



THE TEXAS
HUMAN TRAFFICKING
PREVENTION TASK FORCE
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Report to the Texas Legislature
Human Trafficking Prevention Task Force

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Human Trafficking in Texas

When we consider human trafficking, many of us think of a heinous crime that exists only in dark corners around the globe, far from home.

To the contrary, modern-day slavery is a very real and growing problem taking place across the United States, with a large percentage of the cases occurring in Texas.

John Cornyn, United States Senator¹

Under Texas law, the crime of human trafficking occurs when an individual receives or benefits from labor or commercial sex acts which were the product of force, fraud, or coercion. When an individual under the age of 18 provides sexual services in exchange for anything of value, human trafficking has occurred regardless of whether force, fraud, or coercion were used to effectuate the sex acts. Human trafficking, however, is more than just a crime; it is literally the buying and selling of individuals. Traffickers shatter the humanity of their victims while brutally abusing them for personal gain. The International Labour Office reported in 2013 that an estimated 18.7 million people around the world were victims of human trafficking.² Those 18.7 million victims produce over \$150 billion annually in illegal profits for their traffickers who seek to maximize their profits through cruel treatment by forcing them to perform labor or sex acts.³ Many times, these victims have no way out of this horrid situation.

While human trafficking is a global problem which has engendered responses from heads of state and international organizations, it is most certainly not only an international issue. Individuals can be found in Texas preying upon the vulnerabilities of others for the purpose of producing forced labor or sexual services. Such traffickers have absolute control over their victims, brutalizing and exchanging them for money, drugs, or other valuables to the point many victims do not recognize their victimization or they fear retribution if they escape.⁴ Traffickers represent the worst of Texas, but thankfully, Texas leaders are dedicated to eradicating this crime, assisting victims, and bringing traffickers to justice.

In 2009, the Texas Legislature, realizing the significance of human trafficking and the toll it takes on Texas communities and citizens, passed House Bill 4009, which created the statewide Texas Human Trafficking Prevention Task Force (Task Force). Over the last five years, policymakers, government agencies, and non-governmental organizations have collaborated and made Texas a leader in anti-trafficking efforts. Lawmakers continue to prioritize anti-trafficking legislation to ensure Texas remains a hostile environment to those who wish to exploit people for profits. Texas has also worked diligently to provide compassionate care to those who are victims of this heinous crime. Thanks to the hard work of dedicated professionals throughout the state, Texas continues to increase its ability to successfully prevent trafficking, protect victims, and prosecute traffickers.

The Task Force submitted its first report to the legislature in 2011.⁵ That report outlined the efforts of the Task Force and its member agencies across the state. It also included 35 legislative recommendations, 32 of which were passed into law during the 82nd Texas Legislature in 2011.⁶ In 2012, the Task Force produced its second report for the legislature which included 13 policy recommendations.⁷ Eleven of the 13 recommendations were subsequently passed and signed into law during the 83rd Texas Legislative Session in 2013. These were major victories in the fight against human trafficking in Texas. Since its inception, the collective efforts of Task Force member agencies, workgroup members, lawmakers, and other interested parties have resulted in comprehensive legislative changes to better equip Texas in the fight against traffickers and in the provision of services for victims.

In conjunction with dedicated members of the Texas Legislature, the Task Force has helped Texas become and remain a leader in anti-trafficking efforts. Shared Hope International, a leading anti-trafficking

organization, awarded Texas some of the highest rankings in the nation in 2013 and 2014 in its annual *Protected Innocence Challenge*.⁸ Texas received perfect scores for its efforts to criminalize domestic minor sex trafficking and provide criminal justice tools for investigation and prosecution of trafficking cases.⁹ Additionally, the state received near perfect scores for its work related to criminal provisions addressing demand and criminal provisions for traffickers.¹⁰ Polaris, a Washington D.C. based nonprofit, which is also a leader in anti-trafficking efforts across the nation, placed Texas in its highest possible tier for 2013: Tier 1.¹¹ Likewise, Texas received an overall Tier 1 score from Polaris again in 2014.¹² The Shared Hope scores and Polaris rankings stand as a testament to the hard work and multi-disciplinary collaboration of Texans to bring an end to human trafficking in Texas and to support those individuals who have been subjected to exploitation.

Prevalence of Human Trafficking in Texas

Data on human trafficking is notoriously difficult to ascertain. Currently, Texas' primary data source is the Human Trafficking Reporting System (HTRS). This online system allows Department of Justice-funded human trafficking task forces and other approved law enforcement agencies to enter data on suspected human trafficking incidents. In addition, the Federal Bureau of Investigation (FBI) Innocence Lost Initiative collects data from two Texas-based Innocence Lost task forces; one based in Dallas and the other in Houston. Data from both sources is presented below.

Human Trafficking Reporting System	
January 1, 2007, to August 31, 2014	
Human Trafficking-related Incidents	737
Reported Victims	628
Reported Child Victims	320
Suspects Arrested	210
Suspects Convicted	85
Innocence Lost¹³	
	444
Total Child Victims of Human Trafficking	
Innocence Lost + HTRS Reported Child Victims	764

Arrest data from the Texas Department of Public Safety (DPS) indicates that 381 individuals were arrested by Texas law enforcement on human trafficking charges from January 1, 2007, to August 31, 2014, and 484 were arrested for compelling prostitution over that same time period. Of these individuals, 47 have been convicted of human trafficking and 124 have been convicted for compelling prostitution.¹⁴ The Texas Department of Criminal Justice (TDCJ) maintains records of the number of inmates serving sentences for human trafficking-related incidents and compelling prostitution. As of August 31, 2014, 98 individuals were incarcerated in Texas prisons for convictions of either trafficking of persons or compelling prostitution.¹⁵

Finally, the National Human Trafficking Resource Center (NHTRC) provides a 24-hour hotline which provides resources and referrals related to human trafficking to victims, law enforcement officials, and other citizens. In 2013, Texas was the source of 2,236 calls to the hotline, second only to California in frequency.¹⁶ Similarly, the NHTRC published a report showing data trends from 2007 – 2012. In that report, Texas was the source of the second highest number of potential human trafficking reports, again, second only to California.¹⁷

The cases, offenders, and victims represented by each of these different data sources help policy makers, law enforcement agencies, victim service providers, and other anti-trafficking organizations better understand the scope of trafficking in Texas. Even without complete quantitative data, news reports and other sources help

shed light on the scope of trafficking across the state. Over the course of the Task Force's existence, many trafficking and trafficking-related cases have produced state and/or federal convictions. Some notable cases include:

- In July 2014, a Bexar County, Texas, jury gave a San Antonio man four life sentences for child sex trafficking and compelling prostitution. The man was on house arrest related to his parole when he used the phone at his mother's house to traffic two girls, ages 13 and 16. The girls were discovered through online advertisements and subsequently rescued by the area FBI Crimes Against Children Task Force, which is a joint federal-local law enforcement effort.¹⁸
- In September 2013, a Fort Worth man was convicted and sentenced to two 99-year prison terms to run concurrently for the aggravated sexual assault of a child under 14 and child sex trafficking. The man sexually assaulted a 12-year-old family friend, then took her to a local bar and tried to sell her to patrons for \$50 per sexual encounter.¹⁹
- In June 2012, the last of 10 defendants was sentenced for his role in a Houston-based trafficking operation. The trafficking ring recruited women and girls from Mexico by promising them legitimate jobs at area bars and restaurants. Once the girls arrived, they were forced into prostitution by bar owners. The investigation was completed by the Human Trafficking Rescue Alliance in Houston, which is a collaborative effort of federal, state, and local law enforcement agencies and nongovernmental service providers.²⁰ In April of that same year, a U.S. district judge ordered profits from the sale of the defendants' assets be paid to the five child victims in the case. Valued at over \$600,000, this was the first case in Texas – and one of only a few nationally – in which prosecutors were able to successfully have assets related to the crime of trafficking be forfeited under the law and have those proceeds directed to victims of the crime.²¹
- In June 2010, an Arlington, Texas, couple was sentenced to federal prison for forcing a woman into domestic servitude. The husband received a 20-year sentence, and the wife a nine-year sentence. The couple was also ordered to pay over \$300,000 in restitution to the victim. The couple recruited the woman from Nigeria by promising her six children would be taken care of in exchange for her work in the United States. When the victim arrived, her passport was confiscated by the couple. She was held in the couple's house for eight years and was forced to cook, clean, and take care of the couple's children. She was forbidden from speaking with her children in Nigeria, making friends in the United States, or talking to the couple's friends. The victim's family received a total of \$300 in wages over the eight-year period in exchange for the woman's work.²²

These cases represent only a few of those investigated and prosecuted in Texas since the creation of the Task Force. Other human trafficking incidents have also been reported in Midland, Odessa, Lubbock, Amarillo, Madison, Waco, Mission, El Paso, and other locations across the state.

