

**2020 Six Month Follow-Up Report**  
to the  
**2019 Law Enforcement Assessment of**  
**Sex Trafficking in Wisconsin**

Wisconsin Department of Justice  
Bureau of Justice Information and Analysis  
Uniform Crime Reporting Program



## Notes

This report was written by the Wisconsin Department of Justice Bureau of Justice Information and Analysis for the purpose of addressing the specific follow-up needed from the Wisconsin Uniform Crime Reporting Program described in the [2019 Law Enforcement Assessment of Sex Trafficking in Wisconsin](#) published in January 2020.

We thank the law enforcement agencies who participated in the follow-up survey for their efforts to complete our request.

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## 2020 Six Month Follow-Up Report

In 2019, the Wisconsin Department of Justice administered a survey to law enforcement agencies to gather information about their perceptions, policies, and data entering practices related to human trafficking incidents in their jurisdictions. A total of 305 law enforcement agencies covering 91% of the state's population completed the portion of the survey pertaining to data entry and agencies' records management systems. A [full report](#) of findings was included in a report published in January 2020. Key findings related to the reporting of human trafficking to Wisconsin's Uniform Crime Reporting Program included:

- Uniform Crime Reporting (UCR) Program human trafficking data is inconsistent across the state and more incomplete than previously believed.
- Respondents report human trafficking is occurring in Wisconsin; however, quantifying law enforcement involvement with human trafficking incidents remains a challenge because identification and data entry practices differ across the state.
- Responses demonstrate a desire and need for training on how to differentiate between prostitution and sex trafficking, both operationally and for data collection purposes.
- Responses indicate that many agencies would benefit from training about the dynamics of child sex trafficking and the statutory elements of Trafficking of a Child.

As a result of these findings, the following action items were identified for the Wisconsin UCR program to complete:

1. Verify the availability of the human trafficking offense coding for all agencies.
2. Contact all Summary-Based Reporting agencies with a reminder of the new collection mechanism that was made available starting in January 2019.
3. Follow-up with specific agencies that were identified as having cases meeting the definition of trafficking but not labeled as such.
4. Continue with development of UCR training materials including virtual webinars and a definition flowchart to help agencies identify cases that meet the FBI's definition of trafficking.
5. Continue to provide technical assistance to agencies regarding error resolution to ensure incidents are processed successfully into the UCR Program crime database.

## 1. Verify the ability of the human trafficking offense coding for all agencies.

Human trafficking is a relatively new offense collected by the FBI's UCR program, added to the FBI's UCR system in 2013 based on the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to both the Summary-Based Reporting (SBR) program and National Incident-Based Reporting System (NIBRS; see Appendix A). States across the country gradually added the trafficking offenses to their state UCR Programs; in Wisconsin, agencies submit data to the UCR program via the Summary-Based Reporting System (SBR) or the Wisconsin Incident-Based Reporting System (WIBRS) monthly using an external records management system (RMS) of their choosing. The Wisconsin UCR Program receives data from agencies via the agencies' RMS vendor, but the UCR Program does not control the agencies' RMS nor does the UCR Program have knowledge on how every RMS works. The Wisconsin UCR Program began collecting human trafficking from WIBRS agencies in 2015 and created the ability to collect trafficking from SBR agencies in 2019. In open-ended responses to the 2019 survey, some agencies indicated they still did not have the coding available in their RMS to submit an offense of human trafficking to the state UCR Program. Based on this feedback, it was clear that some agencies' records management systems have still not added the trafficking offenses to their systems, making their RMS noncompliant with the Wisconsin UCR Program.

In order to understand which agencies and RMS vendors needed updating, in March 2020 the Wisconsin UCR Program sent a short follow-up survey to all law enforcement agencies in the state, requesting information on whether the agency could successfully code and send a human trafficking incident to the UCR Program, should they ever need to.

**Results:** By the end of May 2020, 182 agencies responded to the follow-up survey. Key findings from the follow-up survey:

- Nineteen agencies responded that they did not have the ability to label a case as sex trafficking nor labor trafficking within their RMS as of 2019, and 50 agencies reported they did not know if their RMS had the ability to label a case as trafficking.
- Seven WIBRS agencies reported their RMS did not have the specific WIBRS offense codes for trafficking available within their RMS, and 21 WIBRS agencies did not know if the codes were available in their system. All WIBRS agencies are expected to have the trafficking offense codes available in their RMS.
- Ten agencies said they could not separate a case between trafficking and prostitution (for example, for incidents initially classified as prostitution and need to be re-classified as trafficking based on investigation); another 47 agencies were unsure if they would be able to do this within their RMS. This functionality should exist within all records management systems such that the state UCR Program should have the most up-to-date information about an incident, as information could change based on an ongoing investigation.

