

Staff Information Paper

Sex Trafficking Questions

April 7, 2022

This information paper provides responses to questions raised at the March 10, 2022, Commission meeting. Information is based on 2015–2019 sentencing data on the felony sex trafficking offenses found in Minn. Stat. §§ 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking). Due to the COVID-19 health pandemic, 2020 data are considered to be atypical and are omitted.

For offense descriptions and rankings, please refer to the [sex trafficking review staff presentation](#) presented at the February 2022 Commission meeting.

Aggravated Sex Trafficking

First-degree sex trafficking (involving children) is ranked at severity level (SL) B. Second-degree is ranked at SL C. For aggravated sex trafficking, the Guidelines add 48 months to the presumptive duration of the basic first- or second-degree sex trafficking offense.¹

Presumptive Sentences: 48-Month Enhancement Modifier Versus Reranking at Higher Severity Level

A question was raised as to how existing Guidelines' presumptive durations would compare to reranking aggravated sex trafficking offenses at a higher SL.

Table 1, below, displays the presumptive durations for aggravated sex trafficking cases, with the additional 48 months added per current policy. For comparison, the table displays the presumptive durations if the offenses were reranked: At SL A (for both degrees) and at SL B (for second-degree only).

- For aggravated first-degree sex trafficking, the table highlights the longer duration between the current policy and reranking at SL A: The current policy is longer at criminal history scores (CHS) 1 through 4, but SL A would be longer at CHS 0, 5, and 6.
- For aggravated second-degree sex trafficking, the table highlights the longer duration between the current policy and reranking at SL B: The current policy is longer at criminal history scores (CHS) 0 and 1, but SL B would be longer at CHS 2 through 6.

¹ 2021 Minn. Sentencing Guidelines & Commentary, section 2.G.9. For attempts or conspiracies, 24 months are added.

- If reranked at SL A, however, aggravated second-degree sex trafficking’s durations would be longer at all CHS (bold).

Table 1. Presumptive Durations, in Months, for Aggravated Sex Trafficking, 48-Month Enhancement Modifier vs. Reranking

Aggravated Sex Trafficking	Criminal History Score	Presumptive Duration, Current Policy (+48 mo. modifier)	If Reranked at SL A	If Reranked at SL B
1st Degree (Now at SL B)	0	138	144	--
	1	158	156	--
	2	178	168	--
	3	198	180	--
	4	243	234	--
	5	303	306	--
	6	348	360	--
2nd Degree (Now at SL C)	0	96	144	90
	1	110	156	110
	2	124	168	130
	3	138	180	150
	4	165	234	195
	5	201	306	255
	6	228	360	300

Other Sentencing Modifiers in the Sentencing Guidelines

Guidelines section 2.G. establishes a number of modifiers to the presumptive sentence. Most modifiers have a statutory basis. Table 2 shows how modifiers affect the underlying offense’s presumptive sentence.

Table 2. Modifiers in Sentencing Guidelines Section 2.G

Guidelines Modifier	Modifies Underlying Offense’s Presumptive Sentence by ...	Guidelines Section	Minn. Stat. §	Statutory Treatment
Attempt or conspiracy (excluding drug conspiracies)	Half (but special grid for first-degree murder)	2.G.2 2.G.4 2.G.5 2.G.13	609.17 , 609.175 & 152.096	Stat. max. is halved (excluding drug conspiracies)
Solicitation of juveniles or mentally impaired persons	Half	2.G.3	609.494 & 609.493	Stat. max. is halved

