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Sex Trafficking Needs Assessment for the State of Minnesota

Mary C. Ellison
The Advocates for Human Rights, mcellison@advrights.org

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Sex Trafficking Needs Assessment for the State of Minnesota

First Annual Interdisciplinary Conference on Human Trafficking

October 31, 2009

Mary C. Ellison, Esq.
Staff Attorney
Sex Trafficking Needs Assessment
for the State of Minnesota

Founded in 1983

- Investigates and documents human rights abuses;
- Advocates on behalf of individual victims;
- Educates on human rights issues;
- Provides training and technical assistance to address and prevent human rights violations.
Topics: What we knew before and what we know now…

• The **scope** of sex trafficking in Minnesota;
• The **government response** in Minnesota;
• Key **findings** of the needs assessment;
• And the **lessons learned**.
How many sex trafficking victims are affected?

<table>
<thead>
<tr>
<th>Sex Trafficking Victims</th>
<th>Service Providers</th>
<th>Nurses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Male Victims</td>
<td>1 current</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>4 past three years</td>
<td></td>
</tr>
<tr>
<td>Adult Female Victims</td>
<td>210 current</td>
<td>0 current</td>
</tr>
<tr>
<td></td>
<td>564 past three years</td>
<td>2 past three years</td>
</tr>
<tr>
<td>Child Victims</td>
<td>64 current</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>163 past three years</td>
<td></td>
</tr>
</tbody>
</table>

Source: OJP 2008 Human Trafficking Report

275 in 2008

731 over 3 years

How many sex trafficking victims are affected?
## How many labor trafficking victims are affected?

<table>
<thead>
<tr>
<th></th>
<th>Service Providers</th>
<th>Nurses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Male</td>
<td>5 current</td>
<td>0</td>
</tr>
<tr>
<td>Victims</td>
<td>39 past three years</td>
<td>1 past three years</td>
</tr>
<tr>
<td>Adult Female</td>
<td>32 current</td>
<td></td>
</tr>
<tr>
<td>Victims</td>
<td>47 past three years</td>
<td></td>
</tr>
<tr>
<td>Child Victims</td>
<td>2 current</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7 past three years</td>
<td></td>
</tr>
</tbody>
</table>

**Source:** OJP 2008 Human Trafficking Report

39 in 2008

93 over 3 years

314 Total in 2008

824 over 3 years
8-12,000 people are involved in sex trafficking and prostitution in Minnesota every day.

The Federal Bureau of Investigation identified Minneapolis as one of 13 cities with a high concentration of criminal enterprises promoting juvenile commercial sexual exploitation.

What is the government response in Minnesota?

State law enacted in 2005
Statewide Human Trafficking Task Force, 2006
Sex Trafficking Needs Assessment for the State of Minnesota, 2008
State law amended in 2009
Sex Trafficking Needs Assessment for the State of Minnesota

Minnesota Law

Passed in 2005
Amended in 2009
Minnesota law defines “sex trafficking” as:

The “receiving recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual” or “receiving profit or anything of value, knowing or having reason to know it is derived from [sex trafficking].”

M.S. § 609.321, subd. 7a.

Minnesota punishes sex trafficking with a maximum of 15 years for trafficking an adult, 20 years for an individual under 18, and 25 years where an aggravating factor is involved. M.S. § 609.322.
Sex Trafficking Needs Assessment for the State of Minnesota

What were the findings of the Sex Trafficking Needs Assessment for the State of Minnesota?
Interviewed 175 individuals, including Law Enforcement Officers, Judges, Prosecutors, & Service Providers

Used a human rights framework

Qualitative information compliments OJP statistics

Free download at www.theadvocatesforhumanrights.org
“Sex trafficking is a form of slavery and involuntary servitude resulting in grave human rights violations. Sex trafficking is not new to Minnesota nor is it confined to the Twin Cities metropolitan area; it affects communities throughout the state.”

“To the extent the United States and, by extension, the State of Minnesota have not taken steps to prosecute traffickers, protect trafficked persons and prevent trafficking, they are not in compliance with international human rights standards.”
Minneapolis-based Evans family prostituted women and girls around the country in 80s-90s...

