



Adult Advocacy
Centers

White Paper

Human Trafficking and Older Adults

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*“What freedom are we to find
when our restless minds
are enslaved under the chains
of human trafficking? . . .*

*Human Trafficking, I say,
has made enough money for the day.”*

– Mitta Xinindlu, Poet

Introduction

The typical images associated with human trafficking are children or young women being sold on street corners for sex, or undocumented persons working in the fields or in nail salons as indentured servants. While these scenarios exist, the unrecognized truth about human trafficking is that it knows no geographic or demographic barriers. According to the U.S. Department of Justice (DOJ) (2020), “There is no single profile of a trafficking victim. Victims of human trafficking can be anyone—regardless of race, color, national origin, disability, religion, age, gender, sexual orientation, gender identity, socioeconomic status, education level or citizenship status.” The DOJ notes that traffickers seek out individuals who are “poor, vulnerable, living in an unsafe or unstable situation, or are in search of a better life,” and lure them into dangerous and dehumanizing trafficking situations through promises of “love, a good job or a stable life.”



This paper focuses on the largely unrecognized tragedy of the trafficking of older adults for sex, labor or benefits. Because the prevalence and impacts of human trafficking on older adults are unresearched and therefore unknown, it is impossible to quantify just how much the systems that should be providing safety and justice for older adult survivors are failing. This paper will discuss what is known about trafficking of older adults, barriers to reporting these crimes and supporting survivors. It will also offer suggestions for strengthening the social safety net and criminal justice processes, whose role it is to keep older adults safe.

Definitions

Elder Abuse

The Centers for Disease Control and Prevention (CDC) (2021) defines *elder abuse* as “an intentional act or failure to act that causes or creates a risk of harm to an older adult. An older adult is someone age 60 or older. The abuse occurs at the hands of a caregiver or a person the elder trusts.” Types of abuse include physical, sexual, emotional or psychological, neglect and financial exploitation.

Human Trafficking

Sex trafficking is defined as the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a person for the purposes of a commercial sex act, in which the 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 (22 U.S.C. §7102).

Labor trafficking is the recruitment, harboring, transportation, provision or obtaining of a person for labor or services using force, fraud, or coercion for the purposes of subjection to involuntary servitude, peonage, debt bondage or slavery (22 U.S.C. §7102).

Benefits trafficking is the exploitation of an individual for the purpose of appropriating their benefits or savings. This form of financial exploitation is currently recognized only in the state of Georgia as a criminal form of human trafficking (GA Code § 16-5-102.1 (2020), considering it a form of servitude. Other states, including Alabama, California, Colorado, Connecticut, Iowa, New York, Texas and Nevada, have recognized benefits trafficking as an issue and are making efforts to add it to their criminal code.

A Snapshot of Elder Abuse in the United States

Statistics

According to Administration on Community Living & Administration on Aging (2020), in 2018 there were approximately 52.4 million adults in the United States aged 65 or older, or 15%

of all Americans. Projections by the U.S. Census Bureau suggest that the percentage of older Americans is expected to increase to 21% by 2030 and 25% by 2060. Despite their growing numbers, research and statistics reveal that the current systems whose purpose is to protect older adults from victimization are inadequate to meet that responsibility.

Data from the National Crime Victims Survey (NCVS) (Bureau of Justice Statistics, 2021), the most comprehensive source in the United States for information on criminal victimization, shows an encouraging trend with regard to violent victimization of older adults living in the community. According to data collected from 1995 to 2018, violent victimization (rape/sexual assault, robbery and assault) of adults ages 65 and older has been on a steady decline. Sadly, the NCVS also found that less than half of violent crimes against older adults are reported to police. While the gross numbers for violent victimization appear to be decreasing, the National Council on Aging reports that the number of older adult experiencing abuse remain alarmingly high. As many as 5 million older Americans living in the community, or 1 in 10, experience abuse each year (National Council on Aging, 2021). However, various studies have suggested that abuse of older adults is also significantly under-reported. A comprehensive review of research on abuse of older adults (Storey, 2020), found that only 1 in 25 cases of abuse of older adults is reported to authorities.

