



THE TEXAS HUMAN TRAFFICKING PREVENTION TASK FORCE REPORT 2012

to the Texas Legislature • December 2012





Report to the Texas Legislature
Human Trafficking Prevention Task Force

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Human Trafficking in Texas

*We must continue our fight against this horrendous crime
and start to focus on not only the criminals that facilitate this crime,
but also the victims that are forever affected.*

State Representative Senfronia Thompson¹

In 1863, the *Emancipation Proclamation* declared that “all persons held as slaves” in the United States “shall be then, thenceforward, and forever free.”² This dramatic step forward for democracy and fundamental human rights was later enshrined in the U.S. Constitution with the adoption of the Thirteenth Amendment, which declares that neither slavery nor involuntary servitude “shall exist in the United States.” Despite the Thirteenth Amendment’s prohibition and the myriad of states prohibiting this horrific practice, enslaving human trafficking victims and compelling them to work with no or very low pay is an increasing profitable criminal enterprise in the United States. It is estimated that 27 million men, women, and children worldwide remain trapped as slaves by traffickers who strip away their dignity and basic human rights by preying on their vulnerabilities and exploiting them for involuntary labor and compulsory prostitution services.³ This horrendous crime touches victims across the globe – and right here in Texas.

The State of Texas took major steps to fight human trafficking in 2003 by passing one of the first state-level anti-trafficking laws in the United States.⁴ First, the Texas Legislature enacted Chapter 20A of the Penal Code which defined “forced labor or services” and “traffick[ing]” as crimes, and created felony offenses for persons who knowingly trafficked a person with the intent to force them to perform labor or services.⁵ At the same time, regional task forces and other local collaborations were established across the state to identify human trafficking victims, create service response systems, and bring traffickers to justice.

In 2009, the Texas Legislature passed House Bill 4009 creating the Texas Human Trafficking Prevention Task Force. The Task Force’s inaugural report, the *2011 Texas Human Trafficking Prevention Task Force Report* to the 82nd Texas Legislature (Task Force Report), highlighted the Task Force’s collaborative approach to address human trafficking on a statewide and regional level.⁶ The 2011 Task Force Report provides a human trafficking overview including indicators of its prevalence, challenges facing law enforcement agencies and victim service organizations, and potential best practices and anti-trafficking initiatives.

The 2011 Report also identified 35 legislative recommendations supported unanimously by all 47 members of the Task Force. Those recommendations involved proposals that were intended to help identify more trafficking victims, facilitate additional trafficking prosecutions, increase victim protections, and foster more reliable human trafficking data. The Texas Legislature passed 32 of the Task Force’s 35 recommendations.

The 82nd Legislature’s anti-trafficking legislation provided an improved legal framework for combating human trafficking by:

- Defining sex and labor trafficking
- Increasing penalties upon conviction
- Creating automatic life sentence for subsequent convictions
- Affording more protection for child trafficking victims
- Including certain convictions in the sex offender registry
- Opening the use of protective orders for victims
- Fostering closer cooperation between investigating agencies

The statutory changes recommended by the 2011 Task Force Report and, in turn, passed by the Legislature were significant. Citing the legislation enacted in 2011, Shared Hope International – a leading anti-human trafficking organization – ranked Texas number one in the nation for human trafficking laws.⁷ In 2012, Shared Hope International’s *Protected Innocence Challenge State Report Cards* similarly recognized the state’s anti-trafficking efforts, ranking Texas number two in the nation for human trafficking prevention.⁸

Another preeminent anti-trafficking organization, the Polaris Project, also accorded high marks to Texas’ prevention efforts.⁹ Indeed, Texas received the highest possible marks from the Polaris Project in both 2011 and 2012.¹⁰ Thanks in large part to the creation of the Human Trafficking Prevention Task Force and the passage of comprehensive prevention legislation in 2011, Texas emerged as a recognized leader in the fight against human trafficking.

Increased Law Enforcement Training

Since 2003, human trafficking training for law enforcement and prosecutors across the state has increased substantially, bringing a heightened awareness to the crime. State agencies, regional task forces, and other organizations have focused on law enforcement training to ensure our first responders are able to readily identify the crime and its victims so that authorities can respond appropriately. A key component of the training and outreach effort is a 2009 law that requires all newly-commissioned peace officers – as well as those veteran officers seeking advanced certifications – to complete human trafficking training that has been approved by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE).¹¹ In addition, many local law enforcement agencies are including human trafficking curriculum in their training component requirement. On September 1, 2012, the Texas Department of Public Safety (DPS) added a four-hour human trafficking course to its in-service training curriculum for nearly 1,900 state troopers. Combined, these expanded training requirements can have a significant impact on the state’s human trafficking prevention efforts – because substantially more peace officers across the state will be better prepared to detect human trafficking and appropriately respond to trafficking victims.

Increased Awareness

Human trafficking awareness is also improving among the general public and professional organizations. For example, the Texas Young Lawyers Association (TYLA) selected human trafficking as its annual special project for 2012. The result of the initiative was the publication of a multimedia program titled *Slavery Out of the Shadows: A Spotlight on Human Trafficking*, which was created to help lawyers identify the crime, protect victims, and prosecute traffickers.¹² TYLA first announced the initiative in the November 2012 issue of the Texas Bar Journal. A DVD and pamphlet are scheduled for release in January 2013 during National Slavery and Human Trafficking Prevention Month.

Numerous victim advocacy groups have implemented anti-human trafficking campaigns to engage the general public and help identify ways for Texans to help identify human trafficking. Nonprofit and faith-based organizations are working with victim service providers and law enforcement to identify ways to best help victims and to raise funds for victim services. For example, Stop the Traffick: Fun Run/5K was organized by the Texas Milestone Church in Keller, Texas.¹³ Organizers held the race to raise awareness of human trafficking in the DFW Metroplex and to raise funds for the A21 campaign – an international effort to abolish slavery worldwide. In addition, the Free Austin Campaign, initiated by the Allies of Central Texas, is a two-week annual campaign including movie screenings, lectures, and live music designed to get people across Austin energized about ending human trafficking in their city.¹⁴

Local Law Enforcement Efforts

Regional anti-human trafficking task forces and law enforcement agencies around the state are engaging in local proactive measures to combat this crime. For example, large-scale multi-agency operations are now established ahead of large events so there are procedures in place to quickly identify and respond to human trafficking victims. Regional task forces developed strong responses to major events such as the 2011 Super Bowl in Dallas and the Formula 1 race held in Austin in 2012.¹⁵

Through the collaboration of local, state, and federal law enforcement agencies and prosecutors, Texas has been the home of several successful state and federal human trafficking-related convictions, with several more cases awaiting trial. Many of the human trafficking cases reported in the media focused on sex trafficking of international or domestic victims.¹⁶ Although most of the human trafficking cases tried in Texas involve sex trafficking, that should not belie the fact that labor trafficking also exists in the state. In 2011, five defendants in Dallas were charged with forced labor and harboring conspiracy for their role in obtaining the services of a Sri Lankan woman – who was held against her will and forced to perform domestic services under threat of deportation and physical abuse.¹⁷ If convicted, the defendants face up to 20 years in prison and a \$250,000 fine in addition to forfeiture of assets.

Identifying Victim Services

As human trafficking education and awareness increases, communities should begin preparing for an increase in the number of human trafficking victims that are discovered each year. Response systems are critical to serving the multiple needs of human trafficking victims. Once a victim is identified, the responder must find an appropriate referral option for each victim – including shelter services, mental health services, medical care, and legal services. Even without an established coalition or task force, communities can work together to identify a network of care providers and agencies with resources available to serve human trafficking victims in advance. Creating a seamless response minimizes the trauma for the victim. It is also important to identify providers that serve specific victim populations – adults and children, both international and domestic – to ensure each victim is properly matched with a service provider.

Not every provider is equipped to serve all human trafficking victims. Children at Risk, a statewide youth advocacy and research group, is developing two databases dedicated to compiling information on social services for human trafficking victims.¹⁸ One database will contain information about providers that offer shelter services, medical services, counseling, and housing for sex trafficking victims. Another secure database will be created for law enforcement and select service providers containing detailed information on specific services and police protocols in the six largest areas of the state.¹⁹ Children at Risk hopes to expand the databases to include the entire state in the future. As this initiative matures, compiling a comprehensive database of service providers will help policy makers and victim service organizations identify where resources can be allocated for future initiatives. At this time, the provider database initiatives solely focus on sex trafficking. In the future, a similar database program should be explored for providers who serve forced labor victims.

Human Trafficking Statistics

Evidence suggests traffickers are taking advantage of the state's vast borders, intricate roadways, robust economy, booming tourism, and expansive agricultural industries. Although accurately reflecting the prevalence of this crime across the state is still elusive, Texas is able to capture limited data on human trafficking and human trafficking-related offenses using the Human Trafficking Reporting System (HTRS).²⁰ HTRS is a secure, online portal where Department of Justice (DOJ)-funded task forces and voluntary participants from other law enforcement agencies enter data on suspected human trafficking incidents, offenders, and victims. Based solely on the limited information entered into HTRS by the 11 Texas-based reporting agencies, there have been 678 human trafficking-related incidences and 167 suspects arrested from January 1, 2007, to December 14, 2012. Of those arrested, 79 were ultimately convicted.²¹ In addition, according to the Texas Department of Criminal Justice (TDCJ), 13 inmates are currently serving sentences for a human trafficking-related offense, and 52 inmates are serving sentences for compelling prostitution.²²

The number of arrests and inmates does not necessarily illustrate the extent of human trafficking across Texas. The better measure is the number of victims that have been identified by reporting law enforcement agencies. Victim information is gathered by the two Texas-based Federal Bureau of Investigation (FBI) Innocence Lost Task Forces – one each in Dallas and Houston – and from the HTRS database.²³ Based on this data, 768 human trafficking victims have been reported in Texas.²⁴

Finally, the National Human Trafficking Resource Center hotline provides additional information on Texas' response to human trafficking.²⁵ In 2011, the national hotline received 19,427 calls – an increase of 64% over the previous year. Calls originating from Texas ranked second in number only to California. While this may suggest Texas' trafficking problem is becoming more severe, increased education and awareness of trafficking is a more likely explanation for the increase in calls.²⁶

Moving Forward

Even with the successes we have seen in Texas, the fight is not over. Texas must remain vigilant in its anti-trafficking efforts. Resources are limited with budgets tightened at all levels. The most successful efforts will be those that utilize collaborative endeavors and pooled resources. While Texas has made significant progress, traffickers continue to adapt their criminal enterprises to entrap more victims and evade law enforcement. To eradicate human trafficking within our borders, Texas must meet these challenges head-on and with renewed commitment – providing new building blocks for law enforcement, prosecutors, and service providers. State leaders can advance Texas even further by prioritizing the following:

- The coordination of strategies to provide services for child victims.
- Continued human trafficking training for law enforcement officers and prosecutors.
- Identification of labor trafficking victims and services that will assist them.
- Development of response networks to support victims.
- Public-private partnerships to combat human trafficking.
- Increased training for medical professionals and school personnel.
- Development of guidelines for professionals who assist victims.
- Continued efforts to implement a statewide database which will allow law enforcement and prosecutors to share information.

Current Challenges Facing Texas

Despite the major advancements Texas has made in combating human trafficking, much work is yet to be done. The Task Force remains committed to addressing victim identification and assistance, prosecuting traffickers, developing additional preventative strategies, increasing data collection efforts, and strengthening intelligence-sharing communities.

Funding for Human Trafficking Prevention Efforts

Funding has been – and will continue to be – a significant challenge facing anti-trafficking efforts. The decline in federal funding over the past few years has negatively impacted local human trafficking prevention task forces in Texas – many of which are bolstered by federal grants. In 2010, the Bureau of Justice (BJA) funded five Texas regional task forces, and the federal Office for Victims of Crime (OVC) funded victim services coalition grants in the same areas. In 2011, these federal grants were reduced, and they now primarily fund large regional collaborative initiatives focusing on both international and domestic victims. As a result, Austin, Dallas, Fort Worth, and San Antonio are no longer home to a BJA or OVC federal grant. However, Arlington received a new, larger grant to improve regional efforts in the Metroplex under the existing North Texas Trafficking Task Force.

