving adults and cases involving minors.

(U) Reporting and collecting accurate statistics on this topic is difficult. Though some agencies in the last two years have begun tracking this type of activity, not all agencies keep statistics under a label of "human trafficking." Further, even those who keep human trafficking statistics may not be able to easily differentiate between cases that involved minors and cases that only involved adults. For purposes of this assessment, respondents were asked to provide reasonable estimates if necessary.

(U) Definition of Terms

(U) *Human Trafficking*, Wisconsin Statutes¹

(U) In Wisconsin, human trafficking can be prosecuted as a state crime. For the purpose of prosecution in Wisconsin, state law defines two trafficking crimes: Human Trafficking (§ 940.302) and Trafficking of a Child (§ 948.051), effective date April 3, 2008 (Wisconsin Human Trafficking Act 116 of 2007).

(U) The Wisconsin crime of human trafficking § 940.302(2)(a),(b) is a class D felony. The penalty for a class D felony is a fine not exceeding \$100,000, a prison time not exceeding 25 years, or both.

(U) 940.302 (1) (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.

(U) 940.302 (1) (a) “commercial sex act” means sexual contact for which anything of value is given to, promised, or received, directly or indirectly, by any person.

(U) 940.302 (1) (c) “services” means activities performed by one individual at the request, under the supervision, or for the benefit of another person.

(U) Wisconsin Statute on Child Trafficking:

(U) The Wisconsin crime of Human Trafficking of a Child § 948.051(1),(2) is a class C felony. The penalty for class C felony is fine not exceeding \$100,000, prison term not exceeding 40 years, or both.

¹ (U) Source: Wisconsin Human Trafficking Committee and Wisconsin Office of Justice Assistance. (January 2012). *Wisconsin Human Trafficking Protocol and Resource Manual*.

| Action | + | Means | + | Purpose |
|---|----------------------|--|----------------------|---|
| Trafficking means knowingly... Recruiting or Enticing or Harboring or Transporting or Providing or Obtaining ...an individual without consent of the individual ---OR--- Attempting to do so | A N D | Done by any of the following... Causing or threatening to cause bodily harm to any individual or Causing or threatening to cause financial harm to any individual or Restraining or threatening to restrain any individual or Extortion or Fraud or deception or <i>Debt bondage</i> or Controlling any individual's access to an addictive controlled substance or Using any scheme or pattern to cause an individual to believe that any individual would suffer bodily harm, financial harm, restraint, or other harm. | A N D | For the purpose of... <i>Commercial sex act</i> or labor or <i>services</i> <u>Note</u> Whoever benefits in any manner from a violation of trafficking is guilty of a Class D felony if the person knows that the benefits come from an act of trafficking. |

Figure 1(U) Source: Wisconsin Human Trafficking Committee and Wisconsin Office of Justice Assistance. (January 2012). Wisconsin Human Trafficking Protocol and Resource Manual

(U) See **Appendix A** for full Wisconsin Statutes on Human Trafficking and Child Trafficking.

(U) *Human Trafficking*, Federal Statutes²

(U) The Trafficking Victims Protection Act ("TVPA") of 2000 and the Trafficking Victims Protection Reauthorization Acts (TVPRA) of 2003, 2005, and 2008 (2011 pending reauthorization) define the crime of trafficking as having the following elements:

²(U) Source: Wisconsin Human Trafficking Committee and Wisconsin Office of Justice Assistance. (January 2012). *Wisconsin Human Trafficking Protocol and Resource Manual*.

| Action | + | Means | + | Purpose |
|--|----------------------|---|----------------------|---|
| Trafficking is the... Recruitment or Harboring or Transportation or Provision or Obtaining ...of a person (or attempt to do so) | A N D | By means of... Force (causing serious harm or physical restraint) or Fraud or Coercion (threats of serious harm to, or physical restraint against, a person or another person; abuse or threatened abuse of law or legal process; any scheme, plan, or pattern, force...) <i>*Either knowingly or by acting in reckless disregard*</i> -EXCEPT THAT- The elements above are not required to show trafficking of a minor for commercial sex acts. | A N D | For the purpose of... Sex Trafficking: commercial sex acts or Labor Trafficking: involuntary servitude, peonage, debt bondage, or slavery |

Figure 2(U) Source: Wisconsin Human Trafficking Committee and Wisconsin Office of Justice Assistance. (January 2012). Wisconsin Human Trafficking Protocol and Resource Manual.

(U) See **Appendix B** for list of Federal statutes regarding human trafficking.

(U) *Human Trafficking*, for purposes of this assessment

(U) For purposes of the survey, respondents were asked to use the following definition of human trafficking:

What is Human Trafficking?

For all questions in this survey, please refer to the following definition of Human Trafficking.

Human Trafficking is the use of force, fraud, or coercion to obtain some type of labor or commercial sex act. Human Sex Trafficking is a "for-profit" sex act that is induced by force, fraud, or coercion, OR in which the person performing such an act is under the age of 18 years. Under the age of 18 does not require force, fraud or coercion. Victims are found in legitimate and illegitimate labor industries, including sweatshops, massage parlors, agricultural fields, restaurants, hotels, and domestic service.

Human Trafficking is different from human smuggling. Trafficking is exploitation-based and does not require movement across borders or any type of transportation.

(U) Case

(U) Survey respondents were asked to provide the number of human trafficking cases that were reported or investigated in their respective jurisdictions during the past 24 months. It should be noted that a case may, and often does, involve

more than one victim or offender. Survey respondents were not asked specifically about the number of victims or offenders involved.

