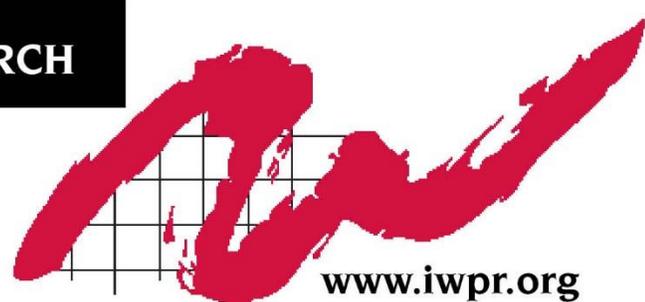


Briefing Paper



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The Economic Drivers and Consequences of Sex Trafficking in the United States

Like intimate partner violence, sexual assault, and stalking, human traffickingⁱ has significant economic consequences for victims. While data on the prevalence of human trafficking in the United States are scarce, due to the covert nature of the crime, some research suggests that trafficking is widespread. In 2016, the National Human Trafficking Resource Center Hotline (National Hotline) received 26,727 reports of human trafficking in the United States, resulting in 7,621 cases referred to law enforcement—a 36.7 percent increase from 2015 (National Human Trafficking Hotline 2016). Sex trafficking represented the majority (73.3 percent) of the cases referred by the National Hotline in 2016; labor trafficking represented 14.0 percent of cases, 3.5 percent of cases were dual sex and labor trafficking victimizations, and 9.2 percent were unclassified (Polaris Project 2017).

Human trafficking generates large illegal profits which, combined with the perceived low risk of arrest and prosecution for traffickers, help to fuel trafficking (Dank et al. 2014). The International Labor Organization estimated that human trafficking globally generates \$150 billion in illegal profits a year—\$99 billion from sex trafficking and \$51 billion from labor trafficking (International Labor Office 2014). The report also estimated annual profits generated per victim were \$21,800 for sex trafficking and \$4,800 for victims trafficked for construction, manufacturing, mining, and utilities globally.ⁱⁱ

The cost of human trafficking to victims is significant and often life-long. Victims often experience wage theft (Owens et al. 2014); suffer substantial economic costs due to physical, sexual, and psychological abuse (Busch-Armendariz et al. 2016); and due to a lack of legal work histories face diminished economic opportunity. In addition, because commercial sex is illegal in most of the United States, many sex trafficking victims become involved with the justice system, and are criminalized despite laws protecting victims (Barnard 2014).

The International Labor Organization estimated that human trafficking globally generates \$150 billion in illegal profits a year—\$99 billion from sex trafficking and \$51 billion from labor trafficking.

This briefing paper focuses on the economic implications of sex trafficking within the United States, the economic factors that can increase risk of exploitation, the economic effects of victimization, and the challenges and opportunities facing service providers, the justice system, and policymakers to reduce trafficking and its economic harms.ⁱⁱⁱ

Economic Vulnerability and Victimization

Practitioners report that traffickers often target individuals who have previous experiences of psychological trauma, histories of family violence or child sex abuse, drug dependency, homelessness, and social isolation. Individuals with limited economic resources—minors and individuals with limited educational opportunities, work opportunities, or family support—are also at a heightened risk of trafficking (Carpenter and Gates 2016). Traffickers exploit economic vulnerabilities through force, fraud, and coercion luring victims with promises of work, shelter, food, and support (U.N. Office on Drugs and Crime 2008; U.S. Department of Justice 2017). A study by the Polaris Project found that many victims turned to traffickers due to “sustained unemployment, unpaid debt, and desperation to provide for themselves and their children” (Polaris Project 2015a).

