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HUMAN TRAFFICKING IN MINNESOTA

A Report to the Minnesota Legislature
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EXECUTIVE SUMMARY

Trafficking in persons is a global and domestic problem requiring a comprehensive and coordinated response that prevents trafficking, prosecutes traffickers, protects victims and promotes partnerships among agencies. The *Trafficking Victims Protection Act of 2000* (re-authorized in 2003, 2005 and 2008) is the United States' primary tool in combating human trafficking.

In 2009, Minnesota Statute 609.322 *Solicitation, Inducement and Promotion of Prostitution* was amended to include sex trafficking. Minnesota law focuses on the actions of the trafficker; if he/she received, recruited, enticed, harbored, provided or obtained by any means an individual to aid in prostitution, then sex trafficking has occurred. This law is widely considered more effective than the federal law, which requires a determination that force, fraud or coercion was used to commercially, sexually exploit a person over the age of 18.¹

Human trafficking, by its very nature, is a hidden crime whose victims often go unidentified, misidentified or undiscovered. In addition, when victims are correctly identified and assisted, there is no systematic or centralized way to count them. Therefore, assessing the level of victimization in Minnesota is difficult.

This report is the sixth completed under Minnesota Statute 299A.785 and the third to be completed since the statute was amended, allowing for biennial completion. This statute requires a study of the extent and type of trafficking occurring in Minnesota. As stated earlier, there is no systematic or centralized way to count victims of human trafficking. Therefore, to meet the obligations imposed by legislation, online surveys were completed by service providers (N=99) and law enforcement officers (N=187) across the state.

Seventy-four percent (N=70) of service providers have served at least one victim of human trafficking in Minnesota. Eight percent of law enforcement respondents indicated their agency has had a labor trafficking arrest or investigation. Twenty-one percent have had a sex trafficking arrest or investigation. Six percent of law enforcement has had both a labor and a sex trafficking arrest or investigation.

At the time of the survey, service providers indicated they were serving

- 5 adult males, 79 adult females, 11 boys and 80 girls who were victims of sex trafficking.
- 11 adult males, 12 adult females, 5 boys and 1 girl who were victims of labor trafficking

At the time of the survey, law enforcement indicated they were investigating:

- 25 sex trafficking cases
- 3 labor trafficking investigations

These human trafficking victims were from across Minnesota, the United States and the world. Most sex trafficking victims were exploited through forced prostitution or pornography. Labor trafficking victims were exploited in a variety of sectors, most notably restaurants, hotel work, domestic servitude (nannies, housekeepers, etc.) and the agricultural sector.

¹ Force, fraud or coercion is not required for the sex trafficking of a minor.

Since this report was last completed in 2012, Minnesota passed Safe Harbor legislation that decriminalized prostitution for youth under 18, added the definition of sexually exploited youth in Minnesota's child protection codes, increased the penalty against adults convicted of purchasing women and girls for sex and directed the Department of Public Safety to create a victim-centered response for sexually exploited youth. This victim-centered model, called No Wrong Door, has been funded to:

- Create a Safe Harbor/No Wrong Door Director at MDH
- Support six regional navigators who will service as community experts and coordinators
- Increase housing options specifically for sexually exploited youth
- Fund victim-centered, trauma-informed services for sexually exploited youth across the state
- Train law enforcement and create a model protocol for communities to use as a guide in planning a local response

The model is not yet fully implemented but the state is making great strides in creating one of the most comprehensive systems for identifying sexually exploited youth and ensuring they receive effective services in the nation.

LEGISLATIVE REQUIREMENT

In 2005, the Minnesota Legislature passed Minnesota Statutes 299A.785 requiring the Minnesota Department of Public Safety to complete annual studies on human trafficking in Minnesota. Specifically, the statute requires this report to include:

- Numbers of arrests, prosecutions and successful convictions of traffickers and those committing trafficking related crimes
- Information on the number of trafficking victims, demographics, the method of recruitment and the method of discovery
- Trafficking routes and patterns, states or countries of origin and transit states or countries
- Methods of transportations used in trafficking
- Social factors that contribute to trafficking

This report was completed each year from 2006–2008, 2010, 2012 and now in 2014. During the 2008 legislative session, the statute was amended requiring this report to be completed biennially.¹ The 2014 report is the sixth in response to this legislation and the third under the new biennial reporting schedule.