In 2011, the Governor’s Criminal Justice Division provided two state-funded grants – one to the OAG and one to the Bexar County Sheriff’s Office in San Antonio – to improve efforts in combating human trafficking.²⁷ The OAG grant provided funding for three positions – a financial analyst, a peace officer, and a criminal prosecutor. In addition to handling human trafficking investigations and prosecutions, OAG staff also provides the mandated TCLEOSE training for law enforcement across the state – training over 6,400 law enforcement agents and 1,400 other individuals since 2011.²⁸ Even though San Antonio lost their federal BJA grant, anti-trafficking efforts are still a priority in San Antonio. The region is using the governor’s grant to fund the salaries of investigators in the Bexar County Sheriff’s human trafficking unit.²⁹ Similarly, even though the Austin area lost their federal grant and cannot afford to cover overtime and trainers, the Austin Police Department is still actively working human trafficking cases.

Additionally, in 2011, the DOJ, the Department of Homeland Security (DHS), and the Department of Labor (DOL) began a national Human Trafficking Enhanced Enforcement Initiative to create efficiencies at the federal level for investigating and prosecution human trafficking.³⁰ The initiative included provisions for several Anti-Trafficking Coordination Teams (ACTeams) in pilot districts across the United States.³¹ The ACTeams are comprised of prosecutors and law enforcement agents from multiple federal agencies producing a collaborative, strategic response to human trafficking.³² El Paso was selected as one of the six Phase I Pilot ACTeams. The collaborative effort was not a funded project, but it provided an example of how multi-agency efforts can be formed to address human trafficking.³³

The United States State Department noted in its 2012 *Trafficking in Persons Report* that non-governmental organizations (NGOs) across the nation were also struggling with funding issues, especially for long-term care and legal services.³⁴ The report recommendations for the United States included increased funding for victim services and an increase in federal resources for human trafficking investigations and prosecutions.³⁵

Identifying Prevention Strategies

Collaboration and coordination among policy makers, government agencies, non-governmental organizations, and private enterprises from across Texas is critical to the success of the state’s prevention efforts. In turn, prevention can help reduce risk factors that facilitate trafficking. Through effective prevention efforts, both the supply and the demand for victims can be reduced.

The callous truth is that human trafficking is largely driven by the principles of supply and demand. Thus, to effectively prevent trafficking, steps must be taken to simultaneously eradicate demand and eliminate the supply of victims. Educating the public as a whole and developing prevention strategies that specifically target individuals who are at risk of becoming victims and offenders – as well as businesses or enterprises that are at risk of supporting a trafficking situation – is essential.

Preventing victims from becoming victimized by traffickers is a focus of the Task Force. Although victims come from all demographics and family backgrounds, common risk factors increase the chances of a person becoming a trafficking victim. Labor trafficking victims are more likely to be international adults, whereas sex trafficking victims are likely young females.³⁶ Educating the public – specifically target populations – on the risks and consequences of trafficking is an important key to any prevention efforts.

In addition, prevention efforts focusing on the private sector will help raise awareness, and thus, increase the businesses' ability to identify human trafficking in their supply chains. Engaged business leaders can also foster creative and effective solutions that others may employ to eliminate potential trafficking from business supply chains. The private sector often develops innovative solutions to problems, and encouraging businesses to develop responses may help spark solutions in the larger public sphere as well.

Sex Trafficking Supply and Demand

Only by correctly identifying possible sex trafficking offenders or “johns,” their attributes, and tendencies can successful demand-side efforts be implemented. Like labor trafficking, studies on sex service buyers are relatively limited in both number and scope. In the past, there has not been a concerted effort to arrest these buyers, and thus reduce the actual demand side of the equation. The lack of arrests and prosecutions of buyers contributes to how little the state knows about the characteristics of this population. States across the nation are beginning to address this issue. For example, Ohio is more aggressively arresting, convicting, and punishing those who purchase sex from trafficking victims.³⁷ By changing the status quo regarding how jurisdictions handle “johns” we can begin to develop and improve deterrence and prevention strategies.

Effective supply side prevention efforts are the other side of the equation. The traditional approach is often to arrest the seller or alleged prostitute. Such a strategy has been used to fight illegal narcotics for decades. However, when it comes to human trafficking – sex trafficking in particular – arresting the seller means arresting the victim. Not only does this approach do little to stymie supply, but it is also costly to the state in terms of incarceration costs.³⁸ Other supply side approaches would need to address those who actually supply the victims, not the victims themselves. A DePaul College of Law study interviewed 25 former “pimps” and “madams.” The study found that most “pimps” felt their line of work was relatively safe because it was accepted by society.³⁹ Conversely, many “pimps” had tried to sell drugs, but found the industry too dangerous and left.⁴⁰ The relative safety of “pimping” combined with the lucrative monetary gains of selling individuals for sex keeps many of these individuals in the sex trafficking industry. The study's findings suggest that “making pimping more dangerous or expensive through arrests and prosecutions” of “pimps” may be the best way to address the supply of trafficked victims.⁴¹

Awareness and Education to Increase Detection

Human trafficking awareness has become much more prevalent in Texas thanks to the work of the Human Trafficking Prevention Task Force, key legislative leaders – such as Senator Leticia Van de Putte and Representative Senfronia Thompson – regional task forces, policy makers, nonprofit organizations, and concerned members of the public. Reaching out to Texas residents to educate them on the horrors of human trafficking remains a statewide priority. Many local organizations, task forces, universities, and law enforcement agencies continue to focus on public awareness and education including specialized training, seminars, and conferences provided across the state. A more aware and educated population encourages more victim rescues and trafficking prosecutions.

Certain populations are more likely to come into contact with a victim or offender. It is the Task Force's goal to ensure these "first responders" are armed with the tools to identify trafficking victims and know the appropriate additional steps to take after identification. Specific professional populations such as truck drivers, police officers, medical personnel, teachers, and child welfare employees – to name a few – may be the first or only person with the ability to start the rescue process.

Critical training for law enforcement and criminal justice professionals is currently offered around the state. Texas faces ongoing challenges to maintain training levels. Training is a significant concern in every state – with the United States State Department calling for increased training resources to ensure that victims can be identified – and Texas will need to meet that challenge.⁴² Several organizations in Texas have already developed training for specialized groups which could be leveraged for regional and statewide training initiatives.⁴³

Since the medical profession is one of the largest and best-poised to take on victim identification, Texas should focus on training our doctors, nurses, EMTs, and other medical personnel. According to multiple studies conducted on victim experiences, many human trafficking victims reported that they came into contact with medical professionals at least once while in captivity.⁴⁴ Several Texans are already taking on this challenge. In January 2012, Senator Leticia Van de Putte hosted a Human Trafficking Health Summit in San Antonio to raise awareness about human trafficking and educate health care professionals on how to respond to victims.⁴⁵ At the conference, a female sex trafficking victim recounted her interactions with medical providers during her imprisonment. She recounted multiple medical visits for pregnancies – one when she was 11 years old and another at 13 years old. Since little information about human trafficking was provided to health care professionals at that time, her victimization went undetected. It is crucial to provide medical professionals with the tools they need to identify and assist these victims – including basic training on human trafficking, information on key indicators, updates on state reporting laws, and a list of community resources for referrals.

Especially for child victims, the education community has a large role in combating human trafficking. In some cases, traffickers may even allow their child victims to attend school.⁴⁶ Educating teachers, nurses, school counselors, and administrators about the signs of human trafficking – missed school, extreme exhaustion, or newly acquired material items – opens the door for additional identification. Many system-wide programs are in place across the United States. In July 2012, the Miami-Dade school district passed a resolution to implement a public awareness program to educate teachers and administrators about human trafficking.⁴⁷ The program provides educators with key information on steps to take if they suspect human trafficking and where a report can be made. In addition, the Miami-Dade school district plans to use an educational component for the students as well. The Miami-Dade School Board Vice Chairman Lawrence Feldman recently reported that as a result of the training program, one teacher was identified and arrested for human trafficking involving a middle school student.⁴⁸

The Ohio Human Trafficking Commission recently recommended that Ohio engage its schools in the fight against sex trafficking. The Commission interviewed several human trafficking victims regarding their experiences. None of the 115 child trafficking victims interviewed were assisted by teachers despite the amount of time spent in a school setting. The Commission recommended educating school personnel on how to identify trafficking victims. Additionally, as a preventative measure, the report recommended mandated education for youth that would explain the risks of trafficking, how to avoid becoming a victim, and how to avoid becoming a trafficker.⁴⁹

Increasing Victim Identification

Technology and Human Trafficking

Increased Internet usage and social media have made the recruitment and solicitation of sex trafficking victims quicker, easier, and almost undetectable. The Internet has allowed traffickers to advertise victims for

short periods of time in multiple areas, making detection by law enforcement intermittent and more difficult. The trend of using technology to aid in the trafficking of individuals will likely only increase in the future.

Human Trafficking Case Study

In July 2012, an Amarillo man was convicted of forcing a minor female from Houston into prostitution. The man lured her to Amarillo through social media with promises to care for her and give her a safe home. After her arrival, the two left for Odessa, where the victim was advertised on Backpage.com, beaten, and forced to have sex with strangers for money. The victim escaped her original captor only to be found in Concho County with another man who had explicit images of her on his phone.⁵⁰ Through the cooperation of Concho County Sheriff's Office, the Midland, Odessa, and Amarillo Police Departments, and the Texas Rangers, the victim's original trafficker was arrested and convicted on a count of sex trafficking of a minor. The second man was also convicted on one count of possessing child pornography and one count of coercion and enticement of a minor to engage in sexual activity.⁵¹ The trafficker was sentenced to 26 years in federal prison and another 25 years of supervised release. The man found with the victim was sentenced to 10 years in federal prison and 15 years of supervised release for possession of child pornography.⁵²

In 2010, the CEO of Craigslist.com reported that close to 50 million people in the U.S. use Craigslist.com each year – that number has grown to 60 million in 2012.⁵³ During that time, it was reported that Craigslist's adult services section alone was responsible for nearly \$36 million in revenue.⁵⁴ In the closing months of 2011, thanks in part to the pressure by 17 state attorneys general – including Texas – Craigslist.com removed the adult services section of its website. Previously, the website was used to advertise the prostitution services of individuals, many of whom were underage. After Craigslist finally shuttered its adult services page, other less prominent websites attempted to take its place. A recent report by AIM Group, an industry analysis firm, estimated that Backpage.com reaped nearly 70% of its revenue from prostitution-related advertisements. In 2011, that revenue estimate reached \$25.4 million.⁵⁵ AIM Group reported that in January 2012, five websites alone – including Backpage.com – generated a record-breaking \$3.3 million from prostitution advertisements.⁵⁶ Unfortunately, Backpage.com

has refused to change its practices and continues to profit from advertising for illicit services – despite the obvious ethical implications.⁵⁷

Recently, trafficking victims have attempted to hold companies like Backpage.com accountable for their misconduct. In the state of Washington, three child victims sued Backpage.com for allowing them to be sexually exploited and having lax age verification measures for registration, with the actions described in the complaint occurring in 2010.⁵⁸ Since then, Washington State passed a law requiring all classified advertising companies to verify the age of people in sex-related advertisements.⁵⁹

Although obtaining reliable data on the quantity of individuals trafficked online is difficult, numerous human trafficking cases have involved the use of social media and the Internet to attract victims and buyers. Law enforcement officials are continually challenged with not only identifying victims through these online ads, but also locating the individual. In addition, constantly adapting to the patterns of traffickers who use online resources is a law enforcement priority.

Male Victims

Much of the focus of anti-human trafficking efforts has been on female domestic minor sex trafficking victims, as they represent the majority of known cases in Texas. However, male victims of sex trafficking are sometimes overlooked. One of the original cases that sparked Texas legislative interest in domestic minor sex trafficking was that of a young boy, exemplifying that males are indeed victims, too. A recent report by Houston Rescue and Restore highlights that one of Texas' largest gaps in services is for male domestic minor sex trafficking victims.⁶⁰ The report indicated that 601 males were arrested for prostitution in the Houston-Galveston area, and 360 of those likely began working in the sex trade while they were minors.⁶¹ Additionally, a 2008 study published by researchers at the John Jay College of Criminal Justice suggests that boys are a much larger population of the sex industry than first recognized, and they are primarily involved in

“survival sex.”⁶² According to the Houston Rescue and Restore report, there is an almost exclusive focus in the Houston area on female victims of domestic minor sex trafficking.⁶³ Only one service provider in the entire Houston area – the Montrose Counseling Center – is prepared to serve this population.⁶⁴ While available services are lacking for all domestic minor victims, there is a critical weakness in the availability of services for male victims.

