



THE TEXAS  
**HUMAN TRAFFICKING  
PREVENTION TASK FORCE  
REPORT 2016**

to the Texas Legislature • December 2016





Report to the Texas Legislature  
Human Trafficking Prevention Task Force

December 2016  
Office of the Attorney General

## **Texas Human Trafficking Prevention Task Force: 2016 Report to the Legislature and the Legislative Budget Board**

*Human trafficking is the antithesis of who we are as people and in direct contradiction to the ethos by which Texans live. Through our collaborative efforts, Texas will continue to assist victims, prosecute offenders, and provide long-lasting, meaningful change in the fight against human trafficking.*

*Attorney General Ken Paxton*

Human trafficking is not a new crime. The desire to force another person to provide labor or sexual services against their will is an ancient, oppressive practice. Traffickers are ruthless, dispiriting criminals focused on increasing their profits by exploiting others. Victims are often manipulated, lured, and then physically, mentally, and emotionally abused into servility. A crime as old, violent, and destructive as human trafficking requires a response that is ever-advancing, comprehensive, and victim-centered.

Since 2003, and the passage of the state's anti-trafficking statute, Texas has worked toward achieving such a response. Since then, years of collaborations by state and local agencies, legislative partners, non-governmental organizations, and interested parties across the state have increased awareness of human trafficking, produced more than 50 legislative changes, assisted victims, and brought offenders to justice. While traffickers are committed to brutalizing others in their pursuit of profits, Texas has taken action to directly address the scourge of trafficking and is committed to continuing the fight. This is evident in state and local agencies, in regional and local coalitions, and at non-profits across the state. Shared Hope International, a leading anti-trafficking organization, recognized Texas' efforts to fight child sex trafficking in its *Protected Innocence Challenge Toolkit 2016*. Texas ranked among the top five states for its efforts to address domestic minor sex trafficking through enhanced criminal provisions and victim protections.<sup>1</sup>

This report serves as a compendium of information regarding the ongoing anti-trafficking efforts across the state, provides a historical record of past Texas Human Trafficking Prevention Task Force (Task Force) activities and deliverables, and fulfills the reporting requirements of the Task Force under House Bill 1, A302 Rider 30 (84<sup>th</sup> Texas Legislature) and Section 402.035(g), Government Code. The information below represents not only the work of Task Force members, but also anti-trafficking partners across the state. Also contained within this report are recommendations made to the 85<sup>th</sup> Texas Legislature to improve the state's anti-trafficking efforts.

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<sup>1</sup> Shared Hope International. 2016. *Protected Innocence Challenge, Toolkit 2016*, p. 27. Retrieved November 17, 2016, from [http://sharedhope.org/wp-content/uploads/2016/11/SHI\\_Protected\\_Innocence\\_Challenge\\_Toolkit.pdf](http://sharedhope.org/wp-content/uploads/2016/11/SHI_Protected_Innocence_Challenge_Toolkit.pdf).

## Task Force Background

The Task Force was established in 2009 through House Bill 4009 and is coordinated through the Office of the Attorney General (OAG). It is a collaborative effort between state agencies, local law enforcement entities, district attorneys, and non-governmental organizations to address human trafficking from multiple perspectives. Under Section 402.035, Texas Government Code, the OAG serves as the presiding officer of the Task Force and supervises its administration. There are approximately 50 member agencies on the Task Force. Legislative appropriations have never been made to the Task Force.

Pursuant to Government Code §402.035, the Task Force is required to collect data from certain agencies, provide training to certain professionals, and provide legislative recommendations to strengthen Texas' response to human trafficking. Task Force recommendations are included in a statutorily required report to the Legislature which is to be submitted on December 1<sup>st</sup> of every even-numbered year.

Since 2010, the Task Force has made 58 recommendations to the Legislature to address human trafficking. These recommendations have included ways to prevent trafficking, protect victims, and prosecute offenders. Of these 58 recommendations, 53 have become law.

## Prior Task Force Deliverables

Since its creation, the Task Force has published several reports, manuals, and trainings. To date, three biennial reports to the Legislature have been published.

- *The Texas Human Trafficking Prevention Task Force Report (2014)*
- *The Texas Human Trafficking Prevention Task Force Report (2012)*
- *The Texas Human Trafficking Prevention Task Force Report (2011)*

Pursuant to House Bill 930 (82<sup>nd</sup> Legislative Session), the Task Force has completed a report on the extent to which human trafficking is associated with the operation of sexually oriented businesses, and the workplace or public health concerns that are created by the association of human trafficking and the operation of sexually oriented businesses.

- *The Texas Human Trafficking Prevention Task Force Report (2013)* (also known as) *Report to the Texas Legislature, Sexually Oriented Businesses and Human Trafficking: Associations, Challenges, and Approaches*

The Task Force has also published two training manuals for professionals likely to interact with potential trafficking victims.

- *Introduction to Human Trafficking: A Guide for Texas Education Professionals* (July 2014)
- [Introduction to Human Trafficking: A Guide for Criminal Justice Professionals](#) (September 2013)

The Task Force has assisted in the development of two web-based trainings: one for education professionals, and one for the Department of Family and Protective Services (DFPS) staff. The trainings were developed pursuant to House Bill 1272 (83<sup>rd</sup> Texas Legislature).

- *Texas Rise to the Challenge: An Introduction to Human Trafficking for Education Professionals* was published on the Texas Education Agency (TEA) website in October 2014.
- Training for DFPS was rolled out to DFPS staff on September 2, 2014.

## **Recent Legislative Requirements**

The 83<sup>rd</sup> Texas Legislature through HB 1272 mandated the Task Force to:

- Develop key indicators that may demonstrate a person is a victim of human trafficking;
- Develop standardized curriculum for training medical and education professionals along with DFPS and Health and Human Services Commission (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.

As previously mentioned, materials related to education professionals and DFPS have been produced. The Task Force is currently working on developing training for HHSC and medical professionals.

The 84<sup>th</sup> Texas Legislature also added new requirements to the Task Force.

- House Bill 188 directs the Task Force to develop recommendations that address the demand side of human trafficking, including forced labor and sex trafficking of minors. This bill also extended the duration of the Task Force to September 1, 2017.
- House Bill 10 requires the Task Force to identify and report to the Governor and Legislature on laws, licensure requirements, or other regulations that can be passed at the state and local levels to curb trafficking using the internet and in sexually oriented businesses.

## **State Agency Initiatives and Responses to Human Trafficking**

Outside of the previously mentioned deliverables, there have been several initiatives and programs developed by individual agencies to address human trafficking over the past several years. Many of these efforts are detailed in previous Task Force reports to the Legislature in 2011, 2012, and 2014. However, new initiatives and programs along with select continuing efforts are outlined below.

### Department of Family and Protective Services (DFPS)

- Texas was the second state in the nation to sign a Memorandum of Understanding with the National Center for Missing and Exploited Children (NCMEC), so that when any child goes missing from foster care, it would be immediately reported to NCMEC. This is in line with new federal child welfare mandates under House Resolution 4980 (113<sup>th</sup> Congress).