**2. Contact all Summary-Based Reporting agencies with a reminder of the new collection mechanism that was made available starting in January 2019.**

Eight SBR agencies said they had not watched the webinar explaining the new trafficking reporting forms available to them as of 2019. In March of 2020, all SBR agencies were reminded of the human trafficking data collection mechanism put in place in early 2019 and given a link to the webinar that was held in early 2019 when the mechanism was launched. This information went to 214 agencies.

**3. Follow-up with specific agencies that were identified as having cases likely meeting the definition of trafficking but not labeled as such.**

The 2019 report indicated areas to follow-up with specific agencies that may have trafficking incidents occurring in their jurisdiction but are not being reported as such. Although the report focused on data prior to 2019, the same issues were checked in 2019 data, as data from 2019 can still be modified until the end of 2020.

- Seven specific agencies were personally contacted to discuss incidents that were submitted to the UCR Program as juvenile prostitution arrests in 2019.
- Eight agencies that sent 13 total 2019 trafficking incidents to the state UCR Program via WIBRS that resulted in processing errors were contacted and helped with how to resolve the error.
- Twenty-five agencies that had not sent a trafficking incident to the state were contacted regarding their response to the survey which indicated the agency had incidents that likely meet the definition of trafficking in 2018. Although these were 2018 incidents, the agencies were contacted to ensure the agencies knew the UCR definition of trafficking moving forward.

Prior to the agency follow-up, the UCR Program had successfully processed 63 victims of sex trafficking in 2019, from 58 unique incidents, from 17 different agencies (as of 1/31/2020). As of 3/12/20 (two business days before the FBI's 2019 data deadline), the state UCR Program had 98 victims of sex trafficking in 2019, from 91 unique incidents, from 25 different agencies.

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### **Follow-Up Results**

*In the approximate six weeks of follow-up between February 2020 and 3/12/20 when the data were checked again, the number of 2019 victims of sex trafficking processed successfully increased 56%, the number of 2019 incidents involving sex trafficking increased 57%, and the number of agencies reporting 2019 sex trafficking incidents increased 47%.*

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This exemplifies the dynamic nature of UCR reporting; although these data changes all took place in 2020, the incidents added were all 2019 incidents. Some of these additions were due to follow-up, and some were normal changes agencies were making to their end-of-year data. Agencies are responsible for submitting complete data, as well as reviewing reports available online for accuracy. Depending on when data is requested and/or published, the numbers are subject to change daily.

- 4. Continue with development of UCR training materials including virtual webinars and a definition flowchart to help agencies identify cases that meet the FBI's definition of trafficking.**

A training flowchart was finalized to assist agencies with identifying whether an incident meets the UCR Program definition of sex trafficking. The flowchart is attached as Appendix B. The UCR Program has also been working to transfer its entire training program into an interactive, virtual, and self-paced format, and will include a section specific to human trafficking.

- 5. Continue to provide technical assistance to agencies regarding error resolution to ensure incidents are processed successfully into the UCR Program crime database.**

Of the thirteen specific incidents noted above that were submitted by WIBRS agencies that received errors, ten are currently processed successfully in the state UCR Program as of the writing of this report. The state UCR Program will continue to monitor trafficking incidents that were submitted by agencies and received errors, as these incidents do not process successfully into the UCR Program's production databases; therefore, they will not appear in any official crime counts published or released by the state UCR Program.

## Conclusions

Although there are agencies that reported having records management systems that are not in compliance with the state's trafficking reporting requirements, a larger issue appears to be the lack of agencies' knowledge on how their RMS handles trafficking incidents, likely due to most agencies never having attempted to send a trafficking incident to the state. The gap in training for how to operate specific records management systems in order to facilitate accurate trafficking reporting to the state UCR Program is unfortunately not a gap the state UCR Program can fill, as the state does not contract with any outside RMS vendors nor have specified knowledge of how each RMS works. However, the state UCR Program will continue to offer training to agencies on how to classify offenses in general, with the reminder that all RMS vendors should have the functionality to classify an incident as trafficking. In addition, the state UCR Program is available to assist RMS vendors with questions about the Wisconsin technical specifications and trafficking reporting requirements.

*Human Trafficking as Defined for the Uniform Crime Reporting (UCR) Program*

In 2013, the national UCR Program started collecting arrest and offense data for two different human trafficking offenses. The Wisconsin UCR Program has had the ability to accept both trafficking offenses through the Wisconsin Incident-Based Reporting System (WIBRS) since 2015, and from Summary-Based Reporting agencies since 2019. The FBI definitions used to track these offenses are:

*Human Trafficking: Commercial Sex Acts:* 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.

