Wrongful Convictions of Women: The Problem of False Confessions

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Wrongful Convictions of Women

National Registry of Exonerations Data (since 1989)

- Exonerees: 1314
- Total Female: 103 (7.8%)
- Total Male: 1211 (92.2%)

DNA was a Factor in Exoneration – All Cases (367)

- Total Female Exonerees with DNA: 7 (6.8%)
- Total Male Exonerees with DNA: 360 (29.7%)

Leading Cause of Wrongful Convictions for Women

- False or Misleading Forensic Evidence – All Cases (289)
  - Total Female F/M Forensics Cases: 34
  - Total Male F/M Forensics Cases: 255
  - Percentage Female: 33.0% (34/103) / Percentage Male: 21% (255/1211)
Wrongful Convictions of Women

- No Crime Actually Happened – All Cases (302)
  - Total Female ‘No Crime’ Cases: 68 (63.6%)
  - Total Male ‘No Crime’ Cases: 234 (19.3%)

- No Crime – Child Sex Abuse Hysteria Cases – All Cases (50)
  - Total Female Cases: 22 (21.4%, or 22/103)
  - Total Male Cases: 28 (2.3%, or 28/1211)

- No Crime – Other (including SBS) – All Cases (252)
  - Total Female Cases: 46 (44.7%, or 46/103)
    - 7 SBS Cases (6.8%)
  - Total Male Cases: 206 (17.0%, or 206/1211)
    - 4 SBS Cases (0.36%)
Wrongful Convictions of Women

- Women Convicted When Victim is a Loved One or Child in Their Care
  - Total: 53
  - Percentage: 51.5% (53/103)

- Women Convicted Based on Other Factors
  - Total: 13
  - Percentage: 12.6% (13/103)

- Women Convicted Based on False Confessions
  - Total Female FC Cases: 16 (15.5%, or 16/103)
  - Total Male FC Cases: 145 (12.0%, or 145/1211)
The Reality of False Confessions

- 16-20% of all known DNA exonerations (313) involve false confessions

- Most false confessions occur in murder cases (over 80%)

- 62% of all homicide DNA exonerations involve false confessions, while only 31% involve misidentification errors

- It is not uncommon for multiple false confessions to occur in the same case (Norfolk 4, Central Park 5, Beatrice 6, Englewood 4, Dixmoor 5)
False Confessions: Myths

“Only people who are beaten or interrogated for days would falsely confess.”
- Psychological tactics, not physical abuse, are the cause of most false confessions
- While length of an interrogation is a risk factor, shorter interrogations can also produce false confessions

“Only children or individuals with mental retardation would falsely confess.”
- False confessions do not come only from vulnerable suspects: everyone has his or her breaking point

“It’s obvious when a confession is false.”
- Many false confessions are highly detailed with facts that seemingly only true perpetrator would know
False Confessions: Consequences

Consequences of false confessions:

• Confession evidence corrupts other evidence.

• Further police investigation is limited/nonexistent.

• Conviction has historically been all but guaranteed.

Nicole Harris, exonerated Chicago 2013
Medical examiner concluded her child died from accidental strangulation, but he changed report to homicide after learning that Nicole had confessed (falsely) to strangling her son because he wouldn’t stop crying.
Pathways to a False Confession

1\textsuperscript{st}: The Misclassification Error
- Often occurs during “interview” stage
- “Behavioral analysis”

2\textsuperscript{nd}: The Coercion Error
- Psychological interrogation methods
- Individual vulnerabilities

3\textsuperscript{rd}: The Contamination Error
- Scripting, misleading specialized knowledge, and the problem of deception
Behavioral Analysis = Human Lie Detection

Theory:
- Deception manifests itself involuntarily in physiological responses
- Properly trained detective can “read” the signs

Three applications supposedly give away deceptive suspect
- Verbal behavior (e.g., word choice)
- Non-verbal behavior (e.g., posture, eye contact, facial expressions, arm and leg movements)
- Paralinguistic behavior (e.g., response length, response delivery, continuity of response)
### Misclassification: Behavioral Analysis

#### Truthful Individual

<table>
<thead>
<tr>
<th>ATTITUDE</th>
<th>NON-VERBAL</th>
<th>VERBAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Composed</td>
<td>Smooth Posture changes</td>
<td>Reasonable answers</td>
</tr>
<tr>
<td>Conversed</td>
<td>Open gestures, good eye to eye</td>
<td>Smooth tone of voice &amp; speech</td>
</tr>
<tr>
<td>Cooperative</td>
<td>Maintains frontal alignment</td>
<td>Complete &amp; clear answers</td>
</tr>
<tr>
<td>Direct and Spontaneous</td>
<td>Leans forward</td>
<td>Uses realistic words</td>
</tr>
<tr>
<td>Sincere</td>
<td>Open palms</td>
<td>Volunteers information</td>
</tr>
<tr>
<td>Open</td>
<td>Upright, open, casual</td>
<td>No long delays</td>
</tr>
</tbody>
</table>

