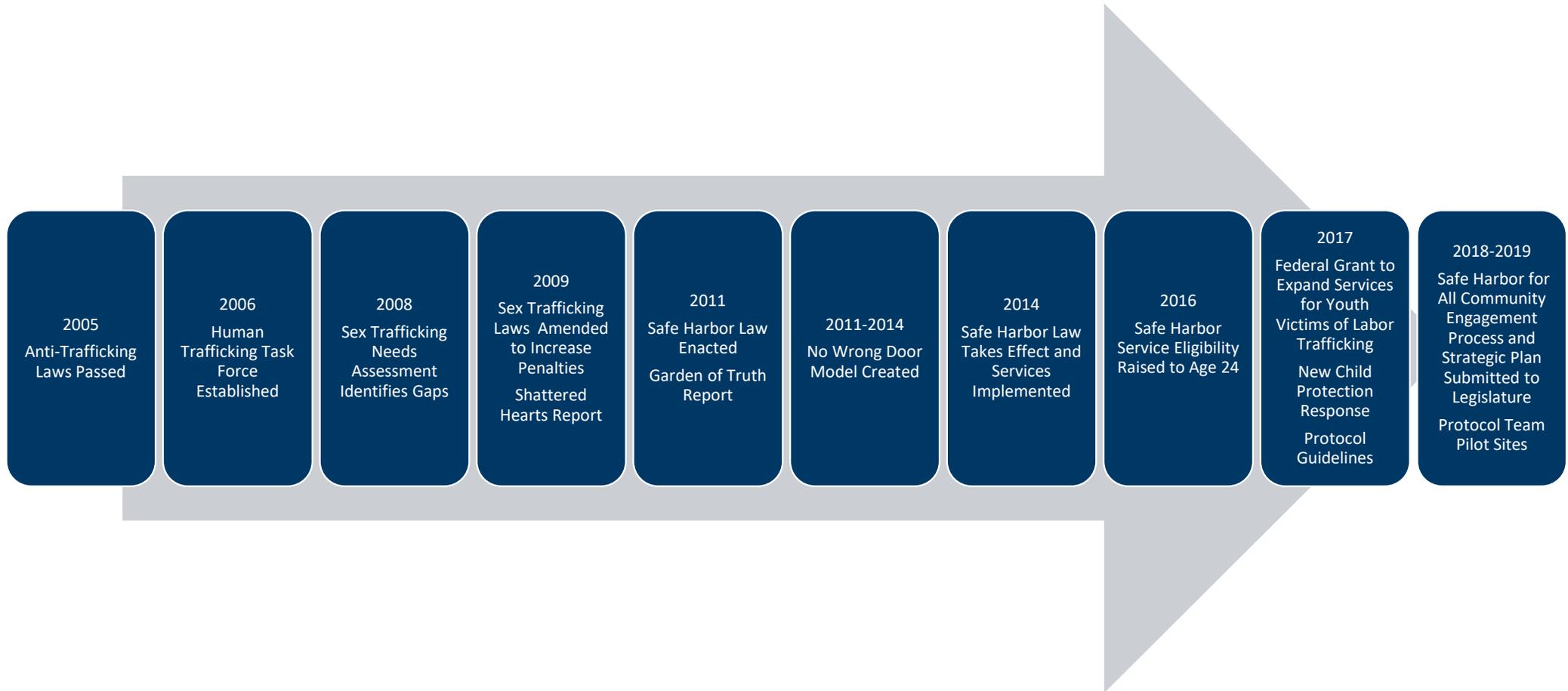




## Safe Harbor for All

Beatriz Menanteau, Supervisor, Violence  
Prevention Programs Unit &  
Caroline Palmer, Safe Harbor Director

# Safe Harbor History (larger-scale timeline available on request)



## Minnesota Safe Harbor Law

Sexually exploited youth

17 years old and under

*can no longer be criminalized for engaging in prostitution but should be referred to services.*

Sexually exploited and at risk youth

24 years old and under

*deserve and are eligible for specialized, trauma-informed services to heal and recover.*

- 2017 Legislative Mandate: MDH, in consultation with Department of Public Safety and Department of Human Services, directed to adopt a strategic plan re: expansion of Safe Harbor to “adult victims of sex trafficking”
- Required input from survivors, victim services coalitions and providers, nonprofit organizations, task forces, prosecutors, public defenders, tribal governments, public safety and corrections professionals, human services professionals, and impacted community members. Report to the legislature by January 15, 2019

