



Being Trafficked: What Prosecutors Need to Know About “The Life”

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“The ‘Life’ is a combination of slavery and a cult where there is a hierarchy, governance, and a leader with a God-like complex. There is also a lot of brainwashing.”

— Keisha Head, Just Exits Advisory Councilmember²

I. Introduction

Sex trafficking is not a monolith. The crime encompasses a spectrum of conduct and contexts, ranging from sexual exploitation within intimate partner relationships to large-scale, organized criminal enterprises.³ Survivors come from diverse backgrounds and are forced, induced, or coerced into selling their bodies for sex in a variety of ways. All forms of sex trafficking, however, cause immeasurable trauma and harm to victims.

Sex trafficking persists in large part because of systemic failures to identify victims and persons at risk of being trafficked. Professionals who interact with trafficking victims but fail to identify them as such unwittingly perpetuate the cycle of exploitation, as victims are blocked from accessing the resources they need to pursue a different path. Although professionals and the public have increasingly committed to survivor-centered responses, trafficking data and the experiences of survivors and professionals reveal an urgent need to do better.

The failure to identify survivors and those at risk of being trafficked occurs across many systems, including child welfare, healthcare, and social services. However, these failures are most prominent—and have the greatest ramifications—when they occur in the criminal justice system. Gaps in identification often occur when survivors interact with law enforcement, prosecutors,

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and other professionals as crime victims, witnesses, or defendants arrested and charged with criminal offenses. At that critical moment, the criminal justice response can support survivors to leave the Life⁴—or it can push them deeper into exploitation. Even the most committed offices fail to identify survivors, and when they do, they struggle to find noncoercive tactics to engage those who are unable or unwilling to participate in their traffickers’ prosecution.

Early identification and the use of survivor-centered practices help to create exit ramps from sexual exploitation, enabling survivors to leave the Life. Effective, survivor-centered responses to human trafficking require the collaboration of all system professionals who may interact with or influence the trajectory of victims. One of the most critical partners of this multidisciplinary effort is the prosecutor. As the gatekeepers of the criminal justice system, they determine whether the laws on the books are put into action. Prosecutors can advance individual cases against traffickers; push for changes in laws, policies, and practices that benefit survivors; and advocate for additional resources to support survivors’ transition out of the Life. Alternatively, they can perpetuate the status quo, all but ensuring that survivors will continue to be criminalized and pushed deeper into exploitation.

This article describes the pathways into exploitation and trafficking and the realities of the Life. It seeks to give context to the choices survivors make—or are unable to make—before and during their interactions with the criminal justice system. By examining survivors’ choices through the lens of their victimization, prosecutors will be better equipped to identify survivors, however they interact with the system; make informed

prosecution decisions; and work with system partners to provide exit ramps from exploitation.

II. On Ramps into the Life

“Our culture assumes women in the sex trade chose to be there, even if their choices are limited. Victims themselves may share this same thought process. However, when we learn about failed safety nets, systemic discrimination, and underlying trauma, the assumption of ‘choice’ looks quite different.”⁵

Poverty, racism, sexual and physical abuse, and neglect pave the pathway to sexual exploitation for women and girls. Understanding the impact of these factors is critical to understanding the dynamics of trafficking and exploitation and how women become tethered to the Life.

Adverse Childhood Experiences

Juveniles exposed to Adverse Childhood Experiences (ACE)⁶ are vulnerable to sexual exploitation.⁷ ACEs include exposure to parental substance abuse, mental illness, incarceration, separation, or death; exposure to racially-based violence; being victimized by violence, abuse, or neglect; and witnessing violence in the home or community.⁸ Any of these events can undermine a child’s sense of safety; their mental, emotional, and physical health; and their ability to form and sustain healthy relationships.⁹

Exposure to any of these events, or a combination of these events, can lead to children running away, being thrown out of their homes, and/or experiencing homelessness.¹⁰ An estimated 4.2 million young people between the ages of 12 and 24 experience some form of homelessness in a given year.¹¹ Homeless and runaway

children are often coerced into sexual exploitation to survive, exchanging sex for food, shelter, drugs, or money.¹² In 2019, the National Center for Missing and Exploited Children estimated that 1 in 6 endangered runaway children reported to them were likely victims of sex trafficking.¹³ Anecdotal evidence demonstrates that an overwhelming majority of sexually exploited women who were recruited into the commercial sex industry as juveniles were homeless and/or runaways at the time of their entry.¹⁴

Of the ACE factors, abuse and exploitation (whether suffered or witnessed by the survivor) are the strongest predictors of later trafficking victimization. Sexually exploited women commonly experience or are exposed to domestic violence, other physical violence, and/or sexual abuse prior to their exploitation. One study interviewing 222 sexually exploited women in Chicago found that over 61 percent of the women grew up in homes with domestic violence.¹⁵ These women frequently witnessed someone in the household—usually their mother—being assaulted, raped, or threatened or attacked with a weapon, often by an intimate partner.¹⁶

Many survivors report coming from homes in which at least one family member regularly exchanged sex for money; received money for the commercial sex activities of another; or forced another to make money through commercial sex with threats, violence, and control.¹⁷ Survivors also report having early exposure to substance abuse through their parents; some even abused substances as children.¹⁸ Many of these women suffer from substance abuse later in life.¹⁹

Furthermore, sexually abused children are significantly more at risk for trafficking than the general population. Older national studies and more recent local studies have found that an overwhelming majority of trafficked individuals have a history of sexual abuse: one study estimated that 70–90 percent of trafficked youth had previously been sexually victimized,²⁰ while another found that sexually abused children are 28 times more likely than their peers to be arrested for prostitution at some point in their lives.²¹ Sexual abuse provides a distinct pathway into exploitation: victims often feel betrayed, powerless, and stigmatized, and they have

been conditioned into viewing sex as a commodity. The most common reason given by survivors as to why they engaged in commercial sex was that they believed it would allow them to regain control of their lives and bodies.²² While the statistics indicate a strong correlation between prior sexual abuse and commercial sexual exploitation, the actual numbers are likely even higher, as survivors are often unable to disclose childhood sexual and physical abuse until they leave the Life and undergo significant therapy.

