



## Human Trafficking

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## Human Trafficking Facts

- ▶ Globally, 600,000 to 800,000 individuals are trafficked each year
- ▶ 14,500 to 17,500 people are trafficked into the United States each year
- ▶ Majority of Human Trafficking cases in the United States are runaway and throwaway youth from the United States (estimated 150,000)
  - Average age of introduction into trafficking 12-13 years old
  - 1 out of 3 runaways picked up within 48 hours of running away and lured into sex trafficking

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## Texas Numbers

- ▶ Bureau of Justice Administration Human Trafficking Task Forces have reported (TX AG Rpt 2011):
  - 554 Investigations
  - 113 Indictments
  - 260 victims under age 18
    - 214 exploited in DMST (188 Domestic & 26 International victims)
- ▶ 2 FBI Innocence Lost Task Forces in Texas reported the rescue of 109 minor victims in 2010.
- ▶ The National Human Trafficking Resource Center Hotline indicates 12% of calls came from Texas in 2009 (highest % of calls).

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## TRAFFICKING vs. SMUGGLING

### Trafficking

- ▶ Crime against a person
- ▶ Coercion used to control victim
- ▶ Subsequent exploitation (forced labor for debt)
- ▶ Can occur domestically
- ▶ Trafficked persons seen as victims

### Smuggling

- ▶ Crime against nation's sovereignty
- ▶ No coercion, contact ends after entry
- ▶ Fees paid in advance or upon arrival
- ▶ Always international in nature
- ▶ Persons making illegal entry seen as violators

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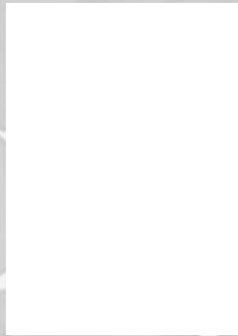
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## Who Are The Victims



"The next prostitute, exotic dancer, illegal immigrant, runaway youth, domestic servant, or migrant worker you encounter may be a victim of human trafficking."

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## Domestic Minor Sex Trafficking Victim

- ▶ 800,000 kids reported as runaway every year; 200,000 abducted by family members <sup>1</sup>
- ▶ 100,000 to 300,000 American children are victimized through the practice of child prostitution every year (commercial sexual exploitation). <sup>2</sup>
- ▶ 30% of shelter youth and 70% of street youth are victimized through commercial sexual exploitation. <sup>3</sup>
- ▶ Organizations and agencies working with domestic minors involved in prostitution estimate 70-80% of the minors they serve are runaways with a history of childhood abuse and sexual abuse. <sup>4</sup>

1 2009 Annual Report, National Center for Missing and Exploited Children.  
 2 *Prostitution Children in the United States: Identifying and Responding to America's Trafficked Youth*, Sem 1, Shared Hope International and Onanon Productions, DVD, Washington, D.C. Shared Hope International  
 3 Estes, R. & Weiner, N. "Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico." University of Pennsylvania, 2001  
 4 Heather J. Clawson, Nicole Dutch, Amy Solomon, and Lisa Goldblatt Grace, August 2009

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### Who Are The Traffickers?

- ▶ Friends and Family
- ▶ Organized criminal groups
  - Local gangs
  - Drug trafficking organizations (DTOs)
- ▶ Pimps / Madams
- ▶ Adult entertainment industry
- ▶ Massage parlor operators
- ▶ Labor subcontractors

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### Where Victims are Exploited

- ▶ Restaurants
- ▶ Nail salons
- ▶ Factories
- ▶ Private residences
- ▶ Truck Stops
- ▶ Hotels / Motels
- ▶ Construction Sites
- ▶ Cantinas/bars
- ▶ Street Vendors
- ▶ Escort services
- ▶ Sexually oriented businesses
- ▶ Sex Tourism
- ▶ Massage parlors




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### Marketing the Exploitation

- ▶ Internet \*
  - Backpage.com
  - CityXguide.com
  - Escortdater.com
  - Adultsearch.com
  - Localescortpages.com
  - HushVIP.com
  - Eccie.net
- ▶ Flyers
- ▶ Marriage bureaus
- ▶ Social network sites
- ▶ Business cards
- ▶ Personal ads

\* Internet ads and pages are continually adapting. Pressures from citizens, attorneys general, and other organizations have forced some sites to close "Adult Services" pages. Traffickers continue to seek Internet sites to cater to their ads.

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### Methods Of Control

#### Force

- ▶ Beating
- ▶ "Seasoning"
- ▶ Torture
- ▶ Sexual Assault
- ▶ Burning
- ▶ Drug Addiction
- ▶ Branding / Tattooing
- ▶ Confinement

#### Fraud

- ▶ False Promises, Marriages, Employment
- ▶ Deceitful, Enticing, Affectionate Behavior, "The Boyfriend"
- ▶ Withholding Wages
- ▶ Lying about Working Conditions
- ▶ Misrepresenting The Promise of A "Better Life"

#### Coercion

- ▶ Threats of Serious Harm or Restraint
- ▶ Intimidation / Humiliation
- ▶ Emotional Abuse
- ▶ Control of Daily Lives, Brainwashing
- ▶ Threats to Family Members
- ▶ Deportation Threats
- ▶ Confiscation of Documents

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### Where Juvenile Justice Comes Across Victims

- ▶ Juveniles Victims
- ▶ Juvenile Defendants charged with Other Crimes
- ▶ Foreign Juvenile Defendants/Victims
- ▶ Juvenile Victims needing Protective Orders

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### Juvenile Intervention

- ▶ Are they consistently truant? Why?
- ▶ Are they a first time runaway or habitual runaway?
- ▶ Is the custodian a biological parent? How are they related?
- ▶ Are they from this jurisdiction or a different jurisdiction?
- ▶ Were they the sole defendant in the crime? Did they have help?
- ▶ Are they a child arrested for prostitution?