Women, girls, and other marginalized populations experience high rates of exploitation:

- Of the total reported cases received by the National Hotline, 83.9 percent of sex trafficking victims were female, and nearly one-third (31.6 percent) were minors (National Human Trafficking Resource Center 2016).
- While Black women and girls represent only 7.2 percent of the U.S. population (U.S. Census 2017), analyses of 2008–2010 data from the Human Trafficking Reporting System found that 40 percent of all confirmed trafficking cases are of Black women and girls (Banks and Kyckelhahn 2011).
- Studies have found that American Indians and Native Alaskans are disproportionately represented in the commercial sex trade. One study found that while American Indians represent only 2.2 percent of the population in Hennepin County, Minnesota, they comprise 24 percent of the women arrested for prostitution-related offenses (Martin and Rud 2007); another study in Anchorage, Alaska, where Native Alaskans make up 7.9 percent of the population, found that Native Alaskans represent 33 percent of women arrested for prostitution (Alaska Ad Hoc NGO Working Group on Sex Trafficking 2012).
- More than half (58.7 percent) of homeless LGBT youth are exploited by sex traffickers compared with 33.4 percent of homeless heterosexual youth (Martinez and Kelle 2013).
- Women experiencing intimate partner violence are also at risk of sex trafficking—36.9 percent of sex trafficking victims who called the National Hotline reported that they were trafficked by their partners (Polaris Project 2017).

While the majority of sex trafficking victims in the United States are U.S. citizens (Banks and Kyckelhahn 2011; U.S. Department of Justice 2017), the U.S. Department of State estimated that between 14,500 and 17,500 individuals are trafficked into the United States each year for both labor and sex exploitation (U.S. Department of Justice 2004). Many victims are promised a better life in another country, training for jobs, or other financial assistance in exchange for labor. These victims are particularly vulnerable to debt bondage, where they perform labor or services to repay debt to traffickers who often impose high interest rates, withhold payment, and charge for housing, food, transportation, and other basic supplies (Litam 2017; U.S. Department of State 2015). Women and girls are often forced into prostitution as a means of repayment (U.S. Department of State 2015).

Like perpetrators of intimate partner violence, sex traffickers often employ not only physical and sexual violence, but also psychological and economic abuse to isolate and control (Polaris Project 2015a). Psychological abuse is the most common means of control among sex trafficking victims (Roe-Sepowitz et al. 2017) and can be particularly harmful for child victims resulting in long-term developmental problems (Spinazzola et al. 2014). Assessments of juveniles who were arrested for trafficking in Florida were found to have significantly higher individual and cumulative adverse childhood experiences compared with those with non-related trafficking charges (Naramore et al. 2017). Traffickers often introduce victims to illicit substances or use existing drug or alcohol addictions to force them into exploitative circumstances (Litam 2017). Interviews with 1,416 domestic sex trafficking victims who had been arrested revealed that 15.7 percent had been given drugs or alcohol during recruitment. Drugs and alcohol were commonly used by 28.0 percent of individual traffickers and 62.6 percent of gang organized traffickers to control victims (Roe-Sepowitz et al. 2017). Economic exploitation is also used to further entrap victims. One study of commercial sex trafficking in San Diego County found that economic coercion, in which the trafficker takes at least fifty percent of the victim's earnings, was the most frequently utilized type of coercion (Carpenter and Gates 2016).

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The Effects of Trafficking on Survivor Economic Security

Victims of sex trafficking often experience poor physical and mental health (U.S. Department of Health and Human Services 2012d). Sex trafficking victims are at high risk of sexually transmitted infections, pregnancy, and unsafe abortions (Office of Victims of Crime 2012). Common physical health problems reported by victims of trafficking often include headaches, stomach pain, and back pain; mental health problems—which are often severe—including depression, anxiety, Post Traumatic Stress Disorder, and other psychiatric conditions (Ottisova et al. 2016). Many victims also struggle with alcohol and drug addiction, either as a result of traffickers' control or as a coping mechanism, and need treatment programs to recover (Office for Victims of Crime and Bureau of Justice Assistance 2017).

Obstacles to stable employment can impede trafficking victims' long-term well-being and economic security. Delayed progress at school or failure to complete high school is common among trafficking victims, particularly among minor victims. Many needed training to secure good jobs after escaping abuse (Aron et al 2006). Victims may also experience challenges with maintaining employment due to the negative psychological and physical effects of trafficking (Office for Victims of Crime 2015). In addition, a lack of legal work experience leaves victims without a marketable resume or references and impedes them from accessing high quality employment. Lack of legal immigration status and language barriers also serve as barriers to work for victims trafficked into the United States.

A survey conducted by the National Survivor Network found that 90 percent of sex trafficking victims had been arrested for trafficking related crimes—42 percent of victims were arrested more than 10 times.

