

Safe Harbor Protocol Writing Guidebook



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Introduction and Guidelines for Use

Safe Harbor protocols are developed by multidisciplinary teams within communities to improve individual practices, agency policies, and systems procedures, and to increase collaboration among the disciplines that respond to sexual exploitation and sex trafficking of youth.

In an effort to provide communities across Minnesota with a starting point for developing these protocols, the Ramsey County Attorney's Office (RCAO) and the Sexual Violence Justice Institute (SVJI) at the Minnesota Coalition Against Sexual Assault (MNCASA) developed the Safe Harbor Protocol Guidelines, released in 2017. That document¹ outlines best practices for working with sexually exploited and trafficked youth across various disciplines and should be used extensively throughout protocol development. This guidebook is a companion document intended to provide guidance on how to write your community-specific protocol, and includes samples for formatting and organizing your document. The guidebook includes select language directly from the Safe Harbor Protocol Guidelines, as well as adapted content intended to ensure your response is rooted in best practices. This guidebook may serve as a template for protocol development teams to adapt as they write their community protocol.

Throughout the guidebook you will find standardized language and information as well as customizable sections. The guidebook begins with a section describing some important considerations for the writing process, and this content can be embedded throughout the final protocol rather than included verbatim. The rest of the guidebook is designed as a template, and is structured in four parts: 1. Foundations, 2. Key Disciplines, 3. Appendices and Additional Materials, and 4. Sexual Exploitation and Sex Trafficking 101. The foundational sections are intended to be systems-wide and should reflect the agreements and practices of all participating agencies, not individual or discipline-specific agencies. Any discipline-specific information should be provided in the discipline-based pages later in the guidebook.

¹ RCAO & SVJI at MNCASA. 2017. Retrieved from http://www.mncasa.org/wp-content/uploads/2018/07/Safe_Harbor_Protocol_Guidelines.pdf

The guidebook has been written to adhere to plain language and accessibility principles. This includes using a 14-point, sans serif font. Any acronyms or abbreviations should be spelled out and explained upon the first use. Similarly, the protocol should be designed in the format that meets the needs of responders in your community. For example, if your team and agencies no longer print materials, your team should hyperlink any relevant information to applicable websites. Alternatively, you may wish to format the content to be a pocket-sized guide for those communities that rely on hard copies.

This guidebook has been designed to maximize usefulness, increase communication and collaboration, and to be a much-needed resource for Safe Harbor Protocol Development Teams. Good luck and happy customizing!

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Important Considerations for Writing Protocols



The Basics of Multidisciplinary Teaming for Protocol Development

The response to sexual exploitation and trafficking occurs at the intersection of many fields. Ending it cannot be accomplished by any one discipline. Working in a team, writing a clear protocol to increase positive outcomes for youth makes every professional more effective and improves the overall response.

Trust and positive relationships between professionals are essential to the effectiveness of a multidisciplinary team. Not only will it improve outcomes and the overall experience of the youth, it will help the youth to develop trust in the systems response.

What Is a Protocol Development Team?

- Representatives from key disciplines
- Differing views, approaches, constraints, and experiences
- Devoted to changing systems and community response
- Focused on collaboration and systems change
- Working to improve outcomes for victim/survivors

Habits of Successful Protocol Development Teams

- Relationship and trust building
- Clear mission, purpose, vision
- Regular, structured meetings
- Focus on improving response
- Buy-in from decision makers
- Active participation in team's work
- Responders value collaboration and victim experience
- Understanding and valuing each individual role in response
- Clear and specific information sharing practices
- Honest communication

Getting Started

- Evaluate community and provider readiness
- Develop coherent plans of actions
- Establish time and process
- Relationship building between providers and agencies
- Clarify roles and responsibilities
- Plan for turnover and sustainability

Who Should Be On the Team?

The team should be comprised of all systems and community professionals who engage with youth and/or are part of the response to sexual exploitation and trafficking. The core disciplines to include as participating partners are:

- Advocacy and Outreach
- Safe Harbor Regional Navigator
- Safe Harbor service providers in your area
- Child Protection/Child Welfare
- Health Care (SANE/Forensic nurse programs, public health, medical, chemical and mental health)
- Juvenile Corrections/Probation
- Law Enforcement
- Prosecution
- Tribal Government (if applicable)
- Victims/survivors
- Culturally specific representation:
 - Indigenous communities
 - Communities of color
 - Deaf or hard of hearing
 - LGBTQ+
 - Individuals with disabilities
 - Other disproportionately affected populations

It is also highly recommended that you consider including (if applicable):

- Public Health
- Schools
- Children’s Advocacy Centers
- Legal Representation (Public defenders)
- Judicial
- Housing and Placement

You may find that some individuals or agencies are initially hesitant to commit to the protocol development process. This is normal in developing your team and should not delay the start of your project. Begin your protocol development process and bring in new stakeholders as they are ready to engage.

