



# INTRODUCTION TO HUMAN TRAFFICKING: A GUIDE FOR CRIMINAL JUSTICE PROFESSIONALS

Texas Human Trafficking Prevention Task Force  
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## AN INTRODUCTION TO HUMAN TRAFFICKING

Human trafficking destroys a person's dignity and strips away an individual's humanity. Human traffickers hold men, women, and children against their will, and through force, fraud or coercion, make them work – many times in the sex industry – for little or no income. Severe and constant abuse – in some cases leading to death – and brain washing are used to destroy the captive's self-worth and erode the value of human life. At its core, human trafficking reduces humans to property.

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. Simply, trafficking is modern day slavery. Human trafficking is not smuggling. Human smuggling occurs when a person pays another to be brought across an international border. The crime of trafficking of a person can certainly include the offense of smuggling or even kidnapping, but it is critical for criminal justice professionals to understand the difference. For example, if, after being smuggled across an international border, a person is subject to debt bondage, peonage, or forced to provide labor or services, then the individual has become a human trafficking victim. Whereas human smuggling is a crime against a country's sovereignty, human trafficking is a crime against a person.

Human trafficking is not only a global problem. This heinous crime is perpetrated right here in Texas. It is happening in bars and hotels. It is happening at sexually-oriented businesses. It is happening in poor neighborhoods and wealthy neighborhoods. It is happening at home and on the Internet. It is happening right under our noses. The National Human Trafficking Resource Center recorded 19,427 calls placed to its hotline in 2011, of which, Texas was the state of origin for the second greatest number of calls to the hotline.<sup>1</sup> With its long international border, large population, busy ports of entry, numerous urban centers, diverse supply and demand, and its vast interstate highway system, Texas creates opportunities for human trafficking to flourish, both internationally and domestically. As a criminal justice professional, you are the on the front lines and are more likely than the general population to interact with a victim of human trafficking. If you know what to look for and who to contact, you can help increase victim identification and bring traffickers to justice. Identifying trafficking victims is difficult, but it is only one part of successfully combating the crime. Once the victim is identified, finding appropriate services for the victim is critical.

Identifying and addressing the needs of the victim can make a dramatic difference in their recovery and can prevent revictimization. This is also essential in ensuring a successful prosecution. Victim services can range from medical attention and meals to shelter and security. Victim needs will vary, and it is crucial to know where to locate specific services. Criminal justice professionals must collaborate with one another along with medical and legal professionals, victim advocates, and nongovernmental organizations to develop a broad network of care for these severely abused victims. Jurisdictions with proactive approaches to identifying and creating plans to assist trafficking victims will likely respond more quickly and successfully to address victim needs than jurisdictions lacking such a plan. Law enforcement

officers, courtroom personnel, prosecutors, probation and parole officers, and other officials throughout the Texas criminal justice system routinely come into contact with individuals – men, women, and children – who may be at higher risk of exploitation or who have already become a trafficker’s slave. Given this interaction, it is critical you are equipped with the tools you need to recognize the crime and are informed on the best and quickest ways to respond – either by investigating further or referring to another agency. Law enforcement agencies should create formal response plans – which include what to look for, who to call when a potential victim is identified, and what agencies provide services – to increase opportunities for victim identification and recovery. Service delivery directly to the victims will most likely not fall within the criminal justice professional’s realm of responsibility; therefore, identifying community or state referral options in advance will be a critical component of the response plan.

With every rescued victim and every conviction obtained against traffickers, we learn more about the crime. Criminal justice professionals are critical in discovering the methods of enslavement, the characteristics of the victims, and the criminal enterprises involved. Even so, human trafficking remains a difficult crime to identify and prosecute. The income human traffickers produce can be exceptionally high; therefore, they can go to great lengths – even using severe abuse, threats, and lies – to keep their victims captive and working. Due to these tactics, it may take months to find a victim who is willing to come forward and tell their story.

To ensure you can recognize the signs of human trafficking and be able to respond appropriately, it is important for you to familiarize yourself with the following:

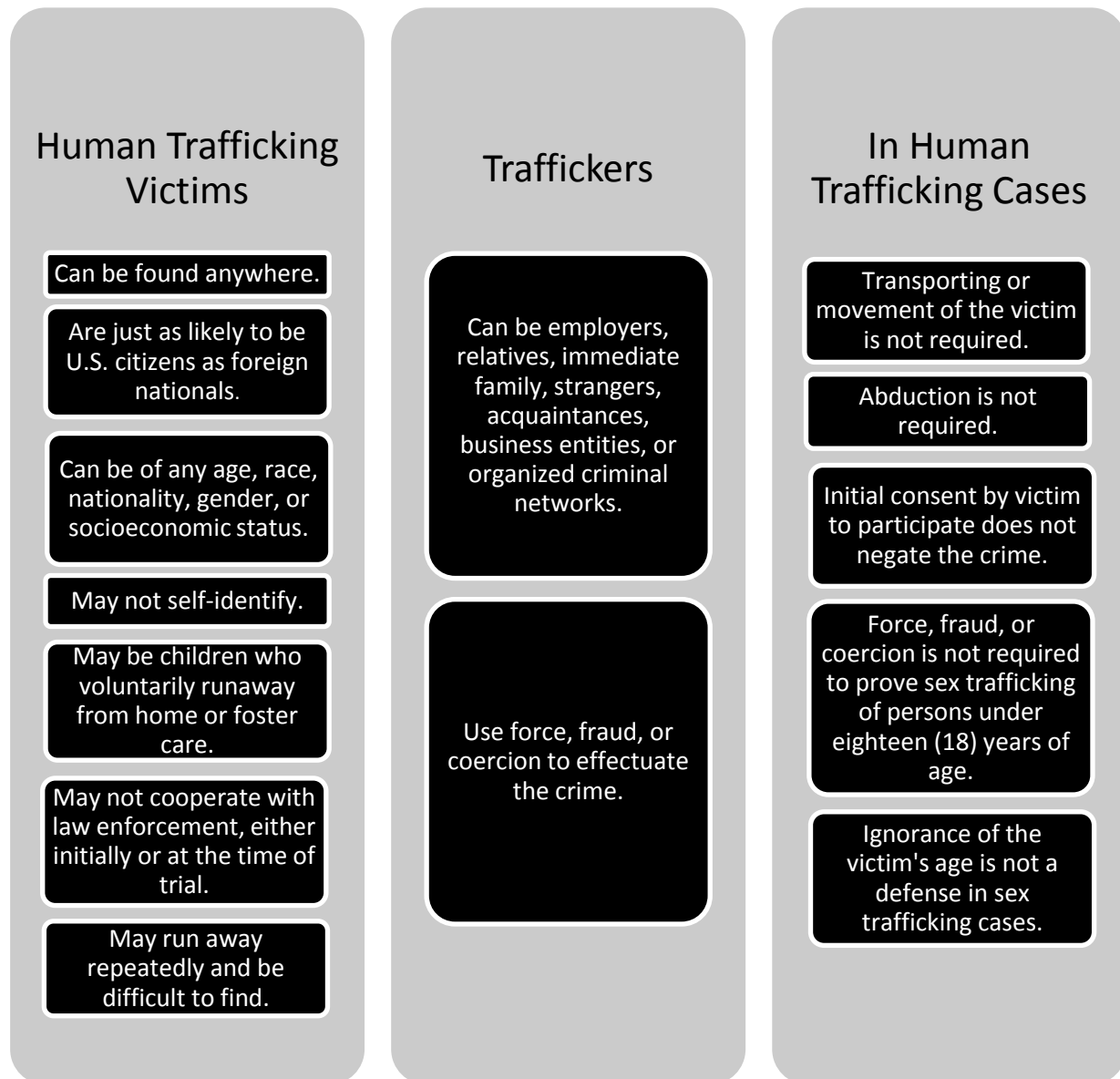
1. The realities of human trafficking
2. Utilizing a victim-centered approach for human trafficking investigations and prosecutions
3. Victim identification
4. Federal and state human trafficking laws
5. Approaches to interacting with human trafficking victims
6. Creating response plans
7. Identifying local human trafficking resources

As you use this guide as an introduction to the reality of human trafficking, you will know how to successfully spot the crime through interdiction and how to connect victims to services. Due to the hidden nature of the crime and the constant adaption of traffickers’ strategies, criminal justice professionals will need to remain up-to-date on the latest human trafficking training and trends. Human trafficking training opportunities are available across the state – from the Office of the Attorney General, regional task forces, anti-trafficking organizations, and others – to provide additional information on victim identification, investigations, and prosecutions.

As Texas continues its battle against human traffickers while increasing its efforts to better serve victims, criminal justice professionals, like you, will continue to play a key role in victim identification and criminal investigations. Arming yourself with an understanding of basic characteristics and challenges of trafficking victims, investigations, and perpetrators within Texas can prepare you for that role.

## REALITIES OF HUMAN TRAFFICKING

Human traffickers work diligently to keep their victims and operations hidden. In addition, misinformation about the crime and its victims also works to hinder identification, investigations, and prosecutions. The chart below provides several realities of human trafficking that directly counter common misperceptions about the crime. Understanding these realities is the first step to successfully identifying a victim and building a subsequent case against a human trafficker.



