



Minnesota HUMAN TRAFFICKING TASK FORCE

Human Trafficking & Legislation and Policy

ISSUE • RESPONSE • SOLUTION

UNDERSTANDING HUMAN TRAFFICKING

Human trafficking is a public health, public safety and human rights violation that occurs around the world and in communities throughout Minnesota. Human trafficking includes both labor and sex trafficking, and international and domestic victims. The Minnesota Human Trafficking Task Force (MNHTTF) is working to address and prevent human trafficking through a coordinated, multidisciplinary, statewide response.

THE ISSUE: MINNESOTA'S LEGISLATIVE PROGRESS¹


Minnesota has a unique history of confronting various forms of human trafficking through grassroots activism and innovative legal reform. The passage of state anti-trafficking legislation coupled with growing partnerships across disciplines to address human trafficking in Minnesota continues this tradition.

2005: Under strong legislative leadership, the first state anti-trafficking statutes came into existence. These statutes defined sex and labor trafficking and created a civil liability law for trafficking victims. Also in 2005, the St. Paul Police Department received its first U.S. Department of Justice grant to begin the Gerald D. Vick Human Trafficking Task Force. This law enforcement task force promotes a collaborative effort among service providers and law enforcement agencies to develop a coordinated approach to combatting human trafficking.

2006: Legislation passed requiring the Minnesota Department of Public Safety to convene a statewide human trafficking task force. While the legislation enabling this task force ended in July 2011, the task force continues to operate, unfunded, and as a community-led entity with broad representation from across the state. Members continue to meet quarterly, with meetings facilitated by the Minnesota Department of Health.

2009: Minnesota Statutes section 609.322 was amended to specifically define sex trafficking as a crime and provide for increased penalties. The crime of sex trafficking under Minnesota law is defined as “receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual.” Minnesota law does not require the use of “force, fraud or coercion” by traffickers to establish the crime of sex trafficking. This means that consent of the individual used in prostitution does not constitute a defense to promotion of prostitution.

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Furthermore, a defendant cannot cite a person's prior involvement in prostitution as a defense to a charge of promotion of prostitution.

2011: Minnesota passed the *Safe Harbors for Sexually Exploited Youth* law, which excludes sexually exploited youth under the age of 16 from the definition of a delinquent child; creates a mandatory first-time diversion for any 16- or 17-year-old who has been exploited in prostitution; adds the definition of sexually exploited youth to Minnesota's child protection code; increases penalties against commercial sex offenders; and directs the commissioner of public safety to create a statewide, victim-centered response for sexually exploited youth.

THE RESPONSE: PROTECTING MINNESOTA'S SEXUALLY EXPLOITED YOUTH

Safe Harbor 2011 directed the State of Minnesota, through the Department of Public Safety and in consultation with the Department of Health, the Department of Human Services, and a broad array of stakeholders from around Minnesota to create a model for Safe Harbor's implementation. That model, "*No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth*," (No Wrong Door) was published in January 2013 following over a year of intense work by the stakeholder participants.

Safe Harbor 2013: The Minnesota State Legislature designated \$2.8 million dollars (\$2 million from the Health and Human Services budget and \$800,000 from the Public Safety Omnibus Bill) to build a system that will effectively respond to sexually exploited youth in the state.

Specifically, the budget secures funding for:

- A statewide director of child sex trafficking prevention in the Minnesota Department of Health;
- Six regional navigator positions to connect sexually exploited youth throughout the state with the shelter, support and services they need;
- A \$700,000 training fund for law enforcement, prosecutors and others who encounter sexually exploited youth and an additional \$100,000 to compensate local law enforcement agencies for sending personnel to trainings; and
- \$1 million for Safe Harbor housing and shelter.

Additionally, in 2013, provisions under Safe Harbor were extended to *all* sexually exploited youth under the age of 18 by removing the under-16 age distinction in Safe Harbor 2011.

THE SOLUTION: SURVIVOR-LED POLICY AND FOCUS ON PRIMARY PREVENTION

In 2012, Minnesota was one of 21 states to receive a tier one ranking from the Polaris Project, a leading organization in the global fight against human trafficking. The Polaris Project ranks each state on 10 categories of law that are critical to a basic legal framework that combats trafficking, punishes traffickers and supports victims. Despite its tier-one ranking, Minnesota was also identified as deficient in two areas: there is no legislation requiring a statewide human trafficking task force, nor does Minnesota have any legislation allowing sex trafficking victims the opportunity to expunge prostitution-related convictions.

Therefore, moving forward, it is recommended that Minnesota prioritize the passing of legislation that will allow victims of sex trafficking to vacate or expunge prostitution-related conviction, in addition to the following policy and legislative initiatives:

- **Survivor-informed policy and legislation** - A core value in the Initial Framework of President Obama's *Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States* is that "[v]ictim service providers and survivors play a key role in elevating understanding and awareness of human trafficking . . . and informing policy."ⁱⁱ Initiatives for new legislation and policy in Minnesota should engage and consult victim service providers and survivors to ensure that victim's voices are heard and needs are met.
- **Focus on primary prevention** – stopping the harm before it starts. This means adopting business practices, local ordinances, and state and tribal statutes that make it difficult for sexual exploitation to occur. It means funding and supporting primary prevention initiatives which seek to change the social environments which support violence and exploitation of women and children. This also includes educational initiatives that educate youth (both boys and girls), fund advocacy organizations that provide direct services to victims, and supporting criminal justice initiatives that arrest and prosecute the "demand" (men who purchase women for sex).
- **Pass new laws and ordinances** - Policy makers, law enforcement, prosecutors, and representatives from state and local government who are serious about ending the sexual exploitation of women and girls in Minnesota must not ignore the correlation between sexually exploitive businesses and sex trafficking/prostitution, child abuse, and other criminal activities. Local ordinances and laws should be passed that make it easier to enforce the criminal code in "adult entertainment" establishments, including strict regulations for licensing, ensuring the minimum age of employees is at least 18, prohibiting private booths and physical contact between customers and, and prohibiting alcohol from being served in these establishments.

ⁱ *No Wrong Door: A Comprehensive Approach to Providing Safe Harbor to Minnesota's Sexually Exploited Youth*, Report by the Minnesota Department of Public Safety, <https://dps.mn.gov/divisions/oip/forms-documents/Documents/Documents/!2012%20Safe%20Harbor%20Report%20%28FINAL%29.pdf>

ⁱⁱ "Coordination, Collaboration, Capacity," Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, HHS, DHS, DOJ (April 2013), http://www.ncdsv.org/images/HHS-DHS-DOJ_FederalStrategicActionPlanOnServiceForVictimsOfHumanTrafficking_4-2013.pdf