Increasing the focus on male victims may also be an effective strategy to address one of the root causes of human trafficking. One study found that 72% of pimps were male, and 56% percent of the male pimps sold sex (prostituted themselves) prior to becoming a pimp.⁶⁵ It is well-established that many sex trafficking victims recruit future victims; therefore, it can be logically inferred from the study that male victims are also likely to be experienced recruiters and future pimps, thus perpetuating the cycle of sexual exploitation.

Child Pornography and Sex Trafficking

The FBI’s Innocent Images National Initiative (IINI) focuses on combating child pornography and commercial sexual exploitation of children. In 1996, IINI had 113 cases opened. By April 2012, that number had risen to 5,600.⁶⁷ With over 100,000 websites offering child pornography, the ability to retrieve explicit images of children is far from limited.⁶⁸ The 2005 National Juvenile Online Victimization Study revealed that 55% of people possessing child pornography either had sexually victimized a child or were caught attempting to do so by an undercover officer.⁶⁹ Child pornography is on the rise, and at the very least, continuing to influence the demand for more victims worldwide.

Texas participates in the CyberTipline efforts to identify children involved in pornography and sexual exploitation. The National Center for Missing and Exploited Children (NCMEC) operates the CyberTipline – which provides an avenue for individuals to report suspected child pornography or child sexual exploitation.⁷⁰ NCMEC case managers refer cases to the OAG’s Law Enforcement Division for further investigation. Since October 2009, NCMEC has referred 107 cases to the OAG. This partnership has produced the recovery of 31 missing children over that same timeframe.⁷¹ Many of those referrals involved children exploited online for the purposes of sex trafficking, and tips received during the past year have led to the successful recovery of several minor victims in Texas.

Human Trafficking Case Study
In July 2012, a Houston man was stopped by immigration officials in the United Kingdom while attempting to enter the UK at a London airport. The man, a masseuse, was traveling with a boy to whom he was not related. The UK officials returned the man and the boy to the United States where the man was held for questioning by Homeland Security Investigations agents. Law enforcement determined the man forced the boy to perform sex acts on customers and frequently sexually assaulted the boy. The man has been charged with transportation of a minor for a commercial sex act. He is currently awaiting trial. ⁶⁶

Victims of Labor Trafficking

The identification of labor trafficking victims and their traffickers is another significant challenge in Texas. Victims of labor trafficking are likely under-identified due to the focus currently placed on sex trafficking. For example, in Florida, the largest identified trafficking victim population is males involved in forced labor.⁷² Many of the characteristics that make Florida attractive to labor traffickers are also present in Texas – busy ports of entry, large agricultural and travel industries, and a diverse population. Texas is actually even more vulnerable because of the large international border with Mexico.

One of the problems of identifying labor trafficking victims is that the trafficker can seclude victims far from public sight without anyone ever knowing and still reap the rewards of the illicit activity. Unlike sex trafficking victims who come in contact with others daily, labor trafficking victims often may be housed far off the beaten path and forced to work on farms or ranches that lie well outside regular travel routes of the public. The financial benefits of seclusion can be enormous for labor traffickers.⁷³

Additionally, the line between labor exploitation and labor trafficking can be difficult for law enforcement personnel and the general public to decipher.⁷⁴ Labor violations are typically handled as a civil issue rather than a criminal one. In Texas, the Labor Code provides remedies for unpaid wages and other employment issues. It is not typically viewed as a criminal matter.⁷⁵ In some states labor laws do not apply to certain populations of the workforce. Oftentimes, those are the same populations which have the greatest risk of being trafficked.⁷⁶ Furthermore, labor trafficking, in general, is more difficult to identify, yet less often reported. The public desire to not see prostitution leads to many calls to police departments by concerned citizens – whereas long shifts at a restaurant may go unnoticed. Given the reduced understanding of what exactly constitutes labor trafficking, and the value the public places on work, labor trafficking victims are likely under-identified.

Human Trafficking Case Study
<p>In 2011, three Houston-area traffickers paid the smuggling fee for two illegal aliens into the United States. Afterwards, the traffickers forced the individuals to work to pay off this smuggling debt. The victims were forced to sell pirated CDs and DVDs, and were held, threatened, and assaulted by the traffickers. All three traffickers plead guilty to forcing the victims to perform labor services, and they are currently serving time in federal prison.⁷⁷</p>

Private Sector Response

Human trafficking exists in a variety of industries and supply chains across the globe. Since businesses internally regulate their supply chains for increased business value, businesses are best suited for recognizing human trafficking within their own operations. Texas businesses are already choosing to voluntarily evaluate their suppliers and internal business practices to eliminate human trafficking. For example, Southlake-based Sabre Holdings, an industry leader in the travel sector, signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism and created a campaign – “Passport to Freedom” – in an effort to end human trafficking in the travel industry.⁷⁸ As a part of their initiative, the international company plans to educate all its

employees across the globe on human trafficking.⁷⁹ This industry is in a pivotal position to significantly contribute to human trafficking, and Sabre Holdings exemplifies the potential positive outcomes that can occur through private sector initiatives.

Businesses across the nation are proactively addressing labor trafficking as well. The California Transparency in Supply Chains Act of 2010 went into effect January 1, 2012.⁸⁰ The new law requires manufacturers and retailers with worldwide annual gross receipts of at least \$100 million to disclose the companies’ anti-trafficking policies and procedures on their websites.⁸¹ The increased public awareness and publicity of anti-human trafficking efforts encourages companies required to report to develop policies and procedures.⁸² It is estimated that the Act would impact nearly 3,200 companies.⁸³

On September 25, 2012, the White House announced that President Obama signed an executive order forbidding federal contractors and subcontractors from engaging in labor trafficking-related practices.⁸⁴ Additionally, contracts over \$500,000 require compliance plans that include training on human trafficking awareness and reporting. Each contractor and subcontractor must certify that the company is not involved in any aspect of human trafficking-related behavior.⁸⁵ These efforts by the federal government are part of a growing effort to fight trafficking in business supply chains.

Providing Services for Adult Victims of Human Trafficking

Once a victim is rescued from the grasp of their trafficker, their road to recovery is just beginning. Trafficking victims may have spent years subjected to physical, sexual, emotional, and psychological abuse. He or she may suffer from sexually transmitted diseases and drug or alcohol addiction. They are frequently homeless, without a job or other financial resources to help them successfully transition back into their community. Often, they live in fear of what might happen if their trafficker finds them again.

Individual victim needs may differ, but every victim will need some of the basic victim services such as food, clothing, housing, counseling, and medical assistance. Regional efforts around Texas are underway to assist adult trafficking victims. For example, the Central Texas Coalition against Human Trafficking (CTCAHT) is an alliance of law enforcement and social service professionals who use professional skills and contacts to help trafficking victims with immediate service needs. Similarly, the Human Trafficking Rescue Alliance (HTRA) in Houston rescues and assists victims through the collaborative efforts of law enforcement and service providers. These multidisciplinary teams are only a sample of those around the state working to positively influence the lives of trafficking victims.

While the assistance from these groups is beneficial, more services are needed to assist Texas trafficking victims. One of the largest needs in Texas is safe housing. Many service providers recommend that human trafficking victims be housed separately from victims of domestic violence and sexual assault because human trafficking victims need unique care focusing on trauma.

Another identified need for victims is rehabilitation services and job development. Victims may lack skills or competencies to enter the workforce and to earn a living wage. It is important that they gain self-sufficiency so that they do not again fall prey to traffickers. One Texas-based company is taking part in a major effort to assist victims in their recovery. As part of its “Passport to Freedom” initiative, Sabre Holdings announced that it would provide scholarships for victims of human trafficking so that they could take part in job training. They also called for other industry partners to help victims find positions once they completed training.⁸⁶

Other States’ Response to Adult Trafficking Victims

As Texas develops approaches to responding to the unique needs of adult victims involved in human trafficking, guidance may be drawn from innovative programs offered around the nation. Breaking Free, a Minneapolis-based program, assists female trafficking victims in Minnesota.⁸⁷ The facility provides short-term and permanent housing for female and child victims. Breaking Free also provides women with the direct social services, housing, and education they need to recover from their victimization.⁸⁸ The program is also heavily involved in countering the demand for women by playing a crucial part in the local Community Court and John Schools.⁸⁹

Girls Education and Mentoring Services (GEMS), based in New York City, serves female victims in New York state aged 12-24.⁹⁰ The organization was founded by a survivor of human trafficking and focuses on empowering young women who have been sex trafficked.⁹¹ GEMS focuses on holistic case management which includes mental health assessments, counseling, health care, acquiring identification or benefits, assistance with educational needs, family intervention, and assistance in obtaining employment.⁹² The organization also provides transitional housing for runaway and throwaway youth as well as a safe house for victims of sexual assault, stalking, and domestic violence.⁹³

CAST (Coalition to Abolish Slavery), based in Los Angeles, provides comprehensive social services to survivors – including job training and life skills training – to help them transition into a self-sustaining life.⁹⁴ CAST has also implemented a Survivor Advisory Caucus, a leadership development program, which allows survivors to speak out and advocate on behalf of survivors. The efforts of this survivor-led advisory group have brought about legislative changes at the state and federal level granting more protections for victims of human trafficking.⁹⁵

Lack of Shelters

A Joint Committee on Human Trafficking co-chaired by Senator Van de Putte and Representative Thompson focused on the services available for victims of human trafficking, including the need for safe houses and shelters – holding several public hearings around the state to gather information. Testimony presented at these hearings from service providers, governmental organizations, and anti-trafficking organizations indicated that human trafficking victims had difficulty accessing appropriate shelter services. While ordinary shelter services are available, those shelters are not necessarily appropriate for human

trafficking victims. Often adult victims are placed in homeless shelters or rape crisis shelters which may not be able to provide for the specialized needs of human trafficking victims. At the 2012 Freedom Network Conference in New York City, two human trafficking victims spoke about shelter placements after their rescue. The female victim was placed in a domestic violence shelter and the male victim was placed in a homeless shelter. Both recounted how out of place they felt at the shelters and how they were treated poorly by other residents. Service providers have also indicated that some shelters are willing to provide services and have been trained to work with human trafficking victims, but victims are not being referred to them.

Mosaic Family Services, in Dallas, Texas, provides services and housing for adult human trafficking victims. The organization has assisted over 300 victims of human trafficking, but there are limited beds and the facility lacks the ability to respond to all victims identified in Texas.

Providing Services for Child Victims of Human Trafficking

Human trafficking cases involving minors remain one of the most complicated aspects of the anti-trafficking efforts in Texas. While there is a common view that children who are caught up in human trafficking are victims, the best approach to the cases remains somewhat elusive – falling somewhere in between the juvenile justice and child welfare systems.

In 2010, the Center for Human Rights for Children at Loyola University Chicago hosted the National Conference on Child Trafficking and Exploitation in the United States to focus on the challenges of serving minors, measures that must be taken to address the issue, and promising practices from the field that may serve as potential solutions.⁹⁶ Participants – including individuals from law enforcement, governmental agencies, and service organizations – provided information about child exploitation and identified specific barriers they encountered when assisting children. Respondents indicated that, generally, child protection systems overall had “legal and systemic gaps” that made it difficult to address trafficking – they recommended providing additional screening to identify victims.⁹⁷ It was also noted that child protection and welfare systems were not adequately funded and already taking on “mandates that did not include child trafficking.”⁹⁸ Child protective agencies are currently set up to investigate cases of abuse and neglect perpetrated by family members and caregivers. Multiple states have enacted laws that define human trafficking as abuse – Texas included.⁹⁹ However if the trafficker is not a family member or a traditional caregiver, the child protection agency is not likely to respond.

