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**Bending Towards Justice:**  
**Perceptions of Justice among Human Trafficking Survivors**

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## Abstract

This study addresses gaps in knowledge about how survivors and stakeholders perceive justice in cases of human trafficking and the potential of alternative models of justice, including procedural, restorative, and transitional justice, to enhance survivors' experiences and the outcomes of their trafficking cases. Most survivors did not endorse traditional forms of retributive justice for their traffickers, such as incarceration, and instead felt justice could be best achieved through prevention. Survivors' perceptions of justice for themselves included the ability to move on from the trafficking experience and find autonomy and empowerment through achieving self-defined goals. Survivors and stakeholders both expressed concern with the justice system's ability to help survivors achieve their desired outcomes; however, survivors and social service providers did find promise in alternative forms of justice to achieve individualized goals. This study relies on semi-structured interview data collected with 80 survivors and 100 social service and criminal justice stakeholders across eight diverse sites in the United States. Findings offer the most comprehensive understanding of survivor experiences with social service providers and criminal justice stakeholders and criminal justice processes to date.

## Introduction

The passage of the federal Victims of Trafficking and Violence Protection Act (TVPA) of 2000 and its re-authorizations strengthened laws to convict and penalize traffickers while increasing access to social services, restitution, and special immigration statuses for survivors of human trafficking.<sup>1</sup> Yet, the field currently lacks a holistic understanding of how the criminal and civil justice systems and service providers interact with survivors, including how survivors and system stakeholders perceive fair outcomes, and how the legal system can best serve the needs of survivors throughout the entirety of the criminal justice process. For example, while prosecutors traditionally define success as having secured a conviction against traffickers, research on survivors' needs suggests that not all survivors may be best served by, nor desire, traditional criminal prosecutions.

With funding from the National Institute of Justice in 2015, this research study sought to: (1) better understand how survivors and stakeholders perceive justice in cases of human trafficking, and (2) explore whether alternative models of justice, including procedural, restorative, and transitional, might be applied to cases of human trafficking to enhance the experiences of survivors and outcomes of trafficking cases. These goals are guided by the belief that survivors' perspectives are critical to interpreting current legislations and to developing future policies that incorporate protections and legal considerations for individuals who have experienced human trafficking.

This study sought to answer the goals of this research by conducting in-depth, semi-structured interviews with 80 human trafficking survivors, 50 legal and social service providers who work with trafficking survivors, 44 justice stakeholders, and 6 other relevant policy actors across 8 geographically diverse sites in the United States. In addition to our primary data collection activities, we consulted with an Advisory Board comprised of 13 members, including legal and social service providers, researchers, and survivors of human trafficking on all aspects of our research process. We also collaborated with three external consultants with extensive experience in the human trafficking field and hired a researcher with lived experience of human trafficking to contribute to our data analysis efforts.

This report summarizes the methods and findings of this research study. Findings will also be published on the Urban Institute website and through a peer reviewed publication.

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<sup>1</sup> Farrell, A., C. Owens, & J. McDevitt (2013). *New laws but few cases: Understanding the challenges to the investigation and prosecution of human trafficking cases*. Boston, MA: Northeastern University.

## Prior Research

### *Prevalence of Human Trafficking and Criminal Justice Responses*

Although the exact prevalence of human trafficking is largely unknown, it is estimated that on any given day in 2016, approximately 40 million people were victims of modern slavery, including 25 million victims of forced labor and forced commercial sexual exploitation.<sup>2</sup> This number pales in comparison to the low number of survivors who are identified, and traffickers arrested and prosecuted worldwide. With respect to labor trafficking in the United States, for example, one study found that less than half of all suspected traffickers were arrested.<sup>3</sup>

Survivors' ability to access and achieve justice in the United States is constrained by significant challenges to identifying, investigating, and prosecuting cases of human trafficking. Research indicates that a lack of awareness and misconceptions about the prevalence of human trafficking, negative attitudes towards survivors, and a lack of institutional support or infrastructure to investigate and prosecute cases, among others, are barriers to identifying human trafficking cases.<sup>4</sup> For example, surveys of state and local prosecutors report that 68 percent do not consider human trafficking to be a problem in their jurisdictions.<sup>5</sup> Over 70 percent of local, county and state law enforcement agencies perceive human trafficking as rare or non-existent in their local communities.<sup>6</sup> Moreover, those tasked with anti-trafficking enforcement often lack a nuanced understanding of anti-trafficking laws and their application. Forty-four percent of law enforcement and 50 percent of prosecutors report that they are unaware of anti-trafficking legislation.<sup>7</sup> Additional research has found that prosecutors may not understand the legal elements necessary to prove a case of human trafficking and lack the training, resources, and sometimes institutional support, to bring trafficking cases forward.<sup>8</sup>

Survivor cooperation also poses a challenge to the successful investigation and prosecution of human trafficking cases. Traffickers' involvement in the prosecution can be traumatic for survivors and require the survivor to relive trafficking experiences during case preparation. This can result in significant psychological and emotional burdens to survivors.<sup>9</sup> Survivors also report reluctance to participate in prosecutions for fear that traffickers may take revenge on them and/or their

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<sup>2</sup> International Labour Organization. (2017). [http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_181961/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_181961/lang--en/index.htm). *Global Estimates of Modern Day Slavery: Forced Labour and Forced Marriage*. Geneva: International Labour Organization.

<sup>3</sup> Owens, C., M. Dank, A. Farrell, J. Breaux, I. Banuelos, R. Pfeffer, R. Heitsmith, K. Bright, & J. McDevitt. (2014). *Understanding the organization, operation, and victimization process of labor trafficking in the United States*. Washington, DC: Urban Institute.

<sup>4</sup> Farrell, A., C. Owens, & J. McDevitt (2013). *New laws but few cases: Understanding the challenges to the investigation and prosecution of human trafficking cases*. Boston, MA: Northeastern University.

<sup>5</sup> Clawson, H.J., N. Dutch, S. Lopez, & S. Tiapula (2008). *Prosecuting human trafficking cases: Lessons learned and promising practices*. Washington, D.C.: U.S. Department of Justice.

<sup>6</sup> Farrell, A., McDevitt, J., & Fahy, S. (2008). *Understanding and Improving Law Enforcement Responses to Human Trafficking: Final Report*.

<sup>7</sup> Newton, P., Mulcahy, T., & Martin, S. (2008). *NORC Final Report. Finding Victims of Human Trafficking*. Washington, DC: National Institute of Justice Office of Justice Programs;

<sup>8</sup> Farrell, A., C. Owens, & J. McDevitt (2013). *New laws but few cases: Understanding the challenges to the investigation and prosecution of human trafficking cases*. Boston, MA: Northeastern University.

<sup>9</sup> Farrell, A., C. Owens, & J. McDevitt (2013). *New laws but few cases: Understanding the challenges to the investigation and prosecution of human trafficking cases*. Boston, MA: Northeastern University;

families.<sup>10</sup> Moreover, some survivors may be hesitant to cooperate because of how they have previously been treated by law enforcement and investigators, who may be disrespectful and/or criminalize survivors.<sup>11</sup> For survivors who do cooperate in investigations, the length of time to prosecution may become frustrating—federal human trafficking cases can take two to three times longer to prosecute than other federal cases.<sup>12</sup>

### *Human Trafficking Survivors' Perceptions of Justice*

Given the challenges to identifying, investigating, and prosecuting cases of human trafficking, it is important to consider the experiences, perceptions, and desires of survivors. The extant literature on human trafficking justice responses commonly defines a successful case outcome through the lens of the prosecution, with a primary focus on securing a conviction against the trafficker.<sup>13</sup> Yet, the limited studies that do exist indicate there is variation in whether survivors want to bring criminal charges against their perpetrators.<sup>14</sup> For many survivors, the burden of participating in the justice system may outweigh the benefits of securing a conviction. In cases when survivors do not wish to pursue a criminal conviction against the trafficker, it is important to consider whether alternative forms of justice exist that may assist survivors in achieving reparations/outcomes that may more holistically address their needs.

Over the past few decades, several alternative forms of justice have garnered attention among practitioners, survivors, people accused of a crime, and affected communities as viable options to traditional forms of criminal justice. Three alternative models of justice show promise when applied to cases of human trafficking: (1) procedural justice, (2) restorative justice, and (3) transitional justice. Models of *procedural justice* maintain that the process by which justice is achieved is more important than the actual outcome of a case.<sup>15</sup> Important to experiencing procedural justice is an individual's perceptions that justice processes are respectful, and that individuals have the ability to tell their side of the story and participate in the decisions made in their case. Proponents of procedural justice argue for individualized approaches to justice responses that take into consideration individuals' unique circumstances and wishes.<sup>16</sup> Models of

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<sup>10</sup> Aron, L.Y., J.M. Zweig, & L.C. Newmark (2006). *Comprehensive services for survivors of human trafficking: Findings from clients in three communities*. Washington, DC: The Urban Institute.

<sup>11</sup> Farrell, A., C. Owens, & J. McDevitt (2013). *New laws but few cases: Understanding the challenges to the investigation and prosecution of human trafficking cases*. Boston, MA: Northeastern University; Aron, L.Y., J.M. Zweig, & L.C. Newmark (2006). *Comprehensive services for survivors of human trafficking: Findings from clients in three communities*. Washington, DC: The Urban Institute.

<sup>12</sup> Clawson, H.J., N. Dutch, S. Lopez, & S. Tiapula (2008). *Prosecuting human trafficking cases: Lessons learned and promising practices*. Washington, D.C.: U.S. Department of Justice.

<sup>13</sup> Newton, P., Mulcahy, T., & Martin, S. (2008). *NORC Final Report. Finding Victims of Human Trafficking*. Washington, DC: National Institute of Justice Office of Justice Programs.

<sup>14</sup> Owens, C., M. Dank, A. Farrell, J. Breaux, I. Banuelos, R. Pfeffer, R. Heitsmith, K. Bright, & J. McDevitt. (2014). *Understanding the organization, operation, and victimization process of labor trafficking in the United States*. Washington, DC: Urban Institute; Aron, L.Y., J.M. Zweig, & L.C. Newmark (2006). *Comprehensive services for survivors of human trafficking: Findings from clients in three communities*. Washington, DC: The Urban Institute.

<sup>15</sup> Thibault, J. & L. Walker. (1975). *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: Erlbaum; Tyler, T. R. (1988). "What is Procedural Justice? Criteria used by Citizens to Assess the Fairness of Legal Procedures." *Law & Society Review*, 22(1), 103-136; Tyler, T.R. (1990). *Why People Obey the Law*. New Haven, CT: Yale University Press.

