



*Understanding Minnesota's New Law Requiring
Sex Trafficking Prevention Training for Hotels/Motels*

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Purpose of Today's Presentation

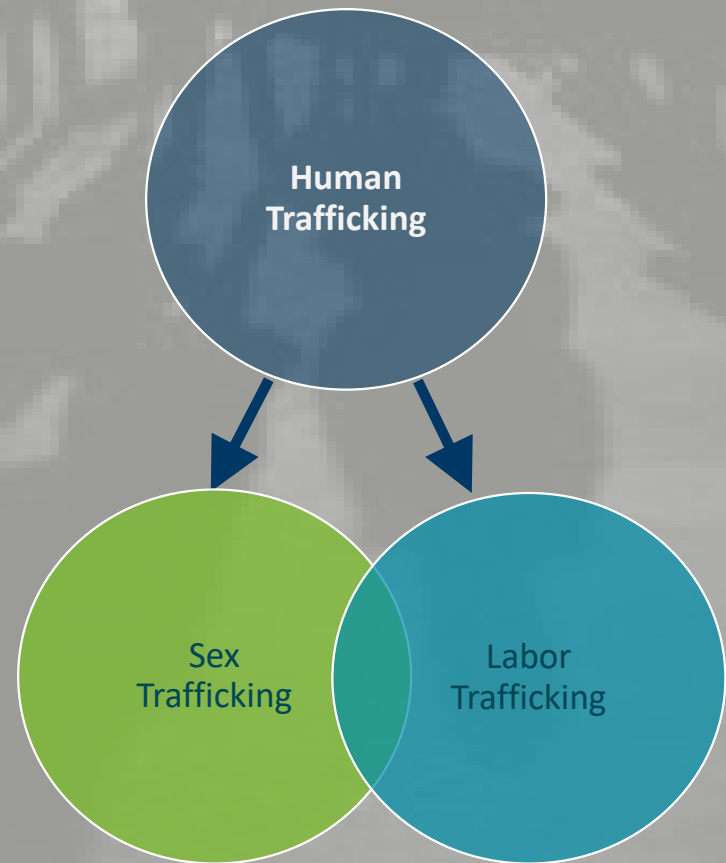
- New state law requiring sex trafficking training for hotel/motel employees
- Minnesota Department of Health and Minnesota Lodging Association
- Safe Harbor at MDH created the training package and manages implementation
- Licensing officials through MDH and delegated authorities charged with oversight and compliance through licensing regulation



Understanding Trafficking and Exploitation

What is Human Trafficking?

When one person obtains or holds another person in compelled service.





Expanding Identification

- **Anyone** can be recruited, lured, tricked, or enticed into becoming a trafficking victim, most often through a job offer or a trusted relationship.
- Human trafficking victims include all demographics: male and female, non-binary, children and adults, foreign and domestic survivors, and both sex and labor trafficking.

Human Trafficking: Legal Breakdown

Action

What the trafficker did to get the victim

Recruitment, transportation, harboring, enticing, obtaining , etc.

Means

How the victim was brought into and kept in the situation

Federal:
Force, Fraud, Coercion
(except under 18 and ST)

Minnesota:
ANY MEANS

Purpose

What purpose/goal?

Forced labor or debt bondage

Federal:
Commercial sex act

Minnesota:
Prostitution

Minnesota Sex Trafficking Law

MN. Stat. § 609.321 subd. 7a (1) “receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual”

