



Justice in Their Own Words

Perceptions and Experiences of (In)Justice among Human Trafficking Survivors

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

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Survivors of interpersonal violence face many challenges when interacting with the criminal justice system, including the fear of being disbelieved, concerns about safety and retaliation, and a distrust in the system’s ability to adequately respond to their cases. Although past studies have documented the challenges survivors of sexual and intimate partner violence face when interacting with the justice system, few have focused on survivors of human trafficking—a population that often experiences misconceptions regarding their victimization, stigma due to perceived involvement with illegal behavior, xenophobia, and criminalization. Without survivors’ perspectives, little is known about how criminal justice actors can address these challenges and improve their interactions with human trafficking survivors.

The Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors study is the first to ask survivors of human trafficking how they perceive their interactions with the justice system and how they define justice in their own terms. Drawing from qualitative interviews with 80 survivors of sex and labor trafficking and 100 human trafficking stakeholders in eight diverse metropolitan locations across the country, this brief documents survivors’ difficulties achieving justice through traditional criminal justice means and provides their recommendations for how justice system responses to trafficking can be improved. It reveals that most survivors do not endorse traditional forms of retributive justice, such as incarceration, and instead prefer preventative remedies outside the formal criminal justice system.

Human Trafficking Survivors' Engagement with the Criminal Justice System

Survivors of violence face several challenges when interacting with the criminal justice system, including their limited control over legal proceedings, the marginal role they play in investigations and prosecutions, and the system's focus on the rights of defendants over survivors' rights (Aron, Zweig, and Newmark 2006; Herman 2003, 2005). Studies suggest that the adversarial structure of criminal prosecutions may be at odds with survivors' mental health and safety needs; whereas survivors are at a heightened risk for retraumatization in the wake of violence and desire community validation, participating in a criminal prosecution subjects them to public scrutiny and challenges to their credibility (Aron, Zweig, and Newmark 2006; Herman 2003, 2005). Criminal prosecutions also require survivors to comply with complex legal rules that they may have limited knowledge of and ask them to respond to short, closed-ended questions during trials rather than letting them express their narratives in their own words (Herman 2005).

Although less is known about human trafficking survivors' engagement with criminal justice processes, recent research suggests they may face heightened procedural hardships because of misconceptions regarding their victimization. For instance, some studies show that many criminal justice system actors are unaware of the causes and consequences of trafficking, may view survivors as "illegal immigrants" or as complicit in their own victimization, often conflate trafficking with undocumented migration and prostitution, and may hold negative views toward survivors of trafficking, particularly those who diverge from their perception of an "ideal victim" (Aronowitz 2003; Farrell, Owens, and McDevitt 2013; Jordan 2002; Pourmokhtari 2015; Srikantiah 2007). Additionally, human trafficking survivors often report prior negative experiences with the justice system, including arrests related to their trafficking experience and mistreatment by criminal justice actors, which may impede their willingness to interact with system actors in the future (Aron, Zweig, and Newmark 2006; Farrell, Owens, and McDevitt 2013). Research suggests that challenges interacting with the criminal justice system may be magnified for survivors who are recent immigrants, as they struggle with language barriers, cultural differences, and a lack of awareness about the US justice system (Davis and Erez 1998; Herman 2005).

Despite these barriers, the criminal justice system remains the primary mechanism for identifying, classifying, and responding to human trafficking in the US. A limited research base suggests that survivors of sex and labor trafficking do not necessarily wish to see traditional criminal sanctions imposed on their traffickers (Aron, Zweig, and Newmark 2006; Owens et al. 2014), but there is no research that explores *whether* and *how* survivors would like to hold their traffickers accountable and how they define justice.

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 survivors’ 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 survivors’ **experiences with the criminal justice process** and their **perceptions of justice**. Findings related to stakeholder responses and alternative forms of justice can be found on the study’s project page, urban.org/perceptionsjustice.