The criminalization of trafficking victims hinders their ability to rebuild their lives and escape abuse. Despite laws establishing that minors are legally incapable of consenting to commercial sex acts, and that victims are not required to show “force, coercion, or fraud,” many child sex trafficking victims are arrested and charged with prostitution, truancy, and other illegal acts (Reid and Jones 2011). A

2016 survey of 45 sex trafficking survivors conducted by the National Survivor Network found that 90 percent of victims had been arrested—42 percent were arrested more than 10 times (National Survivor Network 2016). Criminal histories prevented 81.5 percent of respondents from obtaining employment and 55.6 percent from getting housing (National Survivor Network 2016).

Obstacles to Safety and Justice

In addition to establishing human trafficking and related offenses as federal crimes, the Victims of Trafficking and Violence Protection Act of 2000 (TVPA) includes some provisions designed to address the economic consequences of trafficking. TVPA and its subsequent authorizations mandated that victims be paid restitution, funded assistance programs for victims, and authorized “T” Non-Immigrant Visas (T Visas) allowing victims who were trafficked into the United States to remain in the country (Public Law 106-386). Despite these provisions, and many state laws seeking to help victims, both the justice system and community service providers need more resources and training to effectively respond. Victims are often misidentified as criminals, left without specialized interventions and supportive services, or denied required compensation for economic losses associated with their victimization. There are also significant gaps in human trafficking policies, which can further harm victims of sex trafficking who are wrongfully criminalized, making them vulnerable to further exploitation, and diminishing their chances of obtaining economic justice.

Justice System

Because of the illegal nature of the commercial sex trade, law enforcement officials are more likely than any other public servants to encounter victims (Clawson et al. 2009). Research suggests, that only a small percentage of trafficking victims or perpetrators across the country, however, are identified by law enforcement (Simich 2014). Law enforcement’s response to trafficking is often hindered by a lack of knowledge and training on the coercive dynamics of sex trafficking, trauma, and victimization, and an inability to distinguish sex trafficking from prostitution (Farrell et al. 2012). Advocates report that some existing trainings were created without significant input from trafficking and trauma experts (U.S. Department of State 2017). Juvenile sex trafficking victims are often arrested for crimes such as criminal trespass, disorderly conduct, loitering, obstructing public passages, presenting false identification, and possession of a controlled substance, which are fundamentally related to trafficking victimization, and are sometimes referred to as “masking crimes” (Martell Brunsink 2016). A national study of 1,450 juvenile offenders found that 84 percent of those identified as sex trafficking victims involved in third-party exploitation cases had a history of running away (Mitchell, Finkelhor, and Wolak 2010).

Another study of sex trafficking in San Diego found that half of all individuals arrested for prostitution had been sex trafficking victims (Carpenter and Gates 2016).

Law enforcement officers' perception of whether the individual is a victim or offender is often determined by the victim's level of cooperation, willingness to identify the trafficker, and whether the victim had a criminal history. A study of case files from six U.S. cities

Forty percent of trafficked minors arrested for prostitution were viewed as criminals rather than victims.

found that 40 percent of trafficked minors arrested for prostitution were viewed as criminals rather than victims. This is further complicated by victims' own perceptions of themselves as perpetrators of illegal acts such as prostitution or drug possession rather than as victims of trafficking (Halter 2010). These inaccurate perceptions not only prevent trafficked victims from achieving safety and justice but the resulting criminal record also creates additional obstacles to economic security and recovery (U.S. Department of State 2016).

In addition to wrongful arrest, a failure to acknowledge and respond to the severe psychological effects of trauma on victims of sex trafficking also undermines the criminal prosecution of traffickers and can further traumatize the victim (Long 2012). While tactics to instill fear and psychological control by the trafficker have a profound effect on the victim's willingness to cooperate with a case, dependence on traffickers for basic needs can also negatively affect participation. Analysis and interviews conducted by the Urban Institute found that law enforcement officers believed that victims were less likely to cooperate with investigations if victims viewed their trafficker as their only means for survival (Farrell et al. 2012). Despite this recognition, the justice system lacks the resources, supports, and partnerships necessary to offer victims a viable path forward.