<sup>16</sup> Tyler, T. R. (1988). "What is Procedural Justice? Criteria used by Citizens to Assess the Fairness of Legal Procedures." *Law & Society Review*, 22(1), 103-136

*restorative justice* maintain that justice outcomes, including convictions and imprisonment, may not always serve the interest of survivors, individuals accused of crimes, and their communities, and are not always the best response when considering the healing process of those impacted by a crime.<sup>17</sup> Advocates of restorative justice argue that alternative, survivor-defined responses, including the ability for those impacted by the crime to confront the accused and for the accused to apologize, are more likely to lead to healing than are traditional prosecution processes and outcomes. Finally, models of *transitional justice* maintain that larger community efforts to respond to crimes are most likely to promote peace, provide a sense of justice, and result in longer-term impacts.<sup>18</sup> Transitional justice responses to crime often include reparations and the provision of social services to individuals affected by crime, and larger community educational and advocacy efforts.

Research on the effects of alternative forms of justice has largely been limited to individuals who are accused of crimes. Yet, these models show promise for positively affecting survivor perceptions of justice, and reforming traditional responses to human trafficking.

### Rationale for Research

This study addresses gaps in knowledge about human trafficking survivor experiences with service providers and criminal justice stakeholders and processes, survivor and stakeholder perceptions of whether and how justice was achieved, and whether alternative forms of justice may result in helping survivors heal and achieve their own understandings of justice. Key research questions that guide this summary include:<sup>19</sup>

1. What are human trafficking survivors' experiences with legal and social service providers, and the criminal and civil justice systems?
2. What are human trafficking survivors' perceptions of justice in their case?
3. What are human trafficking stakeholders' perceptions of justice?
4. What alternative forms of justice may human trafficking survivors desire?

The following sections outline the methods used to respond to these questions and findings.

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<sup>17</sup> Bolivar Fernandez, D. (2013). "For whom is restorative justice? A mixed-methods study on victims and (non-) participation." *Restorative Justice*, 1(2): 190-214; Mika, H. et al. (2004). "Listening to Victims—A Critique of Restorative Justice Policy and Practice in the United States." *Federal Probation*, 68(1)

<sup>18</sup> Teitel, R.G. (2003). "Transitional Justice Genealogy." *Harvard Human Rights Journal*, 16: 69-94; van Zyl, P. (1999). "Dilemmas of Transitional Justice: The Case of South Africa's Truth and Reconciliation Commission." *Journal of International Affairs*, 52(2); Waldorf, L. (2006). "Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice." *Temple Law Review*, 79(1); David, R. and S.C. Yuk-ping. (2005). "Victims on Transitional Justice: Lessons from the Reparation of Human Rights Abuses in the Czech Republic." *Human Rights Quarterly*, 27(2),392-435.

<sup>19</sup> Research questions are guided by the original study goals proposed, but have been modified to facilitate data analysis and reporting. Notably, we have removed one question that focused on variations in survivor experiences with civil and criminal justice processes. Less than ten survivors interviewed for this study reported involvement in a civil case against their trafficker, and most survivors were unfamiliar with civil justice processes.



## Methods

### *Respondent Recruitment*

This research relies on semi-structured interviews with 80 survivors and 100 stakeholders, including legal and social service providers, criminal justice stakeholders, non-criminal justice government stakeholders, and representatives from advocacy organizations. These interviews were conducted across eight diverse sites (2 Northeastern, 3 Western, 2 Southern, and 1 Midwestern site) between July 2016 and May 2017. Visits to each site lasted between 3- to 5-days.

The research team worked closely with a local anti-trafficking service provider at each site to become familiar with the local human trafficking landscape, identify survivor and stakeholder respondents, and plan each site visit. Local service providers provided study information to current and former survivor clients and identified survivors who were at least 18 years old and willing to share their story.<sup>20</sup> To preserve respondents' anonymity to the research team, service providers did not share respondents' names or identifying information prior to the interview. Service providers did provide us with the day, time, and location of the interview, and with information regarding their understanding of each survivor's basic demographic information, immigration status, type of trafficking experienced, languages spoken and interpretation needs, and whether they had been involved in a criminal and/or civil case against their trafficker. In cases when survivor respondents required an interpreter, we worked with the local service provider to identify interpretation services. Service provider points of contact and their staff, interpreters, and the research team signed confidentiality pledges to ensure the confidentiality of the respondent's identity, the interview content, and the research site's identity.

The research team collaborated with the anti-trafficking service provider partner in each study site to identify potential stakeholder respondents for the study. Service providers provided initial recommendations for stakeholders to contact, which the research team built upon through a scan of local organizations and agencies that were involved in human trafficking work. While the service provider occasionally made introductions between the research team and stakeholders, stakeholder recruitment relied mostly on direct outreach to stakeholders by the research team, via email and phone in order to preserve the confidentiality of their identity and their decision to participate or decline participation in the research study.

### *Interviews with Survivors and Stakeholders*

The research team, in collaboration with the project's Advisory Board members and consultants, developed separate semi-structured interview instruments for survivors, criminal justice stakeholders, civil justice stakeholders, and service providers. Interview instruments were pilot tested in the first study site, after which the research team made necessary revisions prior to collecting data across the seven remaining sites. The survivor interview instrument included questions on respondent's demographics and background; experiences with service provision,

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<sup>20</sup> A key concern throughout data collection was the emotional wellbeing of the survivors who we interviewed. For this reason, we did not interview individuals who could be negatively affected or feel retraumatized by involvement in this study. We deferred to the service provider's judgement of whether their clients would feel comfortable speaking to the research team. In each site, prior to conducting interviews, we ensured that service provider staff were available to survivor respondents in the event that the survivor became upset, distressed, or uncomfortable during or after the interview.



criminal justice processes (including investigation and prosecution), civil justice processes; perceptions of case outcomes; reflections on alternative remedies of justice; and recommendations for any of the discussed topics. Following the research questions for this study, we focused particular attention on collecting data on perspectives of survivor interactions with service providers and criminal justice stakeholders, including barriers to receiving services, and perceptions of justice and the outcomes that resulted from involvement or lack of involvement in cases against traffickers. The stakeholder interview instruments included questions regarding the backgrounds of each respondent, their organization and agency, and the policy and stakeholder collaborative environment in their respective sites; how the respondent works directly with survivors in the course of their day-to-day work; how they build trust with and ensure justice for survivors; challenges they face; perceived challenges experienced by survivors; and their perceptions of successful outcomes, definitions of justice, and alternative forms of justice (See Appendix A for Interview Protocols).

Interviews with survivors and stakeholders occurred in-person during site visits and lasted between 30 minutes to over 2 hours. If a respondent was unable to meet with us while we were on-site, we completed a phone interview following the visit; a small number of phone interviews were also conducted during the site visits as needed. The majority of interviews were conducted by at least two researchers from the research team: one to lead the interview and one to provide support and take notes if needed. Prior to beginning each interview, the research team administered verbal consent to all respondents to inform them that the interview was confidential and that their participation was fully voluntary, meaning the respondent could choose to not answer a question or end the interview at any time. The majority of interviews were audio recorded; in cases in which the respondent was not comfortable being audio recorded, a member of the team took verbatim notes. All survivor respondents received a \$50 gift card at the end of each interview for their participation in the study.

After each site visit and data collection activity, the research team stored all audio files and interview notes on a confidential drive at the Urban Institute; only members of the research team have access to the interview data collected.

### *Data Analysis*

Following data collection, all interviews were transcribed and uploaded to NVivo, a qualitative analysis software program. Interviews were coded based on a coding scheme that was derived from the interview protocol. The coding scheme was organized into 14 primary families, each with respective subcodes. To ensure the quality of the coding scheme and the consistent coding of interviews, members of the research team each coded interviews for survivors and all stakeholders, and met to discuss coding decisions. Following this initial check, the coding scheme was refined, and a final codebook was generated. The results reported in this technical summary rely on the findings and themes generated through data coding and reports generated by Nvivo for each respective research question.

### *Limitations*

The results presented in this technical summary should be interpreted with an understanding of the limitations encountered throughout the data collection process and the biases present within the research sample. First, the study draws from a convenience sample of human trafficking survivors

and relevant stakeholders. Due to the hidden nature of the research population, we partnered with eight service provider organizations across the country to identify survivors who were willing and able to speak with us. As a result, all survivors included in the sample had already been connected to our service provider partners, meaning they received some kind of professional support in the wake of their trafficking experience. Our study, therefore, does not include perspectives of survivors who have been unable to access services or receive support. Also, because service provider partners were located in urban cities, our study is also missing the perspectives of survivors in more remote, rural regions. This does not mean that survivors included in this study did not experience trafficking within rural areas, but that they were able to relocate and access resources within an urban location after they escaped their trafficking experience.

Similarly, we instructed service provider partners to refer clients to the study only if they were far enough along in their healing process to speak with us without being re-traumatized. While this was dependent on service providers' discretion, it means narratives included in the study are generally from the point of view of survivors who have had distance from their trafficking experience and who are not experiencing acute trauma.

Also, despite attempts to balance the sample with survivors of labor and sex trafficking, our sample remains skewed towards those who have experienced labor trafficking (n = 45). Yet, it is difficult for us to interpret definitive conclusions about respondents' victimization type, as many respondents experienced both sex and labor trafficking and often spoke about the form of trafficking that occurred most recently or had the largest impact on their lives. Finally, we had too few respondents with civil justice case experience to draw definitive conclusions about survivors' perceptions of the civil justice system.

While the survivors included in this study are biased towards those who experienced labor trafficking, the criminal justice stakeholder respondents are biased towards those who have focused primarily on investigating and prosecuting sex trafficking cases. This is a reflection of investigative and prosecutorial priorities and experiences of those criminal justice officials in charge of responding to human trafficking across all sites<sup>21</sup>, rather than a lack of including appropriate stakeholders; however, it does bias our findings as they relate to criminal justice stakeholders' perceptions of justice and definitions of successful outcomes.

Finally, because our interview protocols did not include specific questions about the details of survivors' trafficking experiences, it was difficult for us to gauge when survivors' victimization occurred. We are therefore unable to measure survivors' perceptions of justice over time, which would be a valuable focus for future research.

## Results

### *Sample Characteristics*

A total of 180 interviews were conducted, including 80 interviews with human trafficking survivors, and 100 interviews with stakeholders. Table 1 displays the sociodemographic characteristics of the survivors we interviewed. Our sample included more women (n=55) than

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<sup>21</sup> This is not unique to the study sites, but a reflection of the current landscape in the United States.

men (n=24), and most respondents (n=44) were between the ages of 25 and 44. The largest share of respondents identified as Latinx (n=32), and most survivors were born outside of the United States (n=58). At the time of their interview with the research team, the vast majority of respondents (n=76) had legal authorization to live in the United States (e.g., through citizenship, permanent residence status, continued presence, or immigration relief such as T and U visas). Although survivors were originally from a range of geographical regions, the largest proportion were interviewed in the West (n=27), followed by the Northeast (n=23), South (n=22) and Midwest (n=8).