Guidelines Modifier	Modifies Underlying Offense's Presumptive Sentence by ...	Guidelines Section	Minn. Stat. §	Statutory Treatment
Taking responsibility for criminal acts	Half	2.G.6	609.495, subd. 4	Stat. max. is halved
Offense committed in furtherance of terrorism	+50 percent	2.G.7	609.714	Stat. max. increases 50 percent
Prior DWI conviction with criminal vehicular homicide	+50 percent	2.G.12	609.2112	10-yr. stat. max. becomes 15-yr.
Criminal sexual predatory conduct	+25 percent (+50% with prior sex conviction)	2.G.8	609.3453	Stat. max. increases 25 percent (50% with prior sex conviction)
Assault motivated by bias	+25 percent	2.G.11	609.2233	Stat. max. increases 25 percent
Aggravated sex trafficking	+48 months (half for attempt/conspiracy)	2.G.9	609.322	20- & 25-yr. stat. maximums become 30-yr.
Crime for benefit of gang with ...	Presumptive commitment and ...	2.G.10	609.229	Mandatory prison commit
• child victim	+24 months (half for attempt/conspiracy)			Stat. max. increases 10 years
• adult/no victim	+12 months (half for attempt/conspiracy)			Stat. max. increases 5 years
Second or subsequent severe violent offense	+12 months (1 prior), +18 months (2 priors), or +24 months (3+ priors) (half for attempt/conspiracy)	2.G.14	None	N/A

Departure Rates and Reasons for Departure

At 32 percent, the five-year mitigated dispositional departure rate for sex trafficking cases was lower than the total rate for cases generally, and lower than the rate for other prostitution cases, but higher than the rate for every other offense on the Sex Offender Grid except Failure to Register as a Predatory Offender (FRPO). Among prison cases, the mitigated durational departure rate (39%) was higher than for many other types of cases. One second-degree case received an aggravated durational departure—300 months instead of the presumptive 228 months—on the grounds that the person was a career offender.

Table 3 displays the departure rates and the most frequently cited reasons for departure. Additionally, there were two second-degree cases that, in addition to receiving mitigated dispositional departures, received durational departures to gross misdemeanor sentences (not shown in Table 3). Table 4 displays the mitigated durational departure rates and the most frequently cited reasons for departure for prison commitment.

Table 3. Mitigated Dispositional Departures and Reasons, Sex Trafficking Cases, Sentenced 2015–2019

Sex Trafficking Offense	Number Cases	Mitigated Dispositions Percent (No. Cases)	Most Frequently Cited Departure Reasons for 44 Mitigated Dispositional Departures	Percent of Departures
Total 1st Degree	38	23.7% (9)	Amenable to Probation	66%
Aggravated	5	20.0% (1)	Amenable to Treatment	30%
Non-Aggravated	33	24.2% (8)	Shows Remorse/Accepts Responsibility	46%
Total 2nd Degree	100	35.0% (35)	Recommended by Court Services	16%
Aggravated	8	25.0% (2)	Crime Less Onerous Than Typical	16%
Non-Aggravated	92	35.9% (33)	Prosecutor Agrees/Recommends/Does not Object to Departure	64%
Total Sex Trafficking	138	31.9% (44)	<i>Prosecutor Objection Noted</i>	16%

Table 4. Mitigated Durational Departures & Reasons, Sex Trafficking Cases, Prison Commitments 2015–2019

Sex Trafficking Offense	Number Prison Commits	Mitigated Durations Percent (No. Cases)	Most Frequently Cited Departure Reasons for 37 Mitigated Durational Departures	Percent of Departures
Total 1st Degree	29	37.9% (11)	Crime Less Onerous Than Typical	62%
Aggravated	4	50.0% (2)	Shows Remorse/Accepts Responsibility	49%
Non-Aggravated	25	36.0% (9)	Prevent Trauma of Testifying to the Victim	35%
Total 2nd Degree	65	40.0% (26)	Prosecutor Agrees/Recommends/Does not Object to Departure	84%
Aggravated	6	0.0% (0)		
Non-Aggravated	59	44.1% (26)		
Total Sex Trafficking	94	39.4% (37)	<i>Prosecutor Objection Noted</i>	11%

Aggravated Sex Trafficking

Aggravated Offenses – Offense Characteristics

Minn. Stat. § [609.322](#), subd. 1(b), defines four factors that may aggravate sex trafficking offenses:

- The existence of a prior qualified human trafficking-related offense;
- A victim suffering bodily harm;
- Holding a victim for more than 180 days in debt bondage or forced labor or services; or
- The involvement of more than one victim.