(U) *First Responder*

(U) For purposes of this assessment, “first responders” include law enforcement and other emergency service providers, social service providers, or anyone who may come into contact with a human trafficking victim and could be the first person to recognize them as such.

(U) *Domestic Trafficking*

(U) Domestic trafficking refers to human trafficking activity occurring solely within the borders of the United States, involving US persons.

(U) *International Trafficking*

(U) International trafficking refers to human trafficking with cross-border activity between the United States and other countries, and typically involves foreign nationals.

(U) Survey Analysis

(U) Frequency of Human Trafficking in Wisconsin

(U) The majority of survey respondents agreed that human trafficking within the state of Wisconsin “happens sometimes” or “happens often,” with seven percent indicating that it occurs “all the time.”

| Based on your experience, how often would you say that Human Trafficking occurs within the State of Wisconsin? | | |
|--|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| a. Extremely rare | 4.7% | 9 |
| b. Rare | 7.9% | 15 |
| c. Happens sometimes | 47.6% | 91 |
| d. Happens often | 32.5% | 62 |
| e. Happens all the time | 7.3% | 14 |
| answered question | | 191 |
| skipped question | | 0 |

Figure 3 (U) Source: Survey

“Ever since we started investigating [human trafficking], it’s blown my mind how prevalent it is.”
-Survey Respondent