Table 1. Survivor Respondent Characteristics

	n	%		n	%
<b>Gender</b>			<b>Status</b>		
Woman	55	69%	T visa	29	36%
Man	24	30%	US citizen	26	33%
Unknown	1	1%	Permanent resident	10	13%
<b>Race</b>			<b>Trafficking type</b>		
Latinx <sup>a</sup>	32	40%	Pending status	4	5%
White	18	23%	No documentation status	4	5%
Asian	16	20%	U visa	3	4%
Black	8	10%	Continued presence	3	4%
Mixed	4	5%	Unknown	1	1%
American Indian or Alaskan Native	1	1%	Labor	45	56%
Unknown	1	1%	Sex	29	36%
<b>Birthplace</b>			<b>Case type<sup>b</sup></b>		
United States	22	28%	Both	4	5%
Mexico	20	25%	Unknown	2	3%
Asia	16	20%	Criminal	44	55%
Central America	11	14%	Civil	8	10%
Africa	7	9%	None	24	30%
South America	1	1%	Unknown	7	9%
Caribbean	1	1%	<b>Criminal involvement as a defendant</b>		
Europe	2	3%	Yes	28	35%
<b>Age</b>			No	52	65%
18–24	12	15%			
25–44	44	55%			
45–64	14	18%			
65+	1	1%			
Unknown	9	11%			

<sup>a</sup> Latinx is a gender-neutral term for people of Latin American descent.

<sup>b</sup> Case type includes instances when an investigation occurred (with or without charges or prosecution), an arrest occurred (with or without prosecution), or a prosecution occurred. The number of survivors categorized under case type does not sum to 80 because there are instances when survivors had both a criminal investigation and a civil case. Among the criminal cases, 18 survivors had sex trafficking cases, 22 had labor trafficking cases, 3 were survivors of both, and 1 had unknown case data. Among the civil cases, all survivors had labor trafficking cases.

<sup>c</sup> Of the survivors who were involved in a criminal case as a defendant, 20 were sex trafficking survivors, 7 were labor trafficking survivors, and 1 was a survivor of both.

The sample included more survivors of labor trafficking (n=45) than sex trafficking (n=29). Fifty-five percent of the sample (n=44) had participated in a criminal case, either during the investigation or prosecution phase. Notably, more than a third of our sample (n=28) had prior criminal justice involvement as a defendant in their own case. Out of our sample, 72 percent of sex trafficking survivors and 16 percent of labor trafficking survivors had prior involvement as a defendant.

Table 2 displays the professions of stakeholders interviewed for this study. Stakeholder interviews included 20 interviews with law enforcement officers (including 3 interviews with law enforcement victim advocates), 18 interviews with members from prosecutors’ offices (including 14 prosecutors, 2 policy staff, and 2 victim advocates), and 50 interviews with service providers (including social service providers, and legal aid providers).

**Table 2. Stakeholder Respondents by Profession**

	<b>n</b>	<b>%</b>
Law enforcement officers	20	20%
Prosecutor’s office	18	18%
Judiciary	3	3%
Defense attorney	1	1%
Pretrial	1	1%
Service providers	50	50%
Noncriminal justice government official	1	1%
Advocates	6	6%
<b>Total</b>	<b>100</b>	<b>100</b>

*Survivor Engagement with Services and the Criminal Justice System*

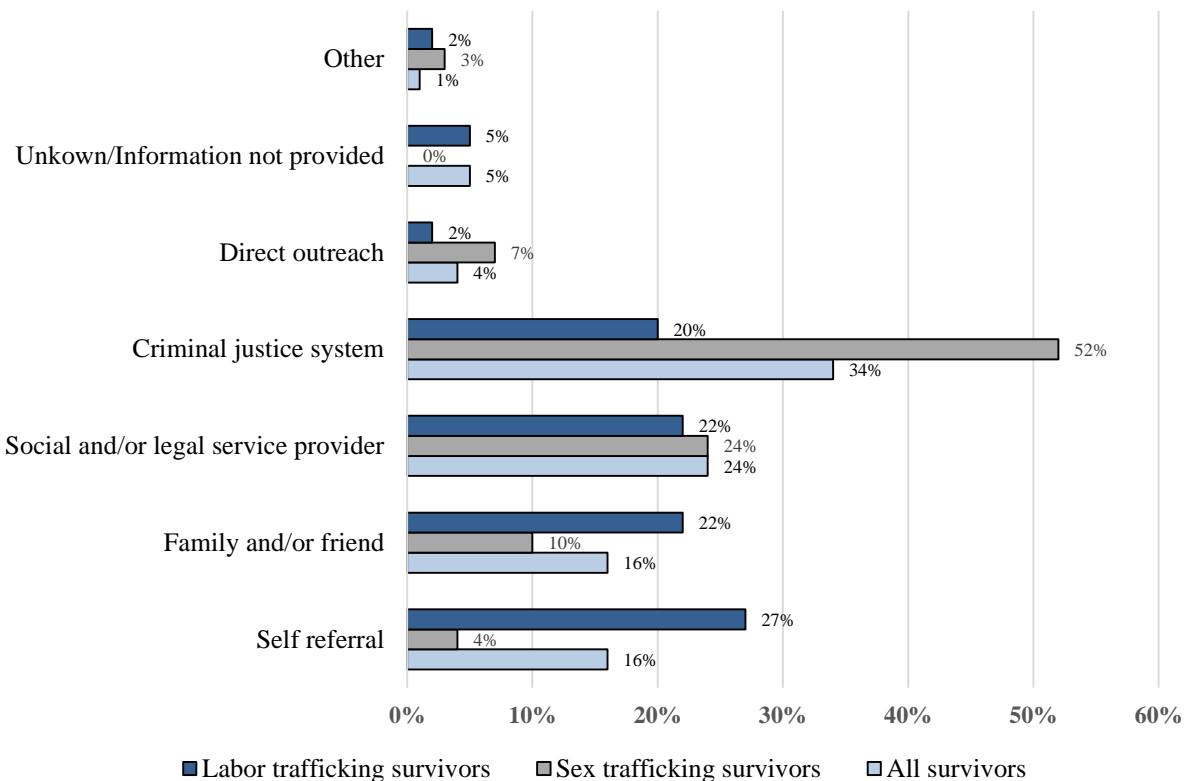
To answer our first research question, What are human trafficking survivors’ experiences with legal and social service providers, and the criminal and civil justice systems?, we analyzed survivor responses to the following questions: “How were you connected to service provider?”; “What was your primary concern when you first met with the service provider?”; “What services did you receive?”; “Did you face any barriers or challenges accessing services?”; “Are there services that were not provided that would have been helpful to you?”; “During the time that you were trafficked, did you have any interactions with the police or other government officials?”; “How were you connected to law enforcement?”; “Did you participate in the investigation or prosecution of your trafficker?”; and, “What were the barriers or challenges to participating in a criminal case against your trafficker?” Responses to these questions provide a foundational understanding of the types of encounters that survivors had with service providers and criminal justice stakeholders and processes, which inform survivors’ perceptions of the services they received and their understanding of justice.

**Engagement with Services.** All survivor respondents had received services through at least one service provider at the time of their participation in the research interview. Of relevance to the study’s findings is *how* survivors were referred to their service provider contact. The most common referral source was the criminal justice system (34 percent), followed by another social or legal service provider (24 percent). Of the 34 percent of survivors referred through the criminal justice system, 85 percent were referred by law enforcement, which includes local police officers,

immigration, DEA agents, and the FBI. This was most common among sex trafficking survivors, with 52 percent of those respondents referred to service providers by the criminal justice system. Labor trafficking survivors were more likely to be connected to service providers through self-referral (27 percent), family and friends (22 percent), and social or legal service providers (22 percent), then the criminal justice system (20 percent) (See Figure 1).

Survivors' *primary concern* upon meeting with service providers was obtaining temporary housing in order to achieve stability and distance from their trafficker. Foreign-born survivors with expired work permits or pending deportation orders were also very concerned with their immigration status and their ability to obtain a visa and relocate their family members. As a result, the most frequent *services that were provided* to survivors included housing and immigration assistance. The type of housing services provided varied, but most often included securing a bed for the survivor at a domestic violence shelter or faith-based safe house or securing placement in a public housing complex for the survivor and their family. The most common immigration services that were provided included legal assistance in completing and submitting applications for a T or U Visa, social security card, or a work permit. Other services that were frequently provided to survivors included, mental health counseling or group therapy, access to medical care and public benefits like health insurance, food stamps, and affordable housing, and financial assistance to help pay rent and purchase groceries.

Figure 1. Survivor Pathways of Referral to Service Providers



The most common barrier or challenge to receiving services, noted by both survivors and stakeholders, was a lack of services or funding to support services. Most often, housing was noted as a primary concern for both survivors and stakeholders—survivors were in need of housing, and stakeholders felt that there was a shortage of appropriate housing options available to survivors, due in part to the level of funding to support safe and supportive housing options for survivors.

**Engagement with the Criminal Justice System.** Fifty-five percent of survivors were involved in a criminal case against their trafficker, but less than ten survivors were involved in a civil case against their trafficker. Domestic sex trafficking survivors (n=22) reported more interactions with the American criminal justice system than foreign-born survivors of labor trafficking (n=45). Survivors of sex trafficking were most likely to report *engagement with the criminal justice system* via arrests for prostitution and drug charges that may or may not have been associated with the case that resulted in their referral to a service provider. Seventy-two percent of sex trafficking survivors and 16 percent of labor trafficking survivors interviewed had prior involvement in a criminal case as a defendant.

Most survivors, regardless of their trafficking type, did not want to pursue traditional criminal justice remedies against their traffickers. *Concerns about reporting* trafficking experiences included limited faith in the justice system’s ability to remedy harms caused by trafficking and prevent others from experiencing harm. Foreign-born survivors also expressed concerns about immigration and had a limited understanding of the United States’ criminal justice system. Sex trafficking survivors expressed negative experiences with law enforcement before and during their most recent trafficking experience, including disrespectful treatment, sexual abuse, and criminalization for actions related to their trafficking experience, such as prostitution and drug use. These negative experiences commonly led to reduced trust in system actors and prevented survivors from contacting the police when they were in danger or pursuing a case against their trafficker:

I still don’t like the cops. I always got in trouble with them, and little troubles here and there. At the end of the day I just—I don’t know, I just feel like they don’t give me—they don’t show me my rights, is what I kinda feel like. I feel like opening up to a cop is just a waste of time is what I feel like at this point. (Site 4, Survivor 4, survivor of sex trafficking)

The cops are dirty...They make you lift up your dress. They pull down your pants. They harass you. They’ll come up on the sidewalk and call me bad names. (Site 2, Survivor 8, survivor of sex trafficking)

When trafficking experiences were reported to law enforcement, investigators and prosecutors encountered *barriers to pursuing a criminal case* against the trafficker. The most commonly reported barriers included a lack of evidence, an inability to locate the trafficker, and statute of limitations which restrict a case from being prosecuted depending on the amount of time that has elapsed between the trafficking experience and the reporting.