- Statewide Intake staff (child abuse hotline), the first point of contact for most calls to DFPS, met weekly for a year to discuss identification and handling of potential human trafficking intake calls.
- Additional reporting mechanisms were put into place and enacted on September 1, 2015, in the DFPS computer system to count human trafficking cases received by Intake staff. Efforts are also underway to make system reporting changes to track the number of DPFS foster care children who were trafficked.
- DFPS updated several relevant policies to include information about human trafficking.
- DFPS has also updated procedures for Statewide Intake staff to include information on determining if evidence of human trafficking is present.
- A public-facing website has been created which provides information on trafficking and DFPS's response to the crime. The website can be found at [https://www.dfps.state.tx.us/Child\\_Protection/Investigations/Human\\_Trafficking/](https://www.dfps.state.tx.us/Child_Protection/Investigations/Human_Trafficking/).
- Information on human trafficking was added to the Experiential Life Skills Training curriculum as part of the Preparation for Adult Living and After Care Services Programs.
- All direct delivery staff were required to complete Human Trafficking Training, and all new staff are required to receive the training as part of their initial education.
- In Fall 2016, DFPS implemented Child and Adolescent Needs and Strengths Assessment for all foster children, which helps to determine whether the child was sexually exploited, including trafficking.
- All youth between 14-21 years of age receive human trafficking training at all state and regional conference and aging-out seminars. This training is also part of their required Preparation for Adult Living skills training.

#### Health and Human Services Commission (HHSC)

- Since the Task Force began in 2007, HHSC has been a member agency working to provide assistance to victims.
- HHSC will continue to evaluate anti-trafficking resources throughout its agency and umbrella agencies.

#### Department of Public Safety (DPS)

- In fiscal year 2016, DPS trained 535 individuals on Interdiction for the Protection of Children (IPC), a program which teaches first responders to look for signs that a child may be being abused or exploited, including commercial sexual exploitation. The students included law enforcement officers, child protective services, child advocacy center personnel and prosecuting attorneys.
- All DPS troopers have received IPC training to help identify children who may be victims of crime, especially trafficking.
- Funding for an additional 250 troopers was provided by the 84<sup>th</sup> Legislature. All will receive IPC training.
- All Criminal Investigations Division (CID) agents have received human trafficking training, and 40% have received advanced training which includes at least one agent at every duty station across the state. DPS is working to provide the advanced course to 90% of its CID agents by December of 2017.
- DPS also provides assistance to victims of trafficking through the efforts of Victim Services Counselors who are located around the state. Among the many services these counselors

provide are: assistance as cases work their way through the criminal justice system, crisis intervention, and assisting victims in filing for Crime Victims' Compensation.

#### Department of State Health Services (DSHS)

- DSHS provided community presentations to more than 5,000 individuals in Region 1, which spans the Texas Panhandle and South Plains.
- Regional staff and coalition partners distributed outreach materials to more than 300 sites, including malls, schools, buses and bus stops, coffee shops, shelters, hospitals, clinics, and social service agencies in Region 1.
- DSHS staff provided presentations related to domestic minor sex trafficking at six statewide conferences, including two bi-national conferences.
- Regional staff conducted train-the-trainer programs for maternal and child health staff in all eight DSHS regions across Texas and for HIV/STD staff in the DSHS Central Office.
- DSHS established a human trafficking identification and response policy for use in regional DSHS clinics and by DSHS contracted health providers.
- Towards the end of the school year, two staffers were trained to provide the five session prevention curriculum, *Love146 Not a #Number*, and presented it at Lubbock High School. The curriculum is scheduled to be conducted in several schools and two juvenile justice centers this fall.
- Region 1 staff presented a workshop on Domestic Minor Sex Trafficking and child abuse reporting for public health employees from the DSHS regional offices and the local health departments.
- DSHS staff from Region 1 conducted the SOAP outreach program (*Save Our Adolescents from Prostitution*) with more than 60 volunteers who distributed soap and outreach materials to 46 motels in the South Plains. This event yielded 15 requests for training of housekeeping staff in the motels.
- Region 1 staff presented DMST at the statewide Partners in Prevention Conference in Houston, a Lubbock-Crosby-Garza Medical Society conference, and the Covenant Hospital's Child Abuse Summit in Lubbock.
- A presentation was provided to approximately 1,000 individuals including the Region 1 HHSC eligibility management team, medical students at Texas Tech University, foster parents, agencies that work with HIV and STD patients, and many community groups.
- DSHS staff worked with the East Texas Coalition Against Sex Trafficking to raise awareness in the community and to develop a referral process for hospitals.
- Region 7 staff presented DMST to several community groups, faith-based organizations, school districts, local health departments, and for a Region 7 school nurse workshop.
- Presentations were provided to approximately 400 people including school staff, law enforcement, community groups, and health providers in Region 7.
- Staff in Region 8 gave presentations to approximately 500 individuals including school staff, DSHS staff, and community groups.
- Region 6/5 South staff gave a presentation to 350 high school students.

#### Office of the Attorney General (OAG)

- The OAG continues to work with area coalitions and non-profits to increase awareness and enhance responses related to human trafficking.

- In January 2016, pursuant to House Bill 11 (84<sup>th</sup> Legislative Session), the OAG established the Human Trafficking and Transnational/Organized Crime Section (HTTOC) to address matters related to human trafficking, including border security and organized crime. The section is comprised of three prosecutors, a victim advocate, a crime analyst, and four investigators. At that time the agency also launched its “I Am Not for Sale” campaign, a positive public awareness campaign focused on reminding people about the inherent worth and humanity of all people. Social media, editorial submissions, informational brochures, and interviews with print and television media have all served to advance the OAG’s goal of an informed and empowered public within the past year.
- HTTOC is currently assisting multiple other law enforcement agencies and district attorneys on trafficking cases and pursuing cases independently generated, including a complex multi-jurisdiction human trafficking and organized crime investigation.
- In July 2016, HTTOC prosecutors, in partnership with the Nueces County District Attorney’s Office, successfully prosecuted the first human trafficking case in Corpus Christi at the county level which resulted in a 40 year sentence.
- In early October, HTTOC, in partnership with the state of California, participated in the arrest of the CEO of Backpage.com, one of the largest purveyors of adult sex ads in the United States. HTTOC also executed a search warrant on Backpage.com and initiated a criminal investigation into the company’s conduct related to money laundering, human trafficking and organized crime.
- Since January 2016, HTTOC prosecutors have conducted over 60 human trafficking trainings for over 7,000 individuals around the state, including, but not limited to, judges, law enforcement, education professionals, children aging out of foster care, trucking industry representatives, the public, attorneys, and medical personnel.
- HTTOC prosecutors have also been featured speakers on human trafficking at Crimes against Women and Crimes against Children, national conferences with international attendees.
- HTTOC prosecutors participate in regional human trafficking coalitions and task forces throughout the state and sit on the steering committee and the Domestic Minor Sex Trafficking Working Group for the Central Texas Coalition against Trafficking, in Austin, Texas.
- On August 31, 2016, the OAG awarded a contract for the development of a documentary video training tool to educate and equip state employees, contractors, and the broader public on the subject of human trafficking.
- The OAG partnered with Truckers Against Trafficking and the Texas Trucking Association to host a total of four coalition builds around the state (Houston, Lubbock, Tyler, and San Antonio) designed to educate and empower trucking and law enforcement in the fight against trafficking. The fifth and final coalition build will be held early 2017 in El Paso.
- The HTTOC section will host the first statewide human trafficking conference for prosecutors in the fall of 2017.
- HTTOC provided human trafficking trainings to staff of Texas Department of Licensing and Regulation.
- OAG staff from HTTOC and the Crime Victim Services Division also provided assistance and subject matter expertise to members of the Slavery Mapping Project team.
- House Bill 10 (84<sup>th</sup> Legislative Session) amended the Crime Victims Compensation Act to allow the Crime Victims’ Compensation (CVC) Program to waive the requirement to deny CVC applications in which the claimant or victim knowingly or willingly participated in the criminally injurious conduct giving rise to the application if that conduct was the result of trafficking of persons. It also allowed applications for compensation made by claimants or victims of

trafficking of persons to not be denied based on if the victim or claimant was engaging in illegal behavior at the time the criminally injurious conduct occurred. Both of these changes were already part of CVC internal policies and administrative rules prior to the legislative change.