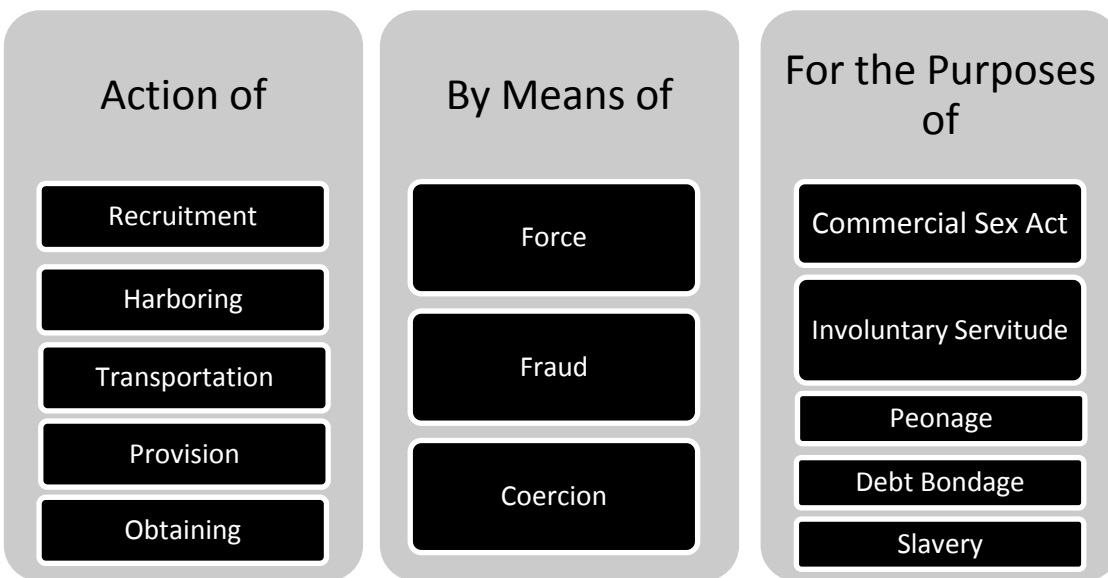
## FEDERAL AND STATE HUMAN TRAFFICKING LAWS

Human trafficking is a crime under both federal and Texas state law. Familiarity with these statutes provides additional insight into the different means by which human trafficking can occur.

### FEDERAL LAW

The current federal human trafficking law, the Trafficking Victims Protection Act (TVPA), was originally passed in 2000, and renewed in 2003, 2005, 2008, and 2013. Under the TVPA, human trafficking is defined as:

- the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of a commercial sex act, in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.



Criminal justice professionals encounter many crimes that may be an underlying offense for human trafficking such as, but not limited to, prostitution, compelling prostitution, assault, sexual assault, unlawful restraint, extortion, bondage, or forced labor. For these crimes to be considered human trafficking – except where minors are involved in sex trafficking – there must also be evidence of force, fraud, or coercion. When the person victimized in sex trafficking is a child, proof of force, fraud, or coercion is **not** required. Traffickers may employ physical violence or sexual assault as a means of force. Fraud may occur with traffickers enticing individuals with employment opportunities, only to end up performing other forced labor. Traffickers may also use blackmail or threats against victims or their families as coercive methods to force individuals to work for them.

## STATE LAW

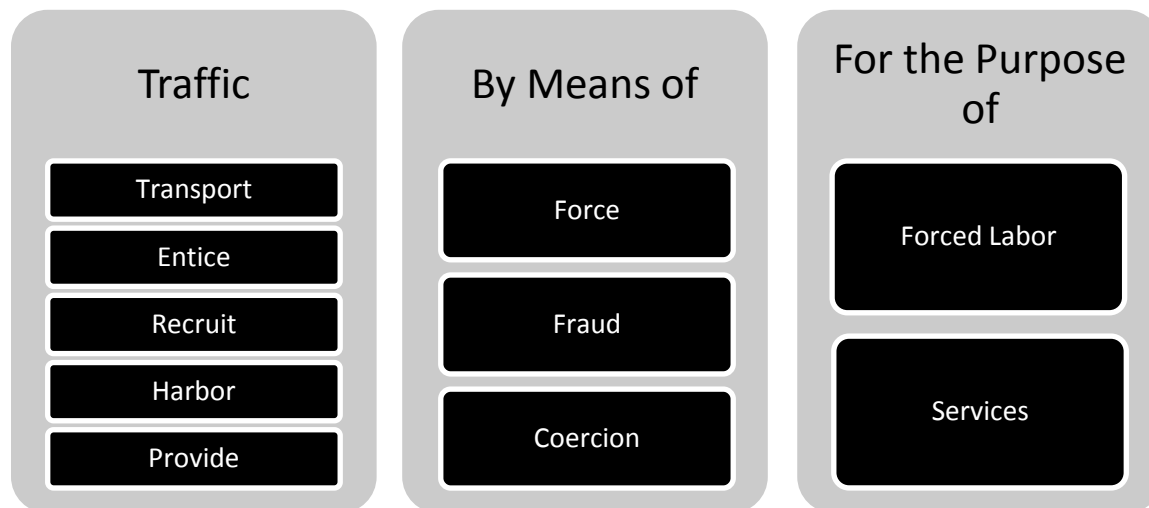
In 2003, Texas passed its first human trafficking law. Chapter 20A of the Texas Penal Code defines the crime of trafficking of persons as the use of force, fraud, or coercion against an individual to receive or benefit from labor or commercial sex acts. Human trafficking is divided into four categories. There are two main categories – sex and labor – with separate subcategories within each for children and adults.

### LABOR TRAFFICKING IN TEXAS

Under Texas Penal Code, Chapter 20A, labor trafficking occurs when a person:

- knowingly traffics another person (transports, entices, recruits, harbors, or provides)
- **with the intent** that the trafficked person engage in forced labor or services
- utilizing force, fraud, or coercion in cases involving both adults and children

Similar to federal law, traffickers employ methods of force (including violence or assaults), fraud (promises of legitimate work), and/or coercion (threats of violence and harm) to force victims to provide labor or services. For adults, this offense is classified as a second degree felony; for children under the age of 18, it is a first degree felony.



#### Victim Considerations

Labor traffickers may focus on individuals who have immigrated to the United States either legally or illegally, and the victims may lack the language or social skills needed to support themselves. Labor traffickers entice their victims with promises of a good job or a better life. There is generally a larger male population amongst victims of labor trafficking than those of sex trafficking. However, gender is not an indicator of any one type of trafficking.

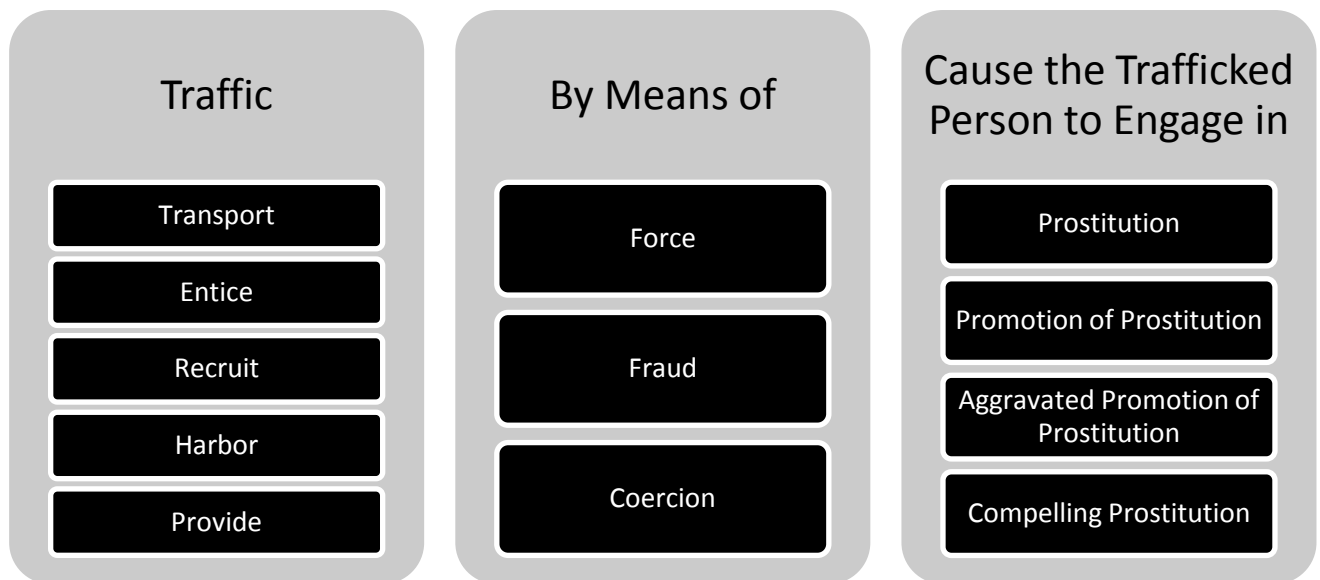


## SEX TRAFFICKING IN TEXAS: ADULTS

Under Texas Penal Code, Chapter 20A, sex trafficking occurs when a person:

- knowingly traffics another person (transports, entices, recruits, harbors, or provides)
- utilizing force, fraud, or coercion in cases involving adults
- causes the person to engage in prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution

Again, the traffickers use force, fraud, and coercive means to make victims perform sexual services. Victims who were forced to sell sex have been found in bars, massage parlors, other sexually oriented businesses, and the Internet. This offense is classified as a second degree felony.