Recruitment by Family, Friends, and Intimate Partners

Many trafficked and other sexually exploited women who enter the Life at an early age report being trafficked by family members, friends, or romantic partners who suggest commercial sex as a way of making easy money. In some instances, women may be forced to have sex with other men for money to support a family member or partner's addiction to drugs or alcohol.

The dynamics of intimate partner trafficking are similar to the dynamics of intimate partner violence. Offenders use isolation, threats, and intimidation; minimize and deny the abuse; exert male privilege; withhold money; and emotionally, physically, and sexually abuse their victims to exert power and control.²³ Traffickers who have a child or children in common with their victims will use children as a way to force compliance with their will; they will threaten to take the child away or commence custody proceedings if the victim “acts out” or threatens to leave. Unlike victims of traditional intimate partner violence, victims of intimate partner sex trafficking often openly “share” their boyfriend or husband with other women and girls — most of whom are being trafficked themselves. Traffickers foster competition among “sister-wives” or “wives-in-law” to generate the most money and often pick “favorites” to create jealousy and resentment among them. In some cases, however, sister-wives can be a source of support to each other; they bond over shared abuse, share household responsibilities, and act as a family unit.

Husbands and boyfriends who use their wives and girlfriends in commercial sex may also film the prosti-

tuted acts and make amateur pornography available to distributors or on the Internet.²⁴ This pornography may also depict beatings and rapes of these women. This type of pornography encourages arousal by violence and may entice others to act out the same violence against other women.²⁵ Significantly, this type of pornography is often used by traffickers to groom young girls and women into commercial sex.²⁶

System Failures

Systems set up to combat violence and abuse often miss, misidentify, or facilitate the sexual exploitation of victims. The foster care system, for example, which has been an important safety net in the lives of many abused and neglected children, has also served as a vehicle for traffickers to recruit young girls into the Life.²⁷ It has been described by survivors as a system that commodifies children within its care and thus makes them vulnerable to exploitation.²⁸ Children in foster care frequently move between homes or schools, and many lack a stable adult in their lives that they can trust. The instability and isolation experienced by children in foster care makes them vulnerable to traffickers, who use promises of love, stability, and care to provide an alluring escape from a broken system. These children often run away or go missing—often ending in the hands of traffickers—but there is no comprehensive tracking system to quantify the extent of the crisis.²⁹

Ineffective responses from the criminal justice system can exacerbate these failures. Children and teens in foster care may commit offenses fueled by their exploitation and become juvenile respondents in a criminal case. If prosecutors handling juvenile cases fail to identify survivors, they may miss opportunities to connect them to needed services and impose harsh penalties that will push survivors deeper into exploitation.³⁰

Adult criminal defendants and arrestees are also vulnerable to sex trafficking. In some cases, traffickers identify and recruit victims by combing through mugshots and other public court records and then posting the women's bail.³¹ They may also initiate contact with and groom women serving jail or prison sentences by writing them letters, visiting them, or sending them

commissary money.³² Upon release from jail or prison, traffickers may ply their newfound victims with drugs and alcohol. These women are then coerced into commercial sex as a way to pay off their "debts."³³ Often, these women are under court-ordered supervision or are mandated to go through substance abuse programming; traffickers will purposefully cause their victims into noncompliance or threaten to expose their noncompliance as a means of control.³⁴

Historical Racism and Systemic Inequality

National human trafficking statistics, although imperfect,³⁵ paint a stark picture for women from historically marginalized communities. Black, indigenous, immigrant, Asian American, and other persons of color are disproportionately represented in the sex trade, while buyers are primarily White men.³⁶ Women from minority communities also experience high rates of sexual violence, intimate partner violence, and stalking.³⁷ Understanding the role of racism within the United States is critical to understanding the dynamics of sex trafficking. The history of racial discrimination against Black, Latin@, Asian, and Native American communities in the United States created structural barriers and inequalities that minority women continue to face today.

The legacy of slavery provides important historical context to the racial bias that continues to permeate the criminal justice system, particularly as it relates to rape law.³⁸ During the 1800s, rape laws in some states were race-specific; they provided no legal recourse to Black women and girls who were sexually abused.³⁹ In part, such laws were justified and reinforced by the pervasive "jezebel" stereotype, which associated Black women with "increased promiscuity, sexual manipulation, and incitement."⁴⁰ Many modern sources of popular culture, music, film, and other artistic genres reinforce this objectification of Black women as sexual objects. Such stereotypes even extend to children: a recent study found overwhelming evidence that non-Black adults tend to view Black girls as older, less innocent, and more knowledgeable about sex than their White peers.⁴¹ This has fueled the common mischaracterization of young Black women as voluntary participants in the sex trade. The traffickers who exploit these

women and girls know and rely on these misconceptions in order to offend with impunity. They capitalize on the fetishization of Black women and girls to extract profits from sex buyers; they also use “jezebel” stereotypes as a shield, knowing that system professionals and jurors will doubt the credibility of Black victims.