Methodology

This brief analyzes survivors’ responses to questions regarding their experiences with the criminal justice system, their definitions of justice, and their recommendations for how criminal justice system responses to trafficking can be improved. It relies on data from in-depth, semistructured interviews conducted between July 2016 and May 2017 with 80 human trafficking survivors in eight diverse metropolitan sites in the US (two in Northeast, three in the West, two in the South, and one in the Midwest).

To recruit survivor respondents, we worked closely with a human trafficking service provider in each site, who screened past and current clients for eligibility (clients needed to be at least 18 years old and willing to share their story).¹ 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.

Table 1 displays the sociodemographic characteristics of the survivors we interviewed. Our 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 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 was *interviewed* in the West (n=27), followed by the Northeast (n=23), South (n=22) and Midwest (n=8).

The sample included 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, either 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.

TABLE 1
Survivor Respondent Characteristics

	n	%		n	%
Gender			Status		
Woman	55	69%	T visa	29	36%
Man	24	30%	US citizen	26	33%
Unknown	1	1%	Permanent resident	10	13%
Race			Pending status	4	5%
Latinx ^a	32	40%	No documentation status	4	5%
White	18	23%	U visa	3	4%
Asian	16	20%	Continued presence	3	4%
Black	8	10%	Unknown	1	1%
Mixed	4	5%	Trafficking type		
American Indian or Alaskan Native	1	1%	Labor	45	56%
Unknown	1	1%	Sex	29	36%
Birthplace			Both	4	5%
United States	22	28%	Unknown	2	3%
Mexico	20	25%	Case type^b		
Asia	16	20%	Criminal	44	55%
Central America	11	14%	Civil	8	10%
Africa	7	9%	None	24	30%
South America	1	1%	Unknown	7	9%
Caribbean	1	1%	Criminal involvement as a defendant		
Europe	2	3%	Yes	28	35%
Age			No	52	65%
18-24	12	15%			
25-44	44	55%			
45-64	14	18%			
65+	1	1%			
Unknown	9	11%			

^a Latinx is a gender-neutral term for people of Latin American descent.

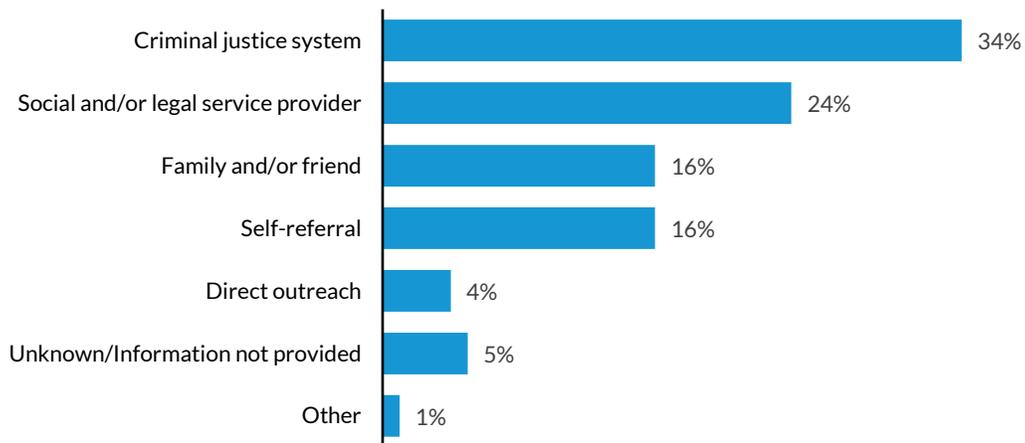
^b Case type includes instances when an investigation occurred (with or without charges or prosecution), an arrest occurred (with or without prosecution), or a prosecution occurred. The number of survivors categorized under case type does not sum to 80 because some survivors had both a criminal investigation and a civil case. Among the criminal cases, 18 survivors had sex trafficking cases, 22 had labor trafficking cases, 3 had both, and 1 had unknown case data. Among the civil cases, all survivors had labor trafficking cases.

^c Of the survivors involved in criminal cases as defendants, 20 were sex trafficking survivors, 7 were labor trafficking survivors, and 1 was a survivor of both.

