National Survivor Network Members Survey:

Impact of Criminal Arrest and Detention on Survivors of Human Trafficking

August 2016

Background

The National Survivor Network (NSN) is a Survivor Leadership Program of the Coalition to Abolish Slavery & Trafficking (CAST). In February 2011, CAST launched the NSN in an effort to foster connections between survivors of diverse forms of human trafficking and to build a national anti-trafficking movement in which survivors are at the forefront and recognized as leaders. Members of the NSN include survivors with various backgrounds and origins spanning 24 countries, including Burkina Faso, Cameroon, Canada, Colombia, El Salvador, Ethiopia, Ghana, Honduras, Hungary, India, Indonesia, Jamaica, Kenya, Malawi, Mexico, Netherlands, Nigeria, Pakistan, Philippine, Republic of Dominican, Sri Lanka, Thailand, United Kingdom, and United States. Active members currently reside in over 38 states including Alabama, Arkansas, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, Nevada, New York, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Washington D.C. The NSN's diverse membership makes it uniquely representative of the myriad of situations experienced by survivors of human trafficking. By connecting survivors across the country, the NSN supports and encourages survivors to realize and develop confidence in their own leadership qualities and for others to learn to value their insight not just as survivors but as experts in the field.

In December of 2015, The National Survivor Network (NSN) created a survey to see the long-term impact of arrests and criminal convictions on survivors of human trafficking. A report on the initial findings from this survey was made public in January of 2016. This report serves as an update to those initial findings as more NSN members and allies have responded to the survey in the following six months after the report was initially published.

Within the human trafficking movement, we are just beginning to understand how practices which we think are keeping victims safe are actually causing them long-term harm. This study sheds more light on this growing understanding.

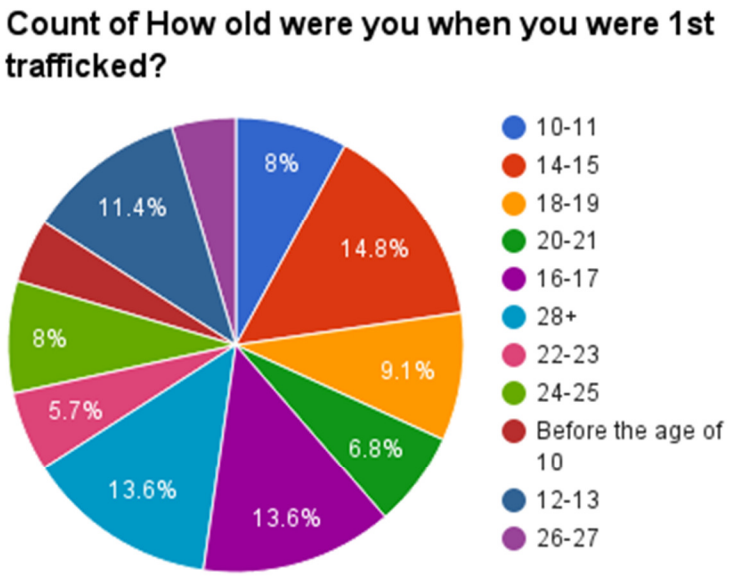
130 human trafficking survivors responded to this survey. The majority, **72** were sex trafficking victims, **6** were labor trafficking victims and **9** had experienced both.

The survey asked questions to gather the following information:

1) Age when the individual was first trafficked and age when first arrested.
2) Number of times human trafficking survivors were arrested and crimes they were arrested for.
3) If the survivor was aware that their trafficker was ever arrested.
4) Number of times as a juvenile they were convicted of a crime.
5) Percentage of arrests that occurred as a direct result of the trafficking experience.
6) Percentage of trafficking survivors who ever reported their trafficking experience and the barriers to reporting to law enforcement.
7) Perception about if human trafficking survivors felt pressure to testify against their traffickers to receive services or other pressure from law enforcement.
8) Barriers that trafficking survivors faced because of arrests and convictions including access to:
    a. Employment
    b. Education
    c. Housing
    d. Loans
    e. Other
9) If trafficking survivors were able to successfully vacate or expunge their records and their experience with this process in different states.
10) Advice survivors would want to give Law Enforcement so that they can identify a trafficking survivor as a victim and not arrest them.

