

Human Trafficking in Minnesota

A Report to the Minnesota Legislature

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Prepared by

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Human Trafficking in Minnesota

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Executive Summary

The Statewide Human Trafficking Task Force defines human trafficking as recruitment, transportation, transfer, harboring, enticement, provision obtaining or receipt of any person by any means for the purpose or facilitation of sexual or economic exploitation.

This definition presumes that:

- traffickers exploit vulnerable people and victims of human trafficking can be any age, gender or nationality,
- human trafficking is exploitation-based and not transportation-based, and
- the deception, fraud and coercion inherent in human trafficking makes victim consent irrelevant and not a defense for those charged with trafficking crimes.

The trafficking in persons for labor or sexual exploitation is an international problem requiring a comprehensive and coordinated international response. While most victims originate in countries with high poverty rates, unstable governments and other challenges to human rights, an estimated 14,500 to 17,500 men, women and children are trafficked into the United States each year. However, trafficking is not only an international crime; each year, millions of people are trafficked within their own countries, including the United States where citizens are forced into servitude, prostitution and pornography.

Currently, the United States federal government is working to address this issue through funding and programming designed to prevent trafficking, prosecute traffickers and protect victims. Governmental support is provided by the Trafficking Victims Protection Act of 2000. This act was re-authorized in 2003 and again in 2005.

In 2005, the Minnesota legislature passed Minnesota Statute §299A.785, requiring the Department of Public Safety (DPS) to complete annual studies on the extent and type of human trafficking occurring in our state. The first annual report was completed in September 2006 and this current report is the third in response to that legislation.

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

To better understand this issue, online surveys were completed with three different groups across Minnesota: service providers (N = 111), police chiefs and county sheriffs (N = 209), and nurses (N = 120).¹

Overall, not quite half of the Minnesota service providers surveyed (47%) have served a victim of human trafficking, while only six percent of nurses have treated one. Ten percent of Minnesota law enforcement respondents have either had a human trafficking investigation or arrested someone for a human trafficking crime.

Human Trafficking Arrests, Charges and Convictions

At the time of the survey, police chiefs and county sheriffs were working 29 human trafficking investigations. Law enforcement reported 34 labor trafficking investigations in 2006 and 2007, 57 arrests, and 20 charges filed. The number of sex trafficking investigations in 2006 and 2007 was 34, with 32 arrests and 30 charges filed.

Human Trafficking Victims

Service providers and nurses report the following numbers of human trafficking victims both at the time of the online survey and in the past three years:

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	—

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	—

Trafficking victims in Minnesota have been identified from all over the state, the country and the world. Domestically, victims of labor and sex trafficking have been reported from around Minnesota, including Anoka, Hennepin, Ramsey and Wright counties, and Duluth. Midwest cities and states mentioned include Wisconsin, Iowa, Chicago and South Dakota. Other parts of the country mentioned include the states and cities of Colorado, Florida, Las Vegas, New Jersey, New York, South Carolina, San Francisco, Tennessee and Texas. Internationally, labor trafficking victims in Minnesota have come from Mexico, China, Guatemala and Russia. A variety of Central and South American, Asian and African countries were also mentioned.

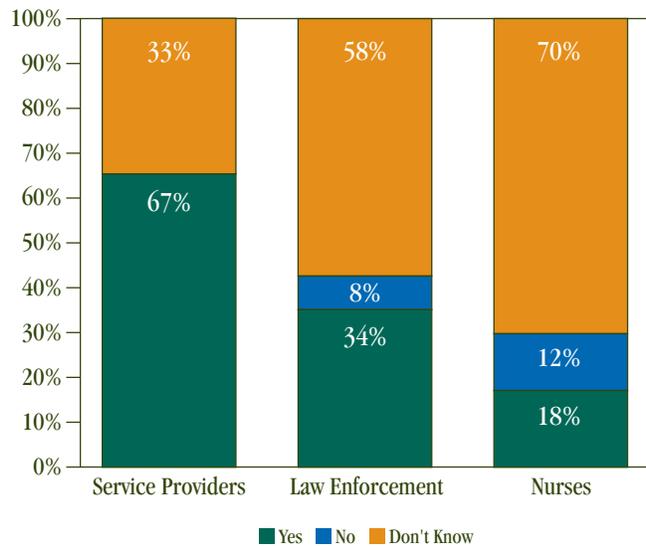
Labor trafficking victims are exploited in a variety of manners; services providers and law enforcement most often mentioned victims exploited as domestic workers, in restaurants and in food processing facilities. Factory-based labor exploitation was also mentioned by respondents.

Native American women and girls experience higher rates of sexual assault than other women, and often many of the conditions that put people at risk for

trafficking (poverty, isolation and lack of opportunity) are present on reservations and in Native communities. For these reasons, the human trafficking survey contains a specific series of questions about Native American victims of sexual trafficking. Twelve service providers reported experiences with Native American victims. A total of 79 victims were identified — 46 women and 33 girls. These victims experienced a variety of movement patterns both to and from reservations and between urban and rural areas across the state. Respondents note that working with Native victims requires attention to the needs that accompany victims experiencing inter-generational exploitation and prostitution, culturally competent, sensitive interventions and awareness of what trafficking is and education to those at risk of victimization.

Trafficking as a Growing Problem in Minnesota

Whether Human Trafficking is a Growing Problem in Minnesota



More than two-thirds (67%) of service providers, about one-third of law enforcement (34%) and 18 percent of nurses consider human trafficking to be a growing problem in Minnesota. However, about six in ten law enforcement respondents (58%) and seven in ten nurses (70%) don't know whether trafficking is a growing concern for the state.

Those who consider this to be a growing problem cite a variety of reasons. This year, respondents noted that

the economic downturn puts women at risk for exploitation as they have a more difficult time supporting themselves and their children. In addition, respondents believe that the current economic downturn has led unscrupulous employers to exploit workers who are not in the country legally. Law enforcement, in particular, noted the intersection between increased immigration and labor trafficking. Other reasons cited by respondents for increased trafficking include the vulnerability of runaway and homeless youth, and Native American girls and women to exploitation. Respondents also noted that the hidden nature of trafficking is one reason that it continues to grow but conversely, that the increase in public awareness also contributes to why it is a growing problem in our state in that greater awareness results in more identified victims.

Seven in ten (70%) Minnesota law enforcement respondents do not believe sex or labor trafficking is a problem in their community.

Very few respondents (2% service providers, 1% law enforcement and 0% nurses) report feeling extremely knowledgeable about the issue of human trafficking and all three respondent groups highlighted the need for training and education to better understand the issue and to find, identify and serve victims. In fact, over half (56%) of law enforcement respondents strongly agree or agree their departments need more training on the local, state and federal agencies' roles and responsibilities for combating trafficking and understanding Minnesota's human trafficking laws (52%). About half (49%) of nurses would also like training specifically for nurses on this issue.

This is the third year the human trafficking report has been completed for the legislature. The information provided in these reports has been used by a wide variety of stakeholders across the state and country. While the information has been invaluable in starting a dialogue about trafficking in Minnesota and gauging the extent and type of trafficking occurring in Minnesota, it does have limitations. Most notably, that there is no system in place for tracking victims and the information gathered for the survey is based on a respondent's ability to think back to the clients served in the prior year and assess whether or not he/she fit the definition of human trafficking. Relying on memory is not always the most accurate way to

gather information and can lead to discrepancies that are difficult to understand or explain (See page 15). Although this report has clearly served the purpose of exposing the issue of human trafficking as a crime occurring in our state, it is recommended that the report be required less frequently and/or that a system of reporting human trafficking victims be developed.

Legislative Requirement

This third annual report is in response to Minnesota Statutes 299A.785 requiring the Minnesota Department of Public Safety to complete annual studies on human trafficking in Minnesota. Specifically, the statute requires this report include:

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

In addition to this report, the Department of Public Safety is currently staffing a legislatively-mandated Statewide Human Trafficking Task Force², which is charged to collect information on trafficking, create a training plan and develop a public awareness campaign. This task force meets quarterly and has recently engaged Advocates for Human Rights to complete and in-depth needs assessment on sexual trafficking in Minnesota. This report was made available to the public at the Gerald D. Vick Human Trafficking Conference in St. Paul on Sept. 23 and 24.

