

Goodhue County Safe Harbor Protocol For Trafficked and Sexually Exploited Youth

Created by the
Goodhue County Safe Harbor Protocol Team

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1st Edition



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Foundations

Safe Harbor and No Wrong Door

Minnesota's Safe Harbor law represents a paradigm shift in how our state views youth who have been sexually exploited, not as juvenile delinquents, but as victims and survivors. In 2011, Minnesota passed the Safe Harbor law, mandating that youth involved in selling or trading sex cannot be arrested for or charged with the crime of prostitution. Rather, exploiters –both traffickers and those who purchase sex– face increased penalties for their crimes. These important legislative changes were the first step to ensuring that perpetrators are held accountable and that victim/survivors of sexual exploitation and trafficking can access a path to recovery and healing. The state then underwent a three-year planning period, during which the Commissioner of Public Safety worked with stakeholders to create a victim-centered, statewide response for sexually exploited youth. Through a statewide multidisciplinary collaborative process, Minnesota developed one of the most comprehensive response models in the nation for responding to commercial sexual exploitation: “No Wrong Door.”¹

The No Wrong Door Response Model creates a statewide infrastructure for service delivery, specialized housing and shelter, training for systems professionals, and the development of community-specific protocols across the state. It was founded upon a set of values and an overarching philosophy that recognize the impact of trauma on the lives and recovery of sexually exploited youth. The Model also acknowledges the need for specific service models and training for all systems professionals who serve youth. Most importantly, No Wrong Door affirms that youth are capable of making decisions about their own recovery. The needs of youth cannot be effectively met without their own lived experience directly informing Safe Harbor training, service delivery, and protocol development.

No Wrong Door Principles:

- Those who come in contact with youth should be trained to identify sexual exploitation.
- Youth who are sexually exploited are victims of a crime.
- Victims should not feel afraid, isolated or trapped.
- Sexual exploitation is traumatic. Victim-centered services should be based in trauma-informed care.
- Services should be responsive to needs of youth (responsive to youth with disabilities, gender responsive, culturally competent, age appropriate, supportive for LGBTQ+ youth).
- Services should be offered statewide.
- Youth have the right to privacy and self-determination.
- Services should be based in positive youth development.

Safe Harbor Legislative Timeline²

The Safe Harbor Law, passed in 2011, includes five key changes – three were effective immediately in 2011 while two additional changes went into effect in 2014. In 2011, Minnesota:

- Added the definition of sexually exploited youth in Minnesota's child protection codes;
- Increased the penalties against commercial sex abusers or purchasers; and
- Directed the Commissioner of Public Safety to work with stakeholders to create a victim-centered, statewide response for sexually exploited youth.

¹ Department of Public Safety, Office of Justice Programs, ***No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth***, (January 2015), retrieved at [https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20\(FINAL\).pdf](https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20(FINAL).pdf)

² <http://www.health.state.mn.us/injury/topic/safeharbor/>

Effective August 1, 2014:

- Excluded sexually exploited youth under 18 from the definition of delinquent child. This resolves the conflict that defines in law a sexually exploited youth as both a victim and delinquent. If youth engage in conduct that relates to being hired, offering to be hired or agreeing to be hired by another individual to engage in sexual conduct, they cannot be charged with a crime for this act.
- State began implementing service model called No Wrong Door – making available resources and services for sexually exploited youth including regional navigators, housing and shelter, comprehensive services, and training and protocol development.

Effective July 1, 2016:

Safe Harbor services were made available to individuals 24 and younger, increasing the prior eligibility age for services from 18.

Safe Harbor Core Principles

Victim-Centered

Victim-centered approaches focus on what is best for the victim/survivor instead of what is best for the criminal justice process. Guaranteeing support and autonomy for victim/survivors can improve outcomes for a victim/survivor and for the community at large. Victim-centered does not mean that the professional must do everything that the victim/survivor requests. Nor does it mean that the professional has to like the victim/survivor or agree with their choices. The purpose of victim-centered work is to recognize victim/survivors as the “experts” in their own lives, respecting their role in systems response, and providing them appropriate resources to meet their current needs.

Implementation of Victim-Centered Practices

We recognize individuals present in a variety of different ways (i.e., domestic violence situations, drugs in the home, etc.), we approach these youth with an open mind.

Trauma-Informed

Trauma is a reaction to one or more violent events or negative experiences. Sexual exploitation is abuse and inherently traumatizing. Methods used by exploiters are designed to take advantage of a youth’s vulnerabilities and decreasing their sense of self-worth. In addition, sexually exploited youth may have also experienced other forms of trauma, including childhood sexual abuse, domestic violence, and/or discrimination. The intersections of the various traumas experienced by sexually exploited or trafficked youth may intersect with, reinforce, and contribute to one another – this is called “complex trauma.”

Experiencing trauma can have serious and long-term health effects, including mental and chemical health issues, physical problems, and effects on the brain. Victim/survivors may cope with their trauma by engaging in substance abuse or engaging in other harmful behaviors. They may dissociate – disconnecting from themselves and fracturing their sense of identity.

Trauma often manifests itself in behaviors traditionally considered negative, dishonest, disruptive, or criminal. Some examples:

- Difficulty remembering details or chronological order of events
- Difficulty providing coherent, consistent, and organized narratives or explanations
- Flat affect or disconnected behavior
- Surprisingly upbeat behavior
- Anger or lashing out

- Hostility
- Difficulty sitting still or concentrating

Implementation of Trauma-Informed Practices

The Goodhue County Safe Harbor Protocol Team commits to the following concepts in order to be more trauma – informed.

1. To be trauma-informed is to orient yourself towards and apply the concepts of, “What has happened to this young person? What trauma has this youth endured?” It requires us to change our framing from “What did you do?” to “What happened to you?”
2. Use nonjudgmental approaches. Do not approach youth as if there is something “wrong” with them or that you can “fix” their situation.
3. When interviewing a youth about their experience, take your time and understand that the youth’s memory may have been affected by the trauma they experienced. Offer breaks or pauses.
4. Do not attempt to turn the youth against their exploiter. Allow the youth to choose the terminology they use to refer to them. Often, the exploiter is someone the youth considers to be a friend or loved one.
5. Our Safe Harbor Navigator and other victim service providers will recognize another person’s triggers and offer them techniques and/or resources for handling triggers.
6. Recognize that sexually exploited youth are often slow to trust, and may react negatively to someone who is showing care towards them.

Youth-Centered

Youth-centered is an approach to working with youth that recognizes their personal agency. Professionals may vary in their ability to enact youth-centered philosophies based upon the parameters of their legal or professional obligations. To the extent that it is possible, being youth-centered can lead to positive long-term outcomes for sexually exploited youth.

Implementation of Youth-Centered Practices

We believe that sexually exploited youth (and adults) are the experts on their own trauma. We will, whenever possible, respect and honor the youth’s voice in determining the types of services provided.

Strengths-Based

At its core, being strengths-based means focusing on the potential of a youth. Youth are “assets and resources, not problems to be fixed or prevented.” They are also more than the sum of things – in particular, traumatic things – that have happened to them. Each youth brings unique context, interests, strengths, and skills that have aided in that youth’s ability to survive. Draw upon and honor these strengths when working with youth.

Implementation of Strengths-Based Practices

The Goodhue County Safe Harbor Protocol Team believes that victims and survivors of trafficking and sexual exploitation are resilient and continue to learn from their experiences or environment. We commit to being consistent, patient, and respectful with youth. We also commit to having healthy boundaries with youth to develop trust and help them access the paths that promote long-term health and well-being.

Culturally Responsive

Culture is a complex, multilayered topic. It does not mean just race or ethnicity. It also encompasses socio-economic status, nationality, citizenship, religion, ability, age, and much more. In particular, a range of personal and collective experience can coalesce into distinct cultural identities, such as sexual orientation and gender identification, disability, homelessness, and street culture. Culture influences each individual’s views, behaviors, and relationships with others. It plays a role in how individuals understand and process trauma, how they solve

problems and describe their experiences, where they access support, and how they define justice. An important part of the response to sexual exploitation and trafficking is to provide equitable services to all youth; this requires us to provide culturally responsive services to the youth in our community.

Access to services is the most pressing issue facing many victims/survivors, responders, and communities. Providing equity means that services are designed to respond to the needs of individuals as well as groups. Examples may include language access, materials that reflect diverse populations or cultural groups, and processes that have options for victims/survivors to get the assistance they need after experiencing sexual exploitation and/or trafficking. This includes service providers working to change issues of bias within their systems and building proactive plans to provide culturally responsive services.

Implementation of Culturally Responsive Practices

Our community has a 3% Latino/a population, so our agencies will all have written materials that are appropriately translated and readily available to service providers to give to victims/survivors. Survivors will be interviewed in their primary language, using a court certified interpreter whenever possible. Language line services will be used if no neutral interpreter is available.

Access to reliable transportation is an issue facing many in our community. All agencies represented on our protocol team will work collaboratively to provide transportation to victims/survivors to access services. To achieve this, we will utilize survivors' natural support system, advocates, and volunteer drivers for medical appointments. Gas cards and other gift cards will be used to help offset cost of travel to appointments.

Training will be available to all partner agencies to increase knowledge and understanding of cultural issues including, but not limited to, historical trauma, LGBTQ+, poverty, race, religion, gender, and immigration status.

History of the Goodhue County Safe Harbor Protocol Team

Team Mission Statement

The Goodhue County Safe Harbor Protocol Team will develop policies and best practices to allow agencies providing services in Goodhue County to screen for at-risk individuals and respond to reports of sex trafficking and/or sexual exploitation in an inclusive, appropriate, and consistent manner.

Team Vision Statement

The Goodhue County Safe Harbor Protocol Team shall focus on prevention, intervention, responses, and providing services to at-risk individuals, victims/survivors, caregivers and families, service providers, and the community that reflect the following principles:

Youth-centered

Victim-centered

Culturally-responsive

Trauma-informed

Strengths-based

Participating Partners

Goodhue County Protocol Development Team experienced a lot of engagement from many multidisciplinary departments, agencies, and teams in our area. This has truly been a collaboration from the following agencies:

- Goodhue County Attorney's Office
- Prairie Island Family Services
- HOPE Coalition
- Goodhue County Sheriff's Department
- Red Wing Police Department
- Lake City Police Department
- Goodhue County Health and Human Services
- Mayo Clinic Health System- Red Wing
- Hispanic Outreach of Goodhue County
- Goodhue County Court Services
- Goodhue County Court Administration
- Minnesota Coalition Against Sexual Assault (MNCASA)
- Safe Harbor Regional Navigator
- Red Wing Youth Outreach
- Common Ground
- Southern Minnesota Regional Legal Services (SMRLS)
- Minnesota Department of Corrections

Supporting Partners

- Kenyon Police Department
- Cannon Falls Police Department
- Rochester Police Department
- Zumbrota Police Department
- Prairie Island Police Department
- Midwest Recovery

Safe Harbor Protocol Team Contacts

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Purpose of Safe Harbor Response Protocol

This protocol serves as one tool used by a collaborative, multidisciplinary team to improve the experiences of victims/survivors of sexual exploitation and/or trafficking in Goodhue County. The protocol is designed to make critical changes to individual, agency, and systems efforts in the response to sexual exploitation and trafficking. In Goodhue County, this protocol is designed to be used by individuals and the agencies working directly with youth who have been exploited or trafficked. This protocol focuses on the critical elements of response in an effort to improve outcomes for victims/survivors. Through adopting this protocol, each agency agrees to use this information to strengthen their practices, policies, and procedures. Compliance with this protocol will require changes, and each participating agency agrees to invest the appropriate time and resources to ensure change occurs. Community adoption of this document serves as a commitment to that work on behalf of all agencies.

Acknowledgements

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Terminology

Buyer: Someone who pays for or trades something of value for sexual acts. (See “Language in Action” below.)

Community or community-based: Pertaining to nonprofit or nongovernmental organizations that provide services or support to victim/survivors (unless otherwise noted).

Exploiter: A trafficker, facilitator, buyer, or other individual who perpetrates sexual exploitation. (See “Language in Action” below.)

Service provider (or provider or professional): Any person, of any discipline, who in that person’s professional capacity encounters sexually exploited youth.

Sex trafficking: A form of sexual exploitation in which a third party (often termed a “trafficker”) is involved in the exploitation, whether by profiting from it or by (for example) recruiting, transporting, or advertising the person exploited.

Sexual exploitation of a minor: The use of a minor (1) for any kind of sexual activity in exchange for money, drugs, or something else of value (commonly termed “prostitution”), or in exchange for food, shelter, or other basic needs (often termed “survival sex”); or (2) in pornography, stripping, or a sexually explicit performance or photo. A third person— such as a trafficker—need not be involved.

System(s) or systems-based: Pertaining to governmental or institutional responses to victim/survivors (unless otherwise noted).

They/Them/Their: Victim/survivors who are male, female and gender-nonconforming are subject to sexual exploitation. Non-gendered language is used throughout this document to promote a more inclusive response except in direct quotation or when a specific gender identity is discussed.

Trafficker: An individual who profits from or is otherwise involved as a third party in sexual exploitation. (See “Language in Action” below.)

Victim/Survivor: Someone who has experienced sexual exploitation. The term “victim/survivor” recognizes both the harms involved in exploitation and the strength that it takes to overcome those harms. “Victim” and “survivor” are both part of a continuum where individuals involved may choose what they would like to be called, and that choice may or may not change over time. “Victim/survivor,” then, is a way to capture various experiences in a general document such as this. The term “victim” may be used by certain disciplines when referencing someone in a criminal justice or medical context. (See “Language in Action” on the next page.)

Youth, Young People, Young Person, Minor: A person under the age of 18. Note that the use of this variety of terms indicates the wide range of ages affected by exploitation, acknowledging that the needs of children (generally age 12 and under) and adolescents differ, particularly as young people near adulthood. Also note that Safe Harbor supportive services for victim/survivors extend through age 24, but protections against prosecution still end at age 18.

Language in Action

The proper use of terminology to fully describe exploitation should extend well beyond the *Protocol Guidelines*. Consider these suggestions as to the language that you and your colleagues use in your work and in the community:

Use these terms

Sexual exploitation, sex trafficking
Missing Youth

Avoid these terms

Prostitution
Runaway Youth

Red- Flags or Warning Signs

General Indicators

- Lying about age (lying in general)
- Personal information might change or might be contradictory
- Has no personal identification
- Not in control of their own money
- History of running away
- Has new or expensive things with no means to buy them
- Frequent relocation (avoid detection)
- Difficulty making eye contact
- Social indicators in boys and girls
- Older boyfriend/girlfriend or traveling with older person
- Presents from non-guardian or unrelated adults
- Evidence of controlling or dominating relationships
- Fearful attachment to cell phone or odd cell phone behaviors
- Truancy/Frequent recent school transfers
- Friends or acquaintances who are in “the life”
- Something just doesn’t feel right!

- References suspicious or odd job offers or situations
- Attire that is brand new or not appropriate for the weather

Physical Indicators

- Tattoos or Branding
- Signs of physical trauma
- Injuries in various stages of healing
- History of strangulation
- Scarring from other unattended injuries
- Malnutrition
- Drug and chemical dependency

Behavioral/Mental/Emotional Indicators

- Exhibit hyper-vigilance or paranoid behavior
- Fear, anxiety, depression, submission, nervousness, or anger
- Uses language used in “the life”
- Abrupt changes in mood or behavior
- Explicit sexual online social media
- Dissociation
- Minimize situation

Risk Factors

Any youth of any background, age or gender from any community is at risk for exploitation; age alone makes young people vulnerable

- History of abuse or neglect
- Youth identifying as LGBTQ+
- Children in foster care
- Disruptive and traumatic events during childhood
- Homelessness, running away or abandonment by family
- Pregnancy (or having young children)
- Truancy
- Struggles with self-image and personal identity
- Sexual curiosity, peer pressure and risk taking behaviors
- Poverty
- Substance use
- A member of a marginalized population
- Immigration status

Needs of Victim/Survivors of Human Trafficking

Immediate

Safety
Housing
Food/Clothing
Advocacy
Medical Care
Translation
Legal Guardianship
(minors)

Short-/Long-Term

Transitional housing
Long-term housing
Permanency
placement
Legal Assistance
Advocacy
Translation
Medical Care
Mental
Health/Counseling

Substance Abuse
Treatment
Transportation
Life Skills
Education
Financial Assistance
Job
Training/Employment
Child Care
Reunification

Cultural Considerations

Hispanic/Latino/a Community

In Goodhue County the main populations of Hispanics are in the following order:

1. Red Wing (estimated 739 individuals in 2015) (major population is Mexican.)
 2. Kenyon (major population is Mexican)
 3. Goodhue (major population is Mexican)
 4. Lake City (major population is Guatemalan)
- When visiting a Hispanic home, please note that you are like any other guest in their home. Many will invite you something to eat or something to drink. Some will just hand you a soda or a water bottle. Some of your agencies might have rules about taking what's being offered, but if you wish to build trust, do not reject their gifts. One easy way of everyone being happy is if you politely decline the food but joyfully accept the beverage. You are not expected to drink it in front of them, just that you've accepted it. Put it in your bag with a smile if you don't want to open it or set it next to you and carry on with the visit. Not accepting their gifts will automatically alienate you from them. You will be seen not as a guest but as a cold person imposing in their home.
 - In order to build trust with someone who doesn't speak English is for you to go out of your way to learn a word or sentence or two in Spanish and use it with them. Language and culture are huge parts of our beings. Connecting with them will lead to a more fulfilling relationship that may result in more cooperation from the individual if they feel they can trust you.
 - Many non-English speaking Hispanics will use their children as interpreters.
 - Many Hispanics will not know what your title or function is. For example, if you are a counselor at their children's school, and visit the home in that function, you will likely be referred to as teacher even if you aren't a teacher only for your association with the school.
 - The majority of Hispanics in Red Wing and surroundings are able to speak, write and read Spanish. Depending on the area, some may feel more conformable in their indigenous language but are still capable of speaking or understanding Spanish to some degree.

