Safe Harbor Protocol Guidelines

Ramsey County Attorney's Office

Sexual Violence Justice Institute
at the Minnesota Coalition Against
Sexual Assault

Victim-Centered
Trauma-Informed
Youth-Centered
Strengths-Based
Culturally-Responsive

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Executive Summary

In August of 2014, the state of Minnesota made a significant shift in how it addresses the sexual exploitation of youth. Under the Safe Harbor law, youth subjected to exploitation are now viewed not as perpetrators but as victim/survivors. A steadily growing infrastructure of services—the "No Wrong Door" system—provides support, healing, and care. Law enforcement and other resources have been redeployed toward holding exploiters, not victim/survivors, accountable. And professionals and communities alike are looking at the societal factors that fuel exploitation, as well as how to prevent it.

A truly effective response by professionals to juvenile sexual exploitation must be built at the local level, with agencies from the government and community-based sectors working together to develop multi-disciplinary protocols. These protocols will vary greatly by community, based on the resources available, the make-up of the local population, and the most pressing challenges. Still, those developing individual protocol need best practices to draw upon. Moreover, sexual exploitation will not wait for individual community protocols; professionals need guidance in how to identify and respond to sexual exploitation while the protocol development process is underway.

The *Safe Harbor Protocol Guidelines* are intended to meet both of these needs—that of individual communities seeking best practices and recommendations to draw upon during the protocol-development process, as well as that of professionals and agencies requiring guidance on how to address sexual exploitation in the absence of their own community protocols.

The *Protocol Guidelines* consist of recommendations, insights, and resources to support professionals from a variety of disciplines in identifying and responding to juvenile sexual exploitation. They were developed with the input of over 200 professionals from a wide variety of disciplines including the judiciary, education, law enforcement, child protection, health care, juvenile corrections, advocacy, and more.

The *Protocol Guidelines* include:

- Eight "foundational" chapters intended to establish a base level of knowledge among professionals about crucial topics that cross disciplines, such as the dynamics of exploitation and working with victim/survivors in a trauma-informed, victim-centered, culturally-responsive and strengths-based way.

- Sixteen discipline-specific chapters providing both (1) guidance to professionals from the particular discipline, as well as (2) insight about the particular discipline for professionals from other disciplines.

- Four "next steps" chapters, written by the Sexual Violence Justice Institute at the Minnesota Coalition Against Sexual Assault (SVJI at MNCASA), to help individual communities begin the process of developing and implementing their own protocol on juvenile sexual exploitation.

Development of the *Protocol Guidelines* was led by the Ramsey County Attorney's Office, in partnership with SVJI at MNCASA, pursuant to an appropriation from the State of Minnesota.

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Participation by the individuals listed below should not, however, be read as an endorsement of the *Protocol Guidelines* by the organizations for which they work. The RCAO and the SVJI at MNCASA are solely responsible for the content of the *Protocol Guidelines*.

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Introduction

> **"If we want to see something different,**
> **we have to do something different."**
> ***-Rachel Lloyd, Founder and Chief Executive Officer***
> ***Girls Educational & Mentoring Services (GEMS), New York*** [1]

1. Safe Harbor & No Wrong Door

Minnesota's groundbreaking 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. Since August 1, 2014, 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 only the first step to ensuring that perpetrators are held accountable and that victim/survivors of sexual exploitation are set on a path to recovery and healing. Safe Harbor also directed the Commissioner of Public Safety to work 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." [2]

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 and 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.

1 Keynote speech at West Metro Safe Harbor Conference, Prior Lake, MN, June 18, 2015.

2 Department of Public Safety, Office of Justice Programs, *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth*, (Jan. 2015), https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20(FINAL).pdf. As of this writing, the model has been significantly but not fully funded by the state.

At the core of the "No Wrong Door" model is a set of "regional navigators," funded through the Minnesota Department of Health and coordinated by the Safe Harbor/No Wrong Door Director. Regional Navigators work with systems partners and service providers in their regions to identify and meet the specific needs of sexually exploited youth. An up-to-date list of regional navigators and other Safe Harbor resources is available on the Minnesota Department of Health website.[3] In addition, a Safe Harbor Resource List for Juvenile Justice and Child Welfare bibliography is included in the ***Appendix***.

2. The *Safe Harbor Protocol Guidelines*

In connection with the passage of Safe Harbor, the Minnesota Legislature directed the Ramsey County Attorney's Office (RCAO) to:

> develop a statewide model protocol for law enforcement, prosecutors, and others, who in their professional capacity encounter sexually exploited and trafficked youth, on identifying and intervening with sexually exploited and trafficked youth.[4]

RCAO contracted with the Sexual Violence Justice Institute at the Minnesota Coalition Against Sexual Assault (SVJI at MNCASA) to develop a model protocol that could be utilized by communities across the state.[5] The result, these *Safe Harbor Protocol Guidelines*, represent the collective expertise of over 200 professionals and practitioners with on-the-ground experience and knowledge about the best practices for responding to the needs of sexually exploited youth.

From July 2014 through January 2016, state and national experts met in topic-specific workgroups to identify some of the most common and challenging issues associated with serving the needs of sexually exploited youth, as well as approaches for effectively engaging different disciplines, partners, and systems. These experts also drew upon past work, including the *Minnesota Model Sexual Assault Response Protocol*.[6]

3 http://www.health.state.mn.us/injury/topic/safeharbor/navigators.html.

4 2013 Minnesota Session Laws ch. 86, section 12, subd. 6(e).

5 SVJI at MNCASA is a long-term federal technical assistance provider through the Office of Violence against Women in the United States Department of Justice. In addition, through the continuing support of the Office of Justice Programs at the Minnesota Department of Public Safety, SVJI provides technical assistance and training to several sexual assault multidisciplinary response teams statewide. See www.mncasa.org.

6 Written by Etrulia Calvert and Laura Williams, this protocol (also known as the Minnesota Protocol Project), was first developed in 2000 and renewed in 2004. The Minnesota Protocol Project established the premise that adopting a protocol in and of itself does not create change. System change is the result of intentional creation, implementation and sustainability of protocols by multidisciplinary teams.

From the beginning, several things became clear:

- First, **what works in one part of Minnesota may not work in another**, and a single model protocol would never successfully meet the needs of every region in the state. Instead, the *Protocol Guidelines* provide foundational knowledge and identify key decision points to multidisciplinary teams as they begin to develop their own community-specific protocols.

- Second, **protocol development cannot happen without engaging in true multidisciplinary collaboration**. Because of this, the *Protocol Guidelines* themselves needed to be a product of this same collaborative process in order to capture the expertise of multiple disciplines, regions, and philosophies. The *Protocol Guidelines* are possible only because contributors shared a commitment to the process, a willingness to compromise, mutual respect for one another's ethical obligations, and agreement as to the ultimate purpose of the project—to ensure that every community can offer a "right door" to services and support for sexually exploited youth.

- Finally, and most important, **it is impossible to develop an effective and comprehensive response to sexually exploitation without the input and feedback from those directly impacted**. Focus groups and surveys were provided to youth, youth survivors and adult survivors through a partnership between the Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, the RCAO and the SVJI at MNCASA. Quotations from the resulting report, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, can be found throughout the *Protocol Guidelines*.[7]

7 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth* (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en.

3. How to Use the *Protocol Guidelines*

a. Summary and Overview

The purpose of the *Protocol Guidelines* is to provide guidance to each community in developing its own response, based on its own unique set of resources, practices, and the needs of its particular population. For this reason, the *Protocol Guidelines* do not contain specific step-by-step protocols. Instead, they provide guidelines, suggestions, best practices, tools, and decision paths that each community can use to tailor its own response to the most common and challenging issues associated with serving the needs of sexually exploited youth.

The following components are designed to assist readers in understanding and using the information provided:

- **Terminology:** This list of terms and their definitions is intended to provide consistency of language and meaning around commonly-used (and often differently-defined, depending on the discipline) terms throughout the *Protocol Guidelines*.

- **Foundational Chapters:** These chapters lay a foundation for understanding the nature and dynamics of sexual exploitation of minors, working with sexually exploited and at-risk youth, using a victim-centered, trauma-informed, and youth-centered/strengths-based approach, and incorporating these principles into each discipline for a more effective response.

- **Intergovernmental Coordination with Tribes:** The ***Working with Tribal Nations*** chapter provides guidance on opportunities for local, state, and tribal collaboration, which is critical to combating sexual exploitation in Indian Country and understanding the complex laws affecting jurisdiction.

- **Discipline Chapters:** These chapters are intended to help professionals identify common challenges, key considerations, and best practices within their discipline, as well as promote understanding of approaches being taken by other disciplines—which is critical to effecting multidisciplinary collaboration. It may be tempting to just read about one's own discipline, but reading the entire *Protocol Guidelines* will provide a much

fuller picture of the different professional responses to the needs of sexually exploited youth and illuminate the need for collaboration across disciplines.

- **Survivor Expertise:** Woven throughout the *Protocol Guidelines* are quotes from youth, youth survivors and adult survivors, which are not only intended to provide readers with the "survivor's voice," but to directly inform the work done by communities to serve sexually exploited youth.

- **Next Steps:** These chapters, written by SVJI at MNCASA, provide guidance for engaging in effective multidisciplinary collaboration, understanding the protocol development process, and building a community response that seeks not only to intervene, but also prevent, sexual exploitation.

- **Appendix:** The Appendix is an online resource available at mncasa.org. Visit this webpage for links to the materials referenced in this document as well as additional tools for responders and service providers assisting sexually exploited youth.

b. Who Should Use the Protocol Guidelines

The *Protocol Guidelines* are intended to aid existing, formalized multidisciplinary collaborations—such as sexual assault response teams (SARTs), child protection teams, coordinated community responses, and other teams—to incorporate Safe Harbor protocol development into their current work. For communities that don't yet have a team but are looking to form one, the *Protocol Guidelines* can provide an overview of key considerations for team formation, as well as a basic introduction to multidisciplinary collaboration and the protocol development process. The *Protocol Guidelines* are just a starting point and are not meant to bypass the extensive planning that goes into protocol development.

While the ultimate goal is to help communities develop a sustainable response to sexual exploitation through protocol, these guidelines are also intended to provide practical, on-the-ground guidance to systems and agencies that are already identifying and serving sexually exploited youth.

Effective responses to sexual exploitation—in both the long and short term—ensure the participation and involvement of all relevant

systems. Communities may reference the workgroup categories contained in the *Protocol Guidelines* for key membership representation.

In addition to the *Protocol Guidelines*, teams that are ready to embark on the protocol development process will have access to additional SVJI tools and resources, including a "Team Formation Starter Kit" and the Safe Harbor Protocol webinar series. See the ***Next Steps*** chapter and mncasa.org for additional information.

4. Desired Outcomes

The *Protocol Guidelines* are intended to result in the following outcomes:

- Communities will assess the readiness of existing multidisciplinary teams in their area and **appoint (or form) the appropriate team** to take on the task of developing a community response to sexual exploitation.

- Multidisciplinary teams will **use the *Protocol Guidelines* to develop protocol that meet the needs of their own communities**.

- Multidisciplinary teams working on protocol development will understand that **writing and implementing protocol is only one aspect of developing a community response** to the sexual exploitation of youth, and will engage in the necessary foundational work to gain buy-in from essential systems and community partners, develop common values and language, and assess the current needs—including the cultural needs—of the region.

- Multidisciplinary teams working on protocol development will understand that **sex trafficking is only one form of the sexual exploitation of minors** and will take steps to increase institutional knowledge about the dynamics of survival sex, prostitution, sex trafficking, and all other forms of exploitation.

- Multidisciplinary teams working on protocol development will understand that **victims of sexual exploitation can be any gender identity, race, or sexual orientation**, and will ensure that the community response meets the specific needs of

Foundational Chapters

These chapters lay a foundation for understanding the nature and dynamics of commercial sexual exploitation of minors, working with sexually exploited and at-risk youth, using a victim-centered, trauma-informed, and youth-centered/strengths-based approach, and incorporating these principles to each discipline for a more effective response.

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Chapter 1

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Terminology

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all sexually exploited youth. They will also recognize the many societal and cultural issues that intersect with sexual exploitation including racism, gender violence, poverty, LGBTQ discrimination, and many more.

- Multidisciplinary teams working on protocol development understand that **the community response must extend beyond a youth's engagement with child protection or the criminal and juvenile justice systems** to ensure that sexually exploited youth are correctly identified and given access to appropriate services and support, including those provided by nonprofit, nongovernmental, community-based organizations, regardless of their point of entry.

- Multidisciplinary teams working on protocol development will understand and **incorporate the core values of No Wrong Door at all levels of their protocol work**, and commit to developing and implementing a response that is victim-centered, trauma-informed, culturally-responsive, rooted in positive, strengths-based youth development, and strategic in its efforts to prevent the occurrence of sexual exploitation.

1. Use of Terms

The following terms are used throughout the *Safe Harbor Protocol Guidelines* (except as appropriate in direct quotations, cited legal definitions, etc.). Other than as noted in "Language in Action" below, these terms are not meant to exclude other commonly-used 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.[8]

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

8 Note that the Minnesota Department of Health limits its Safe Harbor work to "minor commercial sexual exploitation," a somewhat more narrow term. See ***Dynamics of Sexual Exploitation*** for more information.

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" below.)

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.

2. 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	Avoid these terms
Sexual exploitation, sex trafficking	Prostitution

Foundational Chapter
Dynamics of Sexual Exploitation

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This chapter is intended as a very brief overview of some of the dynamics underlying the rest of the *Safe Harbor Protocol Guidelines*. A much deeper understanding of these dynamics is of crucial importance for any professional who intends to work with exploited youth. Resources to help professionals gain this understanding are referenced below and in the ***Appendix***; we urge you to take advantage of them.[1]

1. Defining Sexual Exploitation

"Sexual exploitation" is a broad term with many possible meanings. State child protection law defines the term comprehensively, to encompass virtually any possible sexual crime involving anyone under the age of 18.[2] The Minnesota Department of Health (MDH) uses a more narrow definition, focusing on "commercial sexual activity," in which sex with a minor is exchanged for something of value.[3] The *Protocol Guidelines* use a definition somewhat between these two. For the purpose of the *Protocol Guidelines*, "**sexual exploitation of a minor**" means the use of a minor:

- for any kind of sexual activity in exchange for money, drugs, or something else of value (often termed prostitution), or in exchange for food, shelter, or other basic needs (often termed survival sex); or
- in pornography, stripping, or a sexually explicit performance or photo.

Note that while Safe Harbor and the *Protocol Guidelines* relate specifically to sexually exploited youth, much of this definition would encompass the exploitation of adult victim/survivors as well.

1 L. Martin & A. Pierce, *Mapping the Market for Sex with Trafficked Minor Girls in Minneapolis: Structures, Functions and Patterns. Full Report: Preliminary Findings*. (Sept. 2014), http://uroc.umn.edu/documents/mapping-the-market-full.pdf [hereinafter, *Mapping the Market*]; L. Smith, S. Healy Vardaman & M. A. Snow, *The National Report on Domestic Minor Sex Trafficking* (May 2009), http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf [hereinafter, *Domestic Minor Sex Trafficking*]; E. Wright Clayton, R. Krugman, & P. Simon, eds. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States* (Sept. 25, 2013), http://www.nationalacademies.org/hmd/Reports/2013/Confronting-Commercial-Sexual-Exploitation-and-Sex-Trafficking-of-Minors-in-the-United-States.aspx [hereinafter, *Confronting Commercial Sexual Exploitation*].

2 Minn. Stat. § 260C.007, subd. 31 (defining "sexually exploited youth").

3 Minor Commercial Sexual Exploitation occurs when someone under the age of 18 engages in a 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. http://www.health.state.mn.us/injury/topic/safeharbor/.

Exploitation can be present even if only two people—such as a victim/survivor and buyer—are involved. Sometimes, however, a third person is involved, whether by profiting from the exploitation or by (for example) recruiting, transporting, or advertising the person exploited.[4] Under Minnesota law, this is "sex trafficking," an important subset of exploitation, with the third person often termed a "trafficker." Note that sex trafficking does not require the crossing of state or national borders and may occur even if the person trafficked appears to consent. More information on these definitions is in ***Legal Framework***.

Sexual exploitation is a serious crime of sexual violence. Pop culture encourages us to associate prostitution and sexual exploitation with films like *Pretty Woman* or bachelor parties and other socially acceptable and non-threatening images. As victim/survivors and those who have worked with them know, this is far from the truth. Exploitation may seem like a new concept, but in fact you have likely been encountering it without realizing throughout your career. Safe Harbor represents a paradigm shift in Minnesota toward recognizing the realities of exploitation and its widespread and complex harms.

Sexual exploitation may take many forms. One unifying characteristic, however, is that a person with a sense of entitlement accomplishes self-centered goals by taking advantage of someone else who is more vulnerable.

2. What Fuels Exploitation

Sexual exploitation cannot be considered in a vacuum. It is a harm that intersects with and is fueled by other harms in our society, including physical and sexual abuse, as well as discrimination based on race, sex, gender identity, sexual orientation, economic status, national origin, and disability, among many others. So too, sexual exploitation is fueled by cultural norms that intersect with the societal harms identified above, such as the sexualization of minors, the prevalence and normalization of the commercial sex industry, and a tolerance for homelessness.[5] Sexual exploitation will not end unless we also work to address these larger intersections so that our communities are more equitable places for all.

4 Minn. Stat. §§ 609.321, subds. 7, 7a; 609.322 (defining trafficking and describing crime of trafficking).

5 *Mapping the Market, supra* note 1, at 27. *See also* American Psychological Association, *Report on the Task Force on Trafficking of Women and Girls*, 22-34 (2014).

3. Victim/Survivors

a. Vulnerability & Risk Factors

Age alone makes young people vulnerable to exploitation. Struggles with self-image and personal identity, sexual curiosity, peer pressure, and risk-taking are all common in adolescence. Every youth faces insecurity and loneliness. Every youth struggles at some point at home or in school. **Contrary to misconceptions, any youth—of any background, age, or gender or from any community—may be exploited**.

> **"Whatever men asked of me I did so I could eat."**[6]

Having said this, there are youth who may be at a somewhat higher risk of exploitation. This includes those who face poverty, substance abuse, or disabilities or who have a history of involvement with the delinquency or child welfare systems. Youth of color, undocumented youth, and Native youth,[7] as well as youth who identify as LGBTQ or gender-nonconforming, are particularly vulnerable as well. Some other factors put youth at an especially high risk:

- history of abuse or neglect;
- disruptive and traumatic events during childhood;
- homelessness, running away, or abandonment by family;
- pregnancy (or having young children);
- truancy;
- having a disability or impaired cognitive function;
- substance use; or
- involvement with foster care.[8]

6 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 9 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter, *Voices*].

7 See ***Working with Tribal Nations*** for a discussion on the high rates of sexual exploitation experienced by American Indians.

8 For more information on factors that may increase vulnerability, see *Confronting Sexual Exploitation*, *supra* note 1, at 77-106.

Spotlight: Exploitation on Reservations

Native youth living on reservations are especially vulnerable to sexual exploitation. Some reservations are remote and lack sufficient resources, including easy access to transportation, economic opportunity, and housing. Due to complexities in jurisdiction, tribal governments in Minnesota do not have full prosecutorial power, leaving a gulf in accountability for perpetrators, the majority of whom are non-Native. Many Native families have also experienced generations of poverty and trauma, and as a result, intrafamilial exploitation is not uncommon. All of these make reservations prime targets for exploiters. See ***Working with Tribal Nations*** for additional information.

b. Recruitment

Exploiters take advantage of the vulnerabilities of youth to manipulate them into exploitation. As show in the diagram below,[9] methods vary widely, including:

- **Grooming:** Building up a relationship to develop affection, loyalty and dependence. The exploiter works to provide whatever is missing in the youth's life, whether it is food or shelter, a sense of family, or loving "acceptance." The exploiter may try to convince youth who have experienced sexual abuse in the past that they can regain control by charging money. The exploiter may remake the youth's identity with a new name, wardrobe, tattoos, or brands. The exploiter then uses the loyalty that has been built to turn the relationship into one of exploitation, isolation, threats, and abuse. In the case of trafficking, this is sometimes referred to as the "lover-boy/ boyfriend pimp" model.

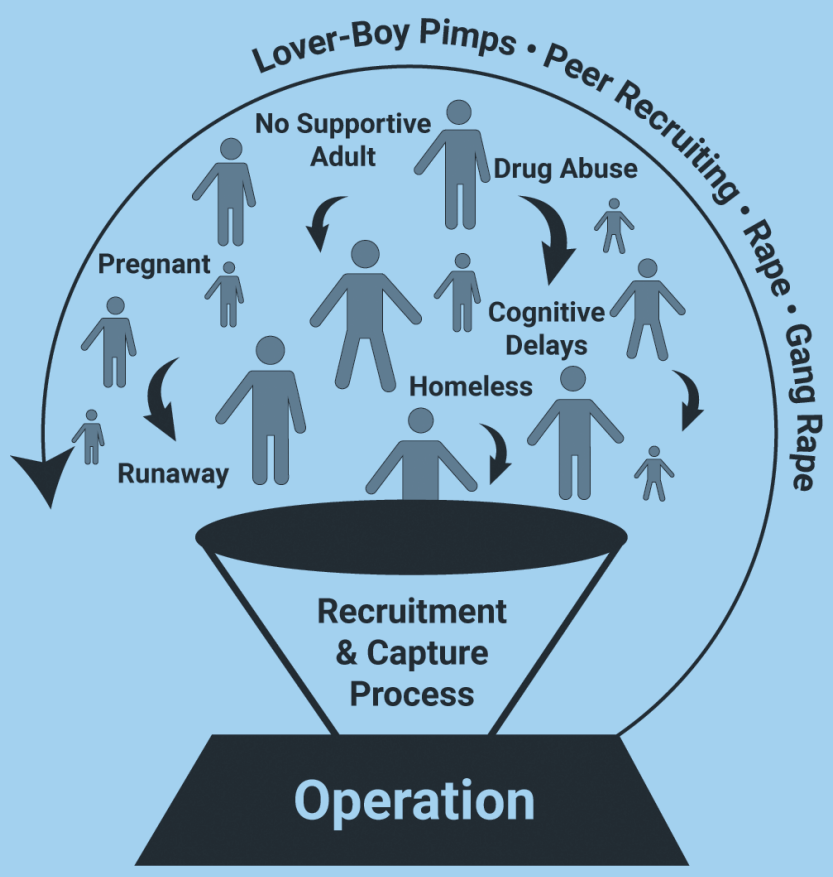
9 *Mapping the Market*, *supra* note 1, at 51.

"I just wasn't going home because it wasn't safe. I found safety with a man who I thought was good for me and built me up but really it was a source of control." [10]

- **Offering opportunity:** Promising help in making money, such as a career in modeling or acting. The promise may not be kept or may result in a claimed "debt" so large that it can never be repaid.

- **Providing resources:** "Helping" the youth by offering, for example, a place to stay in exchange for sex. Taking advantage of a young person in a dire and vulnerable situation.

- **Using physical and sexual violence:** Employing force, threats, fear, or kidnapping to gain cooperation. In the case of trafficking, this is sometimes referred to as the "guerrilla pimp" model.



10 *Voices*, *supra* note 6, at 10.

- **Peer recruitment:** Using one young person—often a victim/survivor as well—to recruit others in schools, through online social networks, and other situations where young people spend time together. The peer recruiter often works for a larger organization and comes across as an older friend who takes an interest in the younger person. Once the relationship and trust is established, the peer recruiter might invite the youth to a party or other social activity where the sale of sex is introduced or the youth is sexually assaulted. Not all peer recruiters have a negative intent; some genuinely believe they are helping a friend, especially when the friend is homeless, looking for food or other support.[11] See "Bottoms & Historical Victims" below.

Many of these methods blend with one another. For example, many traffickers start with peer recruitment or grooming (or both) but eventually use at least some violence to control the person whom they are exploiting.[12]

The locations at which recruitment happens vary widely, including parties, schools, shelters, parks, abandoned buildings, malls, bus stops and bus rides, juvenile detention centers, and anywhere that people gather. And of course the Internet offers key access points, via social media as well as texts, calls, and apps.[13]

> **"Some families encourage it, it's a cycle, their mother and grandmother did it."[14]**

Finally, note that recruitment may happen within families and between generations. Intrafamilial trafficking, which is all too common, involves trading a family member—from a child or grandchild to an elderly relative—for money, food, rent, drugs, or something else.

11 *Mapping the Market*, *supra* note 1, at 65-66.

12 Heartland Girls' Ranch, *Heartland Girls' Ranch Hearts for Freedom Project: A Resource Guide for Working with Sexually Exploited Youth and Minnesota's Safe Harbor Law*, 64-66 (2015), http://heartlandgirlsranch.org [hereinafter, *Heartland Girls' Ranch*].

13 For more background on where recruitment happens, see *Mapping the Market*, *supra* note 1, at 61-66; *Confronting Commercial Sexual Exploitation*, *supra* note 1, at 106-07.

14 *Voices*, *supra* note 6, at 12.

Spotlight: Exploitation on Transit

Urban and suburban communities are increasingly recognizing exploitation that occurs in connection with buses and other forms of transit. Youth are solicited while using public transportation and waiting at stops, either by other riders or drivers passing by. Transit is used to move youth from place to place. And traffickers solicit buyers on transit, with the victim/survivor taken off the bus to complete the transaction. Transit also presents opportunities for outreach information to youth, particularly those who are dependent on buses and other public transportation.

c. Traumatization

Whatever the recruiting method used, sexual exploitation is abuse—and inherently traumatizing. Exploiters use money, housing, food, access to drugs, and other tools to manipulate victim/survivors. By taking advantage of vulnerabilities, exploiters twist victim/survivors' sense of self, teaching that their value is only sexual and monetary and conflating exploitation with "empowerment." As a result, victim/survivors can feel broken, worthless, and alone. Their self-esteem can be obliterated, and they can become isolated from family and friends, increasing even further their dependence on the exploiter.

Trafficking in particular is extremely dangerous for victim/survivors. Sex with strangers for money can be emotionally devastating. Traffickers often impose financial quotas that must be met for the day. If the quota is not met, the trafficker will use the control that has been built to punish the victim/survivor, whether psychologically or through physical or sexual violence. And traffickers often pit victim/survivors against one another, adding to the stress. Victim/survivors may experience disease and poor nutrition. They may commit suicide or overdose on drugs or be killed by traffickers, buyers, or others.

Victim/survivors of all forms of sexual exploitation may cope with their trauma in ways that may exacerbate it. They may abuse drugs or alcohol or engage in other harmful behaviors. They may dissociate—disconnecting from themselves and fracturing their sense of identity. See "Being Trauma-Informed" in ***Working with Sexually Exploited Youth***.

4. Why Don't They Leave?

One of the most perplexing aspects of sexual exploitation is that victim/survivors seldom disclose on their own or necessarily even see themselves as victims. When they are identified, they may be uncooperative or even hostile. They may return repeatedly to an exploiter or may be exploited by someone else.

Those unfamiliar with the dynamics of sexual exploitation often assume that victim/survivors act this way because of fear of violence from exploiters. This may certainly be true. But there may be many other reasons as well, with the following overlapping reasons only serving as an indication of the range that may apply:

Lack of access to resources

- Dependence on the exploiter for basic needs, such as housing or food
- Lack of skills or experience to do any other work

Fear of what reporting will look like

- Distrust of the criminal justice system, due to negative experiences in the past or the exploiter's messaging that the systems won't help or care
- Fear of not being believed, fear of being judged, or fear of people thinking it's their fault
- Fearing consequences of criminal activity related to exploitation, like drug use or theft
- Being undocumented and not wanting to draw attention from immigration authorities

Difficulty in breaking connection with exploiter

- Feeling a bond with the exploiter (see below)
- Sharing a child with the exploiter

Ongoing psychological effects of exploitation

- Feelings of shame, self-loathing, and self-doubt
- Fear of rejection by family and friends or further isolation
- Blaming self for the exploitation
- Comfort with living on the streets and fear of losing independence
- Adaptation to the circumstances
- Feeling of security and belonging with the exploiter or in the world of exploitation

"We're not choosing to do this. We go with it because we don't know other options." [15]

As discussed earlier, many exploiters target the needs of vulnerable victim/survivors, providing them with physical, social, or emotional support. At the same time, exploiters work to isolate and control victim/survivors, to ensure that no one else is in position to meet those needs. Many vulnerable victim/survivors may have received little help from the social service system before the exploitation began. It is not surprising then that victim/survivors very often feel a strong connection—one of loyalty and even love—with their exploiter.

This connection may well be furthered by the trauma itself. Exploiters often create a "trauma bond," interspersing harsh treatment and physical control (threats, violence or drug addiction) with positive words or actions.[16] This leads the victim/survivor to feel trapped and powerless while at the same time grateful for the exploiter's "kindness." As a result, the victim/survivor may deny the extent of violence or injury, display concern for the exploiter's needs, and view professionals trying to help as a threat.[17]

It should be clear that there are many parallels in the dynamics of sexual exploitation to those found in domestic violence, with the added complexity—at least in trafficking cases—that the exploiter has a strong financial incentive to keep the victim/survivor controlled.

Professionals should be aware of these many barriers and work to meet victim/survivors where they are and tailor the response to their specific needs. For practical tips on how to do this, see ***Working with Sexually Exploited Youth***.

Spotlight: Exploitation in Smaller Communities

Sexual exploitation of youth occurs in virtually any community; it is not just a "city problem." But it can look different in rural areas and small towns than in the metro. Traffickers use social media to target vulnerable youth in smaller communities, taking advantage of the geographic isolation and lack of

15 *Voices*, *supra* note 6, at 9

16 *Heartland Girls' Ranch*, *supra* note 12, at 66.

17 United States Department of Human Services, Office of the Assistant Secretary for Planning and Evaluation, *Human Trafficking Into and Within the United States: A Review of the Literature*, 14 & 18. http://aspe.hhs.gov/hsp/07/humantrafficking/litrev/index.pdf.

opportunity. Smaller communities may see fewer online ads for sex, but exploitation may occur even more frequently within friends and families. Youth report being required to exchange sex for attendance at a house party, for example. And it can be especially difficult to acknowledge that buyers and other exploiters are members of the community.

5. Exploiters & Demand

Exploitation would not exist without the demand for it. This demand may come in many forms. The man who buys sex through an online ad is an exploiter. So is the friend who offers shelter to a homeless youth in exchange for a sex act, the stepfather who shares his stepchildren with his hunting buddies, the driver who solicits youth walking home from school, and the landlord who tells the young mother that he'll have to raise her rent unless he gets sexual favors. Again, the unifying characteristic is that the exploiter accomplishes selfish goals by using the needs of someone vulnerable.

a. Buyers

Buyers, one subset of exploiters, can be anyone: lawyers, doctors, pastors, construction workers, social workers, teachers, coaches, business owners, or any other occupation. Buyers range widely in age, race/ethnicity, marital status, number and gender of children, etc., but most tend to be men, and specifically men with the means—the disposable income—to "buy" sex.[18] Buyers do great damage. All buyers exhibit an attitude of entitlement to sex and are willing to take advantage of another person in order to obtain it. Men who frequently purchase sex are more likely to commit sexually aggressive acts against women not involved in sexual exploitation.[19]

There are certainly individuals who set out specifically to obtain sex from youth. However, research indicates that relatively few are pedophiles or hebephiles (having a sexual attraction to prepubescents or adolescents, respectively). Some buyers are looking for a "younger" adult rather than a minor, some target youth in order to lessen the chance of receiving a sexually transmitted infection, and some solicit sex

18 *See Mapping the Market, supra* note 1, at 52 ("Sex buyers are a diverse group in terms of socio-economic status, racial/ethnic background, and type and context of sexual services and experiences sought.")

19 *Confronting Commercial Sexual Exploitation, supra* note 1, at 112. For more information on the demographics, motivations, and actions of buyers, including buyers of youth, *see id*. at 111-15.

indiscriminately.[20] Some buyers understand the full criminal structure that they support with their demand. Others choose not to recognize the harm that their actions inflict on victim/survivors; they may even try to convince themselves that they are doing victim/survivors a "favor" by giving them money for sex. No circumstances can excuse sexual exploitation. It is crucial that our systems make the reality and harms of exploitation clear to buyers and to the broader community. See ***Prevention*** for ideas on this.

b. Traffickers

Traffickers—another subset of exploiters—are usually motivated by a desire for money and/or the need to control other people, especially vulnerable people. They may have ties to gangs and organized crime. Still, traffickers often share similar risk factors to their victims, including a history of poverty and abuse, and may well come from the same communities.[21] They may even have a history of being exploited themselves. (See "Bottoms & Historical Victims" below.)

Traffickers operate in a variety of ways. Many work alone or with one other "associate," but others operate in larger syndicates with national or even international reach, sharing information, laundering money, establishing false identities, and transporting victims.[22]

Traffickers use a variety of "business models;" one Minneapolis-based study described them as including:

- escort services,
- brothels and brothel-like settings
- street prostitution, and
- closed networks of sex buyers.[23]

Like buyers, traffickers come from a variety of backgrounds. To identify traffickers, focus on whether the actions of the person amount to trafficking, rather than relying on assumptions about how a trafficker is "supposed" to look or act. See "Identifying Exploitation" below. Look for individuals who have an unexplained influx of income or who are engaging in relationships with people much younger than them.

20 *Id.* at 114-15.

21 *Id.* at 109-110. *See also id.* at 108-11 (demographics, motivations, and actions of traffickers).

22 *Domestic Minor Sex Trafficking, supra* note 1, at 19.

23 *Mapping the Market, supra* note 1, at 53.

Warning on the Use of Names & Images

Be cautious with using images of exploiters and victim/survivors during trainings and community awareness events. When such images show victim/survivors and exploiters from a variety of racial, ethnic, gender and socioeconomic backgrounds, they can help to overturn commonly-held but inaccurate narratives about who exploits, who is exploited, and how exploitation happens. However, all too often these images—e.g., a girl tied up with her mouth bound or depicting a victim always of one race and an exploiter always of one race—serve to reinforce rather than overturn these stereotypical and even racist narratives. Audience members who continue to conceive of exploitation narrowly will approach the problem narrowly as well. Instead, they should be taught to focus on behavior rather than preconceptions.

Information that could identify victim/survivors, including names and images, should of course never be used in trainings without their permission. Beyond the many prohibitions on the use and disclosure of such information under state and federal law, it constitutes a serious violation of victim/survivors' privacy and trust and is another instance of exploitation.

c. Bottoms & Historical Victims

The distinction between exploiters and victims is not always clear. For example, traffickers often use victim/survivors to recruit or control one another. Over time, a victim/survivor may become the trafficker's "bottom bitch" or "main female," trusted to play a significant role in running the enterprise. Some exploiters were previously sold for sex and/or more broadly exploited themselves, even if their own exploiter is no longer involved.

This blurring of categories poses many complications for professionals. On the one hand, anyone who recruits or controls vulnerable people for sexual exploitation should be viewed to at least some extent as an exploiter, especially when (as is so often the case) coercion or violence are used. On the other hand, bottoms and "historical victims" were targeted at one point for their own vulnerabilities as well. They may well have been operating under threat or at least manipulation when they recruited others. See Prosecution ("Victim-Defendants") and

Legal Representation ("Criminal and Juvenile Justice Cases") for more discussion on these issues.

d. Identifying Exploitation

Exploitation is often hidden in plain sight, yet can be difficult to identify. Exploiters work hard to keep themselves hidden, and victim/survivors seldom disclose on their own. Thus there can be many possible indications of exploitation, including:

- back rooms or VIP suites in a strip club;
- houses with frequent male visitors at odd or late hours;
- massage businesses that only serve male customers and use excessive security measures;
- young women or men entering a bar accompanied by a male companion, who sits apart but nevertheless monitors their actions; or
- hotel guests who pay with pre-paid cards, carry little or no luggage, and have many male visitors coming and going at all hours.

For those who work with youth, the following are just a few possible indications of exploitation:

- sexual or romantic relationship with significantly older partner (though note that an exploiter may be the same age or even younger and that often exploitation may be a form of intimate partner abuse, no matter the age difference);
- possession of money, cell phone(s), or other items without apparent ability to afford them;
- use of the Internet to post sexually explicit materials;
- friends or family involved in the commercial sex industry;
- attire that is brand new, overtly sexual, or not appropriate for the weather;
- unusually hostile, anxious, or withdrawn;
- tattoo or brand with exploiter's name or symbol;
- possession of prepaid credit cards, hotel keys, and/or sex paraphernalia;
- runaway or truant;
- history of sexual abuse;
- unexplained cuts, bruises, burn marks or other injuries, as well

as sexually transmitted infections;
- no identification or someone else holding it for them; or
- travel to certain locations known for sexual exploitation or travel without means to do so.

Again, **this list is not complete,** and none of these examples is a definitive sign of exploitation. On the other hand, exploitation may be present even if none of these factors is present. For example, victim/survivors may continue to live at home or attend school during the exploitation, in an effort to avoid detection. Each situation should be considered in context, using your professional discretion.

Awareness & Identification

Given the challenges, identifying sexual exploitation must be a community-wide effort.

Much work is being done around the state to train professionals, such as law enforcement, medical staff, and teachers, among others, as to how to identify exploitation and what to do when they see it. Extend this training in turn to the public, teaching students, for example, what to look for in their peers, and parents what to look for in their children (and their children's friends). Workers in coffee shops, shopping malls or libraries, bus drivers, postal workers, housing inspectors, and parks staff can all be similarly trained. Use this training to counter assumptions about how victim/survivors will look and act and to teach that the aim of this work is not about "rescuing" or "saving" victim/survivors, but rather about empowering them.

Many communities in Minnesota have offered training to staff at hotels and motels, casinos, and other hospitality businesses. Housekeeping and other workers, for example, can view a DVD with a twenty-minute video in English, Spanish, Hmong, and Somali, and an accompanying poster can be put in break or laundry rooms.[24]

In addition, communities must create spaces in which it is safe for victim/survivors to disclose on their own. For example, place pamphlets and posters about exploitation, including contact information for resources, in settings where victim/survivors are likely to be, such as in medical clinics and hospitals and on public

24 These resources are available through the Minnesota Human Trafficking Task Force at http://mnhttf.org/educationtraining/training-and-educational-materials/.

transportation as well as public restrooms. (This is akin to similar information currently distributed on sexual and domestic violence.)

Underpinning all of this is the need to raise public awareness and understanding about the realities of exploitation. Dispel myths that "this doesn't happen here" and don't pigeonhole exploitation as just a "city problem." Raise awareness about buyers in your community: who they are, and how many of them there are. Spread understanding about how all youth are vulnerable, not just girls, as well as how some youth, such as LGBTQ youth of color, are much more vulnerable than others. Teach healthy sexuality and gender roles; access to more information is a protective factor for youth. See ***Prevention*** and ***Schools*** for more ideas.

Throughout, show the link between sexual exploitation and other societal factors, in particular other forms of gender bias and violence. Over the years, awareness about domestic and sexual violence has increased. This knowledge can now help inform and deepen the response to exploitation and increase understanding about the connecting issues that exist between domestic and sexual violence and sexual exploitation.

Training resources of the kind described here are constantly expanding. Visit the Minnesota Human Trafficking Task Force online, to see the latest.[25]

25 mn-httf.org.

Foundational Chapter
Working With Sexually Exploited Youth

1. **Being Trauma-Informed** **40**
2. **Being Victim-Centered & Youth-Centered** **43**
3. **Confidentiality & Reporting** **49**
4. **Preventing Burnout** **51**

Working with sexually exploited youth requires the use and understanding of different approaches. Outlined in this chapter is background information; tips for being trauma-informed, victim-centered, and youth-centered, as well as strategies for confidentiality and burnout prevention.

1. Being Trauma-Informed[1]

Sexual exploitation is highly traumatic on its own, and those who are subjected to it often encounter trauma from other sources as well. It is crucial that professionals who work with exploited youth understand the effects of this trauma. Being trauma-informed shifts the approach from "What is wrong with you?" to "What has happened to you?"

a. Defining Trauma

Trauma is a *reaction* to one or more violent events or negative experiences. It is not the event or experience itself. Trauma can take many different forms. Consider these circumstances that may cause trauma for sexually exploited youth:

- sexual exploitation and other forms of sexual violence, including child sexual abuse;
- domestic and family violence;
- discrimination based on race, gender identity, sexual orientation, ability, economic status, national origin, religion, or other factors;
- witnessing the suffering of others (vicarious trauma);
- experiencing multiple levels of a traumatic event, e.g., having to repeatedly describe one's exploitation (re-traumatization); or
- being a member of a community which has experienced long-term oppression (historical trauma).

1 For more information on research about a trauma-informed response see Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, *Trauma-Informed Services Exploratory Project: Executive Summary*, at www.mncasa.org.

"Staff should be more understanding, not quick to judge. Learn more about the trauma of exploitation."[2]

The various forms of trauma experienced by sexually exploited youth may well intersect with, reinforce, and contribute to one another—a condition known as "complex trauma." Note that complex trauma is distinct from post-traumatic stress disorder (PTSD). PTSD is a specific diagnosis that is the result of screening by a mental health professional. Not all trauma results in PTSD. See ***Mental Health*** for more information.

Do not seek to "check boxes" of what kind of trauma a youth has, how many different types, etc. Every person's experience of trauma is unique. Focus on meeting the youth's needs rather than judging the youth's trauma. Do not define the youth based on their trauma history but rather be aware of this information and how it impacts the young person's physical and emotional wellbeing.

b. The Effects of Trauma

Any trauma, especially complex trauma, can have serious and long-term health effects, including addiction, chronic and sometimes debilitating physical conditions, depression, anxiety, self-harm, and other psychiatric conditions. Trauma in childhood (often termed "adverse childhood experiences," or ACEs) can have negative effects much later in life, with multiple traumas having a cumulative result.[3] One of the most important impacts of trauma is on the brain. The exact science behind trauma and the brain is beyond the scope of this chapter.[4] In short, trauma directly affects how those who are traumatized interpret the world around them. It throws off coping skills and ability to gauge the risk of a situation. It affects both memory and linear thinking.

"Everybody recovers at different times."[5]

2 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 18 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter, *Voices*].

3 More information on the long-term impact of ACEs is in the ***Appendix***.

4 There is a wealth of information available about the effects of trauma on the developing brain. One example is Child Welfare Information Gateway, U.S. Department of Health and Human Services, Children's Bureau, *Understanding the Effects of Maltreatment on Brain Development* (Apr. 2015), https://www.childwelfare.gov/pubPDFs/brain_development.pdf.

5 *Voices*, *supra* note 2, at 38.

Trauma does not always "go away" and can stay with someone indefinitely. Just like there are many types of trauma, there are many ways someone may manifest trauma. It is hard to predict how someone will respond to any given event. A person who has been traumatized may have different reactions under seemingly similar circumstances. Traumatized youth may exhibit, among other things:

- difficulty remembering details or an order of events;
- difficulty providing coherent, consistent, and organized narratives or explanations;
- flat affect or disconnected behavior;
- surprisingly upbeat behavior;
- anger or lashing out; or
- difficulty sitting still or concentrating.

Often, this behavior may seem surprising or inconsistent to professionals who are unfamiliar with trauma and exploitation, leading them to doubt the credibility of traumatized youth.

For youth who are "acting out" or being "uncooperative," a likely explanation is exposure to trauma. When youth experience multiple levels of trauma, their ability to gauge cause and effect is greatly impacted. Youth see that no matter what they do, traumatic things still happen to them. As they develop, they may not see that their behavior can have any impact at all. A traumatized youth who acts with hostility, for example, may use the hostility as a way to keep others from getting too close in order to avoid further harm, potential loss, or disappointment. The youth may be entirely unaware of the effect that this hostility can have on others and unable to understand the responses that it evokes.

c. Tips for Being Trauma-Informed

When encountering a sexually exploited youth, orient yourself toward the idea, "What has happened to this young person? What trauma has this youth endured?" This will help to explain the youth's behavior and strengthen the effectiveness of your response. Do not approach youth as if there is something wrong with them or that you can "fix" their situation. Even if you are not overt in this opinion they will be able to sense the judgment, and it will be difficult to form a relationship or build trust.

Understand that if a youth's memory seems unreliable, this does not mean the youth is not credible. The youth's brain may well be having difficulty processing the details and order of events. Take things slowly

and try asking questions in different ways. Sometimes simply letting a youth get some sleep can help.[6]

Do not try to convince a youth of how bad the youth's exploiter is. For many reasons, the youth may still care about the exploiter and has been trained to distrust anyone who says things differently than the exploiter.

Understand what triggers upset a youth and learn grounding techniques to help the youth work through an upsetting situation. Triggers may seem innocuous but are connected to negative memories.

Recognize that youth may react negatively to someone who is showing care towards them. Exploited youth have been hurt by others and are reluctant to believe someone is genuinely interested in them and doesn't expect anything in return. They may push away once they feel closeness, for fear of being let down.

One approach that can help with a trauma-informed response is the Forensic Experiential Trauma Interview (FETI) technique. Developed for law enforcement, it is increasingly used by many different disciplines. See the ***Appendix*** for more information on FETI.

2. Being Victim-Centered & Youth-Centered

a. Being Victim-Centered

A sexually exploited youth is, of course, both the victim of a crime and a young person. As such, these youth can present a unique set of challenges for professionals. Serving them well requires merging our state's best expertise on working with victims and working with youth.

> **"People will share when they feel safe."**[7]

Victim-centered is an orientation of our system's approach to sexual violence. It focuses on what is best for the victim/survivor instead of what is best for the criminal justice process. Supporting victim/survivors and moving along the justice process are not mutually exclusive goals. Guaranteeing support and autonomy for victim/survivors can improve outcomes for a victim/survivor and for the community at large.

Victim-centered approaches look different in different disciplines. Each profession has certain legal and ethical requirements that govern

6 Note, by comparison, that common law-enforcement protocol for responding to a critical incident requires that a witness go through as many as two sleep cycles before receiving an in-depth interview.

7 *Voices*, *supra* note 2, at 30.

their interactions with the victim/survivor. But all professionals share the ability to expand their role to keep in mind and respect the wishes of victim/survivors. For example, instead of just conducting a forensic medical exam or interview of a victim to get facts, consider how to go to deeper through techniques like FETI to uncover more salient information about their trauma and connect the victim with resources or anything else that may be needed.[8]

Victim-centered work is sometimes misconstrued to 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, agree with the victim/survivor's choices, or bend to the victim/survivor's will. It can be frustrating if the victim/survivor does something that does not seem safe or seems contrary to what they've been told to do. The purpose of victim-centered work is to recognize victim/survivors as the "experts" in their own lives, respecting their role in system response and meeting them wherever they are in their personal journey. Change is a slow process defined by both setbacks and success.

b. Being Youth-Centered & Strengths-Based

Youth-centered is an approach to working with youth that recognizes their strengths and personal agency. Professionals may vary in their ability to enact youth-centered philosophies. But to the extent that it is possible, being youth-centered can lead to positive long-term outcomes for sexually exploited youth.

Being youth-centered at its core means viewing the potential, not problems, of a youth. Youth are "assets and resources, not problems to be fixed or prevented."[9] 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 these strengths when working with a youth.

> **"Don't judge, don't bombard with questions, don't treat them like they are stupid."**[10]

8 See the ***Appendix*** for information on the Forensic Experiential Trauma Interview (FETI) technique, which goes beyond interviewing about the facts include questions about sensory experiences as well.

9 The Link, www.thelinkmn.org.

10 *Voices, supra* note 2, at 31.

In practice, professionals should seek to support youth instead of making decisions for them. Give youth options and opportunities, and discover their strengths as well as how to help youth develop skills. Learn about a youth's core values and provide the tools to live out those values. In addition, take things one step at a time. Focus on a youth's basic needs first. For example, while counseling may be very helpful at some point, a youth will not be able to benefit from such services if the youth does not have a safe and reliable place to stay. A youth who comes into a shelter will need to have food, sleep and clean clothes before going through a full intake.

c. Tips for Being Victim-Centered & Youth-Centered

Being victim- and youth-centered is not always easy, but it can be tremendously rewarding and improve the experience both for youth and for professionals working with them. Guidance for working in a victim- and youth-centered way is contained throughout the *Protocol Guidelines*, in particular in the chapters dedicated to each discipline. Here are a few additional tips to use in your work with sexually exploited youth:

Seven Simple Rules for Being Victim-Centered [11]

1. **Consider the victim/survivor first.** The victim/survivor and their unique needs and abilities should be considered first.

2. **Listen generously.** Listen with belief; acknowledge the violation. Listen with patience; walk with victim/survivors as they determine their own path. Listen with compassion; give voice to the victim/survivor's experience. Listen with faith; believe in the victim/survivor's resilience. Listen to understand the victim/survivor's own goals for safety, healing, and seeking justice. Listen generously to victim/survivors, colleagues, team members, community members to affect the change we seek. Create safe places for people to tell their stories.

3. **Promote victim/survivor self-agency.** An agent is "one that acts or has the power or authority to act." Promote victim/survivor self-agency by offering the support and information that victims/

11 SVJI at MNCASA, www.mncasa.org.

survivors need to act in their own best interest relative to the unique circumstances of their lives. For a victim/survivor in crisis, work to re-engage or increase their coping abilities to the point decision-making is again possible. Engage, consult, and inform a victim/survivor about decisions that will affect her or him. Informed decision-making means the victim/survivor knows what could be gained or lost in the options available to him or her.

4. **Coordinate and collaborate in the victim/survivor's interest.** Coordinating disparate and fractured elements of a response can improve a victim/survivors' experience and lead to better cases. Coordinating primarily in the system's own interests can re-victimize victims/survivors and jeopardize case outcomes.

5. **Ensure victim/survivor safety.** Ensure victim/survivors have the information, resources, and supports to be safe or move toward safety. This can include access to confidential services, privacy protections, access to legal remedies for protection, notification of an offender's release, and consideration of the unintended consequences to victim/survivors of the policy and procedural decisions we make.

6. **Seek just solutions for all.** Be honorable, fair, lawful, suitable, and free from bias.

7. **Hold self and others accountable.** Be able to explain and answer for our own actions and decisions. Ask others to do the same.

1. Your Approach

"They should not expect a youth to pour out their feelings and especially no pressuring."[12]

- Offer support and information that victim/survivors need to act in their own best interest.

- Take time to build trust and rapport.

12 *Voices, supra* note 2, at 29.

- Try to limit the number of times that a victim/survivor has to describe the exploitation.

- Inform victim/survivors in advance of situations in which you may have to make a mandated report (see "Confidentiality & Reporting" below).

- If a victim/survivor is struggling or is in crisis, work to increase the victim/survivor's coping abilities.

- Your purpose is not to "save" or "rescue" youth. Try to empower youth instead.

- Approach this work with humility. You don't have all the answers and should not present yourself as someone who is going to attempt to solve all the youth's problems.

- Try to be aware of current youth trends, culture, slang, etc. DO NOT, however, attempt to co-opt youth cultural manners or slang. You will likely be perceived as disingenuous or ridiculous by the youth.

- Don't lie or sugarcoat difficult information. It is easy to lose trust with the youth by not being honest and direct.

- We've all been vulnerable at some point in our lives. Help youth understand that it is not a reason to be ashamed.

2. Conversation & Interaction

> **"They shouldn't be all strict, they should be cool, act like an adult but know how to get along with teenagers. Don't treat you like criminals, treat you like regular people."**[13]

- Ask youth if they are comfortable speaking with you or would prefer speaking with a colleague of yours. The background of some people—size, race, gender—may remind some victim/survivors of their abusers. Other youth may feel judged by someone of their same gender or race.

13 *Id.*

- Begin intake sessions by asking youth informal questions (how they are doing) and asking if they need anything (water, food, etc.).

- Be aware of your body language and reactions. Sexually exploited youth, particularly those who have been surviving on their own, are good at "reading" people's intentions. Try to achieve a balance between being neutral and nonjudgmental with being engaged and caring.

- Sexually exploited youth do not "hate" men—exploiters can be male or female—but they can "read" who is a potential buyer or may see adults as potential "tricks." Find out who the youth feels most comfortable interacting with when receiving services.

- When doing an intake with a youth, have a conversation rather than mechanically following a form in exact order. Read each question as if you have never read it before. The youth may feel you are insincere if you appear to know the answers before you are done asking the question.

- It is easy to define and relate to youth as "victims" and forget that they are also still growing up, testing boundaries, dealing with trauma. Give them opportunities to BE youth and enjoy what youth in their age group like to do—give them boundaries and rules but leave room for negotiation, and avoid talking down to youth, e.g., "You need to do this because I know what is best for you…"

- Always explain to youth that they have the right to refuse to answer any questions.

- Try to avoid requiring a youth to provide the same information repeatedly, at least within the same agency.

3. Follow-Up

Be aware of familial issues and whether or not it is safe or unsafe to return a youth to "home," or the place youth is staying. Before a youth is

returned home:

- determine why the youth left home in the first place;
- assess the safety of home;
- discuss where the youth was living/staying while away from home; and
- consider other options when home is not safe, asking for the youth's input.

Many youth and families have trust in the legal system. When a youth chooses to report, there is an implication that the case will be charged and prosecuted. Recognize that when cases are not charged or prosecuted, youth may be very reluctant to report again. They may also be re-victimized within the family and community for what appears to be lying about the incident. Explain, if possible, why a case cannot be pursued. Making an effort to do so may help the youth trust—or at least understand—the legal system in the future.

Offer referrals as information that victim/survivors can use at their leisure. Do not demand or suggest what they "must" or "should" do. Never condition assistance on performing a particular action.

Youth are resilient and continue to learn from their experiences and their environment. Being consistent, patient, and respectful, and having healthy boundaries with youth will teach them to trust you and your colleagues and put them on a path to long-term health and wellbeing.

3. Confidentiality & Reporting

Sexually exploited youth have rights to privacy and confidentiality in some cases similar to rights held by adults. In parallel to this, virtually all professionals who work with youth have strict legal and ethical obligations of confidentiality that will vary by discipline. See ***Legal Framework*** ("Confidentiality & Mandated Reporting") for more information.

> **"You don't want to tell someone something difficult to talk about if they aren't going to keep it confidential."**[14]

These rights to privacy and confidentiality are important not just because they are protected in law, but because they are fundamental to

14 *Id.*

a victim- and youth-centered approach. Youth need privacy "to feel safe, to be safe, to ask for help, to agree to receive help, to develop problem-solving skills and to trust others."[15] When confidentiality is breached, it can disrupt the victim/survivor's recovery as well as create a chilling effect on seeking help for either the person whose confidentiality was violated or for others who hear about the breach by word of mouth. Breaches can damage the one-to-one relationship between victim/survivors and providers, damage the public-trust relationship in programs that claim confidentiality for victim/survivors, and have a negative impact on reporting and public safety, because victim/survivors may be more reluctant to come forward.