Introduction

The United States, along with almost all countries in the world, has eliminated state-sanctioned forms of slavery. However, a growing criminal element has organized to profit from the trafficking of men, women and children into systems of forced labor and commercialized sex acts. Estimates indicate that between 600,000 and 800,000 people are trafficked across international borders each year; the majority of them women and children for the purpose of sexual exploitation. It is estimated that between 14,500 and 17,500 men, women and children are trafficked into the United States each year.³

These estimates do not include the millions of additional people trafficked within their own countries. The International Labor Organization (ILO), a United Nations agency, estimates that at any moment there are 12.3 million people enslaved in some type of forced labor, including child labor and sexual servitude.

The United States Trafficking Victims Protection Act of 2000 defines human trafficking as the recruitment, harboring, transportation, provision or obtaining of a person for the purposes of commercial sex acts or labor services,⁴ through the use of force, fraud or coercion. If a trafficked person is under the age of 18 and is used for the purpose of commercial sex acts, the elements of force, fraud or coercion do not have to be present for it to be considered a trafficking crime.⁵ It is important to note that the United States definition does not require that a victim be moved or transported; only that he or she is forced into a state of servitude.

Types of Trafficking

Trafficking takes on many forms but can be discussed in terms of two main types: labor trafficking and sex trafficking. Victims, because of their vulnerable status, often experience both types of exploitation. According to the U.S. Department of State's 2005 Trafficking in Persons Report, sex trafficking is often related to organized crime, while labor trafficking is usually perpetrated by individuals.

Labor trafficking, like sex trafficking, is a fundamental violation of human rights. Labor trafficking can take the

form of bonded labor (debt bondage), involuntary servitude and child labor.⁶

Victims of labor trafficking are forced to work against their will and under the threat of violence, punishment or deportation. Labor trafficking can range from an individual being forced to work as a nanny or housekeeper to an entire factory of people working without pay or the ability to quit.

The ILO estimates that there are 246 million children worldwide who are being held in debt bondage, forced armed conflict, or are forced to work in a variety of other illegal trades. In addition to the emotional and psychological trauma associated with this type of exploitation, labor trafficking denies children the opportunity for growth and development and interferes with educational attainment.

A sex trafficked victim is someone who has been forced or coerced into performing commercial sex acts. While a victim of sex trafficking can be anyone, the majority of victims are women and girls. Often, sex trafficking victims are also being held in debt bondage, usually associated with living expenses and transportation costs into another country. Victims are exploited in a variety of ways, including forced prostitution and escort services, stripping, pornography and servile marriage.

No matter the type of trafficking experienced, victims are isolated and highly controlled. Victims who are aliens or undocumented may have their identification confiscated and their illegal status used as method of control by their traffickers. If they are being used in an illegal industry, traffickers use their participation as another means of blackmail and coercion.

Human Trafficking in Minnesota

Determining the incidents of human trafficking and estimating the numbers of victims is challenging work. Trafficking by its very nature is a hidden crime and those trafficked are already marginalized, vulnerable and isolated. Even those victims who are able to escape and receive assistance are often not properly identified as trafficking victims. Additionally, there is no systematic method for tracking victimization in Minnesota, so counting victims requires gathering information from a variety of individual sources including victim service

providers, law enforcement, religious organizations, hospital emergency rooms and other health care providers, labor assistance organizations and culturally-specific assistance programs.

Because of these issues, the information presented in this report should be viewed with caution and as a certain under-representation of the extent of trafficking and exploitation in Minnesota. Data for this report were gathered from multiple sources:

- Arrest information was gathered from an online survey with law enforcement.
- Charges and convictions were compiled by the Minnesota Supreme Court.
- Information about trafficking victims came from online surveys of victim service providers, law enforcement and nurses across the state.

Between 2006 and 2007 there were a total of 1,811 trafficking-related charges in Minnesota:

Statute and Description ⁷	2003	2004	2005	2006	2007	Total
609.33 Disorderly House	39	77	76	117	111	420
609.352 Solicitation of a Child	44	65	29	54	64	192
609.322 Solicitation of Prostitute	57	51	19	29	29	156
617.245 and 617.246 Use of Minor In a Sexual Performance	24	63	13	25	10	135
609.27 Coercion	8	10	5	6	6	35
609.321 Promotion of Prostitution	1	2	5	2	19	29
609.282 Labor Trafficking	—	—	—	1	—	1
609.324 Other Prostitution Charges	871	942	596	758	580	3,747

Trafficking-Related Charges and Convictions

The Research and Evaluation Unit at the Minnesota Supreme Court Administrator's Office provided statute-based charge and conviction information for 2003 through 2007. Specifically, data were provided on statutes related to coercion, labor trafficking, unlawful conduct with respect to documents in the furtherance of labor or sex trafficking, promotion of prostitution, solicitation of prostitution, other prostitution crimes, and the use of minors in a sexual performance.

In the past two years there were a total of 729 trafficking related convictions:

Statute and Description	2003	2004	2005	2006	2007	Total
609.33 Disorderly House	17	14	8	31	18	88
609.352 Solicitation of a Child	17	14	14	21	16	82
609.322 Solicitation of Prostitute	20	13	16	13	13	75
617.245 and 617.246 Use of Minor In a Sexual Performance	8	5	7	4	5	29
609.27 Coercion	8	6	6	2	3	25
609.321 Promotion of Prostitution	1	2	2	3	9	16
609.324 Other Prostitution Charges	431	422	331	353	238	1,775

In 2007 there were several major cases of domestic and international human trafficking discovered and prosecuted. One high profile case involved a prostitution ring with eight brothels across Minnesota. Marisol Ramirez and 24 additional people were indicted on a variety of human trafficking charges. Victims in this case included illegal immigrants and U.S. citizens. To date, 21 of 25 defendants have been arrested and all 21 have pled guilty. This complicated case involved investigations by Immigration and Customs Enforcement, the Minnesota Bureau of Criminal Apprehension, the St. Paul Police Department and assistance from police departments in Minneapolis, Richfield and West St. Paul.

Another high profile case involved a 19 year old woman in Burnsville who prostituted juvenile girls out of her townhouse between November 2006 and March 2007. The woman, Alex Reisdorf was charged with one count

of the sex trafficking of a minor and one count of using an interstate facility (the Internet) to promote prostitution. To date, the defendant has pled guilty to using an interstate facility to promote prostitution received a 60 month sentence.

Finally, Daniel McNeal was indicted by a federal grand jury in February 2007 and pled guilty to sex trafficking of a minor and the transporting of a minor with the intent to engage that minor in criminal sexual activity. McNeal transported a 16-year-old girl from Minnesota to Iowa, Texas and South Carolina, forcing her into prostitution for his financial gain. McNeal was sentenced to 293 months in federal prison.

Trafficking Victims in Minnesota

Information for this report was gathered through online surveys with victim service providers, police chiefs and sheriffs, and nurses across the state. Because most respondents do not specifically collect and record information on trafficking victims, much of the information they recall is estimated.

For each of the three surveys, respondents read a definition of labor and sex trafficking. Based on this definition, respondents were asked if they had ever encountered a trafficking victim, or in the case of law enforcement, made a trafficking arrest or had a trafficking investigation

Service Providers' Experiences with Human Trafficking in Minnesota

For this year's report, of 148 surveys were e-mailed to service providers across the state and 111 were completed for a 75 percent response rate.

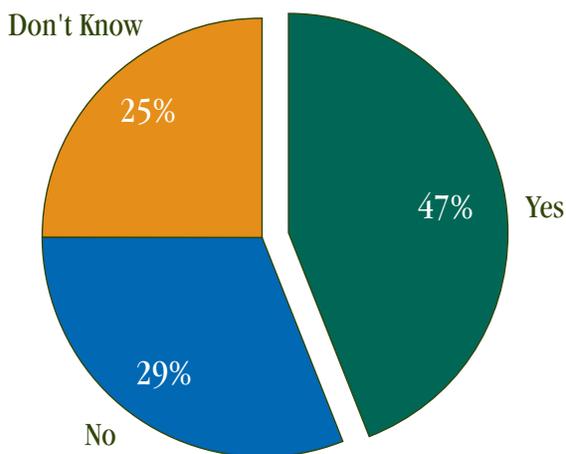
Who responded to the survey?

As in the past, most 2008 respondents are domestic service providers (60%). About half provide sexual assault services (54%) or general crime victim services (49%). Thirty-five percent identify as a legal service provider, while slightly more than one-quarter (26%) are child advocacy/child abuse service providers. Respondents from all Minnesota counties completed the survey.