# Areas of Interest

Prevention and intervention services for adult survivors

Intersections of sex trafficking and exploitation with forces of oppression

Impact of criminal liability on individuals engaging in prostitution

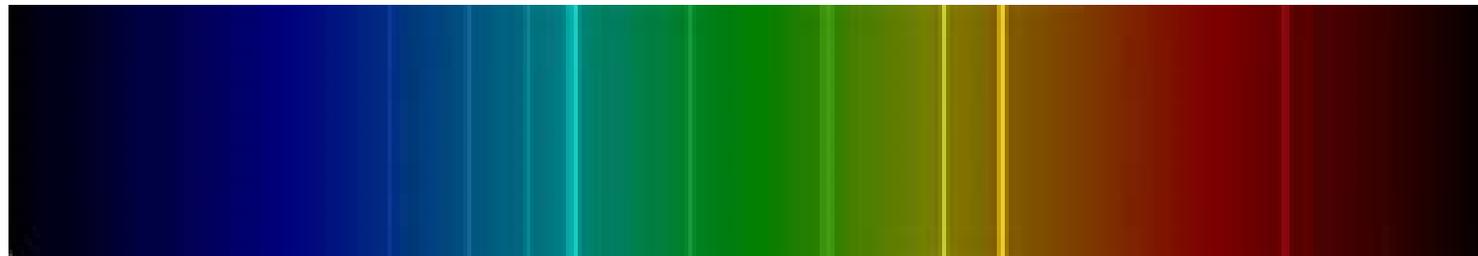
# Community Needs Assessment

- Competitive Process
  - University of Minnesota Urban Research and Outreach-Engagement Center
  - The Advocates for Human Rights
  - Rainbow Research



- MDH Strategic Plan
    - In event legislature decides to proceed with implementing progressive prevention and intervention tactics as well as explore partial decriminalization policies, MDH provided steps to follow
    - Public health, public safety and human services strategies
  - Research Partners Report for Planning Process
    - *Safe Harbor for All: Results from a Strategic Planning Process in Minnesota*
- <https://www.health.state.mn.us/communities/safeharbor/response/safeharborforall.html>

- MDH focus on response to survivors of sex trafficking and exploitation and impact of harms on population, as required by legislature
- Research focused on broader continuum of experience to inform strategic plan by providing a comprehensive assessment of the current state response



# MDH Strategic Plan

In consultation with DHS and OJP  
Submitted to legislature January 4, 2019

# Shared Goals with Planning Process

Center victim/survivors and all persons with lived experience

Prioritize prevention

Develop robust public health, public safety and human services responses

Expand supportive services

Increase training and accountability

Remove stigma

Advance culturally responsive and equitable approaches

Support ongoing evaluation

Integrates progressive prevention and intervention tactics

Framework for planning should MN move toward partial decriminalization

- Recommendations Related to Prevention and Intervention
  - Funding a planning process for adults like No Wrong Door for youth
  - Change in terminology in statute (“prostitute” and “patron”)
  - Added avenues of redress (affirmative defenses, expungement, vacatur, diversion)
  - Agency self-examination (auditing internal/external stakeholders)
  - Accountability measures (criminal justice and child welfare system)
  - Fund training (multidisciplinary, trauma informed, survivor-centered, culturally inclusive, protocol development)

- Planning process to weigh partial decriminalization
  - Multi-year/multidisciplinary
  - Examine benefits and unintended consequences
  - Funding
  - Inclusive of victim/survivors and all persons with lived experience
- Keep purchase of sex illegal and focus on needs of victim/survivors and persons with lived experience
- Charge and prosecute crimes against victim/survivors and persons with lived experience

# THANK YOU!

- Beatriz Menanteau, JD, Supervisor, Violence Prevention Programs Unit
- Caroline Palmer, JD, Safe Harbor Director
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NSAC Conference  
August 21, 2019  
Philadelphia, PA

*Overview of Process,  
Findings, and  
Recommendations*

**Lauren Martin, PhD**

Christina Melander, MSW  
Michele Garnett McKenzie, JD  
Rose Park, JD  
Katie Fritz Fogel, MPH  
Beki Saito, MA

# Outline for today

1. Background – Mandate, legislation, & terms
2. **Inclusive process** (Who participated shaped what we learned)
3. Key findings
4. Recommendations and next steps

Background



# Safe Harbor for All Strategic Planning Process:

A legislatively-mandated, **participatory** and **inclusive**, planning process with recommendations to the Minnesota Legislature to improve Minnesota's response to adult victims of sex trafficking and exploitation. **294 people participated.**

**Final Report with 19 Recommendations**

# Safe Harbor in Minnesota

- 2005 MN recognized human trafficking as a crime
- 2011 Safe Harbor for Sexually Exploited Youth passed
- 2014 Safe Harbor/No Wrong Door came into effect
- 2016 Expanded age eligibility for services up to 24 years
- 2017 Safe Harbor for All, **What about all adults?**

Should the State of Minnesota extend Safe Harbor to include all adults involved in transactional sex? If so, how?

