



THE TEXAS
HUMAN TRAFFICKING
PREVENTION TASK FORCE
REPORT 2011

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Human Trafficking in Texas

Every person should be able to live free from tyranny, exploitation, and enslavement.

Ambassador Luis CdeBaca, Senior Advisor to the United States Secretary of State

Address to the University of Luxembourg (October 14, 2010)

Human trafficking is the recruitment, harboring, transporting, or procurement of a person for labor or services for the purpose of involuntary servitude, slavery, or forced commercial sex acts. Thousands of people each year – both within the United States and abroad – fall victim to this horrific crime. Victims are forced to work in motels, sweatshops, and the sex trade across the world and even in private residences for little or no pay. Subjected to sexual exploitation or forced labor by their captors, trafficking victims are robbed of their dignity and often frightened into silence. In most cases, victims are hiding in plain sight.¹ Texas is home to not only major human trafficking corridors, but many individual trafficking victims are brought to the state and forced to work against their will.

The Office of the Attorney General's 2008 human trafficking report, *The Texas Response to Human Trafficking*, provided an overview of human trafficking in Texas, as well as local, state, and federal authorities' responses to the increasingly prevalent criminal enterprise.² The 80th Legislature requested that the Office of the Attorney General (OAG), in consultation with the Health and Human Services Commission (HHSC), prepare a report detailing how existing laws and rules governing victims and witnesses address – or fail to address – the needs of those victims. The report also recommended changes to existing laws and rules that might improve authorities' ability to hold traffickers accountable for their criminal conduct. The OAG made recommendations geared towards increasing human trafficking victim identification, prosecuting traffickers, providing better social services for victims, increasing training requirements and outreach, expanding prevention efforts, and improving the availability of human trafficking data. The report recommended enhanced anti-trafficking measures such as the creation of a statewide task force and a statewide database to house data on human trafficking investigations, prosecutions, available social services, and victims. Many of the policy recommendations made in the report were addressed through legislation or work by local human trafficking prevention task forces, law enforcement agencies, and victim service providers. The success of Texas' response continues to rest firmly on local, state, and federal law enforcement, victim service providers, prosecutors, and legislators continuing to work cooperatively to respond to this very serious problem.

Unfortunately, measuring the scope of this abhorrent crime is difficult due to the lack of a comprehensive statewide human trafficking database. Currently, only four regions of Texas are entering human trafficking data into the Human Trafficking Reporting System (HTRS) – a national database dedicated exclusively to tracking human trafficking cases.³ HTRS – developed in 2007 and maintained by Northeastern University and the Urban Institute – collects data on human trafficking incidents reported by 38 Bureau of Justice Assistance-funded human trafficking prevention task forces (BJA task forces) across the country.⁴ The HTRS database contains information about human trafficking investigations, prosecutions, perpetrators, and victims.

Even the limited available data about human trafficking arrests and convictions in Texas helps provide insight to the crime's prevalence in this state. Based on information entered into HTRS by the four Texas-based federally-funded task forces, since January 1, 2007, 554 human trafficking investigations led

to the arrest of 132 suspects.⁵ Ultimately, 113 of those suspects were indicted. Of those, 22 suspects were charged with violations of federal law, and 72 with state law violations. Of the 72 suspects charged with violating state law, 15 were charged with human trafficking, 24 were charged with prostitution-related charges, 15 were charged with rape, 7 were charged with kidnapping, 8 were charged with assault, and the remaining 3 were charged with pandering. In total, 29 suspects were convicted of a human trafficking-related crime.

In addition, according to figures provided by Texas Department of Criminal Justice (TDCJ), there are currently eight inmates serving sentences in the Texas prison system who have a human trafficking conviction. Four of those inmates are serving sentences for a human trafficking offense (75 years, 8 years, 5 years, and 2 years). The remaining four inmates were convicted of other crimes and are serving sentences for those offenses of record rather than human trafficking.⁶ If an offender is incarcerated for multiple offenses, the offense of record is the offense that requires the offender to be incarcerated for the longest period of time.⁷ In Texas, the majority of inmates serving sentences for human trafficking-related crimes were convicted of forced prostitution. There are currently 56 inmates serving sentences that stem from compelling prostitution-related offenses.⁸ In 23 cases, compelling prostitution is actually the offense of record. The remaining 33 are serving sentences for other offenses of record.⁹ Ten inmates were convicted of compelling prostitution in cases where the victims were under the age of 17. Their sentences ranged from 2 years or less (1), 3-7 years (4), 10 years (3), 11-15 years (1), and 41-50 years (1). Thirteen inmates were convicted of compelling prostitution of victims over 18 years of age, with sentences ranging from 5-8 years (3), 10 years (3), 11-15 years (1), 16-20 years (2), 60 plus years (2), and Life (2). The chart below lists the offenses of record and the sentence ranges for all current TDCJ inmates with human trafficking-related convictions.¹⁰

Chart A

		Offense of Record ¹¹				
		Trafficking (Under 14)	Trafficking	Compelling Prostitution (Under 17)	Compelling Prostitution	Other Offenses
Sentence Ranges	2 years and less		1	1		5
	3-8 years	1	1	4	3	11
	9-10 years			3	3	5
	11-15 years			1	1	6
	16-20 years				2	8
	41-50 years			1		
	60 plus years		1		2	2
	Life				2	

Note: Chart A 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.

The number of identified human trafficking victims also provides insight into the width and breadth of the human trafficking problem in Texas. All four Texas-based BJA task forces and the OAG report data about human trafficking victims from the state's four major metropolitan areas to the HTRS database. Since 2007, HTRS data indicates that 480 human trafficking victims have been reported in Texas. Of those reported Texas victims, HTRS indicates that 189 were not United States citizens, while 220 victims were Americans who were trafficked domestically. The remaining 71 victims' country of origin is unknown.

In addition, there are two Texas-based Innocence Lost Task Forces – one each in Dallas and Houston. These task forces focus on children who are sex trafficked within the United States and 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). Data from these task forces is not currently reported to HTRS. However, both Texas-based Innocence Lost task forces independently maintain and track this information about sex trafficking of child victims. In Fiscal Year 2010, the two task forces identified and rescued 109 child victims.

Minors – from both foreign countries and the United States – are widely considered to be among the most vulnerable segments of the population because they are particularly vulnerable to coercion and abuse.¹² Children are often lured by traffickers who promise employment, shelter, or even affection. Runaway minors and homeless youth are among the child populations that face the greatest risk of falling victim to human traffickers.¹³ A 2009 report by the United States Department of Health and Human Services estimates children are likely to be approached by traffickers within 48 hours of leaving or losing their homes.¹⁴ Once traffickers target them, these child victims are manipulated, threatened, and forced into providing illegal labor or sexual services. The Texas Uniform Crime Reporting Program (UCR) maintained by the Department of Public Safety (DPS) indicates that 11,942 juveniles (16 years of age or under) were arrested as runaways in 2009 – 4,896 males and 7,046 females.¹⁵

Since January 1, 2007, HTRS data and the data collected by the Innocence Lost task forces show that 369 children have been identified as victims who were trafficked in the state of Texas.

Victims younger than 18 years of age	January 1, 2007 – January 13, 2011
International – Labor	2
Domestic – Labor	1
International – Sex	26
Domestic – Sex	188
Unknown Origin – Sex	34
Foreign – Labor and Sex	8
Domestic – Labor and Sex	0
Unknown – Labor and Sex	1
Innocence Lost – Sex (International and Domestic) ¹⁶	109
TOTAL	369

To help prevent trafficking and provide a resource for local authorities, the National Human Trafficking Hotline (NHTH) 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 (HHS). The hotline receives calls from across the country that range from crisis situations, anonymous tips on potential cases, and training requests from all regions of the United States. NHTH receives between 5,500- 7,500 calls each year. With approximately 10-12% of the calls originating in Texas, our state is number one in the number for NHTH calls received.¹⁷

Although this limited data indicates human trafficking clearly occurs in Texas, it does not properly measure the problem. Collecting information about human trafficking investigations and prosecutions at the local level is still a significant challenge because victims are difficult to identify, and until recently, there was not a standardized reporting system for human trafficking cases.¹⁸

Around the state, there are multiple examples of how law enforcement agencies and prosecutors are working to both help victims and prosecute traffickers. The following Texas-based cases provide a snapshot of how Texas is working to combat human trafficking:

- **Arlington** – In February 2010, an Arlington, Texas couple was convicted on federal charges of conspiracy to commit forced labor, forced labor, conspiracy to harbor an alien for financial gain, harboring an alien for financial gain, document servitude, and making false statements to an FBI agent.¹⁹ The couple forced a Nigerian widow to perform domestic labor for more than 8 years after getting her to the United States by promising that her children would be cared for in Nigeria if she worked in the United States. Once she arrived in Texas, the traffickers confiscated the victim’s passport and forced her to work night and day. She was paid \$300 over 8 years, and she was sexually assaulted by her male trafficker. In June 2010, the husband was sentenced to 20 years in prison, and his wife received a 9 year sentence.
- **Dallas** – In December 2010, five individuals were indicted in federal court for human trafficking violations. The defendants enticed a woman to the United States to work as a domestic servant for a family. Once she arrived in Texas, the family forced her to work excessive hours and physically abused her. The traffickers were charged with multiple offenses, including forced labor and document servitude.²⁰
- **El Paso** – In September 2010, two individuals were indicted on trafficking charges after forcing a woman and her three children – ages 7, 10, and 15 – into domestic servitude. The family was smuggled into El Paso through a tunnel under the United States-Mexico border. Once they arrived in the United States, the victims were forced to cook, clean and maintain the traffickers’ “safe house” for approximately three months purportedly to satisfy the debt they owed to their smugglers. Although the traffickers have fled the country, the El Paso District Attorney is working with the Justice Department and the State Department to return them to the United States so they can face criminal prosecution.
- **Houston** – In March 2010, the OAG and the United States Attorney’s Office in the Southern District of Texas successfully investigated and prosecuted a Houston man for the sex trafficking of a 16-year old girl across the Texas-Louisiana border and enticing an adult to commit prostitution. The defendant was charged with enticing and violently coercing women and minors – some as young as 16 – to cross state lines, where they faced a life of forced, unpaid prostitution. That case was part of the Project Safe Childhood and Innocence Lost National

Initiative. In November 2010, a federal judge sentenced the defendant in that case to serve more than 33 years in prison.

- **Midland/Lubbock** – In October 2010, two Lubbock residents were arrested for human trafficking after forcing a minor into prostitution.²¹ Authorities believe the defendant's operation spanned several counties in West Texas. Midland recently developed a human trafficking response team.
- **Mission** – In September 2010, a Mission bar owner was convicted of three counts of sex trafficking and conspiracy and six counts of harboring illegal aliens.²² The defendant in the federal case lured three Honduran minors to the United States with the promise of highly paid restaurant work at the Bar El Paraiso in Mission, Texas. Once they arrived, the girls were forced to pay their smuggling debts by selling drinks and having sex with customers. The defendant faces a minimum of 15 years in prison for each of the sex trafficking counts and up to 10 years in prison for charges of harboring illegal immigrants. At the time of this report, he was awaiting sentencing. The Texas Alcoholic Beverage Commission (TABC) revoked the bar's licenses shortly after the arrest. Four others pled guilty to federal charges in the case and are awaiting sentencing.
- **San Antonio** – In December 2010, a convicted child-sex trafficker in San Antonio received a life sentence in State court for kidnapping, sexually assaulting, and forcing a child into prostitution. In 2007, the defendant abducted and drugged a 13 year-old girl whom he tied up in a bedroom of a San Antonio house and sold for sex. The jury found the defendant guilty of kidnapping, compelling prostitution, human trafficking, and super-aggravated sexual assault. Three other suspects in the case are awaiting trial.²³

At the time of this report's publication, the state was at a pivotal junction as leaders worked to develop a comprehensive plan that will protect human trafficking victims and ensure that traffickers are held accountable for conducting their illegal business in Texas. Sustaining the existing prevention efforts and expanding these models into other regions is integral to the overall success of Texas' response. Texas is making progress, but the state still faces significant challenges. To address those issues, state leaders should prioritize the following:

- Identifying additional prevention strategies.
- Identifying human trafficking victims and presenting cases for prosecution.
- Addressing gaps in victim services and resources for law enforcement agencies.
- Working to change law enforcement, prosecution, judicial, service provider, and public perceptions about human trafficking victims.
- Implementing a statewide database to collect and share law enforcement and prosecutorial data on human trafficking.
- Creating an integrated methodology to share human trafficking intelligence between regions and various law enforcement agencies to identify threats from within and outside our state.

Current Challenges Facing Texas

There are formidable challenges associated with the state's priorities – but they can be overcome. To confront this serious threat, it is essential that Texas law enforcement agencies, nonprofit organizations, and policy makers work collaboratively to identify trafficking operations, prosecute traffickers, and assist victims. Each priority has its unique set of challenges, but thoughtful strategies and collaboration will allow Texas to help more victims and pursue more traffickers for violating the law.

Identifying Prevention Strategies

Eradicating human trafficking will require numerous prevention strategies so that investigators, prosecutors, and service providers can combat this crime from all angles. Given the current state budget climate, resources will likely be limited – so additional prevention efforts will need to harness existing resources and infrastructure.

While law enforcement agencies and victim service providers are improving their ability to identify victims, there is still more to learn about the dark world of human trafficking. To prevent trafficking, authorities must thoroughly examine the vulnerabilities of human trafficking victims and the factors that put them at greater risk. Any policy designed to reduce human trafficking must also consider strategies aimed at reducing the demand side of human trafficking. Finally, shareholders must understand the complexities and intricacies of the overall human trafficking enterprise – and its unique manifestations in Texas – in order to help ensure that prevention measures are successful.

SUPPLY AND DEMAND

Understanding the vulnerabilities of human trafficking victims and the means by which the traffickers prey on those vulnerabilities is the key to addressing supply or push factors of this crime. Extreme poverty, low self-esteem, and the dream of finding a better life are some of the factors that increase the likelihood of international and domestic human trafficking. Prior victimization and past abuse are major factors that increase the risk of exploitation – especially among children seeking to escape physical and/or sexual abuse at home. Children abused at home often turn to the streets seeking acceptance anywhere they can find it – and too often that purported acceptance appears to come from a conniving trafficker.

Traffickers use numerous recruitment methods to entice their victims, so comprehensive prevention strategies should target all types of trafficking and recruitment methods. A recent study by the University of Texas Institute on Domestic Violence and Sexual Assault showed that there are four typologies, categories of traffickers, as well as specific trafficking patterns: family-based domestic servitude, forced labor, domestic sex trafficking, and international sex trafficking.²⁴ Each type of trafficker has unique characteristics, recruitment methods, and target victim populations. Understanding the different types of traffickers and their recruitment methodologies will help law enforcement design more effective preventative strategies.

To quell the number of victims exploited through human trafficking, prevention measures must also address the demand-side of the equation. The factors that create a trafficking supply climate are expansive – while demand factors can be summed up into three categories: demand for sexual services, demand for cheap labor, and the potential for large profits.²⁵ With increased oversight of employment

sectors where labor exploitation is likely to occur, regulatory agencies will be better equipped to deter potential perpetrators. Regulating licensees operating in those sectors and strengthening penalties against individuals who solicit or use the services of trafficking victims – including enhanced penalties for repeat offenders and those who prey on children – will serve as a tough deterrent.

California recently passed two laws that provide additional tools to combat trafficking. Senate Bill 677 allows courts to seize any property used to facilitate human trafficking. It also imposes civil penalties of up to \$25,000 per incident. Senate Bill 657 requires large retail chains and manufacturers doing business in California to “develop, maintain, and implement policies related to their compliance with state and federal law regarding the eradication of slavery and human trafficking from their supply chain.” The legislation also requires companies to post these policies on their website.

CRIMINAL ENTERPRISE

Human trafficking is a lucrative business. Traffickers make a great deal of money buying and selling people for the sex trade or other forced labor. Human trafficking is frequently cited as the second largest criminal industry in the world – drug dealing – and the fastest growing.²⁶ Economic estimates are difficult to calculate given human trafficking’s uniquely murky character. The International Labor Organization estimated that, worldwide, illegal labor trafficking generated over \$10.4 billion in 2007.²⁷ While these estimates are global, they provide insight into the enormous wealth accumulated by traffickers. Recently, the National Opinion Research Center (NORC) included a proposed formulary to calculate sex trafficking income in their report, *Finding Victims of Human Trafficking*.²⁸ According to the 2008 report, traffickers in one mid-size United States county can generate in excess of \$12 million in any given year.²⁹ Under these estimates, sex trafficking in the five most populous counties in Texas could generate over \$60 million every year.

Awareness and Education to Increase Detection

Recognizing the signs of human trafficking and knowing the appropriate government and nonprofit agencies to notify is critical to combating the crime in local communities. The *Study of HHS Programs Serving Human Trafficking Victims, Final Report, December 2009* (“HHS Final Report”), addressed the importance of providing outreach and training to groups that are likely to come in contact with potential victims – including child welfare agencies, police departments, juvenile detention facilities, healthcare systems, faith-based organizations, youth-serving agencies, and schools or school districts.³⁰ Expanding training and awareness initiatives to other non-traditional business professionals will increase the likelihood of detection in the community because, unlike law enforcement, observant civilians drive through their communities and visit local businesses without arousing suspicion or detection by the offenders.

As more people know about human trafficking, it is more likely to be reported, investigated, and prosecuted. Training, outreach and public awareness campaigns can draw attention to this problem, and in turn, create a better informed community. Efforts to arm individuals with the knowledge to recognize trafficking will help empower the community to report suspicious conduct to law enforcement. With each training or outreach program initiated in a community, a corresponding response mechanism must be implemented to ensure the newly identified victims receive appropriate services.

Changing the perception of the public is also a crucial component in the process. By educating the public about trafficking and the seriousness of the crime, a community can work together to create a victim support network. Some prosecutors have found that judges and juries are unwilling to seek maximum penalties for traffickers because they do not understand the severity of the crime and its impact on the victims. The public has overcome this hesitancy for other egregious crimes, specifically sexual assault cases involving minors. With community outreach and training, jurors and judges can make sound judgments and pair appropriate punishments that are commensurate with the seriousness of the crime.

Increasing Victim Identification

One of the greatest challenges for Texas is uncovering victims. The State Department 2010 *Trafficking in Persons Report* states that the number of victims identified reflects only .4% of the victims in existence.³¹ Assuming that estimate holds true for any state, Texas has only begun to scratch the surface in identifying victims.³² Often victims of human trafficking are not identified as a victim if they are caught committing some kind of illegal activity. A common reaction is to treat them as a suspect. The challenge is to distinguish between those who engage in the illegal activity by their own choice – and those who are forced to commit the act by someone else. The way human trafficking cases are approached by law enforcement and prosecutors can drastically effect how the victim is served. Significant legal protections are available to trafficking victims – so access to those unique protections must be preserved, especially in cases involving foreign nationals certified as trafficking victims. Collaboration, communication, and cooperation are the keys to successful human victim identification efforts and will help challenge existing perceptions of trafficked persons.

