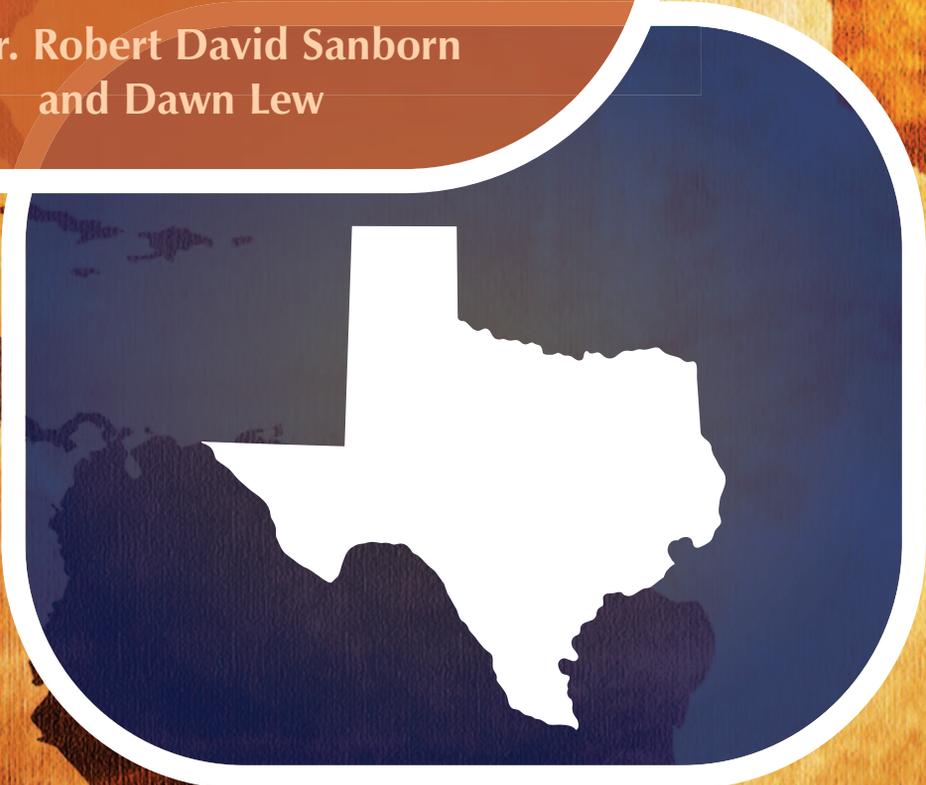


# Fighting Human Trafficking in Texas

By Dr. Robert David Sanborn  
and Dawn Lew



**H**uman trafficking has garnered an increasing amount of attention in the United States in the past several years. What was once thought by many to be a crime only involving people trafficked in third-world countries or international victims brought into the United States is now known to be a significant problem involving large numbers of U.S. citizen victims. Undoubtedly, human trafficking is a global problem, with more people enslaved worldwide today than at any other time in history.<sup>1</sup> But human trafficking is a domestic problem as well, with U.S. citizens and lawful permanent residents being trafficked within our own country. In fact, there are more domestic than international victims being trafficked within the United States.<sup>2</sup>

Human trafficking exists in many forms, with sex and labor trafficking being the most prevalent forms. In the United States, sex trafficking is the most common form of trafficking among domestic victims and, within the realm of domestic sex trafficking, domestic *minor* sex trafficking is especially prevalent. Although the concrete number of child victims is difficult to quantify, research indicates that as many as 300,000 children are at risk of sexual exploitation, including trafficking, every year.<sup>3</sup>

Understandably, it may be difficult to comprehend the truth behind these numbers. How is it possible for so many children to be trafficked in America? The answer in part is that many child trafficking victims are runaway or “throw-away” youth who have experienced abuse or neglect in their homes. Traffickers, also known as pimps, prey upon the vulnerabilities of these youth by providing them with affection, attention, and by filling other needs that prompted the youth to run in the first place, in exchange for the child’s sexual exploitation. In addition to runaways, the demand for commercial sex is so high that children have also been abducted by traffickers. In 2009, a 14-year-old girl from San Antonio was kidnapped and taken to Corpus Christi, where she was sexually assaulted over the course of a week, given a false identification, and forced to work at a strip club.<sup>4</sup> In 2008, a 12-year-old runaway was forced to dance at a strip club in Dallas by a 22-year-old man who tried to make her work as a prostitute as well.<sup>5</sup>

Victims are from all ages, races, genders, and come from all socioeconomic backgrounds, as do their traffickers. Oftentimes, victims are trafficked after being approached by complete strangers; however there have also been numerous accounts of children who were trafficked by family members within their own home.