#### Office of Court Administration (OCA)

- Pursuant to House Bill 2455, 84<sup>th</sup> Legislative Session, OCA is the presiding officer of the Task Force to Promote Uniformity in Collection and Reporting of Information on Family Violence, Sexual Assault, Stalking, and Human Trafficking. After the creation of the Task Force in September 2015, OCA assembled the relevant subject matter experts who worked together over the course of 2016, and in September, issued their findings and recommendations on data collection in a report to the Legislature.
- OCA continues to provide live trainings to judges and other criminal justice professionals as well as through webinars related to the reporting of protective orders to the Texas Crime Information Center, which will enhance protection of human trafficking victims.

#### Office of the Governor (OOG)

- The OOG provided a grant to the University of Texas at Austin (UT) for a human trafficking mapping project to help prevent exploitation and increase care for survivors by gathering comprehensive data from across the state. The Texas Slavery Mapping Project is a partnership between UT and Allies Against Slavery to gather information about human trafficking across the state, including cataloging services available to victims, and “mapping” several key regions of the state to allow for economic analysis on the cost of human trafficking.
- Pursuant to HB 10 and HB 1446, 84<sup>th</sup> Texas Legislature, the OOG developed the Child Sex Trafficking Team (CSTT) within the Criminal Justice Division. CSTT is leading a collaboration of public and private partners to develop and implement a comprehensive state plan to combat child sex trafficking and recover and restore its survivors. CSTT’s approach is based on best and promising practices from around the country, and is child-centered, trauma-informed, collaborative, and continuously improving.
- Because each region is so diverse in stakeholders, resources, and needs, CSTT will develop and support at least eight regional models in the next four years to recover and restore survivors.
  - Regional models will be part of a statewide network of services available to survivors.
  - Each regional model will provide a continuum of care for survivors, from immediate recovery to long-term restorative services.
  - Regional models will include:
    - public and private stakeholders;
    - multi-disciplinary teams and protocols;
    - community-based case managers; and
    - OOG regional coordinators to ensure on-going support, collaboration, accountability, and continuous quality improvement.
- In September 2016, CSTT started meeting with stakeholders to develop a Houston area regional model and plan to start work in North Texas in late spring 2017. These are the two largest urban areas with the most trafficking activity and the most coordinated community response to child sex trafficking in the state. CSTT will prioritize subsequent regions based on both need (numbers of victims and potential victims) and readiness (existing collaboration and efforts).

- To meet the diverse and urgent needs of all of Texas' child victims, CSTT will also build capacity statewide by investing in existing collaborative efforts of anti-trafficking taskforces and coalitions and with the development of best and promising practices in survivor care. These new programs and services will become part of our network of regional models that victims, regardless of regional origin, can access according to need.

#### Office of the Secretary of State (SOS)

- The SOS has worked with the OAG and other Task Force partners to develop the Human Trafficking Prevention Business Partnership to engage participating corporations and other private entities in voluntary efforts to prevent and combat human trafficking pursuant to House Bill 2511 (84<sup>th</sup> Legislative Session).
- The SOS joined a press conference with the legislative author and sponsor at the program launch and has since promoted it through a press release and social media. Two certificates of recognition were issued during fiscal year 2016.

#### Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families (Children's Commission)

- The Children's Commission is focused primarily on providing information to judges and attorneys responsible for child welfare cases to raise awareness of human trafficking as it impacts children involved with the child welfare system.
- In partnership with the Texas Center for the Judiciary (TCJ), the Children's Commission is working to fulfill the judicial training on human trafficking requirement under House Bill 10 (84<sup>th</sup> Legislative Session) for judges responsible for hearing child welfare cases.
- In August 2015, Justice Eva Guzman, Supreme Court Justice and Chair of the Children's Commission, delivered a keynote address on human trafficking at the Advanced Family Law CLE to an audience of over 100 attorneys practicing child welfare law.
- At the annual Child Welfare Judges Conference in August 2015, the Children's Commission, in partnership with TCJ, provided training on human trafficking to over 80 judges handling child welfare cases, presented by representatives from the Harris County District Attorney and Juvenile Probation. Judges were surveyed before and after the conference to assess their knowledge base and the effectiveness of the training provided.
- In September 2015, the National Center for Missing and Exploited Children gave a presentation on trafficking at a quarterly Children's Commission meeting to an audience of judges, mental health providers, attorneys, advocates, and other child welfare partners.
- In November 2015, the Children's Commission sponsored a training at the annual Department of Family and Protective Services Attorney Conference that included a session on "Human Trafficking 101 for Lawyers," with a panel from the Department of Public Safety, Allies Against Slavery, and the Bexar County District Attorney's office.
- The Children's Commission Texas Child Protection Law Bench Book is updated annually and includes recent legislation passed regarding human trafficking. In 2016, a one page checklist on human trafficking was added to the Bench Book as an additional resource for judges.
- Through Jurist in Residence correspondence, the Children's Commission also relays important information to judges hearing child welfare cases including a January 2016 letter about the intersection of child welfare and human trafficking.
- The Children's Commission participates in the nationwide Capacity Building Center for Courts P.L. 113-183 Constituency Group to learn about best and current practices to prevent and respond to trafficking of children and youth in foster care.

- The Children’s Commission also provides scholarships for attorneys and judges to attend national conferences including the National Association of Counsel for Children and National Council of Juvenile and Family Court Judges where national experts present information about issues impacting child welfare, including human trafficking. The Children’s Commission receives feedback from judges about effective and engaging training sessions related to human trafficking and makes an effort to bring experts and speakers to Texas to share information and best practices.
- Children’s Commission staff attend local, state, and national trainings, including the Family Focused Treatment Association conference sessions on human trafficking to stay informed about successful strategies to combat trafficking and develop expertise to relay information to judges and attorneys as needed.
- In addition to serving on the Human Trafficking Prevention Task Force, the Children’s Commission also works with the Office of the Texas Governor’s Child Sex Trafficking Team and the Office of Court Administration to develop strategies to improve judicial handling of child welfare cases where children or youth are at high risk of becoming trafficking victims.