- The majority of the Hispanic population in Goodhue County is undocumented and due to misinformation, they may be weary of seeing or talking to anyone from the police. It is important to let it be known that you are not interested in anyone's immigration status during your introduction.
- When dealing with victims of trauma, it is better to have a life interpreter present as opposed to an impersonal interpreter line. Women would prefer to have a female interpreter.
- In contrast to some other cultures, Hispanics don't lay the blame on the victim for having been raped or assaulted.
- The Hispanic community does not have clans or internal authority to respond to. There are very close-knit religious communities but they won't dictate what they can share with law enforcement.
- The Hispanic community overall tends to believe in home remedies, and alternative healing practices and will likely want to resort to them before seeing a doctor.

Resource

Being Latino in Red Wing: <https://www.red-wing.org/DocumentCenter/View/513/Full-Hispanic-Survey-PDF>

Prairie Island Indian Community

Prairie Island Indian Community Members are descendants of the Mdewakanton Band of Eastern Dakota, also known as the Mississippi or Minnesota Sioux, who were parties to treaties with the United States from 1805 to 1863.

In the treaty of Oct. 15, 1851, the Tribe ceded much of their Minnesota lands to the U.S. government, keeping for themselves a 10-mile-wide strip of land on either side of the Minnesota River from Little Rock to Yellow Medicine River. However, the Treaty of June 19, 1858, allotted this land in 80-acre plots to each family head. The surplus land was sold for 10 cents an acre. Reduced to starvation, the Dakota were forced to fight for their survival.

In August 1862, fighting erupted between the Dakota and white settlers because the Dakota were not receiving annuity payments for selling their lands and were struggling to survive. This was known as the Dakota Conflict, resulting in the deaths of many Dakota and whites. Thirty-eight Dakota were hanged in Mankato in December 1862 upon the order of President Abraham Lincoln.

The Prairie Island reservation was created when the Secretary of the Interior purchased land and placed it into trust. About 120 acres was purchased at Prairie Island for the landless Mdewakanton residing in Minnesota on May 20, 1886. Subsequent purchases by the secretary under congressional appropriations, and later the Indian Reorganization Act, expanded the reservation's borders. Under the Indian Reorganization Act of 1934, an additional 414 acres was purchased for other Indian residents whose names appeared on the Minnesota Sioux rolls.

When working with a victim/survivor ask if there is tribal affiliation. If the victim/survivor believes they are an enrolled member at Prairie Island Indian Community please call Prairie Island Family Services at 651-385-4185. If the incident happened on Tribal land please call Prairie Island Police Department at (651) 267-4000. If the victim/survivor has tribal affiliation of a different tribe please call the tribes social services office.

Safe Harbor Regional Navigator- Southeast

Since 2014, Safe Harbor services for Southeastern, MN has been housed in Olmsted County Victim Services, Rochester MN. The Safe Harbor program for Southeastern MN, funded by the Minnesota Department of Health, provides services in the following counties: Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice, Steele, Wabasha, Waseca, and Winona. The Safe Harbor staff for Southeastern, MN includes the following:

Safe Harbor Regional Navigator:

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Safe Harbor Hours of Operation

Safe Harbor staff are available Monday through Friday from 8:00 to 5:00 to respond to referrals via phone or in person. Safe Harbor staff regularly travel throughout the region to provide services. Additionally, Safe Harbor services are also supported by a 24-hour Victim Services crisis hotline, that is staffed 7 days a week and on holidays; that number is (507) 289-0636. This crisis line is available for both victims and providers seeking information related to Safe Harbor. Please indicate when calling the crisis line, that you are calling regarding Safe Harbor. On nights and weekends, staff on the crisis line will assess immediate needs for victims and triage services until either Monday morning if a victim is identified during the weekend or the next business day if a victim is identified during a week night.

Referral Process

Providers and victim/survivors and family members can call the crisis line at any time and ask to speak to Safe Harbor Staff. Best practices for obtaining a referral for clients:

- Ask the client for permission and obtain a release so Safe Harbor staff can directly call the client and/or family member to inform them of the program and explain the services that are available through Safe Harbor. A written release is preferred but documented verbal consent is also sufficient. Simply providing a client with the Safe Harbor phone number has not been successful in obtaining services for a client.
- When a provider has already developed a relationship with a client, it can be helpful for the provider to bridge a meeting between themselves, Safe Harbor staff and the client.

Safe Harbor Scope of Services

Safe Harbor provides services for victim/survivors of sex trafficking, sexual exploitation and those who are at high risk for sexual exploitation or trafficking. An individual is considered high risk if he or she has three or more risk factors as identified by the sexual exploitation risk assessment tool, a copy of which is included. Safe Harbor statewide, provides services to those victims/survivors who are age 24 and younger. The Safe Harbor Southeastern office, however, provides services to all individuals regardless of age. Additionally, Safe Harbor provides services to family members/caregivers of victims/survivors as needed.

Safe Harbor staff also function as consultants for local providers. Safe Harbor staff are available to discuss statewide Safe Harbor resources for a particular client including but not limited to: housing, substance abuse and mental health treatment, access to other survivors for support, legal services, medical treatment, educational and employment opportunities, basic needs, etc. Safe Harbor can provide access to interpretive services as needed.

Safe Harbor staff are available to meet at homes, county adult detention centers, juvenile facilities, law enforcement agencies, medical providers, schools, treatment facilities, probation offices and other agencies as needed.

Initial Assessment

When the Safe Harbor regional office receives an initial referral for services, Safe Harbor staff will:

- Discuss the best way to offer services – services can be offered through a face to face meeting, or via phone with the client, and/or family member.
- Clients are always informed that services are voluntary and confidential.
- Clients will be asked their preference for ongoing communication which can include texting, messenger, phone calls or face to face.
- Inquire as to whether the Sexual Exploitation Risk Assessment Tool has been completed. If the assessment has been completed, staff will ask what risk factors have been identified. If the risk assessment tool has not been completed, Safe Harbor staff will meet with the client via the phone or in person to review the risk assessment tool with the client.
- For youth through the age of 18, Safe Harbor staff will also seek to review the assessment with parents in addition to the client. The risk assessment should be conducted separately with clients and caregivers.
- Safe Harbor staff can review the risk assessment with the client, in conjunction with a provider or by providing coaching to a provider.
- For Safe Harbor purposes, the client is always the identified youth. Safe Harbor staff will also work with family members if the client signs a release that allows Safe Harbor staff to communicate with caregivers. The intention of Safe Harbor staff is to work with caregivers in addition to the client, provided a release has been signed.
- In addition to the Risk Assessment tool, Safe Harbor staff will complete an intake form. The Intake may take several visits to complete.

Services Offered by Safe Harbor Staff

- Assess the victim's immediate safety concerns. Ensure that the victim is not in immediate danger and arrange for temporary housing as may be necessary.
- Arrange for interpretive services. If possible, staff will arrange for an interpreter to be present to assist in communicating with the victim; if an interpreter is not available, staff will utilize translation services through the language line.
- Staff will connect with the Intercultural Mutual Assistance Association to offer additional support for victims from a specific cultural community as desired by the victim. In addition, staff will seek to onboard other culturally specific services as appropriate.
- Assess immediate and long-term needs of the victim/survivor. Immediate needs may include safety planning, translation services, food, shelter, clothing, transportation, medical care and substance use

treatment. Long term needs may include housing, employment, health care, mental health treatment, substance use treatment, ESL classes, independent living education, support through criminal proceedings and immigration processes.

- Provide basic information to the victim about their rights, protections and services available to them. Staff will be cognizant that many victim/survivors may not understand the terms “sex trafficking,” “exploitation,” or “victim” and will seek to explain Safe Harbor in plain, straightforward language. Staff will also be sensitive to the fear/mistrust that victims may experience about seeking outside help.
- Collaborate with other organizations to ensure the victim/survivor is connected to services that will support their independence from traffickers or exploiters. Staff will seek to empower the victim/survivor to choose the services they need most and allow for them to have time to decide next steps. Whenever possible, Safe Harbor staff will seek to partner with local providers in the community to collaboratively provide services in recognition of the reality that no single organization or person will be able to meet all the victim’s needs.
- Safe Harbor staff will seek to collaborate and share information with law enforcement, probation, social services and other providers in support of the victim provided that the victim has provided a release of information to Safe Harbor.
- Safe Harbor staff will provide support and group education for youth who are at risk of or have experienced sexual exploitation or trafficking.
- Provide case management including transportation and accompaniment to appointments, assistance with preparing and filing protective orders and facilitating connection with other providers.
- Respond to the emergency room when a trafficking/exploitation victim presents for an evidentiary exam. During this exam, the advocate offers support and helps to identify what the next step may be.
- Provide information to family members as needed including: Safe Harbor information for parents, sample social media contracts, information on the “stages of change,” information on the apps that can be utilized to monitor electronic communication.
- Educate victim/survivors on healthy relationships, red flags for exploitive behavior, setting personal boundaries, self-care plans, developing safety plans, adverse childhood experiences and resiliency factors.

Closure of Safe Harbor Cases

Safe Harbor staff are able to work with clients on both a short term and long-term basis to meet their individual needs. Staff will maintain an open case file so long as the client is actively engaged in services. If a client regularly misses appointments or is non-responsive to communication, staff will close the file. When the client is available, staff will inform the client that they can always re-engage services at a future date. If a client is moving to a different region of the State, staff will connect the client to Safe Harbor services in that region.

Community Based Advocacy

Overview

Sexually exploited youth and sexually trafficked youth are considered to be victims/survivors. In Minnesota, a Sexual Assault Counselor (or Advocate) must have undergone at least 40 hours of crisis counseling training, work under the direction of a supervisor in a crisis center, and work at a crisis center where the primary purpose is to render advice, counseling or assistance to victims of sexual assault.

The role of an Advocate is to provide support, counseling, advocacy and information based on the self-identified needs of the victim/survivor. While Advocates offer victim/survivors information about the different options available to them and support victim/ survivors' decisions, Advocates do not tell victim/ survivors what they should do. The goal is to empower the victim/survivor to make informed decisions and regain control over their own lives. Services are provided in a trauma-informed and nonjudgmental manner.

Advocates are committed to maintaining the highest possible levels of confidentiality in their communications with victim/survivors. In general, communication between an Advocate and a victim/survivor is deemed privileged unless that privilege is waived via: victim/survivor consent (release of information), reporting requirements for maltreatment of minors or vulnerable adults, court order, or victim/survivor and Advocate conversations that involve the presence of a third party. According to Minnesota Statute (symbol) 595.02 subd. (k)

Sexual assault counselors may not be allowed to disclose any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections [626.556](#) (Reporting of Maltreatment of Minors) and [626.557](#) (Reporting of Maltreatment of Vulnerable Adults).

Goodhue County Community-Based Advocacy

In Goodhue County, HOPE Coalition is the Community Based Advocacy Agency. HOPE Coalition is a non-profit organization serving individuals and families who have experience domestic violence, sexual assault, child abuse, homelessness, and/or a lack of basic needs such as food insecurity, potential eviction or utilities shut-off. HOPE Coalition Advocates provide free and comprehensive services to victim/survivors, regardless of whether they choose to report the crime and participate in the criminal justice process.

HOPE Coalition is funded by the Minnesota Office of Justice Programs. As part of that funding contract, HOPE Coalition has agreed to fully comply with the provisions of the Minnesota Data Practices Act –and federal Violence Against Women Act (VAWA) data requirements.

HOPE Coalition's Sexual Assault Services Program will provide crisis services 24-hours a day through the support line (1-800-519-6690). Victims/survivors, professionals, and people looking for information are welcome to use the support line. Calls are toll-free and confidential (except when mandated reporting is required). An Advocate is available to talk over the phone or to meet a victim/survivor in a safe location. At the victim/survivor's request, an Advocate will attend medical, law enforcement, court, or other system appointments.

As part of Minnesota's Safe Harbor Law and No Wrong Door model, each region of the state has a Regional Navigator for the main points of contact for sexually exploited youth and concerned agencies throughout Minnesota. Navigators are responsible for connecting youth with services and serving as regional experts for communities. Victim Services of Olmsted County in Rochester is the base program for the Southeast MN Regional Navigator and Safe Harbor Specialists. With the victim/survivor's permission, Advocates who

encounter victims/survivors who may have been trafficked/sexually exploited or are at risk of trafficking/sexual exploitation will call the Southeast MN Region Safe Harbor Crisis Line at 507-289-0636.

Responding to Victims/Survivors 24 Years and Under

Victim/survivors 24 years and younger that have been forced into trafficking, or sexual exploitation have the right to supportive, healing, and comprehensive services.

Initial Contact

Upon receiving a call the HOPE Coalition Sexual Assault Advocate may:

- Give their first name, identify themselves as an Advocate, and ask, “How may I help?”
- Provide a thorough explanation of confidentiality and the requirements of a mandated reporter
- Gather basic information about the situation
- Identify and assess immediate needs (e.g.: safety, transportation, language interpreter)
- Arrange for immediate needs to be met, if possible
- Explain that HOPE Coalition Services are free and confidential (except when mandated reporting applies)
- Explain other HOPE services available (assistance in filing Harassment Restraining Orders and Orders for Protection, support groups, resource library, support line, advocacy, etc.)
- Provide HOPE contact information and offer to have HOPE Advocates follow up with the victim/ survivor again later
- Provide Southeast MN Regional Safe Harbor Regional Navigator contact information and offer to make the call
- If necessary, contact Goodhue County Social Services Intake at (651) 385-3200 (during office hours) or Goodhue County Sheriff’s Dispatch at (651) 385-3155 (after hours) to make a mandated report to child protection; provide a written report within 72 hours
- If necessary, contact Minnesota Adult Abuse Reporting Center at 1-844-880-1574 to make a mandated report of suspected maltreatment of a vulnerable adult; provide a written report within 72 hours

Victim/Survivor Crisis Advocacy

When working directly with a victim/survivor, in addition to providing the services listed above for all crisis calls, the Advocate may:

- Provide emotional support
- Provide referrals for other services
- Provide information on victimization, crime prevention, victim/survivors’ legal rights and protections, and the criminal justice process
- Inform the victim/survivor of her or his options for reporting the assault
- Allow the victim/survivor to make informed decisions
- Review with the victim/survivor their personal support system
- Assist the victim/survivor with developing a safety plan
 - identify safe housing/emergency shelter options
 - secure transportation (as needed)
- Assist the victim/survivor with completing and filing victim/survivor compensation applications, Orders for Protection, Harassment Restraining Orders
- Assist the victim/survivor in submitting comments or victim/survivor impact statements
- When appropriate, offer information about how to take the Victim Experience Survey

- Inform the victim/survivor that an Advocate is available to accompany them during criminal and/or civil justice processes

Medical Advocacy

A HOPE Sexual Assault Advocate may be called by a victim/survivor, law enforcement officer, medical provider or other service provider to come to a medical facility on behalf of a victim/survivor. The Advocate may:

- Ensure that the victim/survivor has adequate transportation to the medical facility of their choice
- Greet the victim/survivor, medical staff, and/or law enforcement officer (if present) and explain that they are a HOPE Coalition Sexual Assault Advocate
- Explain HOPE services to the victim/survivor and offer a HOPE brochure and business card
- Inform the victim/survivor that they may choose to ask that the Advocate stay or leave
- Provide a thorough explanation of confidentiality and the requirements of a mandated reporter
- Inform the victim/survivor of their rights as a patient
- Suggest that the victim/survivor not urinate, shower, or brush teeth because this may destroy evidence
- Provide the victim/survivor with information about proper handling of clothing worn during the assault
- Identify and assess the victim/survivor's immediate needs (make sure the victim/survivor is physically comfortable, arrange for an interpreter - if needed, offer to help contact a support person for the victim/survivor)
- Explain the sexual assault exam process
- Explain that the victim/survivor may receive a confidential sexual assault exam regardless of if they chose to report the assault to law enforcement
- If the victim/survivor is a minor (less than 16 years old) inform them that by law, they may seek medical treatment without parental consent if their life or health is at such risk that treatment should be given without the delay of contacting parents
- Discuss options about reporting the assault to law enforcement and contact law enforcement if the victim/survivor wishes
- If the victim/survivor decides to have a sexual assault exam:
 - Explain the details of payment
 - Inform the victim/survivor that full disclosure of events will result in better treatment and collection of evidence
 - Inform the victim/survivor that they may refuse treatment or stop the exam at any time
 - Provide emotional support throughout the exam; normalize and validate the situation and the victim/survivor's feelings
 - Assist with communication between the victim/survivor and medical staff; help ensure that victim/survivor needs are accommodated while medical staff performs the sexual assault exam
 - Assist the victim/survivor in obtaining any medications prescribed
- If necessary, contact Goodhue County Social Services Intake at (651) 385-3200 (during office hours) or Goodhue County Sheriff's Dispatch at (651) 385-3155 (after hours) to make a mandated report to child protection; provide a written report within 72 hours
- If necessary, contact Minnesota Adult Abuse Reporting Center at 1-844-880-1574 to make a mandated report of suspected maltreatment of a vulnerable adult; provide a written report within 72 hours