The Statewide Response to Human Trafficking

The collaborative efforts of lawmakers, law enforcement agencies, government agencies, victim service providers, and other interested stakeholders have made Texas a national leader in anti-trafficking efforts. These efforts have helped produce preventive strategies, identify victims, raise awareness, increase education, provide victim services, prosecute offenders, and increase data collection and intelligence-sharing. Members of the Task Force and other anti-trafficking organizations have been a part of a paradigm shift within agencies, organizations, and communities. A small sample of the anti-trafficking activities which have occurred across the state since the inception of the Task Force are noted below.

Identifying Prevention Strategies

In its 2011 report, the Task Force highlighted the need for “numerous prevention strategies so that investigators, prosecutors, and service providers can combat this crime from all angles.”²³ In response, the 82nd Legislature passed several provisions aimed at trafficking prevention.

- Trafficking was added to the list of common nuisances, allowing businesses involved in trafficking to be shut down.
- The Texas Alcoholic Beverage Commission (TABC) was provided with the authority to consider allegations of trafficking when determining if a permit or license should be issued to a business; deny licenses or permits for one year to locations which have had compelling prostitution or human trafficking offenses occur on the premises; and prohibit the use of alternative, lighter, civil penalties for the offense of human trafficking.
- Contraband related to trafficking of persons or sexual offenses was added to the list of items subject to forfeiture if the items were used in the commission of those offenses.

These prevention efforts have produced positive results. For example, in August 2014, three El Paso-area bars were shut down after complaints related to several types of criminal activity – including human trafficking – were received. TABC conducted an investigation and found evidence of criminal offenses ranging from drug possession to prostitution.²⁴ This investigation, and others like it, have been aided by tools provided to law enforcement as a result of prevention-based legislation passed by the 82nd Legislature.

While providing human trafficking-related regulations on permits and licenses is a positive step, it is not the only prevention strategy the state has pursued. As stated in the 2011 Task Force report, “Any policy designed to reduce human trafficking must also consider strategies aimed at reducing the demand side of human trafficking.”²⁵ Similarly, the 2012 Task Force report expanded this concept and signaled the need to “eradicate demand and eliminate the supply of victims.”²⁶

To achieve these two goals, the Task Force has focused on both the supply and demand sides of trafficking. The supply of victims has been a focus of many local, state, and federal agencies, and nongovernmental efforts. For example:

- In Bexar County, Texas, members of the local Alamo Area Coalition Against Trafficking (AACAT) are proactively speaking with interested groups regarding human trafficking and have conducted several trainings in partnership with the Bexar County District Attorney’s Office. For example, over 1,000 school counselors, social workers, faculty, and school personnel within Bexar and surrounding counties have been trained on human trafficking. Law enforcement officers have also received training. By the close of 2014, every member of the San Antonio Police Department, which is over 2,000 individuals, will have been trained on human trafficking along with members of the Bexar

County Sheriff's Office and surrounding agencies. Finally, Fire and EMS personnel will begin receiving human trafficking training in 2015.²⁷

- At the state level, Texas Attorney General Abbott was one of 17 state attorneys general who demanded Craigslist take proactive steps to prevent prostitution on its website. Craigslist complied by blocking the “Adult Services” section of its site to U.S. viewers.
- The Texas Department of Family and Protective Services (DFPS) has taken steps to identify at-risk youth in their custody and provide them with information on the dangers of potential traffickers.
- Several nongovernmental organizations have played crucial roles preventing human trafficking. Traffick911’s “Traps of the Trafficker” program has been presented to hundreds of parents and youth to make them aware of the ways in which traffickers recruit and manipulate victims.²⁸ The National Center for Missing and Exploited Children (NCMEC) continues to provide, at no charge, its NetSmartz Workshop – which focuses on Internet safety – and training regarding child sexual exploitation. Finally, Houston-based United Against Human Trafficking (formerly Houston Rescue and Restore Coalition) has implemented a training program for at-risk youth called “My Life, My Choice” with the goal of preventing youth from being exploited for sex or labor.²⁹

According to the U.S. Department of Justice, a growing amount of evidence suggests tactics which focus on the demand-side of trafficking are proving to be the most effective anti-trafficking efforts.³⁰ That same report cites several municipalities which have significantly reduced prostitution-related incidents after enacting demand-side policies.³¹ Several jurisdictions in Texas have also focused on ways to curb demand.

- In Bexar County, Texas, 46 people were arrested for prostitution and trafficking-related offenses during operation Blue Ice, a multi-agency operation with the goal to “address the demand-driven factors, as well as alter the incentives of the high-profit, low-risk market that human traffickers use to exploit women and children.”³² The operation was led by the local human trafficking task force and involved undercover officers who posed as prostitutes on local streets and online.
- In Victoria, Texas, the local police department conducted a reverse sting operation focusing on buyers of commercial sex. A law enforcement officer posted fake advertisements for commercial sex on backpage.com. Fifteen men were arrested for prostitution solicitation via the Internet as a result of the sting.³³
- The Waco Police Department created one of the state’s first “John schools” to “deter first-time offenders from seeking further services from prostitutes”.³⁴ Qualifying individuals must be first-time offenders, without a prior history of violence, drug, weapon, or sex crime offenses. The offender also pays a fine and agrees to attend the program, which spans one full day. The school’s program consists of information related to the side effects of participating in prostitution including its effects on marriages, health, and the community.³⁵

Identification of Victims

Identifying victims of trafficking is a complicated yet critical task in the fight against human trafficking. In many cases, victims are difficult to identify. For example, an Urban Institute report shows 43% of reported human trafficking cases investigated by law enforcement occurred in private residences.³⁶ Adult and child victims may deny their victimization or even love or support their trafficker.³⁷ Labor trafficking victims may be working in agriculture in rural areas of the state or in the back rooms of local businesses making knowledge of their existence, much less victimization, difficult.³⁸ Conversely, some victims may even be hiding in plain sight, such as child victims of trafficking who may attend school during their victimization, or even be recruited there.³⁹

Law enforcement officer training to help identify victims is a continuing effort of the Task Force, and local and state agencies across the state continue to receive training that helps officers identify possible victims during the course of their normal duties.

- Texas law enforcement officers have produced successful victim rescues and offender arrests as a result of human trafficking training.⁴⁰
- In September 2013, the Task Force released *Introduction to Human Trafficking: A Guide for Criminal Justice Professionals*. The guide provides law enforcement, prosecutors, probation and parole officers, and any other criminal justice professionals with information on the legal definition of the crime, the victim-centered approach to investigations and prosecutions, approaches to interacting with victims, case scenarios, victim identification, and the need for proactive approaches to human trafficking. The guide is publically available on the [Texas Attorney General's Office website](#).
- Additionally, the 83rd Legislature, through House Bill 1272, required the Task Force to develop tools to help HHSC/DFPS personnel and medical and education professionals to identify possible indicators a person is a victim of trafficking. Through this effort, individuals most likely to come into contact with trafficking victims – especially young victims – are receiving training that will benefit the state's victim identification efforts.

