

Criminalizing Survivors of Domestic Sex Trafficking: A Threat to Healing and a Barrier to Recovery from Trafficking

Health implications of criminalization of survivors
at each stage of domestic sex trafficking

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Domestic Sex Trafficking in the United States

ACTION

Induce
Recruits
Harbors
Transports
Provides
or
Obtains

MEANS

Force
Fraud
or
Coercion

PURPOSE

Commerical
Sex
(Sex Trafficking)
or
Labor/Services
(Labor
Trafficking)

- Traffickers target individuals with vulnerabilities to facilitate dependency:
 - Risk factors include: homelessness, runaway status, substance use, low SES & poverty, child welfare system involvement, low education attainment,
- Due to systemic oppression, trafficking:
 - Disproportionately impacts Black and Indigenous people and people of color
 - Disproportionately impacts LGBTQIA+ community
 - Disproportionately impacts disabled folks
- 90% identify as female

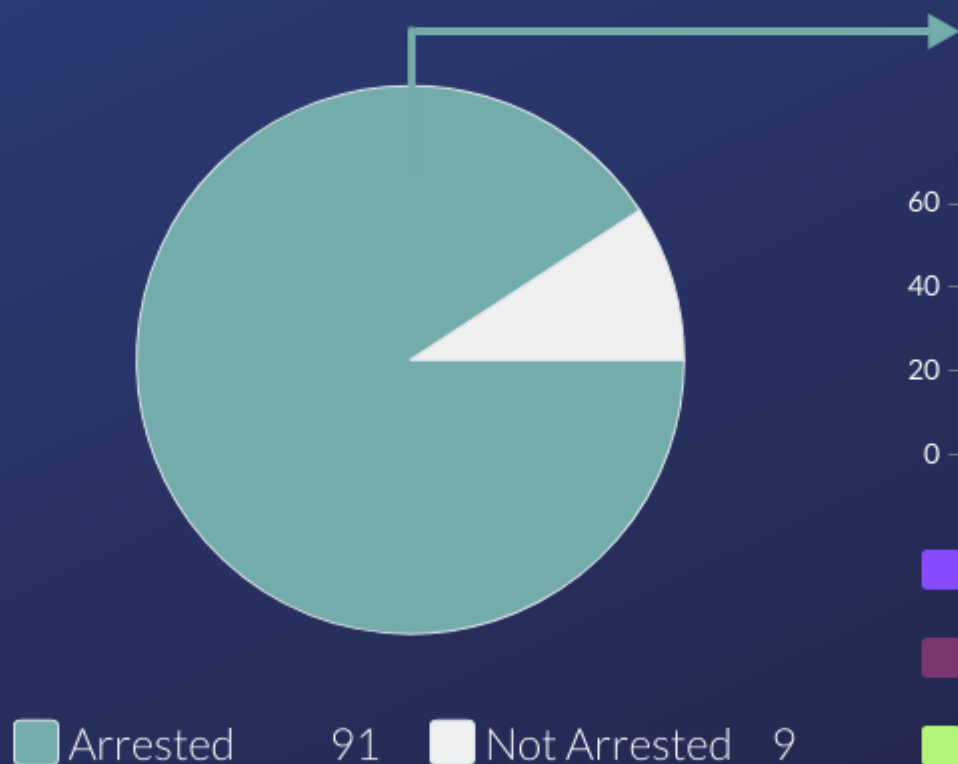
Domestic Sex Trafficking and Related Issues

