

WOMEN'S FOUNDATION OF MINNESOTA

MINNESOTA GIRLS ARE NOT FOR SALE



Minnesota Girls are not for Sale

Humphrey School of Public Affairs
University of Minnesota
Capstone Workshop 8081
Fall 2011

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A Presentation to the Women's Foundation of Minnesota
Minnesota Girls are not for Sale

**MPA Professional Paper and
MPP Professional Paper**

In Partial Fulfillment of the Master of Public Affair and
Master of Public Policy Degree Requirements
The Hubert Humphrey School of Public Affairs
The University of Minnesota

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Submission to Committee on December 8, 2011

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December 8, 2011
Date, oral presentation

December 8, 2011
Date, paper completion

ACKNOWLEDGEMENT

This report was commissioned by the Women's Foundation of Minnesota as part of their five year, four million dollar campaign to end the sexual exploitation of girls in Minnesota. The Women's Foundation of Minnesota funds and builds capacity of innovative social-change, conducts research, and tracks progress in programs across the state for the advancement of women and girls in the areas of economic justice, safety and security, health and reproductive rights, human rights, and political power.

This report provides an environmental scan of the current media presentation of sexually exploited girls in Minnesota; the current policy in Minnesota; and the current funding streams available. It also reviews Safe Harbor laws in other states and investigates a sample set of organizations in Minnesota and across the country, which provide services to this population. The intent of this project is to help identify promising practices with the goal of informing funding that is comprehensive, effective and sustainable.

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I. EXECUTIVE SUMMARY

It is fair to say the problem of **Domestic Minor Sex Trafficking (DMST)** is among the greatest travesties known in our world today. The issue is deplorable, and the haunting effects on its victims are an appalling injustice. The scale on which this trafficking is taking place reflects the magnitude of the problem, and our global society risks being judged in history as having fundamentally failed our most vulnerable members without broad efforts to fight it. Although a subject rife with research possibilities and probable solutions, sex-trafficking is currently poorly defined, differentially and intermittently quantified, and often challenged by obsolete legal codes and a sexist prostitution enforcement paradigm.

In response, government agencies, international organizations, non-governmental organizations, faith-based organizations, and the private sector are reallocating and mobilizing some of their resources to combat this ancient scourge made modern. The vast majority of anti-human trafficking money is being offered to organizations involved in rescue and rehabilitation work. While this is commendable, it also potentially puts the cart before the horse. The funding for research, data collection and analysis is rare in comparison and it remains very hard to find either short-term or longitudinal studies.

Governments and organizations are currently being forced to make important policy decisions based on very few substantial analyses of the problem. There are considerable gaps in our knowledge, which in turn means that **policy is being developed in the absence of strong data**. A review of the literature on human sex-trafficking, state by state, region by region, and topic by topic, is the critical first step to understanding the scope of the problem. This review is also essential to finding the gaps in the knowledge base so that coordinated efforts can be directed to those areas. Without research and attendant analyses, policymakers potentially make decisions in the dark, thereby wasting precious and limited resources.

With the aforementioned in mind, this project investigates the literature, law, funding mechanisms, and program services available relating to the trafficking of girls for sexual exploitation within the United States, and where possible Minnesota. Attention is also paid to the media and its coverage of the issue.

The intent is to explore the extent and complexity of the problem, the cost in both human and economic terms, and research directions toward the development and implementation of probable political, legal, economic, and social solutions applicable to Minnesota. **Recommendations include continued state statute monitoring with an eye toward modification, police training and paradigm change as well as an increased and broadened victims' services framework.**

KEY RECOMMENDATIONS

1. Provide more **specialized training** for first responders, including service providers, law enforcement agents, hospital staff, social workers, counselors, and teachers. Training should be mandated when possible, and any new legislation addressing child trafficking should include appropriations to support such trainings. Training curricula should include warning signs interviewing skills that are developmentally and culturally appropriate; short- and long-term recovery resources; and care options on local, state, and federal levels.

Training on DMST for all **law enforcement** officers and their supervisors should be mandatory in law enforcement agencies. Law enforcement officers, especially patrol officers and key juvenile and Vice Unit officers, are the **most likely to make first contact with a potential domestically trafficked minor**. If officers do not know what to look for or how to identify victims, these children may never be rescued. Likewise, training on the state and federal anti-human trafficking law is necessary for both prosecutors and law enforcement.

2. **Develop protocols for the identification of DMST victims** in all agencies that may possibly come into contact with potential DMST victims. This includes but is not limited to law enforcement, prosecutors, judiciary, juvenile justice, child protective services, non-governmental organizations, and defense attorneys. Agencies should develop data collection methods so that the scope and characteristics of DMST in Minnesota can be further understood and researched. Such measures may have to be legislatively mandated for certain government entities.
3. **Empower police and first responders to act on behalf of youth they have identified** as being potentially sexually exploited. Since child prostitution has been decriminalized in Minnesota, police and

- first responders have no **reason to officially detain a child** unless they have reason to suspect the child is a potential harm to herself; i.e. suicidal behavior. This, in effect, gives traffickers more freedom to prostitute these minors because the minors are no longer arrested. We recommend the Task Force work with law enforcement, law makers, and social service providers to identify this gap and define and implement a protocol for providing immediate protection and services for underage victims of sexual exploitation.
4. **Support research** into the trauma bonds that child victims have to their abuser. From this research, methods of intervention and social service models can be created that address the unique needs and issues related to DMST.
 5. Commit to **aggressively investigating and prosecuting buyers and traffickers/pimps** in Minnesota. A commitment to rescuing victims and prosecuting their abusers will continue to deter traffickers/pimps from viewing Minnesota as a safe market to exploit children.
 6. Establish secure, long-term **residential facilities** other than detention that serve the specific needs of DTMs and operate as a protective and restorative home. Outside of family reunification when responsible adults are present in a DTM's life, professionals agree that a protective facility is required to serve this population of victims. Currently, no such facility exists in Minnesota.
 7. **Develop, fund, and properly implement programming and services specific to the issue of domestic minor sex trafficking.** Current programming can be adapted to better serve domestically trafficked minors; however, the unique characteristics of DMST must be taken into account.

Continuity of care and **safe accommodation**, which promote stability and enable young people to reintegrate into their community are also required. Therapeutic approaches should support and build upon protective factors such as relationships with caregivers, friendship networks and educational opportunities. As sexual exploitation occurs within a context of constrained choices, providing more and better choices for young people is necessary. The provision of **specialist services** within a multi-agency partnership appears to be the best way to engage with and provide protection for this particularly vulnerable group.

8. **Share information within and between agencies.** This will require tracking the identification of victims, potential hotspots, etc., while also training different entities within an agency and throughout the community on the recognition of DMST warning signs.

10. Develop a protective and pastoral ethos within schools to enable young people to disclose difficulties including possible abuse or exploitation. **Disengagement from school is an early indicator of risk.** Schools need to identify those young people who are absenting themselves from education. Education welfare services should address concerns and assist young people to re-engage with education. **School staff need to be aware of risk indicators** to actively identify them among young people in their care, and be able to refer to services to ensure the protection of young people. Staff need to be alert to young people being targeted at school, as well as outside of school.

11. **Conduct community-level outreach** to help combat the preconceived stereotypes about the sex trade, and mobilize community members to identify and help child victims of trafficking. Even increasing awareness of the issue on the community level would be a promising next step.

12. **Address the issue of sexually exploited youth through specific campaigns, grants and research directed to this population independently.** Data collected on the outcomes and impact of many funds do not currently ask questions directed at the needs of sexually exploited girls and therefore, the research that results from most follow-up is not accurate and doesn't provide good direction on the effective use of funds. Recognizing the feedback loop between data, research and funding, current funding models continue to misrepresent the issue and miss the mark on effective funding.

II. INTRODUCTION

Domestic Minor Sex Trafficking is the commercial sexual exploitation of U.S. citizen children or lawful permanent resident (LPR) children through prostitution, pornography, or sexual performance for compensation, either monetary or other consideration (including food, shelter, and/or drugs). DMST has been viewed as the single most under-reported, under-identified, and most severe form of sexual exploitation that children are facing today (Allen, 2007). Understanding the sex trafficking of children has become an important focus for the United States government. **The Trafficking Victims Protection Act of 2000** (TVPA) and subsequent reauthorizations has defined all minors, under the age of 18, who are “recruited, transported, harbored, provided, or obtained for the purpose of a commercial sex act” as victims of trafficking; this includes minors who are U.S. citizens or LPRs. However, the reality is that DMST victims—especially those engaged in prostitution—continue to be purposefully detained in the juvenile justice system as delinquents or persons in need of protection.

This commoditization of children for the monetary benefit of traffickers/pimps and the sexual pleasure of a buyer is a horrific form of violence, and it is happening to children in Minnesota. This cycle of violence often starts with sexual and physical abuse of a child in the home, followed by their recruitment into prostitution through manipulation and/or violence by a trafficker/pimp. These children are exposed to a criminal world that benefits from their innocence, youth, and in many cases, tragic home lives.

Every day in the U.S. more children, from small towns to the inner cities, are becoming entangled in prostitution. **It is estimated that 100,000 to 300,000 children are trapped in the commercial sex industry** (Klain, 2009). Girls as young as 11 years old are coerced into prostitution or forced to enter the sex industry as a survival mechanism because of poverty, homelessness or lack of family support. Sexual exploitation is the worst form of child labor and a modern-day version of slavery; its survivors can face a lifetime of psychological trauma and injury. The girls, traumatized by violence from pimps, often lack the self-confidence, education, and skills necessary to live independently in society. Despite the size and scope of the problem, there are only about 61 beds throughout the entire country designated for young sex

trafficking victims (Klain, 2009). The demand for services far exceeds the supply.

Traffickers find that American children are easier to recruit than immigrants because there is no need to cross a national border. **In the United States, trafficking of minors for sex is exceptionally profitable compared to other forms of trafficking of both adults and children.** Minors are easier to manage because adults have power over children, and they are easier to manipulate and coerce. Gangs find that prostituting underage girls gives them prestige and provides a source of revenue in place of drugs. Sexually exploited girls are found not only on the streets, but also in escort and massage services, private dance clubs, conventions, tourist destinations, and major sporting events. About 15% of these exploited girls are entangled in nationally organized crime networks that move them throughout the country by every means – car, vans, buses and planes (U.S. Department of Justice, 2011).

The very nature of prostitution – teens living in the underbelly of society – makes it extremely difficult to gauge its true magnitude. Underage girls often have counterfeit identification to hide their real age. The rise of the internet makes it harder to find exploited youth because prostitution and escort services have taken to the web instead of the streets. Girls in the sex industry are less visible, less likely to be seen on street corners, and less likely to be arrested than even 10 years ago. Nonetheless, the paths leading girls into commercial sexual exploitation are clearer than ever. **A girl's involvement in prostitution can almost always be traced to earlier forms of victimization, such as sexual abuse, neglect, and homelessness.**

Sex trafficking is not an isolated phenomenon that affects only one social class, race or section of the country. It cuts a swath across all demographics and can be influenced by policing patterns and where social agencies are located. Researcher Sara Friedman writes that girls who are exploited in their own towns and cities are typically African-American while most runaways, juveniles from the Midwest, and girls shuttled along the nation's main trafficking routes are white (Friedman, 2005).

MINNESOTA'S EFFORTS COMBATting SEX TRAFFICKING

In early 2010, ECPAT-USA approached The Advocates for Human Rights to

create a campaign to pass **Safe Harbor Legislation in Minnesota**. Enlisting The Family Partnership and an array of other organizations and advocates working in the field, they convened and drafted legislation, which was introduced in February 2011. It was endorsed by the Statewide Human Trafficking Task Force and found support among prosecutors and law enforcement. Although the law passed is not the exact language of the original bill, it is a strong step in securing better protections for sexually exploited children and providing for their needs (ECPAT-USA, 2011).

Signed by Governor Dayton July, 2011 as part of the Public Safety budget bill, the **Minnesota Safe Harbor Legislation** was enacted to protect sexually exploited children from criminalization and provide effective services. The legislation requires that children trafficked for sex be treated as victims rather than juvenile delinquents. The bill excludes sexually exploited children under 16 from the definition of delinquent child; includes the definition of sexually exploited youth in Minnesota's child protection code; creates a mandatory first-time diversion for any 16 or 17-year-old who has been exploited in prostitution; and increases penalties against offender "johns" from \$250 to a minimum of \$500 and maximum of \$750. Forty percent of fees will go to an account for services for youth victims, including medical care, short-term shelter, and counseling.

The bill also appropriates money to the commissioner of public safety to **develop a statewide victim services model** to address the needs of sexually exploited youth and youth at risk of sexual exploitation. The law will go into effect in 2014; however, several county prosecutors across the state have already agreed to not prosecute prostituted juveniles.

Despite increased attention to the problem of human trafficking into, and most recently within, the United States and specifically Minnesota, knowledge and understanding of the issue remains fairly limited. **There is little literature on effective programs and services designed specifically for victims of human trafficking.** Research on trafficking has focused primarily on estimating the scale of the problem, mapping routes, and reviewing policies and legal frameworks (Gozdzik & Collett, 2005). Very little is known about the prevalence of trafficking and the number of victims; characteristics of the victims and perpetrators; the long-term impacts of human trafficking on

victims, their families, and communities; the effectiveness of anti-trafficking programs; and best practices in meeting the complex needs of victims.

A rich source of information based on more rigorous research studies can be found however, in **related fields**. Inferences can reasonably be made from what is known about victims of domestic violence, torture victims, prostitution, and runaway and homeless youth, and what we expect to find from similar studies of international and domestic victims of human trafficking. In the absence of existing studies, conclusions can be drawn only from overviews, commentaries, and anecdotal observations and experiences of providers and others in the field (Gozdziak & Collet, 2005).

III. LITERATURE REVIEW

DOMESTIC MINOR SEX TRAFFICKING IS A GROWING EPIDEMIC IN THE UNITED STATES

Domestic Minor Sex-Trafficking is a form of human trafficking that focuses on victimizing under-age victims for purposes of commercial sex-trade. This often includes both prostitution and child pornography. Victims of DMST are defined as U.S. citizens under 18 who have been recruited, harbored, transported, provided or obtained to perform commercial sex acts for money. DMST has been viewed as the single most under-reported, under-identified, and most severe form of commercial sexual exploitation that children are facing today and the U.S. Justice Department has deemed it a problem of epidemic proportions (U.S. Department of Justice, 2011).

While concrete and scientific data on the full extent of domestic sex trafficking is limited, the Federal Bureau of Investigation believes that as many as 300,000 children are engaged in prostitution in the U.S. and that the number is climbing every day (U.S. Department of Justice, 2011).

“About 450,000 children run away annually... one-third of them will fall into prostitution within 48 hours of leaving home.”

Approximately 450,000 children run away annually, and the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMAART) believes that one-third of them will fall into prostitution within 48 hours of leaving home (Washington State Office of the Attorney General, 2011). NISMAART's statistics indicate that 150,000 children will be lured into prostitution in a year. Cases of human trafficking have been found in all 50 states as well as Washington, D.C. and U.S. territories. Human trafficking in American is now an enormous underground business, generating over \$9.5 billion in annual revenue (Johnson, 2008). Trafficking minors for prostitution is the third highest source of revenue for organized crime, topped only by gun and drug sales.

MINORS ARE AMONG THE MOST VULNERABLE POPULATIONS

Examining the characteristics of minors exploited through prostitution and prostituted adults who were recruited as minors (Raphael, 2004) provides useful information to help answer the question, "*Who are the victims of domestic sex trafficking?*" Minors are deceived, manipulated, forced, or coerced into prostitution every day. **Nationally, the average age at which girls first become exploited through prostitution is 12–14 years old**, but direct service providers around the country report they have been encountering increasingly younger victims over the past decade (Estes & Weiner, 2001).

Although it appears that no socioeconomic class is immune to domestic trafficking, Estes and Weiner (2001) acknowledge that **poverty** places adolescents at increased risk of exploitation. The correlation between poverty and trafficking has been corroborated by qualitative reports from law enforcement, social service providers, and others working in the anti-trafficking movements (Clawson & Dutch, 2008). Lloyd (2005) states that low-income girls are not only at a greater risk of recruitment, but that they also may find it harder to exit.

Risk Factors for Domestic Minor Sex-Trafficking Victims

- **Age**
- **Poverty**
- **Sexual abuse**
- **Family substance/physical abuse**
- **Individual substance abuse**
- **Learning disabilities**
- **Loss of parent/caregiver**
- **Runaway/throwaway**
- **Sexual identity issues**
- **Lack of support systems**

One common characteristic or risk factor for prostituted girls is a history of **childhood sexual abuse**. Research has demonstrated that the younger a girl is when she first becomes involved in prostitution, the greater the likelihood that she has a history of childhood sexual abuse and the greater the extent of the abuse (Council for Prostitution Alternatives, 1991). Further, the history of childhood trauma experienced by most girls involved in prostitution was often chronic in nature and includes physical abuse, emotional abuse, and/or sexual abuse by multiple perpetrators (Farley & Kelly, 2000). A 1994 National

Institute of Justice report (as cited in Spangenberg, 2001) states that minors who were sexually abused were 28 times more likely to be arrested for prostitution at some point in their lives than minors who were not sexually abused.