#### Deceptive Individual

<table>
<thead>
<tr>
<th>ATTITUDE</th>
<th>NON-VERBAL</th>
<th>VERBAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overly Anxious</td>
<td>Erratic &amp; rapid</td>
<td>Answers too early</td>
</tr>
<tr>
<td>Defensive</td>
<td>SPC or key questions</td>
<td>Irrational answers</td>
</tr>
<tr>
<td>Uncertain</td>
<td>Frustrated gestures</td>
<td>Mental blocks</td>
</tr>
<tr>
<td>Evasive</td>
<td>Rigid &amp; Immobile</td>
<td>Challenges</td>
</tr>
<tr>
<td>Overly Feltie</td>
<td>Insecure tone of voice</td>
<td>Unjust anger</td>
</tr>
<tr>
<td>Guarded</td>
<td>Hand over mouth or eyes</td>
<td>Avoids realistic words</td>
</tr>
</tbody>
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From undated presentation at University of Arkansas Law School by Reid & Associates President Joe Buckley

## Misclassification: Behavioral Analysis

### Responding to Denials that are Voiced

#### VI. Evaluate the Suspect’s Denial

<table>
<thead>
<tr>
<th>Deceptive Denials</th>
<th>Truthful Denials</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Avoid Descriptive Language</strong>&lt;br&gt;“I didn't take that money”&lt;br&gt;“I didn't do that to her”</td>
<td><strong>Use Descriptive Language</strong>&lt;br&gt;“I did not rob anyone!”&lt;br&gt;“I did not rape her!”</td>
</tr>
<tr>
<td><strong>Qualifying Phrases</strong>&lt;br&gt;“I honestly wouldn't do that.”&lt;br&gt;“I swear I didn't do this.”</td>
<td><strong>Definitive Statement</strong>&lt;br&gt;“I don't care what your investigation shows -- I had nothing to do with this!”</td>
</tr>
<tr>
<td><strong>Specific Denials</strong>&lt;br&gt;“I did not take $517.82”&lt;br&gt;“I don't own a gun!”</td>
<td><strong>Broad Denials</strong>&lt;br&gt;“I've never had sexual contact with that student or any other!”</td>
</tr>
<tr>
<td><strong>Theme Acceptance</strong>&lt;br&gt;“I understand what you're saying, but...”&lt;br&gt;“I believe what you're telling me, but...”</td>
<td><strong>Theme Rejection</strong>&lt;br&gt;“Listen, even though I was drinking that night I was in control and I know I was never at that gas station!”</td>
</tr>
<tr>
<td><strong>Weak Verbal</strong></td>
<td><strong>Firm, Strong, Forceful</strong></td>
</tr>
<tr>
<td><strong>Strong Verbal / Weak Nonverbal</strong></td>
<td><strong>Persistent</strong></td>
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#### VII. Handling Truthful Denials
Misclassification: Behavioral Analysis

Claims v. reality:
- Reid & Associates claims an 85% accuracy rate of detecting deception
- Virtually every study shows that people are poor lie detectors (no better than chance)
- Professionals do not fare much better (45-60% accuracy)
- There is no human behavior or physiological response that is unique to deception

Inherent contradictions:
- Michael Crowe/Gary Gauger: apparent lack of emotional response led police to suspect them wrongly
- Jeffrey Deskovic/Jerry Hobbs: overly emotional response led police to suspect them wrongly

Consequences:
- Human lie detector mythology increases police confidence in the accuracy of their judgments
- Leads to investigator bias and hostile interrogations
Misclassification: Other Sources of Errors

Profiling: Overreliance on previous investigative experiences

- When a child is killed at home, a family member must be responsible
- If there are no signs of forced entry, the killing must have been an “inside” job (Cope, Crowe)
- Serial killers are white (Beltway sniper)
- All killings/shootings in Black and Latino neighborhoods are gang-related
- The last known person who saw the victim must be the killer
- If someone lies to the police about anything, he or she must be guilty of the crime

Danger of playing the odds:

- May sometimes favor one of these theories
- Overreliance can lead to false confessions and wrongful convictions
What is an interrogation?

- Premised on presumption of guilt (which is often based on behavioral analysis, not evidence)
- Accusatorial, suggestive
- Interrogator dominates interaction
- Interrogators uses deceptive, manipulative & sometimes coercive psychological methods
  - False evidence ploys
  - Implied/direct promises of leniency
  - Threats
- Purpose of interrogation is to get an admission
1. Maximization and Minimization
2. True and False Evidence Ploys
3. Spectrum of Coercive Motivators
4. Attacking Suspect’s Confidence in His/Her Ability to Convince Police of Innocence

(Ofshe, R.)
Contamination Error

What is contamination?
- “Facts” adopted by confessor from sources other than personal knowledge

Sources of contamination:
- Fact feeding/leading questions by interrogators
  - Accidental or intentional
- Showing suspect the crime scene
  - Taking her there or showing photos
- Media or community gossip
- Innocent knowledge

Proof of contamination:
- Best way to prove contamination is through electronic recording of entire interrogation
Common Ground on Contamination

“[I]t is imperative that interrogators do not reveal details of the crime so that they can use the disclosure of such information by the suspect as verification of the confession’s authenticity. In each case, there should be documented ‘hold back’ information about the details of how the crime was committed; details from the crime scene, details about specific activities perpetrated by the offender, etc. The goal is to match the suspect’s confession against these details to establish the veracity of the statement.”

