



Comparing Narratives of Justice

How Survivors, Criminal Justice Stakeholders, and Service Providers Perceive Justice in Human Trafficking Cases

Hanna Love, Jeanette Hussemann, Lilly Yu, Evelyn McCoy, and Colleen Owens

March 2018

Criminal justice stakeholders, including law enforcement and prosecutors, face challenges in understanding, identifying, and responding to human trafficking cases. Past research shows that criminal justice stakeholders often harbor misconceptions about human trafficking and may view survivors as “illegal immigrants” or as complicit in their victimization, conflate trafficking with undocumented migration and prostitution, and hold negative stereotypes toward survivors. Despite this, little is known about how criminal justice stakeholders perceive their work on human trafficking cases and how they conceptualize “justice” for survivors. To improve criminal justice responses to trafficking, it is important to understand how those tasked with responding to human trafficking cases understand justice and how their understandings either fit with or diverge from those of survivors.

The Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors study is the first to ask survivors, criminal justice actors, and service providers how they perceive survivor interactions with the justice system and how they define justice in human trafficking cases. A key finding is that most human trafficking survivors do not desire traditional retributive justice remedies, such as incarceration and punishment, and instead view justice as preventing their traffickers from doing more harm. Criminal justice stakeholders, on the other hand, view justice in terms of successful prosecutions, even when they recognize and sympathize with survivors’ critiques of the justice system. Drawing from qualitative interviews with 100 law enforcement officers, prosecutors, and service providers and 80 survivors of sex and labor trafficking in across eight diverse metropolitan sites in the US, this brief

documents stakeholders' perceptions of justice to understand how they align or diverge with those of survivors and how any noted discrepancies may influence policy and practice.

The Criminal Justice Approach to Human Trafficking

The criminal justice system tasks justice system actors with identifying, classifying, and responding to human trafficking cases (Jordan 2002). This is the dominant approach to addressing human trafficking in the United States despite a growing body of research that suggests that criminal justice actors often lack the knowledge needed to adequately respond to these cases.

Studies suggest that criminal justice stakeholders are largely unaware of the prevalence and nature of human trafficking, which impedes their ability to identify and respond to survivors. Law enforcement officers and prosecutors often assume that human trafficking is not a local problem and thus does not need to be addressed within their communities (Farrell, Pfeffer, and Bright 2015). Surveys of state and local prosecutors reveal that 68 percent do not consider human trafficking to be a problem in their jurisdictions (Clawson et al. 2008), and over 70 percent of local, county, and state law enforcement agencies perceive human trafficking as rare or nonexistent in their communities (Farrell, McDevitt, and Fahy 2008). Studies also show that law enforcement and prosecutors struggle to understand the nature of trafficking itself and are often uncertain how to distinguish between consent and coercion in trafficking cases (Farrell and Pfeffer, 2014). Additional research has found that when criminal justice actors do respond to cases of human trafficking, their focus is limited to a single form of trafficking (i.e., the sex trafficking of US citizen children) (Farrell, Pfeffer, and Bright 2015). Further, law enforcement officers often believe trafficking is the same as sex work and are likely to use traditional vice investigative strategies (such as undercover sting operations) that may result in the arrest and retraumatization of survivors (Farrell, Pfeffer, and Bright 2015).

Research also indicates that some criminal justice stakeholders harbor misconceptions and stereotypes about human trafficking survivors that may prevent them from properly identifying and responding to cases. Qualitative studies reveal that law enforcement officers' perceptions of human trafficking are based largely on media portrayals and often conform to popular myths (Farrell, Pfeffer, and Bright 2015). Criminal justice stakeholders may view human trafficking survivors as "illegal immigrants" or complicit in their own victimization, conflate trafficking with undocumented migration and prostitution, and hold negative views toward survivors of trafficking, particularly those who do not fit their perception of an "ideal victim" (Aronowitz 2003; Farrell, Owens, and McDevitt 2013; Farrell, Pfeffer, and Bright 2015; Jordan 2002; Pourmokhtari 2015; Srikantiah 2007). Findings also indicate that prosecutors who are unsure about the credibility of a survivor may rely on stereotypes about appropriate victim behavior and incorporate their judgements on the survivor's race, class, and gender instead of relying strictly on legal assessment of their case (Farrell, Owens, and McDevitt 2013).

BOX 1

Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors

This brief is one of four products from the Urban Institute’s Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors study. Recognizing the underrepresentation in the field of justice system actors’ perceptions of justice, this study asks the following questions:

- What are human trafficking survivors’ perceptions of justice in their cases?
- What are human trafficking stakeholders’ perceptions of justice?
- What are survivors’ experiences with the criminal justice process?
- What alternative forms of justice may survivors desire?