COLLABORATION

The federal Trafficking Victims Protection Act of 2000 (TVPA) was the beginning of an enhanced effort to address human trafficking through a unique approach – combining principles of protection, prevention and prosecution to combat the crime.³³ As part of a federal initiative to increase the participation of local and state agencies, the United States Department of Justice (DOJ) awarded grants to locally-based, multi-disciplinary task forces engineered to identify potential victims, provide services, investigate, and prosecute the traffickers through a victim-centered approach.³⁴ *Understanding and Improving Law Enforcement Responses to Human Trafficking*, a national study conducted by Northeastern University (NEU), shows that law enforcement agencies participating in task forces identified and investigated more cases and made more human trafficking arrests than non-task force law enforcement agencies.³⁵

Model regional task forces provide a comprehensive approach including active involvement from local, state, and federal law enforcement agencies, prosecutors, and non-governmental organizations serving human trafficking victims. Each partner in the process works collaboratively to ensure that the victim's needs are met and that the offenders are held accountable for their crimes.³⁶ Ten years after the implementation of the TVPA, a new guiding principle has been introduced – partnership.³⁷ Not only must efforts be made to coordinate an interagency “whole of government” approach, but additional work must be done to utilize non-traditional partners and untapped resources as well.³⁸ The four Texas-based federally-funded task forces have embraced the concept of employing these four principles to address human trafficking.³⁹

The efforts of the federally-funded task forces have netted positive results in the identification and rescue of human trafficking victims – and the successful prosecution of the traffickers who harmed

them. This collaborative approach merits duplication in other areas of the state. To that end, these task forces routinely share their expertise with others, providing technical assistance for complex investigations, human trafficking training for various audiences, and guidance in establishing local response teams and task forces. Several areas across the state have taken the first steps toward developing new human trafficking response teams. With each newly-created formal response team comes a greater likelihood more victims will be uncovered and traffickers will be brought to justice.⁴⁰

In addition, the two Texas-based Innocence Lost operations have led to numerous convictions against prostitution promoters and traffickers who prey on children. In June 2003, the FBI, in conjunction with the DOJ Child Exploitation and Obscenity Section and NCMEC, launched the Innocence Lost National Initiative.⁴¹ In the seven years since its inception, the initiative has resulted in the development of 39 task forces and working groups throughout the United States. Together, federal, state, and local law enforcement agencies work in tandem with United States Attorneys' Offices to identify, investigate, and prosecute child sex human trafficking. The FBI also maintains a database on prostituted children. This data, which includes detailed information on victims and their oppressors, helps local authorities complete threat assessments and share law enforcement intelligence across regions.⁴² To date, these task forces have worked successfully to rescue more than 1,200 children. Innocence Lost investigations have also successfully led to the conviction of over 600 individuals who organized and profited from prostitution with children. These convictions have resulted in lengthy sentences, including multiple 25-year-to-life sentences and the seizure of real property, vehicles, and monetary assets. In November 2010, an Innocence Lost investigation in Houston led to the conviction of a trafficker and a sentence of 33 years.⁴³ Texas has also seen successes in rescuing exploited children – more than 100 children rescued from traffickers in Texas in Fiscal Year 2009.

IDENTIFYING LABOR VICTIMS

While sex trafficking receives a lot of media attention and research focus, it is important to note the labor trafficking is also a significant problem. The United States Department of State reported that nearly 82% of the trafficking cases certified in the United States in 2009 were labor cases, and 52% of those cases involved men.⁴⁴ Many times, labor trafficking victims are found in areas where there is a demand for unskilled labor. Thus, their cases are commonly uncovered in business sectors that include hospitality, seasonal agriculture, garment manufacturing, construction, and domestic labor.⁴⁵ Texas has an economy that is largely based on tourism and agriculture, and it is likely that labor trafficking is happening frequently in the state even if it's impossible to accurately quantify the exact extent statewide. The fact that Florida has identified a large number of labor trafficking victims indicates that Texas needs to focus on that issue as well.⁴⁶ HTRS data indicates that more international victims have been reported in labor cases, but domestic labor cases also exist. Overall, more targeted investigative, outreach, and support efforts are needed to ensure that the state is fully addressing the needs of this vulnerable population.

FUNDING

With the state is facing a multi-billion dollar budget shortfall, only limited resources may be available to help combat human trafficking. As a result, is it important to consider funding sources that do not require general revenue. For example, in August 2010, the Criminal Justice Division of the Governor's office awarded the Office of the Attorney General a \$291,000 grant to provide funding for three law enforcement positions dedicated to combating human trafficking. Similarly, the Houston Trafficking Rescue Alliance (HTRA) and YMCA International of Houston received one of three \$1 million grants from

the United States Office for Victims of Crime (OVC) for an Enhanced Collaborative Model to Combat Trafficking. That grant includes programs for domestic trafficking victims.⁴⁷ House Bill 4009 (81st Legislature) established the trafficking of persons investigation and prosecution account, which created a \$10 million fund where counties and non-governmental organizations could apply for grants to fund the investigation and prosecution of human trafficking cases, as well as prevention, training, awareness, and legal services to assist victims of human trafficking.⁴⁸ However, the Legislature did not appropriate funding for this grant program. If fully funded, these grants could provide resources for local responses to human trafficking in new areas of the state.

Providing Protection for Adult Human Trafficking Victims

Finding and identifying victims is only part of the challenge Texas faces in the fight against human trafficking. Traffickers will continue to enslave men, women, and children with little recourse if the victims who they exploit do not feel comfortable coming forward. Victims must not only feel safe and secure, but because many rely on their trafficker for lodging, food, and money, victims also need assurance they will have the financial means to begin rebuilding their lives.

Once victims are identified and rescued, providing comprehensive need-specific services is vital to victim restoration and recovery. Human trafficking survivors require a continuum of care ranging from emergency care, short-term and long-term housing, immediate and ongoing medical and mental healthcare, as well as legal services. While these categories represent a broad range of needed services, each type of trafficking victim is different and requires a specialized service plan. Services for an international adult female sex trafficking victim are very different than those needed for a domestic child labor trafficking victim. Immediate needs are usually met through a patchwork of providers, but human trafficking cases are lengthy. Many times the trauma is so severe victims are usually in need of ongoing services and coordination from a multidisciplinary team of skilled service providers.⁴⁹ A focus on long-term care and support is crucial.⁵⁰

Unfortunately, human trafficking victim services in the state are limited and sometimes fragmented. There are a few service providers across the United States utilizing a one-stop model to ensure that a victim-centered approach is used in assisting with social, shelter, and legal services.⁵¹ The Coalition to Abolish Slavery and Trafficking (CAST) in Los Angeles is an example of this type of approach.⁵² CAST provides a three-pronged approach to serving victims. First, CAST builds a strong advocacy base and coalition, partnering with non-governmental organizations and government agencies to establish collaborations. Second, CAST conducts outreach in communities where trafficking victims may reside and offers training to identify potential victims. Finally, CAST offers a combined approach to providing services by offering social, shelter, and legal services in-house. Mosaic Family Services, Inc. in Dallas utilizes a similar approach by providing advocacy, outreach, and client services either in-house or on a referral basis. Service providers in Texas should explore and expand similar integrated approaches to providing services to trafficking victims across the state.

The Texas Response to Human Trafficking acknowledged that providing services to trafficking victims is a statewide challenge. Gaining access to appropriate services poses the greatest hardship for human trafficking victims, and the lack of funding continues to present major limitations. Only a few programs throughout the state receive federal funding specifically dedicated to assist victims of trafficking. These programs often restrict who they can serve, which leaves some victims with few alternatives for assistance. Service availability and access eligibility must all come together to ensure victims receive proper care.

One of the first service priorities for many human trafficking victims is safe housing. Housing is a critical part of the recovery process. If the trafficker has been arrested, the victim may be homeless. Human trafficking victims in particular, require shelter or housing options that are both safe and isolated from their traffickers. Traffickers often try to lure victims back, and if the victims do not have a stable housing environment they are likely to return to more abuse. Apart from the large urban areas in Texas, there are few emergency or long-term housing options for trafficking victims.

Florida introduced a model that places victims in residential complexes in different regions of the state. The victims are placed in a region that is distant from the trafficker, so they are able to regain a sense of independence and begin to heal by living in a home setting (as opposed to a shelter setting). While these complexes are not locked down in the traditional sense, general access is limited, which provides an additional level of security. Texas victims would benefit from a statewide plan that would allow victims to receive safe housing in different regions – away from the trafficker.

Trafficking victims are often reliant on their trafficker to meet all of their daily living needs. Rescue removes victims from abusive situations, but it does not guarantee survival. Victim service organizations working with these victims must help them adjust to living in new surroundings. Providing victims with life skills training is essential to the successful recovery process. Allowing victims to pursue legal claims against their traffickers and recoup monetary damages provides another potential avenue to assist the recovery process.

Providing Protection for Child Human Trafficking Victims

Of all the horrific forms of human trafficking, cases involving children are often the most disturbing. Some children are violently abused by traffickers who buy and sell them for financial gain. Every day, children are forced to work in the agricultural, manufacturing, restaurant, and hotel business sectors, as well as the domestic servitude and the commercial sex industries. Children are trafficked across the world, throughout the United States, and right here in Texas. Crafting a comprehensive solution for identifying, rescuing, and rehabilitating trafficked children should be considered one of the state's most pressing policy priorities.

Traffickers often prefer child victims to adults because they are easily controlled.⁵³ Domestic child victims may be homeless, runaway, or throwaway youth who have flocked to urban areas and are forced into criminal sexual exploitation or prostitution.⁵⁴ Children who have run away from home are even more vulnerable to trafficking because they have to rely on others to survive on the streets.⁵⁵ These children are usually escaping abusive or disrupted homes, and are easily manipulated. As opposed to adults, most children have fewer resources and life experiences to handle difficult situations.⁵⁶

Trafficked international minors face a unique set of circumstances due to their immigration status. Many of these children have come to the United States to reunite with family members. Others come alone seeking work. When young victims are unaccompanied and undocumented, they are at greater risk of exploitation. Traffickers use the child's immigration status and lack of family support as tools to make them fearful of law enforcement, which helps traffickers maintain their control over them.⁵⁷

Trafficked children – both international and domestic – are not typical child abuse victims. Service providers and organizations working with child trafficking victims have voiced concerns about the State's existing child welfare, public health, immigration and juvenile justice infrastructure's capability to

adequately address trafficking victims' specialized needs. Victim assistance professionals working with minor victims face unique challenges because the child's age places a legal status upon them that impacts every aspect of the case, from investigation and prosecution, to protections afforded the victims and prevention strategies used to address the crime. Multiple requirements meant to provide minors added protections under the law may actually hamper the victim-centered approach used to assist these victims. Ensuring that these children are free from traffickers' exploitation will require further review of the issue from more than a criminal justice perspective.⁵⁸ Before Texas can begin to develop a comprehensive response for these victims, the State must be cognizant of the multitude of issues surrounding cases involving minors.

IDENTIFYING CHILD VICTIMS

The most problematic issue in addressing the needs of these children is the large-scale difficulty associated with identifying victims. The HHS Final Report identified several barriers to identifying child victims including:

- The murky nature of human trafficking as a crime.
- A lack of general understanding about human trafficking amongst those that come into contact with children.
- A lack of self-identification as a victim, contradictory laws and lack of legislation.
- The legal and program mandates associated with responding to minors.⁵⁹

Too often, human trafficking victims – including children – are not viewed as victims, but rather as criminals who violated immigration or other laws.⁶⁰ When these child victims are encountered by law enforcement, they may seem hardened or uncooperative, and may not act like a victim at all. Some young victims believe that the trafficker is their boyfriend or their protector, and they are hesitant to turn on them.⁶¹

Children may also provide false identification documents that show a different name or age.⁶² Victims from other countries may avoid law enforcement or other professionals because they fear deportation or feel ashamed by the circumstances of their trafficking. Standard practice in the past has been predicated on the notion that these children are criminals, but as a matter of state and federal law, they are victims. Texas needs to do more to remove barriers that prevent victim identification by: (1) providing systemwide training and targeted outreach to officials who come into contact with child victims, (2) identifying screening and interviewing tools that help authorities recognize and communicate with young trafficking victims, and (3) fully implementing collaborative response teams and task forces in more areas of the state.⁶³

In 2009, 11,942 juveniles were arrested for running away in Texas. An additional 66 were arrested for prostitution and commercialized vice.⁶⁴ Add those youth arrest statistics to the reported 3,200 unaccompanied international minors served by the federal Administration for Children, Youth and Families Office of Refugee Resettlement (ORR) Division of Unaccompanied Children's Services (DUCS) in Texas, and the number of children at risk of being trafficked in Texas is staggering.⁶⁵ The state needs to identify additional ways to accurately measure the number of children who are trafficked in the United States and Texas so response efforts and prevention measures are adequately formulated to meet the growing needs of this victim population.⁶⁶

ASSISTING CHILD VICTIMS

Trafficked children experience severe and adverse health effects that are unlike those found in other child abuse victims.⁶⁷ *The DOJ National Strategy for Child Exploitation Prevention and Interdiction* reports that there are insufficient support and recovery programs for sexually-exploited child victims.⁶⁸ The same can be said for children compelled into forced labor situations. Appropriate support services are vital to providing a victim-centered approach for these children. Without the right social services, recovery will be slow, preventing children from moving on with their lives and decreasing the likelihood that they can effectively help with the investigation and prosecution of their trafficker.⁶⁹ The provision of insufficient systemwide resources allows traffickers to maintain domination over child victims and perpetuates the cycle of exploitation.⁷⁰

In Texas, assisting trafficked children is challenging. Across the state, those working with these victims have reported having difficulties accessing services. Services are either unavailable, underutilized, or lack coordination. Worse, not all services are readily available to children because minors require a parent or guardian to consent before services or helathcare can be provided. This is problematic when parents are absent, unknown, or even the offending traffickers.⁷¹ Service availability and accessibility also varies based on the minor's relationship with the trafficker, as well as their nationality – specifically whether they are a United States citizen or a foreign national.

Children who are forced into labor and commercial sexual activities suffer unspeakable trauma and endure many physical and psychological hardships. The effects of the crime have a long-lasting impact on their development and health. Without access to the necessary specialized services, trafficked children cannot be stabilized, which hampers investigations, prosecutions and the victim's own recovery.⁷²

Texas should develop and implement a plan to address the unique needs of child human trafficking victims and the statewide approach should contemplate appropriate mechanisms to divert child victims from the traditional criminal justice system to community and local response systems. Further studies should be conducted to determine whether the juvenile justice system, the child welfare system, or a hybrid approach that combines the two systems is best suited to help young victims.

Assisting Domestic Child Victims

A common misperception about child trafficking victims is that the majority of the victims are from foreign countries. In fact, United States-born children are heavily impacted by human trafficking – particularly prostitution and commercial sexual services. Only recently has the domestic side of the issue begun to receive adequate attention. Sex trafficking is often the result of a carefully orchestrated plot of manipulation, preparation, and deception by seasoned criminals who perfect the path to controlling these young vulnerable victims.⁷³ According to a 2009 report by the United States Department of Justice, the FBI estimates that child prostitutes enter their perilous trade, on average, at the age of twelve.⁷⁴

In 2007, HHS studied residential treatment facilities serving minor sex trafficking victims. That study indicated that domestic youth are commonly placed in a variety of settings to receive services – child protective services' group homes, foster care, and juvenile corrections facilities. Under all these scenarios, staff failed to recognize that the young resident was a victim of human trafficking.⁷⁵ Few residential treatment facilities are dedicated solely to this specific victim population. As a result, service

providers and law enforcement regularly advocate for specialized facilities to serve trafficked children – specifically facilities that offer prevention and long-term care services.⁷⁶

Recent focus has been placed on the special needs of children who were exploited in the commercial sex trade. In 2009, OVC selected three demonstration sites to provide services for domestic minor victims: Safe Horizon, Inc. (New York City), Salvation Army Metropolitan Division (Chicago), and Standing Against Global Exploitation, Inc. (San Francisco).⁷⁷ These organizations will work with OVC and other federal agencies to identify programs that successfully serve the domestic minor community. In addition, the organizations will provide services for domestic minor victims and produce a final report on the implementation of the project. Discussions are ongoing in multiple regions to develop similar service plans in Texas for these unique victims.

Assisting Child Victims Who Are Offenders

One of the most complicated aspects of providing victim services to children involves minors who may have dual status as an offender and a victim. When international and domestic children are involved in criminal activity as a result of trafficking, the lines between victim and offender are blurred. The criminal justice and immigration systems are left to serve these children as opposed to traditional victim service providers. Victim identification complications also arise when children commit criminal acts as a result of human trafficking. This is especially true for children forced into commercial sex trafficking. It is more likely that a child involved in sex trafficking will be arrested for the crime than the trafficker or the person procuring the services due to the nature of the crime.⁷⁸ If these children are not viewed as victims, it is doubtful they will be referred to appropriate services.

Law enforcement officers who handle trafficking cases have reported that they elected to arrest children simply because incarceration would remove them from the streets – and from their exploiters – because authorities have no other mechanism for keeping these children safe.⁷⁹ Law enforcement and service providers have expressed the need to identify and establish a proceeding for holding a child long enough to provide appropriate services and encourage them to cooperate with law enforcement.

In the 2009 national study, *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, Shared Hope International researched domestic minor sex trafficking in ten cities across the United States. The organization identified several areas of concern for domestic minors involved in prostitution, including criminalization of a victim through misidentification and criminalization as a solution for placement.⁸⁰ Shared Hope International noted that victim's rights found in the federal Trafficking Victims Protection Act (TVPA) were not being provided uniformly across the United States.⁸¹ Further, the organization reported that domestic children were being placed in juvenile detention facilities or returned home, and some were even placed under a mental health hold in order to provide services.⁸² The study suggested that a better solution would be a protective hold that would allow authorities to treat the child as a crime victim rather than an offender.⁸³ Texas is home to three of the ten cities in the report – Dallas, Fort Worth, and San Antonio.

A 2009 article in *Child Maltreatment* suggested that juvenile prostitution should be looked at from a maltreatment perspective as opposed to a criminal delinquency perspective.⁸⁴ In support of this position, the authors noted that sexual activities by adults with children have long been considered child maltreatment, even when activities involved some “voluntary” participation by the child. Second, many juveniles involved in prostitution have a history of maltreatment by their families, and inadequate responses by child protection agencies to that maltreatment may be a factor in many of these cases.

Finally, juveniles involved in prostitution are frequently abused by the criminals who market them, their clients, and other adults. Although the report indicated that many have called for a child protection response to the management and treatment of these youth, the authors discussed the complicated policy dilemma surrounding intervention with juveniles involved in prostitution.⁸⁵ The article recommended a hybrid response to exploited youth. This approach would encompass a multidisciplinary and multicomponent solution, largely because the child welfare system by itself does not have the tools to address the needs of many trafficked victims.⁸⁶

A June 2010 Texas Supreme Court decision held that children under 14 years of age could not consent to sex, and therefore lacked the capacity to consent to prostitution.⁸⁷ The opinion by Justice Harriett O’Neill stated:

It is difficult to reconcile the Legislature’s recognition of the special vulnerability of children, and its passage of laws for their protection, with an intent to find that children under fourteen understand the nature and consequences of their conduct when they agree to commit a sex act for money, or to consider children quasi-criminal offenders guilty of an act that necessarily involves their own sexual exploitation. In the context of these laws, and given the blanket adoption of the Penal Code into the Family Code, it is far more likely that the Legislature intended to punish those who sexually exploit children rather than subject child victims under the age of fourteen to prosecution.

The Court’s decision plainly found the Legislature intended to punish criminals who exploit children – but the opinion’s wider impact remains to be seen, and because that impact is somewhat unclear, Texas must identify an immediate solution for identifying minor victims and providing restorative services to children who are lured into prostitution and other exploitive labor by traffickers.

Texas has dedicated organizations committed to addressing the needs of abused children. Children’s Advocacy Centers (CAC) specialize in assisting law enforcement with investigations involving children – and doing so in a way that does not cause further victimization. Children enter CACs through referrals from law enforcement or Child Protective Services (CPS). CACs are familiar with human trafficking victims because centers around the state have worked with trafficked children in the past, including victims of commercial sex exploitation. One of the major challenges CACs encounter is law enforcement’s failure to refer child trafficking victims. In some jurisdictions, law enforcement officers who encounter young trafficking victims are part of the vice or trafficking units – rather than the unit assigned to handle crimes against children. More training is needed to educate all law enforcement about the role CACs play during criminal investigations. Because child victims may be especially reluctant to provide information about an abuser or trafficker, the forensic interviewers housed within CACs are useful and may be better equipped to obtain information from a child victim.

To serve child trafficking victims, law enforcement, service providers, and other members of the community must employ a victim-centered approach and acknowledge their littlest victim’s rights – especially their rights as crime victims. Just as traffickers are constantly attempting new ploys in an effort to cultivate new child victims, officials charged with protecting those children must be increasingly creative as they endeavor to serve their young victims. For example, when prosecutors work together to arrest or convict traffickers and patrons of child prostitutes, they must work with the police and caregivers to do so in a manner that puts the child first.