Criminal Justice Advocacy

A HOPE Sexual Assault Advocate may be called by a victim/survivor, law enforcement officer, prosecutor, victim witness coordinator, or other service provider to attend interviews, meetings or court proceedings on behalf of a victim/survivor. The advocate may:

- Ensure that the victim/survivor has adequate transportation
- Greet the victim/survivor and law enforcement officer, prosecutor, victim witness coordinator, or other service provider (if present) and explain that they are a HOPE Coalition Sexual Assault Advocate
- Explain HOPE services to the victim/survivor and offer a HOPE brochure and business card
- Inform the victim/survivor that they may choose to ask that the Advocate stay or leave
- Provide a thorough explanation of confidentiality and the requirements of a mandated reporter
- Explain the options for reporting the assault so that the victim/survivor can make informed decisions
- Identify and assess the victim/survivor's immediate need, assist the victim/survivor to be physically comfortable, arrange for an interpreter – if needed, offer to help contact a support person for the victim/survivor, etc.)
- Explain the legal process – including the investigation, decision to charge, prosecution, timelines and possible outcomes
- Assure the victim/survivor obtains necessary information related to the case
- Assist with communication relaying the victim/survivor's questions, feelings, opinions about the process, and about restitution
- Ensure that the victim/survivor understands the sentence handed down by the court

Corrections Advocacy

A HOPE Sexual Assault Advocate may be called by a victim/survivor, corrections officer, or other service provider to attend pre-sentence investigation meetings on behalf of a victim/survivor or assist a victim/survivor in obtaining information about the status of a perpetrator. The Advocate may:

- Attend pre-sentence meeting with the victim/survivor if the victim/survivor chooses
- Ensure that the victim/survivor receives information about the Victim's Request for Notification and VINE; if the victim/survivor wishes, assist with the forms
- Ensure that the victim/survivor receives information about the right to be notified of the perpetrator's location after being released
- Suggest that the victim/survivor to keep their contact information updated so that notification is possible
- Assist with communication between the victim/survivor and corrections officer

Civil Justice Advocacy

A HOPE Sexual Assault Advocate may be called by a victim/survivor, court administration, or other service provider to assist a victim/survivor in obtaining a Harassment Restraining Order or Order for Protection. The Advocate may:

- Ensure that the victim/survivor has adequate transportation
- Greet the victim/survivor and law enforcement officer, prosecutor, victim witness coordinator, or other service provider (if present) and explain that they are a HOPE Coalition Sexual Assault Advocate
- Explain HOPE services to the victim/survivor and offer a HOPE brochure and business card
- Inform the victim/survivor that they may choose to ask that the Advocate stay or leave
- Provide a thorough explanation of confidentiality and the requirements of a mandated reporter

- Identify and assess the victim/survivor’s immediate needs
- Explain the civil justice process for Harassment Restraining Orders and Orders for Protection – including filing fees, contested hearings, Ex-Parte Orders and violations
- If the victim/survivor wishes, assist with filing the appropriate forms
- If necessary, contact Goodhue County Social Services Intake at 651-385-3200 (during office hours) or Goodhue County Sheriff’s Dispatch at (651) 385-3155 (after hours) to make a mandated report to child protection; provide a written report within 72 hours
- If necessary, contact Minnesota Adult Abuse Reporting Center at 1-844-880-1574 to make a mandated report of suspected maltreatment of a vulnerable adult; provide a written report within 72 hours

Advocacy with Community Agencies (e.g.: Schools, Health and Human Services)

A HOPE Sexual Assault Advocate may be called by a victim/survivor, school, health and human services, community agency or other service provider to assist a victim/survivor in obtaining emergency services. The advocate may:

- Ensure that the victim/survivor has adequate transportation to obtain emergency services
- Greet the victim/survivor and community agency service provider (if present) and explain that they are a HOPE Coalition Sexual Assault Advocate
- Explain HOPE services to the victim/survivor and offer a HOPE brochure and business card
- Inform the victim/survivor that they may choose to ask that the Advocate stay or leave
- Provide a thorough explanation of confidentiality and the requirements of a mandated reporter
- Identify and assess the victim/survivor’s immediate needs
- Collaborate with the community agency to ensure the victim/survivor’s needs are met
- If necessary, contact Goodhue County Social Services Intake at 651-385-3200 (during office hours) or Goodhue County Sheriff’s Dispatch at 651-385-3155 (after hours) to make a mandated report to child protection; provide a written report within 72 hours
- If necessary, contact Minnesota Adult Abuse Reporting Center at 1-844-880-1574 to make a mandated report of suspected maltreatment of a vulnerable adult; provide a written report within 72 hours

Responding to Victims/Survivors Over 24 Years

While victims/survivors over the age of 24 that have been forced into prostitution or are victims/survivors of sexual exploitation are not protected with the same rights and services provided by Safe Harbor, they still have the right to supportive, healing, and comprehensive services. HOPE Coalition Sexual Assault Advocates will provide services to these victim/survivors.

Resources

Safe Harbor Minnesota - Minnesota Department of Health. (n.d.). Retrieved from

<https://www.health.state.mn.us/communities/safeharbor/index.html>

Human Trafficking. (n.d.). Retrieved from <http://www.mnhttf.com/site/human-trafficking/>

Palmer, C., Florman, S. (2019). Safe Harbor in a Storm: Minnesota’s Response for Youth and Young Adults Who are Sexually Exploited [4]. www.health.state.mn.us/injury/topic/safeharbor/docs/MDHSafeHarborReferral.pdf

Human Trafficking Task Force e-Guide. (n.d.). Retrieved from

<https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victim/survivors/resources-42-victim/survivor-service-provider-intake-and-needs-assessment>

Goodhue County Social Services

Overview

Goodhue County Health and Human Services, specifically the Children and Family Division – Child Protection handles calls in relation to alleged abuse and neglect of children in our county.

Previously, children and youth victims involved in prostitution, now referred to as commercial sexual exploitation, were served by juvenile justice. Now, individuals of all ages are considered sex trafficking victims when they are engaged in sexual activity for hire (formerly known as prostitution) in which a third party benefits from the activity. Social Service agencies are required to investigate allegations of children known or suspected as victims of sex trafficking.

The Minnesota Department of Human Services released investigative protocols for counties to follow on May 29, 2017 in relation to Sexually Exploited (SEY) and Sexually Trafficked (STY) youth. Those were then again updated on January 11, 2018 and will be incorporated within.

Federal law first requires state agencies to assure states consider any child who is identified by an agency as a victim of sex trafficking or severe forms of trafficking as a victim of “child abuse and neglect” and “sexual abuse”.

Within the state of Minnesota, our statutes look as follows: MN Statute section 626.556, subdivision 2(n) includes all reports of known or suspected sex trafficking involving a child identified as a victim. This includes reports alleging sex trafficking by a non-caregiver/non-family unit individual.

MN Statute section 626.556, subdivision 10a requires local welfare agencies be mandated to provide a child welfare response with appropriate services to a child and family when there are reports that a child has been sexually exploited.

Social Services in Goodhue County works closely with the Regional Navigators from Safe Harbor, as they actively participate in our community based child protection teams in the following areas: Cannon Falls, Pine Island, Red Wing and Zumbrota- Mazeppa.

The following is Goodhue County’s protocol for Social Services – Child Protection when receiving, screening, and investigating reports regarding SEY or STY.

It will be divided into 4 sections:

1. Intake
2. Screening
3. Assessment/Investigation
4. Ongoing case management

Intake

Intakes usually come into Social Services four different ways: phone, fax, email or walk in. Goodhue County Social Services has an intake unit, all of which are social workers within the county and they accept and write up all intakes received into the statewide Social Service Information System, otherwise known as SSIS.

Intake workers should obtain identifying information and additional relevant information including:

- Child’s full name
- Child’s DOB
- Child’s school
- Child’s physical location address
- Last known location of the child. If the address isn’t known, ask them to describe the street, house, times the child is often in school, child cell phone number, hotel, etc.

- Alleged offender’s name, street name, address of home, work, where they hang out, gender, DOB, race, marital/custodial status and occupation
- Is the alleged offender a family member, position of authority, non-custodial offender? (if unknown, list as unknown in SSIS)
- Presence or history of domestic violence in the home? Criminal activity? Known weapons, or other dangerous activities?
- Did the child disclose? Or was the child found in a sex trafficking situation?
- Is the child in immediate danger? Are there injuries?
- Was there a medical exam already done?
- Child’s tribal affiliation, if known. If reporter believes there is a possibility of tribal affiliation, the intake worker will attempt to locate tribal affiliation.
- All calls will also be screened at intake for possible SEY/STY by first asking the caller/reporter. If the caller is unfamiliar with what sexually exploited or trafficked means, the intake worker will use some screening questions from the Sexual Exploitation Risk Assessment Tool to better help clarify. Please see Sexual Exploitation Risk Assessment Tool as Addendum A.
- The reporter will be asked to identify any known community or school based supports that the youth receives.

If the intake worker feels like it is an immediate safety issue, the screening team will be convened immediately to assess if a worker needs to respond immediately. A cross report will be made to the appropriate law enforcement at that time as well via faxing our intake to that designated agency.

Screening Protocol

Goodhue County Social Services will review all intakes concerning SEY/STY youth and vulnerable adults between the ages of 18-24.

The child protection screening team consists of intake workers, child protection assessment/ investigation workers, the child protection unit supervisor, and tribal social services, if there is a known or suspected tribal affiliation. The screening team will consult with Minnesota Department of Human Services Rapid Consult team when needed.

The screening team evaluates and determines if the report contains information that meets the screening criteria for a social services response. Social Services may be mandated to offer child welfare services or to conduct a child protection family assessment or a child protection investigation. The child protection screening team will review reports involving adults receiving extended foster care through a child protection case.

Reports involving adults between the ages of 18-24 will be reviewed by the adult protection screening team to determine if there is a need to complete a Vulnerable Adult Assessment.

All reports, whether screened in or out by the local social service agency, must be cross-reported to law enforcement. [Minnesota Statutes, section 626.556, subdivision 10(a)]. If multiple law enforcement jurisdictions are involved or clarity is needed regarding which law enforcement agency should be contacted, the report may also be sent to the Minnesota Human Trafficking Investigators Task Force by calling (651) 793-7000.

*If a report is screened out for a mandated social services response, the screening team will determine if an offer of voluntary services such as a referral to the Parent Support Outreach program, are appropriate.

*If a report alleges sexual exploitation of a child, the report will be accepted, or screened in, for a child welfare assessment and assigned to an assessment worker. If law enforcement is completing an investigation of a crime, the assigned worker will work with law enforcement.

*If a report alleges that a child has been trafficked, the report will be accepted for an investigation of child sexual abuse, identifying the trafficker as the alleged perpetrator. The intake worker could and is encouraged to also inform the reporter about the resources of Safe Harbor as well as local therapeutic resources, if appropriate.

The screening team will determine which track the intake will follow:

Screened Out Child Protection Report	Screened In Child Protection Report
If a report is screened out for a mandated social services response, the Screening Team will determine if an offer of voluntary services such as a referral to the parent support outreach program, are appropriate.	Opened as one of the following types of case: <ul style="list-style-type: none"> • Child Welfare (CW) • Family Assessment (FA) • Family Investigation (FI)

Child Welfare Assessment or Child Protection Investigation

All sexually exploited youth should be considered crime victims and, therefore, must receive an offer of services under a child welfare response. This includes reports where the alleged offender is not a caregiver or member of the family unit. [Minnesota Statutes, section 626.556, subdivision 10(a)]. Whenever possible, this child welfare response should include an active attempt to make in-person contact with a child and their family by a caseworker knowledgeable of issues related to sex trafficked or exploited youth.

Agency staff should identify whether a child is ICWA eligible. Inquiry should occur immediately when a child comes to the attention of an agency. Inquiry should be made with a child, their parents, custodian, and other appropriate persons, whether there is reason to believe that a child may have lineage to an Indian tribe. Identification of an Indian child in all cases is required and handled as an ICWA case until a tribe(s) has responded that a child is not eligible or not a member, [Minnesota Statutes, section 260.761, subdivision 1] and if a tribe(s) is identified, immediately contact tribe(s) via phone, email and/or facsimile. [Minnesota Statutes, section 260.761, subdivision 2(a)]

Child Welfare Assessment

If the report is accepted for a child welfare assessment of sexual exploitation, the following steps will commence:

The assigned worker will review the reported information.

If a sexually exploited youth risk assessment has not been completed, one will be added to the opening packet to be completed when meeting with the youth.

If one has already been completed, the worker will review to determine if the youth is “At Risk”, “High Risk”, or “Confirmed Victim”.

The assigned worker will contact law enforcement to determine if a crime is being investigated and if a forensic interview is appropriate.

If law enforcement is NOT investigating a crime, the assigned worker will contact the family to offer services and schedule a meeting with the youth and caregivers.

The assigned worker will review the reported information and review relevant records to prepare to meet the youth and caregivers.

The assigned worker will contact the caregiver(s) to inform them of the report and opportunity for services to address any concerns that they may have including housing, education, employment, child care, food support, medical support, transportation, mental health screening, SEY/STY risk assessment, chemical use assessment, advocacy, and Safe Harbor.

The assigned worker will strive to meet in person with the youth and caregiver(s) individually to learn about the reported concern, current circumstances, and natural support systems.

If the youth and caregiver(s) agree, a forensic interview may be scheduled to provide a neutral, person centered, forensically sound method to better understand the youth's experience to determine what services may be most appropriate.

The assigned worker will request appropriate releases be signed to facilitate referrals to services and if unable to obtain signed releases, the assigned worker will provide a list of resources to the youth and caregiver(s) in writing. The written list will include information about the services provided as well as contact information for each resource.

Team with Law Enforcement – Child Welfare Assessment

If law enforcement is investigating a crime, GCHHS will work with the investigating agency to coordinate the law enforcement investigation with the child welfare response in order to coordinate services and minimize the number of separate interventions for the youth and caregiver(s). [Minnesota Statutes, section 626.556, subdivision 10(b)(5)]

The assigned investigator and social worker may notify an advocate, who could be present to explain advocacy services to the youth and family. Client data must not be fully disclosed until a release of information is executed. General information about a child's circumstances can be shared in order to best respond to a situation.

For additional support and resources, the investigating team may contact the Minnesota Human Trafficking Investigators Task Force by calling 651-793-7000.

The investigator and GCHHS will decide who will contact the youth and caregiver(s) to schedule a face to face meeting.

The responding team members will coordinate to learn more about the reported situation and persons involved- history of law enforcement involvement, active OFP/ HRO, history of social services involvement in order to begin to assess risk, personal safety concerns, and offer a victim centered, strength based response.

The responding team members will strive to allow the youth to be listened to with the minimal number of authority figures present. Ideally, one responding team member will meet with the youth with audio and video recording available.

If the youth and caregiver(s) agree or at the request of law enforcement, a forensic interview may be scheduled to provide a neutral, person centered, forensically sound method to better understand the youth's experience to determine what services may be most appropriate. As outlined above, the child welfare assessment worker will assess for a broad range of services including housing, education, employment, child care, food support, medical support, transportation, mental health screening, SEY/STY risk assessment, chemical use assessment, advocacy, and Safe Harbor. The child welfare assessment worker will facilitate referrals for these services through a release of information or will provide the family with appropriate contact information for each resource.

Team with Law Enforcement - Child Protection Investigation of Sexual Exploitation

When reports do not rise to the level of known or suspected sex trafficking, they may meet criteria for another form of sexual exploitation. The statutory definition of child sexual abuse [Minnesota Statutes, section 626.556, subdivision 2 (n)] also includes: *Acts involving a minor which would constitute a violation of prostitution offenses under Minnesota Statutes, sections 609.321 to 609.324 if a youth were an adult. The use of a minor in a sexual performance. The definition of sexual performance includes pornographic works involving a minor. [Minnesota Statutes, section 617.246] Children involved in the above acts are considered sexually exploited youth. The definition of sexually exploited is broader than known or suspected sex trafficking, and includes all

commercial (sex in exchange for money, drugs, shelter etc.) and non-commercial sex acts (sexual conduct with no exchange) involving a minor. [Minnesota Statutes, section 260C.007, subdivision 31] Reports of the above types of maltreatment must be screened in if a parent or household member is involved in maltreatment. The allegation will be recorded in SSIS as “Sexual Abuse”, the offender relationship to victim must be entered, and the allegation detail will be specified as “Sexual exploitation or prostitution”. This allegation requires a face to face contact with the victim within 24 hours of receiving the report.

The assigned investigator and social worker may notify an advocate, who could be present to explain advocacy services to the youth and family. Client data must not be fully disclosed until a release of information is executed. General information about a child’s circumstances can be shared in order to best respond to a situation.

For additional support and resources, the investigating team may contact the Minnesota Human Trafficking Investigators Task Force by calling (651) 793-7000.

