

Sex Trafficking and Safe Harbors in Minnesota

RESOURCE FOR BUSINESS LICENSE OFFICIALS

SEX TRAFFICKING IN MINNESOTA

Human Trafficking is a human rights violation that involves the exploitation of a person for labor or sex. Minnesota has become a leader in the nation in its response to sex trafficking by focusing on holding perpetrators accountable and changing our response to commercially sexually exploited minors. In 2014, Minnesota's Safe Harbor law went into effect. Under the Safe Harbor law, youth who engage in prostitution are no longer criminals, but rather victims and survivors of sexual exploitation. Now that the law has passed, we must ensure effective implementation of the law and work towards preventing trafficking before it occurs. Business license and code compliance officials can play a vital role in implementing the Safe Harbor law and preventing and responding to sex trafficking in Minnesota.

WHAT IS SEX TRAFFICKING?

Sex trafficking involves the sale of humans for sex. In Minnesota, sex trafficking occurs when one person profits off the commercial sexual exploitation of another.

Specifically, Minnesota's law defines sex trafficking as "receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual or receiving profit or anything of value, knowing or having reason to know it is derived from sex trafficking." Minn. Stat. 609.321, subd. 7a.

Minnesota's law is very different than the federal law and laws in other states, because it does not require proof of force, fraud, or coercion for victims of any age. In addition, Minnesota's law recognizes sex trafficking as a form of pimping. If a person being prostituted has a pimp, madam, or third party who receives profits from her prostitution, that is sex trafficking in Minnesota, regardless of whether she is 12 or 21.

DEFINING SEXUAL EXPLOITATION OF MINORS

A sexually exploited youth is someone under the age of 18 who engages in commercial sexual activity. Commercial sexual activity occurs when anything of value or a promise of anything of value (e.g., money, drugs, food, shelter, rent, or higher status in a gang or group) is given to a person by any means in exchange for any type of sexual activity. A third party may or may not be involved.

Note: Under this definition, the term sexual activity is broader than intercourse. Sexual activity may include, but is not limited to, exotic dancing, being filmed doing sexual acts, and engaging in prostitution.

WHO ARE THE VICTIMS?

Anyone can become a victim of sex trafficking. While women and girls are the primary victims of sex trafficking, victims/survivors come from every background, race, gender, sexual orientation, and economic status. Traffickers target individuals who, for any reason, are vulnerable and potentially more susceptible to the trafficker's manipulations and control. Factors that increase a victim's vulnerability include but are not limited to:

- Homelessness or status as a runaway
- Lack of involvement in school – truancy
- Childhood abuse, trauma, or neglect
- Chemical addiction
- Mental or behavioral health disorders
- Family or friends involved in prostitution
- Unstable family environment or little or no social support
- Poverty or lack of resources
- Young age
- Racial or ethnic marginalization
- LGBT identity
- Gang affiliation
- Employment in strip clubs
- Engagement in "survival sex" – exchanging sex for basic needs

Juveniles are extremely vulnerable to being trafficked. The average age of entry into prostitution by minors is 12-14 years old. Traffickers may find youth via social media, websites, chat lines, after-school events, or places where youth congregate, such as libraries, shopping malls, or clubs. They can also find them on the streets, at bus stops, or through other youth who are used by the traffickers to recruit additional victims.

WHO ARE TRAFFICKERS?

Sex traffickers/pimps are not just strangers. They can be a boyfriend, employer, friend, or even a family member.

MINNESOTA'S RESPONSE TO SEX TRAFFICKING

MINNESOTA'S SAFE HARBOR LAW

In 2014, Minnesota's Safe Harbor law went into effect. Minnesota's Safe Harbor law corrected a conflict in the law that simultaneously identified minors engaged in prostitution as victims of trafficking, children in need of protection, and juvenile delinquents. The Safe Harbor law clearly identifies that youth who engage in prostitution are no longer criminals, but rather victims and survivors of sexual exploitation. Specifically, the law:

- Excludes sexually exploited youth under 18 from the definition of "delinquent child";
- Adds the definition of sexually exploited youth to Minnesota's child protection codes;
- Increases the penalties against commercial sex abusers or purchasers of trafficking victims;
- Directs the Commissioner of Public Safety to devise a victim-centered, statewide response for sexually exploited youth and youth at risk of sexual exploitation;
- Directs implementation of state-wide service model called No Wrong Door, ensuring that victims are identified and services are available throughout Minnesota - including regional navigators, shelter and housing, protocol development, and training.