Table 5 describes every aggravated sex trafficking case sentenced in a recent five-year time period. The apparent basis for the aggravating factor is denoted by “AGF.”

Table 5. Case Descriptions, Aggravated Sex Trafficking Cases Sentenced 2015–2019

Year Sentenced	County	Degree	Offense Description	Sentence
2019	Stearns	2nd	Report of drug use at hotel, found a female victim that said she was being trafficked, Police discovered defendant was renting other rooms in the area. AGF: Facebook search revealed that the defendant was engaging in sex trafficking with multiple victims within the same timeframe.	<ul style="list-style-type: none"> • Presumptive: 228 months • Got: 300 months • Aggravated duration • Reasons: career offender, prosecutor recommendation
2019	Stearns	1st	Investigator met with sex trafficking victim who advised that she was trafficked by the defendant. The defendant would take her phone to limit her contact with others. The sex trafficking victim said that if she refused to engage in prostitution she would be hit by defendant. The victim stated that the sexual encounters occurred at an apartment leased by Woods in the City of St. Cloud, MN. AGF: Bodily harm	<ul style="list-style-type: none"> • Presumptive: 240 months • Got: 240 months

Year Sentenced	County	Degree	Offense Description	Sentence
2017	Nobles	2nd	<p>An undercover officer investigated ads posted on Backpage.com. The undercover officer found an ad posted and agreed to meet. The sex trafficking victim stated that she had been brought to the residence by the defendant and that the defendant is her cousin. The defendant was arrested and brought to the Nobles County Jail. The defendant said the victim asked him to give her a ride to her house in Worthington and agreed to give him \$20.00 for this service. The defendant admitted receiving \$20 for driving the victim to the residence. The victim was unwilling to give any information about who placed the advertisements, where she had been staying, or who told her she had to go to the residence in Worthington.</p> <p>AGF: The defendant was on federal probation for promoting prostitution.</p>	<ul style="list-style-type: none"> • Presumptive: 228 months • Got: 48 months • Mitigated disposition and duration • Reasons: amenable to probation, plea agreement
2017	Washington	2nd	<p>Defendant had active felony warrant for burglary and was in possession of methamphetamine, Police found trafficking and narcotic content on his phone after obtaining a search warrant. The detective also observed text messages in the cell phone belonging to the defendant admitting he was a "Pimp" and that he was "running 6 girls". Detective arranged to meet up with sex trafficking victim and defendant dropped the sex trafficking victim off at the agreed location. The defendant was convicted of a felony "qualified human trafficking-related offense" in 2009. Law enforcement had identified at least one other victim of sex trafficking relating to defendant. The investigation into other victims is ongoing. Defendant was arrested and transported to the Washington County Jail. AGF: Multiple victims and previous sex trafficking offense, 6 victims.</p>	<ul style="list-style-type: none"> • Presumptive: 228 months • Got: 228 months