The investigator and GCHHS will coordinate to schedule a time to meet with the youth. Because this is a child protection investigation, the youth may be interviewed without parental consent or knowledge. Appropriate documentation will be provided to school, hospital, or other facility to allow the MDT to transport the child to a separate location for a forensic interview.

The responding team members will coordinate to learn more about the reported situation and persons involved- history of law enforcement involvement, active OFP/ HRO, history of social services involvement in order to begin to assess risk, personal safety concerns, and offer a strengths based response. The county attorney’s office and tribal representation will be notified and invited to observe.

The responding team members will strive to allow the youth to be listened to with the minimal number of authority figures present. A forensic interview will be conducted using the CornerHouse Forensic Interview Protocol.

The responding team members will review the information learned during the interview to determine next steps with the MDT, including immediate safety concerns, medical exam, evidence collection/ procedures, and additional interviews.

Team with Law Enforcement - Child Protection Investigation of Sex Trafficked Youth

Sexual abuse under Minnesota Statutes, section 626.556, subdivision 2(n), includes all reports of known or suspected sex trafficking involving a child. Sex trafficking is defined in Minnesota Statutes, section 609.321, subdivision 7a: “Receiving, recruiting, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1).” Patrons may not be charged with sex trafficking. [Minnesota Statutes, section 609.322] Sex trafficking requires that a third party, not the purchaser or the victim, facilitate or profit from the sexual act.

Cases of known sex trafficking include allegations in which a youth has disclosed, or a reporter indicates, that a third party (not the child victim or the buyer) has facilitated or financially benefited from an act of prostitution.

Cases of suspected sex trafficking may include allegations that a youth was in a trafficking situation, or was depicted in advertisements for escort services online or otherwise. These allegations, while less clear than “known sex trafficking” may be “suspected” sex trafficking. [Minnesota Statutes, section 609.321, subdivision 7a]

The allegation will be recorded in SSIS as “Sexual Abuse”, the offender relationship to victim must be entered and can include “Non-caregiver sex trafficker”, and the allegation detail will be specified as “Sex trafficked”.

This allegation requires a face to face contact with the victim within 24 hours of receiving the report. The assigned investigator and social worker may notify an advocate, who could be present to explain advocacy services to the youth and family. Client data must not be fully disclosed until a release of information is executed. General information about a child’s circumstances can be shared in order to best respond to a situation.

For additional support and resources, the investigating team may contact the Minnesota Human Trafficking Investigators Task Force by calling (651) 793-7000.

The investigator and GCHHS will coordinate to schedule a time to meet with the youth. Because this is a child protection investigation, the youth may be interviewed without parental consent or knowledge. Appropriate documentation will be provided to school, hospital, or other facility to allow a MDT member to transport the child to a separate location for a forensic interview. It may be prudent to run an audio recording during the transport to maintain fidelity of the investigation.

The responding team members will coordinate to learn more about the reported situation and persons involved- history of law enforcement involvement, active OFP/ HRO, history of social services involvement in order to begin to assess risk, personal safety concerns, and offer a strength based response. The county attorney’s office and tribal representation will be notified and invited to observe.

The responding team members will strive to allow the youth to be listened to with the minimal number of authority figures present. A forensic interview will be conducted using the CornerHouse Forensic Interview Protocol.

The responding team members will review the information learned during the interview to determine next steps with the MDT, including immediate safety concerns, medical exam, evidence collection/ procedures, and additional interviews.

Ongoing Child Protection Case Management

After the Family Assessment or Family Investigation is completed or nearing completion, the social worker assigned to the case will determine if there is a need for ongoing case management services by the County. Many factors determine the need for ongoing case management but most prevalent are utilizing the risk assessment tool in SSIS to determine the level of risk, and/or by staffing the case at our weekly internal child protection team meeting.

If ongoing case management services have been determined, the following are recommended:

- Determine if the case has been determined as an ICWA eligible case, and if so, notify the tribe that the case will be transitioning to case management
- Use the mapping tool with the larger group to help determine and put words to safety, danger/harm, complicating factors, and next steps. Please see addendum B for an example of the mapping tool.
- Set up a case transfer meeting between the CP assessor/investigator and the ongoing case manager to ensure transfer of knowledge and next steps.
- If possible and if it would be beneficial, the assessor/investigator can go with the ongoing case manager to meet with the child for their first meeting to help with introductions.
- If the case has court involvement in regards to a CHIPS petition, notify the court and the parties of the social worker change on the case.

- If placement is needed, consult with Safe Harbor and/or DHS to find the current program placement options that focus and have special programming regarding SEY/STY youth.
- Follow regular case management procedures and while cases will vary depending on if the County has custody of the child/youth via a CHIPS petition or not, keep the following in mind as you are working with an SEY/STY youth:
 - If the child is working with Safe Harbor, connect with that worker to coordinate services. If not and if the youth is open to the services, connect with the navigator from Safe Harbor.
 - Review and then follow up on any medical recommendations from the medical exam with the child's regular provider or a specialty clinic if needed.
 - If this is a court case via a CHIPS petition, the youth's name should be confidential at all times, as they have been determined a victim or alleged victim of sexual abuse or threatened sexual abuse. This means referring to the youth as Child 1, Child 2, etc. in all court documents, and utilizing the Confidential Form 11.4. See addendum 11.4.
 - Any other confidential documents, such as hospital records, or mental health notes needing to be submitted to the court, should use 11.3 to protect the sensitive health information.

Adult Protection

MN Statute 626.557 Vulnerable Adult Act

MN Statute 626.5572 Definitions

MN Statute 626.5517 Adult Protection Multi-Disciplinary Teams

Minnesota Adult Abuse Reporting Center (MAARC): The designated statewide single common entry point (CEP) for accepting reports of suspected maltreatment of vulnerable adults under MN Statute 626.555 Subd. 9.

Lead Investigative Agency (LIA): Primary administrative agency responsible for investigating reports made under section 626.557. The Department of Health is the lead agency for facilities which are licensed or are required to be licensed as hospitals, home care providers, nursing homes, residential care homes, boarding care homes, or residential facilities that are also federally certified as intermediate care facilities that serve people with developmental disabilities. The Department of Human Services is the lead agency for the programs licensed or required to be licensed for home and community based services including adult day care, adult foster care, programs for people with developmental disabilities, mental health programs, or chemical health problems. The county social service agency or its designee is the lead agency for all other reports, including reports involving vulnerable adults receiving services from an unlicensed personal care provider organization under section 256B.0659 (MN Statute 626.5572 Subd. 13). The county agency responsible is determined using guidelines from the commissioner. MN Statute 626.557 Subd. 9a.(5). Tribal agencies may be designated responsible for adult protective services.

Neglect by a caregiver: (a) The failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to food, clothing, shelter, health care, or supervision which is: (1) Reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) Which is not the result of an accident or therapeutic conduct. (b) The absence or likelihood of absence of care or services, including but not limited to food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult (MN Statute 626.5572, Subd. 17). A failure or omission by a caregiver that results in the

deprivation of essential services or supports necessary to maintain the mental, emotional, or physical health, comfort or safety of the vulnerable adult. Use this category if there is a responsibility under a MDH or DHS license or as a PCA or PCPO, payment, or contract or agreement between the vulnerable adult and alleged perpetrator. If this does not exist, review self-neglect report type (Note: does not include situations when the VA refuses assistance).

Sexual abuse: Contact or interaction of a sexual nature by a licensed provider, or contact or interaction of a sexual nature involving a vulnerable adult without his/her informed consent (MN Statute 626.5572, Subd. 2[a][4] and Subd. 2[c]). If the vulnerable adult is mentally incapacitated or physically helpless, the allegation may be criminal regardless of ability to consent. Consent requires a freely given present agreement. Consent does not mean the existence of a prior or current social relationship or that the vulnerable adult failed to resist (MN Statute 609.341, Subd. 4a-b). Allegations may not be civil sexual abuse when the vulnerable adult has the ability to give informed consent and is not unduly influenced, or if the alleged perpetrator is a caregiver and the vulnerable adult, who is not unduly influenced, gives informed consent for a sexual relationship that existed prior to the caregiving relationship.

Physical contact of a sexual nature: this includes rape, fondling, or caressing of the VA by another person, directly or through clothing. Include any penetration or attempted penetration with a body part, including intercourse, cunnilingus, fellatio, or anal intercourse.

Physical contact of a sexual nature involving an object: this includes penetration or touching of the VA with an object, including bodily fluids.

Sexual utilization of vulnerable adult for gratification of others: this includes use of the VA for the purposes of prostitution and other forms of sexual gratification, such as posting explicit photos/videos of the VA on the Internet or electronic devices; or allowing the VA adult to be viewed by others for sexual gratification (e.g., dancing/stripping).

Vulnerable adult (VA): Person over age 18 who is vulnerable under the categorical or functional definitions in MN Statute 626.5572 Subd. 21.

(Definitions above taken from the DHS Adult Protection Manual- Revised 9/18)

<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6917-ENG>

When Goodhue County Health and Human Services- Adult Protection is notified of a vulnerable adult who is alleged to be the victim of sexual exploitation or trafficking, the report will be entered as an intake into the Social Services Information System (SSIS) and reviewed by the adult protection screening team. Using the structured decision making standardized tools, referencing the relevant statutes, local prioritization guidelines and screening guidelines, the adult protection screening team will determine which is the lead investigative agency (LIA) and consult with the appropriate law enforcement agency. Safe Harbor Regional Navigator Services may be notified as allowed.

If Goodhue County is the LIA, an Adult Protection Services assessment will be completed, following the guidelines in the DHS Adult Protection Manual. Following the assessment, a referral to Safe Harbor Regional Navigator Services will be made, if appropriate.

Law Enforcement

To be most effective in investigating sexual exploitation, officers must put victims' needs and well-being first and recognize the expertise they bring to the table. Your investigation will be all the stronger when the victim is healthy, stable and ready to participate with you to pursue it. Also, please take a moment to consider the victim's age, mental capacity, physical/mental disabilities, as well as the victim's possible cultural or language barriers. All of these things will have an effect on the outcome of your investigation.

Dispatchers Response

- Obtain and record caller's name, address, and phone number
- Obtain location of suspect/victim, and jurisdiction of where crime was committed.
- Determine if the victim is in immediate physical danger. If so, ask if assailant is present and/or armed, get a name, address, phone number and physical description. Determine appropriate response for all other emergencies noted by the complainant.
- Dispatch patrol officer(s) according to department policy.
- Relay all vital information to responding police officers, including any possible language barriers that may exist.
- Assess situation and if necessary keep callers on the line until officer(s) arrive, unless it is unsafe to do so.
- Reassure the victim that the police are responding to the call.
- If assault has occurred in the past 120 hours, advise victim not to shower or clean up, and not to change clothes. If practical, request the victim to refrain from using the bathroom until the officer arrives.

If You Encounter a Potential Victim/Survivor While on Patrol Such as on a Traffic Stop, Bar Walk Through or Consensual Street Contact

- Separate them from all others on the scene, so you can have a one-on-one conversation.
- One of the first things you should ask about is **Safety and Wellbeing**. Ask potential victims if they are in need of medical attention (no matter how minor), if cold, tired, or hungry. Put their needs first, even if they are not receptive. If they need any of these essentials do what you can to provide them with these needs. If they are hungry or thirsty ask what they would like, do not make a suggestion to what you think they should eat or drink. This could trigger them as it appears you are trying to control them with something as simple as food or water.
- Ask victims if they are comfortable speaking with you, or if they would prefer speaking with a colleague of yours. The background of some officers (size, race, gender) may remind some victims of their abusers. Other victims may feel judged by someone of their same gender or race. Ask victims if they would like to have a Safe Harbor Victim Services Advocate come to the scene and speak to them. If so, call the SE MN Safe Harbor Victim Services 24 Hour Crisis Line at 507-289-0636.

During Your Conversation

- Victims/Survivors are good at reading people, this is how they survive. Most have lived their entire life with everyone around them lying and using them. So, be clear on your intent to help them not incarcerate them. Information-gathering must come second. Otherwise, Victims/Survivors will see you as just another person who wants something from them.

- Know that there is no “magic question”. Most important is that you be **patient, genuine, and kind**. Meeting victims where they are, with a lack of judgement. Victims may not remember *what* you say, but they almost always remember *how* you said it.
- **Body language is very important**. If a victim is sitting, do not stand; kneel or sit to be at eye level. Sit with your legs crossed or closed. If that’s not comfortable, put a binder or clipboard on your lap. Maintain relaxed breathing and a calm tone of voice.
- Use whatever words the Victim/Survivor uses to refer to an Exploiter (e.g. “boyfriend”, “trick”), if possible, do not reframe their language. If they use a word that would be awkward or inappropriate for you (e.g. “daddy”), ask what term you should use in reference to this person. Trying to convince a Victim/Survivor that their Exploiter is a “Sex Trafficker”, predator, or criminal will alienate them from you.

Upon Conclusion of the Conversation

- Have phone numbers ready to give to Victim/Survivor, for an investigator and/or advocate. Advise victims of Safe Harbor Victim Services, that there are advocates and services designated specifically to support persons at risk for exploitation or trafficking (SE MN Safe Harbor Victim Services 24 Hour Crisis Line: 507-289-0636). Ask Victims to enter these numbers into their phones under a fake name in case they ever need their assistance.
- If they are responsive to immediate assistance, call the SE MN Safe Harbor Victim Services 24 Hour Crisis Line at 507-289-0636.
- Even if Victim/Survivors do not accept your help at the moment, know that planting a seed of respect and compassion may cause them to ask you or your colleagues for help later on.
- Document the contact with an event report including all persons involved.

If the Victim/Survivor is a Juvenile

- **Contact Goodhue County Social Services and follow the “Team with Law Enforcement” guidelines in the Social Services section. If it is after business hours, consider the use of the Social Services On-Call (651-764-1590). Every effort should be made to “Team” the investigation as soon as possible.**

If you encounter a Potential Victim/Survivor while at a call, warrant, or proactive sex trafficking operation

If a person engaging in prostitution (and/or another related chargeable offense) is encountered and confronted by Law Enforcement explain to them that you consider them a victim and that there are services available to assist them through Safe Harbor Victim Services. Be sympathetic to their needs. Victim/Survivors may respond to you in one of the following ways: (Option #1) they disclose their need for help and request services, or (Option #2) they deny that they need help and choose not to disclose. Here are the recommendations on how each option should be handled: **If warranted contact the On-Call Investigator, Supervisor, or Investigating Agency to assist.**

Option #1- Victim/Survivor Discloses Their Need for Help and Requests Services

- Separate the Victim/Survivor from all others on the scene, so you can have a one-on-one conversation. If an undercover officer (UC) is used during an operation, someone other than UC must talk to the Victim/Survivor.
- You should attend to any immediate emergent needs by ensuring the Victim/Survivor’s safety, and ascertaining if they require any immediate medical care. If immediate medical care is needed, you should contact the appropriate medical service and have them respond to the scene or, alternatively,

transport the Victim/Survivor to the nearest medical facility. Advise the medical facility of the Victim's situation and that you have reason to believe they are engaging in sex trafficking.

- Speak with the Victim/Survivor about filling out a Release of Information form. If the Victim Survivor voluntarily agrees to do so, this will allow us to better connect them with resources by allowing us to freely give their contact information to other agencies which may need it (e.g. Safe Harbor, the County Attorney's Office, etc.). If the Victim/Survivor declines your offer to sign the Release Form, then you are not legally allowed to disseminate their identity, in direct relation to them being trafficked. If this occurs, it is suggested to simply notify the Safe Harbor advocate that you have a "Victim/Survivor", and arrange to let them make their own introduction.
- Call the SE MN Safe Harbor Victim Services 24 Hour Crisis Line at 507-289-0636 and notify them of the situation. Once contact is made with Victim Services, Officers should facilitate transport of the Victim/Survivor directly to Victim Services (if necessary). You should be available to assist Victim Services, if requested. Law Enforcement and Victim Services should follow up with one another after initial contact to determine if any further law enforcement action is warranted.
- If your initial contact with the Victim/Survivor is part of a larger operation or incident where other people will be charged such as a trafficker, an email should be sent to members of Victim Services/Safe Harbor, the County Attorney's Office, the Lead Jail Staff representative, and Probation representative, in order to ensure that everyone is aware of the aspects of the case and what happened during the operation/incident. **This email should not contain the Victim/Survivor's actual identity, unless they have provided you with a signed Release of Information Form.**
- Thoroughly document the incident according to your departmental standards, including the completion of a BCA "Human Trafficking Offense Report". Any charging decisions (including other related chargeable offenses discovered during the incident, i.e. Narcotics Possession) should be left up to the determination of the County Attorney's Office and/or Probation. Any charges incurred during the incident may be dropped for those Victim/Survivors who receive services through Victim Services/Safe Harbor.

