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Sex Trafficking Needs Assessment for the State of Minnesota

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Sex Trafficking Needs Assessment for the State of Minnesota



First Annual Interdisciplinary Conference on Human Trafficking

October 31, 2009

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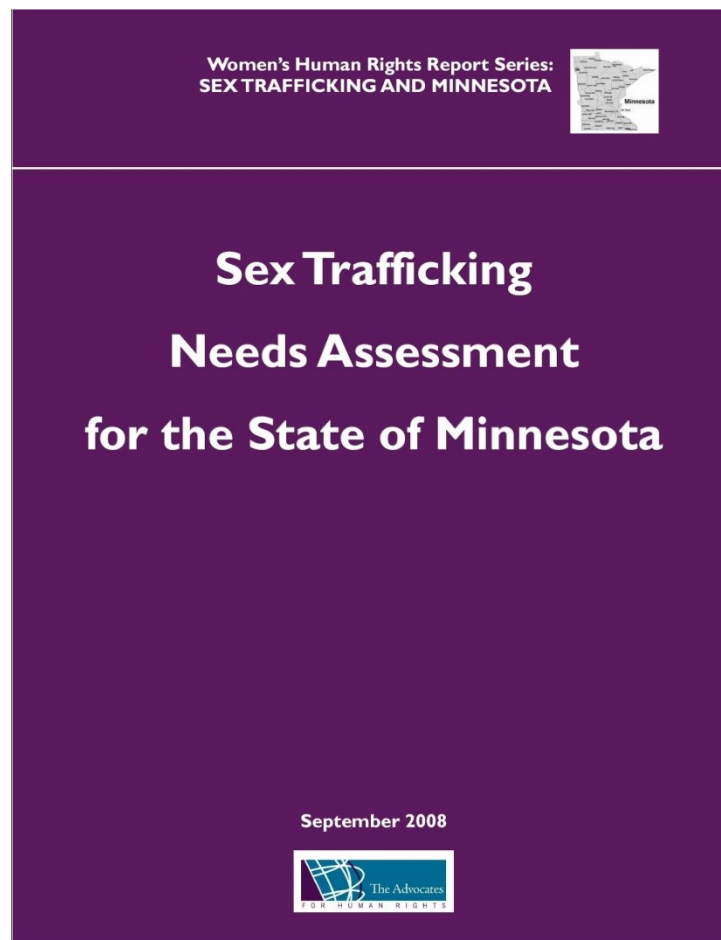
Sex Trafficking Needs Assessment for the State of Minnesota



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.

Sex Trafficking Needs Assessment for the State of Minnesota



Sex Trafficking Needs Assessment for the State of Minnesota



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**.

Sex Trafficking Needs Assessment for the State of Minnesota



The Minnesota Department of Public Safety
Office of Justice Programs
published statistical reports,
based on a survey,
in 2006, 2007, and 2008.



Sex Trafficking Needs Assessment for the State of Minnesota



How many sex trafficking victims are affected?

275
in 2008

731
over 3
years

Sex Trafficking Victims

	Service Providers	Nurses
Adult Male Victims	1 current 4 past three years	—
Adult Female Victims	210 current 564 past three years	0 current 2 past three years
Child Victims	64 current 163 past three years	—

Source: OJP 2008 Human Trafficking Report

Sex Trafficking Needs Assessment for the State of Minnesota



How many labor trafficking victims are affected?

39
in 2008

Labor Trafficking Victims

	Service Providers	Nurses
Adult Male Victims	5 current 39 past three years	0 current 1 past three years
Adult Female Victims	32 current 47 past three years	—
Child Victims	2 current 7 past three years	—

314
Total in
2008

93
over 3
years

824
over 3
years

Source: OJP 2008 Human Trafficking Report

Sex Trafficking Needs Assessment for the State of Minnesota



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

Source: “Buying Sex Stops Here,” ANESEM,
<http://www.mcbw.org/anesem>

Sex Trafficking Needs Assessment for the State of Minnesota



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

Source: Minneapolis Division FBI, FBI Priorities,
http://minneapolis.fbi.gov/priorities.htm#violent_crime
(last visited Aug. 20, 2008).

Sex Trafficking Needs Assessment for the State of Minnesota



What is the **government response** in Minnesota?