This brief presents the study’s findings on **human trafficking stakeholders’ perceptions of justice**. Findings related to survivor responses and alternative forms of justice can be found on the study’s project page, urban.org/perceptionsjustice.

Methodology

This brief analyzes criminal justice stakeholders’ and service providers’ perceptions of justice in their human trafficking cases and compares them with survivors’ perceptions of justice. It relies on data from in-depth, semistructured interviews conducted between July 2016 and May 2017 with 80 human trafficking survivors and 100 human trafficking stakeholders in eight diverse metropolitan sites in the US (two in the Northeast, three in the West, two in the South, and one in the Midwest).¹

To recruit survivor respondents, we worked closely with a human trafficking service provider in each site. To recruit stakeholder respondents, we used direct outreach and targeted stakeholders with direct human trafficking case experience. Confidential interviews ranged from 30 minutes to over two hours long, with most lasting approximately one hour. The majority were conducted in person and audio recorded. All recordings were professionally transcribed, and the research team coded and analyzed the data using NVivo, a qualitative analysis software.

For this brief, we focused on our analysis of stakeholder responses to questions regarding their **perceptions of justice** in their human trafficking cases. We asked variations of the following questions:

- What is your primary goal when working on human trafficking cases?
- In reflecting on the trafficking cases that you have worked on, do you believe justice was served?
- How do you define a successful outcome for your clients?
- Can you tell me how your organization defines justice for survivors of human trafficking?

Table 1 displays the professional roles of stakeholders interviewed. Half our sample was made up of social or legal services providers. Criminal justice stakeholders were the second-most-represented stakeholder type.

TABLE 1
Stakeholder Respondents by Profession

	n	%
Law enforcement officers	20	20%
Prosecutor's office	18	18%
Judiciary	3	3%
Defense attorney	1	1%
Pretrial	1	1%
Service providers	50	50%
Noncriminal justice government official	1	1%
Advocates	6	6%
Total	100	100

Although this brief focuses primarily on findings from stakeholder interviews, it frames our findings in light of insights learned from survivor interviews. Our survivor sample (n=80) included slightly more survivors of labor trafficking (n=45) than sex trafficking (n=29). Fifty-five percent of the sample (n=44) had participated in a criminal case during the investigation or prosecution phase. Notably, more than a third of our sample (n=28) had prior criminal justice involvement as a defendant in their own case. Of our sample, 72 percent of sex trafficking survivors and 16 percent of labor trafficking survivors had prior involvement as a defendant. The sample included more women (n=55) than men (n=24), and most respondents (n=44) were between the ages of 25 and 44. The largest share of respondents identified as Latinx (n=32), and most survivors were born outside the United States (n=58).² At the time of their interview with our research team, the vast majority of respondents (n=76) had legal authorization to live in the United States (e.g., through citizenship, permanent residence status, continued presence, or immigration relief such as T and U visas). Although survivors were originally from a range of geographical regions, the largest proportion of respondents was interviewed in the West (n=27), followed by the Northeast (n=23), South (n=22), and Midwest (n=8).

BOX 2

Key Findings from Survivor Respondent Interviews

This brief focuses on stakeholders' perceptions of justice, but it is important to understand how their perceptions compare with those of survivors. More detailed findings from survivor interviews can be found in "Justice in Their Own Words" (Love et al. 2018), but key takeaways include the following:

- Survivors' perceptions of justice are shaped by their trust in the American criminal justice system. Domestic sex trafficking survivors reported high levels of distrust in and negative perceptions of system actors, whereas foreign-born survivors had more trust in the US justice system.

- Survivors of both sex and labor trafficking did not endorse traditional forms of retributive justice (such as incarceration) for their traffickers and instead felt justice could be better achieved through prevention rather than punishment. Ultimately, they defined justice as preventing others from harm but did not think the criminal justice system could accomplish this.
- Survivors' perceptions of justice for themselves differed from their desired outcomes for traffickers and most commonly centered on their ability to "move on" from their trafficking experiences and achieve autonomy and empowerment through accomplishing self-defined goals.
- Survivors offered recommendations for how criminal justice actors can improve their handling of human trafficking cases: adopting more compassionate approaches, ending the criminalization of survivors, hiring more diverse law enforcement agents, and improving training for system actors.

Both Survivors and Stakeholders Were Skeptical of the Justice System's Ability to Help Survivors Heal

A key finding from the Perceptions of Justice study is that human trafficking survivors often lack trust in the criminal justice system's ability to remedy the harm caused by trafficking (Love et al. 2018). Most criminal justice stakeholders and service providers agreed with survivors on this point and had limited trust in the justice system's ability to help survivors heal and satisfy their needs for justice. Stakeholders recognized that most survivors do not want to engage in investigations and prosecutions and acknowledged that the criminal justice system is often not structured to facilitate survivor recovery. Criminal justice stakeholders, however, believed the justice system played a vital role in protecting the public from traffickers. This differed from survivors, who did not believe the system could truly prevent further harm. Ultimately, stakeholders' views on the criminal justice system were influenced by their professional obligations, but most did not expect the justice system to be responsive to survivors' needs.

