

Chapter Eleven

Understanding Re-Trafficking in the United States: Why Do We Have a Revolving Door?¹

Marietta Baba, Christina Tipton, Gergana Danailova-Trainor, Kelsey Morgan, Richard Matthew

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Abstract: Re-trafficking of survivors who have exited a human trafficking situation is an important problem in the United States, reflecting the inadequacies of current efforts to counter trafficking and support survivors. Re-trafficking is defined as a situation in which a survivor exits one episode of sex or labor trafficking but later is trafficked again. This chapter defines re-trafficking and examines evidence for it, describes factors that contribute to this crime -- including the nature of trafficking as a business, constraints faced by individual survivors, and economic, legal, and cultural factors reflecting larger institutional systems -- and discusses the reasons why a limited understanding of “what works” to support survivor recovery is at the heart of the problem. A case study on re-trafficking in the US is included to illustrate key themes. The paper concludes with targeted recommendations for prevention of re-trafficking, protection of survivors, and prosecution of traffickers.

1.1 Introduction

Re-trafficking is a serious global problem, with consequences for poverty and inequality, local and national economies, systemic forms of crime, and human rights [1, 2, 3, 4]. It is reported to be a regular occurrence in the United States [5, 6]. Re-trafficking is one of the important reasons that human trafficking is so difficult to combat. People become trapped in a cycle of exiting and re-entering sexual or labor exploitation² – a “revolving door” [7].

There is agreement that re-trafficking may be described as a situation in which a survivor experiences and leaves one episode of trafficking but later is trafficked again [4]. The exploitation that evolves following an initial escape from trafficking is important because it provides a continuing supply of victims for sex and labor exploitation – hence, the “revolving door”. Re-trafficking points towards the inadequacy of our understanding of survivor recovery and what is needed to support it. If people who exited trafficking were able to address

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² We define exploitation as the action or fact of treating someone unfairly in order to benefit from their work (Oxford Languages <https://language.oup.com/google-dictionary-english>) Accessed July 18, 2022

vulnerabilities that led to trafficking, and subsequently recover and reintegrate, then re-trafficking would not take place, and this would reduce the supply of trafficking victims.

There is an understanding of systemic factors that contribute to re-trafficking; however, at the present state of knowledge we are not able to offer individual survivors the specific services they need to resist systemic pressures and prevent re-trafficking. One of the key reasons why this does not happen is that we do not evaluate the medium and long-term outcomes of services offered to survivors or policies/laws enacted in light of the ultimate goal of reducing re-trafficking, either in the occurrence of re-trafficking itself or the enabling conditions that may increase the risk for re-trafficking. To address this limitation, we need to be able to connect individual survivor characteristics, the services they receive, and their recovery outcomes over time. This approach would allow us to know “what works” for diverse groups of survivors and to invest in such efforts to reduce re-trafficking.

In this chapter we provide a broad overview of re-trafficking in the United States, including its definition, evidence for re-trafficking, causes of the problem, and policy dimensions, with a special focus on the importance of understanding survivor outcomes as a measure necessary to reduce re-trafficking. We present a case study of re-trafficking to illustrate key themes.

This chapter covers both sex and labor trafficking, although there has been a focus on sex trafficking in the United States, both in the research community and in law enforcement. This focus is due in part to a perception that victims of sex trafficking face greater harms than persons who have been trafficked for labor exploitation [8, 9, 10, 11]. In addition, most victims detected globally and domestically have been trafficked for sexual exploitation (50% compared with 38% for labor globally [12], 62% of Office of Victims of Crime grantees, and 87% of Health and Human Services-funded NGO clients in the US [13]. There is some empirical evidence that supports the perception of greater harm for sexual exploitation [14], but labor trafficking victims also face serious harm as well as pressure to return to their traffickers after escape [15, 9].

Globally, the main economic sectors for sex and labor trafficking are domestic work, construction, fishing, agriculture, catering, street trading, garment production, and mining [12]. Polaris [16] has created a typology of 25 human trafficking industries in the US based on data reported to the US National Human Trafficking Hotline from 2007 to 2016³. The profiles for each industry show that victims in sex trafficking-related businesses tend to be American citizens, while victims of labor trafficking and labor exploitation tend to be foreign-born nationals.

Empirical studies of labor trafficking in the United States are scarce. In Owens et. al.’s [15] study of US labor trafficking, all cases available for study involved foreign-born nationals. Most

³ The 25 industries are as follows: escort services; illicit massage, health, and beauty; outdoor solicitation; residential sexual services; domestic work; bars, strip clubs, and cantinas; pornography; traveling sales crews; restaurants and food service; peddling and begging; agriculture and animal husbandry; personal sexual servitude; health and beauty services; construction; hotels and hospitality; landscaping; illicit activities; arts and entertainment; commercial cleaning services; factories and manufacturing; remote interactive sexual acts; carnivals; forestry and logging; health care; and recreational facilities.

of the victims had come to the US under lawful visas, but during exploitation their status changed to unauthorized. In one study of more than 250,000 foreign workers who entered the US through H-2A and H-2B visas between 2009 and 2013, most were from Mexico and the majority were men 40 years of age or younger [17]. About 44% of employers who applied for such visas indicated they planned to recruit indirectly, a practice associated with reported abuses such as third-party recruiters charging fees and providing false information about job conditions.

Goździak and Lowell [18] reported that of 2,735 cases of foreign-born national adults that had been identified as trafficking victims in the US between 2006 and 2011 and had received assistance, 75% were labor trafficking cases. Zhang et. al.'s [19] study of undocumented migrant laborers in San Diego County, California found that 30% were victims of labor trafficking, while 55% were victims of other labor abuses. Labor trafficking cases in the US demonstrate the linkages between human trafficking and the broader US economy, the legal system, and immigration policies, to be discussed later in the chapter.

1.2 Content

Definition of Re-Trafficking

Re-trafficking does not have a legal definition in the United States [20]. It has been defined in the literature; however, these definitions often are not based upon empirical research [4]. The research-based literature that does exist is concentrated upon persons who have migrated internationally [1], were deported, and had difficulties reintegrating into their country of origin or home, especially when they face the same economic and social conditions that propelled them into trafficking in the first place [1, 3]. Some survivors have found members of a local trafficking ring waiting for them when they returned home [2], a situation that demonstrates the overall problem of exploiters deliberately targeting people who have been trafficked before.

