

**REMNANTS OF CHATTEL:
BLACK WOMEN, SEX TRAFFICKING, AND THE CRIMINAL LEGAL SYSTEM**

By

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This dissertation examines Black women's lived experiences as survivors of sex trafficking and self-identified former prostitutes. This exploratory study is a qualitative examination of the lived experiences of Black women survivors using one-on-one interviews and with reflections from observations of a state-wide human trafficking council. This dissertation is an interrogation of how systemic racism and histories of chattel enslavement influence contemporary sexual violence and survivors' navigation of the criminal legal system before, during, and after being trafficked. Using in-depth interviews with 13 Black women who identify as survivors of sex trafficking and former prostitutes, the analysis demonstrates that Black women sex trafficking survivors and those who identify as former prostitutes had variations of experiences with the criminal legal system, specifically interactions with law enforcement, that influenced their criminalization and victimization.

Black women sex trafficking survivors reported higher instances of physical and sexual violence when encountering law enforcement, including when outcry about their exploitation, across different regions of the United States and ages, including when they were trafficked as children and adults. Survivors of sex trafficking were also incarcerated for their victimization at higher rates than their counterparts who identify as former prostitutes. I term this *amplified victimization*, wherein the violent actions of law enforcement during their sexual exploitation compounded their victimization and expanded their trauma with another manifestation of violence, leading to the simultaneous experiences of interpersonal, community, and then state violence amplify the harmful impacts of each other.

In contrast, respondents who identify as former prostitutes detailed diplomatic interactions with law enforcement that ranged from police officers being sympathetic to sharing a friendly camaraderie. All narrators in this study perceived all Black women to be stereotyped as the “Jezebel” archetype of a sexually wanton Black woman who cannot be sexually violated and often connected the history of sexual terrorism of enslaved African and Black women with the unique vulnerability of sex trafficking in the contemporary setting. This research also deconstructs the anti-trafficking movement itself and reveal what “justice” means for Black women survivors of trafficking and how it is achieved outside of institutional responses.

This dissertation is dedicated to my mother,

Toya Camille Young.

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Chapter One

Introduction: Hold up, Black Women and Girls Get Sex Trafficked?

“The myth of the ‘fast-tailed’ girl is imprinted on us before we take our first steps. It follows us from playground to prom, from college campus to boardroom.”

Jamie Nesbitt Golden, *#HashtagActivism*, p. 64

When formerly incarcerated sex trafficking survivor Cyntoia Brown went viral on social media and inspired community mobilization to grant her release, the messy reality of prostituted children and imprisonment prompted shock and disbelief in the criminal legal system’s handling of sexually exploited children. Brown trended as the hashtag #FreeCyntoiaBrown following her appearance in a PBS special on incarcerated juveniles. Brown was sixteen years old when she was sentenced to life for the 2004 killing of Johnny Michael Allen,¹ a 43 years old White man who solicited Brown for sex. According to Brown’s testimony, she told Allen she was a child and then became afraid he was going to shoot her after they had sex. The prosecution painted Brown as a conniving and violent predator instead of a victim of sex trafficking. Brown did not make justifications or excuses for her actions and admitted to killing Allen. Legal advocates and activists (in addition to Brown herself) believed that the circumstances leading up to her encounter with Allen should have been considered mitigating circumstances before being sentenced to life in prison. Brown’s circumstances included a history of childhood sexual violence, abuse and manipulation from the trafficker, and her age.²

¹ In court testimony, Allen was also accused of forcing sex from a woman he had taken on a date without using threats or force, but instead by being intimidating and imposing: <https://www.oxygen.com/true-crime-buzz/netflixs-murder-to-mercy-who-was-johnny-michael-allen>.

² See Chapter Four for a detailed history of Brown and her experience.

Brown was granted clemency by Tennessee governor Bill Haslam in 2019 and has since written a memoir on her experiences (Brown-Long, 2019). Many longtime advocates and legal experts—some of whom were active in Brown’s campaign to release her from prison—were not surprised an exploited minor could be persecuted for actions committed when they were under the coercion of trafficker(s) and/or buyer(s), even after the passage of anti-trafficking and Safe Harbor laws designed to prevent the criminalization of trafficked children. The unwillingness or inability of the prosecutor in Brown’s case to see her as a victim and the painting of Allen—a youth pastor and real estate agent with a fiancée—as *falling prey* to Brown in spite of the fact that Allen was soliciting a child is not an uncommon phenomenon; Brown’s case just happened to be thrust into the spotlight due to the prominence of social media. It is also erroneous to believe that Brown is an aberration or oversight of the criminal legal system.

Amid the mobilization for Brown, another Black girl was being tried for killing her exploiter. In June 2018, 34 years old Randall Volar III was shot to death and his home was set ablaze by 17 years old Chrystul Kizer. Kizer admits to shooting Volar, setting his house ablaze, and stealing his car. Kizer’s defense team is currently arguing that Kizer had suffered years of Volar’s sexual abuse, including rape and child pornography. Volar had been under investigation by the local Kenosha police department for possession of child pornography and had been arrested and charged but was released without bail.³ Kizer’s defense has entered a motion for the court to consider Volar’s investigation for sex trafficking, as the Kenosha police department had already flagged his bank account for sex trafficking activity (Smith, 2018). Kizer’s defense team requested an Affirmative Defense—which calls for consideration of mitigating circumstances for

³ For more information on Volar, see: <https://www.jsonline.com/story/news/crime/2020/06/22/chrystul-kizer-released-bail-raised-sex-trafficking-murder-case/3208119001/>.

crimes committed as a direct result of child sex trafficking—but was denied by the judge because of the violent nature of the crime.

The media coverage of the campaign for Kizer have not been as extensive or as widespread as the activism around Brown; this could be because of the additional arson charge, the fact that Kizer is darker skinned in comparison to Brown,⁴ or Kizer's poor socioeconomic background. Brown has been a vocal support for Kizer, calling for her release and the consideration of history of victimization from Volar and the fact that authorities had already identified him as a child sexual predator. Brown and Kizer illustrate the tensions that exist, and are often unspoken, at the core of anti-trafficking enforcement and its ideology: that victims should have a straight-forward path into victimization, victims should have an uncluttered story of deception and violence for onsets of exploitation, and conform to victim ideals that are raced, classed, and gendered. Deviance from this formula can have legal implications. Brown's and Kizer's stories also embody another uncomfortable truth about sex trafficking of both adults and children: the inability of seeing Black women and girls as victims or harmed by sex trafficking.

Broadly, media portrayals and articles depict victims as impressionable and young and often use coded language of “innocent,” “helpless,” and, perhaps most egregious, phrases of “in our own backyard” and “girl next door.” This language is often accompanied by images of White or White-appearing cisgender women's and girls' bodies, sometimes in sensationalistic poses with chains, cuffs, barcodes, or bruises. When traffickers are depicted, they are often considerably darker in skin tone and male-presenting, in an aggressive stance or otherwise posed

⁴ This is an instance of colorism; wherein darker skin tones are considered less desirable than lighter tones. Arising from colonialism, colorism favors individuals with lighter skin color with the highest preference for those who look most White. Darker skinned Black women tend to serve longer prison sentences in comparison to their lighter-shaded counter parts (Viglione, Hannon, and DeFina, 2011), one of the many instances of discrimination against dark skinned Black women and girls.

to elicit concern or fear for their victim(s). Brown and Kizer are unable to conform to normative victim ideals that inform anti-trafficking enforcement and beliefs, and the outrage around their criminalization and treatment from the criminal legal system is demonstrative of the ignorance around the lived experiences of Black women and girls and trafficking.

For many, Brown and Kizer were an introduction into injustice for victims of violence and exploitation. For others, it was a familiar but still enraging story on the disregard for Black women and girls. Brown and Kizer were not an introduction for me. Their stories were the opposite; they instead were reminiscent of Black women and girls I had witnessed or personally knew were trafficked and later imprisoned or otherwise forgotten. It is the origins for this research, to which we now turn.

The Birth of a Black Feminist Research Agenda

I conceptualized this research out of two innate parts of myself, the first being my background. My childhood began and ended in an apartment complex in the ‘hood in southern California that was, in many ways, the cliched preferred setting for many academic projects—it was primarily Black, low-income, over-policed, and sustained by illicit economies of drugs and sex. The second part is my love of blackness and Black women and girls, an emotional engagement I developed due to my childhood. I had witnessed sex trafficking before this terminology existed. I understood that when poor, Black girls and women are exploited, the institutions that are supposed to intervene and protect them will look the other way. When social workers disregarded their duties and when police officers ignored pleas for help—or worse, and with greater frequency, demand sexual services from victims—it was Black women in the neighborhood who protected the victims, often at risk to themselves. The women would watch over children walking home from school, physically shield them from predators, offer food and

temporary shelter, and reached out as often as they could. They vocally denounced police's complicity and traffickers' abuse while organizing community actions to curb trafficking. This activism was also my first introduction into feminist praxis, specifically Black feminist thought.

My neighborhood succumbed to gentrification and was unrecognizable upon my last visit. The Black residents were forced out, upending the aforementioned community cohesion and networks that did their best to protect each other. The guardianship of Black women there was effectively erased. As a college-bound teenager now living in Colorado, I learned of a "new"⁵ criminal phenomenon called sex trafficking in a magazine article. I quickly realized this "new" crime was the same violence that permeated my neighborhood and that the guardians fought against. The article pontificated on the trauma of victims, discussed the specifics of international trafficking, and the targeting of "America's children." Though never given a description or definition, "America's children" was clearly coded opposite the girls trafficked in my neighborhood, while photos of White and White-appearing girls with downcast faces, some posing with chains around their wrists and arms, dominated the pages of the article.

That article represented a few specific narratives of sex trafficking and vulnerability and positioned the real guardians and protectors as police and other agents of the criminal legal system. The absolutism did not leave room for problematization or examination of history or structural inequalities as vulnerabilities for exploitation, and that "justice" is a color-blind and neutral guarantee; once again, the trauma of poor Black women and girls was erased. I read this article in 2005 and media depictions, governmental reports, and research has largely continued to ignore the plight of Black women and girls and these issues. This is the foundation upon which I built my research.

⁵ This is the wording of the investigative journal article at the time. It is no longer described as "new" by media sources or academic sources.

The Scope of Trafficking of Black Women and Girls

Though anecdotal, the stories of Brown and Kizer and my own childhood observations are not the only “proof” that demonstrate the disproportionate impact of sex trafficking and criminalization of Black women and girls. Extant research and governmental reports have demonstrated that African Americans are disproportionately targeted for sexual exploitation. These reports have found that Black women and girls represent the second largest group susceptible to domestic sex trafficking, after Native Americans. In a report on suspected human trafficking incidences between 2008 and 2010, the Bureau of Justice Statistics (BJS) found that of the total confirmed sex trafficking victims, 40 percent of them were Black, with Whites comprising 26 percent. This report also found that 62 percent of all confirmed sex traffickers were Black males (Banks and Kyckelhahn, 2011). Black girls had earlier onsets of sex trafficking at younger ages compared to their peers of other races (Grace and Sherman, 2011).

The National Incident-Based Reporting System (NIBRS) reported 431 trafficking offenses, with 431 victims and 462 known offenders in 2017. Of the 431 known victims, 114, or roughly 26 percent, were Black. In the majority of the total number of human trafficking offenses, 221 cases had victims and offenders who had some previous association with each other, with 25 cases having some familial association between a trafficker and their victims. Lastly, the 2017 NIBRS reported that the majority of human trafficking victims were female, with the majority of traffickers were male. The aggregated BJS and NIBRS data, as well as state-by-state data gathering, are the only statistical information available.

Black women and girls are also disproportionately incarcerated for their victimization. According to the FBI, Black girls represented 53 percent of arrests for juvenile prostitution, a percentage that was higher than any other reported group (Rights4Girls, 2019). Los Angeles

County in California identified that 92 percent of sex trafficking victims involved in the juvenile justice system were Black girls (Boxall, 2012). Further statistics, compiled by the non-profit Rights4Girls—an anti-exploitation social organization—report that:

- Black girls were 52 percent of child sex trafficking victims, while comprising only part of the 7 percent of the total African American population in King County, Washington.
- Black girls represented 60 percent of child sex trafficking victims in Alameda County, California.
- African Americans are less than 6 percent of the population in Multnomah County in Oregon, but Black girls represented 27 percent of sex trafficking victims.
- Black girls account for less than 20 percent of the total youth population in Louisiana, but in 2018, were 49 percent of the state’s child sex trafficking victims. (2019)

A 2014 Urban Institute report found that pimps, even when they preferred to have non-Black women⁶ working for them, exploited Black women because they believed the possible penalties (that is, arrest and sentencing) would be less severe for Black women victims. One respondent articulated that the hyper-vigilance around human trafficking led to the creation of new charges in effort to combat “modern-day slavery” and that “if the girl is white, it’s called slavery” instead of “pimping and pandering” (Dank et al., 2014, p. 159).

⁶ Pimps in this study reported preference for White and Asian women. Some of the reasoning include that these races blend in better, they listen better and are less combative with pimps, and make more money than their Black counterparts. Pimps also reported that compliant behavior of White, Hispanic, and Asian women proved how successful a pimp they are.

Governmental reports and non-profit and academic research have repeatedly demonstrated that there is an intersectional disparity for Black women and girls for two types of violence: sexual exploitation and re-victimization by the criminal legal system. Despite this acknowledgement, the vulnerabilities and experiences of Black women and their experience with sex trafficking and the criminal legal system are understudied. Most important, it is unknown how the criminal legal system interacts with and defines Black women's sexual exploitation in a system that was born from and historically has reified structural inequalities that marginalizes on the basis of gender, race, class, and sexuality. *Remnants of Chattel* addresses this limited knowledge on Black women, vulnerability, sex trafficking, and legal system interventions. Specifically, this work interrogates human trafficking as conceived by researchers and activists and how Black women and girls are one of many marginalized groups that fall victim to the slippage in understandings of trafficking and exploitation and sensationalistic stories and images that have come to typify "sex trafficking."

The Origins of a Social and Criminal Problem: The Birth of Contemporary Trafficking

The 1990s saw an international coalition form to combat "modern-day slavery" amid sensationalized media stories of undocumented immigrants being exploited for their labor and women and children being transported for sexual servitude (DeStefano, 2007). The Clinton presidential administration, particularly First Lady Hillary Clinton, led domestic and international efforts to define and prevent what would become "human trafficking," working with international NGOs and feminist coalitions to draft legislation to criminalize trafficking behavior and offer aid to the victimized. In 2000, the United States government adopted its first comprehensive law against trafficking in persons, the Trafficking Victims Protection Act (hereafter TVPA). Since 2000, the United States federal and state governments have adopted

laws, developed taskforces and specialized training for police officers and social service providers, and created non-profits specifically designed for anti-trafficking enforcement and aiding potential victims of human trafficking.

Within the last years of the Obama administration, governmental officials and anti-trafficking advocates called attention to the fact that disenfranchised communities are particularly susceptible to trafficking. At the time of writing, all 50 states had adopted their own anti-trafficking law, but not all are comprehensive for both labor and sex trafficking (Farrell, Owens, and McDevitt, 2014). The TVPA provided a skeleton for states to model when adopting their own anti-trafficking law(s) as well as a ranking tool to evaluate other nation's effectiveness and dedication to combatting trafficking in persons, which is published in the annual Trafficking in Persons Report.⁷ All 50 states have their own anti-trafficking laws. Thirty-four states have safe harbor laws that prevent victims of child sex trafficking from prosecution for prostitution-based crimes, but only eighteen states have protections in place for child trafficking victims for other crimes that occurred during their exploitation (U.S. State Department, 2020).

The TVPA also gathers law enforcement data for statistics on human trafficking, but these numbers do not include state law enforcement data. In the fiscal year of 2019, the U.S. Department of Justice (DOJ) opened a total of 220 federal cases for human trafficking prosecution, 208 of which involved primarily sex trafficking (U.S. State Department, 2020). In this same fiscal year, the DOJ secured convictions for 475 traffickers, a decrease from the previous fiscal year (U.S. State Department, 2020). Prosecutions at the state level remain small, due to difficulties in enforcing trafficking statutes—prosecutors often find it easier to compile a case under standard prostitution and kidnapping charges—and difficulty with police perception

⁷ It was not until the Obama administration in 2010 that the TIP reports began to rank and publish its own anti-trafficking efforts.

of trafficking and victims' willingness to testify at trial (Farrell, Owens, and McDevitt, 2013). This lack of understanding state-level human trafficking statutes can be found among police, lawyers, and judges (Farrell and Cronin, 2015; Renzetti et al., 2015).

As Spohn (2014) states, prosecutors and judges have a significant amount of discretion and power; judges and prosecutors who do not have a critical understanding of new human trafficking statutes may allow this to bias their perceptions of alleged victims or pursue cases under prostitution or pandering statutes—both of which assume consent for those engaging in sexual commerce, which may discredit and otherwise malign sex trafficking victims. Further, researchers on human trafficking and the courts have cited bias against victims as well as having a specified image of victimhood that eludes most victims (Farrell, Owens, and McDevitt, 2014; Logan, Walker, and Hunt, 2009). As both state and federal statutes stand, there is no mechanism in place to address this possible discrepancy in victim identification.

Federally, the number of trafficking-related investigations has been decreasing while prosecutions have been increasing. Despite the governmental and academic attention human trafficking receives, there is little reliable data available (Goździak, 2015) due to a variety of reasons, especially the general difficulty in studying “hidden” crimes and differences between definitions and reporting of data by law enforcement. Research overall has little data to work with as statistical data range from unreliable to incomplete and testimonies from survivors are rare due to their vulnerabilities and need to ensure safety and avoid traumatization in providing narratives (Bickford, 2012).

Frictions in Creating Definitions and Descriptions

The TVPA defines human trafficking as the recruitment or exploitation of individuals for material or monetary gain. Under the current definition, a person does not need to be transported

to be “trafficked,” it is instead qualified by exploitation type and (in)ability to consent. The TVPA defines “severe trafficking in persons” as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age” and “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjugation to involuntary servitude, peonage, debt bondage, or slavery” (U.S. State Department, 2020, p. 10). This definition covers labor and sexual exploitation, as well as the procurement of bodies for organs. Under the TVPA’s defining of severe forms, traffickers include anyone who acts as a procurer of bodies for production, and buyers of services.

The TVPA’s second definition of the non-severe form of sex trafficking is the “recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act” (Bickford, 2012, p. 169). The TVPA also mandated a three-pronged approach to combat human trafficking—prevention, protection, and prosecution—in its first incarnations, and a fourth prong of “partnership” was added in subsequent reauthorizations. The TVPA provides a skeletal base for states to design new trafficking and exploitation laws or strengthen existing statutes that were used to combat trafficking. The TVPA includes language for labor trafficking and other forms of non-sexual exploitation, but the legislation itself focuses overwhelmingly on sexual exploitation. Political and social activism has likewise focused majorly on sex trafficking, specifically international trafficking in other countries (usually, a poorer country with a majority non-White population) and of children.

At its basic definition, “human trafficking” is the monetary or material benefit of one party based on the labor of another. As Parreñas, Hwang, and Lee (2012) summarize, trafficking’s “defining traits” are “first, transportation of a person; second, force, fraud, or

coercion; and finally, exploitation” and that consent is “irrelevant” for the trafficked person (p. 1015). Human trafficking can include labor exploitation of debt-based servitude, wage theft, and other forms of forced subjugation. Simply put, the degree of exploitation is what validates a status of human trafficking, whereas sex trafficking also considers the age of alleged victims determine wrongdoing.

“Sex trafficking” as a term itself means the harboring, recruitment, and transportation of another for the purposes of sexual exploitation and gratification. The discourse around consent and sex trafficking are slippery. In early debates on the TVPA, there was an ideological split among those who believed there exists a sexual economy wherein people can consent to being sex workers and should not automatically be qualified as sex trafficking victims; opposite of this perspective were interest groups who believed that all sexual commerce was inherently exploitative and violent due to sexism and economic disadvantage. As Stolz (2007) explains, interest groups that opposed prostitution on a moral basis stressed that “consent was not a basis for determining whether or not a woman was a victim of sex trafficking” and worried that “qualifying language would de facto legalize prostitution” (p. 183). The TVPA would ultimately adopt the qualifying language, though the United States retains its criminalized approach to prostitution. In spite of this language, the acts that can constitute sex trafficking are broad and include, but are not limited to: forced prostitution, pornography, keeping an individual in sexual bondage for one’s own sexual gratification (no prostitution), and forced marriages.

The language defining trafficking of children is more explicit in terms of qualifying language. There are two terms that encompass the exploitation and trafficking of children: commercial sexual exploitation of children and child sex trafficking. Commercial sexual exploitation of children (CSEC) is defined as the act of selling or procuring a minor under the

age of 18 for the purposes of sexual services. Child sex trafficking (CST) uses the TVPA's language of recruitment, harboring, transporting, or provision of a minor for the purpose of a commercial sex act (U.S. State Department, 2020). All state and federal laws dictate that anyone under the age of eighteen is unable to legally consent to engage in sexual commerce under any circumstance. CSEC/CST encompasses the selling of bodies for sex, procuring a child for the purpose of producing child pornography, intention to distribute child pornography, and child sex tourism (Hounmenou and O'Grady, 2019). Internet procurement or trading of explicit content that involves children is also considered CSEC/CST whether or not the alleged offender(s) in question had personal contact with the children involved in the images. CSEC can also occur if a minor under the age of eighteen engages in sexual activity in exchange for material goods such as food, shelter, or other items that may not necessarily include monetary compensation.

The TVPA mandates that traffickers who exploit children under the age of fourteen be sentenced to life in prison; for victims between fourteen and eighteen, the recommendation is the trafficker(s) be eligible for up to 20 years (Adams, Owens, and Small, 2010). In addition to federal guidelines recommendations to punish child sex traffickers, each state in the U.S. has its own CST-specific law and mandatory minimums based on age and extent of suffering of the victim(s). As a result of federal defining of CST, several manifestations of abuses have seen an increase in investigations in child-related sex crimes, particularly online pornography (Adams, Owens, and Small, 2010). CSEC and CST share similar language, but CST remains linked to the broader definition of human trafficking by including degrees of movement and lack of consent.

The last term to be defined in the anti-trafficking movement's literature and criminal statutes is the colloquial term of "modern-day slavery," which is broadly used as a catch-all to describe trafficking. As such, modern-day slavery means to "establish the difference between

historical aspects of slavery and current trends” and to “invoke comparisons to chattel slavery” (Enile, 2018, p. 6). Chattel slavery is the enslavement of a group of people wherein slave owners hold complete control over the enslaved who are their legal property, including offspring the enslaved have. The terms themselves are similar in usage and meaning, but slavery allows more fluidity in describing conditions of the affected person whereas chattel enslavement provides a rigid definition of legality or ownership and birthmark of property. In comparison to this, “enslavement” is often used to denote the condition of the persons in bondage and is closer in significance to chattel slavery. However, in contemporary understandings, “enslavement” is used in international criminal law because it is considered a “crime against humanity” that is targeted at civilian populations in the international criminal court (Scarpa, 2020, p. 133).

Concluding Thoughts on the Terminology of Human Trafficking

Terminology around human trafficking, exploitation, and slavery are nebulous while simultaneously being too broad and too specific for the nuances of trafficking in persons. Terminology remains a contentious issue for advocates, especially those critical of the carceral responses of trafficking and the sensationalistic images and language descriptions used by those who oppose sex work and conflate it with violence. The phrasing “modern-day slavery” is particularly salacious in the context of the United States as it implies: (1) the Emancipation Proclamation is a true, comprehensive liberatory doctrine against chattel enslavement, thereby sanitizing a longer history of re-enslavement and disenfranchisement that was foundational to several contemporary institutions and structures—specifically, the criminal legal system; and (2) “modern day” implies there is a time period in which there was no exploitation or trafficking in persons.

Because of the importance of words and their historical connotations, this work is specific when using descriptors and labels. First, I describe the courts, police, and other judicial and law enforcement structures as the “criminal legal system.” Taking inspiration from Belknap (2015), I do not use the term “criminal justice system” because this wording assumes that *justice* is/can be guaranteed when in reality for many Black women and girls their experience as “victims and offenders is anything but ‘just’” (p. 2). As will be discussed in later chapters, hardly any of the women in this study do not have faith in the criminal legal system’s ability (or desire to) provide “justice” for sex trafficking survivors. In actuality, the women of this study themselves re-conceive ideas of “justice” that reject institutional responses of the legal system overall.

Second, with reference to chattel enslavement of Africans and their descendants, the term “enslavement” will be used to describe enslaved people, not “slaves.” I use this term to refer to the condition that was forced upon them and that has also been stamped onto their descendants. While “slave” does not imply consent, it does not reflect the structural and systemic instruments that exist to keep the enslaved in a subjugated position in society and benefit the state. Enslavement and enslaved person, instead, offer a more complex description of persons into a condition not of their own choosing and has not been used as flippantly to describe non-slavery or slave-like experiences. Finally, I believe the “enslaved/enslavement” connotations and descriptions demonstrate the role of legality and governmental legitimacy to a stronger extent than the terms “slave/slavery” can provide.

Referring to the slippery definitions of human trafficking and its manifestations, I use the term sex trafficking to refer to situations that describe compulsion to perform an act due to force, fraud, coercion, or age. For other situations where these elements are not introduced or are not as

clear, “exploitation” will be used. I will likewise not use the term “child prostitute” outside of a direct quote for two reasons: (1) children cannot legally consent to prostitution; and (2) this wording itself is violent *because* children cannot consent and therefore implies that the sexual violence done to them was either invited or deserved. Instead, the terms child sex trafficking survivor or prostituted child will be used. When referring to men who pay to sexually violate children, especially when they are aware of the ages of the exploited persons, I will not use the term “customer” unless explicitly used in a quotation from a narrator. Using the word “customer” in this context legitimates the violent transaction of exploiting children.

I use the term “trafficking” and “exploitation” interchangeably when the context does not require a specification of law or age. When I am describing the narrators’ experiences, I use whatever terminology they have chosen regardless of legal definitions or comfortability. I also predominately use the words “trafficker” and “pimp” to describe the responsible parties who trafficked the narrators. I use the term “exploiter” when a dynamic of coercion was implied by the narrators, but the individual(s) could not concretely be defined as a “trafficker” such as an abusive husband who profited off the prostitution of the wife but did not encourage or act as a pimp, or an individual(s) who was aware of what was occurring but did not intervene. Because of the gray areas of definitions, “exploiter/exploiters” will be used.

Finally, I define “prostitution” as the engagement of sex economy for material or monetary gains while “sex work” has the added dimension of clearer conscious of choice and consent. This does not mean I am taking a position that advocates for or against sex work itself, but I am acknowledging that engaging in the sex economy, even without trafficking, is more nuanced than the dichotomous positions of *sex work as violence* or *sex work as empowering* as some other researchers and activists do. While a legitimate debate, it is outside the scope of this

research and does not offer insight on Black women and girls who are sex trafficking survivors and the criminal legal system.

These terms will be used outside of the self-identifying names that the survivors themselves wanted to use to elucidate their experiences. When referring to the narrators of this study, the terminology will reflect their own understanding of their respective experiences and journeys. As will be described in the next section, this research utilizes Black feminist theories to inform both its theoretical foundation as well as methodology and methods. A core tenet of Black feminist thought is the ability to self-define and self-name (King, 1988). In praxis, I asked each narrator what terminology they wanted me to use when reiterating their stories. This was done both as an act of Black feminist politics, and to share in kinship of resistance to labels that often harms vulnerable populations (for example, the cases of Brown and Kizer). Therefore, beginning in Chapter Five, the terminology outlined here may appear to be adjusted or not following my own usage preference, but it is merely reflecting the centering of the narrators themselves.

Summary of Chapters

Remnants of Chattel is a study on the lived experiences of U.S. Black women survivors of sex trafficking and those who had previously engaged in prostitution utilizing semi-structured interviews and field observations of a state-wide human trafficking council. Specifically, this dissertation seeks to contextualize U.S. Black women's onsets into exploitation, how they frame and understand their experiences, and the ways in which they navigated the criminal legal system from policing to incarceration. This research aims to problematize discourse around domestic sex trafficking, including criticism from researchers and advocates, by applying intersectional and Black feminist theories to analyze the growth of human trafficking beginning with chattel

enslavement. Most important, this research interrogates how Black women survivors view “justice” and how they believe the preventing and aiding of sexually exploited Black women and girls can be achieved. This dissertation contributes to the minimal amount of empirical research on human trafficking and offers a much-needed critical and intersectional insight on how trafficking experiences are affected by multiplicative identities and within disenfranchised communities.

In Chapter Two, I introduce my study’s theoretical framework of Black feminist thought, Black feminist criminology, and intersectional criminology as a theoretical foundation to understand sex trafficking and the criminal legal system for Black women. I also describe the term “misogynoir” that was born from Black feminist activist Moya Bailey and how it will be used to frame discussions around the actions and constructions of the narrators’ Black feminine or feminized bodies. Specifically, I describe the necessity of these critical race theories to analyze the narrators’ experiences with sex trafficking and prostitution and why these frameworks are appropriate for this analysis.

In Chapter Three, I introduce the first half of what would be considered a traditional literature review. This chapter provides an analysis of the literature on chattel enslavement and the onset of the “trafficking” in the late 1800s. I analyze the change in construction of “trafficking” and “White sex slavery” as they emerged in this time period and identify the tensions that exist during this era of moral crusades while extensions of chattel enslavement persist during this time. This chapter provides an analysis of how the word “slave” has been used in anti-trafficking and anti-sex work campaigns. Within this analysis, it will be recounted how the criminal legal system was shaped by enslavement and continues to be an institution that replicates enslavement-like practices. Finally, I present a discussion on how the institution of

slavery has left a lasting impact on African Americans and how it is relevant to trafficking research and literature.

In Chapter Four, I present the second half of the traditional literature review, providing an overview of research and advocacy starting in the early 1900s. This chapter continues the problematization of research as started in Chapter Three for the contemporary era, introducing liberal, radical, and carceral feminist research. I specifically focus on research that critiques the three feminist approaches and argue how this research contributes to research on domestic sex trafficking. Within this, I am also critiquing the criticisms of research that categorizes itself as “intersectional” for their failure to include or their marginalization of Black women and girls (and other disenfranchised populations) in their analysis while demonstrating how this research is intersectional in its theoretical foundation, methods, and analysis.

In Chapter Five, I introduce the qualitative methods and methodology that were used to conduct this research, including the process of outreach, recruitment of participants, and adjustments for the COVID-19 pandemic. Relying on Black feminist qualitative inquiry and feminist ethics of caring, I introduce what I call “Black feminist liberatory ethic,” a set of guidelines I developed for research to be used in the continuing struggle for liberation for Black women from White supremacist patriarchal society and patriarchal violence of our own Black communities. I introduce the thirteen narrators and provide the meanings behind their chosen pseudonyms. This chapter also includes the pushback that was given to this research, difficulties of identity and duty negotiations I had with the research process, and limitations of the method overall.

Chapter Six introduces us to the narrators’ childhoods, traumas, family dynamics, and early contacts with the criminal legal system before they were sex trafficked or introduced to

prostitution. This chapter is used to contextualize their upcoming onsets into trafficking and lay a foundation for how the narrators would later frame their trafficking experiences. Chapter Six is the analysis chapter for the “before” phase of the narrators’ lives and introduces some of the narrators’ perceptions of the criminal legal system before they were trafficked. This chapter also discusses the processes of adultification and sexualization the narrators experienced as children and how these experiences impacted their childhood development.

Chapter Seven discusses the narrators’ personal framing and labeling of their respective experiences with trafficking and prostitution and recounts their onsets into trafficking by describing the “first” time being trafficked or engaging in prostitution. Specifically, this chapter reiterates the importance of Black feminist theories and the act of self-defining because it provides further insights into how narrators would later respond when in contact with the criminal legal system and provide insight into how they define and construct “justice” for Black women and girls. This chapter is separated by sections of narrators whose onsets happened while they were children and narrators who first entered prostitution or were trafficked as an adult. Information on traffickers and exploiters is also detailed here, including relationships to narrators and their manipulation tactics.

In Chapter Eight, the narrators reveal their interactions with police officers as victims of trafficking and former prostitutes and I provide an overview of the collateral of anti-trafficking enforcement. These interactions ranged from indifferent to violent and narrators discuss how misogynoir influenced their encounters with police officers and their subsequent criminalization as offenders. This chapter also introduces the concept of *amplified victimization*, wherein carceral intervention exacerbated the violence of the trafficking experience and created an additional experience of violence from the state.

Chapter Nine examines the narrators' criminal trials and incarceration from charges they incurred as a result of being trafficked. Narrators explain how their framing and labeling of their trafficking experience shifted due to their defense attorneys' advocacy and their treatment by prosecutors. This chapter demonstrates the misogynoir and gatekeeping of anti-trafficking enforcement and the marginalization Black women and girls experience as they are typically constructed as complicit in their trafficking as offenders and denied victimhood by the court system. This chapter details the women's exits from trafficking and prostitution and the additional personal and structural barriers they faced while transitioning out and attempting to move forward with their lives.

The conclusion of the dissertation is Chapter Ten, wherein narrators explicate on what they believe "justice" to be and how it can be achieved for trafficked Black women and girls. Narrators discuss the societal and community devaluation of Black women and girls, the stereotypes of Black women and girls being inherently strong and/or sexual, and the cultural fear of "snitching" and ensuing stigmatizing as barriers for Black women and girls to achieve justice and heal from exploitation. Narrators assert that any foundation of justice for Black women and girls needs to prioritize loving, protecting, uplifting, and believing Black women and girls. Chapter Ten concludes with the final pieces of advice narrators provided to other Black women and girls who may be experiencing or witnessing similar traumas.

The final chapter is Chapter Eleven: Epilogue, wherein I discuss the value of Black feminist research on analyzing the sex trafficking of Black women and girls and their victimization and criminalization experiences. Chapter Eleven also details the limitations of this dissertation and the steps taken to minimize the impacts on the research. This chapter also briefly details the narrators' lives after trafficking, and the work they do in their communities. The

Epilogue provides a summary of the contents and findings of the dissertation overall and offers a brief comment on how future research endeavors should center liberation at the core of its analysis. The final word is a repetition of the narrators' assertions on the societal and community change needed to prevent and address the sex trafficking of Black women and girls.

Chapter Two

Learning From Black Women's Narratives: A Black Feminist Theoretical Framework

“The hood taught me that feminism isn't just academic theory. It isn't a matter of saying the right words at the right time. Feminism is the work that you do, and the people you do it for who matter more than anything else.”

Mikki Kendall, *Hood Feminism*, p.xiii

To properly discuss sex trafficking and Black women and girls, it is necessary to locate their experiences within formal institutions because they regulate social behaviors and interactions before, during, and after exploitation. Systems and their institutions reflect structurally-based social hierarchies based on a White supremacist and patriarchal ideology that oppress disenfranchised groups. Meaning, Black women are maligned due to their race and gender but are also impacted due to other identities they have. Within a White supremacist and patriarchal sociopolitical structure, Black women and girls are constrained by these oppressive dynamics. Because of these oppressive dynamics and constraints, to effectively learn from the narratives of Black women and girls sex trafficking survivors, a theoretical framework that emphasizes self-determination, resistance to White supremacist patriarchy, and liberation is required. This research draws from three theoretical frameworks conducive to understanding structural impacts and the exploitation of Black women: (a) Black feminist thought, (b) Black feminist criminology, and (c) intersectional criminology.

It is important to note the terminology of “White supremacy” and “patriarchy” used throughout herein. Patriarchy is the ideological belief in male superiority and dominance. White supremacy is the ideology of racial superiority with White people, specifically White men, as

superior to members of other races. Philosopher Charles Mills (1997) describes White supremacy as an “unnamed political system that has made the modern world what it is today” (p. 1). This racialized political dominance is a “power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth, and opportunities, benefits and burdens, rights and duties” (Mills, 1997, p. 3). Therefore, racism becomes the instrument through which White supremacy’s ideology is enforced (Araujo, 2020; Delgado and Stefancic, 2017; Mills, 1997) and misogyny is the mechanism through which patriarchy is implanted. The execution of these two ideologies results in a sociopolitical dominance of White men over others while also delineating abridged privileges according to proximity to these ideologies; that is, White women suffer from sexism while benefitting from racism and Black men benefit from patriarchy while being maligned by racism.

These ideologies are both hindrances to liberation for all oppressed groups and reveals the insidious ways that power and prejudices work between and within groups. Relevant to this research is that White supremacy and patriarchy are the root of the discrimination and gendered violence that Black women and girls face that is expounded because of their identities as *Black* and *women/girls*. Furthermore, this intersecting identity has been historically marred by racist and sexist construction of Black womanhood resulting in a specific belief of domination for Black women and girls, or *misogynoir*. Created by scholar and activist Moya Bailey (2010), misogynoir is the “particular brand of hatred directed at Black women in American visual and popular culture” (para. 5). This misogynoir is made legible through “document[ing] the stereotypical and dehumanizing way Black women have been depicted in U.S. films and on television, but even on social media sites” (Jackson, Bailey, and Welles, 2020, p. 62) and has its origins in the construction and exploitation of enslaved African women and girls.

My research posits that misogynoir is an underpinning ideology as a result of White supremacy and patriarchy that is also a foundational framework through which to understand the lived experiences of Black women survivors of sexual exploitation in addition to the three theoretical frameworks. Misogynoir is used to highlight the physical body politic that traffickers, exploiters, and agents of the state viewed Black women and girls who have been sex trafficked. It will work in conjunction with the theories of Black feminism, Black feminist criminology, and intersectional criminology that dismantle the ways that Black women and girls are dehumanized and minimized in anti-trafficking enforcement and vulnerability to sexual exploitation.

Abridged Definitions of Feminism: A Prelude to the Necessity of Black Feminist Thought

In its broadest and least critical sense, feminist theory(ies) has relied on the experiences of cisgender, White, and middle-class women and their defining of womanhood, patriarchy, and sexism. Historically, White women-centered feminist movements and theories have focused on voting rights, reproductive rights, and employment equality—in other words, the focus has been on the political, social, and economic equality between White men and women. In its earliest incarnation, feminist theory and praxis ignored non-White women, socioeconomic differences, sexuality, and structural issues of systemic racism and other inequities. These feminist movements and their theories assume that all women have the same experience being oppressed by sexism based on a homogenous idea of “womanhood.” I do not wish to imply that all feminist organizing or theory is the same because there was heterogeneity in this feminist organizing just as there is in contemporary feminist movements. However, these feminist theories and movements do share the same foundation of wanting to eliminate the misogyny that oppresses women.

In its most basic definition, feminism is the goal of social, political, and economical equality with men and there have been a diverse array of feminist theories and organizing to advance this goal. I will instead focus on the two feminisms⁸ that have had the most significant impacts on sex trafficking research and advocacy: radical feminism and liberal feminism, and then incipient carceral feminism that has become hegemony for anti-trafficking research and activism. Put simply, radical feminism is the belief that society itself requires a dramatic restructuring to ensure equality and to stop men's suppression of women. For radical feminists, sex and sexuality are used to oppress women for men's gratification, which is why sexual violence proliferates. Radical feminists view sex trafficking as a manifestation of structural misogyny but also view all sexual commerce as oppressive and question if "consent" is possible in sex work and prostitution because of male supremacy (Barry, 1995; MacKinnon, 2011). A radical feminist solution is to punish sexual exploiters, be they traffickers or customers, to the fullest extent of the available punishment apparatuses that exist or to create new policy if needed. Examples include criminalizing sex work, the buying of sexual services (even with adults) and increasing criminal punishments for those who continue to engage with the sex economy.

In contrast, liberal feminism is considered the "mainstream" iteration of feminist organizing and asserts that gender equality is possible through political reform and is possible through a liberal democracy (Jackson, Bailey, and Welles, 2020; Maynard, 1995; Wing 2003). Liberal feminists describe gender violence as a manifestation of social and political inequality that women have, but liberal feminists do not share radical feminists' view that society in general requires re-structuring; rather, liberal feminists believe that women's equality can be gained through legal and political reform. As Black feminist scholar-activist Beth E. Richie (2012)

⁸ Both schools of feminist thought are covered in more detail in Chapter Four on sex trafficking feminist research.

explains, liberal feminist approaches to gender violence are a “more moderate approach, arguing for expanding political and civil rights rather than structural change” (p. 76). Sex trafficking, then, is due to women’s degraded status in society that renders them vulnerable to exploitation politically, socially, and economically. Ergo, the solution lies in elevating women’s status in society, providing equal economic opportunities, and trusting in the criminal legal system for fair deployment of punishment for those who exploit others for sexual violence.

Radical feminism represents a not-insignificant portion of sex trafficking advocacy and research, but liberal feminism retains the hegemony of research, activism, and governmental approaches—or, at the very least, its liberal perception—to combatting sex trafficking, both domestic and international. Both radical and liberal feminism will espouse anti-racist views and declare themselves as working in the interests of all women but will still render non-White (and poor or poverty-living women, non-cisgender women, disabled women, and other socially vulnerable and marginalized identities) invisible and support actions that harm women of Color. Feminist organizing and theorizing during the anti-violence movement of the 1960s and 1970s would encompass gendered violence like sex trafficking as an issue of crime control, lobbying for political and institutional change through “criminal justice reform” and “crime control” (Bumiller, 2008; Kim, 2018). These so-called criminal justice reforms would ultimately result in solutions that increased surveillance and policing by the criminal legal system, earning criticism from women of Color activists who stated that reliance on law enforcement and the courts worked to criminalize the most vulnerable women and girls instead of protecting them because the White middle-class women had their race and socioeconomic status to protect them even while they too suffered from gendered violence (Combahee River Collective, 1974; Thuma, 2019). Responses to these criticisms was that feminist mobilization was meant to address the

gender oppression of all women, and that the anti-violence movement was created to abate these abuses (Bumiller, 2008). This was, and continues to be, a defense based on essentialism to define “womanhood,” and how abuse is experienced. This essentialism constituted the foundation of how mainstream feminist activism sought to combat gender violence. As Richie (2005) elaborates, this essentialism had consequences:

When mainstream attention to the needs of victims and survivors was gradually integrated into the public realm of social service and legal protection and became visible in research studies, “every woman” became a white middle-class woman who could turn to a private therapist, a doctor, a police officer, or a law to protect her from abuse.... The consequence of this paradigmatic problem is that victimization of women of color in low-income communities is invisible to the mainstream public, at best. Worse yet, when poor, African-American, Latina, Native American women and other women of color are victimized, the problem is cast as something other than a case of gender violence. (p. 1135)

Sex trafficking research continues to follow this mainstream pattern of approaching this criminal and social phenomenon as a matter of gender equality without the necessary problematization of gender’s interaction with other identities. Further, sex trafficking research also focuses on critiques of “carceral feminism,” which was termed to describe the reliance on and collaboration with the criminal legal system to address gendered violence within feminist scholarship and activism (Bernstein, 2012; Kim, 2018).

These criticisms of essentialized responses to gender violence, especially responses that allied themselves with the carceral state, are necessary because carceral feminism relies on “policing, prosecution, and imprisonment” from the criminal “justice” system as methods of intervention in gender violence, but for non-White and poor women “it rarely offers them anything approaching justice” (Kendall, 2020, p. 130). However, as I expound on in Chapter Four, these criticisms also marginalized Black women and girls and the disparate harm that sex trafficking has on our communities because they often couch their criticism in a broad definition

of “racism” and “intersectionality” without considering the unique manifestations of anti-Black biases of fear and distrust that impact Black Americans structurally and systemically. As my research shows, a comprehensive understanding of sex trafficking in the Black community and the lived experiences of survivors requires a theoretical foundation that places importance on their multiplicative identities, historical construction of knowledge production against White supremacy and patriarchy, and the resistance inherent therein. The first of these theoretical frameworks is Black feminist thought.

Black Feminist Thought: A Genealogy of Feminist Production of Black Women

Early feminist mobilization relied on a generalized definition of womanhood and its ensuing patriarchal oppression as the groundwork for White feminists’ organizing and writing. The assumption was that all women experience gendered oppression and denigration the same because domination worked on the basis of male superiority with little regard for how race and other identities were likewise being dominated. As Black feminist cultural critic bell hooks (1981) informs, these assumptions “divorce the issue of race from sex, or sex from race,” to the detrimental point “that most discussions of sexism, sexist oppression, or woman’s place in society are distorted, biased, or inaccurate” (p. 12).

Indeed, the beginnings of feminist organizing in the United States is linked to the suffragist movement of the early 1900s with White women mobilizing for the right to vote and the abolitionist movement against chattel enslavement, with the assumption that both White women and Black men were oppressed by the patriarchal control of White men (Stevenson, 2019). However, White women in their organizing failed to properly center or consider the differences Black women had in comparison to White women and Black men due to White supremacy *and* patriarchy. This history obscures the fact that Black women had already been

producing theory based on their gendered and racialized experiences. As historian Kimberly Springer (2002) reminds, Black women have always “enacted feminist politics that acknowledged the ways that they were oppressed as Blacks *and* women” dating to chattel enslavement and during abolition movements (p. 1062). History has pushed these Black women to the sides while centering the White-centered (and middle-class centered) suffragist movement as an origin point for feminist theorizing and organizing.

From its inception, U.S.-based Black feminism has centered the intersecting identities of Black women with the multilayered structures of oppression and its enforcement systems, beginning with chattel enslavement. Black feminism can be traced to the enslavement of Africans and their descendants (Norwood, 2013) civil rights mobilizations with anti-slavery and abolitionist movements (Freedman, 2007) and included White and Black women, though racial tensions persisted. These anti-slavery societies pressured political systems to abolish slavery and to free enslaved persons while also working with and supporting the Underground Railroad to help enslaved persons escape captivity. In response to the racism experienced within these anti-slavery societies, Black women would organize their own movements that focused on their experiences of racism and sexism, seeking to dismantle both systems of oppression (Johnson, 2015).

Frances Beale’s (1965) article “Slave of a Slave No More” argues that Black women have had to endure double and triple burdens of gender, race, and class since the era of chattel enslavement. Beale terms the experience and position of Black women as “double jeopardy” (King, 1988, p. 46). Specifically, Beale (1975) states that Black women suffered from a White male patriarchy, with a double impact of racism and sexism, from racist White men and women and from sexist White and Black men who sought to assert dominion over Black women. This

analysis is extended by adding that capitalism oppresses all who are not in the elite or ruling class. Beale is exemplifying a key tenet of Black feminist thought and praxis: the right to name the different dimensions of marginalization Black women experience from their intersecting identities and their rebellions against these oppressions.

What is of particular significance here is not only the theory being produced by Black women, but the asserting of self-determination and self-definition. Black feminist thought is a political act of rebellion of how society writ large dictates Black women's and girls' bodies and experiences through a narrow, White supremacist framework. Self-described "Black, lesbian, mother, warrior, poet" Audre Lorde (1984) summarizes:

Within this country where racial differences creates a constant, if unspoken, distortion of vision, Black women have on one hand always been highly visible, and so, on the other hand, have been rendered invisible through the depersonalization of racism...for to survive in the mouth of this dragon we call America, we have had to learn this first and most vital lesson—that we were never meant to survive. Not as human beings. (p. 42)

Self-determination and self-naming removes this depersonalization and instead provides Black women a tool which they build themselves outside of the oppressive structures that seek to minimize and erase us. Lorde demonstrates the truth that many Black women knew before Black feminist theory became academic supposition—that the oppressive structures were meant to destroy them. Black feminist theory and praxis is not only a weapon against these oppressive structures created by White supremacist patriarchy but is also an act of self-recovery (Johnson, 2020) and foundation for liberation. It is because of this determination and liberation that Black feminism is the foundation of my research, both as a praxis and as an analytical framework to which I now turn.

Black Feminist Thought: Towards A Conceptualization of Theory

An understanding of Black women's and girls' lived experiences requires a framework that centers their interlocking identities and their corresponding oppressions. As Evelyn Brooks Higginbotham (1992) elucidates, race is a "metalanguage" that dictates gender construction and expectation:

[S]ocieties where racial demarcation is endemic to their sociocultural fabric and heritage—to their laws and economy, to their institutionalized structures and discourses, and to their epistemologies and everyday customs—gender identity is inextricably linked to and even determined by racial identity. (p. 254)

Because of the ideology structure of the United States, race and gender are intertwined and inform their experiences because of racism and sexism. Rather, these identities have a multiplicative impact on each other.

Black feminist sociologist Deborah King's (1988) conceptualization of "multiple consciousness" furthers Beale's multiplicative analysis. King (1988) begins her trajectory from Beale's concept of "double jeopardy," showing appreciation for Beale's theory, but asserting that it is not complete. Multiple consciousness locates class and classism as another identity that marginalizes Black women as a *triple* jeopardy. King also briefly mentions sexuality and homophobia as a fourth jeopardy for Black women but does not expand on this point. King's "multiple Jeopardy" details the tenets of Black feminist theory as: (1) declaring the visibility of Black women and their special status in society; (2) self-determination is essential for Black women's thriving and surviving; (3) Black feminism fundamentally challenges the dominant oppressive infrastructure that oppresses on the basis of gender, race and class; (4) Black feminism views Black women as powerful and independent individuals who use their multiple consciousness to achieve liberation from racism, sexism, and classism (King, 1988).

King cautions against viewing intersecting identities as additive but seeing them as interactive. “Multiple jeopardy” means “simultaneous oppressions[....]the equivalent formulation is racism multiplied by sexism multiplied by classism” (King, 1988, p. 47). A Black woman is not oppressed by being a woman and then being Black, or poor. A Black woman is oppressed as a Black poor woman, altogether, because dominate society oppresses those outside of the elite, White male class. Multiple jeopardy provides the analytical tool to view Black women as whole, complete beings who experiences with discrimination and oppression and empowerment are also likewise experiences in whole, and comprehensive way. This does not mean that some oppressions cannot be more pronounced than others in certain times, places, spaces, or with certain people. Instead, multiple jeopardy emphasizes the interconnectedness of all our identities.

Black feminist sociologist Patricia Hill Collins (1999) continues with this Black feminist epistemology in her *Black Feminist Thought: Knowledge, Consciousness, and Empowerment* text that provided the most comprehensive definition of Black feminist thought in the epistemology. First, Black feminist thought is the specialized knowledge that only Black women can produce. Collins (1990) describes several tenets that underlie Black feminist thought: (1) race, gender, and class are inherently intertwined for Black women; (2) Black women’s thought production cannot be separated from the structural conditions of Black women in the United States; (3) Black women all share a unique standpoint by being Black women, but no two Black women share the exact same experiences; (4) historical and material conditions have always shaped Black women’s standpoint, and will continue to do so; and (5) Black women may not be aware of the theory they are producing, but they are still knowledge producers and intellectuals because of their standpoint.

Black feminist thought also includes the concept of the “matrix of domination,” which illustrates how intersections of oppressions are by structural design. This design is the structural organization of power and privileges that subjugate the disenfranchised on the basis of race, gender, class, and sexuality. In addition, power is not always a top-down process, but works in response to another identity, so the oppressed can simultaneously be dominated and dominate others (p. 227). For Black feminist thought, the matrix of domination has four different domains that work to simultaneously impact Black women and causes their experiences to differ: structural, disciplinary, hegemonic, and interpersonal to explain how “structural, disciplinary, hegemonic, and interpersonal domains of power reappear across quite different forms of oppression” (Collins, 1990, p. 18).

Black feminist thought also conceives the idea of “controlling images” that have been used to dehumanize and marginalize Black women via stereotypical images. Controlling images are stereotypical portrayals of Black women that denigrate their intelligence, morality, and sexuality—to name a few of its functions—and provide “powerful ideological justifications” (Collins, 1990, p. 67) for oppressions of race, gender, and class. Collins later elaborates that controlling images “are designed to make racism, sexism, poverty, and other forms of social injustice appear to be natural, normal, and inevitable parts of everyday life” (2000, p. 96). These controlling images and their ideological justifications are cyclical in nature: the images are born from White supremacist and patriarchal thought and then used to validate these beliefs and ensuing actions and the individuals performing said actions. Stereotypical images and archetypes therefore legitimate the dehumanization of vulnerable groups by relaying the same ideological foundation that creates the material conditions and stereotypes for Black women and girls to be dominated and oppressed.

Collins (1990) details four controlling images that impact Black women: (1) the Mammy, a docile servant and caricature of the nurturing enslaved woman; (2) the Matriarch, an emasculating figure of Black womanhood who is used to blame the societal ills of the Black community on Black women's failures as mothers and as women instead of examining structural inequality; (3) the Welfare Queen, a caricature of the enslaved woman used for "breeding" that stereotypes Black mothers, and Black people overall, as lazy and wanting government assistance in lieu of employment; and (4) the "Jezebel" figure of insatiable sexual appetite that was created by enslavers and White men to legitimate the rape of the enslaved Black women and girls, a dangerous trope that continues to excuse and erase the sexual victimization of Black women and girls (pp. 69-77).

Other Black feminists have identified additional controlling images of Black women and evolutions of these images, such as the Sapphire, an archetype of a loud, "sassy" Black woman who also emasculates her male partners and the Black men around her in general. The Sapphire's assertiveness and "verbosity" (Jewell, 1993, p. 45) is used to explain the differing of femininity between Black women and non-Black women, specifically with power dynamics and traditional ideas of womanhood that garner protection against male violence. Another image is that of the "Strong Black Woman," or SBW, who can withstand all abuses White society and her Black community burden her with, especially men. SBW is expected to "persevere under any circumstances" (Springer, 2002, p. 1069).

While all controlling images have in some way constrained a Black woman or girl, the most significant figure for my research is the Jezebel. Collins (1990) describes the Jezebel as "the whore, or sexually aggressive woman—is central in this nexus of elite white male images of Black womanhood because efforts to control Black women's sexuality lie at the heart of Black

women's oppression" (p. 77). Like the other controlling images, Jezebel originated with chattel enslavement and served two purposes. First, the Jezebel's lasciviousness justified the sexual violence committed against Black women and girls by relying upon beliefs that enslaved women were property to be treated without consequences and that their natural state was sexually aggressive/lustful. Second, the institution of chattel enslavement itself relied on the fertility of the enslaved to produce more chattel, especially after the importing of enslaved peoples was prohibited in 1808—the reproduction of the enslaved was still legal and for an economy that was dependent on slave labor, this was a necessary function of the Jezebel image.

Enslaved women's and girls' bodies were constructed as immoral, insatiable body parts for the sexual gratification. This construction likewise reified a racial fetishization the enslavers held for Black women's and girls' reproductive potential. The construction for sexual domination and potential for birthing more profitable chattel began with enslavers and traders along the Middle Passage journey from the African continent to the colonized regions of what was to become the United States. The colonizers and enslavers knew the economic benefits the bodies of enslaved women and girls would bring as a labor *and* as a reproductive force. As West (2015) summarizes:

Though they did not realize it themselves when they first arrived, enslaved women would increasingly be at the heart of the violence and brutality that characterized America's slave economy. After all, it was the exploitation of female slaves as workers and as women that enabled colonial America to grow and prosper. (p. 23)

This is the ideological foundation upon which controlling images, especially the Jezebel, would be built to justify sexual violence. Furthermore, just as the institution of chattel enslavement itself forged a seemingly permanent legacy of racism in its creation of racial caste, so too have its controlling images of Black women and girls continued to endure and “persist to this day, having transformed, solidified, and mutated over time to fit shifting realities” (Ritchie, 2017, p. 42).

Black feminist author Joan Morgan (1999) writes that the images and stereotypes of Black women that arose from chattel enslavement have evolved into the stereotypes of Black women as “ghetto bitches” and “hoochie mamas” (p. 100) that continues to live in United States’ cultural and social imagination. Black feminist theorists and activist continue to observe the changing reality of Jezebel’s specter and its consequences for Black women and girls. Jackson, Bailey, and Welles (2020) discuss the challenge of the construction of the “fast-tailed girl” or a “fast Black girl,” that is, a Black girl or young woman assumed to be more sexually active or knowledgeable than she is. The purpose of “fast-tailed” or “fast girl” is to “operate as a form of victim blaming and perpetuate misogynoiristic ideas about Black women and girls” (p. 65). Both descriptors serve to portray Black women and girls—from the very young to the elders—as hypersexual and deceitful beings incapable of being victimized; and these images flourish and are utilized by across all segments of society. This is the depth to which misogynoir is engrained in White supremacist patriarchal society.

Remnants of Chattel is an examination of the lived experiences of Black women survivors of sex trafficking and their navigations of the criminal legal system. Black feminist thought and activism underpins this research and posits that the construction of Black women and girls—as Jezebels, as Sapphires, and all other dehumanizing caricatures—and those constructions’ roots in chattel enslavement continue to impact them as victims and survivors. Black feminist thought provides the historical and theoretical foundation for the other theoretical frameworks I employ, Black feminist criminology and intersectional criminology, which aided in the drafting, implementation, and data analysis of my research.

Black Feminist Criminology

As an academic field, criminology is the devotion to studying crime, criminality, and the social control designed to address criminal behavior. Similar to most social science disciplines, criminology's origins were male-dominated both in terms of its scholars and its subjects of research. Thus, early criminological theories and research were focused on why men broke the law, not women (Belknap, 2015) and especially not on the victimization of women. Early criminological research on race and men of Color was also laden with racist scholarship and ideology. Particularly because early criminological theories posited biological causes of natural criminal behavior that differed between races due to having "primal" genetic makeup (Gabbidon, 2015, p. 10), Black and African communities, women included, were theorized as being naturally predisposed to criminal behavior.

Criminology largely neglected the inclusion of women and girls from its scholarship, but feminist activism during the 1970s began criticizing criminological theories that ignored women and girls and produced androcentric theories of criminal behavior (Belknap, 2015; Chesney-Lind, 2006). Feminist criminology is the study of "criminal offending and victimization" of women and girls as well as the "institutional response" with the intention of influencing public policy that can create "equitable social relations and social structures" (Renzetti, 2013, p. 13). Feminist criminology is not homogenous in its feminist theorizing, but it has likewise been criticized for its focus on White women and girls, not unlike the "mainstream" feminist movement beginning with the suffragettes. In response, feminist criminologists challenged the hegemony of Whiteness in feminist criminology by incorporating critical and multiracial feminist theoretical frameworks into its scholarship (Burgess-Proctor, 2006). One advancement of feminist criminology was the development of Black feminist criminology.

Black feminist criminology advances feminist criminology and Black feminist thought by placing the intersecting identities of Black women at the center of the analysis. Because of the nature of trafficking, those who are being sexually exploited are already committing a criminal act according to the U.S. criminal legal system. It is only when the criminal legal system intervenes and gives the label of “trafficking victim” that the criminal aspect of sex trafficking is removed from the victim(s). However, the victim title can only be granted by law enforcement and/or legal counsel and such agencies and agents have historically treated Black victimized women as being criminal. It is because of this that Black feminist criminology will be used to inform this research.

Black feminist criminology is a theoretical framework that “places the Black woman and her intersecting identities at the center of any analysis” and specifically considers the issues of crime, victimization, and the criminal legal systems in the lives of Black women (Potter, 2008, p. 7). Black feminist criminology is informed by critical race feminisms and Black feminist theory. Black feminist criminologist Hillary Potter (2008) categorizes Black feminist criminology into four themes to illustrate how it addresses crime and victimization in Black women’s lives: (1) oppressions delineated through social structures; (2) Black community and culture; (3) intimate and familial relations; and (4) Black women as individuals (p. 15).

The first theme of Black feminist criminology discusses how structural oppressions manifest through institutional racism and the harmful stereotypes of Black women work in conjunction to constrain Black women. These constraints impact Black women (and girls) livelihoods and their possibility of victimization. This theme is used to discuss and understand how the multiplicative oppressions Black women endure impacted the lives of trafficked Black women before, during, and after their trafficking experience; specifically, this theme focuses on

how denial of equal access to resources can contribute to vulnerability to being trafficked, such as limited formal education and fruitful (for example, enough to live off of) employment. Having limited or no access to resources is a predicting factor for creating vulnerability for being exploited, so this theme is used to explore the unique conditions for Black women and girls before trafficking.

The second theme of Black feminist criminology explores cultural distinctions of dynamics within the Black community. This theme analyzes how community relations affects Black women's victimization and criminalization and will be applied in two ways in my research. First, like all gendered crimes, sex trafficking tends to occur intra-racially, with Black men and boys trafficking Black women and girls. Second, this theme centers Black culture, and to understand how Black women understand their trafficking experiences and identities, then this culture requires exploring. This theme allowed me to isolate any unique or new causes or correlations, impacts, or framings of sex trafficking that have yet to be found in the current trafficking literature. Therefore, understanding community dynamics and history is vital for understanding Black women's and girls' identities and sex trafficking encounters.

Black feminist criminology's third theme of intimate and family relations concentrates on how familial networks affect Black women's encounters with violence. The third theme is used to explore trafficked Black women's family and intimate connections before, during, and after exploitation. Sex trafficking victims have been introduced to sexual exploitation in three ways: (1) family members; (2) a romantic partner; and (3) through an acquaintance. This third theme of Black feminist criminology continues off the second theme of community influence on identity and how that may also impact understanding of trafficking experience. In addition, the third theme illuminates any factors related to the exploitation that may be isolated within Black family

networks, specifically with extended familial relations that structure the Black family and community.

Analyzing Black women as individuals who are located within their family, community, and social structures is the final theme of Black feminist criminology. As Potter (2008) explains, “her life as a Black woman is strongly connected to her location, status, and role in the social structure, the Black community, and interpersonal relationships” (p. 21). This fourth theme is used to center Black women’s individual experiences within the larger social and political structures through which they navigate their lives, thereby allowing for an understanding of Black women as a heterogenous group while findings themes and commonalities they all share as Black women.

Black feminist criminology offers an analytical framework that contextualizes Black women’s and girls’ victimization in the context of the relationship between interpersonal, community, and state violence and harm. Richie (2012) illustrates this relationship through her concept of a “violence matrix” that centers Black women’s social location under multiple dominating structures. Drawing from the Black feminist thought concept of the “matrix of domination” (Collins, 2000), the violence matrix explains how the interpersonal violence Black women experience from family, intimate partners, community members, and state agents that “highlights the intersectional relationship between male violence and ideology around race, gender, sexuality, and class” (p. 132). The violence matrix draws the intricacies of how the abuses Black women experience and how these abuses intertwine with Black women having interactions with the state.

The violence matrix’s contextualization of gender violence against Black women as having related dimensions between personal, community, and state illustrates how “state

institutions and neoliberal public policies interact with and deepen the harm caused by household and community violence” (p. 139). As Richie (2012) and Morris (2015) discuss, there is anecdotal evidence to suggest that sex trafficking of Black women (and girls) often begins as intimate partner abuse, family violence, or assaults from the community. The violence matrix is also used to critique and measure how carceral feminism and neoliberal politics manifest in anti-trafficking enforcement, and how they impact Black sex trafficking women’s interactions with law enforcement. The violence matrix is used in conjunction with Black feminist criminology in framing and analysis.

Intersectional Criminology

Intersectionality’s Foundation: Critical Race and Critical Race Feminisms

Intersectionality grew out of the foundations of critical race theory (CRT) and critical race feminisms (CRF). Critical race theorists argue that social and political oppression is based on the combination of individual identities. CRT was founded by scholars of critical legal studies and radical feminism and seeks to transform the dynamics of racism and socio-political power. CRT has four primary tenets: (1) racism is an ordinary, common experience; (2) racism and White supremacy serve the material and “psychic” needs of the dominant group, even if they hold some other identity or status that is not subordinated, so there is little desire to eradicate this ideology; (3) race is constructed by the dominant society so manifestations of racism reflect this construction, known as the process of racialization; and (4) the necessity for a “unique voice of color” that centers the diverse histories and experiences of people of Color from which to learn (Delgado and Stefancic, 2017, pp. 8-11). Racialization also proclaims that individuals have a myriad of identities that interact with each other, and they may overlap and challenge each other.

CRT overall critically examines the law and legislation of the United States and its intersections with race and to challenge liberal ideology of objectivity and equality of the law.

Critical race feminism is also an anti-essentialist and centers power relation based on hierarchies of gender, race, and class and the jurisprudence of the United States. As Wing (2003) defines, CRF also “constitutes a race intervention in feminist discourse” that refutes the defining reality and lived experiences that “describes the reality of many white middle- or upper-class women, while masquerading as representing all women” (p. 7). Furthermore, CRF anti-essentialism stance asserts the significance of the multiplicative effect that identities have on individuals and how they inform power dynamics and application of the law. As does CRT before it, CRF interrogates how jurisprudence and liberal ideology are rooted in White supremacy and patriarchy that serves to oppress non-White women in an administration of “justice” that is constructed as objective and fair, relating to the first two tenets of CRT. It is from these theoretical paradigms that intersectionality is born.

Intersectionality and Black Feminist Theorizing

Intersectionality is inherent in Black feminist theorizing. Arising from critical race theory, critical race feminism, and Black feminism, intersectionality is a framework through which one can analyze experiences and conditions based on how the person’s identities are situated within the social power structure. Kimberlé Crenshaw (1991) indicates because we all exist within “the matrix of power,” intersectionality is applicable to all individuals, and she concludes, “intersectionality represents a structural and dynamic arrangement; power marks these relationships among and between categories of experience that vary in their complexity” (p. 230). Crenshaw also states that there is *structural intersectionality* that occurs when social structures (organizations and systems) organize different social groups in ways that result in

disparity. Intersectionality is a concept that takes the position that experiences are shaped and understood simultaneously through our multiple identities and this influences others' perceptions, which colors researchers' interpretation of events. It is essential to discuss both trafficking victims and traffickers as individuals situated within the larger sociopolitical structure of the United States and how their multiple identities shape their experiences with trafficking and their interactions and perceptions of the criminal legal system.

With regards to the contribution of intersectionality as an epistemology, Gines (2011) asserts that Black women have been consistently producing intersectional and feminist thought before the "foundational" texts, they were just erased from academic history. The intersectional advocacy of early Black abolitionists and liberation fighters, such as Ida B. Wells, were by their very nature intersectional because they understood and separated the experiences of Black men and women (Gines, 2011, p. 275). Crenshaw likewise focuses on the experiences of Black women's multidimensionality to illuminate the complexity (and utility) of intersectionality.