Option #2- Victim/Survivor Denies That They Need Help, and Chooses Not to Disclose

- As in Option #1, you should separate the Victim/Survivor from all others on the scene, so you can have a one-on-one conversation. Attend to any immediate emergent needs by ensuring the Victim/Survivor's safety, and ascertaining if they require any immediate medical care. If immediate medical care is needed, you should contact the appropriate medical service and have them respond to the scene or, alternatively, transport the Victim/Survivor to the nearest medical facility. Advise the medical facility of the Victims situation and that you have reason to believe they are engaging in sex trafficking.
- If the contact with the Victim/Survivor results in the discovery of a prosecutable offense, an Officer should bring the Victim/Survivor to jail, and place them on a 48 Hour Safety Hold. This hold is intended to provide the Victim/Survivor with time away from their Trafficker, in a safe environment where services can be offered.
- Speak with the Victim/Survivor about filling out a Release of Information form. If the Victim Survivor voluntarily agrees to do so, this will allow us to better connect them with resources by allowing us to freely give their contact information to other agencies which may need it (e.g. Safe Harbor, the County Attorney's Office, etc.). If the Victim/Survivor declines your offer to sign the Release Form, then you are not legally allowed to disseminate their identity, in direct relation to them being trafficked. If this

occurs, it is suggested to simply notify the Safe Harbor advocate that you have a “Victim/Survivor”, and arrange to let them make their own introduction.

- Contact (usually by email) the Lead Jail Staff Representative, members of Victim Services/Safe Harbor, the County Attorney’s Office, and Probation Representative, to notify them of the situation and brief them on what happened during the operation/incident. After which, Victim Services/Safe Harbor and Probation will meet with the Victim/Survivor and offer services, as well as conduct a Sexual Exploitation Risk Assessment and Mental Health Screening. **Remember, unless you have received a signed Release of Information Form, you are legally restricted from disseminating the Victim/Survivor’s identity in direct relation to them being trafficked.**
- Thoroughly document the incident according to departmental standards, including the completion of a BCA “Human Trafficking Offence Report”. Any final charging decisions (including other related chargeable offenses discovered during the incident, i.e. Narcotics Possession) should be left up to the determination of the County Attorney’s Office and/or Probation. Any charges incurred during the incident may be dropped for those Victim/Survivors who receive services through Victim Services/Safe Harbor.

If the Victim/Survivor is a Juvenile

- Contact Goodhue County Social Services and follow the “Team with Law Enforcement” guidelines in the Social Services section. If it is after business hours, consider the use of the Social Services On-Call (651-764-1590). Every effort should be made to “Team” the investigation as soon as possible.

Vulnerable Youth, Missing Youth and Placement

Keep an eye out for those youth at highest risk, e.g.: multiple runs, prior history of sexual abuse, or direct connection with an exploiter or another other victim.

Take missing cases seriously. Search for the missing person and have a conversation with the youth when they are found. Use the Missing Person Questionnaire and/or the Sexual Exploitation Risk Assessment Form as a guide when talking to them. If the youth is at risk, high risk or a confirmed victim of sexual exploitation, contact Goodhue County Social Services and SE MN Safe Harbor Victim Services 24 Hour Crisis Line (507-289-0636). If the youth is reluctant to talk at the time of recovery, circle back a few days or weeks later; even if the youth still does not disclose, your continued interest in the youth’s well-being will have sent a strong, positive message.

Placement of Juveniles can occur in three different ways, a 72 hour emergency hold, a Court Order (CHIPS), or Voluntary Placement by a parent. A youth who is in conditions which an officer reasonably believes will endanger the child’s health or welfare may be taken into custody on a 72 Hour Emergency Hold (MN Statute 260C.175). While other members of the Multidisciplinary Investigation Team can offer opinions as to what should happen with the child, as far as the implementation of a 72 Hour Emergency Hold, **it is the sole responsibility of the investigating Officer to determine if the placement is appropriate and to complete the necessary paperwork to complete the hold**; once the decision is made to place a hold on the Juvenile, Social Services will be able to assist with the placement. The other two avenues for child placement (Court Order and Voluntary Placement) are facilitated by Social Services. Also, if the victim is currently between the ages of 18-21 years old, and has previously been placed by social services as a juvenile, they may be able to access extended foster care on a voluntary basis.

If a Native American youth is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child into custody under this clause shall be consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922. If this is applicable to your victim, please contact the Prairie Island Family Services at 651-385-4185.

Sexting, Solicitation, and Revenge Porn Cases

Minnesota State Statute 617.261 makes it illegal for anyone to disseminate private sexual images without the consent of the person portrayed in the image. These crimes may reach a felony level if it causes financial loss, is posted to porn site, if there is intent to profit, or it is intended to harass. Also, conviction for nonconsensual dissemination of private sexual images qualifies as a prior “qualified domestic violence related offense”, which enhances penalties for convictions for domestic assault, 4th & 5th Degree assault, Stalking and violation of a Harassment Restraining Order.

Minnesota currently does not have sexting-specific laws. Though, nude and sexually explicit images or videos of a youth age 17 and younger constitutes as child pornography and is thus illegal. Minnesota State Statute 617.247 states that the possession, distribution, displaying, and dissemination of child pornography is a felony. It is also a felony for an adult to solicit sexual conduct and have communications involving sexually explicit material with children ages 15 and younger, and is covered under Minnesota State Statute 609.352.

If after your investigation of a revenge porn case, it is decided that no charges will be filed, Officers can still assess as to whether the victim may be at risk for exploitation using the risk assessment tool and make a referral to the Southeastern Regional Safe Harbor Office for victim support (507-289-0636).

Concerned Citizen Information

Another avenue, or door, that Victim/Survivors may be introduced to Law Enforcement is through interaction with Concerned Citizens or Police Informants. If you are provided the name of an individual who may be a Victim/Survivor of Human Trafficking, the name and contact information should be passed on to Victim Services/Safe Harbor, so that services can be offered to the individual.

Service Calls from Hotel/Motels

These calls will come in either as the suspected parties have departed the premises or as the parties are still at the premises.

If the parties have checked out and are no longer on the premises do the following:

- Take a statement from reporting party on what their suspicions are about the parties involved.
- Gather as much evidence as possible which may include, but not limited to hotel registration, vehicle information, video of guests, photos of room, excess used condoms, drug paraphernalia, receipts in garbage or “notes” on pricing for sex acts, etc.
- File event report

If the parties are still present at the hotel when the call is made do the following:

- Take a statement from reporting party on what their suspicions are about the parties involved.
- Gather as much evidence as possible which may include, but not limited to hotel registration, vehicle information, video of guests, photos of room, excess used condoms, drug paraphernalia, receipts in garbage or notes detailing pricing of sex acts, etc.
- Perform a knock and talk and use the same method as you would when dealing with a possible Victim/Survivor on a call such as a traffic stop.

Cellular Phones and Evidence

While the need to investigate the ongoing crime of Human Trafficking is understood, if possible, every effort should be made to not take the Victim/Survivor’s phone away from them. A cellular phone can provide a lot of valuable evidence, linking a Human Trafficking Suspect to their crimes; having said that, a Victim/Survivor’s phone is also a vital resource which is used to maintain their connection to a support system and available services. **Check with the HOPE coalition to see if they have a phone available for the victim to use while the investigation is underway.** Allow the victim to retrieve necessary phone numbers off of their phone.

Remember to ask the victim for their phone's passcode (if there is one), because without that passcode it may be impossible for a forensic analyst to access the phone's information.

If necessary for the case, you may attempt to obtain a voluntary Consent to Search from the Victim/Survivor and arrange for a time to have the phone contents dumped. If the Victim/Survivor is uncooperative and is being detained in jail (and the phone's content is necessary for the case) you may seize the phone, obtain a Search Warrant, and have the phone's contents dumped, with every attempt being made to have the phone returned to the Victim/Survivor before they are released from custody.

While investigating a possible Human Trafficking complaint, it is important to fully document the incident. This means gathering the names and contact information (addresses/phone numbers, Snapchat, Facebook, Google Accounts, etc.) for other people associating with the Victim/Survivor, license plates and types of vehicles, and an accurate location (e.g., exact intersection, motel/hotel room number, apartment number, or address). The more information that can be gathered, the greater chance a Trafficker can be identified. As previously stated, this should come secondary to the needs of the Victim/Survivor. It may be most effective to have your partner assist you with gathering this information, if possible.

Ongoing Investigation

If your initial contact with the Victim/Survivor was the result of a Criminal Sexual Conduct (CSC) case, or a recent Sexual Assault is disclosed during the investigation, you should treat the ongoing investigation as such and follow your departmental standards and the Goodhue County Sexual Assault Response Protocol.

Exploitation cases can be enormously time-consuming, taking weeks or even months to investigate. It is crucial that you use your time wisely. Work closely with the prosecutor to identify investigative paths that may be promising or unproductive. **If your case has multi-jurisdictional aspects, or if your department simply needs guidance on the investigation or assistance with resources, please contact the Minnesota BCA Human Trafficking Taskforce at 651-793-7000.** The BCA is willing to assist with Human Trafficking cases in any way possible, from providing guidance, all the way to case completion.

Under a victim-centered approach, there will likely be a gap between recovery and when the victim is ready to cooperate in an investigation. This gap might be one hour or it might be one year. As with any investigation, it may be necessary to act very quickly at certain times – to preserve evidence, protect a victim, or apprehend a suspect. But as much as possible within these limits, give the victim the space and time to begin the process of healing and be ready to engage with you.

Regardless of whether the exploiter was convicted, call or check in with the victim six months or even a year later. This outreach can have a powerful and meaningful impact. The message that you genuinely care may be more validating to the victim than any legal outcome.

Resources

SE MN Safe Harbor Victim Services 24 Hour Crisis Line: 507-289-0636

Hope Coalition 24 Hour Crisis and Support Line: 1-800-519-6690

Minnesota BCA Human Trafficking Investigators Task Force: 651-793-7000

Sexual Exploitation Risk Assessment Form (Attachment 1)

Missing Person Questionnaire (Attachment 2)

BCA Human Trafficking Offense Report (Attachment 3)

MN Statute 609.321 - PROSTITUTION AND SEX TRAFFICKING; DEFINITIONS.

MN Statute 609.322 - SOLICITATION, INDUCEMENT, AND PROMOTION OF PROSTITUTION; SEX TRAFFICKING

MN Statute 609.324 - PATRONS; PROSTITUTES; HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES.

MN Statute 609.352- SOLICITATION OF CHILDREN TO ENGAGE IN SEXUAL CONDUCT; COMMUNICATION OF SEXUALLY EXPLICIT MATERIALS TO CHILDREN.

MN Statute 617.261 - NONCONSENSUAL DISSEMINATION OF PRIVATE SEXUAL IMAGES.

MN Statute 617.247- POSSESSION OF PORNOGRAPHIC WORK INVOLVING MINOR

Goodhue County Court Services

It is the mission of this office to provide probation services for the Goodhue County District Court in adult misdemeanor and gross misdemeanor cases and to provide probation and parole services to the Court in all juvenile matters. In addition to the probation and parole services, this office provides investigatory services to the Court for purposes of presenting biographical, criminal history and offense data on persons appearing before the Court for disposition of an adult or juvenile case.

This office operates under the direct authority of the First Judicial District of the State of Minnesota and is organized and performs its statutory responsibilities as set forth in Minn. Stat. 244.19.

- In 2011, Minnesota passed the Safe Harbor Law, mandating that youth under the age of 18, involved in selling or trading sex cannot be arrested for or charged with the crime of prostitution.
- Goodhue County Court Services (GCCS) serves both youth and young adults on probation, parole, under pretrial conditions and other conditional release as ordered by state and local criminal court systems.
- Protections against prosecutions end at the age of 18, however, Safe Harbor supportive services for victim/survivors extend through age 24. Youth are referred to as a person under the age of 18.
- The term sexual exploitation and specifically minor commercial sexual exploitation occurs when someone under the age of 18 engages in commercial sexual activity. Commercial sexual activity occurs when anything of value or a promise of anything of value (i.e., money, drugs, food, shelter, rent or higher status in a gang or group) is given to a person by any means in exchange for any type of sexual activity. A third party may or may not be involved.
- The term “client” will be used to refer to persons served by Goodhue County Court Services (GCCS). Clients referred to in connection with this protocol will be between the ages of 10 and 24. A child must be at least 10 years old to be charged with a criminal offense and placed on probation. GCCS serves youth on juvenile probation from ages 10-19 and even up to 21 years old in Extended Juvenile Jurisdiction cases. Persons aged 18-24 who are charged with an adult offense may be under the jurisdiction of adult probation.
- GCCS acknowledges that victims/survivors and defendants often interact with the justice system. It is acknowledged that defendants may also be victims themselves. Sexually exploited or trafficked youth may be forced into or otherwise involved in committing delinquent acts, whether related to their exploitation or not.
- All youth have the potential to be victims of sexual exploitation and/or trafficking. Young people will not usually self-identify as being exploited or trafficked. They may be uncooperative or even hostile to service providers. For a number of reasons, victim/survivors may not wish to leave their exploiter/trafficker, and there is often a lack of trust in the “system” to provide help or resources.
- GCCS shall practice a multidisciplinary approach and use positive and regular communication with other agencies such as law enforcement, health and human services and victim services. Agents will attend any cross training that is recommended.
- Native American people have experienced disproportionately high rates of sexual exploitation and sex trafficking since colonization. Historical government policies like forced removal, boarding schools, sterilization and urban relocation have contributed to the generational trauma in the American Indian community.
- The Safe Harbor Law is state law, not tribal law. However, intergovernmental coordination between state, federal, and tribal governments is essential to the response to sexually exploited or trafficked youth. Tribal nations have independent sovereignty to develop their own statutory schemes for protecting sexually exploited and/or trafficked youth. Safe Harbor and tribal law intersect through state criminal jurisdiction and the child welfare systems.

- Staff should use the term “sexual exploitation” or “sexual trafficking” when referring to minors and avoid the term “prostitution.”
- Victims of sexual exploitation and trafficking can be of any age, race, demographic area, gender, etc. Sexual exploitation does not discriminate. Although Safe Harbor has a grant funding to work with people under the age of 24, anyone who is a victim of exploitation or trafficking can be referred.

Guiding Principles

- a) Youth who are sexually exploited are victims of a crime.
- b) Sexual exploitation is traumatic. Victim-centered services should be based on trauma informed care.
- c) Victims should be protected as much as possible from feelings of being afraid, isolated or trapped.
- d) Services should be responsive to specific needs of youth (responsive to youth with disabilities, gender responsive, culturally competent, age appropriate and supportive for LGBTQ+ youth).
- e) Services should be offered statewide.
- f) Youth have the right to privacy and self-determination (youth-directed).
- g) Services should be based in ideals of positive youth development.
- h) Working in a team based, multidisciplinary approach will create a more effective response and improves the overall experience for the victim/survivor.
- i) Many victims of sex trafficking and sexual exploitation feel deep shame and/or trauma; a child or youth may revert to a previous trauma-based skill by running away when forced to disclose information in an environment in which they do not feel safe
- j) Current information indicates that if a child or youth who has been sex trafficked or exploited receives appropriate services, the rate of running decreases sharply
- k) Even if the victim is currently in a safe place, processing issues of their victimization can take a very long time. It is normal to back-track emotionally and behaviorally

Risk Factors

(*Any youth of any background, age or gender from any community is at risk for exploitation; age alone makes young people vulnerable*)

- History of abuse or neglect
- Youth identifying as LGBTQ+
- Children in foster care
- Disruptive and traumatic events during childhood
- Homelessness, running away or abandonment by family
- Pregnancy (or having young children)
- Truancy
- Struggles with self-image and personal identity
- Sexual curiosity, peer pressure and risk taking behaviors
- Poverty
- Substance use
- A member of a marginalized population
- Immigration status

Implementation of Safe Harbor Protocol

Quick Reference Guide

At Intake

Juvenile Probation under age 18	Juvenile Probation until age 19 or 21 (EJJ cases)	Adult Probation age 18-24	Adult Probation General
<ul style="list-style-type: none"> • Complete YLSI, Mental Health Screen and Sexual Exploitation Risk Assessment Tool within 30 days • Provide parent with “A Parent’s Guide to Safe Harbor” • Provide youth with Safe Harbor flyer <p>If youth is “missing” for greater than 24 hours while on probation, complete Missing Person Questionnaire followed by Sexual Exploitation Risk Assessment Tool</p>	<ul style="list-style-type: none"> • Complete YLSI, Mental Health Screen and Sexual Exploitation Risk Assessment Tool within 30 days • Provide parent with “A Parent’s Guide to Safe Harbor” • Provide youth with Safe Harbor flyer <p>If youth is “missing” for greater than 24 hours while on probation, complete Missing Person Questionnaire followed by Sexual Exploitation Risk Assessment Tool</p>	<p>Agents keep risk factors in mind when meeting with clients</p> <p>Educate and provide resources. Safe Harbor offers services for young people under the age of 24</p>	<p>Agents keep risk factors in mind when meeting with clients</p> <p>Educate and provide resources. Safe Harbor offers services for young people under the age of 24 but any age can be referred</p>
<p>Make Referrals as necessary. This age group falls under mandated reporting requirements</p>	<p>Make Referrals as necessary. No mandated reporting but youth is eligible for Safe Harbor services and possibly Child Welfare-Targeted Case Management</p>		

Safe Harbor 24-hour Crisis Line (507) 289-0636

All **Youth** clients will receive Safe Harbor pamphlet and business cards
 All **Parents** of Youth clients will receive “A Parent’s Guide to Safe Harbor”
 These materials will also be located in the Court Services lobby

<p>Mandated Report to Health and Human Services (release of information encouraged but not required) Youth Age 10-17 MN Statute 626.556 Subd. 2(n)</p>	<p>Non-Mandated but Report to Safe Harbor Regional Navigator (obtain signed release of information)</p>
<ul style="list-style-type: none"> • Scores as a “Confirmed Victim” on the Sexual Exploitation Risk Assessment Tool • Also sign release and report to Safe Harbor 	<p>Scores with 3 or more “Risk Factors” and/or 1 or more “High Risk Factors” on the Sexual Exploitation Risk Assessment Tool</p>

<p>Report to Law Enforcement</p>	<p>Educate and Provide Youth with Safe Harbor Information</p>
<ul style="list-style-type: none"> • If youth is in imminent danger • If youth is a “Confirmed Victim” on the Sexual Exploitation Risk Assessment Tool • If it is suspected or confirmed that a probation client is soliciting a minor or engaging in sexual exploitation of a youth or vulnerable person 	<p>OR</p> <ul style="list-style-type: none"> • Scores with 1-2 “Risk Factors” on the Sexual Exploitation Risk Assessment Tool • Young people between the ages of 18-21 on juvenile probation regardless of risk score. However, if the youth reports being in danger, also contact law enforcement • Young people between the ages of 18-24 on adult probation where probation officer believes risk factors are present. • Safe Harbor works with victims of all ages (their grant provides funding for youth under the age of 24). However, anyone may be referred.