Awareness and Education to Increase Detection

Awareness and education are a top focus of the Task Force.⁴¹ Several misconceptions about human trafficking are prevalent in American society, and they reduce the efficacy of anti-trafficking efforts.⁴² These misconceptions are frequently addressed by Task Force members and other anti-trafficking agencies and organizations throughout the state through the provision of awareness and education. In addition to the statewide efforts stemming from House Bill 1272, several organizations have also held events to raise awareness and train individuals about human trafficking.

- Houston Mayor Annise Parker, Texas Governor Rick Perry, members of local, state, and federal law enforcement, and several other agencies and nongovernmental organizations joined together in June 2014 – under the leadership of Texans United Against Human Trafficking – to launch a campaign to raise awareness and educate the general public on human trafficking.⁴³ As part of the campaign, Outdoor Advertising Association of Texas, including its member companies Lamar Advertising and Clear Channel Outdoor, has donated advertising space where anti-trafficking information and the national hotline will be promoted.⁴⁴ Additionally, Houston Yellow Cab will be posting the national hotline number and text number on its cabs to help raise awareness.⁴⁵
- Allies Against Slavery, an Austin-based organization which holds several events throughout the year including a Free Austin week, provides community members with training, policy updates, networking, and other anti-trafficking related events. Since 2010, Allies Against Slavery has educated over 5,500 individuals and organized support for local survivors.⁴⁶
- Houston-based Free the Captives held its 4th Annual Houston Human Trafficking Conference in January 2014. The group holds the conference for educational purposes, but also hosts a Freedom Fest and 5k run, and participates with the Harris County Sheriff's Office during awareness campaigns.⁴⁷ Free the Captives also completed a quantitative study of commercial sex advertisements posted on backpage.com. Over a 12-week period in 2014, there were 25,950 commercial sex ads posted on the website for the Houston area.⁴⁸ While the study's limitations prevented it from identifying instances of sex trafficking, it did provide evidence of a robust commercial sex industry in the Houston area which can be exploited by traffickers.

- In 2013, Love146, a Connecticut-based anti-trafficking organization, opened a Texas office. Part of Love146’s mission is to provide prevention education.⁴⁹ They have done this through working with youth in schools and also through the placing of billboards containing the national Human Trafficking Hotline number along major thoroughfares.⁵⁰ Since 2013, Love146 has reached over 2,500 youth in schools, juvenile probation and detention, and other community settings with its prevention education program.⁵¹ Love146’s *Not A #Number* curriculum is an interactive, five-lesson program that equips youth to protect themselves through information, critical thinking, and skill development on the issue of human trafficking and exploitation. The program is designed to teach youth how to recognize recruitment tactics, understand vulnerabilities, and develop skills to safely navigate potential and existing exploitative situations. Youth also identify healthy support systems, and learn how to access community resources when situations occur that increase their vulnerability or if exploitation is already occurring.⁵²
- United Against Human Trafficking has trained nearly 27,000 individuals on human trafficking including law enforcement officers and Child Protective Services (CPS) and health care professionals.⁵³ They have also played a lead role in establishing a city-wide awareness campaign in Houston, an annual city-wide Human Trafficking Awareness Month, and a comprehensive health care training on human trafficking.⁵⁴

Providing Services to Victims

Determining, locating, and providing the appropriate services to victims of human trafficking is a challenge, not just in Texas, but across the United States. Trafficking victims may be subjected to physical, sexual, and psychological abuse that requires the services of many different entities.⁵⁵ Many victims’ first concerns may be safety, a place to live, and the provision of basic necessities.⁵⁶ Other victims may require months or years of counseling.⁵⁷ Still others may require job skills training or extensive medical care.⁵⁸ Unfortunately, the violent and ruthless actions of many traffickers mean some victims will require all of the services listed above.⁵⁹

In its 2011 report to the legislature, the Task Force stated “gaining access to appropriate services poses the greatest hardship for human trafficking victims.”⁶⁰ The report details how placing victims in domestic violence or homeless shelters fails to adequately address the challenges victims face, and how those facilities – which can provide services – are not having victims referred to them.⁶¹ Those hardships still exist, but several entities around the state are making great strides in the provision of services. In addition, law enforcement is more knowledgeable of what referral resources are available.

- Mosaic Family Services in Dallas, Texas, has provided comprehensive services for human trafficking victims, which includes housing, since 2001.⁶² Shelter and culturally-sensitive services for victims of trafficking are provided by the Mosaic Transitional House.⁶³ A 24-hour trafficking hotline is also available for individuals seeking assistance.⁶⁴ The services provided by Mosaic are available to “survivors of labor and sex trafficking regardless of immigration status, including minors, adults, foreign nationals and domestic survivors.”⁶⁵
- In Austin, Texas, the Hope Through Health Clinic opened in 2013 and provides wrap-around services for victims of trafficking twice a month. The clinic is supported by collaborative efforts of Seton Healthcare, CommUnityCare Clinics, The University of Texas (UT) at Austin School of Social Work, UT Southwestern Medical Center, The University of Texas at Austin School of Nursing, and Refugee Services of Texas.⁶⁶ Victims are referred to the clinic by Refugee Services of Texas or members of the Central Texas Coalition Against Human Trafficking.⁶⁷

- The 82nd Texas Legislature passed House Bill 2329, which provided victims of trafficking with a pseudonym that can be used in public records concerning the offense.⁶⁸ That same legislation also provided victims, parents or guardians of victims under 18 years of age, or prosecuting attorneys with the ability to file a protective order without regard to the relationship between the applicant and offender.⁶⁹
- The 83rd Texas Legislature passed House Bill 8 providing that victims of human trafficking are now eligible for reimbursement for rent and relocation expenses through the Texas Crime Victims' Compensation (CVC) Program, which is administered by the Office of the Attorney General (OAG).⁷⁰ House Bill 8 also made victims of trafficking eligible for the OAG's Address Confidentiality Program (ACP) which provides a mail forwarding service for eligible victims so the victims' actual address remains confidential.⁷¹ These House Bill 8 provisions apply to all victims of trafficking regardless of age, whether they are a victim of labor or sex trafficking, or whether they were victimized at their place of residence. All victims of human trafficking became eligible for ACP and rent and relocation assistance from the OAG if any part of the trafficking occurred on or after September 1, 2013. Subsequent to the passage of the bill, all CVC staff were trained on human trafficking and how to process claims for compensation in the context of trafficking. In October 2014, new administrative rules went into effect which govern the CVC program. Those rules require CVC staff to take into consideration the totality of facts and circumstances surrounding each application before determining application approval. In addition, the new rules are reflective of CVC staff's understanding of the often devastating effects of trafficking on victims.
- The Harris County Jail began providing an inmate rehabilitation program called "Been There Done That" which provides counseling services to individuals incarcerated for prostitution and related crimes.⁷² Several, but not all, of the women who participate in the program are victims of human trafficking. Since February 2013, Harris County judges have been actively diverting eligible participants to the program.⁷³
- In 2013, Children's Advocacy Centers of Texas (CACTX) developed a multi-session forensic interview (MSFI) curriculum and technical assistance materials to ensure children's advocacy centers throughout the state have the resources necessary to effectively serve special populations of children. One of these populations is children who are victims of human trafficking and who may be brought to a CAC for a forensic interview and recovery services. The curriculum and materials address the unique aspects of human trafficking cases and how an interview over multiple sessions may best help these children in explaining what they have been through. In recognition of the complexity of human trafficking, the curriculum was designed for tenured forensic interviewers who have a level of experience and understand the nuances of these cases. To date, CACTX has conducted three MSFI trainings and trained over 75 forensic interviewers.⁷⁴
- In the Rio Grande Valley, a coalition was formed to address human trafficking in the region. The Rio Grande Valley Anti-Human Trafficking Coalition is comprised of local law enforcement agencies, nongovernmental organizations and other interested partners. This new coalition uses a multi-disciplinary approach to successfully identify and provide assistance to victims of trafficking.⁷⁵
- Sabre Corporation, a Southlake, Texas-based company, launched a scholarship fund for human trafficking survivors in November 2014.⁷⁶ The Passport to Freedom Survivor Scholarship will provide up to \$10,000 in financial support for up to five survivors of trafficking.⁷⁷ The scholarship program is "dedicated to making post-secondary education and vocational training attainable" and to help "pave the way for secure and sustainable employment opportunities."⁷⁸ The first scholarship will be awarded in mid-to-late 2015.⁷⁹