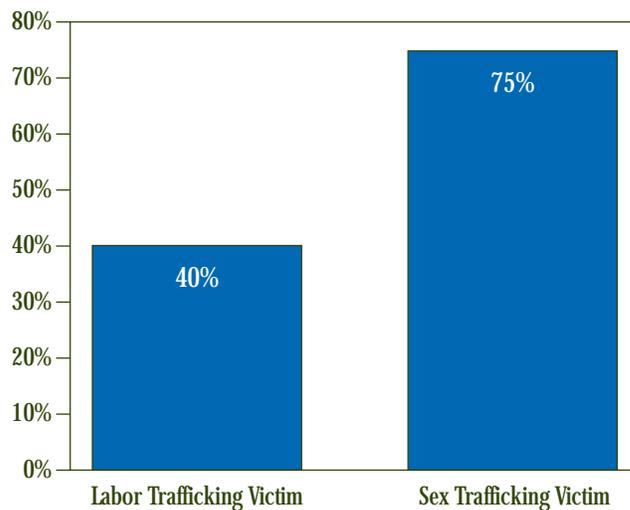
Forty-eight percent of service providers have received specialized training or education on human trafficking. Almost all (96%) of those who have had training have received sexual trafficking training, while slightly more than one-third (36%) have received labor trafficking training.

Fifty-two (47%) of the 111 service providers have served at least one victim of human trafficking, while 24 percent are not sure if they have done so.

Whether Service Providers Have Ever Served at Least One Victim of Human Trafficking (N = 111)



Whether Service Providers Have Served Labor or Sex Trafficking Victims (N = 52)



Domestic and International Labor Trafficking

Twenty-one (40%) of the 52 service providers in 2007 who have served at least one victim of trafficking have served a victim of labor trafficking. This is an increase from last year when 30 percent of service providers reported seeing at least one labor trafficking victim. At the time of the survey, the service providers were *currently* working with 5 male victims, 32 female victims and 2 child victims of labor trafficking. Seven service providers reported that none of their current labor trafficking victims were immigrants or refugees, while three respondents reported that less than 10 percent of their labor trafficked victims were immigrants or refugees. Most respondents (N = 8) reported that between 91 and 100 percent of their victims were immigrants or refugees.

In the *past three years*, service providers worked with 39 adult males, 47 adult women and 7 child victims of labor trafficking, many of whom were referred by some other service organization or through word of mouth. Four service providers received referrals from police, while another six said their labor trafficking victims were simply walk-in clients or current clients whose trafficking experience was determined during the course of service provision.

Sixteen of the 21 respondents have had labor trafficking victims exploited as domestic workers (such as maids or nannies). Exploitation in restaurants or food processing facilities was mentioned four times and three respondents mentioned labor exploitation in agriculture. One service provider each mentioned working with labor trafficked clients exploited in factories, hotels, landscaping or forced begging.

Service providers were asked to report if the labor trafficking victims they have served were domestically or internationally trafficked. Six respondents reported working with domestic labor trafficking victims. Three respondents mentioned victims trafficked around Minnesota from Red Wing and the Twin Cities in particular. One respondent each mentioned North Dakota, South Dakota, Florida, Nevada, Chicago, New York Texas and California.

Fourteen of the 21 respondents (67%) have worked with internationally trafficked labor victims. These victims have come from the Philippines (N = 2), Mexico (N = 4) and China (N = 2⁸). African Countries like Somalia and Zambia, Asian countries like Taiwan, Vietnam and Cambodia, South American countries like Columbia and Peru, or Middle Eastern countries like Saudi Arabia and Iran were each mentioned one time. Respondents also mentioned the Ukraine and Jamaica.

Most respondents (N = 14) don't know how the labor trafficking victims they have served were transported. However, eight of the 21 respondents who reported victims transported via plane, while three knew of victims who were transported by private car, van or truck. Transportation by bus or on foot was also mentioned one time.

Most (N = 16) respondents provided labor trafficking victims with advocacy services, legal services (N = 13) or crisis intervention services (N = 12). Ten respondents reported provided protection and safety services, housing or victim services. Other services provided include an interpreter (N = 9), food and clothing (N = 7), case management (N = 6), mental health services (N = 5), job assistance (N = 4) and educational services (N = 3).

Domestic and International Sex Trafficking

Seventy-five percent of service providers worked with at least one sex trafficking victim. Respondents are *currently* working with one male victim, 210 female, and 64 child victims of sex trafficking. Forty-four percent stated that none of their current sex trafficking victims are immigrants or refugees, while 21 percent report that between 91 and 100 percent of their current victims are immigrants or refugees. It is important to note that 15 percent of respondents did not know the citizenship status of the victims they served.

In the *past three years*, these service providers worked with four male victims, 564 female⁹ and 163 child victims of sex trafficking. More than half of respondents came into contact with victims through referrals from other social service agencies (54%), while not quite half (46%) found victims through police referrals or word of mouth. Thirty-nine percent of respondents indicated that some of their clients trafficking status was discovered only after they had been working with them for some time and about two in ten (21%) respondents received referrals from hospitals or clinics.

Most (80%) respondents said that sex trafficking victims have been forced into prostitution or work in escort services. One-third (33%) has worked with victims in forced pornography or forced to strip or engage in exotic dancing, while 36 percent have had clients in servile marriages.

More than half (59%) of respondents served victims domestically sex trafficked and 49 percent have worked with internationally trafficked victims. Service providers have worked with clients domestically trafficked victims from Minnesota generally (N = 6), and specifically from Mankato, Northfield, Rochester, Red Wing, Faribault and Duluth (N = 1 each¹⁰). Six respondents mentioned victims from Chicago, while three each mentioned Wisconsin or North Dakota. Two respondents each mentioned Florida, South Dakota, Louisiana and California. One respondent each mentioned Atlantic City, Ohio, Iowa, Indiana, Atlanta, Michigan, Missouri and Nebraska.

Six respondents report sex trafficking victims from Mexico. Respondents have had contact with victims from Russia (N = 3), while two respondents each mentioned Vietnam, China, Laos, Japan, Columbia, the Dominican Republic and the Philippines. One respondent each mentioned African countries like Zambia, Ethiopia, Nigeria, the Sudan and Somalia. Jamaica, Cuba, Vera Cruz, Korea, Thailand, Taiwan and the Ukraine were also mentioned by one respondent each.

The highest percentage of respondents (44%) have worked with victims of sex trafficking who were moved via private car/van/truck, followed by those respondents who knew of clients moved via a plane (31%), by bus (10%), on foot (10%) or boat (8%).

Eight in ten (80%) respondents reported that they provided advocacy services to victims of sex trafficking, followed by crisis intervention (67%), victim services like impact statements, compensation and court accompaniment (67%) and protection or safety services (64%). Not quite half (49%) provided mental health services, while 39 percent each provided legal services or case management. One-third or more provided food and clothing (36%), interpreters or cultural liaisons (36%) or housing services (33%). Far fewer provided medical services (13%), job training (8%), education services (8%), or drug or alcohol treatment (3%).

Service Providers Perceptions of Human Trafficking in Minnesota

Overall, service providers consider themselves very or somewhat knowledgeable about human trafficking (78%). While very few service providers feel they are extremely knowledgeable (2%), no one indicated that they have no knowledge at all of the issue.

Slightly more than two-thirds (67%) of service providers consider human trafficking a growing problem in our state. When asked why, many stated that human trafficking has been a concern for some time and is just now being identified and reported or that there are many youth at risk of being coerced into prostitution because they are runaways or vulnerable because of language barriers or poverty. Others cited the increase in vulnerable populations, particularly newly immigrated women and children who are isolated culturally

and sometimes geographically. The economic downturn and the ever-dwindling resources available to those already marginalized in our society exacerbates the lack of employment opportunities and puts more and more people in a position vulnerable to exploitation.

Almost two-thirds (65%) of respondents consider a lack of funding to be a barrier to serving victims. Half or more cited a lack of training and information about human trafficking (56%) and language (50%) as barriers. About four in ten mentioned the difficulty in finding victims (42%) and inadequate staffing as barriers to providing services, while 35 percent mentioned the lack of an organizational policy and procedures to address the needs of trafficking victims. Lack of support and coordination with both federal (13%) and state (27%) agencies was also mentioned. Safety concerns were cited as barrier to serving victims by 29 percent of respondents.