Sexual colonization and stereotyping have also pushed Asian, Asian American, and Pacific Islander (AAPI) women into sex trafficking. AAPI women were first brought to the U.S. to serve as sex workers for White men during the Gold Rush.⁴² The U.S. government responded by passing the Page Act of 1875, which prohibited the “immigration of any subject of China, Japan, or any Oriental country” for “lewd and lascivious” purposes. This effectively codified the perception that Asian women were sexual objects.⁴³ The fetishization of AAPI women continued through the 1900s with the widespread practice of “Comfort Stations”, through which women across Asia were forced into sexual slavery to serve military men.⁴⁴ Now, many Asian women migrating to the United States are forced, fraudulently induced, or coerced into the commercial sex industry, working in illicit massage parlors where they often endure debt bondage, deplorable living and working conditions, and sexual violence.⁴⁵

Sexual exploitation of Latin@⁴⁶ women, meanwhile, often goes unchecked due to similarly damaging eroticization, particularly of young girls,⁴⁷ as well as xenophobia.⁴⁸ Many of these victims are forced to work in cantinas and bars that are owned by or have connections to U.S.-based gangs and cartels.⁴⁹ Disturbingly, experts estimate that over half of victims trafficked in bars and cantinas are minors.⁵⁰ Among other barriers to reporting,⁵¹ undocumented victims may fail to report exploitation and other forms of violence out of fear of being deported, further enabling offenders to exploit them with impunity.

The victimization of minority women cannot be divorced from the systemic inequality and poverty faced by communities of color. Congressional findings included in the Trafficking Victims Protection Act acknowledge that “[t]raffickers primarily target women and girls [...] who are disproportionately affected by

poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities....”⁵² According to census data from 2021, almost twenty percent of Black and African Americans and 17 percent of Latin@ Americans live in poverty.⁵³ Poverty rates are highest among American Indian/Alaska Native populations—24.3% (almost a quarter) of Native Americans live under the poverty threshold.⁵⁴

In fact, studies have found that Indigenous women and girls are particularly vulnerable to sexual exploitation.⁵⁵ The risk factors for exploitation—poverty, family and/or personal substance use disorder, sexual and physical abuse, and neglect—may affect any ethnic group, but are especially prevalent in American Indian/Alaska Native communities.⁵⁶ According to one study, for instance, American Indian/Alaska Native girls in Minnesota reported problematic alcohol use in their families “at more than double the rate of girls in the general population” and problematic drug use at “two to three times that of girls in the general population.”⁵⁷ These girls are at high risk of developing alcohol dependence themselves.⁵⁸

In addition to serving as an on-ramp to sexual exploitation, racial bias, particularly in the criminal justice system, creates conditions that prevent survivors from exiting the Life. In the context of sex trafficking, Black women are more likely than White women to be seen as culpable and less likely to be seen as victims. Studies and surveys suggest that Black women and girls are more likely to be surveilled, harassed, and arrested for prostitution-related offenses than their White counterparts.⁵⁹ This makes them less likely to be identified as victims by responding officers and results in missed opportunities for them to exit the Life. These biases extend to juvenile victims as well: according to the most current available data from the Federal Bureau of Investigation, Black and African American children make up 51 percent of all juvenile prostitution arrests.⁶⁰ The overcriminalization of Black survivors makes it especially difficult for these women and girls to exit the Life.⁶¹

The Internet and Social Media

Just as the marketplace for the sex trade has shifted from the street to online, the Internet has made

When we are in the Life, we just exist. I mean, we don't think about tomorrow...
I once had somebody ask me, "What did you think about the trauma you were
going through?" I didn't think about trauma. I just thought about living...
I just wanted to live and breathe the next day...I just didn't want to die.

— Beth Jacobs, Just Exits Advisory Councilmember

recruiting girls and women for commercial sexual exploitation easier, less expensive, and relatively anonymous. Many traffickers use websites, social media, and networking forums to post false advertisements of modeling, acting, or dancing opportunities.⁶² Girls and women answering these ads soon find themselves being forced, coerced, or fraudulently induced into the world of commercial sex.

Given the relative anonymity afforded to online users, technology-facilitated sexual exploitation is often overlooked. Yet one in nine American youth who regularly use the internet has been sexually solicited.⁶³ Increasingly, buyers and traffickers use various online forums, including internet advertisements, online brothels,⁶⁴ and the "Erotic Services" sections of websites like Craigslist, to contact, recruit, and facilitate commercial sexual exploitation.⁶⁵

III. Surviving in "The Life"

The Cycle of Power and Control

The Life is often described as a rabbit hole, which, once entered, is nearly impossible to back out of. Traffickers target individuals whom they believe have vulnerabilities that can be exploited. Recruiters are masterful at taking the time to identify the wants and needs of vulnerable women and girls and then grooming them into submission. If a victim comes from an unstable family, the recruiter may act as a supportive parental figure. If a victim lacks money or shelter, the recruiter will provide a home, money, or lavish gifts. This is the "bait."

Then comes the "switch." Traffickers purposely create an environment that enables them to assert power and control over victims. They verbally abuse, threaten, and physically and sexually assault the women and girls in their control.⁶⁶ They control most, if not all, of the money that victims make through their commercial sex acts in exchange for "love and protection." Traffickers isolate victims from any supportive friends, family members, or mentors; instead, victims are typically kept in the same housing, creating a group culture that normalizes the dynamics of the Life. Younger victims are deprived of identification and forced to rely upon the trafficker or older survivors for things they cannot do on their own, such as drive, open a bank account, or rent an apartment. As discussed above, traffickers often provide their victims drugs to keep them submissive, and occasionally withhold substances as a form of punishment.⁶⁷ This environment prompts victims to become physically and psychologically dependent on their traffickers.