### Victim Considerations

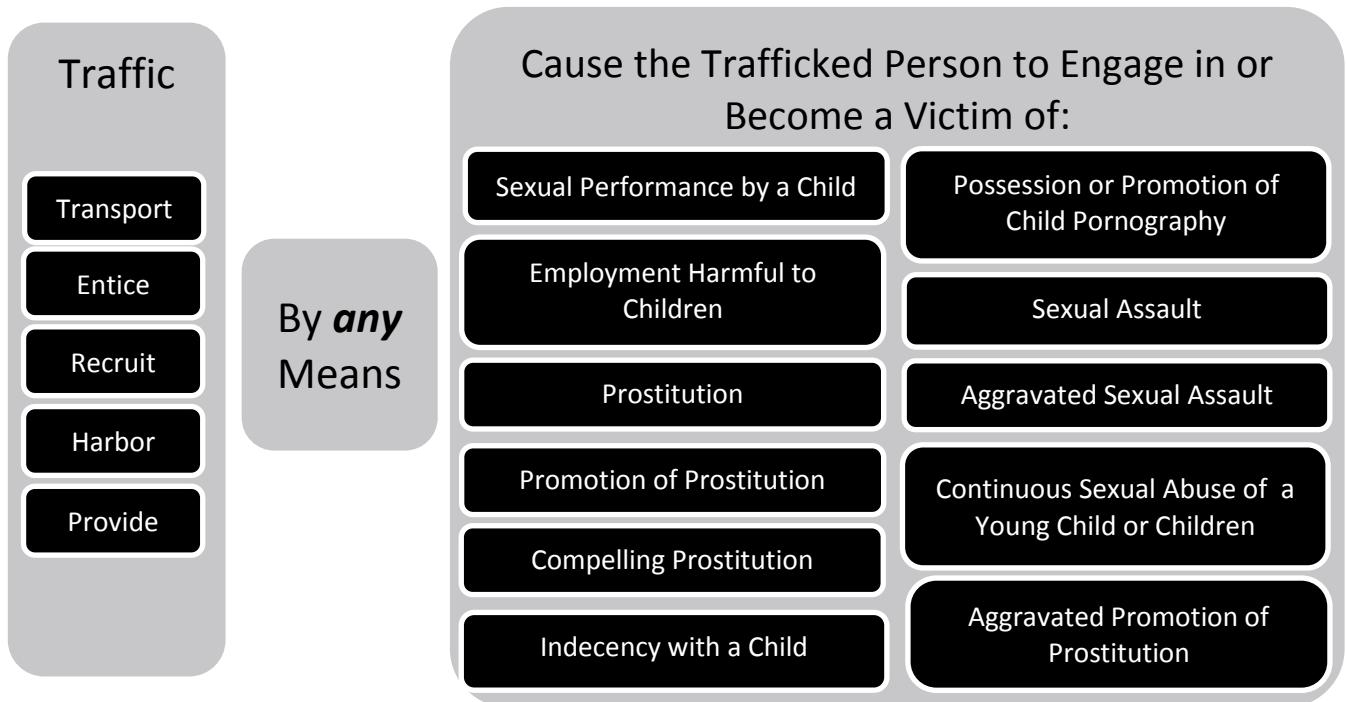
While some adults involved in prostitution may be willing participants, other adults involved in prostitution may only appear to be willing participants. If an 18-year-old is involved in prostitution, you should consider the person's history. If they were involved in prostitution as a child, sex trafficking may be present. Furthermore, older adults may only be participating in prostitution because they are coerced by others. Traffickers use inventive methods to coerce their victims. Some traffickers may threaten to expose information to the victim's family to entice them to engage in prostitution.

## SEX TRAFFICKING IN TEXAS: MINORS

Under Texas Penal Code, Chapter 20A, sex trafficking occurs when a person:

- traffics a child (transports, entices, recruits, harbors, or provides) under the age of 18
- and causes by any means
- the child to engage in or become the victim of: continuous sexual abuse, indecency with a child, sexual assault, aggravated sexual assault, prostitution, promotion of prostitution, aggravated promotion of prostitution, compelling prostitution, sexual performance of child, employment harmful to children, or possession/promotion of child pornography

Under Texas law, child sex trafficking is similar to the adult sex trafficking law. The main difference is child sex trafficking does **not** require force, fraud, or coercion. Additionally, child sex trafficking may also include other underlying crimes. Child sex trafficking is a first degree felony. This offense is also listed in 42.12, section 3g of the Texas Code of Criminal Procedure which prevents a judge from allowing a convicted defendant to receive probation. As of September 1, 2013, juries also will not be able to recommend probation for a convicted defendant.



### Victim Considerations

Runaway, foster youth, and “throwaway” children are popular targets for sex traffickers. These children are often vulnerable and lack basic necessities, such as safe housing, food, and clothing. Traffickers use these needs and vulnerabilities to ensnare and control victims. Individuals who have suffered sexual abuse in the past are also at risk for sex trafficking. Often, victims of sexual abuse are groomed by the abuser to normalize the abuse. Adult sex trafficking victims may also have a criminal record involving prostitution. Sex traffickers take advantage of these backgrounds and vulnerabilities.

## PEELING BACK THE LAYERS: DISCOVERING HUMAN TRAFFICKING

It is important to note there are a number of underlying offenses that may serve as an initial clue a trafficking incident has occurred. Criminal justice professionals may need to probe beyond the underlying offenses to uncover evidence of human trafficking. In other words, it is important to determine the context in which underlying offenses have been committed. For example, when evidence of promotion of prostitution is present in conjunction with an element of force, fraud, or coercion, or if the victim is a child – no force, fraud, or coercion is required – the elements of a human trafficking incident have been met.

### COMMON UNDERLYING OFFENSES

The offenses and evidence listed on page 11 are included to demonstrate that human trafficking cases are – at the most basic level – extensions of the types of cases with which criminal justice professionals are already familiar. It is important to remember that victims may be originally suspected of a crime themselves, but that does not negate their status as a victim of human trafficking. The list is not meant to be all-inclusive. Each trafficking case will have its own unique characteristics. Other things to consider are: lookouts, surveillance video, barred windows, hidden interior doors, doors locked from the outside, and emails or other forms of communication.

Criminal justice professionals will be able to more readily identify human trafficking when they can identify these underlying offenses and understand how they may be linked to human trafficking. However, successfully identifying instances of trafficking will remain a complicated process. Evidence may be difficult to gather, and the victim may not cooperate. Criminal justice professionals must remain patient, yet persistent, in their identification and investigation efforts.

**TABLE 1: COMMON UNDERLYING OFFENSES**

<b>OFFENSES</b>	<b>TYPICAL EVIDENCE COLLECTED</b>	<b>FORCE, FRAUD, OR COERCION</b>
<b>Sexual Assault</b>	<ul style="list-style-type: none"> <li>• Condoms</li> <li>• DNA</li> <li>• Bedding or clothing</li> <li>• SANE kit</li> <li>• Photographs</li> </ul>	<ul style="list-style-type: none"> <li>• Victim assaulted by pimp</li> <li>• Victim assaulted for not providing services</li> <li>• Victim/victim family threatened</li> </ul>
<b>Assault</b>	<ul style="list-style-type: none"> <li>• Bruises</li> <li>• Scars</li> <li>• Burns</li> <li>• Open wounds</li> <li>• Weapons</li> <li>• Photographs</li> </ul>	<ul style="list-style-type: none"> <li>• Victim assaulted for not providing labor or services</li> <li>• Victim/victim family threatened</li> <li>• Intimidation of other victims</li> </ul>
<b>Prostitution-related</b>	<ul style="list-style-type: none"> <li>• Condoms</li> <li>• Large sums of cash</li> <li>• Hotel keys/registration/receipts</li> <li>• Vehicles</li> <li>• DNA</li> <li>• Bedding or clothing</li> <li>• Call sheets/ledgers</li> <li>• Taxi receipts</li> <li>• Internet-based ads</li> <li>• Internet communications</li> <li>• Cell phone message content/data</li> <li>• Credit card account information and transaction history</li> <li>• Photographs</li> <li>• SANE kit</li> </ul>	<ul style="list-style-type: none"> <li>• Victim controlled by a pimp</li> <li>• Victim under 18 years old</li> <li>• Victim/victim family threatened</li> <li>• Victim unable to leave voluntarily</li> </ul>
<b>Forced Labor or Services</b>	<ul style="list-style-type: none"> <li>• Living arrangement</li> <li>• Long work hours</li> <li>• Malnutrition</li> <li>• Photographs</li> </ul>	<ul style="list-style-type: none"> <li>• Victim does not control IDs</li> <li>• Victim promised better life and good paying job</li> <li>• Victim/victim family threatened</li> <li>• Assault</li> <li>• Victim unable to leave voluntarily</li> </ul>
<b>Possession or Promotion of Child Pornography</b>	<ul style="list-style-type: none"> <li>• Photographs/Cameras</li> <li>• Videos</li> <li>• Smart phones, tablets, mobile devices</li> <li>• Computers</li> <li>• Removable media</li> <li>• Internet access</li> </ul>	<ul style="list-style-type: none"> <li>• Victim is under 18 years old</li> <li>• Assault</li> <li>• Sexual Assault</li> </ul>

## TRAFFICKING SCENARIOS

Professionals in different roles within the criminal justice system may encounter human trafficking victims or suspects during the regular order of daily business. The vignettes below are depictions of a few of the possible ways criminal justice professionals may encounter human trafficking, but they are not meant to showcase the *only* ways trafficking may be identified by professionals in their respective roles. These examples provide only a snapshot of how successful victim identification may occur while carrying out your job. It is important to remember, in most cases, identification will require a more lengthy and thorough set of events to play out. Identifying and rescuing victims and prosecuting offenders require criminal justice professionals to act quickly to protect the integrity of sources of information, evidence, and protect victims.