Law Enforcements' Experiences with Human Trafficking in Minnesota

In total, 2209 surveys were completed (51% response rate). Forty of Minnesota's 87 county sheriffs completed the survey, as did 149 of the police chiefs. Thirteen percent of law enforcement respondents were neither chiefs nor sheriffs but instead hold positions such as detective, investigator, captain, commander, analyst or officer.

Most law enforcement respondents (62%) have not been trained on issues specific to human trafficking and over half (55%) reported being not very or not at all knowledgeable about this issue.

A little more than half (51%) of those who have had training report receiving information at a regional conference, 28 percent received an in-service training. About two in ten (19%) law enforcement respondents reported attending a national conference on human trafficking.

Few law enforcement respondents reported a full or part-time person or unit dedicated to either prostitution related crimes (5%) or trafficking related crimes (3%). However, many respondents indicated that if and when these crimes are reported, they would be assigned to an investigator.

Domestic and International Labor Trafficking

Overall, most law enforcement respondents (85%) have not investigated any labor trafficking cases or arrested anyone for a labor trafficking crime. The 19 law enforcement respondents who have had labor trafficking cases are currently investigating six trafficking cases and report the following number of investigations, arrests and charges in 2006 and 2007:

	Investigations	Arrests	Charges
2006	18	25	18
2007	16	32	2
Total	34	57	20

Seven of the 19 law enforcement respondents indicated that they had labor trafficking cases related to organized crime. The same number indicated that they spend, on average, less than three months investigating labor trafficking cases. Four respondents spend more than six months on average working these investigations. In addition, five respondents reported child victims associated with their labor trafficking investigations.

Six of the 19 law enforcement respondents have had domestic cases of labor trafficking and nine have had investigations that involved international labor trafficking. The Minnesota counties and cities involved in domestic labor trafficking cases include:

- Anoka County
- Ramsey County
- Duluth
- Wright County
- Hennepin County

From the Midwest, law enforcement respondents reported labor trafficking cases associated with Iowa, Wisconsin, Chicago, and South Dakota. Other states and cities include California, Colorado, Florida, Georgia, Las Vegas, New York, New Jersey, South Carolina, Tennessee and Texas.

Respondents reported domestic labor trafficking cases involving restaurant, factory and domestic work. One respondent mentioned an investigation involving forced labor at a church.

International labor trafficking cases were reported involving Mexico (N = 4), China, Guatemala and Russia (N = 2 each). Other locations around the world include Asian countries (Cambodia, Korea, Sri Lanka, Taiwan, Vietnam), South and Central America (Columbia, Dominican Republic, El Salvador, Peru), African countries (Cameroon, Somalia, Zambia), Middle Eastern countries (Iran, Saudi Arabia), Jamaica and Puerto Rico.

The types of international labor trafficking investigations include restaurant (N = 4), domestic exploitation (N = 2), factory (N = 2), forced begging and hotel work.

Domestic and International Sex Trafficking

Ten percent (N = 20) of law enforcement respondents have investigated a sex trafficking case or arrested someone for sex trafficking crimes.

The law enforcement respondents who have experience with sex trafficking cases are *currently* investigating 23 sex trafficking cases and report the following number of investigations and arrests in 2006 and 2007:

	Investigations	Arrests	Charges
2006	17	1	1
2007	17	31	29
Total	34	32	30

About 30 percent (N = 6) of the respondents who have had sex trafficking arrest or investigation reported that their departments spend an average of six months or less on these investigations. Slightly fewer (N = 5), state that the investigations last an average of seven to 12 months. Slightly less than one-third (N = 7) of law enforcement respondents who have had sex trafficking investigations report child victims associated with the cases, and eight respondents report gang involvement.

About four in ten (N = 8) of law enforcement respondents who have had sex trafficking investigations have had cases of domestic trafficking, while slightly fewer (N = 6) report international cases.

Three law enforcement respondents cited domestic sex trafficking cases tied to Las Vegas or Nevada, while two mentioned Hennepin County. Other in-state sex trafficking cases involve Anoka, Dakota, Ramsey and Wright counties, Duluth, Faribault, Mankato, Minneapolis, Northfield and Rochester (N = 1 each). Midwest areas cited included Iowa, Wisconsin, Ohio, Michigan, Illinois and Chicago. Other states and cities mentioned include New York, Arkansas, Atlanta, California, Hawaii, Kansas City, Louisiana, Missouri, Myrtle Beach, San Francisco and Texas.

Internationally, Mexico and China were mentioned by two law enforcement respondents each. Other countries mentioned include Russia, Dominican Republic, Laos, Vietnam, Korea, Guatemala and Puerto Rico.

The type of sex trafficking, international and domestic, most often investigated by law enforcement is forced prostitution/escort services (N = 11). Four respondents mentioned cases involving forced stripping and exotic dancing, while three more mentioned cases of servile or forced marriage.

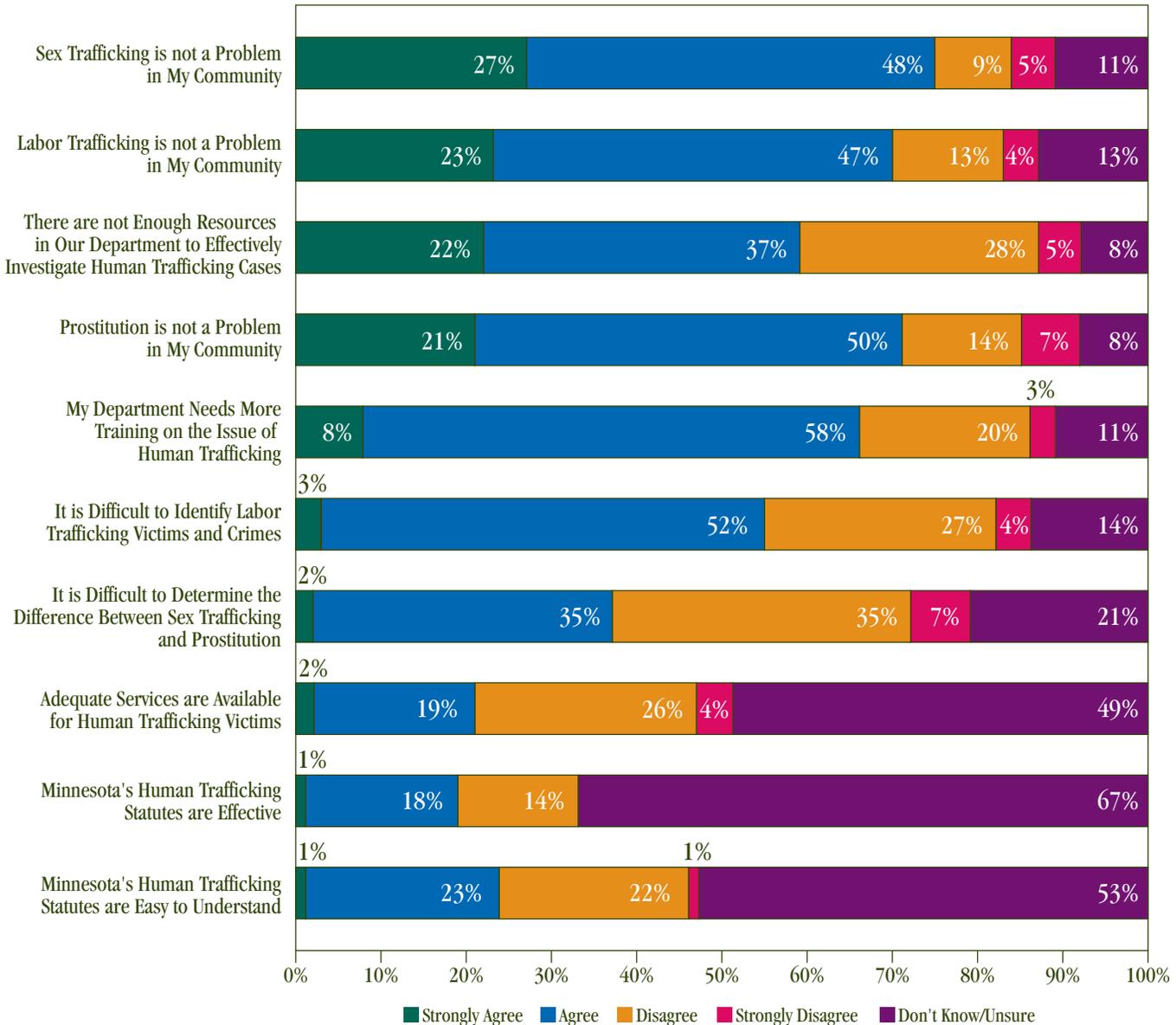
Law Enforcement Perceptions of Human Trafficking in Minnesota

Law enforcement respondents were asked their agreement with a series of statements about human trafficking in Minnesota. More than seven in ten respondents strongly agree or agree that:

- Sex trafficking is not a problem in my community (75% strongly agree/agree).
- Prostitution is not a problem in my community (71%).
- Labor trafficking is not a problem in my community (70%).