2014 SURVEY METHODOLOGY

In Minnesota, there is no systematic, statewide method for tracking any type of crime victimization. To be able to report on the number of human trafficking victims in Minnesota requires a survey of those most likely to come into contact with victims, most specifically crime-victim service providers, other social service providers and law enforcement. For this report, as in the past, data was gathered from service providers and law enforcement through an online survey. Additional information on trafficking and trafficking related crimes was compiled by the State Court Administrator's Office. While there is no systematic way to track victims of crime, there is also no requirement that service providers and law enforcement respond to this survey. Therefore, this report should not be considered definitive, as it does not reflect the experiences of all Minnesota service providers and law enforcement agencies.

Additionally, information gathered from service providers and law enforcement is based on their own recall, perceptions and assumptions. Most crime-victim service providers do not routinely screen for, identify or track whether the clients they serve have been human trafficking victims. Of the 99 respondents to this survey only 22 (22 percent) reported that they actually track the number of human trafficking victims they serve. With these few exceptions, most respondents simply think over the past year and estimate whether they have served a client who meets the legal definition of human trafficking victim.

Finally, the number of victims identified in this report is most likely an under-representation of the extent of human trafficking in Minnesota. Trafficking is a complicated and hidden crime. There are many barriers in finding, identifying and helping victims — and often victims who do come in contact with a service agency are misidentified. This report does not attempt to estimate the number of human trafficking victims who have never had contact with a service provider or law enforcement agency.

A Note about Data Collection

Respondents gave a variety of answers when asked what barriers, if any, there are to collecting data about and tracking the number of human trafficking victims served. The barrier (N = 13) mentioned most often is that clients don't readily disclose their trafficking victimization. This barrier could be addressed by a validated screening tool (see page 5). Other barriers include confidentiality and privacy (N = 3), agency capacity and lack of staff/resources to collect data (N = 3) or lack of a data collection system (N = 2). Some respondents stated that they don't need this type of data and therefore, don't collect it (N = 2), while others mentioned that the short time they see clients prevents them from gathering this information (N = 3).

Some of the respondents (N = 9) stated that there really aren't any barriers to collecting information on human trafficking victims and four respondents are either already updating their databases to capture this information or could easily do so. Those agencies that do gather data on human trafficking collect a variety of data elements and not all providers are collecting the same elements with the same definitions.

While there is no standardized data collection system across Minnesota, respondents reported that they are interested in the opportunity to learn more about the possibility. A standardized system would allow for more complete and reliable data for this report, as well as provide insight into the types of services provided to human trafficking victims and the outcomes of those services.

TRAFFICKING RELATED CHARGES AND CONVICTIONS

This information is gathered from the State Court Administrator's Office. These numbers, while accurate, do not reflect the extent of trafficking and trafficking related crime in Minnesota. Most of the individuals involved in human trafficking and related offenses are never arrested, charged or convicted; those who do interact with the legal system are often arrested, charged or convicted of different non-trafficking offenses.

Charges

Statute & Description	2007	2008	2009	2010	2011	2012	2013
609.33 Disorderly House	111	48	31	30	23	21	13
609.352 Solicitation of a Child	64	68	52	58	63	71	102
609.322 Solicitation, Inducement and Promotion of Prostitution; Sex Trafficking	29	27	26	17	38	81	72
617.245 and 617.246 Use of Minor In a Sexual Performance	10	16	17	15	12	12	24
609.27 Coercion	6	10	13	19	19	7	28
609.282 Labor Trafficking	--	--	--	--	--	2	
609.324 Other Prostitution Charges	580	582	504	497	437	536	507
609.3243 Loitering with the Intent to Participate in Prostitution ²		37	35	37	21	34	38

Convictions

Statute & Description	2007	2008	2009	2010	2011	2012	2013
609.33 Disorderly House	18	5	3	4	10	2	3
609.352 Solicitation of a Child	16	22	11	14	24	40	32
609.322 Solicitation, Inducement and Promotion of Prostitution; Sex Trafficking	13	18	7	14	7	31	63
617.245 and 617.246 Use of Minor In a Sexual Performance	5	--	4	8	5	1	9
609.27 Coercion	3	--	2	10	7	4	5
609.324 Other Prostitution Charges	238	369	271	341	320	332	347
609.3243 Loitering with the Intent to Participate in Prostitution		20	15	10	17	20	13

² Please note that the legislation soliciting this report did not require that information be provided on 609.3243 (Loitering with the Intent to Participate in Prostitution). This information was gathered for another purpose and included in the report.

SERVICE PROVIDERS' EXPERIENCES WITH HUMAN TRAFFICKING

For this report, 189 service providers across Minnesota were asked to complete an online survey about human trafficking. A total of 99 providers completed the survey for a 67 percent response rate.