GREY AREAS OF DEFINITIONS

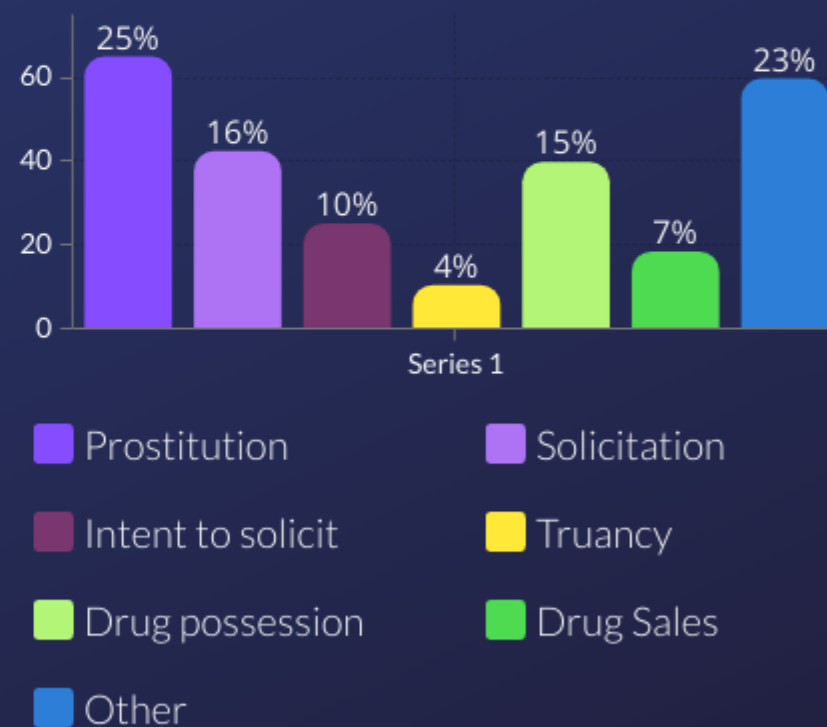
- Intimate partner violence (IPV) and sex trafficking
 - Similar power & control tactics
 - Use of emotional/romantic bonds to facilitate trafficking
- Child Sexual Exploitation (CSE) and sex trafficking
 - Legal definition of sex trafficking: anyone under 18 engaging in commercial sex is a trafficking victim
- Agency in identification & recognition of grey areas
 - Some individuals who meet legal definition of trafficking do not self-identify as such; some individuals may not meet legal definitions but have been exploited
- Prioritize how an individual self-identifies

Criminalization of Trafficking Survivors

- 90.8% of trafficking survivors have been arrested
 - 50.6% reported that all arrests were directly related to trafficking experience
 - 25.3% reported that arrests were not related to trafficking experience



Types of Charges



- Data gathered from National Survivor Network Survey 2016; 130 human trafficking survivors:
 - 72 sex trafficking victims
 - 6 labor trafficking victims
 - 9 both sex and labor trafficking victims

Stages of Trafficking

Recruitment

Individuals are contacted and groomed for trafficking purposes

Detention

An individual has restricted freedom resulting from punitive regulations by state or federal authority

Integration/Re-Integration

Survivors integrate into a new community (integration) or previous home community (re-integration)

Exploitation

Victims perform commercial sex acts for the financial gain of their trafficker, often due to force, fraud or coercion, and usually experience additional abuse

Initial Exit

The process of leaving trafficking

Re-trafficking

Survivors who have exited trafficking may be trafficked again

Recruitment

Amorphous stage where the cycle of criminalization, trafficking and health implications emerges



Exploitation

When risk of criminalization is highest, trafficking victims are fearful of law enforcement and by extension, accessing medical & social services

→ This creates and exacerbates health problems

Survivors report being acutely aware of their criminalization by justice system actors:
Re-traumatization at the moment of arrest
Disrespectful treatment by officers