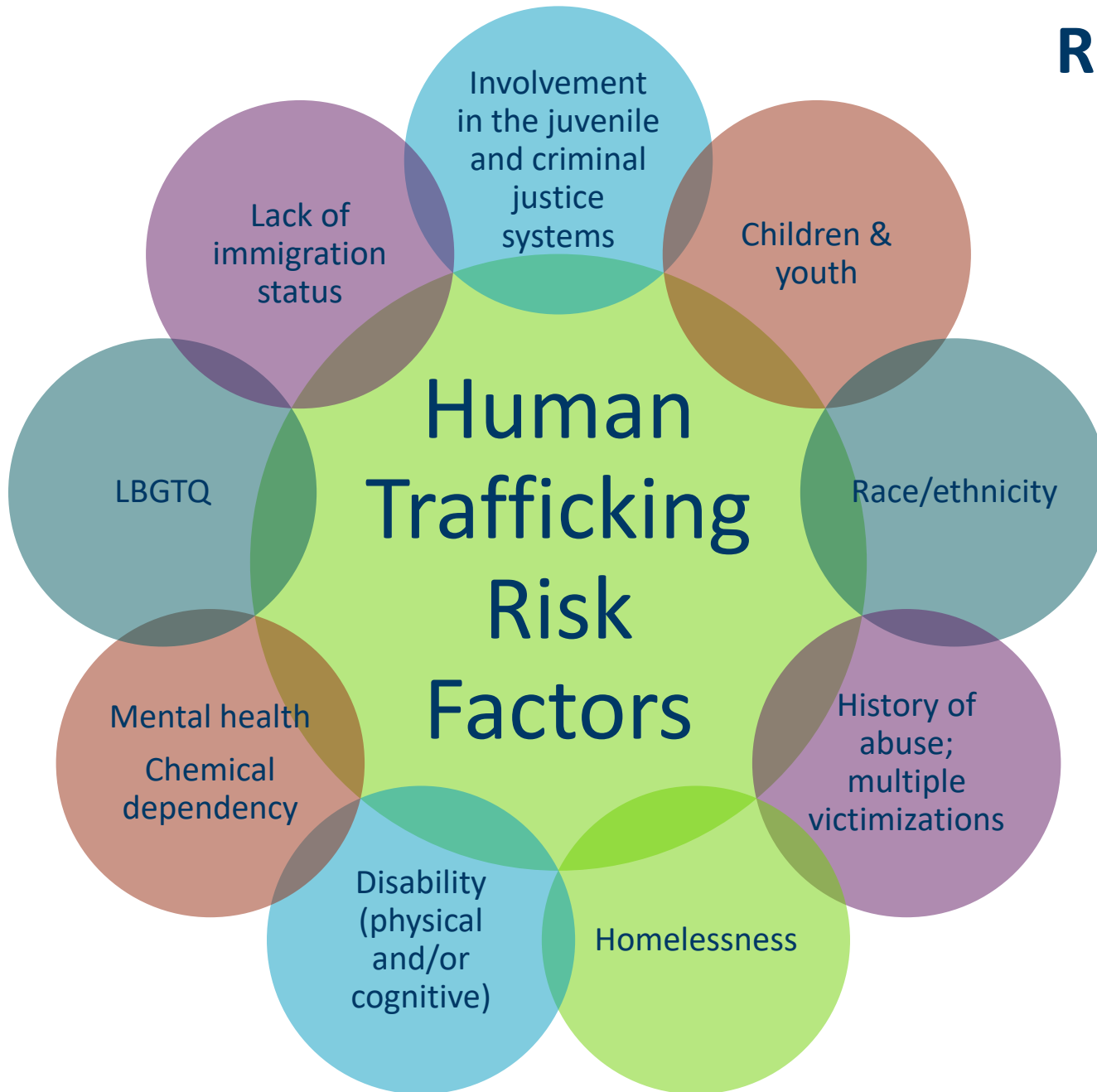
MN. Stat. § 609.321 subd. 7a (2) “receiving profit or anything of value, knowing or having reason to know it is derived from [sex trafficking].” Minn. Stat. § 609.321, subd. 7a.