The National Ombudsman Reporting System, which collects data on complaints regarding the care of nursing home residents, shows that in 2017 approximately 201,460 complaints of maltreatment were made, with approximately 7% involving abuse, gross neglect or exploitation (Administration for Community Living, 2020). The National Center on Elder Abuse (National Center on Elder Abuse & Keck School of Medicine, University of Southern California, 2012) found that 25% of complaints against nursing homes involved resident-on-resident violence. In a study conducted in 2000 involving interviews with 2,000 nursing home residents, 44% said that they had experienced abuse, and a staggering 95% said that they had either experienced or witnessed neglect (Broyles, 2000). Of particular concern is a study reporting that 50% of nursing home staff surveyed admitted to having abused or neglected residents during the prior year (Ben Natan, 2010).

According to The National Association of Adult Protective Services, financial exploitation, including benefits trafficking, is the fastest growing area of victimization of older adults. In its 2021 report to the U.S. Senate Special Committee on Aging, the U.S. Government Accountability Office (GAO) (2020) found that reliable research on the topic is sparse and inconsistent. The report emphasizes that comprehensive data do not exist at the national level regarding any type of financial exploitation among seniors, noting that various studies have estimated losses to older adults at anywhere from \$1.7 billion nationwide to over \$1 billion dollars in each state. Even the lower estimates, however, are staggering. In a study (Acierno et al., 2010), researchers found that more than 5% of adults had been financially exploited by a family member in the past year. Another report (Federal Trade Commission & Anderson, 2004) found that 7% of adults ages 60-74 and 6.5% of adults age 75 or older experienced financial exploitation by a stranger. Compounding the impact of

the victimization itself, the GAO report notes that older adults rarely recover their financial losses. The report also found that losses due to financial exploitation represent a cost beyond the immediate victim, including “family members, taxpayers and community-based organizations.” For older adults who have been exploited, ramifications are not merely financial. As noted in the GAO report, “Those losses can undermine the ability of older adults to support and care for themselves, which can negatively affect their health, and shift the burden of caring for them to family members or society in general.”

Benefits trafficking is a criminal act targeting adults who receive public benefits due to disability status or due to being an older adult. The goal of the offender is to gain access to life savings and benefits, including Social Security benefits, veteran’s benefits and food stamps (Strickland & King, 2017). Vulnerable adults are recruited at sites, including hospitals, churches and shelters, where individuals who receive public benefits can be easily found and targeted (Hodson, 2018). Victims are often offered housing, care and safety. After recruitment, victims are required to sign over their benefits, giving traffickers access to funds and an opportunity to steal their identity and take out loans, open bank accounts, sign rental leases, make utility arrangements and file illegal tax returns (Hodson, 2018). There are no statistics on the prevalence of benefits trafficking apart from general statistics on financial exploitation, in part because only Georgia has identified it as a crime.

Statistics on sex and labor trafficking involving adults ages 60 and older are essentially non-existent. Few organizations include a bracket for ages 60 and older in their data collection (e.g., Polaris, the most comprehensive anti-trafficking organization in the United States, uses 48 years and older as their top age bracket for data collection; the Bureau of Justice Statistics at the U.S. Department of Justice uses age 35 years and older as its top category). The FBI National Incident-Based Reporting System (NIBRS) (Federal Bureau of Investigation, 2021) identifies only 12 out of almost 1,600 cases of sex or labor trafficking that involve victims over the age of 60. Because so little data is collected specifically on the older demographic, it is impossible to gauge the full prevalence of the problem. When the extent of violent victimization of older adults is considered, it is reasonable to project that older adults are impacted by human trafficking at a much higher rate than is currently accounted for by data. It is essential to consider risk factors and barriers to reporting if we are to better understanding the extent of the problem and the best path to improve the prevention, investigation and support systems for older adult victims of human trafficking.