Age at Time of Trafficking

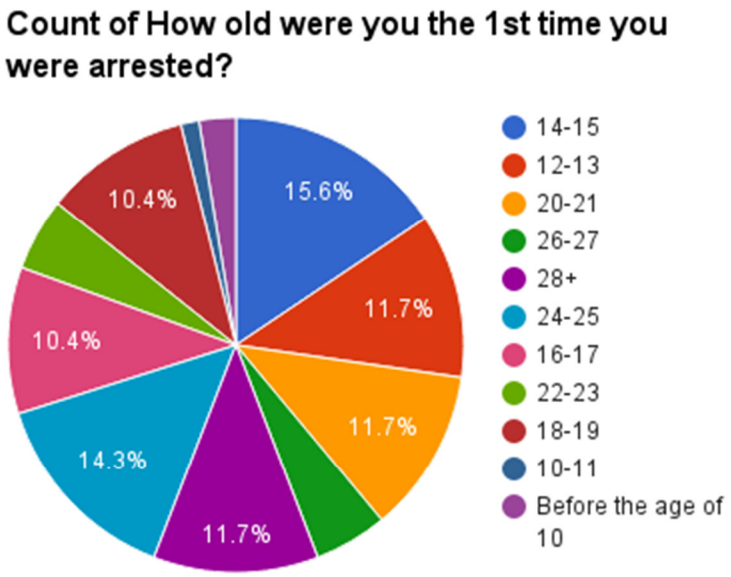
The NSN asked what age the survivor was when they were first trafficked. **52.30%** of the respondents were trafficked as minors. Age **14 to 15** was the age group with the highest number. It is interesting to note that **4.5%** of our participants were trafficked *before the age of **10***, and **13.6%** were trafficked *after the age of* **28.**



Age at Time of First Arrest

41.6% of respondents reported being arrested as minors, which is consistent with the reports that about **52.30** % of our respondents were first trafficked as children. Similarly about **50%** of respondents indicated they had been convicted of at least *one crime as juvenile*. Notably **two** respondents were arrested before the age of 10 years old. Over **50%** of respondents were arrested at least once as a juvenile. Given the survey results we can conclude that if you are trafficked as a minor, you are just as likely to be arrested and convicted for a crime as an adult trafficking victim and that age is not a factor in who is being identified as a victim and who is being arrested.

This survey was designed, administered, and compiled by Beth Jacobs, NSN Policy Chair with assistance from CAST Attorney Stephanie Richard and NSN's policy team.2



Number of Arrests and Crimes Arrested For

90.8% of trafficking survivors reported being arrested. *Of the 130 people who responded to the survey only* ***7*** *trafficking survivors responded that they had never been arrested*. Of those 7 who were never arrested one was detained by law enforcement but then returned to her trafficker.

Of interest **over 39%** of respondents reported being arrested **4 times or less**, and over **40%** reported being arrested **over 9** times or more.

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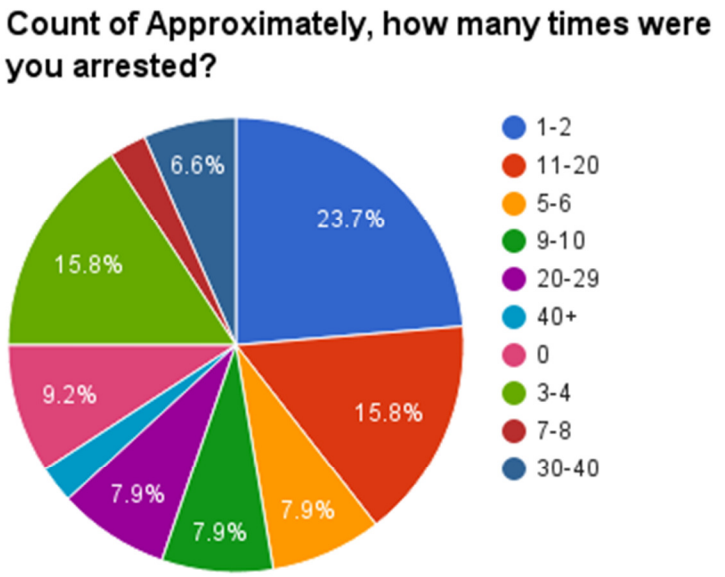