In addition to a history of childhood abuse, sexually exploited girls are likely to experience **other forms of family disruption**. Multiple studies suggest that these girls are more likely to come from homes where addiction was present (Raphael, 2004). For example, one study of 222 women in Chicago involved in prostitution found 83 percent had grown up in a home where one or both parents were involved in substance abuse (Center for Impact Research, 2001). Additionally, prostituted girls are more likely to have witnessed domestic violence in their home; specifically, girls are likely to have seen their mother beaten by an intimate partner (Raphael, 2004).

Some literature has begun to recognize a correlation between **school-related problems**, most notably learning disabilities, and sexual exploitation. Current research does not allow us to distinguish whether the learning disability was present before exploitation or is a consequence of the exploitation. However, the later the disability is diagnosed and an appropriate educational plan put in place, the greater the likelihood of the girl experiencing failure in school and/or low self-esteem, making her vulnerable to exploitation (Harway & Liss, 1999).

Another risk factor that emerges for youth at risk for exploitation through prostitution is the **loss of a parent** through death, divorce, or abandonment. For example, in two separate studies of sexually exploited adolescent girls, a third of the sample had a deceased mother (Norton-Hawk, 2002). This familial disruption often results in the child's involvement in the child welfare system, involving placement in foster care or group homes. The themes of trauma, abandonment, and disruption, begun in childhood, are central to the narratives of adolescent girls trafficked into commercial sexual exploitation. Girls describe having had a profound sense of being alone without resources: "They [the women and girls] described their isolation, lack of connectedness, and feelings of separation as the single most important factor in making them vulnerable to prostitution to begin with..." (Rabinovitch, 2003).

RUNAWAY AND HOMELESS YOUTH AT RISK FOR TRAFFICKING

According to the Federal Bureau of Investigation (FBI) Uniform Crime Reports

(2009, the last year this data was collected), across the United States approximately 50,000 girls younger than age 18 were picked up by law enforcement and identified as runaways that year. Girls who run from their homes, group homes, foster homes, or treatment centers, are at great risk of being targeted by a pimp (or trafficker) and becoming exploited. **Research consistently confirms the correlation between running away and becoming sexually exploited.** Repeatedly, researchers find that the majority of prostituted women have been runaways; for example, 96 percent in San Francisco (Silbert & Pines, 1982), 72 percent in Boston (Norton-Hawk, 2002) and 56 percent in Chicago (Raphael 2004). Among prostituted youth (both boys and girls), up to 77 percent report having run away at least once (Seng, 1989). As mentioned above, experts have reported that within 48 hours of running away, an adolescent is likely to be approached to participate in prostitution or another form of commercial sexual exploitation (Spangenberg, 2001).

Regardless of their gender, when minors leave their homes it is to protect themselves, often because they view living on the streets as either less dangerous or no more dangerous than staying at home (Martinez, 2006). Once on the street, homeless youth are at risk for being victimized because they lack the funds, interpersonal and job skills, and support systems necessary to survive on their own (Martinez, 2006). Having often come from chaotic families, **runaways tend to lack strategies for problem solving, conflict resolution, and meeting basic needs** such as food, clothing, and shelter (Martinez, 2006). Some minors turn to substance abuse, crime, and “survival sex” to meet their basic needs (Greene, Ennett, & Ringwald, 1999). Furthermore, exposure to the dangers of the street makes them more visible and vulnerable to traffickers, and their risky lifestyles and routines put them at greater risk of being victimized (Kipke, Simon, Montgomery, Unger, & Iversen, 1997).

Most runaway youth are likely to run to and congregate in urban areas, so it is not surprising that there is general consensus that a greater percentage of minors are exploited in the U.S. sex industry in urban areas, though they may be brought from suburban and rural areas (Flowers, 2001). However, an increase in minor arrests in suburban and rural areas has experts speculating that this is indicative of an expansion of prostitution beyond city limits

(Flowers, 2001). While these data are somewhat outdated, anecdotal evidence from service providers indicates that this trend continues. However, further research is needed to determine whether the increase in suburban arrests is due to better identification or an actual increase in incidence.

SERVICES NEEDED BY SEX-TRAFFICKING VICTIMS

The needs of victims of trafficking parallel the needs of homeless and runaway youth. These include the need for food, clothing, and housing; medical care; alcohol and substance abuse counseling and treatment; mental health services; education and employment assistance; and legal assistance (Robertson & Toro, 1999). Overall, the needs of victims of human trafficking, whether international or domestic, sex or labor trafficking, can be characterized as complex, requiring multiple and comprehensive services and treatment representing a continuum of care (emergency, short-term, and long-term assistance) that can last for several years.

Needs of Domestic Minor Sex-Trafficking Victims

- ***Safety, housing, food/clothing***
- ***Legal assistance***
- ***Intensive case management***
- ***Medical care***
- ***Alcohol and substance abuse counseling/treatment***
- ***Mental health counseling***
- ***Life skills training***
- ***Education***
- ***Job training/employment***
- ***Family reunification***

IDENTIFYING SEX TRAFFICKING VICTIMS

Although victims of human trafficking are difficult to identify because of the hidden nature of the crime, many sectors of U.S. communities have the potential to come in contact with them. For example, **victims of trafficking are at risk for the same types of injuries as victims of domestic violence and rape.** They frequently contract sexually transmitted infections or become pregnant. Therefore, health clinic workers or emergency room personnel are often first responders and should be trained to assess whether

someone is a victim of human trafficking (Hughes, 2003). In addition, female trafficking victims may be able to gain admission to, and potentially could be identified through, battered women and homeless shelters. For this reason, several domestic violence and sexual assault coalitions have issued guidelines for battered women service providers on identifying and serving victims of trafficking (Salvation Army, 2006). Social workers, mental health professionals, and school personnel are also at on the front line of encountering and identifying potential victims. Community-based organizations, faith leaders, and citizens can also be in a position to identify victims of trafficking. As public awareness of the problem has grown, victim referrals from these groups to NGOs and service providers have increased significantly (Caliber Associates, 2007).

Perhaps the greatest opportunity to identify victims lies with law enforcement. Law enforcement personnel report often coming in contact with victims of human trafficking through the investigation of other crimes (Clawson, Dutch, & Cummings, 2006; Venkatraman, 2003). Victims of sex trafficking have the greatest chance of being identified through arrests made by law enforcement pursuant to state prostitution and commercial statutes. Multidisciplinary anti-trafficking task forces have been funded in 42 communities across the country with the goal of identifying, investigating, and prosecuting cases and providing the protection and services needed by victims (U.S. Department of Justice, 2006).

A challenge for these task forces is the inconsistency in the **definition of human trafficking**. There does not seem to be a consensus within law enforcement as to whether a minor involved in prostitution is a victim or an offender (Finkelhor & Ormrod, 2004). Under The Victims of Trafficking and Violence Protection Act of 2000 (TVPA, 2000), these individuals previously identified as criminals should be identified and treated as trafficking victims. This change is important and challenging for federal, state, county, and local law enforcement and prompts the need for adequate and ongoing education, training, and commitment at all levels of these agencies. **Minnesota has taken steps to resolve this with the passage of the Safe Harbor Legislation.** The new law was signed in July 2011 as part of the Public Safety budget bill. See Appendix A for a summary explanation of the legislation.

CRIMINAL JUSTICE ISSUES AND RESPONSE

The United States Department of Justice (USDOD) has urged the passage of state trafficking laws that give local police the tools necessary to be actively involved in the detection, arrest, and prosecution of traffickers, as well as in the rescuing and reintegration of sex trafficking victims (Raymond & Hughes, 2001). The USDOD (2004) developed a *Model State Anti-Trafficking Criminal Statute* (Model; USDOD, 2004). This model should be especially welcomed by state legislatures because it is issue inclusive, is compatible with the federal statute, and allows use of the model without all the work included in reinventing the proverbial wheel.

The USDOD (2006, p. 8) explains that with a crime like human trafficking (including sex trafficking), **state and local police must be trained to rethink prostitution within the new victim-centered trafficking paradigm and to apply the new trafficking laws.** The police must be trained in to recognize the characteristics of trafficking in the normal course of policing. Hyne's (2008) study showed that 83 of the largest police departments in the United States were largely unaware of trafficking as a crime problem in their jurisdictions, had little or no training in trafficking laws or issues, and believed that trafficking was an organized crime problem. This illustrates the serious need for training local law enforcement in trafficking laws, observational skills, and paradigm shift.

New criminal sentences based on the new understanding of the seriousness of the crime must be implemented. The federal statute, if used as an example, includes heavy fines, asset forfeiture, and long prison terms for traffickers. Police and prosecutors also need to understand the many state and federal laws that can be used to prosecute traffickers for related crimes. For example, Venkatraman (2003) points out that the Racketeer Influenced and Corrupt Organizations Act of 1970 has been successfully applied to trafficking and related crimes. Venkatraman (p. 3-5) goes on to show that federal statutes exist that allow prosecution for crimes of involuntary servitude; forced labor; sex trafficking of children or by force, fraud, or coercion; and seizure of documents.

ACCESSING AND PROVIDING VICTIM SERVICES; BARRIERS AND CHALLENGES

There are many barriers to and challenges in responding to the needs of victims of human trafficking. Some of these barriers result from an overall lack of knowledge about human trafficking and lack of public awareness of the issue, as well as differing definitions and perceptions regarding who is a victim (Clawson et al., 2004). To compound the problem, research has suggested that trafficking victims are often reluctant to identify themselves as victims; therefore, self-referrals are less common than with other types of crime (Richard, 1999). **Victims of human trafficking are also a hard-to-find and hard-to-reach population.** Many victims have been taught to fear law enforcement authorities and NGOs. Additionally, victims are often reluctant to come forward because they fear retribution from their traffickers, as well as arrest and deportation.

Despite the definition offered by the TVPA, **inconsistencies still exist in how law enforcement and service providers define victims and handle cases, presenting a primary barrier to identification.** For example, there is no nationwide consensus regarding the treatment of juveniles engaged in prostitution (whether they should be considered victims or offenders). The stigma associated with sexual exploitation in general, and prostitution in particular, also increases the difficulty in identifying victims. Neither international nor domestic victims of sex trafficking are likely to disclose their involvement in prostitution to providers, especially law enforcement, due to their own sense of shame and fear of the response (Lloyd, 2005; Raphael, 2004). Furthermore, the power of the trafficker's or pimp's seduction and manipulation, as well as the manifestations of Stockholm syndrome, render some victims less likely to see themselves as victims and more likely to protect their perpetrator at all costs (Caliber Associates, 2007; Lloyd, 2005; Raphael, 2004).

Studies of runaway youth provide useful insights about why these youth often do not use available services and programs, or why they discontinue using them (Martinez, 2006). Reported barriers included restrictive rules at shelters; concerns regarding confidentiality, including concerns about being reported to child protective services; lack of age-appropriate therapeutic groups; lack of culturally appropriate services; inability to establish trust with staff members due to high staff turnover; and the need for emotional, financial, and other support to help empower these victims to leave the streets and exploitation (Aviles, 2004).

With minors (as is the case with many adults), one of the greatest barriers is persuading a victim to commit to substance abuse and/or mental health treatment. Research indicates that most adolescents do not present themselves for substance abuse treatment voluntarily and therefore have low motivation for treatment; they are either mandated to services or enter as a result of family pressure (Melnik, DeLeon, Hawke, Jainhill, & Kressel, 1997). Studies also document higher rates of attrition in adolescent programs compared to adult programs (Siegal, Rapp, Fisher, Cole, & Wagner, 1993). Both research and program administrators identify demographics (younger age, ethnic minority status, female gender, and being pregnant and parenting), substance use severity, mental health symptoms, and

Challenges to Accessing and Providing Services

For Victims:

- **Unable to self-identify**
- **Lack of knowledge of services**
- **Fear of retaliation**
- **Shame and stigma**
- **Learned helplessness and PTSD**
- **Cultural and language barriers**
- **Lack of reliable transportation**
- **Fear of law enforcement and arrest**
- **Lack of trust**

For Providers:

- **Difficult to identify and reach victims (hidden crime)**
- **Lack of awareness and training**
- **Lack of adequate resources and services**
- **Cultural and language barriers**
- **Ineffective coordination of services**
- **Safety concerns**

motivation/treatment readiness as the leading predictors of dropping out of treatment (McComish, Greenberg, Ager & Chruscial, 2000).

Additionally, **the complex needs of victims of human trafficking can create tremendous challenges for providers trying to deliver integrated services** (Caliber Associates, 2007). Common difficulties cited include lack of adequate resources to provide intensive case management and follow-on or aftercare services for extended periods of time (Dennis, 2006); lack of training about how to gain victims' trust, effective outreach methods, cultural competency, and/or confidentiality (Clawson et al., 2004); and staff inability to identify and respond to the co-occurrence of emotional and behavioral problems (especially among adolescents) (Mark et al., 2006). Other agency problems include ineffective coordination of services across agencies (Clawson, 2006), safety concerns for victims and staff (Clawson et al., 2004), insufficient monitoring of service quality (Lyons & Rogers, 2004), and a general lack of services in the surrounding community.

CONCLUSION

There are large gaps in the knowledge base about the level and nature of sexual exploitation in Minnesota as well as throughout the entire the United States. Understanding sexual exploitation is difficult not only because it is a largely hidden form of abuse, but also because definitions of the boundaries of the problem vary within the research literature and among practitioners, which makes comparisons of data difficult. New federal and state statutes and the lack of attention to the issue means that questions and challenges persist. Those working on combating this form of trafficking continue to struggle with identifying victims, providing comprehensive and culturally competent victim services, appropriately addressing the needs of domestic victims, and securing the adequate resources and support needed to effectively investigate cases. Opportunities remain for improved information sharing across Minnesota and the nation, as well as increased awareness within state agencies and the broader community. Prevention is also an important issue to systematically address. In addition, continued proactive action is necessary to determine the most appropriate avenues for improvement in law enforcement and prosecutorial tools, investigation strategies for increased victim cooperation, and enhanced victim services.

IV. SAFE HARBOR LAWS

A. OVERVIEW OF MINNESOTA'S SAFE HARBOR LAW

Minnesota passed its first anti-trafficking law in 2005, and in 2009, Minnesota passed legislation strengthening sex trafficking laws in the state. Minnesota punishes sex trafficking with a maximum sentence of 15 years in prison if the victim was an adult, 20 years if the victim was under 18, and 25 years where an aggravating factor is involved (Advocates for Human Rights, 2009).

This past year, Minnesota continued to be at the forefront of states across the country to combat sex trafficking by introducing and passing a "Safe Harbor Law." During the 2011 legislative session, a bill was proposed to **reclassify underage prostitutes as "sexually exploited youth"**. This signaled a major policy change in Minnesota by reclassifying underage prostitutes as victims of crimes, not criminals. Stakeholders supporting the legislation included the Advocates for Human Rights, ECPAT-USA, The Family Partnership, Breaking Free, Minnesota Indian Women's Resource Center, the Minnesota Statewide Human Trafficking Task Force, The Women's Foundation of Minnesota, and the Ramsey County Attorney's Office (ECPAT-USA, 2011).

Advocates of the Safe Harbor Law stated that the legislation was needed to eliminate what amounts to a **paradox in state law**: Juvenile prostitutes can be simultaneously considered as juvenile delinquents to be criminally prosecuted or a child in need of protective services (Von Sternberg, 2011).

The Minnesota Legislature passed the "Safe Harbors Act" as part of the Public Safety Omnibus Bill during the special session called in the summer of 2011 to resolve the budget deficit. Governor Mark Dayton signed the bill into law in July 2011.

This legislation represents a critical step forward in capturing better protections for sexually exploited children. **The legislation accomplished the following:**

- **Juveniles under the age of 16 may not be prosecuted for committing a prostitution offense under the delinquency code.**

Rationale: Under delinquency laws, conduct that is a crime for an adult, if committed by a child, causes a delinquency response for the youth. Because prostitution is an adult criminal offense, a child exploited in prostitution falls under the definition of “delinquent child.” These provisions clarify that **children exploited in prostitution are not youth offenders or delinquents, but rather are victims of crime.** This provision makes consistent the Minnesota human trafficking law, under which children are victims, and the delinquency code, at least as it applies to children under 16.

- **Excludes juvenile prostitutes under the age of 16 from the definition of juvenile petty offender.**

Rationale: Same as above.

- **These juveniles are defined as “sexually exploited youth” and as a child in need of protection or services.**

Rationale: The “child in need of protection or services” definition often overlooks most child victims of sexual exploitation.

- **Defines sexually exploited youth as an individual who: (1) is alleged to have committed prostitution; (2) is a victim of sexual assault or pornography crime involving minors; (3) is a victim of a federal prostitution crime; or (4) is a sex trafficking victim.**

Rationale: Provides for how sexually exploited youth is defined with an emphasis that a sexually exploited youth is a victim.

- **Creates a mandatory first-time diversion for any 16 or 17 year old that has been exploited in prostitution. Mandates that the court must dismiss the charges if the child successfully**

completes the program, fully complies with a CHIPS order, or is found not to be a child in need of protective services.

Rationale: This section is not effective until 2014. This allows involved parties such as the courts, prosecutors, and service providers the time to create a proper diversion that can respond to the needs of the victims.

- **Upon a subsequent offense, a prosecutor may file a delinquency or a child in need of protection or services petition.**
- **Increases the penalties for buyers of sex with adults, from \$250 to a minimum of \$500 and a maximum of \$750. Provides that the court may not waive payment of the penalty assessment. If the person is indigent or payment would create undue hardship, the court can reduce the fine to no less than \$100.**

Rationale: Provides a financial penalty targeting the demand side of prostitution.