### *Survivor Perceptions of Justice*

To respond to research question 2, What are human trafficking survivors' perceptions of justice in their case?, we analyzed survivor responses to the following questions: "Did you want to participate in a civil or criminal case? (For example, did you want to see your trafficker/s arrested and put in jail and/or have to pay you money for what they did?); "Did going through the case give you a sense of justice being served?"; "Did you think that the outcome of your case was fair?"; "Did you want to see your trafficker held accountable for what they did? What would holding them accountable look like?"; "Do you feel like you got justice in your case?"; "Is there anything else that could have helped you feel like your trafficker was held accountable?"; and, "In thinking about what the trafficker/s did to you, what would be justice?" Results indicate that survivors do not endorse traditional punitive approaches for traffickers, and instead placed emphasis on preventative efforts to ensure others are not harmed.

**Survivors' Desired Outcomes for Traffickers.** Only 24 percent of the survivors interviewed for this study, including 10 labor trafficking survivors, 7 sex trafficking survivors, 1 survivor who experienced both labor and sex trafficking, and 1 survivor with an unknown trafficking experience, defined justice in terms of seeing their trafficker incarcerated.

Domestic survivors of sex trafficking, in particular, voiced explicit critiques of incarceration as a means of promoting accountability. Most did not see prison as rehabilitative or educational and believed it exposed traffickers to further criminal behavior and normalized trafficking. They thought traffickers could still traffic while in prison and felt that prison could not address the fact that entire communities can be complicit in abuse rather than just an individual trafficker. These critiques were often tied to survivors' experiences witnessing traffickers receive a prison sentence and then continue to victimize others:

[P]eople went to jail together for pimping and pandering, and they got out and they started pimping together still. I've known guys who have been [in prison], like, five years. They got out, and they're still pimps. ...They just sat in jail and thought of better ways to pimp. (Site 8, Survivor 3, survivor of sex trafficking)

Yeah, like, plenty of people go to jail. He's been pimping out of jail for years. You think just [because] he goes into a federal prison, he's not gonna be able to do it still? He'll find somebody. There's always somebody out there. There's always somebody that knows somebody that knows somebody. (Site 2, Survivor 5, survivor of sex trafficking)

Foreign-born survivors were less critical of the criminal justice system, but often expressed confusion about criminal justice processes in the U.S. and were therefore more likely to discuss immigration requirements and visa restrictions as means of holding traffickers accountable. Foreign-born survivors felt traffickers should be prevented from re-entering the U.S. and obtaining permission to hire additional workers.

The result that I would've liked to see during the process is that they wouldn't have let them [traffickers] come back to the U.S. They wouldn't have let them cross again. Maybe jail time. Maybe. I don't know. Maybe it wasn't that bad of a crime



that they were going to send them to jail. They did this to a lot of people. A lot of people. I don't think it was fair, what they did. (Site 5, Survivor 8, survivor of labor trafficking)

I wasn't really hoping that he would go to jail. What I was really hoping is that his visa would be revoked so he will not be continue bringing people and doing this to people. Unfortunately, none of those things happened. (Site 5, Survivor 7, survivor of labor trafficking)

Indeed, the most common theme across all interviews with survivors of sex and labor trafficking was that justice could be achieved by preventing traffickers from inflicting harm on others.

**Survivors' Desired Outcomes for Themselves.** Survivors' perceptions of justice for themselves differed from the outcomes they desired for their traffickers. The most common perceptions of justice centered on survivors' ability to move on from the trafficking experience and find autonomy and empowerment through achieving self-defined goals.

Notably, survivors conceptualized justice as achieving physical and emotional freedom from their trafficker. The ability to "move on" with their lives and not think about their trafficker was a key component of achieving justice:

I want to move forward, change my life... I just want to forget when I was a victim. Now I'm not a victim anymore. Now I can do whatever I want when I feel like it. (Site 6, Survivor 8, survivor of labor trafficking)

Survivors also perceived justice as intimately related to their sense of autonomy, self-efficacy, and empowerment. Survivors found justice in accomplishing their goals, such as supporting their families, accessing education, finding employment, and accomplishing other self-defined milestones. Others described justice in terms of understanding their rights as a survivor, advocating for better laws on human trafficking, working in victim service provision roles, and/or engaging in survivor leadership. Individual definitions of justice varied across all interviews, but a salient theme was the importance of empowerment and autonomy:

I would say basically justice just means being yourself and not let[ting] anyone stop you for that. (Site 4, Survivor 4, survivor of sex and labor trafficking)

Justice has been wanting to show that I can do something more, like to prove to myself that I could find a way out of that problem... To me, justice was being able to enroll in school to learn English. (Site 6, Survivor 4, survivor of labor trafficking)

While survivors stressed the importance of holding their traffickers accountable, they understood justice as connected to their ability to heal, achieve autonomy, and find empowerment. Across interviews, survivors described access to stability and resources as critical in helping them achieve a sense of freedom. Immigration assistance, family reunification, relocation, stable housing, counseling, peer survivor networks, and access to education were commonly identified as crucial supports in helping survivors heal and find justice.

### *Stakeholder Perceptions of Justice*

To answer research question 3, What are human trafficking stakeholders' perceptions of justice?, we analyzed stakeholder responses to the following questions: "In working on a case, what is your primary goal?"; "Do your goals or your agency's goals ever conflict with the desires or needs of the victims?"; "In reflecting on the trafficking cases that you have worked on, do you believe that justice was served in these cases?"; "How do you define a successful outcome for your clients?"; and, "Can you tell me how your organization defines justice for survivors of human trafficking?" Findings indicate variation across stakeholders—criminal justice stakeholders were more likely to understand justice as a blend of prosecuting traffickers and preventing survivors from engaging in what they perceive to be voluntary prostitution, whereas service providers aimed to achieve survivor-defined understandings of justice and support survivors in reaching self-defined milestones, gaining access to resources, and achieving stability.

**Criminal Justice Stakeholders.** Contrary to survivors, criminal justice stakeholders (including law enforcement officers, prosecutors, and judges at the local, state, and federal levels) overwhelmingly defined justice as holding traffickers accountable through criminal prosecution. They also described the importance of connecting survivors with services and preventing them from future engagement in what they perceived to be voluntary prostitution. In most cases, stakeholder perceptions of justice mirrored their professional role in the criminal justice system, as actors that are chiefly concerned with public safety. However, many also expressed an interest in ensuring that survivors are able to find justice and heal:

I think success is multifaceted. Obviously, you want that offender to be held accountable. That's the traditional prosecution system. I think too, is obviously we want improved well-being of your victim. (Site 6, Prosecutor 2)

Well I think the societal view or anyone who's outside the view of the courtroom would say, 'Oh that's great. She's off the streets. She's never gonna step back and turn to the life.' That would be, I guess, the picture-perfect view of success. What we've learned is that you can't judge at all. We don't define success by that. Success could be that she's happy—comfortable staying in the program, receiving her trauma-focused therapy, keeping in contact with her social worker, having someone she can call in the middle of the night when things go back. That's success too." (Site 3, Prosecutor 1)

Justice for me, would be a prosecution, or at least indicting the person that's performing, but also, another end of justice is actually finding the benefit for the victim. (Site 1, Law Enforcement 1)

In cases of sex trafficking, law enforcement officers, in particular, were explicitly focused on the arrest of the trafficker and preventing survivors from engaging in what they perceived to be voluntary prostitution.<sup>22</sup> This supported findings from survivor interviews, which suggest that law enforcement are likely to conflate sex trafficking and prostitution.

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<sup>22</sup> Law enforcement officers interviewed for this study primarily focused on cases of sex trafficking.

If we get a guy off the street and we get a girl to testify against him and he gets found guilty, then he goes away, so he's off the street. Once she testifies against a trafficker, that makes it pretty dangerous for her to work anymore, so she's probably not going to work anymore. That's a win for us... Like when you flip a gang member to be a witness on the crime. If he's a bad guy, flip him, he testifies, well he's out of the life. (Site 7, Law Enforcement 1)

Well, I mean for us, our original success is getting somebody out of the life. That's not sitting on a soapbox talking about whether commercial sex is right or wrong or whatever. In my opinion, it's wrong for kids. If we can get a teenager out of a form of exploitation and down a different path, that's successful. (Site 4, Law Enforcement 1)

Notably, criminal justice stakeholders struggled with the system's ability to help survivors achieve their individualized definitions of justice. Across interviews, criminal justice stakeholders recognized that the criminal justice system's defined metrics of success are largely incompatible with survivors' wants and needs. They understood that survivors did not necessarily want to participate in investigations or prosecutions:

My duty is to follow the process, the legal process...I found over the years, prosecution usually does not give victims what they want or need... A life sentence and doesn't change how victims feel when they wake up. I don't expect the system to give what victims want and need, as long as it's done fairly. (Site 4, Prosecutor 2)

It's like I just increasingly feel that the criminal justice system, it's just not really true that if you suffered some—if you've been the victim of a crime, then having that person punished for it makes you whole. It punishes that person and tells them that they can't do it and holds them accountable, but can you really undo a harm like rape? Can you really just undo the harm by saying that it was bad what you did? I doubt it. (Site 8, Prosecutor 1)

We walk out of the courtroom, and that guy's going to jail for life, and his life is over, but I can't fix this broken person I'm walking down the hallway with. I can't bring her back and I can't recapture her innocence, and I can't erase her mind. That's the really bleak part about it. It's fleeting, that feeling of, "I got you," it's fleeting. (Site 3, Prosecutor 2)

**Legal and Social Service Provider Stakeholders.** In contrast to criminal justice stakeholders, legal and social service providers expressed less frustration between their professional duties/obligations and their ability to promote successful outcomes for survivors. Service provider definitions of justice were most closely related to improving access to resources, promoting stability for survivors, and allowing survivors to define their own understandings of justice.