-- Joseph Buckley, president of Reid & Associates

*The Reid Technique of Interviewing and Interrogation*, in Tom Williamson, ed. *Investigative Interviewing: Rights, Research, and Regulation* 190, 204-205 (Willan 2005).
Screening a Confession for Fit & Contamination

Does the confession match the crime scene facts?
- Detail by detail analysis
- If the confession is replete with errors, guesses and impossibilities, that’s a significant red flag

For those facts that the defendant got right, ask:
- Could the facts have been previously disclosed to the defendant?

In short, does the confession contain accurate, non-contaminated knowledge about:
- Both dramatic and mundane details
- Unique crime facts
- Non-public information about crime (dependent corroboration)

Ultimate test: Does confessor lead police to new, derivative, or missing evidence? (independent corroboration)
Areas for Study Relating to the Misclassification of Women

 Might there be specific misclassification errors pertaining to women?

- Police disbelief in SIDS versus acceptance of shaken baby syndrome
- Female-specific crime profiles:
  - The ‘black widow” or seductress
    - E.g. Amanda Knox, Alicia Hartner: a bewitching woman who uses her sexual powers to entrap weak men into doing her bidding
  - The “bad mother”
    - E.g. Nicole Harris, Debra Milke: “Bad” mother wants to be rid of, or cannot handle, the burdens of motherhood
  - “Hell hath no fury like a woman scorned”
- Does Reid & Associates offer any specific tips relating to the application of behavioral analysis to female suspects?
Areas for Study Relating to the Coercion of Women

Might there be specific coercion errors pertaining to women?

- Threats aimed at the well-being or custodial status of a female suspect’s children
- Specific psychological techniques for interrogating women growing out of misclassification errors
  - The “accident scenario” is frequently used in shaken baby cases
  - The “overburdened or frustrated mother” is frequently used in child death cases
- Does Reid & Associates offer any specific tips relating to interrogation tactics for female suspects?
Commonalities & Observations

Women who have confessed to killing babies that were never born
  – Colleen Blue, Victoria Banks, Diane Tucker

Female victims who are pressured to recant and are then charged with filing a false police report, but DNA evidence later proves they were raped or otherwise attacked
  – Fancy Figueroa (rape), Patricia P. (rape), Christine Williams (armed robbery)

Mothers or caretakers who have confessed to killing children out of anger or frustration, when the death was either accidental or the result of illness
  – Nicole Rickard, Nicole Harris, Christina Mason, Gloria Pi

Women who have confessed to killing their lovers because they were jilted
  – Beverly Monroe
SPEAKER BIOGRAPHIES

Christine Evans
**Legal Director, Chicago Alliance Against Sexual Exploitation**
Christine Evans joined CAASE in 2014 as Legal Director. She has been working in the areas of public interest and human rights law for over ten years, with a focus on women’s rights and child protection. Christine manages CAASE’s representation of individual survivors of sexual assault and exploitation through civil litigation and within the context of the criminal justice system.

Before joining CAASE in 2014, Christine most recently worked as a visiting clinical professor at Northwestern University School of Law, where she led the writing and filing of the first-ever amicus brief on the Justice for Victims of Sex Trafficking Crimes Act, in support of CAASE’s inaugural petition under the law. She has also served as legal counsel for human rights organization International Justice Mission in Chennai, India and Lusaka, Zambia; child’s attorney with the Cook County Office of the Public Guardian; and youth protection supervisor for Rotary International. Christine holds a Bachelor of Science in Print Journalism from Boston University and a Juris Doctor and Master of Laws in International Human Rights from Northwestern University School of Law.

Lynne Johnson
**Policy & Advocacy Director, Chicago Alliance Against Sexual Exploitation**
Lynne joined CAASE in 2009 as a Policy and Advocacy Director. She has been working in the violence against women movement for over 13 years. As CAASE’s Policy and Advocacy Director, Lynne leads the End Demand Illinois statewide campaign.

As an attorney in Maryland, Lynne represented battered women in Protective Order hearings and also worked in Baltimore City’s Juvenile Court system representing children in the foster care system. Since relocating to Chicago in 1999, Lynne managed domestic violence and rape crisis programs and has advocated for improved community responses to violence against women. Lynne holds her 40 Hour Crisis Intervention certifications in both domestic violence and sexual assault. Lynne is a trainer for the Chicago Rape Crisis Hotline and the University of Chicago’s Resources for Sexual Violence Prevention program. Lynne joined Chicago Foundation for Women in 2005 as the Program Officer and later served as its Director of Advocacy, working in areas of reproductive justice, violence against women, and women’s health. Lynne holds a Bachelor of Arts in Political Science from the University of Maryland Baltimore County, and a Juris Doctor from the University of Baltimore’s School of Law.