Law Enforcement Officers and Prosecutors Recognized Flaws in the Justice System's Response to Trafficking

Qualitative interviews with survivors show that their primary critiques of the criminal justice system were limited trust in justice system actors; mistreatment and criminalization by law enforcement; limited understanding of US criminal justice processes; and uncertainty over whether incarceration can remedy harm (Love et al. 2018). Criminal justice actors acknowledged many of the same critiques regarding justice system processes: law enforcement officers were most likely to discuss survivors' past negative experiences with law enforcement, and prosecutors were most likely to discuss challenges inherent to the structure of the justice system (including its tendency to retraumatize survivors and its inability to meet their needs).

PAST NEGATIVE EXPERIENCES WITH LAW ENFORCEMENT

When asked about survivors' engagement with criminal justice processes, law enforcement officers discussed how survivors' past negative experiences with officers, such as not being seen as a victim or being arrested for activities related to their trafficking experiences, functioned as barriers to their engagement with criminal justice processes. Officers rarely spoke about their own negative interactions with survivors but understood that survivors' prior arrest histories and previous negative interactions made them less likely to view the criminal justice system positively. These discussions mostly involved sex trafficking cases, as the vast majority of law enforcement officers we interviewed worked primarily on domestic sex trafficking.

The biggest barrier is that initial meeting, where they've most likely have had very negative past experiences with law enforcement. (Site 2, law enforcement officer 1)

I just think a lot of these girls have been through the wringer for so long that the last thing they wanna do is have any type of relationship with the police. (Site 3, law enforcement officer 3)

Some law enforcement stakeholders communicated the need for law enforcement agencies to shift their practices to be more respectful to survivors. These critiques primarily applied to investigative techniques, such as raids, that reduce trust between law enforcement and survivors.

Most of the times that local police will come in contact with the victims is probably through some type of sexual assault or a local search warrant on a massage parlor or a house of prostitution. Right away, they just automatically assume that all of these women—or I guess it could be men—are there of their own free will. They don't sympathize with them. I think it's just a social stigma that's placed on prostitutes, which is sad. ...Trying to get local law enforcement to not stigmatize them as just prostitutes or drug addicts or people that aren't worthy of their attention. ...It's hard to overcome that because of the volume that they see. Some of the areas in the city are just completely drug infested. There's just no time for sympathy. (Site 3, law enforcement officer 1)

The vast majority of local, state, and federal officers were aware of survivors' prior negative experiences with law enforcement and viewed them as a primary flaw in the justice system's ability to help survivors recover. This aligned with findings from our survivor interviews, which demonstrated that many survivors, particularly domestic sex trafficking survivors, do not trust system actors or desire traditional criminal justice remedies because of past experiences with system actors (Love et al. 2018).

RESPONDING TO SURVIVORS' NEEDS

Prosecutors also discussed the barriers survivors face when engaging in criminal justice processes, but they were more likely than law enforcement officers to relate these challenges to the structure and nature of the criminal justice system itself. They believed the system's metrics of success (i.e., successful prosecutions) are often incompatible with survivors' needs. They considered strict sentences and harsh punishments vital for public safety but ultimately unhelpful for most survivors' recovery.

I found, over the years, prosecution usually does not give victims what they want or need. They can have a home and give a life sentence, and [it] doesn't change how victims feel when they wake up. I don't expect the system to give what victims want and need as long as it's done fairly. (Site 4, prosecutor 2)

It's like I just increasingly feel that the criminal justice system—it's just not really true that if you suffered some—if you've been the victim of a crime—then having that person punished for it makes you whole. It punishes that person and tells them that they can't do it and holds them accountable, but can you really undo a harm like rape? Can you really just undo the harm by saying that it was bad what you did? I doubt it. (Site 8, prosecutor 1)

I just feel like constantly being reminded of their involvement in the criminal justice system is not helpful to their recovery. It's stressful. ...I really prefer that, to the extent they can, they focus on their own well-being and recovery and not worry about what's happening with the defendant. (Site 4, prosecutor 1)

Ultimately, both prosecutors and law enforcement officers were skeptical of the justice system's ability to facilitate survivor recovery but understood their professional roles as integral for public safety and accountability, and not for providing survivor support. This skepticism revealed similarities in survivors' and criminal justice stakeholders' views on the justice system and points to the need to identify alternative mechanisms outside criminal justice approaches to help survivors heal.