Still, youth confidentiality must sometimes be breached, such as when a mandated reporter is required to do so under Minnesota law. (See ***Legal Framework*** for information on the applicable requirements.) If this is necessary, it should be managed with full transparency. Specifically, **anyone receiving services from a mandated reporter for child maltreatment and neglect should be informed before any intake or meeting** that the provider is a mandated reporter and that there are certain situations that require a report. This forewarning gives the person subject to a report — in this case the youth — the chance to decide what information to share and when. These warnings should be repeated regularly, both during the initial conversation and throughout the timeframe of receiving help.

Being transparent about mandated reporting obligations helps to build trust and credibility between the provider and the youth, assures that the youth is not blindsided by a report, and allows the youth an opportunity to participate in the report if one must be made. Youth who have prior experience with the child protection, judicial, and corrections systems may be particularly hesitant about sharing information that will thrust them back into those systems. It is possible that if a provider has to make a mandated report, regardless of how well the youth has been prepared about that possibility, the youth may no longer wish to work with that provider. Or, if the relationship has to continue, there may be more barriers to an open dialogue.

As noted by The Confidentiality Institute: "Information disclosure can lead to unintended consequences. All disclosure carries risk for exploited youth. Risks knowingly undertaken can be managed. Nasty surprises

15 Alicia Aiken, The Confidentiality Institute, Minnesota Department of Health webinar "Confidentiality, Minors and Safe Harbor," Jan. 7, 2015.

can destroy working relationships."[16] Full transparency at the beginning of the relationship helps to increase understanding about why mandated reporting exists and when it must occur.

There may be situations that do not fall under mandated reporting statutes in which a youth may wish to voluntarily release information to others in order to access additional services and support. Let the youth know what information will be shared, with whom, through what process, and for how long. A youth should know the risks of sharing information; for example, once information is shared with a third party, it is difficult to control who else will see it. Any release of information should be pursuant to a document signed by the youth which is specific, time-limited, and contains an end date in the near future. The youth should review the release's details carefully to ensure that it does not contain any surprises. Access to services, however, should never be conditioned on signing a release of information.

4. Preventing Burnout

Professionals cannot be effective in helping, caring for and supporting others if they do not care for themselves too. Working with victims and survivors of a disturbing crime like sexual exploitation can take a toll physically and emotionally, and it can be particularly upsetting to hear stories about children and youth who are harmed or to witness their trauma firsthand.

Vicarious (or secondary) trauma is common for persons in front-line engagement professions like victim advocacy, law enforcement, prosecution, public defense, health care, corrections and various judicial system roles, among many others where contact with people in crisis is common. Burnout and ineffectiveness are a frequent response and no person, not even the "toughest" among us, is immune. Survivors working to support other survivors, in particular, need to stay aware of how they react to reminders from their own past that may come up in the cases they see now.

Burnout prevention or self-care doesn't have to involve "touchy-feely" activities, which can make some people uncomfortable or even cause more stress. Self-care is mainly about doing what is most enjoyable such as taking breaks, finding opportunities for mindfulness, going on vacations, spending time with friends or family, engaging in low-stress activities, or simply watching a favorite television show or movie. And professionals are encouraged to seek support from a counselor from

16 *Id.*

time to time, particularly when involved with difficult cases on a regular basis. Organizations can also assist by encouraging breaks, providing opportunities to decompress and offering debrief sessions. Staff appreciation activities can help with morale.

Harm Reduction

Sexually exploited youth may engage in a number of harmful and risky behaviors, for the many reasons described in this chapter and in ***Dynamics of Sexual Exploitation***. These harmful and risky behaviors may include drug use, alcohol abuse, sleeping in unsafe circumstances, self-harming behaviors and others. It is not realistic to expect that every youth will be able to stop and change this behavior as soon as there is system intervention, even when the intervention involves removal from the negative activities. Sometimes the lure of the familiar and known is too hard to resist or the control asserted by the exploiter over the youth is overwhelming.

For this reason, many providers employ "harm reduction" techniques when working with sexually exploited youth. The aim of harm reduction is to reduce the negative consequences associated with risky behavior, while recognizing that a youth may not be ready, willing, or able to end the behavior immediately. It is a principle most often connected with reducing drug use and HIV transmission but has application across behaviors.[17] Harm reduction recognizes that many youth will continue to take risks even when they are warned or receive help. This is particularly true for youth who are surviving on the streets and exchanging sex for money, drugs, food, shelter, transportation or other needs. Education and resources may help reduce the negative health and safety consequences for these youth until they are ready to stop the risky behavior altogether. Access to help should never be contingent on the youth stopping the risky behaviors.

Professionals working in street outreach, youth services, advocacy and health care most commonly employ harm reduction approaches. Examples of these tactics include providing access to contraceptives to prevent pregnancy and prevent the spread of sexually transmitted infections and HIV. Offering hygiene products

17 For examples, see the Harm Reduction Coalition (www.harmreduction.org) and Centers for Disease Control and Prevention (www.cdc.gov).

or warm clothing to youth who are homeless or on the streets recognizes their basic day-to-day needs. Providing information about clean needle exchanges helps to reduce the risk of HIV and hepatitis C for injecting drug users.

Harm reduction can exist in some tension with the goals of public safety and of comprehensive, immediate health and safety for youth. For some professionals, such as many in law enforcement, child protection and the judicial system, harm reduction strategies are often less appropriate and may even run counter to their ethical obligations. Yet even these professionals should recognize the power in such strategies and not judge their use by service providers working directly with youth. Sexual exploitation is a complex, traumatic experience that frequently happens to individuals who have experienced many other forms of trauma. The response of professionals must be nuanced, focusing on the youth's immediate health and safety while striving toward long-term wellness.

Foundational Chapter
Cultural Considerations

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The purpose of this chapter is to provide agencies and communities with some broad tips for interacting with sexually exploited youth from different cultural identities, as well as points to keep in mind when developing a culturally-responsive protocol. These general points are illustrated with specific examples gathered from conversations with individuals and groups from particular cultural communities.[1]

Culture is a complex, multi-layered 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.

Cultural identities, too, are complex and multi-layered. Cultural identity is a unique individual experience, but it is not the single defining factor of who a person is. Similarly, there are a multitude of viewpoints within cultures—as many viewpoints as there are individuals.

In short, it is impossible to capture the complexities of cultural identity in just a few pages. This chapter is not prescriptive or all-inclusive. It is intended, rather, to be a practical starting point for conversation, as well as a reminder to approach cultural considerations from a position of humility and openness.

A final critical point: Regardless of how openly sexual violence is discussed within communities, sexual violence—including exploitation—is not an accepted practice within any culture.

1. Being Victim- & Youth-Centered

Underlying the entire *Safe Harbor Protocol Guidelines* is the directive that professionals undertake their work in a way that is victim-centered and youth-centered—putting the needs of victim/survivors first and recognizing and honoring the strengths and perspectives of youth. This means seeking to understand and respect the cultures from which youth come as well as their individual perspectives on those cultures. Professionals must seek to "meet youth where they are." Culture is a

1 Many thanks to the creators and collaborators of the Ramsey County Safe Harbor Youth Intervention Project (SHYIP), from which much of the content in this chapter was adapted and updated.

powerful force, but it is not completely determinative. Youth will have their own perspectives and preferences.

For more on how to work in a victim-centered, youth-centered way, see ***Working with Sexually Exploited Youth*** ("Being Victim-Centered & Youth-Centered").

a. Respect Self-Identification

Respecting personal identification is an important first step in working with sexually exploited youth. Again, identity can be complicated. A youth's identity may not be apparent right away. Youth may claim a variety of cultural identities, these identities may be "layered" one atop the other, and they may shift over the course of time. There is no single "correct" term for youth from a particular community. Do not assume that the preference of one young person can be applied to other young people. Ask youth how they identify, and make every effort to attend to this information.

> **"Including and opening up opportunities for ceremonial things or prayers and stuff and not making them change things about their daily lives[,] because some Natives put out tobacco every day and burn sage and are really traditional in that way[,] and if they were put in a shelter and sometimes they don't have that opportunity, they should be able to have that opportunity to have their ceremonies."**[2]

Recognize that youth from any community may vary in how they self-identify. Some youth may identify based on the country their family is from. Others may identify based on their family's ethnic background. For example:

- Youth whose families are **from Africa** may prefer to identify as African American, black, or African; by country of origin (e.g., Somali or Somali American); or by ethnicity (e.g., Oromo); by some combination of all of these; or in some other way.

2 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 26 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter, V*oices*].

- Youth who are **Latin@**[3]**/Hispanic** may prefer to identify as Hispanic, Latino or Latina; by country of origin (e.g., Colombian or Colombian American); by some combination of all of these; or in some other way.

- Youth who are **American Indian/Alaska Native** may prefer to identify as American Indian, Indian, Alaska Native, Native American, Native, indigenous, or First Nations[4]; by ancestry (e.g., Dakota or Ojibwe); by tribe (e.g., Mille Lacs Band of Ojibwe); by some combination of all of these; or in some other way.

- Youth whose families are **from Asia** may be prefer to identify as Asian American or Asian; by country of origin (e.g., Thai); by ethnicity (e.g., Hmong, Hmong-American, Karen, or Karen-American); by some combination of all of these; or in some other way.

- Youth who are **Muslim** may come from virtually any racial, cultural, and ethnic background. They may prefer to identify as Muslim or Muslim-American; by country of origin, ethnicity, or race; by some combination of all of these; or in some other way.[5]

In addition to identities of ethnicity, race, faith, and country of origin, youth may also identify with other aspects of their lives, such as their sexuality or gender (see "Sexuality & Gender" below), their membership in the Deaf community (see "Deaf or Hard of Hearing Youth" below), or even their life on the streets (see "Homelessness" below). Be guided always by preferences provided by the youth.

b. Avoid Assumptions

Avoid stereotyping. For example, recognize that youth who identify as Latin@ or Hispanic come from a range of family

3 Latin@ (or Latino/a or Latinx) is a written term that covers all genders. Similar terms such as Latino or Latina each imply only one gender.

4 The term "First Nations" may be preferred especially by Native youth from Canada and other countries.

5 Both the Hmong and Karen communities—two of the fastest-growing ethnic groups in the state—are from regions of multiple countries rather than from any one country. Both are minorities (usually ostracized minorities) in these places.

backgrounds—documented immigrants, undocumented immigrants, and families who have been in the United States for multiple generations. Some may consider English to be their native language, others may consider Spanish to be their native language, and yet others may be native speakers of a variety of indigenous languages. Similarly, Asian American youth come from a variety of backgrounds and countries. Some may have been born abroad, and others may have lived in the U.S. for generations. And youth who identify as Muslim may come from almost any racial, cultural, or ethnic background; they may or may not be immigrants; and—like those who follow other religions—they may practice Islam to varying degrees.[6]

> **"The first time I ever ran away, this was supposed to be my fiancé, and nowhere in U.S. law was I married to him but under religion in my culture he was my husband. I went to the police station, a cop took me back. A cop said, "In your culture you guys have so many rules that I cannot come between." What part of I'm being raped and abused and forced into prostitution do you not understand? I'm forced to stay in this until I find a way out. That's where the stereotype comes in. Just because you're a Somali woman covered up with her husband does not mean she's happy or not being abused."[7]**

Avoid making assumptions about any part of a youth's identity—race, ethnicity, gender, sexual orientation, ability, etc. Beware of assumptions based on, among other things:

- **Clothing or appearance.** A youth's appearance can be deceiving. Homeless youth, for example, may look like any other youth; maintaining their image—clothes, makeup, cleanliness, etc.—is often an important component of their sense of self-worth.

  As another example, many African immigrant youth wear a headscarf and prefer to cover their entire body. This may be required by their religion and is part of their culture and tradition; it does not necessarily indicate the youth's feelings and beliefs on all topics. On the other hand, youth may choose to dress less traditionally, and more along with trends in the dominant

6 Islam is the name of the religion, while Muslim refers to a person who practices Islam.

7 *Voices*, *supra* note 2, at 25.

society, without disapproving of their entire culture and religion.

- **Family structure.** Family is important in every culture. Don't assume, however, that families come in only one arrangement or that a particular family arrangement says other things about the youth. For example, in some American Indian families, several women may be called "mother," and cousins may be called "sister" or "brother." Many other youth, from a variety of backgrounds, have two mothers or two fathers.

  For all of these reasons, asking the question "Where do your mom and dad live?" can be alienating. Ask, rather, "Where does your family live?" or "Where do your parents live?" Find out who the youth considers to be a caregiver.

- **Faith.** Religion and spirituality are important to many youth and can be important components of a youth's healing. In African American and many other communities, for instance, the church is often an extension of family and can be a major contributor in supporting youth, if the youth desires that connection. Nevertheless, don't make assumptions about a youth's spiritual practices or beliefs.

  For example, many American Indian/Alaska Native youth may be unfamiliar with the faith traditions of their Nations and lineages, due to generations of forced assimilation and many other factors. Others may not want to engage with these traditions. Don't assume youth know of, have access to, or want resources on these traditions.[8]

  As another example, many youth who are Muslim pray five times a day and fast from dawn to dusk during the month of Ramadan; take these practices into account and provide support—e.g., a private place to pray—in your work with such youth. But other youth who identify as Muslim may not follow these practices as closely. Do not assume.

  If a youth was harmed by someone within the youth's faith community, do not assume that the youth will feel negatively toward that community; acknowledge the harm done by the individual, but do not criticize the youth's belief system.

8 Another possible assumption about American Indians/Alaska Natives and spirituality has to do with the smell of "smudging." This is a spiritual practice conducted by some American Indians/Alaska Natives which involves lighting sage—which can smell like marijuana to those unfamiliar with it. Do not assume that the smell from a ceremony is marijuana; it may well be sage.

Avoid making assumptions about how youth want to be served. For example, do not assume that a youth wants services from a program serving individuals of the youth's cultural origin. Ask youth what approaches will help them feel safe and comfortable.

Rather than make assumptions, simply ask youth about their background and preferences, to the extent that it is relevant to serving them or will help to deepen the relationship. Then, follow up with support, referrals, or resources as appropriate.

c. Recognize Barriers to Reporting

It is very common for sexually exploited youth not to report their own victimization, as discussed in ***Dynamics of Sexual Exploitation*** ("Why Don't They Leave?"). But youth from some cultural communities may face particular challenges to reporting.

Respect for elders, especially men, is particularly strong in many communities. In these communities, it may be difficult for a youth to seek help when the exploiter is a male family member or other elder.

Some cultures in Minnesota have very small populations in which "everyone knows everyone." Despite professionals' best efforts to protect confidentiality—see ***Working with Sexually Exploited Youth*** ("Confidentiality & Reporting")—news about exploitation can spread. Youth may fear becoming isolated from and shamed by their community if they report. They may also fear bringing this shame and ostracism—perhaps even retaliation—upon their family. The use of a local interpreter may be especially problematic, if it's likely the interpreter will know many of the people involved. (See "Working with Interpreters" below.)

All of this can be doubly true if the culture is one that "blames" victim/survivors for what they have experienced. In some Southeast Asian cultures, for example, sexual violence is traditionally viewed as resulting from the substandard character of the individuals involved, and so seeking help is not encouraged.

This sense of the community taking "ownership" over the offense—in ways that may be challenging for victim/survivors—can be strong. Some cultural communities have traditional forms of resolution that may be applied to offenses. In the Hmong community, for example, offenses may be addressed through the clan system—though not all Hmong victim/survivors will want clan system involvement. (And of course, such traditional approaches do not limit or replace involvement by the U.S. justice system.)

LGBTQ youth may be reluctant to report exploitation if it could involve coming out about their gender identity or sexual orientation. The families of LGBTQ youth are not always accepting of their gender or sexuality and may even be outright hostile and abusive. See "Gender & Sexuality" below for more discussion of this.

Finally, if an exploiter shares a cultural identity with a youth, the youth may feel reluctant to report the exploitation due to fear of betraying that culture or undermining public understanding of it. Some deaf victim/survivors of sexual violence and exploitation, for example, perceive a lack of support within the Deaf community, particularly if the perpetrator is also deaf.

Youth who experience isolation and shame—whether because they report or because they decide not to report—are even more vulnerable to further manipulation. See ***Dynamics of Sexual Exploitation*** ("Vulnerability & Risk Factors").

d. Address Trauma

As discussed in ***Working with Sexually Exploited Youth*** ("Being Trauma-Informed"), all victim/survivors of sexual exploitation have experienced trauma. For victim/survivors from some communities, this trauma may be in addition to trauma experienced in other parts of their lives. For example, youth who are refugees—or whose families are refugees—may have experienced war or political persecution in their countries of origin and/or during their migration or during (often lengthy) stays in refugee camps.

Youth from these and other communities may also suffer from the effects of "historical trauma"—emotional and psychological wounds extending cumulatively across generations. One example of historical trauma comes from the experience of African Americans, who have been subjected to abuse, slavery, displacement, and disenfranchisement for hundreds of years, with devastating effects that last to this day.

Another example comes from the experience of American Indians/Alaska Natives. In the earliest days of colonization, colonizers traded Native women as sexual commodities. Later, boarding schools devastated families by forcibly taking away their children. Throughout U.S. history, American Indians/Alaska Natives have been abused—physically, sexually, emotionally, and spiritually—for following their own cultures and traditions, such as speaking their own languages. Today, Native women are subject to particularly high rates of violence and

assault, including prostitution and other forms of sexual exploitation.[9] Many Native families are no longer familiar with Native cultural practices—practices which can provide self-worth to victim/survivors and promote healing.

Finally, note that not all cultures will view or treat trauma in the same way as Western cultures, which typically rely on therapeutic intervention. In the Hmong community, for example, trauma is usually associated with a spiritual cause, with spiritual healers such as shamans or pastors involved in treatment.

e. Build Trust

Building trust is important in any relationship with victim/survivors. But it is critical—and can be especially challenging—in working with youth from particular backgrounds.

Youth from certain cultural groups are particularly likely to mistrust governmental systems and even many community institutions. This can be true not only because of mistreatment experienced directly by youth and their families, but also because of broader inequities and historical trauma.

For example, the mistreatment of African Americans throughout our country's history (see "Recognize Trauma" above) is linked inextricably with the inequality African Americans experience today in education, employment, health care, and the criminal justice system. As a result, many are reluctant to engage with systems like law enforcement or child protection.

The same is true for American Indians/Alaska Natives. Because of the subjugation of Native peoples throughout U.S. history (see "Recognize Trauma" above), Native youth may be distrustful of government agencies and other institutions. This may be particularly true for educational and religious institutions, because of the history of Native youth being forced to attend parochial boarding schools where they were abused and forced to abandon their culture.

For some immigrant populations, suspicion of systems and institutions may be a result of mistreatment in the U.S. as well as in their countries of origin. Youth and families who have previously experienced lawlessness or abuse of power may be fearful of law enforcement here or may not know how to engage these systems effectively. In many countries, cases of sexual or domestic violence may be less likely to

9 M. Farley, N. Mathews, S. Deer, G. Lopez, C. Stark & E. Hudon, *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*, Minnesota Indian Women's Sexual Assault Coalition, 10 (2011), http://www.prostitutionresearch.com/pdfs/Garden_of_Truth_Final_Project_WEB.pdf.

be prosecuted than in the U.S., and considerable attention might be focused on the victim/survivor—with the victim/survivor's picture even being publicized.[10]

The lack of trust in systems and institutions is not limited to racial and ethnic groups. Homeless and LGBTQ youth may share it as well, as a result of discrimination and mistreatment both at home and on the street. Homeless and LGBTQ youth from communities of color often distrust "authorities" even more strongly, for many of the reasons already stated.

> **"No one makes it easier because of religious norms and societal norms. There are a lot of queer organizations coming up but really just for queer white youth. It's hard for an African American to get a grant in America for anything, let alone if they are trans."**[11]

How can professionals build trust with youth from these and other groups? The first step is to recognize the factors discussed in this section and in the remainder of the chapter. If you are a person of privilege, recognize your own limitations. As one obvious example, avoid making statements like, "Color doesn't matter to me," or "Some of my best friends are ___." Statements like these will not impress youth and may even antagonize them and jeopardize the relationship. The approach to building trust—respect—is the same for all sexually exploited youth. See ***Working with Sexually Exploited Youth***.

2. Homelessness & "The Life"

Many sexually exploited youth experience homelessness at some point, in varying forms. Homeless youth may be "couch-hopping," staying in shelters, or even living "on the street" (vacant buildings, etc.). Avoid defining homelessness for youth. Ask open-ended questions, such as, "Where did you sleep last night?" or "Do you feel safe where you're staying?" A youth who is sleeping in a friend's garage, may not self-identify as homeless. (See "Respect Self-Identification" above.) Also keep in mind that homeless youth may not look different than other youth, whether in appearance or attitude. (See "Avoid Assumptions" above.)

The experiences of homeless youth, and the reasons that they are homeless, can vary widely as well. They may not be originally from the city in which you find them. They may have family members who provide them

10 For additional discussion about immigration issues, see ***Legal Representation*** ("Immigration Cases").

11 *Voices*, *supra* note 2, at 24.

with some basic needs, or their family may have abused them or thrown them out entirely.[12] Although homeless, youth may have trusting and tight relationships, such as a network of other similarly-situated people or even dog ownership. This may mean that they have a responsible role in their community—which may make them more reluctant to engage with governmental systems.

Indeed, "the life"—a cultural term that refers to a wide range of experiences in prostitution and sexual exploitation—may be a culture of its own with which an individual youth identifies. Life on the street can be foreign to many professionals. Learn about it—the slang terms, means of survival, and even codes of conduct—from your interactions with homeless youth. Work to become familiar with it to better support youth.

3. Gender & Sexuality

Gender identity and sexual orientation are different and not necessarily related. Gender describes a person's identity, e.g., male, female, transgender, gender-nonconforming, etc. Sexuality describes a person's "orientation" or attraction to others, e.g., lesbian, heterosexual, pansexual, bisexual, asexual, etc. Young people in particular recognize that gender and sexuality are both spectrums and can be fluid in concept and description. (See "Recommendations: Sexuality Spectrum" for more guidance.)

Your ability to recognize the nuances of a young person's identity is more important than understanding every piece of terminology about it. As discussed above ("Respect Self-Identification"), do not try to pigeonhole how youth identify; instead, ask how they prefer to be identified and accept the information that they provide.

In many cultures, sexuality is a highly personal subject, and questions about it may be perceived as shameful or disrespectful. Youth should be asked if they would prefer a female or male person to conduct a medical examination, make a police report, etc., or would prefer to do so in the presence of a particular person the youth trusts. (Note, however, that the involvement of a third party may have an impact on the youth's confidentiality. See ***Working with Sexually Exploited Youth*** ("Confidentiality & Reporting").) Be sure that any of these options is available before offering it to a youth.

12 For additional information: M. Dank, J. Yahner, K. Madden, I. Banuelos, et. al., Surviving the Streets of New York: Experiences of LGBTQ Youth, YMSM, and YWSW Engaged in Survival Sex, Urban Institute (Feb. 2015), available at: http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000119-Surviving-the-Streets-of-New-York.pdf [hereinafter, *Surviving the Streets*].

Recommendations: Sexuality Spectrum

- Never assume that a youth is straight or only has heterosexual sex/relationships.
- Provide youth with education on sexual health and sexually transmitted infections and diseases, as well as mental health support.
- If a youth identifies as having a particular sexual orientation, this does not necessarily explain all of the sexual activity the youth has engaged in. For example, a youth may identify as "straight" but have sex with people of the same gender identity.
- Youth may blame themselves because of their sexuality. This self-blame often adds another layer of problematic thoughts for professionals to assess.

a. LGBTQ Youth

LGBTQ is not simply a reference to gender and sexuality. It is also a cultural identity—or rather, a range of cultural identities along the gender and sexuality spectrums. It encompasses those who identify as lesbian, gay, bisexual, transgender, or queer, as well as other identities of gender and/or sexuality such as asexual, intersexual, and Two-Spirit.[13]

For LGBTQ youth, reporting exploitation may involve revealing their gender identity and sexual orientation. (See "Barriers to Reporting" above.) This information is best shared by youth themselves, if and when they are ready to do so, but you can offer to practice or role-play this conversation. If it is necessary for you to share this information as a professional, be sure to obtain informed and written consent from the victim/survivor; see ***Working with Sexually Exploited Youth*** ("Confidentiality & Reporting").

Before making any referrals, determine if the resources are LGBTQ-friendly and safe by calling the service provider or seeking out specific indicators such as promotional materials or a website that indicates an

13 "Two-Spirit" refers to American Indian/Alaska Native people who identify as having both male and female spirit. The exact meaning of Two-Spirit varies between tribes, and it does not necessarily correlate with only the gender or sexuality spectrum. In general, it embraces the fluidity of both spectrums. Not all Native LGBTQ people identify as Two-Spirit. Ask youth for their preference. For more information contact the Minnesota Two-Spirit Society, https://mn2ss.wordpress.com/.

openness and expertise for serving persons who identify as LBGTQ.

b. Male & Transgender Youth

As discussed throughout the *Protocol Guidelines*, youth of all genders are impacted by sexual exploitation. However, much of the focus—particularly in system response, in service provision, and in public awareness campaigns—has been on girls and young women. Male and transgender victim/survivors are often missed, because screening for sexual exploitation is not applied to them.

Boys and young men may feel that no one will believe them because of societal messages that they should be able to protect themselves. A youth who does not identify as gay or bisexual may feel confusion, or question his sexual orientation, when his exploiter is a man, especially if the youth experiences physical arousal during the encounter. Remind him that physiological responses such as erection or ejaculation can be caused by physical contact or stress and have nothing to do with sexual desire or consent.

Transgender youth lack access to support for even their most basic needs, let alone focused services to address sexual exploitation. **The authors recommend that services be greatly expanded for screening and support of male and transgender victim/survivors of exploitation.**

Recommendations: Transgender Youth

- Be sensitive and use respectful pronouns. Ask youth how and what gender pronoun they identify with, along with the name they prefer to be called.

- In residential placements, allow youth to self-define their gender. Ask them: "What are the most comfortable sleeping arrangements for you?" "Do you want a male or female space to sleep, or would you prefer a private place to sleep?" (The latter option may be better for transgender youth.) See ***Housing*** ("Cultural Considerations").

- Let transgender youth have non-gender specific bathrooms in public spaces, and/or to let them choose a bathroom that aligns with their gender identity.

- Do not ask a transgender person about their surgical status, their genitalia, or how they have sex.

- Many transgender people have documents that have discrepancies between legal name and gender marker and gender presentation (and some might be undocumented citizens). Do not ask youth about their "real name," especially in public. When necessary, it is best to inquire about a legal name privately to have questions clarified. Limit your questions only to what is necessary rather than to satisfy curiosity.

- Use discretion when calling out a transgender person's name in a public place, such as in the lobby of a medical clinic. If you are aware a person is transgender, it is most respectful to walk up to the person and say it is the person's turn, rather than call out the person's legal name from across the room and thereby "out" the person or cause embarrassment or fear.

4. Deaf or Hard of Hearing Youth

Being deaf or hard of hearing references a physical limitation, one that can encompass a wide range of hearing abilities and communication preferences. As in other areas, do not make assumptions about a youth's abilities or preferences or what type of service a youth needs; always ask.

While the term "deaf" references a physical limitation, the capitalized term "Deaf" refers to a cultural identity, with unique behaviors, traditions, and values.[14] Some people who cannot hear may not belong to Deaf culture, if they do not consider themselves to be members. On the other hand, Deaf culture may encompass hearing individuals who work or socialize with those who are deaf or hard of hearing.

This section provides guidance for hearing professionals in *communicating* with deaf or hard of hearing youth, but it is important to recognize that such youth can face unique challenges in reporting exploitation and receiving support. In addition to the fear of being stigmatized and other concerns discussed in "Barriers to Reporting" above, deaf or hard of hearing youth may be less likely to report exploitation because of their frustrations communicating

14 "Deaf Culture," World Federation of the Deaf, https://wfdeaf.org/our-work/focus-areas/deaf-culture.

with first responders and other professionals who fail to meet their communications needs. They may also perceive a lack of support within the Deaf community, particularly if the perpetrator is also deaf. And because some deaf or hard of hearing youth do not communicate well with their families (e.g., if their parents do not sign), they may not trust and feel support from family either.

a. Language & Communication

American Sign Language (ASL), which is used by many deaf or hard of hearing youth, is not the same as English. Knowing ASL does not mean that a youth will understand English reading or writing.

Deaf or hard of hearing youth may not have the language to talk about sexual violence and exploitation. They also may not have access to information in their language about violence.

Just because a deaf person is wearing a hearing aid, do not assume the person can hear you or read your lips. Avoid using lip-reading as the method for communication with a deaf or hard of hearing individual, even if the individual says that it is okay. Only a small percentage of deaf people read lips well. Moreover, only 30 percent of what is said is visible on the lips. And lip-reading may be especially difficult to understand in stressful situations.

Avoid using computers or writing on paper. When a deaf or hard of hearing person is in crisis, the person's English and typing skills are likely to be impaired. Deaf youth are exceptionally visual. If communication cannot happen with visual language, try using drawing, toys, gestures, etc.

b. Working with Interpreters for Deaf or Hard of Hearing Youth[15]

As with any other kind of interpreter, interpreters for victim/survivors who are deaf or hard of hearing must be carefully selected.

Only use certified American Sign Language (ASL) interpreters. Look for interpreters who have certifications such as NIC, NAD, CI/CT, SC:L, CDI, or CSC.[16] For information about local ASL interpreters, visit the Minnesota Department of Human Service's interpreter referral webpage.[17]

15 For general guidelines on working with interpreters for any language, see "Working with Interpreters" below.

16 Sometimes there will be a need for a Certified Deaf Interpreter (CDI), a person who is also deaf and has gone through special interpreter training. A CDI is native to ASL and can communicate with the victim/survivor in ways that a hearing interpreter cannot. If there is a need for a CDI, there will also be a need for a hearing interpreter to work as a team.

17 Sign Language Interpreter Referral, Minnesota Department of Human Services, http://mn.gov/dhs/people-we-serve/adults/services/deaf-hard-of-hearing/programs-services/interpreter-referral.jsp.

Do not allow “signers” (people who are not certified) to interpret, whether or not they know sign language, and do not use children or family members.

When interacting with an interpreter for a victim/survivor who is deaf or hard of hearing:

- Have the interpreter stand next to you facing the deaf or hard of hearing person, with you facing the deaf or hard of hearing person, not the interpreter.

- Give the deaf or hard of hearing person direct eye contact; avoid looking at or watching the interpreter. (While the deaf or hard of hearing person will mostly likely watch the interpreter, the person also will have eye contact with you.) Do not wear sunglasses.

- Speak directly to the deaf or hard of hearing person as you would a hearing person. Direct questions at the deaf or hard of hearing person (e.g., “How are you feeling?”). Avoid directing questions at the interpreter (e.g., “Tell her…” or “Ask her…”).

- Do not over-enunciate, talk too slow or too fast, or shout.

- Make sure the room is well-lit and free from any distractions.

- Have the deaf or hard of hearing person face away from the light (from windows, flashing lights, and computer screens) or other distractions.

If an in-person interpreter is simply not available, consider using Video Remote Interpreting, a pay-per-minute video service (via tablet or computer) similar to telephone “language lines” for spoken language interpreting.

As a very last resort, it is an option to use a computer or pen/paper to communicate back and forth. Be aware that during a crisis situation, youth will have difficulty trying to explain their experience through a keyboard or on paper. Remember that English is a second language for individuals with hearing disabilities. Keep written sentences short and use simple words. Instead of “Did he assault you?” say “Did he hurt you?” Be patient and understanding.

Tips for Law Enforcement When Working with Deaf or Hard of Hearing Youth

The Deaf community recognizes law enforcement as a resource, but communications between deaf or hard of hearing youth and law enforcement can be challenging for both. Consider these tips:

- Do not attempt to talk to a person with hearing disabilities while a squad car's lights are flashing or when there are other visual distractions. Turn off the flashing lights, and find a quiet room to take the report.

- Be aware that deaf or hard of hearing youth may not hear or even see an officer yelling, "Stop!" Their lack of response can easily be misinterpreted as defiant behavior. Do not punish deaf or hard of hearing youth for their lack of hearing abilities.

- Do not automatically interpret "aggressive" signing as a youth being aggressive. ASL is a visual language with "exaggerated" facial expressions and body language; aggressive signing could just be the person's way of communicating during a crisis.

- Remember that a deaf person whose hands are cuffed behind the person's back will be unable to communicate.

5. Cognitive or Developmental Disabilities

Youth with cognitive or developmental disabilities can be particularly vulnerable to exploitation. Exploiters use a youth's vulnerability as a means of building trust and dependence. See ***Dynamics of Sexual Exploitation*** ("Vulnerability & Risk Factors"). Some youth may not know the difference between care and abuse—whether within a family or in the community—especially when abuse does not cause physical harm and the youth perceives positive aspects of the relationship. Some youth may not fully understand what is happening during the exploitation.

Generally, it is preferable to use language that does not emphasize disability as a primary form of identity. For example, instead of "disabled youth," say "youth with disabilities."

a. Assessment

When a sexually exploited youth is cognitively or developmentally delayed, providers should attempt to assess and document the youth's level of functioning. Among other purposes, this information can be helpful in the criminal justice response; it can affect prosecutors' charging decisions and may constitute a separate offense.

Answer the following, working in collaboration with parents or guardians, with other professionals, and with youth themselves:

- Are the youth's cognitive/developmental challenges obvious? If so, in what way?
- Has the youth been evaluated recently? If so, by whom? (For law enforcement, attach a copy to the police reports.)
- How well does the youth conceptualize abstract questions?
- What is the youth's chronological age vs. developmental age?

b. Communication

Youth with certain disabilities may have difficulty communicating that they have been exploited and may become frustrated with this. Customize your approach to communication based on the nature of a youth's disability. These suggestions may be helpful, though may also be perceived as demeaning; use good judgment:

- speak slowly and clearly; using simple language,
- present one concept at a time;
- use visuals (draw pictures, make outlines); and
- ask for feedback by the youth to ensure clear comprehension.

c. Services & Support

Sexually exploited youth with disabilities can experience particular challenges in accessing services and support. Even an initial report of exploitation may fall through the cracks—failing to be investigated—because of jurisdiction problems, multiple caretakers, and displacement. Virtually no services are designed to meet the needs of sexually exploited youth with disabilities. These youth may also be overly trusting towards providers.

Help to guide sexually exploited youth with disabilities through the reporting and referral process. Work with an advocate who is familiar with the rights and needs of persons with disabilities.

This chapter's theme of avoiding assumptions applies in full force here. Do not make assumptions about the limitations of a particular youth. Do not assume, for example, that youth with disabilities cannot make decisions about their interactions with providers. Do not assume that such youth cannot consent to *any* sexual activity or is being exploited. Youth with certain disabilities are often viewed as asexual and not provided sexual education. Many have the capacity to engage in healthy sexual relationships and should not be discouraged from doing so because of their disability.

6. Communications

a. Body Language

Body language is as much a form of communication as talking or writing, and can manifest in many different ways according to cultural practices and traditions. Here are just a few examples:

- **Eye contact:** Many communities do not use or hold eye contact when in conversation with others; this is a cultural practice of respect for elders or other adults and should not be considered a form of disrespect or not paying attention.

- **Shaking hands:** Not all females will shake hands with someone of the opposite sex. In some cultures, neither females nor males will shake hands. It is best not to offer to shake hands until one is extended to you.

- **Gestures:** Some common American gestures may be disrespectful to immigrants from other cultures or may have different meanings and contexts. For example, using the index finger to call someone to come towards you might be considered a sign of disrespect or have a sexual connotation. Some youth might nod their head in respect, intending to convey, "I hear you," which can be misinterpreted as "I agree with you" or "I understand you." Be sure to ask for a verbal response before making decisions.

Finally, ask permission before touching any youth (e.g., hugging or resting a hand on a youth's arm). This is not only a cultural consideration but also a trauma-informed one, as many youth can feel threatened or even emotionally and physically triggered by an unexpected touch. Professional boundaries regarding touch should be observed.

b. Speech

Regardless of age or cultural community, do not talk to youth using slower English or by speaking louder, as this can be interpreted as minimizing the youth's abilities or intelligence. Have access to interpreters and translation services available when working with youth from different cultures. See "Working with Interpreters" below.

When referring a victim/survivor to advocacy services, be sure to describe what "advocacy services" means—in some countries, an "advocate" is assumed to be a lawyer.

c. Working with Interpreters

Be cautious in selecting an interpreter. Always use a certified interpreter for any language that has a certification process. (Languages with fewer speakers in the United States may not have a certification process.) Never use family members, children, friends, or companions as interpreters. (Note that an exploiter may use English-language abilities to control a victim/survivor; a friend or companion offering to interpret could in fact be an exploiter.)

Ask youth if they have a preference regarding the identity of an interpreter (e.g., race, gender, age). Victim/survivors of sexual exploitation may believe they cannot rely on interpreters to accurately represent their words and experiences. Ask if they have interpreters that they know and

trust well to see if you can request them. Otherwise, when requesting an interpreter through an agency, ask for someone who has experience with sexual violence or youth issues or who has experience in your given field (e.g., medical, courts).

In some cultural communities, interpreter pools are small. It could be possible that the victim/survivor knows the interpreter. If the victim/survivor and interpreter are acquainted, it may not be appropriate to use the services of that interpreter. In some cases it may be necessary to secure interpreter services outside of your immediate community to provide confidentiality, avoid a conflict of interest, and assure that the victim/survivor is comfortable with the interview.

Consider these guidelines for working with an interpreter, once one has been selected:

- It is common in some countries for people to tip interpreters, and victim/survivors may try to do so. Explain that this is not required in the United States.

- If possible, provide an agenda or questions beforehand, so the interpreter can prepare.

- Direct your questions and answers toward the youth, not the interpreter (unless you are seeking questions and a clarification from the interpreter).

- Allow time for delay when awaiting a response from youth.

- Note that not all languages have direct translations for words relating to sexual violence, sexual exploitation, or sexual health.

- Again, use a certified interpreter if at all possible. If the interpreter is not certified, pay particular attention to what the interpreter says and watch the interpreter's body language. Uncertified interpreters are not bound by any code of ethics, and some may behave improperly, such as not relaying the correct information or adding their own opinion.

See “Working with Interpreters for Deaf or Hard of Hearing Youth” above for additional information on working specifically with ASL interpreters.

Foundational Chapter
Legal Framework

1. **Child Protection Law** **78**
2. **Confidentiality & Mandated Reporting** **78**
3. **Criminal Law** **80**

The Safe Harbor law became effective on August 1, 2014. The most fundamental aspect of this law is that prostitution is now explicitly excluded from the juvenile delinquency code. Youth cannot be arrested for or charged with the crime of prostitution. Instead, sexually exploited youth are directed to the child protection system.

This chapter outlines some of the laws that relate to Safe Harbor and the sexual exploitation of youth. Laws relating mostly to a particular discipline are generally discussed in the chapter for that discipline. The full text of any law should be referenced before relying on it.

1. Child Protection Law

The Safe Harbor law created a new category of youth within the child protection system. The term "sexually exploited youth" encompasses virtually any youth involved in prostitution, used in a sexual performance or pornography, victimized by criminal sexual conduct or sex trafficking, solicited for sex, or otherwise used for illegal sexual conduct.[1] A youth may be the subject of a Child in Need of Protection or Services (CHIPS) proceeding as a "sexually exploited youth," though the youth may also be the subject of a CHIPS proceeding as a runaway, truant, or other protected category.

More information on child protection laws relating to the placement of youth is provided in ***Placement*** and ***Child Protection/Child Welfare***.

2. Confidentiality & Mandated Reporting

Virtually all service providers are bound by obligations of confidentiality. Though these obligations vary significantly by discipline, they all impose strict legal and ethical obligations not to disclose, for example, information about an individual victim/survivor without that person's informed consent or another legally-mandated exception. Service providers should be sure to inform themselves about their own obligations and those of their partners. [2]

1 Under the statutes, a "sexually exploited youth" is an individual who:

(1) is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct;

(2) is a victim of a crime described in section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, 609.352, 617.246, or 617.247;

(3) is a victim of a crime described in United States Code, title 18, section 2260; 2421; 2422; 2423; 2425; 2425A; or 2256; or

(4) is a sex trafficking victim as defined in section 609.321, subdivision 7b.

Minn. Stat. § 260C.007, subd. 31.

2 Confidentiality and information-sharing can often be a source of tension among partners; see ***Working as a Team*** for more discussion on this.

As a corollary to providers' obligations, youth have rights to confidentiality and privacy that parallel many of the rights held by adults.[3] Youth should be informed of these rights and their limits in the course of receiving services from a provider. See "Confidentiality & Reporting" in ***Working with Sexually Exploited Youth***.

One of the most significant exceptions to youth confidentiality relates to mandated reporting. Under Minnesota's child protection laws, mandated reporters such as doctors, teachers, probation officers, victim services advocates and many other professionals who become aware of the "sexual abuse" (as well as physical abuse or neglect) of a youth must report the information immediately (within 24 hours) to law enforcement or child protection, each of which must notify the other.[4] The term "sexual abuse" encompasses any involvement by a minor in prostitution or sex trafficking (such as described in subsections 3a and 3b below) or any use of a minor to engage in a "sexual performance" or pornographic work. [5] Effective May 29, 2017, the term also encompasses "all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking." [6]

The Minnesota Department of Human Services (DHS) and the Minnesota County Attorneys Association (MCAA) interpret this term ("sexual abuse") to encompass the prostitution of a child, regardless of whether a person is involved who is responsible for the youth's care or in a family or household relationship or position of authority with the youth. In other words, by this interpretation a mandated reporter who becomes aware that a youth is prostituting must report that information immediately to law enforcement or child protection. [7]

Several advocacy groups disagree with the DHS and MCAA interpretation with regard to the circumstances under which a mandated report is made. They interpret the law to require the reporting only of prostitution involving a caregiver or person in a family or household relationship or position of authority with the youth. As of publication, these groups are in discussions with DHS and the MCAA to resolve this disagreement. In the meantime, mandated reporters should be sure

3 For example, Minnesota's Minor's Consent to Health Care law outlines several situations in which a youth may consent to certain health care services without parental consent. See Minn. Stat. § 144.343. In addition, minors have a right to confidential communications under the Health Insurance Portability and Accountability Act. For additional information, see Minnesota Coalition for Battered Women, Confidential Communications with Health Insurance Carriers: Guide for Advocates and Providers, www.mcbw.org.

4 Minn. Stat. § 626.556 (mandated reporting for maltreatment of minors statute).

5 *Id.* at subd. 2(n) (definition of "sexual abuse").

6 *Id.*

7 DHS has published a bulletin on this topic entitled "Sex Trafficked Children and Youth, an Update Regarding a Collaborative System of Care in Minnesota," www.mn.gov/dhs.

to understand the position of their local county attorney's office on this issue and be sure that youth seeking services fully understand the limits on confidentiality, so that they can decide how much information they want to disclose. See ***Working with Sexually Exploited Youth*** ("Confidentiality & Reporting").

3. Criminal Law

This information is intended as general background for professionals who do not specialize in criminal justice issues. Further information on these laws is in ***Prosecution***.

a. Sex Trafficking & Promotion of Prostitution

"Sex trafficking" is a broad concept under Minnesota law, in recognition that exploitation may take many forms. For most purposes, it may be used interchangeably with the term "promotion of prostitution;" the two crimes are charged under a single law and result in the same penalties.[8] Collectively, they cover a broad range of behavior:

- soliciting or inducing anyone to practice prostitution;
- promoting the prostitution of anyone (including soliciting or procuring buyers, providing a place for the prostitution, and transporting the person being prostituted);
- receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or
- receiving profit (or anything of value), knowing or having reason to know that it comes from prostitution. [9]

In simple terms, this list encompasses virtually any exchange of sex for money or something else of value that involves a third person (typically referred to as a trafficker), whether the third person is recruiting the victim, providing space, transporting the victim, or profiting.

The breadth of the crime goes even further under Minnesota law: Trafficking is still a crime regardless of whether the victim consents (or appears to consent), whether the victim actually goes through with the prostitution, and whether the trafficker uses force, fraud, or coercion to accomplish the crime. [10] Trafficking of a victim under 18 (1st-degree) is

8 Minn. Stat. § 609.322.

9 §§ 609.321, subd. 6, 7a; 609.322.

10 §§ 609.325, subd. 1, 2 (no consent defense); 609.321, subd. 7a ("any means").

penalized more heavily than trafficking of an adult victim (2nd-degree), but otherwise the crime remains the same regardless of the age of the victim. [11] (Note that the federal definition of "sex trafficking" is somewhat narrower; see "Federal Law" below.)

The penalties for sex trafficking have increased greatly in recent years. See ***Prosecution*** for more information on these penalties.

b. Purchase of Sex

The purchase of sex from anyone under 18—engaging in prostitution with the youth, or hiring or offering or agreeing to hire the youth—is a felony under Minnesota law. The penalties increase sharply as the age of the victim decreases; purchasing sex from a victim under the age of 13 results in a higher penalty than doing so from a 13- to 15-year old victim, which in turn is higher than doing so from a 16- or 17-year old victim.[12]

c. Other Crimes Relating to Sexual Exploitation

Several other crimes under Minnesota law involve the exploitation of children:

- using someone under 18 to engage in a "sexual performance" or pornographic work;
- possessing or disseminating a "sexual performance" or pornographic work involving someone under 18;
- soliciting someone under 16 for sex; and
- distributing sexual materials online to someone under 16. [13]

Each of these is still a crime regardless of whether the youth (or the youth's parent or guardian) consents and whether the exploiter is mistaken about the youth's age.[14]

In addition, note that housing a youth who is engaged in prostitution is a gross misdemeanor crime, where the host is unrelated to the youth and does not have the consent of the youth's parents or guardian. Residential placements made by a public or private social service agency are an exception, of course.[15]

11 § 609.322.

12 § 609.324, subd. 1 (prostitution of minors).

13 §§ 609.352 (solicitation of children to engage in sexual conduct), 617.246 (use of minors in sexual performance), 617.247 (use of minors in pornographic work).

14 *Id.*

15 Minn. Stat. § 609.324, subd. 1a.

d. Federal Law

The federal government supports justice for juvenile victims of sexual exploitation. The Trafficking Victims Protection Act of 2000[16] and more recently the Justice for Trafficking Victims Act of 2015 demonstrate federal commitment to a comprehensive approach.[17] The 2015 revisions expanded the scope of sex trafficking to include explicitly those who advertise, patronize, or solicit youth to engage in commercial sex acts. The federal government now also has additional tools for forfeiture and restitution for victims, including $5,000 payment into the Domestic Trafficking Victims' Fund.

The federal and state definitions of "sex trafficking" are fairly similar with respect to juvenile victims. Under federal law, "sex trafficking" of a youth occurs when the exploiter knowingly recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits the youth to engage in commercial sex acts (or knowingly benefits from a venture that does so).[18] An element of the offense under federal law is that the exploiter must know, recklessly disregard the fact, or have had a reasonable opportunity to observe that the victim is under 18. Under state law, it does not matter whether the exploiter is mistaken as to the victim's age.[19]

With respect to adult victims, however, federal law is narrower than Minnesota law. It requires that the exploitation be accomplished through force, fraud, or coercion; state law has no such requirement.[20] Coercion is defined as threats of serious harm, or physical restraint, or the abuse or threatened abuse of law or the legal process. (Serious harm means physical or nonphysical harm, including psychological, financial, or reputational harm.)

While there is a requirement that the trafficking has a connection with interstate or foreign commerce, there is no requirement of crossing a state line for a federal charge to apply. However, additional charges are available, including transportation and enticement/coercion, if the trafficker and victim(s) cross state or national borders.

Even without travel, it is likely there will be an interstate nexus through the use of cell phones, hotels, social media, or even condoms,

16 22 U.S.C. § 78.

17 P.L. 114-22

18 18 U.S.C. § 1591.

19 *Cf. id.* and Minn. Stat. § 609.325, subd. 2.

20 18 U.S.C. § 1591.

which are manufactured outside the state of Minnesota. The determination of whether to bring the case in federal or state court will rely on several factors. For example, when there are multijurisdictional cases—that is, the trafficking occurred in multiple cities, counties, or states and involved multiple defendants and victims—the federal government may have additional resources and jurisdiction to consolidate all charges in one federal case.

In addition, factors such as the exploitation of a victim under age 14 or the presence of child pornography are additional factors to consider in where to bring a case. Early coordination is particularly important in these cases because charges may be brought in both state and federal courts for maximum effect, and prosecutors can cooperate to assist each other in resolving cases in ways that save resources and achieve justice for victims. Different sentencing enhancements, including mandatory minimum sentences, exist on the federal level and may make a significant difference in sentencing when the defendant has a criminal history of trafficking or other sexual exploitation offense or engaged in sex trafficking while a registered sex offender.[21]

In addition to the Trafficking Victims Protection Act, as codified under 18 U.S.C. § 1591, there are additional relevant federal statutes that may be implicated in a sex trafficking investigation. These statutes address peonage and labor trafficking, transportation for prostitution activity (of adults and minors), and the production, distribution, receipt, and possession of child pornography.[22]

The interplay of the facts, law, jurisdictional considerations, sentencing exposure, and available investigative and prosecutorial resources can influence whether a case is brought in state or federal court. Early coordination between law enforcement, prosecutors, and victim-witness advocates is important. See ***Prosecution*** ("State vs. Federal vs. Tribal") for a discussion of other factors that may be considered in this decision.

21 18 U.S.C. §§ 3559(e) (sentencing classification) and 2260A (production of sexually explicit depictions of minor for importation into the U.S.).

22 *See* 18 U.S.C. §§ 1589 ("forced labor"), 1590 ("peonage, slavery and trafficking in persons"), 1594, 2421 (transportation), 2422 ("coercion and enticement"), 2423 (transportation of minors), 2251 (sexual exploitation of children) and 2252 (sexual exploitation and other abuse of children).

Foundational Chapter
Working as a Team

1. **Response** **86**
2. **Trust: Teamwork in Action** **88**
3. **Example: Law Enforcement/Advocacy Relationship** **89**

A central theme of the *Safe Harbor Protocol Guidelines* is the importance of multidisciplinary collaboration. The fight against sexual exploitation of youth occurs at the intersection of many fields. Ending it cannot be accomplished by any one discipline. Working in a team makes every professional more effective and improves the response overall.

1. Response

Survivors of exploitation have many needs, from mental health to housing to transportation to chemical dependency treatment. It is crucial that professionals specializing in each of these areas work in strong partnership with one another. The best grounding for such a partnership is through the development of a protocol for your community that is victim-centered, trauma-informed, culturally-responsive, and rooted in positive, strengths-based youth development. This will require a formal process involving multiple disciplines committed to building such a protocol. See ***Introduction*** and ***Next Steps*** for more information. Undertaking such a process can be challenging but has great rewards. It is "the difference between membership on athletic team that is content with its performance in pick-up games and one that strives and prepares instead for an Olympic performance."[1]

If your community is still developing its protocol, consider in the meantime forming an interagency coordination team to address the needs of individual victim/survivors. The team might include representatives from law enforcement, child protection, health care, prosecution, other county human services, community-based advocacy, and others, and may be led by almost any of these.[2] If the situation involves an ongoing or likely child protection case, the team might qualify as a formal "multidisciplinary child protection team" (MDT) under the child protection statutes, allowing for the confidential sharing of information among team members.[3] See ***Child Protection/Child Welfare*** for more information.

An interagency coordination team may certainly be useful with respect to victim/survivors having ongoing contact with the criminal justice, juvenile justice, or child protection systems. But such a team may be especially valuable in situations where a sexually exploited youth has been identified and will be contacted by law enforcement seeking to remove the youth from harm's way; careful interagency planning in such a

1 E. Calvert & L. Williams, *Minnesota Model Sexual Assault Response Protocol*, 37 (2002, 2004).

2 In some jurisdictions, such a team is led by a Children's Advocacy Center. See ***Children's Advocacy Centers*** for more information.

3 Minn. Stat. § 626.558 (governing multidisciplinary child protection teams).

situation can be crucial.

Any type of multidisciplinary team should be established, ideally through a coordinated community response, well in advance of its having contact with an exploited youth. Preparation, through the building of relationships, the understanding of professional ethical obligations, and the development of protocol, is crucial.

A Cautionary Note About Case Review

Partners often want to review past cases—examining them for lessons and opportunities for improvement—as a central part of their community's response to exploitation or other forms of sexual or domestic violence. They should proceed with great caution. Case review should be carried out in an intentional and organized manner, and only after relationships and basic protocols, such as protections for victim/confidentiality, as well as processes for obtaining victim consent, have been established. It is best to dive into details only once the team has a sense of the greater context in which a case occurs. Case review can yield excellent learning opportunities, but because it involves identifying areas for improvement, it can—if approached in a haphazard manner—lead to partners feeling accused, resentful, or misunderstood. Careful planning and the development of trust relationships over time amongst professionals can help to avoid these and other pitfalls. See the ***Appendix*** for more information.

Even without a formally structured team, recognize that partnerships lie at the heart of this work. The closer the relationships are among professionals, the less likely they are to miscommunicate or to fumble a case. Consider the disciplines outlined in the individual chapters of these guidelines. How can you, in your role, partner with each of the disciplines listed? What skills and expertise can each contribute to better respond to sexual exploitation? Recognize both the opportunities and challenges posed by your partnerships with other professionals, and take the time to strengthen them. Do not impose approaches from your discipline that may not be appropriate to another.

2. Trust: Teamwork in Action

Working as a team provides benefits to everyone: Victim/survivors have greater access to better services, and professionals are able to share in the work of providing those services. Effective teamwork has the added benefit of building victim/survivors' trust in the system's response. If victim/survivors are able to see your trust and good relations with other professionals, it may give them greater confidence in the ability of the pieces of the system to come together to help them.

But working in partnership is not always easy. Even when each partner acts in a way that is ethical and victim-centered, disagreements and tensions may still occur. Like any relationship, the one among team members must be founded on trust. When there is trust, it is easier for team members to give feedback to one another, even when the feedback contains criticism, because the interaction is based on mutual respect.