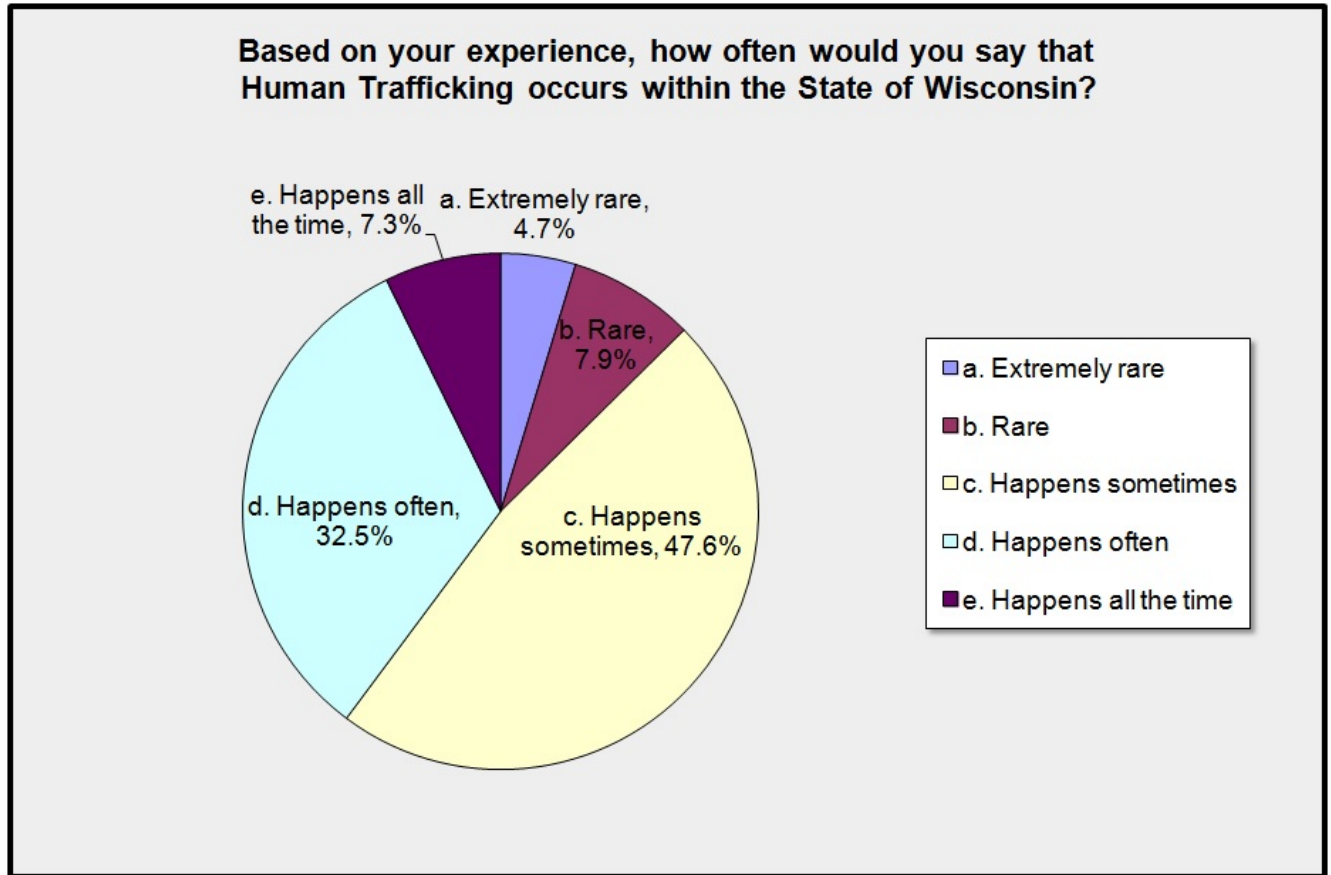


Figure 4 (U) Source: Survey

| Based on your experience over the last 24 months please rate the following statements relating to demographics. (1= Strongly Agree; 2= Agree; 3= Slightly Agree; 4= Slightly Disagree; 5= Disagree; 6= Strongly Disagree) | | | | | | | |
|---|---------------------|------------|---------------------|------------------------|---------------|------------------------|-------------------|
| Answer Options | 1 Strongly Agree | 2 Agree | 3 Slightly Agree | 4 Slightly Disagree | 5 Disagree | 6 Strongly Disagree | Response Count |
| a. Human Trafficking in Wisconsin is increasing every year. | 13.6% (26) | 44.0% (84) | 29.3% (56) | 7.3% (14) | 4.2% (8) | 1.6% (3) | 191 |
| b. The rate of Human Trafficking in Wisconsin has not changed, but has received more media and/or government attention. | 4.2% (8) | 26.2% (50) | 31.9% (61) | 24.1% (46) | 11.5% (22) | 2.1% (4) | 191 |
| c. Human Trafficking in Wisconsin occurs in rural areas. (Counties less than 50,000 in population.) | 11.5% (22) | 46.6% (89) | 25.1% (48) | 11.0% (21) | 2.1% (4) | 3.7% (7) | 191 |
| d. Human Trafficking in Wisconsin is more prevalent in urban areas. (Counties greater than 50,000 in population.) | 18.3% (35) | 47.1% (90) | 25.7% (49) | 4.7% (9) | 3.7% (7) | 0.5% (1) | 191 |
| answered question | | | | | | | 191 |
| skipped question | | | | | | | 0 |

Figure 5 (U) Source: Survey

(U) Types of Human Trafficking in Wisconsin

Cases Involving Minors:

Over the last 24 months, how many cases in your jurisdiction have been reported or investigated that involved the trafficking of minors (17 years of age or younger) for sexual or labor purposes?

| Answer Options | Response Percent | Response Count |
|--------------------------|------------------|----------------|
| a. 1-5 cases | 19.9% | 38 |
| b. 6-15 cases | 3.1% | 6 |
| c. 16-25 cases | 0.0% | 0 |
| d. 26-50 cases | 0.5% | 1 |
| e. 51-100 cases | 0.0% | 0 |
| f. More than 100 cases | 0.5% | 1 |
| g. No cases | 75.9% | 145 |
| answered question | | 191 |
| skipped question | | 0 |

Figure 6 (U) Source: Survey

Over the last 24 months, how many cases in your jurisdiction have been reported or investigated that involved the trafficking of minors (17 years of age or younger) for sexual or labor purposes?

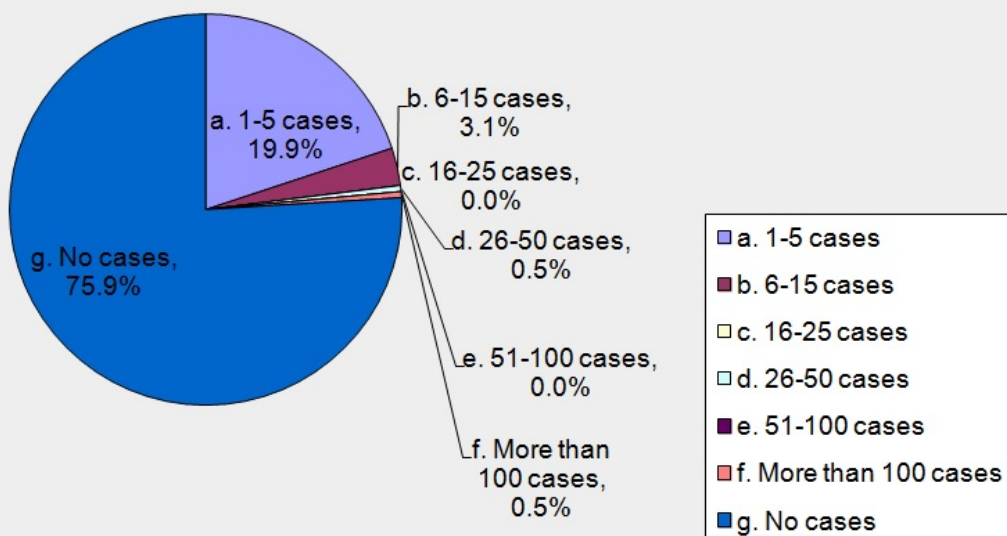


Figure 7 (U) Source: Survey

| From your response to the previous question, how many of those cases were prosecuted? | | |
|---|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| a. 1-5 cases | 12.6% | 24 |
| b. 6-15 cases | 1.0% | 2 |
| c. 16-25 cases | 0.0% | 0 |
| d. 26-50 cases | 0.5% | 1 |
| e. 51-100 cases | 0.0% | 0 |
| f. More than 100 cases | 0.0% | 0 |
| g. No cases | 85.9% | 164 |
| answered question | | 191 |
| skipped question | | 0 |

