



Human Trafficking in Texas: A Statewide Evaluation of Existing Laws and Social Services

Noël Bridget Busch-Armendariz

Laurie Cook Heffron

Karen Kalergis

Neely Mahapatra

Monica Faulkner

Leila Voyles

Sharlene Eaton

Institute on Domestic Violence and Sexual Assault

Center for Social Work Research

School of Social Work

The University of Texas at Austin

August 2008

Human Trafficking in Texas:
A Statewide Evaluation of Existing Laws and Social Services

Noël Bridget Busch-Armendariz, PhD, MSW, MPA
Principal Investigator

Laurie Cook Heffron, LMSW
Project Manager

Karen Kalergis, MA
Associate Director

Neely Mahapatra
Monica Faulkner
Doctoral Students

Leila Voyles
Sharlene Eaton
Graduate Research Assistants

Institute on Domestic Violence and Sexual Assault
Center for Social Work Research
School of Social Work
The University of Texas at Austin

August 2008

This project was funded by a grant administered by the Office of the Attorney General and the Health and Human Services Commission. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the State of Texas.

TABLE OF CONTENTS

Acknowledgments	5
Executive Summary	7
Review of Literature	9
Methodology.....	17
Data Collection Procedures	17
Description of Sample	17
Protection of Human Subjects.....	21
Data Analysis Procedures.....	21
Challenges to and Limitations of This Study	21
Findings.....	23
Findings: Legal Analysis.....	25
Findings: Direct Service Providers	27
Findings: State Agency Policymakers.....	47
Findings: Law Enforcement Task Forces.....	53
Conclusion	79
References	81
Appendices	85
Appendix A: Legal Analysis	85
Appendix B: Survey Protocol for Direct Service Staff	109
Appendix C: Survey Protocol for State Agencies.....	115
Appendix D: Interview Protocol for Task Force Members	117
Appendix E: URM Programs and UAC/DUCS Facilities in Texas	121
Appendix F: National and State Reports on Human Trafficking	123
Description of the Institute on Domestic Violence and Sexual Assault.....	125

ACKNOWLEDGMENTS

The research team would like to express heartfelt gratitude to the following individuals and organizations for their support of this project:

- The Office of the Attorney General and the Texas Health and Human Services Commission for their financial support of this research project and their commitment to serving and improving services to victims and survivors of human trafficking.
- Agencies who provided staff to the work group formed in response to Senate Bill 11 and House Bill 1121 passed by the 80th Texas Legislature: the Office of the Attorney General Intergovernmental Relations Division, Crime Victim Services Division, and Criminal Investigations Division; Texas Health and Human Services Commission, Office of Immigrant and Refugee Affairs; Central Texas Coalition Against Human Trafficking; United States Attorney's Office, Western District Of Texas; and The University of Texas at Austin Institute on Domestic Violence and Sexual Assault.
- Members of the work group who provided data collection assistance across the state: Jennie Barr, Denise Donnelly, Susan Hatch, Bruce Koch, Pete La Fuente, Caitriona Lyons, Kate Rocke, Adam Sierra, Dave Torsiello, Lisa Voyles, Kathi West, and Kaye Woodard-Hotz.
- Members of the federally funded human trafficking task forces and victim services coalitions in Austin, Dallas, El Paso, Fort Worth, Houston, and San Antonio, and individuals who helped coordinate Task Force interviews: Jennifer Ponce and Caren Thomas.
- Graduate social work research assistants Sharlene Eaton, Jacqueline Garza, Tiffany Ross, Carolee Smith, and Leila Voyles, for their hours of research, interview transcriptions, and analyses.
- Graduate law student Julie Longoria for her analysis of current state statutes.
- Julie Liegel for the creative cover design for this report.
- Cathy Chapaty for editing services.

It is an ever-changing field and it is one of the fields of law that is not just legal but social. And that's what makes it so difficult. Look at smuggling. You're taking \$500,000 in drug proceeds south and we bust you. That is a legal crime. There is no social aspect to it. When you start talking about trafficking and the various cultures involved and what's happening to these people, it's a social issue that is being handled legally, which makes it twice as hard. You have to realize that going into this. You have to be half prosecutor, half social worker. (Federal prosecutor)

EXECUTIVE SUMMARY

The purpose of this study is to evaluate the effectiveness of existing laws and social services in meeting the needs of human trafficking victims in the state of Texas, and to address efficiencies, shortcomings, and recommended improvements in Texas laws that impact both human trafficking victims and social services provided to these victims. This project is in partial fulfillment of instructions in Senate Bill (SB) 11 and House Bill (HB) 1121, passed by the 80th Texas Legislature, that required the Office of the Attorney General (OAG) and the Health and Human Services Commission (HHSC) to jointly complete a study and report on human trafficking laws and services in Texas.

Research questions include:

1. How do existing laws and rules in the state of Texas address or fail to address the needs of human trafficking victims?
2. How do existing social services address or fail to address the needs of human trafficking victims?

Several steps were undertaken to achieve these research goals. First, a complete analysis of relevant Texas codes and statutes was conducted. Second, Web-based surveys and in-person interviews were conducted with 138 individuals representing the following three groups: 1) direct service providers (n=59), 2) state agency policymakers (n=34), and 3) regional task forces on human trafficking (n=45). Researchers gathered data using a semi-structured questionnaire that queried barriers and success factors concerning relevant laws, victims' services and Task Force operations. In compliance with The University of Texas at Austin Institutional Review Board, participation in this study was voluntary and participants could end their interviews at any time. Specific steps were taken to ensure that all the participants' identities remained anonymous. Data were analyzed using thematic and content analyses and descriptive statistics.

Data are organized into four sections, based on methodology and respondent affiliation. These sections include: 1) Legal Analysis; 2) Direct Service Providers; 3) State Agency Policymakers, and 4) Law Enforcement Task Forces. Each section describes related findings and the recommendations associated with those findings.

Findings suggest that the five geographic areas granted funding by the federal government have made great progress in the collaborative matrix of investigation and prosecution of cases and the provision of services to victims of human trafficking. Given the complexity of human trafficking cases and the relative newness of both federal and state statutes and attention to the issue, questions and challenges persist. Those working to eliminate human trafficking continue to struggle with identifying victims, providing comprehensive and culturally competent victim services, appropriately addressing the needs of domestic victims, and securing the adequate resources and support needed to effectively investigate cases. Opportunities remain for improved information sharing across the state and increased awareness among state agencies and the broader community.

From the recommendations made by participants, these were most common across all groups:

- Maintain a victim-centered approach
- Increase focus on and understanding of domestic victims, particularly underage victims of human trafficking
- Develop and improve mechanisms for collaborative efforts across disciplines (nongovernmental organizations and law enforcement) and jurisdictions (local, state, and federal) and consider a statewide organizational structure for improved services
- Increase efforts toward prevention, investigation, and prosecution

Furthermore, additional study is necessary to better understand the scope of human trafficking in Texas regarding both international and domestic victims. In addition, continued inquiry is necessary to determine the most appropriate avenues for improvement in prosecutorial tools, investigation strategies for increased victim cooperation, and enhanced victim services.

This research indicates that those working to combat human trafficking are highly committed to justice. They also face many challenges in that pursuit. By drawing on existing capacities and narrowing gaps, the State of Texas has the opportunity to lead the nation in combating and eliminating human trafficking.

REVIEW OF LITERATURE

Human trafficking, a modern-day form of slavery, has emerged in the past decade as a major issue, both in the United States and around the world. Greater attention has been placed on assessing the needs of trafficking victims, policy, and service delivery from a federal and individual state perspective. A brief review of literature on human trafficking, including federal and state efforts, follows.

Extent of problem

There is little extensive research on the numbers of individuals trafficked. Most recently, the *Trafficking in Persons Report* by the U.S. Department of State reports that 600,000 to 800,000 people are trafficked across international borders each year (2006). Of those trafficked internationally, 80 percent are female and 50 percent are children (U.S. Department of State, 2006). However, little is known about the numbers of individuals trafficked within their own countries. In the United States, the majority of foreign trafficking victims come from Southeast Asia, Latin America, and Eastern Europe (Raymond et al., 2002). These victims are trafficked into sex industries, domestic servitude, agricultural labor, and sweatshops (Richard, 1999; Konrad, 2002). The average age of a trafficking victim in the United States is 20 years old (Richard, 1999).

The lack of agreement on statistics of human trafficking is largely due to the scarcity of empirical studies of trafficking (Gozdziak and Collett, 2005). Literature on trafficking largely focuses on defining the problem of trafficking or calling for increased attention to the issue of trafficking. Researchers face methodological issues in conducting studies on trafficking victims chiefly because victims are considered a hidden population and therefore difficult to reach (Brennan, 2005; Tyldum and Brunovskis, 2005). As the discussion of trafficking progresses, a shift toward research on identifying and serving victims is necessary, as this information is absent from current literature.

Definitions of trafficking

For the purposes of prosecuting trafficking cases in the United States, the Trafficking Victims Protection Act (TVPA) of 2000 defines human trafficking as:

the recruitment, harboring, transporting, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, slavery, or forced commercial sex acts. (TVPA, Section 103(8))

The Trafficking Victims Protection Act (2000) classifies human trafficking in two categories: sexual trafficking and labor trafficking. The TVPA was reauthorized in 2003 and 2005 and is currently pending reauthorization in Congress.

Many states also have a state-level human trafficking law. In Texas, an initial law was passed in 2003 and amended in 2007.

Who are the victims of trafficking?

Victims of trafficking can be both domestic (U.S. citizens) or foreign (citizens of another country). While foreign victims of trafficking have often been brought into the United States from another country or intercepted by traffickers upon arrival, domestic victims are often women and children who are commercially sexually exploited (Boxill & Richardson, 2007, Estes & Weiner, 2001). Many are American youth who have experienced poverty, homelessness, and abuse (Boxill & Richardson, 2007, Lebloch & King, 2006).

A case of domestic trafficking in this country emphasizes the challenges for these victims. In Atlanta, Georgia, the rise of cases in juvenile court of forced youth prostitution prompted a countywide response to the needs of commercially sexually exploited youth. The children were being treated as criminals in juvenile court, though they had been coerced into prostitution and victimized themselves (Boxill & Richardson, 2007).

Smuggling vs. trafficking

Many struggle to differentiate smuggling from human trafficking. The differences between illegal immigration, smuggling, and trafficking are sometimes unclear (Albanese et al., 2004; Omelaniuk, 2005). The Human Smuggling and Trafficking Center (2005) defines smuggling as “the facilitation, transportation, attempted transportation, or illegal entry of a person(s) across an international border, in violation of one or more countries’ laws, either clandestinely or through deception, such as the use of fraudulent documents” (Human Smuggling and Trafficking Center, <http://www.state.gov/p/inl/rls/fs/90434.htm>). Smuggling is generally defined as illegal transport of an individual into a country (Albanese et al., 2004). Smuggling has similarities to trafficking in that both smuggling and trafficking direct benefits of migration away from the individual and toward illicit businesses (Omelaniuk, 2005).

Reasons humans are trafficked

The Trafficking Victims Protection Act (2000) classifies human trafficking in two broad categories: sexual trafficking and labor trafficking. Victims trafficked into sex industries are forced into activities such as prostitution and pornography. The foundation of the sex trafficking trade is based on female victims and male perpetrators, and the gender roles of victims and perpetrators merit gender-focused strategies to combat sex trafficking (Hughes, 2000; Banzon, 2005).

While sex trafficking receives a great deal of attention, trafficking for labor purposes is actually in greater demand (Feingold, 2005). Victims of trafficking for labor may be forced into domestic servitude or industrial labor. One crucial component in labor trafficking is migration. Industries, such as agriculture, fisheries, manufacturing, and construction, that demand cheap labor encourage migration of unskilled workers. In the absence of standards to protect their human rights, migrants become particularly vulnerable to exploitation (Richards, 2004).

Legal protections for victims of trafficking

The attention paid to trafficking in the 1990s led to legislation to protect victims and increase prosecution. The two landmark acts pertaining to human trafficking in this country are the Trafficking Victims Protection Act (TVPA) signed by President Clinton in 2000 and the Trafficking Victims Protection Re-authorizing Act of 2003. Both acts have set domestic and international standards for various aspects of human trafficking, including prevention, prosecution of traffickers, and, most important, protection of victims.

Victims of trafficking do not often self-identify as victims, in part, because they fear deportation. In an attempt to remedy this, the TVPA recognizes persons who are trafficked as victims of crime and entitles them to benefits, services, and protection from deportation. Persons identified as victims of severe forms of trafficking may be eligible for temporary immigration status and services equal to federal crime victims. Witnesses of human trafficking may be granted temporary immigration relief, known as continued presence, during the investigation or prosecution of a case. Another immigration remedy available to victims of human trafficking is the T visa, a three-year visa which allows victims to apply for permanent resident status at the end of the visa term. Critics of the TVPA claim that it has fallen short of breaking down the legal barriers that victims of trafficking face. Other critics attack the TVPA for failing to address the structures in the United States that create the demand for migration and trafficking (Chacon, 2006).

The Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services provides funding for programs to serve certified victims of human trafficking. Certified victims are eligible for the services and benefits of any refugee being resettled in the United States. However, individuals are eligible for these comprehensive services only after they have been certified. Human service organizations that work with pre-certified individuals may apply for funding from ORR through the U.S. Council on Catholic Bishops for both pre- and post-certified victims.

In 2003, the U.S. Department of Justice Office for Victims of Crime (OVC) made grant monies available to major cities to provide services to pre-certified victims of human trafficking. In response to the needs of victims during this pre-certification phase, the OVC created the “Services for Trafficking Victims Discretionary Grant Program—Comprehensive Services Sites,” which funds direct services, such as shelter, medical care, crisis counseling, legal assistance, and advocacy to assist victims (Caliber, 2007, p. i).

Another program within the Justice Department, the Bureau of Justice Assistance (BJA) also provided federal funding for the creation and support of law enforcement task forces in cities with OVC services grants.

The role of law enforcement

Law enforcement has a vital role in the identification and protection of human trafficking victims. In a 2006 national survey of law enforcement officers, 58% of respondents reported that trafficking was a high priority in their agencies, and the majority of participants reported Task Force participation (Clawson, Dutch & Cummings, 2006). Many law enforcement agents reported being unsure of what roles victim service providers played in trafficking cases, which suggests an increased need for collaboration between law enforcement and victim services.

While most law enforcement reported having formal protocols in place to address trafficking, many participants reported a need for specific protocols to address the needs of victims. A need for increased training for law enforcement was reported, as well as greater resources, such as such as housing, language services and financial assistance, to serve victims (Clawson, Dutch & Cummings, 2006). A national needs assessment conducted for the U.S. Department of Justice also called for increased collaboration between victim service providers and law enforcement, as well as a need for increased law enforcement training (Clawson et al., 2003).

Another national study of law enforcement agencies used a random sample of 1,661 respondents to survey participants about responses to trafficking victims (Institute on Race and Justice, 2008). The majority of participants believed that trafficking was a rare problem in their community. However, agencies serving larger populations were more likely to perceive trafficking as widespread. The study, conducted by the Northeastern University Institute on Race and Justice, also found that larger agencies were more prepared for trafficking cases, because of increased trainings and protocols in place (Institute on Race and Justice, 2008). Seven percent of all agencies sampled had investigated at least one case of human trafficking, with increased numbers in certain states, such as Florida, Arizona, and California. Cases of trafficking investigations have risen from 175 in 2000 to 750 in 2006. Sex trafficking is investigated more often than labor-related crimes, and a majority of identified victims were under the age of 25 and female. Both perpetrators and victims tended to come from the United States or Mexico. Law enforcement most often learns of trafficking cases from other investigations. Half of agencies that have investigated a case of trafficking have brought charges against offenders (Institute on Race and Justice, 2008).

The survey found challenges and areas of improvement for law enforcement's response to human trafficking. Lack of victim cooperation due to fear was the main obstacle to investigations (Institute on Race and Justice, 2008). By producing a climate in which trafficking is recognized and acknowledged, a multi-agency task force translates into increased investigations of cases, more formal charges against traffickers, and innovative programming to identify and serve victims. Law enforcement's response to human trafficking can also be improved through the use of model protocols and the implementation of a victim- and offender-focused approach. In addition, further research can inform the creation of national trafficking training curriculum and help start a dialogue among law enforcement concerning human trafficking (Institute on Race and Justice, 2008).

Victim services

Two main types of nongovernmental organizations (NGOs) assist victims of trafficking: advocacy groups that are involved indirectly with the victims and social service providers that offer direct services. Direct service providers may include legal, health, education, police department/law enforcement, immigration, refugee resettlement agencies, prostitution recovery services, sexual assault services, domestic violence services, trafficking, child-focused services, and faith-based services. Once certified, victims of human trafficking are eligible to apply for public benefits that include Medicaid, Temporary Assistance for Needy Families (TANF), and food stamps.

Service delivery

Given that the needs of human trafficking victims are often very extensive and varied, it is difficult for one single agency to be the sole provider of services to these victims. Therefore, the service needs of victims are met by a variety of agencies (Clawson et al., 2003). Often these agencies primarily serve clients with similarities to victims of trafficking, including domestic violence victims, immigrants and refugees, and victims of sexual exploitation (Clawson et al., 2003). Clawson et al., (2003) reports, for instance, that immigration and refugee agencies provide a majority of the services to the victims of trafficking. Many agencies have had to adapt their service delivery systems to serve victims of trafficking. Fewer than one-third of service providers included in the needs assessment study conducted by Clawson et al., (2003) had some sort of formal procedure or a protocol to assist the victims. Other providers relied on informal protocols of dealing with victims on a case-by-case basis, or they adapted existing protocols used with other client populations, such as domestic violence victims or refugees. This finding indicates that service providers are grappling with how to integrate services for victims of trafficking into their existing service delivery models. Children have proven to be a particularly difficult population to identify and serve, and further research is necessary to explore how best to identify and serve child victims of human trafficking (Bhaba, 2004; Bump et al., 2005).

Nationally identified needs for human trafficking services

A national needs assessment conducted for the U.S. Department of Justice with a number of service providers in legal, health, and social services found many challenges with the current response to human trafficking (Clawson et al., 2003). The study found that many services are needed for victims of human trafficking, especially housing, medical, and legal assistance and advocacy. Most providers are not able to meet all victims' needs at their agency, thus creating a great need for collaboration among organizations. Financial resources are required to assist victims, especially during the pre-certification period, when they are not eligible for federal help under TVPA. Awareness and outreach education is needed for service providers and the general public. Respondents reported that training and the development of uniform protocols would better aid the response and delivery of services to human trafficking victims (Clawson et al., 2003).

Victims of human trafficking need many resources, including mental health services. Basic mental health training for all professionals working with trafficking victims is recommended

(Busch et al., 2007). Trafficked individuals experience trauma that is different from other crime victims and have a great need for specialized services (Clawson et al., 2003). A national study of trauma services for children by the National Center for Children in Poverty found a great need for a trauma-informed perspective in state and national policy, including the use of best practice interventions and increased funding for trauma-related services (Cooper, Masi, Dababnah, Aratani & Knitzer, 2007).

State and local level needs identified for human trafficking services

Individual states have begun to assess the needs of trafficking victims, the quality of available services, and the effectiveness of legislation. An annual report card of state legislation prepared by the Center for Women Policy Studies (2007) ranks each state in terms of the comprehensive legislative approach to human trafficking, including criminalization, victim services and protections, interagency task forces, regulation of international marriage brokers, and regulation of travel-service providers. As of December 2006, 27 states have enacted some sort of anti-trafficking law, though no state has received a perfect grade for legislation (Center for Women Policy Studies, 2007).

Reviews of legislation or needs assessments of eight states - California, Connecticut, Florida, Idaho, Kentucky, Maine, Minnesota, and Ohio - were consulted in preparation for this report. The findings reveal common needs pertaining to legislation, law enforcement, and service delivery regarding human trafficking. Increased training is needed regarding human trafficking, on topics such as, basic information, legislative and legal components, and best practices in service delivery to victims (Busch et al., 2007; California Alliance to Combat Trafficking and Slavery Task Force [CACTSTF], 2007; Davis, 2006; Florida State University Center of Advancement of Human Rights [FSUCAHR], 2003; Idaho Office of the Attorney General, 2007; Logan, 2007; Maine Human Trafficking Task Force, 2006; Minnesota Office of Justice, 2007; and Pierre, 2008). Training needs include courses for law enforcement and NGOs, intervention methods for service providers, and legal advocacy for victims.

States identified the need for protocols among law enforcement and service providers to standardize procedures in identifying and serving victims (Pierre, 2008; Logan, 2007; and FSUCAHR, 2003). Many states recommended expanding the research base concerning human trafficking and creating databases to encourage greater use of best practices (FSUCAHR, 2003; Logan, 2007; and CACTSTF, 2007). The use of culturally sensitive practices and services, implemented by practitioners and workers of the same background, was suggested as a way to improve services to victims (Clawson et al., 2003; and FSUCAHR, 2003). Foreign language media is recommended as a means of reaching a diverse audience in a culturally sensitive way (FSUCAHR, 2003). Increased language services, including interpreters and materials for victims, would also improve services in the field of human trafficking intervention (FSUCAHR, 2003; Logan, 2007; Idaho Office of the Attorney General, 2007; and Minnesota Office of Justice, 2007).

A major identified need for trafficking victims is greater resources (Busch et al., 2007; FSUCAHR, 2003; Logan, 2007; CACTSTF, 2007; Minnesota Office of Justice, 2007; Pierre, 2008;

and Clawson et al., 2003). Financial assistance, in the form of grants to service providers or direct cash assistance to victims, is a major challenge to meeting the needs of this population. In addition, mental health, housing, advocacy, and legal services all help aid in the healing of trafficking victims and are vital services that need to be expanded. This unique population also needs trained law enforcement and service providers who are able to help victims using the best practices available.

Collaboration is paramount to preventing and intervening to stop modern slavery. Increased cooperation is needed among all groups involved, according to state reports (Busch et al., 2007; CACTSTF, 2007; FSUCAHR, 2003; Clawson et al., 2003; Minnesota Office of Justice, 2007; and Pierre, 2008). Most agencies alone cannot meet all the needs of a trafficking victim, so interagency collaboration is the best way to ensure holistic services from law enforcement, legal aid, basic needs, and mental health to serve this vulnerable population. For example, legal advocacy is a need identified for trafficking victims that can be met through greater collaboration (CACTSTF, 2007; and FSUCAHR, 2003). Task forces are an important way that collaboration occurs. Many states, such as Maine, California, and Connecticut, advocate for the use of permanent statewide task forces to increase collaboration (Pierre, 2008; Maine Human Trafficking Task Force, 2006; and CACTSTF, 2007).

Children's resources are an area of concern to trafficking service providers. Many trafficked children are not identified by service providers and law enforcement (Gozdziak & MacDonnell, 2007). Using policy review and case study, Gozdzia & MacDonnell (2007) found that at many points law enforcement, schools, and the child welfare system fail to identify child victims of trafficking. Florida's report identifies the need for specialized training and services for children (FSUCAHR, 2003). A common theme in state reports reviewed is the importance of education and public awareness campaigns as a means of ending the hidden nature of this crime. Information about human trafficking and services to victims must be made more available to the general public through news articles and information (Clawson et al., 2003; CACTSTF, 2007; Idaho Office of the Attorney General, 2007; FSUCAHR, 2003; Pierre, 2008; Minnesota Office of Justice, 2007; and Logan, 2007). Resources for potential victims need to appear in designated spots to aid victims and to educate the American public on where to refer victims. These outreach measures should be multilingual and be conducted at all levels of media. Awareness and outreach is also needed within professional realms to increase knowledge of laws regarding trafficking (Clawson et al., 2003; and CACTSTF, 2007). Outreach may be one of the ways to encourage greater legislative protections for trafficking victims, a goal of many state reports (Logan, 2007; Davis, 2006; Maine Human Trafficking Task Force, 2006; and CACTSTF, 2007).

Finally, recommendations from literature suggest that children should be screened regularly at points of entry and immigration-related facilities for trafficking. Children who are thought to be victims should receive an advocate and legal guardian to ensure traffickers are not able to take custody, and the identification of child victims should become a major priority (Gozdzia & MacDonnell, 2007).