All survivor respondents had received services through at least one service provider at the time of their participation. Of relevance to the study's findings is how survivors were referred to their service provider contact. The most common referral source was the criminal justice system (34 percent), followed by another social or legal service provider (24 percent). Of the 34 percent of survivors referred

through the criminal justice system, 85 percent were referred by law enforcement, which includes local police officers, immigration, DEA agents, and the FBI. This was most common among sex trafficking survivors, with 52 percent of those respondents referred to service providers by the criminal justice system. Labor trafficking survivors were more likely to be connected to service providers through self-referral (27 percent), family and friends (22 percent), and social or legal service providers (22 percent) than the criminal justice system (20 percent).

FIGURE 1
How Are Survivors Referred to Service Providers?



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Source: Qualitative interviews of 80 human trafficking survivors.

Survivors' Perceptions of the Criminal Justice System Varied Based on Prior Exposure to System Actors

Survivors' definitions of justice were shaped by their perceptions of the American criminal justice system. Survivors of sex and labor trafficking described how their trust in the system was affected by several factors, including their trust in law enforcement, their prior interactions with criminal justice system processes and actors, and their understanding of legal processes in the United States. Ultimately, domestic survivors of sex trafficking expressed higher levels of mistreatment and less trust in the criminal justice system than foreign-born survivors of labor trafficking.

Prior Mistreatment Shaped Domestic Sex Trafficking Survivors' Trust in the Justice System

Domestic sex trafficking survivors (n=22) reported more interactions with the American criminal justice system than foreign-born survivors of labor trafficking (n=45) and mostly lacked faith in justice system actors *and* in the system's ability to prevent further trafficking.³ Most domestic sex trafficking survivors

recounted negative experiences with law enforcement officers before and during their most recent trafficking experience, including disrespectful treatment, sexual abuse, and criminalization for actions related to their trafficking experience, such as prostitution and drug use. These negative experiences commonly led to reduced trust in system actors and prevented survivors from contacting the police when they were in danger. This was particularly salient for survivors who reported being disrespected or harassed by law enforcement in the past.

The cops are dirty. ...They make you lift up your dress. They pull down your pants. They harass you. They'll come up on the sidewalk and call me bad names. (Site 2, survivor 8, survivor of sex trafficking)

We know that [the police are] not gonna treat us seriously. They're not gonna treat us with any sort of respect. As of right this moment, since I am in [County],⁴ if I was to get shot or stabbed or raped in [County], no matter what city it was in, I would not call the police. You better leave me there and let me die before you call those police because I know damn well I'm not gonna be treated with any sort of dignity. Just because [of] my past. That's wrong. (Site 8, survivor 4, survivor of sex trafficking)

Most domestic survivors of sex trafficking did not expect criminal justice actors to understand sex trafficking as a form of victimization and believed they would pass judgement on survivors as people who made “mistakes” or “poor decisions.” Respondents also routinely described instances where they believed that law enforcement officers had ignored their rights as victims of a crime, which discouraged them from reporting violence to law enforcement in the future or assisting them with ongoing investigations.

At the end of the day, I just—I don't know, I just feel like [the cops] don't give me—they don't show me my rights. ...I feel like opening up to a cop is just a waste of time, is what I feel like at this point. ...I just wouldn't even deal with a cop. I just want nothing to do with them. (Site 4, survivor 4, survivor of sex trafficking)

Domestic sex trafficking survivors were also acutely aware of the ways system actors had criminalized them in the past for actions related to their trafficking experience. Twenty-one of the 29 sex trafficking survivors in our sample, 17 of whom were born in the United States, had prior arrests for charges related to their trafficking experience. Survivors often described how these arrests made them feel more like a criminal than a victim. A sex trafficking survivor from site 2 said, “I don't feel like the victim. I feel like I'm part of—I feel like I've done something wrong in a lotta ways. It's confusing.” A survivor from site 8 explained how these arrests contributed to their retraumatization: “Cuffs for a prostitute means you're being bound. They're not sensitive to that. ...You're already making me feel violated even further.” Survivors acknowledged that these arrests may have stemmed from law enforcement officers' ignorance about the nature of human trafficking, but many resented the experience and felt they were not given the chance to be identified or seen as a victim of crime.