Often, minors are detained as a result of their at-risk behavior – which includes commercial sex trafficking, drug offenses, and theft. Juvenile justice agencies may mistakenly believe that the child more appropriately falls under the jurisdiction of child welfare. Identification at every level, regardless of which agency has jurisdiction is essential to serving trafficked children. The Bexar County Juvenile Probation Department implemented a screening process for all children entering the juvenile detention system to detect trafficking. These victims may be in detention for other crimes – including drug offenses or theft. Intake staff uses a specialized assessment tool to identify potential victims, and they are trained to understand and recognize the indicators of human trafficking. Since 2010, the program has identified 200 children at high risk, including 40 who reported being sexually exploited.¹⁰⁰

Texas faces similar challenges with minors as it is unclear which agencies have the proper oversight or jurisdiction when a minor is identified as a potential human trafficking victim. It is essential that appropriate response strategies and a clear demarcation of responsibility are outlined in a manner that makes it clear to any organization that encounters a victim. If this guidance is not standardized and readily accessible in the field, minor victims may not receive appropriate services. Once victims are identified, the recovery process begins. The types of services provided for child victims vary around the state – with no established guidance on what constitutes standardized quality care. Texas is at a crucial point in identifying best practices for serving trafficked children.

While Texas continues its efforts to increase child victim identification, state agencies and policy makers are working to develop the best approach for linking children to critical support services and comprehensive care. Unfortunately, children are all too often caught up in human trafficking. Several factors make minors more vulnerable including low self-esteem, family financial strain, family disruption, and history of sexual abuse.¹⁰¹ Research shows that runaway children are at a high risk of falling victim to traffickers.¹⁰² The Texas Department of Family and Protective Services (DFPS), using figures derived from the runaway hotline estimates, claims more than 100,000 children in Texas between the ages of 7 and 17 run away from home every year.¹⁰³ In 2010, law enforcement arrested 10,417 runaway juveniles.¹⁰⁴ Given the at-risk status of such a large number of children, it is important for state leaders to identify an appropriate all-inclusive solution for these children. That solution is one that provides services for short and long-term needs – shelter, medical attention, counseling, job readiness, legal services, and housing.

Difficulties continue in identifying the appropriate individual – a parent, guardian or agency representative – to authorize services for these children. Much like their adult counterparts, child victims need housing, medical attention, mental health counseling, education, and a safe environment. Unfortunately, those services may not be obtainable if they have not been authorized by the appropriate individual. In many circumstances, the very people charged with protecting the child (parent, guardian) is also the trafficker. Law enforcement and state agencies continue to work to find ways to navigate custody and guardianship issues with minors. Rescuing victims from a trafficker is oftentimes problematic, and law enforcement agents have no suitable options other than arresting the child or returning the child to their family. Many of the victims' basic needs cannot be provided until permission is received from an authorized guardian. Victims of human trafficking, especially minors, need immediate treatment and care. Receiving permission from a legal guardian creates problems for law enforcement that delays the onset of care minors need.

Nonprofit organizations in Texas have made great strides in assisting victims with one of the most pressing needs – housing. Freedom Place in Harris County opened its doors to underage female victims of sex trafficking in late May 2012, with 30 available beds. The residential program offers a safe setting for victims, allowing them to stay from 6 to 18 months as they receive counseling, shelter, food, and other services.¹⁰⁵ Letot Center in Dallas recently broke ground on the Letot Girls Residential Therapy Center, a long-term residential treatment center that will house up to 96 girls ages 13 to 17 who are victims of human trafficking or at high risk of being trafficked.¹⁰⁶ Letot currently operates a short-term facility for at-risk youth, but this will allow long-term care. Dallas is financing the project through a private and public partnership – with nearly \$9 million collected thus far in private donations for the building costs. The county will use approximately \$2 million a year from funds originally earmarked for placement services at other facilities. Other organizations are planning to open facilities in other regions for domestic minor sex trafficking victims as well, but many face significant hurdles – including funding issues, zoning restrictions, and licensing requirements – while others have not yet developed standardized procedures for serving minor victims.¹⁰⁷ The lack of a confidentiality safeguard provision similar to confidential provisions for family violence shelters is one limitation for these human trafficking shelters.¹⁰⁸

One of the distinct characteristics of trafficking is that in many cases it is difficult to understand the difference between offenders and victims. In some cases, victims help traffickers recruit new victims. Until 2010, many sex trafficking victims were arrested for prostitution, further blurring the line between offender and victim. *In the Matter of B.W.*, the Texas Supreme Court ruled minors under 14 years of age could not be charged with prostitution because they cannot consent to sex; however, victims over 14 years old but under the age of 18 can still be prosecuted for prostitution.¹⁰⁹ Such a charge can result in the placement of the child in the juvenile justice system where services are limited. Greater access to safe housing, medical and psychological services, along with clothing and education are provided for youth who are considered victims compared to youth classified as criminals.

Additionally, Harris County Juvenile Probation Department, Children at Risk, State District Juvenile Judge Michael Schneider, and Associate Judge Angela Ellis partnered to create a juvenile human trafficking court

dubbed the GIRLS Court.”¹¹⁰ The GIRLS Court focuses on minor female victims of domestic sex trafficking. The purpose of the court is to provide these female victims with supervision and services needed to recover from their previous exploitation without relegating them to a detention facility where they are treated like criminals instead of victims.¹¹¹ Because of the complexity of these cases, specialty courts designed for this specific population provide an opportunity for the children to receive appropriate services given judges, attorneys, and staff are trained on the issue.

Understanding these challenges, the Task Force is currently developing best practices to assist service providers across the state in the treatment and care of child victims of human trafficking as well as manuals on domestic minor sex trafficking geared towards criminal justice professionals to provide guidance for the field. Texas is also exploring the possibility of creating a statewide response system employing a wrap-around approach to serving child human trafficking victims – with agencies collaborating to tailor services to meet the needs of the child and to share in responsibility for care of the child.

Minor victims also face challenges accessing shelter services. Some find services in foster care placements or from at risk youth facilities, but these placements are not always the best fit for trafficking victims.¹¹² Freedom Place is currently the only known operating shelter in Texas developed specifically for minor victims of domestic sex trafficking.¹¹³

How Other States Respond to Child Trafficking Victims

Other states are actively pursuing proactive policies to help children involved in trafficking. The largest effort across the nation is creating protocols to best respond to state-funded child abuse hotline tips where a potential human trafficking victim could be involved. Florida was the first state to develop specific reporting methods and measures on child trafficking calls from the state’s child abuse hotline. In 2010, Florida received 271 calls in which alleged human trafficking occurred.¹¹⁴ Connecticut recently implemented policies to properly identify children who are victims of human trafficking when a hotline tip refers to trafficking and trafficking-related offenses. The Illinois Department of Children and Family Services is also developing a similar capability.¹¹⁵ Without these efforts, many children would be overlooked or classified as simple abuse cases leaving them without necessary security and services.

The State of New York recently developed policies to help provide appropriate services for trafficked children. New York Child Protective Services (CPS) is required to report any case in which a child is suspected of being a trafficking victim. New York also recognized that, in many instances, parents and guardians are the child’s trafficker. CPS is required to consider if parents or guardians had a role in trafficking the child before family reunification can take place. New York CPS is also required to consider the unique safety concerns of child trafficking victims when working on placement opportunities.¹¹⁶

Georgia continues to provide a noteworthy model of assisting child victims of human trafficking through the Georgia Care Connection (GCC). In 2009, the Georgia Care Connection was launched as the nation’s first unified system approach to serving domestic minors involved in sex trafficking. The GCC approach includes a multi-disciplinary coordinated effort to address the needs of sexually exploited children. The joint public/private initiative provides coordination of services for victims and acts as the single point of contact for all who seek to help commercially sexually exploited children.¹¹⁷ By acting as the single point of contact, GCC provides wrap-around services to each child. Wrap-around services allow GCC to assess each child individually and determine the appropriateness of the different agencies’ involvement. Team members include professionals from various agencies and organizations - child welfare, juvenile justice, victim service providers, medical, law enforcement, and criminal justice. GCC provides for the mental and physical needs of children within one of their three safe homes.¹¹⁸ No other state has launched a system-wide approach utilizing the comprehensive wrap-around approach, and GCC serves as a model for many other states as they look towards developing housing and treatment options for victims.

Finally, Minnesota is focusing on serving minor victims of human trafficking, and the state recently

completed a benefit-cost analysis of early intervention programs designed to reduce sex trafficking to identify impacts to the state budget. In 2011, the Urban Research and Outreach-Engagement Center, University of Minnesota, released the *Early Intervention to Avoid Sex Trading and Trafficking of Minnesota's Female Youth: A Benefit-Cost Analysis*.¹¹⁹ This analysis looked at the potential benefit to the state budget with the use of prevention and intervention programs designed to reduce the risk for female youth involvement in sex trafficking and trading.¹²⁰ The authors did not look at the social costs or benefits, but they found the pursuit of social policy reducing potential risk for female youth was in the best interest of the state from a narrow budgetary perspective.¹²¹

Increasing Offender Prosecutions

Proactively pursuing human trafficking investigations and prosecutions at the state level is a top priority in Texas. Although there have been many successful federal human trafficking cases in Texas, state-level prosecutions are rare. Texas is not alone. A 2012 study conducted by Northeastern University and the Urban Institute highlights the prosecutorial difficulties when adapting to new crimes, laws, and victims.¹²² Researchers found that while nearly all states now have some sort of state law criminalizing human trafficking, very few had prosecuted a case using the state statute.¹²³ The study did not identify any state labor trafficking cases.¹²⁴ The federal *2012 Trafficking in Persons Report* reported similar findings, with local and state sex trafficking investigations and prosecutions topping labor trafficking investigations.¹²⁵

State-level prosecutions can be problematic for a myriad of reasons. Unlike many crimes, victims of human trafficking rarely self-identify. In many cases, it takes the trained eye of state and local law enforcement personnel or service providers to discover a trafficking victim. Even when approached, victims may not identify as victims due to fear of reprisal by their trafficker. The shadowy nature of the crime is only one factor in the relatively low number of prosecutions. Anti-trafficking statutes in Texas – and across the country – are relatively new. New laws mean new training for law enforcement and uncharted legal waters for prosecutors.

Texas prosecutors indicated that various legal challenges created more roadblocks when pursuing human trafficking charges including untested statutes, vague legal standards, insufficient training on pursuing state level cases, and the inability to access model jury patterns or jury instructions similar to other crimes.¹²⁶ The Northeastern University study also found that few prosecutors utilized anti-trafficking statutes, preferring instead to charge offenders with related crimes they were more familiar prosecuting such as sexual assault or compelling prostitution. Primarily, prosecutors want convictions with long sentences.¹²⁷

For investigators, the Northeastern University study noted human trafficking may not be a priority for some law enforcement agencies, especially as community resources dwindle.¹²⁸ Sufficient financial resources must be made available to handle investigations, and the proper tools must be available to respond to victims and prosecute traffickers.¹²⁹ Officers indicated that the best approach to the crime would be a proactive solution, but in many instances, they stumbled onto cases as they responded to other crimes.¹³⁰ Even so, proactive solutions are designed to seek out the crime using a systematic approach, requiring law enforcement to conduct surveillance in certain businesses or geographical areas where they have reason to believe trafficking may occur – strip clubs, massage parlors, and agricultural operations. The best approach includes “new innovative strategies, increased intelligence, and many more financial resources.”¹³¹

According to the study, many of these problems stem from the lack of information about the crime, experience investigating and prosecuting offenders, and the tools necessary to successfully identify victims and traffickers.¹³² While these challenges are understandable given the uniqueness of the crime, they are hindrances that must be addressed to enhance prosecutions. Researchers suggest strategies to address human trafficking, including prioritizing the identification of human trafficking community-wide and within law enforcement agencies, providing internal tools to address trafficking, and developing more proactive investigations.¹³³

Even with the known prosecutorial hurdles, successful human trafficking prosecutions have occurred in Texas. For example, in Bexar County, a trafficker was sentenced to two life sentences and an additional 90 years in prison for his role in kidnapping, sexually assaulting, and repeatedly selling a minor female to businessmen for sex. However, since the statute was revised in 2011, the current state law remains largely untested. As awareness of human trafficking and education for law enforcement and prosecutors increases, more traffickers will be brought to justice under state law.