Male and Masculine-Identifying Victims/Survivors

Although victims/survivors of sexual exploitation and sex trafficking are often presumed to be primarily female and feminine-identifying, this is inaccurate and can lead to many victims/survivors struggling for access to needed services. Research demonstrates that men and boys are as vulnerable to sexual exploitation and trafficking as women and girls, and boys are exploited at comparable rates to girls. In fact, social frameworks of masculinity can make boys even more vulnerable, as they are often less likely to come forward and seek services.

Your response to sexual exploitation and sex trafficking should be applicable to individuals of all genders, which includes understanding some of the differences in the needs and behaviors of male and masculine-identifying youth. Although the trauma experienced by males and females is similar in many ways, the effects can manifest in different ways. For males, this can include increased anger and hostility, questions about sexual orientation or masculinity, sexual dysfunction, and shame or humiliation. In addition, many of the needs of sexually exploited and trafficked girls are also essential for boys (e.g. immediate access to health care and advocacy, mental health services, sustainable housing, job skills, etc.). You should ensure that your protocol be inclusive and geared towards victims/survivors of all genders.

An important consideration for working with male and masculine-identified victims/survivors is that these youth may have high rates of involvement in the criminal justice system due to a variety of behaviors, many of which may be related to the trauma they have experienced. This requires professionals working in juvenile corrections and probation be trained to identify risk factors and intervene appropriately. It is critical for your team to institutionalize protocols and practices that address male and masculine-identifying victims/survivors.

Responding To Initial Disclosures

Research consistently demonstrates that the first disclosures of sexual violence (including sexual exploitation and/or trafficking) determines a victim's healing and recovery path.² Disclosure often happens in multiple stages, with victims providing limited information to observe the reaction they will get from the person to whom they disclose. This normal behavior determines whether it is effective to disclose more information about the situation and seek further help from that individual.³ This is especially true of the manner in which systems professionals, such as law enforcement, ask questions.⁴ If a victim experiences negative or judgmental reactions, they are more likely to never disclose again or alter what parts of their experiences they share.⁵ Negative experiences also deter the victim from seeking further help or engagement with systems, which increases experiences of negative mental and physical health outcomes and allows someone who has perpetrated to experience no consequences. If a victim experiences positive and supportive reactions to their disclosures, they are more likely to continue to seek services and will experience fewer mental and physical health impacts. This allows service providers the opportunity to hold perpetrators accountable. Positive or supportive reactions include empathy, support, active listening, and asking non-judgmental questions. Each of these strategies can result in more victims/survivors disclosing and continuing with various services and processes.

All responders, regardless of the nature of their position, may encounter disclosures and can offer positive and supportive reactions without compromising the integrity of their work. As such, your team must commit to increasing your effectiveness in responding to disclosures of sexual exploitation and trafficking. Some general tips for handling disclosures include:

² Ullman, Sarah E., and Henrietta H. Filipas. "Predictors of PTSD symptom severity and social reactions in sexual assault victims." *Journal of traumatic stress* 14.2 (2001): 369-389.

³ Ahrens, Courtney. (2007). Being Silenced: The Impact of Negative Social Reactions on the Disclosure of Rape. *American journal of community psychology*. 38. 263-74.

⁴ Patterson, Debra. "The impact of detectives' manner of questioning on rape victims' disclosure." *Violence against women* 17.11 (2011): 1349-1373.

⁵ Stansell, Janna, and Amy Jennings. "To tell or not to tell: The impact of disclosure on sexual assault survivors' recovery." *Violence and victims* 25.5 (2010): 631-648.

- Keep a neutral expression; avoid reacting either verbally or physically in a way that implies disbelief or disgust.
- Also avoid appearing overly emotional; you are there to support the youth and they need to be able to lean on you.
- Be aware that many young people react strongly to the trauma they have experienced, and this may manifest in physical or emotional ways, including (but not limited to) dissociation, aggression, lack of enjoyment in activities, or self-harm. They may also experience physical symptoms such as headaches, nausea, or other pain, or sensitivity to external stimuli.

Practices for Handling Initial Disclosures

Either within each discipline-specific section or in a separate section, your team should develop commitments, plans, and steps to implement approaches that account for how responders will handle disclosures of sexual exploitation or trafficking. Specifically, you may want to consider how you will ensure providers are following practices and how agencies can implement consistency in how responders are trained in their job duties. For specific tips on handling disclosures of sex trafficking or sexual exploitation, please see the Appendices.

Example 1: Staff in our agencies often do not feel comfortable or are unsure of how to handle exploitation/trafficking disclosures effectively. When a disclosure occurs, responses from staff members vary based on training. To close this gap and improve the victim/survivor experience and services...

Example 2: Every new staff member who joins one of the agencies listed in this protocol will go through the same mandatory training on compassionate response to disclosures of sexual exploitation or trafficking. To ensure adherence to this protocol, each agency will...

Confidentiality and Mandated Reporting

Sexually exploited and trafficked youth have rights to privacy and confidentiality in some cases, similar to rights held by adults. Providers must inform youth of these rights and a provider's legal/professional/ethical information sharing limits in the course of offering services to a youth. At the same time, there are mandated reporting and cross-reporting requirements in place to protect children and vulnerable adults from abuse or neglect. All sex trafficking involving a minor is a mandated report in Minnesota. Sexual exploitation and sex trafficking are both mandated reports if the reporter suspects a vulnerable adult is involved.