Dynamics of Trafficking

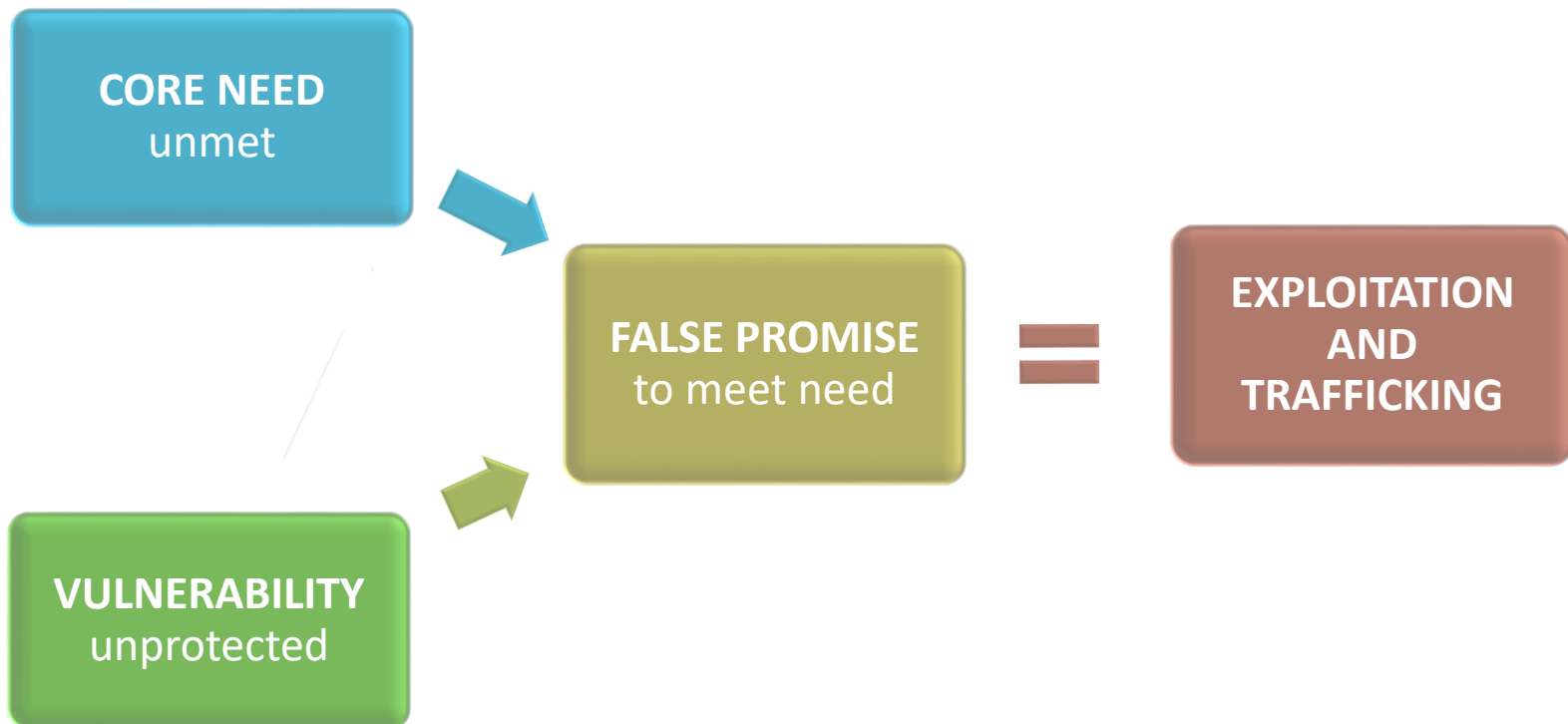
Who are the traffickers?



Risk Factors



How Does Trafficking Happen?



Appeasement

vs

Consent

- made under duress
- given two options:
“Do what I say, or face the consequences”
- focus is on the benefit of the person enforcing the choice
- history of harsh consequences
- consequences are harshly enforced

- given multiple viable options to choose from
- focus is on the benefit and agency of the person making the choice
- safe environment to think about it
- consequences are a natural part of life and usually don't involve death or violence

**THIS CONFUSION OFTEN CAUSES VICTIMS TO BLAME THEMSELVES FOR
“MAKING A CHOICE”**

Dynamics of Sex Trafficking

**Enforcing trivial
demands**

Isolation

Degradation

**Tactics
of Coercion
and Control**

**Monopolization
of perception**

**Demonstrating
“omnipotence”**

**Induced debility &
exhaustion**

Threats

**Occasional
indulgences**

Potential Signs of Sex Trafficking

- Person has an abrupt change in attire, behavior, or relationships
- The presence of an older “boyfriend” or older female friend
- Travel with an older male who is not a guardian; appears to have people keeping an eye on them
- Sudden presence of expensive material possessions
- Person lacks of control over his/her schedule, money, and/or proof of identification
- Signs of physical trauma, including bruises, cuts, burns, and/or scars
- Lying about age, where they’ve been, who they’ve been with, etc.

Understanding Victims

Why don't victims leave?