Texas-specific review

Of the five areas addressed in the Center for Women Policy Studies (2007) report card, Texas failed to receive a passing grade in three: victim services and protections, interagency task forces, and regulation of travel-service providers (Center for Women Policy Studies, 2007). Texas received a “B-” for its criminal statute and an “A” for legislation regarding marriage brokers. Texas’ grade was based on laws already “on the books” and did not reflect changes made by the Texas Legislature during its 80th session.

A 2007 program evaluation of the Central Texas Coalition Against Human Trafficking (CTCAHT) and victim services provided through the OVC grant in Austin, Texas, revealed that the CTCAHT has made, and continues to make, tremendous progress in building a coalition and in providing comprehensive services to victims and survivors of human trafficking (Busch et al., 2007). The CTCAHT’s structure, communication, and use of resources are considered a model for other coalitions striving to increase awareness about human trafficking and to provide essential victim services.

A 2004 needs assessment on human trafficking in Houston revealed that in addition to training, public awareness, and outreach, greater monitoring of smuggling cases is needed to identify potential trafficking (Steinberg, 2004). In addition, this assessment found that increased collaboration and a human trafficking resource manual could aid service providers and law enforcement in assisting victims.

METHODOLOGY

This report is in partial fulfillment of mandates in Senate Bill 11 and House Bill 1121 passed by the 80th Texas Legislature. The Office of the Attorney General (OAG) and the Health and Human Services Commission (HHSC) were required to prepare and issue reports (in consultation with each other) on human trafficking laws and services in Texas.

The purpose of this report is to evaluate the effectiveness of existing laws and social services in meeting the needs of human trafficking victims in the state of Texas, and to address efficiencies, shortcomings, and recommended improvements in Texas laws that impact both human trafficking victims and witnesses and the social services provided to these victims.

Research questions include:

1. How do existing laws and rules in the state of Texas address or fail to address the needs of human trafficking victims?
2. How do existing social services address or fail to address the needs of human trafficking victims?

Several steps were undertaken to achieve these research goals. First, an analysis of relevant Texas codes and statutes was completed. The results of these analyses are summarized in the findings section. A complete review is included in Appendix A. Second, Web-based surveys and in-person interviews were conducted with professionals from the following three groups: 1) direct service providers; 2) state agency policymakers; and 3) members of federally funded task forces on human trafficking. These professionals were targeted because of their expertise and work in the area of human trafficking or their knowledge related to their agency or organization position.

Data Collection Procedures

Data were collected from participants by Web-based surveys and interviews. Web-based surveys were used with direct service providers and state agency personnel. A questionnaire with 24 closed and open-ended questions was developed for use with direct service providers (see Appendix B), and a survey comprised of 14 closed and open-ended questions was developed for state agency personnel (see Appendix C). In-person and telephone interviews were used in collecting data from Task Force members. A semi-structured questionnaire with 14 closed and open-ended questions was developed for Task Force member interviews (see Appendix D). All interviews were audiotaped and transcribed.

Description of Sample

Three groups participated in this study: 1) direct service providers; 2) state agency policymakers; and 3) members of human trafficking task forces funded by the U.S. Department of Justice Bureau of Justice Assistance (BJA). Table 1 provides data on the participants by group. Study participants were recruited using purposive and snowball methods.

Using purposive sampling, researchers selected participants based on certain criteria, such as their membership in one of the five law enforcement task forces in Texas or other work related to human trafficking.

With snowball sampling, current participants were asked if they knew anyone who might be willing to be interviewed and who met the criteria.

Table 1. Participation by Group Representation

Category	Number of Individual Participants
Direct Service Providers	59
State Agency Policymakers	34
Members of Law Enforcement Task Forces	45
Total	138

Direct Service Providers

Direct service provider participants were selected based on their status as 1) active members of the regional human trafficking coalitions federally funded by the Office for Victims of Crime or the Office of Refugee Resettlement in one of the five catchment areas served by the task forces and 2) social service agencies working in the same community as the federally funded agencies. Direct service providers were made aware of the study and were invited to participate by regional coalition leaders via written invitation and during several regular coalition meetings.

Fifty-nine (n=59) direct service providers participated in the study, representing the following types of agencies:

- City/county health and human services
- District attorneys offices
- Faith-based organizations
- Federal, state, and local law enforcement
- Local and national nongovernmental organizations
- Statewide associations of service providers
- State government

State Agency Policymakers

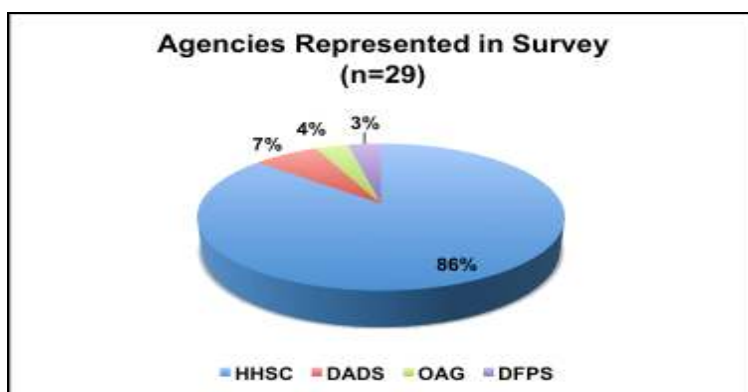
State agency policymakers were selected based on their employment with state agencies with some responsibility for making services available to victims of human trafficking. State agency personnel were made aware of the study and were invited to participate by the study's work group and by state agency leadership.

Thirty (n=30) state agency personnel participated in the survey, representing the following state agencies:

- Health and Human Services Commission (HHSC)
- Department of Aging and Disability Services (DADS)
- Department of Family and Protective Services (DFPS)
- Office of the Attorney General (OAG)

Of the 30 individuals completing the survey, 29 specified their organizational affiliation. Chart 1 illustrates agency representation of state agency participants.

Chart 1



In addition, a focus group was conducted with four (n=4) state agency personnel representing HHSC, DFPS, and the Department of State Health Services (DSHS).

Task Forces

Participants were selected based on membership and activity in one of five human trafficking law enforcement task forces in Texas funded by BJA. Members of each Task Force represent local, state, and federal governmental agencies charged with working human trafficking cases, and social service providers who participate in the collaboration.

Task Force members were made aware of the study and were invited to participate by written request and during regular Task Force meetings. In addition, leaders and coordinators of the task forces assisted the research team in identifying and recruiting potential participants.

Forty-five (n=45) Task Force members participated in this study, representing the following geographic areas funded to conduct law enforcement task forces on human trafficking: Austin, Dallas/Fort Worth, El Paso, Houston, and San Antonio. It is important to note that the jurisdictions of some of these task forces and their member agencies reach beyond these cities. Participants represent the following types of roles in relation to human trafficking cases: investigation, prosecution, victim services (victim witness coordinators, victim specialists, and victim service providers representing both governmental law enforcement agencies and NGOs),

and other related roles (program managers, Task Force coordinators, and community relations representing local and federal agencies). Agencies represented by participants include: the U.S. Attorney's Office, the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Federal Bureau of Investigation (FBI), U.S. Department of Labor, the Office of the Attorney General (OAG), district attorneys' offices, local police departments, county sheriffs' offices, and local NGOs.

Participants' involvement in regional task forces varies from a few months to four years, with some Task Force members dating their involvement prior to 2004, when federal funding first became available. Experience with actual cases and victims ranged from no cases to dozens of cases representing more than 100 victims.

Table 2. Task Force Participants by Geographic Area

Geographic Area	Number
Austin	10
Dallas/Fort Worth	6
El Paso	12
Houston	13
San Antonio	4
Total	45

Table 3. Task Force Participants by Primary Responsibility

Primary Responsibility	Number
Investigation	21
Prosecution	10
Victim Services	11
Other (not specified)	3
Total	45

Table 4. Task Force Participants by Level of Government

Level of Government	Number
Federal	22
City/County/State	23
Total	45

Table 5. Task Force Participants by Level of Government & Primary Responsibility

	City/County/State	Federal	Total
Investigation	12	9	21
Prosecution	5	5	10
Victim Services	6	5	11
Other (not specified)	1	2	3
Total	23	22	45

Protection of Human Subjects

This study was reviewed and approved by the Institutional Review Board (IRB) at The University of Texas at Austin. Written informed consent was obtained for this study from each of the Task Force members and those participating in the focus group. Web-based consent was also obtained from direct service providers and state agency personnel. Participation in this study was voluntary.

Data Analysis Procedures

Data from Task Force members were analyzed using thematic and content analyses, an iterative process in which interview transcripts were read and reread by members of the research team prior to coding. Each transcript was analyzed using line-by-line coding. Codes were grouped into themes. Themes specific to conditions and challenges to service provision in human trafficking cases were identified within and across transcripts. The research team collectively confirmed the results by reviewing them against the associated quotes from the transcripts. Data from Web-based surveys were also analyzed using thematic and content analysis and descriptive statistics.

Challenges to and Limitations of this Study

This study utilized a nonprobability convenience sample, and therefore, the findings are not necessarily generalizable to other human trafficking task forces, coalitions, or groups of trafficking victims. However, because so many of the Task Force members throughout Texas participated in this study, these findings are comprehensive to this study and accurately reflect an analysis of Texas laws and social services related to human trafficking.

Due to the number of potential participants and time and resource constraints, it was not possible to conduct in-person interviews with all direct service providers and state agency policymakers across the state. Given the smaller number of task force participants and the complexity of prosecution and investigation of human trafficking cases, face-to-face interviews were determined to be both feasible and useful methods of collecting data among task force members. The work group members worked closely with researchers to develop a comprehensive Web-based survey to gather relevant data from social service providers.

FINDINGS

Data are organized into four sections, based on methodology and respondent affiliation. These sections include:

1. Legal Analysis
2. Direct Service Providers
3. State Agency Policymakers
4. Law Enforcement Task Forces

Each section describes related findings and the recommendations associated with those findings. Please note that all findings are interrelated. Findings in one section affect and are affected by findings in other sections. All recommendations are grounded in the data and therefore were generated directly from study participants. Any recommendations made by researchers have been noted as such.

It's hard for me to believe how the biggest free country in the world can have the most slaves in the world. Everybody wants to come here. This is the land of opportunity, but some of these victims, especially when it comes to the foreign nationals, they come here and their experience with the United States is: It's horrible that they are mistreated mentally, physically abused. And everything that they worked for was to get here to the United States, and now because they've had such a horrible experience, all they want to do is go home. So they are willing to give up their freedom because of what they've been through. And I think that one of the biggest drawbacks that we have had is because they have had such a bad experience. And I tell them, whenever I interview them, this is not America, this isn't what America is all about. You fell into something that you had no idea of what you were getting into and now has left a bad taste in [your mouth], and [you] want nothing to do with America. And I think it's a bad misrepresentation of the country. And that's what got me involved in it. I want them to know what it feels like to have that freedom, and they'll never know it because now they're going back. (Local investigator)

FINDINGS: LEGAL ANALYSIS

In fulfillment of the report requirements of SB 11 and HB 1121, researchers completed an analysis of existing laws and rules concerning victims and witnesses to answer the following questions:

- 1) How does this law/rule address or fail to address the needs of victims of human trafficking?
- 2) What recommendations can be made for areas of improvement or for modifications to this law/rule?

A three-pronged approach was used for the analysis: a review of relevant state laws, federal laws, and examples of model legislation.

First, Texas laws that are victim-related and relevant to human trafficking were identified. Eleven codes most relevant for this analysis were the Alcoholic Beverage Code, Business and Commerce Code, Civil Practices and Remedies Code, Code of Criminal Procedure, Family Code, Government Code, Health and Safety Code, Human Resources Code, Labor Code, Occupations Code, and the Penal Code. Second, OAG staff members reviewed the federal human trafficking legislation to determine if elements of the federal law are present in the state law. Finally, OAG staff members reviewed model legislation and promising statutes from other states. Some of the models included the Department of Justice Model State Anti-Trafficking Criminal Statute and the Polaris Project Model Comprehensive State Legislation to Combat Trafficking in Persons. Based on this analysis, an extensive chart of existing state laws related to human trafficking is included (See Appendix A).

The main human trafficking statute in Texas is Texas Penal Code Section 20A. In 2003, during the 78th Texas Legislature, HB 2096 created Section 20A of the Texas Penal Code. Section 20A.01 established definitions for “forced labor or services” and “traffic.” Section 20A.02 outlined the offenses and penalties. This was the first human trafficking law.

The statute was amended in 2007 with HB 1121 and SB 11. The same language appeared in both bills, the only difference being the effective date. Senate Concurrent Resolution (SCR) 90 made technical corrections to SB 11. The findings of this report provide more details about law enforcement’s experience with the main trafficking law and its use in Texas.

Many other state laws can be used for human trafficking purposes. Some laws provide services or remedies for the victims, while others aid in the prosecution of those who engage in and promote human trafficking.

As indicated by the legislation requiring this report, Texas is clearly taking a step in the right direction in its efforts to fight human trafficking. The addition of new laws or modifications to existing laws will aid in this fight. Recommendations on legal remedies for human trafficking

have been discussed at length and will be made by the Office of the Attorney General. As the findings in this report show, Texas should continue to work diligently toward protection of human trafficking victims through legal remedies.

FINDINGS: DIRECT SERVICE PROVIDERS

Background on Victim Services

The system of services available for international victims of human trafficking was initiated after the original federal law, the TVPA, was passed in 2000. At that time, coordinators of state refugee services were notified by the U.S. Department of Health and Human Services Office of Refugee Resettlement (ORR) that human trafficking victims would be treated the same as refugees and, once certified by ORR, would be eligible for existing benefits that include:

- Refugee cash assistance for up to eight months
- Refugee medical assistance for up to eight months
- Refugee social services (integration, employment, education, and case management) for up to five years
- Public benefits including TANF, Medicaid, and food stamps

These services are not available to victims prior to their certification as victims of human trafficking by ORR. Certification of adult victims of trafficking may take several months.

To provide services to human trafficking victims between the time victims are identified and officially certified by the federal government, or during the pre-certification period, the federal government provides funding through two national voluntary agencies that distribute funds to appropriate community organizations. These funds do not include medical assistance, and victims who are not yet certified must rely on the overextended public healthcare system for their often significant immediate medical needs. Local health clinics funded to provide culturally and linguistically appropriate refugee medical screening are not formally funded to provide pre-certification services. The refugee health screening clinics are in a unique position to provide comprehensive services to this diverse population and also to funnel victims to other discrete clinics as needed, including those that respond to tuberculosis, sexually-transmitted diseases (STDs), and human immunodeficiency virus (HIV).

During the early years that these services were made available to human trafficking victims, ORR contacted the Texas refugee program coordinator in the Office of Immigrant and Refugee Affairs at the former Department of Human Services about each human trafficking victim identified in Texas, ensuring that appropriate services were accessible. Subsequently, communication about human trafficking victims from the federal government decreased, leaving state agencies largely uninformed about the numbers of human trafficking victims in the state. In recent months, however, communication among state and federal agencies serving refugees and human trafficking victims has improved. Still, the statistics on human trafficking shared with the state are limited to aggregate numbers and do not include geographic areas where human trafficking victims are identified and served.

As new challenges are encountered, additional gaps in services become apparent. An important challenge to the system of services lies in serving underage human trafficking victims. In

addition to making refugee services available to human trafficking victims, the ORR also coordinates two children's programs that include human trafficking victims. The ORR Unaccompanied Refugee Minor (URM) program, which has two facilities in Texas, provides shelter and comprehensive care for unaccompanied minor trafficking victims. Unlike adults, minors are not required to cooperate with the investigation or prosecution of human trafficking cases to be certified and to receive services. Certification of minors is a quick process, in comparison to adult certification, and can be completed in 24 hours. The ORR's second program, the Division of Unaccompanied Children's Services (DUCS), provides shelter, legal representation, guardian ad litem, social services, and education to unaccompanied immigrant children. Texas has the nation's largest network of DUCS facilities, which includes 18 shelters across the state (see Appendix E). While attempts are made to investigate whether children who end up in DUCS facilities are victims of human trafficking or simply in the United States without a parent or guardian, communication between the DUCS program and refugee-funded human trafficking services is disconnected. Another gap in this system exists in the processing of Mexican nationals at DUCS facilities. Based on an agreement with the Mexican consulate, children from Mexico are immediately sent back across the border, with no investigation of human trafficking.

Another significant challenge lies in identifying and serving domestic victims. For the purposes of this report, the terms domestic and international trafficking are used. Domestic victims refer to U.S. citizens, and international victims refer to noncitizen immigrants. The distinction is important, because while funding and services have traditionally focused on international trafficking victims, current national dialogue indicates that domestic trafficking, particularly of minor victims, is an extensive problem in the United States. Findings from this study support the growing awareness of domestic trafficking activity in Texas.

Findings

Fifty-nine (n=59) direct service providers participated in a Web-based survey. Representation included geographic areas: Austin, Dallas/Fort Worth, El Paso, Houston, and San Antonio. These sites parallel the location of data collection from human trafficking task forces throughout the state. Study participants were targeted because of their expert knowledge of and direct work with human trafficking victims. Data gathered from this group of respondents are organized into eight sections, based on thematic organization of findings. These sections are:

- A. Direct Service Providers Report Varied Experiences Working with Human Trafficking Victims
- B. Direct Service Providers Face Challenges in Cooperation and Retraumatization of Victims
- C. International Victims of Human Trafficking Need an Array of Services
- D. Providing Services to Domestic Victims of Human Trafficking Presents Challenges
- E. Opportunities Exist for Improved Evaluation of Direct Service Programs
- F. Collaboration Between NGOs and Law Enforcement is Critical
- G. State and Federal Laws Affect Victims and Direct Service Provision

H. Continued and Expanded Training and Outreach are Needed

A. Direct Service Providers Report Varied Experiences Working with Human Trafficking Victims

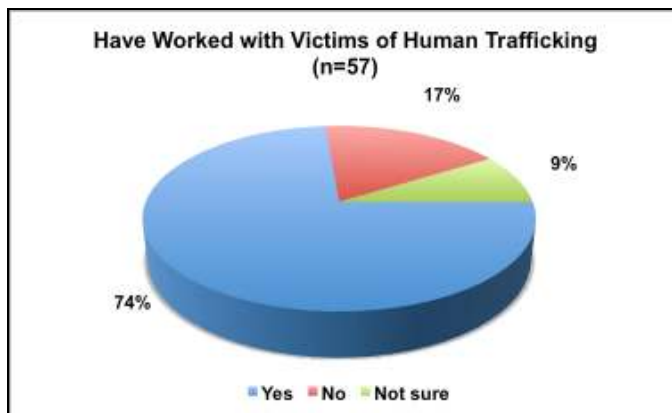
Finding: Direct service providers' experiences working with human trafficking victims relate to the following categories:

- number and type of human trafficking victims served
- age and national origin of victims
- prosecution of cases
- immigration remedies
- sources of referral to victim services
- culture and language regarding access to services

Number and type of human trafficking victims served

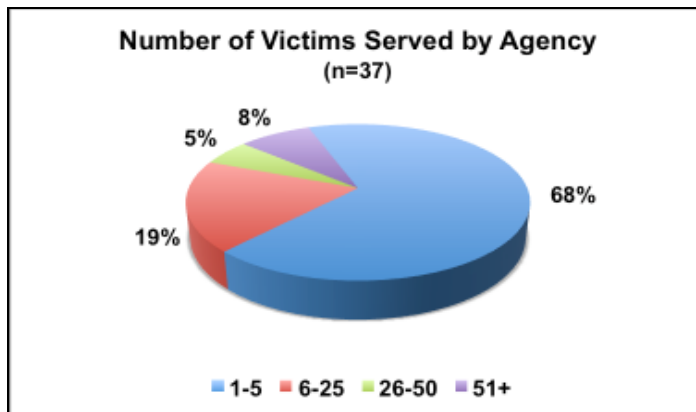
A majority (74%) of survey respondents reported having worked with victims of human trafficking. Since professionals working with victims were the target of the research, it was not a surprise that most had experience working directly with victims.

Chart 2



Of those who reported having worked with human trafficking victims, a majority responded that their agency served a range of one to more than 50 victims. Most (68%) had served fewer than five victims. Research indicates that human trafficking crimes are most likely unreported to law enforcement or social services and, therefore, this information should not be used to estimate prevalence. Victims may have been pre-certified or certified at the time of services.

Chart 3



A majority were victims of international trafficking (85%). Of these cases, sex trafficking constituted the majority of cases (59%).

Chart 4

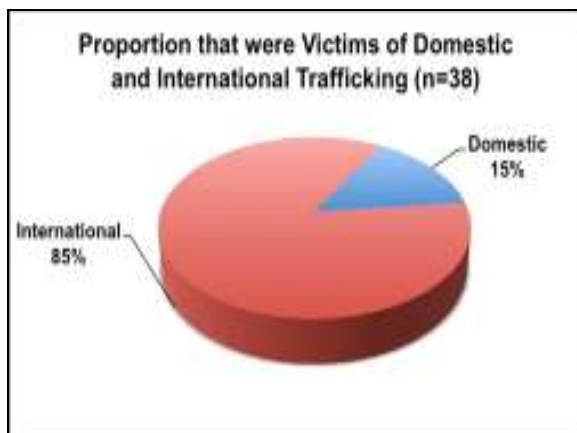
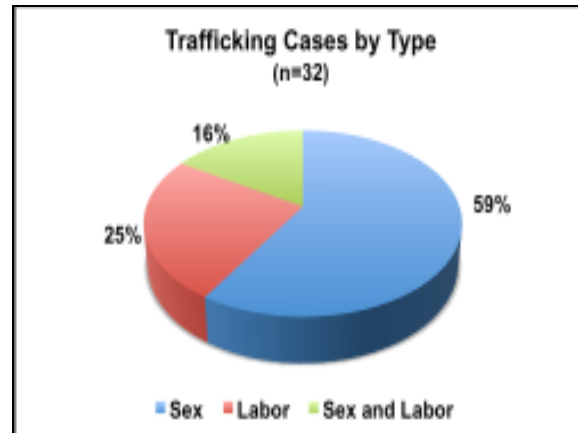


Chart 5



Age and national origin of victims

Participants reported victims' ages ranging from 3 years old to 62 years old. Twenty participants reported having worked with victims under the age of 18, and 10 reported working with victims over the age of 40.

The majority of victims were originally from Spanish-speaking countries. A majority of victims were from Central America and Mexico, fewer from Asia, and a small minority from Africa, the United States, and Europe.

B. Direct Service Providers Face Challenges in Cooperation and Retraumatization of Victims

Direct service providers commented on the challenges in victim cooperation during the investigation and prosecution of cases, risk of retraumatization, and difficulties with immigration remedies. The study demonstrated the following two findings:

- 1. A culturally competent, victim-centered approach is needed to facilitate victim cooperation with investigation and prosecution and to minimize retraumatization.**
- 2. Obtaining certification and legal immigration remedies for adult human trafficking victims is a lengthy and problematic process.**

Finding 1: A culturally competent, victim-centered approach is needed to facilitate victim cooperation with investigation and prosecution and to minimize retraumatization.

Direct service providers offered broad commentary on the need for holistic, culturally competent, victim-centered approaches in working with human trafficking victims. Multiple interviews, interview methods, and limiting victims' control and sense of empowerment during investigations place victims at great risk of retraumatization. Participants also reported concern that investigators may not be prepared for the length of time victims may need to fully tell their story, given the trauma they have experienced.

[The most difficult challenge is] finding out what is a priority for that victim. Very often that is in direct opposition to being considered a HT victim. In other words, if I am a HT victim and I am making more money and living better than I ever have lived in my life, and it may be that my goal isn't to stay here and to stay a part of [a community organization program] and live outside of what it is I have been doing to generate money and to stay here. My goal once I have been identified or caught might be to return to where I was before I was identified. The true challenge is really more what's in the hearts and minds of those that have been identified. (Federal victim specialist)

During the prosecution of cases, expectations placed on victims for reasonable cooperation may be problematic. Victims may be required to be present for court dates that are ultimately delayed and rescheduled multiple times. For those who have secured employment following rescue, missing work may put their job at risk. Victims may also be asked to remain in the state for years to remain accessible for testimony in ongoing cases. This may limit their ability to move on to safer, healthier communities.

