TO: Minnesota Law Enforcement in Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice, Steele, Wabasha, and Winona Counties

FROM: Ramsey County Attorney's Office
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Minnesota Department of Health
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DATE: August 31, 2015

RE: **Safe Harbor & Juvenile Sexual Exploitation – NEW LAW AUGUST 1, 2014**

SUMMARY

The new "Safe Harbor Law" protects **sexually exploited youth** (exchanging sex acts for money, food, shelter, or drugs; involved in prostitution; stripping; child pornography; sex trafficking). Effective August 1, 2014, minors **cannot be arrested or detained** for these crimes. Instead, they must be treated as victims, with the exploitation reported to Child Protection.

- View a recorded briefing on Safe Harbor at mnchiefs.org/safe-harbor.
- Need help in working with victims or connecting them with services? Contact your Safe Harbor Regional Navigator (Laura Sutherland at Olmsted County Victim Services) or the 24-hour Day One hotline.
- Questions about investigating these cases? Contact Sgt. John Fishbaugher (Rochester PD) or Sgt. Ray Gainey (St. Paul PD).
- Safe Harbor Conference for Investigators, Prosecutors, & Child Protection Attorneys, October 21-22, Brainerd area.
- Trainings for frontline officers, November 4 (Rochester).
- **Contact info and other details below.**

August 1 marked an important date in Minnesota. Our state law on juvenile sexual exploitation and juvenile prostitution changed. Here's what you need to know to make this transition.

WHAT'S NEW*:* Individuals under the age of 18 can **no longer be arrested or prosecuted for selling sex for money, food, drugs, or shelter**, or engaging in sexual performances like stripping or pornography. They must instead be **referred to services**. Before, different jurisdictions had different policies, but state law still permitted arrest and prosecution. This is not allowed anymore. You may hear this new law called "Safe Harbor" or "No Wrong Door."

WHY THE CHANGE: Minnesota now recognizes that young people involved in sexual exploitation are **victims**, not criminals. In almost all cases, "the life" is not their own choice. They are usually **recruited** into it by traffickers (i.e., pimps) or are **struggling to escape from poverty, homelessness, family violence or unsafe living conditions**.

WHO IS AFFECTED?: Young people who are victims of sexual exploitation – exchanging sex for money, food, shelter, drugs, or other consideration. They are not – and should not be referred to as – "child prostitutes." The law also includes youth who are involved in sexual performances like stripping or child pornography. The law does *not* protect minors who are acting as sex buyers ("johns") or traffickers, individuals who are buying sex or coercing others into prostitution.

Juvenile victims of sexual exploitation come from every background, race, gender, and economic status. These young people **may not appear to be victims or may not think they are victims**. They may be chronic runaways. As a result of the trauma they have experienced, they **may lie, act with hostility, already be involved with the juvenile justice system, or struggle with mental health or addiction issues**. But under Minnesota law now, they are unambiguously victims. We ask that you be considerate of a young person's trauma history and respectful of their needs.

THE VISION OF SAFE HARBOR: All police officers and service providers must be trained to understand juvenile sexual exploitation and how to respond to it. Upcoming trainings and conferences (see below) will increase your knowledge and improve our community response.

WHAT TO DO AND WHO TO CONTACT: If you encounter a minor who you suspect is exchanging sex for money, drugs, etc., or who is otherwise subjected to sexual exploitation, you **may NOT arrest** on that basis alone. (The Safe Harbor Law does not affect an arrest on any other basis.) Report the exploitation to Child Protection, investigate the crime, and refer the victim to services.

There is a network of people in place to help. Your **Regional Navigator** (above) has been designated to help **coordinate care for victims and build a community response**. A 24-hour hotline (below left) is also available to assist victims with their needs. And experienced officers can advise you on these cases (below right).

Regional Navigator

Laura Sutherland, Regional Navigator
Olmsted County Victim Services (in Rochester)
(507) 328-7279
(507) 289-0636 (24 hours)
sutherland.laura@co.olmsted.mn.us

Shelter & Services

Day One Hotline
24 hours
(866) 223-1111

Guidance on Investigations & Response

Sgt. John Fishbaugher, Rochester PD
(507) 328-6976
jfishbaugher@rochestermn.gov

Sgt. Ray Gainey, St. Paul PD
(651) 266-5988
ray.gainey@ci.stpaul.mn.us

NEXT STEPS: A comprehensive statewide response to juvenile sexual exploitation is being built over time, with various training opportunities. **Visit mnchiefs.org/safe-harbor for details**:

- *Law enforcement leaders***:** View a briefing on the Safe Harbor response.
- *Investigators***:** Safe Harbor Conference for Investigators, Prosecutors, & Child Protection Attorneys, October 21-22, Brainerd.
- *Frontline officers***:** Trainings in Rochester, November 4.