1. Goodhue County Court Services (GCCS) probation officers should be trained to identify sexual exploitation and be trained in trauma informed care.
2. GCCS probation officers shall review “A Professional’s Guide to Safe Harbor.”
3. Parents or guardians of youth placed on probation supervision will be given (at the time of intake or initial screening) the “A Parent’s Guide to Safe Harbor” information sheet created by the Minnesota Department of Health and is located at <https://www.health.state.mn.us/safeharbor>. Safe Harbor business cards will be given to the youth.
4. Juvenile probation officers will meet with youth placed on supervision for the Youth Level of Service Inventory (YLSI) and the Juvenile Mental Health Screen (MAYSI-2) within 30 days of sentencing. The YLSI interview guide has been modified in April 2019 by GCCS to include questions specific to sexual trafficking and sexual exploitation.
5. During the YLSI and MAYSI-2 intake interview, the probation officer shall look for indicators of risk for sexual exploitation throughout the interview process. In addition, the probation officer shall ask these specific questions:
 - (Youth) Have you ever exchanged or been pressured into performing a sexual act (including pornography, dancing, sexting), for money or services, such as drugs, alcohol, food, shelter, transportation, protection, etc.?

- (Parent/Guardian) Are you concerned that your child may have been pressured into/or has exchanged sexual activity (including pornography) for money or services, such as drugs, alcohol, food, shelter, transportation, protection, etc.?

Probation officers should keep in mind that research consistently demonstrates that the first disclosures of sexual violence (including sexual exploitation and/or trafficking) determines a victim’s healing and recovery path. Disclosure often happens in multiple stages, with victims providing limited information to observe the reaction they will get from the person they disclose to. It is extremely important that a victim experiences positive and supportive reactions to their disclosures.

6. During the interview process, probation officers shall follow common guidelines for working with youth, such as: non-judgement, kindness, address emergency and basic needs first, keep personal physical boundaries, be aware of non-verbal communication, understand clients may lie to keep themselves safe - have patience, be authentic and honest, stay calm and listen, understand the larger scope of their behavior and the cost/benefit of changing, acknowledge their strengths and their survival skills.
7. The probation officer shall use their best judgment on a case by case basis if questions regarding sexual exploitation, or the Sexual Exploitation Risk Assessment Tool were not addressed during the interview and document accordingly.
8. If in the course of the probation officer’s screening, the youth answers yes to one or more of the following questions, the report meets the threshold for known or suspected sex trafficking:
 - a) The youth reported “consensual” participation in a sexual act in exchange for shelter, drugs, alcohol, money or other item of value?
 - b) Law enforcement or social services has confirmed through an investigation that the youth has been trafficked or engaged in any commercial, sexually exploitive activity.
 - c) The youth has disclosed engaging in sexual activity for the monetary benefit of another person.
 - Sexual abuse under Minnesota Statutes, section 626.556, subd. 2(n), includes all reports of known or suspected sex trafficking involving a child. Sex trafficking is defined in Minnesota Statutes, section 609.321, subd. 7(a): “Receiving, recruiting, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or receiving profit of anything of value, knowing or having reason to know it is derived from an act described in clause (1).” Patrons may not be charged with sex trafficking (609.322). Sex trafficking requires that a third party, not the purchaser or the victim, facilitate or profit from the sexual act.
 - MN Statutes 260C.007, subd. 6 (11), 31. The definition of a “Child in need of protection or services” (CHIPS) includes “sexually exploited youth.” In Subd. 31, Sexually exploited youth” is defined as an individual who is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual contact.
9. If a youth has answered yes to “Confirmed Victim on the Sexual Exploitation Risk Assessment Tool (also see #7 above),” the probation officer shall contact intake at Goodhue County Health and Human Services. To ensure the safety of the victim/youth, this contact should be made while the client is still with the probation officer. If that is not possible, contact with Health and Human Services should be made as soon as possible. If there is an imminent risk or danger to the client, Law Enforcement shall be contacted immediately.
 - The probation officer shall keep the process youth-centered and will inform the youth about their requirement to report.

- The probation officer shall also ask the youth if their parent/guardian can be notified. The probation officer will need to use professional discretion in whether or not to notify parents/guardians at this stage of the process. It is acknowledged that parents/guardians may also be the person exploiting or trafficking the youth. The youth’s safety is the priority.
 - The Sexual Exploitation Risk Assessment Tool may be released to Goodhue County Health and Human Services because this is a mandated report.
 - If the assessment with the youth has been received after normal business hours, the probation officer shall contact the local law enforcement center (i.e.: Cannon Falls Police Department or Goodhue County Sheriff’s Office) and request contact with the on-call Goodhue County Health and Human Services child protection worker.
10. If the youth has scored in the “high-risk” category on the Sexual Exploitation Risk Assessment Tool, the probation officer shall contact Goodhue County Health and Human Services and law enforcement if mandated. The probation officer shall also contact the Safe Harbor Southeast Regional Navigator at (507) 289-0636. Finally, the youth shall be given contact information for Safe Harbor.
- The probation officer shall keep the process youth-centered and will inform the youth about their requirement to report.
 - A signed release of information is encouraged but not required with a mandated report.
 - The probation officer shall also ask the youth if their parent/guardian can be notified. The probation officer will need to use professional discretion in whether or not to notify parents/guardians at this stage of the process. It is acknowledged that parents/guardians may also be the person who is creating the high-risk situation for the youth.
 - The Sexual Exploitation Risk Assessment Tool may be released to Goodhue County Health and Human Services if it is a mandated report.
 - If the assessment with the youth has been received after normal business hours, the Probation officer shall contact the local law enforcement center (i.e., Cannon Falls Police Department or Goodhue County Sheriff’s Office) and request contact with the on-call Goodhue County Health and Human Services child protection worker.
11. If in the course of the probation officer’s screening, the youth answered questions that indicate there are risk factors (but the youth does not score as a high risk or confirmed victim) for sexual exploitation present, the probation officer shall provide the client with information for the Safe Harbor Southeastern Regional Navigator at 507-328-7279 or the crisis line at 507-289-0636. If the youth and a guardian sign a release of information for Safe Harbor Services, the probation officer may contact Safe Harbor directly with referral information.
12. If the youth is an enrolled tribal member, the probation officer shall also contact the appropriate tribal office. If this is a mandated report, a release of information is encouraged but not required. If it is a non-mandated report but the probation officer would still like to report the risk, a release of information signed by the client and guardian is required.
13. Some youth who are on probation or parole are determined to meet the criteria for out of home placement. If a youth is being considered for placement and is also identified as a victim of sexual exploitation and/or sexual trafficking, probation officers will consult with other agencies such as Safe Harbor, Goodhue County Health and Human Services or the youth’s local tribal government. This is to build a multidisciplinary approach to the most appropriate response to the child’s behavior and within the context of exploitation/trafficking. Safe Harbor does have limited housing available to youth in which the youth may be placed without a court order or social services involvement.

Out of home placements may include crisis care, group homes, residential treatment programs, correctional settings and chemical dependency treatment programs. When juvenile probation officers initiate an out-of-home placement for a youth who is on probation supervision for a delinquency matter and is also a known victim or identified as a high-risk or at-risk person:

- Prior to any out of home placement commences, consultation with the Safe Harbor Navigator should be made to discuss possible programs.
- The youth shall be offered direct services through Safe Harbor.
- The juvenile probation officer shall follow typical procedures in regards to staffing the case at a Goodhue County Out of Home Placement Screening Team monthly meeting.
- The location of the program shall be made known only to those who can legally obtain it and with caution.
- Any proposed facility or home should have staff trained in trauma informed care.
- Preference shall be given to programs that are already approved by Safe Harbor.
- Preference shall be given to programs who have trauma informed clinical and therapeutic services, teach emotional regulation skills, address grief and loss, shame and stigma, self-control techniques, empower youth, build on education and teach responsibility.
- Programs should be victim-centered and input from the youth shall be taken into consideration.

14. Goodhue County juvenile probation officers have jurisdiction on some juvenile cases until the child reaches their 19th birthday unless there has been a designation of Extended Juvenile Jurisdiction (EJJ) of which the age would be 21. GCCS adult probation officers have supervision for young adults age 18-24, who have been charged with an offense as an adult.

Probation officers should be aware in regard to young people age 18-21, “A sex trafficked child or youth may be eligible for Child Welfare-Targeted Case management (CW-TCM) when under age 21, on Medical Assistance or MinnesotaCare, and meet one or more of the following criteria outlined in Minnesota Statutes:

- At risk of out of home placement (260C.212, subd. 1)
- At risk of maltreatment (626.556, subd. 10e)
- In need of protection or services (260C.007 subd. 6)

Targeted Case Management Services is provided through Goodhue County Health and Human Services and a referral to their agency could be made by the probation officer.

15. Safe Harbor offers services to young people up to the age of 24 years old. Probation officers should regularly keep risk factors for sexual exploitation and sexual trafficking in mind when working with young clients age 18-24. Although Safe Harbor has a grant funding to work with people under the age of 24, anyone who is a victim of exploitation or trafficking can be referred.

- If a client discloses that they have been sexually exploited or sexually trafficked, the probation officer shall provide the client with the Safe Harbor phone numbers. If the client is concerned for their safety, clients are also encouraged to contact law enforcement.

16. Goodhue County Court Services acknowledges that information may be obtained during an interview process, or in another engaged manner, in which a juvenile or adult client discloses that they are possibly exploiting or sexually trafficking a youth. If this does occur, the probation officer shall contact law enforcement and report the information. Please refer to the risk factors listed in the section titled “Red Flags or Warning Signs of Sexual Exploitation” and from the lens of a client exploiting a youth (ie., the probation officer becomes aware of a client allowing a youth to stay at their residence in exchange for sex, or a probation officer is aware of a client taking a sexually explicit video of a youth and exploiting them).

17. If the probation officer has questions about whether to report a situation, it is always better to err on the side of caution and reporting. Questions can be directed to Goodhue County Court Services Director, Safe Harbor, Goodhue County Health and Human Services and Law Enforcement.

References

Minnesota Department of Human Services Bulletin. (January 11, 2018). *Corrected #17-68-09C: Sex Trafficked Children and Youth Investigative Protocols*,1-22.

Ramsey County Attorney's Office, & Sexual Violence Justice Institute. (2017). *Safe Harbor Protocol Guidelines*. MN Coalition Against Sexual Assault.

Reporting of Maltreatment of Minors, § 626.556 (The Revisor of Statutes, State of Minnesota, 2018). Sexual Violence Justice Institute, MNCASA. *Safe Harbor Protocol Development Guidebook*, pp. 1–49.

Goodhue County Attorney's Office

1. Prosecution of Juveniles (Ages 10 to 17)

The Goodhue County Attorney's Office will treat all juveniles who engage in acts of "prostitution" as defined in Minnesota Statute § 609.321 Subd. 9 as crime victims and will not be charged with selling or trading sex pursuant to the provisions of the Safe Harbor laws.

The Goodhue County Attorney's Office will make a case-by-case decision regarding prosecution of juveniles for other crimes that may have been committed. Law enforcement agencies shall send reports regarding juveniles who engage in acts of sex trafficking to the County Attorney's Office for review. Reports should clearly indicate whether or not the juvenile is a victim of sex trafficking. If possible, the reviewing attorney will apply the following guidelines:

- Crimes of violence and crimes involving victims will likely be charged
- Possession of small amounts of controlled substances and petty offenses will likely not be charged
- Juveniles should not be charged for the sole purpose of providing services to the juvenile and/or to ensure cooperation with the prosecution of another
- The charging attorney shall consider filing a CHIPS petition rather than a Juvenile Delinquency Petition
 - If a Juvenile Delinquency Petition is filed, the charging attorney will commit to coordinating the case with Child Protection as well as the Goodhue County Court Services Department.
- The Goodhue County Attorney's Office will make a case-by-case decision regarding cases involving juvenile sex trafficking victims who are also trafficking others.

The Goodhue County Attorney's Office routinely takes calls from law enforcement outside of business hours, including nights and weekends. In the event that a call is received involving a juvenile or youth victim of sex trafficking, the attorney shall make an immediate referral to the Goodhue County Health and Human Services Department on-call employee and request emergency intervention.

2. Prosecution of Adults (Age 18 and Over)

The Goodhue County Attorney's Office will make a case by case decision regarding prosecution of individuals, age 18 and over, who are alleged to have engaged in acts of "prostitution" as defined by Minnesota Statute § 609.321 Subd. 9. The reviewing attorney may treat said individuals as crime victims and elect not to file criminal charges.

3. Prosecution of Adults Who Engage in Acts of Sex Trafficking of Others

The Goodhue County Attorney's Office is committed to prosecuting individuals, age 18 and over, who are alleged to have engaged in the act of sex trafficking other people. Law enforcement agencies shall send reports regarding individuals who engage in acts of sex trafficking of others to the County Attorney's Office for review.

Individuals arrested for involvement of trafficking juvenile or young adult victims shall be held for court so conditions of release can be set.

Reports should clearly indicate whether or not the individual is a victim of sex trafficking. If possible, the reviewing attorney will apply the following guidelines:

First Appearance

- Request the Court issue a No Contact Order between the defendant and each victim
- Request the court issue a No Contact Order between the defendant and his/her trafficking associates
- Encourage the victim to obtain a Harassment Restraining Order
- Consider filing Blakely Motion setting forth Aggravating Factors

Discovery and Disclosure

- Prosecutor shall comply with provisions of Minn. R. Crim. Pro. 9.01 Subd. 1(4)(c) to provide notice and summary of expert witness testimony
- Prosecutor shall request that any discovery items that constitute images of “child pornography” shall be subject to a protective order

Pre-trial Contact Between Victim and Trafficker

- Prosecutor shall encourage the victim to report any contact from the trafficker or the trafficker’s associates immediately
- If trafficker is being held in jail, then Prosecutor shall request investigator to monitor the defendant’s mail and phone calls for threatening and manipulative behavior

Pre-Trial

- The Goodhue County Attorney’s Office shall make a record of all contacts with victims
- The Victim/Witness Coordinator, another employee of the Goodhue County Attorney’s Office, and/or an Advocate shall be present when prosecutor has contact with the victim
- The Prosecutor shall commit to moving the case forward without unnecessary delay

Trial

- The Prosecutor shall meet with the victim to prepare him/her for trial testimony
- The Prosecutor take all necessary steps to hire and prepare an expert witness to testify about the dynamics of trafficking and to explain the counter-intuitive behavior frequently displayed by victims
- The Prosecutor shall consider all factors, including aggravating and mitigating factors when considering proper case resolution

Sentencing

- The Prosecutor shall provide the victim with all information about the right to give a Victim Impact Statement
- The Prosecutor shall consider whether or not community groups or an advocacy organization may want to provide a Victim Impact Statement about the impact on the community.

Other Considerations

The Goodhue County Attorney’s Office is aware that individuals who buy sex may be subject to federal prosecution and will review and refer cases involving buyers to the U.S. Attorney’s Office for the State of Minnesota.

The charging attorney shall contact the U.S. Attorney’s Office as soon as a referral for prosecution is made by a law enforcement agency. The purpose of the conversation is to determine early on which prosecution agency will handle the case.

The charging attorney will consider all possible level of charges available under Minnesota state law. These considerations include, but are not limited to the following situations:

- The purchase of sex from a juvenile is a felony under Minnesota state law
- The purchase of sex from an adult is a felony if the purchase occurs within 300 feet of a school or park
- The purchase of sex from an adult is a gross misdemeanor if it occurs in a “public place,” such as a hotel room, a vehicle, or a massage parlor
- Charge other purchases of sex from an adult as misdemeanor offenses

Civil Legal

What does Civil Law mean?

The term civil law refers to the practice of law that is concerned with private relations between individuals. Civil law offers legal remedies in a dispute regarding contracts, torts, property, and family law. Think of civil law as the body of law that provides redress for wrongs committed by compensating the person (or entity) that has been wronged rather than punishing the wrongdoer.

How Do We Know Our Client is a Sexually Exploited or Trafficked Youth?