As in all administrations of the survey, many of the 2014 respondents are domestic violence service providers (49 percent) or sexual assault service providers (45 percent). General crime victim services made up 38 percent of the respondents.³ Due to the passing of the Minnesota's Safe Harbor legislation, a concerted effort was made to gather information from youth serving organizations; this year 33 percent of respondents stated that they provide runaway/homeless youth services.

Survey respondents' service areas cover all 87 Minnesota counties.

For the first time, respondents were asked if their organization provides specialized services specifically for victims of human trafficking. Twenty-percent of respondents reported that they provide services specifically for sex trafficking victims, while 7 percent provide services to victims of both labor and sex trafficking. The highest percentage of respondents (73 percent) doesn't provide specialized services for human trafficking victims.

Of the 27 organizations that provide specialized services to human trafficking victims, about half (48%) do not receive dedicated funding to provide these services.

In total, 70 of the service providers who responded to this survey (74 percent) indicated that their organization has served a victim of either sex or labor trafficking:

- 33 percent have served a victim of labor trafficking
- 83 percent have served a victim of sex trafficking

Screening Tools & Victim Identification

Identifying human trafficking victims can be challenging. Most victims do not self-identify and many seek services for issues other than their trafficking victimization. It is important that services providers understand the signs that a youth has been trafficked and to also know the right questions to ask to uncover exploitation. The majority of service providers (79 percent) do not use a screening tool to specifically identify human trafficking victims, while 12 percent use a tool that they developed within their organization. Only three percent of respondents use a tool developed by someone else.

The tools used include Intervene, Northern Tier Anti-trafficking Screening Tool, a tool developed by Catholic Charities, a modified version of the Minnesota Student Survey and the Sexual Exploitation Risk Assessment.

In addition to screening tools, service providers have developed a number of other ways to identify if a client is a victim of trafficking. Many times, providers report that the client is referred to them already identified as a trafficking victim. Other times, the exploitation is disclosed during a one-to-one intake procedure or victimization is disclosed after the client has established a relationship with an advocate. Outreach and education efforts have also led to victims self-identifying and seeking services.

³ Please note that respondents could offer more than one response to this question.

Labor Trafficking

Those respondents who have served a victim of labor trafficking (N = 23) reported that at the time of the survey they were working with 11 adult male victims of labor trafficking, 12 adult females, 5 boys and 1 girl.

Respondents were also asked to report how many victims they had worked with in 2013. These respondents reported that in the past year they worked with 22 adult male victims, 18 adult females, 1 boy and 3 girls who had been labor trafficked.

The highest percentage of organizations reported that the labor trafficking victims they serve are current clients who present for reasons other than trafficking and then self-identify (74 percent). Forty-three percent of organizations stated that clients came into contact with them through referrals from other social service organizations.

More than four in ten (43 percent) service organizations who have worked with a victim of labor trafficking reported that the victims they have served were exploited as domestic workers, such as housekeepers or nannies. Four respondents reported working with victims exploited in restaurants and three reported victims who were forced to do hotel work. Other types of victimization include exploitation in the agriculture, landscaping or construction industries. One respondent each mentioned that clients were exploited in massage parlors and door-to-door sales.

Victims of labor trafficking can be U.S. citizens, permanent residents or individuals from other countries. Eight of the respondents reported working with domestic victims of labor trafficking, while 10 respondents worked with international victims. Respondents reported that the domestic victims of labor trafficking they had served were from Minneapolis, St. Paul, Fargo, Missouri and Minnesota.

International victims were reported from across the world, including Mexico (N = 5), China (N = 3) and Kenya (N = 2)⁴. Additional victims were reported from Ethiopia, Nigeria, the Ukraine, Vietnam, India, Thailand and Canada.

Sex Trafficking

The 58 service providers who have served a victim of sex trafficking indicated that at the time of the survey they were serving 5 adult males, 79 adult females, 11 boys and 80 girls who were victims of sex trafficking.

During 2013, service providers reported assisting 35 adult males, 202 adult females, 35 boys and 119 girls who had been sex trafficked.

Not surprisingly, the highest percentage of respondents reported working with victims exploited through forced prostitution (67 percent). Four in ten (40 percent) of service providers have worked with victims of forced pornography, while slightly more than one-third (34 percent) have worked with victims of forced stripping.