Advocates recommend more training for prosecutors and judges on mandatory restitution requirements for victims of trafficking (U.S. Department of State 2017). While federal law mandates restitution for all victims of human trafficking, it is not routinely requested or awarded in sex trafficking cases. Analysis of human trafficking cases between 2009 and 2012 found that prosecutors pursued restitution in 61 percent of sex trafficking cases compared with 87 percent of labor trafficking cases (Human Trafficking Pro Bono Legal Center 2014). Disparities in restitution awards also persisted by type of victimization—only 44 percent of restitution requests in sex trafficking cases were successful compared with 93

Restitution—while mandated by law—was only requested in 61 percent of sex trafficking cases.

percent in labor trafficking cases; and average awards when restitution was awarded to sex trafficking victims were \$151,076.58 compared with \$228,201.82 to labor trafficking victims (Human Trafficking Pro Bono Legal Center 2014).

Law enforcement officials, prosecutors, and judges are the gatekeepers for critical resources for victims trafficked into the United States and for undocumented immigrants who are victimized in this country. Certification from federal law enforcement with Customs and Immigrant Services is necessary to obtain temporary legal status known as "Continued Presence" (a one-year form of immigration relief that allows a victim to remain in the United States during an investigation or prosecution and to obtain an Employment Authorization Document) and non-immigrant legal status through T-Visas, which allow victims to access

federally funded emergency services and other supports (U.S. Department of Health and Human Services 2012a; U.S. Department of Health and Human Services 2012c). While the number of human trafficking cases in the United States is growing, the number of individuals accessing these temporary Visas is decreasing (Freedom Network USA 2016). Lack of knowledge, training, and procedures for justice system professionals on how to certify the visa application forms for victims can prevent sex trafficking victims from obtaining these protections (Freedom Network USA 2016).

Supportive Services

Sex trafficking victims who escape abusive situations often need an array of financial and other supports to begin building stable lives (Johnson 2012). These supports often include housing assistance, legal assistance, physical and mental health services, counseling for psychological trauma, substance abuse treatment, education, and job training, among other services (Clawson et al. 2003). One report found that securing emergency shelter and long-term transitional housing were among victims' greatest needs reported by service providers (Owens et al. 2014). However, few shelter or transitional housing programs focus on the needs of trafficked victims (Alimchandani and Lemma 2017). A 2013 survey of residential programs for sex trafficking victims found that there are only 33 programs across the United States exclusively for trafficking victims and that 28 states lacked any specialized residential programs (Reichert and Sylwestrzak 2013). Of these programs, few are able to provide the full range of comprehensive services victims need, including intensive trauma therapy, GED courses or college preparation, job and vocational training, or basic life skills development. Victims trafficked into the United States will also require specialized legal expertise and collaboration with the justice system to obtain temporary non-immigrant status and other support eligible to certified trafficking victims (U.S. Department of Health and Human Services 2012c).

A census in 2013 found that there are only 33 residential programs exclusively for trafficking victims in the United States.

Advocates and service providers face a range of challenges in supporting victims of sex trafficking. Many service providers report that a lack of understanding or confusion about what services and resources domestic and foreign-born victims are eligible to receive (Clawson and Dutch 2008). Advocates and service providers also report that, when paired with the complicated nature of survivors' needs, having inadequate and time-limited funding for services poses challenges to their ability to provide appropriate assistance (Gozdziaik and Lowell 2016).

Public Policy

In addition to TVPA, every state in the United States has enacted some form of anti-trafficking legislation (Polaris Project 2014), yet gaps remain in the availability of critical protections and interventions (Simich 2014). The anti-trafficking advocacy group Polaris Project rates states based on whether they have passed laws that effectively combat trafficking, punish traffickers, and support survivors. According to their rating system, 39 states have passed "significant laws to combat human trafficking," nine states and the District of Columbia have passed numerous laws to combat human trafficking but should take more steps to improve and implement laws, and two states have made "nominal efforts" to combat human trafficking and must improve their laws (Polaris Project 2014).

Victims' assistance laws and resources, including having a human trafficking hotline, safe harbor laws for minors, victim assistance programs, being eligible for civil protection orders, access to civil damages, and the ability to vacate convictions for sex trafficking victims are not uniformly available, yet such protections and resources are critical to victims seeking to escape and recover from the effects of trafficking. New York was the first state to enact "vacatur" laws in 2010 (Survivor Reentry Project 2016), which allow victims to expunge or seal criminal convictions related to their victimization, eliminating a significant barrier to employment and housing. Since then, 36 states have passed vacatur laws (U.S. Department of State 2017). As of 2017, 34 states have enacted safe harbor laws. While these laws vary widely from state to state, they generally provide protection for minors who are victims of sex trafficking against prosecution for crimes that they were coerced to commit, establish diversion programs, and provide specialized supportive services to aid their recovery (Polaris Project 2015b).