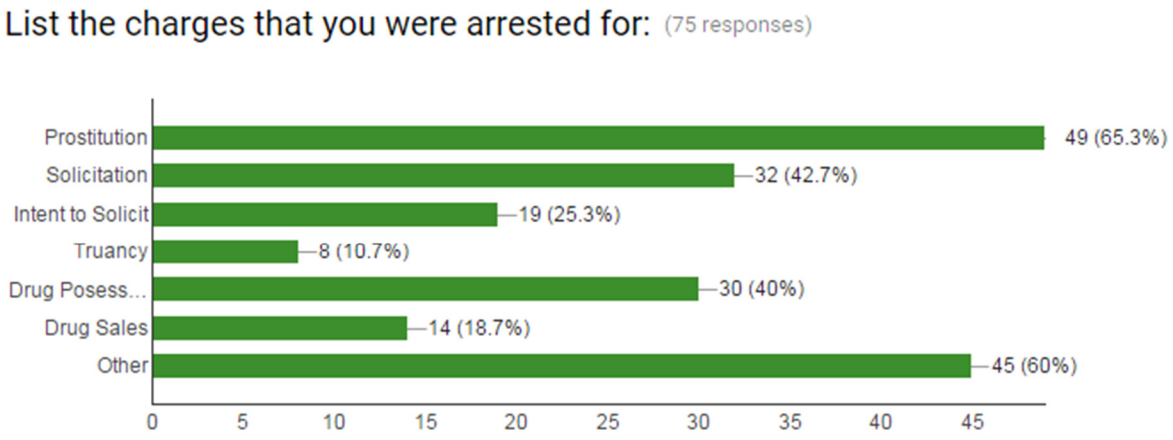

**Some respondents may provide multiple answers.*

When asked what crimes respondents were arrested for, **65.3%** respondents indicated they had been arrested for prostitution, **42.7%** for solicitation, and **25.3%** for intended to solicit. Interestingly, **40%** of respondents also reported being arrested for drug possession, and **18.7%** for drug sales. **60%** reported being arrested for other crimes. We can conclude from this information that traffickers force their victims to participate in other crimes beyond prostitution, especially drug sales and possession.

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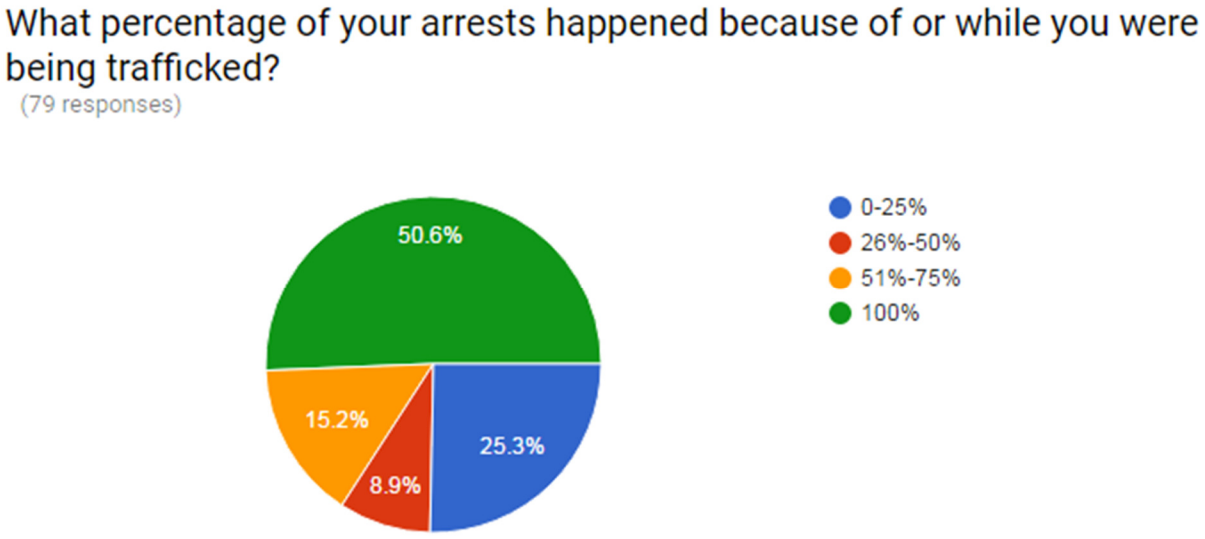
Arrests Directly Related to the Trafficking

Perhaps most significantly the survey demonstrated that **over half** of all respondents believed that **100%** of their arrests/charges/convictions were directly related to their trafficking experience. Only **25%** believe that the majority of their arrests were not related to their trafficking. For example one respondent indicated "I did lie to law enforcement about my identity, and I believe that is why I was taken into custody. I was told to lie by my trafficker.