Direct service providers reported that in 60% of cases, the government decided not to prosecute the offenders and in 20% of cases, the victim decided not to cooperate with the investigation or prosecution. In 20% of cases, decisions regarding prosecution were unknown.

Regarding reasons why a case did not go to trial, respondents cited victims' fear of retaliation, victims' fear of being deported, and the decision by law enforcement not to investigate the case.

In one case, a trafficker was found to be mentally incompetent and was not prosecuted.

Recommendation:

- Explore avenues to reduce potential retraumatization from multiple interviews by several agencies.

Finding 2: Obtaining certification and legal immigration remedies for adult human trafficking victims is a lengthy and problematic process.

Legal immigration remedies, such as certification as a victim of human trafficking, continued presence, and the T visa, are closely linked to victims' cooperation in the investigation and prosecution of human trafficking cases. Without these remedies, victims are not able to stay in the United States legally and are not eligible for financial assistance and public benefits.

Respondents reported a wide range of experience regarding their clients' receipt of both continued presence and T visas. Some respondents had no clients receiving these immigration remedies, while other respondents had all clients receiving them. Several respondents were not aware whether or not their clients had received continued presence status.

Participants reported frustration that immigration remedies are dependent on victims' cooperation with law enforcement and that "benefits are contingent on the federal government confirming that a person is a trafficking victim." Grant funding to provide services for victims is

They need to be able to have some sort of secured status from the very beginning. They should not have to wait until a case is over in order to get a law enforcement certification. If advocates could request continued presence, that might be better because they could go into a situation with some sort of status and security. (Direct service provider)

available for those certified as having cooperating with law enforcement and are working toward a T visa. However, some service providers work with victims for many months during an investigation, and law enforcement ultimately determines that the case does not meet the

elements of human trafficking. Some participants recommended that cooperation with investigation and prosecution should not be a requirement for certification or that certification should be automatically granted or mandated during the investigation phase.

Another recurring theme among participants is that law enforcement is often not willing to investigate cases or to pursue prosecution. Likewise, participants report that law enforcement is sometimes hesitant to sign certification or continued presence. As a result, victims may be deported or ineligible for services that require certification. Participants widely recommend that funding and eligibility for services be opened up at the pre-certification phase and that additional entities, such as legal advocates or social service providers, become authorized to apply for certification on behalf of victims.

When law enforcement identifies adult victims and investigates the case, lengthy delays in receiving certification, continued presence, and T visas still may exist. According to reports, victims received certification in four months on average. For others, the wait ranged from one week to one year. Receipt of T visas ranged from four months to more than four years, with an average of one year. These delays may result in victims not receiving needed services. Other challenges identified with regard to T visas include the limited number of visas available annually and the absence of federal regulations for adjustment of status after expiration of the T visa.

Recommendations:

- Consider mandating certification during investigation of human trafficking cases.
- Explore avenues to make the certification process shorter.
- Expand authority for victim certification to include legal advocates and state or local officials.
- Further address challenges of obtaining continued presence and certifications by law enforcement for human trafficking victims in a timely manner.

These additional recommendations are solely under federal jurisdiction:

- Increase the number of T visas available each year.
- Explore avenues to provide temporary protection from deportation until a person's status as a human trafficking victim can be verified.
- Develop federal regulations for the adjustment of status after expiration of the T visa.
- Consider modifying the requirement for victims to cooperate with law enforcement in order to obtain certification.
- Consider removing the requirement for certification in determining eligibility for benefits.

C. International Victims of Human Trafficking Need an Array of Services

Direct service providers agree that an array of culturally and linguistically appropriate services is critical in human trafficking cases. Not only are these services needed to facilitate victims' cooperation with an investigation or prosecution, but more importantly they are necessary for the physical and emotional well-being of those that have suffered at the hands of traffickers.

Direct service providers reported using a variety of funding sources to meet the needs of victims. Primary sources of funding are grants from the Office for Victims of Crime (OVC) within the U.S. Department of Justice for services to pre-certified victims, and the Office of Refugee Resettlement (ORR) within the U.S. Department of Health and Human Services, which provides funding through the U.S. Council on Catholic Bishops for services to post-certified victims. Services also were provided using refugee social services, refugee cash and medical assistance, the unaccompanied refugee minors program, the refugee education impact grant, and refugee discretionary grants through HHSC and ORR.

State agencies including the Office of the Attorney General Crime Victim Services Division, the Governor's Criminal Justice Division, and the Department of State Health Services also made funding available. Non-profit organizations, such as the Texas Equal Access to Justice Foundation, also provided support through its Crime Victims Civil Legal Services fund. Finally, victims are referred to services funded or provided by city governments, community nonprofit organizations, institutions of higher education, and counselors in private practice.

Finding: Challenges related to gaps in services and inadequate funding relate to the following categories:

- Language and cultural barriers
- Housing
- Medical care
- Mental health services
- Transportation
- Children of victims
- Lack of awareness of human trafficking
- Anti-immigrant sentiment
- Time constraints
- Referrals to other organizations
- Lack of empathy for victims

Language and cultural barriers

Accessibility to community services is largely influenced by language and culture. Culturally and linguistically competent agencies and staff are better able to meet the needs of their clients. Charts 6 and 7 depict the extent that respondents found language to be a barrier to the provision of services in contrast to the ability to get services for victims from outside the organization.

Regarding providing services within their own agencies, more than half of respondents answered that language was either not a barrier or was very little of a barrier. In contrast, almost twice as many respondents indicated that language was frequently a barrier to getting services for their clients from other agencies.

Chart 6

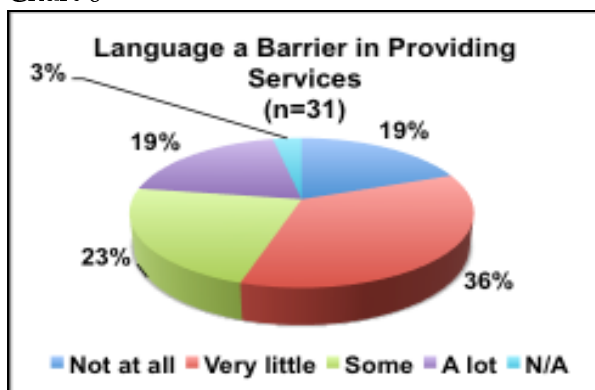


Chart 7



Spanish interpreters and Spanish-speaking service providers are widely available. However, participants described difficulty obtaining appropriate interpretation and translation services for other languages.

Survey participants indicated that cultural differences among victims were barriers in both providing services and accessing services from community agencies.

Chart 8

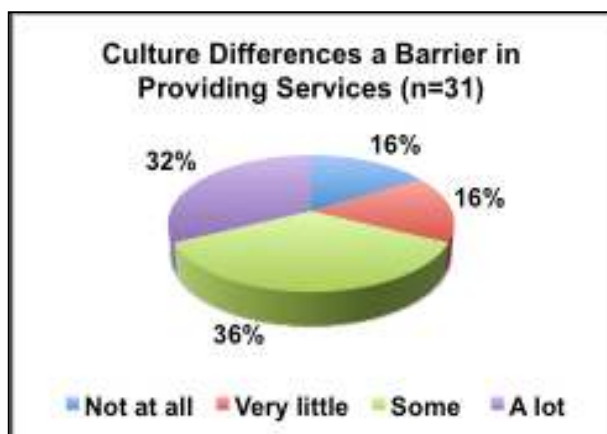
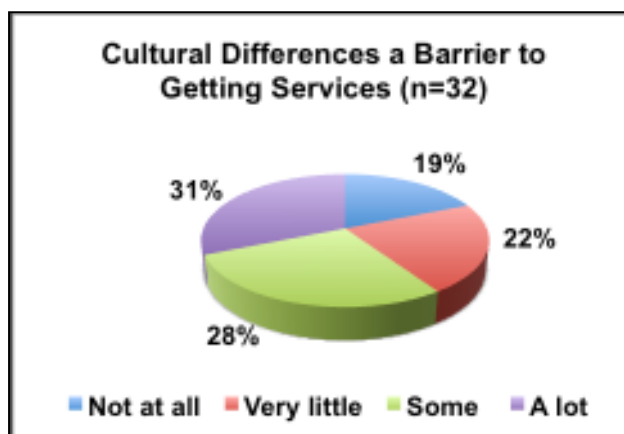


Chart 9



Housing

Safe housing was widely reported as a critical need for human trafficking victims. Affordable options for immediate and long-term shelter are limited. In particular, participants reported challenges locating housing for male victims. Many participants also described difficulties reaching potential victims and keeping track of identified victims. It may be difficult to locate victims for services and follow-up, as victims may move for safety reasons.

Medical care

Medical care for immediate needs and chronic conditions is a struggle for those providing services to international human trafficking victims. Immediate health assessments are challenging to provide if victims are rescued at night or on a weekend or holiday. Direct service providers also report challenges in securing medical attention for victims who have not been certified as human trafficking victims by law enforcement. Without the funding associated with certification, victims are left with limited options for medical care. Those working in the medical system, both in providing clinical services and in processing Medicaid applications, have limited awareness of human trafficking. Furthermore, victims whose only option for healthcare is the emergency room stretch an overextended system, incurring high bills and generally receiving services that do not meet their cultural, linguistic, and situational needs. Because emergency rooms are designed for urgent care, they also carry the potential of retraumatizing human trafficking victims.

Mental health services

Direct service providers report challenges in meeting the emotional and mental health needs of victims. Appropriate and immediate mental health care is often unavailable. Particular attention to acute trauma symptoms, fears for safety, depression, substance abuse, and the potential for revictimization is necessary to provide services to human trafficking victims. Furthermore, access to culturally and linguistically appropriate counseling and therapy and the availability of long-term mental health care are limited.

Transportation

Transportation barriers were reported by direct service providers. During the initial stages after rescue, victims have multiple appointments with a variety of service providers and may not be familiar with the surroundings or with public transportation. Furthermore, victims may be isolated from public transportation for security reasons.

Children of victims

The distance from, and the fear for, the safety of their children play a large role in victims' cooperation and emotional well-being. While avenues exist to reunite victims with their children by bringing their children to the United States, this process is difficult and slow. Once their children arrive, child care was described as a barrier to serving victims trying to become self-sufficient. One participant recommended developing in-home child care options for victims whose children are eventually brought to the United States.

Lack of awareness of human trafficking

Direct service providers reported that the lack of awareness of human trafficking and related resources available to victims is a challenge in coordinating services. Not only do service providers struggle to understand how to best serve victims, but also widespread confusion exists regarding which services victims are eligible for based on the human trafficking certification process and the victims' immigration status. Likewise, participants report limited understanding of laws for this population regarding their safety.

In addition to lack of awareness among service providers, participants reported victims' lack of awareness as a challenge in coordinating services. Victims may have little knowledge of investigative procedures, legal proceedings, and resources available to them, and thus require considerable case management services to meet their needs.

Anti-immigrant sentiment

Direct service providers reported encountering hostility toward immigrants among law enforcement personnel and in the community at large. Recent political discussion on immigration policy also may contribute to internal agency conflict and hesitation toward getting involved in what are perceived as immigration issues.

Time constraints

Many of the services needed by human trafficking victims, such as mental health care, ESL training, and employment preparation, are more effective when provided over several months. Direct service providers report frustration with the time limits on funding for services to human trafficking victims. While refugee social services are available for five years following certification, participants report the need for funding of longer-term services. (Refugee cash assistance and refugee medical assistance are available for eight months following certification.)

Referrals to other organizations

While NGOs accustomed to providing services to human trafficking victims may have developed strategies to address cultural and linguistic challenges, those organizations that victims may be referred to for further services are often unfamiliar with human trafficking or are unprepared to provide culturally competent services. Another challenge in referring victims to outside organizations lies in confidentiality and security. NGOs may need to stress the urgency of victims' needs while protecting their identities and safety.

Lack of empathy for victims

In coordinating services for victims, participants struggle with differing approaches to and perceptions of victimization. While some individuals and agencies working in human trafficking attempt to empower clients as opposed to making decisions for them, participants reported other professionals' tendency to exclude the victims' input in making important decisions. In addition, one participant reported encountering "bigoted, male stereotypes [that] victims [are] 'asking for' this victimization."

Recommendations:

- Establish a statewide interagency task force on human trafficking to assess the current capacity of state agencies and regional victim service networks.
- Create a work group to explore eligibility for victim services among domestic and international victims.
- Develop and disseminate a state handbook for victim service providers, modifying an existing flowchart developed for federal services.

- Expand training opportunities related to detecting trauma experienced by human trafficking victims, especially for forensic nurses and psychologists.
- Increase training modules for law enforcement officers on trauma and how it affects memory.

While funding is reportedly available from a variety of sources, participants report insufficient funding for specific services. Recommendations related to funding needs include:

- Fund a full range of services beyond basic needs.
- Fund services to victims who are not certified by law enforcement.
- Increase funding for long-term case management needs of post-certification victims.
- Increase funding for additional NGO staff positions.
- Increase funding for professional development training within NGOs.

This recommendation entails changes at the federal level:

- Explore the possibility of expanding HHSC-funded refugee health screening clinic services through DSHS to include all victims of human trafficking. Refugee health screening clinics offer an existing resource that is ideally situated to cover this complex community. These clinics would require separate and additional funding and resources to accommodate the influx of potential human trafficking victims, since federal refugee funding is restricted to the populations covered under the Code of Federal Regulations, Title 45, Section 401.

D. Providing Services to Domestic Victims of Human Trafficking Presents Challenges

Human trafficking affects both foreign-born individuals and U.S. citizens. Traditionally, the focus of funding and training has been on international victims. Hence, discussions of the needs of domestic victims are increasingly critical.

Finding: Awareness, funding, and service coordination do not adequately meet the needs of domestic victims of human trafficking.

Direct service providers report challenges in locating appropriate services for domestic victims of trafficking, in particular, minor domestic victims. Moreover, existing funding for services to human trafficking victims does not include domestic victims. Direct service providers are not equipped to handle the special needs of these victims in terms of shelter and expertise. Shelters are not necessarily secure facilities, leaving victims vulnerable to their traffickers. While many domestic victims are reported to have chronic runaway histories, not all domestic victims are runaways. One participant described difficulties providing services to minor victims who still live with their parents and reported that shelters require victims to be placed without parents, which separates victims from their basic family support when they need it the most. In addition, providers working with human trafficking report little involvement or commitment from Child Protective Services in working with domestic trafficking victims.

Recommendations:

- Increase social service funding mechanisms available to domestic victims.
- Consider developing a system of assistance for domestic victims to parallel the system of services currently made available to international victims through certification.
- Increase dialogue and collaboration between HHSC and DFPS to explore ways to improve services to minor domestic victims of trafficking, including providing training on human trafficking to child welfare case workers and investigators.
- Explore roles that children's advocacy centers and other existing services may play in accommodating domestic human trafficking victims.
- Explore efforts to decriminalize prostitution among domestic minor trafficking victims. (There is discussion about the viability of this recommendation and the possible alternative of affirmative defense as a more suitable option for victims and the state.)
- Explore safety nets available to domestic victims of trafficking and effective service delivery strategies.

E. Opportunities Exist for Improved Evaluation of Direct Service Programs

Evaluative efforts of those serving human trafficking victims mirror those of other social service sectors in that program evaluation represents an area of great need, focus, and possibility.

Finding: Many direct service providers do not evaluate the programs or services provided to victims of human trafficking.

Over half (64.5%) of direct service providers reported that they do not track the success of their program or clients. Almost one-third (29%) do track client success. Most agencies that track the progress of victims who have received services do so with follow-up telephone calls and in-person visits. However, respondents do not use a standard definition of “success.” Direct service providers have determined success by whether work authorization and legal immigration status were obtained, financial self-sufficiency, achievement of client-defined goals, independent living, feeling safe, emotional well-being, development of social support

There needs to be a massive effort to get [victims] trained into finding another career and not be pushed to get the first job they can find. (Direct service provider)

group, and not being revictimized by the trafficking situation. Some respondents’ criteria for success were concise (“client is still employed after 90 days”), while others were more complex and broadly defined (“improvement from point of entry, emotionally, academically, physically, and spiritually both for victim and her children”). All but one of the respondents that tracked success reported that over half the victims of human trafficking served by their agency were “successful,” and half of all those responding to this question reported that all victims were “successful.”

Finally, direct service providers highlighted the need to address the underlying problems and conditions that lead to human trafficking, in essence exploring prevention methods.

While participants did not specify recommendations with regard to improving research and program evaluation (often because it’s simply difficult to meet direct service needs), the authors of this report have identified the following recommendations:

- Explore information sharing avenues among direct service providers in Texas and across the United States to assist with development of evaluation methodologies.
- Develop a broad-based research agenda regarding victims’ longer term well-being, including the identification of methods of conducting follow-up with clients beyond the criminal justice process.
- Develop a research agenda regarding conditions that facilitate trafficking as an industry, including the demand or market for trafficked persons.

F. Collaboration Between NGOs and Law Enforcement is Critical

Human trafficking work brings together professionals from various disciplines, most notably from law enforcement and social and human services. These two groups have not traditionally worked together in a trusting, collaborative manner.

Finding: Improvements have been made in collaborative relationships between NGOs and law enforcement agencies working on human trafficking, yet improved communication is needed.

Of the participating direct service participants, 59.5% work with federal agencies that fund services for victims of human trafficking, and 35.1% do not. (The remaining 5.4% were unsure.) A majority of responses highlighted the positive aspects of collaborations between NGOs and law enforcement. Clear direction and leadership, well-defined roles and limitations of member agencies, and regular and open communication were noted as key aspects of collaborative relationships.

Participants also reported the following challenges to maintaining these relationships:

- Limited financial and human resources to devote to human trafficking
- Low priority for human trafficking within some law enforcement agencies
- Frequent turnover among NGOs and law enforcement agencies
- Differing perspectives on human trafficking, including “victims” versus “suspects”

Table 6 presents the frequency that direct service providers indicated agency and agency-type as their sources for referrals. Community organizations serving immigrant and refugee populations served as the greatest source of referrals, followed by local and federal law enforcement agencies.

Table 6. Sources of Referral (n=30)

Community organizations serving refugees/immigrants	20
Local Police	6
FBI	5
Immigration and Customs Enforcement (ICE)	4
Legal Services Program	3
Domestic Violence/Sexual Assault Agency	2
School Staff	1
CPS	1

Interestingly, some participants reported communication among agencies working with victims as a strength while others reported it as a struggle. This is clearly an aspect of the collaborative effort that has seen great progress, yet leaves room for improvement.

The variety of agencies, both NGO and law enforcement, involved with human trafficking also represent differing geographic areas. A human trafficking case may cross county lines or other jurisdictional boundaries, which may interrupt an agency's ability to provide services or otherwise collaborate effectively. Likewise, cases identified in smaller or rural counties with fewer resources dedicated to human trafficking are challenging.

Recommendations:

- Continue joint training opportunities of law enforcement and NGOs.
- Continue and increase dialogue among federally funded task forces and victim services.

G. State and Federal Laws Affect Victims and Direct Service Provision

While direct service providers are not tasked with the enforcement of human trafficking laws or prosecution of traffickers, participants offered feedback on how state and federal laws affect victims and service delivery.

- 1. Challenges related to minor victims and funding for victim services persist in the state statute.**
- 2. Legal representation, juvenile traffickers, and the need for long-term services are not adequately addressed in federal law.**

Finding 1: Challenges related to minor victims and funding for victim services persist in the state statute.

In response to questions about challenges posed by federal and state laws, direct service providers noted the state statute's failure to address funding and prosecution of cases involving minor victims.

- Victim services are a crucial part of the investigation and prosecution stages of human trafficking cases, yet no state funding currently exists specifically for human trafficking victim services.
- The state statute on human trafficking is not widely used in prosecuting trafficking cases.
- Participants expressed concern that the state statute does not separate juveniles and adults, requiring proof of force, fraud, or coercion in cases involving minor victims.

Recommendations:

- Create special programs at the state level for trafficking victims in Texas who do not qualify for federal benefits, but who are assisting state or local law enforcement.
- Increase penalties for compelling prostitution, and change the offense of compelling prostitution from a second- to first-degree felony.
- Raise the age of consent from under 17 to under 18 to align with the federal statute.
- Explore other states' (NY) policies of allowing self-petitioning for foreign-born minors.
- Broaden compelling prostitution statutes to include sexual performance and erotic dancing.
- Appoint a special state prosecutor for human trafficking.

Finding 2: Legal representation, juvenile traffickers, and the need for long-term services are not adequately addressed in federal law.

Participants provided fewer comments on challenges posed by federal law. Those issues raised by direct service providers included:

- Victims of trafficking are in need of legal representation, and no federal funding exists for this purpose.
- Cases involving juvenile traffickers are surfacing, and under federal law there is no avenue to prosecute them.
- Victims' needs persist for many months or years, and the federally funded services and benefits do not adequately meet the duration of need.

Recommendations:

- Explore opportunities to help victims of trafficking receive legal counsel.
- Increase the period of time that benefits and victim services are available. This would entail changes at the federal level.

H. Continued and Expanded Training and Outreach are Needed

Direct service provider participants have been involved in planning and attending multiple conferences and workshops on human trafficking in the past five years. Participants continue to express interest in increasing their own and others' knowledge on the topic.

Finding: Direct service providers are interested in receiving further training on human trafficking and in making training more widely available to law enforcement and others who may come into contact with victims.

All participants are at least somewhat interested in attending further training in human trafficking, with 61.1% stating they are very interested. In addition to reporting the need for further training for themselves and other direct service providers, participants highlighted the need for further training of law enforcement officers, local prosecutors, and others who may come into contact with human trafficking victims. Given the turnover among law enforcement agencies and NGOs, the need for regular training is ongoing. In addition, participants reported that a general lack of awareness among the broader community, and those not involved in human trafficking, hinders the identification of and assistance to victims.

Recommendations:

- Identify and provide educational training to those additional audiences that may encounter victims of human trafficking, including indicators of human trafficking and guidelines on how to respond. Target audiences include, for example, border patrol agents, housing inspectors, food service industry inspectors, 911 operators, Child Protective Services, and the Texas Alcohol and Beverage Commission.
- Increase training for prosecutors.
- Consider mandating training for all law enforcement officers in Texas.
- Develop training modules specific to working with minor victims of human trafficking.
- Develop core group of human trafficking specialists and create training curriculum designed to teach a complete set of skills needed to work with human trafficking victims.
- Develop resources to assist NGOs with staff development training for working with human trafficking victims.
- Develop mechanisms to improve outreach to the broader community, increasing awareness about international and domestic human trafficking.
- Consider mandatory posting of information about human trafficking in hotels, massage parlors, spas, and other industries where trafficking victims might be employed.

FINDINGS: STATE AGENCY POLICYMAKERS

Background on Roles of State Agencies

The three state agencies most involved in responding to the needs of human trafficking victims are HHSC, DSHS, and DFPS. HHSC has traditionally held the primary role, given the inclusion of human trafficking victims in refugee services already coordinated through HHSC's Office of Immigrant and Refugee Affairs (OIRA). These services include refugee social services, refugee cash assistance, refugee medical assistance, and public benefits (Medicaid, TANF, and food stamps). HHSC's focus on the issue of human trafficking began in 2000 with the passage of the original TVPA.

In addition to HHSC, DSHS has been keenly aware of the needs of human trafficking victims. The local refugee health screening clinics, overseen by DSHS, provide post-certification health screening to victims of trafficking in the five geographic areas that receive OVC and BJA funding for victim services and Task Force operations. Since these clinics offer culturally and linguistically appropriate services in a warm and welcoming environment, they are often looked to as models for pre-certification services as well. These clinics also offer expertise in symptoms and conditions experienced among immigrant populations, and streamlined coordination with other local clinics as needed, including those that respond to tuberculosis, STDs, and HIV.

With the increased focus on international and domestic minor victims of human trafficking, DFPS has a potentially increasing role to play in addressing the needs of children who have been abused or neglected. Traditionally, DFPS has not played a significant role in this area, although domestic victims are sometimes referred to DFPS. Despite commonly held beliefs to the contrary, DFPS does have the ability to respond to abuse and neglect regardless of the immigration status of a child. The degree to which DFPS is already responding to trafficking, however, is largely unknown. First, the CPS data system does not identify children as refugees or as victims of human trafficking. More important, a lack of awareness and training exists among those in positions to encounter human trafficking victims. Furthermore, while DFPS has protocols for working with children who have been sexually abused, current systems may not be able to adequately identify and serve those who have been commercially sexually exploited. Minor victims of trafficking require specialized services, and therefore, DFPS will need to consider how to best meet the specific needs of these children.