Implementation for Confidentiality and Mandated Reporting

In this section, your team should develop commitments and implementation steps for enacting appropriate confidentiality policies and practices. You and your team may want to consider how each agency partner will train their staff to inform youth, cross train team members on differing levels of information sharing, or how partner agencies will change their internal policies.

Example 1: All services providers will use the established release of information forms to ensure appropriate protections of victim/survivor information. Information about the youth will only be shared with written consent or as required by law or professional ethical codes.

Example 2: Responders who are mandated reporters will report all incidences of suspected sex trafficking of youth to the applicable county or tribal Child Protection division. In order to keep the process youth-centered, the provider will speak with the youth about their requirement to report...

Safe Harbor Core Principles

Victim-Centered

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

Implementation of Victim-Centered Practices

Throughout the protocol document, your team should discuss key steps or commitments that all service providers can take to be victim-centered.

Example: Responders to sexually exploited or trafficked youth commit to listening to the victim/survivor with generosity, patience, and belief. We will listen to understand the victim/survivor’s needs and goals for safety, healing, and seeking justice.

Trauma-Informed

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

Experiencing trauma can have serious and long-term health effects, including mental health and chemical abuse issues, physical problems, and

harmful effects on the brain. Victims/survivors may cope with their trauma by engaging in substance abuse or engaging in other harmful behaviors. They may dissociate – disconnecting from themselves and fracturing their sense of identity.

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

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

Implementation of Trauma-Informed Practices

Throughout the protocol document, your team should discuss key steps or commitments that all service providers can take to be trauma-informed.

Examples:

- 1. To be trauma-informed is to orient yourself towards and apply the concepts of, “What has happened to this young person? What trauma has this youth endured?” It requires us to change our framing from “What did you do?” to “What was done to you?”*
- 2. Use nonjudgmental approaches. Do not approach youth as if there is something “wrong” with them or that you can “fix” their situation.*
- 3. When interviewing a youth about their experience, take your time and understand that the youth’s memory may have been affected by the trauma they experienced. Offer breaks or pauses.*
- 4. Do not attempt to turn the youth against their exploiter. Allow the youth to choose the terminology they use to refer to them. Often, the exploiter is someone the youth considers to be a friend or loved one.*
- 5. Learn the young person’s triggers and teach them grounding techniques.*

- 6. Recognize that sexually exploited youth are often slow to trust, and may react negatively to someone who is showing care towards them.*

Youth-Centered

Youth-centered is an approach to working with youth that recognizes their personal agency. In our society, we often view children and adolescents as unable to care for themselves or make informed decisions. By following a youth-centered approach, we respect the youth's expertise and work with them rather than doing things for them. Professionals may vary in their ability to enact youth-centered philosophies based upon the parameters of their legal, ethical, or professional obligations. To the extent that it is possible, being youth-centered can lead to positive long-term outcomes for sexually exploited youth.

Implementation of Youth-Centered Practices

Throughout the protocol document, your team should discuss key steps or commitments that all service providers can take to be youth-centered.

Example: We believe that sexually exploited youth are the experts on their own trauma. We will, whenever possible, prioritize the youth's voice in determining the types of services provided.

Strengths-Based

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

Implementation of Strengths-Based Practices

Throughout the protocol document, your team should discuss key steps or commitments that all service providers can take to be strengths-based.

Example: We believe that youth are resilient and continue to learn from their experiences or environment. We commit to being consistent, patient, and respectful with youth. We also commit to having healthy boundaries with youth to develop trust and help them access the paths that promote long-term health and well-being.

Culturally Responsive

Culture is a complex, multilayered topic. It does not mean just race or ethnicity. It also encompasses gender, socio-economic status, nationality, citizenship, religion, ability, age, and much more. In particular, a range of personal and collective experience can coalesce into distinct cultural identities, such as sexual orientation and gender identification, disability, homelessness, and street culture. Culture influences each individual's views, behaviors, and relationships with others. It plays a role in how individuals understand and process trauma, how they solve problems and describe their experiences, where they access support, and how they define justice. An important part of the response to sexual exploitation and trafficking is to provide equitable services to all youth; this requires us to provide culturally responsive services to the youth in our community.

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

Implementation of Culturally Responsive Practices

Throughout the protocol document, your team should discuss and develop key steps or commitments that all providers can take to design services that provide equitable access. This may include noting specific cultural or social

groups. One way to develop equitable access plans is to ensure outreach materials are tailored to the particular communities you are hoping to reach. Do they include options for gender identity and sexual orientation? Non-English speaking youth? Youth with physical or cognitive disabilities? What about youth with limited transportation options?

Example 1: Our community has a 6% Latino/a population, yet our services only reflect less than 1% of all clients served as Latino/a. Our agencies will all have written materials that are appropriately translated and readily available to service providers to give to victims/survivors.

Example 2: Access to reliable transportation is an issue facing many in our community. All agencies represented on our protocol team will work collaboratively to provide transportation to victims/survivors to access services. To achieve this, we will...