Figure 8 (U) Source: Survey

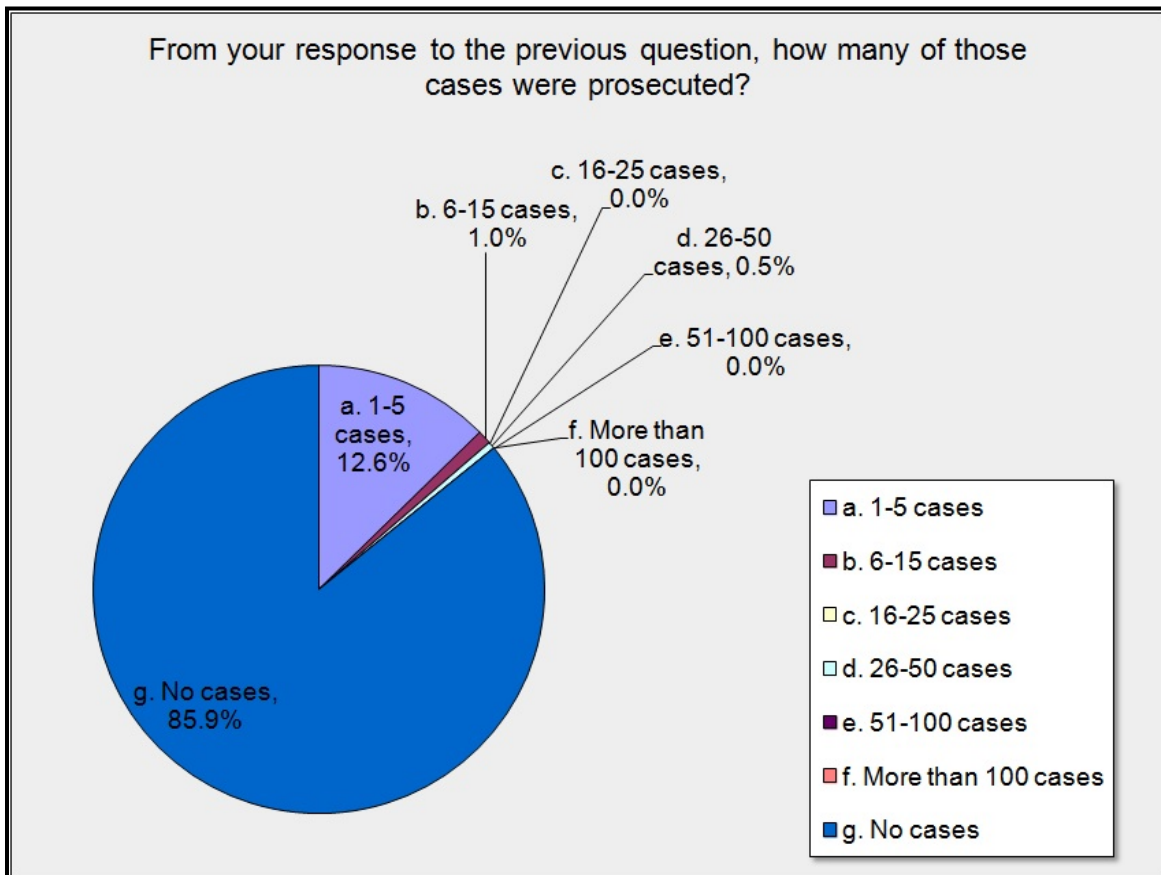


Figure 9 (U) Source: Survey

Cases Involving Adults:

| Over the last 24 months, how many cases in your jurisdiction have been reported or investigated that involved the trafficking of adult persons (18 years of age or older) for sexual or labor purposes through force, fraud or coercion? | | |
|--|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| a. 1-5 cases | 14.7% | 28 |
| b. 6-15 cases | 1.6% | 3 |
| c. 16-25 cases | 0.5% | 1 |
| d. 26-50 cases | 1.0% | 2 |
| e. 51-100 cases | 0.0% | 0 |
| f. More than 100 cases | 0.0% | 0 |
| g. No cases | 82.2% | 157 |
| answered question | | 191 |
| skipped question | | 0 |