*Human Trafficking: Involuntary Servitude:* the obtaining of a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).



# Is it Sex Trafficking for UCR?

Was there a real person who was a buyer/organizer, and a plan to pay **something of value** (or attempt to do so) in exchange for a sex act?

no

If there is not a real buyer or someone organizing other than the provider, do not continue.

yes

1. Was the provider of the sex act/ attempted sex act a **real** person?

no

2. Did the buyer/organizer **think** they were going to meet a **juvenile\*** to exchange sex for money?

2. Was the person who was going to provide or did provide the sex act over the **age\*** of 17?

yes ↓

3. Was the provider threatened with serious physical, psychological, financial, or **reputational harm** if they did not perform the sex act?

no ↓

4. Was the provider **coerced** into the sex act through a scheme, manipulation, or **fraudulent** agreements?

no ↓

5. Was the provider addicted to alcohol or drugs, and the buyer was **withholding access** to the substance?

yes

no\*

yes

yes

yes

yes (attempted)

**\*Juveniles:** for UCR, anyone under 18 is a juvenile. If someone pays a juvenile for a sex act, that is a reportable sex trafficking offense, regardless of who initiated, whether there was any force, fraud, or coercion involved, whether the buyer knew the provider was a juvenile, or what anyone may have been charged with.

no

Sex Trafficking

no

Not a sex trafficking offense

**Additional notes on bold terminology:** Something of value includes but is not limited to money, drugs, and necessities such as food and shelter. 1: There must be a real buyer/organizer for an incident to be considered trafficking, but there does not need to be a real provider. For example, an undercover officer posing as a sex provider could meet the definition of a trafficking incident if there is a buyer, but a juvenile posting themselves online where there is no buyer and no one else organizing is not (yet) reportable as trafficking. 2: It does not matter how old the buyer/organizer thought the provider was, and it does not matter who initiated or if the provider lied about their age. 3: including turning the provider in to law enforcement. 4: Examples include being promised something in exchange for sex that was not received, or an agreement that was changed without the provider's consent. 5: An exchange of drugs as a form of payment is not necessarily sex trafficking; however if the provider's access is being withheld and the access to the substance is being used to coerce the provider, that is considered sex trafficking.



# Sex Trafficking Examples

Example Situations to Give Guidance on Whether To Report Sex Trafficking for Uniform Crime Reporting

EXAMPLE CASES	1. REAL PROVIDER?	2. PROVIDER OVER 17?	3. THREATENED HARM?	4. COERCED BY FRAUD/SCHEME?	5. WITHHELD DRUGS?	IS IT TRAFFICKING ?
A 24 year old woman agrees to have sex with her boyfriend's friend for \$300. She does, and receives \$300.	Yes	Yes	No	No	No	No
An adult woman addicted to heroin owes her dealer \$200, and he has threatened to tip off law enforcement to her whereabouts (she has a warrant) if she does not have sex with him to make up what she owes him.	Yes	Yes	<span style="color: white; font-weight: bold;">✘</span> Yes Threats to notify LE are considered serious reputational harm.			Trafficking
A husband and wife are separated, but still live together. His name (not hers) is on the house and bank accounts; he threatens to cut off her access to his account and throw her out if she does not continue to engage in sexual activity with him. She has always been a stay at home mom and does not have any savings of her own.	Yes	Yes	<span style="color: white; font-weight: bold;">✘</span> Yes There is both a threat to her financial resources as well as her physical access to shelter.			Trafficking
A 17 year old agrees to have sex with an 18 year old in exchange for \$300 worth of marijuana.	Yes	<span style="color: white; font-weight: bold;">✘</span> No Someone is exchanging something of value with a juvenile for sex; no force, fraud, or coercion needed for this to qualify as sex trafficking for UCR.			Trafficking	
A 28 year old woman agrees to have sex with her boyfriend's friend for \$200. She does, receives \$75, and is told she will only get the rest of the money if she has sex with another friend.	Yes	Yes	No	<span style="color: white; font-weight: bold;">✘</span> Yes The terms of their agreement were changed without her consent.		Trafficking
A 17 year old approaches an undercover officer, offers sex for money, and is referred to social services.	Since there is no real buyer/organizer involved, this incident does not meet the initial criteria to begin determining whether it is sex trafficking for UCR.					
A man responds to an online ad and agrees to meet "her" to pay for sex. He arrives at the meeting site expecting a 16 year old girl and instead is arrested by undercover officers.	No	<span style="color: white; font-weight: bold;">✘</span> No Someone is attempting to exchange money for sex with a "juvenile"; although there is no "real" victim, there is an offender who is attempting the act.			Trafficking (Attempted)	