The best way to be prepared for a client that has been sexually exploited is to educate yourself and be an active listener. Build a rapport with the client. Familiarize yourself with the following warning signs outlined in this protocol. Some of the warning signs that may come up in an initial client meeting are: frequent relocation; details of their story changing; evidence of controlling relationship; age difference between client and respondent; and fear regarding cell phone contact or use.

Working with clients who have been sexually exploited can pose different challenges than your typical protective order seeking client. Remain sensitive to existing power dynamics, and understand that clients may be unsure if a protective order is right for them.

When you are talking with clients about what protective order is right for them, take care to make sure they are advised that filing a protective order is **their choice**. As attorneys, give a client the information they need to make an educated decision. Advise them as to what you think is the best option for them, but the ultimate choice is theirs.

Do not give clients unreasonable expectations of what a protective order can do. Remind clients that sometimes a protective order does not keep an offender from contacting them; however, it does make certain legal activities illegal – like contacting a client through the use of third parties. It also creates a record of the offender’s behavior which can be useful later if the client has to return to court.

How Can We Help Protect Sexually Exploited Youth?

There are several different types of civil protective orders. Detailed below is an outline of what must be proven under the statute for a court to grant a protective order, as well some other tips that may help to determine which order is right for your client.

Harassment Restraining Order (HRO): A HRO is a type of civil protective order that anyone can get against anyone else *if* the actions arise to the definition of “harassment” under the law.

The parent, guardian, or stepparent of a minor who is the victim of harassment may seek a restraining order on behalf of the minor.³

Harassment is defined under Minnesota law to include: (1) a single incident of physical or sexual assault; (2) repeated unwanted or uninvited words, acts, or gestures; (3) targeted residential picketing; or (4) pattern of attending public events to harass.⁴

A hearing is only held if the respondent requests a hearing, or if the ex parte order is denied and the petitioner requests a hearing under those circumstances.⁵

³ Minn. Stat. § 608.748, subd. 2.

⁴ *Id.* at subd. 1.

⁵ *Id.* at subd. 3.

Remember that in an HRO hearing anything the Respondent says *can* be used against them in another proceeding.

Order for Protection (OFP)

An OFP is a type of family protective order. If a client is under age 18, a family or household member, or a guardian must petition on their behalf. If the court finds that it is in the best interests of a minor, a reputable adult age 25 or older may petition on behalf of a family or household member.⁶

A minor age 16 and older may make a petition in their own behalf against a spouse, former spouse, or a person with whom they have a child in common but only if the court determines the minor has sufficient maturity and judgment, and it is in the minor's best interests.⁷

In order to petition the Court for an OFP, the Petitioner must meet two elements.

First, the parties (both Petitioner and Respondent) need to be a family or household member.⁸ Family or household member is defined under the law as spouses, former spouses, parents and children, persons related by blood, persons who are presently residing with each other or who have resided with each other in the past, persons who have a child in common, and persons involved in a significant romantic or sexual relationship.⁹

Second, there must have been an act of domestic abuse.¹⁰ Domestic abuse is defined under the law to include: physical harm, bodily injury, or assault; the infliction of fear of imminent physical harm, bodily injury, or assault; terroristic threats; criminal sexual conduct; and interference with an emergency call.¹¹ New caselaw suggests that a client can petition for an OFP irrespective of when the domestic abuse occurred. If the domestic abuse has occurred in the past consider reviewing *Thompson v. Schrimsher*, 906 N.W.2d 495 (Minn. 2018).

A hearing is only held if the respondent requests a hearing, or if the ex parte order is denied and the petitioner requests a hearing under those circumstances. Additionally, a hearing must be held if the client is seeking temporary custody or child support in the OFP.¹²

Remember that in an OFP hearing anything the Respondent says *cannot* be used against them in another proceeding. If there are any joint children involved, a party can seek temporary custody and child support in an order for protection. This is not an option in an HRO.

Order for Protection for Minor Trafficking Victim (OFPMTV)

An OFPMTV is a special protective order created specifically to protect minor trafficking victims. This type of protective order is heard in juvenile court, and must be brought by parents or guardians of a minor who is currently in the custody of a trafficker.¹³ The court has the power to order the return of the minor child, to stop inducing, coercing, soliciting, or promoting the child's prostitution, and to have no contact with the minor child.¹⁴

There will always be a hearing in these cases in which the parents or guardians must appear in order for their relief to be granted.¹⁵

⁶ Minn. Stat. § 518B.01, subd 4(a).

⁷ *Id.*

⁸ *Id.* at subd. 2(b).

⁹ *Id.*

¹⁰ Minn. Stat. § 518B.01, subd. 2(a).

¹¹ *Id.*

¹² *Id.* at subd. 5.

¹³ Minn. Stat. § 609.3232, subd. 1.

¹⁴ *Id.* at subd. 5.

¹⁵ *Id.* at subd. 4.

Domestic Abuse No Contact Order (DANCO)

A DANCO is a criminal protective order that is controlled by the prosecuting office or the judge. DANCOs can be requested in cases if a Defendant has been charged with: (1) domestic abuse, harassment, or stalking when committed against a family or household member; (2) violating an OFP; or (3) violating a DANCO.¹⁶

So We Have A Protective Order – Now What?

As civil law practitioners, make sure the client is informed of other helpful remedies. Here are a few to consider:

Divorce and Child Custody

Did your client marry their trafficker? Did your client have any children with their trafficker? If so, a client may want to pursue a divorce, or be informed about their custodial rights. Remember that often times abusers and traffickers use the family law system as their last means to control their victim.

If you are not a family law practitioner, consult with one. Typically mothers do not petition the court for custody as they have sole legal and sole physical custody if the children were born outside of a marriage.¹⁷

Reparations

The Minnesota Crime Victim Reparations Act provides reimbursement or “reparations” for economic losses due to injury or death incurred by victims of violent crimes and their families.¹⁸

Housing – VAWA and Safe at Home Program

The Violence Against Women Act (VAWA) provides protections for survivors of domestic violence, dating violence, and stalking. This legislation allows for survivors who live in eligible federally subsidized housing to avoid being evicted or denied housing assistance based on acts of violence committed against them.¹⁹

Safe at Home is an address confidentiality program offered through the Minnesota Secretary of State. Safe at Home participants are provided a post office box to use as their legal address.²⁰ A client must apply with the help of a Safe at Home Application Assistant. In Goodhue County, application assistants can be found at HOPE Coalition, and Southern Minnesota Regional Legal Services in Rochester (serving Goodhue County).

Immigration

Does your client need help with applying for immigration? Your client may qualify for special status if they are a minor; however. Immigration is a complex legal field. If you do not normally practice immigration, find a low cost or free immigration attorney to refer your client.²¹ Make the call to refer with your client – your client will be more likely to follow through if you make the introduction so that trust with the new lawyer can be established.

Expungements

Was your client charged with a crime in relation to being sexually exploited? They may be eligible for an expungement of their criminal or juvenile records, particularly if their charges were a result of being trafficked.²²

Public Benefits

Youth and adults are both eligible to receive certain public benefits from the government, including food assistance, medical assistance, and cash assistance. Contact an advocate to assist the youth in applying for these services. Remember that there are waivers that can be utilized – ask the advocate about a domestic violence

¹⁶ Minn. Stat. § 629.75.

¹⁷ Minn. Stat. § 257.541, subd. 1.

¹⁸ Minn. Stat. § 611A.51 et. seq.

¹⁹ 42 U.S.C. § 1404e et. seq.

²⁰ Minn. Stat. § 5B.03.

²¹ Southern Minnesota Regional Legal Services provides free immigration legal services to eligible clients.

²² Minn. Stat. § 609A.03 et seq.

waiver. Be careful about who will have access to these funds. The youth or adult may need assistance with setting up a bank account, and accessing or requesting their identification documents.

Be mindful of applying for benefits if a joint minor child is involved. The County will file to establish child support in most cases when a parent applies to receive public benefits. Make sure to ask about any minor children, and reach out the County Attorney for a good cause waiver. This waiver allows for someone to apply for benefits without the County initiating a child support case.

Best Practices

During your very first meeting with a client, offer to put them in touch with an advocate! Make the connection for them; even call an advocate together. Advocates can do a lot to help a survivor in need! Advocates are well versed in safety planning and community resources – use their knowledge!

Attorneys are **not** mandatory reporters; in fact, attorneys and clients have a privileged relationship. “A fundamental principle in the client-lawyer relationship is that, in the absence of the client’s informed consent, the lawyer must not reveal information relating to the representation.”²³ Due to the special attorney-client relationship, youth may be more willing to share details of their story; however, keep in mind that there are exceptions to this principal, namely: the lawyer may reveal information if he or she reasonably believes the disclosure is necessary to prevent certain death or substantial bodily harm to an individual.²⁴

Additionally, attorneys need to be mindful of the capacity of their clients – especially when the client is a child. When an attorney reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken and cannot adequately act in the client’s own interest, the lawyer may take reasonable protective action. Protection action can include consulting individuals that have the ability to take action to protect the client, and in appropriate cases seek the appointment of a guardian ad litem, conservator, or guardian. Remember that information shared under this rule is still protected by Rule 1.6, and the attorney is impliedly authorized to reveal information about the client, but only to the extent reasonably necessary to protect the client’s interests.²⁵

Remember that sexually exploited youth use a variety of methods of contact. Use language carefully when drafting any petition and affidavit. Include specific social media that you may not see in our older client populations – such as Facebook, Snapchat, WhatsApp, and Instagram. When in doubt, ask about what communications your client typically uses. Social media is always evolving, and we won’t know if we don’t ask!

Resources

Battered Women’s Justice Project: 1-800-903-0111

Goodhue County Dispatch: 1-651-385-3155

HOPE Coalition Sexual Assault Crisis Line: 1-800-519-6690

Legal Assistance of Dakota County: 1-952-431-3200

Minnesota Crime Victims Reparations Board 1-651-201-7300

Minnesota Safe at Home Program: 1-866-723-3035

Southeast Minnesota Regional Navigator: 1-507-328-7270

Southern Minnesota Regional Legal Services Intake: 1-888-575-2954

Standpoint (formerly Battered Women’s Legal Advocacy Project): 1-800-313-2666

²³ Minn. Rules of Prof’l Conduct R. 1.6, cmt. 1.

²⁴ *Id.* at R. 1.6(b).

²⁵ *Id.* at R. 1.14.

Public Health

Overview

- Safe Harbor Law
- Keywords/Definitions
- Why Have a Protocol?
- Public Health
- Public Health and Sexually Exploited Youth
- Public Health Professional Development and Education
- Basic Tips When Working on Safe Harbor
- References

Safe Harbor Law

Safe Harbor is structured under the MN Department of Health which offers a public health and public safety focus. A public health focus encourages victim-centered and harm reduction services, and allows for prevention efforts. This view shifts the criminal justice focus to the perpetrators, such as the buyers and the traffickers, instead of the exploited youth. **(1)**

Safe Harbor Law protects youth from:

- being arrested or prosecuted for prostitution;
- Adds the definition of sexually exploited youth to Minnesota's child protection codes so that child protective services and child welfare can respond; Assigns funding to develop protocols and trainings, and to provide services, housing, and outreach of youth 24 and under. Safe Harbor supportive services for victim/survivors extend through age 24, but protections against prosecution end at age 18.

Keywords/Definitions

Working Definition of Minor Commercial Sexual Exploitation (Who is Eligible for Services)

Minor Commercial Sexual Exploitation occurs when someone under the age of 18 engages in commercial sexual activity. A commercial sexual activity occurs when anything of value or a promise of anything of value (e.g., money, drugs, food, shelter, rent, or higher status in a gang or group) is given to a person by any means in exchange for any type of sexual activity. A third party may or may not be involved. **(1)**

Child Sex Trafficking

When a child (under 18 years of age) is recruited, enticed, harbored, transported, provided, obtained, patronized, solicited, or maintained to perform a commercial sex act, proving force, fraud, or coercion is not necessary for the offense to be prosecuted as human trafficking. There are no exceptions to this rule: no cultural or socioeconomic rationalizations alter the fact that children who are exploited in prostitution are trafficking victims. The use of children in commercial sex is prohibited under U.S. law and by statute in most countries around the world. Sex trafficking has devastating consequences for children, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and even death. **(2)**

Why Have a Protocol?

A protocol is a formalized agreement between and among systems partners that institutionalize the roles and responsibilities of individual agencies, as well as the way agencies work together. Protocols ensure that good practice survives turnover, orients new staff in the collaborative work, and provides a benchmark for reviewing and improving the overall systems response to sexual exploitation.

Consider the various points of entry a sexually exploited youth could have into any one of the systems within a given community: a school resource officer, a county social worker, a youth shelter advocate, a health clinic nurse, a public defender, etc. At the agency level, think about the changes that need to be made to policies and procedures in order to ensure that the youth is first correctly identified as a victim of exploitation, and that once identified, they are treated in a way that is victim-centered, trauma-informed, and based in positive youth development. **(3)**

Public Health

As a local public health department, Goodhue County Health and Human Services has certain mandates under the Local Public Health Act (Minn. Stat. § 145A). Health topics related to the six areas of public health responsibility:

1. Assure an adequate local public health infrastructure
2. Promote healthy communities and healthy behaviors
3. Prevent the spread of communicable diseases
4. Protect against environmental health hazards
5. Prepare and respond to emergencies
6. Assure health services

“Public health departments are on the front lines of improving and protecting the health and well-being of people and communities. Across the nation, health departments provide services aimed at promoting healthy behaviors; preventing diseases and injuries; ensuring access to safe food, water, clean air, and life-saving immunizations; and preparing for and responding to public health emergencies” – Public Health Accreditation Board

The areas central to the public health protocol are:

- **Prevention**- There are three types of preventions:
 - Primary- Education on healthy relationships
 - Secondary- Identification of those at risk of sexual exploitation and sex trafficking and referral to service provider
 - Tertiary- A program to help those identified as victim/survivors and provide services to help transition out of victimization
- **Data and assessment**
- **Priorities and actions**

Public Health and Sexually Exploited Youth

Goodhue County Health and Human Services (GCHHS) leads an effort to take stock of the health of all people in our county every five years through a community health assessment. One required local public health infrastructure activity is conducting a collaborative process, at least every 5 years, to develop a community health assessment to provide the general public and policy leaders with information on the health of the population. Writing a community health assessment is a strategic planning process for improving community health. You can use the results to set your organizational priorities, plan programming, or apply for grant funding. **(4)**

A community health improvement plan is a long-term plan, describing how the local health department and a broad set of community partners are addressing needs identified in the last community health

assessment. “Community” refers to the whole population of Goodhue County, as opposed to the health of any one individual. “Health” includes not only our health outcomes but also the health factors that influence health. This plan is about improving the health of the community together.

The Community Health Improvement Plan is not about the community telling the health department what to do. It’s meant to be the community’s plan. It describes what the community is doing together with the health department to address the top health issues.

Priorities emerge because organizations agree this is something they are working on or want to work on. We have the perspective, “if no one wants to work on it, maybe we haven’t identified the right problem to work on.” Many different agencies, programs, and initiatives in Goodhue County contribute to improving the community’s health. **(5)**

Public health staff such as social workers, nurses, health educators, case aides, front desk support staff and others, see children, adolescents and young adults for prevention and treatment of illness and disease. At any of these encounters, PH staff can have an opportunity to identify and assist young people who are victims of commercial sexual exploitation and sex trafficking. Many agencies commonly focus on safe harbor interventions of commercial sexual exploitation after the exploitation has occurred. Viewing exploitation using a public health lens includes developing programs and pursuing strategies that work toward prevention and early intervention. While there is no guarantee that preventive and early intervention actions would keep a youth from being sexually exploited or suffering physical and emotional harm, it is possible that these actions could make a difference or at least mitigate some of the health impact. Tackling the problem of sexual exploitation from social justice stance remains, just as it did over a century ago, the very essence of a public health approach.

Goodhue County Public Health employees are broad based and interact with a variety of disciplines; there are ample opportunities for these professionals to come into contact with sexually exploited youth, so it is important to include this area of expertise in coordinated community efforts.

One of the best opportunities for public health to mitigate risks of sexual exploitation of youth is through the role of nurses and other service providers who visit families in their homes. Evidence shows that visiting nurses are in a particularly good position to address underlying issues that might be affecting a child, including the range of adverse childhood experiences (ACEs). Support for families very early in children’s lives, such as programs for teen mothers and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is critical to providing early support to help ensure a healthy start in a child’s life and increase the protective factors that could help shield a young person from sexual exploitation.

Sexual exploitation can be a challenging conversation for a family. Public health services can help parents and educators engage in meaningful dialogue. Many youth may not understand what sexual exploitation is and may not realize that it is something that could impact them directly. The online world can pose many risks to youth. Often youth will be forthcoming about the ways they have been approached online to engage in sexting, sexually explicit chats, and sexual activity with people they do and do not know. Finally, access to comprehensive sexual health education and healthy relationships teaching is critical to ensuring youth have the baseline knowledge about boundaries and consent, as well as issues involving sexual violence, domestic abuse, and sexual exploitation. **(3)**

Public Health Professional Development and Education

Public Health Staff record professional development trainings and education. For professional staff; i.e. nurses and social workers, CEU’s or continuing education is a must to maintain licensure. Some of these educational opportunities may include:

- HIPAA
- Mandated Reporter
- ACES Training

- Poverty Based Trainings such as: Bridges out of Poverty and United Way Poverty Simulation

The Minnesota Department of Health (MDH) Sexual Violence Prevention Program has many resources and provides training to public health professionals and community stakeholders. Additional trainings for public health staff will assist with better identification of sexually exploited youth.