For me, I got arrested because I was in a stolen vehicle. But yet you failed to realize that, yes, I was in a vehicle—I hadn't started the vehicle, but I was in the back seat of the vehicle. What was I doing in the back seat? How am I gonna drive that car from the back seat? They don't look at that. They look at the criminal. They looked at the criminal. They looked at the fact that I already had a rap sheet. (Site 7, survivor 3, survivor of sex trafficking)

Domestic sex trafficking survivors also discussed experiences where they believed their prior arrests (whether related to their trafficking experience or to another crime, such as drug possession) were leveraged to convince them to participate in criminal prosecutions. Survivors were often uninformed about their rights as a victim in legal proceedings but felt pressured to testify in order to reduce criminal charges against them.

I didn't wanna go to the grand jury, and they're like, "Well, you're going." I'm like, "Okay, I'm going." I had no choice at that point. I was in jail, and the marshals just cuffed me and drove me down. (Site 2, survivor 1, survivor of sex trafficking)

These experiences deepened domestic survivors' distrust of the criminal justice system, reduced their faith in its ability to adequately respond to human trafficking, and prevented them from seeking traditional criminal justice remedies to address their victimization.

Most Foreign-Born Survivors of Labor Trafficking Viewed the Criminal Justice System Positively

Foreign-born survivors of labor trafficking (n=45) were less critical of the American criminal justice system. As a whole, they were less familiar with criminal justice processes, more likely to see justice as "out of their hands," and viewed the US justice system more positively than the justice systems in their countries of origin, which they perceived as more corrupt.

I think the justice system is working here in the US. ...If I'm comparing the justice system in the Philippines. Justice system in Philippines if you're rich, if you have money, you get the justice. If you're down, like I am, if you're poor, there's no justice for you. ...Here, it's good really. (Site 8, survivor 5, survivor of labor trafficking)

Foreign-born survivors often supported following the laws and processes of the American justice system over pursuing their desired outcomes for their traffickers. This was because most felt they had limited authority to question the proceedings of the American government. This held true for survivors who did not endorse traditional criminal justice remedies, but still respected the laws and decisions of the criminal justice system.

Interviewer: Are you happy that he is in prison?

Respondent: To be perfectly honest, no...but the law is here in the United States, and they have to be followed. (Site 3, survivor 4, survivor of labor trafficking)

Interviewer: Could you talk a little bit more about what you would hope would happen to your trafficker, even if you don't know what happened?

Respondent: Well, I think that I cannot say that because justice is not in my hands. (Site 5, survivor 1, survivor of labor trafficking)

Generally, foreign-born survivors had fewer interactions with justice system actors and were more likely to express positive views of the criminal justice system. This is consistent with prior research that shows immigrants are more likely than people born in America to view the police positively, express

satisfaction with their interactions with police, and see the police as less culpable of misconduct or profiling (Davis and Hendricks 2007). An exception to this trend was noted among the seven foreign-born survivors who had been held in detention because of immigration violations, whose views more closely resembled domestic survivors' distrust of criminal justice system actors.

BOX 2

Key Findings: Survivors' Experiences with the Criminal Justice System

- Most domestic sex trafficking survivors reported high distrust in the criminal justice system and negative perceptions of law enforcement, often because of prior mistreatment. This made them hesitant to contact law enforcement in dangerous situations and reduced their desire to cooperate with investigations.
- Seventy-two percent of sex trafficking survivors had prior arrest histories, often for charges related to their trafficking experience. They believed law enforcement often treated them as criminals rather than victims.
- Foreign-born survivors of labor trafficking had fewer prior interactions with justice system actors and were more likely to express positive views of the American criminal justice system.