In Minnesota's recent history, teams have come together across the state to change how we approach sexual and domestic violence. All-too-frequent skepticism of victim/survivors is being replaced by embedded organizational practices which seek to support, understand, and believe them. These efforts, challenging yet vastly rewarding, involved collaboration among different disciplines based on steadily increasing trust developed over a significant period of time. They provide a roadmap of lessons and inspiration for work now on the sexual exploitation of youth.

a. Building a Relationship

Trust is built over time, in incremental steps, but it can be lost very quickly. It starts with simple familiarity and builds into a relationship. Take responsibility for building that relationship with your partners. Get together frequently, not only at formal meetings but also over meals and during community events. Present to one another's staff members, and learn about one another's roles and organizations. Even while your community builds a broader response (see ***Introduction*** and ***Next Steps***), consider reviewing some sample scenarios to consider what your options would be to work together in a time of crisis. Get to know one another, both on professional and personal levels, and continue to check in.

As you get to know your partners, you will begin to better understand and appreciate their roles. Each member of the team has a role to play. These roles involve different obligations of confidentiality, different relationships toward the victim/survivor, and much more. Do not assume that your partner's role operates the same way as does yours. Instead,

appreciate each role for what it brings. (See "Example: Law Enforcement/ Advocacy Relationship" below for more on this point.)

Many of those who do not work in government systems, especially, feel that there is a hierarchy of professions in the response to sexual violence that seemingly prioritizes certain roles—especially law enforcement and prosecution—over others. It is crucial in the response to sexual exploitation that this hierarchy be eliminated, with all disciplines working in an integrated and equitable way. This sense of respect for the role of each discipline will go far in building trust.

b. Keeping Commitments & Being Honest

Trust is earned over time though actions taken, through promises made and kept. A single betrayal—or sense of betrayal—can undermine months or years of relationship-building. On the other hand, it is critical to recognize that this is hard, complex work, with partners' roles and responsibilities frequently tugging in different directions. Your partners will act in ways that you will find frustrating, and vice versa. Ask for (or provide) explanations and talk through what happened and what if anything can be changed. Understand actions that your partner had a professional obligation to take, even if you disagree with them, and forgive any honestly-made mistakes where you can. Don't let one exasperating interaction erode the trust that you've worked so hard to build.

Most important is to be honest. There may be many situations where you are unable, for legal and ethical reasons, to share information with your partners and your partners should accept these limitations. But never make statements that are not true or commitments that you cannot keep. Nothing erodes trust faster than dishonesty.

3. Example: Law Enforcement/Advocacy Relationship

One of the most important relationships between disciplines is the one between law enforcement and advocates for victim/survivors. For advocates, it should be clear that a strong, trusting relationship with local law enforcement can greatly help to keep victim/survivors safe and move them toward recovery. Law enforcement should similarly realize that advocates can help to provide the services and stability that all victim/survivors—including those involved in criminal cases—need. But, again, differing roles and expectations can lead to great conflict and frustration—a sense that the other side is a hindrance rather than a help. At best, there will be inevitable moments of tension. Advocacy and law

enforcement partners must work hard to build the trust that will allow them best to serve victim/survivors.

a. Understanding & Valuing Roles

Our partners should not be viewed as obstacles to doing our jobs. Historically, there has been much tension between law enforcement and advocates for victim/survivors of sexual exploitation. After all, until recently, exploited youth were treated as delinquents, and even now, adult victim/survivors may be arrested and charged. Compare this with domestic abuse and sexual violence, which have also been subject to historic tension between law enforcement and advocacy. In recent decades, the approach in many communities to these broader crimes of domestic and sexual violence has been steadily changing. Not every problem has been solved, but greater understanding and communication has led to improved relationships.

The fight against sexual exploitation is only at the start of this change. Even with the advent of Safe Harbor, some tension between law enforcement and advocacy will continue to be present. Advocates and law enforcement have many shared goals—starting with the safety of victim/survivors—but reach these goals in different ways. The responsibility of an advocate is to respond to the needs of each individual client. The advocate's response to those needs might well include actions which support the safety of other victim/survivors or of the public more generally, but if so that is a side benefit. The advocate's role is centered on the individual client—the advocate does not judge the client or challenge the client's credibility but rather focuses on helping victim/survivors navigate the many services and systems in their lives as a result of harm against them. Advocates also bring the voice of victim/survivors into system processes, consulting with partners on how a response can be victim-centered.

The responsibility of law enforcement extends beyond the individual victim/survivor, more broadly to public safety. Each side must be careful, though, not to view law enforcement's role of "public safety" too narrowly or as an excuse to disregard victim/survivor's desires or needs without good reason. The advocate's duty to the victim/survivor is as sacred as the officer's duty to public safety. And public safety is about far more than securing an arrest or conviction. It comes as much from how officers do their jobs as from any particular result that they achieve.

When consistent with your role and in response to the wishes of the victim/survivor, make connections with your partner. Law enforcement

should make victim/survivors aware of the value of advocacy services and the options that accompany a police report. Advocates may be able to invite their law enforcement partners to attend "get-to-know-law-enforcement" or social events, so long as their clients are comfortable with that. Consistent with this, respect the rapport and trust that other partners may have built up with the victim/survivor. Commonly, an advocate will have built up this rapport first; sometimes, law enforcement will have done so. Either way, other partners should be respectful of this relationship, to the extent that they can consistent with their professional obligations.

b. Information-Sharing

One issue that frequently leads to tensions between advocacy and law enforcement is the sharing of information. As with any other issue, it is important to start by acknowledging the different roles. Advocates have strict obligations of confidentiality and cannot share information without their clients' informed consent (except in instances of mandated reporting of child maltreatment or by court order).[4] Law enforcement officers have strict obligations of confidentiality as well under the law, such as with respect to ongoing cases.[5] It is crucial that everyone respect these limitations. There will be times that advocates cannot disclose information provided by a victim/survivor, even if the advocate on a personal level would want to do so. There will also be times that law enforcement cannot disclose information about an ongoing case, even if the officer on a personal level would want to do so.

On the other hand, there are many information-sharing opportunities that are fully consistent with each side's role. Law enforcement should keep advocates—and therefore victim/survivors—as informed as possible on the status of ongoing investigation and cases. It is deeply frustrating for a victim/survivor to go through a long interview, disclosing many intimate details, and then hear nothing for weeks or months. For their part, advocates should consider whether a particular client may want to disclose to law enforcement—though this decision would of course be up to the client. Note too that a victim/survivor who does not want to be identified to law enforcement may still want to have information shared, confidentially, about a dangerous trafficker or buyer.[6]

4 See ***Advocacy & Outreach*** as well as ***Legal Representation*** for additional information on this topic.

5 *See*, e.g., Minn. Stat. § 13.82, subd. 7 (protection for data during ongoing investigations), subd. 17 (protection of victim identities).

6 See ***Legal Framework*** for more information on legal obligations relating to disclosure.

Fundamentally, trust requires communication. Identify a champion for advocacy and law enforcement within one another's respective agencies, who can serve as a point of contact to improve communication and avoid assumptions. To the extent that you can consistent with your obligations, and recognizing that you have no obligation to do so, do others the professional courtesy of giving them a heads-up of actions that you will take that may be perceived as "against" them. Law enforcement may be able to give shelter facilities a heads-up before showing up to interview one of their residents. Advocates may be able to give law enforcement a heads-up if victim/survivors who had agreed to be interviewed have now changed their minds (and consent to the advocate sharing this information with law enforcement). If you cannot communicate in advance, provide an explanation—again, if you can consistent with your professional obligations—of actions that may frustrate your partners.

c. Bottoms & Historical Victims

As discussed in ***Dynamics of Sexual Exploitation*** ("Bottoms & Historical Victims"), some victim/survivors end up recruiting or controlling others, often because of manipulation by a trafficker. Dealing with bottoms and historical victims can pose a particular challenge for the relationship between advocacy and law enforcement.

As in any other circumstance, professionals in this situation should not expect their partners to abandon their roles and ethical obligations. Law enforcement should understand that advocates may strongly and even publicly disagree with the decision to pursue charges against a victim/survivor. Advocates should understand that law enforcement and prosecution may feel an obligation to pursue charges nevertheless. Do not let this conflict get in the way of other work. Continue to communicate about your intentions, to the extent that you can consistent with your professional obligations. For example, depending on the circumstances, and though they have no obligation to do so, law enforcement officers may be able to give a heads-up to their advocate partners before charges are brought against a victim/survivor for exploitation. Depending on the circumstances, and though they have no obligation to do so, advocates may be able to give a heads-up to their law enforcement partners before taking a public stand against that charge.

Do not personalize disagreements over this or any professional issue. Keep the lines of communication open, respect one another's roles, and rely on the relationship of trust that you continue to build over time.

Foundational Chapter
Working With Tribal Nations

1. **Background** 94
2. **Legal Framework** 96
3. **Tools for Intergovernmental Coordination** 98

Intergovernmental coordination is essential in the response to sexually exploited youth, and tribal governments are an important piece of this picture. This chapter is intended to provide guidance to state and local governments and other non-tribal professionals in Minnesota on working with tribes. This topic merits separate discussion from other forms of cross-jurisdictional coordination due to the unique political status of tribal nations, as well as the high rates of sexual violence perpetrated against American Indian/Alaska Native youth.

Significantly, the Safe Harbor law is state law, not tribal law. Tribal nations have independent sovereignty to develop their own statutory schemes for protecting sexually exploited youth. However, there are a number of ways that Safe Harbor and tribal law intersect, including through state criminal jurisdiction and child welfare systems, which are discussed in this chapter. The services provided under Safe Harbor are, of course, available to all.

1. Background

a. Context

It is impossible to dive into practical tips for working with tribes without understanding the context in which tribes and American Indian/Alaska Native (hereinafter referred to as American Indian) people operate. American Indian people face disproportionally high rates of violence, including sexual exploitation.[1] On a broad historical scale, government policies like forced removal, boarding schools, sterilization, and urban relocation all contribute to the present-day conditions of American Indians. The generational impact is seen in the frequency of trauma (including historical trauma), homelessness, and lack of access to health care in American Indian communities.

American Indian youth grow up in environments that make them especially vulnerable to exploitation. One-quarter of American Indian youth live in poverty, and, compared to their peers, they have a 2.5 times greater risk of experiencing trauma.[2] Suicide rates for American Indian youth are three times higher than any other youth in the United States.[3]

It is estimated that over half of American Indian women will experience sexual violence in their lifetime, a rate significantly higher

1 L. Greenfield & S. Smith, Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs, *American Indians and Crime*, February 1999. NCJ 173386. http://www.bjs.gov/content/pub/pdf/aic.pdf

2 United States Census Bureau, http://www.census.gov/population/www/socdemo/race/censr-28.pdf and the Anna Institute, http://www.theannainstitute.org/American%20Indians%20and%20Alaska%20Natives/Trauma%20Exposure%20in%20AIAN%20Children.pdf [hereinafter referred to as Anna Institute].

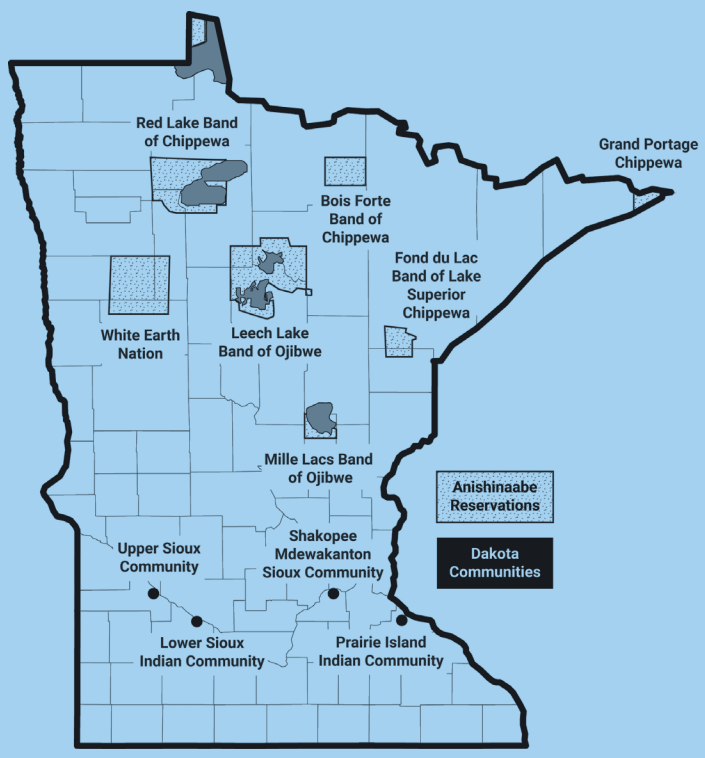
3 Anna Institute, *supra* note 2.

than the general population. Over 70 percent of the perpetrators are not American Indian.[4] In Minnesota, American Indian women are among the most over-represented in sexual exploitation.[5] And once exploited, American Indian women face high rates of Post-Traumatic Stress Disorder (PTSD).[6]

b. Tribes in Minnesota

There are eleven sovereign tribes within the boundaries of Minnesota (see map below[7].) Each tribe has a designated land base, though not all members of the tribe live there. The Anishinaabe (also called Ojibwe or Chippewa) tribes, include Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, Red Lake, and White Earth. The Dakota (also called Sioux) tribes, are Lower Sioux, Prairie Island, Shakopee Mdewakanton Sioux, and Upper Sioux.

"Indian Country" is a legal term generally referring to land held in trust by the federal government for the benefit of tribal nations. Federal code provides a precise definition.[8]



4 *Id.*

5 A. Pierce, *Shattered Hearts: The Commercial Sexual Exploitation of American Indian Women and Girls in Minnesota. Report*, Minnesota Indian Women's Resource Center, (2009), www.miwrc.org.

6 S. Hamby & M. Skupien, *Domestic Violence on the San Carlos Apache Indian Reservation: Rates, Associated Psychological Symptoms, and Current Beliefs*, The Indian Health Service Primary Care Provider, 23: 103-106 (1998).

7 http://www.health.state.mn.us/divs/opi/gov/chsadmin/governance/tribal.html.

8 18 U.S. Code § 1151: "Indian Country" is "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same."

2. Legal Framework

a. Criminal Jurisdiction

Tribal courts face many barriers in holding perpetrators accountable. Tribal courts cannot prosecute any non-Indian offender for any crime. (An exception to this occurs under the 2013 Violence Against Women Act, see more information below.) In addition, their sentencing powers are limited to 1 year and a $5,000 fine (or 3 years and a $15,000 fine if special actions are taken, see more information about the Tribal Law and Order Act below).

Any crime that takes place in Indian Country faces a "jurisdictional maze" where prosecutorial authority varies based on the tribal affiliation of the victim, tribal affiliation of the perpetrator, and the type of crime.[9] (See chart below.)[10] In Minnesota, the tribe, state, and/or federal government may have exclusive or concurrent jurisdiction, all depending on the particular facts of the case. This poses challenges for systems but also for victim/survivors, who may not know where to report a crime or may not have a trusting relationship built with the system assigned to prosecute their case.

In Minnesota, the state is the prosecuting authority for violent crimes on nine of the 11 reservations.[11] This is called Public Law 280. On a theoretical level, this is problematic because it undermines the authority of tribes to address crimes that occur on their own lands. On a practical level, it has long posed issues relating to historic distrust, cultural misunderstanding, and a lack of resources on the state level. See "Tools for Intergovernmental Coordination" below for more ways to make this work in your jurisdiction.

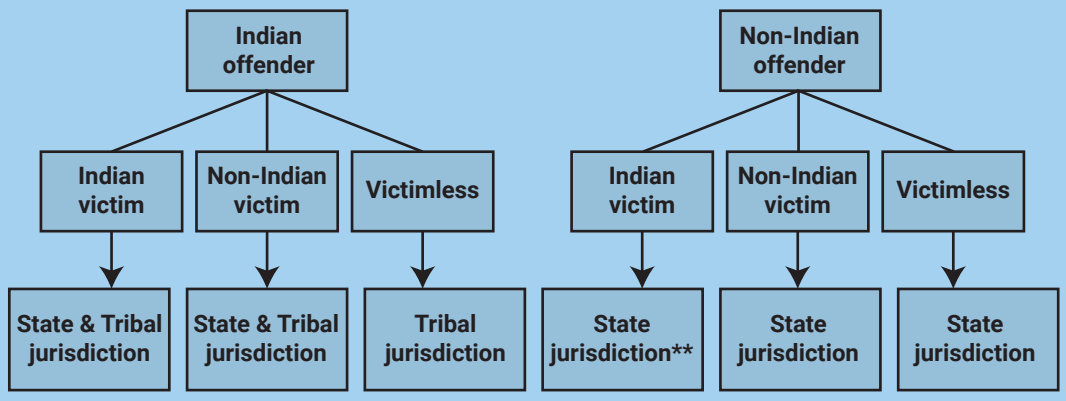
It is important to note that even with Public Law 280, tribal courts retain concurrent criminal jurisdiction over crimes committed by Indians. This may be concurrent with state or federal court.

Bois Forte and Red Lake are the only two tribes in Minnesota that are exempt from Public Law 280. This means that the state of Minnesota has no authority over criminal matters occurring on these reservations. The tribes retain concurrent jurisdiction with the federal government. In their

9 Offices of the United States Attorneys, U.S. Dept. of Justice, https://www.justice.gov/usam/criminal-resource-manual-689-jurisdictional-summary.

10 Indian Law and Order Commission, *A Roadmap for Making Native America Safer: Report to the President & Congress of the United States*, 7 (Nov. 2013), http://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf.

11 18 U.S.C. 1162 (1953). Note that not all states are included in Public Law 280.



* Under the Tribal Law and Order Act of 2010. Tribes can opt for added concurrent Federal jurisdiction, with Federal consent. Neither this Tribe-by-Tribe issue nor the various configurations of ÒOptional 280Ó status is shown in this chart.
** Under the Violence Against Women Act Reauthorization of 2013 (VAWA Amendments), after 2015, Tribes may exercise Special Domestic Violence Jurisdiction with the Federal government and with States for certain domestic violence crimes.

case, Minnesota's Safe Harbor law does not apply. The tribe and federal government have discretion in responding to sexually exploited youth.

For the other nine tribes, Public Law 280 does apply: the state of Minnesota's criminal laws apply on these tribes' reservations. For them, the Safe Harbor law does apply in the event that an act of sexual exploitation or trafficking occurs on tribal lands. Any law enforcement agency working on the reservation, tribal or otherwise, may not arrest or prosecute a non-Indian youth for engaging in prostitution. However, Safe Harbor does not limit the powers of tribal government over Indian people. For tribal governments who have criminal codes and exercise criminal jurisdiction, they have discretion over their response to sexually exploited youth who are Indian. However, not all tribes in Minnesota have criminal codes. Check with the particular tribe you are collaborating with to clarify jurisdiction related to Safe Harbor.

Several measures have been taken by the federal government recently to restore criminal jurisdiction to tribal nations. The Tribal Law and Order Act (TLOA) increased the sentencing authority of tribal courts (up to three years and a $15,000 fine) if certain provisions are met. In addition, tribal courts under Public Law 280 jurisdiction may request concurrent jurisdiction with the federal government. As of publication, Mille Lacs and White Earth have this jurisdiction.

In addition, the Violence Against Women Act (VAWA) of 2013 restored limited tribal jurisdiction over non-Indian offenders in specific cases of domestic violence. Similar to TLOA, tribal courts must meet many obligations before being accepted for this jurisdiction. As of publication, no tribes in Minnesota have had the resources to apply for VAWA jurisdiction.

b. Child Welfare

American Indian youth are disproportionately involved in child protection/child welfare systems and placed in out-of-home placements.[12] Youth who are involved in foster care, truancy, and running away from home are all at greater risk of being sexually exploited. Of note are the special provisions in place for American Indian youth in state child welfare systems. The federal Indian Child Welfare Act (ICWA) works to ensure that youth have opportunities to remain with their tribe to maintain their cultural and community ties. Fundamentally, it recognizes that American Indian youth are citizens of tribal nations and that these nations should have a say in what happens to their citizens in state court proceedings. ICWA focuses on state court matters and does not pertain to matters heard in tribal courts.

Minnesota has supplemented ICWA with the Minnesota Indian Family Preservation Act (MIFPA). The full provisions of ICWA and MIFPA are beyond the scope of this chapter. Readers should consult resources to learn more.[13] Generally, as soon as a county becomes aware of an exploited child who is a tribal member (or could potentially be enrolled), the county should notify the tribe. Regardless of where the youth is located, the tribal government should be informed before any adjudication takes place.

State child welfare systems should consider how to screen youth for ICWA eligibility. If a youth is a member of a tribe or eligible for membership, ICWA applies. Each tribe has its own policies for membership, but, generally, if youth have a parent or grandparent who is a member, they may be eligible.

3. Tools for Intergovernmental Coordination

It is clear that there are many complexities involved in sexual exploitation in Indian Country. It takes all forms of government coming together to provide the best possible solutions for victim/survivors. Here are some ideas for ways you can collaborate:

12 Ombudsperson for Families, State of Minnesota. *2010-11 Biennial Budget*, 2, (Jan. 2009). http://www.admin.state.mn.us/fmr/documents/BBS-1011%20Other%20Agncy,%20bds,%20councils,%20comm/Ombudsperson%20for%20Families.pdf.

13 To learn more about Indian child welfare, consult the National Indian Child Welfare Association, http://www.nicwa.org, or the ICWA Law Center, http://www.icwlc.org.

- **Develop memoranda of understanding (MOUs).** MOUs are agreements for organizations or governments to work together across jurisdictions. They define the roles and responsibilities of each entity and represent a commitment to coordinate in the interest of having a seamless response to sexual exploitation.

- **Consider cross-deputizing law enforcement officers.** Local law enforcement and tribal law enforcement can become authorized to enforce both state and tribal laws, mutually benefiting public safety.

- **Involve each other in protocol development and interagency coordination teams.** If you are developing a protocol or team for responding to sexually exploited youth in your jurisdiction, invite regional tribal nations to participate. Consider other pre-existing teams that you or tribal nations have—like child protection multidisciplinary teams or Sexual Assault Response Teams (SARTs)—where sexual exploitation can be integrated. Working through these topics together, ahead of time if possible, will lead to better and smoother outcomes down the line.

- **Receive more training and cross-train each other.** Seek out additional training on sexual violence in Indian Country, Indian child welfare, and other issues concerning tribal sovereignty. Ask tribal agencies to come explain what they do, and offer to do the same for them. Tribes can help you identify culturally-specific referrals for sexually exploited youth and navigate what a culturally-appropriate response looks like for a non-tribal agency. Consult ***Cultural Considerations*** for practical tips on working with American Indian youth. Use this as a launching point, and pursue ongoing training on cultural-responsiveness.

- **Seek technical assistance as necessary.** The Tribal Law and Order Act provides funding for technical assistance.[14] Other agencies can help you troubleshoot as you work through complex issues related to Indian Country.

14 United States Department of Justice, Tribal Law and Order Act, https://www.justice.gov/tribal/tribal-law-and-order-act and *Walking on Common Ground: Resources for Promoting and Facilitating Tribal-State-Federal Collaborations*, https://www.walkingoncommonground.org/ [hereinafter, *Common Ground*]. *See also* Bonnie Clairmont, Tribal Law and Policy Institute Sexual Assault Response Teams: Resource Guide for the Development of a Sexual Assault Response Team (SART) in Tribal Communities (Sept. 2008). http://www.tribal-institute.org/download/SART_Manual_09_08.pdf.

The website *Walking on Common Ground*, as well as the website for the Tribal Law and Policy Institute, provide guidance on collaboration with tribal nations. Visit these websites for sample ideas and resources.[15]

15 *Common Ground, supra* note 14.

Foundational Chapter
Preventing Sexual Exploitation

> **"How do we challenge the normalization of sexual harm if we get used to seeing it? If we don't challenge the normative thinking, it feeds the culture that exploitation thrives in."** [1]

It is every bit as critical that we act to prevent sexual exploitation as it is that we intervene once the harm has occurred. Prevention is neither a dream nor an add-on. It is attainable and should be embedded in all of our work. As individuals, we wear seatbelts and bike helmets, we floss, we don't drive under the influence of alcohol. As a society, we pass laws such as requiring child car seats, providing fluoridated water, and the Clean Indoor Air Act. As organizations, we establish policies such as mentoring, background checks, and prohibitions on sexual harassment and pornography. We all "do" prevention, because we value safety, good health and quality of life.

Prevention is a sound financial investment. Preventing sexual exploitation "results in a return on investment of approximately $34 for every $1 spent,"[2] savings that can run into the millions.

Prevention is possible because public health and public safety agencies work with communities and multidisciplinary organizations to collect data, educate the public, and encourage public policy based on strong data and a critical need for change. We are all a part of prevention. We all see the harm and outcomes when prevention strategies, policies, and laws are not established. It is the harm we see and the causes we are acutely aware of that help inform us as to ways to prevent the harm from occurring in the first place.

The public health model considers prevention at three levels. Much of this document incorporates perspectives from the secondary level (the immediate response to a harm) and tertiary level (the long-term response to a harm).[3] But primary prevention—acting before harm has occurred and even before risks have heightened—must be a tool that communities use as well. The same prevention principles applied to the above-named issues—from seatbelts to fluoridated water—can be applied to preventing sexual exploitation.

1 Cordelia Anderson, Sensibilities Inc., interview May 15, 2015, http://www.cordeliaanderson.com.

2 L. Martin, R. Lotspeich & L. Stark, *Early Intervention to Avoid Sex Trading and Traffkicking of Minnesota's Female Youth: A Benefit-Cost Analysis*, Executive Summary, Minnesota Indian Women's Resource Center, http://www.castla.org/templates/files/miwrc-benefit-cost-study-summary.pdf.

3 See the Sexual Violence Prevention Fact Sheet, at http://www.atsa.com/sexual-violence-prevention-fact-sheet.

> **"We should be doing some type of critical thinking when it comes to media and music and how sexuality is normalized. Now it's every teen's dream to be a stripper, Kim Kardashian or Coco [Austin]."[4]**

As with many other aspects of these guidelines, prevention approaches are not "one-size-fits-all;" the most effective and appropriate set of prevention initiatives will vary by community. As your community builds its response to exploitation (see the ***Introduction***), its planning should fully incorporate prevention. This may come in a wide variety of forms, from strengthening individual knowledge and skills to educating providers and the broader community, to changing organizational practices, influencing policies and legislation, shifting embedded cultural paradigms, and much more.[5] See the ***Appendix*** for "The Spectrum of Prevention," which outlines the different levels of engagement.

> **"Healthy relationships are important because a lot of people don't have them. My parents and their parents didn't have them. People grow up not knowing what that would look like... It's easier to get into unhealthy relationships when you don't know the difference."[6]**

Prevention in the context of sexual exploitation is often thought of as being limited to simply to educating youth about dangerous people and situations. But prevention must go far beyond that. Sexual exploitation is a multifaceted challenge, and it requires a multifaceted response. No one policy or strategy is enough. One such comprehensive approach is the "Six Pillars for Prevention," developed by the National Coalition to Prevent Child Sexual Abuse and Exploitation and summarized here:

Pillar #1: Strengthen the capacity of organizations serving youth, including camps, schools, sports, etc., to address and prevent sexual abuse and prevention

4 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth, 11 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter, *Voices*].

5 Prevention Institute, "Developing a Comprehensive Approach to Injury Prevention," http://www.preventioninstitute.org/component/jlibrary/article/id-105/127.html.

6 *Voices, supra* note 4, at 15.

Pillar #2: Support the healthy development of children, including the early assessment of adverse childhood experiences (ACEs)[7]

Pillar #3: Promote healthy relationships and research-based, developmentally-appropriate, and widely-available sexual health education for youth

Pillar #4: Prioritize a range of research-based efforts to end the demand for children as sexual commodities

Pillar #5: Develop sustainable funds to create, maintain, and evaluate a variety of evidence-based (or evidence-informed) strategies and programs to address prevention

Pillar #6: Prevent initial perpetration of child sexual abuse and exploitation, with special attention paid to children and youth with problematic sexual behaviors (including technology-facilitated interactions)[8]

Again, though each individual pillar is important on its own, together the six offer a holistic and more effective response. All professionals can find a way to integrate prevention messaging and expertise into their work.

As your community undertakes this work, keep in mind the larger circumstances that disadvantage young people and make them vulnerable to exploitation and perpetration. As discussed in ***Dynamics of Sexual Exploitation***, exploitation is fueled by poverty, racism, gender discrimination, and other inequities, as well as cultural norms that everything has a price and can be bought, including people. Addressing these deep societal factors is essential to ending sexual exploitation.

This discussion can of course only scratch the surface on how communities can work to prevent sexual exploitation. For a much broader understanding of prevention-based approaches to sexual violence, contact the Minnesota Department of Health Sexual Violence Prevention Program and the Minnesota Coalition Against Sexual Assault, and consult resources developed by the National Sexual Violence Resource Center (NSVRC) and

7 More information on ACEs is in the ***Appendix***.

8 National Coalition to Prevent Child Sexual Abuse and Exploitation, http://www.preventtogether.org/Six-Pillars-for-Prevention. More information on the ***Six Pillars for Prevention*** is in the ***Appendix***.

the Association for the Treatment of Sexual Abusers (ATSA).[9]

The Role of Sexual Health and Healthy Relationships Education

Prevention efforts must include information on sexual health and healthy relationships for youth. The lack of comprehensive sexuality and relationship education provided by schools, families, and other venues where young people gain information is putting youth at risk for many health-related harms, including sexual exploitation.

Youth are inundated with sexual messaging on a daily basis and can readily access pornography through the internet. Yet they are rarely given sufficient education to put this information into context or to help them understand the concepts of mutual consent, healthy sexual intimacy, self-esteem, or the dynamics of sexual abuse, domestic violence, stalking, dating violence, and sexual exploitation. When education doesn't come from the adults in their lives—assuming that these adults have accurate information themselves—it may come from peers who may or may not have accurate information.

Comprehensive sexual health education, when it occurs, needs to extend beyond the basics of pregnancy and disease prevention in order to provide meaningful assistance to youth. It can take many forms, including school-based curriculum, community-based curriculum, training for parents, and peer education.

9 Sexual Violence Prevention Program at the Minnesota Department of Health, www.health.state.mn.us/svp; MNCASA, www.mncasa.org; and Association for the Treatment of Sex Abusers, http://www.atsa.com

Discipline Chapters

Fifteen discipline-specific chapters providing both (1) guidance to professionals from the particular discipline, as well as (2) insight about the particular discipline for professionals from other disciplines.

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Discipline Chapter
Advocacy & Outreach

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The role of an advocate is to provide support, counseling, advocacy and information to the victim/survivor. Services and support provided by a trained advocate are victim-centered and based on victim-defined need. Service providers best serve youth who have been sexually exploited by:

- protecting the youth's confidences whenever possible, being transparent when these confidences cannot be protected;
- recognizing the youth's culture(s) and identity;
- meeting the youth where they are at emotionally and providing services in a nonjudgmental, trauma-informed manner;
- employing harm reduction approaches;
- providing access to language interpretation;
- understanding the specific needs of undocumented victim/survivors;
- being familiar with the particular concerns of young people in the foster care system;
- recognizing that some victim/survivors do not want to involve their families, especially if they have been abused, neglected, or barred from their homes; and
- are prepared for the possibility that the youth may not trust law enforcement, child protection, the courts or other systems.

> **"They are going to need references and supplies. Education, from GED to college help, positive influences. People who can show them more to life."**[1]

Effective advocacy and outreach can empower victim/survivors by providing safe and non-judgmental support and by endorsing belief in the victim/survivor's experience.

1. The Roles and Types of Advocates

The term "advocacy" encompasses individuals in a range of roles, working in a variety of settings: victim services advocates in sexual assault advocacy, youth services and other community-based programs; victim/witness advocates in law enforcement and prosecution agencies;

1 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 16 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter referred to as Voices].

street outreach workers; child advocacy center staff; the Safe Harbor regional navigators; and many others. But while advocates may work in different places and have different roles, they also have much in common. They all provide resources, safety planning, information, connections with other professionals, and support to victim/survivors. In the process, they also form relationships with victim/survivors. The advocate explains what to expect from various systems and providers and how to access services, ranging from health care to housing and much more, as described throughout these *Protocol Guidelines*. Advocates serve as skilled guides who work with victim/survivors to determine their priorities and needs and to help them locate resources.

For as much as they have in common, there are different types of advocates who serve in different roles. The distinctions between them make a difference in terms of service delivery, confidentiality protections, and what a victim/survivor may expect. As a result, it is important for all advocates to make certain that victim/survivors understand the different roles of advocates and that the advocate is fully prepared to explain these differences to victim/survivors. For further information, see "Confidentiality and Trust" below and ***Legal Representation*** for additional detail on the different roles of community and government-based advocates.

In general, advocates are either community-based or government-based:

- **Community-based advocates**, including street outreach workers, are usually based in the community at nonprofit organizations. Community-based victim services and street outreach workers have expansive roles, engaging with the victim/survivor on a number of levels outside government systems in order to provide basic needs and supportive services. For many reasons, sexually exploited youth may not trust law enforcement, child protection systems, or the courts, and so they need another outlet to turn to for safety and help. This is why access to community-based advocacy and outreach services are so important. Community-based advocates may work with victim/survivors over a period of many years, as different needs arise.

- **Government-based advocates**, often called victim/witness advocates, assist victim/survivors who have cases in the criminal justice and civil legal systems (either as a witness or party). These advocates often work in either police departments or prosecutors' offices, and they provide ongoing support and logistical coordination over the course of a legal matter. They also provide resource referrals in the community. Government-based advocates work with victim/survivors during the course of a particular case and when the case ends, their advocacy role usually ends.

When cases do end up being prosecuted, community-based advocates and government-based advocates serve victim/survivors best by collaborating with each other. Community-based advocates have the benefit of an ongoing relationship with the victim/survivor and may be someone that the victim/survivor can talk with in confidence. Government-based advocates have the benefit of immediate access to the prosecutor and can obtain the most direct answers to a victim/survivor's questions about courts and sentencing and what will happen next. The various advocates should meet early on in the prosecution and get to know each other, share contact information with each other, discuss what the victim/survivor's needs are (based on releases of information signed by the victim/survivor), and keep in touch with each other throughout the case.

Finally, note that, in addition to providing one-on-one support to individual victim/survivors, advocates can work at a systems level to help to shape the overall response to sexual exploitation. Within a multidisciplinary team, an advocate can bring an advocacy lens to team discussions and considerations and contribute the unique perspective gained from walking through the criminal justice process at the side of victim/survivors. Advocates in this context can make recommendations for a different approach in an individual case or propose that a protocol or practice be changed with the impact on victims in mind. See ***Working as a Team*** and ***Next Steps***.

2. Intake/Initial Meeting

When an advocate first meets with a victim/survivor, it is helpful to identify and address the victim/survivor's immediate and long-term needs. At this first meeting, the advocate should also determine whether

the advocate's organization has any conflict of interest between the victim/survivor seeking services and another victim/survivor who is currently receiving services from the same program or agency.[2] Depending on the victim/survivor's needs and readiness to provide sensitive personal information, the intake process or initial meeting may require several subsequent meetings and may follow different conversational paths.

Conducting an intake or initial meeting with a victim/survivor of sexual exploitation requires well-developed skills and expertise and should not be undertaken without training and supervision. Sample intake forms and intake procedures can be obtained from Safe Harbor regional navigators. It is very important that these forms not be used by persons who lack substantial skills in working with victim/survivors of sexual exploitation.

3. Staffing

Extensive, ongoing training and on-the-job experience is critical to effective advocacy and outreach work. Sexual assault advocates, for example, are required to have 40 hours of training and be employed by or serve as a volunteer at an organization that provides crisis care to sexual assault victims and survivors,[3] and there are specific licensing requirements for other professionals. Even when there are not specific professional requirements, services should only be provided by organizations that are funded to carry out this work. It is better to leave the ground-level work to advocates who are trained to understand the special needs of victim/survivors of sexual exploitation, are skilled in responding to these needs, and appreciate the boundaries that must be set in order to maintain a professional relationship that is protective of the victim/survivor.

At times, well-intended but untrained people seek to provide advocacy, outreach and other services such as housing to sexually exploited youth. **Untrained and unsupervised advocacy can cause more harm than good for both the victim/survivor and the person who**

2 Conflicts of interest can be difficult to manage especially in greater Minnesota where there is considerable distance between programs, as well as in culturally specific service programs when a particular community is small and many people are known to one another. Programs should consider referral policies that are not onerous for the victim/survivor as well as develop internal procedures that protect against sharing of information if both parties in conflict are served by the same program. One approach is to refer a victim/survivor to a different office of a program if it operates in several locations.

3 Minn. Stat. § 595.02 subd. 1(k) ("sexual assault counselor" privilege). Domestic abuse advocates also have specific requirements for privileged communications under Minn. Stat. § 595.02 subd. 1(l).

just wants to help out. Instead, trained and experienced advocates and outreach workers should keep an eye out for these efforts and re-direct them in productive directions. Interested community members can help out by volunteering with specific and supervised tasks, fundraising, and raising public awareness about the needs of programs serving sexually exploited victim/survivors. They can help engage in outreach with the wider community so that other potential supporters know about the agency's services and how to best support the agency's work.

Survivors who serve as advocates can have important credibility when working with other victim/survivors. Advocates and outreach workers do not need to also be survivors themselves, however. The most important quality is an advocate's ability to connect skillfully and authentically with victim/survivors. Survivors who wish to work in advocacy or street outreach roles should consider whether they have reached a point in their recovery—and have adequate emotional support—to help them engage professionally with other survivors.

4. Building Rapport with Victim/Survivors

Advocates work hard to find a balance between respecting the tenet that victim/survivors know what is best for them, and at the same time appreciating that the harm in victim/survivors' lives cannot be ignored. For many advocates, this balance requires taking a harm-reduction approach, one that recognizes that change does not happen overnight and builds the potential for deeper rapport that can lead to meaningful results. (See "Harm Reduction" in ***Working with Sexually Exploited Youth***.) Readers are also encouraged to see the same chapter for additional information about establishing rapport. The information provided in this section is unique to advocates and outreach workers.

While there is no cookie cutter approach to building rapport with sexually exploited youth, there are several core advocacy skills. Some guidelines for advocates are to:

- Stay flexible in your responses to victim/survivors because they each present a different set of concerns. Inflexibility can harm the working relationship.

- Use trauma-informed practices (see ***Working with Sexually Exploited Youth***).

- Empower victim/survivors to make informed decisions. When they have survived under the control of someone else, they may need to learn how to regain control over their own lives. As this process occurs, an advocate or street outreach worker should not tell the victim/survivor what to do, but instead should boost self-agency through access to information that supports decision-making

- Be clear about what you can offer, be transparent about your expectations, and be patient and willing to maintain an open door policy. A trauma-informed approach recognizes that it's never too late for someone to reach out for help and that they will likely need second, third, fourth, and more chances when accessing services. Trauma-induced behavioral problems should not be a barrier to support; however, advocates may need to draw some lines when, for example, youth are recruiting their peers while receiving services through a program. (For more on addressing recruitment in facilities, see ***Housing***.)

- Build a foundation for a positive relationship through active listening and a genuine interest in learning more about the young person's hopes for the future. Judgment implying that the victim/survivor's life is bad or wrong, or that the victim/survivor needs to get away from people you feel are harmful, will greatly limit communication or perhaps shut it down altogether. Being judgmental may cause a victim/survivor to feel shame and anger at the very moment the victim/survivor is taking a risk in disclosing experiences and seeking help.

- Study adolescent development and use a strengths-based perspective.

- Understand youth culture—such as current slang—but do not adopt this language as an older adult. You will not seem authentic, and the attempt will seem silly to youth. Further, young people, especially those who have lived on the streets, can "read" people and know when adults are putting on an act or not being honest with them. When an adult is not acting in a genuine manner, it is hard to expect a victim/survivor to relax and open up.

- Never make assumptions about what victim/survivors want or are thinking about. Similarly, never make assumptions about what victim/survivors need or force them to engage with help. Some victim/survivors are not ready for services, and pushing this support could be traumatizing. It could be perceived by victim/survivors as yet another example of someone asserting control over them. Instead, respect the victim/survivor's processes, and let the victim/survivor take the lead whenever possible in everything from safety planning to case management.

- Constantly refine how you communicate and work with victim/survivors, recognizing that their methods of communication and collaboration are constantly changing too. The most common way young people interact is through technology, specifically texting, social media and apps. They will expect you to communicate this way, too, whenever possible. Unfortunately, social media and smart phones are often used as a tool by exploiters to connect with and then control victim/survivors. They may be able to monitor a victim/survivor's outside communications. However, there are also ways that a victim/survivor's phone can provide a connection to services. For example, an online service called Youth Services Network (at ysmn.org) provides information about shelter beds and supportive resources.

- Be especially cautious when using electronic communication with victim/survivors. The phone or computer used by the survivor may be accessible to the exploiter as well, exposing your communication and potentially putting the survivor at risk. Moreover, even though these communications are protected from disclosure by certain laws (see "Confidentiality & Trust" below), it is still possible that the communications could be subpoenaed. It is important to discuss the risks of using electronic communication with the victim/survivor and to align this communication with your organization's internal confidentiality and safety protocols.

- When interacting with someone of a different culture or identity, be conversant in the culture and willing to respectfully learn more. ***Cultural Considerations*** offers more detail.

Intake questions can help to a limited extent with regard to illuminating specific needs or accommodations. Organizations should also place a high priority on having a diverse staff that reflects the community of victim/survivors served and offer educational opportunities to employees. Model inclusivity in a number of ways, such as providing posters and pamphlets in a waiting area that promote a safe environment for all, requiring that language interpretive services are readily available, and holding regular trainings for staff to expand knowledge and skills. Funders, including the Minnesota Department of Health Safe Harbor grant program, can build requirements into their grants to help organizations improve their cultural outreach and promote a welcoming environment. Certainly refer out if the victim/survivor wants a culturally-specific service.

- Create a welcoming environment by ensuring that victim/survivors of all sexual orientations and gender identities are received with knowledge and acceptance. Many LGBTQ victim/survivors who are homeless and sexually exploited have been forced to leave their homes because of discrimination from their family members and communities. Create an agency that is a friendly and safe place to be by, for example, offering gender-neutral bathrooms, checking about preferred pronouns, and using intake forms that recognize chosen names versus given names.

- Remember that some victim/survivors, especially those from tight-knit communities, may not want to engage with others who may know them or their families for fear of a confidentiality breach. (See “Confidentiality & Trust” below.) Providing options is important and offers another level of accommodation for victim/survivors.

When you express care and concern for the sexually exploited victim/survivor without an expectation of something in return, be aware that this can be a new and positive experience for the victim/survivor, who has grown accustomed to others taking away their power and expecting a quid pro quo.

5. Managing Triggers During Service Delivery

Victim/survivors of trauma suffer from constant reminders of their experiences. See ***Working with Sexually Exploited Youth*** ("Being Trauma-Informed") for more information about the complexity of individual trauma responses.

Sometimes, trauma manifests in behavior that is considered difficult, extreme, or not socially acceptable, which can prove challenging. Victim/survivors may be written off as "bad" or "troubled" because they are prone to "acting out" when, in fact, their behaviors may be related to past or ongoing trauma. Their behavior may be "triggered" by an experience that reminds them of instances in which they felt fearful, threatened, or angry. These triggers can affect how the victim/survivor interacts with an advocate or responds to rules.

Triggers can be sensory—a certain smell or sound or touch. Triggers can also be situational or sparked by a person who reminds the victim/survivor of someone who caused them harm. The trigger may seem mundane to others, but because the experience occurred during the course of a traumatic event, it is no longer mundane to the victim/survivor. Sometimes triggers can lead to flashbacks, fully immersing the individual in the traumatic experience and bringing the terrifying past into the present.

Victim/survivors may not know what exactly is triggering an emotional or physical reaction, and in order to control their responses, they may need intervention from a mental health professional who is skilled in assisting victim/survivors of trauma. In the meantime, do not act as if triggers are unimportant. Instead, work with the victim/survivor to find out what approach will help to keep triggers at bay, and how best to respond when they are triggered. Help others to understand the triggers, if the victim/survivor consents to sharing this information. Be aware of basic grounding techniques to help victim/survivors who are in a triggered state to manage their own reactions until therapeutic assistance is available. A mental health professional can provide training in these techniques; in general, they involve redirecting the victim/survivor's focus back to the victim/survivor's current environment and away from the traumatic memory or sensation.

6. Confidentiality and Trust

It is understandable that victim/survivors of sexual exploitation might have expectations about the privacy and confidentiality of

information that they share with advocates. At the same time, the different professionals who support victim/survivors, particularly youth, may be under legal obligations that may prevent them from preserving confidentiality in all circumstances. For example, they may be mandated reporters and as such required to report information that a youth victim/survivor has been exploited. See ***Legal Framework*** and ***Legal Representation*** for a discussion of these legal obligations, and see ***Working with Sexually Exploited Youth*** for a discussion of how to address confidentiality issues when working with clients.

In order to avoid violating a victim/survivor's trust, it is important for advocates to understand the role of confidentiality and the possible limitations that may impede their ability to maintain confidences from a victim/survivor. These limitations depend upon what type of advocate they are:

- Community-based advocates who qualify as sexual assault counselors under statute[4] can offer privileged communications to victim/survivors, though they are also mandated reporters for child maltreatment and abuse. Some may qualify as domestic abuse advocates depending on where they are employed.[5]

- Many street outreach workers also provide confidential services because they are qualified to do so based upon the types of organizations that employ them or their own licensing credentials. They are not, however, sexual assault counselors or domestic abuse advocates unless they meet the statutory requirements. They are mandated reporters.

- Advocates based in child advocacy centers (CACs) can also provide confidentiality but cannot offer privileged communications, because CACs do not qualify as sexual assault or domestic abuse programs under statute. They are also mandated reporters.

- Many government-based advocates who work in prosecutors' offices are under legal requirements to disclose any statement made by a victim/survivor, or any other witness, about the particular offense that is the basis of the case. Best practice

4 Minn. Stat. § 595.02 subd. 1(k).

5 Minn. Stat. § 595.02 subd. 1(l).

is for these advocates to explain this to victim/survivors at the onset of a criminal case and to provide referrals to community-based organizations if requested. They are also mandated reporters.

- Some other government-based advocates qualify for privilege as sexual assault counselors, because the agencies for which they work are recognized as sexual assault crisis centers.

Before discussing anything with a victim/survivor that might trigger a mandated report, advocates should be sure to give a thorough explanation and warning about confidentiality, more than once. Some victim/survivors want to report, and advocates can help to facilitate that process in those situations. Other victim/survivors may need time to consider their options and determine what course of action is in their best interests. It takes time to build a strong relationship, and breaking confidentiality can undermine trust and turn the victim/survivor away from help. Making a mandated report without giving any notice about confidentiality obligations ahead of time is very likely to result in a loss of trust and the victim/survivor potentially abandoning the service. See ***Working with Sexually Exploited Youth*** ("Confidentiality & Reporting") for further discussion.

7. The Art of Street Outreach

Street outreach is an intervention approach based on training and skill that applies harm reduction philosophies as a means of engaging and sharing information with victim/survivors on their own turf, where they feel more in control.[6] It can take many forms, such as providing phone stickers or matchbooks that have crisis line information. Victim/survivors particularly want access to items that meet their daily needs, such as hygiene supplies, clothing, gift cards, and bus cards. They may also need basic information about sexual and reproductive health care (in paper and electronic formats), as well as connections to health care providers, drop-in clinics, and safer sex supplies like condoms and lubricant to help protect them from sexually transmitted infections, HIV, and pregnancy.

Avoid creating unsafe situations for both the victim/survivor and the

6 B. Holger Ambrose, C. Langmade, L. Edinburgh & E. Saewyc, *The Illusions and Juxtapositions of Commercial Street Exploitation Among Youth: Identifying Effective Street Outreach Strategies*, 22:3 J. Child Sex. Abuse, 335 (2013).

worker. For example, in general do not talk with a victim/survivor who is engaging in a transaction, even though this may be difficult to witness. It is likely that the victim/survivor is being watched, and an interruption could result in harm to the victim/survivor and potentially yourself as well.

Serving victim/survivors on the streets requires different knowledge and approaches than serving them at a shelter or program. But some concepts remain the same, specifically the requirement to build rapport and to avoid pushing help or judgments upon them. Victim/survivors who are surviving on the streets are savvy because they have to be, and it's helpful to the relationship between the outreach worker and the young person to recognize that "street smarts" are a strength. Victim/survivors can tell when someone is not being transparent and tend to reject rules if they aren't given options and good reasons about why the rules exist. Victim/survivors may be aggressive or manipulative; these are survival techniques. Many exploited victim/survivors have been betrayed or used by people who claimed to care about them or have their best interests in mind. They have learned consequently not to get too close to anyone, and they will often lash out at someone who they begin to care about because they don't want to be hurt—so they hurt that person first.

Many victim/survivors want to speak with others in street outreach who have had the same experience—mentorship from survivors is very important, as described earlier in this chapter. When possible, include survivors in the work of serving victim/survivors in outreach activities and also provide opportunities for survivors to work in other capacities in an organization. They may be able to establish rapport and credibility more readily with young people and provide an example that change is possible even when it feels impossible. They may also have a better understanding of how to navigate street culture.

8. Advocacy and the Criminal Justice & Child Protection Systems

Advocacy has a role in multidisciplinary collaboration and will often engage with many parts of the system in order to ensure that an individual victim/survivor's needs are met. Given the nature of sexual exploitation, victim/survivors will frequently have ongoing contact with the criminal justice, juvenile justice, or child protection systems. Both community-based and government-based advocates are uniquely positioned to provide support to victim/survivors as they navigate these systems. For example:

- **Healthcare:** In the course of a criminal or child protection investigation, a victim/survivor may undergo a sexual assault forensic exam—often performed by a sexual assault nurse examiner (SANE)—or a forensic interview—often performed at a child advocacy center (CAC). See ***Medical Forensic Exams*** and ***Children's Advocacy Centers***. Advocates can help support victim/survivors through this difficult process, by explaining what is happening, providing a supportive presence, and offering follow-up resources and counseling.

- **Law Enforcement:** It is not uncommon for victim/survivors to have frequent contacts with law enforcement, and one of the most important criminal justice relationships for advocates is the one they have with their law enforcement partners. For example, a victim/survivor may need to be interviewed by law enforcement during an investigation of their exploiter. Advocates and investigators can arrange to conduct the interview at a location that is most comfortable for the victim, rather than at the police station. ***Working as a Team*** ("Example: Law Enforcement/Advocacy Relationship") contains an important discussion of this relationship.

- **Courtroom/Legal Advocacy:** The period between the commencement of an investigation and the prosecution of a case—often quite lengthy—can be a very trying time for victim/survivors, who may fear retribution and be uncertain about their future while perhaps feeling ambivalence about their exploiter and their experience while being exploited. This is a critical time for advocates to provide support. If a case isn't prosecuted, advocates should help the victim/survivor to find out why and to understand that the lack of prosecution does not mean that the young person was not believed or taken seriously.

  In some instances, a victim/survivor may have an outstanding warrant. Help the victim/survivor to obtain legal counsel to determine how best to address the warrant. Ensure that victim/survivors have access to information about their rights. (Providing this information does not interfere with an investigation and is consistent with an advocate's role as a resource to services.) See ***Legal Representation*** for additional information about victim/survivor legal needs.

If a victim/survivor requires reparations to assist with payment of harms sustained during sexual exploitation, the advocate can assist with the application process.[7] In addition, if the victim/survivor has a concern about how their case or another case has been handled by law enforcement or prosecution, the advocate can help provide a connection to the Victim Justice Unit at the Office of Justice Programs in the Minnesota Department of Public Safety.[8]

7 Minnesota Crime Victims Reparations Board, https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-reparations.aspx.

8 Crime Victim Rights Enforcement, Office of Justice Programs, Minnesota Department of Public Safety, https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victim-rights-enforcement.aspx.

Discipline Chapter
Child Protection/Child Welfare

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The Safe Harbor law shifted the justice system's response to sexually exploited youth from one of juvenile delinquency to one of child protection and child welfare.

A child protection or child welfare case may be taken to court via a "child in need of protective services (CHIPS)" action, to address the family response and provide safe placement outside the home if needed. A CHIPS case may be filed based on a youth's status as being a "sexually exploited youth" or being a habitual runaway or truant (collectively termed "absenting"), among other reasons.[1]

As of the drafting of the *Safe Harbor Protocol Guidelines*, much about Minnesota's child protection system is in flux, as changes are being made based on recommendations from the Governor's Task Force on the Protection of Children.[2] Additional and significant changes are likely to be made in the next several years. This is especially true with respect to juvenile sexual exploitation, as the state develops a plan to respond to the federal Preventing Sex Trafficking and Strengthening Families Act, which requires state child protection and child welfare agencies to be ready to respond to cases of juvenile sexual exploitation, including reporting such cases to law enforcement.[3] See "Services for Ages 18 to 21" below. This chapter provides some guidance for professionals in the meantime.

The authors recommend that the state look closely at Medicaid to improve the quality of care and trauma-related services for sexually exploited youth in placements made through the child protection and child welfare systems. Funds can be directed, for example, to better evidence-based screening, earlier screenings and assessment, and home and community-based services.[4]

1. Administration & Training

Although the Minnesota Department of Human Services oversees child protection in the state, each of the 87 counties have their own

1 Minn. Stat. § 260C.007, subd. 31. For additional information, see ***Legal Framework***. See also Minn. Stat. § 260A.01 *et. seq*. and Minn. Stat. § 260C.01 *et seq*.

2 *Governor's Task Force on the Protection of Children: Final Report and Recommendations* (Mar. 2015), https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7057A-ENG.

3 42 U.S.C. § 671. The Act requires that state agencies report when a qualifying youth is identified as a sex trafficking victim. Several categories of youth qualify: (1) youth who are under the care of the state, (2) youth who are under 18 and have run away from foster care, (3) youth who have an open file in child protection but are still living at home, and (4) youth who are between the ages of 18 to 21 and receiving services under federally-imposed foster care obligations.

4 M. Saada Sar, R. Epstein, L. Rosenthal & Y. Vafa, Human Rights Project for Girls, Georgetown Law Center on Poverty and Inequality, Ms. Foundation for Women, *The Sexual Abuse to Prison Pipeline: The Girls Story*, 30 (2015). www.law.georgetown.edu/go/poverty [hereinafter referred to as *Prison Pipeline*].

departments and procedures. The tribal nations located in Minnesota also run their own departments. The Interstate Compact for Juveniles (ICJ) is invoked when cases involve youth from other states; practitioners must consult the ICJ and the Interstate Juvenile Compact Office in the Minnesota Department of Corrections for guidance.[5]

The state child welfare system addresses cases involving American Indian youth through the Indian Child Welfare Act (ICWA). **Counties should have a strong system for screening youth for ICWA eligibility.** Generally, as soon as a county becomes aware that an exploited youth is (or could be) enrolled as a member of an American Indian tribe, the county must notify the tribe. See ***Working with Tribal Nations*** for more information.