#### Texas Alcoholic Beverage Commission (TABC)

- TABC law enforcement personnel are specifically trained on how to identify potential human trafficking victims.
- TABC conducts operations across the state to identify and recover victims who may be being trafficked at businesses which fall under the regulatory authority of TABC.
- In August 2016, TABC launched its updated mobile application, TABC Mobile, which enables consumers to report suspected human trafficking.
- In conjunction with the Houston Area Council on Human Trafficking, during club and bar inspections, TABC is discreetly issuing paper cards with information on how to report human trafficking.
- Since 2014 TABC has cancelled nine permits at locations with violations ranging from sales of narcotics, drink solicitation, human smuggling, and subterfuge ownerships. Each location also had allegations of human trafficking.

#### Texas Department of Criminal Justice (TDCJ)

- TDCJ Victim Services Division provides statutorily-mandated services to victims and their families when the offender has been sentenced to TDCJ Correctional Institutions Division and is on parole/mandatory supervision. Mandated services include, but are not limited to:
  - Revising, distributing, and collecting statistics on the Victim Impact Statement form;
  - Operating the Victim Notification System, which provides registrants with notifications regarding the status of offenders; and
  - Providing oversight for victim-offender mediation.
- TDCJ provides assistance related to extending protective orders after the offender has been released. These protective orders can provide trafficking victims with greater protection long after the victim has been recovered and begun the restorative process.
- TDCJ provides technical assistance and in-person and web-based training to criminal justice and victim services professionals. In collaboration with key stakeholders, TDCJ also developed and maintains the Texas Victim Assistance Training (TVAT) Online and hosts the TVAT Academy. The TVAT Online is a statewide and web-based foundational level training focused on victim-centered service delivery and professional development that complements other victim services initiatives and enables new advocates to acquire baseline professional skills and

competence. The TVAT Academy is an in-person academy/training that follows the continuum-of-service model which provides for accurate assessment of victim needs, victim service provider awareness of multidisciplinary issues, and seamless delivery from all victim service provider groups.

#### Texas Department of Licensing and Regulation (TDLR)

- Members from TDLR, Field Operations Division have participated in IPC training conducted by DPS. The TDLR field employees conduct periodic, unscheduled, onsite inspections at various facilities throughout the state.
- Agency staff attended the Slave Free City Summit on April 22 and 23, 2016, held in Austin. This provided a forum for us to work collectively with other agencies to share information, develop an understanding of our roles and create a plan.
- TDLR has been working with Polaris to develop a training webinar on trafficking in massage parlors for our field personnel. This training was conducted in October 2016.
- TDLR has identified and reported suspected trafficking to the National Hotline for Human Trafficking, resulting in sharing information with the Department of Homeland Security.
- TDLR is working on creating a continuing education course on Human Trafficking which will be made available to our licensees.
- TDLR social media manager and human trafficking liaison organized a training on Human Trafficking for the Texas Social Media Alliance (a networking group of state employed social media experts) on November 9, 2015. TDLR's social media manager has been posting information on trafficking to raise awareness.

#### Texas Education Agency (TEA)

- Ten of the 20 Education Service Centers have published the human trafficking training for educators that was developed by the Task Force and TEA.
- TEA continues to update the human trafficking training and maintain the related information hosted on its statewide website.
- Pursuant to House Bill 10 (84<sup>th</sup> Texas Legislature), TEA is working to implement changes to their policy governing the reports of child abuse and neglect to include reports related to human trafficking of a child.

#### Texas Juvenile Justice Department (TJJD)

- TJJD is developing a human trafficking training for juvenile correctional officers pursuant to Senate Bill 1356 (83<sup>rd</sup> Legislative Session).
- Trafficking-related questions are asked to all youth at intake to identify potential victims.
- TJJD has co-hosted a statewide conference which consisted of multiple human trafficking sessions to raise awareness of the crime and its effects on victims.

#### Texas Parks and Wildlife Department (TPWD)

- TPWD has been working in the border region to achieve many goals, one of which is to deny, disrupt, and/or capture persons who are involved in human trafficking.
- All TPWD Game Wardens receive the Texas Commission on Law Enforcement Human Trafficking Course after being commissioned and prior to graduating from the Game Warden Training Academy.

- Human trafficking arrests have occurred as a result of Game Wardens receiving human trafficking training.

#### Texas Workforce Commission (TWC)

- TWC administers the Texas Child Labor Law, Chapter 51, Texas Labor Code, which serves to ensure that a child is not employed in an occupation or manner that is detrimental to the child's safety, health, or well-being. TWC investigates child labor complaints and conducts approximately 2,400 on-site compliance inspections of employers a year. All child labor investigators are trained in identifying and properly responding to any suspected human trafficking they might encounter.
- In October 2014, TWC's Child Labor Investigators completed a new training course on human trafficking utilizing training developed by the Human Trafficking Prevention Task Force.
- TWC operates a Fraud, Waste, and Abuse Hotline (1-800-252-3242). TWC's policy is to refer any report of human trafficking received via this hotline to the appropriate law enforcement agency.
- TWC, our 28 Local Workforce Development Boards, and our Texas Workforce Solution partners assist victims of human trafficking by utilizing available training and resources to identify potential victims of human trafficking and taking appropriate steps once identification has occurred; providing employment training services specifically tailored for victims of trafficking; and providing referrals to resources and service providers, particularly non-profit organizations that are specifically geared toward working with victims of trafficking.
- TWC, in partnership with the Human Trafficking and Transnational Organized Crime (HTTOC) Section of the Texas Attorney General's office, is in the process of developing and providing human trafficking training for TWC labor outreach workers for 2017.

### **Efforts of Non-Governmental Organizations**

Texas anti-trafficking efforts have benefited from a growing, active, and dedicated number of nongovernmental organizations. These organizations work to raise awareness of human trafficking, train members of the public, serve victims, and identify and address challenges throughout the state. Some organizations are statewide, others are regional or local, but all work to improve Texas' response to trafficking. Below is a snapshot of several such organizations and the work they have completed over the past two years.

#### Children at Risk

- Over the past two years, a significant amount of data collected by Children at Risk focused on the demand for commercial sex. The organization has worked with others to collect indicators of demand in Texas and has witnessed the growth of online advertisements for paid sex as well as the proliferation of commercial front brothels.
- Children at Risk recently released *The Sex Trafficking Marketplace: Addressing Demand through Legislation and Tactics*, which focuses on demand for commercial sex in Texas and includes analysis of commercial sex legislation, information on demand-reduction tactics, and provides avenues of future research and policies.<sup>2</sup>

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<sup>2</sup> Children at Risk. 2015. *The Sex Trafficking Marketplace: Addressing Demand through Legislation and Tactics*. pg. 7-8.