Improving Data Collection

We cannot effectively address human trafficking in Texas without first understanding its scope. Unfortunately, we still have little information on how often it occurs, where it is most likely to occur, and who is most likely involved. The collection of reliable human trafficking data is essential for policy makers, state agencies, and nonprofit organizations to fully understand the scope of the problem while more effectively and efficiently allocating resources to fight it.

Human trafficking is often accompanied by other crimes – sexual assault, assault, kidnapping, possession of child pornography, or prostitution – which makes it difficult to determine when trafficking is actually present. If trafficking is not listed as the first count of a multi-count indictment – or is not recognized at all – the case is often coded as another crime. Similarly, victims rarely self-identify, even in the presence of law enforcement. Only after an investigation has commenced may law enforcement or prosecutors realize the true nature of the crime.¹³⁴ Regardless of which crime is charged, a mechanism is needed to properly identify which cases involve human trafficking. Without that, we are left with a limited view of trafficking in Texas.

Even when a victim is discovered and a trafficker is arrested, tried, and convicted, data collection and dissemination is not necessarily easy or reliable. Due to 2011 legislation, the Texas Office of Court Administration (OCA) is now required to collect data on court cases. DPS is also required to collect data on human trafficking arrests. The two agencies collect data on two different aspects of trafficking, but there is not a statewide system in place to consolidate, evaluate, and disseminate information on the crime. In addition, the new data collection requirements have been problematic to implement. Both agencies cited extremely low numbers – which were not necessarily indicative of the actual extent of trafficking.¹³⁵ Furthermore, due to the hidden and convoluted nature of human trafficking, identifying, and deciphering trafficking cases from other cases is difficult.¹³⁶

Texas was the first state to gain added access to the federal HTRS database and add law enforcement agencies other than the BJA-funded task forces. The Task Force garnered data collection participation from the Alvin Police Department, Harris County Sheriff's Office, Midland County Sheriff's Office, the Texas Alcoholic Beverage Commission, and the Texas Attorney General's Office. Additionally, the statewide Task Force is working with regional task forces in Dallas, El Paso, Fort Worth, San Antonio, and Austin to ensure that data collection efforts are not hindered because of the recent loss in federal funding. Regional task forces in these cities have been able to continue working trafficking cases but, with fewer resources, collecting and disseminating data on trafficking behavior has been more difficult. The possibility that federal funding may be withdrawn for HTRS is also a risk for data collection efforts.

According to a Department of Justice Uniform Crime Reporting (UCR) Program State Crime Reporting Bulletin, beginning January 2013, the national UCR Program will begin collecting human trafficking information as required under the William Wilberforce Reauthorization Act of 2008.¹³⁷ The FBI is required to collect human trafficking offense information and to delineate between prostitution crimes – assisting or promoting, purchasing, and prostitution. The last time information was added to UCR Program was in 1982 for the collection of arson data.¹³⁸ The addition of human trafficking data to the UCR Program will greatly assist Texas in its data collection efforts.

Intelligence-sharing Amongst Law Enforcement Agencies

In many instances, trafficking victims are repeatedly moved from one location to another in order to avoid detection – and provide a new marketplace for the victim’s trafficker. The transient nature of the crime requires law enforcement agencies from different jurisdictions to work together to rescue victims and arrest and prosecute traffickers. The need for intelligence-sharing is growing due to the increased role the Internet is playing in broadening the capabilities of traffickers to find potential victims and buyers.

Intelligence-sharing is necessary as human trafficking continues to serve as a growing business for organized crime organizations. In recent years, Mexican drug cartels – which have vast experience smuggling illegal narcotics across the border – have begun capitalizing on the lucrative business of human trafficking.¹³⁹ Similarly, domestic street gangs use trafficking of persons to increase their criminal profits.¹⁴⁰ The lack of a reliable statewide trafficking intelligence database impacts the success of trafficking investigations. The struggle to obtain and maintain accurate data in a manner that is readily accessible by multiple agencies in different areas makes it difficult for interagency information-sharing to take place.

In spite of these challenges, Texas law enforcement agencies have developed several proactive approaches to human trafficking which highlight collaborative efforts. Prior to the November 2012 Formula One race in Austin, Texas, law enforcement officials from multiple agencies developed a joint investigative plan to address potential human trafficking before and during the race. Officials also brought in the Institute on Domestic Violence and Sexual Assault at the University of Texas to help document the process for future initiatives at other agencies. The Formula One initiative was a major accomplishment as it united multiple law enforcement agencies, victim service providers, and researchers.¹⁴¹ This joint operation may serve as an intelligence-sharing and proactive law enforcement model for other regions across the state as they prepare for large events.¹⁴²

Texas' Statewide Response to Human Trafficking

The Pathbreaker Award is a testament to the work the Human Trafficking Prevention Task Force and the Texas Legislature has done to ensure Texas is hostile territory for human traffickers. Together, we have worked to increase penalties for traffickers, enhance coordination within the law enforcement community and improve victims' access to vitally important services.

Texas Attorney General Greg Abbott
Remarks at the Presentation of Shared Hope International's
2011 Pathbreaker Award (November 30, 2011)¹⁴³

Addressing the Problem through Statewide Efforts

The 82nd Texas Legislature successfully increased penalties and strengthened state statutes combating human trafficking. The Legislature passed 32 of the 35 recommendations the Task Force provided in the 2011 Task Force Report. In an effort to increase enforcement and prosecutions, the human trafficking statute was streamlined to clearly define the crime based on the victim's age and type of abuse. Additionally, the Legislature made several changes that enhanced protections for victims, such as providing for the provision of protective orders for victims of sex trafficking, adding human trafficking and compelling prostitution to the list of crimes that are not eligible for parole, and creating mandatory restitution for child victims of trafficking.

The Task Force is currently working to develop key deliverables that fulfill the duties and responsibilities outlined in Texas Government Code Chapter 402.35 by developing a criminal justice manual specific to the State of Texas and best practices for victim service providers.¹⁴⁴ In addition, a report examining the association between human trafficking and sexually oriented businesses will be submitted to the 83rd Legislature.¹⁴⁵ The Task Force collaborates with policy makers, governmental agencies, and stakeholders in developing comprehensive statewide strategies to address human trafficking at all levels. Successful partnerships between local, state, and federal organizations are addressing critical needs in the state, including:

- Developing improved prevention strategies
- Improving the ability to identify human trafficking victims
- Improving enforcement provisions
- Developing enhanced services for adult human trafficking victims
- Developing enhanced services for child human trafficking victims
- Improving data collection to enhance intelligence-led policing

The activities listed below – broken out by Task Force statewide goals – provide a snapshot of the comprehensive statewide and regional approaches employed by the various organizations who have pledged to combat human trafficking. Utilizing a statewide response in conjunction with tailored regional responses is key to addressing the needs of victims and seeking justice against the traffickers. These highlights represent the dedication of Task Force members, regional human trafficking task force members, policy makers, and anti-trafficking organizations driven to find the most innovative solutions for addressing the multitude of challenges brought on by human trafficking.

Identifying Prevention Strategies

- Harris County and the City of Houston are actively pursuing remedies under the state nuisance laws to close down properties that allow human trafficking to occur.¹⁴⁶ In May 2012, Houston filed suit against Treasures strip club alleging that the club was the “location of human trafficking, habitual prostitution

and drug activity” and that the owners and employees engaged in “gang related organized criminal activities.” A trial is scheduled for December 2012.¹⁴⁷

- The Harris County Juvenile Probation Department implemented an innovative court program for minor females who were at risk of or actively involved in domestic minor sex trafficking. The new court program – GIRL Court (Growing Independence Restoring Lives) – utilizes a comprehensive approach to handling these complex cases. The court is modeled after other specialty courts and provides minor victims with an opportunity to receive intensive supervision and therapeutic services. All services are clinically driven and delivered through a multi-disciplinary team. Currently, the program is operated under the supervision of State District Juvenile Judge Michael Schneider and Associate Judge Angela Ellis.¹⁴⁸
- Texas receives Rape Prevention and Education (RPE) funds from the federal Centers for Disease Control and Prevention for the primary prevention of sexual violence. Those funds are awarded to rape crisis centers across Texas and the state sexual assault coalition to develop and implement strategies/activities to stop sexual violence before it occurs. Rape crisis centers' efforts are guided by *Preventing Sexual Violence in Texas, A Primary Prevention Approach* which is a comprehensive plan to end sexual violence in Texas developed by the Texas Primary Prevention Planning Committee (PPPC).¹⁴⁹ Members of the PPPC and the Human Trafficking Task Force are working together to identify shared risk and protective factors and to develop innovative prevention strategies.

Increasing Victim Identification and Offender Prosecutions

- Beginning in September 2010, the Governor’s Criminal Justice Division awarded grants to the Office of the Attorney General/Human Trafficking Prevention Task Force to allow the Task Force to provide assistance with the identification, investigation, and prosecution of human trafficking cases statewide.¹⁵⁰ Three positions are supported with a grant – a financial analyst, an investigator, and a criminal prosecutor – and work closely with the Task Force and other regions to identify, investigate, and prosecute human trafficking. The continuation of that grant is vital to the success of the Task Force. In addition to investigations and prosecutions, this grant allowed more than 6,400 law enforcement officers to receive TECLOSE training on human trafficking.¹⁵¹
- A joint effort by DPS and the OAG was launched in December 2011 to provide a four-hour human trafficking course during in-service training to Texas Highway Patrol Troopers and Commercial Vehicle Enforcement Troopers. As a result of this collaborative effort, more than 1,800 Texas state troopers have received training on human trafficking.¹⁵²
- The OAG is working with law enforcement officials around the state to recover children who may be involved in human trafficking after receiving tips through the CyberTipline. These collaborations are proving successful in both the rescue of the minor victims and the subsequent apprehension and prosecution of traffickers.
- The Texas Municipal Police Association (TMPA) recently finalized a Human Trafficking curriculum which has been submitted to TCLEOSE for approval. Once approved, the new course will be offered to law enforcement officers around the state to provide them with information to identify human trafficking victims and pursue investigations.¹⁵³
- The Austin Human Trafficking Task Force members formed a strike force that addressed underage prostitution as a result of large numbers of visitors to the Central Texas area in November 2012 for the Formula One event. The efforts resulted in 13 arrests, but no minor victims were identified. The strike force was heralded as a future model for other initiatives and an incredible collaboration effort.¹⁵⁴
- The Task Force is currently developing an online training manual for criminal justice professionals to supplement TECLOSE human trafficking training. This will provide professionals around the state with a general overview of human trafficking, victim identification, and applicable Texas laws. The manual is expected to be released in the spring of 2013.

Providing Protection for Adult Human Trafficking Victims

- The Task Force is developing Texas-based guidelines for organizations serving adult international victims of human trafficking. The Task Force plans to publish these guidelines in the spring of 2013. The Task Force plans to begin similar guidelines for domestic human trafficking victims in the summer of 2013.
- The Governor's Office, Criminal Justice Division, provides grants to local communities that provide services for human trafficking victims.¹⁵⁵ This includes provisions for shelter services, counseling, and case management.
- The YMCA International in Houston partnered with the Harris County Hospital District's Forensic Nursing Program to implement a two level medical response for victims of human trafficking.¹⁵⁶ The team provides an immediate response during and immediately following a victim's rescue along with follow-up medical care. Forensic nursing staff coordinates with law enforcement agencies to ensure that the victim receives support and does not have to travel far for an examination.
- HB 2329 (82nd Legislature) established a pseudonym for victims of human trafficking similar to ones already available to victims of sexual assault and family violence. Pursuant to the Code of Criminal Procedure Chapter 57D, this form can be found on the OAG website. The pseudonym provides greater protection of the victim by replacing the victim's name in all public records and files concerning the offense.