Child Victims

While some state agencies and nongovernmental organizations have focused on all types of trafficking victims, others are specifically focused on providing services to child victims. Numerous studies have pointed out risk factors related to trafficking that are unique to children. Such risk factors include, but are not limited to, being homeless or a runaway; having a history of physical, sexual, or emotional abuse; residing in a foster or group home; and being a youth in general.⁸⁰ Additionally, some victims are trafficked by their parent or caregiver. Those victims do not have family to return to or skills or resources to utilize upon their rescue.⁸¹ This makes the work of those agencies and organizations even more critical to a child victim's recovery.

- In Harris County, Texas, Freedom Place opened in 2012 with 30 beds reserved for underage female trafficking victims. Children who reside at Freedom Place are provided with a safe place to reside for 6-18 months. In addition, each resident receives counseling, shelter, food, and other services geared at encouraging recovery.⁸²
- Similarly, the Letot Girls' Residential Treatment Center in Dallas is set to open in the near future.⁸³ It will serve girls ages 13-17 who have been forced to work in the commercial sex industry.⁸⁴ The center will accommodate up to 96 girls and will provide counseling, job skills training, and contains an on-site charter school.⁸⁵
- Refuge of Light, a local nonprofit in Tyler, Texas, has completed construction of a local safe home for female victims of domestic minor sex trafficking.⁸⁶ The home will offer shelter for female child victims of sex trafficking for up to two years and includes assessment for long-term placement options and continued support through college enrollment or other services.⁸⁷
- The Alamo Area Coalition Against Trafficking is planning to build a high risk victims' facility. This facility will allow minors to stay in an assessment facility for up to 90 days. Currently, the facility is in the design phase with plans being finalized by the end of 2014. The Coalition hopes to add a long-term facility for minors at a later date.
- Senate Bill 92 (83rd Texas Legislature) provided juvenile probation departments with the authority to develop a diversion program for children believed to be victims of sex trafficking. Instead of punishing the children by labeling them as prostitutes, the program allows the children to receive treatment and other services. Upon successful completion of the program, their records are sealed and cases dismissed with prejudice.⁸⁸

Prosecution of Offenders

The Task Force has worked diligently to increase the prosecution of those who traffic individuals in Texas. The ability to prosecute is dependent on the existence of criminal statutes and training of law enforcement and prosecutors.⁸⁹ The Texas Legislature has provided prosecutors with the tools needed to successfully prosecute traffickers. During the 82nd Legislature, bills were passed which:

- Defined sex and labor trafficking,
- Increased penalties upon conviction, and
- Created automatic life sentences for subsequent convictions.

The 83rd Legislature also passed significant laws which positively impacted the ability of prosecutors to secure convictions against human traffickers. That legislation:

- Enhanced penalties for several trafficking-related offenses,
- Added strict liability provisions, and
- Included certain trafficking-related offenses in the list of offenses that constitute organized criminal activity.

Lawmakers have given prosecutors and law enforcement officials the tools to arrest and prosecute human traffickers. Likewise, state and private entities are providing human trafficking training to prosecutors and law enforcement officers across the state. The Criminal Justice Division of the Office of the Governor has provided a grant to the OAG/Task Force since September 2010 for the purpose of allowing the Task Force to assist with the identification of victims, and investigation and prosecution of cases. This grant has also allowed over 10,000 Texans to receive training on human trafficking, including thousands of law enforcement officers.⁹⁰ Numerous prosecutors across the state have also received training or assistance as a result of this grant.⁹¹

Improving Data Collection

Collecting accurate data on human trafficking is difficult, yet becoming increasingly more important. This challenge makes the scope of trafficking across the state difficult to fully understand, which also affects the provision of resources.⁹² The challenges related to data collection have been noted by the Task Force and steps have been taken to increase Texas' understanding of the scope of human trafficking.⁹³

The data sources the Task Force utilize currently suffer from various shortcomings regarding the quantification of victims, cases, offenders, and convictions. For example:

- HTRS data is only a snapshot of the trafficking that occurs in Texas. As a self-report measure, it does not capture every known incident. This problem is magnified by the fact that only a small number of agencies report into the database. The HTRS database also includes federal and state agencies, so it does not accurately reflect the number of state cases in Texas. Also, because trafficking investigations may take many months to complete, HTRS incidents are deemed trafficking-related as opposed to verifiable instances of human trafficking.
- DPS data provides the number of state charges leading to an arrest based on human trafficking and compelling prostitution. It does not include any arrests by federal agencies.
- The most often-cited source of crime data, the FBI's Uniform Crime Report (UCR), began collecting human trafficking information on January 1, 2013. Texas law enforcement agencies that provide UCR data will be able to quantify human trafficking and prostitution-related offenses, which can be used to understand trafficking's prevalence across the state, but reporting into the UCR is also voluntary and dependent on correctly identifying trafficking. Reports are not yet available from the FBI on the extent of human trafficking, but once released, they will help shed light on the scope of trafficking in the state.

Regardless of the reporting mechanism, if trafficking is not correctly identified, it cannot be recorded. This remains a problem. Often times trafficking is misclassified as one of the more easily identifiable crimes which are related to trafficking. Crimes such as sexual assault of a child are easily identified by law enforcement officers on the scene. However, it may not be until later in the investigation that those cases are correctly identified as human trafficking. Additionally, trafficking charges are not always pursued by prosecutors despite evidence suggesting a case could be made.⁹⁴ When prosecutors list human trafficking as one of the offenses charged, Texas is more able to fully capture the scope of trafficking within the state to better allocate resources to address this crime.

Data can also provide insights into what type of services are being provided to trafficking victims by government agencies and nongovernmental organizations.⁹⁵ The number of and types of agencies and organizations providing services is fluid. However, The University of Texas at Austin, in collaboration with Allies Against Slavery, is developing a compendium which will house information about service providers and law enforcement around the state who are dedicated to working with human trafficking victims and on trafficking cases.

