



Minnesota HUMAN TRAFFICKING TASK FORCE

Human Trafficking & Law Enforcement

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: BALANCING PUBLIC SAFETY WITH VICTIM PROTECTION

While both Minnesota lawⁱ and federal law criminalize sex trafficking, in Minnesota, engaging in prostitutionⁱⁱ - both for patrons and individuals in prostitution - is also a crime. This creates an “inherent conflict” for law enforcement agencies investigating sex trafficking cases.ⁱⁱⁱ Investigators on the frontlines work hard to identify and protect victims, yet are also obligated to protect public safety and enforce the law.


In 2008, the *Sex Trafficking Needs Assessment for the State of Minnesota* noted an “urgent need . . . throughout the state for a more effective law enforcement response to traffickers and more comprehensive promotion of victim safety.”^{iv} Since 2008, law enforcement agencies have increasingly implemented creative investigative approaches that balance their obligation to victims and the public.

THE RESPONSE: EFFECTIVE STRATEGIES AND INNOVATIVE APPROACHES

Since 2005, Minnesota has been experiencing a paradigm shift, redefining the way law enforcement approach victims of prostitution and other forms of sexual exploitation. These methods have resulted in the decriminalization of sexually exploited women through diversion, a partnered approach to investigations, the engagement of victims in the investigation and a concentrated effort to combat the demand for commercial sex.

Diversion and Pre-Court Diversion

It is an unfortunate reality that trafficking victims who encounter law enforcement risk incurring criminal charges. The very nature of sex trafficking requires that victims



engage in illegal activity – prostitution. Using pre-court diversion enables law enforcement to intervene on a victim’s behalf and divert them to community-based, victim-centered programs rather than pushing them through the criminal justice system.


Breaking Free, a St. Paul-based advocacy organization serving victims of sex trafficking since 1996, works closely with law enforcement agencies in Minnesota to provide services and programming to women arrested for engaging in prostitution. Diversion utilizes re-education, rehabilitation, and case management. Such programs help victims avoid criminal charges and the consequences that result from a criminal history. When law enforcement partners with a diversion program, they are helping victims take the first step out of “the life”, and when victims are helped to escape “the life,” they are in a better position to aid law enforcement and prosecutors in the prosecution of their traffickers.

The Saint Paul Police Department (SPPD) Gerald D. Vick Human Trafficking Task Force builds partnerships between community-based organizations, law enforcement agencies and other stakeholders to develop a coordinated, victim-centered approach to address human trafficking. Vick Task Force partners understand that the victim in a human trafficking case will provide the primary evidence through their testimony and that doing right by the victim is consistent with doing right by the case.

Combatting the Demand

A “patron” is defined under Minnesota law as “an individual who hires or offers or agrees to hire another individual to engage in sexual penetration or sexual contact.”^v Patrons fuel the demand for the sex industry into which women and girls are trafficked. However, these individuals often go unpunished, while the women and girls who are more likely to be victims often make up 70 to 90 percent of the prostitution-related arrests.^{vi} The “aggressive prosecution of . . . patrons is essential to effectively address sex trafficking.”^{vii}

In an ongoing effort to reduce the demand for victims of sex trafficking, the SPPD Human Trafficking Unit has stepped up “John” enforcement activities, including conducting sting operations to arrest offenders who attempt to purchase human beings for sex. SPPD also provides assistance to police departments across the state interested in conducting “john” operations in their own communities, conducting trainings for agencies twice per year. In addition, SPPD partners with Breaking Free to conduct the only Offenders Prostitution Program (“John School”) in the state. Arresting and prosecuting offenders does not necessarily deter future illegal activity. Best practices in community corrections combines arrest and prosecution with treatment. This restorative justice program is designed to hold offenders accountable, while raising awareness about sex trafficking and providing resources to the women and children victimized by prostitution.



The St Paul Police Professional Development Institute (PDI) presents a 3-day course in vice, prostitution and human trafficking investigation. The course instructs officers on how to conduct human trafficking investigations and how the use of the internet for the purposes of promoting prostitution and recruiting young victims has brought about a need for new and innovative investigative techniques.

Minneapolis: A Partnered Approach to Juvenile Sex Trafficking Cases

Minneapolis has instituted the convening of a “Cross-Disciplinary Case Management Team” for the investigation of juvenile sex trafficking cases. Here, “cross-disciplinary case management” refers to the effective collaboration of a multi-jurisdictional working group, comprised of relevant representatives from Law Enforcement, Prosecution, Specialized Advocates, Social Workers, Child Protection, Probation, and School Representation among others working together to address the entire scope of activities related to meeting a victim’s needs. These teams extend and enhance law enforcement’s ability to respond appropriately to threats to public safety, while utilizing a “Victim Partnered Approach” to investigating and prosecuting traffickers. The primary objectives to the “Victim Partnered Approach” are the rescue and protection of victims, where the obligation to the needs of the victims extends beyond the closure of any criminal investigation or proceeding.

“Model Case Development Strategies” are utilized to triage each case, and are dependent on both early involvement of prosecution as *well* as early involvement of victim service providers. Trust and accountability amongst all team members will allow effective work while respecting the different roles and obligations as to confidentiality and case development.

This will ensure that:

- The overall focus is on the victim’s well-being, while recognizing that rescue and protection will occur within the context of a public safety event;
- The victim is engaged as a partner;
- Case strategies are inclusive;
- Case management is collaborative; and that
- Victim partnership and communication is maintained.

THE SOLUTION: PARADIGM SHIFT AND FOCUS ON CRIMINAL ACTIVITY

Going forward, law enforcement agencies across the state are encouraged to foster successful partnerships with community-based advocacy organizations, focus arrest efforts on the demand for sex trafficking while decriminalizing victims of sexual exploitation, and to utilize a victim-partnered approach when investigating sex trafficking cases. Local law enforcement agencies should examine how the innovative approaches utilized by St. Paul and Minneapolis can be learned, adapted and implemented in order to achieve a “paradigm shift”¹ in their own communities.

Law enforcement should also commit to the enforcement of existing Minnesota laws to prevent against sexually exploitive businesses that are engaging in illegal activities – including sex trafficking, child abuse, prostitution, obscene performances, and lewd and lascivious behavior. Strip clubs, massage parlors, and other forms of “adult entertainment” are found all over the state of Minnesota and are often fronts for criminal activities related to the commercial sexual exploitation of Minnesota’s women and children. These sexually exploitive businesses often allow, even encourage various violations of existing criminal statutes. Focusing on Criminal Activity (FOCA) means dedicating time, manpower, and financial resources to the investigation and prosecution of criminal activity occurring in sexually exploitive “adult” businesses.

ⁱ Minn. Stat. 609.322

ⁱⁱ Minn. Stat. 609.324

ⁱⁱⁱ *Sex Trafficking Needs Assessment for the State of Minnesota, Advocates for Human Rights* (Originally published September 2008; revised edition October 2008), <http://www.theadvocatesforhumanrights.org>.

^{iv} *Id.*

^v MINN. STAT. § 609.321, subd. 4 (2007).

^{vi} Hughes, Donna M., *Race and Prostitution in the United States* (2005)

^{vii} *Sex Trafficking Needs Assessment for the State of Minnesota, Advocates for Human Rights* (Originally published September 2008; revised edition October 2008), <http://www.theadvocatesforhumanrights.org/>