“Justice” for Traffickers Did Not Align with Traditional Models of Retributive Justice

Survivors of sex and labor trafficking distinguished between their definitions of “justice” for themselves and “justice” for their traffickers. They expressed nuanced views on the latter, often wanting to see traffickers prevented from inflicting harm again but expressing doubts that the criminal justice system could accomplish this. Although a small number of survivors wished to see their traffickers incarcerated, most expressed uncertainty that prison would truly “work” to repair the harms caused or prevent further trafficking. The most salient theme across interviews was that survivors defined “justice” as preventing traffickers from inflicting harm again, with the two most common suggestions being educational awareness and visa restrictions for traffickers.

Survivors Expressed Ambivalence toward Incarceration

Most survivors did not endorse traditional criminal justice remedies as their desired mechanism for holding traffickers accountable. Only 24 percent of the sample (19 of the 80 survivors interviewed) defined justice in terms of seeing their traffickers incarcerated. This was fairly balanced between trafficking type: 10 labor trafficking survivors, 7 sex trafficking survivors, 1 survivor who experienced both, and 1 survivor with an unknown trafficking experience.

Labor trafficking survivors' views on incarceration were less tied to explicit critiques of the justice system and more closely related to their own desires to move on from their experiences—as long as no one else was subjected to harm.

Interviewer: Given what you experienced, what would you want to see happen to the person who trafficked you? Would you like them to leave or go to prison or any of that?

Respondent: No, I just want them to be... whatever. To just stop whatever they doing... to be, you know? I don't want them to go to jail, and I don't want them to be—I just want them to be nice. You know? Because revenge is not good. (Site 4, survivor 7, survivor of labor trafficking)

Domestic survivors of sex trafficking voiced more explicit critiques of incarceration as a means of promoting accountability. Most did not see prison as rehabilitative or educational and believed it exposed traffickers to further criminal behavior and normalized trafficking. They thought traffickers could still traffic while in prison and felt that prison could not address the fact that entire communities can be complicit in abuse. These critiques were often tied to their own experiences witnessing traffickers receive a prison sentence and then continue to victimize others.

People went to jail together for pimping and pandering, and they got out and they started pimping together still. I've known guys who have been [in prison], like, five years. They got out, and they're still pimps. ...They just sat in jail and thought of better ways to pimp. (Site 8, survivor 3, survivor of sex trafficking)

Yeah, like, plenty of people go to jail. He's been pimping out of jail for years. You think just [because] he goes into a federal prison, he's not gonna be able to do it still? He'll find somebody. There's always somebody out there. There's always somebody that knows somebody that knows somebody. (Site 2, survivor 5, survivor of sex trafficking)

Domestic sex trafficking survivors did not believe incarceration could work to prevent further trafficking, whereas labor trafficking survivors often did not desire incarceration for reasons related to their recovery processes. Survivors' views on incarceration thus varied depending on their trafficking experiences and country of origin, but most expressed reservations about the ability of incarceration to remedy harm.

Justice Is More Closely Tied to Prevention than Punishment

The most common theme across all interviews with survivors of sex and labor trafficking is that their idea of justice is preventing traffickers from inflicting harm on others. Notably, many did not express strong opinions about what should happen to their trafficker as long as others would not be harmed.

Interviewer: Is there anything else you think could have happened to make you feel like justice was served in your case?

Respondent: I don't want people getting hurt like the same way I get hurt. ...It doesn't matter where you're from or where you come. I don't want any human being to go through what I went through. (Site 6, survivor 8, survivor of labor trafficking)

Interviewer: Given your experiences, what did you want to see happen to your traffickers at that time?

Respondent: In my thoughts, that they receive justice, that there are no more people that goes through the same things I went through. (Site 5, survivor 1, survivor of labor trafficking)

Survivors suggested some concrete alternatives for preventing further harm without using incarceration. The two most common suggestions were (1) educational programs for traffickers focused on the harms caused by trafficking and (2) visa restrictions for traffickers to prevent them from bringing more workers into the country. Domestic sex trafficking survivors were more likely to articulate the need for educational programs, and foreign-born survivors (of both trafficking types) were more likely to suggest visa restrictions.

