



# HUMAN TRAFFICKING



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## I. PURPOSE

This directive:

- A. provides general guidelines to assist members in recognizing victims of human trafficking in situations of sex trafficking and labor trafficking.
- B. provides relevant statutes of trafficking in persons, involuntary servitude, involuntary sexual servitude of a minor, and commercial sexual activity.
- C. outlines the responsibilities and procedures when Department members encounter victims of human trafficking, including interacting with juvenile victims of human trafficking and victims of human trafficking involved in prostitution.
- D. describes:
  - 1. the Human Trafficking Task Force (HTTF), Bureau of Counterterrorism, and the HTTF 24-hour hotline.
  - 2. the Illinois Department of Human Services National Human Trafficking Resource Center public notice (DHS 4630).
  - 3. human-trafficking-related IUCR codes.

## II. GENERAL INFORMATION

- A. The Human Trafficking Task Force (HTTF), Bureau of Counterterrorism:
  - 1. is commanded by a commanding officer the rank of lieutenant or above and is staffed with Department detectives and police officers, as well as members from the Department's local, state, and federal partners.
  - 2. is responsible for conducting the Department's investigation into all reported human trafficking incidents occurring within the Department's jurisdiction, including sexual servitude of a minor, involuntary servitude, or commercial sexual activity, involving both adult and juvenile victims.
  - 3. works in conjunction with local, state, and federal partners to investigate suspected incidents of human trafficking and violations of state and federal anti-human-trafficking laws.
  - 4. provides outreach to communities impacted by incidents of human trafficking and serves as the Department's liaison to other City agencies and community partners in human trafficking awareness and prevention efforts.
  - 5. serves as a resource for Department members in the identification, investigation, and Department training on human trafficking.

**NOTE:** Department members may consult with a member of the HTTF to discuss a suspected human trafficking case. **A message for the HTTF can be left at the 24-hour hotline and a member of the HTTF will return the call within a timely manner.**

- B. There are many forms of human trafficking, but for purposes of this directive, human trafficking includes, but not limited to, trafficking in persons, involuntary servitude, and involuntary sexual servitude of a minor.

### III. RELEVANT STATUTES AND DEFINITIONS

- A. Trafficking in Persons: a person commits trafficking in persons when he or she knowingly: (1) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to involuntary servitude; or (2) benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor. A company commits trafficking in persons when the company knowingly benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor ([720 ILCS 5/10-9](#)).
- B. Involuntary Servitude: a person commits involuntary servitude when he or she knowingly subjects, attempts to subject, or engages in a conspiracy to subject another person to labor or services obtained or maintained through any of the following means, or any combination of these means: (1) causes or threatens to cause physical harm to any person; (2) physically restrains or threatens to physically restrain another person; (3) abuses or threatens to abuse the law or legal process; (4) knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; (5) uses intimidation, or exerts financial control over any person; or (6) uses any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform the labor or services, that person or another person would suffer serious harm or physical restraint ([720 ILCS 5/10-9](#)).
- C. Involuntary sexual servitude of a minor: a person commits involuntary sexual servitude of a minor when he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, a sexually-explicit performance, or the production of pornography, or causes or attempts to cause a minor to engage in one or more of those activities and: (1) there is no overt force or threat and the minor is between the ages of 17 and 18 years; (2) there is no overt force or threat and the minor is under the age of 17 years; or (3) there is overt force or threat ([720 ILCS 5/10-9](#)).
- D. Commercial sexual activity: *any sex act on account of which anything of value is given, promised to, or received by any person* ([720 ILCS 5/10-9](#)).
- E. The crossing of geographic borders (town, city, county, state, or country) is not required to meet the legal threshold for persons to be victims of human trafficking or to investigate an incident of human trafficking.

### IV. RECOGNIZING AND INTERACTING WITH VICTIMS OF HUMAN TRAFFICKING

- A. Consistent with the Department's vision, mission, and core values, the Department is committed to protecting all victims of human trafficking, including but not limited to:
1. safeguarding the victim's emotional and physical well-being, and
  2. maintaining a sensitive approach to minimize trauma, including sensitive interactions with vulnerable populations, by:
    - a. employing trauma-informed communications techniques, including using a respectful tone and acknowledging any confusion or mistrust by the victim, and