Figure 10 (U) Source: Survey

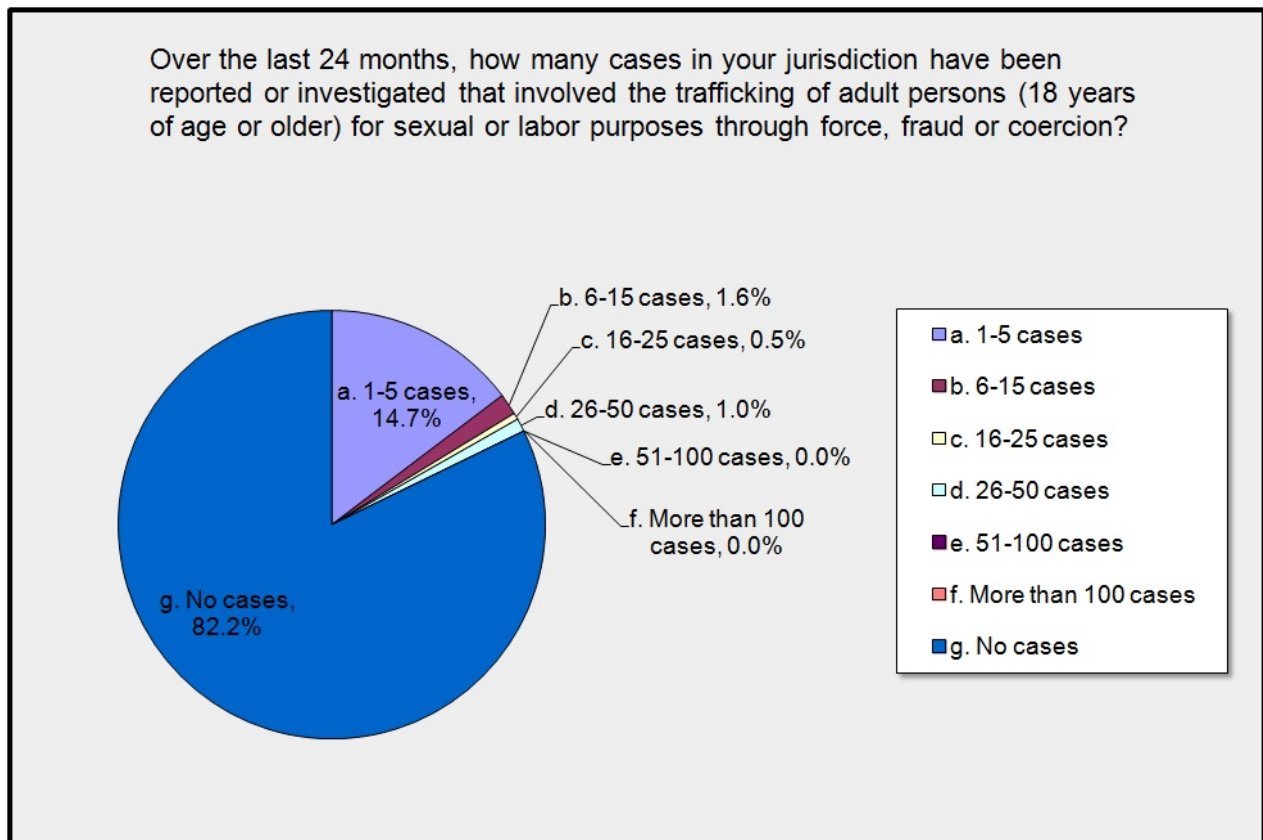


Figure 11 (U) Source: Survey

| From your response to the previous question, how many of those cases were prosecuted? | | |
|---|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| a. 1-5 cases | 9.9% | 19 |
| b. 6-15 cases | 1.6% | 3 |
| c. 16-25 cases | 0.0% | 0 |
| d. 26-50 cases | 0.0% | 0 |
| e. 51-100 cases | 0.0% | 0 |
| f. More than 100 cases | 0.0% | 0 |
| g. No cases | 88.5% | 169 |
| answered question | | 191 |
| skipped question | | 0 |

Figure 12 (U) Source: Survey

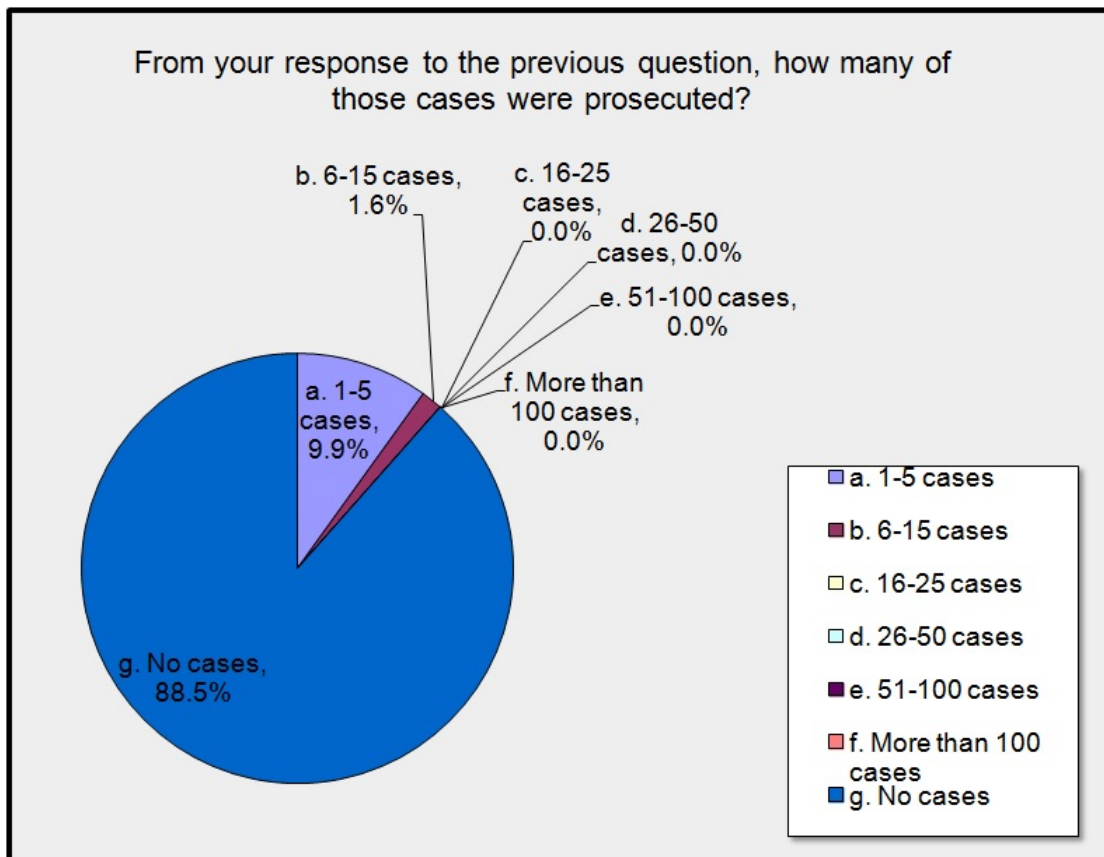


Figure 13 (U) Source: Survey

(U) Though not delineated in the initial survey, interviews revealed that sex trafficking is typically focused on as the most prevalent type of human trafficking in Wisconsin communities. Most interviewees noted that their focus is on child sex trafficking. This is likely partially due to the legal definitions of human trafficking under Wisconsin law. Child prostitution is equivalent to human trafficking under the law³, whereas to make a case for human trafficking with adult prostitution, the prosecution must prove force, fraud, or coercion⁴, which is often difficult. Another aspect of the focus on child sex trafficking is that children are seen as more vulnerable than adults, and therefore require more attention from law enforcement to intervene on their behalf. It should be noted, however, that many adult trafficking victims were introduced to trafficking at an average age between 12 and 14 years.