Some scholars argue that intersectionality as a concept is too ambiguous for an effective analysis on the status of women or that it attempts to hierarchize oppression. As a theory and a method, it is argued that intersectionality cannot be generalized enough for analysis and replication (known as standardize, a hallmark of methods and analysis in social science). In the words of Jordan-Zachary (2017), these critiques ignore that "intersectionality is a standpoint theory, and that the primary concern of intersectionality is to challenge power structures" (p. 13). Taking these critiques into consideration, I maintain that to fully comprehend Black women's lived experiences with sexual exploitation and the criminal legal system, an intersectional bedrock for inquisition is necessary to examine their treatment from law enforcement and the courts. As such, intersectionality's roots in critical race and critical feminist challenges of the

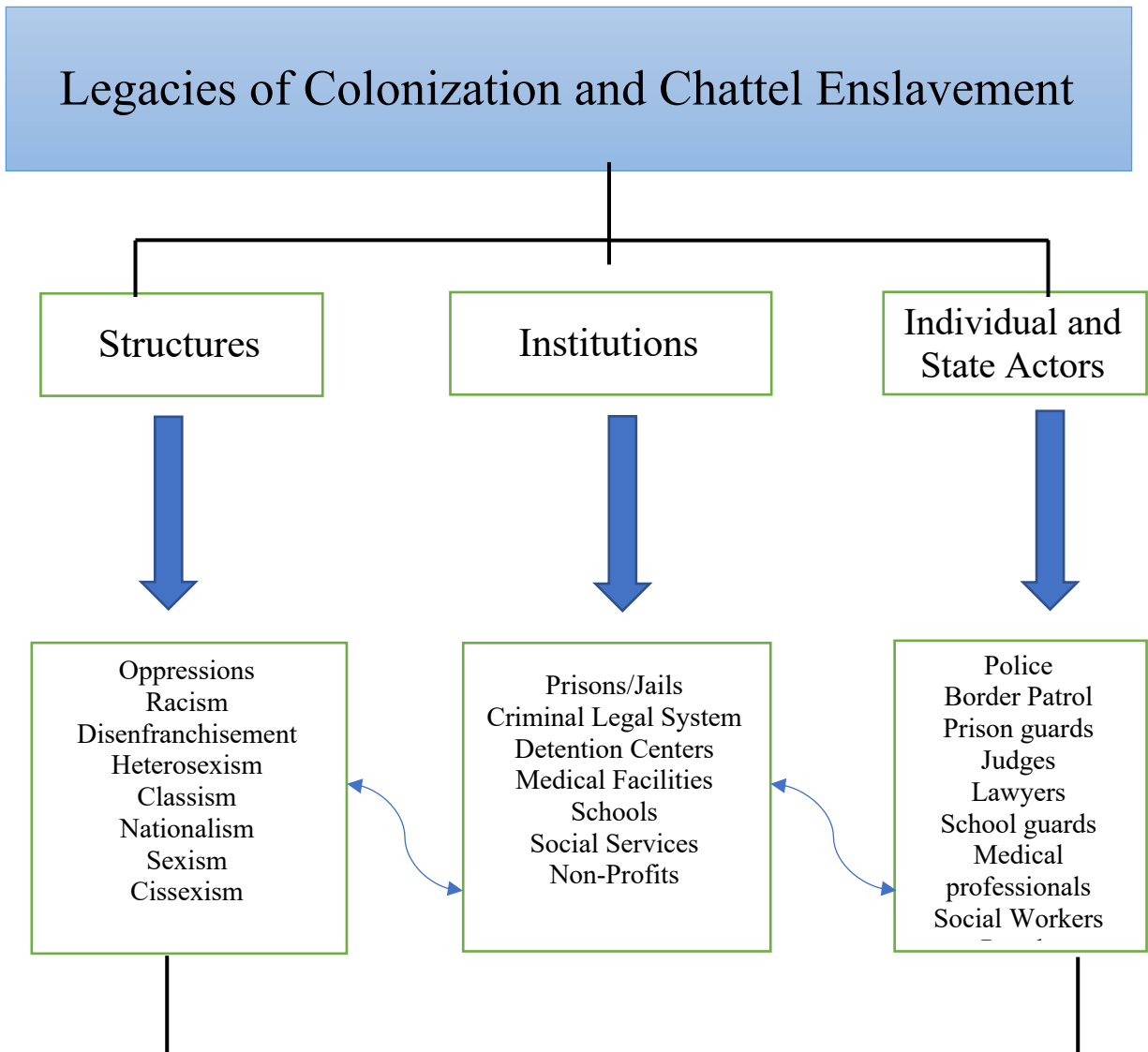
liberal ideology of the law and White supremacy and patriarchy are needed to respect the insights of the narrators herein.

Drawing from Black feminist history and intersectionality, I posit that the foundation of the structures were built by the legacies of colonization and slavery of the United States. These legacies created three veins through which power and oppression are delineated: (1) structures, the organized and systemic manifestations of oppressions; (2) institutions, the establishments through which individuals must navigate that reiterate structural inequity; and (3) individual and state actors that perform the acts of institutions that are dictated by structural hierarchy. These three veins constantly reinforce and justify each other while simultaneously working to empower and disempower undesirable groups based on race, class, gender, sexuality, nationality, and other identities.

Identities in a White supremacist and patriarchal society are given salience when they are being filtered through these three veins that were created and codified by colonization and chattel enslavement. Figure 2.1 is a visualization of the premise of this research—that the sex trafficking of Black women and girls is one of many violent manifestations of White supremacy and patriarchy that was birthed from colonization and chattel enslavement. In other words, the first instance of human trafficking of Africans and their descendants in the land that would become the United States. It is also within these legacies of colonization and chattel enslavement's and its structures that White supremacy and patriarchy are at their most normalized and unseen, under the guise of objectivity and neutrality in the law, that scholars of CRT, CRF, and intersectionality challenge. It is through these structures and institutions that misogynoir is legitimated and enacted by the individual and state actors who believe in and/or benefit from these legacies and structures.

Figure 2.1

Legacies of Colonization and Chattel Enslavement Identity and Power Map



Intersectional Criminology

Black feminist criminologist Nishaun Battle (2020) states that criminology “continues to center neoliberal forms of discourse that intentionally ignore racialized history” (p. 24), and criminological research on sex trafficking has followed this neoliberal pattern, including feminist criminological research. This is especially odious given the racialized (and gendered, and

classed, and so on and so forth) history of the construction of crime and the criminal legal system's role in maintaining chattel enslavement and White supremacy given the criminal nature of sex trafficking and the role of the criminal legal system in supporting White supremacy and patriarchal ideologies through its systems, as I detail in Chapters Three and Four. These histories combined with the field of criminology's paucity in intersectional scholarship, especially in research on sex trafficking, an intersectional criminological framework is used alongside Black feminist thought and Black feminist criminology to better contextualize the enduring legacy of chattel enslavement in the criminal legal system and how constrains and harms Black women survivors of sex trafficking as they navigate these systems.

An intersectional criminological approach is the "conceptualization that each person has an assortment of coalesced socially constructed identities that are ordered into an inequitable social stratum" (Potter, 2015, p. 3). Intersectionality is not a theory per se, but a paradigm that offers a general perspective. As Potter (2015) states:

Intersectionality can be both a perspective and a theory and that one definition can be used to describe both: *intersectionality perspective* and *intersectionality theory* denote the supposition (perspective) or proposition (theory) that individuals have multiple intertwined identities that are developed, organized, experienced, and responded to within the context of the social structure and its dis/advantaged ordering. (p.77, emphases in original)

Black women and girls involved with sex trafficking are often criminalized and have frequent contact with agents of the criminal legal system. Intersectional criminology calls for examining all aspects of identity and how those identities are perceived by and interacted with agents of the criminal legal system, but it also includes how past experiences before and during exploitation (or the criminal activity in some cases) are understood and interpreted from individuals' racialized gender/gendered racial experience and not because of their identity. Simply put, intersectional criminology understands multiplicative identities experienced in a permanent state

of simultaneous experiences; that is, Black women do not face multiple oppressions only when in contact with the criminal legal system, they have experienced their oppression long before criminalization.

Intersectional criminology likewise examines the power structures and dynamics inherent in the criminal legal system, from individual agents to the larger systems—such as policing, courts, prisons, etc.—that reify domination and oppression on the basis on intersecting identities. Potter (2015) asserts that “[c]riminal legal systems do not operate in an independent universe, unaffected by the mechanisms of a society and its social interactions” (p. 153). This is the crux of the importance of intersectional criminology for my research: the criminal legal system is the primary, if not sole, arbiter of victimhood status for trafficked individuals and “justice” for survivors. This arbiter status means that the criminal legal system is a powerful entity in combatting human trafficking and for the survivors who navigate the criminal legal system. Because these systems do replicate social interactions that are influenced by intersectional identities and legacies of chattel enslavement and colonization, Black women survivors of sex trafficking must also include an intersectional criminological analysis on their victimization and the criminal legal system’s interactions with and responses to their victimization—and likely, the criminalization of their victimization. Analysis absent this intersectional criminological framework is undercutting the significance and salience of intersecting identities, sex trafficking victimization, and the criminal legal system’s combatting of human trafficking.

As an epistemology, intersectional criminology allows for a harmony of other theoretical concepts and, because intersectionality was born out of Black feminist theorizing, using both theoretical paradigms to inform this research on Black women will enable me to fully analyze and present the multilayered experiences of Black women who have been sex trafficked.

According to Potter (2015), an intersectional methodology for research projects “can be guided by issues raised by intersectionality and then establishes the most appropriate methods to be used to answer the research question while being mindful of an intersectional framework” (pp. 77-78). Meaning, because intersectionality considers all interlocking identities as occurring simultaneously and always present for the participants, the methods and theories used need to reflect this knowledge and incorporate it into its design.

Most important, the intersectional framework combined with qualitative methods of one-on-one, intensive interviews will be useful in understanding how the participant’s gender, race, class, and sexuality potentially intersected with their experiences before, during, and after sex work or trafficking. Since the field of criminology seeks to understand the experiences of criminalization and victimization, and sex trafficking encompasses both processes, intersectional criminology is the epistemological framework to “blur” known causes and experiences of victimization and criminalization by acknowledging that said experiences are “implicated differently based on one’s social location, which is dictated by identity politics and a social structure (and its formal institutions and agents) based in supremacy” (Potter, 2015, p. 130).

The fieldnotes on participant observation and interview memos will be analyzed with an intersectional criminology theory to discuss how individuals’ identities shape their perspectives as trafficking victims, as agents of the criminal legal system who enforce anti-trafficking measures, and as service providers who work have clients who have been sex trafficked. Because identities are shaped by social hierarchies that then inform our interactions with each other and the institutions that we navigate, an intersectional criminology analysis will elucidate the various ways that survivors, anti-trafficking enforcers, and service providers understand trafficking in persons, and how these perceptions are shaped based on social location. This will be especially

useful in addressing the third guiding research question of how the criminal legal system interacts with Black sex trafficked women.

Black Feminism's Contemporaries and Liberatory Praxis: Concluding Thoughts

The theories of Black feminist thought, Black feminist criminology, and intersectional criminology underpinned by the concept of misogynoir were chosen for a specific outcome of my research: to contribute to the liberation of Black women from White supremacy and society. As stated earlier, hegemonic feminist movements that mobilized for equality have an end-goal of equality with White men, not emancipation or equality for all groups. As Audre Lorde (1984) reminds us, liberation is only possible when there is a dismantling of all systems of power and domination that impacts all disenfranchised groups, not elevating individuals onto the same level as oppressors. Feminist movements, particularly liberal feminist movements, often espouse the importance of intersectional politics but still retain racist thoughts and practices toward women of Color, relying simultaneously on their White racial privilege and seemingly obliviousness to that privilege due to sexism (Hamad, 2020; Kendall, 2020).

Black feminism and its analytical frameworks instead show the possibilities of liberation for Black women and girls by dismantling all systems of power, especially racism and sexism, but also classism, and cissexism and other oppressive ideologies. However, just because these are critical race and critical feminist frameworks does not mean that they are encompassing for all, though they do provide more support for liberation efforts. The canon texts of these theories here are born from the ivory tower of theorization and while that is not inherently a shortcoming, it does mean that there are perceptions and experiences of Black women and girls outside of higher education settings and conceptualizations that deserve to be highlighted and incorporated into this research.

Black women contemporaries have expanded on these canonical beginnings of Black feminism and feminist thought and have outfitted them for liberation for newer generations of Black women and girls. For example, Black feminist activist Mikki Kendall (2020) discusses *hood feminism* as a needed intervention within feminist theorizing and praxis because it centers the most vulnerable within the disenfranchised populations, situating material conditions such as a lack of access for basic needs, as feminist issues that get pushed to the margins of feminist discourse and organizing. Kendall (2020) testifies that “feminism in the hood is for everyone, because everyone needs it” (p. xviii). Hood feminism is needed for everyone because it centers the “severely impacted” that are ignored or not considered to be feminist priorities because they happen to undesirable people and victims. For example, Kendall (2020) asserts that food security and basic, material needs as feminist issues that are rarely framed as such while also combatting respectability politics support misogynoiristic beliefs that further marginalized Black women and girls.

Most significant, hood feminism views barriers to resources such as food, neighborhood safety, and education as intimately linked with the violence Black women and girls experience such as hyper-sexualization, and Kendall (2020) asserts that hegemonic feminist movements have historically ignored these pertinent issues from their movements and theory production. I and all but one of the narrators describe coming from our own ‘hoods and seeing and experiencing this deprivation of resource and erasure from movements and theorizing. For my research, hood feminism is a valuable analytical tool because it incorporates the material conditions and realities that most narrators had to contend with before their trafficking onsets as well as the construction of their own bodies and experiences that would ultimately create their vulnerabilities for exploitation.

Lastly, considering the politics of hood feminism as a point of liberatory teachings also provides what I believe to be a more thorough criticism and interrogation of how White feminist politics, and research on and campaigns against sex trafficking, has harmed Black women and girls beginning with chattel enslavement. Taking the teachings of Kendall (2020):

When we talk about the dangers of white supremacy, we tend to do so around the idea that the anger of white men is inherently dangerous, while ignoring how often that anger is directed and weaponized via the fears of white women. White women's fears can undermine the futures of whole communities. Much is made of the "scariness" of the anger that comes from marginalized people, and every time it feeds into the narrative that fear is a reason to uphold white supremacist structures, feminism fails at the very basic step for advocating for equality. (p. 168)

As previously stated, the purpose of hegemony of radical and liberal feminism is for equality with men, specifically equality with White men. This quest for equality can, and often does, marginalize women who cannot conform to this hegemony. As such, I do not hope to use this research to advance feminist goals of equality—I instead hope to place this work within the history of Black feminist works that are working towards liberation from the ideologies of White supremacy and patriarchy. Hood feminism is a discursive tool to dismantle all interlocking oppressions and an example of liberatory praxis because Kendall (2020) also details how working from the bottom-up within our communities will dismantle the domination of White supremacy and patriarchy by eliminating it within the Black community, which is why it is underpinned in this work with the three theoretical frameworks. And this is where the crux of liberation lies in this research: to fully ensure freedom from domination, equal access to resources, human rights, and full humanization of Black women and girls, the most vulnerable of us need to be centered, listened to, and understood.

As Jones (2020) reminds us, Black feminism and Black feminists have historically theorized from the margins and at the grassroots level to eradicate oppressive and dominating

ideologies that constrain all vulnerable and disenfranchised people by “carrying the burdens of the struggle and acting as abridges for others to cross to achieve their own personal freedoms” (p. 9). It is because of my love of Black women and girls and Blackness, my roots in my community and in the ‘hood, gratitude and respect for the narrators, that I hope this work can continue in this intellectual and community generation of a Black feminist goal for liberation. I also intend to problematize the “starting” point of research on human trafficking and feminist research on sex trafficking by locating the true origins of sex trafficking, much like with Black feminist thought, with chattel enslavement both because of the acts of trafficking themselves and because this is the birth of the construction of Blackness, sexuality of Black peoples, and the bodies of Black women and girls that will continue to harm them in the so-called “modern-day” of contemporary human trafficking.

Chapter Three

The Origins of Sex Trafficking for Black Women and Girls

“What we see now is the translation of Black suffering into White pedagogy”

Saidiya V. Hartman⁹

The anti-trafficking movement, from its awareness campaigns to slogans to research, has a narrative problem. Anti-trafficking narratives have a problem of simplicity and homogeneity. In pop-culture mediums of films, television crime episodes, newspaper or magazine stories, the narrative of domestic sex trafficking of U.S. citizens follows a linear model. In the beginning, a young girl described as “the girl next door” type or an average girl from the suburbs with a two-parent household, attending a middle or high school, somehow is introduced to a recruiter or a trafficker and then begins a cycle of forced rape, sometimes drugs, and is moved into a city or urban setting until a police raid—or sometimes, a customer turns into a rescuer—and granted freedom as the trafficker(s) gets punished with prison. This was a standard depiction of domestic sex trafficking beginning with the White Sex Slave crusades from the 1880s until early 1930s (Soderlund, 2013), continuing with contemporary media storytelling in the 21st century. Often, the term “slavery” is used as a metaphor to underscore the brutality of sexual exploitation, capitalize on the concept of innocence, and “have characterized trafficked women as deceived, naïve, and in need of rescue” (Barnett, 2016, p. 207) from the proper authorities.

As a standalone, the narrative remains unproblematized and focused on individualism, removed from structural forces or institutional interference. Though race is not usually explicitly mentioned, the geographic coding lends to racialization of the victim and their exploiters. Aside

⁹ See full source: <https://www.artforum.com/interviews/saidiya-hartman-83579>.

from increasing revenue for magazine and newspaper publishers or increasing ratings for production companies, media depictions overall have not correlated with an increase in public awareness of sex trafficking (Soderlund, 2005). However, increased public awareness can cause moral, public outrage that inspires individuals and communities to combat the selected issue, either from putting pressure on elected officials, or forming their own collectives. Sometimes, these two approaches merge, forming what sociologist Elena Shih (2016) has termed “backyard abolitionism” that blurs the line between community actors and agents of the state. Though media representations may be inadequate in general education, the emotions they evoke do infiltrate the political sphere, influencing criminal justice approaches of policing, legislation, and development of nonprofits to address the problem, though the effectiveness of combatting sex trafficking is debated (O’Brien, Carpenter, and Hayes, 2013; Shih, 2016). Herein lies the beginning of the problematics of the narrative of domestic sex trafficking: there is a significant amount of concern and discourse and policy making around sex trafficking (Wilson and O’Brien, 2016), but little research or data being produced or considered but the narratives of human trafficking and a generic descriptor of “slavery” is consistent for anti-trafficking.

It is the usage of “slavery” from chattel enslavement as an analogy for comparison or barometer to gauge the cruelty of sex trafficking that is particularly egregious. As Saidiya Hartman is quoted above, the anti-trafficking movement is reliant on a simplified analogy of human suffering that was forced onto the Black bodies—especially the Black female bodies for procreation—to illustrate the inhumanity and depravity that is human trafficking and bondage *for other afflicted groups*. Put simply, chattel enslavement is an easy emotional evocation to inspire anti-trafficking advocates and researchers to rally for trafficking victims by labeling them as analogous to enslaved Africans but is silent with the continuing ramifications that chattel

enslavement has for Black Americans, particularly the codification of race, constructions of sexuality and criminality, and the vulnerabilities these have created for Black women and girls for sexual exploitation.

This is not meant to cheapen or minimize the suffering of human trafficking victims; nor am I saying that human trafficking victims do not have a right to compare themselves with enslaved peoples or label their experiences as such. I am asserting that the appropriation of the history of chattel enslavement has erased the intersecting impacts of structural and systemic racism and sexism that Black women and girls' survivors of sex trafficking experience, and that the significance of the history of chattel enslavement for racial and gendered violence and how essential they were to the establishment of the country and its institutions. I am asserting that the flippant usages of the word "slavery" or qualifying human trafficking as "modern-day slavery" and is a violent erasure of chattel enslavement that was the origin point for the sex trafficking of Black women and girls as well as the dominating structures that constrained them. I am lamenting that the history of chattel enslavement itself is whittled down to a mythos of situational evil that can be overcome and addressed by the criminal legal system and policy recommendations. I am angered that chattel enslavement is not understood as an original institution that has living remnants within the systems that the anti-trafficking movement encompasses, namely the criminal legal system. Most of all, I am expressing frustration in the culminations of these tensions with the lack of literature on domestic sex trafficking and our knowledge of Black women and girls.

Given the gap in research on domestic sex trafficking and Black women, this chapter is burdened with two tasks: (1) describing the importance of the usage of chattel enslavement for anti-sex trafficking narratives that are embedded in advocacy and research, and (2) locating

Black women in both the sparse historical and contemporary research on sex trafficking and sexual exploitation. To build a foundation that encompasses sex trafficking and Black women, it is necessary to incorporate several scholarship areas, rather than draw primarily from the limited research available on domestic sex trafficking of U.S. citizens. In order to provide an appropriate foundation to discuss and analyze Black women's sexual exploitation and trafficking, this literature review builds off the recounting and history/histories¹⁰ of chattel enslavement. This includes a deconstruction of the creation of "White sexual slavery" and the crafting of the Black female body as a site of violence and sensuality for White supremacy and patriarchy. Lastly, this chapter uncovers the selective cultural memory of chattel enslavement and how it is mired into anti-trafficking advocacy in the United States' framing of domestic sex trafficking and its encompassing racial politics that push Black women and girl victims to the margins. This chapter serves as the first half of a traditional literature review leading into contemporary feminist and criminological research on sex trafficking that were built upon the ideological foundation described herein.

Chattel Enslavement and Sexual Exploitation: The Beginnings

Chattel enslavement of Africans in the colonies of what would become the United States created an economy dependent on subjugation and exploitation, while also enshrining ideas of innate sexual difference and deviation used to brutalize and justify sexual terrorism (Sheffield, 2007).¹¹ Chattel enslavement is often conceived as the "original sin" of the foundation of the

¹⁰ "Histories" is used here because despite the prevalence of research on chattel slavery from historians and Black Studies scholars, the bulk of the literature on chattel slavery remains focused on the labor experiences of African and African-descended men and boys. Expounding this point is also the fact that more research has been produced in the last few decades expanding on our knowledge of the experience of women and girl slaves, the timeline of slavery, and further uncovering of the intertwining relationship between slavery and the experience of Black citizens in the contemporary era. Therefore, "histories" is used to reflect the diversity of the narratives on chattel slavery and how they inform the development of this literature review.

¹¹ Sheffield defines sexual terrorism as "a system by which males frighten and, by frightening, control and dominate females" (p. 111).

United States, with some scholars and activists—some in the trafficking field—believing that the U.S. atoned for its sins and that contemporary trafficking in persons is a new phenomenon with its own evil. Because enslavement is often viewed as an unfortunate relic of the past, it is believed that the institution of chattel enslavement and treatment of the enslaved have no influence on our current institutions. However, Black feminist and historical scholars have demonstrated the link between sexual exploitation of Black women and girls under slavery to the construction of the Black sexuality (Higginbotham, 1992) that continues to impact how society reacts to their sexual victimization, from individual/relational interactions to judgements from police officers to the courts.

It is common for contemporary anti-trafficking campaigns, governmental reports, and some researchers often analogize chattel enslavement with trafficking in persons. This analogizing indicates sex trafficking as a “universal moral evil to gain public and political support” for anti-trafficking measures without contextualizing the material purposes and continued ramifications of enslavement, capitalism and exploitation (Kurasawa, 2017, p.161). Further, discourse and stereotypical images of enslaved Africans and Black peoples—often in chains around wrists and necks and popularized depictions of mothers reaching for their daughters—are juxtaposed with human trafficking imagery are used to illustrate the brutality of trafficking in persons, but they simultaneously trivialize and minimize the lived experiences and realities of those enslaved and victimized by the institution of chattel enslavement. Meaning, anti-trafficking campaigns, as well as some researchers, rely on a linear, incomplete, and non-complex narrative of enslavement—starting from the import of African slaves to colonies and ending with the signing of the Emancipation Proclamation—that disentangles enslavement as a

state of ownership that codified racial differences while creating a foundation for socioeconomic dominance that was *legitimized by the state*.

This also speaks to a collective memory of chattel enslavement in the United States overall. Araujo (2020) describes collective memory as a generational transmission of memory from a shared group throughout generations. The idea of chattel enslavement as a past stain on the history of the country seemingly misses its lasting impacts, namely the construction and necessity of race, configuration of appropriate sexual behavior and sexuality, and how they are interwoven with White supremacy. Cultural memory of chattel enslavement is both racialized and gendered according to the hierarchization of White supremacy (Araujo, 2020). Chattel enslavement created racial categories for both Whites and Blacks and the gendered, assumed inherent nature of both that were codified by White supremacy (Hartman, 1997; Kendi, 2016) as well as constructed ideas of criminality that was tainted by this racialized gendering (Haley, 2016). However, in campaigns or advocacy for anti-trafficking, this history and its structural remnants are effectively erased for emotional evocation against the inhumane treatment of trafficking victims—and while human trafficking is inhumane, this simplicity can marginalize the unique nuances in experiences and vulnerabilities of different groups by creating a generic ideal of trafficking victimhood.

This simplistic framing of human trafficking and reliance on an ideology of a universal evil divorces the structural effects of enslavement in the United States and minimizes—if not wholly erases—the fact that chattel enslavement also birthed an ideology that mandated and justified the sexual exploitation of African and Black women. These ideas of racial difference, racial and sexual purity laid a foundation of sexual exploitation that parallels contemporary sex trafficking. Legal scholar Butler (2015) asserts that the current phenomenon of human trafficking

has racial roots in the labor exploitation and sexual abuse of enslaved Black women with the use of images of chattel enslavement to compare “prostitution with the history of African slavery” (p. 1498), while simplifying chattel enslavement from a total institution that has evolved into the criminal legal system that continues to construct and dictate Black lives. In summation, the appropriation of chattel enslavement in anti-trafficking campaigns and some research relies on the assumption that human trafficking is a problem that is reflexive of an individual criminality and is removed from history, not a symptom of structural inequality.

Of importance here are the types of *images* that are chosen for this comparison—the pictures are majorly of Black men or children, while the images of Black women and the nuances of their experiences are invisible in these campaigns. The images and language rely on the history of physical labor of plantation fields, domestic housework with the occasional inclusion of the chain gangs or incarcerated enslaved individuals. The gendered experience and manifestations of abuses for Black women and girls, including the sexual exploitation for the enslaved masters’ pleasure,¹² to terrorize the enslaved and freed, and for breeding purposes, are erased, as is the lack of a legal status for these crimes. Meaning, the narratives of enslaved Black women and girls and their sexual trafficking is marginalized to highlight the physical labor exploitation to analogize the brutality of “modern-day slavery” as a contemporary evil that has once again emerged. To erase, or at least not actively include sexual exploitation history of the enslaved, ultimately *undermines* contemporary understandings of sex trafficking, while

¹² Though the bulk of work on sexual violence and chattel enslavement focuses on women and girls, scholarship has also covered the sexual abuse of men and boys, often for similar reasons their female counterparts were abused. In fact, unique to men was the use of rape to “break” male slaves who were resistant to overseers and masters, as entertainment for men, and enslaved males were made to rape enslaved women for impregnating. Because of the unique dimensions of the experiences of men and boys, further research should consider focusing on men and boys and the historical connection with chattel slavery, as is done here.

simultaneously diminishing the historical significance of the influences of chattel enslavement as a foundation for human trafficking.

Jezebel's Launch: Sexual Exploitation During the Middle Passage

Black women's bodies were constructed as vessels of unnatural sensuality and enticement before they reached the colonies during the transatlantic slave trade. The transport from the trading ports along the African continent aboard slave ships across the Atlantic Ocean, known as the Middle Passage, was also the birthplace of the construction of race and gender and sexuality for enslaved Africans. The cargo ships functioned as a transport and a public, voyeuristic space where the bodies of enslaved women and girls were violated and victimized without repercussion or concern. As Berry and Gross (2020) paint in their vivid historicizing the experience for enslaved women was "especially treacherous and complicated by physical and sexual exploitation from the crew" (p. 26) often in plain view of their fellow enslaved captives, including possible family and community members, and of the crew as another way to humiliate and dominate them.

Archival research on the Middle Passage shows the impunity and frequency with which captains, crew members, enslavers, and traders would sexually violate the captive cargo both for their own recreational amusement and with hopes to sire another lucrative commodity, a child (Berry and Gross, 2020), while also being concerned on the propensity of enslaved men's sexual risk to White women. If chattel enslavement was a catalyst that made race a necessity, then the Middle Passage experience was one of the foundational steps for the creation of racialized gender; or the Middle Passage made gender a requisite for race. Johnson (2020) illustrates this construction:

At each step in the trade, strangers subjected captive women and girls, as well as men and boys, to intrusive physical examinations, evaluating them based on perceptions of beauty,

as well as physical, sexual, and reproductive capacity. African women and girls were valued as more than trade goods. They were valued as receptacles of licentious misuse...the Atlantic slave trade inculcated in slave traders a taste for violating African women and girls. To turn humans into commodities, slave traders were forced to do more than create race. They also needed to dismantle the gender of their cargo. At the same time, slave traders, investors, merchants, and officials also imagined and created genders out of the fractionalized mess left behind—abused *négresses*, kidnapped captives *de case*, and even *mulâtresse* passengers.... To put it another way, in *la traversée* sexual access intersected with property to make black women and girls trade objects of desire and acquisition. (p. 83)

This sexual violence was allowed to flourish because of the deliberate ascribing of innate sexual desire to African and Black bodies that tempt and seduce White men; therefore, they can be sexually violated and raped (though not to the rapist's mind) with no threat of criminal repercussion. In fact, after laws were passed in enslaved-holding colonies that decreed an enslaved status is born to an enslaved woman, there was a further incentive for sexual violation—in addition to sexual gratification, motherhood and race status fortified the racial categories and provided opportunity for more procure more enslaved through procreation once the transatlantic trade was outlaws (Berry and Gross, 2020; Fuentes, 2016; Hartman, 1997). “Steeped in an ever-evolving hierarchy of status following the mother, racial difference, and imperial encounter” Johnson (2020) reminds, “these devastating clashes revealed axes of racial, sexual, and status difference” (p. 166). Meaning that the early racialized gender construction begotten in the Middle Passage would translate into a legalized status of abuse during chattel enslavement.

To be able to socially and legally sanction the sexual abuse of enslaved women—from personal pleasure from White owners to using rape as a breeding method to produce more slaves—their bodies had to be constructed as hypersexual and innately immoral, often making linkages to prostitution (Slatton, 2014). Black feminist theorists describe this process as creating “archetypes” to reduce Black women and Blackness as sexual objects to be controlled and

conquered through sexual dominance. Collins (1990) terms this archetype as the “Jezebel,” designed to justify sexual violence against Black women and girls by constructing them as unfeeling and unintelligent creatures with an insatiable lust. If Black women are inherently mindless and lustful, they cannot, nor have a desire to, say “no” to engaging in sex. The Jezebel performed multiple functions to maintain chattel enslavement and buttress White male patriarchal power.

The Jezebel also exists to fortify the sexual status of White women as chaste and sexually innocent, while also supporting the right of White men to maintain hegemony over both White and Black women. This system ensured that “rape was a fact of life on the plantation” (Carter and Giobbe, 1999, p. 42) and this normalization (and positive reinforcement) of sexual violation of enslaved women laid the proverbial foundation for the construction of the Black female body. Enslaved women were raped for the performance of dominance for White men (regardless of socioeconomic status) and for the performance of dominance over enslaved men. Enslaved individuals who were light-skinned or had Eurocentric features were sold at higher prices and were more desirable for housework but were usually sold as sexual servants to White men (Slatton, 2014); this commodification of Eurocentric features demonstrates the depth to which White supremacy intertwined sexual violence with slavery, akin to merchandizing stock.

With the existence of the Jezebel, raping enslaved Black women performed a social function (Feinstein, 2018) that “allowed White men to accomplish expectations of White masculinity, including performing sexual dominance and losing one’s virginity, without disrupting White gender norms, like White feminine purity” (Carter and Giobbe, 1999, p. 33). The commodification of Black women’s bodies—both enslaved and free—as child-bearers and receptacles of White male pleasure, meant they did not possess a chastity that the law was

obligated to protect (Battle, 2016; Cocoa, 2004). Some rape laws were written to deliberately exclude enslaved and freed Black women as victims of sexual violence (Roberts, 1997). Such is the case in the ruling for *George v. State*, wherein the defense for George—an enslaved man from Mississippi who was on trial for raping an enslaved girl under the age of ten¹³—argued that the enslaved could not be raped because they were naturally promiscuous and because there is no statute to protect property from sexual encroachment. The 1859 ruling declared that:

The crime-of rape does not exist in this State between African slaves. Our laws recognize no marital rights as between slaves; their sexual intercourse is left to be regulated by their owners. The regulations of law, as to the white race, on the subject of sexual intercourse, do not and cannot, for obvious reasons, apply to slaves; their intercourse is promiscuous, and the violation of a female slave by a male slave would be a mere assault and battery.... By the New Code, a slave can only commit a rape upon a white woman. (*George v. State*, 1859, 37 Miss 316)

George was tried and sentenced to death in Madison County, Mississippi, most likely because of his own enslaved status—in the rare exceptions when a rapist of an enslaved person was convicted, the rapists had their own enslaved status (Morris, 1996). According to Hine (1989) rape of enslaved women by both enslaved and White men of all social castes was so commonplace that “virtually every known nineteenth-century female slave narrative contains a reference to, at some juncture, the ever-present threat and reality of rape” (Hine, 1989, p. 92).

In another 1850s case, Celia, a Black enslaved woman, was sentenced to death for the murder of her enslaver, Robert Newsom, a respected widowed Missouri farmer who searched for an enslaved woman for his sexual appetite (McLaurin, 1991). When she was fourteen years old, Celia was sold to Newsom and he sexually violated her until she reached eighteen years old and force-fathered several children with her. The final night Newsom came to Celia’s cabin, per her court testimony, she asked him to stop raping her, Newsom became angry and violent, and Celia

¹³ Ten was the age of consent in Mississippi during this time period. However, Mississippi would also convict for rape of a girl under twelve years old on a statutory basis, depending on judge and circumstance (Morris, 1996).

defended herself, ultimately killing him. The Missouri court Celia was tried in relied on slave codes and rape laws that precluded her—both on the basis that she was Newsom’s property and because she was above statutory age—and her romance with enslaved man George, who told her they could not continue a relationship if Newsom kept raping Celia, as a basis of her guilt and deny an argument for self-defense.

The judge in her case, Judge Hall, also had descriptions of “sexual intercourse” removed from the record and did not allow Celia’s defense to use laws that allowed, under extreme circumstances, an enslaved person to use fatal force in self-defense (McLaurin, 1991, pp. 101-102). Celia’s crime was twofold: her killing of Newsome in self-defense was both a challenge to White authority that enslavers can do as they wished with their property *and* her trial had the potential to legally undermine the institution of chattel enslavement. As McLaurin (1991) summarizes, “Celia’s challenge to her master’s power over her sexual integrity was personal, violent, extreme, and unacceptable to a slaveholding society” (p. 138). The criminal legal system during this time was a gatekeeper and granter of this mastery over enslaved bodies and would continue to enforce laws that encouraged the sexual exploitation of the enslaved that also criminalized enslaved person’s resistance to this violence.

Moreover, while the colonies had multiple laws dictated against interracial marriage, race contamination through sex with non-White men, and statutory and age of consent laws, none of these laws converged for sexual protection for the enslaved. At most, the rapists or sexual violators owed the owner of the harmed enslaved a fine for potential damage of property (Morris, 1996). Secessionist lawyer in antebellum Georgia, Thomas R. R. Cobb, was concerned about sexual violence and the enslaved only insofar as they were a threat to White women and girls, and that rape of enslaved women was so preposterous an idea that there was no need for a

protection clause in slave laws. Cobb (1858) explicitly stated as much, declaring that “the occurrence of such an offence is almost unheard of; and the known lasciviousness if the negro, renders the possibility of its occurrence very remote” (p. 90). Cobb’s concern of the innate sexual desire of Black individuals, not just the enslaved, is of White women and not Black women, be they enslaved or not. Cobb is reiterating the construction of Black sexuality crafted during the Middle Passage of dangerous Black sexuality and extending this to the realm of criminality (Fuentes, 2016; Hartman, 1997; Kendi, 2016). Thus, enslaved African and Black women’s and girls’ bodies served multiple purposes for recreation and procreation all while being legitimized by White supremacist patriarchal domination that relied on their suffering to reproduce not just the material wealth that came with enslaved labor, but also the ideology of superiority based on race, gender, and socioeconomic status.

Chattel enslavement was established as a patriarchal economic system that relied on the surplus labor of slaves while establishing a hierarchy based on race, class, and gender¹⁴ and was maintained with violence and coercion while being protected by the legal system. Rape is a manifestation of patriarchal power that delineates oppression based on the social location of victims in relation to their abusers. As patriarchy is based on notions of hierarchy and privilege, rape cannot be separated from racial oppression and enslaved Black women and chattel enslavement as an institution cannot be separated from sexual terrorism. Because of the status of enslaved women as property and entrapment in an institution that removed the right to consent, the sexual violence forced onto Black women was sexual enslavement and sexual terrorism. In

¹⁴ While White men are typically understood as the primary group that benefitted from slave labor as owners of the enslaved, emerging research has indicated that White women compromised, at times, around 40% of slave owners and were just as likely—in some individual case, worse at—committing violent and dehumanizing acts towards their chattel. See: Jones-Rogers, S. (2019). *They were her property: White women as slave owners in the American south*. New Haven, CT: Yale University Press.

this way, *the usage of enslaved women's and girls' bodies were one of the earliest manifestations of sex trafficking that was entrenched in the bedrock of the governance and colonies that would transform into the United States.*

Infusing Criminality: The Marriage Between Constructions of Race and Criminality

The history of sexual enslavement and sex trafficking of enslaved Black women and girls occurred alongside abolitionist efforts to end chattel enslavement, and then later to end the sex trafficking of White women and girls internationally and domestically. After the passage of the 13th Amendment criminalizing enslavement, except as a punishment for a crime, Black women continued to be traded for sexual exploitation. The eradication of enslavement—in so far as the 13th Amendment allowed—did not dissolve the racialized and sexualized construction of Jezebel that is ascribed to Black women and girls. This construction also evolved and Black sexuality and criminality were again intertwined as natural traits in Black individuals. As Phillips (2015) discusses, the violent construction of chattel enslavement and its pathologizing of Black sexuality meant that, “historically, ‘Black woman’ and ‘prostitute’ have been interchangeable terms” (p. 1655). Indeed, the 13th Amendment also ensured that chattel enslavement as an institution did not end or become a relic of the past. Instead, chattel enslavement was outfitted for an acceptable medium through criminalization and the sexual violation of Black women likewise thrived under this regime.

This continuation of chattel enslavement also continued the legally sanctioned sexual violence of these enslaved Black women, with the exception that they were now labeled as “criminals” not just state or private property. First to replace chattel enslavement was the leasing of incarcerated persons as a punishment for a crime, or as Blackmon (2008) described it as “slavery by another name” becoming a “system of labor hardly distinguishable in its brutality

and coercion from the old slavery that preceded it” (p. 30). Convict leasing was necessary for the post-war South because its economy and continued industrialization depended on a labor force that was stripped away and needed to be replaced.

Convict leasing was a solution to two growing problems post-Civil War: (1) an uncertain sociopolitical landscape where clear boundaries of master and enslaved/White and Black, had the potential to be muddled and erased now that chattel enslavement was illegal; and (2) a looming economic and agricultural crisis with the release of its labor force (Blackmon, 2008). Thus the “Black Codes” were created, evolved from the colonial slave laws, to inhibit formerly enslaved from accessing full citizenship and limit their mobility, all the while creating new, or expanding upon existing, laws for criminalization so Black people could be sentenced to involuntary servitude as allowed by the 13th Amendment—while “revisionist” history remembers President Lincoln as the “Great Emancipator” (Higginbotham Jr., 1996, pp. 75-77). In sum, the starting point of U.S. collective memory of chattel enslavement as a defeated evil was based on a notion of semi-abolition that sought to keep Black folks subjugated and less than full citizens and prevent Black upward social mobility in economic success and uplift.

Convict leasing also had gendered implications. Black women comprised the majority, if not total, number of women sentenced to convict leasing (LeFlouria, 2015). Black women were convicted of a wide range of offenses under the Black Codes, and the system of convict labor proved to be unisex for the convicted as Black women were sentenced to labor in agricultural fields, factories, railroads, and mines. In addition to these physical labor sentences, Black women would also be leased out to private households for domestic servitude as cooks, maids, and other tasks as assigned by their White mistresses (Haley, 2016). These domestic assignments were not necessarily easier than their physical labor sentences because of the levels of physical and sexual

abuse the women were subjected to; clearly, both the state and individual power dynamics of White supremacy and patriarchy merely carried over from chattel enslavement and were then justified as administrations of “justice.”

This is in contrast to White women convicts who were sentenced to more typically feminine rehabilitation services such as cooking and seam stressing and deviance from these punishments—for both Black and White women—were rare occurrences (LeFlouria, 2015). Further, when White women were sentenced to convict labor camps or the later chain gangs, they were afforded special treatment of better working conditions, more protection from sexual violation, and earlier releases from their sentence (Haley, 2016). The need to protect White femininity and White womanhood was still in place for criminalized White women because they were not sentenced to the same heavy, physical labor that their Black counterparts were sentenced to. The difference in sentencing was probably also a conscious separation of White women and the Black men who made up the majority of leased convicts, a further attempt to protect chastity and sexual access of White women.

Convict leasing and then later chain gangs—groups of prisoners chained together while they labored—also replicated the perilousness of sexual violence and sexual exploitation of the “old” form of chattel enslavement for convicted Black women. Rape was a common occurrence for incarcerated Black women both from their overseers and their incarcerated peers. Sexualized attacks were also commonly used as punishments and for “buck breaking” of unruly prisoners—these acts were once again in a voyeuristic manner in full view of prison personnel and other prisoners (LeFlouria, 2015, p. 71). When these rapes and other forms of brutality occurred, these Black women were not granted reprieve and were not permitted to use their sexual abuse to advocate for their own early release, harkening back to the legal inability to rape enslaved

peoples (Haley, 2016). Sexual exploitation was rampant for imprisoned Black women, especially those forced to work in a domestic assignment, as they were subjected to rape but also her overseer's whims of profiting off her sexual violation.

The precarious situation of Black incarcerated women continued after their sentences ended. The trauma and violence they lived through during their incarceration presented new challenges for them: to name their experiences and risk retribution from White authority and employment prospects that would be biased due to her identity as a Black woman who was now formerly criminalized or on parole. Haley (2016) described the options that were left to Black women at the crossroads of White supremacy, sexual exploitation, economic uncertainty, and a changing south that was increasingly reliant on convict labor and racial segregation:

Many Black women on parole chose not to take any risks; they did not disclose experiences of violence or economic or sexual exploitation during parole and performed model behavior for their employers. For some women this strategy proved beneficial, and bosses wrote flowing letters in support of the commutation of their sentences. (p. 183)

As with the Middle Passage and chattel enslavement, the sexual violence and exploitation of incarcerated Black women encouraged silence in exchange for better odds of survival and avoiding further punishment from the state and from White individuals acting with power imbued to them by said state. The "crime" here—both in terms of social transgression and criminal acts—was a refusal of White authority and refusal to accept their sexualization as property and Jezebels.

The function of both chattel enslavement and post-Emancipation carceral maneuvers of (re)enslaving the convicted also codified the construction of crime as a problem of race, beginning with the racist assumption that enslaved and freed Black people were naturally simple-minded but also prone to criminality and acts of violent sexuality (Cobb, 1858). After Emancipation and during the Great Migration (an exodus of Black peoples and families from the

south to the north to escape racial terror and in hopes of better housing and employment options) criminality continued to be mired with Blackness, reflecting social anxieties and fears of racial integration (DuBois, 1899; Muhammad, 2010). Criminality, like wanton sexual desire, was crafted to be natural to Black Americans and political discourse and research around crime worked to support these assumptions (Muhammad, 2010). Other perceptions, such as the one offered by DuBois (1899), stated that Black, street crime (the focus of these discourses and research) was due to the disruption from the Great Migration and persistent lack of resources for Black communities and employment discrimination as causes of criminal behavior, not a natural affinity. DuBois also located the causes of these disruptions and barriers for Black Americans at the “legacy of physical, sexual, and emotional abuse that accompanied the enslavement of Africans” (Barak, Leighton, and Cotton, 2018, p. 52) that worked to continue constraining them as demanded by White supremacy.

This construction of criminality and Blackness and its enduring vestiges had gendered implications for women as well. In addition to a criminal legal system that was another system of White supremacy and patriarchy, the marriage between chattel enslavement, state-sanctioned forced labor, and sexual violence created a foundation that supported blaming enslaved and freed Black women for their trauma by deliberately stripping them of legal protection and refusing to recognize them as anything but chattel, 13th Amendment notwithstanding. Jezebel and Black female bodies are then simultaneously made inherently criminal *and* sexual, while attempts to resist this dehumanization and violence was swift and often severe, as was demonstrated with Celia, because it “jeopardized” the “racial hierarchy” that White supremacist patriarchy implemented (Battle, 2016, p. 116). The criminal legal system evolved to continue these

atrocities. Further, that same racist hierarchy would continue to sexually terrorize Black women and girls as a way to torment and intimidate the Black community as a whole.

Post-Civil War and Reconstruction era would yield a high rate of racial terror that encompassed sexual terrorism that included the lynching of Black men and boys accused of raping or otherwise encroaching the societal and cultural boundaries with White women and girls (Davis, 1981). The post-1890 Reconstruction throughout the 1930s period in history witnessed a ceaseless manifestation of racial animus and racialized sexuality that began with chattel enslavement. Lynchings of Black men and boys are the most remembered, but this time period also continued the rape and sexual exploitation of Black women and girls, serving as sexual and racial terrorism (Wells, 1892). LeFlouria (2015) details the Ku Klux Klan's campaign of racial terror through sexual violence:

Rape was a powerful weapon deployed by white males as a locus of control and a tool of debasement. With the ascendancy of sexual terror in postwar South, black women were left vulnerable to white men's vexation towards emancipation. The assault on black women's sexuality in postemancipation South was bolstered by antebellum exclusions of slave women from the law of rape, and the unwillingness of southern white men to disengage themselves from crude sexual misbehaviors and mythologies formulated in slavery. In freedom, African American women bore the stigma of sexual stereotypes cultivated in the Old South. (p. 28)

That "stigma" is the Jezebel. Jezebel was enshrined as a permanent specter, with White men being able to claim consensual sex or accuse their victims of being prostitutes to evade responsibility for their violence (Feinstein, 2018), with juries being instructed to remember that Black women were incapable of being chaste (Lomax, 2018). Moreover, Black women and girls victimized by this sexual terrorism would be unable to rely on the criminal legal system for "justice." As Roberts (1997) reminds us, "for most of American history the crime of rape of a Black woman did not exist" (p. 31).

The rape and sexual trading of Black women was not described as “sex trafficking,” save for a few abolitionist writings, but concerns about sexual slavery and human trafficking would be born nearing the end of the institution of “chattel slavery” and during the eruption of chain gangs, prison labor, and continued sexual and racial terrorizing of Black women—this era of the White Sex Slave crusades starting in the 1800s. This period is crucial for understanding the problematics of comparing chattel enslavement with contemporary trafficking in persons—Jezebel is essential in upholding White supremacist and patriarchal ideals of purity, protection, and victimhood in the upcoming and first iteration of an anti-trafficking campaign and its alliance/reliance on the criminal legal system. These same courts and law enforcement apparatuses would be mobilized, rather fiercely, to defend the virtue of White women girls in the moral crusades of White Sex Slave trade and sexual enslavement.

Early Framings of “Sex Trafficking” as a New Phenomenon: White Slave Trade

Sexual exploitation of White women and girls has been a fascination of advocates, politicians, and researchers since the late 1800s. The crusades against “White sexual slavery” began with anecdotal stories of White—usually middle-class and religious—women and girls being trafficked abroad and domestically into prostitution dens where interracial sex with Black, Chinese, Italian, Jewish, and Arab men occurred (Donovan, 2006). Racial anxiety and prejudice was an explicit concern; for example, an anonymous contributor in 1910 using the initials “B.C.” (C.B., 1919) stated that it was an “absolute fact that corrupt Jews are now the backbone of the loathsome trafficking in New York and Chicago” (p. 188). In a manifesto to combat the “White Slave Trade,” Chicago judge Ernest A. Bell (1910) compiled a text on the White Sex Slave crusades of the early eighteenth century, *Fighting the Traffic in Young Girls: Or War on the White Slave Trade; A Complete and Detailed Account of the Shameless Traffic in Young Girls*.

Inspired from the abolitionists who rallied against chattel enslavement, these reformers mobilized to get the first anti-trafficking bill passed, the Mann Act of 1910, otherwise known as the White Slave Traffic Act, to punish “white slavers.”

The White Sex Slave crusades were led by a coalition of progressive-era feminist activists, abolition advocates, and religious figures who began the first move to include sex work under the prohibitionist umbrella, combining efforts to outlaw alcohol and drugs with eliminating the sex trade. Politicians, judges, and scholars who made White sexual slavery their mission typically focused on moral purity of its victims and critiqued legal loopholes that did not adequately punish brothel owners and immoral women who encouraged vice by choosing to be sex workers (Bell, 1910). Similar to writings on current human trafficking, it was common for these coalition writings to draw parallels between chattel enslavement and White sexual enslavement. Assistant United States District Attorney of Chicago, Harry Parkin (1910), stated that the traffic in “white girls” was “as mercenary and as fiendish as was the African slave trade in its blackest days” (pp. 314-315), and that the “most despicable and inhuman of all criminals” was the “white slaver” (p. 332).

“Cases” that were focused on during this time primarily consisted of consensual relationships between White women and non-White men. It is true that there was a traffic for sexual exploitation, driven by economic vulnerability, unstable homes, or other material stressors that can contribute to engagement in an illicit economy. There is also no proof given from this era that White women and girls were either specifically targeted for sex trafficking or that their treatment was comparatively worse than non-White women who were also forced into prostitution. In contrast, scholars have concurred that racism and race were significant predictors

for prostitution and sexual coercion, but this applied to Black and other non-White women and girls (Baker, 2018).

This differentiation is due to the elevated status of White womanhood and the fear from an established patriarchal order of interracial sex between White women and non-White men. Under this ideology, abolitionists likewise framed interracial sex as unnatural and violent, and was an organizing principal for some abolitionists when combatting prostitution. Historian Barbara Welter (1966) described this value system as the “cult of true womanhood,”¹⁵ wherein the ideal description of a Protestant,¹⁶ White, middle-class woman in addition to her natural role as the center of the home, wife, and mother—was that she embodies the principles of piety, submissiveness, and be sexually pure. Sexual slavery, non-coerced sex work, and interracial sex endangers this true womanhood concept. The ideal vision of womanhood, and the desire to protect and avenge it, applied only to White women because Black women were relegated to a lower social caste, even after enslavement ended. As Battle (2016) describes:

[E]nslaved Black women were often blamed for their own forms of victimization and free women of color were often socially characterized by the same negative generalizations of enslaved Black women. These negative socially constructed identities and stereotypes of Black women manifested and progressed in different ways long after slavery ended. (p. 113)

The White Sex Slave crusades was grounded in racial animus’s marriage to sexism and classism under the umbrella of White supremacist patriarchy that elevated White women to protect White manhood and justify continued sexual terrorism and oppression of Black men and women. This manifested in the furor of the specter of White traffic, while the sexual exploitation of Black

¹⁵ This has also been termed “cult of domesticity,” and is a further reference to the middle-class belief in the early Nineteenth century that (White) women’s true happiness and fulfillment lies in her natural propensity to be a wife and mother who tends to the home and does not work or enter the political or economic landscape.

¹⁶ Or otherwise religiously pious.

women in illegal brothels, rape of women in chain gangs and as domestic servants, and other acts of sexual terrorism was rendered invisible, and explained away with the narrative of the Jezebel.

The White Sex Slave crusades were also an extension of the lynching crusades of Black men who were falsely accused of rape or improper sexual conduct towards White women. Black women were also blamed for the sexual degradation of White women and vice activity that was targeted by White sexual slavery activists and especially by women-led organizations. An example of this are the writings and speeches made by Frances Willard of the Women's Christian Temperance Union. Willard claimed that White women were not responsible for their entry into the sex trade because they were deceived by men and that the erosion of racial boundaries—especially between Black men and White women—contributed the creation of prostitution (Donovan, 2006; Wells, 1892).

Willard also provided support for the lynching of Black men who were accused of sexual assault by women and were subjected to extrajudicial mob violence, even if the encounters were consensual; meanwhile, Willard held silence on the sexual exploitation of Black women by White men (Wells, 1892). Willard was located at the onset of the White sexual slavery activism, but her stance on rape and prostitution of White women and girls was demonstrative of the ideology of the early anti-trafficking movement. Reformers, political actors, and abolitionists likened the White sex trade to an evil that was unburdened from material conditions that create markets for prostitutions and make people vulnerable for exploitation, save for xenophobic rhetoric tied to immigration support and segregation.

There were opposing perspectives of these groups linking the traffic in women to economic and social conditions. Feminist and anarchist Emma Goldman (1917) resisted the notion that there was an international White slave traffic, but instead asserted that prostitution

has always been an oppressive force to marginalize women. For Goldman, prostitution was another manifestation of economic oppression and violence and the attention on the White sex trade was a “righteous” cry that “serves to amuse the people for a little while, and it will help to create a few more fat political jobs” (1917, p. 20), but did not reject that a traffic for sexual exploitation existed, nor was she denying that White women could be victims of traffickers. Instead, Goldman argued that women are vulnerable to prostitution because of institutional equality created by sexism and economic marginalization. This class framework is in direct contrast of the orchestrators of the furor behind White sexual slavery; it was grounded in material and structural issues that create a system of poverty and sexism, while the opposite prevailing belief was that White women’s and girls’ sexual innocence and naivety left them vulnerable to moral and spiritual corruption while expressing racist and nationalistic prejudices. In short, Goldman and other Marxist-based feminist philosophers followed the theoretical thinking of many feminist writers, locating the root of manifestations of gender violence in misogyny itself.

Contemporary scholars have concluded that the White Sex Slave ideal was used to prohibit the free movement of women—especially at night and for those wanting to travel abroad without a chaperone—and reassert racial superiority after the banishment of chattel enslavement (Bromfield, 2016). The qualifier of “White” was “explicitly” used to denote who was worthy of “rescue and protection” and “framed all white women who engaged in the sex trade as sex slaves” (Bromfield, 2016, p. 130). Trafficking scholars frequently connect these crusades as being the foundation on which that the contemporary trafficking movement was built (Pliley, 2014). Enforcement of the Mann Act of 1910 included (a) interracial couples where the wife was White; (b) White women traveling across state borders unattended by family; and (c) prostitution

rings which sometimes did involve women forced into sex work. The crusades ended soon thereafter, when the momentum of abolitionists, reformers, and missionaries began to dissipate around the 1920s. While the social activists sphere began to turn their attention to other issues, another group of actors began to renew their battle to combat the White sex trade—the federal government and the criminal legal system (Phillips, 2012; Pliley, 2014).

While the crusades by advocates lessened, the newly formed Federal Bureau of Investigation (FBI) was still prioritizing sex trafficking of White women, pivoting away from policing interpersonal sex to locating organized trafficking rings. FBI director J. Edgar Hoover declared that “while every other type of crime was on the decline, white slavery was on the rise” (Pliley, 2014, p. 183) and was part of the ongoing “War on Crime” that lasted through the end of the Johnson presidential administration in 1969. Under Hoover’s guidance, the FBI’s handling of alleged sex trafficking incidences evolved from smaller and less organized cases into a systemic investigative apparatus that was efficient in terms of investigation, evidence gathering, and getting convictions of traffickers in court (Pliley, 2014). This law is still enforced, though it covers forcible prostitution and movement across state lines and is no longer used exclusively for White victims.

The switch from focusing on policing individual sexuality to sophisticated prostitution rings cemented the state as the guiding authority to both identify and combat trafficking from its previous iteration of hodge-podge crusaders. It is this influencing policy shift that we can “map” the appropriation of narrative on chattel slavery being obscured to disappear the complex nature of enslavement itself, removed from institutional owning and legitimatization, into an example or comparison of capability to combat trafficking and/or a barometer to indicate the cruelty of sexual exploitation. These early framings of White sexual slavery not only provided the first

groundwork for contemporary anti-trafficking enforcement, but the themes of all sex work being framed as forcible sexual exploitation remained during the first debates around the first international human trafficking bill, the Palermo Protocol, and the first Trafficking Victims Protection Act of 2000 (Doezema, 2010). Most significant for this analysis is that academic literature, policy, and advocacy still rely on unsubstantiated discourse on victimization and human trafficking, with little insight or data from evidence-based research (Lerum and Brents, 2016).

Impacts on Contemporary Advocacy and Research: When Black Women and Girls Are Still Marginalized

Saidiya Hartman (2008) declared that she as a Black woman lives “in the time of slavery, by which I mean I am living in the future created by it” (p.151). Chattel enslavement is categorized as an institution for a reason—it provided both an ideological foundation for hierarchization based on race, socioeconomic status, and gender and its intersections while establishing a lucrative economy that demanded an exploited class of people. When challenged by the outcome of the Civil War and the Emancipation Proclamation, this institution evolved to allow for continued exploitation of an undesirable class of people, the convicted criminal, to maintain White supremacist boundaries of racial segregation and its gendered manifestations of violence for Black women. At the same time, the same criminal legal system that permitted convict labor and chain gangs and the sexual exploitation of Black women prisoners was mobilizing to combat an illicit and hyper-exaggerated sexual enslavement of White women.

Meanwhile, the institution of enslavement demanded the creation of race and racial difference as well as their accompanying gendered expectations. Black women’s and girls’ bodies were mythologized as naturally sensual and tempting to justify their encroachment onto

their bodies in the acts of rape and sexual exploitation. Furthermore, their bodies were constructed as being publicly accessible to White authority, usually men and across socioeconomic boundaries, and were purposefully left without community or legal protection. In contrast, White women and girls were constructed opposite of Black women and girls as chaste and needing protection, specifically from Black men's sexual propensity and deviant sexual desire. Starting with their sexual torment during the Middle Passage to chattel enslavement to Post-Emancipation, Black women and girls were repeatedly subjected to sexual exploitation and violence that was often public, giving a voyeuristic element of humiliation, and declared they were culpable for their victimization with the same justification of their licentiousness. Then Post-Emancipation, an early anti-trafficking movement formulated to protect White women and girls from sex trafficking while ignoring the sexual terrorism aimed at Black Americans and the non-White women being sexually exploited.

This is where the danger of simplifying chattel enslavement to a single, albeit dark, point of history for anti-trafficking campaigns for a reactionary motivation to combat trafficking in persons because the complexities of chattel enslavement itself cannot be encompassed in a slogan. Nor was it fully detailed in this chapter; instead, what is provided in herein is an abridged history of chattel enslavement's foundations and impact for Black women and girls. This simplification treats chattel enslavement as a distinct event that has a solid beginning and end date, from the 1600s to January 1, 1863, when the Emancipation Proclamation went into effect. The transformation of enslavement into convict leasing and the slow impact for all enslaved-holding states to enforce the Emancipation Proclamation and the remnants of the racial categorization that was developed to justify this institution and all its iterations, is effectively

erased when enslavement is described as a piece of history and trafficking in persons is a “modern-day” manifestation.

To use chattel enslavement as a proof that enslavement can be eradicated because it was done before both erases the state’s, specifically the criminal legal system, complicity in maintaining enslavement and its dehumanizing violence and ensuring its survival, even in contemporary settings. It also subscribes to revisionist narratives of benevolence and progressiveness as the reason for ending the first iteration of enslavement that sweeps aside the racial animus and continuous efforts to subjugate and deny full citizenship to the newly freed as a feel-good story of unity and harmony; this is blatant disrespect for history and the horrors that Black Americans were forced to contend with and resist. Lastly, this appropriation of chattel enslavement renders the sexual terror and exploitation of Black enslaved women and girls that the United States and its institutions and structures flourished under invisible in anti-trafficking discourse.

This is again demonstrative of the violence in simplifying a long and complex history; the vestiges of ideologies of racism and sexism and its ramifications for Black women and girls is also erased. To build upon an anti-trafficking movement that was formed in the shadow of the institution of chattel enslavement and sexualized racial terror means that the same ideologies are in place because it is dependent on the state apparatus and its criminal legal system to combat trafficking in persons. As Hartman (2008) eloquently described (see above), the lasting impacts of chattel enslavement are still lived realities for the Black community, both in terms of the structures that were created by it and by the material conditions that left Black women and girls vulnerable for sexual exploitation. As the next chapter demonstrates, feminist and criminological research, and activism, has shown that societal discrimination, lack of resources, and trauma are

all compounding factors that create vulnerability for predation to sex trafficking. Similar to anti-trafficking campaigns, research has also failed to be intersectional or conscious of history in both its support and critiques of the analogizing of chattel enslavement to sex trafficking, which I unpack in the next chapter.

Chapter Four

The Invisibility of Black Women and Girls in the Narratives of Sex Trafficking in

Advocacy and Research

Human trafficking, especially sex trafficking, has garnered significant cultural and judicial attention since the 1800s. Prostitution, sex work, and sexual exploitation have held significant attention of academics and researchers. Human trafficking—as it is currently manifested and understood—is relatively new to scholarship. Since the 1990s, researchers have relied on case studies, ethnographies, quantitative explorations, historical research, and theoretical frameworks to understand “human trafficking” as has been defined by the U.S. Trafficking Victims Protection Act (TVPA).¹⁷ Despite the amount of literature on trafficking in persons, this body of research is still relatively new and still suffers from a lack of data and empirical studies (Goździak, 2015). In addition to the dearth of data, there are also no canonical texts or foundational writing on domestic sex trafficking. Instead, a primary source of sex trafficking texts are specified cultural narratives, which reiterate, refute, or criticize sex trafficking using various feminist and criminological theories. There are studies that utilize statistical tests and datasets to test hypotheses, but these, too, fall prey to narrative values, as is shown in the discussion below on child sexual exploitation/child sex trafficking research.

The chapter provides a brief recounting of the feminist activism that emerged after the White Sex Slave crusades in the late 1800s and early 1900s. I say “brief” because feminism and feminist activists has a diverse range of ideological perspectives on gender inequality and sex trafficking, and it is not possible to thoroughly discuss all manifestations in a single chapter.

¹⁷ For the complete definition of “human trafficking” as defined by the TVPA, please refer to Chapter One: Introduction.

Instead, I have chosen to focus on the feminist theories and movements that I believe are most pertinent to the research on and criminological approaches to domestic sex trafficking. These chosen feminist theories and advocacy will also reveal the differing approaches to studying sex trafficking, as well as the criminological scholarship on sex trafficking. Finally, this chapter continues the interrogation of the appropriation of narratives of chattel enslavement and the lack of meaningfully including Black women and girls in the study of contemporary sex trafficking. This interrogation also includes critiquing scholarship that itself criticizes research for analogizing sex trafficking with chattel enslavement. Lastly, this chapter dissects the lack of intersectional analysis in research on sex trafficking, with a focus on criminological scholarship.

Feminist Activism and Writings Before the Trafficking Victims Protection Act

The end of the White Sex Slave campaigns did not mark an end to academic and activist writing on the traffic in women and prostitution. The feminist movements of the 1960s and 1970s bore numerous writings and debates on consent, economic marginalization, and sexism and their influence on a woman's ability to consent to sex work (Baker, 2015). This debate continued into the 1980s monikered "sex wars" with some feminists arguing that sex work is a legitimate form of employment and that categorizing sex work as inherently coercive forcing a victim label on sex workers (Jackson, 2016). Both perceptions from feminists in the United States tended to be comprised with White, cisgender women operating from the academy and seemingly at least middle-class and lobbied their criticisms at both the domestic (within the U.S.) and international spheres of employment, global gender violence, and sex work (Kempadoo, 2012).

Alongside these debates were feminists—primarily feminists of Color, queer women, and queer women of Color—who utilized an intersectional perspective of how criminalizing and

degrading sex work also harms lesbians, bisexuals, transgender women, poor women, and women of Color (Combahee River Collective, 1974). Faced with social discrimination and violence, these women of Color and queer women of Color feminists argued that marginalized groups will enter sex work because of a lack of employment opportunities, supplemental income, and sometimes as an act of bodily autonomy and empowerment. See Table 4.1 for a catalog of various feminist theories that have been used to contrast sex work and sex trafficking and to provide solutions to sex work and sex trafficking. The theories are also assessed on their inclusion of an intersectional perspective.

Table 4.1

Different Feminist Theories on Sex Trafficking and Sex Work

Feminist Category	Perceptions of Sex Trafficking and Sex Work?	Solution?	Intersectional Perspective?
Abolitionist (1880s to 1930s)	View sex work as a moral evil, believing an individual cannot consent to engaging in sex work. Believe the root of sexual exploitation is immorality in society.	Criminalize vices of drinking, gambling, and sex work as crimes while also empowering political actors and religious institution to rescue and rehabilitate “victims” even if they themselves do not identify as victims of the sex trade.	None. Were primarily concerned with the exploitation and moral defiling of White girls and women. Narrow definition of “women” as middle-class, White, cisgender, and usually engaged in religious activism as well.