EDUCATIONAL PROGRAMS

Domestic sex trafficking survivors supported increased investment in educational and rehabilitation programs for traffickers as a viable pathway to prevent others from being harmed. Some felt their traffickers may have been unaware of the harm their actions caused others or did not truly understand human trafficking, believing instead the common misconception that trafficking occurs in other countries but not within their own communities.

Interviewer: Is there anything that you would want from them, whether that's an apology or something to make up for the harm that they caused you? Anything like that?

Respondent: Just for them to change. For it to not keep going on and happening to people. Something's gotta click along the way for them people. Something. I don't know what would make them change their mind. ...They're going through their own stuff, but it's not okay. I think they need to see the realness of it all, that it is human trafficking and it is what's going on in other countries. I don't think they see it like that, it's just another dope boy thing or something. (Site 2, Survivor 8, survivor of sex trafficking)

Other survivors of sex trafficking believed that trafficking had been normalized within their communities and that many traffickers had been taught from an early age that it is a viable and acceptable means of earning a living and providing for loved ones. This mirrors findings from prior research that suggest families and neighborhood contexts can serve as entry points for trafficking (Dank et al. 2014). Survivors frequently commented on the trauma that their traffickers had experienced while growing up and the rehabilitative potential of educational programming opportunities to address this trauma.

I wanna see some maybe rehabilitation for him. I don't wanna be like, "Oh, that motherfucker needs to go to prison." Because, yeah, I want him to be punished for what he did, but everybody does things for a reason. Everybody does things because of what they were taught, what trauma they came from, all kinds of stuff like that. ...There's guys that there's generations in their families. There's guys that have been through trauma and that's all they know. ...I wanted to see some kind of program or some kind of option where that can be fixed [because] it starts there. (Site 8, survivor 10, survivor of sex trafficking)

VISA RESTRICTIONS FOR TRAFFICKERS

Most foreign-born survivors of labor trafficking defined justice in terms of prevention, most often suggesting that traffickers' visas be revoked as a mechanism to prevent further harm.

I didn't think about jail or anything because I really was not aware how the legal system works in here in this country. It was the attorney who took care of that. ...I wasn't really hoping that he would go to jail. What I was really hoping is that his visa would be revoked so he will not be [able to] continue bringing people and doing this to people. (Site 5, survivor 7, survivor of labor trafficking)

BOX 3

Key Findings: Survivors' Perceptions of Justice for Their Traffickers

- Only 24 percent of survivors defined justice as incarceration. Many did not think incarceration could truly “work” to hold traffickers accountable and prevent them from harming others.
- The most common definition of justice was preventing traffickers from inflicting more harm. Many did not think incarceration could accomplish this and suggested alternative preventative remedies.
- Domestic sex trafficking survivors were most likely to desire educational programs to teach traffickers about the harms of trafficking, whereas foreign-born survivors suggested visa restrictions to prevent traffickers from bringing more workers to the US.

“Justice” for Survivors Was Tied to Their Recovery

Survivors distinguished between justice for themselves and justice for their traffickers. When asked how they would define justice generally, most survivors focused first on themselves and their ability to heal rather than outcomes for their traffickers. Consistent with the limited literature on survivors' perceptions of justice (Herman 2005), they felt that justice was intimately tied to their ability to move on and find physical and emotional safety. Survivors spoke to the importance of achieving stability first before finding empowerment through self-defined goals and milestones.

Justice as the Ability to Move On

Overwhelmingly, survivors of sex and labor trafficking spoke to the importance of finding emotional and physical freedom from their traffickers and regaining their sense of self in the wake of violence. They described how their traffickers had previously assumed control over every aspect of their lives and thus framed justice as their ability to move on from this experience, think less about their victimization and regain control over their actions, desires, and life outcomes.