However, two-thirds (66%) strongly agree or agree that their department needs more training on the issue of trafficking. In addition, 59 percent strongly agree or agree that there are not enough resources in their departments to effectively investigate human trafficking cases. More than half (55%) strongly agree or agree that it is difficult to identify labor and trafficking victims and slightly more than one-third (37%) strongly agree or agree that it is difficult to determine the difference between sex trafficking and prostitution.

Law Enforcement's Agreement with Statements About Trafficking in Minnesota

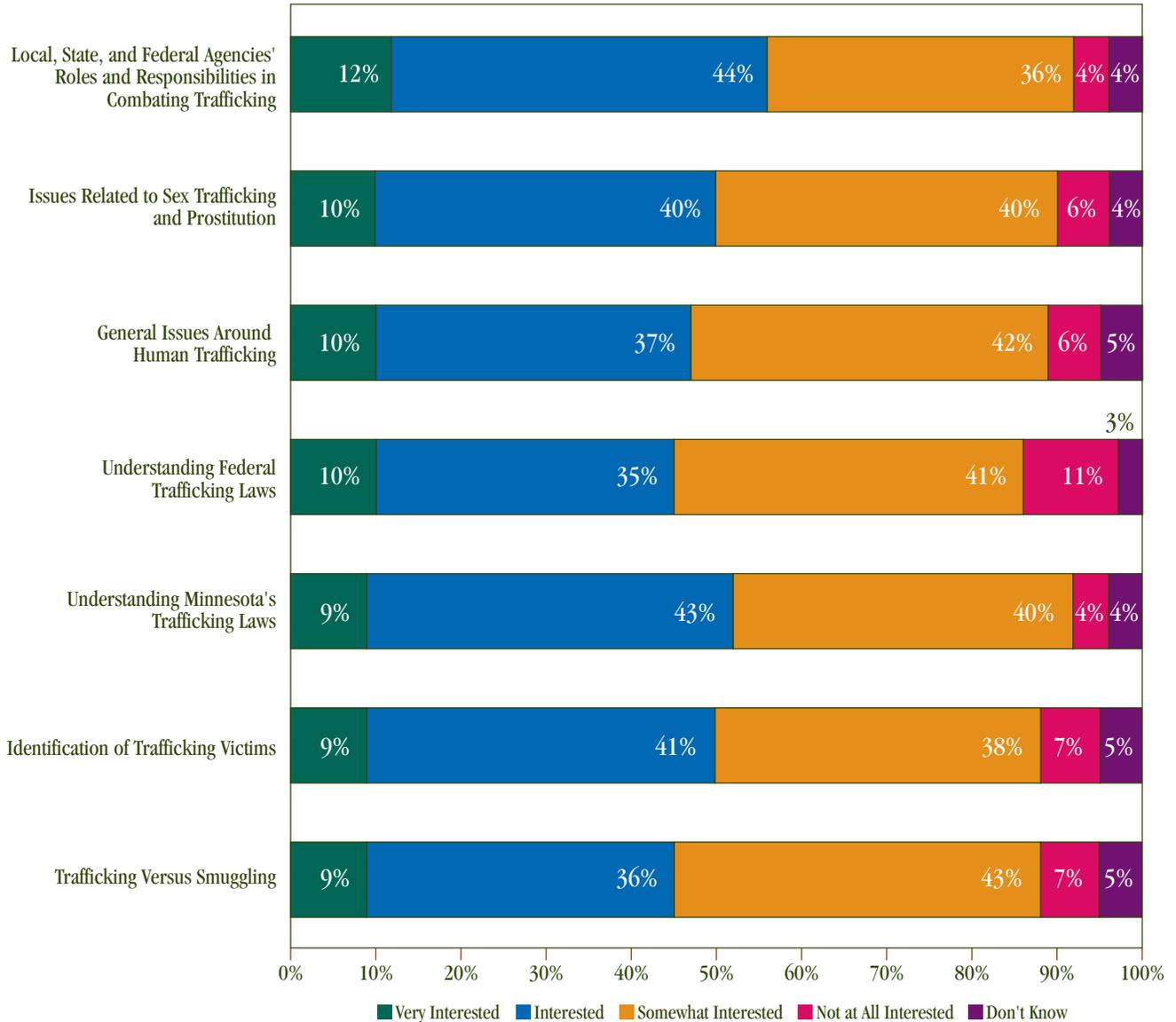


Slightly more than two-thirds (67%) don't know if Minnesota's human trafficking statutes are effective and more than half (53%) don't know if the statutes are easy to understand. A similar percentage don't know (49%) if adequate services are available to human trafficking victims.

More than half of law enforcement respondents are very interested or interested in training on local, state and federal agencies' roles and responsibilities in

combating trafficking (56%) or understanding Minnesota's trafficking laws (52%). Half are very interested or interested in learning about issues related to sex trafficking and prostitution (50%) or identification of trafficking victims (50%). Slightly fewer are interested in general issues around human trafficking (47% very interested/interested), understanding federal trafficking laws (45%) or trafficking versus smuggling (45%).

Law Enforcement’s Interest in Human Trafficking Training



More than half (58%) of law enforcement respondents don't know if human trafficking is a growing problem in Minnesota, eight percent do not believe it is an increasing issue. One-third (34%) feel the problem is growing and many attribute this growth to an increase in the number of illegal immigrants coming into the state and the associated vulnerabilities that put them at risk for labor and sexual exploitation. Some respondents specifically mentioned employers who try to avoid increased labor costs by paying low wages and exploiting a vulnerable population of workers. Other law

enforcement respondents cited the increase in cases they are hearing about as proof that the problem is growing.

Finally, law enforcement was asked for any additional comments about human trafficking. Some respondents noted the difficulty in getting victims to testify and report crimes because they are afraid of being deported while several others feel that this isn't an issue in their community due to their demographics and location.

Nurses' Experiences with Human Trafficking in Minnesota

Often, with hidden crimes such as domestic violence or sexual assault, medical personnel are the first or only professional with whom victims come into contact. For this reason, medical workers have been specifically trained to spot signs of domestic violence and some nurses have been trained to do sexual assault examinations. Because human trafficking victims may also come into contact with medical personnel, despite limited contacts in other spheres, an online survey was sent to 600 nurses across Minnesota. Despite multiple requests for participation, only 120 surveys were completed. While this is certainly not representative of the population of nurses in Minnesota, and the data should be viewed with caution, the information gathered provides some insight into the experiences of Minnesota's nurses with the issue of human trafficking. It also provides some useful information on potential trainings for medical workers in our state.

Almost all nurse respondents are registered nurses working in 40 of Minnesota's 87 counties. About four in ten (42%) work at a hospital, and slightly less than one in ten work in either a school (8%), specialty clinic (8%) or an emergency room (7%).

Seven of the 120 nurses (6%) have treated at least one victim of human trafficking. Two of these respondents have had a patient who was labor trafficked and four have worked with a sex trafficked patient.¹¹

One male labor trafficking patient was mentioned who was domestically trafficked in the agricultural business. The four nurses who have treated sexually trafficked victims report treating two female patients. Both nurses state their patients were forced into prostitution. These patients presented with injuries associated with battering, maltreatment and rape.