The global dimension of re-trafficking is an important problem that raises challenges for international migration programs and policies, yet it does not consider domestic victims and survivors in the US. The United States is one of the primary destination countries for international trafficking victims; however, empirical studies have reported that many trafficking victims in their research populations are US-born domestic persons, especially in the case of juveniles who have been trafficked for commercial sexual exploitation [21, 22, 23, 16]. Unfortunately, there are no reliable estimates of trafficking prevalence for US domestic versus international survivors overall due to multiple data limitations [13], to be discussed later in the chapter.

Perhaps the most often cited definition of re-trafficking with an empirical foundation is that of the International Organization for Migration (IOM) based upon its study of 79 re-trafficking survivors over a period of ten years (1999-2009; [1]). In this study, IOM analyzed its database of persons who had accepted IOM assistance for human trafficking globally and identified distinct individuals who had received services more than once. These individuals were defined as having been *re-trafficked*, meaning a person who has been trafficked according to the United

Nations Palermo Protocol, exited the trafficking situation for any reason, and then re-entered trafficking again [1].

This definition may not be directly applicable in the context of the United States, not only because a significant number of survivors is domestic and cannot receive IOM assistance, but also because the US has its own narrower definition of human trafficking as provided in the Trafficking Victims Protection Act (TVPA) of 2000 and its reauthorizations.

The United Nations Palermo Protocol defines trafficking in persons as the “recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation” (www.unodc.org accessed May 19, 2022).

In contrast, the US Trafficking Victims Protection Act (TVPA) of 2000 splits human trafficking into “severe forms” of trafficking in persons, and sex trafficking that is not considered “severe”. “Severe forms” of trafficking are defined as follows:

- (A) “Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such has not attained 18 years of age; or
- (B) 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” (see Trafficking Victims Protection Act or TVPA of 2000; see Section 103 of Public Law 106-386).

Sex trafficking that is not considered “severe” is defined in the TVPA as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act,” with the latter term meaning “any sex act on account of which anything of value is given to or received by another person” (see Section 103 of Public Law 106-386).

The TVPA definitions of human trafficking noted above represent “two tiers” of the law [24] that have been called “operational” and “non-operational” [9]. In the first tier, or operational definition (i.e., “severe” trafficking with force, fraud, or coercion), trafficking can be counted and prosecuted. But in the second tier, or non-operational definition (i.e., *not* “severe” sex trafficking), trafficking cannot be counted or prosecuted. This means that some forms of prostitution (generally, where a third-party exploiter is involved) can be defined legally as sex trafficking but not serviced as trafficking (i.e., victims are not identified, benefits are not provided, and prosecution is not pursued [9]).

Stolz [24] has argued that the two tiers were intended to respond to different interests involved in the process of developing federal policy on human trafficking. The first tier responded to anti-human trafficking interests that wanted law enforcement to be able to identify victims who may have been involved in other crimes such as prostitution. The second tier responded to anti-prostitution interests that wanted to define all prostitution as trafficking, towards its eventual

abolition. The force of the law is trained upon the first tier, requiring force, fraud, or coercion. The second tier establishes a legal precedent for defining some forms of prostitution as human trafficking, although there is little or no enforcement of this legal distinction [9].

The existence of two conceptual frameworks in the definition of human trafficking in the US conflates sex trafficking with prostitution, making victim identification more difficult, while not providing protection for persons who have been commercially exploited by third parties. In the United States, the conflation of sex trafficking and prostitution has meant that anti-trafficking resources are diverted into sting operations and raids on non-trafficked sex workers, with little benefit [18, 25]. Further, it is possible that a case which began as “severe” sex trafficking could transform into the “non-severe” type following an initial exit from exploitation (e.g., if the victim was manipulated psychologically). The case study described later in this chapter represents an example of this kind of transformation. Also, victims initially trafficked as minors may become adults before they exit, another example of such transformation.

Commercial sexual exploitation reflects a spectrum of sexual activity upon which “severe” forms of trafficking are at the most brutal end of the spectrum (i.e., by means of force, fraud, or coercion or with minors) and agency-based prostitution (i.e., adult choice of sex work) is at the other end⁴ [9]. On the spectrum are different forms of sexual exploitation in which there may not have been overt force, fraud, or coercion, but there could have been an “abuse of power or of a position of vulnerability”, as included in the UN Palermo Protocol’s definition of trafficking in persons. Since the United States signed the Palermo Protocol, there is an argument that the “abuse of power or of a position of vulnerability” should be included as a trafficking method that identifies victims protected by federal law [26].

The identification of re-trafficking cases is difficult because it is necessary to determine whether trafficking happened two or more times. Episodes may be linked; however subsequent incidents may not conform to the definition of “severe” trafficking. In such cases the victim may not be identified as a person who has been re-trafficked, even when they have been re-exploited in a manner that is the same or similar to what they experienced when they were considered a trafficking victim.

How Do We Know that Re-Trafficking is Happening

Quantitative studies of prevalence rates for re-trafficking reveal the extent of this crime within the overall context of persons who have been trafficked in some geographic area or other specific domain. There are a few empirical studies of re-trafficking rates in an international context. These studies examine the proportion of trafficked persons who have been re-trafficked. Jobe’s [1] summary of empirical literature reported that the prevalence of re-trafficking outside the US ranged from 3 to 45% of trafficking victims, depending upon country⁵.

⁴ A continuum of exploitation also exists in labor trafficking, with “severe forms” such as forced labor at one extreme and various forms of labor exploitation arrayed along the continuum [9].

⁵ Empirical studies have shown [c.f., 1] that rates of re-trafficking vary depending on region: 3-34% in South-Eastern Europe (2003-04), 21% in the UK (2003-07), 25.8% in India, and 9.1-45% in Albania.

Systematic empirical research on rates of re-trafficking in the United States is rare [4]. Regular data collection on re-trafficking faces many barriers and often we do not analyze the data that is collected to determine if re-trafficking has taken place. In general, the United States does not track or evaluate what happens to survivors after exit from trafficking [13]. Inconsistencies in definitions of trafficking across jurisdictions are one barrier, even though the TVPA provides one. States and other jurisdictions in the US have many different laws pertaining to trafficking, and these definitions do not necessarily conform to the US federal definition [27]. Some states may have many distinctive human trafficking laws, such as California [20]. If definitions do not correspond with one another, integration and comparison of data are difficult. Further, the US has no centralized data repository for information related to trafficking [13]. There are multiple places to store data at the federal, state, and local levels, and agencies often experience difficulties in sharing information with one another. While there are no studies of prevalence rates for re-trafficking in the United States, one study showed that 15.65% (18) of 115 adult migrants who experienced labor trafficking in the US had been criminally victimized previously, whether through physical or sexual violence, property crime, or threats of harm, suggesting that some may have been re-trafficked [28].