Service Providers Were Critical of the Justice System's Tendency to Arrest and Retraumatize Survivors

Human trafficking service providers, regardless of their clients' primary victimization types, also had limited trust in the justice system's ability to respond to and support survivors' needs. They often believed the goals of the system were incompatible with survivors' recovery and critiqued aspects of justice processes, including the amount of time required to pursue criminal justice outcomes, how system actors criminalize or mistreat clients and their failure to properly identify survivors, and the retraumatization survivors experience when assisting with investigations and prosecutions. These findings were consistent across service providers who worked with sex and labor trafficking survivors.

Service providers also believed justice system processes were often too convoluted and lengthy to facilitate survivor recovery and might instead lead to retraumatization.

[The criminal justice process] is so long. When you're working with, specifically, trafficking victims, usually they are, to law enforcement, discovered within the investigation process. Then they have to finish their investigation, and then it's gonna go to grand jury, and then maybe they're indicted. Maybe there's a warrant, and then they get arrested, and then there's all these dispositional conferences. Trial is a year away, and that person is trying to move on, and they're constantly being brought back to the victimization and having to talk about it over and over again. That's not helping them move forward. I don't say that from my own point of view. It's what I've heard from them. (Site 2, service provider 1)

Service providers also critiqued justice system actors' failure to identify survivors as trafficking victims, an oversight that often leads to arrests and criminalization for actions related to their trafficking experiences. All respondents agreed that criminalizing survivors reduced their trust in the justice system and decreased their interest in engaging in traditional criminal justice processes.

A trend that I'm seeing with foreign-born victims [is] that they've had interactions with law enforcement before trying to get help. The trafficker may speak more English, and the officer

doesn't speak any Spanish or their native language, so they don't have the opportunity to talk about what's really going on and that it was more—they might have hit them with the beer bottle because she was defending herself, but instead of the trafficker getting apprehended, it was the victim. (Site 5, service provider 1)

They don't care that she has—I mean, she has an adult prostitution charge. They don't care that she don't live there. They don't care that she was just a kid. They don't care that she's been exploited and that her pimp has active human trafficking charges. (Site 6, service provider 5)

Most service providers did not believe the criminal justice system could provide true justice for survivors and instead hoped they could access resource-based and economic strategies such as public benefits, housing, or educational assistance.

[Survivors] wanna know where there's justice for every cop who let them go for a blowjob. Where's the justice for every buyer that said they were gonna do one thing and did something else? How do you contextualize justice in a context where there is such a deep level of exploitation, minute by minute in their life, that we come along and make some big grand case against their trafficker and they're like, "Okay"? ...I think that a sense of justice would look like people have economic strategies available to them, that they can engage them, that don't hurt them. (Site 8, service provider 5)

Findings regarding the justice system's ability to support human trafficking survivors are consistent across respondents, with some nuances based on their professional roles. But prosecutors, law enforcement officers, service providers, and survivors all doubted the system's ability to help survivors' recovery and meet their needs.

BOX 3

Key Findings: Stakeholders' Perspectives on the Criminal Justice System

- Echoing survivors' critiques of the justice system, most law enforcement officers recognized that criminalizing survivors for actions related to their trafficking experiences reduced their trust in the justice system and acted as a barrier to them participating in investigations.
- Prosecutors did not believe the justice system alone could help survivors heal, often because of the nature of its processes and the retraumatization it subjects survivors to.
- Service providers were also critical of the lengthy nature of criminal justice processes, how system actors fail to identify survivors, and the criminalization of survivors for actions related to their trafficking experiences.

Criminal Justice Stakeholders and Survivors Differed in Their Definitions of Justice

Survivors defined justice in terms of preventive remedies rather than endorsing traditional retributive justice models, like incarceration. They wanted to prevent their traffickers from inflicting harm on others but often did not believe the criminal justice system could accomplish this (Love et al. 2018). Criminal justice stakeholders differed in this regard; their perceptions of justice more closely mirrored their professional obligation to the justice system.

For Criminal Justice Actors, “Justice” Means Successful Prosecution

Although prosecutors and law enforcement officers expressed doubts that the justice system could meet *survivors’* needs, they felt that it adequately met *public safety* needs and overwhelmingly defined justice as holding traffickers accountable through criminal prosecution. But they often also mentioned the importance of supplementing criminal justice processes by connecting survivors with services and treatment. These findings apply primarily to sex trafficking cases, as the vast majority of criminal justice stakeholders we interviewed worked mostly on sex trafficking cases.