Foundations



Purpose of Safe Harbor Response Protocol

Here you should include a brief explanation of the purpose and intended use of the document.

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

Team Mission Statement

Teams frequently require a mission statement that is short, clear, and memorable to assist them in their work. A mission statement serves as a compass for the team to keep their focus and projects oriented towards a common goal. If your team does not have a mission statement or has not visited the mission statement recently, work together to draft one. A mission statement answers only three questions in a single, short sentence:

- Who are you?
- What do you do?
- Who benefits as a result?

Sample language: The (County/Org) Safe Harbor Protocol Team addresses strengths and gaps in our community's Safe Harbor response in order to better serve victims/survivors.

- You can always expand on key ideas and concepts in other parts of the team’s work, such as in the underlying philosophies and principles section or by drafting a vision or values statement.

How to Use This Protocol

Describe how your participating agencies will use the document, including a commitment to training new team members and agency employees. Include an explanation of what format your team will choose (ex. Electronic reference, printed guidebook, etc.). You may wish to add disclaimer language as necessary (ex. This protocol is applicable only to the (County/Org Safe Harbor Protocol Development Team).

Brief History of the Team or Collaboration

Teams and protocols benefit from developing a short paragraph that outlines the highlights of the team’s history and origin. This may provide orientation for new team members as well as context for the team’s role in the community.

Participating Partners

In this portion, list the names of the agencies who are currently participating members of the protocol team. To ensure the protocol’s usefulness is not contingent on specific team members, list the agency rather than the name of the individual team member.

Contributing Partners

This is the space to thank past participating agencies or any community provider who has offered assistance in your team’s work.

Discipline-Specific Information and Resources



Advocacy (Community-Based)

Role of Community-Based Advocacy

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 and/or trafficked 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. Community-based advocates may work with victims/survivors over a period of many years, as different needs arise.

Discipline Specific Tools or Information

If the team would like to add additional tools or information, please add to this section. An example may be informed consent processes. Inter-agency cross training on advocacy specific topics may be a consideration. This section may also be used to indicate which tools the team and community agencies will agree to use in strengthening and supporting the advocacy response.

Special Considerations

In this section, you may wish to include the state statutes for community advocacy privilege or confidentiality. Providing mandated reporting or data collection practices may also be of use in this section, depending on your team and community. You may wish to provide the names of community advocacy agencies as well as systems advocacy to increase systems professionals' knowledge.

Intersections with Other Providers in the Response

You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

Advocacy (Systems-Based)

Role of Systems-Based Advocacy

Government-based advocates, often called victim/witness advocates, assist victims/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 victims/survivors during the course of a particular case and when the case ends, their advocacy role usually ends.

Discipline Specific Tools or Information

If the team would like to add additional tools or information, please add to this section. An example may be informed consent processes. Inter-agency cross training on advocacy specific topics may be a consideration. This section may also be used to indicate which tools the team and community agencies will agree to use in strengthening and support the advocacy response. Be sure to include information about how victims/survivors can access VOCA funds.

Special Considerations

In this section, you may wish to provide mandated reporting or data collection practices as applicable, depending on your team and community. You may wish to provide the names of community advocacy agencies as well as systems advocacy to increase systems professionals' knowledge.

Intersections with Other Providers in the Response

You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

Child Protection and Child Welfare

Role of Child Protection/Child Welfare

The primary role of the child welfare system in the response to sexual exploitation and trafficking is to work with children and families to promote safety, permanency and well-being for alleged child victims. This requires close collaboration with law enforcement, county attorneys, and the safe harbor network in order to reduce trauma to victims and provide adequate support for children and their families or caregivers. As long as it is safe and in the child's best interest, the goal of the child welfare system is to keep children in their home and community.

There are five key requirements to include in protocols for the child welfare system response to trafficking and exploitation in Minnesota.

1. Sex trafficking is a mandated report, regardless of who the alleged offender is. When reporting and when screening reports, it is important to identify the difference between sexual exploitation and sex trafficking (see Glossary of Terms and Acronyms in the Appendix).
2. Once reported to child protection intake, all sex trafficking involving a minor should be screened in for a child protection investigation. All non-caregiver sexual exploitation should be screened out for investigation and referred for child welfare services.
3. Law enforcement and child protection must cross-report all child crime victims, including all alleged minor victims of trafficking and exploitation. Sex trafficking child protection investigations require early and frequent coordination between child protection and law enforcement.
4. Developmentally appropriate safety planning with the youth and family should begin immediately. This begins with face-to-face contact to assess child safety within 24 hours of receipt of report.
5. Collaboration with law enforcement, county attorney, Safe Harbor, and others is required to determine whether placement is necessary. If applicable, find an appropriate placement based on the individual

needs of the youth, taking into account the impact of the trafficking or exploitation.

Discipline Specific Tools or Information

DHS Bulletin #17-68-09C contains more detailed guidance on the child welfare response, and additional tools are available at www.mn.gov/dhs/safe-harbor. DHS Human Trafficking Child Protection Coordinators may provide technical assistance to child welfare agencies and protocol development teams on issues related to screening, coordination for interviewing victims and alleged offenders, investigations, safety planning, and placement.