TEXAS STATE AGENCY PARTNERS IN THIS EFFORT

Three specific types of child trafficking victims are currently served by governmental agencies and need specialized service plans:

- Children that are abused and/or neglected by a “traditional” caregiver – including a family member – are serviced by Child Protective Services, which is a division of the Texas Department of Family and Protective Services.
- Children from other countries are provided services through the Unaccompanied Refugee Minor Program or the Division of Unaccompanied Children’s Services, which is a division of the Texas Department of Family and Protective Services.
- Children that are charged with criminal conduct are handled primarily by the Texas Juvenile Probation Commission or the Texas Youth Commission after they have been tried and convicted of a crime.⁸⁸

Child Protective Services, Department of Family and Protective Services

Under the Texas Family Code, the Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) has authority to investigate only some allegations of abuse or neglect.⁸⁹ Section 261.001(5) provides that CPS can investigate allegations involving suspects who are traditionally responsible for a child’s care – such as a family member, guardian, or foster parent. Additionally, sections 261.301(a) and (c) of the Code authorized CPS to investigate abuse allegations by by “a person responsible for a child’s care, custody, or welfare.” As a result, if a trafficker does not fit within the aforementioned categories, CPS is unlikely to encounter the young trafficking victim. However, CPS may receive trafficking referrals through a Statewide Intake System (SWI). Texas law requires anyone who suspects that a child has been a victim of abuse or neglect – either as a result of human trafficking or other criminal conduct – to report the case to SWI, which serves as the “front door to the front line” for CPS. CPS must then make the determination if the agency has the authority to investigate the abuse. The involvement of CPS in cases of abuse or neglect is not dependent on the child victim's citizenship status.

SWI specialists are trained to elicit information from those who report abuse so DFPS can determine if the allegations fall within the agency’s authority. If a caller does not have sufficient information, SWI staff is trained to seek additional information so that a final determination regarding CPS involvement can be made. Because of the agency’s limited authority and desire to avoid unwarranted intrusions into the lives of Texas families, CPS accepts reported abuse for investigation only when:

- DFPS appears to be the responsible department under the law, and
- The child’s apparent need for protection warrants an investigation.

If an abuse allegation satisfies both requirements, then SWI staff is required to notify local law enforcement authorities who typically conduct joint investigations with CPS. When an allegation does not meet the statutory requirements for CPS involvement, SWI can provide local authorities Information and Referral (I&R) Service. SWI forwards an I&R to the appropriate law enforcement agency when:

- A caller is unwilling or unable to contact law enforcement, or

- The report was filed through correspondence or the Internet and therefore, SWI cannot refer the complainant directly to law enforcement.

While in some cases, CPS may be the appropriate agency to intervene in a specific case, the child welfare system is often ill-equipped to serve the needs of young trafficking victims. Because of the law's protections for family privacy, working through DFPS requires that the courts be included well before the prosecution phase of a case – far sooner than courts impact the criminal justice process. For example, DFPS may only take custody of a child in cases where a parent or care-giver poses an immediate threat to the child's health. This applies to physical harm or sexual abuse – but not necessarily to allegations of forced labor. Equally cumbersome, it requires that DFPS must investigate whether the child is in immediate physical danger before the agency can take possession of the child. As a result, a full investigation must be completed before DFPS has authority to remove a child from a trafficker. These limitations on DFPS' authority provide important protections for families, but do not allow the agency to swiftly respond and remove children from criminals who traffic them.

If a young, foreign victim actually makes it into the DFPS system, additional problems can arise. For example, state judges may be hesitant to transfer the child out of the system. Ordinarily, DFPS staff works to reunify the family or place the child with a safe, trustworthy relative – not necessarily remove the victim from the entire family. But cases involving foreign victims with distant relatives provide the courts few options.

Domestic trafficking victims present a different set of problems that similarly render them incompatible with the DFPS system. Because DFPS staff focuses on reunification with family, neither their programs – nor their legal authority – contemplates detaining child victims while a human trafficking investigation is conducted. As a result, despite DFPS' commitment to serving Texan children, there are significant limitations that inhibit the agency's ability to serve young trafficking victims.

HHSC - Unaccompanied Refugee Minor Program

Unaccompanied Refugee Minors (URM) are served by HHSC's Office of Immigration and Refugee Affairs (OIRA), Texas's State Refugee Coordinator. In that capacity, OIRA works with the federal Administration for Children, Youth and Families Office of Refugee Resettlement (ORR), DFPS, and Catholic Charities of Houston and Fort Worth to help young trafficking victims. However, foreign human trafficking victims are only one small subset of the population served by URM. As a result, the program is not uniquely tailored for trafficking victims or their particular needs.

HHS is the only federal agency authorized to provide minor trafficking victims the eligibility letter they need, as foreign nationals, to be eligible for federal benefits and services. Trafficking victims that obtain a letter are treated the same as refugees, and thus receive placement in the URM program, which provides specialized and culturally-appropriate case management services. Qualified victims can be placed in any of the 20 URM programs across the United States. Depending upon a child's individual needs, placement settings can range from licensed foster care to residential treatment care settings. Unlike foreign victims, trafficking victims who are United States citizens or Lawful Permanent Residents do not need to obtain federal certification or letters of eligibility to be eligible for benefits and services. The URM program is 100% federally funded.

ORR - Division of Unaccompanied Children's Services

ORR's Division of Unaccompanied Children's Services (DUCS) was created to provide care and placement for unaccompanied alien children (UAC). Federal rules require that DUCS base placement decisions on the child's best individual interests. DUCS screens the children under its care for trafficking victims and can reclassify a victim into the URM program. However, even DUCS must obtain an eligibility letter from the ORR's Anti-Trafficking in Persons Division (ATIP).

While DUCS provides services – including placement to unaccompanied and undocumented children – there are barriers to accessing the program. For a young foreign national victim to enter DUCS, a federal law enforcement entity must make the necessary referral. And while the referral is being processed, CPS and other state or local entities must care for the child until he or she can be transferred into the URM program. As a result, states and municipal governments are forced to absorb costs that should be borne by the federal program, which does not have a cost-recovery mechanism.

Texas Juvenile Probation Commission and Texas Youth Commission

The Texas juvenile justice system is designed to favor treatment and rehabilitation over incarceration.⁹⁰ The Texas Juvenile Probation Commission (TJPC) works in partnership with local juvenile boards and juvenile probation departments to support and enhance juvenile probation services across the state.⁹¹ TJPC's mission is accomplished through services and programs that:

- Include prevention, early intervention, and rehabilitative programs;
- Maximize family participation and accountability;
- Are community-based, family oriented, and as least restrictive as possible;
- Include a mix of residential and non-residential services which reduce commitments to the Texas Youth Commission; and
- Reflect a balance of public and private services and resources.⁹²

Juvenile justice system professionals, either through the courts or the county probation departments, typically come into contact with child trafficking victims after a child is arrested for an offense. Juveniles may be placed in a detention facility while awaiting a hearing on the charge against them. After their case has been adjudicated, if they are sentenced to incarceration, juvenile offenders may be confined at a Texas Youth Commission (TYC) facility (depending on the severity of the crime). Unfortunately, the juvenile justice system, by itself, is not ideally situated to may not be the most suitable choice to handle all the needs of a trafficking child. In fact, juvenile detention staff reported that detention is an inappropriate placement due to the trafficked victims' complex trauma and needs. Most staff felt unequipped to appropriately serve trafficked victims.⁹³ When children are confined in TYC, it is likely that they are confined for a more serious offense – such as burglary or aggravated assault – than one associated with human trafficking – such as prostitution. However, any trafficking victims residing at a TYC facility still need and deserve services to address their victimization. Officials must also ensure that no young victims are incarcerated with their traffickers. In one Fort Worth case after a teen sex trafficking ring was uncovered, law enforcement detained the suspects and victims. Unbeknownst to law enforcement, the human trafficking victims were placed in the same detention facility as their traffickers, which could have jeopardized the victims' safety.⁹⁴

CONFUSING CHILD WELFARE AND JUVENILE JUSTICE ROLES

Under the State's existing framework, no single agency or system has primary responsibility for young human trafficking victims. This disconnect occurs when child victims are forced into committing a crime – which means that they are both a victim and an offender. When children who have been abused and exploited by traffickers are arrested and detained for an offense, the juvenile justice system needs to provide services. Yet a case involving a trafficked child is still largely an anomaly for child welfare and juvenile justice personnel. Without adequate training and resources, neither system will be able to fully serve trafficked children. To reduce confusion, policy makers must develop policies and procedures governing the child welfare and juvenile justice agencies' interaction with child victims. Each system's responsibilities must be developed and fully communicated statewide. It is necessary to understand each agency's respective roles before determining which one should take the lead – or if another solution should be developed.

The definitions of "abuse" and "caretaker" have caused considerable confusion among law enforcement and service providers charged with determining when CPS should step in to assist with trafficked children. Under the current law, the definition of abuse includes numerous actions that cause physical and emotional injury or that would constitute sexual abuse of a child. The definition does not specifically include human trafficking or exploitation.

Trafficked children face immediate danger every day. Sadly, Texas has seen cases where victim's parents and other family members placed the child in danger. There have even been cases where parents allowed strangers to sexually abuse their child in exchange for money, rent, or drugs.⁹⁵ The DOJ *National Strategy for Child Exploitation Prevention and Interdiction* reported survey results indicating that nearly 25% of the children they encountered were forced into prostitution after being trafficked by a parent or a family member.⁹⁶ When the trafficking is caused by a family member, DFPS addresses the immediate danger for the child when determining whether they should maintain the family unit or whether taking custody of the child is appropriate.

Often the trafficker is someone other than the parent or guardian – but the child may still face immediate danger if they are returned home. Sergeant Byron Fassett of the Dallas Police Department's High Risk Victims Unit estimates that nearly 70% of the child prostitutes he encountered were runaways who were physically or sexually abused before they left home. The HHS human trafficking literature review also indicated that children lured into trafficking come from abusive and disrupted homes and had found themselves in the CPS system at some point.⁹⁷ In an effort to protect a child from further caretaker abuse, CPS or DFPS should continue to investigate any prior abuse to ensure that the child is not being returned to an abusive home and placed in immediate danger.

Human trafficking issues are a new consideration for our juvenile justice and child welfare systems, and in many ways, these officials are not properly equipped to handle trafficked children. To properly equip the agencies would require a collaborative response system, a detainment status for trafficked children that would allow authorities to provide victim services, continuing care programs that address victims' short and long-term needs, and secure therapeutic residential placements. Texas will need to address these gaps when developing a comprehensive plan for assisting trafficked children.

OTHER STATES' RESPONSES TO CHILD VICTIMS

Georgia officials have estimated that more than 400 young girls are commercially sexually exploited in their state each month. The FBI named Atlanta as one of the 14 United States cities with the highest incidences of child prostitution. Acknowledging the seriousness of the problem, the Georgia Governor's Office developed a statewide response for child sex trafficking victims, the first of its kind in the United States.⁹⁸ The first step was to establish the Georgia Care Connection Office (GCCO), which connects child sex trafficking victims with services and support sources – and without subjecting victims to arrest.⁹⁹ GCCO serves as the single point of contact for referrals for sexually exploited girls, ages 11-17. In its first year, 104 girls were referred to GCCO, with 39 of them placed in safe housing.¹⁰⁰ As part of the response, Georgia created the Sand Springs Sex Trafficking Assessment Team (STAT). Georgia identified STAT as the nation's first law enforcement, state government, and children's hospital partnership to provide child sex trafficking victims with forensic interview services, advocate support, and medical evaluations. In 2009, the Georgia Legislature enacted Senate Bill 69, which expanded mandatory abuse reporting to all child victims of sexual exploitation – regardless of whether the parent or caretaker was suspected.¹⁰¹ This law recognized the prevalence of cases where the offender falls outside the family.

In May 2009, Florida's Department of Children and Families (DCF) implemented a human trafficking maltreatment code for children.¹⁰² This maltreatment code allows the DCF to look at cases involving trafficked children regardless of who perpetrated the crime. Children can receive direct services and appropriate referrals to other state agencies and service providers. DCF also provides systemwide human trafficking training for department staff. When human trafficking is suspected, DCF's operating procedure requires a collaborative response wherein a multi-disciplinary team staffs each case. Including human trafficking services as one of their responsibilities also allows DCF to track the number of cases in Florida where human trafficking is suspected or found.¹⁰³ Between May 1, 2009 and June 30, 2010, there were 156 trafficking incidents reported to DCF. Of those cases, 22 were verified human trafficking cases.¹⁰⁴ As awareness about this issue grows, the number of reported cases will likely increase.

In December 2009, three federal Office of Victims of Crime demonstration sites began providing services for domestic minor trafficking victims. The programs included Safe Horizon (New York City), Salvation Army (Chicago), and Standing Against Global Exploitation (San Francisco). While it is too early to evaluate the full impact of these initiatives, the model implemented at these sites will likely provide a blueprint for providing services to trafficked domestic children in Texas.

Increasing Offender Prosecutions

Human trafficking cases are different from routine investigations. Worse, they are often very difficult to prove. Law enforcement officers and prosecutors need comprehensive training and tools to properly investigate the cases and effectively refer victims to appropriate service providers. Human traffickers can be relentless due to the high potential for financial gain. As a result, the state must be equally relentless and committed to fighting this crime. As traffickers adapt to avoid existing anti-trafficking measures, law enforcement training must evolve to include information about emerging trends, new technologies to identify criminal enterprises, prosecution strategies to convict the offenders, additional service resources, and effective prevention measures.

In addition to collaboration and training, Texas also needs more robust laws to better facilitate the apprehension and prosecution of traffickers. A more collective, uniform, statewide response effort would dramatically improve Texas' ability to reduce human trafficking. Though there is more that can be done, the state has already gotten started. In 2003, the Texas Legislature passed House Bill 2096, adding chapter 20A, Trafficking of Persons, to the Penal Code, making Texas one of the first states to criminalize human trafficking at the state level.¹⁰⁵

In an effort to analyze how often the 2003 state human trafficking statute is used, the OAG developed a questionnaire for county and district attorneys. The survey attempted to determine: (1) the level of human trafficking activity in each official's jurisdiction; (2) whether any member of their staff received training on human trafficking; and (3) any available details about their prosecutions under the state human trafficking statute. Results of the August 2010 survey confirmed that the state human trafficking statute is not widely used. Unfortunately, only 7.5% of the state's district and county attorneys responded to the survey. However, of those who did respond, only 24% indicated that a human trafficking case had been referred to their office – a total of 19 cases since 2003. Although the poor response rate did not allow for a reliable statewide estimate, the low number of cases among respondents suggests a low number of human trafficking prosecutions statewide.¹⁰⁶ Often, other related charges are brought against traffickers that committed crimes under Penal Code chapter 20A. These offenses include assault, kidnapping, sexual assault, and compelling prostitution. Many law enforcement officers, prosecutors, and judges are simply not familiar with the human trafficking statute or how to identify human trafficking when they encounter it. Sustained efforts to raise awareness about the human trafficking laws will increase the opportunity to utilize the state statute and effectively prosecute human trafficking.

In *Prosecuting human traffickers: A primer on how Dallas County prosecutors go after the criminals in these cases, where the victims are oftentimes unsympathetic and uncooperative*, Brooke Grona-Robb, an Assistant District Attorney from Dallas County, provided a human trafficking prosecution case study.¹⁰⁷ Grona-Robb cited two major hurdles in bringing successful human trafficking cases. First, current law requires the prosecutor to prove eight fairly complicated elements to prove forced labor. Second, the law requires that the prosecutor prove the defendant used force, fraud, or coercion in sex trafficking cases involving minors. This is inconsistent with the prosecutorial standard under federal law – a concern that has been echoed by prosecutors around the state.¹⁰⁸ Suggestions for improvement to the current law can be found in the "Legislative Recommendations" section of this report.

Additionally, when evaluating a potential human trafficking case, they should look beyond a single victim and determine whether a larger criminal network – and additional defendants – should be investigated. Law enforcement and prosecutors should make coordinated efforts to dismantle any sophisticated criminal operations that are engaged in human trafficking.

Another issue is inadequate penalties for criminals who traffic children. Under Texas law, higher penalties are not necessarily associated with traffickers who prey on children. This is true under the state trafficking of persons statute and other trafficking-related offenses. The DOJ *National Strategy for Child Exploitation Prevention and Interdiction* noted that the domestic prostitution of children may be on the rise because the offenders know that there is a high profitability and relatively low risk of prosecution.¹⁰⁹ According to that report, criminals who procure the services of children in all probability will be let go or will face a misdemeanor charge.¹¹⁰

Improving Data Collection

Before Texas can effectively implement a strategic response to human trafficking, it is crucial to understand the magnitude of the problem. Texas must identify trafficking hotspots and routes, profile human traffickers, and accurately determine how many victims are impacted by this horrific crime. Reliable statistics on human trafficking are hard to come by, especially at the state level. Since the state statute is relatively new and sometimes difficult to prove, prosecutors are charging traffickers with other violations including kidnapping, compelling prostitution, or sexual assault as opposed to trafficking. In some cases, the trafficker might be charged with crimes that carry a higher penalty than the current human trafficking statute provides, such as weapon or drug violations. These factors, along with the obscured nature of the crime make human trafficking difficult to track and report.

The 2008 Texas Response to Human Trafficking provided estimates on the scope of trafficking in Texas, but many of those estimates and comparisons relied on figures provided in reports dating back to as early as 2000. The 2009 report by HHS, *Human Trafficking Into and Within the United States: A Review of the Literature*, affirmed that data collection continues to be a challenge, and as a result, authorities are left with estimates that vary widely and change significantly over time.¹¹¹

Texas needs a fully operational – and widely utilized – mechanism for tracking all human trafficking investigations and prosecutions – not just cases handled by the four federally-funded task forces. Texas has made some headway toward collecting current statewide data on human trafficking cases, but the state lacks consistent reporting. Although the Legislature required the OAG to collect and periodically report data related to human trafficking in Texas, there was no accompanying language requiring law enforcement, local district attorneys or the courts to report the data to the OAG. The Uniform Crime Report information collected by DPS does not include human trafficking as one of its categories. The Office of Court Administration (OCA) also collects monthly reports from courts, but human trafficking crimes are not among the information collected. If DPS and OCA collected human trafficking-related data, Texas would have a more complete analysis of this crime.

Texas is the first state to expand the HTRS data to investigations and prosecutions conducted outside the BJA-funded task forces. The OAG and NEU are working with law enforcement agencies across the state to encourage local authorities to use HTRS – which would provide a more comprehensive look at human trafficking in Texas by expanding the knowledge about trafficking in other geographic areas. A successful statewide data collection effort would put Texas at the forefront of state attempts to identify the prevalence of trafficking within their jurisdiction. It would also improve authorities' understanding of the scope of the problem and improve their ability to respond accordingly.

Tracking the myriad of services and the length of time required to stabilize trafficking victims is vital to determining the types of services needed and allocation of resources being provided by NGOs and governmental agencies. Organizations receiving federal grants for victim assistance for human trafficking victims are required to track the services they provide as part of their performance measures. However, the use of this information is very limited. To determine capacity and narrow the gaps, more work is needed before detailed information about services provided is available.

Garnering this information will arm policy makers with the information necessary to effectively allocate resources and develop effective anti-trafficking measures. Until more complete the data is reviewed, the state will not have a full illustration of the extent of this heinous crime.

Intelligence-sharing Amongst Law Enforcement Agencies

Human trafficking is rarely a crime committed by common street criminals. Human trafficking is often the work of sophisticated criminal enterprises with vast networks of people operating across expansive geographical areas. Traffickers are frequently transient and move victims to different locations to elude detection by law enforcement authorities. Without coordinated efforts across jurisdictions, law enforcement may never even discover a trafficking network exists.

Currently, there is no central database or intelligence-sharing mechanism to help law enforcement investigate this highly-mobile criminal enterprise. Although law enforcement agencies that are part of the four BJA task forces work collaboratively to investigate human trafficking crimes within their regions, other efforts around the state to combat human trafficking have not reached this full collaborative stage. Effective anti-trafficking tactics include intelligence-sharing strategies across local, state, and federal jurisdictions.

By developing a secure intelligence-sharing law enforcement database or a statewide entity dedicated to analyzing data, law enforcement can more effectively fight human trafficking. To stop traffickers operating in the state, Texas needs to arm law enforcement with the ability to perform threat assessments and identify trafficking trends.

Texas' Statewide Response to Human Trafficking

Human Trafficking is a horrific and complex crime that can be difficult to identify, investigate, and prosecute. By working proactively to improve collaboration, task force members are better positioned to crack down on traffickers and provide desperately needed services to human trafficking victims.

Texas Attorney General Greg Abbott
Remarks to the Inaugural Human Trafficking Prevention Task Force
Statewide Meeting (January 21, 2010)

On September 1, 2009, the Texas Legislature created the Human Trafficking Prevention Task Force ("Task Force") – through House Bill 4009 – in an effort to create a statewide response to combat this scourge.