State law enacted in 2005

Statewide Human Trafficking Task Force, 2006

Office of Justice Programs Reports in 2006, 2007, 2008

*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

Sex Trafficking Needs Assessment for the State of Minnesota



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.](#)

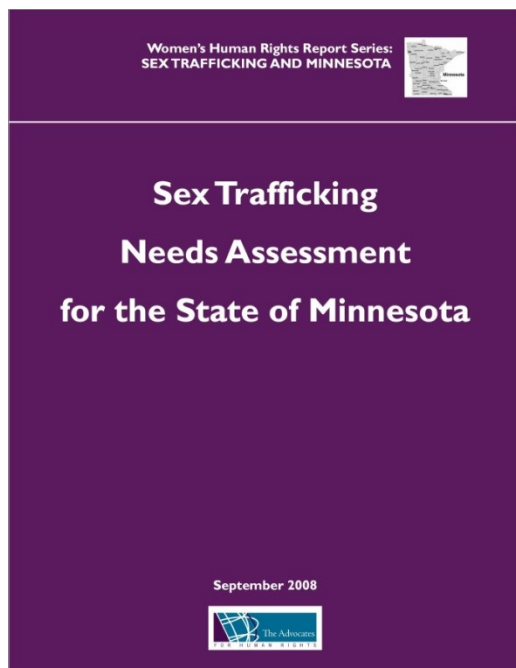
Minnesota punishes sex trafficking with a maximum of 15 years for trafficking an adult, 20 years for an individual under 18, and 25 years where an aggravating factor is involved. [M.S. § 609.322.](#)

Sex Trafficking Needs Assessment for the State of Minnesota



What were the **findings** of the *Sex Trafficking Needs Assessment for the State of Minnesota*?

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 Needs Assessment for the State of Minnesota



“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.”

Sex Trafficking Needs Assessment for the State of Minnesota, The Advocates for Human Rights, October 2008

Sex Trafficking Needs Assessment for the State of Minnesota



“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.”

Sex Trafficking Needs Assessment for the State of Minnesota, The Advocates for Human Rights, October 2008

Sex Trafficking Needs Assessment for the State of Minnesota



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



Women's Human Rights Report Series:
SEX TRAFFICKING AND MINNESOTA



Sex Trafficking Needs Assessment for the State of Minnesota

September 2008



65+ findings and
recommendations

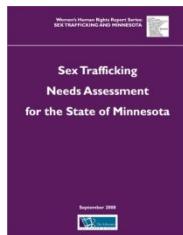
Sex Trafficking Needs Assessment for the State of Minnesota



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.



*Sex Trafficking Needs Assessment for the State of Minnesota,
The Advocates for Human Rights, October 2008*

Sex Trafficking Needs Assessment for the State of 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.

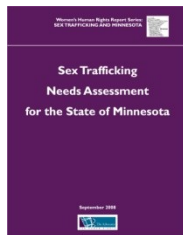
Sex Trafficking Needs Assessment for the State of Minnesota



Finding 1.6:



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



*Sex Trafficking Needs Assessment for the State of Minnesota,
The Advocates for Human Rights, October 2008*

Sex Trafficking Needs Assessment for the State of Minnesota



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.

Sex Trafficking Needs Assessment for the State of Minnesota



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.

Sex Trafficking Needs Assessment for the State of Minnesota



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](#).

Sex Trafficking Needs Assessment for the State of Minnesota



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

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

Sex Trafficking Needs Assessment for the State of Minnesota



Prosecution of Sex Trafficking or Related Crimes

- | | |
|--|-------------------------------|
| 1. US v. Daniel McNeal (2006) | 1. State v. Kerschbaum (2008) |
| 2. US v. Marisol Ramirez (2007) | 2. State v. Graham (2007) |
| 3. US v. Justine Reisdorf (2007) | 3. State v. Carter (2007) |
| 4. US v Darryl Taylor, Tivon Bandy and Kenwaniee Tate (2007) | 4. State v. Chang (2005) |
| 5. US v. Le Guo Wu and Houa Vang (2007) | 5. State v. Jackson (2003) |
| | 6. State v. Conner (2003) |
| | 7. State v. Bloodsaw (2003) |

Sex Trafficking Needs Assessment for the State of Minnesota



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 Needs Assessment for the State of Minnesota



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

Sex Trafficking Needs Assessment for the State of Minnesota



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.

Sex Trafficking Needs Assessment for the State of Minnesota



Questions?

Sex Trafficking Needs Assessment for the State of Minnesota



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