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# Navigating Force and Choice: Experiences in the New York City Sex Trade and the Criminal Justice System's Response

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Elise White, Rachel Swaner, Emily Genetta, Suvi Hynynen Lambson, Janell Johnson Dash, Isaac Sederbaum, and Ariel Wolf

 Center  
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Innovation

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# Executive Summary

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There has been little rigorous study to date on life histories and experiences of individuals involved in the sex trade. With funding from the National Institute of Justice, the Center for Court Innovation conducted a mixed-method empirical study to fill the knowledge gap. Ultimately, the study’s purpose was to provide an evidence-based foundation for the development of suitable policies and interventions for adults in the sex trade. To achieve this, we first conducted in-depth, semi-structured interviews with 316 New York City adults who exchange sex for money or other things they need. Through these interviews, which ranged from 45 minutes to two and a half hours in length, we sought to gain information concerning:

- 1. Life Histories:** Personal histories of adults in the sex trade<sup>1</sup> in New York City, related to childhood, family, housing, health, and other life history topics.
- 2. Involvement in the Sex Trade:** Narratives of first entry, reasons for involvement, safety, and the role of market facilitators in linking adults in the sex trade with clients (whether by choice, coercion, or force).
- 3. Sex Trafficking:** The extent and nature of sex trafficking victimization.
- 4. Criminal Justice Involvement:** Formal contact with law enforcement and courts.

Second, the study gained the perspectives and policy recommendations of 28 criminal justice policymakers, practitioners, and community representatives affiliated with New York City’s Human Trafficking Intervention Courts (HTICs). These courts were established in 2013 to hear the cases of defendants charged with loitering for the purposes of prostitution, prostitution, prostitution in a school zone, and unlicensed massage in the City’s five boroughs. The courts are designed to mitigate the effects of involvement in the criminal

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<sup>1</sup> At the start of every interview, we asked participants for the language they used to discuss their trading of sex, and tried to use that same language throughout the interview. The majority of people referred to their trading as “sex work” or “work,” with others using terms such as “prostitution,” “escorting,” “hustling,” “tricking,” and “surviving.”

justice system—especially for those defendants who have experienced sex trafficking—by linking defendants with services in lieu of standard adjudication and conviction.<sup>2</sup>

## Methodology

We interviewed 316 adults (18 years of age and older) who traded sex for money, housing, food, drugs, their own or others' safety, or other things they needed. Of these, 304 had traded in the last year. Respondent-driven sampling (RDS) was used to identify and recruit people into the study. In brief, RDS methods are expressly designed for interviewing populations where there is involvement in stigmatized behavior and where traditional methods are unlikely to yield either a sufficient or representative sample of the population of interest. Confidential interviews were conducted in English, Spanish, Mandarin, and Korean, and included both closed-ended and open-ended questions on a wide range of topics.

We also conducted interviews with local Human Trafficking Court (HTIC) practitioners (e.g., judges, attorneys, and community-based service providers) in order to better understand courts, their associated programs, and the overall court response to sex trafficking and the sex trade. The interviewees included 13 social service providers, nine judges, five defense attorneys, and one district attorney.

Because this study has the potential to inform and affect programs and policies related to adults in the sex trade, we believed it was important to ground it in a participatory research approach. In practice, this meant that of our core 11-person research team, some of us had past involvement in the sex trade by choice, circumstance, or force.

## Participant Characteristics

### Demographic Characteristics

- **Gender Experience:** Forty-six percent were cis women, 31% were cis men, 18% were trans women, and 6% identified their genders differently.<sup>3</sup>

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<sup>2</sup> Completion of assigned services typically results in an adjournment in contemplation of dismissal, with the charges usually dismissed and sealed after six additional months.

<sup>3</sup> When coding gender, we use “cisgender” to refer to participants whose gender identities align, according to social norms, with their sex assigned at birth. “Transgender” refers to those whose

- **Sexual Orientation:** Fifty-nine percent of the sample identified their sexual orientation as something other than straight. (Participants were 31% bisexual, 13% gay/lesbian, 6% queer, and almost 10% an additional sexual orientation.)
- **Race/Ethnicity:** Fifty percent of participants identified as black, 24% as Latinx<sup>4</sup>, 14% as white, 10% as mixed race/other, 2% as Asian, and 1% as Native Hawaiian.
- **Current Housing:** Forty-seven percent currently lived in private housing, 33% had some form of housing instability (homeless, living in a shelter or group home, or couch surfing), 13% lived in public housing, and 8% lived in supportive housing.

## Family History

- **Foster Care:** Twenty-six percent of participants reported that they had been in foster care or in state custody in their home country.
- **Relatives in the Sex Trade:** Thirty-seven percent stated that they had relatives who had been involved in the sex trade.
- **Exposure to Childhood Emotional, Physical, Sexual Abuse, and Neglect:** Many participants described challenging situations during childhood, most often involving some combination of poverty, interpersonal violence, parental substance use, and/or a sense of betrayal or estrangement from parents and other early childcare providers.

## Health

- **Mental Health:** Sixty percent had ever been in counseling or other mental health services, and 55% had received a mental health diagnosis.
- **Health Problems Specifically Related to Involvement in the Sex Trade:** Thirty-five percent reported having disabilities, chronic illness, or other medical or mental health issues that were related to their sex trade involvement. For some, these problems were a driver of their involvement in the sex trade, given how challenging it can be to

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gender identities do not align with their birth-assigned sex. Other gender categories represent other non-binary gender identities.

<sup>4</sup> We applied black and Latinx to a broad range of racial/ethnic identities (e.g., “Afro-Caribbean,” “African American,” “Latino,” “Hispanic,” “Spanish”) for consistency and ease of analysis. The “x” at the end of “Latinx” is a gender-neutral alternative to Latina or Latino and is applied here to respect the spectrum of gender identities of participants.

consistently hold jobs in the mainstream economy while struggling with illness or pain. For others, their health problems were a result of their involvement.

## Drugs and Alcohol

- **Current Drug Use:** Seventy-three percent reported currently using drugs or alcohol. They reported currently using the following substances: alcohol (49%), marijuana (41%), cocaine/crack (21%), and opiates/opioids/heroin (11%), although the percentages who used them daily, or even weekly, were much lower.
- **Drug Use Specifically Related to Involvement in the Sex Trade:** Sixty-four percent stated that their experiences with drugs or alcohol were related to their sex trade involvement. Sometimes addiction was the reason people started trading (e.g., the need for money to support a habit), and sometimes they started using because of their involvement (e.g., to self-medicate or because clients wanted to do drugs together).

## Involvement in the Sex Trade

### Reasons for Involvement in the Sex Trade

- **Economic:** The majority of participants cited financial constraints as the biggest driver, explicitly connecting their trading to “survival” and feeling like their only available option was exchanging sex for money or other needs. For participants who started trading under the age of 18, the turn to the sex trade to survive often came after running away from abusive homes or foster care environments.
- **Systems Interaction:** Participants were often involved with other systems such as foster care, child welfare, the courts, social services, and government assistance. They drew connections between their involvement in these systems and their involvement in the sex trade—e.g., wanting to avoid foster care, seeking to escape abusive families, needing money to pay a court-imposed fine, facing barriers to legal employment because of criminal records, or not being able to survive on government subsidies.
- **Healing:** A few participants saw their involvement in the sex trade as part of a larger commitment to the work of healing, rather than an experience they were coerced into.

### Involvement in the Sex Trade

- **Age of Entry:** The median age when participants first exchanged sex for money or something else (e.g., housing, drugs, food) was 18, with no significant differences by gender.

- **Types of Involvement:** Most (90%) had current or past experience working on their own. The other most common types of sex trade involvement included street-based work (71%) and independent escorting (47%).
- **Non-Monetary Payment:** Half the sample said that their customers sometimes paid them with something other than money (e.g., drugs, housing, clothing, bill payment).

## Risks to Personal Safety

- **Safety:** Forty-three percent of participants reported having ever had a conflict in the work place, with 30% reporting a violent conflict. Fifty-eight percent of participants reported that they had been robbed or not paid by a customer. Trans women faced conflicts, violence, and robbery at higher rates than cis gender participants.

## Role of Market Facilitators

- **Working with a Market Facilitator:** Nearly all participants currently negotiate prices with (94%) and collect payment from (98%) customers. Nineteen percent of participants have someone who currently helps them get customers. Fifty-seven percent had never had a market facilitator, with trans women significantly less likely to have ever worked with one.
- **Types of Market Facilitators:** Most frequently, participants discussed situations where they and a market facilitator were both involved in the underground economy and identified working together (referring clients or providing security or drugs for clients) as more lucrative than working solo. In some cases, especially when a family member was the market facilitator, trading happened early in the participant's life and was more frequently coercive. In other cases, market facilitator relationships with friends or intimate partners became abusive, mirroring intimate partner violence patterns. In general, experiences of coercion and pressure and, alternatively, of voluntary collaboration, did not always track neatly with the terms most often associated with sex trafficking (e.g., "pimp" or "madam") in the public discourse.

## Sex Trafficking

- **Legal Definition of Trafficking:** The following requirements need to be met for a person to be considered legally trafficked: (1) There is a commercial sex act, defined as any sex act for which anything of value is exchanged; (2) There is interstate or foreign commerce; and (3) Force, fraud, or coercion is used to cause the person to engage in a commercial sex act; *or* the person is not yet 18 years of age. To code for trafficking status, interview data were coded by project staff, with assistance from outside subject matter experts.

- **Trafficking Status of Study Participants:** Forty-five percent of the sample had ever met the legal definition for trafficking, because they were either under 18 when they entered the sex trade (35%); had ever had a market facilitator who exerted force, fraud, or coercion (4%); or met both of the preceding criteria (6%). In total, ten percent of the sample reported experiencing force, fraud, or coercion by a market facilitator at some point in time.
- **Role of Gender:** In general, cis women were more likely than other genders to have had a market facilitator who exerted force, fraud, or coercion—16% of cis women had been victimized by force, fraud, or coercion, compared to 12% of trans women, 4% of cis men, and none of the 18 individuals in the sample identifying as some other gender. However, cis men were slightly more likely than other genders to have first traded before they were 18 years of age.
- **Differences between Trafficked and Non-Trafficked Participants:** Trafficking survivors had been in foster care at higher rates than those who were never trafficked (34% v. 20%), had left their family home at a significantly younger age (15.8 v. 19.2), and were more likely to have current housing instability (37% v. 29%). Those who had been trafficked were significantly more likely to ever been involved in street prostitution (79%) compared to those who had not (66%), and were significantly more likely to have ever been involved with a pimp (35% v. 7%).

## Experiences with the Police

- **Arrests:** Seventy-eight percent of participants had ever been arrested, and they averaged 8.6 prior arrests. However, only a quarter had been arrested for prostitution. They were most often arrested for other things such as drugs, shoplifting, jumping the subway turnstile, and trespassing.
- **Arrest Differences by Trafficking Experience:** Participants who had ever been trafficked were significantly more likely to have ever been arrested for prostitution (32% v. 18%), and had, on average, been arrested for anything significantly more times (10.9 v. 6.3).
- **Violence:** Thirty percent of participants reported that they were threatened with violence by a police officer, and 27% reported that they were harassed by an officer because of their gender presentation. Often, this violence involved sexual contact during stops. Additionally, 15% of participants reported that an officer did not arrest them in exchange for sex.
- **Differences by Gender:** Trans women had significantly more negative experiences with the police than did cisgender participants—63% of trans women reported having been

harassed by a police officer because of their gender presentation, and 32% reported that a police officer didn't arrest them in exchange for sex.

## Human Trafficking Intervention Courts

- **Goals of the Model:** As articulated by consultants central to their design and implementation, the goals of the Human Trafficking Intervention Court (HTIC) are to:
  - Recognize the overlap of people arrested on prostitution charges with sex trafficking;
  - Increase identification of sex trafficking victims;
  - Connect defendants to culturally-responsive services (e.g., language-, gender- or sexual-identity-specific services; job training; housing assistance; trauma-informed counseling; etc.); and
  - Mitigate the impact of being involved in the criminal justice system through non-criminal dispositions—e.g., straight dismissals or adjournments in contemplation of dismissal (ACDs) that usually result in dismissal six months later.

### Strengths

Interviewees noted a number of significant improvements to the traditional methods of resolving prostitution-related cases in criminal courts throughout the city.

- **Ongoing Trainings:** Practitioners reported extensive and ongoing trainings for all practitioners regularly assigned to the court (e.g., judges, court officers, attorneys) on topics such as trauma, trafficking, and co-occurring issues like mental health and substance use. These translated into a universally-celebrated commitment to building a trauma-informed courtroom.
- **Collaboration:** There was consent among practitioners about the importance of and success at achieving collaborative, trusting relationships between relevant HTIC actors rather than relying on the traditional adversarial relationships.
- **Proportionality:** While not always perfectly executed, some practitioners highlighted as a central strength the focus on proportionality in mandate-length; that is, ensuring that a defendant's responsibility to the court does not outweigh the jail or community service mandate imposed in traditional court settings. Proportionality was a central component of the trust-building efforts.
- **Voluntary Cooperation in Trafficking Prosecutions:** All practitioners—particularly defense attorneys—applauded and appreciated that the prosecutors did not require defendants to cooperate in the prosecution of their traffickers as a condition of non-criminal dispositions.

- **Culturally-Responsive Services:** Universally, practitioners felt that efforts by social service providers and attorneys to match mandated services to defendants’ needs (physical, emotional, and cultural) were central to the model.

## Differing Perceptions

Interviews revealed considerable difference in practitioners’ views—especially concerning the extent to which adults in the sex trade were truly able to exercise choice.

- **Consent:** There was disagreement about how much choice and agency defendants exercised in their involvement in the sex trade, and, related, about how prevalent it was for individuals in the sex trade to experience force, fraud, or coercion.
- **The Court’s Mission:** Nearly all stakeholders acknowledged the constraints inherent to addressing the issue of trafficking in a criminal justice system that still criminalizes prostitution. However, there was disagreement about whether the court’s mission was to rescue defendants from sex traffickers or to provide them with tools and resources that they could draw upon to exit the sex trade when they were ready and believed it safe to do so.
- **Trafficking Identification Protocols:** There was disagreement about whether and when there should be screening to identify sex trafficking victims, and whether to treat all people in the court as criminal defendants or victims. Presently, defendants are expected to complete their mandates and are held accountable if they do not.

## Courtroom Experiences

- **Case Volume:** The sheer volume of cases in two specific boroughs was perceived by defense attorneys and service providers to have created an ambiance that undermined these courts’ efforts to personalize the proceedings and infuse them with trauma-informed principles.
- **Translation:** Within these boroughs, particular concerns were noted regarding the experience of Asian defendants, who rely on translators. Some practitioners reported that translators were mistranslating discussions of sex, rape, and other culturally sensitive topics, leading to confusion for both attorneys and defendants.
- **Gender:** There were differing practices among boroughs regarding how court staff handled gender identity and names for transgender and non-binary defendants.

- **Use of Adjournments in Contemplation of Dismissal (ACDs):** Prosecutors’ offers of ACDs were identified by some stakeholders as problematic and inadvertently leading to collateral consequences related to immigration, education, and employment associated with having an open case for six months.<sup>5</sup>

## Policy Recommendations

Sections of each interview instrument offered participants an opportunity to voice relevant policy recommendations regarding the criminal justice response to adults in the sex trade. For adults involved in the NYC sex trade and HTIC policymakers, practitioners, and social service providers, suggestions overwhelmingly fell into the four categories below.

- **Decriminalization:** While this was the most common recommendation from the adults in the sex trade, it was echoed by the HTIC actors as well. Many practitioners wanted to provide a bridge to services for the most marginalized and hard-to-access. While this is achieved through court-mandated services, most nonetheless believed that prostitution should be decriminalized. Many practitioners believed that people in the sex trade were humiliated and, often, traumatized by the arrest process, leading to an immediate distrust throughout the remainder of the criminal justice process, regardless of the quality of the services or the care that went into creating safe, trauma-informed courtrooms. As interim steps, study participants proposed that law enforcement stop arresting people on the offense of “loitering for prostitution” and that prosecutors offer immediate sealing (in lieu of ACDs) on cases where trafficking is demonstrated and/or defendants complete their mandates.
- **Pressing Needs:** Interview participants coalesced around the following recommendations for funders and policymakers:
  - Focus on Immediate Survival Needs: Expand timelines for assisting sex trafficking survivors from the immediate (i.e., escaping traffickers) to the long-term (i.e., ensuring that sustainable housing, training, educational, or employment opportunities are available for when participants are ready to use them).
  - Housing: Create emergency and residential shelters specifically designated for sex trafficking survivors; and focus generally on creating more affordable housing for all.

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<sup>5</sup> These collateral consequences are not limited to defendants arrested on prostitution-related charges, though the continuation of the practice in the court felt at odds to some practitioners with the acknowledged vulnerability of the defendants and the court’s stated focus on reducing the effects of arrest.

- Job Training/Employment: Focus resources on creating job training programs that lead to sustained employment.
- **Services**: Interview participants supported eliminating the conditions that are often attached to accessing services (e.g., services not available to individuals with a criminal record and public benefits removed when people go to jail).
- **Collaboration**: Many interview participants expressed the importance of interagency collaboration forged in a spirit of overcoming ideological divisions on issues concerning individuals in the sex trade. Specifically, participants supported collaboration to implement training among criminal justice practitioners (e.g., police, prosecutors, and court players) on substance use and addiction, transgender experience or different gender expression, and reasons for sex trade entry.

## Chapter 1

# Introduction

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There has been little rigorous research to date on the life histories and experiences of individuals involved in the sex trade (Weitzer 2014). Prior research has tended to focus on discrete sub-populations or experiences—e.g., transgender persons (Fitzgerald et al. 2015), LGBTQ youth (Dank et al. 2015), HIV rates (Sherman et al. 2014), experiences of violence (Brewer et al. 2006; Brents and Hausbeck 2005), or venues for trading (Thukral and Ditmore 2003). Even those studies that have sought to produce a broad portrait of the population have generally relied on official records data on formal “prostitution”<sup>1</sup> cases or on interviews conducted only with people who have been arrested on such charges (Roe-Sepowitz et al. 2011).

Amidst a dearth of broadly generalizable empirical information, academic and advocacy literatures have grown up largely around an ongoing debate over how to view the sex trade: as a profoundly exploitative practice that should be abolished (Farley 2015; MacKinnon 2011; Dempsey 2010; Leidholdt 2003) or as a multi-layered process connected to late-stage global capitalism (Weitzer 2015; Vance 2012; Bernstein 2007). The former perspective tends to direct attention towards cisgender women and their experiences of trafficking, exploitation, and abuse. The latter perspective tends to be inclusive of all genders but to privilege agency and empowerment at the expense of drawing attention to experiences of abuse and exploitation among those participating in the sex trade.

## About the Current Study

With funding from the National Institute of Justice, the Center for Court Innovation conducted a mixed-method empirical study to fill the knowledge gap. Ultimately, the study’s purpose was to provide an evidence-based foundation for policies and interventions for adults in the sex trade. In what might be understood as a companion study to this one, the Center for Court Innovation recently used similar methods to study the needs, characteristics,

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<sup>1</sup> We use prostitution in quotes here to locate it within one very specific—i.e., legal—conversation, and later highlight the ways that, for study participants, the criminalization of exchanging sex makes this a loaded rather than neutral term.

and experiences of youth in the sex trade (including underage individuals and young adults up to age 24) in six cities across the United States (Swaner et al. 2016).

The present study unfolded as follows. First, we conducted in-depth, semi-structured interviews with 316 New York City adults who exchange sex for money or other things they need. Through these interviews, we sought to gain knowledge concerning:

1. **Life Histories:** Personal histories of adults in the sex trade in New York City, related to childhood, family, housing, health, and other life history topics.
2. **Involvement in the Sex Trade:** Narratives of first entry, reasons for involvement, safety, and role of market facilitators in linking adults in the sex trade with clients (whether by choice, circumstance, or force).
3. **Sex Trafficking:** Extent and nature of sex trafficking victimization.
4. **Criminal Justice Involvement:** Formal contact with law enforcement and courts.

Second, the study gained the perspectives and policy recommendations of 28 criminal justice policymakers, practitioners, and community representatives affiliated with New York City's Human Trafficking Intervention Courts (HTICs), a program intended to link court-involved prostitution defendants with services in lieu of standard adjudication and conviction.

Third, we sought to produce policy and practice recommendations drawn directly from those with direct, lived experience of the sex trade (interviewed in the first part of the study) or from stakeholders involved in planning or implementing the HTICs (interviewed in the second part).

# Overview of the Study Methodology

## Interviews with Adults in the Sex Trade<sup>2</sup>

The researchers interviewed 316 adults (18 years of age and older) who traded sex for money, housing, food, drugs, their own or others' safety, or other things they needed. Of these, 304 had traded in the last year. Respondent-driven sampling (RDS) was used to identify and recruit people into the study. RDS methods are designed for interviewing populations where there is involvement in stigmatized behavior, a dearth of widely accepted research information, and participants who are difficult to reach through traditional sampling methods (Heckathorn 1997; Heckathorn 2002; Heckathorn 2007). In this study, RDS started with “seed” interviews, participants who were recruited through one of the following methods:

- 1. Street Outreach:** Flyers (see Appendix A) were distributed at or posted on known “tracks” or “strolls” in multiple boroughs of New York City. Researchers also went to these locations to do in-person outreach to those trading.
- 2. Internet Outreach:** Information about the study was emailed to a sex workers listserv, repeatedly posted on numerous websites commonly used to advertise sexual services, and posted on a Tumblr site popular with adults in the sex trade.
- 3. Outreach at Community Organizations:** Members of the research team posted flyers on community boards or in waiting areas of select local community organizations that work with people who may be involved in the sex trade. At other organizations, we presented the study to program participants during group meetings.

The interviews—which were conducted in English, Spanish, Mandarin, and Korean—were confidential (no names or addresses were taken), and participants were given \$40 cash for their time. In addition, participants were given three numbered coupons (see Appendix B),

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<sup>2</sup> At the start of every interview, we asked participants for the language they used to discuss their trading of sex, and tried to use that same language throughout the interview. The majority of people referred to their trading as “sex work” or “work,” with others using terms such as “prostitution,” “escorting,” “hustling,” “tricking,” and “surviving.” Throughout this report, we generally refer to the people we interviewed as “adults in the sex trade” but wish to note that in this context we are exclusively referring to adults who exchange sex for money or other things they need, by choice, circumstance, or force. We did not interview people who solicit sex, market facilitators, or traffickers.

asked to give the coupons to other eligible adults in their social network, and paid \$10 cash for each coupon that was redeemed for a subsequent interview. RDS methods—with targeted seed recruitment of a diversity of ages, genders, and experiences—allowed the research team to access a wider pool of adults in the sex trade than prior studies that exclusively recruited through a single venue, such as service providers or criminal justice agencies. Seventy-five percent of the 304 interviews of individuals with past-year involvement in the sex trade were from coupon referrals, and 25% were seeds. Appendix C shows the recruitment chains of the seeds who grew network trees.