Traffickers Arrested

In contrast to over 90% of trafficking survivor respondents reporting that they had been arrested, **only 34.5**% reported knowing that their trafficker had been arrested for a crime. 75% also reported they were never able to report to police about their traffickers at all. The survey also found that the majority of the respondent's traffickers were arrested for something besides trafficking and also indicted that the charges against them often got dismissed. Below are some of the respondent's descriptions:

- Prior to me and after me. Pimping/Pandering. He always got off
- But not for trafficking, Assault.
- Domestic violence

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- For unrelated charges and a warrant.
- Human trafficking of a child
- Tax evasion running an escort service, receiving the earnings, imping and pandering
- DV, evading police, parole violation, robbery
- 1 out of 3 did time for tax evasion
- Not all of them and not for the actual charges they should have been!
- Drug trafficking and fake documentations
- Promoting Prostitution
- Pandering & auto theft

Pressure to Testify Against Trafficker to Get Services/ Ability to Report

In the United States victims often feel pressure to testify against their traffickers to get access to services. **22.2%** of respondents reported that they felt like they had to testify against their trafficker to get help or services. An increased number- **30.5%**- felt pressure to testify by law enforcement. Below are a few explanations of some of the pressures that trafficking survivors felt from law enforcement:

- In order to get victim witness assistance I had to sign papers saying I would testify against my trafficker in court. If I accepted financial assistance and then refused to testify the program could then sue me for the assistance money.
- I was given a mandate that I must testify against my trafficker. I was unable, so I was charged.
- I was sentenced to 30 months in prison because I would not testify against my trafficker
- Only way to not be arrested was to testify that you had a pimp and "snitch" on your "man"
- Usually my attorney would try to have me expose my pimp other times no court officials never knew or cared about if I was a victim, just plead me and sentenced
- I was told I needed to in order to receive my U-Visa
- I was scared they told me if I didn't tell they would keep arresting me& keep me in jail for a very long time
- Told me they didn't want me they wanted him but If I didn't corporate they would punish me
- I was told they would go after me for tax evasion and I would get 20+ years and take my daughter, whom I would never see again. They also told me my mom would go to prison for living off the proceeds of a prostitute and she would die in prison.
- Nobody was concerned about my, my needs or concerns. They only cared about my cooperation.
- They tried but I never gave up any information out of fear from my trafficker as well as the general fear of being labeled a "snitch," plus at the time I was being treated as a criminal so the cops were not my friend
- I am going to tell you that corruption has been involved extensively!!!

It is interesting to contrast the above statements by trafficking victims to their thoughts below on why they could NOT report their traffickers to law enforcement. When asked if they were able to

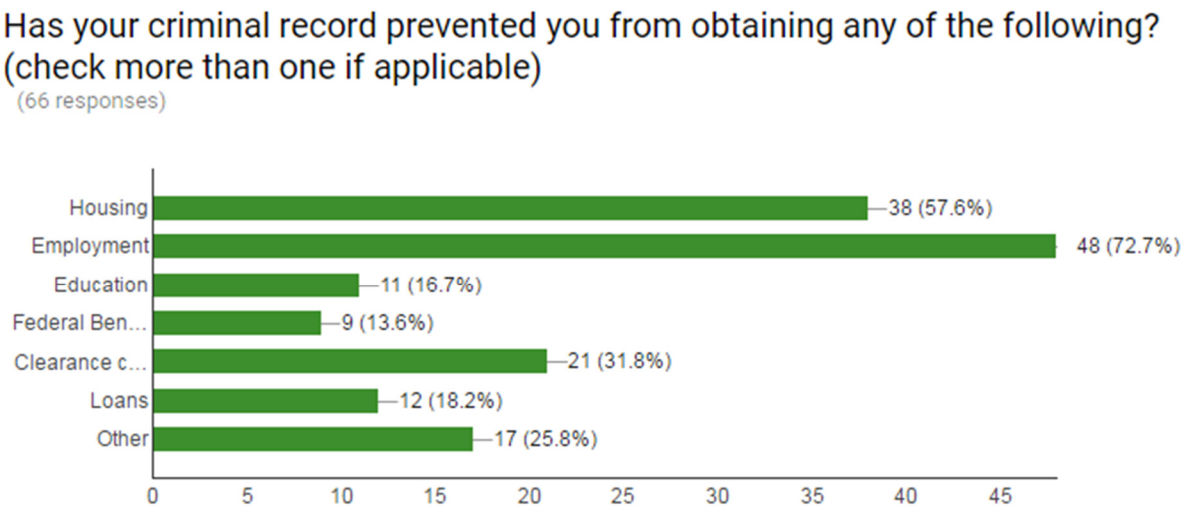
report their trafficking experience, almost **75%** reported that they did not, mostly because of fear, and many said no one ever asked them. Below are some of their responses:

- Loyalty
- Fear
- My mom and daughter. My mom was beaten whenever I was out of pocket, and he held my daughter and wouldn't let me see her. One year I saw her a half day on Christmas. If my money wasn't what he wanted he kept saying he would sell my daughter off and I wouldn't see her again
- I was trafficked over 35 years ago BEFORE human sex trafficking was even a term and BEFORE sex trafficking victims were acknowledged as crime victims.
- Nobody ever asked
- Fear and threats. My trafficker was a convicted murder already so I knew he was capable of follow through
- She was a family member and she got deported.
- Didn't know I could at the time
- My trafficker burned my home down in an attempt to kill me and I was afraid.

~It is important to note some respondents didn't identify their pimps or partners as traffickers.

Long-Term Impact of Criminal Arrests and Convictions on Trafficking Survivors

The majority of survivors reported that they had suffered long-term impacts from the arrests and convictions they faced as a trafficking victim. 72.7% reported this had created a barrier when seeking employment and over 57.6% reported it as a barrier to housing. Lack of housing and employment are often cited as significant factors in creating vulnerability to trafficking or other forms of exploitation. One respondent asked "How can people who have been victimized get their lives together if… society does not let them work?" Other impacts reported included federal benefits such as food stamps, access to jails and/or clearance to work with others like themselves, being able to keep their children, issues with family members and relationships and Credit and loans, including educational loans.



Here are some of the stories that trafficking survivors shared about the long-term impact on their lives:

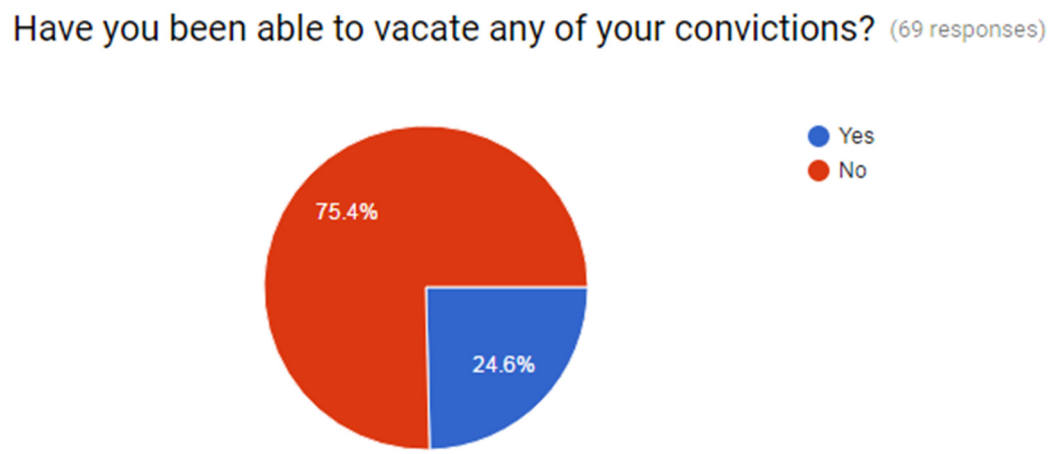
- I was convicted of transporting minors across state lines because of trafficking experience-a gun was held to my head to force me to do this. After getting out I received scholarship for college. Not allowed to live on campus because of federal conviction as a sex offender. Arrived and could not find an apartment to live in for two months. Finally one owner who heard my story made an exception but it was so hard to share my story to find a place to live.
- Employment- a lot of perspective employers shut down and do not ask for explanations or do not want to listen. Hard to find employment with a criminal record and with no other options for work this could lead to re-trafficking.
- I continue to feel "The invisible bars even though I am free"
- Arrested when over 18 for promoting prostitution. Was required in Washington State to register as sex offender and faced abuse and difficulty with parole officers. Additionally as a result of having to register as sex offender my children were taken away and I lost these children for life.
- After escaping I found that I could not rent an apartment in my own name because of extensive background checks by property management. I always have a roommate and can't have my name on mailboxes, report problems, or receive deliveries. Sometimes I have to hide from landlords.
- After having "escaped" from my sex trafficker, I have still been enslaved by the charges. Unable to get employment year after year after year resulted in homelessness and suicide attempts. The removal of the criminal charges due to being a victim should be immediately after the crime having been reported and/or processed. Especially if you assisted law enforcement. I felt like, here you're free, nobody wants to know you, talk to