Some jurisdictions are better prepared than others to address the needs of sexually exploited youth due to volume of cases and opportunities to gain experience, but all child protection departments should have a protocol in place since young people are affected throughout the state. Because many sexually exploited youth move around the state of Minnesota, counties should set up inter-county agreements to determine which jurisdiction will take the lead (usually the jurisdiction where the custodial parent lives). Likewise, inter-governmental agreements for handling cases can be set up between tribal nations and the counties or state. See ***Working with Tribal Nations*** for more information.

Child protection workers, like professionals from other disciplines, should receive extensive training about sexual exploitation, including red flags and intervention options for both youth and family. Likewise, foster care providers and kinship caregivers should be given specialized training in how to care for at-risk or sexually exploited youth living in their homes.

2. Taking a Victim-Centered Approach

As with other professions, it is critical that child protection and child welfare professionals adopt a victim- and youth-centered, strengths-based, trauma-informed approach to working with sexually exploited youth. Review ***Working with Sexually Exploited Youth*** for guidance. Note that compared to the younger children with whom professionals may more commonly work, adolescent youth have greater ability to remove themselves from a situation when they feel unsafe or unsatisfied with the solutions presented to them through the child protection system and the courts.

5 Minn. Stat. § 260.51 (Interstate Compact for Juveniles),

A victim-centered and trauma-informed approach is thus particularly crucial for these cases. Ensure that youth have connections with advocacy support that is confidential (subject of course to mandated reporting requirements) as well as to trauma-informed therapeutic services). These services can help support them, even if they resist system intervention, and serve as bridges to system intervention when they are ready to engage. Allow youth as much input as possible into decisions influencing their lives. This will offer the best chance for a successful outcome.

3. Identification

Sexual exploitation of youth can be very difficult to identify, for the reasons described in ***Dynamics of Sexual Exploitation***. As to child protection in particular, note that although awareness of the Safe Harbor law is spreading, many youth still believe they can be charged with wrongdoing for exchanging a sexual act and are reluctant to seek system-connected support. In addition, many young people believe child protection operates as an arm of law enforcement and prosecution. Many sexually exploited youth come from families that have been engaged with the child protection system. These youth may have been removed into foster care or adoption if their parents' rights were terminated. They are very untrusting of the child protection system for these and other reasons.

On the other hand, frontline child protection workers are often in a good position to identify potential risks for children early in their lives. This is particularly true in sexual abuse investigations.[6] Cases in the juvenile system and delinquency matters may also present opportunities to identify sexually exploited youth through attentive screening and information-gathering.

Runaway cases also offer significant opportunities for identification. Some jurisdictions screen runaway reports filed with law enforcement to identify youth who are at risk or are being sexually exploited. Training for law enforcement should promote filing citations for runaways; when youth are not cited, there is no opportunity for identification within a system scan, and the opportunity to follow up with the family for services is lost. While the ability to screen reports may present a capacity issue for some police departments, one way to address this concern is for someone from child protection, child welfare, or the county attorney's office to assist law enforcement in identifying pertinent details and patterns. A similar practice can be coordinated with school administration and particularly school resource officers regarding truancy reports.

6 *Prison Pipeline*, *supra* note 4, at 28-31.

4. Multidisciplinary Child Protection Teams

Minnesota law requires counties to establish a "multidisciplinary child protection team" (MDT) to review cases and set protocols for assessment and investigative processes.[7] Such a team allows for the confidential sharing of information among professionals from a wide variety of disciplines and organizations, including law enforcement, prosecution, medicine, and children's advocacy centers.

MDT members should recognize that they each have different professional confidentiality obligations and limit how much data is shared during meetings, as well as in easily transferable venues such as email. MDTs can set up a specific subcommittee focused on sexually exploited youth, which includes the Safe Harbor regional navigator and service providers in addition to representatives from child protection, law enforcement, the county attorney's office, health care, and other disciplines.

MDTs are permitted to work with local welfare agencies, law enforcement, or private organizations to develop outreach programs for sexually exploited youth, including homeless, runaway, and truant youth at risk of exploitation. Take advantage of this opportunity, which allows this youth outreach to occur under the information-sharing protection of the MDT statute.[8]

Note that there are other kinds of teams consisting of members from multiple disciplines addressing individual cases of sexual exploitation. These other teams do not have the statutory protection afforded to "multidisciplinary child protection teams." See ***Working as a Team*** for more discussion.

5. Case Management & Case Review

Case management can vary from county to county. Ideally, specific case management for sexually exploited youth will be available as soon as they are identified. This early identification provides an opportunity to pull in families for assessment, voluntary services, and competency determinations.

Consider establishing a triage or consult process through child protection and the county attorney's office to review potential cases of sexual exploitation and direct them toward voluntary services or into the appropriate court process. The factors by which this decision is made will vary considerably by county. At base, however, the triage

7 Minn. Stat. § 626.558.(governing "multidisciplinary child protection teams").

8 *Id.*

or consult process involves reviewing reports to consider whether the victim/survivor meets the definition of a sexually exploited youth, and then asking a series of questions: What services are appropriate for this particular youth? What services are available? Are other services already involved, such that new involvement isn't necessary? Should services be voluntary or moved into the court process?

If the matter moves forward into court, a Guardian ad Litem (GAL) may be assigned. This occurs automatically in a CHIPS case; the youth's attorney—or any party—can request one in absenting (runaway or truancy) cases. Because the role of the GAL is to advocate for the best interests of the young person, the GAL is often able to establish rapport with the youth more quickly than those in other professions. The GAL can help to give the young person power and a voice in the process. At the same time, the role requires great skill, particularly when working with a sexually exploited youth who may want nothing to do with anyone associated with the juvenile or child protection systems.

An additional concern is confidentiality for the youth. If a case is labeled within court and county databases as "sexually exploited youth," then there are concerns that the young person may feel their privacy is violated and may not trust the professionals. Some jurisdictions assign specific case numbers to these cases so they are not easily identified. Sexual exploitation case information can be protected in the same manner as sexual abuse, for example, with an emphasis on limiting information sharing and access whenever possible.

Again, a case involving juvenile sexual exploitation may be initiated by a sexually exploited youth petition or, frequently, by a petition for absenting. An absenting petition may offer more privacy and safety for the youth. But, depending on the court system, an absenting case may be heard on a different calendar than a sexually exploited youth petition and result in fewer services and less of a case plan. Consider citing multiple statutes and requiring the youth to admit not to the exploitation but to the runaway or truancy status or to being in a dangerous environment.

The petition should articulate the concerns about the youth, such as living in a dangerous environment, status offenses, and the number of times the youth has run away. Include enough information to support the allegations while also working to protect the privacy of victim/survivors (and even avoiding tipping off exploiters who may be looking for files). Consider asking the court to seal the whole file in order to prevent members of the public from accessing it.

6. Placement

Several options are available for the placement of sexually exploited youth if the family home is not safe or if parents or guardians refuse to allow the young person to return. Sometimes a family simply needs respite—time apart to consider next steps. Where to place sexually exploited youth is a complex decision for many professionals and a challenging issue for many communities. Carefully review ***Placement*** for an important discussion of this topic.

> **"They should make sure it's safe at home, like work on a family plan to get their kids back in the home... Help them after they get home and still be involved with them, set them up with a good therapist and keep checking in on them, ask them how it's going."**[9]

Note that placement may be made only if a child protection petition has been filed or an out-of-home placement request has been filed in a runaway matter. Without a petition or placement request, youth may go to shelters that do not require a court order. Homeless youth may be eligible for support and services under the Homeless Youth Act.[10]

Foster care is another option, though it may be difficult in some situations given the high level of needs common—and unique—to sexually exploited youth. As discussed in "Administration & Training" above, training is critical for foster parents so that they can best manage these needs. In some cases, youth may do better at a therapeutic shelter first before moving into foster care. Note that youth may distrust placement in shelter or foster care based on their prior experience or what they hear from others. If so, they may be more likely to run away, whether back into a previously harmful situation or into homelessness, where they may be vulnerable to further exploitation.

Some young people with particularly high needs may qualify for a Minnesota Integrated Therapeutic Home (MITH), which is a type of foster home placement for youth who leave placement but cannot go back into a regular home in the community. A MITH provides intensive supervision and specialized care.

Sexually exploited youth may have a very challenging time staying

9 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 14 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en.

10 Minn. Stat. § 256K.45 ("Homeless Youth Act").

in placement. Sometimes they figure out how to get kicked out of a program in order to return back to the life or to simply stay independent. Alternatively, they may want to stay because it is the safest place they know, so they figure out what rules to violate in order to restart their days at the facility.

Agencies struggle to keep youth in programs when they present behavioral concerns. It is likely that most every young person dealing with sexual exploitation will be in a position of either not qualifying for certain placements or having difficulty remaining in them. They usually enter a program with a variety of challenges related to their traumatic experiences that are compounded by other issues such as chemical and alcohol induced neurobiological problems, reactive attachment disorder (RAD), fetal alcohol syndrome (FAS), and oppositional defiant disorder (ODD). It is particularly difficult for placement programs to determine how long they can keep a youth who is struggling without compromising the safety of other youth. Programs are urged not to "cherry-pick" the less challenging youth and keep out the tougher cases.[11] Further information about this issue is presented in ***Housing*** and ***Placement***.

7. Services for Ages 18 to 21

Youth who are in foster care sometimes choose to refuse services once they turn 18. They should be provided with enough information to make an informed decision about this option. Engaging with a system-based program focused on young adults age 18 to 21 can offer a smoother transition into independent living and adulthood. Considerable support is available, including help obtaining a high school diploma and help with career counseling, post-secondary education, living skills, financial management, parenting assistance, interactions with mentors, and vocational training.[12]

Under Minnesota law, certain youth may be eligible for voluntary foster care placement from ages 18 to 21. To qualify, the young person must be in foster care for the six consecutive months prior to the youth's eighteenth birthday (with no return home, adoption or kinship custody) or discharged from foster care while on runaway status after age 15.[13] If a young person is eligible, the responsible social services agency must develop a plan addressing the individual's vocational, educational, social, and developmental needs.[14]

11 *Prison Pipeline*, *supra* note 4, at 31.

12 Much of this support comes through the John H. Chafee Foster Care Independence Act (Chafee Act). 42 U.S.C. 677.§ 477.

13 Minn. Stat. § 260C.451 subd. 6(b)(2) (eligibility for extended foster care services).

14 *Id*. at subd. 6(c).

Discipline Chapter
Children's Advocacy Centers

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Children's Advocacy Centers (CACs) are neutral, victim-centered agencies that utilize a multidisciplinary team of professionals (CAC teams) to provide forensic interviews, medical evaluations, mental health services, victim advocacy, family support and community referrals to vulnerable people—children, adolescents and vulnerable adults—who report sexual abuse, physical abuse, sexual exploitation, neglect or witness a violent crime.

All communities building a response to the sexual exploitation of youth should invite a CAC—whether one is geographically near or not—to participate in that response-building process. CACs can serve as a place to access a wide variety of resources: protocol and team development, therapy services, medical services, forensic interviews, advocacy, and case management.

As of publication, six CACs operate in Minnesota: in Bemidji, Duluth, Minneapolis, St. Paul, Winona and Rochester. A seventh CAC serves the Fargo/Moorhead and Grand Forks/East Grand Forks regions. These programs vary in their operations and structure. But all offer a safe place for victim/survivors to speak about their experiences and receive support and care.[1]

1. Cultural Considerations

Minnesota's CACs honor and respect the rich diversity of the families served, and as such cultural considerations are paramount in CAC work. CAC teams include representation from different cultural groups and consultation with community elders. Recognizing an individual's culture is part of providing individualized care. Questions during intake should take into account home environment, languages spoken and any other information that will help the youth feel more comfortable. See ***Cultural Considerations*** for more information on how to incorporate cultural issues into the CAC response to sexual exploitation.

2. The Role of CAC Teams

CACs do not operate on their own. Instead, they work through teams with members drawn from multiple disciplines: law enforcement, child protection, prosecution, mental health, medical and victim advocacy professionals, as well as other professionals who investigate reports of

1 More CAC programs are expected to be operating soon. Additional information about Minnesota's CAC programs can be found in the ***Appendix***.

abuse, provide advocacy to victims, support families and seek to hold offenders accountable. The CAC team holistically treats vulnerable clients, provides support to caregivers, and offers resources for all involved to find the best legal, clinical, medical, and healing outcomes for the vulnerable child, adolescent, or adult.

Sexually exploited youth tend to have multiple complex needs. The CAC team should think broadly about other professionals or people who may be able to support the youth and complement the work of the CAC team during and after the investigation. Other experts may be invited to join the primary members of the CAC team, such as a chemical dependency counselor, to augment the team's resources and services.

CAC teams should work to increase their cultural diversity. It is critical that youth be able to see themselves and their families in the people who are providing them with services and support.

3. Referrals to CACs

CACs receive referrals from primarily law enforcement, child protection or medical providers. One important issue for communities to determine are the circumstances under which such a referral should be made for a sexually exploited youth. These circumstances will vary greatly by community. Perhaps the most important consideration is whether the community is already accessing CAC services for victim/survivors of sexual abuse. If so, referral of victim/survivors of sexual exploitation is likely appropriate; indeed, the odds are good that the CAC is already seeing sexually exploited youth who present in other ways. Other considerations that law enforcement, child protection, and medical providers may use in deciding whether to refer a sexually exploited youth to a CAC include:

- the age of the youth—with younger victim/survivors likely being more appropriate for referral;
- the distance to the nearest CAC—though note that any CAC will see youth from any county; and
- the comfort level of the referring agency in handling the case, especially the interview of the youth, on its own or with other partners.

4. Forensic Interviews of Sexually Exploited Youth

One of the many functions that may be performed via a CAC is the forensic interview. The forensic interview is a semi-structured conversation between the youth and a trained professional—who can be a CAC staff member, a member of law enforcement, a child protection investigator, or a medical provider—intended to elicit detailed information about the incident of alleged abuse.

a. Training for Interviewers

Forensic interviewers are trained in trauma and its neurobiological effects. They also receive special training[2] in how to listen to individuals talk about difficult experiences in a sensitive and objective manner that takes into account the individual's developmental, emotional, and cultural needs. For interviewers who will handle cases involving sexually exploited youth, this training should be broader, of course. Such interviewers should certainly understand the considerations and guidance provided in ***Dynamics of Sexual Exploitation*** and ***Working with Sexual Exploited Youth***. They should also be fully informed about the lifestyle, terms, and culture that may be familiar to sexually exploited or street-involved youth.

b. Location & Timing

In general, forensic interviews should be scheduled only when the youth indicates a readiness to talk. Not only is this a victim-centered approach, but research indicates that it will increase the likelihood that the youth will cooperate with the investigation. This can pose a particular challenge for sexually exploited youth, who may be uncooperative or even hostile. See ***Dynamics of Sexual Exploitation*** ("Why Don't They Leave?"). Involvement with the law enforcement and child protection systems—as is frequently the case for youth coming to a CAC—may not be their preferred course of action.

It may therefore take sexually exploited youth an extended period of time to be ready to discuss their experiences. The CAC team may need to exercise considerable patience with them. In the meantime, the team should provide supportive services to help treat and stabilize them, while considering the right time to schedule the forensic interview.

2 The training for forensic interviewing through CACs is competency-based and sanctioned by the National Children's Alliance. www.nationalchildrensalliance.org

Most forensic interviews conducted by a CAC are held at the CAC itself. This not only offers a safe and neutral environment, it also allows team members easily to attend, observe, monitor, discuss and record the interview. (Forensic interviews with alleged victims of "sexual abuse," including sexual exploitation, must be audio-video recorded.[3]) Exceptions may be made to conduct the interview off-site, particularly if the youth is in a protected place, such as a shelter or hospital, but that is not common practice.

In most cases of child abuse, the forensic interview process occurs in one session. Given the dynamics of sexual exploitation and the trauma that sexually exploited youth have experienced, interviews of such youth are more likely to take additional sessions, though this of course will depend on the circumstances of the case and the individual's needs.

c. Content

The forensic interview process includes building rapport, gathering information, and closure. The precise content and manner of questions, as well as the length of the interview, depend on the circumstances. There are different forensic interview training protocols available nationally, but the most common forensic interview protocols in Minnesota are CornerHouse and ChildFirst® First Witness.

The topics raised in interviews of sexually exploited youth may of course differ somewhat from interviews with other abused youth. Consider asking about topics such as money, websites, ability to come and go, living conditions, hours spent working, relationships and types of abuse. Elicit information about grooming acts by the exploiter, such as taking the youth shopping or out to eat, by asking, "Tell me what happened that very first day." Ask related questions, such as, "What was s/he like when you first met him/her?" In response, the youth may describe friendly behavior initially by the exploiter or may also reveal threats against the youth or the youth's family. Ask questions about bodily functions during and after sexual contact, which may help to determine injury (i.e., bleeding not associated with menstruation). Be sure also to ask questions that are empowering for the youth, such as "What do you want to do from here?" and make referrals to supportive services.[4] See the ***Appendix*** for additional information on conducting forensic interviews of sexually exploited youth.

3 Minn. R. 9560.0220 (2016) (recording of forensic interviews).

4 L. Edinburgh, J. Pape-Blabolil, S. Harpin & E. Saewyc, *Assessing Exploitation Experiences of Girls and Boys Seen at a Child Advocacy Center*, Child Abuse & Neglect (2015) https://www.researchgate.net/publication/276298903_Assessing_exploitation_experiences_of_girls_and_boys_seen_at_a_Child_Advocacy_Center .

Pornography is a tool of sexual exploitation. Some youth may have appeared in pornography. The CAC team should consider how traumatizing it may be for youth to identify themselves in pornography and whether the identification process is necessary. Most CACs do not present such evidence as part of the forensic interview process but instead leave that role to law enforcement.

Sexually exploited youth may have complex legal histories. In order to remain victim-centered and neutral, the forensic interviewer should not interrogate the youth about criminal activity. Still, disclosures about such activity—such as the youth recruiting other victim/survivors—may come out during the course of the interview. Consider in advance how to handle this. Should the youth be referred to legal counsel? Will the prosecution offer immunity? Be transparent up front with the youth about how any disclosures of wrongdoing may affect them.

5. Medical Evaluations

At CACs, medical providers with specialty training (e.g., child abuse pediatricians, sexual assault nurse examiners or physicians and mid-level practitioners with advanced training in child abuse) offer a medical evaluation to the youth. The medical evaluation may occur before, during, or after the forensic interview. Not every CAC has an examination room on site, so some CAC medical evaluations are conducted at hospitals or clinics, but all CACs partner with child abuse specialists.

The medical provider ensures that the youth is providing consent for the examination as a whole as well as each part. Overall, the examiner will conduct an evaluation of the youth's current state and make recommendations for aftercare. See ***Health Care*** and ***Medical Forensic Exams*** for more information on medical evaluations and care for sexually exploited youth.

6. Mental Health Services

At CACs, mental health services are trauma-informed, focus on a range of needs including dual diagnosis with alcohol/chemical use and assist each individual as well as family members. All CACs partner with mental health providers to ensure access to mental health services regardless of ability to pay. CACs ensure youth and families can also access cultural and spiritual counselors or advisors if they prefer. Please see ***Mental Health*** for more information.

7. Confidentiality

Ongoing conversations about the use of CACs for sexually exploited youth have addressed questions around youth confidentiality issues. Advocates on the CAC team maintain a confidential relationship with victims, sharing confidential information with the team only with the victim/survivor's consent. However, advocates working at a CAC do not have statutory sexual assault or domestic abuse counselor privilege. (Note that community—based advocates partnering with CACs, such as when a CAC does not have in-house advocates, often do have one of these statutory privileges. See ***Advocacy & Outreach*** for additional information.)

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Health Care

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Patients see healthcare professionals for health needs while in the midst of exploitation, or in other situations of high risk. Healthcare providers therefore are often in the privileged position of being the first professionals to identify this issue and are able to provide a response. But many feel ill-equipped to identify and respond appropriately to these patients.[1] It is essential that the healthcare response be one that is patient-centered, culturally-responsive, and trauma-informed.[2]

No single document can prepare someone to work with patients who have been sexually exploited. This chapter is intended to highlight key issues to help inform protocol and trainings for health care professionals. It is supported by ***Medical Forensic Exams*** and ***Mental Health***, which focus on two important topics within the broader health care umbrella.

The ***Appendix*** includes a number of tools, including an Emergency Department Sexual Exploitation Algorithm, to help healthcare professionals and emergency medical personnel identify and respond to sexually exploited youth.

1. Organization & Training

As a first step, each health care system and facility should designate a point person who will be responsible for developing the system or facility's approach to sexual exploitation. In addition, each facility should designate one or more resource persons who can be reached 24 hours per day, whenever a victim/survivor has been identified. This designated resource person could be a physician, nurse practitioner (NP), physician assistant (PA), sexual assault nurse examiner (SANE), or even a community trafficking service provider—so long as the designated person can be reached at any time, day or night. In smaller health systems with the challenges of limited resources, one individual may serve in both of these roles (developing the broader approach, and responding to individual situations).

Each of these designated individuals should receive specialized and extensive training and ongoing education on sexual exploitation, as should those who are most likely to work with patients who have

1 J. Barrows and R. Finger, *Human Trafficking and the Healthcare Professional*, Southern Medical Journal 101 (5) (2008): 521—4 [hereinafter referred to as *Human Trafficking and the Healthcare Professional*]; M. Chisolme-Strike and L. Richardson, Assessment of Emergency Department (ED) *Provider Knowledge about Human Trafficking Victims in the ED*, Academic Emergency Medicine 14, suppl. 1 (2007): 134; Family Violence Prevention Fund, World Childhood Foundation, *Turning Pain into Power: Trafficking Survivors' Perspectives on Early Intervention Strategies*, San Francisco, (2005), http://fvpf.convio.net/site/EcommerceDownload/Turning%20Pain%20into%20Power-1590.pdf?dnl=91592-1590-CgyjEPGG3AZ5_6Fs.

2 See Office on Violence Against Women, *National Protocol* (2013) [hereinafter referred to as *National Protocol*].

experienced this. Such patients deserve care that is trauma-sensitive, compassionate, effective, and informed as to rapidly-changing legal expectations, and training will help equip providers.

Indeed, **all health care providers, no matter their role, should receive training and ongoing education on identification, response, and resources**. Again, the extent of this training will vary by role. But at least a basic level should be incorporated into professional education and then continue to be mandatory in practice for all providers.

In many cases, trainings can be incorporated into existing opportunities such as staff meetings, grand rounds and educational events for continuing credits. The best source of training is by healthcare professionals with expertise in this area, in partnership with victim/survivors and the agencies who work with them.

Healthcare professionals should also educate themselves by engaging with local organizations that serve victim/survivors of sexual exploitation. Among other things, they should familiarize themselves with street terms and culture, so that they are better able to interact with street-involved youth—who are disproportionately exploited—without constant translation.

2. Interacting with Patients

As discussed in ***Dynamics of Sexual Exploitation***, the trauma associated with sexual exploitation can have a devastating impact on a youth's mental health and well-being, resulting in depression, anxiety, post-traumatic stress disorder (PTSD), and harmful coping behaviors, including chemical dependency. It is crucial that providers understand and not pathologize this behavioral response to trauma.

At the heart of patient-centered, trauma-informed care is a nonjudgmental and supportive interaction between the healthcare professional and the patient. Be respectful and compassionate. Establish rapport by believing the patient. As with pain, a patient's experience is what the patient says that it is. Recognize that victim/survivors of sexual exploitation may be under great stress and be at high risk for continued harm while accessing medical treatment. Patients who have experienced extreme violence may be in "survival mode," in a state of self-protective hypervigilance. Be sensitive to their needs. Just as the healthcare professional uses intuition and a gut feeling in assessing and treating patients, patients who have experienced sexual exploitation will also use these as a way to ascertain whether the health encounter is a safe one.

Try to create a patient environment that is as friendly as possible,

even within a bustling emergency room setting. Consider creating safe patient "spaces" during interactions by wearing certain badges or buttons (e.g., a rainbow flag to show accessibility to LGBTQ patients).

It is common for patients who are victims of violence and abuse to blame themselves. Be sure to explain that it is not their fault that someone is hurting them and help provide a bridge to resources and advocacy programs for ongoing support and recovery. Never refer to victim/survivors of sexual exploitation as "prostitutes" or say that they have "prostituted" themselves, when interacting with patients (or for that matter with anyone). (See ***Terminology*** for further thoughts on the use of these and similar terms.) The ***Appendix*** contains a Healthcare Script to help providers discuss the issue of exploitation sensitively with patients.

A trauma-informed approach is important not only for the impact it has on the day of the visit but for its long-term effects on patient trust. A victim/survivor of sexual exploitation who feels supported and respected is more likely to seek health care, whether in the same health care setting or a different one, in the future. Conversely, a bad encounter can undermine trust and discourage the victim/survivor from ever accessing health care again. See ***Working with Sexually Exploited Youth*** for much more guidance on the issues raised in this section.

a. Cultural Considerations

For some patients who have experienced sexual exploitation, culture is especially important to their healing process. Refer such patients to a culturally-appropriate care provider, if that is what the patient desires, and incorporate cultural elements into medical treatments where possible.

In some communities, silence may be construed as acceptance or refusal. It is important therefore to ask open-ended questions and determine whether the patient clearly understands what the patient's choices are, for example using the "teach-back" method. For non-English speaking patients, an official interpreter should always be used. Consider using a "remote" interpreting service; patients may be concerned about sharing information with a local interpreter who may be part of the extended community. See ***Cultural Considerations*** for more thoughts on all of this.

b. Autonomy

Laws and organizational policies impose some constraints on the autonomy of juvenile patients. (See "Minors' Consent to Medical

Treatment" below.) But within those constraints, it is important that sexually exploited youth be empowered to make their own decisions about care and treatment. Sexual exploitation involves a loss of patients' power and control over their own situations. Fully informing and showing respect for patients—which is appropriate care for all patients—is essential in caring for sexually exploited youth, as it helps to return to them some of the power that they have lost.[3] One particular concern in this area is reproductive coercion, which can be in the form of forced pregnancies or forced abortions. Ensure that all patients are consenting freely to all medical procedures.

However, a youth who has been accustomed to being controlled may be distrustful of healthcare or overly compliant or indecisive. The availability of choices may seem overwhelming, so the healthcare professional may need to take additional time and effort to help the youth feel safe and provide thorough explanations during procedures.

Minors' Consent to Medical Treatment[4]

In Minnesota, as in most other states, the general rule is that a parent or guardian must be informed about and give consent for medical treatment of the parent or guardian's minor child. However, there are exceptions to this rule. For example, a minor may consent to medical or mental health services to diagnose and treat pregnancy or sexually transmitted infections. A minor may also access contraceptive care without parental consent, as well as obtain medical or mental health services to address drug or alcohol dependency issues. And when a minor's life or health is at such risk that treatment should not be delayed, consent from a parent is not required.

A youth who is (or has been) married, or is living separately from a parent or guardian and managing the youth's own financial affairs, may also seek any medical treatment for the youth or the youth's own child without parental consent.

See the ***Appendix*** ("Minors & Forensic Exam Access in Minnesota") for an explanation of how Minnesota's minor consent laws allow for youth to access a sexual assault examination.[5]

3 *Id.*

4 Minn. Stat. §§ 144.341-347.

5 See also, Hennepin County Medical Center, *Consent & Confidentiality: Providing Medical and Mental Health Care Services to Minors in Minnesota* (2002), http://www.hcmc.org/cs/groups/public/documents/webcontent/hcmc_p_050277.pdf.

c. Privacy

Sexually exploited youth may be reluctant (or unable) to disclose information during exams and treatment. They may not wish to disclose a full medical history during a routine exam. They may be concerned that their family will learn about a visit to a physician or emergency room and may not want them to know about their health issues. Or they may be concerned that information they share will show up on an explanation of benefits on the family's insurance plan. Homeless youth may be from another community or state and may not want their families to know where they are. And some youth who are transient or move between cities may be unable to provide basic information like an address or phone number or may not have possession of their identification.

Patients who appear to be at risk of experiencing sexual exploitation should be seen alone for at least some part of the visit, even if someone else accompanies them to the health care facility. This can be challenging, especially given the imperative to respect patient autonomy, including in the choice of who supports the patient during a medical encounter. But it is not uncommon for an exploiter—even someone of the same age or from the patient's family—to accompany the patient in the healthcare setting. For example, a trafficker may bring a youth in for treatment so the youth can be in the physical condition to be exploited again. (See "Identification" below for possible indicators.) Further, when a non-offending caregiver such as a parent or guardian accompanies the youth, the youth might be less inclined to divulge crucial information for fear of upsetting or angering their family. As one teen stated, "Every time I go to the clinic, they ask me questions with my mom there, so I lie."[6]

Note that the imperative that the patient be seen alone does not encompass a community advocate who is present for support, unless of course the patient does not want the advocate to be present.

3. Identification

Health care professionals in virtually every setting—hospital emergency rooms and all hospital units, primary care and travel clinics, urgent care centers, sexual health and school-based clinics, home care, and the pre-hospital care environment with emergency medical services

6 L. Edinburgh, E. Huemann, K. Richtman, A. McDonald Marboe, E. Saewyc, *The Safe Harbors Youth Intervention Project: Inter-Sectoral Collaboration to Address Sexual Exploitation in Minnesota*, Nursing Reports 2:e4, 21 (2012). https://www.researchgate.net/publication/233776785_The_Safe_Harbors_Youth_Intervention_Project_Inter-sectoral_Collaboration_to_Address_Sexual_Exploitation_in_Minnesota.

(EMS)—already come into contact with victim/survivors of sexual exploitation, often without realizing it. Victim/survivors may present for issues that are directly related to the exploitation—such as injuries, sexually transmitted infections (STIs), pregnancy, or mental health conditions—or for issues that are unrelated or only peripherally related. Victim/survivors may also present for routine medical care, such as management of a long-term health concern.

As discussed in ***Dynamics of Sexual Exploitation***, individuals may be vulnerable to and experience exploitation in a wide variety of ways. Many of these vulnerabilities and forms of exploitation can be counterintuitive to professionals who are unfamiliar with them. It is crucial that medical providers learn and keep alert for the subtle signs and symptoms of exploitation.

Dynamics of Sexual Exploitation ("Identifying Exploitation") provides a number of such risk factors and red flags; professionals should review it carefully. This section builds on the list in that chapter by discussing indicators that are most commonly seen in the healthcare setting, including (1) disease states or injuries, (2) elements of the patient's history, and (3) other signs in the course of the provider's interaction with the patient. It is important, however, not to make assumptions based on the presence or absence of any one indicator. A urinary tract infection or tattoo, for example, may have nothing to do with exploitation. On the other hand, a patient's situation may be exploitative even if none of these factors is present. Currently, there are no clinically validated screening tools to identify patients who have experienced sexually exploitation.

Disease States or Injuries

- STI, whether recurrent or initial;
- unplanned pregnancy (reproductive health providers in particular should be aware of this population);
- genital or pelvic pain or trauma;
- urinary tract infections in youth;
- foreign bodies in the vaginal vault, such as cosmetic sponges (used to continue trafficking activity while hiding menstruation);
- injuries inconsistent with patient history;
- other possible signs of physical violence, such as bite marks, pulled hair, or cigarette burns or other scars;
- extreme fatigue or malnutrition;
- mental health issues, including symptoms of depression, anxiety, PTSD, self-injurious behavior (such as cutting), and suicide attempts;

- dermatological conditions (which can be sign of homelessness or alternative living spaces, such as abandoned buildings or houses used solely to sell sex or drugs);
- conditions with complications that would have been easily treatable in the early stages (e.g. pelvic inflammatory disease, severe wound infection, dental cavities); or
- other signs of neglected health, including poor dental health, malnutrition, and dehydration.[7]

Elements of Patient's History

- Stated history inconsistent with patient's health presentation;
- history of sexual assault, repeated sexual assaults, child sexual abuse or gang rape;
- history of multiple pregnancies or abortions, possibly due to reproductive coercion (including either forced abortions or forced pregnancies resulting in birth);
- frequent visits to the emergency department, sexual health clinic, or urgent care;
- history of humiliation or other psychological trauma; or
- history of physical trauma, violence, nonlethal strangulation.

Other Indicators During Interaction with Patient

- High volume of calls coming in on patient's cell phone;
- cell phone held or controlled by someone else;
- wearing clothes that are inappropriate for the season;
- demeanor that is combative or distrustful;
- tattoos or other markings referencing money or showing ownership by another; or
- tattoos on patients who are under 18.

Be aware as well of indicators related to the person who accompanies the patient to the evaluation. Notice in particular if the accompanying person appears controlling or provides all of the responses to the questions asked of the patient, or if the patient appears to be afraid of the accompanying person.[8] Again, at least a portion of any visit with a patient who may be at risk should be conducted in private, with the patient separated from anyone (other than an advocate) who has accompanied the patient to the facility. (See "Privacy" above.)

7 *Human Trafficking and the Healthcare Professional, supra* note 1 (listing some of these factors).

8 *Id.*

In all of this, it is important that the provider not limit the diagnosis of sexual exploitation to simple transactional sex involving the exchange of money for sexual acts. Keep in mind the full definition of sexual exploitation as set forth in ***Dynamics of Sexual Exploitation***: the use of a minor (1) for any kind of sexual activity in exchange for money, drugs, or something else of value (often 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. Assess whether patients have ever been asked or told to have sex with someone else; whether they have ever had sex in exchange for something they wanted or needed (such as money, food, shelter, or drugs); and whether anyone has ever taken sexual pictures of them or posted such pictures on the internet.[9]

4. Treatment & Response

Sexual exploitation affects each person uniquely. Every patient requires and deserves a tailored response from health care providers in order to access the best possible supports and treatment.

a. Caring for Adolescent Patients

Fundamentally, sexually exploited youth are youth. The healthcare needs of this population are more similar to those of other adolescents than they are different.

To paraphrase the mantra of many medical professionals who specialize in pediatric care, adolescents, just like other children, are "not just small adults."[10] At the same time, adolescents are not just large children. No matter the development of their bodies, adolescents' brains are still being developed. Due to the rapid changes happening in their brains, they are primed to learn things, but they may have more difficulty and take longer than adults to make complex decisions. They also tend to be less risk-averse and less able to fully comprehend on their own the long-term effects of their actions.

Sexually exploited youth, like other adolescents, must be seen by providers—specifically pediatricians or family medicine or internal medicine physicians, nurse practitioners, or physician assistants—who

9 J. Greenbaum & J. Crawford-Jakubiak, *Child Sex Trafficking and Commercial Sexual Exploitation: Health Care Needs of Victims*, Pediatrics 135(3) (2015) [hereinafter, *Child Sex Trafficking*].

10 The American Academy of Pediatrics includes in its definition of "children" anyone under the age of 21.

are familiar with the unique challenges presented by these patients and have training and skill in assessing and treating them.[11]

b. Clinical Evaluation

There is not a large body of research regarding the specific health problems affecting victim/survivors of sexual exploitation. (However, the considerable research on caring for adolescent patients can certainly help guide care with respect to sexually exploited youth.) One study suggests six broad categories of health consequences for victim/survivors of human trafficking: (1) infectious diseases including HIV and AIDS, (2) noninfectious diseases, (3) reproductive health problems, (4) substance abuse, (5) mental health problems, and (6) physical trauma.[12] The provider should be aware of these sets of issues when evaluating potential patients who may have experienced sexual exploitation—keeping in mind that exploitation may well be hidden. (See "Identification" above.)

A patient who presents acutely for a sexual assault or event of sexual exploitation should immediately be offered a medical forensic exam from a trained and certified provider with the appropriate medicolegal expertise, such as a sexual assault nurse examiner (SANE) or provider at a Children's Advocacy Center (CAC). See ***Medical Forensic Exams*** and "Referrals" below. Such an exam—while helpful both for patient care and to support any investigation of the exploitation—is of course only one step in fully responding to the complex healthcare needs of these patients.

The clinical evaluation of patients who have been sexually exploited may be lengthy and detailed, given the risk factors for chronic and acute health problems. Providers should be aware of both chronic and acute medical problems, including dental care. Any injuries noted should be carefully documented. (See "Documentation" below.) Nutritional status should be assessed. Mental health issues should be screened for. (See "Referrals" below.) Prophylaxis for sexually transmitted infections (STIs) and pregnancy should be considered.[13] Contraceptive options should be discussed and provided.

Examination and documentation of anogenital and other injuries, whether acute or non-acute, are ideally done with the aid of photography. Keep in mind, however, that—especially for youth whose exploitation has

11 See the Minnesota Department of Health's set of resources for providers of healthcare to adolescents, at www.health.state.mn.us/youth/providers/resourcesproviders.html.

12 *Human Trafficking and the Healthcare Professional*, *supra* note 1.

13 *Child Sex Trafficking, supra* note 9.

involved photographs or cell phone images—that may not be possible without re-traumatizing the patient. In that case, or if photographic equipment is not available, written documentation with diagrams is acceptable. Providers should be familiar with patterns of injury that are suggestive of inflicted trauma or assault, as well as those which are consistent with accidental injury. The full description of such assessments is beyond the scope of these *Protocol Guidelines*.

Laboratory testing for patients involved in juvenile sexual exploitation should be aimed at assessment of both sexual and non-sexual health. Complete STI testing should be done including serology for syphilis and HIV, with consideration given to Hepatitis testing based on immunization status and possible Hepatitis C exposure. STI testing should also include Nesseria gonorrhea (GC), Chlamydia trachomatis (CT), and Trichomonas vaginalis testing. Testing for GC and CT may be done using Nucleic Acid Amplification Tests (NAAT) on urine. Alternatively, cultures may be done on female patients. Urethral swabs for male patients are not recommended. The least invasive method of diagnostic testing is preferred for all youth.

The patient's health care needs should be evaluated in a timely manner with an emphasis on follow-up and building relationships that fully involve the patient in decision-making about the patient's treatment (see "Autonomy" above). For example, an ignored STI can lead to lifelong consequences; it is imperative that the medical response not only address the immediate symptoms but also provide information about prevention and long-term care so that the patient can make informed decisions.

Other health concerns should be addressed as they present. As previously noted, victim/survivors of sexual exploitation may present with a wide range of physical and mental health problems that should be addressed in a timely fashion. Most notably, this population is at enormous risk for unintended pregnancy. Ideally, patients would be provided immediate access to birth control, particularly long-acting reversible contraception. Patients may also need assessment, referral, and management for chemical dependency and mental health. See ***Mental Health***. Patients may also be using needles to inject drugs.[14] Have information available about local needle exchange programs, in order for patients to protect themselves and others from infectious disease.

14 Visit nasen.org for a directory of syringe exchange programs in Minnesota.

c. Documentation

In examining patients who have experienced sexual exploitation, documentation by the healthcare professional is particularly important. Such documentation should include the physical and psychological state in which the patient presents, as well as any disclosures from the patient history and objective descriptions of physical findings. Documentation should be specific and concrete, without "subjective summaries." Patient statements while obtaining a patient health history such as, "I didn't have anywhere to go, so I told her I'd have sex with her if I could stay at her place overnight" or "My boyfriend told me I had to have sex with them in order to help pay for rent," are particularly descriptive and valuable, when documented factually in direct quotes.

d. Referrals

Again, a patient who presents acutely for a sexual assault or incident of sexual exploitation should immediately be offered a sexual assault exam. This may involve collaboration with law enforcement to refer to the appropriate local facility. It is best practice for such a patient to be offered a medical forensic exam from a trained and certified provider with the appropriate medicolegal expertise, such as a sexual assault nurse examiner (SANE).[15] Note, however, that the decision to receive a medical forensic exam, belongs to the patient, who should be informed of the options and possible outcomes of receiving or not receiving such an exam. See ***Medical Forensic Exams***.

Youth who have experienced sexual exploitation, whether acute or not, may also be referred to a child advocacy center (CAC). Again, such youth should be informed of their options and the possible outcomes before making the referral. See ***Children's Advocacy Centers*** ("Referrals to CACs").

Sexual exploitation is very often accompanied by mental health issues. Such issues should be referred to mental health professionals with skills and experience addressing the needs of victim/survivors of sexual exploitation. See ***Mental Health*** for more information.

15 *National Protocol, supra* note 2.

e. Sexual Exploitation, Health and Adverse Childhood Experiences

As revealed in the landmark 1998 study on adverse childhood experiences (ACEs), exposure to ACEs such as physical and sexual abuse is associated with increased risk for serious long-term health consequences, both physical and mental. Youth who are exposed to multiple types of ACEs are at increased risk for obesity, suicide attempts, ischemic heart disease, cancer, stroke, and diabetes, among others. As a form of sexual abuse,[16] juvenile sexual exploitation is an ACE, exposure to which should be considered by medical providers to be a contributing factor to such serious long-term health consequence.[17] Intervention by medical providers in cases of juvenile sexual exploitation results in both short and long-term health benefits. See the ***Appendix*** for more information on the impact of ACEs.

5. Reporting

Under Minnesota law, health care providers and other mandated reporters must report the maltreatment of minors, including certain forms of juvenile sexual exploitation, to child protection or law enforcement authorities. See ***Legal Framework*** ("Confidentiality & Mandated Reporting") for more information on the applicable law. Providers should be sure to know the policies of their place of practice as well.

As discussed in ***Working with Sexually Exploited Youth*** ("Confidentiality & Reporting"), health care professionals should offer transparency when working with youth, by being clear at the beginning of the patient encounter about what is required for a mandated report and naming examples of some reportable situations. In this way, the youth can decide how much information to disclose at the very beginning of the patient encounter, helping to ensure that the youth does not later feel "tricked" in the event a report does need to be made. When a report is made, providers should try to include youth whenever possible, so that they continue to feel supported.

16 L. Edinburgh, J. Pape-Blabolil, S. Harpin & E. Saewyc, *Assessing Exploitation Experiences of Girls and Boys Seen at a Child Advocacy Center*, Child Abuse & Neglect (2015) https://www.researchgate.net/publication/276298903_Assessing_exploitation_experiences_of_girls_and_boys_seen_at_a_Child_Advocacy_Center.

17 V. J. Felitti et al., "Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study," *American Journal of Preventative Medicine*, 14, 4 (1998).

When reporting, the medical provider should emphasize to child protection (or law enforcement) that the patient is a victim of trafficking or sexual exploitation, rather than a juvenile offender who needs apprehension.[18]

The Health Insurance Portability and Accountability Act (HIPAA) applies in medical settings, providing additional privacy protections. However, the mandated-reporting requirement does override protections under HIPAA.

6. Collaboration Opportunities

Collaboration, both within health care (frontline care, adolescent health, mental health, etc.) and among multidisciplinary systems professionals (advocacy, law enforcement, service providers, etc.), is critically important. Having a positive first interaction with a professional through the healthcare system can set the tone for how much a victim/survivor decides to engage with other professionals, and opens the opportunity for the victim/survivor to receive consistent care in the future.

Connecting with your community while establishing protocols and procedures is important to creating a seamless response for sexually exploited youth. Create bridges of support to help patients access resources. For example, offer to sit with patients while they call and make an appointment for follow-up care, rather than simply handing the patient a sheet of paper with resources to access later. Working together with patients to offer choices helps to empower them and is an important step in healing and recovery. See ***Working as a Team*** for more discussion on collaboration.

18 *Child Sex Trafficking, supra* note 9.

Discipline Chapter
Medical Forensic Exams

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A sexual assault medical forensic exam is an examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience. The exam consists both of the evaluation and treatment of the patient's health needs and of the collection of forensic evidence for investigation and possible prosecution. **A medical forensic exam is entirely voluntary and subject to patient consent**; see "Patient Consent" below.

Sexual assault nurse examiners (SANEs) conduct most medical forensic exams in Minnesota. (See "The Role of Sexual Assault Nurse Examiners" below.) However, doctors and nurses can also be trained to conduct a medical forensic exam. This is particularly helpful in areas of greater Minnesota without SANE programs. Forensic exams may also be available through a children's advocacy center; see ***Children's Advocacy Centers*** for more information.

For further information about youth access to medical forensic examinations, see "Minors & Forensic Exam Access in Minnesota" in the ***Appendix***.

1. The Role of Sexual Assault Nurse Examiners

Sexual exploitation frequently involves the strategic use of physical, sexual, and psychological brutality.[1] SANEs have considerable experience with the dynamics of sexual violence and can receive additional sexual exploitation training to be utilized as a triage resource for a health system. They can also conduct a full medical forensic exam if appropriate and if agreed upon by the patient (see "Patient Consent" below).

There are different specialties within the SANE field including pediatrics, and sometimes a physician is involved with an exam involving a child patient. There are distinctions in practice between child and adolescent patients, as noted in the recently released "National Protocol for Sexual Abuse Examinations—Pediatric" and furthered by the "National Protocol for Sexual Assault Medical Forensic Examinations—Adult/Adolescent."[2]

1 *See* L. Martin, & A. Pierce, *Mapping the Market for Sex with Trafficked Minor Girls in Minneapolis: Structures, Functions, and Patterns. Full Report: Preliminary Findings*, (Sept. 2014), http://uroc.umn.edu/documents/mapping-the-market-full.pdf.

2 Office on Violence Against Women, *A National Protocol for Sexual Assault Medical Forensic Examinations—Pediatric*, U.S. Department of Justice, (2016), https://www.justice.gov/ ovw/file/846856/download; Office on Violence Against Women, U.S. Department of Justice, *A National Protocol for Sexual Assault Medical Forensic Examinations— Adults/ Adolescents* (2nd ed., 2013).

2. Patient Consent

All medical forensic exams are voluntary, whether the patient is an adult or a youth. Law enforcement, parents, or guardians cannot mandate that a patient participate in a forensic exam or any medical treatment if the patient does not wish to do so. Likewise, note that a youth is not required to self-report a sexual assault to law enforcement, even when a mandated report is made.[3]

On the other hand, a patient is entitled to receive a forensic medical examination, regardless of whether the patient makes a police report. (This is an important part of forensic compliance.[4]) The medical provider may, however, be required to file a mandated report; see ***Legal Framework*** ("Confidentiality & Mandated Reporting"). In short, it is the prerogative of the patient to choose whether or not to have a medical forensic exam. Such an exam should not and may not be conducted on a patient without the patient's consent, even when law enforcement is already involved. (For this reason, note that only in very limited, exigent circumstances would an exam be done on an unconscious patient.) The requirement for consent extends to each and every portion of the forensic exam.

This need for patient consent is based not only in the law, but in best medical practice as well. Offering consent and patient choices are an important part of patient empowerment that can help with healing.

3. Content & Timing of the Exam

In communities with an existing SANE response, victims can access the medical forensic exam by simply arriving at an emergency department.

Timing can be critical. In most areas of the state, a forensic exam can be conducted within 120 hours of the sexual assault, though there may be exceptions depending on the assault history and age of the victim. Certain medications (HIV and pregnancy prophylaxis) need to be administered within a narrow timeframe to be effective; evidence collection is also time-sensitive. Informed consent includes education about what may happen when there is no medical forensic exam and immediate medication administration. Most SANEs in Minnesota are already available and on call 24 hours a day, so there should generally be no need to wait for a response.

3 *See* ***Legal Framework*** ("Confidentiality & Mandated Reporting") for information on the legal mandates relating to reporting of juvenile sexual exploitation. *See also* Minn. Stat. § 609.35 which states that access to a medical forensic exam paid for by the local jurisdiction is not contingent on making a report to law enforcement.

4 *See* Minn. Stat. § 609.35.

The medical forensic exam itself consists of obtaining and documenting the patient history,[5] when indicated with photography; collecting evidence; evaluating and treating any injuries and sexually transmitted infections, including HIV; pregnancy prophylaxis, referring the patient for follow-up care; and planning for safe discharge, as determined by the patient.

As mentioned in ***Dynamics of Sexual Exploitation***, LGBTQ individuals are particularly vulnerable to exploitation, and there are additional practice elements to consider when performing a SANE exam for LGBTQ youth. The advocacy group FORGE has a number of useful resources.[6]

4. Collaboration with Advocacy

SANEs and advocates have many opportunities and reasons for long-term collaboration. Because both operate outside of child protection and law enforcement—systems that youth struggle to trust—their relationship can be highly beneficial to youth. Advocates can be present during sexual assault and exploitation exams, and they can follow-up if the youth desires ongoing support to help navigate complicated legal and medical systems. See ***Advocacy & Outreach*** for additional information.

5 *See* Minnesota Department of Health, *Resources for Providers*, http://www.health.state.mn.us/youth/providers/resourcesproviders.html.

6 FORGE, *SAFE Protocol: Trans-specific Annotation*, http://forge-forward.org/wp-content/docs/SANE- protocol- trans-inclusive-handout-2.pdf.

Discipline Chapter
Mental Health

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Mental health providers can play a significant role in the lives of sexually exploited youth. Experiencing trauma does not automatically lead to the need for long-term mental health interventions or therapeutic processes. But the trauma associated with sexual exploitation can result in mental health challenges for victim/survivors. Furthermore, not identifying a future need, and attending to it immediately, or at least opening up the door for possible referrals later, could make for even more challenges and issues for these youth later in their lives. Mental health screening, assessment, and services can be an essential support in the healing process. Among many other benefits, these services can help victim/survivors to manage major lifestyle changes, reconnect with family, learn to anticipate triggers that recall traumatic events, and learn how to ground themselves when dysregulated or experiencing a flashback.

Professionals who work in the mental health field may encounter victim/survivors in a variety of settings, including treatment programs and residential treatment facilities (see ***Housing***), child advocacy centers (see ***Children's Advocacy Centers***), and victim service programs (see ***Advocacy & Outreach***), among others. Professionals in other fields should be prepared and trained to do screenings that help guide youth to the right mental health resources. Mental health professionals in turn should collaborate with colleagues from different disciplines to find appropriate and creative approaches and resources for serving sexually exploited youth. See ***Working as a Team*** for more information.

Working with clients who have been sexually exploited, especially youth, can pose certain challenges. See ***Working with Sexually Exploited Youth*** for thoughts on doing so effectively. In particular, consider that there remains significant shame and stigma associated with mental health issues. Youth may feel embarrassed or "dumb" seeking out services, so it is helpful to let them know that many people of all ages and backgrounds seek out support. And, historically, youth may have encountered a knowledge gap by mental health professionals on the signs and levels of vulnerabilities to look for with these youth, so show youth that you are attuned to their concerns.

Note that, overall, there is a significant lack of mental health resources statewide. And regulations on mental health services may pose a resource burden to smaller agencies, including agencies that are culturally-specific. They may not have the funding to manage the electronic health records requirements, or their staff may not have the capacity to address these difficult issues to the extent that they need.

The authors encourage increased funding for mental health services that are trauma-informed and culturally-specific to improve health equity. This increased funding should be broad—not just for special projects but for agency expenses as a whole, in recognition of the expense and challenge that come with serving such a difficult population of clientele.

This chapter is intended to be read in conjunction with ***Health Care***, which contains information applicable to all health professionals, including those who specialize in mental health.

1. Screening & Assessment

a. Screening Tools for Trauma

A screening is simply a set of questions to identify possible experiences and general areas of need to get help with potential mental health concerns. A variety of tools may be used to screen for sexual exploitation experiences and vulnerability levels (or to better understand the level of risk of exploitation for the youth).

There is no evidence-based screening tool for vulnerability to sexual exploitation. However, a local team has developed a "Vulnerability Index" that has been shown to be useful in indicating level of risk for exploitation and providing guidance for programming options. See the ***Appendix*** to review this tool. In addition, practitioners should consider using any or all of the tools that they would ordinarily use to screen for trauma or mental health issues, such as:

- Adverse Childhood Experiences (ACEs) Screening;
- Problem Oriented Screening Instrument for Teenagers (POSIT);
- Massachusetts Youth Screening Instrument Version 2 (MAYSI-2);
- Strengths and Difficulties Questionnaire (SDQ); and
- Child Adolescent Screening Intensity Inventory (CASII).

Try to keep the screening as short as possible; otherwise the youth may not complete it.

b. Assessing for Trauma

Assessment is a follow-up to screening that is meant primarily to look at levels of experience, frequency of behaviors, level of affect or dysfunction being caused, and intensity, as well as to pinpoint more specific areas that may be of concern to a youth.

Before assessing for trauma, professionals should have a good understanding of the latest developments in brain science and the neurobiology of trauma, particularly in relationship to adolescents. See "Being Trauma-Informed" in ***Working with Sexually Exploited Youth*** for more information and resources.

There are a wide variety of reactions to trauma, and traumatized individuals can require widely varied levels of support. Some do well enough with help from friends and family, while others may want to join a survivors' group or see a counselor on a regular basis. There are also people who require a high-level intervention through inpatient or outpatient treatment or even commitment in the most extreme cases. Often trauma survivors benefit from a combination of these levels of support.

Consider the client's experience with trauma and the context of this experience. If clients are still in the midst of experiencing trauma, just trying to cope in order to get through the day, it will be harder if not impossible for them to engage in a healing process. They may need support or therapeutic intervention focused on helping them simply to survive rather than focused on healing, emotionally or otherwise. Programming and expectations as to outcomes should keep these points in mind.

There are also long-term health effects associated with trauma, as discussed in ***Working with Sexually Exploited Youth*** ("Being Trauma-Informed"). Early intervention in a young person's life can be helpful in addressing the trauma experience before it becomes more complex and difficult to treat, and even debilitating in some cases.

Rarely does sexual exploitation overlap with only one mental health-related concern. For this reason, providers should consider using screening tools or assessments that can provide further insight into some of the other issues that may be present for the youth. Of course routine questions about trading sex for drugs or instances of sexual assault can also be incorporated into assessments.

c. Diagnoses

Following assessment, a mental health professional may have enough information and basis to give a diagnosis of the client's behaviors and reported symptoms. Common diagnoses include post-traumatic stress disorder, depression, anxiety, dissociative disorder, substance abuse, adjustment disorders, and intermittent explosive disorder among others.

Caution is required, however, when diagnosing adolescents—because many (regardless of trauma experience) could exhibit symptoms and behaviors for any number of reasons, and the diagnoses share many of the symptom behaviors. Further, some youth are more resilient and others are more fragile. Also consider the unintended consequences of providing a diagnosis in that a diagnosis can define an adolescent in their medical and insurance company files. This label follows the youth into adulthood and can be interpreted by non-mental health professionals inaccurately and used in destructive ways.