### FIRST RESPONDERS AND INVESTIGATORS

There are three principal ways a law enforcement officer may come into contact with potential human trafficking victims:

1. **General law enforcement context** – When a law enforcement officer comes into contact with possible human trafficking victims through interdiction in their day-to-day operations such as traffic stops or patrol duties.
2. **Referral** – When a law enforcement officer is contacted by an individual, organization, or other law enforcement regarding a potential case.
3. **Stings/raids** – When a law enforcement officer proactively comes into contact with a possible human trafficking case after a preliminary investigation and proactive response.

#### Scenario

A patrol officer receives a call to respond to a home burglary. At the scene, he finds the homeowners reprimanding their nanny then sending her away. The patrol officer begins questioning the home owners who insist no one was at home during the time. He asks if he could speak to the nanny regarding the burglary, but they refuse to let him see her – insisting she has no information to offer, as they have already questioned her. The officer tells the homeowners he must speak to all residents of the house, and they allow the officer to interview her. During the interview, the home owners will not leave. The nanny appears fearful, refuses to look at the officer, and always looks to the homeowners before answering. The woman looks malnourished, and it appears she may be suffering from some type of physical abuse. The patrol officer feels something is not right, and he separates the woman from the home owners to question her. Although she does not indicate there is a problem, the officer chooses to follow up with the woman several more times throughout the burglary investigation. After the fourth time of speaking with her, she tells him she works 17-20 hours a day and is not allowed to speak to her family back in her home country. The officer investigates further and finds the home owners brought the woman to America with promises of legitimate employment as a nanny with very good pay. However, upon arrival she was denied pay, overworked, beaten, and threatened with deportation if she did not cooperate.

## PROSECUTORS

Prosecutors are most likely to come into contact with human trafficking victims through the course of reviewing a criminal case and speaking with witnesses and victims. Identification of victims by prosecutors is likely to occur through a victim interview. As such, prosecutors should take into consideration the many underlying offenses that may be part of a human trafficking scheme. Familiarity with these offenses and the elements of force, fraud, and coercion will help prosecutors more appropriately and quickly identify human trafficking victims and prosecute their offenders.

### Scenario

A teenage girl was caught by store security trying to steal a pair of jeans from a department store. The police were called to the scene and eventually arrested the girl on theft charges. While at the police station, the girl admitted to trying to take the jeans, but was generally unapologetic. Seeing no remorse, the local district attorney eventually chooses to prosecute the case. However, while preparing to file charges, the DA noticed something in the girl's background that seemed a little odd. First, during the interrogation, she repeatedly requested to call her boyfriend, Felix. As the interrogation drew on, the girl grew more and more agitated. To the DA, she appeared fearful of what would happen if Felix did not hear from her soon. Second, the teenage girl was living in a foster care home and been previously reported as a runaway. The prosecutor continued to dig into the case and realized Felix was a well-known street pimp who had prior arrests and convictions for assault and prostitution-related offenses. The DA regrouped with the investigators and determined that while the girl had committed a crime, she was likely the victim of a trafficking scheme and further investigation would be needed. Additionally, the girl would need to be referred to the appropriate service providers for victim assistance to help with her rehabilitation.

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## JUDICIAL AND COURTROOM OFFICIALS

Judges and other courtroom officials are most likely to encounter a victim of human trafficking during court proceedings. Judges are especially situated to make identification. A victim may be in court charged with a crime, such as prostitution, illegal entry, visa violation, or for breaking solicitation laws when a judge sees other patterns indicating that the defendant is really a victim.

### **Scenario**

A college student is in court charged with breaking solicitation laws in a local community. The student testifies he was recruited to sell magazines during the summer and was promised a quick way to earn a lot of money. The student had to travel to another city to be interviewed for the position. Upon arrival, the organization prevented him from calling his parents and getting their opinion on the position. His potential employer questioned his independence and ability to make decisions as an adult. After accepting the position, the young man was moved from city to city. Often, he did not know what city he was in. Any money the young man made was quickly taken by his supervisor who controlled all of the sales team's resources. Those who did not meet quotas were punished by not being allowed to eat dinner or being forced to sleep on the floor. The student had no money to return home or resources to contact family members. He also testifies he remembers one person being beaten when they were caught trying to leave. Judges should recognize the signs of possible human trafficking and proceed accordingly.

## PROBATION AND PAROLE OFFICERS

Probation and parole officers work with offenders post-conviction and may be confronted with possible human trafficking situations during the course of normal work assignments. As these criminal justice professionals interact with individuals convicted of various crimes, they may encounter situations in which evidence of trafficking is present. Like law enforcement personnel, probation and parole officers may be able to identify incidents of trafficking if they have knowledge of the various indicators of the crime.

### Scenario

A probation officer meets with a juvenile on his docket. The child has previously been hostile, truant from school, and difficult to relate to and interact with. Recently the child has become more difficult, lethargic, and anxious. She has also started wearing new shoes and clothes that are typically unaffordable for the child. As the probation officer speaks with the child, he finds she received the new clothes and shoes from her "boyfriend." She speaks fondly of him, but refuses to let the officer meet him. She also reveals he is much older than she, but he truly understands what she is going through. The probation officer is unnerved by the meeting, but unsure of how to proceed. A few days later the child is arrested on prostitution charges after she is discovered through a classified Internet ad by an undercover vice officer. Upon further investigation, it is revealed her "boyfriend" was advertising the child for sexual services on Backpage.com and driving her to the "dates." He is charged with sex trafficking of a child, compelling prostitution, and promotion of prostitution.



## THE VICTIM-CENTERED APPROACH: A VITAL KEY TO COMBATING TRAFFICKING

The federal anti-trafficking law and Texas state law are “victim-centered.” According to the Department of Homeland Security (DHS), the victim-centered approach “places equal value on the identification and stabilization of victims, as well as the investigation and prosecution of traffickers.”<sup>2</sup> Criminal justice professionals should focus on a victim-centered approach when working with human trafficking victims.

Through this approach, victims can receive the information and services they need to begin the rehabilitation process. DHS outlines four key components of the victim-centered approach.<sup>3</sup>

### **1. Safety and services are needed for the rehabilitation of victims**

The most pressing needs of most trafficking victims are safety, food, clothing, shelter, and medical care. Of these, the most time-sensitive is usually safety. Every rescued trafficking victim creates a loss in potential income to the trafficker, who may attempt to locate and regain control over the victim for his or her own monetary gains. In addition, some traffickers are part of underground networks, organized criminal gangs, or drug cartels that may have a far-reaching web of accomplices willing to assist them in locating a fleeing victim. Victims are likely acutely aware of this and may have witnessed other victims being physically abused for attempting to flee or been a victim themselves for the same reason. This means criminal justice professionals and other victim service providers must relocate the victim to a safe location unknown to the trafficker as quickly as possible. While it is impossible to guarantee the safety of all victims, criminal justice professionals should work to identify and develop safe locations where victims can be placed – even temporarily – and provide basic services.

Since trafficking victims have likely suffered some severe form of mental and physical abuse or threats of terrible abuse, the fear the trafficker used to control the victim will likely be prominent even after the victim is rescued. Further, criminal justice professionals should keep in mind, that prior to rescue, the trafficker likely provided the victim with safety, food, clothing, shelter, and medical care. Moving forward from identification and rescue to recovery and prosecution will likely require the victim to believe members of the criminal justice system – and the service providers that work in conjunction with it – are focused on the victim’s best interests. Unfortunately, many victims of human trafficking may suffer from a wide range of mental health issues that make rescue and cooperation with criminal justice professionals challenging. Ensuring that services are readily available to assist the victim, along with building trust that those services are available throughout the criminal justice process, and possibly beyond, is critical. Additionally, each victim should know that your involvement in assisting them with basic needs and safety is not conditioned on a successful prosecution. Gaining this trust is often times earned only by establishing a long-term, regular, and consistent relationship with the victim from recovery through prosecution, and beyond. Without this investment, the probability that a victim will recover and a successful prosecution will result is low. Law enforcement professionals often are not required to commit such time and resources to be

successful and secure justice. This approach will rarely prove successful in human trafficking cases.