Ranging from 45 minutes to two and a half hours, interviews were semi-structured with closed- and open-ended questions on a wide range of topics. These included: demographics and identity, current and past housing, family history, immigration experience (if applicable), current and past involvement in the sex trade, safety, interactions with the police, court experiences (if applicable), health needs, and policy recommendations. (The complete interview guide is attached as Appendix D.) Interviews were digitally recorded upon consent of participants. Those with more than 15 minutes of rich data were transcribed verbatim; rich, explanatory sections of non-transcribed interviews were typed up by the interviewer immediately post-interview.

All quantitative data was analyzed using SPSS and STATA, with ANOVA, t-tests, and chi-square tests used to test for significant differences between subgroups or relationships between variables. The team applied grounded theory to iteratively code and analyze the qualitative data. Approximately 30% of interviews were open-coded by hand by one of the project's principal investigators, with emergent codes developed, combined, and collapsed. The whole research team met at regular intervals during this initial phase to discuss what was coming out of this open-coding process. Given the high number of coders resulting from the project's commitment to a participatory approach (described in detail below), once primary codes had been developed, each additional coder was assigned one of these primary codes and was tasked with using this same process to develop any necessary sub-codes. As with the primary codes, before finalizing, all sub-codes were workshopped in a group process. Ultimately, a final codebook was developed. All primary codes were applied by the same principal investigator to the remaining interviews; all sub-codes were applied by the researchers who had developed them. Limiting code applications to one coder per code—under the close supervision of the principal investigator—ensured consistency of code application and precluded need to assess for interrater reliability. As we coded, we kept a separate set of notes tracking emergent theories and relationships between codes. These

ultimately informed a process of axial coding applied by the principal investigator. This entire process was done by hand and with Dedoose data analysis software.

## **Interviews with Local Court Practitioners**

We also conducted interviews with local Human Trafficking Intervention Court (HTIC) practitioners (e.g., judges, attorneys, and community-based service providers) in order to better understand the HTICs, their associated programs, and the overall court response to sex trafficking and the sex trade. HTICs are specialized courts designated in 2013 to hear the cases of defendants charged with loitering for the purposes of prostitution, prostitution, prostitution in a school zone, and unlicensed massage in the city's five boroughs (Rashbaum 2013). The interviewees included 13 social service providers, nine judges, five defense attorneys, and one district attorney. A copy of the interview protocol is in Appendix E. Depending on the wishes of participants, notes were taken during some practitioner interviews or interviews were audio-recorded and transcribed.

## **Participatory Research**

Because this study has the potential to inform and affect programs and policies related to adults in the sex trade, we believed it was important to ground it in a participatory research approach. This is a framework for creating knowledge that is rooted in the belief that those most directly affected by the issue being studied should play a key role in the research process—including the instrument development, data collection, analysis, and dissemination of findings. In practice, this meant that of our core 11-person research team, some of us had past involvement in the sex trade by choice, circumstance, or force. Including those who had been/are being trafficked and those who traded sex by choice on our team demonstrated our belief that all people have valuable knowledge and expertise about their lives and experiences. Further, we believe this approach yielded better and more accurate information from study participants and hope it will increase the likelihood that our program and policy recommendations meet community needs.

## **Limitations**

This study relied heavily on respondent-driven sampling to access networks of adults in the sex trade. Overall this proved to be extremely successful (indeed, 75% of the interviewees were coupon referrals). RDS remains, however, a sampling method that is most successful

among hidden populations that are well-networked. As a result, certain experiences in the trades are underrepresented in our sample because people in these subgroups are often not networked, including those who primarily use the internet to connect with clients and those who are currently being trafficked. To address this, we conducted an additional 12 interviews with people whom we knew had been internationally trafficked, although they had not been involved in the sex trade in the year prior to their interviews. In addition, the \$40 stipend was not a sufficient incentive to motivate participation among high-end workers—a subgroup from which we were able to recruit initial seeds, but whose network trees did not grow.<sup>3</sup>

Verifiable experiences in the HTICs was also underrepresented.

Finally, we limited the study to those who spoke one of four languages: English, Spanish, Mandarin, and Korean. Voices of those whose primary language was not one of these are not included in our analyses. Although we conducted interviews in Korean and Mandarin, we also found these populations difficult to access.<sup>4</sup>

Despite these limitations, we were able to speak to over 300 adults in the sex trade—nearly half of whom had experienced sex trafficking—and to gain rich quantitative and qualitative data on their extremely diverse life histories and experiences. What follows are findings from these interviews.

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<sup>3</sup> Despite this limitation, RDS is in our opinion still the best recruitment method for reaching a representative sample of adults in the sex trade, including people who experienced trafficking. Indeed, 45% of our sample had experienced trafficking. Eliciting the voices of internationally trafficked persons through purposive sampling in partnership with targeted service agencies or public defenders who specialize in working with trafficked persons, as we did, still did not result in a high volume of interviews or interviews with individuals *currently* being trafficked. Results of those international trafficking interviews are also not generalizable and lead to similar difficulties in estimating prevalence.

<sup>4</sup> We tried many avenues to reach these populations: meetings with local service providers that work specifically with the city’s Asian populations; biweekly posts on sites such as heykorean.com, WeChat, and missyusa.com; newspaper ads about the study in local papers such as New York Ilbo (a free Korean newspaper) and World Journal (a daily Chinese newspaper); visits to the Manhattan and Queens Human Trafficking Intervention Courts to tell people about the study; posting flyers in and around massage parlors in Flushing (Queens), Koreatown (Manhattan), and Sunset Park (Brooklyn); posting flyers on community exchange boards in Sunset Park (Brooklyn); posts on craigslist; and giving flyers to Korean car services.

## Chapter 2

# Participant Characteristics

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This overview report only presents major findings from our interviews. In the tables that follow, quantitative results consistently include a breakdown by gender.<sup>10</sup> Where appropriate, we illuminate key findings with selective quotes from the qualitative portions of the interviews. The current chapter focuses on participant demographics, key themes in their life histories, and their current housing and health.

## Demographic Characteristics

Table 2.1 shows the demographic characteristics of the 304 interview participants who had been involved in the sex trade in the last year.<sup>11</sup> As shown, the sample was diverse in numerous ways. Forty-six percent were cisgender (cis) women, nearly one third (31%) were cis men, 18% were transgender (trans) women, and 6% identified their genders differently. The average age of the participants was 35, although ages ranged from 18-61. Over half (59%) identified their sexual orientation as something other than straight. Half of the interviewees were black, and cis men and trans women were twice as likely as cis women to be Latinx.<sup>12</sup> Eleven percent were born outside of the United States.<sup>13</sup> One third (33%) had

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<sup>10</sup> When coding gender, we use “cisgender” to refer to participants whose gender identities align, according to social norms, with their sex assigned at birth. “Transgender” refers to those whose gender identities do not align with their birth-assigned sex. Other gender categories represent other non-binary gender identities. All terminology is that used by participants. The exception is “cisgender,” a term with which many participants of cis experience were not familiar.

<sup>11</sup> The remaining 12 interviewees had not traded in the last year. We interviewed them because they had specific experiences—namely, international sex trafficking—that we were not able to locate among people who were still currently in the sex trade.

<sup>12</sup> We applied Black and Latinx to a broad range of racial/ethnic identities (e.g., “Afro-Caribbean,” “African American,” “Latino,” “Hispanic,” “Spanish”) for consistency and ease of analysis. The “x” at the end of “Latinx” is a gender-neutral alternative to Latina or Latino and is applied here to respect the spectrum of gender identities of participants.

<sup>13</sup> Of those born outside of the U.S., most were from Mexico, Guatemala, Cuba, Puerto Rico, and Taiwan.

other jobs, with trans women being least likely to have other work outside of their involvement in the sex trade.

**Table 2.1. Demographics of Interviewed Participants**

	<b>Cis Women (N=139)</b>	<b>Cis Men (N=93)</b>	<b>Trans Women (N=54)</b>	<b>Other Gender<sup>+</sup> (N=18)</b>	<b>Total Sample (N=304)</b>
<b>Gender/Trans Experience</b>	45.7%	30.6%	17.8%	5.9%	100%
<b>Mean Age</b>	<b>33.8</b>	<b>35.0</b>	<b>36.7</b>	<b>30.9</b>	<b>34.7</b>
Ages 18-24	18.7%	28.0%	13.0%	27.8%	21.1%
Ages 25-34	27.3%	24.7%	33.3%	50.0%	28.9%
Ages 35-44	30.9%	25.8%	31.5%	5.6%	28.0%
Ages 45-54	18.7%	14.0%	16.7%	11.1%	16.4%
Ages 55+	4.3%	7.5%	5.6%	5.6%	5.6%
<b>Sexual Orientation***</b>					
Straight	39.6%	38.7%	57.4%	5.9%	40.6%
Bisexual	39.6%	34.4%	7.4%	11.8%	30.7%
Gay/Lesbian	5.8%	18.3%	16.7%	35.3%	13.2%
Queer	5.8%	1.1%	5.6%	35.3%	5.9%
Other <sup>#</sup>	9.4%	7.5%	13.0%	11.8%	9.6%
<b>Race/Ethnicity*</b>					
Black	53.3%	52.7%	45.3%	22.2%	50.0%
Latinx	14.5%	30.1%	34.0%	27.8%	23.5%
White	18.1%	6.5%	9.4%	33.3%	13.8%
Native American/ Native Hawaiian	1.5%	1.1%	0.0%	0.0%	1.0%
Asian	2.9%	0.0%	1.9%	5.6%	2.0%
Mixed Race/Other	9.4%	9.7%	9.4%	11.1%	9.6%
<b>U.S.-Born*</b>	89.9%	94.6%	77.8%	83.3%	88.8%
<b>Other jobs right now in addition to exchanging sex</b>	37.5%	30.4%	22.6%	47.1%	33.2%

+ Genders in the other category include: intersex, trans men, genderqueer, and gender non-conforming.

# Sexual orientations in the other category include: pansexual, fluid, heteroflexible, and unsure/questioning.

\*p<.05, \*\*p<.01, \*\*\*p<.001

## Family

We asked a series of questions to understand the family histories of adults in the sex trade. A quarter of the people we interviewed had been in foster care. One-fifth were currently taking care of their own or someone else’s children, either financially or as a primary caregiver.

More than a third (37%) reported having relatives who had ever been involved in the sex trade. Descriptions of early family life ran the gamut from families being supportive, loving, and stable forces in their lives to families being unsafe and severely abusive.

## **Supportive Childhoods**

Many parents or caregivers were depicted as “best friends” who provided traditionally mainstream middle-class value systems prizing hard work and educational attainment. As one 38-year-old cis Latino explained:

I was raised by a single parent, my mother. I was 25 years old when my mother passed away. Until then, my life was the most beautiful thing that it can be. [M]y mother would give me anything I needed, as long as I went to school and had high grades. ... She was my mother, my best friend, everything.

Explained another participant:

[My home life growing up was] really good. ... No abuse, which is something that people often think. I'm just like ugh, come on. You know, like solid middle-class background of—just, a good school. My mom wasn't super rich but she was very adamant about giving me a good cultural education. She took me to museums and stuff like that. (White cis woman, 25)

Many described familial challenges like substance use, divorce, incarceration, or death, but were careful to locate these within a larger context of safety and care:

I'm kind of blessed to have such a supportive family that I have. Family issues have never been a problem. My family has a little money, so you know, it was never no need for anything, no want for anything. ... I mean, my mother used crack but she always had her own dry-cleaning business. My father was indulgent. Most of my siblings, my aunts, my uncles, they indulged. They were very functional. Me and my cousins, we really didn't know until we got older that they was indulging in drugs. [Growing up I felt] very safe, very safe. (Black trans woman, 32)

## **Exposure to Early Childhood Abuse and Neglect**

More participants, however, described challenging situations during childhood with birth parents and other early childcare providers. Most often, these challenging experiences involved some combination of poverty, interpersonal violence, parental substance use, and/or a sense of betrayal.

Perpetrators of participants' childhood physical and emotional abuse and neglect were of all gender identities, and both intra- and extra-familial. Sexual abuse, however, was generally perpetrated by male cousins, uncles, fathers, stepfathers, mothers' boyfriends, brothers, or family friends. Often, it was compounded by other forms of abuse or neglect. "My mom didn't want to raise me anymore so I went to go live with my grandmother," said one 40-year-old black cis woman. "[My grandma] was physically abusive, verbally abusive, and once I moved there I was living with two male cousins. They started molesting me and then it progressed to real sexual abuse."

Most participants could identify key turning points in their family relationships, when previously stable circumstances shifted—often suddenly—to unstable, unsafe situations, as below:

My mother had got diagnosed with schizophrenia. She had a nervous breakdown after I was born. ... When I grew up in the house it was my dad had to work a lot because my mother was in the hospital. When I was seven they got divorced and my dad met this white woman ... and she lived in California so we moved to California. She was abusive. She used to call me "nigger," "poor," "underprivileged black kid." I started wetting the bed. She had me addicted to Adderall from the age of seven until I went into foster care and they had to wean me. (Black trans woman, 23)

The overlapping experiences of parental instability, frequent moving, and repeated abuse were hallmarks of this subset of participants. For many, not being protected by non-abusive parents and caregivers was nearly as painful as the abuse itself. Despite reports of unstable home lives growing up, however, family remained important to participants, with the vast majority (86%) reporting ongoing contact with at least some family members.

## Current Housing

One third of the participants reported some form of housing instability, including being homeless, living in a shelter or group home, or couch surfing. An additional 8% were living in supportive housing such as HIV/AIDS Service Administration housing, 3/4 housing, or a halfway house. For many of these participants, engagement in the sex trade was explicitly connected to their need for safe housing. "If you have your own apartment," reported a 19-year-old bi-racial cis woman, "you're not really going to think about, 'Oh I need \$200 to eat.' But if you're sleeping on the train, and you are running out of MetroCards and you don't know what you're going to do, you're like, 'This \$200 is going to help a lot.'" For

many participants, housing instability was a patchwork of sleeping on the street, on trains, with friends, and with clients. Explained a 35-year-old cis Latino:

The last time I was living in a stable house was about seven years ago, so from then I was just bouncing here and there. Got myself involved with a few older women so I would just go stay at their house for a couple of days, and then I'd have to leave. ... you're never safe. You know, sometimes I'm sleeping in hallways, there's trains. Last night I slept in a woman's house and that's how I was able to clean myself up.

Exchanging sex was also a common form of money acquisition among those who lived in 3/4 houses and shelters:

I live with the dad of the baby. We're in a family shelter. That's why I need to still do what I do, because someone has to make the money. He was working but he got laid off. He's currently looking for work now, but until then, someone has to get the money. (White cis woman, 41)

## Health

As Table 2.2 shows, 28% of participants reported currently or ever having unmet health needs or concerns, which they identified as related to physical health, mental health, and dental problems. Sixty percent had ever been in counseling or other mental health services, and over half (55%) had received a mental health diagnosis—both significantly lower for cis men. Over one third (35%) reported having disabilities, chronic illness, or other medical or mental health issues that were related to their involvement in the sex trade.

Whereas some experienced health problems because of their involvement in the trades, for others, health problems led them to start exchanging sex, given how challenging it can be to consistently hold jobs in the mainstream economy when struggling with illness or pain:

Where else can I make an income that will allow me to survive, me and my partner to survive, where I can make my own hours, or on a day that I can't get out of bed because I'm so sore I can barely move or I can't face people because I'm having a bad mental illness day I don't have to work? But on the days that I can, I can be super productive and make up that money? There is no other way to survive in this world. (Bi-racial trans woman, 47)

In addition to their own health needs, participants also talked about how health challenges of family members drove their involvement in the trade. One participant stated that paying for medication for a sick family member meant deepening their involvement in the trade:

When my grandmother was sick, I doubled up on clients because of her medicine she needed to pay. God rest her soul now, but during that time, it was a lot of stress on me to buy her medicine, which was \$100 a bottle. (Bi-racial trans woman, 32)

## Drug and Alcohol Use

Nearly three-quarters of participants (73%) reported currently using drugs or alcohol. The most common substances were: alcohol (49%), marijuana (41%), cocaine/crack (21%), and opiates/opioids/heroin (11%).

When attempting to further distinguish whether their substance use was potentially serious<sup>14</sup>, the revised percentages look as follows: marijuana (29.0%), cocaine/crack (12.5%), opiates/opioids/heroin (5.9%), and alcohol (5.3%).

**Table 2.2. Health**

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender (N=18)	Total Sample (N=304)
<b>Ever had unmet health needs</b>	29.7%	24.7%	23.1%	52.9%	28.4%
<b>Ever been in counseling or other mental health services***</b>	64.0%	44.1%	75.5%	72.2%	60.3%
<b>Ever given a mental health diagnosis*</b>	59.0%	43.0%	63.5%	66.7%	55.2%
<b>Has health issues that are related to involvement in the sex trade*</b>	37.0%	23.7%	45.3%	50.0%	35.1%
<b>Currently using drugs/alcohol</b>	68.4%	84.1%	71.7%	66.7%	73.6%
<i>Serious marijuana use</i>	18.2%	48.9%	28.8%	11.1%	29.0%
<i>Serious cocaine/crack use</i>	18.0%	9.7%	5.6%	5.6%	12.0%
<i>Serious opiate use</i>	7.9%	6.5%	1.9%	0.0%	5.9%
<i>Serious alcohol use</i>	5.0%	6.5%	3.7%	5.6%	5.3%

<sup>14</sup> For alcohol and marijuana, we coded daily use as a “potentially serious issue.” Additionally, for alcohol, to reach the threshold of “potentially serious issue,” participants also needed to report drinking at least five drinks at one time. For cocaine/crack and opiates/opioids/heroin, we coded weekly or more frequent use as a “potentially serious issue.”

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender (N=18)	Total Sample (N=304)
<b>Substance use related to involvement in the sex trade</b>	70.3%	61.1%	62.0%	50.0%	64.8%

\*p<.05, \*\*p<.01, \*\*\*p<.001

Sixty-five percent stated that their experiences with drugs or alcohol were related to their involvement in the sex trade—and was sometimes the reason people started trading:

I’m already addicted so now I’m doing everything for drugs. No food. No clothes. No nothing. Everything is to support my habit, to support my habit, to support my habit. I don’t care about HIV ... I don’t care about diseases. I don’t care about nothing. When you are strung out and you need money you will do anything and you don’t care about the consequences. (Cis Latino, 49)

Often, substance use and exchanging sex were mutually reinforcing. For others, drugs and alcohol were self-medication necessary to exchange sex, as this 22-year old white trans woman described: “There are so many sessions that I would not have gotten through if I hadn’t been fucked up in some way, shape, or form. There are so many sessions that have been awful and difficult, and I coped with by using drugs.”

Finally, some participants pointed to their involvement with drugs and exchanging sex as being driven by larger structural issues, such as the lack of access to the legitimate economy because of inequities based on race, class, and gender:

When I did the heavy drugs—crack, cocaine, and all that—yes, it’s related to sex work. It’s related to not having a job, not having an education, school, job-training program. It’s related to discrimination. It’s related to me being who I am, what I am, transgender female, everything, the whole nine. (Bi-racial trans woman, 36)

## Chapter 3

# Involvement in the Sex Trade

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This chapter examines why interview participants became involved in the sex trade, their current attitudes and experiences about this involvement, relationships with others (both customers and individuals who link them to customers), and the prevalence and nature of human trafficking victimization.

## Reasons for Involvement

Participants identified several reasons for their involvement in the sex trade.

### Economic Survival

The majority of participants cited financial constraints—specifically difficulty finding well-paying jobs and affordable housing—as the biggest driver of their involvement in the sex trade. Some participants explicitly connected their trading to “survival,” both physical and economic. For participants who started trading under the age of 18, often this turn to the sex trade to survive came after running away from abusive home or foster home environments:

It wasn't 'til like 12, 13 years old when I ran away. I ended up in the middle of the parks ... over there under the bridge. Started living there on my own. ... The only thing I knew was what my uncle had taught us. How to manipulate, how to be manipulated through sex. To do things for sex, to do things for money we'd get over. ... If this is what I had to do to stay alive and to survive, then that's all I knew. (Cis Latino, 28)

A 40-year-old black cis woman explained that she started trading as a much younger woman when, “my son was a couple of months old. I needed money to take care of him. I mean, I had food stamps, but I didn't have the money for clothes and pampers and stuff like that.” This need to cover basics for themselves and family members was a consistent refrain among participants:

It's not exciting to wake up every day and say, “Okay, I have to go suck a certain amount of dicks in order to pay my rent.” Or my son is asking for something. I don't want to tell him no, so I say yes anyway, so now I have to provide. (Bi-racial trans woman, 32)

In addition to drawing a connection between her involvement in the sex trade and her need to make ends meet, this participant articulates a sense of situational coercion—feeling like the only available option was exchanging sex for money or other needs. This was echoed by many participants, including a 19-year-old bi-racial cis woman who explained:

I'm trying to get away from it. I try to only do it when I feel like I have nothing else. People will never understand how hard life gets. People don't understand what your mind has to go through when you're like, "I don't know where my next meal's going to come from," or ... when you have to make the decision do you want to sleep on the train again, or do you want to make up a reason to go to the hospital so you have a bed?

## **Precipitated by Involvement in Other Systems**

Participants were often involved with other government systems such as foster care, child welfare, the courts, social services, and government assistance. They consistently drew connections between their involvement in these systems and their involvement in the sex trade. For some, cycling through numerous abusive foster families directly led to involvement in the sex trade. For others, a desire to avoid foster care involvement became the pathway. One 38-year old cis Latino described being in an abusive home during childhood, but, "was scared to go into the foster care, even though all of this was happening to me. Just hearing what happened in foster care, I didn't want to go and live with no other family. I decided to stay on the streets. That's when I started selling my body."