In addition to submitting this report to the Legislature, the responsibilities of the four-year Task Force include:

- Increase collaboration and foster cooperation among multi-jurisdictional law enforcement agencies and between law enforcement and non-governmental organizations so that victims are more readily identified and offenders are more effectively prosecuted. This includes collaboration among local, state, and federal authorities.
- Collect, organize, and periodically publish statistical data – with the help of local governments and non-governmental organizations – on the nature and extent of human trafficking in Texas.
- Work with the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to develop and conduct training for victim service providers, law enforcement, the judiciary and court personnel, and medical service providers.
- Collaborate with state and local governmental agencies, political subdivisions of the state, and non-governmental organizations to implement a media awareness campaign.
- Develop policies and procedures to help prevent and prosecute human trafficking. Additionally, recommend how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, and prosecute offenders.

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.

Human Trafficking Prevention Task Force

The Texas Government Code section 402.035 provides a list of state agencies that are required to serve as Task Force members. In addition to the state agency members, the statute required the Attorney General to appoint certain persons and organizations to the Task Force as representatives of non-governmental organizations that combat trafficking. Local law enforcement agencies were also appointed to ensure maximum effectiveness. The Attorney General focused on law enforcement

agencies and victim service providers from every region of the state. Many of the appointees were already working as part of one of the four regional BJA-funded human trafficking task forces.

The 47 members of the Human Trafficking Prevention Task Force responsible for this report are:

- Nancy Arrigona, Texas Juvenile Probation Commission
- Carolyn Beck, Texas Alcoholic Beverage Commission
- Bill Bernstein, Mosaic Family Services
- Annette Burrhus-Clay, Texas Association Against Sexual Assault
- Sergeant Carlos Cantu, Harlingen Police Department
- Blair Craddock, Texas Rio Grande Legal Aid
- Commander Paul Cross, El Paso County Sheriff's Department
- Captain Kenneth Dean, Fort Worth Police Department
- Diana Franzetti, National Center for Missing & Exploited Children (Texas Office)
- Joe Gagen, Texas Court Appointed Special Advocates
- Antonio "Tony" Garcia, South Texas HIDTA
- Assistant Chief Frank Gentsch, Waco Police Department
- Lieutenant Gerardo "Jerry" Gonzalez, Austin Police Department
- Lieutenant Paul Hall, Office of the Attorney General
- George Hungate, West Texas HIDTA
- Kameron Johnson, Travis County Juvenile Public Defender
- Scott Joslove, Texas Hotel and Lodging Association
- Mandi Kimball, Children at Risk
- Blanca Denise Lance, Texas Department of Family and Protective Services
- Mitch Landry, Texas Municipal Police Association
- Honorable Rosemary Lehmborg, Travis County District Attorney
- Captain Terry Lucas, Alvin Police Department
- Major Mike Lusk, Smith County Sheriff's Department
- Caitriona Lyons, Texas Health and Human Services Commission
- Lieutenant Henry Mangum, Corpus Christi Police Department
- Angie McCown, Texas Department of Criminal Justice
- Virginia McCrimmon, Salvation Army (El Paso)
- Melissa Moreno, Catholic Charities (San Antonio)
- Raymond Ochoa, Bexar County Sheriff's Department
- Lieutenant Thon Overstreet, Dallas Police Department
- Captain Justin Owen, Texas Department of Public Safety
- Sheriff Gary Painter, Midland County Sheriff's Department
- Robert Palm, Refugee Services of Texas (Austin)
- Honorable Susan Reed, Bexar County District Attorney
- Constance Rossiter, YMCA International (Houston)
- Assistant Chief Deputy Doug Sutton, Lubbock County Sheriff's Department
- Lance Sumpter, North Texas HIDTA
- Detective Jesus Tamayo, Beaumont Police Department
- Gloria Terry, Texas Council on Family Violence
- Maria Trujillo, Houston Rescue and Restore Coalition
- Sergeant Brian Wallace, Amarillo Police Department

- Alan Walters, Texas Youth Commission
- Brad Ward, Texas Workforce Commission
- Meghan Weller, Children’s Advocacy Centers of Texas
- Mary Anne Wiley, Governor’s Office
- Major Michael F. Wong, Harris County Sheriff’s Department
- Deputy Andy Zamarripa, Webb County Sheriff’s Department

The mission of the Task Force is to develop policies and procedures to assist in the prevention and prosecution of human trafficking crimes and to make recommendations on how to strengthen state and local efforts to prevent human trafficking, protect and assist human trafficking victims, and prosecute offenders. To achieve this mission, the Task Force established four primary goals:

- Increase collaboration and foster cooperation among multi-jurisdictional law enforcement agencies, and between law enforcement and non-governmental organizations, so that victims are more readily identified and offenders are more effectively prosecuted. This includes collaboration among local, state, and federal authorities.
- Establish a systematic methodology for collecting data on human trafficking incidents in Texas.
- Work with stakeholders to develop and provide comprehensive training for law enforcement, service providers and the legal community.
- Develop a public awareness campaign in communities most affected by human trafficking.

Since its establishment, the Task Force has convened formally five times for meetings and conference calls.¹¹² In addition, subcommittees and working groups held 4 meetings and 10 conference calls. The major Task Force activities include:

- Established the Task Force itself along with four workgroups and two subcommittees that specifically addressed training and outreach, law enforcement, victim services, and legal review.
- Developed additional regional response teams.
- Improved data collection to better quantify the extent of human trafficking.
- Explored ways to better help and identify victims of human trafficking.
- Conducted human trafficking training and presented at conferences across Texas.
- Raised awareness of human trafficking laws so authorities can better distinguish between victims and offenders.
- Developed legislative recommendations for the upcoming Legislative session.
- Added investigative and prosecutorial resources for human trafficking.

HUMAN TRAFFICKING TASK FORCE WORKGROUPS

Because of the large number of appointees, Task Force members decided to establish work groups and subcommittees with special areas of expertise and responsibility. This not only improved the Task Force’s efficiency and effectiveness, but it helped expand the group’s reach by incorporating other non-governmental organizations and law enforcement agencies that were not officially serving on the Task Force. A total of four workgroups were established to work on critical issues and engage additional interested stakeholders. The Law Enforcement, Training/Outreach/Awareness, Services, and Legal Review workgroups are made up of Task Force members as well as additional victim service providers, peace officers, local prosecutors, federal prosecutors, state agency representatives and legislative staff. The workgroups have brought together federally-funded task forces and other stakeholders that

previously lacked an effective forum for sharing information. A summary of the four workgroups and activities is provided below.

LAW ENFORCEMENT WORKGROUP
<p>Goals</p> <ul style="list-style-type: none"> • Increase coordination and collaboration between law enforcement agencies (local/state/federal) • Identify victim-centered approaches to investigations and prosecutions • Identify best practices and models for human trafficking investigations that aid in the successful prosecution of human trafficking cases • Explore methodologies for enhanced data collection
<p>Meetings held</p> <ul style="list-style-type: none"> • February 24, 2010 – Conference Call • April 14, 2010 – Conference Call
<p>Summary of actions</p> <ul style="list-style-type: none"> • Increased collaboration and response • Expanded intelligence-sharing • Identified training resources • Identified human trafficking trends and activities

VICTIM SERVICES WORKGROUP
<p>Goals</p> <ul style="list-style-type: none"> • Assess the availability of services statewide • Develop resource lists of available victim services • Consult on the implementation of existing recommendations for victims (e.g., shelters, long-term services)
<p>Meetings held</p> <ul style="list-style-type: none"> • March 3, 2010 – Conference Call • April 28, 2010 – Conference Call • June 9, 2010 – Conference Call
<p>Summary of actions</p> <ul style="list-style-type: none"> • Helped develop regional collaborations and coalitions that will be ready to respond when human trafficking victims are identified • Identified additional victim assistance programs and resources • Developed minimum standards of care for human trafficking victims to ensure that appropriate and consistent services are available in every region • Identified alternatives to detention for juveniles involved in prostitution

TRAINING, OUTREACH, AND AWARENESS WORKGROUP
<p>Goals</p> <ul style="list-style-type: none"> • Assess the availability of law enforcement and prosecutor training statewide • Consult on the development of training curricula and materials • Establish training requirements for law enforcement personnel, victim service providers, medical personnel, judges, and attorneys • Consult on regional/statewide training implementation plans
<p>Meetings held</p> <ul style="list-style-type: none"> • March 10, 2010 – Conference Call • May 12, 2010 – Conference Call • June 16, 2010 – Conference Call
<p>Summary of actions</p> <ul style="list-style-type: none"> • Developed new training curricula for law enforcement • Identified additional training needs • Collaborated to increase training resources

LEGAL REVIEW WORKGROUP
<p>Goals</p> <ul style="list-style-type: none"> • Evaluate current laws • Recommend and draft statutory revisions • Consult on legislative proposals
<p>Meetings held</p> <ul style="list-style-type: none"> • March 24, 2010 – Conference Call • May 19, 2010 – Conference Call
<p>Summary of actions</p> <ul style="list-style-type: none"> • Reviewed Texas statutes to identify potential statutory changes • Provided input to the Legislature as requested • Recommended legislative changes to enhance Penal Code chapter 20A, increase penalties for traffickers, and provide additional protections for victims

After the first round of workgroup meetings, Task Force members recognized that there was a need for specialized discussions about certain topics. In response, two subcommittees were created – one to discuss child victim services and one to evaluate law enforcement training curricula. The Child Victims Subcommittee met twice and worked to forge relationships between state agencies and community service providers. The subcommittee is currently working on potential solutions for addressing the needs of children involved in prostitution. The Training Curricula Subcommittee met with TCLEOSE representatives to help develop the curricula for the mandated TCLEOSE human trafficking training that will soon be available for both newly commissioned peace officers and advanced peace officer certifications.

Addressing the Problem through Statewide Efforts

The 81st Legislature sought to address challenges associated with combating human trafficking by authorizing the Task Force. Charged with developing policies and recommendations that will facilitate a cohesive attack against the criminals who profit from this horrible crime, the Task Force brings together private stakeholders and government agencies from across Texas. In addition to the 47 Task Force members appointed by their agency or the Attorney General, over 280 workgroup members from more than 180 local, state, and federal organizations committed valuable time and effort to addressing this issue in Texas.¹¹³ This collective group has provided a wealth of information to guide the Task Force in its mission to develop policies and protocols on human trafficking.

By coordinating statewide efforts that incorporate an integrated regional approach, the Task Force and workgroup participants are moving toward accomplishing an important goal – ending human trafficking in Texas. Law enforcement Task Force members have reported working together to investigate trafficking rings that transport victims from one Texas city to another. Their coordinated efforts to dismantle these rings are proving successful. The Task Force will continue to evaluate potential efficient and cost effective reporting methodologies to improve human trafficking data collection.

The Task Force remains committed to furthering anti-trafficking efforts and working with stakeholders to identify tougher laws for prosecuting offenders, increasing victim protections, identifying prevention strategies to eliminate this horrendous crime, and developing a comprehensive strategic plan for the Task Force and the state. The following is a snapshot of the statewide progress made to address human trafficking in Texas.

Identifying Prevention Strategies

- Attorney General Abbott and 16 other Attorneys General demanded that the popular advertising website Craigslist take measures to prohibit the sale and solicitation of prostitution on its website. The Attorneys General recognized that Craigslist was being used to foster human trafficking and other criminal activity. Within weeks, Craigslist blocked access to the “Adult Services” pages of their website in the United States.
- Texas Rural Legal Aid visits communities on both sides of the Texas-Mexico border to explain to potential victims the likelihood that smuggling could lead to a person becoming a victim of human trafficking. They are legally authorized to work on both sides of the border.
- NCMEC is providing technical assistance and training to individuals and law enforcement agencies on prevention, investigation, prosecution, and treatment of cases involving missing and exploited children. NCMEC operates the CyberTipline, which is a web-based toll free number used to report Internet-related child sexual exploitation. Tips received by NCMEC are forwarded to law enforcement authorities. In addition, NCMEC is developing and disseminating programs and information about Internet safety, prevention of child abduction and sexual exploitation. A regional office of NCMEC is located in Austin, Texas.

Increasing Victim Identification and Offender Prosecutions

- The Task Force and workgroup members are working with stakeholders around the state to facilitate the development of local human trafficking response teams in areas that lack a BJA-funded task force. Efforts are currently underway in Alvin, Beaumont, McAllen, Midland, and Corpus Christi.

- The passage of House Bill 4009 facilitated increased cooperation among state agencies involved in human trafficking prevention. The Legislature mandated that the Task Force include certain state agencies that were not traditional members of the anti-human trafficking community. All of the agencies participated in the research and activities conducted to further the goals of the Task Force. As a result, many agencies have become more aware of the issue and dedicated more resources to the prevention effort.
- The Governor’s Office has offered additional support for law enforcement and prosecutors in their fight against trafficking in the form of grants. In September 2010, the Governor’s Criminal Justice Division awarded a grant to the Office of the Attorney General/Human Trafficking Prevention Task Force that would allow the Task Force to provide assistance with the identification, investigation and prosecution of human trafficking cases statewide.¹¹⁴
- The OAG has dedicated Criminal Investigations Division (CID) investigators to the regional human trafficking prevention task forces. These officers have extensive expertise and training, and they have been specially trained to investigate human trafficking cases. They have assisted with investigations and are providing statewide jurisdictional support to law enforcement agencies across the state. Assistant Attorneys General have also received special training and are serving as Special Assistant United States Attorneys prosecuting human trafficking in the Southern District of Texas. The new OAG positions funded by the Governor’s Criminal Justice Division grant – a financial analyst, a peace officer, and a criminal prosecutor – will provide assistance to the Task Force as it continues working to identify, investigate, and prosecute human trafficking across the state of Texas.
- The Texas Hotel and Lodging Association has worked with several stakeholders, including End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (EPCAT), on human trafficking initiatives involving association members.
- The Task Force and specifically the Legal Review Workgroup – consisting of prosecutors, law enforcement personnel, legislative staff, and other stakeholders – collaborated to provide recommendations for enhancing prosecutors’ ability to prosecute traffickers. A complete list and discussion of these recommendations is found in the “Legislative Recommendations” section of this report.
- The Task Force is also analyzing how the state’s human trafficking statute is used– and not used -- in an effort to increase prosecutions statewide.

Providing Protection for Adult Human Trafficking Victims

- The Task Force established the Victim Services Workgroup to identify sound strategies to assist victims after they have been rescued. The workgroup is examining ways to address housing, standards of care, continuum of care, legal representation, and other related problems.
- The Governor’s Office, Criminal Justice Division, announced the availability of grants to local communities that provide services for human trafficking victims.¹¹⁵

Providing Protection for Child Human Trafficking Victims

- The Task Force established the Child Victims Subcommittee to address the needs of minor victims. The group focused on the needs for short and long-term housing for children, issues that specifically impact international children, and the specialized needs of children involved in prostitution.
- The TJPC is issuing a report on the alternatives to incarcerating juveniles involved in prostitution. The report will focus on strategies that will help address the needs of juvenile prostitutes and policy

recommendations for the child welfare and juvenile justice systems to respond more effectively to the problem.

- The TYC is developing initiatives to capture victim information during the intake process and train staff on human trafficking so that better service plans are available to victims at the TYC facilities.
- The Child Abuse Prevention and Child Welfare State Task Force established by Senate Bill 2080 of the 81st Legislative Session is studying ways to prevent child abuse through evidence-based programs. The group is reviewing how to reduce physical and sexual abuse of children through a collaborative nurse/family program that provides home visitation, early intervention programs and parenting skill training.

Awareness and Education to Increase Detection

- House Bill 4009 required the Task Force to work with TCLEOSE to develop and conduct training for law enforcement personnel, victim service providers, and medical service providers so that authorities can better identify victims of human trafficking. In addition, the bill mandated that all newly commissioned law enforcement officers receive four hours of training on human trafficking. The Task Force created a Training Curricula Subcommittee that includes personnel from TCLEOSE. Members of the subcommittee submitted recommendations to enhance the new legislatively-mandated training module for law enforcement. TCLEOSE is also developing a more advanced education effort that will include in-depth analysis about how trafficking groups operate. These training programs will help law enforcement conduct better investigations and help prepare cases for successful prosecution.
- The Texas Municipal Police Association (TMPA) is in the process of creating a new Child Abuse and Neglect Training Program for Law Enforcement that will include child exploitation and human trafficking. In addition, the group is developing a new Sexual Assault and Family Violence Investigator Course (SAFVIC) focused on human trafficking. The SAFVIC-Human Trafficking course is a training course for law enforcement that provides additional information in responding to human trafficking. Covered topics will include an overview of human trafficking, information on dynamics of trafficking, investigative techniques, and applicable state and federal laws.
- DPS – working with NCMEC on an Interdiction Training – is providing training to help state troopers identify potentially exploited children during traffic stops and other routine law enforcement efforts. The DPS Regional Victim Services Counselors have also received training on human trafficking to help identify victims as well.
- The State Bar is exploring Continuing Legal Education (CLE) seminar opportunities to make training available for attorneys in all practice areas.

Improving Data Collection

- Texas became the first state to use the Human Trafficking Reporting System to collect data from entities outside the federally-funded task forces. The Task Force is working with law enforcement agencies around the state to broaden access to the system. As each agency is granted access, they are also provided training to recognize human trafficking and given technical assistance by NEU. The Alvin Police Department was the first local law enforcement agency trained to assist with data collection of human trafficking cases. The OAG, Texas Alcoholic Beverage Commission (TABC), and the Midland County Sheriff's Department are also participating in this data collection effort.

Intelligence-sharing Amongst Law Enforcement Agencies

- The Task Force's Law Enforcement Workgroup established a dialog between law enforcement representatives from many areas of the state, as well as various local, state, and federal agencies. Intelligence-sharing between the regional and statewide task forces has led to successful investigations and rescue operations.
- Multiple TABC regions are currently conducting human trafficking investigations. Commission officers have successfully closed down bars, cantinas, and other businesses with liquor licenses that were operating human trafficking rings in their establishments. Because of their unique responsibility, TABC is able to provide intelligence to other law enforcement agencies based on information they gather during the course of their inspections. The Commission's efforts have led to many successful investigations and prosecutions across the state. One of TABC's most successful efforts to date led to the rescue of nearly 120 human trafficking victims that were forced into prostitution at multiple Houston-area cantinas.¹¹⁶
- The Task Force provided training to DPS fusion center personnel so that state intelligence analysts can better understand and track the crime.
- The Task Force worked with the FBI to obtain authorization for the use of Law Enforcement Online (LEO) for Texas' trafficking efforts. The FBI El Paso Office established a LEO Special Interest Group (SIG) for the purpose of enabling law enforcement, prosecutors, social services, and non-governmental agencies to share information regarding training and services. The site also allows for the secure exchange of intelligence by law enforcement personnel.

Addressing the Problem through Regional Efforts

Although a comprehensive statewide approach is proving successful, regional strategies for combating trafficking are essential. In some areas of Texas, the existence of human trafficking is well documented because law enforcement and service providers have established protocols and procedures for responding rapidly to suspected trafficking cases. In other parts of the state, human trafficking is completely unknown. In these neglected areas, law enforcement officers have never responded to a call, service providers have no experience assisting trafficking victims, and prosecutors claim the crime is simply not happening in their jurisdictions. The goal of the Task Force is to improve human trafficking response around the state. The activities listed below are highlights of the regional anti-trafficking activities since December 1, 2009.

Identifying Prevention Strategies

- Several non-governmental organizations across Texas have added human trafficking prevention to their list of strategies to end child abuse and neglect. Several conferences were held around the state to increase awareness within local communities. These organizations have also been helping the Task Force in facilitating additional participation from their members throughout the state and in local task forces.
- Across the state, the federally-funded task forces have developed outreach campaigns to identify victims and educate the public on the issue of human trafficking. Posters, public service announcements and media events provide the national human trafficking hotline (1-888-3737-888) for reporting suspected cases of human trafficking.
- The Arlington Police Department and the regional FBI office have organized a coalition of law enforcement agencies to prepare for the 2011 Super Bowl to be held at the Dallas Cowboys stadium.

The Texas Attorney General's Office is also participating in the Super Bowl-related human trafficking crackdown. Although the Task Force does not have specific statistics, the coalition anticipates an influx of prostitution and other illegal activities that often occur near large sporting events. In addition, Arlington also posts the pictures of "johns" on digital billboards around the city after they have been convicted on prostitution charges.

- The Harris County Attorney is using various municipal ordinances and state laws to focus on landlords and property owners that allow trafficking to occur – in an effort to close down those businesses.