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### Juvenile Jurisdiction

- ▶ Art. 45.057. Justice/Municipal Court Jurisdiction over Art. 4.11 or 4.14 cases involving children
  - Refer child or child's parent for services
  - Require child to attend a special program
  - Require parent to attend parenting classes or child's school/ class functions

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### Providing Protection for Child Human Trafficking Victims

- ▶ Reclassify a **child's** involvement in prostitution as conduct in need of supervision provision, not delinquent conduct (HB 2015) Sec. 51.03 Family Code
- ▶ Clarify mandatory abuse/neglect reporting requirements (SB 24) Sec. 261.001 Family Code
- ▶ Add sex trafficking offenses to the list where bail may be denied when victim is a **child** and original bond conditions are violated
  - Child victim under the age of 14 (HB 2014) Art. 17.153 Code of Criminal Procedure
- ▶ Add **child sex** trafficking-related offenses to the list of offenses requiring a child safety zone (HB 2014) Art. 42.12, Sec. 13B(b), Code of Criminal Procedure

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### Juvenile Victims Charged with Crimes

- ▶ Are they a juvenile charged as an adult?
- ▶ Are they doing this of their own free will?
- ▶ How are they going to end up paying bail?
- ▶ Who is going to bail them out?
- ▶ If an attorney is present who is paying for the attorney?

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### *Non-Citizen Juvenile Defendants*

- ▶ Admonish defendants of their rights even as non-citizens.
- ▶ Were they arrested alone? Where did the others arrested end up? What are they charged with?
- ▶ How old are they?
- ▶ How did they get to the United States?

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### *Victims and Protective Orders*

- ▶ 7A.01(a) persons who can apply:
  - 21.02, 21.11, 22.011, 22.021, 20A.02(a)(3),(4),(7),(8) no matter their relationship to the applicant and alleged offender
- ▶ 7A.02 Temporary Protective Orders
  - Is there an applicant in clear and present danger of sexual assault, stalking, or other harm
- ▶ 7B Protective Order for Victim of Trafficking of Persons
  - Not cross referenced with a Criminal Code Violation, so only civil penalties available

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### *Other Helpful Tools*

- ▶ Public Nuisance
  - employing a **child** at sexually explicit business; trafficking; sexual conduct or performance by a child; and employment harmful to a child to underlying list of offenses eligible for a public nuisance suit. (SB 24 and HB 289)  
Sec. 125.0015 Civil Practice and Remedies Code
- ▶ City Ordinances
  - Does your city have any city ordinances that may help you identify and protect victims of Human Trafficking?

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### Reorganize Human Trafficking Crimes

- ▶ Legislature reorganized Texas Penal Code Section 20A to clearly define types of criminal conduct according to the victim's age and type of abuse (SB 24)
  - ▶ Adult Victim
    - Labor or sex
  - ▶ Child Victim
    - Labor or sex
- ▶ Simplify the definition of traffic to proof standard of force, fraud or coercion
  - Similar to federal law
  - Not required for child sex trafficking victims
- ▶ New structure is a key enhancement for law enforcement and prosecutors

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### Punishments and Enhancements

- ▶ Increase penalties against a person who solicits a **child** for prostitution (HB 2014) Sec. 43.02 Penal Code
  - Third degree if child between age 14 to 18
  - Second degree if child under 14
- ▶ Enhance penalties for the **sale or purchase of a child** for human-trafficking related offenses (HB 2014) Sec. 25.08 Penal Code
  - Second degree if the intent of the actor is to engage in child human trafficking, compelling prostitution, or promotion of prostitution

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### Punishments and Enhancements

- ▶ Enhance penalties against persons who employ, authorize or induce a **child** to work in a sexually oriented business (HB 290 and HB 2014) Sec. 43.251 Penal Code
  - Second degree if child between 14 to 18
  - First degree if child under 14

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### Statute of Limitations

- ▶ Child Sex Trafficking
  - No limitation
- ▶ Adult sex and labor trafficking, Compelling Prostitution (adult)
  - 10 year limitation
- ▶ Child Labor Trafficking, Compelling Prostitution (child)
  - 10 years after the 18<sup>th</sup> birthday of the victim

(SB 24) Art. 12.01 Code of Criminal Procedure

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### Immigration Considerations

- ▶ T-Visa
  - Specifically for victims of Human Trafficking
  - Resources available to victim for health care, housing, etc.
- ▶ U-Visa
  - Victim of criminal activity
  - Not as many resources available under this Visa
- ▶ Continued Presence
  - Allows victim to stay in the U.S. during the pendency of the case

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### NGO Victim Resources

Proactive development of local/regional NGO partnerships is essential for immediate victim response needs.

Possible local/regional resource avenues:

- ▶ 211 System (statewide 24/7 phone lines)
- ▶ Local charities and/or churches
- ▶ United Way
- ▶ Salvation Army

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*National Victim Resources*

National Human Trafficking Resource Center (24 hours) will assist in connecting victims to services they may be eligible to receive. (Polaris Project sponsored by DHHS)  
**1-888-373-7888**

National Center for Missing and Exploited Children (NCMEC) Family Service Liaison  
**1-800-THE-LOST (1-800-843-5678)**

For more information on human trafficking visit the Department of Health and Human Services.  
**[www.acf.hhs.gov/trafficking](http://www.acf.hhs.gov/trafficking)**

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*Questions and Answers*

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