Professionals working in the field of human trafficking in the United States (e.g., law enforcement, social work) report that relapse into re-exploitation after an initial exit is a prominent concern. Interviews with and reports from US professionals and their organizations reveal that survivors are at risk of being re-exploited during or after services and may experience pressure or threats from traffickers to encourage their return or they may “disappear” from services [29, 30, 31]. Service providers understand that exit from exploitation is a long and complex process and often involves revictimization. In fact, re-exploitation is such a frequent situation that it has been integrated into theoretical models of exit from prostitution as a formal stage of development, with most individuals expected to relapse [32].

Case studies offer details regarding the nature of the re-trafficking experience that validate evidence from other sources. Case studies reflect many themes reported in the empirical literature, although it is not possible to generalize from a single case. For a book-length, first person account of re-trafficking in the US see Bender [33]; see also [5, 4] for brief case studies, although some of these do not present cases from the United States.

The brief case study of re-trafficking in the United States presented below shows how re-trafficking may take place. This case provides an illustration of the “two tier” definitional problem that may conflate sex trafficking and prostitution. In the first episode of trafficking described in the case, the victim faced “severe” sex trafficking involving force, fraud, or coercion (tier one). In the second episode, a third-party exploiter engaged in recruiting and providing the survivor for commercial sex acts, even though force, fraud, or coercion were not involved (tier two). Instead, the “abuse of power or of a position of vulnerability” were the methods employed. Because both forms of trafficking are included in the TVPA (“severe” sex trafficking and non-severe sex trafficking), we define this as a case of re-trafficking – from tier one to tier two. We will draw upon this case study to explore the complex nature of re-trafficking in later sections of the chapter.

Case Study on Re-Trafficking in the United States

Marie L. (a pseudonym) lives in a metropolitan area within a northern state in the US⁶. She endured sexual abuse by her father from the age of 5 until she was 17. When Marie was in her early 20s, she completed vocational training in a national program. The program bought her a plane ticket to Las Vegas to look for employment; however, she was not offered housing or employment connections in Las Vegas. She arrived in Las Vegas alone and with no appointments and stayed at the apartment of a man she knew from home. Marie says that as soon as she left the apartment to look for a job on her second day there, she was approached by an apparently successful businessman and his female associate driving a Mercedes. They asked Marie what she was doing, and she responded that she was from out of town and looking for work. The man in the car began talking to Marie about his female associate. He said she was paying for college by modeling for a sports magazine. He told Marie that she could do the same thing. The man indicated an interest in helping Marie to find employment, although the details were vague. The man showed Marie a firearm and this frightened her. She accompanied them to a private home, where she was introduced to several attractive young women and then taken on a shopping trip by the man. After he had purchased her clothes, shoes, and jewelry, the man said ‘now that I’ve put all of this into you, you are going to do this’ by which he meant accompany two other women to hotels to have sex with men. She believed she had to do it, or else. Marie said “...in my mind I’m freaking out. I have no idea what just happened, what I’m doing here. All I know is it’s not good. I don’t feel good.” Marie accompanied the two women to hotels and for two or three days they had sex with customers and took cocaine so they would not have to sleep. On the third day, the trafficker drove Marie to a hotel and told her to get six hours of sleep. Marie decided to escape. She called a family member who helped her get to the airport and fly home, dumping the trafficker’s pink flip phone in the trash at the airport.

Marie says that the trafficking experience showed her how quickly she could earn money using her body. To earn income, Marie decided to become a strip club dancer. The money was good, it was fast, and Marie received attention and complements from customers. But she also had to endure constant sexual assault – unwanted touching that involved an element of coercion. Just to get through it, Marie had to get drunk every day.

During her transition to strip club dancing, Marie began to date a man that she had known since middle school. The man was three years younger than Marie and she says that he thought she was beautiful. He also thought that her idea of strip club dancing was “cool”. They were part of a friendship network based in the community and saw each other from time to time after high school. Marie says that while they were dating, she fell in love with him. They moved in together and he encouraged her to engage in prostitution to earn income. Marie said “...he would provoke *The Life*. He would set up things and ask me to do things because he knew they would pay me large amounts of money. And I did that for him because I thought he loved me. It’s the same way a pimp works. That’s exactly what he’ll do to his girls. Convince them that he loves them and this is what they should do for him.” According to Marie “it was easy for me to

⁶ The case study narrative is based on three oral history conversations with Marie L. conducted by MB in 2022. Marie was identified as a re-trafficking survivor by CT. The direct quotes have been edited for length and clarity.

go along with that because he mentally manipulated me. You know, he reminded me of the cons, the pros, of allowing that. And because I loved him, it was kind of like, yeah, I guess I'll do it...I let myself become so vulnerable to the way he said he loved me that I just would do whatever he wanted, whatever he needed.” She kept these activities private and told no one about them. As it turns out, her romantic partner was involved in trafficking other women in addition to exploiting Marie. He went to prison for a non-trafficking related crime, but when he was released, they got back together, and Marie returned to her previous lifestyle. The Life included using substances as a means of suppression. Eventually, Marie was arrested in a police raid of a drug house and sentenced to 18 months in prison for possession of methamphetamine. This aspect of the case illustrates the fine line between being a trafficking victim and being a criminal. Labor trafficking victims also face this dilemma. They may not report to US authorities for fear of deportation since some of them are irregular migrants or their authorization has expired.

The prison sentence was difficult but brought certain advantages. First, Marie had time to spend being sober and reflecting on what had happened to her, without distractions. Second, she was required to participate in cognitive behavioral therapy, which revealed the personal and social dynamics underlying her experiences of abuse and the trauma she had suffered. She says this support changed the outcome of her life. Third, Marie re-connected with her earlier spiritual experiences, including a time when she heard the nearly audible voice of God saying this is not what I have for you, prompting her to contemplate herself in a new way. Together, these experiences helped Marie to move beyond shame and toward recovery.

After her release from prison and serving an eight-month probation, Marie found employment in a manufacturing firm and was able to move into a technical position where she says she makes “clean money” and has been able to buy a car for her high school aged son. Marie now is considering options for higher education. The following sections of the chapter incorporate further discussion of this case study.

Why Does Re-Trafficking Take Place?

The reported occurrence of re-trafficking across numerous countries suggests that it is an important component in the way in which human trafficking operates globally. Indeed, re-trafficking is so important that it is represented as a factor in economic models of sex trafficking [3]. In this section, we consider three elements that help to explain re-trafficking: 1) the nature of trafficking as a business; 2) constraints faced by individual survivors; and 3) economic, legal, and cultural factors reflecting larger institutional systems. These elements represent the three major components of a model of human slavery: exploiter strategies; vulnerable people; and the institutional environment [34].