(U) Anecdotally, labor trafficking is certainly present, but often goes unnoticed or not officially investigated because of lack of resources, lack of training, or inability to investigate due to the transient nature of the crime.

(U) Services for Victims

(U) Housing

(U) The lack of adequate services for victims of human trafficking was reported by multiple agencies. The most prominent issue discussed is the lack of appropriate housing. Without alternative shelter available, victims often believe they have nowhere else to go except back to their traffickers. Shelter for trafficking victims must be more than a facility with a roof and a bed. Safety from traffickers and/or gang members is of concern for many rescued victims. Facilities must be secure. Housing for trafficking victims would also ideally include counseling and other specialized services.

(U) Highlighting the lack of appropriate shelter for trafficking victims, one local detective reported that a victim she had been working with in a sex trafficking case called her in the middle of the night, frantic and asking for help. She needed to get out of her location immediately, she said, because “the gang was after her.” She was more than three hundred miles away from the detective’s jurisdiction, on the outskirts of a major US city. On another occasion, the detective described having to convince a women’s shelter to temporarily house a 17-year-old victim as she was too young to stay there under the shelter’s rules.

(U) In order to make housing effective for victims, it has also been suggested that a facility needs to be a place where victims will want to stay and can feel understood. This will lessen the chances of them leaving the facility, feeling that they are better off on their own.

³ Wisconsin Statute § 948.051: Trafficking of a Child

⁴ Wisconsin Statute § 940.302: Human Trafficking

(U) Advocates

(U) Other gaps exist, such as the need for advocates and/or case managers to ensure that human trafficking victims know how to access the services that *are* available to them. Interviewees provided information on several NGOs in Wisconsin that are developing such advocacy programs. Some have suggested that making treatment and counseling programs mandatory for victims is the only way they have a chance at staying out of the trafficking world.

(U) Health Care

(U) Because of the nature of all forms of trafficking, quality health care is a necessary service to provide to victims. Not only are many victims potentially exposed to disease as part of their victimization, but all types of victims are often prevented from seeking medical care for any need. Five percent of survey respondents indicated that victims were referred to health care services.

(U) Counseling and Treatment

(U) Of those who responded to the survey, 22.5 percent indicated that victims of human trafficking were referred to counseling or treatment. This shows that officials who come into contact with trafficked victims are offering services they are aware of and able to provide. However, as many interviewees have noted, having counseling staff that are trained to deal with trafficking victims is extremely important, and is somewhat uncommon throughout Wisconsin. Even social service providers need and are requesting additional training on engaging victims of human trafficking.

| If you investigated or prosecuted cases involving Human Trafficking; were victims referred to services (counseling, treatment, housing, healthcare, etc)? | | |
|---|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| a. Yes. Victims were referred to counseling. | 15.2% | 29 |
| b. Yes. Victims were referred to treatment. | 7.3% | 14 |
| c. Yes. Victims were referred to housing. | 6.8% | 13 |
| d. Yes. Victims were referred for health care. | 5.2% | 10 |
| e. No. Victims were not offered services because none were available for victims. | 1.6% | 3 |
| f. No. Victims were not offered services because of lack of insurance. | 0.0% | 0 |
| g. No. Victims were not offered services because my department is not aware of available services in this geographical area. | 1.6% | 3 |
| h. To my knowledge, there are no victims of human trafficking in my jurisdiction. | 62.8% | 120 |
| i. No. Victims were or were not offered services because of other reason. | 18.3% | 35 |
| answered question | | 191 |
| skipped question | | 0 |

Figure 14 (U) Source: Survey

| Were Human Trafficking cases referred to law enforcement by social services? | | |
|--|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| a. Yes, cases were reported to social services and social services referred them to law enforcement. | 8.4% | 16 |
| b. No, cases of suspected Human Trafficking were not reported to law enforcement. | 22.5% | 43 |
| c. To my knowledge, no cases of Human Trafficking have been reported to social services. | 69.1% | 132 |
| answered question | | 191 |
| skipped question | | 0 |

