Human Trafficking

Human Trafficking Facts

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

How BIG is the Problem?

- The US Department of State estimated 12.3 million people are victims of forced labor, bonded labor, and forced prostitution around the world.¹
- Identified victims vs. Estimated victims: 0.4% ²
- The cost to victims is estimated at $20.9 billion per year.³

¹ US Department of State, Trafficking in Persons Report; 2010.
² The cost of coercion, REPORT OF THE DIRECTOR-GENERAL, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, INTERNATIONAL LABOUR CONFERENCE, 98th Session 2009.
³
Texas Numbers

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

TRAFFICKING vs. SMUGGLING

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

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

Who Are The Victims

“The next prostitute, exotic dancer, illegal immigrant, runaway youth, domestic servant, or migrant worker you encounter may be a victim of human trafficking.”
Domestic Minor Sex Trafficking Victim

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

Stages of Victimization

- Vulnerability
  - Looking for better life
  - Escape current conditions (Desperate)
- Recruitment
  - Voluntary (fraud)
  - Forced (force or coercion)
- Exploitation (physical and psychological)
- Resolution
  - Rescue
  - Escape
  - Death

Who Are The Traffickers?

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

1. 2009 Annual Report; National Center for Missing and Exploited Children.

1 2009 Annual Report; National Center for Missing and Exploited Children.
2 Shared Hope International and Onanon Productions. DVD. Washington, D.C.: Shared Hope International
Where Victims are Exploited

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

Marketing the Exploitation

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

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

Methods Of Control

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Fraud

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

Coercion

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

- How did you get here?
- Do you know where you are?
- Where do you live, eat, and sleep?
- Are you working to pay a debt?
- Where is your passport or ID?
- Has someone threatened your family?
- Are you being abused?
- Can you leave if you want to?
- Are you afraid of someone?

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**Where Municipal Judges Come Across Victims**

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

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**Juvenile Intervention**

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

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

Providing Protection for Child Human Trafficking Victims

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

Defendant’s Charged with Other Crimes

- Are they actually an adult?
- Are they doing this of their own free will?
- How are they going to end up paying bail?
- Who is going to bail them out?
- If an attorney is present who is paying for the attorney?
Non-Citizen Defendants

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

Victims and Protective Orders

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

Bail

- Range of punishment on many Human Trafficking Offenses enhanced
- Is there a victim? Do they need protection as a condition of bail?
- What is their prior criminal record? Is it connected to Human Trafficking?
- 3g Offense- State MUST be given reasonable notice of a proposed bail reduction
Other Helpful Tools

- Public Nuisance
  - employing a child at sexually explicit business; trafficking; sexual conduct or performance by a child; and employment harmful to a child to underlying list of offenses eligible for a public nuisance suit. (SB 24 and HB 289)
  - Sec. 129.0015 Civil Practice and Remedies Code

- City Ordinances
  - Does your city have any city ordinances that may help you identify and protect victims of Human Trafficking?

Reorganize Human Trafficking Crimes

- Legislature reorganized Texas Penal Code Section 20A to clearly define types of criminal conduct according to the victim’s age and type of abuse (SB 24)

- Adult Victim
  - Labor or sex

- Child Victim
  - Labor or sex

- Simplify the definition of traffic to proof standard of force, fraud or coercion
  - Similar to federal law
  - Not required for child sex trafficking victims

- New structure is a key enhancement for law enforcement and prosecutors

Punishments and Enhancements

- Increase penalties against a person who solicits a child for prostitution (HB 2014) Sec. 43.02 Penal Code
  - Third degree if child between age 14 to 18
  - Second degree if child under 14

- Enhance penalties for the sale or purchase of a child for human-trafficking related offenses (HB 2014) Sec. 25.08 Penal Code
  - Second degree if the intent of the actor is to engage in child human trafficking, compelling prostitution, or promotion of prostitution
**Punishments and Enhancements**

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

**Venue**

- Expand venue provisions for trafficking of persons cases to be based upon the entirety of the criminal episode similar to kidnapping.
  (SB 24) Art. 13.12 Code of Criminal Procedure

**Statute of Limitations**

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

(SB 24) Art. 12.01 Code of Criminal Procedure
Other Applicable State Laws

- Often traffickers violate other state laws such as:
  - Kidnapping, Unlawful Restraint PC 20.01
  - Murder PC 19.02
  - Assault Offenses PC 22.01
  - Aggravated Sexual Assault PC 22.021
  - Sexual Assault PC 22.11
  - Aggravated Kidnapping PC 20.04
  - Compelling Prostitution PC 43.05
  - Organized Criminal Activity PC 71.02 (Brothels)
  - Seizure of Assets CCP 59

Immigration Considerations

- T-Visa
  - Specifically for victims of Human Trafficking
  - Resources available to victim for health care, housing, etc.

- U-Visa
  - Victim of criminal activity
  - Not as many resources available under this Visa

- Continued Presence
  - Allows victim to stay in the U.S. during the pendency of the case

NGO Victim Resources

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

Possible local/regional resource avenues:
- 211 System (statewide 24/7 phone lines)
- Local charities and/or churches
- United Way
- Salvation Army
### Houston Victim Assistance

- Houston Rescue and Restore Coalition
- Coalition Against Human Trafficking
- Human Trafficking Rescue Alliance
- St. Frances Cabrini Center for Immigrant Legal Assistance
- YMCA International Services
- University of Houston Immigration Law Clinic
- Boat People SOS Immigration Service Center (Vietnam)
- Catholic Charities
- Chinese Community Center
- Free The Captives

### Dallas And Fort Worth Victim Assistance

- Mosaic Family Services
- Letot Center (Part of Dallas Juvenile Dept)
- Human Rights Initiative
- Catholic Charities
- Promise House
- The Family Place
- New Life Opportunities
- New Friends New Life
- Victim’s Outreach, Inc.

### San Antonio Victim Assistance

- Catholic Charities
- Embassy of Hope Center
- Rape Crisis Center
- The Battered Women and Children’s Shelter
Austin Victim Assistance

- Refugee Services of Texas
- Central Texas Coalition Against Human Trafficking
- Central Texas Youth Services

National Victim Resources

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

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

For more information on human trafficking visit the Department of Health and Human Services.
www.acf.hhs.gov/trafficking

Questions and Answers

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