Participants also stated that, as adults, compliance with institutional/system mandates (e.g., finding employment, taking parenting classes, etc.) made them feel they had no choice but to trade sex. For instance, one parent described trying to meet Administration for Children's Services (ACS) requirements related to her parental abuse/neglect case:

When I did have a job, I was told it's either I'm going to see my kids and do what I have to do for them, or I'm going to work. And I quit my job because I don't have my kids and I only get to see them—I'm going to take seeing my kids over working at a job, which I'm pretty sure any parent would do. I just feel like them being in ACS, they should have tried to work with me instead of making me quit my job, because a job in New York City, that's something that everybody needs. (Bi-racial cis woman, 23)

Another participant, a 34-year-old black trans woman, explained that a judge ordered her to pay a fine to resolve her prostitution case: "I remember I kept saying, 'This doesn't make sense. I'm arrested for prostitution, why you asking me for my money? I can pay you money but I'm going to have to go catch a date.'"

As will be discussed in Chapter 4, 78% of participants had ever been arrested. Often these arrests had long-range consequences, exerting a kind of economic pressure for involvement (or continued involvement) in the sex trade. One 26-year-old black cis man drew an explicit connection between his criminal record and his employment and financial instability: “After this stupid shit that just happened down there, it’s ... hard for me to get a job because that’s going to be on my record. You know what I mean? ... When I came up here, I was still doing the little work and shit. Selling my body and shit.”

Other participants stated that federal or state subsidies were insufficient to live on, so they turned to the sex trade. For one 51-year-old black cis woman, “I try to supplement that, because it’s so hard to work with one check a month. SSI don’t get it. You got three kids. You got rent. You get a certain amount. That’s what you work with, so I have to supplement.” Another interviewee, a 54-year-old trans Latina, described a similar situation: “Because what I get from the government, it’s not enough. Things are not getting any easier. Everything’s going up, up, and your checks don’t go up or nothing. I have to do what I have to do to survive.”

## Healing

A few participants saw their involvement in the sex trade as part of a larger commitment to the work of healing, rather than an experience they were coerced into. A 27-year-old white cis woman described it thusly:

I was taking a feminist gender studies class and hearing all this shit about sex work that I didn’t identify with my experience. I [had] just started working at the same time. I remember thinking, “Why is this any different from any other intimate service that we commodify and provide labor for in our society?” If you can outsource taking care of your elderly parents, taking care of your young children... Being a therapist is like outsourcing what a community should be, really, but we don’t have that. All these things that are really intimate acts to be exchanging, but you do it for money, because that’s the society we live in. I don’t really see how [sex work] was any different.

## Attitudes about Current Involvement

Ninety percent of participants had current or past experience working on their own, doing street-based work (71%), and independent escorting (47%). Trans women were significantly more likely to have ever worked on the street. Half the sample said that their customers sometimes paid them with something other than money. Common forms of non-monetary

remuneration were drugs, housing (both in the provision of a place to stay or rent), clothing for themselves or their children, and cell phones/bill payment.

Concerning their attitudes about their involvement in the sex trade, nearly the same percentage of participants (88%) stated that there was something they liked about exchanging sex as stated there were things they disliked. The most common thing they liked was money (over 60%), with over 12% of respondents also identifying as positive each of the following: its freedom/flexibility/independence, its social aspect, the sex itself, and the fact that it was easy/fast work. The most common response to things they did not like was the clients (over 25%). At least one-fifth also said they did not like the actual engagement in the sex acts. More than 10% also said they did not like risks to their safety and/or sexual health.

## Risks to Personal Safety

We asked about the nature of participants' work environment, particularly around safety. As shown in Table 3.1, at least half of every gender subgroup had ever been robbed or not paid by a client. Trans women faced conflicts, violence, and robbery at higher rates than cisgender participants. In general, street work was felt to hold more risks than internet-based work or escort services. Back when she used to do street work, one 47-year-old white cis woman explained:

[Clients] didn't pay. They put a knife to me and said they weren't going to pay. Or they wanted to rape you or sodomize you. That came with the territory. I've been raped many times and sodomized once. It just became part of the job. That's why I have post-traumatic stress disorder—because it happened so many times.

Nearly all participants pointed to a lack of predictability regarding which clients might become violent, and specified methods for keeping themselves safe, including: carrying weapons and mace for self-defense; informing friends or family about their whereabouts; working with pimps, drivers, or others who could provide protection; and using screening methods to identify both potentially dangerous clients and undercover police. Most participants had at least some bad interactions with clients:

I think four or five times I can remember being scared for my life.... One time, when I was fifteen we were in the car. [The client] took a gun out of the glove box, and he reached up and put it in my hand. He was like, "Shoot me." I was like, "Shut the fuck up. What the fuck?" I was shaking. He was like, "Just fucking do it. I'm a piece of shit, I want to die." ... I went to put it back and he grabbed it, and smacked me on the back of my head with it. ... It

felt like I couldn't breathe, I couldn't see nothing. Then he was like, "You piece of shit." He started driving mad fast, and he was like putting my neck out the window. The window wasn't rolled down all the way, so the glass was [pressed up against my neck]. He was like, "Oh you can't breathe? You can't breathe?" Then he just drove me home. (Cis Latina, 22)

**Table 3.1. Conflicts and Threats to Safety**

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender (N=18)	Total Sample (N=304)
<b>Ever conflicts in work places</b>	42.9%	36.3%	50.0%	55.6%	42.9%
Ever violent conflicts in work places	26.5%	28.1%	36.0%	41.2%	29.5%
<b>Ever robbed or not paid by customer</b>	59.1%	50.6%	70.4%	50.0%	58.0%
<b>Ever been threatened or hurt because of involvement in the sex trade</b>	42.8%	31.5%	53.7%	50.0%	41.7%

\*p<.05, \*\*p<.01, \*\*\*p<.001

## Role of Market Facilitators

We asked a series of questions to learn about third parties who help the participants obtain customers in order to understand the role they play, their relationship to the participants, and why participants are or are not involved with them. Nearly all participants currently negotiate prices with (94%) and collect payment from (98%) customers themselves. Nineteen percent have someone who currently helps them get customers. Overwhelmingly, this market facilitator was someone they identified as a "friend"; the second most common relationship identified was a "family member." More than half of the sample (57%) had never had a market facilitator.

Among the "friends" who served in a market facilitator capacity, the majority involved situations with one friend already involved in the sex trade connecting the participant with clients and teaching them about safety and how to handle payment. "They show you all the ropes of how to talk to the clients, with whatever services you wanted for the amount of time, and the money," explained a 58-year-old trans Latina. Most frequently, this was a voluntary relationship.

With “family,” the nature of the relationship became murkier. In some cases, as with most of the “friend” market facilitators, participants’ siblings or cousins were already involved in trading and either invited participants to join or participants themselves asked to be inducted. When older relatives (e.g., mothers, aunts, uncles) were the family members who facilitated the trading, however, it often happened earlier in the participants’ lives and was more frequently exploitative. A 36-year-old Hawaiian cis woman explained that “[my mother] used to take me to drug parties. Just a fucked up situation. I was like 11 years old, wearing dresses and having sex for her satisfaction, ... for money and drugs.”

## **Complexities of Coercion and Control**

Experiences of coercion and pressure and, alternatively, of voluntary collaboration, did not track neatly with the terms most often associated with sex trafficking (e.g., “pimp” or “madam”) versus pro-social support networks (e.g., “family” or “friend”). Market facilitator relationships with friends, for instance, often involved power dynamics where the exertion of control resulted in participants feeling coerced into trading. Sometimes, as we discuss below, this was clearly trafficking. Other times, it more closely resembled intimate partner violence patterns.

Most frequently, these power negotiations among participants and their market facilitator-friends arose around cohabitation and payment for rent or rooms, as exemplified by a 26-year-old bi-racial cis woman. She had run away from her severely abusive family and ended up living with a friend, who insisted she become involved in the sex trade to cover her portion of the rent. Over time, the friend became more and more directive of her behavior:

She started wanting me to do stuff with her sexually. I couldn’t do that, so I just left. When we did threesomes with guys, she would touch me and I would smack her hand. ... She was coming on very aggressive to me, so I was like, “Okay.” She came up to me, and she was like, “Well, this pussy is mine” and grabbed me. I left that same day. [She felt like she] owned me.

This physically aggressive, controlling behavior in many ways mirrors that traditionally associated with pimps. And indeed, some participants reported having had pimps. A portion of these described the relationship as severely abusive. As this 41-year-old white cis woman explained:

I’ve had very bad experiences in my life with pimps, but this last one really stabbed me up, beat me up really bad because I wanted to leave. Held me for two days. Permanent black

eyes. Broke my whole face. My eyes were completely bloodshot for six months. ... He showed me exactly how much I was in control.

Other participants described pimps deploying a less physically violent method of control, instead engaging in an extended period of dating prior to the pimp's first request that the participant engage in the sex trade. As this 19-year-old bi-racial cis woman described:

I felt like I was more finessed into it. ... He told me that I'd only have to do it for a little bit because we needed bills, or we needed a place to stay, but we were going to get married and everything was going to be fine. It never ended up like that. [...H]e felt like he was taking care of me so I didn't need any money. He would buy me clothes, and I was eating every day, and things like that. It's not like I was making a little money; I was making a lot of money every day. I felt like if I'm making a lot of money every day and I get a roof over my head, I get to eat, and I get clothes, I could do this by myself, and [I wouldn't have him around to] hit me when I didn't bring as much as he wanted. I don't like being degraded.

Frequently, however, the term "pimp" was applied to situations where both the participant and the market facilitator were involved in underground economies and identified working together as being ultimately more lucrative than working solo. Such collaboration involved referring clients, providing security, or providing drugs to clients. "I have had people who would, if I'm sitting out [on the stoop] doing drugs and they say, 'I got somebody I want you to see,'" explained a 61-year-old Black cis woman. "You don't want to do it, you don't have to do it. The choice is yours, you know. The choice is yours. You call it a friend or associate, but it's a pimp."

## Sex Trafficking

One of the primary purposes of this study was to begin to understand the prevalence and nature of sex trafficking in New York City. The following three requirements need to be met for a person to legally be considered trafficked:

1. There is a commercial sex act, defined as any sex act for which anything of value is given to or received;
2. There is interstate or foreign commerce; and

3. Force, fraud, or coercion is used to cause the person to engage in a commercial sex act; *or* the person is not yet 18 years of age.<sup>15</sup>

To determine whether the study participants had ever been trafficked we employed a multifold process. First, study eligibility screening required participants to have exchanged sex for something of value (e.g., money, housing, food, drugs, safety, etc.), thereby meeting the first criterion. Obtaining the necessary facts to prove interstate or foreign commerce (the second criterion) was beyond the scope of this study; thus, all subsequent numbers presented in this section proceed from the assumption that foreign or interstate commerce existed in all cases. Finally, to determine the third criterion, interview data were coded by project staff—with expert assistance from internal and external subject matter experts—for clear instances of force, fraud, or coercion by an individual or organization, or trading prior to being 18 years of age.<sup>16</sup>

As shown in Table 3.2, 45% of the interview sample had ever met the legal definition for trafficking because they were either under 18 when they entered the sex trade (35%); had ever had a market facilitator who exerted force, fraud, or coercion (4%); or both (6%). In total, a tenth of the sample (10%) reported experiencing force, fraud, or coercion by a market facilitator at some point in time.

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<sup>15</sup> It is important to note there are many definitions of trafficking, including the international definition in the Palermo Protocol as well as various U.S. state definitions. This study has elected to use as its framework the Trafficking Victim Protections Act (22 U.S.C. § 7102), the U.S. federal statute that defines trafficking and was initially passed in 2000. Although it has been revised numerous times, for the purpose of this report, we are using the Trafficking Victim Protection Act of 2008 to determine whether participants' experiences meet the federal threshold for sex trafficking. A later 2015 definition—passed after this study was already underway—is too broad to be applied to these data in any meaningful way. As codified in 2015, federal criminal law 18 U.S.C. §1591 provides that a person has trafficked another when they knowingly in or affecting interstate or foreign commerce recruit, entice, harbor, transport, provide, obtain, *advertise*, maintain, *patronize*, or *solicit* by any means a person (our emphasis). The addition of the language of “advertising,” “patronizing,” and “soliciting” would de facto render all participants in this study trafficked.

<sup>16</sup> For the purposes of this report, all participants who began trading prior to the age of 18 are being included in those total numbers, regardless of whether or not this trading took place before the Trafficking Victims Protection Act made it a legal basis for the determination of sex trafficking in 2000.

**Table 3.2. Trafficking**

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender (N=18)	Total Sample (N=304)
<b>Never trafficked</b>	57.1%	51.2%	52.0%	61.1%	54.6%
<b>Trafficked at some point in time</b>	42.8%	48.8%	48.0%	38.9%	45.4%
<i>Under 18 when first traded</i>	27.0%	45.3%	36.0%	38.9%	35.0%
<i>Had a market facilitator who exerted force, fraud, or coercion</i>	6.3%	1.2%	6.0%	0.0%	4.3%
<i>Both of the above</i>	9.5%	2.3%	6.0%	0.0%	6.1%

## Differing Experiences of Those Who Had Been Trafficked

We compared those who had ever been trafficked (45%) to those who had not (55%) on various experiences, and there were some statistically significant differences. Trafficking survivors had been in foster care at higher rates than those who were never trafficked (34% v. 20%). Additionally, they left their family home significantly younger, at a mean of 15.8 years of age compared to 19.2 years of age for those had not been trafficked. Those who had ever been trafficked were more likely to have current housing instability (37% v. 29%).

As related to their experiences in the sex trade, those who had been trafficked were significantly more likely to ever been involved in street prostitution (79%) compared to those who had not (66%); and significantly more likely to have ever been involved with a pimp (35% v. 7%).

## Started Trading Under Age 18

As shown in Table 3.2 below, the largest subgroup of those in the sample who had experienced trafficking were those who started trading under the age of 18. Of the entire sample, 41% started trading under age 18, with 35% only meeting this one criterion for trafficking and 6% also meeting the force, fraud, or coercion criterion.

In some cases, the narratives reflect those most frequently held up as exemplars of sex trafficking: young girls who run away from home and/or those wooed by older men who pretend to be boyfriends or who introduce them to drugs, who then turn physically violent and/or controlling, forcing the girls to have sex for money. One 47-year-old white cis woman

got involved with heavy drugs in her early teens. Before long, she ended up in drug-induced debt that her drug dealer used to traffic her (via coercion). Eventually, she moved in with him and soon their relationship was a prime example of force:

He had control over everything that I did. If I wanted to go anywhere, I had to ask him, and he most of the time said no because I was a 15-year-old coke whore. He didn't want what he was doing to me to get back to him in any way, so when I would sneak out, I would run away and sneak out. I'd go live on the streets, and then I would be way too dope sick, and then I would have to come back to him. He would beat me pretty hard for having run away, but I had nowhere else to go.

### **Starting Trading at Age 18 or Older and Had Market Facilitator Exerting Force, Fraud, or Coercion**

Among those who began trading at age 18 or over but were still classified as a trafficking victim because they had a market facilitator who exerted force, fraud, or coercion, the majority were cis women. For some of these women, their experiences followed a domestic violence model where their intimate partners were also their pimps. The majority of participants whose experiences with a pimp met legal sex trafficking definitions reported having formed that relationship when they were 18 or older. As one participant detailed:

My husband became my pimp. He controlled me. ... He was there the whole time. When it was done, the money was handed to him and it was done. It was horrible. When we moved to the Bronx, we lived in his sister's house—she was a madam. ... We lived in an apartment where the locks were on the inside. We were locked into the apartment with a key. That's what the madam did. You couldn't get out if you wanted to unless you had permission to get out. We were like prisoners. (White cis woman, 47)

Aside from this traditional pimp model, participants also described a wide variety of exploitative experiences, most frequently with escort agencies or in “cat houses,” i.e., brothels, under madams. As this 41-year-old white cis woman described, she sought out the escort agency she worked at for a period of time, finding them through:

a newspaper ad, actually, “Escorts wanted.” ... It was a 50-50 split. Out of my cut I had to pay the driver. If you wanted any extra security or anything like that, we had to pay for that too out of our cut. ... I was in trouble a couple of times. The driver came right up and took care of everything. For the most part, I had to report into work at a certain time ... I had to bring the money right back to him at a certain time every day. If he wanted anything from me [i.e., sexual acts], I would have to do it with him for nothing. He would always say that guarantees the job, guarantees the position. ... As long as he had his money everything was

okay. [If I had broken any of these rules] I'm sure I would have been beaten up; taught a lesson.

Trans women seldom reported working for pimps, managers, or madams in trafficking contexts. Much like cis women and the intimate partner-pimp trafficking relationship, however, trans women occasionally reported situations with intimate partners that exhibited similar power and control dynamics.

## **Participants' Self-Understanding of Trafficking**

As Table 3.2 illustrates, 45% of the sample met the federal threshold of severe sex trafficking survivors. However, many did not apply the term to themselves or their own experiences. Overwhelmingly, those who met the legal definition of trafficking did so solely because they entered the sex trade before they were 18 (i.e., 77% of all those meeting the legal definition). Most participants, when asked what they thought the term “trafficking” meant, captured concepts of force, fraud, or coercion in their definition but omitted the underage component.

Many who met the legal definition reported that they did not believe themselves to be sex trafficking victims. This finding suggests that while sex trafficking may be a legal concept useful to prosecutors, advocates, and politicians trying to curtail it, as a meaningful identity category it has less currency.

In particular, many participants felt like it set up a false binary between “victim” and “criminal.” These participants thought that while they were not victim to a specific actor's force, fraud, or coercion, systemic forces often made them feel that they had no other viable options. A 26-year-old white other-gender-identified participant said they in some ways would identify some of their experiences in the sex trade as sex trafficking “because capitalism traffics everybody”—that is, they felt forced or coerced due to financial realities. “But,” they continued, “I haven't had the experience that I wasn't able to make a choice about something, that I was forced to do something I didn't want to do. I think that is a bullshit dichotomy.”

## **International Sex Trafficking**

A fair number of participants in the sample (n=34) were born outside the U.S. Among these, participants brought from outside the U.S. into the country by a sex trafficker were a tiny fraction (n=2). Because we wanted to represent the experiences of internationally-trafficked

participants, however, we partnered with social service agencies that work exclusively with trafficking survivors to recruit an additional 12 participants to the study. When we looked at these 12 interviewees' quantitative data as compared to the 304 presented above, there were very few significant differences, with one notable exception: participants from the partner agencies were, on average, significantly older during their first experience in sex trade than those in the primary sample (average age 31.7 versus 20.1).<sup>17</sup> Their experiences, along with two from the 304, are briefly summarized here (further details are in Appendix G). For these participants, their lack of fluency in English and unfamiliarity with their environments, as well as culturally-specific shaming tactics, were used as mechanisms to isolate and control.

- **Cis Latinas:** Many of the cis Latinas' involvement in the trades often involved brutal physical and sexual violence. Many of the Spanish-speaking cis women had young children at the time they met their traffickers (whom they typically referred to as "padrotes") and/or some became pregnant by their padrotes early in their relationships. Children were significant loci for the exercise of power and control. These women were also often kidnapped or otherwise physically separated from family and friends prior to being forced to exchange sex.
- **Trans Latinas:** The two Trans Latinas in our study who experienced international trafficking attempted to enter the U.S. as adults and found a third party who promised to smuggle or sponsor them in their border-crossing in exchange for farm work once they were in the country. Upon arrival, they were instead forced to work in brothels for a set period or until they escaped.
- **Chinese Women:** Most Mandarin-speaking participants came to the U.S. of their own volition, typically through middle-men who promised employment in the legitimate economy once participants were in the U.S. For some, these middle-men disappeared once they were here. For others, the job that was available upon arrival was very different from the one promised. These participants reported that their inducement in the sex trade was largely financial, verbal, and circumstantial (e.g., "You're already here and you owe us money...") and often focused on caring for their children or families back home. Threat of deportation was also common.

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<sup>17</sup> There were differences between average age at first entry for the Chinese women (42) and Latinas (22) in the partner agency sample.

## Chapter 4

# Experiences with the Police

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The vast majority of interview participants reported at least some history of interaction with law enforcement. As detailed below, overwhelmingly participants described negative perceptions of and experiences with police officers, at times involving threats or violence.

## Prevalence of Arrest

Just over three-quarters (78%) of participants reported having been arrested at some point, and the sample averaged a total of 8.6 prior arrests. Most were for nonviolent offenses *other than prostitution*, such as drug possession, shoplifting, jumping the subway turnstile, trespassing, and having an open container of alcohol.<sup>18</sup> A quarter of participants reported a prior arrest specifically on a prostitution-related charge (see Table 4.1 below).<sup>19</sup>

Participants who had met the legal definition for trafficking were significantly more likely to have ever been arrested for prostitution (32% v. 18%), and had, on average, been arrested for anything significantly more times (10.9 v. 6.3).

## Content of Interactions with the Police

As shown in Table 4.1, over one-quarter of participants reported that they were threatened with violence by a police officer (30%) or harassed by an officer because of their gender presentation (27%). Fifteen percent of participants reported that an officer did not arrest them in exchange for sex. We explored with our internal and external consultants the option of whether these latter instances might count as trafficking, as there is a clear exchange of a

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<sup>18</sup> These charges point toward high rates of substance use and financial instability among some participant subpopulations, as well as to the over-policing of certain demographics and communities more broadly.

<sup>19</sup> The percentage of men that are arrested for prostitution in NYC is extremely low. Given this, if we look only at cis and trans women in our sample, the percent arrested for prostitution jumps to 32%.

sexual act for something of value—i.e., freedom. Ultimately, the experts felt this was obviously prosecutable as abuse of power and potentially as rape, but that there was not yet precedent for defining this coercion as sex trafficking. Those perceptions of police that were not negative were often limited to relationships with one specific officer—typically a family member or one respectful officer. “My family got officers and we deal with them on a level as family, as far as hanging out,” explained a 47-year-old black woman. “But I don’t trust the cops so I stay away from them.” As this quote illustrates, participants often viewed these individual officers with whom they had relationships as distinct from the NYPD, and their positive interactions did not appear to translate to increased trust of the department as whole.