Special Considerations

- Child protection screening is based on requirements in Minnesota statute and the Child Maltreatment Screening, Intake, and Response Path Guidelines
- Required response to youth who run from placement (notify the National Center for Missing and Exploited Children and complete debriefing form after youth is located)
- Required federal reporting to US Office on Trafficking in Persons of all suspected minor foreign born trafficking victims
- In Minnesota, the child welfare system is state supervised and county or tribal administered. Specific procedures vary by agency.

Intersections with Other Providers in the Response

- You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

Health Professionals

Role of Health Professionals

Patients see healthcare professionals for health needs while in the midst of exploitation, trafficking, 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 be able to provide a response. It is essential that the healthcare response be one that is patient-centered, culturally responsive, and trauma-informed. The health professional can be a critical point of connection to other services for the youth.

Discipline Specific Tools or Information

If the team would like to add additional tools or information, please add to this section. If you choose, you may include mental health professionals in this section as well, or they may be included separately. This section may also be used to indicate which tools the team and community agencies will agree to use in strengthening and support the medical response.

You may want to consider a brief section for each type of health professional your response may include. For example, if your community has a SANE program/access to medical forensic examinations, those should be specified.

Special Considerations

In this section, you may wish to include specific content about information sharing practices under HIPAA (Health Insurance Portability and Accountability Act). Providing mandated reporting or data collection practices may also be of use in this section, depending on your team and community. You may wish to provide the names of available medical agencies to increase systems professionals' knowledge.

Intersections with Other Providers in the Response

You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

Juvenile Corrections and Probation

Role of Juvenile Corrections and Probation

Even with Safe Harbor, victims/survivors of sexual exploitation and trafficking 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. Sexually exploited or trafficked 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, and the youth may already have involvement in the criminal justice system at the time the disclosure is made. Additionally, youth in corrections programs such as detention facilities and residential treatment programs are often potential targets for recruitment.

Discipline Specific Tools or Information

If the team would like to add additional tools or information, please add to this section. Inter-agency cross training on corrections/probation specific topics may be a consideration. This section may also be used to indicate which tools the team and community agencies will agree to use in strengthening and support the corrections/probation response while also helping youth access services when involved with the juvenile justice systems.

Special Considerations

In this section, you may wish to include specific content such as PREA or victim notification systems. You may wish to provide the names of prosecutorial offices to increase systems professionals' knowledge.

Intersections with Other Providers in the Response

You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

Law Enforcement

Role of Law Enforcement

Combatting sexual exploitation and sex trafficking requires an important shift for law enforcement from a more traditional approach to casework. To be most effective in investigating sexual exploitation/trafficking, officers must put victims' needs and well-being first and recognize the expertise they bring to the table. Multi-jurisdictional collaboration among law enforcement is key in effectively investigating cases of trafficking and exploitation. All reports of minor crime victims, including all victims of sex trafficking and sexual exploitation, must be cross-reported to the relevant child welfare agency.

Law enforcement officers may come into contact with sexually exploited or trafficked youth in a variety of settings, including encounters with runaway or homeless youth, traffic stops, domestic disputes, or fraudulent financial transactions. It is important for all patrol officers, as well as investigators, to be trained in how to identify and respond to sexual exploitation and trafficking.

Discipline Specific Tools or Information

If the team would like to add additional tools or information, please add to this section. Inter-agency cross training on law enforcement specific topics may be a consideration. This section may also be used to indicate which tools the team and community agencies will agree to use in strengthening and support the law enforcement response.

Special Considerations

In this section, you may wish to include the jurisdictions that participate in this response or you may include best practices in sharing information across law enforcement jurisdictions. You may wish to provide the names of law enforcement agencies to increase systems professionals' knowledge.

You may also wish to outline your community's protocols with regard to the Minnesota Department of Public Safety Bureau of Criminal Apprehension's Human Trafficking Investigators Task Force (MNHITF), a statewide enforcement effort to target traffickers and those exploiting children for sex. Local law enforcement agencies can contact the Task Force as needed

for assistance with investigations, consultation and resources. See Appendices and Additional Materials section for more information.

Intersections with Other Providers in the Response

You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

Prosecution

Role of Prosecution

Prosecution and the County Attorney's Office play multiple roles in the response to sexual exploitation and trafficking. As prosecutors of buyers and traffickers, they may require assistance from victims/survivors such as interviews and testimony. For understandable reasons, victims of sexual exploitation and sex trafficking frequently act in ways that are counterintuitive to juries and others who are 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.

As many youth involved in sexual exploitation and/or trafficking have a history of involvement with the Child Protection system, attorneys who work Child in Need of Protection or Services (CHIPS) cases should be involved in protocol development.

In addition, victims of sexual exploitation may become involved in other crimes, including trafficking crimes. They may recruit other victims, help the trafficker to conduct the operation, and even commit violence against other victims at the trafficker's behest or otherwise. Whether to charge such victims is one of the most difficult decisions faced by prosecutors.