Year Sentenced	County	Degree	Offense Description	Sentence
2017	Ramsey	2nd	The defendant was arrested and subsequently charged with Sex Tracking and Promotion of Prostitution in regard to first victim in Washington County, Minnesota. During the investigation of this case, it was discovered that the defendant had trafficked another individual in the City of St. Paul, Minnesota. Search warrant was issued for the defendant's cell phone related to previous case, discovered pictures/profiles of phone numbers were linked to over 100 commercial sex advertisements, during interview defendant confirmed the sex trafficking victim was his ex-girlfriend, defendant wrote commercial sex advertisements for sex trafficking victim. The victim stated that the money she made from commercial sex customers went to bills and to paying for defendant's lifestyle and possessions and also indicated that the defendant was verbally abusive and manipulative but had also physically assaulted her. AGF: Previous trafficking case and bodily harm.	<ul style="list-style-type: none"> • Presumptive: 228 months • Got: 228 months
2017	Stearns	2nd	The sex trafficking was discovered when a concerned citizen called 911 to report that a frantic woman had come to her door and asked her to call police. Police Officers responded and located one of the sex trafficking victims at the concerned citizen's residence and stated she absconded from a treatment facility with another sex trafficking victim. The defendant took revealing photographs of both victims. The defendant gave the victims articles of her clothing to wear during the photos. These photos were used for advertisements for prostitution on Craig's List. The defendant later admitted through a Mirandized taped statement that she had been aware of the ongoing sex trafficking, that it had occurred at her residence, that she had given them clothes to wear during the photographs, and that she had sent messages to a friend with photos of both victims and noting that he could pay for sex with them. AGF: Multiple victims, 2 victims	<ul style="list-style-type: none"> • Presumptive: 124 months • Got: 139 months (top of range)

Year Sentenced	County	Degree	Offense Description	Sentence
2016	Stearns	2nd	Law enforcement planned to meet the sex trafficking victim near her apartment. The sex trafficking victim stated that she got started after meeting the defendant. She was working as a housekeeper at a hotel located in the City of St. Cloud when the defendant approached her. Defendant provided the sex trafficking victim with drugs. Victim stated that the defendant has other girls working for him. Defendant routinely gets girls hooked on drugs and gets them work for him. AGF: Multiple victims, 3 victims	<ul style="list-style-type: none"> • Presumptive: 228 months • Got: a consecutive sentence with a total of 324 months • No departure
2016	Ramsey	2nd	The first victim was able to positively identify the defendant as the man who had sexually assaulted her and tried to get her to work for him as prostitute. The second victim, police officers were called to the United Hospital Emergency Room on an aggravated assault complaint. On arrival, staff expressed concern that the patient had been dropped by the male that assaulted her (defendant). Staff was also concerned that the defendant had in his custody the three—year—old child of the victim. The injuries were caused when the defendant struck the victim with a closed fist, submerged her head into the water while choking her. The defendant injured the victim's left rib The defendant required the victim to respond to out-calls and used her small child as a hostage to compel cooperation. The victim reported that the defendant used physical force and intimidation to control her. Police prepared and executed a valid search warrant at the defendant's residence. In the course of the search, police found numerous e-mail address used to create Backpage.com advertisements which were placed in the escort section, section commonly associated with prostitution. Originally charged with AGF of multiple victims. Amended. AGF: Multiple victims and bodily harm, 3 victims.	<ul style="list-style-type: none"> • Presumptive: 231 months • Got: a consecutive sentence with a total of 700 months • No departure

Year Sentenced	County	Degree	Offense Description	Sentence
2016	Stearns	2nd	The sex trafficking was discovered when a concerned citizen called 911 to report that a frantic woman had come to her door and asked her to call police. This woman stated that she had been trafficked by a male and female at a nearby residence and that another woman was still inside the residence. Police Officers responded and located one of the sex trafficking victims at the concerned citizen's residence and stated she absconded from a treatment facility with another sex trafficking victim and were picked up by the defendant and another male. One of the victims met the defendant through social media while she was at a treatment facility. The other victim stated that the defendant had taken sexual and revealing photos of her and placed those photos in ads on Craigslist. The victim stated that the defendant had kept all the money from her acts of prostitution. The defendant provided one of the victims with methamphetamine and other drugs. AGF: Multiple victims, 2 victims.	<ul style="list-style-type: none"> • Presumptive: 231 months • Got: 252 months (within range)
2015	Ramsey	1st	An undercover officer texted the contact phone number listed in Backpage.com, Arrangements were made for the undercover officer to meet the sex trafficking victim at 12:30 p.m. The defendant was in the driveway area when the officer arrived at the location. The sex trafficking victim was later identified as a 17-year-old who appeared from behind the white SUV. The defendant and each co-conspirator are in a sex trafficking ring and have been collectively involved in the solicitation, promotion, and trafficking of multiple underage girls. The defendant managed specific sex trafficking victims, but worked together in posting advertisements for sexual services, providing protection and transportation for johns, sharing Visa vanilla gift cards for payment of Backpage.com escort section advertisements, and receiving profits derived from their sex trafficking organization. The defendant took the underage victims to Racine, Wisconsin, Milwaukee, Wisconsin and Chicago, Illinois. The girls were required to respond to Backpage.com advertisements, doing in-calls and out-calls while on this trip, as well as walk the streets. AGF: Multiple underage sex trafficking victims, 6 underage victims.	<ul style="list-style-type: none"> • Presumptive: 178 months • Got: 111 months • Duration is below the presumptive range for aggravated 1st degree, but at bottom of range for 1st degree. • Not reported or coded as a departure • There may have been some confusion, either at the court or at MSGC, as to whether or not this was an aggravated offense.