Well, I think justice is survivor defined. It's very individual. For some people, justice is having their trafficker go to prison. For some people, justice is anonymity. Being able to move on and live a life where nobody knows. I think justice for the survivor is what the survivor wants...We need to look at justice from a larger framework. We need not to conflate justice and revenge. I also think justice looks like resources. Real resources...The fact of the matter is, that trafficking happens as a result of a society that ignores people for a wide variety of reasons. People who are trafficked tend to be among our most vulnerable...We are responsible to that. We owe them. What we owe them is housing. We owe them basic resources. We owe them a chance to get back on their feet in meaningful ways. (Site 4, Service Provider 1)

I would say we define justice as really whatever the survivor defines as justice. ...If a survivor defines justice as making it out of the life or being able to go to school, then that's justice for them. If justice is civilly suing their trafficker, great. It really just depends on each survivor. (Site 7, Service Provider 8)

### *Alternative Forms of Justice*

To respond to research question 4, What alternative forms of justice may human trafficking survivors desire?, we analyzed survivor responses to the following questions: "Can you tell me how the person or agency treated you: Did they talk with you about your rights as a victim or a crime and victim or human trafficking, communicate information about the case with you regularly and clearly, help you understand decisions that were made, make you feel like you had a voice in or sense or control over what happened, give you an opportunity to your story, treat you with respect, discriminate against you in any way?"; "Would any of the following forms of justice have been helpful to you: Opportunities to confront the trafficker about the harms they caused, reparations of payment for the harms caused, an apology from the trafficker, memorials or educational initiatives that seek to educate the public about trafficking?"; and, "Is there anything else that could be done to help you heal?" These preliminary findings focus specifically on alternative forms of justice including, procedural, restorative, and transitional justice.

**Procedural Justice.** Models of procedural justice argue that the process by which justice is achieved is more important than the actual outcome of a case. More specifically, theories of procedural justice maintain that perceptions of justice are influenced by the opportunities that survivors have to be *involved in the decisions made* in services and criminal justice processes (decision control), and the opportunities to participate in services and criminal justice processes by *having a voice* and expressing their side of the story (process control).<sup>23</sup> An overarching element of procedural justice, therefore, is the *respectful treatment* of the survivor as they pursue services and/or criminal justice outcomes against their trafficker.

Overall, survivors felt that they had opportunities to *have a voice* and to tell their story both to service providers and criminal justice stakeholders. Notably, many survivors that we spoke to

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<sup>23</sup> Thibault, J. & L. Walker. (1975). *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: Erlbaum; Tyler, T. R. (1988). "What is Procedural Justice? Criteria used by Citizens to Assess the Fairness of Legal Procedures." *Law & Society Review* 22(1), 103-136; Tyler, T.R. (1990). *Why People Obey the Law*. New Haven, CT: Yale University Press.

indicated that they were required to tell their story too many times. This placed a burden on survivors in the process of engaging with the justice system and social service providers. Survivors also indicated that they felt as if they were involved in *decision-making* as it related to the services that they received through social service providers. Survivors indicated that having control over service provision provided a sense of empowerment and encouragement to take decisions into their own hands, which can serve as a form of healing for survivors who lost the ability to make decisions in the process of being trafficked.<sup>24</sup>

They gave us a choice, whatever we want. It's just that cuz I think one thing that they ...give us back is our choice. We used to not to have a choice and we always say yes... they empower us that it's always our choice. You can say no if you don't want to. I think that's just building our own life. It's...from the position, from the situation, to living a normal life. It's very different. They're always there with us every time we ask something. (Site 7, Survivor 9, survivor of labor trafficking).

She wasn't a lot of pressuring about talking about a lot of stuff that happened. I did tell her my story, which helped her really help me start a foundation, but I liked how they weren't so pressuring on certain details and going into certain things. Their main focus at first was just making sure I was okay and I was stable. I think that that helped because I think if I was come at in a different way, that maybe I would have run from the situation than to try to figure out what was really going on. (Site 2, Survivor 9, survivor of sex trafficking).

Compared to experiences with social services, survivors were less likely to indicate that they felt involved in the decisions made in criminal justice cases. In sex trafficking cases, in particular, law enforcement and prosecutors often leveraged prostitution charges against survivors in an attempt to pressure them into participating in criminal cases against traffickers:

They took me into jail, and they took me into jail because they were protecting me, and I was told that I would be released pretty much immediately afterwards, which I was not. I spent ten days in there on a curfew violation. There was also a lot of pressure for me to talk. The D.A. was there and they were asking me questions and telling me if you give us information, then the D.A. is more likely to give you a good deal and you'll get out of these situations. (Site 2, Survivor 14, survivor of sex trafficking)

Transparency and communication throughout service provision and criminal justice processes was a key concern to survivors in their perceptions of the processes that they were involved in. Survivors reported challenges understanding complicated legal processes on both service provision and criminal justice fronts: they were unaware of how to apply for public benefits, what the steps were in a criminal investigation or prosecution of their trafficker, and how to stay in touch with service providers and criminal justice stakeholders. To help mitigate these challenges, survivors had positive experiences with case managers at service providers and victim witness advocates in law enforcement and prosecution agencies, who maintained constant, low-barrier

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<sup>24</sup> The caveat to this finding concerns survivor experiences with *restrictive housing settings* that were characterized by survivors of sex trafficking as enforcing excessive rules, structures, and punishments.

communication and explained confusing processes. For example, this survivor's service provider gave thorough guidance on how to apply for public benefits:

All of them, they made us like hundred percent clear about how to apply for, what benefits we are entitled to, how to apply for them, and what happens if the benefits are just rejected by no reason, how to appeal, and everything, like, even I became like an attorney. You know? I knew, like, I got informed a lot by them about everything. (Site 1, Survivor 8, survivor of labor trafficking)

One survivor had a positive experience with a law enforcement agency that gave her a cell phone and provided updates on the criminal investigation of her trafficker:

[Law enforcement] helped me with my phone so that I can always have a way to contact somebody, especially where I'm living back in the area where I was first taken from. It's been pretty hard, living there, and a lot of old people. Being able to have my phone constantly with me and feeling like—I know that they don't lurk and watch me but knowing that they're aware helps the situation. They check in with me to see how I'm doing, see if I need anything. They're pretty good about calling me to let me know when [my trafficker] was arrested. They called and let me know he was arrested and what was going on. They keep me informed as much as they can, and I really like that, that they keep me in the loop so that way, you're not just wondering. (Site 2, Survivor 9, survivor of sex trafficking)

For respondents who did not speak English as their first language, having an interpreter or access to staff who spoke their language of choice was extremely important toward fostering inclusion and enabling survivors to understand the processes in which they were involved. When interacting with criminal justice stakeholders, a lack of interpreters or law enforcement officers who spoke a survivors' preferred language often meant barriers in understanding their rights or identification as a victim.

Survivors did feel that they were generally *treated with respect* by service providers and criminal justice stakeholders. However, foreign-born survivors and survivors with prior criminal backgrounds were more likely to indicate frustration with their treatment by criminal justice stakeholders, who were prone to treat the survivor as a criminal instead of a victim of crime. In most cases, however, survivors and stakeholders were able to point to behaviors or techniques to promote the wellbeing of survivors. For example, law enforcement officers, discussed techniques they used to make survivors feel more comfortable, including dressing in civilian clothing and having a non-intimidating demeanor. Criminal justice stakeholders, in general, collaborated actively with service providers to ensure that survivors had access to support services.

**Restorative Justice.** Models of restorative justice argue that criminal justice outcomes, including convictions and imprisonment, are not always the best response to crimes against a person.<sup>25</sup> Rather, in the case of human trafficking, non-punitive responses, such as an *acknowledgement of*

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<sup>25</sup> Bolivar Fernandez, D. (2013). "For whom is restorative justice? A mixed-methods study on victims and (non-) participation." *Restorative Justice* 1(2): 190-214; Mika, H. et al. (2004). "Listening to Victims—A Critique of Restorative Justice Policy and Practice in the United States." *Federal Probation* 68(1).

*wrongdoing or apology* from traffickers, *survivor confrontation* of their traffickers, and the *payment of reparations* might have a more significant effect on perceptions of justice.

Survivor preferences to participate in restorative justice practices were largely influenced by the type of trafficking they experienced. More labor trafficking survivors in our study would have liked the opportunity to *confront their trafficker*; sex trafficking survivors were split roughly half and half. Survivors of sex trafficking, in particular, expressed fear in seeing their trafficker again, and therefore were not inclined to participate in a process that might lead to either an *apology from the trafficker*, or the opportunity to confront their trafficker. Others however, did want the opportunity to confront their trafficker, and either had the opportunity or hoped to have the opportunity to do so by testifying at a criminal trial:

If I had the chance to confront him I would, and I hope that I do get a chance to confront him. I don't know how I would do it, whether in person or in writing. I still don't know, but I do know that I would have the strength and the courage to confront him. (Site 6, Survivor 4, survivor of labor trafficking)

Labor and sex trafficking survivors also differed in their desires for *reparations* from their traffickers. Most sex trafficking survivors indicated that they did want reparations; labor trafficking survivors were more divided on whether they wanted reparations from their traffickers. Those who wanted reparations wanted them in the form of payment for the work they had performed without pay. Labor and sex trafficking survivors who did not want reparations of any sort indicated that they did not want or need their traffickers' money, that any money received from their trafficker would come from the exploitation and victimization of others, or that money could not address or make up for the harms they had faced.

Labor and sex trafficking survivors were similarly divided almost equally on whether they desired an *apology from their trafficker*. Among those who did not want an apology, labor trafficking survivors were more likely to say that they had already moved on or forgiven their trafficker, while both labor trafficking survivors and sex trafficking survivors felt that the apology would not be sincere.

**Transitional Justice.** Models of transitional justice argue that larger community efforts to respond to crimes by acknowledging the harms that have occurred and preventing them from occurring in the future are most likely to promote peace, provide a sense of justice, and result in longer-term impacts.<sup>26</sup> From human trafficking survivors' perspectives, transitional justice took the primary forms of *reforms* to institutions and policies to prevent other people from experiencing trafficking, *education and public awareness* efforts, and *participating in survivor-led efforts* to create policy and practice change.

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<sup>26</sup> Teitel, R.G. (2003). "Transitional Justice Genealogy." *Harvard Human Rights Journal* 16: 69-94; van Zyl, P. (1999). "Dilemmas of Transitional Justice: The Case of South Africa's Truth and Reconciliation Commission." *Journal of International Affairs* 52(2); Waldorf, L. (2006). "Mass Justice for Mass Atrocity: Rethinking Local Justice as Transitional Justice." *Temple Law Review* 79(1); David, R. and S.C. Yuk-ping. (2005). "Victims on Transitional Justice: Lessons from the Reparation of Human Rights Abuses in the Czech Republic." *Human Rights Quarterly*, 27(2),392-435.