Minnesota's leadership passed a progressive law in response to trafficking that allows us to recognize more situations as sex trafficking and avoid false distinctions based on age.

Minnesota first passed its sex trafficking law in 2005. The law was amended in 2009 to increase penalties against traffickers. Recognizing the need to change how the system responded to juvenile victims, the Minnesota Safe Harbor law was originally passed in 2011 and later amended in 2013. The law was written to delay the effective date until 2014 in order to allow time for the state to prepare its approach – Minnesota's No Wrong Door model to implement Safe Harbors.

MINNESOTA'S NO WRONG DOOR MODEL TO IMPLEMENT SAFE HARBORS

The No Wrong Door model to implement Safe Harbors is a comprehensive, multidisciplinary, and multi-state agency approach to responding to commercially sexually exploited minors. It was created to ensure that wherever a minor who is being trafficked or at risk of being trafficked interacts with the system, she can be identified and directed towards victim-centered, trauma-informed services, and safe housing.

SAFE HARBOR/NO WRONG DOOR DIRECTOR AND REGIONAL NAVIGATORS

The position of a Statewide Director for Safe Harbors/No Wrong Door is housed in the Minnesota Department of Health. Eight organizations are the program's base for Regional Navigators. Regional Navigators were identified to be the main points of contact for sexually exploited youth and concerned agencies throughout Minnesota. Navigators are responsible for connecting youth with services and serving as regional experts for communities.

PRINCIPLES OF SAFE HARBOR AND THE NO WRONG DOOR MODEL

The Safe Harbor law and No Wrong Door model were both premised on a set of principles that guided the initial drafting, as well as amendments and implementation. **These principles should be used to guide ongoing work to ensure that the goals of Safe Harbor are maintained:**

- Those who come into contact with youth should be trained to identify sexual exploitation.
- Youth who are sexually exploited are victims of a crime.
- Victims should not feel afraid, isolated, or trapped.
- Sexual exploitation is traumatic. Victim-centered services should be based in trauma-informed care.
- Services should be offered statewide.
- Services should be responsive to needs of youth (gender-responsive, culturally competent, age appropriate, and supportive for LGBTQ youth).
- Youth have the right to privacy and self-determination.
- Services should be based in positive youth development.
- Sexual exploitation can be prevented.

LICENSE AND CODE COMPLIANCE OFFICIALS' ROLE IN IMPLEMENTING SAFE HARBORS

License and code compliance officials can play a role in the fight against sex trafficking and the implementation of Safe Harbors in Minnesota. License and code compliance officials have access to businesses and different areas of properties often not accessible to law enforcement and are, therefore, in a unique position to observe potential indicators of human trafficking while conducting their inspections.

WHAT TO LOOK FOR AS LICENSE OFFICIALS

License and code compliance officials may encounter trafficking in the businesses they inspect. In fact, they may be the first point of contact for victims. It is important for license and code compliance officials to recognize the signs of sex trafficking and know how to respond. *While none of the following indicators alone may be a sure sign of trafficking, they may be considered "red-flags," and together, indicate a higher risk of potential or existing exploitation:*

VICTIMS INDICATORS

- Little or no eye contact
- Fearful response
- Bruises, injuries, presence of blood
- Individual does not have possession of their identification documents
- Individual is restricted from moving or communicating
- Young people made up to look significantly older
- Individual has tattoo or other "branding"
- Individual is unsure of their location –what city, state
- Individual is noticeably being watched, accompanied, or followed

BUSINESS INDICATORS

- Sex paraphernalia – Condoms, lubricant, sex toys
- Lingerie
- Tokens, marbles, playing cards – used to trade for sex
- Excessive pornography or any child pornography
- Numerous smartphones, tablets, laptops, etc.
- Multiple credit cards or excessive cash
- Different men coming or going
- Darkened or obscured windows
- Locked doors that require you to be buzzed in
- All-male clientele
- Long and odd hours
- Victims all of same nationality or ethnic group
- Doors to rooms that lock from outside
- Predominantly non-English speaking employees without interpreter or translator available

MESSAGE-PARLOR SPECIFIC INDICATORS

Massage parlors have been known to act as a front for trafficking. Many cities enact ordinances that require they be licensed, which allows access to investigate questionable operations.