Providing Protection for Child Human Trafficking Victims

- In April 2012, the U.S. Attorney's Office for the Southern District of Texas prosecuted its first successful forfeiture of assets for the benefit of a sex trafficking victim case in Houston. This is among only a few cases nationally. U.S. District Judge Lynn Hughes ruled that five of the youngest victims would benefit from the sale of the trafficker's assets valued at \$602,000.¹⁵⁷
- Freedom Youth Project, a San Antonio nonprofit organization dedicated to preventing human trafficking of children, is actively conducting a public awareness campaign – the Think Freedom Campaign – to provide education about domestic minor sex trafficking.¹⁵⁸ The organization is also exploring solutions to end what it calls the shelter crisis for domestic victims of sex trafficking.
- The City of Lubbock established a Community Assessment Committee on domestic minor sex trafficking that includes members from the Lubbock Rape Crisis Center, local police departments, FBI, DHS, the juvenile justice center, and other local organizations. The Committee is researching approaches taken by other regions and developing a local response for domestic minor sex trafficking.¹⁵⁹ The work group conducted a Community Needs Assessment to better serve victims of domestic minor sex trafficking.¹⁶⁰ They are also looking to develop shelter services for minor victims.
- The Task Force is developing Texas-based guidelines for organizations serving domestic minors who are victims of human trafficking and plans to publish these guidelines in the spring of 2013. The Task Force plans to begin similar guidelines for international minor human trafficking victims in the summer of 2013.
- The Task Force is currently developing a manual for law enforcement focusing on domestic minor sex trafficking investigations. This manual will provide advanced investigative information and best practice tips for agencies pursuing domestic minor sex trafficking cases.

Awareness and Education to Increase Detection

- DPS – working with the National Center for Missing and Exploited Children on interdiction training – is providing training to help state troopers identify potentially exploited children during regular traffic stops and other law enforcement efforts. The DPS Regional Victim Services Counselors have also received training on human trafficking to help identify victims. This interdiction training has led to more than 20 criminal arrests and the recovery of 62 missing or exploited children.¹⁶¹

- Beginning in fiscal year 2012, the OAG added human trafficking training to its Sexual Assault Nurse Examiner (SANE) certification curricula. In the past year, six new SANE classes have received training on human trafficking, providing a new generation of SANE nurses with knowledge of the crime.
- Houston Rescue and Restore (HRRC) launched the Front-line Professional Training Program that provides training to front-line professionals – health care, social workers, educators, and law enforcement.¹⁶² HRRC currently offers a health care, law enforcement, and domestic minor trafficking training program.
- Academic organizations around the state are also increasing awareness and devoting resources to human trafficking research initiatives. Rice University added six year-long faculty fellowships¹⁶³ to participate in a seminar *Human Trafficking – Past and Present: Crossing Borders, Crossing Disciplines*.¹⁶⁴ The South Texas College Cooper Center in McAllen hosts an annual conference on human trafficking, which occurred on April 16-18, 2012.¹⁶⁵ The University of Texas at Austin’s Institute on Domestic Violence and Sexual Assault co-hosted a conference with the Central Texas Coalition Against Human Trafficking on October 24, 2012. The conference’s keynote guest speaker was U.S. Ambassador-at-Large Luis CdeBaca.¹⁶⁶
- Several organizations affiliated with the legal profession in Texas are focusing on human trafficking. The State Bar is exploring a Continuing Legal Education (CLE) seminar opportunities to make training available for attorneys in all practice areas. The Texas Young Lawyers Association will launch its media project *Slavery Out of the Shadows: A Spotlight on Human Trafficking* in January 2013.¹⁶⁷ Finally, the Houston Bar Association released its September/October issue of the *Houston Lawyer*, which focused on human trafficking.¹⁶⁸

Improving Data Collection

- The Houston Rescue and Restore partnered with Shared Hope International to conduct a rapid field assessment of domestic minor sex trafficking in Harris and Galveston Counties. The report with the findings was published in August 2011.¹⁶⁹

Intelligence-sharing Amongst Law Enforcement Agencies

- DPS operates TXGANG, the computerized index of gangs and gang members.¹⁷⁰ The OAG is collaborating with DPS to identify additional ways to increase gang intelligence as it relates to human trafficking. The agencies are working together to identify common sources of data held by various agencies and appropriate techniques for analysis and dissemination of information garnered from this data to enhance identification and investigation capabilities.
- On July 25, 2011, the Department of Justice announced the selection of El Paso as a pilot location for an Anti-Trafficking Coordination Team (ACTeams). The team is under the leadership of the local U.S. Attorney and the highest-ranking federal investigative agents. The teams are composed of federal, state, and local prosecutors and law enforcement agents. The El Paso ACTeam should significantly increase the regional response to human trafficking.

Future Priorities and Initiatives

Human trafficking is a complex and serious problem which cannot be dealt with at only one level of government. It will take the cooperation of all local, state, and federal government entities to truly make an impact in preventing human trafficking in the United States.

Texas State Senator Leticia Van de Putte¹⁷¹

Since 2003, Texas has made considerable progress in the fight against human trafficking; however, more effective strategies to prevent victimization, protect victims, and prosecute offenders are constantly under development. The marketplace for human trafficking thrives on a culture of tolerance – “social acceptance backed by political tolerance.”¹⁷² In order to defeat human traffickers, the culture of tolerance that surrounds the marketplace must be broken. Already, Texas has sent a clear message that it will not tolerate human trafficking. However, there is more to be done to raise public awareness and decrease societal acceptance. At the same time, Texas has yet to develop best practices for victim service providers specific to human trafficking. Although Texas' response to human trafficking has been resolute, the fight is not over.

Identifying Prevention Strategies

1. Increase demand reduction efforts.

Reducing the demand for forced labor and sexual services will have the greatest impact on combating human trafficking. As previously discussed, human trafficking operates like any other business – it is based on supply and demand. It is important to consider creative ways to decrease demand.

2. Address the correlation between human trafficking and sexually oriented businesses.

The 82nd Legislature requested a report on the connection between human trafficking and sexually oriented businesses. Texas may consider ways to identify victims in sexually-oriented businesses through additional regulations or by working creatively with these sexually-oriented businesses.

3. Increase training, outreach, and awareness programs.

Many potential child victims are in constant daily contact with school personnel. Human trafficking awareness programs written specifically for educators and other school personnel will increase victim identification. Likewise, awareness programs created for children prevent victimization. By increasing education to potential victims and the people who have constant contact with them, victimization may be prevented. While this is a sensitive topic, arming children with knowledge through age appropriate open dialogue protects them from victimization. It is important to identify and consider low-cost training programs for this specific population.

4. Increase Prevention Strategies Focused on Homeless and Throwaway Youth.

Researching new ways to reach out to homeless youth can prevent future victimization. Many throwaway youth – or children who are denied housing and shelter by their families – do not have easy access to state services.¹⁷³ Their caregivers force them to leave home without making any provisions for the child. State child protective services may not be able to assist these children, and without parental consent, certain service providers may not be able to assist the child either. It is important to consider ways to help at-risk youth in Texas and prevent future victimization.

5. Educate youth on the importance of Internet safety.

Traffickers often use the Internet and other technologies to develop relationships with potential victims. Many state and federal agencies already work to educate children about Internet safety. Many of these initiatives and programs could be used to target at-risk populations or expanded to ensure that all Texas

youth are educated on safe Internet practices. Texas should look for ways to expand or enhance current initiatives to ensure all children and at risk populations are educated on Internet safety.

Increasing Victim Identification and Offender Prosecutions

1. Increase prosecution of traffickers.

While the state laws against human trafficking are robust, many of them have yet to be tested. Increased training for prosecutors, judges, and law enforcement may increase the number of state-level human trafficking prosecutions. In addition, the development of guidance documents, including pattern jury charges, would benefit state prosecutors.

2. Identify additional collaboration and response areas across the state.

While many regions of the state have created new local task forces and response teams, the sheer geographical size of Texas requires more organized teams specifically trained on human trafficking. Unfortunately, federal funding has been decreased; therefore, it is important to discover other resources to fund the development of these teams.

3. Ensure that the National Human Trafficking Hotline is armed with current information about Texas response teams.

The National Human Trafficking Hotline maintains a comprehensive list of resources as well as a referral directory for potential victims. Since Texas has expanded its response teams, we must ensure the hotline has the most current information so Texas can properly respond.

4. Enhance penalties for patrons that knowingly traffic children.

The 82nd Legislature enhanced penalties for traffickers of children. Although this was a legislative victory, this achievement would be complemented by increasing prosecutions and penalties for those who create the demand by purchasing sexual services from children.

5. Identify online victims.

Often traffickers use the Internet to advertise trafficking victims for sex services. Law enforcement finds it difficult to identify human trafficking victims in Internet advertisements and decipher between those that are minors or are being coerced from those that are willing adult participants. Texas should look for ways to increase victim identification in online sex service advertisements.

6. Increase identification of labor trafficking victims.

Texas is vulnerable to both domestic and international forced labor trafficking, yet the majority of the current public awareness focuses on sex trafficking. Labor trafficking is more difficult to identify, and it is often unreported. Texas should consider ways to increase the identification of labor trafficking victims.

7. Increase private-public partnerships.

Several private businesses are partnering with Texas to identify trafficking victims and prevent human trafficking within their supply chains. Texas should explore ways to strengthen existing partnerships and foster potential new partnerships.

Providing Services for Adult Victims of Human Trafficking

1. Identify acceptable short-term and long-term victim housing solutions.

Legislators and Task Force members have devoted many hours to investigating a statewide hybrid approach that would include a network of shelters, residential treatment facilities, and housing complexes to address the individual needs of each victim, including male victims and victims with families. Short-term and long-term solutions are being considered. Texas continues to look to other states – including Minnesota and Georgia – on how to address these issues.

2. *Identify funding mechanisms for victim services.*

The trafficking of persons investigation and prosecution account established in House Bill 4009 authorized up to \$10 million in grant funding for public and nonprofit organizations providing assistance to victims, public awareness activities, community outreach and training, victim identification services, and legal services.¹⁷⁴ However, no money was appropriated to the account. This fund could provide victims of trafficking with additional resources to aid in their recovery.

3. *Create network of services.*

Creating a comprehensive network of services to meet the needs of human trafficking victims is one of the most urgent Task Force issues. A continuum of care including housing, medical, and legal services for all types of trafficking victims is necessary to serve this unique victim population. Even though the number of available services and service providers has increased in Texas, many law enforcement and state agencies lack sufficient information about these services to refer victims. A statewide network will ensure the continuity of care that is vital to the victim's healing process.

4. *Develop standards of care for service providers.*

The Task Force is developing best practices and guidelines on how to best serve international adults and domestic minors. As additional areas begin serving this victim population, the guidance documents will need to be continually reviewed to ensure that victims are receiving the best quality care to enhance their recovery process.

5. *Identify additional collaboration and response areas.*

As service providers begin to establish themselves around the state, many best practices are being discovered. Human trafficking is a systemic problem that requires a systemic response, and victims may need assistance from state and private agencies not currently identified in their area.

Providing Services for Child Victims of Human Trafficking

1. *Address gaps in serving male victims of domestic minor sex trafficking.*

Many victim service providers focus only on female victims. Texas needs to address the gap in services for male victims.

2. *Clarify roles for the child welfare system and the juvenile justice system in assisting trafficked children.*

Two state agencies are poised to address the needs of minor trafficking victims. The child welfare system and the juvenile justice system often encounter this population before and after victimization. However, state statutes and current practices cloud and confuse the agencies' ability to serve this population. It is important to examine other states' responses to these victims and the way their child welfare systems and juvenile justice systems have evolved to address human trafficking together. Specifically, Florida, Georgia, and Illinois have developed effective solutions.

3. *Develop comprehensive services for child trafficking victims.*

Texas is lacking comprehensive services for child trafficking victims. Child victims' needs differ substantially from those of adults and include short-term housing, medical, mental health, legal support, education, long-term housing, and case management. Successful service models have been developed in Texas by private organizations such as Freedom Place and Freedom Youth Project. Similar services may be used in a statewide approach when developing comprehensive services for trafficked children. Government agencies such as the juvenile justice system, child protective services, and others should be educated on existing available services to increase referrals.

Awareness and Education to Increase Detection

1. Develop a comprehensive training plan.

Texas has made great strides training law enforcement. However, additional training gaps have been identified. Increasing training for professionals who have a high probability of coming into contact with human trafficking victims and at-risk populations – such as medical and education personnel, DFPS, Texas Juvenile Justice Department (TJJD), and other agencies – will strengthen Texas’ ability to identify victims. Texas needs to develop a comprehensive training plan that includes a variety of professionals.