Fear

- Actual or threatened abuse/sexual assault/violence to self, family, friends
- Making an “example” of another victim
- Threat of criminal prosecution or deportation
- Blackmail

Dependency

- Withholding money or identity documents
- Only source of housing, food, clothes
- Posing as “friend/boyfriend/concerned relative” to induce guilt and feeling indebted
- Causing or exploiting pregnancy, chemical dependency, etc.
- Isolation from support networks, service providers, others

Psychological Factors

- “I agreed to it so it’s not illegal”
- “This is my choice”
- “I’ve done too much to go back to a normal life”
- Mind normalizes situation as defense mechanism

When Victims Do Not Fit Our Expectations

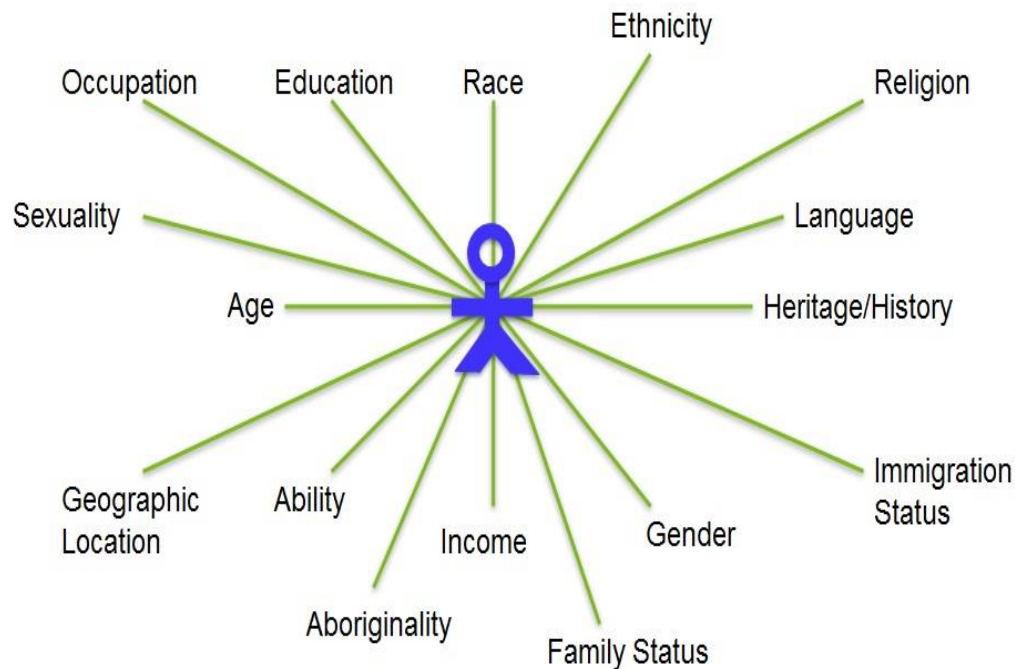
Expectation

- Victim will self-identify
- Victim will cooperate
- Story will be clear and consistent
- Victim will have resources to participate in case
- Victim will be sympathetic to jury

Reality

- Victim believes they made a choice
- Victim will lie
- Victim is hostile and distrustful
- Story is inconsistent
- Victim lacks ID, money, housing, and a support network
- Victim will face explicit and implicit bias because of background

Identifying Intersectionality and Oppression



Implicit Bias and Victims

“Good” victim

- White, female, vulnerable, young
- Victim is an “innocent”
- Must’ve been kidnapped
- Victim is grateful for being “rescued” and ready to leave the trafficker
- U.S. Citizen
- English speaker

“Bad” victim

- Persons of color
- Juvenile delinquency or criminal record
- LBGTQ, gender non-conforming
- Victim defends their exploiter
- Undocumented immigrants
- Males can’t *really* be trafficked – if sex trafficked, they must be gay & enjoy it