<p>Radical (1960s to Current)</p>	<p>View sex work as degrading and caused by social, cultural, and economic marginalization of women. All sex work is a form of sex trafficking due to women’s degraded status in society. Radical feminists are also sometimes termed “Neo-Abolitionist” feminists and use the terminology of emancipation for combatting gendered inequality and violence.</p>	<p>Dismantle patriarchy and enable women to be social and economic equal to men while also criminalizing all aspects of sex work to end sex trafficking.</p>	<p>Do incorporate a race or class analysis into a gendered frame, but do not discuss classism as a multiplicative effect. Excludes transgender and gender non-conforming individuals, defining “women” as innately cisgender.</p>
<p>Liberal (late 1800s to Current)</p>	<p>Sex work as a viable employment option if the individual in question consents. Sex trafficking occurs in the absence of consent and due to material conditions. Liberal feminism grew out of the “First-Wave” of feminist activism that rallied around suffrage and equal political representation and participation in the workforce, so the focus on consent and employment grows out of this philosophy.</p>	<p>Provide equal opportunities for education and employment for women and eliminate structural barriers of sexism.</p>	<p>Often will mention race, gender, class, and sometimes sexuality, but not in an intersectional fashion. Liberal feminism has faced criticism for not having a nuance discourse on the concept of “choice” and relies typically on top-down neoliberal discourse of individuality and free market economy.</p>

<p>Marxist Feminist (1800s to Current)</p>	<p>Sex work and sex trafficking are both caused by poverty and material conditions of women. Some Marxist feminists do view sex work as legitimate employment, but Marxist feminist typically see sex work as a form of gender violence because poverty and economic stratification motivate one to enter the sex economy. Marxist feminists have argued that domestic work is a form of enslavement for women because it forces them to be property of their husbands and sometimes extend this to prostitution and sex work.</p>	<p>End economic oppression of women and ensure sex work is a safe, non-coerced decision made due to material conditions of women.</p>	<p>Class is the primary identity here, with little to no incorporation of race, sexuality, or other identities. Women is usually defined as cisgender. Ideologically has similarities to Radical Feminism.</p>
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Carceral Feminist (Does not have an identifiable start point as it is a recent conceptual term)	Sex trafficking and sex work are intertwined, and both occur because women are dehumanized in society and because laws and the criminal legal system do not adequately address them as violent crimes against women and girls.	Legislation and criminalization are required to end sex trafficking. Structural causes of sex trafficking are not centered as a root cause, so increased criminal measures and a “law and order” approach, as well as development of new laws/strengthening of current statutes. Advocate for nonprofits to be closely aligned with the criminal legal system to address trafficking and “rescue” victims.	Will mention the disproportionate impacts of sexual exploitation on marginalized identities but does not consider their perspectives. Informed by a neoliberal perspective of individuality and free market economy and lacks a critical understanding or consideration of the disparate impacts that criminalization has on vulnerable groups.
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(Sources: Burgess-Proctor, 2006; Maynard, 1995; Renzetti, 2013; Springer, 2002).

The opposing feminist perspective is that prostitution is a cornerstone of sexual violence and institutional oppression of women, therefore consent is not possible under such conditions. Specifically, these feminists locate societal and economic disenfranchisement as drivers of sexual violence against women (Renzetti, 2013). Kathleen Barry, a prominent feminist and cofounder of the influential nongovernmental organization Coalition Against Trafficking in Women (CATW), stated that referring to prostitution as work or some form of labor normalizes exploitation of women by men. Barry (1995) reiterates Progressive-era feminist thought by analogizing enslavement to prostitution, questioning the validity of consent:

[If] consent was the criterion for determining whether or not slavery is a violation of human dignity and rights, slavery would not have been recognized as a violation because an important element of slavery is the acceptance of their condition by many slaves. (p. 66)

Barry is cognizant of the oppressions of race *and* gender but minimizes race, and its violent construction, to illustrate the impossibility of consent under certain conditions. It must be emphasized that Barry is simultaneously sanitizing the history of resistance to chattel enslavement, the violence that was used to maintain White supremacy that disregarded consent, and the gendered dynamics of chattel enslavement from the sexual exploitation of Black women to sexual terrorism to keep the enslaved compliant. This reduction also does not take into account that chattel enslavement was an institution with multiple and complex structures and actors to enact oppression; failing to recognize the relationship between institutional racism and dehumanization is also a failure to understand the extent to which “human dignity” was, and continues to be, deprived from Black individuals. Of course, this is also complicated by gender, race, sexuality, and other identities that produce multiplicative effects.

Barry (1995) does discuss the problematics of the White Sex Slave movement and admits that racism does impact non-White women and their experiences with prostitution and sexual violence differently. Barry’s early work did not focus on the racist ideology of the White sex trade and instead focuses on oppression by gender near exclusively, terming prostitution “female sexual slavery” (1979), a description that is adopted by many radical and abolitionist feminists. These feminists conclude that prostitution exists because of societal degradation of women and assert that sex work cannot be a valid or fulfilling employment while calling for harsher punishment for all crimes connected to prostitution. Barry also has a more expansive definition of female sexual slavery that encompasses incest and non-prostitution assault. Barry (1979) defines this female sexual slavery as an “objective social condition that requires escape in order for the victim to get out of it” and is found in “women and children in prostitution, in marriage, and in families” (p. 199). In addition to framing enslavement a condition of women, Barry

(1979) also asserts that sex work without a pimp or third-party benefiter is still sexual exploitation; ergo, all engagement in prostitution regardless of conditions that surround entry and remaining in sex work and prostitution is always sexual slavery.

Barry and other radical feminist theorists who share this perspective of female sexual slavery do incorporate racism and White supremacy in their writings, but rarely mention *Black* women. Rather, discussions and mentions of racism and the history of chattel enslavement are used to illustrate how “othering” based on hierarchy is institutionalized and normalized in U.S. society, and how this provides the foundation for creating this exploitation of women and girls. CATW would prove to be influential with the United Nations and United States drafting of anti-trafficking legislation going into the development of the TVPA under the Clinton presidential administration (Doezema, 2010). CATW and other activists and organizations—including religious groups that decried feminism as a social scourge—with similar ideological views on inequality, violence, and sex work were invited to speak at hearings pertaining to the drafting of the TVPA and the development of anti-trafficking enforcement for the U.S. Department of State before the 2000 implementation of the TVPA; and this close alliance between these groups and the U.S. government would be strengthened during the more conservative and religious Bush presidential administration (DeStefano, 2007; Doezema, 2010).

Sex trafficking became a symbolic battle through differing feminist ideologies, such as pornography, and how to best combat gender violence. However, these debates and writings are primarily by White women who fail to integrate intersectionality into their analyses; that is, while women of Color were added into the authors’ discussions, they did not include—or perhaps, were unaware of—the multiplicative effects of race, class, gender, and other identities. Further, feminists who collapsed sex work into sex trafficking and sexual slavery demonstrably

misconstrued the history of chattel enslavement, especially the sexual violence of African and Black women and girls suffered. However, while these predominately White feminists—most also writing from within the academy—were appropriating and re-purposing the imagery and narrative of chattel enslavement to conflate sex work as sex trafficking, women of Color were organizing as students, researchers, and anti-violence activists to help create a foundation for studying Black women and sex trafficking.

The feminist activism of the 1970s resulted in significant victories for addressing gender violence, specifically intimate partner violence and sexual assault. These victories include the establishment of crisis centers for women survivors of rape and domestic violence shelters, as well as other services for harmed women. This momentum led to significant legislative victories and creation of laws designed to combat interpersonal violence, especially intimate partner battering and rape. The activism of liberal feminists moved the discussion and analysis of gendered violence into the discourse of international human rights, which led to the development of welfare policies that resulted in criminal justice reforms and nonprofit service development that was gradually absorbed into a neoliberal system of governance (Bumiller, 2008) and contributed to mass incarceration.

For liberal feminists, gendered violence is borne from the institutional social, economic, and political inequality of women and girls, particularly the criminalization of their victimization. The solution, then, lies with the systemic change in the criminal legal system to address women's and girls' victimization and for the right for women to attain full citizenship rights. This grassroots activism framed sexual violence as a "women's issue" that requires state interventions to properly punish offenders and moved away from community-based approaches to address violence (Thuma, 2019). Differences in feminist theorizing and praxis between

women of Color, queer women of Color, and White women meant that the feminist mobilization relied on the activist efforts that were more palatable to politicization and legible to politicians (Crenshaw, 1991).

This politicization and legibility led to the development of mandatory arrest laws into criminal codes, enhancing penalties for gender crimes, all of which were coded as solutions needed to combat violence against women and girls according to hegemonic, mainstream feminists (Kim, 2018). Black feminist scholar Beth E. Richie (2012) described this perspective as “gender essentialism” (p. 72) that foreshadowed the criminal legal system’s pattern of treating Black women as criminals instead of victims in the instances of interpersonal violence. This gender essentialism meant that the developing alliance between the criminal legal system and nonprofits were outfitted on a singular narrative of gender violence as a “woman problem,” without refuting the assumption that all women have a homogenous experience with violence. Crenshaw (1991) exemplifies the ramifications of this approach:

When reforms efforts are undertaken on behalf of women neglect this fact, women of color are less likely to have their needs met than women who are racially privileged. For example, counselors who provide rape crisis services to women of color report that a significant proportion of the resources allocated to them must be spent handling problems other than rape itself. Meeting these needs often place counselors at odds with their funding agencies, which allocate funds according to the standards of need that are largely white and middle class. These uniform standards of need ignore the fact that different needs often demand different priorities in terms of recourse allocation, and consequently, these standards hinder the ability of counselors to address the needs of nonwhite and poor women. (p. 1550)

Crenshaw (1991) mentions two crisis centers that service primarily Black clientele had difficulty meeting needs of women experiencing trauma while being, Black, a woman, and poor due to their funding structure and resources. In essence, these legislative victories of hegemonic feminism had harmful repercussions for disenfranchised women.

These legislative victories resembled a return to the “law and order” approach to policing violence that was seen anti-trafficking and anti-vice enforcement in the early 1900s—and similarly, critics worried about the role of institutions and increased surveillance and interference from the criminal legal system would harm marginalized populations. This impact on policy helped cement the dichotomy of who can be a *victim* and a *criminal*, labels that are informed by race, class, gender, and sexuality and are simultaneously intersecting with each other, especially in terms of sexual violence and self-defense. Women of Color activists feared that bias in the criminal legal system would exacerbate the victimization and trauma of women of Color, while reifying the protecting of White, middle-class women that was reminiscent of the protectionism that spurred the lynching of Black men. The criminal legal system and its agents, from this perspective, remain a punitive force that marginalize and harm the most vulnerable in society while declaring they are punishing violent individuals. The women of Color organizing in the 1970s and beyond was arguably one of the earliest critiques of carceral feminism, or feminism that locates an end to gendered violence—and by extension, women’s equality—with institutional responses, particularly with increased governance.

Women of Color activists feared the anti-violence movement’s adoption of a “law and order” approach would further criminalize and harm marginalized women; this fear was not unfounded and proved to be both historic and prophetic. Richie (2012) partially attributes the anti-violence grassroots activism with the rise of the prison industrial complex, furthering mass incarceration by incentivizing poverty-based and misdemeanor crimes while playing political hockey with disenfranchised populations that are increasingly surveilled, policed, and imprisoned. Moving from the 1970s into the 1980s and 1990s, the crime control advocacy of mainstream feminist movements became mired in neoliberal politics of individualism and

individual responsibility and, with it, advanced more gender-violence based legislation such as the Violence Against Women Act, which called for further enhancement of penalties and other similar punitive support. These policies “are now associated with the extraordinary expansion of the U.S. carceral state were among those pursued by the feminist anti-violence movement” (Kim, 2018, p. 223) and those criticized by women of Color and queer women of Color.

Though sex trafficking was not a cornerstone of organizing and theorizing as rape and intimate partner violence were, traffic and sexual exploitation were subsumed under these issues and were thus a part of the increased punitive ideals of anti-violence advocacy. The rise of contemporary anti-trafficking mobilization in the 1990s would in many ways mirror the problematic ideology of the White slave crusades and the polarized sex work/sexual violence debates of the 1970s and 1980s, with a renewed wave of carceral feminist writing and policy influence. Similar to its predecessor movements, Black women and girls would be understudied, side-lined, and put at increased risk of criminalization due to anti-trafficking policies.

Literature from the 1990s and Beyond: Feminist and Criminological Perspectives

This section examines sex trafficking criminological theories and literature on the root causes and effects anti-trafficking legislation has had on combating human trafficking, “rescuing” victims, and identifying trafficking in persons from other crimes. As Goździak (2015) states, “much of early U.S. research on human trafficking for sexual exploitation has been conducted by activists involved in anti-prostitution campaigns” and typically consists of sweeping claims that are not “verified” (pp. 25-26). The bulk of anti-trafficking literature focuses on the dichotomy of the “sex work as violence” perspective against the “fair labor” paradigm for the trafficking of foreign nationals. Reminiscent of anti-vice and anti-prostitution campaigns before them, this research foregrounds its analysis in the discriminatory direction of the White

Sex Slave crusades and compare the “rescue ideology” of reformers to increased governance and paternalism in other countries that receive U.S. aid, an act that scholars and activists both term “the rescue industry” (Augustin, 2007). Some activists refer to contemporary sex trafficking as the “new slave trade” (Schaeffer-Gabriel, 2010) with a near-exclusive focus on sex trafficking over labor trafficking or other manifestations of exploitation. Early research on trafficking was primarily oriented on international trafficking—there is significantly less scholarship produced on trafficking of U.S. citizens; a trend that has remained today.

Research that was produced on human trafficking was primarily concerned with sexual exploitation, another trend that has remained constant in trafficking research and was generally framed in two feminist lenses: radical feminism and mainstream hegemonic liberal feminism. However, more recent works have coined “carceral feminism” as a new concept through which to analyze sex trafficking and criminality. The liberal, radical, and upcoming carceral feminisms from the 1990s onwards are theoretical offshoots from Progressive-era feminism and Marxist feminist frameworks used in the early 1900s to support or critique the White Sex Slave crusades. Liberal feminists posited that sex work could be a choice and that legalized prostitution can minimize harm for sex workers (O’Brien, 2011), and caution that anti-trafficking measures that seek to curtail sex work (Nichols, 2016) results in trafficking enforcement becoming another way for the “state control of women’s bodies” (p. 25). The radical faction of feminist thought asserted that sex trafficking was another indication of women’s degraded status in society (DeStefano, 2007) and that sex work is oxymoronic as one cannot consent to work when said work is inherently violent.

For radical feminists, combatting sex trafficking is tantamount to combatting gender inequality in global society and this feminist perspective became the most influential during the

Bush presidential administration from 2001 through 2009. Radical feminist stance would join with the religious ideology of the Bush administration and become strange allies to push trafficking advocacy worldwide, asserting that sex work needs to be fully prohibited to properly address trafficking. This resulted in the creation of “rescue and rehabilitation” that resulted in the raiding of brothels and arrest of sex workers, buyers, and managers primarily in “Third World” countries that receive aid from the United States government (Bernstein, 2018). This radical feminist perspective has proven to be the most enduring paradigm for both advocacy and research. Supports of this paradigm are often referred to as abolitionists or neo-abolitionists who posit that legalized prostitution “involves a ‘social acceptance’ of prostitution and that this will lead to an increase in the trafficking of women into the sex industry” (O’Brien, 2011, p. 550). Extant data have not supported or refuted this claim (O’Brien, 2011).

Criticizing these assumptions are the scholars who discuss the ramifications of the conflation of sex work with sex trafficking and focus on the marriage between feminist politics and increased criminalization and surveillance as anti-trafficking measures. Often referred to as *carceral feminism*, this belief system asserts the criminal legal system is needed to protect women victims of male violence, and advocates for a closer relationship between victims, researchers, and the criminal legal system (Bernstein, 2007). Carceral feminism also advocates for the strengthening of criminalization measures for gendered violence, with sex work and sex trafficking (or as they link it, sex work/trafficking) being priorities with human trafficking’s re-emergence as a social problem in the late 1990s.

Researchers who work with a carceral feminist framework often minimize or neglect male victims in gendered violence, as well as female perpetrators. These researchers also call for increased surveillance of known prostitution areas, penalties for buyers, and monitoring of

websites that advertise sexual services (Finn and Stalans, 2016). These penalty-specific measures have been criticized by non-carceral researchers as simplifying a complex crime and having negative effects for those who are most vulnerable to amplifying criminal justice involvement. Feminist scholar Elizabeth Bernstein (2007) details how “Western” or mainstream feminism’s continuously widening support for the neoliberal carceral state has led to the development of carceral feminism. Bernstein describes carceral feminism as the “militarization of humanitarianism,” specifically the close alliance between neo-abolitionist feminists (feminists who believe the complete criminalization and eradication of the sex trade will end violence against women and girls) and the criminal legal system (2007, p.143).

Bernstein explicates on her argument, saying the joining of religious institutions, carceral feminism, and conservative politicians have created a discourse where “the responsibility for slavery is shifted from structural factors and dominant institutions onto individual, deviant men: foreign brown men (as in the White Slave trade of centuries past) or even more remarkably, African American men living in the inner-city” (2007, p. 144). In a later development of her work, Bernstein (2018) asserts that carceral feminism, the urgency of anti-trafficking campaigns, and the expansion of the criminal legal system has created a governance system dictated by neoliberal carcerality that feeds into criminalization and mass incarceration.

While Bernstein’s analysis is not wrong per se, it is incomplete. It does not fully engage with intersectional identities as much as it does with its critique of carceral feminism while simplifying a complex relationship between state control, institutionalized racism, and criminality. Further, Bernstein primarily provides more critiques on carceral feminism’s harmful effects on women of Color outside the United States, with general acknowledgement of the difficult realities of Black women in the U.S., but not providing an intersectional analysis for

inclusion. Moreover, despite Bernstein's usage of the word "intersectional," what is presented in her critiques in analysis is not intersectional, at least not according to the multiplicative standards that Crenshaw (1991) and other Black feminist theorists describe. Intersectionality requires this multiplicative impact of intertwining identities but mentioning racial impact without interrogation of structural and systemic power dynamics is not intersectional, it is merely including a racial analysis. This is the first critique I have of carceral feminist criticisms within sex trafficking research.

The second critique I have of carceral feminist criticisms within sex trafficking research is that carceral feminism and its critics will often ignore or marginalize U.S. women of Color, especially Black women, in their analyses. This is because both tend to focus their arguments on the international sex trade and trafficking and the United States assertion of domination in global politics and anti-trafficking enforcement. While a vital intervention, this marginalization—while relying on discourses of racial oppression as collateral consequences of increased welfare and carceral feminist approaches—is harmful and reductive of the scholarship and activism that has been primarily led by Black women that provided these critical race and intersectional frameworks, which leads to the third critique: the focus on the negative consequences for men of Color, especially Black men, ignores the reality that when Black women and girls are trafficked, they are majorly trafficked by Black men, leading some Black women and girls to want to protect Black men—and by extension, their community—from further racial stereotyping and state intervention by staying silent about their abuse. Of course, it is not just Black women and girls who stay silent, but others in the community who have knowledge or witness the harm done to Black women and girls from Black men but choose to protect the men from what is considered a historical crusade against Black men from White society generally, and the criminal legal

system in particular. This protectionism ignores the gender violence Black women and girls experience while highlighting systemic racism and state violence as a critique of carceral feminism and the liberal state.

Of course, systemic racism and state violence are a reality of carceral feminism's reliance on the criminal legal system, which is part of the foundation that institutional chattel enslavement created and maintains. What is not included in these analyses is the intersectional experience of Black women and girls and their racist and sexist experiences with state and interpersonal violence committed by systemic White supremacist patriarchy and misogynoir from Black men who harm them. Further, the focus on "Western" feminism, even when they are specified to be White, hegemonic liberal or carceral feminisms, subsumes the extreme inequality that exists between Western women themselves, thereby again erasing their intersectional experiences of race, gender, socioeconomic status, and other identities that are stratified and oppressed. This is why Bernstein's analysis is incomplete because the effects of the liberal state and carceral feminism and the ramifications—while true—are focused on the impact that increased criminalization and surveillance has on the disenfranchised and racialized in public spheres, without discussing how Black women are separately impacted when criminalization of their communities increases or are spotlighted in current crime campaigns.

The pressure to increase penalties for the crime of trafficking and other related sex crimes had a direct effect on increased monitoring of communities of Color that are known to engage in these illicit economies (Musto, 2016). Concurrently, there is also a need for a discussion on how the carceral state itself creates situations of interpersonal violence that is influenced and maintained by structural violence and oppression as it relates to trafficking and vulnerability of U.S. citizens for domestic exploitation. Yet, this carceral approach of surveilling to prevent and

intervene in trafficking cases does not address (or seem interested in) what factors create environments conducive to trafficking. As Musto (2016) describes:

Instead, perhaps it speaks to the tangible effects of a trafficking ideology that has placed more emphasis on “saving victims” than on addressing the complex and systemic inequalities that create them. In the United States, such complexities and inequities are varied, and include income inequality, structural racism, and the persistent siphoning off of resources from the welfare state into an expansive carceral state. (p. 141)

Bernstein’s (2018) analysis is also centered in neoliberal governance of international trafficking and the United States’ influence/pressure in dictating how other countries address trafficking, not *domestic* trafficking, with an emphasis on the Western construction of “saving” victims, with “rescuers” being primarily White, western actors. The focus on saving victims of trafficking has resulted in increased surveillance methods for areas and communities deemed trafficking hotspots (Musto, 2016). However, these communities were chosen for increased surveillance for a specified reason, especially for anti-trafficking efforts that include patrolling of known prostitution strolls, city blocks or other outside concentrated areas where illegal sex work frequently occurs (Dewey, and St. Germain, 2014; Oselin, 2014), and prostitution stings that disproportionately focus on low-income and primarily Black communities.

Scholarship on domestic trafficking often criticizes the carceral approach due to the implementation of the TVPA, citing the over-reliance on the criminal legal system, resulting in the over-criminalization of marginalized groups and over-policing of sexuality and sex work itself (Rieger, 2007). This discourse ignores this fact and erases those most vulnerable to being trafficked and more likely to be further criminalized than helped. Moreover, it also does not address the structural inequalities that permeate both the criminal legal system and non-profit sectors (Richie, 2012). Sexual exploitation and trafficking have historically been over-represented in disenfranchised communities as demonstrated by Deer’s (2015) work on sex

trafficking of Native American women and girls on and off reservations, as a continued act of colonialism and genocide. Researchers have also found that anti-trafficking and anti-vice measures have a disproportionate effect for increasing surveillance and criminalization of consenting street sex workers, particularly Black women (Dewey and St. Germain, 2018).

Criminological Literature on Trafficking

Criminological analyses of domestic human trafficking are also composed of works that focus on four key areas: (1) the affect (if any) on anti-trafficking legislation on curbing trafficking.; (2) studies, typically interviews, with members of law enforcement and other criminal legal officials working on anti-trafficking and vice enforcement; (3) studies on the lives and experiences of social workers and advocacy groups in the anti-trafficking field, usually alongside state agents; and (4) with the smallest percentage, qualitative studies with survivors of human trafficking and/or consenting sex work. With regards to the criminal legal system and trafficking, criminologists have found that there are deficiencies with legislation, meeting the needs of survivors, and prosecuting alleged traffickers. Criminological research has determined several root causes of trafficking, as well as developed a sizeable literature on police procedure with investigating sex trafficking cases and interactions with alleged victims and perpetrators. Despite this significant accumulation of research, there is still little intersectional analysis across all key areas. Moreover, there is still a gap in knowledge on Black women and girls and sex trafficking.

Root Causes of Sex Trafficking

Research has confirmed several common “root causes” and vulnerabilities of sex trafficking that increase the likelihood for individuals to be exploited. As it shares many characteristics with other gender-based manifestations of violence, sex trafficking is encouraged

when patriarchal or sexist attitudes around sexuality and bodily autonomy are normalized, such as idealization of sexual purity and sexualization of children and “young” bodies. Social hierarchization of marginalizing women and girls also contributes to their victimization, as well as assumption of privilege and access to their bodies.

Globally, vulnerability is created when there is stratification based on gender and socioeconomic class, poverty, natural disasters, an acceptable environment where sexual exploitation is permissible, political instability, immigration policy, and lack of human rights (Logan, Walker, and Hunt, 2008). Domestic trafficking can occur when poverty and economic deprivation persist, vulnerable people have a history of trauma and/or addiction, neglectful welfare systems, a history of early sexual abuse, and natural disasters; these structural and individual factors provide opportunity for traffickers to prey on disenfranchised people due to displacement and/or desperation (Hepburn and Simon, 2010; Reid, 2016). Concentrated structural disadvantage has also been correlated to sex trafficking (Mletzko, Summers, and Arnino, 2018).

Previous experiences of abuse—sexual, physical, and childhood—has been identified as a vulnerability for trafficking exploitation, and other risk factors include homelessness, parental and self-substance abuse, family abandonment, and limited skills for employment (Connell et al., 2015). As is common with most gender-based victimization, trafficking victims usually know their traffickers who can be intimate partners, people in positions of trust, and family members (Reid, Huard, and Haskell, 2015). Fedina et al. (2019) found that youth having family members who were in sex work, having friends who paid for sexual services, and having experiences of childhood abuse contributed to the likelihood of being sexually exploited, as well as running away from home.

Duncan and DeHart's (2019) study on providers who serve sex trafficking survivors in southern states found that girls were commonly introduced into trafficking through the "Romeo pimp" method, wherein a trafficker used a romantic ruse to lure them into prostitution. The second pathway into sex trafficking began with survival sex, or the trading of sexual services for food, shelter, money, or other material needs. Survival sex began an entryway into trafficking when traffickers preyed on their needs and used it to exploit them. Tyler et al. (2004) found that runaway youth who are gay, lesbian, and bisexual were more likely to experience physical and sexual abuse at home and later to engage in survival sex. Other research indicates that witnessing intimate partner violence and other familiar-based violence that causes youth to run away from home is also a pathway into sexual exploitation.

Prosecutorial and Police Responses to Sex Trafficking

Spohn (2014) found that prosecutors were sometimes hesitant to try cases under human trafficking statutes—which, in some states, are relatively new—because of "lack of training on how to use the laws, and their beliefs that judges and jurors had misperceptions about the nature of human trafficking that would make it difficult to convince them to convict someone for that crime" (p. 172). Further complicating prosecutors' decisions are victim cooperation during trials, wherein they are asked to divulge personal and oftentimes traumatizing events that occurred before and during being sex trafficked. Prosecutors and judges have a significant amount of discretion and power; judges and prosecutors who do not have a critical understanding of new human trafficking statutes may allow this to bias their perceptions of alleged victims or pursue cases under prostitution or pandering statutes—both of which assume consent for those engaging in sexual commerce, which may discredit and otherwise malign sex trafficking victims.

Furthermore, according to Farrell et al. (2014), prosecutors are also more likely to convict a trafficker under a statute for a similar crime, such as “pandering or promoting prostitution,” with which prosecutors and judges are more versed (p. 152).

As with other gender-based crimes, victims of sex trafficking and exploitation are often hesitant to report. Victimology studies have shown that victims of sexual violence fear being judged or blamed for their victimization, fear being not believed, or fear reprisals from their attacker (Corrigan, 2013; Farrell and Cronin, 2015; Frohman, 1997). Sex trafficking victims share the similar reasons for hesitancy as non-trafficked sexual assault survivors, and as such it is not uncommon for trafficking victims to not self-report their victimization. Trafficking victims often have the fear that the police would misunderstand or obscure their trafficking experience as consenting sex work or not understand the coercive dynamics of sexual exploitation and instead arrest and detain them, instead of recognizing them as victims and providing aid. Victim perception by criminal legal system agents can also be influenced by race, gender, and class biases that may also inform prosecutorial and conviction decisions (Farrell, Devitt, and Fahy, 2010). Victims have also been treated as perpetrators (sex workers or non-exploited prostitutes) by investigators due to the inherent criminal nature of sex trafficking; further, misunderstandings of what constitutes “human trafficking,” and sexual exploitation may cause a low priority assignment to investigating sex trafficking (Renzetti et al., 2015).

Studies on sexual violence have also demonstrated that police officers also viewed certain behaviors and reactions to their victimizations as being generalized, and this can also influence responding officers from identifying someone as a victim if they deviate from this behavior (Ask, 2010). This is particularly concerning with law enforcement investigations because they are typically the first responders and are the most significant “gatekeepers” for identifying

trafficking victims and providing them with aid or referral services. Researchers have demonstrated that police training and investigations are still lacking with proper victim identification and cooperation (Farrell, Devitt, and Fahy, 2010), and often inadvertently cause further harm and victimization to those who are being sexually trafficked (Connell et al., 2015). Further complicating this is the acknowledgement that victims do not always desire to pursue what the criminal legal system deems as “justice”—that is, arrest, trials, and hopeful conviction—and instead want alternatives to addressing their trauma and moving on from their exploitation. Farrell et al. (2019) refer to this “gap” as a hinderance for survivors of trafficking report their victimization and that law enforcement officials are not always equipped to recognize trafficking victims’ complex trauma and needs or properly identify human trafficking itself, which also causes further harms to victims.

Overall, trafficking literature within criminology is primarily composed of analyses focusing on gendered violence and international trafficking. To my knowledge, there is no previous criminological work on trafficking that specifically analyzes the connection between structural inequality and intersectional oppression and how it may affect trafficking victims within the Black community. Past research has not critically engaged with how biases within law enforcement, created by racial stereotyping, have allowed for the trivialization of Black women within anti-trafficking efforts and literature. The final product of my research may well be the first criminological literature that centers Black individuals and their unique vulnerabilities and disadvantages within the anti-trafficking complex.

Black Women in Sex Trafficking Research

Criminological research on trafficking has yet to interrogate legacies of chattel enslavement, structural oppressions, and contemporary human trafficking. Criminologists and

other researchers who study institutional racism and crime overwhelmingly focus on the relationship between Black men, criminalization, mass incarceration (Alexander, 2010), and imprisonment as a remnant of chattel enslavement, without an intersectional analysis (Potter, 2015). Legal scholar Butler (2015) asserts that the current phenomenon of human trafficking has racial roots in the labor exploitation and sexual abuse of enslaved Black women and children. Butler (2015) links the construction of the “Jezebel” figure with the legitimization of the sexual violation of Black women and girls. Delving into the criminal legal system’s response to sex trafficking, Butler (2015) asserts that Jezebel permeates the anti-trafficking movement as seen with the “systemic failure of federal law enforcement” (p. 1501) and other actors to recognized racialized and hypersexualized women as victims of trafficking. An intersectional examination of Black trafficking survivors must also include a historical foundation to fully understand how systemic oppression may interact with their experiences with exploitation and the criminal legal system.

Black individuals have historically been overrepresented in prison systems because of structural racism and systemic denial to adequate resources, as well as cultural bias in seeing Black individuals as violent and unworthy of victimhood constructions that were created during chattel enslavement. This historical grounding cannot be separated because chattel enslavement established institutions that are still impacting and directing Black lives, including sexual victimization and interactions with the criminal legal system. As Davis (1981) summarizes, the sexual exploitation and rape of enslaved Black peoples and the societal encouragement and acceptance of it culminated in the “pattern of institutionalized sexual abuse of Black women became so powerful that it managed to survive the abolition of slavery” (p. 175). The anti-trafficking movement as it is currently manifest is geared towards prioritizing youth and women

who are more likely to be considered victims of sex trafficking; Black individuals are rarely considered victims within trafficking situations. In addition, the factors that are conducive to trafficking—such as sexism, tolerance or perpetuation of gender violence, and lack of economic opportunity—are prevalent within the Black community but have gone understudied in human trafficking scholarship.

Research on Black women and broader manifestations of sexual violence does offer insight into how Black women's identities and intersectional experiences inform their victimization and responses to it. Quantitative studies and qualitative research agree that Black women and girls experience disproportionately high rates of violence in comparison to White women and girls (West and Johnson, 2013) and may also involve more physical violence as part of the sexual violation (Richie, 2012). In one study, Reid (2011) found that in her sample of Black women who survived childhood sexual assault, twelve percent of them were also prostituted as minors, an act that all federal and state laws define as child sexual exploitation or child sex trafficking. As is common in interpersonal violence, Black women and girls are usually sexually victimized by someone they know or are related to. Black women are less likely to report their victimization and, almost predictably, less likely to receive support from community and health professionals when they do manage to disclose the violence they experienced (Long et al., 2007). Furthermore, and as already established, Black women and girls are forced to contend with the racialized and sexualized legacy of the Jezebel. This specter of lasciviousness continues to impact Black women, to the extent that the stereotype continues to hinder Black women's reporting of sexual assault (Washington, 2001).

In their review of extant literature on Black women sexual assault survivors, Tillman et al. (2010) found that there are significant gaps in literature. The Tillman et al. (2010) review

found that in addition to sexual stereotypes a “cultural mandate to protect African American male perpetrators from actual and perceived unfair treatment in the criminal justice system are additional barriers to help seeing behaviors” (p. 65-66) and cite economic barriers or low socioeconomic status and lack of health insurance and racist assumptions of healthcare providers as possible reasons for non-disclosure. Of particular importance here is the commonality among sexual violence literature and Black women is the location of chattel enslavement as two points of origins for contemporary sexual violence against Black women and their continued potential exclusion from being considered victims from service providers and state actors. As relatively small as literature on Black women and rape is, several common themes emerge in addition to chattel enslavement as a point of origin; Black women are still scripted as hypersexual no matter their age, their bodies are still treated as publicly accessible; and Black women and girls are still given minimal protection from the criminal legal system which often means they are excluded from the narrow and stereotypical idea of who can be a “real” victim of sexual violence.

Black women are typically portrayed as sex workers in media and the general public (including law enforcement officers), even if they are coerced into the sex trade, while Black men are often stereotyped as sexual exploiters of naïve women. Black minors are more complex; though there tends to be sympathy for sex trafficked children in the criminal legal system, Black children bear the burden of intersectional racial stigmatization. Black girls are hyper-sexualized starting from a young age (Collins, 1990; Jones, 2010) and stereotyped as acting “older” than is typical for White children of the same age or having attitudes that are coded as being “ghetto” or low-class. Most significant, Black femme youth are unable to adhere to White supremacist norms of femininity that garners protection and are often left without resources and are often not

identified as victims because it was constructed to protect White womanhood/girlhood while stigmatizing non-White bodies (Jones, 2010).

In the study titled *Girlhood Interrupted: The Erasure of Black Girls' Childhood* (2017), the Georgetown Law Center on Poverty and Inequality researchers found that adults generally viewed Black girls as older than their White peers. Specifically, the report found that:

Across all age ranges, participants viewed Black girls collectively as more adult than white girls...participants perceived Black girls as needing less protection and nurturing than white girls, and that Black girls were perceived to know more about adult topics and are more knowledgeable about sex than their white peers. (Epstein, Blake, and Gonzalez, 2017, p. 8)

The participants in this study focused on girls between the ages of five and ten, then ten to fourteen, and overall viewed them as older and more mature than White girls the same age. In other words, the *Girlhood Interrupted* study found that Black youths in the age ranges of five (toddler) to fourteen (teenager) were viewed as knowing more about sex, being sexually active, and sexualized as adults. These age brackets are significant because research on entry into sex trafficking of youth overlaps with these results, specifically between the ages of twelve and thirteen.

Feminist criminological research has demonstrated that Black girls and women are disproportionately impacted by sexual violence, often starting at a young age. In their study of Black youth and their experiences with intimate partner violence and entry into the sex trade, Kennedy et al. (2012) reported their participants experienced sex victimization “at the rate of 29.4%” compared with the national average of thirteen percent (p. 1331). Kennedy et al. (2012) assert that their social location of poverty, gender, and race rendered them increasingly vulnerable to the sex trade and sexual violence. However, despite the high rate of sexual violence that is present in girls’ lives, it is not uncommon for law enforcement to arrest youth under the

age of eighteen for prostitution charges, even though they are not legally old enough to consent to sex work.

To summarize, because of the racist, sexist, and classist ideas about Black girls' age, physical capabilities about protecting themselves and not needing protection, and assumptions that they are more knowledgeable about sex and sexually active at a young age cause Black youth to be treated as criminals rather than as victimized children. Legal scholar Jasmine Phillips (2015) found that Black girls are arrested and charged with prostitution-related offenses in high rates, despite state and federal laws dictating that minors cannot consent to engaging in sex work and thus automatically qualify for the label of trafficking victim. Despite this, Phillips (2015) found that "Black youth account for approximately 62 percent of minors arrested for prostitution offences" (p.1645). This arrest pattern disproportionately harms Black girls who are 14 percent of the population, but 33.2 percent of detained girls, a population that has been steadily increasing (Saar et al., 2015, p. 7). This contrasts with the prerogative of law enforcement who tend to prioritize domestic minor sex trafficking (Baker, 2018; Clawson, Dutch, and Cummings, 2006) but that is a decision that is at their discretion and informed by their trainings and biases. According to anti-trafficking enforcement of the TVPA, minors should be considered victims and not criminalized, yet Black youth comprise most juveniles who are arrested for prostitution. While it is important to note that quantitative methodologies are not entirely accurate due to the hidden and violent nature of sex trafficking, these statistics illustrate that there is a racial dynamic taking place within trafficking—an issue that has received minimal attention from trafficking and gender violence scholars.

Although there is no study or work focusing explicitly on Black women and sex trafficking, the experiences of Black women and girls who have been sex trafficked can be found

in other works. In her ethnographic work detailed in *Pushout: The Criminalization of Black Girls in School*, Morris (2016) discusses a fifteen-year-old girl who is being sex trafficked by her older “boyfriend.” Instead of recognizing a vulnerable child, school administrators and police viewed her as a willing sex worker skipping school to “work,” even though minors cannot consent to engaging in sex work. By the girl’s own admission, she describes abusive power dynamics between her and her boyfriend/trafficker and how he frequently made her miss school so she could earn him money (Morris, 2016, p. 97). Morris (2016) details that while some administrators and teachers did recognize the signs of sex trafficking, they felt the girl was not a victim, and was not being exploited. The youth in question was expelled after defending herself from bullies who were aware of her trafficking situation and made fun of her exploitation. She was later sent to a juvenile detention center, a cycle of victimization and criminalization that frequently occurs to Black girls and women. Another minor girl, this time eleven years old, described herself as a “ho” because she was selling herself because of poverty, and was again ignored by the school administrators and other mandatory reporters (Morris, 2016, p. 11).

In a similar narrative, Richie (2012) describes the case of Sara Kruzan, a minor who accidentally killed her trafficker, and was tried as an adult despite being sixteen at the time and was sentenced to life without parole (p. 28). Kruzan had experienced a spectrum of abuses since childhood ranging from physical abuse to sex trafficking. Kruzan hit her trafficker in the back of the head with a gun, unknowingly killing him, while trying to run away with money. That Kruzan was tried as an adult despite being a victim is not unusual for Black girls who are prosecuted and policed at higher rates than their peers (Richie, 2012).

In another now infamous example, Cyntoia Brown¹⁸ was sentenced to life in prison in Tennessee after shooting and killing a man who paid her for sex when she was sixteen years old. When Brown's case went to trial in 2006, the state of Tennessee did not have a sex trafficking or child exploitation statute, but the federal law of the TVPA had been in effect for four years. Brown admits to killing 43-year-old Johnny Allen, stealing his truck, and returning to a hotel room where her trafficker, a man named "Kutthroat," waited for his money. By Brown's account, Kutthroat, or "Kut," used the Romeo method of romancing her before forcing her into prostitution, before actively and violently trafficking her for two weeks, weaponizing affection intermittingly with threats and physical abuse to keep her under control. The boyfriend/trafficker method is a common introduction into exploitation, particularly for vulnerable youth. Brown understood his first time trafficking her to be a temporary phase during a low point in their relationship after the first time he trafficked her:

By now I felt sure that I was his girlfriend, even though he never called me that. He never even called me by my name. I was only his "bitch." To me, "bitch" meant I belonged to him. "Bitch" meant I had someone in my corner. Yes, I was angry about what he'd put me through over the past several days. But the way I saw it, every relationship has its rough patches. You just had to push through it. (Brown-Long, 2019, p. 78)

Brown simultaneously acknowledged that this was also a turning point for her understanding of the balance of power in her relationship with Kut, with him becoming more controlling by not allowing her to wear clothes and forcing her to have sex—and in a common reaction for abuse victims, Brown felt she invited the maltreatment and treasured the rare instances of affection he gave her (Brown-Long, 2019).

The day of the killing, Kut had been particularly violent, choking Brown until she thought she would die because Kut felt Brown thought he was a "joke" (2019, p. 83). After

¹⁸ Cyntoia Brown has since married and taken the name Brown-Long. When referring to her life before marriage, the name "Brown" will be used, but citations will reflect her current last name.

threatening her, Kut forced Brown out to find customers even though her neck ached where Kut's fingers had gripped it just a few minutes before and her body was "sore" (Brown-Long, 2019, p. 84). These were the conditions under which Brown encountered Allen, who drove his truck alongside Brown and offered to buy her food. Allen reportedly asked Brown if she was okay, to which her response was "no":

I turned to him and explained my situation in no uncertain terms. "I've been holed up in a hotel room with a man who rapes and beats me on a regular basis. He just put me out and I don't know where to go from here." The man didn't speak but stared at me, his eyes wide open. I was hopeful as I watched him take in what I had said. "Well," he started[...], "are you up for any action?" (Brown-Long, 2019, p. 84)

Brown states she has difficulty remembering a lot of the details from the night but does remember seeing a gun collection and feeling afraid, then gunshots. Afraid and confused, Brown stole Allen's truck he used to pick her up and went to see Kut in their hotel. Police would track Brown and Kut down to their hotel room, take pictures of Brown in a thin shirt and underwear and arrest them within hours of Allen's death.

This intervention with the criminal legal system was familiar to Brown who had multiple stays in juvenile delinquency centers early on due to disciplinary problems at school and over-policing from teachers and officers. By the time she met Kut at the age of sixteen, Brown had been drugged and raped by an acquaintance, traded sex under coercive circumstances, and sexually harassed and assaulted by adult men since she was twelve. Brown frequently mentions in her memoir feeling like her body was a commodity, even before she engaged in prostitution, due to the sexualization she endured from a young age and the normalization of trading sex and abusive relationships around her. Until she spoke with her public defender, Brown did not think this was suspect behavior, admittedly thinking, "is she crazy, or am I?" when her attorney clarified her past abuse were not normal relationships or behaviors (Brown-Long, 2019, p. 102).

Brown's trial was a harsh one, with her and her attorneys noting that the District Attorney seemed particularly determined to paint her as a hardened criminal who shot Allen for his money and truck to feed her criminal desires and drug habits. In fact, her history of abuse, her violent relationship with Kut, and other experiences that would normally act as mediating factors were not mentioned in court:

The DA never questioned the fact that a forty-three-year old man was picking up a teenager for sex, and my attorneys didn't want to make the victim look bad. They never brought up Kut's age or described our relationship as statutory rape, or even thought it was strange that a grown man gave a teenager a gun. I was described as a teenaged prostitute not a trafficking victim. The word "trafficking" wouldn't be used in connection with my case until many years later. In the eyes of the prosecution, I was a murderous whore, an evil, out-of-control teen whom they were dead set on locking up. (p. 113)

Brown was later given another attorney from the Public Defender's Office, who showed the jury a cropped picture of Brown that Kut had taken of her in the hotel room, to show the "sorrow" in her eyes (p. 133). The DA used the full picture to underscore her criminality and sexuality, which showed Brown's naked minor body, adhering to Kut's "no clothes" rule. In Brown's words, the DA "might as well have announced 'look at this whore' to the whole jury" (pp. 133-134). Scholars of trafficking do analyze the trend of criminalizing trafficking victims as sex workers, but there is still a paucity in intersectional and women of Color feminist scholarship being produced. Research in this area focuses on the victim ideology in anti-trafficking and the harm it causes but does not expand much further beyond this. Brown-Long deviates from a victim ideology while also subverting the generalized narrative of the typology and progression of domestic sex trafficking, particularly of children.

Brown-Long was exposed to alcohol while in utero and was adopted by a loving family shortly after birth. She did not grow up middle-class but was not in poverty. She had difficulty concentrating in school and was often punished for menial violations, often resulting in being

handcuffed. She began socializing with a mixed group of older and younger peers who dealt and used drugs, sometimes stole, and was locked up in a girls' juvenile detention facility. The first time she had sex with an older man¹⁹ when she was twelve and ran away from home and fell into a pattern of having sex and getting money, but not explicitly labeling it as sex work (Brown-Long, 2019). When she met Kut, she thought she had a boyfriend and not a violent sex trafficker.

Brown-Long was a Black girl who decided to shoot someone after enduring two weeks of violence and manipulation and on the heels of years of trauma. Brown-Long follows a pattern that is commonly found in literature on child sexual exploitation; she had a history of abuse, had instability in her life, difficulty with school and authority, and blamed herself for the actions of adults around her. Also common in abuse victims, Brown-Long saw the moments of affection Kut gave to her as affirmations he cared for her, that she was not just someone he was trafficking, but a partner he loved. This is especially formulaic for traffickers, and Brown-Long shares this with trafficking research. Further, like the girls Morris (2016) encountered and Kruzan (Richie, 2012), Brown had frequent contact with mandatory reporters throughout her abuse and exploitation, though none of them reported anything suspicious.

However, that same past is what kept Brown-Long from getting the empathy that is ideally afforded minor victims of sex trafficking. Her past sexual trauma and abuse was excluded from her first trial and was also absent from her appeal materials (Brown-Long, 2019). The usage of her naked body as evidence of her guilt is also a manifestation of how Black girls are coded as naturally sexual and dangerous—though in most other circumstances that same photo would be considered child pornography, and most likely would not have been shown in a court

¹⁹ A note on wording: I am using Brown-Long's terminology here, not my own. As stated in Chapter One: Introduction, I do not use this terminology when referring to children, especially when the adults in question are aware of the victim's ages.

as evidence of her criminality. An attorney assigned to argue against her appeal, Preston Shipp, later taught a criminal justice course at the women's correctional facility Brown was housed in. They developed a friendly relationship and he had difficulty understanding the student he had come to know and the person the casefile told her she was. After he learned of her past, Shipp reported he did not know what choices he would have made under the same circumstances (Brown-Long, 2019). Brown-Long's past experiences of being policed in school and criminalized for bad behavior is endemic of the school-to-prison pipeline that punishes Black girls for being harmed.

Brown-Long was reduced to a criminal, and while she did take Allen's life and committed theft afterwards, her pathway into exploitation was erased and even her age was marginalized. By her 2006 court decision, the federal government already had an enshrined victim narrative of how law enforcement and courts relate to trafficked children, as freedom-givers and agents of justice. There was already discourse on the problematics of trying minors under eighteen as prostitutes and many states had yet to adopt their own trafficking legislation. Brown being reduced to a "prostitute" was common for Black girls before the TVPA and states' adoption of trafficking laws, and the disproportion number of Black girls who are charged with prostitution or related crimes were still high after trafficking laws. Brown-Long did not think of herself as a trafficking victim, because she thought trafficking victims were kidnapped by strangers or taken to foreign lands: "it never occurred to me that you could be trafficked by someone you thought was your boyfriend" (2019, p. 240). The criminal legal system leaves little room for nuance in these complex realities of individuals who fall outside of the idealized victim mold for trafficking victims.

What needs to be expanded upon here is how mass incarceration has caused Black women who use self-defense or otherwise fail to ascribe to a victim appeal, the potential for sexual violence being a possibility decreases, if not completely disappears. Black women are also hypersexualized and assumed to be sexually experienced, akin to the likening them to prostitutes during and after chattel enslavement, and the criminal legal system is hesitant to view them as victims and pursue justice on their behalf. The criminal legal system overall is hostile to survivors of sexual violence, Black women must contend with racist scripts that marks them as naturally sexually deviant. When it is easier to label a trafficking victim as a prostitute, there is an incentive to arrest them, thereby feeding into the prison industrial complex. Crimes of a sexual nature now have laws designed to punish rape and sexual violence, but in general, rapists and aggressors do not serve long sentences in comparison to other crimes. There are exceptions, of course, but overall, legislation has not offered a proper recourse to socially and legally condemning acts of sexual violence, especially towards marginalized populations.

Sexual culpability of Black women for their victimization is not limited to agents in the criminal legal system. A study conducted by Katz et al. (2017) on the bystander effect among college students found that White female students were less inclined to help a Black female student that was intoxicated and being led to a bedroom by an unknown male and reported they felt less responsibility to intervene. The study used distinctly Black names and racially ambiguous names to identify potential victims who were described as visibly intoxicated, and respondents did not feel report needing to aid those with Black-sounding names. According to Feinstein (2018), this is but one of multiple studies that have shown that White women share in the belief that Black women are hypersexual and not vulnerable to sexual victimization. Given that the anti-trafficking industry in the United States is driven by primarily White men and

women—as advocates, government-appointed researchers, and academics—this perception is alarming. In general, research has demonstrated that Black victims of sexual violence are disproportionately victim-blamed and are provided less protection or representation from the criminal legal system.

As there is little research on the African American community and sex trafficking, there is also little speculation as to why African Americans are a high representation of sex trafficking. Studies have demonstrated that structural inequalities and marginalization create vulnerabilities to trafficking, but these need not be specified to Black victims. One unique assertion for the cause of sex trafficking is the claim that rap and hip-hop music normalizes “pimp culture” and, therefore, creates environments and ideology for traffickers. Nichols (2016) asserts that the normalization and glorification of “pimp culture” can encourage trafficking because the violence and degradation involved in coerced prostitution is minimized. The racially coded identifier of “pimp culture” (which was never concretely defined) was used to both describe accused traffickers and to enhance the exploitation of victims, with some scholars stating that the White victims are used to further criminalize non-White men and simplify what are sometimes multifaceted relationships (Farrell and Cronin, 2015; Jordan, Patel, and Rapp, 2013; Parker and Skremetti, 2012). Further, none of these studies had empirical evidence that supported a correlation between this genre of music and sex trafficking. In spite of this, researchers and nongovernmental reports argue that there is a culture that glorifies pimping and glamorizes prostitution that “shapes” the United States (Kotrla, 2010, p. 183), with the belief that Black women and girls are both the chief consumers and supporters of this subculture.

These studies also do not discuss the commercialization of “pimp culture” from a deviant subculture of an illicit economy that arose out of race and gender employment discrimination

into a pop culture phenomenon that dehumanizes women, especially Black women (Sharpley-Whiting, 2007). Other research on pimps illustrates their fluidity with securing venues for their workers to operate, and how the criminal legal system maneuvers to address prostitution and sex trafficking make pimps more creative with advertisement (Finn and Stalans, 2016). Nichols (2016) concedes that the word “pimp” and cultural adulation of “pimp culture” is sustained by White supremacy and a combination of poverty, lack of education, and viable employment opportunities, not an inherent deficiency in the Black community. However, this admission does not explicate on the lived experiences of Black women who have been trafficked, nor does it identify cultural factors that may be unique in creating vulnerabilities for sex trafficking for Black women and girls, or why Black men are identified as sex traffickers at higher rates than men of other races, nor does it abate the racial stigmatization this wording invokes. What the literature can conclude is that Black women’s susceptibility to sex trafficking involves an array of factors that is related to systemic and structural oppression including, but not limited to, racism, sexism, classism, and gender essentialist understanding of sexual exploitation, and an abridged understanding of chattel enslavement as a founding structure and its enduring oppressions.

Concluding Notes on Literature Review

Chapters Three and Four are two parts of a literature review that sought to combine knowledge from several bodies of research, specifically on chattel enslavement, anti-violence movements, and criminological analysis of human trafficking. Ultimately, extant research on human trafficking is limited in scope and the mythologized narrative of sex trafficking and victim ideology permeates literature and debates around exploitation. These interwoven works were chosen because they provide the foundation for understanding Black women’s sexual

exploitation and trafficking historically, not just after the passage of the TVPA, and how the same institutions that are tasked with researching and combatting human trafficking are entrenched in the systemic oppressions that continue to inform Black women's lives and how the criminal legal system responds to their victimization.

Rape of Black women and girls served the White patriarchy in several ways and trafficking now operates similarly. In some instances, this is an exercise of power of race, gender, and class domination, but what about when the trafficker and buyers are also Black? The function is similar, as it is an extension of patriarchal dominance of Black men over women that was established during the era of chattel enslavement. This history combined with the continued devaluation and sexualization of Black women today illustrates why there is a need to research Black women's pathways into sex trafficking, interactions with the criminal legal system, and their lives after exploitation.

Chapter Five

Methods for Studying Exploitation and Working Towards Black Feminist Liberation

This month's meeting was the most terse since I started my tenure last year, with a tense discussion around the awareness campaign's research team. Two survivor-leaders (SL-A and SL-B) who also represent nonprofits described the trauma and resentment some survivors felt after participating in the research. SL-A was further upset because some of the survivors harmed by this research were folks they had recommended to and that now negatively impacts their relationship with clients, and the nonprofits' reputation as well. SL-A also explicitly expressed that she was becoming disillusioned with the council and its dedication to serving survivors. Part of the discontentment here is how the Council reached out and recruited survivors and represented itself to vulnerable people—according to the survivor-leaders and the public comment, the process was not accessible, and many survivors felt excluded while some of those included felt deceived.

The Chair and a third survivor leader both stated that the harm was not the intention. Another representative who works in an anti-violence coalition said that the Council needs to make an apology and hold itself accountable, making a comment that (it was general, but I strongly feel it was directed at the Chair) the claims of apology were displaying White fragility and faux accountability and empathy. The meeting was taken over by a presentation from two State Department representatives on worker visas. After the presentation, we returned to the earlier discussion on research and causing harm, which largely turned circular with those involved reiterating they hadn't meant harm (and that the other survivor leader agreed) with the dissenters saying the intent did not mitigate the harm and that research needs to be trauma

informed, survivor-centered, and be of benefit to the survivors, not the researchers or the Council.

June 2020 Colorado Human Trafficking Council Meeting, Fieldnote.

Research by Black Women for Black Women

The most significant task I had was to employ a method that would minimize harm and accurately represent the lived experiences of the narrators who decided to participate in this study. The heart of this research relies on an in-depth understanding of the lived experiences of Black women who have survived sex trafficking and navigations of the criminal legal system in ways that do not stigmatize them or our communities without patronization or attaching a political or moral agenda to their narratives. This research is an exploratory study designed to answer three research questions: (1) How do Black women sex trafficking survivors understand their experience with exploitation? (2) How do Black women trafficking survivors navigate the criminal legal system before, during, and after exploitation? (3) How does the criminal legal system interact with Black women (and girls) who have been trafficked? These three research questions were crafted with the intention to comprehend how survivors' gender, race, and other identities can influence the framing of their experiences, but also how their interesting and multiplicative identities interact with their conditions of being victims as they encounter law enforcement, courtrooms, and possible criminalization and incarceration.

Qualitative research understands that individuals socially construct their world through their interactions and that a qualitative approach allows researchers to understand the significance of those social construction of the communities that are being studied (Merriam, 2002). As a case study, *Remnants of Chattel's* theoretical foundations of Black feminism and

intersectionality mean that analyses of social constructions are essential to reveal the possible unique patterns or unknown knowledge with this population and criminal phenomenon. Due to this research's exploratory nature and the research and the scope of the research questions, *Remnants of Chattel* is a qualitative case study with thirteen self-identified survivors of trafficking and former prostitutes. Though relying on qualitative methods, it is necessary to situate this research into the larger framework of criminological inquiry as well.

Criminological research methods have historically relied on positivist approaches for quantitative measurements to explain criminality and predict future criminal behavior since the early 1800s (Wincup, 2017). Researchers in the positivist tradition “are concerned with developing objective knowledge about how criminal behavior was determined by either individual or social pathology” and has been subjected to criticism for its reliance on statistical inference for the causes of criminality instead of (or in addition to) how “crime” is socially constructed and the societal reactions to crime (Wincup, 2017, pp. 7-8). Regardless of the method used, research inquiries for criminologists and in the field of “criminal justice” (i.e., researchers and practitioners) are generally done for policy recommendation and improvements on existing legal policy and understandings of crime and criminal behavior (Maxfield and Babbie, 2011; Wincup, 2017). However, given criminology's history of producing racist and sexist scholarship,²⁰ I had another responsibility for this research: implementing a method that reduced harm to the fullest possible extent, allowing for the interviewing of survivors to be as conducive as possible for rich narratives, provide a data analysis that fully actualized the narrators and their experiences, *and* provide a blue print for the overall purpose of this study beyond the dissertation.

²⁰ Refer to Chapters Two and Four for details on criminological theories and production of racist and sexist scholarship.

This chapter introduces the methods and methodology of this research and the ways in which it was designed to center Black women survivors of sex trafficking and their narratives of lived experience. Within this, I discuss the history—and my ultimate rejection—of “objectivity” and issues of studying race and gender and other marginalized identities, and the difficulties in, and ethics of, interviewing survivors of sexual exploitation. This chapter also discusses the need for a Black feminist research method for liberation, or what I call *Black feminist liberatory ethic*, that outlines the necessity of research on Black women and girls to use Black feminist pedagogy and for the intended purpose of liberation from all matrices of power as outlined by Black feminist thought. This chapter concludes by introducing the thirteen narrators and providing background information and demographics before moving into the chapters based on their narratives.

Of “Objectivity” and Black Feminist Standpoint

A hallmark of Black feminist theoretical politics is the interrogation of “objectivity” and personal standpoint for researchers. Weber (1949) describes objectivity as a requirement for research, asserting that researchers must not insert their values into their work and focus on the findings of their data. “Values,” of course, being the social values people hold that are influenced by their own unique standpoint. Researchers who espouse “traditional” objectivity aspire for neutrality in research and logic separate from social value during the research process (Harding, 2012, p. 49) with the researcher as an impartial investigator (Wincup, 2017). Further problematic is defining of what constitutes “objectivity,” creating a debate on which researchers have “the privilege that goes with having one’s viewpoint seen as ‘objective’” (Bark, Leighton, and Cotton, 2014, p. 59) and which researchers (and research itself) is not seen as “objective.” Objectivity itself is not wrong per se, but the classic criminological understanding of objectivity is rooted in

positivistic social science that has traditionally been wrapped in what Bonilla-Silva and Zuberi (2008) describe as “White logic” wherein White supremacy has “defined the techniques and processes of reasoning about social facts” (p. 13). This White logic produces scholarship that reifies racial stratification and relegates non-White knowledges and research to subaltern or subjugated status.

Henne and Shah (2015) describe objectivity itself as holding White racial privilege that has remained standard in the field of criminological inquiry, impacting literature but also potentially impacting interventions and policy. Denial of this racial privilege can cause researchers to “neutralize and deny the multitude of ways that White privilege becomes articulated within their work, and to their benefit” (Henne and Shah, 2015, p. 106), while researchers who share an identity with the communities they are studying are put under additional scrutiny and questioned on their ability to conduct their research without bias or influence as an impartial and neutral observer (Bonilla-Silva and Zuberi, 2008). The problem here is not that the idea of objectivity itself, but of *whose* social values are normalized and seen as the default standard for research. As critical race theory reminds us, neutrality in the United States is reliant on the belief of colorblindness with equal treatment for all people (Delgado and Stefancic, 2017), but in a White supremacist and patriarchal socio-political landscape, this excludes based on race, gender, and other interlocking identities.

Research relying on generalized and non-critical definitions of “neutrality,” “impartiality,” and “objectivity” has served to further marginalize and other Black women and girls who are sexually exploited. The research on Black women and girls and sex trafficking—what little exists—has largely been presented in ways that are stigmatizing to the Black community as a whole and has largely been conducted by non-Black researchers. For the

purposes of this research's methodology, I rely on Donna Haraway's definition of feminist objectivity as "situated knowledges" (Hesse-Biber, 2012, p. 9) that allows for an understanding of power dynamics. Further, a feminist objectivity acknowledges that the values and emotions of a researcher can and will trickle into the research itself without the assumption this degrades the overall quality of the project, especially recommendations.

I agree that recommendations based on research's data should be born from the results of said data, but I diverge in two ways. First, from my standpoint and theoretical framing as a Black woman using Black feminist theories, my shared identity and cultural history is inherent in my work because my research is meant to improve upon the material conditions of Black women. Second, this research was formulated with the interest of achieving liberation for Black women and there is no objective way of conducting research for this goal. Thus, I concede that I do not approach this subject with complete or even partial objectivity that many social scientists would postulate is the desirable way to conduct a study. As demonstrated below, removing myself and my values from this research was not always possible to do, and that fact strengthened my rapport with the narrators and bond with the survivor-leaders and gatekeepers of the Colorado Human Trafficking Council.²¹

Black Feminist Standpoint

Feminist standpoint epistemology argues that the oppression position of women in society provides a complex and layered understanding of society when examining women's lives (Hesse-Biber, 2015), though there is heterogeneity in the experiences of women through social identities. Black feminist standpoint argues that individual knowledge is drawn from our complex and multiplicative identities of race *and* gender that are also rooted in our historical

²¹ Further information on HTC can be found at: <https://sites.google.com/state.co.us/human-trafficking-council/home>.

positioning in society (Reynolds, 2002). Black women's standpoint offers critical and necessary insights that can challenge our thinking about gender, race, and understandings of power as relational in society. This standpoint epistemology is centered in my reflexive practice as a researcher—it is true that I shared multiple identities and experiences with the narrators, but I would be negligent if I did not acknowledge the power differentials between me and the women included here.

Despite sharing cultural identities as Black women and often coming from the same socioeconomic background during childhood, there were differences between myself and some narrators' current socioeconomic status with me being in the lower-to-middle class, with narrators labeling themselves as low or middle-class. I was never sex trafficked and do not carry that trauma but did often share my past experiences of gendered violence and harassment at narrators' requests. And though many narrators described the therapeutic benefit of talking about their experiences (especially after learning the mission of the research), it cannot be denied that I will benefit from the narrator's participation and completion of this research because it will aid in my legitimation as a researcher in higher education. Nonetheless, being cognizant of the power differentials, it cannot be denied that the narrators themselves are the most significant contributors to this research project and its liberatory ethic and guidance for future research on Black women and girls and sex trafficking.

Sidenote: The Backlash and Insistence of Race Neutrality

This fieldnote is not connected to an observation of the Council or interview with a narrator. The recruitment flyer I sent around for potential hopeful narrators has my personal phone number attached along with the study's created email for correspondence. I normally screen phone calls and don't answer unlisted numbers but have been since I started this study.

individuals. Instead, I had a few instances of personalized attacks and racist vitriol for which I had not predicted or prepared. The field note on the phone call and email excerpt here show the two extremes I had to this research. The phone call's ferocity was the minority of reactions, while the featured email was the more common response. After the call, I removed my phone number from solicitations and only gave them to confirmed potential participants or gatekeepers whom I personally knew and trusted. Aside from spewing hate, I am not sure what the purpose of the call was, but other overtly racist emails and calls are reflective of the general racial animus towards Black people in the United States, and the misogynoir of Black women and girls in particular.

A second reaction illustrated by the included email was to inquire on the focus on Black women and ask (sometimes admonish) why it is acceptable for non-Black women to be excluded. Often the rebuttal was that women's oppression and gender violence are the sole root causes of sex trafficking, with no consideration of other multiplicative identities women hold or the disparate impacts sex trafficking survivors experience based on their identities. This specific exchange ended very respectfully after I detailed my reasons why, and the sender wished me luck and thanked me for my time. Of course, sex trafficking is a crime that transgresses racial, gender, socioeconomic, and all other domains of identity, but this does not mean it is a neutral or an equal-opportunity manifestation of violence. From extant research and statistical data available, we know there are unique vulnerabilities for people of Color, specifically Black and Indigenous women and girls, and LGBTQ youth, and individuals with disabilities—each of these communities should be spotlighted. These responses failed to see that Black women occupy multiple spheres of location and that disparities exist within sex trafficking because of societal

inequalities. These reactions to this research merely steeled my resolve; clearly, there is a need for understanding of the unique experiences of Black women.

A third inquiry, and not necessarily always backlash, was asking if I was conflating sex work and sex trafficking and expressed concern on using research to denounce sex work as legitimate employment.²³ As a term, “sex trafficking” is not always colloquial outside of research and advocacy. I instead used the line stating “sex trafficking/prostitution/sex work” in my advertisements, which are more accessible to a wider swatch of people. This project is taking a neutral stance on sex work as employment and treated the history of sex worker activism in the literature overview with respect as a social movement. It requires stating that this research is *not*: (a) advocating for any political position on sex work or (b) proposing solutions to either further criminalize, decriminalize, or otherwise alter the current legal state of prostitution in the United States.

Remnants of Chattel aims to understand Black women’s lived experiences with sex trafficking, meaning they participated in the sex trade under some form of force, fraud, or coercion. As such, I have no agenda or position other than producing research to improve the material conditions of Black women and end the violence done to them as well as complicate understandings and framing of chattel slavery and sex trafficking. It is necessary to highlight the reactions to this research. It not only illustrates the need to debunk misconceptions around the Black community and sexual violence specifically and sex trafficking more broadly, but also shows how anti-Black racism’s visceral rejection of removing focus on the default—read, White and “American”—race can manifest in harmful actions. This project has its limitations, to be discussed in its conclusion, most of which are the result of its method, to which we now turn.

²³ I also do not think the racist phone caller is indicative of those who support sex workers or sex worker themselves.

Methods

This research combines qualitative methods of semi-structured interview questions and field observation of a statewide human trafficking council of which I served as a research representative.²⁴ This research is conceived with, and guided by, Black feminist inquiry. As education and womanist scholar Venus Evans-Winters (2019) describes, Black feminist inquiry has five benefits that informs studies on the experiences of Black women: (1) it centers the knowledge production that all Black women produce and how their positionality informs their ways of knowing; (2) this approach informs the way in which I interact with the participants throughout the research by not viewing them as a “subject” to be analyzed, but as an individual with a history and narrative that contributes to both the Black community and Black women’s collective knowledge; (3) Black feminist inquiry calls for understanding the context and location of the study and being cognizant of the power structures therein that may harm Black women but also the opportunities it may present to disrupt Eurocentric science (Evan-Winters, 2019, p. 18); (4) how I analyze the extant literature on domestic sex trafficking and the treatment of Black women within it; and, lastly, (5) how I interpret and analyze the data, specifically by remembering and asserting both the oppression and resistance that is Black women’s bodies, experience, and knowledge of their socio-political worlds (Evans-Winters, 2019, pp. 15-18).