- Children at Risk worked with the Secretary of State and members of the Attorney General’s Task Force to create and implement the Human Trafficking Prevention Business Partnership. In January of 2016, the first official Human Trafficking Prevention Month in Texas, Sabre GBLB Inc. was announced as the first business in Texas to apply for the Human Trafficking Prevention Business Partnership Program.
- Over the past two years, the organization has reached over 2,000 individuals through trainings and presentations.
- Each year, Children at Risk hosts a statewide Human Trafficking Summit. Each of the summits in the past two years hosted over 100 participants, and key themes included the importance of a protective response for child sex trafficking victims and issues related to addressing demand.
- Children at Risk has authored multiple opinion pieces in newspapers with broad readership and participated in numerous television and radio interviews. These activities reach the larger community and shift cultural norms with respect to human trafficking and sexual exploitation.
- Children at Risk partners with numerous task forces, coalitions, and stakeholders around the state in order to help advance efforts in the fight against human trafficking.
- Children at Risk also continues to operate and grow its Human Trafficking Resource Database. This tool provides an online directory of anti-trafficking resources from across the state. The database contains information available to the public, as well as information accessible only to members who have joined the database. Promising Practices distinguish organizations and help connect users with needed resources. The database currently contains over 200 social service providers, law enforcement agencies, researchers, and other advocates.
- The CEASE (Cities Empowered Against Sexual Exploitation) Network is a collaboration of 11 pioneering cities across the country committed to innovating, testing, and sharing strategies to deter the demand for commercial sex. Children at Risk serves as the coordinator for the two Texas teams represented in the network, CEASE Houston and CEASE North Texas. Since the launch of the initiative, the Texas teams have disrupted well over 7,000 active buyers and provided deterrent and preventative messaging to many more potential buyers. These disruptions consist largely of the use of deterrent messaging provided directly to men attempting to broker sex acts online as well as arrests.

#### Texas Association Against Sexual Assault

- TAASA staff presented at Texas Council on Family Violence Executive Director’s conference on the journey, where the potential trafficking “hot spots” are, and the trauma associated with the journey north.
- Provided human trafficking training and technical assistance to the Rio Grande Valley.
- Technical assistance was provided to Ft. Hood and Ft. Sam Houston along with the international human trafficking cell for the multinational exercise in D.C. (at Langley AFB), where 19 countries, 10 international organizations, and 15 US government agencies were represented.
- TAASA also provided human trafficking webinars during this time that have been well attended across various states in addition to Texas. Topics included:
  - Commercially Exploited Children in Medical Settings
  - Domestic Minors of Sex Trafficking in a Juvenile Detention Setting
  - Human Trafficking Networks and Interviewing Skills
  - How Pimps Select and Access their Victims
- TAASA has also provided technical assistance to communities wishing to start a human trafficking coalition, and has provided training on the topic at various conferences in Texas.

- TAASA was also part of the Resource Sharing Project Round Table project in Atlanta, Georgia, where TAASA presented to other states on human trafficking, both international and CSEC.
- In October 2016, TAASA presented at the Nuestra Voces national conference on human trafficking and trauma in the Latina population, and at the Latinos Against Domestic Violence conference on how Latina youth are targeted for human trafficking by gangs.

#### Allies Against Slavery

- Allies, as a core partner on the Texas Slavery Mapping Project, continues to help drive cutting edge research for the state to create baseline data on the scope and nature of human trafficking.
- Allies designed an electronic screening tool, called the Tier One Screener, to more rapidly and effectively identify possible victims of domestic minor sex trafficking. The Tier One Screener is a short, easy to use and evidence-informed tool that can be used by law enforcement, service providers, medical personnel and other stakeholders who might directly interface with victims.
- The Central Texas Coalition Against Human Trafficking adopted the Slave-Free City Network, coordinated by Allies, as its new operating strategy and structure in October 2015.
- The Domestic Minor Sex Trafficking Working Group, a sub-group of the Slave-Free City Network in Austin, is working on pilot programs that include a drop-in center with targeted services for DMST youth, along with a re-imagined protocol for immediate response to victims, emergency shelter and survivor advocates.

#### University of Texas at Austin Institute on Domestic Violence & Sexual Assault

The OOG provided a grant to the University of Texas at Austin (UT) for a human trafficking mapping project to help prevent exploitation and increase care for survivors by gathering comprehensive data from across the state. The Texas Slavery Mapping Project is a partnership between UT and Allies Against Slavery to gather information about human trafficking across the state, including cataloging services available to victims, and “mapping” several key regions of the state to allow for economic analysis on the cost of human trafficking.

The Texas Slavery Mapping Project is a collaborative and interdisciplinary effort among researchers from:

- Institute on Domestic Violence and Sexual Assault (IDVSA) at The University of Texas at Austin School of Social Work;
- Bureau of Business Research at The University of Texas at Austin; and
- Allies Against Slavery – *Community Partner*

The team works in collaboration with the Child Sex Trafficking Team (CSTT) at the Criminal Justice Division of the Office of the Governor. The CSTT has played a vital role in helping connect the research team with stakeholders statewide and providing opportunities and logistics for data collection.

In Phase I, researchers identified a mixed-methods approach to build a statewide prevalence estimate for labor and sex trafficking in Texas, analyzing secondary data through the Estimation of Risk model to assess potential cases of human trafficking and to explore the scope of human trafficking in Texas. This preliminary model goes beyond known trafficking cases and tips, leveraging available secondary sources of data to produce ratios rather than absolute counts. This methodology will also allow researchers to estimate the economic value of trafficked labor in sample industry sectors. The research team employed primary and secondary data sources to estimate lifetime social service costs for human trafficking

victims in Texas. In conjunction with the CSTT, a preliminary gaps analysis will explore program efficacy and assess perceived gaps in service provision.

Initial stages of data collection have included:

- Extensive review of the estimation literature;
- Development of an approach tailored for this study that leverages available secondary sources of data for the state;
- Identification of primary research to fill data gaps; and
- Piloting tools for service providers, potential victims, and survivors regarding the processes of victim identification and survivor rehabilitation.

While the research has not yet yielded a complete estimation of victim types or a full regional description in each area of Texas, initial findings have helped guide the next phase of inquiry. Therefore, research that addressed scope and economic impact in Phase I will hopefully continue into Phase II, expanding upon the preliminary gaps analysis with the addition of assessing gaps in the processes of identification and recovery of trafficking victims.

Phase II research activities will also include:

- Composition of an online resource which maintains information about service provision for the purposes of assisting in the recovery of trafficking survivors;
- A vetted and concise collection of data on human trafficking from various sources, improving accessibility to existing data and setting a precedent for availability of statistics;
- Development of a GIS application that provides advanced view and query capabilities regarding the incidence and prevalence of human trafficking by region for funding, training, research, and prevention purposes; and
- Exploration of service providers' and survivors' perceptions of program efficacy and provide recommendations to fill gaps in service provision

## **Collaborations with Federal, State, and Local Partners**

All major Task Force deliverables have been the product of multi-agency collaborations, the most apparent of which have been the production of Task Force reports which have included legislative recommendations prior to each Legislative Session since 2011. As mentioned earlier, 53 of the Task Force's 58 recommendations have become law. These recommendations have been developed through the collaboration of Task Force members and passed into law by partners in the Legislature. These efforts have produced extensive changes to Texas law, increased the state's ability to address the challenges presented by human trafficking, and made Texas a national leader in the fight against human trafficking.

While the legislative changes have been significant, Task Force members have continued to collaborate on several other initiatives which have proven fruitful. Several of these efforts are listed below.

- Members of the OAG-led Task Force and DFPS worked to develop a human trafficking training for DFPS staff. DFPS began using the training on September 2, 2014, and by September 15, 2015, had trained over 6,000 personnel.