you, help you, date you, hire you, or have you living in their home so you might as well just be dead.

- One of my charges was for a forgery that involved $28,000 being extracted from a dormant account. Turns out that the account was not dormant and I was charged with fraud. I have to pay back $28K. I've paid back $10K but will spend the rest of my life paying off the balance. I will not be able to get anything expunged until I pay the balance of the restitution.

Ability to Clear Criminal Records

75.4% of respondents reported that they *have **not** been able to vacate* their convictions. Many indicated that is too expensive or they do not know how. Others tried but were not able to or were only able to clear some of their records. The **24.6%** of respondents who reported they **had cleared, or have begun to clear** their records all reported it was a long and painful process. One survivor indicated she had 20 convictions vacated. Survivors who responded to this survey had records cleared in only four states-Illinois, California, Ohio, and Pennsylvania.



Advice to Law Enforcement

The last question the NSN asked in this survey was if you could ask Law Enforcement to change anything about this process to make it easier, what would you tell them? This is a very important question because it provides a survivor's perspective of what would work better. The following were some of the respondent's answers:

- That's an entire training, hard to put in one survey answer. Be patient, gain trust, interview don't interrogate, prove pimps wrong.
- I was never arrested for prostitution, but I experienced the full spectrum of stigma from

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the cops that knew me on the street when I was homeless and addicted, trying to cope with complex PTSD after adolescent sexual abuse/assault, and after being trafficked to Japan…. The police seemed to always treat me with contempt, disgust, suspicion, and sometimes, outright hostility. Throughout my life, after the first police encounter at 15, contact with police always caused rapid heartbeat, panic, a feeling of helplessness, and other symptoms of trauma. My advice to Law Enforcement is for them to try to step back and see the individual, not to stigmatize, to make the effort to view each human being with basic respect that would go a long way to making things easier. Officers should be trained to see the individual as human. There was one police officer who treated me with respect, toward the end of my ten years of PTSD related street time...and that cop's attitude was one of the factors that helped me to being making positive changes and turning my life around.

- I would suggest that all non-violent crimes be automatically expunged after five years if no other convictions of any kind.
- Please don't arrest victims.
- Please stop criminalizing me for doing something that was done to me since 5 years of age. Have a crisis counselor that is trained along with them or call them out, so that child can connect. Share ALL information when taking to another location.
- Help me charge my trafficker.
- I would ask them to be more understanding, no little girl or young woman wakes up one day and says to herself that she wants to sell her body.
- I would ask them to look at all the progress a survivor has made and see that we are not criminals.
- To arrest only the "johns", NOT the persons being prostituted/trafficked.
- Stop being greedy fools!!! Start loving, respecting, protecting as we the good people do you!!! NOW!
- Ask questions.
- Ensure victim is connected with immediate services specific to CSEC.
- Don’t coerce victims out of charges to flip on pimp.
- Our criminal history should be wiped clean as we deserve a fresh start. We may not only have prostitution charges as we are also used to facilitate drug trafficking and that leads to various other charges all related. My theft charges were for food or clothing during times I ran from pimp in order to survive but went to jail.
- All victims should not be arrested.
- Women in prostitution are victims not criminals.
- Expunge for free. Offer services to stop the cycle.
- Only allow female officers to interrogate me. Give me time to sit and think without questioning me like I'm a criminal. Just because someone is over 18 doesn't mean she is not a victim.
- Make it more relational in the investigative process.
- You are keeping women (and men) in poverty or in criminal situations because they can’t work, bank, or live like normal people. We are being victimized by the government after we were victimized, traumatized, tortured, raped, robbed, abused. Taking everything

from us is wrong, horrific, callous, and it needs to change. There are millions of domestic survivors and we have been silent and endured this unjustly. In the next years we will wise up and you will see a new movement to educate, train, empower that will change lives. You will be for us or against us. You see the injustice yet do not try to move to change processes or procedures. Be proactive and work for change on the inside. Those that abuse us need to go to prison for a very long time.