Interviews: Recruiting Black Women Survivors Pre-COVID-19 Pandemic

To qualify for this study, participants met three criteria: (1) identify as a Black woman, (2) be at least 18 years old at the time of the interview, and (3) no longer be involved in the sex trade. Participants were compensated \$50.00 for their time. Potential participants were recruited from trusted gatekeepers, primarily from social service agencies and nonprofit organizations, as

²⁴ This study received IRB approval in October 2019.

well as distribution of flyers for potential recruitment for narrators and word-of-mouth from survivor-leaders²⁵ who graciously agreed to connect me directly with contacts or distributed my flyers advertising the study's call for participants. Because the terms "sex trafficking" and "human trafficking" are not often used by victims of exploitation,²⁶ the advertisement called for Black women who had engaged in "prostitution," a more recognized and understood term (Roe-Sepowitz and Hickle, 2017). Using broad terminology in the recruitment of research participants can also provide a larger participant pool—the terms "sex trafficking" and "exploitation" are primarily used by law enforcement and non-profit professionals, and not terms the survivors of trafficking they themselves typically use to describe or label their experiences (Bosworth, Hoyle, and Dempsey, 2011).

In addition to the advertisement, potential narrators were recruited through snow-ball sampling. At the end of the interviews, narrators were asked if they know women who have similar experiences with sex trafficking they can recommend to the study, and this proved fruitful for making contacts. In keeping with the importance of Black feminist inquiry and history, the women included in this study are referred to as *narrators*. This is also to provide a humanization of the women, as the usual words for qualitative interview methods—such as "participants," or "respondents"—do not acknowledge the complex identities interviewees hold.

Data Collection Method

Interviews were semi-structured with a short demographic survey and eighteen questions on the narrators' childhoods, how they understand their experiences with sex trafficking, and their relationships with the criminal legal system. This study is guided by Black feminist

²⁵ Individuals who are survivors of human trafficking and work in anti-trafficking.

²⁶ Research has shown that, even among trafficking victims, there is a general misunderstanding of what trafficking is, especially in the domestic context.

principles of knowledge production and self-definition. Black feminist thought provides a paradigm through which to understand texts, culture, and language that is unique to Black women, a “mosaic” through which they understand and interpret their lived experiences. As Evans-Winters (2019) teaches:

Black feminist thought in qualitative analysis: (1) proffers a social critique of traditional research paradigms and tralatitious interpretations of social relationships; (2) fosters dialogue for understanding unmitigated power and privilege; and (3) strategically agitates the status quo.... Black feminism magnifies both the intricacies and complexities of power relationships—this magnification is out mosaic—which we use in pursuits of scientific knowledge for liberation. (p. 19)

The narratives on sex trafficking and the criminal legal system analyzed through a Black feminist inquiry will provide “counter-stories” against the stereotypical or simplified depictions of them as victims or as criminals (Evan-Winters, 2019).

These methodologies were used in conjunction with Rubin and Rubin’s (2012) construct of the “responsive interviewing model” wherein it is assumed that “people interpret events and construct their own understanding of what happened, and that the researcher’s job is to listen, balance, and analyze these constructions in order to understand how people see their worlds” (p. 10). This responsive model approach is the best method with which to utilize Black feminist and intersectional criminological thought. Because the response interview approach commands that the interviewer draw analysis from the narrator’s construction of their understanding of events this allows me to understand the construction of sex trafficking experiences that are not labeled as “trafficking,” thereby allowing me a greater understanding of how Black women understand and position themselves in relation to this form of victimization. The responsive model is constructionist by design, so its structure makes it possible to have multiple truths represented.

Participant Observation

Participant observation of the state of Colorado's Human Trafficking Council (HTC) was incorporated in this research to further address the three guiding research questions. Participant observation is the process in which an investigator accesses a site or organization to observe dynamics and relationships "for the purpose of developing a social scientific understanding of that association" (Lofland et al., 2006, p. 17). These observations will be especially useful for offering insights into the third question, "how does the criminal legal system interact with Black women who have been trafficked?" I observed 57 hours of the monthly HTC meetings from April 2019 to January 2021.

The HTC is a legislative appointment, so it only exists if Colorado's trafficking law is renewed by congress. The HTC is housed under the Colorado Department of Public Safety in the Colorado Division of Justice (CDoJ) and chaired by the District Attorneys' Council of Colorado. HTC has members who are trafficking survivors, current and former law enforcement officers, nonprofit organization representatives, legal counselors, and heads of faith-based agencies. The legislation also requires one member of the council be an academic who either research trafficking in persons or is associated with a research center that focuses on human trafficking. HTC takes more of a legislative influence over Colorado anti-trafficking measures, including comments on upcoming bills that will be introduced in the Senate. HTC also implements a public awareness campaign on human trafficking and develops training programs on how to spot and approach human trafficking.

In the Fall semester of 2018, I was notified from a former colleague, who then worked in the Colorado's Division of Justice on their human trafficking program, about a vacancy in the researcher's chair on the Colorado Human Trafficking Council. This colleague reached out to me

because they knew I wanted to use my research to influence policy and because of my research expertise in intersectional theories, a viewpoint they felt the HTC could benefit from. I applied for the open research position and was notified my application was approved in January 2019.

My membership in HTC provides access to discourse and debate on current anti-trafficking laws from a legal and law enforcement perspective. I was granted access beyond the traditional “gatekeepers” in accessing police and legal representatives by being on the Council with them and hearing their input on the prevalence, obstacles, and successes of prosecuting human trafficking in Colorado. I jotted notes in a journal I dedicated to participant observation during the HTC meetings and wrote my reflections, thoughts, and summaries of each meeting immediately after we were dismissed. Field notes of my reflections of these meetings include anecdotal conversation between members and debate on issues raised during the meetings.

Adjustments; Or, How to Conduct Research During a Pandemic

Since getting IRB approval in October of 2019, I had spent the remaining year cultivating my relationships to gatekeepers and conducting my participant observation of the HTC. In the beginning of the data collection phase, I had difficulty connecting with potential narrators for this study. By the time I had IRB approval, I had cultivated a friendly acquaintanceships with several community members and survivor-leaders in Colorado and felt comfortable enough to ask them if they could distribute the flyer I had created for the study. Several did, but warned me that their organizations, as well as their partner agencies, did not usually get Black women as clients. In fact, one acquaintance told me if I wanted to find Black women and girls who were survivors of sex trafficking, I would need to go into prisons because they are being incarcerated, not serviced at non-profits; this criminalization piece was not surprising, but I was nonplussed to hear this so bluntly from someone who works in the criminal legal system.

This first round of distributions was not fruitful. My first interview came from a community-gathering group that my mentor was a member of—in January 2019, my mentor gave my flyer to the group, and a woman who was a survivor from prostitution called me a few days after, leading to my first interview and the only interview to happen in-person. This difficulty in reaching Black women survivors continued until I expanded my research outside of the state of Colorado, a task that was made more difficult after the COVID-19 pandemic hit. I amended my IRB to include digital interviews and it was accepted in February 2020. I inquired again with my contacts and began “cold calling” anti-trafficking and rape crisis centers throughout the United States and, from there, more interviews and inquiries into my research began to snowball.

I had my only in-person interview in Denver on Valentine’s Day 2020, a date that served as an ice breaker and intermission of light-hearted jokes during more stressful times of the interview. I had sent my first wave of calls for solicitations out the following day and several local nonprofits had agreed to send around my electronic flyer and some survivor leaders had likewise agreed. Inevitably, I ran into my first barrier with these solicitations: all the gatekeepers and survivor leaders warned me that they themselves were not seeing Black women use their services or reach out to their nonprofits. This is not uncommon for Black women survivors of gender violence overall, but I had not anticipated the seeming exaggeration for sex trafficking. With this in mind, my solution was to expand to a nation-wide call, rather than limit my study to survivors residing in Colorado. The survivor leaders also agreed, as they had more places to send my call with a diverse clientele in other cities and states.

Because I created my interview questions planning in-person interviews, my first step was to re-evaluate my interview questions. I reviewed literature about conducting in-depth

research interviews from afar using video conferencing and other communications technology. According to Salmons (2015), interviews that had a structured question format helped “ease the anxiety” (p. 208) of narrators during video conference. My questions were semi-structured, with me creating follow-up questions based on their responses. The beginnings of interviews also consisted of a structured demographic survey, which also eased narrators into the questions. Thankfully, transitioning into a videoconferencing interview method was relatively easy with the design of this project.

I decided to include the Zoom videoconferencing platform and transferred to an electronic payment system in the form of CashApp and Venmo²⁷ to provide compensation. I created an account with DocuSign for the Informed Consent form. I chose DocuSign for two reasons: (1) it is more secure than Google forms or Adobe signatures, which was crucial for the nature of this research; and (2) I was worried about technology accessibility as not everyone has access to a private computer but most people have a phone with an internet connection, and DocuSign can be signed as long as someone has internet and a means to click links. Zoom likewise can be called in from a phone and does not require a computer or laptop, and has a record function, so I included Zoom in the IRB protocol amendments. As I was updating my IRB protocol, I was reaching out to different organization across the states—some recommended from survivor leaders and other contacts I had, others I got from searching for human trafficking nonprofit organizations—and had a positive reception. I had multiple agencies agree to distribute the flyer. My amended IRB was approved by the end of February 2020.

In March 2020, COVID-19 began its widespread impact on the United States and by the end of the month; the majority of states had issued stay-at-home orders and mandated the

²⁷ Cash apps charge a fee to deposit received money. To compensate for that, I added the additional 1.25 both CashApp and Venmo charge, thus paying a total of 51.25.

shuttering of non-essential business. Nonprofit organizations and social services are essential, but many or all staff in these agencies had to go remote (working from home), including ones with operating shelters. This transition meant that the staff were working at limited capacity while attempting to meet the needs of their clientele. The change in work capacity had several impacts for my study. First, a majority of the agencies I was in contact with had to reduce staff and suffered significant economic loss. Many of these contacts said still supported the project, but they no longer had the bandwidth to help with advertisement for possible recruitment.

Second, a majority of the organizations' clientele were low-income and did not have a steady communication system in place, meaning they often had problems locating and contacting clients they previously serviced in-person. Lastly, several of the agencies went dark with the new changes to prevent the spread of COVID-19 and all communications ceased. However, one benefit to going remote was that some agencies became more frequent in their email communication and several of the narrators also described feeling comfortable reliving their experiences of exploitation while they were in a remote setting of their choosing, mainly their homes where they felt safe.

The stay-at-home orders also impacted the participant observations. The HTC meetings²⁸ moved online after February 2020 and continued to meet remotely though the end of 2020 and into 2021. This remote setting and distance it created, inhibited the rigor of discourse, and reduced the presentations and reports on trafficking. Several previously established presentations on various human trafficking related topics were cancelled, there were consistent technical difficulties, and working remotely meant my observations were limited to whoever was talking in the moment and the physical cues I used in previous observations were gone. Observations in

²⁸ The meetings were still public, and an emailed link was sent to interested parties.

a gallery setting on videoconferencing platform was difficult and often keeping track of who was talking was difficult, especially during times of arguments or heightened emotions. Effectively, rather than having detailed field notes from monthly meetings, as was the case before the pandemic, I have sporadic notes when I had something cohesive to write.

Data Analysis

The goal of this project is to problematize homogenized understandings of what it means to be trafficked for sex, and the possibility of multiple truths is compatible with the critical and feminist analyses that define Black feminist and intersectional criminological theories. Interviews were transcribed using the online transcription service Temi and were coded within a week of the interview date. All interviews and field notes were coded and analyzed using Dedoose qualitative software. All data for this research was analyzed to disclose the multilayered and complex interpretation of experiences exposed through narrations (Evans-Winters, 2019). The primary and secondary data were used to locate trends in experiences with sexual exploitation, life after trafficking, and the criminal legal system.

The Ethics of Studying Sex Trafficking and Race/ism

All research carries with it the risk of harming narrators. The possibility of psychological harm to the researchers was an early concern of this project, especially since interviews can conjure past and current traumas when talking about victimization and engaging in criminal behavior, so I had an ethical and moral responsibility to minimize harm as much as possible (Maxfield and Babbie, 2011). As trafficking survivors are a vulnerable group due to trauma and possible continuing legal problems relating to their victimization, I wanted to ensure I was reaching out to individuals who were connected to resources for psychological and material needs. This was both to ensure the narrators had a reliable source of aid if their interviews caused

emotional distress, but it was also to mitigate the potential for interacting with individuals who were not in a cognitive or emotional place of mind to understand and agree to Informed Consent (Wincup, 2017). Reaching out to gatekeepers and nonprofit organizations for advertisement of this study and possible recruitment was to address this particular ethic issues of causing further harm and processes of securing consent.

The second area of ethical concern after recruitment was the interview process itself. I also consulted organizations and researchers' methods recommendations to minimize harm. The World Health Organization (Zimmerman and Watts, 2003) recommends ten principles to conduct interviews ethically and safely with women who have been sex trafficked:

- (1) Do not harm and assume the potential for harm is extreme unless otherwise proven.
- (2) Know your subject and assess the risks for each woman's situation.
- (3) Prepare referral information and do not promise anything that cannot be guaranteed.
- (4) Adequately select and prepare interpreters for interviews.
- (5) Ensure anonymity and confidentiality.
- (6) Get Informed Consent.
- (7) Listen and respect each woman's assessment of her situation and safety.
- (8) Do not re-traumatize women. Do not ask questions intended to provoke an emotional response.
- (9) Be prepared for emergency intervention and respond if a woman says she's in imminent danger.
- (10) Put information collected to good use.

The WHO recommendations had been built into my IRB protocol—though suggestion number four was not applicable to the study—and I relied on ethics from feminist and Black feminist research when formulating this project.

Feminist Research Ethics

All standard ethics of research are rooted in the objectivist tradition of positivism, even when qualitative methods are adopted. This positivist tradition causes a hierarchizing of power differentials between researchers and the narrators they interview and propagates the idea of an impartial of “objective” researcher without an intention to collaborate with the community; feminist methods have been active in challenging these methods both for harm reduction and potential, empowerment for participants (Burgess-Proctor, 2014; Wincup, 2017). I took several steps to mitigate this risk as much as possible and drew from feminist research ethics to inform my approach to studying Black women and sex trafficking, based on the teachings of Black feminism and Black feminist inquiry.

As a Black feminist with the goal of producing social justice research for the benefit of Black women and girls, I wanted to eschew both harmful methodologies and theories that dehumanize and reify harmful stereotypes about Black womanhood. In addition to being reflexive of the relationship between me and the narrators, I practiced feminist ethics of care by focusing on the relationship between the narrators and myself as a researcher. This includes establishing a respectful relationship of reciprocity, open communication, and transparency—this includes self-reflexive critique and sharing of experiences with narrators (Hesse-Biber and Brooks, 2012, p. 514). I imbued ethics of care into every stage of research planning and implementation.

My first step in drafting interview questions was to consult a trauma-informed therapist and I wanted a Black woman therapist with specialization in sexual violence and trauma-informed training. I made a connection to a local specialist in Denver who helped me re-shape and reform my interview questions over the course of several emails and phone calls. I am not trained in trauma response, but my background training at a rape crisis center and years studying this subject did mean that there were some situations of emotional discomfort I could handle. Further, in order to be fully prepared, I recruited through networks where survivors would already have access to services should they need it. Researchers of human trafficking have likewise cited ethical concerns of interviewing women who were unconnected with social or community sources because of “the possibility of physical or emotional harm to the participants who are already vulnerable to their circumstances” (Easton and Matthews, 2016, p. 21). I did not solicit interviews for potential narrators outside of these trusted networks.

The observation of the narrators was limited as most just showed their face and shoulders, but these visual cues also provided information during the interviews. When doing in-person interviews, I had brought a stress ball along in case the narrators needed something to release tension or focus on during intense times. After switching permanently online, I ended each session with a cooling period wherein I indicated the end of the interview was close, asked if there were any questions they had, and ended with lighter conversation, such as asking how their work was adjusting during the pandemic or taking other cues from our earlier conversation. This “cool down” was to aid in the transition from an emotional video conference to their material reality and to help reduce the residual emotional harm they may have endured (Salmons, 2015).

Another consideration I had was to establish the comfort of narrators. When they contacted me, I told them I believe in full transparency and offered to share any materials they wanted to see. Most narrators wanted to see the questions ahead of time to mentally prepare and I also told them if there was a question(s) they did not want to answer, I would not ask it. Several asked for personal details about me, my background, if I had ever been trafficked, and other related queries. The only question I had from multiple narrators was asking why I was doing this research and I answered by telling them about my childhood observations, love of Black women, and the mission of this research. I also outlined the details of the Informed Consent and sent it for them to sign. Before each interview began, I asked the narrators if they had any questions and again reviewed the Informed Consent. I then asked if they wanted a copy of the research write-up when it is finished. I reiterated again to each narrator to only share what they feel comfortable with, and they could stop the interview at any time. Lastly, I asked what terminology they wanted me to use to describe their experience: sex trafficking, prostitution, or other term? The results were mixed with this, with one narrator breaking the mold and saying her description was “pimpin’ and hoeing.”

Black Feminist Liberatory Ethic

Though the intention of feminist research ethics and methods is to encourage collaborative practices with participants and empower them, I find these terms to be too broadly defined and reveal further power discrepancies that exist between researchers and narrators with feminist inquiry. By this I mean that communities and people have the knowledge and ability to empower themselves, it is the structural barriers of White supremacy and patriarchy that inhibit and constrain them, and the assumption that they require empowerment and/or uplifting—especially from people and groups outside of their communities and those with more social and

cultural capital than the communities in question—sometimes seems patronizing and diminutive. Feminist research ethics and methods does not negate the fact that hegemonic feminisms have neglected Black women and has sometimes produced works that pathologize Blackness as much as non-feminist and positivist research as historically done (Phoenix, 1994). As Marshall (1994) succinctly states “feminist research, while rejecting the patriarchal bias of social science, has reproduced its racist paradigms” (p. 108). Ergo, even feminist research ethics for empowerment can still render the knowledge production and material conditions of Black women and girls sidelined due to racial bias that also inflicts feminist thought (Harding, 2012). Which left me, a Black woman from the ‘hood who is now firmly situated into the Eurocentric institution that is academia, with a moral challenge of what I “owe” to both my community and the narrators who are the blood and bone of this research.

Black feminist thought and activism has provided several guiding principles that informed my drafting of methods. Marshall (1994) asserts that to combat the marginalization of Black women by feminist and “Eurocentric social science models” Black women researchers must include Black feminism and Black women’s perceptions at the center of analysis. Black feminist research negates and replaces dominant definitions that objectify, dehumanize and control Black women. Furthering our understanding of the interlocking nature of racism, sexism, heterosexism, and class oppression as it contributes to the struggle against internalized and wider oppression. Such research examines how Black women cope with the simultaneity of oppression, resist external definitions, and assert our subjectivity as fully human beings. This is more than an academic endeavor since the validation of Black women’s self-definitions is necessary for Black women’s survival (Marshall, 1994, p. 109).

This is the guiding principle and motivation for my conducting this research and in its creation. Recalling that self-definition, Black women's unique standpoint, diversity in the experiences of Black women, and that all Black women produce Black feminist thought regardless of their awareness and Black women researchers have an obligation to identify and construct that knowledge for the dismantling of systems that oppress Black women (Collins, 1990). Most important, it is essential to remember that *Remnants of Chattel* is a research project for Black women and girls, especially the most marginalized of us, by a Black woman dedicated to dismantling the interlocking systems of oppression and domination that activists and researchers have continuously combat since the enactment of chattel enslavement.

I take inspiration from Audre Lorde's (1984) conception of liberation as a dismantling of "the master's house" and centering ourselves and our (Black) community because "we must move against not only those forces which dehumanize us from the outside, but also against those oppressive values which we have been forced to take into ourselves" (p. 135). With this working definition of liberation, I crafted some guidelines for Black feminist liberatory ethic that was infused into *Remnants of Chattel* and its bedrock. These guidelines are as follows:

1. Incorporate the feminist ethics of care's detailed steps of openness and reciprocity.
2. Rely on Black feminist inquiry and valuing of Black feminist knowledge production, creating a network of sisterhood that means researchers are working for the best material conditions of the narrators they are collaborating with, not just for academic production.
3. Respect and center the self-defining of all narrators' lived experience and their naming of their ordeals. Self-naming and assigning names during the de-identification process should also be specific to the narrators' lived experiences, their personalities, and other

pieces that are distinct to them to encourage humanization not as “subjects” but as fully-actualized, unique individuals.

4. Work to dismantle all interlocking systems of oppression that create misogynoir and other prejudices that malign Black women and girls.
5. Be inclusive of all Black women and girls with research methods and methodology. That is, Black transgender and femmes’ lived experiences and knowledges are just as essential to liberation as their cisgender sisters. This is inspired by Mikki Kendall’s (2020) “hood feminism” as detailed in Chapter Two.
6. Practice liberatory-based research. Liberation comes when community transformation occurs—if the research is not aimed to liberate Black women and girls from misogynoir from both White supremacy and from our own kin, it is not liberatory work. This community transformation will ultimately result in Black liberation overall because the most vulnerable have been learned from and centered.

I did my best to abide by my own guidelines but do fall short in that the narrators herein are all cisgender, so the experiences of Black womanhood and trafficking survivorship are limited.

It is also important to highlight that I did not assume that I would automatically have a kinship or sisterhood with the narrators due to our shared race and gender identities, even when it became apparent I shared similar childhood experiences as they did. I did not assume an automatic “insider” status because of the commonalities I had with the narrators (Few, Stephens, and Rouse-Arnett, 2003). I worked to build trust by going through trusted gatekeepers, keeping myself open and vulnerable and being as transparent as I could to build a feeling of comfort and trustworthiness before hearing their traumas and stories of moving forward. As will be demonstrated in the upcoming chapters, this method yielded rich narratives that were powerful

and impactful on me as an individual and as a Black woman researcher. The first piece towards respecting their narratives and working towards a liberatory ethic was assigning names (for those who did not choose one themselves) that were carefully chosen to showcase their journeys and individuality, which I detail below.

Narrator Backgrounds and the Significance of Naming

Interview durations ranged from 34 minutes to two hours with an average of an hour and fifteen minutes starting with the walkthrough of Informed Consent to the final interview question and wrap-up. The average age of narrators at the time of the interview was 34 years old, with the youngest narrator being Nia, 20, and with the eldest narrator of 61-years-old Aiesha. When asked about their relationship status, 61 percent (N=8) of the narrators reported they were single or divorced, 23 percent (N=3) said they were in a relationship and fifteen percent (N=2) said “it’s complicated.” Of the thirteen narrators, nine identified as “heterosexual” with three identifying as “bisexual” and one narrator describing herself as “heterosexual but curious.” For employment, eight of the narrators were working in a nonprofit organization—all of which served trafficking victims—with one narrator being a full-time student and the remaining four narrators being retired, on disability, or unemployed with one narrator, Dynah, stating she lost her job due to the COVID-19 pandemic. The majority of narrators described their socioeconomic status between middle and lower class, with variation in between as illustrated in Table 5.1.

Table 5.1

Self-described Socioeconomic Status

Self-Labeled SES	Narrators
Lower	4
Lower-Middle	1

Middle-Lower	4
Middle	4
Middle-Higher	0
Higher	0

Finally, the narrators were trafficked across and within multiple states, with the majority being trafficked in California as listed in Table 5.2. Note that due to trauma and age, not all narrators were able to recall each state they were trafficked in during the interview. One narrator, Cherie, was also trafficked internationally in a west African country.

Table 5.2

States Narrators Were Trafficked

States	Trafficked
Arizona	3
California	10
Colorado	2
Florida	3
Kansas	1
Maryland	1
New Mexico	1
Oklahoma	1
Oregon	1
Tennessee	1
Texas	2

Virginia	1
District of Columbia	2

The Meanings Behind Narrators' Names

Black feminist praxis emphasizes the cultural and spiritual power of self-determination and naming as a part of liberatory practice in a socio-political landscape that is hostile to Blackness and Black women (Collins, 1990; Evan-Winters, 2019). When assigning names, I took cues from the narrators' histories, glimpses of their personalities, and other pieces of information I learned during their interaction. I chose names that are significantly based in Black and African cultures as homage to shared cultural roots and in piece to practice respect for them as individual Black women. The names are as follows:

Table 5.3

The Significance of Narrators' Names

Name	Meaning	Significance
Aiesha	Living, prosperous	Has aspiration to work with other Black women and girls in similar situations and dedicate her life to the service of others.
Amina	Peace	Amina described a life of anger and difficult transitions. She describes herself as having reached a calm place in her life to work, go to school, and continue her healing.
Cherie	Darling	Cherie's lack of a childhood affection and her now healing acts of forging relationships and fighting the criminal legal system proved her cherishing of herself and self-love.
Dana	Judge; valuable and beautiful pearl	Its Arabic pearl meaning signifies her roots and her teaching spirit to the others in similar situations. The Judge meaning shows her evaluation of self and others in combatting sex trafficking and her process of supporting her community as they navigate the criminal legal system.

Dynah	Love	Dynah expressed a want for love and affection but her difficulty in reacting to it due to her traumatic past. This is one of her parts of healing from her trafficking experience.
Imani	Faith	Imani discussed becoming more religious as part of her healing journey and her focus on Black culture and community. I chose the Swahili name for Faith to reflect her life changes.
Jamilah	Beauty	Jamilah was the first interview in this project and we established a rapport that was precious due to her boisterous attitude and her delightful demeanor. Beauty was used here to signify the first interview and the shaping of the interviews from then on.
Leticia	Joyful, happy	Leticia proved to be an optimistic and forward-thinking person and infuses that in her healing and work (school and job) in combatting the traumas she experienced. Our interview had the most amount of laughter and uplifting conversation due to her personality and her name demonstrates this.
Maya	Gracious nature	Maya expressed worry about the cultural and social pressures and abuses of Black women and girls and a desire to work against it for future generation. Her ethics and work indicate her being a gracious and caring person.
Meagan	Pearl	Pearls are a symbol of wisdom and Meagan uses her lived experience to teach younger women and girls on prostitution and sexual exploitation as a survivor. She also wore them during the interview.
Tiara	Crown, amazing girls	Tiara was one of the more animated narrators. Her geographic background and interests in stories and music was reminiscent of story-book princesses and her career indicates that she is outgoing. Her hair was also ornately decorated with Afrocentric and brightly colored accessories.
Nia	Purpose, bright	Nia indicates learning from one's past and changing one's future. Her future is now uncertain due to her legal issues (at time of interview) but she remains hopeful.
Zora	Dawn	Zora has endured several life-changing events and is dedicated to helping her family and her work. Dawn symbolizes birth and resurrection and light, images her narrative demonstrate are part of her history.

Though sometimes impersonal and with some slight audio issues, Zoom proved to be a comfortable platform for myself and the narrators. With the exception of two, all narrators kept their camera on, with one calling in on a phone without a camera and another saying she did not look her best and preferred the camera off. All narrators agreed to be audio-recorded. Because of the virtual setting, narrators chose their own locations where they felt safe and comfortable to be interviewed, and we did not have to worry about securing a venue where we would not be interrupted. The comfort of their chosen locations—mainly their homes—also helped establishing feelings of safety.

Even with precautions in place, the traumatic nature of their experiences meant that some of the narrators and me had some negative aftereffects. While all the narrators said the questions I posed were relatively simple and non-intrusive, some of them did say they would request an additional consultation with their provider or counselor. A few of the narrators reached out again requesting more money, as a loan, but none of them reacted negatively when I said I could not provide any further financial assistance. Researching traumatic topics can also cause secondary trauma, and this did happen. One narrator, Dynah, recounted her experience as a child sex trafficking survivor and while not particularly graphic, her details left me emotionally and physically shaken. Dynah was the shortest interview, and I let my shock and disgust at men who exploited her and my own trauma creep into my conscious and did not ask as many follow-up questions as I did in other interviews. Dynah was the one interview that took over a month to transcribe and code because I had trouble re-visiting it due to the vicarious trauma it triggered for me.

Overall, I had a friendly rapport with the narrators, with several keeping in touch, asking how the research is going, if there are other ways they can contribute, and my general well-

being. One narrator from Florida was supposed to visit Colorado in July, but the resurgence in COVID-19 cases halted that; we had planned on meeting up for lunch, but that was put on hold. Some narrators followed up for academic sources and reports that I am using in this research, some just to have a friendly chat. One narrator is going to be a first-generation college student and I gave her my phone number if she wanted advice on being a first-generation student and a Black woman on a primarily White campus or just to talk—she accepted my phone number and is doing well. A part of Black feminist inquiry and thought is to establish a community and I have done this with the narrators of my study. *Remnants of Chattel* is richer in its knowledge and value because of their contributions.

Chapter Six

“I Had a Pretty Normal Childhood”:

Narrators’ Lives Before Trafficking and Exploitation

Today’s meeting was exhausting; a descriptor I feel I will use repeatedly during my tenure. There was a long (unnecessarily so, in my opinion) discussion on word usage for slogans and describing of this group’s mission and philosophy. The discussion itself had several good points debated but were largely focused on semantic issues, some of which stemmed from a lack of understanding of the words. An example: a member brought up the word ‘intersectional’ and some of the discourse around it reflected an inaccurate definition of it, re-hashed oppositional arguments of identity politics, or seemed to like the idea of intersectionality but did not know how to actually implement it. In the end, the term itself wasn’t included but the ideas of multiplicative identities and power dynamics remained. I noticed one member give a subtle huff when I clarified what intersectionality is and expressed it isn’t as simple as identity politics and requires more than including marginalized identities into whatever one is doing.

I understand the need for the debate, but it clarified some of the concerns I have had in my first few months as a member of this council, namely if this is a body that is capable of true inclusivity and change to combat the structural violence that creates and allows human trafficking to flourish. We moved into regular business after that, but I noticed a pattern: our business items, including voting on initiatives and hearing legislative updates, are focused on human trafficking and its victims during and after their exploitation. I can’t recall when we have discussed the ‘before’ chapter, interpersonal and structural violence, and how vulnerabilities to trafficking are born. Absent the ‘before’ arc, I don’t think it is possible to combat or eradicate

trafficking—we're slapping the proverbial Band-Aid over a gaping wound that requires stitches and reconstruction.

March 2019 Colorado Human Trafficking Council Meeting, Fieldnote.

Black feminist criminological and intersectional analyses require an analysis and understanding of the narrators' lives before they were first trafficked or entered prostitution, and their pathways into victimization, offending, and criminalization. This approach reveals the ways that structures and systems have interacted with and impacted Black women before their victimization²⁹ and how this influenced their perceptions of their experiences and the criminal legal system. An overall presumption of this research is that the legacies of colonization and chattel enslavement provided the foundation from which structures and systems of power both construct and constrain the lives of Black women and girls. Therefore, looking at the narrators' histories before their entry into trafficking and exploitation is necessary to comprehend exactly how, if at all, these legacies and structures influence or dictate their understanding of their experiences.

For a holistic understanding of the narrators' journeys through sex trafficking, exploitation, and prostitution, it is essential to contextualize their meanings through their perceptions of themselves, their communities, and their social locations within the systems and structures under which they lived their lives. To successfully accomplish this, it is essential to begin with the narrators' childhoods before proceeding to their entry into trafficking and exploitation. Starting at the beginning provides a deeper understanding into how the narrators were ultimately exploited and demonstrates how survivors of trafficking understand the ensuing

²⁹ The victimization being referred to here is trafficking and/or exploitation based, not referring to other manifestations of victimization.

events in their lives as they survive exploitation, dynamics with traffickers and buyers, navigate through the criminal legal system, and situate their experiences as Black women and girls.

Of the thirteen narrators, ten described their childhoods as somewhat unstable, including being poor or lower income,³⁰ family strife, and violence in their households, their communities, or experiences. One described her childhood as stable and financially middle to upper class but reported traumatic events outside of her home that contributed to her onset of trafficking. Two reported some financial and home instability growing up but did not qualify it as poor or poverty status. Five of the narrators were adopted, two by other family members, two through foster families, and one was an international adoptee and adopted out of an orphanage. This chapter is broken into two sections: (1) family dynamics, including family violence and family criminal engagement and (2) narrators' interactions with the carceral and non-profit stare before the onset of sex trafficking and exploitation.

Family Dynamics of Narrators' Before Exploitation

Households and Relationship with Family

My mom moved us out of town when I was about 11 or 12 because my stepfather had passed and so she moved us to San Diego, where I grew up from 12. I attended a charter high school. I never really grew up in, I guess you would say what they call the 'hood. I was always sheltered. It was always that I can never go out and survive. Even when I moved to San Diego it was kind of like, "oh, you can't go anywhere. You can't go here; you can't go there." My mom kind of always sheltered me and she was very strict.

Nia, 20. Adult sex trafficking survivor with multiple traffickers.

I lived with my grandmother and my grandfather and I have a younger brother. My mom left us when I was six, so my grandmother ended up raising me. I had a pretty good childhood up until the human trafficking started. I went to a public school for a few years and then my grandmother put me in a private Catholic school. I had a normal life up until that point.

Dynah, 42. Child and adult sex trafficking survivor with multiple traffickers.

³⁰ Socioeconomic status is being described as perceived by the narrators, I am not using a measure of definition beyond what the narrators feel is truth in their experience.

I grew up on the east coast. Both of my parents had master's degrees. My parents and I lived in the suburbs and I went to a good school. I was the only Black kid in the neighborhood, you know so sometimes I felt isolated but nothing really bad happening. I can't recall any problems until high school when everything started.

Imani, 34. Adult sex trafficking survivors with multiple traffickers.

Dynah, Imani, and Nia described their childhoods as relatively "normal," meaning there were few disruptions in stability, and healthy relationships between parents/guardians and their children and between siblings. Dynah and Imani described their childhoods as happy before the catalysts for trafficking intervened into their lives. These three narrators were the only ones to describe normalcy as according to them, but Imani and Nia also describe sometimes feeling like outsiders when they were primarily the only Black girls (or Black child in general) in their predominately White or multicultural neighborhoods and schools but did not recall any particularly distressing events or discrimination before their exploitation experiences.

For the remaining narrators, family discord was a running theme throughout all the narrators' lives. Narrators described feeling isolated as children and familial neglect, and many described experiencing financial instability. Several of the narrators reported having one parent consistently in their lives with other parental figures being less dependable or leaving their families all together. Megan, a 56 years old self-identified former prostitute with one identified exploiter, remembered feeling isolated and alone when she was growing up due to a mother with mental illness and a neglectful philandering father:

Family was dysfunctional, a lot of drinking growing up. My family did a lot of drinking and fighting and crying and singing and crying [Megan laughs]. I think I grew up a very introverted, lonely child. I've never felt really cared for because my mother suffered from mental illness and so she was always in and out the hospital when she gave birth to my sister. My dad was the disciplinarian and very strict. He'd come in, spank you and leave, wasn't no, "we'll talk after the whooping" type of thing. Anything the teacher said was right, and I vowed never to be that way [when I became a parent]. He was always with different women. When he would pick me up to spend time with me, we always ended up at some woman's house.... He always had a lot of women. My mother always had a lot of

men, but she was more undercover and never tried to expose us to it, but we always saw it because she thought we were sleeping. We weren't.

Megan's description reveals a common pattern for all the narrators: the feeling of being alone, lost, or otherwise missing something in their lives. For some of the women, this feeling came from disruption in their home lives. For others, it was due to a traumatic event(s) that created a vulnerability that traffickers and exploiters preyed upon, which researchers agree is a common pathway trafficker for all victims of trafficking but does skew more towards disadvantaged and marginalized communities (Parker and Skrmetti, 2013; Reid, 2011, 2014).

For all narrators, it was the women in their families—namely mothers and grandmothers—who were most influential in the narrators' lives before, during, and after trafficking and exploitation. This significance held true when the relationships with women figures were positive for the narrators' later exits from exploitation and when the relationships were negative, contributing to narrators' onsets of trafficking and exploitation. Narrators also reported the significance of women in their lives. Some narrators' inductions into the sex economy, both those who identified as former prostitutes and those who identify as exploitation victims, came from the influence of women in their social or familial circles who were prostitutes themselves. For other narrators, women family members were crucial in their exit out of exploitation and prostitution, especially for narrators who reported healthy and supportive relationships with their mothers.

Narrators largely described mothers as positive influences who were loving and did their best to take care of their families. Jamilah, 51 years old and a self-described former prostitute with one exploiter, recalls her mother working multiple jobs to provide for the family:

We grew up in the projects. My mom worked two jobs and then she hustled, she sold cookies and other things to kind of help supplement the income that she was making because it was just her taking care of three children.

Other narrators described unhealthy and sometimes abusive relationships with their mothers. Nia described a violent relationship with her mother, resulting in a physical fight that caused her mother to force Nia out of her home:

My mom and I never really had a good relationship. We always kind of bumped heads and she's always physically tormenting me and stuff like that. It came to a point where [I felt] I'm eighteen now, you're not going to continue to put your hands on me and I'm going to stick up for myself. We got into a physical altercation and she kind of put me out of the house and left me with my grandparents.

As described earlier, Nia was one of five narrators who were adopted by other family members or a foster family. Adoptees described an additional layer of instability and reported extra stress when returning to or coming back into contact with biological family members. Zora, 26 years old and a child sex trafficking survivor with one trafficker, recounts a "shock" when returning to her mother and sister after being adopted by a strict foster mother:

I was adopted at five [years old], me and my twin sister were adopted.... I ended up living with my real family and it was kind of, I wouldn't say culture shock, more of an environmental shock. When I came back, my mom was on drugs. She was on drugs. I met all my brothers and sisters 'cause I only knew my twin sister. It was just a shock to just see the lifestyle that they lived. That was different coming from living with a woman that went to church every day. And we [foster family] just lived very by the book.

Cherie, 24 years old and the lone international adoptee and a child sex and labor trafficking survivor with one trafficker and multiple exploiters, detailed an emotionally abusive relationship with her second adopted mother:

She hated me. She would never want to be in pictures with me. When we take pictures, she would pull me aside. She would push me aside and not to be in the pictures. But the world saw her as like, "oh, she saved this African poor child." That's what she saw, that's what everybody saw. And then everybody thought she's an angel or something. But I actually read in the paper [referring to a report from a social worker], it says that she made the biggest mistake of her life adopting me on the paper.

Of the narrators who had abusive mothers, Cherie and Nia described the severest relationships with their mothers due to their physical and emotional torment. Other narrators described absent

or neglectful mothers, while the remaining narrators did share tumultuous moments with their mothers and other important woman-figures in their lives but, overall, the sentiments towards mothers and grandmothers—for those who had them consistently in their lives—was positive. The majority of the narrators continue to maintain close familial ties with these maternal icons, sometimes to the point that the relationship was the catalyst for exiting trafficking and exploitation.

Fathers and other male family members were not discussed by narrators at the same length as their mothers and grandmothers, and several of the women did not have a father or grandfather in their lives. Cherie felt a close bond with her second adopted father due to the treatment from her adoptive mother:

I felt close to him because I really cared about him and I thought, “oh, he’s a little bit more nicer than her.” I [would] tell him, “why does your wife treat me so bad?” And I would want to hang out with him because I felt like he was a little bit more nice than she is. So, I felt extra close to him.

Overall, fathers and other male family members were mentioned majorly in conjunction with violence and are significant contributors to onset of trafficking and exploitation. Aiesha, 61 and a self-described former prostitute with multiple exploiters, outlines being the daughter of a single father and the household she grew up in:

My mom and dad divorced when I was in second grade; my dad raised me. My mom and dad had five children, so when they divorced or when they separated my dad, took his children with him and moved away from my mom. I was in second grade...that’s when I started becoming very rebellious. I did not obey anyone, my father and my teachers; I was out in the streets coming home late from school. I remember I was in the second grade and I would come home, he would beat me till the point I would be bleeding, and I would have welts all over me and I would be bleeding, break my skin. But it didn’t stop me. I never wanted to go home, I guess because my mom wasn’t there anymore. Since she wasn’t in the house when I came up from school, I didn’t want to come in the house, but I was just terrified. I would say I won’t do it again. The very next day I would do it again and he’d beat me. That started my life.

Aiesha's experience demonstrates the importance of both parental figures while also indicating the *tipping* factor one parental figure can have towards creating vulnerability for exploitation or trafficking. This parental relationship was noted by several of the narrators, which later affected how they framed their experiences as Black women survivors, including entry, exit, and healing. The majority of narrators recalled precarious childhoods, with narratives describing drug use, violent household, processes of adultification, and early exposure to sex and sexual violence, including incest. Ultimately, all narrators' pathways into vulnerability for trafficking and exploitation was a culmination of a variety of factors, regardless of the degree of normalcy they initially had in their childhoods.

Disruptive Households: Drug Use and Interpersonal Violence

Nearly all the narrators either had personal experience with addiction as users themselves or with an addicted family member or observed a drug economy in their communities as children. For narrators who were trafficked or exploited as a minor, they witnessed drug addiction in their immediate family, often their mothers. Maya, 33 years old and a survivor of child and adult sex trafficking with multiple traffickers, spoke of her mother's addiction:

My mom was addicted to crack cocaine, but she was a functioning addict, so she would be the one that would do the drugs but still have kids around and her kids not around where she was actually getting high. Maybe she was getting high in the room and then we'll be in her house. Eventually she lost custody to family members who said they wanted to help her, but really, they just wanted to have custody of us so they can get the check that the government was getting. When she lost custody for me that was really tough because I was really close to my mom. We had to live with other family members and there was a lot of mistreatment going on with me.

Tiara, a 25 years old child and adult trafficking survivor described her childhood as sometimes turbulent:

I was originally born in Wisconsin. I have been adopted by my great grandma at two, because my mom was a former stripper. She was always making a lot of money, dealing with a lot of guys. My dad, he wasn't around as much, but I knew that he sold drugs and

stuff like that. And my mom had kinda turned him out because she was heavier into [the drugs] than he was, and they had me after that. I know that my mom had met this guy and he agitated them for some reason. Every time we were together, I just didn't like him. One time he beat my mom real bad. My grandma wouldn't let me go to the hospital and I was all upset. I haven't seen my mom since I was five, and I'm 25 now, so it's 20 years. Me and my grandmother ended up moving away from Wisconsin and in the fourth grade I moved to Mississippi, and we were in Hurricane Katrina in 2005. We got relocated to Arkansas where I basically grew up.

Narrators who noted addiction in families stated that the drugs were either marijuana or crack cocaine. Some of the narrators described coming up age during the onset of the so-called (and exaggerated) Crack Epidemic of the 1980s and the already ensuing War on Drugs campaign that began in the 1970s and observing the anti-drug enforcement that emerged from this time period. Leticia, 32 years old and a self-described former prostitute as a minor with one exploiter, described the impact of her mother's crack addiction as well as the intervention from child protection services:

We can start at the beginning. My mother was in active addiction. I ended up being raised in a biracial home with my father, where the molestation started and child abuse. By the time I was 11, they [children's protective services] finally got me out of the house and out of the situation. And then I stayed with family for about two years and then I entered into the foster care system, which, was like super hell and all that stuff. I figured I had a better chance taking care of myself than living in a system.

Eleven of the thirteen narrators admitted to using drugs—including crack cocaine, marijuana, and ecstasy—at various stages of their lives from childhood to adulthood. Narrators who witnessed addiction in their home, especially from their mothers, reported turning to drug usage as a coping mechanism more so than other narrators who were introduced to drugs as teenagers or adults. For the majority of narrators, dependency on drugs were either a contributing factor in their victimization—usually as a way to keep them captive through their dependency—or a way to cope with their trafficking or exploitation experience.

A second theme in the narrators' childhoods was violent households including interpersonal violence between parents/guardians or child abuse and neglect. This violence was sometimes intertwined with addiction or alcoholism, but physical violence against the mother was a significant vulnerability to trafficking and exploitation later in life for both adult and child survivors of trafficking and exploitation. Dana, 53 years old and a child and adult sex trafficking survivor with one trafficker, exemplified the impact of witnessing interpersonal violence from her father to her mother and was a factor in her later victimization:

My father was abusive and so that's how it left us open because my mother and father were married, and we had a little house and everything we wanted. It was me and my little sister, but my father was an alcoholic and he used to beat my mother and then she got out of the marriage and she was trying to get her master's [degree] and everything still going to school. It left us open, and in that process, I got sexually abused. Which made me really never feel good about myself. It made me vulnerable for that, for that life [sexual exploitation]. For a predator to be looking for somebody who would know whose self-esteem was low and all that.

For narrators who witnessed violent relationships between parents or adult figures in their lives, they began to associate romantic attachments and sex to physical and emotional harm. Further, narrators who lived in abusive households normalized the violence but reported higher instances of depression, low self-esteem, and early encounters with law enforcement and social service agencies than narrators who described stable or "normal" childhoods. The earlier their encounters, the more likely narrators were to have a negative association with the criminal legal system before their exploitation, which would later factor into their navigations as victims and framing their perceptions of justice as survivors.

Another disruption that narrators recalled was early exposure to sexuality and "adultification," including family involved in the sex trade as prostitutes, some of whom were victims of trafficking and exploitation themselves. Coming of age in households and/or communities where prostitution was visible on the streets and in homes influenced how the

narrators understood gender, race, and sexuality, and even their trafficking and exploitation experience itself. Returning to Megan, she describes her mother participating in sex work to provide support for her family:

Well one night [my older brother] was like, “sissy, come here, come here.” We had those keyholes when I was growing up, they had the keyholes in the door, and you can look in the keyhole and see what was going on. I remember a man kneeling down at my mother’s bedside and she was in the bed with a blanket pulled up. I guess they had just finished ‘cause he was naked. We know some of her other friends that would come by, ‘cause they were real friendly, and they laughed, joked and played with us or whatever. But we didn’t know this one. When she was confronted by my brother the next day, she said it was to buy us shoes. He told her, “we don’t need no shoes.” I never forgot that she blamed it on us, why she’s doing what she was doing. That was the first seed planted in my head.

Megan had not yet reached puberty when she witnessed her mother’s prostitution, but it imprinted on her as a survival mechanism, a means to secure money and buy necessary materials. Her mother’s assertion of doing it for the children likewise cemented the survival aspect of prostitution, even when Megan expressed a distaste for prostitution when she started selling sex herself.

Nia had family members who were being sexually exploited by a trafficker. Those family members would introduce Nia to the trafficker, setting in motion her own trafficking victimization: “He exploited...they used to work with him. They used to be his hoes.” Exposure to prostitution and sex trafficking during formative years as children were realities for most of the narrators, even when they had no immediate connection to either condition. Many narrators describe having an awareness of exploitation and prostitution because they were prevalent in their neighborhoods, observed through cultural artifacts—hip hop music and underground hip hop clubs were cited by several of narrators, as well as realities of “hood life” that includes prostitution—and the normalization of gendered, interpersonal violence of women and girls in family, friend circles, or general community at large. While Nia and Megan both contribute the

family engagement as critical to the onsets of their individual trafficking and exploitation, this theme was present for all narrators, even when their own onset had more significant contributing factors.

The final theme in narrators' childhood disruption was the process of early sexualization that oftentimes resulted in molestation or sexual abuse. For narrators who were not directly abused, they were exposed to sexual acts or sexuality that constructed ideas about objectification and violence earlier in their lives. In addition to their sexualization as children, several narrators also experienced the process of "adultification," wherein they were expected to act older than their physical age, such as taking care of households and making informed decisions as though they were older and assumed to be more knowledgeable and experienced with sex than other girls their age (Epstein, Blake, and Gonzalez, 2017; Morris, 2016). Narrators who were both sexualized and adultified described feeling more isolated and unprotected than their peers, taking on more responsibilities for absent or neglectful parents, and oftentimes later expressed frustration at their exploitation because they thought they knew enough about sex and responsibility prior to their victimization.

In short, sexualization and adultification was a significant factor in the self-blame and understanding their experiences as survivors. Adultification in childhoods and onset of exploitation phases are expressed in two forms: First, burdening children with adult responsibilities leading to neglect and abuse at crucial stages of development and second, when interacting with traffickers and buyers of sex as children. This process of adultification negatively impacted all the narrators either through being sexualized as children or influencing their perceptions of themselves as independent figures as youth and codifying this independence into adulthood that often led to decisions to enter prostitution.

Megan described taking care of her younger sister starting when Megan was seven years old while her mother was working through an episode of mental illness and multiple hospital visits. Megan was tasked with caretaking and childrearing while she was still a child herself, and living in poverty and an unstable home. However, Megan also described a guardian's protection she did not realize she had until years later:

I was seven years old. [My mother] taught me how to change [my sister's] diaper and make a bottle. And I don't really remember seeing [my mother] too much. And it's crazy because I went back to my old street and there was a lady that lived there and it had been...God, years and years and years since I had been down the street. I just bust out crying because I didn't think anybody knew and she said, "I was babysitting you from my window," 'cause she would just watch me walk this baby up and down into big old carriages and she would always hit that, that spot right there on the sidewalk and the baby, come flying out carriage. But I would walk this baby up and down the street all day until it got dark, take her in the house, feed her, change her diaper, come back out.

Megan and her infant sister would be alternately cared for by their father and grandmother until Megan's mother returned home from the hospital. In the interim, Megan had to act as a de facto parent while she was a child with no adult protection or guidance; recall Megan said she felt lonely as a child when describing her childhood and had a father who was physically abusive and emotionally distant.

Megan's childhood was also hindered with the presence of several sexual predators in her family and community. In these descriptions, Megan discusses how family members, especially one brother and her parents and grandmother, acted as protectors and attempted to deal with predators on their own, outside of the criminal legal system. She revealed several instances of a brother, an uncle, a grandfather, and family friend of attempting to molest her at various ages:

My cousin, the child molester in the family, his son molested me at six...this guy was 19. [They were all in the same room, going to sleep]. My brother didn't know what he was doing 'cause it was dark. And he heard him say "wrap your legs around me" and my brother jumped up and turned the lights on and he's like, "what are you doing to my sister?" And they went running and, I don't know where my father and my mother came from, but they ended up in front of the police station trying to kill this dude.

I remember saying, I want to babysit, not knowing that when I was younger [her uncle is a molester; she is twelve at this point], when I was babysitting for him, my mother said, “you can make the money, but when he walks in the door, you walk out, don’t stay. When you hear that doorknob, you’d be ready to walk out the door.” I was like, why are you telling me this? So, she taught me what I’ll say about a year or two later, but this is during the time where I was living with my grandmother. She asked me to go to his house, to get ice and you had to go around this corner. The house was dark, and he kept saying, “come and get it. Come get it. Come and get it.” And I said, “hand me the ice.” And he said, “come over here and get it.” And it was such an eerie feeling. Then I said, “if you don’t hand me that ice, I’m going to tell my mother.” And so, he handed me the ice and he was like, “get outta here, get outta here.”

He [friend’s adult brother] had a hand full of pennies and he said, “put this in your mouth and I’ll give you these.” But I didn’t do it. I remember him hitting me in the face with it, and I left because my mother did try to always keep us aware of certain things because we had a lot of pedophiles in our family. She always tried to make sure that I knew, stick with my gut. You know, go, go with your gut. When they [my guts] feel bad, it ain’t right. And I don’t know how she groomed me to know that at that age [younger than twelve], but I knew and so I took off running. I always had a feeling that, to be loved or to be liked or whatever, that you had to allow someone to touch you.

These are only a few of her life’s sketches that Megan provided on her extensive history of sexual abuse and adultification. This adultification and observation of her parent’s sexualities and sexual activities has three major impacts on her adult romantic relationships and entry into prostitution. First, and will be detailed later, Megan attributes her past infidelities with her marriage ideals developed as a child from watching her parents’ marriage and then their subsequent relationships with other people after their separation. Second, Megan early on began to think of sex negatively, specifically thinking relationships were defined by boundary transgressions, violence, and sexualization and financial need. Third, Megan’s experience with childhood poverty also married with the first two impacts, wherein prostitution and sex work were normalized while her fear of being without material and financial resources weighed on her mind and affected her decision-making.

Narrators who were sexually abused as children were violated by family members, usually a stepfather, and other individuals narrators loved and trusted like legal guardians and

boyfriends. Maya was molested after being adopted by extended family, in addition to being treated differently than her younger brother. She shared, “I don’t know if he was ‘cause he was like babyish, but, there’s a lot of like favoritism going on and probably some sexual abuse. I don’t quite remember. I [have] flashbacks, but I don’t remember exactly.” Dana described being sexually abused by her mother’s boyfriend. Dana’s mother did believe and support her when the abuse was revealed, but the traumatic impact started what was the beginning of an adolescence that was marred by sexual violence and manipulation before she was trafficked.

My mother’s boyfriend ended up sexually molested me. That’s what happened when my mother was going to school, and her boyfriend did that. My mother’s boyfriend sexually molested me, but he went to jail. We got him arrested, but it left me broken.

Imani was the only narrator who disclosed that her first abuser was not a family member: “I was raped by my boyfriend in high school when I was seventeen. I started acting out after that.” The resulting trauma from the rape sparked a rebelliousness in Imani as a means of coping with her boyfriend’s violence. Imani and other narrators who shared other experiences of violence often turned to behavior that sparked interactions with the criminal legal system as victims and sometimes social service organizations.

For the other seven narrators who experienced sexual violence as children, their experiences were either a part of their grooming for trafficking and exploitation or led to behavioral or environmental changes that traffickers and abusers noticed and preyed upon. Overall, narrators described unstable childhoods and multiple instances of victimizations that helped build their pathways into exploitation and trafficking, which is consistent with previous research findings. To some degree, all narrators internalized blame for their victimization, even when they acknowledged that the fault was their abusers and the adults who failed to protect them. All narrators likewise also discussed how these childhood traumas shaped their views of

the criminal legal system and their discernment of their experiences with sex trafficking and exploitation as Black women survivors.

Interactions with the Carceral and Non-Profit State Before Trafficking

We had a social worker, I remember when I lived with my sister, [the police] had raided our house when I was living with her, 'cause her boyfriend and her used to sell drugs. I came home from school and they were just raiding the place, just trashing it and we had to sit in like the living room. It was just very traumatic. My brother, he would always be doing something illegal. One time he had beat up his friend so bad with a crowbar, and he had to hide. The police came in our house and he was hiding in my mom's bathroom and they found them. I saw my mom go to jail when she was younger 'cause I was singing. I'm a vocalist and my mom said I used to sing like "my mom's in jail, my mom's in jail," like telling everybody and shit. We definitely had a social worker and dealt with that kind of stuff when one time my mom had hid me out for a while, 'cause they had taken my little brother to [a youth facility]. They had taken my brother and my mom had hid me out, but then she realized that she doesn't have no rights. She can't give me a school or anything like that. She took me to my eldest sister's house and then the social worker who I did not know, don't even remember the lady's name, don't even remember her making it comfortable or anything. She drove me to [same youth facility] and I just remember crying all night.

Maya

Maya, as well as several of the narrators, had previous encounters with the criminal legal system and social services as a child before the onset of exploitation and trafficking. As she describes in the above quote, Maya's experience converged on the intersections of an unstable home with an addicted mother, adoptive care, and early experiences with police conducting drug raids. She did not provide further details on her time in the youth facility but did state that her limited time spent there gave her a negative perception of the criminal legal system and added an additional layer to her childhood trauma—the trauma she attributes to her eventual drug use.

Imani's trauma also set-in motion actions that would lead her to early contact with police and juvenile court. Imani, like many survivors of sexual violence, did not tell anyone about the rape. Instead, she remained silent until she was 21:

My mental health took a nosedive. I became very suicidal. That also affected my schooling and so my grades dropped so I barely graduated on time and then it just also made me very defiant and rebellious at home. I was actually on a juvenile probation for [drug] paraphernalia, possession on school property.

During this time, Imani was engaging in disruptive behaviors and causing friction with her parents. She began using drugs and engaging in deviant behavior. When she was seventeen, shortly after getting raped, she was charged with drug possession and a property crime. Instead of being sentenced into a juvenile detention facility, Imani was placed into a diversion program to complete her schooling after she was expelled from her high school. Nonetheless, these were the subsequent events in a series after getting raped that precede her trafficking and informed her later views on the criminal legal system as a survivor.

Zora remembers frequent contact with social services after her adoption but did not recall them being particularly helpful or intervening in her and her sister's abusive home:

We would have interaction with foster care, but my mom, just the way that she was, it was hard to talk to them. And we'd knew that they weren't going to take us. And every time we would tell them, "it's abusive here" and "we don't like it here," or a teacher or somebody from the access school program. I don't know how she talked her way out of it.

Zora would stay in three different group homes after being trafficked and incarcerated at fourteen years old and reported that social services' inaction did more harm to her well-being and pathway into trafficking rather than protect her. Leticia had a similar experience of insufficient social service intervention; in fact, the intervention itself engineered a situation with more violence:

When I was young as a child, [child protective services] came and they took us from my mother 'cause she was in addiction and they gave us to my father. Another time before they exited me out the house, I went to school with a hot sweater and 9,000 degree Florida weather. I got hot one day, so I took my sweater off. [School officials and teachers] seen bruises everywhere and I figured that was my chance to escape from my father's house and get out of the situation. They kept me at school for a while. Then they sent me to a friend house for two days and...I don't know how their investigation went,

but they couldn't help me. I ended up having to go back to my father's house. I couldn't do anything about it because they wasn't listening to me and I was afraid if I told what was going on that he was going to probably hurt me or worse because I was freaking 11-year-old child. The first time I told, I think I was ten, nine or ten, and when they sent me back with the child abuse, I figured that I was trapped. I knew not to say anything until finally when I was 11 years old, he let me go see my mother's side of the family and I told my auntie, "I can't go back there because he's coming in my room at night." That's when it ended. Then like once I got actually got away from the house and told my auntie, they [child protective services] wouldn't let me go back. And then the system got into it to where I didn't have to go back. That was the only time, other than that, they didn't say anything about the child abuse. They didn't say anything about anything. I was afraid to tell because they kept sending me back home.

Rather than remove her from her father's house where he was physically and sexually abusing her, child protection services (CPS) kept returning Leticia to his home, but they removed her from her mother due to her mother's drug addiction.

Leticia's abuse and separation from her mother happened in the later part of the 1980s, when the inflated crack cocaine epidemic and Crack War that largely focused on criminalizing poor and addicted Black mothers was a significant policing priority (Lynch and Omori, 2018; Roberts, 1997). It is likely that due to the policing prioritizations of the Crack War, CPS agents decided to leave Leticia in a physically abusive home instead of returning her to her mother or other relatives because of their crack usage. CPS eventually considered sexual abuse serious enough to finally remove Leticia from the dangerous environment. However, her experience demonstrates the human collateral of misplaced police campaigns and the lasting harm on more vulnerable populations. Leticia would eventually get sent to a group home from which she would run away and enter in prostitution.

The majority of narrators who were abused as children were also subjected to early criminalization of their victimization. All these narrators were either being sexually abused or were navigating through their comprehension and confrontation of a sexually violent act forced upon them when they engaged in behavior that was deemed criminal or deviant. Though Zora

was the only one to be held in a juvenile detention program, other narrators describe harsh or further traumatizing experiences in group homes or ineffective group homes that did not offer counseling or other guidance that could have aided in their recovery or healing. Other narrators describe watching police interaction in their homes with other family members or out in their communities at large, giving them negative perceptions of over-policing and disrespectful encounters between police and their communities.

These chronicles illustrated the degree to which interpersonal violence and trauma was compounded by state or social service interference. Instead of aiding in the physical and sexual abuse and ensuing trauma the narrators were facing, police tended to arrest them or frighten them with arresting themselves or family. Social services—child protection services especially—were either ineffective at listening and believing the narrators when they reported abuse or, and possibly most detrimental, simply did nothing to advocate to remove them from dangerous situations for a significant amount of time. Outcry witnesses³¹ and mandatory reporters, particularly group home staff, likewise demonstrated an apathy or incompetence with reporting abuse they witnessed or were disclosed about. Instead, narrators reveal it was their families who often intervened and protected them when they learned of abuse, but the two apparatuses that they reported to, police and social services, were not helpful and in fact either criminalized them or left them in violent situations.

Either direction these two groups of actors took helped steer the narrators onto their pathways into trafficking and prostitution. Affirming to the *sexual abuse-to-prison pipeline*, these narrators' identities as Black girls put them at an elevated risk for both sexual victimization

³¹ An outcry witness is the first person to hear a disclosure of physical or sexual abuse of a victim and is legally obligated to report to the proper authorities. For the narrators, none of their outcry witnesses reported their exploitation.

and then subsequent punishment regardless of whether or not they reported the said victimization. The fact that they were isolated, not believed, and that the social safety nets that are in place to protect children repeatedly failed them and in most cases were complicit in the continuation of abuse, is not surprising and confirms to previous research on the criminalization of marginalized girls' sexual violence experience (Kim, 2018; Phillips, 2015; Saar et al., 2015).

Summary of Narrators' Childhood Family Experiences and Early Perceptions of Criminality

Overall, the most common roots of trafficking and exploitation for the narrators was a history of abuses (mental, physical, and sexual), poverty, and compromised mental health. Further, most of the narrators report having mentally damaging interactions with various actors in the criminal legal system, ranging from criminalization experience with police and juvenile courts, to lackluster rehabilitative and social service agencies. The narrators' life courses reveal the intertwining of interpersonal violence and community interaction with structural and systemic dereliction in perpetuating the harms inflicted upon them before trafficking while also illuminating how those same harms created the pathways leading to their exploitation and trauma.

Narrators who did have early interaction with the criminal legal system and/or social services before their trafficking and exploitation experience, tended to have harsher perceptions of police and the court system than those who did not. All but one narrator had some form of carceral interaction during their trafficking and exploitation or prostitution experience. Further, all narrators linked the traumatic events in their respective childhoods with either creating the pathway to their later violence or for constructing ideas around gender, race, and circumstances

that influenced how they framed and understood their experiences as trafficking and exploitation survivors or as former prostitutes.

Chapter Seven

“That’s How It All Started”: Sexual Violence, Trauma, and Onsets of Sex Trafficking and Sexual Exploitation

Overall, the narrators described childhoods prevalent with difficulties ranging from poverty to familial abuse and neglect. Narrators also describe communities and material conditions that pushed them through processes of adultification, either by having them take on caregiving responsibilities or beings sexualized by adults in their lives. This results in the majority of narrators describing trauma and some contact with the criminal legal system and social services before their onsets of trafficking. These experiences in their formative years created a quagmire of several vulnerabilities for sex trafficking or exploitation, as well as the development of their frameworks through which they name and understand their experiences as former prostitutes and survivors of trafficking and exploitation.

Self-Defining and Framing of Experiences

In keeping with the Black feminist tradition of self-definition and the power of naming, the narrators were asked to name their experiences. This process had two purposes: (1) establish autonomy of the narrators and (2) aid in the analysis of the narrators’ histories as they lived through and understand their ordeals. Each narrator had their own reasoning for choosing their terminology found in Table 7.1.

Table 7.1

Self-Definition

Preferred Terminology	Requests
Exploitation	1
Prostitution	5
Trafficking	6
Pimping and hoeing	1

Amina,³² a 32 years old adult survivor of sex trafficking with multiple traffickers, was the sole narrator to not want to use any suggested verbiage of “exploitation, prostitution, or trafficking.”

When asked about her preferred terminology, Amina stated that she wanted to refer to it as “pimping and hoeing” because, in her words, “it felt more like a mentality” she had “during and after,” while simultaneously acknowledging that she is a survivor of sex trafficking:

I usually just refer to myself as a lived experience expert with sex trafficking, but only because that’s become the term that everybody used over the last few years. But when I was actually involved in it, I just called it “pimping and hoeing.” I didn’t know anything else. That was what it was for me.... I didn’t really start describing it as a trafficking experience until maybe four years ago. For the most part, I refer to it as trafficking. I guess really, I don’t necessarily feel like that term trafficking fits my particular experience and so I don’t really necessarily know what to call my experience other than “pimping and hoeing.” But “the Life,” “the game,” there’s so many phrases, I just be like, “hey, I lived a particular lifestyle for a time, and this is what it entailed of.” When it comes to labels, I really try to stay away from them as much as possible because I feel like they just box you in. It doesn’t give room for any other experiences.

³² Amina did give permission for my descriptive label of “trafficking survivor” in the narratives, but her terminology is prioritized when discussing her lived experiences.

Other narrators chose what they felt accurately described their experiences, but others specified no preference; in this case, I chose the terminology closest to their experiences and that suited a legal definition of trafficking, prostitution, or exploitation.

For those who identified more closely with prostitution, the narrators describe the lack of a trafficker or pimp—in their definitions—to not use the word trafficking or exploitation, or in some cases they entered the sex trade by their own will,³³ though some would later remain in prostitution due to a trafficker or other coercive force compelling them to remain in prostitution. These narrators tended to refer generally to exploiters as either people buying sex or otherwise profiting from their prostituting themselves. Jamilah, 51 years old self-described former prostitute with multiple exploiters, exemplifies this dynamic after she left the abusive husband who pressured her to prostitute for drugs and then a later involvement of a male acquaintance:

It started with other people suggesting like, “hey, if you do this, you can get this. We can purchase drugs with the money that you’ve earned from the sexual acts that you do, because we were all frequent in the same neighborhood with the same drugs, prostitution, gangs and things like that.” And there would be guys that they would say, “oh, I know this guy that is interested in having sex with you. He’ll pay you this amount of money and then you can go purchase your drugs.” I’m like, oh, that’s good cause then I don’t have to go and stand on a corner like I usually would. I would already have something kind of set up, then I could meet that guy and the older gentleman [acquaintance] would be kind of the lookout close in the vicinity to make sure, I guess to make sure I was so-called safe. But you know, he set up the whole thing. He would set it up and I would meet the trick and perform the sexual act. And then when I was done, then we would go use the money that I earned with my body to buy drugs, to purchase crack. I would give him the money so that he can purchase the drugs for us. I pretty much just give it to him ‘cause I trusted him to give me what I felt like I deserved after having sex or giving someone a blow job and that he would give me with the parts that I earned or my part of the crack that I earned, I never got any of the money back. It was just drugs that I would get in return from the money after I gave him all the money.

³³ “Free will” here is used to indicate the absence of force, fraud, or coercion that is used to define trafficking and exploitation. This does not imply that these narrators saw prostitution as an act of empowerment or employment but entered into prostitution because it appeared to be a viable solution to their immediate needs in that moment.

The self-identification and framing of the narrators' understanding of their trafficking experience also exemplifies the slipperiness of trafficking-based language and tenseness with which survivors feel comfortable utilizing this terminology. Jamilah entered into sex work willingly when she turned eighteen to support her newly born drug habit, but when attempting to exit prostitution her abusive ex-husband forced her to continue. By legal definition, because the ex-husband benefited from her prostitution and used coercive tactics to keep her selling sexual services, he was Jamilah's trafficker though she did not frame their relationship as anything other than an abusive marriage. Jamilah has similar views on the acquaintance—who is likewise a trafficker by acting as a facilitator and taking money—but did recognize the power imbalance in their relationship due to her dependency on drugs and him.