Intelligence-sharing Among Law Enforcement Agencies

The often transient nature of trafficking and the proliferation of technology used in human trafficking operations have made identifying and rescuing victims, investigating cases, and prosecuting offenders a multi-agency effort.⁹⁶ Task Force members and other law enforcement agencies across Texas have collaborated during large events such as the 2011 Super Bowl in Arlington, Texas, and the Formula One race in Austin, Texas, in 2012. These collaborative efforts are the most publicized, but law enforcement collaborations and intelligence-sharing occur regularly in the fight against trafficking. For example:

- In February 2013, a man was arrested in Austin, Texas, on felony child trafficking charges. The case came to the OAG through a referral from NCMEC. The victim had been trafficked in Austin, San Antonio, and Dallas before she was located in Milwaukee, Wisconsin, by OAG personnel through the tracing of online advertisements. The OAG and DPS collaborated with the Milwaukee Police Department which took the victim into protective custody.⁹⁷
- In November 2013, a man from Fort Worth was sentenced to 121 months in federal prison for his role in a child sex trafficking scheme. The defendant took pictures of a female child, posted those pictures on Backpage.com, and had the child perform commercial sex acts for the financial benefit of the defendant. The case was investigated and prosecuted as part of the Department of Justice's *Project Safe Childhood* and involved U.S. Immigration and Customs Enforcement; Homeland Security Investigations; the Arlington, Dallas, and Fort Worth Police Departments; DPS; and the OAG.⁹⁸

Significant Accomplishments in the Fight against Human Trafficking in Texas

Human trafficking is multidimensional, and to effectively combat it in our major cities and elsewhere requires a three-pronged approach: first is the collection, centralization and analysis of timely data; second, is the seamless coordination of efforts across jurisdictions and disciplines; and finally, it requires the execution of proven strategies that are mutually reinforcing.

Steven C. McGraw, Director, Texas Department of Public Safety⁹⁹

Since 2009, lawmakers, law enforcement agencies, victim service organizations, and other state agencies and nongovernmental organizations have made great strides in the fight against human trafficking. While the fight is not over, significant accomplishments should be highlighted. The accomplishments below are crucial strategies and tools which are being deployed in an effort to maintain Texas' position as a leader in anti-trafficking efforts.

House Bill 1272 and Task Force Deliverables

In 2013, the 83rd Texas Legislature passed House Bill 1272 which required the Task Force to work with the Texas Education Agency (TEA), DFPS, and the Health and Human Services Commission (HHSC) to:

- Develop key indicators a person is a victim of human trafficking,
- Develop standardized curriculum for training medical and education professionals along with DFPS and HHSC personnel to identify and assist victims of human trafficking,
- Train medical and education professionals along with DFPS and HHSC personnel to identify and assist victims of human trafficking,
- Develop and conduct training for DFPS and HHSC personnel on methods for identifying children in foster care who may be at risk of becoming victims of human trafficking, and
- Develop a process for referring identified human trafficking victims and individuals at risk of becoming victims to appropriate services.

Three Task Force workgroups – medical, education, and HHSC/DFPS – have collaborated since the passage of House Bill 1272 to provide deliverables which meet its requirements. The first of those deliverables identified by the Task Force was a training module specifically for DFPS personnel. DFPS personnel provided in-depth expertise during the development of the training, which was successfully implemented on September 2, 2014. The training is a computer-based module which outlines what human trafficking is, risk factors associated with becoming a victim of human trafficking, and indicators used to identify a victim of trafficking.

The second deliverable was a training module for education professionals. That training was created by members of the Task Force's Education Workgroup – led by the Texas Regional Office of the National Center for Missing and Exploited Children – and submitted to TEA for approval. The training for educators is a computer-based, self-taught course developed for all school personnel. The curricula, titled *Texas RISE to the Challenge*, provides education professionals with the definition of human trafficking, facts about trafficking in Texas, risk factors and indicators related to trafficking, reporting requirements as mandated by law, and additional steps districts and individuals in school systems can take. The curricula was developed and refined through the collaborative efforts of several law enforcement agencies, DFPS, educators, TEA, and social service providers. On October 9, 2014, the training was published on TEA's website where it can be

accessed by school personnel and the general public.¹⁰⁰ The training was also announced and provided to each of TEA's 20 Education Service Centers, which span the state.

The third deliverable is for medical professionals. It, too, will be a web-based training that can be viewed by medical professionals across the state. This project is being led by staff from United Against Human Trafficking and calls upon the combined expertise of medical professionals and other service providers who have extensive knowledge of human trafficking as it relates to the medical profession. This training is expected to be available in 2015.

In addition to the trainings related to House Bill 1272, the Task Force also created an introductory manual for education professionals. The manual, *Introduction to Human Trafficking: A Guide for Texas Education Professionals*, was published by the Task Force on July 1, 2014, and is available on the [Texas Attorney General's Office website](#). The manual serves as a primer to human trafficking for those in the education community. It includes risk factors and indicators related to trafficking, reporting requirements, reporting options, scenarios, and resources schools and school personnel can use related to human trafficking.

Texas Department of Public Safety

In 2013 and 2014, DPS pursued a variety of law enforcement strategies and achieved a number of accomplishments to combat human trafficking in Texas. These efforts include the creation of special DPS anti-trafficking units, human trafficking training, and a technology platform to identify potential victims.

- In 2013, a human trafficking squad was created in Houston. This is the second such squad in the state; the first was established in Dallas. Both squads, assigned to the DPS Criminal Investigations Division (CID), work with other local, state, and federal agencies to conduct investigations related to human trafficking.
- DPS has implemented advanced human trafficking investigations training for agency investigators assigned at all levels to increase awareness and enhance investigative response.
- In April 2013, the DPS CID Human Trafficking Squad in Dallas began an investigation into a sex trafficking organization. During the course of the investigation, agents identified a suspect and a brothel in Arlington. Agents quickly surmised that the traffickers likely were not working alone but were in fact part of a larger organized criminal enterprise. Agents used an investigative model typically used in organized crime investigations, focusing on phone toll analysis, open source information, as well as traditional and electronic observation operations. After the 13-month investigation, the agents secured 21 indictments for Continuous Trafficking of Persons and Engaging in Organized Criminal Activity on 10 members of this organization. While putting dangerous criminals behind bars is a key goal in these investigations, the most rewarding aspect of this case was rescuing 13 female victims. All of the victims were originally led to believe they were being brought to the United States for legitimate work in hotels, restaurants, or as nannies. Within hours of their arrival, they were forced into the commercial sex industry.
- In August 2013, DPS announced the launch of its mobile application (app), which is designed to give Texans instant access to the state's Sex Offender Registry, Texas 10 Most Wanted program, and other valuable resources. App users can view location-based information about human trafficking, registered sex offenders, and more. In addition, the DPS app allows users to submit tips for wanted fugitives and report suspicious behavior from their mobile devices. The information is ultimately submitted to the Department's Joint Crime Information Center, where it can be shared with numerous agencies for follow-up investigation.

- In October 2013, DPS created the Texas Crimes Against Children Center, within the Texas Rangers Division. The center provides assistance with crimes against children investigations, including investigations related to human trafficking.
- In March 2014, DPS published “Assessing the Threat of Human Trafficking in Texas.” This assessment was produced in collaboration with other law enforcement and homeland security agencies, and was developed to provide a broad overview of human trafficking activity in the state.

The University of Texas and Allies Against Slavery

As stated earlier, data collection remains a challenge in the fight against human trafficking. To more effectively allocate resources to prevent and address human trafficking, Texas needs to understand the scope of the crime. In December 2014, the Institute on Domestic Violence and Sexual Assault (IDVSA) at The University of Texas at Austin, the Bureau of Business Research at The University of Texas at Austin, and Allies Against Slavery announced a joint partnership called The Texas Slavery Mapping Project, which will seek to gather information about human trafficking from across Texas. The mapping project is funded by a \$500,000 grant from the Criminal Justice Division of the Governor’s Office.

The project has two phases. The first year of the project will be dedicated to compiling existing data from government and nongovernmental stakeholders across Texas. This phase will also include cataloging services available to trafficking victims across the state. By gathering data and cataloging services, this project will produce a more complete picture of prevention, education, law enforcement, and victim services efforts which are occurring throughout the state. The second year of the project will include the “mapping” of human trafficking in several key regions of the state. This portion of the project will allow economic analysis to be conducted on the costs of human trafficking.