About half (52%) of nurses rate themselves as somewhat knowledgeable about human trafficking, while about four in ten (37%) are not very or not at all knowledgeable about this issue. Not surprisingly, 70 percent of nurses don't know if human trafficking is a growing problem in Minnesota. Those who believe it is a growing problem (24%) were asked why; most cited an increase in the number of people coming to Minnesota and the United States illegally and the vulner-

ability associated with their lack of documentation, language barriers and cultural differences. In fact, 69 percent of respondents mentioned language as a barrier to victims receiving medical services while a similar percentage (64%) cited fear of deportation and lack of knowledge about available services (62%) as other barriers to receiving medical treatment. While the trafficking of organs has been reported in other states and countries, that was not identified as an issue for this report until this year; one nurse, working in a transplant unit, mentioned that she has seen trafficking increase as the waiting list for kidney donors becomes longer and longer.

Only four nurses reported having received training on the clinical presentation of a trafficking victim and just two have had training on the appropriate treatment of trafficking victims. However, nurses are extremely interested or interested in a variety of training topics on human trafficking, like how to recognize trafficking victims (96%), how to report trafficking incidents (93%) and the services available to victims (96%).

Nurses were mostly unsure about what medical services are currently missing or under provided to human trafficking patients, but many state the need for increased community awareness, professional awareness, accessible services and resources, including safe houses and interpreters.

Finally, the survey gave nurses a chance to comment on any other aspects of human trafficking. One nurse mentioned that because of this survey, he/she remembered several patients that at the time gave him/her a gut feeling that something was strange and in retrospect could have been trafficking situations. As stated earlier, a nurse who works on a transplant floor has seen several cases where patients have brought people from other countries to the United States as kidney donors in exchange for money.

Experiences with Native American Victims of Trafficking

A report from Amnesty International¹² finds that one in three Native American or Alaska Native women will be raped at some point in their lives. Native American women are 2.5 times more likely to experience sexual

assault than are other women in the United States and most of these assaults, around 86 percent, will go unreported. In addition, many of the factors that create a population vulnerable to trafficking crimes are present on reservations — isolation, poverty, drug and alcohol use, and lack of opportunity. This, on top of the jurisdictional intricacies that make reporting, investigating and prosecuting sexual assaults against Native women and girls so difficult, makes it important to specifically assess the level of sexual trafficking occurring against Native American women and girls in Minnesota.

Twelve service providers have worked with Native American victims of sexual trafficking. These providers have worked with a total of 79 Native American women and girls in the past three years who were victims of sexual trafficking.¹⁵ The service providers report that the Native victims experienced a variety of movement patterns across the state; five providers had victims who were moved from a Minnesota reservation to a metro area in Minnesota, while three each mentioned movement from one Minnesota reservation to another, from a reservation to a location in greater Minnesota and from a reservation to another state. Four respondents noted that the Native victims they had worked with were not moved at all.

Service providers were asked to share their experiences working with Native victims of sexual trafficking and to explain any special needs these victims might have. Two service providers mentioned the special needs that accompany victims who have had multiple generations of women in their family trafficked or exploited in prostitution. Culturally competent, nurturing services are also important. However, as one service provider said, perhaps the most important need is an awareness campaign, targeted to different communities that highlights what trafficking is, provides education to those at risk and helps victims connect with effective services.

Other than the data collected in this report, there is little data, if any, on American Indian and Alaska Native women and youth. Because of this, the Minnesota Indian Women's Sexual Assault Coalition is conducting a state-wide research project interviewing and accurately documenting the experiences of Native women and youth being trafficked and prostituted in Minnesota. A report on this study will be completed by June 30, 2009.

Additionally, the Phoenix Project, started in January 2008, is a partnership with the Minnesota Indian

Women's Resource Center (MIWRC), Division of Indian Work (DIW), Minneapolis Police Department 3rd Precinct and Hennepin County Probation to get better outcomes for high risk American Indian juvenile females through culturally based early intervention and diversion programming. The project focuses on getting Native girls, many of them runaways and at risk of commercial sexual exploitation back in school, into safe housing, and on the road to recovery and healing. To date, six juvenile girls have been involved in the project, but over 25 young women have been identified as having been trafficked as well. In addition to the diversion project, DIW and MIWRC have trained front line staff in the definition of trafficking to also gather preliminary data on the experiences of Native girls and sexual trafficking.

Conclusion

While there is a general belief among respondents that an increase in Minnesota's immigrant population is related to an increase in human trafficking, the study suggests that victims and perpetrators can be anyone from anywhere across the state. However, it is important that we continue exploring the vulnerabilities that put people at risk of victimization in order to implement effective prevention strategies.

Victims and service organizations both face many barriers in finding one another and it is important to minimize those barriers through service coordination, increased awareness of the issue, training for those who may come into contact with victims, and increased ability to investigate and prosecute trafficking crimes.

The findings from three reports completed to date demonstrate that labor and sex trafficking is occurring in Minnesota and that victims come from all over the state, nation and world. The exact number of victims is hard to determine, and this report only accounts for those victims who received help and were correctly recognized as trafficked. There are, without doubt, people in Minnesota experiencing labor or commercial sexual exploitation who have not received help or who do not recognize their victimization. It may be worthwhile to change the frequency of this report, the type of information requested or the data collection method used as it appears that this report, in this format, has served the purpose of documenting the extent and type of Minnesota's human trafficking crimes.

Appendix A

609.324 Other Prostitution Crimes; Patrons, Prostitutes, and Individuals Housing Individuals Engaged in Prostitution; Penalties.

Subdivision 1. Engaging in, hiring, or agreeing to hire a minor to engage in prostitution; penalties.

- (a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:
- (1) engages in prostitution with an individual under the age of 13 years; or
 - (2) hires or offers or agrees to hire an individual under the age of 13 years to engage in sexual penetration or sexual contact.
- (b) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:
- (1) engages in prostitution with an individual under the age of 16 years but at least 13 years; or
 - (2) hires or offers or agrees to hire an individual under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.
- (c) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:
- (1) engages in prostitution with an individual under the age of 18 years but at least 16 years; or
 - (2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

Subdivision 1a. Housing an unrelated minor engaged in prostitution; penalties.

Any person, other than one related by blood, adoption, or marriage to the minor, who permits a minor to reside, temporarily or permanently, in the person's

dwelling without the consent of the minor's parents or guardian, knowing or having reason to know that the minor is engaging in prostitution may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; except that, this subdivision does not apply to residential placements made, sanctioned, or supervised by a public or private social service agency.

Subdivision 2. Solicitation or acceptance of solicitation to engage in prostitution; penalty.

Whoever solicits or accepts a solicitation to engage for hire in sexual penetration or sexual contact while in a public place may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000 or both. Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$1,500.

Subdivision 3. Engaging in, hiring, or agreeing to hire an adult to engage in prostitution; penalties.

Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both:

- (1) engages in prostitution with an individual 18 years of age or above; or
- (2) hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating clause (1) or (2) while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$500. Whoever violates the provisions of this subdivision within two years of a previous conviction may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. Except as otherwise provided in subdivision 4, a person who is convicted of a gross misdemeanor violation of this subdivision while acting as a patron, must, at a minimum, be sentenced as follows:
 - (1) to pay a fine of at least \$1,500; and
 - (2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the

community work service is not feasible or appropriate under the circumstances of the case.

Subdivision 4. Community service in lieu of minimum fine.

The court may order a person convicted of violating subdivision 2 or 3 to perform community work service in lieu of all or a portion of the minimum fine required under those subdivisions if the court makes specific, written findings that the convicted person is indigent or that payment of the fine would create undue hardship for the convicted person or that person's immediate family. Community work service ordered under this subdivision is in addition to any mandatory community work service ordered under subdivision 3.

Subdivision 5. Use of motor vehicle to patronize prostitutes; driving record notation.

When a court sentences a person convicted of violating this section while acting as a patron, the court shall determine whether the person used a motor vehicle during the commission of the offense. If the court finds that the person used a motor vehicle during the commission of the offense, it shall forward its finding to the commissioner of public safety who shall record the finding on the person's driving record. The finding is classified as private data on individuals, as defined in section 13.02, subdivision 12. **History:** 1979 c 255 s 4; 1984 c 628 art 3 s 11; 1986 c 448 s 5,6; 1990 c 463 s 1-4; 1Sp2003 c 2 art 10 s 5; 2004 c 228 art 1 s 72

609.33 Disorderly House.

Subdivision 1. Definition.

For the purpose of this section, "disorderly house" means a building, dwelling, place, establishment, or premises in which actions or conduct habitually occur in violation of laws relating to:

- (1) the sale of intoxicating liquor or 3.2 percent malt liquor;
- (2) gambling;
- (3) prostitution as defined in section 609.321, subdivision 9, or acts relating to prostitution; or
- (4) the sale or possession of controlled substances as defined in section 152.01, subdivision 4.