The environment is also highly intolerant of dissent. Information that is in disagreement with the trafficker's message is blocked; any "outsider" who may try to support the victim is criticized or prohibited from contact.⁶⁸ Actions that are not in agreement with the trafficker's will are punished immediately—they resort to beatings when women under their control disobey any orders, no matter how minor.⁶⁹ These beatings are often severe: traffickers will use fists, feet, hangers ("pimp sticks"), broomsticks, baseball bats, telephone cords, hammers, screwdrivers, and brass knuckles against their victims.⁷⁰ They may rape or sexually assault

Fig. 1. Biderman's Chart of Coercion

Biderman's Chart of Coercion is a tool developed to explain the methods used to break the will of or brainwash a prisoner of war. Domestic violence experts believe that batterers use these same techniques.

General Method	Effects and Purposes
Isolation	<p>Deprives victim of social support (for the) ability to resist</p> <p>Allows victim to be present at all times to keep home environment stable and non-threatening</p> <p>Makes victim dependent on abuser</p>
Control or Distortion of Perceptions	<p>Fixes attention on immediate predicament; fosters introspection</p> <p>Eliminates information that is not in agreement with the abuser's message</p> <p>Punishes actions or responses that demonstrate independence or resistance</p> <p>Abuser manipulates by being charming, seductive, etc. to get what is wanted from victim and becomes hostile when demands are not met</p>
Humiliation or Degradation	<p>Weakens mental and physical ability to resist</p> <p>Heightens feelings of incompetence</p> <p>Induces mental and physical exhaustion</p>
Threats	<p>Creates anxiety and despair</p> <p>Outlines abuser's expectations and consequences for noncompliance</p>
Demonstrating Omnipotence or Superiority of Power	<p>Demonstrates to victim that resistance is futile</p>
Enforcing Trivial Demands	<p>Demands are often trivial, contradictory and non-achievable</p> <p>Reinforces who has power and control</p>
Exhaustion	<p>The abuser uses sleep deprivation to keep victim in a state of confusion</p>
Occasional Indulgences	<p>Provides positive motivation for conforming to abuser's demands</p> <p>Victim works to "earn" these indulgences in an effort to increase self-esteem</p>

their victims. Traffickers also direct other traffickers under their control (“bottoms”) to administer violence against victims who disobey or try to escape.

Like perpetrators of intimate partner violence, traffickers intertwine humiliation, threats, and displays of power with charming behavior and occasional indulgences. This may include paying to get the victim’s hair done or purchasing them flowers, jewelry, new clothes, makeup, or fancy meals as a way to incentivize their cooperation. Traffickers also instill their victims with false hope of a loving, secure future, causing victims to rationalize or withstand the violence and abuse. The cycle of punishment and reward also creates an emotional rollercoaster for victims, keeping them off-balance and subservient to their traffickers, even when presented with support to leave the Life.

Law Enforcement as Perpetrators

Proactive law enforcement officials have initiated much of the positive change in the response to trafficking and interrelated violence against women. Unfortunately, members of law enforcement have also perpetrated verbal, physical, and sexual assaults against sexually exploited women.⁷¹ Survivors often report being coerced by police officers into sexual activity in order to avoid arrest, including unlawful arrests.⁷² Many other women further report being assaulted or raped during an arrest or while in custody.⁷³ If sexually exploited women are further victimized by police, they will view the criminal justice system as another perpetrator of violence, and will be unlikely to report an assault or to participate in any criminal investigation.

The Extreme Violence of Buyers

Violence is a normal experience for trafficked and other commercially sexually exploited women.⁷⁴ Incidents of physical harm, rape, incest, sexual assault, emotional abuse, verbal abuse, stalking, torture, degradation, humiliation, and robbery are common occurrences. Almost all sexually exploited women experience some degree of violence, regardless of the venue or type of commercial sex activity in which they are involved.⁷⁵

“The account of a woman from the United States who prostituted primarily in strip clubs but also in massage, escort, and street prostitution is typical in that it encompasses the following types of violence. In strip club prostitution she was sexually harassed and assaulted. The job required her to tolerate verbal abuse (with a coerced smile), being grabbed and pinched on the legs, buttocks, breasts, and crotch. Sometimes this resulted in bruises and scratches on her thighs and arms and breasts. Her breasts were squeezed until she was in severe pain. She was humiliated by customers ejaculating on her face. She was physically brutalized, and her hair was pulled as a means of control and torture. She was severely bruised from beatings and frequently had black eyes. She was repeatedly beaten on the head with closed fists, sometimes causing concussions and unconsciousness. From these beatings, her jaw was dislocated, and her eardrum was damaged. Many years later her jaw is still dislocated. She was cut with knives. She was burned with cigarettes by customers who smoked while raping her. She was gang raped. She was raped individually by at least twenty men at different times in her life. Rapes by johns and pimps sometimes resulted in internal bleeding.”⁷⁶

One study of 222 sexually exploited women in the Chicago Metropolitan Area provides a stark example of the prevalence and severity of violence.⁷⁷ Approximately 75 percent of women sexually exploited in drug houses reported being forced to have oral, anal, or vaginal sex, with almost 25 percent being raped more than ten times.⁷⁸ Of women involved in street sex work, almost 22 percent had been raped more than 10 times, 80 percent had been threatened with a weapon, 70 percent had been punched, 86 percent had been slapped, and 75 percent had been robbed.⁷⁹ Over 21 percent of women in escort services being raped more than ten times and many exotic dancers reporting being threatened with rape and weapons, slapped, grabbed, or having their clothes ripped off of them.⁸⁰ Of those engaging in sex work out of their own residences, 21 percent reported being raped more than ten times.⁸¹