1) Trafficking as a Business

Human trafficking may be examined as a business enterprise or part of a supply chain that could include legitimate businesses [35]. Many criminal organizations involved in human trafficking are organized as business enterprises that must consider the profitability of their operations [12]. Exploiters, whether they be individual facilitators or pimps, or organized groups such as gangs,

cartels, criminal networks, or syndicates, generally are interested in the money that can be made through trafficking people, although not every trafficker is a profit maximizer [7].

As a business enterprise, human trafficking can generate a considerable profit [35, 36, 12]. The International Labor Organization has estimated the annual profit for human trafficking to be \$150 billion USD [37]. Of this total, two thirds (\$99B USD) came from commercial sexual exploitation, while \$51B USD resulted from forced economic exploitation. Studies have shown that return on investment from prostitution ranges from 100% to 1,000% depending upon the market, and even in less profitable markets an enslaved laborer can produce 50% profit [35].

The sex trafficking business is one of the most profitable in the world, yielding profits second only to those of the illegal drug trade, but carrying less risk [3]. The sale of a victim in the sex industry can generate a profit of 1,000% and annual profit margins can reach 39.1%, much higher than traditional businesses [3]. These latter numbers are based on detailed analyses of sex trafficking operations conducted by Siddharth Kara [3] for specific cases in the US, Thailand, India, and Eastern and Western Europe. As few as three victims can earn a gang over \$1,000 a day in profits, which is equal to \$300,000 per year (these estimates are drawn from Frank and Terwilliger's study [36] of federal court trafficking cases). In one study [38], sex trafficking facilitators made an average of \$670,625 per year. The funds are used to support the lifestyle of the traffickers, which may involve perpetration of other crimes.

Frank and Terwilliger [36] also discuss the reasons for high profitability in sex trafficking, which include low start-up costs (as little as \$100), workers being paid low or no wages (conditions may resemble slavery), and slight chance of prosecution due to numerous factors, to be discussed later in this section. A sex trafficking victim can be sold over and over to bring in revenue for a relatively long period of time (unlike drugs).

Examining human trafficking as a business reveals a complex operational process involving several stages, including recruitment/entry, transportation, exploitation, victim disposal, and criminal proceeds [35]. In this business model, re-trafficking is part of the victim disposal stage. Victims whose value to the trafficker has declined may be released, abandoned, or even murdered. However, those who are released may not be able to re-integrate due to insufficient resources or other issues (e.g., health). Financial pressures may force victims who are released to return to the underground economy or change roles (e.g., from prostitute to recruiter or madam [35]). Victims also may escape through various means (e.g., victim's own agency, police raids, friendly customers, "good Samaritans" [3], yet be drawn back into the control of a trafficker or exploited by another trafficker after exit⁷.

Below we consider several factors that contribute to re-trafficking, including circumstances surrounding the recruitment and retention of "human resources", the ability of exploiters to psychologically abuse someone who is already known, and the potential value of a victim who has prior experience in the business.

⁷ The proportion of trafficking victims who are rescued globally is about 1% (www.un.news, July 29, 2016).

Recruitment and retention of “human resources”. Traffickers must recruit and retain their “human resources”, just as in any business [36]. Survivors have described various schemes for recruitment or long-term entrapment in sex trafficking within the US [39], including the following: spending money and romance/flattery (feelings of love, sweet talk, and romantic gestures); build dependence and/or trust by helping them (provide shelter and protection from previous conditions); normalized or glamorized engagement in prostitution (exposure to pornography and casualness of prostitution); isolation (move to another city, control communications); abduction/drugs (hold hostage or bribe with drugs); use of “bait and switch” (threatening indentured servitude); coercion by financial con/debt bondage (posting pictures on internet and demanding payment, giving money and demanding it be returned); recruited by boyfriend/girlfriend gang member; and preying on intellectually disabled youth (they may be unable to know the consequences of their actions [40]. These recruitment and enmeshment methods can be used to re-acquire people who have exited and represent enabling conditions for re-trafficking that might be targeted in services and/or evaluated as part of service outcomes. Similarly, in labor trafficking, charging recruitment fees is a strategy that enslaves workers for a long period of time, even after an attempted exit [13].

Because victims may be freed or escape through various means, there is pressure from exit on the business, which has an impact on profits. When a worker leaves, it takes time and money to replace her or him. Exploiters have devised specific means that may be used to re-acquire people who have departed from a trafficking situation. Reid [39; see also 36] has discussed some of these methods based upon empirical research with survivors, each of which is designed to hold victims or pull them back into the business model:

- Shame and blackmail -- demean or devalue the victim to create feelings of worthlessness
- Obligation -- creating a hesitancy to “snitch” after exit
- Control by threatening a child -- threats to sell, injure, or withhold access to them
- Isolation and control – track victim’s movements using technology and using technology to harass survivors [see also 41, 42]
- Financial control -- pressing into debt bondage that does not end after exit
- Intimidate -- threats against the victim or family unless the victim returns
- Provide hope, connection, and faux family -- saying we’re the only ones who can understand us, I will marry you, or you can leave soon [33]⁸.

Psychological abuse. Cases of re-trafficking in the US show that the psychological manipulation of victims is a potent force because it creates a social bond between the trafficker and the victim. Often called a trauma bond⁹ or Stockholm Syndrome [39, 43], the psychological connection between a trafficker and a victim may be more effective than physical force in promoting retention and/or re-trafficking because the bond keeps the victim away from law enforcement, facilitates the victim’s participation in low level crimes that re-enforce her or his dependence on

⁸ The docudrama *Apartment 407* shows some of the means used by traffickers to entrap and enmesh victims.

⁹ While there is no widely agreed definition of trauma bond, it is commonly understood as a powerful psychological and emotional connection between an exploiter and a victim based upon recurrent abusive cycles of punishment and reward [43].

the trafficker, and leads to the impression within the law enforcement community that the victim is a criminal (making her or his testimony less credible), so that their options are extremely limited [44, 7, 27]. Psychological abuse contributes to the business model of trafficking because it carries lower risk to exploiters than physical violence [35].

Potential value of a survivor with prior experience. Exploited people may become even more valuable if they gain experience and skills and then take on new middle-management roles [45¹⁰]. These roles usually must be filled by people who have knowledge of the business (not new recruits) and have proven that they can be trusted to take direction from the trafficker and not go to law enforcement. If an exploited person has had experience in one of the trafficking-related industries such as exotic dancing or escort services, there are various ways in which s/he can be lured back to generate profits for someone (e.g., moving from one sector of the sex industry to a more desirable or lucrative sector, such as moving from strip club dancer to enforcer¹¹, from prostitute to “bottom girl¹²”, recruiter, or madam, or promising to “promote” the person, such as marrying her or him [35, 33]. Highly skilled victims who are knowledgeable about the business and well known to the exploiter help the business to run more efficiently and become even more profitable. Viewed from this perspective, re-trafficking is a business strategy that may be used by individual exploiters or by organized criminal groups to increase profits from the business.