- **Changes the distribution of the penalty assessment. 40 percent of the penalty assessment goes to the political subdivision employing the arresting officer. 20 percent goes to the prosecuting agency that dealt with the case. The remaining 40 percent goes to the Department of Public Safety to distribute to crime victim service organizations that provide services to sexually exploited youth. Mandates that the funds must be used by the agencies to combat sexual exploitation of youth.**

Rationale: The changes in the distribution of the penalty assessment enable adequate funding for involved parties in the process. Additionally, it enables that adequate funding goes to crime victim service organizations and specifies that those funds must work to combat the sexual exploitation of youth.

- **Directs Minnesota's Commissioner of the Department of Public Safety to work with stakeholders to create a victim-centered response model to sexually exploited youth if sufficient outside funding is donated.**

Rationale: Best practices in Minnesota show that a victim-centered approach works to get children out of sexual exploitation. For example, the **Runaway Intervention Project**, a state-funded pilot program, illustrates that treating sexually exploited children as victims, rather than as criminals, provides positive cost-effective results. The Runaway Intervention Project worked with more than 1,300 girls during its first four years of operation and reports that at 12 months, the girls were no longer different from non-abused girls in alcohol or drug use and had significantly lower rates of suicidal ideation than even non-abused girls.

- **Requires a report to the legislature to the legislature by January 15, 2013, on development of the model, along with additional recommendations for legislation or funding.**

Rationale: This is common language added to legislation to ensure that policymakers are made aware of the recommendations that were a result of initial legislation.

The changes to the juvenile delinquency code are not effective until August 1, 2014, which gives the juvenile court system time to ensure the system will provide an appropriate and effective response for victims. The delayed date specifically allows the Department of Public Safety the time to recommend changes to Minnesota's juvenile code to ensure that law enforcement, prosecutors, judges, and child protection workers have the ability to take sexually exploited youth into custody, order temporary or permanent out-of-home placement, and order participation in treatment and services. (Sources specific to above law and rationale: ECPAT-USA, Family Partnership, and Advocates for Human Rights "Highlights of Minnesota's Safe Harbor for Exploited Children" and House Research Act Summary).

B. SAFE HARBOR LAWS IN OTHER STATES

Currently, only seven states have passed Safe Harbor Laws: New York, Illinois, Connecticut, Washington, Minnesota, Vermont, and Tennessee. Minnesota, Vermont, and Tennessee passed their laws in 2011.

NEW YORK'S SAFE HARBOR FOR EXPLOITED CHILDREN ACT

New York became the first state to pass a Safe Harbor Law in 2008. ***The Safe Harbor for Exploited Children Act*** is often cited as the model for safe harbor legislation for other states. The New York law diverts juveniles from the justice system with the assumption that a person under the age of 18 accused of a prostitution offense is a trafficked person.

Instead of proceeding with a *Juvenile Delinquent* petition, the court may proceed with a *Person in Need of Supervision* petition.

However, the court can proceed with the *Juvenile Delinquent* petition only if it is found that the minor is not a human trafficking victim according to the federal definition; has been found previously guilty of committing the offense of prostitution; previously received a *Person in Need of Supervision* petition; or is unwilling to participate in court ordered services. If the minor doesn't comply with the treatment and services, the *Person in Need of Supervision* can be changed

Objectives of Safe Harbor Laws

According to Polaris Project, the basic objectives of Safe Harbor Laws are:

- Remove minor victims from the jurisdiction of the criminal and juvenile justice systems.
- Provide victims with specialized services, in recognition of their status as victims of crime and of the unique trauma that child victims of sex trafficking endure. Three components of protection and recovery are particularly important.
 1. Placement separately from other children who have not experienced commercial sexual exploitation
 2. Mentorship by survivors or professionals who are familiar with the special trauma associated with commercial sexual abuse
 3. Protocols that ensure immediate placement of these victims in appropriate locations, without undue questioning from untrained law enforcement officials.
- Other important aspects include stiff penalties for traffickers, training of law enforcement and public awareness programs.

to a *Juvenile Delinquent* petition.

New York's Safe Harbor Law became effective in April 2010. Also included in the act is **language that provides services for juveniles** diverted from the justice system with the requirement that each local social service district provide short-term safe housing for victims. Additionally, each social service district must determine the unique needs of the victims including crisis-intervention and community-based programming in regard to their services and treatment.

For **long-term care**, the Office of Children and Family Services is required to contract with a non-profit agency with experience working with sexually exploited children to operate at least one long-term safe house in a geographically appropriate area of the state. This safe house must provide safe and secure long term housing and specialized services for sexually exploited children throughout the state.

Sources: New York State Statutes L447 and Texas Juvenile Probation Commission, 2011.

ILLINOIS SAFE CHILDREN ACT

Illinois passed its Safe Harbor Law in 2010 with an added emphasis of sexually exploited youth as victims. **This law changed the language** used in Illinois laws dealing with prostitution by replacing the phrase "juvenile prostitute" with "minors engaged in prostitution" and "prostituted person." **This change essentially removed the victim's classification as a criminal.**

Illinois law prevents anyone under the age of 18 from being charged with the offense of prostitution and makes the requirement that all juveniles thought to be engaging in acts of prostitution to be taken into temporary protective custody. The law specifies that authorities may not place a juvenile in a jail or juvenile detention facility during temporary custody. While the victim is detained, authorities are mandated to notify the Illinois Department of Children and Family Services of the juvenile's potential involvement in prostitution. In turn, this triggers an automatic investigation into child abuse by the state department.

This act also increased the penalties for traffickers and solicitors, increasing the crime of solicitation of a minor to a low-level felony. Additionally, the penalties for traffickers and solicitors were expanded to include vehicle impoundment fees that will create a source of revenue for services and restitution to juveniles involved in sex trafficking of minors. Below is sample language on the vehicle impoundment statute.

“In addition to any other penalty provided by law, a peace officer...may tow and impound any vehicle used by the person in the commission of the offense. The person arrested for one or more such violations shall be charged a \$1,000 fee, to be paid to the unit of government that made the arrest. The person may recover the vehicle from the impound after a minimum of 2 hours after arrest upon payment of the fee. (b) \$500 of the fee shall be distributed to the unit of government whose peace officers made the arrest, for the costs incurred by the unit of government to tow and impound the vehicle. Upon the defendant's conviction of one or more of the offenses in connection with which the vehicle was impounded and the fee imposed under this Section, the remaining \$500 of the fee shall be deposited into the Violent Crime Victims Assistance Fund and shall be used by the Department of Human Services to make grants to non-governmental organizations to provide services for persons encountered during the course of an investigation into any violation of Section 10-9, 11-14, 11-14.1,”

Source: Illinois Law Sec. 11-19.3. Vehicle Impoundment

WASHINGTON SAFE HARBOR ACT

Washington passed its Safe Harbor Act in 2010. The law requires that prosecutors divert all juveniles upon their first alleged offense of prostitution or loitering. The bill became effective in July of 2011. In this law, a **juvenile engaging in prostitution is declared a child in need of supervision. This allows the victim to be eligible for services** under from the Washington Department of Social and Health Services. This state agency is then required to provide the victim with treatments for victims of sexual abuse.

If the child is declared a child in need of supervision because of her involvement with commercial sexual abuse, the victim is also eligible for benefits from the **Crime Victims Compensation fund**. Half of Washington state's **Prostitution Prevention and Intervention Account** is dedicated specifically for providing shelters staffed with personnel trained to work with

sexually exploited youth. A prosecutor has discretion in prosecuting subsequent prostitutions for juveniles receiving services.

Source: 2011 Polaris Project Washington State Report

CONNECTICUT'S SAFE HARBOR FOR EXPLOITED CHILDREN

In 2010, Connecticut changed its law regarding when a person can be charged with prostitution. The law became effective October 2010. **The law does not allow a person under the age of 16 to be charged with prostitution.** The law will not come into full effect until July 2012, as those who are age 17 can still be charged up to this date.

Before the Connecticut Safe Harbor Law was passed, there was no minimum age at which had to be met before charging a person with prostitution.

In addition, changes were made to close loopholes that prevented solicitors and traffickers from being charged for prostitution if engaging in the act with a person who cannot be charged with the crime of prostitution.

Also, under the new law the **penalty for traffickers** who promote prostitution of someone under the age 18 changed from being a Class C Felony to a Class B Felony with a nine month mandatory minimum prison sentence. The penalty for a class B felony is a prison sentence of one to 20 years, a fine of up to \$15,000, or both. The penalty for a class C felony is a prison sentence of one to 10 years, a fine of up to \$10,000, or both.

The Connecticut Safe Harbor Bill was an effective step forward in protecting sexually exploited youth and increasing penalties on traffickers. Despite this overall success, there were some restrictions over a lack of services to victims for juveniles diverted from the justice system. An advocacy group, the Connecticut Voices for Children, testified on the legislation and proposed **additional changes ensuring that they were eligible for "all protections and services provided to victims of human trafficking."** This group recognized that if services were not provided to these victims, these victims could slip between the cracks.

Source: 2011 Polaris Project Connecticut State Report

TENNESSEE SAFE HARBOR LAW

In 2011, Tennessee passed a Safe Harbor Law stating that a person suspected of or charged with a violation of this section that is **under 18 years of age shall be immune from prosecution for prostitution as a juvenile or adult.**

Additionally, if the minor is picked up by law enforcement, the statute requires law enforcement to return her to her parent or legal guardian. The law also requires law enforcement to provide minors with a phone number to the National Human Trafficking Resource Center.

Sources: 2011 Polaris Project Tennessee State Report and Geist, 2011.

VERMONT SAFE HARBOR LAW

Vermont passed a Safe Harbor Law in 2011 providing that a person **under the age of 18 charged with prostitution shall be immune from prosecution.** The new law also goes on to add that the person **may be referred to the Department for Children and Families for treatment.**

Additionally, if a person who is a victim of human trafficking is under 18 years of age at the time of the offense, the state can treat the person as the subject of a child in need of care or supervision proceeding.

Sources: 2011 Polaris Project Vermont State Report and Geist, 2011.

Best Practices in Safe Harbor Laws

- *Immunity* from prosecution for prostitution as a juvenile or adult for any minor under the age of 18 and divert them to specialized services.
- Provide *specialized services* ideally through survivor-based groups partially funded by fines on johns and pimps.
- Provide short-term *safe housing* for victims. Have each social service district determine the unique needs of the victims in the area include crisis-intervention and community-based programming into their services and treatment.
- Specify that authorities may *not place a juvenile in a jail or juvenile detention facility* during temporary custody.
- While the victim is detained, authorities should be mandated to notify the state's relevant *child welfare agency* of the juvenile's potential involvement in prostitution.
- Mandate that this notification trigger an automatic *investigation* into child abuse by the state department.
- Include *vehicle impoundment fees* on traffickers and johns that will create a source of revenue for services and restitution to juveniles involved in sex trafficking of minors.
- *Increased penalties* on traffickers and johns.
- *Provide training* and awareness raising programs for first responders as well as members of the legal, medical, and social services professions likely to encounter prostituted minors.

Source: Polaris Project, "Overview of State Legislative Policy to Address Commercial Sexual Exploitation of Children-State Safe Harbor Laws."

CONCLUSION

According to Darren Geist of the NYU School of Law and former Polaris Project Legal Fellow, Safe Harbor Laws need to achieve four main goals. The first goal is that safe harbor laws need to protect victimized minors by separating them from pimps and traffickers. Second, they need to protect the minors from being traumatized by the criminal justice and juvenile delinquency system. Next, they need to provide specialized services designed to address prostituted minors unique trauma as victims of commercial sexual exploitation. Finally, these laws need to protect minors by increasing law enforcement efforts and criminal penalties against prostituted minors (Geist, 2011).

C. STATE HUMAN TRAFFICKING LAWS— PROMISING PRACTICES

ANALYSIS

State criminal punishment statutes vary greatly among states, and human trafficking laws are no exception. Some states stand out for having exceptionally strong statutes on human trafficking, meaning that they impose harsh punishment and monetary fines upon those convicted of committing human trafficking offenses; de-criminalize minor victims of sex trafficking with safe harbor laws; provide a victim assistance fund to collect fines imposed upon perpetrators; and articulate training for law enforcement regarding treatment of victims of sex trafficking. In order to effectively and efficiently determine these promising practices, we evaluated laws in the five states ranked by the Polaris Project as having the most robust sex trafficking laws: California, Connecticut, Florida, Georgia, and Illinois. Given that our analysis only covered these five states, we acknowledge that we might not have found all promising practices that states throughout the country are undertaking. The following section summarizes our findings of laws in several policy areas and provides examples of actual statutory language from the five states included in our research.

CRIMINAL PENALTIES

Criminal law is written by policymakers and makes certain behavior illegal and punishable by fines and/or imprisonment. Criminal penalties are a form of public policy that signals a state's policy preferences related to various public safety policy issues. There is variation among the states regarding what conduct is criminalized as well as length and type of penalties for specific crimes.

Tougher sentences signal a state's priority of actively combating sex trafficking. From our analysis, **Georgia has some of the toughest laws against sex trafficking**. Additionally, Georgia also makes a strong differentiation between the trafficking of minors and adults. Recently a law took effect that calls for a 25 year minimum sentence for those convicted of using coercion to traffic someone under the age of 18, and slaps a minimum sentence of five years on those convicted of paying for sex with a 16 year old.

People trying to have sex with someone even younger face at least 10 years behind bars (Blustein, 2011).

Example of Statutory Language

Any person who commits the offense of trafficking a person for labor or sexual servitude shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years. Any person who commits the offense of trafficking a person for labor or sexual servitude against a person who is under the age of 18 years shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than ten nor more than 20 years. (Adapted from Georgia Statutes 165-46)

ADDITIONAL FINE

Many states impose additional fines upon an individual convicted of human trafficking. Some states mandate additional fines, while others only permit the court to impose additional fines depending on the seriousness and gravity of the offense and harm to the victim. Often the fine is higher when the victim is under 18 years old or under 16 years old. The amount of an additional fine is often capped at a certain amount. **Additional fines are often required to be deposited into some type of victim assistance fund to fund services for victims of human trafficking.** Some states have provisions that if the victim is a minor, a portion of the fine will go specifically to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs.

Example of Statutory Language

In addition to the penalty specified for a conviction of human trafficking, any person who commits human trafficking involving a commercial sex act where the victim of the human trafficking was under 18 years of age at the time of the commission of the offense shall be punished by a fine of not more than \$100,000.

In setting the amount of the fine, the court shall consider any relevant factors including, but not limited to, the seriousness and gravity of the offense and the circumstances of its commission, whether the defendant derived any economic gain as the result of the crime, and the extent to which the victim suffered losses as a result of the crime.

Every fine imposed and collected pursuant to this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund services for victims of human trafficking. At least 50 percent of the fines collected and deposited pursuant to this section shall be granted to community-based organizations that serve victims of

human trafficking. Every fine imposed and collected under this section when the victim is a minor shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs. (Adapted from California Statutes, section 236.1(g)(1))

FORFEITURE

Most states have laws authorizing **the courts to seize assets of convicted human traffickers**, which were either gained due to human trafficking crimes or used to conduct human trafficking crimes. Often, a portion of these funds are mandated to be deposited into a victim assistance fund.

Example of Statutory Language

In any case involving human trafficking of minors for purposes of prostitution or lewd conduct, or in any case involving fraudulent inducement into prostitution in which the victim is a minor, the proceeds shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs. Fifty percent of the funds deposited in the Victim-Witness Assistance Fund pursuant to this subdivision shall be granted to community-based organizations that serve minor victims of human trafficking. (Adapted from California Statutes, section 186.3(f))

LAW ENFORCEMENT

Law enforcement officers are often the point of first contact for victims of sex trafficking, and training law enforcement officers on unique concerns of minor sex trafficking victims is an essential component of strong legal protection of victims of sex trafficking. Some states specify elements of training programs for law enforcement and place a mandatory duty upon law enforcement agencies to identify victims and direct them to appropriate services. These specifications do not always provide information specific to minor victims of sex trafficking, and instead apply to all victims of sex crimes or domestic violence. Often participation in these programs is only voluntary for law enforcement agencies, and it is difficult to determine how often local law enforcement agencies elect to participate in training and follow through with a statute's recommendations in actual practice.

Example of Statutory Language

Law enforcement agencies shall use due diligence to identify all victims of human trafficking. When a peace officer comes into contact with a person who has been deprived of his or her personal liberty, a person suspected of solicitation to engage in prostitution, or a victim of a crime of domestic violence or rape, the peace officer shall consider whether the following indicators of human trafficking are present:

- (a) Signs of trauma, fatigue, injury, or other evidence of poor care.*
- (b) The person is withdrawn, afraid to talk, or his or her communication is censored by another person.*
- (c) The person does not have freedom of movement.*
- (d) The person lives and works in one place.*
- (e) The person owes a debt to his or her employer.*
- (f) Security measures are used to control who has contact with the person.*
- (g) The person does not have control over his or her own government-issued identification or over his or her worker immigration documents.*

Within 15 business days of the first encounter with a victim of human trafficking, law enforcement agencies shall provide brief letters that satisfy the Law Enforcement Agency (LEA) endorsement regulations. The LEA endorsement must contain a description of the victimization upon which the application is based, including the dates the trafficking in persons and victimization occurred, and be signed by a supervising official responsible for the investigation or prosecution of trafficking in persons. The LEA endorsement must address whether the victim had been recruited, harbored, transported, provided, or obtained specifically for either labor or services, or for the purposes of a commercial sex act. (Adapted from California Statutes, sections 236.2, 236.5, 12319.14)

Example of Statutory Language

The Permanent Commission on the Status of Women, in conjunction with the Police Officer Standards and Training Council, shall develop a training program on trafficking in persons and make such training program available, upon request, to the Division of State Police.