The other narrators who describe their experience as prostitution recounted similar stories, with the exception of Nia, 20 years old sex trafficking survivor with multiple traffickers, who admitted to having multiple traffickers and often referred to her experience as exploitation and trafficking but also relied on prostitution terminology generally. Aiesha, 61 years old and a self-described former prostitute with multiple exploiters, considered some male figures in her life as exploiters due to their abusive behavior but overall described her engagement with sex work as a form of survival:

I was a married woman with two children and my husband was an ex-pimp. After I divorced him for being so mean, I started going out with guys for groceries for my babies because I have three children now and I was a single parent.

However, even with narrators who did not describe themselves as survivors or victims of trafficking or exploitation, they generally described several coercive elements ranging from interpersonal, such as abusive spouses, to structural necessity, particularly with poverty and employment challenges.

The framings and terminology that each narrator holds reveals more about how Black women understand their positions and relation to these coercive elements and how they respond to them, which will be further explicated in Chapters Eight and Nine, because the narrators ultimately frame their understandings of attaining justice and combatting sex trafficking and sexual exploitation of Black women and girls with their respective reflections. Lastly, the narrators' frames and terminology related largely to their entry into the sex trade and how they either interacted with their community and/or with the criminal legal system during this period of their lives. The onset of their experiences likewise demonstrates how these coercive forces work within the larger macro-society of larger structural forces and institutional failures and how individuals take advantage of these failures for their own material gain and satiation of personal desires.

Onsets of Trafficking and Exploitation

More than half of the survivor narrators were inducted into trafficking through sexual violence as seen in Table 7.2. All thirteen narrators ascribe trauma to the start of their being trafficked or entering prostitution, ranging from physical abuse, drug use, and feeling lost after some hardship as being their vulnerability to being trafficked. All thirteen narrators have stated that it was a multitude of factors that facilitated their respective entries. Most narrators also detailed one particular catalyst in addition to other conditions and circumstances in their lives that spurred their individual entries.

Table 7.2*Catalysts for Entry (and Re-Entry)*

Catalysts for Entry and Re-Entry	Trafficked
Economic	2
Trauma	
<i>Abusive Relationship</i>	2
<i>Sexual Violence (Child)</i>	5
<i>Sexual Violence (Adult)</i>	2
<i>Violent Household</i>	3
<i>Difficult Household (No Violence)</i>	2
<i>Early Contact with Criminal Legal System</i>	5
<i>Other Traumatic Event</i>	2
<i>Kidnapping</i>	3
Drug Use (Self)	4
Drug Use (Family/Spouse)	2
Early Sexualization/Activity	3
Family Involved in Prostitution	3
Already Engaged in Prostitution	2

The “other tragic events” described were a forced abortion and an event that was not specified.

Nine of the trafficking survivors were re-trafficked and two of the self-identified former prostitutes returned to prostitution several times after an initial exit. Being re-trafficked or entering sex work again was due to: (1) being kidnapped or coerced by another trafficker; (2)

relapsing on an alcohol or other drug addiction; (3) needing money to survive; and (4) going through a period of depression and internalization of blame—as in, these specific narrators felt they deserved their exploitation and either returned to prostitution or temporarily stopped resisting their trafficker(s).

The majority of the narrators were trafficked in public venues and other areas listed in Table 7.3. Except for Cherie, who was trafficked in private households and an orphanage, all narrators state that the locations where they started their experiences were also the same venues where it ended.

Table 7.3

Areas Where Trafficked

Venues	Narrators
Households and Orphanages	1
Street Level (“Blades” and Street Corners)	12
Truck Stops	1
Online/Internet	1

Two of the narrators were trafficked in multiple venues and all but Cherie were at one point engaged with street-level areas of exploitation. As is common with gendered and interpersonal crimes, most narrators knew their traffickers and exploiters before the trafficking or exploitation began, with the majority of the traffickers being acquaintances, family members, or romantic partners. All narrators had interpersonal relationships with their trafficker(s) before their onsets of trafficking, the majority being friendly acquaintances followed by romantic partners of family

members. Table 7.4 shows the range of relationships between narrators and their traffickers. Of the thirteen narrators, eight reported having multiple traffickers and/or exploiters with five reporting a single trafficker and/or exploiter.

Table 7.4

Trafficker’s Association Snapshot

Trafficker Relationship to Narrator Before Onset	Narrators
Acquaintance	7
Boyfriend	2
Family	1
Friend	1
Husband	3
Romantic Partner of Family Member	4
Total Identified Traffickers	18

For narrators who had more than one trafficker or exploiter, the average number of identified traffickers was three. Narrators who recalled having multiple traffickers or exploiters did not always remember the precise number of traffickers due to trauma. The total number of traffickers discussed in the interviews by the narrators is higher than the eighteen reflected above, but they were not properly identified or discussed by the narrators; in total, the narrators overall mentioned 31 traffickers, exploiters, or pimps.

The narrators describe a multitude of different factors that were responsible for their onsets to trafficking and exploitation, but those who were exploited as children reported higher instances of sexual violence and abuse as catalysts for entries than did those who entered as adults. Narrators who were trafficked as children were also trafficked for longer periods of time and were often trafficked more than once in comparison to narrators who were exploited as adults. The next section separates those who entered as minors and their unique pathways into being trafficked or exploited with the adult group following. No matter their ages of entry, all narrators describe significant abuse, sexual violence, and lasting emotional and physical scars—all narrators report still experiencing some remnant of their trafficking and exploitation, whether post-traumatic induced flashbacks, a criminal record, or relying on their lived experience expertise in their employment. The entries into trafficking and exploitation described here continue to impact the narrators.

Child Sex Trafficking and Commercial Sexual Exploitation

The most common perpetrator of the children victims were biological family, stepfamily members, or acquaintances. Though some of the narrators recounted sexual violence that was not connected to their later exploitation, molestation and incest were the frequent grooming steps before being trafficked. Dynah, 42 years old survivor of child and adult sex trafficking with multiple traffickers, was initially forced into exploitation after being raped by her stepfather whom she had met for the first time that night:

When I was eleven, my mom begged my grandmother for my brother come with her for the summer. She finally said yes, 'cause I kept asking, "could I please go?" And the first night I was there, my mom's husband raped me and the next night he's start taking me out and trafficking me.

Dynah was adopted by her grandparents when she was young, but her mother re-established a presence in her life six years after her grandparents adopted her. Her stepfather was the first

trafficker Dynah would be exploited by, and he used his first rape against her as a grooming technique. He would also rely on a drug addiction to compel compliance in addition to the physical and sexual abuse he inflicted upon her:

[My mom] was in school during the day and she worked at it as a nurse at night. So, when she wasn't there, he'd just take me out. He take me to rest areas with truck drivers, and [when I] finally I told her what was going on, and she didn't believe me. He said she wouldn't [believe me], and she didn't. My grandmother and my granddad was in Hawaii for the summer. It would just continue, and my mom would come in from work and go in her room and stay in there. That's how I began using cocaine at 11. He just told me to sniff it and he gave me cocaine and [drugs] every night that we went out. The first time we went out, I wouldn't get out the car, so he beat me up. And that persuaded me to get out the car and do what he tell me to do. He told me to just walk to the truck and ask [the potential buyers], "did they want to have some fun?"

Dynah would later learn that her stepfather was a trafficker and had a few different women working for him, though her best recollection is that she was the only child. Dynah attempted to escape and ask for help from her first "customer" the first night her stepfather took her to a truckers' lot:

I told the truck driver how old I was [eleven years], and he told me that was great. I asked for \$400 when I got in, and he gave me \$100 more and told me he couldn't help me. He just wanted to have the fun. After that I just felt defeated.

Though this first trucker explicitly stated he did not want to help her but was instead aroused by her age, Dynah would be repeatedly denied help when she outcried to others and mentioned her age until she became an adult. Her stepfather would later kidnap her from her home state of Tennessee and traffic her in Texas for a period of time in the summer:

I didn't know that my stepdad was a pimp. I didn't know what that word was. And I asked him could he just take me home. He told me he'd take me home with him to meet some girls he had. And I said, I don't want to meet no girls, I just want to go home. He told me I was going with him. And when I didn't want to go, he slapped me really, really hard [she starts crying] and everybody else around was acting like it was normal. In my mind, I figured out that this was just normal thing for these people. Later that night, he tied my hands and feet up and locked me in the car and took me to Dallas. Once we got to Dallas, the girls that was with us; it was four of the girls with us, they dressed me up in

some clothes and I went out on the track and they started all over again. I was back doing dates and doing cocaine and it just never ended. I was there about six months in Texas.

Dynah did not reveal what her mother was doing during these six months while she was being trafficked in Texas, or if Dynah's mother attempted to locate Dynah while her stepfather trafficked her in Texas.³⁴ Dynah did not speak frequently of her mother, so it is not revealed if her mother was aware that her husband was trafficking her daughter or if she was also manipulated or abused by him. Her stepfather did tell Dynah her mother would not believe her when she told her mother about his raping and selling her, but it is not immediately clear if this was because her mother was complicit in the trafficking, or she was submissive to him because it was an abusive marriage. This was the beginning of Dynah's fifteen years of trafficking from age eleven until she was 26 and the first of three times being kidnapped by a trafficker.

The trafficking of Dana, a 53 years old survivor of child and adult sex trafficking with one trafficker, began when she was fourteen and her mother's boyfriend and soon-to-be-trafficker groomed Dana with molestation and manipulating her into thinking they were in a romantic relationship. When Dana attempted to distance herself from her mother's boyfriend, he then kidnapped Dana:

He started to speak to me, he started to say things to me, and it made me think, oh, he liked me. I guess it was stroking my ego. And he kind of played with me. I used to see him every morning over at my aunt's house. He used to walk past there and go down the street. But one morning I wasn't on the porch and he knocked on the door, my auntie told him, "if you ever say anything to my niece, I'mma hurt you." He looked over, and I was like, ooh, she don't want me to even talk to him. You know how that is, you're young, so whatever they say you don't do, you do. I ended up being with him and then when I realized that I didn't want to be with him anymore. I was walking home from school one day and he jumped out of the back seat of a car and threw me in the back seat of the car. When the car stopped, it was in Oklahoma and he told me, "this is what you're gonna have to do and this is what you're gonna do." I felt like from that day all the people knew who he was, and I couldn't get away. I had to do what he wanted me to do and I did. And

³⁴ Part of my IRB protocol, as well as my research ethics, dictated that I would not probe into uncomfortable territory and would not ask questions about people or topics narrators did not want to discuss. Though I could not see Dynah, I took her avoidance of talking about her mother as a cue to not probe into their relationship.

then he started giving me drugs. I felt like I had needed to be around him and had to have him and everything.

Dana identified the boyfriend as her sole trafficker and his exploitation of her would last into her adulthood until she exited at age nineteen. Dana did not immediately identify the molestation by her mother's boyfriend as abuse when it occurred and believed it to be a consensual relationship at one point, while acknowledging that she felt shame and "bad" about her experience—that is, his sexual grooming of her—with him. As is common with survivors of sexual violence and trafficking, Dana initially blamed herself, believing she created the circumstances of her abuse (Resick and Schnickle, 1992; Schuller and Wall, 1998).

Cherie, 24 years old and survivor of child sex and labor trafficking with a single trafficker and multiple exploiters, is the last of those narrators who described a kidnapping and the sole narrator to experience both labor trafficking and sexual exploitation. Cherie's labor trafficking started when she was six when her father sold her into servitude in different houses where she was also repeatedly sexually violated:

My dad was selling me to go do people's housework for them. The people who had me [as] their servant, they would like rape me consistently, have sex with me a lot. It started with someone [neighbor], a family member molesting me and raping me. And then from there on my own, when I ran away, my dad would take me to live with and work for other people's houses. And then that's how the sexual violence and everything started happening.

Cherie's mother died because of domestic violence³⁵ and her father would later die of alcoholism. In addition to the abuse Cherie was living through, her home country was amid a civil conflict fueled by ethnic tensions; this would set the environment for the next manifestation of trafficking and kidnapping of Cherie. She described how her uncle, with whom she was living, was manipulated into entrusting her into the care of a government worker.

³⁵ Cherie did not disclose if her father killed her mother or give any other description of her mother's death.

The government killed a lot of my family members because it was [an] ethnic war. There was a lady, she basically had my uncle brainwashed. She convinced him to take me out of my home in the middle of the night, like 2:00 AM, and never said goodbye to my family. Never said goodbye to my friends, no one. I never saw anybody after. And she just took me to her house. It was all women. She took me to her house. They kept me in their building for months. Never let me go outside. So just that's how everything started.

Lastly, Cherie positions both her home country's and the United States' governments as being complicit in trafficking (by kidnapping into an orphanage) and continued exploitation with her adoption by two U.S. White families who were abusive and neglectful of her:

The government here [in the United States] never checked up on me. They never checked if anything was going on...but none of the government really like us. [My home country] government, everything they wrote is false. Everything said is false. I think [my home country's government] told my White family that my family are dead; I don't have no relatives. And that's how usually they sell, they pretty much exploit all the children [through] international adoption and American government never checked up on me if I'm okay. Never had a social worker come to the house. I never had anybody to check on me.

Cherie also described observing and hearing about similar deception and kidnapping schemes in the neighborhood of her home country, with families being deceived their daughters will be sent to school or off for work opportunities before being trafficked.

Cherie's account is unique in that she had the most diverse manifestations of exploitation, ranging from domestic servitude to sexual violence to international deceptive adoption practices.³⁶ Cherie also uses similar language to describe exploitation and abuse with governmental power and institutions as she does to the individual people who facilitated and exploited her for labor or sexual gratification. Of the three narrators who describe being kidnapped as children, Cherie is the only one who was not groomed prior, but sexual violence and trafficking had significantly defined her life until that point. Cherie described four

³⁶ Adoption under false pretenses and of trafficked youth is understudied in trafficking literature, with some not including this as a form of child trafficking at all. However, under domestic and international laws, Cherie's experience does fall into a gray area of illegal adoptive practices, but some governmental bodies would not consider her a trafficking victim by this standard alone.

consecutive years being trafficked but later described events that fall into the obscure area of exploitation and abuse that trafficking terminology rendered ambiguous,³⁷ providing an exit age of ten years old, but not explicitly ending her trafficking and exploitation experience.

Maya, a 33 years old survivor of child and adult sex trafficking with multiple traffickers, was sixteen when she was first trafficked. Having turned to drug use after her traumatic childhood, Maya was introduced to the idea of selling sex through a woman friend who engaged in sex work and a mutual acquaintance who was also a pimp:

One of my best friends, she had gotten into the life first, she's a White girl and I've known her since the sixth grade. She was like, "I'm going to do it." I was like, "okay, I'll watch you" or something. We went out like an hour away from home, her and the guys she was messing with. I was like, "I'm not going to do it, but I'll walk with you," 'cause I was just that type of protective friend. And then like this guy was trying to talk to us. I was so scared. I think we went back home either that night or the next night. And I watched her, and we actually had the guys snoop in the car, that the pimp was there. He was like, "well, if you already out here watching her and, you know, you ain't got no money, why don't you just do it? Why would you just watch her?"

And then we started like talking more. He saw that I was vulnerable, I'm being a little open. So, he started talking more and then he snuck into my house, we had sex and he was like, you should just try it. It's not that bad; you're already having sex. I was like, "alright, but I'm not going to do it in [my home city]. You gotta take me to like LA or something." Then we wound up going to Orange County right where Disneyland is. That's where it first happened. It was me and then my friend, it was like a place to surmise. She was like 15 and so she wanted to go. We went and so that street was so popular during this time, it was so many cars on our streets, so many just action going on.

Maya's friend would exit soon after being violently robbed by men posing as potential buyers.

Maya would remain in for nearly a decade and have two traffickers, meeting her second trafficker after going through an emotional turmoil from her relationship to her first trafficker.

Maya's trafficking experience started when she was a child then she exited as an adult. In the beginning of being exploited, Maya would avoid being prostituted by requesting to not do it in her hometown for fear of her mother and family finding out. Later, and further into the

³⁷ Refer to Chapter One: Introduction for trafficking terminology.

exploitation by the second trafficker, Maya stopped caring about being outside of her hometown and moved back there, where the second trafficker continued to exploit her. Though Maya did describe dynamics with her traffickers where she exercised resistance, she also described the emotional manipulation tactics of the two traffickers she described.

Tiara, 25 years old and survivor of child and adult sex trafficking with multiple traffickers, was similarly induced into prostitution with emotional manipulation. Tiara was fifteen when she was going through a difficult and rebellious phase after a childhood of frequent moving and instability. Tiara was frequenting gatherings and engaging with the entertainment industry and met the first trafficker who would exploit her in a moment of vulnerability and need by the trafficker promising Tiara connections in the music industry:

I kind of knew what he was doing, but I always thought that since I [was in the] music industry already, and he was into music.... I don't know what I thought. I think I was just looking for love in the wrong places. I ended up going to him because I caught a case with this guy, this ex-boyfriend, and while I was in jail, the pimp, he basically wrote me while I'm in jail, so I'm like, "oh shit, this guy, he actually likes me, he actually wants to try to help me." When I get out of jail, I meet up with him and I'm in a bad situation because my grandmother's getting evicted and we don't have any family in [the state], so I have to figure out what we're going to do. I've always taken care of my grandma, so this is a, a bad spot for us to be in right now. So, what other way than to get money, you know?

It started off really sweet.... I've never been introduced to anything like this before. Only heard stories or, 'cause when I moved here and I see the scene, I'm like, "oh my God, prostitution is actually real like that, people actually do this." I immediately get thrown into a situation with another girl and she's been around, she's been with him for a long time. She's been making a lot of money. I start to feel jealous, like, "if she can do with it, I can do it too," you know? The first time I went, I had left [the] park or dropped off at a park and there was this older guy walking his dog. And I'm just sitting there looking innocent and he's like, "what are you doing out here?" I didn't really know what to do. Next thing you know, I ended up exchanging numbers with the guy. He said, "meet me in a little bit." I'm all excited, but I'm kinda nervous, you know, I'm going to impress this guy, I'm gonna make him happy.

Tiara expresses enthusiasm at the prospect of getting the pimp's validation due to her emotional attachment to him, despite the reservations she has for prostitution itself. Tiara's induction into

trafficking with the customer became a turning point on her perspective of the pimp and start of an eight-year long period of exploitation after he dropped her off at the first buyer's house:

He takes me to his house, and I get there and there's probably four or five other older guys there. And I'm like, well I guess this is normal. I guess these are roommates or whatever. I go to his room and he's just kinda all into it. And he started to allow other people to come in and I didn't really know what to do. I didn't really know what was going on. I started drinking and I hadn't ever really gotten drunk before, 'cause when I moved here, I was a good girl. I just told myself that wasn't something that I would do. I don't want to drink, I don't want to do drugs, but I started drinking to loosen myself up. He basically tries to force himself onto me. And then there's other people and they're just standing around and I started crying and he's like, "oh, don't be a bitch. You do this all the time." At that moment I'm like, "okay, like this is what I'm going to have to go through. Great." He basically forces himself to me. The other people have had left by this time and then he drops me off at the pimp's house. And I hop out and I go inside and I'm telling him what happened to me. And his question is, "well, did you get the money?" And I'm like, "are you not understanding what I just told you? I basically just got raped. What do you mean?" And he hits me.

After that, I don't know what I felt. I just felt like damn like this is what it's going to be like. And I just stayed, I just, I don't know, I was just stupid. I was naive and I just stayed because I felt like, "okay, well I like him." I don't want to, if I leave then I'll look like a sucker, you know? For some reason my pride would just not let me walk away. I did a bunch of the negative things that I thought it would look positive to him, but it just really destroyed me as a person on the inside. So that's where it all began.

Tiara is similar to other narrators exploited as children with her exemplification of self-blame and normalization of her abuse and her experience of grooming and manipulation disguised as romance from the pimp. Tiara also demonstrates a lack of comprehension with the realities of prostitution, having not being exposed to it or discussed it before her own introduction to it.

Tiara is unique in that her relationship with the trafficker started with institutional interference—because she needed bail money during a time of financial insecurity (especially with her caretaking of her grandmother), her being held in custody provided an opportunity for the pimp to gain Tiara's trust with an act designed to trick her into believing he had an interest in her well-being because he cared, not because he was preying on her.

Zora, 26 years old and child sex trafficking survivor with one trafficker, also has an institutional connection into her onset of trafficking. Because of her experience in (and inefficiency of) group and foster homes, Zora repeatedly ran away and took temporary shelter with friends. One friend introduced her to a trafficker when Zora was fourteen:

I was staying with a friend because I had ran away from home and her mom eventually found out that I wasn't going home. She took me to her uncle's house and when I got to her uncle's house, he told me that I have to come up with some money, I couldn't live there for free. And that was my introduction into the sex life. And I started in California, kind of walking the blade. And then from there we went to Vegas, we went to Arizona.

Zora states that the workers in the group home knew she was being trafficked and engaging in prostitution but did not attempt to intervene³⁸ when she left, aside from calling the police.

Through her two years of being exploited, Zora had frequent contact with workers obligated to intercede or were mandatory reporters, but did not:

Zora: I would go back to the group and then leave and come back.

CG: No one at the group home ever questioned why you were leaving with this man?

Zora: They would, but it was a no-hands program, so I didn't really have to answer their questions. If I wanted to walk past them and walk out the door, I could. They knew what was up. They called the police. The police just never really got there on time or I was leaving in the middle of the night or they would think that I was in the bathroom and I'd be out the window or something. It was probably a "minute" before they realized I was gone or whenever I was coming back at nighttime. The police would already be there.

Zora described this group home as overwhelmed with children with an overworked and understaffed personnel and she adds that she was not the only one with her situation in this home. In short, the trafficking of Zora happened in the context of a social institution (multiple

³⁸ It is not clear whether the workers in the group home thought of Zora's experience as exploitative from a trafficker or if they assumed she was selling sex "willingly." It is also not clear if the police were called due to her record of running away or, after she was incarcerated, because of her past criminalization. Refer to Chapters One and Two for a discussion on language use and assumptions of consent and the harms this causes Black women and girls, especially prostituted Black children.

group homes) that did attempt to step in and inhibit her exploitation, but lacked enough resources, and sometimes empathy, to be effective.

Zora: My second group home...I was there because they just wanted to get me out of the facility. Mom had given up her rights. And I guess they was just ready for me to go to placement. And that's where I went. Another place that I was in, messed up there. I ended up running away. Of course with my leaving again, and they got tired of me. My last group home, they was expecting me back every time like nothing ever happened. We didn't really have a conversation about it or anything. My probation officer talked to me more about it than [the group home workers] did...she knew who my exploiter was; 'cause he had ended up getting arrested and she would do stuff like, wanting me to read his police report. "You see all the bad things that he had done." She would do stuff like that. Or she would do scare tactics. She would try different scare tactics to make me stop leaving and stuff. She'd be like, "we're going to termination." But the program always told me they wanted me to stay because I came in and I did my chores. It was just after night-time I was leaving or whatever, I wanted to leave. I was leaving.

CG: It seems like you really interacted with a lot of folks who could have—I want to say stopped it—but who could have intervened more strongly?

Zora: Yeah.

CG: Do you ever think of why maybe they didn't do that?

Zora: Because I never allowed them and because they didn't care. I feel like I was a dime a dozen; they seen this shit, every day, you know, like it was nothing special about what I was going through or what was happening to me, you know?

Leticia, who uses the terminology "prostitution" to describe her experience, also had institutional failure as a contributing factor into her pathway into prostitution at age thirteen combined with a history of child molestation:

I first entered it was at thirteen years old. Due to foster care and child molestation, I started running away. I seen that that was where most people that I hung out with was doing and that's where it started. My first trip with some women, we were walking down the street and it was the guy that showed us a lot of money and stuff like that. I was new to it 'cause I had just gotten foster care or whatever like that. I was scared and I didn't do it that day 'cause I was like really scared. I didn't know what was going on. And then after that we had dudes, just sold drugs and older guys that offered you money or to take care of you just to have a woman or whatever. And that seems, it seems to be better to me than, you know, living in the system and getting touched by different people. And so, I

figured that was a way to take care of myself by talking to an older guy that gave me money and drugs.

Leticia recounted molestation at different stages of her childhood and abusive foster homes with no action taken on behalf of child protective services to protect or remove her from dangerous situations. Leticia's running away introduced her to a friend group who took care of each other and introduced prostitution:

I ended up with different females that was already doing that kind of stuff. So that's basically how I ended up doing it. Like being in like neighborhoods that's high in [prostitution] and you end up hanging with someone and that was always offered, or strip club. I tried to do stripping and meet a guy like that or meet someone like that. And money was always offered, or someone told me it'll be good to do this, this guy likes you or you know. So it was just like, it just happened, like I guess the crowd I was with.

The group dynamic between the women and girls in the group, from Leticia's description, was not abusive nor were they coercing Leticia to go into prostitution. Instead, it was normalized as an option for survival. Leticia does recall men companions and men around them offering encouragement for entering the sex trade:

It was a bunch of men because it's like basically when you're in that lifestyle, you're all over the place. It was like every side of the town, I just ended up running into those type of guys. And someone might be like, "oh, this guy wants to talk to you, or *this* [other] guy wants to talk to you." We'll be hanging out and we'll probably have a stripper party or just drinking, and it'll be always be cash. Some guys would be like, "oh, I'll take care of you, put you in a hotel" and stuff like that. "Just do this, just do that." It was basically independent, but the people that I might live with, they might recommend it. They'll tell me if I try to get out of the drugs and get out of the life, they'll be like, "oh, we don't have any of this." We don't have any money; they want to get high, they'll want money. I'm trying to change my life a couple of times. But the environment was, "oh, you need to pay the rent." I don't have a job. I'm trying to, you know, get my life together. That was always the easiest route and they will want drugs. Basically, to pay for whoever I live with and they'll bring guys in and they'll just want to talk to you or whatever like that. A lot of it was just to have a roof over my head until the addiction and stuff got back to where I lived on the streets and that was how I had to survive.

Though Leticia was not controlled by or forced to work under a trafficker, she was engrained with people who benefitted from her engagement with prostitution.

Leticia describes an individual who was more present and engaged with the encouragement than others because they depended on rent and other basic needs from the money she received from selling sex. However, her age of thirteen meant that her legal ability to consent to prostitution and the material realities that surrounded her—namely, poverty and her history of abuse—add an element of dubiousness on the complicity of people around her who were encouraging her and/or were aware of her age at the time, especially with the forthcoming inception of the U.S. Trafficking Victim Protection Act of 2000 and existing policies on prostitution and child sexual abuse. Leticia remained engaged in prostitution for fifteen years until she was 28 years old.

All child-onset trafficked narrators were impacted by the process of adultification from community members and members in their families, whether it was through sexual abuse or assuming they were already sexually experienced. How this manifested for each narrator was different. For instance, Zora, Tiara, and Leticia were assumed to be sexually active in prostitution as a justification for the use of violence against them or pressuring them to prostitute themselves, such as Tiara's first customer raping her or the lackluster response to Zora's repeated running away. Maya was groomed to believe she had more sexual maturity and autonomy by her trafficker while Dynah's first buyer acknowledged her age and admitted to being aroused by how young she was but refused to see her as a child in need of help. Both Dynah and Maya described themselves as physical early developers, noting that the size and shapes of their bodies were frequently commented on as looking "older" than they were, even by people who knew their true age. This process of adultification was a harmful factor into how traffickers and predators viewed them to validate their desires onto them, by denying them

acknowledgement as children—an action that continues into their interactions with agents of the criminal legal system later in life.

Adult Onsets for Entry into Sex Trafficking, Exploitation, or Prostitution

Narrators who entered prostitutions as adults reported making this decision due to multiple compounding factors, of which the lack of money was the most cited motivation. Aiesha was in her twenties when she turned to prostitution to provide food to her child as a newly single mother and continued to prostitute for money. Aiesha had just left an emotionally and physically abusive relationship where her husband capitalized on her inexperience with romantic relationships and history of familial abuse from her father; most significant, her first husband was also an ex-pimp. Through what Aiesha describes as a manipulative and physically violent relationship, she became pregnant three times and the last pregnancy was when the first husband demanded she sell sex:

By the time I got pregnant with the third baby, he was telling me things like, “if I can go out there and hustle, you can go out there and hustle. If I can go out there and do what I need to do to buy stuff for this house, then you should be able to go out there.” So that’s the first time I prostituted. But this man...used to be a pimp, and plus his mother was a prostitute and one of his older sisters used to go out with older men for money and stuff. Being around him and his family kinda made me believe it was okay to do it. That was the first time I went on a date.³⁹ [After my divorce] I started going out with guys for groceries for my babies because I have three children now and I was a single parent. I would go to the grocery store. I would go in there and I would ask to speak to the manager or the owner. I would pretend like there was a food item that I needed that was not in the store. I would walk around the store looking for an item and when I didn’t see that item, I would go to the counter and say, I need to speak to the manager or the owner...because I need such and such, and I have three kids. And they’d be like, “oh, well the manager is not here.” And I’m like, “when will he be here?” “Oh, he usually comes in on Wednesdays about eight o’clock.” I would make it my business to go back at eight o’clock, so I can exchange some type of sex act for food, the groceries at the store. So that’s when I started doing that, to buy food for my kids.

³⁹ “Date” is used colloquially to refer to customers purchasing sexual services. Unless it is a direct quote from the narrators, I will not use the term “date” to describe adults paying to sexually violate children.

Megan, 56 and self-described former prostitute, similarly first began prostitution when she was at a particular financial hardship when she was nineteen and the mother of a toddler daughter:

The first time I willingly performed prostitution, I had a friend that was living with me and he left. My lights went out. That's when I was eighteen, my daughter was about five years old then. I started hanging out with my sister who knew about drugs and knew about selling her body and this and that.... So this old man that she was messing with kept telling her he wants to sleep with me. So when the lights got turned out, she found that perfect opportunity to say, "hey, you want your lights turned back on? Well, he wants to sleep with you, so he'd give you the money, turn your lights on." I don't know how much money he actually gave her to give me to her, but he gave me \$200 to help my lights on. And so that was the first time. It was disgusting.... I did it because I felt like I had to. I think that was the beginning. I honestly say I never wanted to be good at it. [Laughter] I was never good at it. I was horrible at it, because I have always had the mindset that I'm not going to ask nobody for nothing.

Megan's ambivalence and childhood shaping of her perceptions of intimate relationships resulted in her desire for independence and a tense relationship with men and her sexuality.

Megan describes her inability to stay faithful in her romantic entanglements and why she sometimes sought out customers for sex, even when she did not necessarily have a financial need to do so:

I stayed married 26 years. I cheated on my husband, basically off and on throughout the whole marriage. I stopped after a period of time because I started getting involved with the church. But things got started going down because I believe that I have a touch of my mother in me. When I started getting depressed or whatever like that, my way out is to go and sleep with somebody. Whether if it was for money or for free. Between relationships, I had a tendency of going on Craigslist and different places like that to, you know, it was for companionship, but to make myself feel good. I would say, "you know, you got to pay me," because then I didn't feel like just an old tramp, you know, felt like I was getting at least getting something from the stranger. And that was to fill the void of not feeling love throughout my life.

Megan elaborates on her relationship with prostitution, referring to it as a companion to her addictions and her fear of reliving her childhood poverty. For Megan, prostitution enabled her financial independence and likened it to being addicted to money, even after going through different rehabilitation and therapy programs for drugs and other conditions of her life.

People can say they'll reform or whatever, but it's still that little thing in the back of your head that says, "times is hard." You know what you can do or I'm not feeling good right now, you know somebody will come and keep you company. To make myself feel good, that's what I would do, and I would charge them. I had to become very independent, so I became like, addicted to money. I would work, work, work, and I started this daycare [after her final engagement in prostitution]. I still have; the more money I got, the more money I wanted. I started taking out a lot of kids, so I still have a lot of money 'cause I've never wanted that feeling to come back. It's an addiction; and I never want that feeling to come. I knew if my bank account stayed fat, I'd never had to degrade myself that way, you know. It wasn't even so much of the money as a feeling. And so you always have to be aware of what's going on in here [motions to her head] so that thought doesn't come back.

Megan would go on and have a second marriage to an ex-pimp and occasionally prostitute herself but not at her husband's urging or will, until finally exiting at age 37. Megan's entry into prostitution was motivated by an immediate need for money but her childhood traumas of poverty, her parents' volatile relationship, family instability (including history of sexual violence), and proximity to others who were prostitutes helped steer Megan into prostitution repeatedly, even when she had more monetary stability. Her labeling her need as an "addiction to money" demonstrates her psychological attachment to prostitution as a way to eschew depending on anyone but herself and, as common with addictions, took precedence over aspects of her life and interfered in her personal relationships.

Megan and Aiesha understood themselves as former prostitutes who were not controlled by a trafficker or pimp, but sometimes did have an individual who benefitted from their prostitution. Both narrators deviate from considering their experiences as exploitation but neither considered their prostitution to be empowering or liberation; rather, it was a necessity due to several material conditions and emotional and psychological (and unhealthy) drive to continue sex work. Nia did describe multiple traffickers but described her experience as prostitution, with her onset being the result of home instability and having family members involved in prostitution:

My grandma, she thought I was stealing weed out of the house. She put me out and I had to go stay with my biological sister and her kids and our biological mother who I did not know, but I had to go stay with them. From there, my biological sisters kind of were telling me about this guy, and eventually I ended up meeting this guy at a party that I went to with some associates. Turns out he [ended up being] my trafficker, my pimp. And at first, he kind of didn't come at me as a pimp, because he's a rapper. He's like, "oh, I want to put you on the music video. You have the face for you have the body for it," everything. I'm like, okay. He's said, "it's being shot in LA, so we'll go to LA." We go to LA and he's like, "okay, so this is what we're going to do." I'm telling him, "I don't feel comfortable with that" and I'm crying in the car. I'm saying, "I don't want to sell my body." He was like, "okay, well you have two choices, you go do it, or you're going to get beat and have to do it anyway. You might as well just do it." So, here I am, this nineteen-year-old who doesn't really know what's going on, what to do and kind of scared. I'm like, "do I want to get beat on by a man who's 35 and I'm so tiny and fragile, so do I want that to happen or do I just put up with it?" So, I'll just go out there, do what I'm told.

Though Nia uses the language of "traffickers" and refers to her experience as "trafficking" and as "prostitution." Nia elaborates when I asked what caused her to be exploited:

There's a saying that you are who you hang around. I was hanging out with a bunch of hoes and I got magically ended up one, not because I wanted to. It was kind of like boom! It happen so quickly. [I think] your environment is what you make it. So, me being kicked out of my mother's house and going back to [my home city] and it's kinda the bottom of the trenches. This is just dangerous, is just messy. It's problematic. Me going back there just cause a lot of problems for me. And I think I became a product of my environment, meaning I was hanging around the wrong crowds of people and I got caught up in situations I didn't want to get caught up in.

Nia's belief in that actions are partially caused by the people she surrounded herself with at her first onset helps inform why she also uses prostitution language as well as trafficking-based terminology. Nia acknowledged the power dynamics between her and her traffickers and the duplicitous mechanisms they used to control her, but also stated that she created her own vulnerability by willingly participating in activities she believed promoted pimp culture. Nia also reveals another psychological aspect for framing experiences and onsets of exploitation, in her case, that her choosing her environment was also responsible for crossing paths with the first person to traffic Nia and, by extension, the second trafficker.

Amina also stated that environmental changes and emotional stressors forged her pathway into trafficking. Recalling childhood trauma with frequent contact with the criminal legal system and some instability, Amina states that she developed a new social circle after graduating high school and starting at a community college:

I think I just latched on to kind of wanting to separate myself from who I had been in my childhood years and my teenage years and wanting to become something new, something different and just trying to figure out what that was, like any 19 years old trying to find their place in the world, who they're going to be. I unfortunately just latched on to some unhealthy people. I did have some trauma growing up—from law enforcement busting into my house, taking my brothers away, them getting locked up, arguments and things like that. I became really withdrawn into myself. At sixteen, I started to experiment with a little bit of self-harm. Nothing too damaging, but really just like scratches and things like that. Looking back, I realized there was depression. There was anxiety at eighteen, that's when I had my first anxiety attack. And so all of that at nineteen, right before I was introduced into The Life.

My then-boyfriend, we had broken up and then I found out that I was pregnant and then having that conversation with him, he wasn't ready to be a dad at that point in time. He was freaked out. I was freaked out, didn't know what to do. He was like, "well, you need to take care of it." So, feeling really alone in that decision, like, "what am I going to do? Am I going to have this baby at nineteen on my own or am I gonna afford it?" My mom was a super big support at that time in my life, whatever I wanted to do, she was going to support it. Ultimately, I decided to not have the baby. I like to think of that as my gateway into my spiral downward because of there was so much pain with that. The medication that they had me on was not working and so they had to prescribe me something stronger. I started drinking a lot more, getting high a lot after that. I'm just really trying to numb all of that pain and then spiraling out of control. Started getting really promiscuous, jumping from one bad relationship to another, not really cultivating it, just kind of like they were sex partners. Jumping from one to another and then found myself involved with a group of people who I really latched on to. They were all about partying and just drinking and just having fun. And that's what I was trying to do. Let's just have fun and be irresponsible. So that's what I did. That actually introduced me to The Life. I actually did one date for [my new friends group living in a shared house] and didn't really do anything after that. It was more so like, okay, let's try this out and it was fine. We partied, but it was still like a very toxic environment. There was a lot of emotional abuse. I was raped in that house by one of the people.

It was through one of the acquaintances in this social sphere that Amina was introduced to one of the first people to traffic Amina and forced to walk a track for the first time, when she had previously privately met and arranged her transactions:

The situation with that was where one of my first or my second pimp that I was with, he tried to arrange it to what I was going to go to a bachelor party another girl that he knew that did dancing and I was gonna go with her and dance and do all that stuff. But this is what I think happened: she had hooked it up and it was like, “yeah, we’re going to do this, we’re going to do that.” Then on our way, she made a pit stop. She stopped at some apartments; two guys got in the car. She got in the back seat with me and I’m like, “well, what’s happened with was this, what are they doing here” And they’re like, “no, they’re going to drive us.” They’re just going to make sure that we’re cool,” yada yada yada. I’m still really green and I’m a little naive, thinking, “okay, no big deal.” They actually ended up taking me to [a popular track]. They were like, “you’re not going to go home. We’re not taking you back until you make us some money.” That was my first experience working that track and I was like, “oh shit, I’m going die.” That whole night I was super hypervigilant. I thought every car that was going to stop, I was going to die ‘cause I’d never been in that, that experience. Everything had always been like an in-call where the date would either come to me or I would go to them and a hotel room or something like that. I’d never done street work.

Imani, 34 and adult survivor of sex trafficking with multiple traffickers, was similarly inducted into her exploitation due to a converging of trauma from her sexual violation from her then-boyfriend, rebellious coping, and a desire for change in her life. Imani was lured by an internet predator who convinced her to travel from Maryland to California:

I had a lot of vulnerabilities. I was battling with alcoholism, substance abuse, and housing. My current boyfriend at the time, we lived with his mother who was also battling substance abuse. She was a crackhead. She intended to sell anything that wasn’t nailed down in the apartment, which definitely made me financially vulnerable and frustrated. I was lured into The Life off of Facebook. My trafficker reached out to me in regard to modeling opportunities, not really saying that it was sex trafficking, obviously. I flew out to California thinking that I was going to be able to make some money modeling, doing photo shoots for car magazines. After I got off the plane, he took my wallet, all my stuff—and immediately, like that day, had me sex traffic.

Imani’s trafficker, a recent parolee from prison, gained her trust using the “boyfriend” or “lover boy” tactic of romancing her and then promising her opportunities of financial success and affection. Once she was within grasp, he began to isolate her from family through limiting contact and controlling her communication and access to money. Imani describes their dynamic as beginning with psychological manipulation to graduating to physical violence and

weaponizing her mental health declination and drug dependency. Imani would be trafficked by multiple men over the course of two years.

Re-Trafficking: New Traffickers and New Onsets of Exploitation

Six⁴⁰ of the thirteen narrators were re-trafficked after first being trafficked. Some of the narrators were forced with a new trafficker while under the control of a first or previous one, while some were re-trafficked during a gap in the duration of being exploited. Like their original onsets, narrators attribute their vulnerabilities for their being re-trafficked, while detailing increased duplicity and physical violence from the subsequent traffickers. Because the narrators were at a heightened state of anxiety and fear and were further made pliable by the violence they were experiencing, these narrators were specifically targeted by new traffickers.

Maya stated that she was trafficked by several individuals during a ten-years-long exploitation. After getting pregnant from the first trafficker and having an abortion she did not want, Maya's grief led to a watershed moment of her wanting to leave the trafficker but not escape the exploitation itself:

For some reason I made a vow to myself, "if I meet a real pimp, I'm just going to leave with him and go." And so, you speak things into existence. So, I don't know, maybe three weeks, two weeks later I started seeing this gold car drive around all the time and I was like, "who is in that gold car?" I don't know, I was just intrigued by this car. One time doing ecstasy, this guy came in [my friend's house] and he was just an arrogant asshole. And I was like, I do not like him, but we was just hanging out. He had a nice voice and he told me he wasn't a pimp and he said he was a Boss Mac, which is a pimp, but I didn't know what the hell that meant. He was like, "I don't know if you into this, but like if you want, we can go to like where the ho stroll is, and you can just act like you're going to turn dates and you can just jack the guys. You ain't really gotta do nothing." We're doing ecstasy and I was like, "well I've done it before, just not in [my home city] and blah, blah blah." He was like, "oh, OK" and he didn't really bring it up. I think the next day I just hit him up and I was like, "you know, we should get some money together. I don't mind doing it again." We went to LA and then I'm getting nervous. He was like, "bitch, if you don't get off this car and get some fucking money, I'm going to beat your ass and we're not going to go back to [home city]." So I just had to do what I had to do and wind up staying with him for a long time—ten years on and off again.

⁴⁰ Two of the narrators with multiple traffickers did not provide information beyond their first trafficker.

Maya mentioned other traffickers in this ten-year period but counted the first two among the more significant figures in her trafficking history for their duration and dynamics held when they were exploiting her. Amina describes several people who either directly sexually abused her and others who attempted to exploit her. Amina understood this as being part of the lifestyle she was enmeshed with at this point in her life and the susceptibility to predation by traffickers.

I want to say three actual pimps. Maybe like two that tried it. So a total of five...that whole lifestyle was very fast paced. A lot of exploitation, a lot of girls. I wouldn't say I would be passed around to different people, but I would stumble upon different people who would want to exploit me by accident. I would meet [men and] they would want to try to [convince me to sell sex for them], and I'd be like, "nah," I would leave and then I'd meet somebody else and they would proposition me for that person. Then I would say "yes." It was very, very confusing time in my life. I think at 21, that's when I met my last pimp, I guess you could say. And he was my boyfriend at the same time. We started off as just a regular relationship and then it became abusive. There was a lot of domestic violence associated with that relationship, both physical and verbal. On both sides there was a lot of manipulation and that was sort of like the end all be all. And so that relationship, we were together for about seven and a half, eight months. Then we ended up getting arrested for pimping and pandering.

Both Maya and Amina credit their being in prostitution-saturated environments and around the accompanying "lifestyle" for the presence of traffickers that would exploit them, specifically the traffickers who followed after they were forced into prostitution.

Nia was in a transition period when she was deceived by a friend into meeting her second trafficker. After being told to leave by her first trafficker, Nia connected with a friend, who was a prostitute, who brought her to the second trafficker. This second trafficker is a man who Nia describes as being "ten, maybe a hundred times worse than the last guy."

He [first trafficker] took me back to my father's house and that's where I remained for a couple of weeks. The second time when I got with a guy, [it was] through a girl who I thought was my friend. She told me, "hey, I could come pick you up. I'm with my dad. We could come pick you up and we can take you back to [your home city]." I'm like, "oh my God, that's, that's perfect. I can go back home." They did come to pick me up and then she's like, "oh, we got to stay tonight, 'cause my dad doesn't want to drive in the dark." When I woke up the next morning, she wasn't there. I'm asking, "hey, where is

she?” because I’m scared, and I don’t know these people [the trafficker and “his” other women]. I ended up getting stuck with her father. I’m saying, “I’m not supposed to be here. I’m supposed to be going back home with her.” And he was like, “oh well that’s it and this is what you’re going to do and if you’re not going to do it, you got one or two options, and which one do you want to have? You want a problem, but you just want to do what you’re told?” So, that was it.

The first trafficker of Nia made her leave after she contacted police about the trafficker’s abuse, and he was subsequently arrested. After his release, the trafficker took her home to her father who was in the same state she was being trafficked in at that time. This friend, whose father⁴¹ becomes the second and final trafficker of Nia, knew her history and how she was forced from her home in California and the trafficker used this a ploy lure Nia into his orbit. Nia stated that this trafficker attempted to contact her on social media after she escaped him and kept trying to contact her through him by creating new social media profiles until she deleted her account.

Dynah was similarly re-trafficked during a transition period. Upon returning to her home state of Tennessee after being trafficked by her stepfather in Texas, Dynah’s mental anguish resulted in her isolating herself and attempting to sell sex while she was still a child:

When I came home...I just didn’t talk. I wouldn’t talk to nobody and [my grandmother] thought I was losing my mind.... [F]irst chance I got, I ran away and was back on the streets doing the same thing. And then I had another pimp. I was trying to walk down the streets; I was trying to make my own money and keep my own money. But the pimps out there, they didn’t like that. A guy got me in the car and told me I was gonna be his prostitute and it started all over again. I tried to do it on my own, but [the pimps in Tennessee] don’t let you out there. I was with him for three years. I would sometimes visit my grandmother and she would stop be from running away. When I was fifteen and she died, I felt like it was really nothing left to go home for anymore.

Dynah identified four traffickers and three kidnappings since she was a child. After being incarcerated for defending herself against a third trafficker, Dynah met the fourth and final

⁴¹ Given the terminology, this can read as a “father” meaning a pimp or “daddy.” From Nia’s description, this second trafficker was the parent of the supposed friend.

trafficker while she was in transition from being released from prison and being admitted into a trafficking shelter.

I was working on getting my own place and I met this guy. I got out February and I met this guy in June that tried to get me to Texas. I finally got away from him and I called the police, and they took me to trafficking shelter. The guy had me from June to August. [In] August, I went to the shelter, and in September they connected me with a place to called in Alabama. I was there for a few months. And then in October I came back here to Tennessee and started over again.

Dynah's criminalization, despite her trafficking victimization, created an instability for both employment and housing that the fourth trafficker used to force her to prostitute outside of her home state. Further, the lack of a cohesive approach to repatriate a trafficking survivor created an additional trauma long after the sexual violence ended, due to Dynah's persistent shuffling and draining resources of shelters and non-profits police kept referring her to. Throughout her life as a child and adult sex trafficking survivor, Dynah was consistently preyed upon by traffickers who had experience with prostituting children and women, and she was twice re-trafficked by new pimps while she was being treated as a client by non-profits and as a parolee. The institutional responses that comprise the U.S. anti-trafficking enforcement of the criminal legal system repeatedly failed to protect Dynah and instead enabled some of these traffickers to isolate and exploit her vulnerabilities.

Summary of the Onset of Sex Trafficking and Sexual Exploitation

Narrators who were exploited as children or as adults all point to multiple different factors that created their pathways into exploitation and/or into the orbit of their future exploiters and traffickers. Narrators who describe their experience as *prostitution* reported more material need and access to resources—specifically food and housing—for entering the sex economy. For narrators who as youths were exploited or began prostitution without a trafficker or pimp, they reported early childhood trauma and rebellious behavior, such as drug and alcohol use and sex,

as coping mechanisms that traffickers capitalized on for their own gain or were sometimes criminalized for when they interacted with agents of the criminal legal system. Youth narrators, too, report more institutional failure in protecting the narrators from abuse and effectively intervening in their victimizations than their adult counterparts.

The narrators reveal common pathways into trafficking and exploitation but diverge in community and state responses, especially when framing their own experiences. Multiple narrators did not view themselves as survivors of trafficking, even when they used trafficking terminology to contextualize the exploiters, their entry into exploitation, and their lives during exploitation, and refused the label of victim and preferred to choose another term to label their experience. Multiple narrators also explicate on the influence of the negative impact their childhoods and interactions with the criminal legal system had on their framing of experience, particularly those who describe traumatic episodes with police, courts, and government agents. These influences demonstrate how the narrators themselves note the intertwining of interpersonal victimization and survivorship with structural inequality and oppression.

Most significant, the narrators who experienced sexual violence as children embody the disproportionate effect of being a victim under a carceral state. These narrators reported more negative encounters with police and higher instances of criminalization, especially for trauma responses and acts of rebellion that were coping mechanisms. As an extension here, the majority of these girls were ignored when they did outcry to a mandatory reporter or a trusted adult or were hit with the metaphorical veil of silence when their sexual abuse was either hidden or not talked about or addressed. Survivors of childhood sexual abuse and rape were also the only narrators in this study who were incarcerated in a juvenile facility and had received some form of social services, usually a group home. These narrators epitomize the “sexual-abuse-to-prison

pipeline” that, more often than not, criminalizes girls for their abuse instead of aiding them (e.g., Saar, Epstein, Rosenthal, and Vafa, 2019). This was particularly true of narrators who were not removed from abusive environments and those who spent time in group homes and foster care.

Narrators who are adult survivors of trafficking were similarly criminalized but their criminalization manifested as a result of being exploited, not necessarily a contributing factor to their pathways. Adult survivor-narrators of trafficking and narrators who engaged in prostitution had histories of traumatic childhoods and poverty or monetary insecurity. These women also described physical abuse and other unhealthy behaviors in their own intimate relationships with boyfriends and husbands and were also likely to have witnessed or experienced domestic violence as children. Lastly, these narrators also witnessed drug abuse and addiction in immediate family or their communities but not all the adult survivors used drugs or other substances.

Taken together, the child and adult trafficking survivor-narrators reveal several distinct commonalities that researchers of sex trafficking know are conducive to creation of exploitation. Apart from two narrators, the majority of the women grew up in poverty or recalled experiencing several periods of dire financial need, including access of needed resources such as electricity, food, and shelter. Physical and sexual abuse was reported by all the narrators either as a grooming technique from would-be traffickers or as a manifestation familial and intimate relationship violence (e.g., Andretta, et al., 2016; Reid, Huard, and Haskell, 2015). These traumas coalesced into vulnerabilities for traffickers to capitalize on and exploit the women while other women “chose” to enter the sex trade to address their immediate needs. Nearly all of the narrators with these conditions described having lived in communities composed of a high proportion of poor individuals and households and a majority of Black residents. They reported

these locales as over-policed but with consistent economies for drugs and prostitution, while also reporting drugs were the primary focus of most police-community interaction.

The narratives further reveal that the cultural artifacts, specifically hip-hop and glorification of pimp culture, that some of the women attribute to their exploitation, oftentimes as a “lifestyle” that some narrators said they willingly participated in before being trafficked. Narrators also describe the silence around their abuse, especially child sexual abuse, and the impact it had on framing their exploitation. Narrators who were abused as children reported they attempted several times to report their abuse only to be ignored, disbelieved, or were lost in a stratification of other priorities. Narrators also discussed the feelings of shame and isolation when they were sexually abused. Some narrators felt they contributed to their sexual victimization while others felt shame because their households and communities did not acknowledge the abuse because: (1) they had been sexualized early as children and felt they should have made better decisions and (2) because they were sexualized and adultified, many of the narrators were thought to have been sexually mature or active by the time the abuse and trafficking began.

As Black women and girls, the narrators observed and internalized ideals around how they should understand their experiences. Narrators expressed the importance of enduring circumstances of abuse and prostitution as a survival tactic and as a way to provide for their families; these women expressed a need to be independent and resilient and not depend on others for help. In this way, these narrators encapsulate the cultural trope of the Strong Black Woman,⁴² a figure of Black womanhood that emphasizes remaining steadfast and supportive of family and community networks while refuting being considered a victim. For the narrators, this ranged

⁴² Refer to Chapter Two for complete description of Black women cultural tropes.

from a refusal to see themselves as victims and instead look at themselves as contributors to their abuses and onsets of trafficking to engaging in deviant performances to provide for their families, as per their roles.

For a complete understanding of sex trafficking and exploitation of Black women and girls, their experiences with institutions designed to combat trafficking is required. In the next chapter, the narrators detail their lives during their trafficking experiences and their encounters with the criminal legal system, including interactions with police officers and their attempts to identify as victims of sex trafficking. Chapter Eight reveals how structural and systemic oppressions classism, sexism, and racism combined with anti-trafficking enforcement had on their lives as sex trafficking victims before becoming survivors and their navigations, and often negotiations with, the criminal legal system and anti-trafficking ideology.

Chapter Eight

“It Was Different for Me as a Black Girl Being Trafficked”:

Black Women’s Marginalization Amid the Policing of Victimhood

Today’s presentation focused on the difficulty in working with multi-sector partners to combat trafficking, stressing the complications of working for trauma-informed and client-centered practices with law enforcement because it sometimes means working against the wishes of survivors of trafficking but, by the nature of the job, they often have to proceed without their [the survivors’] consent or desire for pursuing a criminal case. They stressed that the criminal legal system often criminalizes survivors of trafficking in a pursuit of “justice.” The Chair chimes in and states there is an acknowledgement that law enforcement and pursuing criminal cases for trafficking are often at odds with what survivors want and “rescuing” victims.... Throughout this exchange, other legal representatives and law enforcement agents kept using the phrase “rescue” to describe pursuing criminal cases against traffickers.

The presenters mentioned that the term “rescue” can also be problematic because it mimics power dynamics of someone with autonomy having control over someone who does not, similar to a trafficker/victim dynamic. They urged everyone to be careful with using the word “rescue” as it may alienate some survivors they encounter. I reflected on this, noting that whenever I have heard the word “rescue” on the Council, it was usually from law enforcement and lawyers, not so much from non-profit or service workers. The divide here is obvious but both groups of representatives barely comment on the cultural-centered aspect of client services. The exception was a representative for child services who stated she hesitates with cultural identifiers because she feels it could bother survivors or force them to disclose identities. The presenters emphasize that culture-center means looking at how their identities and history could factor into their healing and contribute to their move to becoming anti-trafficking advocates. Another survivor on the council adds support by stating that healing is individual, but other survivors can benefit from seeing someone of a shared cultural background or identification may help someone to seek help or feel comfortable with an organization, but it again was stated to be problematic.

I found myself exhausted and I hadn't spoken at all during this meeting. I was tired from the re-hashing of the conversation around the politics of using the word "rescue" and the seemingly self-servicing assertion that one is rescuing someone from trafficking. I think this could be due to my earlier interaction with a law enforcement officer and our discussion of the incredibly racist 'Tricked' documentary that had only Black traffickers (one officer is Black, but light-skinned and able to pass for a dark-skin Latino), White victims, and White rescuers. But this "rescue" discussion was verging on a debate on ideology, with both sides reiterating their statements on why they do/do not use that terminology, but it has largely been circular and devoid of critical thinking on power dynamics or race.

The other contribution to my fatigue is the consistent push back from the same Council members on cultural significance and importance of identities. I understand how focusing on an identity can be seen as alienating or tokenizing, but there are merits to being culturally competent and highlighting identities. The main argument against is this idea that it enables tokenism but does not reflect on the fact that it is up to organizations to not tokenize a person or identity. All these organizations either use the words inter-disciplinary or even intersectionality somewhere in its mission or methods, yet there seems to be a fundamental misunderstanding of those terms if they are pushing back on the importance of identity and culture. There also seems to be a lack of awareness around the fact that identities have a multiplicative effect on each other and that can happen when having interactions with others. For example, how would a Black minor boy who is being sex trafficking be treated by law enforcement or a social worker who is aware of gender dynamics of trafficking but still has an unconscious bias of Black males and sexuality? It is these examples, that are often real, that worry me when these debates on identity, culture, and the right to rescue arise.

May 2019 Colorado Human Trafficking Council Meeting, Fieldnote.

The Collateral of Anti-Trafficking Enforcement

Anti-trafficking in the United States is a carceral project, relying nearly exclusively on every sector in the criminal legal system—from policing to courts to incarceration—as a means to combat human trafficking. First responders are tasked with identifying suspected trafficking

victims, and these responders are overwhelmingly police officers. This is why the 2000 Trafficking Victims Protection Act (TVPA) mandates extensive trainings for police departments on how to spot human trafficking victims and properly aid them; that is, how to not criminalize and cause further harm. An early debate of the anti-trafficking movement concerned the proper utilization of the courts to combat human trafficking, especially the sexual exploitation of women and children. Politicians, criminal legal experts, and activists—ranging from radical feminists to liberal feminists to religious community leaders—speculated on how policing and the courts could be used to catch traffickers and prosecute them according to a generalized notion of “justice.” The TVPA did more than provide a working definition of “human trafficking,” it also created punitive policies for charging and incarcerating accused traffickers and enablers of exploitation. Prosecutors working to convict traffickers will typically rely on cooperation and testimonials from trafficking survivors. Broadly, the conviction and incarceration of traffickers is considered “justice” delivered for their victims and for society in general by removing exploiters.

To attain “justice” in anti-trafficking enforcement, the TVPA and subsequent state legislation either created new statutes or increased the punitive measures of existing laws. Some of the earliest debates on the TVPA included the often ambiguous language used to describe what constitutes “force, fraud, or coercion” in describing trafficking.⁴³ Other concerns for activists was the possibility that the looming anti-trafficking priority of the criminal legal system would further criminalize vulnerable groups, especially Black and Brown communities and sex workers because anti-trafficking enforcement by police officers majorly manifests in two forms: planned stings and street-level policing. Of particular concern was the street-level policing

⁴³ Refer to Chapter One: Introduction for an overview of language problematics.

around vulnerable and racialized communities being targeted for monitoring and discovering sex trafficking, especially because street-based prostitution is heavily skewed with Black and Brown women.

This concern became truth when anti-trafficking enforcement began to matriculate and concentrated on street-level interactions that primarily targeted poor and non-White communities. Despite the passages of new legislation and this enhanced dimension of policing, the number of human trafficking cases at both federal and state levels has not increased significantly since the implantation of the TVPA (Farrell, Owens, and McDevitt, 2014), but this has not prevented anti-trafficking enforcement from lucrative funding to police departments, shelters, and other partners who combat trafficking. This is not to say that anti-trafficking efforts have been useless—there have been, of course, plenty of victims of trafficking who were aided by law enforcement and their partners when leaving their exploitation. However, this should not overshadow or marginalize an obvious truth: anti-trafficking enforcement, especially those involving the criminal legal system, has had a disproportionate impact on vulnerable communities, and this was especially observed and experienced by the narrators of my study.

Survivors of trafficking and exploitation shared with me several harmful interactions with law enforcement and subsequent trials often resulting in their incarceration as offenders and trafficking victims. Narrators who identified as former prostitutes described less violent interactions with law enforcement and were less likely to be incarcerated than their trafficked peers. Their histories with the criminal legal system revealed several patterns: (1) for narrators who identified as victims of trafficking or exploitation, law enforcement were either hostile or indifferent to them across all age groups and labeling of experiences; (2) narrators frequently saw their race and gender as integral to how the criminal legal system perceived them as offenders

and victims; and (3) narrators' navigation of the criminal legal system impacted their exits from prostitution and sometimes continued to define their lives once exploitation ended. For many of the narrators, their identities as Black women became most salient when they encountered the criminal legal system.

Policing Prostitution and Sex Trafficking: Survivor Introduction to Criminalization

The ideal policing model in anti-trafficking involves police officers gaining the trust of suspected victims, isolating them from the trafficker(s), and making a determination for referral; this can often include placing the victims in holding cells while a shelter or advocate is located. Researchers and advocates have found that victims of sex trafficking are routinely held in jails or incarcerated in prison as offenders, usually charged with prostitution, solicitation, or drug use (Dempsey, 2015; Epstein and Edelman, 2013; Epstein, Rosenthal, Saar, and Vafa, 2015; Mogulescu, 2012; Rights4Girls, 2017; Ritchie, 2017). This frequent criminalization is one of the reasons why trafficking and exploitation victims do not reach out for help, especially when their traffickers use the legitimate fear that the victims will be criminalized as a means to maintain control and compliancy. It was the intention of the TVPA and other state-based laws and taskforces to reduce this criminalization, especially with minors, through human trafficking trainings for agents of the criminal legal system. In my observations of the Colorado Human Trafficking Council, this training was lauded as a sign of progress, but law enforcement and legal representatives were cognizant that criminalization was still occurring. During my tenure on the Council, the racial disparity of this criminalization was rarely discussed.

The trafficking and exploitation survivors in my study had frequent contact with police officers due to their being forced to work in street-level prostitution and overall found them to be ineffective at best or violent and complicit in their abuse at worst. Few narrators described or

considered law enforcement or other official anti-trafficking efforts as helpful, with perceptions being apathetic or having negative associations with all levels of the criminal legal system. Narrators who were trafficked often cited their identities as Black women as being the most significant influence in their treatments by police officers, especially when their treatment included neglect and misconduct. Narrators who were trafficked as children recalled the most violent interactions with police officers while the adult survivors had trials in criminal courts that made them feel small, insignificant, and deserving of their exploitation. For many narrators, the lack of intervention or the misconduct of police officers exacerbated the violence and abuse they were already experiencing as trafficking victims and a significant contribution to trauma and impediment to healing.

This chapter dissects the narrators' histories with the criminal legal systems and their navigations of its institutions as Black women victims and Black women who were prostitutes. The testimonies of the narrators revealed anti-Black woman/misogynoirist bias from agents of all levels of the criminal legal system and a pattern of denying the label of "trafficking victim" for those who were being exploited. Specifically, this chapter introduces the concept of *amplified victimization*. I define amplified victimization as the exacerbating impact interpersonal violence has when violence and abuse come from an institutional actor outside of their trafficker and immediate community. The narrators who had violent or otherwise negative interactions with agents of the criminal legal system describe a more severe impact on their lives than poly- and double-victimization concepts describe. In order to fully understand how their identities as Black women victims and/or prostitutes interacted with the misogynoirist criminal legal system, the conceptual framework of amplified victimization is necessary.

Police Complicity in Trafficking

The majority of narrators already had a negative perception of the criminal legal system due to their childhood experiences with police officers, family court, and social workers. By the time they were trafficked, these narrators' interactions with the state had been more as investigations of family-based violence, witnessing policing in communities, and as wards of the state. Narrators viewed the criminal legal system as a structure that interfered with their lives in an attempt to stop crime, even when they were harmed by it. After their sexual exploitation, many of the narrators saw police officers as complicit in crime, particularly their trafficking, with some narrators having police officers as exploiters as well.

When 42 years old Dynah, a child and adult sex trafficking survivor with multiple traffickers, was trafficked as a child the TVPA had not yet been created, but the Mann Act (which prohibits transport of a woman or girl for sexually immoral purposes) was already a federal statute and her home state of Tennessee and her trafficked state of Texas had anti-child sexual abuse and solicitation laws. Despite the active statutes, when Dynah first reached out to a police officer after her stepfather kidnapped her to Texas, the officer became complicit in her exploitation. Dynah's voice cracked as she recalled the first time she told an officer her stepfather had been sexually trafficking her when she was 11 years old, after he stopped her suicide attempt:

I walked into traffic to kill myself, but there was a police car. And he stopped and asked me why I was walking in the middle of the street. And I told him, because nobody would believe that I was just a little girl, and I had a pimp. And when he asked me my pimp's name, I told him, and it was so crazy. He put me in the back seat of the car, and we pulled up to a 7/11 [convenience store]. And my pimp was right there, and [the officer] gave me back to him. And then [the officer] told [my pimp to] keep a close eye on me, 'cause I was going to get him in trouble.

This suicide attempt preceded Dynah's first outcry to law enforcement, when she was placed in a holding cell with adult women, and she attempted to explain that she was a minor:

They didn't believe me. I was in jail with a bunch of prostitutes and my pimp bonded me out and I was right back on the streets again. And when the police didn't believe me, I just felt like, nobody would believe me.

I was not able to see Dynah's face because she kept her camera off during the Zoom interview, but she began crying and repeatedly taking deep breaths once she got to her history of being ignored by police officers.

Because the stepfather-trafficker established a rapport with police officers in the areas he exploited Dynah and women, the officers returned her to him each time. Dynah admitted to having a neutral position on the criminal legal system before being sex trafficked but began to look at the institution as a whole in a disparaging frame. When I asked Dynah if police officers were helpful when she was being sexually exploited, she replied:

No. None of them. The guy I was with for three years [second trafficker] took me to different states and sold my body in different cities for years, [in Florida, California, New Mexico, Washington D.C.] and it was like, it was normal. The police just ride by. They didn't stop you, you know, as long as you wasn't blocking traffic or anything like that. They didn't stop you from working. So no, they didn't help me.

Dynah exited trafficking for the final time after she called the local police station and was taken to a shelter. This intervention happened after her fifteen years of exploitation across multiple traffickers, and for Dynah this was not sufficient aid from law enforcement.

Maya, a child and adult sex trafficking survivor with multiple traffickers, was 16 years old when she was trafficked in southern California. Maya's exploitation occurred after the passage of the TVPA, and the state's own anti-trafficking laws were implemented. Maya, now 33 years old, described numerous interactions with police officers and stated that they occasionally asked her if she was being trafficked:

I know there's a few times where, they probably asked me, "do you have a trafficker?" And I said "no." 'Cause that's how I was mentally wired to say. I didn't identify with trafficking at that time. That shit was like for White women, you know?

Maya also recalled harsh treatment from police officers while she walked the tracks⁴⁴ as a victim: "I experienced law enforcement in...three different counties; and then in Orange County, the worst was Orange County. They're just so rude, so racist." Maya also described another way police officers were complicit in trafficking by having or demanding sex as customers when she shared, "I had a couple of police officers that I had turned dates with me before. All kinds of police officers, lawyers, doctors, all of them."