In the case study, businesses and revenue were prominent themes. Marie’s first trafficking experience was initiated by a job search gone wrong. Traffickers posing as businesspersons quickly found her (somewhat mysteriously), and then deceived and intimidated her. Some of the circumstances here resemble those of international trafficking cases in which migrants found traffickers waiting for them when they arrived home [2]. In those situations, an international network of traffickers was cooperating to identify and capture victims who had been deported. The circumstances here are different; however, a domestic network of traffickers could work in the same way. A trafficking network or ring would have connections across cities or states, so that exploiters with knowledge of a victim’s movements in one place could alert associates in another place to meet, deceive, and threaten her or him; for example, taking victims who may not be able to find employment in one state and moving them to another state with more ample opportunities. In other words, tracking movement of victims from one place to another is part of a re-trafficking business model.

When Marie returned home, she went to work in a strip club. From this business, victims are often deployed to other activities such as prostitution (C. Tipton, interview, November 30, 2021). For Marie, strip club dancing was a bridge between her first and second (re)trafficking

¹⁰ Two documentaries on Jeffrey Epstein show that he developed a hierarchy of positions in his sex trafficking operation, and that he “promoted” girls from masseuse to recruiter if he approved of them or if they threatened to quit (see *Surviving Jeffrey Epstein* and *Jeffrey Epstein: Filthy Rich*).

¹¹ See the major motion picture *Zola*, based upon a case of trafficking in the US.

¹² In the US, a “bottom girl” or “bottom bitch” is the person involved in providing commercial sexual services, usually considered a prostitute, who is the top person in the hierarchy of prostitutes who work for a particular pimp.

experiences. In the first experience, she learned that she could make money by selling her body. In the second experience, her acquired skills became the basis for an exploiter to make a large amount of money in a short time, based upon Marie's labor. Over time, Marie moved "up" from being a low-ranking member of a stable to being the sole woman in a duo where she retained influence over the use of some of the money she made. This vertical movement "up" was quintessential to Marie's re-trafficking. The business model described in this case is institutional, meaning that the influences and interconnections within the sex industry shaped Marie's behavior and retained her over time.

2) Constraints Faced by Individual Survivors

Survivors of trafficking face serious constraints to recovery and reintegration, which constitute key factors that help to explain re-trafficking. Below we discuss four types of constraints that make re-trafficking more likely: social bonds with exploiters; criminal or police record; unmet needs; and undocumented status. These constraints again represent enabling conditions that provide opportunities for survivor services and outcomes evaluation. They are not mutually exclusive and interact with one another.

Social Bonds with Exploiters. One of the most important constraints faced by survivors is the social relationships that exist between survivors and their exploiters. If these bonds remain in place after exit, the survivor may find her or himself being pulled back into the trafficking situation. A key point of entry into trafficking that may remain in place after exit is family networks. Many survivors were initially exploited commercially by family members, including parents, siblings, and uncles or other relatives [22, 39, 46, 47]¹³. Commercial exploitation may be a way of life in some families. This means that the possibility of being re-trafficked by a network of relatives is ever present. The same issue exists with people who are considered friends and were involved in earlier episodes of trafficking, perhaps as recruiters. Friends involved in the sex trade is a risk factor for trafficking [48; see also 15]. It is difficult to completely cut oneself off from family and friends, creating a potential point of vulnerability to re-trafficking that is especially fraught, given that family and friends also are essential to recovery [49, 50, 51].

In the case of Marie L., family members and friends were important in her exploitation. Marie's father initially abused her sexually when she was a young child. Sexual abuse of children is a risk factor for trafficking [52, 53]. Marie's long-time friend, who became her live-in romantic partner (akin to a family member), perpetrated her re-trafficking. The case also shows the importance of psychological manipulation and abuse when family members or friends are involved. Such individuals can use psychological means to abuse their power or exploit someone else's vulnerability to facilitate re-trafficking, rather than out-right physical force. Marie's cognitive behavior therapy helped her to understand her vulnerability and how she had been subject to manipulation.

¹³ The docudrama *The Turn Out* portrays a family involved in sex trafficking their children in Appalachia.

Criminal or Police Record. Another constraint is a criminal or police record, which happens if a survivor has been arrested for prostitution or another crime connected to trafficking (e.g., drug possession, theft). Once a person has a criminal record, there are more obstacles to recovery (e.g., finding safe housing or employment [27, 15]. Housing is especially critical if survivors are to find distance from traffickers [54, 30]. Police may place minors in detention after trafficking because there are no other safe options available [31]. If a survivor is not able to find employment that meets basic needs, s/he may feel pressure to make risky employment decisions, such as dancing in a strip club, joining an escort service, or other forms of commercial sexual exploitation that can lead to re-trafficking. In Marie L.'s case, a criminal record accompanied her prison sentence for drug possession. Housing after prison was made available by her parents, so she did not face housing discrimination at that point. However, the problem emerged later when she went into the commercial housing market and found few places that would accept an ex-felon¹⁴. When she applied for employment, there was no criminal background check, possibly due to labor shortages in the US during the Covid-19 Pandemic¹⁵.

Unmet Needs. Survivors also may have physical, psychological, or other needs related to their personal experience (for example, child maltreatment, involvement with child welfare services or foster care, running away) or their trafficking experience (for example, physical injury, post-traumatic stress disorder, substance addiction [55, 56, 57, 58]. If these needs are not met soon after the exit from exploitation, they can create conditions that propel the survivor into re-trafficking [49]. For example, the survivor may need to maintain connections with an exploiter to obtain access to substances [59]. Psychological or medical conditions might mean that the survivor has a difficult time reintegrating into regular employment. In the case study, Marie's first trafficking experience and later in strip club dancing and prostitution led to substance abuse, which was not treated initially and ultimately led her to prison.

Undocumented Status. Trafficking survivors who were born outside the US and are undocumented face multiple challenges to their recovery after exit [1]. An adult survivor must be willing to cooperate with law enforcement to receive federally funded services and, if undocumented, to obtain a T visa that would allow her or him to remain in the US [60]. Often victims, including those who are undocumented, are reluctant to identify themselves to law enforcement due to issues with distrust of police, fear of deportation, and/or fear of retaliation from traffickers [61, 51]. If such a person is deported, s/he may face the same circumstances that were responsible for trafficking in the first place and be unable to re-integrate, making her or him a target for re-trafficking [2, 3].