Brenda Myers-Powell, **Cook County Sheriff’s Office**
**Executive Director & Co-Founder, Dreamcatcher Foundation**
A Chicago native, Brenda is a survivor of prostitution and has been a pioneer in the fight to end the exploitation of prostituted people. In August 2013, she was the first adult survivor of sex trafficking to have her criminal record vacated under the Justice for Victims of Sex Trafficking Crimes Act.

Brenda works in the Cook County Sheriff’s Office’s Department of Women’s Justice Services and is a lead on their Human Trafficking Response Team. She previously worked in the City of Chicago’s Mayor’s Office, assisting with the Intersystem Assessment on Prostitution and with Prostitution Alternatives Roundtable on their various legislative and community initiatives. Brenda is cofounder of the Dreamcatcher Foundation, a non-profit agency that works with at risk teens in Chicago. She partnered with Beyond Media to create a documentary, *Turning a Corner*, which tells the stories of people involved in the Chicago’s sex trade. Brenda has partnered with nationally known researcher, Jody Raphael to conduct several research projects focused on prostitution. She received the Judy Baar Topinka’s Trailblazers Award, the 2006 Illinois Coalition Against Sexual Assault Award for being a voice for exploited women, The 2006 Chicago Coalition for the Homeless Recognition Award, and the 2010 Chicago Foundation for Women Impact Award.
INTRODUCTION TO ILLINOIS’ JUSTICE FOR VICTIMS OF SEX TRAFFICKING CRIMES ACT

Overview of the Act: Illinois was the third state in the nation to pass a law to enable victims of sex trafficking to clear their records of prostitution convictions incident to their trafficking. This bill builds on the progress first made by the ground-breaking New York Vacating Convictions for Trafficked Persons Act of 2010 and the Maryland Human Trafficking Victim Protection Act of 2011. The Justice for Victims of Sex Trafficking Crimes Act represents a significant paradigm shift from one that treats sex trafficked persons as criminals to one that recognizes such persons as crime victims.

Current Status: Passed May 11, 2011 in the General Assembly and approved by the governor August 8, 2011.

Sponsors: In the House, Rep. William D. Burns was the chief sponsor with chief co-sponsors Reps. A. Williams, E. Hernandez, and K. Yarbrough and sponsors Reps. Howard, Leitch, Golar, Berrios, Davis, Acevedo, Lang, Zalewski, Soto, Connelly, Coladipietro, Colvin, Gordon, Cunningham, Bellock and Smith. In the Senate, Sen. Toi Hutchinson was the chief sponsor and Sens. J. Collins, Noland, Martinez were the chief co-sponsors. Sens. A. Collins, Kotowski, Raoul, Trotter, Althoff, Kochler, Lightford, Steans, Jones, Muñoz, Delgado, Holmes, Hunter, and McCarter were sponsors.

BRINGING JUSTICE TO VICTIMS OF SEX TRAFFICKING CRIMES

Filing a Motion to Vacate Prior Convictions

Adds a new section within 725 ILCS 5/116 “Post-Trial Motions” in the criminal procedure code to allow victims of sex trafficking, as defined in either the Illinois or Federal human trafficking statutes, to file a petition requesting a court to vacate prior prostitution convictions, under specific criteria. A petition must state facts to support the claim that at the time of the prostitution offense, the petitioner was a victim of a sex trafficking crime defined by existing federal or state criminal laws, and state why these facts were not presented to the trial court. The motion would only apply to survivors who are now seeking services or have escaped the trafficking. A petition could be filed at any time after the entry of a prostitution conviction.

Statutory Language:

Section 5. The Code of Criminal Procedure of 1963 is amended by adding Section 116-2.1 as follows: (725 ILCS 5/116-2.1 new) Sec. 116-2.1. Motion to vacate prostitution convictions for sex trafficking victims.

(a) A motion under this Section may be filed at any time following the entry of a verdict or finding of guilty where the conviction was under Section 11-14.2 (first offender; felony prostitution) of the...
Criminal Code of 1961 or a similar local ordinance and the defendant's participation in the offense was a result of having been a trafficking victim under Section 10-9 (involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services) of the Criminal Code of 1961; or a victim of a severe form of trafficking under the federal Trafficking Victims Protection Act (22 U.S.C. Section 7102(13)); provided that:

(1) a motion under this Section shall state why the facts giving rise to this motion were not presented to the trial court, and shall be made with due diligence, after the defendant has ceased to be a victim of such trafficking or has sought services for victims of such trafficking, subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of such trafficking that may be jeopardized by the bringing of such motion, or for other reasons consistent with the purpose of this Section; and

(2) reasonable notice of the motion shall be served upon the State.