Increasing Victim Identification and Offender Prosecutions

- New regional response efforts have been initiated in many areas of the state. Midland and McAllen have identified new human trafficking cases since the establishment of these regional collaborations, and they are increasing participation by local, state, and federal agencies to enhance the local response to the crime. They are also working on training and outreach initiatives to increase knowledge about human trafficking.
- The Central Texas Coalition Against Human Trafficking (CTCAHT) introduced Allies, a new community response initiative that provides the general public with a way to become involved in human trafficking prevention without compromising victim safety and the investigative process. Allies utilizes an outreach campaign to raise awareness, and other community based events, such as movie screenings, to bring focus to the topic.
- The Houston Trafficking and Rescue Alliance (HTRA) and YMCA International, Houston, were awarded funding by the OVC Enhanced Collaborative Model to Combat Human Trafficking program.¹¹⁷ The funding will allow the region to support an enhanced anti-human trafficking law enforcement task force and victim services model that will identify, rescue, and assist international and domestic, adult and minor, victims of human trafficking within the United States. This grant will also allow the HTRA and YMCA International to expand its current human trafficking model beyond international victims.
- Although it is no longer a federally-funded task force, El Paso is operating a law enforcement-led human trafficking prevention task force that includes members from Texas and New Mexico.

Providing Protection for Adult Human Trafficking Victims

- Several service providers, nonprofits and faith-based organizations have expanded their missions and service areas to include human trafficking victims. Areas not currently served by these new groups or current task forces are priority areas for expansion.
- Regional efforts are underway to develop standards of care for human trafficking victims, and the models may be useful in developing a statewide tool.

Providing Protection for Child Human Trafficking Victims

- Letot, a juvenile justice facility in Dallas, is set up to provide an alternative to detention for children who have committed status offenses including running away, truancy, and curfew violations. The facility's mission was recently expanded to include children who were involved in prostitution. Children are assigned to Letot instead of a juvenile detention facility. As a result, eligible young offenders receive specialized services and treatment. The facility is licensed by DFPS and Letot is

exploring expansion – including a residential treatment center. The residential treatment center will be able to provide intensive, long-term care for child trafficking victims.

- Some areas around the state are actively working on increasing protections for child victims of human trafficking. Central Texas, Houston, and Fort Worth are actively exploring strategies for a community response to the exploitation of children.

Awareness and Education to Increase Detection

- Training is now being offered in different parts of the state by many organizations, but the majority of training has been concentrated in urban areas and areas served by federally-funded task forces.
- Conferences and summits dedicated to human trafficking prevention were held in various cities across the state.
- The four federally-funded task forces conduct ongoing training in their regions for audiences of all types, including law enforcement, service providers, prosecutors, and the judiciary. Multiple initiatives are underway by these regions to expand training into other systems, such as healthcare and child welfare agencies.
- Law enforcement agencies are including human trafficking in roll call training, continuing education training plans, and in the agency academies. Austin, Dallas, Fort Worth, and San Antonio are currently providing agency-wide training for the police and sheriff departments.
- HTRA and the Houston Rescue and Restore Coalition (HRRC) collaborated with the National Emergency Number Association (NENA), Houston Crime Stoppers and The Greater Harris County 9-1-1 Emergency Network to develop the *NENA Protocol for Handling Calls Regarding Human Trafficking Operations Information Document*. It was adopted in the Fall of 2009 and distributed nationally to 9-1-1 call centers. HTRA and HRRC are beginning to train Houston Crime Stoppers dispatchers about human trafficking and the use of a standard response protocol. The expansion of this model to other hotlines that operate in Texas and across the United States is being explored.
- The HRRC has recently developed -- and is now implementing -- their Health Care Training Program titled, *Human Trafficking and the Health Professional: Look Beneath the Surface and H.E.A.R. Your Patient*. The program is a three-part series designed to educate healthcare professionals about human trafficking, identifying a victim in a clinical setting, and determining which policies and procedures should be utilized to connect victims with appropriate service providers and law enforcement agencies.
- The South Texas Coalition Against Human Trafficking and Slavery is conducting training and awareness opportunities in multiple regions around the state. In addition, they co-hosted a major human trafficking summit in October 2010.
- The CTCAHT introduced a new public service announcement to raise awareness about human trafficking. The region also hosts multiple awareness events throughout the year, including film screenings and a “coaster crawl.”
- The Fort Worth Police Department Human Trafficking Unit introduced a new public service announcement to raise awareness about human trafficking.
- The HRRC joined forces with the Houston Mayor’s office to declare the third week in September as “Human Trafficking Awareness Week.”¹¹⁸ This year’s week-long activities included a “coaster crawl” where in a group of volunteers educated bar patrons about human trafficking by distributing specially designed educational coasters. Other Houston-area activities included a 5K Fun Run/Walk in Galveston, a slave-free soccer tournament, Faith and Freedom weekend interfaith initiative, a health care training at Texas Children’s Hospital, and a bus tour that showed participants how to identify human trafficking. HRRC also received a three year federal grant from the Department of

Health and Human Services to implement regional multilingual awareness campaign, which uses billboards, mall signs, airport shuttle signs, taxi signs, and radio and television PSAs. Other initiatives include outreach campaigns that focus on truck stops across the state. HHRC will implement its final regional multilingual awareness campaign as part of this federal grant in January/February 2011.

Improving Data Collection

- Numerous academic institutions and universities are working on human trafficking research. Results from the studies and research will provide valuable information for policy makers and practical application for professionals in the field.

Intelligence-sharing Amongst Law Enforcement Agencies

- Dallas/Fort Worth area law enforcement established the North Texas Trafficking Task Force (NTTTF) in January, 2010. NTTTF is co-located at the Homeland Security Investigations (HSI) Dallas office, and is comprised of 18 local, state, and federal full-time and part-time agencies. Task force members who participate full time on the NTTTF have been cross-designated and accredited with Title 19 federal authority that allows them to enforce customs laws. The Dallas HSI provides permanent office space and equipment to support twelve full-time members on NTTTF. NTTTF also works with other non-participating agencies to implement joint operations. This is a true intelligence-sharing operation where law enforcement agencies work together and provide information to one another at a single shared location.

Future Priorities and Initiatives

The problem is here and we have to address it. We can't hide from it. We have to provide a coalition of people that will work together and solve this.

Midland County Sheriff Gary Painter
Remarks to Midland County Human Trafficking Task Force
(October 22, 2010)

In 2010, the Polaris Project, a human trafficking prevention organization, ranked Texas within the top six states for its efforts to address human trafficking.¹¹⁹ The state has made significant progress toward raising awareness, increasing investigations and prosecutions, and ensuring victims receive the services they need to begin the path to recovery. Awareness surrounding human trafficking has increased across the state with more victims rescued and served than prior years. Because of the many disparate – and temporarily funded – initiatives across the state, Texas needs to develop a sustainable plan to continue the long-term viability of its war on human trafficking. Although the Texas response to human trafficking has been resolute, the fight is not over.

Identifying Prevention Strategies

1. Reduce risk factors.

Reducing the demand for cheap labor and sexual services will have the greatest impact on combating human trafficking. Increasing oversight in industries where trafficking is likely to occur is one way of reducing the overall number of human trafficking incidences, while another is to address the predators' demand for children to sexually exploit – and the availability of child victims. Effective prevention strategies should provide assistance to families at the onset of a crisis. Providing more support to families and addressing child abuse will decrease the number of minors available for exploitation. The Task Force and workgroup participants should also look at the efforts and recommendations of child abuse prevention groups to identify effective strategies for targeting vulnerable children.

In addition, national initiatives, such as those identified in the DOJ *National Strategy for Child Exploitation Prevention and Interdiction*, should be considered when identifying how Texas can reduce child exploitation.

2. Increase training, outreach, and awareness programs.

Training and outreach are proven prevention strategies, and human trafficking is a criminal enterprise that is continually evolving. Understanding the complexities of human trafficking is difficult, and seasoned professionals dedicated to uncovering human trafficking crimes must stay current on trends and tactics used by traffickers. Prevention strategies must include ongoing, in-depth, and advanced training for law enforcement and service providers. Continuing work on training, outreach and awareness programs is a key component in the state's prevention strategy.

Other training initiatives should be aimed at non-traditional partners, including postal workers, medical personnel, utilities workers, teachers, and school counselors. These occupations have the unique ability to encounter potential victims so they should receive basic human trafficking training and know how to identify victims. In addition to continual training, targeted outreach programs are crucial to prevention.

Other priorities include ensuring that prevention materials are available in different languages and are culturally sensitive. Outreach must also 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.

Model prevention strategies employ a cost-effective delivery and reach a large audience. The Ohio Trafficking in Persons Study Commission, Prevention, Education and Outreach Subcommittee, recently issued its *Report on Strategies to Increase Awareness of Human Trafficking in Ohio*, which recommended multi-pronged training, and outreach and awareness initiatives that would result in “no or low costs” for the organizations.¹²⁰ 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.

The Task Force and workgroup participants should consider the methods used by Ohio to evaluate whether these approaches are viable in Texas.

3. *Identify additional deterrents.*

Steps to create stronger legislation, mandatory restitution for victims, and greater assistance from businesses where trafficking is likely to occur, are critical to reducing the overall number of trafficking cases. The Task Force and workgroups have proposed several legislative changes and, if enacted, they will serve as deterrents to the growing problem of human trafficking.

Increasing Victim Identification and Offender Prosecutions

1. *Increase prosecution of traffickers.*

Texas must work at every level to ensure that the state is actively pursuing cases against traffickers when appropriate. Traffickers who are exploiting victims must be prosecuted to the fullest extent of the law. Instead of looking at these cases as a single, isolated incident, authorities should evaluate whether there is a larger criminal enterprise – and begin to dismantle any networks that are uncovered.

2. *Make improvements to Texas law.*

Law enforcement agencies and prosecutors need effective tools pursue human traffickers. By enhancing Texas laws, the Legislature could provide additional investigational support for trafficking cases and provide greater flexibility to prosecutors. Prosecutors consistently highlight the difficulty and the complexity of using the current Texas trafficking of persons statute.

3. *Identify additional collaboration and response areas.*

Because of Texas’ size, multiple response teams are required throughout the state. Ideally, human trafficking response teams would be led by law enforcement or prosecutors and include local, state, and federal law enforcement agencies, prosecutors, and non-governmental organizations. Additional

response teams would be particularly beneficial in East Texas, the Panhandle, Big Bend, and Hill Country. Incorporating existing multi-disciplinary response teams – like those established for sexual assault or child abuse – are very effective when existing stakeholders are given training on human trafficking. Once these relationships are created, it is more likely that a human trafficking incident will be recognized and reported.

Looking at the successes of NTTTTF and the HTRA, the co-located task force approach is one that merits further attention. The benefit of these collaborative approaches is fully utilized when task force members work side by side and share crucial case information. With the proper agreements and jurisdictional authority in place, the flow of information and the implementation of operations will be seamless.

4. Ensure that the national human trafficking hotline is armed with current information about Texas response teams.

The National Human Trafficking Hotline – which is operated by Polaris Project – maintains a comprehensive list of resources and a referral directory for law enforcement response, training needs, and victim services. Ensuring that the hotline receives the most up-to-date information will help operators direct callers to the appropriate resources in their area. Thus, improving the hotline’s access to information will enhance Texas’ response to incoming human trafficking calls.

Providing Protection for Adult Human Trafficking Victims

1. Identify funding mechanisms for victim services.

The trafficking of persons investigation and prosecution account established by House Bill 4009 authorized up to \$10 million in grant funding for public and nonprofit organizations that provide assistance to victims, public awareness activities, community outreach and training, victim identification services, and legal services.¹²¹ However, although the account was created, it was never funded. If this fund received an appropriation, victims of trafficking would have more resources available to aid in their recovery.

However, the current fiscal situation makes it unlikely that the account will be funded during the next biennium. Thus, the state must also explore alternative funding mechanisms for victim services. The costs associated with the care of human trafficking victims should not be shouldered by the taxpayers alone. Traffickers reap enormous profits from their victims, and restitution should be available to those who suffered. Under federal law, mandatory restitution is imposed on human traffickers. This approach resulted in large restitution awards for many Texas trafficking victims.¹²² The state should similarly take steps to improve victims’ access to restitution from traffickers.

2. Create network of services.

Creating a network of services that meets the needs of human trafficking victims is one of the most pressing issues for the Task Force. A continuum of care for housing, medical, and legal services for all types of trafficking victims is needed. It is critical for Texas to maintain the current level of service and funding while making every effort to expand to new topic areas and communities. The Task Force is working with stakeholders to determine the best approach to service delivery, including collocation of services and providing regional approaches for maximization of resources. Immediate needs are usually met through multiple service organizations, but long term services are less common. To ensure short-term and long-term needs are met, comprehensive case management is integral to a victim’s progress.

Further, ongoing legal services are needed for both international and domestic victims as they move through the criminal justice system and other legal processes.

3. Develop standards of care for service providers.

One of the main principles of the victim-centered approach is the concept that a victim should not suffer additional trauma after the crime. All efforts should be made to avoid post-rescue revictimization. While many stakeholders have good intentions, they simply lack the proper training and qualifications to assist victims. The Task Force is working with victim service providers and stakeholders to look at best practices across the state.

To ensure that victims receive quality care and did not suffer additional trauma *Recommendations for Increasing Ohio's Capacity to Serve Victims of Human Trafficking* called for standards of care for trafficking victims.¹²³ The Ohio Attorney General's Trafficking in Persons Study Commission, Victim Services and Safe Locations Committee developed the "Standards for Services to Trafficked Persons" to provide a best practice model for responding to victims of trafficking.¹²⁴ The model practice included a service matrix to provide optimal care for human trafficking victims. Included in the matrix were service definitions, goals, activities, and qualifications for staff, volunteers, and providers. Creation of a similar tool for use in Texas warrants exploration.

4. Identify additional collaboration and response areas.

The Task Force will examine available statewide data to identify additional response areas. One method will be to look at information gathered by the national human trafficking hotline –which receives calls from the entire state of Texas. The hotline refers calls, tips, and leads to the appropriate law enforcement agency. However, many areas have not yet developed a coalition or group to address trafficking. Through national hotline data, the Task Force will be able to identify areas where the most criminal activity is taking place and assist with the development of anti-human trafficking responses.

5. Identify acceptable short-term and long-term housing solutions.

Across the state there was widespread concern about the need of specialized facilities or housing solutions for trafficking victims. The state should explore a hybrid approach that includes a network of shelters, facilities, and housing complexes to address the individual needs of each victim and the varying populations, including male victims and victims with families. Short-term and long-term solutions should be considered. During the planning phases, communities and agencies should focus on the safety needs of victims, the availability of comprehensive services, and minimum standards of care that must be met when housing these victims. The Task Force is examining additional housing options, including those offered by the housing grant programs and other sources as a solution for the long-term housing problem associated with human trafficking victims.

6. Explore feasibility of implementing the Victim Assistance Program established by House Bill 4009.

The Victim Assistance Program was established by House Bill 4009 to develop and implement a program designed to assist domestic trafficking victims. Awarding grants to public and nonprofit organizations providing assistance to domestic victims, a study of possible funding options, public awareness activities, community outreach and training, victim identification services, and legal services will help fill the current funding gaps for victim services.

HB 4009 also required HHSC to create a searchable database of assistance programs for domestic victims, a grant program, and training and outreach initiatives to ensure that victims, judges, prosecutors, and law enforcement personnel are aware of the availability of services in their area.

However, these mandates were predicated upon the availability of funding. Because no money was appropriated to the program, the database was not established. Given the current budget constraints, it is important to determine if this program is viable at HHSC or another agency.

7. Create and maintain a centralized repository for human trafficking resource and referral information.

Texas lacks a fully-operational database with updated human trafficking resources and the ability to refer information to law enforcement and victim service providers. A secure web-based system that allowed users to inquire about available services would greatly benefit those who assist human trafficking victims.

8. Identify legal barriers for accessing victim services.

The Task Force needs to address any legal barriers that may prohibit victims from accessing certain services. Criminal convictions may have an impact on whether a victim can access or participate in certain victim assistance programs. If criminal convictions were the result of human trafficking, Texas may need to provide a mechanism to eliminate the barrier.

9. Enlist service organizations to assist in efforts.

As human trafficking awareness increases, many organizations are eager to help combat trafficking in their communities. Many service providers, including faith-based organizations, do not have the specialized skill-set necessary to work with human trafficking victims. Professionals working with trafficking victims need advanced training to handle the complex needs of these unique victims. However, there are many ways willing organizations can help. Funding is a huge barrier to fighting this crime. These organizations can assist by raising funds for trafficking prevention efforts in the community. Other ways they can help include increasing awareness and providing outreach. If a community is aware of the indicators of human trafficking and have vigilant response teams, traffickers are less likely to commit crimes in these areas.

Providing Protection for Child Human Trafficking Victims

1. Clarify mandatory abuse and neglect reporting provisions.

Task Force and workgroup members expressed confusion regarding the DFPS mandates and the extent of its involvement in handling reports of abuse for trafficked children. The Legislature needs to review the definitions of abuse and neglect, as well as the statutory provisions governing investigations to ensure that trafficked children are fully protected.

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

Trafficked children often maintain a dual status as an offender and a victim. Some children fall through the cracks because one system mistakenly assumes another system is addressing the child's needs. Texas needs improved coordination of efforts between the child welfare system and the juvenile justice system to ensure that trafficked children are identified and properly treated. Traditionally, the child welfare system has been charged with protecting children and ensuring family preservation, while the juvenile justice system serves children who are arrested for committing a crime. In *the Health and Human Services Commission Report to the 81st Legislature, The Texas Response to Human Trafficking*, HHSC recommended an increase in communication and collaboration between HHSC and DFPS to improve services to minor domestic victims of trafficking.¹²⁵ The recommendations included providing training on human trafficking to child welfare caseworkers and investigators.

In addition, DFPS, TJPC, and TYC staff should be provided with comprehensive intake tools to identify victims within their jurisdiction. A more robust screening tool could reveal that detained children may have been trafficked – and that trafficking is ultimately the root of their criminal behavior.

DFPS caseworkers and investigators are skilled at identifying abuse and neglect because of their extensive training on the matter. With appropriate screening tools, these professionals will be able to identify trafficking victims as well. In addition, DFPS SWI operators should receive training to screen for possible human trafficking cases when they receive abuse and neglect calls. This training should include a list of questions to ask callers that might indicate when a trafficking crime has occurred or if a child is in need of rescue. Inclusion of human trafficking indicators and other relevant information in caseworker and investigator training increases the likelihood that trafficking victims will be identified and subsequently receive appropriate services.

3. Develop comprehensive services for child trafficking victims.

Developing comprehensive services for children who have been trafficked is a top Task Force priority. Child trafficking victims have unique service needs that differ from adult victims. Their continuum of care requirements includes emergency shelter, medical and mental healthcare, legal support, education, and long-term housing for both domestic and international children. The most critical gaps identified by the Task Force include emergency shelter, residential treatment centers, housing and a continuum of legal representation that extends beyond the first court appearance. Service networks need integrated service plans to ensure wrap around services without service duplication. Organizations that serve at-risk populations such as homeless youth should be included in the development of service models. Successful strategies for providing services to child victims from around the country should be replicated in Texas.

4. Study the feasibility of a statewide coordinated response for the care of commercially sexually exploited children.

To address the specialized needs of commercially sexually exploited children, it is important to identify an appropriate response that includes child welfare agencies, juvenile justice authorities, law enforcement officials and local communities. The TJPC will make recommendations on alternatives to incarcerating minors involved in prostitution in its report to the Legislature. Texas should consider the recommendations in the TJPC report and address the feasibility of implementing a statewide coordinated response similar to the one established in Georgia.

5. Enhance penalties for criminals that knowingly traffic children.

Children are a vulnerable population targeted by unscrupulous traffickers. Young victims are more likely to be targeted because they are easily manipulated and controlled. Traffickers who knowingly prey on children should face harsher penalties and punishments. Texas needs to enact laws to enhance the penalties and punishments for trafficking crimes involving minors.

6. Review age definitions and limits for minors and children under Texas law.

Texas law contains multiple definitions and age specifications for “minor” and “child.” Age ranges vary from younger than 10 to younger than 18. As a victim, these age ranges impact guardianship, service eligibility, and legal jurisdiction. As an offender, age ranges impact offense levels, penalties, detention proceedings, and jurisdiction. Inconsistency in age ranges, especially in determining whether an offense has been committed, creates challenges in all aspects of juvenile law.