**Table 4.1 Experiences with the Police**

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender (N=18)	Total Sample (N=304)
<b>Ever Arrested*</b>	74.8%	74.2%	92.6%	83.3%	78.3%
Mean # of arrests (full sample)	6.8	9.75	11.9	4.8	8.6
<b>Ever Arrested for prostitution***</b>	24.6%	8.6%	51.9%	22.2%	24.4%
<b>Ever threatened by a police officer with verbal, physical, or sexual violence**</b>	21.7%	29.4%	44.4%	44.4%	29.5%
<b>Ever harassed by a police officer because of their gender presentation***</b>	15.3%	18.3%	63.0%	50.0%	26.8%
<b>A police officer didn’t arrest them in exchange for sex***</b>	14.6%	2.2%	31.5%	27.8%	14.6%
<b>Would ever call the police if became victim of a crime while working</b>	54.4%	42.4%	41.5%	35.3%	47.3%
<b>Goes to the police when have trouble, beyond just when they’re working*</b>	59.7%	41.9%	57.4%	33.3%	52.3%

\*p<.05, \*\*p<.01, \*\*\*p<.001

## Experiences of Trans Women

Trans women had significantly more negative experiences with the police than cisgender participants. These included being harassed because of their gender, being threatened with violence, and having an officer not arrest them in exchange for sex.

One time a cop, he thought I had a wig on but I had a sew-in and he pulled my head back. He pulled my head back and put a gun in my face and threw me on the fence and kicked my legs apart. I had a skirt on. He was basically trying to humiliate me. (Black trans woman, 23)

A 49-year-old Latinx participant who identified as two-spirit explained:

This white man rolls up and says, “How much, honey?” I said, “I don’t know. How much you got?” He said, “I’ll give you \$50 for a blow job.” I said okay. Then I get in his car and then we drive some blocks and then he says, “Make sure it’s good. If you don’t I’m taking you in.” And I said, “Taking me in? Where? What are you talking about?” I’m trying to figure out what he said, so I’m like, “Listen, I need the \$50.” He said, “I’m not giving you no \$50.” Then he pulls out a badge and ID, and I said, “Oh wow.” Then he said he won’t take me in if I do it, so we did it.

Despite the unique experiences conveyed by trans women, police violence was reported by women of both cis and trans experience, as well as by gender non-conforming men. Often, this violence involved sexual contact during stops. Explained a 31-year-old black trans woman, the officer, “grabbed my ass. He grabbed my titties, and he passed his hand real slow on my vagooter scooter.” A 26-year-old cis Latina explained that one day while working she was stopped by an officer, “to check my pockets. It was a little feel up. It was more of a ‘you want to feel me [rather] than search me.’” Trans women and cis women of color were more likely, per participant report, to be assumed by police to be working (whether or not they actually were). Reports one 56-year-old Black cis woman:

One time I was coming out the grocery store. I had groceries and a cop car pull up, right? Undercover. He said, “Yo,” and I recognized the cop. He always called me “Shorts” because in the summer time I wear a lot of, like, real short shorts. He said, “Shorts! When the last time you was picked up?” I was like, “I get picked up every day. What you talking about?” He said, “You know what I’m talking about.” I said, “Uh, about a week ago.” He says, “Your lucky day.” Took my bags, put them in the trunk, and arrested me.

## Experiences of Cis Men

Of those arrested, cis men were the least likely gender subgroup to report a history of arrest on prostitution charges, instead reporting that police more often charged them with other

low-level misdemeanors (even if they were involved in exchanging sex). One 38-year-old black cis man described an interaction with the police he'd had the night before his interview while he was trading. "I was sitting down, waiting for [the client]. She didn't come on time. The cops came. I was holding a cigarette in the park. There's no smoking in [that park]. Just like that, they locked me up." This participant was charged with having an open container and, due to his lengthy record, spent the night in jail. Older cis men were most likely to describe their involvement in the sex trade as part of a constellation of survival behaviors.

Ninety-three percent of the cis men we interviewed were black or Latinx. In general, cis men of color were likely to report being stopped, questioned, and frisked. Often, these interactions would escalate into physical assault. As one 42-year-old cis Latino explained:

If they think you have a drug in your pocket it's, "Don't fucking move or I'll beat the shit out of you," or, "I'll choke you to fucking death." ... Two weeks ago, I was walking and they yelled "Don't fucking move!" I'm like, "What the fuck? What did I do?" "You do not fucking move. Just stay right there." I'm like, "Oh my God. I'm going to get shot over here."

Participants of color generally articulated a sense of racially-driven abandonment by and fear of potential violence from the police. "Look at what they're doing to people now," said a 47-year-old black cis woman. "They're killing us anywhere. They don't care." Often these feelings were accompanied by a sense of regret and deep disappointment at the specific nature of current police-community relations. Explained one 47-year-old black cis man, "I was a soldier 12 years and I have never seen a lack of professionalism than what the NYPD shows today. That's real. It hurts because I love the uniform."

## Willingness to Call the Police

Despite these negative experiences, 47% stated that they would call the police if they became a victim of a crime while working, with a slightly higher percentage (52%) stating they would go to the police when in trouble when *not* working. Those who reported a willingness to engage with police often specified they would only do so in situations of extreme danger or injury (e.g., shootings, stabbings, or similar threats). Even this limited willingness to call on the police for assistance was universally further qualified. As a 41-year-old white cis woman reported, "I try to trust the system as much as I possibly can, even though it is pretty flawed."

For the roughly half of participants who would not call the police if they needed help, negative prior experiences—including police forcing sexual encounters in exchange for not arresting participants—directly resulted in this position. As one participant described:

I tried calling them and they laughed at me. They [did] nothing. I was raped on the stroll and they wouldn't even get an EMT. They thought because you're a woman, "Are you sure you didn't suck his dick and he didn't pay you? You were working, right?" (Black gender non-conforming participant, 34)

The belief that their involvement in the sex trade would mean that they, rather than the perpetrator, would be arrested was further reason among these participants for not calling police:

If I lived in a society where I could be doing this legally and without stigma, then my life would be totally different, because I would never have to worry about being unable to get justice for violence or crime on the job. I wouldn't have to live my life in fear of being outed in a way that hurts my future and entire of my life, or being incarcerated. I wouldn't have to deal with probably the most harmful aspect of sex work for me: stigma and the way that you internalize stigma. (White cis woman, 27)

## Chapter 5

# Human Trafficking Intervention Courts

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In addition to interviews with adults in the sex trade, we also interviewed 28 New York City policymakers and practitioners affiliated with the planning or implementation of New York City's Human Trafficking Intervention Courts (HTICs). These specialized courts were created in 2013 to hear the cases of defendants charged with loitering for the purposes of prostitution, prostitution, prostitution in a school zone, and unlicensed massage. This court initiative was developed to mitigate some of the harm that trafficking victims experience going through the criminal justice process, and to recognize the trafficking victim/defendant duality present for some whose cases are processed through the HTICs. HTICs are located in each of the city's five boroughs' centralized criminal courts, with the exception of Manhattan, where the HTIC is based at the local community court, known as the Midtown Community Court (Cohen 2017; Ray and Caterine 2014; Schweig, Malangone, and Goodman 2012; and Sviridoff et al. 2000). Interviewees included defense and prosecuting attorneys, administrative and presiding judges, and social service providers and advocates.

## The Human Trafficking Intervention Court Model

Each of New York City's HTICs has a presiding judge who hears all prostitution-related offenses not resolved at arraignment (the first court appearance). Each court also has designated assistant district attorneys and defense providers from most defender organizations.

## The Legal Process in Human Trafficking Intervention Courts

Once a case is adjourned to the HTIC after arraignment, the defense attorney, prosecutor, and—where appropriate—service providers typically discuss possible plea offers prior to the defendant's first HTIC appearance. The standard offer for a first offense is five social service sessions (e.g., individual counseling or groups). If completed, the result is an adjournment in contemplation of dismissal (ACD), with charges dismissed and sealed after six months as long as there are no new arrests. Offers for defendants with longer criminal histories vary across boroughs due to differing prosecutorial policies, but typically include longer social service mandates (10-15 sessions). Cases might still be resolved with ACDs or, alternatively,

with pleas to disorderly conduct (which in New York State is a non-criminal offense). Judges rarely, if ever, give jail time, and strongly encourage all parties to avoid criminal convictions, even for those with lengthy criminal histories. All parties work collaboratively to find services that reflect the specific needs of each defendant; and the court routinely gives defendants multiple chances to complete their mandates. Where defendants are continually noncompliant or—more frequently—stop coming to court and are unresponsive to outreach, traditional court responses (e.g., bench warrants) and outcomes (e.g., violations or—rarely—convictions on criminal charges) are reluctantly employed. Defendants may also opt to take their cases to trial or opt out of services for a more traditional case resolution if they choose.

## **Treatment Mandates and Compliance Monitoring**

Most affiliated social service providers reported offering similar services—including trauma-focused/trauma-informed individual counseling and group sessions, and educational or employment help. Culturally- and identity-specific services differ by provider. Providers report back to the court on clients’ overall compliance and, where applicable and appropriate, on progress towards goals, educational or employment attainments, or obstacles clients might be facing in completing their mandates.

## **Underlying Goals of the Model**

The immediate goals of the HTICs are not codified in any written document. As articulated by consultants central to the design and implementation of the courts, however, they include:

- Recognizing the overlap of people arrested on prostitution charges with sex trafficking;
- Increasing identification of sex trafficking victims;
- Connecting defendants to culturally-responsive services (e.g., language-, gender- or sexual-identity-specific services, job training, housing assistance, trauma-informed counseling, etc.); and
- Mitigating the impact of being involved in the criminal justice system through non-criminal dispositions (i.e., dismissals, ACDs, or violations).

## **Strengths**

Our interviews with 28 policymakers and practitioners, combined with interview findings from those adults in the sex trade who had specific experience in the Human Trafficking Intervention Courts, revealed a number of perceived strengths across the city's HTICs.

## **Ongoing Trainings**

Policymakers involved in the courts indicated the value of a series of ongoing trainings for all practitioners regularly assigned to the court (e.g., judges, court officers, attorneys) on issues such as trauma, trafficking, LGBTQ and cultural sensitivity, co-occurring issues like mental health and substance use, and other relevant topics. While some judges reported being assigned to the courts after the group trainings had been conducted, they said they received valuable peer coaching from out-going judges on these issues. These translated into a universally-celebrated commitment to building a trauma-informed courtroom.

## **Collaboration**

There was collective consent among practitioners about the importance of and success at achieving collaborative, trusting relationships among HTIC actors rather than relying on the traditional adversarial relationships. Said one judge:

The most important thing is to have regular staff—regular defense attorneys, regular prosecutors, and a regular judge. Otherwise you don't have a diversion court. Because it's very relational. ... It's about relationships at this court and really knowing the people and being able to trust each other. I think that's important for people to articulate what it really going on [in defendants' lives].

## **Proportionality**

Consultants highlighted as a central strength of the approach the focus on proportionality in mandate-length; that is, ensuring that a defendant's responsibility to the court does not outweigh the jail or community service mandate imposed in traditional court settings. Keeping the social service mandate in line with traditional court responses was one key method of ensuring buy-in from defense attorneys. Explained one consultant: "Because there was this institutional memory that had been created where [community service] sanctions would be five or 10 sessions, and then the alternative being time served, they wouldn't consent to anything much more than that." Proportionality was a central component of the trust-building efforts. As the defense bar routinely saw prosecutors making standard, short-term offers they

grew more comfortable sharing sensitive information about their clients typically guarded in the traditional adversarial process.

## **Voluntary Cooperation in Trafficking Prosecutions**

All practitioners—particularly defense attorneys—applauded and appreciated those instances when prosecutors did not require defendants to cooperate in the prosecution of their traffickers as a condition of non-criminal dispositions. This approach was felt by all to encourage participation from defendants in seeing their traffickers prosecuted. One prosecutor explained that the key to getting this cooperation was:

gaining [trafficking survivors'] trust so they don't feel violated early. Prosecuting traffickers is a long process, and many people who have been trafficked don't trust law enforcement for a variety of reasons. Our goal is to connect them to resources as much as possible. We have a very successful record with trafficking prosecutions, and having a strong social work relationship key to gaining and keeping trust.

The flip-side—prosecutors refusing to make offers in an effort to compel cooperation from potential witnesses—was perceived by most of the judiciary and all defense attorneys as harmful or, in the words of one judge, “to force somebody to cooperate under those circumstances is really, is really to, to revictimize them.”

## **Culturally-Responsive Services**

Universally, practitioners felt that efforts by social service providers and attorneys to match mandated services to defendants' needs (physical, emotional, and cultural) were central to the model. “Having service providers in the courtroom who speak the language of the defendants,” explained a service provider, is incredibly important. They continued:

We've had a delegation from another area that was only English-speaking and they had tons of people coming through who were speaking other languages and they were not connecting to them 'cause they were using a service provider and a translator for them to have services. And so there's just ... You can't connect. So I think that's a huge thing. And having people who know the communities that they're coming from.

As this provider indicates, culture competence that extends beyond mere language accessibility to cultural mores and issues, needs, and strengths common to specific subpopulations were felt by all service providers and most attorneys and judges to be key to the model.

## Differing Perceptions

Interviews revealed considerable difference in practitioners' views of the sex trade—especially concerning the extent to which adults in the sex trade were truly able to exercise choice or not. These differing perceptions, in turn, produced a number of operational challenges.

### Consent

Practitioners were sharply divided on the issue of consent. A majority of those—primarily judges—involved in designing the HTICs believed that the vast majority of those in sex trade (“99%” according to one judge) were:

... women [with] similar-type problems—broken families, physical, sexual, mental abuse from their families. They become 12- and 13-year-old runaways picked up by a pimp. If they're not already on drugs, the pimps ween them onto drugs. Many are drug abusers. Many are not educated, though they're able to be educated. Many don't speak English. It's slavery.

In this frame, where the majority of defendants are believed to be pimp-controlled cis women, the concept of choice was generally dismissed. On this end of the ideological spectrum were those aligned most clearly with sex trade abolitionist advocates and those who viewed all sex trade as gender-based violence, as inherently exploitative, and as something no one would willingly choose. According to another judge: “I know there's the small percentage of people—and they're very loud about it—that say sex work is work like any other. I don't buy it. We don't have a lot of men doing it, right? It's violence against women, basically, is really what it is.” Many of these judges, accordingly, saw their involvement in the HTICs as a moral imperative and their role as being to help rescue defendants from intense and ongoing experiences of victimization. Said one judge: “[W]e are literally confronting an evil of the worst kind. Neutrality is not an option.”

The remainder of practitioners—primarily those involved in the courts' day-to-day functioning—saw consent as a spectrum, with some individuals perceived as having no agency at all but with the larger percentage perceived as exercising some degree of choice. These latter practitioners saw many defendants' involvement in the sex trades, while not always desirable, as a viable means for them to support themselves or their families within an economic context that often provides few other options. For some defendants, some suggested, involvement in the sex trade might also be a healthy, consensual expression of

clients' own sexuality. Explained a service provider: "How many of our clients are coming to you every day and saying, 'Please help me get out of this situation?' Most of them, whether or not actively or historically trafficked, are not in immediate danger." Or, added a colleague, "they may be in immediate danger, but they aren't asking us to intervene." These practitioners believed most adults involved in the sex trade—and those involved in the courts—confronted a number of life challenges (e.g., poverty, victimization, immigration issues, limited legitimate economy employment opportunities, etc.) with which they needed assistance but were not universally trafficked or exploited by a third party. Instead, practitioners described them as making a logical choice given their life circumstances to become involved in the sex trade and advocated responses that moved away from a rescue model. Few of the adults in the sex trade whom we interviewed had had cases in the HTICs. However, our overall findings lend support to this latter position (see, especially, Chapter 3 above).

## **The Court's Mission**

Nearly all stakeholders acknowledged the constraints inherent to addressing the issue of trafficking in a criminal justice system that still criminalizes prostitution. However, even from those shared premise, there was discrepancy among stakeholders as the overall mission of the courts. Some judges and attorneys believed the HTIC model's immediate goals, as outlined above, were in service to a larger mission to help defendants exit the sex trade. An assistant district attorney stressed that, "even if they can't be identified as trafficked, most people don't want to be sex workers. Whether they are actually being forced or if they feel they have no other options, the goal is to escape the trafficker or develop skills to get out of the life." Some of these practitioners went even farther, in one case identifying the court's mission as "eradicate[ing] this scourge of sex trafficking."

Other judges—and almost all social service providers—were more conservative in identifying any larger mission of the courts. These respondents prioritized imparting tools participants might use at some point in their lives (but perhaps not immediately) to exit. Explained one judge central to the courts' inception, "we weren't under any illusion that [getting them out of the life of prostitution] could be done in just five sessions, but it was at least giving someone the opportunity to talk to somebody and say, 'You know what? I'd like a way out. See what you can do to help me.'"

## Trafficking Identification Protocols

Another commonly-voiced challenge among practitioners was the issue of trafficking identification. Currently the courts do not have established screening procedures to identify victims/survivors of sex trafficking, either before defendants are adjourned to the HTIC courtroom or as part of their mandates. Some of the service providers reported conducting their own screening using in-house tools and/or methods. If a defendant does flag as having been sex trafficked, there is currently no set procedure for conveying this information to other parties.

Absent a trusted identification procedure, practitioners' ideological stances often drive assumptions about the individuals whose cases are heard in the HTICs. Those practitioners who believed that the vast majority of defendants are trafficked tended to apply a victim lens to all HTIC defendants. In the words of one judge, "You can't treat these people as criminals—they're victims—and in the end, we're criminals [if we're] doing that." Some sex workers' rights advocates argued that this was the ideological stance baked into the structure of the courts, even codified in the courts' name. It put those who are not trafficked in the position of either consenting to being identified as a de facto trafficking victim by virtue of involvement in the sex trade or to assert agency and be treated as criminal.

In theory, pre-adjudgment screening (i.e., prior to a first court date in the HTIC) might ensure that the "human trafficking intervention court" was truly for defendants who had been trafficked. Practitioners, however, almost universally believed pre-adjudgment screening to be potentially unreliable. As one consultant explained, "it takes a long time and a lot of trust for somebody to disclose that they are in fact a trafficking victim." The result of such screening, many believed, would be that a significant number of defendants with trafficking histories would likely be excluded from the court.

Not screening, however, means that, as one service provider explained, "now you have a court filled of people who you have decided are trafficking victims being treated as [criminal] defendants." Defendants are expected to complete their mandates and are held accountable if they do not. These open cases have a direct effect on immigration applications, job applications, housing applications and other collateral consequences that many practitioners believed undermined the courts' goals.

## Courtroom Experiences

Practitioners identified a number of ways that the courtroom experience was, at best, confusing and, at worst, harmful to defendants.

Of the five human trafficking intervention courts in New York City (one per borough), some courts have much higher case volume than others, largely due to borough-based differences in policing practices. Practitioners reported that much of that difference was generated by high arrest numbers of Asian cis women on unlicensed massage charges, a practice localized primarily to two boroughs. The sheer volume of cases in these boroughs was perceived to have created an ambiance that undermined some of the courts' efforts to personalize the proceedings and infuse them with trauma-informed principles. The majority of these Asian defendants rely on translators, whom practitioners believed often avoided or mistranslated discussions of sex, rape, and other culturally sensitive topics, leading to confusion for both attorneys and defendants.

Additionally, practitioners highlighted differing practices among boroughs regarding how court staff handled gender identity and names for transgender and non-binary defendants. Service providers in particular critiqued court staff's use of defendants' assigned genders and names instead of defendants' true/current names and gender identities.

## Use of Adjournments in Contemplation of Dismissal

A significant portion of practitioners highlighted prosecutors' offers of ACDs as problematic. The concern generally arose from collateral consequences related to immigration, education, and employment associated with having an open case for six months.<sup>20</sup> Although judges and prosecutors were generally credited for allowing immediate sealing of cases in some of these instances, their very responsiveness to specific defendants' needs raised questions about the near-universal offer of ACDs. As one defense attorney suggested:

I think we all wish that the cases could just be dismissed, because there doesn't seem to be any purpose in using the ACDs. ... If someone gets arrested again within the six-month period, [prosecutors] could bring the case back and prosecute them more. The old case and

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<sup>20</sup> These collateral consequences are not limited to defendants arrested on prostitution-related charges, though the continuation of the practice in the court felt at odds to some practitioners with the acknowledged vulnerability of the defendants and the court's stated focus on reducing the effects of arrest.

the new case. I have never heard of that ever happening. They do use it in terms of, “Oh, they have this open ACD, so they have to do more sessions,” you know that kind of thing? But I’ve never heard of a case being put back on the calendar and being re-prosecuted. So it really doesn’t make any logical sense to keep those cases open.

## Measuring Success

Many practitioners stressed that identifying measurable success was a challenging undertaking given the general consensus that, regardless of whether leading clients to exit the sex trade was the court’s mission, it was not likely to be achieved in most instances. All practitioners eschewed recidivism reduction as a measure of success, preferring interim measures such as compliance with court-ordered services. As one service provider stressed:

We’ve always measured success in very small bite-sized pieces. Did someone complete their mandate? Wonderful. Did somebody maybe get connected to a healthcare provider? Fantastic.

## Current Policing Practices

Though not within the purview of any of the courts, underlying many of the aforementioned differing perceptions were general attitudes toward the criminalization of the sex trade and, more concretely, about the wisdom of current policing practices. Many practitioners described arrest as a blunt instrument, often sweeping up non-workers and re-traumatizing trafficked individuals. Explained one service provider:

I think one of the concerns for me working in this court are the undercover. Our defendants experience a lot of unneeded and humiliating interaction with them. Degradation, name-calling, sometimes exchanging sex and then arresting. So it’s very difficult and our members don’t feel like they have power to speak up against a system when it’s just their word against a cop’s word. So I think there’s a lot of things that go down in the actual arrest that cause much more trauma.

Practitioners expressed similar concerns about defendants’ victimization by the arrest process. For social service providers who worked specifically with Asian women, the likelihood of raids in some boroughs to also result in the arrests of those who were not providing sexual services was particularly disturbing. “I call it a mass arrest of the Asian defendants,” said another service provider. “In some boroughs, when they do the arrest, they are more meticulous about who to arrest [so the] the referral numbers are less. That shows us

that the police are being more careful with who they arrest rather than just sweeping everybody up and leaving it to the court and service providers to sort out.”

Interactions between adults in the sex trade and the police presented numerous challenges to court practitioners. First, as the previous quote illustrates, they result in a portion of defendants whose involvement in the sex trade are dubious and gesture toward policing practices that may be legitimately perceived as discriminatory. Second, negative perceptions tied to the initial interactions with law enforcement create an immediate distrust for the remainder of the criminal justice process. As one service provider explained:

I don't see people putting a narrative together that this arrest led to good things. That's not what I see my clients piecing together. I think clients find support valuable and articulate that, and lots of clients stay in the program long after they're mandated, and I know that happens across programs all over the place. But I think most clients would've wished they got connected to services in a very different way.