Discipline Specific Tools or Information

If the team would like to add additional tools or information, please add to this section. One additional element to consider is including information about the civil legal process as some victims/survivors may wish to access that as a means of justice seeking. Inter-agency cross training on prosecution specific topics may be a consideration. This section may also be used to indicate which tools the team and community agencies will agree to use in strengthening and support the prosecutorial response.

Special Considerations

In this section, you may wish to include specific content about information sharing practices. Providing information about case decision processes may

be in this section, depending on your team and community. You may wish to provide the names of prosecutorial offices to increase systems professionals' knowledge.

Intersections with Other Providers in the Response

You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

Safe Harbor Regional Navigator

Role of the Regional Navigator

Regional navigators are responsible for connecting youth with services and serving as experts for their communities. There are eight regional navigators located across Minnesota. (County/organization) is located in the (region), and the navigator is (navigator's organization – NOT the name of the individual).

Discipline Specific Tools or Information

If the team would like to add additional tools or information, please add to this section. Inter-agency cross training on the role of the Regional Navigator may be a consideration. This section may also be used to indicate which tools the team and community agencies will agree to use in strengthening and support the navigator response.

Special Considerations

Here, you may wish to delineate any region-specific aspects of the navigator's role, including their organization's role in the Safe Harbor response.

Intersections with Other Providers in the Response

You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

Tribal Communities

Role of Tribal Communities

Intergovernmental coordination between state, federal, and tribal governments is essential to the response to sexually exploited or trafficked youth. 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 and/or trafficked youth. However, there are a number of ways that Safe Harbor and tribal law intersect, including through state criminal jurisdiction and child welfare systems. The services provided under Safe Harbor are available to all tribal communities.

Community Specific Tools or Information

If the team would like to add additional tools or information, please add to this section. Inter-agency cross training on law enforcement specific topics may be a consideration. This section may also be used to indicate which tools the team and community agencies will agree to use in strengthening and support the law enforcement response.

If there are multiple tribal systems involved, you may wish to consider specific sections for each or including this information in each discipline section. You may wish to include information regarding Public Law 280 (if applicable), as well as other specifics regarding the law enforcement response and authority of the tribal communities in your region.

Special Considerations

American Indian people have experienced disproportionately high rates of sexual exploitation and sex trafficking since colonization. Historical government policies like forced removal, boarding schools, sterilization, and urban relocation have contributed to the generational trauma in the American Indian community. You may wish to include historical context, as well as information regarding the statistics of sexual exploitation and trauma, either specific to local tribal communities or statewide.

Intersections with Other Providers in the Response

You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

(Additional Disciplines)

Role of Discipline

You may wish to add additional disciplines or represented team agencies. For example, your team may want to include schools or adult protections. However, not all agencies need to have their own sections, as the parts of response chapters apply to all agencies working on the team. Work with your team members to choose if and whom to add additional representative overviews. Provide a one paragraph summary that specifies the role of the representative in the response. This should serve as a brief overview of the provider's work with victims/survivors.

Discipline Specific Tools or Information

This information should assume basic job compliance and should focus on any trafficking and exploitation-specific information or practices. This is to advance and refine rather than provide basic information.

Special Considerations

Intersections with Other Providers in the Response

You may wish to include information regarding key intersections between disciplines, as these intersections are often the source of breakdowns in the response and tensions within the multidisciplinary team.

Appendices and Additional Materials



This guidebook includes additional information regarding Safe Harbor that may be useful for training purposes or to provide resources to service providers. Teams may choose to include some or all of these addendums to their finished protocol. Additionally, teams may identify other resources or materials they wish to include.

Safe Harbor and No Wrong Door

Minnesota’s Safe Harbor law represents a paradigm shift in how our state views youth who have been sexually exploited, not as juvenile delinquents, but as victims and survivors. In 2011, Minnesota passed the Safe Harbor law, mandating that youth involved in selling or trading sex cannot be arrested for or charged with the crime of prostitution. Rather, exploiters –both traffickers and those who purchase sex– face increased penalties for their crimes. These important legislative changes were the first step to ensuring that perpetrators are held accountable and that victims/survivors of sexual exploitation and trafficking can access a path to recovery and healing. The state then underwent a three-year planning period, during which the Commissioner of Public Safety worked with stakeholders to create a victim-centered, statewide response for sexually exploited youth. Through a statewide multidisciplinary collaborative process, Minnesota developed one of the most comprehensive response models in the nation for responding to commercial sexual exploitation: “No Wrong Door.”⁶

The No Wrong Door Response Model creates a statewide infrastructure for service delivery, specialized housing and shelter, training for systems professionals, and the development of community-specific protocols across the state. It was founded upon a set of values and an overarching philosophy that recognize the impact of trauma on the lives and recovery of sexually exploited youth. The Model also acknowledges the need for specific service models and training for all systems professionals who serve youth. Most importantly, No Wrong Door promotes a victim-centered approach, affirming that most youth are capable of making decisions about their own recovery. The needs of youth cannot

⁶ Department of Public Safety, Office of Justice Programs, *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota’s Sexually Exploited Youth*, (January 2015), retrieved at [https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20\(FINAL\).pdf](https://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20(FINAL).pdf)

be effectively met without their own lived experience directly informing Safe Harbor training, service delivery, and protocol development.