Having these professionals' contact information readily available can save valuable time and ensure a victim's smooth transition into recovery. One way to become proactive in this effort is to establish a multi-disciplinary human trafficking team within your local jurisdiction. At a minimum, this team should include: (1) a local law enforcement contact familiar with human trafficking investigations; (2) a local/regional CPS investigator; (3) a juvenile probation professional; (4) a law enforcement contact from the Department of Homeland Security; (5) a local state prosecutor; (6) a federal law enforcement contact familiar with human trafficking investigations; (7) a sexual assault nurse examiner from the local hospital; (8) a social service contact that can address potential food, shelter, counseling, and medical needs quickly; and (9) a representative from a children's advocacy center. These individuals should be prepared and committed to being available on a phone call's notice to assist in a human trafficking victim's recovery. All members should possess the team member's contact information. Furthermore, it is advisable that the multi-disciplinary human trafficking team meets at least once per month to discuss on-going case investigations/prosecutions, victims, and the various associated needs. The key to a successful team is passion and commitment.

## **2. Individuals who have committed crimes during their exploitation or entered the United States illegally still have rights**

Often traffickers threaten their victims if they do not comply with the traffickers' demands. This forces victims to commit illegal acts they may not normally commit. Understanding that the victims' illicit actions may have been required for self-preservation and not an affront to the law is important to remember when interacting with victims.

## **3. Victims are a central part of the investigation and prosecution phases of any human trafficking case**

Trafficking convictions are based heavily on victim testimony, therefore the greater the assistance and information provided by the victim, the greater the chance of a successful prosecution. Prosecutors' success rates in securing convictions against traffickers are highly correlated with the presence of victim testimony in court proceedings.<sup>4</sup>

## **4. Victims of human trafficking have a right to be involved and informed in their case as it works its way through the criminal justice system**

This type of involvement is not only the right of a crime victim under federal law, but Texas law also provides for Crime Victims' Rights under Chapter 56, Subchapter A, Code of Criminal Procedure. Additionally, the involvement of the victim in the criminal justice process may help the victim recover from the physical, mental, and emotional anguish created by the trafficker.

## VICTIM IDENTIFICATION

Law enforcement personnel, prosecutors, judicial and courtroom officials, and probation and parole officers, may come in contact with human trafficking victims through the course of normal job duties. For example, sex traffickers routinely travel by car in town, across the state or across the country. This fact, places uniform patrol officers in a unique opportunity to interdict the sex trafficker and rescue endangered children. Children that are accompanied by sex traffickers generally do not exhibit the obvious signs of physical abuse that would routinely trigger a heightened sense of roadside investigation. Officers that inquire about the travel history, custodians of the children in the car and reasons for travel, are examples of the questions officer should ask to detect if trafficking may be involved. In addition, observation about items in the vehicle or notable items missing from the vehicle are visual clues that can be noticed and may aid in uncovering child sex trafficking.

As previously discussed, identifying human trafficking victims can be difficult for many reasons. There are, however, other clues to look for that could help identify a human trafficking victim. The key is to pay attention and don't be afraid to ask questions.

### **1. Signs of physical abuse**

Physical abuse is one way traffickers control their victims. Signs of physical trauma may be an identifier. Other physical markings like branding or tattooing, especially with a pimp's name, initials, or other identifying marks may provide clues a person is a victim of trafficking. For example, a bar code or "Daddy" tattoo could be associated with a trafficker.

### **2. Nonverbal cues**

Victims may not make eye contact because of the control the trafficker has over the victim or a feeling of little self-worth. Victims may also show intense fear through facial expressions or body language. These cues can provide officers with important information about the victim's state of mind.

### **3. Individual does not speak for him or herself**

When a possible victim is asked a question, the suspected trafficker may interrupt the conversation and answer all the questions. For this reason, separating all individuals before questioning is important. The victim may also be unable to speak the local language or identify the town they are in or the date. However, even if the victim is able to freely communicate with law enforcement, they may choose not to out of fear, shame, or a feeling of hopelessness. When speaking with a possible human trafficking victim, no assumptions about roles should be made until after a thorough questioning of all individuals is completed.

#### **4. Physical well-being**

Victims may be dependent on alcohol and/or drugs or suffer from malnourishment. Traffickers frequently use alcohol, drugs, or even basic necessities such as food to control their victims. By creating a dependence on the trafficker, victims are more easily manipulated.

#### **5. Documentation**

Traffickers may control the victim's identification documents. If a person is in possession of another person's identification card, driver's license, birth certificate, travel documents, passport, or green card, that may be evidence those documents are being used to threaten a victim if they do not perform the desired services as directed by the trafficker.

These indicators may provide reason to believe something is out of place or some other criminal event has taken place, but the actions alone may not always be enough to substantiate human trafficking. Criminal justice professionals will need to take an additional step to identify trafficking – determining if force, fraud, or coercion is present – or contact the appropriate agencies to assist with the assessment.

#### **Success Story**

The Texas Department of Public Safety introduced the Interdiction for the Protection of Children program to help officers better identify and rescue missing and exploited children. Through the specialized training, officers and troopers are taught to recognize the signs, intervene, and help remove children from the exploitive situations. Since 2010, DPS has made 26 criminal arrests and recovered over 80 children – in addition to human trafficking, arrests were also made for child pornography, sexual assault of a child, and abduction.

## WHO ARE THE VICTIMS OF HUMAN TRAFFICKING?

As a criminal justice professional, you should be aware that human trafficking can be present in all populations you encounter. Human trafficking victims can be of any age, sex, race, religion, socio-economic status, or country of origin. They can be found in inner-cities, suburbs, or rural areas. Victims have been located in massage parlors, farms, strip clubs, and large city-wide sporting and concert events, and on the Internet.

Victims may also have a criminal history – crimes like prostitution or smuggling are not uncommon. However, instead of viewing this criminal history as a reason to dismiss their victimization, it may serve as a clue to its existence.

Many times, human trafficking victims have been held in horrible situations. Food, water, and other necessities may have been restricted and often they have been forced to repeatedly sell themselves or risk physical abuse. Human trafficking victims can be very hostile, uncooperative, and sometimes violent. It is very important that criminal justice professionals take this into consideration when assisting a potential victim. No matter how confrontational the victim appears, it is critical that you put into perspective what he or she has been through.

While there is no definitive victim type, there are some risk factors that can place an individual at a higher risk of being trafficked. Case data has shown trafficking victims are likely to come from at-risk populations. The U.S. Department of Health and Human Services identifies some of the highest-risk populations to include:

- undocumented immigrants
- runaway and homeless youth
- victims of trauma and abuse
- refugees
- impoverished individuals
- individuals with a history of substance abuse<sup>5</sup>

Frequently, traffickers look for vulnerabilities they can exploit to maintain control, and at-risk populations, by definition, are susceptible to this type of manipulation. Therefore, criminal justice professionals need to be sensitive to possible exploitation and conditions lucrative to trafficking within at-risk populations. While most cases involve at-risk populations, many individuals not necessarily considered to be part of an at-risk population may become a victim. Often, victims are lured by the trafficker with promises of a better life, money, or love. Furthermore, the conditions that a victim may be suffering at the hand of a trafficker may be better than the conditions the victim may have suffered at home or in their home country. For example, a juvenile victim may choose to run away from physical, sexual, and emotional abuse at home to suffer an alternative sexual exploitation in the form of prostitution by a pimp. An international victim may have escaped a high probability of death in their home country on the understanding that they will be enslaved to work on a farm with no pay.

As criminal justice professionals interact with different populations, it is important to understand risk factors of exploitation so accurate assessments of individuals and situations can be made. Understanding these risk factors and how they may increase an individual's chances of being trafficked may be the difference between identifying a victim and missing an opportunity to end the exploitation.

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## LABOR TRAFFICKING VICTIMS

Labor trafficking may be present in many settings. Examples from Texas cases include forced labor in door-to-door sales, domestic servitude, magazine sales, beauty salons, restaurants, and bars. Trafficking may not be the first offense noticed by law enforcement. Traffickers compel their victims into providing labor using violence, threats, false statements, and other coercive tactics. Victims are required to work long hours in often inhumane conditions.

Texas' geography and economic environment makes it an attractive location for labor trafficking. In addition to the examples listed above, labor trafficking can be found in the agricultural setting, such as on ranches or farms. Labor trafficking may also be found in factories, manufacturing, or the hospitality industry. Many of the workers may be fraudulently offered legitimate work, however, it becomes trafficking when the trafficker forces the labor without pay or requires the workers to pay large sums of money for food and housing – essentially sending the person into debt bondage. These cases are complex and may not be obvious to the outside world. Criminal justice professionals will often have to invest in long-term surveillance and undercover operations to discover the evidence that proves human trafficking is occurring. These cases are often developed through tips or small clues that lead to larger ones.

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## SEX TRAFFICKING VICTIMS

Sex trafficking is often hidden away from the public; however, criminal justice professionals may encounter sex trafficking victims in a variety of everyday scenarios. You may be called to the scene of a theft, an assault, or encounter someone buying or selling illegal drugs. These are simple examples of the type of other criminal activity that exists within the sex trafficking world. Commercial sex trafficking will generally be managed by a trafficker and often referred to as a "pimp." The pimp is not a flamboyant hustler as portrayed in a Hollywood movie. The pimps in the sex trafficking trade are violent, ruthless, and view trafficking victims as property – inanimate objects to be sold over and over in the sex trade.

Sex trafficking is a form of organized criminal activity, with the trafficker at the top of the victim-trafficker hierarchy. The trafficker, or "pimp," is in ultimate control of the money earned by the victims, the location of the operation, methods of operation, earning quotas of the victims, and punishments for violation of the rules.