Promising Practices

The needs and challenges facing victims of sex trafficking are complex. A failure to adequately recognize and respond to victims leaves them further vulnerable to victimization and impedes their ability to recover and achieve future economic security. Training and resources are necessary to ensure that available interventions are utilized. Cross justice, service, and community collaborations are also needed to effectively assess victimization, reduce wrongful criminalization, and support the economic recovery of victims.

Justice System

All justice system sectors, particularly those working with juveniles, should be regularly trained on the indicators of human trafficking as well as the rights of victims outlined in federal and state policies. To help improve victim identification and reduce misclassification of crimes, law enforcement agencies need regular trainings informed by advocates and sex trafficking victims to better identify the tactics of coercion involved in trafficking (Owens et al. 2014). Officers also need clear assessment tools and procedures to respond to trafficking. The Florida Department of Juvenile Justice (DJJ) launched their own assessment, the Human Trafficking Screening Tool, in 2015 to improve how the juvenile justice and child welfare systems identify and respond to human trafficking. The tool is being used by DJJ assessment center and intake facility staff, DJJ Probation Officers, DCF Child Protective Investigators, Florida Network of Youth and Family Services, and Community-Based Care staff throughout the state (Statewide Human Trafficking Council 2016).

To help trafficking victims begin the healing process and reduce the obstacles that hinder participation in trafficking cases, law enforcement in particular must develop strong relationships with service providers to better meet the needs of victims, particularly those trafficked into the United States. This is also critical as federal law requires that sex trafficking victims cooperate with law enforcement to access benefits including "Continuing Presence" status, U-Visas, and T-Visas. Law enforcement, prosecutors, judges, and victim advocates should be educated on the immigration rights of victims of human trafficking, such as those developed by the [Human Trafficking and the State Courts Collaborative](#).

The justice system can also help victims recover from the economic instability resulting from sex trafficking and create meaningful pathways to independence. Prosecutors and judges should request and award restitution in sex trafficking case as mandated under TVPA. While

many defense attorneys have successfully argued that sex trafficking victims should not be compensated for wages from illegal acts (Human Trafficking Pro Bono Legal Center 2014), federal courts have held that sex trafficking victims “receive restitution, notwithstanding that their earnings came from illegal conduct” as required by 18 U.S.C. § 1593 (*United States v Mammedov* 2008). The [Human Trafficking Pro Bono Legal Center](#) provides a variety of resources for legal professionals that focus on supporting civil and criminal justice needs of victims of human trafficking, including tools to assess damages for restitution. Attorneys can pursue civil damages in addition to restitution to offer victims additional opportunities to recover economic damages (AEquitas 2014).

In cases of wrongful arrest and prosecution, attorneys should use vacatur laws to expunge criminal records so that survivors are not denied employment, housing, and financial assistance due to coerced criminal acts (Survivor Reentry Project 2016). The [Survivor Reentry Project](#) offers training and technical assistance to help attorneys, advocates, law enforcement, prosecutors, and judges seeking to support survivors with criminal records (American Bar Association 2017).

Supportive Services

Health services and programs that serve high-risk populations—such as victims of child sex abuse, foster youth, and the homeless—must be educated to recognize the signs of trafficking and how to respond. The National Hotline has a number of assessment tools and resources available to help programs identify trafficking victims, including a [Comprehensive Human Trafficking Assessment Tool](#), [Human Trafficking Assessment Tool for Educators](#), [Protocol Toolkit for Developing a Response to Victims of Human Trafficking in Health Care Settings](#), and [Sex Trafficking Victim Outreach Card](#) (National Human Trafficking Hotline 2016). The Vera Institute of Justice also developed and validated a victim assessment tool for victim advocates (Simich et al. 2014; Vera Institute of Justice 2014).