Combined, the two phases of the project will allow researchers, law enforcement, service providers, and policy makers to more effectively and efficiently address human trafficking through education, additional policy initiatives, and the allocation of resources. This joint effort by government agencies, researchers, and advocacy groups marks a significant achievement in the state’s efforts to more fully understand the scope of trafficking in Texas and the tools available for prevention, protection, and prosecution related to human trafficking.

Texas Department of Family and Protective Services

The Texas Department of Family Protective Services is working to address the issue of human trafficking. DFPS is collaborating and meeting with Task Force members such as NCMEC, the Texas Department of State Health Services (DSHS), and DPS in an effort to pool resources and efforts to try to prevent children who are in the state’s care from falling prey to traffickers.

- In March 2014, all CPS staff were notified that if a child goes missing from their care, they are not only to make an immediate report to law enforcement, but to also contact NCMEC. On September 13, 2014, an official Memorandum of Understanding was finalized between NCMEC and DFPS formalizing this process.
- The CPS Statewide Intake office, which is the front door of DFPS, assesses allegations of child abuse or neglect to determine whether a parent or traditional caregiver played a direct role in trafficking a child or was otherwise complicit in allowing the trafficking to occur. Additionally, DFPS began a statewide training initiative to assist intake specialists to better identify victims of sex and labor trafficking. Statewide intake specialists will now be able to track the number of calls that come into the Hotline as initial intakes that involve allegations of human trafficking.

- In the summer of 2014, CPS began educating youth at state and regional conferences on human trafficking prevention through topics such as "Traps of the Trafficker."
- On September 2, 2014, a mandatory computer-based training regarding recognizing signs of human trafficking went live for all CPS staff.
- The agency's Residential Child Care Licensing (RCCL) staff proposed policy changes to the DFPS Council in July 2014 to ensure that shelters serving trafficking victims are better prepared to provide the unique treatments and services needed to ensure that they are in a safe environment to recover from the trauma they have experienced.
- RCCL worked with providers, stakeholders, and other state agencies, to develop the new minimum standards, which are expected to go in effect in December 2014.
- RCCL adopted rules in March 2014 in response to legislation from the 83rd Legislative Session that ensure the location of a shelter for trafficking victims and information on the victims served there is kept confidential.
- CPS has begun developing interviewing and other tools to identify at-risk youth and potential victims.

Because the population DFPS serves often possess multiple trafficking risk factors, DFPS's efforts to prevent trafficking and identify and assist victims will play a crucial role in future anti-trafficking efforts throughout the state. The training which has been developed and implemented, along with the new administrative rules, policies, and procedures will serve children in the state's care to these ends.

Texas Health and Human Services Commission

HHSC has launched a domestic minor sex trafficking initiative in Health Services Region 1, which encompasses the Texas Panhandle and major cities of Amarillo and Lubbock. The major purpose of the initiative is to develop and promote prevention strategies, to increase awareness among diverse population groups, to work with local partners to increase data collection efforts, and to strengthen linkages and community efforts for a statewide and comprehensive response program. The scope of this initiative includes the implementation of the activities described in House Bill 1272.

DSHS regional staff developed interventions to inform, educate, and empower local communities in Health Services Region 1. The region mobilized community partnerships through the Lubbock Human Rescue Coalition, the Lubbock Domestic Minor Sex Trafficking Task Force, and the Amarillo Domestic Minor Sex Trafficking Task Force for comprehensive awareness and education programs. DSHS staff in Region 1 have completed the following activities:

- Worked with community groups to conduct awareness programs, presentations, and workshops to more than 3,000 people since August of 2013.
- Provided specialized training to DFPS child protective services staff, foster parents, certified Community Health Workers, TEA Region 16 and 17 school nurses and counselors, social workers and case managers, health care providers, Texas Tech School of Medicine residents and faculty, Covenant School of Nursing, EMS providers, disease intervention specialists for HIV/STD, and law enforcement in many of the 41 counties in the region, creating a wide network of awareness and support for prevention and intervention.

- Conducted train-the-trainer programs for DSHS Community Health Services staff from all eight regions in Texas and provided outreach materials and curriculum for regional and central office Community and Family Health Services staff.
- Conducted training for DSHS regional medical directors and deputy regional directors.
- Developed a process for referral of possible pimp/victim sightings and victim identification and a process for referring identified human trafficking victims to appropriate entities for medical screening, treatment, and counseling services in the South Plains.

In response to the educational activities identified in House Bill 1272, Region 1 distributed information on human trafficking indicators to many population groups including staff in schools, first responders, healthcare providers, law enforcement, and other agency staff. This information was also included in programs and presentations that have reached more than 2,000 people in the Lubbock and Amarillo areas. Region 1 staff used curriculum that was developed by Shared Hope. As indicated above, training has been conducted for medical professionals, school nurses, teachers, and counselors, and staff in the DFPS on how to identify and assist victims of sex trafficking. Specific training on how to identify children in foster care who may be at risk of becoming victims has also been provided to CPS staff and to foster parents in the region.

CHILDREN AT RISK

CHILDREN AT RISK is a major advocate for victims of trafficking in Texas and has produced many important recommendations and initiatives to help protect children. As stated earlier, and in previous Task Force reports, human trafficking is a product of supply and demand.¹⁰¹ Many law enforcement efforts are focused on recovering victims of trafficking. Additionally, many education and other prevention efforts work to inform vulnerable youth and other populations of the dangers of traffickers in an attempt to reduce the number of potential victims. These efforts only address the supply side of trafficking.

Currently, CHILDREN AT RISK is working to address the demand side of human trafficking. Specifically, the organization is focusing much of their efforts on Harris County and the North Texas area. These two geographical locations are prime spots for trafficking; both areas are situated along interstates, have multiple airports, are major metropolitan areas, and host large events. Houston is also a major port city. CHILDREN AT RISK describes the commercial sex market in these two areas as “growing, broad, and extremely diverse.”¹⁰²

To address the problem of demand, CHILDREN AT RISK is working with Demand Abolition, a national organization which focuses on researching demand efforts, developing strategies to curb demand, and building networks of stakeholders who wish to support and initiate demand reduction efforts.¹⁰³ Specifically, CHILDREN AT RISK and Demand Abolition are collaborating with stakeholders in Harris County and North Texas with the goal of reducing demand in each area by 20 percent in the next two years. Teams have been developed in each area consisting of law enforcement, survivors of trafficking, and service providers to help achieve this goal.¹⁰⁴

Moving Forward

Texas has undoubtedly made enormous strides in the fight against trafficking. Those strides are evident in the number of victims who have been rescued, the lives rebuilt, and the individuals prosecuted. However, Texas cannot be complacent. There are still many victims who are yet to be identified, and the individuals who seek to exploit Texas' men, women, and children are constantly adapting to maximize their profits. Challenges remain in key areas, such as data collection, awareness and education, and victim services.

Data Collection

Quantifying human trafficking remains – and will remain – a challenge because of the hidden nature of the crime. Accurate data can help federal, state, and local law enforcement agencies and victim service organizations better allocate their finite resources to prevent trafficking, protect victims, and prosecute offenders. The Task Force has several available data sources, but is still in need of a reliable and comprehensive human trafficking database. However, Task Force members and interested parties continue their efforts to collect, analyze, and disseminate data. These efforts will continue as Texas works toward a more complete and accurate assessment of human trafficking in Texas.

Awareness and Education

For many Texans, understanding, preventing, and identifying human trafficking requires a paradigm shift in the way they view the crime. Texas has made great strides in fighting the battle of trafficking through education. Many individuals have been educated on realities of trafficking, and many others have been made aware that the crime exists in Texas – perhaps even in their city, neighborhood, or school. However, awareness and education related to human trafficking require ongoing efforts and many people are still unaware the crime exists, deny it occurs in their region, or are unsure what the crime looks like. The best way to prevent trafficking, and identify and rescue victims is through awareness and education.