Diagnoses of exploited youth will likely reveal important intersections between the exploitation and earlier trauma, such as neglect or abuse in the home. See ***Health Care*** ("Sexual Exploitation, Health and Adverse Childhood Experiences") and the ***Appendix*** for information on adverse childhood experiences (ACEs).

Some non-mental health professionals may view a diagnosis as a stigma, a negative "label" carried by a sexually exploited youth. This "labeling" can be emotionally destructive and even dangerous to the youth when diagnoses are used as a base of reference outside the setting of mental health treatment (e.g., courtrooms and education systems). But diagnoses can be very helpful to youth when used appropriately, to guide the treatment of mental health needs and the provision of services.

2. Treatment Approaches

Treatment needs vary greatly and must begin with a focus on safety, security, and stabilization. It is critical that victim/survivors have access to someone they trust, so that they feel comfortable seeking counseling and following a treatment plan.

It may take victim/survivors a long time to feel safe again and to learn coping techniques. They may have suffered severe blows to their self-esteem and self-worth, as well as the sense of autonomy that affects their ability to navigate the world around them. One of the most difficult issues to address is the strong trauma bond that can exist between the victim/survivor and the exploiter. (See "Why Don't They Leave?" in

Dynamics of Sexual Exploitation.) No matter how awful the experience, the level of loyalty, dependence, and even love for the exploiter can run deep. It takes time for the mindset and emotions of a victim/survivor who has been sexually exploited to change. Do not denigrate the exploiter, but acknowledge the pull between staying with and leaving the exploiter. Ask what the client thinks about the exploiter's actions. Focus on safety, and build a relationship with youth that can model other healthy relationships they can have with adults.

There are different modalities and aspects of therapy and trauma-informed care that may apply to sexually exploited youth. Cognitive Behavioral Therapy (CBT) based approaches, for example, emphasize mindfulness, distress tolerance, interpersonal regulation, and emotion regulation, as well as integration of the seemingly opposite strategies of acceptance and change. CBT focuses on changing patterns of thinking and behavior that influence how a person manages the difficulties in their lives. Eye Movement Desensitization and Reprocessing (EMDR) is used to help heal symptoms of emotional distress associated with traumatic experiences. Attachment-based therapies are also used to address, Depression, Anxiety and Radical Attachment Disorders.

One of the significant issues commonly faced by sexually exploited youth is chemical use. Mental health professionals should be aware of the interrelatedness between this use and other issues in the client's life.

When serving sexually exploited youth, it is important to meet them where they are emotionally and even physically. Sometimes an office is not the best place to talk. A young person may feel more comfortable going to lunch or for a walk. Sometimes texting is a more comfortable means of communication, if it can be done so confidentially. It can be very difficult for a homeless youth or a youth in transition to connect with professionals during the medical and insurance model of 50-minute appointments. Meeting basic needs is a high priority. A client cannot focus while hungry or sleep-deprived. In addition, always ask permission before hugging or touching a client in any way.

More broadly, meeting youth where they are means developing respect and sensitivity for their cultural backgrounds and cultural preferences. (See ***Cultural Considerations***.) Support youth who wish to connect with traditional ways of healing from trauma, even if they are not necessarily recognized by Western medicine. Increasingly, professionals are recognizing the importance of alternative therapies and activities that emphasize the mind, body, and spirit connection. These include meditation, art therapy, animal therapy (equine therapy in particular has proven useful for working with youth), storytelling, tai chi,

and therapeutic massage. Yoga has been used increasingly with soldiers suffering from PTSD as a means of addressing dissociation symptoms and dysregulation, as well as reducing stress and increasing aware.[1] Note, however, that, given the experience of many victim/survivors, any methods that involve skin-on-skin contact must be used with great caution and care, and with clear boundaries and open communication.

Finally, the support systems for sexually exploited youth must be rebuilt and fully strengthened through his or her process of addressing the related mental health issues. Family members need their own system of supports and education about their youth who has been sexually exploited. In fact, professionals understand the best influencers to the youth are the youth's family members. Reconnecting youth to family that previously might not have been present is a long and challenging path for the youth and the family members. Without this base of support however, youth continue to feel alone, abandoned and isolated. This is why there is such a strong connection to the life of being sexually exploited because those in their lives serve as "family" that they may have felt they missed along the way. Processes and sessions with family members and the mental health professionals may need to be more frequent than even sessions with the youth themselves.

1 Paula Schaefer, *Girls Circle H.E.A.R.T. Healing, Empowerment and Recovery from Trauma Training & Resource Manual*, 100-101 (2013).

Discipline Chapter
Public Health

1. Sexual Exploitation in a Public Health Context 168
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Public health emerged out of the social justice and social hygiene movements of the late eighteenth and early nineteenth centuries.[1] People demanded greater attention paid to public health because of workplace exploitation, so a problem in the industrial sector became the impetus for change. Now public health draws upon scientific research and relies on an evidence-based framework to address a wide range of social issues at the intersection of health, safety and welfare.

The sexual exploitation of youth is an issue both of public health and of public safety and intersects with many other public health concerns. These include sexual assault, domestic violence, child abuse and neglect, HIV and other sexually transmitted infections (STIs), unwanted or early pregnancies, basic unmet primary prevention health care needs of adolescents (e.g. immunization, tuberculosis screening, birth control), drug and alcohol abuse or addiction, and suicide, among many others discussed further below.[2]

1. Sexual Exploitation in a Public Health Context

A public health approach to a complex problem like sexual exploitation "has improved overall understanding of the consequences and possible risk factors of child maltreatment" and is effective "because of the focus on population-level prevention and early intervention inherent in such an approach."[3] Many agencies commonly focus on interventions at an "advanced stage"—after the exploitation has occurred. Communities in Minnesota and across the country, viewing exploitation through a public health lens, are now developing programs and pursuing strategies that work toward prevention and early intervention.[4]

A "health in all policies" approach to sexual exploitation asks the question: How does or could a given policy affect the risk/protective factors for sexual exploitation? This includes examining policies at every level—organizational, systems, city, county, state, federal, etc. Sexual exploitation can be affected by seemingly unrelated policies in a wide variety of areas, including housing, education, childcare, work, economics, transportation, healthcare, criminal justice, social services, and more.

1 *See, e.g.*, R. Everett, *Social Hygiene and Public Health*, J. Social Forces, 61 (1923).

2 E. Wright Clayton, R. Krugman, & P. Simon, eds. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States* (Sept. 25, 2013), http://www.nationalacademies.org/hmd/Reports/2013/Confronting-Commercial-Sexual-Exploitation-and-Sex-Trafficking-of-Minors-in-the-United-States.aspx [hereinafter referred to as *Confronting Commercial Sexual Exploitation*].

3 *Id.* at 284.

4 *Id.*

Additionally, historical and present-day policies and practices that perpetuate beliefs in the lesser value or lesser humanity of certain populations—whether intentionally or not—play a role in the higher rates of sexual exploitation perpetuated against those populations. The good news is that just as policies can perpetuate sexual exploitation, policies can also be created that help to reduce sexual exploitation. There is a lot of power in policy, thus there is a lot of power in a "health in all policies" approach.

Three areas are central to the public health conversation:

- **Prevention:** See Prevention and "Harm Reduction" in ***Working with Sexually Exploited Youth***.

- **Data and assessments:** Information gathered from local assessments about activities and community norms can better inform prevention and intervention strategies. It may also examine inequities and risk and protective factors. Crimes of violence are rarely studied in local health assessments, and yet the potential for useful information that can inform a coordinated response is high.

- **Priorities and actions:** Once data is evaluated, public health can determine priorities and take action to respond. The Minnesota Department of Health takes the lead in training the state's public health workforce, but much change can occur on the local level as well.

The public health workforce in Minnesota is broad-based and interacts with a variety of disciplines. Thus, 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.

2. Intersecting Public Health & Social Concerns

As discussed in ***Dynamics of Sexual Exploitation*** ("What Fuels Exploitation"), it is impossible to consider sexual exploitation in a vacuum. The issues underlying exploitation—the vulnerability of victims, the sense of entitlement of exploiters, and much more—intersect with many of the structural inequities within our society.

For example, economic inequities contribute to sexual exploitation.

Poverty decreases access to health care, in particular preventive measures that could educate youth about potential risks in their lives. More directly, poverty may fuel exploitation, because exploitation is perceived as a quick and "easy" way to make money for both the person doing the exploiting and the person who is exploited.

In addition, victim/survivors of exploitation often endure a host of short and long-term health problems as a result of sexual exploitation, including STIs, HIV infection, unwanted pregnancies, injuries from abuse, severe traumatization, and disability. (See ***Health Care***.) Many of these health problems go unchecked. Again, individuals in poverty, including many victim/survivors, are less likely to have access to health care, as well as preventative care and awareness education.

These potential health impacts not only engage the medical and mental health fields, but also potentially law enforcement, prosecution, child protection, and the courts. When economic disparity fuels a public health problem, very quickly a host of different systems are drawn into the response.

While there is no guarantee that preventive and early intervention actions would keep a youth in poverty 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 a social justice stance remains, just as it did over a century ago, the very essence of a public health approach.

3. Strategies for Identification & Support of Sexually Exploited Youth in Public Health Settings

One of the best opportunities for public health services 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. (For more on ACEs, see the ***Appendix***.)

Early intervention with a public health nurse or community health worker can play a role in disrupting negative family dynamics by creating opportunities to discuss problems and engage additional support.[5] Mobile crisis teams who address mental health issues can work with

5 *See e.g.*, Child Trends, *Early Intervention Program for Adolescent Mothers*, http://www.childtrends.org/?programs=early-intervention-program-for-adolescent-mothers.

families in their homes to assess risks, create safety plans, and provide a continuum of care.[6] These teams may travel to places beyond home—schools, coffee shops, etc.—to provide care where necessary. There may be some families who do not want to receive services in their home, so it is important to assess and support transportation needs.

Additional intervention strategies include support for families very early in children's lives. Access to early childhood family education and education about prenatal care can 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. Programs for teen mothers can serve the dual purpose of supporting both the child and the mother, so that both are able to succeed. The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is critical to providing early support for healthy eating that can positively impact the physical and mental strength of a child.

4. Educational Opportunities for Youth & Families in the Public Health Context

Sexual exploitation can be a challenging conversation for a family. Public health services can help parents and educators engage in meaningful dialogue. It is important that the approach does not rely on the scare tactics or sensational stories that are sometimes employed by media or other venues to raise awareness about sexual exploitation. Rather, focus on the realities that a young person may recognize from their daily life.

Many youth may not understand what sexual exploitation is (or have the language to talk about it), and may not realize that it is something that could impact them directly. Caring, connected adults should create a space where youth can feel comfortable asking questions and talking about this issue in a way that is relevant to the youth, nonjudgmental, and empowers the youth to make good choices. These adults should let youth know that there are steps they can take to mitigate the risk of being exploited (while reinforcing the message that if exploitation does happen, it is never the youth's fault). Point out familiar places where recruitment can occur, such as bus stops, schools and shopping malls, and talk about potential recruitment tactics. But just like sexual violence is more commonly perpetrated by someone

6 *See e.g.*, NAMI Minnesota, *Mental Health Mobile Crisis Response Teams*, http://www.namihelps.org/L11-Mental-Health-Crisis-Teams.pdf.

known to the victim than by a stranger, it is important to talk about how sexual exploitation can occur in the context of familial relationships as well as friendships. Finally, help youth to recognize that behaviors that their peers may consider normal—such as making someone perform a sex act in exchange for a ride or entrance to a party, or convincing a friend to perform a sex act for drugs or dance in a strip club for "fast" money—may in fact constitute sexual exploitation.

The online world can pose many risks to youth. For example, because of its prolific nature and accessibility, many youth use pornography—which exposes them to harmful messages about sex and sexuality—as a guide to their own sexual interactions. Have conversations with youth about this, as well as about social media, online gaming, and other technology-related concerns. Often youth will be forthcoming in these conversations 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. Peer-to-peer education and training for parents and other adults in young people's lives are both effective ways to augment classroom teaching. Education should begin in age-appropriate ways with children in elementary school and progress through middle school and high school, using information that transcends the basic curriculum of pregnancy and disease prevention and delves into the realities of growing up as a young person today. See ***Schools*** ("Education on Sexual Health & Healthy Relationships").

5. Collaboration Opportunities

Community public health data is fundamental to the needs assessment portion of protocol development. Opportunities to partner with agencies to collect health-related information will prove useful in identifying areas of the community where outreach and services can be directed. Data collection that has a particular focus on cultural communities could also assist with the development of culturally-specific services that are either stand-alone or integrated into existing agencies.

Interactions with local health boards are another means of raising visibility about the sexual exploitation of youth and offer a

community-wide forum to discuss ways to improve prevention and early intervention efforts. The collection of local public health data will help to inform the boards and support creation of innovative strategies. Local health boards could also take input from the health care providers who identify youth at risk for sexual exploitation to determine best practices. Additional training for health care providers will assist with better identification of sexually exploited youth, delivery of appropriate care, and referral to services.

An additional venue for interaction by the public health field is with juvenile corrections, specifically with regard to the intake forms that are required by the Prison Rape Elimination Act (PREA). Public health data collected through these forms could also shape community information and assist corrections staff in responding to the needs of a particular youth under their charge. See ***Juvenile Corrections*** for more information about PREA.

For a much broader understanding of prevention-based approaches to sexual violence, contact the Minnesota Department of Health (MDH) Sexual Violence Prevention Program.[7] Additionally, the MDH Sexual Violence Prevention Program coordinates the statewide Minnesota Human Trafficking Task Force (MHTTF).[8] The MHTTF brings the public health/prevention lens to this work through multidisciplinary, statewide engagement. Efforts include promoting the need to address root causes, conditions, and intersections at the systems level in order to interrupt and prevent harm. In addition, the MHTTF shares resources and promising practices as well as provides training to public health professionals and community stakeholders.

7 www.health.state.mn.us/svp.

8 www.mnhttf.org.

Law Enforcement & Prosecution: Introduction

Sex trafficking and sexual exploitation are some of the most difficult crimes to investigate and prosecute. When done successfully, they can also be among the most rewarding for the well-being of the victims, as well as the community as a whole. While sexual exploitation comes with its own set of challenges, considerations, and laws, this form of violence does not exist in a vacuum. Many of the principles and approaches that are best practice in cases of domestic and sexual violence can be applied to these cases as well.

Accordingly, as with domestic and sexual violence cases, it is critical that investigators and prosecutors have the interest, expertise and experience required. Designation of staff who have, or are willing to acquire, this expertise is strongly recommended. There are many state and national resources available to assist law enforcement and prosecutors to develop proficiency in this specialized area. (See "Training & Resources for Law Enforcement" in the ***Appendix.***) Local experts can also be helpful in addressing specific issues relating to Minnesota law, as well as the specific needs and characteristics of a particular community.

Building relationships with outside partners, especially with local community-based service providers and advocates, can expand the capacity of any agency to investigate and prosecute sex trafficking cases. Victims of sexual exploitation and trafficking have many needs, including mental health, housing, transportation, legal advocacy, and chemical dependency treatment. The Safe Harbor regional navigator, individual advocates and/or an interagency coordination team, can provide the services needed to stabilize the victim, improving the chances of a successful outcome. See ***Working as a Team***, and in particular "Example: Law Enforcement/Advocacy Relationship," for an important discussion on this topic.

Collaboration and coordination among jurisdictions is another important component in the investigation and prosecution of sex trafficking cases. Sexual exploitation is rarely limited to one jurisdiction. Therefore, it is essential to coordinate with other agencies in your region, around the state, and around the country. This includes coordination with federal authorities, which can be of great assistance in successfully prosecuting and resolving these cases. Anticipate that this collaboration and coordination will involve sharing information on victims and suspects. Therefore, be aware of what information can be shared and with whom. Create data sharing agreements when needed, and take advantage of existing resources to conduct operations. Joining a law

enforcement task force, such as the Gerald D. Vick Human Trafficking Task Force (co-run by the St. Paul Police Department and the U.S. Attorney's Office), or forming a regional law enforcement task force or cooperative of your own, provides an efficient and critical way to share intelligence and investigative information. Prosecutors can also join an email listserv for those working on sex-trafficking cases. Contact the Minnesota County Attorneys Association (MCAA) for more information.

Law Enforcement and ***Prosecution*** focus on features unique to cases of sexual exploitation and sex trafficking, in particular the exploitation and trafficking of juvenile victims. Given that these cases include elements of domestic violence, sexual violence and juvenile victimization, investigators and prosecutors should draw upon their preexisting expertise in these areas to aid their efforts.

For Senior Leaders

Minnesota's Safe Harbor law represented more than just a statutory change. It changed the state's entire approach to sexual exploitation and sex trafficking. With a shift this significant, it is critical that the necessary change to both agency practice, as well as agency culture, come from the top down.

Senior agency leaders should build strong relationships with other agencies to ensure that multidisciplinary collaboration is truly effective and victim-centered. Senior leaders should also take advantage of their position to raise community awareness and to push for broader system change. See ***Prevention*** for ideas.

These cases can be enormously complicated and resource-intensive. Cases should be assigned to line staff with this understanding in mind. For example, many prosecution offices make an exception to ordinary case-assignment procedures when a homicide is involved. Trafficking cases, though more frequent, are often at least as challenging as homicides. These cases may well need to be subject to a similar specialized case assignment process. In addition, line staff may need flexibility in deciding how to handle more nuanced complications in the case, such as victim-defendants, underage victims, etc. Thus, it is important to develop clear standards for case resolution that provide the flexibility needed to consider these complicating factors.

Discipline Chapter
Law Enforcement

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1. Your Approach: Victim-Centered

Minnesota's model for combatting sexual exploitation requires an important shift for law enforcement from a more traditional approach to casework. 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.

This approach should be familiar in many ways to recent advances in the methods for responding to other forms of domestic and sexual violence. But it is not without its challenges. Victims of sexual exploitation are often experienced as uncooperative, untrusting, manipulative, and even hostile toward law enforcement. There are many good reasons for this, as discussed in ***Dynamics of Sexual Exploitation*** ("Why Don't They Leave?"). Sharing intimate details of sexual encounters with a stranger can be difficult. Added to this challenge are the layers of multiple forms of trauma experienced by most victims. In addition, individuals from many communities disproportionately affected by exploitation, particularly communities of color and other marginalized communities, have an historic and ongoing distrust of law enforcement.

On the other hand, victims have first-hand knowledge of the exploitation. Their input, perspective, and expertise can provide a substantial advantage to the investigation. Recognizing that victims have much to contribute, and engaging them in a victim-centered manner, will enhance their recovery and increase the likelihood of a successful case.

a. Prioritizing Victim Needs

How do you put victims first? Start by considering your goal. Victims of sexual exploitation are often highly skilled at reading people. If your real goal is to get information from—rather than help—the victim, the victim will know that. You will be viewed as yet another person trying to get something from the victim, with the conversation simply a transaction. Instead, your first and top priority should simply be to meet the victim's needs. Your investigation will be all the stronger when the victim is healthy, stable, and ready to participate with you to pursue it.

Given this, your attitude toward victims is crucial. Be patient, genuine, and kind, meeting them where they are with a lack of judgment. Review ***Working with Sexually Exploited Youth***, including "Being Victim-Centered and Youth-Centered." Recognize and respond to what will make an individual victim comfortable. For some victims, this may mean access to culturally-specific services or an interpreter. For others, this

may mean offering to have the victim talk with a colleague of a different gender, if your gender makes the victim uncomfortable. The ***Appendix*** contains more "Practical Tips for Law Enforcement" that many agencies have found useful.

This work takes time, and time is at a premium for most investigators. Collaboration with partners in other disciplines is crucial. See ***Working as a Team*** for an important discussion on this, including suggestions for working effectively with advocates.

b. Victim Disclosure & Interviewing

There is no one "magic question" or screening tool that will cause victims to disclose that they are being exploited. If they disclose, they will do so at their own time and in their own way. Unlike other cases, it is rare for the victim to provide "one good interview." Take your time. Use active listening skills.[1] Gradually build trust and rapport. Full disclosure may take multiple conversations and interviews. As discussed in ***Working with Sexually Exploited Youth***, victims may not provide coherent, consistent, and organized narratives or explanations. There may be many starts and stops along the way.

> **"Some youth would feel uncomfortable because of an officer's race or gender. So they should be able to talk with someone they feel safe with."[2]**

Indeed, some victims may never disclose to you. Still, respond with the same patience and compassion, and do not judge the victim's circumstances. Your approach will shape how the victim thinks about law enforcement and other professionals. Victims are often told by exploiters not to trust law enforcement. Any positive interactions with law enforcement work to undo this manipulation. A victim who does not disclose to you may well disclose to someone else, in law enforcement or otherwise, tomorrow, next month, or next year.

These *Protocol Guidelines* cannot address the full scope of victim-interviewing techniques. See "Training & Resources for Law Enforcement"

1 See the ***Appendix*** ("Crisis Intervention: Using Active Listening Skills in Negotiations") for more information on active listening skills.

2 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 25 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter, *Voices*].

in the ***Appendix*** for sources for training on this. Note that interview methods should recognize the prevalence of trauma in victims' lives. One trauma-informed approach developed specifically for law enforcement is the Forensic Experiential Trauma Interview (FETI). See the ***Appendix*** for more information.

c. Integrating a Victim-Centered Approach into Your Work

A victim-centered approach should flow through every aspect of how you and your agency handle sexual exploitation cases. It may lead you to focus your efforts on ways to identify and intervene with vulnerable and at-risk youth. See "Connecting with Vulnerable Youth" below. It should certainly lead you to consider carefully situations in which victims are used to recruit or control others. (See "Bottoms & Historical Victims" in ***Dynamics of Sexual Exploitation***.)

A victim-centered approach also creates a long-term responsibility to victims—one that exists long after the case is closed. 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.

2. Identification

a. Online Stings

Knowing that much sexual exploitation is advertised online, many officers turn naturally to stings to identify victims, and thereby traffickers. Proceed with caution. Responding to an online ad by pretending to be a sex buyer may not increase victims' trust and cooperation. Moreover, not all exploitation occurs through online ads. Online stings are an important tool in holding buyers accountable (see "Identifying & Investigating Buyers" below) and may be necessary as part of bringing victims to safety (see "Intervention" below) or as part of proving that the sale of a person has occurred. But there are other tools for identification, as discussed in the rest of this section, which may be more victim-centered and more effective in the long run.

Online ads for sex should not be ignored, of course. They can serve as valuable sources of intelligence on phone numbers, photos, etc. And agencies should certainly respond to them. One possible option

for doing so is simply to make contact with the victim (similar to a "knock and talk"), without an undercover component. Identify yourself as law enforcement, ask if the victim needs help, and offer services (remembering, however, that victims may well not disclose immediately or at all). Consider providing your contact information (so long as it is safe for the victim to take), with an offer that the victim call you anytime. Youth victims should be placed in a safe place and reported to child protection. (See "At the Scene" below.)

b. Hidden in Other Situations

Sexual exploitation is often hidden in other crimes, from domestic assaults to fraudulent financial transactions. Many officers can think of a traffic stop that, upon reflection, likely involved sex trafficking, or a runaway who may well have been trading sex for a place to stay. Indeed, virtually any unit within your agency may come across exploitation cases. Officers should be trained to look for the red flags listed in ***Dynamics of Sexual Exploitation*** and in the *Street Officer Resource Guide*, which has been distributed to every agency in Minnesota (and a copy of which is in the ***Appendix***).

Agencies can also collaborate with community partners who may be able to help identify the signs of exploitation. One example is the lodging industry, where housekeepers or front desk staff may well see signs of sex trafficking. A set of posters and training videos (each in English, Spanish, Hmong, and Somali) is available to provide the hotels and motels in your community.[3]

c. Connecting with Vulnerable Youth

As discussed in ***Dynamics of Sexual Exploitation***, exploiters target vulnerable youth. Identifying sexual exploitation requires identifying vulnerable youth as well. The list of vulnerabilities in ***Dynamics***—from youth who have experienced past abuse to youth in foster care—is a good place to start. Keep an eye out for those youth at highest risk. (See the "High-Risk Victims Model" box.) Involve those in your agency who work with youth—juvenile officers, school resource officers, missing-persons officers—as well as those outside of your agency as well.

Take runaway cases seriously. File a report for every run, as legally

3 See the Ramsey County Attorney Hotel Training Information at the Minnesota Human Trafficking Task Force website, http://mnhttf.org/educationtraining/training-and-educational-materials/.

required. Search for the runaway and have a conversation when the youth is found. Where was the youth? What happened while the youth was on the run? Consider adopting the "10 Questions," a tool used by the St. Paul Police Department for interacting with runways (and available in the ***Appendix***). 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 doesn't disclose, your continued interest in the youth's well-being will have sent a strong, positive message. And keep a special eye out for "throwaway" youth—those on the run whose families never even reported them as missing; their situations should be especially concerning.

High-Risk Victims Model[4]

A high-risk victims model, such as that originally developed by the Dallas Police Department, can be especially effective at identifying youth who are (or are at great risk of) being exploited. To use this model, select factors that seem especially likely in your jurisdiction to lead to exploitation, and then review records and cases to find those that match the model, e.g.:

- multiple runs,
- prior history of sexual abuse, or
- direct connection with an exploiter or another other victim.

Of course refer all vulnerable youth—and all vulnerable people—to services in the community. Exploiters seek to identify and provide whatever is missing in a youth's life, from food or shelter to simply a sense of family. Eliminate that opportunity. By helping the youth, you may well prevent exploitation from starting in the first place.

d. Other Sources for Identification

There are many other ways to identify exploitation and trafficking. Proactively monitor social media. Train crime analysts, so that they can help identify exploitation in the course of reviewing other reports.

4 Information about the Dallas High Risk Victims Model can be found at https://www.doj.state.wi.us/sites/default/files/ocvs/specialized/Fassett-%20National%20Research%20Council%20Sex%20Trafficking.pdf.

Especially as awareness spreads, you will likely receive tips from your system and community partners. There are several national hotlines which receive tips; these may be forwarded to Minnesota law enforcement for investigation.

3. Intervention

a. Advance Planning

If you have identified a victim in advance, carefully plan ahead for the recovery. Answer some key questions. Who will interact with the victim first? Where will the victim go afterward? Is the victim a runaway? What are likely to be the victim's immediate needs? Physical safety? Help with trauma? Chemical use? Work with an interagency coordination team, of the type described in ***Working as a Team***. Have arrangements ready in advance, with victim advocates available if possible.

The process of identifying and intervening with a youth victim is often termed "rescue" within law enforcement and many other agencies. Note that victims are unlikely to have a positive impression of being "rescued." The term tends to take away agency from youth and can undervalue the long-term need for services.

b. At the Scene

Sometimes, it will not be possible to plan ahead for recovery; the victim may be identified by officers at a traffic stop, during a drug raid, in the course of runaway identification, or otherwise without prior notice. In that case, officers should be guided by the steps listed in the *Street Officer Resource Guide* (a copy which is in the ***Appendix***). As discussed above ("Your Approach"), officers' top priority should be on meeting the needs of the victim—for food, clothing, sleep or otherwise. Designate in advance two important contacts:

- a provider of a victim services to whom officers can refer victims, and
- an investigator—whether at your own or another agency—whom officers can contact with questions.

The *Street Officer Resource Guide* provides space for officers to record contact information for each of these connections, for easy access.

"DO NOT assume they are a willing participant. Use calm, reassuring measures."[5]

A youth who is in conditions which an officer "reasonably believes will endanger the child's health or welfare" may be taken into custody.[6] The officer has considerable discretion as to the form that custody takes. Secure detention is permissible, in the hours prior to the initial court appearance, but it should be a last resort. Far better in most cases is a high-quality, staff-secure therapeutic setting, if one is available. A full description of the law on placement and detention, as well as recommended policies, is in ***Placement***.

If you do take a victim into custody, consider carefully how you do so. Many victims have learned (or been taught) to distrust law enforcement, and most have experienced considerable trauma, which may lead them to experience any kind of touch as a "trigger" for a traumatic reaction. They may well resist. Remember that you are the one who has discretion. Try to take into account the circumstances—the victim's past experiences, the current level of aggression, common triggers for survivors of trauma, etc. Avoid restraining the victim if possible and if consistent with safety. If a victim is at a shelter or residential placement, staff may be able to help minimize the reaction and de-escalate the situation. Recognize the balance inherent in addressing illegal behaviors by the victim. On the one hand, an appropriate response by law enforcement may provide a measure of accountability and—for those youth able to process cause and effect, despite their trauma—incentive for appropriate behavior in the future. On the other hand, a charge of obstructing legal process or assaulting an officer could have a lasting impact—and could further undermine the victim's feelings about law enforcement.

Youth who are prostituted, trafficked, used in a sexual performance or pornographic work, or otherwise sold for sex must be reported to child protection. See "Mandated Reporting" in ***Legal Framework*** for more information.

4. Investigation

Exploitation cases can be enormously time-consuming, taking weeks or even months to investigate. It's crucial that you use your time wisely. Work closely with the prosecutor to identify investigative paths

5 *Voices, supra* note 2, at 37.

6 Minn. Stat. §§ 260C.175

that may be promising or unproductive.

Still, keep the focus on the victim, as discussed in "Your Approach" above. 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.

a. The Importance of Corroboration

Most criminal investigations are aimed at finding evidence that relates fairly directly to the elements of the crime itself. For example, the investigation of a case involving possession of stolen burglary tools can safely focus on the tools themselves and when and how they were found with the suspect. Trafficking cases are different. As discussed earlier, trafficking victims often recant, become uncooperative, or fail to appear to testify—all for very good reasons—even more than do victims of domestic assault. And for deeply unfair reasons, even youth trafficking victims may be unsympathetic to juries. Victims may have criminal pasts themselves and may appear—to a jury unfamiliar with the dynamics of trafficking—to be complicit in their own victimization.

Reduce the pressure on the victim by looking for evidence that will support (or refute) every aspect of the victim's statements, not just those tied narrowly to the crime itself. If the victim mentions going to a house, for example, ask the victim to describe the interior in great detail—and then compare the description (and take photos) when you go to that house.

b. Evidence Collection

As with any case of domestic or sexual violence, officers at the scene should take many photos and collect a wide array of evidence. *The Street Officer Resource Guide* (in the ***Appendix***) contains suggestions for frontline officers.

Technology is of course a major aspect of these cases, and it is always changing. Take advantage of training to stay current with social media, phone hardware, apps, etc., and reach out to other experienced investigators as needed for technical assistance. The ***Appendix*** contains a list of sources of training ("Training & Resources for Law Enforcement"), as well as some sample subpoenas to obtain evidence from several

online ad and social media sites.

c. Interviewing Suspects

These *Protocol Guidelines* cannot address the full scope of suspect-interviewing techniques. See "Training & Resources for Law Enforcement" in the ***Appendix*** for sources for training on this.

Remember that victims are frequently used to recruit or control others; those in this role may be referred to as "bottoms." See ***Dynamics of Sexual Exploitation*** ("Bottoms & Historical Victims") for more background. See ***Prosecution*** ("Victim-defendants") for a discussion of how prosecutors may view bottoms and other possible victim-defendants.

d. Jurisdiction

Sex trafficking cases, especially, can extend beyond geographic border lines. Jurisdiction—both geographic and federal/state/tribal—can become complicated. Use robust de-confliction (checking which other agencies may be working the same case) and collaborate with other agencies. See ***Legal Framework*** and ***Prosecution*** for an overview of the differences between state and federal trafficking laws, and see ***Working with Tribal Nations*** for an overview of criminal jurisdiction in Indian Country.

e. Preparing for Charging

To build a strong case, it is crucial that you document your work at every step. Write in a report everything that you do, including:

- when you did it,
- why you did it,
- where you did it, and
- what happened, including a careful description of any evidence that you received.

Do this even if the action in question was simple, such as sending a subpoena (without yet receiving anything back) or attempting unsuccessfully to contact a victim. Prosecutors and defense attorneys—who will be your eventual audience—aren't frightened of paper. If your work results in hundreds of reports, so be it.

The reason for all of this documentation is that these cases can be

highly complicated. It can be very difficult for prosecuting attorneys later to build a timeline of events which can be very important to the case. Relying solely on your memory of events could likely lead to omissions or errors. Documenting your work contemporaneously at every step will protect both you and the process.

Note that charging can be a difficult time for victims. Keep in close contact, both with victims and with their advocates. Look for attempts by the defendant to contact the victim, either directly or through associates; pay particular attention to jail calls.

5. Identifying & Investigating Demand

Sexual exploitation would not exist without the demand for it. Holding buyers accountable is a critical part of protecting victims.

Target buyers by placing online ads offering sex. These operations should be handled with care, using the proper training and equipment and following clear policies.[7] Place ads on multiple sites, including those used by wealthier buyers. These operations can be resource-intensive; if yours is a smaller agency, share staff, equipment, and experience with other agencies in the area. Work closely with prosecutors in advance, to be sure that any cases are chargeable.

One particular challenge in operations targeting buyers is finding personnel to work undercover (see "Undercover Officers in Buyer Stings" below), especially for smaller agencies with few or no eligible officers. Again, partnering with other agencies can help. As another option, some agencies around the state are exploring targeting buyers without having in-person contact with an undercover officer at all, such as by relying only on text messages or phone calls with sufficiently clear evidence of intent. Again, work with prosecutors beforehand on any given approach.

"John Letters"

Undercover operations based on online ads may draw hundreds of responses, far more than can be pursued through to criminal charges. After a buyer sting, the Rochester Police Department examines all of the phone or text conversations that its undercover officers had with prospective buyers. If

7 See the ***Appendix*** for information on several sources for training. For a sample policy, contact the St. Paul Police Department.

a conversation appears to involve the purchase of sex, the department uses an administrative subpoena to the phone carrier to obtain the subscriber's contact information. It then sends an active-investigation warning letter to the address, also sending the message that sexual exploitation will not be tolerated in its community.

In investigating buyers, keep in mind the wide range of evidence that may be relevant: data from cell phones and computer, records from bank accounts or credit cards, social media activity, vehicle and employment records, and much more.

Online ads may also help to increase community awareness. Simply placing an ad and keeping track of the responses—even without running an undercover operation—can show residents the demand for commercial sex in your area. Prepare for media coverage of your operation, as well as for a potentially negative public response.

Evidence against traffickers, especially phone and computer content, frequently provides leads against buyers as well. While it is rarely possible to follow up on every one of these leads, certainly pursue any individuals targeting underage victims.

In addition, think of ways that evidence about buyers can be used in investigations of traffickers. A buyer who has been caught purchasing sex is likely to have considerable incentive to provide information about the trafficker or victim, the location being worked, how the trafficker and victim operate, etc. Statements from buyers may later serve as evidence that a sex act occurred or that money changed hands.

Undercover Officers in Buyer Stings[8]

To conduct an in-person sting on buyers, an officer—often but not always female—goes undercover (UC) as someone who is selling sex. This work requires the UC to look, dress, talk, and act in contradiction to much of what has become second nature from the officer's police training. All of this occurs without the barrier of the officer's typical patrol equipment, uniform and vest—which otherwise would help to remind the officer that the operation is not personal but rather a method to gain the buyer's trust for information, evidence, or arrest.

The experience of being a UC in buyer stings can invoke trauma, with physical and psychological ramifications. UCs must read each buyer while having their bodies scrutinized and priced. UCs must put themselves in close proximity to suspects—be touched by them—in what is again strongly counterintuitive behavior for an officer. UCs can experience a wide array of emotions—fear, anger, disgust, compassion, anxiety, anticipation and more—in a single incident. UCs must regularly hear and pretend to respond positively to offensive language and acts wanted by buyers, including sex with children. A UC may also deal with a violent offender intent on using force or a weapon to obtain sex.

A UC may feel isolated from family, friends, and coworkers who do not understand the nature of the sex trade or the fact that the officer could play a role so at odds with who the officer is in real life. In order to protect the UCs identity, the UC may not be able to attend work or personal events, have social media accounts, or share details with people who could be supportive personally to the UC.

Key to addressing these concerns is the relationship between the UC, the UC's handler, and the UC's operational team. Deep trust and confidence is needed between all three. Empower UCs with respect to decisions about the operations, like who is on the team and what the limits are. Discuss how to handle situations—and adapt procedures—when operations do not go as planned. These boundaries may change over time; the UC, handler, and team should periodically evaluate and discuss these limits.

8 The material in this box was provided by several officers who have worked undercover during buyer stings.

The UC should have considerable input in the selection of a handler. The handler should know the UC well enough not only to understand the UC's limits in specific situations, but also to read the UC's body language and be able to recognize when the UC may be disregarding safety. It is recommended that the handler's decisions regarding the UC's safety during the operation be respected by the team. The handler and team are critical in creating confidence in the UC, so support, communication and resources should be available wherever possible.

Selection of UCs is critical as well. UCs must have sound psychological health, be willing to take initiative, and have the ability to adapt, good judgment, and good powers of observation. UCs must be familiar with and trained specifically on the "business" (prices, terminology, etc.), as well as how to deal with contingencies that may arise during the operation and the possible effects of this work in their personal lives. Other team members should also receive the same UC training, to recognize and help mitigate the signs of stress and be attentive to the potential needs of UCs.

Whenever possible, use multiple UCs during operations. Larger agencies should diversify the pool of officers who serve as UCs. Smaller agencies should lend officers to one another, to lessen the pressure on any one officer to serve as UC.

Most broadly, law enforcement agencies should support UCs in sex-related operations—whether female or male—and recognize the impact that these assignments can have.

Discipline Chapter
Prosecution

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1. Taking a Victim-Centered Approach

A consistent theme of the Safe Harbor Protocol Guidelines, and of Minnesota's Safe Harbor system as a whole, is the importance of prioritizing the needs and well-being of victims.

For understandable reasons (see ***Dynamics of Sexual Exploitation*** and ***Working with Sexually Exploited Youth***), victims of sexual exploitation frequently act in ways that are counterintuitive to juries and others unfamiliar with this crime. They may recant their statements and may be uncooperative or even hostile to prosecution of perpetrators. Consistent with having experienced trauma, they may have difficulty providing statements that are clear and cohesive, and may be unable to remember details, or provide an accurate chronology of events.

In responding to these challenges, prosecutors of sexual exploitation can draw upon the skills that they have built in responding to other forms of domestic and sexual violence. At the foundation must be a sensitivity and respect when interacting with victims. ***Working with Sexually Exploited Youth*** discusses how professionals in general can work in a trauma-informed, victim- and youth-centered way. ***Law Enforcement*** (in the section "Your Approach: Victim-Centered") expands on this approach for criminal justice professionals. Prosecutors should review both chapters carefully.

As with any crime of relationship violence, a prosecutor of trafficking and sexual exploitation must build each case taking into account the possibility that the victim will be uncooperative, recant, or fail to appear. Prosecutors should minimize reliance on the victim's testimony, making the victim as small a "target" at trial as possible. While juries typically want to hear from the victim, often there is an abundance of other evidence that can establish the elements of the case with or without the victim's testimony. For example, a case can be proven through photographs, forensic data from phones and computers, hotel receipts, and much more. ***Law Enforcement*** (in the section "The Importance of Corroboration") discusses this subject further. Expert witnesses can also be critical to putting this evidence in context, including understanding terminology, the lifestyle, counterintuitive behaviors, etc. (See "Expert Witnesses" below.)

Taking responsibility for a conviction off the victim's shoulders will be beneficial to your case. More importantly, it will be beneficial to the victim. Holding the exploiter accountable is your job, not the victim's. The victim needs to focus on recovery and healing.

These and other aspects of being victim-centered are woven throughout the topics that follow, which track roughly the path of a typical case from investigation to case resolution.

2. Investigation

These cases are very time-consuming for law enforcement. Make yourself available to your law enforcement partners, and get involved at the front end of the investigative process. Help law enforcement think through which investigative paths are most likely to lead to relevant evidence, which elements of an offense may be missing critical evidence, and which elements may already be established with the evidence available. Don't just give officers a checklist; help them to understand why a given piece of evidence matters. (See "The Importance of Corroboration" and "Preparing for Charging" in ***Law Enforcement***.) Remind officers to focus not only on traffickers but also on buyers. (See "Prosecuting Buyers" below.)

A chronology—encompassing everything from Backpage or other online ads to text messages to hotel receipts to victim interviews to when subpoena requests were sent and documents received—can be a great help on particularly complicated cases. A chronology can be especially useful for charging as an aid to ensuring no crucial details are missed. Note that a chronology is work product; in order to protect it against disclosure, the document should not be shared with the investigator or others outside of the prosecutor's office.

Law enforcement occasionally will ask whether an outstanding and often unrelated arrest warrant may be waived for a victim. The answer should likely depend on, among other things, the seriousness of the cause for the warrant. Be careful that any consideration for a waiver—or any lack of consideration—be documented. If the warrant is from another county, make sure that someone with authority in the county is kept fully informed.

3. Charging

a. Trafficking Statute

The trafficking statute—Minn. Stat. § 609.322—is complicated, with hidden pitfalls. Here are just a few of the considerations:

- **Numbering of statute:** Be very careful with citations to the

statute, as the numbering is confusing. The two basic crimes of trafficking—1st-degree (minor victims) and 2nd-degree (adult victims)—are at subdivisions 1(a) and 1a, respectively, with subdivision 1(b) containing the "enhancing factors" applicable to both. Many computer systems automatically put a parenthesis around the "a," which may incorrectly increase the charge from 2nd to 1st degree. Review the charging document with a critical eye so that errors of this nature are caught before the complaint is finalized.

- **Promotion of prostitution vs. trafficking:** The statute criminalizes four basic kinds of conduct: "solicit[ing] or induc[ing] an individual" to prostitute, "promot[ing] the prostitution of an individual," receiving proceeds from prostitution, and engaging in sex trafficking. All four paths result in the same sentence. "Sex trafficking" has the broadest definition, and so it can be appealing to use that charge. Consider the facts presented: Can you proceed with a more straightforward charge of "soliciting" or "promotion," or is this a more complicated, all-encompassing case which may justify the charge of "sex trafficking"? If charging a case with multiple victims (see "Multiple victims and defendants, and conspiracy" below)—some who were trafficked and others who were merely solicited—it may be beneficial to charge a combination of solicitation and trafficking counts, in order to draw a distinction for the jury at the time of closing arguments. The penalties are the same; the precision in language is what differs.

- **"Attempt":** In a sense, Minnesota's sex trafficking statute may be read to treat attempts as being equivalent to the underlying crime. (Indeed, the federal statute treats the two as the same.) That is, a trafficker who merely solicits a minor victim—encouraging the youth to engage in prostitution activity for the trafficker—could be guilty of 1st-degree promotion of prostitution (trafficking), even if the solicitation is unsuccessful.[1] The difference in conduct will likely be taken into account at sentencing but could be taken into account at charging as well. Consider the overall conduct of the defendant: Is this a person who has successfully promoted

1 Minn. Stat. § 609.322, subd. 1(a)(1) ("solicit or induce" into prostitution).

others into prostitution, or is this a first-time offender who unsuccessfully attempted promotion of the victim?

- **Enhancing factors:** The statute provides that if any of four factors is present—such as a victim who suffered bodily harm—the maximum sentence can be considerably longer.[2] These are not "aggravating factors" that would allow a judge to sentence above the otherwise-applicable range in the state sentencing guidelines.[3] Rather, they shift the presumptive range, increasing it by 48 months.[4] Because these factors are contained within the trafficking statute itself and increase the guideline sentence, the best practice is to set forth the specific "enhancing factor" in the charging document directly, rather than later file a notice of intent to seek an enhanced sentence. (See "Aggravating Factors" below.)

b. Multiple Victims & Defendants, and Conspiracy

Sex traffickers often victimize multiple individuals and collaborate with others as they commit a multitude of crimes. Charging each victim's case separately—one victim at a time—may have the unintended result of limiting the evidence at trial, or the unfortunate result of forcing victims to testify repeatedly in one another's cases. Consider charging the full operation as a conspiracy—or at least putting all of a trafficker's victims in the same case—as a way to provide the full picture. Just because the victims do not know one another or do not overlap directly in time doesn't mean the trafficker's activities do not constitute a single, unified operation.

Charging defendants jointly can be more challenging; however, if there are no inconsistent defenses, a joint trial might be prudent.

Whether you proceed with charging defendants individually or jointly, adding a charge of conspiracy may aid in the admission of co-conspirator evidence at trial. Recognize, however, that a conspiracy count, if established, will likely go unsentenced due to the underlying conduct constituting the "same behavioral incident" as the conduct underlying the trafficking/promotion/solicitation charge(s).

2 *Id.* at § 609.322, subd. 1(b) (listing the four factors).

3 *See* § 244.10, subd. 5a (aggravating factors); Minn. Sent. Guidelines § 2.D(3).

4 Minn. Sent. Guidelines § 2.G(9).

c. Other Potential Charges

In addition to (or instead of) the charge of sex trafficking, prosecutors may consider other charges as well, including:

- **Criminal sexual conduct (A CSC charge):** Most trafficking cases involve at least one form of CSC. A CSC charge—which usually focuses narrowly on a single moment—can be considerably more difficult to prove than a trafficking charge, which tends to involve much more expansive conduct. Sentences for trafficking tend to be at least as long as those for CSCs. Consecutive sentencing is possible, as is using the CSC as an aggravating factor supporting an upward departure motion. See "Aggravating Factors" below.

- **Charges against sex buyers:** See "Prosecuting Buyers" below.

- **Other exploitation charges:** These include the use of a minor (under 18) to engage in a "sexual performance" or pornographic work; the possession or dissemination of such a work; soliciting a child 15 or under to engage in sexual conduct; or distributing sexual materials online to a child 15 or under. All of these are felonies and all provide that, in most cases, neither consent nor mistake of age is a defense.[5]

- **Assault, domestic assault, and domestic assault by strangulation:** Exploiters very often use physical aggression as a means of controlling victims. This is especially true of traffickers but can be true of buyers and other exploiters as well. Adding assault charges ensures that evidence of the assault and resulting injuries will be admissible at trial and not restricted by a motion in limine. As another option, this evidence may also demonstrate excessive cruelty in support of an enhanced sentence. See "Aggravating Factors" below.

- **Contributing to delinquency or involvement in the child**

5 Minn. Stat. §§ 609.352 (solicitation and online distribution); 617.246 (use of minor in sexual performance); 617.247 (possession of child pornography). One situation in which mistake of age may be a defense is outlined in *State v. Moser*_N.W.2d_, 2016 WL 4162818 (Minn. App.) (unpub.) (where the person solicited represents that he or she is 16 or older, the solicitation occurs over the Internet, and there is no in-person contact between the defendant and the person solicited).

protection system: Depending on the case, it may be beneficial to charge the exploiter, or others facilitating the exploitation, with contributing to the victim's status as a juvenile petty offender or delinquency, or with contributing to the victim's need for protection or services.[6]

d. State vs. Federal vs. Tribal

The federal trafficking statute is in certain ways narrower for prosecutors than Minnesota's version. See ***Legal Framework*** ("Federal Law"). With adult victims (though not minor victims), the federal statute requires that the government prove the use of force, threats of force, fraud, or coercion. With minor victims, mistake of age is a defense.[7] State law contains neither the force, fraud or coercion requirements nor the mistaken-age defense. With state cases resulting in sentences of 20 to 50 years—even without upward departures—there may be less need for cases to be charged federally than is true for other crimes such as drug trafficking. (On the other hand, buyers may be chargeable under federal law as "traffickers." See "Prosecuting Buyers" below.)

Talk early with your federal partners about who the targets are, the potential charges, and which agency is in the best position to achieve justice. The following are factors that the U.S. Attorney's Office is likely to consider in deciding whether to take a case:

- number of jurisdictions, states, or countries involved,
- age and number of victims,
- number of traffickers,
- use of violence,
- immigration status of traffickers and victims,
- state resources available,
- occurrence on tribal land, and
- likely length of sentence.

Note that even if the U.S. Attorney's Office does not charge a case,

6 §§ 260B.425 (Contributing to Status a s Juvenile Petty Offender or Delinquency); 260C.425 (Contributing to Need for Protection or Services).

7 18 U.S.C. § 1591(a) (knowledge or reckless disregard of age), (c) (reasonable opportunity to observe age, such as that government need not prove that the defendant knew or recklessly disregarded the fact that the victim was a minor).

it can assist in the resolution of a state case by issuing a letter of no prosecution, when the proposed resolution would provide for a sufficient punishment to serve the interests of justice.

Tribal jurisdiction can become quite complicated, both on its own and in relation to state and federal jurisdiction. See ***Working with Tribal Nations*** for a discussion of this and other issues relating to prosecuting sexual exploitation involving Native victims or exploiters.

e. Statutes of Limitations

Minnesota law recently changed to extend the statute of limitations on trafficking offenses to match the structure for CSC cases—as many as nine years in the absence of DNA evidence, or three years from the date of report to law enforcement, whichever is later. Most other crimes of exploitation remain at the general statute of limitations—only three years.[8]

A federal charge for trafficking must be brought within five years if the victim is an adult, but there is no statute of limitations if the victim is a child.[9]

f. Victim-defendants

As discussed in ***Dynamics of Sexual Exploitation*** ("Bottoms & Historical Victims"), the lines separating trafficking "victims," "defendants," and "witnesses" can blur significantly. Victims frequently become involved in other crimes, including trafficking crimes. They may recruit other victims, help the trafficker to conduct the operation—by taking photos, driving, buying phones, etc.—and even commit violence against other victims, at the trafficker's behest or otherwise.

Whether to charge such victims—often known as "bottoms" or "mains"—is one of the most difficult decisions faced by prosecutors. This is a judgment call and obviously subject to the prosecutorial discretion of each office. But there are a few factors that prosecutors might consider:

- age, vulnerabilities, and number of victims of the trafficking scheme,
- the nature and size of the role in the operation played by the victim-defendant,
- the length of time in which the victim-defendant was in the "defendant" rather than "victim" role,

8 Minn. Stat. § 628.26.

9 18 U.S.C. § 3299.

- use of violence by the victim-defendant,
- the victim-defendant's level of cooperation with law enforcement,
- any coercion or violence experienced by the victim-defendant, and
- whether the victim-defendant herself was prostituted as part of the scheme.

Also, consider your case strategy. Is it better for the overall case to charge the victim-defendant and address mitigating factors (including possible cooperation) at sentencing? Is it better for the case for the victim-defendant to remain uncharged? Finally, be sure to check in with the investigator, who will have a good, and often quite subtle, sense as to the role of each person in the case.

g. Partnerships

A central theme in this protocol is the importance of building strong cross-disciplinary relationships. The charging decision is a key moment in such relationships. Whether your office is charging or declining a case, let your partners (law enforcement, community-based advocates, Safe Harbor regional navigators, county staff) know in advance as much as you can, consistent with professional obligations, of course. This advance notice is especially important—if especially difficult—when the charge is against a victim-defendant (see "Victim-defendants"). Advocacy partners who are disappointed will appreciate the heads-up and any explanation that you can provide. Don't be disappointed in turn if advocates disagree with the charging decision, and even feel the need to do so publicly. If you have built your relationship over time, such a disagreement will not derail your partnership in support of victims. See ***Working as a Team*** ("Example: Law Enforcement/Advocacy Relationship") for further discussion of this.

h. First Appearance

Bail arguments can be a strong opportunity to educate the bench and community about the harms posed by exploitation and trafficking.

Be sure to request no-contact orders (NCOs) between the defendant and each victim. Most traffickers work at some point in a team; get NCOs against the trafficker's associates as well. This is necessary both to protect the victim and to limit the defendant from exerting influence

over the victim in order to impact the case. (See "Post-Charge Contact Between Defendant and Victim" below.) Often, the defendant and victim will qualify as "family or household members" under the domestic abuse laws, as a result of their living together, sharing a child, being in a "significant romantic or sexual relationship" or otherwise.[10] If so, request a domestic abuse no-contact order (DANCO), which can be considerably more powerful than an ordinary NCO.[11]

Encourage victims to consider getting an order for protection (OFP) or harassment restraining order (HRO) as well. An OFP or HRO gives a victim more flexibility and control; for one thing, it will continue to apply no matter what happens in the criminal case. Do not hesitate of course to get (and suggest that the victim get) protective orders; victims' safety should be the highest priority. See ***Legal Representation*** for more information.

Work closely with your partners—whether your multidisciplinary team, local advocates, or just law enforcement—to keep the victim informed and supported during this crucial first phase of the case.

4. Discovery & Disclosure

a. The Importance of Organization

A trafficking case can encompass aspects of many of the most difficult cases that we face—a combination of a CSC with a domestic violence victim all wrapped inside of a financial crime. Simply keeping track of the paperwork can be challenging, but it is crucial. Start early by working with your investigator, who should document every step of the investigation. See "Preparing the Case for Charging Review" in ***Law Enforcement***.

b. Disclosure of Expert Witnesses

Many trafficking cases will involve expert testimony; see "Expert Witnesses" below. The expert disclosure requirement for these cases is more limited than in a typical criminal case. Because the expert is providing information for the jury's general understanding rather than specific to the case (see "Trial" below), the expert will have created no "results or reports" on the case and will be rendering no case-specific "findings, opinions,

10 Minn. Stat. § 518B.01, subd 2(b) (definition of "family or household member").

11 § 629.75 (domestic abuse no-contact orders).

or conclusions." The prosecutor therefore need only disclose "a written summary of the subject matter of the expert's testimony."[12]

c. Explicit Evidence Involving Minors

When copying or disclosing evidence, be careful not to disclose photos or videos of minors that would constitute child pornography.[13] This is a particular danger with online ads and forensic cell phone examinations. As with other child pornography, simply notify the defense attorney of the existence of the evidence and make arrangements for it to be reviewed.

d. Post-Charge Contact Between Defendant & Victim

Witness tampering is a significant concern in these cases. Exploiters who have built a relationship of control over the victim will continue to try to exercise that control. As with domestic abuse cases, keep a close eye on contact between the defendant and victim. Ongoing contact between the defendant and victim, whether directly or through third parties, can provide strong evidence to support a case, as well as lead to new charges for violation of an OFP, HRO, NCO or DANCO, witness tampering or threatening conduct. Encourage the victim to let investigators know right away if the defendant seeks contact, either directly or through anyone else.

If the defendant is in custody, ask the investigator to listen to jail calls and collect mail, which can contain confessions, threatening and manipulative behavior, and much other conduct. Look for any calls from the jail to third parties and/or the victim's phone number, even if the defendant's PIN was not used (it might have been swapped). As with all evidence, be sure to disclose jail calls and intercepted mail quickly.