Awareness and Education to Increase Detection

1. Develop comprehensive training plan.

To ensure that training is available statewide, the Task Force needs a coordinated three-year plan. Careful consideration should be placed on audience, delivery, frequency, location, resources, and topics. Priority should be given to regions of the state where training is not currently available – such as East Texas and the Panhandle. Training programs should include contact and referral information to ensure trainees know who to call if they encounter a trafficking situation they are not equipped to handle.

While the frequency and location of training presentations has increased over the past few years, reaching additional audiences remains a challenge. Training opportunities must be ongoing and provided in multiple areas on multiple topics. The Task Force recommends the comprehensive training plan include provisions for expanded training for:

- Criminal Justice
- Juvenile Probation
- Child/Adult Protective Services
- Judges
- Prosecutors/Public Defenders
- Attorneys
- 911 operators
- State Agencies
- Hotlines (runaway, abuse, family violence)
- Local/state/federal law enforcement agencies
- Healthcare and medical providers
- Shelters (runaway, crisis, homeless)
- Mental health providers
- Education (teachers, principals, counselors, school nurses)
- Law enforcement associations
- State/local bar associations
- Non-traditional sectors (cable/communication, utility, postal/delivery services, construction, meter readers, inspectors/licensing agencies, animal control, and transportation)

Additional input is needed from key stakeholder participants within each profession to identify the appropriate content and training methods for the training and outreach to these populations.

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

Training and resources should be provided to those interacting with potential human trafficking victims – including checklists with potential trafficking indicators and referral information once a victim is identified. Without training, Texas runs the risk that victims will be overlooked or provided inadequate services.

Funding was not secured during the 81st Legislative Session for the training, outreach and awareness components of House Bill 4009. However, on September 1, 2010, the OAG and the Task Force received a grant from the Governor's Office for three positions (peace officer, financial analyst, and prosecutor) to support the work of the Task Force and to provide human trafficking training around the state. The peace officer and financial analyst were hired in October 2010 and the prosecutor was hired in

December 2010, so they are developing training curricula. However, a training budget has not been secured to host large conferences, regional summits, or to deliver other cost-effective training statewide.

BJA and OVC grant recipients are required to provide training under their grant provisions, but the four task forces cannot provide training in all areas of a vast state. Rural areas need access to training and materials but they have limited local funds for travel to urban areas for training. In addition, many members of the Task Force share their expertise locally, but cannot travel outside their area due to limited resources.

House Bill 4009 required the Task Force to develop and implement a public awareness campaign. However, that effort was never funded. Regional groups have created campaigns for their area; however, a statewide campaign has not been developed. This requirement will be addressed in the next two years.

Texas needs to identify strategies that minimizes the financial burden on the agency providing the training and maximizes the number of people trained. Travel budgets are extremely limited in many organizations; therefore, training and awareness initiatives that include low-cost webinars and other web-based technologies maximize the potential for an expanded audience. Policy makers should explore the feasibility of placing information and training modules on state agency websites to maximize existing resources and expand potential audiences. This would be particularly effective for agencies that grant licensures or certifications to individuals (e.g. Texas Medical Board, State Board of Dental Examiners, Texas Board of Nursing, and Texas Department of Licensing and Regulation).

The Task Force wants to ensure that quality low-cost training is readily available to peace officers across the state. By employing online training delivery, the Ohio Attorney General's Office Peace Officer Training Academy was able to train nearly 700 officers in less than a year.¹²⁶ Strategies such as these bring about rapid increases in awareness of the crime.

3. Explore mandatory training requirements.

The Task Force should work with stakeholders to identify personnel from additional groups or governmental programs that should be required to take human trafficking training. Some states are exploring mandatory training for the child welfare and juvenile probation system staff because they deal solely with a population of minors at higher risk of becoming exploited by traffickers.

4. Identify training curricula needs.

The Task Force should work with stakeholders to identify and develop additional training curricula for expanded audiences and newly identified topics.

Improving Data Collection

1. Maintain and Report Accurate Information.

The Task Force will continue to work towards capturing an accurate picture of trafficking in Texas through the use of reliable data. Improved efforts and increased commitment by district and county attorneys will be necessary to accurately record the progress of human trafficking prosecutions after the statutes have been enhanced and measures have been implemented to increase training. The Task Force will continue to collaborate with local, state, and federal partners to increase the use of HTRS in other regions of the state. In addition to the use of HTRS, the Task Force will continue to collaborate

with local, state, and federal partners to identify additional ways to centralize and capture information. Proposed solutions should be cost effective and efficient without placing burdensome reporting requirements on agencies. One suggestion is to include flags in existing systems to denote trafficking cases or increase fusion and intelligence centers access to existing data.

2. Monitor Federal Initiatives.

The Task Force will continue to monitor federal initiatives and guidelines for data collection, including changes to the Uniform Crime Reporting system and operations by the Human Smuggling and Trafficking Center (HSTC). Maintaining partnerships with federal entities is critical to the successful exchange of crime information.

3. Identify solutions to track services.

Currently, there is no requirement to report that services have been provided to a victim of human trafficking – unless the victim has been identified by one of the federally-funded task forces. Texas needs a mechanism to track victim service provider information outside of areas covered by federally-funded task forces. Collecting information about services provided to human trafficking victims will better capture the extent of human trafficking in Texas.

Intelligence-sharing Amongst Law Enforcement Agencies

1. Create additional cohesion units for intelligence-sharing.

The Dallas-based cohesion unit operating under the Department of Homeland Security is a model program. The cohesion unit is an innovative way to combat human trafficking because it brings federal, state and local law enforcement together under one roof and focuses exclusively on human trafficking-related crimes. Using the cohesion strategy not only maximizes resources, it also decreases jurisdictional conflicts between law enforcement agencies.

2. Identify areas for improved collaboration with federal partners.

Texas needs to focus on intelligence-sharing and other partnerships with federal agencies. For example, HSTC in Washington D.C. is a joint venture several federal agencies created to promote information-sharing. HSTC is utilized by multiple federal law enforcement agencies and serves as a clearinghouse for all human trafficking-related information from federal government agencies.¹²⁷ The Task Force will continue to monitor the use of HSTC as a potential resource for the state to utilize.

Legislative Recommendations

*We are not going to be defeated by human trafficking.
It is a horrific crime that affects far too many people.*

Texas Attorney General Greg Abbott
Remarks to the Inaugural Human Trafficking Prevention Task Force
Statewide Meeting (January 21, 2010)

In 2003, Texas became one of the first states to pass human trafficking legislation. House Bill 2096 (78th Legislature) created Penal Code chapter 20A (trafficking of persons) establishing definitions for “forced labor or services” and “trafficking” and outlined offenses and penalties. In 2007, House Bill 1121 and Senate Bill 11 (80th Legislature) enhanced the State’s ability to combat human trafficking adding an offense for benefitting from forced labor and services, changing the age of a minor victim from under 14 years of age to under 18 years of age, and requiring posting notices of the national human trafficking hotline in overnight lodging establishments that had been deemed a nuisance due to premise activities. The legislation also required the OAG and HHSC to review and report on Texas laws and services available to victims and witnesses of human trafficking. . The 81st Legislature recognized a need for additional training and resource collaboration, and they responded by passing House Bill 4009 in 2009. The legislation created the Human Trafficking Prevention Task Force, provided that TJPC conduct a survey on alternatives to the juvenile justice system for children who engage in prostitution, and mandated human trafficking training for several entities.

The Task Force has taken great care to craft proposals that would better protect both adult and child victims, including providing funding for human trafficking prevention grants. The Task Force also recommends legislative changes that will help prosecutors try human trafficking cases – including enhanced penalties for traffickers. Improving data collection must be a priority for law enforcement, service providers and the Task Force. The Task Force has proposed comprehensive legislative recommendations that, if passed, will improve cooperation, collaboration and communication in the fight against trafficking in Texas.

The following legislative recommendations are a culmination of discussions and research by the Task Force and workgroups. The Attorney General’s Office compiled the list of suggestions and sought support from Task Force members and stakeholders. The recommendations contained in this report reflect general consensus support among Task Force members.

Identifying Prevention Strategies

1. Recommendation: Include trafficking of persons in the list of common nuisances.

Background

Under Texas law, a suit may be brought against persons who maintain a place or premise that is deemed to be a common nuisance by the local community, local law enforcement or the attorney general. A place or premise that tolerates or fails to abate activities such as discharging firearms, drug-related activities, gambling, compelling prostitution, sexual assault and sexual abuse is considered a common nuisance. Many counties, local municipalities, and regulatory agencies use provisions of the common nuisance laws to shut down businesses where these activities occur. Human trafficking is not currently

listed as an activity that would constitute a common nuisance. Adding this offense to the Civil Practices and Remedies Code will provide governmental entities with another tool to combat human trafficking.

Potential Legislative Change

Amend Texas Civil Practices and Remedies Code section 125.0015 to include Texas Penal Code chapter 20A (trafficking of persons) as a common nuisance.

- 2. Recommendation: Give law enforcement additional enforcement tools when licensed businesses engage in human trafficking.**
 - a. Recommendation: Include trafficking of persons in the list of allegations to consider when determining whether a premise is ineligible for a permit or license.**

Background

The Texas Alcoholic Beverage Code provides that TABC can refuse a permit or a license to an applicant for a period of three years if that applicant's previous permit or license was expired or was voluntarily surrendered on a protest involving allegations of prostitution, a shooting, stabbing, or other violent act, or an offense involving drugs. Many human trafficking cases have occurred in bars and private clubs with liquor licenses. Adding human trafficking to this list increases the likelihood that businesses that profit from human trafficking will not reopen once they lose their license.

Potential Legislative Change

Amend Texas Alcoholic Beverage Code section 11.44 to include Texas Penal Code chapter 20A offenses in the list of allegations that could be considered in refusing to issue a permit or license for a period of three years.

- b. Recommendation: Include trafficking of persons and compelling prostitution in the list of previous offenses that would require the Texas Alcoholic Beverage Commission to refuse to issue a license or permit for a specific location.**

Background

The Texas Alcoholic Beverage Code requires TABC to refuse to issue a mixed beverage permit or private club registration permit, for one year, if a license or permit had been canceled as a result of a shooting, stabbing, violent act, or an offense involving drugs. Adding human trafficking to this list of offenses allows TABC to refuse a license to businesses involved with human trafficking.

Potential Legislative Change

Amend Texas Alcoholic Beverage Code section 11.46 to include Texas Penal Code chapter 20A (trafficking of persons) and section 43.05 (compelling prostitution) in the list of offenses under grounds for refusal if the establishment's license or permit had been canceled during the preceding 12 months.

Amend Texas Alcoholic Beverage Code section 61.42 to include Texas Penal Code chapter 20A (trafficking of persons) and section 43.05 (compelling prostitution) in the list of offenses for mandatory grounds for refusal, for one year, of a retail dealer's on-premise license or a wine and beer retailer's permit where a license or permit for the establishment had been canceled during the preceding 12 months.

c. Recommendation: Include human trafficking in the list of offenses that cannot be considered for alternative penalties under the Texas Alcoholic Beverage Code.

Background

The Texas Alcoholic Beverage Code allows for TABC to grant an alternative civil penalty to the suspension or cancellation of a license or permit. However, section 11.64 lists certain offenses that are ineligible for the lighter penalty. Those offenses include prostitution, gambling, or selling alcoholic beverages to minors or intoxicated persons. Human trafficking is not currently listed.

Potential Legislative Change

Amend Texas Alcoholic Beverage Code section 11.64 to include Texas Penal Code chapter 20A (trafficking of persons) in the list of offenses prohibited from receiving alternative penalties.

3. Recommendation: Include human trafficking-related crimes in the list of contraband.

Background

Texas Code of Criminal Procedure chapter 59 establishes the provisions for contraband forfeiture for items used in the commission of certain offenses. Currently, if the contraband was used in the commission of any felony under Penal Code chapter 43, subchapter B, it is subject to forfeiture. There are additional felonies listed under subchapter A that involve sex trafficking-related offenses that are excluded with this provision. Amending the Penal Code to include any felony under that chapter would provide law enforcement with additional tools to seize contraband used in the commission of any sex-related felony determined by chapter 43.

In addition, items such as motor vehicles, real estate, and money are often used to facilitate human trafficking and sexual offenses. Including items used in felonies or attempted felonies under chapter 20A (trafficking of persons) and chapter 43 (public indecency) will allow law enforcement to remove contraband from persons or organizations that commit these crimes.

Potential Legislative Change

Amend Texas Code of Criminal Procedure article 59.01(A) (ii) to expand the definition of contraband to include items used in any felony committed under Penal Code chapter 43 (prostitution) and article 59.01(2) (E) to expand the definition to include items used to facilitate the commission of a felony under Penal Code chapter 20A (trafficking of persons) or chapter 43 (public indecency).

4. Recommendation: Create additional financial deterrents for human trafficking-related offenses.

Background

Traffickers reap large profits in the sale and trade of humans, all at the expense of the victims. Texas has few financial deterrents that authorities can use against human trafficking operations and even fewer mechanisms available to victims seeking reparation. For those who are convicted of certain offenses, the courts may impose additional fines that could be deposited into specialized accounts for the provision of services for crime victims. The creation of a similar mechanism for human trafficking offenses would create a financial disincentive for the traffickers and a means to provide services for the victims.

Potential Legislative Change

Amend Code of Criminal Procedure article 42.12, section 19 and article 102.0186, and add new article

102.0187 to provide for additional costs to be imposed upon traffickers convicted of human trafficking or compelling prostitution to provide for services for human trafficking victims forced into labor and sex trafficking.

Increasing Victim Identification and Offender Prosecutions

1. Recommendation: Enhance trafficking of persons statute.

Background

Prosecutors indicate that the trafficking of persons statute, Penal Code chapter 20A, should be enhanced. Suggested changes include clarifying the sex and labor trafficking definitions, eliminating the multiple elements needed to prove forced labor, and removing the requirement that prosecutors prove force, fraud and coercion for sex trafficking cases involving minors.

The definitions of forced labor or services under the current Penal Code chapter 20A do not list all of the potential sexual acts that could constitute human trafficking under the law. The Task Force recommends clarifying the definitions to help distinguish between cases of forced labor and forced labor involving sexual offenses. These changes will allow prosecutors to streamline the charges for the court while ensuring the maximum penalties for the crime are considered.

The definition of forced labor and services currently in chapter 20A is very specific and does not include every potential type of forced labor. Replacing the current language with a broader definition of forced labor or services will allow prosecutors more flexibility when trying these cases.

Under the federal sex trafficking statute, the use of minors for commercial sexual activity is an offense even if there is no proof of force, fraud or coercion.¹²⁸ Currently, state prosecutors must prove that a trafficker forced or coerced a minor into performing a commercial sex act, usually through the testimony of the minor. In many cases, it is unlikely the minor will voluntarily testify against the offender. If the child refuses to testify against a trafficker, a prosecutor must prove that the child's trafficker forced the child to have commercial sex. This is attempted by proving there was a threat to the child or that the child believed some falsehood promoted by the trafficker compelled the child to obey the trafficker. The Task Force determined that removing the proof of force requirement would not only put Texas in line with the federal human trafficking statute, but the change would better serve child victims.

Potential Legislative Change

Broaden the definition of forced labor or services to include any labor or services obtained by an actor's use of force, fraud or coercion. Remove the specific elements of proof found in sections 20A.01 (A)-(G). This amendment would give prosecutors the ability to prove force, fraud or coercion for the purpose of subsection to involuntary servitude, peonage, debt bondage, or slavery by any means.

Amend Texas Penal Code section 20A.01 (1) and section 20A.02 (b) to remove prostitution (Penal Code section 43.02 and section 43.05) and sexual performance by a child (Penal Code section 43.25). Create new section definitions of "commercial sexual services" and "commercial sex trafficking" that would include all sex trafficking offenses previously in section 20A.01 and section 20A.02, and additional offenses not previously listed.

Remove the requirement in section 20A.01 requiring a prosecutor to prove force, fraud and coercion if the victim is a minor.

2. Recommendation: Include trafficking of persons and compelling prostitution in the list of “3g” offenses.

Background

Texas Code of Criminal Procedure article 42.12 section 3g places limitations on probation, bail and parole for certain offenses. These limitations are:

- Judges may not grant probation for those convicted of 3g offenses.
- Bail for 3g offenses may not be reduced without notice to the state and a hearing.
- Offenders sentenced to prison time after being convicted of a 3g offense are not eligible for parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less.
- 3g offenders are not eligible for bail while an appeal is pending, regardless of the sentence.

Crimes committed under these offenses are typically considered more severe criminal acts. The list includes indecency with a child, aggravated kidnapping, aggravated robbery and sexual performance by a child. Trafficking of persons and compelling prostitution are not currently listed among these offenses.

Potential Legislative Change

Amend Texas Code of Criminal Procedure article 42.12 section 3g to include Texas Penal Code chapter 20A and section 43.05 offenses. This amendment would add trafficking of persons offenses and compelled or forced prostitution to the list of 3g offenses.

3. Recommendation: Include trafficking of persons and compelling prostitution in the list of stackable offenses.

Background

Texas Penal Code section 3.03 (a) provides criminal sentences run concurrently when the accused is found guilty of more than one offense arising out the same criminal episode. Exceptions are made under Texas Penal Code section 3.03 (b) for certain offenses including sexually assaultive crimes against minors. Trafficking of persons and compelling prostitution are not listed among these offenses.

Potential Legislative Change

Amend Texas Penal Code section 3.03 (b) to exempt chapter 20A (trafficking of persons) and section 43.05 (compelling prostitution) offenses from the requirement that sentences run concurrently.

4. Recommendation: Extend the criminal statute of limitations for trafficking of persons and compelling prostitution offenses.

Background

Texas Code of Criminal Procedure article 12.01 lists the statute of limitations for various felony offenses. Felony offenses not specifically listed in article 12.01 carry a three-year limitation. Trafficking of persons and compelling prostitution of a minor are not specifically listed therefore these defendants must be charged within three years from the date of the commission of the offense. Human trafficking cases are complicated in nature, and investigators and prosecutors may need more than three years to indict the offender.

Potential Legislative Change

Amend Texas Code of Criminal Procedure article 12.01 (2) to extend the statute of limitations for cases involving adult victims under Texas Penal Code chapter 20A and Texas Penal Code section 43.05 (a)(1) from three years to ten years from the commission of the crime.

Amend Texas Code of Criminal Procedure article 12.01 (6) to extend the statute of limitations for cases involving minor victims under Texas Penal Code chapter 20A and section 43.05 (a)(2) from three years to 10 years from the 18th birthday of the victim.

5. Recommendation: Include commercial sex trafficking in the list of offenses subject to registration with the Sex Offender Registry.

Background

Texas law requires offenders who commit certain sexual offenses to register as a sex offender. These offenses include indecency with a child (Penal Code section 21.11), sexual assault (Penal Code section 22.011), compelling prostitution (Penal Code section 43.05), and sexual performance by a child (Penal Code section 43.25) in addition to several other criminal violations. Commercial sex trafficking offenses are not included in the list of offenses. Requiring commercial sex trafficking offenders to comply with Texas sex offender registration laws places sex trafficking penalties in line with other severe sexual offenses.

Potential Legislative Change

Amend Code of Criminal Procedure article 62.001 to include Texas Penal Code chapter 20A (trafficking of persons) for offenses involving commercial sex trafficking, in the list of offenses where the offender must comply with sex offender registration. Amend Code of Criminal Procedure article 62.101 to include Penal Code chapter 20A violations involving commercial sex trafficking in the list of violations that require lifetime registration similar to other serious sexual offenses.

6. Recommendation: Include trafficking of persons in the list of offenses eligible for an automatic life sentence for subsequent convictions.

Background

Texas law allows for enhanced penalties for offenders who repeatedly and continually commit serious crimes. These subsequent convictions of serious crimes make certain offenders eligible for a life sentence. This section includes such offenses as aggravated kidnapping with the intent to violate or abuse the victim sexually (Penal Code section 20.04) and aggravated sexual assault (Penal Code section 22.011). Human trafficking is not included in this list of serious crimes.

Potential Legislative Change

Amend Texas Penal Code section 12.42 to add Texas Penal Code chapter 20A (trafficking of persons) violations involving commercial sex trafficking of a child under 18 years of age to the list of crimes eligible for a life sentence upon subsequent convictions.

7. Recommendation: Include human trafficking-related offenses in the list of offenses where inmates are ineligible for mandatory supervision or population management.