Second in command is usually the "bottom girl." Her job is to train the victims in the sex trade, coach and mentor victims, receive the money from the victims, create and place online classified ads, and arrange the schedule and actions of the victims. Working below the bottom girl in the organization are the "seasoned girls." The seasoned girls recruit the new girl victims

from malls, group homes, or the street, and comforts the new victims as they are indoctrinated into the world of sex trafficking.

The threats faced in Texas are unique and significant due to the prevalence of lucrative trafficking routes, including the I-10 corridor, as well as the state's international border with Mexico. The border is steeped in cartel violence and drug cartels – such as the Gulf Cartel, Los Zetas, and La Familia Michoacana – operating in Texas. These powerful and ruthless transnational criminal enterprises use military and terrorist tactics to battle each other for control over the lucrative human smuggling markets. The Texas Department of Public Safety, *2012 Texas Gang Threat Assessment*, identified a paradigm shift where Texas based gangs such as Tango Blast, Texas Syndicate, Barrio Azteca, and Texas Mafia have come to realize that they can resell a person over and over in the sex trafficking business. Sadly, this often involves the exploitation of children.<sup>6</sup>

Currently, the Internet is the primary platform promoting sex trafficking and provides for easy communication and instant connection between the trafficker and the buyer. The Internet provides commercial sex services through escort services, which may provide in-call and out-call prostitution. Brothels can be easily advertised and disguised as a massage business, when in fact the business is commercial sex for sale.

Criminal justice professionals can find many investigative leads through Internet advertisements. Information such as when an ad was placed or website created along with information on who created the information is very informative. The commercial sex industry will use pictures related to Internet postings to attract buyers, and the pictures will often contain visual clues that can be used to enhance investigations or connect seemingly disparate bits of information. Additionally, most Internet postings will have phone numbers listed for the buyers to call. This information can be used to identify the members of specific criminal organizations and can lead to victim rescue.

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## MINOR SEX TRAFFICKING VICTIMS

Traffickers are motivated by profit to exploit children through the trading or buying of sexual acts. Most frequently, a trafficker will target vulnerable children and lure them into prostitution through psychological manipulation, drugs, and/or violence. The trafficker creates a seemingly loving and caring relationship with their victims in order to establish their trust and allegiance. The bond the trafficker creates with the child victim ensures the child remains loyal to the trafficker even when criminal justice professionals attempt to rescue the child from the world of abuse.

Children are at an inherent risk of being sought out and recruited by child sex traffickers. Many studies of the child sex trafficking victims indicate that the average age a child is first exploited is as young as 12 to 14.<sup>7</sup>

Criminal justice professionals should acknowledge child sex trafficking is not an abstract concept that occurs in a faraway land. It occurs in Texas, and most often to our missing children, foster children, and neglected children who are the most vulnerable. The perceived anonymity of the Internet lulls many communities into a false sense of security – a false sense that sex trafficking does not exist in their city or county. To uncover sex trafficking, criminal justice has to often look beyond the street and into the online world. Online classified ads may feature code words such as “18 to 22 years old,” “young,” “fresh,” or “high school” to attract buyers of child sex.

Child sex traffickers, or the “pimp,” will use false love, false affection, violence, threats, lies, false promises, or debt bondage as a form of control and manipulation to endure the child remains involved in the commercial sex industry. The public may consider prostitution as a matter of choice by the prostitute, characterized as a victimless crime, and does not consider the victimization of a child or adult. A paradigm shift is underway and we as professionals are in a position to ensure that this shift continues as the commercial sexual exploitation of our children is looked upon as human trafficking.

Once the child is indoctrinated into the life of prostitution, they accept the fact that a lifetime of sexual exploitation is what they are expected to do – just like an inanimate object they are owned by the pimp and expected to perform a task. The victims have experiences many of us cannot understand.

Child sex trafficking victims may display certain characteristics and vulnerabilities that differ from adult victims. Making accurate and early assessments of this vulnerable population is critical. Local professionals can be proactive by identifying frequent runaways, children missing from care, school absenteeism, and NCIC entry analysis. The table on page 24 highlights some of the risk factors for children and the means by which traffickers lure them.



## Child Victim Backgrounds

Troubled youth looking for a sense of belonging

Insufficient affection in the home

Lack of supervision in the home

Unstable or lack of family structure

Drugs or alcohol abuse in the home

Physical or sexual abuse in the home

Exposure to the juvenile justice system

Placement in foster care

## Child Sex Trafficking Recruiting Grounds

Bus stops, train stations, or subway system

Shelters

Concerts

Shopping malls

Juvenile detention centers

Group foster care homes

Social networking

Youth sports events

Schools (word of mouth through other students)

Courthouses

## Common Methods of Child Manipulation

Casual sexual relations to desensitize child to sexual contact

Transport child to new town

Abandon child with other victims to provide instruction

Violent beatings of other victims in child's presence (intimidation)

Threats to harm child's family

Blackmail child with pornographic images

Branding or tattooing pimp's name on child

## WHY IS IT DIFFICULT TO IDENTIFY VICTIMS?

You may not be able to identify a victim at first. Similar to situations involving domestic violence, trafficking victims do not always report the crime or even realize they are victims, which makes the crime even more difficult to detect. Victims may also face language or cultural barriers that make reporting to law enforcement difficult or even impossible. Trafficking victims are a unique victim population, and criminal justice professionals should be aware of the challenges they will face when interacting with them.

It may be difficult to initially identify the roles (suspect, victim, witness) of the individuals involved. Some victims may be emotionally and psychologically attached to their trafficker, and therefore, victims may not recognize the crime committed against them. This can lead to problems when trying to rescue victims. Victims may have a criminal history related to human trafficking, such as prostitution, smuggling, or theft. Victims may also possess a low self-worth or feel hopeless due to their situation, and they may feel like their captor is the only person who cares for them.

Additionally, victims may not trust law enforcement. This could be a result of language barriers or past interactions with law enforcement (including running away, truancy, and other crimes), prior residence in a country where law enforcement is corrupt and feared, or the trafficker has instilled in the victim a fear of authority. Victims are often groomed by traffickers not to trust persons of authority. Traffickers may even threaten the victims with the police, convincing the victim that any laws the victim might have broken are their fault. Furthermore, victims are often dependent on their traffickers for basic needs. This dependency on the trafficker may cause victims to cooperate with the traffickers' demands and can confuse the roles of the individuals involved.

Human trafficking victims may be part of a transient community therefore identifying victims may take the resources of various state and federal criminal justice organizations spread across jurisdictions. In addition, human trafficking can be part of a larger criminal enterprise. Gangs and organized crime groups have been known to traffic individuals. Additionally, street pimps are often part of an informal network of sex traffickers who buy, sell, and trade victims.

Finally, force, fraud, and coercion are methods of manipulation human traffickers use to ensure victims remain controlled. While this may include physical restraints, most victims endure their servitude out of fear. Assault, sexual assault, witnessing other victims being assaulted, and blackmail are just a few examples of force, fraud, and coercion that may prevent a victim from reporting the offense.

These difficulties are important for criminal justice professionals to understand because they may affect the approaches to identifying and assisting victims. These challenges also require criminal justice professionals to understand the often lengthy and frustrating process of successfully identifying victims of trafficking to better respond to the offense and provide a victim-centered approach.

## HUMAN TRAFFICKING AND THE WEB OF CRIMINAL ACTIVITY

Human trafficking is a crime with unique characteristics. However, criminal justice professionals encounter various cases that could possess elements of human trafficking. For example, a child who is frequently truant from school may be missing school because a pimp is forcing him or her into prostitution. Immigrants, regardless of legal status, may be forced to work long hours with little or no pay. Finally, individuals engaged in prostitution may be forced to do so by a pimp or larger criminal organization, and they are often portrayed in Internet classified advertisements, such as Backpage.com.

The chart on page 27 provides a snapshot of human trafficking indicators, including characteristics exhibited by the victims and means of control utilized by traffickers, which can be used as an assessment tool during routine daily business. Criminal justice professionals need to be aware of these indicators and how they relate to human trafficking.

## Human Trafficking Identification Checklist

Use the list below to help identify if a case could be human trafficking. If there are any boxes checked in both columns then it is probably a human trafficking case. If necessary, contact the National Human Trafficking Hotline or Call the OAG Law Enforcement Division for assistance.