Judges, lawyers, and service providers alike expressed frustration about the fact that their efforts to humanize the criminal justice process was overshadowed by harmful effects of the initial arrest process. This process, reported another service provider, is often “horrifying and humiliating and shameful and traumatic. I mean, the court is not a pleasant experience for people, and it can be very anxiety provoking and very stressful. But people don't usually describe it in terms of trauma the way that people do describe arrest in terms of trauma.”

A few practitioners suggested that the New York Police Department (NYPD) implement training around trafficking dynamics and gender and cultural sensitivity. Most, however, remained dubious about the potential of such trainings to effect actual change within the NYPD. As one service provider explained,

I've sat in on trainings with police officers for domestic violence stuff, and they sit there half-asleep or on their phones and don't participate. When they're even called on to participate they don't. So I don't have a lot of hope that ... we would see a lot of change.

Consequently, capitalizing on the moment of police contact to identify those in the sex trade as sex trafficked or even simply to make an extra-legal connection to services—a topic of interest in the policy world—was almost universally rejected by service providers. A few organizations had previously attempted joint outreach with NYPD but ultimately felt that undermined their efforts at building trust with their clients. Explained one:

We very quickly understood that that wasn't going to work because our counselors were being seen as part of the criminal justice system, as being part of law enforcement, and the trust building that we very much are focused on with clients was ... There was just no trust building that was happening.

The spectrum of comfort with the role arrest plays in making the bridge to services for many defendants varied among service providers. Some felt strongly that there should be no arrest, and decriminalization should be effected immediately. Others felt conflicted, believing that the courts play an important if unfortunate role in facilitating the connection to services for the most vulnerable and isolated adults in the sex trade, whose movements might be tightly controlled. One service provider explained:

[I]t's very important that we are there for all kinds of difficulties, not just trafficking, for a place that they could reach out to. Yeah, so sometimes we just feel like without the HTIC, I don't know how these women find us.

## Experiences of Adults in the Sex Trade with the Human Trafficking Intervention Courts

Interviews with adults in the sex trade attempted to elicit participants' experiences in traditional courts as compared to HTICs. While we explain some of these differences below, the experiences cannot be taken as broadly representative, due to small sample size.<sup>21</sup>

### Traditional Court Experiences for Prostitution Arrests

Perceptions of traditional court experiences were negative. Participants reported feeling like the process itself was disrespectful at worst, and rushed and mechanized at best. "Everyone treated me like shit," reported a 29-year-old trans Latina. "Court officers made fun of me. They asked me questions like how much I charged for a quicky." Some participants wished

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<sup>21</sup> Questions required participants to remember the borough of their arrest and other courtroom and mandate particulars in order to allow us to conclusively confirm HTIC or traditional court participation. For those who had ever been arrested for prostitution, the mean number of arrests on *any* charge was 14.5. This meant that they potentially had many court appearances, rendering it difficult for them to pinpoint which court they had been to for their prostitution case(s). Further, many of these participants had incomplete memories of their court experiences, such that their answers to these technical sorting questions made it impossible to determine conclusively which court process they had gone through. The experiences described in this chapter are only for the limited number of participants for whom we could confirm court location.

they had been offered services through the court: “They saw that I didn’t have an address. They knew that obviously I’m in need, that I was just going to do the same again,” explained a 25-year-old trans Latina.

Those participants who were mandated to something as part of their disposition did not feel they benefitted. Those who received community service rejected either the notion that it helped them or that it deterred future involvement in the sex trade. Explained a 41-year-old white woman:

I pleaded guilty and ... I had to do 40 hours of community service and a year probation. [The community service was] a pain in the ass. You’re working for free. You’re cleaning bathrooms, doing menial things. ... I guess if it was more like self-help meetings or something like that, I’m sure it would help more, but not scrubbing out the toilets in the courthouse.

Probation, as this participant describes, is the default traditional response besides jail for those defendants with numerous prior arrests. Services accessed through probation were likewise found to be lacking. “The program was nothing. It was watered down. I aced it,” a 53-year-old black cis woman described. “These guys was doing worse than me. They needed me more than I needed them. They weren’t substance abuse counselors. They were [probation] officers and interns.”

## **HTIC Experiences**

Among the small number of participants who we feel confident went through the HTICs, reactions were mixed. Some appreciated the client-centered approach and the respect they were afforded by court and social service staff. As one 32-year-old black trans woman who was satisfied with the five-session service mandate she received from the court describes:

[The service provider] took the time to listen to everything I had to say. She was a sweetheart, she was everything. I was very surprised how she helped me. She put time in. She was just the ultimate to me, you know? It’s a difference being in this lifestyle and having somebody actually sit down and take the time to listen to what you got to say. She did everything. She talked with the court, seeing the judge. She gave very good recommendations for me. The judge, she also gave me an applause. ... So yes, it was a very good experience for me.

This was echoed by another participant, who found the court-mandated group counseling sessions to be helpful. “I think it’s helpful and useful in the fact that I learned some things,”

the 46-year-old white cis woman explained. “I ended up seeing some things that I didn’t see. You can see other opinions and you have other stories. It helps you try to try to figure out your life and where you’re at.”

Other participants were less enthusiastic in their response to the model. One felt that the courtroom changes did not translate into a perceivable difference from an alternative model. “I wasn’t treated any different from any other whores. All the whores are treated equal,” explained a 34-year-old black trans woman. “But it’s not like you really get to talk in court. All you do is just stand there and say, ‘Yeah, I did it.’ It’s not like you get to tell your— there’s not really an opportunity to speak about anything. You just say, ‘Yeah I agree’ or ‘I don’t.’” Another participant reported not finding the service mandate particularly helpful while also appreciating it as an alternative to traditional law enforcement responses. The HTIC counselor, reported a 34-year-old black trans woman,

Wasn’t a therapist, it was just you went and met with this woman. I just didn’t see the point. It was kind of dumb. [...] I really don’t think it was the place that was helpful, I really think it was her as a person, you know? It wasn’t like they were like, “You got to get into some classes or something.” They just really wanted me to meet with her or maybe that was there outcome, I don’t know. I got to talking to her and she more helped me with solutions than the police did, I guess.

A few other participants, however, equivocated even less in their disagreement with the premises of the court, specifically including the way they were presumed to be victims and would have much preferred to access social services outside the context of a court mandate:

It needs to be about voluntary involvement in social services, because if you have mandated therapy, I’m not going to tell you the truth because all you’re going to do is report it. I’m going to tell you what you want to hear so that I can get out of whatever situation I am in the fastest. I don’t think that arrest to rescue is the way to deal with people who are in a very marginalized situation. I think instead of arrest, that folks need to get more access and better opportunities for housing and job assistance. And not just job assistance, but jobs that are able to, for people to live a functional life without being dependent on sex work. (Bi-racial cis woman, 20)

## Chapter 6

# Policy Recommendations

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Sections of each interview instrument offered participants an opportunity to voice relevant policy recommendations regarding the criminal justice response to adults in the sex trade. For adults involved in the sex trade and New York City Human Trafficking Intervention Court policymakers, practitioners, and social service providers, suggestions overwhelmingly fell into the four categories below.

## Decriminalization

As previously discussed, although the Human Trafficking Intervention Courts were designed to treat those arrested for prostitution as victims, practitioners were near universally dismayed that defendants were still treated as offenders by the system at large—and especially at the point of the initial interaction with law enforcement. Although many practitioners wanted to provide precisely the bridge to services that a court-imposed mandate achieves, many nonetheless believed that prostitution should be decriminalized. One judge said:

They're victimized by the traffickers, by their customers. During their whole lives they've been victimized and abused. Many of them have mental illness and drug addiction. Whether or not they should be arrested at all is an issue that I don't have an opinion on, but I feel very offended that the focus is so much on the sex workers and not on the customers. And I think it's just so unfair and humiliating, and then to say, um, "All right, well, I'll tell you what. I'll do you a favor if you do this counseling. I will let you not let you have a criminal record." Like, could you imagine saying that to a domestic violence victim?

Another judge valued that models such as the Human Trafficking Intervention Courts were "a way to address the complicity of the court system in perpetuating injustice," but voiced concern with this "contradiction in having victimized individuals arrested and going through the court system. We're punishing people who we know to be victims." Ultimately, most judges felt that the courts were essentially workarounds for processes they could not control when they would prefer that the laws themselves changed. "The HTICs are not a solution," this judge continued. "They're really just a stopgap measure." A third judge summed up this tension as follows: "I don't believe in decriminalizing the industry, for lack of a better word,

but I do believe in decriminalizing the acts that people in prostitution are forced to do. I think the human trafficking courts really were created to try and do this without changing the law.”

Most adults in the sex trade recommended making prostitution a legal industry that could be regulated or simply decriminalizing (that is, not arresting or prosecuting) prostitution. For some, this recommendation stemmed from the desire to make the work safer and to allow those in the sex trade to feel more comfortable reporting crime. For others, it was tied to the idea that they were being criminalized for struggling with poverty—a struggle that was similar across ages and genders. As a 35-year-old Black cis man explained:

People are not doing it just to be doing it. They’re doing it for a reason, and if you want to stop them, you got to stop the reason. The reason is people want the money. Give them a job. Stop arresting them and making it a criminal offense. Decriminalize it, give them help or something. If you could help me find a job and an apartment, I wouldn’t do it. I wouldn’t need to.

## **Specific Recommendations to Lessen Criminal Justice Involvement and Associated Collateral Consequences**

While awaiting new decriminalization legislation, study participants also proposed several specific recommendations that could be immediately implemented.

- Local law enforcement should stop arresting people on the subjective offense of “loitering for prostitution.”
- District Attorney’s offices should offer immediate sealing on cases where trafficking is demonstrated and/or defendants complete their mandates. (Sealing would be in lieu of the current practice of frequently granting an adjournment in contemplation of dismissal or of using any other disposition short of straight dismissal and sealing.)
- Funding should be increased for community-based organizations to do direct outreach pre-arrest, either individually or as part of a consortium of service providers as a means of facilitating the capacity of service providers to successfully assist individuals involved in the sex trade without the involvement of a court mandate.
- Funding should *not* be directed to police-community-based organization joint outreach efforts. Several service agencies reported that such prior efforts had the unintended consequence of aligning social service assistance with the criminal justice process rather than the inverse, ultimately decreasing adults in the sex trade’ trust in and willingness to engage with service providers.

- Law enforcement should focus on the prosecution of traffickers.

## Policies that Respond to the Most Pressing Needs of those Involved in the Sex Trade

One third of study participants reported some form of housing instability, often attributed to difficulties obtaining legal employment due to their gender, criminal record, or both. As one 55-year old trans Latina explained, the absence of legitimate-economy employment options, housing instability, involvement in the sex trade, and criminal records often go hand in hand:

Trans women aren't doing this because they think it's fun. They're doing it to survive because nobody will give them a job. Nobody will hire them so that they can get the things that they need. They do it to make ends meet, because they can. It's the only thing they can do. If businesses as a whole in this city aren't going to hire trans women, then they got to do something to get off the streets. ... That is how they make ends meet and to be able to have a place to live. Stop criminalizing us.

Echoed another participant, "Give me a job. Give me school and education and I wouldn't have to do sex work. Train me in a job training program and I wouldn't have to do sex work" (Bi-racial trans woman, 36).

Human Trafficking Intervention Court practitioners universally denounced the acute lack of resources to assist adults in the sex trade, particularly related to housing and employment. "The [anti-trafficking] movement at large is very focused on identification of trafficking victims and getting people out of these really bad situations," said one service provider. "But then what? Which is why I think ultimately this work has to move into anti-poverty work and sustainable housing work and economic empowerment/job creation work."

Interview participants (both court practitioners and adults in the sex trade) generally coalesced around the following specific recommendations for government officials, funders, and policy-makers:

- Expand timelines for assisting sex trafficking survivors from the immediate (i.e., escaping traffickers) to the long-term (i.e., ensuring that sustainable housing, training, educational, or employment opportunities are available for when participants are ready to use them).

- Create emergency and residential shelters specifically designated for sex trafficking survivors.
- Create more sustainable, affordable housing for everyone. This would help people exit the trade and prevent people from entering.
- Focus resources on creating job training programs that lead to *sustained* employment. (Adults in the sex trade feel that often job readiness programs nets them numerous certificates but no steady employment.)
- Ensure that all workers are paid a living wage.

## Services

Many participants reported difficulties accessing services for reasons too numerous to report here. As one example, some emphasized the need for programs to eliminate conditions attached to accessing services, illustrated by one participant as follows:

Making sure that shelters that work with youth don't stipulate that they have to quit all their drug habits right away before they receive services or quit sex work right away.... [T]he no drug policy can be really hard for people. It's one thing to have a transition period. It's another thing to make it a stipulation that in order for you to do this, you can't be engaged in that. (Asian cis woman, 28)

Court practitioners, likewise, gestured toward the challenges associated with these multiple barriers. “Our big thing is people who are in jail, even if they go to jail for a few days, lose their Medicaid,” explained a judge, “and that’s a tremendous problem.” Loss of Medicaid means all the health services the person was accessing—mental health services, substance use treatment—are no longer available and the process must begin anew, often with a lengthy waiting period of many months before services kick in again.

## Collaboration

The sheer amount of ideological pressure brought to bear on the issue of involvement in the sex trade and human trafficking from all sides sows division as often as it creates meaningful change, both inside and outside the court. Many interview participants expressed the importance of interagency collaboration that overcomes these divisions (or at least puts them to the side). As this 36-year-old bi-racial trans woman reflected:

We need to work on agencies getting funded and granted. This is where this comes at, comes along. For places to get funded and granted. For organizations to build communities and build one another. Everything ain't all about men. Everything ain't all about women. Everything ain't all about trans women. Everything ain't all about trans men. Everything ain't about us attacking one another as organizations, programs, agencies. Attacking one another as sex workers. Attacking one another as employees. Attacking one another as police officers. Attacking one another as lawyers, as judges. Whose side are we really on? Are we on our community's side, being one community, one world in unity, love and respect or not?

Specific recommendations involving collaboration amongst the many players doing policy and practice work related to adults in the sex trade included the following:

- Continue training and educating criminal justice system practitioners at large (e.g., police, traditional court players) on substance use and addiction, working with people of trans experience or different gender expression, and reasons for sex trade entry.
- Work to build interagency and interdisciplinary dialogue among all those working with adults in the sex trade.

Lastly, we hope that this research underscores the value of ensuring that adults in the sex trade—from a variety of different genders and kinds of sex trade experience—have their experiences validated and are consistently included within collaborative dialogues. In the words of one study participant, our collective hope is for future research and policy to begin “consulting workers and not speaking on our behalf. The policy discussions I follow, there’s never any sex workers speaking. It’s always the ‘expert’ about human trafficking, who has zero experience in the trade.”

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## Appendix A. Sample Recruitment Flyer

# LIFE HISTORY STUDY

✓ DO YOU CURRENTLY EXCHANGE SEX FOR MONEY, HOUSING, DRUGS OR OTHER THINGS IN NEW YORK CITY?

✓ ARE YOU 18 YEARS OR OLDER?

*IF SO, YOU MAY BE ELIGIBLE TO PARTICIPATE IN A STUDY ON THE EXPERIENCES OF PEOPLE WHO TRADE SEX IN NEW YORK CITY*



YOU CAN EARN BETWEEN \$40-\$70 FOR PARTICIPATING



THIS STUDY IS COMPLETELY ANONYMOUS AND YOUR PERSONAL INFORMATION WILL NOT BE COLLECTED



CALL OR TEXT (929) 285-8736 TO SET UP AN INTERVIEW

# Appendix B. RDS Coupons

<b>LIFE HISTORY STUDY</b>  YOU CAN EARN BETWEEN \$40-\$70 FOR PARTICIPATING  CALL (929)285-8337 TO SET UP AN INTERVIEW COUPON #	<b>LIFE HISTORY STUDY</b>  YOU CAN EARN BETWEEN \$40-\$70 FOR PARTICIPATING  CALL (929)285-8337 TO SET UP AN INTERVIEW COUPON #
<b>LIFE HISTORY STUDY</b>  YOU CAN EARN BETWEEN \$40-\$70 FOR PARTICIPATING  CALL (929)285-8337 TO SET UP AN INTERVIEW COUPON #	<b>LIFE HISTORY STUDY</b>  YOU CAN EARN BETWEEN \$40-\$70 FOR PARTICIPATING  CALL (929)285-8337 TO SET UP AN INTERVIEW COUPON #
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# Appendix D. English Interview Instrument

## RDS Information

1. Respondent Coupon Number/RDS code: \_\_\_\_\_
2. Interviewer Name: \_\_\_\_\_
3. Interview Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ 4. Interview Time: \_\_\_\_\_
5. Location of Interview: \_\_\_\_\_  
 Bronx     Brooklyn     Manhattan     Queens

LANGUAGE OF INTERVIEW	
<input type="checkbox"/>	English
<input type="checkbox"/>	Spanish
<input type="checkbox"/>	Mandarin
<input type="checkbox"/>	Korean
<input type="checkbox"/>	Other

Thank you for agreeing to be interviewed. One of the main goals of this interview is for me to learn about your work in the way you think about it, so I want to try to use the words you'd use to describe things.

What do you usually call your sex work?	What do you usually call your customers?

[From here on out, interviewers use this language.]

Ok, great--thank you. Just to give you an idea of how we're going to go forward in this interview, we'll start with some basic questions about your identity, talk about your life growing up, your family and current living situation, and then move into talking about your [RESPONDENT'S WORD FOR SEX WORK] work, your experiences with the police and the courts, and then wrap up with a few questions about education and work experiences, and your thoughts about all this! I realize this sounds like a lot, but I hope this can be more like a conversation. Do you have any questions before we start?

## Identity

I have a couple of questions up front that I need to ask about your identity, or how you identify.

6. How old are you now? \_\_\_\_\_
7. What month/year were you born in? (Specify number) \_\_\_\_/\_\_\_\_\_
8. How do you identify your gender?  
 Cis-Female     Cis-Male     Transgender Female     Transgender Male  
 Genderqueer     Intersex     Two-Spirit     Other (specify) \_\_\_\_\_
9. What is your sexual orientation?  
 Gay     Lesbian     AG     Bisexual  
 Straight     DL     MSM     Unsure/Questioning  
 Queer     Asexual     Other (specify) \_\_\_\_\_  
 Fluid     Pansexual

10. How do you identify your race/ethnicity?

- Asian/Pacific Islander       White       Hispanic/Latino       N/A
- Black/African-American       Native American/  
Alaskan Native       Multiracial       Other (specify)

*Please list all races / ethnicities:*  
 \_\_\_\_\_  
 \_\_\_\_\_

### Housing/Family Past

*Let's start by talking a little about your background.*

11. Where were you born? (If respondent was born outside of the continental U.S., skip to Immigration Subsection, Question 17)

12. Where did you grow up? \_\_\_\_\_

↳ a. IF OUTSIDE NYC, Why did you come to New York City?

b. How old were you when you moved here? (Specify age in numbers) \_\_\_\_\_

13. What was your home life like growing up?

a. Did you feel safe there?  Yes  No

↳ Why or why not?

b. Were you ever in foster care?  Yes  No

↳ i. IF YES, when, and for how long? What was that experience like?

c. IF NO, Were you ever in Family Court?  Yes  No

↳ i. IF YES, was it related to your parents or living situation?

d. Were any of your relatives ever involved in [RESPONDENT'S TERM FOR SEX WORK]?  Yes  No  Unsure

14. Have you ever had a coming out experience?  Yes  No

↳ a. IF YES, How old were you when you came out? (Specify number) \_\_\_\_\_

b. What was that experience like?

Prompt
<ul style="list-style-type: none"> <li>Who else was part of the household?</li> <li>Follow up until you get a good picture of respondent's childhood.</li> </ul>

Prompt
<ul style="list-style-type: none"> <li>Listen for cues for childhood violence and follow up with direct questions.</li> </ul>

15. Have you ever had a transition experience?  Yes  No

↳ a. IF YES, How old were you when you transitioned? (Specify number) \_\_\_\_\_

b. What was that experience like?

16. Do you still live at home with your parents, guardians, or adults who raised you?  Yes  No

↳ a. IF NO, how old were you when you first left your family home? (Specify number) \_\_\_\_\_

b. When you left [X years ago], what prompted your decision to go?

Prompt
<ul style="list-style-type: none"><li>• Did you choose to leave on your own?</li><li>• Did you run away?</li><li>• Were you kicked out?</li><li>• Again, listen for cues for childhood violence and follow up.</li></ul>

c. Are you still in touch with your family?  Yes  No

d. What is your relationship with them like?

Prompt
<ul style="list-style-type: none"><li>• Are you close?</li><li>• Do you still speak to or see them on a regular basis?</li></ul>

**\*Immigration Subsection**

If respondent was born outside the continental U.S., ask the following questions. If born within the continental U.S., skip to Housing/Family Present, Question 30.

17. How old were you when you came to the U.S.? (Specify number) \_\_\_\_\_

18. Where did you live before coming to the U.S.?

a. Is that your home country?  Yes  No

↳ IF NO, what is your home country?

19. What was your home life like growing up?

Prompt
<ul style="list-style-type: none"><li>• Who else lived in the household?</li><li>• If relevant, ask about adults' and other children's immigration statuses.</li></ul>

a. Did you feel safe there?  Yes  No

↳ Why or why not?

Prompt
<ul style="list-style-type: none"><li>• Listen for cues for childhood violence and follow up with direct questions.</li></ul>

b. Did the state ever take custody of you in your home country?  Yes  No

↳ IF YES, when, and for how long? What was that experience like?

c. Did the state ever take custody of you in the US (e.g., family court or foster care)?  Yes  No

↳ IF YES, when, and for how long? What was that experience like?

d. Were any of your relatives ever involved in [RESPONDENT'S TERM FOR SEX WORK]?  Yes  No

20. What is your legal status?  U.S. citizen  Green card  Undocumented  Visa  Unsure

21. Who has your passport/papers right now?

22. Why did you come to New York City?

23. Do you remember your immigration experience and, if so, can you please tell me about it?

Prompts
<ul style="list-style-type: none"><li>• Did someone help you come here?</li><li>• How did you know this person?</li><li>• What kind of help did they provide?</li><li>• Did you have to give them anything in exchange for their help?</li><li>• Are you still in contact with this person?</li></ul>

24. Did anyone help you once you arrived in New York City?  Yes  No

↳ a. IF YES, what did they do to help you?