Based on their own experience with stakeholders and institutions during the process of leaving their trafficking situations, survivors spoke about changes they'd like to see to immigration, criminal justice, and service provision policies, funding and resources for services, and specific laws and statutes. Some survivors reported experiences participating in efforts to advocate for law and policy changes, which they felt was rewarding and empowering, speaking with expertise as a survivor-leader, and influencing individuals and institutions that were seen as having power. For example, one survivor spoke about meeting with policymakers in Washington, DC:

I think, what I got out of this situation, that now I am speaking up against the issue. Being able to advocate for better services, for a better law, that's justice for me. When I first started going lobbying, for meetings on the Hill—and it is so cool, especially for someone that is coming from different countries. Knowing that my own government, in Indonesia, wouldn't do that, wouldn't listen to someone like me, it's incredible. It's incredible that the government here are listening and changing things. (Site 7, Survivor 4, survivor of labor trafficking)

Survivors also saw educational and awareness initiatives as important parts of informing the public about human trafficking in order to prevent future victimization and memorializing the victimization that they and others had experienced. Some survivors had participated in efforts to create awareness by sharing their own stories in person or in writing by sharing the stories of their friends and loved ones who had also experienced trafficking but had different outcomes, and by participating in awareness campaigns and efforts.

### Dissemination and Closeout Activities

The research team presented initial findings that are documented in this technical summary at the Annual Meeting of the Freedom Network Conference on April 5<sup>th</sup>, 2017 and the Annual Meeting of the American Society of Criminology on November 17<sup>th</sup> and 18<sup>th</sup>, 2017. Prior to the end of the grant period, the research team will publish four briefs on the Urban Institute website: [www.urban.org/perceptionsjustice](http://www.urban.org/perceptionsjustice). These briefs report on the findings of this study and offer recommendations to improve human trafficking survivors' experiences with criminal justice processes and to increase the likelihood that survivors can achieve justice. Additionally, the project will submit at least one peer reviewed journal article for publication.

### Conclusion

This study addresses gaps in knowledge about human trafficking survivors' experiences with criminal justice processes and relevant stakeholders, including service providers, law enforcement officers, and prosecutors. It seeks to better understand how survivors and stakeholders perceive justice in cases of human trafficking and whether alternative models of justice, including procedural, restorative, and transitional justice, might be applicable to human trafficking. Specifically, we rely on semi-structured interview data collected with 80 human trafficking survivors and 100 stakeholders, including legal and social service providers, criminal justice stakeholders, non-criminal justice government stakeholders, and representatives from advocacy organizations, to answer four key research questions that guide this summary. Findings offer

insight into the experiences and perspectives of survivors and the stakeholders who interact with survivors through social service provision or the criminal justice system.

Survivors in this study were most likely to be referred to social service providers by the criminal justice system, another service provider, or peers or friends. Sex trafficking survivors, in particular, were most likely to be referred to a service provider by law enforcement; labor trafficking survivors were most likely to be referred to service providers through self-referral or family and friends. Human trafficking survivors' greatest need at the time of service referral was obtaining temporary housing and assistance with immigration status. Most survivors reported positive experiences with social service providers and discussed elements of procedural justice that influenced their perceptions of service providers, including the ability to have a voice and participate in decisions related to their service provision. In contrast, survivors who were engaged in the criminal justice system were less likely to indicate that they felt involved in the decisions made in criminal justice cases, although survivors did feel that they were generally treated with respect by both service providers and some criminal justice stakeholders.

Less than a quarter of survivors in this study wanted to pursue criminal remedies against their traffickers. When asked about their perceptions of justice, survivors struggled with whether the criminal justice system was the best route to prevent traffickers from harming others. Notably, criminal justice stakeholders also struggled with the justice system's ability to help survivors achieve their desired outcomes. Contrary to survivors, criminal justice stakeholders defined justice as successful prosecutions, however they recognized that the justice system alone could not help survivors heal or achieve their desired outcomes for individualized justice.

Survivors' perceptions of justice for themselves differed from the outcomes they desired for their traffickers. The most common perceptions of justice centered on survivors' ability to move on from the trafficking experience and find autonomy and empowerment through achieving self-defined goals. To achieve their goals, survivors found promise in alternative forms of justice, such as transitional justice, and offered recommendations that included increasing opportunities for *peer mentorship* and *survivor leadership*. In several study sites, service providers and survivor leaders hosted informal and formal groups for the purposes of facilitating introductions across survivors, building a survivor community, and supporting opportunities for peer mentorship. Survivors spoke about the benefits of participating in these groups, which included opportunities to build relationships with others who had similar experiences, find emotional support in peers, and support others in their recovery and healing process. These efforts included a public-facing and advocacy component, which took the form of survivors participating in speaking engagements, awareness campaigns, and lobbying policymakers for certain policies that would benefit and improve services and the criminal justice response to human trafficking for survivors.

This study's findings offer the most comprehensive understanding to date of how human trafficking survivors and stakeholders perceive justice in cases of human trafficking. Importantly, this research highlights the need to consider the gaps in the criminal justice system's ability to achieve justice for survivors. In doing so, it offers insight into how alternative forms of justice may fill gaps left by the criminal justice system to improve outcomes for individuals who experience trafficking. It also leads to key recommendations for how to improve justice systems, which include: 1) adopting a compassionate, trauma-informed approach to support compassionate and

respectful treatment of human trafficking survivors by law enforcement; 2) increasing diversity among law enforcement (e.g., including more Latinx and woman-identifying agents), 3) improving training for criminal justice actors on issues related to human trafficking, including training focused on identifying trafficking, responding to trafficking, and respecting survivors; 4) ending the criminalization of survivors, including arresting survivors for crimes related to their victimization experiences and leveraging charges against survivors to secure participation in the prosecution of traffickers; 5) incorporating alternative forms of justice when appropriate, including increasing opportunities for survivors to support each other through survivor support and social groups, and opportunities to engage in public awareness efforts and the reform of policy and practice; 6) investing resources in prevention and rehabilitation programming for traffickers; and 7) improved monitoring of traffickers who are incarcerated to ensure they are not continuing to engage in trafficking while incarcerated.

Future research in this area should focus on how human trafficking survivors' perceptions of justice may change over time as survivors who have just exited a trafficking experience may articulate different concerns and perspectives than those who are further removed from the trafficking experience. Also, because our sample is biased towards survivors' experiences with criminal justice procedures, future research efforts should focus explicit attention to understanding whether and how civil justice processes and remedies can influence perceptions of justice among human trafficking survivors. Finally, research efforts should focus on innovative, healing responses to human trafficking as well as the impact of alternative forms of justice on survivors' experiences, perceptions of justice, and wellbeing.

## Appendix A. Interview Protocols

## Survivor Interview Guide

### Part 1: Background Information

*[Thanks for agreeing to speak with us. We'd like to begin by asking a bit of background information. I know it may look like I have a lot of questions/papers. We have different questions depending on the experiences individuals have had, so please know that we will not ask you all of the questions.]*

1. How old are you?
2. Where were you born?
3. How would you describe your race/ethnicity?
4. What language did you speak growing up, and what language do you speak at home now?
5. If you feel comfortable sharing, what is your immigration status?

### Part 2: Service Provision

*[Now we would like to ask some questions about your experience receiving services through [service provider] and any other agencies. We don't know the details of your history and you should know it is your right to choose to share as much or as little as possible. We also won't share anything you say to us today with your service provider or anyone outside of our research team.]*

6. When and how were you connected to [primary service provider]?
7. What was your main concern or what were you most hoping to address when you first met with [service provider]?
  - a. Did they tell you they could help with this? Why or why not?
8. When did you first understand that what you experienced was human trafficking? How?

9. Did anyone at [service provider] or anyone else inform you of what your rights are as a crime victim and a victim of human trafficking? What did you understand your rights were? Who explained these to you and how?
10. Can you describe the services that were offered to you? [*Probe for: food, clothing, shelter, physical and mental health care, dental, immigration relief (CP, T visa, green card application assistance), other legal services, employment assistance*] Are these services all provided by [primary agency] or do you receive services from other agencies?
11. Did you face any barriers accessing services? (For example, due to transportation issues or other barriers?)
12. Are there services that were not provided to you that would have been helpful to you?
13. Were there any services received that were particularly helpful that you would want to make sure other people who have experienced trafficking receive?
14. Was anything confusing or challenging in working with [service provider]?
15. Did you feel in control of what happened when working with [service provider]? Did you feel you had a voice in the process/that your opinion about what you wanted to happen was taken into account?
16. Did you feel like you had an opportunity to tell your story and that [service provider] listened?
17. Did you feel like [service provider] treated you with respect?
18. Did you feel you could trust [service providers]?
  - a. If YES: What did they do that helped make you trust them?
  - b. If NO: What barriers did you face in building trusting relationships with service providers?
19. During the time you were trafficked, did you have any interactions with the police or other government officials (e.g., Department of Labor inspectors, health inspectors, Child and Family Services)? Please describe.

- a. If YES: Were these interactions positive or negative?
20. Given your experience, what did you want to see happen to your trafficker(s)? Is this what happened? How did this make you feel?
21. [If not answered above] Do you know if there was ever 1) a criminal case (e.g., an investigation, arrest, or prosecution of your trafficker/s?) and/or 2) a civil case against your trafficker(s) (e.g., did you get back wages or a settlement?)

### **Part 3: Criminal Investigation**

[Now we would like to ask some questions about interactions you have had with the police and how you felt about those interactions.]

22. Did you reach out to police to report the crime or assist in an investigation against your trafficker/s at any time?
23. If yes, what made you want to talk to the police? (Probe: Did you feel you had a choice about whether or not you spoke with the police?)
- a. If NO: Why not?
24. Was there one main person or agency you interacted with the most during the investigation? If so, who?
25. Can you tell us about how that person or agency treated you/worked with you? Did this person/agency:
- a. Talk to you about your rights as a victim of a crime and a victim of human trafficking?
  - b. Communicate information about the investigation with you regularly and clearly?
  - c. Help you understand decisions that were made?
  - d. Make you feel like you had a voice in or sense of control over what happened during the investigation?
  - e. Give you an opportunity to tell your story/make you feel listened to?
  - f. Treat you with respect?
  - g. Treat you differently than others in any way?
  - h. Make you feel you could trust [person/agency]?
    - i. If YES: What did they do to make you feel this way? How?



- ii. If NO: Why not?
  - i. *If not a native English speaker:* Were you provided with an interpreter, and do you feel like they did a good job communicating your thoughts?
26. Was/were your trafficker/s ever arrested?
- a. If YES: Do you know what they were charged with?
  - b. If NO: Do you know why not?
27. How long did the investigation/case take?
28. During the time when the case was going on, were you concerned about your immigration status, safety, work, health, or other issues as a result of your involvement?
29. After participating in an investigation, how did you feel [that your trafficker was/was not prosecuted]?

#### **Part 4: Criminal Prosecution**

*[Now we would like to talk about the time after the investigation, once your trafficker was charged with a crime and a prosecution began].*

30. During the prosecution, who was the person you interacted with the most?
31. Do you know if the trafficker/s pled guilty or did the case go to trial or was it dismissed?
32. Is this what you expected or wanted to happen?
- a. If YES or NO: How did this make you feel?
  - b. Probe for: Did trafficker plead guilty or did the case go to trial?
33. How did the prosecutor in your case treat you? Did the prosecutor in your case:
- a. Talk to you about your rights as a victim of a crime and a victim of human trafficking?
  - b. Communicate information about the investigation with you regularly and clearly?
  - c. Help you understand decisions that were made?
  - d. Make you feel like you had a voice in or sense of control over what happened during the prosecution?
  - e. Give you an opportunity to tell your story/make you feel listened to?