## DEFINITION:

lived  
experience in  
transactional  
sex

**Victim/survivors** trafficking and  
commercial sexual exploitation

**Independent providers** of  
sexual activity

**Sex workers**

- We do NOT use the term “prostitute”

**“Some days I’m a survivor and some days I’m struggling. Sex worker, survivor, in between. Today I’m a survivor, tomorrow I might be a sex worker if something happens and I can't make it. We don't know. [...] What if I’m in between, I don’t always feel like a sex worker and I don’t always feel like a survivor. Can we just not even put a name on it?”**

**- Participant with lived experience, Metro area**

# Different Legal Frameworks on Prostitution

## Criminalization

All parties  
criminal  
penalties

CURRENT  
STATUS in MN

## PARTIAL

### Decriminalization

Providing sex NOT  
subject to criminal  
penalties

Purchasing sex is  
illegal

Trafficking and  
purchasing sex  
from a minor  
illegal

## FULL

### Decriminalization

Purchase and  
provision of  
sex are no  
longer subject  
to criminal  
penalties

## Legalization

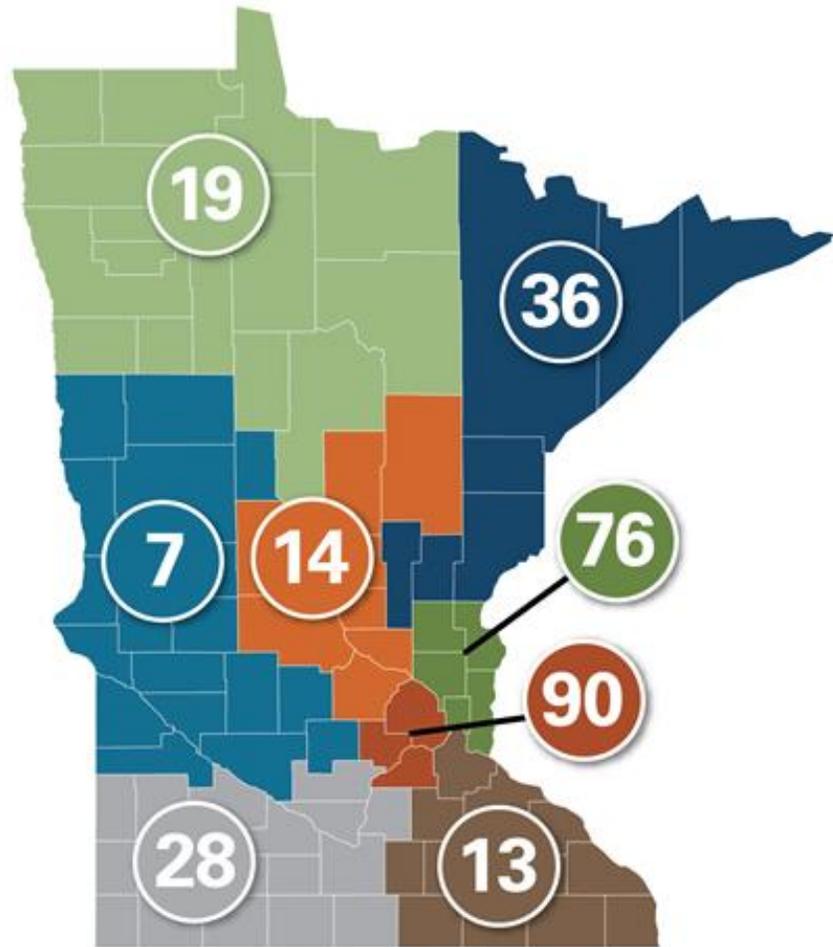
Adult  
prostitution is  
legal and  
regulated by  
the state

# Inclusive Process

# Participatory Methods

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- Open, inclusive, and transparent
- Purposeful sampling to include relevant experts across the state (N=294)
- 35-Member Process Advisory Group
- Fast Timeline
  - Planning/design: Nov 2017 – Feb 2018
  - Launched: March 2018
  - Completed: October 2018