Subdivision 2. Prohibiting owning or operating a disorderly house.

No person may own, lease, operate, manage, maintain, or conduct a disorderly house, or invite or attempt to invite others to visit or remain in the disorderly house. A violation of this subdivision is a gross misdemeanor.

Subdivision 3. Mandatory minimum penalties.

- (a) If a person is convicted of a first violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$300 nor more than \$3,000.
- (b) If a person is convicted of a second violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$500 nor more than \$3,000.
- (c) If a person is convicted of a third or subsequent violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$1,000 nor more than \$3,000.

Subdivision 4. Evidence.

Evidence of unlawful sales of intoxicating liquor or 3.2 percent malt liquor, of unlawful possession or sale of controlled substances, of prostitution or acts relating to prostitution, or of gambling or acts relating to gambling, is prima facie evidence of the existence of a disorderly house. Evidence of sales of intoxicating liquor or 3.2 percent malt liquor between the hours of 1:00 a.m. and 8:00 a.m., while a person is within a disorderly house, is prima facie evidence that the person knew it to be a disorderly house.

Subdivision 5. Local regulation.

Subdivisions 1 to 4 do not prohibit or restrict a local governmental unit from imposing more restrictive provisions.

Subdivision 6. Pretrial release.

When a person is charged under this section with owning or leasing a disorderly house, the court may require as a condition of pretrial release that the defendant bring an eviction action against a lessee who has violated the covenant not to allow drugs established by section 504B.171. **History:** 1967 c 507 s 10; 1984 c 628 art 3 s 11; 1985 c 277 s 1; 1989 c 77 s 1; 1991 c 193 s 3; 1991 c 249 s 31; 1999 c 199 art 2 s 33; 2003 c 2 art 2 s 18

609.352 Solicitation of Children to Engage in Sexual Conduct; Communication of Sexually Explicit Materials to Children.

Subdivision 1. Definitions. As used in this section:

- (a) “child” means a person 15 years of age or younger;
- (b) “sexual conduct” means sexual contact of the individual’s primary genital area, sexual penetration as defined in section 609.341, or sexual performance as defined in section 617.246; and
- (c) “solicit” means commanding, entreating, or attempting to persuade a specific person in person, by telephone, by letter, or by computerized or other electronic means.

Subdivision 2. Prohibited act.

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 with intent to engage in sexual conduct is guilty of a felony and may be sentenced as provided in subdivision 4.

Subdivision 2a. Internet or computer solicitation of children.

A person 18 years of age or older who uses the Internet or a computer, computer program, computer network, or computer system to commit any of the following acts, with the intent to arouse the sexual desire of any person, is guilty of a felony and may be sentenced as provided in subdivision 4:

- (1) soliciting a child or someone the person reasonably believes is a child to engage in sexual conduct;
- (2) engaging in communication relating to or describing sexual conduct with a child or someone the person reasonably believes is a child; or
- (3) distributing any material, language, or communication, including a photographic or video image, that relates to or describes sexual conduct to a child or someone the person reasonably believes is a child.

Subdivision 2b. Jurisdiction.

A person may be convicted of an offense under subdivision 2a if the transmission that constitutes the offense either originates within this state or is received within this state.

Subdivision 3. Defenses.

- (a) Mistake as to age is not a defense to a prosecution under this section.
- (b) The fact that an undercover operative or law enforcement officer was involved in the detection or investigation of an offense under this section does not constitute a defense to a prosecution under this section.

Subdivision 4. Penalty.

A person convicted under subdivision 2 or 2a is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both. **History:** 1986 c 445 s 3; 2000 c 311 art 4 s 3,4; 2007 c 54 art 2 s 7

609.322 Solicitation, Inducement, and Promotion of Prostitution.

Subdivision 1. Individuals under age 18.

Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

- (1) solicits or induces an individual under the age of 18 years to practice prostitution;
- (2) promotes the prostitution of an individual under the age of 18 years; or
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years.

Subdivision 1a. Other offenses.

Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both:

- (1) solicits or induces an individual to practice prostitution; or
- (2) promotes the prostitution of an individual; or
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual.

Subdivision 1b. Exceptions.

Subdivisions 1, clause (3), and 1a, clause (3), do not apply to:

- (1) a minor who is dependent on an individual acting as a prostitute and who may have benefited from or been supported by the individual's earnings derived from prostitution; or
- (2) a parent over the age of 55 who is dependent on an individual acting as a prostitute, who may have benefited from or been supported by the individual's earnings derived from prostitution, and who did not know that the earnings were derived from prostitution; or
- (3) the sale of goods or services to a prostitute in the ordinary course of a lawful business.

Subdivision 1c. Aggregation of cases.

Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Subdivision 2. [Repealed, 1998 c 367 art 2 s 33]**Subdivision 3. [Repealed, 1998 c 367 art 2 s 33]**

History: 1979 c 255 s 2; 1984 c 628 art 3 s 11; 1986 c 448 s 2; 1992 c 571 art 4 s 9; 1998 c 367 art 2 s 12-14; 2000 c 431 s 2; 1Sp2003 c 2 art 10 s 1

617.245 Civil Action; Use of a Minor in a Sexual Performance.**Subdivision 1. Definitions.**

- (a) The definitions in this subdivision apply to this section.
- (b) "Minor" means any person who, at the time of use in a sexual performance, is under the age of 16.
- (c) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.
- (d) "Sexual performance" means any play, dance, or other exhibition presented before an audience or for purposes of visual or mechanical reproduction which depicts sexual conduct as defined by paragraph (e).

(e) "Sexual conduct" means any of the following if the depiction involves a minor:

- (1) an act of sexual intercourse, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal;
- (2) sadomasochistic abuse, meaning flagellation, torture, or similar demeaning acts inflicted by or upon a minor who is nude, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so unclothed;
- (3) masturbation or lewd exhibitions of the genitals; and
- (4) physical contact or simulated physical contact with the unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Subdivision 2. Cause of action.

A cause of action exists for injury caused by the use of a minor in a sexual performance. The cause of action exists against a person who promotes, employs, uses, or permits a minor to engage or assist others to engage in posing or modeling alone or with others in a sexual performance, if the person knows or has reason to know that the conduct intended is a sexual performance. A person found liable for injuries under this section is liable to the minor for damages. Neither consent to sexual performance by the minor or by the minor's parent, guardian, or custodian, or mistake as to the minor's age is a defense to the action.

Subdivision 3. Limitation period.

An action for damages under this section must be commenced within six years of the time the plaintiff knew or had reason to know injury was caused by plaintiff's use as a minor in a sexual performance. The knowledge of a parent, guardian, or custodian may not be imputed to the minor. This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15. **History:** 1992 c 571 art 12 s 1

617.246 Use of Minors in Sexual Performance Prohibited.

Subdivision 1. Definitions.

- (a) For the purpose of this section, the terms defined in this subdivision have the meanings given them.
- (b) “Minor” means any person under the age of 18.
- (c) “Promote” means to produce, direct, publish, manufacture, issue, or advertise.
- (d) “Sexual performance” means any play, dance or other exhibition presented before an audience or for purposes of visual or mechanical reproduction that uses a minor to depict actual or simulated sexual conduct as defined by clause (e).
- (e) “Sexual conduct” means any of the following:
 - (1) an act of sexual intercourse, normal or perverted, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal;
 - (2) sadomasochistic abuse, meaning flagellation, torture, or similar demeaning acts inflicted by or upon a person who is nude or clad in undergarments or in a revealing costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed;
 - (3) masturbation;
 - (4) lewd exhibitions of the genitals; or
 - (5) physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
- (f) “Pornographic work” means:
 - (1) an original or reproduction of a picture, film, photograph, negative, slide, videotape, video-disc, or drawing of a sexual performance involving a minor; or
 - (2) any visual depiction, including any photograph, film, video, picture, drawing, negative, slide, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means that:

- (i) uses a minor to depict actual or simulated sexual conduct;
- (ii) has been created, adapted, or modified to appear that an identifiable minor is engaging in sexual conduct; or
- (iii) is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexual conduct. For the purposes of this paragraph, an identifiable minor is a person who was a minor at the time the depiction was created or altered, whose image is used to create the visual depiction.

Subdivision 2. Use of minor.