The Commission shall implement a course or courses of instruction for the training of law enforcement officers in the handling of human trafficking complaints and also shall develop guidelines for law enforcement response to human trafficking. The course or courses of instruction and the guidelines shall stress the dynamics and manifestations of human trafficking, identifying and communicating with victims, providing documentation that satisfy the law enforcement agency endorsement required by federal law, collaboration with federal law enforcement officials, therapeutically appropriate investigative techniques, the availability of civil and immigration remedies and community resources, and protection of the victim. (Adapted from Connecticut Statute, section 46a-4b)

CIVIL ACTION

Most states provide victims of human sex trafficking **the right to bring a civil lawsuit** against alleged perpetrators of human trafficking. States vary in the type and amount of relief available to plaintiffs, with some states limiting relief to actual and compensatory damages, but not allowing collection of any punitive damages. The statute of limitations may toll differently when the victim of sex trafficking is a minor.

Example of Statutory Language

A victim of human trafficking may bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief. The plaintiff may be awarded up to three times his or her actual damages or \$10,000, whichever is greater. Punitive damages may be awarded upon proof of the defendant's malice, oppression, fraud, or duress in committing the act of human trafficking. A prevailing plaintiff may also be awarded attorney's fees and costs.

An action brought pursuant to this section shall be commenced within five years of the date on which the trafficking victim was freed from the trafficking situation, or if the victim was a minor when the act of human trafficking against the victim occurred, within eight years after the date the plaintiff attains the age of majority.

In the course of litigation under this section, any transaction about which a plaintiff testifies or produces evidence does not subject such plaintiff to criminal prosecution or any penalty or forfeiture. Further, any testimony or evidence, documentary or otherwise, or information directly or indirectly derived from such testimony or evidence which is given or produced by a plaintiff or a witness for a plaintiff shall not be used against these persons in any other investigation or proceeding. (Adapted from California Statutes, section 52.5(a)-(c); Florida Statutes, section 796.09)

V. VICTIM SERVICES

A. THE MINNESOTA STATE TASK FORCE MISSION AND MANDATE

The Minnesota Safe Harbor Legislation was enacted to not only protect sexually exploited children from criminalization, but also to provide effective services for them. The law

“...tasks the Commissioner of public safety, in consultation with the Commissioners of health and of human services, to develop a victim services model to address the needs of sexually exploited youth and youth at risk of sexual exploitation, using the findings of a successful, state model for addressing the needs of sexually exploited youth” (ECPAT-USA, 2011).

The legislation specifically mentions a model for review: **The Runaway Intervention Project (RIP)**. This program utilizes a victim-centered approach in its attempts to work with sexually exploited youth. RIP is part of a hospital-based child advocacy center that diagnoses and treats child maltreatment, including sexual abuse. Designed for young runaway girls ages 12–15 who have also experienced sexual assault or sexual exploitation, RIP provides a comprehensive forensic assessment and health examination at baseline, and up to 12 months of home visiting, healthcare, health education, and case management by Advanced Practice Nurses (APN). The project also offers access to an optional weekly girls’ empowerment group conducted by licensed psychotherapists (Conversation with Kate Richtman in the Ramsey County Attorney Office, November 2011).

Using a strengths-focused approach, the APNs work with girls and their families to help girls return home and return to school, improve family interactions, navigate the juvenile justice system, and access chemical dependency treatment and healthcare as needed. They provide contraception, health education, STI and pregnancy testing, and mental health screening. APNs also help girls with goal-setting and developing self-care skills, and connect them with opportunities such as camps or extracurricular clubs (Edinburgh, 2010). The goal of RIP is to reduce the traumatic distress that

girls report, to increase supportive relationships and protective factors in their lives, and to prevent or reduce common risk behaviors associated with sexual abuse or sexual exploitation (Edinburgh, 2010).

The Commissioner must report to the legislature by January 15, 2013, on the development of a model. Danette Buskovich, Director of Training, Research & Communications at the Minnesota Department of Public Safety—Office of Justice Programs, has begun to convene stakeholders to review this model as well as assess community service needs in terms of presenting challenges associated with program implementation, policy and funding.

B. SERVICES: A CROSS-FUNCTIONAL ANALYSIS

There is little research on effective programs and services for minor victims of sexual exploitation. Due to the lack of literature and research and because this is a relatively recently recognized social issue, we decided to expand our research beyond programs exclusively serving sexually exploited girls. This gave us the opportunity to explore the issue from a variety of frameworks. Since the service model in Minnesota is in its formative stage, we cast the net for service models wide in order to identify new solutions or hybrid models that better address the needs of sexually exploited girls. **Information from more than a decade of work with victims of domestic violence, prostitution, homeless and runaway youth, and victims experiencing trauma makes it possible to identify certain components of promising services and strategies.** We selected nine organizations currently operating and serving the needs of these populations.

In the states that have begun to address the issue of sexually exploited girls to date, there has been a tendency to emphasize either a **"legal approach"** or **"services approach"**. States taking a legal approach tend to put their resources towards creating laws that protect sexually exploited girls, increasing penalties for traffickers of sexually exploited girls, and mandating rehabilitation for sexually exploited girls. Other states that have chosen to take a more service-oriented approach use resources for creating shelters, developing training and education programs, and implementing other services for sexually exploited girls. The Advocates for Human Rights believes that Minnesota can be most effective by addressing the issue from both the legal and services frameworks, and that the opportunity exists now to create the best of both.

For these reasons we selected a variety of service organizations, each with a different approach to addressing the needs of sexually exploited girls. Since this is not a simple issue with any single solution, a holistic approach is recommended. It is generally agreed sexually exploited girls need a continuum of services which include basic needs such as clothing, food and housing (both crisis short-term and long term); physical health services such as pregnancy testing, birth control, STI testing and treatment, and treatment for injuries caused by physical abuse and torture; mental and emotional health services, such as treatment for chemical dependency and post traumatic stress

disorders; education and job training services; and general life coaching to help them normalize a healthy and safe lifestyle and function successfully in their communities (Robertson & Toro, 1999).

Sexually exploited girls may also need protection from their trafficker and/or gangs as well as legal advice and counsel to adjudicate previous convictions or to navigate the legal system. There may also be a need for family intervention services if returning to the family home is an option. Many of the agencies we examined provided only a few of these services, while others have had an established holistic program in operation for many years.

The programs we examined fall into one of three categories. **The first category included programs in Minnesota currently working with sexually exploited girls.** The programs included in our analysis are:

- Runaway Youth Intervention Project of Ramsey County (RIP) in conjunction with the Midwest Children's Resource Center
- Breaking Free
- The Bridge for Youth
- The Family Partnership – PRIDE and TeenPride programs

None of these programs, with the exception of TeenPride, were designed exclusively for sexually exploited girls, but serve a broader population. Each organization implements specific programming that addresses at least some of the array of needs of sexually exploited girls, such as housing or counseling. Although the organizations are providing services to sexually exploited girls within their program domain, some admittedly know that they are not always able to recognize and identify the sexually exploited girls and consequently miss opportunities to provide and/or refer them to additional services that they might also need. Since the population served by these organizations is broader than the sexually exploited girls population, we must look for commonalities and customize the services as needed.

For example, Breaking Free serves the needs of sexually exploited women, but not exclusively juvenile girls. Breaking Free understands the challenges faced by women trying to escape a life of being prostituted. Alternatively, The Bridge for Youth has much experience working with youth in crisis, but they focus on runaways; not every runaway has experienced sexual exploitation,

and not every sexually exploited youth has left their family home. In fact, some sexual exploitation can take place within the family home.

The second category of programs we researched were those designed specifically for sexually exploited youth in other parts of the county.

These programs are:

- Children of the Night – Los Angeles, CA
- GEMS (Girls Educational & Mentoring Services) – New York, NY
- YouthCare - The Bridge Program – Seattle, WA

Some of these programs have over 30 years of experience serving the sexually exploited girls population and can provide practical, experiential knowledge about what works and what does not work. Each of these programs works as well as it does because it was designed around the needs of the specific community it serves; therefore no program can be duplicated in its entirety. Given that state laws vary among states, any program design in Minnesota would have to respond to our unique legal environment. The most effective programs have been developed with input from the population and communities they serve and address the cultural needs of the community. We should also note that these programs serve both sexually exploited boys as well as girls. For the purposes of this report we focus on girls, recognizing boys can and often are sexually exploited, and certainly in need of services as well.

For the third category we examined domestic violence, and considered specifically how the City of St. Paul has created a collaborative approach to address this issue.

We recognize the issue of domestic violence, although with some similarities to sexual exploitation of girls, is indeed a very different social issue. The campaign against domestic violence has been going on longer, the public awareness of the issue is stronger and more widespread, and the network of services is more established. As such, we feel there are some common concepts and best practices we can learn about in regard to bringing a once hidden crime out of the shadows and creating social change for a population that has also been victimized by violence and abuse.

C. SERVICE MODEL DESIGN PARAMETERS

The needs of victims of trafficking are complex and require comprehensive services and treatment representing a continuum of care (emergency, short-term, and long-term assistance) that can last for several years. While objective measurement of successful reintegration of a trafficking victim is difficult to achieve, service providers nevertheless have moved ahead and adapted their services to meet the needs of victims. Regardless of the specific services, it is clear that designing them around certain parameters are proving effective. Below we articulate some key concepts service providers should pay attention to, regardless of the specific service delivered.

CONTINUUM OF CARE

As already discussed, victims have diverse needs and can require assistance and support over a significant period of time, thereby requiring a continuum of care. Providers have conceptualized this continuum of care as having three phases: crisis intervention and assessment, comprehensive assessment and case management, and social reintegration (Bales & Lize, 2004). The goal is to help the victim progress along the continuum that begins at crisis or the need for emergency assistance and moves to a position of **safety** (all within phase 1). With ongoing assessment and intervention to address existing and emerging needs, the victim can move to **stability** in phase 2. Finally, victims (**often now referred to as survivors**) can **reintegrate** into their environment and begin to thrive.

Service Model



CULTURALLY SENSITIVE SERVICES

Traffickers pick their victims based on the victims' vulnerability, because traffickers have a greater ability to control them. This is the reason why youth are at such risk of trafficking, but any person who does not have the ability to recognize exploitation due to mental illness, chemical dependency, or anyone who is desperate to get their basic needs met is at risk of sexual exploitation. Because poverty and the effects of poverty do not fall evenly across social and racial demographics, **minorities are overrepresented in the data on sexual violence.** For this reason services, as with any healing process, need to be culturally sensitive. Vednita Carter, Executive Director of Breaking Free, explains, "*The services that black women need may seem to be the same as those required by white women. However, because of the repeated and sustained harms of racism, the needs of African-American women are significantly different*" (Carter, 2003). The history of sexual violence and exploitation in this country towards native women also must be addressed in service programs for these programs to be most effective. Different cultures also view the sexual exploitation with varying degrees of acceptance. Programs, especially those that seek to place the sexually exploited girls back in the family home, need to recognize and address these cultural differences. Cultural difference may also affect how likely a girl is to self-identify herself as a victim of sexual exploitation.

SAFETY PLANNING

Physical and emotional safety is a theme throughout the various programs serving victims of human trafficking (international or domestic, adult or child). Similar to battered women, **victims are often at greatest risk for harm by their trafficker (or pimp) when they first leave their situation.** Agencies must ensure that they are maximizing the safety of victims and that providing or referring to services does not further jeopardize victims' physical well-being. Protecting the safety of staff working with victims also is important and safety plans should be developed for both victims and staff. As a safety measure, many providers working with victims of trafficking do not publish their physical location or address, similar to domestic violence shelters (Clawson, Small, Go & Myles, 2004).

RELATIONSHIP DEVELOPMENT AND CONSISTENCY

Many victims may not trust services providers and may not understand or believe that the provider is willing to help them. As is commonly recognized among providers serving adult women, “Making connections and building relationships have proven to be crucial first steps in moving out of prostitution” (Rabinovitch, 2003). Research, predominantly focused on adult women, has shown that **supportive relationships are a key factor in exiting the Life** (Raphael, 2004). This relationship building requires consistency over time, coupled with a nonjudgmental approach and significant perseverance on the part of providers. Considerable time and repeated contacts may be necessary before a relationship has been built sufficiently for a girl to accept services designed to empower her to leave the Life (National Center for Missing and Exploited Children, 2002; Rabinovitch, 2003).

Girls and women in “the Life” have been systematically isolated from the “straight world.” Girls and women report going months or even years without talking with anyone outside the sex trade.

TRAUMA-INFORMED PROGRAMMING

All victims of human trafficking share the experience of trauma. While each victim may respond differently, **trauma is a constant among all victims** and therefore should be considered in any comprehensive service plan. For example, the literature on prostitution indicates that focused support related to recovery from trauma is fundamental to a successful exit from prostitution. Well-established adolescent programs serving exploited girls also make trauma recovery a key component of treatment. This may include individual therapy, group therapy, or art therapy in an atmosphere of love, support, and unconditional acceptance. Further, providers use a variety of grounding techniques to assist girls who experience flashbacks and other symptoms of trauma (Nixon et al., 2002).

Given that girls may heal and develop through connections to others, and that trauma from prostitution is relational in nature, a **gender-specific trauma recovery program should focus on the need for healing connections in**

the face of the complex relationships that girls bring into treatment. As explained in relation to traumatized girls in the juvenile justice system, “[Gender-specific trauma recovery programs] should help girls negotiate gender and family roles, determine appropriate boundaries in relationships, and avoid conflict and violence in [intimate] relationships” (Hennessey, Ford, Mahoney, Ko, & Siegfried, 2004).

Providing a context for bonding and a sense of safety through group processes is essential in a trauma-informed approach. Other trauma-specific elements include helping clients develop new coping skills, find meaning in their lives, and see the correlation between their traumatic experiences and other symptoms they may have (Grella et al., 2001). Integrating these elements into comprehensive services, along with the changes in beliefs, attitudes, and practices outlined above, is necessary for a trauma-informed approach to services.

INVOLVING SURVIVORS OF TRAFFICKING IN DEVELOPING AND PROVIDING SERVICES

Helping traumatized minor or adult females who have been trafficked develop trust with a provider is always challenging. In particular, shame associated with the Life, manifestations and symptoms of PTSD, and allegiance to the perpetrator often can make trust building an enormous hurdle (National Center for Missing and Exploited Children, 2002). Therefore, some advocates and service providers believe that the most successful programs serving young women exiting prostitution must incorporate a **peer-to-peer counseling model**. To accomplish this, survivors are often hired to provide either some or all of the services to clients.

An important element of including survivors in program development and implementation is that they can speak about their own experiences, sharing strengths while acting as role models to reduce instances of relapse. Elliott et al. (2005) state:
“Like the concept of sponsorship in AA, a trauma survivor can help another one through this transition. Allowing survivors to work with others gives them the chance to return the help they received, with the added result of boosting self-esteem.”

That survivors are ideally suited to reach their peers has been demonstrated over time with other populations of traumatized individuals, including addicted individuals, individuals with HIV, and Vietnam veterans. This non-traditional approach to service provision (in contrast to following a traditional clinical model) has gained increasing support across the United States. Many agree (though do not universally practice) that survivors may be in the best position to assist peers, working in collaboration with clinicians and other necessary supports (Lyons and Rogers, 2004).

D. KEY VICTIM SERVICES—Promising Practices

Providing social services is essential to meeting the needs of victims. These services help stabilize victims by offering opportunities for educational, personal, and economic advancement. Obtaining an education, developing life and social skills, learning a new language, gaining job skills, and obtaining employment are essential for a victim to be able to reintegrate into society. Through social services, victims can become personally and economically independent (Caliber Associates, 2007). Despite the importance of social services for victims of human trafficking, there are currently no published studies that identify promising or best practices in this area.

What is clear though is that Youth who become victims of DMST are in need of a vast array of services ranging from the most basic, such as clothing, to very intensive medical and mental health treatment and long-term residential stays. We have highlighted some of the services sexually exploited youth are likely to need and benefit most from as they transition out of their current circumstance.

RESIDENTIAL SERVICES

Currently there is no coordinated or unified statewide response to provide services to DMST victims. Community-based programs and emergency shelter beds are available in most urban areas of the state though they are operated by many entities with differing missions and eligibility criteria. Rural areas of the state often do not have access to programs or services. The state has no safe haven shelter beds specifically for DMST victims and no long-term residential facilities for youth outside of the juvenile probation or CPS systems.

Recovery from the trauma of abuse and exploitation that prostituted youth endure requires **extensive and highly-specialized services provided in a safe, stable, and welcoming setting**. Victims of DMST need both emergency shelter and long-term residential services. Currently, there are only a handful of programs in the country that have been established to meet the special needs of this population; in fact, there are only 61 beds in the U.S. specifically dedicated to prostituted children (Bales, 2010).

There is evidence that a dedicated **residential recovery program** with mental health, chemical dependency, and educational and vocational services

(provided by well trained specialists both on-site and in the community), can help girls succeed in breaking free. **Regarding housing, promising practice recommendations include:**

- Victims of DMST are most likely to benefit from stays in facilities designed for **small, homogenous populations;**
- In order to have sufficient time to address the trauma of victims and begin working on a treatment plan for recovery, a minimum stay of **18 months** is recommended;
- **Safety and security** for both victims and staff is essential and can be achieved through close relationships with local law enforcement and ongoing training for staff;
- **Staff should have extensive knowledge** of the dynamics of trafficking and trafficking victims including the realities of sex trafficking, methods of recruitment, the physical and psychological impact of trauma, potential methods for exiting prostitution, and youth development programming;
- and in order to **enhance collaboration and communication** facilities should be connected to a network of service providers, law enforcement, juvenile courts, probation departments, schools, and child protective services.