- Used gang rapes, physical beatings, threats of violence, and access to drugs to persuade, induce, entice and coerce victims
- Convicted for transporting individuals in interstate commerce for prostitution under the Mann Act
Sex Trafficking Needs Assessment
for the State of Minnesota

65+ findings and recommendations
Finding 1.5:

With notable exceptions, law enforcement, prosecutors, and judges frequently do not hold sex traffickers and patrons accountable for sex trafficking and prostitution crimes in Minnesota.
Recommendation 1.5:

Law enforcement agencies and prosecutors should prioritize enforcement of sex trafficking and prostitution laws against sex traffickers and patrons.

The Legislature should consider amending Minnesota Statutes sections 609.322 and 609.324 to reflect mandatory minimum sentences and increased penalties for these crimes.
Finding 1.6:

Arresting and prosecuting trafficked persons for crimes that occur as a result of being trafficked further harms trafficked persons.
Recommendation 1.6:

Federal, state, tribal, and local law enforcement agencies and prosecutors should prioritize the protection of trafficked persons over their arrest and prosecution for prostitution and other offenses related to the trafficking situation.

These authorities should recognize that other offenses may be a consequence of having been trafficked.
What actions were taken to address these recommendations?

In the last year, we focused our efforts on amending our state law; training service providers and raising awareness; and seeking funds for training law enforcement prosecutors and judges.
A bill to amend the criminal statutes was introduced in early March 2009 by Senator Sandy Pappas and Representative Michael Paymar.

8 committee hearings were held from March through May 2009.

May 15 & 17, the House passed HF 1505 by a vote of 134-0 and the Senate passed SF 1514 by a vote of 67-0.

May 21, 2009 – Governor Pawlenty signed HF 1505/SF 1514 into law – Minnesota Statute 609.322.
The Minnesota Sentencing Guidelines Commission reviewed the statutory changes in July and September 2009.

Recommendations were made to move sex trafficking offenses to the sex offender grid.

Additional hearings will be held and recommendations made to the legislature in January 2010.
Sex Trafficking Needs Assessment for the State of Minnesota

Table 3. Current vs. Proposed Rankings

<table>
<thead>
<tr>
<th>Statute Number</th>
<th>Statute Description</th>
<th>Statutory Maximum</th>
<th>Current Severity Level and Presumptive Sentence (in months)</th>
<th>Proposed Severity Level and Presumptive Sentence (in months)</th>
</tr>
</thead>
<tbody>
<tr>
<td>609.322, subd. 1(a)</td>
<td>Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree; individual under 18</td>
<td>20 years</td>
<td>Severity Level 9 86-158 All presumptive prison</td>
<td>Severity Level B 90-300 All presumptive prison</td>
</tr>
<tr>
<td>609.322, subd. 1a</td>
<td>Solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree; individual over 18</td>
<td>15 years</td>
<td>Severity Level 5 18 Stayed-48 Presumptive prison at criminal history of 3 or more</td>
<td>Severity Level C 48-180 All presumptive prison</td>
</tr>
</tbody>
</table>

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Sex Trafficking Needs Assessment for the State of Minnesota

Prosecution of Sex Trafficking or Related Crimes


Sex Traffickers in Minnesota:

- American man in his late 30s
- Strip club owner in his late 50s
- Young man who prostituted young Hmong girls
- Ring of 25 defendants led by 37 year old woman
Sex Trafficking Victims in Minnesota:

- College student dated man who trafficked her into prostitution around the US
- Foreign woman enticed into marrying USC and then trafficked
- Two minor female runaways kidnapped, drugged and forced into prostitution
What are the lessons learned?

Together, federal and state laws must provide a continuum of legal protection to trafficking victims and hold traffickers and patrons accountable.
Questions?
Mary C. Ellison, Esq.
The Advocates for Human Rights
Third Avenue South #550
Minneapolis, MN  55402
Tel: (612) 341-3302 x125
mcellison@advrights.org

www.theadvocatesforhumanrights.org
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