- The Office of the Governor, since 2010, has provided a grant through its Criminal Justice Division to the OAG for the purposes of conducting training on human trafficking. As of August 31, 2015, this grant has allowed OAG personnel to train 7,856 law enforcement officers and 2,384 other individuals on how to identify human trafficking victims and to help better prepare law enforcement officers for investigating this crime.
- Law enforcement from across the state collaborate with partner agencies to identify potential trafficking victims and apprehend traffickers. Such collaborations include, but are not limited to, law enforcement officers from DPS, OAG, TPWD, TABC, Federal Bureau of Investigation, United States Border Patrol, United States Coast Guard, Homeland Security Investigations and other local, state, and federal agencies.
- The Children’s Commission has extensive collaborative relationships with federal, state, and local partners related to child welfare. While those collaborations are not specific to human trafficking, these existing collaborations may be used to increase awareness of human trafficking, especially as it impacts children and youth involved in the child welfare system. Some of the collaborative partners of the Children’s Commission include but are not limited to:
  - The Administration of Children and Families;
  - DFPS;
  - OCA;
  - Texas Center for the Judiciary;
  - Texas CASA, Children’s Advocacy Centers of Texas; and
  - A number of district and other judges responsible for handling child welfare cases.
- TJJJ is collaborating with county probation departments to develop a tool to be used to identify potential trafficking victims.
- DPS has worked with Texas Juvenile Justice Department to provide information for their internal training curriculum related to submitting information on human trafficking to DPS’s iWATCH program with the Joint Crimes Information Center.
- The OCA collaborated with Task Force members to fulfill the mandates of House Bill 2544 and submitted its report in September 2016. These efforts will help address one of the challenges related to human trafficking – collecting and analyzing available data.
- The OOG will begin collaborating with Task Force members to facilitate the requirements of House Bills 10 and 1446. Those efforts will help to better coordinate state resources in the prevention of trafficking and assistance to victims who have been identified and recovered.
- DFPS and DPS have been collaborating and will continue to collaborate on the referral of cases outside of DFPS’ jurisdiction. Texas DFPS can only investigate cases in which the child’s guardian, family member, or household member is the potential offender. All other cases lie outside of their jurisdiction and are referred to law enforcement. DFPS is now referring human trafficking cases in which they do not have jurisdiction directly to DPS for follow-up.
- TEA is collaborating with local districts on training education professionals on human trafficking and how those professionals should respond as mandated by law.

- TEA, in partnership with the Texas School Safety Center at Texas State University and the Human Trafficking and Transnational/Organized Crime Section of the Office of the Attorney General, provided in person human trafficking training for 10 regions in 2016 and is scheduled to provide that training for the remaining regions in 2017.
- DFPS and DPS have trained 480 troopers on Interdiction for the Protection of Children (IPC), a program which teaches first responders to look for signs that a child may be being abused or exploited, including commercial sexual exploitation of children. DFPS and the Austin Police Department staff have trained 1,050 Austin Police Department personnel on IPC.
- DSHS worked closely with the rape crisis centers in Lubbock and Amarillo to establish and/or serve on coalitions that provide opportunities for dialogue between local, state, and federal law enforcement agencies, health providers, DFPS staff, school personnel, and social service agencies and strengthen linkages and referral systems for dedicated and efficient responses to victims.
- TDLR coordinated with the Human Trafficking and Transnational/Organized Crime Section of the OAG to provide training for field staff in both the Enforcement and Field Operations Divisions.
- The Waco Police Department Crimes Against Children Unit (CACU) has formed relationships with local foster homes, anti-trafficking advocacy groups such as UnBound, and various local, state, and federal law enforcement and social service agencies to provide a coordinated effort that both seeks to prosecute offenders and protect the victims of DMST. Members of the CACU participate in the Heart of Texas Human Trafficking Coalition, attend roundtable meetings quarterly to discuss cases, and serve on the Prosecution and Protection sub-committee of the HOTHTC. Members of the CACU provide training to civilians and law enforcement which incorporates recognition and reporting of possible DMST. Since 2014, CACU cases have resulted in the first ever charge of Continuous Trafficking of Persons (resulting in a life sentence without the possibility of parole) and the first ever trial for Trafficking of Persons (resulting in 12 consecutive life sentences) in McLennan County.
- The Children's Commission and TCJ sponsored a training on the "Tricks and Tips of Human Trafficking Trials" presented by the Office of the Texas Attorney General's Human Trafficking and Transnational/Organized Crime Section at the January 2016 Family Justice Conference.
- DSHS staff in both Regions 1 and 4/5N, along with the Office of the Attorney General, hosted the *Truckers Against Trafficking Coalition Build* that brought together law enforcement, trucking associations, truck stop owners and managers, and trucking insurance companies to learn how to identify and respond to traffickers and their victims.

## Statistical Summary of Human Trafficking Activities in Texas

The Task Force does not have statewide data collection capabilities. However, Task Force members do collect data that are relevant to their agencies. Under Article 60.02, Code of Criminal Procedure, the Texas Department of Public Safety is responsible for recording data and maintaining a database for the computerized criminal history system for the state. The database contains information regarding arrests, disposition, and other criminal history information maintained by DPS. From this system, some information can be gleaned related to human trafficking and compelling prostitution. The charts below provide data on the number of arrests and convictions for compelling prostitution and human trafficking. The data are in fiscal years with the exception of 2007, which covers only January 1, 2007, (the creation of the Task Force) through August 31, 2007. It should be noted that cases from recent years, especially 2016, may be ongoing, thus producing a relatively low number of convictions compared to prior years as of the date of this report.

COMPELLING PROSTITUTION		
YEAR	ARRESTS	CONVICTIONS
2007	44	22
2008	41	9
2009	57	17
2010	54	21
2011	66	11
2012	63	23
2013	77	20
2014	126	32
2015	97	45
2016	100	27

HUMAN TRAFFICKING		
YEAR	ARRESTS	CONVICTIONS
2007	34	12
2008	22	6
2009	10	7
2010	20	5
2011	34	6
2012	74	11
2013	87	13
2014	97	27
2015	98	21
2016	50	33

## Statewide Policy Challenges and Initiatives

The Task Force and other entities have continued to identify challenges related to human trafficking. While many of these issues have been addressed, others remain. To address these many challenges, continued collaboration between federal, state, and local agencies, along with nongovernmental organizations and other interested parties is needed. Some of the challenges require legislative changes; however, many issues can be addressed through policy decisions. Below is a list of issues which should be further explored to determine if policy changes are needed, and if so, what those changes should be.

### Protection and Placement of Child Victims

Therapeutic placement options for victims of trafficking is one of the biggest challenges facing anti-trafficking efforts. Currently, Texas has no designated facility type or licensure for homes that provide shelter and services to victims of human trafficking. **Texas should consider and research the viability of creating specialized, therapeutic placement options specifically for victims of trafficking that provide both residential treatment and 24-hour watchful oversight.** Ideally, these homes would be available to children regardless of whether they are in the care of DFPS or their parents or guardians.

