



**Illinois State Police**  
**Law Bulletin – January 2018**  
***Human Trafficking***

Pursuant to Illinois State Police Directive ENF-002 (Privileged and Confidential\*): The ISP will employ the services of the El Paso Intelligence Center (EPIC) when the movement of persons and vehicles entering or departing the state of Illinois is associated with... *Human Trafficking*....

**Background:**

According to the United Nations, human trafficking is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them. Major forms of human trafficking include: sex trafficking; child sex trafficking; forced labor; forced child labor; bonded labor or debt bondage; domestic servitude; and unlawful recruitment and use of child soldiers.

Human trafficking is one of the largest crime industries in the world and is also one of the most under reported crimes. Human trafficking occurs in every state, including Illinois. According to the National Human Trafficking Hotline, the vast majority of human trafficking cases involve sex trafficking with female victims. Illinois ranks 10<sup>th</sup> in the number of reported cases in the states for the first half of 2017 with 100 reported cases. Chicago has the third highest volume of human trafficking in cities around the country.

In 2000, the United States passed the Trafficking Victim Protection Act (TVPA) making human trafficking a federal crime. Then in 2015, the United States passed the Justice for Victims of Trafficking Act of 2015 which specifically addresses domestic human trafficking and makes fighting child sexual exploitation a priority.

**Illinois:**

The Illinois Trafficking of Person and Involuntary Servitude Act went into effect on January 1, 2006. Illinois has enacted several additional laws recognizing minor victims as abused minors, allowing victims to sue their abusers for damages, immunizing children under the age of 18 from prosecution for prostitution, enabling victims of sex trafficking to clear their criminal records of prostitution convictions, and establishing a specialized fund for survivors of the sex trade. In August 2016, Governor Bruce Rauner signed legislation creating a statewide task force – the Illinois Human Trafficking Task Force – made up of legislators, a representative of the Chicago Regional Human Trafficking Task Force, and the Director of the State Police.

**720 ILCS 5/10-9. Trafficking in persons, involuntary servitude, and related offenses**

Section 10-9 charges are all felonies in Illinois with classification depending upon the facts proven in each case.

- 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.

- Involuntary sexual servitude of a minor. A person commits the offense of 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.
  
- Trafficking in persons. A person commits the offense of 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 forced labor or services; 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.

**Future Guidance:**

- Recognizing indicators of human trafficking is vital to identifying victims and helping them find assistance.
- Signs that a person may be the victim of human trafficking include, but are not limited to, that the individual:
  - is not free to come and go as he/she wishes, works excessively long and/or unusual hours, is not allowed breaks or suffers unusual restrictions at work, or is involved in the commercial sex industry;
  - lives or works in a facility with high security measures such as opaque windows, boarded up windows, windows with bars, barbed wire, security cameras, etc...;
  - is fearful anxious, depressed, submissive, tense, or nervous, or 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, is not in control of his/her own money, financial records, or bank account, is not in control of his/her own identification documents, or is not allowed to speak for himself/herself; or
  - lacks knowledge of whereabouts, a sense of time, or has many inconsistencies in his/her story.
- Human trafficking can be prosecuted at the state level or by working with our federal law enforcement partners. There are sentencing enhancements at the federal level for cases involving child victims and/or the use of the internet.
- Cases involving minor victims may require the assistance of a Juvenile Officer to ensure compliance with the abused minor provisions of the Juvenile Court Act.

**If you have any questions regarding the Legal Guidance given herein, please contact the Illinois State Police Legal Office at (217) 782-7658.**

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\* This directive contains confidential and sensitive information, which may disclose unique or specialized investigative techniques; result in demonstrable harm to the agency, its employees or other persons if disclosed; or endanger the life or physical safety of law enforcement personnel or other persons if disclosed. This writing shall not be transferred outside of the Department without the specific written consent of the Director or his/her designee