- b. considering individualized factors such as the victim's known, suspected, or perceived age, mental health condition, or intellectual, developmental, or physical disability.
- B. Department members will:
1. treat all people, including victims of human trafficking, with the courtesy and dignity which is inherently due every person;
  2. act, speak, and conduct themselves in a courteous, respectful, and professional manner; and
  3. adhere to the principles of Procedural Justice and Legitimacy during any incident by providing the victim a voice and interacting with the victim in an unbiased, fair, and respectful manner.
- C. During interactions with victims of human trafficking, Department members will:
1. ensure the security, comfort, and overall well-being of the victim to the extent reasonably possible.
  2. be mindful that victims of human trafficking may be reluctant to come forward due to issues of language, culture, immigration status, or fear of retaliation or violence.
  3. if necessary, request a Department-authorized interpreter when interacting with a victim of human trafficking who is a person with limited English proficiency (LEP) consistent with the Department directive titled "**Limited English Proficiency.**"
  4. if necessary, provide or request the appropriate accommodations when interacting with a victim of human trafficking who is a person with a disability, consistent with the Department directive titled "**People with Disabilities.**"
- D. Department members interacting with victims of human trafficking may provide guidance including:
1. referral to known community services and resources such as drug treatment, counseling organizations, and education services.
  2. informing victims of the availability of Department victim-assistance resources, including the Crime Victim Services Section, Office of Community Policing, consistent with the Department directives titled "**Crime Victim Assistance**" and "**Abused, Neglected, Dependent or Abandoned Children Coming Under Department Control.**"
  3. referral to the Human Trafficking Task Force (HTTF) for assistance regarding eligibility and application requirements for T-Visas.
- E. Department members are reminded that during the preliminary investigation into a reported human trafficking incident:
1. adults and juveniles may be victims of both sex trafficking (commercial sex activity) and labor trafficking (involuntary servitude).
  2. human trafficking may be taking place in the following circumstances:
    - a. sex trafficking (commercial sexual activity) may include street prostitution, escort services, pornography, stripping, exotic dancing, and sexual services publicized on the internet, via social media, or in newspapers.
    - b. labor trafficking (involuntary servitude) may include landlord/tenant situations, domestic workers, domestic disturbances, or businesses such as nail salons, home cleaning services, restaurants, or "pay in cash" service providers.

## V. INVESTIGATION AND NOTIFICATIONS

- A. When conducting a preliminary investigation into a reported human trafficking incident, including sexual servitude of a minor or involuntary servitude, involving either an adult and juvenile victim, Department members will:

1. conduct a complete and comprehensive preliminary investigation consistent with the Department directive titled "Preliminary Investigations," including but not limited to:
    - a. immediately requesting appropriate medical aid for any injured persons or persons who claim to be injured. Department members will provide appropriate medical care consistent with the member's training, when it is safe to do so.

**NOTE:** When juvenile victims of human trafficking are taken into temporary protective custody, Department members will also refer to the Department directive titled "Minors In Need of Medical Care" when requesting or obtaining medical aid.
    - b. locating and identifying a crime scene or any physical evidence, including any available sources of electronic evidence (e.g., video, electronic messages). The responding Department member will:
      - (1) protect and preserve the crime scene for the collection and processing of evidence as outlined in the Department directive titled "Crime Scene Protection and Processing."
      - (2) if there is visible injury to the victim or physical evidence of the crime that requires processing, notify their immediate supervisor of the injury or evidence and request the assignment of an evidence technician.
    - c. completing the appropriate incident case report consistent with the Incident Reporting Guide and Item VIII of this directive, fully documenting and describing the details of the incident to establish the elements of the alleged crime, such as:
      - (1) description of injuries to the victim, including if medical attention was offered to the victim, if appropriate, and whether or not the victim accepted medical attention;
      - (2) the physical behavior of the victim;
      - (3) description and identification of offender(s);
      - (4) identification of other potential victims, witnesses, others present and when available, the person who called the Office of Emergency Management and Communications (OEMC);
      - (5) description of location(s) of incident or crime scene;
      - (6) any statements made to the reporting member by the victim;
      - (7) the presence and condition of pet animals belonging to victim or offender and other items of interest; and
      - (8) any other pertinent information which may assist in the investigation.
  2. notify:
    - a. their immediate field supervisor at the beginning of the preliminary investigation.
    - b. the watch operations lieutenant of the district of occurrence.
    - c. the Human Trafficking Task Force, 24-hour hotline.
  3. submit the incident case report and any incident-related reports to their immediate supervisor upon completion.
- B. Field supervisors notified of a reported human trafficking incident will:
1. acknowledge notification of the incident and document the notification on their Supervisor's Management Log (CPD-11.455).

2. when either a crime scene is identified or the victim is in protective custody, respond to the scene of the incident, when available.

**NOTE:** Additionally, the notified supervisor will respond when circumstances exist that would necessitate a supervisory response or the assignment of additional personnel to protect and manage the incident scene.

3. ensure a complete and comprehensive preliminary investigation is conducted consistent with the requirements of V-A-1 of this directive.
4. ensure request and coordination of Department resources.
5. review and, when appropriate, approve the submitted incident case report.
6. ensure that the notifications required in Item V-A-2 of this directive and any other appropriate notifications are made (e.g., Crime Prevention and Information Center (CPIC), Office of Communication) consistent with the requirements of other applicable Department directives.