3) Economic, Legal, and Cultural Factors Reflecting Larger Institutional Systems

Constraints faced by individual survivors take place within a larger context of economic conditions, a legal and regulatory framework, and cultural norms that encourage or tolerate

¹⁴ In the US, the Trafficking Survivors Housing Act of 2021 will require a study and a report on the housing and service needs of trafficking survivors and those at risk for trafficking (S. 2049 – 117 Congress 2021-22).

¹⁵ The Lichtenstein Initiative, based at the UN University Centre for Policy Research has launched the Finance Against Slavery and Trafficking (FAST) project to provide enhanced financial services to survivors of modern slavery and human trafficking (<https://www.fastinitiative.org> – FAST). Accessed 18 July 2022

certain types of behavior. In the case of re-trafficking, these institutional factors help to create the circumstances that place serious constraints on individual survivors and make exit more difficult to sustain.

Economic Conditions that Result in Inequality. Economic inequality makes re-integration of survivors more difficult [6]. Poverty, in and of itself, may not necessarily be the root cause of human trafficking in many cases; however, poverty combined with other vulnerabilities such as prior abuse are important factors. Lack of employment or low wage work that often face survivors who exit trafficking increase the lure of a return to the trafficking situation [35]. For example, it was unrelenting economic deprivation that prevented Bender [33] from purchasing a cup of coffee at a coffeeshop that finally drove her back to sex trafficking after exit. The loss of financial resources and social connections that take place during the first trafficking experience may exacerbate impoverishment and lead to re-trafficking [25]. Lack of employment and other economic difficulties also are some of the main explanations for the re-trafficking of migrants who are returned to their countries of origin and find re-integration elusive [1].

Legal Factors that Create a Permissive Environment. Kara [3] has summarized several legal and regulatory factors that minimize risk for sex traffickers and increase the chances of re-trafficking [7]. Some of these factors, which are relevant to internal, as well as cross-border trafficking in the United States, include the following:

- Absence of agreement on the legal definition of trafficking across jurisdictions (federal, state, local). Definitional differences mean that coordination and cooperation across counties and states (and countries) in the investigation and prosecution of trafficking crimes can be more difficult. It also means that traffickers can evade prosecution by movement from one place to another, where the legal framework differs.
- Corruption in law enforcement, border control, and judicial systems, including situations in which law enforcement directly or indirectly benefits from trafficking. People may be re-exploited because of corruption, meaning that someone who was supposed to protect and prosecute after exit was aligned with exploiters [62]¹⁶. Money obtained through illegal practices such as human trafficking may fuel other forms of illegality, such as money laundering, especially in the US [63, 13]. These factors weaken law enforcement and create conditions that facilitate other crimes.
- Feeble enforcement of the law and minimal prosecution of traffickers, with most traffickers facing charges for lesser crimes due to concern by some prosecutors that they cannot prove charges in court¹⁷. In the US, most trafficking suspects at the state level are not charged with a trafficking offense. In one study, fifty-three (53%) percent of the suspects charged with a state-level human trafficking offense had the case dismissed prior

¹⁶ See also the major motion picture *The Whistleblower* which depicts the circumstances surrounding the participation of a group of UN peacekeepers in a sex trafficking ring in post-war Bosnia in the 1990s.

¹⁷ Exploiters are rarely prosecuted or convicted for the offense of human trafficking, meaning that it is a low-risk crime. Kara [3] estimates that 3-4% of traffickers in the US are prosecuted, while Melhman-Orozco [7] has suggested that only 0.01% of traffickers are convicted. This evidence suggests that the legal environment for human trafficking in the US does not represent a serious deterrent to the crime.

to adjudication, 13% went to trial, and 35% pleaded guilty to a human trafficking charge prior to trial [8]. Further, there is evidence of a decreased effort to prosecute suspects at the national level. Prosecutors brought criminal charges to a declining number of defendants in recent years [13]. This means that exploiters are more likely to engage in re-trafficking.

- Insufficient legal and other protections for trafficking victims whose cooperation is important in prosecution and may be required for restitution [20]. Most legal remedies for trafficking in the US focus on prosecution of traffickers, based on the idea that victims will be supported if traffickers face justice. There are few legal protections for victims, making them more vulnerable to re-trafficking. Such protections are conditioned on cooperation with law enforcement especially for foreign victims of trafficking in the US. Cooperation with law enforcement is an eligibility condition for granting continued presence in the United States [13].
- Immigration policies that fast-track deportation and reduce allotments for refugee resettlement, coupled with victims' fear of traffickers' retaliation, mean that trafficking is under reported and victims are not identified. Victims who are deported face the threat of re-trafficking when they return home [2]. Shifts in public opinion that accompany more restrictive immigration regimes mean that migrants will receive fewer services and be more exposed to prosecution [64].

Another serious challenge in the legal environment is the movement of trafficking to online platforms designed for the buying and selling of sex. With the enactment of FOSTA in 2017 (Fight Online Sex Trafficking Act), many of these platforms shifted operations overseas to avoid investigation and prosecution, sometimes to countries where prostitution is legal [65]. The platforms use opaque and complex payment systems and social media platforms such as Facebook and Instagram (among others), making pursuit of federal investigations even more challenging. Social media platforms are difficult to investigate because of varying levels of encryption among users, use of false identities, automatic deletion of content, and the increasing number of these platforms and their legitimate intent [65].

Cultural Factors Related to Discrimination. Discrimination against ethnic minorities means less protection for survivors [25]. Young girls who are members of minority groups in the US may be trafficked in plain sight, yet the practice appears to be culturally tolerated¹⁸ [25]. For example, it has been noted that Native American and First Nation girls and women face a significant risk of trafficking; however, there is little empirical data on crimes against them [66]. One study showed that 26% of American Indian girls assessed at a harm reduction program in the Midwest had experienced sex trafficking as children [67]. A report by the National Human Resource Center found that Native American females were disproportionately involved in prostitution compared with their numbers in the general population [68]. Four federal agencies

¹⁸ The docuseries *Surviving R Kelly* shows how Robert Kelly rose to fame as a US rock star while simultaneously engaging in sex trafficking with young African American girls. Kelly and/or his gang regularly went to Kenwood High School and local malls to find young girls and recruit them into his stable. His practices were well known but no one stopped him.

that investigate or prosecute trafficking cases in Indian country (i.e., FBI, ICE, US Attorney's Office, Bureau of Indian Affairs or BIA) record whether human trafficking occurred in their case management systems. However, ICE is not required to report whether a crime took place in Indian country and is not usually involved in such investigations. Except for BIA, the agencies are not required to collect or record the Native American status of victims in cases. This issue has been identified as an area for improvement [69]. We do not have data on re-trafficking rates for survivors who are members of minority groups in the US; however, we do know that members of foreign-born minority groups often are deported and may face re-trafficking when they return home.