Maya later states that the disparity in treatment for victims of trafficking, even children, is due to a deeper-rooted issue: racism. Speaking specifically from her experience of trafficking in California, Maya described racist police officers who belittled or ignored Black women, asserting, "they don't care about Black women." Reflecting on her interactions with Black police officers, in particular, before and after being exploited, Maya offers:

The Black police officers in [San Diego County] just are trash but that's because they like have that token nigga syndrome, like you know, "I made it." There was African man that got killed, I was doing a lot of activism and I was on the front lines. And, they would always send like a Black officer and Mexican officer to come and talk to us. They just use them to talk to us and I used to talk so much crap to them. Like, "you just they bitch, they just using you 'cause we the same color, but we don't care about you. You don't care about us."

Though Maya is situating her reaction in a period of her life after exploitation, the dynamic and perception is the same: police officers, no matter their race, were not helpful and sometimes made the narrators feel worse or exacerbated the violence they were enduring. She did, however, state that the area where she resides (at the time of interview) has a majority Black population and a larger representation of Black police officers who she states changed the dynamics

⁴⁴ For most narrators in this study, their tracks were street corners in neighborhoods and tourist areas as well as parks.

between police-community integrations. While Maya does not praise these officers, she does state that the fear and trauma she gained of law enforcement as a trafficking victim was not as exaggerated in her interactions with these current officers.

Imani, 34 years old and an adult sex trafficking survivor with multiple traffickers, likewise recalled law enforcement worsening the trafficking she was forced to endure. Speaking of her treatment by police officers across different states, Imani describes a pattern of sexual violence and robbery:

Imani: Texas, Arizona law enforcement was definitely aggressive and the worst. Those were the officers that when I would come in contact with them would use physical force, rape you, rob you, and take your money.

CG: Those officers, when they would sexually assault, was that under the guise of they wanted to see if you were a prostitute or was it more of forced situation?

Imani: Forced situation. Usually by gunpoint.

CG: Did anything ever happen to them?

Imani: No.

Before being forced into Arizona and Texas, Imani said police officers who encountered her would normally just tell her to “take her shoes off and go home,” without interfering or disturbing her much beyond motioning her to leave the streets for the night. Throughout our conversation, Imani frequently made affirming noises and nods but, like Dynah, became more animated when discussing police misconduct and violence. In fact, when describing her previous abuses and trauma, Imani was relatively still and spoke with a calm tenor, but when discussing her interactions with the criminal legal system, her voice raised and dipped at various times, and she sometimes fidgeted.

Other narrators describe having run-ins with police officers but did not have the same violent encounters as described by Dynah, Maya, and Imani. Amina, 32 years old and an adult

trafficking survivor with multiple traffickers, describes how police arrested her during the time she was being exploited:

I encountered law enforcement a few times. Mostly towards the end of it. I would be on a date, I would be walking on the street, officers would come and be like, “hey, what are you doing?” Like, I’m just walking to the store, you know, ‘cause there was a gas station. I always made sure we always made sure to be in places where there was a gas station nearby, so I could be like, I’m walking to the gas station, like I’m not doing nothing, or I’m walking to the store or whatever. I would encounter law enforcement. They wouldn’t offer to take me to shelter. They weren’t offering services, or I didn’t even know that that was in existence, a thing. It was more so like, “get out of here, you’re going to get arrested.”

Amina was one of eight narrators⁴⁵ who were trafficked after the passage of the TVPA and after the state passed its own trafficking laws. Amina would be arrested in an undercover sting but was later released without charges. However, Amina’s arrest created the effect for her next run-in with police officers and led to the state criminalizing her:

They took me downtown and did my fingerprints, took my picture; basically a cite and release. There wasn’t any mention of services. There wasn’t any mention of help. There wasn’t any mention of, “what’s going on? Are you okay? Do you need some food?” None of that was mentioned. From my recollection, that wasn’t offered. I booked it out and I ran back to my dude [the trafficker] and I was like, “Oh my God, police got me, they took my phone,” yada yada yada. The next time I encountered law enforcement was when I got locked up. I been out on the track. I had been out there maybe all of five minutes and they pulled up, a whole bunch of cars pulled up and was like, “you’re under arrest, you’re not going anywhere.” It was crazy ‘cause it was a lot. It was maybe five or six cop cars that pulled up and with the canine unit and I was like, all this for hoeing? This is ridiculous, right? It is prostitution. This is uncalled for!

Amina’s recounting is demonstrative of how street-based policing can harm and criminalize exploited women who work the streets; specifically, because of her prior pick-up, Amina was treated as a threat. Because of this label, she was deemed a criminal and this prior criminalization was used against her when she was arrested on suspicion of kidnapping and pandering another woman under the control of the trafficker. Amina was the “bottom” of the trafficker’s cohort of

⁴⁵ Other narrators trafficked after the implementation of the TVPA include: Cherie, Dynah, Imani, Maya, Nia, Tiara, and Zora.

women.⁴⁶ As the “bottom,” Amina was in charge of showing the other women “the ropes” of “being a hoe” and—recalling Amina’s description of her experience as “pimping and hoeing” due to her mind set—she did act accordingly as directed by the trafficker. Amina did not learn why the second arrest involved multiple squad cars until she went to court and will be detailed in Chapter Nine.

Other narrators who had interactions with police officers describe situations where they did intervene but were not helpful. Zora, 26 years old and a child sex trafficking survivor with one trafficker, had multiple interactions with police officers as a trafficked minor but did not recall them being useful or otherwise remarkable, even when they were aware of her age. Tiara, 25 years old and a child and adult sex trafficking survivor with multiple traffickers, shared a similar narrative where she encountered police; in fact, her criminalization stemmed from a previous charge she acquired before being sex trafficked. Her past criminal history sometimes caused problems when police encountered her, but Tiara was not contact by police officers for suspected sex trafficking. In contrast, 53 years old Dana—child and adult survivor of trafficker with one trafficker—stated that the presence of a police officer was the first step to severing her coercive ties to the trafficker. Dana was arguing with the man who trafficked her when she noticed a police officer in their vicinity:

The last time we were together was in Arizona and there was a police officer there. And I had told [the trafficker], I said, “I gotta get away from you, I want to go home.” And he was like, “you ain’t going home though. Yeah, you can’t get away from me.” And I saw the police officer and I knew I could get to him. And I went to the police officer and tell him what’s was going on. And [the trafficker] went into the store, the liquor store. It was right there. He got a bottle and came out. He busted me in the top of my head in front of the police. And the police, he didn’t know whether to catch [the trafficker] or to stop me from bleeding. But I didn’t have to say another thing because [the police officer] knew I wasn’t lying.

⁴⁶ Amina did not state if the other women were also being trafficked.

The man who trafficked Dana had used a manipulation tactic of telling Dana she would not be believed if she told anyone he was trafficking her. His assertion was realized when Dana was arrested one year into her being exploited:

I jumped out of the car with the police and all kinda stuff, running from the police. When I went to jail for the first time in Tennessee, they let me out on the wrong person's name, gave me this woman's money and car keys and I went home. About two hours later the police came to the house, like SWAT, saying I escaped from jail and they had our place up on the news and everything. My mom took me in, and they were mad because the [arresting officer] said he broke his...two-thousand-dollar walkie talkie, and said, "she needs to stay at least a day in jail." And [the police commissioner] was like, "no, she's minor, she will not be staying here. She will be going over to juvenile court." [T]he pimp went to juvenile court and acted like he was my brother because they told them that if I hadn't made it [to] juvenile court before four o'clock, I would have to spend the weekend. He was there talking to one of the probation officers and you know, "that's my little sister" and everything and mackin'⁴⁷ on this woman, that woman stayed there until I got there and let me out to him.

The trafficker was eventually found and arrested for exploiting Dana. Dana was trafficked before the advent of the TVPA and increased awareness around trafficking, especially of children.

When asked, she revealed that she did not find law enforcement and the criminal legal system overall to be helpful, saying, "No, they was just helpful in locking me up. That's all they were helpful for. They didn't have any help at all. There was nothing like what we do today. Nothing. I would have been out long ago." Dana expressed increased faith in the criminal legal system at the time of my interview with her and she believes that anti-trafficking enforcement has positively improved since she was an exploited youth, though she does state that she knows it is common for police officers and courts to make wrong decisions about trafficking victims.

Nia, age 20 and an adult trafficking survivor with multiple traffickers, had several encounters with law enforcement but did not actively seek out their help. After being beaten for

⁴⁷ "Macking" means to seduce or flirt with someone with the intention of sex, but not necessarily romance. In the context of a pimp, "macking" can also mean to proposition someone to for some sort of gain such as duping someone into prostitution. Here, Dana's trafficker used macking to flatter the probation officer in an attempt to get access to Dana again as she was released from custody.

breaking the trafficker's rule to not talk to another Black man, Nia recalls an officer attempting to help:

[The trafficker] did beat me in the car, and I jumped out of the car while we were in the store. The police seen and tried to help me out, but I was scared. I said, "Oh no, that's my boyfriend. I'm okay, you guys could go on about your business." And he was saying the same as well, like, "this is my girlfriend. We're okay." So from that moment on the police left and we continued on with what we were doing on the street, he dropped me back off and it was like that. So just having the police in my presence kind of scared me a little bit. I mean, even though I wanted help, I didn't kind of want to reach out due to the fact that I was scared of him.

It is important to note that while Nia did assure the officers they could leave, they still witnessed the physical assault from the trafficker, and the officers did not interject beyond asking if Nia wanted help. As a victim of trafficking, Nia did not feel safe reporting the man who trafficked her, especially when he was in proximity. She also describes a need she had to not rely on outside intervention to leave the trafficker; instead, Nia emphasized she wanted to leave the trafficker through her own efforts. After a violent night with the first trafficker of Nia, she texted emergency dispatch when she was left alone in a hotel bathroom:

I went to the bathroom and I took a shower 'cause he told me to take a shower. So when I took a shower, I'm texting the police, not calling the police, but I'm texting the police, telling them, "Hey, I need help, it's a domestic violence case." I'm not saying, "Oh, I'm a prostitute and my pimp is beating me." Just said like it's a domestic violence situation...and the neighbors next door to our room that, I guess they were complaining too, and had called law enforcement. So, police came, and they took me into custody and took him into custody.

Nia had not yet started to use trafficking terminology, so she did not reveal herself as a trafficking victim to the responding officer. Nia and the trafficker were arrested and held for a few hours, but no charges were brought against either. The man who trafficked Nia subsequently decided to banish Nia from the hotel, setting in motion events that led to a second and final trafficker. Nia created her own exit from trafficking by running away and calling for help.

The narrators who identify as prostitutes did not describe violent or otherwise abusive encounters with police officers but did share anecdotes from their interactions that often helped influence their exit from the sex economy. Megan, 56 years old and self-described former prostitute, recalled a police officer who made a lasting impression on her:

I was coming back around the corner and I had bought this pipe and the drugs and all this stuff, and the police stopped me and told me to throw my pipe on the ground, or he was going to take me to jail. And I told him, “no, not throwing my pipe on the ground. I just bought this pipe.” He’s like, “you gotta be kidding.” So he took it from me and threw it on the ground. He said, “this should tell you [that] you need some help. If I have to do it. If you’re willing to go to jail to hold on to this piece of glass, you have a problem.” I’ve never forgot him.

Megan was never jailed or incarcerated but did have a few cite-and-releases for prostitution and was a resident in a diversion program. Other times, she encountered police officers while she was with buyers, but states they gave her warnings and told her to go home. Megan was a prostitute before the TVPA was enacted and police officers tended to treat her as a nuisance or a disturbance, rarely choosing to arrest her. This also could be because Megan was not a street-level worker; instead, she operated out of her house.

I didn’t go to jail. I never got caught up because I never stood on the corner, you know what I mean? Just kind of hide out somewhere or my house, because I was young, and I always had my own place. The girls that hung out on the street with tell me, “you know what, you just go home, and we’ll bring you some drugs because you can’t do this.” Yeah. So they would help me out, I was terrible at it. [Megan laughs].

Megan had expressed her dislike of prostitution in a jovial tone, and she described the psychological motivations she had for continuing with prostitution as well as her drug use. Though this one encounter did not stop her drug dependency, Megan reiterated in her final rehabilitation stay that she remembered the police officer’s actions of removing her crack pipe and crack instead of arresting her. Though she ultimately left prostitution due to her own

determination, Megan counted the emphatic gestures of people around her, including this officer, with helping her reach that point.

Aiesha, 61 years old, was in prostitution the longest, having stayed in the sex economy for over twenty years. During this time period, she stated that she had “dates” with multiple police officers, some while uniformed, and would also be arrested and charged for prostitution, “But there’s some law enforcement that I dated, some police officers that I actually gave them a blowjob—right before they busted me.” When asked if any of the officers faced consequences for this unethical behavior, Aiesha replied, “Not that I know, I don’t think so. I don’t think any police officer ever got arrested.”

These specific officers would arrest and book Aiesha after they had sex, which—even before the current discourses around reforming policing of prostitution and anti-trafficking were introduced—can be an act of misconduct but is not necessarily illegal. Aiesha also described being set-up and falsely charged with prostitution when she did not have sex. While her exit was also based on her own determination to leave, she does remember the treatment by a prosecutor and a police officer she credits with helping her make this transition:

There was a district attorney, he was instrumental in new change in my life only because of how he responded to me. When I would get busted and have to go to court, he would just shake his head. He would just look at me and shake his head and say, “not again,” and I’ll be like, “yeah, but what am I supposed to do? I’ve been to jail so many times. I have a record. What can I do?” He said, “you don’t have to do this.” So his response to my arrest was always ingrained in my mind and was part of transforming my life back to how it should be. I stopped prostituting and stuff down here. But he was [a] Black guy, the district attorney, I remember his name. Most police officers, except for one, this one police officer in Long Beach. She saw me on the track, and I didn’t even know she lived in that house when she came out the door and saw me and she recognized me ‘cause I had been arrested so many times. She recognized me and was, “we’re going to get you, we’re going to get you.” [Aiesha laughs]. And I looked at her and I was like, this is so embarrassing. So just that encounter with her, I always remembered that also when I didn’t ever want that to happen to me again. Those were the two encounters that I had with law enforcement that helped me to change my life.

Aiesha, like Megan, was treated as a nuisance and given mainly citations or fines and was never incarcerated in prison but she did recall spending multiple short stints in jails. In short, Aiesha was also not treated like a threat or further criminalized beyond low-level charges.

Jamilah, 51 years old, had a friendly rapport with some police officers who would walk in her neighborhood but would get arrested or set up in stings by officers with whom she did not form a camaraderie. While a prostitute, Jamilah often encountered vice squad officers who propositioned women on the track to arrest them and she was booked numerous times for prostitution:

I had a lot of interactions with vice at that time. I was out there prostituting, I got to understand like, "Oh, these men that are picking me up are actually police officers." I would get in the car with the police, and they would make a proposition of like, "40 [dollars] is fine for blowjob?" Okay, great. I get in the car. Because I'm so under the influence of the crack cocaine, I don't see the police radio in the middle of the dash. It was oblivious to me. I had no idea. I think that's because of the amount of drugs that I was using. I would get in the car and once that agreement is made, then that's when...they would show their badge [and say], "I am Denver police," or "I am an Aurora police and you are under arrest for furthering the act of prostitution" or something like that. I've done a lot of jail time for prostitution. Been on probation. It's so many. I can't even remember. I got a four- or five-sheet rap sheet and most of those charges were prostitution.

When discussing agents of the criminal legal system who were helpful for her transition, Jamilah mentioned the reactions of three police officers and her parole officer. One police officer Jamilah recalls expressed compassion and would have religious-based conversations with her when he encountered her on the track:

He would say, "do you know what, [if] you were going to go if you died today, if you would go into heaven or hell?" Well, I can't think about that right now. I'm under the influence. I can't clearly think about that. And he would ask me, "How was your HIV? How is your health? Like you can't, you shouldn't be out here." I said, "I agree, but right now I want to get high. And so this is why I'm out here." And every time his shift would come on, he would make a point to stop and talk to me. He would talk to me about the Bible and he would talk to me about God and being saved. And at first, I thought it was strange, but then I thought he actually cared, 'cause I think that he can see something that

I didn't see in me. He saw something in me that I didn't see in myself and why was I out here, out there in the streets prostituting and using drugs, and I will never forget him.

The other lasting impression and contribution to Jamilah's determination to leave drug use and prostitution was the reaction of an officer who arrested and booked her for prostitution.

They knew me by first-name basis. They knew I was HIV positive. Back then, it wasn't the time where [the courts] were giving out a lot of time. It was still time though, still prison time. I remember when the police took me to the police station and had me in this little room and he had this large notebook, like a binder and I guess that's where they look up like their charges and stuff like that. And so one of the gentleman, [he] was one of the vice cops that was in the truck, he was opening a book, he was looking at the charges and he looked at me and he said, "you're HIV positive?" And I said "yes." And he just dropped his head. I remember that moment like it was yesterday. I think he dropped [the police report]. I don't know if it was from fear or disgust or "how could you do this or be out there doing this knowingly that knowing you're HIV positive?" And still to this day, I think about that officer and wonder because we weren't— he wasn't going to do anything with me. It was just, it was a sting. But.... [Jamilah's voice trails off and she sighs and asks for the next question].

Jamilah states it was the disgust she read and saw on the officer's face that remained with her long after this encounter. She described feeling disgusting, like she was less than a person and, just as she did when describing her past domestic violence experiences, she cried and made repetitive movements of tapping her fingers in a set rhythm against her leg.

After being convicted of prostitution, Jamilah was released from prison and was having difficulty finding employment and staying off drugs, as per her parole conditions. The stress of her release and new parole while working through her trauma caused Jamilah to relapse:

I went back to the old neighborhood where I prostituted and bought my purchase, my drugs. At that time they had me on an ankle monitor. They had me on an ankle monitor and had that thing hooked up into my apartment and I went out and I thought, "what am I doing?" 'Cause I was on the road to doing well, but for some reason I wanted to see what was missing. I was like, "Oh, I haven't been out here in a while. Let me see what's going on." I definitely used. It was on a Friday and my first PO [parole officer], she was not having it. It was like you mess up, you're going to continue, you get the rest of your time. So that two-year jail, I ended up with another PO and he was much like that officer [who read the Bible with me]. He would say, "what are you doing? You're doing so well. What happened?" I just said I thought I was missing something, and I went out there to see if I

can find it. I knew my UA [urinalysis for drug use] was going to be dirty [positive for drug use] and I called and left a message [but] he wasn't answering.

I was freaking out so I'm just going to leave him a message. So he calls me at the end of the day on that Friday and he says, "Oh well we'll— I'll meet you on Monday." I knew for sure I was going back because he just sounded too cool, you know, like okay, I know I'm going back to prison. I went there on that Monday morning. I knew I was going back. I just felt it in my heart. I get in there and he is so concerned, he says, "well, how is your HIV doing?" I said, "I'm doing good." He asked, "do you feel like you need some more classes?" And I said, "Yeah, I need more classes. I need more classes. I need more UAs." Anything to not go back. This PO was so supportive. He was so supportive, that police and that PO, I will never forget. They were genuinely concerned. They were genuinely concerned about my well-being... He did not want to send me back again. I felt like he saw something in me that I didn't see, even though it was that one lapse. I didn't let that take me over the edge. I increased my classes, increased UAs, worked as much as I possibly could. Did my AA [Alcoholics Anonymous] meetings. I made it off of parole successfully.

Jamilah has not relapsed again since her only return to drugs and prostitution she mentions here.⁴⁸ She informed me that she does occasionally drive through her former neighborhood where she prostituted herself for drugs but is not tempted to engage with prostitution or drugs again, and she cites her support system that includes agents of the criminal legal system as essential for maintaining her progress.

Leticia, 32 years old, had multiple run-ins with police, none of whom she stated seemed to take an interest in that she was a minor engaged in prostitution for survival. Leticia reported that she had been arrested, charged, and jailed for multiple crimes ranging from nuisance crimes like disturbing the peace to intention to distribute drugs and possession of marijuana. Like most of the narrators, Leticia had a history with the criminal legal system and social services due to her childhood abuse and fostering, so her perception of law enforcement before her entry into prostitution was influenced by her history.

Leticia did not express a positive perception of law enforcement or the criminal legal system overall, and this is poignant due to her history of being ignored when outcrying to social

⁴⁸ Jamilah did not provide a year or other chronological marker for her initial exit, relapse, and final exit.

workers about being molested and physically abused. When discussing protection for women on the street and around exploitation and prostitution more broadly, Leticia spoke of the importance of community and safety created and maintained among the women themselves, without police intervention. Leticia detailed a serial rapist who was targeting prostitutes and the ineffectiveness of state intervention:

These women are being choked, passed out and bruised from head to toe. It was really bad. So the women talk to each other and like, “be careful of this kind of car” or whatever like that. And I wasn’t on my game one night and I was on the street by myself and I jumped in the wrong car. But what happened to the girls didn’t happen to me. Thank God. It was really, really bad, but he didn’t abuse me and beat me up like [he did] the other girls. I was too scared to fight back. I didn’t want to get hurt like that. So one day, a detective was patrolling the neighborhood and [me and some girls] told the police about it, but we were like, “it’s nothing that y’all can do because we were out here and you know, what are y’all gonna do? What we supposed to do? Call you when this guy’s telling us he will shoot us?” He was super threatening. So, I was scared not to say anything about it, but the women knew. If we seen somebody, we’ll tell them not to get in that car or whatever like that. So that was like the bond that the women at least had with each other.

Leticia’s narrative reveals the network of women working in the area were the key to their protection and survival—from this particular threat of the serial rapist and from harm in general—because they watched out for each other and were in constant surveillance of one another. This is in contrast to the officers who appeared when they were called after victimization occurred or to arrest women which Leticia described as ineffectual. The distrust of law enforcement by the women and Leticia meant that they relied on each other for information and protection and did not call police for fear of consequences. Leticia’s violent experience with the serial rapist set in motion steps for her final exit and she uses her next arrest as a chance to connect with a streets-based ministry she previously encountered to leave prostitution.

Reactions of Law Enforcement: Amplified Victimization and Misogynoir

Narrators in this study who identified as victims of trafficking or reached out to police officers about being exploited revealed harmful reactions that ranged from indifference without intervention to acts of violence (from extortion to rape). These experiences were not mitigated by narrators' ages or if their encounters occurred after the mandated trainings for anti-trafficking that began nation-wide in the wake of the TVPA's passage.⁴⁹ This subset of narrators were impacted by *amplified victimization*, which I define as an act of violence that compounds or intensifies the trauma and harm experienced previously or simultaneously due to the actors involved or the institutions in which the victimization takes place.

Amplified victimization shares similarities to poly-victimization and double victimization but offers its own contextualization on additional dimensions of harm and trauma. Poly-victimization is the simultaneous experiences of multiple types of victimizations—that is, sexual abuse, physical abuse, harassment, and the like—at different times during one's life (DeHart and Moran, 2015; Finkelhor, Ormrod, Turner, and Hamby, 2005). In other words, poly-victimization is the separate experience of different forms of victimization, not multiple experiences of the same victimization. For example, many of the narrators had poly-victimization experiences of childhood abuse (physical and/or sexual) and neglect but did not experience it again after the abusive part left or they ran away from home.

Double victimization is the process of victims being re-traumatized by the criminal legal system and refers to “the immediate suffering...and the later negative experiences stemming from exposure to an errant criminal justice system” (Doerner and Doerner, 2010, p. 32). In other

⁴⁹ Aside from researching the laws in the states the narrators listed they were exploited in, there is not a way to measure how many officers they interacted with had been given anti-trafficking training. It is still important to note the implementation timeline to gauge what may have been police awareness of exploitation, especially for narrators who were children at the time of interactions.

words, double victimization is the re-traumatizing of a victimized individual by agents of the criminal legal system, or the justice process itself, typically stemming from unsupportive police officers, invasive and humiliating courtroom experiences or feeling they were used and manipulated in a similar way as their abuser. For example, survivors of sexual assault frequently decry their treatment when being interviewed by police officers about their assault—especially when they feel the officer is blaming them for their victimization—a common barrier survivors face (Corrigan, 2013; Spohn and Tellis, 2012). As the narratives in this chapter demonstrate, the narrators who were survivors of sex trafficking were also double victimized by police officers and, as will be recounted in Chapter Nine, in courtrooms by prosecutors, judges, and juries.

All narrators in my study experienced poly-victimization at some point in their lives and those who did disclose their abuse to an agent of the criminal legal system did often describe experiencing double victimization, especially with police officers. However, narrators who are survivors of exploitation and trafficking described additional dimensions to their victimization that were not adequately framed by poly or double victimization. While both concepts of poly and double victimization describe the experience of various manifestations of violence the narrator's experienced at multiple points in their lives, neither concept encapsulates the multiplicative or simultaneous aspect that amplified victimization can offer, particularly in my examinations of sex trafficking, misogynoir, and the violence they experienced from police officers while they were being trafficked.

Amplified victimization requires interpersonal, community, and state violence and complicity to expound on each other and support the abuses and amplifying the traumatic impacts on victims. Similar to Richie's (2012) matrix of violence that contextualizes the intricacies through which interpersonal, societal, and state violence against Black women are

intwined together, amplified victimization as a concept means to illustrate how the differing levels of power and domination exacerbated the violence of sex trafficking by incorporating the additional violence of state-brutality of physical and/or sexual violence or complicity by no intervention. Put simply, for narrators who were being trafficking or exploited (interpersonal with trafficker, community with buyers) when law enforcement either ignored or perpetrated abuse against them, this intensified the trauma they were already experiencing and the feelings they were worthless or otherwise deserved their victimization. We can look at Dynah as an example: Dynah experienced interpersonal violence from her stepfather's raping and trafficking of her, then community violence from buyers who paid to sexually violate her. Dynah's ignored outcries to law enforcement is an additional layer of violence, state violence, because the neglect resulted in complicity in her being sex trafficked and police officers also forced sexual favors from her as a child and an adult. The interpersonal, community, and state violence all exacerbated each other, resulting in an amplified victimization effect for the narrators.

Amplified victimization here is used to contextualize the power dynamic of officers as agents of the state (institution) that also employs misogynoir-infused beliefs to marginalize or further victimize women. Misogynoir—the intersection of racism and sexism that creates a hatred, distrust, and prejudice of Black women and their bodies (Bailey, 2010)—impacts Black women's and girls' experiences by constructing their experiences and their bodies as sites of dishonesty and, sometimes, criminality. For many of the narrators who experienced apathetic or violent officers, they felt their race and gender influenced these interactions, as depicted in my conversation with Imani:

Imani: African American women tended to get targeted more because we're not viewed as victims of human trafficking. They just view us as prostitutes, unfortunately, because we have glorified the life, the pimping and hoeing life for so long. We

have the stigma of this is something that we choose to do. So it makes us easy, easy targets.

CG: Did you ever observe...other girls and women who were being trafficked that were not Black? Were they treated any differently by law enforcement to your observation?

Imani: I would say so. Yeah. Absolutely. They [non-Black women and girls] would tend to get question more like, “are you okay, are you safe? Do you need any help?” They were definitely more [attitude from police officers to Black women and girls] of like, “Oh, you need to get the fuck outta here. You know, get off the street” demeanor.

Imani is discussing both vulnerabilities to trafficking and interaction with police officers and the marginalizing of Black women by perceiving them to be consenting sex workers, not victims of exploitation, while making the opposite assumption of non-Black women. From Imani’s observation, the “stigma” of Black women as choosing prostitution without consideration of coercion or force caused them to be targeted for both exploitation from traffickers and continued complicity from law enforcement.

Maya expressed that this apathy and misogynoir prejudice causes the marginalization of exploited Black women and girls and exacerbates an already existing hierarchy of social relations and abuses of power:

Girl,...they don’t care about Black women on the street when it comes to this [sex trafficking]. When I was a case manager [working with trafficking victims and training law enforcement at a non-profit] and we had a human trafficking task force that was for these clients [law enforcement]. And we went to go visit them. Most of them were White men that looked just like freaking tricks and Johns. I’m like, “this is great.” [Maya laughs] And then I would go and when we got to go in the back [into an office in a precinct], I would see the [alleged] traffickers [police officers] are looking for are mostly Black men. I’m like, okay, that’s like the bottom of the bottom of trafficking. Most of the time the real traffickers are White men and fucking Mexican men that are really making top dollars, but of course they’re [police officers] not going to go for them. And so a lot of the girls that would get stopped by [police officers] that we would get referrals⁵⁰ from would be like, “we [police officers and lawyers] know you Black girls aren’t going to tell on your pimps so we’re not going to even bother.” They’re trash. The police [in a

⁵⁰ At the time of the interview, Maya worked at a nonprofit that frequently trains and works with police officers on human trafficking case.

southern California city], they're freaking racist and trash. It's a lot of White privilege. They don't care about Black women. And most of the time, [the police are] the buyers.

Maya's statement was echoed by other narrators, whether they were trafficked or identified as prostitutes, specifically about law enforcement and other agents of the criminal legal system being buyers or otherwise complicit in exploitation and sex economy.

Dynah echoed a similar sentiment and connected the multiple times she reported being a victim and ignored by police officers— specifically her time at eleven years old when told an officer her stepfather was forcing her to have sex for money as a child – as a continuance of her multiple trafficking experiences:

When I first got started, that's all I would see, would be other Black girls. Occasionally there will be a couple of White girls or Mexican girls, but it was mostly Black girls and I just feel like that now [referring to current anti-trafficking enforcement efforts].... Okay. I'm going to be honest about how I feel. I feel like when White girls started getting trafficked, it changed when it went outside of Black women, it changed. People started paying more attention as far as listening [learning about] human trafficking. It's such a huge thing for people now. I think if I was a White girl when I was 11 [during my first suicide attempt], and I told the police officer the same thing as a White girl...[voice drifts off momentarily] I think life would have been different if someone would have believed me and helped me. I think it would have been different. I've always thought that. And now when I see so much about human trafficking is different. Everybody cares. Now, back then there weren't organizations for girls and women like me being trafficked, there was nothing. I think that is different as a Black woman compared to not even just a White woman, a Chinese woman or compared to everybody else. It was different for me as a Black girl being trafficked.

Dynah was trafficked as a child before the TVPA existed and then twice again as an adult after the TVPA, whereas Maya was trafficked as a child after the TVPA's implementation. Both women had multiple encounters and subsequently were frequently criminalized multiple times by law enforcement. Both women also connect the lack of intervention and care for their well-being as being complicit in their continued trafficking experiences with multiple different traffickers. Dynah and Maya were among the narrators who said they had had "dates" with police officers and other criminal legal system agents while they were being children and adults.

These experiences of an apathetic criminal legal system and criminalization of their exploitation is also indicative of how amplified victimization manifests. Dynah, Imani, and Maya were currently experiencing sexual violence and physical abuse while being trafficked but the deliberate actions of these officers—both the ones who ignored their requests for help and those who were complicit in returning them to their traffickers or were their customers/exploiters—added an additional layer of victimization because the officers are agents of the state and are inherently adhering to societal and institutional power dynamics. By their own testimonies, Dynah, Imani, and Maya felt that the actions of the officers reified the belief of Black women and girls *choosing* prostitution, further amplifying the stereotype that victimized them and other narrators in the study. Further, the times in which the police officers sexually violated⁵¹ the narrators as buyers are both misconduct and a crime if the officers were aware of Dynah’s and Maya’s⁵² ages, which Dynah states they sometimes were. There is also another necessary caveat: some of the narrators’ onsets into exploitation also included state-based neglect of child abuse, meaning their amplified victimization was the trafficking itself because of this state-complicit abuse.

Summary of Black Women’s Marginalization Amid the Policing of Victimhood

The concepts of misogynoir and amplified victimization offer additional insight from the narrators: treatment by law enforcement officers was sometimes influenced by narrators’ who attempted to outcry to police officers as victims of trafficking had stark differences in their

⁵¹ A reminder of language: I do not use the phrase “had sex with” when referring to children due to their inability to consent to the acts they were forced to perform and to avoid stigmatizing and subtle victim-blaming language. Instead, the language is used to emphasize the actions of the adults who harm them.

⁵² Neither narrator was trafficked in Michigan, the only state police can legally have sex with prostitutes as part of an investigation. However, each of the narrators was trafficked at least once in a state where police-detainee sex is permissible so long as it is deemed “consensual.” [See: <https://www.usatoday.com/story/news/factcheck/2020/07/09/fact-check-police-detainee-sex-not-illegal-many-states/5383769002/>]

interactions and outcomes in comparison to the narrators who identified as prostitutes or otherwise did not outcry as victims. In situations where narrators either said they were being sexually exploited or otherwise were reaching out, they described more harmful and violent encounters than other narrators – and this was not mitigated by age or if it occurred post-TVPA and increase human trafficking awareness. Narrators who identify as former prostitutes, while sometimes having negative encounters to police, did not share experiences that were as violent, physically or sexually, or indicate neglect that narrators who identify as trafficking survivors described. Narrators who identified as prostitutes also reported having interactions with police officers who helped these narrators’ exits from prostitution, an occurrence that did not take place for narrators who identify as trafficking or exploitation survivors.

This dynamic between law enforcement officials and the differing subset of narrators illuminates the longevity of controlling images for Black women, specifically the overly sexual Jezebel figure (Collins, 1990; Lomax, 2018). Narrators who identified as prostitutes were treated with more consideration than narrators who attempted to label their experiences as unwanted and violent causing a denial of their victimization. This denial led to the criminalization of narrators who spoke about their sexual exploitation. Because Black women are often constructed as hypersexual and deviant—both in morality and predisposition to criminality—prostitution is considered a viable, if not natural, expectation of us. Therefore, when narrators labeled themselves as prostitutes and did not act or make claim to the contrary, they were confirming to societal stereotypes thus leading to their less violent treatment.

In contrast, Black women and girls who assert they were being sexually trafficked are acting contrary to misogynoir-based stereotypes that declare Black women and girls are incapable of being exploited because both sexual desire and criminal behavior is inherent in us as

Black women. Therefore, the narrators' attempting to call themselves victims or otherwise describe the violence being done to them in terms that do not imply desire or consent violates an ideology upon which the construction of Black women and girls' bodies/sexualities and definitions of "sex trafficking" are built. Recalling the "rescue" perspective of the anti-trafficking movement and in my observations of the Colorado Human Trafficking Council, to "rescue" a victim means to protect victims' bodies from the harm being done to them and to protect their innocence. Black women's and girls' bodies are configured in the intersection of criminal and sexualized, a combination that renders them invisible to rescue.

In a larger context, this means that the first responders to alleged human trafficking incidences—in the majority of cases, it is police officers—may perhaps operate and make affirmations of victimhood or criminality according to their misogynoir prejudices that preclude Black women and girls as victims and may instead encourage punishment for attempts to access their victimhood. Put simply, police officers are the gatekeepers to affirmation of trafficking victim status and to deny it may cause amplified trauma for those who require help.

Narrators who had their victimizations amplified from adversarial treatment by the criminal legal system also situated their experiences in a hierarchy of misogynoir. The narrators were explicit in their perceptions on how their race *and* gender influenced how police officers chose to respond to them. In fact, for the majority of narrators, misogynoir was present before, during, and after their respective experiences of being exploited. Their identities and systemic discrimination of racism and sexism was most striking when encountering law enforcement. These narrators would continue to have their victimization criminalized in the courts, and the saliency of their intersecting identities would be used against them to punish them for being sex trafficked. Chapter Nine extends the analysis in this chapter with the "full circle" effect of the

narrator's courtroom experiences and their incarceration, demonstrating the perilousness of anti-trafficking enforcement encountering Black exploited women under the carceral state.

Chapter Nine

“I Went from Being Held Captive to Captivity Again”:

Black Women Trafficking Survivors’ Prosecution and Incarceration Experience

What started off as a standard meeting turned into an ill-informed and—to not use a term lightly—terrifying presentation on the development of a high-risk offender identification tool being built by a local psychologist and presented with our chair. The tool, as told by the psychiatrist, has been presented at multiple international and domestic conferences, and has the support of the head of the board of Division of Youth Corrections. Before they began their presentation, they both disclosed they are not researchers. The presentation and evaluation tool are based off of data from in-take forms for individuals who have been implicated in sex trafficking in Colorado. This data comes from the Rocky Mountain Innocence Lost Taskforce, but the presentation did not state if they were convicted at the time data was collected.

The initial results/common themes were:

- *Minority male (her description, no expansion)*
- *Average age of 29*
- *Prior juvenile delinquency*
- *School Dropout: limited education, typically left to support family*
- *No cognitive issues, seem relatively intelligent (her words again)*
- *Priors did not include sex crimes*
- *HARE-PCL-R most in moderate to high range (a psychopathy test meant for adults 18+)*

I and several members of the council raised concerns around data collection. A representative from a local county attorney’s office asked how reliable the data could be, and also how it was presented as fractured. A representative for child welfare, commented that some of the assertions of sociopathy/psychopathy and other stigmatizing labels serves to frame minors as untreatable and therefore does not help them. The therapist was rather friendly with the questions, even though she seemed irritated by some of the questions and assertions. However, I noticed when I asked her how and why she was measuring “intelligence” her body language shifted—whereas she remained still when talking with others, she took a step forward with me, her body went rigid

and her tone sounded tight, as if I'd offended her. I asked the importance of the "intelligence" measure because she did not provide any justification, even when she covered lack of educational opportunities and multiple barriers the men and some boys faced growing up, even when they were connected with institutions.

The presenters do state that a lot of individuals had histories of abuse, some had been sex trafficked themselves and came from disadvantaged backgrounds. A staff member that guides the council asked if there were researchers on the team and stated—with a nod to me—that there should be a sociologist involved in this research, especially for combatting the possibility of stigmatization and cultural stereotyping. Guest Presenter (GP) then states that culture is something she has been cognizant of and gave an anecdote about a Black male who had not grown up with a father and committed aggravated robbery to help support his mother, then segued into an anecdote on trafficking of Indian victims into Nepal. GP does not explicate on why she included this story, as his connection to sex trafficking is not made clear. She instead just gave a story about a Black fatherless boy engaged in crime due to poverty and left that as sufficient evidence she has an understanding of "culture" but aside from buttressing stereotypes about the Black community, I am not sure what she does with it. But it's obvious she doesn't understand culture or structures, no matter how much she asserted she was aware of her positioning as a White woman interviewing imprisoned Black and Brown men and boys.

As the last comment of the allotted time, I asked how they were measuring "intelligence" and GP said they were using an analysis tool that is commonly used in in-take process but did not give further details on how those tests measure intelligence, nor why this was included in the evaluation tool. She also did not respond to another representative's inquiry on why the term "minority males" was used, and what that meant. During the presentation, I kept thinking back to stigmatizing myth of the "Super Predator" coined by two criminologists who used cohort data to predict crime and criminogenic tendencies. The presentation here was relying on a lot of biological indicators with no explanation or critical interrogation or reflection. Like the "Super Predator" myth, this tool is based on biased data that is painting poor and non-White populations as more likely to commit a crime due to a deficiency with them, without the consideration of material conditions. I later remarked to two fellow council members that this presentation was "terrifying" to me. I could not ask GP further questions during the lunch break as she left once her presentation was done.

Later, we have the taskforce committed to data collection and research. Employee states that of the data they have collected from social services organizations, a common theme is the wish that law enforcement would work with and depend on them more. The Chair (who is a lawyer) and a representative from a local precinct that sees a high amount of trafficking both stated that agents of the criminal justice system have legal obligations that often directly contradict the needs of the victim, but they have to abide by them in their job.

The meeting then turns to a combative stance between Chair and the aforementioned lawyer from another local precinct. A comment made by a representative for a defense attorney office that for some survivors of trafficking feel that the power dynamic between them and the government or cop is the same they had with their traffickers/pimp. The exact wording was “government/cop as a substitute pimp.” Chair felt this wording was too strong and that there are lawyers such as him who look to center the needs of the victims but again, they are bound by law. In his words he “owns that.” The representative then states that Chair and other like him need to stop saying that they “work for the victims” because they don’t. This conversation continues for a majority of the meeting, with no real progress, but circular combativeness between Maureen and lawyer. The conversation ends when the representative states that for people like Chair, “justice” is getting to prosecution, even more if it results in a conviction, whereas victims/survivors of trafficking may have a different vision and understanding of “justice” that does not include prosecution and the court at all. Chair then had to excuse himself because he had a case to try in court.

June 2019 Colorado Human Trafficking Council Meeting, Fieldnote.

“Justice” had not been defined in the Colorado Human Trafficking Council up until this confrontation, but this was the unspoken definition that guides the council and other institutions that engage in anti-trafficking work. Because the anti-trafficking movement in the United States relies heavily on enforcement from the criminal legal system, “justice” and the road to conviction are inherently linked. This linkage persists even when individual agents and organizations within them advocate or acknowledge that “justice” can have multiple and

different meanings for victims and survivors and may even put them at odds with agents of the criminal legal system. Several of the taskforce meetings did involve brief discussions on how to pursue “justice” outside of courts, both civil and criminal, but legal representatives are beholden to human trafficking statutes which focus on arrest, trials, and hopeful incarceration of traffickers and their enablers. Discussions on systemic racism were similarly hampered and did not evolve past the acknowledgement of racial disparities and vulnerabilities.

This is indicative of the barrier that institutions themselves are—they reinforce social inequity but also force its actors (i.e., prosecutors, judges, and trafficking survivors as defendants) to maneuver the criminal legal system in stifled, dichotomous ways. This was demonstrated in the treatment of many of the survivors in courtrooms, with prosecutors successfully arguing that the narrators were offenders on par with traffickers if not traffickers themselves, attacking and denying them a nuanced identity of being a victim forced to commit offenses. Even in the rare cases where narrators’ defense teams were allowed to discuss their victimization, it could not effectively combat the offender label and stigma they walked into court with, and that the criminal legal system continuously supported. Some of the trafficked narrators felt their race was the defining evidence that was used against them, even narrators who felt their identities as Black women were not solely or majorly contributors to their overall victimization.

Narrators described various degrees of discrimination and apathy from agents of the criminal legal system, including ignoring disclosures of abuse and demanding sexual favors. Both acts resulted in their *amplified victimization*, wherein their exploitation was exacerbated by law enforcement agents’ perpetuation of the sexual trafficking of the narrators and sometimes added new dimensions to their abuse. Narrators also described interactions with police

officers that focused on narrators' identities as Black women precluding their ability, or the possibility, of being victims of sex trafficking. This exclusion often led to narrators being criminalized for their victimization and being labeled as offenders. Being refused aid when outcrying and being told—either verbally or through actions—that they were not considered victims also had the effect of hindering the narrators from seeing themselves as victims of trafficking. For trafficked narrators, many first realized they were victims of exploitation while they were in court, mainly from their defense attorneys.

This chapter examines the narrators' experiences in courtrooms including their relationships with their defense attorneys and the prosecutors. Narrators elucidate how the criminal legal system weaponized their identities as Black women against them by relying on racialized and sexualized stereotypes of innocence and criminality, which for some narrators resulted in incarceration. Narrators also drew parallels between their imprisonment by the criminal legal system to the captivity from their traffickers. Overall, narrators reveal how misogynoir and institutional discrimination further harmed them as victims of trafficking and the collateral costs of gatekeeping victimhood had for them as traumatized Black women.

Courtrooms and Misogynoir: The Denial and Actualization of Trafficking Victims

Eleven of the thirteen narrators in my study appeared in a criminal-law court for trafficking-related offenses, see Table 9.1 for a list of charges narrators were convicted of. By the time most of the eleven narrators who went in front of a judge or were offered a plea deal, they had already been denied being classified as a trafficking victim and had been criminalized. The majority of narrators, both trafficking survivors and those who identified as prostitutes, accepted plea deals instead of going to trial and either served short sentences in a county jail or were given “time served” for the amount of time they were held before accepting the plea. The primary

charges were for misdemeanors but there were four narrators who were convicted of felony charges. When describing their own convictions and those of their traffickers, narrators used the terms “jail” and “prison” interchangeably to indicate being imprisoned.

Table 9.1

Charges Narrators Were Convicted

Incarcerated	Narrators
No	4
Yes	9
Charges	
<i>Prostitution-related</i>	6
<i>Disturbance</i>	2
<i>Drug Usage</i>	1
<i>Destruction of Police Property</i>	1
<i>Burglary</i>	1
<i>Parole Violation</i>	1
<i>Second-degree Murder</i>	1
<i>Kidnapping</i>	1
<i>Assault</i>	1
Trafficker(s) Incarcerated?	
No	8
Yes	5
Police or Courts Helpful?	
No	10
Yes	3

Estimations of sentence averages were complicated by three factors. First, several of the narrators returned to jail or prison several times and had trouble distinguishing durations, sometimes due to trauma or because of passage of time. Second, a few of the narrators who had been incarcerated were going through the court process or were on probation at the time I interviewed them for my study. Third, some of the narrators who had been incarcerated chose not to answer the duration question, with one citing that thinking of her time spent in prison was emotionally exhaustive for her. Even without the quantification of time in jail or prison, the courtroom experiences in the narrations elucidated the dynamics between state agents and the intersections of race, gender, and misogynoir. Narrators who interacted with prosecutors had views on them similar to police officers, with some narrators expressing more hurt and outrage over their treatment in court than their confrontations with police officers. Narrators also felt their race and gender were their most defining identities that attorneys, judges, and juries saw, oftentimes masking or rendering the abuse and victimization of narrators invisible and irrelevant.

Dynah, 42 years old and a survivor of child and adult sex trafficking, was charged with the most serious crime of second-degree murder. In 2006, she had an altercation with her second trafficker after he began beating her. Dynah defended herself, which caused another instance of criminalization and led to being incarceration with a fifteen-year sentence:

They knew that he had beat me up really bad that night and I was tired of it and I shot him four times and I told them what was going on. It didn't matter. It didn't matter that he was the pimp, it didn't matter that he had been beating me that night. It just didn't matter. And they gave me fifteen years. I got out last year. I did thirteen years and nine months. I was at the Tennessee prison for women, [a] maximum security prison. And then I got out, I thought...I felt so discouraged when they didn't care that, that he was a trafficker. They didn't care. They said instead of shooting him, I should have called the police. And I told them I've call the police my entire life. And nobody ever came for me, and how he had been beating me and I killed him because of it. And Tennessee doesn't have a self-defense law.

Dynah received the required minimum of fifteen years for second degree murder in the state. Tennessee began to implement and reform how it approaches sex trafficking, specifically of children, in 2011. By this time, Dynah was an adult and had been primarily child sex trafficked outside of her home state. Her defense attorney did mention her history of exploitation and that the “victim” the prosecution was maligning Dynah for was a known trafficker and she did admit to killing him in self-defense. However, Dynah reports that the court did not consider her a victim of trafficking, or a victim at all, or consider other mitigating circumstances.

Four months after she was released from prison, Dynah met a man who kidnapped and trafficked her in Texas for three months. She ran away from this trafficker, called the police, and was taken to a shelter. As she did when describing the trafficking victimization, Dynah cried and took deep breaths, sometimes more than she did when recounting her entry into exploitation. The instability of availability for trafficking victim shelters often means that victims have to get shuffled around, especially if they had recently been residents of a different state but with no safer alternative. Dynah’s final exit came with the uncertainty of employment and stable housing, but she was able to receive services at a non-profit organization she praised.

The rest of the narrators’ charges incurred were either directly tied to the women’s exploitation (for those who identify as victims) or indirectly because they were associated with someone, usually the traffickers, who committed a crime. At the time of the interview, 22 years old adult trafficking survivor Nia was going through a criminal-law trial for a felony residential burglary charge due to the actions of the second man to traffic Nia:

I went to jail for some time. I’d say almost two weeks. I was in there, but not [because] I was a prostitute. It was due to something that my current pimp, my new pimp—and he was doing things he shouldn’t be doing, and I was the only female in the car, so they dipped off and I was the only one left and I got pinned with all the charges so. [Nia shrugs and sighs.]

Neither Nia nor the investigators knew the location of the trafficker by the time she first started the court process. When our interview took place, Nia informed me that the COVID-19 pandemic had caused a halt in the trial process. Nia's current trial status is not known.

Narrators often expressed strong, usually adversarial, opinions and emotions with the prosecutors of their cases, more so than with other agents of the state. Given the power of discretion of prosecutors to determine charges, prosecutors are among the most powerful gatekeepers to victim label in the criminal legal system (Farrell, Owens, and McDevitt, 2014). For the majority of trafficking victim narrators, prosecutors tended to funnel them into jail or prison. Prosecutors were also the primary reason why these narrators were viewed and believed as criminals instead of as victims. As with the encounters with police officers and arrests, narrators' ages were not typically helpful in deterring being labeled an offender.

Imani's description of her time in court and her impression of the assigned prosecutor was the most vivid, as her voice raised, and she physically displayed more obvious signs of discomfort such as fidgeting and looking away from the camera. The 34 years old adult trafficking survivor recalls:

Imani: I, and two other ladies that were with us, got pulled over for a broken right headlight. We were on the track. [The trafficker] was literally about to send us down and we got pulled over. One of the girls admitted to being a prostitute and we all basically got pulled in. I ended up getting charged with pandering because I was technically considered the bottom bitch. I was the only one that had his name tattooed on me. So again, not looked at like a trafficking survivor, looked at like aiding and abetting essentially. My trafficker got seventeen years 'cause he had other priors, gang-affiliated. There was guns and stuff in the car, and I ended up getting five years with half [off], so I ended up doing two years.

CG: What happened to the other two in the car? Were they charged with anything?

Imani: Of course the Caucasian one was let go and the other female was African American. They gave [the African American woman] a prostitution charge, but she got released on O.R [on her own recognizance].

CG: Did you have an attorney or was it an automatic plea?

Imani: I was never even offered a deal, so I took it to trial 'cause I didn't feel like I should go down for something that I was forced to do. They gave me a public trial defender. The trial was fucking horrible. Of course, I didn't even [think] that I was actually gonna go to prison, especially not having an extensive criminal record other than all the trafficking charges. I was actually shocked when the verdict came back guilty on all charges.

CG: Did you have a jury or was it a bench [trial with just the judge]?

Imani: A jury of not my peers.

Imani states that the jury did not have any Black men or women on it and their total deliberation lasted three hours. She was advised to separate her case from the trafficker but was not offered a plea in exchange for revealing any incriminating information on the trafficker. To Imani's knowledge, nothing happened with the other two women who accompanied her and the trafficker, but the focus on Imani was due to her forced placement of the "bottom bitch" pimps have to keep their other women in line.

Imani was tried for three counts of indecent exposure and five counts of prostitution, and the prosecutor (a district attorney associate, or DA, in this case) focused on her physical body to discourage the jury from seeing her as a victim but a willing participant in prostitution:

I remember crying as the DA was making his spiel or whatever. Because he was trying to debate the fact that I wasn't a victim and he actually had a picture of me in this super skanky schoolgirl outfit that my trafficker would use when we posted ads and was like, "Oh see look at her. Like she's smiling, she's not a victim." And you know, even my lawyer was like, "who's going to get called [for] dates with black eyes like or looking sad and depressed?" The crazy part about it is...he literally beat my ass that morning and then I had to go take the pictures. It was just crazy how non-trauma informed and non-empathetic the court system is especially with African American survivors of human trafficking. I think there's obviously definitely been a lot more light shed on it and people coming forward and talking about it. So...it's more of an even playing field now. Yeah. It's not all equal like, why do I get a prison term, but "Rebecca" gets a program?

Imani was trafficked after the implementation of the 2000 Trafficking Victims Protection Act (TVPA) and after the state of California began an overhaul of its trafficking-based laws to

become more victim-centered. Imani's defense team was not able to convince the prosecutor, judge, or jury that she was a trafficking victim. The county she was trafficked in is particularly notorious for racial disparity in the state, a fact Imani reiterated with a statement of, "I was the wrong skin color in the wrong county." The prosecutor in Imani's case was pushing for a twelve-year prison sentence, which the judge disagreed with and instead sentenced Imani to five years with the expectation she could do half because it was a nonviolent crime. The prosecutor was also advocating for Imani to be registered as a sex offender and have additional restrictions, which was also denied by the judge.

The focus on Imani's sexuality through her body is a common theme for criminalized Black women; it has historically been Black female bodies that have been constructed as hypersexual and, by design, invulnerable to sexual violation (Collins, 1990; Fuentes, 2016; Haley, 2016; Hine, 1989; Kim, 2018). Imani's visible bruises in the evidence photo is thus rendered invisible, as the prosecutor managed to turn her Black woman body into a site of criminal behavior. The label of "bottom bitch" was also used to argue complicity to traffic other women, because the dynamic between this position and other women is one of surveillance and control as a proxy for the trafficker/pimp(s). Amina, 32 years old and survivor of adult sex trafficking with multiple traffickers, faced a similar obstacle in the criminal investigation. Because of her "bottom bitch" role, the prosecution treated Amina as if she was just as culpable in exploitation as the trafficker without consideration of the dynamics of coercion and trauma Amina had with the trafficker.

I had another girl with me at that time but even she was like dumbfounded, like all of this for [prostitution] doesn't make any sense. The dots would start to connect later on down the line, weeks down the line; lawyers would start talking and discovery⁵³ starts coming in and I realized there was a lot of stuff that went on. I didn't know about that I was being

⁵³ Discovery is a formal process of exchange of information wherein the defense and prosecution share evidence each party will introduced in trial.

basically like held accountable for [exploitation] as well. It got real really, really, really fast. It wasn't just like some prostitution charge; it was like pimping and prostitution and pandering and kidnapping and false imprisonment and there's all like all this stuff. I was just like, "but I didn't kidnap nobody," I didn't understand, but the way that the laws are written, you tell somebody "naw, you can't go nowhere," that's kidnapping. I had no idea that you could be charged with kidnapping by telling somebody they couldn't leave. That's what all came out afterward. But I had no idea that it would spiral out of control and become like five years of my life gone.

When asked if her treatment of other women was at the behest of the trafficker, Amina responded, "yes and no." Amina explained:

There would be times where he would ask me or tell me to do something. But there would also be times where I would just be so incredibly frustrated and done with everybody, him, her, me, everybody, that I would just lash out and do what I wanted, and I would go off script. Because within The Life, especially if you have a pimp there, there are certain rules that you have to sort of follow. I always tell people I was a horrible hoe because I didn't follow the rules all the time. I was very out of pocket a lot of the times. I think that was a big reason why there was so much abuse because I would not listen. So like there would be times I would just be like, "that's it. I'm not going to listen. I'm going to do what I want to do, and I don't like her face today, so I'm gonna make her feel like I don't like her face today." Like, she's going to know that I don't like her today.

Amina describes this as part of her "pimping and hoeing" label she also uses to relate her trafficking experience. Amina responded to her trauma by internalizing the violence she was experiencing and assumed the abusive behavior to inflict harm; this is not excusing or justifying Amina's actions—she herself affirms this—but demonstrating the need for trauma-informed practices before charges are created or, at least, use as a mitigating circumstance to explain behavior.

Maya, 33 years old, was likewise not considered a victim of trafficking when she went to court for prostitution charges, and she also did not believe that label applied to her. As she stated earlier, she viewed trafficking as something that happened to White women:

[The] propaganda with White women and in bondage; it was like, you know, the movie *Taken*. It wasn't like stuff that was going on in the 'hood. So I didn't really identify with that. It took me a long time to identify as a trafficking victim because of the rhetoric and because of the propaganda that they use.

This was a common sentiment among narrators: White women (and girls) get trafficked, Black women (and girls) get pimped out; alternatively, White women and girls are victimized while Black women and girls face repercussion for their bad decisions, even when a trafficker is present. Other survivor narrators shared similar stories of prosecutors who were not emphatic or simply did not investigate the circumstances behind their court appearances. A few of the narrators had their prostitution-based charges pled down to a lower misdemeanor, such as the case with 26 years old child sex trafficking survivor Zora:

CG: Were you ever arrested for anything related to your trafficking experience?

Zora: Yes, but then they, I was going to say dumbed it down. They dumbed it down to disturbing the peace.

CG: What were they originally going to charge you with?

Zora: Prostitution.

CG: And how old were you at this point?

Zora: Sixteen, turning seventeen.

Zora was trafficked in a state that has some of the stricter anti-child sex trafficking laws to combat child sexual exploitation. Zora's recollection of her experiences with agents of the criminal legal system was neither overly hostile nor concerned. As Zora describes it, she was one of many youths who were trafficked and caught in the criminal legal system, and the group home to which she was assigned was overwhelmed with juveniles in similar situations; as such, the staff was overburdened and over-extended and it was easy for Zora to "fall through the cracks," as it were.

The narrators who identified as prostitutes had differing experiences in court and none of the narrators had a victim-based defense. For the most part, these narrators were given plea deals

for lower prostitution, drug possession, and disturbance of the peace charges that amounted to a year in jail or less. Self-identified former prostitute Jamilah, 51 years old, spent the most time in prison in a multi-security level (minimum to maximum) women's correctional facility in Colorado for prostitution and endangerment charges for her HIV+ status. She admitted she felt like her race and gender was a factor in the sentencing: "I think the prosecutor was like, 'she has to be off the streets. She has to be off the streets. We can't have her on the streets.'" Jamilah elaborated on her perception that her race and gender and her HIV+ status were influential in determinations made by the prosecutor and judge:

I almost feel like it was an example needed to be made. I can't remember the actual words on the paperwork, but it was something to like, I was a "danger" or a "menace to society" and I thought "they didn't know me for the person before the drugs and before the prostitution" and to be pointed out as a person that is a menace or a harm to the whole community, it didn't make me feel good at all. I felt bad. I felt I have let people down, not only my family, but the community. They didn't deserve the things that I was doing in their alleys behind their homes. It's a harsh reality, but it was reality. It was what it was, what was going on. They were like, "we can't have her on the streets. We have to get rid of her. She can't be on the streets like this." It wasn't like, "Oh, let's, let's get you into rehab or let's, let's make sure you're getting your HIV [treated]." But no, it was like, "you need to do prison time."

Jamilah's demoralizing experience is similar to what her peers who were denied victim status felt: demoralization and feelings of criminalization without contextualization. Ultimately the support from her probation officer after incarceration aided her final prostitution exit. Jamilah reported still feeling small and disgusting when she recalled that courtroom experience.

Aiesha, 61 years old self-identified former prostitute, pled guilty to her numerous prostitution charges she accrued over the years that usually resulted in a fine or a short stint in jail if she was not released after her plea. The only time she did not plead guilty was when an undercover police officer arrested and booked her on prostitution charges when they did not have sex, but he bought her food from a burger chain. Aiesha was angered by this charge, especially

as it happened immediately after her release from her latest prostitution plea, and she went to court to fight against it. She credits the actions of the prosecutor with influencing her later decision to leave prostitution:

There was a district attorney, he was instrumental in new change in my life only because of how he responded to me. When I would get busted and have to go to court, he would just shake his head. He would just look at me and shake his head and say, “not again” and I’ll be like, “yeah, but what am I supposed to do?” I said, “I’ve been to jail so many times. I have a record. What can I do?” He said, “you don’t have to do this.” So his response to my arrest was always ingrained in my mind and that was his response to my arrest was part of transforming my life back to how it should be. I stopped prostituting and stuff down here. He was a Black guy, the district attorney, I remember his name.... That was the only time I actually pled not guilty.

Aiesha’s noting that the district attorney here is Black is important because the remaining narrators stated their prosecutors were White men. Perhaps that is why this DA demonstrated compassion and established camaraderie with Aiesha, or perhaps he did not view prostitution in general as a crime deserving of harsh punitive approaches. His motivations can only be speculated on at this point, but his actions were transformative for Aiesha. She was the only narrator to have this experience with a prosecutor.

While prosecutors proved themselves to be barriers more than anything else for the women, defense attorneys were praised by multiple narrators, and they were often the first person to label the narrators’ experiences as trafficking or exploitation. Imani’s defense attorney was the first person to call her a trafficking victim and attempted to have that introduced as part of their defense strategy but was unsuccessful. This did not deter Imani’s positive outlook of her defense attorney, stating, “I still talk to him.” Nia was still working with her defense attorney on her pending trial and spoke affirmatively of her and her advocacy:

Doing a great job. She’s working, to get me an infraction instead of a misdemeanor or felony. [Did the judge accept that I was trafficked?] She kind of did. She was just like, “yeah, that’s kind of believable because of what she’s been coming to court in,” because I wasn’t coming to court classy, you know, I was coming to court trashy, so, she kind of

believed it and she kind of ordered me to take some counseling classes and community service. And if I don't get those, then she's not going to believe it and I'm going to go to prison.

Nia's defense attorney's convincing of the judge to allow her defense to include her history of exploitation will be an essential determination if she is incarcerated for a felony burglary or given an infraction with a likely diversion.

Amina was the most enthusiastic and expressed the most gratitude for her defense attorney, her voice and face becoming livelier and more animated when talking about her attorney:

After I got locked up, my lawyer would come and talk to me and I love her to death. She's a fabulous person. She would come and talk to me. But I was very, very resistant of talking to anybody and she's seen that. And so she had told me, she was like, "I don't want to bring anybody in to talk to you about what's happened or anything like that. I just want to bring in somebody to speak with you to see what your responses are." Or she said something like she worded it in a way that didn't sound like it was going to be like an interview. Like it was just going to be like them trying to see what type of person I was. I think they were some form of domestic violence counselors.

Amina stressed that this first impression created a foundation for their relationship and was appreciative of the opportunity to have someone talk *with* her, not *at* her as others had tried before. Amina continues:

My lawyer was bomb. We had some co-defendants as well and even the girls, the statements that they made, like who are the victims in the case, the statements that they made actually showed in my favor because they made statements, saying that "she did these things, but you could tell she didn't really want to do it." They actually helped me out in the long run because they can even see that [what] I did, this wasn't me, that I wasn't really wanting to do these things to them. It was like this ugly, dark darkness that was inside of me and that it wasn't me. And I think that they, it was amazing that my victims could recognize that, and they could speak to that. And that actually saved me from having to do the same amount of time as [the trafficker] did—which is pretty dope. But [the prosecutors] tried to blame it all on me...and it backfired. I was the one that got the least the amount of time. Well, actually, no, I'm not the one that got the least amount of time. The other person that got the least amount of time told on everybody. That person walked away with like three years and a couple of strikes, and they did like a year left and then they got out and I was, I'm still kind of upset about it. I'm still holding a grudge. But it was, you know, it all worked out the way it was supposed to.... [My

lawyer] was a public defender, and she's *the-bomb.com*. I still talk to her. I tell her, "you need your own practice. You are a miracle worker."

Amina's attorney's recognition that the violence Amina sometimes inflicted on other women her trafficker had was a symptom of previous abuse and a manifestation of manipulation and control from the trafficker's physical and psychological control of her. Amina's attorney was the first person to recognize her trauma and her "bottom bitch" role in more nuanced frame without trying to deny her actions or attempt to further stigmatize her.

Maya was the exception for narrators who spoke about their defense attorneys, taking a neutral tone when asked about her opinions on the attorney's performance:

They was alright. It was all right. I don't really remember none of them. They was just like pretty much, "this is what's going to happen, and this is what you're gonna plea as." And [defense attorney] was like, "do you want it?" [a plea bargain]. I didn't know anything about it, so I just said I denied it [prostitution and other crimes she was charged with]. But you know, sometimes they would drop the cases and a lot of times they wouldn't.

Maya did not recall any attorney, either defense or prosecutor, looking too deeply or critically into why she was in prostitution or who considered she was being exploited. Maya overall did not reveal any details that would suggest that the criminal legal system overall was helpful to her at any point during while she was being exploited, and Maya simply said, "no" when asked.

Courtrooms are microcosms of society and for the narrators who were processed and tried in them, the prosecutors, judges, and sometimes juries, replicated social stratification along gender and race lines. Misogynoir locates distrust of Black women in their physical bodies, delegating them to untrustworthy creatures to be disbelieved, abused, and belittled. Some of the narrators personally experienced this with prosecutors who capitalized on stereotyped ideals of sexuality to evince guilt and deviance. Except for Nia, because she is currently still in trial process, the trafficking survivors were repeatedly denied their right to access victimhood and

were summarily punished for being sex trafficked through jailing or incarceration. Even for narrators who were minors at the time of victimization and legally cannot consent to prostitution, particularly after the passage of the TVPA, their criminalization was further violence that was perpetrated by the state because incarceration is a common “saving tactic” for gendered crimes but is still physically and emotionally damaging. Thus, the disparities between the subsets of narrators is skewed heavily against trafficking survivors.

It can be speculated that perhaps the more violent reactions of both police officers and prosecutors to Black women and girls asserting their victimization is due to the “propaganda,” as Maya calls it, that comes with the anti-trafficking movement and enforcement. Since sex trafficking is viewed as an especially egregious moral and societal evil and the criminal legal system as a rescuer of the exploited, it is logical to assume that the prioritization of the anti-trafficking movement would focus on the well-being of its victims and allocate resources and shields from criminality accordingly. Thus, if there are those who do not have a “right” to be labeled as victims but attempt to, they are a threat to those sparse resources and shields, so it is the duty of the agents of anti-trafficking enforcement to prevent that. One way they accomplish this is by establishing authorities who act as gatekeepers to grant or challenge labeling of potential victims and criminals. Perhaps then, those decisions to affirm or deny the necessary validation of victimization are also subject to biases and social constructions that inform aforementioned moral and social evils.

The strongest and most harmful actions from agents of the criminal legal system came when the narrators had attempted to explain the violence being done to them, either through direct outcry to police officers or through their attorneys. More narrators were incarcerated than their traffickers (five total, from their recollection, out of eighteen identified traffickers) while

nine of the thirteen narrators were jailed or incarcerated at some point in their lives and usually during their exploitation. If this representation could be explained by age or the increased awareness and police trainings after the TVPA passage, then the number of narrators who had been imprisoned at some point would be lower because most of them would not have been approached as criminals at all, especially narrators who were minors at the time of their arrests and court processing or trials. The differences cannot be explained away by geography and state legislation because the women were all trafficked in different states at different times. The commonality they share are being Black women and girls, majority lower income, with complex histories of abuse and trauma. This is the operative of misogynoir and amplified victimization.

The Confinement: Incarceration and Taking Steps to Exit

I had a little mini breakdown to the point where they had to check on me every 30 minutes ‘cause they didn’t know if I was suicidal or not because I didn’t know if I was suicidal or not. I was like, I don’t know, but they’re just like, “okay, we’re going to keep checking on you.” I was locked up in our county jail for about two years fighting this case. I pled to an assault charge. Everything else dropped. And then I ultimately went to do the rest of my time in a southern California county jail. For the remainder three years there, I continued to do more growth. I’m still having a little bit of that mindset [of pimping and hoeing]. But really just finding my way back to who *Amina* was, in a sense and what I like to do and what made me *me*.