Evidence to be Presented

Describes the type of evidence that sex trafficking victims must present to support the motion in subsection (b). This section allows, but does not require, a petitioner to introduce evidence of their status as a crime victim, which could include: certified court records; certified records from immigration proceedings that seek relief for trafficking victims; or sworn statements from certain professionals who have provided assistance to the petitioner related to the trafficking. Subsection (c) provides direction to the granting court.

Statutory Language:

(b) The court may grant the motion if, in the discretion of the court, the violation was a result of the defendant having been a victim of human trafficking. Evidence of such may include, but is not limited to:

(1) certified records of federal or State court proceedings which demonstrate that the defendant was a victim of a trafficker charged with a trafficking offense under Section 10-9 of the Criminal Code of 1961 or under 22 U.S.C. Chapter 78;
(2) certified records of "approval notices" or "law enforcement certifications" generated from federal immigration proceedings available to such victims; or
(3) a sworn statement from a trained professional staff of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the defendant has sought assistance in addressing the trauma associated with being trafficked.

Alternatively, the court may consider such other evidence as it deems of sufficient credibility and probative value in determining whether the defendant is a trafficking victim or victim of a severe form of trafficking.

(c) If the court grants a motion under this Section, it must vacate the conviction and may take such additional action as is appropriate in the circumstances.
Campaign Against Sex Trafficking Is Gaining

By MERIBAH KNIGHT

Kennette Thomas was 15 when she married a man she thought was a gentleman. Instead, he spent the next 30 years as her pimp.

In 2009, she finally broke away. Still, she said, the prostitution and the drugs she had used landed her in jail dozens of times, so many that her rap sheet ran 32 pages. “Prostitution, drugs. That’s my whole life history,” Ms. Thomas, 49, said. “That’s the only life I knew.”

Thanks in part to the lobbying of Ms. Thomas and others, Gov. Pat Quinn earlier this month signed the Illinois Justice for Victims of Sex Trafficking Crimes Act. The law enables victims of sex trafficking — people recruited or coerced into sexual exploitation — to clear their records of prostitution convictions.

Under the law, the person must petition for a hearing in the court where the prostitution convictions were handed down, produce evidence that she or he was a victim of sex trafficking and ask the judge to vacate the convictions.

The law, the third in the nation to address the problem, is part of a larger statewide campaign by law enforcement and local advocacy groups to hold pimps, customers and traffickers accountable for the sex trade, while supporting its survivors.

Chicago’s historic role as a transportation center has also made it a hub of the nation’s sex trade. Each year, some 16,000 to 25,000 women and girls in Chicago are involved in the commercial sex trade, according to several studies. In 2010, Illinois generated the fourth highest call volume to the National Human Trafficking Resource Center, surpassed only by California, Texas and Florida.

“Human trafficking really is a form of organized crime,” said Jack Blakey, chief prosecutions bureau in the Cook County State’s Attorney’s office.

The new law is “an important part of a larger fabric of responses that we are ac
said Lynne Johnson, policy director at the Chicago Alliance Against Sexual Exploitation.

“Because Illinois is really at the forefront for ending commercial sexual exploitation.”

The organization’s campaign, END Demand Illinois, which helped lead the push for the new law, is the latest accomplishment in a strategy that began several years ago.

In 2010, Illinois passed the Safe Children Act, making it the first state in the nation to give children under 18 immunity from prosecution for prostitution. That year the Cook County state’s attorney’s office created a unit to pursue criminal cases of human trafficking. In March, county prosecutors won their first case when a sex-ring organizer, Troy Bonaparte, 46, was sentenced to 18 years in prison.

On another front, a group of government and civic organizations is trying to breathe new life into the Illinois Predator Accountability Act. Passed in 2006, it is the nation’s strongest legislation for helping survivors of human trafficking. It goes a step beyond traditional anti-prostitution laws by allowing victims to file civil suits for punitive damages against suspected sex traffickers, those who pay for prostitutes, strip club proprietors and Web site publishers who knowingly benefit from the sex trade — even if no criminal charges have been filed against them.

Yet in the five years since the law was passed, no lawsuits have been brought. Advocates blame the psychological and emotional difficulties that victims face in bringing such suits against often-violent traffickers, as well as the law’s requirement that all crimes must have occurred after 2006.

“I think finding those individuals who are ready to do this is going to be the greatest challenge,” said Daria Mueller, an author of the legislation and a senior policy analyst with the Chicago Coalition for the Homeless.

In late July, under a new partnership between the Cook County state’s attorney’s office, the information services company LexisNexis and the Legal Aid Bureau of Metropolitan Family Services, a group of lawyers, community organizers and policy analysts, will begin identifying victims willing to file suits and intends to bring cases to trial by January 2012.

Successful lawsuits will provide compensation to victims, and experts anticipate that going after the wallets of those behind the sex trade will have a chilling effect on the industry.