Prompts
<ul style="list-style-type: none"><li>• Did they help you with jobs?</li><li>• Housing?</li><li>• Immigration attorney referral?</li><li>• Are you still in contact with this person?</li></ul>

25. Do you still live at home with your parents, guardians, or adults who raised you?  Yes  No

↳ a. IF NO, how old were you when you first left your family home? (Specify number) \_\_\_\_\_

b. When you left [X years ago], what prompted your decision to go?

Prompt
<ul style="list-style-type: none"><li>• Did you choose to leave on your own?</li><li>• Did you run away?</li><li>• Were you kicked out?</li></ul>

c. Are you still in touch with your family?  Yes  No

d. What is your relationship with them like?

Prompt
<ul style="list-style-type: none"><li>• Are you close?</li><li>• Do you still speak to or see them on a regular basis?</li></ul>

26. Do you send money to any family or friends back home?  Yes  No

↳ a. Please explain.

Prompt
<ul style="list-style-type: none"><li>• Whom do you financially support?</li><li>• Is this related in any way to your involvement in [RESPONDENT'S TERM FOR SEX WORK]?</li></ul>

27. Have you ever had a coming out experience?  Yes  No

↳ a. IF YES, How old were you when you came out? (Specify number) \_\_\_\_\_

b. What was that experience like?

28. Have you ever had a transition experience?  Yes  No

↳ a. IF YES, How old were you when you transitioned? (Specify number) \_\_\_\_\_

b. What was that experience like?

29. If you don't have legal status here in the U.S., do you want to get legal status?  Yes  No

↳ a. Why or why not?

### Housing/Family Present

*And so how about now?*

30. What kind of housing do you currently have?

- |  |   |  |                                       |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Private apartment | <input type="checkbox"/> Public housing/section 8 | <input type="checkbox"/> House                 | <input type="checkbox"/> Room         |
| <input type="checkbox"/> Emergency Shelter | <input type="checkbox"/> DV Shelter               | <input type="checkbox"/> Couch surfing         | <input type="checkbox"/> Group home   |
| <input type="checkbox"/> Foster home       | <input type="checkbox"/> SRO                      | <input type="checkbox"/> School/dorm           | <input type="checkbox"/> HASA housing |
| <input type="checkbox"/> Homeless          | <input type="checkbox"/> Street                   | <input type="checkbox"/> Other (specify) _____ |                                       |
| <input type="checkbox"/> Communal living   | <input type="checkbox"/> Subletting               |  |                                       |

31. Whom do you currently live with? (check all that apply)

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Boyfriend             | <input type="checkbox"/> Girlfriend        | <input type="checkbox"/> Spouse         | <input type="checkbox"/> Intimate partner      |
| <input type="checkbox"/> Pimp                  | <input type="checkbox"/> House mother      | <input type="checkbox"/> Madam          | <input type="checkbox"/> Friends/Roommates     |
| <input type="checkbox"/> Live alone            | <input type="checkbox"/> Other sex workers | <input type="checkbox"/> Wife(s)-in-law | <input type="checkbox"/> Other homeless people |
| <input type="checkbox"/> Other (specify) _____ | <input type="checkbox"/> Children          |   |  |

32. How long have you lived there? (Specify number of months or years) \_\_\_\_\_

33. What's this living situation like?

34. Do you feel safe there?  Yes  No  Sometimes

35. What kind of things about your living situation or whom you're living with make you feel safe or unsafe?

Prompts
<ul style="list-style-type: none"><li>• Are you free to come and go as you please?</li><li>• Are there house rules or agreements?</li><li>• IF YES, who sets them?</li><li>• What happens if they're broken?</li><li>• Is anyone in charge?</li><li>• Be aware of signs of physical, emotional, or sexual abuse and follow-up with direct questions.</li></ul>

36. How many places have you lived in the last year? (Specify number) \_\_\_\_\_

37. Have you ever been forced to leave or been evicted from housing?  Yes  No

↳ IF YES, please explain.

38. Have you ever lived in a place as an adult where you couldn't come and go as you pleased?  Yes  No

↳ IF YES, please explain.

### Pregnancy and Children

*OK, so now that we're done with the housing and family sections, I'm going to ask you some questions about pregnancy and children. Just a reminder that if you need to take a break, want to come back to them later, or skip questions, just let me know.*

39. Are you currently taking care of your own or someone else's children, either by contributing financially or by being a primary caregiver?  Yes  No

↳ a. IF YES, please explain.

Prompts
<ul style="list-style-type: none"><li>• How many children do you have?</li><li>• How old are they?</li><li>• Are they your children?</li><li>• Have any of these children ever been removed from your custody ACS/child protective services?</li><li>• How do you handle childcare?</li></ul>

IF NO, do you have or have you ever had children who are no longer in your life?  Yes  No

↳ i. IF YES, please explain.

Prompts
<ul style="list-style-type: none"><li>• Are these children still living?</li><li>• How old are they?</li><li>• Are they all your children?</li><li>• Were these children ever been removed from your custody ACS/child protective services?</li><li>• Where do these children live now?</li><li>• With whom?</li><li>• Are you satisfied with this arrangement?</li></ul>

- b. Is your involvement in [RESPONDENT'S WORD FOR SEX WORK] related in any way to your children?  Yes  
 No  
↳ i. IF YES, how?

40. (If applicable) Have you ever been pregnant?  Yes  No (Skip to **Sex Work History**, Question 41)  
↳ a. IF YES, how many times? (Specify number) \_\_\_\_\_  
↳ IF YES, please explain.

Prompts
<ul style="list-style-type: none"> <li>• Were these pregnancies your choice?</li> <li>• Were they the result of unprotected sex with a partner, customer or market facilitator?</li> <li>• Were they the result of rape?</li> <li>• Were they used to control your behavior in any way?</li> <li>• Were these pregnancies related to your [RESPONDENT'S WORD FOR SEX WORK]?</li> </ul>

- b. Have any of these pregnancies been ended through an abortion?  Yes  No  
↳ IF YES, please explain.

Prompts
<ul style="list-style-type: none"> <li>• Were these abortions your choice?</li> <li>• Did anyone else make you get them?</li> <li>• Were they used to control your behavior in any way?</li> <li>• Were these abortions legal (in health clinics) or illegal (street abortions)?</li> <li>• Were these pregnancies related to your [RESPONDENT'S WORD FOR SEX WORK]?</li> </ul>

- c. Have any of these pregnancies been ended through a miscarriage?  Yes  No  
↳ IF YES, please explain.

Prompts
<ul style="list-style-type: none"> <li>• Were any of these miscarriages ever the result of physical or sexual abuse you experienced while pregnant?</li> <li>• Were these miscarriages related to your [RESPONDENT'S WORD FOR SEX WORK]?</li> </ul>

- d. Have any of these pregnancies ever resulted in the birth of a baby?  Yes  No  
↳ i. IF YES, please explain.

Prompts
<ul style="list-style-type: none"> <li>• How many children have you given birth to?</li> <li>• Is your involvement in [RESPONDENT'S WORD FOR SEX WORK] related to your children in any way beyond what we've already discussed</li> </ul>

**Sex Work History**

Let's just pause for a minute. I know this stuff can be pretty intense, and we're about to move into the section where we talk about your [RESPONDENT'S WORD FOR SEX WORK], so I want to make sure you're doing ok. Do you need to step outside or take a break for a minute, maybe get some water or go to the bathroom?

[When respondent is ready to continue] So I've already heard some about your involvement in [RESPONDENT'S TERM FOR SEX WORK], but I'd like to learn more about that.

41. There are a lot of different kinds of commercial sex work. Where did your first experience take place?

- Street sex work   
  Webcam   
  Brothel/Parlor   
  Escort Service   
  Dancing/stripping  
 Massage   
  BDSM (doms/subs)   
  Pornography   
 Other \_\_\_\_\_

42. How old were you then? (Specify number) \_\_\_\_\_

43. Talk to me about how you got involved in that first experience.

Prompts
<ul style="list-style-type: none"> <li>• What were the steps that led up to the experience?</li> <li>• Where was it (e.g., NYC, elsewhere)?</li> <li>• (If relevant) Was it related to having run away / been kicked out of your house?</li> </ul>

44. Everyone's path into exchanging sex for money or things they need is different. What were the steps that led up to your first experience of [RESPONDENT'S TERM FOR SEX WORK]?

45. Was there another person involved in setting up your first experience?  Yes  No

↳ a. IF YES, what would you call this person and how were they involved?

46. How old were you when you first exchanged sex for money or something else? (Specify number) \_\_\_\_\_

Now let's shift gears a little, and talk about your work since that first experience.

47. How and why has your involvement in [RESPONDENT'S TERM FOR SEX WORK] changed during your time in the industry?

Prompts
<ul style="list-style-type: none"> <li>• What have you learned since those early experiences that has affected your approach to your work?</li> <li>• What types of places have you worked at?</li> </ul>

(Do not read list, but fill in based on narrative answer to question 47.)

TYPE	AGE STARTED	REASON FOR LEAVING	STILL ACTIVE	NEVER
Street sex work			<input type="checkbox"/>	<input type="checkbox"/>
Brothel/Parlor/House			<input type="checkbox"/>	<input type="checkbox"/>

TYPE	AGE STARTED	REASON FOR LEAVING	STILL ACTIVE	NEVER
Independent/Working on own			<input type="checkbox"/>	<input type="checkbox"/>
Pimp-controlled			<input type="checkbox"/>	<input type="checkbox"/>
Escort Service			<input type="checkbox"/>	<input type="checkbox"/>
Independent Escort			<input type="checkbox"/>	<input type="checkbox"/>
Dancing/Stripping			<input type="checkbox"/>	<input type="checkbox"/>
Massage/Body rub			<input type="checkbox"/>	<input type="checkbox"/>
Pornography			<input type="checkbox"/>	<input type="checkbox"/>
Hotel/Bar			<input type="checkbox"/>	<input type="checkbox"/>
Webcam			<input type="checkbox"/>	<input type="checkbox"/>
BDSM club (Doms/Subs)			<input type="checkbox"/>	<input type="checkbox"/>
Sugar baby / sugar daddy			<input type="checkbox"/>	<input type="checkbox"/>
Other:			<input type="checkbox"/>	<input type="checkbox"/>

**Current Work/Market Involvement**

Now let's talk about your current work [RESPONDENT'S TERM FOR SEX WORK] and your [RESPONDENT'S TERM FOR CUSTOMERS].

48. What gender do you [RESPONDENT'S TERM FOR SEX WORK] as?

- Cis-Female     
 Cis-Male     
 Transgender Female     
 Transgender Male  
 Genderqueer     
 Intersex     
 Two-Spirit     
 Other (specify) \_\_\_\_\_

49. What kinds of places are you [RESPONDENT'S TERM FOR SEX WORK] in right now (not in the past)? (check all that apply)

- |   |  |  |                                     |
|---|--|--|-------------------------------------|
| <input type="checkbox"/> Strolls/Track  | <input type="checkbox"/> Hotels/motels | <input type="checkbox"/> Outcalls            | <input type="checkbox"/> Brothel    |
| <input type="checkbox"/> Massage parlor | <input type="checkbox"/> Own apartment | <input type="checkbox"/> Dungeon             | <input type="checkbox"/> Strip club |
| <input type="checkbox"/> Other _____    | <input type="checkbox"/> Parties       | <input type="checkbox"/> Shared rental space |                                     |

↳ IF OUTCALLS, do you have a driver or a car service company that drives you to dates? Please explain.

a. Why do you choose these places?

Prompts
<ul style="list-style-type: none"> <li>• Safety, privacy, convenience</li> </ul>

50. Do you ever go with [RESPONDENT'S TERM FOR CUSTOMERS] to other locations, either for sessions or other reasons? Please explain.

51. Where do you get your [RESPONDENT'S TERM FOR CUSTOMERS]? (check all that apply)

- |  |                                      |                                       |  |
|--|--------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Referrals from friends  | <input type="checkbox"/> Internet    | <input type="checkbox"/> Pimp/Madam   | <input type="checkbox"/> Agency/Escort service   |
| <input type="checkbox"/> Referrals from clients  | <input type="checkbox"/> Street      | <input type="checkbox"/> House mother | <input type="checkbox"/> Massage Parlor Walk-Ins |
| <input type="checkbox"/> Referrals from someone at non-sex work job (e.g., bartender, bouncer) | <input type="checkbox"/> Other _____ |                                       |  |

52. Describe a typical workweek for me.

Prompts
<ul style="list-style-type: none"> <li>• How many [RESPONDENT'S TERM FOR CUSTOMERS] do you usually see in a week?</li> <li>• Do you typically work in the same places/ways?</li> <li>• About how much money do you make?</li> <li>• How many hours do you typically work a week?</li> <li>• Note: respondent may only work sporadically.</li> </ul>

53. Describe your [RESPONDENT'S TERM FOR CUSTOMERS] for me.

Prompts
<ul style="list-style-type: none"> <li>• How are they similar?</li> <li>• How are they different?</li> <li>• Describe them—genders, races, age, types of jobs/class, etc.</li> <li>• Do you or someone else screen your customers? If yes, what's that process like? What do you screen for?</li> </ul>

54. Describe a typical date/session for me, from the point where you first know someone is interested in your services.

Prompts
<ul style="list-style-type: none"> <li>• Are there specific steps you take or things you do every time you meet a [RESPONDENT'S TERM FOR CUSTOMER]?</li> <li>• How are dates/sessions similar and different from one another?</li> <li>• How long is the session?</li> <li>• When do you collect payment?</li> </ul>

55. Of your [RESPONDENT'S TERM FOR CUSTOMERS], how many would you say are regulars? (Specify number)  
\_\_\_\_\_

56. How often do you see these regulars? (Specify per week or month) \_\_\_\_\_

**Making and Spending Money**

*Thank you—you're really sharing a lot of information with me. Now I want to ask you some questions about how you figure out the money part of your work—does that sound ok?*

57. In your current work, do your [RESPONDENT'S TERM FOR CUSTOMERS] ever pay you with anything besides money?  Yes  No  
↳ a. If YES, Tell me about this.

Prompts
<ul style="list-style-type: none"> <li>• What are these forms of payment?</li> <li>• How frequently does this happen?</li> <li>• Under what circumstances are other forms of payment accepted or preferred?</li> <li>• How do you negotiate this?</li> </ul>

58. In your current work, who negotiates prices with [RESPONDENT'S TERM FOR CUSTOMERS]?  
 Self  Other \_\_\_\_\_

↳ a. Do any factors affect how much you charge?

Prompts
<ul style="list-style-type: none"> <li>• Self?</li> <li>• Agency?</li> <li>• Market facilitator?</li> </ul>

59. Do you have a set amount you need to make a week?  Yes  No  
↳ a. Who sets the amount that you need to make each week?  
 Self  Other \_\_\_\_\_

b. How much do you make/week from [RESPONDENT'S TERM FOR SEX WORK]? \_\_\_\_\_

c. What happens when you don't make that amount?

Prompts
<ul style="list-style-type: none"> <li>• Find another job?</li> <li>• Pick up more hours at another job?</li> <li>• Get in trouble/punished/hurt?</li> <li>• Steal?</li> <li>• Borrow money?</li> <li>• Work more?</li> <li>• Cut back on spending?</li> </ul>

60. Who collects the money from your dates/sessions?  Self  Other

\_\_\_\_\_

61. Do you get to keep all the money you make from dates/sessions?  Yes  No

↳ a. IF NO, whom do you give it to?

b. What do you get in return for giving them this money?

c. What happens when you don't give them this money?

62. Do you owe anyone money?

↳ a. Is your debt related in any way to sex work?

↳ i. IF YES, please explain.

Prompts
<ul style="list-style-type: none"><li>• For what do you owe money?</li><li>• To whom?</li><li>• Are there any rules around how you're supposed to pay it back?</li></ul>

### Safety

63. Are there ever conflicts in the places you work?  Yes  No

↳ a. If YES, describe some of them for me. (Reminder: No names, only categories/roles of people)

Prompts
<ul style="list-style-type: none"><li>• Between boyfriends, customers, neighborhood residents, store owners, dealers/gang members, cops, or other people?</li><li>• What have these conflicts been over?</li><li>• What kinds of things create conflict?</li></ul>

64. Have any of these fights ever gotten violent?  Yes  No  Not applicable

65. In these fights, what has your involvement in these been? Have you been physically involved or hurt?

66. Have you ever been robbed or not paid by a [RESPONDENT'S TERM FOR CUSTOMER]?  Yes  No

a. If YES, please explain.

67. Have you ever been forced by a [RESPONDENT'S TERM FOR CUSTOMER] to do anything you didn't want to do?

Yes  No

a. If YES, please explain.

Prompts
<ul style="list-style-type: none"><li>• Not using condoms.</li><li>• Different sexual acts.</li><li>• Kissing.</li><li>• Going somewhere else.</li><li>• Did you get paid more for doing those things?</li></ul>

68. Are there places—like neighborhoods, certain corners or areas—that you avoid?

↳ a. IF YES, why?

b. How do you do this?

c. What happens if you can't avoid them?

69. Have you ever been threatened or hurt because of your involvement in [RESPONDENT'S TERM FOR SEX WORK]?

Yes  No

a. If YES, please explain.

70. Have you ever been threatened or hurt because of other aspects of your identity (e.g., gender, race, etc.)?

Yes  No

a. If YES, please explain.

71. How do you keep yourself safe while you're working?

Prompts
<ul style="list-style-type: none"><li>• Do you have rules or agreements you require [RESPONDENT'S WORD FOR CUSTOMERS] to make or understand prior to taking a date?</li><li>• What happens if they don't respect/follow those rules/agreements?</li><li>• Do you have a strategy for when you collect payment to keep the money safe?</li></ul>

72. What do you think would make your work easier or safer?

### Market Facilitators

73. Do you currently have someone who helps you get customers?  Yes  No

↳ a. IF NO, have you ever?  Yes  No

↳ i. IF NO, Skip to No Market Facilitator section (Question 86).

ii. IF YES, ask the following questions in the past tense.

74. What do you call this person?

- |   |   |                                       |  |
|---|---|---------------------------------------|--|
| <input type="checkbox"/> Pimp             | <input type="checkbox"/> Intimate partner | <input type="checkbox"/> House mother | <input type="checkbox"/> Madam                     |
| <input type="checkbox"/> Daddy            | <input type="checkbox"/> Folks            | <input type="checkbox"/> Bey          | <input type="checkbox"/> Manager/Booker/Dispatcher |
| <input type="checkbox"/> Business partner | <input type="checkbox"/> Friend/associate | <input type="checkbox"/> Other _____  |  |

75. How did you get to know this [RESPONDENT'S TERM FOR MARKET FACILITATOR]?

76. How did you start working with or for this [RESPONDENT'S TERM FOR MARKET FACILITATOR]?

Prompts
<ul style="list-style-type: none"><li>• Make sure to investigate degree of choice, coercion, and possible force</li><li>• Use of children as leverage</li><li>• Possible romantic relationship/promises</li><li>• Possible supportive/friendly relationship</li><li>• Possible supportive/familial relationship</li><li>• Sense of financial/situational necessity</li></ul>

77. Describe your relationship with this [RESPONDENT'S TERM FOR MARKET FACILITATOR].

Prompts
<ul style="list-style-type: none"><li>• In what ways is this [RESPONDENT'S TERM FOR MARKET FACILITATOR] important to you?</li><li>• How do you get along with this [RESPONDENT'S TERM FOR MARKET FACILITATOR]?</li></ul>

78. What is your agreement or arrangement with this person?

79. Do they set any rules or agreements for your [RESPONDENT'S TERM FOR SEX WORK]?  Yes  No

↳ IF YES, what are these?

Prompts
<ul style="list-style-type: none"><li>• Specific rules around hygiene or safety</li><li>• Not leaving the house alone</li><li>• Not talking to strangers</li><li>• Not looking in the eyes of other pimps</li><li>• Pooling money together</li><li>• Leaving children with specific people</li><li>• Keeping documents</li></ul>

a. What happens if you or someone else breaks those rules?

b. Who else knows about these rules?

c. How do these rules affect your behavior?

d. How do these rules affect others' behavior toward you?

80. In what ways is this [RESPONDENT'S TERM FOR MARKET FACILITATOR] safe, or helpful to you?

81. In what ways is this [RESPONDENT'S TERM FOR MARKET FACILITATOR] harmful, or unsafe for you?

82. [SKIP IF NO CURRENT MARKET FACILITATOR] If you could stop working with or for this [RESPONDENT'S TERM FOR MARKET FACILITATOR], would you?

Yes  No

↳ a. IF YES, what keeps you from doing that?

83. How many others work for your [RESPONDENT'S TERM FOR MARKET FACILITATOR]? (Specify number) \_\_\_\_\_

84. What are the different kinds of [RESPONDENT'S TERM FOR MARKET FACILITATORS] out there?

85. What kinds of things do they have in common? How are they different from one another?

**\*If No Market Facilitator**

86. Have you ever been approached by someone who wanted you to do [RESPONDENT'S TERM FOR SEX WORK] work for them?  Yes  No

Prompt
• E.g., a pimp, madam, escort service boss, etc.

87. What would/do you call this person?

- |   |   |                                       |  |
|---|---|---------------------------------------|--|
| <input type="checkbox"/> Pimp             | <input type="checkbox"/> Intimate partner | <input type="checkbox"/> House mother | <input type="checkbox"/> Madam                     |
| <input type="checkbox"/> Daddy            | <input type="checkbox"/> Folks            | <input type="checkbox"/> Bey          | <input type="checkbox"/> Manager/Booker/Dispatcher |
| <input type="checkbox"/> Business partner | <input type="checkbox"/> Friend/associate | <input type="checkbox"/> Other _____  |  |

88. Have you ever considered working for or with a [RESPONDENT'S TERM FOR MARKET FACILITATOR]?

Yes  No

↳ a. IF YES, Why did you ultimately decide not to?

89. What are the different kinds of [RESPONDENT'S TERM FOR MARKET FACILITATORS] out there?

90. What kinds of things do they have in common? How are they different from one another?

## Network

Now I want to ask you some questions about other people who also work for [RESPONDENT'S TERM FOR MARKET FACILITATOR, if relevant], or who you know who are also involved in [RESPONDENT'S TERM FOR SEX WORK].