Barriers to Reporting

The Pennsylvania Coalition Against Domestic Violence (PCADV) and the Pennsylvania Coalition Against Rape (PCAR) have drawn attention to the need to consider the intersection of human trafficking, exploitation and abuse, and the overlapping issues that create barriers to self-disclosing victimization. Barriers to reporting include (PCADV & PCAR, 2019):

- Fear that one’s competency, and therefore believability, will be questioned
- Fear that reporting will result in increased abuse
- Fear of being placed in a nursing home or losing control of their finances
- “Gaslighting” by perpetrators, causing victims to question themselves and their own competence
- Shame or guilt, causing victims to believe that they are responsible for the abuse

As noted above (Storey, 2020), research suggests that only 1 in 25 cases of abuse of older adults is reported to police.

In 2020, the National Institute of Justice issued a report titled, “Gaps in Reporting Human Trafficking Incidents Result in Significant Undercounting” (National Institute of Justice, 2020). The report recognizes the multiple factors that have historically resulted in undercounting human trafficking cases. One main factor is the failure of law enforcement personnel to identify trafficking offenses due to a lack of training in identifying trafficking victims and the tendency to charge less complex offenses. The report also notes that the core features of trafficking—force, fraud and coercion—can cause victims to be reluctant to identify their traffickers or even recognize that they have been trafficked. Without victim testimony, trafficking is hard to prove, and prosecutors are reluctant to pursue the charge.

Risk Factors

The lack of research on trafficking of older adults makes the identification of unique risk factors difficult. Circumstances that create vulnerabilities for trafficking, however, largely apply across demographics. According to the Polaris Project’s National Human Trafficking Hotline Statistics (National Human Trafficking Hotline, 2019), the five top risk factors for sex trafficking are:

- Substance use
- Runaway or homeless youth (past or present)
- Recent migration or relocation
- Unstable housing
- Mental health concerns

For labor trafficking, according to the same report, risk factors include:

- Recent migration or relocation
- Unstable housing
- Criminal record

- Physical health concern
- Substance use

The National Institute on Aging (National Institute on Aging, 2020) includes social isolation, having a disability and the presence of memory problems or dementia as additional risk factors impacting more directly on the victimization of older adults. PCADV and PCAR (2019) note that older adults are at enhanced risk for victimization of all types due to additional societal factors, including ageist perspectives—for example, the misperception that older adults are not at risk of sex trafficking because they are no longer sexual. This contributes to the failure to identify older victims of sex trafficking, allowing the crime to persist. In addition, vulnerability to victimization is compounded when risk factors overlap, as they often do for older adults (e.g., the co-occurrence of dementia and mental illness or social isolation) (PCADV & PCAR, 2019).

Financial exploitation and benefit trafficking, unlike other forms of abuse, often occur with the tacit knowledge of the victim, making the crime hard to identify and prosecute (Hafemeister, 2003). As such, social isolation and isolation from family is often an essential risk factor, as well as a tactic used by perpetrators (Quinn, 2000). The presence of a guardian for an older adult can either be protective from abuse and exploitation or a potential risk factor itself. The National Center on Law and Elder Rights (Pogach & Wood, 2019) identifies several risk factors for guardianship abuse, including:

- A contentious appointment
- An out-of-state guardian with minimal connection or communication with the individual
- A private agency or professional serving as guardian for multiple individuals in multiple jurisdictions
- An appointment that is rushed with minimal monitoring

Other risk factors for financial exploitation include financial illiteracy and cognitive decline or disability (Choi & Mayer, 2000), which create vulnerability to manipulation. These factors can enhance and compound the general risks for abuse, such as fear of repercussions or fear of loss of independence.