If the victim is unavailable for trial due to the actions of the defendant, the victim's statements may still be admissible. The doctrine of "forfeiture by wrongdoing," under which the defendant forfeits the constitutional right to confront an accuser, is beyond the scope of the *Protocol Guidelines*. Helpful information on the topic is available from AEquitas: The Prosecutor's Resource on Violence Against Women.[14]

12 Minn. R. Crim. P. 9.01, subd. 1(4)(c).

13 18 U.S.C. § 3509(m).

14 www.aequitasresource.org.

e. Defense Access to Victim Records

Given that consent is not a defense to a sex trafficking charge, it is very rare that a victim's confidential medical, school, or juvenile court records will be relevant to the case. (Note that in general juvenile adjudications may not be used for impeachment of credibility.)[15] In most situations, prosecutors should strongly resist defense requests for such records. ***Legal Representation*** contains helpful background and arguments.

Because trafficking victims frequently recant or become uncooperative, the prosecutor on the case should take particular caution to avoid becoming a fact witness. If possible, never talk with the victim alone; always have someone else present who could serve as a witness, if the victim were to make a statement about the facts of the case. (Note that this witness should not be an advocate, whether community-based or system-based.) Make note of all of your office's contact with the victim, so that later false accusations can be disproved.

5. Pre-Trial

a. Victim Contact & Support

The biggest challenge in preparing for trial on a trafficking case is being in contact with and supporting the victim. This is a process for the long haul, and it is not one in which the prosecutor should play a central role. Draw on the help of victim/witness advocates (if your office has any), community-based advocates, law enforcement, Safe Harbor regional navigators, etc. Again, build those relationships early (see "Preparation" above). If your jurisdiction has formed an interagency coordination team (see ***Working as a Team***), meet with it regularly. Ideally, the victim will be given a single, trusted point of contact for all of the victim's needs.

To the extent that you can, and certainly recognizing the power differential in the relationship, treat the victim as a partner on the case. Inform the victim as to what to expect at each stage. Be careful not to commit to outcomes—don't make promises that you can't keep—but be open about what will happen and when, as far as you know. Build trust. That said, tread cautiously with the number of meetings between the prosecutor and victim. Evidence of multiple meetings with the prosecutor makes for ideal defense cross-examination material.

15 Minn. R. Crim. P. 609(d); *State v. Spann*, 574 N.W.2d 47, 52 (Minn. 1998) (requiring "a specific challenge to a juvenile's credibility demonstrating a clear motive to falsify testimony").

b. Motions

As with CSC and domestic abuse cases, you should generally resist requests for continuances. As tempting as it may be to have plenty of time to prepare for trial, delay is an enemy in this kind of case. Over time, you will lose contact with victims, and they will lose interest in the case. Get the case to trial as quickly as possible. In fact, if delays crop up, you might consider filing a speedy trial request yourself.

A sample set of pre-trial motions, including Jury Instruction Guides (JIGs), can be obtained from the Ramsey County Attorney's Office.

6. Trial

a. Assisting the Victim in Preparing for Trial

A victim-centered approach should continue from the beginning of the investigation through trial. Just as you would for any case of domestic or sexual assault, show the victim the courtroom and explain the process well before the start of trial. Allow plenty of time for victims to talk through the process and ask questions—everything from what to wear to whom to look at if they get nervous. Help them understand potential areas of cross-examination to further ease their anxiety about testifying.

b. Jury Selection

Because of the complexity of trafficking cases, a hybrid method, including both a questionnaire and panel voir dire, is recommended for jury selection. A template questionnaire is available from the Ramsey County Attorney's Office. Weeding out those who are at risk for re-victimization or biased for or against the state can be best accomplished without tainting the entire jury pool by using a questionnaire, followed by limited individual questioning on sensitive areas noted. This is then followed by panel voir dire for a more generalized discussion and gaining a better sense of juror interactions. This process may seem arduous on its face, but in practice it streamlines jury selection.

c. Uncooperative or Absent Victims

Given the nature of exploitation, and for the reasons provided in ***Dynamics of Sexual Exploitation*** and ***Working with Sexually Exploited***

Youth, it is very common for victims to be uncooperative with the prosecution at some point, perhaps even recanting or being absent altogether. This is normal and understandable, and it need not be a bar to a successful prosecution. Many of the methods used to address these challenges in other cases of domestic or sexual violence—for example, the use of expert witnesses (see the next section) can be applied in these cases as well.

In general, it is better to have the victim testify at trial rather than not testify, no matter the resulting testimony. Jurors will want to see the victim and will be suspicious of the prosecution if the victim does not appear.[16] If the victim does not testify, be sure to call a law enforcement witness as to the steps taken to get the victim to testify. Make clear to the jury that the lack of testimony was not due to any action by the state.

Whether the victim testifies or not, again the focus of the case should not be the victim's testimony. Rather, most of the case should consist of evidence that supports the victim's statements or otherwise explains what happened. The investigator should have gathered much corroborating evidence. This can include evidence with clear relevance, such as online ads, phone dumps, and jail calls, in addition of course to the victim's statements to medical providers and frontline responders. But it should also include evidence with less obvious relevance that can *support* the victim's statements: the credit card receipt from the restaurant where the trafficker took the victim, or a diagram of the house where they stayed. See "Preparing the Case for Charging Review" and "The Importance of Corroboration" in ***Law Enforcement***.

d. Expert Witnesses

Trafficking is a deeply unfamiliar subject to most system professionals, much less jurors. Expert testimony that makes this topic more familiar and understandable can be very important.

There are generally two categories of such testimony in trafficking cases: (1) *typical dynamics of trafficking*—how it works, how victims are

16 The defense may argue that the State cannot call the victim as a witness if the victim has recanted before trial, claiming that a party cannot call a witness solely for the purpose of impeachment. But it is impossible to know in advance of trial whether the victim will stay with the recantation or revert to the original statement; there is nothing wrong in calling the victim in the hope and expectation that the victim will revert to the original statement. Moreover, even a recanting victim will often provide at least some supportive testimony; impeachment is not the *sole* purpose for introducing the testimony (e.g. the testimony can provide corroboration that the victim knew the accused and other members of the operation, had a specific cell phone number, contacted the trafficker at a specific location or via a specific cell phone number, etc.).

recruited and controlled, etc.;[17] and (2) *counterintuitive behavior* typically exhibited by the trafficking victim—nondisclosure, noncooperation, recantation, unexpected responses to traumatic events, hostility toward law enforcement and the courts, etc.[18] There is an obvious connection between the two categories—the reason that victims act in counterintuitive ways is tied deeply to the ways that they are identified, recruited, and controlled. For whatever reason, some judges are more comfortable with the first category than the second. But either can be quite powerful.

Note that this is different than the expert testimony that might appear in, say, an arson case. The expert in a trafficking case is not rendering an "opinion" on disputed facts. Rather, the expert is providing general information—drawn from the expert's "knowledge, skill, experience, training, or education"—which may "assist the trier of fact to understand the evidence or to determine a fact in issue."[19] This knowledge need not come from formal training but may be acquired through substantial occupational experience—such as by working as an advocate, police officer or medical professional.[20] Ideally, the expert witness should have no knowledge about the case; this is not a requirement under the rules but will add to the expert's credibility with the jury. (Of course, the expert should have no relationship with the victim—such as having served as an advocate for the victim—for reasons both of confidentiality and of credibility.)

Consider from the very beginning of the case how to help the jury understand better the dynamics of trafficking and the experience of the victim. In many cases, it may make sense to call the expert as the first witness, to help "set the stage" for all that follows. Similarly, think of every witness who follows—the officers, the victim's family, and especially the victim—as an "expert" as well, who can help continue to build the jury's understanding. For example, the investigator on the case can talk about the signs that the investigator looks for to identify trafficking—testimony that can help the jury to start thinking similarly.

A sample motion to support the admission of expert testimony is available from the Ramsey County Attorney's Office.

17 *See, e.g., State v. Carter*, Minn. Ct. App., 2007 WL 582903 (Feb. 27, 2007) (unpub.) (expert testimony by police sergeant about "typical" operations of a prostitution ring).

18 *Cf. State v. Obeta*, 796 N.W.2d 282, 293 (2011) (sexual violence); *State v. Grecinger*, 569 N.W.2d 189, 192-93 (Minn. 1997) (domestic violence).

19 Minn. R. Evid. 702.

20 *Hueper v. Goodrich*, 263 N.W.2d 408, 411 (Minn. 1978).

e. Other-Acts Evidence

Because traffickers often have multiple victims over many years, other-crimes evidence may be admissible more commonly than in other cases. For example, evidence that the defendant trafficked a prior victim may satisfy several *Spriegl* factors, such as intent, knowledge, absence of mistake or accident, or the existence of a common scheme or plan.[21] Evidence that the defendant committed violence against a charged victim may constitute immediate-acts evidence.[22] A good discussion of these doctrines in the context of a trafficking case is in *State v. Washington-Davis*.[23]

In addition, because many traffickers end up living or otherwise being in a "significant romantic or sexual relationship" with their victims, many frequently qualify as a "family or household member" of the victim.[24] If so, the special evidence techniques that are typically used with domestic crimes are available in trafficking cases as well. These include the history-of-the-relationship doctrine[25] and Minn. Stat. § 634.20. These evidentiary pathways can be very favorable for the State; under § 634.20, for example, evidence of past "domestic conduct" by the defendant is admissible unless the probative value is *substantially* outweighed by the dangers of confusion, prejudice, etc.—a high standard. Note that this encompasses domestic conduct by the defendant against household or family members other than the victim as well, making it potentially a powerful tool.

f. Cross-Examination of Defendant

Narcissistic, confident in their "gift of gab," and accustomed to control, trafficking defendants are often eager to testify. Be prepared for this before trial. Be sure to pull jail calls and correspondence—an excellent window into the defendant's mindset. Otherwise, the usual rules of cross-examination apply: get concessions early and then move to pointing out inconsistencies.

21 Minn. R. Evid. 404(b); *State v. Ness*, 707 N.W.2d 676, 685 (Minn. 2006).

22 *See State v. Riddley*, 776 N.W.2d 419, 425 (Minn. 2009) (immediate-acts doctrine).

23 867 N.W.2d 222 (Minn. Ct. App. 2015), *aff'd*, 881 N.W.2d 531 (Minn. 2016).

24 *See* Minn. Stat. § 518B.01, subd 2(b) (defining "family or household member" for purpose of domestic assault laws).

25 *State v. Volstad*, 287 N.W.2d 660, 662 (Minn. 1980) (purpose of "history-of-relationship" evidence is to illuminate the relationship and place the incident in its proper context).

7. Case Resolution

Perhaps because of the frequently long sentences at stake and the personalities of the defendants, trafficking cases seem less likely than many other criminal cases to resolve short of trial.

a. Pleas & Offers

Other than the question of victim-defendants (see "Charging" above), the issues in making offers to resolve trafficking cases are similar to those of other cases. As in other cases, prosecutors will need to consider the likelihood of success at trial, the value of sparing the victim from having to testify, the relative value of one sentence over another, and much more.

Most traffickers have more victims than an initial investigation will uncover, and many of these will come forward once the initial charge is publicized. One benefit to the defendant of a quick resolution, therefore, is avoiding the possibility that the charges will be expanded to encompass more victims. Federal charges may also be possible. Especially if the case involves aggravating factors as well, a straight plea on the current charges may well be a good offer.

b. Aggravating Factors

Trafficking cases often involve factors that may lead to longer sentences. Some of these factors are specified in the trafficking statute. These "enhancing factors" shift up the sentencing grid, resulting in a longer guidelines sentence than would otherwise be the case. They must be raised at the time of charging and so are discussed in the "Charging" section.

Other factors may be used to depart above the relevant box in the sentencing guidelines. They can be raised after charging, though notice must be provided before trial.[26] The upward departure factors that may be relevant in a trafficking case include vulnerability of the victim due to reduced mental capacity, mental illness, size differential with the defendant, or the presence of a child; particular cruelty in the manner of the offense; active participation of three or more perpetrators; and more. A template "Notice of Intent to Seek Aggravated Sentence," with full cites on the above factors, is available from the Ramsey County Attorney's Office.

Still, note that guidelines sentences for trafficking are already very

26 Minn. R. Crim. P. 7.03 (requirements for notice of intent to seek aggravated sentence).

long. An upward-departure sentence may not be necessary or appropriate even in some cases where it could be legally justified.

c. Sentencing

In addition to encouraging the victim to provide an impact statement at sentencing, consider asking a community group or advocacy organization to do so as well. Such impact statements can make a major difference to judges, giving them a sense as to the real harm caused by the defendant. This is especially important for a sentencing that follows a guilty plea, as the judge will not be as familiar with the case.

Note that sentencing can be a key moment in the partnership between prosecution and community-based advocates, especially with respect to victim-defendants. (See "Victim-defendants" above.) An advocate may, with the consent of the victim-defendant, submit information to the court on how the victim-defendant's exploitation may have contributed to the victim-defendant's conduct in the case. See ***Advocacy & Outreach*** ("Criminal Justice Advocacy"). It is not uncommon for a court to take this information into consideration at sentencing or (with juvenile victim-defendants) when making placement decisions. See ***Judicial*** ("Considerations for Criminal Court"). Though your office may take a contrary position, again, such a disagreement need not derail your longer-term partnership with advocates. See ***Working as a Team*** ("Example: Law Enforcement/Advocacy Relationship").

8. Prosecuting Buyers

Prosecuting buyers of sex—whether their victims are underage or not—sends the message that prostitution is exploitation and that the community will not tolerate it. Reducing demand is the only long-term, sustainable way to combat this epidemic.

The purchase of sex from anyone under 18 is a felony under state law. The younger the victim, the higher the penalty. An adult undercover officer may be used.[27] However, the buyer may be still be charged with a felony if the complaint alleges an attempt to violate the statute. Registration as a predatory offender is required.[28] Solicitation of a child (15 or younger) may also be a viable alternative charge and mandates

27 Minn. Stat. § 609.324, subd. 1.

28 § § 243.166, subd. 1b(a)(2).

registration.[29]

The purchase of sex from an adult is a felony only if the purchase occurs within 300 feet (or one block) of a school or park. Otherwise it is a gross misdemeanor—if it occurs in a "public place" such as a hotel room, vehicle, or massage parlor—or a misdemeanor.[30] Gross misdemeanor and misdemeanor offenses of prostitution carry significant mandatory minimum fines and penalty assessments. Some jurisdictions offer diversion for buyers, while others do not.

Consent and mistake as to age are not defenses to prostitution crimes.[31] This point is often lost by defendants, who believe they can simply come in and claim they believed the victim was 18 or older. This can be a powerful tool to help resolve cases. Entrapment is often raised by defense attorneys but is rarely successful. Still, note that evidence sufficiency can be challenging.[32]

Buyers may also be chargeable as "sex traffickers" under federal law, which includes in the definition of a "trafficker" anyone one who "recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or solicits" a minor (or an adult, where force, fraud, or coercion are used) to commit a commercial sex act.[33]

9. Juvenile Prosecution

Under the Safe Harbor law, the offense of prostitution has been removed from the delinquency code; youth may not be charged with selling or trading sex. But youth may well commit other offenses, such as shoplifting or possession of drugs in the course of being sexually exploited. They may also give false information to police, and they may assault officers in the course of resisting arrest. Prosecutors should develop guidelines setting forth the circumstances under which such charges would be brought if ever. Such guidelines should be developed with the input of agency partners, both system- and community-based. Though prosecutors retain discretion in what can be difficult situations, developing guidelines in advance will help ensure that that discretion is exercised equitably.

29 § § 609.352 (crime), 243.166, subd. 1b(a)(2) (predatory offender registration). This statute does not require an actual child and only requires that the buyer had a reasonable belief that the person was 15 years or younger.

30 §§ 609.324, subd. 2, 3 (general penalties for "patrons"); 609.3242 (school or park zones).

31 § 609.325, subd. 3.

32 *See State v. Trebtoske*, 2014 WL 1660677 (Minn. App. 2014) (unpub.) (sufficient evidence to prove agreement or offer to engage in sex); *State v. Wilensky*, 2016 WL 3223109 (Minn. App. 2016) (insufficient evidence).

33 18 U.S.C. § 1591. *See also U.S. v. Jungers*, 702 F.3d 1066, 1075 (8th Cir. 2013) (buyers charged as traffickers, in that they "obtained" minor victim for sex).

Prosecutors should also consider other avenues of intervention available for youth who are being sexually exploited or trafficked. Victims of sex trafficking meet the legal definition of Children in Need of Protection or Services.[34] (See ***Child Protection/Child Welfare***.) They should not be charged with committing a delinquent act if the sole purpose is to provide services or to ensure cooperation with a criminal prosecution.

There may be times, however, when the child's delinquent behavior requires a juvenile justice response. When this is the case, a multi-disciplinary approach, in particular, a "cross-over" or "dual-jurisdiction" model approach, is strongly recommended.[35] The term "cross-over youth" refers to those youth who "cross over" from either the child protection system into the delinquency system or from the delinquency system into the child protection system.[36] "Dual-jurisdiction youth" are those who are simultaneously involved in both the child protection and delinquency systems.[37] For sexually exploited youth, it is imperative that both systems work together to address the youth's behavior and needs.

34 Minn. Stat. § 260C.007, subd. 31 (definition of sexually exploited youth). *See also* Stat. § 260C.007, subd. 2(i) (victim of physical or sexual abuse by person responsible for child's care), 3 (lacking the necessary food, clothing or shelter, because child's parent is unwilling/unable to provide that care), 4 (lacking necessary special care needed for physical, mental or emotional condition) 9 (child's behavior, condition or environment is injurious or dangerous to child or others) 11 (sexually exploited youth), 23 (runaway).

35 Center for Juvenile Justice Reform, Georgetown University, http://cjjr.georgetown.edu/our-work/crossover-youth-practice-model/.

36 *Id.*

37 John Petro, *Juvenile Justice and Child Welfare Agencies: Collaborating to Serve Dual Jurisdiction Youth Survey Report*, Child Welfare League of America (http://66.227.70.18/programs/juvenilejustice/jjsurveyreport.pdf).

Discipline Chapter
Legal Representation

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Under the Safe Harbor/No Wrong Door services model, one of the most important referrals is to an attorney who will represent sexually exploited youth. While there are still relatively few attorneys who focus on youth, the state has taken steps to improve legal access and increase representation through specially funded agencies, pro bono legal programs, professional trainings, and technical support. Youth-serving organizations and attorneys can also partner to improve access to legal services by streamlining their referral process and creating accessible opportunities for sexually exploited youth to obtain legal advice and representation, as well as access to educational resources that can help them understand their rights in a variety of settings.

Sexually exploited youth encounter a wide variety of legal issues. Because of the nature and dynamics of sexual exploitation, many sexually exploited youth may also have pending *delinquency/criminal or child protection cases*. In addition, a sexually exploited youth will have an array of *civil legal needs*, including:

- housing;
- family law (custody, paternity, designation of parental authority);
- access to benefits;
- disability protections, including access and accommodations;
- discrimination;
- name change;
- credit issues;
- access to education;
- bullying and harassment;
- access to sexual and reproductive health services;
- expungement of juvenile delinquency records or conviction records resulting from victimization;
- powers of attorney;
- confidentiality rights;
- access to medical care under minor's consent laws;
- rights under the Homeless Youth Act; and
- civil rights violations that may occur when held in detention or residential facilities.

Sometimes a youth may not believe an issue has legal consequence until the youth learns more from you. When a youth is seeking out help, you may find it helpful to conduct a "holistic" legal check-up to uncover all of the possible issues that could require a legal response.

Because sexually exploited youth will rarely self-identify (whether because they are unaware that what they have experienced is exploitation, or for various reasons, are unwilling to disclose their exploitation), it falls on systems professionals to be alert to possible red flags and risk factors and to integrate a trauma-informed approach when working with all youth. (See "Identifying Exploitation" and "Why Don't They Leave?" in ***Dynamics of Sexual Exploitation***, as well as ***Working with Sexually Exploited Youth***.) Youth whose past experiences with the legal system have been traumatic may deliberately hide their exploitation in order to avoid becoming system-involved.

When you suspect that a youth client has been sexually exploited, remember that they may not act like you would expect a victim to act and they may not even see themselves as a victim. This is normal and should not discourage you from representing this youth. If you do not usually work with this population, do not be afraid to ask for additional help in managing a client. You are meeting a need that may not otherwise be met, and there are resources available to you. However, these cases may not be for everyone. If you do not feel equipped to handle the challenges that come with serving trauma-affected clients, access your resources and make every effort to find an appropriate referral.

1. Trauma-Informed Legal Representation

Youth in general often need help understanding what you as an attorney can offer and the significance and limitations of the attorney-client relationship. For sexually exploited youth especially, establishing trust is critical and can be especially challenging if the youth's previous experiences with the legal system were negative and traumatic. Youth who have experienced trauma may have difficulty remembering details, keeping track of timelines, showing up for appointments, or controlling their anger. They may lie and try to manipulate the situation until they feel more settled. They may see you as a potential customer or take out their frustrations on those individuals who are trying to help them. The important thing to remember is that these behaviors are all part of the normal trauma response. (See "Being Trauma-Informed" in ***Working with Sexually Exploited Youth***.) Even though it can be unpleasant, it may also be a sign of trust that the youth feels safe enough to express themselves in this way towards you.

Take the time at the very beginning of the relationship to help sexually exploited youth understand the scope of representation, as well as the confidentiality protections that exist within the client-attorney relationship (for example, private attorneys are not mandated reporters of child maltreatment). This can help to build a solid foundation of trust. It is also important to manage expectations so that sexually exploited youth clients understand that an attorney does not do the same things as an advocate, case worker, counselor, or other supportive services provider. On the other hand, there may be times when you—with the client's consent—will be coordinating with these other professionals in order to best meet their legal needs. Be extra clear about the attorney-client relationship and your ethical obligations so that youth understand, for example, that providing transportation to the youth may not be allowed and that you cannot give the youth money or other resources.

When working with sexually exploited and at-risk youth, there are factors that may also present some practical challenges to the way you provide legal services to adults or youth who have not been exploited. For example, youth who are homeless, having trouble accessing transportation, or struggling with other issues related to their day-to-day survival may find it difficult to keep appointments and follow through on requests. Phone calls may be difficult if someone else is monitoring the youth's phone access or if the youth doesn't have a phone. Do not let these factors deter you from taking on a client who has been sexually exploited. You can strengthen your relationship with them by making simple accommodations during representation, such as multiple chances to keep appointments and coordinating with advocacy as well as more follow-up and finding out what happened that kept them from a meeting or phone call.

In addition to having a basic understanding about working with youth clients in general, you should also be familiar with the basics of working with a client who has been sexually exploited. See ***Working with Sexually Exploited Youth*** ("Being Victim-Centered & Youth-Centered") for practical tips on how to do this.

The following are some practical steps for ensuring that representation is trauma-informed, as well as victim-centered and based in positive youth development:

- **Safety:** Safety is a priority issue for sexually exploited youth, and you should take steps to ensure that your client's safety is not inadvertently jeopardized during representation. Working out a communications safety plan should be part of the intake

process. Also, a youth who is homeless may not have an address or even a post office box. Establish who can be trusted to receive correspondence on behalf of the youth, such as an advocacy organization, friend, or relative. Benefits-related mail can be directed toward "General Delivery."

- **Communication:** Set expectations regarding communication. For example, is it acceptable for youth to contact you after regular business hours? Sexually exploited youth may also respond best to texting, which can be an effective form of contact with most youth these days. Texting, however, can also raise additional safety and confidentiality questions, particularly if the phone does not belong to the youth or if others have ready access to it. Some conversations may have to be deferred until an in-person meeting. If your office is not accessible for the youth, due to transportation issues or other barriers, then try to find other safe and convenient locations for discussion, such as an advocacy agency.

- **Avoiding triggers:** Work with the youth to identify potential points in representation that could be triggering, reminding the youth about a particularly painful event in the youth's personal history. Build your skills in crisis communication and active listening, as well as motivational interviewing techniques, to help the youth set positive goals. Stay calm and nonreactive, and respond with empathy. Information in ***Working with Sexually Exploited Youth***, ***Advocacy & Outreach***, and ***Housing*** may be helpful.

- **Cultural considerations:** Cultural considerations can also affect a youth's legal needs. For example, a transgender youth may need assistance with a name change to gain legal recognition of the youth's preferred gender identity. Youth from other countries may have immigration needs (see "Immigration Law" below) and require access to language interpretation. Youth with disabilities may need accommodations in their legal representation as well as through the legal remedies they are seeking. Discrimination based on race or age may also play a role in the legal issues confronting the youth. You will need to keep cultural considerations in the forefront along with the legal concerns. For practical tips on incorporating cultural considerations into your work, see ***Cultural Considerations***.

- **Expert witnesses:** As was previously mentioned, lying is a normal behavior for a youth who has experienced trauma. Assume nothing and sift out what does and does not seem credible while pulling together a case. If you sense that this could be an ongoing issue and potentially impact the case, consider working with an expert witness to talk about victim behaviors in the course of a legal proceeding.

- **Termination:** Sexually exploited youth may not understand that the attorney-client relationship ends after the legal matter has been resolved or if you are unable to serve the client any longer. For youth who have dealt with abandonment issues in their lives, this change can be difficult and may feel like a betrayal. Address the possibility of termination early in the relationship, and assure them that this is a normal part of legal representation. Give youth clients fair warning about what actions will result in termination, and remember to anticipate some accommodation based on the youth's circumstances before termination occurs (for example, a single missed meeting should not be enough to terminate representation).

Helping Parents Understand the Attorney's Role

Some parents have a difficult time understanding that an attorney has confidential information about the youth that cannot be shared without the young person's consent. Parents may erroneously believe that they have a right to any information that has to do with their child. Explain limitations on sharing information to a parent who is calling with inquiries. Remind them that the youth, as the client, is the one you can talk to and that the youth controls who has access to their confidential communications and information. In addition, the youth needs to understand that confidentiality protections will not apply if a parent or any third party is part of the conversation.

Some parents "pop up" when the youth becomes involved in the legal system. A parent may not have been present in the young person's life before or may be the source of abuse and neglect. The youth may have run away from home because of the parent's actions. There may even be cases in which a parent is seeking money from the youth through access to certain benefits.

So, while parents can be important allies to a youth seeking legal recourse, they may not always have the youth's best interests in mind. As with any other representation, you need to focus on your client and ensure that they are protected and fully informed.

2. Privacy, Confidentiality, and the Trust Relationship

One of the most important things attorneys can do for sexually exploited youth is help them to understand their rights of privacy and confidentiality and to diligently protect these rights. Making decisions about how, when, and to whom their information is disclosed is one very critical way for these youth to exert their independence from a controlling and exploitive situation, and it can be the first step in reclaiming their sense of self-agency, as well as regaining trust in a system that will follow through in respecting their privacy.

"I need my secrets to be kept."[1]

Confiding in someone signifies trust, and it is important for attorneys serving sexually exploited youth to remember that even when the attorney-client relationship is created, trust is not automatic. Details about the youth's experience with exploitation may not be disclosed right away or at all, and, depending on the nature of the case, those details may not be necessary in order to provide legal representation. When details are disclosed, you must take care to respect the trust placed in you, and be aware of the legal, ethical, and professional guidelines around privacy and confidentiality.

1 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 29 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter, *Voices*].

Safe at Home Program[2]

The Safe at Home Program is managed by the Minnesota Secretary of State's Office and provides address confidentiality for victims/survivors subjected to domestic abuse, sexual violence or stalking or who otherwise fear for their safety. While the program is for adults, families also access this program and a youth may be covered, so recognize Safe at Home as another area of confidential protection that may apply to a sexually exploited youth.

Unfortunately, despite the best of motives, systems that coordinate to provide services to youth are not always set up to provide youth with the ability to choose what happens with their information. In addition to direct representation, you can play a vital role in protecting the privacy and confidentiality of sexually exploited youth in other capacities. For example, if you provide legal assistance to third-party organizations holding confidential records (advocacy programs, health care providers, therapists, schools, etc.), you may need to address subpoenas for victim/survivor records sent in criminal and civil matters. Requests for this confidential information could come from the prosecution or defense in a criminal case or from the respondent in a protective order, family law, or other civil law matter. You may also be a part of a multidisciplinary team working directly with cases or protocol. Part of your role may be to clarify obligations around confidentiality for other team members and to speak up if the team members engage in conversations that violate the privacy and confidentiality of victims. Become familiar with the various laws related to privacy and confidentiality. Whatever your capacity as a legal professional, when you help to protect a sexually exploited youth's right to privacy and confidentiality, you are also enhancing their self-agency and trust in the legal system. Below is a chart summarizing relevant laws related to confidentiality. Further guidelines on these laws are available in the ***Appendix***. Also see ***Working with Sexually Exploited Youth*** ("Confidentiality & Reporting") for tips on working with youth in a confidential manner.

2 Safe at Home, Minnesota's Address Confidentiality Program, Office of the Minnesota Secretary of State, http://www.sos.state.mn.us/safe-at-home/about-safe-at-home/.

Type	To Whom It Applies	The Basics
Statutory privilege	Non-profit and community-based agencies, social workers, attorneys, health care providers, clergy and others	Only victim/survivor may grant sharing of information, does not apply when a third party is present. Non-voluntary disclosure in cases of mandated reporting or court order.
Minnesota Government Data Practices Act	Government-based agencies and organizations receiving grant funding from state agencies	Information designated as confidential or non-public cannot be disclosed without victim/survivor consent.
Contractual obligations	Organizations receiving grant funding from certain government agencies	Same as above.
Health Insurance Portability and Accountability Act (HIPAA)	Covered entities including healthcare providers	See ***Health Care***.
Discovery	Prosecutors, other attorneys, law enforcement	Discovery obligations are outlined in criminal and civil rules of procedure as well as case law. Victim/survivor information may be shared pursuant to discovery rules.

3. Criminal & Juvenile Justice Cases

The Safe Harbor law protects youth from adjudication related to prostitution, but sexually exploited youth may be in juvenile court for other delinquency charges related to their exploitation. Because of this, public defenders and defense attorneys are in a unique position to identify sexually exploited youth. If you are a public defender or defense attorney who works with juveniles, you play an important role in ensuring that sexually exploited youth do not get lost in, or even re-victimized by, the criminal or juvenile justice system.

When a client is identified as a sexually exploited youth, take the time to learn the circumstances under which the client has entered the criminal or juvenile justice system. This does not mean forcing a youth to go into detail about their exploitation, which can be unnecessarily re-traumatizing. But, knowing how the youth has been victimized, at what age, and by whom can help you be an even stronger advocate on behalf of your client's needs.

Depending on the information received during the course of representation, you may also learn about issues beyond the criminal charge that affect the youth. For example, it is likely that sexually exploited youth will be dealing with a host of issues including alcohol/chemical use, mental health issues, abuse, neglect, sexual assault, dating violence, homelessness, disabilities, discrimination based on sexual orientation or gender identity, pregnancy and parenting, and behavioral issues related to trauma experiences. While this information may not directly relate to the case at hand, fully understanding will assist you in educating the court, influencing the outcome of the case, and ensuring that youth have access to the support and services they need. See ***Judicial*** ("Considerations for Criminal Court") and ***Prosecution***.

> **"Don't push too much. If they don't know how to share yet don't try to get a lot out of them."**[3]

Youth may also be involved in the exploitation of other youth as a result of their own exploitation. They may contribute to the operation, recruit, or even commit violence against other victims. It is important to educate the court as much as possible about the dynamics of sexual exploitation, so that the judge can take into consideration the circumstances and relative culpability of the youth at sentencing. See

3 *Voices, supra* note 1, at 28.

Dynamics of Sexual Exploitation ("Bottoms & Historical Victims") for more discussion about this issue.

Be prepared for youth who do not see themselves as victims and who may resist being portrayed as such. Probe for the reasons behind this perception to find out whether the resistance comes from a place of fear or lack of education about the impact of certain harms in their lives. Help the youth understand how information about their exploitation may influence the way the court rules, but respect their voice. In your conversations with youth and in court, it may help to use language that refers to the exploitation that has occurred, rather than language that labels the youth.

The following are additional tips and considerations to assist you during the course of your representation:

- **Building rapport and trust:** Building trust and rapport can be particularly difficult during the short period of a time you have to interact with a youth on a criminal or juvenile justice case, especially when they are worried about getting "in trouble." Be transparent and realistic about why you are asking for certain types of information, including what family members and caseworkers may say about the youth in court. Remind the youth that everything they tell you is privileged, and that you will only use it to support their case, and if they have consented. Explain that it is better if you have all the necessary details in order to provide the best possible representation.

- **Initial screening and intake:** Details to uncover in client screening include who the youth has relationships with, who is showing up in the courtroom, who they fear, who they are hesitant to talk about, who is living in their house, whether they live in a shelter or a staffed residence or are homeless, who they talk to when they have an issue, who is visiting them, who is causing them distress, and whether they have any outstanding warrants that may need to be addressed. This information may assist with planning a trauma-informed affirmative defense or explaining mitigating factors to the court that can show how victimization influenced the young person's actions that may range from drug use to theft, assault, burglary, and fraud. This information may also apply in Child in Need of Protective Services (CHIPS) cases involving absenting such as truancy and running away.

- **Using experts and advocates:** Safe Harbor regional navigators and other advocates working with the sexually exploited youth can be helpful in preparing the youth for court, coordinating transportation, and meeting other physical and emotional needs through the course of their case. If you believe that coordinating with an advocate will help your case and best serve the needs of your client, and if the youth is willing, have the youth sign a release so that advocates can talk with you.

  Advocates can also be used as expert witnesses (provided that they do not work directly with the youth in order to protect the youth's confidential information) or provide letters of support. They can talk generally about victim behavior. Advocates play a unique role in educating the criminal justice system about sexual exploitation, and sometimes their statements can sway the court's decision regarding adjudication, sentencing, or placement of the youth.

- **Collateral consequences:** Collateral consequences of an adjudication or conviction is a concern for all young people, but particularly with sexually exploited youth. Any barrier to moving away from "the life" could prove especially discouraging to the youth and even sends a message that they have no option but to continue "in the life" as an adult. If a 16 or 17 year-old is charged with a felony, for example, the records are public regardless of the case outcome. Some stays remain on the record, and employers do not always understand what that really means. There may also be immigration consequences for undocumented or non-citizen youth, as outlined in "Immigration Cases" below.

Additional collateral consequences include negative impacts on housing, school access, college admission, credit, access to certain loans and government assistance, ability to join the military, and ability to work in certain professions. An adjudication or conviction also affects a young person's ability to get a plea deal or seek diversion in future cases. Knowing the youth's circumstances as a victim could play a very important role in avoiding collateral consequences. If the adjudication or conviction can't be avoided, however, the youth may have an option for expungement of records in the future. (See "Civil Cases" below.)

- **Cultural considerations:** There is a growing concern among public defenders about the disproportionate systemic treatment of male and female youth who are victims of sexual exploitation. Most services are focused on young women, and there are not as many options are available for male youth who are sexually exploited. Runaways are treated differently based on gender, with young men viewed more often as curfew breakers who can be released without supportive services while young women are more often directed into assistance and housing options. Sometimes male youth are released while female youth are either detained or sent into services to keep them safe. LGBTQ youth are particularly marginalized within the legal system due to lack of specific supportive services, and much work needs to be done for courts to understand the intersections between their specific needs and connections with exploitation. (See ***Placement*** and ***Advocacy & Outreach***.). Recognizing and educating others that any youth can be a victim—even if they don't see it themselves—is a critical part of representation.

4. Civil Cases

Sexually exploited youth face a wide variety of civil legal issues, which can impact their ability to get out of "the life." Sometimes, the youth is experiencing collateral consequences as a result of a past criminal or juvenile justice case. At other times, a youth may simply need legal assistance to avoid further exploitation, abuse, or discrimination. When assisting sexually exploited youth with civil legal matters, keep in mind the basics of using a trauma-informed, strengths-based approach to services.

The following are some common civil legal needs that sexually exploited youth face:

- **Protective orders:** Safety issues are a high priority for sexually exploited youth. They may need assistance obtaining an order for protection or harassment restraining order against exploiters. Depending on their age and circumstances, youth may need to have an adult file on their behalf, though there are

instances in which youth can file on their own.[4]

Filing a protective order can be a challenging process for some youth because of the court process and seeing the person against whom the order is filed in the courtroom. If a youth will be filing for a protective order, coordination with advocacy and potentially law enforcement and prosecution (if there is a criminal investigation) may be necessary. Note that what a victim says during an order for protection proceeding may be used in a criminal proceeding; however, what a respondent says may not be used against the respondent as a defendant in a criminal proceeding.[5] This possibility may be a deterrent to obtaining an order for protection for a youth who is in danger or if the youth is facing criminal charges, but safety should always be the paramount consideration.

- **Expungements:** Sexually exploited youth may be eligible for an expungement of their criminal or juvenile records, particularly if their charges were a result of their exploitation. Attorneys can utilize a provision in Minnesota's expungement statute by demonstrating a nexus between the crime and the victimization.[6]

- **Family and independence:** There are many questions about the independence of a youth. Minnesota does not have a formal "emancipation" process, but youth who are older and living on their own may be treated differently under the law (i.e., have more rights to make decisions for themselves) than if they are living at home or within the foster care system.[7] Whether or not a youth is independent is a case-by-case determination.

Family law issues arise in different forms. Perhaps the youth no longer wants to live with a parent and wants another family member to assume custody. The youth may be pregnant or have a child, and paternity or custody matters may need to be determined. Within the context of sexual exploitation, the exploiter may be depriving the youth of parental rights or using the child as leverage to keep the youth involved. The exploiter may be the other parent, which creates a long-term relationship

4 Minn. Stat. § 518B, subd. 4(a) (who may petition for relief).

5 *Id.* at subd. 15 (admissibility of testimony in a criminal proceeding).

6 § 609A.03, subd. 6a (nexus between criminal record to be expunged and person's status as a crime victim).

7 See Emancipation fact sheet, http://www.lawhelpmn.org/files/1765CC5E-1EC9-4FC4-65EC-957272D8A04E/attachments/142FAC1B-D276-4E40-97D4-9662A7B0DE56/y-12-emancipation.pdf.

that is difficult to break without a proceeding to terminate the parental rights of the exploiter.

Parenting issues may spill over into the child protection arena if it is determined that the sexually exploited youth is having trouble caring for the child or that the child is in danger. Young parents may be at risk for losing parental rights of their children. Issues around whether the child was conceived in the course of a sexual assault must also be considered, and child support waivers for good cause can be pursued if the county's pursuit of support will put the custodial parent in danger.[8]

- **Housing and homelessness:** Legal issues around housing can be particularly challenging. There are no age discrimination laws to protect youth in the housing realm. An independent youth may be able to get a letter from an attorney or have parents sign a letter declaring the youth's independence in order to help a landlord feel more comfortable renting to a young person. Other housing-related issues may come up when a sexually exploited youth is barred from special services housing, shelter, or residential care for behavioral issues. Youth may need legal advocacy to either help them return under new terms or to find other options that will not hold past infractions against them.

  Ensure that a sexually exploited youth experiencing homelessness has access to education, as required under the McKinney-Vento Act. ***Housing*** and ***Schools*** contain more information about these requirements. Additional school issues may include discrimination based on disability, sexual orientation or gender identity, issues around bullying or sexual harassment, and access to special education.

- **Benefits and identification:** Youth are eligible to receive certain benefits including food stamps, social security, and Medical Assistance. Youth with children are also eligible to receive payments from the Minnesota Family Investment Program (MFIP). One legal concern is the question of who is managing these benefits as a representative payee for the youth. In some instances the person who is exploiting the youth has access to these funds, and the youth may never see the money.

8 See Minnesota Department of Human Services, Child Support Good Cause Exemptions, http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=cm_00122106.

Sexually exploited youth, like many homeless and system-engaged youth, are also particularly vulnerable to identity theft that can have damaging impacts on their credit before they ever have access to using it. Consider getting a credit check for the youth to better assess the youth's options. (The Minnesota Department of Human Services is required by federal law to conduct credit checks for youth age 14 and over in foster care.) You may need to get involved to work with financial institutions, creditors, credit reporting agencies, and debt collectors to repair the youth's credit history and any associated legal issues resulting from the financial aspects of victimization.

In a related situation, youth may not have any official identification to help them access benefits or to change who controls their benefits. Identify theft may also be present in this case. Attorneys and advocates working together can assist youth in getting a social security card, getting fees waived for state identification if homeless, and obtaining a birth certificate. Setting up a power of attorney can also help with managing funds and protecting identification. Identity theft issues may also come up if the youth has had to change their name for safety or other reasons.

5. Immigration Cases

Immigrant populations face significant challenges and are particularly vulnerable to sexual exploitation because exploiters may use threats of exposure as well as threats to family. This population is less likely to seek help than others because of fear of being deported or, if the youth is a United States citizen, fear that family members who lack lawful immigration status will be deported. A victim may also have concerns about working with police or judicial systems because of bad experiences in their countries of origin. Other barriers include language, unfamiliarity with advocacy resources, and reluctance to seek help within a tight-knit cultural community due to confidentiality concerns.

No professional should make assumptions about an individual's immigration status. Just knowing a youth's country of origin is not enough to make a determination. In fact, there are very few instances in which a professional needs to know a client's immigration status; therefore, there is little reason to inquire, and individuals seeking services should not be required to disclose this information. Asking for immigration status could create a barrier to seeking services that are critical to a client's health and well-being. If known, immigration status should have no impact on access to care or assistance.

If you suspect that your client may need assistance with an

immigration matter, or if your client is explicitly seeking assistance with an immigration attorney, do not contact the Department of Homeland Security (DHS), and do not give advice if you are not qualified to do so. Instead, make a referral to an immigration attorney as soon as possible. Immigration law is complicated and changes frequently, so be sure to involve a practitioner with experience. Referrals should not be made to individuals who are not licensed or disreputable. There are examples of fraud in immigration cases in which clients are made unrealistic promises. The clients pay substantial sums to the attorney with little result and some end up being deported.

Immigration law can be extremely complex; only attorneys with the requisite knowledge should practice in this area. Still, even those who do not specialize in immigration law should be aware of some basic information, to take precautions to protect clients and make the appropriate referrals. This section is meant to provide an overview of possible relief and to reinforce the importance of providing referrals to immigration law services for sexually exploited youth. The descriptions below are intended for general education purposes only, are not comprehensive, and should not be construed as legal advice.[9]

a. Jurisdiction & Enforcement

Three federal agencies, all operating under the United States Department of Homeland Security (DHS), enforce immigration law: Customs and Border Patrol; Citizenship and Immigration Services (CIS); and Immigration and Customs Enforcement (ICE). In addition, the Executive Office for Immigration Review, under the United States Department of Justice, oversees the immigration court system. Immigration enforcement is the sole responsibility of the federal government and does not fall under the jurisdiction of state or local governments.

Some jurisdictions, including Minneapolis and St. Paul, have "separation ordinances" that underscore this federal responsibility—the goal is to keep federal and local law enforcement separate in their duties. Local police should not inquire about an individual's immigration status unless it relates to the particular crime under investigation. The purpose of these ordinances is to improve local community and police relations by reducing actions against undocumented immigrants.[10]

9 Information provided by Mid-Minnesota Legal Aid, www.mylegalaid.org.

10 United States Immigration and Customs Enforcement, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, https://www.ice.gov/factsheets/287g.

b. Special Immigration Considerations for Public Defenders & Defense Attorneys

Immigration law treats juveniles differently than adults. Juvenile delinquency adjudications are not convictions; however, conduct-based problems like drug use or prostitution could create a problem for a youth seeking permanent status in the United States (lawful permanent residence or citizenship). Public defenders have to consider the collateral consequences of certain adjudications or convictions on immigration status.[11] Also, ICE interviews youth in some juvenile detention facilities, but the youth may not know that they have a right not to consent to an interview—in these situations the youth should be referred to an immigration attorney. If ICE does become involved, attorneys should connect with the local ICE crime victim advocate.

c. Special Status

Applying for any of the following options for status as a documented immigrant—with, in some cases, eventual legal permanent residency and even citizenship—may be risky, involved, time-intensive, emotionally draining, and uncertain due to the lack of guarantee of approval. But if a remedy is obtained, it can be very helpful for the applicant. The process often requires a great deal of paperwork, can take many years, and is subject in some cases to service caps on how many visas are issued in a year. Attorneys should ensure that a sexually exploited youth going through the immigration process have access to advocacy support throughout the long waiting periods.

1. **Special Immigrant Juvenile Status:** Special Immigrant Juvenile Status (SIJS) is an immigration protection for vulnerable non-citizen children who have been abused, neglected or abandoned by a parent. Application for SIJS should be made as quickly as possible. SIJS provides a number of benefits including lawful permanent resident status ("green card," which gives permission to live in the United States indefinitely), the ability to work legally in the United States, eligibility for a Social Security number and Minnesota state identification card or driver's license, eligibility for certain public

11 *Padilla v. Kentucky*, 595 U.S. 356 (2010).

benefits including Medical Assistance and financial aid for college, the ability to join the United States military, and the opportunity to apply for United States citizenship in the future.

2. **Family-Based Immigration:** United States citizens may petition for documented status for "immediate" family members (spouses, unmarried children under 21, parents). Lawful permanent residents may petition for spouses or children, and U.S. citizens can also petition for adult and/or married children and siblings, but these petitions will often take a very long time to process. One issue to watch out for with family based immigration is whether a family member with lawful status uses their power as the applicant over others on the petition to force them into certain activities or to assert control.

3. **Violence Against Women Act Self-Petitioning Protections:** Violence Against Women Act (VAWA) self-petitioning protections eliminate the need to rely on a family member with status if that person is abusive. The victim/survivor can self-petition and must prove they have been subjected to battery or extreme cruelty (which may include sexual exploitation) perpetrated by a United States citizen or Lawful Permanent Resident who is a spouse, parent, or child of the victim/survivor. The victim must have good moral character, and in cases involving an abusive spouse, the marriage must be in good faith.

4. **U Visa:** The U Visa protects victim/survivors who have been the victim of certain criminal activity within the U.S. (including prostitution, sexual exploitation, trafficking and domestic violence) and who assisted law enforcement in the detection, investigation, or prosecution of that criminal activity. In contrast to VAWA, to apply for a U visa the victim need not have been married or otherwise related to the perpetrator, and the perpetrator may also be undocumented. The purpose of the U visa is to strengthen the ability of law enforcement to investigate. Neither prosecution nor conviction is required.

   The victim/survivor must obtain a signed certification form attesting to their helpfulness to the investigation and/or prosecution. This can be signed by various agencies, including law enforcement, child

protective services, the prosecutor, or the judge. The U Visa gives the victim/survivor temporary legal status for four years and then an application for lawful permanent resident status can be filed. Once the U Visa is approved (which may take well over a year), the victim/survivor is given immediate authorization to work. The U Visa may be discoverable so sometimes the application process is put on hold until after a case is prosecuted (or declined for prosecution) since defense counsel representing a perpetrator may question a victim/survivor's motives for reporting the case, i.e. implying that they are only doing so to obtain a U Visa.

5. **T Visa:** The T Visa is similar to the U visa but only used for victim/survivors of trafficking. The applicant has to be in the United States or its territories on account of trafficking and has to comply with any reasonable request for assistance or investigation of the crime (The Department of Homeland Security, not law enforcement, determines what a reasonable request looks like).[12] The victim/survivor also must show they will suffer extreme hardship involving unusual and severe harm if they are removed from the United States. The T visa provides temporary legal status for four years and an opportunity to apply for legal permanent resident status before the expiration of the four-year period. The applicant can qualify for the same public benefits available to refugees as well as authorization to work. Like the U Visa, the T Visa is discoverable.

Asylum & Refugee: Asylum is available to individuals who fear being harmed in their country of origin because of race, religion, nationality, membership in a particular social group, or political opinion. There are particularly strict timelines and requirements associated with an asylum application. A potential asylee is already in the U.S. when applying for protection. Refugee status is similar, except the applicant must be located outside the U.S when seeking protection.

12 There is a certification that law enforcement (local or not) signs, but unlike the U visa, where the certification is mandatory to apply, if a T applicant cannot get a signed certification, she or he can still apply and Department of Homeland Security decides whether or not the helpfulness grounds are met.

Discipline Chapter
Judicial

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As with other system professionals, judges encounter cases of sexual exploitation and sex trafficking nearly every day, even if they don't realize it. Victims of exploitation will often appear in court as runaways or truants, as delinquents charged with drug possession, shoplifting, or other crimes, and as victims (or perpetrators) of domestic violence. They are likely to show up on a judge's calendar for issues relating to child protection, state wards, and long-term foster care, among others. Judges can play a major role in identifying and protecting victims, holding exploiters accountable, and even preventing exploitation in the first place.

1. Approach to Victims

> **"The state, the court, the people, the prosecutors—they think they know about your life, that you're a menace to society, they just assume but they don't really know what's going on. All they do is look at your record, they don't know what's going on."**[1]

Victims of sexual exploitation can present in very complicated ways, as discussed in ***Working with Sexually Exploited Youth***. Often, this presentation may seem counterintuitive to judges and court staff. Not only are they unlikely to disclose their own victimization, they may well be uncooperative, oppositional, or even openly hostile. They may claim that they have everything under control and continue to willingly participate in sexual exploitation. Some victims may be in love with their exploiters. Multiple runs and failed placements, even when they are housed in the best-run facilities, are common. Victims frequently say that the best way for system professionals to interact with them is with patience and lack of judgment. "Judgment" is, of course, the core function of a judge. Yet, the judicial response should reflect a genuine concern and empathy absent shaming, shock, or contempt for what victims have experienced. Judges who have handled cases involving sexual or domestic violence will already be familiar with many of the counterintuitive dynamics that are common in cases of exploitation; many of the approaches used in such cases will be helpful in cases of exploitation and trafficking, too.

The courtroom, an intimidating setting for anyone, may increase the challenges of connecting with youth, for whom the judge may appear to

1 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 10 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en.

be an arbitrary authority figure. Consider coming down from the bench, perhaps even without robes, to sit at the table with youth to lessen intimidation and facilitate communication. It is helpful to develop some rapport around a particular interest of youth unrelated to the issue that brings them to court, thereby recognizing them as whole people rather than as "cases."

It is also important to recognize that the dynamics of exploitation may look different in different cultural communities. Due to cultural practices, or even the small size of some communities where everyone knows everyone else, some youth may feel especially inhibited from seeking help or treatment, or even acknowledging being exploited. In fact, victims may blame themselves. ***Cultural Considerations*** provides much more discussion of these dynamics. Advocacy and treatment should be culturally-responsive wherever possible and take into account the wishes of youth to engage or not engage in culturally-specific services.Although their time together in court may be brief, the connection that a judge can make with sexually exploited youth is very important. Talk directly with, not around or about youth. Express genuine concern to them for their health and well-being. You may say, for example:

> "I'm very concerned about your safety. It sounds to me as if you are alone on the streets without emotional support or money or food. As a judge, I see what sometimes happens to kids on the run. There are predators, drug dealers, and pimps waiting to take advantage of the fact that you are alone and homeless. That worries me, and I am sure it worries the people in your life who care about you."

Recognize that it is unlikely that a judge will be the person to whom sexually exploited youth will first disclose their situation. But, identifying risks and referring to services for advocacy and mental health, or to a medical clinic that can treat sexually transmitted infections and other illnesses and trauma, may open the door to further discussion. Providing medical services to youth is a great way to encourage more conversation about their needs and concerns.

2. Identification of Victims

Again, judges are less likely than many other system professionals to be in a position to identify sexually exploited youth; the judge's role, rather, is to respond to exploitation identified by others. Still, judges should be alert for possible indicators of exploitation. Many of these are listed in ***Dynamics of Sexual Exploitation*** ("Identifying Exploitation"). Keep an eye out, especially at arraignments or other mass calendars, for the following possible red flags:

- a male posting bond for a young female involved in drugs or prostitution;
- an adult posting bail for a young, unrelated person;
- a young person in court for a delinquency or criminal matter that involves a significantly older adult (e.g., stealing from or assaulting an older, unrelated individual); or
- an adult seeking guardianship of a young, unrelated person, sometimes with allegations that the parent is abusive or neglectful.

Youth who are being exploited by a family member or other caregiver are unlikely to disclose the exploitation while the caregiver is present in court. Consider talking with youth in chambers, with as few others present as possible, to receive more candid responses. Also consider limiting the presence of strangers in the courtroom, to help protect youth privacy and, again, increase the likelihood of more candid responses.

The ***Appendix*** contains a sample information-gathering tool developed by Judge Andrew Small in the Lower Sioux Tribal Court. The tool helps to ensure that the appropriate inquiries are being made by social services, guardians ad litem, probation officers, and law enforcement so that relevant information can be prepared before the hearing and then presented to the court. The tool also helps further the knowledge of these professionals when they address the needs of sexually exploited youth. The tool, which becomes part of each youth's case file, can be used to better understand the life circumstances that make youth vulnerable. Answers to these questions will assist the judge when determining the right disposition, services, and possible placement.

Charges of curfew violation, truancy, and runaway status should be scrutinized with an eye towards identifying any sexual exploitation issues. If a juvenile girl is out after-hours in a car with three adult males, for example, someone should be looking beyond the curfew violation to

determine if anything else is going on.

Judges can also be alert when reviewing new complaints and search warrants. For example, in a drug investigation, an under-aged girl may be found in a hotel room bust. Has law enforcement interviewed that girl or investigated how she came to be there and whether she was voluntarily there? Simply asking a question could raise consciousness of the issue.

3. Referrals, Placement, & Detention

Many exploited youth will need to be placed outside of their parents' homes, and it is crucial that such placements be a good match. See ***Placement*** for guidance on this issue.

Take the time to learn about the services available in your local area as well as statewide. Visit shelters, residential treatment facilities, group homes, and other housing and treatment options and ask questions of the providers and their clients. Find out if there are foster parents who have experience in housing sexually exploited youth. Make sure that trauma-informed, gender-specific treatment is available when exploitation issues are suspected and that the placement has relevant experience and a good track record. Punitive treatment can further alienate these youth. Engage with the Safe Harbor regional navigator or other advocates serving your judicial district, and encourage other system professionals to do the same. A list of possible placement options is available via your regional navigator.

One of the most fundamental questions facing judges in cases involving sexually exploited youth is whether to authorize detention or otherwise secure placement. This should be a last resort because of the inherent risk of trauma and the perception that youth are being punished for having been victimized. If no alternatives are available, energy should be put towards developing other options. Again, see ***Placement*** ("Recommendations") for a full discussion of this issue.