Minnesota's Response to Sex Trafficking - No Wrong Door

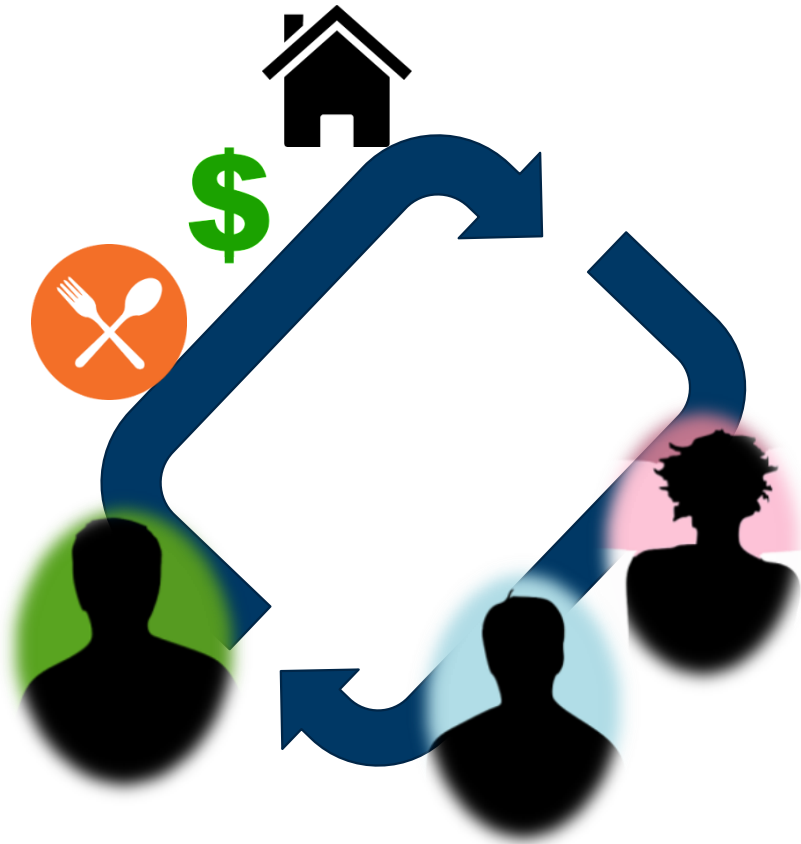


Forms of Sexual Exploitation



Commercial Sexual Exploitation

Eligibility for Safe Harbor Services for Youth Ages 24 and younger



Anything of value (e.g., money, drugs, food, shelter, rent, or higher status in a gang or group)

- OR -

a promise of anything of value 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.

Safe Harbor Law

Sexually exploited youth

17 years old and under

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

Sexually exploited and at risk youth

24 years old and under

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

Safe Harbor Statewide Services



DEPARTMENT OF HEALTH

- Regional Navigators and Specialized Community Services
- OVC Expansion Grant to include Labor Trafficking
- Training & Technical Assistance
- Youth Outreach Materials
- Wilder Evaluation Report



DEPARTMENT OF HUMAN SERVICES

- Specialized Housing/Shelter
- Youth Outreach
- Child Protection/Child Welfare
- Vulnerable Adult Protection



- Missing and Endangered Persons
- Internet Crimes Against Children
- 4 Regional Law Enforcement Task Forces
- 1 Statewide Task Force run by the BCA: 24/7 reporting 651-793-7000
- Training/Consultation for Law Enforcement on Sex Trafficking Investigations