	<i>Counts</i>	<i>Percentage</i>
<b>West Metro</b>	<b>90</b>	<b>31.3%</b>
<b>East Metro</b>	<b>76</b>	<b>26.4%</b>
<b>Northeast</b>	<b>36</b>	<b>12.5%</b>
<b>Southwest</b>	<b>28</b>	<b>9.7%</b>
<b>Northwest</b>	<b>18</b>	<b>6.6%</b>
<b>Central</b>	<b>14</b>	<b>4.9%</b>
<b>Southeast</b>	<b>13</b>	<b>4.5%</b>
<b>West Central</b>	<b>7</b>	<b>2.4%</b>
<b>Missing Data</b>	<b>5</b>	<b>1.7%</b>

# Wide range of demographics and experiences



# Professional Identities

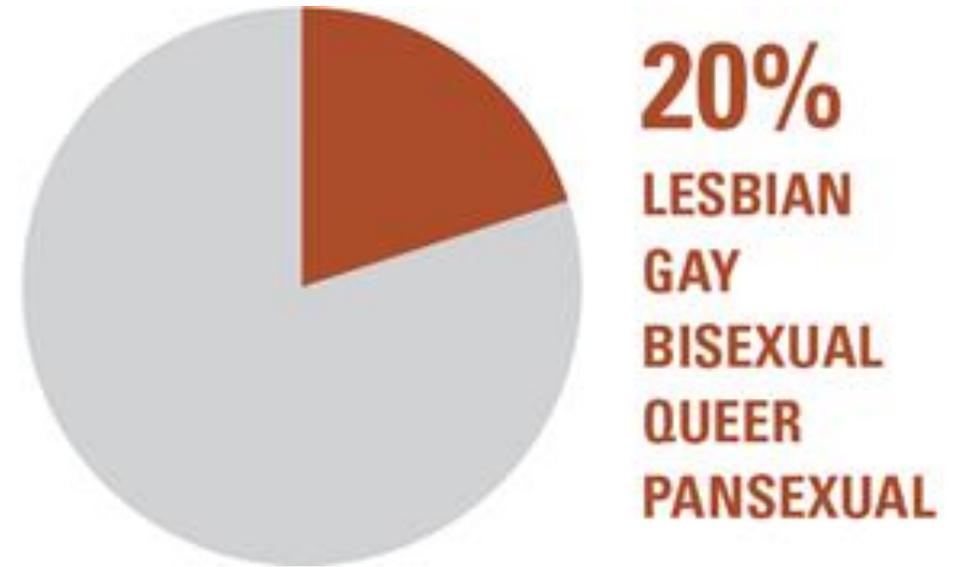
<b>43</b> Outreach Worker	<b>41</b> Social Worker	<b>24</b> Police Officer	<b>24</b> Detective / Investigator	<b>20</b> Faith Community	<b>17</b> Academia/ Research	<b>15</b> Prosecutor	<b>17</b> Public Health Professional
<b>15</b> Attorney	<b>9</b> Therapist	<b>7</b> Public Defender / Defense Attorney	<b>6</b> Probation Officer	<b>6</b> Hotel / Hospitality	<b>5</b> Nurse	<b>4</b> Foundation	<b>3</b> Judge

# Lived Experience (N=111)

**FEMALE 94%**

**TRANSGENDER  
GENDER  
NON-BINARY 9%**

**MALE 2%**



**AGE RANGE**



# Lived Experience (N=111)

**58**

52%

**SURVIVAL  
SEX**

**52**

47%

**STREET-  
BASED**

**48**

43%

**ONLINE**

**43**

39%

**STRIPPING  
/ EROTIC  
DANCING**

**26**

23%

**MASSAGE  
PARLOR**

**22**

20%

**BDSM/  
DOM/  
FETISH**

**17**

15%

**PORN**

**15**

14%

**BROTHE  
BASED**

# Main Findings

# Leadership with lived experience

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- Reflect full spectrum of lived experience
- Include diverse communities most impacted
- Paid and structural (not tokenism)

# Stakeholders Agreed

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ALL people with lived experience deserve safety,  
health, dignity and justice,

yet this is often denied.

# The Main Points

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1. **Partial Decriminalization** would reduce significant HARMs caused by arrest
2. MUST be enacted with **increased services and supports**
  - Do not increase state control
  - Cultural and community-based healing
  - Need a systems audit to decrease institutional racism, oppression and stigma
3. Humanize/**destigmatize** people with lived experience
4. **Prevention** = basic human needs (housing, food, etc.)