Given the complexity of human trafficking cases, the diversity of immediate and long-term needs among trafficking victims, and limited resources across the network of services, ongoing communication and collaboration among appropriate state agencies is crucial. Dialogue among HHSC, DSHS, and DFPS exists, and efforts have been made to develop standards and protocols to address human trafficking victims. However, given the perceived low numbers of identified human trafficking victims in Texas and the multiple responsibilities held by each agency, human trafficking has not received the attention, support, and resources needed for improved service coordination.

Findings

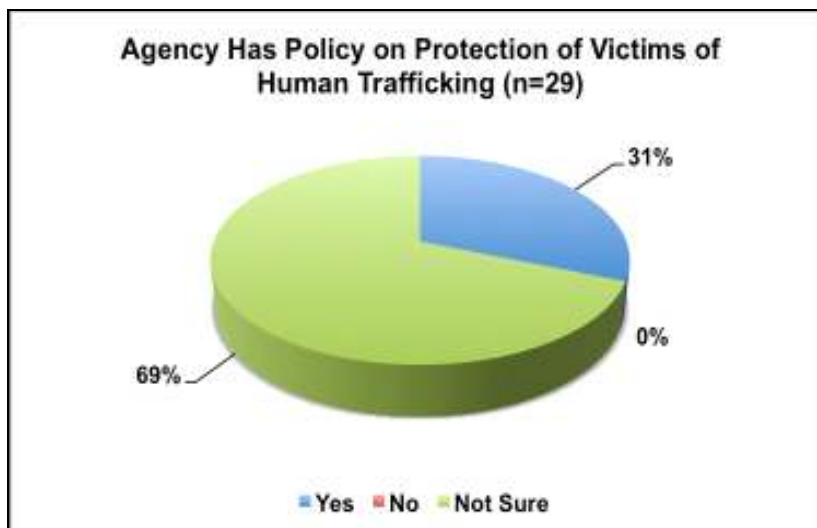
Thirty-four (n=34) state agency personnel participated in the study, providing insight and recommendations concerning policies on human trafficking, agency interaction with victims of human trafficking, and training needs.

Finding: State agencies with direct or indirect involvement with human trafficking present opportunities for increased awareness of agency policies related to human trafficking and agency roles in collaborative efforts to serve victims.

State agency policies on human trafficking

When asked whether their state agencies have a policy about human trafficking, most respondents were not sure (69%). Five out of nine who reported that the agency had a policy on trafficking provided the language for those policies, each within HHSC.

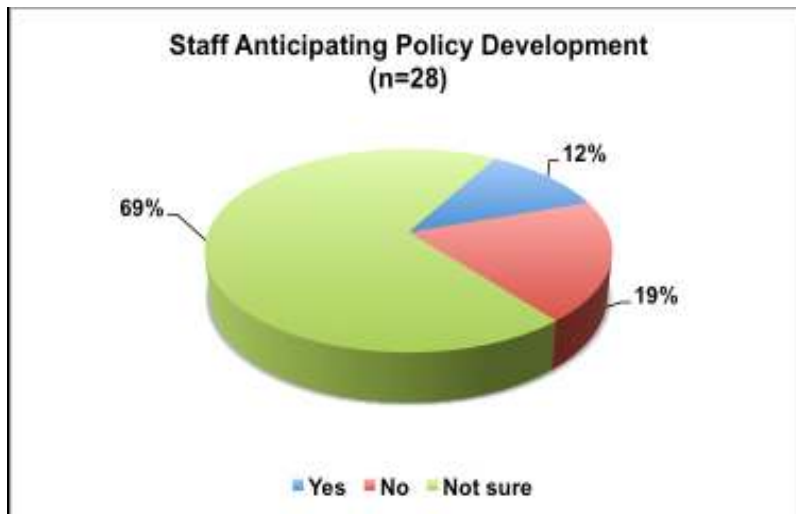
Chart 10



In response to a question about recommendations for changes in human trafficking policy, three policy practitioners responded that no changes were needed, and one recommended that the policy be better publicized.

Of those that were not sure about whether their agency had a policy, a majority also was not sure whether policy would be developed in the future.

Chart 11

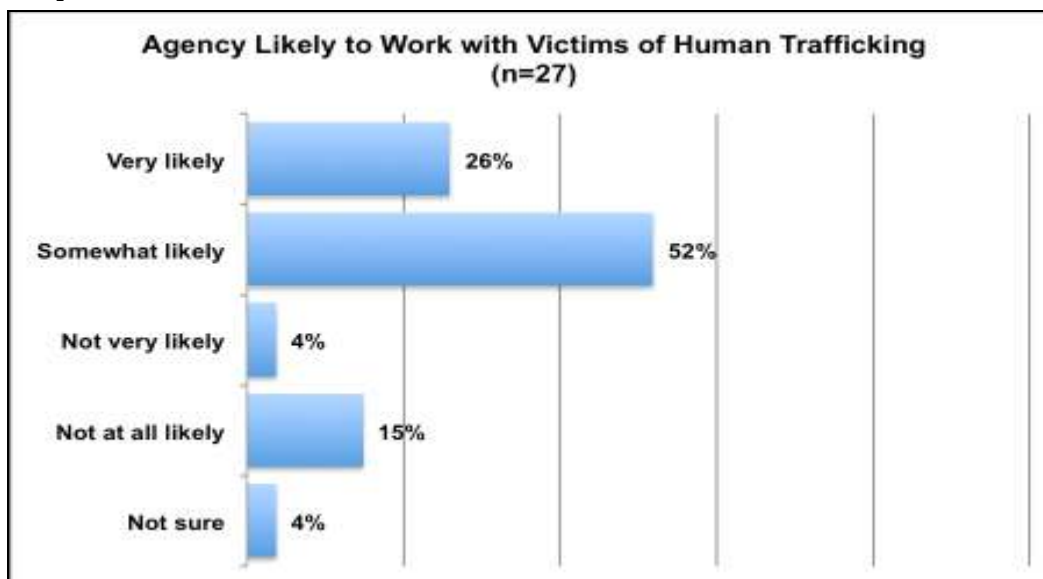


Agency interaction with victims of human trafficking

Of the respondents stating that their agencies have a policy in place, few specified the number of human trafficking victims who have been served by their agency. Others said that more than 10 victims received services. Similarly, of the respondents stating that their agencies did not have policies in place, only one said human trafficking victims have been identified by staff. Fourteen respondents did not answer either question.

While respondents were largely not sure about existing policies or future policy development, more than three-quarters indicated that it was very likely or somewhat likely that agency staff members would work with human trafficking victims.

Graph 1



Training needs

Policy participants varied in their awareness of existing training available to state agency personnel. Of those that had a policy on human trafficking (n=9), two did not know if personnel were trained on that policy. Policy participants offered several recommendations on the training needs for agency personnel. The frequency of training recommendations reported by respondents is shown in Table 7.

Table 7. State Agency Training Needs

Identification, awareness, and sensitivity	10
Benefit eligibility/available resources and services	4
Laws and policy	2
Procedure and protocol	2
None	2
Not sure	2

Respondents also cited the following agency personnel who would most likely come into contact with victims of human trafficking: eligibility staff, refugee program staff, caseworkers, call center and hotline staff, Texas Works advisors, and protective and regulatory services staff. The table below pertains to the frequency with which respondents listed the respective personnel.

Table 8. State Agency Staff Likely to Interact with Victims

Eligibility	10
Refugee program	8
Caseworkers	6
Call center and hotline	4
Texas Works advisors	3
Protective and regulatory services	3

Recommendations:

Given the small number of surveys completed by state agency personnel and the limited degree of awareness indicated by survey responses, further inquiry is needed. In particular, the following recommendations may be considered:

- Explore appropriate roles that state health and human services agencies can play in the delivery of services to victims of human trafficking, including protocols for the various potential scenarios (adult or child victim, unaccompanied or accompanied, international or domestic).
- Explore mechanisms needed to begin addressing the social and medical needs of domestic victims, including documentation of services and protocols already in place and gaps in services.
- Increase awareness among targeted state agency staff regarding policy affecting victims of human trafficking and available services, particularly, CPS investigative and hotline staff and the network of Medicaid managed care providers.
- Explore needs and services available to children who have been commercially sexually exploited.
- Explore the use of existing models of medical care - such as refugee health screening clinics or Medicaid's Early and Periodic Screening, Diagnosis, and Treatment for use with human trafficking victims.

FINDINGS: LAW ENFORCEMENT TASK FORCES

Forty-five (n=45) Task Force members participated in this portion of the study. Geographic areas funded by BJA to conduct law enforcement task forces on human trafficking were Austin, Dallas/Fort Worth, El Paso, Houston, and San Antonio. Data gathered from this group of respondents are organized into five sections, based on thematic organization of findings. These sections include:

- A. Federal and State Statutes Provide Options and Challenges
- B. Dynamics of Human Trafficking and the Law Impact Social Services Delivery
- C. Law Enforcement Needs More Tools to Investigate Human Trafficking
- D. Laws and Social Services Do Not Adequately Meet the Needs of Domestic Victims of Human Trafficking
- E. Organizational and Operational Factors Vary by Region
- F. Education and Training are Needed to Take Full Advantage of Human Trafficking Laws and Services

A. Federal and State Statutes Provide Options and Challenges

Prosecuting human trafficking cases at the federal or state level is an extremely complex and dynamic process. The statutes applicable in prosecuting the multiple crimes committed by human traffickers are numerous, and yet awareness of the issue and how to approach it remains new and limited. Findings related to human trafficking laws pertain to Task Force members' experience with both the federal and state statutes.

Human trafficking never stands alone. You always have prostitution, illegal documents. We made a couple of cases off of that. And then, imprisonment or unlawful restraint, things like that. Those are easier to prove than human trafficking. (Local investigator)

1. Crimes involving human trafficking are being prosecuted under a variety of statutes.
2. Decisions about whether to go forward with a prosecution, including which statutes to use, are complex.
3. The federal statute is most often used in prosecuting human trafficking offenses.
4. The state statute is not yet widely used due to gaps in knowledge about its existence and elements.

Finding 1: Crimes involving human trafficking are being prosecuted under a variety of statutes.

While respondents reported few instances of prosecutions under the state and federal human trafficking statutes, there was general agreement that those involved in human trafficking crimes are often ultimately prosecuted under other federal or state statutes, such as hostage-taking or the Mann Act.

Furthermore, the number of trafficking victims reported to be served by Task Force members is only a small portion of those affected by the crime. Not only is there the sense that a large number of crimes go unidentified, but also - even among those operations uncovered by law enforcement - only a portion of the victims involved are ultimately identified. Even fewer victims participate in the investigation and prosecution and go on to receive victim services.

With regard to the resolution of trafficking cases, interviews revealed a recurring theme of the case not going to trial. Instead, defendants plead guilty. This is considered preferable for and less arduous on victim witnesses, while still incurring strong penalties for traffickers.

Finding 2: Decisions about whether to go forward with a prosecution, including which statutes to use, are complex.

Data show general consensus that the decisions about which statute to use - state or federal, human trafficking vs. forced prostitution or hostage-taking - are based on the strength of the

Sometimes I feel like we have to give the case on a silver platter, whether it be to the U.S. Attorney's Office or to the state, whichever way we decide to prosecute. But our burden of proof may be different than the U.S. Attorney's requested burden of proof. It is our job to present the elements, and sometimes we feel like we do that and that's not enough and we need to go back and get more. By that time, the case is gone, the victim is gone, or the suspect is gone. They are tough cases to work, because the victims are not cooperative, for the most part, at first. So, again, if you don't take the time to do the case right, it is almost not worth doing. You're doing a disservice to the case. (Local investigator)

evidence available, including the victim witnesses. Some respondents described the need to strike a balance, with an overarching factor being which charge will incur the greatest penalty for the defendants. Nonetheless, there is considerable discussion, confusion, and tension about what is and what is not an appropriate case for

prosecution using human trafficking statutes. One respondent described the thresholds that define a human trafficking victim to be highest at the federal level, less so at the local level, and lowest among nongovernmental organizations.

The relatively small number of cases prosecuted as human trafficking affects the morale and motivation of investigators, particularly those at the local level, who report finding it difficult to sustain enthusiasm and

commitment to these cases, given the perceived frequency of cases being declined by prosecutors. For some local law enforcement investigators, preparing cases for federal prosecution is a new, and

A lot of the federal agencies still don't really grasp the concept between smuggling and trafficking. And here [in our border city], because we see so much smuggling, they just write it off as smuggling. We're finding that law enforcement is so busy trying to keep a handle on what they call alien smuggling, what I prefer to call undocumented immigrants, that they're not looking for the trafficking. (State victim services professional)

sometimes frustrating, territory.

Furthermore, inconsistencies in distinguishing between smuggling and human trafficking persist. The lens used to assess for trafficking may be further clouded in areas experiencing

At the point that they make contact with a potential victim, they may just be a smuggling case. They're in transit; usually they're in transit to another location. Being so close to the border, wages being so low in this area, and because there is not necessarily a shortage in labor, this may not be their final destination. They may be on their way somewhere else. (Federal investigator)

large-scale smuggling. For example, a border city may generally be seen as a transit city, as opposed to a destination city, and some respondents reported no human trafficking in the area, only smuggling. This belief leads to difficulty identifying these crimes and less interest in

proactively investigating and prosecuting the cases. Other participants view this perspective as a denial that human trafficking exists in border cities and an injustice to victims that need assistance.

Interviews also revealed differences in viewing U.S. citizens as potential victims of trafficking. There is a widespread sense that both the state and federal statutes, in addition to available victim services, are geared toward international victims.

Recommendations:

- Increase opportunities for open discussion and collaboration between local and federal prosecutors.
- Explore the possibility of dual appointments - for example, district attorneys deputized as special assistant U.S. Attorneys.

Finding 3: The federal statute is most often used in prosecuting human trafficking offenses.

Participants widely agree that the federal statute is sufficient for the purposes of federal prosecution. Furthermore, federal prosecutors have more experience prosecuting cases, given that the federal law has existed longer. Also, more resources exist for federal investigations, more federal penal statutes can be used, and additional entities, such as the Department of Labor, Internal Revenue Service, and Social Security Administration can be engaged. Some human trafficking rings are nationally networked so federal prosecution is more appropriate.

Nonetheless, participants cited a few remaining challenges at the federal level. For example, investigators are beginning to see juvenile offenders in domestic sex trafficking cases. However, federal prosecution of juveniles is problematic given the lack of federal prisons to house juveniles, and one participant reported that the federal law does not fully recognize victims that are U.S. citizens, since funding for victim services is focused on international victims.

Additionally, some investigators have been told by federal prosecutors that they need more than one victim in order to make a federal case, which clearly hinders the prosecution of domestic servitude and other crimes involving single victims. However, single victim cases have been pursued at the federal level.

Finally, participants noted the unique challenges and strengths of each region in addressing human trafficking. Top-down standardization instituted by the federal government limits creativity and flexibility.

Recommendations:

- Explore and improve tools for the prosecution of juvenile traffickers.
- Clarify feasibility of federal prosecution of cases involving single victims.
- Maintain regional flexibility and creativity in addressing human trafficking by requiring limited standardization across the country.
- Increase penalties of smuggling and illegal entry.

Finding 4: The state statute is not yet widely used due to gaps in knowledge about its existence and elements.

Participants report that given the newness of the state statute, there is limited case law and experience in making state cases of human trafficking. Participants who have filed cases using the original and amended state human trafficking law are still waiting for some cases to go to trial. Thus, it is still untested in many areas of the state, and due to a longer history of experience using the federal statute and the federal resources dedicated to its use, federal prosecution remains the default in human trafficking cases. Some participants expressed frustration that the best cases are prosecuted federally, allowing the state statute limited chance for use.

When we do proceed in one of these cases, and at some point in time I'm sure we will, it needs to be a good case. The truth be known, the good cases are going to be handled federally. And so what the feds don't want, we'll look at and go from there. (Local prosecutor)

A significant challenge evident across the state is that there is limited awareness and use of the state statute. A majority of participants stated that they have not had enough experience with the state law or have too little knowledge about it to offer comment. The few who did offer comment had opposing responses, with some reporting that the amended law's broader definition makes prosecution easier to others saying the amended law renders it inadequate. An example of this dichotomy is the transportation element of the state statute: some said it is problematic, while others reported that the problem was corrected when the statute was amended in 2007.

Another area of concern involves judges' ability to make a finding of human trafficking, regardless of which statute is used to prosecute a defendant, and how subsequent services will be provided. Participants also noted that there is currently no mechanism with which to track these findings.

The way that the new version of the state law has been written, it actually makes it harder to do state cases. Before you really just had to worry about transportation, for the purposes of commercial sex or for labor, and transportation isn't the be-all of human trafficking, and we all know that, but adding in force, fraud, and coercion actually made it much harder for investigations to prove that human trafficking actually existed in that scenario.
(Local law enforcement program coordinator)

Another challenge that hinders the use of the state statute involves the element of force or coercion.

Participants agree that the requirement to prove force or coercion makes it more difficult to prosecute cases of human trafficking. Under the pre-2007 law, it was easier to show a trafficker had transported or harbored victims with the intent of employing them in sex trade.

Additionally, several participants reported that the state penalties were not sufficient, giving repeat offenders too quick a return to trafficking conduct.

A couple of strengths of the state statute were highlighted by participants.

First, local law enforcement is generally more accustomed to working with local district attorneys. Communication and collaboration between the two may be more open and consistent.

In addition, prosecution is generally quicker, providing resolution and closure for victims more quickly.

The coercion may be subtle and to draw that to the attention of the jury is sometimes difficult. In the past few years that I have tried cases related to this, we have had jurors on more than one occasion tell us that they believed absolutely nothing that the girl said, the victim, the child victim. And to overcome this, we had to show the collaboration of either hotel receipts or witnesses. So, when we can focus our efforts, and get our police officers to focus their efforts on corroborating the story, [it's] much easier to show that they were telling the truth about being trafficked in a hotel, or harbored in a hotel, because we can get the receipts. We can show that they've been transported because they were stopped in a car. But most of the time, when we talk about force or threats, the overt acts are things that happen between the trafficker and the victim. There may have been no one else present, no one we can find. (Local prosecutor)

Recommendations:

- Increase awareness and understanding of state law through increased outreach and training to state judges, local and federal prosecutors, and law enforcement officers at all levels of government.
- Expand the state statute to allow for prosecution of transporting a child for the purposes of sex trade.
- Remove the state law requirement to show force or coercion.
- Remove the state law requirement to show coercion of juvenile victims, mirroring the federal law as closely as possible.
- Explore barriers to prosecution of human trafficking cases under the state statute.
- Explore methods to accelerate the process of asset forfeiture by the state in an effort to more closely mirror the federal system.
- Clarify judges' roles in making findings of human trafficking and how to report those findings. This may involve the development and maintenance of a database of such findings, and a subsequent mandate to report to that database.
- Clarify the provision and funding of victim services for those involved in cases with a finding of human trafficking. Address the potential gap in services for those not certified as human trafficking victims.
- Seek input in developing legislation and amending state laws through consultation with a panel of selected local prosecutors.
- Increase penalties for human trafficking and the offense of compelling prostitution of a child.

We almost have to ask for some fairly broad legislation that gives us some flexibility because our adversary is continually adapting: reading the law, and modifying his offense and participation in the offense to attempt to either help this victim escape us or to avoid prosecution. So we are confounded by that at times. (Local prosecutor)

Honestly, being a local officer, we're more used to state laws, and we're more comfortable with filing state paperwork. Whereas going federally, we pretty much have to have a federal partner walk us through everything, because we can't write federal papers. We can't write federal search warrants. We can't write federal subpoenas for the records or anything like that, so we always have to use a federal partner. So it's a little bit harder to operate that way. (Local investigator)

B. Dynamics of Human Trafficking and the Law Impact Social Services Delivery

The social service needs of human trafficking victims are numerous and multifaceted. The processes by which human trafficking crimes are investigated and prosecuted add complexity to the delivery of services. Great improvement has been made in the development and delivery of appropriate services, yet gaps remain.

- 1. The process of securing immigration relief for victims is hampered by bureaucracy and long delays.**
- 2. Providing victim services and securing the cooperation of a victim in the investigation and prosecution of a human trafficking case are complicated by victims' multilayered fears and motivating factors.**
- 3. The lack of secure shelter options negatively affects the safety of victims and their availability to investigators and prosecutors.**
- 4. Prosecutors, investigators, and victim service providers face significant cultural and linguistic challenges in serving and working with victims of human trafficking.**
- 5. Human trafficking victims have a variety of financial, health, emotional, and social needs. Great improvement has been made in developing appropriate services to victim groups, yet gaps remain.**

Finding 1: The process of securing immigration relief for victims is hampered by bureaucracy and long delays.

The ability of investigators to access international victims often depends on immigration remedies. However, the processes of applying for and being granted continued presence, Employment Authorization Documents, and T visas entail long delays. One participant stated that victims are caught in limbo because of the political debate over immigration and resulting bottleneck in processing applications for immigration relief. This delay in receiving documentation and immigration relief hinders victims' ability to legally work and their motivation to continue cooperating with the investigation. It may even drive victims back to traffickers or create vulnerability to being trafficked again. Concern also exists that approved T visas are not shifting to Legal Permanent Residency after three years as intended. Finally, confusion exists about whether local and state law enforcement officers have the authority to certify human trafficking victims. Participants made a general recommendation concerning the long and tedious process of seeking immigration remedies for victims.

Recommendation:

- Investigate ways to streamline immigration remedies.

Finding 2: Providing victim services and securing the cooperation of a victim in the investigation and prosecution of a human trafficking case are complicated by victims' multilayered fears and motivating factors.

Traffickers use severe tactics to intimidate both international and domestic victims, including actual sexual and physical assault, threats of sexual and physical assault, and threats of retaliation to family members. Consequently, fear of the trafficker greatly impacts victims' willingness to come forward initially or to participate in the investigation of this crime.

My experience was merely that really they were here to be productive. If you [take] somebody that came here to be productive, and you stick them in some apartment, or some halfway house for several months at a time - if you're building a case for prosecution, you're going to lose a witness, because they're not going to want to sit around and be nonproductive for that period of time, even if they volunteered their time in exchange for the assistance they were getting. (Federal investigator)

A related challenge lies in cultural differences for international victims. Fear of law enforcement and governmental authorities is common among victims and may be fueled by actual experiences in their country of origin. Fear of immigration consequences is reinforced by traffickers who tell victims that they may be detained, deported, and/or tortured by law enforcement.

For international and domestic victims, the defendant's right to confront and cross-examine the witness may be an unfamiliar and frightening concept for victims fearful of the trafficker.

You get out of a bad situation, but your primary goal isn't to necessarily hang around and help out a prosecution, especially if there is even a hint of a threat or a danger. So you go wherever you were headed or hoping to go, or you disappear into the underground economy. Some stay, and stay available to us, because we put them in programs and they get services and are accessible to us and available to us. (Federal prosecutor)

A victim's readiness to cooperate in an investigation is also complicated by other factors. A victim often has higher motivation to return to work - even the trafficking situation - in order to continue earning money. Many victims have children and other family members to support. From the perspective of a victim, cooperation may mean putting their life on hold for

an indefinite period of time in order to assist in the prosecution of their trafficker, and this is not necessarily their goal. Embarrassment and shame about the work they were required to do can also hamper victims' motivation to cooperate.

You are dealing with countries where corruption is rampant, and the government is the bad guy. I had to break through that barrier personally, as the prosecutor, that the government really is here to help you. In one case, it took taking a 16-year-old girl shopping for her *quinceñera* and becoming a person to them, as opposed to a representative of the government. (Federal prosecutor)

Finally, the extent to which victims identify and align themselves with the trafficker may need consideration. Participants described this attachment, sometimes referred to as the Stockholm syndrome, as a great barrier to cooperation with the investigation and to receiving victim services. This scenario seems to be more common among domestic victims of sex

trafficking, and in particular, with minor victims. It is counterintuitive that victims would bond with their offenders, but for very complex reasons, it is not unlikely. However, this does not imply that victims enjoy the abuse or control of their traffickers. Seduction, coercion, and romance are often ways that traffickers control their victims.