- f. Treat you with respect? For example, were they sensitive to your experiences and feelings?
  - g. Treat you differently for any reason?
  - h. Make you feel you could trust [person/agency]?
    - i. If YES: What did they do to make you feel this way? How?
    - ii. If NO: Why not?
  - i. *If not a native English speaker:* Were you provided with an interpreter, and do you feel like they did a good job communicating your thoughts?
34. Did you submit a victim impact statement or testify against your trafficker/s?
- a. IF YES: Were you able to include everything you wanted to say?
  - b. IF YES: Did you feel your statement made an impact on the outcome of the case?
  - c. How did others react to your story? Do you feel as if they listened to you?
  - d. If needed an interpreter was one provided? How did this go?
  - e. IF NO: Would this have been something you would have wanted to do?
35. What were your main concerns during the time the case was prosecuted (e.g., while preparing for trial, testifying, attending hearings and other court dates)? (Probe for concerns over work, immigration, safety, health, etc.)
36. What was the outcome of your case?
37. Do you think the outcome of your case was fair?
- f. IF YES, what made it fair?
  - g. IF NO, why was it not fair?
  - h. What would have made it more fair?
38. Did you receive any restitution or money from the case?
- a. IF NO: Is that something you would have liked to have happened, and why or why not?
39. Did anything negative or harmful happen to you as a result of participating in the criminal justice process?
40. Was there anything helpful or positive that happened to you as a result of participating in the case?

41. Did going through the case give you a sense of justice being served?
42. Do you have any recommendations for how the criminal justice process could better handle cases like yours?

### **Part 5: Civil Cases**

*[Now we would like to learn more about interactions you had with the civil justice system – for example, in either working with DOL to obtain back wages, participating in a case with a civil agency like EEOC and/or suing your trafficker.]*

43. What type of civil case did you participate in (e.g., sue trafficker, back wages, discrimination case, etc.)?
44. What did you expect or hope would happen as a result of the case?
45. Can you briefly describe what actually happened as a result of the civil case? (For example, was the trafficker fined, did you receive a settlement or money, was the case dismissed, etc.)
- c. If YES or NO: How did this make you feel?
  - d. Did you think this was fair? Why or why not?
46. Who was the person or agency you interacted with the most during the civil case?
47. Can you tell me about how that person treated you? Did the person or agency you interacted with the most in your case:
- a. Talk to you about your rights as a victim of a crime and a victim of human trafficking?
  - b. Communicate information about the case with you regularly and clearly?
  - c. Help you understand decisions that were made?
  - d. Make you feel like you had a voice in or sense of control over what happened?
  - e. Give you an opportunity to tell your story/make you feel listened to?
  - f. Treat you with respect? For example, were they sensitive to your experiences and feelings?
  - g. Discriminate against you in any way?
  - h. Make you feel you could trust [person/agency]?
    - i. If YES: What did they do to make you feel this way? How?

ii. If NO: Why not?

- i. *If not a native English speaker:* Were you provided with an interpreter, and do you feel like they did a good job communicating your thoughts?

48. What were your main concerns during the civil case? (Probe for concerns over work, immigration, safety, health, etc.)

49. Did going through the case give you a sense of justice being served?

50. Did anything negative or harmful happen to you as a result of participating in the civil case?

51. Was there anything helpful or positive that happened to you as a result of participating in the case?

52. Do you have any recommendations for how the civil justice process could better handle cases like yours?

**Part 6: No experience with either civil or criminal justice system**

53. Did you want to participate in a civil or criminal case? (For example, did you want to see your trafficker/s arrested and put in jail and/or have to pay you money for what they did?)

- a. IF YES, why did you not participate?  
b. IF NO, what made you not want to participate?

54. Did you want to see your trafficker/s held accountable for what they did? What would holding them accountable look like?

55. In thinking about what the trafficker/s did to you, what would be justice? Did you feel you got justice?

- i. IF YES, what helped you feel like justice was served?  
j. IF NO, what would have to happen to make you feel like justice was served?

**Part 7: Questions for all interviewees**

56. In general, before your trafficking experience, did you feel you could trust the criminal and civil justice system (e.g., police, prosecutors, etc.)? Why or why not?
57. Do you trust the criminal and civil justice systems now? Why or why not?
58. Are there ways your trafficking experience has affected you that you feel cannot be helped (either through services, or the criminal or civil justice systems)?
59. In some other places, there are forms of justice for survivors of crime beyond options that may have been available to you. These forms of justice focus on giving the survivor what they need to heal and move on. We are interested in your thoughts about whether any of the following forms of justice would have been helpful to you?
- a. Opportunities for a survivor of crime to confront the perpetrator about the harms they caused.
  - b. Reparations or payment for the harms caused.
  - c. An apology from a perpetrator.
  - d. Memorials or educational initiatives that seek to educate the public about what has happened.
  - e. Reforms to institutions to help prevent the harms from happening to someone else.
60. Is there anything else that could have helped you feel like your trafficker was held accountable?
61. Is there anything else that could have helped you heal?
62. What are your hopes/expectations/plans for the future?
63. Is there something you would like the legal system or service provider to do to support your hopes for the future?
64. Is there anything we didn't discuss or ask that you think is important for us to know/communicate?

## Service Provider Interview Guide

### Part 1: Respondent Background Information

1. Please describe your current role.
  - a. Could you briefly describe your typical day—how much interaction you generally have with clients, etc.?
2. How long have you been in your current role?
3. Were you involved in service provision for survivors of trafficking prior to joining your current organization? If so, can you describe that work?

### Part 2: Organization Background Information

4. What are the goals of your organization?
5. What services and/or activities does your organization provide both in general and specific to human trafficking?
6. About how many human trafficking clients (of any type) does your organization serve per year? Are these unique clients (or does the number include some recurring clients)?
7. Of your clients, about how many are survivors of labor trafficking, and how many are survivors of sex trafficking?
8. How do survivors of human trafficking typically come to your attention/get referred?  
Probe: Are there any specific differences between survivors of labor and sex trafficking in referral pathways (e.g., diversion court, arrests, child welfare, immigration violations, community members, other survivors)?
9. Does your organization experience high staff turnover?
  - a. How does staff turnover impact clients?

### Part 3: Site Background Information

10. Are there any policies (either at the local, state or federal levels) that impact your ability to provide services to clients?
  - a. *Probe:* service provision before clients have T-Visas; continued presence, etc.
11. Is there an anti-trafficking/human trafficking task force in your city?
  - a. How does your organization interact with the task force?
  - b. Could you speak a little about the effectiveness/usefulness of the taskforce?
  - c. Are there certain issues that the task force is particularly focused on? (*Probe: specific anti-trafficking effort; specific type of trafficking*)

12. Does your organization collaborate or work with others (like law enforcement, court actors, prosecutors, etc.) to address human trafficking issues?
  - a. If yes, who do you work with?
  - b. What does your partnership entail?
  - c. What would a successful partnership with other stakeholders (such as law enforcement, prosecutors, the courts, etc.) look like to you?

#### **Part 4: Survivors' Experiences with Service Provision**

1. What generally happens in your first interaction with a client?
  - a. What are clients main requests when they first meet with you?
  - b. Is there core information service providers communicate during the first meeting?
  - c. Is there a formal process to talking about clients' rights and options?
2. How do you communicate with clients after a case is opened?
  - a. About how often are you in contact with clients?
  - b. Who maintains contact with clients? (*Probe: You, a case manager, etc.*)
  - c. What method of communication do you use? (*Probe: email, phone, notification system, etc.*)
3. Does your organization use a victims' bill of rights or other set of standards for how survivors should be treated?
  - a. If yes, could you describe the bill of rights or set of standards?
  - b. How does the bill of rights or set of standards influence how you provide services?
4. How does your organization build trust with the clients you work with?
  - a. What barriers do you face in building and sustaining trust with clients?
5. What services do survivors typically come to your organization for?
6. Are there certain types of services, client requests, or needs that you have challenges or difficulties providing/accessing?
  - a. *Probe: funding restrictions for certain services or length of services*
7. Are there waiting lists for any of your services?
  - a. If so, how are survivors' needs met during the waiting period?
8. What services do you refer out to other organizations?
  - a. What are the main difficulties you encounter in making referrals?
  - b. Do you follow up to see if your clients have been able to access these services?
9. When do you decide if a case should be closed? (*Probe: funding restrictions, outcomes met, etc.*)
10. Do you typically stay in contact with survivors after their case is closed?



11. How do you define a successful outcome for your clients?
12. Is your definition different from how your organization defines a successful outcome for clients? /How your performance is rated?
13. Are survivors given the opportunity to describe what a successful outcome might look like to them as a result of receiving services?
  - a. If yes, when and how does that discussion occur?
  - b. What do survivors describe as a successful outcome?
14. Is there a formal process to track and report these outcomes to clients, your agency and/or funders?
15. About how many of your cases that you close do you generally feel happy/satisfied with the outcome?
16. Are there aspects of service provision that clients may find particularly frustrating?
17. Do you ever encounter challenges in providing services to clients?

#### **Part 5: Survivors' Experiences with the Criminal Justice System**

18. Of the clients you see, on average what percentage are interested in seeking criminal action against their trafficker(s)?
  - a. Does this vary by client characteristics?
19. How many of your clients have been through a criminal case? A civil case?
20. Do you have cases where survivors come directly to you without having gone to the police?
  - a. If so, is the survivor required to speak with law enforcement or assist in an investigation?
  - b. Do you encourage a client to speak with law enforcement or assist in an investigation?
21. How often do survivors come into contact with law enforcement through an arrest prior to their identification as a survivor of human trafficking?
  - a. *Probe:* Differences by labor trafficking and sex trafficking.
  - b. *Probe:* Negative experiences with law enforcement.
22. Are survivors given the opportunity to describe what a successful outcome might look like to them before engaging in criminal or civil action against a trafficker?
  - a. If yes, when and how does that discussion occur?
  - b. What do survivors describe as a successful outcome?