2. Identify no-cost and or low-cost opportunities for training, outreach, and awareness.

Many regional efforts currently underway in Texas include innovative training, outreach, and awareness programs. The state should assess how to partner with these local organizations to expand existing successful regional initiatives into statewide initiatives. Furthermore, other educational and awareness campaigns have been created pro bono by marketing organizations. For example, Atlanta launched an effective campaign entitled “Dear John.” The goal of the campaign was to raise awareness and educate the public by focusing on the demand side of sex trafficking. By reaching out to local organizations, the mayor found public relations, film, and other organizations that created the campaign products pro bono.¹⁷⁵

3. Develop and implement a statewide public awareness campaign

House Bill 4009 (81st Legislature) required the Task Force to develop and implement a public awareness campaign. However, that effort was never funded. Regional victim service providers have created campaigns for specific areas, but a statewide campaign has not been developed. Model prevention strategies employ cost-effective delivery and reach a large audience. The Ohio Trafficking in Persons Study Commission, Prevention, Education and Outreach Subcommittee issued its *Report on Strategies to Increase Awareness of Human Trafficking in Ohio* recommending multi-pronged training and outreach initiatives that would result in “no or low costs” for the organizations.¹⁷⁶ The recommendations included:

- Public awareness campaigns that utilized materials from the federal “Look Beneath the Surface” campaign.
- Social media campaigns using Twitter, Facebook, and other social outlets.
- Implementing an Ohio webpage that includes reports, resource information, and videos about human trafficking.
- Training strategies that included mechanisms to reach non-law enforcement professionals through existing training requirements.

In addition, Atlanta, Georgia recently launched new initiatives focused raising awareness of the demand side of human trafficking. Georgia’s “Dear John” public awareness campaign focused on reducing demand by specifically targeting “johns” with messages. The key goal was to inspire people to take action to combat demand.¹⁷⁷ The campaign, which included posters and billboards, was created pro bono from a local marketing organization.

Outreach must target domestic populations that are vulnerable to traffickers, especially domestic minors. Additional outreach measures should include public awareness campaigns such as billboards along major highways, national hotline postings at restaurants and hotels, and televised public service announcements. Increased awareness about the criminal nature of human trafficking is a strong prevention strategy that warrants future focus.

Improving Data Collection

1. Maintain and report accurate information.

Currently, there is no statewide or federal reporting requirement for human trafficking. While many law enforcement agencies report to the Polaris Project, the reporting requirements vary from region to region. Texas should continue to investigate ways to improve reporting.

2. Monitor federal initiatives.

Federal initiatives are currently under way to make human trafficking a required reporting topic in UCR data. Texas should continue to monitor this and other federal initiatives to increase and improve consistent data collection.

3. Identify solutions to track services.

Currently, no statewide database exists to track services for human trafficking victims. Children at Risk is developing two databases to track information on social services for human trafficking victims.¹⁷⁸ Texas should continue to monitor the progression of these databases and assist in advertising them to law enforcement.

Intelligence-sharing Amongst Law Enforcement Agencies

1. Create additional cohesion units for intelligence-sharing.

Identifying human trafficking often requires multiple agencies sharing intelligence and working effectively together. While several regions already have established intelligence sharing for human trafficking initiatives, Texas should look for ways to increase these models across the state.

2. Identify areas for improved collaboration with federal partners.

Human trafficking cases often fall under multiple jurisdictions. It is essential that Texas collaborates with law enforcement to ensure that offenders are charged with the highest sentences and victims receive the care they need. Texas should also explore ways to increase collaboration with our federal partners.

Legislative Recommendations

When that right, the right to be free from slavery, is violated, governments have a responsibility to punish whoever violated that right, and restore what was damaged.

Ambassador-at-Large Luis CdeBaca, Office to Monitor and Combat Trafficking in Persons
Address in Minneapolis, MN (May 8, 2012)¹⁷⁹

In 2011, the 82nd Legislature made significant changes to Texas law to address the problem of human trafficking. Two omnibus bills – SB 24 (Senator Leticia Van de Putte) and HB 7 (Representative Senfronia Thompson) – provided new investigative and prosecutorial tools to address human trafficking while providing additional remedies for human trafficking victims by:

- Streamlining the trafficking of persons statute to separate labor and sex trafficking for adults and minors
- Removing the requirement to prove force, fraud, and coercion for sex trafficking involving minors
- Enhancing penalties for those convicted of trafficking a person and compelling prostitution of a minor
- Extending the criminal statute of limitations for trafficking of a person and compelling prostitution
- Allowing involuntary termination of parent-child relationship in certain human trafficking cases
- Increasing the penalties against offenders who employ, authorize, or induce a child to work in a sexually oriented business
- Adding commercial sex trafficking to the list of offenses subject to registration with the Sex Offender Registry
- Enhancing penalties for the sale or purchase of a child if the purpose is for human trafficking-related offenses

The significance of these provisions were noted in national reports from the Polaris Project and Shared Hope International, which ranked Texas among the top states in the nation for its statutory provisions regarding human trafficking prevention laws. Texas must continue to build upon that success. As Texas enters the 83rd Legislative Session, it must continue to strengthen enforcement remedies used against traffickers and individuals who reap benefits from forced labor. The Task Force has worked with leaders and stakeholders across the state to identify key legislative proposals that, if passed, will move Texas forward in the fight against human trafficking – including enhanced penalties for offenders and new protective measures for the vulnerable victims. The OAG compiled the following legislative recommendations based on input and research provided by Task Force members, stakeholders, and policy makers. The recommendations contained in this report reflect the consensus support among Task Force members.

Increasing Victim Identification and Offender Prosecutions

- 1. Recommendation: Add trafficking of persons and compelling prostitution to the list of offenses ineligible for parole.**

Background

Government Code §508.145 provides what offenses are not eligible for parole. This recommendation would add trafficking of persons and compelling prostitution to the parole eligibility list. Other crimes currently listed include but are not limited to murder, aggravated kidnapping, indecency with a child, aggravated sexual assault, and sexual assault.

Potential Legislative Change

Amend Texas Government Code §508.145 to include Texas Penal Code Chapter 20A (trafficking of persons) and Texas Penal Code §43.05 (compelling prostitution) in the list of offenses not eligible for parole.

2. Recommendation: Resolve conflicting penalties for employment harmful to children.

Background

The Legislature passed two bills last session with conflicting penalties for employment harmful to children offenses:

- HB 2014 made the offense a second degree felony unless the child was under 14 then it would be a first degree felony, and
- HB 290 created a much lower penalty structure.

Potential Legislative Change

Amend Texas Penal Code §43.251 (employment harmful to children) by retaining only the enhanced penalty structure for offenses related to employment harmful to children. By retaining the higher penalty, those who employ children and allow them to operate in sexually oriented businesses will be appropriately punished and minors between the ages of 14 and 18 will be protected.

3. Recommendation: Provide an increase in penalties for persons soliciting minors for sex and a strict liability provision for soliciting prostitution of a minor.

Background

Currently, the offense of soliciting prostitution is a second degree felony if the person solicited is younger than 14. If the person solicited is between the ages of 14 and 18 years old, the penalty is a third degree felony. This change would make it a second degree felony to solicit a minor for sex regardless of the minor's age.

The Legislature should also enact a strict liability provision for soliciting prostitution of a minor. The change creates a punishment level consistent with attempted human trafficking of a minor.

Potential Legislative Change

Amend Texas Penal Code §43.02 (prostitution) to include the solicitation of prostitution of a minor as a second degree felony regardless of the age of the minor and strict liability provisions for persons soliciting minors regardless of whether the person knows the age of the person being solicited. This will allow for further protection of minors between the ages of 14 and 18 years old.

4. Recommendation: Enhance penalties for promotion of prostitution for offenses involving minors.

Background

Promotion of prostitution – which is a criminal act commonly perpetrated by traffickers – is currently a Class A misdemeanor. This change would elevate the crime to a second degree felony if the person being promoted is a minor.

Potential Legislative Change

Amend Texas Penal Code §43.03 (promotion of prostitution) to include higher penalties for defendants who promote the prostitution of minors. This provision would greatly enhance Texas' ability to protect minors who are victims of human trafficking-related offenses.

5. Recommendation: Enhance penalties for aggravated promotion of prostitution for offenses involving minors.

Background

Aggravated (the number of victims is what determines if the crime is “aggravated”) promotion of prostitution – which is a conduct of trafficking – is currently a third degree felony. This change would elevate the crime to a first degree felony if the person(s) being promoted is a minor.

Potential Legislative Change

Amend the Texas Penal Code §43.04 (aggravated promotion of prostitution) to increase the penalty to a first degree felony if the person being promoted is a minor.

6. Recommendation: Include sex trafficking of a minor and compelling prostitution of a minor in the list of offenses ineligible for community supervision.

Background

Defendants who are convicted of the 3g offenses compelling prostitution and sex trafficking of a minor are not eligible for judge-ordered community supervision. These same offenses are not included in the list of offenses ineligible for jury-recommended community supervision under section 4d along with other serious 3g offenses.

Potential Legislative Change

Amend the Texas Code of Criminal Procedure §42.12 Sec. 4(d) (jury recommended community supervision) to include compelling prostitution of a minor and sex trafficking of a minor to the list of offenses that are ineligible for community supervision.

7. Recommendation: Require defendants convicted of prostitution and promotion of prostitution where the person with whom sex is purchased is a minor to register as a sex offender.

Background

Under Texas law, individuals who purchase sex from minors are not required to register as a sex offender. The statute currently allows for the registration of individuals who are convicted of offenses of continuous sexual abuse of young child or children, indecency with a child, sexual performance by a child, or possession or promotion of child pornography. This revision would require a person who purchases sex from a minor to register as a sex offender.

Potential Legislative Change

Amend the Texas Code of Criminal Procedure Art. 62.001(5) (sex offender registration program; definitions) to include individuals who commit an offense under 20A.02(a)(8) of the Texas Penal Code (trafficking of persons). This would bring the penalty for purchasing sex from a minor in line with other offenses of a sexual nature involving minors.

8. Recommendation: Enhance penalties for an obscenity offense involving minors under 18 years of age.

Background

Currently, it is a state jail felony to promote or possess with intent to promote any obscene material of a minor (class A misdemeanor if not minor), and it is a third degree felony to wholesale promote or possess with intent to wholesale promote any obscene material (state jail felony if not minor). This penalty structure is not in line with the penalty structure related to the promotion of child pornography in Texas Penal Code §43.26.

Potential Legislative Change

Amend Texas Penal Code §43.23 (h) (obscenity) to provide for punishment of offenses described in (a) and (c) to be increased to second degree felonies. This would align this statute with the promotion of child pornography penalties in §43.26.

9. Recommendation: Include criminal solicitation of a minor and continuous sexual abuse of a young child or children in the list of offenses that constitute organized criminal activity.

Background

Most human trafficking rings are by definition organized crime. This revision would add criminal solicitation of a minor and continuous sexual abuse of a young child – which are human trafficking conduct – to Penal Code §71.02 (a).

Potential Legislative Change

Amend the Texas Penal Code §71.02 (a) (engaging in organized criminal activity) to include 15.031 (criminal solicitation of a minor) and 21.02 (continuous sexual abuse of young child or children).

10. Recommendation: Extend the criminal statute of limitations for offenses involving compelling prostitution of a minor.

Background

Extend the statute of limitations to “no limitation” in compelling prostitution of minor cases. Human trafficking is already listed under Article 12.01 of the Code of Criminal Procedure, and compelling prostitution is a similar offense.

Potential Legislative Change

Amend the Texas Code Criminal Procedure Art.12.01 (limitation; felonies) allowing for no limitation on the presentation of an indictment on the offense of §43.05 under the Texas Penal Code (compelling prostitution) when the offense involves a minor.