Consider a placement at a remote location, one less accessible to the exploiter. Such a location can pose inconveniences for families, but it can also discourage running and further contact with the exploiter. As in situations of domestic abuse, exploiters often continue and escalate the controlling behavior after the victim gets help. After victims have been placed, therefore, be prepared for attempts by exploiters to find them and get them back.

As with all youth, take steps to determine whether a sexually exploited youth is, or could be, enrolled as a member of an American Indian tribe. If so, the tribe must be notified immediately pursuant to the Indian Child Welfare Act (ICWA). See ***Working with Tribal Nations***.

4. Considerations for Criminal Court

In general, cases involving charges of exploitation or trafficking can be addressed as with any other criminal case, particularly cases involving a vulnerable victim. One aspect that is unique to trafficking cases in particular is the role of "victim-defendants." Because of the dynamics of trafficking, victims are frequently involved in other criminal activities related to their exploitation (such as theft or drug offenses). Victims can also become involved in the exploitation themselves. They may contribute to the operation, recruit, or even commit violence against other victims, but do so because of their own victimization. Judges will need to take these considerations and relative culpability into account at sentencing. See ***Dynamics of Sexual Exploitation*** ("Bottoms & Historical Victims") for more discussion of this issue.

Orders for protection (OFPs), harassment restraining orders (HROs), and criminal no-contact orders (NCOs) or domestic abuse no contact orders (DANCOs) can be important tools to protect victims in criminal, delinquency, or child protection proceedings. The victim may be willing to pursue an OFP, HRO, NCO, or DANCO or the victim may feel that any action might provoke further controlling behavior by the exploiter. If there is a criminal case against the perpetrator, the specific dynamics of trafficking should be considered when setting bail, a criminal no contact order should be put in place, and jail calls should be monitored for ongoing attempts at contact.

5. Improving the Court System's Response

Once judges become educated about exploitation, they begin to see things in a different way, and are in a position to make changes within the operation of their judicial districts that will improve the response to sexually exploited youth. They can raise awareness about sexual exploitation among colleagues by serving as peer educators. Trafficking and sexual exploitation are particularly complex and counterintuitive issues that are not widely understood, and judges may have a special credibility in educating their colleagues about them.

Consider the following other changes in how court services may be structured and delivered:

- Make the courts feel less distant and "system-bound" by going to schools to hold truancy hearings so that students are

more comfortable being heard on their own "turf." (Any such hearings should of course occur in a private space where non-family observers are excluded.) Assign the same judge for all appearances on all cases for a given youth. This ensures that the judge has more information and helps to establish the judge as a person with the power to help. Many youth strongly identify "my judge" as a concerned adult in their lives, particularly if they do not experience their parents as standing up for them. They may develop trust in the judge who listens and responds to their concerns.

- Develop a special calendar to focus on sexually exploited youth, regardless of the cases that they are involved with. This allows the court and staff to bring specialized training and expertise to bear and helps recognize the role that trauma plays in decision-making, thus balancing accountability with supportive services. Obviously the name of the calendar or docket should not disclose the victimization.

- Advocate for court services to be culturally-responsive and take the specific needs of sexually exploited youth into account. See ***Cultural Considerations*** for more details.

- Ensure that judges hearing judicial bypass cases are trained in the dynamics of trafficking and exploitation and are alert to the possibility that the girls seeking bypasses are being exploited.

- Post art, posters and brochures in the courtroom, as well as in the lobbies and bathrooms of the courthouse, to show that the courts are aware of the issues around sexual exploitation and can provide assistance. Seeing sexual exploitation identified and addressed in this way sends the message that the court is a safe place for victims and that they will not be shamed or blamed. A brochure identifying a hotline or other services may find its way into a pocket where it is available at a later time.

- Be aware that parents or other family members have been known to sell their children for drugs or money. Sometimes this has been happening for generations. Unfortunately, we cannot assume that all parents or family members are safe adults or

have the children's best interests as a priority.

- Ensure that the victims are released from jail or shelters to known persons who are appropriately identified by authorities. Be alert for "interested parties" who are evasive about their relationship to the victim.

Trafficking often occurs across jurisdictions, and across state lines (such as between Minnesota and the North Dakota oil fields). Trafficking also occurs both on and off reservations. Judges should confer with each other and with Tribal Courts (see ***Working with Tribal Nations***) to ensure the best outcomes for youth. Coordination with federal authorities may also be appropriate.

6. Improving the Response of the Broader System

As system and community leaders, judges can have a significant influence in improving the broader response to exploitation and trafficking. Judges who are dedicated to this issue can raise community awareness, convene multi-disciplinary task forces, help train other professionals, engage business and hospitality leaders, and push for strong protocols in individual communities.

The Children's Justice Initiative (CJI) provides an already-existing interdisciplinary forum for further training and discussion of issues related to sexually exploited youth and it ensures a statewide coordinated effort. Representatives from various districts can utilize this network as a way to share successful approaches, information about treatment, and best practices.

A judge's ability to refer or place a youth is, of course, limited to the options available. As discussed in ***Placement***, at present these options are insufficient. Judges can play an important role in advocating for additional trauma-informed and gender-specific treatment, services, and housing.

Judges can also explain how to access assistance from the courts by going into shelters, schools, and other community service programs to meet with young people and answer their questions about the legal system. This is not only an opportunity to explain the role of the court, but also to find out what youth are really concerned about in their daily lives.

Discipline Chapter
Housing

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Safe and accessible housing is critically important for sexually exploited youth. This chapter contains guidelines for professionals operating such housing. It focuses on congregate (i.e., communal) housing, including specialized emergency shelter, supportive housing programs, group homes, residential treatment and care centers, and correctional facilities (both secure and non-secure). However, much of the material is relevant to individual housing, such as foster care homes, as well.

In many cases, housing of sexually exploited youth will come as a result of a system-based placement, whether by a court or by agency. The law governing such placements, as well as recommendations for professionals in making these decisions, are contained in ***Placement***, which also addresses the circumstances under which a locked setting may or may not be appropriate for sexually exploited youth. Information on certain considerations for housing in correctional settings is contained in ***Juvenile Corrections***.

Shelter and housing providers vary widely in terms of the type of program, the location, the services provided, skill level of the staff, eligibility criteria, privacy protections, security precautions and more. As discussed in ***Placement***, sexually exploited youth should be housed whenever possible in trauma-informed, gender- and culturally-responsive, therapeutic care specifically designed for their needs. Housing youth in programs that do not meet these standards has the potential to exacerbate and add to their trauma and inadvertently re-victimize them.

Unfortunately, as discussed in ***Placement***, there are not enough housing options to meet the specific needs of sexually exploited youth. For example, while a variety of residential programs offer services to youth,[1] with sexually exploited youth found in any such program, few have even begun to integrate gender- and culturally-responsive, trauma-informed, and victim-centered practices in their continuum of services. Even fewer are specifically designed for sexually exploited youth. **The authors urge the state, and individual communities, to provide more options for supportive and therapeutic housing specifically designed to serve sexually exploited youth**.

In the meantime, many sexually exploited youth will continue to seek housing options that serve either a general population or a sub-population such as families or victims of domestic abuse.

1 The Minnesota Departments of Human Services and Corrections license such programs. In most cases this licensure occurs through Chapter 2960 of the Minnesota Administrative Rules, which includes sections on Administrative Standards, Group Residential, Shelter, Corrections, Mental Health, Chemical Dependency, Secure, Detention, Restrictive Procedures, and Transitional Services.

1. The Need for Housing

The family home is not always the best place for a sexually exploited youth. For some youth, family life is a source of abuse, neglect or rejection. For others, the family home, even if a place of support, is ill-equipped to meet their needs.

Standard rental housing in the community is a limited option for such youth, even if they have the funds to pay for it. Landlords are allowed to—and often do—refuse to rent to minors. A rental agreement signed by a minor is voidable (i.e., the minor can choose to get out of it before turning 18 or within a reasonable time thereafter). Landlords are often reluctant to take the chance on renting to a minor, even if a parent or guardian co-signs the lease.

As a result, there are many sexually exploited youth who are homeless or who have run away (or been kicked out) from home. They may be living with others in unsafe situations or in places not meant for human habitation. They may have no option but to exchange sex for a safe and warm place to sleep. Minnesota law recognizes the importance of assisting these youth through the Homeless Youth Act.[2]

> **"A lot of people don't trust the [standard] shelters so they find another way to find a place to stay."[3]**

2. Getting Started

The Minnesota Departments of Human Services and Corrections oversee licensing processes for different types of shelter and housing programs. The licensing process assists organizations in developing policies and procedures related to safety of youth and other concerns. It can take several months (along with at least a year of planning) to move through the licensing process before the facility opens, and there will need to be a period of fine-tuning and troubleshooting after becoming operational. It is helpful to have a point person on staff whose job is dedicated to collecting necessary paperwork and facilitating the licensing process.

2 Minn. Stat. § 256K.45.

3 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 18 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en.

3. Staffing

Staffing—including the right scheduling and mix of personnel and a high level of professionalism—is a critical component to operating housing for sexually exploited youth.

Staff can make all the difference in a sexually exploited youth's experience in residential care. Staff members need to be able to handle everything that comes at them in a setting prone to volatility. Well-developed skills in working with sexually exploited youth are necessary. The best person for the job is someone who knows how to do the work in a flexible manner, uses strengths-based and positive youth development approaches, can de-escalate conflict in a supportive and positive way, and employs a victim-survivor-leader and trauma-informed care approach (see ***Working with Sexually Exploited Youth***), and has a good understanding of "the life." Experienced staff members are critical to the success of a program. Internship experience alone, for example, is not enough preparation to address the needs of sexually exploited youth.

Staff members need to be able to provide consistent care and maintain appropriate boundaries. New employees need to understand that working with youth is different than working with adults, and working with younger youth is different than working with older youth. There may be some similar skills required, but situations differ greatly, and therefore approaches need to differ. Staff working with adolescents need to be trained on adolescent brain development and should have knowledge about physical and cognitive disabilities that may be present in the youth population at the facility.

Due to the high levels of trauma experienced by sexually exploited youth, it is important for all models of housing to be grounded in trauma-informed care. This means understanding that a youth's behaviors—such as yelling or being disrespectful—are not due to the youth being a "bad kid" or trying to "act out" but rather due to trauma from which the youth is healing. Staff need to not take these behaviors personally. Promotion of self-care by agency leadership will help staff feel that the organization supports them and recognizes the stresses of the job.

A program manager who oversees staffing but is not involved in the day-to-day interactions with youth can monitor the program's needs, oversee scheduling, and handle staff matters.

> **"[Staff] have to have some kind of passion for working with teens. Can't just work 9-5 and it's just a job, hurry up and get off work. Don't sign up for it if your heart isn't in this profession. If I see that you don't care, I'm out of here."[4]**

a. Hiring

Building a safe, nurturing and competent staff team, as well as a healthy organizational culture, starts with recruiting, interviewing, and hiring the right staff.

Administrators and supervisors have the responsibility to ensure that youth are safe from physical, mental or sexual abuse from staff and other residents. This requires that all potential applicants be vetted properly. Many programs for sexually exploited youth have youth clients themselves interview candidates considered for employment. Youth are often able to sense which candidates will be safe and competent.

In assessing candidates, keep in mind the tremendous value of professional and lived experience. Candidates with academic credentials but no direct-service or lived experience may face a steeper learning curve and greater training needs.

b. Training

The effectiveness and safety of any housing for youth depends on how well staff are trained, coached, and supervised. Program administrators, leadership, and all direct service staff must be trained on providing gender- and culturally-responsive, trauma-informed and trauma-recovery focused services. Staff must be given an understanding of the dynamics of sexual exploitation, as well as child and adolescent development, child maltreatment, and the neurobiological impact of child maltreatment and other trauma exposures.

No matter how skilled or experienced the staff is, there will be unexpected issues that arise as a result of the trauma experienced by the youth being served. Because of this, staff need to be trained and skilled in the use of crisis intervention strategies and de-escalation techniques (see "Conflict & De-Escalation"), and on the provision of trauma-informed service delivery. Staff must be given a deep understanding that negative behaviors by youth are a result of trauma and do not reflect upon who they are personally.

4 *Id.*

Experts in working with sexually exploited youth should lead all trainings, and staff should have access to these experts for ongoing consultation.

c. Victim/Survivors on Staff

Having victim/survivors on staff is especially important for creating a victim-centered shelter environment, one that truly meets the needs of sexually exploited youth. Still, it is critical to make sure that a staff member who is a victim/survivor is ready to provide services and is not at risk of being triggered at work. Such staff will still need training, even though they have firsthand experience with the issue. Note that there may be issues with background checks for some victim/survivors; a program may need to look into obtaining waivers in order to have victim/survivors join the staff.

d. Gender

Some facilities have cross-gender staffing especially when there is more than one gender represented among the youth. There still need to be precautions in place to ensure best practices when serving multiple genders, or when there are multiple genders on staff. For example, multiple genders should be represented on shift if serving multiple genders. Youth should be given privacy when sleeping, when in their rooms, and when dressing or in the restroom.

It is best to ask the youth during the intake process if they feel more comfortable with male or female staff and/or if they are fine with either. The same should hold true for working with a male or female therapist. The relationship between male and female residents should not be forced because it could be retriggering of harmful past events.

e. Scheduling

The safety and security of youth depends on having a high staff-to-youth ratio, both during awake and overnight shifts. Staff schedules should include a mix of employees. For example, weekend shifts should not be comprised solely of part-time employees or employees who have less experience than others. Staff should also have adequate time off in order to decompress from the stress of the job.

f. Diversity

Finally, staff should reflect the racial and cultural diversity of the youth in the program. Tokenism on staff will not lead to lasting employment relationships. A commitment to promoting cultural responsiveness throughout all aspects of the program will help youth and staff feel more comfortable in the setting.

4. Other Issues Relating to Operation & Design

Shelters and residential settings become home, at least temporarily, for youth from a variety of backgrounds, and as such, they should make youth feel welcome and comfortable. Make sure that the environment is soothing and neutral in tone and reflects the spirit and creativity of the youth who live there. Have a quiet room that can be used for prayer or meditation.

"Mixing" sexually exploited youth with youth who have not experienced sexual exploitation is detrimental to both groups. Provide separate residential areas and group services for each group.[5] Sexually exploited youth have unique and complex needs due to the trauma that they have experienced. These youth need a high level of care and security, and there is a risk of peer recruitment as well. (See "Peer Recruitment" below.)

The privacy and confidentiality of residents should be a high priority. For example, when approved professionals come into the facility to assist with stabilization, designate a room for these meetings, in order to protect the privacy of other residents.

5. Intake

a. Emergency Shelter Settings

Some shelters allow stays of only three to five days, but 30 days is more common, and some shelters allow for an extended stay of 90 days. Note that where there are long waiting lists at community shelters, youth may need a system referral—such as from a county agency—in order to get in.

5 *See* J. Atella, L. Schauben & E. Connel, Wilder Research, *Safe Harbor: First Year Evaluation Report September 2015.*

When a sexually exploited youth first enters a shelter or similar setting, basic needs must be addressed such as food, fresh clothing, sleep and bathing. The intake should be short at this point and focused on identifying these basic needs and providing an explanation or orientation to the program: its program structure and requirements, what youth can and cannot have in their possession, grievance procedures, confidentiality and data privacy protections, and program services. Questions about medical or mental health concerns should be addressed and a medical exam provided if needed. If the youth is intoxicated or high upon intake, a determination should be made about whether detox can occur at the shelter or whether immediate medical intervention is needed. (Any need for chemical dependency evaluation and treatment should be noted for follow up.) Finally, the youth should be asked if they have any preferences about the gender of staff working with them. The Safe Harbor regional navigator can provide examples of intake forms and questions to service providers.

Cell phones, computers and other technology should be taken from the youth and medications locked up. The staff should also take anything that can be used as a weapon or indicates gang membership, wash clothes to avoid bed bugs, and inventory and lock up personal belongings. The youth should be allowed to keep papers, appropriate pictures and books. All personal belongings taken from youth, whether at intake or thereafter, should be documented in detail.

The youth should be asked permission to take a photo that may be shared with the police in case the youth runs or disappears. Youth can decline having their picture taken and, as an alternative, staff can write up a physical description of the youth.

Some youth may be pregnant or may have a child. Ensure that such youth have access to prenatal care and childcare. Given the complexity in working with young parents, especially in cases where the child is tied to their exploiter, additional assistance with family law issues may be needed (see ***Legal Representation***).

Many shelters will require a youth to have identification to be able to stay. Victim advocacy or street outreach can assist with making an application to the state.

The initial intake components described above should be as brief as possible, given that the youth is just entering the program. When it is time for a longer intake, it is helpful to use a “motivational interviewing”

approach[6] that involves supportive conversations with the youth and less reliance on reading questions from a form. This approach fosters a collaborative conversation that helps to strengthen motivation and commitment to change. The individual is able to focus on a specific goal as well as their own reasons for change. The change can then take place within an accepting and encouraging environment.

b. Screening

Residential facilities should screen for sexual exploitation. This includes knowing what to look for, using appropriate screening tools, and accessing expert help when uncertain about whether or not a youth is being exploited. Youth victims of sexual exploitation typically do not talk about what has happened to them nor see themselves as victims. Well-trained providers need to actively build trusting relationships with youth, recognize the signs of sexual exploitation, ask the right questions, and connect youth to expert resources.

In addition to screening for sexual exploitation, youth should also be screened for trauma, mental health, chemical health and physical health. Screening and assessment tools and processes should be geared toward understanding the risk factors for youth exploitation. All of these are critical components in creating effective treatment plans, managing cases, and developing interventions and program services to meet the needs of these youth.

6. Safety & Security

Safety and security, both for youth and for staff, must be paramount in housing sexually exploited youth and those at risk. Youth who have experienced sexual trauma are justifiably vigilant to the potential for further victimization or violation of their privacy rights. They often have a heightened sense of danger and feel unsafe wherever they are. Youth need to be able to trust that staff, peers, or anyone else will not harm them.

Most facilities are "staff-secure," meaning that although they are safe, they are not locked. Security from those who may wish to harm youth or staff is attained through:

- ample, 24-hour staffing;

6 Information and training on motivational interviewing can be obtained from various sources, including the Center for Victims of Torture (http://www.cvt.org) and The Link (http://www.thelinkmn.org).

- background checks of staff;
- security cameras and alarm systems;
- fencing;
- having a confidential address;
- awareness of the neighborhood and surrounding areas;
- limited phone use;
- supervised or no access to the Internet;
- locked doors from the outside; and
- heeding warnings from youth that an exploiter is planning to come to the facility.

As to emergency shelters in particular, few if any visitors should be allowed to enter, for both safety and privacy reasons. With any type of housing for sexually exploited youth, outside visits with family or others should require approval. Similarly, keep an eye out for contact between youth and exploiters. Be aware of who is trying to contact the youth either by phone, through a visit, through other residents or visitors, or by appearing for a court hearing.

Most fundamentally, safety and security is attained through strong relationships between youth and staff. A secure relationship with a trusting adult is vital for youth to feel secure, and to tell staff when they have concerns about their safety and the safety of others. Note that such strong relationships also minimize the likelihood that youth will leave the facility without permission. See “Running Away” below. It is also important for the staff team to have trusting and healthy relationships with one another. Hold regular staff meetings to debrief critical incidents and discuss how well the team is communicating and working together.

The Prison Rape Elimination Act (PREA) ensures that youth in residential- and custody-based facilities are free from sexual abuse from staff and other youth. See ***Juvenile Corrections*** for a discussion of PREA.

Note that safety is a much broader concept than mere protection from physical threat. Safety can mean many things to youth, encompassing culture, race and ethnicity, sexual and gender identity, and religious and spiritual life. When youth feel safe, they are better able to connect with staff, participate in programming and work on goals to improve their health and well-being.

7. Conflict and De-Escalation

Some programs accept youth with challenging survival behaviors, including sexually exploited youth, yet terminate these youth from the

program for running away, "non-compliance," or aggressive behaviors. In programs where there is a focus on control and containment of behavior in ways that are punitive, harsh and judgmental (e.g., the use of isolation, level "drops," and restraints), youth regularly act out in ways that require critical incident reporting by staff. Critical incidents include running away, self-harm and suicidal ideation, and aggressive and assaultive behavior. But these behaviors are directly related to the trauma and mental health challenges that sexually exploited youth experience. If youth do not feel physically, emotionally and culturally safe, they will act out in any number of ways. Competent programs understand this relationship and are well prepared to work with youth who have emotional and behavioral challenges by giving them multiple chances.

After all, conflict is inevitable in a congregate setting. Many situations can set off residents. One way to prevent situations from escalating is to talk with a youth during intake to find out what situations are particularly upsetting and the best way to approach the youth in those instances.

Staff members should be trained in de-escalation techniques, and staffing levels should be such that staff can intervene as necessary. Calling the police should never be the sole de-escalation plan. Sometimes involving law enforcement can make things worse because of fear and lack of trust on the part of the youth. Being put in a hold by officers can be re-triggering of past physical or sexual harm. If the youth tries to escape or fight back, this can lead to delinquency charges and all of the collateral consequences that can flow from a juvenile adjudication. Agencies should be prepared to advocate for youth who fall into this situation by helping other system professionals understand the specific needs of the youth and how their responses are influenced by past trauma.

Use of holds or restraints should be a last resort in responding to a youth acting out, and only if there is a legitimate safety reason. As with restraints by law enforcement, a restraint by staff could be retriggering of past physical or sexual harm and further escalate the situation, perhaps leading the youth to fight back and end up facing an assault charge against staff. Note that strip searches should not be used; they are highly invasive and a trigger.

During conflict, it is best to use positive strengths-based conversational techniques and to attempt to talk things through before something physical happens. Staff should be aware of, and avoid using, language that can be triggering. The goal is to seek cooperation and not compliance; trying to gain full control over the situation may be futile and

could escalate the situation further. Over-talking by staff, or requiring the youth to process the situation in the heat of the moment, can escalate the situation even further. Alternatively, showing the youth physical and emotional space to detach from the situation can help.

Processing can happen once the situation is calm. Humor can sometimes be an effective tool for defusing situations, but use it carefully so youth don't end up feeling belittled or that their concerns are insignificant. A critical tactic in de-escalation is to remove youth from any audience of their peers and into a private setting before processing the situation with them. Many sexually exploited and homeless youth live according to "street codes," which have forced them to keep an appearance of strength and control at all times, for survival purposes. In addition, no one wants to be embarrassed or called out in front of others. Managing accountability while avoiding the triggering of certain behaviors is an extremely delicate undertaking.

If none of these approaches work, calling 911 may be a necessary option. Establish a good relationship with local law enforcement to help responding officers understand what situations they are walking into and give them a heads-up about what actions will be triggering and escalating for youth at the facility.

Agency policies should take into account how behavioral outbursts are handled with regard to continued presence at the facility. In general (and with the exception of extreme situations), kicking out a youth for a single infraction is extreme and unrealistic, given the challenges the youth bring with them to the facility. Instead, consider employing tiered disciplinary plans that include removal of privileges and plans for corrective action, coordinated with the youth for the best chance of buy-in and success.

Finally, after there has been conflict, have some calming activities available including relaxation techniques, weight blankets, aromatherapy, access to equine therapy, etc. that allows for time to decompress. If the youth has a history of suicidal ideation of self-injury, staff will need to watch for red flags indicating increased risk of suicide or self-harm.

Traumatized youth have the potential to act out their trauma in serious and sometimes frightening ways. When youth feel safe, cared for, and respected, this is much less likely to happen. When housing programs experience these critical incidents on a constant and/or consistent basis, when chaos and crisis is the "norm"—indeed, when a facility has high staff turnover and over-use of sick time—this is a sure sign that the organizational culture and program environment is not safe for youth or staff.

8. Running Away

While some youth do run from staff-secure facilities, it is less common than might be expected. Those who do run often maintain contact with staff, especially when good relationships are established. Oftentimes youth want to return to the facility after going on the run, and facilities should have clear policies that allow for the reentrance of youth who have run, unless this would be unsafe for the youth or the youth's peers.

Youth who have had severe trauma may have a history of running away and be at risk of running away from a shelter or housing program where they are living. The best way to reduce the risk of running is to use the best practices of trauma-informed care, victim/survivor leadership, and positive youth development while also maintaining appropriate staffing levels to supervise the youth in the program. Case managers can work with a youth to create a "run-risk" plan that allows the youth to identify certain situations that may trigger an urge to run and methods that the youth can use, in collaboration with staff, to address the urge. Youth may be able to identify on a scale of one to ten how likely they are to run.

Consider offering incentives not to run, such as allowing youth the opportunity to download an iTunes song for every hour they are able to stay or giving time in a massage chair. While incentives can have positive results, the youth should understand that the end goal is not receiving a reward but rather engaging in positive behavioral change.

Youth can be triggered by important anniversaries in their lives, including family members', friends' or exploiter's birthdays, dates of death and other significant events. An inability to cope with the flood of memories and sensations may be more than the youth can handle, and running is the only response they know. This information can be collected during intake and during therapy sessions, giving staff and the youth an opportunity to develop coping plans and ways to chart emotions. It can also be incorporated into the "run risk" plan.

Sometimes youth will run for no apparent reason other than they don't have the tools to regulate themselves. It is important to attempt redirection and find out what is driving the urge. Staff should be prepared to respond to youth who are signaling that they will run. Penalties for running should be used minimally, because running is part of a coping process for sexually exploited youth; opportunities to understand why a youth runs will prove more beneficial than a punitive approach.

If youth do run, hopefully they will have built sufficient relationships

with staff so they will check in. Over time, the running may decrease as trust builds. Staff can help foster this relationship by providing resources for youth to have on hand in case of a run. When a youth runs away, staff should ensure that their belongings are secure and out of reach of other residents. Staff should also contact appropriate people in the youth's life to alert them that the youth has left the facility and may be reaching out for help.

9. Cultural Considerations

Creating partnerships with culturally-specific organizations and hiring diverse staff are both ways to increase the comfort level for youth served by a shelter or in residential care.

Policies should include procedures for observing different religious holidays and traditions, providing for dietary needs, serving different sexual orientations and gender identities, and offering programming that appeals to the mind, body and spirit without a preference of one religion or cultural practice over another.

If a shelter or residential setting is serving residential youth who are male, it is important that they have programming tailored to their needs.

For LGBTQ youth, inclusivity includes:

- using the gender the youth identifies with for bedroom and bathroom assignments;
- providing gender-neutral access to clothing, hair products, and make-up;
- avoiding heterosexist language; and
- of course, using the youth's preferred name.

LGBTQ-sensitive supportive services, such as a trans-friendly medical providers and safer-sex supplies for same-sex relationships, should be made available as well.

10. Programming

Programming in residential settings should take a holistic approach, helping residents to develop lifelong well-being and establish positive relationships. One of the most important protective factors with which programs can assist is helping youth become economically

self-sufficient, so they are able to support themselves and do not have to rely on people who will exploit or harm them. Assisting youth to be well-prepared for entering the work force is critical. Youth should have access to education either onsite or in a local school, whichever best fits the need of each youth.

Given the trauma experienced by sexually exploited youth, programming should assist them with stress management, emotional regulation, and grounding techniques. Provide youth with these skills, and an opportunity to practice them daily, before engaging them in trauma work.

In a shelter setting, offering youth an array of activities is important to addressing their emotional needs, building their strengths, curbing boredom, and having fun.

Note that non-traditional approaches—such as theater arts, animal therapy, poetry, and dance/movement therapy—have all been shown to be effective for working with youth who have experience trauma. Psycho-Education support groups such as Girls Circle, Girls' Trauma Recovery and Empowerment (G-Trem) Voices, My Life My Choice, and Girls Circle H.E.A.R.T are common curricula used.

a. Support & Treatment Services

The majority of sexually exploited youth who end up in out-of-home placements have experienced sexual abuse and violence, as well as other types of trauma exposure in their lives, resulting in neurobiological impact that greatly impacts them physically, emotional and behaviorally. Therapeutic interventions need to be holistic and build on the youth's resilience and strengths, acknowledging the underlying factors that caused the youth to be vulnerable to sexual exploitation in the first place. Interventions need to intentionally address trauma, grief and loss, and the shame and stigma present when working with sexually exploited youth. Clinical staff who provide therapeutic services must be trained in trauma, trauma-informed and trauma-recovery focused care and in working with sexually exploited youth.

An important aspect of this work is to teach youth emotional regulation skills and grounding techniques before engaging them in trauma work. There is a great deal of research on how mindfulness practices such as breathing and relaxation techniques, yoga, meditation, and expressive movement can have a positive impact on helping victims of trauma manage the neurobiological impact of trauma in healthy and

safe ways. If done effectively, this can help sexually exploited youth gain a sense of self-control and empowerment. These are important skills for all youth to learn and practice.

A serious component of case management in residential placement is developing safety plans with youth to address running away, day to day life once they leave placement, and identifying safe people and safety zones they can access after they leave residential care.[7] Running is common amongst this population of youth. Staff should utilize positive relationships with youth and incentives for not running vs. punitive approaches. It is critical to have policies in place that do not eject youth who run away.

The voices of youth and survivors should be seen as a key factor in the development of programs and services as well as ongoing programming assessment and improvement. Supportive services for sexually exploited youth need to be non-judgmental while addressing immediate needs such as health care, homelessness, economic security, substance abuse, and parenting. An incentive-based approach for engaging youth in services has been found to be effective when working with sexually exploited youth.

b. Life Skills Programming

Effective programs take a holistic approach to teaching youth the necessary life skills to replace unhealthy coping skills. Residential programs have a responsibility to assist youth with learning and practicing essential life skills that will help them to not only survive in their communities but to thrive as well. Essential life skills include continuing education, healthy relationships, achieving financial wellness, how to access and obtain safe housing, childcare, transportation, and legal aid resources.

c. Education & Job Readiness Programming

One of the most important protective factors for sexually exploited youth is to help them become economically self-sufficient so they are able to support themselves and their children in legal ways, without relying on people who exploit them, or relying on government assistance.

7 H. Clawson & L. Goldblatt Grace, U.S. Department of Health and Human Services, *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking* (2007).

The McKinney-Vento Act addresses education for homeless youth.[8] Access to education is particularly important because youth who are out of the home will likely not attend their regular school or may not have been in school for a while and will need remedial assistance. Online schools are one option for making up credits. In addition, shelters and residential programs can also work with local school districts to apply to the Minnesota Department of Education to set up a program either onsite or within a local school (see additional information on educational access in ***Schools***). If the youth has high behavior and/or safety issues, it may be best to offer an onsite school option. See ***Schools*** and ***Legal Representation*** for additional information about access to education.

Effective programs focus on the multiple skills and competencies needed to succeed in the workforce. Employment services for sexually exploited youth should include job readiness skills, vocational training, academic instruction, career counseling and exploration, mentoring, work experience and paid internships. Assisting sexually exploited youth to be well-prepared for entering the work force, in particular the high growth industries, will allow youth to obtain and keep legal employment that pays them livable wages.

d. Recreational Activities

Programming for sexually exploited youth should provide comprehensive, integrated, age and developmentally appropriate, gender and culturally-responsive and trauma-informed services that address substance abuse, physical and sexual abuse, trauma, physical and mental health, and the cultural and spiritual needs of youth in a holistic manner. Services should be grounded in positive youth development. Mind, body and spirit activities should be a regular part of programming. Teaching breathing and relaxation techniques and emotional regulation skill are important for when youth are experiencing stress and emotional "overload," and/or when youth have been triggered and are experiencing a major trauma response.

Watching movies, engaging in art therapy, participating in preparing meals for one another, making crafts, exercising and playing games can help to pass the time and build relationships amongst the youth and staff.

The goals of physical exercise for sexually exploited youth should be to have fun, learn new skills, develop lifelong wellness activities and establish positive relationships. Physical exercise serves as a means

8 42 U.S.C. 11434a(2).

for the constructive discharge of excess and/or stress energy often associated with trauma.

Leisure time is also an important component in a culturally responsive, trauma-recovery focused programming. Leisure activities such as sports, music, art, creative arts, and theater are great opportunities for youth to learn new leisure skills, and for staff to interact and participate with youth in activities that promote fun and positive connection between youth and staff.

e. Health Care

Victims of sexual exploitation often experience physical, emotional and psychological abuse as a result of sexual exploitation. The majority of sexually exploited youth have a history of unmet health needs, such as injuries and illnesses that have gone untreated. Physical health problems associated with repeated beatings and rapes, reproductive injuries and health problems, including exposure to HIV and STDs, pregnancies, and mental health problems including PTSD as well as alcohol and other substance use and addiction are common. Access to comprehensive health screenings as well as holistic health care options should be made available. See ***Health Care*** for additional information.

f. Family Involvement & Support

Many evidence-based interventions that improve child functioning require the involvement of families/caregivers. Families/caregivers need help in supporting their children who have experienced victimization and in providing a nurturing environment in which healing can occur.

Residential providers should understand that families, particularly families of color, have a reasonable suspicion of systems that hold power over their children. Successful organizations work to overcome families' resistance from a strength-based perspective and collaborate with families to best help the youth in their programs.

Some sexually exploited youth have family members that are not able to support them through their recovery. There are a number of youth who have been exploited by family members. Reunification does not mean that youth should or can be reunited with their family, unless appropriate and safe, but rather youth receive the help to stay connected with family members who support their health and well-being. Youth need help to process and deal with difficult family relationships and the grief and loss that may accompany these relationships.

Recruitment in Facilities

There must be a zero tolerance policy for peer recruitment in any setting housing youth. Recruitment is an effort by one youth to engage another youth in sexual exploitation, whether within or outside the facility. Recruitment can be subtle or overt and usually involves a process of befriending and building up a youth's confidence so that the youth believes that the peer has the youth's best interests in mind.

It is helpful to know if a sexually exploited youth has a history of recruiting before coming to the facility. The youth should be given a chance to stop the behavior based on clear expectations, particularly if it is apparent that the recruitment played a role in the youth's re-victimization. However, if the recruiting youth is unable to stop, the safety of the other residents depends on removing the youth who is recruiting. Note that the removed youth could still receive services from the program but would have to do so outside the residential setting.

Staff should also determine whether recruiting is an isolated incident and whether a particular youth is acting as a ringleader. Staff should also keep an eye out for any surreptitious activity. (Not allowing youth to go into one another's bedrooms can be helpful to curbing secrets.) Finally, it is up to staff to make sure that aspects of "the life" of sexual exploitation do not seep into the residential environment.

11. Re-Entry & After-Care

Transition and aftercare planning specific to the needs of sexually exploited youth are critical when youth are returning back to their communities.

Youth who transition back into the community face an uphill journey out of sexual exploitation. They must take the new skills they learned in residential placement and put them to use in the real world. In the right environment, youth will improve while in residential care but without ongoing support the transition back to the community will be difficult.

A multidisciplinary approach to transition and aftercare services should include community-based mental health/trauma treatment,

mentorship by a survivor of sexual exploitation, meaningful educational and employment opportunities, sexual and reproductive health services, stable housing and community-based programs that continue to emphasize healthy choices, healthy relationships, and physical health and well-being.

Building relationships with culturally responsive, and trauma-informed programs is essential to help minimize the potential for relapse. Programs and referring agencies should understand that relapse is common and not judge when it happens. Programs and services should be vetted to ensure their services are appropriate for sexually exploited youth before youth are referred. Connection to these community supports should begin prior to a youth leaving residential placements so they have ample time to form trusting relationships with providers while in a safe environment. It is essential to ensure that sexually exploited youth understand how to access community resources in order to get help if they are lured back into “the life” of sexual exploitation.

Discipline Chapter
Placement

1. **Legal Background** **260**

2. **Recommendations** **264**

Where to place youth who have been identified as sexually exploited is one of the most challenging issues faced by system professionals. Sexually exploited youth need and deserve settings specifically designed for their needs and staffed by skilled professionals who have experience working with this population. Unfortunately, at present many of the therapeutic options that would be best for these youth remain either limited or unavailable altogether in Minnesota. As part of its protocol development process, each jurisdiction should carefully assess the availability of such options in their communities. **The authors urge the state, and individual communities, to provide more options for therapeutic shelter, both staff-secure and secure/locked**, of the kind described in these *Protocol Guidelines*.

The first section of this chapter ("Legal Background") outlines what the law allows. The second section ("Recommendations") contains recommendations as to how placement decisions should be made within the limits of the law, based on practical considerations and the particular circumstances of each youth.

This chapter is intended to apply only to youth who are residents of Minnesota. For out-of-state youth located in Minnesota, practitioners must consult the Interstate Compact on Juveniles (ICJ) and the Interstate Compact Office.[1]

1. Legal Background

The Safe Harbor law removes prostitution from the juvenile delinquency code. As discussed more extensively in ***Legal Framework***, no youth may be arrested or charged with being hired to engage in sex.[2] Instead, when appropriate, such a youth should be referred to the child protection and child welfare systems as well as specially tailored services.[3] Placement, then, is driven by child protection law. Much of the following is drawn from sections 260C.175, 260C.176, and 260C.181 of the Minnesota Statutes; readers are directed to review carefully these and related sections for a fuller understanding of these issues. In addition, if the youth is American Indian, the specific provisions of the Indian Child Welfare Act (ICWA) must be followed. See ***Working with Tribal Nations*** and ***Child Protection/Child Welfare*** for more information on ICWA.

1 Minn. Stat. § 260.51.

2 § 260B.007, subd. 6(c).

3 § 260C.007, subd. 6(11), 31.

a. Types of Placement

There are several types of placement under Minnesota law that are particularly important for this discussion:

- **Secure detention facility:** A physically restricting facility—or a physically restricting area within a facility—"used for the temporary care of a minor pending court action." Examples include a jail or detention home, as well as secure areas within a hospital, state institution, or residential treatment center.[4]

- **Shelter care facility:** A physically unrestricting facility "used for the temporary care of a minor pending court action." This may be, for example, a hospital, group home, or a licensed foster care facility.[5]

Each of these facilities must have the proper licensure for the population that they house. Some juvenile detention centers, for example, may not have the licensure to hold youth for child protection purposes (i.e., youth who have no delinquency charges pending).

Note that whether electronic home monitoring (EHM) is considered "secure detention" depends on the community.[6] Some jurisdictions operate Juvenile Detention Alternatives Initiative (JDAI) teams, and the teams vary in viewpoint as to the use of EHM. See "Electronic Home Monitoring" below.

b. Placement in Child Protection

Under the child protection statutes, a youth may be taken by authorities into immediate "custody"—which might not mean secure detention[7]—only in certain circumstances, including:

1. pursuant to an apprehension order or warrant issued by a court;

4 §§ 260B.007, subd. 14, 260C.007, subd. 29.

5 §§ 260B.007, subd. 15, 260C.007, subd. 30.

6 EHM is a form of "detention." See Minnesota Rule of Juvenile Delinquency Procedure 5.01 (defining "detention" as "all liberty restrictions that substantially affect a child's physical freedom or living arrangements before trial, disposition or pending a probation violation hearing"). However, "detention" may be "secure" or not. Different jurisdictions interpret this differently with respect to EHM.

7 "Custody" for this purpose simply means that a law enforcement officer or other system professional is responsible for the youth; as indicated in the text, it could apply even just for the process of bringing the youth home.

2. when a police officer finds a runaway, but then only for purposes of bringing the youth home—or to "another safe place, which may include a shelter care facility;" and/or

3. when a police officer finds a youth in "surroundings or conditions" which the officer "reasonably believes will endanger the [youth]'s health or welfare."[8]

For up to the first 24 hours prior to an initial court appearance (excluding weekends and legal holidays), the youth may legally be placed in a shelter care facility, secure detention facility, or even certain other secure facilities.[9] So long as the youth is not alleged to be delinquent, the youth must be "detained in the least restrictive setting consistent with the [youth]'s health and welfare and in closest proximity to the [youth]'s family as possible."[10]

Whether a youth may be held in secure detention immediately following the initial appearance depends on the circumstances. A youth who is alleged (or adjudicated) solely to be a runaway or habitual truant may be placed only in a shelter care facility; the youth may not be placed secure detention.[11] A youth who is in child protection court for any other reason (for example, a child alleged or adjudicated to be a sexually exploited youth[12]) may be held in secure detention for an additional 24 hours following the initial appearance.[13] Again, the placement must be "in the least restrictive setting consistent with the [youth]'s health and welfare and in closest proximity to the [youth]'s family as possible."[14]

In general, **no** youth may be held in custody—even in a shelter care facility—for longer than 72 hours (excluding the day the hold begins, as well as weekends and holidays), unless a petition is filed in court.[15]

Note that if a youth is taken into immediate custody, the person

8 Minn. Stat. § 260C.175, subd. 1.

9 § 260C.181, subd. 1. See also 28 C.F.R. § 31.303(f)(2); Minn. R. Juv. Proc. 4.01.

10 § 260C.181, subd. 2.

11 *Id.* at subd. 3. See also U.S. Department of Justice, Office of Juvenile Justice Delinquency Prevention, Guidance Manual § 3.2 (permitting facilities to hold "accused status offenders" such as runaways and truants in secure detention only for up to 24 hours prior to an initial court appearance and an additional 24 hours immediately following an initial court appearance, in both cases excluding weekends and holidays).

12 The term "sexually exploited youth" encompasses virtually any youth involved in prostitution, used in a sexual performance or pornography, victimized by criminal sexual conduct or sex trafficking, solicited for sex, or otherwise used for illegal sexual conduct. Minn. Stat. § 260C.007, subd. 31. See ***Legal Framework*** ("Child Protection Law") for more information.

13 28 C.F.R. § 31.303(f)(2).

14 Minn. Stat. § 260C.181, subd. 2.

15 § 260C.176, subd. 2(b).

taking the youth into custody must make a number of notifications to the youth's family as well as to the court.[16]

In most child protection cases in which a youth is taken into custody, a court must hold a hearing within 72 hours (excluding weekends and holidays) to determine whether the youth should remain in placement (and if so, what kind of placement) or be released to a parent or guardian.[17] Placement decisions made by courts in child protection cases are based on the youth's "best interests," including "an individualized determination of the needs of the [youth] and how the selected placement will serve the needs of the [youth] being placed,"[18] drawing on the many factors set forth at Minn. Stat. § 260C.212, subd. 2(b). Depending on the youth's best interests, the court may place the youth in a variety of settings, as discussed in the recommendations below.

c. Placement in Contempt & Delinquency

Youth in child protection cases may also be held in secure or locked detention based on a judicial finding that the youth is in contempt of a court order, such as an order to remain at a placement.[19] Before a youth can be held in contempt, there must be a prior hearing at which it is clearly explained to the youth, and the youth understands, the consequences of failing to abide by the court order. (This explanation is commonly referred to as a *Hammergren* warning, named after the court case in which it was first described.) The youth may be placed in secure detention "only under the most egregious circumstances [and where] … the record [] show[s] that all less restrictive alternatives have failed."[20]

Finally, sexually exploited youth may commit offenses such as possession of drugs, assault, and giving false information to police officers. Criminal justice professionals may well choose not to pursue investigating or charging such offenses, given the presence of sexual exploitation. (See ***Prosecution*** for a further discussion regarding these

16 *Id.* at subd. 2(a). See also § 260B.176 (delinquency code).

17 *See* §§ 260C.178, 260C.212.

18 *See* § 260C.212, subd. 2. See also § 260C.201.

19 *State Ex. Rel. LEA v. Hammergren*, 294 N.W. 2d 705 (Minn. 1980). The judicial finding may come via a motion for contempt in the child protection proceeding or via a separate petition for contempt in delinquency court. Note that even if a delinquency petition is filed, the youth may not be adjudicated delinquent based solely on a finding of contempt. Minn. Stat. § 260C.421. Instead, the only dispositional option available is a stay of adjudication; the judge can order only those conditions permitted with a stay of adjudication. Minn. Stat. § 260B.198, subd. 1. Placement in a secure facility is not permitted following disposition on the delinquency charge of contempt, because adjudication on the charge is prohibited, but the youth may be held in a secure facility pending disposition. Minn. Stat. § 260B.198, subds. 3 and 4.

20 *Id.* at 707-08.

issues.) In any case, such charges should never be used to coerce a youth into participating in an investigation. If such offenses are investigated or charged, the law governing custody and placement in juvenile delinquency cases would apply.

2. Recommendations

As with any youth, the threshold question in placing a sexually exploited youth is whether an institutional placement is necessary in the first place. The parent or guardian should be identified and (unless inappropriate) contacted. The family and home should be carefully assessed: Is it safe for the youth to be home? Does the family have the capacity to provide care and coordinate services on its own? Is there another safe and trusted individual, even if a non-relative, with whom the youth may be placed? (Placing agencies should of course take great care to assess whether this individual might in fact be an exploiter.) In all of this, talk with the youth. Is it safe for you to be home or returned to a previous placement?

> **"It depends on the case and what kids want, if they don't think it's safe they shouldn't have to go home but if they do want to the courts should try hard to get them there."**[21]

For many sexually exploited youth, living with family or trusted friends will not be the best option. If so, an out-of-home placement will be necessary.

1. <u>Sexually exploited youth should be placed, whenever possible, in trauma-informed, therapeutic care specifically designed for their needs.</u>

Our state has committed to treating sexually exploited youth not as perpetrators but as victims in need of healing and care. This healing and care must be provided with skill and compassion and tailored to the unique needs of these youth. Many of the components of such care are described

21 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 14 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter, *Voices*].

in the No Wrong Door report.[22] Specifically, it should be therapeutic—based on a model of health and well-being rather than correction or punishment. It should be *trauma-informed*—as described in ***Working with Sexually Exploited Youth***. And it should be *specifically designed for sexually exploited youth*, whose needs may be different than other populations. It is crucial, whenever possible, that sexually exploited youth who are unable to live with family be placed in settings that fit these criteria.

> **"If youth aren't getting real help and affection and support in [placement] it will make them go back to their exploiter."[23]**

2. For the vast majority of youth, this care should be provided in a staff-secure but not locked setting.

The vast majority of sexually exploited youth who are unable to live with family are best served in a staff-secure therapeutic setting, such as a shelter, residential program, group home, or foster care home. "Staff-secure" means that the setting is not locked but is staffed and supervised 24/7. Such a setting discourages youth from leaving, not through locks but through staff relationships, design, environment, and programming. For guidance on best practices with respect to shelters, residential programs, group homes, and other congregate care settings, see ***Housing***. (Note that guidance on best practices with respect to individual foster care homes for sexually exploited youth does not yet exist in Minnesota; the authors recommend that such guidance be developed.)

Experience shows that facilities with the characteristics described in ***Housing*** see very few runs by residents of any substantial length of time.[24] Which of these settings is most appropriate for a given youth will vary based on a number of factors, as discussed below.

Emergency shelter and housing programs funded through the Safe Harbor program are specifically designed to provide the staff-secure, therapeutic care that youth need. Such programs are permitted to serve youth from anywhere in Minnesota (and even from other states, if the youth is originally from Minnesota), and some programs will even offer

22 Department of Public Safety, Office of Justice Programs, *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth*, 8, 21-23 (January 2013), https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20(FINAL).pdf {hereinafter, *No Wrong Door*].

23 *Voices, supra* note 21, at 35.

24 An example is provided by The Link—Passageways Program, a staff-secure but unlocked, trauma-informed shelter and housing model specialized for sex-trafficked youth. In its first year of operations, less than 14% of youth ran away from the program, and the majority of the group that ran either kept in contact with shelter staff while on the run, returned to the program, or both.

transportation. Professionals should make every effort to place a sexually exploited youth in such a program before moving to other options.

3. Youth with the most severe needs should be placed in locked therapeutic care.

Even the best non-secure care may not be an appropriate choice for a small number of sexually exploited youth. This includes youth who:

- exhibit aggressive, assaultive behavior that is dangerous to others;
- are actively suicidal;
- are under the influence of alcohol or drugs to the extent that they need medical intervention; or
- are not medically safe to be in shelter.[25]

Youth requiring this response should be placed if at all possible in a locked setting that is therapeutic (medical) as well as trauma-informed, with staff who have trained to meet the needs of sexually exploited youth. The setting should involve particularly close collaboration with chemical and mental health professionals. As the youth gains stability, protocol should provide for the youth to be transferred to a less-restrictive setting.

As with other settings, guidance as to best practices in such settings does not currently exist in Minnesota; again, the authors recommend that such guidance be developed.

4. Where a therapeutic response isn't available, communities must choose whether secure detention remains an option for them.

Unfortunately, the therapeutic response discussed in recommendations #1 to #3 may not always be available. At present, the supply of high-quality, staff-secure settings and beds referenced in Recommendation (#2) is limited, especially in certain regions of the state. (Again, however, many staff-secure, therapeutic programs serve youth from throughout the state and beyond; professionals should certainly try to place in such a program first.) Furthermore, the locked therapeutic care

25 In the view of some professionals, this list would also include certain youth who have run repeatedly from non-secure shelters and are at high risk of experiencing additional trauma while on the run, as well as certain youth who are recruiting others. Other professionals disagree and view secure settings, even if therapeutic, as never appropriate for youth who run repeatedly and/or are recruiting others. See Recommendation (#4) for more perspective on the possible use of secure detention.

referenced in Recommendation #3 does not currently exist.

Until more options are available, communities will often face a difficult choice between the risks of secure detention and the risks of continued exposure to trafficking and sexual exploitation. Some communities in Minnesota have chosen to prohibit the use of secure detention for sexually exploited youth, even from the initial contact with law enforcement. Other communities have chosen to develop special hold-only warrants for sexually exploited youth that apply in the absence of options for locked therapeutic detention. There may well be other policy options. So long as communities take a victim-centered, trauma-informed approach, they should choose the policy that works best for the youth in their community.

a. The case to prohibit the use of secure detention

Placing a sexually exploited youth in secure detention can be problematic in many ways. For their long-term safety and stability, exploited youth need a broad, durable continuum of services that can help them recover from the trauma that they have experienced. While in detention, they do not have access to such services. They are physically and emotionally separated from their families and other social supports. With rare exceptions, juvenile detention centers are not prepared or equipped to address the mental, physical, and chemical health concerns that many youth face.

Indeed, time spent in detention can actually exacerbate the trauma for sexually exploited youth, who may have been subjected to parallel forms of control in their lives, including childhood abuse. They feel like criminals who are powerless in a delinquency system—a system that may seem no less punitive than an exploiter. Common practices in detention centers, including isolation, mechanical restraints, strip searches, and invasive body searches, can be very traumatizing to youth who have experienced exploitation. Some youth report being sexually assaulted and/or solicited by staff and/or other youth while in detention, especially once others find out why they are being detained there. When exploited youth are released from detention, they are often released right back into the initial unsafe circumstances, with little or no transition planning processes. Their detention history can have a destructive effect on the education and employment prospects of youth. All of this is counterproductive to healing and undermines the premise of "safety" that was purported in placing the youth in detention in the first place.

Youth who are determined to run will find a way to do so, even from locked settings. Fundamentally, a youth who is not ready to change behavior is unlikely to do so any more quickly because of being placed in secure detention. To the contrary, involuntary placement—a lack of respect for the youth's own ability to choose the program or setting that best meets the youth's needs—may make the youth even less open to change. In short, in the view of many professionals, secure detention creates more harms than benefits and should be used exceedingly rarely, if ever, even where good therapeutic alternatives are not otherwise available.[26]

b. The case to permit the use of secure detention

Other professionals believe that secure detention should remain an option for a limited number of sexually exploited youth, such as those who have repeatedly run from shelter and are at high risk of further exploitation. The kind of exploitation that these youth experience—often for weeks or months before the youth is located—can be horrific. In extreme circumstances, it can result in the youth falling even further into the abyss of pain, trauma, chemical and alcohol use, anxiety and depression—all of which makes treatment and recovery that much more difficult. Moreover, some youth end up pregnant or fathering children, and without adequate support, the abuse/neglect cycle begins to repeat itself. There is also a significant risk that at least some of these youth will die, whether by overdose, by suicide, or at the hands of traffickers, buyers, or others.

For some youth, detention can provide the stability that they need to escape from exploitation and move forward with their lives. Some youth may even ask to be detained because they feel threatened, want to avoid services, or have built a bond with staff. Where good therapeutic alternatives are not available, either because they do not exist or they are full, professionals must balance the temporary benefit of physical safety and stability while the youth is secure against the risks identified in the section above.[27]

5. The best placement will depend on a variety of factors.

26 For more information on this perspective, see "Harm Reduction" in ***Working with Sexually Exploited Youth***.

27 Indeed, the *No Wrong Door* report acknowledges this difficult balance, stating: "Holding youth in juvenile detention is undesirable. However, keeping youth safe from traffickers and commercial sex abusers is paramount," and sometimes "youth must be securely held for personal safety reasons." *No Wrong Door,* supra note 22, at 9.

The right placement for a youth depends greatly on unique circumstances. Communities should not use a "one-size-fits-all" approach but rather one that is victim-centered, trauma-informed, and youth-centered (as discussed in ***Working with Sexually Exploited Youth***). Similarly, the considerations that follow are simply general guidelines, with many exceptions. Professionals should work closely with the regional navigator to understand their options in any given situation.

Placement decisions should take into account, whenever possible, the youth's expressed wishes, as well as:

- the youth's mental, physical, and chemical health;
- the nature and level of trauma experienced by the youth;
- the suitability of the youth for congregate care (a large number of youth in the same location) rather than a smaller setting such as a foster home;
- the youth's age and vulnerability—in general, youth who are younger or more vulnerable benefit from more structure rather than less (e.g., a group home rather than a large shelter);
- whether the youth is attending and enjoying school—such youth should be placed if possible in a setting where they can continue to attend, with as little disruption to the youth's education as possible;
- the geographic location of the placement, including distance from the youth's home, distance from the trafficker/exploiter, and degree of isolation;
- the views of the youth's parents or guardians (if appropriate); and
- the views of those who may know the youth particularly well, such as staff members from past placements, the regional navigator, victim and youth services advocates, child protection workers, county attorneys, etc.

Some of the most challenging placement decisions involve youth who have run repeatedly from past placements. This is very common with sexually exploited youth. (Note too that there may be many reasons that youth might run from placement, not just in order to escape; for example, they may want to re-set the "count" on the number of days that they're allowed to stay at a facility.) Before placing such youth, professionals should take into account the circumstances of their past runs, ideally even consulting staff from past placements; it may well be that the past placement was not an appropriate one for them.

Electronic Home Monitoring (EHM)

As with other forms of custody, the opinion of professionals varies as to the use of electronic home monitoring (EHM) for sexually exploited youth. Some professionals view EHM as particularly appropriate for youth who have run repeatedly from past placements or are recruiting others, providing many of the benefits of secure detention with few of the risks.