In New York, Crisis Shelters for Runaway and Homeless Youth offer emergency shelter and are the entry point for residential services in the Runaway and Homeless Youth System. These voluntary, short-term residential programs provide emergency shelter and crisis intervention services aimed at reuniting youth with their families or, if family reunification is not possible, arranging appropriate transitional and long-term placements.

Transitional Independent Living (TIL) Programs provide homeless youth (16-20 years of age) with support and shelter as the youth work to establish independent lives. All TIL Programs are open 24 hours a day, 365 days per year. A young person in need of these longer-term residential services must first visit the Crisis Shelter and obtain a referral to Transitional Independent Living Programs. Youth may stay in the Transitional Independent Living Program for up to 18 months. Services offered at TILs include:

- Educational programs

- Vocational training
- Job placement assistance
- Counseling
- Basic life skills training

PHYSICAL HEALTH

Girls trafficked for sexual exploitation have **numerous medical needs** and concerns. In addition to the physical violence associated with exploitation, girls typically have reproductive health concerns, including pregnancy and STIs. Females trafficked in the sex trade have increased risk of cervical cancer and chronic hepatitis as well as HIV (Farley et al., 2003). These concerns require immediate and potentially long-term medical care.

SUBSTANCE ABUSE AND MENTAL HEALTH

Substance abuse treatment and mental health counseling are common needs among this population. The use of substances and subsequent drug addiction is well documented among homeless youth exploited through prostitution. One study found that more than 75 percent of these youth abuse alcohol or drugs, while virtually all admit to some level of use. These rates were notably higher than among homeless youth not exploited through prostitution (Lloyd, 2007). While it is important to note that some percentage of girls enter prostitution with no history of drug or alcohol abuse (Farley, 2003), **some studies suggest that girls who become exploited through prostitution are likely to have begun using substances at an earlier age than their at-risk peers who do not become exploited** in this way (Yates, 2011).

Adolescent girls suffer **severe emotional consequences** as a result of domestic trafficking. Survivors of prostitution demonstrate a high rate of dissociative disorders, self-destructive behaviors (including cutting), suicide attempts, and clinical depression (Farley, 2003; Lloyd, 2007). Additionally, as a result of the chronic trauma, prostituted girls often develop symptoms congruent with PTSD.

As with all victims of human trafficking, adolescent girls may display symptoms of **Stockholm Syndrome**, otherwise most frequently seen among prisoners of war and torture victims (Goodman, 2011). As a means of emotional and

physical survival, the captive (the girl) identifies with her captor. She expresses extreme gratitude over the smallest acts of kindness or mercy (e.g., he does not beat her today), denial over the extent of violence and injury, rooting for her pimp, hyper-vigilance regarding his needs, and the perception that anyone trying to persecute him or help her escape is the enemy. She may lash out at law enforcement or anyone else attempting to help her exit, and insist that she is fine and happy in her current situation. Further, the manifestations of her trauma may make her reticent to trust those outside “the Life” who state they are trying to help her (Friedman, 2005; Raphael, 2004).

While presented here as separate needs or conditions, recognition of co-occurring disorders among adolescent victims of trafficking and the need for integrated treatment approaches, specifically for trauma, substance abuse, and mental health disorders, has gained momentum over the past five to 10 years (Austin, Macgowan, & Wagner, 2005). Given the high documented rates of co-morbidity in substance abusing clinical populations, Grella et al. (2001, p. 391) concluded that adolescent drug treatment programs should **assume that “co-morbidity among their patients is the norm, rather than the exception.”**

EDUCATION AND JOB TRAINING:

Programs that address the needs of runaway youths or sexually exploited youth often provide an educational component as many of these youth have missed a great deal of school. YouthCare’s website (<http://www.youthcare.org/>) describes the challenges for these young people this way: “Up to 75% of homeless teens have left school without graduating. Every day on the street makes it harder to catch up again — only increasing the chance that they will plunge into chronic adult homelessness.”

According to the US Department of Education (Womensforum, 2011) there are 10 significant markers of risk for dropping out of school:

1. Lack of educational support
2. Outside influences
3. Special needs
4. Financial problems
5. Lack of interest
6. Drug and alcohol abuse

7. Depression and physical illness
8. Physical abuse
9. Teen pregnancy
10. Alternative lifestyles (especially if youth has perception that education is not needed for their lifestyle such as drug dealing or prostitution)

Sexually exploited girls likely have experienced or may be experiencing many of these markers. For this reason, even if a sexually exploited girl is put back into her family home or has her housing needs met so that she has access to school, she will likely not stay in school unless the reasons behind why she dropped out are addressed. **For this reason most runaway shelters offer education and job counseling as part of their core programming.**

Shelters offering long-term housing, such as Children of the Night, may also provide classes and education within the program itself recognizing these youth often have difficulty in a traditional school environment. Being in a supportive environment where a girl is not socially isolated and where education can be tailored to the varying needs and educational levels of the youth in order to reach age-appropriate grade levels seems to be most effective.

Encouragement and guidance to go on to college or further job training is important since sexually exploited girls may not have any other support system or guidance to assist with navigating the educational system. There is also a risk of returning to a lifestyle of sexual exploitation if youth do not feel that the alternative earning opportunities are available to them. Youthlink's *The Bridge Program*, a shelter and recovery program for sexually exploited girls in Seattle, provides an excellent model for education.

At the James W. Ray Orion Center, a drop-in center for homeless youth, youth can enroll in high school diploma classes. This program was developed in collaboration with the Seattle Public Schools and is considered the first public school developed for sexually exploited youth. The center also holds courses for GED preparation and post-secondary preparation. Youth can also receive job training and paid internships. Another crucial support service offered is counseling and support for survivors while they are in college to help ensure

they are supported as they meet the demands associated with the post-secondary lifestyle.

Many shelters, especially those with long-term or permanent housing **programs also help with “soft skills.”** These skills can range from independent living skills to employment soft skills, such as interviewing guidance, following a supervisor’s instructions and procedures, customer service skills, and handling conflict in the workplace. In Breaking Free’s *Transitional Housing Program*, women are taught “the elements of social, cognitive, language, physical, and cultural pathways...” Although this program is designed for adult women, the lack of learning these skills during their formative teenage years is often the reason for the need to learn them later in life.

For these reasons, we recommend both education and life skills training be incorporated in programs for sexually exploited girls. These programs could be incorporated as part of a housing program or offered in service programs that function independent of a housing component. Education and life skills are a crucial part of the both the stability and reintegration stages of care and provide survivors with the skills, education, experience and confidence to navigate life after the streets.

E. COLLABORATIVE APPROACHES— The Blueprint for Safety.

In an environment where resources and funds are limited, collaborations, specifically those that utilize collective impact models, are recognized as an effective way to best utilize community resources. In an attempt to tease out some best practices we reviewed **The Blueprint for Safety (the Blueprint)**, already in use in Minnesota.

The Blueprint demonstrates a model that is effectively addressing another similar social issue – domestic violence. Minnesota has long been at the forefront of addressing social issues and the Blueprint is an example of how the city of St. Paul has taken an innovative approach to the issue of domestic violence. In 2007 the Minnesota legislature awarded a grant to the city of St. Paul to write a prototype for an intervention model communities could use to address the issue of domestic violence. Recognized for its effectiveness through collaborative efforts between law enforcement, 911 operators, courts, prosecutors, and service providers, it is currently being implemented in three other communities across the country.

The Blueprint was created with the recognition that many organizations work effectively in particular areas, but what was working in one agency was not shared with other agencies, nor was that information linked with what other agencies were doing. This resulted in a lack of consistency in how agencies approached domestic abuse cases, as well as missed opportunities to serve victims. Research shows that when someone falls through the cracks of the system and a fatal error occurs, it is not because one person made a mistake, but because the people within the system were not able to connect the dots with other agencies and approach the issue in a unified way (Praxis International, 2010).

With the **goal of maximizing safety for victims and holding abusers accountable** while offering both opportunities to change, the Blueprint identified **six foundational principals to serving victims**.

The Six Foundational Principles

1. Adhere to an **interagency approach and collective intervention goals**
2. Build attention to the **context and severity** of abuse into each intervention
3. Recognize that most domestic violence is a patterned crime requiring **continuing engagement with victims and offenders**
4. Establish **sure and swift consequences** for continued abuse
5. Use the power of the criminal justice system to **send messages of help and accountability**
6. Act in ways that **reduces unintended consequences and the disparity of impact on victims and offenders**

Although, not to be considered a perfect overlay for the sexually exploited girls issues, we believe that these principals provide insight into how to create an effective interagency response to sexually exploited youth.

Denise Eng with Praxis International, the research organization behind the Blueprint, explains a common problem that occurs when a social issue first begins to gain public awareness, usually through reporting of a horrific crime there is public outrage. This outrage leads to creation of new policy and laws intended to address the issue. Unfortunately, some of these laws can become cumbersome and actually interfere with finding solutions that cause the least amount of strain on the system and minimize collateral damage to the victims and their families (Denise Eng, personal communication, October 28, 2011).

The campaign for sexually exploited girls is at this crucial lawmaking and policymaking stage. **At this stage there is an opportunity to utilize the knowledge, skills and experience gained from the agencies, first responders, service providers, researchers, and victims themselves to design policies that integrate collaborative approaches focused on the best outcome for the victim.** Too often the end result is a program that seems accountable more to their specific tasks than to the victim. Finding a means to share knowledge and skills, create protocols and standards for identification and treatment of victims, and policies that hold the trafficker and predators accountable without causing additional fallout for families and communities is crucial.

An important aspect is the **demand side of the issue**: those individuals who purchase sex with exploited youth. Studies show that many of these people do not understand that the girl they are buying sex from is being exploited, nor do they understand how their behavior contributes to this victimization. The Offender's Prostitution Program also known as "**John's School**," is an example of a collaborative approach that focuses on overall outcomes. A collaborative approach with a foundation in restorative justice, the seven hour long, court-ordered program exposes purchasers to how their behavior affects the girls they "hire" and the larger community. Assessments indicate this understanding has an impact on attitude and behavior of purchasers. Traditional approaches would have tended to focus on increased fines, jail time, and community service. These however, have not proven affective in providing messages of accountability or changing behavior and often have negative impact on families of the purchasers. This is an example of an interagency approach that addresses a collective intervention goal while also addressing unintended consequences and disparity of impact (principals one and six).

The Blueprint's third and fifth principals point to the opportunity for first responders, whether those are law enforcement or service providers, to better identify and respond to sexually exploited girls. The Human Trafficking in Minnesota report to the legislature in 2010 identified,

"A critical component to ending human trafficking is increasing awareness of the issue and ensuring that those who come in contact with victims, can identify them properly, investigate the crimes effectively, refer victims to other providers, or provide them with proper services. This requires that those who interact with clients be knowledgeable of the issue"(Minnesota Office of Justice Programs Minnesota Statistical Analysis Center, 2010, p. 6).

Despite the importance of law enforcement and service providers' involvement, currently in Minnesota many first responders do not feel that they understand sex trafficking well and consequently do not feel confident identifying victims and providing the appropriate response and assistance needed by the sexually exploited girls. The OJP report provides statistics indicating this lack of confidence among law enforcement and social workers.

A number of local individuals who work with youth that we interviewed confessed to this lack of understanding as well. In addition, we found many stories from those who work with sexually exploited girls about shelter workers and law enforcement officers, among others, who respond with judgment to sexually exploited girls and frustration and defeat when the girl is not willing to remove herself from the situation immediately and permanently. There are many well-intended people who come into contact with sexually exploited girls, but due to insufficient training on the issues are not able to provide an appropriate response. These include law enforcement officers, prosecutors, probation officers, county social workers, school social workers, medical providers, shelter workers, churches, street outreach workers, among many others.

A key component of a successful community response to sexually exploited girls must include both a public awareness component and multiple training components for first responders. **The first training component should focus on the identification of sexually exploited girls.** Research has shown that most cases of sex trafficking are identified through routine law enforcement operations such as traffic stops, domestic violence calls, liquor licensing inspections, or responding to truancy (Moossy, 2008). Unfortunately, there are often many such encounters before a trafficked victim is identified. Training in identification of sexually exploited girls should involve recognizing patterns, examples of previously prosecuted cases and specific examples of what was observed, along with protocol questions. The St. Paul Police Department Gerald D. Vick Human Trafficking Task Force provides an example of these questions.

The second component of training directed at first responders should focus on delivering to victims a consistent message of help and accountability. A similar process was identified in the Blueprint and is being implemented in the city of St. Paul, as well as other cities across the country to address domestic violence as a **"patterned crime."** Just as with domestic violence, sexual exploitation is rarely resolved with a single intervention and is characterized by a continuing set of violent behavior and manipulation patterns over time. Just as there is a pattern to domestic abuse, there is also a typical process through which girls become involved in sexual exploitation. Sexually

exploited girls also rarely leave their abuser with the first intervention. It may take several interventions, and understanding this reality is necessary in order to craft an appropriate response. Therefore, a process in which an intervention occurs may look very different than a traditional response to a specific incident or arrest. The Blueprint explains,

“First, we must be prepared to link seemingly isolated incidents into a more coherent picture of behavior and complexity of risk and safety for any one victim. Second, we must all see our shared task and function as reaching beyond the processing of that single even to stopping future abuse” (Praxis International, 2010, p.6).

Similar to cases of domestic abuse if the officer who is the first to come in contact with the sexually exploited girls treats her with disdain, judgment or harassment, messaging their intention to criminalize the youth or to catch their trafficker without understanding the danger this presents to the sexually exploited girls the message is that law enforcement is the enemy and can't be trusted. This message is easily reinforced by the trafficker, confirming the sexually exploited girl's belief that no one can help her. If, however, the officer responds with respect and concern, perhaps even creating space for the girl to talk about her situation, the officer begins to develop a relationship of trust. As one investigator explained,

“If I treat her with respect and let her know I'm concerned the first time I meet her, when it happens again she is more likely to take my call, or even call me. If I get frustrated and angry because I need her in order to get to him and I throw up my hands, saying 'fine, you want to live that way go ahead', then I'm just one more person slapping her in the face”(Praxis International, 2010, p. 6).

Although this investigator is describing the interaction with a victim of domestic violence, one can see how this response might be applicable to a sexually exploited girl as well. This takes patience and training and an understanding that trust is not built with one contact. Trust can only be developed through constant messaging from all authority figures with which the girl interacts. Since victims of sexual exploitation are often moved around by their trafficker, the training needs to be implemented state-wide. Therefore we recommend a mandatory statewide training program for law enforcement.

The last piece is for first responders to receive training so that they **understand community resources that provide services for sexually exploited youth and how to direct a sexually exploited girl to these services.** The creation of a statewide resource center similar to the toll-free hotline created and operated by the Polaris Project known as the National Human Trafficking Resource Center (NHTRC), along with training on how to use and divert youth to community resources, is recommended. An effective resource center would deliver training to other first responders much like the Midwest Children's Resource Center currently does. A resource center could also provide the function of a central database of information to capture and analyze data on sexual exploitation of youth in Minnesota so necessary to drive funding.

There are currently many organizations across Minnesota addressing the needs of sexually exploited girls. There are many avenues of contact with sexually exploited girls and just as many avenues for change. Connecting these organizations is the key to an effective interagency approach that does not lose sight of the victim and creates opportunities for change and action with each interaction with the girl.

VI. FUNDING

FUNDING STREAMS TO SUPPORT SURVIVOR-CENTERED SERVICES FOR SEXUALLY EXPLOITED YOUTH

METHODOLOGY

Grant research was conducted utilizing the websites grants.gov, cdfa.gov, and state.gov. Keywords used in the search process included human trafficking, sexually exploited youth, sex trafficking, domestic violence, sexual abuse, sexual assault, and prostitution. Additionally, our research analyzed grants awarded by foundations to determine whether similarities exist in how grants are categorized and/or funded.

FEDERAL & PRIVATE FOUNDATION FUNDING

Currently, there are many private and public funding options available through competitive grant application processes for organizations and governmental entities to secure funds for program development and support. **These competitive grants can be used for prevention, protection, prosecution, research and data, and evaluation** purposes as outlined by the funding Agency or Bureau. In the United States in Fiscal Year 2010, the Trafficking in Persons Projects awarded approximately 95 grants in the amount of \$24,927,678 to agencies addressing human trafficking. The largest funding agencies were the Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Victims of Crime (OVC), and Bureau of Justice Assistance (BJA) with total appropriations of \$15,257,730. The second largest allocation of funding was from the Health and Human Services Department in the amount of \$8,426,257. The OJP offers the following funding programs: formula grants, Congressionally directed awards, discretionary grants, cooperative agreements, and payment programs.

Organizations seeking federal funds to provide services to individuals that have been trafficked can be found by searching www.grants.gov, which is the central repository for federal grant funds as established as part of the President's 2002 Fiscal Year Management Agenda to improve government services to the public. All grant seekers must register online for an account as well as to submit a grant application. Grant applicants can also review the

Catalog of Federal Domestic Assistance (www.cdfa.gov) to search for grant opportunities to which they can apply, as well as obtain department contact information for any questions. The largest source of federal grants for trafficking are awarded by the U.S. Department of Justice's Office of Victims of Crime and can be reviewed at www.ovc.gov or www.ovw.usdoj.gov. Grant opportunities may vary annually depending upon funding appropriations as determined through the federal budget process.