- That they are the first responders and how they treat a woman when they very first encounter her may very well depend on how she stays in or how quick she gets out. She is not the criminal she is the victim for lack of a better word.
- Please help us move forward to raise, protect and provide for our families. When it is clear that somebody was forced to do a crime and/or has received and proved rehabilitation, then perhaps an addendum could be made to vacate specific charges while under duress.
- I was a victim NOT a criminal. The imprisonment from the system only made it easier for the "the life" to keep me enslaved because 1) I couldn't trust law enforcement to help 2) being arrested made me feel helpless/hopeless 3) criminal record didn't give me any other options other than "the life".
- Please stop arresting, be kind respectful and listen.
- To stop human trafficking, modern slavery from happening.
- To please clear my record so that I can get a job, so that I can go to school for what I wish to become a Criminal Defense Attorney.
- Involve Survivor's in helping.
- Have female officers interrogate me. Make it a more timely process with time to think between questions. Just because someone is over 18 does not mean she is NOT a victim.

Final Recommendations:

- Pass laws that forbid police from arresting ALL victims of human trafficking for crimes their traffickers force them to commit.
- Involve survivors as much as possible in the screening process by LEA of potential victims. What they will not tell LEA they might tell other survivors. Allow funding for a survivor to be hired as part of a task force to address this issue.
- Help us seek justice on our terms. Do NOT force us to testify to get help, because then YOU become the trafficker and re-victimize the victim. Never force victims to testify against their traffickers in exchange for support and services, empower us to speak to protect others and many of us will even though our safety will be at risk.
- Train law enforcement to interview possible victims of trafficking, giving them the tools and the language to determine who is a victim.
- Provide training and protocols on how to offer services within each state to someone who is identified as a victim. This training should be created by or with survivors.
- Allow extra funding to states that hire a survivor advocate to meet with every person encountered by law enforcement suspected of prostitution/human trafficking.

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- Allow funding or a tax break to states who give victims an opportunity for employment.
- Allow funding or a tax break to landlords who will let victims in regardless of their nonviolent criminal charges while they were being trafficked.
- Criminal histories of victims should be wiped clean as we deserve a fresh start. We may not only have prostitution charges as we are also used to facilitate drug trafficking and other crimes that leads to various other charges all related to our trafficking. Do not limit criminal protections to prostitution only related crimes. Create legislation that would allow for this.
- Criminal backgrounds should have a limit to the amount of time it is held against a victim. Currently each state has the right to hold prostitution and other charges against a person for differing time periods which enables them to discriminate. Please put a cap on that time period or remove it in entirety.
- It is difficult to "prove" you were trafficked. Ensure systems are in a place so the evidentiary standard to prove a trafficking experience to vacate convictions is possible for victims.
- Clearing criminal records should not be too expensive or too challenging for survivors to navigate. Victims should be allowed to participate in the vacating/expungement process free of charge. Attorneys should be provided free of charge to assist with this process.
- More Education and training is needed for survivors of trafficking on clearing their records.
- Long-term-trauma leads to charges even after escape from trafficking and we need solutions and supportive services for this not just for crimes directly related to the trafficking.
- A survivor needs long-term funding for their mental health recovery. Currently many states cap sessions at 6 or 8 sessions with a trauma therapist that is funded. Mental health should be funded at levels to acknowledge the long-term needs of survivors.

The above list is recommendations by survivors for other victim/survivors in the future. Victims need the support to move beyond being trafficked. We strive to escape this life and create a safe healthy environment for ourselves and our families. We want to live in safe housing and work jobs to support ourselves. In our great country we should all be able to seek out the American dream. Right now many survivors feel no matter how hard we work or what we do, the system is set up for us to fail. Please help us reorganize this system so we can regain our dignity and move forward with our lives. Please use the survey as a tool to consider what a victim needs to move from victim to survivor to leader.