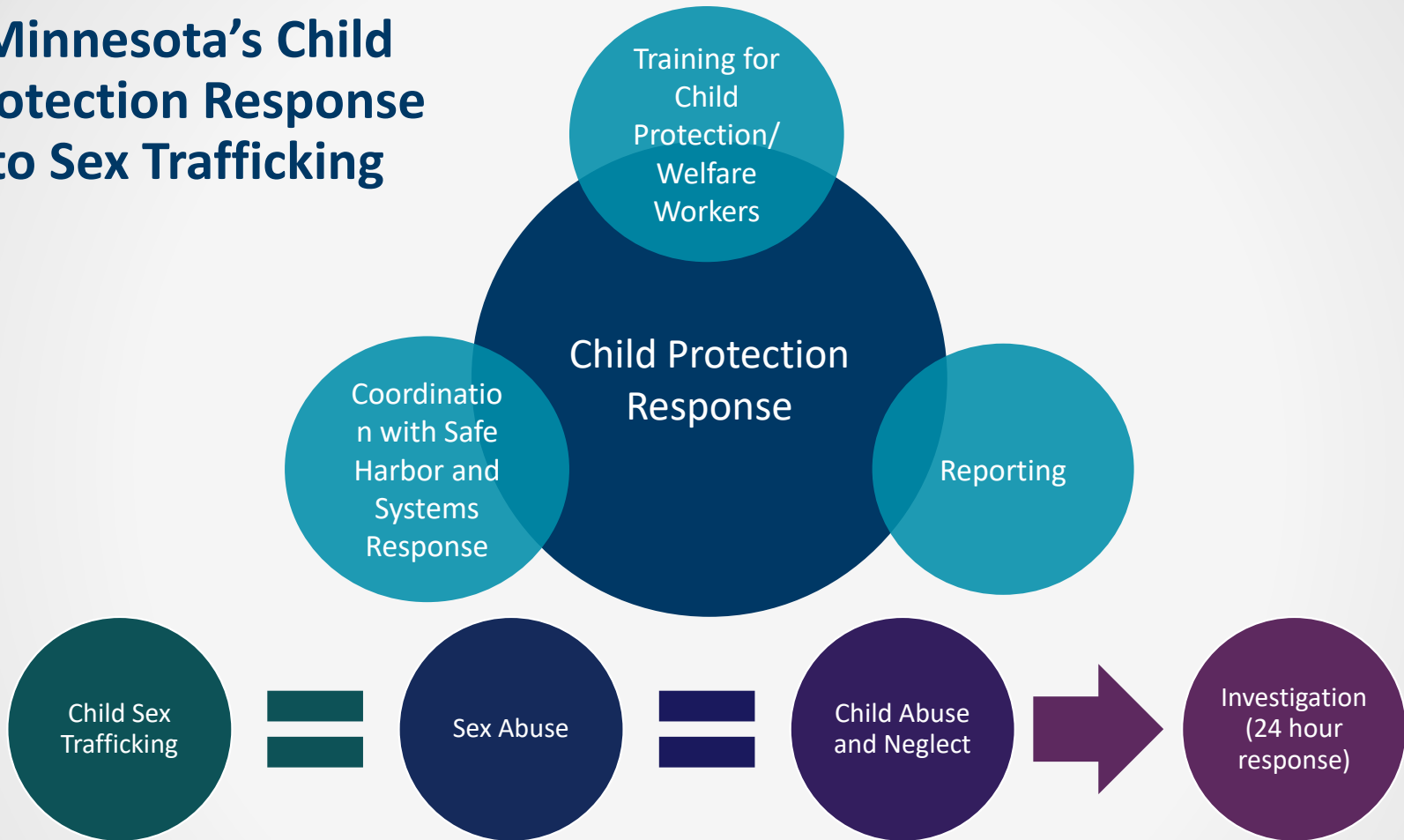


- Protocol Guidelines
- Safe Harbor Protocol Team Formation Starter Kit: A Guide for New Teams
- Protocol Implementation

Safe Harbor Services



Minnesota's Child Protection Response to Sex Trafficking




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mn.gov/dhs/safe-harbor

MINNESOTA ADULT PROTECTION

DHS Adult Protection Coordinator: Kelli Klein Kelli.Klein@state.mn.us

Where do you report alleged maltreatment of a vulnerable adult (VA)?



MINNESOTA
ADULT ABUSE
REPORTING CENTER

844-880-1574
mn.gov/dhs/adult-protection

Maltreatment of vulnerable adults is a serious issue in Minnesota. It's also under-reported because people don't know what to look for; don't know how to help; or just don't want to get involved.

A vulnerable adult is someone eighteen years of age or older who has a physical, mental or emotional need that makes it hard for them to care for themselves without assistance. They can also be someone who is in a hospital, nursing home or other care facility; or someone who receives home care, licensed services, or other personal care.

Maltreatment has many forms:

ABUSE: physical, emotional and/or sexual

NEGLECT: failure by a caregiver to fulfill a caretaking obligation

SELF-NEGLECT: failure by a vulnerable adult to adequately provide for their own health and safety

FINANCIAL EXPLOITATION: use of a vulnerable adult's funds or property

Vulnerable Adult Sex/Labor Trafficking

- Mandated Reporters are required to report suspected maltreatment of VA to the MN Adult Abuse Reporting Center (MAARC).
- Anyone can report suspected maltreatment of a vulnerable adult to MAARC.
- Sex Trafficking = Sexual Abuse 18-24 years of age
- Labor Trafficking and Financial Exploitation

Collaborative Approach

- Adult Protective Services and Safety Planning
- Required law enforcement coordination
- Adult Protection Multi-Disciplinary Teams
- Perpetrator Disqualification

*“Don’t tell them how **awful** their experiences have been – be less empathetic – tell them how amazing they are that they have survived.”*