According to the grant descriptions from the allocated in Fiscal Year 2010, **three grants were awarded to provide comprehensive services** to victims of all forms of human trafficking to include services to foreign nationals and U.S. citizen and lawful permanent resident victims in the amount of \$1,450,000. Thirty-one grants were awarded to provide comprehensive services to pre-certified foreign national victims of human trafficking in the amount of \$1,820,000. Twenty-eight grants in the amount of \$3,967,900 were awarded to the continued enhancement and operation of multi-disciplinary and multi-jurisdictional victim-centered task force with the primary goal being the identification and rescue of foreign victims of trafficking.

According to a Minnesota Policy Field Map on Human Trafficking (Humphrey School of Affairs Public Policy course, 2011) **there are three national funding streams that direct funds to the State of Minnesota:** 1) U.S. Department of Health and Human Services, Office of Refugee Resettlement, 2) U.S. Department of Justice, Office of Victims of Crime, and 3) National Institute of Justice. Regionally, funds are distributed from the (HHS) to the Upper Midwest Community Policing Institute. At the state level, funds are distributed through the Minnesota Department of Public Safety, Office of Justice Programs, and the Minnesota Bureau of Criminal Apprehension. Locally, funds are distributed to agencies such as Breaking Free, Advocates for Human Rights, Center for Victims of Torture, Civil Society, Ethnic Organizations (Asian Women United, Brian Coyle Center, etc.), and 10 clinics.

A number of grant opportunities were identified by searching the Catalog of Federal Domestic Assistance by using the following key word searches "human trafficking, sexual trafficking or sexually exploited youth." It is important to note that regardless of which term we searched, there was an overlap in the results, indicating that the terms are not mutually exclusive. Funding drives services; services drive data; and ultimately the data and

services help to drive policy changes. By considering broad categorizations of victims for the purposes of funding, an opportunity exists to identify funding mechanisms for more specific services. This can ensure specific categories of victims (such as minor females) are not short-changed.

The following table presents a broad cross-section of grant opportunities identified in the Catalog of Federal Domestic Assistance.

This chart is color coded by funding agency or office. It should be stated that of the listing provided, there were approximately eight programs that specifically addressed trafficking rather than domestic violence, dating violence, sexual assault, and stalking. The eight programs are identified in bold. There were additional programs that addressed trafficking; however, they specifically were for non-U.S. citizens and are not shown in the table.

CDFA Grant #	Funding Agency/Office	Program Title
16.013	Department of Justice Violence Against Women Office	Violence Against Women Act Court Training and Improvement Grants
16.014	Department of Justice Violence Against Women Office	Engaging Men and Youth in Preventing Domestic Violence, Dating Violence, Sexual Assault, and Stalking
16.016	Department of Justice Violence Against Women Office	Culturally and Linguistically Specific Services Program
16.018	Department of Justice Violence Against Women Office	Services to Advocate for and Respond to Youth
16.019	Department of Justice Violence Against Women Office	Criminal Rights Prosecution
16.020	Department of Justice Violence Against Women Office	Children and Youth Exposed
16.109	Department of Justice Civil Rights Division	Civil Rights Prosecution
16.300	Department of Justice Federal Bureau of Investigation	Law Enforcement Assistance- FBI Advanced Police Training
16.320	Department of Justice Office of Victims of Crime	Services for Trafficking Victims
16.524	Department of Justice Violence Against Women Office	Legal Assistance for Victims
16.525	Department of Justice Violence Against Women Office	Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus

16.527	Department of Justice Violence Against Women Office	Supervised Visitation, Safe Havens for Children
16.543	Department of Justice Office of Juvenile Justice and Delinquency Prevention	Missing Children's Assistance
16.540	Department of Justice Office of Juvenile Justice and Delinquency Prevention	Juvenile Justice and Delinquency Prevention_Allocation to States
16.548	Department of Justice Office of Juvenile Justice and Delinquency Prevention	Title V - Delinquency Prevention Program
16.556	Department of Justice Violence Against Women Office	State Domestic Violence and Sexual Assault Coalitions
16.557	Department of Justice Violence Against Women Office	Tribal Domestic Violence and Sexual Assault Coalitions Grant Program
16.575	Department of Justice Office of Victims of Crime	Crime Victim Assistance
16.582	Department of Justice Office of Victims of Crime	Crime Victim Assistance/Discretionary Grants
16.583	Department of Justice Office of Victims of Crime	Children's Justice Act Partnerships for Indian Communities
16.587	Department of Justice Violence Against Women Office	Violence Against Women Discretionary Grants for Indian Tribal Governments
16.588	Department of Justice Violence Against Women Office	Violence Against Women Formula Grants
16.589	Department of Justice Violence Against Women Office	Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Assistance Program
16.590	Department of Justice Violence Against Women Office	Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program
16.610	Department of Justice Bureau of Justice Assistance	Regional Information Sharing Systems
16.684	Department of Justice Violence Against Women Office	Supporting Teens through Education and Protection Act of 2005 (STEP Act)
16.736	Department of Justice Violence Against Women Office	Transitional Housing Assistance for Victims of Domestic Violence, Stalking or Sexual Assault
16.800	Department of Justice	Recovery Act - Internet Crimes against Children Task Force Program (ICAC)
16.805	Department of Justice Violence Against Women Office	Recovery Act Transitional Housing
16.806	Department of Justice	Recovery Act - Violence Against Women

	Violence Against Women Office	Discretionary Grants For Indian Tribal Governments
16.807	Department of Justice Office of Victims of Crime	Recovery Act - VOCA Crime Victim Assistance Discretionary Grant Program
19.019	U.S. Department of State Trafficking in Persons	International Programs to Combat Human Trafficking
93.550	Department of Health and Human Services Administration for Children and Families	Transitional Living for Homeless Youth
93.557	Department of Health and Human Services Administration for Children and Families	Education and Prevention Grants to Reduce Sexual Abuse of Runaway, Homeless and Street Youth
93.598	Department of Health and Human Services Administration for Children and Families	Services to Victims of a Severe Form of Trafficking
93.623	Department of Health and Human Service Administration for Children and Families	Basic Center Grant
97.076	Department of Homeland Security	National Center for Missing and Exploited Children (NCMEC)
93.643	Department of Justice Violence Against Women Office	Children's Justice Grants to States
93.669	Department of Justice Violence Against Women Office	Child Abuse and Neglect State Grants
93.670	Department of Health and Human Services Administration for Children/Families	Child Abuse and Neglect Discretionary Activities

Our research findings match the following statement by the Congressional Research Service (2010):

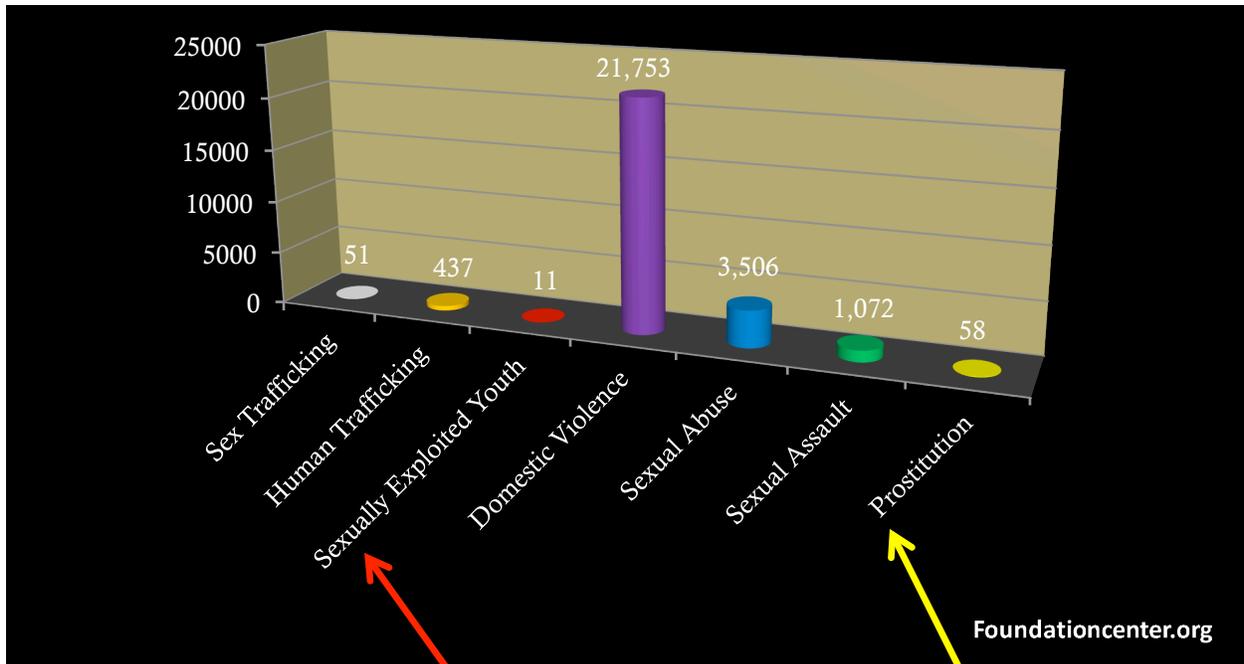
“It appears that there is ongoing confusion over the authority and funding available under Trafficking Victims Protection Act of 2000 (TVPA) to provide services to U.S. citizen trafficking victims. This confusion makes it difficult to determine if U.S. citizens are eligible to obtain services under the funding appropriations for trafficking victims. It’s plausible that the language in the appropriations acts may provide the agency with the authority to provide some services to U.S. citizens of trafficking.”

Thorough search of foundation grants was conducted using the Foundation Center’s website. This search was primarily performed to determine if

MINNESOTA GIRLS ARE NOT FOR SALE

similarities exists in searching for federal grants versus foundation grants by keywords. This chart represents the findings based upon keyword searches for sex trafficking, human trafficking, sexually exploited youth, domestic violence, sexual abuse, sexual assault, and prostitution from 2003–2011.

GRANTS AWARDED (2003-2011)



The data shows that sexually exploited youth and prostitution are currently on the radar, but they are not getting the attention they deserve. Human Trafficking awareness campaigns are become more prevalent; however, we believe it will take more awareness of sexually exploited youth and trafficking to gain the recognition it deserves like domestic violence.

POLICY OPTIONS FOR FUNDING

The following table lists policy options that provide funding to help deter trafficking; however, they do not necessarily provide sustainable sources of revenue in regard to long term program support.

Policy	Policy Brief	States
Mandatory Restitution to victims of trafficking	Helps victims recover financially – restitution provides the equivalent of the “wages” they should have received	Arizona, New Jersey, Illinois, Missouri,
Assessments for dangerous crimes against children & sexual assault	If a person is convicted of a dangerous crime against children the person pays an assessment of \$500 (can’t be waived and not subject to surcharge.) Funds go to county treasurer to defray cost of investigations.	Arizona (effective 1/1/12)
Asset forfeiture	Seize property and profits from traffickers – use funds for law enforcement & victims service providers (details vary by state)	Many states
Private Right of Action (civil action)	Court may allow the victim to be awarded actual damages, punitive damages, reasonable attorneys’ fees and other litigation costs incurred.	Most states
Vehicle impound fees	(IL) - \$1,000 fee charged paid at arrest with \$500 going to government entity and upon conviction the remaining \$500 to Violent Crime Victim Assistance Fund; (WA) - creates \$500 fees to a Prostitution and Intervention Services Account	Washington, Illinois
Pole tax See Appendix B for a more Detailed discussion of this topic.	(TX) - The \$5-per-customer entrance fee, which is imposed on the business and not the patron, is intended to raise money for sexual assault prevention programs and health insurance coverage for low-income people; (UT) - 10 percent tax on sexually explicit businesses to go towards efforts to pay for sex offender treatment. The tax covered everything a sexually explicitly business sold which included admission, T-shirts and food.	Texas, Utah

FUNDING RECOMMENDATIONS:

While analyzing the various funding opportunities, it was apparent that **federal funding currently exists to combat human trafficking primarily from an international perspective** with very few opportunities identified that focus on providing services to U.S. citizens and foreign nationals. There is a considerable amount of funding currently earmarked for sexual assault or domestic violence programs. While the signs and outcomes associated with sexually exploited youth are similar to that of domestic violence, agencies may find it useful to seek funding allocated for domestic violence and sexual abuse programming as they are more prevalent. Many resourceful non-profit organizations with which we spoke are currently receiving funding through these channels. However, because these funding models do not align with the specific needs of sexually exploited girls, they cannot address the issue adequately.

Data collected on the outcomes and impact of these funds do not ask whether the funding has effectively been directed at addressing the needs of sexually exploited girls. Consequently, research on the effectiveness of funding is not always accurate and does not provide good direction on the effective use of funds. **Recognizing the feedback loop between data, research and funding, these funding models will continue to misrepresent the issue and miss the mark on effective funding.** We recommend the issue of sexually exploited youth be addressed through specific campaigns, grants and research directed to this population independently.

Awareness of the issue is essential. Funders and service providers can be instrumental in creating dialogue within their networks, through the media, and through lobbying efforts to raise public awareness of the issue. It is recommended that more lobbying and awareness campaigns be conducted federally to persuade federal legislators to free up funds currently earmarked for assisting foreign nationals. Shifting awareness of trafficking as a domestic issue will allow U.S. citizens to obtain the assistance that they need to regain a healthy lifestyle.

VII. MEDIA CONTENT ANALYSIS

A. COMMENTARY

MEDIA AND THE POWER TO SET AN AGENDA

The media, advertising, and entertainment industries, collectively known as “mass media,” are powerful instruments. Because of daily technological advances, mass media denotes outlets beyond newspaper, radio, and television. The scope of media influence now extends to digital spectrum, cable, and satellite technology and the Internet. It penetrates every segment of modern-day society and effectively influences how consumers view themselves, their neighbors, their communities, and the world.

For decades, advocates working to combat multiple realms of sexual violence against women have struggled to promote responsible news coverage and win media support. Movies and entertainment television have long exploited these crimes to “entertain.” News coverage of violence against women has often been sensational, exploitative, and lacking in serious analysis of the prevalence, costs, and underlying causes of such violence.

The media, advertising, and entertainment industries are uniquely positioned however, to wield their influence to inspire action that will end violence against women. The media can do a tremendous amount to direct victims of violence to services and to affect public attitudes about violence against women in all its forms. By establishing partnerships with advocacy groups, policymakers, researchers, and other community leaders, the media industry can serve as the catalyst for new and more effective violence prevention messages. Further, under the industry’s leadership, current media practices that are harmful to women and girls can be identified and altered. Commitment on the part of the media to act as an agent of social change can thus be translated into action.

THE MEDIA AND PUBLIC PERCEPTION

The field of study developing around the domestic sexual exploitation of minors is rife with complications and confusions. Activists, scholars and governments have struggled to define the problem and its dimensions, and there are still few reliable statistics available indicating scope. Competing representations in the media have contributed to a general confusion on its significance as social phenomenon. Of great concern is the lack of attention paid in popular media and on the policy level trafficking in developed countries, particularly in the United States.

“The majority of people we encounter in our public awareness campaign either don't know what the term Human Trafficking refers to, or they assume it is about an issue dealing exclusively with foreign nationals caught in some form of domestic servitude.

Often, Americans consider Human Trafficking to be an international issue that exists only in foreign counties. Most are shocked and surprised to learn how much Human Trafficking exists right here in the U.S. and how many victims are actually Americans”

Boots and Heide, 2006

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The mainstream and informal media outlets have only recently focused on the trafficking of minors with consistency. A 2006 study of coverage of human sex trafficking in the U.S. media found that, on **the whole, news outlets provided very little coverage of these trafficking issues and that when they did, coverage was scattered, piecemeal and lacked a focus on solutions** (Boots and Heide, 2006). In general, the study indicates that media tend to write about the human sex trafficking issue using frames that do not fully communicate the scope and severity of the problem or its relevance to the American people.

Cases of international sex trafficking have increased public awareness about human trafficking in the United States, yet many people remain unaware that **more U.S. citizens are victims of sex trafficking than are foreign**

nationals. There is a general perception that commercial sexual exploitation in the United States centers on the trafficking of foreign women into our country. Shocking headlines like “*Feds Raid 20 Brothels in Breakup of Korean Sex Slave Ring*” about enslaved immigrant women are appearing more and more frequently (Neumeister, 2010) However, this perception has obscured the reality that **tens of thousands of underage American girls are currently victims of sexual exploitation within this country.**

Media coverage tends to be heavily biased towards covering stories of trafficking of international victims, leaving many Americans under the false assumption that U.S. citizens are risk free from the dangers of being trafficked. Recall, the U.S. Department of Justice estimates there are up to 300,000 new victims of domestic minor sex trafficking each year in the United States. Compare this to the 15,000 to 18,000 foreign national victims in the U.S.—**the ratio of American victims to foreign national is almost 20 to 1** (USDOJ, 2011). Minnesota is not immune. Breaking Free has estimated that **8,000-12,000 youth are involved in sex trafficking and prostitution in Minnesota every day** (Breaking Free, 2011).

It has been observed that reporting on such issues is currently inadequate and what exists is quite often sensationalized. There is a need for continued, consistent and sensitive reporting on the issue. Media can thus play a critical role in the prevention and control of trafficking by increasing the knowledge and understanding among key stakeholders and people at large. The media can give a face to the issue, shape the debate and help determine the options available for confronting the problem.

