

# HUMAN TRAFFICKING SERIES

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## Perceptions of Domestic Sex Trafficking Survivors

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### Victims or Offenders?

As of 2014, the federal government and all fifty states have enacted legislation specifically criminalizing sex trafficking. According to federal law, a person is a victim of sex trafficking if he or she engaged in commercial sex as a result of force, fraud, or coercion, or was under 18 years old at the time of commercial sex activity (Trafficking Victims' Protection Act (TVPA), 2000). In 38 states, human trafficking laws include statutes which provide assistance for victims, such as housing, counseling, job assistance, continuing education, or legal services (Polaris Project, 2014). The current volume of this special series on human trafficking discusses the most current research on perceptions of domestic sex trafficking (DST) survivors among a variety of populations, including criminal justice practitioners, the general population, and individuals with aspirations for work in law enforcement, court, and social service contexts. Research has demonstrated that victims are generally viewed as having chosen to enter into the sex trade as culpable participants in prostitution, and have been labeled "offenders" rather than "victims" by criminal justice authorities, in contrast to federal legal definitions.

Despite advances in legislation, studies have indicated that perceptions of sex trafficking victims among both criminal justice practitioners and the general public have limited the successful identification of victims, provision of services, and prosecution of traffickers (Farrell, Owens, & McDevitt, 2014). Adult and youth victims of DST continue to be blamed for their involvement in the sex trade and are often seen as willing participants in prostitution, even when force and coercion by a trafficker is evident. Enduring views of DST victims as culpable "prostitutes" may stem from traditional definitions of commercial sex as an immoral and illegal activity. These ideologies have also limited recognition of the role of traffickers in deceiving and exploiting victims for personal gain. DST



victim blame has also been symptomatic of decades of inconsistent and unclear legislation nationwide, limited public awareness campaigns, and inadequate training for law enforcement, prosecutors, and social service personnel (Farrell et al., 2014).

### Perceptions of Sex Trafficking Victims among Criminal Justice Practitioners

Historically, legal definitions of prostitution have dictated that those involved in the sex trade receive a punitive criminal justice system response, regardless of pimp influence or extenuating circumstances, such as age. Evolving legislation now demands a different approach toward sex trafficking victims. Indeed, legislation has been focused on victim identification, the provision of aid to victims, and the prosecution of traffickers. Evidence suggests, however, that law enforcement responses to sex trafficking victims have been inconsistent nationwide, with some jurisdictions continuing to conceptualize DST victims as offenders (Halter, 2010). Among six police agencies in major U.S. cities, law enforcement perceived 40 percent of sex trafficked youth they encountered as "offenders" of prostitution (Halter, 2010). Youth were more likely to be considered victims when they had no prior record, were seen as cooperative, and where there was clear evidence of trafficker involvement. These assessments are in direct contradiction to the Trafficking Victims' Protection Act (2000) provisions for classifying individuals under age 18 as victims of severe trafficking regardless of "force, fraud, or coercion."

A more recent study examined human trafficking cases in 12 U.S. counties and found that attitudes of law enforcement and prosecutors about victim blameworthiness impacted their treatment of victims and their decisions to file charges (Farrell et al., 2014). The progression of sex trafficking cases has been contingent on victims' testimony and perceived credibility by

judges and juries. Sex trafficking survivors often are not seen as “legitimate” victims due to their involvement in risky behavior and characteristics symptomatic of sex trafficking victimization, such as reluctance to testify against traffickers, distrust of authority, inconsistent reporting due to posttraumatic stress disorder (PTSD), substance abuse, and emotional dysregulation. In extreme cases, this has translated to unwillingness among police to allocate resources to sex trafficking investigations. More commonly, however, victim credibility concerns resulted in plea agreements and case dismissals (Farrell & McDevitt, 2014). While many prosecutors recognized sex trafficked individuals as victims, they anticipated that judges and juries would perceive victims as “bad” witnesses, lowering the likelihood of conviction. Reports from police and prosecutors indicated that community members had limited understanding of the dynamics of sex trafficking, resulting in victim blame and, ultimately, lower conviction rates among traffickers.

## Public Perceptions of Sex Trafficking Victims

Recent research on sex trafficking victim blame has revealed a problematic trend toward blaming victims for their involvement in the sex trade regardless of victim race (African American or Caucasian), age (minor or adult), and coercion by a pimp (Franklin & Menaker, 2015; Menaker & Franklin, 2013; Menaker & Franklin, 2015; Menaker & Miller, 2013). Moreover, a comparison of perceptions of sex trafficking, intimate partner violence, and sexual assault victims found that sex trafficking survivors were viewed as significantly more blameworthy than other victims (Menaker & Franklin, 2015). A number of characteristics have predicted negative assessments and blame toward sex trafficking victims and endorsement of prostitution myths (e.g., myths that people in the sex trade enjoy their work, are generally willing participants, and are not victimized).