Task Force members and other interested parties are actively engaged in education and awareness activities around the state. Whether it is training law enforcement officers, teachers, students, parents, local leaders, medical professionals, or a myriad other individuals, the collective efforts of anti-trafficking agencies and organizations to bring awareness and education to fellow Texans must continue to help Texas succeed in its battle against traffickers.

Services for Victims

The provision of services will remain perhaps the most difficult challenge facing anti-trafficking efforts in the years to come. As education and awareness efforts succeed, the need for more services for rescued victims increases. The needs of trafficking victims vary based on the victimization they suffered; however, the U.S. Department of Health and Human Services has identified many types of services which are commonly needed for victims of trafficking.¹⁰⁵ Those needs include, but are not limited to: safety, housing, food and clothing, translation services, legal services, transitional housing, long-term housing, advocacy, mental health counseling, life skills training, education, financial assistance, child care, and job training.¹⁰⁶ Funding for such services remains elusive, and the coordination of available services is lacking. Without coordination of services, victims may not be provided with the assistance they need even if those services are available.

An example of the coordinated services approach toward which Texas is working is the Georgia Care Connection (GCCO). This program “was created to provide a single point of entry for referrals of children identified as being commercially sexually exploited or at risk of becoming commercially sexually exploited.”¹⁰⁷ When a victim is rescued, the GCCO is contacted. A multi-disciplinary team is then activated which assesses the needs of victims, develops a care plan to address those needs, and helps secure funding to pay for victim services.¹⁰⁸

Tennessee has also developed a plan to coordinate services. It requires mandatory reporting to a statewide human trafficking hotline anytime a victim of sex trafficking is identified. At that point, hotline staff will contact the appropriate law enforcement agency and refer all cases involving children to the Tennessee Child Protective Services and all cases involving adults to the Tennessee Department of Human Services if those adults desire such services.¹⁰⁹ A victim services coordinator is then assigned to the victim, relevant nongovernmental organizations are contacted, and a case worker is assigned who will help the victim secure services and benefits.¹¹⁰

Georgia and Tennessee provide examples of how coordinated victim services can be developed. However, each of these states is geographically smaller than Texas with fewer major metropolitan areas and a smaller state population. While Georgia and Tennessee can be used as models for the coordinated care approach, Texas' challenge is to develop a plan that can meet its unique geographical and population features, yet provide effective wraparound services.

Legislative Recommendations

Members of both parties understand that the fight against human trafficking is not a political issue; it is a humanitarian issue.

John Cornyn, United States Senator ¹¹¹

1. Recommendation: Add clarification to continuous trafficking of persons statute.

Background

Texas Penal Code §20A.03 (continuous trafficking of persons) allows for offenders to be prosecuted for trafficking individuals more than once in a 30-day or more period. However, the current statute is unclear as to whether the same victim must be trafficked within the 30-day or more period or if it applies to multiple victims who are trafficked once within that period.

Potential Legislative Change

Amend Texas Penal Code §20A.03 (continuous trafficking of persons) to clarify the offense can occur against one or more victims over a 30-day or more period.

2. Recommendation: Add compelled testimony of accomplices for trafficking of persons.

Background

Currently, prostitution charges allow for compelled testimony of accomplices and does not require corroboration. This provision does not exist in human trafficking cases. Human trafficking cases require the corroboration of a party to the offense. Additionally, the inability to compel testimony in human trafficking cases impedes investigations into large-scale human trafficking cases.

Potential Legislative Change

Amend Texas Penal Code Chapter 20A to include §20A.04 (accomplice witness; testimony and immunity). This would allow prosecutors to compel the testimony of accomplices to human trafficking. It also provides provisions for immunity of those compelled to testify.

3. Recommendation: Enhance prostitution provisions to mirror online solicitation of a minor.

Background

Texas Penal Code §43.02(c)(3) makes soliciting a minor for sex a second degree felony if the person being solicited is younger than 18 years of age. The requirement the person being solicited must be under 18 years of age precludes law enforcement from charging individuals under this statute if the offender was apprehended as a result of undercover officers conducting reverse stings against those who seek to purchase sex from minors. Texas Penal Code §33.021 (online solicitation of a minor) does allow individuals to be charged under it if the person from whom they were soliciting sex represented themselves to be a minor.

Potential Legislative Change

Amend Texas Penal Code §43.02(c)(3) to allow for individuals who solicit sex from minors or those who represent themselves as minors to be charged under this provision.

4. Recommendation: Include human trafficking in the child abuse report and programs for school districts and charter schools.

Background

Human trafficking is listed as a form of abuse under Texas Family Code §261.001 (definitions). The Texas Education Code §38.004 (child abuse reporting and programs) currently requires the Texas Education Agency to develop a policy governing the reports of child abuse or neglect of school districts and open-enrollment charter schools as well as their employees. While human trafficking is a form of child abuse under the Family Code, this amendment would make it clear that human trafficking must be reported to law enforcement or the Department of Family and Protective Services as mandated under Texas Family Code §261.101 (persons require to report; time to report).

Potential Legislative Change

Amend Texas Education Code §38.004 to include language referencing human trafficking under (a).

5. Recommendation: Add human trafficking to the list of required judicial instruction.

Background

Currently, under Texas Government Code §22.011 (judicial instruction related to family violence, sexual assault, and child abuse) judicial training is provided by the Texas Supreme Court related to family violence, sexual assault, and child abuse. Texas Government Code §22.110 mandates the Texas Court of Criminal Appeals to assure similar judicial training is provided. Human trafficking-specific training is not included in the list of required trainings for members of the judiciary under §22.011 or §22.110.

Potential Legislative Change

Amend Texas Government Code §22.011 and §22.110 to include training on all forms of human trafficking.

6. Recommendation: Provide exceptions for victims of human trafficking under the Crime Victims' Compensation Act.

Background

Human trafficking victims – through force, fraud, or coercion – sometimes commit illegal acts during their victimization. These victims are unique in that they are forced or compelled to commit acts that are considered criminal under other statutes and those very criminal acts are an element of the human trafficking offense. This most often occurs in the context of sex trafficking, which requires victims to provide commercial sex acts, but it is not necessarily limited to sex trafficking. The Crime Victims' Compensation Act precludes victims from receiving compensation if they participated in the criminally injurious conduct (Code of Criminal Procedure Arts. 56.41(b)(3) and 56.45(a)(4)). Participating in illegal behavior is a reality for many human trafficking victims. This amendment would allow otherwise eligible victims of trafficking to be eligible for compensation

Potential Legislative Change

Amend Code of Criminal Procedure Arts. 56.41 and 56.45 allowing victims of trafficking to not be denied compensation based solely on the requirements of Arts. 56.41(b)(3) and 56.41(a)(1) and (4).

7. Recommendation: Create an office specifically aimed at countering the commercial sexual exploitation of minors.

Background

Currently, the Human Trafficking Prevention Task Force dedicates most of its resources to training and education related to human trafficking. Texas lacks a comprehensive approach to trafficking, especially domestic minor sex trafficking or the commercial sexual exploitation of minors, which would include prevention, interdiction, victim placement, rehabilitation, investigation, and prosecution. The creation of an

office that would serve as a one-stop-shop for anyone – including law enforcement, education personnel, DFPS caseworkers, and members of other agencies and organizations – would allow Texas to provide a more wide-ranging response to commercially sexually-exploited children.

Potential Legislative Change

Amend Texas Government Code Chapter 772 to establish a program specifically tailored to counter the commercial sexual exploitation of minors, and require certain state agencies to coordinate with the program to strengthen state and local anti-trafficking efforts.