C. The Human Trafficking Task Force detectives will respond to the incident and be responsible for:

1. conducting the Department's investigation into all reported human trafficking incidents, including sexual servitude of a minor, involuntary servitude, and commercial sexual activity, involving both adult and juvenile victims;
2. overseeing the completion of a human trafficking case report;
3. investigations into complaints or observations of human trafficking (or possible human trafficking);
4. the arrest or recovery of a victim (or a possible victim) of human trafficking, including taking temporary protective custody of a juvenile (under 18 years of age) for a commercial sex act; and
5. the arrest of a trafficker (or possible trafficker).

D. Upon completion of any human-trafficking-related case report, Department members will forward a copy of the completed and approved case report to the HTTF via email to [192.notification@chicagopolice.org](mailto:192.notification@chicagopolice.org).

E. Department members will notify the HTTF when conducting a preliminary investigation involving a business or establishment that does not have the required Illinois Department of Human Services National Human Trafficking Resource Center (DHS 4630) public notice posted as mandated under the Human Trafficking Resource Center Notice Act (775 ILCS 50/).

**NOTE:** Department members will refer to the Department directive titled "**City Licensed Premises and Licensees**" for a comprehensive list of businesses and establishments required to post such public notice.

## VI. ADULT VICTIMS OF HUMAN TRAFFICKING IN CASES OF PROSTITUTION

As well as being an offender, an adult arrested for prostitution may also be a victim of human trafficking. The "pimp," or human trafficker, may be subject to felony state and federal anti-human-trafficking charges, if arrested.

## VII. JUVENILE VICTIMS OF HUMAN TRAFFICKING IN CASES OF PROSTITUTION

A. A juvenile 17 years of age or under (not yet reached the age of 18) engaged in a commercial sexual activity will be automatically considered to be a victim of human trafficking.

B. Under the Illinois Safe Children Act, juveniles 17 years of age or under (not yet reached the age of 18) taken into protective custody for prostitution are presumed to be abused or neglected, are immune from criminal prosecution for the offense of prostitution, and must be placed in the child protection system instead of the criminal justice system.

1. Juvenile victims are immune from prosecution for the offense of prostitution only but **may** be processed for any other committed offenses.
  2. However, Department members are reminded that juvenile victims of human trafficking may be forced to commit crimes, including but not limited to prostitution, while under the control of their trafficker.
- C. When juvenile victims of human trafficking in cases of prostitution are taken into temporary protective custody, Department members will:
1. prepare an arrest report and a case report based upon the offense that brought the juvenile into temporary protective custody (i.e., soliciting or prostitution) and document any additional crimes committed against the juvenile.
  2. make the following notifications:
    - a. the juvenile's parent or guardian as soon as possible.

**NOTE:** Department members will confer with the HTTF detectives about the timing of the notification when there reasonable belief the parent or guardian may be involved in the alleged human trafficking or prostitution incident.

    - b. the Human Trafficking Task Force (HTTF).
    - c. the Department of Children and Family Services (DCFS), which will conduct an investigation within 24 hours.
- D. The appropriate *Human Trafficking Task Force* detective will:
1. determine if the juvenile is the subject of a missing persons report, following the procedures outlined in the Department directive titled "**Missing/Found Persons.**"
  2. make the following notifications:
    - a. the BOD Special Investigation Unit (SIU) at the Chicago Children's Advocacy Center (CCAC) consistent with the Department directive titled "Chicago Children's Advocacy Center," including for forensic interviews consistent with The Bill of Rights for Children (725 ILCS 115/3.5).
    - b. DCFS and request an on-call DCFS case worker respond, if a parent/guardian cannot be located.
  3. complete a Child Care Referral/Placement Report (CPD-24.108) if DCFS makes a determination that the juvenile requires temporary housing.
- E. The watch operations lieutenant of the district of occurrence will ensure juvenile victims of human trafficking taken into protective custody in cases of prostitution are processed or released without charging, consistent with the Department directives titled "**Processing of Juveniles And Minors Under Department Control**" and "**Releasing Arrestees Without Charging and Waiving Fingerprint Results.**"

## VIII. REPORTING HUMAN TRAFFICKING - IUCR CODES

The relevant IUCR codes for sex trafficking and labor trafficking are:

- A. **Human Trafficking — Commercial Sex Acts, IUCR Code 1050** — Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age. Commercial sex acts may be exchanged for anything of value — it is not limited to the exchange of money.

B. **Human Trafficking — Involuntary Servitude, IUCR Code 1055** — Knowingly subjects, attempts to subject, or engages in a conspiracy to subject another person to labor or services obtained or maintained through any of the following means, or combination of these means:

1. physical harm or threat;
2. physical restraint or threat;
3. abuse of the law or legal process, or threat;
4. knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported government identification document, or any other actual or purported passport government identification document of another person;
5. intimidation or financial control over another person;
6. uses any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform the labor or services that he, she, or another person would suffer serious harm or physical restraint.

(Items indicated by *italics/double underline* were added or revised.)

Authenticated by KC

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