Sarai Smith-Mazariegos, Survivor Leader,
JuST Conference Presenter

New Prevention Training Requirements for Hotels and Motels in Minnesota

Prevention Training for Hotels and Motels

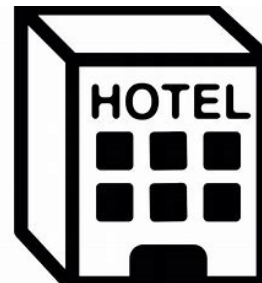
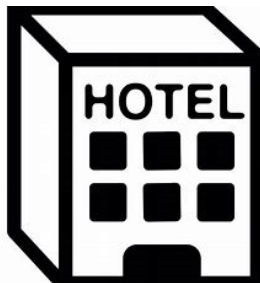
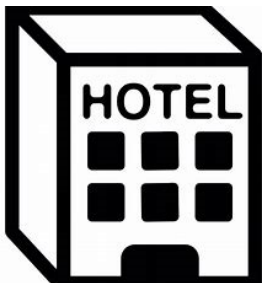
- Minnesota Statute section 157.177, enacted August 1, 2018

Every firm, person or corporation operating a hotel or motel in the state of Minnesota must train their onsite employees about sex trafficking.

- Employees include:
 - The owner, manager and operator
 - Exempt employees:
 - Employees under 16 unless they clean rooms
 - Employees who work exclusively in a restaurant, providing catering services, or both
 - No direct contact with guests or guest rooms

Prevention Training for Hotels and Motels

- The Minnesota Department of Health (MDH) Commissioner, in consultation with the Minnesota Lodging Association (MLA), is charged with approving a training program by **November 1, 2018**.
- According to the statute hotel employees **must be trained within the later of 120 days after enactment on August 1, 2018 or 90 days of hire**.
- Current owners, managers, and employees must be trained by **November 28, 2018**. Moving forward, new employees must be trained within 90 days of hire.
- **Trainings must be repeated annually – the requirement is tied to licensing.**



Prevention Training for Hotels and Motels

- The approved educational training focuses on the prompt identification and reporting of, or response to, suspected sex trafficking.
- The training will be available, at no cost, through a MDH website, and lasts approximately 40 minutes.
- The training includes a presentation and video with accompanying guide.
- Training must include Minnesota context in law and philosophy.
- If a chain operator already has a mandatory training video it must be approved by MDH prior to delivery of the training. If video is approved they must still comply with the rest of the training package prepared by MDH. Operator will receive an approval letter of MDH.
- The training is **mandatory** – not voluntary.

Prevention Training for Hotels and Motels

- Trainings must meet the following educational requirements:
 - What sex trafficking is in order to raise awareness of it;
 - How to recognize potential victims of sex trafficking;
 - How to identify activities commonly associated with sex trafficking; and
 - Effective responses to trafficking including how to report to law enforcement.



Prevention Training for Hotels and Motels

- Each operator must conduct an ongoing awareness campaign by maintaining a poster, written or approved by the MDH Commissioner, containing the information on the prior slide (provided in training package).
- Each operator must also conduct an ongoing awareness campaign – connect with law enforcement, connect with regional navigator, stay up to date on trainings, etc.
- Any cost incurred in relation to fulfilling the statutory requirement is the responsibility of the licensee.

Prevention Training for Hotels and Motels

Employees and operators who report suspected sex trafficking to law enforcement in good faith are immune from civil liability.



Prevention Training for Hotels and Motels

- Operators must keep a log or roster of all employees trained or make a note in employee personnel files. MDH will provide a sample that has been reviewed by MDH Food, Pool and Lodging.
- If training is not completed upon inspection the operator will have six months to comply.
- Operators must hold the records of the training participation so they are available at inspection.

Prevention Training for Hotels and Motels

- MDH will update materials annually and they will be available for download through the MDH website.
- Annual licensing renewal mailings will include reminders about the training.
- It is the operator's responsibility to download the most updated training.



Prevention Training for Hotels and Motels

The law **does** apply to bed and breakfasts (hotel/motel licensing, short stays)

The law **does** apply to Air B&B (hotel/motel licensing, short stays)

The law **does not** apply to lodging on tribal lands.

The law **does not** apply to resorts unless they have a hotel/motel license.

We strongly encourage those who are not mandated by law to still use MDH's Minnesota-specific training tools!

Questions?

Thank you!

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