

# Safe Harbor

Fulfilling Minnesota's Promise to Protect Sexually Exploited Youth

Background of Safe Harbor

2011 and 2013 legislative changes

Open questions and continuing efforts

Overview

#1 Prohibition of the prostitution of children, prosecution of traffickers, and punishment with appropriate sanctions

#2 Protection of trafficked persons from prosecution without conditioning protection on cooperation

#3 Access by trafficked persons to legal counsel, witness protection, reparation, rehabilitation, and other protections.

## Core Principles

A Human Rights Approach  
to Ending Sex Trafficking

AFNAP Initiative of the Women's  
Funding Network

National Safe Harbor Initiative of  
ECPAT-USA

MN Safe Harbor steering committee  
& fact-finding:

Is Minnesota poised for Safe Harbor?

What should Safe Harbor in Minnesota  
look like?

Safe Harbor 2011

County Attorney mobilization

No Wrong Door

AMC Resolution

Safe Harbor 2013

# Safe Harbor in Minnesota

Getting Started

# Recognizing Trafficking

Amended in 2005, Minnesota law recognizes that the most common form of prostitution is human trafficking.

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.” Minn. Stat. 609.321, subd. 7b

Minnesota law punishes trafficking as a felony.

# Recognizing Trafficking

Minnesota law recognizes that *engaging in prostitution with a minor* is also a felony.

Child under 13: 20 years/\$40,000

Child 13-15: 10 years/\$20,000

Child 16-17: 5 years/\$10,000

# Recognizing Crime Victims

Pre-2011: Although engaging in prostitution with a minor is felony, child continues to be treated as perpetrator

Safe Harbor 2011: Prostituted children under 16 no longer delinquent. 16 and 17 year olds may qualify for diversion

Safe Harbor 2013: No delinquency charges (for prostitution) for sexually exploited children under 18.

# Recognizing Crime Victims

Pre-2011: 260C.007, subd. 6, para. 11 – “**child who has engaged in prostitution as defined by 609.321**” defined as children in need of protection or services.

Safe Harbor 2011-2013: **260C.007, subd. 6, para. 11 – “sexually exploited youth”**

Defined sexually exploited youth as an individual who (1) is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct; (2) is a victim of a crime described in section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, 609.352, 617.246, or 617.247; (3) is a victim of a crime described in United States Code, title 18, section 2260; 2421; 2422; 2423; 2425; 2425A; or 2256; or (4) is a sex trafficking victim as defined in section 609.321, subdivision 7b.

# Victim Services

## Safe Harbor for Youth Intervention Project

- Victim-centered intervention program where success was measured by improved outcomes for the youth
- Received state funding in 2006 to pilot and develop model protocol for responding to sexually exploited youth
- Documented success
- Partnership between schools, county attorneys, law enforcement, public health, and victim services

# Safe Harbor Working Group

“Commissioner of public safety shall in consultation with the commissioners of health and human services develop a victim services model to address the needs of sexually exploited youth and youth at risk of sexual exploitation. The commissioner shall take into consideration the findings and recommendations of the [Ramsey County RIP]. In addition, the commissioner shall seek recommendations from prosecutors, public safety officials, public health professionals, child protection workers, and service providers.”



## The No Wrong Door Model: Underlying Values and Assumptions

# No Wrong Door