All of these factors challenge the ability for investigators and service providers to build rapport with victims and create an environment of trust. Some recommendations to alleviate these fears include those related to specialized interviewing techniques, as traditional interviewing techniques may not be effective in securing cooperation of victim witnesses.

Recommendations:

- Use a victim-centered approach and view the victim as a whole person with complex strengths, motivations, and needs.
- Use empathy and minimize intimidation.
- Be prepared for multiple interviews before getting a victim's full and accurate story. Consider using different law enforcement investigators, and possibly an NGO partner or religious leader.
- Assess each case individually and remain as flexible as possible in who conducts the interview. Some victims prefer to talk to someone of the same gender, while others prefer the opposite gender. Some may feel more comfortable talking to someone different from their trafficker's gender or cultural origin.
- Explore the possibility of closed-circuit testimony so that a victim does not have to face the perpetrator in court.
- Explore possibilities for anonymous reports by victims not ready to talk directly to law enforcement.

The officers need to be trained more as social workers, if you will, on how to deal with these individuals. They're not going to tell you the truth the first time you interview them. They're going to lie, because they're afraid. They don't have any place to go. So we need to get the officers more sensitized to that and what questions to ask, so that they can identify these victims as trafficking victims. (Federal prosecutor)

- Determine early in an investigation if the victim has children, as this affects their fear of retaliation and motivation in cooperating.
- Provide phone cards to victims so they can contact family members and be reassured of their safety.

Regarding children, participants described challenges in gaining access to minor victims for interviews. One participant reported that a court order is needed to interview a child in custody, and this may cause a lengthy delay and affect a victim's motivation to talk.

Recommendations:

- Use children's advocacy centers (CAC) to interview minor victims after providing training on human trafficking and special needs of these victims.
- Explore authority to interview children who are victims of human trafficking and avenues to limit delays when possible.

Finding 3: The lack of secure shelter options negatively affects the safety of victims and their availability to investigators and prosecutors.

Victims of trafficking need safe, secure shelter options, beginning after the initial report to law enforcement and continuing through the investigative and post-prosecution phase.

I'm not just looking at the legal aspect, but at the person as a whole. That person has to be mentally capable, physically feel safe, feel that he or she is going to have something after this, and I mean not just the benefit, peace of mind. So that's what I look at, the whole person, the whole. If we see this one needs extra glasses, then we go ahead [and get new glasses] so that person can be whole for the prosecution. (Local victim services professional)

While victims need to feel and be safe, investigators need cooperating victims to remain available for the investigation and prosecution of the case. Participants noted particular difficulties providing appropriate shelter during the initial period of time following a raid, in which victim and offender status is often still being determined. When victims are placed

in immigration detention facilities during this time, the conditions may not be suitable to the well-being of victims or to their willingness to cooperate in the investigation.

Furthermore, it is sometimes difficult to get children released from detention once their status as victims is confirmed. Participants report that at times, individuals are deported from detention facilities before investigators are able to determine who is a victim and who is not.

If shelter is not provided, investigators and prosecutors also report difficulty in maintaining contact with victims during prolonged cases, as they may move repeatedly. Participants also report a widespread lack of safe, secure shelters for minors, especially minor domestic victims. Regarding foreign-born children, participants report that the Unaccompanied Refugee Minor

(URM) program is not particularly set up for the special needs of trafficking victims. Victims may be included in traditional foster care and school-based programs. Children may also be at risk of revictimization, since they are moved from the only place and people they knew in the United States, to another city or state where there is a URM program.

Recommendations:

- Explore options for interim housing during the initial period of identifying victims in a case.
- Explore ways to keep track of victims.
- Create a safe house in Texas where investigators and prosecutors can have access to victims.
- Create a state equivalent to the federal ability to temporarily detain an undocumented immigrant, take their deposition, and then release them if they are not going to receive services as victims.
- Explore secure shelter options for domestic minors, including the ability to detain a child with a history of running away from foster care or children's shelters.
- Explore the effectiveness and ineffectiveness of the juvenile detention strategy. This involves charging children with prostitution in order to detain them in juvenile detention, with no intention of prosecution, but rather to maintain the safety and accessibility of the victim and to provide much-needed therapeutic services.
- Consider the development of specialized facilities and programs to address the unique history of victimization and needs of these victims.
- Assess and address the specific needs of minor victims, including independent living and employment skills.

Domestic violence shelters are O.K., but they're not secure, most of them. And runaway shelters are OK, same problem, they're not secure. Anybody can come and go. So if your victim bolts and goes back on the street because they are scared of law enforcement or scared the trafficker is going to find them, or whatever their fear is, then how do you do that? That's a big question that's been left unanswered, and I don't think there is a really good answer to it. And I think that needs to be strategized on a federal and a state level. A secure facility is not to keep people locked in and enslaved or whatever; it is to keep the bad people out while not infringing upon the victim's right to freedom at the same time. I think that's a big ethical concern. I think it's a huge question that needs to be answered. (Local law enforcement program coordinator)

First thing I asked her - and it was in Spanish - I asked her if she was hungry, and she said, 'yes' and there was a McDonald's just half a block away. So I went down and bought her McDonald's and I thought, everybody in the world knows what McDonald's is. And she had never heard of it. She opened it up, she looked at it, smelled it, and she was kind of like, 'nah, never mind. And she didn't want the McDonald's. She thought it was too salty and stuff. And, I thought, wow, I thought everybody knew McDonald's and she had never heard about it. (Local investigator)

Finding 4: Prosecutors, investigators, and victim service providers face significant cultural and linguistic challenges in serving and working with victims of human trafficking.

Human trafficking victims come from a variety of ethnic backgrounds and national origins. In describing victims they had worked with in Texas, participants listed the following countries of origin:

- China
- Dominican Republic
- El Salvador
- Guatemala
- Honduras
- India
- Indonesia
- Mexico
- Nicaragua
- Nigeria
- Philippines
- Russia
- South Korea
- Thailand
- United States
- Vietnam

Across Texas, participants described the difficulty of meeting the linguistic and cultural needs of victims, and the barriers this creates during the investigation and prosecution of cases.

Victims may speak multiple languages and one of them may not be English. Specific language challenges reported by participants include finding appropriate and court-certified interpreters for less widely-spoken languages (for example, indigenous languages of Mexico and Central America) and inadequate communication when using telephone interpreters. Interestingly, while many participants noted that working cases with Spanish-speaking victims was not a barrier, given the large number of Spanish-speakers among Task Force members, law enforcement agencies and

They weren't drinking the water for a while that we were providing to them in their hotel rooms. And then we found out that in [their country of origin], they do not drink the water from the tap, because it's dirty. See, little things like that, we never thought of. So they were dehydrating sometimes. And we had the medical people to come in, and they said, 'They're dehydrating, and they're not drinking the water.' And we're going, 'Well, we told them how to get the water.' And we're bringing them ice and telling them how to turn the water on, and everything. (Federal victim specialist)

Language is an issue in terms of accessing the information and communicating with your victim witness. Make sure you actually understand what did or didn't happen. I've had a dozen years of Spanish. I don't even say to victims, I don't even pretend to [speak Spanish], because I don't have the time. So whomever we have is going to be acting as the official interpreter. That is their role, this is the voice that I want them to hear all the time. And if we're at trial, I want this voice, but then you got a law enforcement guy who speaks Spanish, maybe he learned it in school, maybe he learned it at his mother's knee. I don't know. Maybe he grew up in L.A. but my victim is from Guatemala. And I've been in a room where three people said, 'That's not what she said,' including me, 'That's not what she meant.' So there are language challenges in terms of what was meant. The agent said, 'She said he had a gun and he was going to threaten her.' No, she said he usually carried a gun and sometimes she was afraid, which is a different statement than he carried a gun and he threatened her with it. Or even that she felt threatened is different than he threatened her, actively, overtly, threatened her with the gun. (Federal prosecutor)

NGOs, others described this as a challenge. Important nuances may be lost even when a victim is talking to a native speaker of their language.

Specific cultural challenges include providing culturally appropriate food during the initial period after rescue and difficulties connecting victims with their cultural community if that community is related to the trafficking situation.

Finding 5: Human trafficking victims have a variety of financial, health, emotional, and social needs. Great improvement has been made in developing appropriate services to victim groups, yet gaps remain.

Human trafficking victims have a variety of financial, health, emotional, and social needs

immediately following rescue and for a period of months or years afterward. Services needed include:

- Safe and appropriate shelter
- Immediate and ongoing medical care
- Employment services
- Mental health services
- Independent living skills
- Substance abuse treatment

Participants report a general sense of satisfaction that victim service providers are able to meet many of the needs listed above. Participants also report a lack of services tailored specifically to human trafficking victims, especially in the area of mental health and trauma services. In addition, participants expressed frustration in securing transportation to the variety of services victims needed.

Family reunification also presents challenges to the housing and service needs of victims. Family reunification is a difficult and lengthy process for international victims, and other challenges emerge once families are reunited. Victims often must provide financial support for family members, as there are few support services available for family members of trafficking victims. In some domestic cases, victims' families are not adequately protected.

We actually learned that one of the girls was ill. So we went to get her out secretly to treat her medically, because we didn't want her to die. To hell with the damn case. We didn't want her to die. We couldn't find her at the house. We were very, very scared. We went back, and we found her walking. She was walking toward the Wal-Mart. We took her to the hospital. Her blood sugar was 615, which is comatose almost, and it was because of her diet. [She] was diabetic II, and she needed not bread, not sugars, but she needed corn tortillas, *aguacates*. (Local investigator)

Recommendations:

- Create one central site, offering both shelter and victim services, where victims are secure without feeling detained.
- Diversify victim services to include alternative mental health therapies.
- Explore avenues and funding to bring in parents of juvenile victims.
- Explore international partners who can support family reunification. For example, one participant reports that engaging the International Office on Migration can be helpful in severe cases of threats to family back home.
- Clarify services available to family members of victims, and increase awareness of their needs and the services they are eligible for.
- Consider ways to offer protection and increase safety of domestic victims' families endangered by traffickers by mirroring the federal statute's protection of international victims' families.
- Increase awareness of state crime victims' compensation funding. For example, filing applications electronically speeds up the process.
- Work with the Texas Workforce Commission to file wage claims for unpaid or underpaid wages.

I think the people who have suffered chronic trauma, they need a different angle. Their ability to be able to trust, even themselves, has been questioned and has been violated in a very, very brutal way. So it begins with not only learning how to trust your boundaries, trust yourself, trust other people, it really begins with how to trust yourself again. And if you can't trust yourself, who can you trust? If you don't have any boundaries with yourself or a healthy personal outlook on yourself, it's really hard to figure out where you stand with other people, and where other people should stand with you. What's healthy? What's not? (Local law enforcement program coordinator)

C. Law Enforcement Needs More Tools to Investigate Human Trafficking

Before a successful prosecution can be undertaken, time-, labor-, and resource-intensive investigations of possible trafficking cases must be explored. Somewhat unique to human trafficking is the focus on victims and the services designed to encourage their cooperation by securing their safety and meeting basic needs. The simultaneous attention to victim cooperation and investigative tactics represent the increasingly victim-centered approach of the human trafficking arena.

1. **Specific techniques and resources are needed to adequately investigate human trafficking cases.**
2. **Lack of awareness regarding the variety of types of traffickers, trafficking scenarios, and victims presents a challenge to the identification of cases and provision of services.**

Finding 1: Specific techniques and resources are needed to adequately investigate human trafficking cases.

Human traffickers are an extremely adaptable, savvy, and organized group. One participant reported that surveillance uncovered a “convention” of sorts, where traffickers from Texas met to strategize about their business operations.

The traffickers will move between jurisdictions. When the enforcement level in one picks up, they will move to another one until it dies down. (Local district attorney)

Given this formidable force, local, state, and federal law enforcement agencies need adequate investigative personnel and resources to gather intelligence and proactively investigate cases. Participants report a lack of investigative resources, most notably human resources and surveillance equipment.

In addition to limited resources, investigations also may be hindered by delays in authorization to interview potential suspects. For example, when law enforcement has an international victim or any juvenile in custody that they want to interview, typically involving prostitution, they have to bring them before a judge even if they do not intend to prosecute them. Often, the motivation to talk to investigators is gone by the time investigators have authorization to conduct an interview.

Recommendations:

- Increase the use of proactive investigative strategies, including learning where to look for human trafficking and improving methods of gathering intelligence and developing informants. For example, develop better collaboration with the Texas Alcoholic Beverage Commission, a great asset for intelligence gathering in bars and cantinas.

- Explore the intersection of gangs and trafficking, given the assumption that if a gang has trafficked drugs and weapons, human trafficking may follow soon.
- Strengthen collaborations across agencies to pool available investigative manpower and resources.
- Expand methods of collecting and sharing information about human trafficking investigations and prosecutions, to develop more proactive tools and get a better picture of what is being prosecuted successfully across the state.
- Create a mechanism to share information across state borders without compromising intelligence or case investigations, such as maintenance of regional databases to track child victims, child exploitation, and patterns of movement; creation of a restricted statewide database and requirement that law enforcement report cases and case resolution; and development of a method of tracking judges' findings of human trafficking.
- Increase training among law enforcement officers and investigators on the elements of the state statute.
- Explore options for quick authorization to interview potential suspect.

Finding 2: Lack of awareness regarding the variety of types of traffickers, trafficking scenarios, and victims presents a challenge to the identification of cases and provision of services.

Human trafficking victims generally do not self-identify as victims. Even more challenging is that once rescued, both domestic and international victims often still do not identify as victims or identify their situation as abusive. Participants report that this situation is complicated by conventional mindsets that view victims of human trafficking as “just another prostitute” or “just another illegal.” Others report a lack of commitment on the part of supervisors or partner agencies to proactively investigate human trafficking crimes or encounter ignorance about the possibility of trafficking in their community. This mentality severely hampers the identification of victims, the success of the investigation, and the subsequent access to victim services.

I know it's hard, because they are used to only seeing criminals. So now we have a law that tells them, no, you have to step away from the criminal activity and look at them as a victim. And it's hard when you've been geared to see everything as a criminal act. So yeah you *are* breaking the law by prostituting yourself, but [you're] forced, so that makes [you] a victim, not a criminal. And I think that's where it's hard for them [law enforcement] to change gears. (Local victim services professional)

Recommendations:

- Increase understanding of the types of trafficking crimes being committed and the types of victims involved. This may involve research related to the typologies of

traffickers and victims in order to develop customized investigative and service-delivery approaches.

- Increase awareness of the complex factors contributing to individuals' vulnerability to the trafficking industry.
- Apply strategies from the early domestic violence movement and shift to a victim-centered approach.
- Expand community outreach and awareness of human trafficking. This may include the development of public service announcements and outreach to churches, medical professionals, schools, teachers, and cultural communities that often employ domestic help.
- Expand the research agenda on the most effective methods of outreach to potential victims.

D. Laws and Social Services Do Not Adequately Meet the Needs of Domestic Victims of Human Trafficking

Participants report that a large and generally unaddressed type of domestic trafficking exists.

Finding: U.S. citizens are victims of human trafficking, yet identifying cases, getting victims to cooperate, and providing adequate victim services is difficult, with minors being particularly difficult to rescue and serve.

The issue of domestic victims of trafficking, and minors in particular, was highlighted by respondents as a separate issue with unique challenges. Furthermore, it is an area that is generally not being sufficiently addressed because of a general lack of awareness or failure to identify this crime as human trafficking. Law enforcement officers and prosecutors report an increase in child exploitation and also an increase in younger traffickers.

It's been my experience that virtually all pimps will prostitute children, given the opportunity. Because they make money, and that's what it's all about, money. And they are a product that sells so the pimp or trafficker will take them and use them. (Local district attorney)

Participants report that those vulnerable to child exploitation include chronic runaways - those that have run three or more times - and those who often have a history of early childhood sexual abuse. Traffickers systematically recruit and groom these youth, who then develop strong attachments to the traffickers. This attachment hampers victims identifying themselves as victims, and hence, affects their willingness to talk to law enforcement or participate in investigations. Furthermore, victims have often experienced such chronic trauma and abuse that they may no longer envision a different lifestyle for themselves and need to be de-programmed, in a sense, from the effects of chronic victimization.

What [our agency] has identified is about 95% of our victims of domestic sex trafficking are runaways. Of those, about 85% are chronic runaways, three or more runs. Most of our child victims are runaway children, and a lot of them are completely missing from the [records], they fall off the face of the earth. They are not reported as missing children. They have run away so often that their parents quit reporting them. (Federal investigator)

Investigators are faced with serious ethical and logistical dilemmas regarding safety and shelter for these victims. As in other human trafficking cases, any action must balance maintaining the victim's right to freedom, keeping track of the victim for the purposes of investigation and prosecution, and most important, protecting victims from harm at the hands

of traffickers. Effective shelter solutions are limited for domestic children. When victims are placed in CPS shelters, which are not necessarily secure, they often run away and return to the traffickers. An alternative is to charge victims with prostitution in order to detain them in a

secure detention facility - with no intention of prosecuting the prostitution - in hopes of providing much-needed mental health and substance abuse services.

Other unmet needs of domestic victims include financial support, job and life skills, substance abuse services, child sexual abuse services appropriate for victims with a longer history of exploitation, chronic trauma services, and services

for victims' families. Some domestic victims are not estranged from their families, and their families may be threatened by the traffickers, similar to the threats of retaliation faced by families of international victims. No structure of support or assistance exist for these family members.

The historical assumption has been [that] because you are a U.S. citizen, [you] have a plethora of services available to you. And that's true; there are a lot of really great services that are available to U.S. citizens. [The] problem is that they don't meet the unique needs of the trafficking victims. And that makes it a little harder to be able to offer any kind of service or refer services. It's just not there. (Local law enforcement program coordinator)

Recommendations:

- Develop services around child sexual abuse appropriate for victims with longer history of exploitation.
- Develop relationships between children's advocacy centers and law enforcement task forces.
- Develop training for sexual assault nurse examiners (SANE nurses), hospital social workers, mental health professionals, and forensic psychologists on this type of exploitation and the needs particular to domestic victims of sex trafficking.
- Increase communication among HHSC and DFPS regarding services and placement options for domestic minor victims of trafficking.
- Consider development of a case management system similar to that for international victims, either within NGOs or CPS.
- Explore the relationship between early childhood sexual abuse and vulnerability to human trafficking.

I dealt with a girl the other day who was 18 and had disappeared off the face of anybody's radar at 13, had gone through sixth grade. And I told my partner, 'She's eighteen. Most kids at 18 - their whole life is before them. What's in front of her?' You can't go put an 18-year-old in sixth grade. What is there for her? (Federal investigator)

E. Organizational and Operational Factors Vary by Region

Although there are several overarching elements, each Task Force operates differently and has somewhat different challenges and dynamics.

First, respondents offer very positive feedback concerning the collaboration and trust among nongovernmental organizations, investigators, and prosecutors. Increased personal interaction and collaboration working on cases has helped develop a better understanding of each other's roles, resources, and limitations, and thereby overcome a tradition of mistrust. In addition, task forces seem to be learning organizations - since new cases are not necessarily frequent - regularly referring to cases and gaps experienced, and working from that knowledge.

- 1. Consistent, open communication among Task Force members is essential to the successful investigation and prosecution of human trafficking cases. While collaboration has improved over the course of the Task Force funding period, there remain gaps and threats to cohesion.**
- 2. Traditional dynamics of mistrust between law enforcement and nongovernmental organizations has greatly improved.**
- 3. The investigation and prosecution of human trafficking cases require considerable resources, time, and commitment on the part of individual Task Force members and the agencies they represent.**
- 4. There is a need for greater statewide collaboration on human trafficking, while simultaneously preserving the autonomy, flexibility, and diversity important to each regional Task Force.**

Finding 1: Consistent, open communication among Task Force members has resulted in collaborations that yield successful investigations and prosecutions of human trafficking cases, yet some gaps remain that threaten cohesion.

Those working on human trafficking through the federally funded task forces are vocal about the benefit of establishing points of contact with each member agency and the NGO partners. In particular, the single point-of-contact structure for victim services provided by the OVC grant is helpful.

Participants also widely agreed that the co-location of investigators from all levels of government would be extremely useful in maintaining communication and conducting efficient and effective investigations. The co-location of FBI and local law enforcement investigators in the Houston area was highlighted as a successful structure.

Other methods of helpful communication involve sharing information across task forces with counterparts of the same agency. For example, victim witness coordinators in the U.S. Attorney's Offices and victim specialists with the FBI appear to benefit from close communication and information-sharing. This relationship is important in taking new learning

from other parts of the country and applying it to the regional Task Force. Participants also report that clear and relatively neutral leadership of law enforcement task forces is helpful in maintaining cohesion.

While great strides have been made in the collaborative relationships among those working human trafficking cases, communication breakdowns occur between and among all involved. First, turnover is a widespread challenge among Task Force members, particularly among federal law enforcement agents whose assignments change frequently. Turnover is also cited as a challenge among other participating agencies and NGOs. Cases are long-term, and turnover can hamper a case that is midstream when agents or providers change. To maintain group cohesion amid the frequent turnover and to avoid negative consequences to cases and victims, task forces devote continual effort to the relationship-building process.

In addition, participants report common challenges with political and jurisdictional struggles among the federal law enforcement agencies involved in these cases. Local and federal agencies experience the same struggles. For example, cities with sanctuary policies face investigative hurdles because of the limited communication between local law enforcement and federal immigration agencies.

Challenges also exist when there is a delay in local law enforcement agencies notifying federal investigators of a possible case. It is much more difficult to involve another agency later in the investigation. It is more prudent to give an agency the opportunity to decline participation in a case during the initial stages than to approach them late in the process and risk compromising the case.

Recommendations:

- Maintain the U.S. Attorney's Office as Task Force leader.
- Because agencies can be involved but somewhat removed from some of the jurisdictional and territorial pitfalls faced by investigative law enforcement, consider rotating who takes the lead in a case - from FBI to ICE - as demonstrated by the Houston Task Force.
- Develop protocols to inform all investigative agencies at the onset of an investigation.
- Increase the frequency of Task Force meetings involving investigators. Participants recommend that investigators meet monthly even if the broader Task Force only meets quarterly.
- Explore options to house local, state, and federal investigators together to improve communication and collaboration.
- Utilize the DOJ resource of e-mail notification about case resolutions and open contact with investigators and prosecutors in other states.
- Develop protocols regarding the early notification of Task Force partners of a new case. For example, if federal agencies are notified too late, the delay may compromise a federal investigation and prosecution.

Finding 2: Traditional dynamics of mistrust between law enforcement and nongovernmental organizations has greatly improved.

Participants report that long-standing relationships have decreased the mistrust of and misunderstanding between law enforcement and NGOs. Old assumptions and stereotypes by both parties are being challenged, resulting in a positive shift in dynamics. Similar to strides achieved in the victims' movement as a whole, prosecutors, law enforcement, and their NGO coalition counterparts have mastered an intricate, yet delicate, collaborative dance.

The Task Force model - in which law enforcement, prosecutors and NGO members serve on both the large Task Force and the social services coalition - has been cited as beneficial. It maintains a good flow of appropriate information between the two groups.

Another improvement is early case notification of NGOs by law enforcement. Law enforcement agencies are more often giving NGO partners an early heads-up about potential raids, with limited but important information about the number of possible victims, their gender and language, and the possibility of minor victims. This basic information-sharing is possible because of the trust built. They know that the investigation will not be compromised by providing vital information to the NGOs, which are responsible for making appropriate arrangements for shelter and other victim services.

Recommendations:

- Continue opportunities for personal interaction between the two groups in an effort to continue addressing remaining barriers in communication and trust.
- Identify one law enforcement person at the onset of a case as the NGO liaison to avoid multiple agents contacting the NGO for similar reasons.
- Consider hiring a victim services coordinator for the Task Force itself, providing a single point of contact between NGOs and law enforcement member agencies.

Finding 3: The investigation and prosecution of human trafficking cases require considerable resources, time, and commitment on the part of individual Task Force members and the agencies they represent.