Strengthening Our Overall System to Protect Vulnerable Older Adults from Human Trafficking

“The needs of victims of human trafficking are among the most complex of crime victims, often requiring a multidisciplinary approach to address severe trauma and medical needs, immigration and other legal issues, safety concerns, shelter and other basic daily needs, and financial hardship.”

– National Human Trafficking Hotline website

The paucity of research and data regarding the trafficking of older adults speaks loudly to society’s tendency to disregard and disbelieve its members who have been deemed – by virtue of age or disability -- to be less competent and less valuable. Society tends to infantilize older adults, often regarding them as incompetent, non-sexual and requiring the support and oversight of others in order to remain healthy and safe. This impoverished attitude toward almost one quarter of Americans underlies the high rates of victimization and lack of efforts aimed at the prevention of and response to crimes against older adults. It is both the result of and a contributing factor in the inadequacy of the current systems, whose job it is to protect and support this population. Addressing the stigma of aging as a societal shortcoming is foundational to improving the health and safety of older adults and would be a major step in reducing older adult victimization.

To strengthen our systems overall, key factors need to be implemented or improved at statewide and national levels:

Raising Awareness

- Perhaps most importantly, education and awareness campaigns should be developed to bring to light the fact that older adults can be victims of sex, labor and benefits trafficking. These campaigns should:
 - Include information regarding risk factors, victimization rates and the types of crimes committed against older adults
 - Be aimed not only at the general public, but also at older adults who may not be aware that they, themselves, are the victims of trafficking
 - Use a variety of mechanisms to make information readily accessible, including virtual presentations and social media campaigns
 - Include materials in disability- and literacy-sensitive formats
 - Use easy-to-understand graphics and images to reach those who have limited literacy.
 - Adapt resources and materials to best reach individuals with different disabilities (e.g., for those who are blind or visually impaired)

- Include information about and images of older adults in current awareness efforts on human trafficking
- Educate the public, law enforcement and other professionals who interact with older adults about the risks of and red flags for “benefits trafficking” and financial exploitation, particularly in the guardianship system. This includes professionals in the judicial and legal systems, policy makers, elected officials, bankers and tellers, service providers, guardians and advocates.
- Work with law enforcement to better understand and then reduce barriers faced by older adults to reporting and disclosing trafficking
- Educate key stakeholders about the risk factors, perpetrator characteristics and impacts of abuse, financial exploitation and human trafficking as crimes against older adults. Focus on “benefits trafficking” and “financial exploitation by guardians” as primary examples of the intertwining of the three types of crimes.

Research and Data

- Fund and create incentives for increased research and data collection to better define and quantify the problem of human trafficking of older adults
- Require that federally funded data collection sources include specific adults ages 60 and older as a category when gathering information by age demographic
- Encourage victim advocacy and services groups to keep data on older adults seeking support

Public Involvement

- Promote grassroots efforts by individual advocates as well as community advocacy groups. The United States Department of State, Office to Monitor and Combat Trafficking in Persons, recommends the following:
 - Identify opportunities to volunteer and support anti-trafficking efforts in the community
 - Educate oneself about local, state and federal efforts to address human trafficking. Engage elected officials via writing or in-person meetings to discuss and promote these efforts.
 - Create public awareness events about human trafficking
- Teach consumers about the products and businesses for which workers are more likely to be victims of human trafficking
- Encourage the public to contact the National Human Trafficking Hotline if they suspect that someone has been or is a human trafficking victim