Background

Certain inmates are not eligible for release under mandatory supervision and population management

programs because they have committed certain serious crimes. Other offenses listed in this section include indecency with a child (Penal Code section 21.11), injury to a child or an elderly individual (Penal Code section 22.04), sale or purchase of a child (Penal Code section 25.08), sexual performance by a child (Penal Code section 43.25), and many others. Human trafficking is not included in the list of offenses prohibiting inmate eligibility for participation in mandatory supervision and population management programs.

Potential Legislative Change

Amend Texas Government Code section 499.027 and section 508.149 to include Texas Penal Code chapter 20A (trafficking of persons) violations in the list of offenses exempt from early release and supervision programs.

8. Recommendation: Enhance provisions of Penal Code section 43.02 to increase penalties for soliciting minors for commercial sex and provide additional safeguards for human trafficking victims involved in prostitution.

Background

The offense for prostitution is committed if a person knowingly agrees or offers to engage or engages in sexual conduct for a fee. The penalty is a Class B misdemeanor for the first offense and increases for subsequent violations. The highest penalty is a state jail felony regardless of whether the person prostituted is a minor or adult. If the prostitute solicited for sexual services is a child, the solicitor should be charged with a strict liability offense.

Victims of human trafficking should not be prosecuted for prostitution. Texas Penal Code section 43.02 provides a defense for individuals charged with prostitution when claiming they are a victim of human trafficking. Additional safeguards are needed to prevent abuse of this defense and provide mechanisms to ensure that any claims of victimization are investigated.

In turn, allowing for an affirmative defense for trafficking victims charged with prostitution can facilitate the introduction of evidence to support charges against traffickers. This defense can ultimately lead to the dismissal of charges against human trafficking victims while safeguarding judicial and prosecutorial resources.

Potential Legislative Change

Amend Texas Penal Code section 43.02 to provide enhanced penalties for persons soliciting minors for sexual services and to make that solicitation a strict liability crime. The actor would not have a defense that he or she was unaware that the person solicited was a minor. This would place our statute more in line with federal law.

Amend the current affirmative defense for section 20A.02 offenses to provide advance notice to the court and prosecutor of this type of defense. This would allow the prosecutor time to investigate the claim and proceed with charges against the trafficker if the evidence supports the case.

9. Recommendation: Enhance penalties for persons convicted of compelling prostitution of a minor.

Background

Penalties under Texas Penal Code section 43.05 for compelling prostitution are the same regardless of whether the person forces an adult or a child to commit the offense. Currently, there are no specific

deterrents for offenders who sexually exploit minors. Texas law should provide for increased penalties for compelling prostitution of a minor. This statutory change would bring the punishment in line with charges brought under the current Penal Code section 20A.02.

Potential Legislative Change

Amend Texas Penal Code section 43.05 (b) to increase the penalty for compelling the prostitution of a child younger than 18 years of age from a second degree felony to a first degree felony.

10. Recommendation: Expand special testimony and evidentiary provisions for child victims in human trafficking cases.

Background

When child victims of serious crimes testify in criminal proceedings, certain provisions are available to minimize the stress and trauma on the child. Some of the provisions include:

- Texas Code of Criminal Procedure article 38.071 sets forth special provisions for child victim witnesses younger than 13 years of age who are determined to be “unavailable to testify in the presence of the defendant.”
- Texas Code of Criminal Procedure article 38.072 exempts certain offenses involving minor victims from hearsay exceptions.
- Texas Code of Criminal Procedure article 38.37 allows the introduction of evidence of extraneous offenses or acts committed by the defendant in limited circumstances involving minors.
- Texas Family Code section 54.031 also exempts certain offenses involving minor victims from hearsay exceptions.

Sexual assault cases are supportable under Texas law based on uncorroborated testimony of a victim if the victim informed another person about the event within a year. Minors are exempt from this requirement. Trafficking of persons and compelling prostitution are not currently listed among the offenses designed to accommodate minor victims. Therefore, child victims in sex trafficking cases are not afforded these special provisions.

Potential Legislative Change

To provide minor trafficking victims these special considerations, amend the following statutes to include Texas Penal Code chapter 20A, if the offense involves commercial sex trafficking, and section 43.05 (a)(2) offenses in the list of offenses providing special consideration for minor victims:

- Texas Code of Criminal Procedure article 38.071,
- Texas Code of Criminal Procedure article 38.072,
- Texas Code of Criminal Procedure article 38.37
- Texas Family Code section 54.031

Amend Texas Code of Criminal Procedure article 38.07 to include cases involving commercial sex trafficking under Penal Code chapter 20A, to allow for uncorroborated testimony by victims.

11. Recommendation: Add commercial sex trafficking and compelling prostitution of a minor to the underlying offenses for continuous sexual abuse of young child or children.

Background

Offenders who repeatedly sexually abuse children are put in a class of offenders that are eligible to receive higher penalties to reflect the severity of the crime. Currently, offenders who repeatedly force children into commercial sex trafficking are not included in this category. Adding commercial sex trafficking and compelling prostitution of a minor to the offenses listed in Penal Code section 21.02 would ensure appropriate penalties are associated with these horrific crimes against children.

Potential Legislative Change

Amend Texas Penal Code section 21.02 to include chapter 20A offenses involving commercial sex trafficking and section 43.05 (a)(2), compelling prostitution of a minor, in the list of offenses that constitute an act of continuous sexual abuse of a child.

12. Recommendation: Add commercial sex trafficking of a minor as an aggravating factor in aggravated sexual assault cases.

Background

Offenders who commit sexual assault under more egregious circumstances face aggravated sexual assault charges. Offenders who commit these offenses in the same criminal episode involving commercial sex trafficking are not included in this list.

Potential Legislative Change

Amend Texas Penal Code section 22.021 to include chapter 20A in the list of aggravating factors for aggravated sexual assault if the offense involves commercial sex trafficking.

13. Recommendation: Enhance penalties for the sale or purchase of a child if the purpose is for human trafficking-related offenses.

Background

Texas Penal Code section 25.08 prohibits the sale or purchase of a child, except for cases involving adoptions and other allowable circumstances. The penalties are enhanced to a second degree felony if the child is sold or purchased with the intent to commit an offense under Texas Penal Code section 43.25 (Sexual Performance by a Child). The buying and selling of children for the purposes of forced labor or sexual exploitation is a central element of human trafficking, but is not currently listed in Penal Code section 25.08.

Potential Legislative Change

Amend Texas Penal Code section 25.08 to include Texas Penal Code chapter 20A (trafficking of persons), section 43.02 (prostitution), and section 43.05 (compelling prostitution) to the list of enhanced penalty offenses.

14. Recommendation: Add human trafficking-related offenses to the list of offenses supporting criminal solicitation of a minor.

Background

In many cases, traffickers solicit minor victims through the use of “recruiters” who might also be minors.

Texas Penal Code section 15.031 prohibits a person from soliciting a minor into acts that constitute an offense under other enumerated sections of the Penal Code. Trafficking of persons, prostitution, and compelling prostitution are not listed among those offenses.

Potential Legislative Change

Amend Texas Penal Code section 15.031 to include Texas Penal Code chapter 20A (trafficking of persons), section 43.02 (prostitution), and section 43.05 (compelling prostitution) to the list of offenses underlying the offense of criminal solicitation of a minor.

15. Recommendation: Increase the penalties against offenders who employ, authorize, or induce a child to work in a sexually oriented business.

Background

Texas Penal Code section 43.251 (employment harmful to children) prohibits a person from employing, authorizing, or inducing children to work in a sexually-oriented commercial activity or in any place where the employees may work nude or topless. The penalty for this offense is currently a Class A Misdemeanor. Under Texas Penal Code section 43.251, employing, authorizing, or inducing a child under 18 carries higher penalties based on the age of the child. Increasing the penalties for employment harmful to children under the age of 14 would ensure that offenders that allow children to operate in a business for the sexual gratification of others are punished appropriately.

Potential Legislative Change

Amend Texas Penal Code section 43.251 (employment harmful to children) to include higher penalties for defendants who allowed children under 14 years of age to work in a sexually-oriented business.

16. Recommendation: Expand the venue provisions for trafficking of persons cases.

Background

Texas allows for expanded venue to bring cases involving false imprisonment and kidnapping. This provision allows cases to be brought in any county in which part of the criminal episode occurred. Many times, human trafficking offenses take place in multiple jurisdictions, especially if the trafficker moves a victim from place-to-place. Expanding venue provides flexibility for prosecutors.

Potential Legislative Change

Amend Texas Code of Criminal Procedure article 13.12 to expand the venue provision for Texas Penal Code chapter 20A (trafficking of persons) offenses to additional counties based on the entirety of the criminal episode.

17. Recommendation: The Legislature should study and review age definitions and limits for minors and children under Texas law.

Background

Texas law contains multiple definitions and age specifications when defining “minor” and “child” victims and offenders. Age ranges vary from younger than 10 to younger than 18. The age ranges impact a victim’s guardianship, service eligibility, and the court’s legal jurisdiction. Victim age ranges also impact an offender’s offense levels, penalties, and detention proceedings, and legal jurisdiction. Inconsistency in age ranges, especially in determining whether an offense has been committed, creates challenges in all aspects of juvenile law.

The original federal human trafficking prevention act, Trafficking Victims Protection Act, defined a child as a person less than 18 years of age. This discrepancy in the age definition may result in victims being treated differently. In state human trafficking cases, a victim of international origin may have different services provided to them compared to a child who is a United States citizen because of varying age definitions.

Potential Legislative Change

Create an interim study for the 82nd Legislature to review and make recommendations on the age limits, and definitions for “minor” and “child” under Texas law.

Providing Protection for Adult Human Trafficking Victims

- 1. Recommendation: Clarify eligibility requirements for grants provided under the trafficking of persons investigation and prosecution account operated by the Governor’s Criminal Justice Division to allow grants for anti-human trafficking related activities.**

Background

House Bill 4009 required the Task Force to provide training for law enforcement, prosecutors, judges, and service providers. In addition, the bill established the trafficking of persons investigation and prosecution account under Government Code section 772.006 and the ability for the Governor’s Criminal Justice Division to provide grants from this account up to \$10 million per fiscal year for counties and non-governmental organizations to fund the investigation and prosecution of human trafficking cases as well as the prevention, training, awareness, and legal services to assist victims of human trafficking.

Potential Legislative Change

Amend Texas Government Code section 772.006 to permit additional entities defined by the Criminal Justice Division to apply for grants from the trafficking of persons investigation and prosecution account. This amendment would allow municipal departments, school districts, hospital districts, emergency services districts, and other agencies to apply for grant funding if it becomes available to train personnel to identify human trafficking and take the next steps necessary to prosecute a case or assist a victim.

- 2. Recommendation: Increase statute of limitations for victim lawsuits against traffickers.**

Background

Under Texas law, a person seeking civil damages for personal injury or death must file the lawsuit within two years from the date the cause of action arose, or two years after the 18th birthday of the victim if the victim is a minor. The law allows for an extended time period of five years in cases involving sexual assault, aggravated sexual assault, and continuous sexual abuse of a child. The seriousness of the injuries and trauma of these sex crimes are similar to those of trafficking victims, but trafficking victims are not eligible for the extended five-year statute of limitations for civil damages.

Potential Legislative Change

Amend Texas Civil Practice and Remedies Code section 16.0045 to allow human trafficking victims to seek civil damages within five years from the date the cause of action arose.

3. Recommendation: Allow applications for protective orders in cases involving commercial sex trafficking and compelled prostitution.

Background

A victim of a sexual offense may request a protective order against the offender which, if granted, prohibits the offender from communicating with the victim or engaging in activity that further torments the victim. The protective order may also place additional restrictions on the offender to provide for the victim's safety. Victims of commercial sex trafficking and victims who are compelled into prostitution do not have the ability to request this protective order.

Potential Legislative Change

Amend Code of Criminal Procedure article 7A.01 to include Texas Penal Code section 43.05 (compelling prostitution), and chapter 20A (trafficking of persons), if the offense involves commercial sex trafficking, in the list of sexual offenses eligible for a protective order.

Providing Protection for Child Human Trafficking Victims

1. Recommendation: Create a statutory mechanism and an appropriate facility for the diversion of children who are involved in prostitution.

Background

For minors, prostitution offenses constitute delinquent conduct under the Texas Family Code. Children who are picked up by law enforcement for these offenses usually face criminal proceedings, and the children are unlikely to receive appropriate services. In a 2010 case *In the Matter of BW*, the Texas Supreme Court ruled that children under fourteen years of age cannot consent to sex, and therefore cannot consent to prostitution.¹²⁹ This has caused confusion over the status of these child offenders across the state.

At the federal level, if a child is involved in prostitution at the hands of a pimp, they are considered victims of sex trafficking and are treated as a victim. Under current Texas law, minors can only be held in law enforcement custody if there is a suspected criminal offense or suspected immigration violation. If the child is not a United States citizen or lawful permanent resident, the federal government has a program to provide shelter to the child and provide the appropriate victim services. There is no parallel program for United States citizens and lawful permanent residents. Law enforcement agents wishing to remove children from a situation report that many times they only have one option: arrest the child and send him or her through the juvenile justice system. Rather than criminalizing children involved in prostitution, a solution is needed to refer them to appropriate services. Without a means to legally retain these children while treating them with a continuum of care, Texas remains in a holding pattern on how to best serve these children.

Potential Legislative Change

More work is needed to identify the appropriate statutory language to serve children involved in prostitution without necessarily creating a criminal status. In addition, it is a priority to identify a secure therapeutic facility to house and treat these children. The Legislature should recommend studying other states' solutions to this issue such as the Georgia Care Connection. This government-funded program initiated by the Governor of Georgia provides housing and services to minor victims throughout Georgia. In addition, the Legislature should consider the recommendations made by the Juvenile Probation Commission in its upcoming report on alternatives to detention for juveniles involved in prostitution.

2. Recommendation: Clarify mandatory abuse/neglect reporting requirements.

Background

Texas Family Code chapter 261 outlines the requirements for investigations and reports of abuse and neglect. Family Code section 261.101 requires certain professionals to report “abuse” or “neglect” to law enforcement within 48 hours of suspecting the abuse or neglect.

Acts or omissions that cause physical, mental or emotional harm are defined as abuse and neglect in the Texas Family Code section 261.001. Certain offenses, including sexual assault and compelling a child to engage in sexual conduct, are also specifically listed. The current definitions cover the acts involving trafficking of persons and other related offenses, as the nature of those offenses are harmful to the physical and mental well-being of minors. Unfortunately, the offenses are not specifically enumerated. If a report does not specifically list the details of the abuse as harming the physical or mental well-being of the minor, and instead states that a child has been “trafficked” or “exploited,” the report might not be investigated as abuse. Subsequently, reports of human trafficking could be overlooked.

Potential Legislative Change

Amend Texas Family Code section 261.001(1) to specifically include section 43.02 (prostitution), section 43.05 (compelling prostitution), Texas Penal Code chapter 20A (trafficking of persons) and exploitation of a child, as defined in Penal Code section 22.04, in the list of definitions that qualify as abuse.

3. Recommendation: Add human trafficking-related offenses to the list of offenses where bail may be denied because the victim is a child.

Background

Defendants who have been charged with certain crimes against children under 14 years of age may be denied release on bail if they violate certain bond conditions relating to the victim’s or the community’s safety. These crimes include sexual offenses under Penal Code chapter 21, prohibited sexual conduct (section 25.02), and sexual performance by a child (section 43.25). Commercial sex trafficking and compelling prostitution are not eligible offenses for bail denial. If included, courts could deny bail for traffickers committing offenses against children.

Potential Legislative Change

Amend Code of Criminal Procedure article 17.153, to include Texas Penal Code section 43.05 (compelling prostitution) and chapter 20A (trafficking of persons), if the offense involves commercial sex trafficking in the list of offenses where bond may be denied.

4. Recommendation: Add human trafficking-related offenses to the list of offenses requiring a child safety zone.

Background

Many offenders convicted of certain sexually-based offenses against children are restricted by child safety zones created to keep them away from locations where children are likely to gather as a condition of their parole. Traffickers who have forced children into commercial sex trafficking are not required to maintain this safety zone.

Potential Legislative Change

Amend Texas Government Code section 508.187 and Code of Criminal Procedure section 42.12, section 13B, to include Texas Penal Code section 43.05 (a)(2) (compelling prostitution of a minor) and chapter 20A (trafficking of persons), if the offense involves commercial sex trafficking, in the list of offenses requiring a child safety zone.

5. Recommendation: Create mandatory restitution provisions for minor victims of human trafficking.

Background

Minors compelled into prostitution or trafficked suffer severe emotional and physical trauma which requires intensive medical and mental health services to restore the child's health. These services are very costly to local and state agencies. However, human traffickers often build much wealth as they collect revenue for the labor and services provided by their child victims. Texas law requires offenders to pay restitution to children who were kidnapped or abducted to cover the cost of medical, psychiatric, and psychological care and treatment. Currently, child trafficking and prostitution victims do not automatically receive restitution.

Potential Legislative Change

Amend Texas Code of Criminal Procedure to add article 42.0372 (mandatory restitution for trafficked children) to require offenders to pay restitution for the costs of medical, psychiatric, and psychological care and treatment for minor victims forced into prostitution or human trafficking.

6. Recommendation: Add human trafficking-related offenses to the list of aggravated circumstances in adversary hearings.

Background

Under Texas Family Code section 262.2015, DFPS may waive the requirements to create a service plan or make reasonable efforts to return the child to a parent when the parent has subjected the child to aggravated circumstances ranging from murder to continuous sexual abuse. Children who have been subjected to human trafficking at the hands of their parents are not provided this protection.

Potential Legislative Change

Amend Texas Family Code section 262.2015 to include Texas Penal Code section 43.02 (prostitution), section 43.05 (compelling prostitution), and chapter 20A (trafficking of persons), if the offense involves commercial sex trafficking in the list of aggravated circumstances for adversary hearings.

7. Recommendation: Allow involuntary termination of parent-child relationship in certain human trafficking cases.

Background

Texas Family Code section 161.001 allows a court to terminate parental rights when the parent has engaged in criminal conduct that results in the death or serious injury of a child. Human trafficking, compelling prostitution, and prostitution are not included among those offenses.

Potential Legislative Change

Amend Texas Family Code section 161.001 to allow the termination of parental rights when the parent has engaged in criminal conduct against a child under Texas Penal Code section 43.02 (prostitution),

section 43.05 (compelling prostitution), and chapter 20A (trafficking of persons), if the offense involves commercial sex trafficking.

8. Recommendation: Prevent parents from inheriting from children when the parent has committed human trafficking-related offenses.

Background

Texas Probate Code section 41 allows the probate court to declare that a parent may not inherit from their children when the parent has engaged in criminal conduct that results in the death or serious injury of a child. Human trafficking, compelling prostitution, and prostitution are not included among those offenses.

Potential Legislative Change

Amend Texas Probate section 41 to allow the court to declare that a parent cannot inherit from his or her children if that parent has engaged in criminal conduct against a child under Texas Penal Code section 43.02 (prostitution), section 43.05 (compelling prostitution), and chapter 20A (trafficking of persons), if the offense involves commercial sex trafficking.

Improving Data Collection and Intelligence-sharing Amongst Law Enforcement Agencies

1. Recommendation: Include trafficking of persons, prostitution involving minors, and compelling prostitution in the categories reported under the Texas Uniform Crime Reporting Program and OCA Court Monthly Reporting program.

Background

The 81st Legislature required the Task Force to report on the nature and extent of human trafficking in the state. Texas Government Code section 402.035(d) (4) requires the collection of statistical data on the following:

- Number of investigations, arrests, prosecutions, and convictions of human trafficking
- Demographic information on persons convicted of human trafficking
- Demographic information on persons who are human trafficking victims
- Geographic routes and patterns of human trafficking
- Means of transportation and methods used by human traffickers
- Social and economic factors that create a demand for the forced labor or services

An amendment requiring state and local governmental agencies to collect or supply certain data to the Task Force would enhance efforts to report on human trafficking in the state.

DPS and the Office of Court Administration (OCA) have reporting requirements for specific criminal matters including the Criminal History Record System (Texas Code of Criminal Procedure chapter 60), Texas Uniform Crime Reporting Program (Texas Government Code section 411.042) and the OCA Court Monthly Reporting Program (Texas Government Code section 71.0353).