Jail and prison proved to be further traumatizing for the imprisoned narrators, but some also stated that it offered a chance to be reflective and consider how to begin their healing process as they exited their exploitation or engagement with prostitution. Amina’s time in jail caused her to return to her empathic self before she was trafficked:

That’s where I kind of figured out that my calling is to help people, to counsel them, to give them some comfort, to let them know that they’re going to be okay, that they can make it, to give people some options. I came home five years ago, and the rest is sort of history. I’ve been doing the work with direct services for about four years. I use everything that I’ve been through with my job. Everything that I went through in childhood, everything that I like to do with my brothers, from my relationships, from the exploitation, all of that is used in my job today. There were choices that I made, like if I had made like a different choice, my life went in different direction. I’ve spent the last

seven years of my life...really just analyzing every choice that I've ever made. Just analyzing everything that's ever happened to me, whether I was in direct control or not to understand where I ended up. But you know, at the heart of its trauma, it's an adjusted trauma. A lot of anger, knowing how to express the anger that I felt towards either family or law enforcement or my brothers or whatever. And those resentments bubbling up into adulthood to where now I'm just taking that anger and frustration and getting it out there and I didn't realize that that was what was happening all those years. Everything that had happened to me I projected onto other people because I wanted somebody to feel the exact same hurt that I did. I didn't realize that's what I was doing until like much, much later.

Amina still does not view police officers or the criminal legal system, aside from her defense attorney, as overall helpful while she was being trafficked, but welcomed the chance to analyze herself and integrate her self-discoveries into her continuing healing process. She did not discuss the jail itself in much detail, focusing on her introspection instead, including working through her moments of susceptibility to suicidal considerations.

Dana, 53 years old and a child and adult sex trafficking survivor, was sentenced to three years in prison for property theft after she stole a camera at the behest of a trafficker. Dana's mother had been searching for her since the trafficker kidnapped Dana but was unsuccessful. Dana's incarceration did not provide an opportunity for escape or to receive counseling but helped the trafficker to keep her hidden. After being sentenced to three years for the theft, Dana was entered into the criminal legal system's database as an adult, not a juvenile. This inhibited her mother's efforts to search for her because, "they were looking for a juvenile and he had me going to jail as an adult." Dana's incarceration was followed by her last confrontation with the trafficker where she left him for the last time, and he was arrested and later incarcerated. Dana did not report her imprisonment as helpful but does state she was able to get into contact with her mother again when going through (and later turning down) the bail process.

Because of her age, Zora she was recommended into a diversion program and placed into a group home shortly after her incarceration in a juvenile offender facility. Zora's history of

physical and emotional abuse and running away from group homes created a vulnerability to be re-trafficked or enter prostitution for survival. Her final time in jail was reflective of this risk:

I had told myself I was going to stop doing that [prostitution] and I was just really broken. I needed some money, and as soon as I got out [of] there, I was arrested—this is while I was living in LA.... I was getting ready to graduate and I had gotten my privileges back [at the group home] and I can go into the community. I did three days and then when I went to court, they let me go. And when I had to come back before they were like, this is what we're going to charge you with. And we want you to do healthy relationship classes and continue to go to school.

Even though she was recommended for a diversion program, no one at the juvenile offender detention center or the assigned program at her group home talked with her about trafficking or asked if her experience was child sex trafficking. This was Zora's reported second time to be held in jail and go through the court system without anyone screening her for trafficking; the one exception was a case worker, but it was not in the context of court or jail. Zora's observations describe an overloaded juvenile court system wherein some of the girls fell through its metaphorical cracks, and she was one of them.

Maya was charged with several prostitution and nuisance offenses and ultimately served fourteen days in a jail:

The jail there was like, fucking, the movie *Oz*; like 22-hour lockdown, locked doors, pop-lock doors. It was just so horrific for me. It was the longest I did. I did fourteen days because I have priors, prostitution cases. They had called a prostitution case and I had a prior prostitution cases and intent to prostitute. They were not going to let me just go out on O.R. They were not going to let me go on that because of my priors. They would send me to jail, and I'll go back the next week for court. That's when I found out I was pregnant with my son. I was in the Orange County jail, the 22-hour lock down. My case was just like a misdemeanor. [They sent me] to this camp [shorthand for a local women's facility]. When I went to the camp, I actually met other girls that was in *The Life*. When I got to the court, they have to pee test you and stuff like that to see if you're pregnant. That's when I found out I was pregnant. I called my mom and I called [the trafficker] on three-way [dialing] and told him. I had six cases of prostitution, intent to prostitute, intend to loiter—girl, all that stuff.

Meeting other girls with similar experiences with abuse and sex trafficking did provide some clarity and kinship that Maya found useful, but her pregnancy and the following decisions around it led to further trauma and onto the path of a second trafficker. Maya was trafficked as a minor after the TVPA, but the safeguards that are meant to discourage child criminalization were either not in place or just not utilized for her.

Imani was able to receive diversion-based services while incarcerated, but overall did not find incarceration or the criminal legal system helpful. Describing these events and agencies as a continued trauma, because she was not able to leave the state of California and return to her home on the East Coast because of her probationary status. Imani testifies:

I was under the assumption that I would be able to go back home. Obviously, I didn't want to stay in California. California just been really traumatic for me. But parole denied my request of going back to the East Coast. I had to basically build my life from scratch. I had a lot of time to think about my game plan before I got out. But I didn't fathom the complexities. Classic felony disenfranchisement, especially being an African American woman. On top of that, low income. I struggled with finding employment. I was able to find a job at a warehouse and I hated it and I was just like, the only way I'm going to elevate is if I just go back to school and become self-made. So my first year of college actually started my nonprofit organization, because I wanted to create a protective barrier around me that I could always fall back on and be my own boss kind of thing and not always have to rely on trying to find a job for minimum wage.

Imani's incarceration provided the opportunity for her exit, but the experience of criminalization continued to impact her after her release. Facilitation of exit aside, Imani asserts that her accomplishments are in spite of her trauma and struggle with the criminal legal system and the changes she worked through in her life was due to her own determination. Her final thought she shared with me on her experience with the criminal legal system overall is that imprisonment is similar being trafficked:

Being trafficked and then being incarcerated, which feels like being trafficked again and then getting out and being a felon on parole, it's just been like a never-ending cycle for me as far as feeling [like I'm] being trafficked.... I went from being held captive to captivity again. So it was the same. The same system, different faces.

Narrators who were prostitutes and went to jail or prison shared similar sentiments, but more frequently were able to get contact with services that helped with their transition out of prostitution. Self-described former prostitute Leticia, 32 years old, explains:

I ended up going to jail and that's where I met people that talked about Jesus and I was like, this is my opportunity to change. But prior to that, I didn't see an escape. I thought that was going to be the rest of my life. I didn't want it to be the rest of my life, but it presented itself like it's being the rest of my life. I'll jump in a couple of the wrong cars and end up with a knife to my throat, a gun to my head, getting raped. I was tired of being out on the streets. I was just like scared for my life.

When I got arrested, I was like, "okay, here's your opportunity." Sitting in jail for a year—I went to praying, reading my Bible, and I was like, when I get out, I need resources. I met some people that agreed to meet me when I got...released from jail and they paid for me somewhere to live. It helped women get off the streets and they help you to get on your feet. They gave me a place to live. She helped me get some clothes and she assigned me a mentor, someone to help me. I started that process.

But within three months, I went to hanging out with the same people. I had plenty of money, more money than I can imagine 'cause I had a pretty decent job at a warehouse. Being that I never worked out with a lot of money, I started using my own money to buy drugs and ended up right back into the lifestyle after being clean for a while and seeing that I did have a way out and I had no one else to blame for not knowing how to get out of this situation.

Leticia's faith and her connection through a support network aided her while she was incarcerated on drug charges. This support network was especially helpful for Leticia when the organization welcomed her back after her few relapses. Leticia's experience is similar to Jamilah's support with her parole officer, the need for an understanding and emphatic individual or group who continue to work with them even after they relapsed into drug use and prostitution again. Both women praise this as the reason for their success in the continuing process of healing.

Incarceration's Afterlife: Discrimination and New Challenges

For formerly incarcerated narrators, even those who's exits were created by imprisonment, continue to confront discrimination due to their criminal history. Imani discussed

her difficulty finding fulfilling employment and later detailed how her “ex-felon” status jeopardized her eligibility for student aid because she has a felony charge. She ended up creating her own nonprofit organization to have a foundation to help her and others. Other narrators also described the importance of employment and housing discrimination because they had a criminal record.

Five of the narrators are currently fighting to have their records expunged due to new federal and state laws allowing trafficking victims to seal their records of criminal legal system involvement that occurred while they were being exploited. Dana has successfully had some of her records sealed, mainly ones she accrued as a minor:

[My attorney has] been getting my records expunged ‘cause I went to jail the first time when I was like fifteen, because [the trafficker] told me to tell [customers] I was 18, then I wouldn’t go to juvenile court. I went to jail, [the trafficker] bonded me out and no one never knew how I had been to jail ‘cause I got out a couple hours later. They were tripping out when they wouldn’t know the first expungement on my record. They was like, “girl, you was fourteen!” I mean, you can do the math on that and know that that’s not supposed to be my charge.... I’ve gotten a couple [charges] of expunged and then some of them have fines,...it’s \$6,000 worth of fines. And then my job right now, I mean I’m always in the courts with clients and stuff and my director says, “we had a couple of tough judges that know you by name. We gonna ask them to see if they will expunge those fines.” If I get those fines expunged, it’s going to be on, I can get everything chopped.

Dana expressed confidence she would get the rest of her record sealed after the process starts again once. Imani is also going through the process of expungement in the state in which she currently resides:

I’m working with a nonprofit and essentially what they do is pro bono legal services for human trafficking survivors. I’m currently going through the new human trafficking vacationers law that just got passed. So yeah, definitely working on having all that removed and expunged.

Imani can legally return back to her home state at this point, but she still has a criminal record due to being exploited and has frequently faced bias due to this history. The nonprofit

organization she is working with has reported victories with securing expungement, and Imani was hopeful to be among them.

Nia was currently awaiting trial at the time of writing. Cherie was given a court date in a state that is not her state of residence. Cherie, 24 years old and child sex and labor trafficking survivor, states that law enforcement and the courts purposefully made her experience unnecessarily complicated:

They said either pay at first, when I was there, or “you’re going to come to court.” And I said to them, “I’ll pay for it. I’ll pay it.” ...[T]hey didn’t take my record off the online; if you Google me, you can probably find it. And now after I paid it, they said, I didn’t show up to court. They keep sending me warrants or something. They said, if I come to Virginia I’m going to be arrested because I didn’t show up to court, but they gave me the option to pay or to go to court. And I said, “I’ll pay.” And I paid it. But they still say that I’m supposed to show up in court. So, that means if I go to Virginia, most likely I can get arrested. It’s pretty twisted. And I do believe that was racis[m]. When they [looked up] my information for work,...they were harassing me, laughing at me and just kind of like making fun of me and just really mean.

Cherie’s case is further complicated because of her immigration status—being charged with a crime could jeopardize her application for naturalization. Her difficulty is that to qualify for citizenship, she cannot have a felony on record, and this difficulty in the expungement process is jeopardizing her both her visa and application for permanent residence. While Cherie did not tell me what her charges in Virginia were, she did voice that it was connected to her history of exploitation and trauma.

Cherie also detailed that she has continued to experience police harassment, especially sexual harassment, since her arrest in Virginia:

I deal sexual harassment with police. After everything [that] had happened to me as a child, the gate opens to a lot of craziness, predators, a lot of crazy people coming on to me. But with the police situation [of my last arrest], I was drunk, they arrested me and then they were very violent about arresting me, very violent about it. I stayed in jail for two or three days, I was not able to make calls or anything. And when I was about to leave, they pretty much made me leave with jail clothes. And they said, “you are not allowed to leave with your street clothes.” I insisted, but they said, “if you don’t put your

jail clothes on, you're going to stay here. You're not leaving." That was the time that actually really terrified me the most.

I still have record, it says misdemeanor, but they put criminal. I don't know how that happened. I usually get harassed by police a lot. I would walk somewhere, and they would stop right in front of me or try to ask me for my number or try to ask me to go on dates and stuff. It's just pretty weird.... [I]f I'm walking somewhere, they would ask me [if I'm in the subway] if I have money, and they would make comments like weird comments, you know? That's just to me, it's constant shit.

Cherie appeared to suggest she was being propositioned, but whether that was for predatory motivations or stings as part of anti-trafficking enforcement is not known. Cherie's physical likeness is youthful, and she visibly tensed when talking about this continued interaction, more so than when she described her experiences of childhood abuse and trafficking. Her continued interaction with police officers and courts continues to add to her trauma and inhibits her from making progress in her path to citizenship and healing from exploitation.

Incarceration was a difficult process and transition for the majority of narrators, but sometimes was a necessary catalyst for exiting trafficking or prostitution. Many of the incarcerated narrators continued to interact with the criminal legal system either due to their professions or because they were going through an additional court process. Apart from Cherie and Nia, the remaining narrators were not arrested again or have not gone through another criminal trial or other court process. Overall, imprisonment in a prison or jail was an additional of trauma as they navigated the criminal legal system. The narrators often placed their identities of race and gender as the reason why their treatment throughout the legal system was neglectful at best or abusive at worst.

The amplified victimization they experienced compounded the trauma that the narrators are still processing and working through. Of course, the limitations of the criminal legal system are that they have to abide by statutes, and some were, as the phrase goes, "doing their job," a fact the narrators know. However, the power of discretion bestowed upon prosecutors and police

officers in performing their jobs means that there is a deliberation that occurs, another fact known to the narrators. It was these decisions that the women felt their race and gender and the misogynoir that surrounds those identities was significant—poignant enough for some that created neglectful and violent encounters.

Exiting Trafficking for Non-incarcerated Survivors

Incarcerated trafficking survivors, except for Dynah and Zora, were able to exit their exploitation during their sentences, either because the trafficker moved onto other victims⁵⁴ or because prison created the necessary isolation from traffickers' manipulations and gained access to vital resources, especially therapy and recommendations to diversion programs. The remaining narrators either had a support network that intervened and helped physically remove them from the exploitation or had events that influenced them to leave on their own. All survivors described a shifting attitude within themselves that enabled them to leave their traffickers. Dana described exhaustion with the material conditions of her life:

I just was so tired of it. Plus, he has started using drugs too and had me using drugs and I just felt like if I didn't do nothing, I was going to just die. He was going to kill me, or something was going to happen, and I knew I could do better.... I just made the decision that I needed to. If I can get away, then I'm going to go.

Dana escaped to South Carolina before her mother moved them to Italy where they lived for a few years. Dana testified that her mother's consistent support—from believing Dana when she disclosed her molestation to her attempts to locate Dana after the trafficker abducted her—were helpful when deciding to leave and their time in Italy was cited as a healing factor. Maya likewise stated that her mother's constant support emboldened her to leave her last trafficker: “My mom always like, you can come home. If it wasn't for my mom, I wouldn't have got out of

⁵⁴ In Imani's case, the trafficker was also incarcerated, but his heavier sentence was due to his gang affiliations and those associated crimes, not just his exploitation of multiple women.

The Life. I'm sure I wouldn't be who I am today for sure." Like Dana, Maya's mother kept trying to locate her and when she found Maya, she would reach out to encourage her to come home. Both Dana and Maya say this unwavering support and love from their mothers was instrumental in their exits from their sexual exploitation.

Other survivors describe being "fed up" and leaving of their own volition without outside intervention. Zora recounts, "[I] seen the worst in myself... I got tired of being talked about and called a hoe, bitch. I didn't want to get looked at like that anymore." Zora left the trafficker and returned to her group home and did not run away again. From there Zora graduated high school and states that "it's been up since then. I've gotten my EMT [emergency medical technician] license."

Tiara echoes Zora's wording of "tired" of being exploited and referenced a shift in her dynamic with the trafficker as well as her suicidal ideation and attempts as factors for leaving.

Tiara details

I felt myself losing myself and I had tried to commit suicide so many times. I told [the trafficker] and he understood, and I just was like, "Oh my God. Okay, let me hurry up and just go." I just kind of walked away. Luckily I didn't have to have an outrageous escape or nothing. He just kind of let me leave. That was easier than I thought, you know? [Laughter].

Tiara described feeling like the exit was longer than it was because of the trauma and memories of being exploited. Amina shared a similar view. Having been incarcerated for charges related to being exploited, the imprisonment of Amina resulted in her physical exit from trafficking but revealed to me that the persisting mental attachment to her "pimping and hoeing" survival mindset meant she remained, in the emotional sense, in trafficking. Amina explains:

Actually engaging in The Life I stopped at 22 because I got incarcerated, but in my head, mentally, I want to say maybe 24. So another two, two and a half years in my head that I still kept up with the mentality. I guess leaving behind the mentality, I would say I've been out since I was maybe 25.

Survivors of trafficking described feeling that these traumatic remnants of exploitation physically ended when the exploitation ended, but Amina was the only narrator to frame this remnant as a mentality.

For narrators who identify as former prostitutes, their exits out of the sex economy were either a violent encounter or feelings of disgust with themselves. Jamilah was able to rely on the resources provided by a compassionate parole officer when she relapsed into prostitution after being incarcerated. Megan stated that she stopped prostituting due to recovering from her drug addiction and feeling disgusted with herself for having sex for money. Though Megan kept joking throughout the interview about never being good at prostitution due to her dislike of sex and tenseness with her sexuality overall, she stated with a quiet voice that her “self-esteem [is] still at zero. So, I did do some internal work.” By the time Megan stopped prostituting, she had been in a diversion program, but states that it was her own drive to “work” on herself as the primary reason for finally exiting prostitution.

Aiesha described herself as “a real hoe” and stated that she prostituted herself starting early in the morning until late at night, sometimes going until midnight, whether or not she had a pimp at the time. Aiesha shared that she saved the customers’ used condoms and disposed of them at the end of the day. She did this to avoid leaving evidence, especially in hotels rooms, to avoid criminalization. One day while she was in a hotel room, Aiesha emptied her storage of used condoms and it altered her perception of herself.

I used to go buy socks and tennis shoes out everything in there [for safekeeping money and condoms] and then I would take all my money out of my socks and all my condom wrappers, and one day I just [emptied the sock] on the bed and I seen how many it was, and it was still early in the day. It wasn’t even nighttime and all those condom wrappers, and I knew each condom wrapper associated with another dick that I engaged with. I was like, “Oh my god, what am I doing to myself?” I couldn’t believe it. I said, “I was with

that many men today?” I started crying, I counted all those empty condom wrappers.... I never really just sat down and evaluated how many men I was with on a day-to-day basis.

Aiesha’s visualization inspired her to continue to work towards exiting prostitution, in combination with her encounters with the considerate District Attorney and police officers.

Leticia was the only self-identified prostitute who located one of her motivations to exit prostitution on a violent encounter. Leticia was kidnapped and raped by a serial rapist and this horrific experience was a catalyst for her exit. Voice steady but intermittingly pausing, Leticia shared the details of this encounter and her fears of being killed:

I was scared that I wasn’t gonna make it out alive because he tried to choke me. I knew what was happening when we pulled up in the dark neighborhood. So I immediately play my role and went to taking off my clothes because being in that lifestyle you can tell what’s about to happen before it happened. I got myself ready for it and he tried to choke me but thank God he couldn’t choke me ‘cause my hands was up. I already knew what was going on. But after being in his car, being held for about three hours, telling me all kinds of bad stuff about myself, spitting on me and all this stuff, I was like, “I can’t live like this.” I didn’t know what to do ‘cause I felt like I had already ruined myself again and I didn’t know how [to leave prostitution and start a new life].

Leticia escaped the rapist and would eventually be arrested for violating her probation. It was then that Leticia contacted a religious organization that had previously reached out to her. Leticia began working with this organization and with their support began her final transition out of prostitution: “I stayed, and I’ve been here, on this path, since then.”

Summary of Courtroom Experiences and Incarceration

Regardless of the impetus for their respective exits, both trafficking survivors and former prostitutes did not rely on the criminal legal system for escaping exploitation or the sex economy. This remains true for incarcerated trafficking survivors who viewed the criminal legal system overall as harmful to them as victims even when their incarceration facilitated change and enabled them to leave or be separated from their traffickers. Narrators expressed a distrust of the criminal legal system—including ones who had positive encounters with individual agents of the

system—and stated that “justice” for them did not lie with the police officers or court arms of anti-trafficking enforcement. This is especially true of trafficking survivors who were further harmed for their victimization and narrators who depended on themselves to exit exploitation because they had not had any impactful intervention while they were being trafficked.

In sum, survivors of trafficking could not rely on the criminal legal system to aid them as victims. Even when incarceration granted access to necessary resources, such as counseling or a diversion program, the initial criminalization of their trauma and its amplified result should not have initially occurred. Meaning, the narrators, most of whom were survivors of various forms of violence and being exploited, should not have had to be imprisoned to get access to resources other victims get recommended to in anti-trafficking enforcement. Returning to the Colorado Human Trafficking Council, the meetings often emphasized the lack of resources available, but several service and non-profit representatives mentioned that their clientele tend to be homogenous; in some of my one-on-one conversations, several stated that they rarely see Black women and girls as clients, even though they are aware of the racial disparities of vulnerability and victimization between being helped or arrested.

In contrast, representatives who work in the criminal legal system often described the skewing of Black women and girls as offenders. Legal representatives often cited their statutory obligations but did not (at least in my observations) critically or radically interrogate why their obligations further victimized Black women and girls. During my tenure, the Colorado Human Trafficking Council did not usually discuss the repercussion of this criminalization or the human collateral of the criminal legal system’s anti-trafficking efforts aside from surface-level platitudes of making commitments to “improve” with no real or meaningful conversations to discern how change can be implemented. In the meantime, the Black women and girls who are

arrested, prosecuted, and incarcerated are not only traumatized from being sex trafficked, but they are also left with damaging aftereffects of being treated and categorized as offenders in the name of “justice.”

Moving Forward and Defining “Justice” for Survivors

The prerogative of the criminal legal system’s anti-trafficking enforcement is to combat human trafficking, especially by “rescuing” sex trafficked children, and ensure “justice” by incarcerating traffickers and other enablers of exploitation. For several of the narrators, they were collateral damage of the anti-trafficking enforcement with some of them being labeled as enablers of trafficking even though they were being trafficked themselves. Narrators did not view the criminal legal system as an institution that was built for them and was not capable of providing justice. For them, the criminal legal system was another way for them to be oppressed due to racism and sexism (misogynoir) and this was multiplied when they were victimized again by its agents. Instead, narrators assert that “justice” for trafficked Black women and girls does not require the criminal legal system but can instead happen through community and societal challenges to misogynoir. The narrators detail what “justice” means for Black women and girls survivors of trafficking, drawing from their experiences with the criminal legal system and their denials of protection and justice.

Chapter Ten

“My Past Does Not Define Me”: Justice and Liberation for Exploited Black Women and Girls: From Community to Institutional Change

The virtual meeting platform we’re using now for social distancing makes gauging facial responses difficult, presenting another challenge for participant observation during the pandemic. But today’s the first time I’m relieved to have a video off option because I doubt that I was controlling my facial expressions. Today’s meeting had more discussion and disagreement than we have previously had. Since the George Floyd protests started in the early summer, there have been multiple mentions of racism and Black Lives Matter, but they have been surface-level and superficial, still framing police and state violence as separate from political and social conditions and reiterating platitudes of allyship. I appreciated the sentiment that Black Lives Matter and anti-trafficking are inextricably connected, but the deeper realities and needed work seem to be, from what I have observed, either unknown or deliberately glossed over. The Chair, a prosecutor for one of the wealthiest counties in the state, then declared that we (the Council? Us as individuals?) can care about Black lives while also acknowledging how difficult these protests are for law enforcement and we should be equally concerned for them. I rolled my eyes, which is why I was glad for the “camera off” function. I know that members of the Council have the best intentions and are genuinely good people, but conversations like these have become unbearable.

I kept thinking that there were too many non-Black people calling themselves “allies” while talking over valid concerns. I refused to participate in this debate because I know it will not be productive and just lead to more frustration on my behalf. The irony of some members who have expressed discomfort for things I have said in the past—especially pertaining to intersectionality—are all parroting the Chair’s “supportive” statement and calling it racial justice. The majority of the statement centered the criminal legal system with the same tired platitudes of knowing the system isn’t perfect and working to fix it, there are good cops, they have Black friends and colleagues they support, etc.

The conversation briefly moved to a discussion on being “anti-racist” but there was no deeper or complex talk around it. I am also upset at some members who are White or White-

appearing saying they understand the discrimination and feeling of isolation Black folk feel while retaining their privilege positions but seemingly not backing it up with actions. I was also upset that some members who never before claimed being multiracial—even when we’ve had conversations about personal identity and race—started saying they were while defending the actions of police officers. I am even more upset that some of those particular members had told me privately they thought I brought up race too much because it wasn’t always important (to them).

The meeting finally moves on to business as usual, but the sinking feeling that I’ve had for the last few months remains. I keep thinking of the women I have interviewed and the community organizers I have spoken with and how they have been harmed (continuously so) by agents of the legal systems who have “good” intentions but hurt them in some way. This was also exhaustively addressed by several of the women in the study, of their doubt and general lack of faith from representatives just like the ones in this meeting. I wonder how any of them would have responded to this discussion and realized I missed a crucial moment to speak because I was exhausted.

As the meeting drew to a close an announcement was made about an organization doing anti-trafficking work. The organization is called The Underground Railroad (really!), also known as Operation Underground Railroad⁵⁵ and focuses on child sex trafficking. The exhaustion is back threefold. Later, I look up O.U.R. and see they use abolitionist language and descriptions. The website’s opening picture is flattened image of the world map with faces and images inside the continents. The picture in the African continent is of two African boys smiling, the Indian peninsula has an Indian girl, and the United States have two faces of young girls one perhaps Native American and the other appears White. I note the activity our chair discusses about O.U.R. and leave wondering if the irony was apparent or lost to them.

July 2020 Colorado Human Trafficking Council Meeting, Fieldnote.

⁵⁵ At the time of writing, O.U.R. was under investigation by a prosecutor in Utah. No possible charges have been announced in the criminal inquiry, but media reports indicate that it may include fraud, witness tampering, and bribes. See: <https://www.fox13now.com/news/fox-13-investigates/anti-human-trafficking-group-operation-underground-railroad-under-investigation-by-utah-prosecutor>.

In my observations of the Colorado Human Trafficking Council, discussions of race and racism generally tended to be what I consider perfunctory: acknowledgements were made, representatives were aware of racial disparities of both victimization and failings, and systemic racism in general, but did not venture beyond that. This meeting took place after the killing of George Floyd and the subsequent uprisings for racial justice and this discussion lasted less than fifteen minutes of our total four-hours long meeting. The language was also problematic—the word “state” was avoided, and the instances that were mentioned all concerned Black men and “people of Color” was also used interchangeable with “Black,” as if the Black Lives Matter protests were not specifically about anti-Black racism. I was also disappointed, but not surprised, when the examples of violence towards Black bodies were examples of men; no women were included or mentioned. No one commented on an organization’s use of “Underground Railroad” either.

These small actions and silences are demonstrative of the insidiousness of anti-Black structural violence. The language was sanitized, and instances of Black death and victimization were de-centered in favor of a “neutral” stance of acknowledging the difficulties of being in law enforcement. Yet, no one past or present (other than I) mentioned the difficulties of having multiple marginalized identities because of a White supremacist and patriarchal ideology of the structures that define their lives and the systems that police them. The absence of considering Black women and girls was also not surprising given the hyper-awareness of state-sanctioned violence and discrimination of Black men and boys. The victimizations of Black women and girls by both the state and their communities are further marginalized under these structures due to the intersection of misogynoir and White supremacy and patriarchy.

Anti-trafficking enforcement and idealized “justice” for sex trafficking survivors prioritize carceral responses of policing, criminal trials, and incarceration. The criminal legal system overall is rife with racial, gender, and socioeconomic disparities (as well as other social inequities) in terms of identification and treatment of alleged victims and offenders. In a system where Black women and girls are constructed as innately sexual and criminally deviant, “justice” often manifests in arresting, prosecuting and trying, and imprisoning Black women and girls for their victimization—indeed, this was the experience of the majority of the narrators in my study. Until these structural inequities are dismantled, the criminal legal system will continue to be the sole legitimized arbiter of “justice.” In sum, the structures and systems that are saturated with White supremacist and misogynoirist ideals will continue to fail Black women and girl survivors of trafficking in its pursuit of “justice.”

Narrators observed and confronted the impact of systemic racism in their interactions with agents of the criminal legal system, particularly those narrators who felt that non-Black women were treated as victims when the narrators were treated as offenders. Narrators felt that this was indicative of the disvalue of Black women’s bodies overall, even connecting their experiences with exploitation and misogynoir with the history of chattel enslavement with racial hierarchization in the United States. Multiple narrators stressed the importance of the history for the healing and achieving justice for Black women and girl survivors, but, with the exception of two suggestions, narrators overall tended to view “justice” as an impossibility through the criminal legal system.

This penultimate chapter is dedicated to learning how the narrators conceive and envision “justice” for exploited Black women and girls. The narrators express skepticism about the criminal legal system’s ability—and desire—to provide or ensure “justice” in any form and

generally eschewed suggestions or insights to improve the criminal legal system's response to Black victims of trafficking. Instead, narrators focused on three fronts upon which to build a foundation for justice for Black women and girls and elevate us in society in general. First, narrators stressed the need for a racial reckoning for both the anti-trafficking movement and its enforcement, especially social services and the criminal legal system. Second, narrators centered the importance of Black women in the Black community and need for us to be loved, valued, and believed in terms of preventing violence and combating trafficking. Lastly, and in the spirit of community and Black feminist organizing in general, the narrators offer advice to their fellow Black women and girls based on their lived experiences.

Racial Reckoning: The Simplification of Chattel Enslavement's History and its Damages

Several narrators connected the history of chattel enslavement of Africans with their own devaluation by their communities and society, especially the criminal legal system and anti-trafficking enforcement. Narrators described the necessity for an in-depth education on the brutality of enslavement and its continuing impacts on the African American community and on the systems they navigate. Narrators specifically focused on the sexualization of Black women and girls and the construction of them as being mentally and physically "strong" as reason why they, and other Black women and girls, were especially vulnerable to sexual exploitation and why they were ignored by agents of the criminal legal system. Within these assertions, narrators frequently cited that it is the sexual exploitation of White women that anti-trafficking enforcement is concerned about, not the women and girls like the narrators.

Maya, 33 years old and a child and adult sex trafficking survivor, asserts that trafficking has always been present since the colonization of the country, but this history is—perhaps

deliberately—forgotten, especially by agents of the criminal legal system and the anti-trafficking movement. Maya elaborates:

My theory is trafficking started in the beginning of this country when they stole our ancestors and brought them here. The women were sex victims, the men and women were labor trafficking victims. It's in our DNA, sadly, and the slave masters were the first traffickers. They took them from a whole 'nother country, bought them over here, use them for their labor and for their sex. That's what this country needs to acknowledge and that's where they need to start. And I often say that in many spaces. Girl, I had got an award before I left [southern California]; it was all White people [in the audience]. I [had previously] went to Ghana and I had my kente dress. I went to the slave castles where my ancestors were. [In my acceptance speech, I said] I want to dedicate this award to [the enslaved ancestors] because they were the first [trafficking victims], and thankfully there was other Black women in the crowd—they started clapping first. So they all [the entire audience] had to clap. I don't care, I speak my truth because as a survivor, I have that right. I'm going to tell you guys the truth about how they should start. And they didn't give a damn about no trafficking until White women started being trafficked.

Maya shared that she was explicitly speaking to a room of anti-trafficking activists, police officers, and lawyers in her speech. Though she received applause for her speech, Maya relayed that she was aware she caused discomfort (if not stronger or more hostile emotions) from the White members of the audience as she reiterated her theory of the origins of human trafficking and the sociopolitical motivations of protecting and rescuing White women and girls as motivation for the birth of anti-trafficking as it is currently manifest.

Cherie, 24 years old and a child sex and labor trafficking survivor, reifies Maya's perceptions on the importance of anti-trafficking to “face” the truth of chattel enslavement and its continuing repercussion on the Black community, specifically Black women and girls.

Speaking about stereotypes of Black women due to enslavement, Cherie explains:

First we have to pay attention to Black women. We cannot just see them as a strong woman. First we need to address that, what has been happening for hundreds of years. I think [we need] to go to the root of the problem. So I would say dissecting the problem, why Black women are not being paying attention to and why that is. And I think this has to do with slavery, they need to go back to slavery time and really analyze everything. Black women are seen as independent and way strong, and we can handle anything. The world, it's almost like normal life for us to take on the world.

Cherie is deconstructing the archetype of the “Strong Black Woman” who is incapable of being victimized because they are idealized as incapable of being “weak” or feminine enough to be victimized since they can shoulder burdens and abuses (Collins, 1990; Potter, 2008). Effectively, if Black women (and girls, through the process of adultification) are “strong” they do not require protection or rescue from sexual exploitation. Cherie’s connection of the construction of the Black woman’s body during chattel enslavement as “strong” and “can handle” anything as justifications from White society—not just enslavers—for the inhumane treatment and degradation of Africans and their descendants.

Anti-trafficking’s enforcement is organized around protecting those who are vulnerable to sexual exploitation, specifically relying on laws and policing to combat trafficking. Amina, a 32 years old adult trafficking survivor, reveals the seemingly natural exclusion of Black women and girls from this enforcement. Explicating from her lived experience, Amina details:

Even the laws that were written on the books—they try to tell us the lie that the Trafficking Victims Protection Act that passed in 2000 was the first federally recognized human trafficking law on the books. Nope, [it was] the White Slave Trafficking Act! That was the first one; and it’s still used today. I know a woman who is locked up right now. She’s a Black woman and she’s been charged with federal charge of the White slave trafficking. So, when I look at those things and just the roots, the historical context of how our country was formed, it was formed on the basis of slavery and human trafficking at its finest. I can’t deny that that what happened in way back in 1500 or 1600 or whatever the year was. It’s still relevant today and it still impacts us today. And those same ideas are still happening today. The fact of the matter is a Black victim is not going to be seen in the same way as a White victim.

I look at our kids, our fifteen- and sixteen-year-old kids that are getting involved in this. The White girl, the Hispanic girl, and the Black girl, and I see this system bend over backwards for the fifteen-year-old White girl. And sometimes I see them do a hard bend for the Hispanic girl if she looks White enough. But for Hispanic girl that looks a little bit too Black and for the Black girl, that doesn’t look light enough, there’s all these roadblocks like, “we can’t do that.” And it’s like, “but you just did it for them,” what’s the problem? I still see a lot of racial disparities when it comes to this, regardless of whether they’re not locking up minors for trafficking, but they’re still locking up plenty of girls that they know are CSEC [commercial sexual exploitation of children], but they’re not being offered services. The little White girls are being offered services, but as far as I can see, it’s not the same for Black and Brown girls.

Amina continues to explain that this history is carried by Black women stating, “I definitely think just being a Black woman in general, that carries a lot. It carries the history of exploitation of trafficking, of slavery. You carry that with you, it’s in our DNA.” Amina centers the history of chattel enslavement as an influence for vulnerability to trafficking, community silence around exploitation of Black women and girls and of the racial disparities of incarceration of traffickers and trafficking survivors.

Amina’s wording of trauma and memories from chattel enslavement being stamped into our DNA was also talked about by Maya. Both Amina and Maya frame sex trafficking of Black women and girls as originating in chattel enslavement, as well as the enduring remnants of racism, sexual violence, and the misogynoir it spawns. What is particularly compelling here is that, to my knowledge, Amina and Maya do not know each other. Further, Amina and Maya gave different answers when asked how they heard about this study and reside in different states—from my best discernment, the commonality with these narrators begins and ends with their shared experiences of being Black women sex trafficking survivors.

Similar to Maya, Amina is aware that the critical race and intersectional frameworks she uses to analyze history work for survivors of trafficking causes discomfort for audiences and fellow anti-trafficking advocates. Amina grounds her expertise from her lived experience as a survivor and her childhood observations of watching her brothers—all of whom experienced some form of trauma—be criminalized and labeled a “problem” or “violent.” When speaking on anti-trafficking enforcement and social services, Amina connects these experiences with her observations that Black individuals who have been traumatized and harmed, especially children, face numerous institutional barriers to accessing resources. Amina stated:

You’re going to do what you have to do to survive and to take care of your kids, of your family. And the fact that a lot of Black people just don’t have access to resources like

other races might in certain communities, that puts us in an even more added layer of a vulnerability because now not only are we in survival mode, but now we're in survival mode and we don't have access to resources that can help us *out* of survival mode. So we have to do it ourselves. That puts us at greater risk when we have to do it ourselves when we don't have access, and that's something I think that a lot of people don't necessarily understand. When we talk about access, it's not just like the ability to walk in and schedule an appointment, it's literally access to culturally responsive, culturally appropriate resources. And we don't necessarily have that, especially when it comes to mental health.... So the things that we talk about now, that wasn't something that was happening for my brothers or for me. You know, we didn't have mental health professionals coming in and recognizing that it was abuse, that there was trauma, and that we needed our brains to be fixed. It was just, "these Black kids are out of control."

Amina is speaking generally about the criminalization of traumatized children, but then connects this with her analysis of the history of chattel enslavement with a weakness in anti-trafficking overall. Amina recounts experiencing hostility in a training webinar about human trafficking when she raised issues of racism and the Mann Act (also known as the White-Slave Traffic Act) during the training:

[The webinar presenters] told me that my question was not appropriate for the context of that training. I was like, "this is about trafficking, how is it not appropriate? I'm sorry that your White guilt is hurting right now." I bring these things up a lot because I need people to understand, y'all don't get to come in and swoop in and make this whole trafficking thing about y'all. I'm sorry, you're not going to do it. Not on my watch.

Amina grew animated in the interview here, shaking her head with vivid facial expressions conveying exhaustion and irritation. Amina stresses the need for an acknowledgement of chattel enslavement in anti-trafficking and for the racial disparities to be centered in this advocacy. Amina's critical responses to others in the anti-trafficking community is not limited to White actors, but she critiques other Black advocates who downplay or try to hide the significance of race and sex trafficking. When speaking of a Black woman who is also a speaker against human trafficking, Amina expresses anger at the lack of a critical race analysis and admittance of the prevalence of exploitation and incarceration of the Black community:

I'll go on presentations at times...with a lady from our community to do presentations about human trafficking. She always says, and it burns me to my soul, but she always says that she doesn't want anybody to think that trafficking is a Black issue because it's not everybody doing it [it is not just Black people who traffic others or are trafficked]. I always cringe because I try to tell her that everybody might be able to be participate in this, and anybody can be a victim [but] this is a Black issue because the majority of folks being locked up for this are Black.

Amina is not dismissing the reality that non-Black women and girls are trafficked and incarcerated but is saying the disparity is glaring enough to warrant more advocacy and attention onto the unique issues facing Black women and girls.

Narrators majorly echoed Amina's sentiments and felt that anti-trafficking overall adopts a "race-neutral" stance by framing human trafficking in all forms as a gendered issue. While this is not completely incorrect, because the majority of identified human trafficking victims globally are women, this ignores the other identities that women and girls have that influence their vulnerability, treatment, and afterlives of trafficking. This, narrators asserted, was why their victimizations across all ages and regions of the United States were primarily ignored and criminalized while the anti-trafficking movement appropriates and relies on language and images that conjure up partially formed memories of chattel enslavement. Meaning, because the nuances of gender, violence, and race in the history of chattel enslavement is either ignored or just not considered in anti-trafficking, the disproportionate impacts of further harm to Black women and girls is either marginalized or treated as divisive, as Amina was.

Narrators also stressed the need for anti-trafficking enforcement in social services and the criminal legal system to have more Black advocates and agents working with Black trafficking victims. Maya details the importance of her nonprofit organization's awareness of race and racial dynamics in bringing new additions to their team, but stresses representations is just the first step:

We were hiring for another case manager, my ED [executive director], she's White and she brought [up racial dynamics]. I'm like, okay, good job for bringing it up. We need enough focus on this race stuff all the time, if we really want to be the change agents in this world. We got a nice balance of Black people, White people. So we good to go. We're a force to be reckoned with. So yeah, it's just a different energy here [in comparison to her former majority-White town to her now majority-Black town]. And I'm thankful for it for sure.

Cherie likewise states there needs to be more Black women involved in anti-trafficking, especially those with lived experience, stating:

I would say there needs to be more people that look like us [Black people] at the top. On top of it, where they're sitting, there need to be judges...[and] more Black women to be on top of the situation. There is a need for Black women to be part of the decision-making and sitting at the table. Not [having the] majority of those [decisions made by] White people who don't know what the hell we go through. They can't make choices [on behalf of trafficked Black women and girls]. Only choices that maybe they can really relate to White women, things they think that affects everybody. There need to be more people who have been exploited involved, 'cause they're the expert. Nobody else is the expert, except them. They went through this a lot. Other people went through it. They're not going to put themselves in their shoes. [Those who haven't been exploited] can empathize, but they can't feel it, what these women went through.... Not the people or judges and the people who are lawmakers. They don't know shit about this shit.

Cherie continues to critique the criminal legal system's anti-trafficking responses, especially the reliance on the criminal statutes. Cherie became physically agitated, and her voice raised higher than it had during other part of her interview when she dismantled the idea of neutrality of law as harmful for victims:

[Agents of the criminal legal system are] just going on based on what is in the law, this shouldn't be just about the law, it should be more based on humanity, not by the law. This should be humanity, not law. Let [survivors] educate these judges. Let them educate these lawmakers,...let the experts be at the table. Sorry, I'm talking a lot, but it makes me angry because the system only makes choices based on law, not humanity. And it makes me so angry. "Oh, that's against the law." It's not about the law. It's about humanity. I don't understand how it's "just" about law.... It just baffles me. They need to go back to the whole root of racism and how Black women used to get exploited, get raped by these White people and having children. And it's just deep. Just, I would say going to the root of the problem. If we go from here, we can really dig up stuff and get to the top,...climb up the ladder. So that's what I was saying, climb the ladder from the bottom. Not from the top, but from the bottom.

Cherie ended her statement by saying she feels “angry” when thinking about the organizational structure and guiding principles of the criminal legal system’s arm of anti-trafficking enforcement. That is, people who have considerable societal power (and are overwhelmingly White men) dictate laws on the assumption of neutrality and implement them even though they have disparate impacts on vulnerable populations.

In many ways, Cherie described the sentiments of several narrators who saw the criminal legal system as a barrier against them as sex trafficking victims that worked against them and their interests by incarcerating them. In my observations of the Colorado Human Trafficking Council, representatives from the legal system, especially police officers and prosecutors, often became irate when the criminal legal system was critiqued and stated that the neutrality of the law, while having some necessary human collateral damage,⁵⁶ overall benefits victims of human trafficking. This runs counter to the perceptions of the majority of narrators who are trafficking survivors who mainly felt and were treated by laws and the criminal legal systems as adversaries, with the exception of some of their defense attorneys. Narrators who identified as former prostitutes tended to report a more neutral or less distrustful outlook on the law and criminal legal system. However, both groups of survivors felt that having lived experience experts steering anti-trafficking efforts is essential for combating trafficking and reducing harmful impacts on Black women and girl survivors.

Dana shared a similar outlook of lived experience expertise leading the anti-trafficking movement, especially non-White survivors as the “face” of anti-trafficking. Dana praised her nonprofit organization’s outreach and support programs that were led by survivors such as herself and the working relationship between police officers and the courts. Dana was the only

⁵⁶ This was said to me in an aside by another Council representative. At the time of my resignation, they remained a representative.

narrator to have this positive experience, even as other narrators emphasized the importance of survivor-led initiatives, especially survivors from disenfranchised populations.

Narrators asserted the need for a racial reckoning that includes a comprehensive history of the complexities and brutalities of chattel enslavement, its lingering impact on how Black women's and girls' bodies are constructed, and its racist, sexist, and classist ideology continues to shape the criminal legal system and anti-trafficking. Specifically, narrators focused on how the framing of trafficking as a solely "gendered" issue, renders their race and other identities invisible and its advocacy is inherently exclusive, favoring White women and girls over other victims. While narrators centered the legacy of chattel enslavement within the criminal legal system, survivors of trafficking said that the lingering shadow of enslavement within the Black community also needs to be dismantled in order to combat the sex trafficking of Black women and girls and work towards accomplishing justice.

Of Community and Kinship: Trust, Love, Protect, and Believe Black Women and Girls

Narrators felt unprotected and devalued as Black women and girls by White supremacist society at large *and* because of misogynoirist beliefs within the Black community. Narrators cited two root causes of their susceptibility to exploitation: (1) the fetishization of Black women's bodies; and (2) abuse by Black men. For both root causes, narrators described feeling pieced apart by being minimized down to their body parts and sexuality and feeling pressured to stay silent about being victimized by Black men. Just as narrators saw the importance of the legacy of chattel enslavement for a much-needed racial reckoning, so too did narrators connect the sexual abuse and dehumanization of enslaved Black women and girls to the fetishization of their bodies. As 26 years old child sex trafficking survivor Zora asserted, "my shape—like big butt, big titty, a thick girl—was like, that shit [her body] is gonna sell." Zora was fourteen years

old when she was first sexed trafficked and, like all the narrators of this study, stated that the men who paid them were primarily White or Latino men. As Dynah has previously described, when men knew or had suspicions of Zora's age, it did not deter them from wanting sexual access.

Tiara, a 25 years old child and adult survivor, similarly details the attention given to Black women's and girls' bodies due to racist and sexist stereotyping:

Well when you see prostitution's stuff, like documentaries and movies and things like that, you see Black women who are normally in that role, they're in that spotlight. So they are viewed as [prostitutes]. And then you have the music videos and have half naked Black women just exploiting themselves with the outfits that they wear. And you have strip clubs where the thing [demand] is thicker Black women in these little outfits and stuff. I fell into this trap, too. I fell into this statistic. I never wanted that for myself because we're more viewed as like hoes and strippers and Welfare Queens and shit like that. It was never something positive as once society looked down on us or look at us in general.

Tiara, herself involved in the music industry, names the highly sexual music culture of some venues of hip-hop and rap but does not consider all music that is culturally Black to be exploitative of women dancers and performers. Rather, she was speaking about a specific commercialization of Black women's bodies (or body parts) in becoming mainstream and popular, and, therefore, lucrative. Dana, a 53 years old child and adult survivor, also looks at cultural artifacts of the Black community for dehumanizing Black women and girls. Speaking of the "blaxploitation" films of the 1970s, Dana argues:

I think that the movies made it okay for [Black men] to pimp us. You know, all the movies—*Dolomite*, *The Mac*—all that stuff they played in that neighborhood [genre] made it okay for them to do that with us. An immediate thought is, if they ain't pimpin', they ain't doing it [being successful or having social status], you know what I'm saying? [For example,] Memphis is known for their pimp folk, even [the song by] Three Six Mafia, "It's hard out here for a pimp." I say, if it's hard out here for a pimp, don't you know what it is for a hoe? I think she got a little more work [to do]. He ain't doing nothing. So how is it hard on him? I beg to differ. I mean everybody glamorizes it.

Dana is not denigrating Black culture, nor is she solely blaming a monolithic ideal of “Black culture,” as some research has done, that states there may be a connection between rap, hip-hop, and these films as causes for violence Black women and sex trafficking (e.g., Nichols, 2016). Rather, both Tiara and Dana are talking about specific subsets of these cultural artifacts that rely on exaggerated stereotypical depictions of Black women, men, and sexuality for profit, and the ways this also sells justification of objectifying Black women’s and girls’ bodies and hypersexualizing them.

At the core of the narrators’ experiences and their perceptions was the awareness that the same systems that oppress Black women and girls because of their race, gender, and sometimes class is also disenfranchising Black men and boys. Narrators revealed frustrations around the community rallying around injustices committed against Black men and boys while the violence towards Black women and girls—and Black nonbinary or genderqueer individuals—is sidelined or silenced all together. This was particularly upsetting for the narrators because all thirteen, both the trafficking survivors and former prostitutes, all had traffickers or exploiters who were Black men. Some of the narrators struggled with wanting to hold the traffickers and exploiters accountable because of their cognizance of the plight of Black men and boys and their likelihood of criminalization and incarceration. Zora explains:

This is going to sound so controversial, but I feel like we need to hold Black men accountable. And not just Black men, but men of Color accountable.... I just feel like anytime that I’ve ever been exploited, or my friends have been exploited it’s by them, by our own people. I think White people exploit Black people, too, don’t get me wrong. But I feel like men have to tell women that they’re worth [protection from community]. I think just telling the girls that they’re worth it because a lot of times they don’t want to press charges because they don’t want to see me as a snitch or however they feel. But I just feel that telling them that they deserve justice and the things that come with justice, you know?

Zora is referring to a silence around the abuses Black men commit to women and girls in their communities. It is not uncommon for Black women and girls to hesitate in speaking about their abuse because of societal stereotypes of Black male criminality that is used to disparage the Black community as a whole and the possibility of contributing to the prison industrial complex (Jones, 2019). Here, Zora is explaining the necessity to encourage seeking justice for trafficked women and girls, because they *deserve* the opportunity to pursue justice. Zora again emphasized the importance of enunciating and demonstrated that Black women and girls should be loved:

I feel like for young girls to stop prostituting, I don't know if this makes sense, I feel like the men that look like they were pimping or that they're so in love with, if they told them that they're better than this and that they're worth more than this.

Zora's language refers to "prostitution," but she makes it clear she is including both girls who are deceived into prostitution (trafficking) and those who enter prostitution under circumstances that may not necessarily be exploitation. Throughout this exchange, Zora was insistent that normalizing the vocalization and actions that convey valuing and loving Black women and girls as an effective preventative and healing measure because of their devalued status in society. For Zora, Black women and girls deserve justice because of what they have survived, and they deserve justice because they are worthy of respect and love.

Tiara reiterated this sentiment of asserting Black women and girl survivors deserve justice but are afraid of the cultural stigma that speaking out can create:

I think that it all starts with women being able to come forward. I think that a lot of women get held under this standard of snitching or loyalty or they find themselves not wanting to be perceived as this person who's just can't be trusted because they came forward to speak about [being trafficked]. Because the trafficker is not going to come and say, "I'm trafficking these hoers" or "I'm doing this behind closed doors." So it really takes for women to feel comfortable to share their experiences or get help. But they just don't think that's what it is because of...the idea that's been put on society that if you come forth and you'll be labeled as this or you'll be viewed as this or you'll have to deal with these types of consequences. It really just starts with bringing a comfortable

platform for where women feel like they are going to get help and they don't have to worry about any type of negative things coming from it or people judging them.

Tiara emphasizes the importance of speaking truth to power in naming their experiences, another practice of Black feminist thought. Tiara and Zora are also discussing the importance of listening to outcries of trafficked Black women and girls to combat the ignoring or marginalization of their pain and trauma because of the archetype of the Strong Black Woman. As Cherie summarizes, “we have to pay attention to Black women. We cannot just see them as a strong women.... [W]e always feel like we have to be strong because we don't have people to protect us.”

Maya shared with me some barriers Black women and girls have with accessing justice through the criminal legal system after exploitation:

I think they can ensure justice to them by listening to them, and don't fucking let police officers be the one to fucking interview them. Call in people like me, call in non-profit people to talk to them because, number one, [victims] don't trust you. They don't have a relationship with you. They're not going to open up to you when you're a police officer. Most police look like White men, so they're not going to open up to you. Of course they're not going to tell you that they're being trafficked. I think they're doing better, but they need to do more. It's a lot of White women and White men [leading] this human trafficking movement. That's why they're missing the mark tremendously. I think they need to really fucking come down harshly on the buyers, especially [buyers of] children under the age of 21, they needed to come down harshly. I've heard the stories and dealt with clients where they were young and minors and this old White guy that's rich was getting off [of trafficking them]. And the main focus in this whole movement is the trafficker, and who's the trafficker? Most of time Black men. So it's the same thing of War on Drugs. You know what I'm saying?... [I]t's the same type of movement. So it's like you guys are missing the mark because you guys are focused on the wrong things.

Maya is not saying that traffickers who are Black men should be overlooked or treated leniently because the history of “criminal justice” campaigns disproportionately targeting Black men.

Maya is explaining that one of the many hesitations that Black women and girl survivors have is contributing to this further stigmatization of Black men by revealing being exploited by Black men. In a more problematized way, the anti-trafficking movement also aggregates victims of

trafficking alongside their pimps as culpable criminals who allow sex trafficking to thrive. Maya continues:

I remember when I got caught up in Orange County and I went to jail and that sting, and it was us girls that was going to jail. The Johns was just sitting there getting booked and released and that's still how it is today. My main thing is if you take care of the buyers then there won't be a need for suppliers. Especially when it comes to like young people under eighteen.... And if we want to really protect our girls and protect our kids, our youth, then that's where we need to start. They need to be fined like a DUI, like the first time \$5,000, second time \$10,000; first time you need to go to the John school, you got to pay the money and then you know, whatever. Second time take your license away. It really needs to be like a harsh, harsh stipulation because it's been going on for so long and they've been getting away with it for so long that they feel so egotistical.... [T]hey get to sit in these rooms and hear about the new things that's going on with human trafficking...and still they'll leave the room, and they still go pay for it. A little girl.

Aiesha concurs, saying that justice is possible when customers and buyers of sex face punishment for their participation in exploitation:

To achieve justice would be to erase [the victim's] record. Any type of arrest that dealt with the soliciting, with the intent to prostitute or the prostitution itself, it should be taken off. As far as justice, I believe that now they're doing it, now they're calling them Johns. They are arresting the Johns,...so if he gets arrested the first time he gets arrested for picking up a prostitute, he has the opportunity to go to Johns' school or do some type of classes and get that off his record immediately. I mean, just like it's a wrap and as long as he doesn't get in trouble for one whole year that that will never ever be on his record. You know, it's not fair that a John or a trick get arrested for prostitution and they have the opportunity of having it erased.

Narrators opened up about their emotional and mental struggles to acknowledge the harmful legacy of enslavement's impact on how society and their community sees them—as oversexed Jezebels or a body to exploit for personal gain—and how structural racism also harms the same people who are exploiting them. Furthermore, Black women survivors are well aware of the risks of speaking out about their kin; they are aware their testimonies could very well contribute to the harmful cycle of incarceration and further disparaging of their community but are angry over their perceived zero-sum choice of speak out and cause harm or stay silent and suffer.

Narrators overwhelmingly distrusted the criminal legal system, but some still had wanted to pursue justice through the court, but most ended up on trial themselves alongside their trafficker. Survivors also lamented that buyers, especially men who pay to sexually violate children, are not given priority in anti-trafficking enforcement. Instead, narrators were critical of the focus on traffickers because that focus often placed them on a slippery path of criminalization due to the stereotypes of the inability of Black women and girls to be victimized. “Justice” then becomes a muddled and ambiguous term, with many narrators outlining steps towards attaining justice for Black girls, but some remain doubtful of a real possibility of justice. 22 years old adult sex trafficking survivor Nia demonstrates this sentiment: “[Y]ou can’t really get justice from being sex trafficked. It happened, you get some help, and you can’t get over it. There’s no way I’m getting over it.” Dynah also divulged that she did not know if she could heal from her multiple instances of being sex trafficked but informed me that she was doing her best to “pick up” and move on.

Other narrators shared their optimism and how they moved forward with their lives as they continue to work through their trauma. Imani, 34 years old and an adult trafficking survivor, recited a poem she wrote about her survivorship, experience with the criminal legal system, being failed in the pursuit of “justice,” and her healing process. Out of respect for Imani’s creative and intellectual property, I will not include the poem here. However, I will offer a summary that the poem’s underlying message was hopefulness and persevering, not in the same vein as the Strong Black Woman, but as a survivor. Imani’s resilience is best summarized by these two lines, “My past does not define me. My future is not predicated on man’s opinion of me.”

Summary of “Justice” For Black Women and Girls

No matter their position on the im/possibility of “justice” for Black women and girl survivors of trafficking, all narrators agreed on two points. First, Black women and girls are in need of love, protection, and valuing from society, but most importantly, from their communities. Narrators wished for the same community rallying and support around the victimization of Black women and girls that occurs for Black men and boys when they have been victims of injustice but know because the ones harming them are primarily Black men, they will most likely keep running into the veil of silence. Second, narrators animatedly gave prominence to the need to listen and believe Black women and girls when they do outcry about their exploitation and trauma.

The next obligation of a Black feminist criminologist researcher is to ask where do we (researchers and survivors) go from this point? How can this research be used in the best interests of Black women and girls and effectively address being victimized by traffickers, exploiters, their communities, and the criminal legal system? How can this research be used in the fight for Black women’s and girls’ liberation? This will be detailed in the epilogue chapter. For now, *Remnants of Chattel* posits that the necessary next step is learning from the advice narrators offer for other Black women and girls in similar situations as they were. This sharing of advice also adheres to Black feminist tenets of self-definition by offering counter-narratives of perceptions of the trafficking of Black women and girls and combats their objectification under a White supremacist patriarchal matrix of power and domination.

This advice subsection will close this chapter. Not all narrators shared advice they would give to other Black women and girls in a shared situation, but those who did are included here. Included below are their interview excerpts and words of advice that I, because I am not a

survivor of sex trafficking, will not interpret or analyze. Instead, the narrators' powerful testimonies will be the "last word" of this chapter and, ideally, be carried with us as this research comes to an end.

Advice to Other Black Women and Girls

Amina, 32. Adult survivor of sex trafficking with multiple traffickers.

I always tell people, keep going. You gotta go through to get out, you know? I tell them, it's hard. It's rocky, it's rough. There's going to be good days, bad days, high points, low points. You know, you're going to be out on your peaks and you're going to hit your valleys, but you got to keep going. You gotta keep pressing through 'cause that's the only way out, and there is light at the end of the tunnel; there is a rainbow and there is a pot of gold at the other side of that rainbow. Your trauma and your pain, it could either be your prison or your superpower. You get to decide how your story ends. You get to decide if all you've experienced will destroy you or if it will help you destroy everything that comes against you.

So that's what I'd tell her. That's what I tell people when they come into my office and they'd be like, "everything's hard. I don't know what I'm going to do." And I'll be like, let me tell you, just keep going. My mom always says, "you just gotta keep going to bed and you gotta keep getting up." That's all you can do. Yep. All you can do, can't do nothing else.

When I was locked up, there'd be days where I thought I wasn't going to make it. And I was like, "I can't do this another day. I can't be here. I can't do it. I can't do it." They're not gonna let you out. So, you don't have any choice but to just keep going and live every day and try to be better than you were the day before and not try to not make mistakes. Says you're gonna make mistakes. Don't be afraid of them. Just, just keep going. And everything that happens to you is for a reason and God doesn't put more on us than we can handle. And there's always a plan, even if we can't see it right now. There's always a reason for greatness and for glory. It's what I believe. That's just, that's what I know to be true.

So that's what I would tell people. That's what I would tell somebody going through a situation right now. Maybe they're coming out of a situation and they've reached their end of their rainbow, but now they're like, "okay, now what?" Just keep going. Just keep going. Like the Energizer Bunny. Just keep going, bang a drum and keep pushing, bang a drum and keep pushing.

Dana, 53. Child and adult sex trafficking survivor with one trafficker.

That ain't your life, and it doesn't have to be your life. And if you don't think you can do it, I can walk through it with you. I stand with you; I'll be there to put my back against your back if you need me to. Remember growing up as a little girl, they're asking what you want to be? I know when people used to ask you when you were younger, what is it you wanna be when you grow up? What is it? Because I believe you still got it in you. I

always tell women how they can find me. We have a place [a support shelter] and just go on and tell them, you need the lady know about the sex trafficking. So, just go to the shelter and say you need some help. They're gonna call me. You don't have to be stuck. You don't have to be stuck; we can band together. We help you. I will fight for you, but I can't fight more than you want to fight. You gotta fight with me.

Dynah, 42. Child and adult sex trafficking survivor with multiple traffickers.

I would tell them, get some help and get out of it. It's not worth it. It's not worth losing your life the way that I did. It's not worth the depression and the PTSD, it not worth the panic attacks and the anxiety attacks, it is just not worth it. I would say other than to please get out, please go get some help because it's out there for them now....

I was with many different traffickers and every time a new girl would come, I would try to get her to leave because they didn't see beyond the money and the diamonds and the furs and the parties. They didn't see behind the scenes. They didn't see the beatings and going hungry for days as punishment and see all those things. So I would always get beat up because I was trying to make a girl go home. I want girls to know now that they have people, they have organizations, they have a human trafficking task forces that's there for them now. Things that I didn't have then and resources I didn't have then. And if they're in a situation and if they can ever get out, to get out. I lost 15 years of my life because none of these resources was in place. [Dynah starts crying.] I just don't want them to go through the things that I'm still going through due to being human traffic. I want them to be free and love themselves and just get out and stay out.

Jamilah, 51. Self-described former prostitute with one exploiter.

If someone is making you do something sexually that you don't want to be done, tell someone. Someone that they trust, an authority figure, a police officer or a social service person, a case manager or their parents.... I would just say tell someone, speak up if you feel like something doesn't feel right or if someone is making you do something that you don't want to do, tell someone, tell someone because there is someone out there that will listen to you. I don't remember ever being told if someone is touching you or you're being touched or you're being made to do something that you don't want to do, you don't have to do it. I was never told that.

Leticia, 32. Self-identified former prostitute as a minor with one exploiter.

You have to be ready. At the end of the day you have to be willing to change and you have to believe in that person.... So it has to be instilled that we're going to protect you. Protection is a must, so I can protect you. I'll be willing to help you change your life and look at [you] as a human being that deserves a chance that deserves any other opportunity.

Maya, 32. Child and adult sex trafficking survivor with multiple traffickers.

I would tell them that we come from a people that are resilient and powerful and magical, that they're always trying to bring us down and hold us down. But yet we still shine, and we still rise, and they still want to be like us. So don't ever doubt how worthy you are. Don't ever think that because you've been through something like this that you can't change your life for the better and be the greatest version of yourself. I would tell them that dreams still come true. Miracles are happening every day in many people's lives. But we do have to do the work and we do have to believe it right? And we still have to dream. So don't give up on yourself. Don't give up on you family, unless they're super toxic, then fuck them. And just be beautiful and, whatever you believe in, if you believe in God, if you believe in your ancestors and the divine mother earth, whatever it is, know that that entity is there for you and your number one fan. So you got to tap into and believe in you. And that's how change is going to start.

Megan, 56. Self-identified former prostitute.

The hardest thing, I think it's not having any money or being broke because even though we know it's deeper than that, you got to first tackle that problem. Because the thing that draws them back is money. So, you gotta make sure that you have something to give them. When you go to talk to them about, you can say, "Oh, this is the help you need" or, "I want to help." I'm saying, "come on, I'll walk with you." And I will walk with them.

Nia, 20. Adult trafficking survivor with multiple traffickers.

But you know, you're still gonna think about it from day to day, but there's not really anything you can do but get yourself some help. The only thing you can do is just get better for yourself and move on.... It's not worth it. Whatever arguments or things you've been through, you just got gotta find a happy place, you know, um, get some counseling, get some help, go to church, something to get your mind off whatever you're going through. So that way you won't have to go through something as tragic. You gotta worry about yourself, worry about your mentality, your physical health and mental health. Everything.

Tiara, 25. Child and adult sex trafficking survivor with multiple traffickers.

I would definitely tell any woman to remember how valuable you are. There is no price to your value because you're just that valuable. Please don't ever put a price on it because it's, there's no money, no nothing in the world worth that. You have to love who exactly who you are first, there's nobody who can give you that love. There's nobody who can validate you. So just always remember who you are and what your purpose is, no man can give that to you. No man shall be able to take that away from you. We are queens and we gave a man his name. So don't ever let him strip that power away from you because everything a man knows, a woman taught him.

Just remember that there's always help. There's always somebody who's been through what you've been through. There's always somebody to talk to. You don't

necessarily have to confide in everybody. But there is somebody who's willing to listen, seek help because everybody doesn't make it out. You want to grab yourself back before you fully let yourself go. So just be strong and stand on your own two feet.

Chapter Eleven

Epilogue

“We realize that the only people who care enough about us to work consistently for our liberation are us. Our politics evolve from a healthy love for ourselves, our sisters and our community which allows us to continue our struggle and work.”

Combahee River Collective, *The Combahee River Collective Statement*

The narrators all provided their time, emotional labor, and knowledge to inform this research on sex trafficking and Black women and girls. Throughout our interviews, the narrators constantly reiterated their connection with and love of Black women and their Blackness in some form. Whether it was from the familial support of their mothers, turning inwards for a strength that had been cultivated from their racist and sexist experiences, or their foregrounding of their activism in the horrific history of Black women’s and girls’ chattel enslavement, the narrators found their identities as Black women to be crucial in some way before, during, or after their exploitation if not present all throughout.

The narrators illuminated on the importance of self-defining when naming their own experiences and grappling with the messy politics of taking the label of “trafficking victim” even when they understood their experience as such. Narrators did not always share a consensus on perceptions, not surprising given the diversity within Black women’s experiences, but did state that the devaluation of Black women and girls in larger White supremacist patriarchal society and in their own Black communities created their vulnerability for their various traumas and sexual exploitation. Furthermore, narrators also state that the assumed burdens of Black women and girls to protect their community, take care of others, and the pressure they felt to just “deal

with” or “move on” from their abuse compounded their victimization, especially when said abusement created their interactions with the criminal legal system as offenders, not victims.

The general silence of the emotional, physical, and sexual abuse of Black women and girls from both their own Black community and U.S. society overall, also ignored that their victimization is a symptom of structural oppressions in the United States. According to the narrators, this ignorance perpetuates their abuses by focusing on other forms of racism and inequality that oppress the Black community by focusing on Black men and boys, erasing the visibility of the impacts of structural and systemic injustices of Black women and girls. Sex trafficking and sexual exploitation is but one manifestation of this violence but its relationship to the legacy of chattel enslavement and the oppressions it wrought are erased by both the anti-trafficking movement, the criminal legal system, and sometimes the Black community itself.