Forty-four of the 58 service providers (76 percent) have worked with a domestic victim of sex trafficking, while 13 (22 percent) have served an international victim of sex trafficking. Domestic victims have been identified from across Minnesota and the country. Fourteen respondents mentioned serving sex

⁴ Note that these numbers represent the number of service providers reporting victims from these countries, not the number of victims.

trafficking victims from Minneapolis; 8 mentioned victims from St. Paul; 5 mentioned Duluth and 3 mentioned Rochester. Six respondents indicated they had assisted sex trafficking victims from Illinois. Other locations include Washington, Wisconsin, North Dakota, Alabama, Texas, Las Vegas and Atlanta. International victims have been identified from Vietnam (N = 3), the Soviet Union (N = 3), Thailand (N = 3), China (N = 3), Canada, Croatia, the Philippines and Guatemala.

Native American Victims

Nineteen of the 58 service providers who have assisted sex trafficking victims reported that some of those served have been Native American women and girls. In 2013, respondents worked with 65 Native American women and girls. Four of the law enforcement agencies that have investigated a sex trafficking case reported having cases involving a Native American women and girl victims.

LAW ENFORCEMENT'S EXPERIENCES WITH HUMAN TRAFFICKING

A total of 375 law enforcement personnel were asked to participate in this study. Fifty percent (N=187) completed the survey: 141 police chiefs, 4 deputy chiefs, 29 county sheriffs and 13 other officers (police officers, investigative commanders, lieutenants, a chief deputy sheriff and a city clerk). About four in ten (42 percent) respondents indicated that their departments have fewer than 10 sworn personnel, while 32 percent have been 10 and 25 sworn personnel. Thirteen percent of law enforcement respondents have been 26 and 50 sworn personnel in their departments. Thirteen percent of respondents have more than fifty sworn personnel.

Eighty-five percent of the law enforcement respondents reported that they don't have a unit or person responsible for human trafficking investigations. Seven percent of respondents have a part-time person or unit, while 5 percent have a full-time person or unit. Two respondents stated that they would use the Hennepin County Sheriff's Office to investigate a human trafficking case and two others stated that they have investigators who would handle human trafficking cases but is not solely dedicated to the issue.

Of the 23 agencies that have a full- or part-time person or unit, about half (56%) work sex trafficking investigations only, while 44 percent work both sex and labor trafficking cases. No agencies reported working only on labor trafficking cases.

Training

Forty-four percent of law enforcement respondents reported that someone in their department has received training on how to identify and respond to human trafficking cases. Of those who have received training, the highest percentage has attended a regional conference (59%), followed by receiving an in-service or a guest speaker (43%). About two in ten respondents have participated in a roll-call training (21%) or a web-based/on-line training (18%). Fifty-four percent of respondents reported that these trainings covered sex trafficking only, while 43 percent stated that they covered both sex and labor trafficking. None of the respondents have attended a training exclusively for labor trafficking.

Labor Trafficking

Fifteen of the 187 agencies (8 percent) that responded to this survey have worked a labor trafficking case. At the time of the survey, these agencies were working 3 labor trafficking investigations. In 2013 they worked 7 labor trafficking investigations, had 2 labor trafficking arrests and that 4 labor trafficking charges were filed.

Of those agencies that have worked a labor trafficking investigation, 3 reported that their labor trafficking investigations have been related to gangs or organized crime and additional 3 stated that some of their investigations involved child victims of labor trafficking.

Three stated that some of their cases involved domestic victims of labor trafficking. The victims in these cases were exploited in restaurants, massage parlors, in the agricultural sector and as domestic workers, like nannies or housekeepers.

Eight respondents mentioned that they had worked a labor trafficking investigation involving international victims. These victims were from Mexico, China, Vietnam and other non-specified Asian countries. International victims were exploited in restaurants, food processing plants, the construction sector and in massage parlors, which could also be considered a sex trafficking case.

Sex Trafficking

Forty of the 187 agencies (21 percent) reported that they have worked a sex trafficking case or investigated crimes that involved sex trafficking victims. At the time of the survey, these agencies reported working 25 sex trafficking cases. In 2013, they reported 17 investigations, 22 sex trafficking arrests and 1 sex trafficking charge filed.

Eleven of the 40 respondents reported that they have worked sex trafficking cases related to gangs or organized crime. Seventeen respondents have worked cases involving juvenile victims.

Sixty percent of the law enforcement agencies who have worked a sex trafficking investigation have had cases involving domestic victims. These cases involve many locations including a variety of cities and counties across Minnesota

Cities include: West St. Paul, Albert Lea, St. Paul, St. Cloud, Minneapolis, Anoka, Lilydale, Maplewood, Burnsville, Brooklyn Center, Roseville, Plymouth and Brooklyn Park.

Counties include: Dakota, Anoka, Freeborn, Ramsey, Hennepin, Stearns and Mower.

The victims in these domestic sex trafficking cases were primarily exploited through forced prostitution (79 percent) or forced pornography (21 percent). Other investigations included victims who were forced into stripping (8 percent).