Financial assistance for food, shelter, health care, and legal aid can also help survivors meet basic needs in the short-term (U.S. Department of Health and Human Services 2012b). In addition, victims need assistance with their education, including GED programs and enrollment in school, employment support such as job training and career guidance, and financial management and other life skills training. Job training and placement services in combination with integrated case management can be critical for survivors’ long-term economic security (Office for Victims of Crime 2015). These services must be trauma-informed and recognize and address the unique challenges trafficking survivors face in overcoming education barriers, limited legal employment histories, and criminal records. One organization, [Thistle Farms](#), in Nashville, Tennessee, provides survivors of sex trafficking, prostitution, and addiction with safe and supportive housing, treatment programs, education, and job training (“Thistle Farms” 2017). [Georgia Cares](#), established by the Governor’s Office for Children and Families in 2009, is a nonprofit organization that serves as a central point of services for victims of domestic minor sex trafficking. Georgia Cares coordinates a multidisciplinary team of service providers and public and private resources to provide emergency response services, screening, case management, mentoring, and follow-up services (“Georgia Cares” 2017).

Advocates should also connect victims with legal assistance to help sex trafficking victims with immigration issues and address trafficking related criminal records. In addition, victims

should be provided with information about Crime Victim Compensation and other economic remedies that can help victims secure much needed financial assistance and compensation for losses.

Public Policy

The Uniform Act on the Prevention of and Remedies for Human Trafficking developed by the National Conference of Commissioners on Uniform State Laws offers model provisions for states seeking to strengthen anti-trafficking and victim-assistance legislation. Mandating training and screenings for the juvenile and child welfare systems can also help to identify and treat victims. Further expanding safe harbor laws and improving policies so that they are victim-focused, such as supporting immunity from prosecution rather than diversion programs (Polaris Project 2015b), can help to shield victims from being held responsible for crimes committed as a result of trafficking. Expanding opportunities for victims of trafficking to vacate convictions from wrongful prosecution can help survivors erase criminal histories resulting from prostitution or other related crimes.

Establishing protection orders for or expanding existing statutes to include trafficking victims, like Texas' Protective Orders for Victims of Sexual Assault or Abuse, Stalking, or Trafficking, which includes a catch-all provision enabling judges to order alleged offenders to take actions "necessary to prevent or reduce the likelihood of future harm," can help to increase safety and provide much needed economic relief (Texas C.C.P. Art. 7A.01(a)). States should also consider strengthening opportunities for victims of trafficking to seek civil damages and improving payment of restitution for trafficking victims. Finally, increasing funding resources dedicated to specialized programming for trafficking survivors and providing training and technical assistance opportunities is necessary to help service providers build the capacity to address the complex needs of trafficking survivors. Civil and criminal asset forfeiture of gains from traffickers' criminal activity may be a tool to supply the additional resources needed to provide a more comprehensive response to human trafficking (AEquitas 2014).

Finally, more research and data are needed to better understand the scope of sex trafficking in the United States, the needs of victims, how effectively justice is being served, and what interventions are the most successful.

Notes

ⁱ The Trafficking Victims Protection Act of 2000 defines human trafficking as "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or, the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (22 U.S.C. § 7102(9))."

ⁱⁱ Annual profits generated victims trafficked for "construction, manufacturing, mining, and utilities" was \$4,800, \$2,500 for victims trafficked for "agriculture", and \$2,300 for victims trafficked for "domestic work."

ⁱⁱⁱ Research on human trafficking often combines both sex trafficking and labor trafficking, which itself includes high rates sexual violence among female victims (Global Freedom Center 2017). This brief will focus on available literature that specifically differentiates the economic vulnerabilities, costs, and obstacles that contribute to the victimization of sex trafficking victims.

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The Economic Security for Survivors (ESS) project seeks to build, protect, and restore the economic security of survivors of intimate partner and sexual violence, and stalking so that they may be safe and free of abuse. Domestic and sexual violence programs, the justice system, and communities play distinct and important roles in supporting survivors' independence and recovery from the costs of abuse, and these groups must recognize and respond to the economic barriers and costs survivors face. The Economic Security for Survivors project—formerly of Wider Opportunities for Women and now housed within IWPR's Health & Safety initiative—identifies barriers that threaten survivor economic security and safety and offers solutions based on data and proven best practices. The project provides justice system and community professionals with strategies, tools, education, and training to improve how policies and programs respond to the economic consequences of abuse and support survivors' economic security.

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