RESPONSIBILITY OF THE MEDIA—LANGUAGE

It is clear that sex workers are already a marginalized population in society. However, media has contributed to the further isolation of these individuals by exhibiting a general lack of attention paid to the consequences of the language used when reporting.

When a headline reads “*Dead Hooker*” or “*Prostitute Slain*”, the negative connotations focus only on the “hooker,” it fails to recognize the individual who lost their life. The terminology used by media perpetuates stereotypes, and may give the public the perception that disregard for human life is acceptable.

The negative attachments to hooker, whore, or prostitute can cause the public to put the lives of sex workers low on the social hierarchy.

And what of the word **“pimp?”** The word “pimp” in pop culture has come to mean cool, rich, sexy, well-loved, and a host of other positive adjectives. A lot of people use the word in ways that have nothing to do with actual pimping. However, real pimps do exist in the world. Real pimps exploit women and children, steal their money, abuse them, enslave them, and rape them. There is nothing cool or sexy about actual pimps; they are modern-day slave-holders.

Language is important. Beatriz R. Menanteau, an attorney with a focus on legal reform and systems change-for the Women's Human Rights Program at the Advocates for Human Rights was recently quoted in Minnesota Women's Press (womanspress.com, 2011).

“In addition to changing the laws to protect victims and hold traffickers and “johns” accountable, we have to change our perception of prostitution and sex trafficking. Correctly labeling the crime as sex trafficking, as opposed to prostitution, changes the dialogue. Correctly identifying the crime as sex trafficking recognizes the severity of the act and reframes the dialogue from prostitute, pimp and john to victim, trafficker and predator.”

--Beatriz R. Menanteau

Trafficked persons in the media are often marginalized through misrepresentation. Consider the following StarTribune headlines:

- March 26, 2010—*Police in Blaine Bust Juvenile Hooker Ring.*
- July 29, 2010—*Charges Filed in 'Nice Guys' Sex Ring.*
- September 23, 2010—*Somali Gang Linked to Minnesota Sex Ring.*
- June 22, 2011—*3 Charged in Attack on Witness in Sex Ring Case.*

Each of these stories reports a separate event, and yet they are connected in various ways. First, they all report on possible subjects of human trafficking.

Second, none of them mention trafficking in the headline or report on it very thoroughly or accurately in the body. Finally, all of them rely on widely held stereotypes as a means of drawing the reader's attention. Overall, these articles are all representative of the things that are said and left unsaid in the majority of stories reported today on human trafficking as a social phenomenon.

MINNESOTA MEDIA

Over the last two years, human trafficking for the purpose of sexual exploitation has been covered in Minnesota via various media outlets: television, radio and newspapers. According to the Independent Broadcasting Foundation (IBF), while the public in some Minnesota regions is aware of human trafficking, the **average level of the public's awareness about the process and the extent of human trafficking is generally low** (Goodwin, 2011).

Specialists point out that reporters tend to emphasize the sensational elements of trafficking, with particular focus on its sexual and scandalous aspects; rarely does the press look at human trafficking from a human rights perspective (Goodwin, 2011). The press' sensationalist approach and artificial marginalizing of the covered cases lulls the public into false safety, believing that trafficking for the purpose of sexual exploitation is a specific problem limited to the down-and outs and not affecting the general public. Since most reports concentrate on trafficking for the purpose of sexual exploitation, the public is led to believe that human trafficking primarily entails prostitution. Public aversion to prostitution leads the public to frequently believe that trafficking victims are prostitutes who have brought their situation upon themselves. As a result, the public not only blames the women, but also refuses to regard human trafficking as a serious crime.

The mass media's treatment of trafficking as a scandal and a sensation, resulting in distorted information, has prevented effective information outreach to potential victims. With such stories, potential victims do not identify with actual victims and, as a result, receive no useful information on how to protect themselves.

Although in the last few years, information campaigns by NGOs on human

trafficking have likely increased distribution of more appropriate information to the public, a misguided understanding of the problem conveyed to the public by the mass media means the general awareness of human trafficking remains low, including among journalists.

B. METHODOLOGY

MINNESOTA PRINT MEDIA—CONTENT ANALYSIS DATA

WHAT: A content analysis of print media coverage of sex trafficking of girls in Minnesota

WHY: The media assists to inform society and shape public perception. The main goal of the media is to provide an unbiased account of events. Although it is difficult to find analytical data that examines how the media have covered human trafficking, and the consequences of that coverage, examining the media's role is important because it can provide a window into the way that the public perceives the problem and a more complete picture of anti-trafficking policy.

ANALYSIS PARAMETERS

The Women's Foundation of Minnesota was interested in understanding how the media in Minnesota interprets the issue of trafficking under-aged girls and evaluating the impact of such media coverage.

THE MEDIA CONTENT ANALYSIS INCLUDES

Approximately 150 articles of Minnesota print media were available via the University of Minnesota's Nexis account. Print media coverage visible between October 1, 2007 and September 30, 2011 has been captured via the following search parameters:

(Trafficking or traffickers or trafficked w/3 (human or children or kid or sex or child or orphan or girl or boy)) and (minnesota or minn or mn)

THE METRICS AND VARIABLES USED IN CODING:

I. The Article

- a. **Outlet/newspaper**
- b. **OTS (opportunities to see)**– since these are all print stories we used the publications current circulation
- c. **Audience** –mostly consumer meaning it's a publication aimed at the general public
- d. **City** –the city in Minnesota the article is based out of

- e. **Article type** –whether it's a feature story (about trafficking/prostitution), a general news story (about something else but mentions trafficking/prostitution), Op-ed/Letter to the editor
- f. **Byline**– who authored the story

II. Within the Body of the Article

- a. **Influencers** –anybody quoted or mentioned as impacting one of the issues, we do not include those who may have been mentioned or quoted but were not referencing the issues you are interested in – along with his/her name we also included his/her organizational affiliation (if any) and what type of influencer they are (whether part of an advocacy group, a government official, etc)
- b. **Organizations** –tracking mentions of all organizations whose focus is combating trafficking or providing services to victims
- c. **Issue** –whether the mention we are looking at is trafficking or prostitution
- d. **Prominence and Dominance** –where the mention is first seen in the article and how frequently
- e. **Topic** –is this story about – criminal incident, government actions (laws or bills, officials goals, etc), an event, general education (stats, reports, etc) or grants/donations to an advocacy group
- f. **Subtopic** –we utilize this field only when a second topic is mentioned, for example, we have seen stories focusing on a criminal incident that also go on to talk about statistics and challenges or trafficking, in those cases we mark the topic as criminal incident and subtopic as education
- g. **Gender** –does the article specify male, female, both or neither
- h. **Age** – does the article specify minors, adults, both or neither
- i. **Attributes** – these are basically the messages someone in the article is trying to get across to the audience, examples we have thus far include:

MINNESOTA GIRLS ARE NOT FOR SALE

1. Difficult to prosecute (barriers and burden of proof that make it difficult to prosecute these cases)
2. Growing problem
3. Link between trafficking and other crimes
4. Link between trafficking and prostitution
5. Need better (harsher) penalties (the need for stronger laws and enforcement)
6. Need for higher awareness (public and enforcement awareness of the problem)
7. Need more resources (the need for more financial support and/or more people to combat the issues)
8. Sophisticated trafficking networks (human trafficking networks are becoming more sophisticated)
9. Targeting younger victims
10. Victims not criminals (important that the women/children, etc. who are trafficked are seen as victims, not criminals)

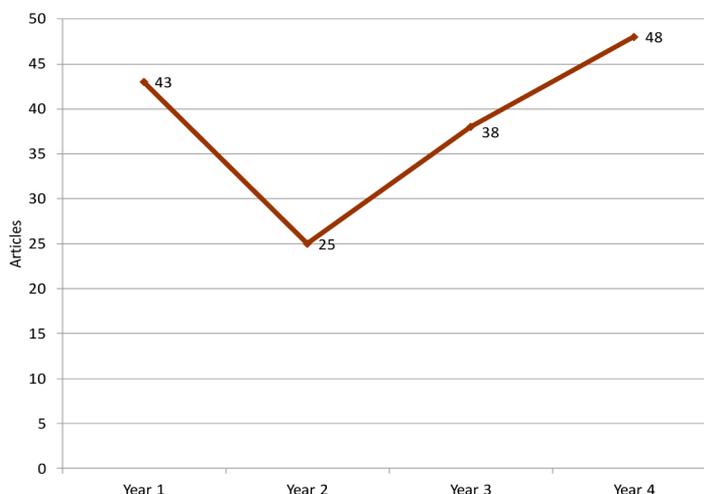
An Excel Dashboard has been provided to the Women's Foundation of Minnesota, which includes all data worksheets and relevant pivot tables/charts. This will enable the Women's Foundation of Minnesota to examine the data set and investigate additional charts and views if necessary.

Coverage of human trafficking in Minnesota media increased in each of the last 3 years

Executive Summary of Findings

- **Methodology:** 154 print articles from October 2007 through September 2011 were retrieved, read and analyzed. All of which generated nearly 30 million opportunities to see news citing human trafficking and/or prostitution. All articles originated in Minnesota-based news outlets, including *The Star Tribune* (70 articles), *The St. Paul Pioneer Press* (42), *The St. Paul Legal Ledger* (4), *The Hmong Times* (6) and *The Minnesota Lawyer* (11). For the purpose of this analysis, Year 1 refers to the time period of October 2007 through September 2008, Year 2 refers to October 2008 through September 2009, Year 3 refers to October 2009 through September 2010 and Year 4 refers to October 2010 through September 2011.
- **Coverage over time:** Year 1 accounted for 28% (43) of the 154 articles mentioning either human trafficking or prostitution, which was followed by 16% (25) in Year 2, 25% (38) in Year 3 and 31% (48) in Year 4. Nearly one-fifth of the Year 1 articles were brief mentions of human trafficking in news stories citing U.S. Attorney Rachel Paulose's efforts in combating the issue as she resigned from her position. Twenty-one percent of all Year 4 coverage focused on the efforts of Minnesota and Tennessee officials to dissolve and prosecute more than thirty individuals accused of running a trafficking ring that included transporting girls as young as 12 between the two states to be sold for sex.
- **Key statistics:**

 - 34% (52) of the 154 articles only referenced minors as victims of trafficking/prostitution, 16% (25) mentioned both minors and adults, 5% (7) only referenced adults and 45% (70) articles made no age distinction. 40% (61) of the articles cited female victims, 3% (4) cited both male and female victims, 1% (2) cited male victims and 56% (87) of all articles made no gender distinction. Combining both demographics, 18% (27) of the articles mentioned minor females, 15% (23) mentioned minors with no specification of gender and 14% (22) focused on both minors and adult females.
 - 86% (132) of the articles made primary reference to the issue of human trafficking compared to only 22 articles that focused on prostitution. Of these 132 articles, 34% (45) focused on government issues such as legislation to amend or enact laws and the appointments of US Attorneys such as in the case of Rachel Paulose. 33% (43) of the articles mentioned a specific criminal event, 21% (28) were general information stories aimed to educate the public or cite various statistics, 9% (12) focused on events and conferences around the trafficking issue and 3% (4) stories cited grants to various advocacy groups.
 - Fourteen prostitution articles cited specific criminal incidents, five of which cited the bust of the "Nice Guys" ring that matched wealthy business men with women of their choosing from various locations around the country. Four of the prostitution articles were general information stories, two were government-related stories and two discussed news around specific events/conferences.



Minnesota was frequently labeled as a state with a high rate of human trafficking

Executive Summary of Findings

- **Media members writing about trafficking:** David Chanen and James Walsh of *The Star Tribune* authored more stories about trafficking than any other journalists (13 and 11 stories respectively). Ruben Rosario (9 stories) and Mara Gottfried (8) of *The St. Paul Pioneer Press* were the only other reporters to author more than six stories during this time frame. All four individuals have written about trafficking/prostitution within the last four months, making them potential points of contact for an organization such as the Women's Foundation of Minnesota in attempting to spread its messages to the public.
- **Organizations fighting trafficking and helping victims:** Several organizations were cited as either a place for victims to receive support or as being focused on combating human trafficking. Civil Society (15 articles), Breaking Free (14), Advocates for Human Rights (11) and the Minnesota Indian Women's Resource Center (6) were the most visible advocacy groups and organizations focused on helping victims of trafficking. The Women's Foundation of Minnesota was mentioned in only two of the 154 articles. The Gerald D. Vick Human Trafficking Task Force (20) and the US Immigration and Customs Enforcement (11) were frequently cited for their efforts to combat trafficking and prostitution in Minnesota and around the country.
- **Influencers:** Much of the visibility earned by advocacy organizations was a result of statements made by senior officials representing those organizations. Executive directors Linda Miller of Civil Society (14 stories) and Vednita Carter of Breaking Free (10 stories) were the most visible spokespeople during this time period as they vocalized the serious problem of trafficking in Minnesota and the services that their respective organizations provide to victims. The majority of other individuals cited in these articles were representatives of law enforcement agencies.
- **Positioning of human trafficking in the media:** Many of the articles in this analysis positioned the issue of human trafficking in similar ways:
 - 21% of articles identified Minnesota as one of the states in the US with the highest rates of human trafficking
 - 19% of articles cited a need for higher awareness by both law enforcement and the public
 - 12% of articles mentioned the need to treat those individuals who have been trafficked as victims and not as criminals
 - 12% of articles labeled trafficking as a problem that continues to grow larger
 - 9% of articles identified a need for more resources to combat the problem of human trafficking
 - 6.5% of articles mentioned the tendency for traffickers to target younger victims
 - 6.5% of articles cited the need for harsher penalties for traffickers
 - 5% of articles linked human trafficking and prostitution as crimes that coexist
 - 5% of articles linked human trafficking to other crimes such as drug trafficking, arms trafficking, etc.
 - 4% of articles labeled trafficking cases as being difficult to prosecute
 - 3% of articles cited how sophisticated trafficking networks are becoming making them more difficult to identify.

CONCLUSIONS: MEDIA CONTENT AND LANGUAGE

In addition to policy, the discourse on trafficking must also change. Media must stop covering trafficking in the piecemeal and inadequate manner as they currently do, and anti-trafficking agencies must fight for deeper and more thoughtful coverage of the issues than has been provided. Reporters and editors must learn the differences between trafficking and smuggling, prostitution and sex work, illegal immigrant and undocumented (and sometimes unwilling) worker. Stories must not appear as chance occurrences, shocking and unusual and instead as predictable consequences of unjust policies.

Human trafficking is a complex issue that attracts vigorous debate from a range of different groups as to its definition, causes, and solutions. The media has traditionally been seen as a facilitator of these debates by serving as a forum that gives a voice to these myriad points of view. This essential function, however, gives the news media great power to influence debate and set the agenda by what they choose to report, and how. The type of coverage afforded to the scourge of human trafficking can have a marked impact on policy outcomes, and thus on the victims of the problem.

VIII. CONCLUSIONS AND MOVING FORWARD

The challenges associated with combating human trafficking and protecting victims are overwhelming, but manageable. Victim services, witness support services, and victim reintegration programs must be implemented such that they are engaged in the process of removal, protection, healing, and reintegrating female and child sex trafficking victims (Farley, 2003). Many feel that a multi-dimensional approach to addressing trafficking should include not only legislative initiatives and crime prevention, but also social welfare, job training, rights protection, and development initiatives in the source, transit, and destination countries and locales (Caliber Associates, 2007; Richard, 1999). **Effective strategies should be comprehensive and provide for collaboration among governments, governmental agencies, NGOs, advocacy groups, service providers, survivors, and affected communities** (Miller & Stewart, 1998). Intensive case management, comprehensive services provided through partnerships, and ongoing outreach and education most likely will produce an effective response to the needs of victims. A continuum of services appears to be central to successfully engaging and supporting all victims of human trafficking. This continuum illustrates the importance of beginning trust building and engagement with prostituted youth and moving toward stabilization and support.

Ongoing communication with existing programs and **documentation and assessment** of their activities will offer valuable lessons for the field. NGOs working with different groups of trafficking victims (e.g., sex trafficking or labor trafficking, males or females, adults or minors) and populations with similar needs (e.g., torture victims, refugees, minor prostitutes, runaway and homeless youth, victims of domestic violence) represent an untapped wealth of practical knowledge and expertise on how to develop appropriate assistance and treatment programs for trafficking victims and survivors. More research is needed to document these evolving approaches and strategies, provide results that will inform and strengthen the response by sectors already involved in combating trafficking, and serve as best practices for those communities wanting to replicate this work.

In addition to victim services, **new state trafficking laws are absolutely**

necessary to stem the tide of trafficking into, within, and out of the United States. Presently, most local and state police are handicapped by antiquated prostitution statutes. Both federal and all state statutes require a paradigm shift—from a **prostitution paradigm** to a **trafficking paradigm**. In the **prostitution paradigm**, the women selling sexual favors are the criminals; the men buying those services and the men in support of the enterprise (pimps, brothel owners, recruiters, transporters) are either not committing criminal acts or are committing lesser infractions. By contrast, in the **trafficking paradigm**, the women are the victims of force, coercion, fraud, and trickery; many under debt bondage or other forms of close supervision have limited freedom and severely restricted self-determination. Those who exploit and purchase from these women are the criminals in this paradigm. They are the ones who demand services, are enriched by the proceeds of commercial sex, and are the ones who control, and often even enslave, the women. In the case of minors, they are predators.