Four agencies have worked cases with international victims of sex trafficking. These cases have involved victims from unspecified Asian countries, China and Somalia. Three of the four agencies with international victims reported that they were exploited through forced prostitution. One agency reported an international victim who was sex trafficked in a massage parlor.

MINNESOTA'S NO WRONG DOOR MODEL FOR PROVIDING SAFE HARBOR FOR SEXUALLY EXPLOITED YOUTH

In January 2013, the Minnesota Department of Public Safety published the No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth report. This report was mandated in the Minnesota Safe Harbor for Sexually Exploited Youth Law, which passed in July 2011. The Minnesota Department of Public Safety convened over 65 professionals across Minnesota to design a statewide model of intervention that was victim-centered, trauma-informed and culturally responsive. This model serves as a new approach to intervening with sexually exploited youth so that

they can be identified and provided services from a variety of sources and that all doors a sexually exploited youth opens up opportunities to heal, grow and recover.

The report provides a roadmap for services and funding that will allow youth to be effectively served without being arrested, detained, or charged as a juvenile delinquent.

The No Wrong Door Model conservatively estimates that \$13.5 million dollars is needed to fully fund a comprehensive, effective response to juvenile sexual exploitation in Minnesota. In 2013 the Minnesota Legislature funded the model at \$2.8 million for FY14/15. This was increased during the next session to \$4.3 million:

- \$1.5 million to DHS for a continuum of shelter and housing beds
- \$1 million to MDH for a statewide director position, grant funded regional navigators and evaluation
- \$1 million to MDH for comprehensive services
- \$750,000 to DPS⁵ for law enforcement training and model protocol development
- \$50,000 to the P.O.S.T Board for law enforcement time compensation to ensure law enforcement can attend trainings.

For FY16/17 a total of \$5 million is in the base budget:

- \$2 million to MDH for comprehensive services
- \$1 million for a statewide director, grant-funded regional navigators and evaluation
- \$2 million to DHS for shelter and housing

One of the main tenets of the model is that everyone who may come into contact with a sexually exploited youth should understand how to identify the signs of exploitation and know who to contact to provide effective services. A series of questions were asked of both service providers and law enforcement respondents to assess how much they know about Minnesota's Safe Harbor Law, the No Wrong Door Model and serving sexually exploited youth.

Service Providers

More than two-thirds (67%) of respondents to the survey have read Minnesota's No Wrong Door Model to Providing Safe Harbor for Sexually Exploited Youth report. At the time of the survey, slightly more than half (54%) of those who have read the report have talked with others in their organizations and in their stakeholder groups about the impact of the Safe Harbor law that decriminalizes prostitution for children under 18. This law went into effect on August 1, 2014. Those most often engaged were sexual assault programs, county attorneys, domestic violence programs and shelters, child protection and local police.

Many respondents expressed interest in receiving training about Minnesota's No Wrong Door Model. Specifically, respondents are very interested in training on culturally-responsive care, trauma-informed care, the prevention of sexual violence and identifying sexually exploited youth.

Other training needs include information on data privacy issues when working with sexually exploited youth, risk factors for juvenile sexual exploitation and understanding both Minnesota's safe Harbor Law and No Wrong Door Model.

⁵ This money, per legislative intent, was granted to the Ramsey County Attorney's Office.

Law Enforcement

Most law enforcement agencies who responded to this survey had neither read the No Wrong Door report nor even heard of it (71 percent). Seventeen percent had heard of the report but not read it and 5 percent had actually read the report.

In addition, agencies were asked what, if anything, they had done to prepare for Minnesota's new Safe Harbor Law that decriminalized prostitution and prostitution related charges for juveniles. The highest percentage of agencies (31 percent) reported that they had done nothing to prepare for this change in the law and other agencies reported that they were waiting for guidance before doing anything.

Eleven percent of agencies reported that they had conducted training for staff, received a legislative update, or at least informed staff of the changes to the law.

Interestingly, four agencies reported that they already treat minors involved in sex trafficking as victims, so the change in the law would not be difficult for them. Five respondents stated that they were aware and had read the law but that was all they had done to prepare.

Despite minimal preparation for the change in the law, 69 percent of agencies who responded to this survey would like to receive training on the Safe Harbor Law and the No Wrong Door Model.

Please note that this survey was conducted at the time the Ramsey County Attorney's Office was just implementing its training plan for law enforcement, prosecutors and others. If this survey were to be conducted again, many other agencies would be able to report that they had received information on the law and how to investigate cases.

ⁱ Minn. Stat. §299A.785 Subd. 2 (2009)