Given the time and labor-intensity of human trafficking investigations, participants report a

[Human trafficking has] got to be a priority or it's just going to be nonchalant – hit and miss, whenever it comes about. And there's still going to be a Chinese fire drill fiasco when it hits the ground. (Federal investigator)

widespread lack of sufficient human resources dedicated to this crime. Most investigators work multiple types of cases. They are not dedicated solely to human trafficking cases, and these cases are not the highest priority. While pooling resources is deemed a good practice - and one that is modeled across the state - task forces continue to struggle with insufficient personnel and funding.

Participants also expressed frustration that the human trafficking task forces are not structured like other federal task forces with co-located members and significant resource commitment throughout the hierarchy of member agencies. In addition, those assigned to work on the Task Force may not necessarily be the most appropriate candidates, because of inexperience, personal interest, or lack of supervisory support. These decisions are political or deemed beyond the control of the Task Force. The challenges with turnover, mentioned earlier, also affect the human resources available to human trafficking investigations.

Political and supervisory support is also reported as important for Task Force members to be effective in the Task Force. Agencies at all levels of government continue to struggle with this problem in their community, their role in human trafficking cases, and why their commitment is useful and necessary. Some participants expressed frustration in agencies' public messages that human trafficking is a high priority, while not reflecting it in their commitment of personnel or resources. Since reorganization, ICE has lacked the resources and structure to fully participate, although this agency is often central to investigation and prosecution.

After the merger [of INS and customs into DHS], they sort of did away with these anti-smuggling units, and they merged customs and immigration people together. And somehow the anti-smuggling-slash-human-trafficking just got kind of lost in the shuffle. And I think they need to go back and develop, or reconstitute, these specialized smuggling-slash-trafficking units to work on that. Because so much of the time the immigration enforcement people are spent just processing illegals – and putting them on the bus or whatever to go back. And they don't really have a lot of time or resources or incentive to go out in the community, proactively, and say, 'Hey, we've got all these girls working in this bar and they're catering to undocumented immigrants, and what are we going to do about it?' And work somebody into the organization. (Federal prosecutor)

Recommendations:

- Explore the use of full-time investigators dedicated to human trafficking units, as demonstrated, for example, by the Austin Police Department and the FBI team in Houston.
- Explore methods of assigning the most appropriate personnel to human trafficking task forces, ensuring that they have an interest in the issue, compassion for its victims, and a dedication beyond the perfunctory assignment to a Task Force.
- Expand Task Force membership to include representatives from the Border Patrol, CPS, juvenile probation, runaway shelters, the Texas Workforce Commission, and the Transportation Security Administration.
- Explore avenues to increase participation from ICE and the FBI.

Finding 4: There is a need for greater statewide collaboration on human trafficking, while simultaneously preserving the autonomy, flexibility, and diversity important to each regional Task Force.

Communication among Task Force members in one geographic area is primary. Beyond each Task Force region, improved communication across Texas and the United States helps disseminate best practices in the investigation and prosecution of human trafficking cases.

A systemic macro response may use strategic planning to address challenges with funding, legislation, turnover, burnout, struggles particular to rural counties, and training. It also provides an opportunity to share information, best practices, model initiatives, and breakdown and resolution of human trafficking cases. Currently, the response to challenges faced by each Task Force and its sustainability is largely reactive. Considering the required periodic reauthorization of federal funding streams supporting the task forces, a proactive strategic plan will help prevent harmful disruptions to the investigation and prosecution of cases and the provision of victim services.

Recommendations:

- Consider appropriate models for statewide collaboration – such as a strategic plan, state coalition, or council - and identify the appropriate structure, political support, staff, and resources necessary.
- Maintain respect for regional uniqueness and autonomy in any statewide collaborative effort, attempting an appropriate balance between standardization and regional flexibility. For example, an annual summit may include both statewide work and Task Force breakout groups for region-specific strategic planning.
- Develop a mechanism for sharing sample protocols and policy statements among task forces.
- Consider alternative funding mechanisms, including seizing assets and fining employers who hire trafficked employees.
- Consider mechanisms for sharing information and forwarding best practices, including statewide annual conferences and periodic summits.
- Explore strategies to manage cases involving large numbers of victims, utilizing strategies developed by the state that involve coordinating resources at the local and state levels.

The problem with a protocol [is that] it locks everybody into a particular way of doing things, and then it takes away the creativity. I think, because of our inexperience in dealing with these types of cases, the creativity is absolutely necessary. In written, standardized operations and protocols, it would be good to have something more vague than not. I think it would be better to allow some flexibility for the learning. Because, here in [this city], we don't have that much experience. (Federal investigator)

F. Education and Training are Needed to Take Full Advantage of Human Trafficking Laws and Services

Findings related to education and training needs in improving the response to human trafficking and services to victims highlighted the following themes:

- 1. A variety of beneficial training opportunities exist locally and nationally, and there is widespread support, and need for, expanded and improved training opportunities at advanced and basic levels.**
- 2. Opinion is mixed about requiring continuing education on human trafficking for local law enforcement agencies.**

Finding 1: A variety of beneficial training opportunities exist locally and nationally, and there is widespread support, and need, for expanded and improved training opportunities at advanced and basic levels.

Participants describe prevalent national, agency-related, local, and internal Task Force training opportunities. While the funding to attend distant training sessions is limited, local and regional trainings are available.

In general, participants are positive about existing training on human trafficking and express significant interest in continuing training of Task Force members and also other groups not yet trained. Law enforcement officers are open to accepting new training and victim-related information, especially if they see that it helps them in their interviews or investigation. This is another indication of the victim-centered approach being adopted and improved NGO-law enforcement relationships. Likewise, participants see the benefits of offering some joint training among law enforcement and NGOs in an effort to continue fostering the spirit of collaboration.

While most training feedback is positive, there is some concern that the focus of trainings is not always appropriate. Some trainings continue to present a “pep rally” atmosphere with the intention of generating enthusiasm and passion about the topic in general. The need for in-depth or advanced training topics has not been adequately filled. Some participants say that there is too much focus on collaboration between NGO and law enforcement partners, when the real difficulty seems to be collaboration among law enforcement agencies. One participant also expressed concern that while there is plenty of good training available - including well-developed TCLEOSE trainings - there are also trainings being conducted by Task Force members who may not be fully versed in the law, resulting in the spread of incorrect information. The method of delivering training is also of concern. While some participants appreciate the opportunity to complete Web-based training modules, others report that online training is not the most effective method for this topic. Rather, in-person, interactive training is most useful, especially for those closely involved in investigating or prosecuting these cases.

Recommendations:

- Expand advanced training on the state statute to state and federal prosecutors and all levels of law enforcement.
- Educate the judiciary in sentencing of these cases, the trend of repeat offense, and making findings of human trafficking.
- Increase awareness and training for rural law enforcement, district attorneys, fire inspectors, health inspectors, agricultural workers, and staff in immigration detention facilities, the Border Patrol, the Texas Department of Public Safety and the Texas Alcoholic Beverage Commission.
- Consider the following topics of interest recommended by participants:
 - State statutes on human trafficking
 - Advanced investigative techniques for law enforcement investigators
 - Interview techniques specific to human trafficking
 - Indicators of human trafficking and who to contact, especially for frontline law enforcement officers
 - Chronic trauma of victims
 - Self-care needs of those working the cases

If you're a state trooper, out here working a lonely stretch of highway in West Texas, and you encounter a van-load of folks [who] speak Spanish, and maybe you speak Spanish, and maybe you don't. Who do you call? What do you do? Where do you go? I think we need to network better on that. (Federal prosecutor)

Finding 2: Opinion is mixed about requiring continuing education on human trafficking for local law enforcement agencies.

Many participants favor mandated four- to eight-hour TCLEOSE training. Others prefer targeting training resources to those most likely to be working a human trafficking case and those most likely to be in a position to identify a victim. Similar responses were gathered on the topic of continuing legal education for district attorneys and their staff. Thus, further investigation of the feasibility of mandated training is recommended.

[Training is helpful, but] it is the *experience*, and you can't get that in training. You've got to run it to the wall. You've got to get frustrated. You've got to have a success. (Federal prosecutor)

CONCLUSION

This statewide study reveals that the five geographic areas granted funding by the federal government have made great progress in the collaborative matrix of investigation, prosecution, and services to victims of human trafficking. The creativity used by regional task forces and victim services coalitions in the face of limited funding and resources is evident. Highlights of promising practices include:

- Significant collaboration and awareness activities by service providers and law enforcement prior to the availability of federal grant funding to support such endeavors;
- Co-location of federal and local law enforcement officers working on human trafficking cases;
- Crossover assignment on victim services coalitions and task forces of designated direct service and law enforcement representatives, enhancing communication and collaboration; and
- Multisite collaboration on human trafficking cases involving large numbers of victims, for which shelter and victim services were provided by multiple Texas cities.

Given the complexity of human trafficking cases, the relative newness of both federal and state statutes, and the lack of attention to the issue, questions and challenges persist. Those working on human trafficking continue to struggle with identifying victims, providing comprehensive and culturally competent victim services, appropriately addressing the needs of domestic victims, and securing the adequate resources and support needed to effectively investigate cases. Opportunities remain for improved information-sharing across the state and increased awareness within state agencies and the broader community. Prevention is also an important issue to systematically address.

Furthermore, additional study is necessary to better understand the scope of human trafficking in Texas of both international and domestic victims. In addition, continued inquiry is necessary in determining the most appropriate avenues for improvement in prosecutorial tools, investigation strategies for increased victim cooperation, and enhanced victim services. It is important that the focus not be disproportionate to issues of other vulnerable populations and that we use what we learn from continued studies to improve services to other individuals and families with similar needs.

Trading in human life is beyond sinful, and until it becomes unprofitable worldwide, it will not end. This then becomes a multinational effort - daunting and exciting at the same time. (Direct service provider)

REFERENCES

- Albanese, J., Donnelly, J.S., & Kelegian, T. (2004). Cases of human trafficking in the United States: A content analysis of a calendar year in 18 cities. *International Journal of Comparative Criminology*, 4(1), 96-111.
- Banzon, M.Y.L. (2005). Combating trafficking in persons through gender-focused strategy. *UN Chronicle*, 42(1), 56-60.
- Bhaba, J. (2004). Seeking asylum: Treatment of separated and trafficked children in need of refugee protection. *International Migration*, 42(1), 141-148.
- Boxill, N.A. & Richardson, D.J. (2007). Ending Sex Trafficking of Children in Atlanta. *Affilia*, 22, 138-149.
- Brennan, D. (2005). Methodological challenges in research with trafficked persons: Tales from the field. *International Migration*, 43(1/2), 35-54.
- Bump, M., Duncan, J., Gozdzia, E., & MacDonnell, M. (2005). Second conference on identifying and serving child victims of trafficking. *International Migration*, 43(1/2), 342-363.
- Busch, N., Fong, R., Cook Heffron, L., Faulkner, M., & Mahapatra, N. (2007). *Assessing the Needs of Human Trafficking Victims: An Evaluation of the Central Texas Coalition Against Human Trafficking*. Austin, TX; The University of Texas at Austin.
- Caliber (2007). *Evaluation of comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned*. Fairfax, VA; Caliber.
- California Alliance to Combat Trafficking and Slavery Task Force (2007). *Human Trafficking in California*. Los Angeles, CA; California Alliance to Combat Human Trafficking and Slavery.
- Center for Women Policy Studies (2007). *Report card on state action to combat international trafficking*. Washington, DC; Center for Women Policy Studies.
- Chacon, J. (2006). Misery and myopia: Understanding the failures of U.S. efforts to stop human trafficking. *Fordham Law Review*, 74 (6), 2977-3040.
- Clawson, H.J., Dutch, N., & Cummings, M. (2006). *Law enforcement response to human trafficking and the implications for victims: Current practices and lessons learned*. Fairfax, VA; Caliber.

- Clawson, H.J., Small, K.M., Go, E.S., & Myles, B.W. (2003). Needs assessment for service providers and trafficking victims. Retrieved November 15, 2006, from <http://www.ncjrs.gov/pdffiles1/nij/grants/202469.pdf>
- Cooper, J.L., Masi, R., Dababnah, S., Aratani, Y., Knitzer, J. (2007). *Strengthening policies to support children, youth and families who experience trauma*. New York, NY; National Center for Children in Poverty.
- Davis, K. (2006). *Human trafficking and modern day slavery in Ohio*. Washington, DC; The Polaris Project.
- Estes, R.J. & Weiner, N.A. (2001). *The commercial sexual exploitation of children in the U.S., Canada and Mexico*. Philadelphia, PA; University of Pennsylvania.
- Gozdziak, E.M., & Collett, E.A. (2005). Research on human trafficking in North America: A review of literature. *International Migration*, 43(1/2), 99-128.
- Gozdziak, E.M. & MacDonnell, M. (2007). Closing the gaps: The need to improve identification and services to child victims of trafficking. *Human Organization*, 66 (2), 171-184
- Feingold, D. (2005). Human trafficking. *Foreign policy*, 150, 26-32.
- Florida State University Center of Advancement of Human Rights. (2003). Florida responds to human trafficking. Retrieved November 15, 2006, from <http://www.cahr.fsu.edu/the%20report.pdf>
- Hughes, D. (2000). The "Natasha" trade: The transnational shadow market of trafficking in women. *Journal of International Affairs*, 53(2), 1-18.
- Human Smuggling and Trafficking Center (2005). Online at <http://www.state.gov/p/inl/rls/fs/90434.htm>.
- Idaho Office of the Attorney General (2007). *Report on Human Trafficking Victim Protection*. Boise, ID; Office of the Attorney General.
- Institute on Race and Justice (2008). *Understanding and improving law enforcement responses to human trafficking*. Northeastern University Institute on Race and Justice, Boston, MA.
- Konrad, H. (2002). Trafficking in human beings – The ugly face of Europe. *Helsinki Monitor*, 3, 260-271.
- Lebloch, E.K. & King, S. (2006). Child sexual exploitation: A partnership response and model intervention. *Child Abuse Review*, 15, 362-372.

- Logan, T.K. (2007). *Human Trafficking in Kentucky*. Lexington, KY; University of Kentucky.
- Maine Human Trafficking Task Force (2006). *Final report for the Human Trafficking Task Force*. Maine; Maine Human Trafficking Task Force.
- Minnesota Office of Justice (2007). *Human trafficking in Minnesota: A report to the Minnesota Legislature*. Minnesota; Minnesota Office of Justice Programs.
- Omelaniuk, I. (2005). Trafficking in Human Beings. United Nations Expert Group Meeting on International Migration and Development: New York. Retrieved November 15, 2006, from <http://www.ohchr.org/english/countries/field/southafrica/reports/reg-issues/trafficking-human-beings.pdf>
- Pierre, N.M. (2008) *State of Connecticut general assembly: Trafficking in persons council annual report*. Connecticut; The Permanent Commission on the Status of Women.
- Raymond, J., D'Cunha, J., Dzuhaytin, S.R., Hynes, H.P., Rodriguez, Z.R., & Santos, A. (2002). A Comparative Study of Women Trafficked in the Migration Process: Patterns, Profiles, and Health Consequences of Sexual Exploitation in Five Countries. Retrieved November 15, 2006, from [http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-672EPJ/\\$FILE/Gender_Migration_CATW_2002.pdf](http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-672EPJ/$FILE/Gender_Migration_CATW_2002.pdf)
- Richard, A.O. (1999). International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime. Center for the Study of Intelligence. Retrieved November 15, 2006, from <https://www.cia.gov/csi/monograph/women/trafficking.pdf>
- Richards, K. (2004). The trafficking of migrant workers: What are the links between labor and trafficking and corruption? *International Migration*, 42(5), 147-166.
- Steinberg, C.S. (2004). *Needs Assessment: Human Trafficking in Houston*. Houston, TX; University of Houston.
- Trafficking Victims Protection Act of 2000 (TVPA): (Public Law 106-386). Retrieved November 15, 2006, from http://a257.g.akamaitech.net/7/257/2422/12feb20041500/edocket.access.gpo.gov/cfr_2004/ju1qtr/28cfr1100.25.htm
- Tyldum, G., & Brunovskis, A. (2005). Describing the unobserved: Methodological challenges in empirical studies on human trafficking. *International Migration*, 43(1/2), 18-34.
- U.S. Department of State. (2006). Trafficking in Persons Report. Retrieved November 15, 2006, from <http://www.state.gov/g/tip/rls/tiprpt/2006/>

APPENDIX A

Legal Analysis

Statute	Does the law address the needs of the victim or witness?	Summary
Alcoholic Beverage Code		
§ 104.01. Lewd, Immoral, Indecent Conduct.	Yes	Prohibits lewd, immoral, or offensive behavior, including solicitations of persons for immoral or sexual purposes.
§ 104.07. Posting of Certain Notices Required.	Yes	Requires the posting of a notice about forced labor and services and the national human trafficking hotline in certain establishments. The notice must be in English and Spanish.
§ 106.09. Employment of Minors.	Yes	Lists restrictions on employment of minors in establishments selling alcohol.
§ 106.15. Prohibited Activities by Persons Younger Than 18.	No	Prohibits anyone under the age of 18 to dance for benefit. It also prohibits the licensee from inducing anyone under 18 to dance for benefit.
§ 109.53. Citizenship of Permittee; Control of Premises; Subterfuge Ownership; Etc.	Yes	Places restrictions on citizenship for purposes of applying for liquor permits, persons allowed to be at certain locations selling liquor, and restrictions on activities that allow for subterfuge ownership or unlawful use of a permit or premises.
Business & Commerce Code		
§ 35.121-§ 35.125. Subchapter K. International Matchmaking Organizations.	Yes	Requires international matchmaking organizations to provide each recruit with the criminal and marital history of its clients, and basic rights information about human rights, immigration, and emergency assistance. All the information must be provided in the recruit's native language in a way that clearly separates the information. Provides civil penalties for violations.
§ 47.001-§ 47.056. Sexually Oriented Businesses.	Yes	Prohibits sex offenders from contracting with a sexually oriented business. Allows the attorney general or appropriate district or county attorney to bring an action or injunction against a person, and provides criminal penalties for violations.

Civil Practice & Remedies Code

The analysis included a review of the Civil Practice & Remedies Code. However, most laws were generally available for all participants, not specifically for human trafficking victims, and were not listed separately in this chart. If laws were of additional value or a modification is suggested, then the law is included.

§ 16.0045. Five-Year Limitations Period.	Yes	Provides a five-year statute of limitations on personal injury claims arising from sexual assault, aggravated sexual assault, and continuous sexual abuse of young child or children.
§ 17.042. Acts Constituting Business in This State.	Yes	Lists activities of a nonresident of Texas that constitute doing business in the state.
§ 21.022. Appointment. (Interpreters)	Yes	Provides interpreters for non-English speakers.
§ 36.004. Recognition and Enforcement. (Enforcement of Judgments of Other Countries)	Yes	Allows judgments from other countries to be enforced in Texas courts.
§ 41.008. Limitation on Amount of Recovery. (Damages)	Yes	Provides limits for exemplary damages in certain cases. Exclusions include certain felonies committed knowingly or intentionally.
§ 71.012. Qualification of Foreign Personal Representative. (Wrongful Death)	Yes	Provides qualification of foreign personal representatives of an estate to bring a cause of action.
§ 71.022. Qualification of Foreign Personal Representative. (Survival)	Yes	Provides qualification of foreign personal representatives of an estate to bring a cause of action.
§ 125.0015. Common Nuisance.	Yes	Requires a person who maintains a multi-unit residential property to attempt to abate habitual criminal activity. Suit may be brought by either a private or public individual.
§ 125.002. Suit to Abate Common Nuisance.	Yes	Requires the owner of a hotel (or any other similar overnight lodging) to post the trafficking hotline in a conspicuous place if the hotel is subject to a bond in a suit to abate the nuisance.

§125.045. Remedies. (Common and Public Nuisances)	Yes	Requires the owner of a hotel (or any other similar overnight lodging) to post the trafficking hotline in a conspicuous place if the hotel is subject to a bond in a suit to abate the nuisance.
Code of Criminal Procedure		
Art. 2.25. Reporting Certain Aliens to Federal Government.	Yes	Requires a judge to report to the federal government if an undocumented person is convicted of a felony (or placed on deferred adjudication).
Art. 2.27. Investigation of Certain Reports Alleging Child Abuse.	Yes	Provides for joint investigations between the Department of Protective and Regulatory Services and law enforcement in certain cases in which there is an allegation of immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child.
Art. 5.04. Duties of Peace Officers. (Family Violence Prevention)	Yes	Requires a police officer investigating a family violence allegation to provide written notice of possible means to prevent further family violence, including a written notice of legal rights and remedies and availability of shelter or other community services for family violence victims. Notice must be in both English and Spanish.
Art. 5.045. Standby Assistance; Liability. (Family Violence Prevention)	Yes	Allows police officers to use their discretion in deciding whether to stay to protect the victim while the victim is gathering personal property to move to a safe place.
Art. 5.06. Duties of Prosecuting Attorneys and Courts. (Family Violence Prevention)	Yes	Prohibits prosecutors from dismissing or delaying a criminal proceeding simply because of the existence of pending civil litigation. Also requires prosecuting attorney to file for a protective order for applicant regardless of whether there are criminal proceedings.
Art. 6.01-Art. 6.08. Preventing Offenses by the Act of Magistrates and Other Officers.	Yes	Requires magistrates and peace officers to prevent injury upon hearing a threat.
Art. 7.01-Art. 7.18. Proceedings Before Magistrates to Prevent Offenses.	Yes	Requires a magistrate to issue an arrest warrant if an informed oath is presented that an offense is about to be committed against a person or property. Also provides authorization to order protection.
Art. 7A.01-Art. 7A.07. Protective Order for a Victim of Sexual Assault.	Yes	Provides the mechanism for protective orders to prevent interaction/contact between victims of sexual assault and the offenders, and includes restrictions on offenders and warnings for violations.

Art. 9.01. Trade Injurious to Health.	Yes	Allows an injunction to keep a defendant from carrying on a trade injurious to the health of his neighbors.
Art. 18.20. Interception and Use of Wire, Oral, or Electronic Communications.	Yes	Allows a judge, under section 4, to issue an order for interception of wire, oral, or electronic communications if the prosecutor shows probable cause that the interception will provide evidence of the commission of certain crimes, including an offense under Chapter 20A, Penal Code.
Art. 42.0191. Finding Regarding Victims of Trafficking or Other Abuse	Yes	Allows for the affirmative finding that the conduct being prosecuted was committed by a victim of human trafficking or by a person assisting with the prosecution of the case.
Art. 42.037. Restitution.	Yes	Provides for restitution to a victim or to the Compensation to Victims of Crime Fund if money has been paid to a victim.
Art. 42.0371. Mandatory Restitution for Kidnapped or Abducted Children.	Yes	Provides for restitution to a victim under the age of 17 for the cost of rehabilitation, including medical, psychiatric, and psychological care. May also be enforced by the state.
Art. 42.12. Deferred Adjudication; Community Supervision. (Section 5)	Yes	Allows for the affirmative finding for a defendant being placed on community supervision that the conduct being prosecuted was committed by a victim of human trafficking or by a person assisting with the prosecution of the case.
Art. 42.21. Notice of Release of Family Violence Offenders.	Yes	Requires notice to the victim before releasing a person convicted of a family violence offense.
Art. 42.22. Restitution Liens.	Yes	Provides victims and the state with a restitution lien to secure restitution. The liens are good for 10 years and may be refiled until the restitution is paid.
Art. 56.01-Art. 56.93. Rights of Crime Victims.	Yes	Provides the rights afforded crime victims in the criminal justice system and outlines the benefits available under the Crime Victims' Compensation Program.
Art. 57.01-Art. 57.03. Confidentiality of Identifying Information of Sex Offense Victims.	Yes	Provides the process for creating a pseudonym for victims of sexual assault to be used in all public files and records related to the offense.
Art. 57B.01-Art. 57B.05. Confidentiality of Identifying Information of Family Violence Victims.	Yes	Provides the process for creating a pseudonym for victims of family violence to be used in all public files and records related to the offense.
Art. 59.01-Art. 59.14. Forfeiture of Contraband.	Yes	Allows property that is contraband to be subject to seizure and forfeiture and provides the procedures.