Studies with student samples have demonstrated that male subjects and those with traditional gender role ideologies, hostility toward women, and higher social desirability scores were less likely to view prostitution as a form of subordination and exploitation and more likely to view people in the sex trade negatively (Basow & Campanile, 1990; Long, Mollen, & Smith, 2012). Additionally, subjects with sexist attitudes toward women and low levels of empathy were more likely to assess a 16-year-old sex trafficking victim as “stupid, weak, and immoral,” blameworthy, and deserving of punitive criminal justice measures (Menaker & Miller, 2013). Sexism has also emerged as a significant correlate of sex trafficking victim blame and negative attitudes toward women in prostitution in subsequent studies (Franklin & Menaker, 2015), suggesting it is an important factor in understanding attitudes toward sex trafficking survivors. Collectively, research demonstrates a need for enhanced public education on the dynamics of sex trafficking, as victims continue to face considerable stigma and blame.

## Consequences of Victim Blame

Stigmatization and blame continue to be a profound barrier for reporting victimization, exiting the sex trade, and recovery for sex trafficking victims. Survivors of sex trafficking often experience a number of mental health problems as a result of victimization experiences in the sex trade, including PTSD, anxiety, depression, guilt, and self-blame (Farley, 2003). Blame attributions, stigma, and negative social responses to victims may prolong and increase the severity of psychological symptoms, and concerns about blame may dissuade survivors from disclosing victimization to family, peers, or formal agencies such as the police (Ullman & Filipas, 2001). Certainly, the criminal justice system relies on victims to report their victimization experiences in order to investigate and apprehend suspects. To be sure, disclosure by DST victims is imperative to the successful prosecution of traffickers and provision of social services to survivors. Indeed, victims who do not receive assistance or treatment are at increased risk for revictimization (Mason et al., 2009). Positive social responses to victims, including empathy and sensitivity, are critical for survivors’ psychological well-being and integration into prosocial life.

## Strategies to Decrease Victim Blame

Police, prosecutors, and judges have often failed to recognize sex trafficking victims as legitimate due to past criminal behavior, resistance to authority figures, and mental health symptoms that make them “bad” witnesses who lack credibility. This has resulted in fewer resources devoted to sex trafficking cases and fewer criminal charges against traffickers. To combat these issues, it is important that state and local police and prosecutors receive specialized training and resources. First, it is imperative that sex trafficking survivors be recognized as victims, not offenders. Less blame has been attributed to sex trafficking victims when perceivers had knowledge of their victimization histories and coercion by a trafficker (Menaker & Franklin, 2013; Menaker & Miller, 2013). This illustrates the critical importance of public awareness campaigns and training that would explain pathways into the sex trade, the exploitative nature of sex trafficking, physical and mental health consequences, and barriers to exiting. Awareness initiatives have the potential to decrease stigma and victim blame, and may also increase victim identification and public reports of sex trafficking to the police.

Given the extensive victimization histories common to sex trafficking survivors, practitioners likely to come in contact with victims should have appropriate training regarding the effects of posttraumatic stress, such as memory impairment and emotional dysregulation. This would inform a more accurate understanding of characteristics commonly misperceived as dishonesty or failure to cooperate and allow for a more victim-centered and sensitive approach. Prosecutors would also benefit from specific training on interviews with sex trafficking victims, the use of corroborating evidence to strengthen victim testimony, and the use of expert witnesses to educate juries about the dynamics of sex trafficking (Farrell et al., 2014). There are a number of challenges to a comprehensive, victim-centered response to domestic sex trafficking. An important

first step is the development of more specific and consistent legislation nationwide. A growing body of research provides “best practices” for law enforcement and prosecutors dealing with sex trafficking cases (Clawson & Dutch, 2008; Clawson, Dutch, Lopez, & Tiapula, 2008; Farrell, McDevitt, & Fahy, 2008). These strategies should be implemented among criminal justice practitioners as scholars continue to examine the most effective responses to sex trafficking cases.

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## Resources

- UNICEF United States Fund – Child Protection Programs  
*End Trafficking Project* - [www.unicefusa.org](http://www.unicefusa.org)
- Office of Juvenile Justice Delinquency Prevention OJJDP– Institute of Medicine - [www.iom.edu](http://www.iom.edu)  
*Confronting Commercial Sexual Exploitation and Sex Trafficking of Minors in the U.S.*
- Office for Victims of Crime (OVC) – [www.ovc.ncjrs.gov/findingvictimservices/](http://www.ovc.ncjrs.gov/findingvictimservices/)
- Polaris Project - [www.polarisproject.org](http://www.polarisproject.org)
- Shared Hope International - [www.sharedhope.org](http://www.sharedhope.org)
- End It Movement - [www.enditmovement.com](http://www.enditmovement.com)

## Relevant Readings

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