Coping Mechanisms

The constant and brutal violence and abuse experienced by sexually exploited women impacts their physical and

emotional well-being and often leads to or exacerbates mental health and substance abuse issues. It is no surprise that these victims consistently suffer more severe health consequences than do women in the general population.⁸²

As a direct result of frequent, forced, and/or unprotected⁸³ sex, victims regularly contract sexually transmitted infections, including HIV.⁸⁴ Women also frequently get pregnant, but due to substance use and a general lack prenatal care, women may experience frequent miscarriages,⁸⁵ premature births, or babies with low birth weights.⁸⁶ Furthermore, exploited women experience traumatic brain injury⁸⁷ at rates similar to torture survivors and victims of intimate partner violence as a result of being beaten, hit, kicked in the head, and strangled by traffickers and buyers.⁸⁸

The mental and emotional trauma of trafficking and exploitation are likewise devastating and may commonly include combinations of depression, anxiety, post-traumatic stress, and dissociative disorders.⁸⁹ The severe emotional scars will also often lead women to engage in self-destructive behaviors as a method of coping. Women in the commercial sex industry frequently turn to drugs and alcohol to numb the pain and cope with the victimization—or may even resort to self-harm or attempted suicide.⁹⁰

Barriers to Leaving

Despite common portrayals of human trafficking in the media, most trafficking situations do not involve physical chains or restraints. Instead, victims are held back by invisible chains — chains of fear, self-doubt, and financial and emotional dependency. Similar to victims of intimate partner violence, victims of sex trafficking and exploitation get caught up in cycles of “rewards” and “punishments”; traffickers punctuate physical and verbal abuse with occasional indulgences, making victims believe their situation will eventually improve. This cycle is exacerbated when victims are in romantic or sexual relationships with their traffickers. Offenders will break down the self-esteem of their victims, telling them that no one else will ever love them. When a trafficker is sweet

or romantic, a victim may believe that she can change his behavior and that they will live happily ever after.

Women and girls also face systemic barriers to leaving the Life. Many victims have limited formal education or job experience outside of commercial sex work. They may lack access to credit or their own bank account. Without the financial resources to get their own housing, food, transportation, and/or childcare, many victims cannot see any other means of survival. These barriers are compounded by substance use disorders, mental health issues, and physically injuries and illnesses, all of which make it more difficult for victims to find or retain gainful employment.

In some cases, traffickers keep victims tied to the Life by forcing them to participate in the sex trafficking of others. Victims are coerced into recruiting other women and girls, transporting them to and from “dates”, placing advertisements, and enforcing traffickers’ rules. Women may also be coerced into other criminal acts, including but not limited to drug use or sales, theft, forgery, and robbery. If victims “disobey” their traffickers or indicate they want to leave the Life, traffickers will threaten to report their actions to law enforcement. Victims who are convicted of or plead guilty to these crimes face criminal records, which limit their ability to obtain employment, education, and housing — the very opportunities that would enable them to leave their traffickers.⁹¹

Traffickers may also threaten to harm or kill victims or their families, to take away their victims’ children, or to damage their victims’ reputation by exposing their actions to family members, friends, and the public. Threatening a victim’s reputation is a common tactic utilized by traffickers in the illicit massage industry, who capitalize upon their victims’ strong family values and fear of *diū liǎn* (“losing face” in Chinese) to maintain compliance with their will.⁹²

IV. Conclusion: Knowledge is Power

“It’s one thing to leave a trafficker; it’s another thing to leave ‘the Life.’”⁹³

“It’s one thing to leave a trafficker; it’s another thing to leave ‘the Life.’”⁹⁵

Dynamics of power and control make it very difficult — but not impossible — for victims to escape a life of exploitation. Prosecutors, law enforcement, and allied professionals can minimize on-ramps into trafficking and create off-ramps that make it easier for victims to leave the Life.⁹⁴ Alternatively, they can build additional barriers by arresting, disbelieving, or dehumanizing victims. Such actions mimic traffickers’ abusive tactics and reinforce the traffickers’ message — that victims will be disbelieved, that they will not be protected, and that there is no way out.

Shifting from a harmful approach to a helpful approach first requires prosecutors and allied partners to learn about common points of entry into the Life, the violence and abuse victims of sexual exploitation face, and the obstacles to leaving. This knowledge can help criminal justice professionals identify survivors as such, however they interact with the system; connect victims with appropriate services and support; and improve trauma-informed and culturally competent

responses. It can help also prosecutors understand why victims may fail to report trafficking, distrust law enforcement, retract their statements, or be unable to participate in a trafficking investigation or prosecution. Finally, acknowledging trafficking dynamics can allow prosecutors to properly assess the culpability of victims who engage in criminal activity. This will enable them to make charging decisions and pursue appropriate criminal record relief for survivors.

Such actions send the message that the criminal justice system prioritizes victim and survivor well-being above all else. These are necessary steps to earn the trust of victims, who have previously been failed by family members, intimate partners, and system professionals. By promoting victims’ safety, support, and healing, criminal justice actors can help empower victims—clearing the path for them to exit the Life.