The combined power of these factors means that traffickers often are not held accountable for their crimes, may believe they have practical impunity, and remain free of prosecution so that they can pursue re-trafficking of victims who escape. The case study of Marie L. shows that her romantic partner, who was a trafficker, went to prison for a non-trafficking related crime and, as far as we know, no one was prosecuted for trafficking Marie.

Economic and Social Costs of Re-Trafficking

Re-trafficking creates costs for survivors, their families and communities, and the larger public. Although there often is concern about spending tax dollars on efforts to support trafficking survivors due to constraints on public budgets and the criminalization of many victims [70, 71, 72], failure to prevent re-trafficking, protect survivors, and prosecute perpetrators could be more expensive in the long run. The state is unable to collect taxes from illegal trafficking-related businesses and practices, meaning that public budgets to prevent re-trafficking, protect survivors, and prosecute exploiters are reduced. At the same time, re-trafficking is costly to the public because of the severe nature and complexity of services required for people who have been re-exploited (e. g., law enforcement, health care, social services [56, 58]. The societal cost of trafficking is unknown, therefore the potential cost savings and societal benefit of supporting survivors and/or preventing trafficking are not well understood. Cockayne [34] summarizes the evidence linking modern slavery, forced labor, and human trafficking to macro-level economic and social costs from a global perspective [13].

Why We Don't Know "What Works" for Survivors

There are very few studies focused on survivor outcomes. For example, Salami et. al. [73] reviewed psychological services for trauma in the case of trafficking survivors and found no papers comparing the different components of the primary trauma treatment therapy strategies, or the potential usefulness of these treatments for human trafficking survivors. Lacking such evidence, psychological therapies for trafficking victims often are adapted from treatments for other groups, such as sexual abuse survivors, which may or may not be relevant to trafficking survivors. The case study showed that a combination of psychotherapy and spiritual resources made an important contribution to Marie's recovery, a point which has been made in the literature [6, 43]. However, there is no systematic empirical evidence on the effectiveness of combining specific services for re-trafficking survivors or preventing re-trafficking in the first place. We are particularly limited in understanding how specific groups of survivors respond to

specific types of services. Only a few studies focus on outcomes of specific types of services at the individual level (exceptions noted below), so that it is difficult to identify “what works” for important subgroups such as persons belonging to ethnic minorities.

Other literature reviews have confirmed the scarcity of studies that evaluate survivor outcomes in the US [74]. A review of one annotated bibliography of more than 135 contemporary journal articles, reports, and books on human trafficking and commercial sexual exploitation in the US and Canada [75] found only 6 that included quantitative evidence on survivor outcomes (i.e., 18, 30, 76, 57, 77, 78). These six studies show: 1) the greater the number of needs met for a foreign-born adult survivor, the greater the chances of stabilization¹⁹, and the length of service had a highly significant impact on the odds of improvement [18]; 2) survivor youth who completed an Empowerment Social Services Program had improvements in 13 categories of outcomes across a broad range of indicators [30]; 3) a nurse practitioner-led intervention focused on runaway adolescents who had been sexually assaulted or exploited was effective in reducing symptoms of emotional distress, suicide ideation, suicide attempts, and self-injury over a 12-month period [76]; 4) court supervision programs for survivor youth help to increase links to mental health and substance abuse treatment, increase prescriptions for medication, and decrease citations, child welfare placements, and running away [57]; 5) participating in a survivor-mentor program helps to improve well-being, and reduce drug use, delinquent behavior, and exploitation [77]; and 6) a multi-session, psychoeducational group for girls “at disproportionate risk” of commercial sexual exploitation was effective in reducing risk and improving other conditions [78]. Clearly, service programs for trafficking survivors can play a beneficial role in recovery and all of these outcomes in one way or another address enabling conditions for re-trafficking; however, these studies assess a wide range of different services and focus on different outcome measures, making it difficult to draw conclusions.

A quality evaluation should include measures of the outcome pre- and post-intervention and have an appropriate comparison group against which to compare results [79]. Davy’s [79] literature review of 49 program evaluations in the field of human trafficking published between 2001 and 2015 found none that met these quality criteria, meaning that no conclusions could be drawn regarding the effectiveness of anti-trafficking programs aimed at prevention, protection, or prosecution.

The reason why there are so few empirical studies focused on outcomes assessment is the result of several serious challenges faced by such evaluations, summarized as follows:

- *Data inconsistencies.* Obtaining data to enable assessment of outcomes is challenging. Examining results over time may not be possible if baseline data is not available. Such data may be limited due to access issues at agencies and the hidden nature of the crime [74], meaning that any changes in outcomes over time are difficult to measure.
- *Process versus outcome metrics.* Federal agencies that act as sponsors for anti-trafficking programs often require program evaluation; however, such sponsors usually allow process

¹⁹ Stabilization was defined as “prospects for long-term economic and social self-sufficiency”, with case managers assessing stability for each month of service on a 1-5 scale.

measures to show impact: for example, number or type of persons served or implementation of program activities [79]. Outcome measures are different – they focus on effectiveness: for example, what happened to the survivor over time -- and they are more difficult to obtain [80]. While both are important, outcomes evaluation is essential to survivor recovery, otherwise we don't know if a program is working for the intended recipients, which poses a risk for re-trafficking. A key issue is that there are no widely agreed-upon outcome metrics for trafficked persons. A wide range of different measures have been used to evaluate services for trafficking survivors [81], so it is difficult to compare results and draw conclusions.

- *Survivor perspective.* Survivors' points of view often are missing from studies pertaining to outcomes, frequently due to difficulty in connecting with survivors over time [79]. Understanding what survivors believe are critical outcomes for them is central to understanding what works overall. For example, when asked about their views of justice, survivors say it is an ability to “‘move on’ from trafficking experiences, achieve autonomy, and feel empowered by accomplishing self-defined goals” [54] – in other words, avoid re-trafficking.
- *Resource scarcity.* Organizations require special resources to assess survivor outcomes, such as staff with appropriate expertise and sufficient financial resources to support an evaluation program. If resources are scarce, organizations may not be able to identify outcomes, especially if survivors have departed prematurely or been revictimized [30].
- *Multiple disincentives.* Barriers to outcomes research include client confidentiality and other ethical considerations, relatively low priority placed on research in the realm of service provision, and risk aversity within organizations: for example, concern about adverse consequences from research such as data showing that programs are not working [79, 74].