- Verbal discrimination
- Harassment
- Sexual abuse

Compound trauma of trafficking experience

Do not contact police when in danger

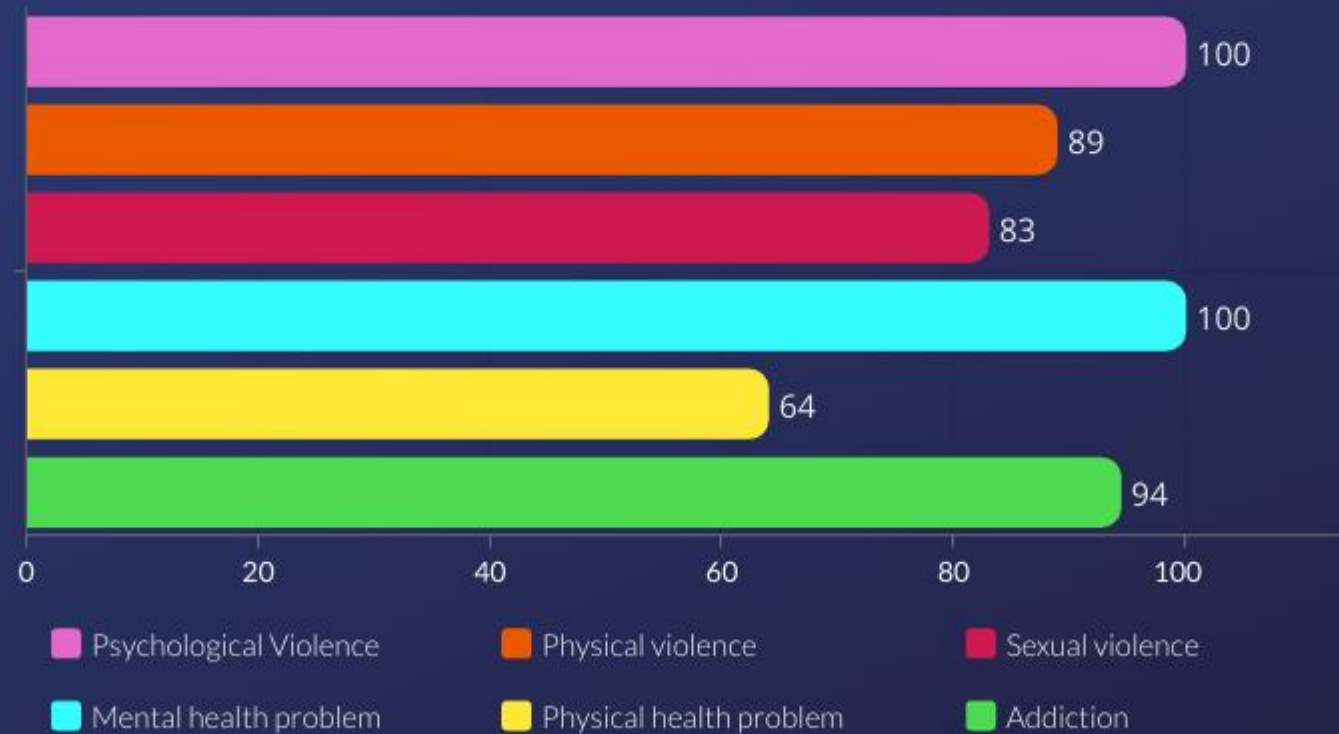
Denied medical services due to discrimination

Fear of arrest & discrimination when seeking/during medical treatment & social services

Inadequate safety & medical services

Exploitation

Yet these individuals face health issues
at alarming rates



Detention

Incarceration & restricted freedom enforced by government systems pose general health risks & unique threats on wellbeing to survivors

- Heightened risk for serious physical injury & psychological trauma
- Restrictive environment: retraumatizing
- Survivor vulnerability increases:
 - Financial & emotional reliance on relationship with intimate partner increases with arrest

Initial Exit

Two main challenges to initially exiting trafficking are exacerbated by criminalization

1 Reliance on trafficker

Criminalization decreases access to basic needs & housing

2 Exploiters leverage control to prevent trafficking

Criminalization: new weapon of power & control

Threaten to report to probation officer & jail time

Survivors report decreased autonomy
decreased ability to speak freely

Note: Lack of housing is recognized to create new health problems, exacerbate existing ones, disrupt recovery processes

Integration

Criminal records act as a barrier towards the three components of survivor recovery

1 Ability to move on from trafficking

- Reminder of trafficking experience
 - Forced to retell and repeat story
- Source of internalized shame & confusion

2 Find Autonomy

- Records act as roadblocks to housing, employment, education, & job training
- Time lost in industry from trafficking & incarceration
 - Isolation from support networks

3 Be empowered through fulfilling self-defined goals

- After time and effort spent towards recovery, criminal records alone prevent survivors from attaining their dream jobs

Re-Trafficking

Criminal records simultaneously act as a barrier to recovery
& act to facilitate re-trafficking



This occurs through the increased vulnerabilities criminal records ensure, child custody determinations & stigma that combats positive sense of self

Length of time in trafficking is a stronger predictor of negative health outcomes than access to health services.

Improve Record Relief

These findings underscore the need to make record relief more accessible for survivors of sex trafficking.



■ Unable to clear record 75

■ Able to clear record 25

Common flaws:

- Lack of comprehensive relief
- Burden of proof
- Time limitations
- Appearance in court & lack of confidentiality

New Approaches to Anti-Trafficking

Current anti-trafficking efforts rely primarily on the criminal justice system. We point to centering survivor perspectives and holistic, human rights based approaches.

- Center survivor experience in efforts to combat trafficking
- Reimagining support: Move away from services that rely on legal definition of victimization
- Create & maintain multi-agency collaborations



Health Research Directions

The experience of criminalization and resulting criminal records have direct & indirect health implications for sex trafficking survivors that go largely unaddressed in health research

Future research should:

- Empirically investigate how criminalization during exploitation impacts coping, may be internalized, and how this influences healing
- Consider involvement with the criminal justice system as a variable in empirical health research
- Extend study to labor trafficking & foreign trafficking

Thank you!

We are grateful for the perspectives of survivors which played a vital role in our research

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...and thank you for your time today! Please feel free to contact us with any questions @

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