No Wrong Door Principles:

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

Safe Harbor Legislative Timeline⁷

The Safe Harbor Law, passed in 2011, includes five key changes – three were effective immediately in 2011 while two additional changes went into effect in 2014. Since then, additional legislation was passed in 2016.

In 2011, Minnesota:

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

⁷ <http://www.health.state.mn.us/injury/topic/safeharbor/>

Effective August 1, 2014:

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

Effective July 1, 2016:

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

Glossary of Terms and Acronyms

Teams use many terms and acronyms in the course of their daily work. The team should provide any definitions or explanations of terms and acronyms in this section. Be sure to organize the terms such as by discipline, part of the response, or alphabetically.

Examples:

Buyer: *Someone who pays for or trades something of value (ex. money, shelter, food) for sexual acts.*

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

Exploiter: *A trafficker, facilitator, buyer, or other individual who perpetrates sexual exploitation.*

Harm Reduction: A technique for working with sexually exploited youth aimed at reducing the negative consequences associated with risky behavior, while recognizing that the youth may not be ready, willing, or able to end the behavior immediately (ex. clean needle programs for drug users are a type of harm reduction).

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 victims/survivors (unless otherwise noted).

They/Them/Their: Victims/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.

⁸ Note that the Minnesota Department of Health limits its Safe Harbor work to “minor commercial sexual exploitation,” a somewhat more narrow term.

Victim/Survivor: *Someone who has experienced sexual exploitation/trafficking. 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.*

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/trafficking, 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 victims/survivors extend through age 24, but protections against prosecution still end at age 18.*

Related Statutes

Criminal 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.

No force, fraud, or coercion required for youth or adults.

Child Protection Law

MN. Stat. § 626.556, subd. 2(n) and 3(e). Sex trafficking is a form of sexual abuse and child protection must investigate all reports regardless of the relationship between the alleged victim and the alleged offender.

MN. Stat. § 260B.007, subd. 6(c). Juvenile victims of exploitation and trafficking are now treated as victims, not perpetrators. Definition of “delinquent child” excludes child engaged in sex-for-hire.

MN. Stat. § 260C.007, subd. 6(11), 31. Definition of “child in need of protection or services” (CHIPS) includes “sexually exploited youth,” such as child engaged in sex-for-hire, involved in sexual performance (e.g., stripping or pornography), or “sex trafficking victim.”

Child Protection Investigative Protocols

The revised MN Department of Human Services bulletin #17-68-09C: Sex Trafficked Children and Youth Investigative Protocols is available at:

<http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs-293934.pdf>

Minnesota Human Trafficking Investigators Task Force (MNHITF)

The Task Force is led by the Minnesota Department of Public Safety Bureau of Criminal Apprehension (BCA). MNHITF is dedicated to targeting crimes committed by organized groups or individuals related to child sexual exploitation, sex trafficking with a focus on minors being trafficked, and labor trafficking. Agencies that elect to become members of the MNHITF assign at least one investigator full time to the task force and their offices are then housed at the BCA Headquarters in St Paul.

Agencies also have the option of becoming an Affiliate Member. Affiliate members do not assign an investigator to the MNHITF but their regular investigators work with the task force members as needed on cases of interest to both agencies. Both members and affiliates have access to the BCA’s equipment, analysts, and operations funds.

Local law enforcement (including non-affiliate agencies) can contact MNHITF for support with operations and investigations at whatever level is needed. MNHITF staff are able to assist in whatever capacity is necessary to produce a successful case to include everything from consultation to working a joint investigation.

MNHITF support is available 24/7 via the BCA operations center (651-793-7000). The operations center staff can either pass messages or information requests along to Task Force members to follow up on, or put callers in contact with someone right away if needed.

Additional Resources

Safe Harbor Protocol Guidelines

The Safe Harbor Protocol Guidelines were developed by the Ramsey County Attorney's Office in partnership with the Sexual Violence Justice Institute at the Minnesota Coalition Against Sexual Assault. The Guidelines are available online at: http://www.mncasa.org/wp-content/uploads/2018/07/Safe_Harbor_Protocol_Guidelines.pdf

Minnesota Safe Harbor Overview

Information about Minnesota's Safe Harbor law and response can be found on the Minnesota Department of Health website. An overview handout is available at:

<http://www.health.state.mn.us/injury/topic/safeharbor/docs/safeharborhandout2018.pdf>

Safe Harbor Services Map

Locations and contact information for all Safe Harbor Regional Navigators and service providers can be found at:

<http://www.health.state.mn.us/injury/topic/safeharbor/docs/safeharbormap.pdf>

Additional Addendums as Identified by Team

In this section teams should provide any additional information or addendums they have identified as necessary for a complete protocol. For example, some teams include a picture of the county with jurisdictions indicate or for multi-county teams, they include a picture of all counties served by the team. Other examples may include a flowchart for service providers of the inter-agency referral or criminal justice processes. Work with your team to decide on any additional information to be added to the protocol.