Providing Protection for Adult and Child Human Trafficking Victims

1. Recommendation: Resolve conflicting protective order statutes.

Background

Two bills passed last session with conflicting provisions regarding protective orders for human trafficking victims:

- SB 24 by Senator Leticia Van de Putte added sex trafficking offenses to the protective order provisions under the statute for sexual assault and stalking; and
- HB 2329 by Representative Bill Zedler created 7B, a new protective order provision for all human trafficking victims. This newly-added chapter was not added to the enforcement provisions in Penal Code §38.112.

The Code of Criminal Procedure now contains two distinct chapters that cover protective orders for victims of human trafficking – Chapter 7A and Chapter 7B. Since 7A covers other sexual offenses, we recommend repealing the 7A changes made last session and fixing the provisions in 7B. This will ensure that all trafficking victims – sex and labor – are covered. Specifically:

- Chapter 7A should revert back to its original form prior to the changes implemented by SB 24, and
- Chapter 7B should also be streamlined to add other associated offenses such as compelling prostitution, continuous trafficking in persons, sexual performance of a child, employment

dangerous to a child, and possession or promotion of child pornography to the list of offenses applicable in obtaining a protective order.

Potential Legislative Change

Code of Criminal Procedure Chapter 7A (protective order for certain victims of trafficking or sexual assault or stalking) should be amended to remove the trafficking of persons offenses so that all trafficking offenses will be included in one article. Chapter 7B (protective order for victim of trafficking of persons) should remain as the human trafficking protective order statute – with minor changes to include all human trafficking conduct. In addition, Penal Code §38.112 (violation of protective order issued on basis of sexual assault) should be amended to include Chapter 7B in the enforcement provisions.

2. Recommendation: Include trafficking of persons in the list of crimes eligible to receive reimbursement for relocation expenses under the Crime Victims' Compensation Act.

Background

Currently, victims of family violence or sexual assault in their residence are eligible for relocation under the Crime Victims' Compensation program. Human trafficking victims are not specifically provided this protection unless an accompanying sexual assault occurs in the victim's home or violence occurs at the hands of a family member. In many cases, sexual assault is part of the human trafficking offense, or the trafficker is a "household" or family member, which would place the crime under the family violence category. Adding all trafficking offenses to this statute would ensure that, regardless of where the trafficking took place, the victim would be eligible for reimbursement of relocation expenses.

Potential Legislative Change

Amend the Code of Criminal Procedure Subchapter B (Crime Victims' Compensation Act) Articles 56.32 and 56.42 to include for the purposes of reimbursement of relocation expenses, victims of offenses under 20A.02 and 20A.03 of the Texas Penal Code (trafficking of persons). This change would improve the safety of human trafficking victims and provide them with much needed housing assistance.

3. Recommendation: Include victims of human trafficking-related offenses as eligible participants in the Address Confidentiality Program.

Background

Currently, victims of family violence or sexual assault are eligible for participation in Texas' Address Confidentiality Program. This would expand eligibility to victims of human trafficking and allow Texas to provide for greater protections for them.

Potential Legislative Change

Amend the Texas Code of Criminal Procedure Subchapter C (address confidentiality program for victims of family violence, sexual assault or stalking) Articles. 56.81, 56.82, and 56.83 to include victims of human trafficking as eligible participants in the Address Confidentiality Program. This would provide victims with greater resources for their protection against their traffickers.

Conclusion

Make no mistake – human trafficking is not just a global problem. It is a national crisis – one that every parent, every teacher, every policymaker, and every law enforcement official must work to understand – and must help to address.

United States Attorney General Eric Holder
Remarks on Human Trafficking for the Frank and Kula Kumpuris Distinguished Lecture Series,
Little Rock, Arkansas (April 24, 2012)¹⁸⁰

The 82nd Legislature enacted significant improvements to Texas human trafficking prevention laws. Law enforcement training has improved, and law enforcement and prosecutors responded to human trafficking with a clear message by assisting with the compassionate recovery of victims and determined prosecution of offenders. Despite these great efforts, more training and public awareness is needed. Texas is a large state, and efforts must continue to reach all law enforcement professionals and other first responders. Because human trafficking is a complex crime, advanced modules and training courses need to be developed. Other criminal justice professionals, such as judges, prosecutors, court officials, and probation officers, need specialized training as well to increase victim recovery.

As Texas boldly confronts this heinous crime, a victim-centered approach continues to drive Texas' response to human trafficking. Texas is one of the few states with a residential treatment facility for domestic children who are victims of sex trafficking. Nurturing the relationship between law enforcement and victim service providers is essential to ensuring victims receive the services necessary to make a full recovery. Creating a network of service providers will assist law enforcement in identifying the most suitable provider for each victim.

The Human Trafficking Prevention Task Force is developing guidelines for both adult and minor victim service providers. As awareness is raised, ensuring that victims have access to services is essential. Texas is committed to victim recovery and protection as these are essential ingredients to a complete response to human trafficking.

Furthermore, the Task Force is continually working with its local, state, and federal partners to increase human trafficking awareness and education throughout the state on this issue. Local organizations are reaching out to law enforcement for training opportunities, and Texans are eager to prosecute human traffickers and provide services to victims. However, more awareness is needed to reach and educate all Texans on this topic. Increasing initiatives that focus on specific populations such as at-risk youth, medical professionals, and school personnel will strengthen Texas' ability to prevent victimization and identify vulnerable victims. Texas has a vast population with strong principles that must be called upon to assist government agencies in the fight against human trafficking. Texas is strongly responding to this crisis and will not turn away from its responsibility.

While Texas' response to human trafficking must be victim-centered, prosecutions of traffickers must increase. Successful prosecutions send a strong message to traffickers that their despicable actions will not be tolerated. Texas remains committed to the core values of freedom and human dignity, and consistently prosecuting traffickers ensures that these values are upheld. In addition, the prosecution of offenders proves to victims that Texas is committed to their protection and recovery.

Although Texas is a national leader in the battle against human trafficking, there is still much more work to be done. Human traffickers are inventive. Traffickers quickly adapt to new laws and law enforcement techniques to evade detection. Texas must work to increase awareness and ensure that all victims – regardless of age, nationality, or gender – are identified. Texas must look beyond typical prevention and investigative strategies to recognize all mutations of the crime and respond accordingly.

The state must not become complacent in light of recent accomplishments. Traffickers will adapt, and the state must stay ahead of the curve. Future initiatives should focus on developing response systems for victims, expanding current awareness and education efforts, and implementing proven tactics across the state. The Task Force will continue to develop resources to assist in the fight against human trafficking.

¹ Office of State Senator Leticia Van de Putte. Press Release. “Senator Van de Putte and Representative Senfronia Thompson File Legislation to Continue to Fight Against Human Trafficking.” November 12, 2012. Retrieved December 5, 2012, from <http://www.senate.state.tx.us/75r/senate/members/dist26/pr12/p111212a.htm>.

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³ United States Department of State. 2012. *Trafficking in Persons Report, June 2012*, p. 7. Retrieved December 12, 2012, from <http://www.state.gov/j/tip/rls/tiprpt/2012/>.

⁴ Texas Penal Code chapter 20A (trafficking of persons).

⁵ Senate Research Center. Bill Analysis (HB 2096). August 29, 2003. Retrieved December 11, 2012, from <http://www.lrl.state.tx.us/scanned/srcBillAnalyses/78-0/HB2096.pdf>.

⁶ Texas Human Trafficking Prevention Task Force. January 2011. *The Texas Human Trafficking Prevention Task Force Report to the Texas Legislature*. Retrieved December 17, 2012, from https://www.oag.state.tx.us/AG_Publications/pdfs/human_trafficking.pdf.

⁷ Shared Hope, International. 2011. *The Protected Innocence Challenge: State Report Cards on the Legal Framework of Protection for the Nation’s Children 2011*, p.12. Retrieved August 20, 2012, from http://sharedhope.org/wp-content/uploads/2012/10/PIC_ChallengeReport_2011.pdf.

⁸ Shared Hope, International. 2012. *Protected Innocence Challenge: State Report Cards on the Legal Framework of Protection for the Nation’s Children*, p. 12. Retrieved December 4, 2012, from http://sharedhope.org/wp-content/uploads/2012/09/ProtectedInnocenceChallenge_FINAL_2012_wcover_web.pdf.

⁹ Polaris Project. 2011. *Rated State Laws*. Retrieved July 24, 2012, from <http://www.polarisproject.org/what-we-do/policy-advocacy/state-policy/current-laws/2011-state-ratings>.

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¹¹ Texas Occupations Code section 1701.258 (Education and Training Programs on Trafficking of Persons).

¹² C.E. Rhodes, President Texas Young Lawyers Association. November 2012. *My Opinion: Spotlight on Human Trafficking*. Texas Bar Journal. Volume 75, Number 10, p. 754 (November 2012).

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²⁰ Texas receives HTRS data from the following areas: Alvin, Arlington, Austin, Dallas, El Paso, Fort Worth, Houston, Midland, and San Antonio. In addition, the Texas Attorney General and the Texas Alcoholic Beverage Commission also report on investigations in Texas. HTRS is a national database maintained by Northeastern University and the Urban Institute for the Bureau of Justice Administration (BJA). The HTRS database contains information about human trafficking investigations, prosecutions, perpetrators, and victims. Information is collected from federally-funded BJA task forces around the nation. Texas was the first state to expand collection to non-funded task forces.

²¹ Data collected from January 1, 2007, to December 14, 2012. This includes cases involving other offenses, such as compelling prostitution, where human trafficking was identified or reported.

²² This depicts the number of inmates incarcerated for trafficking-related offenses in Texas prisons as of August 31, 2012. The numbers listed are for the offenses of record which is determined by the offense with the longest sentence. The data only reflects those inmates incarcerated in TDCJ. Defendants awaiting trial that are housed at the county level and those sentenced to federal prisons are not included.

²³ Data from the Texas-based Innocence Lost Task Forces are independently maintained and tracked. Innocence Lost Task Forces focus on children who are sex trafficked in the United States. Partner agencies on the task force include the Federal Bureau of Investigation (FBI), the Department of Justice's Child Exploitation and Obscenity Section, and the National Center for Missing and Exploited Children (NCMEC).

²⁴ The Innocence Lost reported figures include 183 children from October 1, 2009, to September 30, 2011.

²⁵ Polaris Project. Hotline Statistics. The National Human Trafficking Resource Center offers a nationwide, 24-hour, toll-free telephone number (1-888-3737-888) that is operated by the Polaris Project and funded by the United States Department of Health and Human Services. The hotline receives calls from across that country that range from crisis situations, anonymous tips on potential cases, and training requests. The hotline makes referrals to law enforcement agencies and service providers at the local area to respond quickly to the call. Retrieved November 13, 2012, from <http://www.polarisproject.org/resources/hotline-statistics>.

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The membership agencies include: Alvin Police Department, Amarillo Police Department, Austin Police Department, Beaumont Police Department, Bexar County District Attorney's Office, Bexar County Sheriff's Department, Catholic Charities (San Antonio), Children at Risk, Children's Advocacy Centers of Texas, Corpus Christi Police Department, Dallas Police Department, El Paso County Sheriff's Department, Fort Worth Police Department, Governor's Office, Harlingen Police Department, Harris County Sheriff's Department, Houston Rescue and Restore, Lubbock County Sheriff's Office, Midland County Sheriff's

Office, Mosaic Family Services, National Center for Missing & Exploited Children (Texas Office), North Texas HIDTA, Office of the Attorney General, Refugee Services of Texas (Austin), Smith County Sheriff's Department, South Texas HIDTA, Texas Alcoholic Beverage Commission, Texas Association Against Sexual Assault, Texas Council on Family Violence, Texas Court Appointed Special Advocates, Texas Department of Criminal Justice, Texas Department of Family and Protective Services, Dallas Police Department, Texas Department of Public Safety, Texas Department of State Health Services, Texas Health and Human Services Commission, Texas Hotel and Lodging Association, Texas Juvenile Probation Commission, Texas Municipal Police Association, Texas Rio Grande Legal Aid, Texas Youth Commission, Texas Workforce Commission, Travis County District Attorney's Office, Travis County Juvenile Public Defender, Waco Police Department, Webb County Sheriff's Department, West Texas HIDTA, and YMCA International (Houston). The Attorney General was named as the Task Force's presiding officer, and is responsible for the administration of the Task Force including providing the staff and facilities necessary to assist the Task Force in performing its duties.

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