- Equipment, layout, and attire not consistent with professional massage business plan
 - ▶ Attire of masseuse
 - ▶ Massage table vs. bed
 - ▶ Absence of trade equipment
 - ▶ Private entryway, lobby obscured from public view
- Indicators of residence (when not expected)
 - ▶ Bedrooms, sleeping areas
 - ▶ Luggage, clothing, personal items
 - ▶ Kitchens, food, cooking facilities
- Odd or late hours of operation
- Business is close to others under review

Trade or Marketing Materials:

- Suggestive business names:
 - ▶ Pleasure Moon/Lucky Massage/Exotic Massage
- Ads based on race, gender, age of masseuses rather than credentials
- Lists of services that include references like "sensual touch," "release," or "body to body"
- Photos or ads that are inconsistent with a professional massage business
 - ▶ Attire / Young women
- Reviews or mentions on sites dedicated to commercial sexual exploitation:
 - ▶ Erotic MP.com / The Erotic Review / RubMaps.com/ Spa Hunters.com / Yelp – "Happy-Ending Massage" search

WHAT TO DO AS LICENSE AND CODE COMPLIANCE OFFICIALS IN MINNESOTA

If you encounter potential sex trafficking during the course of your inspections, it is important to follow the protocols outlined by your agency. If your agency does not have a protocol in place, it is important that your agency develops one. The following suggestions provide general guidance:

1. DO NOT confront – seek help. Do not intervene directly or confront individuals you believe to be traffickers, as this may endanger you or the victim involved.
2. Tell the victim that you are not the police.
3. If you believe there to be immediate danger, call 9-1-1.
4. Establish partnerships with police and service providers in your area to ensure efficient, victim-centered coordination. Ensure that Safe Harbor principles are incorporated in your response.
5. Stay engaged with the case to ensure it moves forward.
6. Contact the Regional Navigator in your area (see box below). They will be able to provide additional direction and connection to services.

HARMS TO AVOID

- Interference with ongoing police investigation
- Case is handed off to someone who is not ready to respond appropriately
- Case standstill
- Trafficker is tipped off and moves victim to unknown location
- Loss of coordination for an effective victim-centered response

REGIONAL NAVIGATOR HOST AGENCIES

TRIBAL

Minnesota Indian Women’s Resource Center
miwrc.org

NORTHWEST TRIBAL

DOVE (Down on Violence Everywhere)
whiteearthdove.com

WEST METRO

The Link
www.thelinkmn.org

EAST METRO

Tubman
www.tubman.org

NORTHEAST

PAVSA Program for Aid to Victims of Sexual Assault
www.pavsa.org

NORTHWEST

Support within Reach
www.supportwithinreach.org

CENTRAL

Lutheran Social Services
lssmn.org

WEST CENTRAL

Heartland Girls’ Ranch
www.heartlandgirlsranh.org

SOUTHEAST

Olmsted County Victim Services
www.co.olmsted.mn.us/cs/victimservices

SOUTHWEST

Southwest Crisis Center
www.mnswcc.org

SAFE HARBOR/NO WRONG DOOR STATEWIDE DIRECTOR

Lauren Ryan

MN Department of Health
health.state.mn.us/injury/topic/safeharbor/

DAY ONE

Provides services to all victims of domestic violence, sexual assault, or sexual trafficking:

1-866-223-1111

This material was prepared by The Advocates for Human Rights to support the implementation of Safe Harbors in Minnesota. Funding was provided by the Women’s Foundation of Minnesota and the Women’s Endowment Fund, a designated fund of the Minneapolis Jewish Federation’s Jewish Community Foundation.