Empirical evidence on the impact of anti-trafficking programs and services on survivor recovery is needed; otherwise, we will not know if programs are effective in reducing vulnerability to re-trafficking. Federal agencies are taking steps to address the challenges of evaluation for anti-trafficking programs [74], but for the most part these efforts have not focused on survivor outcomes. Without data on outcomes, it is not possible to determine whether programs are helping survivors to recover or whether they are being re-trafficked, and it is also difficult to identify changes needed to improve outcomes or to make informed investment decisions.

Recommendations to Counter Re-Trafficking

The fight against human trafficking is a complex and multi-dimensional problem, given that risk factors include childhood maltreatment, economic inequality and discrimination, legal and regulatory limitations, and long-standing social norms and institutions. These challenges will require concerted efforts across organizations, institutions, and countries over the long term.

Here we recommend focused actions that can be taken to address targeted aspects of the re-trafficking problem, following the TVPA framework of prevention, protection, and prosecution.

- **Prevention of Re-Trafficking**

Tracking survivors' re-integration. To prevent re-trafficking of survivors who have exited trafficking, we should develop secure, ethical, and effective means to track survivor outcomes following receipt of services. At present, many survivors who have received services “disappear” [30, 31], and service providers report that some were re-victimized. To mitigate against a return to the trafficking situation, we should have social and technological methods that monitor survivors' well-being over time to help ensure that they have been re-integrated and be able to respond appropriately should anyone disappear. Such an approach would allow us to develop databases on re-trafficking that could be used to improve our understanding of this crime in the United States.

Include re-trafficking in all training programs to fight trafficking. The importance of re-victimization is not always recognized by people who are at risk, the professionals who serve them, or the public. This subject should be included as a topic in all training programs in the field of human trafficking, together with methods to combat it. Re-trafficking should be included as a framing question in the design of all anti-trafficking training programs (e.g., Human Trafficking Initiative Research and Learning Agenda).

- **Protection of Survivors from Re-Trafficking**

Find out “what works” from empirical research focused on outcomes aimed at reducing re-trafficking. Federal, state, and local authorities should require outcome measures for all anti-trafficking programs that receive funding. Widely agreed outcome measures should be developed with survivor input so that what is studied is relevant to future results. To do this, we should use the databases and methods that already exist. Many international, national, and state-level organizations have databases that include information on cases of human trafficking and commercial sexual exploitation [1, 22, 82, 18, 83, 84, 70, 12]. Some of these organizations have developed methods for identification of re-trafficking [1], and these methods could be adapted for use elsewhere. In these efforts it is imperative that survivor voices be placed at the center and prioritized. To build agency, we should ask survivors what they need to improve outcomes for them and try to ensure that those needs are met in anti-trafficking programs.

Identify, support, and promote federal, state, and local efforts to evaluate survivor re-trafficking outcomes. Resources should be made available for service organizations that are committed to quality evaluation of their programs for survivors. Communities of service organizations should be developed to encourage and support evaluation and to reduce risk from potential adverse consequences of research. Results from evaluation should be used to make program improvements in participating organizations. For example, the Freedom Greenlight Assessment Tool is a needs assessment framework in the field of human trafficking that centers survivors'

input and priorities for their own recovery. Other examples of such projects should be identified and promoted widely.

Develop innovative technology to keep in contact with survivors during and after services. To counter the problem of survivor communication that thwarts current efforts to assess longer-term recovery, we should develop technologies that allow survivors to communicate securely with service organizations and vice versa. Research has shown that trafficking survivors are interested in using mobile technology to connect with service providers and to engage in an online community [85]. Survivors should be able to reach out to services when they need support to avoid re-trafficking, and services should develop unobtrusive methods to learn about survivors' well-being over longer periods of time. Further, survivors should be empowered through supportive credit and financial systems, so that they can better re-integrate into their communities (see *Virtual Hearing – Ending Exploitation: How the Financial System Can Work to Dismantle the Business of Human Trafficking*; US House Committee on Financial Services). Technology to support survivors should be implemented in the context of a social safety net that includes secure and supportive relationships.

- **Prosecution of Minors Involved in Commercial Sex Acts Should Not Happen**

Provide alternatives to prosecution for minors involved in commercial sex acts. The TVPA holds that anyone who is involved in a commercial sex act and has not attained the age of 18 is a victim of “severe” sex trafficking and therefore protected by federal law. Such persons should not be prosecuted as prostitutes if they are apprehended by law enforcement because minors cannot give consent to a commercial sex act. Yet empirical evidence shows that law enforcement personnel have broad discretion to determine whether minors are arrested and charged with prostitution, and they often will do so if the minor is perceived to be a delinquent rather than a victim, or there are no other options available [44, 82, 27, 71]. State-level Safe Harbor Laws which call for protection rather than prosecution of child victims of sex trafficking are helpful, but many states do not have such laws. Further, some states with these laws allow criminalization of minors prior to age 18 [86]. Charging a minor with prostitution has serious negative consequences for the individual because a police or criminal record can create conditions that leave the person few choices but to engage in the sex industry [27, 15], potentially becoming an adult prostitute [52]. One alternative is to place such minors in a court-supervised prostitution diversion program prior to adjudication as an alternative to the standard criminal justice process [87]. Such diversion programs have been shown to have beneficial outcomes for survivors [57]; however, their impact on re-trafficking is not clear. Diversion programs may not be an option until after the minor has been arrested, which does not fully address the problem [86]. All states should follow federal law and not criminalize minors under the age of 18 who have engaged in commercial sex acts.

1.3 Conclusion

Re-trafficking exemplifies the inadequacies of our current efforts to counter trafficking and support victims. It is one potential outcome of ineffective anti-trafficking policies and programs. To make progress on reducing the vulnerabilities and risks for human trafficking, we need to

come to grips with the long term effects of the actions we have taken, or not taken, to prevent re-trafficking, provide effective protection and assistance to victims to avoid re-trafficking, and prosecute those who are found to have exploited those victims over time. A focus on re-trafficking can strengthen all efforts to stand against the trafficking of human beings.

Discussion Questions

- Why is re-trafficking a significant crime from a public policy perspective?
- How does re-trafficking as a business strategy compare with retention strategies used in legal and ethical businesses?
- How do the vulnerability factors and interconnections in the sex industry and other employment sectors shape behavior to facilitate re-trafficking?
- What financial, human capital, and research resources are needed to combat re-trafficking in the US?

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