Payment for providing watchful oversight and treatment for child victims of trafficking is also a challenge. The amount for which DFPS will reimburse foster homes and residential treatment centers for services provided to victims currently can fluctuate daily despite the fact the services provided are constant. This makes the operation of facilities dependent on those reimbursements tenuous. Determining a constant per diem cost for services to victims would allow service providers to better assist victims by providing stability to the payment and reimbursement system. **Texas should consider whether a constant reimbursement scheme would be more beneficial to all.**

Finally, the challenge of where and how to place child victims remains. The current system often allows for the placement of victims based on which facility responds to a placement request first rather than attempting to match a victim with a facility that will best meet the particularized needs of the child. Victim placement should be determined by a number of factors, such as type of trauma experienced; proximity to resources, family, and trafficker; and the specific rehabilitative needs of the victim. The current process lacks a victim's needs-based methodology and may even prove counterproductive, and therefore, **Texas should consider developing a process for the placement of victims of human trafficking that prioritizes victim needs.**

#### Reporting Suspected Human Trafficking

Over the past several years, Task Force members, the Legislature, and many other individuals throughout the state have worked hard to bring awareness of human trafficking and encourage identification of suspected trafficking. However, there is no currently accepted statewide reporting system or a coordinated approach for training state partners in the recognition or response to suspected human trafficking.

Ideally, a statewide reporting system would meet four requirements: (1) allow mandated reporters to meet their child abuse and neglect reporting requirement under Chapter 261, Family Code, (2) immediately provide law enforcement with information to protect victims and make arrests of offenders, (3) allow law enforcement the ability to contact the system for information and intelligence, and (4) document the call and statistically account for the call as part of data collection efforts. Most often, suspected human trafficking is identified by callers providing information to the National Human Trafficking Resource Hotline, to law enforcement directly, or in cases of suspected child trafficking, to the Texas abuse hotline. Each reporting avenue provides only a piece of the overall response, but they lack coordination. To address this challenge, **Texas should consider developing a coordinated approach that (1) allows reports of suspected human trafficking to flow seamlessly to and from appropriate agencies and partners and (2) provides appropriate training to state partners.**

Currently, the National Human Trafficking Resource Center Hotline serves as a resource center and an information clearinghouse for human trafficking related instances for the entire nation. While the hotline is a helpful resource, (1) it is not based in Texas, (2) it increases the time it takes for information to get from the reporter to law enforcement, (3) it does not possess a fully developed referral network which allows law enforcement agencies to investigate all tips and mandated reports, and (4) in child cases it does not help mandated reporters fulfill their legal requirements to report child abuse and neglect. These weaknesses within the National Hotline not only create a duplication of efforts by individuals providing information, but also potentially confuse mandated reporters, many of whom may incorrectly assume they have met their reporting requirement under Chapter 261, Family Code, when they contacted the hotline.

Not every call will be placed to the National Hotline, and as such, Texas could marshal current resources to improve reporting to, and responses by, law enforcement. For example, many human trafficking tips may be reported first to DFPS as potential child abuse or neglect cases. A robust anti-human trafficking infrastructure would allow Texas to identify such cases, and appropriately refer them to the correct authorities for investigation, if needed. Additionally, DPS currently operates the iWATCH system which allows individuals to report suspicious activity. The system allows for reports by telephone, mobile app, or the iWATCH website. iWATCH may have a significant positive impact across Texas, and especially in rural areas, by placing callers and law enforcement in contact with investigators that the National Hotline would have no knowledge of or be unable to reach. iWATCH also has the added benefit of allowing those reporting suspected child abuse or neglect to meet their mandated reporting requirements. Together, the National Hotline, DFPS, and iWATCH can provide multiple avenues of reporting. While a one-stop shop would be most efficient, the reality is calls regarding suspected trafficking will come from all areas across Texas and will likely never be funneled directly into one source.

## **Legislative Recommendations**

Since 2011, the Task Force has made 58 recommendations to the Texas Legislature. Of those, 53 have become law. The 11 recommendations below represent ways to improve Texas' response to human trafficking, including but not limited to enhanced penalties for traffickers, providing prosecutors with additional tools for prosecution, improving victim protections, and addressing training needs. The recommendations are the product of the collaborative efforts and unanimous approval of Task Force members.

### **1. Recommendation: Resolve issues with conflicting prostitution statutes.**

#### **Background:**

During the 84<sup>th</sup> Texas Legislature, two bills passed which amended Penal Code §43.02. Combined, those bills produced ambiguous language regarding buyers and sellers of sex and created conflicting punishment provisions. These simultaneous changes have made prosecuting the offense problematic and do not fulfill the original intent of the two pieces of legislation. By resolving the conflicting language within the statute, prosecutors will have clear language with which to address human trafficking-related crimes.

#### **Potential Legislative Change:**

Amend Texas Penal Code §43.01 (definitions) and §43.02 (prostitution) to clarify language related to buyers and sellers and to consolidate the penalty structure of the offense.

### **2. Recommendation: Include continuous trafficking of persons in the sex offender registration.**

#### **Background:**

Under current law, those convicted of a single act of sex trafficking are required to register as sex offenders for life. However, the requirement to register as a sex offender does not exist for those convicted of continuous trafficking of persons which requires proof of two or more acts of trafficking in a 30 day period. While continuous trafficking of persons can be used to prosecute both sex and labor

trafficking, sex offender registration should apply when the facts of the case establish either the sex trafficking of children or adults. The current lack of registration for continuous trafficking allows more grievous offenders to avoid sex offender registration and therefore creates a gap in community safety.

**Potential Legislative Change:**

Amend Code of Criminal Procedure Art. 62.001 to include continuous trafficking of persons when the case facts establish sex trafficking of children or adults.

**3. Recommendation: Require human trafficking training be included in the curriculum for commercial driver's licenses.**

**Background:**

Professional drivers within the trucking industry are the eyes and ears of Texas roadways. They represent a vast and untapped resource in the fight against human trafficking. Providing first time Commercial Drivers' License (CDL) applicants an opportunity to receive Task Force approved anti-human trafficking training as part of CDL training places thousands of informed drivers across the state in locations where they can observe, obtain actionable information, and report to law enforcement to effectively prevent or engage in the early intervention and rescue of trafficking victims.

**Potential Legislative Change:**

Amend the regulatory structure for career schools and community colleges that provide training for commercial driver's licenses to require human trafficking training as part of the curriculum.

**4. Recommendation: Amend pecuniary losses for child victims under the Crime Victims Compensation Act to include specialized care.**

**Background:**

Under the Crime Victims' Compensation Act, care for a child or dependent is a pecuniary loss which may be reimbursed. Traditionally, child care has been interpreted to be daycare-type services. No additional services are covered under child care payments. However, trafficking victims often need specialized care in specialized treatment facilities that would otherwise not qualify as a child care facility under the current CVCA and would therefore not be a reimbursable expense. The Crime Victims' Compensation Program administered by the OAG, by policy, has been providing reimbursement for this expense, but modifying the CVCA would make trafficking victims eligible for reimbursement for this expense as a provision in the law.

**Potential Legislative Change:**

Amend the definition of "pecuniary loss" in Art. 56.32(a), Code of Criminal Procedure, to include specialized care for child victims.