Figure 15 (U) Source: Survey

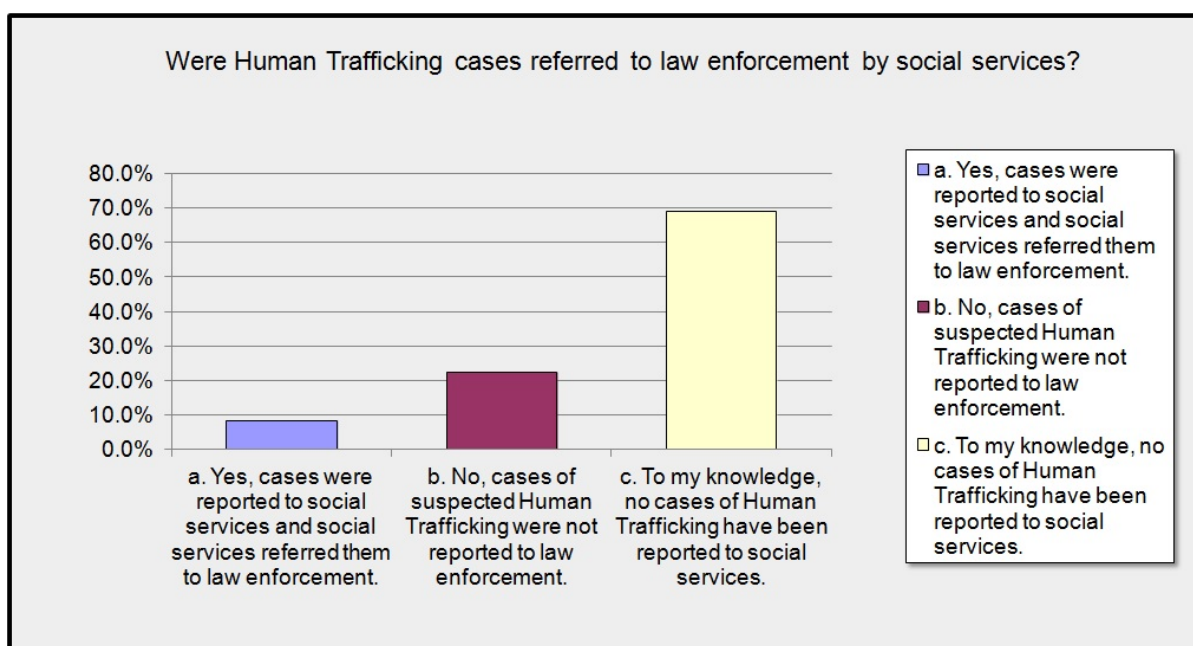


Figure 16 (U) Source: Survey

(U) Education, Training, and Prevention

(U) First Responders & Prosecutors

(U) The majority of survey responses reflected a need for additional training. Training needs include:

- Recognizing signs of human trafficking;
- Distinguishing human trafficking from prostitution or another crime;
- Best practices for investigations;
- What resources are available on a local, state, and federal level;
- Engaging victims—both youth and adults;
- Intervention and advocacy on behalf of victims;
- Specialized training on how to counsel and treat victims.

(U) Potential Victims

(U) As it concerns domestic trafficking issues, several interviewees indicated a need for education in schools, emphasizing that this education needs to start by middle school, because anything after that is too late.

(U) Many victims encountered by interviewees have grown up in circumstances that make them ripe for victimization of all types, including human trafficking. “For them,” says one respondent, “it’s not unusual for their peer group to contain adults. The kids

are usually introduced to trafficking by a relative or a friend of a friend...it's someone that's just around in their neighborhood, not someone they see as a 'bad guy.'"

(U) As far as international trafficking, education opportunities to potential victims are limited by the nature of the crime: victims may be hidden, may not speak English, and are often forbidden to contact anyone in the "outside" world. Though there may be some chances to reach this population from an educational standpoint, none were mentioned by survey respondents. Educational opportunities that may exist outside the state of Wisconsin are outside the scope of this assessment.

(U) Customers & the Community

(U) Officials in some highly-populated areas that recognize a trafficking problem have been working with local non-profit service organizations to educate the community in addition to providing services to victims. One detective interviewed stated that the population at large is very unaware of the human trafficking—both sex trafficking and forced labor—occurring in his jurisdiction. He says the general population is particularly misinformed about the reality of sex trafficking.

"Enforcement wasn't working. We are addressing it differently now."

-Survey Respondent

(U) One interviewee reported the recent creation of a "john school," with the realization that most customers of sex-trafficking do not understand the true implications of their actions. The john school hasn't been running long enough to be able to gauge an accurate recidivism rate, but one detective interviewed stated that many come out of classes visibly shaken by what they have learned.

(U) Challenges

(U) A reoccurring theme among cases is that victims typically do not come forward for help from authorities, and generally do not want to give information even once arrested and/or separated from their traffickers. For the most part, victims are afraid of their traffickers due to the many threats that have been made against them or their families.

(U) In many instances, particularly in forced labor cases, victims have described that their lives while being trafficked were still better than whatever situation they left at home, and therefore were compliant. Tied in to this attitude is a lack of knowing where to go for help. Most trafficking victims believe that going to the police will only land them in jail, deported, or in a worse circumstance than staying with their traffickers.

(U) Language barriers are often a problem for local departments, especially when they encounter tight-knit communities whose culture is one of non-cooperation with authorities. Some departments have bi-lingual officers on staff that cover their needs, while others lack the resources to solve this problem effectively.

(U) Victims of child sex trafficking in Wisconsin are truly vulnerable victims in that their lives with traffickers often seem more desirable than their lives before they met one. Victims often come from broken homes and abusive situations. They may receive food more regularly with their traffickers than at home. They may receive gifts on occasion. They do not see their trafficker as a criminal offender, but rather believe inaccurately that he or she is a person who actually loves them—something so many of them have never known. Therefore, they do not see themselves as victims, but instead are groomed and manipulated into believing that they are a valued part of a “family.” They are children that are often-drug addicted and rely on their traffickers to supply them. Survival skills that kept the victims alive as children often lead them to criminality in the adult mainstream world.

“The main challenge working with victims is getting them to want help. If you can’t provide them with a place they want to be, they’re going to run. If you can’t help them or they believe you can’t help them, they’re going to [try to] fix their problems themselves.”

“Child welfare deals with these kids all the time, and I don’t think they’re always recognizing it or identifying the behaviors as related to trafficking. We often identify the kids once we know they’ve been victims of crime.... instead of trying to figure out why they ran away and what is making them vulnerable to the traffickers in the first place. Let’s figure it out and try to get it so they don’t run away again.”