Collaboration to Identify and Develop Actionable Plans for Systems Change

- Create multi-disciplinary working groups, both statewide and national, to develop plans of action, including making solid recommendations related to prevention, protection, prosecution and victim support.
 - These working groups should include agencies and organizations working on human trafficking, such as local and state anti-human-trafficking coalitions and task forces, as well as disability, victim services, aging and protective services organizations, among others.
 - Groups working on these efforts should endeavor to include victims and survivors as integral members of the team. The phrase, “Nothing about us, without us” is not used for only one type of advocacy group, and the message fits when talking about the fight against human trafficking.
- When new policies are developed, include the full range of services and supports trafficking victims need. The National Human Trafficking Hotline (National Human Trafficking Hotline, 2020) identifies the following as some of the areas to include:
 - Emergency services, including crisis intervention, therapy, shelter, medical care, safety planning, food and clothing
 - Social services, including case management, healthcare, transportation, housing, job training and education, healthcare and being accompanied to court
 - Legal services, including help with immigration status, criminal and civil cases, and witness protection

Strengthening the Guardianship System to Protect against Benefits Trafficking

- Create person-centered processes for decision-making under guardianships. This is essential to reinforcing the function of guardianships as a system for supporting an individual’s quality of life, as opposed to a simple financial arrangement
 - Elements of person-centered care should permeate an individual’s day-to-day experiences, even under guardianship (Roberts, 2021)
- Promote accountability for guardians by requiring increased documentation, monitoring, education and training of guardians
- Require guardians to retain records for a minimum of 7 years following the termination of guardianship
- Require both random and routine audits by outside parties, such as government funders or independent boards
- Require an annual review and at least bi-annual guardian reports to the court to determine if full guardianship is still appropriate

- Identify key features of effective guardianship programs and build them into plans of action.
- Promote research into innovative programming that emphasizes person-centered care
 - For example, refer to Roberts, Nwakasi, and Ashrifi (2020), which identifies “promising practices” in guardianship programming in five counties in Ohio, or the Stark County Court Angel Program
- Increase awareness of less restrictive alternatives to guardianship, emphasizing that full guardianship should be a last resort
 - These include informal supports, supported decision-making, releases, authorized representatives, powers of attorney, trusts, payees, STABLE accounts, conservatorship and limited guardianship
- Regularly inform and educate people under guardianship on their right to file complaints and to petition the court for review
 - Henry (2021) emphasized that guardianship should not be viewed as permanent and that wards can be “restored.” “A person doesn’t need to be ‘independent’ to be restored,” she said. “They just need to meet the standard of competence or have an alternative support in place, which could be a power of attorney, supported decision-making, financial manager, etc.”
 - Policies and systems should be developed to allow outside parties to request that courts review guardianship arrangements when the subject of the guardianship is not able to do so on their own, especially when there is a concern about exploitation or abuse

Conclusion

“You may choose to look the other way, but you can never say again that you didn’t know.”

– William Wilberforce, Abolitionist

While little is known about the exact prevalence and extent of the trafficking of older adults for sex, labor or benefits, anecdotal evidence suggests that it is occurring at a far higher rate than currently understood. Research to quantify the problem and systems change to prevent its occurrence and to support older survivors of trafficking are desperately needed. The Adult Advocacy Centers (AACs) have begun several initiatives to begin to bridge the gap between current systems that serve trafficking victims, including older adults, and the development of systems that will better address the needs of victims. The AACs have completed an initial needs assessment regarding human trafficking victims

with disabilities. Our goal is to develop a proposal for “next steps” to improve prevention, investigation, and victim services that better support and accommodate victims with disabilities. In the last year, we have produced accessible publications on a variety of human trafficking topics, including online safety, myths about trafficking, and signs of labor and sex trafficking, as well as 52-page guidebook for human trafficking survivors with disabilities. This white paper begins our efforts to bring awareness to the widely unknown issue of trafficking older adults. The proposals in this paper represent an important step forward, but there is much more to be done if we hope to move toward a safer future for all.

***A Note from the Authors:** This position paper evolved, organically, from a unique form of collaboration. Each contributor offered a unique perspective, skill set and expertise to address a topic that has not been recognized as a serious issue, especially as our population ages. This type of multi-disciplinary collaboration parallels what is needed to research, intervene and prosecute human trafficking crimes effectively, innovatively and holistically.*

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