8. Recommendation: Establish within certain state agencies an individual who is authorized to coordinate the agency's resources to strengthen state and local anti-trafficking efforts.

Background

Providing services to victims of trafficking often requires input from several state agencies. While many state agencies are members of the state's human trafficking task force, interagency cooperation could be enhanced if each agency designated an individual who is authorized to coordinate the agency's resources to strengthen the state's response to human trafficking. Designated individuals at certain state agencies would help facilitate intra-agency and interagency responses to human trafficking.

Potential Legislative Change

Amend Government Code §402.035 (human trafficking prevention task force) to require certain state agencies to designate an individual who is authorized to coordinate the agency's resources to strengthen state and local anti-trafficking efforts.

9. Recommendation: Enhance penalties for those who purchase sex from minors.

Background

Individuals who purchase sex from minors (Penal Code §43.02(c)(3)) are not required to register as sex offenders under Code of Criminal Procedure Art. 62.001(5). Many trafficking victims are minors, and, by law, all minors who are involved in sex trafficking are victims. Hence, not requiring individuals who purchase sex from minors to register as sex offenders reduces the state's ability to protect child victims of human trafficking.

Potential Legislative Change

Amend Code of Criminal Procedure Art. 62.001(5)(J) (definitions) to include Penal Code §43.02(c)(3) (prostitution) to the list of reportable convictions or adjudications required to register as a sex offender.

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

Background

Compelling prostitution (Penal Code §43.05(a)(2)) is essentially the same crime as sex trafficking. Additionally, many prosecutors choose to charge offenders with compelling prostitution because they are more familiar with these cases than human trafficking cases. However, child sex trafficking (Penal Code §20A.02(a)(7) and (8)) does not have a statute of limitations for criminal cases while compelling prostitution of a child has a 10-year statute of limitation from the 18th birthday of the victim. This change would bring the compelling prostitution statute in line with the human trafficking statute.

Potential Legislative Change

Amend Code of Criminal Procedure Art. 12.01(1) to include compelling prostitution of a child under Penal Code §43.05(a)(2).

Conclusion

As our experience has demonstrated, human trafficking can only be stopped through the coordinated efforts of many organizations at all levels – local, state and federal as well as public and private.

Greg Abbott, Texas Attorney General¹¹²

Since 2009 and the creation of the Texas Human Trafficking Prevention Task Force, the state has witnessed a change in the way Texas addresses human trafficking. Most importantly, Texas has recognized the seriousness of trafficking and has taken proactive steps to counter the abhorrent crime. The Task Force itself is a symbol of the dedication of the legislature, law enforcement agencies, other governmental agencies, victim service providers, and other interested parties to defeat traffickers and rescue and provide services to victims.

The ongoing prevention efforts of agencies and nongovernmental organizations across the state help create an environment in Texas in which traffickers and their tactics are becoming increasingly more well-known. These prevention efforts have helped, and will continue to help make individuals in Texas more difficult to lure into the clutches of those who wish to exploit them. Similarly, many organizations across the state have led the fight to bring education and awareness of the risk factors and indicators of trafficking. These organizations have also provided information on resources individuals can contact if trafficking is suspected.

Texas has also provided several ways in which victims are provided protection. Legislation which has been enacted has made trafficking victims eligible for services such as CVC and ACP. Training has been developed and provided to help law enforcement, prosecutors, DFPS professionals, and even education professionals identify human trafficking victims, and grants have been awarded for law enforcement and prosecution efforts. Relevant professions have also been given training on how to assist victims upon identification.

Furthermore, Texas has been consistently dedicated to ensuring traffickers are brought to justice. Through the steadfast dedication of members of the legislature, laws have been passed which provide prosecutors and law enforcement agencies with the necessary tools to successfully investigate, try, and convict traffickers. Those legislative efforts have also provided for stiff penalties for the convicted. Additionally, training has been provided to many law enforcement agencies and prosecutors across the state. Multi-agency task forces and other collaborative efforts have been developed and utilized, which have proven successful in prosecuting those who exploit others.

While the multi-disciplinary approach to anti-trafficking efforts has proven fruitful for Texas, victims are still being recruited and exploited, and those victims who have been rescued are in need of services which are not always readily available or affordable. Additionally, offenders are still actively seeking new ways to lure, manipulate, and exploit. It is only through the continued collective efforts of the legislature, government agencies, nongovernmental organizations, and other interested parties that Texas can continue to make ground against the scourge of human trafficking.

¹ United States Senator John Cornyn. September 18, 2014. “Senate Committee Approves Cornyn’s Justice for Victims of Trafficking Act.” Retrieved November 13, 2014, from http://www.cornyn.senate.gov/public/index.cfm?p=NewsReleases&ContentRecord_id=468da5c2-007b-4c61-9e1b-02b8eea9730e.

² International Labour Office. 2014. *Profits and Poverty: The Economics of Forced Labor*, p. 7. Retrieved September 16, 2014, from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf.

³ Ibid., p. 13.

⁴ United States Department of Health and Human Services. No Date. *Identifying Victims of Human Trafficking: Fact Sheet*, p. 2. Retrieved September 17, 2014, from http://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_identifying_victims_of_human_trafficking.pdf.

⁵ Texas Office of the Attorney General. January 2011. *The Texas Human Trafficking Prevention Task Force Report to the Texas Legislature*. Retrieved September, 29, 2014, from https://www.texasattorneygeneral.gov/AG_Publications/pdfs/human_trafficking.pdf.

⁶ Ibid.

⁷ Texas Office of the Attorney General. December 2012. *The Texas Human Trafficking Prevention Task Force Report to the Texas Legislature*. Retrieved September, 29, 2014, from https://www.texasattorneygeneral.gov/AG_Publications/pdfs/20121912_htr_fin_3.pdf.

⁸ Shared Hope International. 2013. *Protected Innocence Challenge: A Legal Framework of Protection for the Nation's Children*, p. 12. Retrieved May 13, 2014, from <http://sharedhope.org/wp-content/uploads/2014/02/2013-Protected-Innocence-Challenge-Report.pdf>; and Shared Hope International. 2014. *Protected Innocence Challenge: A Legal Framework of Protection for the Nation's Children*, p. 14. Retrieved November 17, 2014, from <http://sharedhope.org/wp-content/uploads/2014/11/2014%20Protected%20Innocence%20Challenge%20Report.pdf>.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Polaris. 2014. *Texas State Report: State Ratings 2013*. Retrieved May 13, 2014, from http://www.polarisproject.org/storage/documents/Texas_State_Report_2013_08_01_17_29_45_252.pdf.

¹² Polaris. 2014. *Texas State Report: State Ratings 2014*. Retrieved September 17, 2014, from http://www.polarisproject.org/storage/documents/2014_State_Reports/Texas_State_Report.pdf.

¹³ In federal fiscal year 2014, 19 children were recovered under Innocence Lost Task Force Operations in Dallas, but 48 children were recovered by task force member agencies in the Dallas area in that same year. The larger number is reported within the 444 total.

¹⁴ Texas DPS collects statewide arrest data for crimes which are classified as a Class B Misdemeanor or above. The data is maintained in the Computerized Criminal History System (CCH) as required by Chapter 60, Texas Code of Criminal Procedure. (See also, Texas Department of Public Safety. "About CCH." Retrieved October 1, 2014, from <https://records.txdps.state.tx.us/dpswebsite/criminalhistory/aboutcch.aspx>.) Additionally, some of the data points reflected in the DPS arrest data may also be duplicated in the HTRS numbers. However, the Task Force is unable to verify how many individual cases may be duplicated; and therefore, combining the totals from the two data sources would be inappropriate.

¹⁵ The data reflects those inmates incarcerated in TDCJ. Defendants awaiting trial who are housed at the county level and those sentenced to federal prisons are not included.

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