ENDNOTES

- 1 This article is based in part on an inaugural webinar that launched the Just Exits Initiative. See Jane Anderson, Wendy Barnes, & Keisha Head, *Being Trafficked: What Prosecutors Need to Know About "the Life,"* AEQUITAS (Nov. 18, 2020), https://www.youtube.com/watch?v=_yxCjAsivAI&t=2s. Individual AEQUITAS contributors to this article also include Holly Spainhower and Jennifer Newman. For more on the Just Exits Initiative, visit <https://justexits.org/>.
- 2 Anderson et al., *supra* note 1.
- 3 *Sex Trafficking*, NAT'L HUM. TRAFFICKING HOTLINE, <https://humantraffickinghotline.org/type-trafficking/sex-trafficking> (last visited October 20, 2022).
- 4 "The Life" is nomenclature that is often used as a catch all term to describe the subculture built around trafficking including the unique language used and the rules and hierarchy set by traffickers and exploiters.
- 5 See, e.g., *Entry Into The Life*, THE LIFE STORY, <https://thelifestory.org/entry-into-the-life> (last visited May 29, 2020).
- 6 See Vincent J. Felitti et al., *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study*, 14(4) AM. J. PREVENTATIVE MED 245 (1998), [https://www.ajpmonline.org/article/S0749-3797\(98\)00017-8/fulltext](https://www.ajpmonline.org/article/S0749-3797(98)00017-8/fulltext).
- 7 See Rachel Naramore et al., *Youth Arrested for Trading Sex Have the Highest Rates of Childhood Adversity: A Statewide Study of Juvenile Offenders*, 29(4) SEXUAL ABUSE: A J. RSCH. & TREATMENT (2015), <https://pubmed.ncbi.nlm.nih.gov/26337192/>.
- 8 See Felitti et al., *supra* note 6.
- 9 *Id.*
- 10 Generally, a *runaway* child is one who leaves home without permission of a parent/guardian and stays away overnight. A *throwaway* child is one who is told by a parent/guardian to leave the home or is prevented from returning to the home; no adequate alternative care is arranged for the child by the parent/guardian, and the child is out of the household overnight. See ANDREA J. SEDLAK ET AL., OFF. OF JUV. JUST. & DELINQUENCY PREVENTION, U.S. DEP'T OF JUST., NATIONAL ESTIMATES OF MISSING CHILDREN: AN OVERVIEW 4 (2002), <http://www.ncjrs.gov/pdffiles1/ojjdp/196465.pdf>.
- 11 See *Let's Talk: Runaway Reality*, NAT'L RUNAWAY SAFELINE (April 6, 2021), <https://www.nationalrunawaysafeline.org/lets-talk-runaway-reality-2>; Ian Urbina, *Running in the Shadows: For Runaways, Sex Buys Survival*, NY TIMES (Oct. 26, 2009), <http://www.nytimes.com/2009/10/27/us/27runaways.html?pagewanted=1&r=1>.
- 12 Older studies surveying homeless youth have found that been 6 and 46 percent of respondents have engaged in survival sex. See, e.g., M. D. Kipke, *Street youth in Los Angeles. Profile of a group at high risk for human immunodeficiency virus infection*, 149(5) ARCHIVES PEDIATRIC ADOLESCENT MED. 513 (1995), <https://pubmed.ncbi.nlm.nih.gov/7735403/>; L. S. Wagner, *A Snapshot of Homeless Youth in Seattle: Their Characteristics, Behaviors and Beliefs About HIV Protective Strategies*, 26(3) J. CMTY. HEALTH 219 (2001), <https://pubmed.ncbi.nlm.nih.gov/11478567/>; Linda L. Halcón & Alan R. Lifson, *Prevalence and Predictors of Sexual Risks Among Homeless Youth*, 33(1) J. YOUTH & ADOLESCENCE 71 (2004), <https://link.springer.com/article/10.1023/A:1027338514930>; Norweeta G. Milburn et al., *Cross-National Variations in Behavioral Profiles Among Homeless Youth*, 37(1) AM. J. CMTY. PSYCH. 63 (2006), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2965173/>; Joan A. Reid et al., *Human Trafficking of Minors and Childhood Adversity in Florida*, 107(2) AM. J. PUB. HEALTH 306 (2017), <https://pubmed.ncbi.nlm.nih.gov/27997232/> (finding that, among a sample of 913 juvenile justice-involved boys and girls in Florida, the risk of human trafficking was 2.52 greater for girls who experienced sexual abuse, and 8.21 times greater for boys with histories of sexual abuse).
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- 14 See HEATHER J. CLAWSON ET AL., ASSISTANT SEC'Y FOR PLAN. & EVALUATION, DEP'T OF HEALTH & HUM. SERVICES, HUMAN TRAFFICKING INTO AND WITHIN THE UNITED STATES: A REVIEW OF THE LITERATURE (2009), <https://aspe.hhs.gov/report/human-trafficking-and-within-united-states-review-literature#Trafficking>; see also JODY RAPHAEL & DEBORAH L. SHAPIRO, CTR. FOR IMPACT RSCH., SISTERS SPEAK OUT: THE LIVES AND NEEDS OF PROSTITUTED WOMEN IN CHICAGO (2002), <https://www.issuelab.org/resources/351/351.pdf>.
- 15 RAPHAEL & SHAPIRO, *supra* note 14, at 15.
- 16 *Id.*
- 17 *Id.* at 5.
- 18 *Id.*
- 19 *Id.*
- 20 See Chris Bagley & Loretta Young, *Juvenile Prostitution and Child Sexual Abuse: A Controlled Study*, 6(1) CANADIAN J. CMTY. MENTAL HEALTH (1987), <https://www.cjcmh.com/doi/pdf/10.7870/cjcmh-1987-0001>; see also FRANCES GREGG ET AL., NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES, NEW YORK PREVALENCE STUDY OF COMMERCIAL SEXUALLY EXPLOITED CHILDREN (2007), <http://www.ocfs.state.ny.us/main/reports/csec-2007.pdf> (finding that 85-89% of sexually exploited youth in New York have experienced sexual abuse).
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- 22 Rebecca Campbell et al., *The Relationship Between Adult Sexual Assault and Prostitution: An Exploratory Analysis*, 18(3) VIOLENCE & VICTIMS 299 (2003), https://www.researchgate.net/publication/10571748_The_Relationship_Between_Adult_Sexual_Assault_and_Prostitution_An_Exploratory_Analysis (discussing a study of 102 rape survivors in a major metropolitan area which found that 24 percent of the survivors indicated that they had engaged in post-assault prostitution; 75 percent of these survivors attributed their decision to engage in prostitution to their sexual assault).
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- 26 STARK & HODGSON, *supra* note 24, at 21.
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- 31 Jane Anderson, *From Jail to Bail to Sale*, AEQUITAS (Dec. 8, 2019), <https://vimeo.com/378119013>.
- 32 *Id.*
- 33 *Id.*
- 34 *Id.*
- 35 National statistics on the prevalence of sexual violence, domestic violence, stalking, and human trafficking are estimates and subject to bias and flaws in methodology. Nevertheless, several national organizations provide reliable fact sheets documenting the impact of these crimes on survivors from historically marginalized communities. *See, e.g.*, UJIMA, <https://ujimacommunity.org> (last visited Mar. 24, 2023); NAT’L CONG. OF AM. INDIANS, <https://www.ncai.org> (last visited Mar. 24, 2023); ESPERANZA UNITED, <https://casadeesperanza.org> (last visited Mar. 24, 2023).
- 36 *See, e.g.*, ELISE WHITE ET AL., CTR. FOR CT. INNOVATION, NAVIGATING FORCE AND CHOICE: EXPERIENCES IN THE NEW YORK CITY SEX TRADE AND THE CRIMINAL JUSTICE SYSTEM’S RESPONSE (2017), https://www.innovatingjustice.org/sites/default/files/media/documents/2018-03/nyc_sex_trade.pdf; MEREDITH DANK ET AL., URB. INST., CONSEQUENCES OF POLICING PROSTITUTION: AN ANALYSIS OF INDIVIDUALS ARRESTED AND PROSECUTED FOR COMMERCIAL SEX IN NEW YORK CITY (2017), https://www.urban.org/sites/default/files/publication/89451/legal_aid_final_0.pdf (finding that clients in the Legal Aid Society’s Exploitation Intervention Project in New York were 34% Black, 32% Asian, and 17% Latino/Hispanic); DUREN BANKS & TRACEY KYCKELHAHN, U.S. DEP’T OF JUST., CHARACTERISTICS OF SUSPECTED HUMAN TRAFFICKING INCIDENTS, 2008-2010 (2011), <https://bjs.ojp.gov/content/pub/pdf/cshti0810.pdf> (finding that in a review of all suspected human trafficking incidents in the country between 2008 and 2010, 94% of sex trafficking victims were female, 40% were Black, and 24% were Latinx); Danielle Ferguson, *Law enforcement, Native communities focus on sex trafficking prevention training*, Argus Leader (Aug. 27, 2016), <https://www.argusleader.com/story/news/crime/2016/08/27/law-enforcement-native-communities-focus-sex-trafficking-prevention-training/89273822/> (according to the South Dakota District U.S. Attorney’s Office, Native American women are 40% of the reported sex trafficking victims in the state, despite representing 8% of the population); WOMEN’S FUND OF OMAHA, NEBRASKA’S COMMERCIAL SEX MARKET 8 (2017), <https://www.omahawomensfund.org/wp-content/uploads/Nebraska-Commercial-Sex-Market-Report-FINAL.pdf> (reporting that “African Americans represent only 5% of Nebraska’s population, and yet they make up half of all individuals sold for sex in the state.”); *Reducing Demand for the Commercial Sexual Exploitation of Minors in Your Community Webinar*, NAT’L COUNCIL OF JUV. & FAM. CT. JUDGE (May 30, 2017), <https://ojjdp.ojp.gov/media/video/25801> (finding that 80% of sex buyers are white men in King County, Washington).