Sexual Exploitation and Trafficking 101



Definitions

Sexual exploitation has multiple definitions in state statute. Child Protection law defines the term as encompassing virtually any possible sexual crime involving anyone under the age of 18. The Minnesota Department of Health (MDH) focuses their definition on “commercial sexual activity,” in which sex with a minor is exchanged for something of value.⁹ A third party may or may not be involved. This is the definition most commonly used by systems and service providers across Minnesota.

Sex trafficking is a subset of sexual exploitation, wherein a third party is involved in the exchange. This third party may be profiting from the exploitation or involved in the recruiting, transporting, or advertising of the exploited person.¹⁰

Victims/Survivors

All youth have the potential to be victims of sexual exploitation and/or trafficking. Often, young people will not self-identify as exploited or trafficked. They may be uncooperative or even hostile to service providers. For a number of reasons, victims/survivors may not wish to leave their exploiter/trafficker, and there is often a lack of trust in the “system” to provide help or resources.

Vulnerability and Risk Factors

Any youth – of any background, age, or gender from any community – is at risk for exploitation. 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.

Additional risk factors include:

- History of abuse or neglect
- Disruptive and traumatic events during childhood
- Homelessness, running away, or abandonment by family

⁹ 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 the 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/>).

¹⁰ MN Statute 609.321 subds. 7, 7a, 609.322

- Pregnancy (or having young children)
- Truancy
- Having a disability or impaired cognitive function
- Communities of color
- LGBTQ+ youth
- Undocumented status
- Substance use
- Involvement with child welfare or juvenile justice systems
- History of foster care or out-of-home placement

Buyers

Buyers range widely in age, race/ethnicity, marital status, etc., but most tend to be men. Specifically, they tend to be men with the means (disposable income) to buy sex. There are some buyers who set out specifically to obtain sex from youth, but many are looking for a “younger” adult rather than a minor, or may target youth to lessen the chance of sexually transmitted infections. Some buyers fully understand the harm they are doing to victim/survivors, and some may be unaware or even think they are “helping” the youth by giving them money for sex.

Traffickers

Traffickers may operate alone or as part of a larger syndicate. They use a variety of “business models,” including escort services, brothels, massage parlors, street prostitution, and online solicitation.

Like buyers, traffickers come from a variety of backgrounds, and may include individuals who have a history of being exploited themselves. Traffickers may use victims/survivors to recruit or control one another, or by placing one victim/survivor in the role of “bottom bitch” or “main female.” This blurring of categories poses many complications for professionals.

Traffickers engage in a systematic process of recruiting, “breaking,” and controlling their victims. Although these methods vary, the process is generally the same.

Recruitment

Methods of recruitment vary widely, and include:

- Grooming
- Offering financial opportunity
- Providing resources
- Using physical and sexual violence
- Peer recruitment
- Familial recruitment

Recruitment occurs anywhere that young people gather. This may include parks, parties, schools, shelters, malls, bus stops, libraries, or detention centers. Recruitment also occurs on the internet, via social media and gaming, and via cell phone, including texts, calls, and apps.

Initiation/"Breaking"

There are various methods used by traffickers to "break" victims, including:

- Isolation
- Rape / Gang Rape / "Train"
- Sexual, physical, and emotional abuse / Torture
- Inducing or enabling a chemical addiction
- Pornography / blackmail
- New Name / Identity
- Exploiting feelings of worthlessness / damaged goods
- Threat of criminal prosecution or deportation
- Exploiting trauma bond – loyalty towards family or "boyfriend"

Barriers to Escape/Methods of Control

Victims of trafficking often have difficulty leaving their situation. Traffickers use a variety of methods to maintain control over victims:

- Continued use of "breaking" techniques
- Ongoing actual or threat of abuse / torture
- Making an "example" out of another victim
- Withholding money or identity documents
- Threats to family or children
- Causing and exploiting a pregnancy
- Pressure and guilt by playing the "friendship/ boyfriend" card

Identifying Exploitation

Exploitation is often hidden in plain sight, with survivors often unwilling to disclose on their own. There are many possible indications of exploitation occurring in the community, including:

- Back rooms or VIP suites in strip clubs
- Houses with frequent male visitors at odd or late hours
- Massage parlors that serve only male clients and have excessive security
- Young men or women entering a bar with a companion, who sits apart but monitors their actions
- Hotel guests that pay with pre-paid cards, carry little or no luggage, and have many visitors arriving and leaving at all hours

For those working directly with youth, a few possible indications of exploitation include:

- Sexual or romantic relationship with older partner
- Possession of money, cell phone(s), or other items without apparent ability to afford them
- Posting sexually explicit materials online
- Friends or family involved in trafficking or exploitation
- Attire that is inappropriate for the setting or weather
- Unusually hostile, anxious, or withdrawn
- Possession of pre-paid credit cards, hotel keys, and/or sex paraphernalia
- Runaway or truant
- History of sexual abuse
- Unexplained cuts, bruises or other injuries
- Sexually transmitted infections
- No identification or ID being held by another person
- Travel to certain locations known for exploitation or travel without apparent means to do so