A 2010 DePaul University study in which 25 former pimps in Chicago were interviewed detailed just how lucrative the sex industry could be. Interviewees said they made $220,000 to $500,000 a year after sharing profits with others. A 2008 report by the Chicago Alliance
Against Sexual Exploitation found that 62 percent of those interviewed who solicited sex earned more than $40,000 a year. Sixty-eight percent of the men interviewed said fines of $1,000 or more would deter them from buying sex.

The profits referred to in the reports came at the expense of those who often had no choice but to participate in the sex trade, according to a 2008 study on domestic sex trafficking of women and girls in Chicago. The study, by DePaul University and the Illinois Criminal Justice Information Authority, found that 35 percent of its 100 subjects were coerced into the sex trade. Two-thirds of participants were forced to live in a certain location and more than half were not allowed to keep any earnings, they said.

Ms. Thomas said she was one such woman. “All the money I gave him,” she said of her pimp. “I could have been in Hollywood with acres of land.”

The predator accountability law provides few legal recourses for those being sued. It does not allow a defendant to use victims’ consent to sex acts, prior criminal conduct or their marital, sexual or familial relations as defenses.

Lawyers and advocates say any lawsuit brought against traffickers would be intended to provide a model for victims in other states that are considering legislation against trafficking.

“It’s groundbreaking,” said Denice Wolf Markham, a lawyer and the executive director of Life Span, an organization dedicated to serving victims of domestic violence.

But some lawyers say the law may go too far in allowing victims to sue publications that knowingly advertise prostitution. “I don’t disagree with where they were going with it,” said Chris Keleher, a lawyer at Querrey & Harrow. “But at the same time you have to be wary of the First Amendment implications.”

But Samir Goswami, an author of the accountability act and director of corporate responsibility at LexisNexis, said the law would not infringe on publishers’ rights. “We worked very closely with the A.C.L.U. and other groups to make sure those rights were protected,” he said.

Many prostitutes live in fear of their pimps, and Ms. Wolf Markham pointed out another obstacle to the law’s success when she said, “If we convince these victims to come forward, how are we going to keep them safe?” Ms. Thomas, the former prostitute, said she would encourage other victims to bring lawsuits under the accountability act but would never bring one against her former pimp.

“For me, I’ll leave it alone,” she said. “I don’t want to live that life anymore, or think about it.”
mknight@chicagonewscoop.org

This article has been revised to reflect the following correction:

**Correction: August 21, 2011**

An article last Sunday about the latest developments in a statewide campaign in Illinois against sex trafficking misspelled the given name of the policy director at the Chicago Alliance Against Sexual Exploitation. She is Lynne Johnson, not Lynn.
According to the Cook County Commission on Women’s Issues, the City of Chicago is a targeted location for prostitution and trafficking because of its “large airport, central geographic location, and elaborate transportation infrastructure.”

**HOMELESSNESS:**
- Many prostituted people are homeless women and children. Young girls who have run away frequently lack basic necessities for survival, making them more vulnerable to traffickers. To survive on the street, young people often turn to “survival sex”, the exchange of sexual activity for resources to meet basic needs.
  - According to a national study including Chicago, 55% of homeless runaway youth and 20% of youth housed in shelters engage in prostitution for money or to meet basic needs.
  - Of the prostituted women interviewed in one Chicago study, more than half were homeless.
- Of 235 women surveyed in the Cook County Jail, 58% were regularly involved in prostitution, and 54% of those in prostitution were homeless at the time they entered the sex trade.

**VIOLENCE:**
- Research on prostitution in Chicago found that 100% of survey participants had experienced some type of violence while in the sex trade. This included being raped, kicked, threatened with a weapon, punched, or slapped.
- Research conducted by Jody Raphael in Chicago stated that customers were the most frequently identified perpetrators of violence across all types of prostitution. As an example, customers were identified as being responsible for 62% to 100% of the acts of violence against women engaged in street-level prostitution.
- In the study “Deconstructing the Demand for Prostitution”, conducted by the Chicago Alliance Against Sexual Exploitation, a man who purchased sex stated, “Something at your job makes you mad, you can’t beat your wife, you can’t beat your kids, and so you go out and have sex to take your frustration out.”
  - 43% of interviewees from this CAASE study stated that if the man pays the woman for sex, she should do anything he asks.

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7. Id.
KNOW THE FACTS: Prostitution in Chicago

MEN WHO PURCHASE SEX IN CHICAGO
• CAASE conducted research with 113 men who purchase sex in Chicago and discovered that:
  • Purchasers were of varying age, race, education level, and income level.
  • 79% of the interviewees had attended some college or obtained a college or graduate school degree.
  • 21 was the average age when men began purchasing sex.
  • 62% of the men indicated they had a regular sex partner (girlfriend or wife).
  • 46% to 48% of interviewees purchased sex in order to obtain sex acts they either felt uncomfortable asking of their partner or which their partner refused to perform.
  • 53% purchased sex from women as frequently as once a month up to several times a week.  

• In 2004, Chicago police arrested 3,204 individuals in prostitution, but only arrested 950 johns (men purchasing sex). In the study conducted by CAASE, only 7% of the johns interviewed had been arrested for soliciting a woman in prostitution.