Art. 62.001. Definitions. (Sex Offender Registration Program)	Yes	Provides the offenses requiring registration as a sex offender.
Family Code		
§ 31.001- § 31.007. Removal of Disability of Minority.	Yes	Allows a child 16 years old or older to petition the court to remove their minor status.
§ 32.003. Consent to Treatment by Child.	Yes	Allows a child 16 years old or older to consent to medical treatment under certain conditions, including when not dependent on their guardians.
§ 32.004. Consent to Counseling.	Yes	Allows a child 16 years old or older to consent to counseling for sexual, physical, or emotional abuse. A health professional may counsel the child without the consent of the parents.
§ 32.005. Examination without Consent of Abuse or Neglect of Child.	Yes	Allows a health care professional to examine a child without consent if the professional reasonably believes the child's mental or physical condition is impaired by abuse or neglect.
§ 32.201. Emergency Shelter Care for Minors.	Yes	Allows a shelter to provide shelter care to a minor under certain conditions.
§ 32.202. Consent to Emergency Shelter or Care by Minor.	Yes	Allows a shelter to provide shelter care to a minor under certain conditions.
§ 51.10. Right to Assistance of Attorney; Compensation.	Yes	Provides for the representation by an attorney for children in juvenile proceedings.
§ 51.11. Guardian Ad Litem.	Yes/No	Provide for the appointment of a guardian ad litem to protect the interests of the child in certain cases.
§ 52.03. Disposition Without Referral to Court.	Yes	Allows a law enforcement officer to take a juvenile into custody without referral to court if the county juvenile board has adopted such guidelines.
§ 54.01. Detention Hearing. (Judicial Proceedings-Juvenile Justice Code)	Yes	Requires the judge at the detention hearing to order legal counsel or a guardian ad litem if no parent or guardian is present. Authorized dispositions include referral to an agency other than juvenile court, brief conference with the child and his parents, or referral for services.
§ 54.031. Hearsay Statement of Child Abuse Victim. (Judicial Proceedings-Juvenile Justice Code)	Yes	Provides for the admissibility of certain statements by child abuse victims.

§ 54.04. Disposition Hearing.	Yes	Allows for the affirmative finding that the conduct being prosecuted was committed by a victim of human trafficking or by a person suffering substantial physical or mental abuse as a result of criminal activity described by 8 U.S.C. §1101 (a) (15) (U) (iii).
§ 54.06. Judgments for Support. (Judicial Proceedings-Juvenile Justice Code)	Yes	Provides for the payment for the support to the juvenile probation department if a child has been placed outside the home.
§ 57.001- § 57.008. Rights of Victims.	Yes	Provides the rights afforded crime victims in the juvenile justice system.
§ 59.003. Sanction Level Assignment Model.	No	Provides for sanction levels after a child's first commission of delinquent conduct or conduct indicating a need for supervision. The probation department screens Class A or B misdemeanors and only in violations concerning use or possession of a firearm or violence. When assigned a Sanction Level 2, the juvenile and his or her family are required to defer prosecution pending the completion of certain requirements.
§ 60. Article IV. Return of Runaways. (Uniform Interstate Compact on Juveniles)	Yes	Provides for the welfare and protection of runaway juveniles between states, including provisions for returning juveniles to their home states, appointing legal counsel or guardian ad litem, and determining cause to hold the person.
§ 82.001-§ 82.043. Applying for Protective Orders.	Yes	Provides the procedures for applying for a protective order. If there is a past history of violence and a potential for future violence, a victim can file for a protective order, which lasts for two years and requires that the person who the protective order is against stay at least 200 feet from the victim. Also, if the protective order is violated, the violator must be arrested.
§ 82.041. Contents of Notice of Application. (Application for Protective Order)	No	Provides a list of all things that must be included in a notice of application for a protective order.
§ 83.001-§ 83.007. Temporary Ex Parte Orders.	Yes	Permits the applicant to apply for a temporary protective order without a hearing or notice to the individual alleged to have committed the family violence, if the court finds there is a clear and present danger of family violence. Overrides other orders in existence, which may conflict with ex parte order. Also allows victim to stay in home and requires perpetrator to stay away from home.
§ 85.001- § 85.065. Issuance of Protective Order.	Yes	Provides the mechanism for entering a protective order. Keeps information regarding the location of victim confidential, protecting the victim from stalking or harassment.

§ 86.001- § 86.005. Law Enforcement Duties Relating to Protective Orders.	Yes	Requires law enforcement to establish procedures to handle protective orders. The protective order is effective and enforceable immediately and must be entered into the statewide law enforcement system maintained by DPS within 10 days after the order is received. Under the Brady Handgun Violence Prevention Act, a person with a protection order against them may not purchase a handgun.
Chapter 88. Uniform Interstate Enforcement of Protective Orders Act.	Yes	Provides that Texas will honor and enforce protective orders issued in other states.
§ 261.001- § 261.410. Investigation of Report of Child Abuse or Neglect.	Yes	Provides the procedures for reporting abuse or neglect and lists persons responsible for making report. Also provides immunities for good faith reports and penalties for failure to report.
Government Code		
§ 22.110. Judicial Instruction Related to Family Violence, Sexual Assault, and Child Abuse.	Yes	Provides for training of Court of Criminal Appeals justices on the issues of family violence, sexual assault, and child abuse and neglect.
§ 23.101. Primary Priorities.	Yes	Outlines the preferential scheduling given to hearings of certain violations of the Penal Code.
§ 41.006. Report to Attorney General.	Yes	Allows the Attorney General to direct District Attorneys and County Attorneys to report on criminal matters and interests of the state
§ 41.008. Record. (Office of Prosecuting Attorney)	Yes	Requires each District Attorney and County Attorney to keep records of all actions or demands prosecuted or defended and all proceedings held in relation to the attorneys' acts.
§ 41.102. Employment of Assistants and Personnel. (Staff of Prosecuting Attorney)	Yes	Allows a prosecutor to ask the Attorney General to assist with a case, or the Attorney General may offer assistance to a prosecuting attorney in all matters of a criminal case.
§ 42.005. Cooperation with Other Prosecuting Attorneys. (State Prosecuting Attorney)	Yes	Allows the State Prosecuting Attorney to assist a district or county attorney in representing a case before a court of appeals, or a district or county attorney may assist the State Prosecuting Attorney on cases before the Court of Criminal Appeals.
§ 57.002. Appointment of Court Interpreter.	Yes	Outlines the guidelines for appointment of court interpreters to ensure that victims may actively participate in the proceedings.

§ 76.013. Restitution.	Yes	Provides for the payment and collection of restitution ordered by a judge. The Community Supervision and Corrections Department will facilitate the payment of restitution to a victim.
§ 76.016. Victim Notification.	Yes	Provides notification process for victims. A department of the Community Supervision and Corrections will notify a victim of the release of a defendant on community supervision, terms of the release to community supervision, and details of the hearing where the community supervision may be modified or revoked.
§ 81.114. Attorney Instruction Related to Guardianship.	Yes	Outlines guidelines by which attorneys represent parties in guardianship cases or serve as court-appointed guardian, prohibiting stereo-typing and requiring the attorney to recognize the individual needs of each client.
§ 402.009. Authority to Employ and Commission Peace Officers. (Attorney General)	Yes	Allows the attorney general to employ and commission peace officers as investigators to assist in prosecution assistance and crime prevention.
§ 402.028. Assistance to Prosecuting Attorneys. (Attorney General)	Yes	Allows the attorney general to assist with a case at the request of a district or county attorney.
§ 402.0281. Internet Service Provider Database. (Attorney General)	Yes	Requires the Attorney General to establish a database containing contact information for all Internet service providers providing service in the state. The database is maintained by the OAG. § (b) allows law enforcement or a district attorney to request access to expedite the information gathering process of a criminal investigation concerning an offense under Penal Code, Sec. 33.021, Computer Crimes/Solicitation of a Minor.
§ 411.010. Assistance of State Agencies. (Department of Public Safety of the State of Texas)	Yes	Requires the Attorney General, the Texas Department of Transportation, the Texas Department of Health, and all other state agencies to cooperate with the Department of Public Safety (DPS) in the enforcement of state laws concerning public safety and crime prevention and detection.
§ 411.042. Bureau of Identification and Records. (DPS)	Yes	Requires DPS to collect data on the number and nature of offenses reported or known to have been committed in the state and legal steps taken, and other information useful in the study of crime and administration of justice, including statistics on family violence.
§ 411.045. Bureau of Training. (DPS)	Yes	Provides for training for DPS personnel and county and municipal police officers. Educates citizens in matters of public safety and crime prevention and detection.
§ 414.005. Duties. (Crime Stoppers Advisory Council)	Yes	Requires the council to foster the detection of crime and encourage persons to report information about criminal acts; and help law enforcement agencies detect and combat crime by increasing the flow of information to and between law enforcement agencies.

§ 414.012. Toll-Free Telephone Service. (Crime Stoppers Advisory Council)	Yes	Provides for a service accessible to persons in areas of the state not served by a crime stoppers organization. The information would be forwarded to law enforcement.
§ 420.005- § 420.009. Sexual Assault Prevention and Crisis Services.	Yes	Allows the attorney general to award grants to programs for maintaining or expanding existing services, including programs for human trafficking victims.
§ 420.015. Assessment of Sexually Oriented Business Regulations. (Sexual Assault Prevention and Crisis Services)	Yes	Allows the legislature to appropriate funds for a third-party assessment of the sexually oriented business industry in this state, providing recommendations to the legislature on how to further regulate the growth of the sexually oriented business industry in this state.
§ 420.051. Advocates for Survivors of Sexual Assault. (Sexual Assault Prevention and Crisis Services)	Yes	Requires advocates who deal with survivors of sexual assault to take a training course in sexual assault.
§ 420.071. Confidential Communications. (Sexual Assault Prevention and Crisis Services)	Yes	Provides that communication between an advocate and a survivor, or a person claiming to be a survivor, made in the course of providing sexual assault advocacy services to the survivor is confidential and may not be disclosed except as provided by this subchapter.
§ 493.025. Notification of Release. (Texas Department of Criminal Justice: Organization)	Yes	Provides for notification procedures on release of an inmate from a correctional facility or on release of an inmate on parole or mandatory supervision. The department shall promptly notify the clerk of the court in which the inmate was convicted.
§ 499.027. Eligible Inmates. (Population Management; Special Programs)	Yes	Prohibits an inmate who committed a serious offense under the Penal Code from being released to the general population.
§ 508.0481. Victim's Right to Representation. (Parole and Mandatory Supervision)	Yes	Provides that a victim subpoenaed by a parole panel under § 508.048 to appear at a hearing is entitled to representation by counsel. However, the state is not required to provide the representation.
§ 508.117. Victim Notification. (Parole and Mandatory Supervision)	Yes	Allows a victim to receive notification prior to a parole board considering parole release of an inmate.
§ 508.149. Inmates Ineligible for Mandatory Supervision.	Yes	Provides that an inmate is not eligible for mandatory supervision if the inmate was convicted of certain offenses of the Penal Code.

§ 508.153. Statements of Victim. (Parole and Mandatory Supervision)	Yes	Allows a victim to appear before the parole board members and present a statement about the offense, inmate, and the effect of the offense on the victim.
§ 508.186. Sex Offender Registration.	Yes	Requires as a condition of parole registration as a sex offender for certain crimes and the submission of DNA testing.
§ 508.187. Child Safety Zone.	Yes	Establishes as a condition of parole a child safety zone for certain releasees.
§ 508.191. No Contact with Victim. (Parole and Mandatory Supervision)	Yes	Provides that, as a condition of parole, a defendant on parole or mandatory supervision shall not communicate with a victim, unless the victim agrees to certain types of contact.
§ 508.322. Releasee Restitution Fund. (Parole and Mandatory Supervision)	Yes	Establishes a restitution fund consisting of restitution payments by defendants on parole or mandatory supervision and provides for payments to victims.
§ 534.001-§ 534.301. Locally Based Medicaid and Other Related Health Care Initiatives.	Yes	Allows local creation of Medicaid program for low-income families to provide health care to victims living below the poverty level. Also provides for a task force to review local health-care initiatives.
§ 552.132. Confidentiality of Crime Victim or Claimant Information. (Public Information)	Yes	Makes victim information confidential.
§ 552.1325. Crime Victim Impact Statement: Certain Information Confidential. (Public Information)	Yes	Makes victim information confidential.
§ 552.138 Exception: Family Violence Shelter Center and Sexual Assault Program Information.	Yes	Makes shelter information confidential
§ 752.001-§ 752.026. Immigration.	Yes	Establishes the Office of Immigration and Refugee Affairs (OIRA) to coordinate public and private programs for the benefit of immigrants and refugees; answer inquiries regarding services at the local, state, and federal levels; and assist local communities with programs that address the needs of this population.
§ 2264.001- § 2264.101. Restrictions on Certain Public Subsidies.	Yes	Restricts the use of certain public subsidies and prohibits the entities receiving those subsidies from employing undocumented workers.

Health & Safety Code		
Program benefits and services may not be available for all human trafficking victims, but if they are available to any victim then “yes” is marked. Benefits and services may be available to domestic victims of human trafficking but not to international victims of human trafficking, unless they have received certain immigration status from the federal government. Eligibility restrictions apply.		
§ 31.001-§ 31.017. Primary Health Care Services Act.	Yes	Allows for the provision of services for persons who are indigent.
§ 32.001-§ 31.045. Maternal and Infant Health Improvement Act.	Yes	Allows for the provision of comprehensive maternal and infant health improvement services.
§ 35.001-§ 35.013. Children with Special Health Care Needs.	Yes	Allows for the provision of services for children with special health-care needs.
§ 48.001-§ 48.003. Training and Regulation of Promotoras and Community Health Workers.	Yes	Sets up the guidelines for training community health workers.
§ 61.001-§61.066. Indigent Health Care and Treatment Act.	Yes/No	Provides for indigent health care services and includes the level of services and the proof of residency requirements for indigents applying for medical assistance.
§ 62.001- § 62.159. Child Health Plan for Certain Low-Income Children.	Yes	Provides for a state child health plan for primary and preventative health care to low-income, uninsured children of this state, including children with special health-care needs, who are not served by or eligible for other state assisted health insurance programs.
§ 63.003-§ 63.007. Health Benefits Plan for Certain Children.	Yes/No	Provides for a program to provide health-benefits plan coverage for a child meeting certain requirements, including residency.
§ 107.001-§ 107.009. Health Disparities Task Force.	Yes	Establishes a Health Disparities Task Force to assist the Health and Human Services Commission (HHSC) with issues on access to health services. The task force shall investigate and report on issues related to health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations.
§ 107A.001-§ 107A.003. Office for the Elimination of Health Disparities.	Yes	Establishes an office for the elimination of health access disparities among racial, multicultural, disadvantaged, ethnic, and regional populations.

§ 112.001-§ 112.014. Border Health Foundation.	Yes	Establishes foundation to help secure funding for border health clinics.
§ 145.001- § 145.016. Tanning Facilities.	Yes	Establishes the authority to regulate tanning facilities and to inspect for violations.
§ 145.0095. Issuance of License for Certain Facilities Prohibited.	Yes	Allows for the denial of a renewal license.
§ 311.043. Duty of Nonprofit Hospitals to Provide Community Benefits.	Yes	Requires a nonprofit hospital to provide health-care services to the community and to comply with all federal, state, and local government requirements for tax exemption in order to maintain such exemption. These health-care services to the community shall include charity care and government-sponsored indigent health care and may include other components of community benefits.
§ 323.004. Minimum Standards for Emergency Services. (Emergency Services for Survivors of Sexual Assault)	Yes	Lists the minimum services that a health care facility must provide to survivors of sexual assault.
§ 462.022. Voluntary Admission of Minor. (Treatment of Chemically Dependent Persons)	Yes	Allows a facility to admit certain minors for emergency or nonemergency treatment or rehabilitation.
§ 463.011. Contributing to Delinquency of Narcotic Addict; Criminal Penalty.	Yes	Provides criminal penalties for persons contributing to the delinquency of narcotic addicts.
§ 841.001. Legislative Findings. (Civil Commitment of Sexually Violent Predators)	Yes	Provides for civil commitment procedures for the long-term supervision and treatment of sexually violent predators.

Human Resources Code

Program benefits and services may not be available for all human trafficking victims, but if they are available to any victim, then "yes" is marked. Benefits and services may be available to domestic victims of human trafficking but not to international victims of human trafficking, unless they have received certain immigration status from the federal government. Eligibility restrictions apply.

§ 22.0001-§ 22.041. General Functions of Department of Human Services.	Yes	Requires the Health and Human Services Commission (HHSC) to administer assistance to needy persons who are aged, blind, or disabled and to needy families with dependent children. HHSC is also required to cooperate with other public and private agencies for the prevention and treatment of conditions giving rise to public welfare problems. Also, HHSC is required to conduct research, analysis, and reports of its programs to evaluate and improve the programs.
§ 22.022. Residency Requirements.	Yes/No	Allows delivery of services to legal residents of the United States or the State of Texas, unless otherwise allowed by law.
§ 22.0292. Information Matching System Relating to Immigrants and Foreign Visitors.	No	Requires HHSC to use a computerized matching system to compare applicants for services to the Department of Justice records relating to immigrants and visitors to the United States to prevent individuals from unlawfully receiving benefits.
§ 31.001-§ 31.053. Financial Assistance and Service Programs.	Yes	Requires HHSC to provide financial assistance and services to families with dependent children in accordance with the provisions of this chapter. The department shall give first priority in administering this chapter to assisting an adult recipient of or unemployed applicant for the financial assistance and services in finding and retaining a job. Includes referral programs, transitional child-care services, and parenting classes.
§ 31.0322. Victims of Family Violence.	Yes	Allows HHSC, the Texas Workforce Commission, and the Title IV-D agency to adopt procedures under which requirements relating to financial assistance and related services - including time limits, child support enforcement, paternity establishment, work activity, and residency - may be waived or modified for certain individuals who are victims of family violence.
§ 32.001-§ 32.157. Medical Assistance Program.	Yes	Enables the state to provide medical assistance on behalf of needy individuals and to obtain all benefits for those persons authorized under the Social Security Act [1] or any other federal act.
§ 33.0005-§ 33.027. Nutritional Assistance Programs.	Yes	Provides the food stamp program and other special nutrition programs.

§ 34.001-§ 34.007. State Temporary Assistance and Support Services Program.	Yes	Establishes the state program for temporary assistance and related support services.
§ 40.001-§ 40.107. Department of Family and Protective Services.	Yes	Requires the Department of Family and Protective Services (DFPS) to provide protective services and investigations for allegations of abuse, neglect, or exploitation. DFPS is also charged with implementing and managing programs intended to provide early intervention or prevent at-risk behaviors that lead to child abuse, delinquency, running away, truancy, and dropping out of school.
§ 40.067. Delivery of Services in Areas Bordering United Mexican States.	Yes	Requires DFPS to study issues related to providing child and adult protective services in areas bordering the United Mexican States and to develop a plan for providing those services in a more efficient manner. DFPS is also required to pursue and enter into agreements for coordinated services with the United Mexican States or any of its political subdivisions.
§ 51.001-§ 51.012. Family Violence Centers.	Yes	Promotes the development of and access to locally based and supported nonprofit services for victims of family violence throughout the state. Prohibits disclosure of the location of a family violence center or the identity of a person working at or receiving services through a center.
Title 3. Facilities and Services for Children.	Yes	Provides for the administration of correctional and other facilities for children to provide a program of constructive training aimed at rehabilitation and reestablishment in society, and to provide intervention programs.
§ 61.031. Continuing Study. (Texas Youth Council)	Yes	Requires the Texas Youth Commission (TYC) to carry on a continuing study of the problem of juvenile delinquency and to focus public attention on special solutions to the problem.
§ 61.042. Referrals from Federal Court.	Yes	Allows TYC to enter into agreements with the federal government to accept children from the federal court for an agreed compensation.
Labor Code		
§ 21.001-§ 21.556. Employment Discrimination.	Yes	Provides protection for employees in the state of Texas.
§ 51.001. Purpose. (Employment of Children)	Yes	Ensures that a child is not employed in an occupation or manner that is detrimental to the child's safety, health, or well-being.

§ 51.011. Minimum Age. (Employment of Children)	Yes	Prohibits the employment of a child under the age of 14 except as provided by law.
§ 51.013. Hours of Employment; Hardship Exemption. (Employment of Children)	Yes	Regulates the hours a minor eligible to work.
§ 51.014. Hazardous Occupations. (Employment of Children)	Yes	Provides that the Texas Workforce Commission (TWC) may by rule declare an occupation to be hazardous.
§ 51.021. Inspection; Collection of Information. (Employment of Children)	Yes	Allows for the inspection and collection of information to determine whether a child is being exploited.
§ 51.031. Offense; Penalty. (Employment of Children)	Yes	Criminalizes the exploitation of children.
§ 51.032. Defense to Prosecution. (Employment of Children)	No	Provides a defense to prosecution for a person employing a child who does not meet the minimum age requirement for a type of employment that the person relied in good faith on an apparently valid certificate of age, presented by the child, that showed the child to meet the age requirement for that type of employment.
§ 51.033. Administrative Penalty. (Employment of Children)	Yes	Provides for an administrative penalty up to \$10,000 for persons violating child employment laws.
§ 51.034. Injunction: Attorney General's Action. (Employment of Children)	Yes	Allows the attorney general to seek injunctive relief against an employer who repeatedly violates the requirements established regarding the employment of children.
§ 51.041-§ 51.046. Collection of Penalty.	Yes	Provides the remedies to collect on penalties assessed for employment of children.
§ 61.011. Paydays. (Payment of Wages)	Yes	Provides the manner in which people shall be paid. Persons not paying in accordance may be prosecuted.
§ 61.018. Deduction from Wages. (Payment of Wages)	Yes	Provides for protections against unlawful payroll deductions.

§ 61.019. Failure to Pay Wages; Criminal Penalty. (Payment of Wages)	Yes	Provisions for the failure to pay wages.
§ 61.020. Failure to Pay Wages; Attorney General Action. (Payment of Wages)	Yes	Allows the attorney general to seek injunctive relief against an employer who repeatedly fails to pay wages.
§ 61.051. Filing Wage Claim. (Payment of Wages)	Yes	Allows an employee who has not been paid wages to file a wage claim.
§ 61.053. Bad Faith; Administrative Penalty. (Payment of Wages)	Yes	Provides for an administrative penalty up to \$1,000 for persons violating payday laws.
§ 61.081-§ 61.085. Administrative Lien.	Yes	Creates an administrative lien process for the payment of penalties and wages.
§ 61.091-§ 61.055. Delinquency; Levy.	Yes	Creates a levy process for the collection of delinquent penalties and wages.
§ 62.001-§ 62.205. Minimum Wage.	Yes	Provides for minimum wage standards, including piece rates for workers, and for enforcement of wage provisions.
§ 62.154. Domestic Employment. (Minimum Wage)	No	Exempts from this chapter persons under domestic employment.
§ 62.201. Civil Penalty. (Minimum Wage)	No	Provides liability for an employer who violates § 62.051, 62.052, 62.053, or 62.054 or Subchapter C to an affected employee in the amount of the unpaid wages plus an additional equal amount as liquidated damages.
§ 64.002. Redemption of Evidence of Indebtedness.	Yes	Provides a procedure to redeem an employer's evidence of indebtedness.
§ 64.003. Action to Enforce Redemption; Penalty.	Yes	Provides penalties for failing to redeem an employer's evidence of indebtedness.
§ 92.001-§ 92.031. Temporary Common Workers.	Yes	Provides for the regulation of employers using temporary common workers, including obtaining a license and prohibiting deductions from pay not authorized by state or federal law.