Texas is a national hub of human trafficking. The U.S. Department of Justice identified the I-10 corridor as the most heavily traveled route for human trafficking in the country,

with as many as one in five victims in the United States passing through Texas.<sup>6</sup> Within Texas, Houston’s proximity to the U.S.-Mexico border, national airports and seaports, major sporting events, national conventions, and diverse population all come together to provide the perfect storm of supply and demand for the crime, making the city a hub within the nation’s hub.

While the focus may be on Texas, public officials and anti-trafficking organizations in other states are looking at Texas for a positive reason: Texas has responded to the trafficking crisis by passing the most progressive and comprehensive anti-trafficking laws in the country.<sup>7</sup>

In 2003, Texas was the second state in the nation to pass a law on human trafficking.<sup>8</sup> In subsequent legislative sessions, the Texas Legislature continued to make changes to state law, but it was not until the 81st and 82nd Legislative Sessions in 2009 and 2011, in which omnibus bills were passed, that substantial changes to Texas law were made.<sup>9</sup>

In 2009, H.B. 4009 mandated training on human trafficking for newly-licensed law enforcement officers as well as those officers wishing to advance in rank. As police officers oftentimes present the first opportunity for victims to be identified, this training significantly increases victims’ chances to be rescued. H.B. 4009 also established the Human Trafficking Prevention Task Force in the Office of the Attorney General to provide a unified network of stakeholders across the state to share information and develop policy solutions. State agencies and officials represented on the task force include: the attorney general, governor, Health and Human Services Commission, Department of Family and Protective Services, Department of Public Safety, Workforce Commission, Department of Criminal Justice, Youth Commission, Juvenile Probation Commission, Alcoholic Beverage Commission, local law enforcement, and several members appointed by the attorney general. Several victim services organizations and trade associations are also members. Before the task force was created, a single entity focus-



*Child advocates and other supporters of H.B. 4009 were on hand as Gov. Rick Perry signed the legislation, mandating human trafficking training for new law enforcement officers and establishing a prevention task force.*

ing on human trafficking issues and efforts statewide did not exist.<sup>10</sup>

With the negative financial climate heading into the 82nd Legislative Session in 2011, much of the anti-trafficking legislation focused on changes with little or no fiscal implications. Improvements made include enhanced criminal and civil penalties against traffickers, buyers of commercial sex, and facilitators who benefit from the crime, with even stricter penalties when child victims are involved. In addition, a new first-degree felony offense, “Continuous Trafficking of Persons,” was created with the passage of H.B. 3000 for persons who engage in conduct that constitutes trafficking of persons two or more times during a period of 30 days or more.<sup>11</sup>

In between the 81st and 82nd Texas Legislative Sessions the Texas Supreme Court made a landmark decision in the case, *In re B.W.*, in 2010.<sup>12</sup> B.W. was a 13-year-old girl who was trafficked by her 32-year-old “boyfriend.” She was picked up by law enforcement for prostitution and adjudicated delinquent for the offense. The court, noting the inconsistency in the law which qualifies children who engage in sexual conduct as victims of abuse, but also qualifies children who engage in sexual conduct for a fee as juvenile delinquents, held that children under the age of 14 who engage in sexual conduct, with or without the exchange of money, are victims of sexual abuse and cannot be charged with the offense of prostitution.<sup>13</sup>

Despite the *prima facie* win for child trafficking victims, the *B.W.* decision created a divide within Texas’ anti-trafficking movement. On the one hand, the decision was a major step forward in recognizing children engaged in prostitution as victims and not as criminals. On the other hand, without the ability to charge and detain a child for prostitution, law enforcement was stripped of a tool to remove children from their exploitative situations. Child trafficking victims often experience chronic and severe trauma, and rehabilitative services and residential placement options that are equipped to meet the specific needs of this complex population of victims are severely lacking in Texas and throughout the United States. Many victims develop trauma bonds, which keep them loyal to their trafficker or pimp and unable to self-identify as a victim. With the growing number of law enforcement officers who are able to identify victims of child trafficking following the mandated training law, many children engaged in prostitution are referred to local probation departments on related charges such as “Failure to ID,” not with a punitive intent, but with the intent to prevent further abuse of the child by removing them from the streets and placing them in secured detention.

When it comes to residential rehabilitation, approximately 100 beds exist for domestic minor sex-trafficking victims nationwide.<sup>14</sup> Texas’ first safe house for domestic minors was established just this year. Freedom Place opened its doors in Houston in April and is currently providing shelter and services for 11 girls.<sup>15</sup> With additional funding, Freedom Place has the capacity to provide 30 beds or more for child victims.