Public Health Staff have the opportunity to interact with local health boards. These interactions can be used as a means of raising visibility and awareness around the sexual exploitation of youth and offer community-wide conversations to discuss ways to improve prevention and early intervention efforts.

Basic Tips When Working on Safe Harbor

The below information has been adapted from, “Basic Tips When Working on Safe Harbor, A Professional’s Guide to Safe Harbor.” These tips have been adopted for use within Goodhue County. **(1)**

Ground Rules

- Non-judgmental and kind
- Address emergency and basic needs first
- Open body-language—awareness of non-verbal communication
- Personal physical boundaries—touching may seem very invasive
 - Meet youth where they are at—harm reduction may be all you can do in the present moment—create a short-term safety plan
- Patience! Even if the story is changing show patience. They may be checking to see if you can handle the real situation. It can be very difficult to admit or disclose that they are being exploited. Lying doesn’t mean there is no story; it just means they need to trust you before they are able to share the true story.
- Authentic and honest
 - Don’t promise anything you cannot deliver
 - You do not need to have all the answers
- Separate person from others when doing assessment, intake, or interviews
- Refer to Regional Navigator, social worker or another trained advocacy group who understands sexual exploitation (phone numbers listed under resources)

Remember that even if they are in a safe place now, processing these issues can take a very long time. It is normal to back track emotionally and behaviorally.

Asking Questions or Responding to Disclosure: *Victim-Centered Approach*

- Stay calm and *listen!*
- “What has happened to you?” rather than “Why are you doing this?”
- “How do you take care of yourself when you are on the run?”
- “Is there anyone who looks out for you?”
- “It sounds like you have been trying to manage a lot of things on your own.”
- Do not immediately ask questions about the pimp or trafficker. They have been taught to be very protective of that person and this will shut down communication.
- **Before giving advice**, acknowledge what is motivating them right now. Before you encourage them to change their situation or behavior, fully understand the repercussions of what changing those things might do to their safety and overall health.
- **They don’t need to tell you their whole story!** Unless you are a trained advocate or counselor, it may be best to see what services they will agree to engage in, rather than to make them divulge all of their personal information. The goal is to not re-traumatize them.
- Familiarize yourself with mandated reporting requirements in Goodhue County and surrounding counties. If you do need to make a report, let the youth know what is required for underage sex trafficking cases,

what will happen next, and if possible, allow them to be with you when you make the call. Make sure when a mandated report is necessary that is decided upon who is making the report. Communicate with others involved who will be making the report.

- Acknowledge their strengths and their survival skills. ***Always build confidence!***

Resources

- HOPE Coalition- Sexual Assault Crisis Line: 1-(800) 519-6690
- Southeast Regional Safe Harbor 24 Hour Crisis line: (507) 289- 0636
- Goodhue County Health and Human Services- Social Services, Mandated Reporting: Monday- Friday, 8am- 4:30pm, (651) 385-3200
- Law Enforcement Non-Emergency Number- (651) 385-3155
- If victim is in an unsafe situation/emergency situation and law enforcement is needed call 911
- Risk Assessment Forms

References

- 1- **A Professional's Guide to Safe Harbor-**
https://www.pediatrics.umn.edu/sites/pediatrics.umn.edu/files/mdh_safe_harbor_professionals_handout.pdf
- 2- **U.S Department of State- What is Modern Slavery?** <https://www.state.gov/j/tip/what/index.htm>
- 3- **Safe Harbor Protocol Guidelines-** https://www.mncasa.org/wp-content/uploads/2018/07/Safe_Harbor_Protocol_Guidelines.pdf
- 4- **Goodhue County Community Health Assessment Report 2017-**
<https://www.co.goodhue.mn.us/DocumentCenter/View/13144/2017-Goodhue-County-Community-Health-Assessment?bidId=>
- 5- **Goodhue County Community Health Improvement Plan 2018-**
https://www.co.goodhue.mn.us/DocumentCenter/View/17594/Full-Goodhue-CHIP_with-all-action-plans_12-28-18?bidId=

Substance Abuse

Professionals who work in the Substance Use Disorder field may encounter victim/survivors in treatment programs and residential treatment facilities. Substance abuse professionals should collaborate with colleagues from different disciplines to find appropriate and creative approaches for serving sexually exploited adults and youth.

Due to the adult populations served by outpatient treatment programs in Red Wing, such as Common Ground and Midwest Recovery, Clients are not identified as categorical vulnerable adults, therefore, a mandated report cannot be made; however, if an individual discloses potential trafficking, professionals in these locations may refer to HOPE Coalition Sexual Assault Crisis Line (1-800-519-6690), SE Regional Safe Harbor 24- Hour Crisis line (507-289-0636), or Goodhue County Health and Human Services (M-F 651-385-3200). Due to possible variances made on case-by-case basis, when an adolescent may be admitted into substance use disorder programming and alleged trafficking is disclosed, a mandated report would be made to Goodhue County Health and Human Services (M-F 651-385-3200) and after hours to an on-call deputy at 651-385-3155.

Treatment Approaches

Working with clients who have been sexually exploited can pose challenges such as mental health concerns and issues with addiction. Professionals must consider that there remains significant stigma and shame associated with substance abuse issues. Addiction has a complex relationship with human trafficking: it can exacerbate a trafficked person's vulnerability, be a part of a captor's means of coercing submission, be part of a captor's means of incentivizing the individual to remain captive, and be used by the individual as a coping mechanism to manage physical and mental traumas of being trafficked.

It is important to respect the individual's assessment of their situation and risks to their safety. The core components of the general approach to a potentially trafficked individual include meeting basic needs, building trust and rapport, being conscious of language, remaining sensitive to power dynamics, and avoiding re-traumatization.

It may take victim/survivors a long time to feel safe again and to learn coping techniques to avoid substance use. They may have suffered significant blows to their self-esteem and self-worth and may struggle with the ability to navigate through a world around them.

Caring for a trafficked person while in treatment

Treatment needs vary greatly and must begin with the focus on the individual's safety, security, and stabilization. It is critical that victim/survivors have access to someone they trust, so they can feel comfortable seeking counseling and following a treatment plan. These interactions are encouraged under a trauma-informed approach with education regarding statistics and issues directly relating to individual's circumstances.

- Do no harm
- Remember the goal is not to rescue, but to improve the health and safety
- Provide respectful, equitable, non-discriminatory care
- Approach interactions with the victim or survivor with respect and kindness
- Be empathetic but not display pity
- Be aware of nonverbal communication; do not show shock or disgust
- Be nonjudgmental
- Provide safe, private, and comfortable place when conducting individual meetings

References

1. Hanni Stoklosa, M. M.-I. (2019). *Human Trafficking, Mental Illness, and Addiction: Avoiding Diagnostic Overshadowing*. Retrieved from AMA Journal of Ethics: <https://journalofethics.ama-assn.org/article/human-trafficking-mental-illness-and-addiction-avoiding-diagnostic-overshadowing/2017-01>
2. *Safe Harbor Protocol Guidelines*. (n.d.). Retrieved from http://www.mncasa.org/wp-content/uploads/2018/07/Safe_Harbor_Protocol_Guidelines.pdf

Sexual Exploitation Risk Assessment Tool

Is the Youth/Client “At Risk,” High Risk” or a “Confirmed Victim” for commercial sexual exploitation?

RISK FACTORS INCLUDE



Question	YES	NO
Does the youth/client have a history of being missing for 2 or more days at a time within the last 6 months [Examples: parent doesn’t know where/or who the youth is staying with or youth is truant]?		
Does the youth/client “couch surf/hop” or is “In the streets”?		
Does or has the youth/client engaged in self harm (cutting, suicidal ideation, burning, etc.)?		
Does the youth/client currently use drugs or alcohol or have a mental health diagnosis?		
Has the youth/client been a victim of a sexual assault?		
Is the youth/client in a sexual/romantic relationship with an older partner?		
Is the youth/client unable or unwilling to provide information about a girlfriend/boyfriend or sex partner?		
Is the youth/client engaging in inappropriate social media usage (sexually explicit)?		
Has the youth/client been in possession of money, a cell phone or other items that cannot be explained or accounted for?		
Have there been reports of multiple anonymous sex partners and/or history of STI?		
Has the client been involved with law enforcement and/or social services?		
Has gang affiliation been disclosed, reported or suspected or has the client been associated with individuals with a known criminal history?		
Does the youth/client have tattoos and/ or unaccounted injuries (broken bone, had traumatic loss of consciousness, or sustained a significant wound)?		

HIGH RISK – If yes to one or more of the following

Question	YES	NO
THREE OR MORE OF THE ABOVE “AT RISK” FACTORS ARE ANSWERED “YES”		
Has there been unauthorized travel out of town?		
Have there been confirmed or reported uses of hotels or parties for sexual encounters?		

CONFIRMED VICTIM

Question	YES	NO
Has the youth/client reported “consensual” participation in a sexual act in exchange for shelter, drugs, alcohol, money or other item of value?		
Has law enforcement or social services confirmed through an investigation that the youth/client has been trafficked or engaged in any commercial, sexually exploitive activity?		
Has the youth/client disclosed engaging in sexual activity for the monetary benefit of another person?		

If youth/client is AT RISK		Contact Safe Harbor Southeastern Regional Navigator Mollie Kolb for consultation and referrals 507-328-7279 or Call 24/7 Crisis Line 507-289-0636
If youth/client is HIGH RISK Or CONFIRMED VICTIM		Contact Southeastern Regional Navigator Mollie Kolb. Reports to local law enforcement, and social services are highly encouraged.

Adapted from State of Connecticut Dept. of Children and Families PRACTICE GUIDE FOR INTAKE AND INVESTIGATIVE RESPONSE TO HUMAN TRAFFICKING and Olmsted County Community Services Sexually Exploited Youth Workgroup Risk Assessment/Decision Map

Missing Persons Questionnaire

JUVENILE'S NAME: _____ TODAY'S DATE: _____ DOB: _____
AGE: _____ RACE: _____ SEX: _____ DATE FOUND/CAME HOME: _____
OFFENDER'S NAME: _____ SCHOOL ATTENDED: _____
NEW/ADDITIONAL ICR (if any): _____

ASK THE FOLLOWING QUESTIONS IN PERSON, NOT OVER THE PHONE.

If the answer to any question - especially questions 7 to 10 - raises concern that the youth may have been the victim of abuse, assault, sexual exploitation, or another crime, write a report under a NEW ICR. Otherwise write full details in the space below. Take follow up action as appropriate (e.g., refer alleged home abuse as appropriate and look into other placement options).

1. **Why:** Why did you leave home?

2. **What:** What were you up to while you were away?

3. **Who:** Who were you spending time with? Who were you staying with? Note name and address. (and age if a friend).

4. **Alcohol/Drugs:** Do you drink or use drugs? What do you use and how much?

5. **Medical needs-physical:** Do you think you should see a doctor for injury, pregnancy, or anything else?
 NO YES
If yes, why?

6. **Medical needs-mental:** Do you think you should see someone for counseling, help with drug or alcohol use, or anything else, or do you think about hurting yourself?
 NO YES
If yes, why?

7. **Home abuse and safety:** Do you feel unsafe at home?
 NO YES
If yes, why?

8. **Physical assault:** While you were away, did anyone physically hurt you (or try to hurt you)?
 NO YES
If yes, who?

9. **Sexual assault:** Has anyone ever touched you sexually (or made you touch them sexually) in a way you didn't like?

NO YES

If yes, who?

Has this been reported before? If so, who was it reported to?

10. **Sexual contact with older person:**

- *If juvenile is 15 or younger:* Have you ever had sex with anyone who was at least **FIVE** years older than you?
- *If juvenile is 16 or older:* Have you ever had sex with anyone who was at least **TEN** years older than you?

NO YES

If yes, who?

11. **If they replied yes to at least one of the questions 5-10, ask them:**

Would it be OK to have an Advocate contact you?

NO YES

Best contact number for you:

Resources:

Olmsted County Victim Services: 507-328-7270

24- Hour Crisis Line: 507-289-0636

Human Trafficking Offense Report

This form is used to report human trafficking offenses. It is authorized by Public Law 110-457 (the William Wilberforce Trafficking Victims Protection Act of 2008).

Human trafficking does not follow the application of the Hierarchy Rule. It is reported in addition to other UCR offenses being reported.

Providing this information is important. It assists the FBI in compiling timely, comprehensive, and accurate data.

Within 30 days of the human trafficking incident, the Chief Law Enforcement Officer (CLEO) for an agency should submit a completed form to the Minnesota Bureau of Criminal Apprehension. *This submission must occur through the Supplemental Reporting System (SRS).*

Report only one incident/case number per form.

Please provide all information requested.

Agency ORI	Agency Name	
Incident Date	Is this date the actual date of the incident? <input type="checkbox"/> YES <input type="checkbox"/> NO	Incident/Case Number

Check the Human Trafficking offenses committed in this incident.

COMMERCIAL SEX ACTS
Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

INVOLUNTARY SERVITUDE
Obtaining a person(s) through recruitment, harboring, transportation, or provisions, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery. *This does not include commercial sex acts (see above).*

Provide a brief narrative of the Human Trafficking incident being reported. Provide only public data.

Select the status of this incident.

<input type="checkbox"/> ARREST OF AN ADULT	<input type="checkbox"/> ARREST OF A JUVENILE
<input type="checkbox"/> ARREST OF AN ADULT AND JUVENILE	<input type="checkbox"/> EXCEPTIONALLY CLEARED
<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> PENDING

Enter victim information below.
Attach another copy of this page if additional victims need to be reported.

VICTIM #	VICTIM AGE	VICTIM SEX	VICTIM RACE	VICTIM ETHNICITY	VICTIM OF COMMERCIAL SEX ACTS?	VICTIM OF INVOLUNTARY SERVITUDE?
#1					<input type="checkbox"/> YES	<input type="checkbox"/> YES
#2	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#3	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#4	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#5	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#6	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#7	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES

Enter offender information below.
Attach another copy of this page if additional offenders need to be reported.

OFFENDER #	OFFENDER AGE	OFFENDER SEX	OFFENDER RACE	OFFENDER ETHNICITY	COMMITTED COMMERCIAL SEX ACTS?	COMMITTED INVOLUNTARY SERVITUDE?
#1					<input type="checkbox"/> YES	<input type="checkbox"/> YES
#2	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#3	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#4	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#5	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#6	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES
#7	-	-	-	-	<input type="checkbox"/> YES	<input type="checkbox"/> YES

Enter information on who prepared this form.

Report Prepared By (required)	Title
Email Address (required)	Telephone Number (required)
Agency Chief Law Enforcement Officer	

Terms and definitions

Adult - For Minnesota Uniform Crime Report purposes, a person 18 years of age or above.

American Indian or Alaskan Native - A person having origins in any of the original peoples of the Americas and maintaining cultural identification through tribal affiliations or community recognition.

Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American - A person having origins in any of the black racial groups of Africa.

FBI - Federal Bureau of Investigation.

Hierarchy Rule - Determines which crimes are to be reported for an incident in summary based crime reporting. There is significance to the order in which the Part I offenses are presented. In cases where more than one offense occurs in an incident, only the highest ranking Part 1 offense is counted. Part I offenses following the Hierarchy Rule: (1) Criminal Homicide; (2) Rape; (3) Robbery; (4) Aggravated Assault; (5) Burglary; (6) Larceny Theft; (7) Motor Vehicle Theft. Three offenses, Arson, Human Trafficking-Commercial Sex Acts, and Human Trafficking-Involuntary Servitude, ignore the Hierarchy Rule and are always counted even in cases when multiple offenses occur in an incident.

Hispanic or Latino Origin - A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture of origin, regardless of race.

Human Trafficking/Commercial Sex Acts - Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such acts(s) has not attained 18 years of age.

Human Trafficking/Involuntary Servitude - Obtaining a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

Juvenile - For Minnesota Uniform Crime Report purposes, a person under the age of 18.

Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands. The term "Native Hawaiian" does not include individuals who are native to the State of Hawaii by virtue of being born there. Other Pacific Island groups included are Carolinian, Fijian, Kosraean, Melanesian, Micronesian, Northern Mariana Islander, Palauan, Papua New Guinean, Ponapean (Pohnpelan), Polynesian, Solomon Islander, Tahitian, Tarawa Islander, Tokelauan, Tongan, Trukese (Chuukese), and Yapese.

NIBRS - National Incident-Based Reporting System. An FBI reporting system for reporting crime in the United States.

UCR – Uniform Crime Reporting is a city, county and state law enforcement program which collects crime statistics from local law enforcement agencies and submits data to the Minnesota UCR Program. The State UCR Program then submits to the national UCR Program administered by the FBI.

White - A person having origins in any of the original peoples of Europe, North Africa or Middle East.

William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 - Authorizes the FBI UCR program to collect offense and arrest data regarding human trafficking. The act requires the FBI to collect human trafficking offense data as Part I violent crimes and to make the distinctions between assisting or promoting prostitution, purchasing prostitution, and prostitution in Part II arrest data.

For assistance, email bca.crimestats@state.mn.us

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