For me, justice does not mean that my trafficker [is] put in jail or pay the consequences of the thing that she did to me. For me, justice is my freedom, for me to be able to do anything that I want. (Site 7, survivor 4, survivor of labor trafficking)

I would say basically justice just means being yourself and not let[ting] anyone stop you for that. (Site 4, survivor 4, survivor of sex and labor trafficking)

I want to move forward, change my life. ...I just want to forget when I was a victim. Now I'm not a victim anymore. Now I can do whatever I want when I feel like it. (Site 6, survivor 8, survivor of labor trafficking)

Survivors did not achieve this sense of justice alone and spoke to how social services helped them reach physical and emotional autonomy. The resources they most commonly cited included temporary housing, immigration assistance, family reunification, and financial assistance. Immigration assistance and family reunification were specific to foreign-born labor trafficking survivors. Sex trafficking survivors also valued the ability to vacate their criminal records, when they were able to do so.

Survivors Sought Stability, then Empowerment

Many survivors described accessing justice as a multitiered process. Of immediate importance was moving on from their experiences and regaining control over their lives, after which they viewed justice as a process of finding empowerment for themselves and others. This process took different forms for survivors, with the most commonly referenced activities being: participating in survivor networking councils, sharing stories of survivorship, advocating for better laws around human trafficking, and finding employment or volunteer opportunities, particularly in social services.

I feel okay what is the outcome because I continue with my life, and also it's empowered me. I share my stories. I also wrote a play. And I met many other survivors, many other leaders, and I will have work. I go to school, so I feel that I'm independent. Even though that four years of life that was there, I couldn't do anything, I have achieved what I want. (Site 7, survivor 2, survivor of labor trafficking)

Many survivors defined justice as the chance to help others, find autonomy, and connect with other survivors. They discussed the benefits of survivor networking groups, which provided opportunities to build relationships with others who had similar experiences, find emotional support, and support others in their recovery and healing process. Although their chosen outlets for achieving stability and empowerment varied, survivors were overwhelmingly more focused on facilitating their recovery process than punishment for their traffickers.

BOX 4

Key Findings: Survivors' Perceptions of Justice for Themselves

- When defining justice, most survivors focused on outcomes for themselves and the resources needed to help them heal rather than outcomes for their traffickers.
- The most common definition of justice for survivors was finding emotional and physical freedom from their traffickers and “moving on” from their trafficking experience.
- Survivors also spoke to the importance of finding empowerment, often through accomplishing self-defined goals and engaging in survivor support work.

Survivors Offered Concrete Recommendations for the Criminal Justice System

Our findings reveal that survivors of human trafficking experience challenges with the criminal justice process and most often prefer to pursue noncriminal justice remedies. At the end of each interview, most respondents provided recommendations to improve justice processes.⁵ These recommendations included reducing the criminalization of survivors, encouraging criminal justice stakeholders to adopt a more compassionate and trauma-informed approach, increasing diversity among law enforcement officers, and increasing training for system actors.

Adopt a Compassionate, Trauma-Informed Approach

Survivors of both sex and labor trafficking believed interactions between survivors and criminal justice actors could be improved if law enforcement officers treated them with compassion and respect. They suggested that officers tell survivors they are not in trouble from the start rather than allowing them to feel that they might be arrested, take a more active listening approach, acknowledge survivors' pain and trauma, and adopt less intimidating mannerisms (e.g., wearing plain clothes during interviews and speaking in softer tones).

I believe it would have been better if, when we called, when we were feeling that we were being abused, if [the police] would have paid attention to us. Maybe things would've been different.

—Site 5, survivor 8, survivor of labor trafficking

Stop Criminalizing Survivors

Survivors of sex trafficking, in particular, denounced the criminalization of survivors for actions related to their trafficking experiences. Survivors reported feeling disrespected and retraumatized by law enforcement officers, which diminished their likelihood of approaching criminal justice actors for relief or reporting a crime in the future. Specifically, they suggested that officers stop mistreating and arresting survivors and that prosecutors stop leveraging charges against survivors to secure their participation in prosecuting traffickers. Survivors felt that these recommendations could help build trust among survivors and lessen their chances of retraumatization.