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- 56 See WEST & JOHNSON, *supra* note 39; CREAMER ET AL., *supra* note 53. For instance, American Indian/Alaska Native children in Minnesota make up ten percent of the state's child maltreatment victims, more than six times their representation in the child population. PIERCE, *supra* note 55 at 62. Most maltreatment reports involving Native American families involve neglect, but reports of physical and sexual abuse and medical neglect were also more prevalent in Native American households than in households of other races. *Id.* at 64 (citing MINN. DEP'T OF HEALTH, 2007 MINNESOTA STUDENT SURVEY STATEWIDE TABLES FALL 2007 28 (2007), <https://www.health.state.mn.us/data/mchs/surveys/mss/docs/statewidetables/statetablesbygender07.pdf>).
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- 62 *See Human Traffickers Continue to Use Popular Online Platforms to Recruit Victims*, FED. BUREAU OF INVESTIGATIONS (Mar. 16, 202), <https://www.ic3.gov/Media/Y2020/PSA200316>.
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- 66 *See* Jessica Ashley, *Prostitution study finds Chicago girls trafficked through coercion, violence*, 7(1) *ILL. CRIM. JUST. INFO. AUTHORITY RSCH. BULL.* 1, 3(2008), <https://archive.icjia-api.cloud/files/icjia/pdf/Bulletins/Chicago%20sex%20exploitation%20Sept%202008.pdf> (finding that in a sample of 100 exploited young women, 71 percent experienced slapping, 48 percent experienced punching, and 47 percent experienced forced sex).
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- 68 *See generally id.*
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- 70 *Id.* at 3.
- 71 One study in Chicago estimated that one in twenty commercial sex acts committed in the windy city, factoring in gangs and officers, was committed exclusively for protection. *See* Carolyn O’Hara, *In the Windy City, prostitutes sleep with police more often than get arrested by them*, *FOREIGN POL’Y* (Jan. 7, 2008), <https://foreignpolicy.com/2008/01/07/in-the-windy-city-prostitutes-sleep-with-police-more-often-than-get-arrested-by-them/>.
- 72 A study of female sex workers in Baltimore, MD, found that “[w]ithin the sphere of their work, verbal and sexual harassment [by police] with the expectation of free sexual services was common....” Susan G. Sherman et al., *“What makes you think you have special privileges because you’re a police officer?” A qualitative exploration of police’s role in the risk environment of female sex workers*, 27(4) *AIDS CARE* 473 (2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4312509/>; *see also* RAPHAEL & SHAPIRO, *supra* note 14, at 19-20.
- 73 CONNIE SPONSLER, *PRAXIS INT’L, ADVOCACY ON BEHALF OF WOMEN IN PROSTITUTION: A HANDBOOK FOR RURAL ADVOCATES* 25 (2004), <https://praxisinternational.org/wp-content/uploads/2015/12/WomenUsedinProstitutionHandbook.pdf>.
- 74 *Id.*
- 75 *See, e.g.*, RAPHAEL & SHAPIRO, *supra* note 14, at 18 (detailing a high percentage of women who experience frequent violence in commercial sex work); *MAYOR’S OFF. ON DOMESTIC VIOLENCE, CITY OF CHI., THE INTERSYSTEM ASSESSMENT ON PROSTITUTION IN CHICAGO* 27 (2006), https://www.chicago.gov/dam/city/depts/fss/supp_info/DV/ProstitutionSystemAssmtChicago.pdf (substantiating the prevalence of violence and victimization among women involved in commercial sex work).
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- 78 *Id.* at 5.
- 79 *Id.* at 5-19.
- 80 *Id.*
- 81 *Id.*
- 82 SPONSLER, *supra* note 73, at 22.
- 83 Compounding the already alarming statistics of STDs and HIV and known risks of unprotected sexual activity, women are consistently raped and coerced by johns, pimps, and intimate partners to engage in sexual acts without the use of condoms. *See* Kathleen N. Deering et al., *Client demands for unsafe sex: the socioeconomic risk environment for HIV among street and off-street sex workers*, 63(4) *J. ACQUIRED IMMUNE DEFICIENCY SYNDROMES* 522 (2013), <https://pubmed.ncbi.nlm.nih.gov/23614990/>; *see also* MONICA O’CONNOR & GRAINNE HEALY, *THE LINKS BETWEEN PROSTITUTION AND SEX TRAFFICKING: A BRIEFING HANDBOOK* 15 (2006) (indicating that 47 percent of women stated that men expected sex without a condom; 73 percent said that men offered to pay more for sex without a condom; and 45 percent became abusive if women insisted on condoms be used).
- 84 *See* RUTH PARRIOTT, *CTR. FOR URB. & REG’L AFFAIRS, UNIV. OF MINN., HEALTH EXPERIENCES OF TWIN CITIES WOMEN USED IN PROSTITUTION: SURVEY FINDINGS AND RECOMMENDATIONS* 13 (1994), <https://conservancy.umn.edu/bitstream/handle/11299/205150/S9406.pdf?sequence=1&isAllowed=y> (finding that only 15 percent of a sample of women in prostitution had never contracted a STD compared to 60 percent of the general population of Minnesota women; study also found a much higher rate of HIV among prostituted women compared to the general population of Minnesota women).