### Indicators of Human Trafficking

#### Age

- Truancy
- Chronic Runaway
- Lies About Age / False Identification
- Pregnancy
- Not Enrolled in School

#### Behavior

- Mentions Pimp / Boyfriend
- Does Not Speak On Own Behalf
- Loyalty Towards Trafficker
- Avoids Eye Contact
- Fearful of Law Enforcement
- Inconsistencies In Story
- Gaps In Memory
- Paranoid

#### Physical

- Branded / Tattoos
- Bruises
- Malnutrition
- Burns
- Drug And Alcohol Addiction
- STDs

#### Environmental

- Chained
- Cannot Talk To Visitors
- Sleeps Separately From Family
- Not Allowed To Leave The House
- Not Allowed To Socialize

#### Working

- Lacks Freedom of Movement
- Security Measures At Work Place To Keep People In
- Engaged In Prostitution
- Works Long Hours
- Debt To Pay Off
- Fear Of Employer / Alleged Guardian
- Domestic Servitude

#### Other

- No Identification / False Identification
- Hotel Keys
- Excess Amounts of Cash

### Means

#### Force

- Kidnapping
- Assault
- Torture
- Inducing Drug Addictions
- Denial Of Food And Water
- Brands / Tattoos
- Sexual Assault
- Confinement
- Compelling Prostitution
- Working Long Hours
- Denied Compensation

#### Fraud

- Misrepresentation Of Work
- Denied Pay
- False Promises Of Working Conditions

#### Coercion

- Threats of Harm
- Threatens Family Members
- Reputational Harm / Blackmailing
- Abuse Of The Law

**These are not the only indicators of human trafficking, force, fraud, and coercion. If something seems unusual or “feels wrong,” contact the National Human Trafficking Resource Center operated by Polaris Project at: [1-888-3737-888](tel:1-888-3737-888) (24 hour capacity) or contact Department of Homeland Security Immigration and Customs Enforcement (ICE) at: [1-866-DHS-2-ICE](tel:1-866-DHS-2-ICE) ([1-866-347-2423](tel:1-866-347-2423)).**

## APPROACHES FOR INTERACTING WITH HUMAN TRAFFICKING VICTIMS

Receiving information from a victim about their situation is one of the most difficult aspects of human trafficking. Not all criminal justice professionals are investigators, but any time a person develops rapport with a victim, it can prove fruitful for the victim's recovery and the investigation of a potential trafficker. While each victim is unique, some common characteristics are important to consider when speaking with a potential victim.

### 1. Build rapport

Victims may be conditioned not to trust law enforcement, fearful of retaliation from their trafficker, or too traumatized to talk to the interviewer. Because of this, criminal justice professionals should consider ways they can build rapport with each victim. Many variables may lead a victim to positively respond to an individual, and variables like age and gender should be considered. Also, characteristics used to build rapport such as common interests may help victims positively respond to information-gathering requests. This process is about replacing the trust the victim had in the trafficker with trust in the criminal justice system, and it is key to the victim-centered approach, victim recovery, and the investigation.

### 2. Use a conversational tone to obtain information

Criminal justice professionals should frame questions in a conversational tone as opposed to simply reading a list of questions. This is especially true for minor victims. The conversational approach to questioning helps develop rapport with the victim and provides a personal connection the victim may be missing. During the information-gathering phase, it is important to remain flexible in response to the victim. Criminal justice professionals should consider things like:

- Does the victim respond to one person over another?
- Does the victim seem to respond to one type of approach better than another?

Regardless of how the victim is responding, criminal justice professionals must remember not to take the failure of a given individual or tactic personally. It may take several attempts, individuals, and approaches before the victim is willing to talk openly. Do not give up on the victim.

### 3. Have them tell their story

Asking open-ended questions helps encourage a victim to talk and share their story. During questioning, criminal justice professionals should be patient with the victim. It may take several separate sessions over an extended period of time to build the relationship needed to successfully extract useful information from the victim. This also highlights the need to follow up with victims. Working with trafficking victims requires consistent, long-term engagement that may last well after their rescue and the suspect's trial.

#### **4. Maintain ongoing contact**

More than any other kind of crime, constant contact with the victim is key to a successful rehabilitation and prosecution. As the bonds between the trafficker and victim begin to break, the relationships a victim has with criminal justice professionals may be pivotal to their recovery and the success of the case. The only relationship a victim is likely to have during their victimization is with their trafficker. During this time, a victim relies on the trafficker for every emotional, mental, and physical need. As the case develops, that relationship dissolves, and the victim is left with a void. As a result, trafficking victims are often vulnerable or left feeling unsure or afraid of what their future holds. To relieve these fears, criminal justice professionals should work to reassure victims their recovery is important to the professional. Often, the positive, continuing relationships developed with members of the criminal justice system are necessary to produce positive results for the victim.

#### **5. Find suitable placement for the victim**

Human trafficking may be more complex than many other crimes and addressing the various needs of a victim after identification even more so. A pressing task for any criminal justice professional is where to place a victim once they have been rescued from their captor. This placement is a critical step in addressing the safety needs of the victim while at the same time providing a venue that allows law enforcement and prosecutors to maintain contact with the victim during the criminal justice process.

Finding appropriate placement options, however, is perhaps the most challenging issue in addressing victim needs. No one placement solution will fit all human trafficking victims. Placement options vary for adults and minors, as well as for international and domestic victims. Adult victims may agree to services and placement, but their options may be limited. Minor victims do not have an option to seek services and placement on their own; guardianship is always an issue when providing services for minors as are the multiple regulations and requirements for housing or treatment facilities. In order to identify appropriate and accessible services for all victims – either in the area or at some other location – law enforcement, prosecutors, service providers, and other community partners must collaborate and develop a response plan.

For domestic child victims, it can be even more challenging to find a proper placement. Many child victims have a history of running away and may see their trafficker as their provider or “boyfriend.” This can make building rapport and providing services very difficult. Each victim will have a unique set of needs, background, and personality traits, which will need to be considered when evaluating placement options. The ideal situation is to obtain trauma-informed, trafficking-specific care for victims, while providing a secure, but not locked-down place for victims to reside and heal. These types of facilities are not available in all areas or for all victims, and the facilities that do exist have limited spaces for victims. Therefore, judges, child protection, juvenile probation, and law enforcement should work collaboratively on finding appropriate – and possibly creative – placement options for victims or seek referral assistance from other areas. Whenever possible, members of the criminal justice community should identify such placement options before a victim of trafficking is in need of placement.

## CREATING A RESPONSE PLAN

As agencies learn more about human trafficking and the potential victimization within each population they serve, staff will also need to know how to respond to victims of human trafficking within their routine business operations. Written Response Plans allow criminal justice professionals to harness resources from multiple organizations and from different disciplines and professions in an effort to quickly address the needs of the victim and begin the investigative process.

Criminal justice professionals should determine if their agency or geographic region has already established a Response Plan for human trafficking incidences. Response Plans should be developed in advance and identify the particular capabilities of each resource. Identifying a proactive Response Plan allows criminal justice, legal, and medical professionals, along with victim advocates, to rapidly respond to instances of trafficking once they are identified and to clearly define the roles and responsibilities of each agency or organization.

The first step in creating a Response Plan is for criminal justice agencies to identify their roles, responsibilities, and capabilities for handling trafficking victims and cases between and within their agencies. Because human trafficking is a complex crime with compounding effects on victims, it is impossible for a single agency to provide all of the victim services and investigatory assets needed to provide an effective response. It is important to clearly define an agency's expectations and limitations in dealing with human trafficking. Successful Response Plans are prepared in a spirit of cooperation, communication, and collaboration among all the affected stakeholders.

Agencies may also consider collaborating with other agencies and service providers to arrange for the various needs of the victims. Collaborative efforts between federal agencies, regional task forces, and medical and victim service providers have proven effective in serving human trafficking victims across Texas. Key successes are found by clearly defining the roles, responsibilities, and capacities of each partner agency or organization. Proactive response plans increase the efficacy of a locale's anti-trafficking efforts and victim services.

It is also helpful to utilize resources and organizations already available in the local area. The organizations within each of these response areas would most likely be able to provide resources for human trafficking victims or know of other referral options.

**Regional Human Trafficking Task Forces** – Some locations across the state have regional human trafficking task forces actively pursuing human trafficking investigations. These task forces have members of local, state, and federal governmental agencies as well as non-governmental members and have identified referral options.

**Texas Department of Public Safety Regional Victim Services Counselors** – The Department of Public Safety Crime Victim Services Program provides regional victim services counselors throughout Texas who are available to provide information and referrals to local social service providers and crisis intervention.

**Sexual Assault Response Teams (SARTS)** – SARTS are multidisciplinary teams comprised of members from the local sexual assault program, law enforcement agencies, district or county attorney’s office, healthcare facilities, or other community stakeholders who coordinate the response to sexual assault from the time of the report through prosecution. Additionally, victims of sex trafficking should be treated like victims of sexual assault and provided a SANE exam, which can be necessitated with the assistance of SARTS.

**Non-profit Organizations** – The role of non-profit organizations in assisting victims is also important because there may be mental and physical health issues that need to be addressed. Victim advocates, religious organizations, and other groups may be able to provide valuable medical, counseling, or housing assistance to the victim immediately after identification, through the criminal justice process, and beyond.

If agencies lack a Response Plan, the National Human Trafficking Resource Hotline provides an excellent resource to report suspected human trafficking and to gather resource information. Anyone can call the hotline from across the U.S. to report and receive referral information.

#### **National Human Trafficking Resource Center Hotline**

The national hotline is non-profit organization dedicated solely to human trafficking issues. It provides information and assistance on human trafficking and can connect callers with anti-trafficking services in their area. Criminal justice professionals, service providers, victims, and other individuals can **call (1-888-373-7888)** or **text BeFree (233733)** 24 hours a day, 7 days a week, year-round for assistance. The hotline will assist law enforcement locate support on trafficking cases and provide referral services. The hotline also collects data on calls it receives, which can help a local community or region identify the scope of human trafficking within its jurisdiction.

As criminal justice professionals identify human trafficking victims, it will be critical to know how to respond within the agency and the community. Find out if your organization has a Response Plan and what role you play in responding to human trafficking. Agencies equipped with a proactive Response Plan may move quickly from victim identification to action – utilizing the appropriate governmental and non-governmental partners in the area – and ensure the multiple needs of human trafficking victims are addressed.