Year Sentenced	County	Degree	Offense Description	Sentence
2015	Ramsey	1st	An undercover officer texted the contact phone number listed in backpage.com, Arrangements were made for the undercover officer to meet the sex trafficking victim at 12:30 p.m. The defendant was in the driveway area when the officer arrived at the location. The sex trafficking victim was later identified as a 17-year-old who appeared from behind the white SUV. The defendant's phone number was used for multiple Backpage advertisements. The defendant managed specific sex trafficking victims, but worked together in posting advertisements for sexual services, providing protection and transportation for johns, sharing Visa vanilla gift cards for payment of Backpage.com escort section advertisements, and receiving profits derived from their sex trafficking organization. Evans would control girls working for him by verbal intimidation, hitting them in the legs, and providing drugs. The defendant took the underage victims to Racine, Wisconsin, Milwaukee, Wisconsin and Chicago, Illinois. The girls were required to respond to Backpage.com advertisements, doing in-calls and out-calls while on this trip, as well as walk the streets. AGF: Multiple underage sex trafficking victims, 6 victims and bodily harm.	<ul style="list-style-type: none"> • Presumptive: 300 months • Got: 240 months • Mitigated durational departure. • Reasons: prevent trauma to victim from testifying, save cost of a trial, plea agreement.
2015	Ramsey	1st	An undercover officer texted the contact phone number listed in Backpage.com, Arrangements were made for the undercover officer to meet the sex trafficking victim at 12:30 p.m. The defendant was in the driveway area when the officer arrived at the location. The sex trafficking victim was later identified as a 17-year-old who appeared from behind the white SUV. The defendant's email address was used for multiple Backpage advertisements. AGF: Multiple underage sex trafficking victims, 6 victims.	<ul style="list-style-type: none"> • Presumptive: 178 months • Got: 96 months • Mitigated durational departure. • Reasons: prevent trauma to victim from testifying, recommended by court services, plea agreement

Year Sentenced	County	Degree	Offense Description	Sentence
2015	Ramsey	1st	An undercover officer texted the contact phone number listed in Backpage.com, Arrangements were made for the undercover officer to meet the sex trafficking victim at 12:30 p.m. The defendant was in the driveway area when the officer arrived at the location. The sex trafficking victim was later identified as a 17-year-old who appeared from behind the white SUV. The defendant managed specific sex trafficking victims, but worked together in posting advertisements for sexual services, providing protection and transportation for johns, sharing Visa vanilla gift cards for payment of Backpage.com escort section advertisements, and receiving profits derived from their sex trafficking organization. The defendant initially solicited the sex trafficking victims for prostitution. AGF: Multiple underage sex trafficking victims, 6 victims.	<ul style="list-style-type: none"> • Presumptive: 138 months • Got stayed 156 months (top of range) • Mitigated dispositional departure. • Reasons: amenable to probation, amenable to treatment, shows remorse/accepts responsibility • Prosecutor objected to departure

Note: Offense descriptions are MSGC staff summaries of facts as alleged in criminal complaints. Not all alleged facts may have been proven.