It is unlawful for a person to promote, employ, use or permit a minor to engage in or assist others to engage minors in posing or modeling alone or with others in any sexual performance or pornographic work if the person knows or has reason to know that the conduct intended is a sexual performance or a pornographic work. Any person who violates this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

Subdivision 3. Operation or ownership of business.

A person who owns or operates a business in which a pornographic work, as defined in this section, is disseminated to an adult or a minor or is reproduced, and who knows the content and character of the pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

Subdivision 4. Dissemination.

A person who, knowing or with reason to know its content and character, disseminates for profit to an adult or a minor a pornographic work, as defined in this section, is guilty of a felony and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

Subdivision 5. Consent; mistake.

Neither consent to sexual performance by a minor or the minor's parent, guardian, or custodian nor mistake as to the minor's age is a defense to a charge of violation of this section.

Subdivision 6. Affirmative defense.

It shall be an affirmative defense to a charge of violating this section that the sexual performance or pornographic work was produced using only persons who were 18 years or older.

Subdivision 7. Conditional release term.

Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating this section, the court shall provide that after the person has completed the sentence imposed, the commissioner shall place the person on conditional release for five years, minus the time the offender served on supervised release. If the person has previously been convicted of a violation of this section, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this state, or any state, the commissioner shall place the person on conditional release for ten years, minus the time the offender served on supervised release. The terms of conditional release are governed by section 609.3455, subdivision 8.

History: 1977 c 371 s 1; 1982 c 604 s 2; 1983 c 204 s 11; 1984 c 628 art 3 s 7-9; 1986 c 444; 1999 c 217 s 1-5; 2006 c 260 art 1 s 38

609.27 Coercion.**Subdivision 1. Acts constituting.**

Whoever orally or in writing makes any of the following threats and thereby causes another against the other's will to do any act or forbear doing a lawful act is guilty of coercion and may be sentenced as provided in subdivision 2:

- (1) a threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another, when robbery or attempt to rob is not committed thereby; or
- (2) a threat to unlawfully inflict damage to the property of the person threatened or another; or

- (3) a threat to unlawfully injure a trade, business, profession, or calling; or
- (4) a threat to expose a secret or deformity, publish a defamatory statement, or otherwise to expose any person to disgrace or ridicule; or
- (5) a threat to make or cause to be made a criminal charge, whether true or false; provided, that a warning of the consequences of a future violation of law given in good faith by a peace officer or prosecuting attorney to any person shall not be deemed a threat for the purposes of this section.

Subdivision 2. Sentence.

Whoever violates subdivision 1 may be sentenced as follows:

- (1) to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both if neither the pecuniary gain received by the violator nor the loss suffered by the person threatened or another as a result of the threat exceeds \$300, or the benefits received or harm sustained are not susceptible of pecuniary measurement; or
- (2) to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if such pecuniary gain or loss is more than \$300 but less than \$2,500; or
- (3) to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if such pecuniary gain or loss is \$2,500, or more. **History:** 1963 c 753 art 1 s 609.27; 1971 c 23 s 40; 1977 c 355 s 7; 1983 c 359 s 87; 1984 c 628 art 3 s 11; 1986 c 444; 2004 c 228 art 1 s 72

609.321 Prostitution; Definitions.**Subdivision 1. Scope.**

For the purposes of sections 609.321 to 609.325, the following terms have the meanings given.

Subdivision 2. Business of prostitution.

"Business of prostitution" means any arrangement between or organization of two or more persons, acting other than as prostitutes or patrons, who commit acts punishable under sections 609.321 to 609.324.

Subdivision 3. [Repealed, 1998 c 367 art 2 s 33]

Subdivision 4. Patron.

“Patron” means an individual who hires or offers or agrees to hire another individual to engage in sexual penetration or sexual contact.

Subdivision 5. Place of prostitution.

“Place of prostitution” means a house or other place where prostitution is practiced.

Subdivision 6. [Repealed, 1998 c 367 art 2 s 33]**Subdivision 7. Promotes the prostitution of an individual.**

“Promotes the prostitution of an individual” means any of the following wherein the person knowingly:

- (1) solicits or procures patrons for a prostitute; or
- (2) provides, leases or otherwise permits premises or facilities owned or controlled by the person to aid the prostitution of an individual; or
- (3) owns, manages, supervises, controls, keeps or operates, either alone or with others, a place of prostitution to aid the prostitution of an individual; or
- (4) owns, manages, supervises, controls, operates, institutes, aids or facilitates, either alone or with others, a business of prostitution to aid the prostitution of an individual; or
- (5) admits a patron to a place of prostitution to aid the prostitution of an individual;
- (6) transports an individual from one point within this state to another point either within or without this state, or brings an individual into this state to aid the prostitution of the individual; or
- (7) engages in the sex trafficking of an individual.

Subdivision 7a. Sex trafficking.

“Sex trafficking” means receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual.

Subdivision 7b. Sex trafficking victim.

“Sex trafficking victim” means a person subjected to the practices in subdivision 7a.

Subdivision 8. Prostitute.

“Prostitute” means an individual who engages in prostitution.

Subdivision 9. Prostitution.

“Prostitution” means engaging or offering or agreeing to engage for hire in sexual penetration or sexual contact.

Subdivision 10. Sexual contact.

“Sexual contact” means any of the following acts, if the

acts can reasonably be construed as being for the purpose of satisfying the actor’s sexual impulses:

- (i) the intentional touching by an individual of a prostitute’s intimate parts; or
- (ii) the intentional touching by a prostitute of another individual’s intimate parts.

Subdivision 11. Sexual penetration.

“Sexual penetration” means any of the following acts, if for the purpose of satisfying sexual impulses: sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of an individual’s body by any part of another individual’s body or any object used for the purpose of satisfying sexual impulses. Emission of semen is not necessary.

Subdivision 12. Public place.

A “public place” means a public street or sidewalk, a pedestrian skyway system as defined in section 469.125, subdivision 4, a hotel, motel, or other place of public accommodation, a place licensed to sell intoxicating liquor, wine, non-intoxicating malt beverages, or food, or a motor vehicle located on a public street, alley, or parking lot ordinarily used by or available to the public though not used as a matter of right and a driveway connecting such a parking lot with a street or highway.

History: 1979 c 255 s 1; 1986 c 444; 1987 c 291 s 242; 2005 c 136 art 17 s 19-23

609.282 Labor Trafficking.**Subdivision 1. Individuals under age 18.**

Whoever knowingly engages in the labor trafficking of an individual who is under the age of 18 is guilty of a crime and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both.

Subdivision 2. Other offenses.

Whoever knowingly engages in the labor trafficking of another is guilty of a crime and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subdivision 3. Consent or age of victim not a defense.

In a prosecution under this section the consent or age of the victim is not a defense.

History: 2005 c 136 art 17 s 16; 2006 c 260 art 1 s 20

- 1 Services providers had a response rate of 68 percent and law enforcement a 51 percent response rate. The number of nurse surveys is not representative of the number of nurses across the state and this information should be viewed with caution.
- 2 For more information on the mission, meeting notes and meeting times associated with this task force, please visit: www.ojp.state.mn.us/cj/httf/about.htm.
- 3 *Trafficking in Persons Report*, 2005. U.S. Department of State.
- 4 Labor services include involuntary servitude, peonage, debt bondage or slavery.
- 5 U.S. Dept. of Health and Human Services, Administration for Children and Families, *Fact Sheet: Human Trafficking*.
- 6 U.S. Dept. of Health and Human Services, Administration for Children and Families, *Fact Sheet: Labor Trafficking*.
- 7 Please see Appendix A for the definitions of these statutes.
- 8 These numbers represent the number of respondents reporting victims from that particular country, not the number of victims from that location.
- 9 One respondent reported working with 400 female sex trafficking victims in the past three years.
- 10 Please note that these numbers represent the number of respondents with clients trafficked from these locations, not the number of victims identified.
- 11 Please note that some respondents did not answer all or some of the follow-up questions.
- 12 *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA*
www.amnestyusa.org/document.php?lang=e&id=ENGAMR510352007
- 13 This number is significantly lower than the 345 Native victims of human trafficking accounted for in last year's report. The survey question remained the same for both administrations of the survey (number of victims encountered during the past three years) so it is unclear why the significant difference between 2006 and 2007. However, this does highlight the inherent difficulty in accurately assessing information based on respondent recall.



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