Potential Legislative Change

Amend Texas Code of Criminal Procedure section 60.051 (information in computerized criminal history system) to include section 43.05(a)(2) (compelling prostitution of a minor) and chapter 20A (trafficking

of persons), if the offense involves commercial sex trafficking of a minor under 18 years of age, in the list of offenses requiring information on the age of the victim.

Amend Texas Government Code section 411.042 (b) (2) to develop a case reporting mechanism that enables the Department of Public Safety to create a statistical breakdown of cases involving human trafficking. This includes trafficking of persons offenses (Texas Penal Code chapter 20A) and compelling prostitution (Texas Penal Code section 43.05).

Add a section in the Texas Government Code (section 71.0353, trafficking of persons reporting) to develop a court reporting mechanism that captures information on cases involving human trafficking. This includes trafficking of persons offenses (Texas Penal Code chapter 20A), compelling prostitution (Texas Penal Code section 43.05), and prostitution offenses involving minors (Texas Penal Code section 43.02).

Conclusion

Human trafficking has become big business, generating billions of dollars each year. Almost every country in the world is affected, either as a source or a destination for trafficking victims. And here in the United States, unfortunately, far too many continue to live in bondage and in fear. But we are fighting back.

United States Attorney General Eric Holder

Remarks for the Trafficking Victims Protection Act 10th Anniversary Event (October 29, 2010)

Since the conclusion of the 81st Legislature, Texas has made great strides in the fight against human trafficking. Texans are more aware of this crime, law enforcement agencies are better equipped to identify victims and arrest traffickers, service providers are more readily able to assist victims and connect them with necessary services, and prosecutors are beginning to utilize both the state and federal anti-trafficking statutes to convict traffickers. The message is clear: Texas will not allow “zones of impunity” where traffickers continue to exploit innocent men, women and children without fear of severe punishment.¹³⁰

The Human Trafficking Prevention Task Force, along with its many partner organizations around the state, has successfully improved anti-trafficking efforts in Texas by achieving multiple goals during its initial year of existence. Greater awareness has led to increased collaboration not only between service providers and law enforcement, but among law enforcement agencies and existing task forces as well.

Texas-based prevention and enforcement models, such as the cohesion unit in Dallas, and increased collaboration between law enforcement agencies have created a more connected approach to combating human trafficking. In some instances, these limitations have helped uncover large criminal networks operating in the state. The large urban centers in Texas such as Austin, Dallas, Fort Worth, Houston, and San Antonio have well-established anti-trafficking task forces and initiatives. These areas have successfully maintained federal funding for the past several years, which has dramatically improved their ability to combat human trafficking. Rural and smaller communities must replicate these efforts and adapt them to best serve their needs, while seeking the resources necessary to accomplish their goals. These goals include developing frameworks and structures to uncover trafficking-related crimes, gaining knowledge and skills to identify and assist victims, and arresting and convicting traffickers. This can only be accomplished through increased training and support from those areas already adept at combating human trafficking.

Increasing prevention efforts throughout the state is a priority. Addressing abuse and neglect when it first begins will prove cost-effective when compared to providing the social services required to help a human trafficking victim recover. Training is needed across the board for law enforcement, service providers and prosecutors – as well as non-traditional partners in the community. Several legislative recommendations are included in this report that, if enacted, will enhance the penalties for those convicted of trafficking and provide increased protections for victims.

Human trafficking is a crime of adaptation and evolution. The methods that traffickers use to victimize

innocent men, women and children constantly evolve to elude detection and apprehension by law enforcement. To effectively combat trafficking, authorities must at least keep pace with the traffickers. Law enforcement personnel must be vigilant and innovative in developing strategies to uncover trafficking rings. Further, law enforcement officers must stay abreast of cutting edge technology and engage in continual and advanced training on human trafficking. Traditional crime fighting tactics may not successfully combat human trafficking because of the enterprising nature of the crime.

Just as law enforcement efforts should evolve, legislation must also evolve. Current laws may be ineffective in the coming years as traffickers change their methods of exploitation. Lawmakers must understand that as the crime evolves, the laws must keep pace ensuring successful prosecutions.

A significant challenge in the fight against human trafficking is the lack of data. Despite increased efforts throughout the state, the magnitude of human trafficking remains unknown. Through the encouragement of the Human Trafficking Prevention Task Force, more agencies have agreed to input data into the Human Trafficking Reporting System – but the vast majority of the state is not collecting any data at all.

Texas is poised to become a national leader in the battle against human trafficking. The establishment and active deployment of a statewide trafficking prevention task force illustrates Texas' commitment to combating human trafficking. Future initiatives should focus on comprehensive statewide plans that simultaneously expand current efforts while implementing proven successful tactics in new regions. The Task Force will continue working to position Texas for long-term success. Human trafficking is a menace that must be attacked at all levels. By continuing highly successful collaborating efforts around the state, strengthening laws, and providing vital services for the victims, Texas will become a safe haven for victims – and hostile territory for human traffickers.

¹ International victims include foreign born persons and domestic victims include United States citizens and lawful permanent residents.

² Office of the Attorney General, Texas. *The Texas Response to Human Trafficking* (Office of the Attorney General, Report to the 81st Legislature), p. 57. September 2008. Retrieved November 22, 2010, from https://www.oag.state.tx.us/AG_Publications/pdfs/human_trafficking.pdf.

³ Currently, there are four federally-funded Bureau of Justice (BJA) task forces located in Texas: Austin, Dallas/ Fort Worth, Houston, and San Antonio. In 2010, the Office of the Attorney General, Alvin Police Department, Texas Alcoholic Beverage Commission and Midland Sherriff's Department were provided access to HTRS.

⁴ Northeastern University, Institute on Race and Justice. No Date. *Human Trafficking Data Collection and Reporting Project, Online Resource Center*. Retrieved November 15, 2010, from <http://www.humantrafficking.neu.edu/index.php>. Information includes: the number of victims, number of suspects; offense type, arrest information, type of trafficking, routes, origin of victims, race of victims and suspects; residency status of victims and suspects; and demographic information for victims and suspects. In addition to the general characteristics, it also provided information about whether the cases were confirmed as human trafficking. To be confirmed in HTRS, the case must have led to an arrest and been subsequently confirmed by law enforcement, or the victims must have received a special non-immigrant Visa classification, as provided under the Trafficking Victims Protection Act.

⁵ From the creation of the Human Trafficking Prevention Task Force on September 1, 2009, to January 13, 2011, a total of 204 Texas-based human trafficking investigations have been documented in HTRS.

⁶ As of October 31, 2010, eight inmates have a current conviction for trafficking of persons. Four inmates were sentenced for trafficking offense and four inmates were sentenced for other offenses of record. For the other four offenders, the sentences ranges were 20 years (aggravated assaults), 15 years (aggravated robbery with a deadly

weapon), 8 years (retaliation), and 5 years (possession with intent to deliver a controlled substance). One inmate was released in 2010.

⁷ Texas Department of Criminal Justice. *Fiscal Year 2009 Statistical Report*, p. v. Retrieved December 1, 2010, from http://www.tdcj.state.tx.us/publications/executive/Statistical_Report_FY09.pdf.

⁸ Texas Penal Code section 43.05. Compelling Prostitution. A person commits an offense if the person knowingly: (1) causes another by force, threat, or fraud to commit prostitution; or (2) causes by any means a child younger than 18 years to commit prostitution, regardless of whether the actor knows the age of the child at the time the actor commits the offense.

⁹ As of October 31, 2010, 25 inmates were sentenced for compelling prostitution charges. The other 33 inmates were sentenced for other crimes, such as sexual assault of a child, drug-delivery, burglary, assault/terroristic threat, failure to register as a sex offender, robbery, homicide, and obstruction/public order.

¹⁰ This data only reflects the inmates serving in TDCJ. Federal inmates and defendants awaiting trial in county courts are not included.

¹¹ Data provided by Texas Department of Criminal Justice.

¹² United States Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. August 2009. *Human Trafficking Into and Within the United States: A Review of the Literature*. Heather J. Clawson, Amy Solomon, and Lisa Goldblatt Grace, p.8. Retrieved October 12, 2010, from <http://aspe.hhs.gov/hsp/07/HumanTrafficking/LitRev/>.

¹³ *Ibid.*, p. 10.

¹⁴ *Ibid.*

¹⁵ Texas Department of Public Safety. *Texas Crime Report for 2009*. Chapter 8. Retrieved November 3, 2010, from http://www.txdps.state.tx.us/administration/crime_records/pages/crimestatistics.htm. This total may include repeat arrests of the same child.

¹⁶ These numbers reflect the federal fiscal year from October 1, 2009 through September 30, 2010.

¹⁷ Polaris Project. *Annual Report- 2009, National Human Trafficking Resource Center (NHTRC), January 1st, 2009-December 31st, 2009*.

¹⁸ Human trafficking and related offenses are not included in the Texas Uniform Crime Reporting system and the Texas Office of Court Administration Monthly Court Reporting Program. In 2008, the William Wilberforce Reauthorization Act required human trafficking to be reported as a "Part I crime" in the Uniform Crime Report and as a "Group A offense" for the National Incident-Based Reporting System. The FBI has developed a proposal for collecting human trafficking data, which plans for data collection by using the National Incident-Based Reporting System. To date, no changes have been promulgated in the federal system.

¹⁹ United States Department of Justice. June 4, 2010. *Arlington, Texas, Couple Sentenced for Enslaving Nigerian Woman for More than Eight Years*. Retrieved December 3, 2010 from <http://www.justice.gov/opa/pr/2010/June/10-crt-661.html>.

²⁰ Information received from the North Texas Trafficking Task Force. December 9, 2010.

²¹ *Lubbock Avalanche-Journal, Lubbock Online*. Robin Pyle. October 25, 2010. "Two Lubbock residents arrested in Midland for forcing minor into prostitution; human trafficking." Retrieved November 22, 2010, from <http://lubbockonline.com/local-news/2010-10-26/two-lubbock-residents-arrested-midland-forcing-minor-prostitution-human>.

²² *The Monitor*. Jeremy Roebuck. September 23, 2010. "Mission bar owner convicted of sex trafficking in connection with pimping of underage undocumented immigrants." Retrieved November 19, 2010, from <http://www.themonitor.com/articles/pimping-43031-connection-sex.html>.

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- ³⁶ United States Department of Justice, supra note 34, p. 12.
- ³⁷ Ambassador Luis Cdebeca, Senior Advisor to the Secretary of State, Office to Monitor and Combat Trafficking in Persons, United States Department of State. Prepared Remarks. *Trafficking Victims Protection Act: Progress and Promise* (May 3, 2010). Retrieved October 25, 2010 from <http://www.state.gov/g/tip/rls/rm/2010/141446.htm>.
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- ⁵¹ Coalition to Abolish Slavery & Trafficking (CAST), Los Angeles (<http://www.castla.org/>); Girls Educational and Mentoring Services' (GEMS), New York (<http://www.gems-girls.org/>); Florida Coalition Against Human Trafficking (FCAHT), Florida (<http://www.stophumantrafficking.org/>); and Standing Against Global Exploitation (SAGE), San Francisco (<http://www.sagesf.org/>).
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- ⁵⁵ *Ibid.*, p.7.
- ⁵⁶ *Ibid.*, p.11.
- ⁵⁷ United States Department of Health and Human Services, supra note 30, p. 20.
- ⁵⁸ United States Department of Justice. August 2010. *The National Strategy for Child Exploitation Prevention and Interdiction, A Report to Congress*, p. 1. Retrieved November 1, 2010, from <http://www.projectsafefchildhood.gov/docs/natstrategyreport.pdf>.
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- ⁶³ United States Department of Health and Human Services, supra note 60, pp. 4-6.
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- ⁶⁸ United States Department of Justice, supra note 58, p. 31.
- ⁶⁹ *Ibid.*, p. 34.
- ⁷⁰ *Ibid.*, p. 31
- ⁷¹ Shared Hope, International supra note 61, p. 7. Las Vegas reported 30% of their cases were familial trafficking and that all 10 cities had recounted stories of familial trafficking.
- ⁷² *Ibid.*, p. 68.
- ⁷³ United States Department of Justice, supra note 58, p. 31.

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- ⁷⁴ United States Department of Justice, *supra* note 42, p. 68.
- ⁷⁵ United States Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. September 2007. *Finding a Path to Recovery: Residential Facilities for Minor Victims of Domestic Sex Trafficking*. Heather J. Clawson and Lisa Goldblatt Grace, p. 3. Retrieved November 24, 2010, from <http://aspe.hhs.gov/hsp/07/HumanTrafficking/ResFac/ib.htm>.
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- ⁷⁸ United States Department of Justice, *supra* note 58, p. 31.
- ⁷⁹ Shared Hope, International, *supra* note 61, p. 61.
- ⁸⁰ *Ibid.*, pp. v-vii. The cities included Dallas (Texas), San Antonio (Texas), Fort Worth (Texas), Salt Lake City (Utah), Buffalo (New York), Baton Rouge and New Orleans (Louisiana), Independence (Missouri), Las Vegas (Nevada), Clearwater (Florida), and the Commonwealth of the Northern Mariana Islands (United States Territory).
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- ⁸⁶ *Ibid.*, p.33.
- ⁸⁷ *In the Matter of B.W.*, No. 08-1044. (Tex. 2010). Retrieved November 1, 2010, from <http://www.supreme.courts.state.tx.us/historical/2010/jun/081044.htm>.
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¹⁰³ Ibid.

¹⁰⁴ Ibid., p. 38.

¹⁰⁵ Texas Penal Code chapter 20A (Trafficking of Persons). House Bill 2096, Added by Acts 2003, 78th Legislature, Regular Session, chapter 641, section 2, effective September 1, 2003. Texas Penal Code, chapter 20A, was amended in 2007 (Senate Bill 11, Acts 2007 80th Legislature, Regular Session., chapter. 258, section 16.01, effective September 1, 2007, and House Bill 1121, 80th Legislature, Regular Session., chapter 849, section 4, effective June 15, 2007) and 2009 (House Bill 4009, 81st Legislature, Regular Session, chapter 1002, section 7, effective September 1, 2009).

¹⁰⁶ Twenty six counties responded to the survey, with four responding that they had received a human trafficking case from law enforcement.

¹⁰⁷ Brooke Grona-Robb, Assistant Criminal District Attorney Dallas County. September-October 2010. *Prosecuting human traffickers, A primer on how Dallas County prosecutors go after the criminals in these cases, where the victims are oftentimes unsympathetic and uncooperative* The Texas Prosecutor, the Official Journal of Texas District and County Attorneys Association. Volume 4, Number 5 (September –October 2010).

¹⁰⁸ Texas' First Annual International Conference on Human Trafficking, Austin, Texas. Panel Presentation. "Moving Beyond Talk: Part One, How to Improve Enforcement Efforts in Texas." (October 6, 2010).

¹⁰⁹ United States Department of Justice, supra note 58, p. 31.

¹¹⁰ Ibid., p. 34.

¹¹¹ United States Department of Health and Human Services, supra note 12, p. 4.

¹¹² The Task Force convened: January 21, 2010 (Statewide meeting-Austin, Texas); February 16, 2010 (Conference Call- Statewide); April 21, 2010 (State Agency Meeting- Austin, Texas); May 26, 2010 (Conference Call-Statewide); and November 17, 2010 (Statewide meeting-Arlington, Texas).

¹¹³ This includes regional offices of statewide organizations and agencies.

¹¹⁴ Texas Governor, Rick Perry. August 19, 2010. *Governor Perry Calls for Increased Penalties for Human Traffickers*. Retrieved October 14, 2010 from <http://governor.state.tx.us/news/press-release/15021/>. The Office of the Attorney General/Human Trafficking Task Force was awarded \$291,000 for a financial analyst, peace officer and prosecutor.

¹¹⁵ Ibid. The Office of the Governor will provide up to \$500,000 statewide.

¹¹⁶ Texas Alcoholic Beverage Commission. No Date. *Outcome of Human Trafficking Investigation*. Retrieved December 1, 2010, from

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¹¹⁸ This is the fourth time this event has occurred.

¹¹⁹ Polaris Project. 2010. *2010 State Ratings*. Retrieved November 24, 2010, from

<http://actioncenter.polarisproject.org/component/content/article/1017>.

¹²⁰ Ohio Attorney General, Richard Corday. The Ohio Attorney General Trafficking in Persons Study Commission, Prevention, Education and Outreach Subcommittee. October 13, 2010. *Report to Attorney General Richard Corday, Report on Strategies to Increase Awareness of Human Trafficking in Ohio*, pp. 2-5. Retrieved October 26, 2010, from <http://www.ohioattorneygeneral.gov/HTAwarenessReport> .

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¹²² United States Attorney's Office, Southern District of Texas. April 3, 2008. *Houston Woman Pleads Guilty to Forced Labor Charges*. Retrieved November 29, 2010, from

<http://www.justice.gov/usao/txs/releases/April%202008/040308Ali.htm>.

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¹²⁴ Ibid.

¹²⁵ Health and Human Services Commission. October 2008. *Health and Human Services Commission Report to the 81st Legislature: The Texas Response to Human Trafficking*, p. 15. Retrieved November 23, 2010, from <http://www.hhsc.state.tx.us/reports/texasresponsehumantrafficking.pdf>.

¹²⁶ Ohio Attorney General, Richard Corday. August 18, 2010. *New Report: Online Training, Regional Working Groups Needed to Combat Human Trafficking in Ohio*.

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¹³⁰ Ambassador Luis CdeBaca, Senior Advisor to the Secretary of State, Office to Monitor and Combat Trafficking in Persons, United States Department of State. Keynote Address to Texas' First Annual International Conference on Human Trafficking, Austin, Texas (October 6, 2010).

Appendix A: Acronym Glossary

ADA	Assistant District Attorney
ATIP	ORR Anti-Trafficking in Persons Division
BJA	Bureau of Justice Assistance, U.S. Department of Justice, Office of Justice Programs
CAC	Children’s Advocacy Centers
CAST	Coalition to Abolish Slavery and Trafficking
CID	OAG, Criminal Investigations Division
CLE	State Bar Continuing Legal Education
CPS	Texas Child Protective Services
CTCAHT	Central Texas Coalition Against Human Trafficking
DCF	Florida Department of Children and Families
DFPS	Texas Department of Family and Protective Services
DPS	Texas Department of Public Safety
DOJ	U.S. Department of Justice
DUCS	HHS, Division of Unaccompanied Children
EPCAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
FBI	Federal Bureau of Investigation
FCAHT	Florida Coalition Against Human Trafficking
GCCO	Georgia Care Connection Office
GEMS	Girls Educational and Mentoring Services
HB	House Bill
HHS	U.S. Department of Health and Human Services
HHSC	Texas Health and Human Services Commission
HIDTA	High Intensity Drug Trafficking Areas Task Force
HTRA	Houston Trafficking Rescue Alliance
HRRC	Houston Rescue and Restore Coalition
HSI	Homeland Security Investigations
HTRS	Human Trafficking Reporting System, Bureau of Justice Statistics, U.S. Department of Justice
I&R	Information and Referral Service, Texas Department of Family and Protective Services
LEO	FBI, Law Enforcement Online
NCMEC	National Center for Missing and Exploited Children
NENA	National Emergency Number Association
NEU	Northeastern University, Institute on Race and Justice
NGOs	Non-governmental Organizations
NORC	National Opinion Research Center
NHTH	National Human Trafficking Hotline
NTTTF	North Texas Trafficking Task Force
OAG	Texas Office of the Attorney General
OCA	Office of Court Administration
OIRA	Texas Office of Immigration and Refugee Affairs
ORR	Office of Refugee Resettlement, U.S. Department of Health and Human Services, Administration for Children and Families

OVC	Office for Victims of Crime, U.S. Department of Justice, Office of Justice Programs
SAFVIC	TMPA Sexual Assault and Family Violence Investigator Course
SAGE	Standing Against Global Exploitation
SB	Senate Bill
SIG	LEO Special Interest Group
State Department	U.S. Department of State
STAT	Georgia Sand Springs Sex Trafficking Assessment Team
SWI	Statewide Intake System, Texas Department of Family and Protective Services
TABC	Texas Alcoholic Beverage Commission
TCLEOSE	Texas Commission on Law Enforcement Standards and Education
TDCJ	Texas Department of Criminal Justice
TJPC	Texas Juvenile Probation Commission
TMPA	Texas Municipal Police Association
TVPA	Trafficking Victims Protection Act
TYC	Texas Youth Commission
UAC	Unaccompanied Alien Children
UCR	Uniform Crime Reporting System
URM	Unaccompanied Refugee Minor
US	United States