- 85 *Id.* at 12.
- 86 *Id.* (finding that over 75 percent of the sample of women had experienced pregnancy during or since their involvement in prostitution, with an average of three pregnancies during their time in prostitution).
- 87 Traumatic Brain Injury (TBI) is a form of acquired brain injury that occurs when a sudden trauma causes damage to the brain. TBI can result when the head suddenly and violently hits an object, or when an object pierces the skull and enters brain tissue. Symptoms of a TBI can be mild, moderate, or severe, depending on the extent of the damage to the brain. *See Traumatic Brain Injury (TBI)*, NAT'L INST. OF NEUROLOGICAL DISORDERS & STROKE, <https://www.ninds.nih.gov/health-information/disorders/traumatic-brain-injury-tbi> (last visited Apr. 3, 2023).
- 88 *See O'CONNOR & HEALY*, *supra* note 83, at 14.
- 89 *See* JOE PARKER, PROSTITUTION RSCH. & EDUC., HOW PROSTITUTION WORKS 10 (1998), <https://prostitutionresearch.com/how-prostitution-works/>; Melissa Farley & Howard Barkan, *Prostitution, Violence, and Posttraumatic Stress Disorder*, 27(3) WOMEN & HEALTH 37 (1998), <http://www.prostitutionresearch.com/Farley&Barkan%201998.pdf>.
- 90 *See* G. V. Vaniprabha & S. Madhusudhan, *Suicide Attempts and Pattern Among the Beginners and Established Female Commercial Sex Workers*, 1(2) J. PSYCHOSEXUAL HEALTH 140, 142 (2019), <https://journals.sagepub.com/doi/epub/10.1177/2631831819849726>.
- 91 *See* Jacobs et al., *supra* note 30.
- 92 Thank you to Jenny Yip, Senior Advisor at The Network, for providing this information to AEQUITAS. For more information on trafficking within the illicit massage industry, visit The Network's website at <https://www.thenetworkteam.org/>.
- 93 Keisha Head, Advisory Councilmember, Just Exits Initiative.
- 94 *See* Jane Anderson et al., *Just Exits: Achieving Justice: The Prosecutor's Role*, AEQUITAS (Dec. 8, 2020), https://www.youtube.com/watch?v=_yxCjAsivAI&t=2s.
- 95 Keisha Head, Advisory Councilmember, Just Exits Initiative.