Justice, for me, in a sex trafficking case will be the trafficker and the johns—the buyers, as many as we can identify—are sentenced and prosecuted successfully. ...As long as possible. I think a life sentence is appropriate in these cases. Then also, your victim is sort of restored. (Site 6, law enforcement officer 4)

I think success is multifaceted. Obviously, you want that offender to be held accountable. That’s the traditional prosecution system. I think, too, is obviously we want improved well-being of your victim. (Site 6, prosecutor 2)

Justice, for me, would be a prosecution, or at least indicting the person that’s performing. But also another end of justice is actually finding the benefit for the victim. (Site, 1 law enforcement officer 1)

Criminal justice stakeholders’ definitions of justice acknowledged survivors’ challenges with the justice system without diminishing their own professional commitment to the criminal justice approach. They recognized that the system could not necessarily facilitate survivors’ healing but felt that survivors could be connected with services to fill this gap. This was in line with survivors’ desires to access resources and stability but differed from survivors’ ultimate understanding of justice; most survivors did not believe the criminal justice system could bring about true “justice” and protect others from harm (Love et al. 2018).

For Law Enforcement, “Justice” Includes Survivors Ending Engagement in the Commercial Sex Industry

Although law enforcement officers believed that successful prosecutions form the foundation of justice, their definitions also included convincing sex trafficking survivors to end what they believed was willful

engagement in the commercial sex industry—what they called “leaving the life.” This theme contradicted survivors’ perceptions of their trafficking experiences and supports findings from our survivor interviews that survivors are treated as if they are choosing to engage in prostitution rather than experiencing victimization (Love et al. 2018). This finding is also in line with prior research that documents law enforcement officials’ tendency to conflate human trafficking with prostitution (Farrell et al. 2015).

Law enforcement officers were often unable to distinguish between consent and coercion in sex trafficking and felt that survivors could voluntarily leave their situations. In cases where they believed survivors wanted to stay within “the life,” they described how participating in a criminal investigation or prosecution could help prevent survivors from future involvement with prostitution.

If we can stop a person from being harmed, we got a success. Sometimes you do not have enough information to complete a case, but you're disrupting what was going on [and that] may be enough to get them to stop what they're doing and adjust from a life of prostitution. (Site 8, law enforcement officer 2)

If we get a guy off the street and we get a girl to testify against him and he gets found guilty, then he goes away, so he's off the street. Once she testifies against a trafficker, that makes it pretty dangerous for her to work anymore, so she's probably not going to work anymore. That's a win for us. ...Like when you flip a gang member to be a witness on the crime. If he's a bad guy, flip him, she testifies, well, she's out of the life. (Site 7, law enforcement officer 1)

As a whole, criminal justice stakeholders’ focus on prosecution as justice differed from survivors’ own understandings of justice. Stakeholders’ perceptions of survivors’ voluntary engagement in prostitution was the greatest point of difference and supported survivor critiques that law enforcement officers are often unaware of the nature of their victimization and likely to judge them based on their actions during their trafficking experiences (Love et al. 2018).

BOX 4

Key Findings: Criminal Justice Stakeholders’ Perceptions of Justice

- Contrary to survivors’ definitions of justice, which promoted noncriminal justice alternatives to incarceration, law enforcement stakeholders and prosecutors defined justice as successful prosecution.
- Law enforcement officers’ definitions of justice also included convincing sex trafficking survivors to end what they believed was voluntary engagement in the commercial sex industry. This supported findings from our survivor interviews that survivors are often treated as if they willfully engaged in prostitution and are thus not identified as victims.

Most Service Providers Mirrored Survivors' Definitions of Justice

Like survivors, service providers distanced their understandings of justice from the formal criminal justice system and framed justice as improving survivors' access to resources and allowing survivors to define and achieve their own understandings of justice. This conformed closely with survivors' definitions of justice, which centered on their ability to move on from their trafficking experiences and find autonomy and empowerment through accomplishing self-defined goals (Love et al. 2018).

Service providers felt that survivors must first be connected to resources and achieve stability before they can pursue other forms of relief. They understood that the criminal justice system could not fulfill survivors' needs for resources, safety, or support.

Justice looks like resources. Real resources. I think that justice means that a person who's had to endure this kind of torture and abuse is owed. Not just by the trafficker, certainly, by whatever means that could possibly be. They're not gonna get paid back by this person. The fact of the matter is that trafficking happens as a result of a society that ignores people for a wide variety of reasons. People who are trafficked tend to be among our most vulnerable. ...We are responsible to that. We owe them. What we owe them is housing. We owe them basic resources. We owe them a chance to get back on their feet in meaningful ways. (Site 4, service provider 1)

Most service providers felt that survivors, once connected with resources, should be supported in achieving whatever form of justice they choose. They spoke to the importance of letting survivors define justice for themselves and then helping them achieve their own goals.