# Arrest Causes Harm

**“I have a hard time with housing and employment because of my record, my prostitution charge. Especially the charge it is, it’s embarrassing I went to court and had to deal with this. It was embarrassing and I felt a lot of shame hearing about things in the courtroom.”**

**- Person with lived experience, Metro area**

# Stigma causes harm

“To try to explain your lifestyle to someone who’s never been in the lifestyle, you’re looked at as dirty, as someone not worth it.”

- Person with lived experience, Metro area

“[...] even if they go through all the programming in the world, people are still going to call them a whore and I don’t know how to change that, I really don’t. It is part of the shame cycle that they are in is perpetuated by everything they see in their life and how they are treated by everybody.”

- Prosecutor, Metro area

# Service and Support Framework

“So if we’re going to crack down and do partial decriminalization, we need to have a framework ready right away. I’m talking housing. I’m talking job services, I’m talking healthcare, you know, supplemental income, some kind of stipend for them to get through the time in between. If people want to go to school...”

- Person with lived experience, Metro area

# Focus arrest on:

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- Sex buyers who break other laws (theft, stalking, harassment, etc.) and inflict violence
- People who purchase sex from minors
- **Coercive** third-parties

“kidnapping someone is illegal. Abusing and hitting someone is already illegal. Stealing someone’s money is already illegal. Rape is already illegal. You know what I mean? So it’s, like, all these things are already laws. We just need to enforce those. And to me, that’s just seeing sex workers as people.”

- Person with lived experience, Metro area

# Harms deeper than to criminalize or not

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- Intersectional oppression
- Push/pull factors (poverty, racism, so much more)
- Harms within transactional sex (due to criminalization and stigma)
- Legacies of slavery and colonialism shape the market and disparate experiences of harm in the market.
- Some systems CAUSE additional harms and are open to abuse of power (i.e. police, child protection)

## Harms rooted in intersectional oppressions

“Queer POC [people of color] selling sex are always at lower power than clients—even more marginalized. Our bodies are fetishized, seen as disposable. I would have to do more to get someone to take the risk. Just doubly or triply so for someone queer POC.”

- Person with lived experience, Metro area

# Harms of CPS and Foster Care

“Even now there’s such a culture where Child Protection is there to take your kid away. It isn’t possible to view someone as an ally when you’ve started off with that relationship. It would require systemic changes where child protection listens to what a family needs.”

- Public health professional with lived experience, Metro area

# Harms of CPS and Foster Care

“I think that's also a reason that they're not disclosing [trafficking victimization]. They're afraid if they report what's happening, they'll get their children taken away.”

- People in tribal social services with lived experience, Greater MN

# Abuse of Power

“And the detective that was handling the case told me he’d make it all go away if I screwed him. Because I was a hooker and that’s what should be done. Which, of course, I’m not dumb. I screwed him and it all went away.”

- Person with lived experience, Northeast MN

# Engage indigenous people and Tribal communities

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- Disproportionately impacted
- Strengths in cultural and community healing practices
- Jurisdictional challenges, need inter-governmental work
- Missing and murdered indigenous women task force needed

“I don’t know what it is to be a white woman and an escort, and how that connects with her roots, but for me, to be an indigenous women, there are so many missing murdered and native and indigenous women, the rates are higher, it’s higher for native women.”

– Participants with lived experience, Metro area

# Reduce burden of criminalization NOW

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- Diversion, Expungement and vacatur (retroactive?)
- Stop arresting people with lived experience
- End out-of-home placement simply for involvement in transactional sex
- Reform institutional stigmas and oppressions
- Change the language in MN prostitution statutes

# Caveats, concerns & questions

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- Some supported partial but wanted full decriminalization
- Concerns about how victims of trafficking would be identified without **police activity** around prostitution
- **Disagreement** among stakeholders about whether services should be compelled for some people with lived experience (i.e. mental health, substance abuse, trauma)
- How would partial decriminalization change the **commercial sex market** in Minnesota?

# 19 Recommendations

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- Approach and Philosophy (#1 & #2)
- Relevant Criminal Issues (#3 - #9)
  - Criminal liability for providing sex (609.324)
  - Criminal liability for purchasing sex (609.324)
  - Criminal liability for trafficking (609.322)
- Prevention/Intervention (#10 - #12)
- Tribal Nations & Indigenous communities (#13 - #15)
- Training, Reform, Evaluation (#16 - # 19)

Minnesota is poised for change

# Thank you

**Lauren Martin, [mart2114@umn.edu](mailto:mart2114@umn.edu)**

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Affiliated Researcher at the Urban Research and Outreach Engagement Center (UROC)

**Report Available at: <https://uroc.umn.edu/safe-harbor-all-strategic-planning-process>**