91. What do you call them? [NOTE: FROM HERE ON, USE THOSE TERMS FOR SEX WORK COLLEAGUES]

\_\_\_\_\_

92. Describe your relationship with those [RESPONDENT'S TERM FOR SEX WORK COLLEAGUES].

a. When/where do you see each other?

### FOR THE INTERVIEWER

Does respondent regularly interact with sex work colleagues?  Yes  No

93. Do you live together?  Yes  No

↳ a. What is that experience like?

b. Are there rules or agreements about how you all interact?  Yes  No

↳ i. IF YES, what are they?

ii. Who enforces them?

iii. What happens if they're broken?

### Prompts

- Pooling money to share
- Hierarchies of responsibility
- Someone/some people in charge

### Prompts

- Verbal or physical violence
- Kept from kids
- Not given money
- Kicked out of the house

94. How many people do you know who are 18 or older who are involved in exchanging sex for money in New York City? (Specify number if you know, ballpark it if you don't) \_\_\_\_\_

95. How many are: (Specify number, not percentage)

Cis-Men \_\_\_\_\_ Cis-Women \_\_\_\_\_ Transwomen \_\_\_\_\_ Transmen \_\_\_\_\_ Other-gendered \_\_\_\_\_

96. (If applicable) Do any of these people also work for your [RESPONDENT'S TERM FOR MARKET FACILITATOR]?

Yes  No  N/A

97. How do you meet these people?

98. Of those people who do the same kind of work you do:

- a. Do you share things with them?  Yes  No  
↳ Please explain.

Prompts
<ul style="list-style-type: none"><li>• Things like money, clothes or drugs</li><li>• Letting them stay at your house</li></ul>

- b. Do you share information with them about dates and [RESPONDENT'S TERM FOR CUSTOMER], police, bad dates?  Yes  No
- c. IF RESPONDENT IDENTIFIES AS AN IMMIGRANT: Sometimes there are networks of [RESPONDENT'S TERM FOR SEX WORK COLLEAGUES] from the same country or ethnic community. Can you tell me about this?

### Experiences with the Police

*In this next section I'm going to ask you questions about your experiences with the police. A lot of these are really specific "yes" or "no" questions because we're trying to get an idea about the number of people who have experienced these things. Remember, if you feel upset as we go through this section, you can always skip questions, we can take a break, or we can stop completely, and we have a social worker you can talk to.*

*(Note to interviewer: If respondent says yes to any of these, follow up and ask them about it.)*

99. Have you been stopped by a police officer on the street but not arrested?  Yes  No

100. Has a police officer ever asked you where you were going or what you were doing out at a certain time of day?  
 Yes  No

101. Have you ever been asked by a police officer if they could check your bag or your pockets?  Yes  No

102. Have you ever been asked by a police officer if you had condoms?  Yes  No

103. Has a police officer ever threatened you with verbal, physical or sexual violence?  Yes  No

104. Has a police officer ever not arrested you in exchange for sex?  Yes  No

105. Has a police officer ever otherwise pressured or forced you to engage in sexual contact?  Yes  No

106. Has a police officer ever harassed you because of your gender presentation?  Yes  No

107. Has a police officer ever taken pictures of you that weren't related to your mugshot?

Yes  No

Prompts
<ul style="list-style-type: none"><li>• Pictures that you thought might have been for their own use?</li></ul>

108. Would you like to tell me more about any of these experiences?

109. Do you try to keep away from the police?

↳ a. IF YES, how?

b. How does this change the way you work?

Prompts
<ul style="list-style-type: none"><li>• Changing your location</li><li>• Changing the way you find potential [RESPONDENT'S TERM FOR CUSTOMERS]</li></ul>

110. Would you ever call the police if you became the victim of a crime while [RESPONDENT'S TERM FOR SEX WORK]?

Yes  No

Prompts
<ul style="list-style-type: none"><li>• Rape, assault, sex trafficking</li></ul>

111. Do you go to the police when you have trouble, beyond just when you're working?  Yes  No

↳ a. Why or why not?

112. How many times have you been arrested? (Specify number) \_\_\_\_\_

113. What have you been arrested for?

114. In 2014, how many times were you arrested for prostitution-related charges in New York City? (Enter 0 if none)

\_\_\_\_\_

115. What, in your opinion, makes the police more or less likely to arrest you?

Prompts
<ul style="list-style-type: none"><li>• Time of day/week/year</li><li>• Clothing</li><li>• Area/neighborhood</li></ul>

116. Think about your last interaction with a New York City police officer you had while you were [RESPONDENT'S TERM SEX WORK].

↳ a. Describe it for me step by step.

Prompts
<ul style="list-style-type: none"> <li>• Who were you with?</li> <li>• When were you stopped?</li> <li>• Where were you stopped?</li> </ul>

b. Were you arrested?  Yes  No

↳ i. Were the officers undercover?  Yes  No

↳ 1. IF YES, Before you learned the undercover officer was a police officer, did you engage in any sexual contact with him or her?  Yes  No

2. Before you learned the undercover officer was a police officer, did you consume any alcohol or drugs with him or her?  Yes  No

3. After the back-up team (i.e., arrest team, other officers) arrived, were you allowed to get dressed right away?  Yes  No  Not Applicable

117. What were the conditions like at in the precinct?

118. What were the conditions like when you were waiting to go into court?

**Court Experiences**

*Now I'm going to ask you some questions about what happened if/when you've been to court in the past.*

119. How many times have you been to a criminal court in NYC because you were arrested for prostitution, loitering for the purposes of prostitution, prostitution in a school zone, or unlicensed massage? (If none, skip to Health and Needs section, Question 151.) \_\_\_\_\_

120. Think about your most recent New York City case. Where/what kind of courtroom were you in when it finally ended or resolved?

Brooklyn	The Bronx	Manhattan	Queens	Staten Island
<input type="checkbox"/> Brooklyn Criminal (downtown, 120 Schermerhorn, lots of different types of cases)	<input type="checkbox"/> Bronx Criminal (lots of different types of cases)	<input type="checkbox"/> Manhattan Criminal (downtown, 100 Centre St, lots of different types of cases)	<input type="checkbox"/> Queens Criminal (lots of different types of cases)	<input type="checkbox"/> Richmond Criminal
<input type="checkbox"/> Special courtroom where all the other cases were prostitution-related cases like yours (AP8)	<input type="checkbox"/> Special courtroom where all the other cases were prostitution-related cases like yours (AP8)	<input type="checkbox"/> Midtown Community Court	<input type="checkbox"/> Special courtroom where all the other cases were prostitution-related cases like yours (AP8)	
<input type="checkbox"/> Red Hook Community Justice Center				

121. What year was this? (Specify number) \_\_\_\_\_

122. Did you plead guilty or get convicted?  Yes  No  Unknown

123. Regardless of whether you were convicted or not, did the court order you to do anything?  Yes  No

↳ a. What were you expected to do?

Prompts
<ul style="list-style-type: none"> <li>• Social service group?</li> <li>• Counseling or mental health services?</li> <li>• Job training program?</li> <li>• Community service?</li> <li>• Jail?</li> </ul>

124. Did you find this mandate helpful?  Yes  No

↳ a. Why or why not?

125. Please think about that experience, and I'm going to ask you a number of questions about it. For each question, I'd like you to tell me how much you agree with it on a scale of 1 – 5, with 1 being strongly disagree and 5 being strongly agree. Here's a copy of these questions so you can follow along.

	1	2	3	4	5
	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
You had the opportunity to express your views in court?	<input type="checkbox"/>				
The judge took account of what you said in deciding what should be done?	<input type="checkbox"/>				
During court, you were pushed into things you did not agree with?	<input type="checkbox"/>				
You were treated differently in court because of your age, income, sex, race, or some other reason?	<input type="checkbox"/>				
You understood what was going on in court?	<input type="checkbox"/>				
You were treated with respect in court?	<input type="checkbox"/>				
Overall, you were treated fairly?	<input type="checkbox"/>				
Overall, you were satisfied with the result of your case?	<input type="checkbox"/>				

126. Throughout this same, most recent case, how respectfully did the following court staff treat you, on a scale of 1 to 5, with 1 very disrespectful and 5 being very respectful?

	1 VERY DISRESPECTFUL	2 SOMEWHAT DISRESPECTFUL	3 NEUTRAL	4 SOMEWHAT RESPECTFUL	5 VERY RESPECTFUL
The Judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Prosecutor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your Attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court Officers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Translator (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Court Staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

127. How has that court experience affected your involvement in [RESPONDENT'S TERM FOR SEX WORK]?

↳ a. Why do you think it had that effect?

**IF THE CASE JUST DESCRIBED WAS AT AN AP8, PROCEED TO QUESTION 128.**  
**IF IT WAS IN A TRADITIONAL CRIMINAL COURT PART, SKIP TO QUESTION 137.**

128. You just described an experience in a courtroom where most the other cases were prostitution-related. Have you ever had a prostitution-related case resolved or end in a courtroom where there were lots of different kinds of cases were also being heard?  Yes  No (IF NO, Skip to Health/Needs section, Question 151.)

129. At which of the following courthouses did that happen?

Brooklyn	The Bronx	Manhattan	Queens	Staten Island
<input type="checkbox"/> Brooklyn Criminal (downtown, 120 Schermerhorn)	<input type="checkbox"/> Bronx Criminal	<input type="checkbox"/> Manhattan Criminal (downtown, 100 Centre St)	<input type="checkbox"/> Queens Criminal	<input type="checkbox"/> Criminal
<input type="checkbox"/> Red Hook Community Justice Center				

130. What year was this? (Specify number) \_\_\_\_\_

131. Did you plead guilty or get convicted?  Yes  No  Unknown

132. Regardless of whether you were convicted or not, did the court order you to do anything?  Yes  No

↳ a. What were you expected to do?

Prompts
<ul style="list-style-type: none"> <li>• Social service group?</li> <li>• Counseling or mental health services?</li> <li>• Job training program?</li> <li>• Community service? Jail?</li> </ul>

133. Did you find this mandate helpful?  Yes  No

↳ a. Why or why not?

134. Please think about that experience, and I'm going to ask you a number of questions about it. For each question, I'd like you to tell me how much you agree with it on a scale of 1 – 5, with 1 being strongly disagree and 5 being strongly agree. Here's a copy of these questions so you can follow along.

	1	2	3	4	5
	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
You had the opportunity to express your views in court?	<input type="checkbox"/>				
The judge took account of what you said in deciding what should be done?	<input type="checkbox"/>				
During court, you were pushed into things you did not agree with?	<input type="checkbox"/>				
You were treated differently in court because of your age, income, sex, race, or some other reason?	<input type="checkbox"/>				
You understood what was going on in court?	<input type="checkbox"/>				
You were treated with respect in court?	<input type="checkbox"/>				
Overall, you were treated fairly?	<input type="checkbox"/>				
Overall, you were satisfied with the result of your case?	<input type="checkbox"/>				

135. Throughout this same, most recent case, how respectfully did the following court staff treat you, on a scale of 1 to 5, with 1 very disrespectful and 5 being very respectful?

	1 VERY DISRESPECTFUL	2 SOMEWHAT DISRESPECTFUL	3 NEUTRAL	4 SOMEWHAT RESPECTFUL	5 VERY RESPECTFUL
The Judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Prosecutor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your Attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court Officers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Translator (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Court Staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

136. How has that court experience affected your involvement in [RESPONDENT'S TERM FOR SEX WORK]?  
↳ a. Why do you think it had that effect?

**ONCE COMPLETED, SKIP TO QUESTION 146.**

**FOR THOSE WHOSE LAST EXPERIENCE WAS AT A TRADITIONAL COURT, ASK THE FOLLOWING.**

137. You just described an experience in a courtroom where there were lots of different kinds of cases. Have you ever had a case resolved or end in a courtroom where most of the other cases were prostitution-related like yours?

Yes  No (IF NO, skip to **Health and Needs** section, Question 151.)

138. At which of the following courthouses did that happen?

Brooklyn	The Bronx	Manhattan	Queens
<input type="checkbox"/> Brooklyn Criminal (AP8)	<input type="checkbox"/> Bronx Criminal (AP8)	<input type="checkbox"/> Midtown Community Court (AP8)	<input type="checkbox"/> Queens Criminal (AP8)

139. What year was this? (Specify number) \_\_\_\_\_

140. Did you plead guilty or get convicted?  Yes  No  Unknown

141. Regardless of whether you were convicted or not, did the court order you to do anything?  Yes  No

↳ a. What were you expected to do?

Prompts
<ul style="list-style-type: none"> <li>• Social service group?</li> <li>• Counseling or mental health services?</li> <li>• Job training program?</li> <li>• Community service?</li> <li>• Jail?</li> </ul>

142. Did you find this mandate helpful?  Yes  No

↳ a. Why or why not?

143. Please think about that experience, and I'm going to ask you a number of questions about it. For each question, I'd like you to tell me how much you agree with it on a scale of 1 – 5, with 1 being strongly disagree and 5 being strongly agree. Here's a copy of these questions so you can follow along.

	1 STRONGLY DISAGREE	2 DISAGREE	3 NEUTRAL	4 AGREE	5 STRONGLY AGREE
You had the opportunity to express your views in court?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The judge took account of what you said in deciding what should be done?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During court, you were pushed into things you did not agree with?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You were treated differently in court because of your age, income, sex, race, or some other reason?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You understood what was going on in court?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You were treated with respect in court?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall, you were treated fairly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall, you were satisfied with the result of your case?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

144. Throughout this same, most recent case, how respectfully did the following court staff treat you, on a scale of 1 to 5, with 1 very disrespectful and 5 being very respectful?

	1	2	3	4	5
--	---	---	---	---	---

	VERY DISRESPECTFUL	SOMEWHAT DISRESPECTFUL	NEUTRAL	SOMEWHAT RESPECTFUL	VERY RESPECTFUL
The Judge	<input type="checkbox"/>				
The Prosecutor	<input type="checkbox"/>				
Your Attorney	<input type="checkbox"/>				
Court Officers	<input type="checkbox"/>				
Translator (if applicable)	<input type="checkbox"/>				
Other Court Staff	<input type="checkbox"/>				

145. How has that court experience affected your involvement in [RESPONDENT’S TERM FOR SEX WORK]?

↳ a. Why do you think it had that effect?

**FOR THOSE WHO HAVE BEEN TO BOTH TRADITIONAL AND AP8 COURTS**

*Now I’m going to ask you some questions asking you to compare your experiences in the different kinds of courts you’ve been to. The courthouse with all the prostitution-related cases is called AP8. The one with all the different kinds of cases we’ll just call the traditional court.*

146. How would you describe the differences between the AP8 court and the more traditional court?

147. How would you describe the differences between the judge at the AP8 courts and the judge at the traditional courts?

148. I know you’ve already answered this question, but remind me, were you mandated to any programming through

AP8?  Yes  No

↳ a. IF YES, Describe the programming for me.

b. Do you think the assistance was useful?  Yes  No

↳ i. Why/why not?

Prompts
<ul style="list-style-type: none"> <li>• What organization was it with?</li> <li>• What did it cover?</li> <li>• How many times did you have to go?</li> <li>• How did it/how did it not seem related to your life/experiences [RESPONDENT’S TERM FOR SEX WORK]?</li> <li>• How would you describe your interactions with the program staff?</li> </ul>

- c. Did you complete the mandate?  Yes  No  
 ↳ ii. Why/why not?

149. Between the two different courts—the traditional court process and the AP8 court—which did you prefer, and why?  Traditional  AP8

*Think back to your network, the people you know who also [RESPONDENT’S TERM FOR SEX WORK].*

150. What do people you know say about how they were treated at the AP8 courts and the services they were mandated to?

**Health and Needs**

*Now we’re going to transition into some questions about your health, because there’s often a link between the things that people experience in life and their health.*

151. Do you currently or have you ever had unmet health needs or concerns?  Yes  No

↳ a. IF YES, what are they?

Prompts
<ul style="list-style-type: none"> <li>• Hormones</li> <li>• Abortions</li> <li>• Plastic surgery/sex reassignment surgery</li> </ul>

b. Are you currently meeting them, or have you met them, outside the traditional healthcare system?  Yes  No  Not applicable

↳ Please explain.

Prompts
<ul style="list-style-type: none"> <li>• Street/black market</li> <li>• Traditional medicine</li> <li>• Drugs</li> </ul>

152. Do you have disabilities, chronic illness, or other medical or mental health conditions that you think are related to your [RESPONDENT’S TERM SEX WORK]?

Yes  No

↳ Please explain.

153. Are you currently using any drugs or alcohol?  Yes (list in chart below)  No

(Drugs might include marijuana, cocaine, crack, heroin, speedballs (heroin and cocaine together), street methadone, inhalants/whippets, methamphetamines, amphetamines, tranquilizers, hallucinogens, other opiates (morphine, opium, Demerol, rx opiates))

Drug	Age at First Use	Frequency/Amount

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154. IF ALCOHOL, do you typically drink 5 or more drinks at one time?  Yes  No  N/A

155. Do you think your experiences with drugs and/or alcohol related in any way to your experiences with [RESPONDENT'S TERM FOR SEX WORK]?

Yes  No

↳ Please explain.

156. Have you ever been involved in counseling or other mental health services?  Yes  No

157. Have you ever been given a mental health diagnosis?  Yes  No

↳ a. IF YES, Do you agree with it?  Yes  No

b. Why or why not?

Prompts
Examples:
<ul style="list-style-type: none"> <li>• Depression</li> <li>• Bipolar disorder</li> <li>• Borderline personality disorder</li> </ul>

**Expectations/Future Plans**

*Thank you for taking so much time talking to me today. This is the last section of the interview, and I'd like to ask you some questions about your school and employment history, and about future plans and goals you have.*

158. What is the highest grade you completed in school?

- ≤ 8<sup>th</sup> grade   
  9<sup>th</sup> grade   
  10<sup>th</sup> grade   
  11<sup>th</sup> grade   
  12<sup>th</sup> grade   
  GED  
 Some College   
  Associate's   
  Bachelor's   
  Master's   
  N/A   
  Other (specify)

↳ (IF RESPONDENT DID NOT GRADUATE FROM HIGH SCHOOL) When you stopped going to school, what were some of the things that influenced that decision?

159. Are you in school right now?  Yes  No

↳ a. IF YES, How do you balance school and your [RESPONDENT'S TERM FOR SEX WORK]?

160. Is your experience in school related in any way to your [RESPONDENT'S TERM FOR SEX WORK]?

Yes  No

↳ a. IF YES, how?

161. Do you have any other jobs right now in addition to your [RESPONDENT'S TERM FOR SEX WORK]?  Yes  No

a. IF YES, How do you balance your responsibilities for that job with your [RESPONDENT'S TERM FOR SEX WORK]?

b.

c. IF NO, have you ever worked outside the sex industry?

Yes  No (IF NO, skip to Question 163.)

↳ IF YES, tell me about where you worked.

Prompts
<ul style="list-style-type: none"><li>• How long did you work there?</li><li>• How did you find that job?</li><li>• Why did you stop working there?</li></ul>



162. Is your other work experience related in any way to your experience in [RESPONDENT'S TERM FOR SEX WORK]?

Yes  No

↳ a. IF YES, how?

163. Is there anything you like about [RESPONDENT'S TERM FOR SEX WORK]?  Yes  No  Not sure

↳ a. IF YES, what do you like?

164. Is there anything you dislike about [RESPONDENT'S TERM FOR SEX WORK]?  Yes  No  Not sure

↳ a. IF YES, what do you dislike?

165. What do you think the general population thinks the risks are for people involved in [RESPONDENT'S TERM FOR SEX WORK]?

166. What do you think the real risks are for people involved in [RESPONDENT'S TERM FOR SEX WORK]?

167. Are you familiar with the term "human trafficking"?  Yes  No  Not sure

↳ IF YES, what do you think it means?

↳ Do you now or have you at any time felt that that term fit you or describes your experiences?

Yes  No  Not sure  Had never heard of the term

168. What do you think people who make decisions about arrests and the court process should know about [RESPONDENT'S TERM FOR SEX WORK] and the realities of life for [RESPONDENT'S TERM FOR SEX WORKERS]?

169. If you were in a position to make decisions or laws that could help folks involved in [RESPONDENT'S TERM FOR SEX WORK] what would they be?

170. Have you ever thought about leaving [RESPONDENT'S TERM FOR SEX WORK]?  Yes  No  Not sure

↳ a. Why or why not? What would you need to do so?

171. Have you ever tried to leave [RESPONDENT'S TERM FOR SEX WORK]?  Yes  No  Not sure

↳ a. IF YES, For what reasons did you return to it?

172. What are your goals or hopes do you have for yourself, for your future?

*That's all the questions I have today. Thank you so much for your time and for participating in this interview. We talked about some pretty intense things and people can sometimes feel triggered at the end of these interviews. Do you feel ok to leave? Would you like to talk to a social worker? I also have a resource guide here. Do you have a minute to look at it with me briefly?*

FOR INTERVIEWER ONLY:

*Any notes about the interview:*

*Should this interview be listened to for possible transcription?*  Yes  No

*Please take a moment and record other non-verbal or situational details that were germane to the interview (e.g., mannerisms/behavioral cues, location, other people who may have been present or nearby, etc.):*

# Appendix E. HTIC Practitioner Interview Protocol

- 1) What is your professional history?
  - a. Length of time in current role/organization
  - b. Prior experiences
- 2) When/how did the concept of human trafficking/prostitution diversion first come to your attention?
  - a. What were your initial thoughts and reactions?
- 3) When/how did you first get involved in conversations related to the HTICs?
  - a. What were these early discussions concerned with/focused on?
  - b. Who was involved in them?  
What were some of the goals, values, or impacts you wanted to see addressed by the model?
- 4) [IF RELEVANT] Talk me through how you and your colleagues finally arrived at the first iteration of the HTIC model.
  - a. Where were your preferences incorporated into the model?
  - b. Where not?
  - c. What did you finally think about that?
- 5) What exactly did the model consist of?
  - a. What were its goals, values, intended impact?
  - b. How did it hope to achieve that intended impact?
  - c. What were its initial strengths and challenges (e.g., limitations)?
- 6) How has it changed over time?
- 7) What exactly does the current model consist of?
  - a. What are its goals, values, intended impact?
  - b. How does it go about achieving that intended impact?
  - c. What are its current strengths and challenges (e.g., limitations)?
  - d. For you in your role?