The response to child trafficking from Texas’ legal commu-

nity has been quite remarkable, and attorneys have been instrumental in the anti-trafficking movement. City and county attorneys’ offices throughout the state have worked to shut down numerous unlicensed sexually-oriented businesses that have a history of providing venues for prostitution and human trafficking.<sup>16</sup> Anti-trafficking organizations, in partnership with Texas law firms, provide continuing legal education seminars for attorneys to learn about human trafficking as well as pro bono opportunities ranging from working directly with victims in civil litigation or delinquency proceedings to drafting anti-trafficking legislation on the policy level.

Awareness has grown within the Texas judiciary as well, and juvenile specialty courts have been developed to work with children referred to the juvenile justice system for prostitution and related offenses. In 2011, the GIRLS Court was established in the 315th District Court in Harris County to work with girls who are actively engaged in or at risk of becoming involved in prostitution and/or human trafficking.<sup>17</sup> At the time of its establishment, the GIRLS Court was the first court of its kind in the country. In Dallas County, the ESTEEM Court was established shortly thereafter in 2012 to also serve domestic minor victims.<sup>18</sup>

On the federal level, domestic minor sex trafficking is garnering increased attention as well. Although it did not pass, the “Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2011,” introduced during the 112th Congress, was a major step forward in recognizing the scope of domestic minor sex trafficking as well as highlighting the needs of child victims.<sup>19</sup> The Trafficking Victims Protection Act of 2000, which was up for reauthorization in the 112th Congress, also included protection clauses for domestic minor victims for the first time.<sup>20</sup> With respect to all forms of human trafficking in the United States, the U.S. Department of State releases the annual Trafficking in Persons Report (the TIP Report), which provides a comprehensive look at human trafficking across the globe. The United States was included for the first time in the 2010 TIP Report.<sup>21</sup>

Significant progress has been made in the fight against human trafficking in Texas, but there is still much more work to be done. Child trafficking victims are still being charged with offenses stemming from their own sexual exploitation. Several states have passed “Safe Harbor” laws which provide some form of decriminalization for children engaged in commercial sex, coupled with rehabilitative services. While Texas law should ideally establish immunity from prosecution for all child victims, lack of funding for services and alternatives to detention preclude the ability to do so. A law passed by the 82nd Texas Legislature providing funds for victim rehabilitation through mandatory restitution for child trafficking victims is a good start to closing the funding gap.<sup>22</sup> In fact, five young victims rescued from a cantina in Houston recently benefited from the new law.<sup>23</sup> Civil remedies are also available for victims.<sup>24</sup>

The legal community thus plays an instrumental role in the fight to end child trafficking. Traffickers are held accountable

through criminal prosecutions, and victims are given the opportunity to restore their lives through restitution and civil remedies. But the battle to end child trafficking does not occur in the courtroom alone. As advocates, every member of the legal community has the ability to make a difference in the fight against child trafficking.

**Notes**

1. It is estimated that as many as 27 million people around the world are currently enslaved. U.S. Dept. of State, Trafficking in Persons Report 7 (2012).
2. An estimated 14,500 to 17,500 foreign nationals are trafficked into the United States. U.S. Dept. of Justice, Assessment of U.S. Government Activities to Combat Trafficking in Persons 9 (2004), available at [http://www.justice.gov/archive/ag/annualreports/tr2004/us\\_assessment\\_2004.pdf](http://www.justice.gov/archive/ag/annualreports/tr2004/us_assessment_2004.pdf). In comparison, there are an estimated 100,000 to 300,000 domestic minors being prostituted nationally. POLARIS PROJECT, *Human Trafficking*, <http://www.polarisproject.org/resources/resources-by-topic/human-trafficking> (scroll to "Human Trafficking Statistics" and click "View" or "Download as PDF") (last visited Sept. 17, 2012).
3. Office of Justice Programs, U.S. Dept. of Justice Fact Sheet: Human Trafficking (2011), available at [http://www.ojp.usdoj.gov/newsroom/factsheets/ojpf\\_humantrafficking.html](http://www.ojp.usdoj.gov/newsroom/factsheets/ojpf_humantrafficking.html).
4. Brian Chasoff, *Texas Strip Club Sues 14-year-old Exotic Dancer*, HOUS. CHRON., June 20, 2009, <http://www.chron.com/news/houston-texas/article/Texas-strip-club-sues-14-year-old-exotic-dancer-1727919.php>.
5. *Lost Girl*, Newsweek, Apr. 3, 2008, <http://www.thedailybeast.com/newsweek/2008/04/03/lost-girl.html>.
6. Office of the Attorney Gen., The Texas Response to Human Trafficking 10 (2008), available at [https://www.oag.state.tx.us/AG\\_Publications/pdfs/human\\_trafficking\\_2008.pdf](https://www.oag.state.tx.us/AG_Publications/pdfs/human_trafficking_2008.pdf).
7. Shared Hope Int'l, The Protected Innocence Challenge: State Report Cards on the Legal Framework of Protection for the Nation's Children 12 SHARED HOPE INT'L, THE PROTECTED INNOCENCE CHALLENGE: STATE REPORT CARDS ON THE LEGAL FRAMEWORK OF PROTECTION FOR THE NATION'S CHILDREN 12 (2011), available at [http://www.sharedhope.org/Portals/0/Documents/Report%20Cards\\_FINAL/PII\\_ChallengeReport\\_FINAL2.pdf](http://www.sharedhope.org/Portals/0/Documents/Report%20Cards_FINAL/PII_ChallengeReport_FINAL2.pdf).
8. Washington became the first state to enact a human trafficking criminal statute when it passed substitute H.B. 2381 (Veloria) in 2002. Texas followed suit with House Bill 2096 (Pickett).
9. H.B. 4009 (Weber) was passed in the 81st Legislative Session. S.B. 24 (Van de Putte) and H.B.2014 (Thompson) each passed in the 82nd Session.
10. Office of the Attorney Gen., The Texas Human Trafficking Prevention Task Force Report 24 (2011), available at [https://www.oag.state.tx.us/AG\\_Publications/pdfs/human\\_trafficking.pdf](https://www.oag.state.tx.us/AG_Publications/pdfs/human_trafficking.pdf).
11. Tex. Penal Code Ann. § 20A.03 (West 2011).
12. *In re B.W.*, 313 S.W.3d 818 (Tex. 2010).
13. The court decided age 14 was the dividing line by citing to Tex. Penal Code § 22.011 (2010). *In re B.W.*, 313 S.W.3d 818 (Tex 2010).