**5. Recommendation: Provide the Office of the Attorney General authority to issue Civil Investigative Demands in Civil Racketeering based on Trafficking of Persons cases and investigations.**

**Background:**

Currently, the OAG must file suit against suspected traffickers before it can obtain the discovery necessary to build a civil case. Traditional (opposed to pre-suit) discovery allows suspected traffickers to delay providing information for extended periods of time. Providing the OAG with the authority to issue

Civil Investigative Demands, which it already has for antitrust (Tex. Bus. Commerce Code Ch. 15), deceptive trade practice (Tex. Bus. & Comm. Code Ch. 17), and civil Medicaid fraud (Tex. Hum. Res. Code Ch. 26) cases, would improve the availability and efficacy of civil suits against traffickers.

**Potential Legislative Change:**

Amend Texas Civil Practices & Remedies Code Chapter 140A to provide the OAG with the authority to issue Civil Investigative Demands in human trafficking investigations.

**6. Recommendation: Add additional state agencies to task force membership and resolve issues with conflicting sections within the task force statute.**

**Background:**

The Task Force is comprised of over 50 member-agencies, many of which are state agencies. However, several state agencies which are working to address human trafficking are not on the Task Force. Adding those agencies to the Task Force can improve collaboration and expand Texas' efforts to combat trafficking.

**Potential Legislative Change:**

Amend Government Code §402.035(c) and (d) to include the Secretary of State, Texas Department of Licensing and Regulation, Office of Court Administration, and Texas Commission on Law Enforcement as Task Force members.

**7. Recommendation: Remove the sunset provision from the Texas Human Trafficking Prevention Task Force.**

**Background:**

The Task Force is set to expire September 1, 2017. Historically, the Task Force has had to be renewed every 2 years which makes its existence beyond any particular biennium questionable. However, to help the Task Force and the state provide a more strategic approach to trafficking, the Task Force should become a permanent entity within state government. This would allow the Task Force to develop a strategic plan, minimize redundancies, and identify areas of continued improvement throughout the state's anti-trafficking efforts.

**Potential Legislative Change:**

Amend Government Code §402.035(h) to remove the sunset provision.

**8. Add preferential settings for child sex trafficking cases.**

**Background:**

Child sex trafficking cases are difficult to prosecute. Often, a victim may not identify as a victim, may refuse to testify due to security concerns, or may run back to the trafficker. Placing child sex trafficking cases on a regular court docket may delay justice to the point where a child victim is negatively impacted. Other types of crimes do have preferential settings, such as family violence, continuous sexual abuse of a child, indecency with a child, sexual performance by a child, and continuous trafficking of persons.

**Potential Legislative Change:**

Amend Government Code §23.101 to allow cases involving an offense under Texas Penal Code §20A.02(7) (child sex trafficking) be given preferential settings for hearings and trials.

**9. Recommendation: Add phrase “regardless of whether the person knows the age of the child at the time the person commits the offense” to all child sexual abuse offenses.**

**Background:**

Sexual assault offenses include a provision that protects child victims against sexual abuse regardless of whether the defendant knows the age of the child. Certain offenses like Compelling Prostitution and Trafficking of Persons make that language explicit in the code. Others like Indecency with a Child, Sexual Assault of a Child, Aggravated Sexual Assault of a Child and Continuous Sexual Abuse of a Young Child, among others, do not. However, the courts of the state of Texas have historically interpreted those provisions to mean that if a defendant engages in sexual conduct with a child then he or she is guilty of that conduct regardless of whether the defendant claims he or she did not know the age of the child. Jurors can only properly receive instructions that come from the code. All child sexual abuse offenses should include the language “regardless of whether the person knows the age of the child at the time the person commits the offense,” so that they are consistent with one another, prosecutors are able to combine offenses in single indictments as appropriate and juries can receive consistent instructions when deliberating. By adding the language to the listed child sexual abuse offenses trafficking prosecutions are free to charge all of the underlying criminal conduct in which a defendant has engaged without concerns about inconsistent jury charges or jury confusion and provide greater protection from traffickers.

**Potential Legislative Change:**

Amend Texas Penal Code §21.02, 21.11, 22.011, 22.021, 43.25, and 43.251 to include new language.

**10. Enhance penalties under Texas Penal Code §43.03 (promotion of prostitution).**

**Background:**

Currently, the punishment for promotion of prostitution is a Class A misdemeanor. In order to provide an additional deterrent to those who would engage in human trafficking through the promotion of prostitution, a statute change would bring the punishment in line with the seriousness of the crime.

**Potential Legislative Change:**

Amend Texas Penal Code §43.03 to make promotion of prostitution a state jail felony unless the prostitution enterprise uses a as a prostitute a person younger than 18 years of age, in which case the offense remains a second degree penalty.

**11. Enhance penalties under Texas Penal Code §43.04 (aggravated promotion of prostitution).**

**Background:**

Currently, the punishment for aggravated promotion of prostitution is a third degree felony. In order to provide an additional deterrent to those who would engage in human trafficking through the aggravated promotion of prostitution, a statute change would bring the punishment in line with the seriousness of the crime.

**Potential Legislative Change:**

Amend Texas Penal Code §43.04 to make aggravated promotion of prostitution a second degree felony unless the prostitution enterprise uses as a prostitute a person younger than 18 years of age, in which case the offense remains a first degree penalty.

**12. Recommendation: Clarify abuse reporting requirements in Sexually Transmitted Disease testing statutes.**

**Background:**

Chapter 261, Family Code, requires health care professionals to report instances of suspected child abuse or neglect to the Department of Family and Protective Services or law enforcement within 48 hours. However, Health and Safety Code §81.046 requires medical information related to testing for sexually transmitted diseases to stay confidential except “in cases of sexually transmitted disease involving a minor under 13 years of age,” in which cases the child’s name, age, address, and the name of the disease may be released as required by Chapter 261, Family Code. The statute currently restricts the release of information to only those cases in which an STD exists and does not include children between the ages of 13 and 18. However, since Texas Penal Code 21.11 does not allow for minors to consent to sex, the minimum age for the release of information should be increased to under 18 and the release of information should be allowed regardless of whether the STD test was positive, as the existence of a test suggests the potential for sexual abuse of a child – a reportable incident under Chapter 261, Texas Family Code.

**Potential Legislative Change:**

Amend Texas Health and Safety Code §81.046(d) and (h) to increase the minimum age in which otherwise confidential information related to diseases or health conditions may be released to appropriate agents as required by Chapter 261, Family Code, from under 13 years old to under 18 years old. Also, include language explicitly stating the requirement to keep certain medical information confidential under this Chapter does not relieve an individual’s mandated duty to report suspected child abuse or neglect under Chapter 261, Family Code.

## **Conclusion**

While traffickers continue to exploit victims, Texans continue to work collaboratively across all levels of government and in conjunction with nongovernmental organizations across the state to strengthen its response. These partnerships have produced awareness campaigns, trainings, victim recoveries, the provision of services to victims, and the arrest and conviction of offenders. Texas continues to be a national leader in the fight against human trafficking because of these efforts.

However, challenges remain in the state’s fight against trafficking, and the state must continuously adapt and address those challenges. Thankfully, state and local agencies, lawmakers, nongovernmental organizations, and individuals across the state are equally dedicated to addressing the challenges posed by human trafficking. Through Texas’ continued dedication to preventing trafficking, protecting victims, prosecuting offenders, and developing partnerships, the state will remain inhospitable to traffickers and dedicated to assisting victims.