YOUTH:
Under the Illinois Safe Children Act, passed in 2010, youth can no longer be prosecuted for prostitution. This law was an initiative of the End Demand Illinois campaign and the Cook County State’s Attorney’s Office. While the average age of entry into prostitution varies by study, research in Chicago confirms that most women in the sex trade were recruited as minors:

• According to Jody Raphael’s study, “Sisters Speak Out,” 61.7% of respondents first exchanged sex for money before the age of 18.
  • 72% of young women in the study (those who entered the sex trade between 12-15 years old) ran away from home.
  • Several women in the study were used in prostitution by their parent/guardian to make money.

• It has been reported that parents have sold their children to adults who request someone younger to use for sex. According to the study, “From Victims to Victimizers,” one of the young girls was pimped out so her mother could acquire drugs. She stated, “My mother was my first pimp. She used to sell me to the landlord and other men who wanted a young girl. She was a junkie.”

• Results from one focus group with women who were involved in the Chicago sex trade as juveniles showed that the average age of entry was 12.

• According to Jody Raphael’s study “Domestic Sex Trafficking in Chicago of Women and Girls,” some young women who entered the sex trade began selling their bodies to support a drug addiction, while others left home due to abandonment or family dysfunction.
COALITIONS:

Though prostitution is a serious issue in Chicago, there are strong and effective coalitions that work to advocate for women and girls in prostitution, create laws that protect these victims, and end the demand for prostitution:

- CAASE leads End Demand Illinois, a campaign that refocused law enforcement’s attention on pimps, johns and traffickers while proposing a network of support for survivors of the sex trade.  

- The Salvation Army developed PROMISE (Partnership to Rescue Our Minors From Sexual Exploitation) which is a steering committee of social service providers, educators, healthcare officials, and law enforcement in Chicago’s community. PROMISE advocates to create awareness, prevent sexual exploitation, intervene, and provide service delivery that helps minor victims of sex trafficking.

- Prostitution Alternatives Round Table (PART) is a campaign of the Chicago Coalition for the Homeless and works with prostitution survivors, advocates, and law enforcement to provide advocacy work by lobbying for new laws to help women exit the sex trade and to provide options instead of incarceration. PART also works with Women In Need for Gender Specific Services (WINGS) which offers victim services to women in prostitution.

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Myths About Men Who Buy Sex

Myth 1 – Men who buy sex are lonely.

_The Reality:_ The majority of men who buy sex have a wife or girlfriend, and they come from all walks of life and ethnic groups. They are often middle to upper class and college educated. Men who buy sex are regular people.

Myth 2 - Prostitution serves men’s need for frequent sex.

_The Reality:_ Men do not have insatiable physical needs beyond their control, and society should never tolerate prostitution under the false belief that men lack decision making and reason. Men buy sex for a variety of reasons – to obtain sex acts that their partner refused to perform, to avoid relationship commitments, to satisfy a sex addiction, or to act out scenes from pornography. Other reasons include the desire to take out their frustrations on someone, or as a result of peer pressure.

Myth 3 – Men who buy sex don’t know they’re harming women.

_The Reality:_ Men who buy sex are the most frequently identified perpetrators of sexual assault and physical abuse against women in prostitution. Many reported witnessing physical and sexual violence against women in prostitution, and many acknowledged hurting the women from whom they had purchased sex. Almost half of the men interviewed admitted that prostitution causes psychological and physical damage to women.

Myth 4 – Men who buy sex are not criminals.

_The Reality:_ Buying sex in Illinois is a felony for a second offense. Men who buy sex create the demand for an industry that must be met by traffickers who go out and find more young girls to bring into the sex trade. Men who buy sex are participating in and funding an industry that they know to be exploitative of women in prostitution.

End Demand Illinois is a campaign led by the Chicago Alliance Against Sexual Exploitation. The campaign partners are Chicago Coalition for the Homeless; Cook County Sheriff’s Women’s Justice Programs; DePaul University College of Law’s Schiller DuCanto and Fleck Family Law Center; Illinois Coalition Against Sexual Assault; Polaris Project; The Voices and Faces Project

To learn more, visit [www.enddemandillinois.org](http://www.enddemandillinois.org)
Myths About Women’s Involvement in Prostitution

Myth 1: Women choose prostitution.

The Reality: A 2008 Chicago study of 100 women up to age 25 found their average age of entry into prostitution was 16. Girls this young are often exchanging sex for clothes, shelter, or food—in order to survive. Many have run away from dysfunctional homes and are often in foster care. Women and girls in prostitution are frequently forced to turn over their money to a pimp, and many will face violence if they do not. Pimps and traffickers look for people to recruit into the sex trade who have few, if any, meaningful choices in life.

Myth 2: Prostitution is the world’s oldest profession.