## Prompts

- IF COURT-RELATED: Make sure they talk about the case processing (referral, review, conferencing, offers, etc.) and their own decision-making
- IF SERVICE-PROVIDER: Make sure they talk about how the defendants are referred to them, their programmatic goals, and responsibilities to the court
- Probe on relationship between language/defendant experiences

- 8) As a [INTERVIEWEE'S/S' ROLE(S)], how do you see and understand your role and the work you do in relation to the HTICs and the defendants? What values or goals drive or inform your work?
- 9) What do you think are the common issues that defendants coming through the courts are facing?
  - a. Why do you think they're doing sex work/prostitution (e.g., how are defendants similar/different)?
  - b. What do you think the court's role is in terms of their prostitution and the issue of prostitution more broadly?
- 10) What has been one of your most memorable cases, and how has it impacted the way you approach the work?
  - a. Why does it stand out to you (e.g., example of a typical case posture or defendant profile, etc.; particularly noteworthy in its intensity; defendant's success in the program/related life outcomes; etc.)?
- 11) Where would you like to see the courts go next in terms of refinement and development?
- 12) Where would you like to see other agencies or entities (e.g., police, prosecution, social service providers, etc.) making policy or practice changes that you think would affect those engaged in the commercial sex industry?
- 13) What should other jurisdictions interested in addressing prostitution and sex trafficking keep in mind or learn from your process/experience?

# Appendix F. Additional Quantitative Tables

## Sample Demographics

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender <sup>1</sup> (N=18)	Total Sample (N=304)
<b>Education Level*</b>					
Less than High School Diploma	36.9%	46.4%	23.6%	16.8%	36.3%
High School Diploma/GED	26.1%	34.5%	39.2%	5.6%	29.6%
Some College	23.2%	12.9%	25.4%	38.9%	21.3%
Bachelor's Degree	10.9%	6.5%	7.8%	33.3%	10.3%
Master's Degree	2.9%	0.0%	3.9%	5.6%	2.3%
Other	3.6%	4.3%	2.0%	5.6%	3.7%

<sup>1</sup> Genders in the other category include: intersex, trans men, genderqueer, and gender non-conforming.

\*p<.05, \*\*p<.01, \*\*\*p<.001

## Family History

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender (N=18)	Total Sample (N=304)
<b>Ever in foster care/state custody</b>	24.3%	28.6%	25.0%	22.2%	25.6%
<b>Mean age left home</b>	17.8	17.6	17.3 years	17.0 years	17.5 years
U.S.-born	17.8 years	17.6 years	16.6 years	16.5 years	17.5 years
Born outside of the U.S.	17.7 years	17.8 years	19.6 years	20 years	18.7 years
<b>Still in touch with family</b>	85.5%	89.3%	79.6%	88.9%	85.8%
<b>Currently taking care of children**</b>	25.4%	23.9%	5.7%	5.6%	20.3%
<b>Had children who are no longer in their life*</b>	24.6%	16.7%	6.0%	5.6%	17.7%
<b>Involvement in sex work related to children<sup>1</sup></b>	33.6%	15.0%	8.2%	0.0%	21.7%
<b>Relatives ever involved in sex trade*</b>					
No	44.9%	58.1%	73.6%	66.7%	55.3%
Yes	43.4%	36.6%	22.6%	33.3%	37.1%
Unsure	11.6%	5.4%	3.8%	0.0%	7.6%

<sup>1</sup> N=263 due to missing data.

\*p<.05, \*\*p<.01, \*\*\*p<.001

## Housing

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender (N=18)	Total Sample (N=304)
<b>Current Housing Status</b>					
Private Housing	44.5%	41.8%	55.6%	61.1%	46.7%
Housing Instability	30.7%	36.2%	29.6%	38.9%	32.7%
Public Housing	15.3%	13.2%	9.3%	0.0%	12.7%
Supportive Housing	9.5%	8.8%	5.6%	0.0%	8.0%
<b>Mean number of places lived in the last year</b>	2.6	3.5	1.9	2.2	2.7

## Health

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender <sup>1</sup> (N=18)	Total Sample (N=304)
<b>Ever given a mental health diagnosis*</b>	59.0%	43.0%	63.5%	66.7%	55.2%
→ If yes, do you agree with it? (N=162)	81.8%	72.5%	84.4%	75.0%	79.5%
<b>Has disabilities, chronic illness, or other medical or mental health issues that are related to their sex work*</b>	37.0%	23.7%	45.3%	50.0%	35.1%

\*p<.05, \*\*p<.01, \*\*\*p<.001

## Involvement in the Sex Trade

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender (N=18)	Total Sample (N=304)
<b>Age first exchanged sex for something</b>					
Mean	20.9 years	19.8 years	20.2 years	19.5 years	20.3 years
Median	19 years	18 years	19 years	18.5 years	18 years
<b>Another person involved in setting up first experience</b>	50.0%	44.6%	39.6%	61.1%	47.2%
<b>Current or past involvement in:</b>					
Independent/working on own	86.7%	89.4%	97.9%	100.0%	90.3%
Street sex work*	65.8%	69.1%	88.5%	66.7%	71.3%
Independent escort	45.1%	40.5%	61.4%	50.0%	46.9%

	<b>Cis Women (N=139)</b>	<b>Cis Men (N=93)</b>	<b>Trans Women (N=54)</b>	<b>Other Gender (N=18)</b>	<b>Total Sample (N=304)</b>
Sugar baby/sugar daddy	34.0%	32.9%	22.0%	58.3%	32.8%
Hotel/bar*	32.1%	16.4%	37.2%	16.7%	27.6%
Escort service	27.1%	14.5%	23.8%	21.4%	22.4%
Dancing/stripping	25.5%	7.4%	28.6%	23.1%	20.5%
Pimp**	27.6%	7.1%	16.3%	28.6%	19.4%
Brothel/parlor/house*	20.2%	4.4%	23.8%	7.1%	15.4%
Massage/body rub	12.8%	2.9%	11.9%	23.1%	10.2%
Pornography**	6.0%	4.4%	22.0%	30.8%	9.9%
BDSM*	10.0%	5.9%	7.3%	33.3%	9.5%
Webcam	8.0%	5.9%	4.9%	0.0%	6.4%
<b>Customers ever pay with something other than money</b>	48.5%	54.9%	37.3%	72.2%	50.0%
<b>% saying there's something they like about sex work</b>	86.2%	89.2%	86.8%	100.0%	88.1%
<b>% saying there's something they dislike about sex work</b>	90.5%	81.3%	94.1%	94.4%	88.6%
<b>Ever thought about leaving sex work*</b>	90.5%	77.2%	84.6%	94.4%	85.6%
<b>Ever tried to leave sex work</b>	75.4%	58.7%	76.9%	61.1%	69.7%

\*p<.05, \*\*p<.01, \*\*\*p<.001

### Safety

	<b>Cis Women (N=139)</b>	<b>Cis Men (N=93)</b>	<b>Trans Women (N=54)</b>	<b>Other Gender (N=18)</b>	<b>Total Sample (N=304)</b>
<b>Ever been threatened or hurt because of other aspects of their identity***</b>	27.5%	27.5%	61.1%	77.8%	36.5%

\*p<.05, \*\*p<.01, \*\*\*p<.001

## Market Facilitators

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender (N=18)	Total Sample (N=304)
Currently negotiates prices with customers by themselves	94.9%	93.5%	98.0%	83.3%	94.3%
Currently collects payment from customers by themselves	97.8%	98.9%	100.0%	83.3%	97.6%
Currently has someone who helps them get customers	21.7%	21.5%	5.6%	16.7%	18.5%
Never had a market facilitator**	47.1%	62.4%	75.9%	50.0%	57.1%

\*p<.05, \*\*p<.01, \*\*\*p<.001

## Trafficking

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender <sup>1</sup> (N=18)	Total Sample (N=304)
Familiar with term “human trafficking”	75.2%	82.4%	85.2%	100.0%	80.7%
Felt that the term “human trafficking” described their experiences	12.9%	13.3%	18.5%	22.2%	14.6%

## Experiences with the Police

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender <sup>1</sup> (N=18)	Total Sample (N=304)
Ever stopped by a police officer but not arrested	59.9%	77.4%	73.1%	72.2%	68.3%
Ever asked by a police officer to check their bag or pockets	55.5%	73.1%	63.0%	66.7%	62.9%
A police officer ever otherwise pressured or forced them to engage in sex**	8.0%	1.1%	18.9%	16.7%	8.3%
Ever asked by a police officer if they had condoms*	11.0%	11.8%	27.8%	22.2%	14.9%

	Cis Women (N=139)	Cis Men (N=93)	Trans Women (N=54)	Other Gender <sup>1</sup> (N=18)	Total Sample (N=304)
<b>A police officer ever took pictures of them that weren't related to their mug shot**</b>	7.3%	5.4%	18.5%	33.3%	10.2%
<b>Goes to the police when have trouble, beyond just when they're working*</b>	59.7%	41.9%	57.4%	33.3%	52.3%
<b>Ever Arrested*</b>	74.8%	74.2%	92.6%	83.3%	78.3%
Median # of arrests	1	4	5	1	4

\*p<.05, \*\*p<.01, \*\*\*p<.001

## Subgroup Differences

Above we presented the quantitative data broken out by gender; in addition, we ran subgroup analyses by race, sexual orientation, and age group. There were few differences among the subgroups as related to their experiences in the sex trade, and they are therefore not presented here.

# Appendix G. International Trafficking Experiences

While RDS proved to be an excellent recruitment methodology for certain populations, it was expectedly challenging for others (discussed further in the section on study limitations). A fair number of participants in the sample (n=34) were born outside the U.S. Among these, participants brought into the country by a sex trafficker were a tiny fraction. Most came to the U.S. of their own volition, sometimes with parents early in their lives, sometimes later. Their border crossing was not always legal but often was. In most other respects, they did not differ significantly from the U.S.-born participants on measures included here. All 34 of these participants are included in the figures for the main sample.

Because we wanted to represent the experiences—even just qualitatively—of internationally-trafficked participants, we partnered with social service agencies that work exclusively with trafficking survivors to recruit an additional 12 study participants. These participants are not included in the quantitative sample, however, because they did not meet one key aspect of the project’s eligibility criteria (having exchanged sex for money or something else they needed by choice, circumstance, or force within the year preceding their interview). When we looked at these twelve interviewees’ quantitative data as compared to the 304 presented above, there were very few significant differences, with one notable exception: participants from the partner agencies were, on average, significantly older during the first commercial sex work experience they had than those in the primary sample (average age 31.7 versus 20.1).

Their trafficking experiences are included below along with two international trafficking survivors from the main sample (combined for ease of discussion). From this group of 14, the Spanish-speaking participants (two trans Latinas and seven cis Latinas) were from Mexico and Guatemala. The Mandarin-speaking participants (n=5, all cis women) were primarily from Chinese territories outside mainland China (e.g., Taiwan, Macau). The two international trafficking survivors from the broader sample and the 12 additional interviewees (with a few exceptions for each point) shared many commonalities with the main sample, including: growing up with very limited financial resources, early childhood physical and sexual abuse, witnessing ongoing domestic violence, and (for cis women) having children early.

Generalizations made about the trafficking experiences of these participants in the study should not be expanded to the wider population of foreign-born women in the sex trade in large part because the sample size is so low.

## Cis Latinas

Many of the Spanish-speaking cis women had children at the time they met their traffickers (typically referred to as “padrotes”), and some became pregnant by their padrotes early in their relationships. In a similar fashion to some of the pimps participants talked about, these padrotes initially approached the participants as potential girlfriends, trying to convince them to go on dates. These dates often involved being taken back to the padrotes’ towns and extended families, where the participants were pressured to stay indefinitely (through a mixture of stalling tactics, offers of assistance and care for participants’ young children, and later, threats).

Children were significant loci for the exercise of power and control. Padrotes’ extended families would hold women’s children and use them to control women’s behavior. “They have their children, but they take them away,” a 40-year-old cis Latina explained. “They leave them with the family to threaten them, which is worse. It’s worse.” These cis Latinas detailed patterns of forced pregnancy and forced abortions (again, not dissimilar from domestic pimp traffickers). For those participants who became pregnant, several reported initially wanted to carry the babies to term and create families with the padrotes. Instead, most were pressured by the padrotes and their extended families into taking medication that induced miscarriages. For some, this is when the relationships with the padrotes shifted. Often, this included a combination of physical and sexual violence and moral declamations about the participants’ chastity or purity (of significant cultural value) and abortion (a sin in the Catholic church). Explained one participant:

I kept bleeding and... I did as when they raped me. Like when they raped me, I cleared the memory from my mind and I continued. ... I was with him because I already—I already felt—all the rapes... I tried to make as if nothing had happened and I was very cheerful, with a smiling face, very optimistic. But inside me, it was just the opposite. I made as if nothing had happened, but deep inside me I was hiding all that. And then they told me I was a prostitute. I was—vulgarly, I was a whore. [...S]o I, and with all this that had happened to me, I felt like—I felt bound. What could I do without working, being pregnant [again], with a daughter? I lived with my grandmother. We lived in the coal mines. There was no light, no water. I had no money even for diapers. (Cis Latina, 41)

This pattern held true even for those cis women who met their traffickers in the U.S. A 39-year-old cis Latina reported that shortly after the birth of their daughter, her then-partner:

Forced me to have sex, with the C-section. Then my misfortune began because he began to send me people, men, with whom I had to be, otherwise he would hit me. And I refused, and he just had to tell me that I loved him, I had to open the door and be with those men and he arranged with those men. These men didn’t give me anything. That was for me to have food for the girls, and for him to help me. I didn’t want to do it. I didn’t want to do it, and he

would come and hit me. He would tell me that if he didn't do it I would be deported, and I was afraid for my daughters.

Eventually, with this combination of verbal, physical, and sexual abuse and control over children, these participants were forced or coerced to begin having sex with strangers. For those who reached this point while still in Mexico, after a period the padrotes would suddenly announce they were moving to the U.S. due to the extreme poverty and lack of work opportunity, and take the participants with them. Often, this was sprung on the participants at the last minute so they weren't able to contact any family with whom they were still in touch for assistance. Once in the U.S., participants were forced to have sex. Some participants reported working in New York City, in houses with upwards of 40 other cis women; other participants reported working largely alone, with a driver, or with a few other cis women.

At these houses, clients would typically pay managers \$25-\$40 and be given tickets, which they would subsequently give to the participants in exchange for sex. "Sometimes I made 40 tickets, that is, 40 men in a day," a 41-year-old cis Latina explained. "Some other times I made 40 on the day shift and 40 on the night shift. It was 80. I sometimes got up to \$1000... \$1000 plus tip. Around \$1000 plus tip, I got." After paying out the owner of the house and the manager, she was required to turn over the remaining earnings to her padrote.

Periodically, participants would be moved around the country as a way for padrotes to simultaneously create space for more cis women and continue making money off the existing women. Participants reported going to farming communities to service migrant workers in North Carolina, South Carolina, New Jersey, Pennsylvania, and Massachusetts. These were widely reported to be more violent than the houses: "It was very dangerous in the fields, because they could kidnap you, they rob you.... There were many kidnaps, many rapes."

As is perhaps apparent, most of these cis Latina participants were not physically held captive. Through complex use of threats, promises, affection, and abuse, their behavior was compelled instead—sometimes to the point that participants who had left voluntarily returned to work for their padrotes. One participant described moving in and out of working for her trafficker, despite the extensive abuse she suffered, in an effort to raise money for her eight-year-old daughter's medical bills. It wasn't until she learned that the padrote's family was also trafficking her daughter in Mexico that she finally reached out to authorities to report the abuse.

Some of the women reported encounters with U.S. law enforcement. But the nature of their trafficking was such that they did not see the police as potential assistance. One 40-year-old cis Latina participant explained of her intimate partner-padrote:

This man had told us we were worthless, as prostitutes. And for me, that was real because I had that mentality: that a prostitute was nobody in life. And that we were not worth anything. And he told me that if I told the cops or the judge—he threatened me. He made me say that I did it voluntarily. Otherwise, if I spoke, he would throw me away in a garbage bag because I was no one. I believed him, because that’s how mean he was.

## Trans Latinas

The experiences of the two trans Latinas interviewed were somewhat different. Both were from Latin America (Mexico and Guatemala), attempted to enter the U.S. as adults, and found a third party who promised them farm work upon their arrival. One 39-year-old trans Latina had been exchanging sex in Mexico under her own aegis since age 15. She described crossing the border at the age of 33 after being told she was going to have a temporary work visa to pick fruit in California:

The man from California came with a license from California. I went through the checkpoint. He was sitting, and I was by his side and he showed his ID. I don’t know what he said. He must have been asked who I was... “Here it is” [showing my passport and visa]. And that’s how I crossed, in the American man’s vehicle. ... We passed the checkpoint and... We had spent more than... maybe like two hours driving, he was driving and I said, “Well, I’m here, right?” And he said, “Hey, you’re hungry,” he said to me, and I saw that there was a diner, so he told me, “I’m going to buy something.” And I said, “But the man never said anything, he never told me anything, nothing.” And I didn’t speak English either, so he brought a sandwich with a Coca-Cola and said, “Eat.” And he didn’t speak, a little Spanish, he spoke very badly. And then I said, I thought to myself, “He must be taking me to the north, right?” But it was not like that, we continued traveling and then there was a highway that goes... that goes up. So I thought, “This road goes straight to Los Angeles,” but after traveling more, for two more hours, he got into... It was like a road, but not paved. “Hey,” I said, “but where is this going to be?” I was not going to ask, because the other man had told me, “Don’t ask, don’t talk, don’t ask, he’s going to give you a job.” And that’s how trafficking works.

The participant was taken to a brothel, where she stayed for six months and had to work cleaning as well as providing sex to clients and the man whose business it was. She and other women at the brothel—all cis women from Central America—were not allowed to speak to one another. She was told that she and the other women would be released with \$150 after six months and taken to a legitimate job. Because this participant was the only trans woman at the brothel, however, she was held for longer. It was only after some clients broke her clavicle—she was not allowed to seek medical treatment, and it healed incorrectly—that she was released and came by herself to New York City. Here, she continued to work in the sex trade voluntarily being unable to find employment in the legitimate economy.

The second internationally-sex trafficked trans Latina crossed the border on foot with 20 other people; she and two gay men on the trip were forced to have sex repeatedly with other male members of the group. Upon arrival, they were taken to Los Angeles, locked in a room,

and again forced to have sex. A few months later they were brought to Greenpoint, Brooklyn, where they were again held captive. Eventually, they broke down the door and escaped.

## Chinese Cis Women

While most the participants in our study reported being born outside of mainland China or being ethnically Korean but born in China, they also suggested that most of the other Chinese cis women with whom they worked at the bars and massage parlors were from mainland China. Most Mandarin-speaking participants reported similar stories of coming to the U.S. of their own volition, typically through middlemen who promised employment in the legitimate economy once participants were in the U.S. For some Mandarin-speaking participants, these middlemen disappeared once they were here. One 60-year-old cis woman described trying to make ends meet working in a nail salon, but found herself getting dizzy from the fumes. She saw an ad in the newspaper for employment at a massage parlor, and began working there. She described the situation:

The boss said we had to file taxes. I replied that I had [no legal status]. And the boss said, “You have nothing, and you still wish to earn money and you want to pay for your child’s education, and yet you don’t wish to contribute. How will it be possible for you earn so much money?” So occasionally, the customers will request to “take a plane” [i.e., manual stimulation of the client’s genitals] and whatnot, and we will do it, but it wasn’t every single one. ... But the boss did say, “If you don’t do it, you don’t have status and I will call the police.” I said, “Okay, I will clench my teeth to do it.” It was because at that time, my father needed heart surgery and my son was studying in Canada, and all these required money. So I thought, since I had already come to the United States, why is it others can survive and I cannot? I could only clench my teeth and continue to do the work. It was only this work that could bring in the most money.

For others, the job that was available upon arrival, like the trans Latinas described above, was very different from the one promised. A 40-year-old Chinese cis woman described coming to the U.S. and being promised a restaurant job. The female manager of the establishment the participant was taken to:

...brought us into a room, and in the room, it was all men. The lights were dim and dark. She said, “Look for a place to sit next to the men.” I went inside. One of the clients came close and touched my wrist. I was uncomfortable. She said, “Say hello to so-and-so. This is brother so-and-so. This is the first time you are meeting. He will take good care of you.” So I told the Mommy—they said to call her Mommy—“Why is this like this?” She said, “Just do so.” Then she took a glass of alcohol, and forced me to drink. I don’t drink alcohol, so I did not know. After one mouth, I spit it out. It was awful. She said, “You have to start training to drink. This is your job.” I said, “What kind of job is this? It’s not what was told to me [in my home country].” She said, “This is a bar. Didn’t they tell you?” I said, “They said it was a restaurant. No. I don’t think I want to work anymore. I want to leave.” She said, “You’re already here. Do you think this is your home, that you can leave whenever you want?” I said,

“Then can you call the agent for me? At the most, I will buy my own plane ticket to leave.” She said, “You think we’ll let you leave this easy?” And then she forced me to sit down. And the man kept inching closer. I was very uncomfortable, and I tried to fight him off. He looked disgusting and I wanted to beat him. I really felt awful. Then that man kept forcing alcohol down my throat. Forcing it. After only a few mouthfuls, I felt very dizzy. And later, I don’t know what happened. But when I came to, it looked like daylight, and it was not home. It did not feel like it was at that place, it was a house. My clothes had been changed for me.

Like their cis Latina counterparts, these Chinese-speaking cis women were often focused on caring for their children or families back home. Despite being tricked into paying \$10,000 to come to the U.S. and subsequently finding that massage was often a synonym for sex, a 41-year-old participant explained the thought process behind her decision to continue: “I thought, my daughter was alone in [China]. And I owe some tens of thousands in debt to others. So at least I should go back to return the money owed. I thought at least if my daughter and I did not owe money, I would feel more relaxed. So at that time, I decided to work for a period of time.”

Unlike the experiences of many of the cis Latinas, whose involvement in the trades often involved force (brutal physical and sexual violence), the Chinese-speaking cis women reported that their inducement was largely fraud and coercion (financial, verbal, and circumstantial—e.g., “You’re already here and you owe us money...”). Threat of deportation was also common:

Some are rough, but not really physical violence. Sure, definitely there are some injuries sometimes. I can’t do anything. The boss kept saying, “Americans are two-faced, they would smile at you but they would report you behind your back.” She threatened us like that if we don’t please them. (Chinese cis woman, 42)

In part due to this repeated conditioning and in part due to their own experiences being arrested, like the cis Latinas, many of the Chinese-speaking cis women were highly suspicious and fearful of the police.