I would say we define justice as really whatever the survivor defines as justice. ...If a survivor defines justice as making it out of the life or being able to go to school, then that's justice for them. If justice is civilly suing their trafficker, great. It really just depends on each survivor. (Site 7, service provider 8)

We've worked really hard to incorporate self-reported milestones into our monthly reporting. I really, really would like to think that the things we consider successes are because our participants told us that these were successes. I think it's easy for us to say, "We worked on a T visa and it was approved." That's a very clear success to us. Somebody getting their GED, I think we can all agree that's success and forward progress. I will say this: when I look at the list of self-reported milestones that we put together, I'm like, "That's the stuff." (Site 8, service provider 3)

Service providers' definitions of justice most closely matched those of survivors, and they experienced less tension between their professional obligations and their support for survivors' wishes than did criminal justice stakeholders. As professionals primarily concerned with supporting survivor recovery, they were able to let survivors dictate their own healing processes.

Survivors, Justice System Actors, and Service Providers Agreed on How the Justice System Could Be Improved

Despite their varied definitions of justice, all groups we interviewed were largely consistent in their recommendations for improving criminal justice responses to human trafficking (Love et al. 2018). These recommendations included reducing the criminalization of survivors, encouraging criminal justice stakeholders to adopt a more compassionate and trauma-informed approach, and increasing training for system actors. Other recommendations specific to service providers included improving law enforcement cooperation with granting continued presence requests so survivors can access social services while waiting for a T visa and improving communication between law enforcement, prosecutors, and survivors involved in a criminal case.³ The only recommendation that differed between stakeholders and survivors was that survivors called for increased diversity among law enforcement officers, including hiring more women and Latinx officers, whereas this was not a common suggestion among stakeholders.

Adopt a Compassionate, Trauma-Informed Approach

Like survivors, stakeholders believed that interactions between survivors and the criminal justice system could be improved if system actors adopted more compassionate and respectful approaches. One law enforcement officer in site 3 said, “I would just say their overall police approach to these girls—not just girls, kids, you have to be—you gotta take—you have to be softer. You can't be that hardcore uniform cop, that loud policeman. They won't go for that.” Service providers agreed and thought that system actors should adjust their mannerisms and the language they use with survivors. “Just responding to their story in an affirmative way,” said a site 3 service provider. “Saying, ‘You were a victim. I’m really sorry to hear that.’ Not using language that’s blaming the victim like, ‘What did you do?’ But like, ‘What happened to you?’ is [a] trauma-informed shift.” These sentiments matched survivor recommendations that system actors take a more active listening approach, acknowledge past trauma, and adopt less intimidating mannerisms (Love et al. 2018).

Just believing the person that you're working with and not second-guessing them. I've seen that a little bit. Not on a large scale, but somebody tells you, “I got these injuries as a result of this,” don't ask for somebody to prove it to you. If you do need that for investigation purposes, find a way to say that. “Listen, this would help us. Do you think that there's anything?” Not like, “Oh, yeah? Are you sure that injury is because of that?” ...Just believe people.

—Site 6, service provider 2

Stop Criminalizing Survivors

Many criminal justice stakeholders and nearly all service providers believed that survivors should not be arrested for crimes related to their trafficking experiences. One federal prosecutor in site 3 tied this to federal laws: “The fact of the matter is that no one should be charging anyone with anything who’s considered a victim of human trafficking. The federal law prohibits it. Unfortunately, not all of our district attorneys understand that law or follow that law. It is often the case that I end up with a victim who’s been charged, and I can’t fathom how that could possibly happen, but it does happen.” Ultimately, many stakeholders recognized that criminalization could lead to retraumatization and prevent survivors from engaging in criminal justice processes.

My biggest recommendation would be treating victims as victims. If you’re gonna call them as victims, then treat them with the same thing. Looking at your Victims’ Rights Act. If that person said that they were robbed at gunpoint downtown, how would you treat them? Or if they said that they were sexually assaulted, that’s a better example. Twenty-two-year-old says that she was sexually assaulted, you’re gonna be like, “Holy crap.” You do everything you can to help this person. Well, if she’s been being trafficked, she’s been sexually assaulted 10 times a night. It’s treating victims as victims.

—Site 4 law enforcement officer 1

Improve Training for Criminal Justice System Actors

Respondents of all stakeholder types spoke to the need for improved training on human trafficking. One law enforcement officer in site 6 targeted judges specifically: “I think our judicial system could use some training. I’m not talking about the system as a whole. I’m talking about some of these judges that sit on a bench and think that, ‘Oh, he didn’t do nothing.’ Yeah, he did, sir.” A prosecutor from the same site discussed the need for law enforcement officer training: “What comes to my mind immediately is the need for training law enforcement officers about language when you talk with victims of human trafficking so, for example, you’re not referring to a child victim as a child prostitute, so that you are not referring to an adult victim as a prostitute. That’s an example.” It became clear that various levels of training were needed for various audiences, and that this training should be dispersed to all staff and repeated regularly.