The Reality: If this were true, should pimps be allowed at a school career day? Referring to prostitution as a “profession” negates the physical and emotional trauma that women experience through their involvement in prostitution. Viewing prostitution as “work” accepts the long term emotional, physical and mental health problems associated with involvement. It ignores the fact that prostituted women often do not keep the money they make, cannot access health care, and have no recourse for the violence inflicted on them. Prostitution is not a career. It is exploitation.

Myth 3: Prostitution is a victimless crime.

The Reality: Prostituted women experience rates of post-traumatic stress similar to that of combat war veterans. Most women involved in prostitution have experienced routine physical and emotional abuse, theft and sexual assault. Some women are kidnapped or murdered. Most women involved in prostitution do not believe they will be treated fairly by our court system and do not report the crimes against them. Survivors of prostitution and trafficking say that the violence they experienced was “normal.”

Myth 4: Women involved in prostitution make a lot of money.

The Reality: The profits made in the sex trade are kept by a multi-billion dollar industry that includes brothel and strip club owners, traffickers, pimps, and websites that facilitate sex trafficking. The overwhelming majority of women involved in street prostitution live in poverty, are frequently homeless, and have substance abuse problems. In a recent Chicago study, 53% of prostituted women said they had to give ALL their money to a pimp—many said they couldn’t leave prostitution because they were afraid of what their pimp would do to them.

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Cook County court clears sex trafficking victim of prostitution record
National advocate for people ensnared in sex trade wins motion to have 2 decades of related arrests, convictions voided under Illinois law
August 23, 2013 | By Annie Sweeney, Chicago Tribune reporter

A national leader in combating sex trafficking, Brenda Myers-Powell has shared painful details of the more than two decades she was forced to work Chicago’s streets as a prostitute: the beatings, shootings and rapes.

She was profiled in a book about women who have made the world a better place. Witty and blunt, she has been featured on the Oprah Winfrey Network.

Yet while attending a recent Cook County Court hearing, the typically unflappable Myers-Powell, 56, was rattled.

It had been 40 years since she was put out of her home as a teen and forced to work as a prostitute, where she immediately fell under the control of abusive pimps. Over the next two decades, they would traffic her on Chicago's streets, forcing her to earn money for them as she was arrested time after time.

Myers-Powell now was in court asking that her record be vacated under a new Illinois law that allows trafficking victims to have any prostitution-related criminal histories stricken. It
seemed a daunting prospect even for Myers-Powell — that the very court that had convicted her over and over would agree it wasn’t her fault and she was, instead, a victim.

"I am so nervous," she whispered to her attorneys, her eyes tearing up.

But in a matter of minutes at a follow-up hearing Thursday, Cook County Judge Michael McHale approved Myers-Powell's petition, making her the second person in Illinois to succeed under the law.

Myers-Powell, standing with her attorneys before McHale, released her arms in relief and turned to face the courtroom, her eyes wide. She smiled brightly, sharing her triumph with folks still lingering at midmorning: sheriff's deputies, defense attorneys and defendants. And then she turned back toward the bench.

"Judge, thank you so much," she said, before pledging to bring other women to court who deserve the same relief.

"I think it's a wonderful law," McHale said. "To get a second chance after being victimized. Because that's what you were, you were victimized."

**Under the Justice for Victims of Sex Trafficking Crimes Act**, which became effective last year, people who can show proof they were sexually trafficked, including those forced to work in prostitution, may petition to have related convictions cleared from their record.

Illinois was the fourth state to adopt such a legal remedy; New York was the first in 2010. Today 14 states have such laws on the books.

Removing the criminal histories for prostitution victims has practical value. It improves employment opportunities, clears the way for legal immigration status and offers them a chance to adopt or foster a child — a key goal for Myers-Powell.

Though she and her husband are raising her nephew, Myers-Powell has not been able to foster other children. She also wants to get licensed to open a crisis center at The Dreamcatcher Foundation, an agency she started for teenage trafficking victims, but her record has so far prevented that.

"My purpose is helping young girls," she said. "I can relate to them, and I know where they've been."

Some experts say the new law is also a long-overdue recognition that the court system for years punished the wrong people involved in the sex trade. Instead of the pimps and johns who typically have the power and money, trafficking victims such as Myers-Powell often bear the brunt of punishment by racking up arrests and convictions without ever getting any help from law enforcement.

"These women have been victims from the first rape and the first molestation ... from the first violence, and it goes on and on and on," said Edwina Gateley, who in 1983 started a social service program for prostitutes in Chicago and who considers Myers-Powell a
daughter. "No matter how long it's been since they were involved, they still carry this in their subconscious: 'I have a record.'"

Experts also point to a bill awaiting the governor's signature that would remove felony prostitution from the Illinois statutes as further re-examination of the sex trade and how it works.

"We're seeing a shift," said Lynne Johnson, policy and advocacy director at the Chicago Alliance Against Sexual Exploitation, who helped write the two laws. "We're seeing a shift in courts and in the police that recognizes that prostituted people are worthy of humane response."

Lawyers and advocates in Illinois are working on several motions to vacate convictions. They include adults who were trafficked as children. And they include men.