The prostitution paradigm assumes complicity and choice in the actions of the female sex provider. The trafficking paradigm however, does not assume that the women and girls are willingly engaging in a career they logically and willingly chose. The women are seen as victims of the crime of trafficking. Thus, they need rescue, removal, and reintegration services (Under Secretary, 2004). The men who have forced women and children into prostitution and other sexual exploitation, and those who direct them and keep them enmeshed in the sex industry, are the perpetrators of serious crimes.

Understanding, and publicizing this paradigm shift, is, and needs to be, at the forefront of the lawmaking process and of adapting the criminal justice system to effectively deal with the continuously increasing crime of sex trafficking. Achieving federal, state, and local government agreement on this paradigm shift is a large step in the battle against sex trafficking.

State Safe Harbor Legislation is a step in the right direction. One of the goals of the legislation is to decriminalize prostitution in the case of minors. These children are indeed victims and not criminals. A new problem however, has potentially arisen as a result of this law. **The difficulty lies with detaining a child suspected of being prostituted.** Since prostitution is not a crime

under safe harbor laws, police and first responders cannot officially detain a child unless they have reason to suspect the child is a potential harm to herself. This, in effect, gives traffickers more freedom to prostitute these minors because the minors are no longer arrested. Consequently these girls are no longer beyond the trafficker's reach for an extended period of time. Without an arrest or detention (even temporarily holding in a service-intended facility), the crime ensues without interruption, and the victim continues to live in fear of the trafficker. This prevents both the victim from getting services while also possibly interfering with law enforcement's ability to gather information leading to the arrest of the trafficker. Police and first responders need to be empowered to act on behalf of youth they have identified as being potentially sexually exploited. **We recommend the Task Force work with law enforcement, lawmakers, and social service providers to identify this gap and define and implement a protocol for providing immediate protection and services for underage victims of sexual exploitation.**

In addition to policy, **the discourse on trafficking must also change.** Media must stop covering trafficking in the piecemeal and inadequate manner. Anti-trafficking agencies must fight for deeper and more thoughtful coverage of the issues than has been provided. Reporters and editors must learn the differences between trafficking and smuggling, prostitution and sex work, illegal immigrant and undocumented (and often unwilling) worker. Stories must not appear as chance occurrences, shocking, unusual and titillating, and instead should be presented as predictable consequences of unjust policies.

Human trafficking is a complex issue that attracts vigorous debate from a range of different groups as to its definition, causes and solutions. The media has traditionally been seen as a facilitator of these debates by serving as a forum that gives a voice to these myriad points of view. This essential function, however, gives the news **media great power to influence debate and set the agenda by what they choose to report and how they frame the issue.** The type of coverage afforded to the scourge of human trafficking can have a marked impact on policy outcomes, and thus on the victims of the problem.

With respect to trafficking and the commercial sexual exploitation of

children, **prevention must be the goal**. Overall, efforts to date have been oriented toward dealing with the exploitation of children after the harm occurs—that is, by prosecuting perpetrators and by assisting victims. These measures are necessary and important. However, absent is a comprehensive strategy that addresses the root causes of the problem with a view to preventing harm to children before any crime has occurred. A comprehensive, prevention-oriented approach is critical to achieving real progress in reducing, and ultimately ending, the incidence of child trafficking and commercial sexual exploitation. Intervention efforts must “move upstream” to prevent the harm from occurring in the first place.

Incremental steps can result in progress, but governments and the public must be educated as to the fact that ending such abuses of children will not be easy and will not come from a new law or policy but rather from a comprehensive, sustained effort over many years. **Policymakers and the general public also must be educated on the importance of situating all measures within a broader, prevention-oriented, comprehensive strategy**. A prevention-oriented approach will highlight the importance of social programs, development initiatives, and other measures needed to address the root causes of these problems.

The most common critique of calls for comprehensive strategies including prevention approaches is that they will **cost** too much and thus are not feasible. We offer a response to that line of thinking. We submit that rejecting a comprehensive strategy means continuing with piecemeal approaches that do not really prevent such exploitation of children but only address—and frequently inadequately—harm after it occurs. Further, ignoring the need for comprehensive strategies because of cost suggests that we cannot, or choose not to, find the money to prevent children from being violated. Stopping the trafficking and commercial sexual exploitation of children merits higher priority than that. Additionally, over the long-term, the total cost may not be as great as anticipated and might decline over time as savings are realized.

In sum, refocusing efforts toward a comprehensive, prevention-oriented approach to child trafficking and commercial sexual exploitation will not be an easy transition. However, it is clear that a piecemeal, after-the-fact

strategy is failing to protect our children. Although it might appear to be a daunting task, the potential benefits to be gained by moving in the direction of a comprehensive prevention-oriented strategy will result in synergies that realize benefits and save resources.

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APPENDIX A

FEDERAL TVPA and MINNESOTA SAFE HARBOR LEGISLATION

FEDERAL LAW

Trafficking Victims Protection Act (TVPA) of 2000

This is the first comprehensive federal law to address trafficking in persons. The law provides a three-pronged approach that includes prevention, protection, and prosecution. The TVPA was reauthorized through the Trafficking Victims Protection Reauthorization Act of 2003, 2005, and 2008.

Under U.S. federal law, “severe forms of trafficking in persons” includes both sex trafficking and labor trafficking:

- **Sex trafficking** is the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age (22 USC § 7102; 8 CFR § 214.11(a)).
- **Labor trafficking** is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 USC § 7102).

MINNESOTA LAW

Safe Harbor Law, SF1/HF1, Special Session Public Safety / Judiciary Bill, Article 4 Sexually Exploited Youth

This legislation allows Minnesota to build a system that responds appropriately and effectively to child victims of sexual exploitation and sex trafficking. Included in the omnibus public safety budget bill that Gov. Mark Dayton signed into law on July 20, Safe Harbor Minnesota does the following:

- Treats sexually exploited children (under age 16) as victims in need of protection, not criminals, and establishes a mandatory first referral to services for youth ages 16 and 17;
- Increases fines on “johns” to create a funding stream for supportive services; and
- Develops a victim-centered statewide service model.

Key Provisions

1. Explicitly defines sexually exploited youth and sex trafficking victims as children in need of protection or services.
2. Excludes sexually exploited youth and sex trafficking victims from the definition of delinquency. This provision phases in, effective 2014, to ensure that adequate systems to address sexually exploited youth are in place.
3. Amends the definition of “prostitute” to include only individuals 18 years of age or older, effective 2014.
4. Charges the commissioner of public safety, in consultation with the commissioner of health, the commissioner of human services, and other stakeholders to develop a victim services model to address the needs of sexually exploited youth and youth at risk of sexual exploitation.
5. Increases penalties for buyers of prostitution with revenue split between service providers, prosecutors, and law enforcement.

Minnesota Safe Harbor Legislation Section Details

Sections 1 and 2 amend the definition of “delinquent child” to exclude a child under age 16 who is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to engaging in sexual contact for hire. Effective August 1, 2014.

Why is the amendment needed? Under delinquency statutes, conduct that is a crime for an adult, if committed by a child, triggers a delinquency response for the youth. Because prostitution is an adult criminal offense, a child exploited in prostitution falls under the definition of “delinquent child.” This amendment clarifies that children exploited in prostitution are not youth offenders, but rather are victims of crime. This amendment makes consistent the Minnesota human trafficking law, under which children are victims, and the delinquency code, at least as it applies to children under 16.

Why is the effective date delayed? Since the juvenile courts are the only mechanism responding at this time, time must be given to replace it with a suitable, effective response for victims. The delayed implementation date gives the commissioner of public safety time to recommend necessary changes to Minnesota’s juvenile code to ensure that police, prosecutors, judges, and child protection workers have the necessary jurisdiction to take sexually exploited youth into custody, order temporary or permanent out-of-home placement, and order participation in needed services and treatment.

What about youth who exploit other children through prostitution? Children who engage in prostitution as perpetrators (johns) or as traffickers (pimps) continue to be subject to juvenile delinquency proceedings.

Sections 3 and 5 amend the definition of “child in need of protection or services” (CHIPS) to include “sexually exploited youth” and defines “sexually exploited youth” as children alleged to have engaged in prostitution, the state crimes of criminal sexual conduct, soliciting of children to engage in sexual conduct, communication of sexually explicit materials to children, or use of minors in sexual performance; victims of the federal crimes of production of sexually explicit depictions of a minor for importation in the US, transportation to engage in interstate facilities to transmit information about a minor; and victims of sex trafficking as defined under Minnesota law. Effective August 1, 2011.

Why is the amendment needed? The current definition of “child in need of protection or services” simply overlooks most child victims of sexual exploitation.

Section 4 makes the definitions of “delinquent child” the same under both Minn. Stat. 260B and 260C. Effective August 1, 2011.

Section 6 creates a first time diversion procedure for a 16 or 17 year old alleged to have engaged in prostitution. Under this procedure, a child who appears before the court for the first time for this offense and who agrees to complete a diversion program will be diverted to a service program instead of adjudicated for prostitution. If a child fails to comply or complete the program, the child may be referred back to the court for further proceedings. Effective August 1, 2014.

Why does this section have a delayed effective date to 2014? Time is needed for the courts, prosecutors and service providers to prepare a proper diversion that can respond to the needs of victims and give them a chance to effectively exit abuse.

Section 7 increases penalties assessed against patrons of adult prostitution with the minimum of \$500 and a maximum of \$750. Revenue from this penalty assessment would be directed toward law enforcement, prosecutors, and service providers with 40% going to services for victims. Effective August 1, 2011.

Section 8 updates language authorizing multidisciplinary outreach programs for sexually exploited youth and youth at risk of sexual exploitation. Effective August 1, 2011.

Section 9 tasks the commissioner of public safety, in consultation with the commissioners of health and of human services, to develop a victim services model to address the needs of sexually exploited youth and youth at risk of sexual exploitation, using the findings of a successful, state model for addressing the needs of sexually exploited youth. The commissioner must report to the legislature by January 15, 2013, on the development of this model. Effective August 1, 2011.

Why this approach? A victim-centered approach works to get children out of sexual exploitation. The Runaway Intervention Project, a state-funded pilot, shows that treating sexually exploited children as victims, not criminals, produces excellent and cost-effective results. Handling more than 1300 girls in its first four years of operation, the RIP reports that at 12 months, RIP girls were no longer different from non-abused girls in alcohol or drug use and had significantly lower rates of suicidal ideation than even non-abused girls.

MN 609.322: Solicitation, Inducement and Promotion of Prostitution; Sex Trafficking

- 609.322, subd. 1(a) (solicitation, inducement and promotion of prostitution, sex trafficking; individual under 18) will be ranked at severity level B on the sex offender grid.
- 609.322 subd. 1a (same issue, but individual is 18 or older) will be ranked at severity level C on the sex offender grid.

MN 609.352: Solicitation of a Child to Engage in Sexual Conduct; Communication of Sexually Explicit Materials to Children

- "Child" means a person 15 years of age or younger; "sexual conduct" means sexual contact of the individual's primary genital area, sexual penetration, or sexual performance; and "solicit" means commanding, entreating, or attempting to persuade a specific person in person, by telephone, by letter, or by computerized or other electronic means.
- A person 18 years of age or older who solicits a child or someone the person reasonably believes is a child to engage in sexual conduct is guilty of a felony.

MN 617.245 and 617.246: Use of Minor in a Sexual Performance

- The use of minors (anyone under 18) in sexual performances is prohibited. It is illegal for a person to promote, employ, use, or permit a minor to engage in, or assist others in, posing or modeling (alone or with others) in any sexual performance. Promoting includes producing, directing, publishing, manufacturing, issuing, or advertising. Sexual performances: include any play, dance or other exhibition presented before an audience, or for the purposes of visual or mechanical reproduction, which depicts sexual conduct (MN 617.246, subd. 1).

VICTORIES

Prosecution

- In February 2011, county attorneys in the seven-county Twin Cities' metro area announced that they will no longer prosecute any child who is a victim of prostitution. Instead, the children will be treated as victims and will be protected. Ramsey County Attorney John Choi said, "By using a victim-centered approach that is cost-effective and sound public policy for these children, we can truly give them the appropriate intervention and treatment necessary for their safety and welfare, while protecting our communities."
- In May 2011, St. Louis County Attorney Mark Rubin and local law enforcement announced new policies and procedures to ensure that children trafficked as prostitutes are treated as victims in need of protection and services, not as juvenile delinquents.

Legislation

- Minnesota Gov. Mark Dayton signed Safe Harbor into law on July 20, 2011. The law will treat commercially sexually exploited youth (under age 16) as victims in need of protection, not criminals; increase fines on "johns;" and develop a statewide victim-centered service model.
- At the Federal level, a Safe Harbor bill passed the Senate in 2010, but was not heard in the House. The Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2011 was read twice in the Senate and referred to the Senate Committee on the Judiciary.

Appendix A Sources: <http://ecpatusa.org/2011/07/details-on-the-minnesota-law/>
www.theadvocatesforhumanrights.org
www.everyfamilymatters.org

APPENDIX B

REVENUE STREAM: POLE TAX

A couple states have adopted a so-called “pole tax” to combat sex trafficking and child prostitution. In 2007, Texas passed a \$5 admission fee on establishments that feature live nude performance and allow the consumption of alcohol. Utah has a similar law known as the “Sexually Explicit Business and Escort Services” tax that charges a 10% tax on sexually explicit businesses to go towards sex offender treatment.

TEXAS

The Sexually Oriented Business Fee Act imposed a \$5 fee on about 200 establishments that feature live nude performances and allow the consumption of alcohol. The \$5-per-customer entrance fee, which is imposed on the business and not the patron, is to raise revenue for sexual assault prevention programs and health insurance coverage for low-income people. (Fernandez, 2011)

Texas lawmakers projected that the fee would raise roughly \$44 million. According to the State Comptroller, it’s only raised about \$15 million, but many businesses have refused to pay the fee while it was going through the legal process. (Fernandez, 2011)

Recently, the law withstood a legal challenge in the Texas Supreme Court.

Texas Supreme Court Decision

This past August, the Texas Supreme Court ruled unanimously that the fee was constitutional. The Supreme Court declared the fee a “minimal restriction” on the businesses due to the ability of the establishment seeking to avoid the fee only “need only offer nude entertainment without allowing alcohol to be consumed,” (Fernandez, 2011) Justice Hecht wrote, *“The fee in this case is clearly directed not at expression in nude dancing but at the secondary effects of nude dancing when alcohol is being consumed. An adult entertainment business can avoid the fee altogether simply by not allowing alcohol to be consumed”* (Fernandez, 2011).

UTAH

In 2004, Utah passed a law that enacted **a 10 percent tax on sexually explicit businesses to go towards efforts to pay for sex offender treatment.** The tax covered everything a sexually explicitly business sold which included admission, T-shirts and food. The end of this section includes the language from Utah law.

Utah Supreme Court Decision

The Sexually Explicit Business and Escort Services tax was challenged in court by a coalition of escort agencies and strip clubs. They argued that it was too broad and violated their First Amendment rights (Vergakis, 2009).

In 2009, the Utah Supreme Court ruled that the Sexually Explicit Business and Escort Services tax is not a violation of First Amendment rights, but that it is vague when it comes to escort services.

The court ruling ruled that taxing nude dancing is not a violation of First Amendment rights because the tax is applied regardless of whether someone is dancing or not.

Chief Justice Christine Durham dissented and wrote, *"This First Amendment protection of nude dancing is clear. It does not dissipate in the face of majority opinion or government decree. Nor is it lessened because the expression is 'not very important,' 'shabby, offensive, or even ugly'"* (Vergakis, 2009).

The United States Supreme Court allowed the tax to hold in 2010 and refused to hear the appeal of the Utah Supreme Court decision (Associated Press, 2010).

MINNESOTA DISCUSSION

Recently, the Minneapolis City Attorney proposed asking the state for permission to impose a per-customer fee on venues offering nude or partially nude entertainment and using the money to combat child prostitution and sex trafficking.

However, organizations such as Breaking Free and Family Partnership have some initial concerns regarding the proposal.

"In my opinion we don't need the city to become one of our biggest pimps," said Vednita Carter, executive director of Breaking Free (Roper, 2011). Breaking Free is an organization that serves victims of abuse and sexual exploitation. In addition, Carter also said this proposal would essentially endorse strip clubs. Carter is quoted in the Star Tribune by stating, *"We're saying it's OK and we're going to also get our little piece of the money"* (Roper, 2011).

There is also concern that there may be a ripple effect on the dancers. Artika Roller of the Family Partnership states, *"You're asking for victims to pay for victim services"* (Roper, 2011).

MINNESOTA OPTIONS

Should an organization choose to pursue this funding stream, below are two mechanisms on how it would work in Minnesota:

- Legislation authorizing local governments the authority to impose a per-customer fee on venues offering nude or partially nude entertainment and using the money to combat child prostitution and sex trafficking.
- Legislation creating a state account and authorizing the state to impose a per-customer fee on venues offering nude or partially nude entertainment and using the money to combat child prostitution and sex trafficking. A state fee would be collected by the Department of Revenue and then dispersed to the Office of Justice Programs with the criteria of what and how the funds will be used. One model to look at would be the health care impact fee passed in 2005 Minnesota Legislative Session.

Despite the Texas and Utah laws being upheld in the courts, should this stream be pursued it will in all likelihood face a lengthy legal challenge.

Please note that the content in this section doesn't endorse the implementation of a "pole tax" in Minnesota. It is merely an analysis of the topic and what it would look like in Minnesota.