Limitations

Our findings should be interpreted with several limitations in mind. First, this study draws from a convenience sample of human trafficking survivors and relevant stakeholders in each site. Survivor recruitment was made possible through partnership with service providers, meaning data were collected only from survivors who received some form of legal or social services and remained in contact with their service provider. This might exclude survivors who needed services but did not engage with formal systems. Future research that engages such survivors is needed. Second, this study relies on data collected only in urban metropolitan areas. Although the primary service provider in each site served a large geographic area, survivors who lived in more remote, rural locations at the time of our interviews are not represented. Our sample does include survivors who experienced trafficking in rural, nonurban areas but lived in or near each site's metropolitan core at the time of data collection. Third, despite attempts to balance our sample between survivors of labor and sex trafficking, it remains skewed toward labor trafficking (n=45). Finally, we had too few respondents with civil justice case experiences to draw definitive conclusions about survivors' perceptions of the civil justice system.⁴

The criminal justice stakeholder respondents are biased toward those whose work has focused primarily on investigating and prosecuting sex trafficking cases. Although this bias reflects current investigative and prosecutorial priorities and is not an intentional omission of labor trafficking stakeholders, it does influence our findings as they relate to criminal justice stakeholders' perceptions of justice and definitions of successful outcomes. Thus, when interpreting findings, it is important to understand that most service provider respondents worked with both labor and sex trafficking survivors while most criminal justice stakeholder respondents worked primarily with sex trafficking survivors.

Conclusion

Stakeholders' perceptions of justice vary based on their professional obligations and role in the criminal justice system. These perceptions were sometimes similar to survivors' understandings of justice but differed in key ways.

Notably, survivors, criminal justice stakeholders, and service providers all had limited trust in the criminal justice system's ability to help survivors heal. Stakeholders understood the barriers survivors face when engaging with criminal justice processes (including prior mistreatment from justice system actors, arrest histories related to their trafficking experiences, and the lengthy and confusing structure of justice processes) and were generally skeptical that criminal justice processes could support survivors' recovery. Criminal justice stakeholders viewed the criminal justice system as necessary for ensuring public safety but ultimately unhelpful for supporting survivors. Survivors did not see the criminal justice system in the same light and had limited faith in its ability to prevent future trafficking.

Survivors and criminal justice stakeholders differed in their definitions of justice. Whereas survivors expressed doubts that incarceration could truly prevent further trafficking (Love et al. 2018), criminal justice stakeholders defined justice as successful prosecutions. Law enforcement officers also

saw justice as convincing survivors to end what they perceived as voluntary engagement in prostitution, demonstrating their inability to distinguish between human trafficking and prostitution and supporting survivor critiques that law enforcement may perceive them as complicit in their victimization.

Survivor and service provider definitions of justice were more closely aligned. Like survivors, legal and social services providers distanced their definitions of justice from formal criminal justice processes and aimed to support survivors' access to resources and achievement of self-defined goals.

Despite their varied understandings of justice, survivors, criminal justice stakeholders, and service providers offered remarkably similar recommendations for how to improve justice system responses to trafficking. These included adopting a compassionate and trauma-informed approach, stopping the criminalization of survivors, and improving training for system actors.

Notes

- ¹ For information on survivor interviews, please see Love and colleagues (2018), Yu and colleagues (2018), and McCoy and colleagues (2018).
- ² Latinx is a gender-neutral term for people of Latin American descent.
- ³ "Continued presence" is a temporary immigration status provided to people identified by law enforcement as survivors of human trafficking. This status allows survivors who are potential witnesses to remain in the US temporarily and obtain an Employment Authorization Document during the ongoing investigation into the crimes committed against them. It also allows them to access certain public benefits.
- ⁴ For a discussion of civil litigation in cases of human trafficking see Vandenberg (2015, 2016) and Werner and Kim (2008).

References

- Aronowitz, Alexis. 2003. "Trafficking in Human Beings: An International Perspective." In *Global Organized Crime*, edited by Dina Siegel, Henk van de Bunt, and Damian Zaitch, 85–95. Dordrecht: Springer Netherlands.
- Clawson, Heather J., Nicole Dutch, Susan Lopez, and Suzanna Tiapula. 2008. *Prosecuting Human Trafficking Cases: Lessons Learned and Promising Practices*. Washington, DC: US Department of Justice.
- Farrell, Amy, Jack McDevitt, and Stephanie Fahy. 2008. *Understanding and Improving Law Enforcement Responses to Human Trafficking: Final Report*. Boston: Northeastern University Institute on Race and Justice.
- Farrell, Amy, Colleen Owens, and Jack McDevitt. 2013. "New Laws but Few Cases: Understanding the Challenges to the Investigation and Prosecution of Human Trafficking Cases." *Crime, Law and Social Change* 61 (2): 139–68.
- Farrell, Amy, and Rebecca Pfeffer. 2014. "Policing Human Trafficking: Cultural Blinders and Organizational Barriers." *The Annals of the American Academy of Political and Social Science* 653 (1): 46–64.
- Farrell, Amy, Rebecca Pfeffer, and Katherine Bright. 2015. "Police Perceptions of Human Trafficking." *Journal of Crime and Justice* 38 (3): 315–33.
- Jordan, Ann D. 2002. "Human Rights or Wrongs? The Struggle for a Rights-based Response to Trafficking in Human Beings." *Gender & Development* 10 (1): 28–37.
- Love, Hanna, Jeanette Hussemann, Lilly Yu, Evelyn McCoy, and Colleen Owens. 2018. "[Justice in Their Own Words: Perceptions and Experiences of \(In\)Justice among Human Trafficking Survivors](#)." Washington, DC: Urban Institute.