Title 4. Employment Services and Unemployment.	Yes	Establishes the availability of unemployment compensation for certain unemployed workers and establishes a Human Rights Commission under the Texas Workforce Commission (TWC) to investigate matters related to employment discrimination, including workplace violations. Also includes referral and training programs for recipients of financial assistance or nonrecipient parents who participate in employment programs.
§ 201.064. Domestic Service.	No	Exempts services performed as domestic services in certain cases.
§ 201.078. Service by Nonresident Alien Agricultural Worker.	No	Exempts services performed by nonresident alien agricultural services in certain cases.
§ 301.064. Interpreter Services; Bilingual Forms.	Yes	Requires TWC to provide language interpreters for agency programs through a comprehensive language services program for persons whose primary language is Spanish. May provide language interpreters through the program for persons whose primary language is other than Spanish or English.
Title 5. Workers' Compensation.	Yes	Provides the coverage and remedies available when employers have Workers' Compensation Insurance. Also provides criminal penalties for violations.
§ 411.081. Telephone Hotline.	Yes	Provides a toll-free telephone service in English and Spanish for reports of violations of occupational health or safety law.
Local Government Code		
Title 7. Regulation of Land Use, Structures, Businesses, and Related Activities.	Yes	Allows local municipalities to regulate certain activities.
§ 363.001-§ 363.302. Crime Control and Prevention Districts.	Yes	Allows local municipalities to create crime control and prevention programs.
Occupation Code		
§ 51.302. Amount of Penalty. (Texas Department of Licensing and Regulation)	Yes	Allows an administrative penalty not to exceed \$5,000 per day for violations.

§ 51.351. Inspections and Investigations. (Texas Department of Licensing and Regulation)	Yes	Allows the Texas Department of Licensing and Regulation to conduct investigations and make inspections.
§ 51.352. Injunctive Relief; Civil Penalty. (Texas Department of Licensing and Regulation)	Yes	Allows the attorney general to seek injunctive relief against an employer who repeatedly violates licensing provisions.
§ 51.452. Telephone Information System. (Texas Department of Licensing and Regulation)	Yes	Requires a toll-free telephone information system to provide assistance and referral services to persons who inquire about a program regulated by a licensing entity.
Title 3. Health Professions.	Yes	Provides the regulatory authority for health professions.
Title 10. Occupations Related to Law Enforcement and Security.	Yes	Provides the regulatory authority for law enforcement and other related professions.
Penal Code		
§ 7.01-§ 7.03. Complicity. (Criminal Responsibility for Conduct of Another)	No	Provides for the criminal responsibility for the conduct of another.
§ 7.21-§ 7.24. Corporations and Associations. (Criminal Responsibility for Conduct of Another)	Yes	Holds a corporation criminally liable for actions of its agents when acting in their professional capacity.
§ 8.05. Duress	Yes	Provides for an affirmative defense for non-felony offenses, if the actor was engaged in the proscribed conduct because the actor was compelled to do so by force or threat of force.
§ 9.01-§ 9.063. Justification Excluding Criminal Liability.	Yes	Provides defenses to prosecution for justifiable actions as listed in the statute.
§ 12.01-§ 12.051. Punishments.	Yes	Provides the punishments available for offenses.

§ 19.01-§ 19.06. Criminal Homicide.	Yes	Outlines actions constituting criminal homicide and provides classification of offenses.
§ 20.01-§ 20.05. Kidnapping and Unlawful Restraint.	Yes	Outlines actions constituting kidnapping and provides classification of offenses. Unlawful transport (§ 20.02) is particularly pertinent. It makes a person criminally liable for transporting an individual for pecuniary benefit in a way that is meant to conceal the individual from authorities and creates a likelihood that the individual will suffer serious bodily injury or death.
§ 20A.01-§ 20A.02. Trafficking of Persons.	Yes	Outlines actions constituting trafficking in persons and provides classification of offenses.
§ 21.01-§ 21.15. Sexual Offenses.	Yes	Outlines actions constituting sexual offenses and includes classification of offenses.
§ 22.01-§ 22.12. Assaultive Offenses.	Yes	Outlines actions constituting assaultive offenses and includes classification of offenses. Makes it a crime to recklessly or intentionally cause injury to another person's body, and makes it a crime to use force to have sexual contact with another person. Also creates felonies if a deadly weapon is used in the commission of the offense.
§ 25.04. Enticing a Child.	Yes	Creates an offense if, with the intent to interfere with the lawful custody of a child under the age of 18, a person knowingly entices, persuades, or takes the child from the custody of the parent or guardian or person standing in the stead of the parent or guardian of such child.
§ 25.06. Harboring Runaway Child.	Yes	Creates an offense to knowingly harbor a runaway child under the age of 18.
§ 25.07. Violation of Protective Order or Magistrate's Order.	Yes	Creates an offense for a person violating protective orders.
§ 25.07. Violation of Certain Court Orders or Conditions of Bond in a Family Violence Case.	Yes	Creates an offense for a person violating protective orders.
§ 25.08. Sale or Purchase of Child.	Yes	Criminalizes selling or giving away a child under the age of 18 for gain.
§ 25.09. Advertising for Placement of Child.	Yes	Criminalizes the advertisement of adoption of a child under the age of 18, except by licensed child-placing agencies.

§ 25.10. Interference with Rights of Guardian of the Person.	Yes	Creates an offense if a person takes, retains, or conceals a ward when the person knows this will interfere with a possessory right of the ward.
§ 33.021. Online Solicitation of a Minor.	Yes	Creates an offense if the person over the Internet by electronic mail, text message or other electronic message service or system, or through a commercial online service, knowingly solicits a minor to meet another person, including the actor, with the intent that the minor will engage in sexual contact, sexual intercourse, or deviate sexual intercourse with the actor or another person.
§ 33.04. Assistance by Attorney General.	Yes	Allows the attorney general to assist with a case involving the use of a computer, at the request of a district or county attorney.
§ 34.01-§ 34.03. Money Laundering.	Yes	Outlines actions constituting money laundering and provides classification of offenses. Also allows the attorney general to assist with a case at the request of a district or county attorney.
§ 43.02. Prostitution.	No	Outlines the actions constituting prostitution and provides classification of offenses.
§ 43.03. Promotion of Prostitution.	Yes	Outlines the actions constituting promoting prostitution and provides classification of offenses.
§ 43.04. Aggravated Promotion of Prostitution.	Yes	Outlines the actions constituting aggravated promotion of prostitution and provides classification of offenses.
§ 43.05. Compelling Prostitution.	Yes	Outlines the actions constituting aggravated promotion of prostitution and provides classification of offenses.
§ 43.06. Accomplice Witness; Testimony and Immunity.	Yes	Provides protection for those who would provide evidence regarding prostitution.
§ 43.22. Obscenity.	Yes	Outlines the actions constituting promoting obscenity and provides classification of offenses. Includes the promotion of materials depicting a child younger than 18.
§ 43.24. Sale, Distribution, or Display of Harmful Material to a Minor.	Yes	Prohibits the sale, distribution, or display of materials considered harmful to a minor, including material of a sexual nature. Also prohibits hiring a minor to accomplish any of the acts depicted in the material.
§ 43.25. Sexual Performance by a Child.	Yes	Prohibits employing, authorizing, or inducing a child under the age of 18 to engage in sexual conduct or a sexual performance. It also prohibits parents or guardians from approving of activity.

§ 43.251. Employment Harmful to Children.	Yes	Prohibits employing, authorizing, or inducing a child under the age of 18 to work in a sexually commercial business or any place of business where a child works nude or topless.
§ 43.26. Possession or Promotion of Child Pornography.	Yes	Prohibits the possession or promotion of visual material depicting a child under the age of 18 engaging in sexual conduct.
§ 43.27. Duty to Report.	Yes	Requires a business that develops or processes visual material to report to law enforcement if the business determines the material may be evidence of a criminal offense.
§ 48.02. Prohibition of the Purchase and Sale of Human Organs.	Yes	Prohibits the purchase or sale of human organs.
§ 71.02. Engaging in Organized Criminal Activity.	Yes	Outlines the actions constituting organized criminal activity and provides the classifications of offenses. Includes prostitution, kidnapping, and human trafficking.
§ 71.021. Violation of Court Order Enjoining Organized Criminal Activity.	Yes	Criminalizes violations of temporary or permanent orders issued under 125.065(a) and (b), Civil Practice and Remedies Code.
§ 71.022. Soliciting Membership in a Criminal Street Gang.	Yes	Outlines the actions constituting solicitation of membership for a street gang and provides the classification of offenses.
§ 71.04. Testimonial Immunity.	Yes	Provides testimonial immunity for certain witnesses.

APPENDIX B

Survey Protocol for Direct Service Staff

Introduction

You are being asked to complete a short survey about your work and your agency's work on human trafficking. The findings will identify changes in programs, services, policies, and laws to better address the crime of human trafficking in our State.

Your participation is completely anonymous. We will not be asking you any personal information. Therefore, your responses will not be individually identifiable, and findings will be reported as a summary of the more than 60 people expected to participate in this research.

Definition of Human Trafficking

The recruitment, harboring, transporting, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, slavery or forced commercial sex acts (Section 103(8) Trafficking Victims Protection Act, 2000).

Victims are trafficked for two primary purposes: for sex or labor.

Demographic Questions

1. What agency do you work for? _____

Survey

1. Have you worked with any victims of human trafficking?
If yes,
 - a. How many cases?
 - b. How many were victims of domestic trafficking?
 - c. How many were victims of international trafficking?
 - d. How many of these cases were for sex? labor? sex and labor?
 - e. What was the youngest victim of trafficking identified? What was the oldest victim of trafficking identified?
 - f. What was the primary national origin or ethnic background of the victims?
 - g. What percentage of these victims received continued presence? What was the average length of time required for certification?
 - h. What percentage of victims received T visas? What was the average length of time required to get the T visas?
 - i. Did the case(s) go to trial? If not:

- i. Did the government decide not to prosecute?
 - ii. Was the victim unable to cooperate?
 - iii. Did the victim decide not to cooperate?
 - iv. Other reasons?
2. Who referred these victims to you? List all agencies that have referred to your agency.
3. To your knowledge, what percentage of victims that you have worked with get these services and/or programs *before* they are certified?

Programs	Services
Child nutrition programs	Life skills
Food stamps	Court Orientation
Women, Infant, Children (WIC)	Certified Trained Interpreters
Temporary Assistance to Needy Families	Self-Help Groups
Dental	Transportation
Services to Victims of Torture	Victims Rights and Services
Health Screening	Crisis Intervention
Child Care	Job Training
Substance Abuse Services	Legal Support
Public Housing	Tutoring
Mental Health Services	Mentoring
VOCA Emergency Funds	Spiritual/Faith
Witness Protection	Other, please list
OVC Services for Trafficking Victims	
Discretionary Grant Services	
Crime Victims Compensation	
ESL Training	
Immigration and Refugee Services	
Medicaid	
HIV/AIDS	
Children's Health Insurance Program (CHIP)	
Other, please list	

4. To your knowledge, what percentages of victims that you have worked with get these services and/or programs *after* they are certified?

Programs	Services
Child nutrition programs	Life skills
Food stamps	Court Orientation
Women, Infant, Children (WIC)	Certified Trained Interpreters
Temporary Assistance to Needy Families	Self-Help Groups
Dental	Transportation
Services to Victims of Torture	Victims Rights and Services
Health Screening	Crisis Intervention

Child Care	Job Training
Substance Abuse Services	Legal Support
Public Housing	Tutoring
Mental Health Services	Mentoring
VOCA Emergency Funds	Spiritual/Faith
Witness Protection	Other, please list
OVC Services for Trafficking Victims	
Discretionary Grant Services	
Crime Victims Compensation	
ESL Training	
Immigration and Refugee Services	
Medicaid	
HIV/AIDS	
Children's Health Insurance Program (CHIP)	
Other, please list	

5. What role did cultural differences play in *providing* services?
1=Not At All
2=Very Little
4=Some
5=A Lot
0=Not applicable
6. How much was language a barrier in *providing* services?
1=Not At All
2=Very Little
4=Some
5=A Lot
0=Not applicable
7. What role did cultural differences play in *getting* services?
1=Not At All
2=Very Little
4=Some
5=A Lot
0=Not applicable
8. How much was language a barrier in *getting* services?
1=Not At All
2=Very Little
4=Some
5=A Lot
0=Not applicable
9. Were the services equally available for all victims? If not, what were the differences and reasons for the differences?

10. What funding covered the costs of providing these services? List program names and the funding agency.
11. Does your agency track the 'success' of victims once they leave the program? By success, we mean a victim's ability to be self-sufficient. Y/N
If yes:
 - i. What method is used to track this?
 - ii. How is 'success' defined?
 - iii. What percentage of victims receiving services are 'successful'?
12. In general, what health services do you think victims of human trafficking might need, but do not get? (e.g. dental care, health screenings, etc.)
13. In general, what social services do you think victims of human trafficking might need, but do not get? (e.g. child nutrition program, food stamps, services to victims of torture, etc.)
14. Why are these services inaccessible?
 - a. Difficulty in identifying victims
 - b. Problematic intergovernmental or interagency relations. If so, which of the following would best correct the situation? (You may pick multiple answers and prioritize.)
 - i. Better defined roles and responsibilities for each level of government and/or agency
 - ii. A single point of contact at each agency with the responsibility and authority to make decisions
 - iii. Documented, standardized processes/protocols accepted by both sides
 - iv. Interagency and/or intergovernmental policies
 - v. Changes in federal. If so, what changes would you recommend?
 - vi. Changes in state law. If so, what changes would you recommend?
 - c. Other, please list
15. What are the services that victims of human trafficking might need but would not be eligible for because of governmental or nongovernmental policies or regulations?
16. List the top five challenges/barriers that you face in providing services to victims of human trafficking.
17. List the top five challenges that you face with the coordination of services for victims of human trafficking with other governmental or nongovernmental agencies (e.g. communication, agency policies, lack of resources, etc.).
18. Do you work with federal agencies that fund services for victims of trafficking?
19. Describe your relationship with law enforcement agencies. How does it work well? What are the challenges?
20. What resources do you need to provide *improved* services to victims of human trafficking?
21. List your top 3 challenges posed by existing state and federal laws and/or rules/policies that make it *harder* for you to meet the needs of human trafficking cases.

22. What recommendations do you have for changes/modifications that would allow victims of trafficking to cooperate with the investigation or prosecution of these cases? What do they need?
23. How many professional trainings have you attended on human trafficking?
 - a. Describe the training (length, who gave it, etc.).
 - b. How interested would you be in attending more training?
 - c. What topics would you like covered in those trainings?
 - d. Have you been an instructor at any of these trainings?
24. What else do you have to add?

APPENDIX C

Survey Protocol for State Agencies

Introduction

You are being asked to complete a short survey about your agency's policies on human trafficking. The findings will identify changes in programs, services, policies, and laws to better address the crime of human trafficking in Texas.

Your participation is completely anonymous. You will not be asked any personal information. Therefore, your responses will not be individually identifiable and the findings will be reported as a summary of the more than 60 people expected to participate in this research.

Definition of Human Trafficking

The recruitment, harboring, transporting, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, slavery or forced commercial sex acts (Section 103(8) Trafficking Victims Protection Act, 2000).

Victims are trafficked for two primary purposes: for sex or labor.

Demographic Questions

1. What agency do you work for? _____

Survey

1. Does the agency you work for have a policy related to the protection of victims of human trafficking?
 - a. Yes
 - b. No
 - c. Not sure

If yes,

1. What is your agency's policy about human trafficking? Please give us the entire agency policy.
2. In what ways would you suggest that policy needs to be modified to better service victims of human trafficking?
3. How are agency personnel trained on the policy on human trafficking?
4. What agency staff are most likely to be in contact with or serve victims of human trafficking?
5. How many victims of human trafficking have been served by the agency?
6. What training on human trafficking is available for staff to attend? Name training and location that staff may have attended.

If no,

1. Do you anticipate the development of a policy on human trafficking in the future?
2. How likely do you think that your agency staff might work with victims of human trafficking?
3. How might that policy suggest that agency staff respond to victims of human trafficking?
4. How might you see that agency staff are trained on the policy?
5. What agency staff are most likely to be in contact with or serve victims of human trafficking?
6. Have any victims of human trafficking been identified by agency staff?
7. What training on human trafficking do you think that agency staff need? How might that curriculum fit into the overall training goals for agency staff?

APPENDIX D
Interview Protocol for Task Force Members

Broad Demographic Questions

1. Do you work for a *state, federal, local law enforcement agency*?
2. What is your *primary responsibility* in your position? (e.g. prosecution, investigation, victim advocacy, supervisor?)
3. What is the *Task Force* that you or your agency is involved with?

Questions about Work on HT Cases

1. Have you worked with victims of human trafficking?

If yes,

- a. How many *cases*?
- b. For how many *years*?
- c. How many *victims*?
- d. What were the *national origins or ethnic backgrounds* of human trafficking victims?
- e. Briefly describe the *circumstances* in which you had involvement? (e.g. sting operation, prosecution of a case, providing victim support and case organization, etc.)
- f. Did any of your cases go to *trial*? If not, did the government decide not to prosecute or was the victim not able to cooperate/decided not to cooperate?

If no, and continuation of “yes” respondents,

- g. Does your *department* have a human trafficking Task Force? Are you on it? What is your role?
- h. Do you know how to *certify* a human trafficking victim?
- i. Which state or federal agency you do *report* human trafficking victims to?

Challenges in rules/policies

2. Describe five to 10 *challenges posed by existing state and federal laws and/or rules/policies* that make it harder for you to meet the needs of human trafficking cases. What makes it harder for you to do your job? Be specific.

Recommendations

3. What *recommendations* do you have for changes/modifications that would better equip you in the investigation and prosecution of these cases? What do you need to do your job better? (You may pick multiple answers and prioritize)

- a. Better defined roles and responsibilities for each level of government and/or agency
- b. A single point of contact at each agency with the responsibility and authority to make and execute decisions
- c. Documented, standardized processes/protocols accepted by both sides
- d. Interagency policies and practices to improve coordination and cooperation
- e. Changes in federal law, including immigration laws. If so, what changes would you recommend?
- f. Changes in state law. If so, what changes would you recommend?
- g. Changes in court procedures or practices. If so, what changes would you recommend?
- h. Improved collaboration between NGOs and governmental service providers. If so, what improvements would you recommend?
- i. Changes in community human trafficking organizational structure. If so, what changes would you recommend?
- j. Additional training

What else?

Challenges in working with victims

4. Describe the five *challenges regarding working with the victims* of human trafficking. What barriers do you experience with the victims themselves?
 - a. What role did *cultural differences* of victims play in securing their cooperation in the investigation?
 - b. What role did *language barriers* play in securing their cooperation in the investigation?

Training on human trafficking

5. How many professional *trainings* have you attended on human trafficking?
 - a. Describe the *training* (length, who gave it, etc.).
 - b. How *interested* would you be in attending more training?
 - c. Does your department have *enough* training on human trafficking?
 - d. What *topics* would you like covered in those trainings?
 - e. Should training on human trafficking be mandated for TCLEOSE renewal under Special Investigative topics, or should all police training centers teach HT as a mandated TCLEOSE course?

Recommendations regarding victim cooperation

6. What *recommendations* do you have for changes/modifications that would allow victims of trafficking to cooperate with the investigation or prosecution of these cases? What do they need?

Background Questions about Task Force

1. *How long* have you been working with the human trafficking Task Force? Years and months?
2. In what ways have you worked with other members of the Task Force? Describe your *relationship* with other members of the Task Force (e.g. beneficial, difficult, etc.). Why?
3. Have there been *inconsistencies* in identifying criteria for human trafficking victims? If so, what are they? Are more definitive criteria/requirements needed?
4. Describe your relationship in working with *investigations/prosecutions* of these cases.
5. How do you see *state and local law enforcement* working on human trafficking cases?
 - a. As extensions of a federal investigation?
 - b. As state and local law enforcement supporting a federal case?
 - c. As state and local law enforcement supporting only state human trafficking cases?
 - d. Other ways?
 - e. Do these/how do these relationships differ in cases that are not human trafficking?
6. Describe your relationship with local *nongovernmental* and social service providers. How does it work well? What are the challenges?
7. What suggestions do you have to make this complex process of *collaboration* between investigations and prosecutions and social services more cohesive?

Additional comments

8. What else is important that we have not talked about?

APPENDIX E
Unaccompanied Refugee Minor (URM) Programs and
Unaccompanied Alien Children (UAC)/Division of Unaccompanied Children's Services (DUCS)
Facilities in Texas

URM Programs in Texas

Catholic Charities of the Archdiocese of Galveston-Houston
Houston, Texas

Lutheran Social Services of the South, Inc.
Dallas, Texas

UAC/DUCS Facilities

The majority of children are cared for through a network of ORR-funded care provider facilities, most of which are located close to areas where immigration officials apprehend large numbers of aliens. There are currently more than 40 ORR-funded care provider facilities in 10 different states.

Care provider facilities are state licensed and must meet ORR requirements to ensure a high level of quality of care. The facilities, which operate under cooperative agreements and contracts, provide children with classroom education, health care, socialization/recreation, vocational training, mental health services, family reunification, access to legal services, and case management. Care provider facilities case management teams use effective screening tools to assess children for mental health and victim of trafficking issues.

- Most UAC are placed in shelters and group homes
- If a child requires a higher level of care due to a documented criminal history, secure placement options are available
- For children with special needs (young age, pregnant/parent, acute medical needs, mental health concerns), or who have no viable sponsor to reunite with while going through immigration proceedings, long-term foster care is available through ORR's refugee foster care program network
- ORR funds certain special programs to serve children with acute medical and mental health needs

Office of Refugee Resettlement (2008). On-line at <http://www.acf.hhs.gov/programs/orr>.

APPENDIX F
National and State Reports on Human Trafficking

National Report

Evaluation of Comprehensive Services for Victims of Human Trafficking: Key Findings and Lessons Learned

Submitted by Caliber

2007

<http://www.ncjrs.gov/pdffiles1/nij/grants/218777.pdf>

State Reports

California

California Alliance to Combat Trafficking and Slavery Task Force

Human Trafficking in California

2007

http://safestate.org/documents/HT_Final_Report_ADA.pdf

Connecticut

N.M. Pierre, The Permanent Commission on the Status of Women.

State of Connecticut general assembly: Trafficking in persons council annual report

2008

<http://www.cga.ct.gov/pcsw/Trafficking/2008%20trafficking%20annual%20report.pdf>

Florida

The Florida State University Center of Advancement of Human Rights

Florida responds to human trafficking

2003

<http://www.cahr.fsu.edu/the%20report.pdf>

Idaho

Idaho Office of Attorney General

Report on Human Trafficking Victim Protection

2007

Kentucky

T.K. Logan, University of Kentucky

Human Trafficking in Kentucky

2007

<http://cdar.uky.edu/VAW/docs/Human%20Trafficking%20in%20Kentucky.pdf>

Maine

Maine Human Trafficking Task Force

Final report for the Human Trafficking Task Force

2006

<http://mainegov-images.informe.org/legis/opla/humtraffinrpt.pdf>

Minnesota

Minnesota Office of Justice

Human trafficking in Minnesota: A report to the Minnesota legislature

2007

http://www.ojp.state.mn.us/cj/publications/Reports/2007_Human_Trafficking.pdf

Ohio

Kathleen Y.S.. Davis, The Polaris Project

Human trafficking and modern day slavery in Ohio

2006

Washington

Washington State Task Force against Trafficking in Persons

Human Trafficking: Present Day Slavery

2004

http://www.cted.wa.gov/_CTED/documents/ID_29_Publications.pdf

Institute on Domestic Violence and Sexual Assault

The University of Texas at Austin School of Social Work

The mission of the Institute on Domestic Violence and Sexual Assault (IDVSA) is to advance the knowledge base related to domestic violence and sexual assault in an effort to end violence. IDVSA accomplishes this through supporting research on domestic violence and sexual assault and by providing training, technical assistance, and information dissemination to the practitioner community and the community at large. It is the vision of IDVSA that its multidisciplinary, researcher-practitioner, collaborative approach will enhance the quality and relevance of research efforts and their application in service provision.

The IDVSA is made possible through grants from the Hogg Foundation for Mental Health, the RGK Foundation, the Shield-Ayres Foundation, and Dean Barbara White of The University of Texas at Austin School of Social Work.

Principal Investigators:

Noël Bridget Busch-Armendariz, PhD, Principal Investigator
The University of Texas at Austin School of Social Work
nbusch@mail.utexas.edu

Sarah Buel, JD, Co-Investigator
The University of Texas at Austin School of Law
sbuel@law.utexas.edu

Regina Johnson, PhD, Co-Investigator
The University of Texas at Austin School of Nursing
rjohnson@nur.utexas.edu

Institute Staff:

Karen Kalergis, MA, Associate Director
Laurie Cook Heffron, LMSW
Alison Little