23. If clients have cases that go through the civil and/or criminal justice system, who is primarily responsible for relaying details of your clients' cases back to them?
  - a. If this is your role, have you encountered any barriers in receiving updates and case details for your clients?
  - b. If this is your role, do you think it should be your role or should it be the role of another actor within the system?
24. What barriers or frustrations have your clients encountered with the criminal justice system?
25. What barriers or frustrations have your clients encountered in civil cases?
26. Does your organization follow up with survivors of human trafficking after the close of a criminal or civil proceeding about their experience with the process?
  - a. If yes, what questions do you ask the survivor? Is this information formally tracked anywhere?
  - b. Have survivors identified any specific actions that could have improved their experience? (*probe for information on topics such as ability to provide testimony, receive back wages, expungement of records, etc.*)

#### **Part 6: Alternative Forms of Justice**

27. Can you tell me about how your organization defines justice for survivors of human trafficking?
  - a. What has shaped that definition?
  - b. Is the definition formal (*written down, within the organization's mission statement, or adopted formally*) or informal (*while not officially adopted, still acknowledged by everyone who works with trafficking survivors*)?
28. Do you feel that there are other remedies outside of the criminal and civil justice systems that could be used to help restore survivors?
29. Do you or does your organization incorporate procedural, restorative, or other alternative forms of justice into your services?
  - a. *Probe:* For example, not everyone is interested in the criminal justice and sentencing process, but instead prefers the opportunity to tell their side of the story, or seek other reparations from their trafficker, such as an apology.
30. Do survivors that you work with ever identify things that would help them heal that you or others are not able to help them with?
  - a. If yes, what are those things?

#### **Part 7: Wrap-Up**

31. Do you have any recommendations for how organizations like yours could better serve survivors of human trafficking?

32. Do you have any recommendations for how other stakeholders might improve the criminal or civil justice process for survivors?
  
33. Is there anything we didn't discuss or ask that you think is important for us to know/communicate?

## **Criminal Justice Stakeholder Interview Guide**

(Stakeholders within government criminal justice agencies: prosecutors, judges, law enforcement, and victim advocates)

### **Part 1: Background Information**

1. Please describe your current role.
2. How long have you been in your current position?
  - a. How long have you worked on human trafficking issues?

### **Part 2: Criminal Justice Process for Trafficking Cases**

3. Approximately how many cases of labor and sex trafficking do you work annually? About how many have you worked over your career?
  - a. Can you describe the general characteristics of these cases? For example, demographic characteristics of victims and suspects.
4. How are human trafficking cases commonly referred/come to your attention? (Probe: Differences in labor and sex trafficking)
5. What types of charges are typically associated with a human trafficking case (labor and sex)?
  - a. Are cases charged under state or federal human trafficking laws?
6. What is a typical outcome of a human trafficking (labor and sex) case in terms of adjudication? (i.e., percentage that go to trial, plea, are dismissed?)
  - a. Do you see any differences in outcomes by type of case? (e.g., cases with multiple victims and suspects or cases with younger victims)
7. *[For prosecutor]*, when a criminal case goes forward, do you typically request restitution for human trafficking victims?
  - a. What impacts your decision whether to request restitution?
  - b. How are restitution amounts determined?
  - c. How often, and in what types of cases, is restitution paid?
8. What are some key differences between how sex trafficking and labor trafficking cases are processed/handled?
  - a. In terms of: case referral, general characteristics, charging, adjudication
9. Does your agency/court system offer any training on human trafficking?
  - a. If so, what does that training contain? *(Probe: is there training on how trauma may impact victims' ability to participate in the legal process?)*
  - b. Who attends the training, and is it mandatory? *(Probe for positions like prosecutors/victim advocates and what percentage participates)*

### Part 3: Working with Victims/Perceptions of Process

10. Who first communicates the criminal legal process to victims, and when?
  - a. Is this seen as the role of you or your agency or that of another agency or person?
11. How does your office communicate with victims over the course of a criminal case?
  - a. Who is in communication with victims? Does your office have victim advocates, and if so, what's the nature of their interactions with trafficking victims?
  - b. What information is communicated?
  - c. How is information communicated? Via phone, email, notification system (VNS), etc.?
  - d. How often is information communicated?
12. How do you build trust with victims of human trafficking you work with?
  - a. What barriers do you face in building and sustaining trust with victims?
13. In your opinion, what are the most important or priority services needed or wanted by victims, both during and after a case?
14. Does your agency help connect victims to services? If so, how?
  - b. What types of services? Which organizations?
15. How do you involve victims in a human trafficking case?
  - a. How often do victims testify in cases of human trafficking?
    - i. Does this differ for labor versus sex trafficking cases?
    - ii. How important are victims' testimonies to the outcome of a case?
  - b. How are victim impact statements used in human trafficking cases?
    - iii. What proportion of cases use victim statement impacts?
    - iv. Can you describe the process of how these statements are created? Does someone help the victim write it?
16. Are there certain aspects of the legal process that are likely to cause psychological harm, confusion, or physical security concerns for victims?
17. Are there certain aspects of the legal process that survivors find particularly useful, empowering, or beneficial?
18. Are you familiar with concepts of procedural justice?

*[Procedural justice refers to how fair and transparent people perceive the justice process to be (not just the outcome of a case)]*

  - a. If yes, do you incorporate principles of procedural justice in your work, and how?
  - b. Have you received any training on procedural justice?
  - c. Is participation in the training mandatory, and who participates?

19. Does your organization use a survivors' bill of rights or other set of formal standards for how survivors should be treated?
  - a. If yes, could you describe the bill of rights or set of standards?
  - b. If so, at what point in the process are victims informed of these rights?
  - c. Are these standards included in performance metrics?
20. Is there anything (such as resources, specific staffing needs) that would help your office better serve victims?

#### **Part 4: Perceptions of Outcomes**

21. In working on a case, what is your primary goal? How do you define success in a case?
22. In working on a case, what is your agency's primary goal/how is your performance measured/assessed?
23. Does your office ask victims about the outcomes they hope for from the criminal justice process?
  - a. If yes, what do they hope for? How do you incorporate their desires into your decisions?
24. Do your goals or your agency's goals ever conflict with the desires or needs of the victims? How do you overcome this?
25. Can you tell me about how your organization defines justice for survivors of human trafficking? (If no organizational definition, can ask for personal definition)
  - a. What has shaped that definition?
  - b. Is the definition formal or informal, meaning is it written down and/or acknowledged by all employees who work with survivors of trafficking?
  - c. How does this definition differ from that of other stakeholders, such as service providers or the Department of Labor?
26. In reflecting on the cases of labor and sex trafficking you have worked on, do you believe justice was served in these cases? Why or why not?
27. Are you familiar with the concepts of restorative justice?  
*[Definition: Restorative justice is a broad term that considers the needs of both people who have committed crimes and those who have been victimized in order to repair harms through means outside of the punitive approach of the criminal justice system]*
  - a. If yes, do you incorporate principles of restorative justice in your work, and how?
  - b. Do you think implementing principles of restorative justice could be useful for meeting survivors' needs?

#### **Part 5: Recommendations**

28. Do you have any recommendations for how agencies like yours might improve the criminal justice process for survivors?
29. Do you have any recommendations for how other stakeholders might improve the criminal justice process for survivors?
30. Is there anything we didn't discuss or ask that you think is important for us to know/communicate?

**Civil Legal Stakeholder Interview Guide**  
(EEOC, DOL, SPLC, pro-bono civil lawyers)

**Part 1: Background Information**

31. Please describe your current position and the role of your department/unit.
32. How long have you been in your current position?
  - a. How long have you been working on human trafficking cases?
33. When and how did your agency start taking on cases involving human trafficking?
34. Around how many trafficking cases do you work on in a year? Your department?
  - a. What proportion do trafficking cases make up of your organization's total caseload?
  - b. What is the breakdown of cases between labor trafficking and sex trafficking?
  - c. What is the breakdown or general trends between victim characteristics? Characteristics can include national origin, location of victimization, gender, age, etc.

**Part 2: Civil Justice Process/Perceptions of Process**

35. How do cases of human trafficking come to your attention/who refers them to you?
36. Can you describe the process of how a civil case involving human trafficking is handled by you/your office?
  - a. How are cases initially assigned?
  - b. What are the first steps you take with a case?
37. Which other stakeholders are you communicating with/working with during the process?
  - a. Probe for law enforcement, prosecutors, victim service providers.
38. How is the civil legal process first communicated to victims, and by whom?
  - a. Are there any parts of the process that are particularly confusing for victims? How do you try to mitigate confusion for victims?
39. How do you/your office communicate with victims over the course of a civil case?
  - a. How often are you in communication?
  - b. Who communicates directly with victims?
  - c. What information do you communicate?
40. How does your organization build trust with the clients you work with?
  - a. What barriers do you face in building and sustaining trust with clients?
41. Does your office/agency use a victim or client bill of rights, or standards for how victims should be treated?



42. Does your office/agency help ensure that victims are connected to services? If yes, how?
43. Are there certain aspects of the civil legal process that are likely to cause psychological harm or physical security concerns for victims?
44. Are there certain aspects of the civil legal process that survivors find particularly useful, empowering, or beneficial?
45. Is there anything (such as resources, specific staffing needs) that would help your office better serve victims?
46. Are you familiar with concepts of procedural justice?
  - b. If yes, do you incorporate principles of procedural justice in your work, and how?
  - c. If no, describe that the concept of procedural justice refers to how fair and transparent people perceive the justice process to be (not just the outcome of a case).

### **Part 3: Civil Justice Outcomes/Perceptions of Justice**

47. What sort of outcomes do you aim for in civil cases involving human trafficking?
  - a. Probe: Back wages, settlement
48. What sort of outcomes do you achieve in those cases?
  - a. Probe for how often back wages are obtained, how often settlements are reached, and how settlements involving multiple victims are determined.
49. Are victims asked before or during the legal process what outcome they hope to see?
  - a. If yes, what outcomes have different victims hoped for? Do those desired outcomes affect how you approach the case?
50. Do you ask victims at the end of a case for their feedback on the process and their outcomes?
  - a. What are general characteristics/trends of their feedback?
  - b. How has this feedback differed by victim characteristics and trafficking type?
51. Do survivors that you work with ever identify things that would help them heal that you or others are not able to help them with?
  - a. If yes, what are those things?
52. Does your organization have a formal or informal definition of justice for survivors of trafficking?
  - a. If yes, what has shaped that definition?
53. In reflecting on the cases of labor and sex trafficking you have worked on, do you believe justice was served in these cases? Why or why not?

54. Are you familiar with concepts of restorative justice?
- a. If yes, do you incorporate principles of restorative justice in your work, and how?
  - b. If no, describe that restorative justice is a broad term that considers the needs of both people who have committed crimes and those who have been victimized in order to repair harms through means outside of the punitive approach of the criminal justice system.
  - c. Do you think implementing restorative justice principles could be useful in helping victims?

**Part 4: Recommendations**

55. Do you have any recommendations for how agencies might improve the civil legal process for survivors?
56. Do you have any recommendations for how other stakeholders working with survivors of trafficking can improve the justice process for survivors?
57. Is there anything we didn't discuss or ask that you think is important for us to know/communicate?