-Survey Respondent

(U) Lack of manpower and funding, as well as the limited availability of help when needed, were also listed as challenges that face law enforcement. For local departments, when evidence exists outside of their jurisdiction, the availability of help from state or local law enforcement is limited to “solvability” factors of each case, and whether they have the time to investigate promptly.

(U) Appendix A: Wisconsin Statutes on Human Trafficking and Child Trafficking

940.302 Human trafficking.

[940.302\(1\)](#)(1) In this section:

[940.302\(1\)\(a\)](#) (a) "Commercial sex act" means sexual contact for which anything of value is given to, promised, or received, directly or indirectly, by any person.

[940.302\(1\)\(b\)](#) (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.

[940.302\(1\)\(c\)](#) (c) "Services" means activities performed by one individual at the request, under the supervision, or for the benefit of another person.

[940.302\(1\)\(d\)](#) (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.

[940.302\(2\)](#) (2)

[940.302\(2\)\(a\)](#)(a) Except as provided in s. [948.051](#), whoever knowingly engages in trafficking is guilty of a Class D felony if all of the following apply:

[940.302\(2\)\(a\)1.](#) 1. One of the following applies:

[940.302\(2\)\(a\)1.a.](#) a. The trafficking is for the purposes of labor or services.

[940.302\(2\)\(a\)1.b.](#) b. The trafficking is for the purposes of a commercial sex act.

[940.302\(2\)\(a\)2.](#) 2. The trafficking is done by any of the following:

[940.302\(2\)\(a\)2.a.](#) a. Causing or threatening to cause bodily harm to any individual.

[940.302\(2\)\(a\)2.b.](#) b. Causing or threatening to cause financial harm to any individual.

[940.302\(2\)\(a\)2.c.](#) c. Restraining or threatening to restrain any individual.

[940.302\(2\)\(a\)2.d.](#) d. Violating or threatening to violate a law.

[940.302\(2\)\(a\)2.e.](#) e. Destroying, concealing, removing, confiscating, or possessing, or threatening to destroy, conceal, remove, confiscate, or possess, any actual or purported passport or any other actual or purported official identification document of any individual.

[940.302\(2\)\(a\)2.f.](#) f. Extortion.

[940.302\(2\)\(a\)2.g.](#) g. Fraud or deception.

[940.302\(2\)\(a\)2.h.](#) h. Debt bondage.

[940.302\(2\)\(a\)2.i.](#) i. Controlling any individual's access to an addictive controlled substance.

[940.302\(2\)\(a\)2.j.](#) j. Using any scheme or pattern to cause an individual to believe that any individual would suffer bodily harm, financial harm, restraint, or other harm.

[940.302\(2\)\(b\)](#) (b) Whoever benefits in any manner from a violation of par. [\(a\)](#) is guilty of a Class D felony if the person knows that the benefits come from an act described in par. [\(a\)](#).

940.302(3) (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.

940.302 History **History:** [2007 a. 116](#).

940.302 Annotation Halting Modern Slavery in the Midwest: The Potential of Wisconsin Act 116 to Improve the State and Federal Response to Human Trafficking. Ozalp. 2009 WLR 1391.

948.051 Trafficking of a child.

948.051(1) (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.

948.051(2) (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).

948.051(3) (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 actual damages incurred, and reasonable attorney fees.

948.051 History **History:** [2007 a. 116](#).

(U) Appendix B: Federal Statutes on Human Trafficking:

Trafficking Victims Protection Act of 2000.

Federal Statutory Definition:

Title 22 USC, Chapter 78, Sec 7102

Federal Statutes on Labor Trafficking:

Forced Labor (18 USC ch. 77, Sec.1589)

Peonage (18 USC Sec.1581)

Involuntary Servitude (18 USC Sec.1584)

Trafficking with Respect to Peonage, Slavery, Involuntary Servitude or Forced Labor (18 USC Sec.1590)

Document Falsification in Furtherance of Trafficking, Involuntary Servitude or Forced Labor (18 USC Sec.1592)

Federal Statutes on Sex Trafficking:

Sex Trafficking by Force Fraud or Coercion or Sex Trafficking of Children (18 USC Sec 1591)

Federal Immigration Laws on Benefits for Victims of Trafficking:

Title 8 USC, Chapter 12, Sec 1101 T and U

(U) Appendix C: Additional Resources:

[Human Trafficking: A Guide for Criminal Justice Professionals](#) (WI Department of Justice 2012)

[Wisconsin Human Trafficking Protocol and Resource Manual](#) (WI Office of Justice Assistance Human Trafficking Committee, 2012)

Wisconsin Department of Justice:
<http://www.doj.state.wi.us/ocvs/human-trafficking>

Wisconsin Clearinghouse for Missing & Exploited Children and Adults:
<http://wimissingpersons.doj.wi.gov/>

Department of Homeland Security:
<http://www.dhs.gov/blue-campaign/blue-campaign>

Federal Bureau of Investigation:
http://www.fbi.gov/about-us/investigate/civilrights/human_trafficking/initiatives

US Department of State:
<http://www.state.gov/j/tip/>

Polaris Project:
<http://www.polarisproject.org/>

National Center for Missing & Exploited Children:
<http://www.missingkids.com/CSTT>

(U) Appendix D: Sources

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(U) Wisconsin Human Trafficking Committee and Wisconsin Office of Justice Assistance. (January 2012). *Wisconsin Human Trafficking Protocol and Resource Manual*.

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