I previously stated that this research was born out of my love for Black women and inspired by the activism and protection of the Black women of my childhood who worked to protect themselves and their children from predators—both agents of the state and Black men. The narrators have all in some way engaged in activism. Eight of the thirteen narrators—Amina, Cherie, Dana, Imani, Jamilah, Leticia, Maya, and Zora—work in nonprofit organizations and stated that activism is a part of their employment. Other narrators, like Maya, are also activists outside of their jobs. Aiesha and Megan are unemployed but work with street-involved women and youth outside of a nonprofit because they feel a kinship with the people they are outreaching to and want to give back to their community. Several narrators articulated that their experiences with prostitution and exploitation motivated them to work to help others however they can.

Though not named as such by the narrators themselves, this is Black feminist politics for liberation in action. Narrators declared that, at the end of the day, they want liberation from

oppressive systems and structural inequality and want to prevent other women and girls from experiencing what they experienced. I will not call the narrators *feminist* because none used that label to describe themselves, but I do see their actions and end goals as expressive of a Black feminist politic for liberation. In fact, most of the narrators even stated that it was up to “us” to free ourselves, with some doing hand motions of including *me* within “us.”

Several narrators were curious of the title of this research, *Remnants of Chattel*, with some asking for the rationale behind it. I answered that I do not see the women, who were generous enough to trust me with intimate details of their trauma and vulnerability, as chattel. On the contrary, I see the opposite—the narrators as whole women with complex lives, nuanced feelings, and knowledge born from who they are as *Black women*, not just as Black women who are survivors. To be enslaved as chattel means to be dehumanized to a piece of property entity for capitalistic and personal gain, from which a Black feminist resistance did arise. *Remnants of Chattel* is referring to the structures that create multilayered oppressions on the hierarchization of race, gender, socioeconomic status, and other identities that are weaponized to perpetuate these oppressions. Black women and girls stand in and are forced to navigate the legacy of chattel enslavement and its remnants, but continuously resist, as the narrators continuously do in their advocacy and through their individual journeys.

As for me, I resigned from the Colorado Human Trafficking Council in early 2021. While the official reasoning for the resignation was a professional transition, I had been contemplating leaving the since early 2020, a little over a year into what was supposed to be a four-year tenure. Through the circular discourses, multiple instances of colorblind racism, sexism, and no meaningful conversations about how to effectively combat human trafficking of vulnerable populations, my patience with the Council gradually died. The turning point was the superficial,

patronizing, and pointless discussion of the Black Lives Matter uprisings in the summer of 2020. The lack of empathy and the self-congratulatory posturing made me feel physically ill, because I had previously gone to protests (an admission that had made some representatives look at me with I believe was skepticism and perhaps offense) and because of my apparently non-neutral stance that Black lives *do* matter.

Ultimately, my resignation was inspired by the narrators who impacted me as a Black woman and feminist researcher and reminded me that affirmation, love, and protection of Black women and girls cannot come through institutional responses. The endgame of Black feminist research is liberation from White supremacist patriarchal oppressions. Though many of the narrators work in nonprofit organizations and serve on taskforces and councils of their own, I no longer felt that I could make a radical change or be my authentic Black feminist self if I continued serving in the capacity of a research representative for the Colorado Human Trafficking Council. Instead, I was reminded of the power of working within one's own community and working with individuals who want to completely dismantle the Master's house, not just retrofit parts to be more "inclusive." I could not be effective as a Black feminist fighting for liberation for Black women and girls while I was part of a larger system that harms them. Instead, I search for other ways I can advocate for Black women and girls sex trafficking survivors. I believe creating more research that centers and learns from Black women's and girls' lived experiences and activism can aid in the work for liberation.

When Research Moves Forward: Future Directions of Sex Trafficking Scholarship Challenges of Remnants of Chattel

While I attempted to be as comprehensive and wide-reaching as possible with contacting nonprofits to advertise the call for participants, I was not successful in connecting with Black

women who are not cisgender. Given the disproportionate number of Black transwomen and youth who are sex trafficked and incarcerated for their exploitation, this omission is the most significant limitation of this research. As such, the insights gleaned from these narratives, as powerful and necessary as they stand, are solely from a cisgender women's perceptions. While recent research has begun focusing on the experiences of LGBTQ+ survivors, including people of Color, researchers and advocates require more knowledge production to prevent causing further harm and trauma.

Though the virtual platform still yielded rich interviews, a second limitation was the inability for me to meet and interview narrators in person. The adjustments for a wider range of potential narrators and ensuing COVID-19 pandemic, sometimes created a distance between myself and narrators and prevented me from establishing a rapport or sense of community with some of the narrators. It was also limited because not all survivors of trafficking may have access to a laptop computer or other electronic device that can connect to Zoom, and this socioeconomic and technology barrier may have excluded some potential narrators. A benefit to the Zoom platform was that I was able to interview women outside of my state of residence, so this study has a more diverse geography of survivor locations and narratives.

Lastly, this research was intended to provide a more holistic interrogation of the legacy of chattel enslavement and contemporary sex trafficking of Black women and girls. This would have been accomplished accessing and using archival research and site visits to memorials of U.S. enslavement, but the pandemic prevented this travel. While the chapters dedicated to previous research by other scholars was meant to be a temporary replacement for this analysis, what is included here may not be as compelling or as comprehensive as information from site

visits may have been. This uncertainty in the potential or added benefits of this historical analysis' potential is the last identified limitation of this study.

What Was Learned from the Narrators?

Limitations considered, this research has provided knowledge a plentiful on Black women's and girls' experiences with sex trafficking and navigation of the criminal legal system. This research sought answers to three research questions: (1) How do Black women who are trafficking survivors understand their experiences with exploitation? (2) How do Black women trafficking survivors navigate the criminal legal system before, during, and after exploitation? (3) How does the criminal legal system interact with Black women (and girls) who have been trafficked?

The narrators demonstrate that the societal framing of "sex trafficking" itself felt exclusive to them and their experiences, with several survivors noting that trafficking is considered something that *happens* to White women while Black women *cause* their exploitation. Several narrators also explained that while they use trafficking terminology and agree their experiences align with legal definitions of trafficking, they felt that what they survived had more nuance to it. For some of the narrators this was due to the relationship with the trafficker(s), because several of the women reported being able to negotiate behavior expectations and acts of rebellion that did not always end in their punishment. Other narrators stated their "attitudes" frequently changed the nature of their relationship with the traffickers and though they were still abusive did not necessarily feel captive. Lastly, narrators who grew up in the 'hood did not believe sex trafficking could happen to Black girls and felt the label of "trafficking victim" minimized them from a whole person to this singular, traumatic period of their lives.

The majority of narrators had contact with the criminal legal system before the onsets of being exploited usually due to childhood physical or sexual abuse or addiction in the home. The majority of narrators who were trafficked as children were adopted into extended or non-birth families and they discussed at length difficulty with new home adjustments, difficulty in forging emotional bonds with their adoptive families, and general instability due to life changes. Narrators were also overwhelmingly sexualized as children and the majority reported being victims of sexual violence during childhood, most of them from fathers, stepfathers, or other male relatives. While they were being trafficked, many narrators came into contact with law enforcement officers. These interactions ranged from indifferent to hostile, with trafficking survivors stating that police officers were often unhelpful to them. Some narrators described that police officers exacerbated the exploitation of the narrators, either explicitly by forcing sex with—raping—the narrators or being complicit through inaction, leading to an *amplified victimization* that compounded the violence against the narrators and their trauma.

Narrators who are survivors of trafficking were also arrested, faced criminal court plea procedures or trials, and incarcerated for crimes related to the exploitation more than their peers who identified as former prostitutes. Trafficking survivors described feeling re-victimized by prosecutors who the survivors say humiliated them and refused to see them as victims. Many narrators did praise their defense attorneys for their performance and their attempts to convince judges and juries the narrators were victims of traffickers, not co-conspirators. In Dynah's case, in her trial for the second-degree murder charge for killing the second man to traffic her, the defense attorney argued that Dynah's history of sexual violence and trafficking since she was eleven, the murdered man's known association as a trafficker, and Dynah's confession could mitigate her prison sentence. In all cases, defense attorneys failed, and the narrators were

convicted and incarcerated. Despite their ultimate incarcerations, narrators praised the work their defense attorneys did on their behalf.

Incarceration did provide a means of exit from being trafficked for some narrators, either by isolating or being isolated from the traffickers or by gaining access to resources they previously could not use, especially therapy. Other narrators describe feeling tired of the lives they were living, the exploitation, and reported that they left of their own accord, with minimal resistance from traffickers. For narrators who left without the intervention of imprisonment, they cited having support from family and loved ones and a desire to change themselves as the reasons for leaving and creating their final exits. None of the narrators felt they had been granted “justice” as they navigated the criminal legal system.

Narrators also faced multiple barriers to healing. For incarcerated survivors, they described the difficulties of felony disenfranchisement and employment discrimination for due to their formerly incarcerated status. Other narrators state that the vulnerabilities that caused the onsets of exploitation remained, especially mental health issues, having stable incomes, and drug addictions—though all but Dynah indicated that they have gradually been successful at overcoming these barriers. Other barriers include the lingering impacts of trauma from being trafficked and the difficulties this specific trauma brings, even with therapeutic intervention.

Finally, the narrators, including ones who now work with or alongside the criminal legal system, do not have faith in the criminal legal system to be a fair arbiter of “justice” for Black women and girls who are sex trafficked. Narrators merely stated that police officers should not be tasked with interviewing victims due to history of police officers’ relationships with the Black community and the fact that most of the men who paid for sexual access to the narrators’ bodies were White men who “look like” police officers. Aside from this mention, narrators did not

elaborate or provide recommendations on how to improve the criminal legal system's interaction with Black women and girl victims of trafficking.

Towards Liberation for Black Women and Girls

Narrators centered solutions for prevention and combating of sex trafficking of Black women and girls at a starting point in society, specifically within the Black community.

Narrators argued that for change to occur, Black women and girls must be elevated in their community, loved and protected with the same ferocity given to the injustices of Black men and boys, and the stigma of outcrying of abuse needs to not be seen as “snitching” but as cries for help and intervention. Narrators said the most important first step towards combating the sexual exploitation of Black women and girls is to dismantle the stereotypes of strong and hypersexualized women and instead see their pain, believe them, and provide a safe environment for Black women and girls to share their narratives and work as a community to address their victimization. This is the foundation upon which “justice” can be given for Black women and girl survivors of sex trafficking, not courts or police, but community-level change that will also elevate their status in society overall and see Black women and girls as complete human beings.

Narrators described dismantling of oppressive structures and power delineation by reclaiming their histories, identities, and narratives from the anti-trafficking movement in the United States that the narrators feel appropriates African/Black history of chattel enslavement and stories for an anti-trafficking agenda that primarily benefits White women. The acts of dismantling structural oppressions that beget violence, working from a grassroots-community level upwards, reclaiming power, and self-identification are all core tenets of Black feminist thought and Black liberation. As Black feminist writer and activist Feminista Jones (2019) states, “Black feminism is the key to Black liberation” (p. 8). Sex trafficking is one of the many

manifestations of misogynoir and combatting one of its aspects means to threaten its hold over the Black community and society overall. This is what liberation is: the dismantling of the harmful ideologies of structures that use systems and individuals to harm its victims and keeps them in their oppressed sociopolitical location. This research and the narrators are *Black feminist thought as liberation* manifested. Future research, mine included, has been provided a blueprint for how to study disenfranchised populations and sex trafficking. Research that considers itself to be feminist and/or intersectional should be conducted with the motivation for knowledge to explain phenomena but should also seek to be liberatory for the most vulnerable groups in society.

I hope *Remnants of Chattel* has provided a justification of how sex trafficking research can be improved through its intersectional theoretical framework, methods, and Black feminist liberatory ethic in research. I hope *Remnants of Chattel* can be used to continue and expand much needed advocacy around the victimization of Black women and girls and the misogynoir that constrains us. I want to close this final chapter with the two phrases that all narrators at one point expressed, in a variety of emotions, that are required to begin these changes for Black women and girls.

We need to love and value Black women.

We need to listen to Black women.

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APPENDICES

APPENDIX A: Glossary

Adultification: Process of viewing children as adults, particularly with assuming they know more about sex/are more sexually active than their peers.

Amplified Victimization: an act of violence that compounds or intensifies the trauma and harm experienced previously or simultaneously due to the actors involved or the institutions in which the victimization takes place

Ankle Monitor: Monitoring surveillance system to limit mobility of the wearer and reports locations to the state. Ankle monitors are often used when individuals convicted of crimes are sentenced to house arrest or are on parole or probation.

Blade/The Blade: Colloquial term used to refer to areas known for prostitution.

Bottom/Bottom Bitch: Based on a hierarchy of a pimp/trafficker in control of multiple individuals in a stable. The bottom is in charge of “training” new inductees in the stable as well as overseeing their discipline on the authority of the pimp/trafficker. Bottoms are sometimes given preferential treatment in terms of freedom and mobility, but also face more repercussions when they “step out of line.”

Carceral Feminism: belief system asserts the criminal legal system is needed to protect women victims of male violence, and advocates for a closer relationship between victims, researchers, and the criminal legal system.

Carceral State: As a conception, “carceral state” has many definitions, all of which center policing and punishment apparatuses to control a population. I define carceral state as the surveilling, punishing, and incarceration of people as social control and to reify power and domination based on a White supremacist patriarchy.

“Caught a Case”: To be charged with a crime.

Chain Gang: System of convict labor where the incarcerated laborers were joined together through a shared set of shackles and chains. Chain gangs were common on plantations and plantations that had been turned into prisons.

Chattel Enslavement: The political and economic system that was foundational to the establishment of the United States that exploited physical and sexual labor from enslaved people who were chattel, meaning “property,” and were not considered human beings. Chattel enslavement necessitated racial categorization and hierarchy.

Cite-And-Release: A decision made at the discretion of the arresting officer(s). A cite-and-release means to issue a citation, released the individual with the promise/assumption they will

show up to their assigned court date later on. These are usually issued for low-level misdemeanor and non-violent crimes.

Convict Labor: The use of convicted individuals who are sentenced to labor as punishment for a crime.

Criminal Legal System: System in charge of administering “justice.” I define the criminal legal system as the complex institution that encompasses police officers, lawyers, judges, prisons, and social workers.

“Dates”: A term used to describe customers who pay for sexual services.

Diversion/Diversion Program: Programs that are designed to funnel youth offenders away from the juvenile delinquency system. An alternative to initial or continued formal process of offending youth in a court process that may lead to incarceration.

Domestic Violence: A term used to encompass interpersonal violence, specifically between romantic partners. This abuse can be emotional, financial, physical, or sexual.

Group Home: A transitional house for recently paroled or released individuals from prison. Group homes require adherence to a schedule, regular check-ins with a parole officer or other staff, and may be subject to additional stipulations. Failure to adhere to rules of the group home can include punishments of being returned to prison or jail or being kicked out and facing possible homelessness.

The Life: Colloquial term to refer to engagement with prostitution. This term was used by both survivors of trafficking and self-identified former prostitutes. Can also include a glorification of “pimp culture.”

Mackin’: African American English Vernacular (AAVE) to describe someone charming another person by putting on a fake persona or being overly affectionate and flattering. Can also refer to light physical touches for seduction or give the impression of charm to get something out of another person.

Mann Act of 1910: First federal law ever created to combat sex trafficking. Also known as the White Sex Slavery Act, this legislation was used primarily to protect White women who were allegedly being sex trafficked. Though the racial distinction is no longer used, the Mann Act is still in use today. As a law, the Mann Act prohibits the transportation of an individual across state lines for sexual purposes.

Misogynoir: Term created by Moya Bailey. Misogynoir is the distrust and hatred of Black women.

Outcry witness: An outcry witness is the first person to hear a disclosure of physical or sexual abuse of a victim and is legally obligated to report to the proper authorities.

O.R.: Short for “own reconnaissance,” to be released on O.R. means that an individual is being released from custody and promised to return to their next court date and/or check in with parole officers.

Patriarchy: Ideology that favors men and males over other genders.

Sexualization: The process of ascribing sexuality and assumptions of sexual proclivity onto another person. This is often used against an individual’s will and can be a precursor to sexual violence.

Stroll/Hoe Stroll: Similar to the “Blade” a stroll/hoe stroll is an area known for prostitution. To be on the stroll means to sell sexual services.

Track/The Tracks: “Tracks” is a colloquial term for an outside area known for prostitution, usually consisting of sex workers walking or being visible on the street.

Tricks/Johns: “Tricks” and “Johns” are terms used to describe customers of prostitution. Narrators typically used them interchangeably without distinction.

TVPA: Short for Trafficking Victims Protection Act of 2000, the first federal legislation to combat contemporary trafficking. Provides the definitions of “human trafficking” as they currently inform state and federal laws. Signed into law by President Bill Clinton and came to be first fully implemented in during the Bush Administration.

Vice/Vice Squad: Taskforce created in police departments that focus specifically on vice activities, usually prostitution. Vice squads work closely with anti-trafficking taskforces in stings and arrests of traffickers and recovery of victims. For some police departments, vice squads also function as the anti-trafficking taskforce itself.

White Authority: Based on White supremacy, White authority is the assumed right of White individuals (usually men) to assume mastery over others.

White Supremacy: Political and social ideology that favors descendants of Europe and Eurocentric physiology above other races and nations. Often unseen, this ideology is the political and social dominance of the United States that was codified during the colonization of the country and during chattel enslavement.

APPENDIX B: IRB Protocol



University of Colorado
Boulder

TITLE: Remnants of Chattel: Black Women, Sex Trafficking, and the Criminal Justice System

PROTOCOL VERSION DATE: February 13, 2020
VERSION: 3

PRINCIPAL INVESTIGATOR (PI):

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I. OBJECTIVES

Since the late 1990s, the topic of human trafficking has become a popular academic subject, though few empirical studies exist on domestic trafficking (the trafficking of U.S. citizens within the territorial borders of the United States). Current empirical literature lacks an intersectional framework that critically interrogates the impacts of one's multiplicative experiences of trafficking exploitation based on race, gender, sexuality, and class. As the literature currently stands, human trafficking researchers know very little of trafficking experiences and how personal identities shape individual understanding of their exploitation and societal reaction to their victimization. In addition, there is even less research on trafficking survivors' experiences with the criminal justice system and their intersecting multiple identities. As such, the minimal and over-sensationalized understanding of this specified form of exploitation that has been used interchangeable without nuance or consideration to other factors such as identities, their multiplicative effects, and outsider perceptions. This is of particular importance when alleged trafficking incidences and potential victims and traffickers encounter the criminal justice system.

The purpose of this study is to complicate the simplified understanding of trafficking exploitation. Domestic human trafficking disproportionately affects communities of Color, specifically African-American communities. The current understanding of trafficking exploitation rests solely on the focus of gendered violence and inequality without regards to other influences such as stratification of victims on race, age, gender, and class. This purpose of this project is to analyze how Black women who have survived sexual exploitation through trafficking or have engaged in sex work understand their experiences with the criminal legal system, particularly police and the courts. The project also seeks to understand the material conditions that existed in the survivors' lives that may have facilitated their entry into sex work and/or sex trafficking, as well as factors that encouraged their exits. The primary objective is to have an in-depth understanding of how anti-trafficking enforcement impacts Black women who work/were coerced into these economies and how the criminal justice system influenced how these women characterize their experiences.

A secondary objective, though no less significant, is to increase the presence of empirical studies covering domestic human trafficking. As the literature currently stands, the majority of the minimal empirical works are overwhelmingly concerned with youth in the sex trade and foreign nationals trafficked into U.S. territorial borders. There is virtually no understanding of how trafficking experiences manifest and differ between non-U.S. citizens and U.S. citizens. Moreover, the disproportionate amount of people of Color as both trafficking survivors and traffickers requires analysis and representation in the academic study of domestic human trafficking.

II. BACKGROUND AND SIGNIFICANCE

Because human trafficking is a relatively "new" academic discussion, there are no seminal texts or a canonical literature. Scholarly research on domestic human trafficking has included critical analyses of law implementation and police training to respond to trafficking and literature reviews on anti-trafficking activist and these have been both qualitative and quantitative. Other research has included examinations of root causes of trafficking, vulnerability factors for youth

susceptible for domestic minor sex trafficking, and analyses of film, documentaries and other media portrayal of trafficking and victimization. Further, the field of trafficking is also limited by the lack of empirical data and analysis (Goździak, 2015) with both quantitative and qualitative research. To date, trafficking scholarship is still overwhelmingly concerned with international trafficking than domestic. The majority of the extant literature is primarily concerned with the commercial sexual exploitation of children and critiques of the ineffectiveness of law enforcement with adequately punishing traffickers and assisting trafficking survivors, both domestic and international. Moreover, criminological works on domestic human trafficking have not only neglected analyzing (or theorizing) root causes of domestic trafficking but have also failed to account for intersecting identities in researching domestic trafficking as a whole.

This is particularly true for domestic trafficking cases (incidentally, in the U.S. context, “trafficking” is strongly correlated with primarily trafficking for sexual exploitation) where accounting for the intersections of gender, race, class, sexuality, and other social identities are severely lacking. As it stands, domestic trafficking survivors and traffickers are not treated as homogenous, but there is uniformity in how traffickers and trafficking survivors are constructed. Meaning, both traffickers and trafficking survivors are understood as almost random aberrations, not actors who are influenced by the sociopolitical structure of the United States, which has several favorable conditions under which human trafficking can/do flourish. Most significant, both trafficking survivors and traffickers are treated as distinct from the sociopolitical structure of the United States that first created and continues to sustain a human trafficking structure.

While there is no sufficient background research for the case of domestic human trafficking, there is a considerable amount of the needs of studying intersecting identities in this research. An intersectional criminological approach is the “conceptualization that each person has an assortment of coalesced socially constructed identities that are ordered into an inequitable social stratum” (Potter, 2015, p. 3). Intersectionality is not a theory per se, but a paradigm that offers a general perspective. Intersectionality is the concept that experiences are shaped and understood simultaneously through our multiple identities and this influences others’ perceptions, but also how scholarship interprets events. It is essential to discuss both trafficking victims and traffickers as individuals situated within the larger sociopolitical structure of the United States and how their multiplicative identities shape their experiences with trafficking and the criminal justice system. This is particularly true for contact with the criminal justice system, which disproportionately further victimizes disenfranchised groups, especially communities of Color.

Criminologist Beth E. Richie (2012) discusses the unique needs of Black women who are victims of interpersonal and state violence yet are criminalized due to the intersectional oppressions of race, class, and gender. Richie’s analysis also included a juvenile who was trafficked and ultimately killed her exploiter in self-defense; the youth in question was sentenced to life imprisonment on murder charges, history of sexual exploitation and abuse notwithstanding (Richie, 2012). Outside of race, class, and gender, there are other factors that warrant an intersectional analysis, such as mental ability and capacity. Dr. Joan A. Reid in her empirical analysis on intellectual disability emphasizes the importance of researchers and service providers to recognize the increased vulnerability of having an intellectual disability as a risk factor for being sexually exploited (2016). Other scholars have analyzed trafficking in the various other intersectional frameworks of migration and ethnocentrism (Heil, 2012), but these works are

largely absent from the domestic concentration of the human trafficking literature. Criminologists studying trafficking have also extensively studied law enforcement responses to trafficking incidences, though aside from reporting the racial demographics of traffickers and trafficking victims, an intersectional praxis has yet to be utilized.

The gap in the literature is surprising given that Native American and Black U.S. citizens comprise the majority of trafficking victims and traffickers (Banks and Kyckelhahn, 2011; Deer, 2015). To date and my knowledge, there has yet to be an empirical work that investigates what, if any, effects race has on experiences and outside perceptions of trafficking when it intersects with gender, class, and trafficking exploitation. Research has shown that law enforcement taskforce officials often rely on previous vice and drug investigation experiences to investigate trafficking (Farrell et al., 2015); however, because economically disenfranchised persons and communities of Color are disproportionately impacted by these taskforces, applying these tactics to trafficking may not be effective. Despite the popularity law enforcement responses to domestic human trafficking enjoy in the literature, an intersectional framework has yet to be used.

An intersectional analysis can yield results of the unique responses to domestic human trafficking based on the effect multiplicative identities have on trafficking survivors' individual understanding of their exploitation, interactions with the criminal justice system, and life after the trafficking experience. At present, trafficking researchers and advocates know little about these specific foci. As a result, the academic literature on domestic human trafficking is currently stagnant. The experiences of disenfranchised individuals who have been trafficked are unknown to researchers, instead assumed to be shared with the commonality of exploitation without external factors involved. As such, when policy makers and non-profit actors consult research to draft laws and best practice procedures to reduce trafficking and meet the needs of trafficking survivors, they may unintentionally exclude marginalized populations because research itself has little knowledge of how trafficking intersects with these communities. Lastly, this study's intersectional analysis that centers members of the most disenfranchised populations, will diversify the sparse domestic trafficking literature by producing both an empirical work and adding yet-to-be incorporated narratives into the traditional understanding of trafficking survivors' experiences with trafficking exploitation.

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III. PRELIMINARY STUDIES

To the PI's knowledge, there have been no preliminary studies conducted that utilized interviews with Black women, but the PI has conducted qualitative research on this subject for similar projects. The first study "Transformative Activism and Human Trafficking: Towards New Directions in Preventative Methods and Inclusive Solutions," was conducted in 2012 and similarly relied on intersectional and criminological theories and interviews with sex worker rights advocates in the cities of Denver and San Francisco. The second project "Race, Gender, and Domestic Human Trafficking: An Intersectional Description of Human Trafficking Cases at the State Level," was conducted in 2016-2017 using discourse analysis on state-level trials for alleged and convicted sex trafficking across the United States. "Race, Gender, and Domestic Human Trafficking" analysis utilized intersectional criminology and critically examined how the state (representing the alleged victims of trafficking) and defense for the alleged traffickers used race, gender, class, and other identities to prove/disprove believability of the victims and guilt of the accused, respectively. "Race, Gender, and Domestic Human Trafficking" also provided recommendations for future research, specifically the need for lived-experience insight and intersectional praxis to have a holistic understanding of domestic human trafficking.

IV. RESEARCH STUDY DESIGN

This is a qualitative-based study that utilizes data from two sources. The first and primary data collection is from one-time interviews with selected participants who have experienced human trafficking. The interviews will be intensive and conducted solely by the PI, with no follow-up. This study does not have a pre-screening tool, but the call for participants will stipulate four requirements to be viable for the study. Before an interview date is set, there will be a phone or electronic correspondence to determine if an individual meets all four criteria. Participants will be compensated \$50 for the completion of their interview.

Interviews with participants will involve two methods: (1) face-to-face interviews between the PI and respondents and (2) Zoom interviews with participants who are unable to meet in-person due to distance or other barriers to in-person interviews. Recruitment, questions and criteria eligibility will remain the same for both methods of interviews.

The data gathered herein will provide the direction the study ultimately takes. While this study is not informed by a particular theory, an intersectional praxis means that the PI will remain cognizant of any patterns or divergences of intersecting identities. Meaning, even though these intersecting identities will be centered, the study is not designed to focus or randomize any of these identities. Further, this study is not operating with a hypothesis (as is common in ethnographic and other qualitative research), but does have three central questions it is exploring: (1) How do Black women who are survivors of sex trafficking understand their experience with exploitation?; (2) How do Black women trafficking survivors navigate the criminal justice system before, during, and after their exploitation?; and (3) How does the criminal justice system interact with Black women who have been sex trafficked? The narratives provided by the participants will answer these questions and expand on the trafficking literature on how disenfranchised populations (specifically, Black women) confront sexual exploitation and how anti-trafficking efforts (law enforcement officers and the court system) serve and/or do not serve them.

The secondary data source is the fieldnotes from the PI's participation on a government-based council, the Human Trafficking Council (HTC), that was established to gather data, promote collaboration among state agencies that combat human trafficking, improve services for survivors of trafficking, and conduct research on how to effectively combat and prevent human trafficking in Colorado. No identifying information will be used, nor will other council members' identities be used in the research. The fieldnotes here serve as the "real time" capture of anti-trafficking measures being discussed and implemented in Colorado and reflexive of the perspective of the PI and data that is procured from the interviews. Furthermore, the HTC falls under the Colorado Open Record Act (CORA) purview, and all information and discussion is made available to the public. Should a particular quote or statement made during these meeting be included in the research, the documentation of the meeting will be used as a source. Should this inclusion arise, the individual(s) in question will not be identified, and instead a label such as "victim's right advocate" or "member of law enforcement" will be used so as to not provide a name (individual and agency) to the quotes used.

The goal number of participants for the in-depth interview portion of the study is between 10 and 30, and it is anticipated that 15 participants will complete the study. However, due to the nature of the research, it is difficult to provide an accurate estimate of anticipated participants. The figures of 10 to 30 is a parameter/guess estimate based on similar studies conducted by other researchers. These other studies typically had participants in the high teens (n= 15 to n=19) and mid-thirties (n=30 to n=39). Given the duration and scale of this study, the PI has estimated around 15 complete interviews with participants.

Data analysis will involve a dual coding process and will be descriptive and used to disclose the multilayered and complex interpretation of experiences exposed through narrations. The primary and secondary data will be used to locate trends in experiences with sexual exploitation, life after

trafficking, and the criminal justice system. The coding of the interviews will have two phases, *open* and *focused* coding. Open coding involves line-by-line reading to identify themes shared experiences and generating multiple codes. At this point, the opening coding will generate connected themes and experiences that are being frequently coded, leading to focused coding. The focused coding provides the breakdown of sub-codes to further illustrate connections that should be made between experiences and themes. As this is a qualitative study, there are no study outcome measures, and this study is not meant to provide solutions or interpretations for a larger survivor of exploitation population, but to provide deeper—and currently, unknown—understanding of the Black women and sex trafficking within the United States.

The study will begin in August 2019 and end in January 2021. Recruitment for this study will run from September 2019 until August 2020, when the last remaining interviews will be scheduled. Interviews will be transcribed, coded, and analyzed throughout the recruitment period. The secondary data of HTC fieldwork begins August 2019 with observations continuing until January 2021.

Name of procedure/instrument/tool	Purpose (i.e., what data is being collected?)
Digital Audio Recorder	<p>This tool will be used to record the in-depth interviews. Tool will not be used in the Human Trafficking Council (HTC) field sites. Participants will be asked if the recorder can be used; when they answer in the affirmative, the recorder will be used the duration of the interview. The recorder is equipped with a USB insert that will upload the audio file to the PI’s private and secure laptop for transcription and analysis.</p> <p>For Zoom interviews, the application’s “Record” function will be used. The Record function operates the same way the Digital Audio Recorder will, by recording the audio and saving it into a transferable data file that will be uploaded for transcription and coding. The Zoom account is linked to the PI’s personal account and only accessible to them on their secure laptop.</p>
Notebook	<p>The notebook will be used to record fieldnotes during the HTC observations, and will consist of information learned in the meetings and reflection of the PI after the meetings have concluded. The notebook will also be used to record interview answers should a participant not consent to being recorded. In which case, the interview will be typed into a word file on the PI’s laptop and</p>

	the notebook pages will be properly shredded. Lastly, the notebook will also house the reflection and interview memos that the PI will record once the interview has ended.
MaxQDA Qualitative Coding Software	MaxQDA is a coding software that allows users to better organize codes and themes, as well as visualize data patterns for efficient interpretation for data analysis. The software will be used for the interview transcripts only, as the fieldnotes will not be used to detect patterns or similarities in experiences.

V. FUNDING

To date, this study is funded with a \$2,000 grant from the Department of Comparative Ethnic Studies at the University of Colorado-Boulder. Additional funding to be sought includes:

- Internal CU Funding:
 - Beverly Sears Graduate Student Grant
 - IMPART Award (offered through the Office of Diversity, Equity & Community Engagement)
- External CU Funding:
 - Horowitz Foundation Fellowship
 - Ford Doctoral Dissertation Fellowship
 - Feminist Criminology Grant offered through the American Society of Criminology’s Division of Women & Crime

VI. ABOUT THE SUBJECTS

All potential participants who contact the PI will have to meet four criteria to be selected for the study. Those who do not meet all four are not eligible to be interviewed. Due to the hidden population of survivors of sex trafficking, this study uses a parameter to determine numbers of potential respondents. The ideal total enrollment number for the study is 30, with an anticipation of 10 to 15 completed interviews.

Participants enrolled in this study will be adult African American women who have worked or were forced to engage in prostitution or sex work as “prostitutes” or sex workers (as opposed to working as “pimps” or traffickers). Only individuals at or above the age of 18 are eligible to participate, though the participants may recount experiences from their childhoods. Otherwise, there are no preferred or selective populations for this study.

Inclusion criteria:

- U.S. citizen
 - Must be citizen-born or naturalized citizen at the time of their exploitation
- Identify as Black or African-American women

- Legal adult (18 and over) at the time of interview
- Experience with prostitution or sex work. The experience has to contain an element of lack of consent by the research participant to participate in the sex work. Specifically, research participants’ experiences with prostitution/sex work shall include that they were coerced either through force, fraud, or coercion into the trafficking activities.
- Respondents have to be able to give consent to the interview at initial contact and immediately before the start of the in-person interview.

If a respondent is under the age of 18 at the point of contact with the PI, not a Black/African American woman with past experiences in the sex trade, and/or is still involved with prostitution/sex work, they are not eligible for the study. “Remnants of Chattel” is a study that examines the experiences of adult sex trafficking survivors, not the experiences of minors (under the age of 18) which are the majority of sex trafficking research. Further, this research is examining how race, gender, and class of African American women inform and interact with exploitation experiences and manifestations; ergo, only Black women can be viable for the study. Lastly, this research also investigates the strategies survivors used to leave and otherwise empower themselves after being sex trafficked, which requires a participant’s exit from the sex trade; therefore, women still involved in sex trafficking and prostitution will not be viable for this study.

Subject Population(s)	Number to be enrolled in each group
Trafficking Survivors	10 – 30
<ul style="list-style-type: none"> • Individuals who have experienced sex trafficking at some point in their lives • Have had experience with prostitution, as there may be trafficking elements or incorrectly thought to fall outside of the definition of “sex trafficking” 	

VII. VULNERABLE POPULATIONS

Due the nature of this study, it is possible this study will involve individuals who are still in the process of recovering from the trauma of being exploited. To best address this, all respondents will be given a package containing the following items:

- List of free or low-income serving clinics that offer medical and mental health access for the economically disadvantaged
- List of housing and other social service resources, such as employment resources and childcare
- List of local prostitution help centers (if applicable) who are trained to provide additional resources to individuals in a transition period
- Stress ball
- Bottle water

Although a criteria for the participants is that they no longer be involved in sex work or in the trafficking situation, research has shown that women that have exited a trafficking situation, survivors are often left in transitional periods of instability that can include a risk of being trafficked again or fear of being “outed” as a trafficking survivor to family, friends, or romantic partners⁵⁷. As such, there is the possibility that a participant may be in other threatening or potentially threatening situations, such as involvement in an abusive relationship, being unhoused (“homeless”), or residing in home where intermittent violence occurs. Therefore, each participant will be asked if she feels safe to take the package with her. If there is a participant who indicates they are/may be in an abusive relationship and believe that participating in the study may cause harm (that is, be used against them in the abusive relationship), it will be asked that they consider their participation in this study. If the potential participant feels they may be at an increased risk by participating in this study, the PI will instead provide them with a domestic violence hotline number and not enroll them in the study.

If they agree to take part, in lieu of giving them the list of resources provided to participants, I will instead provide them with a hotline number for a local domestic violence shelter that they can store in their phones or as a small piece of paper they can hold on their person. The domestic violence hotline number is equipped to handle women who are in abusive relationships and provide them with advice and resources that the PI is unable to. Regardless of the location of the participants, they will all have the option to receive the hotline numbers for national and local domestic violence and human trafficking victims, should they want them. The PI will also remind the participants that all identifying information is de-identified and it will not be possible for an abuser to identify their participation in a study. Further precautions can be conducting the interview in another city (i.e., instead of Denver, finding a place to interview in a suburb or another area) to minimize the risk of being discovered.

VIII. RECRUITMENT METHODS

Upon contact with potential participant, it will be explained that the study is to explore Black women’s experience with prostitution, exploitation, and the criminal justice system. It will be explained that participants can share only what they are comfortable and that they will not be asked for graphic or explicit details of events or people. It will also be explained that the purpose of the study is to gain understanding of the material conditions before, during, and after exploitation that are unique to Black women that will (ideally) inform policies and best practices implementation in non-profit and service areas.

This research will be located in Denver and surrounding metro areas, such as the city of Aurora. Denver is the most populous city (after Phoenix, Arizona) in the Rocky Mountain Region, has a significant African-American population, and has a large wealth gap. Denver is also a recognized trafficking hub.⁵⁸ Thus, Denver has several factors such as poverty, prostitution markets, and

⁵⁷ Zimmerman, C. and C. Watts. (2003). *WHO ethical and safety recommendations for interviewing trafficked women*. Geneva, Switzerland: London School of Hygiene and Tropical Medicine, Daphne Programme of the European Commission.

⁵⁸ See: <https://www.thedenverchannel.com/news/local-news/report-significant-increase-in-human-trafficking-cases-in-2016>.

high unemployment for Black women that make it conducive for trafficking, so it is an ideal location to recruit women for this study.

However, because of the precarious nature of sex trafficking and the difficulty in reaching the population, this study will be expanded to eligible potential participants outside of Colorado. Recruitment will follow the in-person interviews with the exception of advertisement through Colorado-based media, as explained below. These interviews will take place via the Zoom application which is free of charge, secure to the PI, and comes equipped with an audio-record system.

Because the terminology of “human trafficking” or “sex trafficking” are primarily used by law enforcement, legal professionals, and service providers rather than everyday individuals, the advertisement will call for Black women who have had experience with “prostitution” and willing to talk to the PI. Please see the attached “Advertisement” document that will be used for recruitment.

Methods for Recruitment will include:

1. Online ads specifying the recruitment of potential respondents will be published. Online ads will be placed on the advertising site, Craigslist, under the “Volunteer” category.
2. The Aurora-based newspaper, *Aurora Sentinel*, will run a printed ad. The ad will be the same as listed in the online forum and has been pre-approved by the editorial staff.
3. Due to the difficulty in reaching this population, participants will be asked if they know other women who have had similar experiences, they can recommend the study too. This *snowball sampling* method will widen the recruitment pool. It will be explained that recommending other individuals to be a part of the study is not a requirement for participation in the study.
4. The third recruitment method is through community and network outreach. The PI will contact two local churches that incorporate social justice into church activism and have a predominate African American congregation, Shorter Community AME Church and the Episcopal Church, both located in Denver. It will be asked by leaders of the church if they would be willing to advertise the study to their respective congregations after detailing the intent of the study and confidentially proceedings. The second form of outreach will be to the Denver District Attorney’s office and other criminal justice agencies that the PI and the PI’s faculty advisor are either involved in or have professional connections with. The outreach to the churches and criminal justice agencies will involve an introductory email with the advertising flyer attached, or, for established relationships and meetings, the flyer will be given directly to contacts for distribution for potential participants. Please see the attached “Email Script” document for the email template that will be used to facilitate this outreach.
5. For participants outside of Colorado, the PI will reach out to known organizations that service survivors of sex trafficking, as well as community organizations that serve the Black community in their respective areas. Further, the PI already has connections with several social workers and activists who now reside in Colorado but were active

in anti-trafficking campaigns in different cities around the U.S., who have said they will distribute the study to their respective networks. Lastly, the PI is a member of several criminology and professional networks and will distribute the study through these connections.

List recruitment methods/materials and attach a copy of each in eRA
1. Online Recruitment: Advertisements for online distribution in Colorado and through outside networks
2. Newspaper Recruitment: <i>Aurora Sentinel Ad</i>
3. Recruitment script for verbal dissemination

IX. COMPENSATION

Each participant will be given \$50 in cash for the completion of the interview. Should a participant decide to withdraw after the interview has concluded or in the process, a prorated payment of \$10 will instead be provided. For interviews that take place via Zoom virtual meeting, the PI will ask the participants their preferred application for cash payment. The money-deposit applications, such as CashApp, PayPal, Zelle, Patreon, etc., are all widely-used, free, and secure ways of transferring money for services and materials. It will be explained to the virtual participants that these cash-transferring applications will be used and they will receive their \$50 through their preferred application at the conclusion of the interview.

X. INFORMED CONSENT

Each participant will be asked for verbal and written consent for their participation in this study. Because of the sensitive nature of this study, participants will be assured of their identity will remain confidential both verbally (while explaining the consent process) and written into the Informed Consent document. It will be explained that all identifying information will be de-identified in order to ensure participant's identities will not be identifiable to anyone other than the PI and that their legal names will not be used, but instead they will be assigned a pseudonym in writing. First, before scheduling an interview, each participant will be read a script detailing the purposes and procedures of the study to obtain an informal, and verbal consent to participate in the study. The following script will be used:

“This research intends to understand the lives of Black women who have previously engaged in prostitution and gain a deeper understanding of how their identities inform and impact their lives before, during, and after prostitution and their experiences with the criminal justice system. If you are selected for the study, your participation is voluntary, and are encouraged to only share what you feel comfortable. There is no penalty for withdrawing from the study, which you may do at any time.

You will be asked questions regarding your past experiences with police officers, lawyers, and other agents of the criminal justice system before, during, and prostitution experiences. Some sample questions that will be asked include: ‘Were you ever arrested

for prostitution?’ ‘Did you spend time in jail or prison during this time?’ ‘Did you have a pimp or trafficker during this time?’ ‘How did you exit prostitution?’ ‘What would you tell others in the same situation?’

The one-time interview should take one to two hours of your time, after which you will be compensated \$50 in cash. No information that could reveal your identity will appear in any publications resulting from the study. However, there are some things you may say during the interview that I am required to report like child abuse or neglect, criminal activity, elder abuse, or other acts of harm to you or others. Otherwise, anything that is said in the interview will be confidential.

Further, it is possible that some of the questions may bring up aspects of your life or memories that are upsetting. You are free to stop the interview at any time or decline to answer a question or share information. Your participation in this study will provide knowledge on the experiences of Black women and prostitution, policing, and the court system, as well as healing and perceptions of justice, which little is known.”

Upon being given the verbal consent at the end of the script, an interview will be scheduled. Before the interview begins, the consent form and process will be explained in depth. Each participant will be given an Informed Consent form to sign, with one copy remaining with the participant and one for the PI. The respondent will also be given the opportunity to read the Informed Consent form before signing it. Failure to obtain a signed Informed Consent form will result in exclusion from the study. Please see attached “Informed Consent” document for the full details on consent for this study. For the virtual meetings, the Informed Consent form has been converted into a Google Form with DocuSign (people without a Google account can read and sign forms) document, with the same language and same script that will be used. The participants will have to sign the Informed Consent form before beginning the interview. In addition to its record function, Zoom allows for shared screen use, so the explanation of the Informed Consent script by the PI will function similarly to doing an in-person interview.

The PI will ensure that the respondent is legally able to consent (i.e., not under the influence of substances affecting cognition or coercion of a third-party individual). Deception will not be used in this study and the intentions and purposes of the research and PI will be discussed for full disclosure for the respondent.

XI. PROCEDURES

This study consists of one-time interviews with sex trafficked survivors and participant observation of a human trafficking task force. The in-depth interviews have an expected duration between one to two hours. After the interview concludes, there will be no other contact between the PI and participants, unless they participants wish to be provided a copy of any published materials that arises from the data.

Once a potential respondent is deemed applicable, an interview date with an agreed upon time and location will be set up, with the exception for Zoom meetings, for which only an agreed upon date and time are needed. Upon meeting with each respondent for the interview, but before

the interview begins, the respondent will again be informed of the consent process, both verbally and in writing, and on the phone/at the beginning of the Zoom session for virtual meetings. If the respondent agrees to the consent process and signs the Informed Consent form, the interview will begin. If not, the respondent will be thanked for their time and the interaction terminated.

As part of the consent process, participants will be informed of their right to skip or not to answer a question they deem inappropriate or would make them uncomfortable. Participants will still be monetarily compensated regardless of the number of questions they choose to answer. A digital audio recorder will be utilized during the interview (upon approval by the participant) in addition to a notebook for field notes. Should a participant not approve of the use of the digital audio recorder, the responses will be manually in a confidential notebook that will be accessible to only the PI. Same for Zoom interviews, if the participant is uncomfortable with being audio-recorded, the function will not be used and the PI will write responses in the notebook.

Each interview will be conducted using a demographic questionnaire and an in-depth interview guide. Participants will be asked if they would like to see the end result of the study. If they answer in the affirmative, then their contact information will be recorded, and they will receive a copy of the dissertation after it is completed.

If PI is able to procure additional funding, the audio-recordings will be sent to a confidential, professional transcriber to expedite the transcription process. Should the PI not get funding for this project, the PI will transcribe all the interviews. The qualitative coding software MaxQDA will be used to aid in the coding process.

The questionnaire will consist of the following information:

- Race
- Gender
- Socioeconomic status (assessed by PI based on income, assets, living conditions, and other information gathered from the participant)
- Age at first trafficking experience
- Age when trafficking experience(s) ended
- Employment status
- Education status/years of completed schooling
- Current age
- Relationship status

The questionnaire will be used to supplement the longer interview questions, and to gather a representation of the ultimate sample. This survey will be used to represent the diversity that occurs among groups that share a collective identity but have varied and multiple experiences between them.

The second data procurement is the PI's observation of the monthly meetings of the Colorado Human Trafficking Council. The PI is a member of the board and attends these meetings, which are open to the public and all documents discussed and shared therein are also archived on the council's website for public consumption. The PI will attend as normally scheduled and observe the meetings, specifically learning of updates from anti-trafficking enforcement around the state

and discussions on how law enforcement are being trained to aid trafficking victims and lawyers/legal representatives are working to enforce trafficking legislation, as well as general research that is being shared during the meetings. The PI will have a notebook in which to document the observations. No identifying information of the board members or guests to the meetings will be revealed. None of the board members will be interviewed, but they will be afforded the same confidentiality as the interviewees.

Visit #	Procedures/Tools	Location	How much time the visit will take
Scheduled Interview	<ul style="list-style-type: none"> • Questionnaire to be filled by PI • Questions to be asked of the participants 	Public area in Denver, CO, that offers a private room or enclave such as a study room at a local library.	<ul style="list-style-type: none"> • Questionnaire: 5 to 10 minutes • Interview: 1 – 2 hours
Field Observations: August 2019 to January 2021	<ul style="list-style-type: none"> • Participation in monthly HTC meetings • Notebook to record thoughts and observations of the PI during the meetings 	Jefferson County Human Services Building in Golden, CO	Meeting duration: 5 to 5.5 hours

XII. SPECIMEN MANAGEMENT

This study will not require the use of specimens.

XIII. DATA MANAGEMENT

The Data Security Risk for this study is estimated to be a Level 2. The data will be stored in three different storages in an off-campus, confidential office. The three storage areas are as follows:

- 1) The PI's personal laptop that is protected by a secured password and a PIN. The password and PIN are known only to the PI. Additionally, the personal laptop is not used by any other party. The laptop is also equipped with the security software Sophos, which protects from computer infiltration and anti-virus and Trojan infection. The network the personal laptop utilizes is a secure network accessible only to the PI. When on campus and using open networks, the files will be moved into an encrypted file for protection.
- 2) The data files will also be copied and stored in a locked Google Drive file that is password-protected.
- 3) Paper copies of all study data will be stored in a locked file cabinet at the PI's off-campus office. The sole key for the file cabinet remains on the PI's person at all times and not accessible to any outside affiliates.

The data will be kept by the PI indefinitely. The coded data will be properly secured in two ways. The first is the coded data on the paper transcripts. These transcripts will be coded and

worked on only at the PI's personal off-campus office and will be stored in the secured file cabinet as previously described. The second is the coded interview transcripts provided by MaxQDA. This software is a confidential and protected software, but the coded materials will be downloaded and placed in a protected file on the laptop. The record of the coded transcript in the MaxQDA software will then be securely erased

Moreover, there is only one portion in which the legal names of participants will be used is the Informed Consent form. The questionnaire and interview question sheet will not list the participant names, but they will instead be assigned a pseudonym at the beginning of the interview. The Informed Consent form will be in a secured and locked file cabinet, will be the only record of legal information of the respondents and will be accessible only by the PI. The Google Form DocuSign Informed Consent forms will likewise be printed and stored with the in-person Informed Consent forms, in addition to being stored in the password-protected Google Drive that only the PI has access to. Responses to the questionnaire will be transferred into an excel file to archive the information for later use, with the assigned names being attached to the data; after the transfer, the questionnaire will be securely shredded. Participants will only be referred to by their assigned names in transcripts and any publications this research may produce. This is to protect the confidentiality of the respondents and have them remain anonymous. Memos and fieldnotes collected during the interviews and participant observations of the monthly HTC meetings will also not have legal/identifiable names attached to them.

XIV. PROVISIONS TO PROTECT THE PRIVACY INTERESTS OF PARTICIPANTS

It will be explained to the participants that their identities will be kept private and accessible only to the PI. The only document that will have their name will be the Informed Consent forms provided by the PI, and explained that the questionnaire with their assigned name and responses will be transferred into an Excel file and their interviews will be transcribed and stored in a private and secure laptop, with paper documents being securely shredded. Any other identifying information, such as names that were revealed during the interview or specific locations, will be re-named to protect the privacy of the participants. As previously described in the script for initial contact, it will be emphasized to the participants that all respondents will have assigned names from the PI and other identifying information—such as workplace or description of traffickers, the participants, or neighborhoods—will not be explicit in details to lead to identification. It will also be explained to the Zoom participants that it is only the recorded audio that is saved from the interview, any video or images that are captured will be securely deleted from the personal laptop of the PI through which all Zoom meetings will take place. The audio file will then be treated with the same secure steps as the Digital Audio Recorder upload and all identifying information will be hidden.

XV. WITHDRAWAL OF PARTICIPANTS

Participants have the right to withdraw from the study at time with no penalty to them. Participants retain the right to refuse to answer any question on the questionnaire or interview question.

There are several opportunities if a participant wishes to withdraw from the study. The first comes during the period between initial contact and the interview, during the reading of the consent form, and at the end of the interview. However, and as stated earlier, the participants will be informed they can end the interview and withdraw during the interview if feelings of discomfort, fear, or regret arise. Once the interview has concluded, the PI will ask the participant if they still wish to be included in this study—a prorated payment of \$10 will be provided for partial participation in the study.

XVI. RISKS TO PARTICIPANTS

Trafficking exploitation in all of its manifestations are traumatic and can have lasting negative consequences on its victims. It is possible that in the course of discussing their experiences, the respondents may become uncomfortable and bring up traumatizing events and memories.

In addition, it is not uncommon for trafficking survivors and those who have previously engaged in prostitution to have some continuing criminal activity or have associations who commit criminal acts⁵⁹. Participants will be informed that the PI is required to report information such as child abuse or neglect, criminal activity, or harm that the participants may experience or cause to others before the interview begins.

XVII. MANAGEMENT OF RISKS

Before the interview begins, I will discuss the rights of the participants to refuse to answer questions or stop answering/responding when they become uncomfortable. If a particular line of questioning is proving to be particularly emotionally troubling, all similar questions will be discarded so as to not further distress the participant. As a former volunteer at a local rape crisis center, I am aware of the signs of emotional distress and trauma. If it appears that the respondent is displaying traumatic symptoms, the interview will be paused, and the participant will be asked if they would like to continue or end the interview.

For in-person interviews, I will bring packets of local therapeutic, social, and legal services available to trauma victims in the three target regions. At the end of the interview, I will offer the participants the packets. If the respondents do not want to accept the packets, I will advise them that I will provide them information should they want it in the future. For Zoom participants, I will have national and local hotlines available for them, should they want that information. However, most of the participants will be recruited from trusted sources who work in social services and/or non-profit, so there is a high possibility that the respondents will already both have access to these resources, but also using them when the interviews take place. I will also inform the respondents that they can withdraw from the study at any time for the partial payment of \$10 in case for their participation up until that point.

⁵⁹ Zimmerman, C. and C. Watts. (2003). *WHO ethical and safety recommendations for interviewing trafficked women*. Geneva, Switzerland: London School of Hygiene and Tropical Medicine, Daphne Programme of the European Commission.

This is the only foreseeable risk of this project. There are no physical risks with the interview. Additionally, because the information will be confidential, and names will be erased in the finished project (dissertation project that the PI aims to make a book after a successful defense). The most significant risk associated for this study is the potential to bring up triggering or upsetting memories around sexual violence, racism, sexism, and other similar abuses, as well as a knowledge of lack of resources for survivors. To address this, each participant will be asked if they would like a list of resources in the Denver area for folks who have survived trafficking, exited the sex trade, and may be in a transitional period wherein they need housing, or food or legal or service aid.

XVIII. POTENTIAL BENEFITS

Besides the opportunity to share their unique experiences of being trafficked, if they had previously wanted to discuss their experiences and did not have an outlet to do so, there is no direct benefit to the respondents. However, if these data yield research that may improve trafficking legislation and advocacy, then this study has the potential to benefit society. Aside from the sole federal law against trafficking, the majority of states do not have sufficient trafficking laws that are not specific to child commercial sexual exploitation. In fact, adult trafficking survivors are often conflated with (presumed) voluntary sex workers and criminalized or sent to homeless shelters or crisis centers because they occupy a unique space in anti-trafficking work.

This research, by focusing on adults and a socially disenfranchised group, has the potential to encourage policies that are more inclusive and culturally-conscious than the federal and state laws currently are. Moreover, individuals in these specific populations have knowledge and information that is thus far unknown to trafficking researchers. This lack of knowledge has resulted in the criminalization and lack of sufficient services for adult trafficking survivors. This research study is an attempt to address this gap.

XIX. PROVISIONS TO MONITOR THE DATA FOR THE SAFETY OF PARTICIPANTS

Not applicable to this study.

XX. MEDICAL CARE AND COMPENSATION FOR INJURY

Not applicable to this study.

XXI. COST TO PARTICIPANTS

Not applicable to this study.

XXII. DRUG ADMINISTRATION

Not applicable to this study.

XXIII. INVESTIGATIONAL DEVICES

Not applicable to this study.

XXIV. COLLABORATIVE STUDIES

Not applicable to this study.

XXV. SHARING OF RESULTS WITH PARTICIPANTS

Participants will be asked if they want a copy of the dissertation upon completion of the interview. If they do, an address of their choosing—can be physical or electronic—as well as identification (i.e., chosen name to the addressed) will be recorded and the PI will send the completed dissertation following their defense.

APPENDIX C: Informed Consent

Title of research study: *Remnants of Chattel: Black Women, Sex Trafficking, and the Criminal Justice System.*

IRB Protocol Number: 19-0455

Investigator: *Cassandra Gonzalez, doctoral candidate in Ethnic Studies, University of Colorado-Boulder.*

Purpose of the Study

The purpose of the study is to understand the experiences of African-American women and domestic human trafficking and prostitution. There is currently little known about how Black trafficking survivors experience exploitation and their interactions with the criminal justice systems (including, but not limited to, if participants were offered aid from law enforcement, if they were arrested, or have navigated the court system), and there is even less research that incorporates the voices and first-hand knowledge of individuals who have been trafficked. While all experiences being shared will provide valuable insight for this study, the study is focused on sexual exploitation and sex trafficking. Specifically, the research is interested in the effects, if any, of personal identities of race, class, and gender had on their trafficking experience and interactions with the criminal justice system.

This research hopes to influence policy to improve trafficking prevention efforts. This analysis will be conducted solely by myself and a software program that only I as the researcher has access to. The data analysis will consist of looking for themes and patterns that arise to help explain trafficking phenomenon within the United State and how it impacts the lives of the survivors. Your participation in this study will add to this gap in the research that is needed in order to both understand domestic human trafficking within the U.S., but also potentially improve conditions for trafficking survivors and create new preventative measures to combat domestic human trafficking. I expect about 10 to 30 people will be in this research study.

Explanation of Procedures

If you say consent to participating in this study, you will be asked to complete a short interview on your experiences with domestic human trafficking and/or prostitution. Please share only what you feel comfortable discussing, and you can skip any questions you do not wish to answer. After the interview is over, the interview will be transcribed and set for data analysis by the Primary Investigator (Cassandra Gonzalez). It is anticipated the interview will last for one to two hours. The interview will be a one-time occurrence. During the interview, the PI will use a notebook and digital audio recorder to record responses. The notebook and recorder are only accessible to me and your name and other personal identifying information will not be used. If you are uncomfortable being audio-recorded, I will instead rely on hand-writing correspondence. Do you consent to being audio recorded for your interview: Y/N.

Voluntary Participation and Withdrawal

Whether or not you take part in this research is your choice. You can leave the research at any time and it will not be held against you. If you choose to leave the study before the completion of the interview, a prorated payment of \$10 will be given.

If you stop being in the research, already collected data may not be removed from the study database.

Risks and Discomforts

It is possible that this interview will bring up traumatizing events and memories of the exploitation you experienced. If at any point during the interview you feel uncomfortable or feel the need to stop, the interview can be paused. You are also free to end the interview at your discretion. At the end of the interview, you will be provided with a list of services available in the Denver metro-area that may address some issues or difficulties you are experiencing. The list is optional, you do not have to take it if you do not want to.

If you are currently in a relationship that you believe is abusive or otherwise unhealthy, I can provide you with a number for a local domestic violence hotline. The hotline will be equipped to provide advice and resources and other essential information for someone in an abusive relationship. I will give this number instead of the list of resources if you feel having the list may bring harm. But since your information will be de-identified, any information drawn from this study will not be known to your abuser.

Potential Benefits

We cannot promise any benefits to you or others from your taking part in this research. However, possible benefits include ***having an opportunity to share your experiences if you did not previously have an outlet to do so. This research also has the possibility of yielding data that can influence policy and inform practices to best combat human trafficking and service options for survivors.*** This research, by focusing on adults and a socially disenfranchised group, has the potential to encourage policies that are more inclusive and culturally-conscious than the federal and state laws currently are. Moreover, individuals in these specific populations have knowledge and information that is thus far unknown to trafficking researchers. This lack of knowledge has resulted in the criminalization and lack of sufficient services for adult trafficking survivors. Your contribution helps this process.

Confidentiality

Information obtained about you for this study will be kept confidential to the extent allowed by law. Research information that identifies you may be shared with the University of Colorado Boulder Institutional Review Board (IRB) and others who are responsible for ensuring compliance with laws and regulations related to research, including people on behalf of the Office for Human Research Protections. The information from this research may be published for scientific purposes; however, your identity will not be given out.

We cannot promise complete secrecy. Organizations that may inspect and copy your information include the IRB and other representatives of this organization. Additionally, ***there are limitations with my confidentiality as a researcher. If during the interview evidence of abuse, neglect, or exploitation is uncovered, this information may be reported to the proper authority. There are***

some things that you might tell us that we CANNOT promise to keep confidential, as we are required to report information like:

- *Child abuse or neglect*
- *A crime you or others plan to commit*
- *Harm that may come to you or others*

I will be obligated to report the abuse to the proper authorities.

Given that this research is discussing trafficking and exploitation, it is expected that abuse and neglect will occur. The only incidences that will require reporting will be current abuses, not revealing past experiences of abuse, neglect, and exploitation, which are natural components of domestic human trafficking. These past recounting will not be reported but recorded as part of the data garnered from the interview. Otherwise, any information gathered herein will not be shared with outside sources. At all times, I will be the only person with access to your past experiences and your information will be protected at all times. Nothing published from this study will have the names or other identifiable information of the participants will be de-identified.

The questionnaire will not have your legal name on it, but instead a pseudonym I have assigned to you. Once the information from the questionnaire has been entered into my private and secure laptop, it will be securely shredded. If you choose to not be audio-recorded, once the interview has been transcribed into a file for data analysis, it will also be securely shredded. Digital audio files will also be electronically shredded once they have been transcribed. Thus, no file or other information source will have your name or any other identifiable information.

This research will be used for my dissertation and hopefully book in the next few years. If you would like to see the results of this study, I can provide a paper or electronic copy. I will address it to any name or address you feel comfortable providing.

Would you like a copy: Y/N.

Mailing Address and Name:

Payment for Participation

If you agree to take part in this research study, you will be paid \$50 for your time and experience. This will be paid in cash upon completion of the interview. Should you stop your participation in the study before the end of the interview, you will be compensated \$10.

It is important to know that payment for participation is taxable income.

Questions

If you have questions, concerns, or complaints, or think the research has hurt you, talk to the research team at:

Cassandra Gonzalez, email: cublackwomenstudy@gmail.com

This research has been reviewed and approved by an IRB. You may talk to them at (303) 735-3702 or irbadmin@colorado.edu if:

- Your questions, concerns, or complaints are not being answered by the research team.
- You cannot reach the research team.
- You want to talk to someone besides the research team.

Signatures

Your signature documents your permission to take part in this research.

Signature of subject

Date

Printed name of subject

Signature of person obtaining consent

Date

Printed name of person obtaining consent

APPENDIX D: Interview Questions

Questionnaire and Interview Questions

Date of interview: _____

Assigned pseudonym: _____

Demographic Information

Describe your class: _____

Sexuality: _____

Current age: _____

Currently employed? Y/N _____

Years of completed schooling: _____

Relationship status: _____

Sex Work/Trafficking Survey Questions

Age when first entered: _____

Age when exited: _____

Interview Questions

1. Tell me a little about yourself. **(Where you grew up, family, schooling, neighborhood details)**
2. When you were growing up, did you ever have any contact with law enforcement or social services? **(Foster care, supervised visits, food stamps or homeless shelters. Describe these experiences)**
3. How did you enter sex trafficking/prostitution? **(Describe the circumstances you experienced. How long were you involved in sex work/trafficking?)**
4. What sort of work did you do? **(stripping, escort, street-level, etc.)**
5. How did clients/buyers contact you? **(website, approach on the street, made arrangements through another person)**
6. When this period began, did anyone know what was going on in your life? **(friends, teachers, family, etc.)**
7. Did you have a trafficker/pimp during this time? Describe this person **(gender, age, race)**, what was your relationship, how did you meet?
8. How long into your relationship until they introduced you into prostitution/trafficking? **(How did it start, describe how they introduced you to this, did you qualify this experience as being forced or voluntary)**
9. Were you the only one your trafficker/pimp had working under him? **(How many others were there? Describe your relationships/interactions with them)**
10. Did you ever encounter law enforcement or anti-trafficking enforcement during this time? Describe these interactions. **(Do you think your race and gender influenced these interactions?)**
11. When you encountered law enforcement, did any offer to take you to a shelter or refer you to any other social services? **(diversion programs, free clinic or legal counsel?)**

12. Were you ever arrested for being trafficked/in sex work? Tell me about the first time you went to court, what happened? **(What were you charged with, did you have a lawyer, were you offered a plea deal)**
13. Were you ever sent to jail or prison during this time? **(how long were you there? Describe this experience to me)**
14. In your experience, were law enforcement or the courts useful in helping you exit this situation? **(Describe why/why not, what do you think would have helped you to leave?)**
15. Describe what enabled you to leave sex work/ the trafficking situation. **(friends, family, left the trafficker/pimp, recommended to a diversion program)**
16. As a Black woman, tell me your thoughts on whether your race and gender had anything to do with your trafficking/sex work experience.
17. Since exiting the situation, have you had any more encounters with law enforcement. Describe these interactions. **(Does your past trafficking/sex work experience influence these interactions, has your view on law enforcement changed during your journey, has it been helpful for you since leaving the situation?)**
18. How do we achieve “justice” for Black women (and girls) who have been trafficked?

APPENDIX E: Recruitment Flyer

**Research
Participants
Sought:
Black
Women
Survivors of
Sex
Trafficking**



Black woman researcher seeking volunteers for project on African American women, prostitution, and sex trafficking. All information will be kept confidential and between the respondents and the researcher exclusively. You will not be forced to answer any questions that cause discomfort. Names and locations will not be revealed. All volunteers will be provided with a modest cash compensation. Interviews will be by phone/video/audio conferencing.

Qualifications to participate in this study:

- Must be 18 at the time of the interview
- Must be U.S. citizens
- Have been involved in sex work/prostitution
- No longer in the sex trade
- Identify as Black or African American

 Email: cublackwomenstudy@gmail.com

APPENDIX F: Email Script Used To “Cold Call” Non-Profits Organizations to Request Distribution of Flyer

Email Script to Contact Churches and Institutions to Disseminate Study

Hello (Name of Contact Person),

My name is Cassandra Gonzalez, and I am a doctoral candidate at CU-Boulder in the department of Ethnic Studies, with a focus in Criminology and the criminal justice system. I am currently working on my dissertation, “Remnants of Chattel: Black Women, Sex Trafficking, and the Criminal Justice System” IRB approval number 19-0455. My research examines the life experiences of Black women who have survived sexual exploitation and how they have interacted with the criminal justice system (courts and law enforcement) before, during and after exploitation. According to statistics provided by the Bureau of Justice Statistics and other research studies, Black women are disproportionately targeted for trafficking and also more likely to be criminalized while they are trafficked; yet, they are understudied in trafficking research and academia knows little about material conditions that may harm or aid Black women in these situations. My research aims to fill this gap and hopefully influence legislative policy designed to combat trafficking and best practice procedures for organizations that service trafficking survivors. I am email you because (INSERT name of organization or church) is known for its social justice stance and history of working with disenfranchised communities in the Denver area.

I am searching for volunteers for “Remnants” to share their experiences with sexual exploitation and prostitution with one-time interviews and am inquiring if you would be willing, or are able to, advertise this project. All volunteers are encouraged to share only what they are comfortable with, can refuse to answer questions they feel are inappropriate or cause them discomfort, and can choose to end their participation at any time. Participants will be monetarily compensated for their time and all information is kept confidential, unless there is a disclosure of child abuse, elder abuse, or the intent of the participant or others to engage in criminal activity. Names and other identifying information will not be revealed. If this study can be shared among your constituents, I have a flyer with contact information that can be provided.

If you have any questions or concerns, please do not hesitate to reach out to me at cago5760@colorado.edu. I can provide the approved IRB protocol and any other information on the project you may wish to see. If this request cannot be met, I understand and thank you for your time.

Best,

Cassandra Gonzalez