14. *State Policy*, SHARED HOPE INT'L, <http://www.sharedhope.org/WhatWeDo/BringJustice/PolicyRecommendations/State.aspx> (last visited Sept. 17, 2012).
15. As of Sept 6, 2012.
16. Tex. Civ. Prac. & Rem. Code §125.002 (West 2007).
17. GIRLS is an acronym for "Growing Independence Restoring Lives." Harris Cnty. Juvenile Prob. Dept., Getting Back to Basics Annual Report 14 (2011), available at [http://www.hcjpd.org/annual\\_reports/2011.pdf](http://www.hcjpd.org/annual_reports/2011.pdf).
18. The ESTEEM acronym stands for "Experiencing Success Through Empowerment, Encouragement and Mentoring." Agenda from Dallas County Juvenile Board Meeting 30, Aug. 27, 2012, [http://www.dallascounty.org/department/juvenile/media/board/2012/JBP\\_2012Aug27.pdf](http://www.dallascounty.org/department/juvenile/media/board/2012/JBP_2012Aug27.pdf) (last visited Sept. 18, 2012).
19. Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2011, S. 596, 112th Cong. (2011).
20. 22 U.S.C. § 7101. Note that the TVPA was not reauthorized in the 112th Congress.
21. U.S. Dept. of State, Trafficking in Persons Report (2010), available at <http://www.state.gov/documents/organization/142979.pdf>
22. H.B. 2014, 82nd Leg. (Tex. 2011), TEX. ALCO. BEV. CODE § 42.0372 (West 2011).
23. <http://www.justice.gov/usao/txs/1News/Releases/2012%20April/120409%20Rojas.html>
24. Tex. Code Crim. Proc. Ann. art. 56.01(3)-56.02 (West 2009). Tex. Civ. Prac. & Rem Code §125.002 (West 2007).



**Dr. Robert David Sanborn**

is the President and CEO of CHILDREN AT RISK. As a noted leader, advocate, and activist for children, he has spearheaded the fight against human trafficking in Texas.



**Dawn Lew**

is the senior staff attorney at CHILDREN AT RISK. Since joining the organization in 2008, she has worked on law and policy initiatives on human trafficking and juvenile justice.

**Texas Legal Directory** "Official Directory of the State Bar of Texas" Your Blue Book of Attorneys since 1935

- Federal Section
- State Section Exec & Legislative Branches, State Offices, Tax Depts
- Court Section State, county and local contact info
- Professional Associations
- County Map and County/City list
- Judicial Pictorial Section
- Board of Legal Specialization Section
- Areas of Practice Section
- Classified Section
- Roster Section
- Out of State Roster
- Biographical Section of participating law firms & individuals

**\$68.00** 4 vol set + P&H & Tax

Legal Directories  
PO Box 189000  
Dallas TX 75218  
(800) 447-5375



View your listing at: [www.LegalDirectories.com](http://www.LegalDirectories.com) "The Legal Search Engine"