Other professionals disagree. They point out that EHM, like secure detention, reduces the youth's sense of autonomy and agency and does not necessarily provide safety, as exploiters can still go to the youth's home and even the youth's parents could be recruiting. In addition, EHM may lead to delinquency charges—due to bracelet cutting—and yet tracking the youth via the bracelet seldom leads to helpful case-related information or greater safety for the youth. In some communities a bracelet may even increase a youth's "street cred," defeating the purpose altogether.

If EHM is used, it should be limited to situations where there is no concern that the exploitation could continue at the home, whether by family members or by an exploiter coming to the home. (For example, EHM may be appropriate where there is only one trafficker who has been arrested, with no indication that the family is involved in the exploitation.) In addition, county attorneys should consider the circumstances which would underlie a delinquency charge for interfering with the EHM system—e.g., Cutting the bracelet only? Destroying it? Neither?

Discipline Chapter
Juvenile Corrections

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5. Administration & Training 277

The Safe Harbor law has ended our state's reliance on delinquency proceedings as the sole response to meeting the needs of sexually exploited youth. But this does not mean that corrections and probation professionals lack opportunities to be helpful to youth who are being (or have been) exploited.

Even with Safe Harbor, victim/survivors of sexual exploitation often interact with the juvenile justice system. Many of the risk factors for involvement in both sexual exploitation and the juvenile justice system are quite similar. See ***Dynamics of Sexual Exploitation*** ("Vulnerability & Risk Factors"). Sexually exploited youth may be forced into or otherwise involved in committing delinquent acts, whether related to their exploitation or not. Often, the exploitation is not immediately known.

In short, there are many opportunities for identification and intervention within the corrections and probation systems that could lead to improved outcomes for sexually exploited youth.

1. The Risks of System Involvement

Though the juvenile justice system has been designed with good intentions for the rehabilitation of youth, it is critical that professionals recognize the risks that system involvement poses for young people. Research has shown, for example, that sexual victimization from early childhood, along with the effects of complex trauma, can lead girls, particularly girls of color and LGBTQ/gender-nonconforming youth, into a victimization-to-imprisonment cycle.[1] Increased interaction with the juvenile justice system can increase the likelihood of damaging actions based on abuse-related triggers (see ***Working with Sexually Exploited Youth***) and start a cycle that may be difficult for the youth to escape, continuing into adulthood.[2] There are many reasons to believe that youth benefit more from engagement with systems that are less, rather than more, punitive.

2. Identification & Immediate Response

Again, sexually exploited youth interact regularly with the juvenile justice system. For the reasons discussed in ***Dynamics of Sexual Exploitation*** ("Why Don't They Leave?"), however, such youth seldom

1 M. Saada Saar, R. Epstein, L. Rosenthal & Y. Vafa. *The Sexual Abuse to Prison Pipeline: The Girls' Story.* Human Rights Project for Girls, Georgetown Law Center on Poverty and Inequality, Ms. Foundation for Women. www.law.georgetown.edu/go/poverty.

2 *Id.*

disclose on their own. They may have a history of being uncooperative and distrustful of people in authority, and so they may not meet our expectations of what a "victim" should look like. They may physically resist interactions with law enforcement based on distrust or fight back based on triggers from their trauma history. All of this may make it difficult to recognize juvenile criminal behavior that is the result of victimization, rather than delinquency.

It is critical, therefore, that corrections professionals be trained on and alert for the indicators of sexual exploitation. See the ***Dynamics of Sexual Exploitation*** ("Identifying Exploitation") for examples of such indicators.

If a youth is identified as sexually exploited, a sexual assault advocate should be contacted, and the youth referred to victim-centered, trauma-informed, holistic and culturally-responsive services. The Safe Harbor regional navigator can serve as a resource.

Most immediately, the youth should be offered a medical exam by a sexual assault nurse examiner (SANE), if available. SANEs are specifically trained to address the needs of victim/survivors of sexual violence, as well as collect evidence for a potential investigation (with the patient's consent). (See ***Medical Forensic Exams***.) Youth who have experienced sexual exploitation, whether acute or not, may also be referred to a child advocacy center (CAC) depending on local protocols. (See ***Children's Advocacy Centers***.)

As corrections professionals are mandated reporters, they may also be required to report the exploitation immediately to child protection or law enforcement. Professionals should follow both the law and their facilities' policies. See ***Legal Framework*** ("Confidentiality & Mandated Reporting") for further information.

3. Working Effectively with Clients

Working with sexually exploited youth can be a tremendous opportunity to help youth access transformational services. See ***Working with Sexually Exploited Youth*** for general guidance on doing so effectively. In addition, there are several considerations specific to corrections professionals.

One of the most important is the need to develop a strong relationship with the youth. This takes time but can also be an opportunity to teach youth about healthy relationships. Youth should not depend on you to meet all of their needs. Similarly, you should not feel solely

responsible for their well-being. Corrections professionals may be among the few people in a youth's life who recognize the youth's strengths and qualities. Look for opportunities to provide positive encouragement by offering incentives like bus cards for participation in supportive activities. Help youth to obtain state identification cards. Be patient and consistent with youth, respecting their perspective whether or not you agree with their choices. Do not be deterred by relapse or setbacks, common steps on the path of healing.

Work with other community partners to develop a network of support. Victim/survivors of sexually exploitation are likely to require mental health services, culturally-competent counseling, and gender-responsive, trauma-informed care. Many sexually exploited youth will need support in learning fundamental life skills to transition toward independence. Community-based providers who use curricula specially designed for youth who have experienced trauma—especially the trauma of sexual exploitation—can help youth learn these skills.

4. Correctional Facilities

Safe Harbor prohibits sexually exploited youth from being arrested for or charged with their exploitation. Nevertheless, sexually exploited youth are often placed in juvenile detention facilities or county jails—many of which are ill-equipped to recognize their exploitation or meet their specialized needs. It is critical that all professionals work to ensure that youth recognized as sexually exploited are placed in facilities suited for their needs. See ***Placement***. Given the hidden nature of exploitation, it is also critical that all correctional facilities, regardless of type, be prepared to recognize exploitation and provide a trauma-informed response.

See ***Housing*** for further guidance on issues involving the housing of sexually exploited youth, including many of concern to corrections professionals.

a. Intake & Screening

Youth entering a correctional facility are often in crisis mode. They have just been picked up—potentially out of a dangerous situation—and may be agitated, exhausted, in need of a shower, hungry, intoxicated or high, or in need of medical and mental health care. They are likely not in the mood for a lengthy conversation about their trauma history or what might be happening to them at present.

Facilities should therefore consider which initial intake processes are essential (see “Prison Rape Elimination Act” below), and which can wait until after immediate basic needs are met. See ***Housing*** (“Intake”) for guidance on meeting these basic needs.

When youth are ready, they should be screened for trauma and mental health issues, to identify their needs for immediate care or further assessment. Staff who work in juvenile facilities know all too well that youth in custody with mental health issues (including a history of trauma) can emotionally deteriorate and their conditions worsen.[3]

Unfortunately, there is no nationally validated screening instrument available designed to identify sexually exploited youth. But there are good instruments available.[4] Such instruments should be used in a standardized manner, and only by staff that have been trained to administer them, as well as trained on trauma-informed interviewing, risk factors for sexual exploitation (see “Identification” and "Immediate Response" above), and resources available to victims. Staff should make every effort possible to establish trust and rapport before asking difficult questions that focus on traumatic experiences. At the beginning of the interaction, staff should discuss with the youth how and when confidentiality will be maintained, and what limitations on confidentiality there may be.

Nevertheless, even the best screening process will not identify all sexually exploited youth. Facilities staff should be alert for indicators of exploitation, as discussed above in “Identification” and "Immediate Response." Identifying exploitation earlier will lead in turn to earlier, more effective interventions.

b. Prison Rape Elimination Act

Screening pursuant to the Prison Rape Elimination Act (PREA) must happen within 72 hours of the youth’s arrival at the facility. Facilities must use a standard screening instrument to obtain information from the youth—such as charges or adjudications for criminal sexual conduct—that will help prevent the youth from being the victim of (or engaging in) sexual misconduct. The facilities must then make housing

3 S. Burrell & A. Bussiere, *Difficult to Place: Youth with Mental Health Needs in California Juvenile Justice*, Youth Law Center, 9 (2005).

4 The most common screening tool for mental health is the MAYSI: http://www.nysap.us/MAYSI2.html. Trauma-screening tools tend to be more customized for—and should be reflective of—the community. See the ***Appendix*** for examples.

and programming assignments based on this information.[5]

While there are no exceptions to the administration of the PREA screening questionnaire, this should not be seen as a substitute to the process discussed in "Intake & Screening" above. Youth should be told that if they are uncomfortable with any of the questions on the PREA instrument, they do not have to answer. Answers to PREA questions can often result in mandated reports; youth should be informed of this possibility at the beginning of the PREA intake session.

c. Response to Identification

Ensure that any youth with identified needs—whether because of exploitation or otherwise—is referred to trauma-informed appropriate services and advocacy. If possible, such services should have expertise in working with sexually exploited youth. Establish a referral process to such services in advance. For example, facilities should set up a relationship through their medical provider with a local hospital that has a sexual assault nurse examiner (SANE) on call. See also "Survivor-Advocates" below.

If the intake screening indicates that a youth has experienced sexual victimization prior to entering a facility, staff should ensure that the youth is offered a meeting with a medical or mental health practitioner without delay. (PREA requires that such a meeting be offered within 14 days.) If the youth is victimized in the facility itself, the youth should of course be given timely and unimpeded access to emergency medical and crisis intervention services. (Note that this too is required under PREA.)

d. Trauma-Informed Care

Research has shown that youth in correctional facilities have a disproportionately high number of adverse childhood experiences (ACEs), including sexual victimization. (Information on ACEs can be found in the ***Appendix***.) Given this reality, it is critical to adopt a trauma-informed approach to care—truly understanding the impact of trauma—in the correctional setting. See ***Working with Sexually Exploited Youth*** ("Being Trauma-Informed").[6]

Juvenile facilities should be especially cautious in the use of

5 For more background on PREA, see http://www.prearesourcecenter.org/about/prison-rape-elimination-act-prea.

6 For further information, see *Essential Elements of a Trauma-Informed Juvenile Justice System*, developed by The National Child Traumatic Stress Network provided in the ***Appendix***.

physical holds or seclusion. Some states are moving away from the use of restraints in juvenile facilities, because considerable evidence shows that restraints re-traumatize already traumatized youth, do not improve behavior, and may lead to more acts of aggression. Note that holds and seclusion can be especially triggering for sexually exploited youth, because these tactics may replicate the methods of control expressed by the youth's exploiter.

Long-term residential programming can be a good option for many victim/survivors of sexual exploitation, giving them need time to heal. See ***Housing*** ("Programming") for additional information.

e. Survivor-Advocates

Note that sexual exploitation poses a specific challenge when it comes to advocates having access to correctional facilities. Sexually exploited youth respond particularly well to professionals who have shared their experience. But advocates who are also survivors of sexual exploitation may have a criminal record related to their victimization, and these records may block access to facilities, depending on requirements under PREA (see "Intake & Screening" above) and other policies. Facilities should consider how advocates who are also survivors with criminal records can be allowed to visit and under what capacity, such as one-on-one interactions or as guest speakers.

5. Administration & Training

Leaders in juvenile corrections can take a number of steps to help support this work:

- Provide training to all staff on identifying and working with sexually exploited youth.
- Educate other parts of the system, such as child protection, prosecutors, judges and multidisciplinary teams in general, about the needs of sexually exploited youth.
- Collect comprehensive data, to better understand and improve the experience of exploited youth in individual facilities and in the corrections system as a whole.

Finally, consider establishing gender-specific probation caseloads. (Hennepin County, for example, has a gender-specific unit.) This approach

gives corrections professionals an opportunity to specialize in the needs of their caseload and to advocate for particular services. Gender-specific probation may also ensure greater representation and focus on typically underserved populations, such as girls in the juvenile justice system and LGBTQ youth. Note that Minnesota's parity statute requires similar treatment for girls and women as boys and men in the corrections system.[7]

7 Minn. Stat. § 241.70 (programs for female offenders).

Discipline Chapter
Schools

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Schools can play an important part in preventing and identifying sexual exploitation. The daily relationship between educators and young people means that schools are a prime location where adults can engage in risk reduction, awareness-raising, and prevention. With the help of supportive adults, students can play an important role in all of these activities. A school-based response to sexual exploitation does not just consist of providing knowledge on this issue to staff. It requires that schools have policies and practices for creating a caring, supportive environment for all.

1. Identification

Educators and school personnel are poised to observe changes in the lives of the students they see on a daily basis. These changes can point to underlying problems that are affecting, outwardly, a student's behavior and appearance, academics, and social life. Problems within the school environment such as multiple unexplained absences, academic decline, and disciplinary problems are red flags that can prompt an intervention, not only for the obvious reasons, but also for the possibility of hidden sexual exploitation.[1] All adults in the school community need to pay attention to the possibility of sexual exploitation—teachers, school nurses, school-based health centers, school resource officers, school social workers, guidance counselors, attendance personnel, coaches, staff of after-school and enrichment programs, paraprofessionals, school volunteers, bus drivers, maintenance staff, and lunch room staff.

Several indicators may be present when a student is being sexually exploited, although none of these conclusively confirm that type of harm. ***Dynamics of Sexual Exploitation*** contains a list of many of these factors. Some of those that may be identified in a school environment include:

- changes in behavior and academic performance (especially a drop-off in grades);
- attendance problems;
- hunger, tiredness, depression or withdrawal
- lack of records about previous schools or homes;
- recurrent health issues;
- running away from home;

1 E. Wright Clayton, R. Krugman, and P. Simon, eds. *Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the United States*, 297 (Sept. 25, 2013), http://www.nationalacademies.org/hmd/Reports/2013/Confronting-Commercial-Sexual-Exploitation-and-Sex-Trafficking-of-Minors-in-the-United-States.aspx [hereinafter referred to as *Confronting Commercial Sexual Exploitation*].

- use of lingo connected with sexual exploitation;
- an excess of cash or expensive clothing or jewelry that may be beyond the means of the student; or
- academic regression.[2]

It is also possible that none of these indicators will be apparent or present at all. Sometimes youth do well in school and maintain a "normal" routine, such that their sexual exploitation is not apparent and does not raise any concerns. They may be pressured by whomever is exploiting them to make it seem as if nothing unusual is going on.

2. Training

Schools not only may have sexually exploited students but may also serve as recruitment sites. Training for educators and school personnel should illuminate the dynamics of sexual exploitation, as well as provide information on referral procedures when staff suspect that a youth is a victim/survivor of a traumatic experience like sexual exploitation. It is especially helpful to provide training to staff regarding trauma, health disparities, historical trauma and other societal factors, along with their relationship to behaviors that are disruptive in the school setting.

3. Coordination

Addressing sexual exploitation is multilayered work; there are different responsibilities at each level of the school. Districts need to review policies to ensure that administrators have support to address the needs of sexually exploited youth. Districts need to review procedures with their district partners, particularly law enforcement, county and community mental health, first responders, and other community response organizations. Review agreements for services and collaboration with other service providers to address medical and mental health needs. Within the school, a multi-disciplinary team—teacher, aides, student support staff, and administration—can review curriculum and programs that raise awareness about sexual violence in general. A multi-disciplinary team can also review the academic, behavior and social needs of a student of concern.

Responding to sexual exploitation in a school requires coordination.

2 *No Wrong Door: Hennepin County Response Plan to End the Sexual Exploitation of Youth*, 23 (2014), http://www.hennepin.us/~/media/hennepinus/Media/Home%20page%20stories/08-001-01-14_No_Wrong_Door_report_single.pdf.

One option is to base such coordination in the school's crisis response team, which is likely to include law enforcement, county and community health and mental health service providers, first responders, local clinics and hospitals. The crisis response team can then identify people with the skills and expertise that may exist within each district school building and bring them together to create protocol for prevention and intervention:

- Who interacts with youth on a regular basis?
- Who reviews attendance records?
- How often does the school nurse see a youth who may be exploited or abused?
- What does the school resource officer know about recruitment within the school and just outside its doors?
- Who understands data privacy around the issue of sexual exploitation?
- Who is aware of student data privacy laws?
- Who can work with other partners to assess safety issues for the youth within the family and determine when to notify parents or guardians?
- Who will investigate when sexual exploitation happens within the school?

This work should be integrated with the school's response to bullying and harassment pursuant to the Safe and Supportive Schools Act, Minnesota's bullying prevention and intervention statute. Sexual exploitation may result from threats or be part of bullying behaviors, and the Act requires schools to have a planned response to such behaviors. Staff included in this response should be trained to recognize and respond to indicators of sexual exploitation.[3]

It is also important that the school district's community partners understand the unique challenges faced by schools. Often educators and school personnel are in crisis mode all day, responding to everything from a broken wrist to a fight in the lunchroom to a student in need of a place to stay for the night. An immediate response to the request of a partner agency may be delayed, at least until school lets out for the day. The use of a collaborative team can provide defined roles for communication and response. This is helpful not only for the adults, but also for a youth, so the student does not have to tell their story repeatedly. Different people can take on the various tasks to address an identified student, such

3 Minn. Stat. § 121A.031.

as investigating, accessing needed services, and managing parent or guardian questions.

4. Education on Sexual Health & Healthy Relationships

Students should learn about sexual exploitation—the dynamics, the risk factors, and much more. But it doesn't make sense to have that conversation without students having first received a comprehensive education on health and sexual health.

> **"I had sex ed from my health teacher. It was a lot of facts, was kind of vague and boring and I didn't learn much."[4]**

At present, sexual health education in Minnesota focuses on disease and pregnancy prevention. The educators who provided input for the *Protocol Guidelines* recommend that this education be reframed toward medically-accurate health information, as well as healthy relationships and sexual development. Age-appropriate, developmentally-specific, and evidence-based health and sexual health education that teaches both knowledge and skills should be provided, from elementary school on.

> **"Normalizing the conversation in middle school. Middle school is when hormones kick in, puberty can hit early, I got my period at nine and I didn't know what I was going through. My mom was a kid when she had a kid and I wasn't getting proper education on my body and my school wasn't giving it to me. I was going through these changes I didn't know about."[5]**

All students need to understand themselves as they develop into adults, but some students may feel particularly at a loss with respect to sexual health education. This includes LGBTQ youth; some health teachers are comfortable talking about sexuality only in the context of heterosexual interactions. District policy should ensure that teachers have the training and support that they need to address gender, sexual orientation and gender expression. Teachers may need additional training to meet the needs of youth from cultures where sexuality and sexual

4 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 20 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter, *Voices*].

5 *Id.* at 21.

health is not discussed in the home; such youth may want to talk further with others who know their cultural norms and expectations.[6]

> **"Sexual education is more applicable to life, it will help you in your life, we will need reading, writing and math but we will need other things when you're out there in the real world. Things happen, it's not like math is going to solve your problems if you're in abuse."[7]**

Comprehensive sexual health education includes the topic of media literacy. At many schools, this topic is taught as a means of teaching cyber-etiquette. Schools should review such curricula to ensure that they address the issues of on-line grooming and sexual exploitation, the dangers of sexting, and the societal dynamics that allow for sexual exploitation, sexual violence and domestic abuse to continue.

One important tool in all forms of health education and media literacy is peer education, a proven approach in other health domains, such as smoking cessation and reproductive health care.[8] Youth are able to relate to one another more easily than they can to adults (and certainly know cyber-space far better!). Youth find credibility in the knowledge and experiences of other youth when discussing what they know about sexual exploitation.

> **"In the class the teacher should communicate with the kids, try to be funny with them, create comfort, not just a teacher trying to make you learn because it's an obligation. So the teachers and youth have a connection."[9]**

5. Truancy

As discussed in "Identification" above, attendance problems can be one of the indicators that a student is being exploited. Even if it is not a current indicator, however, lack of regular attendance can be a significant risk factor for exploitation, in addition of course to other concerns such as impeded academic progress. Keeping students in school and engaged is a key prevention practice. Schools should therefore make every effort to minimize truancy, using alternatives to out-of-school suspension, to ensure that students are in school and engaged in learning.

6 See ***Cultural Considerations*** for further discussion on different cultural perspectives relating to sexuality.

7 *Voices, supra* note 4, at 21.

8 *Confronting Commercial Sexual Exploitation, supra* note 1, at 316.

9 *Voices, supra* note 4, at 21.

The first step in minimizing absences is recognizing that students may be truant for many reasons: family responsibilities; being bullied or harassed in school; feeling disconnected from adults in school and from learning; problems with chemical or mental health; falling behind in school due to suspensions; engaging in illegal activity in the community; being sexually exploited; and much more. It is critical to identify, understand, and address these root causes. One of the best ways to do so is simply to talk with the student. Staff who do so should be good at developing rapport with youth.

Truancy teams should contact the parents of truant students (in languages that non-English speaking parents can understand) and have the parents make a police report when the youth is missing. Alternatively, these teams may need to find out why a parent is calling in and "covering" for a child. Such teams should look especially for trends in "school-skipping."

When possible, avoid student suspensions. Youth who are suspended from school have more opportunity to engage in risky behaviors with other unsupervised youth or adults. They are also more likely to be truant, with all of the attendant risks. Instead, consider using alternative forms of discipline to repair harm. Restorative practices, for example, engage the community to help the youth understand how harm inflicted by the youth has affected others—an understanding which can have a powerful impact on a struggling student.

At some point, school staff may need to work with county employees to file a truancy petition.[10] The school will have to prove that it has tried to address the reasons why the student missed school. The court may order any number of possible remedies, including counseling, required participation in community service, denial of driving privileges, requirement that the parent or legal guardian deliver the child to school every day for a specified time period, probation supervision, or even transfer of legal custody. See ***Child Protection/Child Welfare*** for more information on this process. Note that involvement in the juvenile justice system can have its own risks. See ***Juvenile Corrections*** for a discussion of some of these increased risks.

10 A "habitual truant" is:

> a child under the age of 17 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school...

Minn. Stat. § 260C.007, subd. 19.

6. Recruitment & Grooming

The recruitment of youth into sexual exploitation happens within the school building and also in the areas around schools, such as the surrounding streets, bus stops, playgrounds, athletic fields and community places where students gather. Young people need to understand what grooming looks like: It starts with relationship building and over time can take a different, more exploitive direction. For example, the "cool kid" may be asking another youth to come to a party for a "hook up." A request from someone who seems older and more popular can be hard to resist, because young people want to fit in and to be liked. The youth's vulnerability is used to engage and to persuade. See ***Dynamics of Sexual Exploitation*** for more information. Education on cyber stalking, learning about in-person predators provides students with key knowledge to keep themselves safe or to ask for help when they are confused.

7. Access to Education

Youth have access to education even if they are homeless. Under the McKinney-Vento Act (MVA) a young person is considered homeless if they lack "a fixed, regular and adequate nighttime residence."[11] This can include living with a friend or relative if someone has lost their home or can't afford a home, living in a motel/hotel/campground, living in a shelter, living in substandard housing, living somewhere not ordinarily used for sleep such as cars, parks, abandoned buildings, bus or train stations, awaiting foster care placement or abandoned in a hospital. Sexually exploited youth who are homeless may be eligible for educational assistance under the MVA.

The services for homeless youth are not limited by a set amount of time—it just matters that the youth is identified as homeless at some point in the school year. That designation secures education benefits under the MVA for the rest of year. Schools have an obligation to inform students about their MVA rights and distribute notices about education rights to youth in shelters, drop-in center, youth services, soup kitchens and other places where they can be found. And every school district must have a "homeless liaison" that ensures that the youth meets the MVA criteria and is directed to services. The liaison can enroll the student in school even if they don't have immunization and medical records available.

11 42 U.S.C. 11434a(2).

In general, students who qualify under the MVA are required to attend public school, but Minnesota law provides options for an approved private school, home school and certified education as well.[12] They can stay in the school they were in when homeless even if permanent housing is found in another school district. It's also possible to attend a different school if it's in the designated area, including a charter school. The school has to provide safe transportation options for the youth or the youth can get reimbursed for providing their own transportation.

Attending school under MVA lasts until high school graduation or the equivalent under age 21 (or age 22 under federal law for special education).[13] MVA also guarantees access to online education that may be used when a student is in shelter or a residential setting.

Finally, MVA requires that any barriers to school activities such as fees should be waived or covered by district funds. This includes requirements for athletic associations to ensure participation by the youth.

8. Student Re-entry

Sexually exploited youth who have been out of school due to exploitation or because of time spent in a residential setting or even a detention setting may have difficulty adjusting to the seemingly mundane day-to-day activities of school. In many ways, sexually exploited youth will feel older and more experienced than their peers, so the drama of middle school or high school may seem trivial.

When a youth is enrolling in school after transitioning from a shelter, placement or detention center, conduct a needs assessment with the student, develop an Individualized Education Program, and talk with mental health professionals to determine what can be done immediately to help the youth make the transition. Work with the family if possible. Educators and school personnel should avoid labeling or generalizing the youth's experiences after the youth has been exploited and/or homeless.

The local school must determine what will assist re-entering youth in their education, and consider placement at an alternative learning center, providing a continuum of services, or online learning. Smooth the youth's re-entry into school by working with advocates, child protection workers, probation officers and others who know the youth well.

12 Minn. Stat. § 120A.22.

13 Minn. Stat. § 120A.20 and 20 U.S.C. § 1412(a)(1)(A).

9. Cultural Considerations

Schools serve youth and their families from a wide array of cultural backgrounds and experiences. See ***Cultural Considerations*** for more general discussion on the issues raised in this section.

Being new to the state and the majority culture of the United States can make youth vulnerable to adults or other youth who wish to prey on them. If English is not the first language spoken in the home, it may be difficult for youth to understand the connotation of words, or to be able to read predatory grooming behavior.

Language differences may also be a barrier for youth and their families to engaging in the school. For example, because some parents or guardians cannot read English, the youth may be able to say, "There is no school because of a holiday," even if there is school. As a result, the youth can develop a truancy problem that the parents do not know about. Further, if a youth is truant from school, consider that immigrant or refugee parents might not understand the school rules for "un-excused" absence and may keep the youth home to baby-sit or work. Ensuring that staff that speak the language of the home or that interpretive services are available as well as information provided in multiple languages will help to improve understanding. Students should not be expected to translate for their parents.

Recent focus on school bullying has led to a greater variety of approaches to ensure that all students are aware of harassment policies, and that actions taken against other youth have consequences. In particular, schools are doing more to address the needs of LGBTQ youth. They are disproportionately represented among sexually exploited youth because of being shunned at home or at school. Identifying staff members who are LGBTQ-safe is helpful as well as setting up Gay-Straight Alliances to reinforce an accepting and welcoming environment.

Safe Harbor Next Steps

Four "next steps" chapters, written by the Sexual Violence Justice Institute at the Minnesota Coalition Against Sexual Assault (SVJI at MNCASA), to help individual communities begin the process of developing and implementing their own protocol on juvenile sexual exploitation.

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2. **Successful Multidisciplinary Collaboration** **299**
3. **Protocol 101** **307**
4. **Getting Started** **315**

Safe Harbor Next Steps: Introduction

Now that you have read through the Safe Harbor Protocol Guidelines, it is time to start thinking about the next steps to building a community response to sex trafficking and sexual exploitation.

Your community may have already begun to build this response through community awareness events, professional trainings, and coordination between advocates and other service providers in order to meet the specific needs of currently identified sexually exploited youth. You do not want to lose momentum, and there are practical steps that you can take to transform existing community support into a long-term, sustainable systems response that will ensure that every door in your community is a "right door."

The following ***Next Steps*** chapters are intended to provide you with a basic overview of multidisciplinary collaboration, the elements of an effective community response, and the protocol development process. You will also receive some basic, practical recommendations for getting started on the protocol development process, whether your community has an existing protocol team or is looking to form a new team.

You will also have access to various tools, resources, trainings, and other materials that will assist your community as you embark on the protocol development process. Please check the MNCASA website (mncasa.org) for available resources, including a Team Formation Starter Kit.

Safe Harbor Next Steps
Elements Of An Effective Response

1. **Community Outreach** **295**
2. **Interagency Coordination** **295**
3. **Protocol Development** **296**

An effective response to sexual exploitation requires engagement from the entire *community*. This means systems that exist within the community (i.e. victim advocacy, law enforcement, medical, education, etc.), as well as the community at large.

In order to be a community of "right doors," local leaders, key stakeholders, allies, and systems professionals must agree that sex trafficking and sexual exploitation is a problem impacting the community, then commit to investing the time and resources necessary for developing a long-term, sustainable, and victim-centered response.

Multi-level community engagement is a process of finding the right role for each member. Everyone has a different role to play, and that role is equally as important as the others. For teams working on protocol, every participating agency's roles, obligations, and viewpoints are heard and respected equally (See ***Next Steps: Successful Multidisciplinary Collaboration***).

At the same time, systems partners recognize that allies and stakeholders within the community also play an important role. For example, a local community activist may not lead a protocol team, conduct investigations, or provide advocacy to a victim, but they are in the best position to coordinate a training for hotel staff, host a fundraiser for a local youth services agency, or pull together a group of community members for a meeting with their state senator or representative.

There are three essential elements needed for an effective response to sexual exploitation:

1. **Community outreach** and awareness-building,

2. **Interagency coordination** of service providers and systems professionals in order to respond to current cases, and

3. A process for improving the overall system response to sexual exploitation—also known as **protocol development**.

These are *separate and distinct* elements that happen both independently and simultaneously. Each element is essential to the overall community response, and the work done on one front necessarily informs the others.

1. Community Outreach

The primary purpose of Community Outreach is to build community awareness about sex trafficking and sexual exploitation. Increasing the general public's understanding of the issues helps create culture change, as well as obtain the buy-in and commitment necessary for becoming a community of "right doors."

Community outreach teams leverage strategic partnerships between the professionals who work directly with sexually exploited youth (community-based advocates, healthcare providers, investigators, etc.) and key allies within the community (faith communities, local businesses, local government, etc.) to ensure that the information and education being provided to the general public is not sensationalized, but accurately reflects what is happening in the community. These teams also help community members better understand the role they can play in the overall response to sex trafficking and sexual exploitation. Some examples include:

- Engagement of community members in legislative and policy advocacy;
- Parents and students advocating for the integration of comprehensive sex education curriculum in their school district;
- Trainings for hotel staff;
- Increased private funding and support for advocacy and youth services.

> **"A lot of counties need to get more activity-based things to keep people out of trouble, more education-wise, programs like the YMCA, Step, all this stuff in the cities needs to be worldwide but a lot of counties don't have the money for that."**[1]

2. Interagency Coordination

Interagency coordination brings together advocacy with other core agencies in order to meet an individual victim's short-term and long-term needs, regardless of whether the victim is participating in the

1 Hennepin County No Wrong Door Initiative, Paula Schaefer & Associates, Sexual Violence Justice Institute at Minnesota Coalition Against Sexual Assault, Ramsey County Attorney's Office, *Voices of Safe Harbor: Survivor & Youth Input for Minnesota's Model Protocol on Sexual Exploitation and Sex Trafficking of Youth*, 34 (Dec. 2015), http://www.hennepin.us/~/media/hennepinus/your-government/projects-initiatives/documents/no-wrong%20-door-voices.pdf?la=en [hereinafter, *Voices*].

investigation and prosecution of their exploiters.

Many communities are finding that with increased awareness comes an increase in victim identification and referrals. As a result, advocacy agencies and other systems partners have begun to adjust their practices and procedures, partner with other disciplines, and leverage existing resources in order to meet the specific needs of identified victims in their community. This level of coordination is complex, particularly when multiple agencies are reacting to an immediate crisis, so it is important that advocacy and other core agencies coordinate under an interagency agreement or memorandum of understanding.

3. Protocol Development

The primary purpose of protocol development is to develop a long-term and sustainable response to sex trafficking and sexual exploitation. In this work, there is often a lot of turnover and transition. Additionally, even if some individuals within an agency receive training, training alone is not sufficient to ensure that an entire agency is knowledgeable or that all staff and personnel consistently use victim-centered, trauma-informed practices. Protocols take the guesswork out of multidisciplinary collaboration and help teams to be responsive rather than reactive. (See ***Safe Harbor Next Steps: Protocol 101*** for more information about the protocol development process.)

A protocol team is composed of essential community and systems partners and allies. It *does not respond to individual cases*, but looks at the big picture, focusing on ways to improve the systems response to sexual exploitation. The primary function is to develop a set of guidelines (or, protocols) that are victim-centered, trauma-informed, and based in positive youth development. Protocols formalize roles and responsibilities, integrate sustainable training and capacity-building, and guide not only how each agency responds, but how agencies interact with other team members in order to meet the needs of victims.

See the table below for more details about each essential element of a community response.

Protocol Development

<u>Primary Purpose: Long-term sustainable community response to sexual exploitation</u>

- Multi-disciplinary and collaborative, the work is formalized

through an interagency agreement or MOU.

- Not intended to conduct case management, but a review of the overall system response.
- Results in the development of guidelines and assigns responsibilities among partners, including changes to agency practice and procedure, training and capacity building, and prevention strategies.
- Ensures that even with personnel changes and turnover, every agency response is victim-centered, culturally-responsive, and trauma-informed.
- Considers each participating agency's legal, ethical, and professional obligations (particularly around victim/survivor confidentiality and advocate privilege).
- Is community-specific, takes into account the needs, culture, and resources of the community.
- Consistently assesses and evaluates changes that have been made to agency practice and procedure in order to ensure that they are resulting in the desired outcome.

Interagency Coordination

Primary Purpose: Case-by-case response to currently identified sexually exploited youth

- Victim-specific, coordination between advocacy and other core agencies to meet the individual victim/survivor's short-term and long-term needs (typically organized under a MOU).
- Helps identified victim/survivors access community-based advocacy and other services, whether or not they are participating in the investigation of the exploiter(s).
- Advocacy does not discuss case specifics or disclose victim information, but advises the rest of the team on the dynamics of exploitation and perspective of victims in general.
- Increased law enforcement initiatives targeting exploiters—both buyers and traffickers.
- Responds to each case using a victim-centered, culturally-responsive, and trauma-informed approach.
- Considers each participating agency's legal, ethical, and professional obligations (particularly around victim confidentiality and advocate privilege).

Community Outreach

Primary Purpose: Community awareness and buy-in

- Leverages strategic partnerships between community members and professionals to ensure that the information and education being provided is not sensationalized, but accurately reflects what is happening in the community.
- Increases awareness and understanding of sex trafficking and sexual exploitation in the general community, effects culture change.
- Encourages community engagement in legislative and policy advocacy.
- Increases the focus on prevention efforts throughout the community.

It is up to each community to decide how best to approach this work, and there is no one right way to develop an effective, community-specific response to sex trafficking and sexual exploitation. Some communities may elect to create separate teams for each distinct element. Other communities may find that, due to lack of resources, the same people may "wear more than one hat."

Keep in mind that a victim/survivor's confidentiality is paramount. Although the same person may play different roles, it is critical that parameters be put in place to ensure that work performed under one role does not cross over into another role (for example, an advocate and county social worker who work together on active case management should not discuss the case or any other identifying information about victim/survivor when doing protocol or community outreach work).

Chapter 25

Safe Harbor Next Steps
Successful Multidisciplinary Collaboration

1. Why Do We Collaborate? 300
2. Collaboration vs. Cooperation and Coordination 300
3. Collaboration and the Need for Shared Values 301
4. How Can We Collaborate? 303

Simply put, collaboration is a group of people working towards a common goal. It is both a structure (see the "Types of Multidisciplinary Collaborations" table below) and a process.

When addressing a complicated issue like sexual exploitation of youth, it is not only important but necessary for disciplines and systems to work together in order to achieve the best possible outcomes for each victim. Successful multidisciplinary collaboration is what allows for resource sharing, development of critical professional relationships, sustainable systems change and improved access to services for victim/survivors.

1. Why Do We Collaborate?

Successful multidisciplinary collaboration has been shown to increase victim/survivor participation in the criminal justice process. When victim/survivors see that partners trust one another, they feel more comfortable engaging with a system that can be intimidating and overwhelming. Victim/survivors reluctant to come forward may be more willing to do so if they see the system responding positively and working for others like them. And when victim/survivors participate, criminal justice outcomes are better. Greater participation can lead to more convictions.

But convictions are not the only—or even the main—goal. For many victim/survivors, being treated with respect, belief, and care by providers is as important as case outcomes or offender accountability. Therefore, **an effective response to the sexual exploitation of youth will extend beyond the criminal justice or child protection systems.**

Not every sexually exploited youth engages with the government—either by choice or an inability to seek help. More often than not, the first "right door" they encounter is a service provider who helps meet day-to-day victim/survivor needs like health care, housing, education, advocacy support and cultural connections. This is why community-based advocates and service providers are critical to the collaborative process, and are often in a position to respond more nimbly than system-based providers.

2. Collaboration vs. Cooperation and Coordination

In the context of protocol development, *collaboration* refers to a formalized relationship between multiple agencies. This is because protocol development involves systems change—which requires agency-level participation and decision-making. When collaborating to develop

an effective response to sexual exploitation, participating agencies will negotiate about what changes need to be made to each agency's practice, as well as to the way agencies interact with one another.

Cooperation is the term used to describe a short-term or informal relationship that exists without any clearly defined mission, structure, or planning effort. Partners in this relationship share information only about the subject at hand. Each organization retains authority and keeps resources separate.[1]

Example: A law enforcement agency refers all adult victims of sexual exploitation to a local community-based advocacy program for prostituted women. While there is no formalized policy in place, the two agencies have agreed that if the victim/survivor completes the advocacy agency's educational and support program within a specified amount of time, no citation for prostitution will be issued

Coordination denotes a more formal relationship between agencies. Partners focus their longer-term interaction around a specific effort or program and under a common mission statement. This level of partnership requires some planning and division of roles, and creates communication channels between organizations. Authority still rests with individual organizations, but resources are made available to all participants and rewards are shared.[2]

Example: A Sexual Assault Response Team (SART) whose members respond to an individual assault case/victim. This can include the sexual assault advocate, sexual assault nurse examiner (SANE), and the investigator (among others) who are involved in the initial response.

3. Collaboration and the Need for Shared Values

Members in a collaboration represent their separate organizations, with each organization bringing their full commitment, resources, and reputation to a common mission. Successful collaboration requires comprehensive planning, agreed upon language and philosophy, and well-defined communication channels operating on all levels. Trust, mutual respect, a unified purpose, and shared values[3] among peers must drive the work.

When making systems change, teams will inevitably encounter tension points, and even conflict. This is a *good* thing, as it means

1 Adapted from SVJI @ MNCASA, "The Language of Collaboration" http://mncasa.org/assets/PDFs/Language%20of%20collaboration.pdf (2008).

2 *Id.*

3 Adapted from SVJI @ MNCASA, "Core Intervention Principles" http://www.mncasa.org/assets/PDFs/SVJI%20Core%20Principles%20for%20Intervention.pdf (2008).

the teams are willing to confront underlying issues and have difficult conversations, in order to make needed changes to how each discipline or system responds to sexual exploitation. Shared values will help teams work through tension and conflict in a productive way, ensuring that the end result is victim-centered, and that every participating agency's roles, obligations, and viewpoints are heard and respected equally.

Sample Core Values

1. **Victim/survivors are not to blame.** They did not "provoke" the harm. Interventions should focus on changing the offender's behavior and/or improving the system and community response, not changing the victim/survivor. When victim/survivors DO report, cases should be vigorously investigated.

2. **Victim/survivors know best what decisions are right for them.** Assistance should be geared toward providing information and support to help in decision-making relative to the victim/survivor's own goals of establishing safety, healing, and seeking justice. Informed decision-making means the victim/survivor knows what could be gained or lost in the options available to them—they can assess the balance that works in their favor. While all providers should facilitate victim/survivor agency, victim/survivors should have repeated access to free and confidential advocacy services to help guarantee it.

3. **Sexual exploitation affects each individual differently.** Providers should be especially aware of the different impacts that sexual exploitation has on community members from different cultures. Providers should consider specific ways to increase safety and accessibility that account for these differences.

4. **Each provider has a unique role to play in the response.** A coordinated community interdisciplinary response that supports and recognizes these roles—including that of victim/survivor advocates—is good for victim/survivors AND for community and public safety. Victim/survivors are best served when responders fulfill their roles with high degrees of skill, compassion, and coordination/collaboration with other responders.

5. **Ensure that the desired outcome is actually being achieved.** Multidisciplinary teams must learn about the current response, design interventions, and monitor and evaluate their interventions together. The overall process should involve times when the team solicits information and insight from those outside the team—including victim/survivors themselves and the people they most often turn to in a community.

4. How Can We Collaborate?

Multidisciplinary collaboration takes on many forms. And there is no single "right" way to collaborate. Whether providers work together on a team, a task force, or another type of alliance depends on their shared goals and priorities, as well as function. This can sometimes be confusing, especially when the same individuals have a role on more than one type of team. An effective response requires collaboration, coordination, and cooperation at various levels. See ***Next Steps: Elements of an Effective Response***. As your community begins to identify which "team" is responsible for, e.g., protocol development, or case management, or community outreach, it is important to clarify parameters about the role and function of that team.

Please see the table below for examples of different multidisciplinary collaborations.[4]

4 Adapted from "The Language of Collaboration" *supra* note 1.

Types of Multidisciplinary Collaborations	
Coordinating Councils (CC)	Generic networking groups which form around domestic violence (XYZ County's Family Violence Coordinating Council). They may or may not take on the task of designing response protocols.
Coordinated Community Response (CCR)	Intervention strategy developed by the Domestic Abuse Intervention Project (DAIP) in Duluth. Often called the "Duluth model," a CCR is "system of networks, agreements, processes and applied principles created by the local shelter movement, criminal justice agencies, and human service programs" to protect victims and hold batterers accountable.
Multidisciplinary Team (MDTs), also referred to as "child protection team," "interdisciplinary team," or "case consultation team"	Used often in relation to a child protection team or mental health case review/case management team. Some jurisdictions have used their existing MDT to do the coordinating work around sexual assault.
Sexual Assault Response Team (SART)	Most widely used in reference to community coordinated efforts regarding the response to sexual assault. SARTs are variously understood to be the team that responds to a victim in the emergency room/evidentiary exam setting; the larger criminal justice team that determines the best interagency protocol for community partners who respond to sexual assault; or the larger community team interested in a victim-centered response to sexual violence.

Types of Multidisciplinary Collaborations	
Sexual Assault Multidisciplinary Action Response Team (SMART)	The term used to identify the interagency protocol teams in Minnesota. SMARTs are teams that include criminal justice and community partners who commit to using the eight step-cycle of protocol development to enhance their local response to sexual violence.
Sexual Assault Interagency Council (SAIC)	The acronym coined by Boles and Patterson in the text *Improving Community Response to Violence: The Eight Step-Protocol Development Cycle.* SAICs and SMARTS are the same. Some Minnesota Teams have developed their own acronym—they are all "SMARTs" but have called themselves SAPT (Protocol Team), SAPIC (Protocol Interagency Council), etc.
Task Force	Temporary group of people formed to carry out a specific mission or project, or to solve a problem that requires a multidisciplinary approach.

Chapter 26

Safe Harbor Next Steps
Protocol 101

1. **What is Protocol?** **308**
2. **Protocol Development is a Process** **308**
3. **Overview of the Protocol Development Process** **309**
4. **Cultural Inclusivity and Responsiveness in the Protocol Development Process** **310**
5. **Protocol FAQs** **311**

Minnesota's Safe Harbor law made some significant changes to the way the state treats sexually exploited youth under the law. The No Wrong Door statewide services model provides a general framework for identifying and serving victims. It is now up to communities to build a practical, tailored, sustainable response based off that framework in order to ensure that they are a community of "right doors"—this response is shaped by the work of protocol.

1. What is Protocol?

In the context of Safe Harbor, protocols change the way systems respond to sex trafficking and sexual exploitation. They are formalized agreements 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.

Now consider the ways in which these systems will intersect with one another in order to ensure that the sexually exploited youth receives access to comprehensive services and support. What agency-level changes will need to be made to ensure that systems collaborate effectively? What inter-agency agreements will need to be in place in order to ensure that the agreed upon response is followed?

2. Protocol Development is a Process

There is an urgent need for agencies to coordinate in order to meet the needs of current cases involving sexual exploitation (see ***Next Steps: Elements of an Effective Response*** for more information about the difference between protocol development and interagency coordination). Although communities and teams may be eager for a document to just "tell them what to do," it is important to understand that protocol development

is more than creating checklists and assigning tasks; it is a process.

First, developing protocol involves making agency-level decisions, and participating agencies will each have different priorities, concerns, obligations and limitations. It is the product of negotiations among collaborating agencies and systems partners.[1] Negotiation is the key word. Protocol development cannot be separated from multidisciplinary team work. See ***Next Steps: Successful Multidisciplinary Collaboration*** for more information about working as a team. Protocol development builds partnerships between and among agencies—not just the individuals around the table—that are unified under an agreed upon mission and goals.

Furthermore, each community has its own unique set of needs and resources, and it is important to adopt a process that can sustain and adapt to changes in the community's status quo. For example, a community's law enforcement agency may create a new investigator position dedicated to intelligence analysis and the use of technology for sex trafficking investigations. Or, maybe a local youth shelter loses its funding. Over time, any number of changes can occur that impact the way systems in a community respond to sexual exploitation.

Additionally, new best practices will emerge, and laws will change. Communities will need to revisit and reassess their work, make additional changes, and reassess again. Committing to the process, rather than just a one-time product, enables communities to have a victim-centered response that is sustainable, adaptable, and tailored the specific community.

3. Overview of the Protocol Development Process

If your community has decided to embark on the protocol development process, you may be asking "what does this process look like?" Remember, protocol development entails "systems change," or changes to the way that systems within your community respond to sex trafficking and sexual exploitation. This kind of change requires a process that is adaptable, with a built-in mechanism for not only reviewing your community's status quo, but also evaluating whether the changes your community has made in terms of practice and procedure are actually working.

Think of the protocol development process as a cycle, with three primary phases of systems change:

1 *Improving Community Response to Crime Victims: An Eight-Step Model for Developing Protocol,* A. Boles and J. Patterson, (SAGE Publications), 1997.

- Assessing the Status Quo,
- Making Change, and
- Measuring the Change.

There are various methods that can be used in each phase, which can occur simultaneously and independently in a given community. For example, a team may be engaged in an evaluation of protocols around the systems response to cases where a sexually exploited youth has engaged in another crime as a result of their exploitation (e.g., theft, drugs, etc.), and at the same time, modifying existing protocols to enhance the community's ability to provide LGBTQ youth with culturally-responsive services and support. Approaching protocol development as a process allows teams to build a long-term response, while remaining flexible enough to adapt to changes in the community and emerging needs and best practices.

4. Cultural Inclusivity and Responsiveness in the Protocol Development Process

Fully integrating cultural inclusivity and responsiveness into the protocol development process, as well as existing agency policy and practice, is a necessity from the very beginning. While a protocol cannot capture every nuance, it can provide guidance to its users about how cultural identity plays a role in the response, what resources are available, and what myths or stereotypes can undermine victim-centered principles. Having frank conversations during the protocol development stage may help to avoid future mistakes or misunderstandings.

Do not treat cultural considerations as an afterthought; if you do, it will be very apparent that your efforts are not authentic. Recognize the failings in your response, because they will be present. Programmatic and systemic responses often assume similarity amongst victims.[2] Be open, respectful, and nonjudgmental in these crucial conversations. Ask questions, but at the same time educate yourself—do not place the burden of your education onto the people you serve.

When developing a protocol for sexual exploitation, ask yourself: What cultural identities are present in the community? What do the demographics look like? Who is most impacted by the crime of sexual exploitation? Consult your local community advocates and leaders. Who should participate in protocol development and the team? Who is missing

2 E. Calvert & L. Williams, *Minnesota Model Sexual Assault Response Protocol*, 158 (2002, 2004).

from the process and what barriers are in the way of their participation?

In addition, think about what racial and gender stereotypes are being perpetuated by your protocol messaging within systems and to the public. For example, not all victims of sexual exploitation are female however most public services use this imagery, sending a message (intended or not) to male and transgender youth that they may not be welcomed or at least may not have their needs met. Likewise, images of exploiters are often portrayed as persons of color, perpetuating pop cultural stereotypes particularly of African Americans, even though the demographics of exploiters represent all backgrounds. Providing one-dimensional perspectives is racist and limits the ability of professionals and community members alike to see the true impact of exploitation.

5. Protocol FAQs

Why can't we just do what another community does?

Another community's protocols cannot meet the unique needs of your community. First of all, the way in which sex trafficking and sexual exploitation happen varies from community to community. For example, in some communities, third-party exploiters target youth in group homes and shelters, while in other communities, youth are trading sex for shelter, rides, or valuables, and in yet another communities, youth are recruiting their peers to engage in sex acts for money or drugs.

In addition, if protocols result from negotiated agreements—then they will likely represent what a particular team in a particular place and time could agree on. They may not represent what's best for your community, and they may not represent best practices. Protocol development (or the practice of adapting existing or model protocols) and implementation are intertwined— the best results come when teams actively engage in both and let them inform each other.

While it may be helpful to look at what other, similarly-situated communities are doing to become familiar with different options, it is important that your long-term community response be a product of your own protocol development process.

How long does protocol development take?

Remember, protocol development is both a process and a cycle. While there is no set timeframe, SVJI at MNCASA has been a long-term

federal technical assistance provider for protocol development and multidisciplinary collaboration. Over the years, SVJI at MNCASA has found the most success with teams who understand that a sustainable and effective response requires at least two years to develop fully, with continual evaluation and reassessment of progress and outcomes. This can been seen in the work of existing protocol teams across Minnesota who committed to using this process in their communities, and are still operating together today.[3]

Do we need to form a new "protocol" team?

Not necessarily—there is no need to "reinvent the wheel." While MNCASA is developing tools and resources to assist newly formed teams, communities are strongly encouraged to leverage the multidisciplinary collaborations already in place. For example, some communities may find that an existing child protection team, sexual assault response team, or domestic violence coordinated community response team is in the best position to incorporate Safe Harbor protocol development in to their current work. SVJI at MNCASA will be developing resources to help guide existing teams across the state as they adapt their work under Safe Harbor.

Who should be on a protocol team?

Effective responses to sexual exploitation—both long term and short term—ensure the participation and involvement of all relevant systems, and support from key allies and community leaders. Note that participants can be engaged in different ways and at different times (e.g., in the form of subcommittees or advisory committees), depending on the needs of the community and structure of the protocol team.

Refer to the workgroup categories contained in these guidelines for key membership representation:

3 For more information about the Minnesota SMART Collaboration Project, visit http://mncasa.org/sarts-and-the-coordinated-response/.

Advocacy & Outreach
Mental Health Care
Medical Response
Medical Forensic Exams
Public Health
Schools
Civil Legal Services
Public Defenders
Tribal
Youth Housing
Child Protection
Child Welfare
Juvenile Corrections
Child Advocacy Centers
Law Enforcement
Prosecution
Judges

Who leads the team?

Coordination of a protocol team is the responsibility of the participating systems partners and agencies engaging in the protocol development process (see above). That said, each team should decide on the structure and process that works for their specific community. For example, some teams may choose a single coordinator, some may choose co-facilitators (one community-based and one systems-based), some opt for a coordinator and "chair" leadership structure, and others may rotate leadership every year. Team coordination requires time and commitment, so selected leaders must not only have the capacity to coordinate, but should also have the full support of their agencies to take on this role. It is not the role of the Regional Navigators to coordinate the team, however, navigators (or their agency) should have a seat at the table, and can be consulted as a resource and subject matter expert.

What about active cases?

Developing an effective response to sexual exploitation has often been described as "building the plane while it's in the air." Communities will absolutely need to coordinate an immediate multidisciplinary response to currently identified sexually exploited youth, but note that interagency coordination is not a substitute for protocol development. That said, while protocol development is a community's commitment the long-term process of making, implementing, and evaluating the system's response to sexual exploitation, there are ways to work incrementally within this process so that a community can nevertheless start putting into practice pieces of their long-term response, and building off each piece, evaluating and improving as they go.

Chapter 27

Safe Harbor Next Steps

Getting Started

Bring together key partners/team members

(this can be an existing team or collaboration, or interested and invested professionals looking to start a team)

Watch the Safe Harbor Protocol webinar

(first in a series of three)

Read through the Safe Harbor Protocol Guidelines

Existing Teams

Assignment: Ask members of the team to read through the chapter specifically pertaining to their agency or discipline.

Team Meeting: Take turns presenting to the rest of the team what is the same/different about your agency's current response compared to what is found in the protocol guidelines. Discuss as a team (*see discussion questions below*). Record information and listen for areas of agreement.

Assignment: Read through the sample core values (see ***Next Steps: Successful Multidisciplinary Collaboration***).

Team Meeting: Focus on one core value at each meeting and have members discuss how they've seen that value at work in their respective agency or in the existing community response Record information and listen for areas of agreement.

New Teams

Ask"who else needs to be at the table?" Think about existing relationships that your agency has with other agencies, or that you personally have with an individual at that agency. Discuss possible outreach strategies.

Invite members (agency heads, if possible) to a preliminary conversation about developing a community response to sex trafficking and sexual exploitation. Discuss what each agency is currently doing. Encourage questions, as well as a frank dialogue around what each agency might see as a challenge to committing to the development of a long-term community response.

Decide whether an existing team is best suited to the development of Safe Harbor protocols. This could be a child protection team, a SART or SMART, etc. (see ***Next Steps: Successful Multidisciplinary Collaboration*** for different types of multidiciplinary collaboration).

For communities who decide to form a new team, please read through the **Team Formation Starter Kit** for next steps.

Discussion Questions for Existing Teams

Safe Harbor Protocol Guidelines

- How is coordinating our response to sexual exploitation similar to/different from how we currently coordinate around [e.g., domestic violence, child abuse, adult sexual assault, etc.]?
- How does what we currently do match what is recommended in the guidelines?
- What could we start doing that we aren't currently doing?
- What could be problematic for us to do in the way described?
- What do we want to know more about before we know if it could work here?
- What we're wondering about other agencies/disciplines response is _____.

Moving Forward

- What could we start doing that we aren't currently doing? (e.g., training all new patrol officers on the dynamics of sexual exploitation, identification, and the trauma-informed law enforcement response)?
- What will it take to institutionalize this change?
- What will this change accomplish? What will it *not* accomplish (e.g., without a policy in place to ensure that patrol officers are actually using a trauma-informed response when they identify a sexually exploited youth, the training will not achieve the desired end result)?
- How do we ensure that the changes we make are in fact meeting the needs of victims in our community?