Treat us like human beings. Just because you're being trafficked doesn't make you any less of a human than the police themselves are. Treat us with the same respect that you would treat your mother and your sister. No one child ever wakes up one day and says, "Hey, I wanna be a prostitute and I wanna be trafficked for the rest of my life." No. Nobody says that. Nobody.
—Site 8, survivor 4, survivor of sex trafficking

Increase Diversity among Law Enforcement Officers

Both survivors of sex and labor trafficking called for increased diversity among law enforcement officers. Labor trafficking survivors felt that having more Latinx agents would reduce language barriers and make survivors feel more comfortable disclosing their trafficking experiences. Women-identifying survivors of both sex and labor trafficking felt that having more women law enforcement officers would help them feel more comfortable and safer disclosing their victimization experiences.

Improve Training for Criminal Justice System Actors

Survivors discussed the need to better train system actors on identifying trafficking, responding to trafficking, respecting victims, and being trauma-informed. Many survivors described experiences where criminal justice actors failed to identify them as victims or disbelieved them when they reached out directly about their victimization. This was particularly true among labor trafficking survivors.

Limitations

Our findings should be interpreted with several limitations in mind. First, this study draws from a convenience sample of human trafficking survivors. Recruitment was made possible through partnership with service providers, meaning data were collected only from survivors who had 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. 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. Fourth, we had too few respondents with civil justice case experiences to draw definitive conclusions about survivors' perceptions of the civil justice system.⁶

Finally, because our interview protocols did not include specific questions about the details of survivors' trafficking experiences, it was difficult to gauge when victimization occurred. We are therefore unable to measure survivors' perceptions of justice over time, which would be a valuable focus for future research.

Conclusion

Our findings indicate that although survivors' perceptions of justice varied depending on their backgrounds and prior experiences with justice system actors, most faced challenges interacting with the criminal justice system and preferred to find justice through non-criminal justice alternatives.

Survivors' perceptions were shaped by their faith in the American criminal justice system, including their trust in law enforcement, prior interactions with criminal justice processes, and understanding of legal processes in the United States. Domestic sex trafficking survivors reported high levels of distrust in and negative perceptions of justice system actors, often because of past mistreatment, abuse, and criminalization at the hands of law enforcement. Foreign-born survivors of labor trafficking had more trust in the justice system but were less aware of legal processes and proceedings.

Most survivors did not endorse traditional forms of retributive justice for their traffickers and instead felt justice could best be achieved through prevention rather than punishment. Their perceptions of justice for themselves differed from their perceptions of justice for their traffickers. Survivors most commonly perceived justice as the ability to move on from their trafficking experiences and find autonomy and empowerment through achieving self-defined goals.

Survivors offered concrete recommendations for how criminal justice actors can improve their handling of human trafficking cases, including: adopting a more compassionate approach, stopping the criminalization of survivors, hiring more diverse law enforcement agents, and improving training for system actors.

This brief provides the first glimpse into human trafficking survivors' experiences with the criminal justice system and perspectives on justice. Although the field needs further research that centers survivors' voices, our findings offer a step in that direction and point to the need to reform current criminal justice system responses to trafficking cases and develop noncriminal justice alternatives for remedying harm.

Notes

- ¹ For analysis of our stakeholder interviews, please see Love and colleagues (2018) and McCoy and colleagues (2018).
- ² Latinx is a gender-neutral term for people of Latin American descent.
- ³ Our sample of foreign-born survivors of sex trafficking (7) and those who experienced both sex and labor trafficking (4) is too small to draw conclusions regarding their trust in system actors.
- ⁴ The specific county referenced is kept confidential to maintain the respondents' confidentiality.
- ⁵ For a comprehensive list of all survivor recommendations, please see McCoy and colleagues (2018).
- ⁶ For a discussion of civil litigation in cases of human trafficking see Vandenberg (2015, 2016) and Werner and Kim (2008).

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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.

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