- McCoy, Evelyn, Colleen Owens, Lilly Yu, Hanna Love, and Jeanette Hussemann. 2018. “[Delivering Justice for Human Trafficking Survivors: Implications for Practice](#).” Washington, DC: Urban Institute.
- Pourmokhtari, Navid. 2015. “Global Human Trafficking Unmasked: A Feminist Rights-based Approach.” *Journal of Human Trafficking* 1 (2): 156–66.
- Srikantiah, Jayashri. 2007. “Perfect Victims and Real Survivors: The Iconic Victim in Domestic Human Trafficking Law.” *Immigration and Nationality Law Review* 28:741–98.
- Vandenberg, Martina. 2015. *Ending Impunity, Securing Justice: Using Strategic Litigation to Combat Modern-Day Slavery and Human Trafficking*. New York: The Freedom Fund; and Washington, DC: The Human Trafficking Pro Bono Legal Center.
- . 2016. “Palermo’s Promise: Victims’ Rights and Human Trafficking.” *Anti-Trafficking Review* 6:138–41.
- Werner, Daniel, and Kathleen Kim. 2008. *Civil Litigation on Behalf of Victims of Human Trafficking*. Montgomery, AL: Southern Poverty Law Center.
- Yu, Lilly, Jeanette Hussemann, Hanna Love, Evelyn McCoy, and Colleen Owens. 2018. “[Alternative Forms of Justice for Human Trafficking Survivors: Considering Procedural, Restorative, and Transitional Justice](#).” Washington, DC: Urban Institute.

About the Authors



Hanna Love is a research analyst in the Urban Institute’s Justice Policy Center. Her research focuses on criminal justice reform and improving criminal justice system responses to survivors of violence. She has experience working on various justice policy issues, including survivors’ perceptions of the justice system, decarceration, and state and local policy reform.



Jeanette Hussemann is a senior research associate in the Justice Policy Center. Her research focuses on victimization, indigent defense, and juvenile justice. Hussemann directs projects that employ both quantitative and qualitative research methodologies, and she has extensive experience conducting fieldwork in diverse settings.



Lilly Yu is a research analyst in the Justice Policy Center. Her research focuses on the victimization experiences and justice involvement of young people in various environments, including child welfare settings, runaway and homeless youth providers, community-based service providers, housing communities and schools, and human trafficking issues.



Evelyn McCoy is a research associate in the Justice Policy Center. Her research focuses on conducting and translating research into practitioner-friendly materials on correctional programming and practice, jail reentry, alternatives to incarceration, and human trafficking issues. She also provides direct technical assistance to jurisdictions improving justice system functioning across the nation.



Colleen Owens is a former senior research associate in the Justice Policy Center, where she codirected a diverse portfolio of research on human trafficking in the United States and abroad.

Acknowledgments

This brief was funded by the National Institute of Justice, Grant Award number 2015-VF-GX-0108. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute's funding principles is available at urban.org/fundingprinciples.

We would like to thank the following former and current Urban Institute staff for their assistance with this study: Abigail Flynn, Kyla Woods, Emily Reimal, and Yasemin Irvin-Erickson. We would also like to thank all our project partners for their invaluable contributions, without which this study would not have been possible: Amy Leffler, John Picarelli, and Jessica Highland from the National Institute of Justice; our consultants Lisa Palumbo, Hanni Stoklosa, and Cathy Zimmerman; our 12-member advisory board, made up of labor and sex trafficking survivors, service providers, researchers, and local, state, and federal criminal and civil justice stakeholders; and our primary service providers in each of the eight study sites. Lastly, we thank all our respondents, especially the 80 survivors of human trafficking who shared their deeply personal stories and important perspectives for this study.



2100 M Street NW
Washington, DC 20037

www.urban.org

ABOUT THE URBAN INSTITUTE

The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people's lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.

Copyright © March 2018. Urban Institute. Permission is granted for reproduction of this file, with attribution to the Urban Institute.