## CONCLUSION

This guide is intended as a general reference manual to be used by criminal justice professionals to assist in better recognizing human trafficking and responding to victims. Criminal justice officials who are aware of human trafficking situations and who take a proactive approach will better serve human trafficking victims in their area. By taking a victim-centered approach in your daily work and understanding that the next individual you work with may be a trafficking victim, you can make a difference in the fight against human trafficking. By understanding these realities of human trafficking and applying them every day as you serve your community, criminal justice professionals can increase the likelihood of identifying victims, locating the proper services to assist in victims' recovery, and initiating investigations. The examples provided within the guide serve only as beginning reference points. Traffickers continue to adapt their violent tactics to avoid law enforcement and increase personal profits. This makes identification of victims extremely challenging and arduous, but of critical importance. As such, criminal justice professionals must also adapt by staying up-to-date with human trafficking training. While the number of human trafficking victims in Texas is uncertain, Texas continues to lead the nation in developing ways to prevent the crime, protect victims, and prosecute offenders. Criminal justice professionals like you play an integral part in the state's fight against the scourge of human trafficking. Only by keeping members of the criminal justice profession well-informed can Texas continue its successful work toward ending modern day slavery. You can become part of the movement by learning more about human trafficking, recognizing potential victims, and taking an active part in a Response Plan.

## TEXAS PENAL CODE CHAPTER 20A. TRAFFICKING OF PERSONS

<b>Texas Trafficking of Persons Law (Definitions)(Section 20A.01)</b>	
Term	Definition
<b>Child</b>	A person younger than 18 years of age
<b>Forced labor or services</b>	Labor or services, other than labor or services that constitute sexual conduct, that are performed or provided by another person and obtained through an actor's use of force, fraud, or coercion
<b>Sexual conduct</b>	The meaning assigned by Section 43.25: Sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola
<b>Traffic</b>	To transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means

<b>Texas Labor Trafficking Law (Adult and Child Victims)(Section 20A.02)</b>
(a) A person commits an offense if the person knowingly:
(1) traffics another person with the intent that the trafficked person engage in forced labor or services;
(2) receives a benefit from participating in a venture that involves an activity described by Subdivision (1), including by receiving labor or services the person knows are forced labor or services;
(5) traffics a child with the intent that the trafficked child engage in forced labor or services;
(6) receives a benefit from participating in a venture that involves an activity described by Subdivision (5), including by receiving labor or services the person knows are forced labor or services;

<b>Texas Sex Trafficking Law (Adult Victims)(Section 20A.02)</b>
(a) A person commits an offense if the person knowingly:
(3) traffics another person and, through force, fraud, or coercion, causes the trafficked person to engage in conduct prohibited by:
(A) Section 43.02 (Prostitution);
(B) Section 43.03 (Promotion of Prostitution);
(C) Section 43.04 (Aggravated Promotion of Prostitution); or
(D) Section 43.05 (Compelling Prostitution);
(4) receives a benefit from participating in a venture that involves an activity described by Subdivision (3) or engages in sexual conduct with a person trafficked in the manner described in Subdivision (3);

<b>Texas Sex Trafficking Law (Child Victims)(Section 20A.02)</b>
(a) A person commits an offense if the person knowingly:
(7) traffics a child and by any means causes the trafficked child to engage in, or become the victim of, conduct prohibited by:
(A) Section 21.02 (Continuous Sexual Abuse of Young Child or Children);
(B) Section 21.11 (Indecency with a Child);
(C) Section 22.011 (Sexual Assault);
(D) Section 22.021 (Aggravated Sexual Assault);
(E) Section 43.02 (Prostitution);
(F) Section 43.03 (Promotion of Prostitution);
(G) Section 43.04 (Aggravated Promotion of Prostitution);
(H) Section 43.05 (Compelling Prostitution);
(I) Section 43.25 (Sexual Performance by a Child);
(J) Section 43.251 (Employment Harmful to Children); or
(K) Section 43.26 (Possession or Promotion of Child Pornography); or
(8) receives a benefit from participating in a venture that involves an activity described by Subdivision (7) or engages in sexual conduct with a child trafficked in the manner described in Subdivision (7).

<b>Trafficking of Persons (Penalties)(Section 20A.02)</b>
(b) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:
(1) the applicable conduct constitutes an offense under Subsection (a)(5), (6), (7), or (8), regardless of whether the actor knows the age of the child at the time the actor commits the offense; or
(2) the commission of the offense results in the death of the person who is trafficked.
(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.
(d) If the victim of an offense under Subsection (a)(7)(A) is the same victim as a victim of an offense under Section 21.02, a defendant may not be convicted of the offense under Section 21.02 in the same criminal action as the offense under Subsection (a)(7)(A) unless the offense under Section 21.02:
(1) is charged in the alternative;
(2) occurred outside the period in which the offense alleged under Subsection (a)(7)(A) was committed; or
(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a)(7)(A).

## RESOURCES

### PUBLICATIONS

#### **Office of the Attorney General**

[The Texas Response to Human Trafficking 2008](#)

[The Texas Human Trafficking Prevention Task Force Report 2011](#)

[The Texas Human Trafficking Prevention Task Force Report 2012](#)

[Sexually Oriented Businesses and Human Trafficking: Associations, Challenges, and Approaches](#)

#### **Northeastern University Institute on Race and Justice**

[Understanding and Improving Law Enforcement Responses to Human Trafficking](#)

#### **American Bar Association**

[Defining and Identifying Human Trafficking](#)

[An Introduction to Child Trafficking in the United States](#)

#### **Loyola University**

[Human Trafficking and Exploitation of Children and Youth in the United States](#)

#### **United States Department of State**

[U.S. Department of State Trafficking in Persons Report 2013.](#)

#### **International Association of Chiefs of Police**

[The Crime of Human Trafficking: A Law Enforcement Guide to Identification and Investigation](#)

### NON-PROFIT ORGANIZATIONS

#### [Polaris Project](#)

National Human Trafficking Resource Center  
(1-888-373-7888) or text BeFree (233733)

#### [National Center for Missing and Exploited Children](#)

#### [Child Sex Trafficking Team](#)

(1-800-THE-LOST or 1-800-843-5678) Email: [cstt@ncmec.org](mailto:cstt@ncmec.org)

#### [Red Cross](#)

#### [Salvation Army](#)

## STATE RESOURCES

[Texas Attorney General's Office](#)

[Texas Department of Family and Protective Services](#)

[Texas Department of State Health Services](#)

[Texas Health and Human Services Commission – Office of Immigration and Refugee Affairs](#)

[National Center for Missing and Exploited Children – Texas Regional Office](#)

## FEDERAL RESOURCES

[Immigration and Customs Enforcement](#)

[Federal Bureau of Investigation](#)

[Department of Homeland Security: Blue Campaign](#)

## LOCAL AND REGIONAL RESOURCES

Several locations around the state have regional human trafficking task forces and service providers willing to assist victims. Please feel free to contact the Office of the Attorney General and the Texas Human Trafficking Prevention Task Force for guidance.

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<sup>1</sup> National Human Trafficking Resource Center. 2011 Annual Report: *Increasing Awareness and Engagement: Strengthening the National Response to Human Trafficking in the U.S.*, p. 15. Retrieved July 18, 2012, from <http://www.polarisproject.org/resources/hotline-statistics>.

<sup>2</sup> Department of Homeland Security. A Victim-Centered Approach. Retrieved July 24, 2013, from <https://www.dhs.gov/blue-campaign/victim-centered-approach>.

<sup>3</sup> Department of Homeland Security. A Victim-Centered Approach. Retrieved July 24, 2013, from <https://www.dhs.gov/blue-campaign/victim-centered-approach>.

<sup>4</sup> Heather J. Clawson, Nicole Dutch, Susan Lopez, and Suzanna Tiapula. September 2008. *Prosecuting Human Trafficking Cases: Lessons Learned and Promising Practices*, p. 20. Retrieved September 5, 2013, from <https://www.ncjrs.gov/pdffiles1/nij/grants/223972.pdf>.

<sup>5</sup> United States Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. August 2009. Heather J. Clawson, Nicole Dutch, Amy Solomon, and Lisa Goldblatt Grace. *Human Trafficking into and within the United States: A Review of the Literature*, pgs 7-8. Retrieved September 5, 2013, from <http://aspe.hhs.gov/hsp/07/humantrafficking/litrev/>

<sup>6</sup> Texas Department of Public Safety. 2012. *Texas Gang Threat Assessment 2012* Retrieved August 25, 2013, from [http://www.txdps.state.tx.us/director\\_staff/media\\_and\\_communications/TXGangThreatAssessment.pdf](http://www.txdps.state.tx.us/director_staff/media_and_communications/TXGangThreatAssessment.pdf).

<sup>7</sup> Shared Hope, International. May 2009. *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children*, p. 30. Retrieved September 5, 2013, from [http://sharedhope.org/wp-content/uploads/2012/09/SHI\\_National\\_Report\\_on\\_DMST\\_2009.pdf](http://sharedhope.org/wp-content/uploads/2012/09/SHI_National_Report_on_DMST_2009.pdf).